

THE TEXAS OBSERVER

A Journal of Free Voices

A Window to the South

March 28, 1975

50¢

It's on you

The biggest Aggie joke of all

College Station

When The University of Texas spent almost a million dollars a couple of years ago renovating and refurbishing the Bauer House for a chancellor's home, it turned into a dandy little scandal. But UT's munificence was small potatoes compared to the loving extras Texas A&M University has lavished on its new \$28 million University Center.

Take the new \$10.9 million Memorial Student Center for starters. The MSC is bulging with brick, tile, bronze, carved wood, macramé, fountains, sculptures, giant shrubs in redwood planters, etched glass, flags, antiques, murals, wooden globes, and even brass-legged benches covered with hairy cowhide. This, of course, is for mere students. The special wing constructed for the Aggie board, which meets six times a year, includes an individual suite for each director, a \$9,000 cloisonné vase, Italian marble busts, a 450-piece setting of sterling silver flatware, Japanese silkscreens, Chinese mandarin figures, bluebonnet paintings, and antiques from virtually every period since Attila the Hun.

The MSC has become something of an issue on campus, at least as much an issue as anything ever becomes at A&M. Since last fall, reporters from *The Battalion*, the Aggie paper, have been plowing through purchase vouchers, piecing together a financial picture of the giant complex. In addition to the \$10.9 million MSC, the project includes a \$10.5 million

Theatre Arts and Conference Center, a \$1.4 million Board of Directors Annex, and a \$490,000 Former Students' Wing (this financed solely by the exes). A&M is spending \$668,000 to landscape the complex and \$3.3 million for interior decoration.

IT'S THAT \$3.3 million tab for furnishings that has stirred the most gall. The board of directors (they're called regents at UT) hired the New York firm of William Pahlmann and Associates, Inc., to do the job. Pahlmann is a native Texan of some renown who had done some private work for one of the directors, H.C. Heldenfels of Corpus Christi. Pahlmann and Associates is receiving \$402,000 in fees and expenses for its services.

Approximately 63 percent of the cost of the Center complex will come from the Available University Fund, which is the interest on the earnings of university lands. Two-thirds of the \$706 million Permanent University Fund goes to UT and one-third goes to A&M. The money is mainly used for building because state law sets first priority for the fund as payment of debt service on construction bonds. During the late lamented Constitutional Convention there was talk of spreading the proceeds from the fund among all state-owned universities and/or allowing the money to be spent for things like books or teachers' salaries.

UT and A&M administrators
(Continued on Page 3)



Rodger Mallison

This is where the A&M directors will dine six times a year.

The coming fortnight

By Suzanne Shelton

APRIL GRAB BAG

ROCKEFELLER RICHES - Exhibition of over 150 examples of art from Africa, Oceania, and Americas from Rockefeller Collection of Museum of Primitive Art, circulated for first time outside New York; collection will become part of permanent collection of New York's Metropolitan Museum when Michael C. Rockefeller Wing opens in 1976; Houston activities in conjunction with exhibition include colloquium featuring lectures by authorities on African, Oceanic, and Pre-Columbian art, April 11-12; through May 4, Upper Brown Gallery, Museum of Fine Arts, Houston.

FACULTY ART - Annual faculty art exhibition representing profs' spare-time creations; April 6-28, St. Edward's University, Austin.

MARCH 28

CIVIC CHORUS - Gene Galbraith directs Austin Civic Chorus in Spring Concert with members of Austin Symphony Orchestra; 8 p.m., Municipal Auditorium, Austin.

MARCH 29

PIANO SOLOIST - John Ogdon joins San Antonio Symphony Orchestra, conducted by Victor Alessandro; 8:30 p.m., Theater for the Performing Arts; also 7:30 p.m. March 31, Laurie Auditorium, San Antonio.

MARCH 31

FLAPPING FEATHERS - Good old "Swan Lake" again, this time with members of Pittsburgh Ballet Theatre, courtesy of impresario Rod Kennedy; 8 p.m., Municipal Auditorium, Austin.

APRIL 1

BEATLES REUNITE - Back together for their annual April Fools concert, John, Ringo, Paul, and George play a gig; Tooley, Texas.

MUSIC RECITAL - This is for real, folks: Departmental Music Recital featuring kickers from Kingsville; 1 p.m., Recital Hall, Texas A&I University, Kingsville.

WELCOMIUM - Collegium Musicum, directed by Homer Rudolph, in concert; 8 p.m., Music Bldg. Recital Hall, University of Texas, Austin.

COHAN COMEDY - "George M!," musical comedy about the vaudeville king, opens with student cast; through April 6, Scott Theatre, Texas Christian University, Fort Worth.

APRIL 2

UNDERGROUND AGAIN - "L'Orfeo," Monteverdi's 17th century opera in which Orpheus re-descends, features drama department cast directed by Bob Baca and performers from Trinity music department directed by Gerald Benjamin; through April 12, Attic Two, Ruth Taylor Theater, Trinity University, San Antonio.

APRIL 3

SPRING SONG - University Chamber Singers in Spring Concert directed by Morris J. Beachy; 8 p.m., LBJ Auditorium, University of Texas, Austin.

TEXAS BALLETT - Southwestern Regional Ballet Festival, featuring performances by numerous Texas civic companies, includes master classes by renowned teachers, panel discussions, demonstrations; through April 6, Lake Charles, La.

NATALIE HINDERAS - One of foremost black pianists in the country, Natalie Hinderas joins Dallas Symphony Orchestra conducted by Leonard Slatkin; through April 5, Music Hall, Dallas.

APRIL 4

BRECHT OPERA - Popular "Three Penny Opera," Bertolt Brecht's satirization of 1920s German bourgeois values which was banned in Nazi Germany, with music by Kurt Weill, performed in German by Dr. Wolfgang Michael's UT students, who annually produce quality German-language play; 8 p.m., Theater Barn, Winedale Inn Properties, near Round Top; also April 5, 8 p.m., Cullen Auditorium, University of Houston, Houston; April 11-13, 8 p.m., Batts Auditorium, University of Texas, Austin.

MIME ONSTAGE - Claude Kipnis, master mime, in concert; 8 p.m., East Cullen Auditorium, University of Houston, Houston; also 3 p.m. April 6 and 7:30 p.m. April 7, Theatre for the Performing Arts, San Antonio.

APRIL 5

GRIMM GOING - "Once Upon a Time - Tales From Grimm," Coleman Jennings' adaptation of Grimm's Fairy Tales, takes parents off Saturday evening hook with Children's Theatre production; also 2:30 p.m. April 6 and 7:30 p.m. April 11, Lab Theatre, Drama Bldg.; and 10:30 and 2:30 p.m. April 12, 2:30 p.m. April 13, Hogg Auditorium, University of Texas, Austin.

APRIL 6

CHAMBER MUSIC - Texas String Quartet, artists from UT Chamber Music Performing Class,

(Continued on Page 16)

THE TEXAS OBSERVER

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Ronnie Dugger, Publisher

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A journal of free voices

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Aggie joke . . .

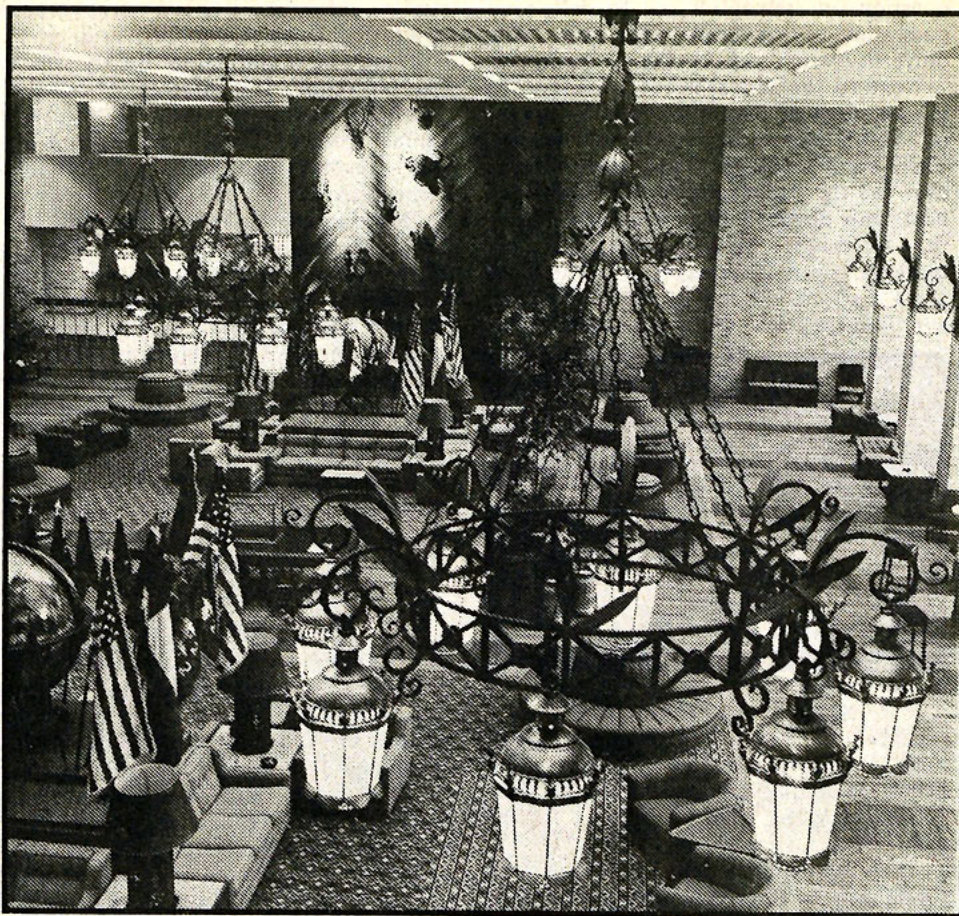
(Continued from Page 1)

were staunchly opposed to fooling with the fund. *Battalion* Editor Greg Moses says that when he first started making inquiries about the University Center, A&M President Jack K. Williams urged him not to write anything. As Moses remembers one conversation, Williams said that A&M was "fighting for its life" over the permanent fund at the Constitutional Convention. Williams said that bringing up another Bauer House wouldn't help matters at all, according to Moses. The *Battalion* editor went ahead and printed his stories, which attracted little interest. A new constitution was never approved, so the fund is still used mainly for bricks or, in this case, for etched glass walls and marble halls.

