

# THE TEXAS OBSERVER

A Journal of Free Voices  
 A Window to the South  
 Dec. 15, 1972

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## School financing is good for you

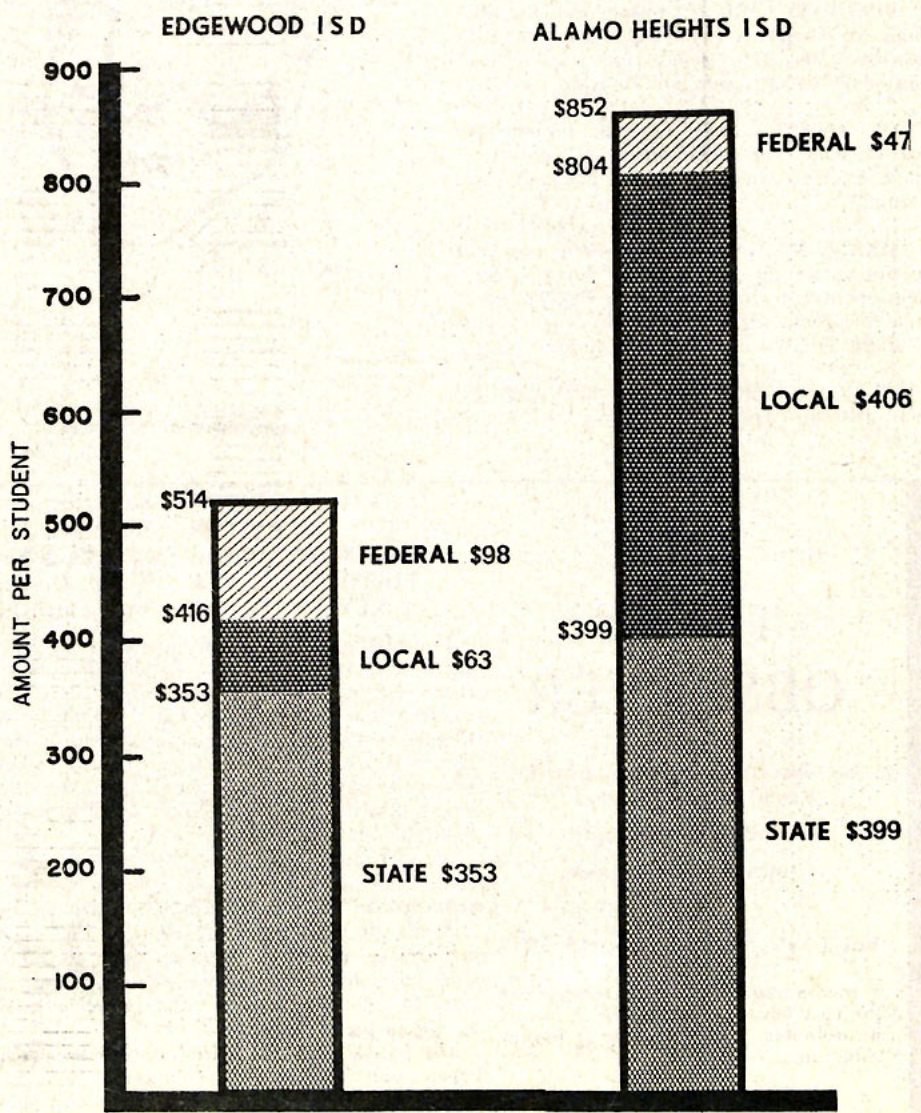
This is what is known around our office as a cod liver oil article: it tastes terrible, but it's awfully good for you. There is no fun political skullduggery involved, yet. Classroom Teacher Units and Average Daily Attendance do not lend themselves to bon mots. It takes some brainpower to understand the complexities of the alternative systems of school financing being proposed: they are all couched in dreadful bureaucratic jargon.<sup>1</sup> But the changes about to be considered by the Texas Legislature in the way we pay for the schooling of our children may turn out to be the most important decisions of the coming biennium, even more important than a new constitution.

In order to play your usual role as a superlatively well-informed citizen, in order to write your customary devastatingly perceptive letters to your representatives, in order to lobby effectively on the Good Guys' side, you'll need to do some work. But there is a sugar-coating on the problem. We solemnly promise you that no matter how complex the battle between the proposed systems of school financing becomes, you will never again have to try to understand anything as complicated as the present Minimum Foundation School Program. —Ed.

San Antonio

The decision in the case of *Rodriguez v. San Antonio*, handed down by a three-judge federal panel almost a year ago, is easily the most important court decision in education since *Brown* went up against the *Board of Ed.* And the social implications may be just as far-reaching. There were two similar decisions that preceded *Rodriguez*: *Serrano v. Priest*, a California decision in August, 1971, and *Van Dursatz v. Hatfield*, a Minnesota decision in October, 1971. Since then, there have been a number of similar rulings

(Continued on Page 3)



Operating expenses by source of funds (Chart by Texas Research League)

# The coming fortnight . . .

By Suzanne Shelton

## DECEMBER GRAB BAG

**ART QUARTET** - Four exhibitions on display: "Graphic Art of German Expressionism," including etchings, woodcuts and lithographs by such expressionists as Kandinsky, Grosz, and Klee; "Diaghilev Stage Designs," with 110 watercolors of costume design and theatrical scene designs from the Serge Diaghilev era of turn-of-the-century ballet and theatre; "Souls," by Harold Persico, sculptor who creates transparent, sealed works of silicone; and "Ten Toys By Artists," with playthings designed by international artists, including Milton Glaser and his "L-Blocks;" through Jan. 7, Art Center Museum, Fort Worth.

### DECEMBER 15

**BIRTHDAY GIRL** - It's happy birthday, Miss Ima, as Houston Symphony Orchestra with pianist Arthur Rubenstein perform an Ima Hogg Birthday Concert; Jones Hall, Houston.

**ORGANIST** - Virgil Fox and his one-ton, custom-built, eee-lectric organ, in concert; 8 p.m., Laurie Auditorium, Trinity University, San Antonio.

**MARIA, MARIA** - Last chance to see final performances of "West Side Story," with Metropolitan Opera Studio tenor Henry Price in role of Tony; through Dec. 16, Ruth Taylor Theatre, Trinity University, San Antonio.

**MUSICAL** - It doesn't have Julie Andrews, but it's the same old "Sound of Music,"



Happy birthday, Ms. Ima

schmaltzing it up in high style on Dallas Repertory Theatre stage; through Jan. 7, NorthPark Hall, NorthPark Shopping Center, Loop 12, Dallas.

### DECEMBER 16

**RODEO** - Nothing like a Christmastime rodeo, this one the Kowbell Rodeo, indoor event held each Saturday night, year round; 8 p.m., Kowbell Rodeo, Mansfield.

**PARADE** - The whole town of Franklin will turn out for its Christmas parade and flea market, strange bedfellows perhaps but heaps of fun; downtown Franklin.

### DECEMBER 17

**SYMPHONY** - Lawrence Foster conducts Houston Symphony Orchestra with Itzhak Perlman, violinist, in Paganini's "Violin Concerto No. 1," plus works by Haydn, Kraft, and Debussy; through Dec. 19, Jones Hall, Houston.

**MORE SYMPHONY** - Pianist Arthur Rubenstein travels to Dallas to perform in special recital of works by Schubert, Beethoven, Debussy, and Chopin; 8:15 p.m., Music Hall, Fair Park, Dallas.

### DECEMBER 25

**CHRISTMAS** - Peace.

### DECEMBER 29

**BALLET** - Tchikovsky's "The Nutcracker," Christmas favorite, performed by Houston Ballet; 8:30 p.m., Jones Hall, Houston.

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Ronnie Dugger, Publisher

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A journal of free voices

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# School financing . . .

(Continued from Page 1)

around the country. We will concentrate on the Rodriguez decision both out of home state chauvinism and because the U.S. Supreme Court agreed to hear the Rodriguez case (presented Oct. 12, this year) and is expected to rule on it early next year, probably in March.

The essence of the Rodriguez decision is that the education of a child shall not depend on the wealth of his neighbors. The court ordered an end to wealth discrimination on the basis of the 14th Amendment (equal protection of the law). The court did NOT order that expenditures for each child be equal across the state. Instead it came up with a standard called "fiscal neutrality," meaning that the quality of public education may not be a function of wealth, *other than the wealth of the state as a whole*. The court gave the Legislature two years to come up with a school financing system in accord with the 14th Amendment, leading some pessimists to predict back-to-back special sessions all through next year.

In order to implement the Rodriguez decision, the state will not only have to re-vamp the method by which school funds are disbursed, but also, in order to achieve an equitable arrangement, will have to come up with a new way of collecting the money. And the collection end of the bargain offers potential for major tax reforms, particularly in the area of property taxes, a hot political subject. But the special interest groups are already, naturally, better organized on this issue than the public interest groups.

There are two points that should be considered before we begin to discuss the alternative systems now being proposed. The first is that there is a chance, ranging from zilch to excellent, depending on your source, that the Supreme Court will not go along with the Rodriguez decision. The Nixon Court is getting tougher all the time, which is the major reason why the Texans who brought the Rodriguez suit raced to get it to the Court instead of waiting for lower courts to guild up a thick wall of Rodriguez-like decisions: they were afraid more Warren Court members would retire. Best betting is that the Rodriguez case has four solid supporters on the Court: the plaintiffs are praying for a swing man and they may not get one.

In the South particularly, we have gotten so accustomed to not doing anything about social injustices until we are ordered to do so by the federal courts that many Texas officials are taking the attitude that we should do nothing about school financing until the Supreme Court rules, and if it rules against Rodriguez, we should do nothing, period. However, without being unduly Pollyannaish, it seems likely that on this issue there is so

much public resentment at the inequities, particularly inequitable property taxes, that the impetus for reform is there no matter how the high court rules. One possible check to such reform is the reliable Texian resentment against federal "interference". Letters to the editor will be called for if the *Dallas Morning News* and its ilk start griping that the "courts are telling us what to do again" without looking at the merits of the case for reform.

As important as the possibilities offered by the Rodriguez decision are, it does not, in the opinion of some of the state's progressive educators, address itself to the school financing principle most needed. The San Antonio court specifically rejected the idea that school expenditures should be determined by educational needs. The idea is also called compensatory education or reverse discrimination, and it just means that them that needs the most, get the most. The court said it is too difficult to define "educational needs." Particularly in the black, brown and poor white districts in this state, equalization of aid is not likely to make up for years of "benign neglect," to call it by the kindest name. It's as though there were a race from Houston to Chicago, with the whites aboard a fast train and the blacks and browns on an old bike. Half-way through the race, the judge decides that's not fair, so he gives the blacks and browns a train too. But their train picks them up at the point they have gotten to on their bike, so even when their train starts to go just as fast as the white train, they don't have a chance of catching up. You will find that the most progressive systems of alternative financing include some provisions for funding on the basis of educational needs.

**N**OW, LET'S TAKE a brief look at what the judges in San Antonio saw that led them to hand down the Rodriguez decision. (For a more thorough account, see *Obs.* March 31, 1972.) Two of the school districts in Bexar County are Edgewood and Alamo Heights. In the Edgewood district, which is predominantly black and brown, the market value of property per student is \$5,429. In the white Alamo Heights district, it is \$45,095 per pupil. Edgewood, with the highest property tax rate of any district in Bexar County, raises \$21 per pupil, Alamo Heights, with the lowest rate, raises \$307 per pupil.<sup>2</sup>

Statewide, the inequities are even worse than in San Antonio. There are 1,149 school districts in Texas, clearly a lunatic situation, but you must remember that the figure has come down from almost 5,000 in the last few years, courtesy of the school consolidation program. The districts range in wealth per student from \$1,000 to \$10

million, a 10,000 to one ratio. The districts spend from \$300 to \$1,700 per pupil. About 300 districts are worth more than twice the average property market value, while some 200 have less than half the average market value. They vary in size from three students to more than 200,000. Eighty-nine percent of the students are in 367 of the districts, while 11 percent are in 812 districts.<sup>3</sup>

In theory, local property taxes provide 20 percent of the revenues for schools while the state comes up with 80 percent. But the state only comes up with 80 percent of something called the Minimum Foundation Program, which is plenty minimal. As a result, districts that can afford them have "local enrichment" programs furnished by property tax money, which in some areas account for half the school funds. But the inequities do not stem solely from the differences among school districts in amount of taxable property. The MFP was originally designed to be something of an equalizing factor in educational spending. But over the past 23 years, the MFP has become so pocked with special exemptions and special credits and special benefits that the Texas Research League, which is no bleeding-heart outfit, (it is funded by business interest groups) calls the MFP "a majority of exceptions." There is no point in trying to understand how the MFP works: in the first place, it's impossible,<sup>4</sup> and in the second place, it probably won't be around much longer. Suffice it to say that it doesn't work. In terms of school districts, the MFP is making the rich richer and the poor poorer. There are some federal funds available to local school districts which are distributed along more equitable lines, but they account for less than 10 percent of school funding and cannot possibly make up for the disparities produced by the property tax and the MFP.

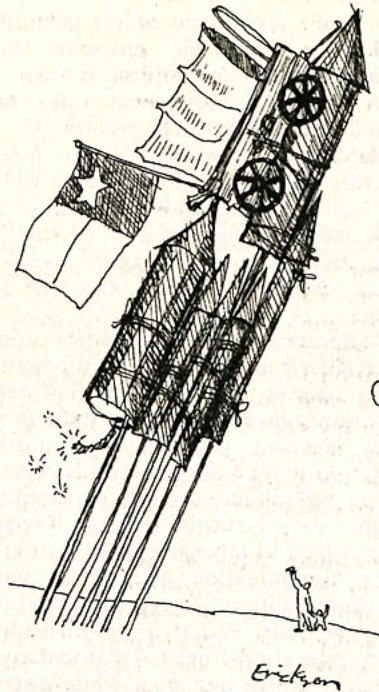
One of the easiest ways to sell reform of school financing is to promise property tax relief. But it's a dangerous game, because the truth is that no one really knows yet what the proposed alternatives will cost. The Texas Research League, and the Senate Committee to Study Public School Finance are now working on computer program models and methods of statistical analysis that will enable them to say how much which system will cost in terms of whose taxes. But the breakdowns are not yet available, although the Research League does have some total cost estimates. Everyone agrees that bringing the state into line with the Rodriguez decision is going to cost money, unless we decide to bring all the good districts in the state down to the level of the bad districts, an option that is educationally insane and politically impossible. Archie Roberts of the Texas State Teachers Association set up hackles at a recent meeting when he suggested that TSTA's proposal is "fair to

the boys and the girls and fair to the taxpayers as well." "Fair to the taxpayers" is usually a code phrase for penny-pinching that leads to abysmally niggardly programs. Roberts finally said, "I didn't say it would be *cheap* for the taxpayers: I said it would be *fair*." The taxpayers in this state are so hacked about the inequities in the present system that if they can be shown that a new system is at least fair, they are more likely to accept the fact that it isn't cheap.

