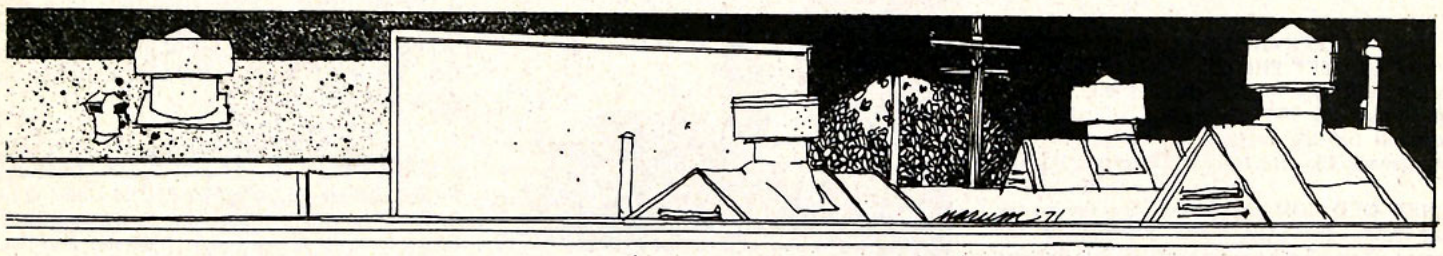
THE TEXAS OBSERVER

A Journal of Free Voices
A Window to the South
Sept. 21, 1973



In search of a land use policy

Austin

You wouldn't expect the man reputed to be the largest landholder in Texas to be terribly keen on government land management, even if the landowner is also the governor.

Dolph Briscoe hasn't said anything one way or the other on the subject of land use, so it's safe to assume that a land regulation program is not one of his top gubernatorial priorities. On the other hand, he's rather sensitive about his reputation as a land and cattle baron and his staff is anxious to convey the message that the governor has an *open mind* on the subject. He is definitely not, they say, absolutely not sitting on *Texas Land Use,* an eight-volume study completed this spring.

The study was funded by a $99,500 federal Housing and Urban Development grant during Gov. Preston Smith's last term of office. To head the study, Smith appointed Ron Jones, a former director of comprehensive planning for the Parks and Wildlife Department who now is in the research business as president of Research and Planning Consultants, Inc., of Austin. The study was done between November, 1972, and March, 1973. HUD received its preliminary draft May. 1. Meanwhile, in Briscoe's offices, the executive and summary reports were packaged and addressed but never mailed. Now, with fall approaching, only a few "technical" portions of the report are being printed, according to Charles Purnell, Briscoe's chief aide. The rest is still in the "preliminary draft" stage.

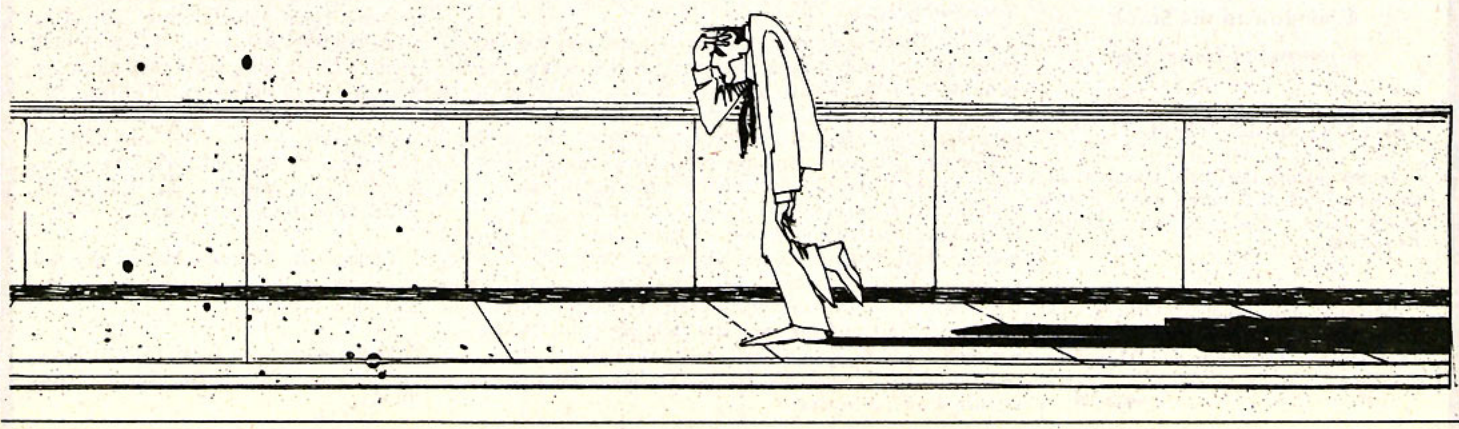
WHY THE delay? Both Purnell and Bob Hardesty, the governor's press secretary, point out that the report is mammoth and complex. "The governor's still looking at it from a study point of view," Hardesty said. "It's being reviewed," Purnell explained. They both assured the *Observer* that *Texas Land Use* will be released. "Under the federal grant it's got to be released," Hardesty said.

There's a rumor 'round the capitol that Briscoe might attach a disclaimer to the report, but Purnell says not to "expect" one. "I just don't know what he would disclaim," he insisted.

Disclaimer or not, land use is a subject that Texas will have to cope with in the very near future. Hawaii, Vermont, Colorado, Maine, Florida, Washington and Minnesota all have land resource management programs of some sort. And some coastal states have adopted coastal zone restrictions. Delaware, for example, has banned all heavy industry within two miles of its coast, and California requires permits for any development within a thousand yards of mean high tide. Other states have the power to act when local governments fail to act. New Jersey and Montana have statewide floodplain zoning.

This session or next, Congress is expected to pass Sen. Henry Jackson's bill setting up a national land policy. Scoop Jackson is no wild-eyed socialist: he's a conservative Democrat who happens to

(Continued on Page 4)



The coming fortnight

By Suzanne Shelton

SEPTEMBER GRAB BAG

BIG THICKET PHOTOS – Michael Kostiuk's photographic exhibit. "The Big Thicket: A Way of Life," includes 140 illustrations of what it is we're all fighting to preserve; through Oct. 7, Gethsemane Church, 16th and Congress, Austin.

NEW OLD COMEDY – You saw the movie, now catch the play. "The Pleasure of His Comedy," *sans* Fred Astaire but *cum* Joan Bennett as the ex-wife of a playboy who drops in just in time for the wedding of their daughter and sends the whole household into a comic dither; through Oct. 7, Windmill Dinner Theater, Dallas.

MIXED BAG – Three simultaneous exhibits: of Canadian landscapes, 1670-1930; of small weights used by Gold Coast Ashanti tribe to measure precious metals; of silkscreens, lithographs and aquatints by American abstract expressionist Adolph Gottlieb; through Sept. 30, UT-Austin Museum, Austin.

SEPTEMBER 21

WELSH RAREBIT – Tom Jones turns on the lacquered set; through Sept. 27, Houston Music Theatre, Houston.

SEPTEMBER 22

FINE FOLK – It's been a long drought if you're an Austinite and a Carolyn Hester fan; in addition, try the likes of Peter Yarrow, Allen Damron, the Bluegrass Ramblers of "Cripple Creek" fame and the gospel-singing Royal Light Singers in "An Evening From the Kerrville Folk Festival"; Municipal Auditorium, Austin.

THE HAMMER – Last chances this year to be there when Bad Henry Aaron takes shots at the Astrodome bleachers and the Babe's home-run record; 7:30 p.m. on the 22nd, 2:00 p.m. on the 23rd, Astrodome, Houston

SEPTEMBER 23

AL FRESCO – Don't resolve yourself to concert halls just because the equinox has passed, there's one more Dallas Symphony Orchestra free park performance; 4:30 p.m., Fretz Park, Dallas.

SEPTEMBER 27

PIANIST PERFORMS – Leonard Pennario, pianist, joins Dallas Symphony Orchestra, Sixten Ehrling guest conducting; also Sept. 29, Music Hall, Dallas.

SIMPLE SIMON – The opening has been put off a week, but it's still Neil Simon's "Plaza Suite," a comedy-triptych; Thursday, Friday and Saturday nights through Oct. 20, Zachary Scott Theatre Center, Austin.

SEPTEMBER 28

MUCH ADO – First Repertory Company kicks off its season with great to-do over the Bard's "Much Ado About Nothing"; through Oct. 20, First Repertory Theatre, HemisFair Plaza, San Antonio.

SEPTEMBER 30

MUSIC, PLEASE – Ingoff Dahl's "Concerto for Saxophone and Wind Orchestra, with soloist Richard Nunemaker, and Chopin's E-minor Piano Concerto, with soloist Garrick Ohlsson; also Oct. 1 and 2, Jones Hall, Houston.

OCTOBER 1

WORKSHOP DRAMA – One of the finest opportunities for good theatre in the state is UT Drama Department's workshop plays presented by master of fine arts candidates; season opens with Friedrich Durrenmatt's "The Physicists," directed by Steve Schottmiller; through Oct. 5, Laboratory Theatre, UT-Austin.

OCTOBER 3

BENEFIT – Tenor Luciano Pavarotti, joined by Dallas Symphony Orchestra, sings selections from "Don Giovanni," "Cosi fan Tutti," "La Boheme," "Rigoletto" and "Lucia di Lammermoor," and proceeds go to musicians' pension fund; Music Hall, Dallas.

THE TEXAS OBSERVER

EDITOR Kaye Northcott
CO-EDITOR Molly Ivins
ASSOCIATE EDITOR John Ferguson
EDITOR AT LARGE Ronnie Dugger

BUSINESS STAFF
Ernest G. Boardman Jr.
C. R. Olofson

Ronnie Dugger, Publisher

A window to the South

A journal of free voices

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Contributing Editors: Winston Bode, Bill Brammer, Gary Cartwright, Sue Horn Estes, Joe Frantz, Larry Goodwyn, Bill Hamilton, Bill Helmer, Dave Hickey, Franklin Jones, Lyman Jones, Larry L. King, Georgia Earnest Klipple, Larry Lee, Al Melinger, Robert L. Montgomery, Willie Morris, Bill Porterfield, James Presley, Charles Ramsdell, Buck Ramsey, John Rogers, Mary Beth Rogers, Roger Shattuck, Edwin Shrake, Dan Strawn, John P. Sullivan, Tom Sutherland.

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Truck ride with Armstrong

Austin

Land Commissioner Bob Armstrong is probably the state's most savvy official when it comes to the subject of land use policy.

Armstrong is a pilot, and some of his insight into Texas land problems – urban sprawl, highway congestion, density along the coast, flood plain conditions, etc. – has come from surveying the state from the air. The Observer *and the commissioner had to cancel a flying jaunt over the upper Texas coast when Delia blew in; instead we took to the highway for a quick visit to his 320-acre ranch near Liberty Hill. The Armstrong family had devoted Labor Day to gathering two truckloads of fieldstone for a fireplace in their soon-to-be-completed ranchhouse, and the commissioner wanted to make sure everything was ready for the fireplace-builder.*

Following are some of the thoughts on land use volunteered by Armstrong between stops at the truck repair shop, the K-Mart, the barbecue emporium, the stone layer's, the carpenter's, the windmill and the deer feeder.

