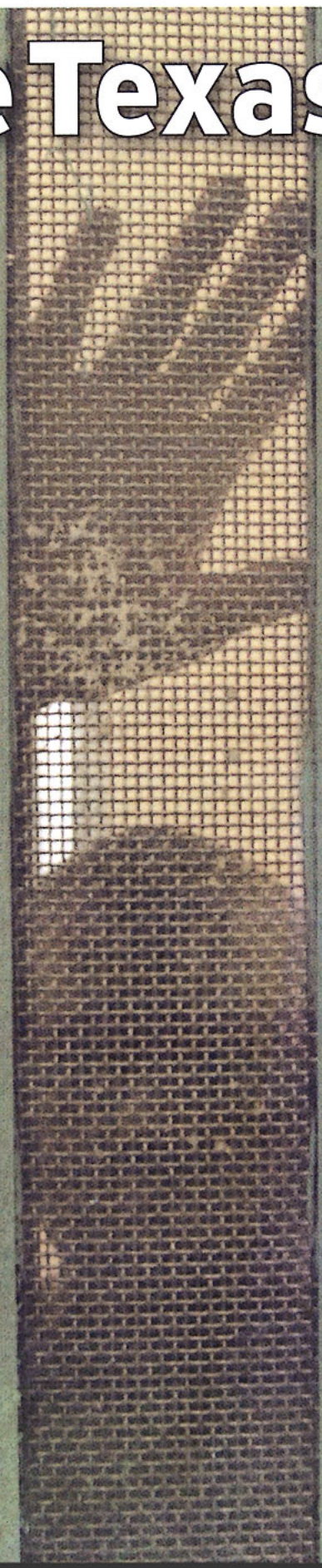
JUNE 16, 2006 | $2.25 | OPENING THE EYES OF TEXAS FOR FIFTY ONE YEARS

The Texas Observer



Abuse in a South Texas youth prison reveals

BLIND SPOTS

in the troubled juvenile justice system

by **EMILY PYLE**

also inside:

THE GOP CONVENTION: HAGGLING IN SAN ANTONIO

ROBERT BRYCE ON ENRON

AN INTERVIEW WITH AUTHOR STEPHEN HARRIGAN

0 74470 89397 4 23

JUNE 16, 2006

The Texas Observer

FEATURES

DEPARTMENTS

BOOKS & CULTURE

Cover photo by Amber Novak

Dialogue

WHAT ABOUT THE KIDS?

As I sit in my classroom and observe my students working, I wonder what will become of them. The recent protests and the debate over immigration have only reminded me that many of my students do not have legal status in this country. As the debate rages, it seems that focus is on the adults that are illegal within our country, but what about the children?

Many of my students have been in the United States since a young age. Many have attended schools here in the United States since kindergarten. How can it be fair to provide these students with an education through high school and then deny them the right to work? They have not lived in the country where they were born since they were 3 or 4 years old. Many of them do not even remember those countries and yet when they become 16 and start looking for work they are treated as second-class citizens and denied the right to work. It is not their fault that they are here. Their parents made decisions for them. Then when they graduate, we simply deny them the opportunity to continue learning.

How is this fair? Shouldn't this be part of the ongoing debate? If students earn high school diplomas in our school systems, they should be given the opportunity to study in our universities regardless of their parents' immigration status. No Child Left Behind should mean the opportunity for a college education for any child that wants it.

The children should not be held back because of decisions made by their parents.

Anthony Colton
Mesquite

BEACHES

Thank you for publicizing the imminent threats posed by recent development proposals to our public beaches. ("Corpus Christi Coastal Controversy," April 21). While the local press corps has done its best to tout the developer's line, *The Texas Observer* stayed true to its motto of being the "Tyrant's Foe and the People's Friend."

Closing off the beach to vehicle access sounds wonderful until it is remembered that without adequate and convenient parking, the public is effectively shut out from that stretch of beach.

Galveston has many miles of "pedestrian only" beaches where the average person has nowhere to park a vehicle. In effect, homeowners enjoy "de facto" private beaches on western Galveston Island.

The threat of the Corpus Christi

—continued on page 20

CONGRATULATIONS

Congratulations to Vicente Lozano, who was recently awarded a 2006-2007 Dobie Paisano Fellowship. Sponsored by the University of Texas at Austin and the Texas Institute of Letters, the fellowships allow writers to spend six months at Paisano, the 254-acre retreat of the late author J. Frank Dobie. Lozano was profiled in the July 22, 2005, issue of the *Observer*, in an article that featured the work of young writers throughout the state. We are proud to have published a short excerpt of *The Free Floating Broadcast*, a work of narrative non-fiction based on Lozano's extensive research of his family history. During his residency he plans to complete his manuscript.

Bermuda Triangle

A few months ago, strange faxes began arriving at a warehouse in Seattle. The documents were pay stubs, tax statements, medical forms—all sent by Texans applying for state benefit programs like Medicaid, food stamps, and the Children's Health Insurance Program (CHIP). The folks in Seattle were understandably baffled. Poor people in Texas, meanwhile, couldn't figure out why the state hadn't processed their applications for government aid. It turned out that a private contractor—recently hired by the state to process applications for social service programs—listed two fax numbers; one was incorrect. When poor and elderly applicants used that number, their documents would disappear into what state officials began referring to as the "black hole." The delicious details of this story were reported in early June by Polly Ross Hughes in the *Houston Chronicle*. The error was a small one, affecting at most a few hundred people in a system that serves millions. But it's a handy example of everything that's wrong with Texas' attempt to privatize its delivery of social services.

The centerpiece of this privatization effort is a five-year, $899 million deal—the largest such government contract in Texas history—that the state awarded last year to a coalition led by the Bermuda-based consulting firm Accenture. The contract grew out of legislation passed in 2003 by Republican lawmakers. It would revolutionize the way the state screens and enrolls millions of poor and elderly Texans in benefit programs such as Medicaid, CHIP, and food stamps. Under the plan, the current system in which thousands of state workers at hundreds of local offices around the state screen and enroll needy Texans would be replaced by a private system of call centers and Internet-screening. Thankfully, the change-over was scheduled to be done piecemeal. At this point, Accenture has taken over a handful of tasks: enrollment for CHIP and Children's Medicaid statewide, and for all benefit programs in a few pilot areas of the state. But already it's a mess. Documents are getting lost (if not sent to Seattle), wait times at call centers are too long, eligible kids are denied benefits, people are losing coverage for no reason. Heckuva job, guys.

The impact of these gaffes is evident in the CHIP and Medicaid rolls. As we've written before, CHIP enrollment has plummeted every month since September 2003, when GOP budget cuts and administrative barriers went into effect. The number of kids on CHIP dropped from about 500,000 in 2003 to 330,000 last summer, when the decline began to level off. Then, last December, Accenture took over enrollment for CHIP and children's Medicaid (for convenience, the two health insurance programs use the same application). Since then, CHIP enrollment has nose dived by about 10 percent to 295,000 kids. In Medicaid, 79,000 children have lost coverage since December. Social service advocates blame these rapid declines on bungled privatization. As proof, they point to the percentage of families renewing CHIP or children's Medicaid coverage. Prior to December, the CHIP renewal rate was about 80 percent each month. After Accenture took over in December, the rate dropped to 50 percent and hasn't risen much since. Children's Medicaid, which covers 1.1 million kids and shrinking, has experienced a similar trend. Those numbers show a privatized system that simply isn't enrolling poor children who are eligible for much-needed government-sponsored health insurance. Remember that kids with health insurance lead much healthier lives.

State officials have pledged to rectify the problems in their clumsy stab at privatization. We hope it's fixable. Right now they're making FEMA look like a model of efficiency. ■

THE TEXAS OBSERVER | VOLUME 98, NO. 12 | *A Journal of Free Voices Since 1954*

The Texas Observer (ISSN 0040-4519/ USPS 541300), entire contents copyrighted ©2006, is published biweekly except during January and August when there is a 4 week break between issues (24 issues per year) by the Texas Democracy Foundation, a 501(c)3 non-profit foundation, 307 West 7th Street, Austin, Texas 78701. Telephone (512) 477-0746, Toll-Free (800) 939-6620 E-mail observer@texasobserver.org

World Wide Web DownHome page www.texasobserver.org. Periodicals Postage paid at Austin, TX and at additional mailing offices.

Subscriptions One year $32, two years $59, three years $84. Full-time students $18 per year; add $13 per year for foreign subs. Back issues $3 prepaid. Airmail, foreign, group, and bulk rates on request. Microfilm available from University Microfilms Intl., 300 N. Zeeb Road, Ann Arbor, MI 48106.

Indexes The Texas Observer is indexed in Access: The Supplementary Index to Periodicals; Texas Index and, for the years 1954 through 1981, The Texas Observer Index.

POSTMASTER Send address changes to: The Texas Observer, 307 West 7th Street, Austin, Texas 78701.

Books & the Culture is funded in part by the City of Austin through the Cultural Arts Division and by a grant from the Texas Commission on the Arts.

First-Class Action

FLYING HIGH ON THE HOG If you really want to get irritated about corruption in Congress, next time you're sitting next to a baby with colic in the back row of a Southwest Airlines flight out of Midland, struggling to open a lousy bag of peanuts, imagine your trusty congressman and staff sipping champagne with some high-powered lobbyist on a private jet over the Rockies. They're doing it more often than you think. Your public servants in Congress and their staffs accepted nearly $50 million worth of free trips between January 2000 and June 2005.

That insight comes courtesy of the Washington, D.C.-based nonprofit Center for Public Integrity. With so much recent attention on the cozy relationship between lobbyists and elected officials—fueled by the Jack Abramoff lobbying scandal—the group decided to investigate the practice of special interests bankrolling junkets for politicians and their staffs. "It's significant just because of the numbers that we're showing," says Samuel Stein, the center's press secretary. "When Congress and their aides are spending close to 81,000 days away from Capitol Hill, that is a significant amount of time."

It is also important because these trips—and the unfettered access that they represent—offer lobbyists time to persuade members of Congress to support special interests. The Texas delegation, in particular, rarely seems to turn down an opportunity to travel. Texas congressmen, senators, and their staffs took 1,773 trips that cost access-seekers $3.7 million, according to the center's data.

The Hill's leading junket-taker during the five and a half years was—who else?—former House Majority Leader Tom Delay, the Sugar Land Republican. He and his aides (and sometimes their spouses) went on 216 trips costing more than $500,000. Their missions were to places such as Nicaragua, French Guiana, Puerto Rico, and Italy.

Three other Texas politicians' offices were among the top junketeers, accepting more than $200,000 in free travel. Rep. Joe Barton, an Ennis Republican and now the most powerful Texan in Congress, made 252 trips worth about $370,000. Some destinations for Barton and his staff included Aspen, Telluride, Jackson Hole, Costa Rica, and San Francisco. Barton's office didn't return calls for comment.

Not far behind Barton on the Texas list was former Rep. Larry Combest (R-Lubbock), who served from 1985 to 2003. He and his staff traveled 213 times at a cost of about $224,000. Some their favorite spots were New York, New Orleans, and New Zealand.

You can't forget about the Democrats. They need to travel, too. The No. 4 position among Texas' high-flyers belongs to Corpus Christi Democratic Rep. Solomon Ortiz, who the center says took 46 trips worth about $209,000. Ortiz's office didn't return requests for comment. Records show that he and his staff have an affinity for East Asia; they visited—among many other places—Taiwan, Japan, Beijing, Hong Kong, and Singapore.

WARNING ON WARMING Like George Costanza on *Seinfeld*, the state of Texas is experiencing significant shrinkage.

Sea levels are inching up, and the rising tide from the Gulf of Mexico is expected to gobble up some of Texas' coastal communities within the next 100 years. Environmental watchdogs recently warned that Galveston Island could become a swampy uninhabitable wasteland and South Padre could be end up sleeping with the fishes. All these scenarios are contained in a scientifically well-documented report by Environmental Defense—which has the unambiguous title "Fair Warning: Global Warming and the Lone Star State." The report states that unless Texas and the world wise up, then already-oppressive Texas heat waves will become even more brutal and warmer Gulf of Mexico waters will increase the severity of hurricanes. "Texans can expect many dramatic changes as global warming continues," Jim Marston, director of the Texas office of Environmental Defense, bluntly said in a statement accompanying the report. (Marston is on the board of the Texas Democracy Foundation, which publishes the *Observer*.)

The report depicts a Texas in which low-lying communities are flooded, and the wildlife dies off as the sea drinks up essential coastal ecosystems. For the more economically focused Texans, the environmentalists note that the multibillion-dollar coastal economy would suffer tremendously if the seas encroach and the hurricanes destroy billions of dollars of prime coastal real estate.

The Environmental Defense report also warns that global warming will threaten the health of the 1.6 million Texans who live near the coast. There will be more frequent heat-related deaths, more mosquito-borne diseases, and more wildfires, the report predicts.

What frustrates environmentalists is state leaders' preference for even more coal-fired power plants that are some of the biggest producers of greenhouse gases like carbon dioxide that contribute to global warming. Eleven new coal plants are currently planned for construction around the state. The study's authors say that too few lawmakers in Austin are willing to follow the example of decision-makers in places like California and Connecticut, where efforts are already under way to cut back on greenhouse gas emissions. Marston wants Texas legislators to create a global warming task force that could look at methods to reduce Texas's carbon dioxide emissions.

Texas residents can also help, the study says. The authors of the study

Are Haditha Killings a Modern Day My Lai?

encourage simple things like shopping for the Energy Star logo, carpooling, and keeping low-emissions cars well tuned. Also, the study asks, why not choose a company that sells energy which is gathered from renewable sources?

THE WIRE-TAP DANCE At the beginning of May, *USA Today* reported that telecommunications companies such as AT&T, Inc. and Verizon had provided the National Security Agency with records of phone calls made by millions of Americans. The ACLU has called it "the most massive invasion of privacy in American history."

