

A Journal of Free Voices

A Window to the South

April 12, 1974

50¢

## The Observer goes to a broadcasters' convention

If someone gave the 6,000 broadcasters who showed up in Houston on March 18 a choice between the First Amendment and 10-year licenses, they'd hesitate about five seconds. And take the licenses.

Maybe most of the folks who came to the 52nd annual convention of the National Association of Broadcasters are not the top people in the business, not the folks who make the important decisions. "They're salesmen," shrugged Woody Roberts, a radio programming consultant.

Ralph Renick, news director of WTVJ in Miami, came to Houston only because he was one of those chosen to ask questions at President Nixon's Houston press conference — and that's not the kind of opportunity a newsman is going to pass up. "We usually send our front office people to these conventions," Renick said. "The real value of N.A.B. conventions is first, the hardware, and then the contacts you can make in the hospitality suites."

The N.A.B. convention was the whitest, straightest, most overwhelmingly male, WASP gathering I've seen since I covered a Shriners convention in Minneapolis in 1967. I saw six blacks, five beards and met no women who were there as anything other than wives of their husbands.

Most of the folks I talked to had, in fact, started out in "the industry," as they all

seem to call it, as salesmen. But by out-hustling all the other salesmen, they'd been promoted and promoted again and most of them bore formidable titles — manager, president, executive vice-president, head of this division or that.

Whenever Johnson's name was mentioned, you could hear a collective intake of breath and you kept waiting for it to be expelled in the form of a hiss. Johnson's book *How to Talk Back to Your Television Set*, a manual for community groups who wish to challenge FCC licenses, was referred to with both sneers and shudders as "Johnson's Little Red Book," "Quotations from Commissioner Nick" and "The Johnson Manifesto."

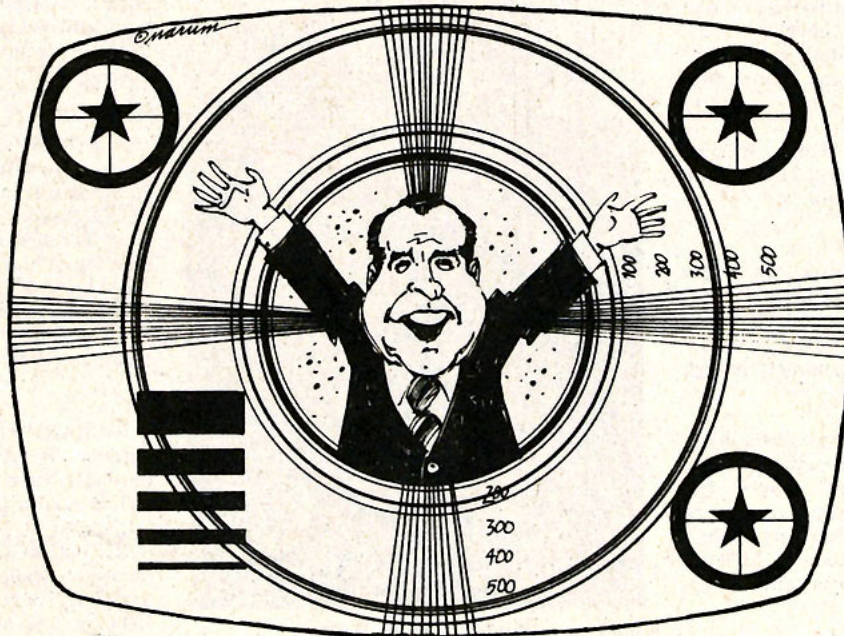
THE N.A.B. has two divisions, management and engineers, and the two groups ran separate convention programs. To some extent, it was an engineer's convention. They held seminars on topics such as "A New Approach to AM Monitoring Using Digital Displays" and "Optimizing Color Fidelity with Present-Day Phosphors by Matrixing." In the tra-

ditional broadcasting war between the "techies" and the "talent," this was the techies' hour to shine. They and they alone could get off on new methods of cyclorama lighting and there wasn't a talent, much less a reporter, around who understood matrix compensation for phosphors.

But even non-techies were bowled out by the hardware displays. God only knows how many millions of dollars worth of equipment were involved in the 83 radio exhibits and the 106 television exhibits.

I would guess that at least 70 percent of them were in the radio "bidness." I acquired a new sympathy for a reporter friend who works for one of the networks who told me he'd given copies of Tim Crouse's book, *The Boys on the Bus*, to all the higher-ups in his shop. "I think it's doing some good, even though their lips get awfully tired when they read it," he said. I thought at the time that was just a clever cheapshot, but now I'm not so sure.

The chief devil figure of the N.A.B. conventioners was Nicholas Johnson, the maverick former FCC commissioner.



(Continued on Page 3)

# The coming fortnight

By Suzanne Shelton

## APRIL GRAB BAG

**DSO FOLDS** - As of press time, Dallas Symphony Orchestra remained in suspension of operations, cancelling its April 10 and 18 concerts for lack of funds; sad commentary on financial status of symphonies which may be a vanishing art form.

**ARTE CHICANO** - *Chicano*, Mexican and Latin American art on display at new Galeria de la Raza, which offers *chicano* artists sales outlet as well as gathering place and hopes to house library with *chicano* art slides and artists' biographies; 2130 McCullough and French Sts., San Antonio.

**PICTURES** - Photos by Larry Wilhelm displayed in this fine little gallery; Texas Union Gallery, University of Texas, Austin.

## APRIL 12

**DRACULA!** - How can we forget the fixture of our childhood, title character of Bram Stoker's Victorian novel "Dracula," now adapted into comedy-thriller by Ted Tiller, "Count Dracula," with David Wurst as the blood gourmet; through May 12, Alley Theatre, Houston.

**ALTER-ALLEY** - In the shadow of the Alley Theatre, the bantam newcomer Reunion Theatre, for those who prefer their drama less Establishment, presenting "Twigs," group of one-acts about three women and their relationships; indefinite run, Reunion Theatre, 502 Louisiana (basement Atlanta Life Bldg.), Houston.

**SAMMY SWINGS** - Sammy Davis, Jr., the one-person touring company, in singing-dancing-going concert; through April 16, Houston Music Theatre, Houston.

## APRIL 13

**KRIS THE K** - Concerto glorioso by Kris Kristofferson; 8 p.m., Music Hall, Houston.

**WINEDALE BOUND** - Thomas Dwyer, tenor, appears in true Liederabend, afternoon of song reflecting Texas' European musical heritage, in continuing Winedale Festival celebrating being alive in Texas; 4 p.m., Theatre Barn, Winedale Inn, Round Top.

## APRIL 14

**BALLET OVER BEER** - Grab a glass of foamy and watch Austin Ballet Theatre's April program: "Tregonell" (one of Stanley Hall's fine works from years back), an electronic composition with music by Vladimir Ussachevsky and "A Patch of Blue"; 7:30 p.m., Armadillo World Headquarters, Austin.

**FRENCH FARCE** - Moliere's delightful "The Imaginary Invalid," directed by Jagienka Zych, with student cast; through April 20, Hogg Auditorium, University of Texas, Austin.

## APRIL 15

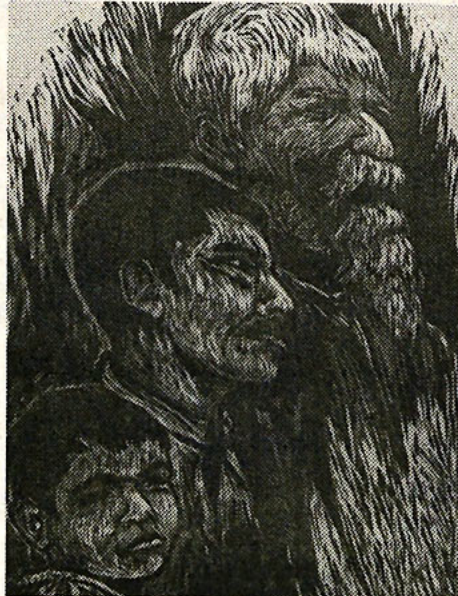
**MUJERES CUBANAS** - "Lucia" (1970) internationally-acclaimed film depicting three key moments of Cuban history as seen through lives of three women; also April 16, 7:30 p.m., Burdine Auditorium, University of Texas, Austin.

## APRIL 16

**DEVIL OF AN OPERA** - Norman Treigle, the great actor of operadom, joins Houston Grand Opera in title role in "Mefistofele," Boito's version of man who sold his soul and lived to sing about it; also April 19, 21, Jones Hall, Houston.

## APRIL 17

**DANCE! DANCE! DANCE!** - That's the imaginative title of this season's major UT dance production, with Igor Youskevitch's staging of one of the oldest extant ballets, "Fille Mal Gardee," and Powell Shepherd's "Magical Mystery of John Faustus, PhD," dance-drama work; through April 27, Drama Bldg. Theatre Room, University of Texas, Austin.



Woodcut print from  
Galeria de la Raza Collection.

## APRIL 18

**FLUTTER, FLUTTER** - "Madama Butterfly's" at it again, with Texas Tech Music Theatre Opera in tow; through April 20, Moody Auditorium, Lubbock.

## APRIL 19

**RAGTIME RENAISSANCE** - Now that we've all rediscovered Scott Joplin, sit back and enjoy noted jazz pianist Joshua Rifkin trying his hand at ragtime; 9 p.m., Union Main Ballroom, University of Texas, Austin.

**COUNTRIFIED GALA** - Country Western Show and Dancing Extravaganza, featuring that

little PTA patron Jeannie C. Riley; Albert Thomas Convention Center, Houston.

**PERRY ON PIANO** - John Perry, UT faculty member who's trained many a musician, performs on piano with Austin Symphony Orchestra in Bach-Strauss-Tchaikovsky-Von Suppe program; 8 p.m., Municipal Auditorium, Austin.

## APRIL 20

**BASSOON, ANYONE?** - Richard Meek performs French recital music on the bassoon in lecture-demonstration; Music Bldg. 1, Texas Tech University, Lubbock.

**SPRING SONGFEST** - "Americans in Song," concert surveying first century of American popular music, with Delmer Rogers and Orville White, in continuing Winedale Festival; 8 p.m., Theatre Barn, Winedale Inn, Round Top.

## APRIL 21

**FOR IVES FANS** - Charles Ives, one of America's greatest composers, is so seldom performed this'll be a double treat; concert honoring Ives' centennial with Delmer Rogers and Orville White; 4 p.m., Theatre Barn, Winedale Inn, Round Top.

**HANSEL & GRETEL** - Englebert Humperdinck's (the original one's) opera, "Hansel and Gretel," sung in English by Fort Worth Opera Association with Metropolitan Opera mezzo Elaine Bonazzi as the Witch and New York City Opera mezzo Susanne Marsee as Hansel, soprano Eileen Shelle as Gretel; 2:30 p.m., also student performances 9:45 a.m. April 23-24, Tarrant County Convention Center Theater, Fort Worth.

## APRIL 22

**WOMEN'S CONCERT CHOIR** - Walter Britt's Texas Troubadors join Georgia Parmelee's Women's Concert Choir in Spring Concert of "Three Seasons," "Now Thank We All Our God" and "Three Mountain Ballads;" 8 p.m., Recital Hall, Music Bldg., University of Texas, Austin.

**FOUR STRINGS** - Dallas Arts String Quartet, in concert; Caruth Auditorium, Southern Methodist University, Dallas.

## APRIL 23

**RICHARDSON SYMPHONY** - Not to be outdone, Richardson Symphony Orchestra revs up under baton of Chris Xeros, conductor; High School Auditorium, Richardson.

**RUGGIERO RICCI** - One of world's renowned violinists, Ruggiero Ricci performs Bartok's "Sonata for Solo Violin" and works by Debussy, Brahms, Paganini; 8 p.m., Hogg Auditorium, University of Texas, Austin.

## APRIL 24

**MUSICIANS MOVE UPTOWN** - University of Houston Symphony Orchestra uptowns it in Jones Hall for benefit concert; Jones Hall, Houston.

## APRIL 25

**CELEBRATION** - Musical comedy by the Fantastik duo Tom Jones and Harvey Schmidt, staged by Fred Goodson with musical direction by George Nelson and student cast; through April 27, Southwestern University, Georgetown.

**CHAMBER MUSIC** - Amalous Quartet, in concert; 8:15 p.m., Incarnate World Auditorium, San Antonio.

# Broadcasters . . .

(Continued from Page 1)

The total effect of all that buzzing and humming and whirring was to make central control at the NASA space center look like an IBM Selectric. There were a few freaks wandering around from the Pacifica radio station in Houston, a community cable group and a video commune. By the end of the second day, they had all O.D.ed on all that gorgeous communications hardware packed into what seemed to be several square miles of the Albert Thomas Exhibit Hall.

I was told that the exhibitors make anywhere from 50 to 90 percent of their annual sales at these N.A.B. conventions, so it's no wonder they lay out these elaborate displays, open hospitality suites at the local hotels, hire young lovelies to hang around and lay on their top stud salesmen to hustle customers.

The Japanese have been present in some strength for several years, but N.A.B. staff members noticed an unusually high number of Latin Americans at this year's convention. And the Latin Americans were reportedly interested in buying the most sophisticated, new equipment, not just the stuff American broadcasters sell when they go to newer equipment themselves.

Ampex Corp., the tape company, had one of the largest displays and it was constantly filled with slightly awed potential customers. One company attracted considerable attention by showing a videotape of Carol Doda, the topless dancer with silicone boobs, streaking in San Francisco. To my mind, the most impressive display was that put on by the CMX Systems, which has produced a computerized tape-editing arrangement. The thing can fade, cut, dissolve and mix video and audio tapes all by having its buttons pushed. CMX won an Emmy technical award for the system last year.

The trend toward increased miniaturization and mobility in cameras was especially evident, with a great number of new portable, back-pack type cameras on display. The old print journalist's sneer about the two-thousand pound pencil is rapidly becoming obsolete.

**B**UT WHILE the engineers were absorbed in their phosphors and all these dandy new toys, the management folks were absorbed in their own problems. Perhaps the most out-front statement of what broadcasting managers are concerned about these days was provided by Herb Jacobs, chairman of TelComm, Associates, Inc., who moderated a panel on "Television Programming for the Future." Jacobs seems to be well-known in "the industry" and is regarded as a good ol' boy and quite a card. After making a few cracks about the "bunion derby" in the exhibit hall, Jacobs got down to a serious

discussion of the state of industry.

"We have in this country a shadow government," he said. "And this shadow government grows stronger all the time. Now, nobody elected these people. Ralph Nader never ran for Congress, although Nick Johnson may. Now there's a campaign contribution for you to consider — his opponents.