I think what you have to start off with is the realization that the old idea that there is a difference between rural property and city property in terms of what you can do with the property is beginning to give way. The reason it gives way is because many rural areas are beginning to experience population pressures that heretofore have been reserved to the cities. This is particularly true in the coastal areas and on the rivers and in the extraterritorial areas around the cities where you know that the population is going to move. What the anti-planning people argue is that this is a great violation of private property. . . .

Everybody recognizes that a municipality has zoning authority and the reason that it has zoning authority is because of the proximity of people to each other. You can't build a pigpen in your backyard just because meat prices are not goin' to suit you. The reason is what you're doing to each other. Then you carry that into a subdevelopment on a river and the question becomes what will this subdivision with high density and no pollution controls do to the downstream user of that water. And this is the thing we are going to go through.

What's really distressing me is all these people coming in, many from out-of-state, buying up land and we have no regulation of this because people say it violates our private property rights in rural areas. This just doesn't make sense to me. Most people when you really talk to them about it, and I mean the people who are anti, understand the problem. I'm talking about Farm Bureau people – the Farmers Union people have endorsed the concept.

ZONING HAS failed. Zoning hasn't been sophisticated. It has been a square on a map theory. It has failed because it's been bureaucratic and the people who have administered it haven't been good people. What I want to do is make a distinction between that and the city that might want to sit down and decide what kind of a city it wants to be, how it wants to manage its park program, how it wants to regulate its developments in terms of density and that sort of thing. Hopefully maybe counties would want to do this as did Val Verde County very successfully in their control of the areas around the Amistad Dam. Oddly enough, although it's the ranchers who usually fight land management, the people who really instigated this program and who like it the best, as I understand it, are the people who live in rural Val Verde County, because they have kept out the proliferation of unregulated development with all of its problems.

Now, contrary to the ideas of some opponents of land planning, you can't just go in and tell a person who might otherwise sell a tract of land or develop it that you're going to take all of his alternatives away and make a green belt or a park. You're going to have to make some sort of compensation. And it gets grayer and grayer as you get back into the difficult areas. Do you compensate him for aesthetic reasons, for example?

People can't do things that literally do violence to other people in terms of noxious odors, in terms of what you do to your water system, performing acts, like in Houston, that cause subsidence. I thought it was interesting to hear one of the congressmen in West Texas say, "Well, we'll never keep a man from going out and saying, 'this is mine and I'm going to enjoy it.' " The answer is that in some areas of the state a man can go out and say "This is mine and I'm going to enjoy it," but he can't breathe because of what someone is doing with the land next door, or he can't stand on his land for very long because it's subsiding and if he stands on it for very long he's gonna be up to his knees in water because of what somebody next door is doing with their land.

LAND PLANNING is just balancing these things out and thinking them out ahead of time. Before we had a concept of abating a nuisance, but now we believe that once that nuisance is there abating it is not only costly but somebody has suffered before you do it. Why not set up a theory of planning and zoning ahead of time so that you avoid the nuisance ahead of time?

I think the key is educating people to understand that first of all in areas where there is not a problem there just won't be any effect on a person's land. West Texas generally is just not going to be touched. The second key is that most of these decisions should not only be made but carried out by local authorities. That's not a dodge. It is just the way it ought to be. Nobody in Austin ought to tell Abilene what their town ought to be like. But there are some things that are just greater than local significance – flood plains, river systems. The COGs (Councils of Government) will have a part to play in this.

Actually, there's quite a bit of planning that nobody realizes that's going on right now. We have a contract with the Highway Department and with the Antiquities Committee such that if an archaeological site is discovered in their work they'll stop that site and the Highway Department has an archaeologist right on its staff.

There's land control in rural areas through the Water Quality Act. The classic example is the feed lot that was to be placed on top of the aquifer, I think outside of New Braunfels. It may have been San Marcos. And the Water Quality Board stopped them from doing that because there are some things an aquifer will handle fairly well but one of them is not a feed lot.

One thing that a lot of people don't realize is that the Water Quality Act says you can't perform a strip mining operation unless that strip mining operation has reclamation facets to it that see to it that you don't affect the water quality.

Now, a lot of land management is and should be done by individuals. That's what this pamphlet that I put out [*Now that you are a landowner*] is all about as far as the people that buy under the Veterans' Land Program. Ways to improve, ways to make it more productive. This is what I'm trying to do with my place, to have some patience and not be consumed with how much money you could make if you subdivide it, but how can you take a piece of land that's been abused over the years and make it a productive area. And quite frankly, just keep it from being bought up by a bunch of subdividers out of Chicago just because the view's pretty.

The view was certainly pretty. We arrived at sunset as the first norther of the season was blowing in. Deer were racing the wind through the fields. Jenny, the white donkey, was kicking up her heels, teasing the truck as Armstrong tried to herd her into an adjoining pasture with the horse. Everyone was feeling frisky in the clean fall air. *K.N.*

Land use . . .

(Continued from Page 1)

come from Washington, a state that developed an early interest in protecting its land. Jackson's bill would require each state to set up its own land use program or accept federal controls. The measure has been endorsed by such mainstream capitalist organizations as the Chamber of Commerce, the American Petroleum Institute and the American Land Developers Association, probably because they want a hand in drawing up the regulations.

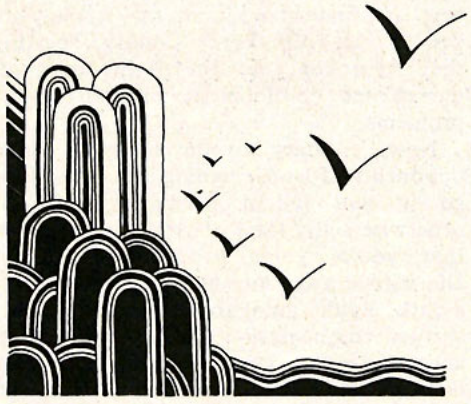
In Texas there already are some unlikely riders on the land management wagon, Exxon for example, and a Republican environmentalist, Rep. Fred Agnich. They understand that the question is not whether there will be land controls but rather who is going to write them.

So far, at least, the Texas Legislature has avoided the land issue like the plague. This year Sen. Babe Schwartz of Galveston introduced two land use bills. The first, submitted by an environmental group, was such a hodgepodge of other states' bills that it provided for "Indians, Aleuts and Eskimos." The measure was hopeless. Next Schwartz ran with a Land Office bill, S.B. 644, setting up a six-member land use commission to formulate a basic plan to be submitted to both the Legislature and the governor. 644 was torpedoed without a sub-committee hearing by Mad Dog Mengden when it came to a vote in the Senate's Natural Resources Committee.

A HOUSE Interim Committee on Land Use Planning, headed by Rep. Bill Clayton of Springlake, released a report of sorts in August. Clayton is a conservative candidate for House speaker and a former lobbyist for Water, Inc., one of the concerns that wanted to dig a 2,000 mile ditch to pump water from the Mississippi to West Texas. Clayton's idea of good land management is considerably different than Land Commissioner Bob Armstrong's (see interview in this issue) or the Environmental Coalition's. His report proved to be less than edifying. A little more than two pages long, it said that public hearings in four major Texas cities incidated that "the majority of witnesses favored the maximum possible local control in the administration of land use policy." It endorsed the need for a comprehensive land use inventory for the state (a project already being done by the UT Bureau of Economic Geology at the request of the General Land Office, the governor's office and the Water Development Board). Clayton's report concludes that the Legislature "should continue to study the subject of land use management."

Legislators already have access to enough studies to give them terminal eyestrain. There's *A Land Resource Management System for Texas,* produced by the Texas Urban Development Commission; *Land Use Management Issues in Texas* by the Texas Research League; *Texas Land, Quality and Quantity,* a report on the Texas Conference on Land Resource Management; *Land Use Standards in Unincorporated Areas,* compliments of the Texas Advisory Commission on Intergovernmental Relations; and *Coastal Resources Management Program Report* from the Interagency Council on Natural Resources and the Environment. And, of course, there's the as yet unreleased motherlode of land use studies, *Texas Land Use.*

The introduction to the HUD report explains, "A steady rise in population, a pattern of urbanization and sprawling subdivisions, a mushrooming appetite for the outdoors and economic expansion all consume our limited land resources. Consequently, an awareness of the fundamental importance of land use to the quality of man's life has increased



significantly in recent years, for it is through his use of land that he shapes his cities and makes his most direct and lasting impact on the quality of his natural environment."

In addition to work by Ron Jones and his staff, the study includes contributions by Corwin Johnson of the UT Law School, John Mixon of the University of Houston Law School and Kingsley Haynes and Jared Hazleton of the LBJ School of Public Affairs. There's even a section laying out how to sell land use to the electorate by Christian, Miller & Honts, Inc.

THE REPORT describes a number of situations that reflect the need for a comprehensive land use plan:

- The water shortage in West Texas.
- The loss of life and extensive property damage caused by flooding of the Guadalupe River below Canyon Dam in 1972.
- The fact that the San Jacinto Monument near Houston sank about six more inches in 1972 because of land subsidence in Harris and Galveston Counties.
- The selection of two sites for nuclear energy plants in Texas last year.
- The brouhaha over the construction of a barge canal along the Trinity River.
- The possibility of building a superport on or off the Texas Gulf Coast.

According to *Texas Land Use,* these problems and others are of statewide significance and should be subject to state policy. The report says that there should be a coordinated plan to deal with the land use implications of highway location; airport building; water resource developments; medical, educational and research facilities; energy supplies; taxation of land and real property; location of recreational facilities; and current zoning and subdivision controls. For example, the report cites a "need to consider transportation as a tool to influence population distribution rather than simply reacting to present distributions." Likewise, new power plants should be located where the land can support large populations.

On the subject of dry West Texas, the report's summary says, "The population and irrigated acreage of West Texas must be balanced against the annual ability of aquifers to recharge. The location of industry and population concentrations must be balanced against the capacity of air, land and water in disposing of wastes and supply a high quality environment . . . it is essential that Texas strike a balance between the location of industry and population on the one hand, and the availability of water, energy and land on the other."

Such planning is simply not possible under existing Texas laws. The report recommends setting up a Temporary Planning Group to make the following recommendations to the governor and the Legislature:

(1) An initial articulation of state goals.

(2) A division of planning responsibilities between state, regional and local governments.

(3) The design of a permanent state entity to carry out the state management role.

(4) Changes in the procedures and powers of city and county governments necessary to get a land management program in operation.

The report suggests that the planning group be made up of "a mixture of private interest groups, local governments, state agencies, the Legislature and the governor's office. That group's first meeting could make the deliberations of the Constitutional Revision Commission look like a debutante's ball. That's the day when Dolph Briscoe and the Pasadena refinery workers and the bird watchers and the West Texas feedlot owners and the canoeists and the urban planners and the parking lot owners and the Good Roads people and everybody else in this state are going to have to get down to some serious bargaining on the future of Spaceship Texas. K.N.

