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THE Texas Observer



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Sharpstown II?

by Jake Bernstein and Dave Mann



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DIALOGUE

ARGUMENT OF CLAY

Your article about my lecture in Austin, Texas is simply a pack of lies. No one who was at my talk would recognize it by your fictional account. To start with, it is simply a lie to say that I “declined to take any questions on the topic” of civil liberties. I asked the sponsors to open the floor to questions on all subjects. They presented me with the written questions, several of which dealt with civil liberties. I have answered questions on civil liberties all over the country. Second, I never said the words which your writer put in my mouth with quotation marks: “make [torture] right by giving it a judicial imprimatur.” My message was precisely the opposite: make torture impossible by requiring the kind of judicial imprimatur that would never be granted. Third, your ignorant writer claims that the Eighth Amendment would specifically prohibit the use of torture to obtain information about an impending terrorist act. I wish he were right, but unfortunately the Supreme Court has ruled the other way. Finally, I do not “favor pre-emptive war.” I opposed the war in Iraq. All in all, your writer has totally misinformed your reading public. Any comparison of the tape of my talk to the quoted remarks in your magazine would show a great deal of creativity

but a lack of accurate note taking. Your writer didn't even quote my joke about “a head of Clay” correctly.

Alan Dershowitz
 Cambridge, Mass.

Editor Jake Bernstein responds:

Here at the Observer, we take our responsibility to our readers very seriously. Faced with Alan Dershowitz's accusation that our piece on him, “The Stealth Reactionary” (See “Torture Si! Cursing No!” January 30, 2004) was “simply a pack of lies” we obtained the tape of his recent lecture and forced ourselves to listen to it again. We discovered two errors, for which we apologize.

Dershowitz's rhetorical ability can be seen in the first few sentences of his mis-sive. He confirms that when presented with questions on civil liberties during his KLRU lecture, he didn't take any of them—if your definition of taking questions means answering them. He may well have taken such questions in other places, on other dates, but he didn't in Austin on January 15.

While Iraq was not mentioned in “The Stealth Reactionary,” regarding Professor Dershowitz's stance on pre-emption we quote from the tape: “We have a right as a country to act pre-emptively.”

To our ears, the heart of Dershowitz's
 —continued on page 19

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Like a Hurricane

Texans have earned the right to be afraid of hurricanes. In 1900, a powerful hurricane nearly wiped out Galveston, killing thousands. Throughout the 20th century, hurricanes claimed lives in Galveston, Corpus Christi, and Brownsville. But while no one would ever wish for a hurricane, there is—hard as it is to believe—a positive side to these tropical storms. Hurricanes form part of a natural cycle that helps to keep Texas bays and estuaries healthy. The influx of fresh water that comes from these storms drives out parasites and predators. Hurricanes also kick up sediments, increasing the available nutrients for marine life. So despite the destruction they cause, hurricanes also can be a source of rejuvenation.

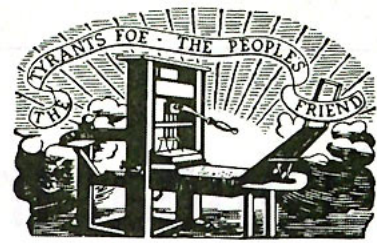
This example from nature is instructive as we enter yet another scandal involving the speaker of the Texas House. Periodically, throughout the state's history, business interests have unduly insinuated themselves into the legislative process through the speaker's office. It's a tempting target because so much power—the ability to appoint committee chairs, referee the rules, and largely set the legislative agenda—is concentrated in just one person.

The last major scandal to involve the speaker's office occurred more than 30 years ago and is known in Texas political shorthand simply as Sharpstown. Authored by Houston businessman Frank Sharp, the scheme consisted of bank-financed stock purchases for state officials that could be quickly cashed out in exchange for favorable legislation. Charges were filed against nearly two-dozen state officials. In September 1971, a Travis County grand jury indicted House Speaker Gus Mutscher. He would end his career a disgraced convicted felon. Voters also booted out the governor, lieutenant governor, and attorney general.

Like the hurricane cleaning out the bay, Sharpstown brought with it a wave of reform. In 1973, the Lege passed laws allowing for open meetings and open records, registration of lobbyists, campaign finance disclosure, and ethics guidelines for lawmakers as well as new consumer protections. Legislators also passed the Speaker Statute in an effort to prevent special interests from influencing House members' election of their leader. The reforms have helped keep the Lege relatively free of a Sharpstown-size scandal for three decades—that's a long time without the cleansing effect of a political hurricane.

Now, another one is brewing. It is possible that sometime in March the Travis County District Attorney could release grand jury indictments in a wide-ranging political conspiracy to seize hold of the state Legislature and particularly the office of the House speaker. As we reported last August ["Rise of the Machine," Aug. 29, 2003] and again in this issue, a cadre of Republican politicians, lobbyists, and corporate executives used the Texas Association of Business and a political action committee called Texans for a Republican Majority to funnel possibly illegal corporate money into the 2002 elections. The scheme catapulted Rep. Tom Craddick (R-Midland) into the speaker's chair. Although it is uncertain how far up the ladder the DA will climb, it is becoming increasingly clear that two of the masterminds behind this conspiracy were U.S. House Majority Leader Tom DeLay (R-Sugar Land) and his long-time friend Tom Craddick.

In coming issues, the *Observer* will continue to cover the unfolding scandal as well as offer suggestions for reforms. While scandal is never pleasant, it is undeniable that corruption has muddied our electoral and political process. If it takes indictments and convictions to clean up our tarnished system, then we welcome the coming storm.



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Scandal in the Speaker's Office

A campaign finance scandal threatens to swallow Tom Craddick

BY JAKE BERNSTEIN AND DAVE MANN

For Rep. Tom Craddick (R-Midland), November 7, 2002 must have been one of the happiest days of his life. Not 48 hours earlier, Republicans had romped to a landslide electoral victory across the state, winning 88 seats in the Texas House. For the first time in 130 years, Republicans would be a majority in the state Legislature. Craddick, who had won his first election at age 25, was the House's longest serving Republican. He had spent many of his 34 years in the Texas House shunted to the legislative sidelines in a lonely minority. But as the GOP rose in Texas, so did Craddick's fortunes. For the previous eight years, he had struggled to win the coveted leadership role of speaker of the House, helping to engineer three Republican swipes at capturing the majority. Each had failed. Now, on this Thursday, which also happened to be his late father's birthday, a press conference had been called for a momentous announcement: Craddick had collected enough pledges from his fellow House members to be named speaker—the most powerful state official not elected statewide.

Republican partisans, members of the media, and the Capitol curious packed into the speaker's committee room behind the House chamber to hear the news. A spokesman for Farmers Insurance, who insisted he was there just as a friend of Craddick's, handed out media packets to reporters. When the 59-year-old Craddick entered the room, the crowd burst into applause. And Tom Craddick, a man known for his wry sense of humor and understated delivery, broke into a wide lopsided grin.

As the *Observer* goes to press, Speaker Craddick has recently hired one of the state's finest criminal defense attorneys to help him respond to a subpoena from a Travis County grand jury investigating the 2002 election. In what has the potential to be the biggest legislative scandal since 1971, Travis County District Attorney Ronnie Earle is investigating an allegedly wide-ranging conspiracy to funnel illegal corporate money into legislative elections. As the *Observer* chronicled last August ["Rise of the Machine," Aug. 29, 2003], the Texas Association of Business and the Tom DeLay-created Texans for a Republican Majority political action committee used about \$2.5 million in corporate cash to help elect a hand-picked Republican majority that would crown Craddick speaker. New evidence now makes clear that Craddick was a central figure in those efforts, and raises the possibility that the Midland Republican broke the law to obtain his long-sought victory.

The invitation to the press conference told the story. Addressed to "interested parties," it asked recipients to "please join us for a press conference with State Representative Tom Craddick."

But the more telling phrase on the invitation could be found at the bottom: "Paid for by Texans for a Republican Majority."

In a recent press statement, Travis County District Attorney Ronnie Earle explained how his investigation began: "In the late Fall of 2002, in response to public boasting by the Texas Association of Business (TAB) that it had collected and contributed money from corporations to elect candidates to the Texas Legislature, this office began an investigation into possible violations of Texas law prohibiting such corporate contributions. That initial effort led to an investigation of allegations that Texans for a Republican Majority (TRMPAC), a political action committee, also illegally raised and used corporate money for political purposes."

Craddick has publicly distanced himself from TRMPAC. In doing so, his words appear to indicate that Craddick understood early on that it would be inappropriate, and possibly illegal, for a speaker candidate to help steer a political action committee that contributed money directly to House candidates, since House members elect the speaker. In one of his starkest denials, Craddick told *Austin American-Statesman* reporter Laylan Copelin for a February 24, 2003, story that "most of the people over there [at TRMPAC] supported me," but he had no direct ties to TRMPAC.

Copelin wrote, "Craddick...said he distanced himself from the group's activities because he was running for speaker." But Craddick's denials ring false. In reality, Craddick was heavily involved with TRMPAC. Documents obtained by the *Observer*, some of which were first mentioned in *The New York Times*, illustrate that Craddick not only helped direct TRMPAC's activities, but he even accepted corporate donations on behalf of the PAC and personally distributed TRMPAC campaign funds to candidates. TRMPAC sent campaign checks for 14 Republican candidates totaling \$152,000 to Craddick's district office in Midland for the speaker candidate to personally distribute. In addition, phone records indicate Craddick spoke with a TRMPAC consultant dozens of times in the two months leading up to

To: Interested Parties

*Please join us for a
press conference with
State Representative Tom Craddick*

Speaker's Committee Room
Thursday, November 7, 2002
9:00 A.M.

Paid for by Texans for a Republican Majority.

Paid for by Texans for a Republican Majority.

the election. In all, the documents reveal that Craddick was at the center of a PAC that's under investigation by the grand jury for allegedly breaking several election statutes, including the ban on corporate money.

Craddick's press secretary Bob Richter says the speaker stands by his assertion that he wasn't closely tied to TRMPAC. "He still feels that way," says Richter, noting that Craddick did not serve as an officer or on the board of the organization. "He does not deny that he is very close to Tom DeLay," says

Richter. "It is possible that his relationship with Tom DeLay made it hard to distance himself from TRMPAC."

Calls to Craddick's criminal defense attorney Roy Minton for further clarification of the Midland Republican's role vis-à-vis TRMPAC were not returned. Minton is widely seen as the attorney of record for politicians in trouble.

DeLay founded TRMPAC in September 2001. He appointed one of his top political aides, Jim Ellis, to help run the committee. The goal wasn't simply to gain a GOP majority in the



Rep Tom Craddick

photo: Jana Birchum

House—the 2001 legislative redistricting had almost assured that—but to elect enough of the right kind of Republicans to snare Craddick the speakership and allow him to exercise near complete control over a majority of the votes.

Craddick and DeLay have been friends since they served in the Lege together in the early 1980s. Only with his good friend Craddick as speaker and a compliant House membership could DeLay force his much-desired mid-decade congressional redistricting through the Lege. Assembling a majority to elect Craddick to the post wouldn't be easy. Five-term House speaker Pete Laney (D-Hale Center) had considerable Republican support, especially among his fellow rural West Texans. Then there was the danger that a more moderate Republican would emerge as a compromise candidate. The conventional wisdom before the election was that Craddick needed a minimum of 85 Republicans to become speaker, meaning the GOP needed to gain at least 13 seats—an enormous electoral task. The Craddick-DeLay machine also needed money for Republican primaries to ensure that victors would be beholden to it. To do all this, TRMPAC and TAB required a ton of money. Old funding sources wouldn't suffice. They needed corporate money. The only problem is that it's illegal to use corporate money for electioneering.

TRMPAC spent roughly \$600,000 in corporate cash during the 2002 campaign (just over half the \$1.5 million it raised was individual donations). Meddling with corporate money in politics puts one into risky legal territory, campaign experts say, and PACs that dip into the corporate pool must be extremely careful. Texas has prohibited corporate and union money in elections for a century. Lawmakers realized the potential for corruption if big business was able to funnel torrents of undisclosed, corporate money into the

process—cash disbursements that shareholders would never be given the chance to approve.

There are, however, some narrow exceptions to the corporate prohibition. To understand the worst of TRMPAC's potential legal violations requires a foray into the esoteric, tangled realm of campaign finance law. A PAC can legally spend corporate money on administrative expenses. What qualifies as an administrative expense? TRMPAC might argue the definition is rather hazy. Texas law defines it as any "regular" business outlay: rent, paper for the photocopier, the phone bill and so on. TRMPAC used corporate cash for all those mundane expenses. But the group also used corporate donations to pay for political consulting, polls, and phone banks—expenses that appear to be purely

political, not administrative. Campaign watchdogs say those expenditures are illegal. TRMPAC insists these outlays are also administrative expenses and permitted. It's a flimsy defense, but they've so far clung to it. Eventually a judge will have to decide if polls and mailers meet the legal definition of "administrative expenses."

What has gone largely unreported in the media, though, is that Texas election statutes are clear on one particular nugget: Corporate money can't be spent for political fundraising. This is a serious problem for TRMPAC. The PAC spent \$130,000 to raise funds for the 2002 elections, according to an analysis by the Texas watchdog group Campaigns for People. Every penny of that was corporate money. TRMPAC paid DeLay's daughter Danielle Ferro (\$27,600) and fundraiser Susan Lilly (\$28,500) among other consultants to collect money all over Texas to power TRMPAC's political work. The normally toothless Texas Ethics Commission has explicitly ruled (in ethics opinion 132) that fundraising doesn't qualify as an administrative expense, and thus can't be paid for with corporate funds. (There is a small exception: PACs can use soft money (anything but individual contributions) to raise funds from their sponsoring employees or shareholders or those of companies that have lent administrative support in the past; that appears to offer little cover for TRMPAC, though, since it doesn't represent a company—as opposed to, say, SBC's PAC—and lacks any long-time contributors because it didn't exist before 2001.) Bill Ceverha, a Republican consultant and former House member who served as TRMPAC's treasurer, refused to comment for this story. But it seems that much of the \$130,000 in corporate cash TRMPAC spent on fund-raising were illegal payments.

Ben Streusand has long been fascinated with politics. In the Houston offices of Home Loan Corp., the mortgage-lending firm he heads, hang signed letters by Winston Churchill and Theodore Roosevelt. A large man with a jovial smile, Streusand has worked for years as a Republican fund-raiser in Houston. He is the kind of essential cog in the Texas Republican political machine that links the elected officials with their corporate contributors. On October 12, 2002, about a month before the election, Streusand sent a letter addressed to: "Tom Craddick, Texans for a Republican Majority." Enclosed was a \$5,000 check from Aegis Mortgage Corp. to TRMPAC. Streusand wrote, "Dear Tom: Rick Thompson is the President of Aegis Mortgage, a nationwide lender headquartered in Houston. Next time you are in town I would like you to meet him."