"Tax-supported foundations are spending millions daily to break up the Establishment — of which we in this room are all in the forefront. Nationally-oriented church groups are out to get us," Jacobs said. "And the militants and minorities don't like us either. The environmentalists and the ecologists don't like where we build our towers. Even the nutritionists are blaming their dental cavities on the candy they saw advertised on TV as children.

"Now, let's concede that these people may have some valid points.

"But if you think they can't move your world, I'd like you to consider some of their accomplishments, which only a few years ago would have been unthinkable," he said.

"Rightly or wrongly, they stopped the SST cold. Maybe it should have been stopped — the point is — they did it. I'm not certain, but couldn't part of our oil crisis be attributed to their hold-up of the Alaska pipeline? And, because of them, dozens of nuclear generating plants remain unbuild.

"And, thus far, our own industry has lost over one billion dollars in tobacco revenue. They did it.

"Hundreds of station licenses have been held up by petitions to deny renewal — many of them frivolous. And stations *have* lost licenses," Jacobs insisted.

"They have initiated the threat of counter-advertising and they have cast suspicion on the honesty of almost all advertising for every product. The list goes on and on. But because time is of the essence, let's zero in on their shadowy motives toward our future.

"With respect to television, their predictable target is not so much you, the broadcaster, as the content of the programs you now present, and those you'll be presenting during the next five years. Therefore, if the shadow government is getting stronger and bolder, so must we, if we are to cope with them. If programming is the target, then our programs will have to be stronger, guttier and more responsive," Jacobs said.

"The question is: Will we permit our programming to deteriorate under the pressures from the shadow government, so that we are merely conduits for every half-baked idea they want spoon-fed to the people?

"Or, will we draw the line and tell them to 'get lost' — by continuing to make our own responsible program decisions, based upon what we — not they — determine to be in the best interest of all the people?"

**O**.K., it isn't easy to define the public interest. Anyone who has been much involved with politics is familiar with the phenomenon of folks claiming to be motivated by zeal for the public welfare as they push for measures designed solely for their private gain. I used to wonder how it was that such people could convince themselves so thoroughly of the purity of their motives. After a while I stopped asking, "Are they sincere?" and started asking, "Does it matter if they're sincere?" In politics, one deals with the results: the N.A.B. convention was a case study in the process.

The first major concern of the N.A.B. management sessions was House Bill 12993, the license renewal bill. I am sure that even Vincent Wasilewski, president of the N.A.B., would admit that this is a bill for broadcasters, i.e., a special interest bill. That doesn't make it bad, *per se*, but while the bill would make life easier for the people who already hold FCC licenses, it would also make it harder for everyone else, somewhere over 99 percent of the people in this country, to challenge those licenses. The bill, which has been unanimously passed out of the House Commerce Committee, would lengthen the licensing period from three to four years. The committee and the N.A.B. haggled over the licensing period as though they were Israel and Syria trying to settle the Golan Heights question: the N.A.B. started with a demand for a seven-year license. Since most challenges are supposedly brought because a station has failed to live up to its obligations to the public interest, the N.A.B. wouldn't appear to have a strong case. But Wasilewski maintains that many of the challenges are worse than frivolous — they're downright, egregious trouble-making. He feels that court decisions, in particular those made by the Washington, D.C., Circuit Court of Appeals, have aggravated a bad situation to the point at which it is no longer tolerable to those in "the industry." To listen to Wasilewski is to believe that the poor, innocent, *bébé*s in the industry have to spend 90 percent of their time worrying about license challenges and can't hardly get on with broadcasting at all.

But one man's frivolous challenge can be another's outrage. The Rev. Jesse Jackson, black leader of Chicago's Operation PUSH, paid a brief visit to the Houston convention and announced that the N.A.B. was "the epitome of institutionalized racism in this country." He further noted that broadcasting is one of the most discriminatory and socially backward industries in the nation and added, "This significant convention is the appropriate time to focus attention on the sorry record of the broadcasting industry on matters relating to the hiring and upgrading of blacks, *chicanos*, Indians and women at all levels of decision-making." Jackson

maintained that streaking had gotten more broadcasting attention that the problems of poor folks. And who was there to say him nay?

The N.A.B. was the target of only one other organized protest, that staged by Houston feminist groups. Although the women's demonstration was well-organized and boasted some clever placards ("Stop F-CCing Around With Our Lives"), it was stolidly ignored by the broadcasters. T'was a fair treat, if one has a turn for saturnine humor, to see the brush-cut delegates running the gantlet of female demonstrators and determinedly paying no mind to them or their signs. Head down, eyes front, hup.

But the N.A.B. feels its own sense of swelling indignation and righteousness on the licensing question. In interview after interview, it became clear these folks have been bugged, man, maybe not personally, but they know of other broadcasters who have been *bugged*, y'understand, by all these *kooks* and that is not right. Actually, they've had the living bleep scared out of them. When a license is challenged, the FCC automatically suspends it. The FCC is not your basic streak of greased lightning in these procedures and you can have your license suspended for a year or more at a crack just because some ding-a-ling thinks you should promote the black janitor to anchorman. And that is a real problem. Because if you own a broadcasting facility, you may have \$50,000 worth of radio communications equipment, but you can sell that station for \$6 million. Because what you're really selling is the FCC license. But if your license is suspended, you are up Kickapoo Creek without a paddle.

**S**EN. LLOYD Bentsen of Texas scratched the N.A.B. right where it itches. "How secure is your freedom under the First Amendment," he inquired of the assembled balance sheets, "when you have the prospect of an ambiguous license renewal procedure hanging over your head like the Sword of Damocles? The future of TV and radio stations across this country is in question because of the present license renewal policy. . . . The uncertainty built into present procedures encourages mediocrity and blandness, and a marginal commitment on the part of the licensee.

"And it affects the broadcaster not only at renewal time, but throughout the license time. . . . A broadcaster who seeks to improve the quality of transmission and service must make long-term capital commitments. Since the cost of these investments cannot be amortized over a *reasonable* time period, the risk is unnecessarily high. [A depletion allowance for broadcasters?] The risk of arbitrary or capricious cancellation of this license places him in double jeopardy. . . . I have introduced legislation in the Senate that would clear up the ambiguities and uncertainties of the renewal process by setting out, in plain language and well-defined terms, the authority of the FCC. Under this bill, renewal would be awarded to any applicant who is legally, financially and technically qualified. If his broadcast service during the preceding license period has reflected a good faith effort to serve the needs and interests of his area, and if he has not demonstrated a disregard for the law or for FCC regulations. . . . And further, I propose to extend the present three-year licensing

period to five years."

The broadcasters reacted like cats to catnip.

Texas' other senator distinguished himself by failing to appear at the convention at all. According to syndicated columnist Marianne Means, Sen. John Tower had been invited to fly to Houston with the President and to accompany him to his press conference there. Tower told the White House he was "too busy." You will all recall that "Little John" got himself re-elected in 1972 largely on the ground that he was close to the President. Remember the TV ads with Nixon describing Tower as his "good friend and adviser?"

Now that Nicholas Johnson has ended his "seven year itch," as Wasilewski describes that gentleman's tenure on the FCC, N.A.B.'s new champion trauma is pay-TV. During the four-day convention, Wasilewski appeared on an early-morning local talk show with a fellow from the FCC who calmly noted that if "in 10 years, we find there are 40 or 50 million Americans willing to pay to see television programs they can select on their own, without any commercial interruptions, then the entire structure of television as we know it today will be dramatically altered." Wasilewski suddenly looked as though he'd had too many prunes for breakfast.

**T**HE N.A.B. seminar on "Meeting the Siphoning Threat" (from pay TV) should've been chaired by the Red Queen. *Mondo bizarro*. I've seen some 180's in my time, but this was outstanding. These were the very same guys who, when discussing license challenges, dismissed demands for

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more programming about blacks, browns and the problems of the poor as though they had been advanced by the Symbionese Liberation Army without Patty Hearst in tow. Anybody who wants more programming for the minorities than that afforded by televising Billy Graham's crusades — after all, Graham's efforts are integrated — probably has commie tendencies. (I was actually told this by one broadcaster, but he was a trifle spifflicated at the time and should not be held responsible.) But when it comes to pay-TV, the bleeding hearts squared are in the N.A.B. Willard Walbridge, chairman of the N.A.B.'s pay TV committee, said with a straight face, "The broadcasters are in this battle for the people, all the people — the indigent, the poor, the elderly. We speak for those who are not part of the affluent elite. If people are 'allowed' to pay for television, it will disfranchise those in the center cities," Walbridge said.

Eamonn Brennan of Hill & Knowlton, a big-time public relations firm with lots of Washington lobbying experience, tried to present a spiffy slide show on what Hill & Knowlton has been doing to help the N.A.B. stave off pay TV. The guy running the projector kept getting the slides out of sync with Brennan's script.

"Our concern is with the quality of life," Brennan declared. "Pay TV does not merely siphon away our profits, it siphons away the quality of life." Much scorn was heaped on the "CATV Hollywood producers." It seems they are elitists and represent nothing more than a special interest group.

Forewarned being forearmed, you should know that Brennan & Co. are about to enlist you and me in the battle against elitists, in the fight against special interests. Hill & Knowlton has prepared kits for the broadcasters. "How to Get an Anti-Pay TV Group Started in Your Town." They're taking their case to the Farm Bureau, the VFW, the old folks groups and the 4-H. They're urging broadcasters to put programs on the air locally about the threat to free TV. "Why should you start paying for programming you can already see free?" is the suggested topic for local talk shows. They have a dynamic cover article in "TV Guide" coming out. They've got bumperstickers, lapel buttons and flyers for mass distribution. After all, it's a campaign in the broad public interest.

"Organize local coalitions to keep free TV free," urged Brennan, in the style of a college coach whose team is behind at half-time. "Fill in your cards to get these kits today," he harangued, as his slides ran amuck. "We want to recruit you to become anti-siphoning activists!"

Activists! Dread word for N.A.B.'er's fighting license challenges. But they're nothing if not adaptable, those N.A.B. folks. If, I thought after three days with them, it concerns their self-interest, they are a group you can count on to be consistent, in their own weird way.

Then arrived Richard Nixon, who had merely accused them in public of being vicious, distorted, hysterical and outrageous.

I couldn't help comparing Nixon's public statements to the broadcasters with the internal correspondence of five years of White House feuding with the networks. If the broadcasters present in Houston made that comparison, it didn't show.

On October 17, 1969, former White House aide Jeb Stuart Magruder wrote former Presidential Assistant H. R. Haldeman:

"I have enclosed from the log approximately 21 requests from the President in the last 30 days requesting specific action relating to what could be considered unfair news coverage. . . . In the short time that I have been here, I would gather that there have been at least double or triple this many requests made through other parties to accomplish the same objective.

"It is my opinion this continual daily attempt to get to the media or to anti-Administration spokesmen because of specific things they have said is very unfruitful and wasteful of our time. . . .

"The real problem . . . is to get to this unfair coverage in such a way that we make major impact on a basis which the networks-newspapers and Congress will react to and begin to look at things somewhat differently. It is my opinion that we should begin concentrated efforts in a number of major areas that will have much more impact on the media and other anti-Administration spokesmen and will do more good in the long run. The following is my suggestion as to how we can achieve this goal:

"1. Begin an official monitoring system through the FCC as soon as Dean Burch is officially on board as chairman.

"2. Utilize the anti-trust division to investigate various media relating to anti-trust violations. Even the possible threat of an anti-trust action I think would be effective in changing their views in the above matter.

"3. Utilizing the Internal Revenue Service as a method to look into the various organizations that we are most concerned about. Just a threat of IRS investigation will probably turn their approach."

Attached to this memo was a list of requests from the President which included:

"President's request that you take action to counter [CBS Newscaster Dan] Rather's allegation that the Hershey move was decided upon because of the moratorium.

"President's request for a report on what actions were taken to complain to NBC, Time and Newsweek concerning a recent article coverage on the Administration.

"President's request that you take appropriate action to counter biased TV coverage of the Administration over the

summer. CONFIDENTIAL.

"President's request that you ask Rogers Morton [Interior Secretary] to take action to counter [ABC Newscaster] Howard Smith's remarks concerning the three House seats lost by the GOP this year."



The consensus among the sharpies who watch these things is that the broadcasters did a better job of questioning the President than did the American Society of Newspaper Editors at the press conference held at their convention at Disneyworld. The session started with a question about whether Sen. James Buckley's call for the President to resign might cause Nixon to reassess his position. Nixon got no further than, "Well, first, it does not cause me to reassess my position. . . ." and the broadcasters broke into enthusiastic applause.

On February 4, 1970, Haldeman wrote Magruder:

"The need, probably, is to concentrate on NBC and give some real thought as to how to handle the problem that they have created in their almost totally negative approach to everything the Administration does. I would like to see a plan from you; don't worry about fancy form; just some specific thinking on steps that can be taken to try to change this. . . .

"Another area is the mobilization of the Silent Majority. . . . We just haven't really mobilized them, and we have got to move now in every effective way we can to get them working to pound the magazines and the networks in counteraction to the obvious shift of the establishment to an attack on Vietnam again. Concentrate this on the few places that count, which would be NBC, Time, Newsweek and Life, the New York Times, and the Washington Post. Don't waste your fire on other things."

A few moments later, the President, still discussing the question of his resignation, said, ". . . if I could address that from the personal standpoint, first of all, it would perhaps be an act of courage to resign." At that point there was again applause, but this time it was much lighter, scattered and in fact did not come from the broadcasters, but largely from a section in the balcony to which some young people with press credentials had been admitted.

On July 16, 1970, Larry Higby, Haldeman's aide, wrote to Magruder:

April 12, 1974

"We need to get some creative thinking going on an attack on [Newscaster Chet] Huntley for his statements in Life. . . . The point behind this whole thing is that we don't care about Huntley - he is going to leave anyway. What we are trying to do here is to tear down the institution. . . . Let's put a full plan on this and get the thing moving."

Chet Huntley died the same night the President held that press conference. The next morning at the N.A.B. convention, there was high praise for Huntley in almost every seminar and panel. At the final luncheon of the convention on March 20, everyone stood in a moment of silent prayer in Huntley's memory. The guest speaker at the luncheon was Sen. Mike Mansfield from Huntley's home state of Montana and he spoke briefly of what a fine man Huntley was. And everyone who spoke well of Huntley that morning was given loud applause - but not as loud as that given the President the night before.

