

THE TEXAS  
**Observer**

**THE SELLING  
OF BOB  
KRUEGER**  
*Pg. 3*

A JOURNAL OF FREE VOICES

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KEVIN KRENECK



## A JOURNAL OF FREE VOICES

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

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SINCE 1954

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# MOLLY IVINS

**H**OLY DEBACLE, what an electoral massacre. Slaughter at the polls. A veritable rout. Well, there it is.

I must admit to a sneaking admiration for Kay Bailey Hutchinson, the Breck Girl, as a female candidate. In the future, women who would be candidates would do well to study her nigh-flawless combination of saccharine and steel. Hutchison has always dressed in a style that is close to a parody of I-am-a-nice-girl fashion: sweet little flowered dresses with a small ruff and a little bow around the neck, white Puritan collars, Peter Pan collars, that sort of sugar-and-spice, perfect lady, 1950's schoolgirl look. Good trial lawyers defending double murderers make their clients dress like that. At the same time, in debate after debate against Krueger, whenever she was pressed, out came the steel, the edge to the voice, the don't-mess-with-me-you-despicable-worm-how-dare-you-suggest-that form. She was tough. Whew.

Her campaign was also beautifully executed in that she was inoculated against negatives early by the Breck-girl ad campaign, so that when Krueger finally started bringing out the dirt, she could dismiss it with the Krueger's-out-of-control line. Of course, if she does get indicted in the next few weeks, we will have a different kind of senator.

I pass in tactful silence over Bob Krueger's already sufficiently maligned campaign. I find the referendum-on-Clinton interpretation of the race sill beyond permission. I think the parallel is Bob Abram's New York Senate race last fall: If you have a lousy candidate who runs a lousy race, there's nothing you can do about it. And when you get 20 percent turnout, the people who turn out tend to be well-to-do white folks.

The most depressing Larger Implication is that 20 percent will still buy into a campaign that consists of a pol endlessly parroting, "No new taxes, no new taxes." Read my lips: We don't get out of a \$4 trillion debt without new taxes. The only question, after the free-the-rich '80's, is: Who pays them?

And, of course, it's *hasta la vista*, baby, to the super collider and the space station. No great tragedy by my lights — still think they're both bad pork and bad science. But Texas, despite the rhetoric of our politicians, has had its snout deep in the federal trough for generations. Be interesting to see us live up to our platitudes for a change. I did have to laugh at the reports that Senator Robert Byrd of West Virginia, chair of the Appropriations Committee, can't wait to slice Texas pork because he so dislikes Phil Gramm. Byrd himself is the Pork Champion of the Universe; he's just not a hypocrite about it the way Gramm is.

Back at the Lege, here we are at the end of

the session (thank you, Lord), so let's stop to salute a few heroes. Those who think state government is a hopelessly bad joke need to be reminded that people of brains, principle and integrity put in killer hours and take abuse beyond all permission to serve in the Texas Legislature, all for the magnificent sum of \$7,200 a year. For public service above and beyond the call of duty, special recognition to:

- Rep. Libby Linebarger, D-Manchaca, chair of the House Public Education Committee, who three times got 100 votes out of the House for constitutional school financing plans, when earlier leaders couldn't even get in done once. Patient, open to all sides, firm when she needed to be. Onlookers were vastly amused one night when Rep. Mark "Bubba" Stiles was misbehaving to catch one stern look from Linebarger that caused Stiles to pull down a silly motion at once. Not for nothing has that woman raised six children. Even the occasionally obstreperous Stiles stiffened at the look and all but said, "Yes, ma'am!"

- Rep. Paul Sadler, D-Henderson, probably the pick of last session's freshmen, now an outstanding sophomore. Bright, quick on his feet, cool head, friend of the common folks. Proof that the great East Texas populist tradition still lives.

- Rep. Senfronia Thompson, D-Houston, long considered something of a joke in the House, for just standing up and saying what she thinks and being right most of the time. There is a steadfast quality about Thompson one comes to cherish.

- Rep. Brian McCall, R-Plano, one of our most thoughtful Republicans. Not sure he'll be Jack Vowell (R-El Paso, a longtime hero) when he grows up, but continually goes beyond knee-jerk partisan posturing.

- Rep. Yvonne Davis, D-Dallas, smart, hard worker, plus did public service by getting on the egregious Ashley Smith's case and staying on it. That'll teach him to patronize Davis.

- Rep. Barry Telford, D-DeKalb, one of the few people in either House who can actually change votes in debate. Not always right, but honest and a great story teller.

On the Senate side, absolutely everybody was impressed by John Whitmire, D-Houston, this session, earlier cited for his work on penal code revision. And, as always, Carl Parker, D-Port Arthur. Few miles startin' to show on Parker; he was draggin' around more weight this session than usual this session, often tired, maybe cut too many deals behind closed doors. But, by George, if you can have only one other person on your side, Parker is the one you want. When he rears back to go freedom-fightin', there is still nobody better — and I'm not sure there ever was. Also, still has the best supply of dirty jokes in the Lege. □

## EDITORIALS

# Bob Krueger, By George

**T**HREE DAYS AFTER BOB KRUEGER lost the first round of the U.S. Senate election, by claiming second place to make the runoff with Kay Bailey Hutchison, the Georges spoke to a Houston business group meeting at a downtown Austin hotel. The topic of the mid-day talk was the defeat of the proposed school funding amendments and the difficult task that faced Krueger.

Both of the Georges, Austin-based political consultants George Shipley and George Christian, were betting on Krueger to place, but not to win, in the runoff against Kay Bailey Hutchison. The predictions of both were fulfilled when Krueger on June 5 lost by a two-to-one margin. Shipley, one of the most highly regarded political consultants in the state, began his luncheon talk with a disclaimer, explaining that he could say very little because he had a client in the race. He did say the runoff was "Kay Bailey Hutchison's to lose."

Christian — who, yes, we all know, served as LBJ's press aide — had no client in the race and had a different agenda. "If Krueger loses," Christian said, "there will be a Democratic primary to select a candidate to run against Kay Bailey Hutchison in 1994. If the Democrats pick a liberal, the Republicans will have a target to clobber in the general election." Such a choice, Christian predicted — and it was obvious that Christian was referring to former attorney general Jim Mattox — would be a liability for the entire Democratic ticket, including Governor Ann Richards.

The whole affair was unseemly, like discussing your uncle's probate before he's even moved into intensive care. But the candidacy of Bob Krueger, who at that point had only failed two-and-a-half times to be elected to the U.S. Senate, was already moribund. A month later, at the post-runoff wake at the Capitol Marriott in Austin, Democratic mourners were stunned — not by Krueger's loss, but by the margin by which he was beaten.

Greg Hartman, who worked for Senator Carlos Truan of Corpus Christi and more recently for Comptroller John Sharp before being drafted to run the Krueger campaign, seemed relieved that it was all over. "Maybe we'll get Clinton's numbers," Hartman said early in the evening, referring to the 38 percent showing up in Texas polls as supporting the President. (In the end Krueger didn't even do that well, winning only 33 percent of the vote.) "Nothing we did could ever get the numbers to move," Hartman said. "We

couldn't get any free media (press coverage of the campaign)," he said. And the paid media, according to Hartman, failed to define Krueger. Asked about the changing style and content of the TV campaign, Hartman said the electorate just seemed intractable. "You only do something for so long and if it's not working you try something else," Hartman said. "It's kind of like bass fishing. You only troll for so long in one spot then you move." (In the week after the election, Hartman was one of very few people who would even admit to having worked on the campaign. Many of those who directed the campaign, when asked, said they had very little to do with it or were only marginally involved.)

But the Democratic candidate to fill the Senate seat vacated by Lloyd Bentsen was selected by the Richards brain trust, which includes her son-in-law Kirk Adams, Shipley of Shipley & Associates and Jack Martin of Public Strategies. Involved with them in running the campaign were Austin ad-agency executive Roy Spence, political consultant Mark McKinnon and direct-mail specialist Dave Goldman. Treasury Secretary Bentsen, whose interests in Austin are often represented by Jack Martin, also had a great deal to say in the choice of his appointed successor. One political consultant, who asked not to be named, said that only two Democrats could have won the race. The Governor, who could have named herself interim Senator, and then run in the election, or Secretary of Housing and Urban Development Henry Cisneros. "Once you got beyond those two, you were into the second string — the congressional delegation and Bob Krueger."

But surely those who do the political thinking for Richards could have looked six months into the future and foreseen Kay Bailey Hutchison looking into a camera and saying "Bob Krueger has already run for the Senate two times and lost ..." This was a soufflé that wouldn't rise the first or the second time. What sort of beating could make it rise the third time? So even if this race was one that the Democrats were likely to lose, it was not a race for the Republicans to win by a 67-33 margin. A political consultant interviewed for this story suggested that the lack of a real Democratic message probably discouraged turnout. "The Texas Observer crowd and the libs would probably say, 'Run a Jim Hightower campaign that will appeal to Democrats,'" he said. "And this time they're probably right. Had they

## THE TEXAS Observer

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### FEATURES

<b>Gliding into Adjournment</b> <i>By James Cullen</i>	<b>5</b>
<b>Zoning in Houston</b> <i>By Tim Fleck</i>	<b>7</b>
<b>West Dallas Diplomacy</b> <i>By Carol Countryman</i>	<b>10</b>
<b>Organizing Around Chavez</b> <i>By Denise Bezick</i>	<b>17</b>

### DEPARTMENTS

<b>Molly Ivins</b>	<b>2</b>
<b>Editorials</b> <i>Senate Election and the Legislature</i>	<b>3</b>
<b>Interview</b> <i>Mexico Buys Free Trade</i> <i>By Don Hazen</i>	<b>12</b>
<b>Las Americas</b> <i>Death, Drugs and Free Trade</i> <i>By John Ross</i>	<b>15</b>
<b>Speaking Out</b> <i>All He Can Be</i> <i>By Rick Brown</i>	<b>19</b>
<b>Books and the Culture</b> <i>AIDS, Life and Art</i> <i>Review by Steven G. Kellman</i>	<b>20</b>
<b>Borderline Fiction</b> <i>Review by Miguel Bedolla-Gonzalez</i>	<b>21</b>
<b>Afterword</b> <i>Edifice Complex</i> <i>By Char Miller</i>	<b>23</b>
<b>Political Intelligence</b>	<b>24</b>

done that they would probably have got 40 percent (instead of 33)."

What went wrong, then? "The message, the candidate and organization," said yet another Democratic political operative who insisted on speaking off the record. Political campaigns are driven by either personality, issues or a combination of both. Krueger, as former *Observer* editor Chandler Davidson argued from Rice University, "is an intelligent, hard-working and humane man." Yes. But no one ever said he

is a candidate for a personality-driven campaign. Krueger had to be defined by issues.

Issues, in this campaign, Bob Krueger never quite had. He began with a budget-scrubbing pitch, borrowing a page from John Sharp's *Against the Grain* audit reports, then promised to cut his own salary 20 percent to do his part in cutting the budget; then he took a few swipes at tobacco companies receiving tax subsidies for creating health problems; then, in the end, he settled in on health care. On health care, Paul Wellstone he was not. Unlike the Minnesota Senator who is sponsoring comprehensive health-care reforms, Krueger talked about caps on prescription drug prices but never staked out a position likely to engage the 59 percent of those whom, in the week prior to his election, told *New York Times* pollsters they would be willing to pay new taxes "even over and above new taxes to reduce the deficit if those taxes could be used to buy the country a health-care reform package." There are more than five million uninsured or underinsured Texans to whom real health care reform might have appealed, but Krueger found the message too late and had too little to say about it.

Why did Krueger fail to address the hottest kitchen-table issue in politics? Asked about health care while he was campaigning in El Paso, Krueger told the *Observer* he could not commit to any health care package until he knew what it included. Since he didn't know what President Clinton's health-care reform package was, he couldn't endorse it. At the time the basics of the President's working plan had been laid out in both the *New York Times* and the *Wall Street Journal*. Could he vote for that health-care reform package? Krueger answered that he felt like he would support "some health-care plan." In other words, he wasn't exactly staking it out as his issue.

The Krueger campaign did, however, employ Shipley, whose political consulting business last year earned more than \$150,000 representing the Texas Medical Association, Humana Health Care Plans and the Texas Health Care Association, according to reports

filed with the Ethics Commission. Shipley dismissed the question about potential conflict of interest between legislative and campaign clients, responding that he does not do lobbying but strategic consulting. "Does that mean that someone who does work for the Trial Lawyers or for labor can't advise a candidate?" Shipley asked. He added that Republican consultant Karl Rove consults for the tobacco industry as well as Republican candidates. And no one raises questions about conflicts of interest. (The tobacco industry was Krueger's first target.) Shipley also said that it was the Texas Medical Association that he worked for, not the American Medical Association, which is involved in lobbying on a national health care issues.

Also advising the Krueger campaign was Jack Martin of the Austin office of Public Strategies, at the same time that Joseph O'Neill of Public Strategies Washington, D.C. office was one of the lobbying heavyweights on the North American Free Trade Agreement (NAFTA). According to an article in the *Nation*, O'Neill's small firm earned \$455,771 representing the government of Mexico's interest before the Congress. Krueger never had much to say about NAFTA, either, although in El Paso he told Mexican reporters he favored a side agreement on the environment to supplement the treaty negotiated by the Bush and Salinas administrations. Yet NAFTA is clearly an issue that has aroused the interest of the blue-collar voters who make up an important bloc of the Democrats' base vote.

In the end, in an issue-driven campaign that couldn't define its issues, Krueger couldn't get voters to the polls. His 567,000 votes represented less than 50 percent of the core Democratic vote. Conventional wisdom is that Republicans turn out for special elections while Democrats require a turnout of at least 30 percent to have an impact. On June 5, the turnout was 20.5 percent of the state's 8.5 million registered voters. Krueger carried only 14 of the state's 254 counties — even Democratic bulwarks such as El Paso, Jefferson and Travis counties

voted for Hutchison — and he did not win in a single metropolitan area. If this election wasn't a wake-up call for Democrats in Texas, then they're not asleep. They're dead. —L.D.

## No Sacred Cows

One thing is certain: Kay Bailey Hutchison was sent to Washington with a mandate to cut government spending. The only problem for Texas is that the Democratic majority in the Senate will be glad to accommodate her, starting with the two of the biggest pork-barrel projects in the nation: the superconducting supercollider near Waxahachie and the space station project based at the Johnson Space Center near Houston.

Hutchison said her first priority is to fight higher taxes as well as military base closings, such as the Dallas Naval Air Station, Kelly Air Force Base and the home port and naval air station near Corpus Christi. "I am not prepared to vote for tax increases," Hutchison said at a news conference in Dallas the day after her victory. "I think Congress needs to perform on cutting the budget before it looks at any other options."