Streusand declined to respond to four calls seeking comment.

Since a number of corporate privateers and other special interests cashed in on the 78th Legislature, it stands to reason that Streusand would get his piece as well. And indeed, Streusand has benefited nicely from the efforts of Craddick, DeLay, and TRMPAC. He's running for Congress in the newly redrawn, ultra-conservative 10th district that runs from north Houston to Austin. He's leading in the polls and favored to beat his seven Republican opponents in the primary, which in that district, essentially hands him a U.S. House seat. As for Craddick, his acceptance of at least \$5,000 in corporate money on behalf of TRMPAC doesn't square with his post-election claims that he wasn't involved with the PAC.

Craddick didn't just receive TRMPAC money; he handed it out too. On October 18, 2002, as the machine was scrambling to shift money into key races, TRMPAC executive director John Colyandro e-mailed TRMPAC accountant Russell Anderson with specific instructions for cash disbursements for Craddick to hand out. The e-mail's subject line was "Hard \$ checks." Colyandro wrote, "You should receive a check from Jim Leininger [a San Antonio right-wing campaign cash cow] today. I have another \$100,000 that I will give you this morning. You need to cut checks for the following totals and have them Fed Ex'ed for Monday delivery to Tom Craddick at the following address."

Colyandro's e-mail then listed 14 Republican candidates and how much they should each receive. The 14 checks totaled \$152,000. Colyandro instructed Russell to send all 14 checks to Craddick at "500 West Texas, Suite 880, Midland, Texas, ATTN: Susan Wynn." That's the address of Craddick's district office, according to the 2002 *Texas State Directory*. Wynn heads Craddick's district office.

It's unseemly, and possibly illegal, for a speaker candidate to distribute PAC money to the very House candidates who may elect him. By handing out TRMPAC checks to House candidates, Craddick may have run afoul of the Texas law designed to prevent outsiders from influencing a race to elect the House speaker.

The last major scandal to thoroughly roil the waters of state government started in the beginning of 1971. What would later be known as Sharpstown—a name in Texas that is as evocative of political scandal as Watergate is for the nation as a whole—began as a bribery scheme whereby an influential businessman attempted to buy legislation beneficial to his bank by giving lawmakers access to stocks on which they could make a quick profit. By the time the scandal had run its course, Speaker of the House Gus Mutscher, Jr. had been tried, found guilty of a felony, and sentenced to five years' probation. The scandal eventually brought about the electoral defeat of the lieutenant governor, the attorney general, and the governor.

Sharpstown resulted in a number of needed reforms dealing with campaign reporting, ethics, lobby registration, open meetings, and open records as well as a number of consumer protections. "The whole point of this stuff was to go back and say 'look, there are some important principles', one of which is that we ought to know who is paying for the campaigns in the first place," says Sam Kinch, who covered the Legislature as a journalist for 40 years and co-authored a book on the scandal. (One of the areas the Travis County DA's inquiry may reveal is which special interests bankrolled the Republican takeover of the Legislature in 2002.)

As part of the post-Sharpstown reforms, lawmakers established rules for the race for House speaker. "Back in the old days, the lobby was the most overwhelming influence in the election of the speaker," says Kinch. "In the pre-Sharpstown reform days, the speaker actually could be a dictator if he wanted to be."

Billy Clayton, who served as House speaker himself from 1975 to 1983, remembers that the goal of the speaker's statute was to make it harder for outside influences to control the race for the speaker. "[The statute was created] so that there wouldn't be a lot of big dogs throwing money in after it," he remembers. "It was to try and keep it within the covey."

The statute establishes the rules of the game for the House speaker race. It protects House members by forbidding speaker candidates from offering their fellow representatives anything in exchange for their votes. It also describes who can contribute to a speaker candidate's campaign and for what the money can be used.

Although both Clayton and his successor Gib Lewis were touched by scandal to different degrees during their speaker-ships, in neither case was it on the scale of Sharpstown. By many accounts, the next speaker, Pete Laney, tried to keep some distance between his office and the business lobby. Laney also promoted an atmosphere of bipartisanship for those who played by his rules. This more consensual model forced lawmakers to form coalitions, communicate, and keep their legislative maneuvers more or less in the open.

By the late 1990s, a number of forces were conspiring to dethrone Laney and end the Texas tradition of bipartisan-ship. The state was steadily turning Republican. The GOP and certain elements within the business lobby felt that the

—continued on page 18

Police Pre-emption

Official documents reveal a police campaign to infiltrate Austin anti-war demos

BY JORDAN BUCKLEY

A year ago, as the Bush Administration prepared to launch a pre-emptive war on Iraq, activists all over the nation mobilized in protest. In Texas, Austin was a focal point for demonstrations and civil disobedience. Now, official documents obtained by the Texas chapter of the American Civil Liberties Union reveal that the Austin Police Department launched its own pre-emptive action against peaceful protesters: infiltrating local anti-war groups and allegedly using the information to target suspected leaders for arrest for minor infractions.

On March 15, 2003, at a rally at the Texas Capitol, American Friends Service Committee organizer Missy Bolbecker announced a week of nonviolent direct actions to start March 17. The anti-war activities would culminate in mass civil disobedience on March 24. Her call echoed a national appeal issued by a newly formed anti-war coalition; and Bolbecker herself served as Austin's designated coordinator for Iraq Pledge of Resistance, one of the participating groups. She also helped to organize direct action trainings and meetings with local activists to plan actions in response to the national call. (In the interest of disclosure, I was outraged by the war and participated in the civil disobedience as well.)

The "Unholy Trinity Tour" emerged from these meetings. The tour consisted of a march around Austin on March 24, targeting the Federal Building and two businesses accused by protesters of facilitating the United States' assault on Iraq. The businesses were Fox 7 News, selected for biased pro-war reporting, and Computer Sciences Corporation (CSC), picked for its recent merger with military contractor DynCorp. During the tour, seven demonstrators were arrested in front of Fox affiliate KTBC-TV, some for chaining themselves to street signs and effectively blocking the exit to the building's parking garage. Another 33 people were later arrested for impeding traffic in front of CSC. Earlier in the week, police equipped in riot gear arrested 50 people on the Congress Avenue bridge. One officer employed pepper spray to forcibly disband the crowd.

Many protesters suspected at the time that they were the focus of an intense surveillance campaign by the Austin police. The extent of that campaign is detailed in two memos written by police officials in the Organized Crime Division of the APD. According to a memo from Sgt. Troy Long to APD Chief Stanley Knee, four detectives were "requested to participate in training sessions and actual protests in an under-

cover capacity." In the memo, dated June 3, 2003, Sgt. Long trumpeted their successes, declaring, "Detectives were able to befriend the organizers and leaders of the anti-war protests. The Detectives became privy to information regarding future protests and planned mass civil disobedience."

The memo seems to contradict an Austin City Council resolution passed three months later on September 25, 2003. The resolution pertained to police infiltration and the USA PATRIOT Act, and stated:

BE IT FURTHER RESOLVED that the Austin Police Department shall continue their policy of not conducting surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment... without reasonable and particularized suspicion of criminal conduct unrelated to activity protected by the First Amendment of the United States Constitution.

As allegations of police surveillance escalated after the resolution's passage, City Council Member Daryl Slusher met to discuss the issue with APD Assistant Chief Rick Coy on January 26, 2004. Coy wrote Slusher a memo two weeks after their meeting to explain why the chief may have mistakenly given the council a misleading sense of the scope of police surveillance of activist groups. "He [Knee] feels badly that his communication was not clear enough to explain all of our undercover activities, leaving you with the impression that no officers had been involved in other areas away from the actual protest site."

The memo also maintained that while "undercover officers do, in fact, mix with protesters in the public domain," APD does not keep files on protesters. It additionally mentioned that a city attorney was consulted prior to the officers' infiltration.

However, the memo from Coy (Knee's chief of staff) and the memo from Sgt. Long (addressed to Knee) seem to contradict each other regarding the number of times undercover officers attended activist training sessions. Coy implies that APD only infiltrated a single "protestor training meeting" in his memo. But Long reported to the chief, "Detectives attended protest training sessions, planning sessions and protests."

Police activity was not limited to just infiltration and intelligence gathering. Long also wrote, "Detectives further assisted in the assignment and deployment of Crowd Management Team (CMT) personnel by providing video footage of

The police officer then told me that she had been labeled a facilitator of the event. You don't want to be labeled as a facilitator because then you will get arrested.



photo: Doug Foxvog

the organizers/leaders of the protests." The *Observer* contacted CMT Commander Robert Dahlstrom for comment. Dahlstrom admitted that police frequently film protests. "We always do that, it's not a secret," he said.

The second memo acquired by the ACLU was dated March 25, 2003, and entitled "War Protest Intelligence." In it Detective Derry Minor detailed four pages worth of intelligence gathered while undercover at a direct action training session at the downtown Austin AFL-CIO building two days earlier. In the memo, Minor wrote he "positively identified two local leaders/organizers from Austin," and one of them was "Melissa" Bolbecker.

On March 24, 2003 (the day after Minor's infiltration), at the Unholy Trinity Tour's stop in front of CSC, activists claim that Bolbecker was targeted from a crowd of hundreds and arrested. Police had ordered protesters off the street in front of CSC's offices and onto a sidewalk on either side of the street. Most protesters complied, Bolbecker included, several witnesses say.

The sidewalk across the street from CSC's offices backs onto a slope, which drops off sharply to the hike-and-bike trail beside Town Lake. In order to traverse the congested sidewalk, some people briefly stepped off the curb to pass others, said Doug Foxvog, a member of the activist group Austin Against War. "Missy stepped off the curb to do this very thing and was grabbed. It was definitely a case of selective arrest," he said.

According to Bolbecker, who reports that only the police call her Melissa, "I'm not even sure both feet were on the ground before I was snatched by a riot cop, who twisted my arm behind my back and began forcing me toward the paddy wagon."

Bolbecker initially received the same charge as other activists—"Obstruction of a Highway Passageway" (a Class B misdemeanor)—who had engaged in civil disobedience in the center of Cesar Chavez Street, some by staging a sym-

bolic die-in while others sat with interlocked arms, refusing to move. (In the end, Bolbecker was charged with failure to obey a lawful order.)

Joshua Elliott, a recent University of Texas physics graduate, was arrested later that day, ironically, on a march to APD's central booking station. In a sworn affidavit taken by defense counsel for one of the criminal cases against the activists, Elliott testified that while being transported to booking he asked an officer with whom he had a friendly relationship from previous encounters why Bolbecker had been arrested. "He had not been involved in her arrest but immediately knew who I was talking about and he then told me that she had been labeled a facilitator of the event and he told me that you don't want to be labeled as a facilitator because that will get you arrested," Elliott testified.

Eric Laulus, who attended the protests that day, reported seeing a man wearing a suit jacket carrying a clipboard containing sheets with photos of individuals. "I saw them because the wind picked up and a few fell to the ground," Laulus said. "I saw pictures of people with text to the right of the pictures. A few minutes later, I saw the man speaking with police officers, pointing at his clipboard."

Dahlstrom declined to comment directly when asked whether Missy Bolbecker was selectively arrested by CMT, but did recall that one individual was arrested after being warned multiple times to stop stepping off of the sidewalk. He could not remember if that person was Bolbecker. "I wouldn't even know who she was had I not seen her picture in the paper," Dahlstrom said.

Four days before the Unholy Trinity Tour, on March 20, 2003, anti-war protesters Brandon Darby and Ron Deutsch attended an impromptu rally on Guadalupe and 24th Streets. There, 15 activists (including this author), had secured their arms together in giant "lock boxes" in order to occupy the intersection in protest. Darby says he entered Einstein Bros.

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Cruelty Thy Name Is Redistricting

BY JAKE BERNSTEIN

It may be true that U.S. House Majority Leader Tom DeLay (R-Sugar Land) crafted a congressional map that pits minorities against Anglos, region against region, and targets long-term Democratic incumbents for elimination, but it's beside the point for Joe Phillips. "It doesn't resonate down here; it's irrelevant," says Phillips, a McAllen-based businessman. "The issue is that the south border area has been grossly under-represented in Congress forever."

Phillips is part of small group of influential power brokers in the Rio Grande Valley who are backing former District Judge Leticia Hinojosa against Congressman Lloyd Doggett, a 10-year incumbent from Austin. Doggett and Hinojosa are battling it out in the primary to see which of them will be the Democratic nominee for the freshly minted Congressional District 25. The victor of the March 9 primary will likely have an easy time of winning what is an overwhelmingly Democratic district come November.

Phillips points to a litany of problems unique to the Valley as the reason why the new congressional representative should be from there. His argument is that only someone who has lived the region's difficulties can understand them. As such, the campaign for CD 25 raises tough questions about the prerequisites that should be required from those who represent us. It also strikes to the core of whether Democrats can forge and strengthen the kind of multi-ethnic coalitions that are essential to any hope of putting a dent in the Republican hegemony in Texas in the coming decade.

Despite the legal endorsement of a three-judge panel, CD 25 brings the rich history of Texas gerrymandering to new lows. It's a Machiavellian masterstroke even by Tom DeLay's standards. The district stretches for 330 miles like a strand of spaghetti. It spans a narrow corridor from southeast Travis County in Central Texas down to western Hidalgo County on the Mexican border. The new district's composition is overwhelmingly Latino. Divided between the two distant population centers of Austin and McAllen, it guarantees that at least one of those cities won't have a native representative. But more insidiously, the new district is like lime juice on the ever-present wound of racial politics within the Texas Democratic Party. "District 25 is perhaps the best example of [DeLay's goal to] wherever possible just cause tension," says Doggett. "Not just for one election, but there's the potential for tension every two years in this district."