On July 17, 1970, Magruder wrote to Haldeman:

"Objective: To question the overall objectivity of a television newscaster [NBC's Chet Huntley] who has expressed opinionated views [in the July 17 issue of Life] in an influential consumer publication while still employed as a supposedly objective television newscaster and to question the motivation for such remarks and the possible breach of professional ethics by allowing such remarks to be published prior to retirement into private life. Further, to extend these questions to cover the professional objectivity and ethics of the whole media and to generate a public re-examination of the role of the media in American life. . . ."

A lot of Texans were on the stage with Nixon that night and there was some home-town boosting out in the audience. Some ol' boy from Baytown had a moment of glory and David Day of Texas State Network got to ask a question. Day is mostly famous for the time he almost got strangled by former Land Commissioner Jerry ("the Austin Strangler") Sadler.

The President was reminded that he has said he does not expect a recession, but that a new Harris poll shows that 80 percent of the people think we're already in one. "What do you think is causing this illusion of economic recession in the minds of 80 percent of the people?"

A: "Because 80 percent of the people listen to radio and television," quipped the President.

Heh, heh, said the audience. What a quipper.

On August 26, 1970, Colson wrote Haldeman:

"I think it is time for us to generate again a PR campaign against the Democrats and CBS."

On the memo was the notation: "Absolutely.-H."

Then Nixon said again that he is not obsessed by press reports, is not going to be diverted from his objectives by press criticism and that he thinks a President should "treat the press just as fairly as the press treats him."

There was some applause. I swear to you, there was applause at that point.

On September 25, 1970, Colson wrote Haldeman, in an "Eyes Only" memo:

"The networks are terribly nervous over the uncertain state of the law, i.e., the recent FCC decisions and the pressures to grant Congress access to TV. They are also apprehensive about us. . . ."

"ABC and NBC believe that the whole controversy over 'answers' to the President can be handled by giving some time regularly to presentations by the Congress. . . . (On this point, which may become the most critical of all, we can split the networks in a way that will be very much to our advantage.)"

"This all adds up to the fact that they are damned nervous and scared and we should continue to take a tough line, face to face, and in other ways."

"As to follow-up, I believe the following is in order:

"1. I will review with [then CBS President Frank] Stanton and [NBC President Julian] Goodman the substantiation of my assertion to them that their news coverage has been slanted. We will go over it point by point. This will, perhaps, make them even more cautious."

"2. There should be a mechanism . . . every time we believe coverage is slanted whereby we point it out either to the chief executive or to whomever he designates. . . . We should do it so they know we are not bluffing."

"3. I will pursue with ABC and NBC the possibility of their issuing declarations of policy (one that we find generally favorable as to the President's use of TV). If I can get them to issue such a policy statement, CBS will be backed into an untenable position."

"4. I will pursue with Dean Burch the possibility of an interpretive ruling by the FCC on the role of the President when he uses TV, as soon as we have a majority. I think this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks and their professed concern with achieving balance."

"I think we can dampen their ardor for putting on 'loyal opposition' type programs."

Then came the Rather interlude. The President's "press conference" was rigidly structured. There were 62 people invited to ask questions - most of them news directors of their stations plus a few network and wire reporters. But they were told beforehand that there would be time for only about 12 questions (there were 18, it turned out). At the pre-conference briefing the questioners were also advised to be polite and respectful. There were two

mikes on the stage, among the 62 men, and for each one there was a "traffic director" who selected the people who got to ask the questions.

While the President was engaged in answering one question, Dan Rather of CBS was called on and he walked over to the unoccupied mike and stood there. And stood there and stood there. Could the only President we've got be so petty as to try to run out his time before Rather could get in a question? I clocked Nixon's blah, meandering response to the question preceding Rather's at over eight minutes. When Rather finally got his turn, he no sooner got out, "Dan Rather of CBS, Mr. President. . ." than, lo, there was a considerable round of applause out in the audience. Some commentators later made much of this phenomenon. Since the President's feud with Rather is well-known, some observers thought the applause indicated anti-Nixon sentiment there in the bosom of the N.A.B., that it was a form of insult to the President, a way of letting Nixon know there were some folks out there who didn't like him without actually booing or hissing him. Others thought the applause for Rather simply indicated respect for him as a newsman - that those were broadcast journalists out there paying respect to one of their own who has a reputation as a gutsy guy. But the applause for Rather was none of the above. The people clapping were representatives of the C.B.S. affiliates and they clapped because they are good company men.

When it was all over, the audience rose and applauded and applauded. Vicious. Distorted. Hysterical. Outrageous. Treat the press just as fairly as the press treats you. Vicious, distorted, hysterical, outrageous. Viciousdistortedhystericaloutrageous. M.I.

Much of the material in this article was originally developed for [MORE], the New York Journalism Review.

"We used to sit around and say not much more can happen. Well, as it turned out, we were wrong. We kept saying the other shoe has to drop soon. But now we find out the President is a centipede."

-U.S. Rep. John Ashbrook, R-Ill.

In early 1971, Leon Jaworski addressed the Southern Baptist Christian Life Commission on "Our Responsibility to the Rule of Law." His speech was an attack on civil disobedience. He said, "With an avalanche of disobedience descending upon us, I had hoped for indications that the church and its organizations would take a leading role in re-establishing throughout our land a dedication to the acceptance of the rule of law and firmly denounce the concept that the individual has a right to choose which law to obey and which to defy. It seems that I have hoped in vain."

"The simple truth is that there is not a single worthy social or political gain that an interested citizenry cannot gain by resorting to democratic processes. This is the first commandment of citizenship the church should teach."

## A conversation with the Texas Research League

down, I opened the 1972 report and began to read the Message from the Chairman.

"Twenty years ago," it said, "a few farsighted and public-spirited Texans conceived the idea of a privately supported, citizen controlled, nonpartisan research agency to study the problems of state and local government and the agencies created to deal with these problems. Thus was born the Texas Research League."

Well, I knew better than that. According to records in the secretary of state's office, the TRL grew out of an existing agency called the Texas Economy Commission which was chartered on June 19, 1950. In a story written on June 13, 1950, the same day that the commission held its organizational meeting in the chamber of the House of Representatives, *The Austin Statesman* reported that "Governor Shivers, who appointed the 600-odd member unofficial agency, outlined his views in a talk at its opening session. . . . Gov. Shivers and others pointed out the work of this statewide commission, representing every segment of Texas economic life, does not conflict with the work of the Legislative Council, studying state administration. The council likewise has voted to stay out of the area which the commission will study." And what might that area be? Taxes. The *Statesman* noted that the commission "started its program with a detailed study of taxation."

Two year later, in July of 1952, the Commission became the Texas Research League. Putting down the League's annual report, I couldn't help but wonder if they were as loose with their statistics as they appeared to be with their history.

The league's 1973 report did nothing to reassure me on that score. The back cover proclaimed that "Support from public-spirited citizens [TRL gives that phrase a real workout], representing the full spectrum of community interests, is a unique part of the league." Arranged around this assertion were seven pictures of the lawyers, bankers, railroad representatives, utility honchos, *et al*, who apparently represent the full spectrum of community interests, in the Texas Research League's objective understanding of that concept. I'll eat the League's report in the Capitol rotunda if any of those 22 white men is black, female, *chicano* or worth less than \$100,000.

"Can anyone join the League?" I asked the receptionist.

"Sure."

"And I'll be on the same list as the rest of the members? I mean, you don't have different classes of members or something?"

"No. Maybe you'd like to talk to our business manager, Mr. French. He can tell you more about this than I can.

"Okay," I said. I had no intention of joining even if they'd let me, but I had a few questions I wanted to ask French. I couldn't believe that they'd let just anyone

join. There had to be some kind of catch. You just don't get a membership list like the Research League's by opening your doors to the masses. There are 842 entries on the TRL's current list of subscribing members. About 500 of those are corporations, 200 are banking institutions,

By John Muir

100 are individual entries and the rest include an assortment of law firms, architectural partnerships, professional associations, and the like. Fifty of the members are listed in a box accompanying this article. Those are just the *industrial* corporations with 1972 sales of \$1 billion or more. The list doesn't include the utilities, railroads, insurance companies and retail stores which belong to the league and are just as big.

Mr. French confirmed the fact that I could join the League if I wished, but that there would be a minimum contribution of \$50 required of me if I intended to join as an individual or \$125 if I wished to join as a business. "Does the League have many members like me?" (I couldn't imagine how I'd feel at an annual meeting.) Mr. French assured me that the TRL was a very broad-based organization. College professors and housewives were two groups he mentioned specifically which I had not previously detected in my perusal of the membership list. We talked for a while about research in general before I returned to the question of the League's composition. "Why," I asked, "is Del Monte a member of the Research League instead of someone else?"

"I don't know if you'd believe it or not, but Del Monte isn't a very large contributor to the league," he said.

"Sure, I'd believe it. But that's not my point. My point is who the league members *are*, and in Zavala County, for instance, they're Del Monte Foods, Inc., and the Chaparrosa Ranch. It's hard to accept your version of the League's broad-based support in view of who its members actually are."

"The League represents the interests of all Texans," countered French, "but if you've got a big slice of the pie you'll be protected more than some little guy who's just got a small slice of the pie. That's just the way things are."

Finally something that rang true. I thought about pulling out my pen and asking him to repeat it, but figured that might be rude. As it turned out, however, our conversation was over anyway. Walking back to the library I found myself staring incredulously at passage after passage in the league's reports. "By ascertaining public policy trends in advance, alternatives can often be suggested for meeting service needs in a manner that will lessen the pressure for new taxes." How does one determine what a public policy

*Austin*  
The other day, having spent several hours in the State Reference Library delving into the history of the Texas Research League, I decided to walk over to their headquarters and make a few direct inquiries about the League's membership, finances and philosophy.

It's not a long walk at all from the Capitol to their offices: several blocks through an Urban Renewal wasteland of parking lots so new you can still remember the neighborhoods they once were. Other than state office buildings, and a couple of beautiful little limestone structures spared as remembrances of things past, the modest two story red-brick-and-glass office building which houses the TRL is the only structure standing for several blocks around.

My plan was to find out what kind of response the League makes to inquisitive strangers who show up in their office. "I'm interested in research on Texas," I announced to the receptionist. "Can you give me some literature that describes what y'all do?" She produced copies of the League's 1972 and 1973 annual reports and a folder bearing the title "Citizen Research in Texas Government." Sitting

will be in advance? Unless, of course, one is making the policy decisions.

"During 1974, a major part of the League's resources will be devoted to an in-depth study aimed at top-level reorganization of the state government with special concentration on agencies dealing with natural resources, revenue collection and youth services." Can someone tell me how the Research League is going to be objective about that kind of task? Its members *are* the top level of government and they *own* the natural

resources of the state. Objectively, now, who do you suppose is going to benefit from the league's successes in keeping taxes down?

On Jan. 30, El Paso Rep. Luther Jones sent a letter to Price Daniel, Jr., requesting an "immediate House investigation of the Texas Research League [and] its involvement and relationship to state government, particularly in providing research that directly or indirectly affects State policy." Immediately would be none too soon - for my money and for yours.

## South Texas members

*Uvalde, Crystal City, Carrizo Springs, Laredo*

In that part of Texas which lies south and west of San Antonio, the Texas Reserach League claims five members: the First State Bank of Uvalde, the Chaparrosa Ranch, Del Monte, Inc., J. C. Martin, Jr., and the Texas-Mexican Railway Company.

The First State Bank of Uvalde is one of Gov. Dolph Briscoe's banks. The financial statement which he filed with the secretary of state's office on March 4 listed it as a subsidiary of Briscoe Ranch, Inc., which owns 103,855 out of the total 180,000 shares of the bank's stock which have been issued.

Although it is the bank - not Briscoe - which appears on the TRL's list of subscribing members, the League's annual

report of 1972 clarifies the status of Briscoe's membership. "Dolph Briscoe became Governor of Texas on Jan. 16, 1973," it states. "Mr. Briscoe has been a contributing member of TRL for several years and has already indicated that he will call upon the League during his administration."

Briscoe's financial statement also revealed that the governor owns, either individually or through family corporations, a controlling interest in the Security State Bank of Pearsall; stock holdings in several dozen other banks and companies; and almost 340,000 acres of land in nine southwest Texas counties. However, at least two discrepancies between the report and county tax records have come to light since it was filed last

month. One has to do with a 2,288 acre piece of land which Briscoe claims to own in Zavala County in the name of Olmitos Ranch, Inc., one of his family corporations. The 1973 tax rolls for Zavala County do not contain a listing for any taxes paid by Olmitos Ranch. And in La Salle County, where Briscoe claims to own only 61 acres of land, the 1973 tax records show that Olmitos Ranch paid taxes on 1,487 acres of land.

After filing his financial report, Briscoe was asked if he could estimate his net worth. He said he couldn't. "But I'll tell you one thing," he said. "As long as I live, I'll try to increase my net worth." He has not hesitated to seek help from the federal government in his efforts to do so. In 1972 he picked up \$8,905 in farm subsidies in his own name and his kids collected another \$9,789 for their Indian Creek Ranch partnership.

Although Briscoe is presently the dominant figure among the wealthy rancher-bankers from southwest Texas, he's not the only one who appears on the TRL's membership list. Belton Kleberg Johnson's 71,609 acre Chaparrosa Rnach, headquartered in La Pryor, is new to the League's list, but Johnson himself has served on the TRL's board of directors for at least the last several years.

Johnson, a Republican, is a member of the famous Kleberg-King Ranch clan. An acquaintance of his, who confesses to a certain envy of Johnson's financial status, describes B. K. as "a handsome six-foot

## 'A few farsighted and public spirited

Ranking	Corporation	Headquarters	Sales		
1.	General Motors	Detroit	\$30,435,231,000	27	Union Carbide
2	Exxon	New York City	20,309,753,000	30	Bethlehem Steel
3	Ford Motor	Dearborn, Mich.	20,194,400,000	31	Greyhound
4	General Electric	New York City	10,239,500,000	36	Phillips Petroleum
7	Mobil Oil	New York City	9,166,332,000	37	Occidental Petroleum
8	Texaco	New York City	8,692,991,000	41	Dow Chemical
11	Gulf Oil	Pittsburgh	6,243,000,000	42	Beatrice Foods
12	Standard Oil (Calif.)	San Francisco	5,829,487,000	46	Monsanto
13	U.S. Steel	New York City	5,401,773,000	48	Borden
14	Westinghouse Electric	Pittsburgh	5,086,621,000	52	Union Oil of California
15	Standard Oil (Ind.)	Chicago	4,503,372,000	57	American Can
16	DuPont	Wilmington, Del.	4,365,900,000	59	Sun Oil
17	Shell Oil	Houston	4,075,898,000	60	Armco Steel
23	Eastman Kodak	Rochester, N.Y.	3,477,764,000	61	Coca-Cola
24	Continental Oil	Stamford, Conn.	3,414,984,000	62	Champion International
25	Atlantic Richfield	Los Angeles	3,320,793,000	63	Cities Service
26	Tenneco	Houston	3,275,411,000	72	Aluminum Co. of America
				75	TRW, Inc.

ne'er-do-well." In addition to his ownership of the Chaparrosa, Johnson is also a director of King Ranch, Inc., First City National Bank (Houston), First City Bancorp, National Bank of Commerce (San Antonio), National Financial Credit Corporation of Texas and the United States Trust Company (New York City).