Dave McNeely of the *Austin American-Statesman* noted that Robert Byrd, chair of the Senate Appropriations Committee, already dislikes Texas' new senior Senator, Phil Gramm, for his habitual demagoguery about wasteful spending while he claims credit for every government program with an investment in Texas. "If Byrd had his way, Texas wouldn't get a penny," Blaine Bull, who served as legislative director in Lloyd Bentsen's Senate office, was quoted.

Texas still has considerable clout in its House delegation, including several committee chairs and key members of the House Appropriations Committee. It also has Bentsen as Treasury Secretary, a key economic adviser to the President, and former San Antonio mayor Henry Cisneros as Secretary of Housing and Urban Development. Governor Ann Richards also has a few markers she can call in on Capitol Hill. But with only a year until Kay Hutchison has to stand for re-election and with Gramm gearing for a run for President in 1996, Democrats in Washington have to ask themselves why they should break their backs to preserve pork-barrel spending in Texas so Gramm and Hutchison can claim credit for the local jobs and then come home to blast Bill Clinton and the Democrats in Congress for ordering the tax to pay for it. And Congress may well ask why we should spend billions for exotic science projects when we cannot afford to provide basic health care for our citizens.

Texas voters — the one-fifth who turned out to vote on June 5 as well as those who apparently did not think it was worth their time — should be careful what they ask for. They may yet get it. — J.C.

# PEOPLE

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# Gliding into Adjournment

**S**ENATOR CARL PARKER delivered his customary rant against his opponents *du jour* as the Texas House of Representatives balked at a last-day rewrite of the Public Utility Commission bill, but otherwise the biennial regular session of the 73rd Legislature glided into adjournment *sine die* on May 31. The final day traditionally is filled with last-minute deals on long-suffering bills that are cobbled together and presented to both chambers on a take-it-or-leave-it basis, but new House rules were designed to prevent such 11th-hour lawmaking, so the 140th day ended up as a study in anticlimax. With little to do, the House adjourned at 5:39 p.m. and the Senate closed up shop at 8:15 p.m. instead of the traditional run 'til midnight. But the early-evening good-byes this year were a boon for reporters, who were able to easily meet their early-edition deadlines, and bartenders, who got to pour more drinks (although the daiquiri machines of sessions past were banished from the hallways of the newly decorum-minded House).

The biggest excitement in the House was a brief commotion by "Lesbian Avengers," gay rights activists who honked air horns, tossed paper airplanes and unfurled banners from the gallery over the House floor to protest the continuation of the state's sodomy law. The banners read: "Homophobia stinks" and "Legalize Lesbian Sex," while the paper airplanes said, "Homophobia Stinks." Eleven people were arrested and charged with disrupting a public meeting, a Class B misdemeanor.

Over in the Senate, J.E. "Buster" Brown, a Lake Jackson Republican, was filibustering a bill that would have allowed graduates of the unaccredited Reynaldo G. Garza School of Law in South Texas to take the bar exam, but Brown graciously agreed to sit down long enough to allow mercurial Port Arthur Democrat Parker to vent his spleen before he reluctantly advanced the stopgap reauthorization of the Public Utility Commission for two years.

Lobbyists for telephone and electricity generating companies had appeared poised to force passage of a bill granting a billion-dollar "phantom tax" break to the regulated utilities, but they apparently overplayed their hand when the compromise on the bill was delayed until the final day. It appeared to be a typical case of end-of-session brinkmanship but final passage of the bill was blocked by two senators who threatened to filibuster and House Speaker Pete Laney, who enforced the new House rule against complex bills being presented on the last day. So instead of considering the revamped bill, the House and Senate continued the PUC under current laws for another two years.

Because of the new rules, which required amendments to be laid out at least 24 hours before they could be acted upon, much of the action had taken place on the penultimate day. That's when lawmakers finally passed a bill calling for a non-binding referendum on whether to allow concealed weapons, which Governor Ann Richards subsequently vetoed, and passed bills reauthorizing the Board of Medical Examiners, the Texas Alcoholic Beverage Commission and the Texas Optometry Board, although the House voted to kill the Board of Dental Examiners. The Legislature, under pressure from the federal government, also approved a measure regulating the Edwards Aquifer and another that prohibits disclosure of to insurance companies of speeding violations less than 5 mph over the 65-mph limit on rural interstate highways.

**I**n the PUC bill, the utilities hoped to get permission from the Legislature to keep \$1 billion in federal "phantom taxes," which the utility holding companies charged to ratepayers but never paid, usually because of tax breaks for affiliated companies (See "Tax and Bend for Utilities," TO 6/4/93). The utilities got the support from local officials and labor unions, who saw the favorable terms for the utilities as a way to ensure union jobs. But Senator Peggy Rosson, an El Paso Democrat, and Senator Jim Turner, a Crockett Democrat, threatened to filibuster the PUC bill over the phantom-tax issue. Rosson said the current law was preferable to accepting the deal forced upon them in the last weekend of the session.

Senator Parker, the Economic Development Committee chair, is known as a business-bashing labor-oriented liberal, but he started the session in January blaming consumer advocates for not educating the populace about the pitfalls of product liability reform, which he then duly endorsed. His contempt for consumer advocates, who have little money, lots of information and plenty of righteous indignation, increased during the session. In past sessions Capitol observers have watched for his biennial end-of-session migration across the rotunda to the House chambers, where he traditionally browbeat some adversary on the House floor. But with the Senate removed to temporary chambers six blocks away, Parker confined himself to a verbal blast against House Speaker Pete Laney, who enforced the House rules, fellow senators and the consumer advocates who interfered in the imposition of the deal, as he accused them of demagoguery.

"We are flushing down the toilet in the name of consumerism today the opportu-

nity to have Texas completely wired with an infrastructure of fiber optics ready to accept those kinds of industries, investments and jobs [for the 21st century]," Parker said. Senator Rosson, who was a PUC member during the administration of Governor Mark White, agreed with Parker that some reforms in utility regulation, such as taking the general counsel out of rate hearings, moving the hearings examiners into a separate agency and more long-term planning of generating plants, will be delayed at least for the next years by preserving the status quo, but she said the reforms had been weakened in the negotiations and the best option was to study them for another two years.

"It has been a clash of the giants, each trying to carve out a special deal or advantage with tactics rivaling a political campaign. We had 30-second political soundbites and we've had all sorts of sound and fury," she said. "We can live with [the current law] better than we can live with all the little deals for GTE and deals for TU and deals for Centel. We did not have a good piece of public policy reduced to writing."

**P**arker disparaged the consumer advocates, whom he said act "like they are the appointed of God" and he called newspaper publishers, who cut their own deal to keep the telephone companies out of the electronic information service, "probably the most pious, sanctimonious and hypocritical of the bunch," but John Hildreth of Consumers Union said the blame for scuttling the reforms lies elsewhere. "We were not loading this bill up with gifts for ourselves. That responsibility lies with the regulated utilities ... and they should accept the responsibility for going through this process for another two years," he said.

Hildreth also questioned the claim by union representatives that the deal would have committed phone companies to upgrade their equipment and guaranteed jobs, particularly for the Communications Workers of America. Southwestern Bell promised in their last rate case two years ago that they would begin installing high-tech equipment in return for frozen rates, he said. "They've gotten those frozen rates and they need to make those investments and start putting their deeds where their mouth is," he said.

"We support moving ahead in that direction but we believe the telephone company should prove that that investment is prudent through a review at the Public Utility Commission. They would rather short-circuit the regulatory process and come to the Legislature for direct relief."

—J.C.

# Game Called

**G**OVERNOR ANN RICHARDS called the recently concluded legislative session "a sure-fire, three-run homer for the people of Texas" and "one of the most productive we've had." Its main accomplishment, going into 1994 election year, was the approval of a \$70.1 billion budget without new taxes, but the 73rd Legislature also passed a patchwork school finance reform bill that promises to satisfy state judges, at least for the short term; she also promoted a bill that sets up health insurance pools for small businesses, which proposes to make insurance coverage more affordable.

For consumers, environmentalists, libertarians, labor and other progressive advocates who are routinely outgunned by lobbyists for business and industry, there was little to celebrate in the session.

The budget increased spending by 11.4 percent over the last biennium, with additional revenues from the federal government and lottery ticket sales saving the state from a tax increase that certainly would have caused mischief with all the legislators and the top state leaders up for election next year. The new budget provides \$1.1 billion more for education, but it does not keep pace with projected enrollment increases and it left teachers without a pay raise. The budget was \$400 million short of maintaining the current level of health and human services, so Texas will still rank at or near the bottom among states in those areas.

There was an increase of \$830 million in appropriations for prisons and public safety, as the Legislature approved 22,000 new "state jail" beds for non-violent felony offenders, 10,000 additional prison beds and 7,000 beds for substance abuse treatment. Voters in November will be asked to approve a \$1 billion bond issue to build the state jails. Crime-fighting bills, always a staple of a legislative session, were thick this spring as the Legislature outlawed stalking, adopted a new penal code that provides tougher penalties for hate crimes and more prison time for violent offenders and expanded the death penalty for killers of small children.

The Legislature also maintained the misdemeanor penalty for homosexual sodomy which, even if it is virtually never enforced, gives a pretext for discrimination against gays and lesbians. House members had voted to outlaw heterosexual sodomy until they discovered what that meant and decided it would amount to an invasion of privacy of straight couples. In doing so, lawmakers upheld another tradition, leaving it to the Texas Supreme Court to decide whether the sodomy

law violates the constitutional right to privacy and equal protection under the law.

The pro-business tone of the 73rd Legislature was ordained in December 1991 when three Republican federal judges set aside the redistricting plan adopted by the Democrat-dominated Senate and ordered a new plan that maximized Republican votes in the 1992 election. The GOP gained four Senate seats, giving them 13, which allowed them to block bills under Senate rules. With business-oriented Democrats they formed a conservative working majority in the 31-member Senate to match the usually conservative House.

Lieut. Gov. Bob Bullock, who was criticized for his partisan Democratic activity in the 1991 session, headed off a potential coup as he gained the support of moderate Republicans and worked to control damage during the session. Business interests scored a major victory early in the session with limits on product liability lawsuits. There was resentment among consumer and organized labor advocates that trial lawyers cut the deal in closed-door sessions supervised by Bullock, but some felt the damage could have been worse without Bullock's intervention. If anything, Bullock was more powerful in his second session; few were the bills that got to the Senate floor without his approval.

Going into an election year, Bullock also not only reversed his support for an income tax, but he undermined what figured to be the best Republican campaign issue next year by pushing a constitutional amendment onto the November ballot that would require a statewide referendum before implementation of any income tax. It's bad public policy but good politics, and gave us the spectacle of conservative Republicans, such as Senator John Leedom of Dallas, opposing the measure — because it didn't go far enough.

On the environmental front, the Legislature passed bills to regulate pumping from the Edwards Aquifer, accept low-level radioactive waste from Vermont and Maine and have the Railroad Commission regulate storage of hazardous materials in salt domes. At the behest of developers who feared environmental regulations in Austin, Senator Ken Armbrister, Democrat from Victoria, gained passage of a bill to stop cities from imposing tougher regulations on a development after it is filed with city officials. Governor Richards, faced with the choice of developers who helped finance her 1990 race and Travis County voters who provided two-thirds of her margin of victory, vetoed the bill.

Governor Richards was preoccupied with school finance reform during much of the ses-

sion. Voters overwhelmingly repudiated the school finance plan she endorsed as well as her appointee to the U.S. Senate, but polls show her personal popularity remains high, with a 63-percent approval rating in a *Dallas Morning News* poll conducted May 20-25. Her other legislative efforts were mixed: She objected to efforts by the insurance industry to hijack the State Board of Insurance sunset bill. After negotiations in the Senate, a compromise bill was approved that allowed the industry to continue providing the data on which rates are based, but with regulatory oversight by the state insurance commissioner. The experience reinforced Richards' belief in the need for a reform of the sunset process. But she supported successful bills to make health insurance more affordable for small businesses, as well as a bill to immunize children.

House Speaker Pete Laney generally got good marks for his rookie session at the helm. The Hale Center conservative Democrat supported rules reforms that encouraged a more open process and prevented the usual end-of-session crush of bills passed with little chance that ordinary lawmakers knew what they were enacting. They still might not have known, but at least the paperwork was available for their review. Laney's committee assignments generally were good, although environmentalists complained that they faced panels stacked against them, and he gave his committees a loose rein and allowed the House the work its will on amendments to bills.

For the first time in recent history, the Legislature adjourned with no special session looming. But opponents of the school finance plan have until mid-July to file their objections. There is still hope that a court will find the multiple-choice plan objectionable and strike it down, giving lawmakers a window of opportunity to piggyback their pet bills onto yet another school finance reform session. —J.C.

*Editor's Note: A more comprehensive look at the 73rd Legislature will appear in the next issue.*

## Erratum

In "Finding Ray," TO 6/4/93, it was incorrectly stated that there were no indictments as a result of private jail construction in six Texas counties. Michael and Patrick Graham, both defendants in the civil suit that is the subject of the story, were indicted in state district court in Pecos County in October 1991 on charges alleging anti-trust violations. Indictments are still pending.

# A Zone of Their Own

## Will An Adolescent City Come of Age?

BY TIM FLECK

**O**LD HABITS DIE HARD in Houston, particularly if the habit is to build anything you wish anywhere you want with minimal government interference. As the city moves closer to surrendering its status as the largest unzoned American metropolis, nostalgia for a storied past and fears of an unregulated future are combining to create a homemade political explosive that could rock next fall's municipal elections.

Houstonians traditionally present their city to outsiders as a giant adolescent of a community, one which has prospered while flouting all the rules of urban development and having a damn good time of it. The town has created a myth out of its rejection of government-administered zoning. In truth, Houston is residentially zoned by income. Those who can, buy in deed-restricted enclaves with neighborhood associations that hire lawyers to enforce the restrictions. These people enjoy the benefits of zoning and none of the city-wide responsibility. Likewise, in an era when increased dependency on foreign oil rings alarm bells elsewhere, Houston continues to make the freeway and the automobile the key to mass transit planning. Those who need to get around town quickly had better be able to afford the vehicle and the gasoline. Those who can't, wait for the bus.

