

THE TEXAS OBSERVER

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A Journal of Free Voices

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Break, Enter, Wiretap: Clements Gets His Way

By Ronnie Dugger

Austin

The 67th legislature, as if setting the stage for 1984 three years beforehand, has surprised even itself by passing Governor Bill Clements' break, enter, and wiretap bill of 1981. Had George Orwell himself conjured to imagine a way his nightmare of the all-seeing state could approach its tympanous arrival, he well might have written out a tale much like the plausible but incredible events that have given American democracy this real and present foreground.

It began, really, with the Vietnam war and the urban riots of the mid-60's, for these calamitous events led to President Lyndon Johnson's personal reaction against the civil rights movement, the flustered Congress' enactment of the Safe Streets and Omnibus Crime Act of 1968, and Johnson's acceptance and signing of its wiretapping provisions. The high court later informed the Congress as well as the country that the august legislators had also intended to authorize breaking and entering for the purpose of placing the wiretaps and that this can be done. The legislators' submissive surprise and the country's — what else? — acceptance can be but elements in a theory of how democracies come to an end.

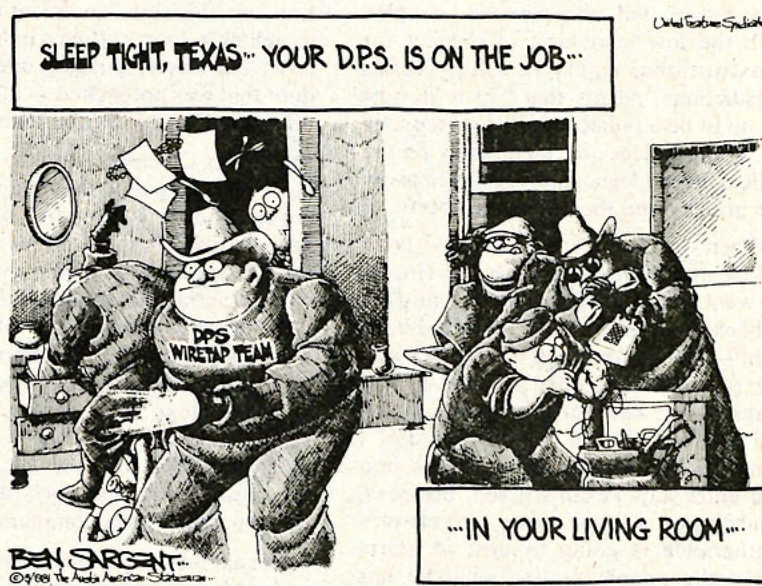
Arriving now at 1981, few members of the Texas legislature, and few of the press or the people, know the provisions of the laws of the 25 states that, as Governor Clements' men tirelessly repeated, have passed wiretapping laws. The media-transmitted, or at least the media-declared hysteria of the present period is not hippies and urban burnings, but drugs, and it is for the stated purpose

of ferreting out the big boys of the drug traffic that Texas has now authorized its law officers to break into and enter any home or business in the state in the absence of the tenants, in the dead of night, to place secret bugs whether in the bedroom, the study, or the office and then to sneak back out and listen to what is said and whatever is done that they can hear being done.

As the 67th session fumbled toward its conclusion in the pink-granite Capitol, which is identified on its historical tablet on the grounds as a sentinel of eternity, it was clear to everyone that a majority

of both houses would pass the bill if it came to a vote among them. Who wants to give his opponent at the next election an opening to call him a friend of dope pushers?

Even after the House, rejecting impassioned amendments to prohibit the breaking and entering and otherwise to protect the citizens from police abuse under its provisions, approved the bill, most of the members thought it could not pass. The chairman of the Senate jurisprudence committee, Sen. Oscar Mauzy of Dallas, was adamantly opposed to it on classical liberal grounds, his powerful ally in opposition, Lt. Gov. Bill Hobby, had the gavel, and Sen. Lloyd Doggett of Austin was primed for a filibuster. Yet suddenly, the week before the end of the session, on a forced time schedule that was meant to have the bill voted on just before the point at which a filibuster



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This Darkest Day

Austin

We write in great sadness as the 67th legislature closes for now. Next issue we shall give you our roundup of the 67th. This issue we attend to the very worst of legislation passed by the Texas legislature at least since World War II — Gov. William Clements' Break, Enter, and Wiretap Act of 1981. Worse than the anti-union "right-to-work" laws, worse than the witchhunting bills of the early fifties, worse than the segregation bills of the late fifties that were so obviously unconstitutional, worse than the general sales tax of 1961, this new law, coupled with the low standards of respect for constitutional rights in many Texas jurisdictions, means that Texas is now set up to be a police state. How repressive a police state depends mainly on the police, for the legislature has given away our privacy and therefore our liberty.

When, on May 28th, Clements' prize bill cleared its last hurdle in the House, he went onto the House floor and gleefully exulted, "We did it!" They did it, all right — they authorized the police, with the professed purpose of looking for drugs on the basis of a court order that can be issued on the unsworn word of a lying criminal informant, to break into and enter any Texan's home, business, church, or school. The Governor's exuberance is going to turn to alarm when the people realize what he has done to them. The enactment of this bill is an infamy for which he and the legislature must answer.

As Clements said, he worried over the bill like a mother does her child — but this child is a monster. The chairman of the House jurisprudence put it plainly: The law legalizes burglary.

UNDER SECTION 30.02 of the Texas Penal Code, it is a felony punishable by life or five to 99 years in prison to enter a habitation without the effective consent of the owner with intent to commit a felony or theft, or so to enter any building for such a purpose with a deadly weapon, or to injure or try to injure anyone in the course of such an entry. The breaking and entering cases that are reviewed in the "Practice Commentary" on this section in *Vernon's* involved entering a room through a transom, raising a window or using a key to unlock a door, cutting a hole through a roof, and merely pushing open a closed door that was not locked — all defined as offenses of breaking and entering.