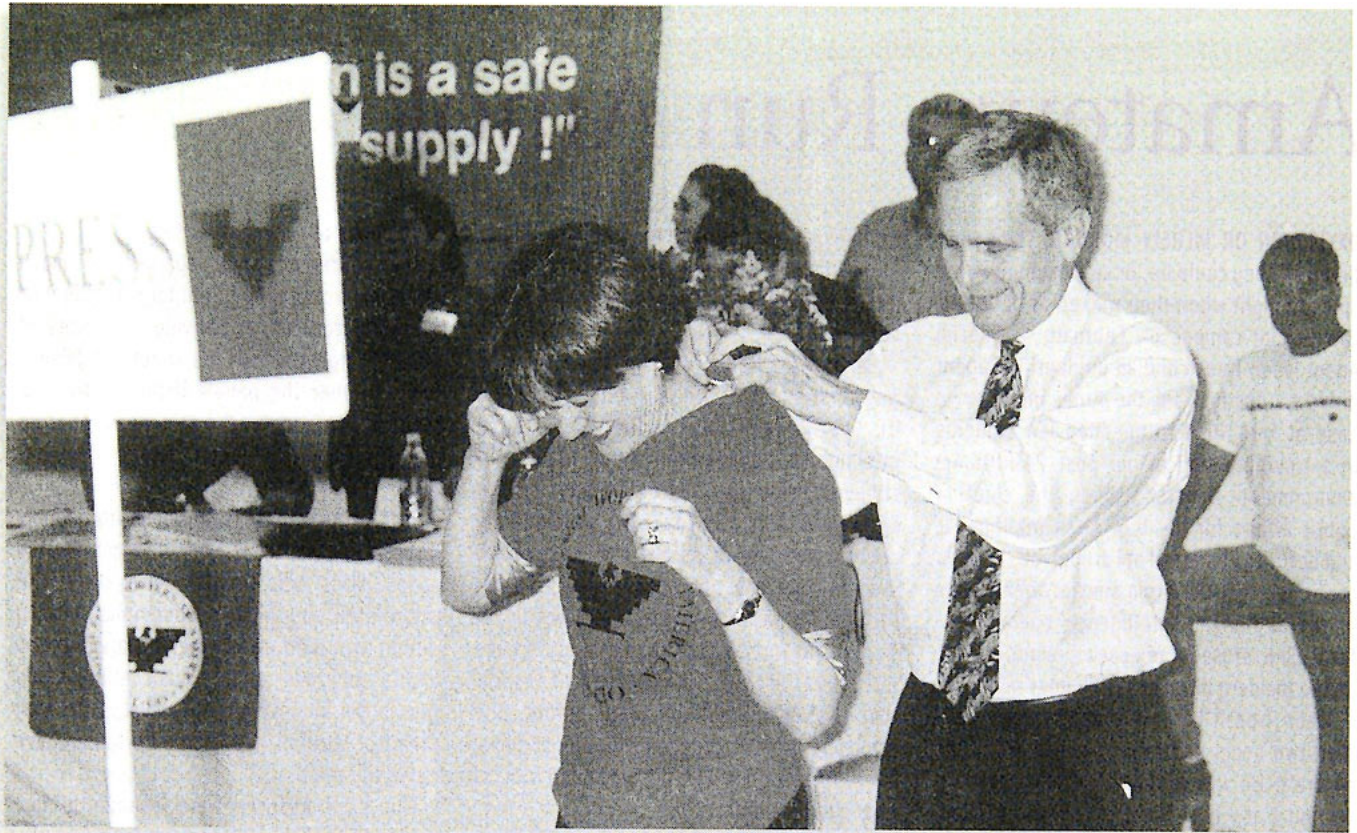
Under the new redistricting map, Doggett was faced with either running in his former district, now overwhelmingly Republican, or in CD 25. Even with \$2.3 million in his campaign account, Doggett felt he stood a better chance in CD 25.

As a congressman, Doggett has consistently been one of the strongest liberal voices in the Texas congressional delegation, if not the entire U.S. House of Representatives. He has made a career of standing up for working people and the disenfranchised. Among his colleagues, Doggett was at the forefront in leading the charge against the Iraq war. He is known as an expert on parliamentary rules and has in the past helped stymie Republican legislative efforts. It is precisely for these reasons that Jim Ellis, DeLay's point man on redistricting in Texas, wrote a memo in August of last year citing Doggett as one of three Democrats who had to be eliminated under a new map or it would be "unacceptable and not worth all of the time invested into this project."

Like Doggett, the other two congressmen on the DeLay hit list are Anglos who have won their elections with the help of minority coalitions. In order to stay in power as long as possible, Republicans must rip asunder such coalitions, forever branding Texas Democrats as the party of minorities and of poor people who don't vote. Or as Republican strategist Grover Norquist put it in the *Denver Post*, "[make it] so that no Texan need grow up thinking that being a Democrat is acceptable behavior."

A key part of the Republican strategy is to play on the very real disenfranchisement that minority communities have suffered for generations. As Texas becomes a majority minority state, that reality has yet to be reflected in its leadership. Even though Democrats, as of late, have certainly done a better job than Republicans of embracing minority leaders, ironically, as the party with the most minorities, it is also the place where these tensions are most manifest. It is the kind of resentment that Texas House Speaker Tom Craddick (R-Midland) exploited to put a bipartisan veneer on the leadership team he formed after seizing power in 2002. The Craddick Ds, as they are called, were almost all minorities. Many of them felt that they had been ignored by a Democratic power structure that they believed was more interested in protecting a dwindling number of rural Anglo Democrats than in giving them a chance to lead. In the crudest expression of this view, Doggett is just one more Anglo who wants to be a patrón.

In CD 25, Doggett finds himself forced to try to speak two different languages both figuratively and literally. In Austin, he can speak in English and talk about Tom DeLay and what the Republicans are doing to the country. The message that DeLay's power grab will only allow the majority leader to further his far-right agenda to the detriment of every constituent in CD 25 is an easy sell in a city that was just carved into three pieces for that very reason. In the Valley, the



Lloyd and Libby Doggett

photo: Jake Bernstein

dominant language is Spanish and in communities where adequate sewage systems are still an issue, the most important topic is economic development.

Judge Leticia Hinojosa is running to a large extent on her life experience and on the symbolic power that electing the first Latina congresswoman from Texas would bring. She is fluent in Spanish and grew up in a colonia. Hinojosa talks of knowing what it's like not to have running water or to be asked by law enforcement to prove her citizenship. "The life experiences that I have had are shared by a lot of my constituents," she says. "When I have talked about these issues it strikes a chord."

When it came time for the United Farm Workers to give their endorsement in the race, they struggled with the Valley experience of Hinojosa, whom they had endorsed for judge in the past, versus the superlative legislative record of Doggett on labor issues, according to Texas UFW Director Rebecca Flores. In the end, they decided to go with Doggett, a decision that was announced at their 17th biannual political convention at the Pharr Civic Center. "Looking at his record, there was no other choice," says Flores.

Hinojosa did not attend the event but both Doggett and his wife Libby were there. Libby Doggett, who speaks Spanish has been front and center in the congressman's campaign. In Spanish she told the 200 or so farm workers assembled for the convention: "We have been with you. We are with you. And we will continue being with you."

While it is an open question how many votes a UFW endorsement can bring, in Hidalgo County it carries an

important moral weight. The UFW endorsement of Doggett was another sign that Hinojosa has failed to emerge as a clear consensus candidate for the Valley. In part that can be attributed to her late start. Whereas Hinojosa was reluctant to give up her judgeship until the court had approved the new districts in early January, Doggett dove into campaigning in early December, despite a bout of bronchitis. His early efforts allowed him to line up support from a number of mayors and officials. Although the race is expected to be a close one, if Doggett wins, many will point to his early start and his financial advantage. For Hinojosa to win, it will require a large turnout in the Valley, with at least 65 percent of the vote there going her way. Such a scenario is not inconceivable for a politician who has run before in the area and has a well-known political last name that most Latinos in Hidalgo County recognize and trust.

Regardless of who wins, the troubling issues of the Valley finally getting its fair share of representation and development will continue to fester. And the need for Anglos, Latinos, and African-Americans to work together to further all interests will remain a pressing need. The irony of Lloyd Doggett, who has championed the interests of minority communities, falling victim to these tensions must bring a smile to Tom DeLay's face.

"I hope the very kind of barriers that have been raised to some of the people in the Valley wrongfully in the past—barriers of race or gender or where-are-you-from—[won't] be a barrier to me," says Doggett. "But I won't know until election day." ■

Amateurs Run Amok

OXYMORON OR MERELY MORONIC They were being all they could be, or so two young Army spies thought when they walked on to the UT Law School campus on February 9. Special Agent Jason Treesh and an unidentified agent drove to Austin from the Army intelligence base at Fort Hood to question law students in a troubling sign of our post-PATRIOT Act environment. Deborah Parker, the chief of public affairs for the U.S. Army Intelligence and Security Command at Fort Belvoir, Virginia, confirmed that the Army special agents were on an authorized intelligence operation in Texas. She refuses to release more information on the incident because it is "under review."

Jason Treesh has made news before, less than two years ago talking about, ironically, spycraft. He was working for the operations section of the Army's 308th Military Intelligence Battalion, based in Fort Meade, Maryland, when a then-25-year-old Treesh attended the grand opening in July 2002 of the International Spy Museum in downtown Washington. *The Washington Post* Metro section covered the event. A staff writer interviewed audience member Treesh, just then getting started in the field, as confetti

exploded and James Bond theme music played. "I think it's a very misunderstood kind of thing," Treesh told the *Post*. "Spying is actually very benign."

Sahar Aziz thinks not, at least not the way Special Agent Treesh went about it at UT. Special Agent Treesh flashed his Army intelligence identification badge in front of students inside the office of the *Texas Journal of Women and the Law*. The young Army agent asked Jessica Biddle, a third-year law student from Houston, about fellow students including Sahar Aziz, a third-year law student from Dallas who helped organize a conference, "Islam and the Law: The Question of Sexism" that had been held the week before. The same agents never contacted Aziz. But Special Agent Treesh did leave a business card with his phone number on it.

When the *Observer* called Treesh's direct line at Fort Hood, the man who answered denied he was Special Agent Treesh, although he agreed to take a message. A man with the same voice called the *Observer* back a few minutes later, and identified himself as Special Agent Treesh. Other than to say he was on official business while at the UT Law School,

he declined to comment further.

The conference that sparked so much attention from the U.S. military intelligence command focused exclusively on issues of women's rights within the tenets of Islamic faith. Neither the panels listed on the law school's web site nor the attendees reported any discussion of other issues like U.S. foreign policy.

It is unusual for Muslim women to publicly discuss any sexual issues. In most Muslim communities male Muslim clerics have long interpreted what Muslim women may or may not do with their own bodies. As anyone who knows anything about Islam understands, this is the kind of reformist discussion that fanatical Muslims like Osama bin Laden have never tolerated.

But such nuances were apparently lost on the U.S. Army Intelligence and Security Command when it got word about the UT Law School conference. Army officials said that two Army personnel went undercover to attend the conference, and reported back that one attendee asked them a hostile question about U.S. policy. Military intelligence commanders decided to send operatives from Fort Hood to investigate. Special Agent Treesh told UT's Biddle that the government wanted a list of the conference attendees along with a videotape of the event, in addition to asking her about Sahar Aziz. "I was flustered and suffered a lot of anxiety that they would come to my house that night," said Aziz, who lives with her husband and is in the last month of a pregnancy. "I kept wracking my brain, 'Did anything happen at the conference?'" She said that there was no registration list of the attendees of the conference, since it was open to the public. Aziz says she and other organizers of the event welcome everyone including Army personnel to

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The Outsourcerer's Apprentice



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What We Know—and What We Don't

The great question about Iraq last year was whether the evil and dangers of Saddam Hussein justified the costs of invasion and the burdens of empire. For many people this was a close decision. Many decided it on the powerful claim that Saddam was in pursuit of chemical, biological, and nuclear weapons, and that this pursuit posed a dire threat to the national security of the United States.

In fact, it was never rational to believe that Iraqi possession of chemical or biological agents posed a big threat to us. Such weapons are exceptionally difficult to deploy. They have been used on battlefields only rarely, and never in modern times with great effect in terror attacks. Iraq's sole use of them was in war with Iran and shortly afterward—in assaults on its *own* unarmed civilian population. These weapons are, if you will, the terror equivalent of the hydrogen car: still outclassed, dollar for dollar, by the old technology of high explosives.

We know, therefore, that Team Bush's harping on "Weapons of Mass Destruction" was, in part, a political choice and a scare tactic.

Nuclear risks are different. A single atomic explosion in the United States or in the Middle East could (and may still) take more lives than all the atrocities in all the history of modern Iraq. Had Iraq built the bomb, the threat would have been serious. It is clear today (at least, it seems clear to me) that Israel was right back in 1981 to destroy the Osirak reactor (sold to the Iraqis by the French). In doing so, the Israelis stalled Saddam's bomb program at that time. Otherwise, Iraq would have built the weapon and probably would have used it years ago. Not against us, mind you, and probably not against Israel, with its powerful deterrent. But against Iran—yes, Saddam might have done that.

Yet in 2003 we knew that there was

no chance Iraq still had a viable nuclear weapons program. We knew this from the inspections of the International Atomic Energy Agency. We knew it from the UN inspection teams. The administration knew it from the failure of the CIA and other intelligence agencies to find credible evidence to the contrary. The administration knew it from the conclusions of Ambassador Joseph Wilson's trip to Niger, which dismissed the possibility that Iraq could have acquired uranium ore from that country.

And so now it is all the more shocking that we learn that, all the while our attention focused on the imaginary threat posed by Saddam Hussein, nuclear proliferation was going on in the Islamic world. Not from our enemy Iraq, but from our ally Pakistan. We know that technology and plans—and maybe bomb fuel too, in some cases—flowed from the labs of Abdul Qadeer Khan to Libya, Iran, and North Korea.

Here's what we also know. First, that the U.S. government has been aware of Pakistani proliferation for years—and has been complaining about it, without effect. Second, that Abdul Qadeer Khan has had ties to Al Qaeda and the Taliban; by some credible reports he felt he was building the bomb for Islam, not for Pakistan. Third, that elements of Pakistan's military and intelligence knew of the proliferation, collaborated in it, and profited from it. Fourth, that those elements are strong enough to oblige President Pervez Musharraf to issue a pardon to Khan after just one day. Fifth, that this will preclude any full accounting of the extent of the proliferation.

We will therefore *not* learn, soon, whether Saudi Arabia bought the bomb, in fact or in effect, from Pakistan. We will *not* learn whether and to what extent plans, or the makings of actual bombs, are in the hands from which Al Qaeda might acquire them. We will

not learn, except following an attack, whether it might have already done so.

How close is the Pakistani nuclear team to Al Qaeda? For a bleak view read *Who Killed Daniel Pearl?* by the French philosopher Bernard-Henri Lévy. The book has been a best-seller in France, and appeared in English last September to controversial notices. It concentrates on the man who organized the kidnapping, Omar Sheikh, generally seen as a mid-level *jihadi* fighter preoccupied with Kashmir. Lévy argues that he was something else entirely. First, that he is by nationality not Pakistani, but English, a native of London. Second, that he is an officer of the ISI, Pakistan's Inter-Services Intelligence (the invisible government). Third, that he was a senior deputy of Osama bin Laden, possibly responsible for part of Al Qaeda's financial operations. All in one.