After the crushing oil price collapse of the early 1980s sent home values in unprotected neighborhoods tumbling, a new urban coalition began preaching a different Houston doctrine. This creed espouses long-range planning and zoning to protect residential neighborhoods from business incursions. It demands that the free-wheeling kid grow up and take on the responsibilities of a municipal adult. These duties include building a

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Houston



Urban Planning — Houston-style

PATRICIA MOORE

rail system to replace the family hot rod and clamping on the brakes of zoning to reshape inner city residential neighborhoods blighted by haphazardly scattered businesses. The movement might be called "Citizens for a Sober Houston," the equivalent of an urban 12-step program.

An equally passionate chorus from an unlikely alliance of big-business interests and low-income residents replies that freeways and automobiles will symbolize Houston's freewheeling nature long after the last drop of petroleum is burned and natural gas powers our vehicles. This "forever young" school of thought argues that unbounded growth is Houston's unique destiny, and its land-use promiscuity is a badge of pride rather than

shame.

The contentious dialogue between these factions is reshaping the politics and the urban parlor talk of Houston, as each side raises its voice higher, hoping to dominate at City Council sessions, neighborhood association gatherings and even dinner-table discussions.

Those who argue for sensible long-range transit planning and land-use controls cite opinion polls showing majority support. Nevertheless they face a huge disadvantage in this debate. They must make the case that Houston's wild and crazy days are over forever and that closing time on the century-long party is just about here. It's not a popular message, and its bearers lost half the fight when Mayor Bob Lanier defeated incumbent Kathy Whitmire two years ago. Lanier promptly began dismantling the monorail plan Whitmire had championed. Houston's reluctance to let go of its eternal adolescence now threatens zoning as well.

Until a weekday morning breakfast at the River Oaks Country Club in early spring, Houston's shotgun wedding with the concept of zoning seemed a done deal. Three years previously a potent coalition of mostly middle-income neighborhood associations championed by at-large Councilman Jim Greenwood had muscled the Whitmire Administration and city council into approval of the concept of "Houston-style" zoning. Advocates sold the concept as land controls designed to protect residential neighborhoods from commercial incursions while giving business interests the leeway to develop freely in so-called open zones, which include more than 40 percent of the city's 586 square miles of turf.

The town's premier developer-power broker, Mayor Bob Lanier, backed the measure, calling it "as mild a zoning ordinance as you can have." Ominously, his support seemed half-hearted. Houston Planning and Zoning Director Donna Kristaponis, formerly of Austin by way of Florida, thought two years of gru-

eling personal sales pitches to skeptics in the Houston establishment and hundreds of hours of public zoning hearings had finally settled the issue. The "I do" to zoning seemed only a sure-shot city council vote away.

But that was before another Planning and Zoning Commissioner, Julio Laguarda, and other influential players in municipal politics joined the fight. At the River Oaks breakfast meeting the native Houstonian and real estate developer passed around color photos of a blighted Southeast Houston neighborhood. He explained that the strictures of zoning would prohibit a real estate investor from remodeling a ramshackle apartment complex there. The property had been zoned single-family residential, despite the fact few houses existed near the site. In this case, an ordinance intended to save dying inner city neighborhoods seemingly would only guarantee decay.

Laguarda and Lanier's River Oaks neigh-

bor, Bland McReynolds, a former city civil defense official, then exhorted the breakfast group to raise cash to fuel a referendum campaign to overturn the nearly completed zoning ordinance. Insiders estimate nearly a million dollars will be needed for the campaign. The fundraising vehicle would be a new political action committee, Citizens for a Better Houston, with Laguarda as the treasurer. A Houston Republican political consultant, Dennis Calabrese, has been retained to coordinate the effort.

No one at the charter meeting of the anti-zoning group commented on the irony of its River Oaks location in the heart of Houston's most regulated and privately zoned inner-city community. Along these streets lined with manicured lawns and ante-bellum style mansions, black and brown faces can be assumed to be domestic workers and a private police force guards the security of homeowners. Most of the wealthy anti-zoners have chosen,

like other Houstonians of means, to live in master-planned communities such as First Colony, George Mitchell's The Woodlands, or municipalities such as West University, which provide the neighborhood restrictions, if not the formal title, of zoning. Developer Robert Silvers, one of the attendees at the breakfast, even boasts that his project just east of the Galleria "is the only zoned community in Houston."

The first real sign that the anti-zoning coalition was acquiring clout came in a letter to Lanier in late January signed by former Governor John Connally, lawyer James Elkins Jr., investor and downtown power Charles Miller, McReynolds and others. Connally's involvement is intriguing, since he's closely associated with a boon buddy and big money supporter of Lanier, Charles Hurwitz of Maxxam Corporation, the unsuccessful bidder for Continental Airlines and an environmental ogre for his clear-cutting of ancient

## Shaking Off Housing Shibboleths

BY JOHN I. GILDERBLOOM

**J**ACK KEMP USED TO ARGUE that government intervention was the cause of the nation's housing crisis. According to the former Housing and Urban Development Secretary, government regulation has caused a 30 percent increase in housing costs. What is needed to provide affordable housing, conservatives argue, is an unconstrained free market, where government does not regulate zoning, planning, environmental factors, historic preservation or building code inspections.

If Kemp is correct and government regulation and interference are the chief culprits in the housing crisis, unregulated Houston should be a conservatives' textbook example of a city without a homeless or housing-affordability problem. Yet Houston's housing crisis is not unlike what exists in other cities.

Even with a 20-percent rental housing vacancy rate, no zoning, and little planning, Houston, at the end of the George Bush presidency, is left with a major housing problem, with 10,000 to 15,000 homeless persons, 18,000 persons waiting for public housing, 500,000 low- and moderate-income persons paying unaffordable housing payments, one fourth of the low-income persons living in overcrowded housing and a zero vacancy rate for housing accessible to the disabled. This is obviously not the city celebrated by conservatives for "having resolved its housing crisis."

Yet despite the crisis, as many as 24,000 rental units will be demolished in the next five to seven years in Houston, in part because there are no trained community organizations to convert these units into coops. Demolition of the units began at a time when housing costs in the city were increasing, according to most analysts, and while more than half of Houston's renters, most of whom are low- and moderate-income families, were paying excessive rent.

*John Gilderbloom, who worked on housing issues with the administration of former Mayor Kathy Whitmire in Houston, is a professor at the Center for Urban and Economic Research at the University of Louisville. His comments are derived from Community Versus Commodity: Tenants and the American City, by Gilderbloom and Stella M. Capek (State University of New York Press).*

The private market alone cannot provide affordable housing for all citizens — especially for minorities, disabled, elderly, and poor. The conservative free enterprise approach has worked against the economically disadvantaged, while reliance on the traditional liberal strategy of massive tax breaks and subsidies for builders and landlords has been proven too costly and inefficient for solving the housing crunch.

It is obviously a time for new and bold measures. More, not less government, is needed to solve the nation's housing crisis. It should be remembered that President Jimmy Carter did as much as Ronald Reagan to fuel the nation's housing crisis. By allowing interest rates to go sky high and supporting accelerated depreciation allowances, Carter guaranteed a rapid turnover of apartment ownership tied to higher interest rates. Moreover, Carter's support of the traditional Democratic supply-side approach was as ineffective as the Reagan/Bush demand-side programs of increasing housing vouchers. (And calling for more government also means honest government, one that is watched over and participated in by ordinary citizens. At the end of an age of S&L and HUD scandals, it is clear that the economically disadvantaged are harmed most by the misuses of funds.)

Housing policy in the United States has been shaped by landlords, builders, and bankers. Activists have been invisible in the process until the 1990s, when housing activists — including tenants — began to establish themselves as key players in shaping housing legislation and challenging of the government's accommodation of real estate special interest groups. Progressive leadership combined with grass-roots initiatives can turn the American nightmare of homelessness into the American dream of good and decent homes for everyone. When George Bush talked of the "thousand points of light," he was referring, in part, to the non-profit housing developers working in our nation's cities. To continue the work of rebuilding our cities these organizations need federal financial support — and political leadership with the vision and courage to shake off the old shibboleths and take decisive steps in support of progressive housing legislation.

California redwood stands who has emerged with Connally as a developer of a horse race-track in northwest Houston. The missive blasted zoning as "a very bad decision" that would create new layers of bureaucracy with high administrative costs and possibly force higher taxes. Consultant Calabrese says the signatories intended the letter as a test of the mayor's resolve on the zoning issue.

Laguarta says the late-blooming opponents of zoning had waited until the process was nearly finished to see the final form of the ordinance. He claims the finished product is not what was promised when the Planning and Zoning Commission went to work drafting a zoning plan customized for Houston.

"What happened was they changed what was supposed to be Houston-style zoning, very simple, to Euclidean-style zoning, very complex," claims Laguarta. "They are regulating down to a level where I doubt their people have decision-making abilities better than the free market."

Previously the anti-zoning forces had little money and few big names, relying on community-issue gunslingers to organize a grassroots campaign. Their strategy has been to collect 20,000 signatures to force the City Council to schedule a referendum.

With the commitment, however belated, of big bucks into the zoning fight, the issue seems to be moving into some well-rutted Houston historical paths. Twice in the past 45 years, coalitions of moneyed real estate interests and lower income renters have buried Houston zoning initiatives. They inflamed voters with claims that zoning was Nazi and/or Communistic in 1946, and in the most recent battle in 1962, the initiative was depicted as discriminatory to minority residents. This time a brochure by the contemporary Houston Property Rights Association plows new ground, adding to the zoning list of sins these purported evils: Zoning boosts family stress, guarantees government corruption, increases the cost of living, stifles the freedom to practice religious services at home, sets neighbor against neighbor, and undermines law enforcement by creating business-free residential areas "vacant during working hours, thus attracting criminals." (If taken seriously, the litany should be enough to make Ward and June Cleaver long for a shade-tree mechanic or a thriving cantina to move in next door to secure their white-bread neighborhood from urban perdition.)

Mayor Lanier says his polls show an erosion of public support as zoning nears implementation, but he considers the ordinance a favorite to win any vote. University of Houston political scientist Richard Murray calls zoning a shoo-in because middle class homeowners make up the core of zoning support and also the bulk of those who show up at the polls. Rice University sociologist Stephen Klineberg's surveys for the Planning and Zoning Commission, and his own Houston Survey, found a rock-solid core of

support for zoning among Houstonians. Anglos give zoning a 67-percent approval rating and Hispanics 61 percent, while the ethnic group that opposes zoning is black Houstonians, by a 51-percent margin. The charges of racism that helped sink zoning in the '60s apparently still find receptive ears in the city's African-American community. Zoning finds its greatest support among the college-educated (74 percent) and heads of households earning more than \$50,000 (72 percent.) Zoning opponent McReynolds claims Klineberg's surveys are not keyed to voter turnout, and cites the historical precedents as a better indicator of a future vote. "I think it's a slam dunk," he says of the opposition's prospects at the polls.

Opponents are crafting their tactics using a road map that led to the defeat of monorail, that other tradition-breaking initiative that would have shattered local reliance on freeways and automobiles for Houston's tran-



**Bob Lanier**

CITY OF HOUSTON

sit future. Mayor Lanier ripped the tracks out from under the Metropolitan Transit Authority in 1989 by demanding a referendum, and castigated rail proponents as undemocratic after they refused to support a vote.

"The biggest mistake they [zoning supporters] could make is to use technicalities to block an election," says the Mayor, who believes Mayor Whitmire's attempts to push monorail through without a plebiscite set her up for defeat. "My major ally was her complete resistance to an election," he said.

Both Planning and Zoning Director Kristaponis and City Councilman Jim Greenwood have come around to support what seems the inevitable referendum,

expected to be scheduled November 2.

Aside from the prospect of a vote, equally alarming to zoning proponents is the opposition to zoning coming from two members of Mayor Lanier's inner circle, Metro Chair Billy Burge and Metro board member Holcombe Crosswell. Their involvement indicates that Mayor Lanier is not attempting to curtail the zoning opposition. "That's true," says the mayor when asked whether he's told friends they can oppose him on zoning without fear. "I don't plan to take reprisals," he chuckles, "mostly due to my benign nature."

That position hasn't alleviated suspicions by zoning supporters that while the Mayor cannot afford to oppose zoning with his re-election campaign coming up next fall, his heart really isn't in the issue.

Asked whether he would campaign enthusiastically for zoning in an election or just go through the motions, Lanier replies breezily, "Oh, somewhere in between."

Zoning advocate Greenwood says that if Lanier chose to go against the popular sentiment favoring zoning, he could be defeated in his re-election bid. The councilman is confident that zoning itself will survive an electoral test but worries that the fight won't be fair. The prospect of a politically charged election bothers Kristaponis, who admits having a thin skin and battle weariness from the seemingly endless zoning hearings.

At least for public consumption, Kristaponis puts on a brave face when asked about the newly energized opposition that includes some of Lanier's pals.

"We ought to be glad that the mayor doesn't have a lot of 'yes' folks around him," says Kristaponis. "But I'm still convinced that the man I work for supports this, and that's good enough for me." Students of recent Houston history recall how Lanier chaired the Metro Transit authority board charged with implementing rail, and wound up killing it. As close associates of the mayor stream into the opposition camp, the suspicion intensifies that the mayor's kindness may be as lethal to the prospects of zoning as it was to the monorail.

Factions aside, the zoning fight is really a schizophrenic struggle inside a city that must decide whether it can grow into the future using the methods of the past, or whether fundamental change is required. Will individual initiative and wealth dictate whose urban neighborhoods remain livable, or will a yet-unshaped government bureaucracy lay down the rules that everyone must follow for the betterment of the whole? It's a political argument as ancient as the Greek city-states, and as young as the spirit of this Texas Gulf Coast giant. The attitudes of Houstonians concerning zoning and their votes in the upcoming referendum hinge on whether they have profited from this tradition, or been bulldozed by it. □

# West Dallas Diplomacy

BY CAROL COUNTRYMAN

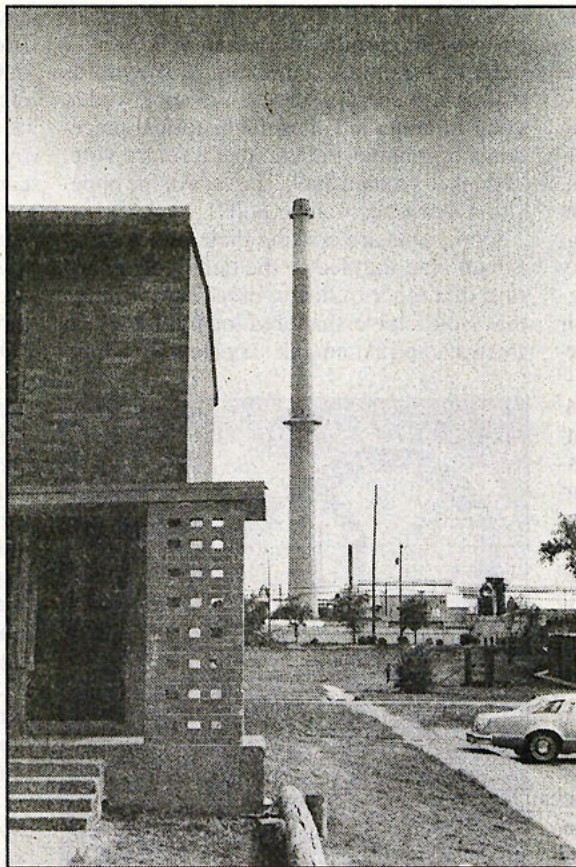
*Dallas*  
**F**IVE YEARS AGO, Luis Sepulveda's family was chronically ill and doctors could not pinpoint the cause. His father suffered from asbestosis, his mother had high blood pressure and chronic fatigue, and his nephews experienced nosebleeds and bone and joint pain whenever they visited the Sepulvedas at their West Dallas home.