Yet now Clements and the legislature have told the police they may break and enter people's homes, businesses, schools, and churches not to steal, but in stealth, snoop around for evidence the while planting electronic devices that totally destroy the privacy of everyone who lives in or uses the premises, then go secretly eavesdrop on everything that is said or done in the house, and finally sneak back in to take out the bugs and, most probably, to take whatever else they want under the law's definition of the "contents" of a communication.

Reaganites, Clements rightists, law and order "conservatives," you have sold yourselves to the people as the foes of government intrusion into our lives. True conservatives, we call on you now to join in vigilance with all Americans who put the modest people and their freedom ahead of the militaristic plutocrats and their police states. As for you, Reaganites, Clementists, prattle to us

against government domination never again! Never again, you hypocrites!

THERE ARE NO leaders in high place in Texas, there are only a handful more of the parading midgets of history. Speaker Billy Clayton leads the House into authorizing wiretapping of which he himself has been a victim. Lt. Gov. Bill Hobby is a civilized gentleman, and urbane. He is a fair man, and he does have a conscience. But he is not good in a fight, and he is no leader.

A special word about Senator Bob Glasgow of Stephenville. This ruthless, unprincipled grandstander is an embarrassment even to the 67th legislature, which takes a lot to embarrass. Elected by trial lawyers and others who thought him moderate and perhaps reasonable, Glasgow has displayed himself to be a cold-blooded demagogue, eager to use crime and misfortune as clubs to bully his colleagues into enacting the unwisest violations of our liberties.

Imagine a tribune who will rise in the Senate and say he has no objection at all to the police wiretapping his home and his office all the time. Therefore, Senator Glasgow contended, all citizens should say likewise. In this profanation, Glasgow displayed an aggressive authoritarianism suitable for the Roman dictatorship or the more recent German one, a police-state bullyrag that has no place in a free state's Senate.

But let us say to the citizens at large, do not despair. These excesses of the Reagan-Clements right will rouse from their torpor free and humane people everywhere in our country. We must rebuild the humanist movement in the country not just to advance our views, but to save our country. We can do it and we will. For starters we must stop writing off our legislature as the hopeless tool of yahoos and the corporations. We call on every and each one of our readers to make the identity of the legislators from your district your business from this darkest day on.

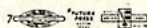
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Moving Bombs, Plutonium

By Ron Wolf

Denver

The temperature was in the 20's and light snow was expected as Jonny Sappington of Amarillo pulled his government-owned 18-wheeler out of Cheyenne, Wyoming, on the overcast December afternoon. He headed south toward Denver with his highly classified cargo. Three heavily-armed guards followed close behind in a light blue, unmarked Chevrolet Blazer. Two more armed men were in the tractor with him and had shared the driving duties since the crew left Richland, Washington, early the previous day.

Despite the threatening forecast, the interstate was still clear and dry, at least for another 40 miles. As Sappington neared Fort Collins, Colorado, the condition of the road rapidly worsened. Fog hung in the low-lying area along the highway, condensing and freezing and coating the pavement with a thick sheet of ice.

Sappington slowed his rig as he encountered the first large patch. Moments later he spotted a truck that had overturned about 400 yards ahead. He applied his brakes and tried to avoid the obstruction, but his truck slowly jackknifed and slid onto the media strip. The trailer edged over and came to rest on its side in the ice-encrusted weeds.

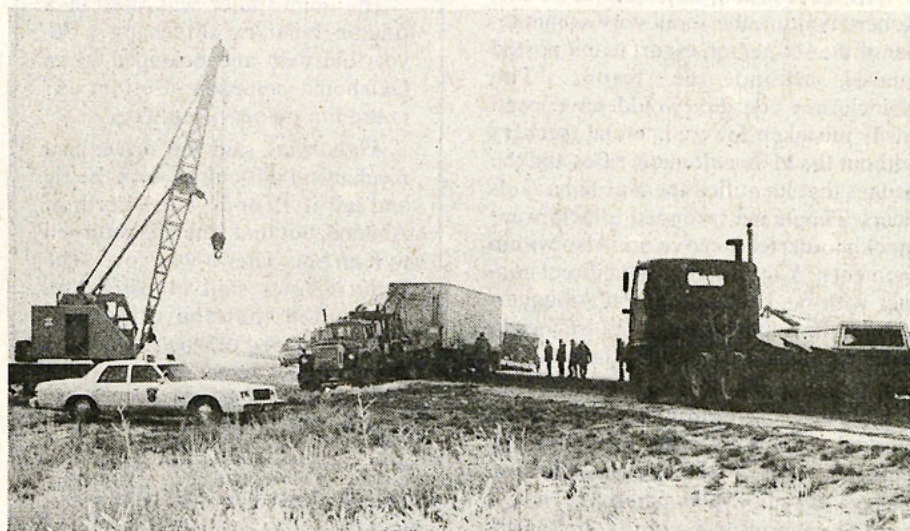
So many vehicles skidded off the road that day that the local office of the Colorado State Patrol was unable to respond to all the calls. Motorists were advised to come into the office when the weather cleared to fill out accident forms. Another overturned truck would hardly be noticed, but this one was different. It contained a cargo of plutonium, the raw material of nuclear weapons.

For the next 18 hours local officials and the media got a rare close-up look at one of the government's more secretive operations, the transportation of nuclear warheads, unassembled bomb components, and the nuclear ingredients used in the manufacture of these weapons. The disabled truck and its sensitive contents belonged to the U.S. Department of Energy, the agency responsible for developing, manufacturing, and transporting the nation's nuclear arsenal.