According to research done by Jim Peters of the *Battalion* staff, 25.8 percent of the cost of the University Center is coming from student tuition and building use fees; 9.4 percent is from interest on university local funds; and 1.8 percent is from former students' donations.

Pahlmann wrote an article for the *Dallas Morning News* in 1973 describing his plans for the complex. "Our whole approach to this project has been to engender respect and pride in these young people in their university and to expose them to excellence in surroundings . . ." he explained. "This is not a search for delineations of cowboys and Indians, but for a far more suitable period when the land of the Southwest came under the plow and the industrial revolution made itself felt, a time of great progress . . . Specially designed carpets, fabrics, and furnishings in these areas will also take inspiration from the Southwest. In all these endeavors we are striving for practical elegance, an atmosphere of mellowness and serenity and sound taste. Far too many college interiors resemble the departure lounges of airports," the designer concluded.

The main lounge of Memorial Student Center is two stories high (see photo) and looks like a compromise between an overblown Holiday Inn and a ritzy shopping mall. It's hard for the eye at first to find a resting place, but one usually homes in on one of two flag stands, each holding large Texas and U.S. flags and a platoon of smaller ROTC banners. In the center of each stand is a wooden globe of the heavens. The globes are five feet in diameter and they cost \$1,500 each. Next to the eyes are assaulted by a plethora of gaudy Mexican lanterns. Hanging from the ceiling are five chandeliers, each holding eight lanterns. Another 16 individual lanterns cling to the walls. Intimate sofa and chair groupings are clustered about. According to vouchers examined by Peters and Moses of the *Battalion*, purchases for the lounge include Louis XIII, English



Steve Krauss

The student lounge (animal heads have now been removed).

Country, William and Mary, and six Spanish-style chairs (all costing more than \$400 apiece). There are dozens of leather and less expensive armchairs. There are Dutch walnut tables with scroll-shaped legs (\$480 each), \$1,800 antique English mahogany desks with maroon and gold-tooled leather tops, a \$1,650 English pine refectory table, a large 19th Century English oak center table (\$1,500) with chairs, and five bronze and glass vitrines (display cases) costing between \$1,100 and \$1,800 each. Fabric colors range from "Homeric" Teakwood blue on the sofas to "Rogue" Buckskin Naugahyde covering the tables. Antiques may be very elevating, but most students just want a lounge they can laze in comfortably. Two young men were sleeping on the fancy couches the day the *Observer* visited the MSC.

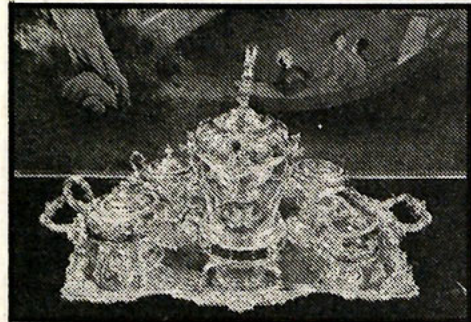
The *Battalion*, or *Batt* as it is called on the campus, did a highly unscientific poll that indicated that only 8 percent of the students questioned like the furnishings in the MSC. (Other portions of the complex fared significantly better. The Theater Arts Center got 70 percent approval.) "The furnishings look like something a very poor man would buy to impress people if he won the Irish Sweepstakes," one student who responded to the poll said of the MSC. A lot of people likened it to a bordello and someone called it "the biggest Aggie joke yet."

WHEN THE student lounge opened (in a ceremony that involved 21 ribbon cutters), the north wall included a display of 50-year-old mounted animal heads, some of them from endangered species. A *Batt* reporter identified an ibex, a waterbuck, a bontebok, a cape buffalo, a bongo, a wart hog, a gerenuk, an eland, a bighorn, and a black rhinoceros. "There's also something else that looks like a big sheep," the reporter wrote. The wildlife display was so ridiculed that it was taken down in February. "I didn't think the animal heads fit in with the Southwestern motif of the lounge," President Williams explained. Pahlmann said he thought the collection "rather proper for that sort of place and this sort of institution. But certain elements apparently found them not satisfactory so I had them removed," he told the *Battalion*. "But I'm not upset. I certainly can't sit here worrying about them."

The heads, which Pahlmann bought at an auction in New York, are now residing in a commercial warehouse in Bryan. There is some question as to their ownership. Pahlmann says they belong to A&M. Williams says they belong to Pahlmann. Gen. A. R. Luedecke, vice president for planning and construction, says it's only a

question of semantics as to who has possession of the heads right now. "The university won't pay for them," he insists.

Next to the animal heads, probably the most unpopular feature of the MSC is a set of South American steerhide benches. There are 37 in all, and most of them range over the first floor concourse of the MSC. Pahlmann designed them himself. "This is the cow country, so I figured why not use cowhide covers?" he explained. The hides come from South America and approximately one and a half are used for



Rodger Mallison

Aggie directors sip tea!

each bench. They are held up by gnarled brass legs resembling tree limbs. Each bench, excluding shipping and storage, cost \$470 or a grand total of \$17,316 for the whole herd.

Then there are the benches on the more formal second floor concourse surrounding the banquet rooms. "I couldn't put cowhide up there," Pahlmann explained in the *Battalion*. "After all, there comes a time when the girls like to wear formals." So for the little ladies there are \$428 backless benches of an apparently Mexican design, along with sofas costing \$605 each, a bunch of \$128 coffee tables, and two \$1,000 coffee tables. To complete the "formal" decor of the second-floor concourse are two "marbelia" murals, which the *Battalion* said resemble "a peanut butter and jelly-like smear." The murals and the gold finished light fixtures give an air of "sophistication," according to Pahlmann. "There's no sense in having to look like a cow college," he said.

Another expensive and controversial item in the student center is the etched glass paneling surrounding the student snack bar and cafeteria. The architect for the MSC, W. R. Dede Matthews of Bryan, originally intended the panels to be clear. He was going to put plastic plants behind them. But Pahlmann took matters into his own hands and forwarded the 60 panes of glass to Bronx, N.Y., where they were decoratively etched with hollyhocks and blooming cactus and other native flora at a cost of \$19,000, including round-trip shipping. (This \$19,000 is not included in the \$3.3 million tab for furnishings, since that budget covers only "movable furniture." Light fixtures, carpeting, and window glass are part of the general construction budget.) The etched glass is quite beautiful, but on the walls of the

student snack bar it's about as appropriate as a formal gown at a military drill.

There is a browsing library in the student center. It's going to be called the "Reveille Room" in honor of the Aggies' canine mascot. The library doesn't have much reading material as yet, but it has some dynamite pictures of dogs.

Down in the basement, the MSC has a barber shop, a beauty salon, a book store, a travel agency, an arts and crafts center, a bowling alley, and game area. Bill Davis, student president of the MSC, explained that a new \$10-a-semester University Center Complex Fee was instituted to pay for building maintenance and repair. Davis was not too clear as to whether any of the fee would go to debt service. The old student center was under the control of a student council, but a non-student University Center Board controls most of the operations in the new MSC.

STUDENTS WERE involved in the planning of the complex, but they had no say-so in the furnishings. Davis is generally pleased with the new facility, but he cites three "big things" he would like to have done differently. The bowling alley in the basement has only eight lanes. Originally there were to be 12 lanes, along with a separate section for pingpong, billiards, and other games. But it turned out that the planners had neglected to provide a location for the Aggie Singing Cadets, and so the game room was turned into a practice room for the Cadets. The ping-pong tables were relegated to a hallway, where pedestrians have to dodge little white projectiles, and the pool tables were placed where four of the bowling lanes were supposed to be. Bowling is a very popular sport at A&M and the eight lanes simply cannot accommodate all the students who want to play. Editor Moses told the *Observer* that for tournaments the Aggies have to go to Bryan or Houston.

MSC planners also forgot to make room for the popular coffee house that operated out of the basement of the old facility. The only place students could find for their coffee house was a storage room underneath an outside stairway in the new center. Davis said they scraped together about \$200 to buy some secondhand kitchen chairs for the coffee house. They also scrounged a rickety upright piano and some old wood to make a stage. While most of the floor space in the MSC, including the snack bar, is carpeted, the floor in the coffee house is cement. There is no ventilation, which should be a problem come summer, but Davis says he hopes to raise enough money to air-condition the room. It probably wouldn't cost more than the price of a couple of South American cowhide benches.

The third oversight, according to Davis, is darkroom facilities. Right now student photographers are using outdated equipment in an old campus building.

Davis says he needs about \$10,000 for new darkroom facilities. That's about half the money Pahlmann spent having wildflowers etched on the snack bar windowpanes.

The *Battalion* estimates that students will be paying \$465,000 yearly until 2001 on the \$6.8 million bond issue that helped finance the complex. About \$210,000 of that will come from tuition, since \$5 of a full-time student's tuition may be used for "permanent improvements" each semester. The rest of the students' share will come from the A&M building use fee that recently was increased from \$2 a credit hour to \$6 a credit hour.

The \$10.5 million Theatre Arts and Conference Center is plush, but not often to wretched excess. It includes a much-needed auditorium where the acoustics are said to be excellent, an exhibition hall with attractive sculptures, and the 12-story Rudder Tower which houses the Athletic Department, the student placement office, and meeting rooms for conferences and seminars. Pahlmann's pretensions did seem to get the better of him in the glass-walled university restaurant on the top floor of the tower.

The wallpapering is shiny black and



Rodger Mallison

Pahlmann's beaded flowers.

gold and there's a divided stairway leading to the second level of the two-story restaurant. The carpeting and the hanging light fixtures have a star pattern especially designed by Pahlmann. In spite of the restaurant's padded wicker armchairs, antiques, and decorative mirrors, a diner is apt to be reminded that he's at A&M by the signs in front of the buffet line that say, "Please eat on your tray."