Why was Pearl killed? Lévy speculates: Perhaps because he knew too much. Perhaps about the nuclear problem. Is this right or wrong? I can't tell from here. So read the book. Make your own judgments.

It could turn out that the price of Pakistan's cooperation in the conquest of Afghanistan was our light hand on their nuclear program. If so, we may find out that when we got diverted into Iraq we were looking the wrong way. The lowest price we may pay is yet another extension of the war, coming soon. There are already reports that U.S. forces are planning to strike at the tribal lands on the Pakistan-Afghanistan frontier this year. This is in the apparent hope that, two years after Afghanistan, Al Qaeda remains vulnerably deployed in the badlands—and that it is not safely ensconced in the untouchable cities, such as Karachi.

We're probably wrong about that. Let's only hope that we don't find out the hard way. ■

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WMDs and S.O.B.s

Just for the record, since the record is in considerable peril. These are Orwellian days, my friends, as the Bush administration attempts to either shove the history of the second Gulf War down the memory hole or to rewrite it entirely. Keeping a firm grip on actual historical fact, all of it easily within our imperfect memories, is not that easy amid the swirling storms of misinformation, misremembering and misstatement. But since the war itself stands as a monument to what happens when we let ourselves get stampeded by a chorus of disinformation, let's draw the line right now.

According to the American team that spent hundreds of millions of dollars looking for Iraqi weapons of mass destruction, there aren't any and have not been any since 1991.

Both President Bush and Sen. Pat Roberts, chairman of the Senate Intelligence Committee, now claim Saddam Hussein provoked this war by refusing to allow United Nations weapons inspectors into his country. That is not true. Bush said earlier this month: "I had no choice when I looked at the intelligence.... The evidence we have discovered this far says we had no choice."

No, it doesn't. Last week, CIA director George Tenet said intelligence analysts never told the White House "that Iraq posed an imminent threat."

Let's start with the absurd quibble over the word "imminent." The word was, in fact, used by three administration spokesmen to describe the Iraqi threat, while Bush, Vice President Cheney and Secretary of State Donald Rumsfeld variously described it as "immediate," "urgent," "serious and growing," "terrible," "real and dangerous," "significant," "grave," "serious and mounting," "the unique and urgent threat," "no question of the threat," "most dangerous threat of our

time," "a threat of unique urgency," "much graver than anybody could possibly have imagined," and so forth and so on. So, could we can that issue?

A second emerging thesis of defense by the administration in light of no weapons is, as David Kay said, "We were all wrong."

No, in fact, we weren't all wrong.

Bush said Sunday, "The international community thought he had weapons." Actually, the U.N. and the International Atomic Energy Agency both repeatedly told the administration there was no evidence Iraq had WMD. Before the war, Rumsfeld not only claimed Iraq had WMD but that "we know where they are." U.N. inspectors began openly complaining that U.S. tips on WMD were "garbage upon garbage." Hans Blix, head of the U.N. inspections team, had 250 inspectors from 60 nations on the ground in Iraq, and the United States thwarted efforts to double the size of his team. You may recall that during this period, the administration repeatedly dismissed the United Nations as incompetent and irrelevant. But containment had worked.

Nor does the "everybody thought they had WMD" argument wash on the domestic front. Perhaps the administration thought peaceniks could be ignored, but you will recall that this was a war opposed by an extraordinary number of generals. Among them, Anthony Zinni, who has extensive experience in the Middle East, who said, "We are about to do something that will ignite a fuse in this region that we will rue the day we ever started." After listening to Paul Wolfowitz at a conference, Zinni said, "In other words, we are going to go to war over another intelligence failure." Give that man the Cassandra Award for being right in depressing circumstances.

Marine Gen. John J. Sheehan was equally blunt. Any serving general who got out of line, like Army Chief of Staff Eric Shinseki, was openly dissed by the administration.

Suddenly, the administration is left with the only good reason there ever was for getting rid of Saddam Hussein in the first place—he's a miserable s.o.b. You will recall that this is precisely the argument the administration rejected. Wolfowitz said that human rights violations by Saddam against his own people were not sufficient to justify our participation in his ouster.

Now, according to the president, Saddam Hussein is a "madman." Oh, come on. An s.o.b., yes, but crazy like a fox—always has been. It wasn't even crazy of him to have invaded Kuwait, given that April Glaspie, the American ambassador at the time, told him, "We have no opinion on your border disputes with Kuwait."

For everyone who ever cared about human rights and longed for years to get rid of Saddam Hussein, this late-breaking humanitarianism on Bush's part is actually nauseating. All the Amnesty International types who risked their lives to report just how terrible Saddam's rule was always had one question about getting rid of him: What comes next?

I don't think there is any great mystery here about how this "mistake"—such an inadequate word—was made. For those seriously addicted to tragic irony, consider that the most likely Democratic nominee is now John Kerry, who first became known 33 years ago for asking, "How do you ask a man to be the last man to die for a mistake?" ■

Molly Ivins is a nationally syndicated columnist. Her new book with Lou Dubose is Bushwhacked: Life in George W. Bush's America (Random House).

Going After FDR's Head

Anyone who still thinks there's not a dime's worth of difference between the two parties should take a look at a Washington squabble over the dime itself. A gaggle of top Republican leaders in Congress—including the odious legislative thug, Tom DeLay—are furiously pushing a bill to alter the dime. They want to remove the likeness of Franklin D. Roosevelt from the coin and replace it with the countenance of Ronald Reagan. In a time when America's health care system is failing, when the federal budget is half-a-trillion dollars short, when middle-class jobs are disappearing, when our troops are dying every day in Iraq and Afghanistan—isn't it comforting to see that lawmakers do not let these problems deter them from getting down in the slime of petty partisanship for something as inconsequential as displacing a Democratic president with a Republican one on our 10-cent piece?

Democrats are responding with their own effort to keep FDR on the coin. They point out that his face was put on it not merely because he was president, but especially because he had founded the March of Dimes organization, through which America's children collected the dimes that funded research into polio, the disease that had put Roosevelt himself in a wheelchair. Thanks to those dimes, a vaccine was developed that effectively ended polio in our country. But Democrats are not alone in opposing this effort to scrape FDR off the dime. None other than Nancy Reagan opposes it. Indeed, Ronald Reagan himself proudly noted that he voted for Roosevelt in all four of his presidential elections.

Nonetheless, the rabidly partisan Republic leaders are still demanding FDR's head. To help stop this silliness, call the office of Rep. Jim McGovern: 202-225-6101.

JOBLESS CREEP Something is taking place in our country that corporate chieftains don't want us talking about: jobless creep. It's no longer blue-collar families that are seeing their jobs hauled offshore to faraway havens of low-wage production. Now it's hundreds of thousands (soon to be millions) of well-paying white-collar and high-tech jobs that are being shipped overseas by America's wage-busting CEOs. Joblessness is creeping relentlessly upward, ensnaring families that previously thought they were entrenched in the upper reaches of the middle class. CEOs are paranoid about public discussion, but internally they giddily exult at the prospect of essentially abandoning our country and its middle-class to fatten their profits. A Microsoft executive has instructed department heads in this software giant to "Think India" and "pick something to move offshore today."

This is deliberate job destruction and it's also an open assault on America's middle-class and the unifying social ethic that "We're all in this together." Corporate executives and their apologists say that this is simply the immutable workings of the market and that their sole responsibility is to enrich the bottom line of top shareholders, with no obligation to an American middle class. Then why should we feel any obligation to them? As they separate themselves and their corporate fortunes from the well-being of our families, communities, and country, we should begin to separate them from the special tax breaks, enormous subsidies, regulatory favors, political privileges and all other advantages they've gotten from us.

BLOODY LIES More than 500 American soldiers have now died in Bush's ongoing Iraqi war. Untold thousands of innocent Iraqi civilians have also died. Why? Because, Bush said, Saddam Hussein is a nasty guy who possessed

horrible weapons that posed a "mortal threat." Bush and his top lieutenants screeched that it was imperative to invade Iraq now and "pre-empt" the fiendish dictator before, as George so starkly put it, "mushroom clouds" rise over our country. The Bushites were absolute in their dire warnings:

George Bush: *There is "no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised."*

Dick Cheney: *"There is no doubt that Saddam Hussein now has weapons of mass destruction."*

Donald Rumsfeld: *"We know where they are."*

Colin Powell: *"Leaving Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option."*

Our top leaders flat out lied. Early this year, Bush & Company quietly withdrew the weapons inspection team that they had put in Iraq to scour the country to find the weapons of horror that were the rationale for Bush's invasion. No weapons or evidence of an active weapons program were turned up. Also, a January report from the Army's own War College scathingly concludes that Saddam posed no threat to the U.S. and that the invasion "was a war-of-choice," not of necessity. This was promptly reinforced by a scholarly study from the Carnegie Endowment that found that Saddam had no weapons program that could "pose an immediate threat," and that "administration officials systematically misrepresented the threat."

This is no matter of innocent little lies. Their lies are stained with blood. ■

Jim Hightower is the best-selling author of Thieves In High Places: They've Stolen Our Country And It's Time To Take It Back (Viking Press).

A Victory in the Agua Wars

BY GABRIELA BOCAGRANDE

Due west of Bogota, in the bosom of Colombia's coffee country, sits the city of Pereira, the Pearl of the Otun River Basin. Pereira is nestled into the crossfire between narcotrafficking paramilitaries on retainer for the coffee barons and narcotrafficking guerrillas intermittently making revolution and money by kidnapping rich people. Like much of Colombia, the city suffers from occasional volcanic eruptions and the intrusive attentions of the Inter-American Development Bank (IDB), the predatory financial institution based in Washington that is largely responsible for dragging Latin America into a 21st century heavily encumbered by poverty, joblessness and debt.

The IDB has been active in Pereira lately, assisting the city with large-scale improvements in water and sewerage services, all of which cost multiple millions of dollars that local authorities have borrowed from the IDB. As usual, there is an unsettling twist in this "development" chronicle: By most accounts, the public services in Pereira were doing all right before they attracted the multi-millions of the IDB. Until 1997, water service was provided by Public Enterprises of Pereira (EEPP), a public utility that also supplied telephone, electricity and waste services. Like other municipal enterprises in Colombia, the EEPP operated on the basis of "cross subsidies," established so that the rates paid by the users of a (relatively) optional service, such as telecommunications, also covered the costs of providing basic services, such as water, to those who could not pay. But just as the World Bank and the International Monetary Fund abhor a subsidy, so too does the IDB. A technical report from the Bank charged that the surplus revenues produced by tele-

phone service allowed the company to "hide financial deficits for water supply and sewerage."

So what's wrong with that, we ask. "Surplus" revenues of all sorts also fund the Army, for example, which is not a profitable enterprise, either. And more surplus revenues pay the mortgage on the presidential palace and the monthly payments for all those bullet-proof limos, plus whatever is due for the boatloads of recently-acquired Blackhawks.

But never mind; poor people must somehow pay for their own water or they're not going to get any, say the development economists. In response to IDB policy recommendations, then, the Colombian government separated the multi-service EEPP into its distinct functions, producing the new stand-alone water company, Aguas de Pereira (AAP), which, because it lost its base of subsidies, was instantly broke.

Now why in the world would a clever Banker do an apparently dumb thing like that? Let's look at the workings of the water company, shall we, and see if we can't figure it out. Two things made EEPP appealing to the IDB and its innovative corporate sponsors. First, EEPP's water and sanitation coverage was very good: Virtually 100 percent of the city's population had access to clean drinking water through the public system and over 90 percent had access to basic sanitation services. And second, much of the water provided to the poor and the near-poor was un-metered and unbilled. Until the arrival of the international development banks, Colombia's public enterprises, in general, tolerated the distribution of un-metered water in poor urban neighborhoods and in many rural areas because universal access to clean water was necessary for public health reasons. The installation of water meters for

consumption was therefore not a basic priority, nor were exact billing practices. So here's a sizable water company with comprehensive tubes and taps, a good service record, about 40 percent of its water unbilled, little debt and a large concentrated, captive clientele. If, as an enterprising businessperson, you could arrange for yourself to own such a company, you could install meters, where needed, and simply start scooping up money. It's as easy as turning on the tap. And if, as an even more enterprising businessperson, you could arrange for the city to borrow the money to install the meters for you, you could scoop up even more money. After that, you could raise water rates. Who's going to stop you?

But if you're going to own the company, you're going to have to get the city to sell it ¿no? And how better to force the city to sell than to make the company appear to be bankrupt?

After the IDB got through with it, that is exactly how AAP stood. The IDB imposed "reforms" on the city's public services that produced a water company that could not sustain itself and that created the conditions to justify the capitalization of the company through private investment. Next, the IDB appeared on the horizon with a loan of \$61 million for AAP, available on the condition that the company be privatized. The many millions would fund the establishment of commercial and financial operating conditions at AAP; a private sector bidding and contracting process for the construction and operation of a waste water treatment plant; an increase in the metering of water distribution; access to water in new housing and in marginal neighborhoods as needed, and improved sanitation. These last two operations would be paid for, largely, by the poor themselves: They would

build the infrastructure required and the government would give them the right of way. Subsequently, a private concessionaire would install the meters, paid for by the government, and start collecting.

Well, that's just great. Immediately, the financial status of the new water company was further compromised by the new loan. In fact, AAP became hopelessly indebted in record time. To obtain the IDB loan, the company was required to put up about \$40 million of its own capital, which it also borrowed. Additionally, to monitor the funds, the IDB required an extremely expensive and complicated administrative set-up, staffed by pricey international consultants, who cost roughly five times what the public service workers were making for doing the same jobs. Altogether, then, the plan to fix up AAP would cost just over \$100 million.

To pay for all this, AAP then had to raise water rates and fire people. During the three years that followed the separation of the different service sectors of the original company, water rates for the poorest population groups in Pereira increased 238 percent, and widespread cutbacks of water workers occurred. When the City Council of Pereira divided EEPP into different companies, the labor union, SINTRAEMSDES, confronted the local government. In the process, local officials denied union leave, obstructed union assemblies and stepped up the program of early and (in)voluntary retirement, occasioning the departure of nearly 600 union members. At the same time, management at the company refused several times to extend union coverage to other municipal public service enterprises or to the decentralized companies spun off from them.

For its part, the IDB took every possible measure to weaken the union of water workers in order to grease the skids of the soon-to-be unemployed going out the door. The loan agreement stipulated that at least 11 percent of the capital to be invested in the new enterprise should be private, precisely the percentage necessary to re-desig-

nate the company as a mixed—rather than a public—enterprise. This reclassification of AAP essentially nullified the union's collective bargaining agreement, which was based on the previous legal designation of the company as a public enterprise.