Sepulveda himself suffered from chronic nosebleeds as a child, as well as other diseases, and he had high blood pressure by the time he entered his early 20s. The disabled railroad worker strongly suspected his family was suffering environmental illnesses, and was convinced the cause was the defunct RSR smelter nearby. But he had no proof.

He approached city leaders, asking for a human-health assessment in West Dallas, but he said they consistently dismissed his concerns and told him that residents of West Dallas simply needed to keep their homes cleaner. He tried to contact the Environmental Protection Agency, but he said they wouldn't talk to him, either. He tried the state regulatory agencies, but they said there was no problem in West Dallas. "Then one day, I saw this guy on the news who was out fighting for some people in Crowley, so I called him," said Sepulveda.

That man was Jim Schermbeck of Texans United, a grassroots environmental organization, who helped Sepulveda gather dust samples from his mother's West Dallas home. An EPA-approved lab found 2,351 parts per million of lead, along with abnormally high levels of cadmium, arsenic, zinc, selenium and other toxins. "The report said my parents should evacuate the house immediately," said Sepulveda. "It said my mother's house was too contaminated to live in."

That report, after with what he perceived as malicious neglect and a "massive coverup" on the part of city, state, and federal officials, spurred Sepulveda into action. He canvassed his neighborhood and discovered that the same symptoms his family was suffering were prevalent throughout West Dallas. The community coalesced to form the West Dallas



RSR Smelter

ALAN POGUE

Coalition for Environmental Justice, a citizen-action group with approximately 3,500 members and whose tactics are considered by some to be out of the mainstream of traditional environmental groups.

"This has been a nasty, dirty, low-down battle that we've had to fight against every agency in this community — the EPA, Texas Water Commission, and the City of Dallas," said Sepulveda.

"You would never confuse Luis with the State Department," said Schermbeck. "He is bull-headed, confrontational, stubborn, definitely a bridge burner, but it has been exactly those qualities that prompted the EPA to declare West Dallas as a national priority."

In May, the Clinton Administration slated the RSR smelter site, which operated for nearly 60 years in West Dallas, for Superfund cleanup. But this isn't the first time West Dallas has been slated for cleanup. In the early 1980s, the RSR smelter, one of three smelters that operated in the area, was shut down by court order after personal injury

suits were filed on behalf of 440 West Dallas children who claimed to be suffering from lead poisoning. RSR settled the suit for \$20 million and was ordered by the state to clean up the area. But critics say the cleanup was bungled from the outset and that EPA officials simply turned their heads and declared the cleanup complete when RSR told them it was complete. Former EPA Region 6 Administrator Buck Wynne acknowledges the EPA did not oversee the cleanup, saying that it wasn't the EPA's project.

In 1983, it was revealed during court hearings that the federal government had been aware of lead contamination in West Dallas since the early 1970s. During the Carter Administration tests had been conducted that indicated widespread lead contamination in West Dallas and a thorough cleanup of the area was ordered. But before the cleanup could begin, the Reagan Administration scrapped the plan and then-acting EPA Administrator John Hernandez ordered additional studies, which continued to stall the cleanup. "We've been studied to death down here," said Sepulveda. "They used us as guinea pigs. We've been guinea pigs for 60 years, but now we're saying 'no more.'

"I simply wanted a human health assessment," said Sepulveda. "The kids were sick. They couldn't even finish a baseball game because they ached so badly. If the city would have implemented the blood lead screening that the CDC recommended in the early '80s, I wouldn't have rode them like I did. But instead of helping us, the city was trying to defuse the situation."

So Sepulveda, with the coalition behind him, decided to share with city officials some of the lead the city considered 'no problem'. "We went to the slag sites and took shovels full and distributed them around Dallas," said Sepulveda. "We took slag to City Hall, we wanted to 'share' it with council members, but the city was right behind us cleaning up."

Sepulveda and members of his organization began sending out press packets, writing to representatives, storming City Council meetings and picketing of EPA offices. Once, during a protest at EPA regional headquarters in Dallas, Sepulveda and Schermbeck tried to enter the offices of Regional Administrator Buck Wynne, but upon enter-

*Carol Countryman, a native of West Dallas, is a freelance writer in Kemp.*

ing the building found that the elevators were shut down and the police were called.

"Squad cars came roaring in, I looked around thinking there had been a bank robbery or something, but they were coming for us," said Sepulveda. "I don't know what they thought we were going to do. Most of our coalition are women, and many of us are crippled. We just wanted the EPA to listen to our concerns."

But Schermbeck was more strident, "I thought redressing our government was a right, but they cocoon themselves in private office buildings where the public can't get to them."

Meanwhile, the Texas Water Commission, finally acting on citizen complaints, began to test West Dallas neighborhoods for contamination. In 1991, the state agency contacted the EPA, informing them that there was, indeed, extensive lead contamination in West Dallas neighborhoods and sections of the housing projects. The Water Commission discovered slag (the rocky residue from lead smelting) in yards and driveways throughout the area.

Apparently, for years RSR had sold the slag to local residents to use as fill dirt. According to EPA documents, RSR also dumped the slag in gravel pits throughout the area. The state Water Commission identified 11 slag sites with lead levels ranging from 12,700 ppm to 64,000 ppm. "It's what we were telling them all along," said Sepulveda.

Reverend R.T. Conley, a member of the coalition, says he took city officials down to those slag sites in the early '80s. "The city acted so shocked when they (Water Commission officials) found the slag, but they knew it was there. I had taken them down there and showed them the sites," Conley said. "They've known for a long time that West Dallas was contaminated, but they just didn't care." According to Conley, when the smelter was in operation in the area, a fine rain-like fallout spewed from the smoke stacks and dense clouds routinely settled over the community. "I didn't know about lead or acid," he said, "but I knew they cooked batteries over there and I knew that the rain that came out of the stacks ate the paint off our cars and homes. I knew it was bad."

According to Mike Daniel, the attorney representing the West Dallas Coalition in a lawsuit charging the city of Dallas, the state of Texas and the federal EPA with "environmental racism," the city was also aware that it was bad to live near a smelter. According to Daniel, in 1968 the city deliberately segregated West Dallas and moved whites out of the housing projects into other, nicer, federally subsidized projects in other areas of the city.

"West Dallas is a creature of segregation," said Daniel. "At the time they didn't know all the effects from the smelter, but they knew it wasn't good to live next to one so they

moved the whites out." Daniel says there has been a history of deliberate, overt racism by the city of Dallas, and points to the zoning uproar that ensues anytime minorities attempt to move into white neighborhoods. "The city equates poverty with pollution and sees poor people as pollution."

But Dallas Housing Authority Director Alphonso Jackson says no such segregation took place and, despite records that indicate portions of the housing projects and nearby Fish Trap Lake are contaminated, Jackson maintains that the West Dallas housing projects have no lead problems and blames Sepulveda for creating an environment of hysteria.

Jackson, along with Mattie Nash, who represented West Dallas on the City Council until her defeat in the May 1 election, played down the health threats and viewed the coalition as a threat to a proposed \$67 million Housing and Urban Development renovation plan for 2,000 units in the West Dallas projects.

Jackson and Nash, and well as members of the black Ministerial Alliance, have been outspoken critics of Sepulveda's attempts to have West Dallas ranked for Superfund status. Apparently the EPA also saw Sepulveda as a threat. Recently, an internal EPA memo surfaced that outlined the West Dallas lead strategy, focusing on how to deal with Luis Sepulveda. The unsigned memo, written in November 1991, stated that the agency did not "expect to overcome Sepulveda, but we can focus on the 'silent majority' ... at some point they will turn against him and want him out of their way."

That memo also lists as "friends of the EPA" many of the community activists in the area.

The regional EPA memo was similar to a confidential memo between national EPA figures that detailed the agency's strategy on environmental equity, which was made public in February 1992 by U.S. Representative Henry Waxman, a California Democrat. The memo from EPA Associate Administrator Lewis Crampton to Gordon Binder, EPA Chief of Staff, identifies the NAACP, National Urban League and AFL-CIO as the mainstream groups to target — in what might be described as an attempt to drown out the voices of minorities trying to influence minority groups. Binder's handwritten notes on the memo acknowledge the United Church of Christ as a mainstream group and leader in the environmental justice movement, but repeatedly stated Binder's unwillingness to enter into a debate with Reverend Ben Chavis, the author of the original UCC report. Binder writes that the EPA "could not give him [Chavis] a platform we create. I do not see him as responsible." Since then, Chavis has become director of the NAACP.

Waxman charged the EPA's environmental equity plan was a goal "to diffuse political pressure for action by driving a wedge

between activist groups and traditional civil rights groups." The battle for Superfund ranking has divided much of West Dallas, especially the activists who say Sepulveda does not know how to compromise and is a "political child." But Sepulveda says it's all part of the EPA strategy to "divide and conquer":

"The minority community has been pitted against each other down here over this issue. We need housing desperately. We need jobs desperately. But if they build on this site, they may as well build us a cemetery because that's what it will be."

Even the agreement by which West Dallas was scheduled for Superfund cleanup, according to Sepulveda and Texans United, was an 11th-hour back-room deal struck between the Republican administration and their local allies — while the Republicans still had time to influence public policy. Sepulveda has taken issue with the Superfund plan outlined under Republican Buck Wynne, contending that it does not go far enough. The state identified 16 square miles of contamination, but the Wynne plan only asks for the five-square-mile smelter site to be cleaned up under Superfund.

It also only requires a cleanup to lead levels of 500 ppm, while other Superfund sites are being cleaned to lower levels. The plan doesn't address two slag sites outside the boundaries of the smelter, both in close proximity to schools and parks. And the EPA has refused to test dust samples inside homes, stating that it has no jurisdiction there, although other regional offices of the EPA reportedly do test indoors.

"Region 6 has had a long-standing tradition of not going inside black folks homes," Daniel said. "It's pure racist."

Sepulveda has no plans to let down his guard. "Now that we're a Superfund, our battle has only begun," he said. "We're going to be their shadow, we're going to make sure we're not left out in the cold, we're going to force them to conduct a human-health assessment, and this time we're going to make sure we get justice." □

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# Mexico Buys Free Trade

BY DON HAZEN

**T**HE EMERGENCE OF international trade policy as a key political issue in the United States has been one of the most surprising turns of 1993. In the past, trade issues were far removed from the political process. Decisions were made behind closed doors by obscure officials and multinational corporations, while the public remained uninformed and supposedly unconcerned. But not so anymore.

Growing numbers of citizens now understand that trade agreements have a direct impact on their lives. Indeed the public has become so concerned with trade decisions that the North American Free Trade Agreement (NAFTA) — which was once considered inevitable — now faces serious political trouble. Meanwhile, the overarching General Agreement on Tariffs and Trade (GATT) is likely to fail at the end of the current seven-year Uruguayan Round, or at the very least retreat from its earlier ambitious goals. These developments represent a new era in trade politics. What is going on?

According to Lori Wallach, a primary strategist for the grassroots Citizen's Trade Campaign, the answer is simple: "People now know what these agreements are about. Will we be dining with DDT in our food? Will wages continue to go down, will workers be threatened at the bargaining table, or worse — will their jobs go to Mexico where workers are often paid considerably less than \$1 per hour? These things are being discussed at Sierra Club meetings and in union halls across the country."

Free trade cheerleaders have argued that the passage of NAFTA will bring hundreds of thousands of new jobs, lower consumer prices, allow for more exports to Mexico and ensure the defense against Japan. But many Americans aren't listening. Conventional wisdom seems to suggest that job losses — not gains — will be the end result of the agreement in the United States.

Opponents to the agreement have further argued that in Mexico — with its high unemployment level and government-imposed low-wage structure — increased buying power is unlikely, now or in the near future. The



Bus to the GM Plant in Saltillo

experience of Canada, where as many as 450,000 jobs were lost as a result of free trade with the United States, has also cast a dark shadow over NAFTA. And the well-publicized Mexican-initiated GATT decision challenging the U.S. Marine Mammal Act — U.S. legislation that protected dolphins from being killed in tuna nets — has enraged the environmental movement and many U.S. citizens, who resent the imposition of international tribunals over environmental responsibilities and local conservation efforts.

Together, these concerns suggest one thing for certain: Trade debate will never be the same. The closed-door decision process has been irreversibly yanked open, and Congress, particularly members of the House, are feeling the heat. Food contamination, environmental protection and workplace safety are concerns on the minds of many citizens — as are high unemployment and declining wages, and the possibility that economic globalization could make both permanent.

NAFTA is expected to be introduced in Congress this summer after side agreements to the Bush-signed compact are negotiated.

The agreement will be voted on this fall, and if passed will take effect on January 1, 1994. However, moving NAFTA through Congress will be a major obstacle for President Clinton, due in part to the surprisingly sophisticated and powerful citizens movement which has stepped up to do battle over NAFTA.

At the center of this movement is the Citizens Trade Campaign, a broad-based coalition of environmental, trade union, church, farm and citizen organizations headed by former Indiana Congressman Jim Jontz and spearheaded by Wallach, who has been described by *The National Journal* as the "Trade Debate's Guerrilla Warrior." Another important citizen network is the Alliance for Responsible Trade (ARC), which brings together many of the same organizations and has helped coordinate sector-by-sector critiques of the proposed NAFTA agreement.

Political trouble from the grassroots usually means heavy political firepower by the Washington establishment, and certainly that has been the case with NAFTA. According to John Cavanaugh of the Institute for Policy Studies, American corporations are currently

*Don Hazen is the director of the Institute for Alternative Journalism.*

organizing influential lobbying campaigns in favor of free trade. As he explains: "More than 1,000 U.S. corporations and lobby groups, united behind the name USA-NAFTA, have organized a 'grassroots' effort — with corporate captains — designated for all 50 states, designed to reassure Americans that NAFTA will be beneficial."