These, presumably, are the qualifications which led to Johnson's appointment as one of the 43 members of Nelson Rockefeller's National Commission on Critical Choices for Americans, a traveling roadshow which stopped in Austin on April 1 & 2.

Of the five TRL members in this part of Texas, Del Monte most nearly represents the typical league member. As a giant multinational corporation, its primary responsibility is to make a profit. Its sense of corporate responsibility at the local level rests firmly on the fact that it is the largest employer in Zavala County and that its presence there over the last three decades has had a beneficial effect on the economy of the area. But the local residents know that Del Monte is moving its farms and its canneries to Mexico and the Phillipines where an even poorer labor force stands ready to help Del Monte meet its primary responsibility to make a profit.

During the last ten years, as *La Raza Unida* has become an increasingly powerful force in local politics, the county's residents have become aware of the role Del Monte has played in their lives. The statue of Popeye which the company contributed to Crystal City, "The Spinach

Capital of the World," now stands neglected, its paint peeling and faded, a symbol of the local residents' attitude. Del Monte's alliance with the powerful *anglo* minority in the county has succeeded in keeping the company's 22.5 acre industrial site on the northwest side of town from being annexed by the city. Del Monte's success in avoiding city taxes is a lesson for Crystal City's poverty-stricken, tax-paying, *chicano* population in the dynamics of good government in a company town.

The two remaining TRL members from this part of Texas are both from Laredo, although the Texas-Mexican Railway wanders through the oil fields and ranch lands of south Texas on its way to Corpus Christi. A freight line, the Tex-Mex has been under the control of the Manufacturer's Hanover Trust Co., N.Y., since 1902. The 1974 edition of Dun & Bradstreet's *Million Dollar Directory* puts its sales at a modest \$6 million. The most familiar name on the Board of Directors is that of Richard King III, who is also a director of the Corpus Christi State National Bank and Federated Texas Bancorp, Inc.

J. C. Martin, Jr., repeats the rancher-banker-politico pattern seen earlier in Briscoe and Johnson. His family has long been a powerful force in the Independent Club, the political group which runs local politics. Martin, descendant of at least eight former mayors of Laredo, has occupied the office himself for the past 18



years. His Uncle Albert, who spent 14 years in the office, is presently on the Board of the Texas-Mexican Railway Co.

Residents of Laredo, which probably has more miles of unpaved road than any city of comparable population, joke openly about the condition of city streets as opposed to the roads which have been built on the land belonging to the mayor and his family with county equipment. The 1973 Webb County tax rolls list 28,000 acres of land in the name Minnie B. Martin, in care of the mayor's office. The mayor and his son, J. C. Martin III, also own considerable acreage in their own names. The mayor is a director of the Laredo National Bank.

J. M.

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## Texans' from the TRL's membership

New York City	3,261,322,000	81	Owens-Illinois	Toledo, Ohio	1,636,295,000
Bethlehem, Pa.	3,113,602,000	87	General Dynamics	St. Louis	1,539,390,000
Phoenix	2,903,607,000	91	FMC	Chicago	1,497,718,000
Bartlesville, Okla.	2,512,742,000	100	Getty Oil	Los Angeles	1,405,298,000
Los Angeles	2,487,247,000	103	PepsiCo	Purchase, N.Y.	1,400,115,000
Midland, Mich.	2,403,709,000	104	PPG Industries	Pittsburgh	1,395,921,000
Chicago	2,384,410,000	105	Celanese	New York City	1,384,800,000
St. Louis	2,225,400,000	106	American Cyanamid	Wayne, N.J.	1,358,852,000
New York City	2,192,919,000	109	Johnson & Johnson	New Brunswick, N.J.	1,317,683,000
Los Angeles	2,098,175,000	113	Marathon Oil	Findlay, Ohio	1,277,613,000
Greenwich, Conn.	2,015,514,000	114	Olin	Stamford, Conn.	1,250,901,000
Philadelphia	1,917,977,000	117	Teledyne	Los Angeles	1,215,991,000
Middletown, Ohio	1,910,765,000	123	Reynolds Metals	Richmond, Va.	1,162,183,000
Atlanta	1,876,192,000	129	General Tire & Rubber	Akron, Ohio	1,093,477,000
New York City	1,871,735,000	136	NL Industries	New York City	1,013,698,000
New York City	1,862,100,000				
Pittsburgh	1,753,020,000				
Cleveland	1,687,510,000				

Information in this list is from the May, 1973, *Fortune* magazine ranking of the 500 largest industrial corporations in the U.S. according to sales for the preceding year. Although most of the companies listed above are members of the Texas Research League in their own name, some are represented through one or more wholly-owned subsidiary.

# Before the recess

• Interesting goings-on at the Constitutional Convention. First of all, the delegates have apparently settled the question of how long they will work and how long they will campaign. After a long and somewhat rancorous debate, the convention voted to recess from April 5 until May 6, and to extend the finished-product deadline from May 31 until July 31. The decision allows members to campaign for re-election to the Legislature or for election to other positions (they will undoubtedly be asked why they couldn't finish the constitution in 90 days). It also will require them to appropriate additional money for the second half of their deliberations. Estimates vary, but the supplemental sum will probably be somewhere between \$500,000 and \$1,500,000. That money

## Political Intelligence

may become a campaign issue, as well.

The debate over recessing came just after delegates had given temporary approval to the finance article, and it neatly symbolized the convention's dilemma in the last two weeks. Delegate and Rep. Ray Hutchison, the articulate conservative Republican from Dallas, put it this way: "The press — and maybe it's completely justified, I don't know — has been so close to the scene that they've been looking more at how the sausage is made than at how it tastes."

Among the other things the press has

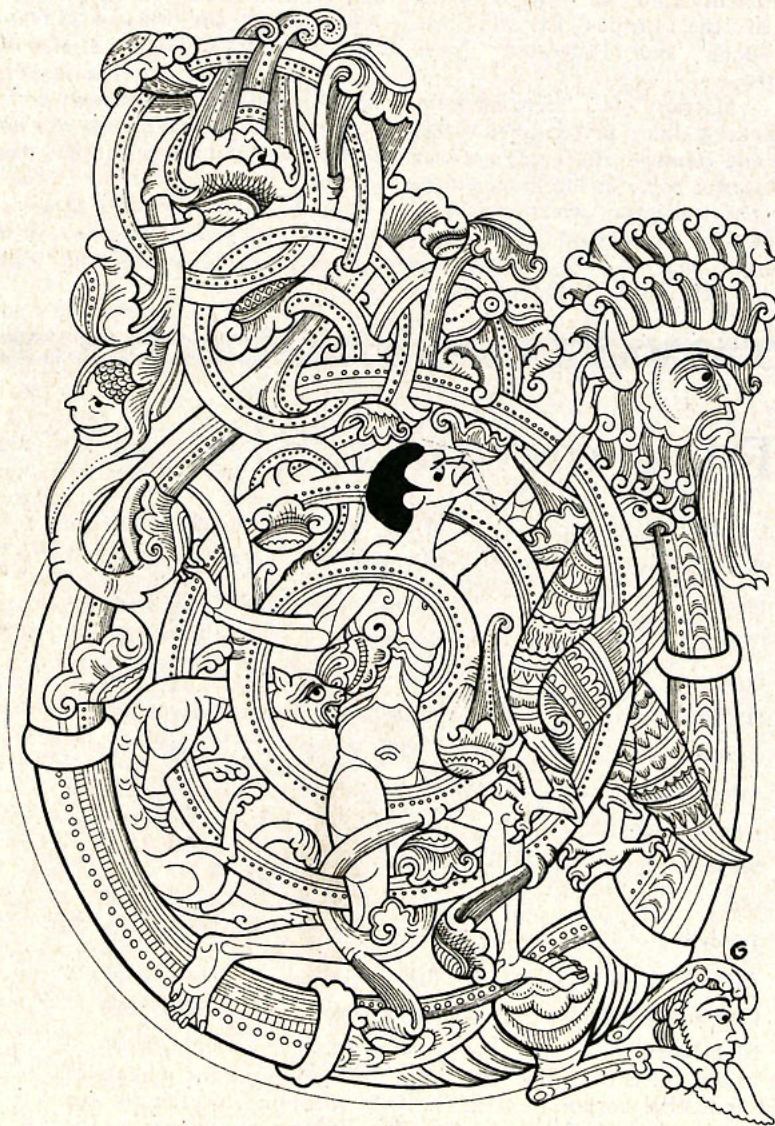
been looking at is button-pushing, the casual custom among legislators by which votes are cast for members who are not present on the floor, and absenteeism. Convention President Price Daniel, Jr., ever a man with an eye out for a good convention image, instituted oral roll calls in the morning and sealing of absent members' voting machines after a flurry of published accounts naming names and numbers.

• While this process-watching was going on, the convention was slogging through the finance article. Amid all the pressures on the delegates from innumerable and unpredictable sides, the convention as a whole produced an Article VIII that — well, it's really not bad. The Highway Fund, which had to rank as the most controversial item in the article, came through not-quite-uncatched. After uncounted attempts to crack the kitty for mass transit, delegates opted for keeping the Good Roads Association language in the article proper but submitting an alternate proposition to the voters. The alternate language, if adopted, would provide that all revenues from any increase in the gasoline tax (currently five cents per gallon, the lowest levy in the nation) would be split between the Available School Fund and the state's general revenue fund.

Mass transit, in turn, got a pat on the head. The article allows the Legislature to spend money on mass transit and to authorize special authorities (like the ill-fated HARTA of last year — see *Obs.*, Nov. 2, 1973) to do the dirty work of planning and building mass transit systems. Trouble is, no one on the floor claimed seriously that the Legislature does not have such authority under the 1876 constitution. And several members felt that inclusion of such explicit language (specifically, "state taxes not dedicated by this constitution") would invite a court ruling that Highway Fund expenditures for even minimal mass transit purposes, like bus lanes, are prohibited.

On the plus side, the convention retained virtually unchanged the Finance Committee's recommendations for reform of *ad valorem* taxation. The draft article, as tentatively approved, directs the Legislature to "provide for the establishment and enforcement of appraisal standards and procedures," including qualifications for tax appraisers, for the entire state. It also provides that only one appraisal of property should be made in each county, so that all taxing authorities would work from the same appraised value. And it allows taxpayers to place their payments in escrow while appealing appraisals.

• Rep. Neil Caldwell, the puckish chairman of the Finance Committee, told the *Observer* he was satisfied with the convention's work on Article VIII. "I'm pleased not only with the good that was done, but also with what we managed to escape," he said. On the last two days of



The convention comes to grips with taxation

debate, the convention escaped a great deal: a welfare ceiling, a right-to-work provision, various prohibitions on establishment of an income tax and a Texianized version of Ronald Reagan's tax-limitation plan.

This last proposal — an amendment by Rep. Dave Finney, the Fort Worth sharpie, to limit total state tax revenue to 6.75 percent of the state's total personal income— was what got Caldwell most exercised. The amendment failed by an eyelash when offered for inclusion in the article. When Finney brought it up again as a separate submission, the delegates voted not to table by nine votes. For what seemed like the hundredth time, Caldwell (chomping his now-famous unlit cigar) took the front mike to argue that, "We just don't know enough about what's going to happen in this state to put this in a constitution." For the first time in anybody's memory, he actually lost his temper. When he wasn't at the mike he (along with Rep. Terry Doyle of Port Arthur, who did yeoman service in defending the committee report) could be seen bobbing and weaving around the floor, collaring moderates and holding forth in private, arm-waving debate. And when the dust had settled, Finney's proposal was defeated by 14 votes.

In the process of beating back one amendment, Caldwell may have lost whatever indefinable good feelings made him a dark-horse candidate for speaker. The scenario has always seemed somewhat vague, but numerous House members have suggested that Caldwell could parlay the respect he won as chairman of last session's Appropriations Committee into a compromise choice as next session's presiding officer. After the finance article debate, one member offered this observation: "Lots of people have never seen Neil take sides before, and a lot of people will resent him turning them around [on the Finney amendment], and a whole lot of people don't like losing like that."

Caldwell himself said, "You can just go ahead and print that as gospel, because I'm not gonna run for speaker anyway."

## At the LPTC

It's difficult to tell if the wheels are turning or just spinning over at the Legislative Property Tax Committee (LPTC). The most recent round of action came at the committee's March 18 meeting, at which members approved a detailed study of the true market value of property in 35 Texas school districts. The LPTC action followed several months of agonizing over a plan submitted by the Texas Research League which involved elaborate formulas for estimating the market value of property in 325 school districts. Committee selection of CBM, Inc., from Cleveland, Ohio, and Marshall and Stevens, a worldwide tax appraisal service, was tantamount to rejection of the controversial plan submitted by the TRL

(Obs., Feb. 1, 1974).

According to an attorney general's ruling made at the request of LPTC Chairman Doc Blanchard of Lubbock, material developed in the course of the tax study is public information under the terms of House Bill 6, the new state law providing for disclosure of information in the hands of governmental agencies.

The City of Houston has placed a partial city-wide ban on new building permits. It's not that the city fathers and mothers are opposed to growth. Most of them love it. But the sewer system just can't cope with any more people. A majority of Houston's 43 waste treatment plants are in violation of both state and federal standards. Fred Hofheinz, the new mayor, has a plan for revamping the system with \$100 million in new waste treatment funds, but meantime, new sewer permits will be strictly limited. There will be a temporary moratorium on apartment construction, town houses, high rise residential and office buildings and large commercial developments within the city limits.

## An airport too many

"Love is still our field," an airline advertisement coos to its Dallas customers. The statement is causing quite a rowdydow in North Texas.

Despite the great ballyhoo surrounding the opening of the new Dallas/Fort Worth Airport, three airlines want to continue commuter flights from Love Field, which is handily located near downtown Dallas. A federal court has okayed some of Southwest Airlines' runs out of Love. Now Braniff and Texas International had the bad judgment to sign contracts pledging to use the regional airport, but they too want to continue using Love for commuter flights. Unfair, contend Delta and American. They say that their landing fees at the regional airport are too high because Braniff kept part of its business at Love. And the City of Fort Worth wants Dallas to pay fees to the regional airport for revenue loss if Love remains open for commercial flights. The ruckus will probably have to be settled in court.