The loan documents also made it clear that the new business plan for AAP would include a proposal to raise water rates and 'adjust' environmental regulation to accommodate the new private operators.

As you might imagine, none of this was very popular. The first to protest was the union, but the complaints were not well received. Those union members most visible in opposing the privatization of AAP found themselves suddenly under surveillance. Some of them received impolite notes inviting them to leave the country. Others were simply terminated, and we do mean terminated. To date, five members of SINTREMSDES have been killed and three more had to leave the country. The paramilitary group responsible lets union leaders know who is next by sending a premature condolence letter to the person's spouse. These guys are not subtle.

This particular form of persuasion, however, kind of makes you wonder who, exactly, are the entrepreneurs lining up behind the IDB to buy into AAP, doesn't it? Here in the United States, for example, we've seen a number of heavy-handed business tactics in this season of corporate greed, but they usually stop short of serial killing. Not always, I'm sure, but usually. In Pereira, in contrast, apparently the water privatizers are the kind of businesspersons who, when they disagree with you, tie your thumbs behind your back and shoot you through the head.

Well, that's not very nice, and the union didn't think so either. So after setting themselves up with bodyguards, the leaders of SINTRAEMSDES began to fight back. The union contracted a study to determine a cost and a plan for modernizing AAP without privatizing it. The union's study showed that the company could be overhauled for about \$18 million instead of \$100 million and

We've seen a number of heavy-handed tactics in this season of corporate greed, but they usually stop short of serial killing. In Pereira, in contrast, apparently the water privatizers are the kind of businesspersons who, when they disagree with you, tie your thumbs behind your back and shoot you through the head.

still meet the efficiency benchmarks set up by the IDB. When the City Council members and the mayor saw the plan, they had a hard time shooting it down. Ultimately, they accepted it and recommended it to the IDB in 2002. In May 2003, after sending a technical team to evaluate the situation, the IDB rejected the union's plan, but admitted that the Bank's own plan was slightly overpriced and reduced it by \$13 million. For a long time, though, it was impossible to find out if the new, marked-down IDB plan still included private investors for AAP, loss of union protection and higher water rates. Finally, in September 2003, the unpleasant truth leaked out. Most of the unappealing features of the IDB's original plan had survived and reappeared in the new one.

No one was surprised. When they
—continued on page 29

—Speaker, continued from page 7

speaker had not been as receptive to their interests as they would have liked. In 2000, Texas Republicans watched their governor go to the White House, yet they were still unable to capture the Legislature. Meanwhile, influential GOP strategists like Grover Norquist encouraged state Republicans to destroy their Democratic counterparts, espousing such slogans as “bipartisanship is another name for date rape.”

“When bispartisanship broke down, I think you unleashed some forces that inched you back closer to the way things were during Sharpstown, in the sense of more concentrated control in the hands of the speaker,” believes Kinch.

Tom Craddick had long yearned for the House speakership. When the mud salesman from Midland first entered the Texas House in 1969, he was one of just eight GOP legislators in a body the Democrats had dominated since 1869. But as Republicans asserted themselves in Texas under the leadership of Karl Rove and others, Craddick became more actively involved in trying to shape the Texas Legislature.

For years, speculation on whom Republicans would choose for House speaker if they were to gain the majority centered on Craddick. He has been one of the caucus’ most conservative, dedicated, and long-standing members. In 1987 he ascended to House Republican caucus chair. More importantly, Craddick helped lead the effort to capture the Texas House.

By the 1995 session, the state was tipping more Republican. The year before, the Democrats’ edge in the House shrank to 87-63. In the next election cycle, state Republicans launched a “76 in 96” campaign. It would be the first of three efforts to win a majority of House seats by snatching them from vulnerable incumbent Democrats. In 1998, the GOP targeted 16 races but won a measly three.

Two years later, Craddick and the GOP tried to topple Laney for the third time. The effort turned into a debacle

due to a surprising lack of funds. A Republican operative explained it to the political newsletter *Quorum Report* at the time. “The Hammer (DeLay) had too many balls in the air and somehow lost control of the Texas effort,” he said. DeLay is a key source of Republican campaign funds both in Texas and nationally. Without the expected help from DeLay, Republicans came nowhere near the \$4 million they had hoped to raise. In the two months before the election, the Republican rank and file was rife with disorganization, and the GOP gained not a single seat in the Texas House. It was an especially bitter defeat for Craddick. He was determined that 2002 would be his year.

While the Republicans owed part of their failure to conquer the House to their own bumbling, Laney and the Democrats slowed the GOP ascent with their own stash of campaign money. The Laney-led Texas Partnership PAC was founded in the early 1990s as a kind of trust fund for incumbent Democratic House members (the committee never tried to unseat incumbent Republicans). Unlike TRMPAC, however, the Partnership didn’t send checks directly to Democratic campaigns in 2002, according to campaign finance reports. Instead it made large contributions to the Democratic Party, which distributed the money. These efforts, along with Laney’s support among rural Republican reps, helped stave off Craddick’s grabs for the speakership.

In the previous Republican attempts to snare control of the House, Craddick hadn’t formerly announced his candidacy for speaker because his prospects of winning were so meager. But seeing his dream within reach in 2002, Craddick filed as a speaker candidate with the ethics commission a year before the election. His entry into the speaker race meant Craddick needed to be extra prudent about his campaign activities to stay on the right side of the law.

However, Craddick and TRMPAC may have violated two provisions of the speaker statute. The law expressly forbids any political action committee from lending “money or

other things of value” to aid or defeat a speaker candidate. On the surface, TRMPAC’s cutting checks worth \$152,000 for Craddick to distribute to a specific set of candidates appears to qualify as “aiding” his campaign for speaker.

The speaker statute also outlaws so-called “legislative bribery.” It’s illegal for a speaker candidate to promise a chairmanship, passage of legislation or a campaign contribution to a House member in exchange for a vote in the speaker’s election. During the 2002 election, rumors circulated that TRMPAC and perhaps Craddick were doling out campaign contributions in return for pledges to vote for Craddick in the speaker’s race. Craddick’s handing out of \$152,000 to 14 Republican House candidates raises the possibility that Craddick bought votes. Craddick strenuously denies this. While he admits handing out checks, Craddick has said the money wasn’t tied to speaker race votes. “There was no quid pro quo,” Craddick’s press secretary Bob Richter has insisted to the media.

Nevertheless late last week, Travis County District Attorney Ronnie Earle subpoenaed for the grand jury documents from Craddick’s office related to the speaker’s race. In a statement, Craddick promised to cooperate with the investigation. “I am satisfied that I, and all other candidates for Speaker of the House of Representatives for the 78th Legislature, conducted our races appropriately,” he said.

What’s clear is that TRMPAC’s use of corporate money provided DeLay and Craddick’s PAC a huge advantage. TRMPAC spent a total of \$1.4 million on the election, grossly outpacing the Partnership’s \$835,420. That’s partly because it appears Laney’s Partnership accepted no corporate or union money in 2002, according to campaign records. Meanwhile, TRMPAC utilized corporate cash for almost all its administrative, fundraising, and entertainment expenses, and most of its political work such as polls and consultants. That freed up more hard money (legal individual donations) for TRMPAC to donate

—*Speaker, continued from page 18*

directly to campaigns. Consequently, even though the Partnership had more hard money on hand, TRMPAC's use of corporate largesse allowed it to spend a much higher percentage of its hard money (79 percent vs. 40 percent) directly on its Republican candidates.

In 2002, Laney was finally overrun.

Now it is ultimately up to Earle to untangle this morass of campaign cash and determine if the law was broken. The current grand jury term expires at the end of March. Many political insiders expect Earle might hand down indictments before the term ends.

If in fact TRMPAC and by extension Craddick are found guilty of wrongdoing, it will be a painful irony for the speaker from Midland. He has served in the House long enough to know the speaker statute by heart. As a longtime rebel against a Democratic majority, Craddick was part of the reformist pack of legislators known as the "Dirty Thirty" who helped pass the very law he may have broken.

Like Sharpstown, this scandal has tentacles that spread throughout the state government, only this time they also lead all the way to Washington, D.C. In order to get his mid-decade redistricting passed, Tom DeLay needed more than just an ironclad Legislature. He needed the approval of the state attorney general. Before the Legislature could redraw the congressional districts in 2003, the AG had to issue an opinion that the Legislature could legally redistrict in mid-decade. The AG also had to defend the redrawn map in federal court. Had a Democrat been elected attorney general, DeLay's remap would have gone nowhere. In 2002, GOP candidate Greg Abbott was locked in a tight race for the office of attorney general with former Austin Mayor Kirk Watson. The outcome was far from certain.

As TRMPAC director Colyandro was busily raising corporate money for legislative campaigns, he was also a consultant for Abbott. The ultimate victor of the contest, Abbott was also the beneficiary of undisclosed campaign funds.

In the 10 days before the election, a shadowy third party group called the Law Enforcement Alliance of America (LEAA) entered the race on behalf of Abbott. The group, initially formed by the National Rifle Association, embarked on a \$1.5 million attack campaign against Watson. Colyandro has denied that he recruited the LEAA to get involved in the race, according to the *Austin American-Statesman*.

Other names that have surfaced as being players in this multi-faceted campaign include Governor Rick Perry's chief of staff Mike Toomey, and Kevin Brannon, a former aide to U.S. Senator-turned-lobbyist Phil Gramm. Craddick's top legislative lieutenants have also been subpoenaed as part of Earle's inquiry.

If in fact Ronnie Earle's investigation reveals a conspiracy that showed a blatant disregard for the law, the blame can be placed on the oversized ambition of two Republicans named Tom. And the roots of the scandal were laid bare in an invitation to a press conference in November of 2002. ■

—*Dialogue, continued from page 2*

argument during the lecture followed an insidious premise: In our post 9/11 environment, where civilians are deliberately targeted by terrorists, the only choices our government faces are between "worse, worser, and worstest," he said. "The job of a civilized society is to try and avoid worstest, even if you have to settle for worse...."

"If you accept Jefferson's view that our creator has endowed us with unalienable or inalienable rights, then you can't have this debate," he admitted. "The right not to be tortured is an inalienable right. But in fact, historically, there have been no rights that have been inalienable. Every right has been compromised in history."

We would argue that it is precisely when civil liberties are under stress over issues of national security that they must be defended with the most vigor. For once that barrier is breached, it doesn't close, and the gap will only widen. To say that legalizing torture would prevent it from

occurring is nonsensical to us. Does the professor really believe that if torture is made legal its use will decrease?

We also take issue with his assertion that the Eighth Amendment does not prohibit torture. If officials can be held liable under the Eighth Amendment for "deliberate indifference" or "reckless disregard" for a prisoner's safety [*Farmer v. Brennan* 511 U.S. 825 (1994)], they obviously would be liable for an Eighth Amendment violation for intentionally torturing a detainee. Courts have held that officials can use force "in a good faith effort to maintain or restore discipline" [*Hudson v. McMillian* 503 U.S. 1 (1992)]. However, no U.S. court has authorized the use of force—much less torture—to acquire information. Indeed, the Constitution prohibits the use of coerced confessions outright. We invite Professor Dershowitz to write in and explain how we have already lost this right.

We regretfully admit that we did misquote Dershowitz about "giving [torture]

a judicial imprimatur," although that certainly seems to be what the professor is advocating. "Do we create a process—an explicit process—for compromising rights in the interest of national security and with a judicial imprimatur?" he asked. "That is an interesting debate to have. Much more interesting than the debate over whether we should or should not torture."

The second error in our story involved the double-edged anecdote about his high school yearbook. The actual quotation in question is as follows: "My yearbook, the original yearbook had on it, 'Dershowitz, a mouth of Webster and a head of Clay.' It was pretty good. My mother made them change it."

It is likely Dershowitz is referring to Henry Clay, a 19th century statesman, known as "the Great Compromiser." Despite the fact that the double entendre was apparently sharp enough to trouble his mother, we regret the misunderstanding. ■

—APD, continued from page 9

Bagels to buy coffee for the locked-down protesters when he noticed an awkward looking group of men. "They were all reading the front page of different newspapers, not talking to each other, some with ear pieces," recounted Darby.

In an attempt to confirm his suspicions that they were undercover police, Darby said he talked with them briefly and then jogged down the street to catch up with the protesters, who were then marching toward Congress Avenue. Darby said that after noticing that the men from the bagel shop were following him he ran inside a gas station to purchase a disposable camera for evidence in the complaint he planned to file with APD.

Deutsch, a journalist who has written for the *Austin Chronicle* and *Austin American-Statesman*, told the *Chronicle* that he was tackled and arrested upon trying to photograph the suspected undercover officers. After pleading for the men to show their badges, Darby said he, Deutsch, and another man were thrown into the back of an unmarked van where one of the suspected undercover officers yelled at them, "You want to see my badge? Austin po-po, motherfucker!"

At central booking, Darby said he was accused of being under the influence of cocaine because his heart rate was measured at 122 beats per minute. Darby, an asthmatic, said he tried to explain to them that he was only scared. Later, Darby was asked by a police officer whether he was "part of a national underground organization of people that take photographs of undercover police so that people can assassinate them," he said. Darby was given a citation for "pedestrian in a roadway" while Deutsch was charged with jaywalking.

In the second memo, Minor—who, according to a Google search, served as Dripping Springs' Pinto League Baseball Commissioner for the 2002-2003 season—expressed concern over activists acquiring and publishing the names and pictures of undercover police officers. He wrote: "Websites were mentioned for antiwar protest-

ers. I have looked at these websites and observed that they are posting pictures of the officers at the protests on these websites. The tactics of antiwar protesters obtaining photographs and names of officers making arrests and posting them on the internet jeopardizes the safety and integrity of the organized crime detectives who work in undercover capacities on a daily basis."

The Austin Independent Media Center (www.austin.indymedia.org), was one of the few, if not only, websites that contained photos of undercover APD officers. According to Tanya Ladha, a member of Austin Indy Media, the online database of undercover police was recently hacked into and erased. It was replaced by the message "Try, try again." She says that the password necessary to hack into the site was only revealed once in an e-mail between two of the group's members.

In Sgt. Long's memo, he wrote of how difficult it was to "infiltrate a culture of society that is highly suspicious of new members." Minor reported that "leaders closely scrutinized [his] presence." Dahlstrom admitted that some officers blended in better than others. "One got along with everybody real well and another one had people yelling, 'Cop! Cop!'" he said. Minor wrote in his memo, "I was questioned about my name and why I was there. After passing this test, I was allowed to stay for the training."

But according to Scottie Buehler, a UT student and the other "leader/organizer" identified by name in Minor's memo, the "test" Minor was forced to undergo may have been nothing more than the standard icebreaker for many local activist groups. At the beginning of the training session, all attendees were asked to state their name and whether they had an arrest record. Buehler acknowledges that it is possible that someone else grilled the detective privately but said she is unaware of that happening.