Among the USA-NAFTA members are General Motors and United Technologies, says Cavanaugh, each of which has a total of 29 plants south of the border. He also notes that USA-NAFTA is dominated by dirty industries, which stand to benefit from Mexico's lax enforcement of environmental regulations. Of the 26 manufacturing firms on the list, 10 are among the top 30 polluters (as ranked by the EPA Toxic Release Inventory). USA-NAFTA captain Du Pont is number one in toxic releases, while Monsanto is number three.

Yet the big money in the campaign for free trade is being supplied by Mexico. Having placed its future and the political legacy of President Carlos Salinas de Gortari on an agreement with the United States, Mexico has a great deal at stake in the trade debate. In an effort to change the image of Mexico in the minds of Americans and promote NAFTA, the Mexican government, an increasingly powerful force in Washington, has spent tens of millions of dollars to hire powerful and well-connected former American officials to lobby on behalf of Mexico for passage of NAFTA.

Despite growing citizen concern regarding the consequences of free trade, big-money lobbying efforts by both the Mexican government and American corporations distort the political process, says Chuck Lewis, executive director of the Center for Public Integrity. In its revealing report "Trading Game," released on May 27, CPI presents what is probably the most detailed examination of foreign lobbying influence in the United States to date. According to the report, Mexico has already spent \$25-30 million dollars to help pave the way for the approval of NAFTA, and will likely spend much more before the debate is completed. This amount is more than the three previous major foreign lobbying campaigns combined, including Kuwait's intense efforts to help shape public opinion about the Gulf War with Iraq.

Described as the "scourge of the lobbying world" by the *National Journal*, Lewis, who is a former "60 Minutes" producer, has become well-known in Washington circles over the past three years of the Center's operation, particularly for numerous studies exposing revolving door employment opportunities in the capital's corridors of power. One such study, "The Torturer's Lobby," took a hard look at lobbyists working on behalf of governments with atrocious human rights records. Another, "The Buying of the American Mind," exposed the way Japanese money influences U.S. education and lab research.

I spoke with Chuck Lewis in his Washington office just prior to the report's release.

**Don Hazen:** *Is true that Washington has experienced a major turn around in Mexican influence — that they are starting to rival Japan as the most influential foreign force inside the Beltway?*

**Chuck Lewis:** Absolutely. Up until 1990, the Mexican diplomatic presence in Washington was very low-key and basically limited to promoting tourism. But in mid- to late-1990, Mexico realized that the Bush administration was interested in forming a trade pact, probably in response to European and Asian trade pacts being fleshed out at the time. It had a certain logic to it. It could be a lever against Europe and Japan — an entity that stretched from the Yukon to the Yucatan with 360 million people. And Mexico realized that the first step towards obtaining a North American free trade agreement was to recast its image; away from stereotypes of the dirty Mexican on a burro, of a downtrodden, somewhat corrupt country, to one of a modern, industrializing nation. What we are heading to now is the end game of that campaign, the arm twisting phase. What we've witnessed was really a textbook case of hiring the right people to wage an aggressive campaign on the United States capital.

*Who is working for Mexico, and what steps are they taking to further Mexico's interests?*

Mexico has assembled a crack team of international trade lawyers, lobbyists and public relations specialists to lobby for NAFTA in the United States.

The first firms hired back in 1990 were the law firm of Shearman & Sterling and the giant p.r. firm Burson Marsteller. They have Robert Herzstein, who was the lead lawyer for Canada against the United States and is now Mexico's lead lawyer. He is their main strategist. And then they have former senator Bill Brock, who refers to himself as "the father of NAFTA" because he first mentioned the idea to Mexico in 1982 when he as a Reagan official, working as an overall strategist for the NAFTA campaign. Burson Marsteller has had a \$321,000 per month contract with the Mexican government. By now, Mexico has at least 75 firms engaged in a strategic chess game of lobbying in the United States. If you go to Mexico's NAFTA headquarters at 1776 I St., there is no listing in the office directory and the door is always locked. But it is clearly the center of their operation, and from there they coordinate the tracking and lobbying of Congress. They have an environmental outreach person, an Hispanic outreach coordinator, as well as elaborate corporate campaigns involved in arranging delegations to Mexico.

In addition, there are several United States corporate campaigns that the Mexican lobby is involved in, which are designed to promote NAFTA to the American public, especially the giant USA-NAFTA campaign. This is a very sophisticated and comprehensive effort, and Mexico is leaving no stone unturned.

*Sounds like there's a lot of revolving door activity going on here!*

Absolutely. Mexico has hired over 30 former U.S. officials, many of whom worked specifically on U.S.-Mexico trade. Both Republicans and Democrats are covered. Bill Brock, of course, was trade representative under Reagan and Bush. Bentsen's former top aide, Joseph O'Neill, head of Public Strategies Washington Inc. is focusing on congressional lobbying. Another example is that you have Ruth Kurtz, who was Senator Roth's (R-Del.) top trade analyst, now working for COESCE, the Mexican chamber of commerce, recruiting Hill staffers for trips to Mexico.

*What are they spending?*

My organization's report, "The Trading Game — Inside-Lobbying for the North American Free Trade Agreement," released on May 27, documents with very conservative figures the amount of money that the Mexican government is spending on promoting NAFTA in the United States. I say conservative figures because disclosure laws for corporate lobbying are very lax. Often there are no records, and many don't have to register the amount of money they're spending. It's a nightmare to track the myriad ways that these entities can lobby without having to register with the government. But even with these low estimates, since 1989, the Mexican government and the various Mexican corporate groups tied to the government such as COESCE have spent from \$25 to \$30 million for trade lobbying. Just to give you some perspective on the dimension of this figure, ... if you look at the three largest and most controversial instances of foreign lobbying in Washington, D.C., you have Koreagate, in which \$1 million or less was spent. Second, you have Toshiba spending from \$4-7 million in 1987. And finally, the Kuwaiti government spending \$10-12 million during the conflict with Iraq, with Hill & Knowlton alone getting \$10 million. Mexico is spending more than all three of these scandals combined! It is probably the largest single campaign waged by a non-U.S. entity in history. This shows you the scope, with very conservative estimates, of Mexico's transformation from promoting tourism to its slick promoting of NAFTA.

*What was the impact of the U.S. elections and the new Clinton administration on the NAFTA effort?*

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Well, put yourself in Mexico's shoes. All of a sudden Bush is defeated, and all your efforts, money and time could possibly go down the drain! And so, the election of Bill Clinton definitely sparked an intense war for Clinton's brain by all sides of the NAFTA debate. And I would have to say that Mexico was quite successful in this endeavor. Clinton is a free-trader by nature, and at least two-thirds of his campaign advisors were registered lobbyists, many with overseas interests. The transition team itself had lobbyists on Mexico's payroll! In fact, Warren Christopher's firm, O'Melveny & Myers, had been retained by Mexico in September before the elections. Sure enough, the only head of state that Clinton met with before his inauguration was President Salinas of Mexico on January 9. I believe there is a desire of the U.S. and Mexican interests to codify NAFTA, so that successive administrations in Mexico and the United States cannot undo it.

*What about lobbying reforms, and Clinton's pledge of a new era of ethics?*

The situation as it exists today is absolutely atrocious. If ever there was a moment for lobbying reform, it's now. In Congress, the Levin bill offers some uniformity in disclosure by requiring companies to register money being spent for lobbying. The Levin bill did not require the detailed, nitty-gritty disclosure that would allow for meaningful oversight, but the Wellstone amendment, passed by the Senate, would require that all gifts, trips, dinners, etc., be reported. If this becomes law, it would make a big difference. Clinton people are said to support reform, but support for the Levin Bill does not translate into a stampede for disclosure reform by the Clinton Administration. Supposedly, all of Clinton's cabinet will be banned for life from participating in the revolving door. But this is only by executive order, and I don't know how binding this is legally, should another president choose to revoke the order.

*How do you see the grassroots, anti-NAFTA forces shaping up against the well-financed pro-NAFTA lobby?*

Obviously, there is a great disparity in the amount of money being spent. But the case can be made that what grassroots groups lack in money, they make up for in terms of solid connections and citizen organization networks. They have an organizational advantage in the heartland. Fast-track galvanized all these groups to coalesce, and then a 2,000-ton gorilla in Texas entered the fray and brought a certain financial backing to the anti-NAFTA movement!

*What is Perot's role in the NAFTA debate?*

NAFTA lobbyists are clearly rattled by

Perot. He could be the great equalizer. They had everything in place, and now they have to deal with Perot, who is definitely committed to the NAFTA debate. He has testified to Congress and is mobilizing his resources against NAFTA. Just as an example, there was a meeting with Perot where Ralph Nader and other leaders were commenting on the huge amount of money that the NAFTA lobby is expected to dump into television advertising. Perot asked the lawyers if there were any laws prohibiting him from advertising. They told him no. Then he asked how much money was involved, and they answered "about \$20-30 million." Perot says, "I can do that." And he has bought a half-hour on NBC for an infomercial on NAFTA for May 30.

*How have you seen the media affected by the pro-NAFTA lobby?*

I think the sorriest example of media complicity happened at the *New York Times*, which published an entire supplement—a separate fold-out section—devoted to reasons for supporting NAFTA. The paper sent letters out on the paper's letterhead to corporations saying they were doing a supplement that would carry letters from cabinet officials supporting NAFTA, as well as advertisements from corporations. When labor unions found out about it they were furious, and I can see why! They were completely shut out by the paper and not allowed to buy ads, which pushes it into a First Amendment issue. For the *New York Times* to choose such an explosive issue—which they're supposed to be covering both sides objectively—to do an advertising supplement on is outrageous! And frankly, if I were a working reporter for the paper I'd be embarrassed.

*What is the consequence of all this?*

What it means is that money can distort the process, and that NAFTA is the latest cash cow for wealthy lawyers and lobbyists. Which is no surprise, because trade has always been a game controlled by the elites. In the United States, diplomatic and political interests coincide with U.S. commercial interests, and there's always been this attitude that the "unwashed masses" should stay away from trade. That is partially a legacy from the Great Depression. The interesting thing about NAFTA is that for the first time in this century, American citizens are thinking about what trade means, in terms of jobs, income and the future of the economy. NAFTA has truly grabbed the country by the lapels and shaken it, and for that reason it is been a political and cultural watershed. Trade is suddenly relevant to average Americans, and it will not be as easy in the future to manipulate trade issues without a public debate.

# Guadalajara to New York: Death, Drugs, Free Trade

BY JOHN ROSS

*Guadalajara, Mexico*

**T**HE SHOCKING KILLING of Guadalajara Cardinal Juan Jesus Posadas Ocampo during what is officially described as a shoot-out between rival drug trafficking gangs at that city's busy airport on May 24 is the latest and most notorious incident of bloodshed in a resurgence of drug-related violence throughout Mexico. Since the first of the year, more than 100 people have died in suspected drug-connected gunfire reminiscent of Colombia's lethally charged narco-politics. Indeed, the "Colombianization" of Mexico's drug wars is not just a journalistic metaphor; for the past decade, both the Cali and the Medellin cartels have been active players in Mexico, where 70 percent of the Colombian cocaine entering the United States is transhipped, according to U.S. Drug Enforcement Administration estimates.

In addition to the slaying of Cardinal Posadas, other headlined drug killings this spring include the April 12 assassination of Rafael Guajardo, a leader of the Ciudad Juarez syndicate reported to have strong links to Cali-based organizations. Guajardo was killed in a street corner attack in the Caribbean resort of Cancun during which an American tourist also lost her life. On May 3, federal police killed suspected drug boss Emilio Quintero Payan at a shopping mall just outside Mexico City. Unidentified witnesses quoted by the national daily *La Jornada* told reporters the killing was "an execution." Quintero, the uncle of the notorious narco-lord Rafael Caro Quintero, whose drug-dealing family pioneered ties to the Medellin Cartel in the early 1980s, was apparently murdered in retaliation for the killing of a hard-nosed former Sinaloa state attorney general in a Mexico City park one day earlier. On May 17, gunmen struck once again, murdering a Mexico City judge who had officiated at prominent drug trials.

Over 80 people have been killed in Sinaloa drug violence since new Governor Renato

Vega took office in that northwest Pacific coast state in January, including 12 victims caught up in murderous crossfire January 18 in Culiacan, the conflictive state capital and the Quinteros' hometown — popularly known as "Little Medellin." Recent drug violence has also taken some 40 lives in the southern state of Guerrero and Chihuahua on the Texas border, one of them a reporter for a sensationalist Juarez weekly newspaper. Cardinal Posadas, a leading conservative and one of only five Mexican prelates to achieve the status of prince of the church, was killed along with six bystanders in a parking lot at the Guadalajara airport where he had arrived to meet Papal Nuncio Giralamo Prigione in order to plan for Pope John Paul II's upcoming visit to Mexico. Although gunfights between rival drug gangs are a staple of Guadalajara street violence, many doubt that the Cardinal was an accidental victim of a shootout between rival drug gangs. News reports indicate that the Cardinal, who was dressed in full regalia, was killed by 14 bullets, 11 of them in the chest area and fired from as close as three feet during an intense fusillade. More than 40 bullets penetrated his white Gran Marquis. Whoever was responsible "meant to kill this man," a state forensic expert told reporters after an inquest.

**S**INCE POSADAS' death, Mexico City newspapers have been filled with speculation that the churchman was deliberately targeted by Guadalajara drug traffickers in a successful attempt to assert their continuing power — despite a crackdown by newly-appointed Attorney General Jorge Carpizo, who has replaced many corruption-tainted police officials since taking office two months ago. Another hypothesis is that drug gangs hit Cardinal Posadas because he refused to accept money from the narcotics traffickers after his elevation to Cardinal in 1991. Insiders say that while he served as archbishop Posadas never seemed concerned about the source of large donations to diocesan coffers and occasionally said Mass at a church in San Javier Hills, a wealthy and notoriously narco-infested suburb of Guadalajara.

The Mexican government's investigation

of the killing has focused on members of the family of Miguel Felix Gallardo, an imprisoned drug kingpin who is the cousin of Caro Quintero, himself serving 40 years in a maximum security institution. Guadalajara has been the financial base for the Felix Gallardo-Caro Quintero family's Medellin Cartel-connected operation. It was here that Caro Quintero allegedly had U.S. DEA agent Enrique Camarena tortured to death in 1985 in a case that continues to inflame emotions north of the border. Following the May 3 alleged police execution of Caro's uncle, Robert Bonner, chief DEA administrator told the *New York Times* that Mexico's War on Drugs was "on the rebound."