Whether the planes continue to fly or not, there's still a lot of Love Field that's vacant and Dallas hired the consulting firm of Arthur D. Little to make some recommendations as to its possible use. The huge main lobby is the biggest challenge and the Little people lamely suggested that it be converted into an aerospace museum. But Wesley Goyer, one of the Six Flags entrepreneurs, has laid a much better plan on the Dallas City Council. Goyer wants to convert the terminal into a huge family entertainment center. All he needs from the city is about \$700,000 for renovation costs, including the installation of pipes so that he can flood the main lobby and turn it into a hockey-sized ice skating rink. There would

be a second smaller ice rink in the entrance to the airline concourse, a roller skating rink along the extended hallway that once housed most of the ticket counters, a multi-screen theater in the coffee shop and ball room dancing in the old Luau dining room. Goyer is offering to pay Dallas almost \$150,000 yearly in rental fees. The city council should approve the scheme, if only because it will make the City of Arlington's roller-skating penguins (Obs., July 25, 1973) lime with envy.

The U.T. regents normally have sense enough to pull such shenanigans between semesters or during finals, but for once their timing was off. The regents announced their decision to remove *The Daily Texan* and student government from the schedule of mandatory fees right in the middle of spring semester and just a month and a half before the May primary. A prime protest and politicking period is no time to launch an attack on student institutions.

The fees that finance student government and the paper traditionally have been mandatory. This stable income source is one of the main reasons that the *Texan* is an unusually strong and influential campus newspaper. The regents maintain that an optional fee system was necessitated by a new state law requiring a redefinition of fees for part time and graduate students. But State Rep. Larry Bales of Austin says he was "amazed at the [regents'] strained legal interpretation" of the bill.

Students immediately rallied to fight the decision. And they're being supported in the Legislature by the black and Mexican-American caucuses, the entire Travis County delegation and a godly selection of legislators from other parts of the state. Sissy Farenthold appeared on campus and said if she's elected governor she won't reappoint Regents Frank Erwin, Jenkins Garrett and Dan Williams when their terms expire next year. "The only way to change the university is to change the membership of the board of regents," Farenthold said.

Erwin got most of the blame. When the Travis delegation met with him to ask for a reconsideration of the board's action, Erwin told them he would "consider the request of the delegation if you can find a way to keep *The Daily Texan* from making our administrators' job so difficult." Erwin said, "We may lose \$12 million in grants because Mr. Kress [the student president] alleging discrimination when there's no real proof of it. The very day we were fighting for the Permanent Fund, with all those close votes and tie votes," Erwin said, "the *Texan* had editorials opposing its retention."

Look for the regents to back down on this one. The Texas Student Publications Board voted unanimously to initiate formal negotiations with the board on the fee situation. □

# A little conflict of interest music, please

By Jackee Cox

Austin

In the State of Texas, one man has administrative authority to decide who shall or shall not be allowed to establish non-profit corporations for the delivery of health care. His name is Sam V. Stone. Stone is paid \$800 per month plus actual expenses for his duties as outside counsel to the Board of Medical Examiners. He also draws a check for his activities as registered lobbyist for the Texas Medical Association (T.M.A.). His partners at law, Phil Overton and Ace Pickens, are also registered as lobbyists for the T.M.A.

How did Mr. Stone fall into his job as Czar of the corporate practice of medicine? His position was conferred upon him by the Board of Medical Examiners. The relationship between the board and the Overton firm is long-standing. Overton himself served as attorney to the board, and two of his previous partners, Pat Bailey (now with the University of Houston) and C. Dean Davis (now with the Texas Hospital Association and the Pharmacy Board) both earned retainers for their legal services on behalf of the board. Stone's employment with the board is somewhat in the nature of a dynastic succession.

Stone met with the board to negotiate the terms of his employment in December of 1970. One of his specifically delegated duties was to "advise the board on rules and regulations pertaining to the Medical Practices Act." The board was getting ready to prepare the amendments to the Medical Practices Act which were passed late in the '71 legislative session. Snuggled way down at the end of those amendments was a sleeper. The bill analysis circulated to the legislators described it as "New section 4509a, pertaining to approval and certification by the board of health, research and educational organizations." Neither the title of the bill nor the amendment on its face would have given the legislators the impression that 4509a would modify administrative procedures in the corporate division of the Secretary of State's office and give the Board of Medical Examiners the power to decide who should and who should not be allowed to incorporate for the purpose of delivering health care.

It is interesting to note that Dr. Merle Delmer, who collaborated with Sam Stone in preparing the administrative guidelines pertaining to the administration of 4509a,



introduced those guidelines to the board as the means for "enforcing the Provisions of Article 4509a - Texas Non-Profit Corporation Act." Dr. Delmer may have been misinformed as to the name of the legislation in question, but his error got to the heart of its hidden intent.

**H**ISTORICALLY, both the Board of Medical Examiners and the TMA have regarded the corporate practice of medicine as blasphemous. They would have the public believe that to allow anyone other than doctors to collect fees for the delivery of medical services seriously endangers the public welfare. Opposition of the board and the TMA notwithstanding, until 1957 nothing in Texas law forbade non-profit corporations from employing licensed physicians for the delivery of health care.<sup>1</sup> Then in 1957 the secretary of the Board of Medical Examiners got an attorney general's opinion (No. WW-278) which held that, "Whenever a corporation employs a licensed physician to treat patients and itself receives the fee, the corporation is unlawfully engaged in the practice of medicine and the licensed physician so employed is . . . subject to having his license to practice medicine in this state cancelled, revoked, or suspended by the Board of Medical Examiners."

Through the Fifties and Sixties the board wielded that opinion as a threat of reprisal against any doctor who might think of engaging his services to a corporate group. The problems which that policy created are documented in correspondence to the board from various unhappy hospitals and nursing home associations which were prevented from providing emergency room and visitation coverage for their patients. The most striking feature of the correspondence is the board's indifference to the plight of individuals deprived of vital medical attention because the board would not permit a third party to arrange for the provision of services. Although the board's

duty is to protect the public welfare, their actions served to defeat that purpose.

The absolute prohibition of the corporate practice of medicine was not in the interests of the people. This became more obvious with the advent of H.E.W. and O.E.O. programs which provide grant funds to non-profit corporations for the delivery of health care. The amendments to the Medical Practices Act written in 1971 served to structure the law in a way that would allow physicians and only physicians to control such funds. When the board hired Sam Stone, they and the TMA Jurisprudence Committee were engaged in discussions of the needed amendments to the Medical Practices Act. In April of '71, Sam Stone wore his TMA hat over to the House Public Health Committee hearing to testify on behalf of those amendments. In June the amendments were passed, and step one of the game plan was completed.

Step two - the drafting of the administrative guidelines for Article 4509a that secured the TMA monopolistic coup - took another year. In December of '72 Sam Stone suggested that the board develop their "guidelines." After several revisions, those guidelines passed in June of '72. Why the delay? Article 4509a specifically required that the board promulgate administrative "rules and regulations." Why did Mr. Stone suggest the use of guidelines?

There is an important difference between administrative "rules and regulations" and administrative guidelines. Rules and regulations as promulgated by an administrative agency fill out the details of duties specifically delegated by law. They are an extension of the law and have the force of law. Rules and regulations, however, may not exceed the authority conferred upon the agency by the Legislature through express statutory language. And rules and regulations are subject to judicial review. If a court decides they exceed the authority delegated by the act, they may be struck down. As a matter of course, administrative agencies are supposed to file their rules and regulations with the secretary of state within 90 days of the effective date of their enabling legislation.

By contrast, guidelines apply only to internal matters of administrative procedure. They are not a part of the law, and an administrative agency may decide to follow or abandon their guidelines according to the dictates of convenience. The advantages of leaving oneself the operational latitude and legal fail-safe of

Ms. Cox is an Austin freelance writer. Funds supporting the research for this article were provided by the Juarez-Lincoln Migrant Information Clearinghouse.

1. See *Republic Reciprocal Insurance Company v. Colgin Hospital and Clinic* 65 S.W. 2d 286, Texas A.G. Opinion 0-3572, and Texas A.G. Opinion 0-4986-A.

guidelines is amply illustrated by the board's machinations in administering 4509a.

**T**HE MOST blatant of the procedural violations set up by the guidelines is the role of Sam Stone. It is he who exercises discretionary authority in determining who shall or shall not be certified as eligible to incorporate — all actions are ferried to him for review and clearance prior to the issue of certification. Upon Stone's recommendation, the secretary for the board acts alone in certifying. The matter is not referred to the whole board for vote. That won't pass muster with the standards of administrative law which require that a board as a whole must act on matters within their jurisdiction.<sup>2</sup>

There is also the question of whether Stone's employment by the board is legal. The appropriations bill of the 63rd Legislature specifically provided that "None of the funds appropriated in this Act shall be expended in the full or partial salary of any state employee who is also the paid lobbyist of any individual, firm, association or corporation." Sam Stone, of course, is a registered lobbyist for the T.M.A.

What a perfect set-up for the T.M.A. Their lobbyist is solely responsible for certifying corporations that want to deliver health care services and he'll only certify corporations controlled by physicians. It does, however, seem to contradict the procedures set up by Article 4509a, which provide that the board's discretionary authority to certify or not to certify shall be exercised upon "presentation of satisfactory proof that such organization is: (1) a non-profit corporation under the provisions of the Texas Non-Profit Corporation Act." It's like Catch 22. The only way you can prove to the board that you're a non-profit corporation is for the board to certify you as such.

The board's monopoly game is now being tested in the courts by the Mexican American Legal Defense and Education Fund (MALDEF) on behalf of a group in San Antonio.<sup>3</sup> That case has not yet received a full hearing on its merits. When they appeared last April before the District Court of Judge John Wood in San Antonio, they were pleading for the right to be heard by a three judge panel. Decisions rendered by such a panel may be appealed directly to the Supreme Court. MALDEF's argument was presented primarily on the constitutional grounds that the Board of Medical Examiners' refusal to certify their application for a corporate charter denied them their constitutional rights to associate.

Bill Campbell of the Texas attorney general's office submitted a brief in defense of the board which treats the history of Texas law as though it began and ended with that 1957 attorney general's opinion cited above. The brief punted on the issue of whether lay groups have the right to contract with physicians for the delivery of health care. Mr. Campbell as counsel for the board may or may not be aware of the fact that the board has approved article of incorporation for two physicians' groups which expressed the intent to develop contracts with lay groups for the delivery of health care. Judge Wood held in favor of the Board of Medical Examiners. His decision incorporates verbatim that same old 1957 attorney general's opinion.

**T**HE NEGATIVE impact of the MALDEF decision is considerable. Community Action Agencies across the state have not tried to set up community health plans because they were of the impression that it would be unlawful to do so. A string of clinics built by Bishop Patrick Flores of San Antonio stand empty because he does not know that he could contract with physicians to staff them. Acting upon the suggestion of Bill Campbell, the Board of Medical Examiners are using the MALDEF decision to harrass the operations of Reproductive Services (also in San Antonio). State Rep. Sarah Weddington of Austin is representing Reproductive Service.

Meanwhile, the MALDEF decision has effectively protected the board-certified Bexar County Medical Foundation from competition for federal grant money. The H.M.O. funds in San Antonio — more than \$200,000 released by H.E.W. since June of '71 — is all in the hands of a corporate board of licensed physicians whose articles of incorporation were submitted with a \$25 check signed by Phil Overton.

Insurance Board Chairman Joe Christie's "Guidelines for the formation and operation of prepaid health care plans" (see *Obs.*, Feb. 5) set up what may be the most formidable political threat to the empire staked out by the Medical Examiner's guidelines. A thorough reading of Christie's operational plan makes it clear that his lawyers are quite certain that lay-controlled groups do have the right to incorporate and draw up employment contracts with physicians for the delivery of health care services.

It would seem to be up to the attorney general to scrutinize the tests which the Board of Medical Examiners apply to physician's applying for corporate charters. The board's guidelines stipulate that all directors and trustees of groups seeking to incorporate shall have been licensed and practicing medicine in Texas for at least

five years and shall be engaged at least 40 hours per week in diagnosing and treating patients. These guidelines exceed the standards set up in Article 4509a. The law simply requires that such directors "shall be persons licensed by the board and actively engaged in the practice of medicine."

Sam Stone has enforced the guidelines rather erratically. They're only guidelines after all, he explains. Both the Bexar County Medical Foundation, a corporation set up by the Bexar County Medical Association and Kelsey-Seybold, a doctors' corporation in Houston, were certified by the board before Stone's guidelines were adopted. Neither group was submitted to the five year/40 hours test, and neither group was required to answer the questionnaire which the board sends to other groups before granting certification.

Individuals failing the five year/40 hour test were denied membership on the boards of directors of the Southwest Texas Medical Foundation (Hondo), Medical Research Associates (San Antonio) and the Hidalgo County Foundation for Medical Care (McAllen). But Stone waived the five years/40 hours test for directors of National Comprehensive Health Services (Dickinson) and Woodlands Health Association (Houston). The question of whether that test will be waived for the incorporators of Planned Parenthood of Northeast Texas (Dallas) is still pending.

While the board seems to have overstepped its authority in certain areas pertaining to 4509a, it has refused to accept some of the responsibilities specifically delegated by the act. Section 2 of Article 4509a requires that the board certify all corporations formed by doctors for any or all of the following purposes:

1. Scientific research and research projects in the fields of medical science, medical economics, public health, sociology and related areas.

2. The support of medical education through grants and scholarships.

3. The improving and developing of individuals and institutions teaching, studying or practicing medicine.

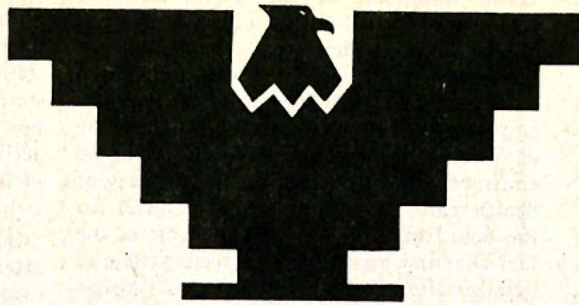
4. Instruction of the general public in the areas of medical science, public health, hygiene and related instruction useful to the individual and beneficial to the community.

That takes in almost everything.