Although open record requests have already revealed APD's assignment of at least four detectives for infiltration purposes—Derry Minor #2010, James Green #2361, Robbie Volk #3278, and

Tamara Joseph #2268—more information on the police's clandestine activities may be on the way. The Austin People's Law Collective, an activist group specializing in legal defense and education, claims that despite APD having more intelligence on Austin protesters and organizers, they refuse to release the information.

According to a public statement by APLC, the collective's objective is to help "people understand that their rights are being violated and that they have a medium for finding out what the state is up to (via open records requests) and holding them accountable for their actions."

In December of 2003, APLC filed open records requests asking for any memos, correspondence, databases, videos, photographs, informant reports, or files related to APD's documentation of Austin activists and activist groups. APD refused to fully comply. Consequently, APLC is currently awaiting judgment from Texas Attorney General Greg Abbott as to whether APD is legally compelled to release the requested information. (The Department of Public Safety was more responsive to APLC's open record requests; DPS turned over a CD containing candid photographs of individual protesters at demonstrations and the times and locations of local protests.)

For the ACLU, the actions of the Austin police are another indication of how a post 9-11 backlash has imperiled the First Amendment. "The police secretly infiltrating meetings chill the First Amendment rights of protesters to freely associate," believes Will Harrell, executive director of the Texas ACLU. "But when they use those meetings to identify leaders and actually target them, it becomes a McCarthyite nightmare. This is a textbook example of why the framers of our constitution provided for the freedom of association in a free society." ■

Jordan Buckley is an Austin activist and honors student at the University of Texas. He is currently studying sociology at the University of Buenos Aires in Argentina.

SIX MOTETS

1.

O you raveling thing who has no name,
 you whom we have almost ruined,
 mopping our pools of blood and piss,
 cooling our brows in fevered night.
 How can we return you to full furl?
 How to cover our tables for bread and meats?
 We dare not finger you for fear of threading you to dust.

2.

Our fathers were decorated shots.
 They hung your name above their scopes
 and built you hearths in the mobs' seared wounds.
 Alleluja. Alleluja.

3.

Nameless One,
 we call you all day long, each day long,
 and pray for your abandonment.
 Hosannas of horror. Horror of hosannas.
 Our palm leaves swat your bloody brow.
 We rip wings from angels' backs
 and fire staggering miracles in magnified sight.
 Hosannas of horror. Release yourself. Release.

4.

Refuse us our claim on you.
 Forever hide your name.
 Refuse us our claim on you.
 Forever hide your name.

5.

Let us now murder on our own behalf,
 cripple ourselves with tools of our own hands,
 choke on usury of our own desire,
 burn in landscapes of our own light,
 brand with marks from our own coins,
 rain dishonor upon our name, not yours.

6.

We will repent until pole ice melts.
 We will cleanse in flooded plains.
 We will forever ask your mercy.

—Lyman Grant

LYMAN GRANT is Department Head of creative writing and Professor of English at Austin Community College. His poems have appeared in *Sulphur River Review*, *Brazos River Review*, *Best Texas Writing I*, *Feeding the Crow*, and other journals and anthologies. —Naomi Shihab Nye.

Author! Author!

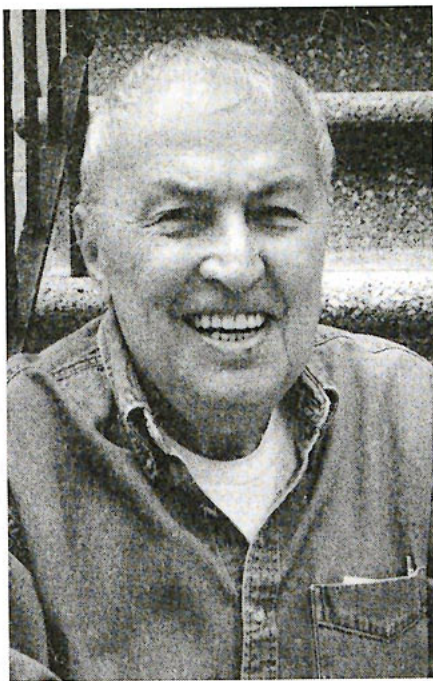
BY JEFF SEVERS

Vanishing Point: A Novel

By David Markson
Shoemaker & Hoard
191 pages, \$15.

What a strange, sad, and elusive book David Markson has written with *Vanishing Point*. Its one character is known only as Author, and the book consists of notes he is typing up into manuscript form from the hundreds of index cards on which he has them scribbled. What we know about Author is that he wears Adidas sneakers, has been very tired lately, and little else. His notes—each just a line or three, and most concerning the difficult lives of artists—are interspersed with his despairing thoughts about how his compilation is going, or whether it is going anywhere at all. In two typical pages we bounce through 18 tidbits, from “T.S. Eliot was afraid of cows” to Hawthorne’s diary entry on meeting Thoreau (“ugly as sin”) to one of Author’s many beguiling sentence fragments: “The legend that Goya, at twenty-four, in Rome, broke into a convent and abducted a nun.” Hardly the pretentious culture-swim the format might seem to promise, this book is droll, affecting, and at times hypnotic, taking shape in the mind like a more scrutible Ashbery or Eliot poem—or just a group of fun and tragic factoids, drawn together by a mystery man who (you eventually develop the suspicion) could be making some of the factoids up.

Followers of Markson’s 40-year career of intense experimenting will know this abstract and allusive ground well already. His most famous novel, *Wittgenstein’s Mistress* (1988), concerned a mad woman, seemingly the last person on earth, typing out thought after



loopy, philosophical thought in single-sentence paragraphs while half-naked in a beach house. *Reader’s Block* (1996) gave us the character of Reader, a set of notes exactly like *Vanishing Point’s*, and the mere outlines of a story about a person called Protagonist. *This Is Not a Novel* (2001), announced the title of Markson’s last book, which featured Writer, “weary unto death of making up stories” and in this same note-taking mode. Together these last three not-novels seem to form one continuous work of the literary mind at an attenuated extreme; and I am betting the obviously well-read Markson sees as his precedent another trilogy of crippled, self-doubting narrators—*Molloy*, *Malone Dies*, and *The Unnameable* by Samuel Beckett, who gets name-dropped more than once in *Vanishing Point*. At the very least Markson shares Beckett’s steadfastly plotless sense that, in the face of inevitable but not-yet-here death, the way the sturdy, stubborn mind keeps circling back to its obsessions is the

most interesting—if not the only—plot a novel can have.

How, a skeptic could rightly ask, does a story with no plot, the barest of characterization, and coy referencing of everything from Greek tragedy to current news—how does it work? I’m still not totally sure, but somehow Markson managed to keep me turning pages. The key seems to lie in the way so many of the notes, hewn to the formal bone, exist on the page as self-sufficient, sparkling anecdotes that, as associations mount, grow into an enticingly fuzzy set of pre-occupations, most having to do with the sadness, ugliness, and chicanery beneath the most iconic of intellectual names. You’ll learn here that Eliot initiated a correspondence with Groucho Marx; that Karl Marx never saw the inside of a factory; that Tolstoy, Ibsen, and several other giants never acknowledged illegitimate children. “Melville, late along, possessed no copies of his own books,” says one doleful note. Another, one of many critical stingers, says: “A latrine, Baudelaire called George Sand.” And then there are those many beguiling fragments: “Richard Wagner’s pink underwear”; “Pascal’s rotting teeth”; “Giacomo Puccini’s fanatic addiction to duck hunting.”

Markson has clearly spent years in the footnotes of biographies, gathering wry ammo for the shooting down of creators’ romanticized self-images. But just when you may think you have a lead on Author’s theme, out of nowhere will come a mischievous line, hanging unaccompanied in the middle of the page, like “*The G-String Murders*”—a title that (*in a g-string? with a g-string?*) is never explained. On a more serious level, this sort of omission contributed directly to my nerdy pleasures in figuring out the origins of some of Markson’s lines—pleasures I imagine (please let this be so) many readers will

share. Here, Google (perhaps the end of walking, talking hyperlink-collectors like Markson?) was a great help. One of my searches revealed that the source of a passage I loved (“For art comes to you proposing frankly to give nothing but the highest quality to your moments as they pass”) was not Author explaining his method but, in fact, Walter Pater. Elsewhere I reveled, sans computer, in a string of unmarked speeches from King Lear, one of several analogues for Author—but no doubt Markson has provided numerous pathways through his maze for the nerdy pleasures of many a different reader.

A whole other strand of *Vanishing Point*, raising the book’s stakes, concerns suffering on a mass level. We get very brief histories of mental hospitals, poison gas, and the lives of tyrants. Anti-Semitism among geniuses (Chopin, Dostoevsky) is a recurrent target; and Author quotes extensively from a matter-of-fact correspondence in which IG Farben and the Auschwitz Commandant negotiate the price of “a number of women” on whom to test a new drug. Osama bin Laden even appears, though only through another unattributed quote: “They were overjoyed when the first plane hit the building; so I said to them: Be patient.” I think the strategy with these snippets—as with the quotes that seem to come from soldiers manning concentration-camp posts—is to jolt us with what Hannah Arendt famously called the banality of evil, though what connection exists for Markson between the words of artists and of murderers never really comes clear. The book’s true passion ends up being the aesthete’s life, and Author peppers us throughout with the cities and circumstances of writers’ deaths (“Baltimore, Edgar Allan Poe died in”; “Sophocles may have choked to death on a grape”). Reading this book, I came to feel, is sort of like walking through an idiosyncratic graveyard of human history, where David Markson has taken it as his right to erect all the tombstones and write all the epitaphs, in order to tell us something otherwise inexpressible about his own life.

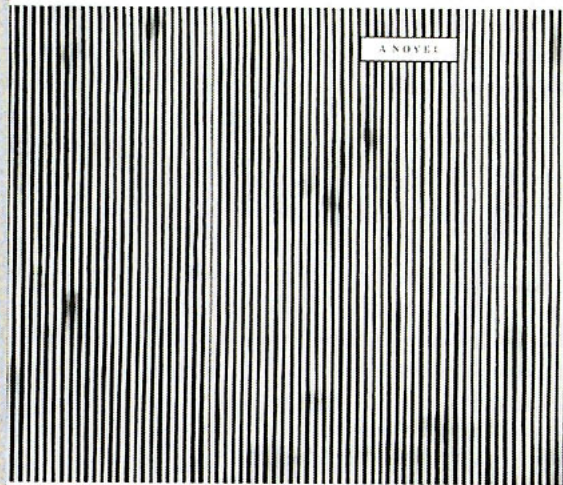
While it certainly would help to know

your Joyce and Shakespeare and have a bit of French and Latin before entering Markson’s echo chamber, I should note that this isn’t a book that (like, say, Nabokov’s) guards its secrets in a castle-keep of minute canonical references. Instead, *Vanishing Point* is really about the acts of reading and recall themselves—the way the unconscious can fix things wrongly in the memory and assign great weight to the arbitrary and small, or the way poetry’s music will stick in the head long after its meaning. Author is at heart a mocker and questioner of himself, prodding his brain to remember scenes from Austen, musing over why he’s never made certain connections before, and wondering beautifully, at one point, whether “anyone ever die[s] who is not remembered through the remainder of at least one entire lifetime by *someone*....”

It’s difficult to say more about the course Author takes without spoiling Markson’s game. If your experience is like mine, though, *Vanishing Point* will be the sort of avant-garde artwork that keeps you asking “What exactly is he *doing*?” until, just as your patience might seem exhausted, your throat catches in the final pages and you ask, turning back to the beginning, “How exactly did he *do* that?” Markson’s epigraph, from Willem de Kooning, gives one clue to the book’s ultimate aesthetic mission: “Every so often, a painter has to destroy painting.” Fifteen years ago, in *Wittgenstein’s Mistress*, that theme of originality through destruction led Markson to the wry image of a woman living in the Met and the Louvre and building bonfires out of masterpieces to keep warm. Now, in both the form and sensibility of these last three books, Markson seems to have made his own mortality central to the question of what, in this world, will endure time’s cruelties. Without getting

vanishing point

David Markson



Derridean about it, it is fair to say that this late Markson insists that novels should embody within themselves the same sort of fleetingness, fragility, and outright self-destruction Author’s notes find in art’s history and in himself.

The book ends with a word that, an earlier note has told us, “marks the end of verses in the Psalms, but the Hebrew meaning of which is unknown.” It may mean only pause, or rest. Such is Markson’s guarded claim to writing, for himself and for us, a new kind of scripture. For at their most transcendent, *Vanishing Point*’s stark, mournful lines become a monk’s meditations for a world in which the one true God is art, but the major lesson, is still, *memento mori*. Call it an Ecclesiastes for the vanities of the restless mind. And read it. ■

Since writing this review, Jeff Severs, a writer in Austin, has discovered (through a Google search) that *The G-String Murders* was a mystery written by Gypsy Rose Lee in 1941 and later adapted into a film starring Barbara Stanwyck. He regrets ever doubting its reality.

Imagining Texas as Black Utopia

BY STEVEN G. KELLMAN

Imperium in Imperio

By Sutton E. Griggs
Modern Library
184 pages, \$12.95.

A century before racists dragged James Byrd, Jr. to a gruesome death in Jasper and a maltreated tenth of Tulia was sent to prison on account of color, a novice novelist envisioned Texas as the site for African American utopia. A century before a violent raid dispersed the surviving Branch Davidians, he located a clandestine radical community in Waco. Sutton E. Griggs was a notable orator, pastor, activist, and writer, and, despite its literary defects, the first of his five novels is worth retrieving from neglect. Originally published in 1899, *Imperium in Imperio* is, according to Cornel West in his Introduction to a new edition by the Modern Library, “the first major political novel written by an African American.” Its political analysis transcends the troubled time in which it was conceived and set.

Born in Chatfield, Texas, in 1872, Griggs graduated from Bishop College, in Marshall, eighteen years later. Ordained a Baptist minister, he led congregations in Tennessee, Virginia, and Texas. He was 27 when he wrote *Imperium in Imperio*, a book not likely to have pleased the era’s arbiters of culture. But Griggs published it himself and sold it door to door. The toxic wastes left behind by America’s “peculiar institution,” slavery, are the central concern of *Imperium in Imperio*, as well as of Griggs’ later novels—*Overshadowed* (1901), *Unfettered* (1902), *The Hindered Hand* (1905), and *Pointing the Way* (1908). In more than

40 polemical texts, including *The Race Question in a New Light* (1909) and *The Guide to Racial Greatness* (1923), he returned again and again to the noxious color codings that, during Reconstruction, allowed Jim Crow to spread its ugly wings. Lynching was still epidemic while Griggs wrote about racial disparities in employment, education, and power. When he died, in 1933, he was trying to found something called the National Religious and Civic Institute in Houston.