DOE's transportation safeguards division, based in Albuquerque, operates a fleet of more than three dozen custom-built "safe secure trailers" (SST's) like the one which skidded off the southbound lane of Interstate 25 with Sappington at the wheel. To escort its shipments, the division employs an elite force of 150 highly trained and heavily

60 Air Force and Navy bases where nuclear weapons are stored or deployed.

The hub of this nationwide network is the Pantex nuclear weapons plant east of Amarillo. Components from the other DOE facilities are shipped to Pantex for final assembly, and the completed weapons are shipped from the Texas plant to all the other destinations.



- Photo by Ron Wolf

The scene when the truck carrying the "classified (nuclear) shipment" left the road. The "SST" is the truck in the middle of the photograph. The crane at the left belongs to the Air Force.

armed "couriers," most of them combat veterans recruited from the military services. Under the Atomic Energy Act of 1954, they are authorized to use whatever force is necessary to protect what they occasionally refer to as "the goodies."

Last year DOE's convoys logged three and a half million miles while moving secret cargos between 100 locations within the United States. Probably, more of those miles were logged in Texas than in any other state. The shipments routinely rolled over most of the interstate highways in Texas and the rest of the country, as well as through most of the major cities.

The nuclear ingredients and weapons components are transported almost continuously between the seven privately-operated plants and two government laboratories that form the manufacturing complex. The finished bombs are delivered to, or retrieved from, more than

At the same time, the flow of weapons also moves the opposite direction. Aging nuclear devices are returned to Pantex from bases around the world for disassembly, and the plutonium components are shipped from Amarillo to Denver for recovery and refabrication. As the center of this extensive transportation system, Amarillo serves as home base for Jonny Sappington and 65 other DOE couriers — 40% of the total courier force.

So many shipments are made around the country each year (probably more than a thousand) that DOE frequently has a dozen or more convoys on the roads simultaneously in all kinds of weather during all hours of the day and night. Through it all, the transportation safeguards division has maintained a remarkably low profile. Its trucks are externally indistinguishable from the thousands of other unmarked rigs on the roads. The DOE vehicles are specifically

exempted from regulations requiring shippers to identify radioactive or explosive cargos. Only the government license plates provide a slight hint as to the nature of the shipment. A trained observer might also notice that these trucks are far heavier than most others on the road, a result of the extensive armor plating and structural reinforcement that cause DOE to liken the trucks to bank vaults on wheels.

The SSTs go unrecognized by the millions of travellers who have unwittingly encountered them on the highways. The accident near Fort Collins last December was one of the very few instances in which such a nuclear shipment was identified publicly.

* * *

Within seconds after the accident, Robert Walton, the small wiry commander of the six-person escort team, posted guards around the trailer. The plainclothes couriers would have been easily mistaken for commercial truckers without the M-16 automatic rifles and the badges that identified them as federal officers. People who stopped to help were quickly ordered to move on. Also within moments, Walton established direct contact with his headquarters in Albuquerque on the sophisticated high-frequency radio equipment carried by the convoy.

Another courier checked the area with a hand-held radiation detector, then worked his way over the surface of the trailer to verify that there had been no leakage of radioactive material. (The escort team couldn't simply open the trailer and examine the contents. Couriers are not informed of the procedures for unscrambling the electronically-coded locks on the vault within.) Despite the impact of the accident, the SST was undented, evidence of its structural strength.

As state police closed the highway and diverted traffic to a frontage road, DOE officials in Albuquerque made arrangements to retrieve their valuable cargo. A hastily-assembled 45-man team was dispatched from Warren Air Force Base near Cheyenne to provide additional security and assist in the recovery.

Walton read a brief prepared statement for reporters who arrived on the scene. His typed script, presumably kept on hand for such emergencies, described the contents only as a "classified shipment" that was "not affected by the accident" and "did not pose any danger to the public."

The Air Force crew worked throughout the night, hindered by snow and ice. Nervous young airmen huddled in pickup trucks with their rifles and shotguns, trying to keep warm as they

peered into the darkness. Finally, by daybreak, the SST was on the road again, headed back to Warren Air Force Base instead of the original destination, a plutonium-fabrication facility at the Los Alamos Scientific Laboratory in northern New Mexico. A truck-mounted

A Slight Error

Last month a semi-trailer filled with radioactive cesium 137, which emits beta rays that can cause cancer, was lost for more than 48 hours before it was found near Abilene.

The semi-trailer was part of a tractor-trailer rig driven by a 30-year-old man and belonged to an Oklahoma company. Cesium 137 is used in oil-servicing work.

Authorities said the driver had mechanical difficulties with the rig and left it 15 or 20 miles north of Abilene, but that when he returned to it an hour later it was gone. The *Dallas News* said investigators speculated that the driver got drunk, dropped off the trailer, and then couldn't remember where he had left it. The tractor was recovered in Oklahoma City.

crane and three heavy-duty tow trucks were required to get the trailer upright.

* * *

Transportation of nuclear materials has always been shrouded in secrecy. As the scientific principles and technological techniques of building nuclear weapons have become more widely known, the U.S. government has turned to tighter physical security to keep the essential raw materials out of the hands of its adversaries. On paper at least, these defenses are weakest and the material is most vulnerable to theft when it is being moved. That is the time when it is furthest from secure installations and protected by the fewest people.

In the early days of the nuclear age, the heaviest security was applied to vital information and assembled weapons, not the raw materials. In 1943 the physicist Glenn Seaborg packed a vial containing one of the first microscopic specks of the man-made element plutonium in his suitcase and carried it with him from Berkeley to the secret wartime laboratory at Los Alamos where the feasibility of building an atomic bomb was being studied. A year later, when large quantities of enriched uranium had to be moved from Oak Ridge, Tenn., to Los

Alamos, the Army organized the first system of nuclear couriers. Soldiers in civilian clothes travelled by commercial train to Chicago and then to New Mexico with the uranium concealed in ordinary luggage.

