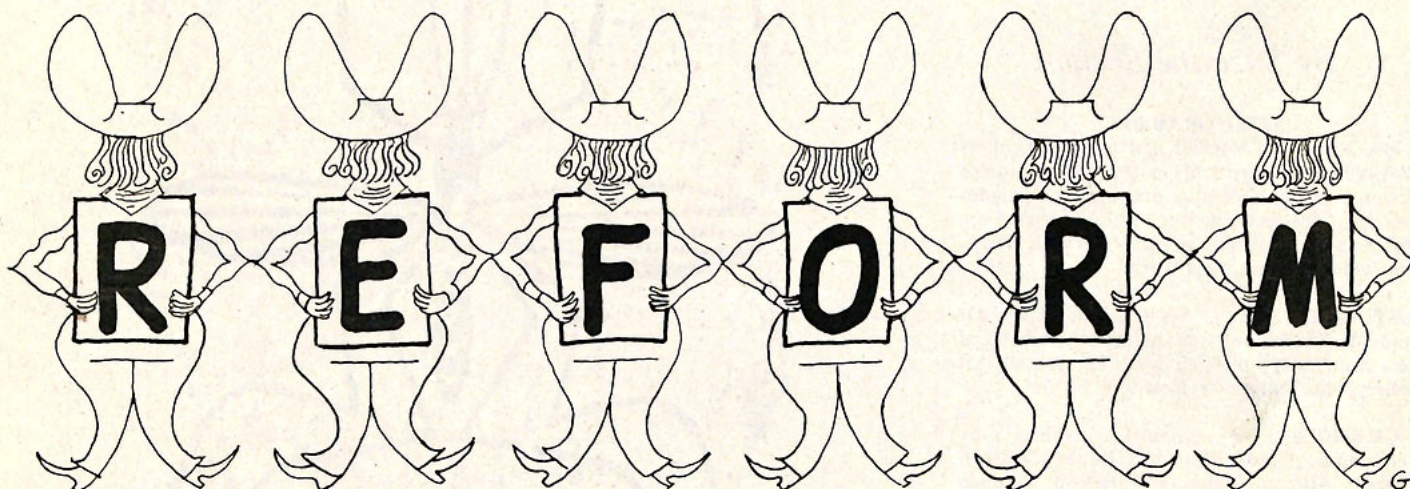


*A Journal of Free Voices**A Window to the South**April 13, 1973*

25¢



Austin
From that moment in July of 1969 when Frank Sharp and Gus Mutscher reached their "tacit understanding" in the dinette of Mutscher's hotel suite, the 63rd Legislature was destined to be a reform session.

In reaction to the stock fraud scandal, Texas voters elected a reform governor and a reform lieutenant governor, a reform House and a reform Senate. It was the House that lost a speaker, the smiling Mr. Mutscher, to the scandal. Consequently, the House has been the governmental body most anxious to prove it has mended its ways. The newly-elected House speaker, Price Daniel, Jr., put together a package of reform bills before the session began, thus becoming the bull goose reformer of the legislative session.

Now, reform is a broad word. It can mean asking legislators, pretty please, not to take any more bribes or it can mean tossing a senator out on his ear for refusing to name one of his clients in a financial disclosure. When everyone from the most earnest, penurious freshman legislator to the shrewdest insurance lobbyist is talking in glowing terms about REEform, the term becomes meaningless.

One shining morning in March six Apache Belles from the Tyler Junior College marching team appeared in the

House gallery. They turned their gold laméd posteriors to the brass rail overlooking the House floor and pertly displayed hand-lettered placards which spelled out R*E*F*O*R*M. There you have the 63rd in an East Texas pecan shell.

IN VIEW of this apparent mandate for reform, one might think legislators could get together and pass some legislation. The trouble is, legislators are politicians and politicians are a jealous, bickering, ambitious lot. As Babe Schwartz says, "All the House members want to be senators and all the senators want them to go away."

If Dolph Briscoe doesn't covet a higher office, he wants at least another term as governor. He doesn't want one of his possible opponents taking all the credit for reform. Briscoe, being a bit slow on the draw, waited until the 70th day of the 140-day session, but he finally got around to endorsing Daniel's proposals for public financial disclosure by state officials. Briscoe's press conference came well after Rep. Fred Agnich had convinced the House to entomb the disclosures in sealed envelopes, not to be opened by the proposed ethics commission unless a majority of the commission decides there is probable cause to believe a public servant has done something sneaky (*Obs.*, March

30). The governor also opined that the financial statements should be filed with the secretary of state rather than with an ethics commission as prescribed by the House.

Briscoe put his seal of approval on another House-passed measure that would restrict House-Senate conference committees on appropriations and taxes to resolving the differences between House and Senate bills. Daniel's response was to be more-reformist-than-thou. Pointing out that most of his package already had passed the House, the speaker said he was "ready for some company" in his difficult battle for reform.

Lt. Gov. Bill Hobby's big push for ethics, a special Citizens Conference on Ethics and Government, also came late, so late that Daniel and many members of the press interpreted it as a stalling tactic rather than a sincere effort. By the time the conference convened March 20-21, most of Daniel's nine bills had been rushed through the House and were being given exceedingly thorough reviews by Senate committees. Daniel allowed as how he was "getting kinda tired of" waiting around for the Senate.

The Senate obviously was not going to pass the Daniel bills as hastily as did the House. The upper chamber lumbered along

(Continued on Page 3)

The coming fortnight

By Suzanne Shelton

APRIL GRAB BAG

MAZES—Betty Voelker, Dallas artist, exhibits "Passageways," series of mazes which prompt viewer participation; also drawings by Avigdor Arikaha, abstract painter whose works are charged with emotional intensity; through May 6, Art Center Museum, Fort Worth.

STUDENT ART — Tenth annual Rice Art Students Exhibition, with works by students of Rice University; through May 12, Sewall Art Gallery, Rice University, Houston.

GRAPHICS — Original graphics by Rembrandt, Corot, Whistler, Rouault, Millet, Chagall, Altman, Kemp and Nelson; through April, Gallery 600, Austin.

LOCAL SCULPTOR — Charles Umlauf, sculptor and UT professor, displays sculptures, abstract oils, drawings, and sketches in one-man exhibit; through April 22, Gallery 17, University Art Museum, University of Texas, Austin.

TRAVELING SHOW — "Molas of the San Blas Islands," traveling exhibit from Smithsonian Institution; through May 11, University of Texas, Dallas.

APRIL 13

OPERA — Verdi's "Il Trovatore," sung in Italian by Fort Worth Opera Association with guest artist Placido Domingo; also April 15, Convention Center Theater, Fort Worth.

APRIL 14

ROCKAROUND — "Yes," the affirmative rock group, in concert; 8 p.m., Hofheinz Pavilion, Houston.

APRIL 15

MULTI-MEDIA — Flute and modern dance concert, with Jerry Bywaters Cochran's dancers, choreography by Joan Amick, Rita Almond on flute, and Beatrice Heikkila on piano, with works by Hindemith, Bartok, Berio and Bloch, directed by Claire Johnson; 3 p.m., Founders' North Auditorium, University of Texas, Dallas.

MIMIEUX & MUSIC — Yvette Mimieux narrates, with George Shirley, tenor, as Lawrence Foster conducts Houston Symphony Orchestra in works by Bach-Stravinsky, Berlioz, Ravel, and Stravinsky; through April 17, Jones Hall, Houston.

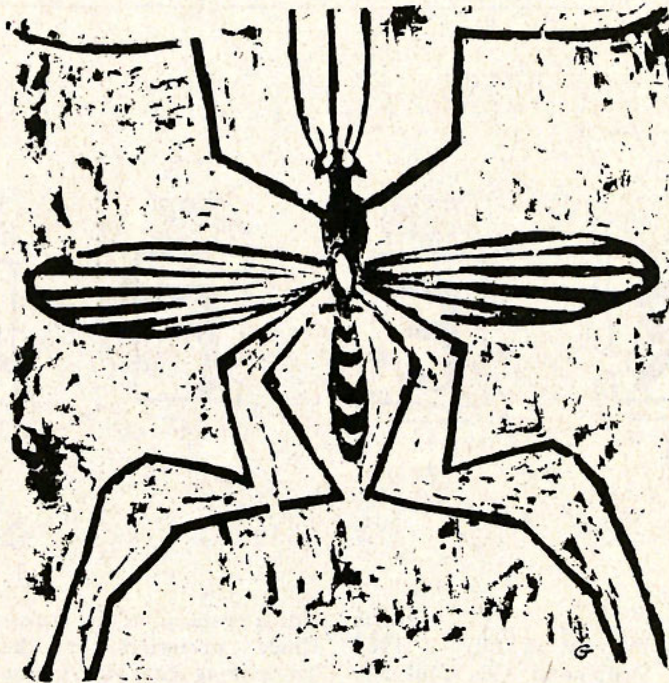
APRIL 17

BORODIN QUARTET — Musical descendants of gifted line of string players, Borodin is foremost string quartet in Russia; 8:15 p.m., Roxy Grove Hall, Baylor University, Waco.

KISSIN' COUSINS — "Mary Stuart," Friedrich von Schiller's historical drama focusing on conflict between Elizabeth of England and her cousin, Mary, Queen of Scots, enacted by Theatre Center players; through May 19, Theatre Center, Dallas.

Show," plus Igor Youskevitch's production of the ballet, "Coppelia," featuring Mary Margaret Holt in lead role; through April 28, Hogg Auditorium, University of Texas, Austin.

SYMPHONY — Lawrence Foster conducts Houston Symphony Orchestra, with violinist Fredell Lack and trumpeteer James Austin, in Tull's "Trumpet Concerto," Shostakovich's "Violin Concerto No. 1" and Mendelssohn's fourth symphony; through April 24, Jones Hall, Houston.



APRIL 19

DOUBLE-HEADER — Tranquility teams with J. Geils Band, in concert; Armadillo World Headquarters, Austin; Geils Band also plays Houston Music Hall, April 22.

APRIL 20

FABULOUS FALSETTO — Johnny Mathis sings some oldies; 8 p.m., Laurie Auditorium, San Antonio; also 7:30 and 10 p.m., April 21, Jones Hall, Houston.

FIESTA! — Seventy-eight-year-old festival features 10 days of river parades, mariachis, Battle of Flowers, Fiesta Flambeau, lots of color and sparkle-plenty, eats and treats; down by the river, San Antonio.

ROCK — Another of the one-word wonders, "War" rocks it up in concert; 8 p.m., Municipal Auditorium, San Antonio.

APRIL 21

HANG, TEN — Those beautiful bleach-blondies, the Beach Boys, with the Doobie Brothers, scoobie-doo; 8 p.m., Music Hall, Houston.

APRIL 23

DANCE — Helen McGehee, one of Martha Graham's principal dancers, stages original modern dance work, "Master Peter's Puppet

APRIL 24

QUIET TIME — Take the time for a pensive concert by Robert H. Young's Chamber Singers; 4 and 8:15 p.m., Armstrong Browning Library, Baylor University, Waco.