Griggs is so rarely remembered today that the Modern Library recruited two authorities to endorse and explain its reprint of his slim novel. In a Preface preceding West’s Introduction, novelist A. J. Verdelle calls Griggs “an important minor novelist writing at an exceedingly important time.” That time is the aftermath of the Civil War, when millions of former slaves found their new freedom actively opposed by white supremacists. *Imperium in Imperio*, whose Latin title alludes to the secret black empire that is eventually established within the midst of newly imperial America, begins in 1867, when two young boys enroll in a one-room schoolhouse for colored children in Winchester, Virginia. For Griggs, education is key to determining black destiny after emancipation, but access is limited and unequal. One of the two boys, Bernard Belgrave, is the fair-skinned son of a beautiful and wealthy mulatto mother, and he immediately becomes the teacher’s pet. The other, Belton Piedmont, the dusky child of poverty, becomes the teacher’s butt. However, both excel, especially in oratory, though Bernard is admitted to Harvard while Belton, with financial help from a white patron, attends an all-black college in Nashville. Each enjoys a brilliant academic career and ends up valedictorian at his graduation.

Bernard is elected to Congress, and Belton becomes a postal clerk. Though Belton is later hired to run an all-black college in Louisiana, he is forced to flee when a vigilante group calling itself “Nigger Rulers” finds him insufficiently submissive.

Bernard and Belton reunite in Waco, as leaders of the Imperium, a shadow government of, by, and for African Americans. With fair-skinned Bernard and dark-skinned Belton, Griggs makes use of a literary device familiar to 19th-century readers—the doppelgänger, the pairing of two characters so that each functions as an inverted image of the other. Like Twain’s Prince and Pauper or Dostoevsky’s Raskolnikov and Svidrigailov, Bernard and Belton are different manifestations of the same identity: the new black man. They enable Griggs to examine the two principal options confronting Southern blacks in the generation following the Civil War.

Belton and Bernard each admire and love the other, but they are like brothers whose paths diverge completely. An accommodationist committed to tempering the bigotry of white society, Belton mirrors the beliefs of Booker T. Washington. Bernard, by contrast, is a black nationalist whose positions parallel those of W. E. B. Du Bois. The inevitable clash between Belton and Bernard foreshadows debates between integrationists and separatists, pacifists and militants, Martin Luther King and Malcolm X, Ralph Ellison and Amiri Baraka. As the United States prepares to attack Spain for its tyranny over Cuba, the Imperium considers what to do about racist oppression within the United States. Three courses of action are proposed: assimilation, insurrection, and emigration.

The back-to-Africa option is not

seriously considered by the secret council in Waco. But Belton speaks out eloquently in defense of white society, even in the South. While recognizing the injustices and atrocities perpetrated against blacks, Belton expresses gratitude to Anglo Saxons for bringing civilization and the English language to his people. He urges the Imperium to try to persuade whites to change their racist ways. If, after four years, they do not succeed, he proposes that all African Americans "abandon our several homes in the various other states and emigrate in a body to the State of Texas, broad in domain, rich in soil and salubrious in climate." Belton is convinced by demographics that Austin can be remade as Monrovia: "Having an unquestioned majority of votes we shall secure possession of the State government." His plan to transform Texas—which a century later still has not elected an African American to any statewide executive or legislative office—into a black free state anticipates a recent scheme by libertarians to infiltrate New Hampshire through strategic relocation. It is an audacious fantasy.

And it is rejected by the Imperium, which resolves instead to adopt the belligerent course of action advocated by Bernard. While the United States is distracted by war with Spain, he urges alliance with foreign powers in assault against the American navy in Galveston. After defeating Washington, the Imperium will take Texas and reward its foreign allies with Louisiana. The flag of the Imperium will be hoisted over the Lone Star capitol, and "Thus will the Negro have an empire of his own, fertile in soil, capable of sustaining a population of fifty million people." With W. C. Handy, Bessie Smith, Louis Armstrong, Duke Ellington, and Charlie Parker all citizens of Texas, Austin would surely become the music capital of the world that it claims to be.

Griggs' own position on the necessity for a separate Negro empire remains ambiguous. When Belton is voted down, unanimously, by the Imperium, he is declared a traitor and executed, reluctantly, by his alter ego, Bernard.

"When he fell," says Berl Trout, secretary of state of the Imperium, "the spirit of conservatism in the Negro race, fell with him. He was the last of that peculiar type of Negro heroes that could so fondly kiss the smiting hand." In narrating the entire story and exposing secrets of the Imperium, Trout concedes that he is committing treason and accepts the necessity for his own execution. His text is both a wistful elegy for those who kiss the smiting hand and a sorrowful salute to those whose own hands must smite.

Griggs himself was smitten with melodrama, and *Imperium in Imperio* is cobbled together from elements that are as preposterous as the villainies it portrays are outrageous. Belton manages to survive being lynched, shot, and dissected. When his saintly wife, Antoinette ("still every inch a woman despite her intellectuality"), gives birth to a white baby, he, deducing adultery, abruptly abandons her. He later reconciles when the child turns black. Perturbed that educated black men, refusing to accept menial jobs, are denied positions appropriate to their skills, Belton seeks to understand how white folks really think. So he resorts to cross-dressing, infiltrating a white household by taking on "the appearance of a healthy, handsome, robust colored girl, with features rather large for a woman but attractive just the same." Though John Howard Griffin could manage to pass for a different race in the social experiment he recorded in *Black Like Me* (1961), it is hard to imagine Belton transgending himself as a family nurse successfully enough to fool his employers day after day.

Imperium in Imperio attributes Bertrand's black nationalism to a suicide. When he proposes to Viola Martin, whom he loves and who loves him, she kills herself out of fear of miscegenation. It would have been simpler to get to a nunnery. A book had convinced her that "the intermingling of the races in sexual relationship was sapping the vitality of the Negro race and, in fact, was slowly but surely

Belton and Bernard each admire and love the other, but they are like brothers whose paths diverge completely. An accommodationist committed to tempering the bigotry of white society, Belton mirrors the beliefs of Booker T. Washington. Bernard is a black nationalist whose positions parallel those of W.E. B. Du Bois.

exterminating the race." Viola chooses death over Bertrand because marriage to a mulatto would increase that lethal intermingling. Her suicide note implores her beloved to "dedicate your soul to the work of separating the white and colored races." Not only is Bertrand's mother partially white, but, as he learns on the day of his graduation from Harvard, his father is a powerful white Senator. The ghost of Strom Thurmond, born three years after it was published, and an additional century of racial injustice haunt Griggs' prophetic novel, where the world is never quite black and white.

Steven G. Kellman teaches comparative literature at the University of Texas at San Antonio and is editor of *Switching Languages: Translingual Writers Reflect on Their Craft* (Nebraska).

Rear Window

BY CHAR MILLER

The Landscape of History: How Historians Map the Past

By John Lewis Gaddis
Oxford University Press
192 pages, \$25.

Last was a tough year for historians. Just how bad it was became clear in early October when a *New York Times* article with the grabber headline, "Are More People Cheating?" was accompanied by a series of mugshots of the notorious and scandalous—from Ivan Boesky to TYCO looter Dennis Kozlowski. Nestled among the tawdry thieves was Doris Kearns Goodwin, celebrated biographer of LBJ and the FDR White House. After being accused of plagiarizing, she was forced to rewrite offending portions of her oeuvre and lost her position as a PBS "presidential historian." Kearns' offense was not just academic, asserted Donald L. McCabe of Rutgers University-Newark, whom the *Times* dubbed the "cheating guru" for his longitudinal surveys of idea theft among those attending America's high schools and colleges. "There is no question that students point to things in the larger society as rationale and justification for their cheating," he told the *Times*, which itself had been blindsided in 2003 by reporter Jayson Blair's spectacular web of lies; "whether [it's] Michael Milken, Doris Kearns Goodwin, Bill Clinton or Enron or their parents cheating on taxes," youth ape their elders.

Stunned by such assertions, some of Kearns' august colleagues rushed to her rescue, a reflection of a larger professional hurt. Arthur Schlesinger, Jr., Douglas Brinkley, Robert Dallek, and David Halberstam led a distinguished jury of her peers who fired off a letter

to the editor, protesting "vigorously" that Kearns' photograph was "displayed in the company of some of the most notorious scoundrels in America." Because she did not "intentionally pass off someone else's words as her own," and thus her errors "resulted from inadvertence, not intent," they concluded that their friend's "character and intent symbolize the highest standards of moral integrity."

Would that a strongly worded letter to the *Times* was all that was required to re-polish a badly tarnished career. If it were, then that much-read section of the newspaper would have been packed with letters of commendation and pleas for mercy. According to the History Network News, more than 10 prominent scholars have been charged with plagiarism since 2002. Among them is the immensely successful Stephen Ambrose, who admitted that he had cribbed paragraphs without attribution; Michael Bellesiles, who misrepresented data in his controversial *Arming America* and resigned from Emory University; losing his endowed chair at Mount Holyoke College was Revolutionary Era historian Joseph Ellis, who refashioned his life story to include a tour of duty in Vietnam he never endured; Ann Lane of the University of Virginia, whose 1971 dissertation was chock-a-block with borrowed passages; and David McCullough, Philip Foner, Brian VanDeMark and others whose questionable documentation raised hackles and elicited howls. All things considered, historians were lucky that only Goodwin's grainy snapshot appeared in the *Times*' lineup of early-21st-century reprobates.

What has gone wrong? Has the hunger for success, or fear of failure, impelled this generation of historians to risk career-ending shortcuts? Did they swipe a page from Tom Lehrer's

"Lobachevsky," forgetting it's actually a wicked send up of academic pilfering?

*Plagiarize,
Let no one else's work evade
your eyes,
Remember why the Good Lord made
your eyes,
So don't shade your eyes,
But plagiarize, plagiarize, plagiarize...
Only be sure always to call it please,
"research."*

So maybe historians are just grave robbers in drag—credentialed practitioners skilled in the exhumation of past scholarship, deft in the picking through of dusty ideas, and (usually) careful to trick them out in new garb before passing them off as one's own. Are we but liars in cap and gown?

John Lewis Gaddis doesn't think so. Although his compact and provocative new book, which probes how historians think, and what the significance of their thoughts might be, is not a direct response to the dispiriting news of professional larceny, his conviction that the historical enterprise can add a much-needed moral dimension to human life is propitious. Central to his argument is his faith in the historian's wide-angle lens. This perspective leads him to chide famed French scholar Marc Bloch for suggesting that humans cannot see beyond themselves, and that therefore "the student of the present is scarcely any better off than the historian of the past." Gaddis' reply is cheering: Those who study the past are "*much better off*" than those who do not because they seek "an expanded horizon." If the past is "another country," a foreign landscape we must come to know, "then history is the way we represent" that other time and/or place. And "it's that act of representation

So maybe historians are just grave robbers in drag—credentialed practitioners skilled in the exhumation of past scholarship, deft in the picking through of dusty ideas Are we but liars in cap and gown?

that lifts us above the familiar and lets us experience vicariously what we can't experience directly: a wider view."

The backward gaze is also maturing; it offers at once a sense of mastery over some of that distant terrain and a recognition of how much of it we will never know. "Historical consciousness... leaves you, as does maturity itself, with a simultaneous sense of your own significance and insignificance." While historians may "dominate a landscape," they are also "diminished by it....suspended between sensibilities that are at odds with one another."

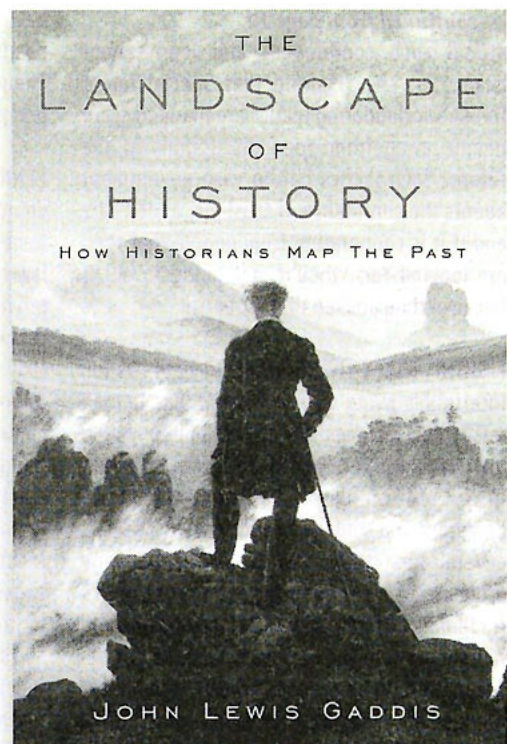
It is those conflicting sensibilities that frame and bedevil the historian's craft. Because it is impossible to fashion a "truly literal representation of any entity," the historian must select from an array of subjects, documentation, and foci. To that set of complications, add another: The thing to be studied, Gaddis notes, quoting David Hackett Fischer, "is a vast expanding universe of particular events, about which an

infinite number of facts or true statements can be discovered." And with every discovery come new conundrums: How to weigh the strength of one's data or interpret its relevance? How to know its value, theoretical or practical? How to sift through its various possible, and contingent, meanings? It is a wonder that historians can write a single word.

Or reach the moral conclusions that Gaddis feels are essential to their scholarship. No "work of history... has ever been written without making some kind of statement—explicitly or implicitly, consciously or unconsciously—about where its subjects lie along the ubiquitous spectrum that separates the admirable from the abhorrent," he argues. As "moral animals," paradoxically, we have no choice but to embrace this interpretative agenda. Yes, the "past" we describe is inevitably shaped by the "present" we live within, a relationship that leads to a constant reconfiguration of history; it is always "remeasured in terms of previously neglected metrics," such as the role of women or the impact of "sexuality, disease, and culture," subjects that of late have transformed our understanding of human behavior in earlier times. Yet "the history these representations represent has not changed. It's still back there in the past," a reality that "keeps our representations from flying off into fantasy."

Fair enough, but over time historians' insights become a substitute *for* reality, trumping "the firsthand memories people have of events through which they've lived." That is precisely what tweaked Winston Churchill, who expected to protect his reputation by picking up a pen: "History will treat me kindly, because I propose to write it." Nice try.

Yet even as they have reconceived Churchill's reputation—and that of so many others—historians cannot escape their own vulnerability. Although our conceit may be that we impose ourselves



on the landscape of history, subsequent generations will revise our efforts, in turn redefining the contours and content of historical memory. That's as it should be, Gaddis confirms. History is "the means by which a culture sees beyond the limits of its own senses," and that may be "as much a prerequisite for a healthy well-rounded society as is the proper ecological balance for a healthy forest or a healthy planet."