A group of Texans recently joined the fray by filing a class-action lawsuit against San Antonio-based AT&T, Inc. alleging that the corporation illegally sold their private records to the government.

R. James George, a partner at George & Brothers, L.L.P., filed the lawsuit on behalf of five Texas-based plaintiffs including *Austin Chronicle* Editor Louis Black and Richard Grigg, an attorney for detainees in Guantanamo Bay. All five plaintiffs use AT&T services to communicate confidential information with either clients or sources. Yet since it's a class-action case, the suit would require AT&T to "pay damages to everybody that they did wrong who lives in Texas," George said.

The complaint contends that AT&T has committed an invasion of privacy by providing the NSA with such details as the phone numbers customers dial and the lengths of each call made. The suit also says that AT&T illegally profited from this arrangement since the NSA paid for the phone call records.

AT&T, Inc., which recently merged with SBC Communications and Southwestern Bell, has denied doing anything illegal, according to several news accounts. An AT&T spokesperson didn't respond to requests for comment from the *Observer*. George says that when he asked AT&T's lawyer Kent Hance whether the company gave the government access to phone records, Hance responded, "I can't tell you one way or the other."

Jim Harrington, the director of the Texas Civil Rights Project, is a listed plaintiff in the suit. He said that AT&T's actions violate not only the U.S. Constitution, but Texas law as well. "Generally, the requirement of the law is that you can't get personal information like that without a warrant," he said. "The government says, 'we don't need to get a warrant because it's a national security issue,' and this is saying that anytime the government says the mantra of 'national security' then it suspends the Constitution." The ACLU and other groups have brought several lawsuits of this sort against AT&T, with hopes that the company will pay damages and that, more importantly, this type of surveillance will stop. (Or, at the very least, that they'll offer cell phone plans with more minutes.)

WE'RE NO. 1! WE'RE NO. 1! Pollution at BP PLC's Texas City refinery increased dramatically between 2003

—continued on page 30

Blind Spots

Abuse at an Edinburg juvenile prison reveals troubles in the Texas Youth Commission

STORY BY EMILY PYLE | PHOTOS BY AMBER NOVAK

When the Evins Regional Juvenile Center was built in 1990 to house young males convicted of serious crimes, it was located well outside the tiny South Texas town of Edinburg. In those days, Evins' nearest neighbor was a trailer park. The town has grown—today a gated community with a banner advertising lifetime golf memberships sits across the road from the center. Evins has grown, too. The two original dorms were built to accommodate 24 boys each. When two dorms were added in 1997 as part of the state's drive to house its expanding population of juvenile offenders, capacity rose to 240.

The newer dorms at Evins are huge, rectangular buildings that look like industrial warehouses, sided in sheet metal and housing 96 convicted felons between the ages of 12 and 21. Inside, the newer dorms are divided into four pods of 24 occupants. The pods are built in the open-bay design widely regarded as the cheapest but most dangerous style of prison architecture. Bunk beds line the two exterior walls, and two plastic chairs stand beside each bed. Sinks, toilets, and showers are separated from the rest of dorm by a waist-high wall. In the center of these dorms is a control room with shatterproof windows open to all four pods, and a bank of television screens streaming footage from security cameras mounted in every corner of each pod.

Even as cameras keep steady watch on the inside, places like the Evins center, built in remote areas, are meant to be invisible from the outside. In late 2004, a spate of violence led to state investigations and lawsuits alleging abusive treatment of inmates. Public records of those proceedings provide a rare glimpse of the youth prison system at its worst, and the testimonies of those involved. State authorities say what happened at Evins was an aberration. Others who have been on the inside say Texas juvenile facilities are more dangerous places

for both youth and staff than they were 10 years ago. The prisons are certainly facing larger challenges. Ten years ago, there were 1,686 juvenile offenders in state lockups, which are supervised by the Texas Youth Commission. In 2005, 4,358 Texas kids were incarcerated in TYC facilities.

While some states, most notably Missouri, have moved toward smaller juvenile centers and more community involvement, Texas is going in the other direction. The system has seen gang violence, drug dealing, and a revolving-door staff. Every year three out of four TYC guards leave the agency. Personnel turnover creates its own chaos as guards in understaffed facilities have to work overtime—sometimes back-to-back 12-hour shifts. The staffing ratio is one guard for every 25 inmates. "You're always working with rookies," says one former employee who worked for the agency for 12 years and asked not to be identified. "So you're not just watching the kids, you're watching them, too. You're tired, and you're panicked, and sometimes when something goes wrong, you just snap."

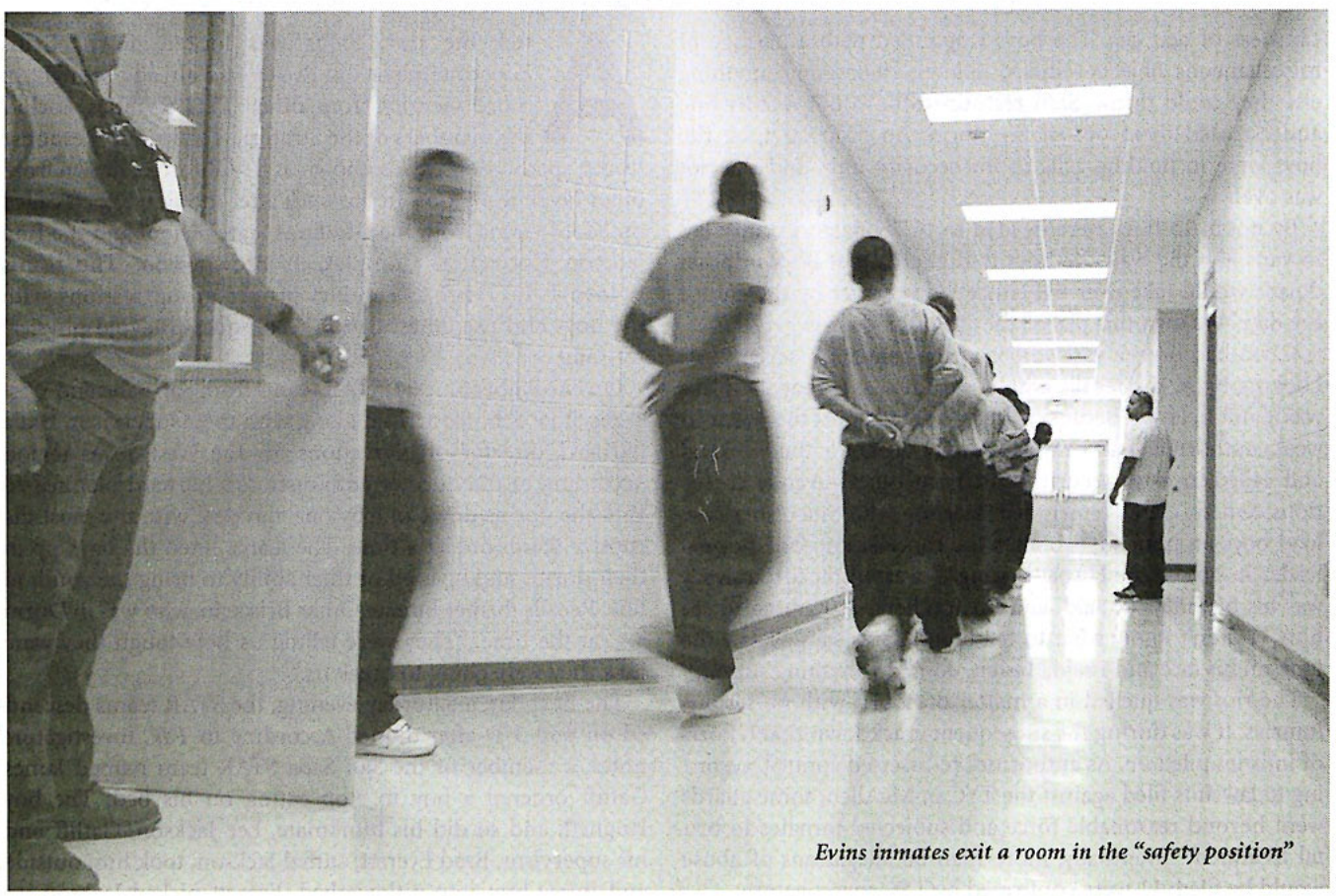
Do the ubiquitous security cameras prevent violence? Hardly. "The cameras aren't everywhere," says a former staff member. "There are blind spots, and everyone knows where they are. Things happen that no one sees."

Randall Chance, who worked for TYC for 19 years as a caseworker and then as an inspector of abuse and neglect charges, says, "There is a multitude of abuse, and it is kept very quiet. What happened at Evins in 2004 was not unusual. What was unusual about it was that anyone knew about it."

When Nelina Garza reached work at Evins at 7 a.m. on the day before Halloween in 2004, the guard who buzzed her through the front gate told her prisoners were rioting. "I said, 'Don't joke with me. It's too early,'" Garza says. "Then I looked at the security camera, and I saw what was going on, kids throwing things, breaking glass, and I said, 'Oh my God.'"

The riot had begun at 6:45 a.m. Security was already tight due to gang-related fighting earlier in the week. That morning, as guard Gustavo Guerra opened the door to a newer dorm's group room, two boys pushed past him and went in. Guerra ordered them out of the room, and the second guard on duty came over to help him move the boys back to their bunks. The boys attacked the guards, and a mob of others joined them, snatching Guerra's radio before the guards could retreat into the control room and bolt the doors. The boys used mattresses to barricade the three outside doors and sprayed the dorm's security cameras with shaving foam. They pulled the washing machine away from the wall and flooded the floor. Staff in the control room sprayed tear gas through a slot in the control-room door, but the boys wet their T-shirts in the sink, covered their faces, and carried on.

By 7:45, sufficient security staff had assembled to enter the dorm in a skirmish line, riot shields extended, and throw open



Evins inmates exit a room in the "safety position"

canisters of tear gas. The boys responded with a barrage of miscellaneous objects—shoes, pillows, chairs, and anything else they could throw. Staff restrained the youth one by one and escorted them out of the dorm. An hour later, all the boys were in holding cells in the security unit, and the riot was over.

By noon, 13 boys were headed to the Hidalgo County Jail in vans. On the way, the boys told guards that boys in other dorms would take over the entire Evins center by the end of the day. "We own this place," they told the guards.

Garza had been a caseworker at the center for seven years. Looking back, she recalls ample warning signs that the place was about to erupt. Because of gang-related fights the previous week, authorities had canceled family visits for the weekend and called in extra security staff from other juvenile corrections centers. Garza remembers meeting with one of her caseload boys an hour or two after the cancellation. The boy—a leader in one of the Hispanic gangs—was outraged. Saturday was his birthday, he said, and his mother was coming to see him. "I didn't know what to tell him," Garza says. "I saw the look on his face and I said, 'Listen, don't do anything stupid.'"

The riot was quelled in a matter of hours, with no serious injuries. It was during the subsequent crackdown that reports of injuries piled up. As authorities re-asserted control, according to lawsuits filed against the TYC in McAllen, some guards went beyond reasonable force and subjected inmates to brutal treatment. Eventually, more than 80 allegations of abuse would be filed; 11 were confirmed by TYC investigators.

After the riot, Evins was locked down. Evins Superintendent Bill Roach had already brought in more security from other TYC facilities, including members of the Strategic Tactics and Response teams, special riot squads known as STAR forces, drawn from other juvenile prisons. In the week after the riot, Roach called on STAR teams from the Giddings State School and the Ron Jackson Correction Complex in Brownwood. The teams trained Evins' staff to conduct proper group sessions with the boys and use de-escalation techniques to avoid physical restraint.

On November 5, 2004, STAR teams from San Saba and West Texas State Schools arrived along with their supervisor, Lydia Barnard, director of corrections for the West Texas region. According to one former administrator, Barnard planned to shut the dorms down one by one and deal with the most disruptive youth one at a time. The teams lined the boys up in their dorms and boasted of their ability to bring the youth in line. Recalls former inmate Omar Brisceño, who was in Dorm 3-C at the time, "They were telling us how tough they were, how they were going to break us."

The next day, a Saturday evening, the STAR teams descended on pod 3-D after dinner. According to TYC investigators' notes, a member of the San Saba STAR team named James Gatliff ordered a boy to stop eating on his bed. The boy laughed, and so did his bunkmate, Lee Jackson. Gatliff and his supervisor, Brad Everett, cuffed Jackson, took him outside, and threw him into a flowerbed. Everett picked Jackson up

Former Evins caseworker Nelina Garza

and threw him on the ground, injuring his shoulder. Jackson asked to see a doctor, but Everett denied the request and knelt on the boy's injured shoulder. According to Jackson's affidavit, Everett said, "We are going to do it our way now," then picked the boy up by his feet and swung him into a brick pillar. Gatliff and Everett eventually took Jackson back into the dorm, but when the boy asked for a shower, they dragged him back out and tossed him back into the flowerbed, where several other boys were now lying. The night was cold, and Jackson says Gatliff and Everett removed his shoes and socks, saying, "Let's make it uncomfortable for them." Four hours later, administrative notes show Evins staff took Jackson to a security holding cell, where he spent the night.

