

A Journal of Free Voices

A Window to the South

Dec. 29, 1972

25¢

# FARAH

## The strike that has everything

Not since the U.A.W. took on Ford at River Rouge, not since John L. organized the coal fields of Pennsylvania, not since the truckers beat hell out of the Minneapolis 400 has there been a strike like Farah. Now, it is 1972, not 1934, and blood is not running in the streets of El Paso, except in that revoltingly ubiquitous song about Rosa's *cantina*. But save the absence of massive, public bloodshed, the strike at the Farah Manufacturing Co. has everything. It has wildcat walkouts, outside agitators, suits, countersuits, charges, lies, mass arrests, a battling bishop, an establishment climbing the walls, an oppressed minority, wetbacks, biased newspapers, legal precedents, and a sprinkling of slashed tires, pickets run down by cars, random gunshots, attack dogs, threats, intimidation and other good stuff. Best of all, the Farah strike has Willie Farah, who is in heavy competition with Howard Hughes for the title of America's most peculiar industrialist. Willie Farah, in the words of *Clothes Magazine*, a management publication that makes *SDS Notes* look objective, is "a strong man, a legend in men's and boys'." That is, in the field of men's and boys' wear, to which the Farah Co. contributes slacks and jeans. It's a world of hind pocket cleaners, zipper setters, tag attachers, bundle boys and a slew of other exotic professionals.

**W**ILLIE FARAH is the son of Mansour and Hana Farah, Lebanese immigrants who started a shirt shop in 1920 with four employees and three sewing machines. By 1971, the Farah Co. had 9,500 employees, a sales volume of \$164.6 million, a net profit of \$6 million and a payroll of \$40 million. The company has four plants in El Paso, two in San

Antonio, one in Victoria, one in Las Cruces, N.M., one in Belgium and one in Hong Kong. Farah closed its Albuquerque



plant in July. Farah, El Paso's largest private employer, hires 14 percent of the work force here. Most of this phenomenal growth took place after 1962 and, according to John Grimaldi, Farah's public relations man, part of the problem is that the executive structure of the corporation didn't keep up with the growth of the

manufacturing end. The result was that the executive structure kept getting thinner and thinner and all manner of modern management techniques and structures simply don't exist at Farah. For example, Farah has undeniably suffered from lousy public relations. The company hired the New York firm of Carl Byoir and Associates only seven weeks ago and their man Grimaldi is definitely playing catch-up ball. But any sane p.r. man would dive for cover in the face of Willie Farah. Every time he gets near a reporter, an eventuality Grimaldi now tries to prevent, Farah says something, or more often several things, that would cause your basic, self-respecting flak to want to split his throat. He has called the strikers "communists." He told a *Los Angeles Times* reporter that the union had done the company a favor by "getting rid of that filth." Grimaldi is philosophic about his problems, gamely insisting that Willie Farah is really a right guy — it just takes a long time to get to know him and he's not what you could call smooth. Grimaldi did, however, feel that the cards were stacked against him on Dec. 11, the day of nationwide Farah boycott demonstrations. There were demonstrations and picket lines in several cities and in one Ohio city, the Santa Claus outside a major department store joined the picket line. "When even Santa Claus is against you . . .," sighed Grimaldi.

Santa Claus and Willie Farah. Farah is most politely described by his social peers as "a loner." He is also called rude, anti-social, *farouche*, "totally lacking in social grace," rough, abrupt, etc. Even George Janzen, the president of the Southwest National Bank and of the El Paso Chamber of Commerce, who is a personal friend of Farah's and distinctly on his side, says, "Willie is too wealthy to have

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# The coming fortnight

By Suzanne Shelton

## JANUARY GRAB BAG

**TRACY EXHIBIT** - One of the most talented of young Texas painters, Michael Tracy exhibits his enormous (up to 12' by 40'), thick-layered acrylic paintings which have a rich, medieval quality; through Jan. 14, Art Museum of South Texas, Corpus Christi.

**BLACK SCULPTURE** - "Sculpture of Black Africa" aims to educate the public to the significance of African art, with lectures and slides accompanying the exhibit; through January, Witte Memorial Museum, San Antonio.

**PHOTOS** - Hank Lautz, Dallas photographer, exhibits his works; through January, Founders Building Galleries, University of Dallas, Dallas.

**RELIGIOUS ART** - First major exhibition documenting religious theme in American art,

"The Hand and the Spirit: Religious Art in America, 1700-1900," containing 120-plus paintings and sculptures, including works by Allston, Copley, West, and Eakins; through Jan. 14, Museum of Fine Arts, Dallas.

**WALLS** - "Celebration of Walls" features watercolors by David McCandless, prints by Jean Lodge and Angelica Caporaso, and wallhangings by Tres Manos collective; through Jan. 10, Texas Federation of Women's Clubs gallery, Austin.

## DECEMBER 26

**THIS WAS VAUDEVILLE** - Jackie Coogan, Fifi D'Orsay, Jonnie Ray and the DeCastro Sisters bring back a bit of the *auld lang syne* at the State Fair Music Hall, thru New Year's Eve, Dallas.

## DECEMBER 31

**GALA ARTHUR** - Arthur Fiedler ushers in the New Year, conducting the Houston Symphony Orchestra with pianist Ralph Votapek in Gershwin-Ravel program; 8 p.m., Jones Hall, Houston.

## JANUARY 1

**FIRST SWIM** - Corpus Christi's traditional New Year's Day splash in the Gulf includes a beauty pageant, music and black-eyed peas, Padre Island.

## JANUARY 3

**WALT SCHMALTZ** - It's "Disney on Parade," with all your faves - Minnie and Mickey and even Mary Poppins (and if you look hard enough, you'll see a talented Texas dancer, Ricardo Garcia); through Jan. 7, Convention Center, San Antonio.

## JANUARY 5

**BALCONY SCENE** - No, it's not Romeo and Juliet, it's Jean Genet's "The Balcony," a sensual fable of a man's lust for power, with Madame Irma's "house of illusion" brothel, where timid patrons play-act their fantasies; through Jan. 20,

First Repertory Theatre, HemisFair Plaza, San Antonio.

**CHARLEY PRIDE** - The black country superstar, backed by The Pridemen and even a ventriloquist, in Austin, Municipal Auditorium, 8 p.m.

## JANUARY 9

**BEVERLY TRILLS** - It's Donizetti's merry opera, "Daughter of the Regiment," with Beverly Sills as the daughter, ably assisted by Grayson Hirst; through Jan. 14, with Jan. 13 matinee sung in English, Jones Hall, Houston.



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A journal of free voices

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# Farah . . .

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ever bothered much over the social amenities."

Conservative is not the work for Farah. Super-patriot is not the word. Gung-ho America-firster is not the word. Incredible is the word. Farah puts his money where his mouth is. There is nothing in any of his factories that is not American-made except for three Japanese cameras and a German cutting machine. He buys American all the way and, according to Grimaldi, is singlehandedly supporting some small American businesses such as needle manufacturers.<sup>1</sup> "He considers me practically a traitor to the country because I lend money in Mexico," said Janzen. Farah has refused to participate in the "twin-plant" program, an arrangement under which there is a zone across the border where American industrialists can send materials to be finished at current Mexican wages, thus making money for Americans and jobs for Mexicans.

Farah, 53, is dark, almost movie-star handsome and in excellent athletic trim. He makes Spiro Agnew look like a pinko. According to published reports, his language is blue and blistering when he takes out after his pet hates, such as longhairs, the press and unions. For a long time one of Farah's favorite boasts was that no foreigner had ever worked at a Farah plant. But the Equal Opportunities Employment Commission obtained a court order requiring him to hire authorized Mexican aliens (those holding "green card" work permits) and Farah now has some 700 Mexican employees. "It's the worst form of treason for the American businessman to use foreign labor to the detriment of American labor," Farah said. "Our responsibility is to the American worker. This country gives us everything and we're gratified to live here."

Farah says flatly that he can't stand longhairs. He said two longhairs in the plant "quit" after refusing an order to get their hair cut, but a Legal Aid society forced the company to take them back. Farah now consoles himself because the two "quitters" and "250 others who went zap and let their hair grow" are among the strikers. He doubts they will ever come back.

**A** TRUE Willie Farah story: Farah, a big tennis bug, once refused to play a game with his friend Janzen because Janzen had brought along a can of Dunlop balls made in England.

A true Willie Farah story with several variations: one day a man came to the Farah plant to see Willie, possibly about a job. The man was driving a Volkswagen and Farah came out personally to chase the

offending furrin auto out of his parking lot.

A possibly apocryphal Willie Farah story: once Farah was having a house built and the contractors had completed the framework when Farah discovered that they had used Swedish-made nails. He had the frame torn down and ordered the contractors to start over with American nails.

Willie Farah on the strike, unions and other subjects:

"We're doing the right thing, we're going to win, it's that simple. If it had been left to me, there wouldn't have been a word in rebuttal. Every single truth has been turned around to where it looks just devastating. My workers have been intimidated and frightened. The management has been vilified, the company's philosophy has been falsified and the public has been deluded."<sup>2</sup>

After the Most Rev. Sidney M. Metzger, Catholic bishop of El Paso, came out on the side of the strikers and attacked Farah's statement that they were communists, Farah said the Bishop was "lolling in wealth and ignorance of conditions at the plant. He belongs to the rotten old bourgeoisie."<sup>3</sup>

"This country was going upwards all the time we had a free labor market. Then the labor unions forced their way in. We plateaued and we have been going down ever since. Now the union movement is collapsing, rotting under its own weight. Unions now are looking only for what they can get, not for the benefit of the workers. Unions aren't benevolent and never have been. All the working man pays his dues for is to support big union leaders who buy politicians, supposedly to protect his rights.