Gaddis' generous assessment is tested, however, when his professional peers meld their representation of reality with others', appropriating words or purloining arguments with malice aforethought, by mistake, or through simple sloppiness. And nothing so reminds of the precariousness of the historian's claim to moral judgment or academic authority as the swift and very public fall from grace that can come when we fail our craft, our readers, and ourselves. ■

Contributing writer Char Miller is author of Gifford Pinchot and the Making of Modern Environmentalism, and editor of the forthcoming Fifty Years of the Texas Observer, celebrating the Observer's half-century of publication.

—continued from page 12

attend such conferences and learn about Islam. But she is afraid that Special Agent Treesh's intimidating tactics are likely to scare people away from open discussions in the future. Such tactics hardly earn government agents the confidence of Muslims, added Aziz, and if it is cooperation from people that they are looking for, "they're not going to get it because they abused that authority."

FIGHTIN' FOR A LIVING WAGE To date, Valley Interfaith's living wage campaign has helped raise the incomes of an estimated 8,500 low-wage workers in the Rio Grande Valley. In the past six years, local governments in Cameron and Hidalgo counties, as well as several area cities, have passed living wage ordinances, surrendering to Interfaith's trademark combination of persuasion and muscle-power. (The group is famous for its accountability sessions where candidates pledge to support platform issues like immigrant rights, indigent healthcare, and publicly financed job training.)

Government workers in the two counties and their school districts receive more than \$8 an hour, up from the state minimum wage of \$5.15. The state's minimum wage adds up to a little less than \$11,000, based on a five-day workweek without a vacation. The living wage fight has raised wages for other workers, too. Some private sector employers have also increased their salaries to keep workers from moving to better-paid government positions.

A 2000 study by Dr. Paul Osterman of MIT's Sloan School of Management found the Valley's living wage movement to be an almost unmitigated blessing. According to Osterman, the higher wages represented only incremental increases in local government budgets, which were mostly or entirely recouped in higher productivity and lower employee turnover.

According to Father Alfonso Guevara, an Interfaith organizer with the Church of St. Joseph the Worker in McAllen, workers receiving the higher wages are beginning to buy houses and settle in the area, rather than moving north in search of better pay.

"It speaks to their dignity, that they can support their families," Guevara says. "The difference is amazing—night and day."

Guevara says the group will continue to prod county and city governments in the Valley that

have yet to take the living wage pledge. "Our position is to keep them on track," he says. "They have surprised me. They want to do what is right. People are good."

PENNY WISE, POUND FOOLISH The Montgomery County Hospital District is asking Attorney General Gregg Abbott to decide whether state law requires or merely permits the district to provide tax-subsidized healthcare to indigent, undocumented immigrants. A majority on the seven-person board favors turning undocumented immigrants away from district clinics. It's just too expensive, they say, and budget cuts in Austin have winnowed the state's contribution. A contingent of far-right Republicans run many of the institutions in Montgomery County, a white, mostly wealthy suburb of Houston. One resident in testimony to the board described those seeking care as "medical moochers from around the world," reported the *Houston Chronicle*.

Only a minority of the Republicans on the board have the guts to point out how foolish turning away sick immigrants would be. Board member Nicol Huff identifies herself as a staunch fiscal conservative. She is also a member of three local Republican Women's groups. "People are looking at this as a political issue, but it's just common sense," she says. "If you see them in a clinic setting, it's more cost-effective."

Poor, undocumented immigrants refused care at local clinics are likely to wind up in the district's emergency rooms, which are mandated by state law to turn no one away. When they get there, they are likely to be sicker, more expensive to treat, and harder to cure. Studies by Texas non-profit Save Our ERs estimate that ER trips cost somewhere between four and ten times as much as preventive clinic visits. That's largely at taxpayer expense. Hospitals then pass on increased costs to insurance companies, who in turn pass the bill on to policyholders. It also jams more sick people into the Houston area's already overcrowded emergency care system. "It's basically pay less now or pay more later," says Montgomery County physician Dr. Steve Farber. "It's cheaper to treat high blood pressure than a stroke."

Even more dangerous, untreated people may pass infectious diseases like tuberculosis or meningitis on to the rest of the population. Farber speculates that school children may be especially susceptible to this sort of epidemic.

"It's a massive public health issue," Farber says. "People think we shouldn't be paying for these people because they shouldn't be here. We're not the INS. If they're going to be here, they need to receive care."

The hospital district board's vote to seek Abbott's counsel comes as a result of a rider slipped into the massive health services reorganization bill HB 2292 by Rep. Rick Noriega (D-Houston). The rider makes undocumented immigrants eligible for clinic visits, but leaves it up to hospitals whether to provide care. In January, Tarrant County hospitals interpreted the law as mandating care for undocumented immigrants. At least 250 of the state's 254 hospital districts provide such care.

But the vote to involve the AG's office is not just about health care and who pays for it; it's also the latest move in an ongoing struggle for the soul of the Republican Party in Montgomery County. One of the most outspoken opponents of care for undocumented workers is Jim Jenkins, chair of the county's Republican Leadership Council, who proposed that undocumented immigrants seeking care be "gathered up and sent home." (Despite its name, the Council has no official affiliation with the Montgomery County GOP.)

No coincidence, Jenkins is running for chair of the Montgomery County GOP against 40-year incumbent Dr. Walter Wilkerson. When Wilkerson voiced concerns about untreated immigrants at a hospital district board meeting, and called for compromise, Jenkins launched a smear campaign, saying his comments defied common sense and the sacred tenets of the Republican Party platform.

The frenzy whipped up over the care of undocumented immigrants is just the latest stunt by the folks over at the Montgomery County RLC. In 2002, the group successfully lobbied a Conroe shopping center to add a plaster fig leaf to cover a reproduction of Michelangelo's David. A local Italian restaurant was similarly harassed until managers removed photographs of nude marble statues. RLC members also spearheaded a successful push to have the county library place under lock and key two children's sexual education books depicting frontal nudity. While it's easy to laugh at these small-minded activities, when it comes to the health care of those who tend the lawns and provide the services for Montgomery County's wealthy, it turns deadly serious. ■

—*Las Américas, continued from page 17*
 don't want to tell you something, it's because they know that you're not going to like it. Fortunately, in this case, the city of Pereira just happened to be holding municipal elections in October and the local citizens took that opportunity to turn out the mayor and much of the City Council that had negotiated the IDB loan.

In November, SINTRAEMSDES, human rights organizations, consumer groups and environmental activists held a public hearing about the loan in Pereira, with Alexander Lopez Maya, one of the few trade unionists in the national Congress, presiding. Nearly 800 people turned out for the hearing to oppose the IDB loan and the privatization plan. The hearing debated the union's plan and exposed the heavy financial padding crammed into the IDB loan.

Apparently, the new city government took note because in late January 2004, local authorities announced their intention to renegotiate the loan and to maintain AAP as a public enterprise. The IDB hustled around and cobbled together another technical team to visit Pereira and deal with the new city

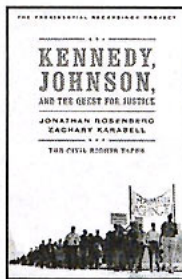
government, probably in early March 2004. The team may even offer to knock another \$10 million or so off the loan. Who knows? Or cut the new city government in on the spoils.

It is hard to predict how this will turn out, given the pressures on both sides. But two things are clear. One, the city government has no stake in this loan and is not inclined to cave in to the IDB. And two, the loan figures that the IDB works out are, shall we say, alarmingly flexible. How is it that one proposal to modernize the company is roughly \$82 million less than the other one? Or to put it another way:

One proposal could reach the same efficiency goals at just under one-fifth of the cost of the other one. That is quite a point spread. Seems like the IDB needs to do a little work on its own efficiency goals, doesn't it? ■

Gabriela Bocagrande reports on multilateral malfeasance for the Observer.

[Book Signings at BookPeople]



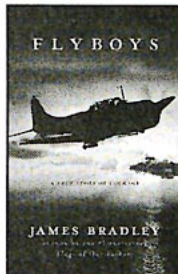
Jonathan Rosenberg
Kennedy, Johnson, and the Quest for Justice
 Friday 5 March 7 pm

This remarkable book is composed of actual transcripts—most never before published—from the secret recordings that Presidents Kennedy and Johnson made of White House meetings and telephone conversations. Setting these transcripts within an historical narrative, the author presents the story of America's struggle for racial equality during two tumultuous years.

James Bradley
Flyboys

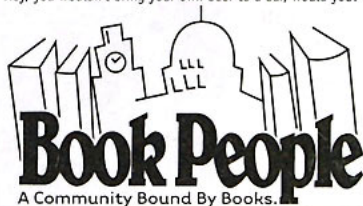
Wednesday 10 March 7 pm

Flyboys is the true story of young American airmen who were shot down over Chichi Jima. The reality of what happened to the eight prisoners has remained a secret for almost 60 years. After the war, the American and Japanese governments conspired to cover up the shocking truth. It has remained a mystery—until now.



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Remembering Katy

BY SOLL SUSSMAN

Everyone has their obsessions and I have mine. Her name is Katy Jurado. If the name means nothing to you, think back a bit—back more than 50 years to the classic 1952 Western *High Noon* with Gary Cooper and the theme song, “Do Not Forsake Me, O My Darling,” sung by Tex Ritter.

Cooper won an Oscar for his performance as U.S. Marshal Will Kane, who learns on his wedding day that a man he put behind bars years ago is coming back for a showdown at noon and he’s bringing a gang of toughs along with him. Newcomer Grace Kelly captivated Hollywood with her performance as Kane’s beautiful young Quaker bride, Amy Fowler. But for me, it was always Katy Jurado who stole the show. She smoldered in *High Noon* as she crashed through barriers between Mexico and Hollywood, upstaging Kelly with her portrayal of Helen Ramirez, Kane’s former girlfriend. As Charles Ramirez Berg, a professor of film at the University of Texas points out, most of the characters in the film revolve around Helen, three of them former or current lovers. She’s complicated, confident, and experienced. “I can take care of myself,” she says. And there’s no doubt that she can. She alone knows that Cooper’s Marshal Will Kane will never turn away from meeting the bad guys at noon, even if he must meet them alone after the townspeople abandon him. She is the only one who understands. “If you don’t know I cannot explain it to you,” she tells the pacifist Amy Fowler, who begs Kane to give up the fight and leave town. It’s one of those perfect movies where every moment counts, even the shot of Helen Ramirez in the train, riding away from the town she loathed. “I hate this town,” she had earlier



Katy Jurado

photos courtesy of Agrasánchez Film Archives

declared. “I’ve always hated this town, to be a Mexican woman in this town.”

Born in Guadalajara in 1924, Jurado was a star in Mexico long before she went to Hollywood. Two years after *High Noon*, she won an Oscar nomination for best supporting actress for her performance in *Broken Lance* opposite

Spencer Tracy. Until Salma Hayek was nominated as Best Actress for *Frida* last year, Jurado was the first and only Mexican actress to be nominated for an Academy Award. If you look through her filmography, you come across everyone from Marlon Brando and Gary Cooper to the greats of Mexican movies, Pedro

Infante and Pedro Armendáriz. Among the directors she worked with are Luis Buñuel, Emilio “El Indio” Fernández, Fred Zinnemann, John Huston, and Sam Peckinpah. But three decades after *High Noon*, Hollywood roles were few and far between. In 1984 she was back in Mexico after a stint in Los Angeles on the short-lived sitcom *A.K.A. Pablo* with comic Paul Rodriguez, one of the earliest efforts for a Latino show on U.S. network television. She had a small role in John Huston’s *Under the Volcano*, based on the Malcolm Lowry novel set in Cuernavaca. She was recovering from a broken leg that had kept her in a wheelchair for four months, with plenty of time for a long conversation about her life and career. And I was a movie buff happy for a break from writing about Mexican economic crises and Central American turmoil when I decided that I would go to Cuernavaca and interview Katy.

She told me that she would marvel at her appearance whenever she caught an old movie on television. “Who is that girl, so timid, so beautiful?” she would ask herself. She laughed and said that she was “old, fat, and ugly. Say whatever you like.” She was none of those things, of course. She was beautiful. She was also fiercely nationalistic and amused that some of her fans thought that she was Mexican-American and not, as she stated with pride, “100 percent Mexican.” She spoke about turning down roles that she had found stereotypical. “I didn’t accept all the movies that they offered me,” she said. “Only the parts with dignity.”

She was also a bit *chismosa*, a bit of a gossip, who didn’t care much for María Felix, the late film diva, and had less than fond memories of Grace Kelly, whom she described as a woman who “was born to be a princess. She knew how to move all the pieces around the table. She was that kind of a cold woman.”

Perhaps because I found her charming, perhaps because I remembered the interview more vividly than most I’ve done over



the years, Katy Jurado has been a topic and a person that I can’t quite let go. When she died in Cuernavaca in July 2002, I began scouring the press, wondering how she would be remembered. I noticed that she had been left out of a tribute to people from the entertainment industry who had died that year and began re-reading *Entertainment Weekly*’s annual year-end issue to make sure that I hadn’t overlooked her name. Katy Jurado wasn’t there. It annoyed me enough to write my first ever Letter To The Editor of any newspaper or magazine. (It was published in the February 7, 2003 issue of the magazine, with Ben Affleck on the cover.) “Since she wasn’t well known in the United States, I’m disappointed but not surprised that you failed to mention the great Mexican diva María Felix in your annual tribute,” I wrote. “But how could you leave out Katy Jurado, the Mexican actress who gave such an unforgettable performance in *High Noon*?”

I had no doubt that the legend of María Felix would survive, regardless of what was printed in the United States. But who would look out for

Jurado, whose celebrity had always existed on a lesser scale? I would. I began talking to film experts like UT’s Ramírez Berg. I searched through Mexico City bookstores, looking for anything about Katy. Not much was available, with the notable exception of a few pages in *Beauties of Mexican Cinema*, from the Harlingen-based Agrasánchez Film Archives. I spoke to Rogelio Agrasánchez, Jr., the keeper of the archives, whose memories of Katy matched my own. She “was very frank,” he recalled.

I still collect what I perceive as slights from those who just don’t get it. A new 35mm print of *High Noon* was screened last spring at the American Film Institute’s new Silver Theatre outside of Washington, D.C. *Washington Post* writer Stephen Hunter gave it a rave, calling it “nearly perfect.” But there was no mention of Katy Jurado. I thought about writing a letter to the editor, but you have to stop somewhere. ■

Soll Sussman reported on Mexico and Central America for the Associated Press from 1981 to 1988. He now lives in Austin.

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