Now let's look at some of the reform ideas now being debated. One of the simplest is to change school district boundaries. Alamo Heights has more wealth than Edgewood? Throw 'em into the same district and it'll average out. The trouble is that districts that make financial sense are apt to make administrative chaos. You could even make the whole state into one big school district, as Hawaii has done, but you run into the local v. centralized government question. It's hard enough to deal with a school bureaucracy in your own backyard: you're even less likely to be able to have any input into the way your kid's school is run if the whole schmeer is decided in Austin. While the theory that the closer-government-is-to-the-people-the-better-it-governs is amply disproved by, among others, numerous county commissioners in this state, certainly the condition of the federal government, that unresponsive behemoth, is no argument for centralization. In addition, folks are particularly apt to be anti-centralization in the field of education: demands for local control are even hitting urban school districts, relatively small governmental units. People care much more and in a more personal way about what happens to their kids in school than they do about the national defense posture or the state highway system.

Another reform proposal has been christened "power equalizing." The idea is to guarantee every school district a given yield for any tax rate the district chooses to impose on itself. If two districts, whatever their relative wealth and tax base, levy school property taxes at the same rate, the state would guarantee that the per-pupil revenue for each district would be the same. The state would simply take the surplus from rich districts and give it to poor districts. Power equalizing would also allow for local enrichment programs — the rich districts could set their tax an eensy-bit higher and still come up with a bucket of cash for coaches, bands, libraries, better teachers or whatever. The trouble is that rich districts are not apt to be cooperative about handing over surpluses and the local enrichment option will lead to more disparities. Also, the system depends on local property taxes which are inefficient, regressive and wildly disparate.

**N**OW THE ONE reform almost everyone agrees on is changing the



property tax system. The first step would be to have property assessed at its full market value. It doesn't take a genius to notice that property tax assessments in this state are an outrageous mess. It is not necessary to point the finger at any one area — it would be miraculous to find any city in the state that has a just, coherent and uniform assessment system. In more civilized parts of the country, the states make periodic studies of the relationship between market values and assessments. In 31 states, there is a small tax, called a documentary stamp tax, levied on real estate transfers that pays for such studies. The tax requires the price of property when it is sold to be reported to the state, thus giving the state a means to check assessed value against market value. The Texas Legislature has resisted such a tax in the past.

A related problem with the property tax is its unequal application. For example, some localities tax cars as property, others don't. Other types of property, such as stocks and bonds, are not taxed at all for school purposes.

Another proposal is that instead of trying to reform local property taxes, we adopt full state funding, financing education entirely by more progressive, broad-based state taxes. There are two major objections. One is simply the loss of revenue. The state would have to replace a billion dollars a year in local school property taxes.<sup>5</sup> The second objection has already been mentioned in another context — loss of local control.

If Texas opts for full-state funding, which is unlikely, it will have to consider at least one new tax, unless it simply raises the sales tax to an untenable high. The

alternatives are: a statewide property tax, hopefully based on market value; a corporate profits tax, which wouldn't raise enough money to make a significant difference compared to the \$1 billion lost in property taxes; or a personal income tax. The level of public discussion about state income tax is still so low in Texas that the idea ranks somewhere behind cholera in popularity. As a matter of political reality, it is doubtful that Texas is within 10 years of enacting such a tax. But it is high time we stopped letting our elected officials get away with demagoguing on the idea, pretending that they are bravely standing between us and this pernicious tax, which happens to be the most progressive yet invented.

Here is a rundown on the financing systems proposed and in progress by assorted government and private groups:

#### TEXAS STATE TEACHERS ASSOCIATION

TSTA's Task Force on School Finance and Program has come up with a proposal that's long on program and short on finance. In fact, the report doesn't address itself to finance at all: it is a program concerning how to distribute school funds, but rather overlooks the problem of where those funds are to come from. The TSTA proposal is actually a sort of spiffy version of the Minimum Foundation Program: it might be entitled the Adequate Foundation Program. It offers a little something for everyone, but most of all for teachers, not a surprising outcome. The plan would create 21,000 new jobs for teachers, of whom there are a surplus these days.

Now here is a typically revolutionary proposal from the TSTA report: "Classroom teacher unit allocations would be based on Average Daily Membership, including the additional ADM that would be earned through a fully implemented Kindergarten Program." Don't ask, don't ask. The whole trouble with the TSTA report is that it's gotten so balled up in ADA's and ADM's that it has failed to address itself to the central proposition that the quality of a child's education shall not be determined by the wealth of his neighbors. Aside from that, there's nothing much wrong with it and nothing terribly thrilling about it.

They propose a 30 percent local / 70 percent state cost sharing ratio with their total program costing \$2 billion (up from the present \$1.13 billion). The TSTA report also proposes that the allocation formula should provide a level of staffing and funding for all school districts comparable to that of the better school districts currently operating. They kick in a little extra for transportation and maintenance costs, a \$70 per month salary increase, a complete kindergarten program, some extra for compensatory education and a few other goodies. They too recommend that the full market value of property be used for tax assessment

purposes and they further recommend that the amount each district is assigned to raise through local property taxes be based upon the ratio of the market value of taxable property in that district to the total market value of taxable property in the state.

#### STATE BOARD OF EDUCATION COMMITTEE ON PUBLIC SCHOOL FINANCE

Just as you would expect the TSTA program to be on the lookout for teachers' interests, so you can expect the State Board of Education to come up with a statewide centralization plan. And that's just what they did. This little gem involves a six-year phase-in schedule that will bring us to an expenditure of about \$2 billion by 1979. Under this plan, local districts will continue to be responsible for capital and construction costs. That means that a district like Crystal City, for example, which barely has enough marketable wealth to count, will get no help for the 80 percent of its kids who go to school in substandard buildings. Fifty percent of the kids go to school in clapboard buildings built during World War II as a concentration camp for Japanese. There are 400 Crystal City kids in a building built in 1911. The committee calls its program the Comprehensive School Foundation Program, but it's barely a cut above the MFP.

The committee's plan would phase out dependence on the local property tax, except, of course, for construction costs and a little local enrichment. The committee does NOT recommend the use of market value to measure the tax-paying ability of local districts; we quote its rationale in full. "The most common alternative suggested [to the present system] is the use of the market value of taxable property to measure the local ability of the district. Although many other states use this form of ability indicator, all of these states have a state agency charged with the responsibility of collecting and verifying the proper valuations of property; Texas has no such agency. Most of these states have one tax roll per county; Texas has almost 1,000 school tax rolls in its 254 counties. Most of these states have a workable definition of 'taxable property'; Texas, in effect, has no definition. Most of these states have a documentary stamp tax or some other method of recording the sales of property; Texas has no such instrument. In sum, Texas is unprepared to use the market value of taxable property as an indicator of local ability. All past attempts to create an adequate information base have failed. Even if adequate machinery to determine property valuations were to be established by the next Legislature, it would take several years to gather reliable and accurate information for every school district."

That old better-late-than-never spirit is in short supply on the Public School Finance Committee. Nor do they offer any

suggestions as to how the state is to replace the \$1 billion the schools will lose in local property taxes. Aside from that, the committee's report contains the requisite number of noble sentiments and "enrichments" of the MFP substandards. A TSTA spokesman, however, said the report set "unacceptably low levels and standards" for education.

#### TEXAS RESEARCH LEAGUE

Now the League does not make recommendations, you understand. They lay out alternatives and estimate their cost and impact. They also do not evaluate educational program components. At least that is what the League's research director Glenn Ivy said. In a rough translation, that means that the League will tell you how much the program will cost but it won't tell you whether the program is worth a damn.

One thing they will tell you is that the present program isn't worth a damn. They will tell you that at length and give you lots and lots of figures to prove it. Now we all know that the League doesn't recommend anything, but the silly old *Dallas Morning News*, which doesn't listen to Mr. Ivy, ran a story on Nov. 18 saying that the League was recommending a whole bunch of stuff. To wit, that the League was recommending a 1953 proposal made by the very same League. And 18 years ago the League did recommend that "the gap between the rich and poor districts be reduced by (1) raising the level of the Foundation Program to include most of the programs and services provided in the more affluent districts and (2) increasing the required contribution to the program by those same more affluent districts." This one could be called the New, Improved Minimum Foundation Program.

#### TEXAS STATE COMMITTEE, U.S. COMMISSION ON CIVIL RIGHTS

Twelve recommendations, sweet and simple, and a minimum of either flowery rhetoric or bureaucratic jargon. Also a minimum of facts and figures. The recommendations. One: property be assessed at full market value. Two: a documentary stamp tax be enacted. Three: a state tax agency be established to, in brief, meet every objection offered by the State Board of Education Committee in the above report. Four: state assumes the revenue raising function; county assessors to act as agents of the state. Five: a personal income tax. Six: a corporate profits tax. Seven: no sales tax increase. Eight: raise level of per pupil expenditure to level of five top states in the nation. Nine: grant state aid on basis of a child's educational need; state should conduct research to determine criteria of educational need most beneficial to students. Ten: take other necessary

considerations, such as cost of living, into account in state grants to local districts. Eleven: salary incentives for bilingual teachers. Twelve: elect school board members from single member districts.

And good luck to the Texas Committee of the Commission on Civil Rights.

#### JOINT SENATE COMMITTEE TO STUDY TEXAS SCHOOL FINANCE

Although the work of this committee, hereinafter referred to as the Mauzy Committee, in recognition of its esteemed chairman, is only half-jelled, it contains some interesting stuff. John Gay, a committee staff member who is with the consulting firm of Peat, Marwick, etc., which is doing the legwork for the committee, presented a sort of interim progress report to a school financing conference in San Antonio on Dec. 1. At this point, the Mauzy Committee's staff, after a good deal of comparative study and some preliminary dinking around with computer models, has roughed out three alternative revenue plans (how to get the money) and four alternative distribution plans (how to spend it).

Revenue I is: a 60/40 state-local sharing ratio; local funds from property tax based on market values; a statewide set maximum tax rate (i.e., a limit on local enrichment, currently in effect in Minnesota) and various devices to allow districts to tailor their own programs to some degree. Mauzy Revenue II is: no local district gets any state money unless it comes up with its full assigned share through the local tax and anything raised over the amount the district is entitled to goes into a state equalization fund. (This is a variation of power equalization discussed earlier.) Mauzy Revenue III is simple enough: the state takes over the whole load, gathers all the money from a statewide property tax and dishes it out to the local districts on an even-steven basis.

The four alternative distribution plans, now in embryo stage, include divvying up the money according to 1. a beefed up Foundation Program 2. according to staff needs 3. according to program needs 4. according to district size.

#### TEXANS FOR EDUCATIONAL EXCELLENCE

T.E.E. doesn't have any program at all, just yet, but they have a lot of ideas. T.E.E. is some folks like Dr. José Cardenas, superintendent of the Edgewood district, Dr. Earl Lewis, director of the graduate studies program at Trinity University, Leonel Castillo, Houston comptroller, and others. T.E.E. is still looking for input, but, in brief, their program is to do research on fiscal reform in schooling, to help develop model legislation in the area, to provide opportunities for critical analysis of proposed programs and to do some public

education on the question of school finance. At their first statewide conference in San Antonio, they were long on critical analysis. They didn't like much that was suggested by any of the organizations that made presentations. But as Lewis said later, "I'm really tired of sitting around and criticizing after it's already done, *ex post facto*. Seems to me I'm always in on the crash landing and never there for the take-off. This time, I'd like to see us in on the take-off."

State Sen. Joe Bernal, who taught in the Edgewood district in the days when the teachers had to count the meager chalk supply every morning and tough luck if the toilet paper ran out before the end of the day, suggested that T.E.E. take the "consumer's point of view." The organization plans to hold local and/or regional hearings to get as much input from "just folks," as well as experts, as it can.

The coming battle over school financing is already developing some depressingly familiar signs. It's like watching the Battle of Waterloo over and over again, and we're always the French. The same old blacks and browns and libs draw up their lines and hold their same old earnest conferences and put out their same old idealistic programs. And the League of Women Voters puts out its same old earnest, educational pamphlets. New acronyms are made and new coalitions of the same old people are formed. We send out our mimeographed literature on the backs of old Yarborough campaign releases, third class mail, while the Big Boys explain via first class, on slick paper with four-color visuals, just why taxing property at market value is an utterly impractical scheme. And this is really their kind of fight. It's no bread tax. It's so easy to razzle-dazzle folks

with the CTU's and the ADM's and if you just take the Local Fund Assignment, see, and subtract it from the Minimum Foundation Program and multiply it by the Economic Index, see, and then run it through the old computer model and ... the rich get richer and the poor get poorer.

But. Maybe this time. If the Ladies' League works hard enough and all the little citizens' groups are tough and feisty and if ... people ... would just *bother* ... to *find out* ... what it's all about ...<sup>6</sup> —M.I.

1. We will spare you as much jargon as possible, but for your edification, here are examples of the rhetoric and the jargon in use in school financing circles: From a National Education Finance Project publication: "An equal opportunity for all is an integral part of the great American dream. Americans have always said this is true and, in large measure, they have supported it with vast sums of money. American parents rely on it for their children. Equality of opportunity is fundamental in the nation's system of values." From a presentation by Archie Roberts, chairman of the Texas State Teachers Association Task

Force on School Finance and Program: "Accredited 4-yr. High School and 205 or more ADM: 1 CTU for each 24 ADM or major fraction ... 2,500-50,000 ADM — 4 units, plus 1 additional unit for each 6,000 ADM above 50,000."

2. Statistics from a presentation of the Texas Research League.
3. Statistics from the consulting firm of Peat, Marwick, Mitchell & Co., staff to the Joint Senate Committee to Study Public School Finance.
4. Take the Economic Index, the device used to determine each district's ability to contribute to the MFP funding. At least three of the eight factors involved have no relevance whatever to the taxable wealth of a district. The eight are weighted in accordance with a formula out of Einstein by Dracula, added, multiplied, divided and subtracted. That's how much a district is supposed to owe before the exceptions set in.
5. Finding by the Texas Research League, "Texas Public School Finance," Second Interim Report, November, 1972.
6. Now, aren't you proud of yourself? You finished the whole thing.

## The sodomy law

One of the more glaring anachronisms of the Texas Penal Code is section 524, the sodomy law. The best current hope for reform is in an effort being carried on by the Texas Civil Liberties Union, Austin Gay Liberation, and a new UT group, the National Organization for the Reform of the Sodomy Law. (NORSL was named by analogy to NORML, the marijuana people.) NORSL has so far gotten at least token support from the UT Student Bar Association and Austin branches of the American Civil Liberties Union and the National Lawyers' Guild. The new laws they are proposing would remove government altogether from the bedrooms of consenting adults; they will be brought up in the spring before a legislative subcommittee.