"If anything, we've been guilty of keeping some people around here too long, hoping they would straighten out. The union did us a favor by cleaning house, getting the troublemakers out. With that filth gone, the plant is more cohesive."<sup>4</sup>

Whether or not one agrees with Willie Farah's social, political and economic ideas, there is no denying that he is a larger than life figure. In many ways he seems a throwback to the industrialists of the 30's who screamed "Never!" in the face of the unions and vowed that it was all a commie plot. Farah frequently swears that his company will never be unionized. He seems to have a strong sense of his own infallibility. "He thinks he's above reproach," said Janzen. "He's created all these jobs and, by golly, that's a good thing and how can anyone put him down for it? He just will not compromise, even if it's to the detriment of his own minority stockholders."

But in other ways, Farah is a sympathetic figure. The unabashed patriotism, the sense of gratitude to this country for what it has given him and his family, the determination to "repay" that

debt by being fiercely pro-American, even in financial matters. There are, after all, a goodly number of flag-waving industrialists whose economic motto is "Buy Taiwanese."

**A**LTHOUGH Willie Farah is clearly an extreme case, he is not all that out of step in El Paso. El Paso-Juarez is a curiously isolated city: isolated by geography, surrounded by uncountable miles of nothing, and isolated culturally, although the city has a strong personality of its own. Along with the timeless quality of border towns, El Paso has had outside input from one of America's less progressive institutions, to wit, the military. Fort Bliss, one of the great misnomers of our era, overshadows El Paso's "C's" — cattle, cotton, copper, climate, and, lately, clothing.

El Paso is a city of 365,000 souls and its neighbor Juarez is somewhat larger. According to the last census, El Paso is 57 percent *chicano*, but some estimates place it as high as 70 percent, Meskins bein' notoriously hard to count and there bein' a lot of traffic in the sewers between El Paso and Juarez. But economic control is firmly in *Anglo* hands and even political control has only recently edged toward a 60-40 split in favor of the *Anglos*. "There are 80,000 *Anglo* voters and 50,000 Mexican voters," said County Commissioner Richard Telles. "You can't run as a Mexican here and win."

It is possible to tippy-toe around The Problem, as Janzen does. "The Mexican-Americans have traditionally been the lower strata of minimum wage employees," he said. But tradition and lower strata aside, brown folks are discriminated against and because they are discriminated against they don't have the education or the organization to do much about it. In one company blurb, Farah claims to be "the most equal opportunity employer around." About 95 percent of Farah workers are *chicano* and 85 percent of them are women. The fact remains that brown folks come cheaper than white folks and womenfolks come cheaper than menfolks.

New York City has long been considered the center of the American garment industry, but El Paso now bids fair to surpass the Big Apple in this field. For years manufacturers have been moving their plants from Fun City to Sun City for the good and simple reason that the labor is cheaper there. There are approximately 20,000 clothing workers in El Paso, only 2,000 of whom are organized. It's the biggest pool of unorganized clothing workers in the country and clearly a plum for Amalgamated. But El Paso is such an incredibly non-union town, with almost literally zero previous experience of union organizing, that even such a simple fact as

their 20,000 clothing workers being a plum for the unions takes on sinister connotations in the minds of some El Pasoans. One is solemnly assured, time after time, by Downtown types, that what the union is really after is getting these 20,000 workers on its check-off list. That workers benefit from unionization is not an article of faith in El Paso.

George Janzen, who is a particularly pleasant person and brighter than your average Chamber of Commerce president, confided with some horror that he had heard the strikers were actually being paid by the union — paid not to work — not to mention the food stamps they get courtesy of us taxpayers. Janzen had obviously never even heard of the concept of strike benefits, which in this case come to a fat 30 bucks a week.

Even Bill Latham, editor of the *El Paso Times*, submitted it as his opinion that the union had simply looked at Farah's payroll and figured what the check-off would bring. Latham said for the record, "I am for Farah: he is a good citizen and he has done a lot for El Paso." Latham is perfectly up-front about his stance and has taken to the editorial page to make his feelings clear. He blasted Sen. Edward Kennedy after Kennedy came out in favor of the strikers "... either he has a good speech writer, is running for president or is just plain uninformed. In the case of his address ... he made a statement which plainly put him in the latter category." And that's where Latham puts George McGovern, Sissy Farenthold, Bishops Metzger and Flores, Sen. Gaylord Nelson and anyone else who sides with the strikers against Farah.

WHILE FARAH himself believes the strike is simple, a mere matter of right versus wrong, even his own style is a complex mixture of cultural strains. Along with being the son of immigrants-who-made-good, Farah is a border biggie and has adopted, lock, stock and patronization, the style of the *patrons*. *Patrons* are cultural dinosaurs these days. The style is dying even in South Texas, just as the old political machines are dying. But it is difficult to explain to a benevolent *patron*, or even one who has convinced himself that he is benevolent, just why that style will not wash anymore. Willie Farah speaks Spanish. At Christmastime he goes around his factories and personally shakes hands with each and every worker, wishing them *Feliz Navidad*. His workers get free coffee and rolls at breaktime. The company owns buses and offers workers free transportation. Hot lunches are available in company cafeterias for 70 cents. There's a free clinic in the plant. Free eye examinations and prescriptions are available. They get free prescription drugs,

free life insurance, holiday pay, sick leave, bonuses and big discounts on Farah slacks. The company boasts medical benefits, pension and profit-sharing plans. And, allegedly, higher wages than in the other clothing plants in El Paso. Wages higher than the federal minimum.

### The company's version

1969 — The Amalgamated Clothing Workers of America initiated efforts to become the bargaining agent for the less than 9,500 production employees of Farah Manufacturing Company, Inc.

1970 — Failing to win enough support through conventional mass organizational methods, the ACWA turned to the use of fragmentation. That is, the singling out of fragmented segments of working departments or areas where the union felt it could be successful.

— The first fragmented segment was in the shipping department of one Farah plant. The NLRB dismissed this segment as an inappropriate bargaining unit.

— The next fragmented segment singled out by the union was in the cutting area of the plant. This election was held in October among less than 200 employees — 2% of the total Farah work force.

— Objections to the conduct of the election were filed by Farah before the NLRB in Washington.

1971 — The union continued to file numerous unfair labor practice charges with the NLRB. Farah was exonerated of any wrongdoing in most of these cases.

1972 — In May the union started calling upon the entire Farah work force to walk off the job. Fewer than 2,000 — less than 20% of the total work force — have heeded the call.

— Failing for the second time to achieve majority support among the employees at whom the ACWA is directing its organizational efforts, the union with the aid of the AFL-CIO launched a nationwide boycott of Farah products. The object of the boycott, which has since its initiation received support from such quarters as the Central Committee of the Communist Party, is the use of economic pressure to force recognition by Farah employees of the ACWA as their bargaining agent.

— In September the NLRB certified the result of the 1970 cutting area election among 182 employees (the actual count of validated votes in that election). The company is contesting the validity of that election, seeking a court reversal of the administrative decision. Farah does not feel it would be fair to permit a minority of less than 2% to decide the fate of 9,500 employees.

Ordinarily a clothing strike brings on visions of the old sweat shops. But the Farah plants are no such animal. Clean, white and bright, with gleaming floors,

spotless walls, shining toilets, everything private-hospital clean. "A roach," admitted Leonard Levy, vice-president of Amalgamated Clothing Workers of America, "would need a special invitation to get in." There is even Muzak, Mexican Muzak piped in over the p.a. system.

George McAlmon, an attorney, former chairman of the county Democratic Party and chairman of the Committee for Fairness at Farah, said, "I believe this strike is the most important thing that has happened in El Paso in the last 25 years. It's not just about Farah and the wages and benefits there." McAlmon believes a Farah victory will lead to general unionization in the clothing plants and eventually to unionization for all the miserably underpaid, unorganized *chicano* workers — retail clerks, car wash boys, laundry workers, dishwashers, assembly line workers, you name it.

McAlmon points out that El Paso is the last city in the country where a middle-class family can easily afford a full-time maid. Maids get from \$15 to \$25 a month. McAlmon and other supporters of the Farah strike believe a union victory in El Paso will eventually affect the wage rates along the entire border. But, more importantly, he sees the question, as do many of the strikers, in terms of *dignidad* and *patrons*: As a question of *chicanos* finally saying, "*Bastante*." Enough, enough, of the bosses and enough of having no control over their lives.

Such rhetoric seems, at times, curiously unreal to an outsider on several counts. Even if one is sympathetic to the idea of worker control and "having a say in your own life," the reaction is, aw, come on, people don't strike for that kind of stuff. Besides, if you've ever seen people who couldn't possibly be robbed of their *dignidad*, it's Farah strikers. The Queen of England could take lessons in graciousness and dignity from these people.

In talking to one after another after another, one finds that they have indeed struck for the old bread-and-butter reasons.

MANUELA REYES, who is 22 years old and has worked at Farah since she was 16, started at \$1.60 an hour and was making \$1.90 when she walked out. She couldn't get a raise.