During the 1950s, as the old Atomic Energy Commission sought to encourage the development of a private nuclear industry, the transportation of weapons-grade plutonium and uranium was entrusted to government contractors and commercial carriers. The AEC reasoned that the high intrinsic value of the substances and the prospect of heavy financial losses would provide adequate incentive for the contractors to protect the nuclear material in their possession.

By the mid-1960s numerous critics inside and outside the AEC were questioning this logic, especially in the light of increasing terrorist activity around the world. It was only a matter of time, they argued, before the terrorists might try to obtain a nuclear weapon. In response, the agency slowly began to order tougher security measures at its facilities and started work on an improved transportation system.

The deceptively simple concept underlying the present system was set forth in the early 1970s. The original plan was to build a nearly impregnable shipping container that could be easily immobilized if necessary. It would be made of the most resistant steel. Ideally the device would be impossible for even well-equipped thieves to crack, pry, or blast open for many hours, if not days. The second part of the plan called for a highly reliable nationwide communications system to keep track of the containers at all times under all conditions. In the event of an attack against a shipment, reinforcements could be moved to the scene before the perpetrators breached the protective layers of the shipping container.

By 1972 the AEC, while still using commercial carriers for many of its shipments, had its first ten safe secure trailers and its secure communications network ("SECOM") in operation. Then came the shock of the Summer Olympics in Munich.

The murder of eleven Israeli athletes by the Black September terrorist group stunned security planners at the highest levels of the Western governments. The event forced the realization that terrorism had become much harder to control or even to predict. In the U.S., President Richard Nixon appointed a cabinet-level committee to combat terrorism. One result was an expensive program to strengthen the defenses against the theft of nuclear material. Scientists quickly jumped from the question

of whether terrorists would acquire nuclear weapons to consideration of when, where, and how.

In the aftermath of Munich the AEC ordered the expansion of its transportation system to cover not just finished nuclear weapons, but all material that could be used to build an illicit bomb. The private shipments were ended in 1974.

* * *

These days, the AEC is gone, broken up in a governmental reorganization. Its Albuquerque Operations Office, which supervised the production of nuclear weapons, is now part of the Department of Energy. Albuquerque Operations still occupies the same inconspicuous quarters within a small fenced compound on Kirtland Air Force Base east of the city. The offices are located in five white concrete buildings that once served as barracks for an anti-aircraft battalion. Across the street there is a base housing area of closely-spaced one-family homes. Two blocks away children play in the dusty yard of the elementary school.

Hidden in the basement of one of the office buildings is the windowless command post where nuclear shipments are tracked as they move around the country. Only a hand-lettered cardboard sign on the locked door identifies the vital "SECOM Center."

In an adjacent building, James P. Crane, the rugged director of the transportation division, talked about SECOM, his couriers, and their secretive work. Officials like "Pat" Crane observe a delicate balance in discussing these matters. Saying too much they could inadvertently release information useful to potential hijackers, but saying nothing also has risks. Such a policy would do little to reassure the public about the reliability of the safeguards. Complete silence also might open the door to foolish adventurism by those ignorant of the defenses.

Crane flatly asserts that anyone attempting to steal one of his shipments will fail and will probably be killed. His couriers are all in top physical condition and are required to stay that way. They're proficient with shotguns, rifles, handguns and grenade launchers and must prove it periodically. They've rehearsed their roles in realistic combat exercises. And they're well paid for their services; although the base pay for a new courier is about \$14,000, most are earning \$25-30,000 because of the heavy overtime that goes with the long hours on the road.

The average age of the couriers is 36. The youngest is 21 and the oldest are in their 60s like Robert Walton. Turnover is

very low and competition for vacancies is intense. The last class of 18 recruits was selected from 165 applicants. At the moment, DOE is not hiring.

Crane gives fewer details about the safe secure trailers. The SSTs now cost about one-third of a million dollars apiece, roughly three times the price of a standard heavy-duty tractor and trailer. The government rigs are crammed with tamper-proof gadgets to slow the progress of attackers until reinforcements arrive. These devices have been described as a series of explosives, gases, and other debilitating booby-traps to surprise and confound hijackers. The vehicles can be rendered immobile, perhaps even by a remote radio signal. Official descriptions of these defensive systems are deliberately vague for security reasons. "We try to fuzz it up," explains David Jackson, the director of public affairs for DOE's

Albuquerque Operations Office.

SECOM, Pat Crane contends, is now foolproof. The convoys transmit messages on four frequencies simultaneously to four widely-separated relay stations. The redundancy decreases the chances that communications could be interrupted by power failures, sabotage, or jamming. During a field test of SECOM in 1974, a convoy covered 10,000 miles on a roundabout trip through 31 states; the operator was able to contact the Albuquerque base on the first try 98% of the time. Since then an improved system has been put into use and Crane says that he now has "100% contact."

Of course there are numerous other precautions in effect. Routes and shipment schedules are varied. Safe havens like military bases are available along the way if needed. Crews drive straight through to their destinations to get the



The World From Texas

In San Antonio during Armed Forces Week this month, a top Air Force general contended that Russia rejects the idea that a nuclear war is suicide. This is a conviction held by President Reagan, also.

"Soviet strategic forces are structured to fight, survive, and win a nuclear war," Maj. Gen. James L. Brown, deputy director for Joint Chiefs of Staff Support of the Defense Intelligence Agency, told a seminar at Fort Sam Houston. "The Soviets have made it clear that they reject the Western doctrine of mutually incurred destruction and reject the notion that nuclear war is suicide."