Perhaps realizing that to exercise the full authority conferred by Article 4509a would invite litigation which would ultimately uncover the boards' questionable practices, Stone decided that he would certify only those corporations which propose to deliver health care. Clearly he felt no compunctions about writing the rules of the game to suit his own purposes. It was a clever game, but it may not work forever. □

2. See *Webster v. Texas and Pacific Motor Transport*, 166 S.W. 2d and 1 Tex. Jur. 2d, pp. 664-5.

3. *Garcia et al v. State Board of Medical Examiners*, (D.C. 1973) 358 F. Supp. 1016.



Austin

*Friends of the United Farm Workers of America should add all Gallo wine products to their boycott list. Gallo is the largest wine producer in the United States, and it markets its products under a lot of different names (see box). Bill Chandler, Texas director of the UFW boycott, says you can be pretty sure that any wine bottled in Modesto, Calif., is from the Gallo farms.*

*The boycotts of non-union head lettuce, table grapes and all Safeway stores are still in effect. There are about 16 people working full time in Texas on the boycott*

*right now. They get room and board and \$5 a week. Chandler says he could use more full-time boycott people and a lot more part-time volunteers. He can be reached at the Texas boycott office, 715 S. Beach St. in Fort Worth. The phone number is (817) 534-5481.*

*People already committed to helping the farm workers need read no further. The following article is for the fence sitters who don't understand the boycott, the swell-heads who choose to ignore it and the nay-sayers who insist it won't do no good no how.—Ed.*

A Texas historian once wrote that the dominant *anglo* population looked upon Mexican-Americans as "a species of farm implement that comes mysteriously and spontaneously into being coincident with the maturing of the cotton, that requires no upkeep or special consideration during the period of its usefulness, needs no protection from the elements, and when the crop has been harvested, vanishes into the limbo of forgotten things — until the next harvest season rolls around" (Kibbe, *Latin Americans in Texas*).

It's true. Traditionally, farm workers have been regarded as little more than cheap tools at the disposal of society. This view is not indigenous to Texas, however. The same can be said for the blacks who pick the oranges from those Florida sunshine trees, the *chicanos* who tend to the grapes and asparagus and lettuce in California, the Puerto Ricans, the Filipinos, the hippies, the Portuguese, the Arabs and all the other men, women and children who work as seasonal pickers in the fields of America.

ACCORDING to the Senate Subcommittee on Migratory Labor, the average life expectancy for a farm worker is 49 years. Death from tuberculosis and respiratory infections is 260 percent higher than the national rate. Farm workers are killed in accidents at a rate 300 percent higher than the national average and they are not covered by workmen's compensation. They are not included under state or federal minimum wage

legislation. Nor are they included in labor relations laws.

Migrant children move with their parents from harvest to harvest and consequently they don't get much schooling. The federal government has set out to do something about that. So the situation is improving. In Texas, most migrant workers are Mexican-Americans. In 1950, almost 30 percent of the Texans with Spanish surnames had no school learning whatsoever. By 1971, the number with no schooling was down to 11 percent. Still, less than half the state's *chicanos* get past elementary school.

The best thing farm workers have going for them is Cesar Chavez and his United Farm Workers, a labor organization that is affiliated with the AFL-CIO. The UFWA (formerly the UFWOC) did some organizing in Texas during the mid-Sixties (see *Obs.*, Aug. 5, 1966), but most of the action has been in the corporate fields of California.

Chavez is a *chicano* Martin Luther King. His union's strongest weapons have been a zealous sense of what's right and a dedication to non-violent protest. King's civil rights movement was dying even before he was murdered, but the farm workers' movement survives in California. It is bolstered across the nation by boycotters of varying stripe — liberals and radicals and labor moderates, WASP housewives, Jewish socialites and practically the whole Catholic Church. The farm workers are almost an anachronism in the Seventies. It is one of the precious few movements one can name in this country that still has an encompassing sense of camaraderie and justice.

With the help of a nation-wide boycott, the farm workers won their first big strike in California in 1970. That year more than 90 percent of the grape growers signed contracts with the UFW. These were a new kind of contract for field laborers. In addition to raising their minimum wage by 40 cents an hour, it did away with the old labor contract system, a system in which independent contractors literally sold the labor of farm workers to the growers. The UFW instituted hiring halls where all the union members, not just the strongest, youngest men, get a chance to work.

The union set up seniority and job protection rules. Their contracts included the right of workers to elect job stewards for each crew and the right to set up their own field work pace. Grievance procedures were laid out and laborers were put on the grievance committees. The normal work day was limited to eight or nine hours, six days a week. The union banned discriminatory hiring practices and conducted meetings in the language of the majority of workers present.

UFW contracts prohibited the use of dangerous pesticides in the fields, required toilets and cool drinking water on labor sites and set up safety standards for the use of protective garments, tools and equipment. The union required that growers pay 10 cents an hour into the Robert F. Kennedy Medical Plan, which provides health care for farm workers and members of their families. The union also provided a credit union, a service center, legal aid, retirement housing and death benefit insurance.

THE UFW contracts obviously cost the California growers more than they were used to paying for labor, but nobody was run out of business. In 1971, Gallo's before-tax profit was estimated at between \$35 and \$40 million. The UFW believes that Gallo's profits rose to \$45 million in 1972.

On April 18, 1973, the UFW contract with Gallo expired and a couple of months later Gallo signed a four-year contract with the Teamsters Union. Pete Hamil, a columnist for the *New York Post*, says "the Teamsters operate like a business disguised as a union." Chavez calls the Teamsters "a long time enemy of farm workers and minority people." The UFW maintains that the Teamsters signed sweetheart contracts with the growers, contracts that were not approved by the workers.

The Teamster contracts reinstated the old labor contractor system, provide no protection from pesticides, provide no grievance procedure and undercut the UFW wage proposal by 40 cents an hour. By August, 1973, the Teamsters had replaced all but a handful of UFW contracts in California and 7,000 farm workers were out on strike. Sixty-three injunctions were handed out against the UFW in five counties last year. The injunctions limited the pickets to ten per ranch, spaced 100 feet apart.

According to Chavez, "Squads of Teamsters would position themselves at the entrance to the ranches armed with clubs, knives, leather straps, grape stakes, guns, chains and tire irons. Workers that tried to walk off their jobs and join the strike were pushed back into the fields. Strikers were beaten on the picket line, cars were damaged, one trailer was burned to the ground and hundreds of strikers were physically attacked."

Some California county sheriffs enforced the laws against strikers much like Texas Rangers did during the farm workers strike in the Rio Grande Valley. (Certain Texas labor laws have since been struck down and a federal three-judge panel called the Rangers to task for acting as strike breakers.) Some 3,500 strikers were jailed in four California counties last year.

Chavez continues, "When it was clear that the strikers would not be intimidated by the Teamsters or by mass arrests, the sheriffs embarked on a new strategy. They began to attack the picket line. Women and men alike were clubbed and maced for violating the injunctions."

On Aug. 14, 1973, a farm worker from Yemen, Nagi Daufullah, was beaten with a flashlight by a Kern County deputy sheriff. He died of a massive brain hemorrhage. On Aug. 16, another picketer, Juan de la Cruz, was shot through the heart by a sniper. He died at the side of his wife, Maxima, who was also on the picket line.

Because of the two deaths, the UFW suspended the picketing. The union ended

## BOYCOTT

### GALLO

Gallo	Boone's Farm
Paisano	Spanada
Thunderbird	Tyrolia
Carlo Rossi	Ripple
Eden Roc	Andre

### Red Mountain

\*Also any wine which says "Modesto, California" on the label is Gallo. Gallo does not appear on all labels. Gallo is the only wine company with headquarters in Modesto.

### GUILD

Winemaster's Guild	Old San Francisco
Tres Grand	Parrot V.S.
Cooks Imperial	Director's Choice
Roma Reserve	Guild
Cribari Reserve	Tavola
Jeanne d'Arc	Mendocino
La Boheme	Famiglia Cribari
Ceremony	Garrett
Versailles	Alta
Cresta Blanca	C.V.C.
Saratoga	Citation
J. Pierot	Lodi
Guild Blue Ribbon	La Mesa
Roma	Ocean Spray Cranberry Rose
St. Mark	Vin Clogg (Parrot & Co.)

### FRANZIA

Table	Vermouth
Dessert	Louis the Fifth
Sparkling	Private labels

\*Also, any wine which says, "made and bottled in Rippon, California." All Franzia products have #BW3654 on the label.

the strike and launched another national boycott.

On Jan. 15 of this year 19 farm laborers drowned when a bus carrying them to work missed a turn and plunged into a drainage canal. The seats in the bus were not adequately bolted to the floor. When the bus hit the ditch, the seats were torn loose, trapping the 19 inside the bus as it filled with water. Twenty-eight other passengers were injured.

The bus was owned by Jesus Ayala, a labor contractor whom the *Texas Farm Worker Bulletin* calls a "notorious strikebreaker." The *Bulletin* charged Jan. 25 that the tragedy would never have happened under a UFW contract, because the UFW puts labor contractors out of business.

An Ayala bus was carrying the workers to a farm outside of Blythe, Calif., where they were to pick lettuce under a Teamster contract. According to *El Malcriado*, the UFW paper, a second bus, loaded with workers, arrived at the scene about 15 minutes after the accident. Ayala's son, Clifford, told the driver of the second bus

to continue on to work. Pablo Lara, a passenger on the second bus, told *El Malcriado* that the workers forced the driver of the second bus to stop and they ran back to help their friends. "But it was already too late when we returned. Everyone was already dead, already drowned," Lara said.

"Then Ayala told us to get back to work. He didn't want us to talk about it, he said it was already over," Lara remembered. "You know, he didn't want us to talk about it because he didn't want us to work slower. We were weeding lettuce and he told the people to keep moving and not to talk."

"... a species of farm implement ... that requires no unkeep or special consideration during the period of its usefulness, needs no protection from the elements, and when the crop has been harvested, vanishes into the limbo of forgotten things - until the next harvest season rolls around." K.N.

April 12, 1974

15

...for Democratic Party Chairman...  
**BEN SHAW**  
**BEXAR COUNTY**  
 pol. ad. paid for by Joyce Shaw, 505 W 7th Austin

**Couple**

**\$12**

and up

**DALLAS**

Air-conditioned rooms with combination tub/shower, radio and color TV. Swimming pool. Kitchenettes. Excellent food by Chef Wittlich, featuring East Texas cornbread made daily. Convenient to Love Field, Cowboy Stadium and all Freeways...

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**Anchor Motel**

10230 Harry Hines Blvd. (77 Business)  
 Dallas Texas 75220  
 Area Code 214 Fleetwood 8-3211

# FROST

Dear Friend:

I am currently involved in a very tight race for the Democratic nomination for Congress in the 24th Congressional District. I am opposing freshman Congressman Dale Milford, a former television weatherman and darling of the downtown Dallas business community.

As you may have heard, the 24th District was changed dramatically by a federal court redistricting decision last Fall. Denton County, Milford's base of power, was removed from the District. The District, as currently drawn, went for Ralph Yarborough in 1970 and 1972. It can be won.

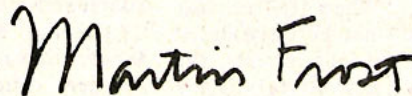
The choice between Milford and me is a clear one. He has a 16 percent ADA rating, a 90 percent American Conservative Union rating and supported the Nixon Administration on roll call votes during 1973 more often than all but 14 of the 243 Democrats in the U. S. House.

I'm a former law clerk to U. S. District Judge Sarah T. Hughes and a former member of the staff of the "Newsroom" Program on KERA-TV. Also, I spent two years in Washington as a staff writer for Congressional Quarterly.

To date I have been endorsed by The National Committee for an Effective Congress, the Dallas and Tarrant County AFL-CIO Councils, the Dallas and Tarrant County UAW CAP Councils and the classroom teachers political organizations for Dallas and the Hurst, Euless and Bedford area.

However, now I need your help. I must raise substantial funds during the final days before the May 4th primary in order to compete with the media blitz planned by my opponent. If you are able to help, please send a contribution to: "Frost for Congress", 125 N. Ewing, Dallas, Texas 75203.

Sincerely,



Martin Frost

## DEMOCRAT/CONGRESS

Frost for Congress  
125 N. Ewing at Jefferson  
Dallas, Texas 75203  
(214) 943-5777

# Ain't nothing for free

By Jim Tankard

*Austin*

When the woman from the Pyramid Corporation telephoned, the emphasis was mostly on the free steak dinner at The Barn they wanted to give us, although she did mention that we would be shown a film about some land investment opportunities.

Why not, my wife Lanie and I decided, and told her we would go. We figured there would probably be at least ten couples there, and that at the most it would take a couple of hours of our time. During the week before the dinner, we got two more calls and a letter reminding us of the dinner. Apparently some people who say they will go don't show up.

We arrived at The Barn at 7 — right on time. A Pyramid Corporation hostess was waiting at the cash register, and she took us into a private dining room where a group of men were sitting at a table in the corner. There was also a movie projector and about a dozen tables set for dinner.

**W**E WERE introduced to a young man in wire rims and mod clothes — let's call him Frank — and he took my wife by the arm and escorted us to a table. A couple that had arrived earlier was already sitting at a table with another man in his early twenties.

Frank offered to slice us some cheese from one of The Barn's 20-pound blocks sitting in the middle of the table, and we made small talk for a half an hour. By then only one other couple had come in, and we realized there were only going to be three couples. The Pyramid Corporation had us outnumbered. They had three hosts, one for each couple, and at least four other people hovering around the back of the room.

Frank told us he had attended North Texas State but hadn't graduated, and that he was looking forward to being sent to Houston soon to open up a new office for Pyramid. He admired my jacket and asked me where I had bought it, and then said he had just bought several on sale at the same place. He asked us if we played any musical instruments.

He asked us if we like Austin. Lanie replied, "Yes, as long as it doesn't grow too much more."

Frank nodded in agreement. This anti-growth remark wasn't going to deter

his friendliness even though he was in the land development business.

At the table behind us, another host seemed to be getting along very well with a middle-aged Italian couple; I heard them invite him out for dinner some Sunday.

At 7:30, another young man in his twenties in a brown velvet jacket walked to the front of the room and said, "Good evening." The three hosts said in unison back to him, "Good evening," even though they had been sitting with the other man half an hour earlier. Each host introduced his guests, while the other two hosts led the applause. Then the young man acting as master of ceremonies started some light banter about why we were there.

"I bet you thought we were going to try to sell you something, didn't you?" he said.

"Yeah," the Italian shot back, getting right into the spirit of things.

"Well, I hope you brought your checkbooks," the m.c. said.