Armando Telles, 32, walked out after 11 years at the Farah Co. because he has eight children and didn't like not knowing if he'd be fired. "For me it was job security," he said. "I saw a lot of people fired for no reason. Every day you have to think, maybe this day I'll be fired because something else happens. I even know a happy who was fired the other day. I don't know why."

But although money is cited again and again as the motivating factor in the walkout, one finds the strikers returning most often to questions of — *dignidad*.

Said Reyes, "At the break is the only

time you can go to the bathroom. If you have to go to the bathroom when it is not break, the supervisor sees you and he waits for you outside and when you come out he asks why you went in, what took you so long. Perhaps it is your period, you have to mess with the machine and you are tired and you must change clothes or perhaps it is diarrhea you have. But it is embarrassing to say this to the supervisor, so you just say you don't know why it took so long and look dumb. And then he looks at you like . . . it is not good."

Telles said, "Oh yes, they are always watching. They press the women more, though. Some people don't know how to defend themselves when they ask such questions. When they say to me, 'What are you doing here, you supposed to be in your chair all the time during working hours,' I could always say I was ahead on my quota, I have finished my quota so they have no need to complain of me.

"But the bad thing was, what I was doing was trouble for the people around me. See, on the zipper stop machine, the quota was 180 a day in 1960 and the supervisor said, 'If you do more, I'll give you a raise.' And so I did more, first 190 and then 200 and so on until 220. But that was way high, see. But they always made the quota more because I could do that because I was young and wanted the raise. It put more pressure on the others.

"I was unhappy at Farah for a long time before the union came," said Telles. "I went to their meeting and they were only telling me what I already knew, but I couldn't get it in my mind because I did not think that people would ever cooperate to change it, I thought it was no use. But when I went to the union meeting, I thought, so, maybe they will cooperate. I work now from 6 to 6 to win this strike. I am on the committee. We are going to go all the way. I came out for a purpose and I will stick to that purpose. I even made a promise not to cut my hair until the strike is over."

**E**VERY LABOR dispute is distinguished by noticeable differences between labor and management as to just what constitutes the facts of the case. But in the case of the Farah strike, the differences cannot possibly be attributed to partial interpretation by the two sides. To read and hear the "facts" presented by management and strikers is simply to hold your head and moan. Somebody is lying. On certain very elementary questions of fact, for example, how much Farah workers are really paid, you can look at the strikers' last paycheck stubs and check out their word. Management records are not available.

There is a perfectly legitimate reason for the sometimes morbid secrecy that surrounds the Farah Mfg. Co. It is not simply because Willie Farah intensely dislikes the press. The men's wear business

is extremely competitive and fosters industrial spies and all manner of havey-cavey. A great deal of the machinery in the Farah plants is original — parts are brought in and they build their own stuff: they don't patent it for fear someone else will simply pay the patent fee and carry on — they prefer to try to keep everything secret.

According to company spokesmen, all this special, super-secret original machinery (Farah is, indeed, a widely acknowledged industry leader in the fields of technology and automation) is the explanation for the much-disputed quota question. Farah strikers and their sympathizers have come up with some grim-sounding quotas. For a long time, the company had no defense (lousy public relations again) until John Grimaldi came up with the theory that the reason Farah workers could accomplish these incredible quotas was because of all that jim-dandy homemade machinery in the plant that makes it just easy as pie to sew on 3,000 belts a day. Twenty-five bundles a day; 125 belts a bundle — in an eight-hour day, you'd have to do better than six belts a minute: the women who do the work swear that five belts per minute is the maximum possible, super-duper machinery notwithstanding. You don't make the quota, you don't get a raise, ergo, nobody gets a raise and anybody who falls too far below the quota gets canned.<sup>5</sup> Woe betide you should you need to go to the bathroom in the middle of all this.

Another special feature of the Farah strike is the happies. Farah has twice run full-page ads in the local paper allegedly signed by "8,000 happy Farah workers." The last occasion for a "happy" ad was in response to Bishop Metzger's speech to the strikers.

**T**HE BISHOP'S speech, originally made in Spanish, was mistranslated so that he was reported to have said that Farah workers were slaves, which he did not, in fact, say (copies of his speech are available). But on Dec. 3, "8,000 Catholic Farah workers" "signed" an open letter to the Bishop informing him that they were not enslaved "and our wages are better than those who are unionized in other factories." In a somewhat incredible last graf, the letter announced, "Clergymen can make mistakes, either by misinformation or because of ignorance of true facts. One thing we all do know, and this is, *God* does not make mistakes. He knows all and He is just, so the workers of Farah feel confident that this situation will be resolved because He will help."

One man who was particularly exercised by this letter was Father Jesse Muñoz, who happens to be the pastor of a huge (25,000 parishoners) and very poor church. About 98 percent of his parishoners are *chicano* workers and most of them are employed by Farah. Father Muñoz sat down and counted all of those itty-bitty names on

the ad signed by "8,000" Catholic Farah workers and found 2,310 names. What's more, he found the same names on the previous ad from "8,000 happy Farah workers." What's more, he kept getting letters and phone calls from happies who were horribly upset at having their names used "to insult the Bishop." Muñoz' happy parishoners swore to him they had no idea their names were to be used on the letter that appeared in the paper.

At this point, in order to believe the company, it becomes necessary to assume that either the Bishop is lying and/or a lot of people are lying to the Bishop, and that Father Muñoz stays up late at night forging lots and lots of letter froms happies. "All we are saying," said Janzen, "is that the Bishop does not represent the opinion of the Catholic community. He is an elderly man who is not getting the pulse of the community."

Perhaps the pulse of which Janzen spoke is represented by a middle-class Mexican-American whom we shall have to call Rodriguez. Rodriguez works for an Establishment establishment but he spoke with good faith. "Harassment, they claim," he said of the strikers. "But it is they who are harassing the workers. They get people in on this who are not Farah workers at all, college kids, they say, 'Come demonstrate with us and you will get all the beer you can drink, free.' As for Mr. Farah not allowing the union election, if you have the majority behind you, why pay attention to the minority? He might have let them have an election if they had behaved differently, those union people. They say that time when there were many arrests that the strikers were dragged from their houses in the middle of the night. But this is not true. They came by themselves to the Courthouse that day to give themselves up, they were not dragged.

"I know of one woman, a striker, who goes and gets \$97 worth of food stamps and they say her husband has a job, a perfectly good job. And you know the union pays these strikers not to work? When you get down to the nitty-gritty of it with them, really get down to the nitty-gritty of why they strike, they will tell you, 'Why should we work?' When we can get this money, why should we work?"

The last thing Rodriguez said was that he did not personally know any strikers nor had he ever talked to any.

Father Muñoz, down at the other end of town, is tuned into some other pulse. "In the beginning," he said, "There was unrest over dismissals, over the rebuke of workers for union sympathies, this police state atmosphere with informers going to management with tales of who was pro-union. We feared a violent eruption, so bitter was the unrest. But the union helped and persisted in keeping the peace. At first

only a few walked out, but then they played the swallow song and many were hurt by the cynicism." (Some genius at the Farah plant put *La Golondrina*, the traditional Mexican song of farewell, on the public address system as the workers started to walk out on May 9. Some of the workers thought it was a funny move, others seem to have been seriously offended: the atmosphere was tense, to put it mildly.)

**FATHER MUÑOZ** continued. "Our people work, always work, but everything they get goes to the creditors, for the house, the car, the furniture. There is never any cash in their pockets to buy something they can call their own. I think Mr. Janzen was very blind when he said this about Farah being good for the economy of El Paso. He was talking there of the economy of the well-to-do. They benefit by this system where our people wind up paying \$500 for a \$300 piece of

furniture. I think the economy of this town has been rotten for my people for a long time. I think the Farah people are not being honest. I asked for an open discussion with the happies, but they said this was unthinkable. The company keeps instilling in the happies the idea that if the union comes in, all now inside will be kicked out and have no job. They feel like work is their only destiny. Some don't know what a union is all about. Many of our people do not read even the newspaper and they come to me afraid and ask, Is this true what Farah has told them about no jobs if the union comes? I don't care about Mr. Farah's shining walls or even if his toilet bowls there have 14 carat tops: it is a living wage my people need. But the people are so afraid. People can get used to anything if they have no choice. They are afraid Farah will sell out and leave them. Where will we go? What are we gonna do? As long as they are afraid, they will not stand up. And Farah pretends he is like the

Great White Father: you owe everything to me, he says, look how much I have done for you. But it is not so.

"The church has had much criticism for getting involved in this, even me personally, I have been attacked and the Bishop. But we're in it to stay, though it may shock some. It is, as the Bishop said, for social justice." M.I.

1. Some may wonder why Farah has plants in Belgium and Hong Kong if he is such a chauvinist. The company spokesman gravely explains that this is "international nationalism," and says that the foreign plants are operated like the American plants: in the Belgian plants, only Belgians are hired and only Belgian materials are used. The profits, however, return unto Farah.

2. From an Associated Press story on Farah by Mike Cochran, published in, among other publications, the *Dallas Morning News*, Nov. 26, 1972.

3. *New York Times*, Sept. 11, 1972.

4. *Los Angeles Times*, Nov. 23, 1972.

5. Statistics from Bishop S. M. Metzger's letter in response to another bishop, published in the *National Catholic Reporter*, Nov. 17, 1972.