THE MOST luxurious area of all is the Board of Directors Annex, built exclusively for the use of the board, which meets six times a year. As Huey Long used to say, they spent enough money to burn a wet mule. The two-story annex is beautiful, overwhelming, and unabashedly

pretentious. All the furnishings are new, or at least newly-purchased. Every nook and cranny displays the trappings of extreme wealth, fresh-bought riches you wouldn't expect to find these days outside of Saudi Arabia, Kuwait, or Abu Dhabi. The \$1.4 million Annex has at least an additional \$765,000 in furnishings, according to *Battalion* research.

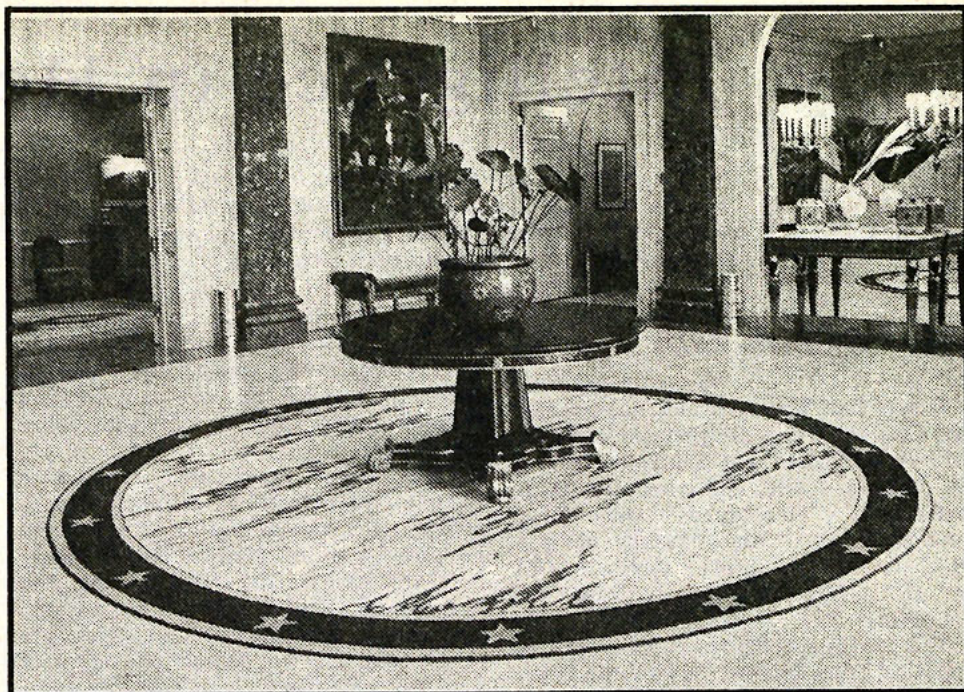
The walls of the formal foyer are travertine marble, not to mention the marble pilasters which stand, apropos to nothing, along each of the four foyer walls. On either side of the front door is a pedestal with an Italian marble bust of a Roman senator (\$4,200 for the pair), and on the opposite wall are two large 18th Century Italian oil paintings, depicting "Caesars on Horseback" (\$5,000 each). There is a Pahlmann-designed oval carpet (\$4,656) in the center of the room and on the center of the carpet is a round table holding a large vase of metal flowers. The vase may well be the \$9,068 cloisonné dating to 1740.

Moving from the foyer into a small reception room you see a bronze sculpture, "Cowboy With Saddle" (\$3,200), a smattering of oriental rugs, and a \$5,040 English Sheraton mahogany bookcase complete with \$400 worth of decorative books "of various sizes and subjects." The first floor also contains a large board conference room, a grandiose dining room, men's and women's "telephone rooms," a kitchen, and several small anterooms. The second floor has twelve residential suites, nine for the directors and three extras.

The directors' conference room is considerably more ornate than the Regents' Room in the Main Building at UT-Austin. The walls are covered with "Etruscan" red velvet linen. A 17th Century eight-panel Japanese silkscreen (\$3,575) can be drawn aside to expose a screen for slide presentation. The obligatory bluebonnet painting is Julian Onderdonk's "Miles of Bluebonnets" (\$15,000).

The dining room is breath-taking. The day the *Observer* toured the Annex, the \$4,500 19th Century Chippendale table was set with white linen, a sampling of the Annex's 450 pieces of sterling silver flatware, Picard china, and silver candlabras containing little white beaded flowers designed by Pahlmann himself. In case the directors want to have a few friends in for dinner, there are 18 English-style folding chairs costing \$480 each.

Both the conference room and the dining room have fake fireplaces surrounded by cozy clusters of wing chairs and fine wooden coffee tables. Other downstairs furnishings include a pair of 18th Century English Gainsborough armchairs (\$2,150 each), \$1,275 teak altar tables, a \$4,900 William IV circular table, a \$2,200 Louis XIV oak armoire (for coats and hats), a \$2,000 early Ming-period carved wood statue of Kwan Yin, a \$2,200 Tiffany lamp, Chinese mandarin



Rodger Mallison

The Formal Foyer of the Director's Annex.

and porcelain figures, assorted pewter, crystal, and bronze chandeliers, and \$35,000 worth of marble.

The rugs, of course, are Oriental, including a \$2,500 Heriz, a \$9,000 Tabriz, and a \$2,500 Bidjar. Furniture styles include Early Victorian, American Federalist, William IV, George III, Louis XIV, Italian Renaissance, Chinese Taokuang, Chippendale, Georgian, English Country, and Regency. Pahlmann's decorative style requires that virtually every foot of vacant wall space be covered by a mirror, a set of prints, a tapestry, a light fixture, or a painting. One hallway is decorated with 10 Indian paintings by Hugh Pohl (\$1,500 each), and the *Observer* counted nine framed prints in a single restroom. The elevator that whisks the Aggie directors to their private suites on the second floor is papered with rust/beige "Canestrelli" material and on top of that there's wainscoting and a decorative mirror flanked by two prints.

The 12 suites on the second floor each have a living room, bedroom, bathroom, and small kitchen with refrigerator and hot plate. The directors' names are engraved on ornate brass plates on the doors of the suites. A guide from the A&M president's office explained that the directors' suites are for their personal use, on those six yearly official visits, plus those occasions when the directors or their friends wish to attend football games or other Aggie events. Very special guests, such as legislators, also will be allowed to stay in the Directors' Annex. President Gerald Ford has slept there. The downstairs facilities will occasionally be used for receptions, but more often than not the Annex will be locked and vacant. One must get special permission from the A&M administration to tour the area.

Construction, furnishing, and operating expenses for the Annex come out of the available university fund and out of legislative appropriations.

The \$490,000 Former Students' Wing was financed solely by private funds. The exes paid Pahlmann between \$15,000 and \$20,000 to decorate the wing, which is in the student center building. Pahlmann abandoned his "Southwestern motif" in favor of a Scottish plaid decor in honor of the family tartan of James M. "Cop" Forsyth, a former Aggie who gave a large donation for construction of the wing.

There may be an economic crisis in the construction business, but the news has yet to reach A&M. Perhaps in order to keep up with The University of Texas, the Aggies are rapidly covering their grassy grounds with cement. There's a massive brick wall going up to separate town from gown on one side of the campus. Brick arches and a new drill area are near completion in front of the corps' dormitories. One large construction project labeled "low density housing" is well underway, and rumor has it that a new library may be in the offing.

A&M could certainly use a new library. The Clapp-Jordan formula for measuring the quality of academic libraries puts the Aggie library at 29, the bottom-most ranking among the state's 29 public universities. The Association of Research Libraries ranks the A&M nationally as number 74 out of 81 schools in total library expenditures. Such figures might lead one to conclude that it is time for the A&M directors to stop worrying so much about building fancy digs in which to hold meetings and start worrying more about the quality of education the school is providing. Part of the Permanent University Fund, after all, can be spent on "academic excellence." K.N.

Intelligence in Houston

"Ever since Watergate, people treat intelligence work as if it were a no-no. Which must be good news for the bad boys around the world who are waiting for the U.S. to crack."

— Col. Wilson Speir, director of the DPS, quoting comic strip character Steve Canyon to a state Senate subcommittee last December.

By Tom Curtis

Houston

It was like Watergate and the enemies list. Like the Texas Department of Public Safety's admission last September that it had "boxed, sealed, and committed to an incinerator" uncounted non-criminal intelligence files. And like the news — which had not yet broken then — of CIA and FBI files on U.S. citizens and politicians.

The slowly-seeping rumors about the "political" files kept by the Houston Police Department's Criminal Intelligence Division (CID) became a flood tide early in January. And the assertions of Houston Mayor Fred Hofheinz and his police chief, Carrol Lynn, about what was in the files, how many there were, and on whom they were kept were more staggering than anyone but the most paranoid-nightmare-ridden radic-lib would have dreamed.

HOFHEINZ uncorked the bottle off-handedly enough. In response to a question at an especially formless edition of his weekly news conference, he said he knew that the CID had maintained a file on him and, moreover, that one had been kept on U.S. Rep. Barbara Jordan of Houston. Hofheinz later said he learned of the existence of a number of "non-criminal"

Curtis lives in Houston and writes for The Washington Post.

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The Texas Observer

files shortly after taking office in January, 1974, but delayed asking his police chief to purge them until he was sure he had "administrative control" of the police department.

Chief Lynn said the files were accumulated before he was appointed to office at the start of Hofheinz's term, and he said those of a non-criminal nature numbered more than 1,000. He said "thousands of police hours were wasted" by keeping politicians, federal and state judges, businessmen, at least one editor of a daily newspaper, and others under surveillance and recording their activities.

Lynn said the files reflect that in one case six plainclothes officers were assigned to cover a women's liberation meeting. He said equally heavy surveillance was imposed on a speaker before the Harris County Democrats, the local liberal organization.