"The VVAW is not on trial"

Austin

Conspiracy. Conspiracy.

Eight young men recently stood trial in Gainesville. Fla. They were charged with conspiracy under the "Rap Brown law," conspiracy to violently disrupt the 1972 Republican Convention. Seven of the men are members of the Vietnam Veterans Against the War: the eighth is a pacifist sympathetic to the VVAW.

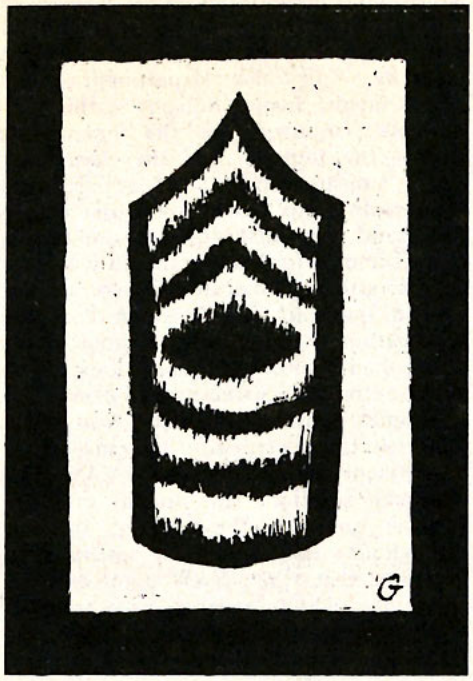
The eight were acquitted. A Gainesville jury found that the United States government had presented insufficient evidence to convict for conspiracy. Or perhaps the jury decided there was a conspiracy: two Austin attorneys who worked for the defense of the eight men are convinced there was.

Cameron Cunningham and Brady Coleman are both with the firm of Simons, Cunningham, Coleman and Nelson, which does as much public interest law and takes as many free political cases as it can. They were in Gainesville defending John Kniffin and William Patterson. Kniffin, who is from San Antonio originally, attended A&M for two years. He won several medals in Vietnam as a member of the Marine Corps and suffered a serious ankle wound. Kniffin threw away his medals at the opening of the LBJ Library in May, 1971, but he will always have a limp.

Bill Patterson, 25, now of Austin, attended the University of Texas at El Paso. Patterson came back from Nam in 1968 with a Distinguished Flying Cross, the Vietnamese Cross of Gallantry and a Purple Heart. In 1971, Patterson tried to surrender to authorities at Fort Bliss, asking that he be arrested for the murder of 13 Vietnamese civilians. He was interviewed by the post's provost marshal and released without charges. Patterson served in Nam as a door gunner on a "Huey" helicopter and later as a member of a Long Range Reconnaissance Patrol, going into battle zones to observe enemy troop movements and to call in air strikes.

Kniffin worked as a full-time organizer for the VVAW and Patterson was its West Texas Regional Coordinator.

THE ALLEGATIONS against Kniffin, Patterson and the six others were bizarre, fantastic, truly the product of a conspirator's mind: they were charged with organizing "fire teams" to attack Miami police and fire stations. The weapons these Vietnam vets were supposed to use? Fried marbles, cherry bombs, trip wires, smoke bombs, slingshots and a crossbow. Oh yeah, and bolos made out of fishing line and lead weights for use against mounted police officers. One government witness



testified that the VVAW planned to start riots at the convention to provoke the police into overreacting and then to rescue peaceful demonstrators from the police so the VVAW could "take over the leadership of the New Left."

The chief government witness was William W. Lemmer, 23, who has a history of pyschological disturbance. The defense brought up at least eight occasions on which Lemmer, a member of VVAW who was also an informer for the FBI, had urged others to violence. Lemmer is also remembered for having appeared in Miami in a red cape with a bullwhip and for using a teddy bear to let his ex-wife know how he felt (if the bear smiled, Lemmer was happy: if it looked sad, Lemmer was sad). Other instances of bizarre behavior on his part have been well-documented.

The prosecution fought, successfully, to keep the question of Lemmer's instability out of the trial. During the Gainesville trial, Lemmer testified that he had tipped off the FBI about a bombing attempt on a campus building in Fayetteville, Ark. A 17-year-old minister's son named Mark Vanceil was sentenced to a year in a federal youth detention center for that attempt. At Vanceil's trial, the FBI agent in charge of the Fayetteville office specifically testified, in response to a direct question, that the FBI had received no information from any informant in that case. Somebody's lying. Further, two Fayetteville veterans have filed affadavits with the Florida court stating that Lemmer told them in a taped conversation that he had shown Vanceil how to make gasoline bombs and had accompanied him to the campus building. There is more, much more on Lemmer, but let it rest.

On to Charles Becker, the second government witness. A paid FBI informer, Becker was listed as an "unindicted co-conspirator" with the other eight. He was also represented by their attorneys during the grand jury proceedings in Tallahassee that led to the Gainesville trial. One reason both Lemmer and Becker became regional coordinators for the VVAW was because they were among the few members of that group who could afford to fly around the country to meetings in different cities – the money was supplied by the FBI. Becker was charged in an illegal firearms case last year in New York and the defense attorneys believe the FBI intervened in the case for him. Judge Winston Arnow, a man who could make you love Julie Hoffman, decided that the fact that Becker, the prosecution witness, had been represented by counsel for the defense was unimportant.

Having decided that once, he did not hestitate to do so again in the case of prosecution witness Emerson L. Poe, the "best friend" of defendant Scott Camil. Poe had participated in defense strategy sessions and Camil had regularly confided in him until the morning he appeared on the stand for the prosecution. Poe had reported all conversations with Camil to the FBI.

Another prosecution witness had some firearms trouble. Charles "Tex" Marshall, an ex-private investigator, had his permit to carry a concealed weapon revoked on July 3 after an aggravated assault on a man who was visiting Marshall's wife.

Still another prosecution witness with a "law" problem was Joseph Fennell, who turned out to be under FBI investigation for possible misconduct during the time he served as director of the Alachua County Housing Authority. It also turned out that Jack Carrouth, the prosecutor in the Gainesville case, had the file on the FBI investigation of Fennell.

Arnow permitted Fennell to be recalled for re-cross examination after this information was brought out. That was somewhat surprising since Arnow denied to the defense the chance to re-cross Charles Becker. At one point, Becker had said that "no agreement" had been reached at a VVAW strategy session but he later said that votes were taken at the meeting. "If he initially said there was no vote taken and then he said there was, what is there to re-cross about?" asked Arnow, denying the motion.

But it was the kind of trial that was

always topping itself in the Great Lines field. One fine day the defense started questioning Lemmer about his army medical discharge, on which Lemmer had listed frequent depression, excessive worry, trouble sleeping, amnesia, unconsciousness, nervous disorders and nightmares.

"I recall everything except the amnesia," said Lemmer.

THE DEFENSE could not only not trust VVAW members (Lemmer, Becker and Poe) their best friends (Becker to defendant Peter Maloney and Poe to Camil) or "co-conspirators" (Becker), they even had a "weak link" in their midst. Defendant Alton Foss, 26, from Miami, has a tragic history. In 1967, Foss was wounded in the ankle during an ambush south of Da Nang. He has had 10 operations on the ankle and is in constant pain. He believes the ankle was damaged by "malpractice" in the Key West Naval Hospital. While he was in Nam, he was given morphine and demerol to ease his pain and got hooked on drugs. At the time he was indicted with the other seven for conspiracy, Foss was also under a drug indictment. He tried to make a deal with the government – he wanted to plead guilty to the drug charge in exchange for a promise of probation. In return, government agents asked him to testify against the other defendants. The deal fell through last August when U.S. Atty. Gen. Robert W. Rust asked Foss to sign a statement containing information Foss says he did not provide. On Sept. 20 last year, while he was still waiting for trial on the drug charge, Foss said the pressure again became too great and he attempted suicide by slashing his wrists and drinking two bottles of wood alcohol. Members of the VVAW rushed him to a hospital where his life was saved.

If the defense seemed a little paranoid in the face of such circumstances, there was even more to fuel its belief in conspiracy. There was the timing of the grand jury proceedings and the indictments – June 17 was the date of the Watergate break-in, June 30 the date of the first big cover-up meeting, according to John Dean. On July 3 subpoenas were issued for the Gainesville Eight. Diversion? Cunningham believes it. "It's in Baldwin's testimony and McCord's," he said. [Convicted Watergate burglars Alfred Baldwin and James McCord.] "McCord mentioned infiltration of the VVAW. The prosecution denied there had been any electronic surveillance on the VVAW, but it came out during the trial that there was at least one phone conversation and at least one face-to-face encounter tape recorded. The way they keep records on that stuff is incredible. We wanted to call witnesses on that, but the judge said it was irrelevant."

The defense tried to subpoena Justice Department and FBI files, including the Gemstone file, relating to the VVAW and the eight defendants. The judge quashed that. Former Atty. Gen. John Mitchell was called during a pre-trial hearing, but that made the judge so nervous he allowed almost no defense questions.

One Justice Department official who did testify before the grand jury hardly lent credibility to the department. Guy Goodwin is a Justice hotshot in this type of case. Goodwin got the indictments against the Berrigan and the Harrisburg, Pa., "conspirators" and against the Gainesville group. Goodwin testified before the grand jury that none of the people represented before the grand jury by the defense attorneys was an informer or agent – and that included Emerson Poe, the prosecution witness with whom Scott Camil had 20 or 30 discussions about defense strategies, witnesses and plans.

Simple politics would lead any self-respecting paranoid to suspect a government conspiracy. The VVAW was, without question, the most effective anti-war group in the country. In fact, throughout the trial the prosecution reiterated that "the VVAW is not on trial, only these eight defendants are on trial." It is hard, even for committed hawks, to argue for the Vietnam war with guys who've been there, guys with medals and without legs. The VVAW was generally the most disciplined of the anti-war groups, building a well-deserved reputation for keeping demonstrations peaceful. And it was a very, very big public relations problem for the Nixon administration. "Indicting these guys was very effective strategy," said Cunningham. "Long before the case came to trial, before anyone had a chance to see whether or not any of the charges were going to be proved, many moderate members of VVAW started dropping out. They said, 'Hey, if this is what's going on, if this is what it's about, then I don't want any part of it.' "

PARANOIA MAY be catching, but the jurors in the case shouldn't have caught it, since the judge had carefully had them sequestered. Nevertheless, right there near the beginning of the trial, five of them wrote the judge, "Dear sir, Perhaps the jury has become paranoid, but three-fourths of our home telephones have been acting strangely."

Arnow told the jury, "All of us from time to time receive wrong number telephone calls, and I am informed by telephone company representatives that buzzing and clicking does sometimes occur."

But paranoia it was not when, on the second day of the trial, a legal worker squatted on the floor during a defense strategy session and noticed, lo, four legs on the other side of a low transom in the wall. The defense folks called a marshal, who opened the door to the closet next door, which also happened to be next to the area housing all the telephone lines out of the building. The four legs turned out to belong to two FBI agents who had all manner of interesting electronic goodies in the closet with them. Since they didn't have time to deep-six the bags the agents explained, very reasonably, that they were just checkin' out the lines.