## The union's story

*Tony Sanchez, a union organizer, has been with Amalgamated Clothing Workers of America for 18 years. He was transferred to El Paso from Los Angeles in April, 1969. "It started with a leaflet," he said. "We were trying to inform the workers of their right to be organized into a union of their choosing. We asked permission to distribute the leaflet in the parking lots at the Farah plants and the company refused. We filed a charge [with the National Labor Relations Board] but the Board dismissed it for lack of merit and said to find another way to communicate with the workers. Late in '69, the call came from them. There were a substantial number in the shipping department and Adam Gonzalez called and they requested that we come in to help organize. So we held our first meeting, at the Rodeway Inn, with about 60 workers attending and every one of them signed union cards and took a stack more to sign up the others. Shortly after that, Adam Gonzalez was discharged. He went through the courts. The NLRB of the 28th district ruled that he be reinstated. But the company appealed to the board in Washington. They reaffirmed the order and the company went to the Fifth District Court of Appeals and from there came an order to reinstate Gonzalez with back pay, which was about \$2,200 by then. The organization did increase and extended to the cutting department. At one time, we had a hearing for 32 workers dismissed for union activity: 19 of them were reinstated by the 28th District NLRB and the company is now appealing that to Washington. If they lose there, I expect*

them to go to the Fifth District Appeals Court and if the Supreme Court will hear the case, they would take it there. They have been so about everything. Every little thing.

"When we reached a majority of the employees in the shipping department, we requested a hearing. The Board ruled that the unit was not appropriate for separate bargaining. Next we filed a petition for an election in the cutting department. The Board granted this petition and on August 14, 1970 the election was held. We won by 109 to 73. The company objected and it went to a hearing. The 28th district Board overruled the objections and the company appealed to the Washington Board. Washington certified us. We requested negotiations. The government has said we are the legal bargaining agents for this unit. But the company refused to negotiate. Then there came more discharges for union activity before the Board. It was an uneasy situation. People were harassed and intimidated. The workers were told that if they insisted on having a union, the company would close all the plants and put them out of a job. This they were told. We did not call the people after this, they came to us. Usually the union makes the approaches, but not this time. We did not call a strike. Because of the company we were all the time going from one court to another to another.

"SO ON MAY 9TH of this year, I receive a call in the morning and it said that some people were walking out. I went over to the parking lot and saw this was true. So I called New York [Amalgamated Headquarters] and they said, no, this is too

premature, we're not prepared, tell them to go back to work. So I did, and Farah can accuse me of invading his private property because it's true: I went on to that land and told the workers to go back. But they said it was too late, they would not. So I called New York again and said there was no way to stop it and they said, O.K., we have to support the strike. [Both sides have called the walkout a strike ever since. The only "strike" demand, however, is for union recognition.]

"May 9th was on a Tuesday. On that Friday I was presented with an injunction against mass picketing. It said that the people picketing had to be 50 feet apart from each other. Our headquarters was by then closed for the weekend, everyone gone. So on Monday morning when they all came back I had a staff meeting to explain what is an injunction. Many people did not know what an injunction is. We went to the plant where the pickets were coming for duty to try to explain this. They were coming in groups of 15 and 20, walking up and us trying to explain an injunction. Meanwhile, the company was taking pictures of us trying to explain this to the pickets. People were crowded around to hear [one is seized by visions of Sanchez shouting to a first picket 50 feet away, "An injunction is a court order — pass it on."] Then we were surprised two days later to get citations for violating the injunction. People came in the morning and say my husband was picked up last night. Very upset. So I called the police and I found there were 250 citations issued by Justice of the Peace Bob Lewis for violation of the injunction. The staff was included in this. So I said to the sheriff,

look, give us a list of these people and we'll call them. We don't want more frightened families and to be embarrassed in front of the neighbors.

**"SO THIS WAS DONE** and the people on the list we called and they came to the Courthouse. Lewis set a bond of \$400. This is not normal for a misdemeanor. A local lawyer, one of our lawyers, he asked Lewis to lower the bond for this one woman and instead Lewis raised the bond to \$800. This went on like this until 1,008 citations had been issued. We were lucky, however, that during these mass arrests, three judges in Brownsville declared this law about mass picketing unconstitutional [as a result of the 1967 UFWOC struggle in the Valley: *Medrano v. Allee*, June, 1972, U.S. District Court, Brownsville, see *Obs.*, Nov. 17] God bless those judges. The cases never went to trial. Lewis, by the way, he got \$4 off every one of those cases. The justice of the peace gets \$1 for every \$100 of bail set.

"Following that, the company didn't have an arresting situation. So they hired a local security agency with trained dogs, police dogs, on a leash, but unmuzzled. These guards came with their dogs alongside the strikers and scared the girls something terribly. It was a form of intimidation. [Willie Farah told a *New York Times* reporter that the dogs were used as a precaution against "boozed up Latin kids," but Farah said the dogs were always leashed, and never bit anyone. "We never had dogs face-to-face with pickets," Farah said.]

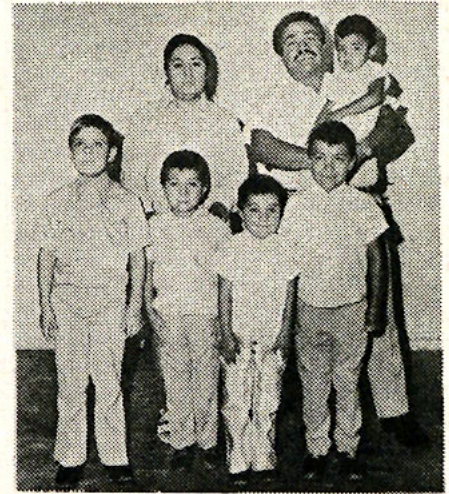
"We went to the same judge as for the hearing on the injunction. We asked for an injunction against the dogs and the judge did not grant it, but he admonished the company and the dogs were withdrawn. Then there was a suit filed against Mrs. Hana Farah for striking a picket girl with a car. She claims, Mrs. Farah, that it was not intentional. But she did not even stop to see how bad the girl was hurt. She did not even stop. Fortunately, the girl was not seriously hurt. She was taken to the hospital, but it was just bruises. [Farah told the *Times* that his 76-year-old mother had not hit anybody, that she had been upset by pickets beating their fists against her car.] On another occasion, a supervisor struck a guy with his car. He was more seriously injured, but is now getting better. Another time our pickets at the Paisano plant had shots fired at them from a passing car, but we cannot say who did it, they were not caught.

"On July 19, the AFL-CIO executive council endorsed a nationwide boycott of Farah slacks. The success of the strike depends heavily on the strength of the boycott.

**"THIS HAS BEEN** a real struggle. It has now been seven months. I would say the morale is good for going into the seventh month of a strike. The union is

# WE NEED YOUR HELP

## Please Don't Buy Farah Pants



Union leaflet

doing all it can to help: I do not know how much money, but several millions. We have communication with those still working. There is no animosity: they have their economic situations and large families. They are called the happies, but they say this is not true. There is still unrest, many anxieties and hopes.

"Whatever I state I have no fear because I stay with the truth and the facts. Let the workers say what they really want. If it comes out that Mr. Farah has a wonderful program and beautiful benefits; fine. I say they have no maternity benefits whatsoever. The insurance is inadequate: the room and board allowance there is \$14 a day, but now for a semi-private hospital room it costs \$35 to \$40 a day. Then there is the so-called savings plan. The company doesn't force the workers to save, but it urges them. They get no interest whatsoever. The company has been sued for that by a number of the strikers who believe the company is using their money. Then there is the so-called 'retirement plan.' They say the retirement is \$200 a month pension. But \$180 comes from Social Security. The company gives \$20 a month retirement. I have been saying that no one ever retired from Farah, but now I must take that back because I recently found one person who had retired from Farah—Willie Farah's old nurse. One person in 50 some years they have had the company.

"But above everything else, the people complain about not having any redress at all. They can't complain to a supervisor or even a colleague without reprisal. It is a disgrace to their dignity. They have no job security. They can be fired for anything. It is very true he gives them free coffee and sweet rolls and they quote him saying there is a free clinic there and that is also true and you must put that in. Where they give

them a pill and send them back to work. And it is true they get free eye examination but they pay for the lens and that is deducted from the check and that is true, that they do. But above all, people want to have something to say about how they are treated, to have respect to their dignity. They get \$69 a week average take-home pay. Give them a living wage and he can have back his free sweet rolls. And give them their dignity, too." □

December 29, 1972

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# Strauss, after all

Robert Strauss was elected chairman of the Democratic National Committee after several weeks of scrapping. Most of Strauss' 106½ votes came from southern and southwestern states, though he did carry Connecticut and Pennsylvania as well. Texas' six votes were split, with Jess Hay, Jane Blumberg, Calvin Guest and Hall Timanus casting 3½ for Strauss. U.S. Rep.-elect Barbara Jordan, Sen. Joe Bernal and Billie Carr voted for George Mitchell or Charles Manatt.

Strauss immediately began making "centrist" noises. He chose Mary Lou Berg, former co-chairwoman, as his deputy. He promised to put more blacks on the national committee. He appointed Jean Westwood to the charter commission. He pledged support for the "sound reforms" that have been made. He even took a swipe at John Connally, saying that people who do not support the party's presidential nominee should not be given leadership positions.

They don't scrap in the Republican Party. Sen. Robert Dole resigned to devote more time to his re-election (in 1974), and former Texas Congressman George Bush was chosen to replace him. Of course, it won't be official until the national committee meets next month, but it doesn't seem real likely that U.N. Ambassador Bush will be rejected. Texas Republicans were generally ecstatic, but the irrepressible Nancy Palm called the appointment "a severe loss for the public sector" and a regrettable move toward the middle of the road.