APRIL 25

RIVER FEST — All the debts get dolled up, and King Neches reigns over Beaumont's snooty soiree of the year, Neches River Festival, with dances, balls, and receptions, and even an art show, flower show and regatta open to us proles; through April 29, Beaumont.

APRIL 26

MORE FEST — My, how these festivals do go on, with Buccaneer Days revving up in Corpus Christi; carnivals and tennis tournaments, a real-live twirling festival, beauty contests, track meets, model airplane contests, and you-name-it Americana; through May 6, Corpus Christi.

APRIL 27

POPS NIGHT — Longhorn Singers, Choral Union and Austin Symphony Orchestra join in pops concert; Municipal Auditorium, Austin.

ROCKOUT — Sing happybirthdaytome, and get ready for "Commander Cody and His Lost Planet Airmen" plus "Asleep at the Wheel," in concert; also April 28, Armadillo World Headquarters, Austin.

R * E * F * O * R * M

(Continued from Page 1)

at its own pace, passing very few bills at all during the first 60 days of the session, the period traditionally set aside for organizational tasks and committee hearings. For all of Daniel's complaints, Senate committees made some constructive changes in the bills. The Senate Jurisprudence Committee, for example, sent H.B. 2, the lobby registration bill, to the attorney general, who made a number of recommendations concerning the constitutionality of the measure.

Whatever the merits of Daniel's criticism, the Senate was definitely getting a black eye in the dailys. "Noisy Senate Casts Aside Reform Bill," said the biggest headline in the *Austin American* March 2. "Senate Clouds Future of Key Reform Plan," claimed *The Houston Post* March 16. The articles concerned the Senate's repeated refusal to debate H.B. 5, limiting the authority of conference committees. On the 15th, Hobby doomed the bill to failure when he declared the bill to be "unconstitutional on its face." The lieutenant governor maintained that putting committee restrictions into law would allow Texas courts for the first time to look behind the passage of a bill and to consider how a bill became law rather than simply judging it on content alone. Nonsense, answered Daniel. "The question raised for the first time this week about possible judicial interference in the legislative process is unfounded, as any attorney familiar with the enrolled bill doctrine would know," he continued. The speaker said there was "no excuse whatsoever" for the Senate to delay passage of H.B. 5. Daniel was not invited to Hobby's reform party, nor were Brooks, Mauzy or Gammage, the primary Senate sponsors of the House bills.

SENATORS finally condescended to vote on H.B. 5 on March 21. Babe Schwartz of Galveston, the liberal chairman of the Senate Rules Committee, pointed out that Senate rules already restrict senators to adjusting the differences between bills and that it takes a two-thirds majority of the Senate to override that limitation. Under Daniel's proposal, he said, "a bright-eyed bushy-tailed lawyer could go to court and destroy the appropriations bill after we had done our work and had gone home."

Bob Gammage, of Houston, the sponsor of the House bill, countered that joint rules have not been adopted by both branches of the Legislature since 1963. The House passed the rules in 1965 and 1967 while the Senate didn't and then the Senate adopted joint rules in 1969 and 1971, only to discover that the House wouldn't go along with them. Through the years, items approved by neither the House nor the



Sen. Bob Gammage

Senate have been slipped into the appropriations bill during joint conferences. Given only a choice between voting the conference report up or down, the House and Senate usually have gone along with these last minute appropriations. The most blatant item-inserter of the conference committee has been former House Appropriations Chairman Bill Heatly, who lost his job during the reform purge.

Schwartz flayed the press for its coverage of the debate about H.B. 5. He read an editorial from the *Fort Worth Star Telegram* which maintained that if H.B. 5 failed to pass, the joint rules could be circumvented "by the whim of the majority of the Senate." "A whim of the majority is the will of the majority in most of the schools I went to," Schwartz said. He repeated for the umpteenth time that a change in Senate or joint rules now requires a two-thirds vote. "That's a wham . . . if you've ever tried to get a two thirds majority."

The Senate killed H.B. 5 10 to 21, and Gammage blamed the defeat on Lieutenant Governor Hobby. There certainly was no ideological explanation for the vote. The 10 senators who voted in favor of the bill were Republicans Betty Andujar of Fort Worth and Walter Mengden of Houston; conservative Democrats Don Adams of Jasper, Bill Braecklein of Dallas, Grant Jones of Abilene and John Traeger of Seguin; and liberal Democrats Chet Brooks of Pasadena, Gammage of Houston, D. Roy Harrington of Port Arthur and Oscar Mauzy of Dallas.

Needless to say, Speaker Daniel was furious. "I'm frankly sick about the action," he said. "I think as far as this

session and future sessions of the Legislature go, the pocketbooks of the people of Texas have been dealt a stunning blow." Some senators responded by accusing Daniel of demagoguery on the issue.

THE SET-TO on joint rules was far from over. A few days later, Hobby announced that he favored passing a constitutional amendment making joint rules adopted by the Legislature binding on succeeding Legislatures until amended or repealed by a majority vote resolution. A constitutional amendment, of course, would be subject to court scrutiny as would a bill. The main distinction seemed to be that one measure was sponsored by the Senate, the other by the House. In the press, Hobby was beginning to look like a compulsive nitpicker. "What does he know? He's not a constitutional lawyer. He's a newspaper publisher," griped one senator who preferred not to be identified.

AS THE OWNER of a major Houston newspaper, a radio station and a television station, Hobby at least could have been expected to know something about good public relations, but his ethics conference turned out to be minor embarrassment. The final report by Hobby's hand-picked 150 citizens was tougher than Hobby or his conference chairman, former Sen. Jack Strong Senate sponsor of The Bills in the stock fraud session) had expected it to be. The conference called for extensive public financial disclosure by state officials; registration of all paid lobbyists and their employers; much stronger campaign contribution and spending laws; and creation of a state ethics commission. Hobby, who was on record as opposing an ethics commission, found himself in the awkward position of refusing to accept recommendations of his own ethics advisers. "Hobby hints he won't back ethics group," read the drear headline in his own *Houston Post*. Hobby said he opposed an ethics commission because it would have to make secret investigations and "to that extent, the concept of a commission is inimical to the concept of complete candor and openness in all these dealings." Then Hobby did an about face and called another point of "candor" — his conference's recommendation that lawyer-legislators be required to disclose the names of their clients — "purely an invasion of privacy that doesn't serve any public interest."

Senators interviewed by the *Observer* were at a loss to explain Hobby's bungling of the reform issue. One senator called him "fickle" and "politically naive." Most said they believe his motivations to be sincere. "I really don't know of any legitimate criticism anyone could levy at Hobby for his handling of House legislation,"

Schwartz said. "What do we have? An unconstitutional lobby bill and a Daddy Warbucks secret disclosure bill. I think Hobby's doing a great job."

Brooks said the lieutenant governor is "doing a pretty credible job. It's very refreshing to have a lieutenant governor who's not committed to every lobby known to man, a lieutenant governor not making deals every single moment." Brooks said the ethics conference will have been of value if it helps Hobby to exert pressure on the more reluctant members of the Senate. "His decision to have that seminar has had the end result of really putting him on the firing line," Brooks said. "Now he must produce the kind of leadership needed in the Senate to get those bills passed in reasonably good form. If the Senate kills those bills, he can sustain significant political damage. He will be blamed for it."

HANDLING the conservative Senate may be a difficult task for the new lieutenant governor. There are a number of senators who, because of their tenure and the uncritical support of their conservative constituencies, do not have to make concessions to the reformers. Bill Moore, of Bryan, the gruff and iconoclastic chairman of the Senate State Affairs Committee, stood his ground on the open meetings bill, casting a solitary nay when the Senate passed its version of the bill 29-1. Hobby can expect little help from Doc Blanchard of Lubbock. He says that "reform for the sake of reform is a bunch of mishmash. Reform is going down a sewer pipe in a glass-bottom boat." Tom Creighton of Mineral Wells is equally skeptical of the REEform fever.



Leash law

—By BOB TAYLOR, Times Herald Staff Cartoonist

Hobby defended his actions before the State Democratic Executive Committee in Fort Worth recently. According to *The Houston Post*, he warned against passing ethics legislation "in an emotion-laden atmosphere." He pointed out that most reform bills are passed in reaction to specific scandals, such as the Sharpstown affair. "In short you're generally legislating in a climate that's almost guaranteed to produce bad legislation, and that's exactly what happened," he said, referring to the

ethics bills passed in 1971. "We really don't need to enact any more new legislation . . . that is universally ignored, that is obviously unconstitutional and does very little to improve respect for law and order and the legislative process or from the institution of government." Hobby did not mention Speaker Daniel, but much of what he told the Democrats was in response to Daniel's criticism.

Neither Daniel nor Hobby is coping with the traditional antagonism between the House and Senate in what one could call a statesmanlike manner. Before the session began, both men were making grandiloquent promises about how the two houses were going to work together in unprecedented harmony and cooperation, but, halfway through the session, they were playing oneupmanship with a vengeance. Hobby *could* have invited Daniel to his ethics party and Daniel *could* have restrained himself from calling Senate action on H.B. 5 "fishy," but the game of politics is rarely played with restraint.

K.N.

Guard against the postures of pretended patriotism.

—George Washington, 1796

Those who have once got an ascendancy and possessed themselves of all the resources of the nation, their revenue and offices, have immense means for retaining their advantage.

—Thomas Jefferson

I hope we shall crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country.

—Thomas Jefferson

THE TEXAS OBSERVER

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Ronnie Dugger, Publisher

A window to the South
A journal of free voices

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

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Tea and Coffee in the House

• A House Criminal Jurisprudence subcommittee held a farcical three-hour meeting recently and voted 3-2 to report out a slightly-modified version of Gov. Dolph Briscoe's drug control bill. The subcommittee had agreed to use the Briscoe bill as a "vehicle" so that a single bill could be reported back to full committee after consideration of amendments. As it turned out, the subcommittee members accepted only a few changes — but oh, how they went about it.

Five of the subcommittee members (chairman Felix McDonald of Edinburg, Robert Maloney of Dallas, Bill Sullivan of Gainesville, Ronald Coleman of El Paso and Frank Calhoun of Abilene) prepped for the meeting by discussing the matter with Roy Coffee, Dolph's legislative liaison, in the governor's office. The guy himself dropped in to commend the five on all the hard work they had done. Presumably, he did not wish to commend Rep. Ron Waters of Houston, an advocate of marijuana decriminalization, or Rep. Sarah Weddington of Austin, who has criticized the governor's bill. They were not invited to the Coffee-klatsch.

• Coffee explained that the two had told him before they didn't want to discuss the bill with him, "so I saw no reason to invite them." Anyway, it was just an informal little discussion. As was the motel breakfast attended by Coffee, Maloney and Rep. Tim Von Dohlen (who is carrying the bill) on the morning of the subcommittee meeting. As was, no doubt, Maloney's whispered conference with Coffee during the meeting itself.