Sometimes paranoia gets off to an early start in cases like this. Back on July 8, 1972, five days after the first subpoenas in the case were issued, the office of Gainesville attorney Carol Wild Scott was burglarized: stolen – one file, on Scott Camil. In late 1971, VVAW headquarters were burglarized twice. A list of members was stolen. On Dec. 19, 1972, Larry Turner, a Gainesville attorney for the defense, missed a briefcase containing files on the case. It was later returned.

It would be nice to report that the defense won in Gainesville because of the idiocy of the government's case. Since the defense presented only one witness, a bomb expert, before resting, one might so assume. But, in fact, the defense had done a phenomenal amount of work. Not only was there more than a year of pre-trial hearings and pre-trial motions, but the jury selection was conducted as though it were D-day. Cunningham and Coleman worked on a team with three lawyers from the Center for Constitutional Rights and the aforementioned Turner.

They started with Jay Schulman, a sociologist who specializes in jury selection. Schulman went into Gainesville long before the trial started and got the voter registration lists from which jurors are selected. He then conducted a poll using a random sample carefully checked against known demographic descriptions of Gainesville. Using a questionnaire and a telephone, he developed a way to rate jurors on how favorable they would be to the defense according to age, race, sex, employment, etc. He was given help and computer time by University of Florida social scientists.

Meantime, the defense attorneys met with several psychiatrists and psychologists in New York looking for help on how to evaluate a person's attitude toward authority by his or her responses to certain questions. Turner located a group of about 30 citizens of Gainesville who represented a cross-section of the community – firemen, black businessmen, students, housewives.

The judge would not give the defense the jury list before jury selection began, but as soon as they had it, volunteers ran off several mimeographed copies. The names were passed on to the panel of citizens: those names they recognized, they commented on and if they did not know the names, they started calling their friends until they found someone who did. The defense lawyers were thus getting information from people with firsthand knowledge of the members of the jury

panel during the selection process. They had, in addition, Schulman's system for weighting age, race, sex factors, they had three psychologists in the courtroom to help them evaluate responses and even someone who had studied body language. At one point the defense was about to accept a 19-year-old female college junior, when one of the volunteers raced in with the news that someone who knew the girl had been located and that the girl was known to be hostile to demonstrators and protestors. Defense struck her. They wound up with a jury of seven women and five men, eight people under 30 and three blacks.

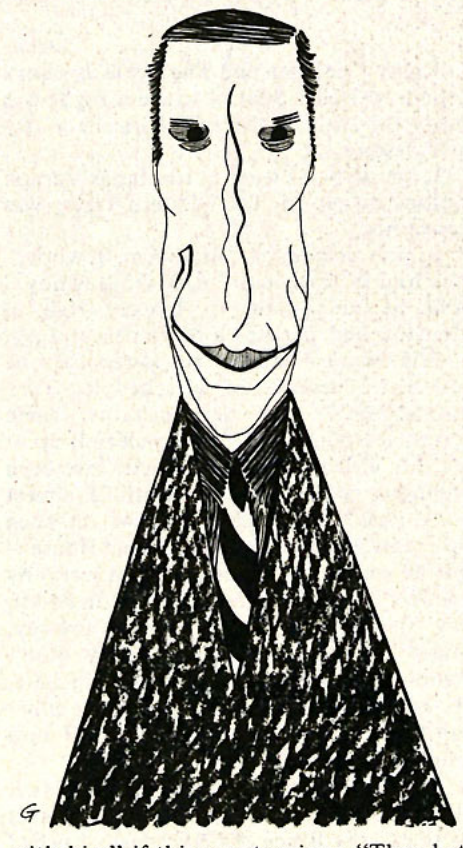
"We thought the jury was good," said Cunningham, "but if we'd known how good it was, we would have gotten a lot more sleep during those five weeks." The critical decision not to present a defense case was made by a vote of the defense collective – the defendants, lawyers and legal workers. The vote was 10 to 7. The jury took four hours to bring in an acquittal.

After it was all over, the defense had, quite naturally, one helluva party, attended by six of the jurors. Cunningham estimates that the defense cost $120,000, which is rather low, as these cases go. They may have enough in contributions to cover costs. One wonders how much the case cost the government. My money. Your money. Spent to pay for psycho *agents provacateur,* burglars, four-legged wiretappers, Justice Department liars, sleazy informers, one rabbit and a pig. The rabbit and the pig (a Hormet miniature weighing 100 pounds) belong to the Armed Forces Institute of Pathology. The government, you will recall, had accused the Gainesville Eight of planning to use slingshots in Miami. The government wanted to prove that those slingshots could really hurt a body. So, using various missiles, they fired away at the rabbit and the pig. They ruptured the stomach wall of a shaved rabbit and penetrated its body. They only bruised the pig.

M.I.

Bentsen becoming a Democrat

Political Intelligence



• Sen. Lloyd Bentsen (D-Tex.) is supporting the President less and opposing him more this year, according to a recent study by *Congressional Quarterly.* In 1972 Bentsen voted with the President 57 percent of the time and voted against him 35 percent. This year on 121 Nixon-issue roll calls he backed up the administration 39 percent and opposed it 54 percent. Sen. John Tower (R-Tex.) is still batting a good Nixon average: down to 69 percent support from a high of 72 percent last year.

Top Nixon opponents among Texas congressmen and women are Henry Gonzalez of San Antonio (74 percent opposition) Bob Eckhardt of Houston (72 percent), Barbara Jordan of Houston (70 percent) and Charles Wilson of Lufkin (60 percent), all Democrats. The leading pro-Nixon congressmen from Texas are Republican Jim Collins from Dallas (78 percent support) and Democrats Omar Burleson of Anson and George Mahon of Lubbock (both 61 percent).

• U.S. Rep. Henry B. Gonzalez was slated to deliver an address entitled "Current Controversy: Legislative versus Executive Branches of Government" at the University of Colorado's Boulder campus Aug. 8, but he never said a word. A group of rowdy *chicanos,* most of them affiliated with the campus United Mexican American Students organization, occupied the platform. They kicked, booed and spat upon Henry B., and he left without speaking.

UC President Frederick Thieme (himself the object of a recent no-confidence vote by his faculty) later said the purpose of education was to free people from the need to communicate by means of "Neanderthal grunts and chants like '*Chicano* Power!' "

Gonzalez himself said the demonstration was "imported from Denver" and that he had one demonstrator picked out to "take with him" if things got serious. "They hate me, and the feeling is mutual," he said of "so-called *chicanos.*"

• Harold Scarlett, the *Houston Post's* crackerjack environmental writer, broke a story Aug. 31 with a tad more sex appeal that most he turns up on his beat: the p.r. man for the Texas Air Control Board was charged with attempting to blackmail the regional administrator of the Environmental Protection Agency, the Air Board chairman and an Austin banker. William R. Barron, the alleged extortionist, was nabbed by postal authorities who were lurking in the bushes, at Hippie Hollow, no less, the notorious skinny dipping area on Lake Travis, west of Austin.

EPA Regional Director Arthur Busch and Air Board Chairman Herbert C. McKee tipped authorities that they both had received letters demanding $50,000 in exchange for silence concerning what the letter writer called official misconduct. Busch was accused of using EPA grants to McKee's Southwest Research Institute to pressure McKee into "influencing air board members in EPA's favor." And the EPA was accused of using "suspect consulting firms" in drawing up its recent controversial auto emissions plan.

Barron was placed under arrest after he picked up a plastic bag that was lying under a cedar tree. "I was just dumping some trash in a litter can and saw something under a bush and went over to see what it was," he explained later. "Then they came out of the brush like gang busters. I feel like I just walked into something."

Red menaces

• Holy hammer and sickle. The Cold War really must be over. There's a red Soviet banner hanging from the Kimbell Museum in Fort Worth and Texans are flocking there to see Impressionist and Post-Impressionist paintings on loan from Russia. Just twenty years ago the Dallas public library was purging Pablo Picasso, one of the artists in the Russian exhibition, because he was an "avowed Communist."

If Russkie pictures in Cow Town aren't enough to get a rise out of the better dead

than red folks, how about this: Frances Farenthold is going to Moscow and Latvia Oct. 1-15 as a guest of the Soviet Women's Committee. And she an honorary Texas Ranger.

• It didn't take long for the question of resentencing to reach the Court of Criminal Appeals. On Sept. 5, just nine days after the new drug law went into effect, the court heard arguments on the constitutionality of the law's provision for new sentences for previously-convicted marijuana offenders.

Travis County DA Bob Smith brought the case, seeking a writ of prevention against District Judge Tom Blackwell, who had set a resentencing hearing for Frank Demolli. Demolli was found guilty of possessing 21 pounds of grass in 1971 and was sentenced to 25 years.

Smith told the court that commutation of sentence by any other name, including resentencing, is still a power exclusively vested in the governor. He pointed out that Atty. Gen. John Hill advised the Legislature the provision was unconstitutional during consideration of the bill. He also claimed the majority of legislators knew that was invalid and left it in only to appease a "vociferous minority in the House."

Doing most of the arguing on the other side was Austin attorney Sam Houston Clinton. Clinton maintained the bill does not provide for commutation, but for a judicial procedure to bring sentences currently being served into line with those that will be meted out under the new law. And he said it is ironic that the section Smith said would usurp gubernatorial powers was approved by the governor along with the rest of the bill.

• In point of fact, Governor Briscoe opposed the idea of resentencing throughout the time the bill was before the Legislature. He also promised back then that he would review the sentences of persons convicted under the old two-to-life statute if resentencing was not included in the bill.

• Roy Coffee, Jr., who served as Briscoe's liaison with the House and put much of his time into the drug bill, has left the governor's employ to return to private law practice in Dallas. Coffee raised quite a few hackles in the House, most memorably those of Baytown Rep. Joe Allen, who (as chairman of the Administration Committee) evicted Coffee from the floor on two occasions.

• The new drug law was also on the minds of the county and district attorneys and sheriffs who assembled in Austin recently. Harris County DA Carol Vance briefed the group on provisions of the new statute. The lawmen also got a pep talk from John Hill ("Texas is Number One among the states we know that. I want to keep doing the things we need to do to keep if first, First, FIRST.").

• Another death at the Austin State School for the Mentally Retarded has continued the shifting of attention in Texas' ongoing child care scandal to state institutions. Carole Ann Perry died when she slipped down in her wheelchair, strangling herself on the bathrobe strings an attendant had fastened to the chair to prevent her falling out. Travis County JP James Dear is investigating.

Free the Slow, Inc., the association of employees and former employees of institutions like the Austin State School, responded to the news of Perry's death by pointing out that neglect by "overworked attendants" is only another of the results of Department of Mental Health-Mental Retardation policy and the "warehouse" system of care for the retarded.

• The House Human Relations Committee is continuing its investigation of Brother Lester Roloff's child care operations, but one of its aides is not. Pat Conway, a Legislative Council employee working with the committee and co-author of a report to the panel on Roloff's Rebekah Home for Girls, is trying to get a job with Brother Roloff. Naturally, he's taking a leave of absence from his state job, which he says has nothing to do with his efforts to find other work. He thinks he can help Roloff with "fundraising and image-building."