Capitol correspondents gathered Dec. 4 to consider the establishment of an association to handle access to press

## Political Intelligence

credentials and parking places. After several hours of procedural fighting, the group voted to disband itself. The factional disputation was too complex to explain without footnotes: the move to dissolve was backed by television and radio people (who feared a "print power play"), by several younger reporters (chary of the motives of older correspondents who incorporated the association) as well as by several people who said newsmen had no business being an accreditation service. Trouble is, the original incorporators (including Richard Morehead of the *Dallas Morning News*, Jon Ford of the *S.A. Express* and Garth Jones and Ted Powers of the *Associated Press*) had already managed to get the association's powers written into the Legislature's rules. They may try to regroup around an organization consisting only of newspeople with offices in the capitol.

## Caveat vendor

Sellers beware. Texas consumers are getting downright militant. The Dallas chapter of Consumer Education and Protection Association recently held a "lemoncade." They pledged to drive their lemons through downtown Dallas every Saturday until auto manufacturers start living up to new car warranties.

The first lemon parade had only 12 cars, but some of them have gone outstandingly sour. According to the *Iconoclast*, John Lancioe's \$9,000 Chrysler Imperial has defective brakes, a protruding fender flange and doors that rarely close properly (but when they do close, interior knobs and parts fall on the floorboard). Ken Moore displayed his '71 Super Beetle, which he says gets 12 miles to the gallon, has been fixed 13 times and still doesn't work.

Members of CEPA have picketed the Republic National Bank of Dallas, which owns the note on Moore's VW. The CEPA maintains that since Republic actually owns the car, it should help him pressure the Volkswagen people into repairing it properly.

A Mobile home owner in Longview decided to do a little negative advertising after he allegedly failed to get either the local dealer or the manufacturer to correct a number of flaws in his brand new Fleetwood Mobile Home. He put a huge sign in his yard, saying, "DON'T BUY

FLEETWOOD." According to a Texas Consumer Association newsletter, a manufacturers agent materialized pronto and promised to have all the complaints corrected within 24 hours.

There's a new magazine in the Dallas-Fort Worth area which is taking ripoff merchants to task and providing information on good buys locally. *The Consumer Advocate* is published every two months and costs \$5.48 a year, P.O. Box 5826, Arlington, Tex. 76010.

## Connally items

There are paranoids in Texas who devoutly believe John Connally will run for President in 1976 on both the Republican and Democratic tickets. Stewart Alsop, however, just sees him running as a Republican. According to Alsop's scenario, laid out in the Dec. 18 *Newsweek*, Connally is dropping out for a couple of years to make some money. In 1974, he "takes over the State Department; triumphantly tidies up the global economic scene, much to the economic advantage of the United States; and runs for President in 1976, with the powerful backing of the incumbent." Alsop says Connally "has a downright hypnotic effect on the President."

Connally was in Dallas recently making like a statesman. "The strength of this nation is being challenged around the world today," he told the Dallas Citizens Council. "Nationalism is rampant. But should we withdraw to our boundaries? I think not."

He said as treasury secretary he traveled to many countries and found "so much poverty and illiteracy that there is no comparison. We're the envy of every nation large and small. And what's wrong with that?" he asked.



Robert Strauss



George Bush

- An attorney for former Rep. Walter Knapp, convicted of theft for using House postage stamps to purchase a pickup truck, argued before the Texas Court of Criminal Appeals that Knapp's use of the stamps was authorized by a House reimbursement resolution. Wayne Scott of San Antonio, Knapp's lawyer, also told the court that Knapp's trial was held in the wrong county, since he did not own the stamps until they reached him by mail in Amarillo. Knapp was tried in Austin.

Rep. John Allen, who recently pleaded guilty to a misdemeanor charge of nepotism and escaped prosecution for felony conspiracy, may be the subject of a floor fight when he resumes his seat in January. Rep.-elect Larry Bales of Austin has urged that Allen be expelled. Rep. Price Daniel, Jr., says he would like to avoid a damaging expulsion debate, but told a press conference he has not decided whether to ask Allen to resign.

- Sen. Tom Creighton of Mineral Wells has filed a bill to renew the death penalty for murder.

## P. Smith predicts

- Endorsing a \$40.9 million federal revenue-sharing check the other day, Gov. P. Smith optimistically predicted that the state will need no new taxes in 1973. Smith estimated the feds will send Texas more than \$300 million in revenue-sharing money during the next biennium. Based on the influx of new federal funds, the Legislative Budget Board and Speaker-apparent Price Daniel, Jr., also are speculating that the Legislature will be spared a new-tax trauma during the upcoming session.

- State Reps. Carl Parker of Port Arthur and Dan Kubiak of Rockdale have been named in two civil suits claiming they and others failed to pay for some furniture they bought on credit.

The petition charges that in 1971 the defendants set up Family Furniture, Inc., of Corpus Christi "for the sole and exclusive purpose of defrauding persons, firms and corporations selling goods and merchandise on credit by dissemination of false financial information as to the net worth and value of Family Furniture . . ."

The legislators and their friends are being sued by Monarch Manufacturing Co.; Academy Industries, a project of the Texico Conference Association of Seventh Day Adventists of Corsales, N.M.; Gillespie Furniture Co.; Addison Products Co.; Giddings Manufacturing Co.; Alton Lamps; KCS and Associates and Falcon Manufacturing.

- The Texas Farmers Union at its annual convention called for the Legislature to control expansion of agribusiness and to pass a natural resource

tax and a corporate profits tax.

- Congressman Bob Poage spent part of December leading his House Agriculture Committee through Sudan, Ethiopia, India and Bangladesh to study how U.S. surplus commodities are being used. He was accompanied by two Texas committee members, Kika de la Garza of Mission and Bob Price of Pampa, and a

passel of staff people.

According to Sarah McLendon, other Texans were also taking December junkets — Sen. and Mrs. Lloyd Bentsen to Germany for a NATO meeting and Rep. Richard White of El Paso to Israel and Turkey to study census taking for the House Post Office and Civil Service Committee.

# Freshmen in the Third House

*Austin* "Lobbyist" will not necessarily be a dirty word during the 1973 legislative session. Nestled among the ranks of oil and insurance and banking lawyers will be some members of the third house who don't care a whit about getting a tax break for independent oil producers or increasing the legal interest rate on small loans.

Of course, there have always been non-business lobbyists — organized labor, teachers, police and firemen, for example. Some minor special-interest groups have virtually terrorized legislators in the past. The beauticians and cosmetologists come immediately to mind. Weary solons have been willing to give the industry most anything their lobbyists could agree upon, anything to sidestep the much-dreaded record-breaking committee hearings in which elaborately-coifed, long-winded hairdressers held forth on the cruel inequities of the cosmetology regulations.

Filibustering legislators into submission is one way for a special-interest group to get its way. The groups to be discussed in this issue, however, probably will be trying a rare and daring approach on the Texas Legislature — information and reason.

**T**HE TEXAS Consumer Association's most ambitious legislative project is a drastic revision of Chapter 10 of the Texas Consumer Credit Code. TCA President Lloyd Doggett authored a well-documented attack of the Credit Code in the *Texas Law Review* a couple of years ago, and his opinion of the measure has anything but mellowed.

"Texans have been blessed with one gift horse another another, all done in the latest style of consumerism," Doggett told Sen. Ralph Hall's Interim Committee on Consumer Protection. "The loan companies draft a 'Consumer' Credit Code and later seek to raise the outrageous rates thereunder through the guise of 'truth-in-lending.' The auto dealers sponsor a bill which ostensibly protects the public from auto dealers by establishing a commission populated with auto dealers

and authorized to institute Zero Population Growth for new auto dealerships. The 'free games' people, who plague businessmen as well as consumers, amend the 'Consumer' Credit Code to legitimize their practices, while the insurance lobbyists obtain complete exemption therefrom."

The TCA's Consumer Remedies Act would amend the Credit Code to allow consumer class actions. It would give city, county and district attorneys the same consumer protection powers now afforded the state attorney general. And it would provide individual plaintiffs in consumer cases with a minimum recovery of \$300 in damages, attorney's fees, injunctive relief when applicable and various other forms of judicial relief.

Under the TCA bill, the insurance industry would no longer be exempted from consumer credit rules as it has been in the past.

The reform measure would provide a new list of "deceptive practices" in the Consumer Credit Code. The attorney general and the consumer credit commissioner would be directed to use a broad rather than narrow interpretation of "false, deceptive and misleading" practices.

The prohibited practices would include referral sales schemes and the turning back of odometers. The TCA already has chalked up some success in stopping odometer tamperers. Two TCA members in El Paso, District Attorney Steve Simmons and lawyer Clinton Cross, cajoled the a.g. into a major crackdown on El Paso car dealers who allegedly were turning back the mileage indicators on used cars. In October, thirty-nine El Paso dealers were served permanent injunctions, prohibiting them from fooling with odometers.

The day the injunction was announced, former State Rep. Gene Fondren, the lobbyist for the Texas Automobile Dealers Association (TADA), was lecturing a group of El Paso auto entrepreneurs on the hazards of new federal legislation

concerning odometer tampering. The TADA and the Texas Independent Automobile Dealers Association later decided to assist Attorney Gen. Crawford Martin in collecting voluntary compliance statements from 1,500 used car dealers and leasing companies, all pledging to never, never roll back odometers again.