Sometime before the formal meeting, Maloney decided it would be neat to introduce his amendments in the form of a 49-page substitute for Briscoe's 49-page bill. So he did. McDonald delayed the meeting for an hour while printing was completed. Waters asked that the meeting be delayed longer so that he could read the bill. He lost on that motion, 3-3 (Calhoun was absent). He lost on his own proposed amendments, mostly on 3-3 votes. Coleman was the only one of the five "informals" who voted with Waters. And only Weddington voted with him against passage to full committee. Waters will renew his attempt at changing the bill — and his protests over the "informal meetings" — before the full committee.

Maloney's substitute included the following changes:

- elimination of the offense of distribution to a minor;
- elimination of specific increases in penalties for second and subsequent convictions (though the proposed new penal code would institute increases anyway);

Political Intelligence

— reduction of minimum penalties for manufacture, delivery or intent to deliver Schedule I or II narcotics (such as heroin, morphine or cocaine) from 16 years to five years;

— reduction of minimum penalties for the same offenses involving other Schedule I or II drugs (including amphetamines and hallucinogens) from five years to two.

Delivery of or possession with intent to deliver marijuana remains a felony, punishable by a prison sentence of two to 20 years. Possession of more than eight ounces remains a felony, punishable by two to 10 years. Possession of amounts less than eight ounces has been further subdivided by amount into two offenses, one involving less than, one more than four ounces. The smaller amounts rate a smaller misdemeanor penalty than in the original (up to six months); the larger now carry a *more severe* penalty (up to two years instead of one). And a new offense, delivery without remuneration of less than one-fourth an ounce (otherwise known as passing a joint or two) is classed as a misdemeanor equivalent to the least heinous case of possession.

• Rep. Lindon Williams of Houston is asking the House to set up a study of bank holding companies after the Legislature adjourns.

Bush-league Beria

• Waller County District Attorney Oliver Kitzman jumped into the House committee investigation of problems at Prairie View A&M (see *Obs.*, March 16) like some bush-league Beria. His first step was to issue arrest warrants (subpoenas with attachments requiring bond to be posted) to compel four legislative aides to testify before a grand jury in Waller County. Right off the bat, he misspelled the name of Ms. Jo Baylor, an aide to Rep. Eddie Bernice Johnson of Dallas. Baylor refused the warrant.

Then a state district court judge informed House Speaker Price Daniel, Jr., that the warrants were null because he (the judge) had not signed them. Not to mention the possibility that they were null if legislative immunity to subpoena includes legislative aides. The four aides (Carlton Carl, Daniel's arch-assistant; Jim Cline, administrative aide to Rep. Paul Ragsdale of Dallas; Grace Curtis, a secretary for Rep. Dan Kubiak, chairman

of the Education Committee; and Baylor) decided they would testify voluntarily.

• Apparently, though, none of the four had much to say to the grand jury. Ragsdale and Johnson had told the House Education Committee (under questioning in hearings on the resolution to create the investigating committee) they knew of witnesses who could testify that Prairie View President A. I. Thomas took kickbacks from some employees. Cline and Baylor said they had no information about those witnesses. Curtis and Carl said they had no personal knowledge about Prairie View at all.

Dr. Thomas said he had asked Kitzman to make the investigation. Kitzman said he had planned to make one anyway, but that he is temporarily out of witnesses.

Cheap race

• Rep. Billy Clayton of Springlake is the highest-spending official candidate for the speaker's chair next session. (Clayton is the former executive director of Water, Inc., a West Texas water-lobbying firm, and was the principal House sponsor of the Texas Water Plan. He is currently overseeing Governor Briscoe's water-district-reform bills in the House.) Clayton had received no contributions or loans as of March 1, the first bimonthly filing deadline under new House rules, but he had already spent a princely \$6.80. His only official opponent, Rep. DeWitt Hale of Corpus Christi, is making do without contributions or expenditures so far.

Rep. Fred Head of Troup, generally thought to be interested in the speakership, did not file.

• Sen. Jack Ogg of Houston has introduced legislation to prohibit editors of student newspapers at state-supported colleges and universities from endorsing political candidates or editorializing on state legislation. The bill prescribes a jail sentence of 30 days or a \$1,000 fine for offenders.

Meanwhile, the Texas Student Publications board, the policy-maker for the *Daily Texan*, has given the *Texan* tentative permission to publish such partisan editorials. *Texan* Editor David Powell told the *Observer* the question is far from settled: "There is obviously a fairness doctrine for editorials paid for out of state funds — the question is what a candidate not endorsed can do in response to an editorial." Powell handled the issue with wry caution at the general election in November: he published endorsements of McGovern, Muniz, Sanders, Angly and

three liberal candidates for the Texas House — the day after the election.

• The Tax Action Campaign, the tax reform group headed by former Oklahoma Sen. Fred Harris, has named Tenneco, Inc., as their latest Tax Avoider of the Week. According to the TAC, Tenneco controls 149 subsidiary companies, had a net income of \$245.2 million in 1971, and paid taxes at a rate of 17.1 percent. The corporate base tax rate is 48 percent.

6

The Texas Observer

THE BRACERO a novel



EUGENE NELSON

Eugene Nelson, the author of *HUELGA* and numerous shorter works, is best remembered by Observer readers as the Texas organizer for the United Farm Workers Organizing Committee during the early months of the 1966-67 South Texas farmworkers strike.

THE *BRACERO* is published by Thorp Springs Press. List Price \$3.50 ... available through the Observer Bookstore at the regular 20% subscriber discount price of \$2.94 which includes 5% Texas sales tax (out-of-state subscriber price: \$2.80).

THE TEXAS OBSERVER
BOOKSTORE

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• That's 12 down, 9 to go. After a two-week trial, a Dallas jury found Waggoner Carr and John Osorio not guilty of a dozen counts of mail and wire fraud. The indictments, like the ones still to be tried, arose from the stock fraud scandal. Carr reminded the People of Texas that "I was not just innocent today, but have been innocent all the time." Osorio said he would never have been tried in the first place if he hadn't staunchly refused to back up those base canards about Ben Barnes.

Birchers and the E.R.A.

• The John Birch Society has brought its campaign against the Equal Rights Amendment to Texas. The Birch Society bookstores (American Opinion) are distributing a yummy four-page pamphlet entitled "Will You Let Them Draft Your Daughter?" The last page of the pamphlet is a petition form which the booklet suggests be signed and sent on to state representatives and senators urging them to repeal the E.R.A. The E.R.A. was approved by the Texas Legislature shortly after it passed the U.S. Congress and efforts to get it reconsidered this session have so far been unsuccessful. Rep. R. B. McAllister of Lubbock sent out a letter early in the session to find out how much sentiment there was for reconsideration. But the women in the House (Sarah Weddington of

Austin, Chris Miller of Fort Worth, Senfronia Thompson of Houston, Kay Bailey of Houston and Eddie Bernice Johnson of Dallas) sent out a letter of their own to their male colleagues asking that the matter not be brought up again and so it has been dropped for the nonce.

The Birch Society has active anti-E.R.A. campaigns in several states now and has managed to successfully repeal the vote of the Nebraska legislature in favor of the amendment. The lead story in the April issue of *American Opinion*, the Birch magazine, is devoted to a riotously funny article by Alan Stang on the evils of the E.R.A. "When a man steps up to a bar for a beer these days, the chances are that before he plants his foot on the brass rail some woman will be there trying to buy him a drink," announces Stang. "And if he lets her do that, she immediately assumes she has the right to take him home." All very droll, except the American Opinion bookstore in Dallas has just gotten in another 1,000 copies of the anti-E.R.A. petition.

• Susan Caudill, once a reporter for the *Houston Post*, got demoted to the copy desk not long ago. It seems there was no end of reasons why management might have been ticked off with her. For one thing, she had been a strong supporter of the Newspaper Guild's attempt to unionize the *Post* last year (the union lost by a few votes with management pushing hard against it). For another thing, she helped to start the *Houston Journalism Review*, a publication which not infrequently takes the name of the *Houston Post* in vain. For still another thing, Caudill's muck-raking on the water district phenomenon in Houston had cost the *Post* a considerable amount of money in terms of cancelled ads: a local real estate agents association urged a boycott of the *Post* to protest her articles. None of this information made the *Post*'s management look good when they shifted Caudill to a night copy desk assignment with the rather clear implication that she should quit. Since the *Post*'s managing editor Ed Hunter offered no explanation for the shift, not even to Caudill, all hands were left to ponder on the evils of a. being for a union b. starting a journalism review c. costing the *Post* advertising money.

In a minor footnote to history, the Texas Associated Press Managing Editors Association announced its awards about a month after Caudill's demotion. The *Post* got three first place awards, one in sports, one for the women's section and one for Susan Caudill's continuing coverage of Houston's water district problems. The *Post* identified her in its story on the awards as "a former *Houston Post* reporter."

Private Property ... is a Creature of Society, and is subject to the Calls of that Society, whenever its Necessities shall require it, even to its last Farthing.

—Benjamin Franklin, 1783

CIVIL WAR SHOW APRIL 2—APRIL 21

Original Civil War photographs by colleagues of Matthew Brady, including Timothy O'Sullivan and others. Large selection of battle scene engravings from the Civil War period including works by Winslow Homer and Thomas Nast.

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(Formerly The Print Place)
622 W. 6th (at Rio Grande)
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12:00-6:00, Mon.-Sat.

The Connally touch

By Francie Barnard

Washington, D.C.

No less than eight richly prized national bank charters flowed from the Treasury Department into the pockets of John Connally's political and business cronies while "Juan John" was secretary of the treasury.

At the same time, at least three charters were denied Republicans who had run for office in Texas against Connally's Democratic machine. But there is nothing illegal or immoral about this. Just ask "Juan John": "I didn't have nothin' to do with those charters. Why, there're one hunnerd and seventy lawyers in my firm. Why you pickin' on me?" Thus spake Connally after columnist Jack Anderson took some interest in the charters.

Because in the 15 months that John Connally served as Nixon's favorite cabinet member, the comptroller of the currency's office, a bureau of the treasury, acted on those bank charter applications.

Because one bank was chartered, organized, and is about to be directed by a former member of Governor Connally's staff.

Because three of those hard-to-get charters went to members of Connally's law firm.

Because the Comptroller, a native Texan himself, reconsidered a charter application denied earlier, once it had acquired the Connally Midas touch.

Because one of those Connally law firm charters was approved in a record three days, another in barely over a month. . .

During Connally's year and a half custody of the treasury, Comptroller of the Currency William Camp acted on an application made by the former governor's former press secretary, Mike Myers. Approval was given Myers to charter Love Field National Bank, which opens in Dallas around the first of April. Myers went into business with Connally immediately upon their departure from the Governor's Mansion, first with the Trini's Mexican Restaurant chain.