Similar incidents followed, according to court filings and TYC documents. Dorm 4 inmate Calvin Barefield fell asleep during a group counseling session. After he was escorted out of the dorm, according to court documents, two STAR team members picked Barefield up and used him as a battering ram, swinging his head into the doors until they opened. Outside, they ordered him to kneel, but before he could obey, they pushed him forward so that he fell on his face. One guard knelt on Barefield's back and ground the his face against the concrete, laying the right side of his face raw and temporarily costing him

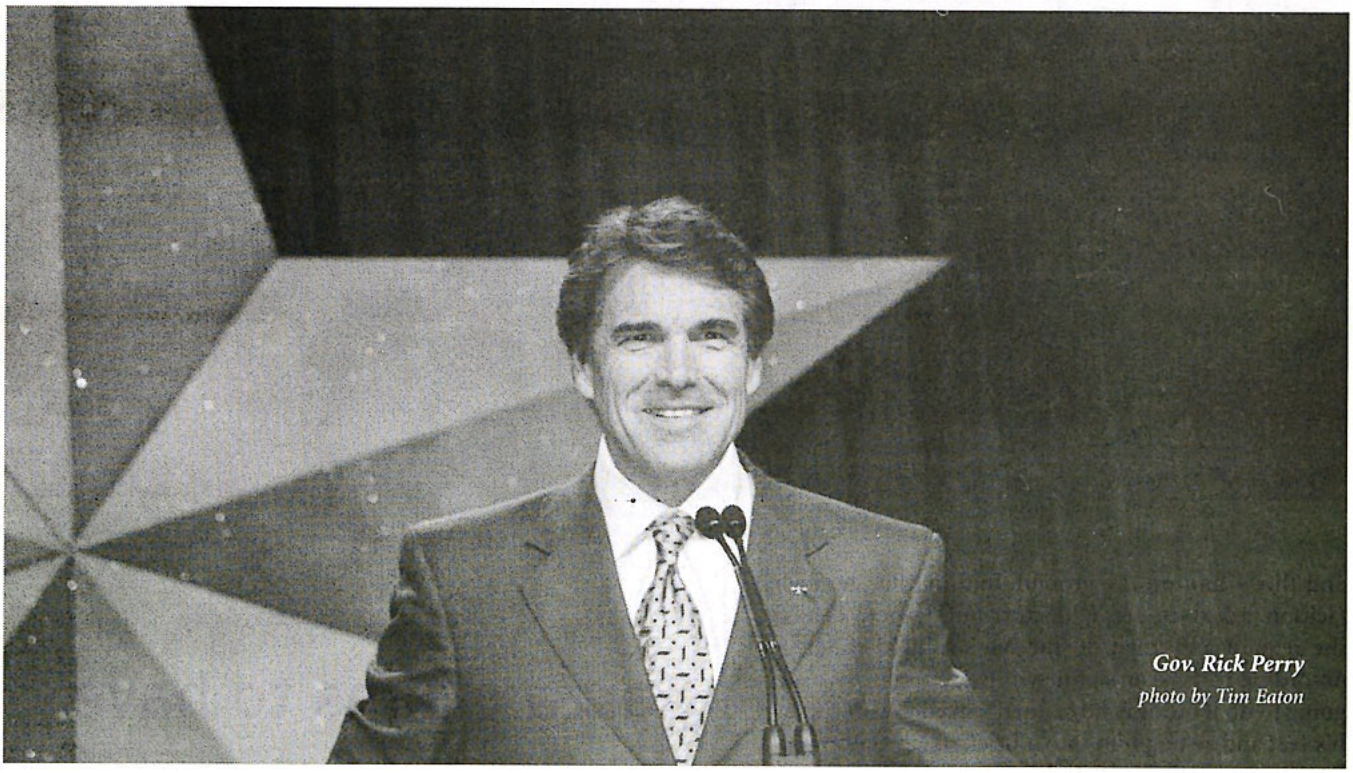
—continued on page 16

Garza claims to have reported abuse to Evins administrators repeatedly over that long week, but says they ignored her.

Fear and Loathing in San Antonio

Republicans get riled up over immigration and taxes at their state convention

BY TIM EATON AND DAVE MANN



Gov. Rick Perry
photo by Tim Eaton

The 2006 Republican State Convention in San Antonio had all the usual trappings. There were women in red, white, and blue sequined vests, the anti-Hillary T-shirts, and, as ever, the copious praying, pledging of allegiances, and chattering on about freedom. And yet something was different. The prevailing mood inside the Henry B. Gonzalez Convention Center the first weekend in June was one of intense fear and anger, even by Republican standards. The fear grew from the perceived threat of illegal immigrants pouring through an insecure border; the anger was mostly over the recently expanded state business tax.

State Party Chair Tina Benkiser set the tone in the opening speech. "Unfortunately, the Americanization movement of previous centuries has given way to multiculturalism, hyphenated Americans, and those whose loyalty is to a foreign flag," she told the mostly white crowd of delegates. "Although ours is a nation of immigrants, integration into one American culture has been the key to success. In the first two centuries, immigrants came to America to become Americans. While respecting their heritage, they learned English, embraced traditional American values, and became American patriots."

Similar invective surfaced in the state party platform, the document that outlines the GOP's core beliefs. The Texas Republican platform is infamous for its extreme rightward tilt, and the 2006 version was no different. But this year, the ultraconservative delegates who comprise the platform committee added hard-line rhetoric on illegal immigration: "No amnesty! No how. No way."

Opposition to amnesty (or legalization, as it's described in the immigration reform bill passed by the U.S. Senate) was just the beginning. The platform includes a demand to find and deport all undocumented workers, to build a barrier along the length of the border, and to create a tracking system for all immigrants. The platform also calls for repeal of the law that grants citizenship to U.S.-born children of illegal immigrants.

Gov. Rick Perry's views on immigration aren't nearly that extreme. He favors some form of guest worker program, and opposes building a fence along the entire border. Yet when

Dan Patrick, second from left, turned some heads at the convention. *photo by Tim Eaton*

Perry addressed the crowd after Benkiser, he too tried to prove he that he could go *mano a mano* with the state's most conservative Republicans. "I believe the greatest threat to our future is a porous and unsecured border," he told the crowd.

Perry, who faces three opponents in the November election, needs to keep his right-wing base happy. So he rolled out the immigration tough talk. "Texas is not waiting on Washington to act," he declared. "I have authorized the use of state trooper strike teams, covert surveillance units, canine tracking teams, DPS helicopters and the Texas Civil Air Patrol to help border sheriffs and police stop illegal activity. And I will ask the Legislature to dedicate $100 million to fund these border security initiatives until the federal government starts enforcing our sovereign border with Mexico."

So it went throughout the weekend as each speaker tried to outdo the other with anti-immigrant rhetoric. Such nativism might be what it takes to keep the Republican base happy in the here and now, but it's hard to imagine how the GOP expects to keep winning elections with rhetoric that borders on sounding anti-Latino. Delegates needed only to glance around San Antonio—a city that is about 60 percent Hispanic—to see what Texas will look like in about 10 years.

Meanwhile, conventioneers made it clear that perceived threats from the outside were not the only things to worry about. When you have total control of state government, it's only a matter of time until the party grows fat and lazy, and devolves into factional infighting. Democrats are more than a little familiar with this phenomenon. At this year's convention, those ever-so-slight cracks in the GOP's famous unity appeared to be growing wider. Ultraconservative, grassroots activists con-

stantly griped that their elected officials weren't, as the saying goes, "standing on conservative principle." Little usually comes of this friction. The grassroots folks *always* like to gripe at state conventions, but predictably they fall in line by election season. This time around may be different. At this year's convention, many GOP delegates weren't just angry, they were downright uppity.

The source of their anger was the expanded business tax that Perry had pushed through the Legislature and signed into law just a few days earlier. The tax is a centerpiece of the five-bill school-finance and property tax-cut package the Legislature passed in its recent special session. The revenue from the business tax and a higher cigarette tax will partly offset more than $15 billion in property tax cuts over the next three years. Perry and the GOP leadership hailed the package as historic. And everyone agreed that it was historic in at least one sense: The new levy is the biggest tax increase in state history—a notion that doesn't sit well with some GOP activists. Perhaps the only sin worse in conservative ideology than a tax increase is a tax increase on business.

"House Bill 3 is a disaster for the Republican Party—we all know it," Steven Hotze, a Houston physician and longtime GOP activist, told the platform committee on the convention's second night. "It's going to destroy the party in the long term." Hotze was one of a half-dozen angry conservatives who testified that the platform should oppose the tax. Hotze had lobbied fiercely against the tax bill a month earlier at the Capitol. He wrote an op-ed piece that ran in the *San Antonio Express-News* on the convention's first day that criticized Perry and the GOP leadership for abandoning conservative ideals. He urged the platform committee to remove a plank—inserted by Perry backers—that expressed official party support for the business tax. What galls Hotze and some conservatives is that previous platforms called for the repeal of the state business tax—the same tax that Perry expanded. Perry ignored "our platform," Hotze told the committee. "If we don't stand up on this, they're going to roll over us every time. I urge you to send a message to the governor."

The committee, however, sent no such message, and pro-business tax language remained in the platform. Hotze and his supporters made one final push to strip the HB3 plank from the platform on the convention's final day, when the document came up for approval on the convention floor. They lost that vote, too. But it was a close count (55 percent to 45 percent)—an indication of just how many true believers despise Perry's business tax, and perhaps a source of potential peril for the governor's re-election.

While Hotze did much of the dirty work, the true face of activist anger at the business tax is Dan Patrick, the Silvio Berlusconi of Texas politics. The Houston right-wing talk radio star is all but assured of winning a seat in the state Senate come November. Ostensibly, Patrick tried to keep a low profile at the convention, but it was impossible to miss him. On the first day he made the biggest news splash of the weekend by announcing that he had purchased a Dallas radio station, which will allow him to carry his right-wing message—and presumably his cult following—beyond Harris County and Southeast Texas. (Not so coincidentally, Hotze, the anti-business tax activist, also hosts a talk show on Patrick's Houston station.)

Patrick is a true believer, an insurgent candidate from the GOP's right-wing grassroots who's trying to break into the party's ruling elite [see "Party Crasher," February 24, 2006]. In the primary election last March, he beat three opponents and ended up with nearly 70 percent of the vote (a win so overwhelming in political terms that "blowout" doesn't do it justice).

When he addressed a caucus meeting of Harris County delegates at the convention on Friday afternoon, the assembled die-hards greeted him with a loud cheer and a standing ovation. (The only folks in the room not clapping were two reporters and three members of the governor's staff seated in the back.) First he railed against HB3 as an abandonment of conservative principles. Then he backpedaled and called for unity. "It's OK to disagree. I don't like House Bill 3," Patrick said, "but I'm not personally angry with the governor. A Republican on their worst day is still better than a Democrat on their best day."

Such pleas were heard repeatedly throughout the convention. Party leaders are clearly concerned that the ultraconservative, grassroots activists, discouraged by the performance of the elected GOP officials in Austin and Washington, will stay home this November. The top of the GOP ticket seems safe—only Perry faces any re-election threat, and it's only a marginal one. But without a strong turnout from the GOP base, Republicans could lose state legislative and judicial races, particularly in Harris County.

"We can't be staying home," said Houston Rep. Debbie Riddle. "I know you're upset with the governor over HB3, but he's still our governor," she told the Harris County Caucus. State Rep. Bill Zedler of Arlington told another caucus, "If you hear someone who says they're going to stay home [in November], remind them of the alternative."

For the party leadership, that alternative—not multiculturalism or hyphenated Americans or businesses taxes—may be the biggest fear of all. ■

Kenny Boy Goes to Jail

If there's one word that explains why Enron Corp. failed and why former executives Ken Lay and Jeff Skilling, convicted in Houston last month, are facing long stints in prison jumpsuits, it's this: hubris. Enron failed because Lay (who faces up to 165 years in prison) and Skilling (185 years) didn't understand basic business management. They believed that Enron was so good and its business model so impressive that they didn't have to work at making real cash profits. It almost sounds too obvious to say it, but Enron failed because it ran out of cash. And the failure to manage the company's cash is directly attributable to purposeful mismanagement by Lay and Skilling. Lay has a Ph.D. in economics from the University of Houston but couldn't read a cash-flow statement. Skilling has a Harvard M.B.A. but once told another Enron employee that cash "didn't matter."

On the stand, Lay and Skilling had two choices: admit they were stupid, or admit they were crooks.

At trial, their arrogance was on full display. The lawyers for Lay and Skilling tried to convince jurors that Enron had done everything legally. The two executives had no choice but to take the witness stand, where the prosecutors ripped their stories apart. On the stand, Lay and Skilling had two choices: admit they were stupid, or admit they were crooks. The latter choice being unappealing, both men took the former, and throughout their trial insisted that they'd been duped by subordinates. Fortunately, jurors didn't buy their bullshit. Lay was convicted on numerous charges, including conspiracy, bank fraud, securities fraud, mail fraud, and (in a separate bench trial held immediately after the jury trial) making false statements to banks. Skilling was convicted of securities fraud, insider trading and conspiracy.

While it's satisfying to see Lay and Skilling convicted, the trial left several important questions unanswered. For instance:

What did Ken Lay do with that $70 million? During the trial, prosecutors hammered Lay for his sales of Enron stock in the year before the bankruptcy – sales that Lay insisted he made because he was repaying some $70 million that he'd borrowed from Enron. Now remember, in addition to millions of dollars in salary and bonuses he got from the company, Lay sold a total of $184.5 million worth of company stock in the three years before Enron's bankruptcy. And yes, Lay led a lavish lifestyle—one that included a $200,000 birthday party for himself in February 2001—and owned numerous vacation homes. But $70 million? A former Enron employee who worked directly for Lay attributed his profligate spending habits to his wife, Linda –who, you may recall, went on TV in early 2002 to declare that she and Ken had "nothing left" and were "fighting for liquidity." (Poor people go broke. Rich people fight for liquidity.) "Linda spent money like Ken was printing it in the penthouse," the former Enron employee told me. Like other former employees, she carefully watched Linda's wardrobe during the trial—and those outfits apparently included many new ensembles straight from high-end stores like Neiman Marcus. While on the witness stand, Lay acknowledged that he and his wife led a lavish lifestyle that was "difficult to turn on and off like a spigot." Statements like that, combined with Lay's overt arrogance, helped convict him. As Houston lawyer David Berg said, Lay is going to jail "because he was so obnoxious on the stand."