The Russians are so strong, he said, "under certain conditions the temptation may arise for the Soviets to attempt a first strike attack to disarm a portion of the United States."

Inaugurating the first Texas chapter of Physicians for Social Responsibility in San Antonio, Dr. Jerome Frank, the distinguished psychiatrist, said of national leaders, "Faced with the unthinkable and terrifying possibility of an accident or even the deliberate act of setting off the holocaust, they frequently act in such a way as to make the possibility even greater." He said PSR now has 4,000 physician-members in more than 30 chapters in the country.

Bergstrom AFB (which is outside Austin) lost two pairs of pilots in two days during Nevada training exercises last month. They were flying RF-4C Phan-

tom jets. One of the pilots was Capt. Ralph Gholson of Burleson, south of Fort Worth.

Two young men were seriously injured when one of about 200 shell casings from eleven-inch armor-piercing missiles exploded. Perhaps the men meant to sell the casings for scrap metal — how the casings were taken from a Fort Hood firing range is not known — but 12 of them had detonators in them, and one exploded.

Sen. John Tower, R-Tx., says that odds are about 300-1 against the split-basing of the MX missile system being located, in part, in Texas-New Mexico. "It's not cost-effective" to do it, he said.

In Groton, Conn., Catholics demonstrated outside the Electric Boat Co. to protest the Navy's decision to name a nuclear submarine the USS Corpus Christi. The name of the body of Christ should not be "identified with the killing of millions of lives," a priest said.

A Houston man, Michael E. Perdue, admitted in federal court in New Orleans he helped finance a projected invasion of the Caribbean country of Dominica. Ten men, most connected to Klan or Nazi organizations, were arrested as they prepared to board a boat for Dominica. Perdue chartered a 52-foot boat for the trip and bought weapons and recruited mercenaries, officials said.

In San Antonio at the instance of Von Lifschutz, 39 people — all but half a dozen of them women — met at her home and formed "People for Peace." They plan to meet monthly and write letters to officeholders against the U.S. role in El Salvador; they expect other foreign policy issues to arise to keep them working together. □

cargo off the roads as quickly as possible. People are rotated between crews and assignments to counter the natural tendency for informal relaxation of procedures or, worse, the opportunity for formation of an insider conspiracy.

The cost of the entire transportation operation, including chartered rail shipments that are conducted in a manner almost identical to truck convoys, is now about \$17 million a year. Crane confidently predicts that his transportation division will grow larger in the years ahead. The U.S. has an estimated 30,000 nuclear weapons deployed around the world.

About 10,000 of these are "strategic" weapons in the megaton range, the kind that could be delivered by missiles or B-52s to destroy, say, Moscow. The rest are smaller "tactical" weapons in the kiloton range, many of them based in Western Europe. The radioactive components of these weapons gradually decay and become less reliable, so they are replaced periodically. Consequently, DOE is moving thousands of nuclear weapons a year, even when the overall numbers in deployment remain constant. In addition, nuclear weapons must be brought back to the factory periodically

for testing, modification or replacement by more advanced designs.

Pat Crane says the country is entering a period when much more of this work will be done, when shipments will increase. At the same time, he predicts that the transportation system is likely to remain very much as it is today. Probably it will become more computerized and will utilize new defensive gadgets that emerge from DOE's ongoing research program, but no major revisions are anticipated.

Is the system adequate? Crane has no doubts. He proudly points out that his couriers have never been attacked and have never lost a gram of material entrusted to them. They have never even had an accident resulting in the release of radiation.

Well-informed independent evaluations on the adequacy of the system are virtually non-existent, however. Because the details of the operation are so highly classified, outsiders lack the information they need to perform a thorough analysis. A study commissioned by the Ford Foundation in 1971 considered a somewhat related issue, the possibility of theft of weapons-grade nuclear material from the U.S. nuclear power industry. In the final report, au-

thors Mason Willrich and Theodore Taylor outlined the requirements for a transportation system considerably tougher than those employed by the AEC for moving nuclear weapons at that time.

DOE's system today seems to exceed the measures recommended by Willrich and Taylor. Still, DOE's current procedures have never been subjected to the most realistic test of all, an actual assault by determined adversaries. Opinions on the performance of the system are based on simulations, training exercises, and incidents like the overturned trailer outside Fort Collins last December. On that occasion, at least, everything appeared to work as intended. And the difficulty in recovering the SST indirectly confirmed an important feature of the system, the extraordinary effort and lengthy period necessary to move an immobilized nuclear shipment. □

A Coloradan who received his degree in geology at the Colorado School of Mines, the writer was a soldier in Vietnam and ran the Straight Creek Journal in Colorado five years before it folded from financial problems. His research for this article was supported by the Alicia Patterson Foundation. He is one of the foundation's 1981-82 fellows.

Bentsen, 9 Other Texas Demos Support Reagan Budget Slashes

Washington, Austin

The Texas delegation in Congress split bitterly over the Reagan budget slashing, but a 14-10 majority of the House members from Texas, including nine of the Democrats, backed Reagan while Democratic Senator Lloyd Bentsen of Texas was siding with the Republican President on the cuts almost three times as often as not.

The Senate began voting on Senate Concurrent Resolution 9, the budget-slashing, in late March. Neither Bentsen nor Republican Senator John Tower of Texas participated in the debates very much. Democrats tried, with little success and little help from Bentsen, to restore some of the cuts. As Tower voted reliably with Reagan, Bentsen did so also, but unreliably. As the Senate agreed to SCR 9 by a vote of 88-10, Bentsen and Tower voted aye together.