The difficulties of abolishing the sodomy law are obvious: how would Representative X from Anarene ever explain to the folks back home that he wasn't really in favor of sodomy? That charge and others on the same level were actually heard, you'll remember, during the Democratic primary campaigns.

Yet sodomy may be Texas' most popular felonious act. Although the law is used selectively against homosexuals and is rightfully the target of gay liberation groups, it is not in fact specific to homosexual acts but applies to anyone engaging in oral or anal copulation with anyone else, without regard to gender. Three out of five white males, according to Kinsey, and presumably similar numbers of

women and non-whites, have taken part in it at least once in their lives in the form of fellatio.

Sixty percent of the population are felons subject to two to fifteen years in prison.

Statistics on the number of arrests and convictions are difficult to come by. A Department of Corrections study of sex offences showed that as of September, 1971, there were 89 people doing time in Huntsville for sodomy. Most convictions, however, result in probated sentences. But like any widely broken, selectively enforced law, it is potentially very dangerous. Even without considering the plight of the perpetually harrassed gays of Texas, there is reason to be alarmed at the fact that the sodomy law could be used against practically anyone not smiled upon by the powers-that-be: political dissidents, inter-racial couples, personal enemies, anyone who could be caught doing it in certain non-missionary positions.

The effects of a marijuana conviction are permanent and are felt at every encounter with an employment application, but are mollified by the gradual trend toward enlightenment about dope. Imagine trying to explain away a conviction for sodomy.

—David Morris

David Morris is a graduate student at the University of Texas at Austin in the files of Romance linguistics.

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# Strauss gaining ground

## Political Intelligence

The battle for the chairmanship of the Democratic Party is producing mostly confusion at this point. At last count, there were four major candidates; Texas' very own Robert Strauss; former chairman Larry O'Brien; George Mitchell, national committeeman from Maine; and Charles Manatt, Democratic chairman from California. In addition, no one is quite exactly sure that they've got the votes to throw out incumbent Jean Westwood.

First O'Brien was supporting Strauss, saying he thought Strauss would make a swell chairman. Then Strauss turned around and said he thought O'Brien would make a swell chairman. In the meantime, they're both campaigning for themselves. Mitchell seemed to be in the happy position of being everybody's second choice. But then some premature publicity revealed that Mitchell was the guy the McGovern really wanted after Westwood, so that didn't make Mitchell too popular. Now Manatt is the favorite dark horse.

Strauss, meantime, has taken up the role of the maligned innocent. "McCarthyism" quoth he to those who objected to his friendship with Connally. What's more, he said he doesn't deserve the rap that's been hung on him as the candidate of conservatives and labor leaders. "I'm not mad about it, but I'm hurt," said Strauss. He added that he isn't really the candidate of the South and labor.

Roy Evans, president of the Texas AFL-CIO, an irrepressible fellow, did not burst into tears of sympathy for Strauss. Instead he fired off a release saying, boy, howdy, Strauss is sure NOT the candidate of labor. "Let me make it perfectly clear," announced Evans, "that as far as the Texas AFL-CIO is concerned, Mr. Strauss is definitely not our candidate."

National labor leaders may forget what Connally & Co. did to labor while Connally was governor, but Texas labor remembers it like it was the Alamo. And Strauss was a Connally man.

Then who should pop up but former Sen. Ralph Yarborough, who is not just a real big John Connally fan himself. Yarborough, like G. B. Shaw, does not believe in understatement. If Strauss gets the chairmanship, said Yarborough, it will be "another Democratic disaster for 1972." It will be a "disaster of disasters" and "an appalling setback to the hopes of the Democrats of America." Yarborough called Strauss "a John Connally henchman" — and so much for Strauss.

Nationally, no one seems to be taking Strauss' candidacy too seriously, although Texians, even of the non-lib variety, are still in a twit about it. Calls to national committee members have produced

comments indicating that they tend to dismiss Strauss, but — they do think he's a good fellow. Ah, the famous Strauss charm. It worries some anti-Straussites so much that they're trying to coax P. Smith, the gov.-emeritus, out of retirement. P. Smith, you will recall, has no love for Connally nor any of his creatures.

This will bowl you over. Former State Party Chairman Roy Orr and Dallas County Democratic Chairman Earl Luna have come out in support of Strauss. Luna is a political Cro-Magnon who fought the party reform rules. Orr is a Strauss protege (see *Obs.*, Dec. 1). Orr suggested that the fact, as he called it, that Strauss has "almost singlehandedly raised \$10 million for the party" will not hurt Strauss' chances. Orr has some first-hand knowledge about how Strauss raises money for the party.

In his letter of Oct. 19, 1971, to the members of the SDEC, Strauss said that Roy Orr "was one of the first to make a contribution [to the Democratic fundraising gala in Miami in 1970] and he and his wife made the trip to Miami." But after that gala dinner, Orr wrote Dorothy Palmic, SDEC secretary, "Strauss told me the trip was free to me since he had picked up some money elsewhere. I will pay if I have to, but that was not the understanding."

Strauss himself says that his election as chairman has moved from a possibility to a probability, and claims to be only 12 or 13 votes short of the 105 member majority of the executive committee needed. Anti-Strauss Texas Democrats have discounted his claim as an attempt to create the illusion of a Strauss bandwagon. The *Dallas Times Herald* got in a thinly veiled endorsement of Strauss, taking swipes at "Miz Westwood," Ralph Yarborough, "kamikaze policies" and "kooky causes like lettuce boycotting" before concluding that "responsible" party members may decide to choose Strauss.

However, the endorsement of Strauss by the Democratic governors conference on Dec. 3 was not the kind of thing that could be dismissed an effort to promote a bandwagon effect. In fact, it looked a lot like a bandwagon. However, Westwood told the governors that she has the votes to resist an attempt to declare her chair vacant and will do so if it looks as though Strauss is going to take it.

Anti-Straussites held a summit conference of sorts in an Austin office the same day and prepared some material to send out to members of the national committee. Among their concerns was the fact that at least two governors who had been contacted and who said they understood why Strauss would be undesirable as party chairman reneged at the governor's conference.

## Good rumors

Rumors, rumors, rumors about who will be what in the next state administration. One of the happier rumors is that Rep. Neil Caldwell of Alvin just might become the next chairman of the Appropriations Committee. If that does come true, it will mark such a startling departure from the Mutscher-Heatly regime as to make the Daniel administration look revolutionary. Caldwell is an actual Dirty 30ian and, in addition, one of the funniest men on God's green earth.

Another rumor is that Jerry Sewell, the handsome young major and Vietnam vet who got out of the Army on a c.o. (see *Obs.*, Jan. 21), may become the House administration officer. Sewell has been working for Land Commissioner Bob Armstrong.

Insiders also believe that Rep. Joe Allen of Baytown will wind up with a chairmanship: Allen and Price Daniel, Jr., are close.

Price, Jr., has hired Carlton Carl, formerly press secretary to P. Smith, for his staff. Carl is considered the Man Most Unlikely to become another Rush McGinty.

At the other end of the capitol, Lt. Gov.-elect Bill Hobby announced the members of his staff. Chief among them is Steve Oaks, a Houston attorney with the Butler, Binion firm, who will be Hobby's executive assistant. Oaks is widely reputed to be a nice guy and a sharp guy and all that, but it just won't be like having Robert Spellings to fence with. Also in the executive assistant class is Dr. June Hyer, who is particularly knowledgeable about welfare problems. Hyer recently resigned as vice-president in charge of academic affairs for the University of Texas at San Antonio. Assisting Hyer will be Harry Ledbetter, who figured in the flap over Barnes' political use of child development programs (see *Obs.*, March 17).

As administrative assistants Hobby has taken on Tom Hagan, formerly with the Houston Chamber of Commerce, Bill Jenkins, who was on Hobby's campaign

staff, and Jason Perlman, who was an a.a. to Barnes.

Bob Cargill will serve as Hobby's press secretary. Cargill was formerly a reporter with the *Houston Post* who quit newspapering mostly because he likes to fly so much. He cheerfully flew Hobby all over the state during the campaign.

## Superport race

- The race to produce superport study results has come up with a second-place winner. Not far behind the Texas A&M feasibility study, and well ahead of the special commission authorized by the Legislature, comes Soros Inc., a New York consulting engineers firm. The firm turned in four volumes of results to the Federal Maritime Administration, recommending five feasible sites for construction of offshore terminals. Texas got one, Louisiana got one, Delaware got two and New York got one. That's when the hollering started.

The executive director of the Louisiana Superport Authority said his state is now "five or six jumps ahead of the nearest competitor." A spokesman for the Seadock group, an oil-company consortium, said plans for a Texas superport will continue. He also said the Gulf Coast needs two superports. Rep. Ray Lemmon, who authored the superport bill passed in the last special session, said the latest report was another attempt by Louisiana to "drive us into the ground like a stake." It was refreshing to read that the mayor of Rehoboth Beach, Del., criticized the idea of having a superport off the beach of his resort town.

Reports still to finish: one by the Corps of Engineers, one by the Environmental Protection Agency and, of course, the one by the Texas Offshore Terminal Commission.

- Someone has finally complained publicly about Robert (Squeaky) Calvert, the 80-year-old state treasurer whom we have just, in our wisdom, re-elected. John Birkelbach, staff member to the Senate interim committee to study the sales tax, told the committee members that Calvert's certifications of delinquent taxpayers ceased abruptly for about a month before election time in both 1970 and 1971. Staff member Peggy Brooks told the committee that Calvert's chief clerk Kenneth Kimbro had "thrown out" another committee staff member who was seeking information on the department. Kimbro, before he retired recently, "threw out" several *Observer* reporters as well. The committee's staff report charges that the state has lost at least \$18.3 million because of faulty administration of the sales tax by Calvert's office.

- Aw, Jimmy. Columnist Jack Anderson did a bit of historical research recently and came up with the Case of Jimmy Day's Flop. According to Anderson, six years ago Day, one of the most spectacular lobbyists in Texas, tried to get U.S. Rep. John Dowdy to fix the immigration case of Carlos Marcello, a New Orleans Mafioso of considerable repute. But after Dowdy checked on Marcello's background, even Jimmy Day couldn't talk him into putting up a private immigration bill for Marcello.

- Atty. Gen. Crawford Martin has done a good thing. His recent ruling strengthens the state's open meetings law, which is pathetically feeble to begin with. Public bodies have been using the claim of "attorney-client relationship" to keep the public out of discussions of public business. Martin's ruling limits closed discussions to those concerning pending or anticipated legislation.

Credit where credit is due, the *Dallas Morning News* has actually run an editorial we agree with. On Nov. 28, the *News* came out for a strong access-to-information law and even praised the model legislation in this area drawn up by Common Cause, which the *News* identified as a "so-called people's lobby." Right on, *DMN*.

## Houston doozer

- Next year's Houston mayoral race is shaping up as a doozer. Louie Welch has put himself out of contention, but the man who served as the *raison d'etre* of Welch's last campaign, Police Chief Herman Short, plans to run in Louie's stead. Last year's young Lochinvar, the now slightly bespattered Fred Hofheinz, will carry the colors again for the reform troops. The big question for the nonce is whether Short is dumb enough to run as the candidate of the American Party. Short is a confirmed admirer of George Wallace and it is not inconceivable that Wallace would plug Short for mayor. When he was running for president earlier this year, Wallace speculated that Short would be good material for a cabinet-level post, or maybe as head of the F.B.I.

Most of the people who follow Houston politics closely think that Hofheinz would have the edge in a race against Short. Although there is a sizeable Wallace vote in Houston, the city has in recent years given indications that it may yet become the political New York City of Texas: during the gubernatorial run-off, Houston went for Farenthold by 60 percent. There is no way the city's black boxes can go for Hofheinz any more heavily than they did last year, but it is unlikely that the city's middle and upper-middle class boxes in the Southwest section will go for Short. The kind of hysterical racial fear and bitterness that contributed to the mayoral victory of former police chief Frank Rizzo in Philadelphia does not afflict the white middle classes of Houston, whose greatest

danger is that they may choke to death on smog.

- The Les Ferguson Company, Inc., of San Antonio has sent us the first batch, hot off the press, of "Sissy in '74" stickers.

- A few things we forgot to mention. On Nov. 10, the U.S. Fifth Circuit Court of Appeals in New Orleans ordered District Judge Carl O. Bue of Houston to reconsider the case of the San Jacinto Junior College teacher who got fired for growing a beard. The Fifth Circuit said the case of Lecil Hander, the mild-mannered biology teacher, should be re-tried in light of a recent decision concerning hair and beards by the appellate court. That ruling, handed down in September, held that length or style of hair among students is irrelevant to any legitimate interest of a college administration.

Hander was fired in January, 1971, and sought reinstatement and monetary damages. His case is one of a series in the long record of San Jac Junior for firing teachers for ridiculous reasons.

- Also in the good-news-we-overlooked category is the appointment of Fred Cruz to the advisory board of the American Bar Association's Resource Center of Correctional Law and Legal Services. Cruz, an ex-con, is the president of the Texas Jail and Prison Coalition. His wife is Frances Jalet, the lawyer who was accused of "inciting revolution" in the Texas prison system. (See *Obs.*, July 7). The case was decided in her favor.

The board on which Cruz will serve is concerned with prison reform, legal services for offenders and test litigation. The other members of the board include judges, lawyers and law professors.

- When the nation's attorneys general met in mid-November in Arlington, Va., to plan a joint anti-trust suit against the major oil companies, guess who wasn't there? Yeah, Crawford Martin. The state attorneys are hacked because the feds haven't done anything about gasoline prices, so they decided to take the ball and run with it themselves. They plan a multi-district civil anti-trust suit to "prevent oil companies from manipulating the price of gasoline as it is sold to the public."

A spokesman in Martin's office said Texas did not send a representative to the Arlington meeting because "the invitation was overlooked."

- The University of Texas has come out with an ethnic breakdown of its current enrollment. It's 84.4 percent American caucasian, 3.8 percent *chicano* and .8 percent black. The population of Texas is 14 percent black and 18 percent *chicano*. You will be happy to learn that UT also boasts .2 percent American Indians, .5 percent American orientals, 3.2 percent foreign students and 1.9 percent of something called American Other.

# Flesh of the bull

*But the flesh of the bull, and its skin,  
and its dung, you shall burn with fire  
outside the camp; it is a sin offering.*

Exodus 29:14

The University of Texas football team gets a lot of attention in Texas, more than any other University program and certainly more than any other college team. Recently the Horns have gotten a long look from two sources who are not in the business of publishing scores, blow-by-blows or pre- or post-game interviews. Gary Shaw, an ex-player, has written a book called *Meat on the Hoof* about UT football, his relationship to it and its relationship to the psyches of people who play it. Robert Heard and Jack Keever, two Associated Press Writers, have written a five-part series on the racist image of the University football program and, particularly, of Head Coach Darrell Royal. Neither the book nor the articles have been widely acclaimed. In fact, they have come to offer not only a new perspective on UT football, but a fresh look at its camp followers, the sports writers.