Why aren't we seeing more criminal prosecutions of the bankers who helped hide Enron's debt? In 2003, the Securities and Exchange Commission extracted $135 million from J.P. Morgan Chase & Co. for its part in a series of deals that allowed Enron to hide $2.6 billion in debt between 1997 and 2001. The SEC said the megabank had "aided and abetted Enron's manipulation of

—continued on page 20

Slam Dunks

So, Haditha becomes another of the names at which we wince, along with Abu Ghraib, Guantanamo and My Lai. Tell you what: Let's not use the "stress of combat" excuse this time. According to neighbors, the girls in the family of Younis Khafif—the one who kept pleading in English, "I am a friend. I am good."—were 14, 10, 5, 3 and 1. What is the military going to say? "Under stress of combat, we thought the baby was 2?"

"We have a Haditha every day," said Muhammed Jasim, an Iraqi merchant. "Were (those killed in Haditha) the first Iraqis to be killed for no reason?" asked Ghasan Jayih, a pharmacist. Well no, but we Americans don't count collateral damage unless we're forced to. We prefer to ignore collateral damage, especially if they're under 5.

Someone else with a greater taste for the ironies of technology will have to explain why it's funny that this "Haditha" was uncovered in part by a soldier taking photos with his cell phone. Good work by *Time* magazine and Col. Gregory Watt. Apologies are owed by any on the right to Rep. John Murtha, who warned of Haditha early, though none of us is holding a breath. The attacks on Murtha's patriotism were despicable. When will that tactic wear out?

Meanwhile, back at the full-force fun festival known as Washington, here's a moment to cherish.

Last month, Amir Taheri had an op-ed article in the Canadian National Post claiming the Iranians have a law requiring Jews to wear yellow badges. It turned out to be a complete fabrication and has been the subject of much contempt among bloggers. Nevertheless, Taheri was invited to the White House along with other "experts" to give the president their "honest opinions." With advice like that, our war in Iran will be a slam dunk.

Someone else with a greater taste for the ironies of technology will have to explain why it's funny that this "Haditha" was uncovered in part by a soldier taking photos with his cell phone.

Speaking of slam dunks, Bud Trillin of *The Nation* is on a tear about Bush's picks for the Medal of Freedom. First, he gave it to old "Slam Dunk" George Tenet himself after pushing him out as head of the CIA. Then Paul Bremer got the medal. Remember him? Guy who screwed up Iraq beyond recall in the first year.

We're lurching into the ludicrous. So we're thinking, who else belongs on this distinguished roster? "Heckuva job Brownie" Brown, of course. The guy in charge of implementing the Medicare drug plan. Rumsfeld!

By golly, there's a man who never made a mistake.

I think that lets out Tony Blair, who joined Bush in a mistake admit-athon last month. (The Prez is sorry he talked "too tough" to the terrorists.) Neither of them thought to name "the war in Iraq," for example, as a mistake. (As *The Economist* rather unkindly put it, their meeting was "The Axis of Feeble.")

Ever hopeful that some good might yet be pulled from the rubble, the appointment of Henry Paulson as treasury secretary raises hope among the never-say-die crowd. He's good on global warming—how's that for a change? But the real irony is that the administration had to bring in someone who can "soothe Wall Street," which is said to be "nervous."

This whole administration has been run to favor, and grant tax breaks to, "Wall Street." How dare the ungrateful louses be "nervous"? ■

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

The GOP's Xenophobic Goofiness

Did you see that picture of W. riding around in a decked-out, red-white-and-blue dune buggy down on the border? Apparently he was trying to look like a tough-guy, protecting us from illegal immigrants. Instead, he looked like some goofy cartoon character. It was perfect symbolism, though, because the Republican leadership has been running in circles on the immigration issue, trying to juggle their right-wing, lock-'em-out, anti-immigrant absolutism—while also trying to dance the two-step with their big business backers who happen to profit from the cheap labor of destitute Latino laborers. So, on the one hand, these clowns want to militarize the Mexican border (including erecting a monstrous, three-tiered fence to keep Mexicans out), but on the other hand they want a bracero-style program to keep the cheap labor flowing into our country.

Then, just when you thought their political posturing couldn't get any goofier than Bush in a dune buggy, they came up with a truly silly act of hyperactive xenophobia: They passed a resolution declaring that English is the "national language" of the USA. Wow—that'll show those immigrants! Not since the House decreed in 2003 that french fries should be renamed "freedom fries" has Congress demonstrated such ludicrous loopiness and embarrassing ineptitude.

Their "speak English" bill is a hoot, for it requires more thorough testing to prove English language proficiency. Yet the very goofballs pushing this wouldn't know proper English if it smacked 'em in the mouth. W. is the mumble-mouth who routinely says things like, "Rarely is the question asked—is our children learning?"

Forget remembering the Alamo. With this new law, our Texas war cry will have to be "Remember the Cottonwood!"

BAD MEDICINE While senators brag that they're building a big wall on the Mexican border to keep out immigrants, they've quietly bored a gaping loophole in the law to let hundreds of thousands of low-income foreign workers enter our country and take some of our most essential professional positions. A little-known provision pushed by the giant hospital chains will throw open our borders to foreign nurses, allowing the hospital industry to recruit low-paid nurses from the Philippines, India, China, and Africa. These foreign nurses make under $2,000 a year back home and can easily be lured here to take less than the going rate of American professionals. Already some 14,000 nurses from abroad are given work visas to enter the United States each year, but the Senate bill, carried by Kansas Republican Sam Brownback, simply removes the cap on these visas. Not only does this corporate-sponsored approach drain medical pros from countries that desperately need them. It also guts the middle-class pay structure and opportunities for home-grown nursing professionals.

The hospital lobby wails that there's a nursing shortage here, so there's no choice but to go outside our borders. Hogwash. There's a shortage because hospitals won't pay what this highly professional job warrants—and because Congress refuses to provide the funding needed to educate more American nurses. Last year alone, some 150,000 qualified applicants were rejected by nursing schools because of inadequate facilities and a lack of faculty.

What we have here is raw corporate greed in action, writing bad immigration policy to gain cheap foreign labor. Instead, let's invest in domestic nursing programs that'll build America's middle class and improve the quality of our health care.

For more information on this matter, call the American Nurses Association: 1-800-274-4262.

HOW BIG IS IT? Here in Austin, we were thrilled to learn recently that the University of Texas will no longer suffer the humiliation of having a football scoreboard that's a mere 70-feet wide by 40-feet high. Our state's flagship academic institution is soon to be Numero Uno—scoreboard-wise. Our current, dinky, $3.5 million scoreboard is 10-years old, for godsake, and, embarrassingly, it's outsized by those at Ohio State and even Arkansas! Luckily, we have bold university leaders with the vision to see the big picture. So this year, UT will triple the size of its scoreboard, giving us a whopping, 134-foot by 55-foot, high-definition, LED visual in the south end zone. That's 7,370 square feet—bigger than a basketball court—and the biggest scoreboard in the world. We're No. 1! We're No. 1! The chief advantage of this $8 million project is that fans in the stadium will be able to see the game on this monster screen, just as if they were at home watching on TV. Plus, the scoreboard and new sound system will be able to give the crowd a full dose of commercials throughout the game—just like television. That's not all the good news from our educational leaders, either. UT officials also announced that they will spend $150 million next year to reconfigure the north end zone, adding luxury suites and seats to face our big new scoreboard. "It's going to be pretty special," says one official. Never mind that UT's football players have one of the worst graduation rates in the country—and never mind that some of UT's academic needs are going unfunded—our football fans will be able to see the players on the world's biggest scoreboard. After all, isn't that what higher education is about? ■

Jim Hightower is a speaker and author. To order his books or schedule him for a speech, visit www.jimhightower.com. To subscribe to his newsletter, the Hightower Lowdown, *call toll-free 1-866-271-4900.*

—TYC, continued from page 9

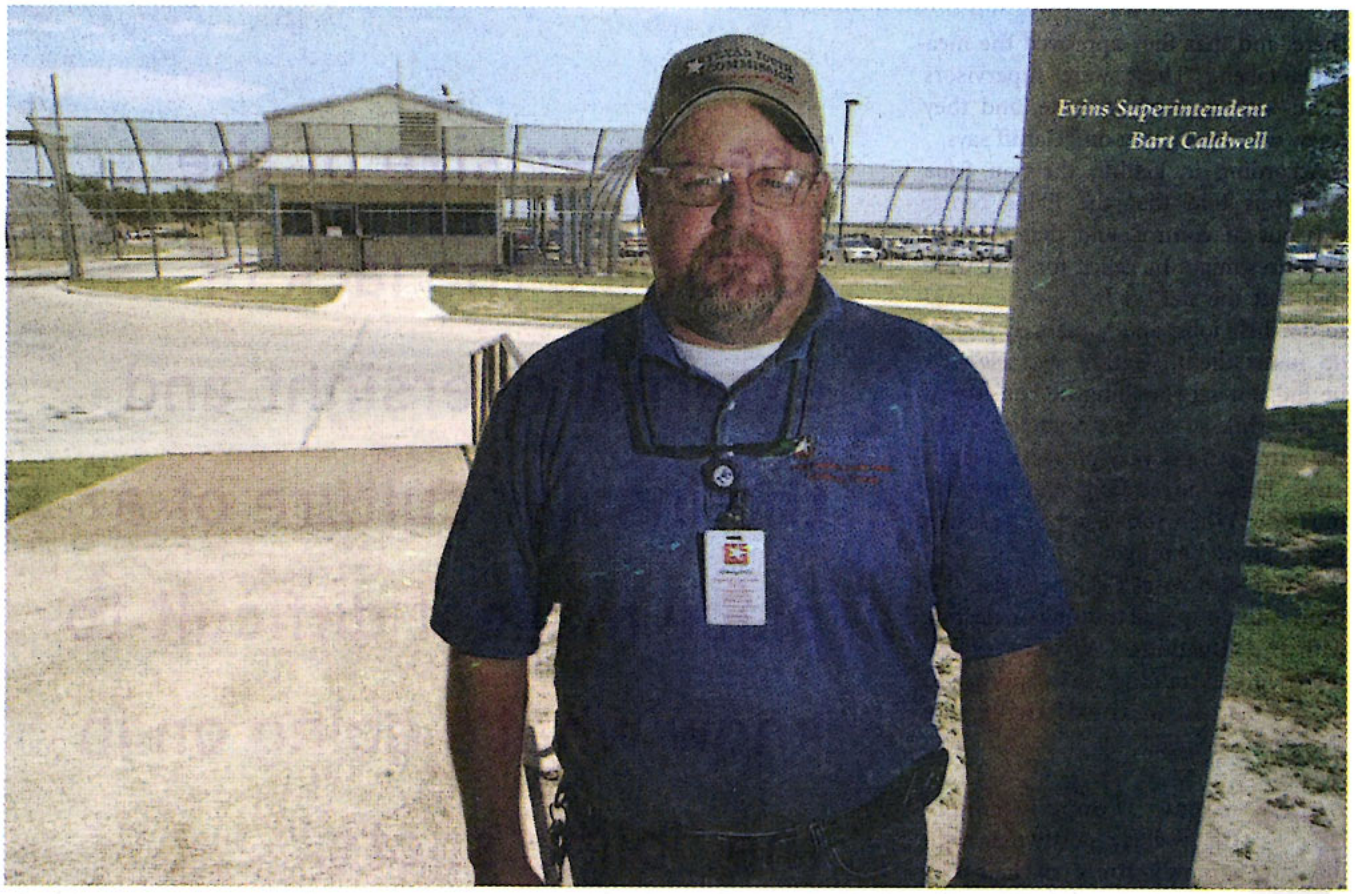
the use of his right eye. In a confrontation the next day, six boys were allegedly restrained and put onto the ground outside in a bed of fire ants. Another was thrown into a cinderblock wall; medical examiners said his ribs were so bruised that 24 hours later he could not stand up straight. One guard ordered a boy named David Delgado to pull up his sagging pants to comply with dress code. When Delgado didn't pull them high enough, the guard cuffed him and took him outside. Delgado says the guard picked him up and threw him headfirst at the ground. He landed several feet away and briefly blacked out. The injury was reported, but it was another 24 hours before Delgado saw a doctor, who noted a sprained neck and a baseball-sized swelling on his head, "consistent with having the head slammed into a hard surface at an angle greater than horizontal."

Delgado, Barefield, and Jackson have filed suit against the TYC, charging excessive force. Each is seeking damages between $1 million and $2.5 million. At least one former Evins inmate, Pierre Sanchez, plans to file suit against TYC this month. Sanchez alleges guards cuffed him and left him outside for several hours. When the skin on one side of his body turned red with sunburn, guards turned him over so the other side burned as well. Sanchez says he was lying on an ant nest and was bitten hundreds of times, but guards refused to move him. Medical examiners found injuries on many other boys, but investigators were unable to discover definitively when and how the damage took place, and did not confirm abuse.

Former Evins inmate Omar Briseño

In the months that followed, TYC investigators found evidence of abuse, unnecessary force, and other policy violations among 14 TYC staff. The guards who manhandled Barefield and Delgado lost their jobs. Four more staff, including Superintendent Roach, resigned rather than accept discipline. According to TYC records, Roach became involved in physical restraint: He called a known leader of one of the black gangs into the group room with him, where the boy says Roach shoved him repeatedly into the wall, then put an arm around his neck and choked him until other staff arrived. Investigators did not confirm the choking charge, but found two charges of excessive force against Roach for pushing that boy and another into walls. When the charges surfaced, Roach retired. (Current Evins Supervisor Bart Caldwell says that when TYC investigators confirmed abuse, the agency turned the names of the alleged abusers over to Hidalgo County authorities. At the end of May, county records indicated none had been arrested or charged.)