He allowed that currently the two "aren't in on much together - 'cept for a little ol' real estate deal in Fort Worth." This paltry venture happens to be the 750-acre Woodhaven, a planned community complete with country club and golf course for 8000 people. Myers also played down any role of the Treasury Secretary in action on the charters. He figured some "60, 70, or 80 charters must have been granted in Houston alone in the last three years"; then changed that estimate to "maybe 30 or 40 national and state charters." [Emphasis added.]

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Myers explained that former Comptroller Saxon called for a moratorium on charters in Houston and Dallas, lasting three or four years in the late 60's. But, growth has been fantastic, he said, "and that's why there are suddenly so many now." The Treasury, however, says the moratorium was never extended anywhere in Texas.

In any case, Myers said he began planning his bank some three years ago, hiring "Dr. Johnson over at SMU as a consultant to find the best location," and choosing Love Field, one block east of the intersection of Lemmon and Mockingbird.

In addition, the name of that ubiquitous law firm, Vinson, Elkins, Searls, (Connally) & Smith, appears on several chapter applications. Names of partners in the firm are listed as agents or organizers on the little green index cards Treasury officials keep as records of the new charters. Agents may simply handle the paperwork involved in applying for a charter, though they may also be in on the venture. Organizers are those who get the capital together, find the location, and obtain the title for the bank.

Vinson, Elkins applications include three approvals in the 15 months Connally was at Treasury, including one in Raymondville, granted in an unprecedented three days, immediately before Connally's successor, George Shultz, took over the Department. John Dawson, who acted as agent in that application, is a senior member of the firm who often deals in banking affairs, according to another lawyer there.

"I don't think we do many of those," said a Vinson, Elkins attorney, "but we do have a banking section and people employ us if they don't want it known who the real principals are - if they own too many banks, or because of the property value in the area."

As to any Connally influence on the charters, a member of the firm said, "I think we over-compensated in trying not to use the Connally relationship. If you were going to use Connally in the role of Treasury Secretary, there are better ways than bank charters. . . You can only go to the well and drink so many times."

Vinson, Elkins did go to the Treasury with at least two more applications. The firm's Ralph A. Harper acted as an agent for an Orange bank, approved in little over a month, just as Nixon's heir apparent was leaving his Treasury job. Harper said simply, "To get a bank charter, you have to justify it on an economic basis."

Permission to charter Executive National Bank in Houston was granted Vinson, Elkins' John Dawson, who acted as agent and was also listed as an organizer. *The same day*, a two-time gubernatorial candidate on the Republican ticket, Paul Eggers, was refused permission to charter the National Bank of the Americas in

Houston.

A Republican candidate for Congress and former aide to Senator John Tower also suffered from lack of the Connally magic. He was Joseph H. Staley, Jr., of Dallas, who was refused permission to charter the Security National Bank in Fulton, Texas.

Ed Yturri requested permission to charter the Plaza National Bank in Harlingen in mid-1971. Yturri, a Republican who ran for state Attorney General in 1968, found his application stalled under Connally. It was denied a month after the Secretary returned to private life, then reconsidered and approved in February of this year, under Connally's Republican successor.

And there are more:

- Horace Hall, a leader of the politically powerful Independent Club in Laredo, got a charter for the City National Bank there, after much infighting among town factions with interests in other banks. Some Laredo bankers not in Hall's group have filed suit in order to enjoin the charter, which they contend is clearly in violation of laws against branch banking. *The Laredo Times* killed the Anderson column in which this information was used. Horace Hall is the paper's lawyer.

- An application for the American National Bank in Garland was approved through agent Ralph Pulley, Jr., of the Dallas firm, Phinney, Hallman, Pulley and Livingstone. One Phinney brother, Carl, is a National Guard General, prominent in that group of "Conservative Democrats". The other, Bob, was appointed head of the IRS by Lyndon Johnson.

- In Austin, Connally faction member Tom W. Miller, son of the former mayor, received approval for a First National Bank of Roundrock.

Another interesting application shows the magic of the Connally touch. It was filed for the Town North National Bank in Dallas before Connally went to Treasury. That application was initially denied. After Connally was named Secretary, the organizers shuffled names on the application, enlisted the law firm of Robert Strauss, Democratic National Chairman and longtime Connally chum, and within a year of reapplication, Town North was also approved.

Strauss, of course, denied having had any Connally aid, but he also maintained the charter had never been turned down - despite Treasury records to the contrary. "I thought so much of them (the charter applicants), I encouraged my son to join them!" he insisted.

Town North's directors apparently don't return his esteem - nowhere do they publicly acknowledge Strauss' son as a fellow officer. □

Press prizes and problems

The following article was written for the Houston Journalism Review. It is reprinted with the permission of the H.J.R.—Ed.

Austin

The Headliners Awards, given each year by the Headliners Club of Austin, have become, for reasons we are about to explore, the most prestigious journalism awards in Texas, veritable Lone Star Pulitzers. Actually, they are not formally called Headliners Awards. They are formally called The Charles E. Green Journalism Awards. If you knew as much about Texas journalism as you should, you would recognize that as the punchline of a cruelty joke: you would here and now fall off your chair laughing and gagging at the thought of prestigious awards for distinguished journalism named after Charles E. Green and I wouldn't have to write the rest of this story. But life is not easy.

The late Charlie Green, God rest him, was for many years the editor of the *Austin American-Statesman*. The *Austin American-Statesman* was not and is not a prestigious paper noted for its distinguished journalism. Former Secretary of State Bob Bullock, who is lamentably addicted to plainspeaking, once referred to it as "that sad rag masquerading as a newspaper." Sam Wood, a man whose sincerity must be respected, is now the editor of said paper. Wood says that Charlie Green was "dedicated, a very dedicated man."

But Charlie Green did some tacky things during his lifetime. "He wasn't a malicious man, there was no evil in him," said Ronnie Dugger. But he did some tacky things. For example, there is a Texan named John Henry Faulk, who was once a popular humorist with a network radio show. When the Headliners Club was formed, Green asked Faulk to become one of the charter members. But a few years later, Faulk made the mistake of opposing the McCarthyite blacklisting system in show business. For his pains, he was himself blacklisted. When Faulk returned to Austin, dead broke, blacklisted, no longer a famous and influential entertainer, Charlie Green made it clear that Faulk was not welcome at the Headliners Club. But even old wounds heal. The Headliners annual stag luncheon is a popular affair at which important, and some not so important folks, gather to hear one another merrily and satirically roasted. The script for these occasions has for the past several years been written by Cactus Pryor, a clever Austin toastmaster, and by John Henry Faulk.

One of the endless Charlie Green stories concerns one of Green's visits to New York City. He was taken to a restaurant at which

Greer Garson and Rex Harrison happened to be dining that night. Green insisted on being introduced to Harrison, who quite obviously wanted to be left alone with Ms. Garson. Harrison was conspicuously unimpressed with Green. "Tell him who I am, tell him who I am," Green hissed at the person making the introduction. Green's friend dutifully announced, "Mr. Green is the editor of the *Austin American-Statesman*." Pause. "Uh, that's in Texas."

Rex Harrison raised his eyebrows and let out with a massively underwhelmed, "Really?"

"Just want 'til that smartie comes to Austin," Green raged later. "We'll show him, we'll show him how we can ignore people. I won't give him an inch in the paper."

ACCORDING TO Sam Wood, the Headliners Club was once merely a gleam in Charlie Green's eye. During World War II, says Wood, then-Navy Lt. Charlie Green was sitting under a palm tree in the Pacific, or some such, when it occurred to him that when he got back to Austin, it would be a Nice Thing to have a club, a club made up mostly of newspaper people, but also of "professional people, doctors, lawyers, bankers and others friendly to the newspaper business."

Green finally got around to carrying out his palm dream in 1954. He phoned a bunch of likely prospects in Austin, all of whom told him it would never work. But the Headliners Club has been in the black since the day it was founded. According to the charter in the secretary of state's office, the Headliners Club is "an association of gentlemen in journalism, the arts, sciences, government, business and the professions, and of those who, by their appreciation of the finer things in life, are deemed eligible." Among the first members were some extraordinary men, including J. Frank Dobie and Walter Prescott Webb, two of the most civilized, independent, cantankerous Texans who ever lived.

The Headliners Club opened on the ground floor of the Driskill Hotel, sandwiched between a drugstore facing on Sixth Street and the hotel kitchen. The club was open on Sundays and Green, at one point, thought it would be a dandy attraction to have some soft piano music on Sunday afternoons. That fetched him a celebrated letter from Dobie that began, "Dear Charlie, Yesterday I went to the Headliners Club to have a drink and meditate. But that God damned piano player..." The letter went on at some length, each paragraph ending with "... that God damned piano player."

Lt. Gov. Bill Hobby tells the story of how he came to Austin several years ago on business and, not feeling sociable, retired one night to a snug chair at the Headliners to read a book. He glanced up to find a tall, white-haired gentleman staring at him fixedly. Hobby, afraid that he had usurped the old gentleman's favorite chair, offered to move. But, no, that wasn't what the gentleman wanted. "Young man," he growled, "when this club was founded, I insisted that they put in a reading room. I would like you to know that in all the time I have been coming here, you are the first person I have ever seen reading in it!" The man was Walter Webb.

Seven years ago, the Headliners Club moved to the top (24th) floor of the Westgate Building, across the street from the west face of the state capitol. Stiff drinks, medium-good food and standard country club decor combine to make the place "one of Austin's finest" — that being a few cuts above Keokuk and not far behind K.C.

The club is frequented by the likes of former Gov. Allan Shivers, UT Regent Frank Erwin, "Diamond" Jim Yancy, the lobbyist, Everett Collier of the *Houston Chronicle*, etc.

If you lived in Austin you might think the Headliners Club was simply a place where the elite meet to eat and drink and drink and drink. But no, lo, Sam Wood assures us the only reason there is a Headliners Club, its essence, its *raison d'être*, its whole, sole, soul purpose, is to promote good journalism in Texas. *Propter hoc*, the awards. Originally, Wood said, the money for the awards came from donations by groups or people interested in certain areas of journalism, like the Texas League of Municipalities, syndicates, and so forth. But that didn't work terribly well, so the club took to sending out Christmas letters, hitting up all 900 members for contributions (\$10 is suggested). Not everyone contributes, but enough people kick in so that this year there were two \$500 awards, two for \$350, one for \$250, three for \$225 and on down the line, with lesser amounts thrown in for second and third places. The lowest they go is 50 bucks, which is a major windfall to most reporters. The contest is open to the editorial staffers of every daily paper in Texas. For the past two years, there has been one category apiece for radio and television reporting, but Wood says those categories aren't terribly popular. But the 13 divisions in newspaper reporting drew over 1,500 entries this year.

The awards process is not graced by even a semblance of democracy. By tradition, and because nobody has had enough sense to do anything about it, the awards are invariably handled by the editor of the

Austin American-Statesman. Thus the awards went directly from the hands of the inimitable and dedicated Charlie Green to those of Sam Wood, who has been designated by the trustees as the guy in charge of the contest. Those who object to the tradition have been loath to propose alternatives, mostly because many of them are personal friends of Wood's, because they are fond of him, because the honor and/or power seems to mean a great deal to him. He puts in much time and trouble over the contest and is not paid for it. His office is littered with stacks of entries and cluttered with files on the categories' semi-finalists and finalists.