The murder of Cardinal Posadas sent shockwaves throughout Mexico, from the very top of society to street vendors, as hundreds of thousands of citizens descended on the prelate's wake and funeral. A shaken President Carlos Salinas de Gortari hastily flew to Guadalajara, vowing that justice would be swiftly dealt. The President's words in the hushed Guadalajara Cathedral marked the first time in modern Mexican political history that a sitting president has spoken from a Catholic Church pulpit.

But this latest outbreak of drug violence is not the only aspect of the Colombianization of Mexico suddenly worrying Salinas. A military intelligence document, prepared by the U.S. embassy in Mexico City and released May 23 by the Washington-based National Security Archives, reveals that Colombian cartel operatives are buying Mexican manufacturing facilities and trucking fleets "with the intention of maximizing their legitimate business interests under the aegis of the North American Free Trade Agreement." Among the production facilities under scrutiny are the 2,100 "maquiladoras" (foreign-owned assembly plants) lining the near 2,000-mile U.S.-Mexico border, many of them recently established in preparation for the anticipated January 1, 1994 startup of NAFTA. One senior Mexican law enforcement official told reporters that an unidentified electronics assembler is currently being investigated for smuggling Colombian cocaine into the U.S. under cover of its finished product.

*John Ross is a freelance journalist working in Mexico.*

The 1989 deregulation of the Mexican trucking industry allows manufacturers and assemblers to own their own trucking lines in preparation for the trade surge expected under NAFTA. The agreement will permit Mexican truck drivers to freely enter California, Texas, and the U.S. Southwest by 1997. Currently, all cargo must be left on the U.S. side of the border, for shipment by U.S. carriers. By 2001, Mexican drivers will be able to deliver products all the way to Canada under NAFTA provisions.

Although the Washington-fueled "War on Drugs" has invested heavily in preventing drug carriers from flying their loads into the United States, most Colombian cocaine currently reaching the United States comes in overland, reports the Drug Enforcement Administration, much of it thought to be contained in commercial cargo being driven across the border. One example cited recently by the P.B.S. investigative news journal "Frontline": while the United States defends its airspace with \$18 million aerostat balloons

equipped with state-of-the-art radar detectors and launches dozens of P-13 tracking planes (\$30 million each) to monitor loads coming in from the south. Rafael Muñoz Talavera, the now-jailed "godfather" of the Juarez ring, was able to smuggle 21 tons of Cali-distributed cocaine into Texas and subsequently move it to a Los Angeles warehouse. Much of this cocaine, witnesses say, came across in commercial vehicles hauling piñatas and other Mexican handicrafts past El Paso customs officers so overwhelmed by the 1,500 trucks that cross each day at his busy point of entry that inspection for contraband hidden in shipments is rarely carried out.

Similarly, several thousand Mexico-registered trucks each day cross international bridges at Laredo, Texas, and Nogales, Arizona, to deposit goods in border warehouse complexes for distribution throughout the U.S. More than a half-ton of cocaine was discovered in two separate inspections during a 48-hour period this January at the Sonora-Arizona crossing at Nogales, Arizona,

where 800 trucks, hauling winter vegetables to U.S. markets from the fertile but drug-infested Culican Valley of Sinaloa, arrive each day. "We do what we can do," one harried U.S. customs officer who asked not identified told this reporter, "but we know we're only stopping a fraction of what comes through here. NAFTA is going to complicate this job. ..."

Meanwhile, the Colombian-style drug violence so graphically illustrated by Cardinal Posadas' assassination, has not only spilled into Mexico, but, like the drug itself, has reached into key U.S. cities. Since the killing of crusading journalist Manuel de Dios Unanue in New York City in February 1992 by a 16-year-old gunman, suspected to have taken his orders from Cali druglords, a dozen other hits ordered by Colombian cocaine cartels have taken place in that city, say DEA officials. "It happens all the time now," DEA administrator Bonner recently told the *New York Times*. □

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MARK HUME

# Organizing Around Cesar Chavez

BY DENISE BEZICK

**L**ORENZA PRIMERO, her dark brown wrinkled face framed by a red bandana, wiped away the tears that streamed down her cheeks. She leaned on the banister of a stairwell of an old home converted into a law office and cried as a young priest in the

*Freelance writer Denise Bezick lives in El Paso.*

foyer below dropped holy water on dried red chile peppers and sweet-smelling onions in baskets in front of an altar dedicated to Cesar Chavez.

Primero, an aging El Paso chile picker, had never met Chavez or been to the grape fields where he led his struggle for better pay and working conditions for more than 200,000 field hands, many of them Mexican immigrants like herself. But in her heart she loved the man, whom as a younger woman

she had come to know from radio, television and by word of mouth. "I first heard of Cesar Chavez many many years ago. I don't remember exactly when. I've read about him in the papers, seen him on television," Primero said as she sat on the patio before the service. "He was a very formidable man. Though our struggle in the chile fields is different from his struggle, he has made all of our lives a little easier. Still, we have a lot to do."

The memorial vigil and offering — by El

Paso field hands in the office of El Paso attorney Margarito Rodriguez — was a small, private tribute to Chavez during a week-long public celebration of a man, who as a symbol of Hispanic struggle for equality, had touched the Mexican-American community in El Paso. Though the purpose of the memorial — culminating in a solidarity march and rally May 23 — was to draw attention to the United Farm Workers' renewed call for a boycott of California table grapes, it also seemed to achieve some of the other smaller goals that community leaders discussed when they agreed to help organize the event.

It brought El Paso's Hispanic political and civic leaders together around a common goal and provided an opportunity for veterans of the Chicano movement of the 1960s and 1970s to teach their children about the struggles of the past and to awaken in them and in the rest of the community a hope for social justice.

It also won important attention for the struggle of the El Paso farm workers — a few weeks before the region's chile picking season begins in earnest. Chavez's UFW never

has been close to the El Paso farm labor movement, but his cause was adopted by Hispanic youth in El Paso, as it was elsewhere.

Locally, the memory of the campaign Chavez began more than 20 years ago was renewed when he visited El Paso a few weeks before his death. While in El Paso, Chavez met with local farm labor leader Carlos Marentes, who runs the upstart Border Agricultural Workers' Union for workers in West Texas and Southern New Mexico chile and onion fields. Marentes says Chavez's presence galvanized community support for local farm workers and for the public-awareness campaign launched by Marentes' chile pickers union, known by the Spanish acronym UTAF.

The campaign of the El Paso region's 5,000 chile pickers against unsanitary working conditions, unsafe transportation to and from the fields and labor contractors who refuse to pay minimum wage is a different front in the same war the UFW is fighting with its grape boycott. Marentes says UTAF can learn from the way the UFW gathers people to its cause.

Already, he foresees the benefit of the Chavez rally. UTAF isn't strong enough today to launch a chile boycott, but Marentes hopes that the threat of a UTAF-supported grape boycott will be enough to worry Texas and New Mexico farmers into treating UTAF chile pickers better during this summer's harvest.

"They are afraid that a grape boycott will set a precedent," Marentes said. "Who says that in five years from now we won't call for a boycott of their chile?"

In the past 12 months, Marentes has been widening his organization's circle of friends and spending some of the union's meager funds in a national effort to spread the word that the nation's most profitable condiment industry depends on a labor pool forced by low wages and harsh conditions to live in poverty. For UTAF, the Chavez rally was the beginning of the year's activities.

As the media-touted "chile war" between Texas and New Mexico heats up this summer, look for UTAF's yellow buses at West Texas and New Mexico chile festivals, where farmworkers can count on large crowds to hear their message.

The El Paso memorial for Cesar Chavez drew together about 700 UTAF members with another 1,000 or so mostly middle-aged (and middle-class) Hispanic activists, students and members of labor unions and social organizations for a march through the streets of South El Paso's Segundo Barrio to the Chamizal National Memorial. There an additional few hundred people gathered to welcome the marchers to political rally and prayer service in honor of Chavez.

But, despite a week of constant media coverage spurred by a handful of news conferences and a week-long fast by community

leaders, it failed to spark the interests of El Paso's vast middle class or draw large numbers of new supporters.

"I have mixed feelings about the whole event," Anthony Trujillo, superintendent of the Ysleta Independent School District and a friend of Chavez who organized the march and memorial service, said a few days after it was over. "Overall, it achieved the major objective I had in mind, which was to provide support for the nationwide grape boycott." But he added: "I was hoping for a turnout of about 5,000 people." The big success of the day — the announcement that El Paso's small chain of Big 8 Food Stores won't sell California table grapes this year — got little attention from the local media.

And the threat by United Farm Workers secretary general David Martinez of a possible boycott of the giant Furr's grocery chain was met with dismay by leaders of the United Food and Commercial Workers Union, whose members work at Furr's. "I agree fully with the grape boycott," Ramon Corral, president of the union's local office, said a few days after the memorial. "They can handbill the stores and boycott the grapes ... but Furr's is the only union store in the city. Their wages are higher than other stores and the benefits are good. Why don't they boycott the non-union stores first?" Despite such political setbacks, the Chavez rally was the largest political march to be held in El Paso in recent memory and one of the largest public gatherings of farm workers in the history of UTAF.

It recalled — at least for a day — the social activism of the late 1960s and early 1970s. In UFW style, the marchers followed a huge hand-painted canvas bearing the face of Chavez. Other marchers carried a pastel banner of the Virgin of Guadalupe and American and Mexican flags on the two-mile trek through the shadow of downtown El Paso's business and government offices.

As they pounded the pavement, participants waved the red UTAF flags, the banners of other local labor unions and hand-lettered signs calling for renewed support for the grape boycott.

"El pueblo unido jamas será vencido" (A united community never will be defeated), and "Cesar, escucha, tu gente está en la lucha" (Cesar, listen, your people are in the struggle) were among the rally cries that brought residents of the city's poorest neighborhood to balconies and screen doors of their one- and two-room apartments in brick tenements that lined the parade route. Maria Rosio Belman, a young mother who watched from a doorway across from Roosevelt Elementary School, commented on the march. "Here in this neighborhood, we are people of Mexican decent, and we are still fighting to protect ourselves from abuses, to educate our children and to give them a better life," she said. "This march honors that struggle. We stand with them." □

## Send a Friend the Texas Observer

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# All That He Can Be

BY RICK BROWN

**J**OE ZUNIGA, FORMERLY SGT. JOE Zuniga of the U.S. Army, underwent one of the more public self-outings of recent years when he informed his superior officers and the world of his sexual orientation on April 24. That was the day Zuniga, the Sixth Army Soldier of the Year and Military Print Journalist of the Year, appeared on stage at the March on Washington for gay rights.

His life hasn't been the same since. The Army discharged Zuniga by the end of May, and now the 24-year-old San Antonio native, who once viewed military service as a life-long career, is publicly making the case for equal rights for homosexuals. He plans to spend this summer speaking to gay and lesbian groups across the country to help focus dissent against the ban on gays in the service.

After his decision to go public with his sexual orientation, he has little use for the "don't ask, don't tell" compromise proposed by U.S. Representative Barney Frank, the openly homosexual Democrat from Massachusetts. Zuniga called it "impossible" and "unfeasible," since military personnel would still have to remain in the closet while on duty.

"You can't be asexual," Zuniga said in an interview in Austin. "From your wedding ring to the picture on your desk to the questions about what you did over the weekend, your sexuality comes up in everything you do or say." The policy would require military personnel "to compromise the principles of honesty and integrity the military is based on," he says. "It should be, 'Don't ask, don't care — If I find out, it's okay. It doesn't mean anything.'"

Zuniga is also planning a speaking tour of college campuses this fall and said he hopes to provide a positive gay role model. His achievements may hold some appeal to closeted gay men and women otherwise turned off by the more flamboyant aspects of the lifestyle. In the month before his announcement, the Army named Zuniga Sixth Army Soldier of the Year and Military Print Journalist of the Year. Previously, he had received five Army Commendation Medals, numerous awards for his military writing and a combat badge for medical service in

*Rick Brown is a freelance writer in Austin.*

Operation Desert Storm.

The product of a military family, Zuniga was on the fast track for promotion from the very beginning of his career, even appearing in a group recruiting photo taken during basic training. Yet during three and a half years of service, the realization grew in his mind that his sexuality was incompatible with Army regulations.

Zuniga said his earlier thinking on sexuality had been influenced by his conservative religious upbringing. "I associated deviancy and perversity with homosexuality, much like society had pictured it," he says. "I had to come to grips with my sexuality — that was the hardest part, accepting that I was in fact gay." Zuniga described his recent award ceremony as a moment of decision for him. "Here was this general pinning this Army commendation on my chest and extolling my accomplishments, and deep inside, I wondered what he'd be doing if he knew I was gay. Well, it was a stupid question, because I knew exactly what he'd be doing — signing my discharge papers." Coming out to the nation at large "was a very secure decision after that," he says. "I thought I could make a difference."

A casualty of his coming out was his marriage. He and his wife separated six months ago and now are seeking divorce. The pain his wife has had to endure "is very difficult for me," Zuniga says. Relations with his father, a retired colonel who lives in San Antonio and supports the ban, remain problematic. When Zuniga recently returned to Texas, his father left a message by voice mail: "Don't give the media my number, because I don't want to say anything against you," said the older man. "But I love you."

"That's the first time I could remember him saying those three words to me, so it was very important," says Zuniga, whose mother died of cancer in 1991.

Acknowledging a deeply conservative nature, Zuniga says his commitment to his marriage vows is a big reason he has completely avoided gay sex, though his professional ambition and respect for the military code also played a role. "I never wanted to place myself in a position where I would compromise my career like that." His abstinence is one of the defining characteristics of his case. Keith Meinhold and Tracy Thorn,

two other "out and ousted" gay servicemen, have lovers and acknowledge participating in homosexual activity. In Zuniga's case, the Army was confronted with "someone who had just come to terms with his sexuality and not even experimented with it," he says.

That still didn't stop the anti-gay juggernaut. Allegations that he wore one of his commendations at the march before he was entitled gave his commanding officers added ammunition. Zuniga says he verified the award by telephone before donning it, but the Army has gathered statements from other servicemen saying otherwise.

Many of the statements came from friends who knew the truth, he says, lending credence to accusations that commanding officers intimidated the men into providing faulty evidence. The entire affair "was clearly a retaliating move by the Army to bloody my nose before I actually left the service," Zuniga says.

The former serviceman speaks tongue-in-cheek when calling his discharge "bittersweet." Proceedings that included cutting up his military ID in his presence and dropping it in the trash "were about all the bitter I could take," he says. "It was actually very sweet to leave."

The American Civil Liberties Union has taken up Zuniga's cause, offering legal representation and scheduling many of his appearances. This interview was conducted in Austin prior to a benefit for the Texas Human Rights Foundation, the organization sponsoring a Texas constitutional challenge to state sodomy law.