The TCA wants to pass a bill requiring used car dealers to provide buyers with certificates disclosing the names and addresses of previous owners of an automobile, the mileage of the vehicle when it came to the lot and a list of all accidents in which the car incurred more than \$50 in damages.

Doggett says the consumer group is also working on legislation to require loan companies to provide full disclosure of their profits prior to obtaining increases in interest rates. Another bill in the TCA's credit package would end the "holder-in-due-course doctrine" whereby a buyer of defective goods or services is unable to stop payment because the seller has assigned a note to a finance company.

The group also plans to endorse legislation setting up a state utilities commission and redefining the relationship between landlords and tenants.

The TCA along with the Austin Tenants Council will be trying to get tenants some new rights in their dealings with landlords. The groups want to pass legislation requiring landlords to return a departing renter's full security deposit or provide an itemized list of expenditures deducted from the deposit within 30 days after the tenant vacates the premises. At present there are no laws in Texas concerning security deposits.

There are virtually no existing statutes outlining the duties of landlords and tenants concerning repairs. A TCA bill would allow a tenant to perform certain essential minor repairs and deduct the cost from the rent, providing he first requests the landlord to make the repairs and the landlord refuses.

The consumer group maintains that Texas law already provides landlords with a "quick, cheap process for evicting tenants." It costs only \$5 to file an eviction action in J.P. Court and the whole process takes no more than two weeks. But, instead of using the eviction laws, many landlords prefer to lock out tenants or have their utilities cut off. The TCA would forbid lockouts and utility cut offs and limit landlords to the eviction procedure provided by law.

**C**OMMON CAUSE, which now has a Texas lobbyist (Buck Wood) and a fulltime coordinator (Milton Tobian) will be pushing for a number of basic reforms in the legislative process.

Price Daniel, Jr., the frontrunner for

House speaker, worked with Wood in drafting the proposals and Daniel will be pushing for their adoptions.

At least on paper, the reform proposals seem to be tough. But, if the bills follow the usual course in the Texas Legislature, they will lose a leg and an ear in House



Rep. Price Daniel, Jr.

committee, a couple of internal organs in floor debate and another leg and maybe even the heart in the Senate. By the time the reform package makes it to conference committee, it may be ready for euthanasia.

Daniel will be attempting to pass these measures intact during the same session he is pledged to whittling down the power of the speakership. He could whittle himself out of all of his leverage on fellow House members. We shall see.

Sam Kinch, Jr., of the *Dallas Morning News* is optimistic about Daniel's reform potential. "...One must assume, he [Daniel] being an acute judge of this kind of thing, that the atmosphere of reform must be so heady and strong that it's downright acceptable to start kicking shins," Kinch writes. "And my guess is, he is such a good judge of timing and public response and that sort of thing, he's going to be in politics for a while."

Last session Daniel refused to go along with Sissy Farenthold's efforts to get legislators to reveal their income tax returns. Daniel preferred a less specific statement of assets and liabilities. Daniel and Common Cause now are recommending that legislators, statewide elected officials and certain other state officials and employees file annual reports disclosing their financial activities, as well

as those of their spouses and dependent children. Daniel still won't go for an income tax statement. Instead he would require a listing of assets, liabilities, income and gifts (including the source) of more than \$100 value. Rather than by specific amounts, assets and liabilities would be categorized as more than \$100, from \$1,000 to \$5,000, from \$5,000 to \$10,000 or \$10,000 or more.

The Daniel - CC ethics bill would establish an independent state ethics commission to receive and investigate financial reports and investigate complaints of irregularities and conflicts of interest. The commission would give advisory rulings as to whether particular circumstances constituted violations of the lobbying or ethics laws.

The new lobbying law would pertain not only to lobbyists' efforts in the Legislature, but also in executive offices and administrative agencies and for referenda, bond elections and constitutional amendment elections. Lobbyists would have to provide itemized monthly reports of their expenditures while the Legislature is in session and quarterly reports at other times. The third house would have to reveal the beneficiaries of their gifts, honorariums, loans or political contributions, including services or "anything of value." The attorney general and district and county attorneys could enforce the lobbying law.

The reform package also includes a campaign financing bill with more explicit reporting requirements than those in the present legislation, an open meetings law and a public records bill. The records bill would specify that all information collected or maintained by government bodies be public records available for public inspection - unless the information has been deemed confidential by statute, constitutes an invasion of privacy, is related to criminal prosecution or is an "internal working paper." (An internal working paper is defined as "any internal communication not required by statute to be maintained and not regularly compiled within the scope of the governmental body's duties.")

If a citizen wanted to look at a document whose status is unclear, a governmental body would have to give it to him or request a public hearing on the information within two days after being asked for it. After the hearing, it would be up to the attorney general to decide whether the document in question were public or confidential.

A spokesman for the Texas branch of the National Organization for the Reform of Marijuana Laws (NORML) believes the Legislature definitely will reduce the penalty for marijuana possession at least to a misdemeanor by March.

Steve Simon, NORML's legislative director, reported the results of a survey of legislators made by the organization. Of 29 senators contacted, 27 expressed support

for reduction to a misdemeanor or decriminalization. Seventy-seven House members told Simon they would vote, or were inclined to vote, for reform. NORML will lobby for legalization under government controls similar to those for alcohol sale and use, but a misdemeanor bill "would be a step in the right direction," Simon said.

Texas is currently, of course, one of only two states which make marijuana possession a felony. The 700 people, mostly young, who are in prison for possession outnumber those imprisoned for that offense in all the other 49 states combined. They also outnumber the people in Texas prisons for selling marijuana, by almost five to one. NORML will work for the expungement of past convictions, and Simon is confident some kind of retroactive clause will be included in reform legislation.

The degree of support found by NORML seems surprising, given the fate of Rep. Raul Longoria's misdemeanor bill last session. True, one does not expect every legislator to be a Joe Salem ("The lowest form of human life are those who would sell marijuana") or a Walter Mengden (author of a bill providing the death penalty for possession of three joints or more). But the House chamber that rang with phrases like "stepping stone to heroin," "preying on the innocent," "they all began with marijuana," and "addiction to marijuana" hardly seems like the place where a decriminalization bill will breeze through.

Still, there are all those new members. And Simon apparently has done his homework. He would offer no guesses as to the attrition rate when legislators have to do their public voting, but said he felt that many are "ahead of their constituencies" in the area of marijuana reform.

Senators Aikin and Hightower were the two who would not commit themselves to reform. Neither expressed a determination to retain or stiffen felony penalties: both said they could not support a misdemeanor or decriminalization bill at this time. Senators Ogg and Mengden were not contacted.

Three members of the House favored retention of the felony penalty. Nine supported decriminalization; Simon said 18 to 20 others were leaning that way. Four Senators also voiced approval of decriminalization, with three inclined to support it. Simon told the *Observer* that identifying the pro's and con's by name would be counter-productive, tending to freeze stands in a situation where, he said, things are changing every day. He thinks they're changing in favor of reform.

**T**HE TEXAS Civil Liberties Union to date has homed in on two reform issues for the '73 session — legalization of marijuana and bail bond reform. TCLU

Executive Director Wayne Oakes says the organization will lobby for Sen. Oscar Mauzy's bill to legalize possession of marijuana, but, if his bill is shipwrecked, the TCLU will opt for reduction of possession to a misdemeanor. "We will lobby for penalty severity being based on the amount of marijuana in possession," Oakes said.

In order to curb the wretched excesses of the present bonding system the TCLU will be recommending that no bail bond at all be required unless the state can show a genuine need for one. The proposed bill, being drafted by Charles Orsburn of Houston, would release an accused person on personal recognizance "if at all possible," according to Oakes. Should the accused be required to post bond, it would be paid directly to the court instead of to a bail bondsman as is presently done. The charge would not be more than 10 percent of the bond. Ninety percent of the amount paid would be returned to the accused when he appears in court.

The TCLU has set up a lobbying committee of law students, journalists and lawyers. "This committee will monitor each bill as it is introduced, watch its status and lobby against repressive bills," Oakes says. K.N., J.F.

Briscoe jokes have replaced Aggie jokes around the Capitol. Most of them are unprintable and involve the alleged mental superiority of Janey Briscoe to her husband. There is also a series centered around Briscoe's rural-ranching background as in: the House will be known as the Back 40; the Secretary of State is to be replaced by the Chief Wrangler and the new state holidays will be Round-Up and Sheep Dip Days.

December 29, 1972

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# 3.2 and Merle

By James Giles

DeKalb, Ill.

Bowie, where I grew up, is a dry town. Which means, of course, that one of the Texas initiation rites, getting drunk for the first time, is made somewhat difficult. But only somewhat, because there were (and are) the two options -- the bootlegger and the neighboring wet communities. The bootlegger, a much respected community figure, has been the same man ever since I can remember. The neighboring wet havens used to be Wichita Falls or across the Red River into Oklahoma. Now Muenster has joined the list.

For the initiation, the bootlegger is not nearly so good as the nearby community because he's too respectable, and there isn't much adventure in going to him. The neighboring town option is infinitely better. "All the best authorities say so." When I was growing up, especially, Oklahoma was better. What you did was to go north about 20 miles and cross that slash of mud and quicksand called the Red River and go to a Beer and Catfish to drink 3.2. It took an incredibly long time to get drunk that way, and you got sick first; but it was more accepted and more social because you saw the guys from all over, and you were away from home by yourself with only five or six buddies.