It works thusly: the entries are sent to Wood's office. Wood selects three people to screen the entries in a given category. The screeners each select what they think are the 10 best entries. They usually overlap in their choices by from five to eight entries. All of their choices, whether overlapped or not, are then sent to an out-of-state judge of Sam Wood's choosing.

Wood is adamantly proud of this system. He considers it not only fair, but fool-proof as well. Raising questions about it is tantamount to insulting Wood's integrity, which is why most journalists are reluctant to do so. But the flaws in the system are obvious, even to an outsider. For one thing, until Charlie Green's death in 1967, every single screening judge was on the staff of the *American-Statesman*.

Newsmen bitch to this day about the inordinate proportion of the prizes carried off by *American-Statesman* staffers. But that is an abuse of the past. There has been one recent effort to change the ground rules. When Ernie Stromberger, who recently left the *Dallas Times-Herald* to become a (boo, hiss) flak, was president of the club in '71, there were a few innovations. For one thing, the chairman of each screening committee in turn chose the other two members of his committee, thus allowing for some diversity of choice. Further, the chairman of the screening committee hustled up his own out-of-state judge. Wood says he selects the out-of-state judges by going down the roster of American editors and publishers until he finds a name he knows and then he arm-twists the guy into the doing the work. It can be assumed that those Wood chooses from the roster and whom he knows well enough to prevail upon to do this work are generally men of Wood's age (65) and outlook (conservative). Two years ago, during the Stromberger regime, the chairman of each screening committee hustled up his own out-of-state judge. Sam Kinch, Jr., of the *Dallas Morning News*, was put in charge of the "overall excellence" category and he roped in Dick Harwood, the tough, respected *Washington Post* reporter who was then the *Post's* in-house critic and who is now national editor. Harwood told Kinch he put in more than 20 hours on the judging process.

Stromberger got Turner Catledge, the

famed former managing editor of the *New York Times*, to judge another category. "Now who around here is going to quarrel with a decision made by Turner Catledge?" inquired Sam Kinch, Jr. Whereas the editors of assorted *Mud Flats Daily Trumpets*, who seem to have predominated some years, do not inspire equal confidence. It should be noted to Wood's credit that he got such luminaries as an *Atlanta Constitution* editor to help with this year's contest. However, he volunteered that information after the contest was over: reporters had no idea who was judging their stuff and, for the most part, still don't. Wood's system leaves practicing reporters and respected journalism teachers out of the running as out-of-state judges. During the '71-'72 contest, the chairman of the screening committee knew, and told anyone who was interested, which entries had been sent out of state. He also knew which entries the out-of-state judge had selected. That information is now restricted to Sam Wood.

After the brief efforts at reform under Stromberger, who is, quite incidentally, Wood's nephew-by-marriage and very fond of Wood, the system reverted to the old Green-Wood rule. The potential for abuse in the one-man selection of the screening juries surfaced this year, in at least one category.

ONE MUST write with CAVEATS stamped all over this kind of story, but there are some facts worth looking at. There are two Associated Press reporters, Robert Heard and Jack Keever, who collaborated last year on a series about whether or not racism plays a role in University of Texas football (*Obs.*, Dec. 15, 1972). In the first place, the very fact that they did the series is laudatory. For years the fact that the UT football team had few, if any, black players has caused comment in the rest of the country. In Massachusetts, New York and Minnesota I have heard jokes made about UT's being the last hope of the white supremacists. But as far as Texas sports pages were concerned, it was better to blaspheme against the Lord than Darrell Royal. The series got denounced in the *San Antonio Express*, which didn't even run it, in the *Post* and, interestingly enough, in the *American-Statesman*. An editorial written by Sam Wood began, "First, the *American-Statesman* does not agree that the Heard-Keever series was necessary, constructive or enlightening." Swell. Wood explains that the editorial was written in response to complaints from readers. "We published that AP series and the next day we got about two bushels of mail complaining about the *American-Statesman's* series. I wrote that editorial to point out that it was not our series, that it was material from a wire service syndicate."

Heard and Keever submitted the series in

Category 10 of the Headliners contest. Wood chose their screening jury. On it were Jimmy Banks, former reporter for the *Dallas Morning News*, a right-winger but, say reporters in the capitol press corps, a man with some legitimate credentials to judge sports writing. However, Banks is a personal enemy, or at least non-friend, of Heard's. The two had an extremely heated political discussion a few years ago and have not spoken since. The second screener was Lou Maysel, sports editor of the *American-Statesman*. Maysel had written a column criticizing the Heard-Keever series when it was first printed. However, he did say in his column that "the open airing of the situation could prove beneficial." The third man on the screening committee was Roland Lindsey, a capitol reporter for AP's rival UPI.

Now, (*caveat, caveat*) nothing is easier or more common than second-guessing judges in journalism contests. Bitching among losers is so common that neither Heard nor Keever wanted this written about for fear it would sound like sour grapes on their part. It is possible that despite the fact that Wood considered the series neither "necessary, constructive or enlightening," he was able to put aside that feeling when selecting the judges for the category. It is possible that Jimmy Banks, despite his antipathy for Heard and presumable (given his outlook) distaste for the series, was able to judge it with complete objectivity. It is possible that Lou Maysel judged it without regard to his earlier printed opinion of it. It is possible to overcome prejudice, yes, but the fact remains that Wood, with his obvious conflict of interest, should not have selected the judges. Banks and Maysel, with their obvious conflicts, should have disqualified themselves.

The Heard-Keever series did not win, place or show in the category. There is always room for honest men to differ. Blackie Sherrod of the *Dallas Times-Herald*, who won the category, as he has before, is certainly a fine writer.

This particular sports series is but one of many such examples much-gossiped about in the press corps. For what it's worth, I personally have considerable faith in Sam Wood's integrity: but a journalism contest, with its stakes of professional advancement, pride, ego and money, needs must be like Caesar's wife. The absence of prejudice will not suffice: there can be no appearance of prejudice.

There is another form of unfairness about the Headliners contest which may be ineradicable. Who wins has become a matter of great moment to the big papers in the state. The *Post* and the *Chronicle*, for example, compete fiercely. The *Morning News* has a fellow assigned to do nothing but sit around and paste-up entries from the paper's staffers, thus leading such hapless types as wire reporters, who have to suffer the humiliation of hunting up

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MAX ERNST, "in the extraordinary variety of his styles and techniques is to Dada and Surrealism what Picasso is to 20th-century art as a whole." (William S. Rubin) "Inside the Sight," an exhibition of 104 paintings, drawings and sculpture by Max Ernst from the Menil family collection is at the Rice University Museum, University Blvd. & Stockton, Houston, through May 20; at the Dallas Museum of Fine Arts, July 18-Sept. 3. Supplementing the exhibition at Rice is the Marvin Watson, Jr., collection of Max Ernst's rare illustrated books. "Inside the Sight" is reviewed in *Time* magazine, March 5, 1973.

their own stories and pasting them in up in the proper form, to grumble considerably. Everybody sees them doing it, see, there in the capitol press room, see, and it's, well, it's *embarrassing*, because then everybody knows you've entered and you probably won't win anything and. . . shoot. The big papers have the advantage in several respects. In the first place, their staffs are top-heavy with talent compared to the small dailies. In the second place, their promo people see to it that if, say, there are 11 sporswriters on the *Post* staff, all 11 of them have an entry in the two categories for which they are eligible. Plus, a big paper will have better layout, better photos and even color spreads. Display is not supposed to make any difference in this contest and photos are supposed to be clipped off, but hell if they are, say several contestants.

THE PAPERS are super antsy about the contest. Garth Jones once did a round-up story for the AP wire on the winners and lead with the news that paper X had copped the greatest number of prizes. Within minutes of his story's going on the wire other papers were sending back complaints.

Each entry is supposed to be accompanied by a letter from the reporter's supervisor explaining the background of the story, the circumstances under which it was written, and so forth. Some editors have been known to wax magniloquent in their cover letters.

The sad thing about this intense competition among the biggies is that the contest tends to leave out those whom it could most benefit — the good guys in the boonies. Journalism is singularly blessed with people of enormous professional merit who labor in its nether vineyards. God knows why. Some drink or they've got a bad marriage behind them or they can't take the pressure of the big time — they are frequently trying to forget something. Sometimes they just like small towns. Most small town or small city papers I know have one or two — seldom three — of these overworked, underpaid, unsung, reined-in souls who nevertheless manage to turn out some fine journalism. This should be their shining hour. They are like fine athletes who wind up playing with a lousy team: the team is never even going

to make it to the play-offs, but if these players are given a chance to compete one-on-one, they're among the best. But it seldom works out that way, partly because their work suffers not only from lousy layout, but because even the type is often ugly and hard to read.

A subtle prejudice also works against the small-town reporters. The members of the screening committees, since Green died, have been members of the capitol press corps, i.e., almost always reporters with big papers. Their in-group competition is fierce year-round and they tend to be conscious of their elite status. They know what their rivals have done during the year and they are anxious to see how that *News* series of three months ago stacks up against the one the *Chronk* did six months before. Their tendency is often to skim the entries from nowhere papers because they just don't expect to find anything that'll compete with what they know as big-time.

Of the 41 Headliners awards given this year, four went to reporters on non-major papers — from Wichita Falls, Corsicana, Lubbock and Port Arthur.

Sure it's a big prestige thing for the major dailies — the *Post* walked off with nine prizes this year, the *Times-Herald*, in what Wood said is the first year it's ever really pushed for the things, got seven; the *Chronicle*, four; the *Morning News*, four and the rest were scattered among Fort Worth, San Antonio, UPI and AP. Some of those winners got \$500 and their papers matched the prize money. They got stories printed about themselves, and their bosses came back and made a big deal out of them and they'll be in line for a promotion or at least some plum out-of-town assignments.

But I'll bet you there wasn't anybody there to whom a prize meant more than Helen Burdick, from the women's section of the *Wichita Falls Times*, who took second place in category five. This wasn't Burdick's first Headliners prize either. Her editors did not come back to congratulate her after it was announced that she had won. In fact, they almost never talk to the women's page staffers. But you can put up with editors like that, you can put up with the women's section of the *Wichita Falls Times* — as long as *someone* out there knows you're doing good work.

Journalists being the notorious bitches that they are, there is probably no contest form that could stave off cries of, "Foul!" Heaven knows, even the Pulitzer committee gets second-guessed often enough. But heaven also knows that The Charles E. Green Journalism Awards are long over-due for a major overhaul. M.I.

[In 1890] Kansas and Nebraska were no further removed from frontier conditions than was Texas, but the Northern states reported respectively 34 and 23 homicides and Texas 184. . . . It is not improbable that the amount of homicide was two or three times that reported.