The chief's estimate of the number of files appears particularly startling because he said he believed a number of files were destroyed in the waning days of the administration of former Mayor Louie Welch and former Police Chief Herman Short. Early on, Lynn said the remaining files would be destroyed after being delivered to the U.S. attorney for possible use as evidence before a federal grand jury investigating illegal police wiretapping, corruption in the department's Narcotics Division, and other matters.

That was enough for the Greater Houston Chapter of the American Civil Liberties Union. It filed suit on Jan. 10 on behalf of itself, former liberal Houston school board member and political activist Gertrude Barnstone, and attorney Larry Sauer, and "all others similarly situated" to block destruction of the files and seek \$55 million in damages from defendants Welch, Short, former CID head M.L. (Joe) Singleton, and their successors, Hofheinz, Lynn, and Capt. B.G. (Pappy) Bond. The ACLU, Barnstone, and Sauer all had been mentioned in the local media as having had CID files kept on them.

Attorney Carol Nelkin's brief contended that the named plaintiffs and the class they represented were "chilled" in the exercise of their constitutionally and statutorily protected rights" — including the freedoms of speech, association, assembly, freedom from unwarranted search and seizure, right to privacy, and right to be free from arbitrary state action exceeding legitimate police powers.

The Nelkin brief alleged that "defendants Welch, Short, and Singleton did conspire among themselves and with others unknown to plaintiffs at this time to collect information through covert means including illegal wiretapping . . . although plaintiffs were suspected of no illegal activity whatsoever." It continued that "persons including elected officials, federal judges, and many prominent citizens were made the object of investigation by police informers, infiltrators, wiretappers, covert photographers, and other surreptitious domestic spies on the subjective whim of the defendants." The probers kept track of everything from the plaintiffs' "political and social associations to their sexual habits and inclinations," the suit charged.

City Attorney Jonathan Day responded — lamely, it seemed — with a brief arguing essentially that no federal question had been raised.

ON JAN. 17, U.S. Dist. Judge John V. Singleton — no bleeding heart — preliminarily enjoined the defendants from destroying any files or any material in them and from "disseminating any information whatsoever" concerning the files, including the names of persons or organizations listed in them. Judge Singleton also commandeered a blue-ribbon panel Hofheinz had appointed — after the ACLU suit was filed — to take charge of the files and review them. The judge made the panel (consisting of former Appeals Court Chief Justice Spurgeon Bell, former UH law school dean A. A. White, and Texas Southern University law school dean Otis King) his "special masters," effectively putting the files in his custody through them.

There things stood until early March, when Judge Singleton wrote to attorneys in the case that he had decided that "an in-court factual hearing should be held" on April 4 concerning the files. He said it would be limited to inquiry into:

- The necessity for the CID to maintain such files;
- When and by what authority such files were begun;
- How the information in the files was gathered;
- The system employed in indexing and cross-indexing the files;
- What person or persons were responsible for supervising the gathering and indexing of the collected information;
- In what manner and to what other

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persons or governmental agencies or private institutions the information was disseminated;

- The necessity, if any, for maintaining the files in the future; and

- What type of information is generally contained in the files, and the necessity for the Houston Police Department to obtain and retain such information.

Judge Singleton also said he won't permit the names of specific persons or organizations in the files to come out in testimony or evidence "even inferentially." And he said he would not let attorneys or clients in the case obtain access to the files.

The judge's stern preliminary injunction effectively plugged the new leaks — apparently mostly from sources in the Houston Police Department — that had resulted in almost daily revelations about who was in the files and equally juicy details about how the CID had operated. But enough information surfaced before the judge's Jan. 17 order to give a suggestive, if impressionistic, picture of the local intelligence landscape.

FOR EXAMPLE, Hofheinz said the files contained information on "hundreds" of his friends and workers in his 1973 campaign. He said some of the files concerned sex lives and some of the information was obtained by wiretapping, which is illegal in Texas unless performed by a federal agent under court order.

Ludsey Beli, Jr., a private investigator, told Houston newspapers in mid-January that a "group of citizens" hired him to develop a dossier on Hofheinz during his narrowly unsuccessful 1971 race against Welch. Bell wouldn't say who they were, and he maintained they never paid him. Nonetheless, Bell, who has used gigolos and apartments wired for sound and cameras to make quick work of contested divorce cases, said he kept Hofheinz under surveillance even on out-of-town trips and took more than 1,800 pictures of persons coming and going from his campaign headquarters.

Joe Singleton, head of CID at the time, said that during the 1971 campaign a "businessman" handed Short a 5x8-inch envelope containing Bell's photographs and other information on Hofheinz. "It was personal information, political trash" that had no place in CID files, Singleton said. Singleton, who was later named chief of Houston's municipal courts system by Hofheinz, said that after Short gave him the envelope he "ran it through the paper shredder."

Before the judge's injunction, George Strong, a principal Hofheinz aide, told me that information on liberals, blacks, and civil libertarians makes up the bulk of the non-criminal files, although radicals, moderates, and conservatives also appear in them. He said the files consist of a system of 5x7-inch index cards that refer to lengthy reports of rallies, meetings, and

surveillances. Strong said about half the files consists of newspaper clippings.

Jack Weeks, the *Houston Chronicle's* police reporter for almost all of Short's ten-year reign, has been one of the reporters closest to the former chief. In a revealing piece in the *Chronicle* Jan. 12, he wrote in part: "During the Short-Welch administration of the CID the files on private citizens and politicians developed. Short and Singleton defend the practice as a justifiable precaution in an era beset by extremism, violence, and talk of revolution."

Perhaps the most intriguing of Judge Singleton's probing questions to be answered at the April 4 hearing, next to the matter of what other agencies got the poop, is how the information in the files was gathered. Houston criminal attorney Phil Greene thinks he knows.

Greene represents two former Houston narcotics detectives who got three years' probation on state charges of selling 79 pounds of marijuana. That was after the detectives made statements charging that 14 fellow officers used illegal bugs to catch dope dealers and then stole money and other valuables from the apprehended suspects. (The pair was later indicted, with seven other officers, on federal charges.)

After Lynn took over as chief, Greene said, he and his clients met with Lynn and discussed wiretapping. Greene said Lynn then called in about six of his "top brass" individually and told them he was worried that "the feds" would find evidence of wiretapping in the department. Unknown to them, Lynn taped the sessions.

"I have heard all of those tapes," Greene said. He said all the brass admitted wiretapping and explained "how they used it, why they used it, what a great police tool it was. It's obvious from the tapes that the main way the intelligence division gathered intelligence was by tapping telephones. There is no more efficient method than that for getting information." However, he said he suspects that some CID file information, particularly about sexual proclivities, came from prostitutes.

"In the tapes, all the brassy people assure Lynn that all the tapes and devices and everything they used had been destroyed," Greene continued. "And everybody assures him that 'my part was strictly controlled,' . . . 'I only used it on known criminals,' and things like that. Meanwhile, they're cutting everybody else, saying, 'They were going crazy with it,' or 'They were just insane.'"

Greene didn't think that the CID files will say that information in them was gathered from wiretaps. Rather, he speculated, they will attribute the information to "a reliable source," or "a confidential informant." "No policeman in his right mind is going to write down, 'We committed a felony offense,'" Greene said. "These guys are smart. They're not like Richard Nixon."

Three of the men Lynn taped were communications officers, Greene said, calling them "high priests of wiretapping." They recently received immunity from prosecution in exchange for testimony before a federal grand jury. Greene said that in the Lynn tapes they admitted equipping the radios in police squad cars to receive the signals from transmitters they acknowledged constructing. This allowed the cars to monitor bugged phone calls while driving around neighborhoods of those being tapped.

The devices couldn't be installed without help from Southwestern Bell Telephone Co., Greene maintained, and he said he expects the communications officers to implicate Bell security personnel. The phone company has denied any complicity in wiretapping. Greene also said he expects the communications men to implicate county, state, and federal officers in wiretapping.

One person among those already called before the federal grand jury is Herman Short. He spent about an hour and a half with the jury on Feb. 10, and he called it a pleasant visit. Before he went in, Short told a *Houston Post* reporter he had never seen a wiretap. "I don't know anything about wiretapping," the former law-and-order chief was quoted as saying, "but I'll be happy to talk about what I don't know about wiretapping." □

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Political Intelligence

Mary Kay & the ERA

• It's uncanny how often Mary Kay Cosmetics is mentioned in conjunction with opposition to the equal rights amendment. Last week the *Observer* got calls from reporters in Washington, D.C., and St. Louis, Mo., who had heard about Mary Kay's alleged campaign against the ERA.

New Mexico Sen. Consuelo Kitzen Burrell of Santa Fe recently told UPI that the anti-ERA letters she has received "stem from a single source in Dallas, the Mary Kay Cosmetics Co., which has apparently mailed out vast volumes of literature to all religious organizations and groups on its mailing lists."

• Mary Kay Ash, chairman of the board of the cosmetics firm, says it ain't so. The pink sheet written by Women Who Want to Be Women *did* happen to get included in Ms. Ash's Director's Memo with everything except the WWWW I.D. intact. And a WWWW newsletter *did* happen to thank Mary Kay for her help. But Ms. Ash says she has given no money to anti-ERA forces and she denies any knowledge of her saleswomen selling WWWW propaganda along with their cosmetics.

• Marjorie Schuchat of NOW managed to finagle a meeting with Ms. Ash recently. Ms. Schuchat recounts that there was a fleet of pink Cadillacs in the firm's parking lot (each director gets one along with a pink attache case). Ms. Ash's outer office has pink furniture and a white carpet. The inner office is French blue.

Schuchat said she dropped hints that Texans for the ERA might have to institute a boycott of Mary Kay Cosmetics if the

company continued supporting the opposition whereupon Ms. Ash and her lawyer agreed to print a clarification of the firm's position in a company publication. The ensuing clarification, printed in *Applause*, a magazine that is mailed to 30,000 people involved in selling Mary Kay Cosmetics, said in part: "Neither Mary Kay, individually, nor Mary Kay Cosmetics, Inc., either opposes or supports the equal rights amendment, nor has either taken an active part or contributed funds in either supporting or opposing the amendment." "While all of you are independent salespersons and not employees of Mary Kay Cosmetics subject to our will or control, we suggest it is your *individual* responsibility as citizens to consider both sides of the question, make up your own minds, and then lend your efforts, if so led, to which either side you choose — BUT, totally, separately, and apart from your Mary Kay Business and careers." The message was signed by Mary Kay herself.