Most response to the AP series quickly devoted itself to two questions: Were the articles "fair" to Royal? and Would they hurt The Team? With two exceptions, there was no hint of commendation to Heard and Keever for tackling a difficult and important question, no notice taken of the space allotted to Royal to present his views (which he said were properly portrayed), no recognition that the two writers let both players and Royal speak their minds freely. One exception was a column in *The Daily Texan* by Alan Truex, who suggested that the subject remain open and went on to comment on Royal's racial attitudes himself.

The other was a *Dallas Morning News* piece by John Anders, who talked to other blacks in the conference and reported that their responses were similar to those of the Texas players. Anders made no attempt to take away from the seriousness of questions about racism, but related the feelings of black players more to Royal's "lousy" treatment of players in general than to a specific racial prejudice.

The difference was that other sports writers who talked about Royal's alleged prejudice quickly concluded he was not a racist and just as quickly called any investigation of the matter "unfair." The most venomous response appeared in the *San Antonio Express*, which did not run the articles. Sports Editor Dan Cook devoted the top half of his section's Sunday front page to a blast at Heard, Keever and the AP. Much of the column concerned "facts about his [Royal's] true feelings regarding racism": his criticism of white players on a Canadian team he coached for "talking bigotry"; his visit and \$500 gift to a seriously injured black high school player; his friendship with Charlie



Pride; his service on the board of trustees of a black university. Cook also called the series "one of the most factless character assassinations in modern journalism history." Another *Express* sportswriter said it "came out as nothing more than a smear job on Royal."

**C**OOK SAID HE decided not to run the articles after reading the first two. Both *Express* columns appeared to deal only with those parts, in which black players made their most serious charges. Neither mentioned Royal's responses.

The *Austin American* probably gave the issue more space than any other paper. It ran not only the series, but a column of comment by Sports Editor Lou Maysel, post-series interviews with the players and with Royal, four letters from readers (all unfavorable) and an editorial. The key sentence of the editorial came early: "First, the *American-Statesman* does not agree that the Heard-Keever series was necessary, constructive or enlightening." There was a brief bow to freedom of the press ("Censorship is not the answer"), followed by the conclusion, "These newspapers have faith in Coach Royal whom we know to be a man of the highest integrity, dedicated to his coaching career, and to the men who play football under him, regardless of race, color or creed."

The Maysel column criticized the timing of the series, pointed out the absence of "real substance" to the allegations of

racism and referred to black players' statements (after reading the articles) that they didn't mean their quotes to sound like that. Maysel went on to say that the racial problem is really the University's and to criticize the suggestion that Royal use his influence as "an instrument of integration." He included two sentences which were not echoed anywhere else, saying "the open airing of the situation could prove beneficial," and "opening the door to air it might help dispell it."

Jack Gallagher of *The Houston Post* (which did not run the series, apparently because the *Chronicle* started it a half-cycle earlier) included the "racial series" as one of the "obstacles" the UT team faced in walloping TCU and clinching the SWC championship. What with an "unfair" swipe at coach and team, a troubling injury and a muddy field, Gallagher allowed as how the victory "speaks well" for the Longhorns.

*The Dallas Times Herald* ran the series without comment, if in somewhat truncated form.

But none of these columns mentioned the good black players who leave Texas high schools and go out of the state to play college ball. No one mentioned the all-white championship teams of 1963 and 1969. No one mentioned the all-white freshman team this year. These are not items of sports news to the writers who cover the team. And when someone does the story, sets up the interviews, covers the discontent, finds out that black players at UT think their coaches are racist (and show considerable understanding of the reasons for and attempts to change that racism), the sports news involved is: Were the articles "fair" to Royal? Would they hurt The Team?

**T**HE CASE OF *Meat on the Hoof* is somewhat different. It has not gotten the sports-pages attention that the AP series received. In fact, the three pieces on it I have seen have been sympathetic, even if they don't match the sheer volume of response that Heard and Keever were blessed with.

The writers who have dealt with Shaw's book are the same writers who showed some appreciation of the issues involved in the Heard-Keever articles. Alan Truex of *The Daily Texan* interviewed Shaw, reporting his reactions to criticism of the book as well as further comments on the UT football program. Randy Harvey of the *Austin American*, who did that paper's follow-up interviews with black players, recounted the major narrative points of the book and recommended it to Royal and everybody else in a column. And John Anders called the book "an enlightening, no-holds barred criticism" of the UT

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program containing "some of the most clear-sighted analysis of the collegiate football condition I have ever read." It is interesting to note that Truex, Harvey, and Anders represent a somewhat younger breed of sportswriter than, say, Cook, Maysel or Gallagher.

The response of these older writers has been limited to a throwaway line by Maysel, calling Shaw a "fringe player." Even Royal has been kinder than that. Though he has not read the book, the coach said he remembers Shaw favorably, as a player who "always carried out his practice assignments" and "did well in the classroom."

Shaw has had a problem with *Sports Illustrated*. The magazine paid Shaw \$1,000 for serial rights to two chapters on Royal. But a Nov. 11 letter from the text department editor informed Shaw that "we have run into resistance from the managing editor regarding your excerpt." Shaw was told to keep the money. The book-of-the-month arm of the magazine apparently still plans to offer *Meat on the Hoof*.

Shaw has charged that "pressure from the football establishment was brought to bear to cancel the series." *SI* Managing Editor Andre Laguerre was unavailable for comment.

Two other points of view on the problem of reporting UT football news came from interviews with television sportscasters. Phil Miller of KTBC-TV in Austin expressed some criticism of the AP series (it was "out of perspective," he said) and defended Royal (saying it's "not logical" that "a man of Coach Royal's stature" would be prejudiced). But he denied that he would refuse to criticize the UT program, though he described himself as a Longhorn "booster."

Mel Pennington of KHFI-TV said his over-the-air silence on the AP series and *Meat on the Hoof* was the result of time limitations rather than personal views. He called both efforts "rather heavy subjects to try to discuss in a minute on the air," and said he could not have done them justice. He pointed out that he had offered to interview Shaw on his special-affairs talk show (scheduling problems made that impossible) and that a KHFI news crew had covered Shaw's book-signing stint at the University Co-Op. The newspaper format, he said, offered a much better place to treat in-depth studies of athletics.

One can only hope that reporters like Heard and Keever use it. Or resign oneself to restrictive definitions of what is or isn't sports news.

-J.F.

sensing allways  
the end of self  
as a presence in the room.

RYAN L. PETTY

Austin

# "I'm sorry, lady, there's nothing we can do"

*Austin, New York City*

*In late August of this year there was an elegant dinner party held in an elegant apartment on E. 51st St. in Manhattan. The guests were clever, creative and amusing people. They were critics and cinematographers, a New Yorker writer and one declass  fellow who worked for an ad agency (but it was one of the really creative ad agencies). They all made a great deal of money and although they were under 35, several of them were into their second marriages. And almost all of them were undergoing psychiatric analysis.*

I live in a white, working class neighborhood on Austin's near northside. Us old-timers in the neighborhood deplore the "hippies" who have been moving in lately — students, that is. For a couple of years now, the people in my neighborhood have been bothered by a Peeping Tom. Ms. Butterbank,\* the librarian who lives across the street, got two German shepherds because she was so worried by the fellow. The Janaceks (she's a terror) took a different tack. One night the peeper was outside the bedroom window of their 15-year-old daughter, so Jean Sue marched out on the front porch and shrieked, "Git me the gun, George, I kin see him in the bushes and I'll git him from here." The peeper, whom she couldn't see at all, took off lickety-cut up the alley and Jean Sue and George laughed about it for days. They also kept the gun in the front room.

I started to find beer cans and cigarette butts underneath my living room windows a few months after I moved in. If the weather was mild and I had the windows open, I'd usually hear something after awhile, so I'd turn on the porch light and go out and see him running off down the street, a slender man with a greaser hair-do or else his cowboy hat on. It really is a nice neighborhood, so I used to leave my back door unlocked when I went out (being one of the great key-forgetters of our time) until I noticed that someone had been in the house while I was gone. The peeper (I presume it was he) got my unlisted phone number that way and for a while did the Breather routine.

Ms. Allen, my other across-the-street neighbor, came over one night and told me she and the girls had seen the peeper outside my window, but he run off before they could call Sam to do anything about it. We arranged a DEW line: Ms. Allen would call me when she spotted him from

across the street and I'd call the cops. But he always ran away before the cops got there. The cops were very nice and several times set up a "slow patrol" — a squad car cruising by every five minutes or so. But they never caught him, "I'm sorry, lady," they kept saying, "but there's nothing we can do about it."

After the first year, Sarah and Bob moved into the little house next door. The Allens and the Janaceks disapproved — Bob has a beard — but I was delighted, because they have two large dogs. The peeper quit peeping on the living room side and took to peeping on the bedroom side of the house, where there's less street light anyway, and it faces the alley so Ms. Allen couldn't see him. The money I'd spent on special shades and curtains for the living room windows was useless. I nailed a blanket across the bedroom windows, but it looked tacky and it got to be a drag, taking it down again whenever company was coming and every morning so the plants could get some sun.

The peeper bothered me, but didn't worry me much: according to the books, peepers get their kicks by peeping and are seldom dangerous. Then one night he tried to get into the house through a side window. With commendable presence of mind, I grabbed the nearest weapon, which happened to be my left tennis shoe, and threw it at him, whereupon he retreated rapidly. I called the cops. By this time, I could give an excellent description of the peeper. "I'm sorry, lady," they said, "there's nothing we can do."

In the daytime, I could make an amusing tale of the defiant stand with the tennis shoe. At night, I had to nervously remind myself what a large, healthy young woman I am. "Probably outweigh him by 25 pounds," I'd mutter. "An' me in the Fat Ladies Exercise Class at the Y: I could take him any time." But I started waking up in the middle of the night and thinking that the shadows were moving. Heart beating fast. When I started looking under the bed, I decided it was getting too ridiculous.

So I got a dog. A black hound, combination Lab and Weimaraner. Named him Frijoles. I've had cats all my life: Frijio was my first dog. This will be no news to dog fans, but dogs relate more intensely than cats, they get involved. Every morning when I departed, Frijio acted as though it were the end of the world; every evening when I returned, he went into ecstasy, just as though I hadn't departed and returned

every day of his young life. I took Frijio camping with me and to Scholz and to Armadillo. On one splendid occasion I even took him to the state capitol with me: I refrain from reporting on whose office door he had the good judgment to pee.

One day, Frijoles disappeared. Just like that. In five minutes. I called and called for him. I went around for blocks, yodeling his name. The next day, I borrowed a bike and went further afield. My brother and Bob and Sarah helped me look for him. I put ads in the *Austin American* and the *Daily Texan*, and on the radio stations that carry lost-dog items.

I put up notes on all the telephone poles and in the stores for blocks in every direction and I went door-to-door and people were very kind and said they'd keep an eye out for him. And I went to the pound. Every day. For a long time.

About two months later, a man came to my door, said he lived up a few blocks and he'd seen one of my notes on a phone pole. He and his wife had found a dog answering Frijio's description within a few days of his disappearance. The dog's body was in the alley behind their house with its throat cut.

"I'm sorry, lady," said the police. "There's nothing we can do."

I told my landlady I was moving. But the house is cheap and the students were back in school and the only rooms available were in \$250-a-month plastic apartments. I kept looking.

Sandra Palmer was one of many sympathetic friends. "We've had a problem something like that," she said. "We've come home several times and found my lingerie strewn all over the bedroom. Someone had been breaking into the house and going through my underwear, taking out the Kotex and things like that. It was creepy. Our neighbors had had the same kind of trouble. We found out who it was. A 12-year-old boy. Retarded. My husband went to the boy's father and said, 'Look, if you'll get the boy psychiatric care, we won't report this to the police.' John said he felt so sorry for the father. It's a *chicano* family. They don't have much money. The father had been trying so hard to bring up the rest of the family and this retarded kid. John said the boy's father almost broke when John told him what the boy had been doing. It was just the end for him. After everything else. I don't know where they'll take him. They haven't any money."

*"You really must try it, my dear. Psychoanalysis can help you so much with*

\* All of the names in this story are fictional. The people are real.

## JOHN BEAUCHAMP'S RECORD

your problems. For example, I'm so much less competitive with other people now. Don't you think so, Alison? Don't you notice it? I can have discussions with people now without having to beat them down."

On the night of Nov. 6 I heard the cat scream outside. The scream was cut off. I went out. She couldn't have been hit by a car: there had been no car passing. She couldn't have been making love: Gus was extremely pregnant again. I found her body in the garage. She had been strangled. The peeper was turning the corner at the end of the alley.

I called the police. "Killed your cat?!" said the horrified police operator.

"Yes, ma'am, killed my cat."

"I'll connect you with Homicide," she said.

With the help of neighbors and police, I identified the peeper the next day. John Beauchamp, 30-year-old white male. Lives within two blocks. Thirty arrests not counting the juvenile record. Alcoholic. Two years in Huntsville. If not retarded, certainly not terribly bright. One neighbor said he had been in the State Hospital.

Because the trespassing laws are so vague, peepers are arrested instead for violation of the loitering statute. But in order to arrest someone for loitering, you or the police have to catch the person on your property. I had not seen Beauchamp kill the dog. I had not seen Beauchamp kill the cat. I had seen Beauchamp on my property several times and found evidence of his presence several other times, but neither the police nor I had ever caught him there. "I'm sorry, lady," said the cop. "You and us may know that this guy did it, but we can't prove it. We can't do anything about him until he hurts someone."

I wanted to say, "He has, he has, he's hurt me!" But you can't go around getting emotional, hysterical about these things. They were just pets, a dog and a cat, Frijoles and Gus.

My brother, a valiant and very large fellow, offered to beat up Beauchamp and also gave me his gun. If I ever try to use it, I shall doubtlessly shoot my foot off.

"They should lock him up," growled my father.

"That won't do him any good, Daddy."

"I'm not thinking about what does him good. This man is dangerous. He's a menace to society. It's not safe to have him loose. He's terrifying the people in this neighborhood. He should be locked up."

"He should be sent to a shrink."

"Oh, dear. How terrible," said my mother. "Dear, you must move."

"Why should the decent people in a neighborhood have to move because of one nut? Why should they go in fear of their lives because of one nut? He should be put away."