Zuniga says he would consider re-entering the military, but only under conditions in which he could speak truthfully about his homosexuality. He says gay men who are attracted to the military lifestyle are conservative, as he is. "The fundamentalists are screaming about holding hands and dancing in the officers club, but we're not like that," he says. "I'm not out to flaunt my sexuality."

And he is saddened by the example upper echelons set by resisting President Clinton's leadership. Men in lower ranks "are hearing from (General) Colin Powell that it's okay to discriminate against gays, that gays are evil and don't belong, and that it's okay to bad-mouth the president, even." □

# AIDS, Life and Art

BY STEVEN G. KELLMAN

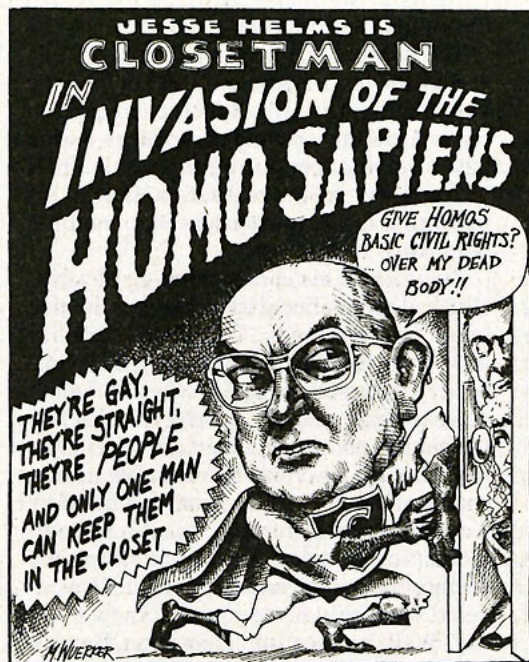
**SILVERLAKE LIFE:  
THE VIEW FROM HERE**  
Directed by Tom Joslin and  
Peter Friedman

**M**UCH OF BROADCASTING, like much of publishing, confuses worthiness with objectivity, and objectivity with avoiding the appearance of any point of view. *P.O.V.*, a weekly series of independent non-fiction films, flaunts the cubistic truth that every take has an angle, that every image is glimpsed from a particular vantage point. It rejects the tendency of broadcasts and articles to stand nowhere and probe nothing. Aired each summer by PBS, *P.O.V.* is potent counterprogramming to the costly froth that saturates theaters this time of year. Though PBS opens the sixth season of *P.O.V.* on June 15, Texas viewers should consult the schedules of local affiliates; San Antonio's KLRN, for example, will begin the series on June 22, Austin's KLRU on June 29.

Six years is the tenure of a senatorial term, but *P.O.V.* has already accomplished more and spent less than has Jesse Helms in more than 20 years on Capitol Hill. One of the North Carolina Republican's more ostentatious actions was an attempt to pull the plug on *P.O.V.* Helms affected such high dudgeon over Marlon Riggs' *Tongues Untied*, a graphic study of gay black life that opened the 1991 edition, that he used it to try to bludgeon his colleagues into starving *P.O.V.* and public broadcasting in general into extinction. Both survive, sailing most smoothly when safe from prigs at their helms.

Though not nearly as brazen as *Tongues Untied*, *Silverlake Life*, the film that inaugurates the current season, is also about gay life ... and death. Yet it is hard to imagine anyone, even a tendentious Senator, taking offense or anything but a melancholy illustration of the human condition from this courageous film. Subtitled *The View From Here*, it is indeed cinema with a point of view, that of a devoted couple who are both dying of

Steven G. Kellman teaches comparative literature at the University of Texas in San Antonio.



MATT WUERKER

AIDS. Tom Joslin and Mark Massi shared almost 22 years, and *Silverlake Life* is the video diary of the final months, after first Mark and then Tom were diagnosed with the devastating disease. It provides striking evidence of how AIDS both wastes the body and concentrates the mind.

Before involuntary retirement, Tom was a professor of film, at Hampshire College and later the University of Southern California, whose most prominent student was Ken Burns. Peter Friedman was another, and, five months after his mentor's death, Friedman flew back from France to accept a macabre legacy: responsibility for completing the film record that Joslin had been compiling. "Life wasn't like the movies," Tom tells us, but the professional cineaste lived and died on camera. He made abundant use of a super VHS camcorder to document the stages of his companion Mark's fatal illness, as well as of his own more accelerated failure. When Friedman arrived at the Joslin/Massi house in the Silver Lake neighborhood of Los Angeles, Tom (b. 1946) was already gone and Mark was fading. He inherited 40 hours of footage and a compulsion to complete and edit the report.

"*Silverlake Life* is a love story," declares Friedman, who addresses the camera in a

prologue and an epilogue to Joslin's footage. By the time our eyes arrive, it is a love that is largely purged of passion, and mendacity. "I don't want to lie anymore," explains Tom about his decision to admit his homosexuality, documented in an earlier film, *Blackstar: Autobiography of a Close Friend*, a clip of which is incorporated into *Silverlake Life*. Men who love men, even those who are open about their proclivities, are probably no more free of deceit than are heterosexual couples. "Love," wrote E. M. Cioran, "is an agreement on the part of two people to overestimate each other." The sex of the people seems irrelevant to the Romanian cynic. But a recognition of personal impermanence is a stringent solvent of frippery and fraud. *Silverlake Life* cleanses its frames in final candor. In the parting agony of two gay men, anyone can recognize the straight truth.

Much of what we witness — the proliferation of lesions on Mark's dwindling torso, futile sessions with the doctor, an arduous walk through the park — is excruciatingly banal. Mark and Tom become increasingly weary and frequently depressed. But, without sensationalizing or sentimentalizing what happens to these men, the film offers up the miracle of tedium transformed by clarity — not least during the dreaded moment when, training the camera on Tom's frail, spent corpse, Mark bids it adieu by singing "You Are My Sunshine."

The authentic measure of a mortal life might well be how it ends, but *Silverlake Life* reduces two lives to their departures, as though Abraham Lincoln could be summed up by a night at Ford's Theater. A troubled visit to Tom's family in New Hampshire hints at a life before HIV, before even Mark. It is endearing how much Tom and Mark define themselves through each other, but the film does not do enough to find an identity independent of the virus that was destroying what they were. *Silverlake Life* ignores most of four-and-a-half decades to offer a microscopic view of two embattled organisms.

"If art has any message," wrote the late Lawrence Durrell, "it must be this: to remind us that we are dying without having properly lived." *Silverlake Life* is a fearsome slice of art. □

# No Moveable Feast: More Water and Chocolate

BY MIGUEL BEDOLLA-GONZALEZ

## COMO AGUA PARA CHOCOLATE

By Laura Esquivel

244 pages. Mexico City:

Planeta: Colección Fábula

IN 1957 I FINISHED HIGH SCHOOL and spent the summer at our family ranch, near the town of Múzquiz, not far from Piedras Negras. After weeks of constant riding, what had been saddle blisters became painful sores and I started riding bareback. One afternoon I saw my Tío Carlos sitting under a tree. I led my horse toward him and before I had dismounted he said, angrily, "Why are you mounted like an Indian if you are a Spaniard?"

My ancestors arrived in what is now Northern Coahuila and South Texas in the 18th century, as soldiers of Spain, to defend and colonize the Borderlands. They brought their wives with them. They did not come to conquer. Their descendants still consider themselves Spaniards, although citizens of Mexico or the United States. Initially, most belonged to certain families: Múzquiz, de la Garza, Sanchez-Navarro, Elizondo, Lobo, Blanco, Vidaurri, Treviño. Some were Basque, others Jews converted to Christianity. Their descendants married among themselves and become a single family of very complicated bloodlines. No one named Esquivel was among them.

What does this have to do with Laura Esquivel's *Como agua para chocolate* — reviewed in the June 4 *Observer* in translation as *Like Water For Chocolate*? After reading the review, I read the novel, in Spanish, the language in which it was written — which with this work is particularly important. (The book was released in Spanish by Doubleday for \$17.95)

The story develops in and around Piedras Negras, Coahuila, and Eagle Pass, Texas (eaglepass, as they say in Múzquiz). It involves the unassertiveness of a young protagonist, Tita de la Garza, and the young man who loves her, Pedro Múzquiz. By family tradition, Tita is forced to forgo all but the kitchen in order to care for her widowed mother. Because Pedro

and Tita are in love and cannot marry, Pedro marries Tita's older sister, Rosaura. The characters in the story, with the exception of the revolutionary officer Juan, the American physician John Brown, and the Indian servant Chenchá, would be my relatives — if, that is, these fictive creations of Laura Esquivel had any roots at all in the alkaline soil of Northern Coahuila. They do not.

The story is imaginative. Gertrudis, the other de la Garza sister, is taken much as Zeus took Europa, but here the couple makes love, face to face, on a galloping horse. And for generations the place where Gertrudis bathed on the day of her seduction smells of perfume. The story is deliciously blended with a multitude of recipes and served up with humor. Rosaura might be the first character in the history of literature to fart to death. Finally, the story is painfully and beautifully poetic and has a surprising ending.

Yet I hate it.

I recognize an artist's right to creative freedom, and that the genre of magical realism requires the reader to suspend certain judgments. And I am able to suspend them when Tita's tears, which have fallen into the wedding cake, overwhelm the wedding guests with nostalgia, or when all of the guests walk from the table to vomit, or when all, unable to control their impulse to make love, leave hurriedly, in pairs. Yet magical realism does not require the reader to suspend all judgment about the place in which a story is set. I hate this story because it makes no historic or ethnic sense, and because it is, ultimately, a political statement about the ethnic and regional conflicts of Mexico.

Let me explain.

The history of families like the de la Garza and the Lobo of Northern Coahuila is informed by a number of events: The wars of the Spanish Borderlands; the War of Independence from Spain; the War with Texas and the loss of the territory to the United States, which divided the family between two nations; the war against the American Army that passed through in 1847; the attempt to form a separate republic; the war against the Apaches and the Comanches, in which the Kikapú were collaborators; the war against the French during the "empire" of Maximilian. Yet, the characters of this story never connect their lives with their history, until the

Revolution. And a historical fact essential to that Revolution, Northern Coahuila's loyalty to Porfirio Díaz, whose reelection started the Revolution, is never even suggested. Piedras Negras? Before it was called by the name we now know it, it was Ciudad Porfirio Díaz. It was Pancho Villa who was considered a bandit. Coahuila had its revolutionaries, men like Lucio Blanco, and many from around Múzquiz became generals in the Revolutionary Army. But their women did not follow them into battle.

I have never known anyone who is part Kikapú, although we have lived next to them for generations. And blacks arrived in Coahuila via the Underground Railroad and became citizens of Mexico, but until only very recently spoke an English dialect unintelligible to outsiders. They also kept very much to themselves. Only today is an occasional "mulatto," like the father of Gertrudis, to be found in the region.

There is in Northern Coahuila no tradition that the youngest daughter must care for her mother. Nor are other traditions of the characters in the novel part of the culture of Coahuila, either. They are traditions of some other place, a place that is home to different people with different traditions and history. This is obvious by the way the characters address one another, with the polite and more formal "Usted," even though they are of the same age and make love to one another; by the fact that Juan and Rosaura consummate their marriage through a hole in a nuptial sheet; and that they eat Rosca de Reyes. Rosca de Reyes? I never knew such a thing was eaten until I went to Mexico (City) in 1972. Chiles en Nogada? The same thing. Jumiles? What are they anyway? What the de la Garza of Northern Coahuila eat until this day is meat: Chorizo or machacado, steak and ribs. Armadillo? Never. It must have been forbidden by the Law of Moses.

Instead of speaking in the idioms and accents of Northern Coahuila, most of Esquivel's characters speak a Spanish close to the standard middle-class language of today's Mexico City. When children play hookey, "se van de pinta," instead of the funnier "hacen de perra," by which children still skip school in the north. And the Spanish spoken in Northern Coahuila is blunt and straightforward, absent the labyrinthine courtesies of

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the Spanish of Southern Mexico. It is a language of a people who irritate the rest of the Mexicans, people whose writers would have called Rosaura's farts "pedos" — instead of the more esoteric "flatos" of Esquivel's novel.

Described by one of their own, Mauricio González, in his *El Rio de la Misericordia*, these Norteños do not paint murals, but they show the world that there are Mexicans who wear shoes, eat three times a day, know what they mean when they say "yes" or "no" and have never addressed anyone with the word "Patroncito." They have never accepted the official myth that Mexico is an Indian nation. They admire Benito Juárez because he was a Mason. They speak English fluently and feel

more at home in San Antonio or Philadelphia than in San Luis Potosí or Querétaro. Their men have never dressed as charros and their women have never worn rebozos. They are independent from and suspicious of what goes on in Mexico City and the rest of the Mexicans have always felt a need to ignore them. One way of doing that is by excluding them from the great national celebrations, like the ritual parade of the 20th of November in Mexico City, where the folklore of the north is never seen nor celebrated. Another is by saying that they and their culture are like the culture and people of Cuahutitlán — the rest of Mexico outside of Mexico City. Which is precisely what

*Como agua para Chocolate*, in any language, does. It is a wasted opportunity. Instead of telling a story through the lives of the people whose geography she expropriates, the author hired a theatrical troupe from the south and led them to the border. And there is not enough magic in all of Mexico to make these actors what they are not. We are entertained. But in the end, we are deceived.

Oh, yes. My father let me spend the summer of 1957 at our ranch because in the fall I would enroll at Texas A&M. It was not until I was marching across the Aggie campus, counting cadence as a cadet of Bravo Battery of the Field Artillery, that I would slowly begin to realize that I was a "Meskin." □

## JOURNAL

### *Texans Unfunded As Donors Dry Up*

Caution: The election of neoliberal politicians may be hazardous to progressive organizations. Texans United, a grassroots environmental organization with offices in Dallas and Houston, reportedly is facing financial difficulties, with employees working without pay.

Rick Abrahams, the group's executive director, said Texans United is funded through June, but its chances of surviving the summer are more speculative. Part of the problem, he said, is that the group, which concentrates on organizing communities (mainly low-income) near polluting industrial plants, has no national organization to support it and it has been unable to raise money from Texas foundations, most of which are tied to the petrochemical industry.

In addition, he said, there is a perception among many potential donors that "with the election of so-called progressives, such as Ann Richards and Bill Clinton and Al Gore, that there is no longer a need for grassroots activism." He added, "It was much easier under Republican administrations because everybody understood what the problem was."