—C. Vann Woodward,
Origins of the New South

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At the half

Austin

It's half-time in the House. I can tell because I saw the Tyler Junior College Apache Belles on the floor recently. They wore gold lamé pants and pink satin shirts, cowboy fringe and cowboy hats and boots and toy six-guns. They walked down the center aisle in very good order, but it was not a display of precision marching. They did not form block letters. They did not twirl batons. Six Belle-ends did spell out "R*E*F*O*R*M" for the members' delectation.

I don't know what to make of the Apache Belles, aside from wondering what they want to be when they grow up. I don't know what to make of the Texas House. It's only half-time.

There's a man who tells me I don't take the House seriously enough. What he means, I think, is that I pay too much attention to style and ignore too much content. He calls it the "Observer line" on the Legislature, half-seriously. And I suppose every *Observer* writer who covers the place has to work out his own warp and his own defense. The ridiculous, the absurd and the grotesque have been jockeying for space here since The Creation.

I'd just like to point out, for the who-knows-how-many-eth time, that the Legislature's style hits one over one's head. To sit in the press box in the House for the first half of one's rookie session is to be continually in amaze. I keep going back to thinking about the House style, hoping to find something there that will explain legislative functioning to me.

My latest Project for a Metaphysics of the Texas House is based on the ideas of inclusion and exclusion. It's not fully worked out yet (are Metaphysics ever completed?), but it would involve an analysis of the mechanism by which the House draws itself together, orders itself as, almost, another world. Analogies to the structure of drama and literature! Erudite allusions! Startling re-interpretations!

As you can see, it's going to be a long haul. But it's only half-time.

THE HOUSE seems at first glance to involve competition between opponents and proponents to change the minds of members in such a way that votes are obtained. Unh-unh. Minds aren't changed, legislation is. By amendments or by "clarifying" re-statements (which try to change the legislation without deletions or insertions or re-typing), a bill is modified and adjusted until a sufficient number of individuals — all of whom are fairly fixed political quantities — can be gathered together in opposition or support. The bill

Notions

is then passed or defeated. (The fact that legislation later turns out to be something other than what the House passed only emphasizes the importance of the changes made in it by "clarification" from the front mike, changes which very often do not register with, say, the courts.) On any given day, then, someone is left out of the brave new world of the victors. But the chances are that during a session the great majority of the members are included in enough "instant societies" to keep them integrated.

There are exceptions: call them die-hards or kamikazes or whatever, there are people who do not or do not get to function this way. They may be too committed, too ornery, too ideological, or just "loners." In the Texas House, they don't often make much difference (*pace*, Dirty 30). There are also folks who start out as outsiders and are not likely to be fully included. Women, for example, have a natural resistance to becoming good ol' boys.

Mind you, much of this goes on at the subterranean level of a legislative session, at the lunches and receptions and "social" occasions that are part of the 140 days and 140 nights. On the floor of the House, the structure of the process is visible in the details, the legislative equivalent of Freudian slips. When the members pronounce *per diem* as "purdime," their diction is important not because it's "wrong," but because it binds them together and separates them from other people who use Latin phrases. It is a marking of the breed, an element of style and structure.

The formulaic courtesies of the House ("Mr. Speaker." "Mr. Jones." "Will the gentleman yield?" "Mr. Smith, do you yield to Mr. Jones?" "I yield, Mr. Speaker." "The gentleman yields, Mr. Jones."), the small rituals of doing business, are more than rules of convenience. They enforce and signify the inclusion of all 150 members in the mini-society constructed every two years.

One of the more interesting institutions of this other world is the local bill. A member represents a district and presumably is endowed with especial expertise in matters concerning it. Courtesy, honor and mutual trust are all bound up with respecting bills that pertain only to one district. Besides, who wants to spend time becoming familiar with the problems of someone else's bailiwick?

So when Rep. Bill Heatly, the Duke of Paducah, sponsored a bill allowing folks to use aircraft to hunt predatory animals in eight counties in his district, the most important argument was that the bill applied only to eight counties in his district. When amendments were offered to include a couple dozen other counties, they were slapped down by a point of order. And the House passed the bill (already approved by the Senate) overwhelmingly.

Lest you think the House acted irrationally, or hastily, be comforted. Rep. Heatly assured the House there is a real problem with coyotes in his district. The bill went through the normal committee procedures. No one appeared to oppose it. Besides, aircraft-hunters will have to apply for a permit from the Parks and Wildlife Department.

The usual series of questions occur to the observer of this process. Is the predatory animal problem in those counties serious enough to justify turning hunters loose in airplanes? What other means of controlling predators are available? Can Parks and Wildlife police aircraft-hunters?

None of these questions were raised on the House floor. Heatly was asked, by Rep. Fred Agnich of Dallas, if the bill adequately protected the environment. "Yes," replied the Duke. And are there any red wolves (a protected animal often mistaken for coyotes) in the area covered by the bill? "No," replied the Duke.

I DON'T KNOW what the coyote situation is in Baylor, Foard, Wilbarger, Knox, Cottle, King, Dickens and Stonewall Counties. Nor does anyone at Parks and Wildlife, near as I can tell. In general, said one P&W man, the coyote population in Texas has been expanding, in numbers and in area inhabited. But he had "no idea" whether there is a coyote crisis anywhere in the state, or in Heatly's district.

Predator control in Texas is carried out both through individual initiative and through a cooperative program administered by the federal and state governments. There are apparently no laws regulating what a private citizen can do to control non-protected species on his own land, except that certain poisons are no longer shipped by interstate commerce. And, in certain counties, individuals can earn bounties for killing certain predatory animals. The number of counties paying bounties has declined steadily for several years (45 in 1970, 40 in 1971, 38 in 1972). None of Heatly's eight counties pay for predator pelts, though Cottle County did in 1970.

The cooperative program is a curious animal. It was authorized by the Legislature in 1951. The *Observer's* copy of the agreement is dated August, 1972,

and is signed not only by the Regional Director, Bureau of Sport Fisheries and Wildlife (U.S. Department of Interior), and by the Director, Texas Agricultural Extension Service (Texas A&M University), but also by the President, Texas Animal Damage Control Association. Nothing in the enabling legislation mentions inclusion of private parties to the agreement.

The TADCA is a private corporation, chartered Feb. 11, 1972. The president is Louis L. Farr, Wayne Connally's brokerage partner. Farr is also a past president of the Texas Sheep and Goat Raisers' Association. Three other TADCA directors (of seven) are directors of the TS&GRA. Of 35 members of the TADCA advisory board, 17 (including a fellow named Dolph Briscoe) are past or present officials of the TS&GRA.

It is not clear what the TADCA's role in the co-operative program is. Its incorporation papers list "serving as custodian of the Texas Cooperative Trapping Fund" as one of the purposes of

the organization. Farr was not available for comment on the Fund or on any other question.

Milton Caroline, the Interior official who drew up the agreement, was out of town when I called. His assistant declined to discuss the matter over the phone, and suggested I put my questions to Mr. Caroline in a letter.

At the A&M end of the program, an assistant director suggested several times that I talk to Mr. Caroline. Repeated questions finally elicited the information that state appropriations for the program amounted to \$849,857.

This information, gathered together in slapdash fashion, seems disjointed and tangential compared to the polite, orderly progress of the bill itself from introduction to passage. The point is that following up on the questions that occur naturally gets you involved in a process that contrasts sharply with the legislative process. The Metaphysics would have to explain that

difference.

A great number of other case studies would also have to be included. To pick the most recent: the role that the simple idea of "R-E-F-O-R-M" played in creating consensus in the House for about a third of this session, and why that consensus broke down. The penchant of the House for producing the most arrant irrationalisms on subjects like welfare loafers. The ability of the House to oppose a 50 percent increase in add-on charges (which determine interest in approximately the same way lead produces gold in alchemical experiments) for loans between \$300 and \$1000 on the grounds that no justification for an increase had been presented, and then support a 12.5 percent increase without hearing any additional justification. And to be more general, the likelihood that the House is changing its metaphysical structure as a result of this session's rule and personnel changes.

It's going to be a long second half.

J.F.

On contempt of judges

Austin

I have sometimes thought on the difference between contempt of court and contempt of a judge. I have an inalienable right to my opinion of anything, including a judge. I regard Judge Sirica, the Watergate case judge and a Republican, as a great person, whose integrity and righteousness actually give us hope for the future of American institutions. I also have contempt for a number of judges, and the number is increasing. If a citizen may, when within the authority of a court, be held liable at law for contempt thereof, all right, but a citizen may not be held liable at law for holding a judge, himself or herself, in contempt, nor may the citizen be shut up, expressing it.

Neither, it appears, may the chairman of the board of the Grayson County State Bank of Sherman, Texas, Citizen Charles A. Spears, who, on the letterhead of his bank, on March 22, 1973, in connection with the contemptible Supreme Court decision in the matter of the Edgewood School District, wrote as follows:

"Grayson County State Bank
Sherman, Texas
March 22, 1973

Chief Justice Warren Burger
U.S. Supreme Court
1 First Street, N.E.
Washington, D.C. 20543

Dear Mr. Burger:

Shame — shame — the plague on both you and the other Nixon people; for you the Texas W.A.S.P. legislature stood up and

Observations

cheered; and I can guarantee, based on past Texas performance, they intend only gestures as solutions to the difference between \$21 and \$307 in the San Antonio case. . . .

Your just reward no doubt will be that time is taking from you what opportunity you have left for making an honorable record in history other than that like Justice Taney and his court did with Dred Scott. Time is the old justice that examines all offenders — and history is irrefutably forever.

To you Nixonians — recollect that before a last report to you the miserable had no medicine but hope — and as Bacon said "Hope is a good breakfast — but a bad supper." So the 200th anniversary is just three years off and that is after supertime.

Local Federal Judges seem to know the distress and discrimination and how close we really are to reaction toward anarchy as in Belfast — the Supreme Court should support the predominant opinion of these local Judges. . . .

The issues in Belfast are much less desperate than in any major city in the U.S.A. today — the difference is blacks and browns are passive and long-suffering. But there is a limit and when it comes they won't burn *their own* houses as a few militants once did. . . .

About Justice according to Shakespeare "The world of man is deceived with ornament — a plea tainted and corrupt if it

be in a gracious voice can obscure the very vice of evil. Such ornament is but the shore of a most dangerous sea."

Regretfully,
Charles A. Spears"

Watch on the Rhine

March 14. Calling for revival of the death penalty, King Nixon says, "Society is guilty of crime only when we fail to bring the criminal to justice."

March 19. Acting together in a single day, many of the nation's leading banks raise the interest rate. Nobody mentions competitive free enterprise.

March 20. Acting FBI Director Gray testifies, "I'm a bureau chief in the executive branch. I serve at the pleasure of the President. I take my orders from the attorney general. I do accept those orders." This means the Nixon administration has abandoned the concept of the federal police force as independent and not political.