Between March 26 and April 2, on selected Democratic amendments seeking (in every case unsuccessfully) to re-

store funds to various programs, with Tower voting no every time, here is how Bentsen voted:

For restoring funds for veterans' medical services, Social Security minimum benefits, and childhood immunization programs;

Against restoring funds for child nutrition programs; the Strategic Petroleum Reserve; grants to needy students in higher education; elementary and secondary education; elementary and secondary education again, low-income energy assistance, Urban Development Action Grant programs, preventive and community and health programs, and urban mass transit programs (the Chaffee amendment); the Economic Development Administration; Small Business Administration programs; the Solar Energy and Energy Conservation Bank and the alcohol fuels loan program (the Hart amendment); primary health care and prevention; youth training programs; the National Science Foundation,

trade adjustment assistance, Conrail, and Mass Transit (the Bradley amendment); the National Science Foundation; trade adjustment assistance to benefit workers adversely affected by imports; unemployment compensation; the welfare reform demonstration programs of the Department of Labor; low-income fuel assistance, again; and vocational education.

On the 34 amendments proposed, Bentsen voted with Republicans 25 times and with Democrats nine times. So that none might miss the point, his staff told reporters he voted for \$1.4 billion more in budget cuts than the Senate approved.

Meanwhile, on the House side, the Democrats' majority leader, Jim Wright of Fort Worth, was playing a double game that doubled back on him.

As later came out, Wright and Cong. Charles Wilson, Trinity, worked hard to get the House Democrats' caucus to accept, as a Democratic member of the budget committee, Cong. Phil Gramm,

College Station. It was represented that Gramm, in return, agreed to keep a low profile when he disagreed with the Democrats on the budget, though he denied he had promised party loyalty.

On March 20, Wright flanked himself with Democrat Gramm and a Republican leader, Trent Lott of Mississippi, and together they called for legislation that would force a balanced budget. Dealing with Reagan's budget slashing, Wright said expenditures had to be cut, but not at the expense of the worthy programs. He never took Reagan on frontally.

On April 4, though, Gramm, during a hearing on the budget in Fort Worth, vocally upheld the Reagan position to the embarrassment of Wright. The Democrats came forward with an alternative budget, but Gramm co-sponsored the Reagan program. The Democrats claimed their budget cut \$4 billion more than Reagan did.

On the showdown votes, ten Texas Democrats said no to Reagan's budget, nine said yes, and all five Republicans from Texas said, of course, yes. Texas thus provided the largest group among

the 63 Democratic defectors on the Reagan budget. Wright, patron of the Democratic co-sponsor of the Republican budget, was profoundly embarrassed politically by these circumstances.

Although House Speaker Tip O'Neill of Massachusetts has indicated he wants one more term, Wright is thought to be next in line for that powerful post. Now, though, as Cong. Mo Udall of Arizona was quoted, "This is an embarrassment and a setback for him. The membership at large feels he is trapped in a conservative delegation and unable to control some of his people." The dark mutterings from members around Wright that Gramm had betrayed him, had gone back on his word, and was a "traitor" suggested the depth of the damage to Wright among his Democratic colleagues.

The nine Texan Democrats who voted for the Reagan budget were all members of the 44-member Conservative Democratic Caucus, which now has the balance of power in the House. These nine are Gramm, Sam Hall, Jr., of Marshall, Ralph Hall of Rockwall,

Kent Hance of Lubbock, Jack Hightower of Vernon, Marvin Leath of Marlin, Charles Stanholm of Stamford, Wilson, and Richard White of El Paso.

The ten Texas Democrats who voted no on Reagan's budget were Jim Mattox and Martin Frost of Dallas, Jack Brooks of Beaumont, Jake Pickle of Austin, Wright, Bill Patman of Ganado, Kika de la Garza of Mission, Mickey Leland of Houston, Henry Gonzalez of San Antonio, and Abraham Kazen of Laredo.

Republicans Bill Archer of Houston, Jack Fields of Humble, Jim Collins of Dallas, Tom Loeffler of Hunt, and Ron Paul of Lake Jackson voted for the Reagan budget.

Furthermore, from Texas only Leland and Gonzalez voted for the liberals' budget alternative providing more social spending and lower defense outlays (defeated 303-119) and the black caucus budget (defeated 356-69). — R.D., with research assistance from Katherine Fain, our research director in Washington. □

The Re-Elected Mayor of McAllen Is Busted by a Freshman Senator

Austin

Even some of his strongest opponents said it was a case of the right man for the wrong job as the Texas Senate voted 30-0 against appointing McAllen Mayor Othal Brand to a seat on the prison board.

Gov. Bill Clements insisted that the rejection of Brand, who is embroiled in a controversy over allegations of police brutality in McAllen, was unfair and unjust. But Brownsville Sen. Hector Uribe, exercising senatorial privilege to kill the nomination of a citizen of his own district, called the nomination "ill-advised and inappropriate."

Brand spent \$125,000 in a bitter reelection battle, but characterized himself at one point during nomination hearings as "only a \$50-a-month mayor."

Uribe said that "I submit to the members of the Senate that even a \$50-a-month mayor has a duty to investigate wrongdoing." Uribe said that if the self-styled "onion-king" had run his Griffin-Brand Co. with the same lack of attention that apparently characterized his government of the McAllen police department as mayor, he would have gone bankrupt.

Senate nominations subcommittee chairman Peyton McKnight of Tyler agreed with Uribe that Brand was qualified to sit on many another state board or commission, but that putting him on the state prison board in the face of grand jury and FBI investigations would be a mistake. McKnight said whether or not allegations against Brand prove true, it would not be advisable for the Senate to approve him for a post where there would be "continuous questions as to what he might do."