• The House Committee on Constitutional Revision will hear HCR 57, Bill Hilliard's resolution to rescind Texas' ratification of the federal equal rights amendment, on April 14. Ray Hutchison, chairman of the House committee, is swamped with letters concerning the ERA, more of them anti than pro, and a number of other legislators confirm that their ERA letters are continuing to break mailroom records. No brave soul has yet come forward in the Senate to sponsor Hilliard's resolution.

• It took a while, but the Women Who Want to Be Women finally got around to registering their lobbyists — 18 of them so far — with the secretary of state. Also registered for the antis are representatives of the Committee to Restore Women's Rights (Mrs. Bob Edmondson of that group says she's a "proud" member of the John Birch Society but that the JBS has provided no funds for her anti-ERA group); Stop the ERA; and Women Activated to Rescind/Motorede (*i.e.*, Movement to restore decency).

• On the national front, more and more ERA spokeswomen are conceding that there's little chance the amendment will be ratified this year. Four more states need to ratify before 1979 if the ERA is to become the 27th amendment to the U.S. Constitution. According to the count being kept by Texans for the ERA, defeats have come this year in Arizona, Georgia, Indiana, Nevada, Oklahoma, and Utah. It's not looking too good in Illinois or Missouri. Chances are better in South Carolina and perhaps North Carolina. The issue is still before legislatures in Arkansas and Mississippi. Louisiana, Florida, and Alabama legislatures will convene later this spring. Allegations concerning unisex toilets seem to be standard fare in most state debates.

There are major rescision movements in five states, with Texas being one of the most important. Tennessee and Nebraska have already voted to rescind, but ERA proponents maintain that rescision doesn't count.

Candy man

• Alas, poor Bullock. Any other state official who saves the state nearly \$5 million gets his name on the front page, right? Well Comptroller Bob Bullock announced on March 10 that his office had completed tax audits in February that determined that various taxpayers owed the state an additional \$4.9 million, including \$3 million from one gas production company, and the news got buried.

The next morning's papers reported that the Campfire Girls had sued Bullock for \$13,248.13. The money represents the sales taxes paid by the organization on its candy sales for 1971, 1972, and 1973 — taxes that were paid under protest. Now the Campfire Girls want their money back, because "other organizations sell products for human consumption, the same as Campfire Girls, namely the Girl Scouts of America, which sell a product . . . it defines and calls a 'cookie.'" And the Girl Scouts don't pay sales taxes.

• Bullock staffers point out, rather tiredly, that the law makes a pretty clear distinction between cookies and candy. One's taxable, one isn't.

In the meantime, the comptroller's office was whipping out a couple more press releases. One referred rather pointedly to the previous day's announcement of the \$4.9 million worth of audits and plugged Bullock's budget request, which asks for additional auditors and tax compliance officers. The other relayed the information that the comptroller had discovered the state employees' training institute operated by the Department of Community Affairs of the governor's office, and that 25 employees from the comptroller's office — all women, mostly minority-group and lower-paid workers — will take training in secretarial skills and use of office machines. The second day's releases did not make the front pages, either.

Top ten

• The capital press corps' biannual balloting on the Top Ten Dumb in the House of Representatives has once again produced some furious photo finishes. The usual surplus of deserving solons produced so many ties that we have the Top 11 this year. Acing out the entire field was the great mind of Rep. Bill Hilliard of Fort Worth. Hilliard finished one vote ahead of Rep. John Whitmire of Houston and two votes ahead of Rep. Greg Montoya of Elsa, who also happens to be

under felony indictment for misuse of state funds.

There was a fourth-place tie between a couple of perennial favorites, Rep. Jim Clark of Houston and Rep. Frank Gaston of Dallas. Sixth place was so heavily contested that it produced a four-way tie — Joe Hubenak of Rosenberg, Tony Dramberger of San Antonio, Terry Canales of Premont, and Larry Vick of Houston. You will recall Hubenak for his valiant, on-going struggle against farajants; Canales was named Rookie of the Year last session, and Vick distinguished himself by calling the women's rights movement "the most vicious, conniving, deceiving movement this country has ever seen, next to communism."

Tenth place produced yet another tie between two great worthies E.L. Short of Tahoka and Bud Sherman of Fort Worth.

Also-rans, but close and getting one Green Stamp from the press corps, were Elmer Martin of Colorado City, Leroy Wieting of Portland, Pete Laney of Hale Center, and the only newcomer on the list, Tony Polumbo of Houston. Rounding out the top 19, all with five or more votes, were T. H. McDonald of Mesquite, Don Henderson of Houston, Emmett Whitehead of Rusk, and Speaker Pro Tem Dick Slack of Pecos. Our congratulations to the voters who elected them.

- Laws, laws, Gov. Dolph Briscoe has gone and replaced Jim Cotten of Weatherford, a certified curmudgeon called "Briscoe's resident nit-picker" by the *Houston Chronicle*, with the one and only former Rep. Renal Rosson of Snyder. It's like replacing Scylla with Charybdis. Rosson is classed as an administrative assistant to the governor and will review bills pending in the legislature. During his 16 years in the Lege he reportedly set an all-time record for killing bills. He used to begin his perorations by saying to his colleagues, "Lemme give ya' a hypothetic."

Reclaimers indeed

- Major companies involved in strip mining, including Alcoa and Lone Star Steel, have formed TAHRA, the Texas Ad Hoc Reclamation Association. TAHRA lobbyists say they are committed to reclaiming stripped land, but they spoke against both Max Sherman's and Lloyd Doggett's strip mining bills in the Senate Natural Resources Committee recently.

- John Henry Faulk's tribute to J. R. Parten, which appeared in the *Observer's* Twentieth Anniversary Issue, was reprinted in the *Congressional Record* recently at the request of Rep. Richard Bolling of Missouri.

- Ben Barnes' entanglement with the Sharpstown scandal primarily concerned a \$60,000 loan Barnes had at Dallas Bank and Trust. According to

Margaret Mayer in the *Dallas Times Herald*, "Barnes, making his way up in construction and finance worlds in Brownwood and Dallas, told friends he is now negotiating to buy Dallas Bank and Trust."

- The security chief for Houston's public school wants to make employees take lie detector tests in order to cut down on thefts of equipment by school system employees.

Help for voters

- *The Washington Post* says the Ford administration is in favor of expanding the 1965 Voting Rights Act to Mexican-Americans. The act originally was intended to help get blacks registered and voting in the Deep South. Now the chairman of the U.S. Civil Rights Commission, Arthur S. Flemming, says that discrimination against *chicanos* "still infects the electoral process" in Texas and some other states.

The commission has more than 100 pages of interviews concerning election practices in Uvalde and LaSalle counties. One of the most frequent complaints was that Mexican-Americans in these two counties feared they would lose their jobs or their chances for promotion if they go against the *anglo* political establishment.

- Rep. Barbara Jordan (D-Houston) says, "Polling places have been located in places where only whites normally congregate." She remembers, "When Mexican-Americans tried to register in one town, they were told the registrar ran out of printed forms." Jordan has introduced a bill that will extend the provisions of the Voting Rights Act to Texas, New Mexico, Arizona, and parts of Colorado and California. Jurisdiction would be extended to areas where less than 50 percent of the eligible voters were registered to vote or less than 50 percent of the eligible voters actually voted during the Presidential election of 1972. An area also would be covered if more than 5 percent of the eligible voters are of a single mother tongue other than English and the election and registration materials are printed only in English.

- Jordan's bill has been criticized because it might unintentionally include ethnic groups other than Mexican-American. Another bill, introduced by Reps. Edward R. Youbal (D-Calif.) and Herman Badillo (D-N.Y.), is directly aimed at "persons of Spanish origin."

- There seems to be an upsurge in interest in assassinations. U.S. Rep. Henry Gonzalez (D-San Antonio) wants to set up a select committee to investigate the deaths of the two Kennedys, of Martin Luther King, and the attempted assassination of George Wallace. And former Tex. Sen. Ralph Yarborough is

CORRECTION

The *Observer* compounded a double error in its last issue by linking two appointments that had nothing to do with one another. Texas Chief Justice Joe Greenhill did *not* appoint Reuben Montemayor to the Board of Pardons and Paroles to replace William Skelton. Dolph Briscoe appointed Montemayor to the Board of Corrections, an altogether different transaction.

calling for a new investigation of the JFK assassination. Yarborough, who was in the motorcade that day in Dallas, differs with the Warren Commission about the number of shots fired.

The Zapruder film was shown in early March on ABC's "Goodnight America," a talk show that deals more in titillation than in serious public discourse. It was the first time the film had been shown in its entirety on national television, and it deserved better treatment than it got, which was third billing behind an interview with Raquel Welch and a short documentary on the Bermuda Triangle.

- Remember the three women who were sued (*Obs.*, Dec. 13) for \$31 million dollars because they criticized some Economy Publishing Co. books before the State Textbook Committee? Well, the State Board of Education has asked the company to drop the suit. If the company doesn't comply, the board wants Atty. Gen. John Hill to assist the women in their defense. But board member Woodrow W. Bean of El Paso thinks the agency should let the courts decide the suit. Bean says, "When a state board recommends to anyone that a suit be withdrawn, we're in trouble . . . This would be establishing a terrible precedent."

- Just for the record, a sharp-eyed reader of the *Corpus Christi Caller* spotted a couple of items pertinent to Our Time in one issue of that paper: "Tennis stars ponder \$250,000 confrontation" and "\$500 [from the Texas Institute of Letters] to be awarded writer making most significant contribution to human knowledge."

- The community of Little Elm, pop. 500, decided to do something about rising electric bills. The folks there turned off their electricity. It was only for one night, and it only saved \$45 or so (there are only 22 street lights, after all), but it was the principle of the thing.