### ARRESTS:

Drunk	18
Theft	2
Forgery	2
Traffic	2
Burglary	3
Loitering	3
Juvenile record	1

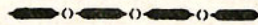
### CONVICTIONS:

Drunk	Fined \$ 17.00
Traffic warrants	\$ 26.50
Forgery	two years, Department of Corrections, Huntsville
Drunk	\$ 17.00
Drunk	\$ 20.00
Drunk	\$ 26.00
Drunk	\$ 20.00
Loitering	\$ 35.00
Drunk	\$ 20.00
Drunk	\$ 15.00
Drunk	\$ 30.00
Loitering	\$100.00
Drunk	\$ 20.00
Drunk	\$ 20.00
Drunk	\$ 50.00
Drunk	\$ 22.50

A law professor friend laughed and said, "So you bleeding hearts are finally finding out what law and order is about. How do you like it?"

"I mean, I used to be a real neurotic, you know? But I feel so good now, I think I'm going to stop seeing him. I'm afraid I've started to take my shrink for a father figure, you know? But you really should try it."

Nothing we can do. Nothing we can do. Nothing we can do.



What would it take to straighten out John Beauchamp? A good shrink, Alcoholics Anonymous, vocational rehabilitation, family counselling, socialization, sensitivity training — well nothing, really, except remaking the guy's whole life. God, unfortunately, does not take subcontracts from HEW.

In the meantime, the state offers a variety of programs, which, if you could get Beauchamp into them, might do him some good. And if the people who run those programs had enough money to work with, they could probably do him quite a bit of good.

"If," said Police Chief Robert Miles "we could catch this guy we might be able to do something." Miles looks at Beauchamp's record with resignation. "Drunk, drunk, drunk," he muttered. "More than 50 percent of our calls involve drinking and drunkenness. Now if this guy is mental, a real mental, we might take to the State Hospital at once. More likely what would happen is that either his defense lawyer or the prosecution would ask for a psychiatric evaluation. If he's a serious mental, it would take two doctors to get a

commitment on him. You can appeal a commitment after two weeks and most of them are only for 60 days. Or, if he's not a serious mental, the judge can recommend that psychiatric care be made a condition of probation."

And that takes the matter out of Miles' hands and puts it, more or less, into Giles Garmon's. Garmon is the widely-respected head of the Travis County Adult Probation program. Several county officials say that a city the size of Austin is lucky to have a professional as competent as Garmon. Garmon is a thoughtful enough man to be seriously concerned by what he calls "the overreach of the criminal justice system," that is, the fact that non-criminal problems are dealt with through the system — drinking and other forms of drug abuse, psychiatric cases, homosexuality — a whole range of problems with which neither the police nor the criminal justice system should logically have to deal.

**G**ARMON IS a believer in residential treatment, in keeping people in the community as much as possible. "The person's problems are in the community — he can't solve them by going away from it." Garmon is one of the few taxpayers around who doesn't get apoplectic about overlapping programs. "Usually people don't have just one problem," he said. "The redundancy, the overlapping really gives you more flexibility in the long run because if you try a lot of different approaches, something's going to happen. It's like Werner von Braun and the rockets during World War II. Von Braun had this problem with a new type of rocket that was firing only six out of ten times,

something like that. So what he did was just put three of the things together — that gave him a much better percentage, see?"

One of Garmon's cherished dreams is that some day pre-sentence investigations will be mandatory. "If we could just get this made mandatory, the investigation after people are found guilty, it would improve justice enormously. So often we sentence without knowing what we're doing.

"Now take Beauchamp. We might start with the State Hospital. Or we might send him to MH-MR for outpatient care. A lot depends on whether he has a job, a family, how much supervision he needs. You need to know all that before you sentence someone. He may need a half-way house with limited supervision. The Austin Rehab Center has one for alcoholics. Or we could send him to A.A. You have to look at the whole person, not just the one specific problem that finally landed him with the law."

Garmon's office operates with a team of workers for each parolee. The teams consist of one parole officer (usually with a graduate degree) and one assistant, a paraprofessional. They try to balance the teams male-female. In addition, they try to get a friend-advocate of the probationer involved and volunteers working on a one-to-one basis. Garmon's office has six teams doing treatment and three doing pre-sentence investigation. There are some 2,500 people on probation in Travis County. "We think the maximum a team can work with is 125 people," he said. "Obviously, some of them are less trouble than others and some are even no trouble at all. But when you get people with poor motivation — that takes time."

But Garmon is stubbornly optimistic about what can be accomplished. "They say you can lead a horse to water but you can't make it drink. In this field, that's not true. If you lead these people to help, they'll drink all right. They know they need help: what we do is help them get it."

Garmon is proud of the fact that 88 percent of "his" probationers make it through parole, as opposed to a statewide average of about 80 percent. Less than 10 percent of those who make it through probation get into further trouble.

When Garmon was asked what he'd do if he had all the money he needed to set up the best program possible, he gasped and muttered that he was almost afraid to think in those terms, afraid to dream, because he'd have to wake up. A good statewide parole system is one of the top items on his dream list. Another is ways to make the criminal justice system less isolated from the community, ways to get people involved, volunteers, public education, public *understanding*. After that, he puts up a short little shopping list of half-way houses with various types of programs, speeding up the system so the sentence is closer to the offense, a court residential center, money for contractual

services so you can buy for people things like psychiatric treatment and vocational training. He'd get a big, fat research program started and . . . oh, there are lots of things Garmon could do, if he only had a way to do them.

**I**N AN OFFICE next door, D.A. Bob Smith was wrestling with the more grubby realities of inadequate programs. He was considerably depressed because he's just sent a retarded kid, actually a young man, off to the Rusk State Hospital for the criminally insane. The kid's sole offense was that he had stolen, on three separate occasions, one jar of instant coffee.

Smith summed up the kid's problem in his own inimitable fashion. "The trouble is, this kid has got a very low marble count. So low, they can't even get a reading on him. He's been in the state school for the retarded most of his life. He's perfectly tractable, not violent, no trouble except for one thing. He's hung up on coffee. He absolutely has to have coffee about once every 15 minutes. They had a change of administration out there at the school and the kid's coffee schedule got messed up. He couldn't stand it. He jumped the wall and broke into Rylander's grocery store over there. He took one jar of instant coffee. There's a silent alarm in the store. The police got him before he got out the door. They took him to the State Hospital. The people there gave him right back to the State School, said he wasn't a mental case, he was just retarded. On Sept. 6, it happened again: he broke into Rylander's and took a jar of coffee. The people at the State School said they couldn't hold him. They're not a security facility. On Sept. 22, it happened again. So we had him committed to Rusk and there he sits with all the murderers and rapists and armed robbers who are nuts. For stealing three jars of coffee. There was no place else to put him. My only consolation is that his marble count is so low he's oblivious to it all."

Smith is convinced that the state needs some security facility for mental cases. He is a great fan of Dr. Margaret Sedberry's, as is everyone who knows the lady. Dr. Sedberry has pioneered in the open ward concept at the state hospital. "Dr. Sedberry tells me she's got 300 patients out there. About 10 of them jump every month, steal cars and try to get back to Houston or wherever they're from. Dr. Sedberry says she'll be darned if she'll let me ruin the treatment and progress of her 290 other patients just because 10 of 'em jump. She says those open wards are the first step toward getting past the Dark Ages in mental care. But I sure do wish we had someplace to keep those 10. They cause me a bunch of trouble."

Sedberry, a tiny dynamo who radiates warmth and enthusiasm, laughs sympathetically over the problems the jumping 10 cause her friend the D.A. But behind her sympathy is a granite

determination and . . . fear. Fear that the 10 jumpers will finally outweigh the 290 patients who so slowly open up, begin to join, interact, do, participate and recover. Fear because the only publicity the State Hospital gets is when something goes wrong. Fear of the public's fear and ignorance of people with mental and emotional problems. And the terrible fear not just of the 100 jumpers who only steal cars, but fear that someday one patient, just one patient, will go and hurt someone and then . . .

**B**UT MOST of the time Sedberry is too busy to be afraid. "People have this idea that you have to spend all your time getting mental patients down off the walls," she laughed. "But the truth is, you have to spend most of your time trying to get them to do or say anything at all. Many of them are so regressed they just sit."

Sedberry and her work at the State Hospital are worth a story or two by themselves. Suffice it to say that the difference between the lock wards at the hospital and the open wards is startling.

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Both lock and open wards contain patients with the full range of and degrees of illness. But the lock wards are notable for the apathy of the patients and the general dreadfulness of the atmosphere. The open wards, however, are cheerful bustling places, full of patients doing things instead of lying on the floor sucking their thumbs. It's difficult to tell patients from staff members on the open wards.

In one corner of Sedberry's ward operates a program called Interphase, a joint MH-MR and State Hospital project. Interphase is actually just one aspect of MH-MR's outpatient services for people with mental and emotional problems. It operates in the afternoons and evenings for the convenience of working folks. It's a chummy, open place that serves home-cooked (by the patients) meals. Some of the people who come there come not so much because they need help as because they just like it. "This is like my home," explained Fred, a jolly former State Hospital patient. "My friends are here."

"You would not believe," hospital staffers said over and over, "how many people become mental patients simply because they have *no one* they can talk to."

While the state hospital provides in-patient care for mental cases and the MH-MR clinic provides outpatient care and the Probation Department leads a lot of horses to water by court order, something called the Human Development Center, another MH-MR production, tries to put it all together. Psychiatric therapy, drug counselling, family counselling, vocational programs. They've got detoxification units, a Methadone maintenance program, they'll take mental cases and retarded cases and adults and children. They'll try group therapy and transactional analysis and confrontation and psychodrama and you name it. They work with the State Hospital, the Employment Commission, the Probation Department, A.A., and Middle Earth (drug problems). They only have one problem. They can't help people unless they can get hold of them. Some of the people with the kinds of problems the center can help are afraid to come in or, for other reasons, just won't. But most people just don't even know the place exists. People like John Beauchamp. —M.I.

## Someday

Someday  
I'd like to take a trip  
To each of the Four Winds  
Where so many friends have gone

JOHN ROHDE

Irving

# Some caves

By Steve Herrigan

*Once a friend of mine spent the night alone in a cave. It was a small cave with only two rooms and the people who were with him, as drunk and stoned as he was, took him seriously when he said he wanted to be alone in the dark. But after they left with the flashlight he started to panic; in the perfect, stable darkness he couldn't find his way out. He says that for about 15 minutes he screamed as loud as he could, and then, all reasonable and drunk, he lay down in the mud and went to sleep. Nothing like that happens in this article.*

The billboards, checking our progress every half-mile and growing denser as we approach our goal, are there to guide us. The souvenirs are there to give us pleasure. These conditions are accepted. If you want your caves pure, you'll have to join a spelunking club or find your own cave to finger your way about in. You may not even want to read about unchaste, commercial caves. Fine. But if, just as some people need their fun laced with the possibility of death, your appreciation of beauty is incomplete without the subtle, corrosive threat of dreck, if your soul is stirred by triumph over the tacky, you may want to read on. Because within an easy day's drive from Austin there are at least half-a-dozen commercial caves, varying widely in purity and interest and loveliness, but all of them honest-to-god underground, below and, even at their most unfortunate, a little beyond the surface.

## Lemon meringue w/Bacon

Inner Space Caverns were discovered in 1963, when a hole they were drilling for the construction of a highway expanded 41 feet below the surface into a virginal limbo of space no one had suspected was there. Jack Bigham, a highway worker, was the first man to see it, lowered down on a rope through a hole with only a flashlight to see with.

Access is now a little easier. Since there was no natural opening, they made one close to Interstate 35 a mile or so before Georgetown. The ticket office is futurist/exotic in design, rather small, a punctuation mark in a long sentence of billboards.

We're taken down to the cave in a sort of miner's cart, a vehicle that suggests more roller-coaster type thrills than it modestly delivers. There is a point in the brief descent when the guide tells us that the temperature is going to drop, or rather that we're going to drop into it, and the change in climate comes with the sharp exactitude of a plunge into cold water.

The climate changes in other ways: walking onto the cave floor seems an

escape from a natural bondage. Leaving the miner's cart is a little like leaving a submarine to find I can breathe on my own. A strangeness, in which the casual, surface-dwelling voice of the guide has a ridiculously strident appeal to normalcy, like old men playing checkers in the nude. The path is wide and even and well-lit from light fixtures concealed behind fake rock formations. The first room is long and narrow as the belly of a whale. The others grow out from it, little negative continents in an ocean of rock. Dutifully we avoid touching the formations and erasing hundreds of years of growth with the unholy sweat from our hands.

The water, having hollowed out a record of where it once ran, now solidifies itself from its own residue, forming columns and ends of columns that will touch in some other era; thin, delicate bone-white curtains, shrouds of balleen and harps with fused strings. A fairy castle that Cocteau might have noticed hangs suspended over a gorge.

But someone else has already noticed. A sign is there before us: Overhanging Castle. Where there is no sign it is pointed out for us by the guide: King Arthur's Towers, Pig Pen Room, Sam the Sheep Dog, Fireman's Hat, Ice Cream Cone, Bacon Strip. "Think of a big, luscious, lemon meringue pie," and, surely, when the lights go on before us what is there to see in that smooth, peaked ceiling but meringue? Cheated out of an easy metaphor.

On a wall of cement, a caveman-style mural of animals whose bones were found in the cave. A glyptodon, "as big as a Volkswagen," an eohippus, mastodon, a puny sabre-toothed tiger. Below, in a glass case, the bones.

The tour comes to a stop at the Lake of the Moon, a shallow, pleasant-enough pond receding back into an inaccessible part of the cave. We're asked to take a seat while the lights go out and are resurrected slowly in pastels above the surface of the water.

Haunting music, like the kind in educational films about the universe. A voice, female:

There was a time  
when I was not,  
but that was long ago . . .

I am the Lake of the Moon,  
and I wait,  
not with the Light,  
not with the Sun,  
for I . . . (here my notes, running  
over each other in the dark, are  
indecipherable) . . .

Nor will I ever know.  
But I know that I Wait,  
know that I Wonder,  
know that I live!

A man from Dallas put that together,  
after paying his dues at the world's fair.  
All right, fine. Nice show. Great finale,

real impressive. We're ready to forget taste here in the netherworld. But before we're allowed to see daylight they spring the same thing on us again, this time in the room with the bore hole in the ceiling where they let Jack Bigham down. Before a milky flowstone with water working its way across the surface in minute waves, we are asked to sit. We do. Lights out. A male voice this time, with the following advice:

Here by the Flowing Stone of Time,  
let's pause. . . .  
Think of Him who created. . . .

Then, I swear, church bells! Followed, in this orgy of quiet meditation, by a reading from Genesis!

"Let there be light, and there was light!" Could you, a world's fair planner, resist the impulse to hit the lights on that line? No, sir. The Flowing Stone of Time is awash with His own eternal radiance, while the dark narrow hole overhead through which, less than ten years ago, a man was suspended above the utter darkness of this chasm, poking his flashlight into a void, that hole remains stubbornly above us, a star in the Devil's own sky.