He outlined our evening. It included dinner, a "short break," a film, a speech and a chance to answer questions. I began to see that we were in for more than a couple of hours.

**A**FTER DINNER, the m.c. came back and said they wanted to give The Barn staff a chance to clean off the tables, and suggested a short break. He said there were several attractions at The Barn that we might want to look at.

"We'd particularly like to direct your attention to the summer rooms," he said, pausing for effect. "Some are for men, and some are for women."

The three hosts laughed loudly at this lame pun, even though they must have heard it a hundred times.

Frank escorted us to the rest rooms and waited outside the doors until we came out. We never even had a chance to slip out the nearby front door. Frank then took us to the Gay Nineties Room, where we watched a girl in a swing kick back and forth over the bar while a man played the piano.

We went back for the movie, which was a slick color film describing the company's land development projects near Dallas and Austin. The one near Austin is Cardinal Hills Estates, located near Lakeway but on the other side of F.M. 620.

The film showed footage of people water skiing on Lake Travis, suggesting the land might include lake front property, but if you listened carefully the narrator always described the land as "near Lake

Travis." Frank had told us earlier the Cardinal Hills land wasn't on the water.

The film showed one house that was already built at Cardinal Hills Estates, but only one. It was shown from very close up and you couldn't tell what else might be around it ... if anything. The musical background to the film included a familiar melody — it seemed to be a Beatles tune I couldn't quite place.

After the film, the m.c. came back, and we went through more p.r. hype — "Did you like that? Wasn't that something?" Then he began to introduce our speaker for the evening. He started talking about someone who was "a graduate of North Texas State" and we began to get suspicious. Sure enough, a moment later he gave the name of the speaker — it was Frank, our table host.

Frank put some charts on an easel and began talking about inflation, and how two kinds of investments — savings accounts and stocks — just didn't keep up with inflation. He painted a bleak picture of a person's retirement if the person had to depend on savings accounts, stocks, pensions or Social Security.

Then he talked about the third type of investment — land. Either the film or one of the charts presented this quote from Will Rogers: "It's easy to make money. Just figure out where people are going and then buy the land before they get there."

Frank pointed out that Dallas and Austin are two of the fastest growing areas in the country, with projected population growth rates during 1970-80 of 32 percent for Dallas and 34 percent for Austin. He described three stages of land development — undeveloped land, pre-development stage, and developed homesites. He said that the biggest profits came from the pre-development stage, and that this was the stage Pyramid let people invest in.

Finally came the climax of the evening. Frank said we were going to be given a chance to ask the hosts at our tables questions about the Pyramid investment program. "These men are trained professionals," he said.

Then he came back to our table, sat down, and pulled out a yellow legal pad and green felt tip pen. "Let's say you were to invest a thousand dollars," he said.

A few minutes later, I heard the voice of another host at a nearby table saying, "Let's say you were to invest a thousand dollars."

Frank outlined an investment promising fantastic profits — you pay \$1,000 down and \$65 a month for 23 months and at the end of two years you get a return of

*Jim Tankard is an assistant professor in the department of journalism at the University of Texas.*



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This return was based on the assumption that you could find another buyer for the land in two years, and that the value of the land would increase at 30 percent a year. I still have the notes Frank made for us with the 30 percent figure written down in green ink.

Essentially what Pyramid offers is a chance to buy undeveloped lots on time payment. If the area grows and you can find another buyer for your lot, you can make money. But if the area doesn't grow or nobody wants to buy the land, you are the one left holding the bag.

**T**HE PYRAMID Corporation is a Dallas-based company trying to make money from the growth of Austin at just a point in time when many Austin residents are beginning to question the wisdom of unlimited growth (See "One big damn subdivision," *Obs.*, Nov. 16, 1973). If you invest money with them, you too will have a vested interest in Austin's growth.

Frank finished presenting his \$1,000 down payment deal and said he wanted to ask me two questions. First, he said, was I financially able to make such an investment. I said I was. Second, he said, did I have any doubts about the deal. I told him I certainly did, and that I wasn't about to invest that much money without looking into a situation very thoroughly.

He asked me what I had doubts about. I said I had doubts about the 30 percent property appreciation figure, for one thing.

He said the figure was really probably closer to 40 percent, but the law restricted him to saying it was 30 percent. He didn't point out that nobody knows the future appreciation rate of any piece of land, and that some land stays the same in value or even depreciates.

Frank talked to us a minute more, then indicated that another Pyramid employee might be able to give us some information that he had not. A man came from the back of the room and stood facing us, his hands braced on the table. He didn't smile and try to be personable, as the other men had done all evening.

He asked what it was I had doubts about, and I told him I wouldn't make an investment of that size without checking with friends — people I could trust. He said the Pyramid people were land experts and nobody could give us better advice than them.

"Would you go to a car salesman for advice on your washing machine?" he said.

I said I wanted to hear both sides, not just the side of the people wanting to sell me land.

"Do you think you would be ready to

buy in two or three days?" he said.

I told him no. "I imagine if I wanted to invest in six months, your company would still be in business, wouldn't it?"

They said yes, and the high-pressure, last-resort salesman left.

"Here's my card," Frank said, "although I doubt if you're going to call me."

We were the first of the three couples to leave. It was nearly 10 o'clock. I heard the Italian man explaining to the guy he had invited to dinner a few hours before that he would like to think about the investment opportunity for a week or ten days.

A few weeks later, Lanie and I drove out to Cardinal Hills Estates to look around. The property is about 20 miles from downtown Austin. The land is stark Texas hill country divided up by streets with names like Meadowlark and Kildeer. Some of them were paved and some weren't.

There were only about two or three houses built in the whole area. The lots were marked with little signs that looked like grave markers and stated the names and hometowns of the purchasers. Most were from places other than Austin, and some were from other states — New Mexico and Colorado, for instance. Most of these people had apparently bought land they had never seen.

Some advice for prospective land purchasers is presented in an article titled "Land Sales Boom: Let the Buyer Beware" in the September, 1972, issue of *Consumer Reports*. The last paragraph states:

In short, there are many compelling reasons why consumers should pass up the "free" dinner and vacation offers from the promotional land development companies. A far more rational approach to buying retirement, vacation or investment land is to visit the area, talk with a number of real estate brokers and sign nothing until you are fully convinced that you have a sound investment which has been thoroughly reviewed by your own lawyer.

It was only some time after we had left The Barn that night that I finally recognized the popular tune we had heard in the Pyramid Corporation film. It was the Beatles' compassionate "While My Guitar Gently Weeps."

After an evening of some of the most manipulative salesmanship I have ever been exposed to — Dale Carnegie techniques gone completely amuck — its lyrics were an ironic comment:

I don't know why nobody told you  
how to unfold your love

I don't know how someone  
controlled you

They bought and sold you . . .

I don't know how you were diverted  
You were perverted too

I don't know how you were inverted  
No one alerted you.

# Callie

By Max Woodfin

Galveston

Walking. Walking. The day is an endless chain of halls and sidewalks and carpet and tile and concrete. Callie is walking before the sun is up. Callie is walking after the 10 o'clock news. "There isn't much else for an old lady to do." Callie laughs, ducking her tiny chin into folds of flesh that multiply into at least a triple chin. "That's what I am, you know, just an old lady stuck here to walk until I die." But Callie does not say this with anger, nor fear nor any trace of the bitterness volunteered by many of her neighbors. Callie laughs again. "I'm seventy. That's old. That's old enough to do anything I please. So I walk and laugh."

Callie was born somewhere in East Texas. "I don't remember anything except a lot of trees and a lot of moving. Daddy worked at anything he could find. Oil work started getting regular and sometime around the war we moved close to Beaumont. All of these people here have wonderful stories about growing up, but I think they're making them up. I can't remember anything except trees and outdoor johnnies until I got married."

Callie married a boy home from the war. She was a teenager and he wasn't much older. She was a housewife and mother in Beaumont, Port Arthur and finally Texas City. "Mackie died in 1965. Just up and went to the doctor one morning and died that night. I moved in with Mackie Jr., my oldest, and lived with him until we ran out of room. I was the one wanted to come to an old folks' home. All my boys were against it and every time they come they want me to come live with them."

Social Security, a few savings bonds, Mackie Sr.'s small pension from a Texas City plant and four loyal sons provide Callie with room and board and enough extra money to save \$15 a month. "I don't know why you want me to talk to this thing [the tape recorder on Callie's couch]. I haven't done a thing in my life except live off other people. First Daddy, then Mackie and now the government and my boys. I can't tell you any good stories. I'm just an old lady not worth much to anybody. I bet you have a grandmother or maybe even your mother who could tell you stories and tell you about all of the cute things you did when you were little."

A tear comes to Callie's eye, and then a few tears from both eyes as she is reassured that she is a wonderful and warm lady. An old lady who is much closer to the reality of grandmother than all of the gallant story-tellers of television and paperback. Callie is an antique. She is told that she is being studied as an endangered species. She laughs. The tears disappear as she explains the truth of this observation.

"Why I never had a job and I never even

voted until I voted for Roosevelt in . . . oh it was the third time he ran. You know, if I could do one thing, I would go back and teach just one year of school. I do love little children so. I have seven grandchildren . . ." Callie talks about each of the seven until ever so gently the conversation is turned back to the philosophy of Callie.

"Isn't it wonderful that girls can do so many things? Why, can't they do just about anything a man can do? And that pretty thing running for governor. But what are they going to do when they get old? That's why I'm happy. I'm doing just what I've always done. Of course, I don't cook anymore, but I visit and all my friends now are right here with me. I look at the magazines and I knit for my grandchildren and I've learned to play bridge and I walk and I can have my little drink."

Callie's face turns a bright red. She laughs. "That's one reason I moved. I like a little whiskey after supper and Mackie Jr. and his wife didn't like it in their house. They've got all of this religion and Bible reading now. I go to church twice a month and I read Billy Graham in the paper, but do you think the good Lord is going to deny a worthless old lady her whiskey? I don't think so."

An optimist in a building full of pessimists. "My oldest granddaughter went to France for part of her school. And her daddy is just a store manager. No more than he makes, but she can go to France. I think it's a good world when you can do things like that. I'm just an old lady, oh I say that too much, but this old lady sees so many good things. The only thing that I worry is that my granddaughters might not live as long as me. They all want to work. They may wear out and not get to grow old real quiet like me. I guess you're right

to study me, I may be the last." Callie laughs, but the tears come back.

"My doctor says there's nothing wrong with me. I feel good, just can't sleep much, I hope I die real quick, like Mackie did. I don't want to have to stop laughing." □

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# On expanding nuclear options

Austin

Nuclear diplomacy is probably not the uppermost thing in your mind. Probably you, like me, know less about the status of SALT talks than you do about the standing of criminal cases against former White House aides. You remember, of course: the ABM fight, the Cuban crisis, maybe even Bikini atoll or the Berlin blockade . . . but it all seems a bit arcane and passé, a bit of nostalgia, like a showing of *Dr. Strangelove* or that article about *Waiting for Godot* being a high-toned *On the Beach*. After Santo Domingo and Tet and Santiago and Suez City, who thinks about nuclear war?

Well, James Schlesinger, for one. The secretary of defense has been, for some time, endeavoring to stir up a national debate on nuclear strategy. While it's refreshing to discover a secretary of defense welcoming debate on any subject, we should keep in mind what side he intends to take in the discussion.

**S**CHLESINGER is concerned that the President, *i.e.* the commander-in-chief, has been locked into a strategy consisting

## Notions

entirely of the option to destroy the cities and people of the Soviet Union any time he wants to. Schlesinger is not the first person to recognize this fact: everybody from Robert Oppenheimer to the lowliest picket with a "Ban-the-Bomb" sign has pointed it out. If you harbor the latent conviction that everybody opposed to Mutual Assured Destruction as a policy is a good guy, you may want to sign right up on Schlesinger's side in the coming debate. On the other hand, you may want to have more than a couple of looks at the "counterforce" doctrine, which Schlesinger is proposing as an alternative. You might, especially, want to listen to someone other than me on the subject, since (as will become clear) I am nothing but an alarmed layman, and a neophyte alarmed layman at that. Try an article by F. C. Iklé in the January, 1973, *Foreign Affairs*, or one by Wolfgang Panofsky in the October, 1973, issue of the same magazine, for two opposing views on "counterforce strategy." Or the Herbert Scoville article in the Jan.

19 *New Republic*. If you want a more complete bibliography, write the Arms Control Association, 1717 Massachusetts Ave., N.W., Suite 503, Washington, D.C. 20036.

All I know is what I read in the papers, and what I read does not reassure me. Schlesinger's idea of how to expand the President's options is to "re-target" the U.S. nuclear capability so that it could strike at military targets, rather than cities. That sounds like an humanitarian change, but there is more to the argument.

First of all, it is still unclear how much re-tooling will be involved in this re-targeting. There is a perennial battle over the idea of building more "small" or "tactical" nuclear weapons, right down to nuclear shells for artillery pieces. The controversy over re-targeting may quickly begin to look like a new front in that battle if it develops that the military wants new low-yield warheads for its "missile-killing" or "silo-killing" weapons.

**M**ORE FUNDAMENTALLY, the development of a "counterforce" would involve changes in nuclear psychology, the invention of a new kind of brinkmanship. For example: if the U.S. simply programmed new targets for its ICBM's,

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using present warheads and targeting facilities, it apparently would have to plan to loft four or five missiles in the general direction of Soviet silos to knock them out (because, it seems, our targeting equipment has been designed to aim at large cities, not at isolated, hardened installations). An attack like that would be as provocative as a first strike at Moscow, what with all those surplus megatons flying around. Ergo, it would result in massive retaliation. Thus a shotgun attack on Soviet ICBM's is deterred, just as a traditional first strike is deterred, by the present MAD situation.

This stalemate has two drawbacks, in the Schlesinger view. It prevents us from knocking off Soviet missiles whenever we like. It also discourages our using any nuclear force except the ultimate one against the Soviet Union. Suppose, Schlesinger seems to be asking, we want to nuke 'em just a little bit? If we had a "counterforce" capability, we could "respond" more selectively, act more "appropriately." And, at the same time, avoid a doomsday-slinging contest, either by wiping out the Soviet capacity to respond or by keeping our own city-killers in reserve as a deterrent to their city-killers.

What Schlesinger seems to be suggesting, then, is a saner brinkmanship, a step away from all the MAD scenarios. What is also involved, though, is a new instability in the nuclear balance. Consider two additional "counterforce" scenarios:

In the unlikely event that one great power allows the other to develop the world's only "counterforce," both would be tempted to strike first: one because it could wipe out the other's ICBM's at reduced risk, the other because its missiles (and whatever portion of its population lived near them) had become hostages, had lost their deterrent value. Unless the nation with "counterforce" on its side used its advantage to force disarmament, the inherent stability of equal power would be gone.