In April, U.S. Judge William Wayne Justice issued an order which will require Texas to hire 2,000 additional prison guards, to increase the guard-prisoner ratio, and to take immediate action to cut down the number of prisoners jammed into cells. He ordered the state to provide better medical care. If deadlines to cut down on the overcrowding are not met, he threatened, he will close state prisons.

Jim Estelle, head of the Department of Corrections, says the Justice deadlines are unreasonable, and Clements has asked Washington Republicans for help in fighting the court decree.

Uribe was asked if he thought naming

Brand to the prison would be sending a signal to federal authorities indicating recalcitrance on part of state officials. He said that was a difficult question to answer, but that "if I gauge the sentiment of the Senate correctly, it is that the Senate wants very much to comply with the federal court order."

Doubts about naming Brand to the state prison board were summed up by Charles Sullivan of CURE, Citizens United to Rehabilitate Errants, which represents about 4,000 prisoners, former prisoners, and their families.

Sullivan said the only reason CURE opposed Brand is his "failure to monitor conduct of the police department." He said the organization did not take into consideration allegations that Brand may have condoned police brutality because that had not been proven and CURE is committed to due process.

But Sullivan asked how, if the McAllen mayor was not aware of police brutality within his own town, he could be expected to keep track of any problems occurring in state prisons hundreds of miles away. He said CURE had been neutral to the Brand nomination before vid-

eotapes of police beatings surfaced during a court suit.

Videotapes made over a seven-year period which graphically showed police beating prisoners at the booking desk were the main issue in the stiff mayoral election battle between Brand and Dr. Ramiro Casso. The tapes were shown on national TV and made headlines nationwide.

Brand asked that the Senate subcommittee delay hearings on his nomination until after the election. When the subcommittee declined, Brand withdrew his name. Casso came within 900 votes of winning the election.

Uribe said Brand's narrow victory was in no way a vindication of the city administration. But Clements resubmitted the nomination. The League of United Latin American Citizens passed a resolution in its recent state convention urging the nomination be rejected.

ACLU lawyer Jim Harrington, who has represented 26 plaintiffs in brutality suits, said, "No matter how favorably you construe (Brand's actions), you still end up with a case of mismanagement" in the face of what Harrington called "pervasive" police brutality.

He said while 72 tapes still exist, another 70 have been erased. Harrington had been trying to get his hands on the tapes for use in the lawsuits since 1975. City officials stonewalled, denying they existed. But in March 1980, city manager Calvin Gibson was asked about the tapes in federal court and admitted the city had them.

The scene for the Brand hearings in the Senate chamber was almost theatrical, the committee assembled, at the outset the upright, white-haired Mayor Brand facing them from the end of the table in the aisle of the Senate Floor, eight television cameras on tripods flanking the group on both sides of the table and other hand-held cameras aimed at them from amid the crowd. Brand's witnesses in his behalf from McAllen lined up on chairs inside the Senate rail. It might have been a hearing in Joe McCarthy's time or the time of Watergate.

Brand's presentation in his opening defense was smooth and affirmative. He was in the right; he had done all that he should; the items he had been challenged on had entirely plausible explanations.

From his introduction to the committee by Uribe, one gathered Brand is a hard-driving, driven man, an achievements-collector from his time with the Marines, his business success, his roles in McAllen as member of the school board, city and then county commissioner, then mayor. He is

chairman of the board of the General Douglas MacArthur Academy of Freedom at Howard Payne University, a member of the Texas War on Drugs Committee, an active deacon at Calvary Baptist Church in McAllen.

Brand characterized himself as a public servant putting in 40 hours a week at a \$50-a-month mayor's job because he loves civic work. A string of ministers and private citizens from McAllen, both Mexican-American and Anglo, backed up the image of Brand as a sincerely dedicated man who has spent many hours and thousands of dollars working with troubled youth and in social service projects. Uribe himself said that newspaper articles indicating Brand is in any way a racist or a bigot are "terribly unfair and unkind."

"I abhor police brutality as much as any of you do," Brand said. "The first knowledge I had was (the) general knowledge." In a case of police brutality and the policemen involved lying under oath, he insisted on suspension, but the police chief resisted him on that, so McAllen got a new police chief.

As soon as he found out about the tapes of police brutality at the booking desk, Brand said, he went to the FBI. He denied he had known previously about widespread police brutality in McAllen — he had regarded the ACLU suits, he said, as simply "harassment." Now, he says, the c-shift on which much brutality occurred has been broken up; "most of the officers involved left of their own accord," though some still "must be disciplined." "We have eliminated the major abuse."

Harrington denied officers found guilty of violating prisoners' civil rights have been fired by the city. He said persons involved in some of the alleged incidents were still working for the police department. Brand conceded two policemen still on the force should be fired and others disciplined.

Noticing that Brand had turned to the police department to reform itself, Sen. Betty Andujar, Fort Worth, asked, "You don't have any external review?" The mayor replied, "The police department very jealously guarded its review process."

Brand also told the subcommittee that he did not look into allegations of police brutality because police department officials never sent him formal complaints. "I don't believe you can find anything I didn't look into, when I received civilian complaints," he told the committee.

Sen. Bill Meier of Euless asked Harrington whether he had any direct evidence that Brand had known about and failed to disclose the tapes. Harrington said he did not.

Police Capt. Jim Bormann has testified in federal court that the mayor at one time issued orders to destroy the tapes, which Brand denies.

Brand told the Senate subcommittee that he had ordered the destruction of audio tapes which the police department had been making of conversations between prisoners and their attorneys without their knowledge.

Brand said that when he found out about the recordings, he ordered that they be destroyed because they violated prisoners' rights; the order was clearly marked to indicate it meant telephone tapes only; and he did not realize that a federal court order that audio and video recordings be preserved applied to the telephone tapes. He would not knowingly have violated the court order, he told the senators. Uribe said he felt the action was a clear violation of the court order.