### Jenny Roquemore gets invited back

Things look bad at Cascade Caverns. My photographer's face tightens up when she sees the souvenir/campground/trailer park complex that bars our entrance to the cave. This girl has had enough: if anything like the High Mass we've just experienced in Inner Space attacks us down here I think Jenny might desert, dropping my unloaded camera on some poor helectite and wiping millenia of growth off the rocks as she scrambles out. But the mask of journalism gives us strength. We walk inside and present our credentials.

"What kind of paper is *The Texas Observer*?"

"It's a sort of, uh, bi-weekly."

"Oh. Kind of like the *Texas Star*."

"A little."

But it gets better. A natural entrance all tortuous and womblike, a friendly girl serving as guide who seems almost relaxed in the universal language of tourguides, with the joyless intonation and the dry emphasis on simple verbs: "Now these boulders *did* fall into the entranceway," or "This crack *is* known as a joint."

Cascade Caverns is a big, friendly, wet cave, so active it makes Inner Space, even with all its glistening formations, seem uninspired. Huge slung-over rocks form the roof of the entrance passageway, glazing the floor below with the water that constantly drips off them. It is primitive down here, with the actual feel of darkness and constant sound of water. And despite the good-natured wisecracking of the tourists and the genial drone of our guide, there is a solemnity here, a refreshing hellishness a little like Keats' Cave of Quietude:

There lies a den,  
Beyond the seeming confines of the

space

Made for the soul to wander in and trace

Its own existence, of remotest glooms.

The tour, after weaving through an impressive series of low, seamed ceilings, around countless growing formations, past the Turtle, the Little Brown Jug, the Dinosaur Peeking Over a Cliff, the Elephant's Trunk, reaches its furthest point of penetration into the cavern: a large grotto from which in former years a waterfall used to pour into a now-dried-up reservoir. At the bottom of this reservoir is a kind of concrete tunnel rising vertically from the floor, a silo through which spelunkers enter the lower chamber, an unpaved region of deep mud ending on the shores of an underground river.

After being teased with descriptions of the sacrosanct depths which we are not allowed to enter, we're led back to the surface for a leisurely visit to the anti-gravity house.

Dodging a woman at the postcard rack only to find himself between a kid and a tray of rubber spears, John Bridges, the owner of Cascade Caverns, explains his *modus operandi*: the crud, the curios, the swimming pool, the KOA-esque campground, remain on the surface, the cave remains clean. The cave is not exploited for profit, merely developed

enough to make it reasonably easy for people to see it. Schizoid, certainly, but Bridges cares more about his cave than what goes on top of it, and there's an obsessive honorableness in that. A spelunker himself, he remains unimpressed with underground light shows.

"Sure. The most successful caves are the ones that are practically man-made, but I'm not interested in doing a production job like that.

"They show you where the waterfall used to be? Right now we're working on putting it back, just like it was, using the same source and everything. We want to restore it to its natural state, and that's all."

He asks us if sometime we'd like to go back down through the rabbit hole into the lower chamber. Jenny replies with an enthusiasm that eclipses her serious responsibilities as photographer.

"I knew it as soon as I saw her," Bridges says, "that was a girl who likes caves!"

I forgot to mention that Cascade Caverns is located a little to the left of the city limits of Boerne, a little town that seems content to soak up the vibes from the Comal River. Five or six miles below Boerne there's another cave, Century Caverns, formerly Cave-Without-A-Name, the kind of place you could never find on your own. Between the directions we've

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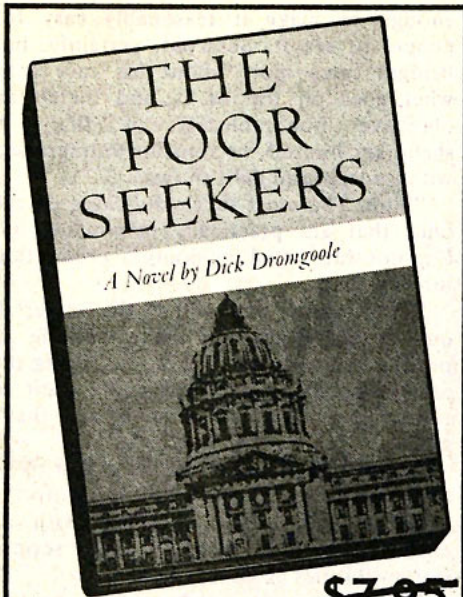
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been given and the modest little signs that appear occasionally on the side of the road we finally come across it and consider ourselves lucky.

It's an isolated cave, apparently much unvisited, run by a husband and wife whose names I didn't catch. She makes the souvenirs, he guides the tours. We're here late in the day and he's in somewhat of a hurry to take us down since he has to go into town to play the accordion. A tall, terse man with a huge flashlight and an air of violated privacy that doesn't seem to rule out the possibility of courtesy, our guide takes us down a semi-manmade entrance into a large room which becomes increasingly larger. In an unidentifiable Germanic and/or Slavic accent, he keeps up with a loose, worn monologue.

An odd, odd cave. Maybe caves take on the personalities of their owners. Looking back, it seems inconceivable that Inner Space is not owned in some capacity by a Dallas millionaire with a suite in the Astrodome. Walking into Cascade Caverns was like being licked in the face by a big, sloppy dog, the exuberance of its owner evident everywhere. And here, at Century Caverns, the cave is stand-offish, insisting on remaining rather plain even in spite of the 120 foot high mushroom formation serving as centerpiece for its one outside room. Like our guide, it would just as soon know your intentions before making itself available to them.

But there is room to accommodate ourselves to this attitude. In a way, it's a beautiful cave, without pretense. A small stream comes out of one wall and disappears through another. A formation identified as Bethlehem, with its stumpy, unbalanced stable and shepherds, seems consciously Yeatsian. Elsewhere the labels are less aesthetic: Turkey on a Hamburger. One tricky formation is written off as Modern Art, while the surface of another is unexplainedly but rather endearingly decorated with little plastic dinosaurs.

Our guide (I really should ask him his name) begins to show signs of reciprocating our interest. I ask him if he has an estimate as to how many caves there are around this area.

"No way to tell," he says in a monotone that gains speed at the end of a sentence just as the volume decreases.

"Everytime I go out into a meadow I see two or three sinkholes going down into a cave. No way to tell."

Jenny puzzles him by taking a picture with the lens caps still on the camera. But he takes this in stride and leads us back to the surface where upon contact with the sun my memory of having been underground disappears abruptly, like a film ruined by the light.

Bordering on the flu that is to claim us within a matter of days, we go back to Austin. Three weeks pass, another expedition goes forth. We're on familiar ground again: a guide who conforms to the best traditions, employing a dreadful

mumble and spewing out one-liners without the slightest taint of humor. Cx, trooper that he is, takes it all in at a glance. Ms. Tuohy, her bewilderment just beginning, displays a form of courage. The photo-journalism team, reincarnate, is ready to descent.

Longhorn Caverns, which is located up in the highland lakes by Marble Falls, is a state park, so the guide wears a uniform of sorts: blue shirt, white tie, red nametag. The entrance to the cave rests under a kind of natural skylight, caused by parts of the ceiling collapsing. "This part of the cave is approximately 5 million years old. Now that may seem like a long time to you. . ."

It's a dry cave, inactive for the most part. But the shapes that dead rock takes can be fantastic: a closet-sized room of calcite crystals, reflecting thousands of faceted pieces of light; the Hall of Marble, a huge, bent room polished as fine as a cathedral.

But the history of the cave is what provides it with most of its fascination. Sam Bass was supposed to have hidden out here. Comanches used to meet in a large room now named the Indian Council Room. Traces of maps that they made of the area are still visible on the walls. Later the Confederate Army used the same room to store gunpowder, and still later, during prohibition, it became a speakeasy with a wooden dance floor.

The tour makes a brief stop in this room, but it's not long enough: the history seems chillingly abstract. I have the feeling that this room is what people mean when they talk about "holy places," that the ghosts of Comanches and bootleggers from Marble Falls should be surrounding us here and providing us with a way to feel about the past. It doesn't work.

The farthest point we reach is the Lipstick Room, where they used to let "the ladies" write all over the walls with lipstick until the obscenities became too frequent, at which time they sandblasted them off, leaving a muted pink residue of lipstick.

The cave goes on from the lipstick room, the guide tells us, for about another seven and one-half miles. At that point it reaches an underground river as yet unembarked upon. I remember a friend telling me that somewhere in Texas there is supposed to be an undiscovered cave larger than Carlsbad Caverns. And here, with seven and one-half miles of vacant earth between us and a river whose destinations, depths and workings are totally unknown, the theory seems like a vision: surely everything down here must connect somewhere, every little cave a tributary to some gigantic, hollow Atlantis, a civilization of water wearing away the rock and reforming it drop by drop.

### Our Lady of New Braunfels

Three students from St. Mary's University were the first to enter Natural Bridge Caverns, the largest commercial cave

in Texas and, its beauty alternately compressed and expansive, or delicately dangerous, the loveliest. A few miles away from New Braunfels, the caverns get their name from a bridge of rock that spans the main entrance. The students, no doubt steeped at St. Mary's in the sensuous metaphor of Catholicism, christened the rooms and formations with names that invest the rest of the cave with a sacramental aura: The Madonna Room, Chapel Hall, St. Mary's Hall, Pluto's Anteroom, Sistine Chapel, Valley of the Fallen Lords.

It is, in that sense, a religious cave, with some rooms impossibly bright and crystalline, the kind of place in which you might imagine the Virgin herself appearing; or others dark and heavy with an Old Testament gloom. One room, with a long, vaulted ceiling, seems equally suitable for a first communion or a black Mass.

The cave contains huge rooms that expand more from every angle that they're seen. Yet the vastness seems almost crafted to co-exist with the subtler qualities of the cave: there are no obvious attractions that aren't integrated into the total pattern, it is all of a piece. And gigantic as it is, the public portion of the cave is only part of a system that runs for miles on either side. Reggie Wuest, Natural Bridge's manager, who is taking us on a personal tour, can't keep from dropping tantalizing details about the other sections, even more spectacular, still unpaved and unlighted, the slight noise of water dropping still unheard. Here, underground, the thought of that black wilderness just beyond the range of the lights seems hopelessly remote, a remoteness like astronauts must feel trying to make themselves believe they're on the moon. The memory of a cave becomes a dream.

### Glowing rocks 'midst Muzak

Kids Yelling . . .  
Parents Snappy . . .  
After Cave Trip . . .  
Everyone Happy!  
Wonder Cave!

Just keep driving. Wonder Cave not only wants your money, it wants to atrophy your soul. If you've ever been within a hundred miles of San Marcos you know what I mean. Those recurring yellow billboards comprise one of the most audacious feats of advertising ever devised: a sensory overload so total you're too wasted in the end to do anything but deliver yourself into their hands.

But that is in the past, more or less. Wonder Cave is now Wonder World, its signs now blue, its relentlessness still unceasing. As microcosms go, Wonder World is heavy on soft-core exoticism: a wildlife ride, an anti-gravity house, a souvenir shop rivalling any in Texas, and a few of those paintings you put your head through to look like someone else while your picture is taken.

The point to be emphasized here is that

any of these attractions is more worthwhile than the cave.

Of the cave: we take the stairs down, we take the elevator up. Between these two points is a small fissure on the edge of the Balcones Fault. Since it was formed by an earthquake and not by water there are no formations other than heavy blocks. No complaint about that, though; maybe long ago before people got their hands on it, it was a nice quiet place to get away to by yourself, a hideout, cool and secret in the summer. But at the prices you pay to see a cave, you are entitled to expect a species of grandeur. The promoters of Wonder Cave could just as well have saturated the state with billboards and taken their clients on a tour of someone's garage.

Once more our guide is of the classical tradition. His white shoes refer back to his white belt. His narrative, memorized beyond perfection, has begun to evolve past diction onto some higher level of communication. He explains in this voice the origin of the cave, and the human discovery of it, stopping every now and then to answer questions in a perfectly normal, friendly manner before slipping back into his script. As near as I can make out the cave was found in 1893 when a man named Mark Beavers unaccountably lost a drill bit. Spying a small sinkhole with a big rock wedged into it, he had his son try to get inside. Then "the stone and the boy *did* fall into the cave."

The entire Wonder Cave tour takes about 15 minutes. There's just not that much down there to see. They have a black light they turn on to make the rocks glow, but it's hardly worth the trip. On the other hand, if you've never heard Muzak in a cave before, you might want to consider it.



Of all the disadvantaged groups struggling to assert their rights in this country, women may have the longest and hardest fight ahead of them, because their opponents' weapons are so insidious and subtle. What male chauvinism cannot achieve by exclusion or suppression it manages very easily with a simple smirk. . . .

There may be a silver lining to this cloud, however. Television fixes and focuses on these syndromes of irrationality — the giveaway sneers, the patronizing gestures — as no other medium can, and in plain sight of millions. As the nation's vision gradually sheds its myopia with respect to sexual inequities, television may help to speed up the process, merely by making the abuses so conspicuous. Or so, at least, one can hope.

—Alan M. Kriegsman,  
"CBS: Bias in the Booth?"  
*Washington Post*, July 14, 1972.

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# A Window On Power

By Bob Maxwell

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Sept/Oct 1972 issue of NEWS FRONT

*Few people really care what a man does not do,  
or attempts to do, out of pity, charity or compassion.  
They care mainly for what he gets done . . . by  
any means possible. Sad, but true.*

The German philosopher Friedrich Nietzsche came to the conclusion that man's "will to power" explains just about everything he does . . . including altruistic arts, love, pity and gratitude (or, more specifically, the attempt to gain superiority over another person by forcing him to have pity for you or to be grateful to you).

The other side, the dark side, of the will to power is fear. "The great result of humanity to date," wrote Nietzsche, "is the fact that we have shaken off that constant fear of wild animals, of barbarians, of gods, and of our dreams."

## The will to power—an explanation of just about everything man does.

He added, however, that in shedding these albatrosses of primitive men, we have also lost our reverence for the incomprehensible, "and the world has therefore all but lost its fascination for us." Seen in that light, overcoming may be something less than the sublime evolution it might seem.

It is not terribly original to remark that in building our brave new world, in banishing all the superstitions and demons of animate pre-historical life (animate because everything then, including objects, seemed possessed of life and "will"), we have exorcised one fear only to be seized by another — the fear that when we are finally able to conquer and harness nature, nature will no longer have any reason for keeping us on.

Be that as it may, it is our nature not to allow any secrets to go uninvestigated. We refuse to be ruled or cowed by the unknown, by the impossible, by immediate limitations. As Adler and Nietzsche have both noted, the very presence of overweening fear is sufficient indication of a great drive to overcome fear. A man goes to the moon because he is afraid of that dead, eerie orb, and therefore is afraid not to go! It's either the moon or him. They cannot exist in the same solar system and keep secrets from one another.