Little Elm gets its electricity from the Denton County Electric Cooperative, which gets it from the Brazos Electric Power Cooperative. And, as Max Woodfin reported in the *Observer* (Feb. 14), the Brazos system has been having some trouble with the price of the natural gas it uses to fire its generators. The cost has tripled in the last two years.

BAD OL' BILLS

Austin

Every session produces its very own crop of noxious legislation, differing each biennium in its component parts but retaining always that peculiar, generic odor of the bad bill. Bad bills, generally speaking, come in two distinct forms. There is your classic special interest bill, designed to give one group or another economic relief or advantage: and then there is your "social issue" bill, as we have called them since Nixon. Social issue bills are mostly vote-getters that fly in the face of reason, equity, the Constitution, the Bill of Rights, or some other such picky hurdle. Social issue bills used to be anti-commie witch-hunting numbers or resolutions condemning the United Nations, but these days they center on such stomach-upsetters as pornography, abortion, and busing.

The 64th session of the Lege, now past its half-way mark and at the point where any further bills to be introduced will have to have a four-fifths vote as "emergency measures," has already earned its place in the Bad Bill Hall of Fame. Possibly even bad bill immortality. The 64th's b.b.'s range from the already-passed to those that, we hope, don't have a prayer — such as this year's edition of the school prayer bill.

A mere skimming of the b.b. surface, just a fast dip into the old septic tank, provides a right lengthy list. There is for instance, the first old school special interest bill of the session, the truckers' special. Both the House and the Senate have already passed this gem, which will increase the truck weight limit from 72,000 pounds to 80,000. Interestingly enough, the only member of the press who caught this charmer as it went flying through both houses was a veteran capital hand and staunch conservative, Dick Morehead, Austin bureau chief for the *Dallas Morning News*. Morehead noted that when he first came to the capital, who knows how many eons ago, the Texas truck load limit was 7,000 pounds. He further offered that truck owners may be the most effective lobby in Austin; they "are important in every legislator's district, while railroads have relatively little clout."

THIS LATEST round of truck load increases was not, originally, a Lege bad bill: it was, in fact, a U.S. Congress bad bill. The February issue of the *The Washington Monthly* sets out in detail the unfortunate story of how the last lameduck Congress came to approve a measure it had specifically nixed only a



few months earlier. A trucker's association front-group called TON spread liberal campaign donations around just before the November elections. That, combined with heavy lobbying, a bit of fast footwork, and the disorganization of opposition groups (including the National Association of Counties, the National Transportation Safety Board, the Department of Transportation's National Highway Safety Advisory Committee, the Teamsters, the Professional Drivers' Council, the American Automobile Association, and the National Association of Professional Engineers) sufficed to get the bill through Congress.

We should, perhaps, be grateful to the Texas Lege. The Congressional bill was so badly drawn that it contained a the-sky's-the-limit loophole. Had the Lege so chosen, it could have exceeded the new 80,000-pound limit set by the Congress and gone even higher. They restrained themselves.

The truckers' chief argument in favor of the increase is the energy crisis. Remember the energy crisis? Filling stations now have gasoline coming out the kazoo, but we still have an energy crisis. The crisis forced us to lower the speed limit to 55 m.p.h. The Lege is undoing that as quickly as it is able, but in the meantime, it takes a truck longer to get from Dallas to Houston. Driver might even have to spend the night in Houston. Might have to add another driver and another rig to move what one driver rolled before the crisis. More drivers, more rigs mean more expenses, plus they use more gas. Bad for the energy crisis. Unfair to truckers, cuts into their profits. All round hardships. Gotta have relief.

Well, the downside of this equation is that higher load limits (A) tear up the roads, which have to be repaired with taxpayers' money, and (B) play hell with highway safety. The truckers have a nice comeback for (A): they claim that higher truck load limits are a revenue producer for the state — higher loads, higher taxes paid on loads, taxes go straight into highway repair, whole thing pays for itself. Maybe. Also, maybe not. The little, vague testimony from highway folks on the Senate version of the bill said, approximately, that a bridge that would fall apart in 30 years anyway, would fall

apart in 20 with the higher load limits. Higher load limits will not produce half-again as much money as they now do. Ergo, taxpayers will wind up paying for the difference, ergo, we have another form of indirect subsidy, and that, as we all know, folks, is a form of socialization, yes, socialization. One can be more sympathetic to the argument made by a Senate liberal who voted for the bill. "I'm for developing mass transit between the cities anyway, so what do I care if all those highways with all those cars runnin' up and down 'em get chewed up?"

THE SAFETY factor is somewhat harder to get around. The only representative we know who is particularly knowledgeable about it is Rep. Jim Mattox of Dallas, who wasn't on the floor at the time the bill came up for debate and some friend of his voted him "yes" *in absentia*. He at least had the grace to sound chagrined about it. Safety-wise, there is this: a big truck rig can almost literally blow a small car off the road: for each truck driver killed in a car-truck collision, 31 other people — car drivers, passengers, and pedestrians — die: a fatality is 10 times more likely to occur in a car-truck crash than a car-car crash. According to Mattox, the two front tires on a big rig — them as have no back up if they blow — are built to take only 6,000 pounds of pressure, and the new, floating hitches between cab and rig can put more pressure than that on the front tires, plus in addition to which, the floating hitches are all too flexible. So we get trucks jack-knifing, trucks having front tire flats, trucks blowing us off the road, and trucks chewing up the highways, for which we then have to pay. Who knows, maybe if the Lege had refused to pass the truckers' special interest bill and they all (unlikely eventuation) had gone broke, the railroads would have made a comeback.

An entirely different species of bad bill has been offered by Sen. Bill Meier of Eules. For one thing, he has put up a very nice no-knock bill — S.B. 131, "relating to the use of force in executing a search, and declaring an emergency." The proposed added language to the penal code is here underlined: "before using force, the actor

manifests his purpose to arrest or search and identifies himself as a peace officer or as one acting at a peace officer's direction, unless he reasonably believes his purpose and identity are already known by or cannot reasonably be made known to the person to be arrested or to the person whose premises or property is to be searched."

If you don't like that one, try this one, S.B. 133 by Meier, "relating to the definitions of 'obscene,' 'material,' 'prurient interest,' 'sexual conduct,' 'distribute,' and 'commercially distribute,' and declaring an emergency." Random House spends years and years, but here's Meier prepared to re-define at the drop of an emergency. One of our favorite sections of 133 is that which would obviate "is utterly without redeeming social value" and substitute "lacks serious literary, artistic, political, or scientific value." By some community standards, certain bills introduced in the Texas Lege lack serious literary, etc., etc., merit. Lest you think that is facetious comment, only read on to the very next section of S.B. 133: "Material" means a book, magazine, newspaper, or other printed or written material; a picture, drawing, photograph, motion picture, or other pictorial representation; a play, dance, or performance; a statute [sic] or other figure . . ."

IN FURTHER adventures with bill 133, we find an alarming lacuna under the redefinition of (6) "sexual conduct": mouth-to-mouth excitement with chickens has been left out. Subsection (C) reads, "any contact between a person's mouth or genitals and the anus or genitals of an animal or fowl." Meier clearly suffers from insufficient imagination. On top of that, Meier's bill 127, which gets around to the tricky question of incest, leaves nieces and nephews who engage in Meier's definition of incest in hot legal water, while aunts and uncles get off scot free.

What's a session without some Mad Dog bills? Sen. Walter (Mad Dog) Mengden of Houston is this session advocating silent prayer in public schools (S.B. 60), moving drug cases to the top of the criminal court dockets (murderers and rapists can wait: S.B. 64), and legalizing the use of fictitious I.D.'s and driver's licenses by undercover DPS types (S.B. 65, to make it all the easier to ferret out the facts on the Unitarian Church, my dear).

Well, such nonsense aside, there is always S.B. 69, the ol' "consumer protection" gambit by Sen. Bill (the Bull of the Brazos) Moore of Bryan. During dull sessions like the 64th, we become positively grateful for the Senator Moores of the world. Who else is around to lend a bit of the old exhilaration, the *joie de vivre*, the requisite outrageousness for a

Lege session? Moore, who has banking interests, is carrying this nifty piece of loan shark legislation (see *Obs.*, Feb. 28). As he said on another, not dissimilar occasion, "Well, I'll only make a little profit, not a whole lot."

Moore's bill, S.B. 69 will increase the interest charges on loans of \$300 and over and raise the ceiling rates on loans regulated by the Consumer Credit Commission from \$2,500 to \$5,000. Moore's perennial foe Sen. Bill Patman of Ganado, who, like his daddy Wright, trusts money-lenders about as far as he can throw a chimney by the smoke, was in there pitching for the opposition. "The Bull" said the testimony of one opposition witness, a San Antonio legal aid attorney, was "garbage," and said a UT economics professor who testified against the bill was "speaking gibberish." Very high level debate, as you see. S.B. 69 will probably pass both houses: Patman plans to do at least some filibustering against it in the Senate and further hopes for a Briscoe veto.

Patman is also hoping for a Briscoe veto of H.B. 351, a little darling that mortgage bankers have been trying to pass for years. By jiggering around the "points" or interest credits on a mortgage loan, and loading them onto the front end of a payment schedule, the bill effectively avoids the constitutional ban against

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interest rates above 10 percent.

Our heroes in the Lege have also introduced special interest bills for dentists, chiropractors, pest controllers, organized labor, stock brokers, trial lawyers, the billboard lobby, and so forth, and so on. Rep. Ed Mayes of Granbury has introduced a bill that will require mandatory teaching on the glories of the free enterprise system in public schools.

Special interest legislation is not an evil, *per se*: there are groups with particular problems that call for remedial legislation in the name of justice or common sense.

For example, the poor, old Campfire Girls now have to pay sales tax on their fund-raising candy sales, whereas the Girl Scouts don't have to pay taxes on their cookie sales because the law, for some inscrutable reason, considers candy a luxury but cookies a necessity.