In the event that both powers jumped into a "counterforce" arms race and arrived simultaneously at a point of equal power, the best possible outcome would be a new stalemate (we don't want to use our silo-killers because they would use theirs). Even in the new balance, there would be larger uncertainties: do we really want to launch only our small arms, knowing they may respond with enough "counterforce" to knock out our ICBM's and with enough large missiles to wipe out our cities? do we really want to respond to this "counterforce" first strike with only our small arms, knowing that their "counterforce" may be more effective than ours and that we may be left with an inferior ICBM force?

"Counterforce" has a madness all its own, and not only in the new dimensions of scenario-writing it adds to brinkmanship. The development of such a

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capability would be the planning for a usable nuclear force. For 25 years a succession of Presidents and defense secretaries have said that the U.S. builds weapons for peace; Schlesinger is suggesting we build smaller, but still deadly, weapons for use in a pre-emptive war. In the past, the DOD has opposed the idea of building "counterforce" weapons because they are offensive, not deterrent, powers. Robert McNamara rejected the doctrine. Even Melvin Laird, who is not known for his pacifist leanings, can be read in the *Congressional Record* (July 29, 1970, p. S26386) explaining that "the President has made it perfectly clear that we do not intend to develop counterforce capabilities which the Soviets could construe as having a first-strike potential."

What Schlesinger says on the subject of counterforce reminds me very much of the mind-boggling statements on nuclear policy for which the military is famous. If I sound a bit paranoid on the subject, it is because I have been reading such statements. Here, for example, is a *New York Times* quotation from the arguments of Gen. Andrew J. Goodpaster, the Supreme Allied Commander in Europe, in favor of providing "small" nuclear arms to NATO forces: "Achievable new weapons of lower yields and of greater accuracy could increase military effectiveness, while reducing possible collateral damage, thereby increasing their utility as well as the acceptability in NATO planning for employment in the NATO countries and the adjacent areas in which they would most likely be used."

**P**ERHAPS I'M just not as tough-minded as Secretary Schlesinger and General Goodpaster, but when I read thoughts like this I can't help recalling the little lake I used to visit when I was in college. I would stand on the footbridge, just a foot or so above ruffled water lilies and obstreperous ducks, and look out across the lake, across the golf course, across the river that bisected the city, to the hills beyond, and to the sky that was beyond the hills. I went there nearly every day, not because the view was especially fine, but because that progression of lake to river to hills to sky seemed to draw out thoughts like an undertow. Like waves

they would come, the sky and the hills and the lake, rolling in, leaving a thin film of distance and permanence, and like receding waves the stale preoccupations of my days would wash out, running back towards the lake and the sky, diluted and disappearing in permanence and distance.

I wonder if James Schlesinger ever feels himself to be in a place like that, on the shore of a sea that has been compressed into a single view of a small park and a city. Or has his proximity to nuclear weapons irrevocably changed his life? Is there some radiation from the simple existence of warheads and payloads and re-entry vehicles, as potent as the fallout from their explosions, so that Schlesinger's thinking, like those horrifyingly misshapen children we imagine born in Hiroshima, or Nagasaki, or Moscow, or Omaha — like them, do Schlesinger's thoughts have hands to hold and shape the world but no arms to guide and direct his manipulations, to give his grasp some imaginative reach?

No, this won't do. However tough-minded he is, Schlesinger undoubtedly has his own favorite view, his own way of being at peace, even if he never thinks of it while considering "counterforce" options. We have all learned to live with — if not to love — The Bomb. Schlesinger's way of doing it is to concentrate on the strategy, to forget the horrors of what he is talking about, to ignore the very real possibility that "counterforce" is just another way of easing into the cataclysm that will eradicate all our preoccupations and all our little parks. For most of us, the learning has been a process of forgetting about nuclear strategy.

That doesn't mean we want more bombs, or smarter bombs. Let's get on with the business of dismantling MAD by disarmament. But, in the meantime, if the President wants to "clean out sanctuaries," "deny territory," "win hearts and minds" or "pacify" with nuclear weapons, let him have the option of doing it with the certainty of getting us all killed or not doing it at all. I'd just as soon have my Presidents deterred, thank you. J.F.

The real question is how we get through the next 48 months of both real and contrived energy crisis without abandoning environmental controls completely. Will we destroy our biosphere to protect our economy and thus ultimately destroy both? The "down with the environmental controls, up with prices" approach espoused by some may be little more than a hoax to counter environmentalist protection efforts, and may well fail despite what the administration or anyone else says.

—Jim Bishop, *Newsweek Magazine*.

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# Falling off a box

By Steve Barthelme

ENCYCLOPEDIA OF ESPIONAGE

Ronald Seth

Doubleday, 718 pages

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Austin

This is a terrific book. I am your friend who is telling you about this terrific book. Imagine that.

The *Encyclopedia of Espionage* by Ronald Seth (himself an agent for the British in WW II and the subject of a four page entry; Mata Hari gets five) will tell you about the Zimmermann Telegram and the Purple Machine and includes a great many sentences on the order of:

Having failed to kill himself — he had lost his cyanide tablet and his pistol jammed — he gave himself up.

Seth is a British popularizer, and is listed as the author of 33 books, mostly dealing with spies and spying. This book was originally published in England in 1972. The cover is decorated with a huge fingerprint over which the title is printed in a loose interpretation of a "Top Secret" stamp. In a short introduction Seth announces his intentions: to provide a handy reference for "espiomanes" and to interest the general reader. Espiomanes are going to have to speak for themselves, but for general readers Seth's book is unparalleled.

The premise is an informal history of espionage since about 1200 B.C., organized as an encyclopedia, and covering people, organizations, tools, and incidents. The Hiss case gets 9 pages, Rudolf Abel is covered in 6, SMERSH in 1 (with several cross references), secret inks in 1, microdots in 1/2, and so on.

All this is presented in a clear and lucid prose with a richness that is not widely available anymore.

It was set up to collect information relating to attempts — should there be any — to undermine the constitution of West Germany.

It is out of date. Florid. But it is still seductive, and in combination with the author's funny and fascinating obsession, it makes for a wonderful book. The *Encyclopedia* is probably rotten with Seth's political views (J. Edgar Hoover receives only the gentlest criticism), but the ideology does not corrupt the book because he clearly has only the one love, and that is spying. For spying's sake.

The character and intensity of his obsession also free Seth from the kind of self-consciousness which poisons the work of writers dealing with more chic subjects — where a dead dolphin on the beach contributes "atmosphere" to an article attempting to equate Nixon and Hitler (*Woolworth gonzo*, in the industry).

## A review

Ronald Seth does not and would not throw away his judgment so easily: I guess he just doesn't need to — he has spies.

Consider Seth on secret inks:

In World War II the Germans produced a secret ink that could only be revealed by a complicated photographic developing process, but which, at the same time, was extremely simple for the agent to use. It consisted of a tablet about the size of and having the appearance of an aspirin which was dropped into ordinary ink. The message was written in this doctored ink, which when exposed to the air, within a few minutes became invisible, until developed. This particular ink had many advantages. The tablets could be kept in an aspirin bottle; if the agent were in danger of being caught, he could swallow them without any serious effects; since the ink was initially visible, it was very easy to use. But its most remarkable property was that it could be used on newsprint, which is notoriously bad as an agent for a secret ink.

Now there's something you probably didn't know! And when the arcane information temporarily loses its charm, there are hundreds of beautiful stories and many strange little observations such as this about an incident in Berlin in 1848:

On this day, King Frederick William of Prussia found himself alone and unaccountably involved in one of those disturbances which were beginning to become far too frequent occurrences in Berlin. Someone had recognized the king and called out an insult.

Other days, no one recognized him.

And there's the story of how Lafayette Baker got his start as a spy for the North in the Civil War, posing as a photographer with the camera with no plates and a crack which let light in. Cameras being something of a rarity at the time, any old spate of purposeful activity back behind it would apparently do. According to Seth, Baker was quite successful, and advanced with incredible speed through the ranks, so that at the war's end he was a brigadier general in charge of counter-espionage activities. But he lost it all in failing to discover and prevent the conspiracy to kill Lincoln. Surely a monumental slip. The service had become ineffectual because of Baker's neglect of his duties, Seth maintains. The ultimate cause: avarice.

There is of course a question as to whether any of this is accurate, how good Seth's information is, but the answer to

this question is really secondary. I would guess that his information is reasonably accurate, at about the level of an encyclopedia. But it is in no way necessary that his information be correct for the general reader to love this book. Getting ten dollars worth of pleasure (handy conversion table: Pepsi-Cola in the half quart size delivers pleasure in the amount of approximately 22¢ per bottle, a filthy look from a beautiful stranger is worth two and a half) out of this work is as simple as falling off a box. □

April 12, 1974

23

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# Bad math

Let me first say that I especially enjoyed your article "J. Edgar Good Dog" in the March 1 *Observer*.

I am writing this letter, however, because of a small (perhaps trivial) complaint—your math. In "Milking It" (March 15 *Observer*) your figures indicate that 5 million lbs. (of Class II milk) is equal to 5,000 cwt. It is actually equal to 50,000 cwt. Because of this error, your figure of \$9.15 per hundred lbs. should be \$9.64.

My main complaint is that your explanation is unnecessarily complicated. Without explanation you describe quantity of milk first in lbs. (last paragraph of p. 4) and then in cwt. (computation on p. 5). You then use quantity in lbs. (with no mention of units) and divide it into a figure derived from quantity in cwt. and price per lb. While your method is accurate, your explanation makes it virtually impossible to understand the meaning of what you are doing. Since you prefaced the explanation with a statement that it is necessary to understand it, I found myself hunting for a pencil and paper to figure out what you were doing.

Probably the best way to avoid the unnecessary complication is to express the quantities in cwt's only and not in lbs at all. The explanation would then be, in brief, that San Antonio uses 500,000 cwt of Class I milk at \$10 per cwt, and 50,000 cwt of Class II milk at \$6 per cwt.

## Dialogue

500,000 cwt @ \$10 per cwt	\$5,000,000
50,000 cwt @ \$ 6 per cwt	300,000
550,000 cwt	\$5,300,000
(Total milk pool)(Total value to producers)	

The value to the producer of one cwt of milk is therefore  $\$5,300,000 \div 550,000$  cwt or \$9.64 per cwt.

The explanation in your article affects a person with mathematical sensitivities rather like poor spelling and grammar (something of which I am often guilty) affects the stereotypic English teacher. I suggest that you get someone with a math head to go over your discussions of mathematical procedures in future articles.

I must apologize for writing only when I have a complaint. I enjoy almost every article in the *Observer*. Keep up the good work.

Robert L. Schiemenz, 507-A West 37th, Austin, Tex. 78705

*Thanks for the math lesson. Journalists are notoriously bad with numbers.* Ed.

## Barbecued poison

The article "Poisons on the land" (Mar. 1) deals with the herbicide 2,4,5-T and its very toxic impurity or possible decomposition product, 2,3,7,8-tetrachlorodibenzo-p-dioxin (herein referred to as "dioxin"). The Feb. 1974 issue of *Chemistry*, an American Chemical Society publication intended for the high school level, gives additional data on "dioxin" or "TCDD."

Many readers feel self-righteously mystified by chemical names or formulas, but go ga-ga over complicated pseudoscientific astrological charts. Tordon, a mixture of 2,4,5-T and picrolan, is used in a restricted manner to kill mesquite. I believe it should be prohibited.

Silvex, which is alpha (2,4,5-trichlorophenoxy) propionic acid, is another widely used herbicide. Its use in New Mexico leading to the sickness of children and animals is reported in *Sports Illustrated* for July 3, 1972, page 54. Although not so mentioned in this article, it is very likely that the impurity, "dioxin" was the active poison.

Even using pure 2,4,5-T or Silvex, in the burning of the killed trees the 2,4,5-trichlorophenoxy parts of the molecules are rather "fireproof" while the acetic or propionic acid parts are burned off. The resultant 2,4,5-trichlorophenol at the high temperature, particularly in the presence of potash in the ash, can form the "dioxin."

Mesquite is a favorite fuel for barbecuing!

The military defoliant, "Agent Orange" is a mixture of 2,4,5-T and 2,4-D. The military report no human birth abnormalities resulting from its use 1962 to 1969 in South Vietnam, and some uncritical writers repeat this as the gospel truth.

Edward A. Prill, Ph.D., P.O. Box 689, Fredricksburg, Tex. 78624.

## A lonely fan

I guess it's my time for "kudos." I couldn't wait any longer. Since leaving Texas last year to come to law school at Louisiana State University, *The Texas Observer* has been my lifeline (no HLH pun intended) with the oasis in Texas — Austin. One does not know a place till one leaves is the axiom and the myth that Austin is the most progressive city in the country might be true. Case in point; less than 10 people have formally intervened in two nuclear power plants in Southern Louisiana.

I recommend two excellent papers from Louisiana to keep you up to date, the *Gris-Gris* in Baton Rouge and the *Courier* in New Orleans. In fact, the *Courier* does an excellent behind the scene of New Orleans — Big Jim Garrison and Co.

You would be suprised how Louisiana people are up-to-date on Texas politics. I recommend Texas do as Louisiana in regards to the oil business. A big corporate tax on the oil business is long overdue. Louisiana has realized this long ago and is now implementing several measures to bring the big boys in line with the times.

Well, as the sun set on the "nakid hippies" at Travis and the beer flows at Armadillo, I bid the Lone Star State goodbye as I gulp down my last Shiner Beer. Keep up the good work.

Lawrence Sullivan, 454 W. Porker Blvd., Baton Rouge, La. 70808.

## Texas fiasco

I recently picked up the March 29 issue of the *Observer*. On the back cover I read a letter highly criticizing Chet Flippo's coverage of the Ranger anniversary celebration. The author of this letter, a Mr. Geer, stated it was beyond his comprehension how the *Observer* could print such "junk." Personally I am glad to see open-minded newspaper coverage of this type of "Texas fiasco."

Mr. Geer also seems to feel that the *Observer's* feelings toward Texas heritage was somewhat degrading. To this statement I simply reply, "bullshit." If Mr. Geer is too ignorant to realize that the Rangers were, and to some extent still are backwards in their enforcement methods, then he should retire from making public statements. I believe it's time to stop relying on the man with the gold-plated Stetson to enforce our laws.

Norman Keith Warner II, law enforcement major, 3204 Whiteway Dr., Austin, Tex. 78757.