However, these are some of the grander motivations. Nietzsche would claim that they only emanate from the strong. The weak and impotent (N's terms) also seek power, but in order to turn their real or imagined faults into virtues by elevating themselves above others. He with the humpback thereby turns his freakishness around: anyone without a hump who cannot accomplish what he can accomplish (which may be anything from grand-master chess to building a better toilet) is secondary because of having no hump. This sort of rationalization can be nothing more than protective compensation, as has already been said, unless it becomes obsessive.

Aggression becomes pathological — a matter for the couch — when it is either turned inwards or outwards or when it escapes the individual's control. When repressed or turned inwards, depression and feelings of worthlessness will result; and perhaps suicide. When projected outwards onto others or disowned, persecution mania and other irrational fears will emerge. All of these aberrations represent a failure to integrate aggressive drives, or not find accepted ways of venting them (such as dictatorship). All people have some troubles along these lines; the sick ones seem to be those who allow the object of the will to power to become power itself.

This schema can be broadened to include the symbols of power, of which money might principally be mentioned. Money can be converted into just about anything. At least anything material; and in deeply materialistic cultures, most human emotions can be bought.

Status, the appearance and trappings of strength, possessions, station, ceremony — power symbols all! An eagle is thought powerful, a crow simply another scavenger . . . even though the crow is by almost every measure superior to the eagle. The crow, however, does not seize his food in 2,000-ft. deadly swoops. The crow does not look comfortable on military insignias and silver coins.

Power is the ability to do unto others what you would hate having done unto you. But more important, it is the insurance that you will never have it done unto you!

## One side of power: do unto others what you would hate having done unto you.

Again Nietzsche: "The pleasure of power is explained by the hundredfold experience of displeasure at dependence and impotence. One strives for independence (freedom) for the sake of power, not the other way around." To which Walter Kaufmann, Nietzsche's St. Paul, adds the very significant note: "Power is enjoyed only as more power. One enjoys not its possession but its increase: the overcoming of impotence." By that token, as we have insisted before, there can be no power completely sufficient unto the day . . . not for those who must have it to live.

The symbols of power can also prove dreadfully evanescent. For example, some kinds of power depend on refraining from their use. A doctor may have "the power of life and death," but he won't have it for long if ninety percent of his patients begin showing up dead. It is in this spirit that Nietzsche could proclaim true strength as residing in those who "have the power to hurt but do not."

Individuals possessing great power get more mileage from threatening to use it than from actually using it. In fact, the balance of power on the planet depends on the deterrent effect of threat.

Psychiatrist Alfred Adler thought that aggressive urges are connected with the need to overcompensate for feelings of inferiority. He was sure that aggression is an instinct in itself, a spur to the individual's "striving for superiority."

Although he would be hotly disputed on the innate-vs.-learned circuit — those who cannot agree whether the rage of life is rhyme or reason — the idea that all animals, including man, possess base jungle energy is scarcely new.

The same concept has been suggested by such diverse philosophers as Bergson ("elan vital") and Shaw ("life-force"). Hitler and Genghis Khan would not have been inclined to disagree.

Many psychologists find the tributaries of aggressive behavior obvious in the first actions of the child. Some, like Melanie Klein, believe the first experiences of life to be filled with terror and rage. The world of nursery rhymes, which have a disturbing way of cropping up in almost identical mythology throughout the world's literature, are hardly elysian romps. Children are eaten by grandmother — wolves, witches threaten the peace, etc., etc.

Observers like Anthony Storr conjecture that aggression is a positive drive towards separation and independence. He thinks that the first efforts of an infant to crawl demonstrate traces of a lifelong effort to explore and master the external world. Quoting Dr. P. G. Winnicott: "At origin, aggressiveness is almost synonymous with activity."

The American analyst Clara Thompson attempts to clear away the distinctions between "natural" aggression and the bitter nervous activity stemming from frustration:

"Aggression is not necessarily destructive at all. It springs from an innate tendency to grow and master life which seems to be characteristic of all living matter. Only when this life force is obstructed in its development do ingredients of anger, rage or hate become connected with it."

The mastering of life's skills is not a passive act — it is the overcoming of stasis, of all the gravities urging you to abide and be fallow. Such activity is by definition aggressive. In that sense, aggression, more than any other trait, may characterize the human being seen whole.

No deliberate (as against reactive) muscle moves without the body willing it, and no vital life-decision is possible. Will takes over when the spirit and the body refuses; in the final assumption, will-power is both body and spirit.

Kierkegaard said as much while talking about the true religious experience: "Purity of mind is to will one thing." Willing "one thing" is a 90-year-old woman ill with cancer dragging a three-ton car off her trapped son.

Two obvious psychological collisions result from such a situation: first, a country or an individual must occasionally devise a way of demonstrating this power or sooner or later his enemies will cease to believe he possesses it; and second, the longer a country or an individual goes on merely threatening others with his unused strength the more his frustration will build up over his inability to wield it.

Adler called this refusal to appear weak the "masculine protest." Like his one-time colleague and mentor Freud, he found it difficult to account for the female equivalent of masculinity. Yet once the symbols and circuits and trappings have been matched up, the feminine drive for power, status, control and superiority seems at least as obsessive as with the male.

The mistake we make in believing this is not so, is to misunderstand what a female wants. Freud to the contrary, it is not quite possible to say that a female envies the male his private parts. If anything she envies him his public parts. She has a different way of getting things and a different way of enacting revenge if she does not get what she wants.

**More than their privates, women yearn  
for men's public parts.**

The female senses power more directly and will have very little truck with where it's not and those who don't know where it is.

☆ ☆ ☆

In talking about the different forms of power-play, "displacement mechanisms" cannot be omitted. This is the term for the systems we utilize to insure that our aggressive urges will not get us hurt. Certain animals challenge each other, displaying all the angry habits, colorations and noises that go with deadly combat. Yet when they arrive at the point of attack, they turn and tear up grass or weeds. Some merely dig holes in the earth or shake themselves in fury. Whatever, they perform some action that suffices to demonstrate their capacity for deadliness while everyone concerned remains quite healthy.

Most humans do the same thing (primarily through evasive language), and, happily enough, many nations. Much of this displacement is no more sophisticated than the waffling exhibited by adolescents during a schoolyard battle. Again, the bluff and the threat is everything.

It is unusual to see open warfare break out, not only because both sides may be afraid of being hurt but because of the fear of punishment and retribution. Every culture in the world demonstrates to its citizens in infancy that they will be punished for allowing their hostility full rein. This is our greatest protective mechanism, and of course our greatest source of direct repression.

We are taught to hate ourselves for hating others. (Many psychotic states erupt in young life over the natural but totally verboten thought of wishing a parent dead.) We are taught that love is the greatest virtue. And then we are introduced to success, and the worship of its symbols.

It is the curious contradiction of "civilization" that most of us learn quite well to disguise or bury that thrust which urges us to climb over one another; we learn quite well to suppress that fundamental fire of overcoming — while living in a world that holds out its highest rewards to those who transcend or flaunt such suppression.

**Love is touted but success is the name  
of the game.**

No one really cares what a man does not do out of pity, charity or compassion. They do not even care much what he attempts out of pity, charity or compassion. They care mainly for what he gets done . . . by any means possible. This is a window on power, sad but true. The ancient Greeks did not put to death the losers in any of their many competitions while the Romans often did. History says that civilization came to its apogee with the Greeks. But the Romans got things done.



# IN REVIEW



## Indian Books

By Roxy Gordon

*Albuquerque*

In most American towns today, there are more Indian books for sale in the local drugstore than there are real live Indians for miles around. *Bury My Heart at Wounded Knee* has been a best seller and *The Memoirs of Chief Red Fox* has sold very well. *Wounded Knee*, which calls itself an Indian history of the West, was written by a white man — and *Red Fox* is

But the books are meant for a white audience — and, on the balance, are written by white authors. White people who buy and read the books usually know very little about real Indians — no matter how sympathetic to The Indian Cause they may be. To the bulk of sympathetic whites, Indians are either “third worlders”; noble children of nature; or the founders of the ecology movement.

Vine Deloria, Jr. — the Sioux author of *Custer Died for Your Sins* — in a recent

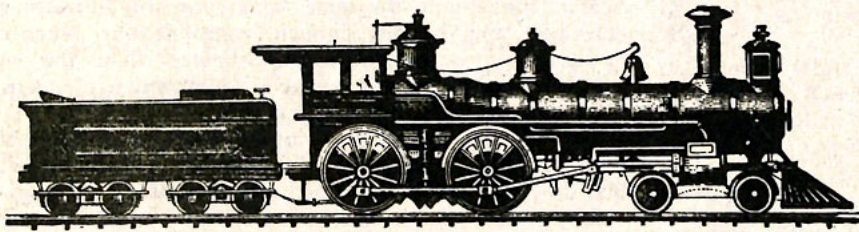
of American society. American Indians have not rejected this world as the real world.”

VERY FEW OF the bumper crop of Indian books deal with Indians as real people — much less as real people who have not rejected this world as the real world. Not many of the books seem to try to make third worlders of Indians; almost anyone with enough knowledge to write a book knows it isn't so. The third world image seems to exist mainly in the minds of the mass of white people. A few books, in passing, seem to try to tie Indians to ecology. Everyone has heard how the Indian never wasted any part of the buffalo. The overwhelming majority of the books deal with the noble child of nature. He is usually orating eloquently. And he is always brave and tragic.

I've counted at least a half dozen books of “Indian speeches” lately. These books profess to show how brilliant and poetic the old time Indian was. What they really exhibit is the Victorian prose style of the old time white translator.

There are several books of “poetry” around which turn out to be translations again. This time we get anthropologists' translations of Indian folk stories and songs. Anthropologists are a whole subject of conversation for Indians. Every summer for several generations now, they have appeared in Indian country with their notebooks and their tape recorders to capture the vanishing race. They rarely seem to understand that the race isn't vanishing at all — and that it generally doesn't care to be captured. Anthropologists are also good at digging up Indian graves and placing Indian bodies on display in air-conditioned museums. I remember being taken to the State Museum in Denver as a kid and wondering then why anyone saw fit to display mummified bodies of human beings.

To be fair, some books of Indian poetry are actually books of Indian poetry. And more of these are coming. But the anthropologists' books — and the historians' books — far outweigh Indians' books, both in quantity and in influence.



apparently an outright fraud. It is said to be a rehash of a book an ex-superintendent of the Pine Ridge Reservation wrote years ago.

Some Indian books are in fact written by Indians and are what they pretend to

*Akwasne Notes* (an excellent national Indian newspaper published on the Mohawk reservation in New York and available for no set subscription from *Akwasne Notes*; Mohawk Nation; via Roosevelttown, N.Y. 13683 says: “Let's suppose that after the controversy in Little Rock, the Birmingham bus boycott, the efforts of Martin Luther King and other Black leaders to raise issues, the American public had turned away to put all their attention on a book called *Bury My Heart at Jamestown*, which recited all the brutality against slaves from 1607 to 1609. At this point, all the whites in the country promptly vow that should they ever come to Jamestown in 1609, they're going to raise the issue with Captain John Smith . . . and promptly (then say) ‘Well, let's get on to Women's Lib.’”

“To reexamine the experience of Mankind in terms of a universe that is alive and not dead is asking too much of the American people,” he says.

And getting very close to the heart of the matter, I think: “Christianity has told us that this world is not the real world, but a testing place for another world. . . . Now this is the fundamental difference between the Indian community and all other groups

*Bury My Heart at Wounded Knee*, Dee Brown, (Holt Rinehart & Winston) and Bantam Books, 459 pages, \$1.95.

*Black Elk Speaks*, John G. Neihardt, (Morrow, University of Nebraska Bison Books) and Pocket Books, 238 pages, \$1.50.

*The Last Captive*, A. C. Greene, Encino Press, 161 pages, \$8.95.

*Tough Trip Through Paradise* Andrew Garcia — edited by Bennett H. Stein, (Houghton Mifflin) and Ballantine Books, 364 pages, \$1.25.

be. More now, it seems, than in the past. And some Indians read these books. Indians who are politically active read them and more traditional and non-political Indians read them to learn and preserve their history and traditions.

**A**NTHROPOLOGISTS AND historians are whites who are "interested" in Indians. Indian hobbyists fall into that category, too. These people are generally very knowledgeable — at least superficially — and these days are almost always sympathetic. They are moved by the plight of their Indian brothers. They transfer themselves into their Indian brothers' shoes. They foist their own values, hopes and aspirations onto their Indian brothers. (And on the side, they write a book about their Indian brothers which makes them money, but doesn't put a red cent into the pocket of their Indian brothers.)

There are, however, whites who are "interested," but don't belong with these. They could be called white Indians. And in some few cases, they are whites who have actually become Indians.

I've run into a lot of white Indians in reading about the tribes of the old days. The classic squaw man was a white Indian. And in fooling around on the edges of Indian culture today, I've met a number of contemporary white Indians. These are people who never quite give up their white past, but their lives are never the same after they've come into contact with Indians.

Whites who actually become Indians were much more common a hundred and fifty years ago. In the middle of the last century, a number of white frontiersmen successfully made the transition and lived out their lives as Indians. Some lived a while as Indians and then drifted back to being white Indians.

These people — white Indians and whites who become Indians — produce books, too. So if you look at all the Indian books, you find them falling into those four categories. Books by Indians. Books by interested white people. Books by white Indians. And books by Indians of white blood.

It makes very little difference if they deal with past or present, I think. Deloria's point is not that *Wounded Knee* deals with the past; it is that it deals with Indians as historical objects. And worse, leads the white reader to see Indians as pathetic old museum pieces.

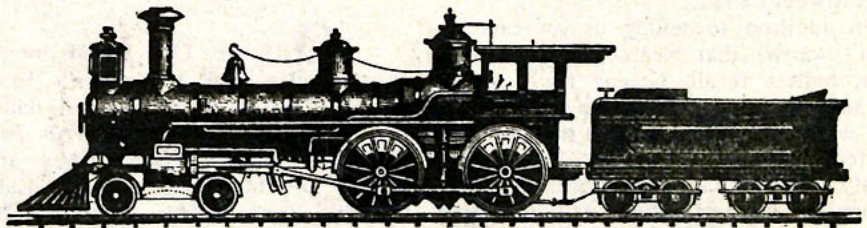
**W**HEN *WOUNDED KNEE* first came out and became so popular, I was a little mystified. It was a non-objective history of the west. It told the Indian side of a story that had usually been told only from an equally non-objective white viewpoint. But having read all those white accounts and having exercised only a little reason and reading only a little between the lines, one already knew the Indian side anyway. Why, I wondered, was white America taking to its heart a book which did nothing more than tell them what any kid who had read about General Custer should have known anyway? I put it down to white man's self-castigation.