• An association of retarded children's parents, the Texas Association for Retarded Children, says the problems at the Austin State School and similar institutions are the result of bad funding, not bad policy. "Consistently, the Legislature has appropriated millions of dollars less than requested for direct care personnel and programs in our state schools," says the TARC. the group also claimed that the funding deficiency is so serious that no state school meets minimum federal standards for accreditation. And the TARC revealed that the deaths of two boys at the Austin facility in the spring of 1972 were reported to the association, which then investigated. (The deaths were not reported to a coroner, as is required by law.)

Hicks nix Jew boys' licks

Dallas

Kinky Friedman and The Texas Jewboys rode into Dallas Sept. 4 to see if Big D was ready for their earthy and satirical country and western act.

It wasn't – at least not as far as Vernon Gatlin, owner of The Western Place, was concerned.

Kinky, author of "Ride 'Em, Jewboy," was told in essence to "Ride On, Jewboy." And he did – on to Liberty Hall in Houston and perhaps a more peaceful gig.

Friedman's hilarious act lasted for one set that Tuesday, of a scheduled two, before Gatlin told him in rather harsh terms, according to Kinky, to clean it up or get out. Friedman said he would have been willing to go part-way with Gatlin's request – he has done cleaner shows on such programs as the Grand Ole Gospel House – but he was put off (incensed, as it were) by Gatlin's approach. And since Gatlin had to pay the boys for three nights anyway, under the no-cut contract, Kinky didn't stand to lose much except some exposure. He and the Jewboys mounted their super van and station wagon and rode off into tropical storm Delia.

It was all sort of surrealistic. Kinky, climbing fast on the country scene as sort of the Lenny Bruce of C&W music, has had big successes on both coasts and in Nashville, where he had played a Labor Day outdoor concert with Jerry Lee Lewis billed as "The Killer and the Kink." He has put out an album ("Sold American") that contains an occasional obscenity. So Gatlin should have had some idea of what he was getting. Thus it was a little stunning when Gatlin confronted Friedman about his act, which carries occasional four-letter references to various sexual and excretory functions.

Here's what Gatlin had to say the next day:

"His act was not the type of act that this club books. We booked him thinking he was a country and western star, which he thinks he is – but I don't think he is. He had some profanity in his act that he refused to take out which was just unbelievable. I never dreamed that he would do this, and he did it unbeknownst to anybody. And of course, he got it out before I knew about it, and the damage was done as far as that first show. And he refused to take it out of his second how, and I just paid him off and sent him on his way . . . ," Gatlin said.

"This club is not this type of club," the owner said, "He can do what he wants to wherever he wants to and wherever they'll permit him to, but this'll never happen in my club. Never has and never will. . . . I just told him to leave the club, I didn't want him in the club anymore. If I've got to make it on that kind of deal, well, I don't want to make it."

Kinky, after the aborted show, said that "any crudity in the act is creatively crude. What is one man's put-on is another man's poetry. The language I'm using is familiar to every Texan." He said he didn't think he offended the audience, which included Dallas Cowboy Bob Hayes and Kinky's parents, who had driven up from Austin to hear him.

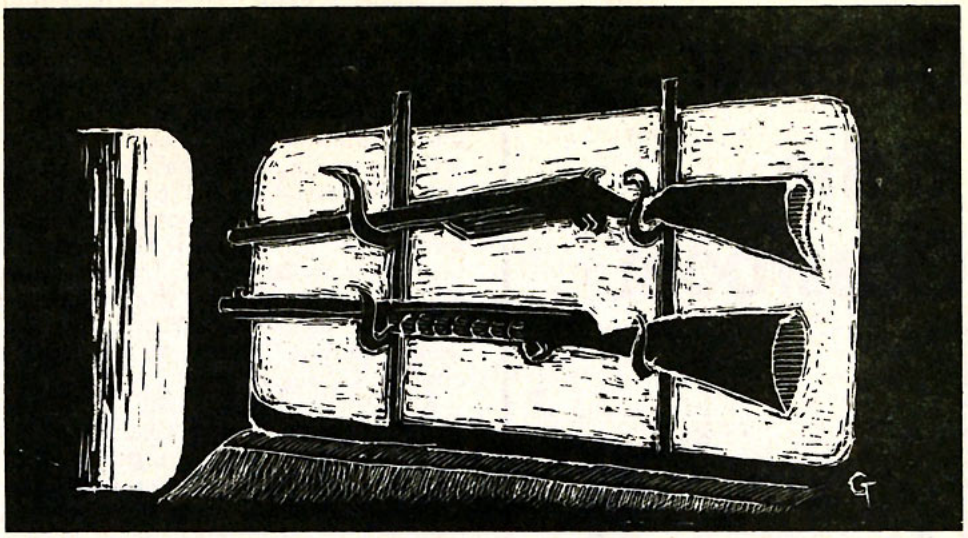
"I realize the absurdity of this," Kinky said. "I want you to know that."

Dave McNeely

Guns along the Guadalupe

By Bob Boyd

Kendall County



Given the current escalation of the war of riverbank landowners in Kendall County against the canoeists foolish enough to float down the Guadalupe River, the following scene seems certain to take place at some point in time.

A young couple, baby strapped to the back of the father, is enjoying a canoeing trip down the Guadalupe. Suddenly they lose control of their craft and are thrown into water 20 feet deep. They are surrounded by steep cliffs, but the father manages to find a handhold and pull himself partially up the cliff. His wife clings desperately to his leg as he slowly inches toward the top. A wave of relief sweeps over the terrified family as they hear voices above them. Grasping the ledge of the cliff with one hand, holding onto his screaming child with the other, and his wife still clinging to his leg, the father looks up and sees a law officer and rancher staring down at him. "Help," he says. "You're trespassing," answers the rancher, who looks surprisingly like Jack Palance. A handmade, leather boot comes down heel first and grinds into the conoeist's hand. "You son of a bitch," he screams as his wife and child plunge into the swift river. "Why, that foul-mouthed bastard. If he lives I'll arrest him for abusive language," the law officer says.

TOO MUCH FANTASY for you to swallow? Then consider the following true story of recent events on the Guadalupe in Kendall County.

Two San Antonio youths (18 and 19 years old) were on the last day of a three-day trip down the Guadalupe when their craft became entangled in boulders. Unable to budge the canoe, the pair went ashore and walked to the nearest house, thinking that it was the residence of the owner of the riverbank where their canoe was trapped. A man who answered the door refused to let them enter, told them he didn't have a phone and advised them that the nearest telephone was eight miles away in Boerne. The youths hiked the eight miles and called their father, a well-known San Antonio businessman who, ironically, comes from a family which has owned land in Kendall County for more than a century. The father, a friend and two employees picked up the pair and returned to the scene of the accident. Meanwhile, the man who had deliberately sent the boys on an eight-mile walk into town was using his telephone to call his neighbor and warn him that some canoeists had landed on his property and were returning.

Minutes after the San Antonians arrived on the riverbank, a landowner showed up with a limited vocabulary and a loaded rifle. He cursed the father to his face, telling him that the canoe could not be taken out over his property, that they would have to retrieve it by water. A deputy sheriff drove up in the middle of the landowner's tirade. He offered no help to the unnerved San Antonians, but said he was there to do whatever the landowner wanted him to do. The group was escorted from the landowner's property and told in no uncertain terms that they would be shot if they were ever caught on the place again. They drove to the camp of the man who rented the canoe to the boys and explained the situation to him. Less than an hour later, the canoe owner went by way of the river to attempt to retrieve his property. He found the canoe riddled with 21 bullet holes.

The businessman who swallowed his pride and took the abuse dished out by the enraged landowner (at the point of a gun held by shaky hands) was angry but still sensible when he discussed the incident. His lawyers have advised him that he has no legal recourse. He asked that his name not be used for fear he or a member of his family might be shot if the word got around that he was a "canoeist-lover."

There have been many other incidents involving Kendall County residents and visitors such as canoeists, hitchhikers and bikers during the past few years.

A Boy Scout troop boating down the Guadalupe stopped for a rest on a grassy spot along the bank, only to be confronted by a furious landowner armed with a shotgun, who marched the troop at gunpoint back to his ranchhouse. He called the sheriff and had the kids, some not even in their teens, arrested for trespassing. The sheriff jailed the whole troop, which remained locked up for several hours until parents posted bond for their sons' release.

A Sunday school youth class, which mistook an isolated patch of private property for a public picnic area, was marched off the land at gunpoint. The children were turned over to sheriff's deputies, but they escaped the trauma of being booked and held in jail.

Last year a 24-year-old San Antonio high school teacher was shotgunned to death by Kendall County landowner who thought the man had trespassed on his property. Although the teacher was several miles down the road, in the process of changing a flat tire, the landowner testified that he had chased a man off his property. He said he had noted a car similar to the teacher's parked near his property, so he assumed that the trespasser had gotten into that car. He drove several miles until he came across the teacher. The landowner testified that he shot the man at a distance of 12-15 feet after the man made threatening gestures with a weapon (which turned out to be a screwdriver). A Hill Country jury acquitted the landowner of charges of murder. Afterwards, one juror was quoted as saying, "Up here a man has a right to defend his property."

DON'T EXPECT an even-handed approach to the problem by the sheriff if you are unfortunate enough to have a run-in with a Kendall County landowner. When interviewed about the recent incident involving the San Antonio canoeists, Sheriff Lee D'Spain said bluntly, "I'm 100 percent behind the landowners." He is just as completely opposed to canoeists. "They have no business getting in the river," D'Spain said without even a

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Bob Boyd is an outdoorsman and a sports writer for the San Antonio Express.

nod to Texas law, which says that a riverbed is public property. The sheriff was elected last year on an anti-canoeist, law 'n' order platform.

"I don't intend to babysit for canoeists," D'Spain said. "They think they can come on a man's property and mess things up, and I'm supposed to protect them. If they've got any sense, they'll stay out of the river." Even more disconcerting was D'Spain's statement that he would not send any of his men to the river to search for canoeists simply on the basis of a report that some were missing. He said he would need "definite proof that there had been a drowning or that someone was badly hurt" before he would order a search. A phone call from a worried relative or friend would not be sufficient cause, he explained.

An official of the State Parks and Wildlife Department who asked not to be quoted by name acknowledged the fact that a nasty situation was developing in Kendall County. His department has been flooded with complaints in recent months from canoeists who have been insulted, threatened and otherwise harassed by landowners and law officers in Kendall County. He said that anyone has the right to float down the Guadalupe.

"The sheriff is not discharging his duty to protect all the people in Kendall County, whether or not they live there," the Parks official said. The problem, he said, is that the laws of Texas have been kept purposefully vague concerning rights of boaters in distress to enter private property. During each of the last two legislative sessions, bills were introduced to clarify the Texas trespass law and give relief to people who are forced to come ashore on private property in an emergency. Each time such a bill was being considered, a large delegation of Kendall County landowners descended upon Austin and was able to apply enough pressure to kill the measure.