March 21. The Nixonized U.S. Supreme Court, canceling rulings requiring equalized school financing, declares education "is not . . . afforded explicit protection under our Constitution. Nor do we find any basis for saying it is implicitly protected."

March 21, et. seq. Revelations begin that ITT board chairman Harold Geneen offered to set up a CIA-controlled fund in 1970, starting at \$1 million, to block the election of socialist Allende as president of Chile. The offer was made to the head of secret CIA operations in Latin-America in a meeting in a Washington hotel room set up by the CIA director at the suggestion of an

ITT director who had recently stepped out as the CIA director. The offer rejected, the CIA secret-tricks chief conferred with ITT two months later on bringing economic instability to Chile while ITT sought connections with the Chilean military.

March 22. FBI chief Gray numbers his days in his job, testifying White House counsel John Dean III probably lied to an FBI agent on Watergate.

March 24. Revelations begin by convicted Watergate conspirator James McCord that co-conspirator and White-Houser Gordon Liddy told him John Mitchell approved the plans and budget for the Watergate bugging while Mitchell was U.S. attorney general; that Dean and former presidential aide Jeb Magruder had prior knowledge of the bugging; that Magruder perjured himself at the Watergate trial; and that McCord's family fear for his life. The *New York Times* reports Margaret Mitchell telephoned the paper saying, "I fear for my husband. I'm really scared. I have a definite reason. I can't tell you why" and that she would not let anything be pinned on her husband, "and I don't give a damn who gets hurt. I can name names. . . ."

March 28. King Nixon wants the American Revolution Bicentennial Commission abolished and replaced by one administrator he appoints, in effect making Nixon the dictator of how the bicentennial shall be officially observed.

March 29. The AP says the price for a home of one's own (up from \$16,825 average to \$24,844 in seven years, plus interest) "threatens to leave much of middle-class America paying rent permanently." What this means for poorer people is obvious; and rents are skyrocketing.

March 29. The boycott-revolt against meat prices having been set the week starting April 1, King Nixon reverses himself and freezes food (except farm) prices by executive order.

Let 'em eat cake

Senator John Tower of Texas sponsored an amendment in the U.S. Senate to let bread companies raise the price of bread 10%, contrary to the decisions of the Cost of Living Council. The Senate killed this Tower amendment. Then the Texas featherhead proposed that the large bread companies no longer be required to make public their justification for price increases. The Senate accepted this Tower amendment, 43-35. That's our boy.

On licensing do-nuts

The Texas Senate committee-approved bill allegedly "shielding" Texas reporters from divulging their sources actually shields state government by giving the Texas Supreme Court entirely unconstitutional power to order reporters

to betray their sources. Newspaperman-Senator Chet Brooks ought to scuttle, not sponsor, that lousy bill. Bravo for Rep. David Allred's refusal to stand for such stuff.

The Brooks bill as rewritten in committee goes totally opposite the purpose of shield legislation in added language defining "professional newsman" and the type of media that would be covered by the do-nut shield. "Congress shall make no law . . . abridging the freedom . . . of the press. . ." saith the First Amendment. Yet in the Brooks bill, government asserts the right to tell journalists what a journalist is and condition vital privilege on government's definitions. Next they'll license journalists and change the *Texas Observer* into the *Texas Pravda*.

Oil companies strike

"The energy crisis" ought to be called "the great heist." A story by the *Abilene Reporter-News* oil editor, Jim Eaton, on the oil companies' testimony during the Texas Railroad Commission's monthly statewide hearing for March in Abilene speaks for itself.

"The hearing was told," Eaton reports, "the industry is hampered by low prices and overemphasis on the environment. . . ."

"The company executives told how no new refineries are being built at the present time, and none are on the drawing board. One official said the firms were not getting enough for their products to afford building new refineries."

So look for the gasoline "shortage" next summer. The oil companies have gone on strike.

Farce or compromise

The fakery that passes for "reform" in the Texas legislature isn't worth a laugh even from a horse. By the time these birds get through with the "financial full disclosure" act for state officials, they have voted to keep the disclosure secret, sealed up in envelopes you can't open.

The "Agnich amendment" sealing the records, by which the "disclosure" act passed by the Texas House was made a total farce, was sponsored by the Republican National Committeeman for Texas, Fred Agnich, and voted for by the almost solid bloc of House Republicans. That is going to make interesting campaign rhetoric next summer — the Republican bloc in the House sealed up public information on officials' finances to where the people can't see it.

The forces for bona fide reform are coming back with yet another measure, backed by Speaker Daniel, which supposedly repeals the Agnich "financial full secrecy" amendment. The hitch in the House has been the requirement, entirely

justified, that on taking public trust, officials publicly identify their holdings. The compromise being worked out, which foxy vets like Rep. Jim Nugent think can pass, would provide a general and inexact, but indicative filing of holdings on accepting public trust, do away with any Agniched secrecy about the information filed, and require full information about sources of income and transactions producing income while a person holds discretionary public office. This is the time to pass a financial disclosure law if it's not a hypocritical shell gutted by the Agnich concept, and that compromise sounds pretty good. But rather than go with Agnich, better to kill the thing. In that case, at least the people would know the truth: that this legislature is as corrupt as the last one. R.D.

April 13, 1973

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Some Marginal Notes

Former *Observer* (and *Harper's*) editor Willie Morris has written and is publishing a novel. *The Last of the Southern Girls* is scheduled to appear from Knopf in May. Based loosely on the career of Washington socialite Barbara Howar whom Morris is roundly reputed to know pretty good. Condensed in *Ladies' Home Journal*. Already the subject of considerable pre-publication publicity. Reminds you of Tom Wolfe's comment (noted in the *Houston Chronicle*) that he might write a novel "just to prove how easy it is."

On the subject of Tom Wolfe, a textbook? primer? is due out on the death-of-novel rise-of-new-journalism with his long introduction and introductory notes to a selection of examples of NJ. Wolfe is also working on a book about the astronauts. Five years from now there won't be any new journalists the way the supply of subjects is drying up. Maybe it's just wishful thinking. Somehow, though, the astronauts just don't seem to make it. If we could just get the astronauts to ride motorcycles underwater and turn into goats at night. . . . Nevermind. The novel was overrated in the first place. The introduction is irritating, interesting, fun to read and about to become one of those things no one knows about but we all agree on.

William Humphrey has just published a longish new novel called *Proud Flesh*, his first since *The Ordways*, from Knopf.

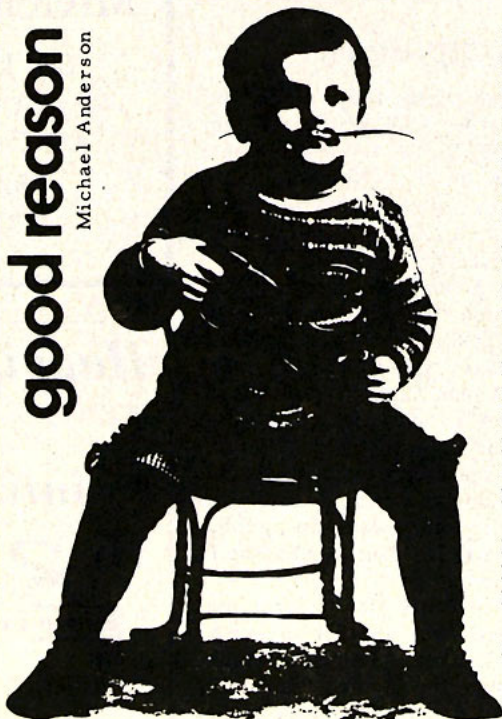
John Rechy's new novel called *The Fourth Angel* is scheduled to appear in April from Viking.

The Encino Press is planning to publish a new novel by Bud Shrake, called *Peter Arbiter*, in early summer.

The American Library Association has published *Regional Perspectives: An Examination of America's Literary Heritage* which includes an essay by *Observer* Contributing Editor Larry Goodwyn on southwestern literature and writers. The title page is from a photograph by ranch-bred Encino Press mogul William Wittliff.

Last Saturday in Houston, the Texas Institute of Letters awarded its annual, liberally funded prizes to Texas writers. The \$1000 Carr P. Collins award for non-fiction went to Joe Goulden for *Superlawyers* dealing with Washington law firms; a second (\$500) non-fiction prize went to A. C. Greene for *The Last Captive*. The Jesse Jones (\$1000) fiction award went to John Williams for a novel about Augustus Caesar titled *Augustus*. Larry L. King won the Stanley Walker Journalism Award (\$500) for "The Last Frontier" in *Life* magazine. A new award of \$250 for the best short story went to Marshall Terry for "The Antichrist" published in the *Southwest Review*. Gene Shuford won the best book of poetry award (\$200) for *Selected Poems 1933-1971*. The children's book award of \$200 went to Byrd Baylor for *When Clay Sings* published by Scribner's. William Holman won the book design award of \$250 for *This Bitterly Beautiful Land*.

Temperature ranges Saturday: 29-38 in Anchorage; 42-57 in Bismarck; 49-69 in Indianapolis; 22-48 in Helena; 23-48 in Fargo; 47-67 in Tulsa.