*Wounded Knee* is a fairly well written book. But it is not very enjoyable to read,

nor was it meant to be, I think. One hardly reads a list of genocidal crimes for entertainment. If it were meant to be instead a primer for white America, as it appears to be, then more than anything else it reveals the vast ignorance of white America on the subject. If it indeed did sell so well because of our famous national guilt, then it proves to be a book which tells more about the white man's contemporary problems than about Indians' historic problems.

In any case, it is a book of history by an interested, very sympathetic white man. And it conveniently allows its readers to attack Captain Smith at Jamestown and then move on to women's lib.

**B**LACK ELK SPEAKS is the grandfather of all these books. It was written by an Indian. At least more nearly by an Indian than any other book of its time. Black Elk was a Sioux holy man who was at the Custer victory as a boy. He possessed a complicated and intense vision about the future of his people. He thought his vision showed him the way his people would overcome the whites. He died thinking he was wrong — that his people



had died at Wounded Knee. But his people continue the fight. And the life and blood his book portrayed has been an inspiration and focal point for New Indianism.

*Black Elk* was translated by a white man, John G. Neihardt, the Nebraska poet. But it is no Victorian exposition. Black Elk told his story to Neihardt in the early 30's. The title page of the new Pocket Books edition says "as told through John G. Neihardt."

I think it is a true book. When I first came upon it in Oakland three or four years ago, I sent a copy to my friends John and Minerva Allen in Montana. They are both Indian and are very knowledgeable about their past. Minerva is a poetess — Gary Snyder once wrote me that her work was as good as any Indian poetry he'd read. After she read *Black Elk*, she wrote back, "John and I think a real Indian wrote that book."

*Black Elk* is full of what the white man might call magic. But it isn't told in the way most white men would tell it. There is no amazement. There is no attempt at secularization; one feels that Black Elk sees no difference in the secular and the sacred. A living universe, Deloria called it.

The story is told flat-out factually.

When I first read it in Oakland, I experienced again something near to what I'd felt when I first went to the reservation. Culture shock, I guess it's called.

This is Iron Hawk speaking here, not Black Elk. Iron Hawk is helping tell about the aftermath of the Custer fight:

The women swarmed up the hill and began stripping the soldiers. They were yelling and laughing and singing now. I saw something funny. Two fat old women were stripping a soldier, who was wounded and playing dead. When they had him naked, they began to cut something off that he had, and he jumped up and began fighting with the two fat women. He was swinging one of them around while the other was trying to stab him with her knife. After awhile, another woman rushed up and shoved her knife into him and he died really dead. It was funny to see the naked Wasichu fighting with the fat women."

And Black Elk himself:

There was a soldier who was raising his arms and groaning. I shot an arrow into his forehead, and his arms and legs quivered. I saw some Lokatas holding another Lokata up. I went over there, and it was Chase-in-the-Morning's brother, who was called Black Wasichu. He had been shot

through the right shoulder downward, and the bullet stopped in his left hip, because he was hanging on the side of his horse when he was hit. They were trying to give him some medicine. He was my cousin, and his father and my father were so angry over this, that they went and butchered a Wasichu and cut him open. The Wasichu was fat, and his meat looked good to eat, but we did not eat any.

Display that in your air-conditioned museum. Paste that in your scrapbook of historical artifacts.

**H**ERMAN LEHMAN WAS an Indian of white blood — he also refuses to lie down and be pasted.

Lehman was taken captive by the Apaches on the Central Texas frontier as an 11-year-old boy. He spent nine years with the Apaches and the Comanches. A couple of books were written by him — or were transcribed for him and added onto by their white authors. *Indianology* in 1899 and *Nine Years Among the Indians* in 1927. Another white man, A. C. Greene, combined those books and again added some of his own commentary to produce *The Last Captive*.

December 15, 1972

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Greene seems to be intrigued with Lehman's liveliness. He likes the way Lehman deals openly with sex. He doesn't seem to object when Lehman systematically kills every white man he runs across. He likes Lehman's life-long attachment to Indian religion. But I get the feeling he would have been more comfortable had Lehman artificated himself a little more.

Here Lehman is talking about Negro soldiers:

We called them "buffalo soldiers" because they had curly, kinky hair and heads like bisons. Our arrows would not penetrate their skulls. I remember hearing our chief instruct his warriors at one time that in fighting the buffalo soldiers never to shoot them in the head. He said: "Skull too hard; turn arrows, mash bullets, break spears, dull lances. Shoot him through the heart; kill him easy."

Then Greene sees fit to tell us: "... shooting a Negro soldier in the head was just as effective a way of killing him as shooting a white soldier in the head. ... This is another of the legends of the white world which Herman seems to have accepted and applied to the Indian world. Possibly the Indians believed it, but reality should have taught them rather quickly that it wasn't a fact."

In addition to telling us (in case we don't know) that Negroes' heads won't turn bullets at all, Greene has assumed (1) that his derogatory legend originated in the white world, and (2) that the chief was perfectly serious.

My wife and I used to publish a weekly paper on the reservation. A middle-aged white lady there took us to task for publishing stuff that "made the Indian hate the white man." Which was ridiculous. Indians don't need one white man to teach them to hate another white man. And blacks are white to Indians. In most Indian languages, the old term Negro was "black white man."

I've heard Indians tell a lot of derogatory jokes about white people — white and black — and that's what this sounds like to me. Indians can take care of their own prejudices without the white man to help them.

I also object a little to Greene's use of Herman Lehman's first name throughout the book. There seems to me to be something condescending about that. And the caption to one photograph is a nightmare of unconscious (I hope, unconscious) racism. "Indian Girl —" the caption reads beneath a beautiful young woman, "Herman's chief tried to get him to marry a beauty like this."

**T**HE FIRST OF *The Last Captive* is taken up with Lehman's capture and his first few weeks with the Indians. Quickly he comes to consider himself an Indian. The killings he lists take on something of a

chant-like quality. In one or two sentences he tells us about killing teamsters and cowboys, housewives and children. He has one story about killing a man and woman who were making love in a tent. He thinks that was sort of funny. It's refreshing to anyone OD'd on noble children of nature books.

He likes women. He thinks it's pretty funny when one night he is with a young woman and gets kicked on his bare ass by her father.

Women get their noses cut off for infidelity. Men, women and everybody get drunk on liquor they get from the white man and on beer they make themselves. Drunk parties go on for several days out there somewhere on the staked plains. It is a drunk party and resulting killing that finally drive Lehman from the Apaches. He kills a medicine man and leaves in fear of his life. He falls in with the Comanches and stays with them — becoming the adopted son of Quanan Parker — until the army finds him out on the Oklahoma reservation and sends him home.

Apparently for the rest of his life Lehman lived as a white Indian. But the book covers his years as a white turned Indian — and is as classic an example of that as I've seen.

**O**NE OF THE MOST interesting white Indian books I've seen is a Houghton Mifflin book, now out in Ballantine paperback — called *Tough Trip Through Paradise*. Andrew Garcia was another Texan — of Spanish, very Catholic, descent. From El Paso. As a young man in 1876, he went to Montana and lived out his days there, becoming in his old age a character of some color — given to wearing shoulder length hair and buckskins and being written about in newspapers.

Garcia worked for the army as a herder and packer and in 1878 met a middle-aged man named Beaver Tom who proposed to take him on a trading expedition into Indian country. In later years he wrote out the story of that trip and its aftermath and stored the manuscript in dynamite boxes. Bennett H. Stein found the manuscript in 1948 and edited it into *Tough Trip Through Paradise*. Paradise is Indian life. In calling it a tough trip, he is to some extent being literal; he is also looking back as an old man on his boyhood adventure and trying to determine just how tough it was.

Garcia provides the money for the venture and Beaver Tom is supposed to provide the experience, but Beaver Tom soon proves to be a useless old drunk and Garcia is left alone to maintain his trading post among tribes he knows very little about. He is befriended by a squaw man from a Pend d'Oreille band and he sort of falls in with the Pend d'Oreilles. The squaw man camps near Garcia's store, bringing with him his whole family — including his daughters.

Garcia's relationships with the daughters, a girlfriend of the daughters,

and with a Nez Perce girl he ultimately marries make up most of the book.

He says:

I had been watching several young squaws in the camp on the sly. Beaver Tom had been throwing it at me. He said that I had developed a serious case of squaw fever. He did not have a thermometer, but from past experiences, he swore my temperature went up to one hundred and five degrees. When it got that high, the case was hopeless unless the victim got a squaw to nurse him out of it.

Garcia has a galloping case of the fever. If the squaw man's daughters wanted to be resisted, he would have a hard time resisting them. But they don't want to be resisted at all. He is in love with InWhoLise, a Nez Perce girl who lives with the Pend d'Oreilles; and the daughters, in addition to carrying on with him themselves, want him to marry a Pend d'Oreille friend of theirs.

InWhoLise lives some miles away at the camp while the daughters live next door. And the girls are always fixing him up with their friend. They try to get him drunk; they show off for him; they try to impress him; they trick him into being alone with them. Every one of their guiles works. When the one he loves isn't there, he loves the one who is. It's awfully hard on his Catholic conscience.

The girls' father finally finds out what's going on and is mad, but nothing really comes of it. Garcia marries InWhoLise, but the others don't give up, and he disposes of them in the book by simply no longer talking about them.

**I**N HIS LATER years Andrew Garcia returned to white life. He married a white woman and raised fruit for a living. But for twenty years, he labored over the manuscript that *Tough Trip Through Paradise* came from; his labor was prompted by dissatisfaction and a need to understand what had happened to him in those days among the Indians.

Garcia was caught squarely in Deloria's fundamental difference in the white and Indian worlds. His Christianity wanted him to watch out for his immortal soul; his Indian women friends led him to enjoy his mortal life.

Those Indian women were nowhere near tame enough for a museum; nowhere near innocent enough to be children of nature; and too interested in being alive to get involved with abstractions like third world politics. Which is an apt description, a hundred years later, of the qualities of the American Indian — the qualities which the white man is either honestly ignorant of — or chooses for his own purposes to pervert and ignore.



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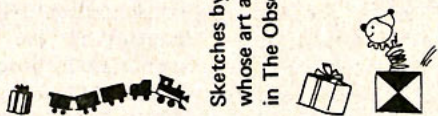
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Sketches by Gerry Doyle, whose art appears regularly in The Observer



# The Texas Observer

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# Expect Nixon to punt

We liberals must look with chagrin at the reelection of Richard Nixon at the same time the American participation in Vietnam seems to be ending.

For Richard Nixon has a rare opportunity afforded to an American president.

Only one other incumbent American president in the last hundred years has enjoyed the ending of a major war in his administration with sufficient public support for his peace proposals and sufficient term of office to enact them. Even the exception, William McKinley, was assassinated shortly after beginning his second term of office.

Yet neither Lincoln, nor Wilson, nor Franklin Roosevelt was able to carry out the peace they had visualized. Lincoln and Roosevelt were deprived through death, Wilson by congressional opposition and lukewarm national support.

Even Truman, if memory serves me, left office before the signing of the treaty ending the Korean War.

Yet Nixon no longer has the drag of the Vietnam War to affect his foreign and domestic policies. Nor does he yet have the renewal of racial violence which marred the War on Poverty and aided its detractors.

My expectation is that he will shuck this opportunity; that he will not try to deal

## Dialogue

with white racism; that he will, perhaps, be drawn into an arms race to maintain an artificial balance of power. If I am correct he will avoid confronting domestic issues, instead, attempting to foster the sort of economic prosperity, withdrawal, and quiescence as in the 1950's.

I am reminded of the biblical aphorism that: "to whom much is given much shall be required." The price for such a peace may be expensive later. And personally if Nixon uses the present national apathy to dismantle the domestic reform programs and stymie the reform legislation of the 1960's (as he has been doing) it may be harder to bear than the Vietnam War, to think that all the agony was naught.

Wright Williams, 1009 W. 26th, Austin, Tex. 78705.

## A good point

Now that the proposed constitutional amendment granting four-year terms to state officials seems to have passed, it seems a valid question to ask why the *Texas Observer* did not warn its readers that this was a sinister right-wing plot. Deep in the fine print of this constitutional amendment, one finds buried the fact that the four-year terms will begin in 1974. This means that the governor will always be elected in off-year elections. This means that fewer persons from the lower economic groups will be registered and that fewer will vote. This means that conservatives will have a better chance of controlling the governorship. This also means that conservative precincts will have more representation in the Democratic Party as far as delegate strength goes, because delegates to conventions are apportioned on the basis of the vote for governor which will now include a greater percentage of wealthy, conservative voters than would be the case if the election were held in presidential years.

It appears that this constitutional amendment is really a tremendous victory for the conservative establishment which has controlled the Democratic Party in Texas in the past. I hope that liberal delegates to the constitutional convention will insist at all costs that, if four-year terms are provided for in the new constitution they draft, gubernatorial elections will be held in presidential election years.

Colin K. Kaufman, P. O. Box 2446, Corpus Christi, Tex. 78403.

## Discovered

It has come to my attention that you are a "liberal publication." This after faithfully subscribing for two years.

But, alas, I am a conservative.

Perhaps it was your dogged determination to be ideally subjective. Or your unbiased reportage of a very biased Legislature. Certainly it was your lack of commercial appeal.

But I had to discover one day. It might have been your "book list" which contained so many contemporary ignotables. Or your very biased glamorization of a most un-Southern national candidate; does your window allow you that kind of perspective?

In short, I do not regret the past two years. You have shown the objectivity of subjective journalism. The cheque for seven thirty-five however, will bear the name of Mr. Buckley's publication. Unless of course you can supply me with the name of Senator Mengden's "journal of free voices."

Richard Alldredge, 262 U.T.A. Station, Arlington, Tex.

## Hot . . .

Hot damn. That S.B., he's really somethin'. I mean it.

Texans couldn't ask for a more talented boy to answer the question, "Just how much banality is there?" What I mean is, he's got a nose for it.

Take that letter from Fog Speech. I didn't remember the cat had died and couldn't grieve much. But the meat of the letter was: TV is banal. Wow! We all thought so, but I guess none of us realized the *quality* of its banality.

Well, to cut the yarn at the bobbin, here's Texas muddlin' along with some obscure writers and vague banality and along comes a fella with a style as inimitable as the limerick and maybe an unpublished novel under his arm, lookin' for fame and fortune so he throws in with a two-bit, liberal rag that's got no reviewer to call its own. How can he make a name for himself and get *Atlantic Monthly's* attention? Why, he's got the keenest insight into banality since Reuben Steuben and he is a Southern Writer. No S— Texas Culture (sneer).

Don't let those Foggy doctors give you any c—, amigo, Yer on the road to success.

Robin Cravey, P. O. Box 8646, Austin, Tex. 78712.