The place we liked best was called Carl's Peach Orchard. It was just across the river and in a cow pasture, and a peach couldn't have lived there for two seconds. Rumor, which I never believed, had it that the

place had originally been called the Peach Orchard because of a waitress named Alberta who had worked there. I never met Alberta. But there was this girl there from Rhyne or Durant or someplace whom we called Red River Bottom. She was right nice. She was also a part, one might say a key part, of the initiation ceremony.

We -- I think there were five of us -- got initiated at the Peach Orchard and got very sick, which of course cost us points with Bottom. Then we drove back to Bowie as *men* -- and hit a cow on the way home and tore up the car.

But we went back and got hardened to the 3.2 and sat for hours at the Orchard listening to the country music on a magnificent juke box and watching enviously the roughnecks and *real cowboys* and their women. It was exciting and not respectable, though everyone we knew had done it or would do it. In fact, the world was kind of divided into the "hads" and the "woulds." The country music was "Fraulein," "Kawliga," "I Didn't Know God Made Honky Tonk Angels." There would always come the time when everybody put down the beer and sang "Fraulein." And that night, when you went home and passed the grotesque

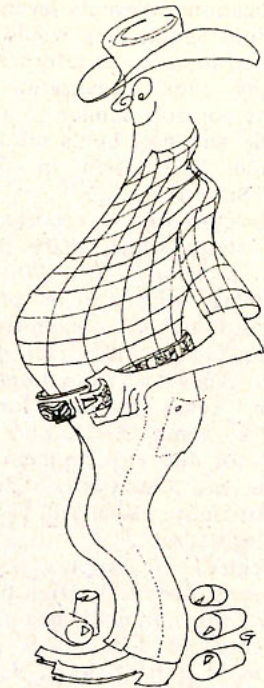
WELCOME  
TO

TEXAS

sign, you were still singing "Fraulein."

☆ ☆ ☆

Last summer, one ritual I had to go through before moving to Illinois was the



last visit to the Peach Orchard. I went now with my wife and my mother, and we ordered the best catfish in the world and real beer. I was sitting there, wondering if Alberta had ever really existed and thinking about Bottom and the smashed cow, when the juke box came on. Everybody there got solemn and put down the beer. For a split second, I thought about "Fraulein" and was ready to join in, when I heard what was playing. It was Merle Haggard singing, as a declaration, not a song, "The Fighting Side of Me." I suddenly realized that everybody there had stared at my hair and sideburns when we came in, and I wanted to go home. Only I didn't know exactly where that was. □

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# There is no energy crisis

By James Ridgeway

Washington, D.C.

Fundamental, political change is often barely discernible to the general populace. That appears to be the case in Washington where the government is promoting the energy crisis as a means of altering the entire political economy of the Atlantic seacoast.

Both the administration and the petroleum industry forecast a shortage of oil by 1980. They intend to meet this "crisis" first by importing large quantities from the Middle East, and secondly by conducting a vigorous drilling program on the sub-sea territories in the Atlantic up and down the east coast. The first part of this plan will mean building huge supertankers to carry the oil and then building superports to berth them. The second part will mean setting up oil derricks off the Atlantic resort bathing beaches, some of them in the midst of heavily trafficked shipping lanes, and construction of underwater pipelines to carry the oil to land. There will be a substantial increase in tugs and oil barges up and down the coast. The new oil will necessitate more refineries, more petrochemical works, and in general, spawn additional industrial activity up and down the Atlantic seaboard, an industrial maze which already has nearly choked the area to death.

These oil schemes are not debated as a fundamental re-organization of the political economy, and conceivably are not even perceived that way by the officials who draw them up. Rather they are put forward in bits and pieces — a port for Delaware, a refinery at Machiasport, an LNG plant in Boston harbor, drilling off North Carolina, etc. — over several years time, and in such a manner that they seem absolutely rational, logical, business as normal, until at last in 1980 people will recognize the change for what it is. Only then it will be that much harder to act.

This basic, fundamental re-organization is undergirded by the "facts" of the energy crisis. The propaganda employed by the oil industry in the late 1960s to boost prices is now all but accepted as basic political myth.

(It is important to understand that the energy crisis, the shortage of fossil fuels — oil and gas — is based on alleged shortages projected by the petroleum industry which produces these fuels. The shortages never have been confirmed by independent analysis. Even though most of the fuels are to be found in the public domain on the outer continental shelf, the federal government which administers the territory refuses to make an independent study of

## Hard Times

the reserves. Instead it relies for what little it knows about fuels on what the petroleum industry tells it.)

RECENTLY three conservation groups, the Environmental Defense Fund, National Parks and Conservation Association, and Natural Resources Defense Council, Inc., joined to block these maneuvers through a major law suit against the Commerce Department. The environmentalists seek to halt construction of supertankers to be used in hauling oil to the U.S.

According to the government and the oil industry studies, waterborne imports of oil into the United States will increase substantially between 1971 and 1985. These studies project that by 1985 the demand for oil in the U.S. will increase by more than 80 percent, and that more than 50 percent of the U.S. oil demands will be supplied by imported oil; that oil imports will more than quadruple and that some 85 percent of all oil imports will be transported to the U.S. by sea.

Under the Merchant Marine Act of 1970, the Commerce Department intends to subsidize a large number of oil tankers within the next decade, including 30 to 40 supertankers. This subsidy program reached a critical stage in June of this year with the awarding of contracts subsidizing the design, planning and construction of 13 new oil tankers, including six supertankers. The subsidies total \$285.6 million. The six supertankers will be the largest ships ever built in a U.S. shipyard. They are twice the size of existing U.S. oil tankers and will carry twice as much oil as the Torrey Canyon.

The environmental impact of marine oil pollution from tankers is well known. Some of the hazards can be reduced through improved design and construction. Mobil, to name one company, has sought to improve construction by using double bottoms. But the supertankers to be built by Commerce employ none of the recognized safeguards.

The basic purpose of the oil tanker subsidies is to provide vessels to transport oil to the U.S. But no U.S. ports can handle fully loaded supertankers. Therefore, the Commerce subsidy program will commit the U.S. to a system of

superports, deep water ports and offshore loading facilities. All portend major environmental impact.

UNDER THE National Environmental Policy Act, government agencies are required to file environmental impact statements on proposed programs. But Commerce has refused to file such a statement on its proposed tankers. This act became law two and a half years before the supertanker subsidies were awarded. More than one year before the supertanker subsidies were awarded Russell E. Train, chairman of the President's Council on Environmental Quality, which administers the Act, wrote then-Secretary of Commerce Stans, "... In our opinion, the National Environmental Policy Act ... requires the Commerce Department to submit an environmental impact statement subjecting this subsidy decision to a thorough environmental analysis." But Commerce has refused and hence the suit to block the subsidies.

The supertanker program is but one prong of the government's attack. The Commerce Department is still trying to persuade the state of Delaware to accept a superport to be constructed on an artificial island at the mouth of the Delaware River. The state government beat down this idea once before, but the Commerce Department is trying again. In addition, the Interior Department is expected to announce an offshore drilling program in the Baltimore Canyon area, a stretch of coast between New York harbor and the Chesapeake Bay. Drilling can be conducted 30 miles at sea. This probably will be the first swatch of coast opened for oil derricks. Drilling will follow off eastern Long Island, and on the southern coast off the Florida-Georgia boundary. Both the oil industry and the government are looking for more refinery sites. The eastern shore of Maryland is one possibility. If refinery sites cannot be obtained, then the oil industry may try to further develop the Bahamas and Newfoundland as refining colonies, where incoming oil can be processed, then carried to the U.S. □

The *Observer* is taking a week off for the holidays. Instead of going to press on New Year's Day, we'll let the next issue mature for an extra week.

# Pseudo-event at the mausoleum

Austin

Julian Bond had interesting things to say during the pseudo-event at the Johnson library in Austin on the occasion of the opening of the civil rights papers there.

Bond, a black member of the Georgia House of Representatives, said, "There is something wrong with an election that sees one candidate receiving nearly all of the black votes cast, and the other candidate receiving more than three-quarters of the white votes cast. . . .

"For black people in America, the election results on November 7th signaled consigning nearly all our political hopes and dreams to an immediate oblivion from which they may never emerge. . . . It meant giving a four year free hand to the current occupants of Uncle Strom's Cabin, a free hand to men who have demonstrated they have no concern whatsoever for freedom of the press, for the privacy of the individual, or for the constitutionally guaranteed civil rights and liberties we should like to believe are taken for granted by those who govern us."

Burke Marshall, the militant enforcer of human rights in the government in the 1960's, now deputy dean of Yale Law School, sought to get Bond and a panel of other civil rights people, including Henry Gonzalez and Clarence Mitchell, to answer the question, what can actually be done now to make civil rights a reality in the lives of the oppressed people of the country? He got no answer. The closest approach was Bond's proposal that the old Democratic coalition be restored if it could be. How it could be, Bond said again and again, "I have no notion." "It's just beyond me." "I honestly do not know."

President Johnson made a good speech for civil rights. He suggested the government investigate banks that discriminate against blacks in extending credit and challenged governments, foundations and churches to provide scholarships and the professions, trade unions and employers to provide fair employment opportunities for blacks. But he also in effect advocated requiring everybody to vote.