Garza, the Evins worker, claims to have reported abuse to Evins administrators repeatedly over that long week, but says they ignored her. "There was really nobody to report to," Garza says. "They all knew, and they didn't care." Desperate, Garza began calling the parents of her caseload boys, tell-



Evins Superintendent Bart Caldwell

ing them about the abuse and asking them to file complaints with TYC, which many of them did. Garza also called Hidalgo County law enforcement and filed an abuse report with Child Protective Services. Then she called the FBI, the Texas Rangers, and the local news station. "I was panicking," she says. "I couldn't sleep at night. I had to make it stop."

The FBI and the Rangers did not respond, but Channel 5 news did, and newspapers in Brownsville and McAllen picked up the story. San Saba STAR team member Gatliff remembers being released from duty at Evins and returning home to find the story on the news. "We were all told we'd done a good job and thank you very much," Gatliff says. "Nobody said a word to us about any violations. I hadn't even unpacked my bags, and there it was on TV..."

Gatliff says the TYC made scapegoats of STAR team members in the following days of intense media coverage. Gatliff, like others, says Evins authorities were present when the San Saba team was

What we do here is fix kids ... This job is not for everybody. But I have tried to weed out the people who are just here for a paycheck and keep the people who care about kids.

—Bart Caldwell

there, and that they approved the measures taken. "There were supervisors there with us every minute, and they knew what was going on," Gatliff says.

According to Gatliff, the San Saba staff was told that the Evins center was out of control, and that extreme measures might be called for. "We were told that the staff at Evins were afraid to do their jobs, and somebody had to do it for them," Gatliff says. He says he did not see anything he considered abuse while at Evins. "Sometimes the restraints can get very physical," Gatliff says. "These kids are big, and they will hurt you. When you've got to be tough, you've got to be tough."

Gatliff also says TYC provided his team with no special training on dealing with riot situations. "We were sent in there with no training, no weapons, and we did the best we could," Gatliff says. "We were crucified."

The sheer size of the facilities, the lack of external oversight and the insular culture of a place make it difficult to know what's going on in the "blind spots."

Current Superintendent Caldwell is a portly man with a sandy fringe of hair and a neat beard and moustache going gray. The boys at Evins call him Spongebob Squarepants for his habit of hiking his pants up. Caldwell stepped into the job at Evins in early 2005 in the aftermath of the crackdown after the 2004 riot.

Today Caldwell draws a clear line between the old Evins and the new. "There was a lot of chaos back then," Caldwell says of late 2004. Staff morale was low; he says nearly 20 percent of lower-level guard positions at Evins were vacant, forcing the rest into constant overtime. There were no efforts to include the boys' families in their lives, or to encourage them to visit. Caldwell has instituted the naming of an employee of the month, and organized two Family Days that quadrupled the usual number of visitors to the center. Six staff found bringing drugs to youth were fired, Caldwell says. Turnover is down, he says, and there are currently no vacancies for guards.

"What we do here is fix kids," Caldwell says. "This job is not for everybody. But I have tried to weed out the people who are just here for a paycheck and keep the people who care about kids."

But staff who worked before and after the disturbances in late 2004 say serious problems persist. With the departure of the STAR team, blatant abuse of youth by guards subsided, but the sheer size of the facilities, the lack of external oversight, and the insular culture of the place make it difficult to know what's going on in the "blind spots." Former Evins staff tell of being asked to change records or lie to inspectors and parents about youth who are injured under the tenures of both Caldwell and predecessor Roach. They claim to have filed abuse reports that then go missing. They say they have asked to review security tapes that document abuse, only to be told that the tapes can't be found.

It's not that secrecy is unique to the Evins center. In eight years as an inspector for TYC, Chance says he has seen dozens of ways abuse can be swept under the rug. "Guards know how to avoid the cameras," Chance says. "They know where they can and can't be seen. If they are seen, they make something up."

The agency still has no independent office of investigations. Complaints of abuse and neglect are turned over to an inspector who works out of the central office in Austin. When Garza filed what she believed to be an anonymous complaint with CPS, CPS immediately forwarded her report, with her name, to TYC's Office of the Inspector General. The report ended up on Caldwell's desk. In 2005, Garza says she reported several other incidents of abuse, including a boy who was handcuffed and sprayed in the face with pepper spray in January when he refused to surrender a small bag of marijuana, and a boy who was sexually molested by another inmate and left untreated over a weekend in April. Garza says Caldwell and other administrators retaliated with harassment and trumped-up charges of incompetence. Garza filed suit against TYC in May of 2005, but continued working at Evins until she slipped on a freshly waxed floor in August and was

placed on medical leave. In November, she received a medical separation from the agency. "I got myself in trouble, but I couldn't look away," Garza says. Her suit is still pending.

Some staff say the morale of Evins' youth was damaged by the riot and its aftermath, making rehabilitation that much harder. For every allegation of abuse that TYC confirmed, they say, other abuses were ignored. "It's hard for some of these kids to report abuse," says one former Evins staffer. "They have this machismo thing that they're not supposed to talk about it if they get hurt. They overcame that and came forward, and no one believed them. Now they think there's no point, no one's looking after them, so just join a gang, just do what you have to do to be safe."

A complaint filed by a staff member in August 2005 states that during an evacuation of the center anticipating Hurricane Emily, 230 boys were transported 500 miles to a TYC center in Mart, Texas, without food or water. During the 12-hour trip, boys were reportedly shackled wrist to ankle. The complaint states that some boys' wrists were injured by the restraints, and that Evins administrators failed to report to injuries to their parents as TYC policy requires. The report also notes that staff who accompanied the youth were not provided with food, and had to buy their own.

In February, 40 Evins employees met with State Rep. Aaron Peña, an Edinburg Democrat, to complain about unsafe conditions for staff and youth. They complained that high ratios of staff to youth made it impossible to adequately supervise the boys in their charge. They also complained that the center--perhaps fearful of more abuse charges--has passed such strict rules about when and why staff could place youth in restraint that it had impaired their ability to discipline boys.

In recent weeks, gang fighting has picked up again at Evins. "The bunnies and the squirrels are not getting along," Caldwell says. "We've been busy. It's something we're always dealing with." On June 5, just days before the *Observer* went to press, police were called to Evins in response to reports that boys had rioted and that a youth had stabbed a staffer with a homemade weapon, according to local news accounts.

Meanwhile, the Texas Legislature continues to ask TYC to manage ever-larger juvenile prisons. In April, the state completed construction on an expanded campus in the tiny town of Mart. Between its two units, that McLennan County center now has beds waiting for 960 boys. It will be one of the largest juvenile facilities in the country, and it will have many security cameras. But will anyone on the outside be able to monitor conditions? Will anyone want to? ■

Former Observer *intern Emily Pyle is a freelance writer in Austin.*

The view from surveillance cameras in a control room at Evins

—*Dialogue, continued from page 2*

beach closure and a similar proposal to lease out a county park on South Padre Island could lead to the same situation in the rest of Texas.

Texas ranks at or near the bottom in access to public land. Most of the land is also in far West Texas and is not a likely weekend destination. Similarly, Texas Public Parks are woefully under funded and recent fee increases make if increasingly difficult for the average family to visit them.

Texas Beaches, however, are free and open for enjoyment of Texans and their families. This right is codified in the Texas Open Beaches Act but dates back to before we were a Republic. Closing off segments of beach at the request of developers threatens the rights of all Texans to access our beaches. Our children and grandchildren will have beaches to play on only if we demand that beaches remain open.

We commend the *Observer* for its coverage of this important issue.

Jamie Mitchell
Surfrider Foundation,
Central Texas Chapter

WRITE DIALOGUE
307. W 7th Street
Austin, TX 78701
editors@texasobserver.org

—*Enron, continued from page 13*

its reported financial results." Other big banks and securities firms have also paid fines. But when it comes to criminal prosecutions, only three executives from Merrill Lynch have been indicted by the Justice Department for their roles in the Enron meltdown. The lack of zealous criminal prosecutions against the other crooks who actively "aided and abetted" the Enron fraud proves there is one set of laws for small time thieves and a whole other set of rules for white collar criminals. Indeed, the only real prosecution of the banks has been left to tort lawyers—the same tort lawyers that George W. Bush has been campaigning against for years. In October, the biggest civil case against the banks will go to trial in Houston. It's being headed by the securities lawyers at Lerach Coughlin Stoia Geller Rudman & Robbins LLP.

Where are Phil and Wendy Gramm? While it's true that Enron was Bush's biggest career patron until 2004 and that the Bush Administration went far out of its way to help Enron whenever it could, the Gramms performed the most egregious political whoring on behalf of Enron. In 2000, Phil Gramm pushed a bill through the U.S. Senate that exempted Enron's trading business from federal oversight—even though Wendy was serving on Enron's board. For her part, Wendy got her job on the Enron board just days after leaving her post at the federal agency supposedly regulating Enron. In 1993, she had pushed a ruling through the Commodity Futures Trading Commission that freed Enron's energy derivatives business from federal regulations.

Is George W. Bush actually Ken Lay? For watchers of the Bush administration, much of the hubris at Enron should prove disgustingly recognizable. Listen to these concepts and see if they sound familiar: Enron insisted the old rules didn't apply to them; it was going to remake the world in its image; anyone who disagreed with its vision was viciously maligned; and as it descended into bankruptcy, it kept cooking its books to make it appear healthier than it was.

Now that "Kenny Boy" Lay appears headed for jail, let's hope a similar fate awaits other Bush cronies. Scooter? Karl? Or even better, Dick? ■

Robert Bryce, a contributing writer for the Observer, *is the author of* Pipe Dreams: Greed, Ego, and the Death of Enron.

THE FIRST FRUIT OF THE SEASON

I have eaten the first fruit of the season,
and I am in love. —James Wright

I hear an echo of heaven
in a summer peach,
its transient complexion
and transparent flesh,

save for one bitter blemish
that is a joy in itself.

If only it were another day
I would sit with this fruit
and be whole once again.

Below a narrow row of low trees,
peaches, poised, so ripe and sweet,
my mouth waters to pluck
just one.

I open my eyes
in hunger and surprise
and see for the first time
a small peach
that has fallen on the grass...

THE SANDPIPER

It's odd
how the sandpiper
is always
on the move.
    When the ride
    brings in the food
    it's funny
how the sandpiper
works so hard
    for so little.
    The sandpiper
    doesn't complain
of back pain
or muscle cramps,
doesn't have
    a lawyer.
    What the sandpiper knows
    that we don't know
    is how
not to get wet.

NORMAN MINNICK was born and raised in Kentucky. Currently he lives in Indianapolis where he works as a coordinator of the Visiting Writers Series at Butler University and teaches poetry in the honors program. His poems have appeared in *The Christian Science Monitor*, *Fourteen Hills*, *The Seattle Review*, and *Notre Dame Review* among other publications.
—Naomi Shihab Nye

Dissenting from the Work Ethic

BY STEVEN G. KELLMAN

Doing Nothing: A History of Loafers, Loungers, Slackers and Bums in America
By Tom Lutz
Farrar, Straus & Giroux
384 pages, $25

If a university is an intellectual banquet, four years hardly suffice to nibble a tray of tapas. Yet, anxious to improve institutional efficiency, academic administrators are taking extraordinary measures to ensure that seniors graduate. At the University of Georgia, matriculants malingering into a fifth year can now expect to lose parking privileges and access to football tickets. Millions believe that the shortest distance between adolescence and affluence is the diploma line at college graduation, and few would wish that it were any longer. A friend of mine did, and he deliberately kept some incompletes on his transcript to delay commencement. Dubbing himself "the oldest living undergraduate," he postponed into his late 30s a return to the family business in a corner of the South that lacked the rich array of concerts, plays, exhibitions, films, and even classes in Berkeley. Other slacker capitals include Ann Arbor, Bloomington, Boulder, Cambridge, Chapel Hill, Charlottesville, Iowa City, Madison, and Austin—all municipalities where dawdling is endemic.

Author Tom Lutz was able to evade expulsion from collegiate Eden by enlisting in the professoriate. He spent some of his youth living on a commune and smoking pot, and he begins *Doing Nothing*, a fascinating and sedulous study of antipathies to work, by reflecting on the ambiguities of his own situation. "I am convinced, and not without good evidence," he says, "that I am astoundingly lazy." For good evidence, Lutz, who teaches at the California Institute of the Arts, notes that he squanders innumerable hours on TV, movies, and books. Yet as a scholar of contemporary culture, he also rationalizes that what some deride as goofing off is really toil for him: "And so my life of sloth blends imperceptibly into my pathological flip side, my workaholism, and this is the odd thing: I can just as easily argue and believe that I work, not too little, but entirely too much." In contrast to salaried drones, Lutz luxuriates in the freedom to do what he wants when he wants, but he also finds himself laboring late into the night on research and writing. "We are all lazy imposters," he says about his kind, "and we are all workaholic slaves. We work way too hard and not nearly enough."

A persistent theme throughout Lutz's book is that American culture has been riven and driven by a tension between the work ethic and an aversion to exertion. *Doing Nothing* traces a history of ambivalence toward indolence. Lutz acknowledges the 19th-century French tradition of *flaneurs*, those, like Baudelaire, who made an art of sauntering along the streets of Paris, and he salutes Goethe's feckless Werther as "the founding German slacker." He notes that Ivan Goncharov's Oblomov, who spends much of his eponymous novel in bed, "is a slacker on a grand scale," and he analyzes the freetahs who hang out in Tokyo's Golden Gai neighborhood, "Japan's slacker mecca." However, choosing to focus on American idlers, he never mentions Ivan Turgenev's Bazarov or Feodor Dostoevsky's Raskolnikov. The name of Marcel Proust, who, horizontal for a decade in a cork-lined bedroom, constructed a seven-volume masterpiece, is not dropped once in Lutz's chronicle of eminent dropouts. Though *dolce far niente*—to do sweet nothing—is as Italian as Chianti, Lutz's detailed study of American slackers has nothing to do with it. "Slacker" was first used in its contemporary sense in 1898, and while tracking its evolution out of idlers, loungers, strikers, and other dissenters from the common hustle, Lutz is most intent on documenting the last 50 years as the Golden Age of willful sloth. Crediting Samuel Johnson, who founded *The Idler* magazine in 1758, as "the world's first slacker," Lutz is not much interested in indolence earlier than when New England colonists stopped feeling bound to pay taxes on tea. So he misses the opportunity to examine the biblical legacy of the Fall, which condemned the human race to live by the sweat of its brow. The Prodigal Son, who dropped out of the family business (but was later restored to his career queue), was pioneering flakiness long before "Kicked Out," the ABC reality show "in which a twenty-something jobless moocher is booted from his (or her) parents' house and followed by a camera crew as he tries to live for ten days on his own." The preeminent slacker of ancient Greece has to be Odysseus, who after 10 years hanging with the warring dudes in windy Troy, spent 10 more years bopping around the wine-dark seas before returning to his kingdom and his wife.