Land Commissioner Bob Armstrong, a river runner himself, says of the Kendall County landowners, "Their answer along the river is, 'Well, my family for four generations has always considered that the boundary of the river is the middle of the river. And we own to the middle of the river and that guy over there owns to the middle of the river. And don't you tell me that a bunch of hippies and niggers can go floatin' down that river.' That's just the way they'll talk to you about it."

IF YOU STILL think the scenario which started this piece is nothing more than a fit of the crazies, consider the fact that the Texas trespass statutes make even a drowning man who grasps a handhold on private property without permission of the owner a violator of the law. Other statutes say that a man has the right to take necessary steps to protect his life. But, in case of doubt, it's hard to argue with a man with a gun. When asked what a canoeist who finds himself in trouble should do, Sheriff D'Spain answered that he should stay in the river and swim to the nearest road crossing (they are located at 10-12 mile intervals).

Darrell Crocker, the man who rented the San Antonians their canoe and who later found it shot full of holes, thinks that there is a concerted effort in the county to make things as nasty as possible for canoeists. Repressive incidents have greatly increased in the past few months, according to Crocker. He said he is seriously considering moving his canoe rental operation to the San Antonio River. "I don't want to rent a boat to somebody who winds up being murdered," Crocker said.

"What they are trying to do is stop canoeing altogether on the Guadalupe," Crocker explained. "And what they don't realize is, they'll never stop it. Canoeing is one of the fastest growing outdoor sports in the country. Every year, thousands more Texans take up canoeing and the Guadalupe is a great place for the sport."

Crocker, Sheriff D'Spain and the Parks and Wildlife official all think it is only a matter of time before someone is killed on a riverbank on the Guadalupe. This should not frighten canoeists into giving up their perfectly legal sport, but they should be aware of the peculiar and deadly traditions of one of the counties through which they will travel while floating down the beautiful, otherwise serene Guadalupe River. □

CLASSIFIED

The Aurora Spaceman

By Bill Porterfield

Aurora

This is Wise County, Texas, just north of where the West begins, and here, upon this pretty little promontory which divides the Grand Prairie and the Western Cross Timbers, well here the town of Aurora once was. I say was because it's gone now, has been for more than 70 years. Oh, there are still a few people around, but the only businessman left is Brawley Oates, and Mr. Oates is not exactly setting the world on fire. If things continue as they have, Brawley will end his days in that little Arco service station, the only gas stop between Boyd and Rhome. (Those aren't local football heroes, but towns just west and east of here, towns that made it when Aurora couldn't – if you call a few hundred people coming together and hanging on for dear life making it.)

But back to Brawley Oates. The one in the gas station, not the two in the cemetery. You see the family goes back some. The first Brawley Oates – he was a lean old patriarch with a long white beard – was in this county, and a power to be reckoned with, as early as a hundred and twenty years ago. The point is that the Oateses are a patient people who don't run away when the going gets tough. And this place has had it, a number of times, through the years.

BUT NOW THINGS are looking up. People are starting to pay attention to Aurora again, to buy gas from Brawley. And it's all because of the man from Mars who is buried in the local cemetery, over there not far from the first two Brawley Oateses.

Well, I don't believe it, but a lot of people do, and that's what all the fuss is about. Whether to dig him up or not.

The good ladies and gentlemen of the Aurora Cemetery Association say let him lie in peace, whoever or whatever he is. And they are so adamant about it they've gone to a lawyer over in Decatur, which is the county seat, and had papers drawn up to try to prevent disturbance of any body in the cemetery.

On the other side are some characters who call themselves UFO experts, and who identify themselves as being with various unidentified flying object networks. They haven't actually tried disinterment yet, but it is obvious they are itching to go at Aurora Cemetery with pick and shovel. They've been hovering about the graves for weeks with metal detectors and other witching rods, and they are convinced that this grave – and if not this one then some other close by – holds the secret of the man from outer space.

The sole authority for all this hovering and itching is a seven-paragraph story which appeared on page five of the *Dallas Morning News* and on page four of the old *Fort Worth Record* 76 years ago. The dateline was Aurora, Wise County, Texas, April 17, 1897, and the story went as follows:

"About six o'clock this morning the early risers of Aurora were astonished at the sudden appearance of the airship which has been sailing through the country.

"It was traveling due north, and much nearer the earth than ever before. Evidently some of the machinery was out of order, for it was making a speed of only ten or twelve miles an hour and gradually getting toward the earth. It sailed directly over the public square, and when it reached the north part of town collided with the tower of Judge Proctor's windmill and went to pieces with a terrible explosion, wrecking the windmill and water tank and destroying the judge's flower garden.

"The pilot of the ship is supposed to have been the only one on board, and while his remains are badly disfigured, enough of the original has been picked up to show that he was not an inhabitant of this world.

"Mr. T. J. Weems, the United States signal service officer at this place and an authority on astronomy, gives it as his opinion that he was a native of the planet Mars.

"Papers found on his person – evidently the record of his travels – are written in some unknown hieroglyphics, and cannot be deciphered.

"The ship is too badly wrecked to form any conclusion as to its construction or motive power. It was built of an unknown metal, resembling somewhat a mixture of aluminum and silver, and it must have weighed several tons.

"The town is full of people to-day who are viewing the wreck and gathering specimens of the strange metal from the debris. The pilot's funeral will take place at noon to-morrow."

THAT WAS THE story, and the man who filed it signed his name at the bottom, S. E. Haydon. Haydon, it turns out, was an Aurora cotton buyer who on occasion served as a country correspondent for the city newspapers. From time to time in the years hence, when local news was slow and the national scene was depressing, feature writers have tended to dig up Mr. Haydon's old item and give it another run. It's usually at UFO time, when, for whatever reasons – perhaps spring and the running sap and the pulling moon – there is a rash of flying saucer reports and people begin to imagine we are being visited by creatures from outer space. Jerry Flemmons of the *Fort Worth Star-Telegram* has probably gotten more

Bill Porterfield is a Texas writer who works for KERA-TV in Dallas.

mileage out of the Aurora spaceman than anyone, having sold the story to a dozen publications since 1966, and yet Flemmons has never taken the tale seriously.

In fact no reporter had until Bill Case of the *Dallas Times Herald* came driving into Aurora one day in March wearing an Apollo flightjacket and a semi-scientific mien. Case is an old dyed-in-the-hair Hearst-UPI man who came to the *Times Herald* several years ago to wind up a long reporting career in aviation, aerospace and medicine. This specialty was once at a premium in cityrooms when Uncle Sam was running Sputnik a race to the moon, but now, with NASA down in the doldrums with Nixon and lunar junkets a bore, reporters like Bill Case often find their stories buried back on the hog page.

But a Hearst man down is not a Hearst man defeated. I know that's what Albert Payson Terhune used to say about collie dogs, but the description fits members of this particular breed of reporter. They can sink their teeth into the driest bone and come up with some saliva of excitement. This must have been Bill Case's mood early this spring when, back in his corner at the *Times Herald,* he came across a little item in a newsletter put out by the International Unidentified Flying Objects Bureau of Oklahoma City. It said something to the effect that one Mr. Hayden Hewes, who was with the IUFOB, was on his way to Texas to check out a legend that a pilot from another planet was buried in the Aurora cemetery. That was bone enough for Bill Case. He drove to Aurora and began inquiring around.

"We want to investigate this story," he would say, "and prove once and for all whether it is a hoax or the real thing." Who did he mean by We? "The *Times Herald* and MUFON," he would reply. MUFON is the Midwest Unidentified Flying Object Network. Bill said he was not only a science writer for the *Times Herald* but a consultant with MUFON as well. The people could believe it. He looked very official. In fact, from a distance one resident took him to be either the dog catcher or the highway patrol. Olive khaki shirt, khaki trousers, metal-rimmed sun glasses. The off-white car with a hard hat in the rear window. Upon closer inspection, Mr. Case was obviously with the National Aeronautics and Space Administration. Wasn't he wearing the insignia on his jacket? Some Aurorans who had scoffed at the legend began to have second thoughts. For in orbit with Case were several other investigators: Hayden Hewes and Tommy Blann with the Oklahoma outfit; Earl F. Watts of Duncanville, state director of astronomy for MUFON, and Fred N. Kelley, whom Case identified in his stories as a treasure hunter and lost metal detector out of Corpus Christi. Their titles were impressive, but when one saw their cars parked around Brawley Oates' service station, cars and campers with more surreal equipment than a deputy sheriffs' convention painted by Dali, one could only echo Edith Brown's reaction. "They're getting me to where I'm about to believe them," she declared. "I didn't think they would ever go to the moon, and they did!"

THE ATTENTION was focused around Brawley Oates because Brawley lives on the place where the airship was reported to have crashed back in '97, the old Proctor farm. The house is up on the hill just behind the service station, and back of it is the well where our science writer of old – or science fiction writer if you will – wrote that the airship came to earth, a galactic Quixote doing battle with a windmill.

Of course the windmill is gone, and over the well is a pump house which Brawley Oates has converted into a chicken coop. This is where the "scientific" scratching has been going on, the search for some bit of metal, some piece of proof that old S. E. Haydon wasn't a liar. Let's listen in on correspondent Case and Earl Watts as they explore the landing site of our unearthly being. Watts, a tall, thin man with eyes as wild as the blue yonder of his jump suit, holds a metal detector and walks about the chicken yard, followed by Case and a flock of curious hens. The metal detector beeps and whines.

CASE: Right here, Earl, try her right here!

WATTS: (Excitedly) I'm over 100 decibels and reading! Coming in strong here.

CASE: (Pointing at the spot) See, the same reading as at the grave! Now how deep are we, Earl, what would you say?

WATTS: Five feet, yes, the same, five feet, Bill.

CASE: (Grabbing a shovel and putting his foot into it) Let's dig. (And he digs, turning up earth and caliche and artifacts of an old farmyard.) What's this? Look at that Earl. What would you say that was?

WATTS: (Scientifically) A, uh, a shotgun shell cap. Yes. A shotgun shell cap.

CASE: Junk! That's all we're getting, just junk! Oops. Here. What's this? (It is a rusty piece of tin, almost ore again.)

WATTS: (Putting down his detector, pulling out of his breast pocket a carbon-tipped stylus, he scratches the surface of the thing, then measures its width with a micrometer.) No, this is tin. Too thick and heavy for spaceship construction.

CASE: (Looking about) Yes, I think you're right. But the evidence certainly seems to support that there was some kind of crash, some kind of an explosion, around here. Look at the desolation. Nothing much seems to grow. But it's only bald here. The rest of the hill supports life.

THAT, ESSENTIALLY, is what has been going on here in Aurora since March. Bill Case or one of the grandsons of Brawley Oates leading the curious through a bunch of chicken . . . feathers.