But for what seems to be a depressingly large majority of the time, special interest bills are introduced not so much to correct an inequity, but to allow a specific clump of folks to make more money off the rest of us. M.I.

cleared with the governor. Hardesty said Rose explained that he was under the impression that the study was to be delivered *during* the session rather than prior to the opening of the session.

There was a similar lengthy wait for the governor to release *Texas Land Use*, a \$99,500 study funded by HUD (see *Obs.*, Sept. 21, 1973). The land use report did not put in a public appearance until the press started inquiring about it and a law suit was filed.

This report is not so big a deal. The Legislature directed the Department of Planning Coordination to do a study, but it provided no funds. It is not expected to be a major study. Still, a number of bills concerning reorganization of the agencies concerned with the environment are before the Legislature and it might be handy for legislators to see the study they went so far as to request via legislation. K.N.

... AND THEN SOME

(1) A little oversight

Austin

Two years ago the Legislature passed a bill — not just a resolution — a bill directing the governor's Division of Planning Coordination to make a study of state agencies involved in conservation and protection of natural resources and the environment. The study was supposed to check out overlapping and conflicting jurisdictions and powers and recommend

ways to improve the operation of the agencies. The report was to be given to the 64th Legislature before it convened this January.

Halfway through the 64th session the report still hadn't surfaced. Jon Newton of Beeville, sponsor of HB 1502, said he doesn't know where the report is. "I'd forgotten about it," he said, "but it was a damn good resolution." Gen. James Rose, director of the planning coordination office, failed to return the *Observer's* call for four days running; so an inquiry was directed to Bob Hardesty, Governor Briscoe's press secretary, who in turn managed to get Rose's attention. Rose told Hardesty that the study is being completed and that it should be out soon after it is

12

The Texas Observer

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ZOO STORY

by Edward Albee

At the RITZ THEATRE
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(2) W.C. lib

It may be the high water mark of humanitarianism this session. Rep. John Whitmire of Houston has introduced a bill banning pay toilets in Texas' public buildings. "It's a basic right," he says, "one of those fundamental rights."

Whitmire is full of observations on how pay toilets discriminate against certain segments of the population. He points out that they are especially hard on "the elderly and sick who cannot manage to wiggle under or crawl over the door." And he says he expects support from women's groups, since "women have to pay 100 percent of the time, but men have a 50-50 chance of getting by without paying."

"Houston Intercontinental Airport collected \$16,000 in dimes last year," Whitmire said. He also claimed that the Dallas-Fort Worth Airport now charges a quarter, but DFW has denied it, which casts some doubt on Whitmire's estimate that a person with the *turista* could spend three or four dollars there.

Connoisseurs of House debate are rubbing their hands in anticipation of the oratory which will accompany the bill's progress through the lower chamber. Whitmire says, semi-seriously, that the members he's talked to are with him. But

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he's already cornered one line: "If the Creator had meant folks to use pay toilets," he says, "they'd have been born with dimes in their hands."

(3) Catch 55

In the face of universal nose-holding, the House has passed an extension of the 55-mile-an-hour speed limit, along with a companion bill saying, "we take it back."

It was a little over a year ago when solons dashed in and out of Austin for a special session to lower the speed limit, so that Texas could remain eligible for federal highway funds. That action expires April 1, and the state is no more willing now than it

LB Jr. Follow-up

In our last issue, in our story on the Bentsen primary bill, we stated that neither John Mobley nor George Bristol, Bentsen's minions who lobbied for the bill, are registered lobbyists. The bill came to the floor on Monday, Feb. 24, and was successfully amended that afternoon. On the 25th, the Bentsen forces roared back with the so-called Schieffer substitute, which was passed on third reading by the House on Feb. 26th. On Feb. 27th, the *Observer* called both Bentsen's Austin office and his Washington office to find out if Bristol and Mobley were registered. Jack DeVore, the press man in the D.C. office, promised to get back to us. He did not before deadline and we went with the information that the two were not registered on the basis of reliable sources.

During the second week in March, DeVore told us that Bristol is in fact registered and that Secretary of State Mark White had told Bentsen's office that there was no need for Mobley to register. The *Observer* checked back with the secretary of state's office. According to records there, Bristol registered on Feb. 28. Our story should have read, "Neither Bristol nor Mobley were registered lobbyists at the time they were lobbying for the Bentsen bill." Our apologies to Mr. Bristol.

Bob and Sara Roebuck

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was then to lose federal money. So the signs will still say "55."

But there is, as one disgusted observer said, "Catch-55." The House's companion bill provides that the maximum fine for going over 55 but less than 70 shall be \$25 (as compared to a maximum of \$200 for real speeding) and that the 55-to-70 tickets can't be counted on insurance records. "No pain" speeding, *The Dallas Morning News* called it.

The bill still has to go to the Senate and to Gov. Dolph Briscoe, and the governor has already expressed his unhappiness with it. "I think there is a very definite possibility it could endanger federal funding of our highways," Briscoe said.

The House came within one vote of killing the thing on second reading after hearing every variety of argument against it. It was pointed out that the bill

encouraged, by law, the violation of the law; that it legitimized a class system of speeding; that it put the House on record as favoring the waste of energy; that it provided for unsafe two-speed highways. But the House was ready to "stand up and be counted for Texas," as Rep. John Hoestenbach of Odessa put it — the idea being that driving 55 m.p.h. is a Yankee innovation specifically designed to make Texans miserable while commuting from Ozona to North Zulch. J.F.

Impounded Federal housing funds, 1972 = \$130 million = 8 F-14 aircraft.

Vetoed EPA plan to depollute the Great Lakes = \$141 million = 1973 request for new airborne nuclear-war command post.

—from *The Permanent War Economy*, Seymour Melman.

March 28, 1975

13

A quick quiz on American socialism:

What is the DSOC?

- A. A dynamic new group dedicated to rebuilding a socialist presence in American life, led by Michael Harrington and including in its membership: Ralph Helstein, Victor Reuther, Alice Rossi, Irving Howe, Cynthia Epstein, and Sanford Gottlieb.
- B. A socialist organization which works within the existing liberal-Left, with trade unionists, feminists, black activists and other reformers fighting to win victories right now. A group, unlike other past and present socialist organizations, which works within the Democratic Party's left wing.
- C. Publisher of a monthly *Newsletter of the Democratic Left*, edited by Michael Harrington, featuring incisive articles on the energy crisis, the food shortage, the general economic calamity, and timely reports from feminists, trade unionists and other Left activists around the country.
- D. All of the above.

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John Dean at Baylor

By Steve Wisch

Waco

Probably the most meaningful part of convicted Watergate felon John Dean's visit to Baylor University on March 10, his only Texas stop on a six-week speaking tour, was his induction into the school's Noze Brotherhood.

The Brotherhood, a zany group of Baylor hell-raisers, perceived Dean's visit in its proper carnival perspective, and awarded him a nose disguise, a plunger, and a coverup sheet as it dubbed him "Brother In No Sense Dean of Dirty Tricks, Brother In No Sense Involvement With Plumbers, and Brother In No Sense Involved With Coverup." Dean beamed as W. J. Wimpee, Baylor's chaplain, told the audience of more than 2,000 students that Leon Jaworski, yes, Special Watergate Prosecutor Leon Jaworski, had been a member of the Brotherhood when he was a Baylor undergraduate.

THAT 15-MINUTE episode was definitely the highlight of Dean's appearance, unless you're interested in the \$3,500 Baylor coughed up to pay for it. The speech was not marred by a single protest or by any substance.

"Before I talk about Watergate, I want to talk about this matter of fees and accepting fees for speaking," he said. (He is as cool as ever — his dark, pinstriped, Brooks Brothers suit creaseless, his face expressionless.) He would like to speak without charging, Dean explained, "but I can't. It's just that simple, and until I can I have to pay off my debts and earn my living the best way I can." The entire moral question of benefiting from crime collapsed quicker than you can say Richard Nixon.

The problem in Watergate, he confessed, the forbidden fruit he had succumbed to, was ambition. Surprise. "It would be very nice to say I did what I did in loyalty to the President. But I also did the things I did during Watergate because I was watching out for John Dean. I was also ambitious and blinded by my own ambitions."

Dean went on to say that Watergate had been "a maturing experience for me. Sometimes it really takes something like that to really open your eyes, although it shouldn't." Really.

And with those revelations, the

Wisch, who studied journalism at Columbia, is a former Austin American-Statesman writer and a law student at Baylor.

would-be David to Richard Nixon's Goliath had spoken his piece.

The group Dean spoke to, the University Forum, was made up primarily of freshmen and sophomores required to attend as part of a sort of course in ethics and current events. The questions served up to Dean can only be called a "gift." There were such stingers as, "Were you glad that Mitchell, Haldeman, and Ehrlichman were convicted?" and "Do you think Watergate will overshadow the other things that the Nixon administration did?" Not one question laid a glove on Dean's highly polished cheek. Reporters who crowded around him at the end of his talk received meaningful responses like "I don't know," "I'm not sure," and "Maybe" to their questions. Apparently the canary would only sing for hire.

CHAPLAIN Wimpee was somewhat defensive about even the mild criticism of Dean that appeared in the *Lariat*, the student newspaper. *Lariat* editor Beth Whitley had suggested in a signed editorial that "even if a student is glad to see a controversial figure brought to the campus to make a speech, the student should still have the right to refuse financial support to anyone they think has violated their standards of integrity."

The chaplain did not agree. He said that students on Baylor's speaker's committee had spent a week surveying their classmates about the idea of inviting Dean and had not reported a single objection. Dean's performance, said Wimpee, "had the proper quality of the Christian testimony of contrition. He said, 'I did it. I'm sorry. I was wrong.'" The chaplain allowed that there were only three types of speaker that Baylor cannot tolerate: those who advocate the violent overthrow of the government, those who advocate atheism, and those who use profanity. (Dean did grace his remarks with a few undeleted expletives, but, said Wimpee, he could not be faulted for that because he is, after all, from the East, and "up there the four-letter word is a part of everyday speech.")

If Wimpee and most of Baylor's undergraduates were satisfied with Dean's appearance, there were a few disgruntled souls. One law professor told his class the next day that he simply could not find the right words to describe his dismay. "It was closer to nothing than it was to anything," he said. "What a rip-off."