Lutz notes that the American colonies served as a haven both for Britain's ne'er-do-wells and its most pious proponents of God's work and good works. He might have found a similar counterpoint between Spanish vagabonds who sailed west in quest of easy gold and the zealous missionaries and empire-builders they exasperated. But he begins his detailed history in the 18th century with Benjamin Franklin, the creator of Silence Dogood and the dispenser of sober advice about frugality and industriousness. Yet examining the wit that undercuts Franklin's received wisdom as well as the Philadelphia dilettante's own relaxed behavior, Lutz concludes that "The famous Franklinian work ethic is at its heart a bit of a sham."

Throughout the book, Lutz finds humor in portraits of those who pursue and those who evade labor. It is necessary to understand the grind in

order to understand the slacker, and the two often coexist in ironic tension within the same personality. Though he famously proclaimed, "I loaf and invite my soul," Walt Whitman was a busy guy. Mark Twain, who created a gallery of memorable slackers, including Huck Finn's Pap and Tom Sawyer, was extraordinarily productive. So was Karl Marx, the foremost champion of resistant labor. In *The Right to Be Lazy* (1883), Marx's son-in-law, Paul Lafargue, argued—both strenuously and flippantly—for the human prerogative to shirk work. Lutz reads Washington Irving's *Rip Van Winkle*, which appeared in 1819, the same year as John Keats' "Ode on Indolence" and Lord Byron's "Don Juan," as both a fantasy of liberation from useful labor and a cautionary fable about squandering one's life. Herman Melville's Bartleby, the recusant scrivener who ends up starving himself to death, is another vivid commentary on the dilemma posed for the individual by a culture built on getting and spending. Within the 20th century, Lutz finds slackers among the "Lost Generation" of disillusioned Left Bank idlers, but he also notes how dedicated they were to perfecting their art. "To work was the only thing," wrote Ernest Hemingway. "It was the one thing that always made you feel good."

Following World War II, the Beats brought elements of alienation and depression to the figure of the slacker, but if the 1950s are, as Lutz claims, "the decade of anti-conformity," it marks the ascendancy of those who, like Jack Kerouac, James Dean, Hugh Hefner, C. Wright Mills, and Maynard Krebs, prefer not to embrace the American work ethic. The various countercultures of the 1960s—hippies, yippies, surfers, and other dissidents and dropouts—joined Bob Dylan in refusing the tenet of toil: "I ain't gonna work on Maggie's farm no more." With punk, skateboarding, and the affectless youth of Generation X, Lutz argues that slackers still rejected work but, as much as any other citizen of the consumer culture, delighted in spending. His slacker canon includes *The Wild One; Easy Rider; Ferris Bueller's Day Off; Bright Lights, Big City; Clerks; Office Space; The Simpsons; Motherless Brooklyn;* and, of course, Richard Linklater's Austin-based *Slacker*.

Lutz nominates George W. Bush, who averages 19 weeks a year away from the Oval Office and is the son of a classic overachiever, as likely to "go down in history as our slacker president."

Lutz's topic makes him attentive to the nation's violent history of labor strife. He notes that during World War I draft dodgers were called slackers and that traces of defective patriotism still attach themselves to the term. He examines the movement to reduce the workday as well as recent trends extending it, and he discusses the effect of involuntary unemployment on the utopian dream of a world without work. *Doing Nothing* has nothing to say about immigration, though much current controversy is an expression of national anxiety over slackers: Are newcomers willing to work hard in jobs that Americans refuse to take? Will they and their broods end up sponging off the hardworking taxpayer? Lutz nominates George W. Bush, who averages 19 weeks a year away from the Oval Office and is the son of a classic overachiever, as likely to "go down in history as our slacker president." That history is, he shows, filled with alpha males who evade responsibility. Lutz discusses Beat poet Diane di Prima, but few other women fit the slacker category. Could it be that woman's work is never done, not because she chooses not to do it but because, in a culture that restricts entrance to Arcadia to men, their task is always incomplete?

Lutz, who has published three other books, is clearly no laggard; *Doing Nothing* is a hefty volume with a thick bibliography. But he has opened the book on a huge and hugely important subject. Anyone wishing to follow up—by looking at Robin Hood, Prince Hal, slackers in Soviet Russia, socialist Sweden, and the Acoma Pueblo, among much else—has her work cut out for her. ■

Steven G. Kellman is the author of Redemption: The Life of Henry Roth *and teaches comparative literature at the University of Texas at San Antonio.*

Houston, We Have a Winner

BY EDWARD NAWOTKA

Challenger Park
By Stephen Harrigan
Knopf
397 pages, $24.95

I was never interested in the James Dean model of how to live your life.

In his dazzling new novel *Challenger Park*, Stephen Harrigan writes that the "heraldry of old-time space flight has vanished." Familiarity and indifference have stripped space flight of much of its wonder and romance. What we remember most vividly are the disasters, such as the Challenger shuttle exploding 73 seconds after liftoff in 1986 and the Columbia breaking up on re-entry on Feb. 1, 2003, scattering debris over Nacogdoches.

Astronaut Lucy Kincheloe, Harrigan's protagonist, is aware of her diminished status. "It seemed to her that space travel in her time had lost more in vision than it had gained in viability," he writes. "[T]he original quest had been forsaken or forgotten, and that she and the other shuttle astronauts were mostly in the service of keeping the practicality of space alive until a bold new direction could be charted."

A longtime contributor to *Texas Monthly*, Harrigan teaches at the Michener Center for Creative Writing at the University of Texas at Austin and is the author of six previous books, including the best-selling novel *The Gates of the Alamo* (Knopf, 2000).

In his latest book he skillfully weaves a surfeit of detail about the contemporary astronaut's lot in life into a compelling and moving narrative that makes for one of the most extraordinary novels of the year. *Challenger Park* begins as Kincheloe's husband, Brian, returns to Earth after making his second serious mistake while in orbit. As his career begins to free-fall, hers ascends, and she's assigned her first mission. Now she must endure marathon days of training while juggling her increasingly bitter husband, as well her two children, a 7-year-old boy suffering from acute asthma and a 3-year-old daughter. Soon Lucy finds distraction with Walt, a recent widower and the NASA staffer in charge of her training.

The milieu is Clear Lake City, Texas, the modest company town serving the Johnson Space Center outside Houston. It's the kind of characterless, strip-mall-centric exurb endemic to Texas, though one distinguished by a giant fiberglass astronaut atop the local McDonald's. Unlike the macho, testosterone-fueled lives of male shuttle astronauts described in books such as Mike Mullane's recent memoir, *Riding Rockets*, Lucy's life frequently resembles that of a soccer mom: driving the minivan to and from the local elementary school (this one with a hallway lined with photos of "Astronaut Moms and Dads"), stopping by Starbucks and scheduling babysitters. Walt's life is even more mundane. Often the highlight of his day is sharing banter with the waitress at Luby's, where he predictably orders the Lu Ann Platter, and watching DVDs with his childhood friend Louis, a Catholic priest in the midst of losing his faith.

The first half of the novel revolves around NASA. Harrigan takes us into the cockpit of the shuttle simulator, with its intimidating array of 2,000 switches, and into the NASA pool (and the murky waters of adultery), where Lucy dons a spacesuit "as bulky and unmaneuverable as a parade float" to practice the movements required for her forthcoming space walk. In space, an unfortunate chain of events will put Lucy's life at risk and out of reach of her children, who as novelistic coincidence would have it, need her more than ever.

Throughout the book, Harrigan questions the roles of ambition, duty, fealty, and self-sacrifice. But always at the heart of this novel is the mystery of love and the relationship that exists between husband and wife, parent and child, God and humanity, man and his dreams, and, quite literally, the Earth and the heavens. Given his focus, it's not surprising that—unlike a great many writers who depict adults as perpetual adolescents, forever striving for a more prestigious job or a beautiful lover—Harrigan gives his characters real problems that demand maturity, as well as superhuman self-control and sober professionalism, to overcome.

Recently the *Observer* sat down with Harrigan to talk about his latest novel. The following is an excerpt of that conversation:

Texas Observer: *When did you start working on the book?*

Stephen Harrigan: About five or six years ago, I was in Clear Lake City, near to Houston where I have family, and

I was standing on the sidelines watching my niece's soccer game. My sister pointed to a woman down the field and said, "Do you see that woman? She just got back from space." Here was a mother who a week ago had been flying around the Earth and now she was cheering on her kid at a soccer game. It set up a lot of strange thoughts in my head about what it must be like to balance those two poles in your life.

TO: What poles do you mean exactly? You write in the acknowledgments that you interviewed four women astronauts for the book.

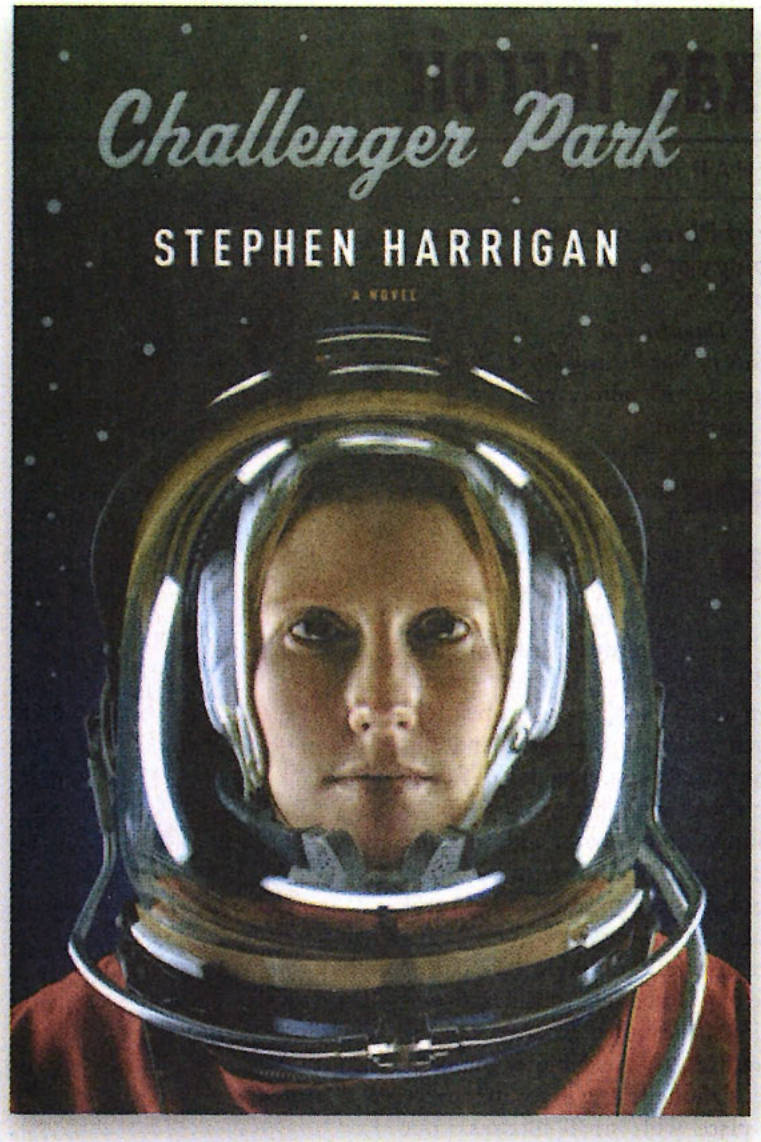
SH: If you are a super high-achieving person who also has earthbound responsibilities, there is a tension between your own need for self-fulfillment and your duties, which are not nearly as exciting or rewarding. There exists an inherent conflict. I don't think it's the same for both sexes. Women feel it more acutely, but this dilemma still speaks to everybody: I felt I've been there in my own way a little bit.

TO: How so? I understand that you once applied to be a Journalist in Space, under an early NASA program.

SH: Yes, I've always been a frustrated adventurer. I've done a lot of scuba diving in odd places. I've been in a few situations that turned out to be a little bit dicey, and I've asked myself at those times, "What right do I have to do this? I have a wife and three kids." So I took that question and pushed it as far you can push it and imagined a mother doing extremely dangerous work, work that literally takes her away from the Earth.

TO: There's even some question about the very utility of space exploration. How valuable is this work of space exploration, ultimately?

SH: It would be impossible not to have mixed feelings about the space program at this point. A lot of space professionals feel that. It is a big giant question mark. What is this about? Where are we going with it? Are we sure that the American public is behind it? Are we sure that this is advancing the cause of human enterprise? I don't have an answer for that. I have a sentimental answer, which is "yes." I think life without manned space exploration would be less rich. But whether you can field-test that assumption, where it would come up true if you were completely objective about it, comparing it to the success of robotic missions or interplanetary probes that are unmanned, I don't know.



TO: How do you integrate research into writing fiction? Do you do it all at the beginning?

SH: If I'm writing and I need to know something, I'll call a recess while I'm writing a book. That may be for an hour while I call somebody on the phone to ask, what does a multiplexer/demultiplexer do? Or I might just take some time for a short trip to Clear Lake City or Florida.