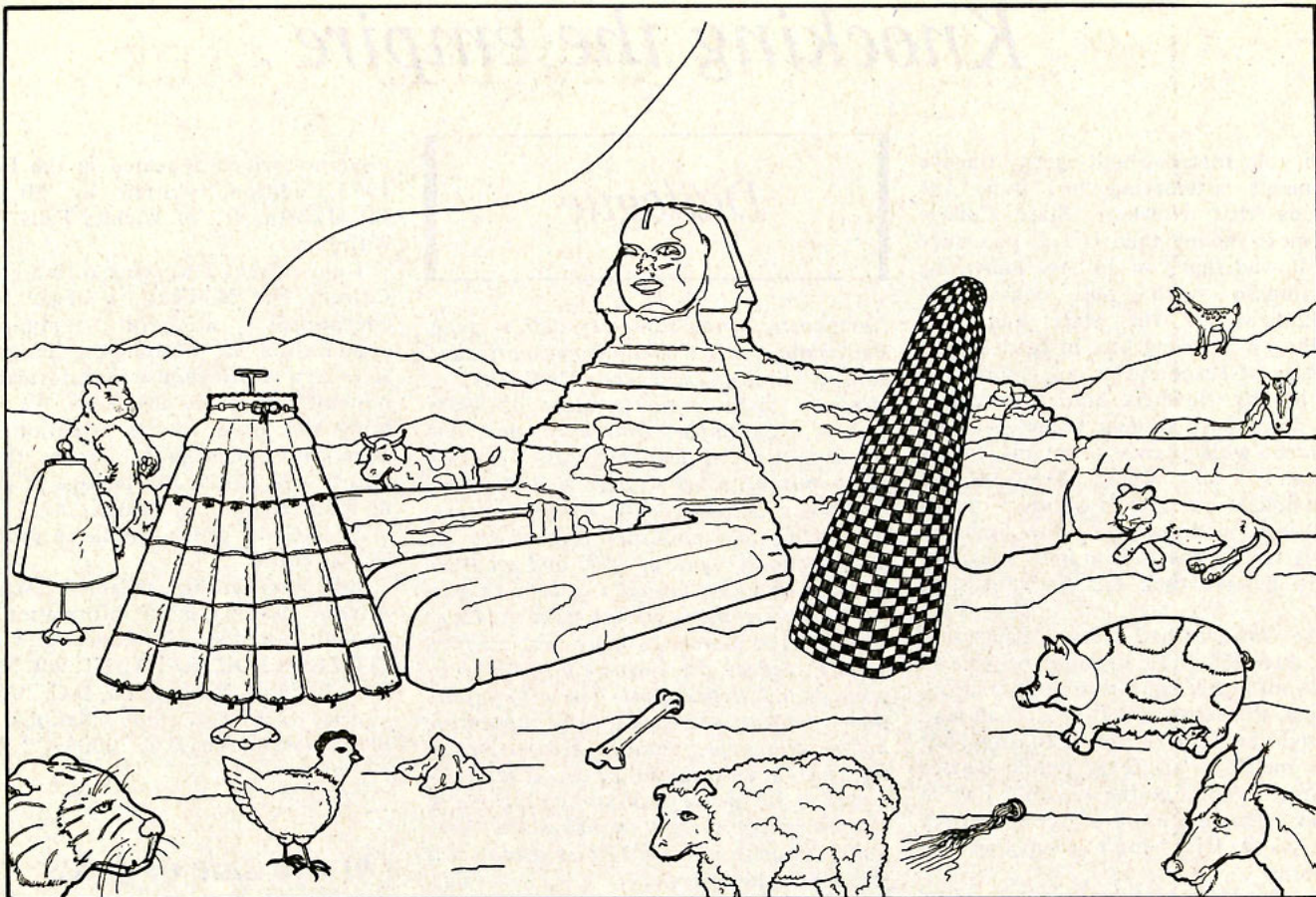


I do not want a "new" death penalty.
I do not want the Beatles back together.
I do not want to hear about Durango.
I do not want my people to be stupid.
I want to hear music.
I want "made for TV" movies (for we are like children).
I don't want no more shag carpet.
I want a cut in long distance rates.
A drop in meat prices.
I don't want Pauline Kael's idea of art.
I don't want to hear about the will of the people.
I want to hear music.

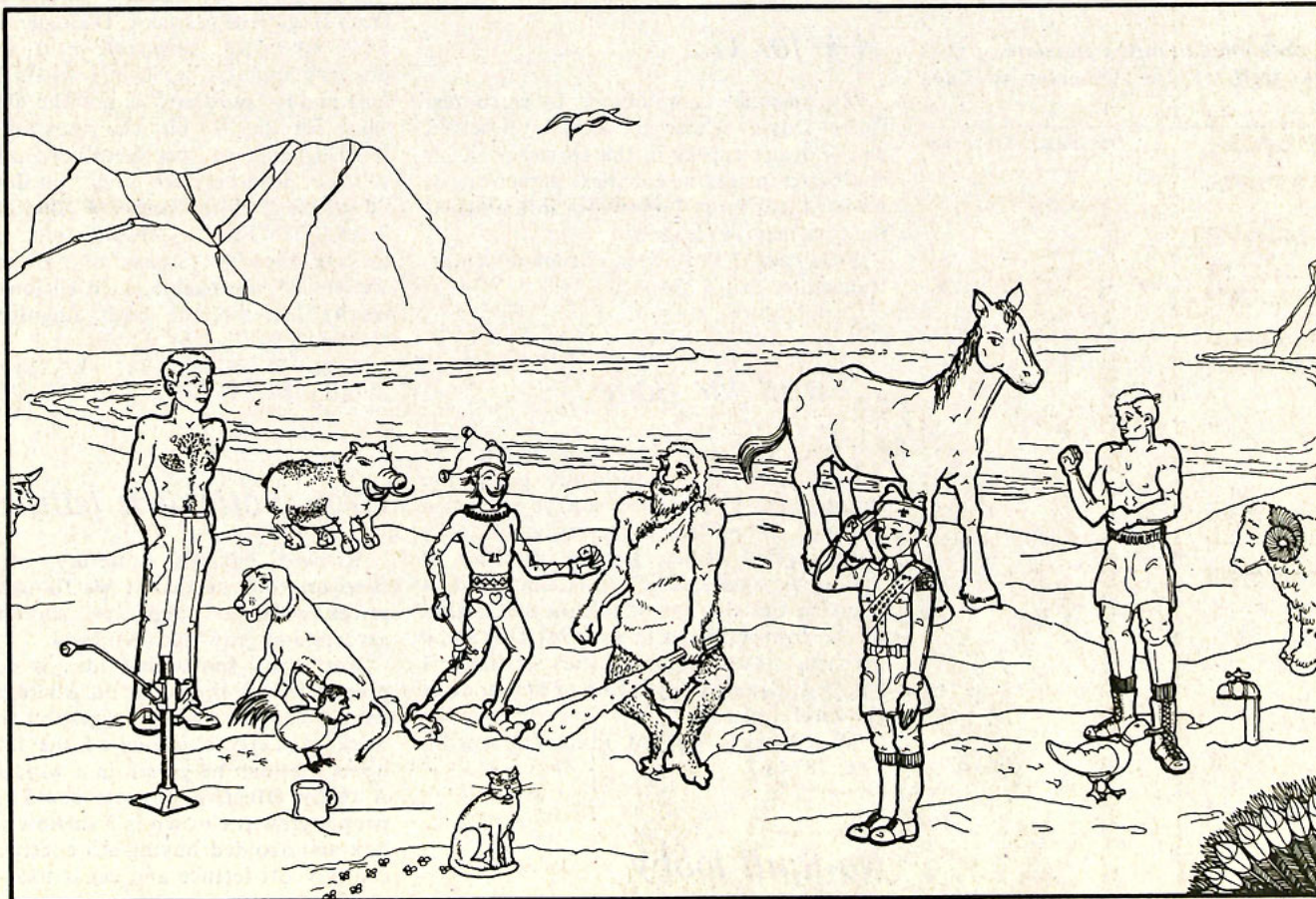
I don't want anybody to worry about Motherwell's wife.
I want more animals on television.
Elsewhere.
I do not want to read Pynchon's book.
I want more homemade art.
I want my people in the trees.

I want God to knock my nightgown off.
I do not want a "new" death penalty.
I want music.

la la la



Woman



Man

Drawings by Mayo Thompson

April 13, 1973

Knocking the empire

With your remark about agency finance departments attempting to "dupe the credulous that Nowhere State College needs more money than U.T.," you once again showed that you do have something in common with the conservative establishment of the state and that something is a strong bias in favor of the University of Texas and its vast empire. . . .

Maybe the Nowhere State Colleges in Texas don't have student bodies that are 99 percent white, fancy fountains, future debutantes, oil wells, airplanes, a million-dollar president's house or an 80,000-seat stadium like the imperial headquarters of the U.T. empire does, but they do deserve their fair share of state money.

If the *Observer* had a few staffers who hadn't attended U.T., it might be able to write about higher education in Texas from a viewpoint other than that of U.T. alumni. U.T. might be "The Universe" to some, but to the majority of Texas public college students who don't go there it isn't. Believe it or not, there are a few of us out there in Nowhereland who don't even like the Longhorns.

David Watts, 235 W. Mulberry, Denton, Tex. 76201.

The only unadulterated graduate of U.T. on the staff of the Observer is Kaye

Dialogue

Northcott, who says it didn't take. Barthelme is a U.T. grad who also attended Boston College and the University of Houston. Ivins is the product of Smith College, Columbia University and the Institute of Political Sciences. Ferguson came out of Reed College and Stanford University. Rappleye, the editorial intern, is a Yalie, and publisher Dugger did his undergraduate work at U.T. and graduate work at Oxford University. All are Texans.

The phrase Watts quotes from the cover story of the March 16 issue was intended only to reflect the singular propensity of agency and department heads to inflate their budget requests when appearing before the appropriations committee: it was not a celebration of U.T. But, for better or for worse, U.T. is the capstone of the university system in this state: since policy made there affects other schools it is frequently newsworthy.

—Eds.

A+ for G . . .

My personal compliments to cartoonist Gerry Doyle, whose art works, or better, works of art appear in the *Observer*. . . . It is a better magazine for these depictions of some of our more famous (or infamous, as the case may be) leaders.

Fred Paez, 333 Lowman Student Center, Huntsville, Tex. 77340.

. . . and for Bode

I have just read Elroy Bode's article on Amado Muro. It is undoubtedly one of the finest pieces of writing you have published in some time, which, in my opinion, is saying quite a bit. Despite its lack of "political significance" (not once did it mention the chances of reform this session or the continuing furor over MUD's) and a perhaps too melodramatic ending, I enjoyed it immensely. More of Mr. Bode in the future, please!

Mike Wegner, 1612 A Elmhurst, Austin, Tex. 78741.

No-fault lobby

As a subscriber to *The Texas Observer*, I have seen the letter on no-fault automobile

insurance which appeared in the Feb. 16, 1973, edition, written by Mr. Louis Bloodworth, Jr., of Wichita Falls. I agree with him.

I am currently working with a group of Citizens For No-Fault, a newly formed, educational, non-profit, non-partisan organization in Washington designed to serve as a clearinghouse for information on no-fault automobile insurance. We want to bring this issue to the attention of the American public in the hopes that our efforts will hasten the passage of uniform no-fault legislation, which many feel is inevitable but which has faced protracted legislative life.

Brochures will be available by March 15. Anyone desiring more information about no-fault automobile insurance can write to: CITIZENS FOR NO-FAULT, 906 National Press Building, Washington, D.C. 20004.

Alice Johnston, 906 National Press Bldg., Washington, D.C. 20004.

On the side of fules

Though J. F. doesn't defend himself from Hugh Kirkpatrick ("Dialogue," March 16), my own suspicion is that what disturbs him (at least, it's what disturbs me) about "purdime" is not the choice of value for the "i" but the omission of the third syllable of "per diem". To omit this syllable, whether one says "purdime" or "purdeem," puts one on the side of "joolry," "fule," "crool," etc. Besides making the first stanza of "Good King Wenceslas" unsingable, such elisions would result, for me, in both linguistic and esthetic loss.

Tom P. Miller, 711 W. Sycamore, Denton, Tex. 76201.

Grow your own lettuce

Richard Nixon's Secretary of Labor Brennan told us that if we thought food prices were too high, we should plant gardens and grow our own food.

For many foods that idea is not very practical. But, to give credit where credit is due, it can be a good suggestion for farm workers. Lettuce is one of the few food items that can be grown in a window box. A really effective boycott could result if people grew their own in a shallow window box and avoided buying store lettuce. You can boycott lettuce and eat it too — when you grow your own at home.

George J. Gessner, 728 West Avenue A, Kingsville, Tex., 78363.