Oh, some metal has been found, metal other than shotgun shell caps, old stove lids and horse bridle rings. The other day Benny Rasberry, Brawley's 12-year-old grandson, found a silver half dollar, minted in New Orleans and dated 1856. And Case and some of the other UFO experts have dug up fragments which seem to excite them a great deal, enough to qualify them for front-page treatment in the *Times Herald.*

Back in April the treasure hunter, Kelley, unearthed 12 pieces of lightweight metal which he said was unlike any metal he had ever seen. And right after that is when Case and the UFO men spotted what they feel is the grave of the spaceman.

What led them to it, Case said, were directions from an oldtimer Case refuses to unmask with an identification. The other clue that led them to the grave in question was the unusual marking on the headstone. No name or anything, not S. E. Haydon's "unknown hieroglyphics," but the image of a spaceship carved clearly (at least it was clear to Case) in the stone. Case even sees port windows in the drawing. What I see (or saw: the stone has since been stolen) is a line of cracks which could be a spaceship if you wanted it to be, but clearly, at least to me, an if-you-want-it-to-be thing. Case's

port windows seem to be circles of fossil in the rock.

Whatever is on the stone, the plot thickened when Watts' metal detector was held over the grave and registered the same readings as it did over the metal found at the well site.

This was enough for Hayden Hewes of Oklahoma IUFOB fame to tell Case and the world (thanks to the *Times Herald* and the wire service), "We are more convinced than ever that a UFO crashed here and that the pilot was killed and buried in this cemetery. Our attorneys are already checking to learn how we might have the body exhumed."

Hewes, a dramatic fellow in white boots (were Flash Gordon's boots white?) then took his metal samples and materialized back to Oklahoma.

The trustees of the cemetery, taking Mr. Hewes at his word, called out Wise County Sheriff Eldon Moyers to stand guard at the cemetery. Then they retained Decatur attorney Bill Nobles to fight any attempt to remove the body.

BUT IS THERE a body, earthly or unearthly, beneath that makeshift stone which was there one day and gone the next? Cemetery records only show that a man named C. A. Carr owned the plot. Carr's descendants cannot be found, so we don't know if Carr is buried there or somewhere else. Lynn McCrary, a welder, is president of the cemetery association, and he says a lot of people are buried in unmarked or unidentified graves. During the 1890's, people around here were dying from spotted fever and yellow fever, and many were interred quickly with no record.

The stone itself, the one with Case's spaceship carving, had been in the cemetery for at least 49 years, according to H. R. Idell, the town marshal. Where it came from, and where it went the other day, the marshal doesn't know. It is all very mysterious, he says, and has been since the day back in 1946 when he cleaned out Brawley Oates's water well, the well in cosmic question. The marshal came up with some melted metal which struck him as strange, and he says it resembles the stuff Case and the UFO diggers have found.

The reason Brawley Oates wanted the well cleaned was that he and his family wanted to drink from it. It had not been used in years. Well, they did drink from it, for 12 years. Then they quit. There was something about it that made them uneasy, an accumulation of misfortunes that may or may not have had anyting to do with the well and its water.

First the youngest daughter, Sarah Lenore, died at the age of nine months, of a sickness the doctor could not pinpoint, although a polio epidemic was going on at the time. Then Brawley and his wife Bonnie developed arthritis, which in Brawley's case took on monstrous proportions when it was complicated by goiter. Brawley's hands and feet are so swollen and misshapen he has to sit in the service station and let his customers wait on themselves.

The other day, during all this flap about the spaceman and the well and the grave, some sightseer who gassed up at Brawley's pumps wondered aloud if maybe it wasn't radiation that had caused Brawley's medical problems. This is an example of how the story of the Aurora spaceman has gained momentum. Momentum and mutation.

Out of a meaningless mosaic of fragments, Bill Case has fashioned a fantastic feature story, which, coming as it has during the dog days of summer and Watergate, has been welcomed by readers around the world, as well as by those in Dallas and Fort Worth.

The *Times Herald* has recognized this, and has allowed Case wide latitude. Since March, Case and the spaceman have been in the paper almost every other day, often on the front page. Each new development (and most of them are generated by Case himself or his UFO friends) is reported with the earnestness of straight news, as if it is indeed a fact that men of science are taking seriously.

CASE HIMSELF is an old pro, especially with adjectives. "Highly sensitive" is one phrase that runs through his accounts of Watts' divining. This kind of emphasis tends to imbue a hundred and fifty dollar instrument with more savvy than it has. The same with Case's reporting of the laboratory tests on the metal dug up. It has not undergone mere identification, but "intensive analyses." When he brings up the treasure hunter, Case is careful to point out that Kelley is a "scientific" treasure hunter. The airship on the tombstone was "laboriously carved" into the rock.

The other day, on page one of his paper, Case reported that scientists had analyzed metal fragments from the well, and that they had concluded that it was an alloy which could not have been produced on earth until the 20th Century.

This is indeed earth-shaking news, as long as you forget that 1897 was but three years removed from said century. Or as long as you don't want to know the identity of the scientists who intensely analyzed the metal. Case identifies them only as people from one of the nation's leading aircraft manufacturers. He has to protect their names, he says, because as he puts it, "You know what the government's attitude toward UFOs is."

To lend even more credence to this posture of scientific inquiry, Case announced in the *Times-Herald* that Dr. J. Allen Hynek, chairman of Northwestern University's astronomy department, would take leave of Evanston, Ill., and descend upon Aurora "to evaluate the evidence."

Dr. Hynek was quoted as saying, "We have been following the scientific search of this site and the cemetery with great interest. Now looking at this most recent evidence it highly suggests the actual crash of an aerial object did occur.

"In view of both the identification of the metal and the testimony of some of the most highly respected members of pioneer families in the area who have given details of the reported crash, the likelihood that this is a hoax seems more and more improbable."

When I read this in the *Times Herald* it set me back some. Dr. Hynek's reputation is above reproach. Yet I could not help noticing that he talked the way Case writes.

My fears about Dr. Hynek's rationality were laid to rest. The good astronomer did not show up at Aurora. Case says it was because Dr. Hynek was sidetracked by MUFON's annual symposium in Kansas City, at which he was a speaker. It's hard to say what happened, whether Case was accurately quoting Dr. Hynek's interest and the doctor then cooled and backed out, or whether Dr. Hynek was merely courteous to Case and Case mistook it for a committment. Shortly thereafter, Dr. Hynek left the country for Africa, London and New Zealand, and I haven't been able to catch him.

Here Coral Lorenzen enters the picture.

She is secretary and co-founder of the world-renowned Aerial Phenomena Research Association, and she and her field investigators in Texas have been following the second flight of the Aurora spaceman with raised eyebrows. Their eyebrows are raised out of skepticism, not wonder. Lorenzen is blunt about it.

"The people who make up MUFON are people that we turn down as not being qualified and responsible investigators," she said. "They are publicity seekers, and in the case of Aurora we are going on the assumption that whatever rare metal is found at that well has been planted there. When I read Mr. Case's story about Dr. Hynek preparing to go to Aurora, I picked up the phone and called Allen and read it to him. He was astonished and angry, and said he had either been misunderstood or misquoted." Dr. Hynek's office in Evanston confirmed that he had no interest at all in going to Aurora and that he would be out of the country for the rest of the summer.

Case lays all this to jealousy, but one senses in him a pulling back, a tendency now to soft-pedal the scientific probe and to play around with the possibility that it is all an old joke. He has always left himself this out, and will, I predict, paint himself out of the corner where the need for a good story has taken him. Out of it he has gotten a raise, a fat scrapebook of by-line stories, and a promotion in MUFON to state section chairman.

IT SEEMS UNCANNY to me, or maybe it's canny, that no one has explored the character of the three men who were in on the story from the beginning 76 years ago. They are S. E. Haydon, the Aurora cotton buyer who wrote the original story; Judge J. S. Proctor, into whose windmill the thing was supposed to have crashed; and T. J. Weems, whom Haydon identified in his story as a "United States signal service officer . . . and authority on astronomy." Weems, you remember, was the one who decided that the spaceman was a Martian.

Well let's begin with Jeff Weems. There is no record or recollection that he was ever a Signal Service officer, much less an authority on astronomy. Mr. Haydon, it appears, was having some fun with the local blacksmith, for that was what T. J. Weems was – the town's farrier. Weems eventually moved to Rhome, just east of Aurora, where he ran a grocery store until his death in 1925 at the age of 82.

Haydon's article seems even more a bit of strictly terrestrial horseplay when its context is considered. In the *Morning News,* the story ran on page five, buried down toward the middle of a page that contained no less than 16 reports from as many area towns about an airship being sighted. (Remember that this was six and a half years before the Wright Brothers and Kitty Hawk.) The reports covered a period of two days, April 17 and 18, and quote many eyewitnesses from a nine-county radius. This would appear, on the surface, to give some weight at least to the possibility that something out of the ordinary was in the air of that long ago April.

But it doesn't really. One has only to read the stories to realize that what was in the air that Aries was a happy contagion of cosmic invention that caught the fancy of every village Jules Verne.

In Stephenville, out in Erath County, C. L. McIlhany, a farmer, talked to the two-man crew of an "aerial monster" that landed in his pasture. Mr. McIlhany's imagination, alas, was not as lofty as our own Mr. Haydon's. His airmen were not from Mars but from that other weird place, New York, and they were only testing the world's first "aeroplane," a cigar-shaped contraption powered by electrically-charged windmill fans. That was on April 17.

The next day, over in Waxahachie, in Ellis County, a Judge Love of that city had a similar experience, only this time the crewmen were long-lost Jews from the Ten Tribes of Israel. Since Biblical times they had been living in the North Pole, had learned English from the explorers Sir Hugh Willoughby and Sir John Franklin, and were on their way to the Centennial Exhibition in Nashville to show off their airship.

On the stories soared, taking rarefied forms, until Dr. E. Etuart of Ennis, Ellis County's foremost metaphysician, declared in the *Morning News* that the whole affair was due to hypnotism and bad whiskey.

HERE IN Wise County, on this caliche hill, the tale of the flying panatella, as Jerry Flemmons calls it, must have been as refreshing to S. E. Haydon and J. S. Proctor as the promise of rail service had been a few years earlier. Both were men of some substance, at least in character and leadership. They had staked their future on Aurora, had seen it boom and then, within a decade, wither before their eyes. Decatur got the county seat and courthouse and the Bible College, Bridgeport got the coal mines, Boyd the Rock Island Line and Rhome the Ft. Worth & Denver. And Aurora? All Aurora got were the boll weevil and a disastrous downtown fire, and two fever epidemics that sent most of its citizenry to the cemetery, or in flight to other towns. By 1897 it was a ghost of its former self.

Yet Judge Proctor stood fast, because his family had been there since before the Civil War, because he was the justice of the peace. Haydon hung around because his wife and sons were in the graveyard, victims of the fever. What sustained them, this old Roy Bean and his cotton-man sidekick, we now realize, was a sense of humor.

The spaceman came to Aurora and Haydon and Judge Proctor had some laughs. Some relief. Can't you see them cooking it up, matching their version against those from other villages, and Haydon riding into the telegraph office in Rhome to file it with the city papers?