TO: Did the Texas setting of the book appeal to you when you set out? There are a lot references to local touchstones, such as Gaido's in Galveston and Luby's.

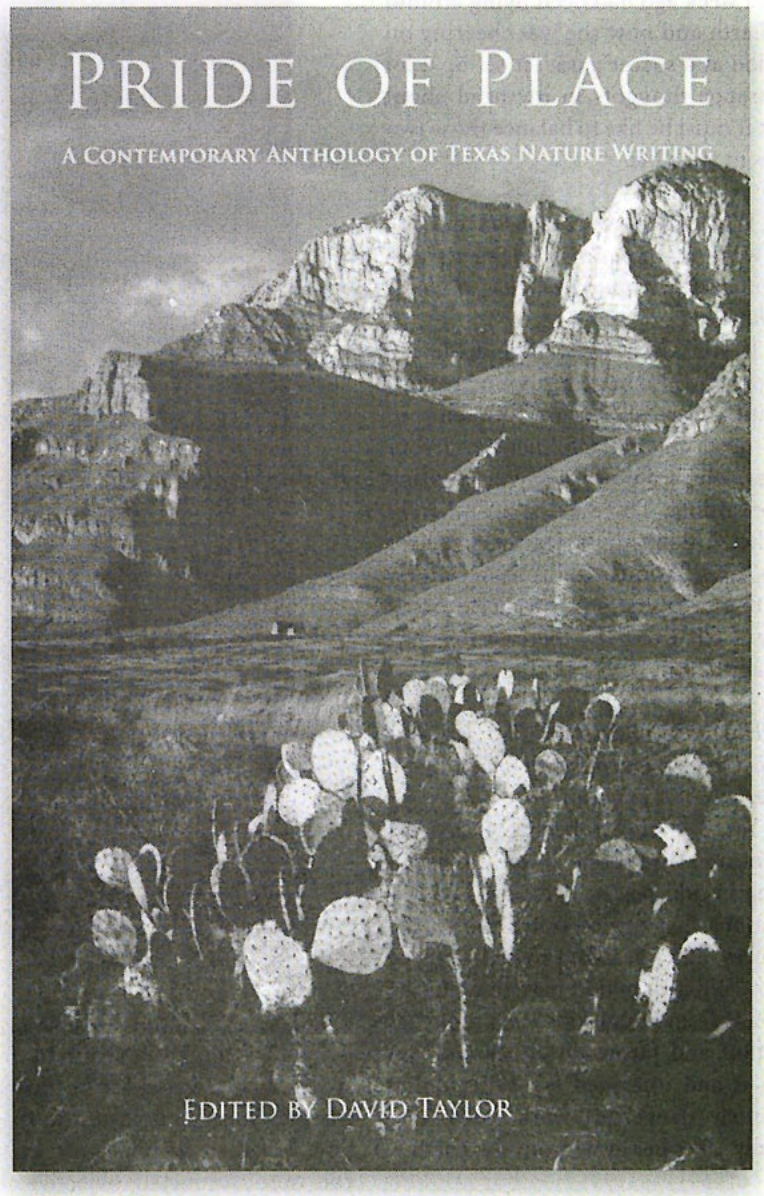
SH: The setting is crucial to me, just like it is in other books that I read. I want to know the specifics of the world I'm reading about as a reader and writer. It's just uninteresting to me if there is not that local texture. I work real hard to get things right. As much as this book is about space, it's equally as much about ordinary life. I worked hard to try and make the details of ordinary lives in Clear Lake, Texas, as interesting as the

—continued on page 29

Texas Terroir

BY CHAR MILLER

Pride of Place: A Contemporary Anthology of Texas Nature Writing
Edited by David Taylor
University of North Texas Press
213 pages, $29.95, hardcover;
$16.95 paperback.



For Henry David Thoreau, it was the rare sighting of the flower of a white pine. As he wrote he "Walking" (1862), he shinnied up the tall tree and "discovered new mountains in the horizon which I had never seen before—so much more of the earth and the heavens." That long view did not compare to what caught his eye close up: "a few minute and delicate red conelike blossoms, the fertile flower of the white pine looking heavenward," an arboreal sacrament.

For conservationist Aldo Leopold, it was the tiny Draba. The "smallest flower that blows," he noted in *Sand County Almanac* (1949), the bible of modern ecological thought, it "will sprinkle every sandy place with small blooms." But only the attentive glimpse its presence: "He who hopes for spring with upturned eye never sees so small a thing as Draba. He who despairs of spring with downcast eye steps on it, unknowing. He who searches for spring with his knees in the mud finds it, in abundance."

For Barbara Nelson, it is the "short, bunched, and dust colored" grama grasses of the Chihuahuan Desert. As she observes in *Pride of Place: A Contemporary Anthology of Texas Nature Writing,* "Passers-through sometimes cannot see" what those who live within this terrain can sense: This "dry, hot, and mute" landscape is unexpectedly vivid and vocal, but only if you are aware that at sundown "the late evening bathes the land in fuzzy gold." Desert colors, she explains, "are not aggressive. They don't compete, they don't shout. They steal your heart with a whisper."

Regardless of setting, irrespective of environment, and despite differences in generation and gender, ferment and temperament, those who have best written about Nature (or nature) have had a profound sense of the finite; small is beautiful. That sensibility claims its own truth, but also counters a culture that is long on brag: from a Declaration of Independence that dared speak of the "self evident" equality of all men (an inconvenient claim, now and again) to an outlandish sense of humor, a bleating self-importance evoked in tales about Davy Crockett, reconfigured by Mark Twain, and recast in the "Kings of Comedy." For this Chosen People there is a special land, an exaggeration reflected in the near life-sized canvas on which Albert Bierstadt tried to cap-

ture the immense scale of the Rockies and Sierra, and on which Clyfford Still abstracted the vastness of western plain and sky. To speak well of flowers unseen and grasses invisible in a society that finds self-aggrandizing comfort in the Grand Canyon is something of a democratic dare.

Had David Taylor sketched out some of these broader cultural traditions and tensions, *Pride of Place* might have made a more significant contribution to our understanding of those who have written so evocatively of Texas. Certainly his contributors readily point to their diverse intellectual origins. Thoreau pops up regularly (and his "Week on the Concord and Merrimack Rivers" seems the unacknowledged basis for Taylor's chapter, "Paddling the Urban Sprawl of North Texas). Mark Twain, Edward Abbey, and Annie Dillard make appearances, as does Jed Clampett, setting up a range of 19th- and 20th-century influences that frame the dialogues between these writers and their home grounds.

It would also help to know that nature writing in Texas did not start with Roy Bedichek. The naturalist tradition on which this well-read writer drew extended far back into the ancient world, but its Texan roots have some depth as well. The frontier naturalist Gideon Lincecum and that shrewd pre-Civil War traveler, Frederick Law Olmsted, set the stage for subsequent observers. Before these intrepid Anglos took note of what this land was made of, Spanish colonial settlements depended on those with a keen eye for nature and the ability to record its variations and import. Identifying such historical influences is essential to any volume that announces that it is a "contemporary" anthology. What makes it modern, presumably, is its relationship to an earlier time and literary perspective, and the distance it seeks to put between then and now. That's something of a fool's errand, for we are forever enveloped in the past's embrace, as John Graves makes abundantly clear in his reluctance to clear away his collection of odds and ends: the "massive clutters in work and office" like those that have piled up "in attics and platforms under the barn roof and in any odd corner of our house...*belong* where they are as much as I do." And should one morning "I walk into the barn and note that an accustomed item was not there...I would feel my little world's foundations shudder slightly."

Those who have written about Nature (or nature) have had a profound sense of the finite; small is beautiful.

Just so with a book's intellectual scaffolding: It ought to be anchored in its past to provide a stable footing for its organizing structure. Yet *Pride of Place* is not as tied down, as coherent, as it could be. Start with the title, and Taylor's odd justification for it: "The political boundaries and borders that define Texas are so vast and so diverse that an immense pride is a way to find common ground." This explains why the state's "Don't Mess With Texas" campaign has been so successful, he says, because its marketing narrative "reaffirms Texas mythology" while underscoring "a positive community concern," leading us to clean up the land we love. A similar impulse apparently defines this volume. According to Taylor, "much of what holds these essays together comes from this story of Texas pride: that we and the landscape are important and worthy of pride, if not bravado." Find a state in the union for which this is not true. (And because it is true from California to Maine, Alaska to Florida, what then does pride or bravado explain?)

More subtle and compelling is contributor Carol Cullar's guiding principle of *terroir*, the unique qualities the French believe geography gives to place and perception. The Eagle Pass writer had an epiphany about its significance one morning when she poured water into a dusty heirloom kettle and was staggered by its pungent aroma: "I was enveloped by the odor, thrown back to Western Oklahoma from whence the family roots diverge, where the sandy road threaded across the railroad tracks, south to my grandfather's farm..." Telling a friend of her experience, she learned "that the French have long known of the potent strength of the earth's essence."

Such essences vary across bioregion, leading each author in *Pride of Place* to grapple with the distinctions they unearth. Sharp-eyed Roy Bedichek noticed the proliferation of the vermilion flycatcher in Central Texas, an avian species known to love "two physiographic features not often found in conjunction, viz., a desert or semiarid terrain, contiguous to a body of still water." Its numbers and range increased in response to New Deal environmental engineering that led to the proliferation of earthen water tanks for livestock. The flycatcher was not alone in adapting to this particular work of man, and Bedicheck's essay, "Still Water," amounts to a loving inventory of how minnows and water moccasins, dragonflies, and frogs, came to populate what had once been "a gentle impression in an old field which had been worn out and rendered useless by fifty years of unscientific cultivation."

Other writers have found their niche in a niche. Pete Gunter's environ-

mental commitments unfolded in the Big Thicket of East Texas, that "ecological ark, possessing great biological diversity." There, tutored by local sage Lance Rosier, he learned to see "a green, tangled subtropical land in a way I could not imagine on my own," helping launch a political movement to preserve what was left and rehabilitate what had been devastated. Up in the Panhandle, Wyman Meinzer's discovery of his literary impulse came in tandem with his Walden-like "life of solitude in a one-room half-dugout cabin with no running water or electricity deep in the canyon lands of the southern Plains." Taylor plied the waterway of the Metroplex, where he grew up, wondering if "there is a language adequate to mourn the passing of marginal landscapes," a query for which Marian Haddad has an answer. Born "under El Paso's desert sky," she found that "arid places of the southwestern part of our state have always held for me a constancy, an open slate of possibilities."

Key among those opportunities is the chance to glimpse that second in time when the human and the natural converge. For El Paso poet Ray Gonzalez, it was the possibility that his "work was written at the exact instant the Rio Grande shifted course." For Gary Clark, a devoted Houston birder, it was standing stock-still on a lek, awed by "the wondrous dance of Attwater's prairie chicken." And for Naomi Shihab Nye, it was "the long snake gliding smoothly down between the deck" of her just paid-off San Antonio abode. "I've never seen a snake in this yard in fifteen years," she writes in her essay, "Home Address," and "now the minute it's all ours, surprise. He lives here too."

But it was the thorny terrain of Maverick County that snagged Cullar's attention. "If we drink the rainwater and the cistern water," the executive director of the Rio Bravo Nature Center Foundation observes, "are our molecules not bound together with the rivers and the streams, the vegetable from the garden and the honey garnered from a million blooms?" She knows the answer is yes: "I have drawn these buttes for many a year. Those scarps are stored in the muscles of my fingers, the bones of my wrist. Bone-stored hills, buttes; and in my hand, muscled limestone."

By writing herself into the land, Cullar invokes Thoreau's rapture at the discovery of a tiny red flower atop a tall tree and Leopold's quiet, prayerful reaction to the Draba's ephemeral beauty. This deeply felt sensibility, and the enfolding union with nature it espouses, is key to recognizing the literary lineage of these small moments of great beauty. ■

Contributing Writer Char Miller teaches at Trinity University and is author of Gifford Pinchot and the Making of Modern Environmentalism *and* Deep in the Heart of San Antonio: Land and Life in South Texas.

I was sitting in a boring literature class one day, a shiny-faced, idealistic undergraduate, thinking about boys—only I had started calling them men. I was an Animal Science major, studying to become a ranch manager, or a cowboy's wife, whichever came first. My college sat on the side of a mountain, as most colleges do so that college professors can look down upon the town from a lofty perch. So, I was watching buzzards out the classroom window, almost at eye level. The professor was asking us to decide whether Edward Abbey's narrative voice should be classified as homodiegetic or autodiegetic—yawn.

The buzzards were putting me to sleep. Buzzards drift so aimlessly and effortlessly on thermals, especially in the hot rimrocked desert country of West Texas. But just as my eyelids were drooping, the big black birds seemed suddenly to change gears.

Instead of drifting, they begin to circle, they began to circle with more of a purpose. Is a cow dead down there on main street? I wondered if they had put to sleep the old cowboy, Nicasio Ramirez, who always sat on the corner in the sun. As the circle tightened, more and more buzzards appeared out of nowhere. First ten, then twenty, then I was watching 100, then 1000 buzzards circle right outside my classroom window. It was a once in a lifetime sight!

I raised my hand.

"Sir!" I stammered excitedly, "The buzzards are gathering to fly south right outside the window!

There are thousands of them!"

The professor frowned, told me to keep my mind in class and went on about Abbey. I changed my major to English that day. The professor probably thought his lecture had inspired me, and it did. I decided right there in that classroom, as the buzzards broke their circle and headed south, that *I* should be teaching Abbey.

One of my favorite images, which appears over and over in Ed Abbey's books is a cowboy, riding along, spending his life and imagination looking at a shit-encrusted, fly-clouded, bouncing cow's butt. Chuckle.

Western movies have always left the cowshit and horseshit out, ever notice that? Shit just doesn't fit into the Western myth. Buffalo chips might be useful as fuel, but not cow chips—well, maybe in India, but not in the American West.