Texans United is unimpressed with Richards and her environmental record, as it organized a recent Capitol action to protest the decision of her Water Commission to permit a waste incinerator near Channelview. Texans United's habit of criticizing Democrats as well as Republicans has likely driven off potential funding sources, he acknowledges.

To help, contact Texans United, 12655 Woodforest Blvd., Suite 200, Houston, Texas 77015. □

### *Political Intelligence* continued from page 24

prison in Louisiana on June 14 to start serving his sentence. Civil rights leaders have complained that the case smacks of racism and urged President Clinton to consider a pardon for Canty, who with his wife was returning to Houston from a vacation in Jamaica in 1991 when two black college students began arguing with flight attendants over the operation of a radio-cassette player. Canty, a communications specialist for Reuters news service, awoke from a nap to tell the flight attendant and a co-pilot the boom box would not interfere with navigation equipment. The Continental Airlines flight later made an unscheduled stop in Cancun, Mexico, to remove Canty and the two students, who subsequently were convicted in Houston federal court on charges of threatening a flight crew. A videotape of the argument showed no disruptive behavior by Canty and he had no prior criminal record, but Canty was sentenced to four months in prison, while the students got 14 months and eight months, respectively. Canty told the Austin American-Statesman he has quit his job and he was prepared to go to prison if the his bid for executive clemency fails.

✓ **TOM CRADDICK** for Governor? The Midland state representative and chair of the House Republican Caucus claims high name recognition among Republicans around the state and says he has been encouraged to seek the nomination to challenge Ann Richards in 1994, the *Austin American-Statesman* reports, but the *Beaumont Enterprise* retorts that Craddick may not even hold onto his position atop the GOP caucus. Representative Jerry Yost, R-Longview, said it was "almost a foregone conclusion" that Craddick, who has held the chair since the caucus was formed six years ago, will be replaced next year after some Republican House members complained that the leadership was concentrated in too few hands and the views of moderate and rural Republicans

were ignored in policy discussions.

✓ **BANK SHOTS.** Officials of the state's two largest bank holding companies are resisting efforts by the Texas House Agriculture Committee to subpoena top executives and lending records as part of an examination of community lending practices. State Rep. Pete Patterson, D-Brookston, the committee chair, has had a running battle with national banks over their lending practices in the communities they are chartered to serve, but the statewide banks are not required to break down lending information by communities. The subpoenas sought information from Bank One, Texas, and Nationsbank, Texas, for a June 17 hearing, but Bank One officials filed a lawsuit in federal district court in Dallas to quash the subpoena. Kevin McCommon, an aide to Patterson, said committee staff was still negotiating with Nationsbank but he was pessimistic about getting the information voluntarily. Robert Harris, Texas Banking Association president, told the *Austin Business Journal* the state House committee has no jurisdiction over the national banking system and his staff was instructed to fight the required release of such information. Patterson sponsored a bill in the past session to require "call reports" that detail local activity at branches of all banks with \$300 million or more in deposits; it passed the House but died in the Senate.

✓ **FAST RELIEF.** Diane Wilson ended her 30-day hunger strike on May 14 after Gov. Ann Richards' staff and a Houston lawyer go Formosa Plastics Corp. to review ways to recycle and limit discharge from its \$1.3 billion plant expansion at Point Comfort. Wilson, a shrimper, started the hunger strike on April 14 after the Texas Water commission granted a permit to Formosa, manufacturers of polyvinyl chloride, to discharge 9.7 million gallons of waste daily into upper Lavaca Bay. □

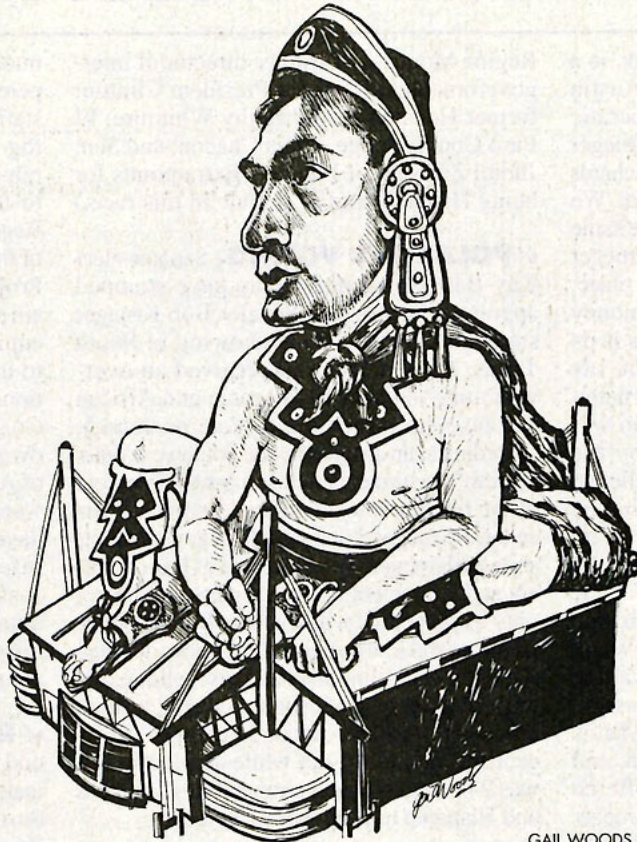
# Edifice Complex

BY CHAR MILLER

**I**N HEAVEN, THE TALK was about Henry Cisneros. (That's Heaven, the hair salon, where, if you call and the receptionist is busy, she'll deadpan: "Heaven, will you hold?" Happily.) The talk, in any event, focused on the phoenix-like resurgence of San Antonio's fallen angel, the city's first (and, to date, only) Hispanic Mayor, whose fast-track career was derailed by confessions of adultery. That he is back in the limelight, and has been garnering considerable notice as President Clinton's Secretary of the Department of Housing and Urban Development, didn't surprise the stylists at Heaven: What else would you expect from what one of them called the "Aztec God"?

Part of this resurrection can also be attributed to the very large house that this god built — at the taxpayers' expense. A dome, actually, The Alamodome as it is called, which opened in May to much fanfare. The local media, which for years suppressed information about Cisneros' sexual peccadillos, devoted front-page coverage and special pull-out sections to the grand event; in print large and small they detailed Cisneros' political efforts to secure voter approval for the building, and praised the social vision that had led to the vast complex's development. *The Wall Street Journal* and other national and regional organs have swelled the chorus, pumping up the building and the man to grand heights. To judge from the media cheers, "Mr. Alamodome" was right when, during the campaign in late 1988 and early 1989 to secure the citizens' approval, he vowed that when the building opened, it would mark the River Walk City's "Year of Emergence."

But emergence into what, exactly? The dome has been long heralded as the means to financial security for this most impoverished community. Then-Mayor Cisneros promised that the facility would correct San Antonio's



GAIL WOODS

chronic poverty, low tax base and undereducated populace. In the run up to the 1989 vote, for instance, he predicted its potential to lure convention business, draw sporting events, if not a major league franchise, and serve as a magnet for tourism, all of which would expand the city's work force and generate sustained economic growth. In the midst of a deep recession, brought on by the collapse of the real estate market and the self-destruction of the banking industry, the dome project was a tantalizing quick fix.

That one building could transform the regional economy is an absurd presumption, of course, but it was one that Cisneros had developed throughout his tenure as mayor. Earlier, he had secured federal, state and local monies to construct what was billed as Fiesta Plaza, a bright pink stucco retail mall just west of the downtown core and one of its feeder highways, Interstate 10. The large mall was to provide a renaissance for the financially-strapped, largely Hispanic West Side. Instead,

Fiesta Plaza closed its doors shortly after they opened, a victim of bad siting, mismanagement and unrealistic expectations. For years, this "pink elephant," with its boarded up windows, stood as an unsettling reminder of Cisneros' failed urban vision.

How appropriate the I-10 eyesore has since fallen to the bulldozer's blade. Here's hoping the dome doesn't suffer a similar fate, ending up as the Alamodoom. Things may never get that bad but it is doubtful that this latest gift of the Cisneros mayoralty will be any more successful in fulfilling its planners' euphoric dreams. Its supporters insist, for example, that because the Alamodome is opening almost debt-free, something no other dome can claim, its chances of success are good. Fair enough. But success in what sense? Jobs, they say. However, with the construction work nearing completion, some of the most highly skilled — and thus highly paid — labor associated with the building is drifting away. In its place, will flow a series of equally temporary, if low skilled, low wage jobs typically associated with sports arenas and convention centers. San Antonio's economy cannot be resuscitated, its citizens' poverty will not be diminished, by selling beer, parking cars or flipping burgers.

That's what local activist Father Rosendo Urrabazo had in mind when he told a *Wall Street Journal* reporter that "public money should be used for public good," a critique of the Alamodome's social impact that was buried in the last paragraph of the newspaper's lengthy, celebratory article. More to its boosters' liking are the thoughts of Henry Cisneros that have been inscribed on a massive, silver-colored panel, now bolted above an aisleway leading to the dome's interior: "Over its life may this building help many million of us share the joys of coming together in faith, in prosperity, and in the celebration of our common purposes." Like so many of his utterances, this one scans well, until, that is, you recognize just how glib are the words, how facile the message. □

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## POLITICAL INTELLIGENCE

✓ **HELP WANTED.** Robert Novak, in a syndicated column datelined from Austin before the election, wrote that Democratic power brokers had given up on Bob Krueger and were ready to plead for Gov. Ann Richards to be their saviour after Krueger's defeat. We presume these "power brokers" were the same ones who steered Richards to appoint Krueger to succeed Lloyd Bentsen in the first place, but Novak wrote, "the structure of money and power that always has ruled Texas is on the brink of disintegration. Only Ann, say worried Democrats, can save it." In their nightmare, liberal populist Jim Mattox, who was forced out of the special election by the Democratic establishment, would challenge Kay Hutchison in 1994. They fear that he would carry the whole Democratic slate, including Richards, to defeat, Novak said, so their play is to persuade Ann to run for the Senate and Comptroller John Sharp to run for Governor. On election night, while Democrats conducted the grim vigil waiting for election returns and Krueger's concession speech at the Capitol Marriott in Austin, Mattox strolled in, literally popped a balloon, and while trying very hard not to smirk offered reporters his post-mortem on the failed Krueger candidacy. When Krueger arrived at the ballroom to concede his defeat shortly after 9 p.m., Mattox already was working the room. He did not declare his candidacy, but in effect said he would be available for a draft if Democratic leaders, including Richards, would support him. And they owe him.

✓ **UP FOR GRABS.** With a vacancy at the top of the state Treasury, Comptroller John Sharp has a thought about what to do with the office: Abolish it. Sharp said the Treasury, which has 243 employees and a \$7 million annual budget, could be run with 30 employees in the Comptroller's office. Such a move would require a state constitutional amendment. In the meantime, among the names mentioned as potential replacements for Hutchison are Mary Beth Rogers of Austin, Richards' former chief of staff and a former deputy treasurer; Cathy Bonner of Austin, executive director of the Texas Department of Commerce; Ygnacio Garza of Brownsville, chair of the Parks and Wildlife Commission;

Regina Montoya of Dallas, director of inter-governmental affairs for President Clinton; former Houston mayor Kathy Whitmire; El Paso County Judge Alicia Chacon; and Sen. Judith Zaffirini of Laredo. (Extra points for being Hispanic and/or female in this race.)

✓ **POLARIZED VOTING.** Senator-elect Kay Bailey Hutchison may have stomped appointed Democratic Senator Bob Krueger statewide, with a strong showing in South Texas, but Krueger still received an overwhelming majority of Hispanic and African Texans who turned out to vote on June 5, according to an analysis by the Southwest Voter Research Institute. Hutchison got 67.3 percent of the overall vote, compared with 32.7 percent for Krueger, but a sample of key precincts showed Krueger got 79 percent of Latino voters and 95 percent of black voters, but he got only 21 percent of white voters. But the polarized vote and low turnout of minorities doomed Krueger, according to Bob Brischetto, executive director of the institute. Overall turnout dropped from 24 percent on May 1 to 20.5 percent for the runoff, but while Anglo turnout was 24 percent, blacks dropped to 13 percent and Hispanic turnout was 12 percent.

✓ **GRAPES OF REPS.** Explaining that the "policies of the Democrat[ic] Party were detrimental to my district and constituency," Rep. Pedro Nieto switched allegiances to the Republican Party at a June 3 press conference in San Antonio. Nieto, who was elected from Uvalde, became the first Hispanic Republican member of the Texas House of Representatives. He justified his move, saying that he has always supported Republican and conservative values, although Democrats, who pronounced Nieto a lame duck, suggested that the freshman legislator was full of sour grapes after U.S. Sen. Bob Krueger passed over his name in making recommendations for federal appointments. State Rep. Richard Raymond, D-Benavides, told the *San Antonio Express-News* Nieto stewed for days because Krueger recommended Travis County Attorney Ken Oden for U.S. Attorney instead of Nieto.

✓ **PICKY, PICKY.** The South Texas

nuclear power plant near Bay City is hampered by inadequate budgets and overworked staff, poor training, a huge maintenance backlog and inexperienced managers who are reluctant to bring problems forward and slow to learn from past mistakes, the Nuclear Regulatory Commission reported in a critique of the controversial project. The South Texas Project, which has not generated electricity since early February because of repeated equipment failures, is the 10th nuclear plant to undergo the special "diagnostic evaluation." Officials of Houston Lighting & Power Co., the operator of the plant on behalf of co-owners Central Power & Light and the cities of Austin and San Antonio, said the problems were being corrected. Commission officials have proposed \$500,000 in fines for alleged safety problems and have referred to the Justice Department complaints by former plant workers who contend they were dismissed for pointing out problems. HL&P denies those allegations.

✓ **RANK RANKING.** Texas ranks second to Louisiana in the amount of toxic chemicals spilled into the air, waterways and land during 1991, the U.S. Environmental Protection Agency reported. The state's industries released 410 million pounds of toxic chemicals in 1991, 7.2 percent less than in 1990 and 15 percent less since reporting began in 1988, according to the Texas Water Commission. Monsanto Co. in Alvin is still the top polluter in Texas, with 54.2 million pounds of toxic chemicals released in 1991. Other top polluters included Sterling Chemicals Inc. of Texas City with 36.7 million pounds; DuPont of Beaumont with 35.8 million pounds; BP Chemicals of Port Lavaca, 29 million pounds; DuPont of Victoria, 27.2 million; and American Chrome & Chemical of Corpus Christi, 10.17 million.

✓ **BOOM BOX BUST.** Jerry Canty, a black man who was sentenced to four months in a federal prison for arguing with an all-white flight crew over the operation of a "boom box," [see "Free the Boom Box 3," TO 3/12/93] has been ordered to report to

Continued on pg. 22