Robbie Reynolds Hanson was a girl of 12 at the time, and she remembers that Judge Proctor ran a story, similar to Haydon's but in the judge's words, in the little local paper he published, a two-sheeter called the *Aurora News.*

"Mr. Haydon called Jeff Weems a Signal Service officer," Hanson said, "but the only commissioned man in town was my father, J. D. Reynolds, and he was the constable. I remember it was around my birthday that Daddy was reading Judge Proctor's 'joke' in the *Aurora News* and laughing about it. 'The judge has gone and outdone himself this time!' That's just how Daddy put it. 'Course no one took it seriously. The Judge and Mr. Haydon were known to be men who liked to tease. Why they were always writing satirical little essays and such for the paper!"

Ms. Haydon is not the only native who is astonished, and a little put out, that anyone would take the legend of the Aurora spaceman as gospel. It isn't that they can't cotton to the notion that man has company in the universe. That would be presumptuous. But they are storytellers, and realize the importance of myth. A cock-eyed story has its place, as does the reality of plain talk, and you have to be careful how you mix them. Both are too important to be abused.

That's the lesson I learned in Aurora, and I came away with a greater appreciation of the reality of those two good rogues, Judge Proctor and Mr. Haydon, than I do of the riddle they left us. The answer doesn't lie at Brawley Oates's wellhead, or even in the cemetery, but with Proctor and Haydon, wherever they are. I wish I could say where they are, but I can't. They seem to have disappeared, to have lost themselves, perhaps on purpose, perhaps the better to grin and bear us our interminable and intruding "science." □

Rechy's *The Fourth Angel*

By Steve Barthelme

A review

The Fourth Angel, John Rechy,
Viking, 158 pages, $5.95.

London

John Rechy's fifth novel is, I think, his best work to date, which is to say it's very good, because the previous four novels weren't bad, although each carried more failures than successes. It is ironic, but understandable, that Rechy's success comes in so short, simple and "conventional" a book as *The Fourth Angel.* Each of the earlier novels (excepting perhaps *This Day's Death*) found their strengths in excess; this new one succeeds more fully with a harshly exercised control. It's as if Rechy's prose has finally fallen into sync. Although *The Fourth Angel* sounds a lot like *This Day's Death,* its tightly controlled form works better than that of the earlier novel because it is more integral, less obviously constructed, less artificial. And *The Fourth Angel* finally resembles more *The Vampires* – perhaps it is even the same book at base, only done differently.

If it is true that an artist writes the same book over and over until he gets it right, then with the publication of *The Fourth Angel* Rechy has got it, and wants new concerns. In the new novel he has successfully dealt with personal isolation, the inadequacy of killing feeling to kill fear, and the necessity (and coincident failure to resolve anything) of facing one's life and one's self – "reality." The book carries the refreshing and rewarding sense of optimism-because-there's-nothing-else, of "I know, I know, let's go on."

THE FOURTH ANGEL follows three bored and unhappy El Paso teenagers who pick up a fourth and wander around town harassing "weirdos," taking drugs, playing mind-games and trying to come to terms with repressed incidents or circumstances in their own lives, usually in the context of their families. The boys' mothers are respectively, vicious, lesbian and recently dead, and the girl's father raped her at age eleven. They call themselves "angels" and try to find safety from pain in a community of viciousness of their own, thinking that enough cruelty will eventually enable them to "stop feeling." They do "experience trips . . . so we can fucking cope with all the bad shit they're going to fucking throw at us, man – that's fucking why!" Without feeling they will be safe and happy. This kind of theory figures heavily in *City of Night,* Rechy's first novel, but from a radically different perspective. The inadequacy of their solution gradually becomes apparent to even the most dimly perceptive of the group. It falls apart when Jerry, the fourth "angel," discovers that feeling is too strong to be erased by the mechanical or chemical means which prove either inadequate or only temporary. He chooses to accept feeling because he really has no choice, and their little community falls apart.

There are flaws. Rechy's overwritten style is still with us, but only becomes detrimental in a few places. The recurrent compounding of "young man" into "youngman" which is in the other novels is a gesture which never has worked. And the replacement of speaking verbs ("said," "replied," "asked," "complained") with active verbs ("slashed," "aimed," "seizes" etc. etc.) tends to become embarrassing. Nothing sticks out as badly as a failed device, and Rechy would do better without them. We could also live without so many lines of dialogue with "fucking" in them, even dialogue intending to reproduce the speech of sixteen year olds desperate to appear tough.

Rechy's prose has always been a little erratic, the brush slips, but in *The Fourth Angel* the missteps recede and his strange, almost primitive skill takes over, resulting in passages like this:

> Soon, rushing there as if to outspeed their thoughts before they form, they're in Anapra, a small town in New Mexico, just minutes outside of El Paso. A town more like a village, it's an awkward, ugly conglomeration of adobe houses in which poor Chicanos live. The streets are cloudy with dust. On a tall mountain dominating the village is an awesome, giant statue of Christ; a strong, stone, primitive Jesus with arms outstretched. Railroad tracks tangle like angry snakes at the foot of the mountain, and the Rio Grande meanders casually past a small bridge, on which, on hot evenings, restless young Chicanos stand waiting sullenly for nothing. There's an ironic scattering of nightclubs in the village – and a disdainful racetrack. And on a filthy street, more like a field of dirt than a street, is The Seed – a doper hangout: a square, squat, flimsy building like an abandoned barn. Beer, wine, soft drinks are sold inside. Outside, a ragged camp of young hippy gypsies exchange dope openly.

THE METAPHYSICS which might ruin another book, all the talk about isolation and love and life, fade into the texture of the novel because the characters are adolescents. The problems are the same as (or very similar to) those in *The Vampires,* but the choice of sixteen year olds to play them out is perfect, because sixteen year olds can so convincingly be sophisticated and naive at the same time. Introspection becomes part of the dramatization. Where *The Vampires* used the flashiest, most exotic characters available, *The Fourth Angel* uses the dullest. A stroke, a step forward. You don't get lost in the glare. The choice of teenagers has other advantages, not the least of which is that it sets the book against the truckloads of other, bad books which have been published over the last few years, the my-delicate-perceptions-deserve-your-attention crowd. Which position can only make a good book look better.

Rechy's continual concern and sometime obsession with sexuality holds a diminished though still major place in the new novel. The tendency of homosexuals,

women, blacks, Indians, Chinese, radicals and Middle Americans to see everything through lenses of their minority affiliations, while only boring in conversation, is deadly in a novel. Primarily because a novelist is required to be an individual first of all, and it is what distinguishes him, not what aligns him with a group, which gives his work its value. Thus the reduced importance of homosexuality *per se* in *The Fourth Angel* is one of its most attractive characteristics.

There are many other things about this impressive novel which bear mentioning. There are the sharp telling sentences which show Rechy's skill: "Off Mesa now. Up. Along new elaborate houses invading the pristine desert. Houses a studied distance from each other in nervous luxury." There is the striking technical skill shown in pacing and dramatic structure:

> . . . Here and there, trees on this truncated hill overlooking the rest of the park create alcoves, grottos. It's four o'clock. Shadows engraved by the bright stare of the sun provide pools for lovers.
>
> But Cob and Shell lie in a clearing.
>
> "You see him yet?" Shell demands impatiently.
>
> "No–cool it." Cob's legs curl about her more intimately.

Half a page on you learn that what they are doing is trapping a voyeur. There are the drug experiences (surely the world's most overdone fictional episode of late) which, amazingly, hold up well. On the other hand, at occasional points Rechy settles for simply describing instead of recreating a scene.

But the major observation which can be made about Rechy's new novel is the remarkable gains made possible by the short dry and direct forms he has imposed on himself. A novel is in one sense a performance, and the performance is judged on how successfully a writer's work accomplishes its goals against the severity of its restrictions. Like a runner without a specific distance, a writer with no restrictions is simply indulgent, not to mention boring. Rechy has, in the case of *The Fourth Angel,* set himself a difficult task, but he seems more liberated than constrained by the restrictions he has placed on his work and the control he forces himself to exercise. □

Good news

Friends and relatives of war resisters now residing in Canada have a 15-day chance to pass along a little good news.

A one-time opportunity for thousands of young Americans to regularize their Canadian immigration status commenced August 1, to continue 60 days. The Canadian Parliament has passed a bill allowing any person living in Canada who arrived by November 30, 1972, to apply within the 60 days for landed-immigrant status.

An exile in Canada who is not a landed immigrant is in constant danger of deportation, cannot legally hold a job, cannot benefit from government social services, and can never apply for Canadian citizenship.

During the years of the Indochina war, 20,000 draft-age American men have been admitted to Canada as landed immigrants. An estimated 40 to 50 thousand draft refusers and deserters have gone into exile during that period, most of them presumably to Canada. Since many of these men are living "underground," it is essential that friends and relatives do all they can to relay the information to them.

There are Canadian Aid Centers for U.S. Exiles in Toronto, Ontario; Winnepeg, Manitoba; Montreal, Quebec; Vancouver, British Columbia; Calgary, Alberta; and Halifax, Nova Scotia. Others have been planned and may already be in operation at Edmonton and Thunder Bay and in Saskatchewan and the Maritimes.

Roberta Clay, 604 W. Clinton, Dublin, Tex. 76446.

LBJ slighted

I received your communication of August 1, 1973. I must decline your offer. I am 78 years old and have been a liberal since I first voted in 1916, and I have attended most of the Democratic Conventions for the last 35 years. I always worked for liberal causes, and have had my head blooded many times, but never bowed.

I was much disturbed at your utter lack of perception in evaluating a great Statesman, LYNDON BAINES JOHNSON whose great courage in sponsoring the first civil rights legislation in 1957. He laid his political career on the line, and when he

Dialogue

was President he fathered all the other humanitarian legislation that was passed. LYNDON BAINES JOHNSONN DESERVED better treatment from a supposed liberal publication. Poor Ronnie's tongue in cheek reporting of the President's funeral was utterly disgusting. Ronnie should go back to school and take some courses in current history. I suppose that it was appreciated by some neo-liberals but those of us who have borne the burdens of fighting the machine through the years think a man should be measured by what he accomplished, and L. B. J. left his own mark of greatness on the pages of our history. I will close with a further word to send Ronnie to school.

Louis W. Oliver, 1804 Avenue H, Galveston, Texas 77550.

Contact wanted

I would appreciate it very much if you would print this letter in your magazine.

At the present I am a prisoner at the Southern Ohio Correctional Facility at Lucasville, Ohio. I just received two more years from the parole board after doing 44 months. With my present lack of contact with the free world I find these present additional two years very depressing. So I appeal to you, the readers of this magazine, for aid in regaining contact with the living.

I would like to correspond with anyone any age, sex or race. I will answer all mail. Address all cards and letters to:

Lincoln Heard 134-115, Box 787, Lucasville, Ohio 45648.

The [Nixon] administration failed to spend $50 million for cancer that was available in the 1973 fiscal year. And although the National Heart Institute received $18 million more in the 1974 budget, it was directed to start entirely new programs in lung diseases that will eat up the entire increase without allowing it to focus more resources on heart disease – the nation's biggest killer.

–Stuart Auerbach, *The Washington Post.*