Ramsey Clark was seated among the audience listening quietly.

## Watch on the Rhine

Nov. 29, 1972. Peter J. Brennan, president of the New York building and construction trades council who led a march of construction workers and longshoremen in support of Nixon's Vietnam policies in 1970, is appointed Nixon's secretary of labor.

Nov. 30. William P. Clements, Jr.,

## Observations

multimillion dollar Texas oilman who was co-chairman of the Texas committee to re-elect Nixon, is appointed Nixon's deputy secretary of defense responsible for management and procurement. Clements is chairman of an oil drilling firm that does \$100 million business a year, most of it outside the United States.

Dec. 1. Robert Strauss, supported by Gov. George Wallace, George Meany and Al Barkan, the AFL-CIO bosses, and John Connally, chairman of Democrats for Nixon in 1972, is elected chairman of the Democratic National Committee.

Dec. 5. Nixon's Secretary of Transportation orders the airlines to implement procedures for the electronic screening of all airline passengers and the inspection of all carry-on items accessible to passengers.

Dec. 7. Claude Brinegar, vice-president for corporate planning of Union Oil Co. of California and a director of the American Petroleum Institute, is appointed the new secretary of transportation. "He is not an oilman," Nixon press secretary Ronald Ziegler says.

## Smith's big three

There are certain cynics who believe that Gov. Preston Smith will appoint, to the University of Texas board of regents, three persons who will be in a position to help him personally in his business activities when he returns to private life. This would be inconsistent with Smith's conduct in his office since he was defeated. He has been playing wild-card politics since then, surprising people with appointments that seem designed to enhance his standing in the public memory. If he makes cynical, self-serving appointments to the regents, he wipes all that out. It is my view that he has a moral duty to the University of Texas, to the 40,000 students there and all those who will go there in the next decade, and that "more of the same" big-business appointments would be a disgrace and a final definition of his position in the state's history. But if he appoints such people as Dean Page Keeton, Sen. Ralph Yarborough, or the recent student president, Bob Binder, he really will somewhat redeem his standing. I hope that he does.

## Getting some merchants

For a couple of years the broad sidewalk across Guadalupe Street from the

University of Texas has been a continually interesting marketplace where independent artisans display their goods. They spread blankets on the sidewalk, put out their candles, belts, jewelry, paintings, pottery or what have you, and pass the day in the open air. They provide a valid competitive option to and a pleasant relief from the corporate-styled goods in the conventional shops.

Many of them look, to up-tight people, like "hippies," and a year or so back Chancellor Charles LeMaistre said in a speech downtown they should be moved out — barred from the sidewalk. Wrong image, he said. There then ensued one of the most elaborate and protracted soft-soap jobs in the annals of the current repression. Last Thursday the City Council voted to bar them from the sidewalks in front of the stores, providing for them instead a broadened sidewalk on a side street. As Marjorie Hershey said for the ACLU, this was plain and simple an effort to "get" them and was inconsistent with free enterprise and fair play. Sissy Farenthold, attending the council, advised students to boycott merchants who have been out to get the street vendors. This is not a local issue. The revival of independent arts and crafts is a part of the return among the young to personal-size enterprise and the revulsion among us all against corporate control of our lives. The city council can be reversed by a city referendum or court action and should be.

## A suggestion

It is well known that the 25-person Texas delegation to the Congress, 23 representatives and two senators, is one of the dead weights against the needed reforms of the people. There are pitifully few exceptions among the 25 to this stricture. Progressive people have dealt with this as a district-by-district problem for decades without impact upon it. I suggest the formation of a continuing statewide committee to study, evaluate and publicize in Texas the votes and activities of the members of the Texas delegation. The Nader reports on the 25 might serve as a starting file for the work.

## On Ms. Randolph

I felt Ms. R. D. Randolph's death too much to write, from the midst of situations I was in, about her.

I ask that people who knew her write to me about her, so that memories of others about her, and the effects she had on others, may help me as I say what I shall in my responsibility to her memory. R.D.

# Dialogue

## Clarification

I'm sorry if my article ("Christian Hate") in the Oct. 21 issue left the impression with some readers that I was attacking Christians in general. I was speaking only of those extreme right-wing patriots who call themselves Christians and who believe that the will of God is to bomb North Vietnam into the Stone Age.

Not all those who profess to follow the Prince of Peace beat the drums of war. Indeed, many Christians have gone to prison for their convictions that the war is wrong.

Hamilton Gregory, 5824 Parkmont Place, El Paso, Tex. 79912.

## Disillusioned

Congratulations. The *Observer*, *Dallas Morning News*, and *Times-Herald* joined hands in endorsing amendment number four. Now those of us who believe in government by the people and not by special interest groups and the lobby must fight an up-hill battle against the new constitution in hopes of salvaging a people's convention.

Jimmie F. Strain, 3125 W. Pentagon Pkwy. #315, Dallas, Tex. 75233.

December 29, 1972

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## Disappointing

Congratulations for finally determining that "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 of the coming bienium . . ."

It is highly disappointing, however, that you weren't able to see this before the election so that the people of the state could have been asking the candidates about their views on this matter *before* they were elected. I realize that printing this sort of an article before the election would have meant that you would have had to devote less attention to the blundering campaign of the Democratic Party's far left wing presidential candidate (what was his name?). As to renewing my subscription, no thanks; I can read more objective reporting in the *Dallas Morning News*.

William D. Burdett, 126 Manchester Dr. #26, Euless, Tex.

*The Observer had discussed the school financing situation a number of times during the past year. Burt Solomon covered the subject in three Observer pages in the March 31, 1972, issue.—Ed.*

## For expungement

David Morris' article on the repeal of the sodomy law reflects on the consequences of a conviction for sodomy. Simply

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*The Texas Observer*

repealing the law, while a good first step, does nothing for those who in the past have been *arrested* or convicted of this offense. Under our present system, their records are permanently memorialized in court and law enforcement files and will stand forever to stigmatize these people even though the conduct they were charged with is no longer a crime.

When a criminal statute is repealed, all records of arrests and convictions under that statute should be expunged.

In a larger context, it is about time Texas followed the lead of many more enlightened states and enacted legislation expunging the records of those arrests which do not result in convictions and erasing the conviction records of nonrecidivists after they have satisfactorily completed a suitable period of probation.

These records interfere with ultimate rehabilitation by destroying meaningful employment and participation in community life. Mr. Morris mentions that most convictions under the sodomy law result in probated sentences. Unfortunately, as in the case of most first offenders, the collateral consequences of arrest and conviction are far more severe than the punishment or corrective action deemed sufficient by the courts.

William James, 106 West Santa Rosa, Victoria, Tex. 77901.

## Kudos

Your Dec. 1 issue on the elections is the best I've seen anywhere. We had taken the *Observer* when Ronnie Dugger and Willie Morris were editors and somehow failed to renew the subscription several years ago. I hadn't realized how much I had missed its accuracy and humor — with most publications today so lacking in both.

Mary Ann Napier, 1201 Burnett, Richmond, Tex.

## For fair play

In light of the juxtaposition of your note on cases involving Lecil Hander and Frances Jalet Cruz on page 8 of your Dec. 15 issue and particularly in light of your implicit criticism of Judge Carl O. Bue for his decision in the former case and your implicit support for the decision in the latter case, I think it is only fair (and ironic) to point out that the author of the opinion in favor of Ms. Cruz was precisely the same Judge Bue whom you take to task for his decision on Lecil Hander.

Yours for fair play for federal judges.

J. Eugene Clements, One Shell Plaza, Houston, Tex. 77002.

## Why I don't subscribe

Thank you for the complimentary copy of the *Texas Observer* you sent me. My thanks are long overdue.

Politically I agree with you in most respects. I am proud to be liberal — when it means the opposite of stingy, fair play everywhere, equal rights regardless of color or sex — though Heaven deliver me from being the braless, extreme type of Women's Lib. Men are important to me; first my father, then my several high-minded, clean boy friends, my husband, and now my sons and adult grandsons.

I know there are scrupulously clean, daily-bathing, admirable young men who wear long hair — many of fine caliber. Unfortunately, people in general, thousands of fine ones brought up under a stricter pattern of dress and conduct, can't realize that not all bearded and long-haired youths are deviates needing baths and clean laundry. But they all lose votes and approval among people who would like them if they conformed a little more.

I've gone rather far afield from why I don't subscribe to the *Observer*.

1) I'm too far along in years to do many of the things I'd like to — because of a fixed, not-high income, not-so-good vision, and therefore the necessity to be selective.

2) Mainly, probably, because your rhetoric has been at times distasteful to me — an understatement.

I grew up with Milton, Wordsworth, Keats, Tennyson — a few of my favorites. I *cannot tolerate* dirty language.

You have an audience for your — in many ways excellent — paper. But as things are, don't count me in. A minor cause of McGovern's defeat was in some of his rhetoric. Yet at his best, he is magnificent. Some people are born with an instinct for language; all others must be widely read. The schools are now failing.

L. Williams, 410-B Prospect, Amarillo, Tex.

MAY 9, 1972

Scarlet, golden fields  
Burning royal horizon

Green earth's dominion  
Indian blanket fields  
Soaking native blood

Wings of the eagle—Man  
Blacken Apollo rays

Death's dominion over  
Regenerated Spring

KAREN HAMRIC

Denton

MESSAGE FROM KIMOSABE

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so well  
why don't  
you  
just  
go  
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RYAN L. PETTY

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