Baylor's president, Abner McCall, had given the speech less than a hearty advance endorsement. "I wouldn't pay \$3 to go over and listen to him, but it's not my decision," he told *The Dallas Morning News*.

McCall had the right idea. □

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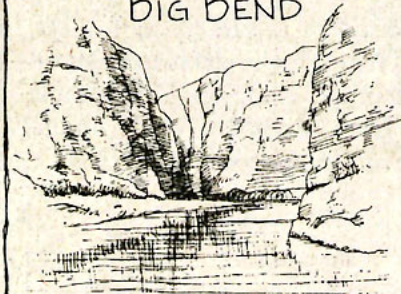
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Dialogue

AS ex replies

Accolades to Molly Ivins for her cover story on the *American-Statesman* (see "Forward! to the rear at the A-S, Obs.," Feb. 28). Having written for the A-S for 15 years, I know how difficult it can be to do a thoroughly accurate report on an organization whose public actions are so directed by inner dissension, ambitions, and scandals.

The letters of response from remaining members of the sub-management were predictable. I am grateful that Ms. Ivins managed to escape City Editor Bob Schwab's editing pencil: his concept of what is, or is not, "germane" has always been a source of wonder to many of us who have worked with him.

Though editorial writer Tom Barry despaired that Ms. Ivins' story dealt with petty "office politics," you may be interested to know that those internal politics (and "petty" they certainly were) are now the subject of inquiry by state agencies and courts. That's why I'm writing now — to add a postscript to the story.

Rulings have been returned after a TEC hearing held Feb. 27. Assistant "People" Editor Dottie Fish was found to be totally innocent of any misconduct whatsoever — she was *not* fired for just cause, and the A-S has been ordered to pay the full amount of unemployment compensation due her. Further, she was cleared of the A-S management's charge that she had scandalously edited Amusements Editor Susan Barton's columns. An outside witness came forward to admit (somewhat proudly) to having done them.

As for me, it was ruled that the cause I quit for was justified indeed.

Forward! to the front, at the *Texas Observer*.

Carolyn Bengtson, former A-S "People" Editor, 1404 Ethridge, Austin, Tex. 78703.

And another

Thank you for enlightening your readers about *The Austin American-Statesman* and, beyond that, the mystique of the working journalist. I don't recall ever having read a better description of reporters' attitudes toward newspaper management. In the case of the *American-Statesman* (and to one degree or another, I suppose, all Texas newspapers), the irreverence and skepticism of reporters toward management is indeed necessary and understandable.

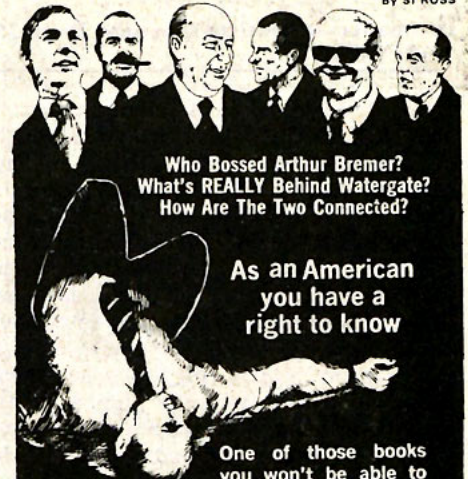
The really sad thing about the

March 28, 1975

15

the WALLACE CONTRACT and the WATERGATE CONNECTION

By SI ROSS



Who Bossed Arthur Bremer?
What's REALLY Behind Watergate?
How Are The Two Connected?

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CONGRATULATIONS TO Kaye Northcott and Molly Ivins on being invited to the mansion. All of us anxiously await an in-depth story on your visit. — Bob Bullock

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American-Statesman, of course, (and I must confess that I have five years' worth of first-hand knowledge lurking in my past), is that, no matter what reporters there may tell themselves at the time, the newspaper is just as "cruddy" as everyone has always said. A good many talented journalists have remained there, laboring under the false hope that the newspaper could become a good one under a management which for years has been sublimely happy to settle for a profit margin, a staff of frustrated reporters, and a sadly mediocre editorial product — in that order.

For anyone who has ever worked for the *American-Statesman*, I'm sure your article will recall all manner of ironic memories. In my case, I remember leaving the *American-Statesman* in 1969 several months after an abortive attempt to bring in the American Newspaper Guild. The only worthwhile result of that effort — and perhaps it would have happened anyway; I can't be certain — seemed at the time to be the replacement of the editor. Sam Wood was elevated to the position to replace something named Dave Shanks, whose departure was clearly the high point of his career at the *American-Statesman*. As the word of the replacement spread through the newsroom, there was an almost audible sigh of relief. "Well," reporters said to one another, "at least he's a newspaperman, a journalist and not a businessman."

Thank you once again for the integrity of M.I.'s writing.

Derro Evans, *The Dallas Times Herald*, 1101 Pacific Ave., Dallas, Texas. 75202.

SA papers gory

If *The Austin American-Statesman* is "cruddy," then what shall we term the San Antonio "newspapers" (if that term can be broadened enough to include the *Light* and *Express-News*)?

Both San Antonio papers show a manifest disgust for meaningful news, instead passing to their readers a steady diet of digested food, peppered with 72-point headlines. Their predictable front pages read like the cover of a cheap detective magazine: "BRUTAL RAPE," "SHOTGUN BLAST FELS HUSBAND," "POLICE CAPTURE HEROIN FIENDS," "CAR-TRUCK COLLISION MAIMS THREE," and (a feature) "BEGGAR-ARTIST FOUND DEAD NEAR RIVER." Then as a Sunday supplement to the *Express-News* comes the

infamous "National Star" with plenty of skin, scandalous features and not enough news for a diarrhetic parakeet to wet.

For what it's worth, the cruddy *American-Statesman* at least has the edge over her sisters to the south.

Jack Trlica, 3524 Greystone, Apt. 140, Austin, Texas. 78731.

Sorry, Tony

Ms. Ivins' otherwise superior article on the atrocious Bentsen presidential preference primary bill did contain an error of some magnitude which I hasten to correct.

I rise to the defense of an old friend — Tony Koriath. Those of us who know him best know that his shortcomings are legion and that to attempt to detail all of his past social outrages would be an Herculean undertaking. But there are depths to which he would not sink, and you have attempted to sink him there.

Your article has mistakenly returned Tony to the Legislature, confusing him with his brother Al. Far worse, you have made him a Republican and have him voting for that mess of pottage designed to make Bentsen kingpin in Texas. Tony does not have a Republican bone in his body, and you do him great injury to so label him. Furthermore, I feel sure he would never have supported the Bentsen legislation. Indeed, if memory serves me, when Tony was in the Legislature he was one of the outspoken opponents of the legislation which enabled then-Sen. Lyndon Johnson to appear on the ballot in Texas in 1960 as both a senatorial and vice-presidential nominee.

Spare poor Tony from further calumny — don't confuse him with his Republican brother Al again.

David Richards, 600 W. 7th, Austin, Tex. 78701.

Expect a fight

I would like to express my gratitude for your enlightening all *Observer* readers about Senator Bentsen's presidential primary bill (see *Obs.*, March 14). Your article lays it out just like it really is.

After so many battles and so many long years of hard work opening up presidential-year politics, it astonishes me how any intelligent, responsible, and fair-minded legislator could support such garbage. Senator Bentsen is mistaken if he thinks he can get away with it without a fight.

I encourage all readers to please write

their state senators and voice the outrage such a bill deserves. It smells of times past and we in Texas don't need it.

Al Leal, State Democratic Executive Committeeman, District 15, Suite 1020, Houston Bar Center Building, 723 Main, Houston, Tex. 77002.

Fortnight. . .

(Continued from Page 2)

in concert of Mozart, Beethoven, Ravel; 3 to 5 p.m., Laguna Gloria Art Museum, Austin.

GALLERY MUSIC — Time out for Sunday evening clearing-of-the-brain, with Gallery Music Concert by Texas A&I musicians; 8 p.m., Art Gallery, Texas A&I University, Kingsville.

ORGAN MUSIC — Frank Speller, faculty artist, performs program of French symphonic organ music: Vierne's "Second Symphony" and Dupre's "Symphony Passion"; 8 p.m., Music Bldg. Recital Hall, University of Texas, Austin.

APRIL 7

DANCE '75 — Faculty choreographer-directors of UT dance program team for showcase of departmental dance talent: Igor Youskevitch's "Romeo and Juliet" and "Night on Bald Mountain," Lathan Sanford's three jazz works to music by Quincy Jones and Paul Weston, and Michael Sokoloff's modern works, "Performance" and "Sarabande;" through April 12, Hogg Auditorium, University of Texas, Austin.

NEW MUSIC — Twentieth century American music concert, with Jeffrey Lerner directing New Music Ensemble and Michael Williams directing American Music Group; 8 p.m., Dudley Recital Hall, Fine Arts Bldg., University of Houston, Houston.

APRIL 8

AUSSIE DIVA — Incomparable Joan Sutherland sings title role in Donizetti's "Lucrezia Borgia," with her husband Richard Bonygne conducting Houston Grand Opera orchestra, and Houstonian Faye Robinson of New York City Opera substituting as Lucrezia in April 12 and 14 performances; also April 11-14, Jones Hall, Houston.

BAPTIST WINDS — Dick Floyd conducts Baylor Wind Ensemble in free concert; 8:15 p.m., Waco Wall, Baylor University, Waco.

CONCERT CHORALE — Spring Concert by Concert Chorale, directed by Charles Smith; 8 p.m., LBJ Auditorium, University of Texas, Austin.

APRIL 9

WOMEN'S CELEBRATION — SMU celebration of International Women's Year, with teach-in and festivities; Quadrangle, Southern Methodist University, Dallas.

APRIL 10

FOR LUDWIG LOVERS — Pianist Lee Luvisi, in his first appearance with Dallas Symphony Orchestra, conducted by Louis Lane, performs all-Beethoven concert; also April 12, Music Hall, Dallas.