Anyone who doesn't believe in cowshit would not want to brand Brammer calves—ever—even with the toe of their boot over the spout. They wouldn't want to be hit by a cow tail when the yuccas are blooming, wouldn't want to shove an arm up a heifer's cervix to pull a calf, wouldn't want to climb into crowding chutes when spring grass is green, wouldn't like "mud" without rain, scours, flat rocks, scared wild cows—yup, real cows do shit, and I've spent a lot of years staring at their Southern ends. My imagination is probably ruined.

—**Barbara "Barney" Nelson**, "That One-Eyed Hereford Muley," in *Pride of Place: A Contemporary Anthology of Texas Nature Writing*

—Harrigan, continued from page 25
details of being weightless 40 miles above the Earth.

TO: At one point Lucy gets a cell-phone call from her husband. He's on the space shuttle while she's at a McDonald's on Earth with her son. Their circumstances provide a provocative contrast.
SH: The first time I noticed the McDonald's on NASA Road One near the Johnson Space Center, with this big fiberglass astronaut holding an order of fries in his outstretched hand, that made me think, "I just have to write about this place and about the people who live here." Real life is potentially as dramatic as space flight. Stories in which people behave as they do in real life, that is to say, somewhat unpredictably, are exciting to me.

TO: At the heart of the book—and this is not giving anything away really—is a disaster in space. Yet even that has emotional consequences for Lucy and, ultimately, for the reader.
SH: Yes, well, something exciting needed to happen or else the book would be boring. So I began to wonder what would be the deepest jeopardy that I could put Lucy into. I began to think what it would be like to be a mother and to know that your child needs you desperately and not be able to reach them; you're not even on the same planet. To be able to look down and see the Earth revolving below you—to see the country where they, are the state, the city—and not be able to reach your children. To me, that was most haunting image in the book.

TO: The original cover of the book featured Lucy looking out the shuttle at a house floating untethered in space. Did you start with that image in mind?
SH: It's hard to say whether what you put into a book is deliberate or happenstance. At some point things become deliberate just by virtue of being there ... of having written them. It's not fair to say that I sat down with the entire architecture of the book in mind. Fiction is a process of discovery for me. I'm very, very, very concerned about story and plot, which in the last few decades have become dirty words among literary types. It's the necessary foundation of the novel, or at least the novels that I like to read. But I've learned you just can't sit down and think of a plot. You have to get to know characters by writing scenes and plot in which they are slowly revealed.

TO: A bit like life itself?
SH: Yes, and once you see what those characters do in real life, you see where that book might be headed. I don't write wasted scenes. I don't do these things that you're supposed to do, like writing character studies or blitzing thorough without paying attention to the niceties of the prose. I'm a first-draft writer, meaning it comes out clean.

TO: How much do you get done a day?
SH: It depends. At the very beginning of the book I'm writing, I might get a paragraph on a good day, but by the end, when I know the characters, I might get 22 or 23 pages a day. You build up so much momentum when you know the story and characters that you're surfing.

TO: Another of the characters, Louis, is a priest who is losing his faith in God. Much of this book is about loss, but there is also this interesting question about life's mission.
SH: Some reviews have said this is a book about responsibility. To some extent that is true. It's been a big issue in my life. I think I've been pretty responsible, but it has been a concern of mine that I behave in ways that I find acceptable. I was never interested in the James Dean model of how to live your life. The romantic outlaw concept always felt a little bland to me.

There are all sorts of ways that one can fall off the track. But this is a book about people who want to stay on the track, yet don't want to deny themselves the richness of ambition and personal fulfillment. ■

Edward Nawotka covers the South for Publishers Weekly *and is a syndicated book critic. He recently moved to Houston, after living in Austin for several years.*

—PIs, continued from page 5

and 2004, according to figures recently released by the EPA. In March 2005, 15 workers were killed and more than 170 injured in an explosion at the same refinery.

The EPA's latest annual Toxics Release Inventory report for the facility owned by BP (formerly British Petroleum) shows the plant produced 10.25 million pounds of pollution in 2004, mostly formaldehyde and ammonia–up from 3.03 million the previous year–making it the worst-polluting plant in the country. According to BP spokesman Scott Dean, nothing in the firm's production process has changed, just the math. (Under federal law, companies get to choose their own method for calculating pollutants.) This time BP engineers used a new equation, based on advice from external consultants and new research, said Dean. Because of 1986 legislation, companies that store or release certain polluting chemicals have to report them to the EPA. (End-of-the-worlders and other students of numerology might note that there are 666 chemicals and compounds on the list). Every year some 23,000 manufacturing facilities–roughly 1,800 of them in Texas–take stock of how many pollutants and how much toxic material they have. Those numbers are used to calculate–theoretically–the pollution that the material should produce. Those unverified pollutant numbers are then submitted to the EPA. According to Dr. Mort Wakeland of the EPA regional office in Dallas, the agency does not verify the figures, but compares them with data from the previous year. Of approximately 1,800 sites in Texas, EPA investigates only about 40 a year.

MORE NUMERICAL VOODOO

Now that the Bush Administration has trotted out two of its favorite hobby-horses–illegal immigration and gay marriage–to distract the public from policy debacles in Iraq and at home–what else can we expect in the way of manufactured crises? How about a massive PR campaign to deny Americans access to courts–otherwise known as "tort reform" in the Orwellian language of its proponents. Last month we were treated to a sneak preview of things to come when Lt. Gov. David Dewhurst issued a press release announcing, "Recent study ranks Texas first in overall tort climate." (Tort climate, it goes without saying, is not to be confused with global warming.)

The study in question, "U.S. Tort Liability," was produced by the Pacific Research Institute and the American Justice Partnership, which concluded that Texas was the best state in the country for business, thanks to massive legislative changes enacted in 2003–restrictions on class actions, limits to punitive damages, and caps on non-economic damages in medical malpractice cases. Of course, it helps to know that PRI and AJP are not exactly impartial sources, but part of a web of PR firms, think tanks, industry-funded organizations, and industry friendly experts. PRI is a California-based think tank of right-wing free marketers à la Milton Friedman. According to its Web site, PRI's chairman of the board, Clark S. Judge, is managing director of something called the White House Writers Group–"a strategic communications company" filled with former Reagan and Bush I speech writers and apparatchiks. The National Association of Manufacturers launched PRI's partner organization, AJP, last year to–surprise! surprise!–coordinate lobbying for "tort reform," legislation that restricts the public's right to sue in civil courts. Currently presiding over the NAM, which wrote the introduction to the "U.S. Tort Liability" study, is John Engler. In 1995, as governor of Michigan, Engler signed a bill that made it impossible for a pharmaceutical firm to be sued over a drug that had been approved by the FDA.

Despite the glowing marks awarded to Texas for its business friendly, anti-litigation climate, the authors of the report concluded that the state had still not reached "judicial nirvana."

Although they failed to define the term, judging by the organizations that produced the report, it's easy to guess what judicial nirvana might look like: Anyone who ever dares to file a product-liability or negligence case shall be forced to stay after school and write 100 times on the blackboard, "I'll never sue another corporation again. I'll never sue another corporation again. I'll never sue ... ." ■

First Words: JKG Memorial

It is told that such are the aerodynamics and wing-loading of the bumblebee that, in principle, it cannot fly. It does, and the knowledge that it defies the august authority of Isaac Newton and Orville Wright must keep the bee in constant fear of a crackup. One can assume, in addition, that it is apprehensive of the matriarchy to which it is subject, for this is known to be an oppressive form of government. The bumblebee is a successful but an insecure insect."

So wrote John Kenneth Galbraith at the start of his first big book, *American Capitalism*. Those first words were published in 1952—as it happens, the year I was born. And so my life and his literary career have gone along together, up to now.

What was it like to grow up in his home? Summers on the unfarmed farm, long walks through the woods, buttered corn flying to Mother who almost never missed a catch, the mornings of typing never to be disturbed, "grown-up hour" when Arthur or Gloria or George might be around. Christmas in Gstaad with the Buckleys. India—one grand word that says it all. When I turned 16 he set me free—off alone to Prague and Paris, out of Andover to Berkeley, Harvard, and Cambridge; his places became mine. And along the road that led us through Chicago in '68 and Miami Beach in '72, we were always on the same side.

Until the end, John Kenneth Galbraith was my father, my mentor, my coach, my critic, and my friend. If he had one enduring law, it was Galbraith's First: "Modesty is a vastly overrated virtue." On April 26, I showed him an article on "predatory capitalism." He said, "You should write a small book on corporate predation. You can make yourself into the leading economic figure in the country. If I could do it, I would put you in the shade. When you're well along, run up to Cambridge, and I'll give you my ideas. I've been working it out every night for weeks."

Like Bogart in Casablanca, I've heard a lot of stories lately. "Mister, I read an economist once," they always begin. I reply, "So did I."

It's not so bad. For as long as we have him to read, he has us to carry on. One of my students called his legacy "the thinking man's suspicion that the emperor has no clothes."

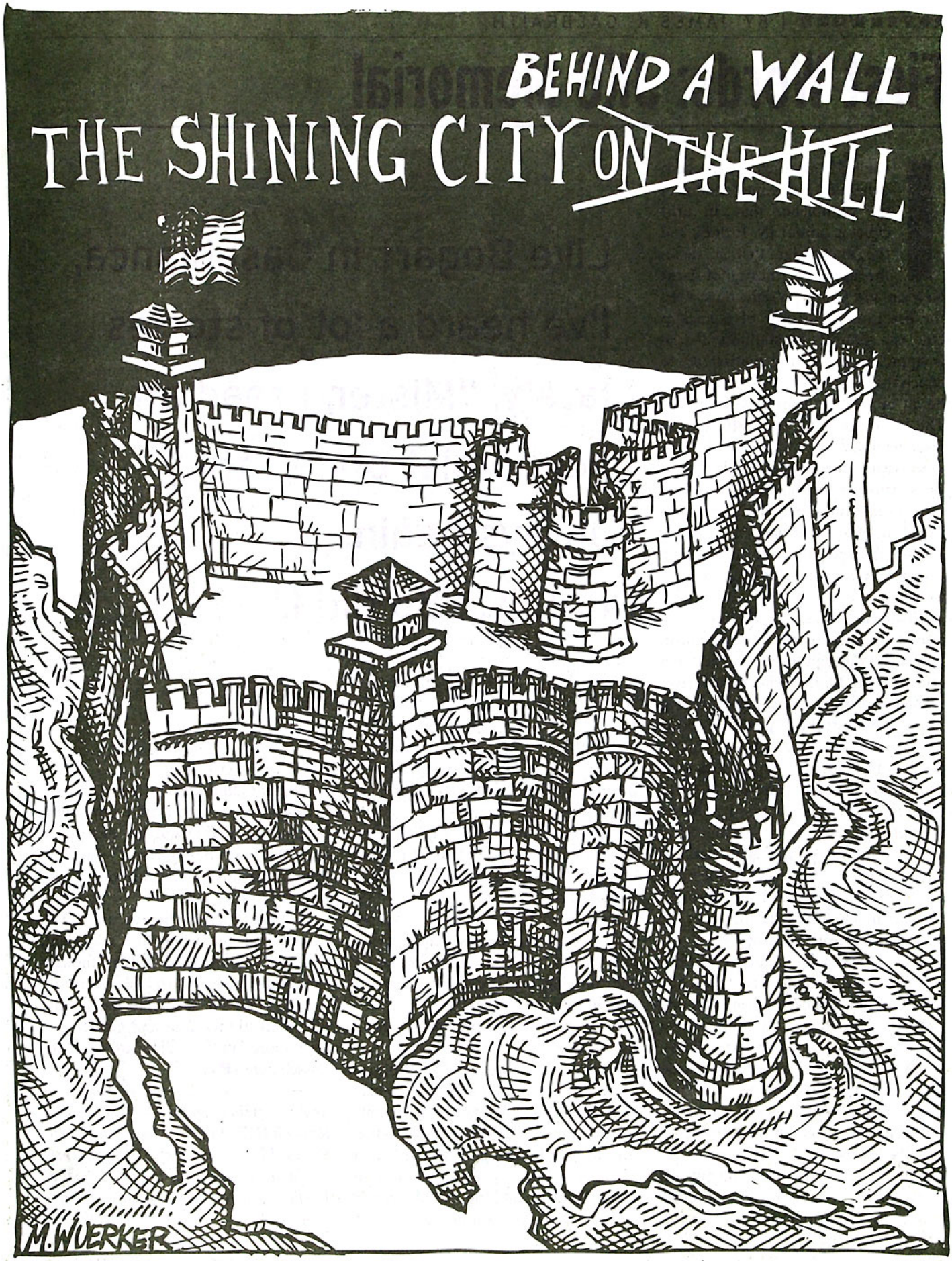
In an age of naked emperors there's a use for that.

I have a letter I'm proud of. It begins, "Dear Jamie, you and I have had the privilege of having fathers who were mighty giants... I am greatly blessed as my father was, to have known both you and your Dad's time, talent, wit, and wisdom." It ends, "With a lifetime of admiration and love, Luci Baines Johnson."

Here in Cambridge a few days ago I called for a cab. I gave my number and my name, and the dispatcher said, "Are you The Professor?"—as if in Cambridge there were only one. I cut her off: "I'm his son."

She asked me how he was, and I had to give her the news. She fell silent, and for a moment it felt as though Cambridge had lost the only professor it had. Then she said, "He was a very nice man, always kind and gentle, and very appreciated by all of us. He'll be missed here." ■

Remarks at the Memorial Service for John Kenneth Galbraith, the Memorial Church, Harvard University, May 31, 2006. James K. Galbraith teaches at the LBJ School of Public Affairs at the University of Texas at Austin.


BEHIND A WALL
THE SHINING CITY ON THE HILL
M.WUERKER