McAllen police had taped all incoming calls, Brand said, "whether the chief talked to his wife, whether a prisoner talked to his lawyer..." This was general practice until about two years ago, when a pay phone was put in and prisoners were let talk to their lawyers on it. Did people know, asked Sen. Peyton McKnight, Tyler, that when they phoned the police giving information that might be dangerous to the callers, they were being taped? No, Brand replied, because he didn't know his own calls to the police department were taped "for six years."

McKnight, chairman of the Senate subcommittee, said he has known Brand as a man of "honesty and integrity" for years. But McKnight said he was concerned about continuing investigations into allegations that Brand may have known of the brutality incidents and any possibility that Brand himself might sue persons who have raised the allegations against him.

McKnight asked whether Brand shared concern that "this might be a detriment to serving on the prison board" especially at a time when the Department of Corrections, which the nine-member body oversees, is under the federal gun to make substantial prison reforms. Brand said working on the board now represents a "tremendous challenge" and that "I think I would serve as well on that board as anyone else."

Brand said his work with the educational system and young people in the McAllen area has given him knowledge about basic problems in society related to the prison system.

Mrs. Otilia Dennett, mother of a 15-year-old boy allegedly beaten by the McAllen police, testified in favor of Brand. "I'm not so proud of what they

did to my son," she said. "But I do believe that Mayor Brand is not responsible for what happened. We felt that Mayor Brand had nothing to do with it."

Mrs. Margie Robles of Pharr, mother of another 15-year-old allegedly abused by the McAllen police, said she believed Brand knew of the widespread brutality and did nothing about it. "If Brand cannot control the police in one town, how can he watch over 27 prison units scattered across Texas?" she asked.

McAllen lawyer Brinkley Oxford told subcommittee members that "if you think we have problems with the Department of Corrections now, just wait" until Brand was on the prison board. Oxford, who said he was testifying only as an interested citizen, said Brand "has been one of the most divisive forces in our valley and for our community" for years.

Oxford said the city has had to pay more than \$400,000 in awards or set-

tlements to persons in police brutality suits and that "I honestly believe this will be the most controversial appointment to the prison board ever made."

Oxford said Brand is in no way a bigot and had done a great deal for the McAllen community. But with the Justice order, the state needs a prison board that will work together "and you aren't going to get it from Othal Brand."

M.L., R.D.

Intrusions To Hunt for Drugs

(Continued from Page 1)

could have defeated it, Hobby and Mauzy worked together to shove it onto the Senate floor for a vote, and then, of course, rejecting all adversarial amendments, the Senate passed it, too.

The debates were colorful, and the maneuvers, fascinating; the story even has the kind of interest a novelist would have required, allegations of political cowardice and defenses of fideitous respect for democratic process that swirled around and issued forth from Hobby and Mauzy as the bill proceeded serenely forward from the Senate toward House acceptance of the Senate's amendments and then the Governor's signature. First in moment, however, is what the new law says, not what the legislators say it says, but what it says, read through front to back in the light of what they say it says.

The New Law

Though it be pointed out that the bill authorizes lawmen, under a court order, to break and enter, still it has been called generally "the wiretapping bill." In truth this new law lets judges authorize breaking and entering on the strength of the statements of an informant who may be, in the applying lawman's affidavit, anonymous, who well may be a criminal with leniency from the law to gain, who may have it in for the target of the B&E and tap, whose statement is not required to be sworn, and who may be lying. It is the experience in such matters so far that the great majority of judges, presented a lawman's sworn affidavit based on an informant the lawman is protecting, simply approve, on the foundation of all the required "boilerplate language," breaking and entering to wiretap.

In its own provisions the new law is not given a name, perhaps because its promulgators do not want it clearly described. As well name it, then, what it is, the Break, Enter, and Wiretap Act of 1981.

The law authorizes breaking and entering and "electronic surveillance" against any citizen on the basis of a court order from one specified district judge in each of the nine judicial districts in Texas that there is probable cause to believe a felony offense has been, is being, or will be committed under the controlled substances or dangerous drug acts. In a perverse admission that this law is extraordinary, the legislature, sweeping aside all argumentation about the horrors of marijuana, implicitly accepts the relative innocuousness of that substance by exempting felony marijuana possession (but not delivery) from B&E and wiretapping.

"Covert entry," says the new law, "means any entry into or onto premises which if made without a court order allowing such an entry under this Act would be a violation of the Penal Code."

A judge issuing an order authorizing an interception of wire or oral communication, the new law says, "on request of the applicant, shall direct that a communication common carrier, landlord, custodian, or other person furnish the applicant all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a

minimum of interference with the services that the carrier, landlord, custodian, or other person is providing the person whose communications are to be intercepted."

Clearly this authorizes law officers not only to tap phones, using the telephone company or taps outside premises, and to eavesdrop by electronic means such as boom mikes or recorders strapped on informants — it also authorizes the officers to "break and enter," in the meaning of the burglary statute, into any premises, whether a home, a business, a school, a church, or any other place. Since the whole stealthy enterprise fails if the person tapped knows of the tap, doors will not be broken down; rather, windows will be climbed through, locks will be picked, or the keys obtained from landlords or custodians, or other persons in the business, whom the judge will order to collaborate in the breaking and entering and the secrecy of that and the tap.

What is to prevent the officers, once they are inside a home or business, from rummaging through everything to see what they can find, and only then placing the bug? Clements' counsel, David Dean, when asked this, said they will only be able to take note of what they "see" and — if they want some evidence they "see" — go get a search warrant and come back and get it. The statute contains no such limitation.

To the contrary, an innocuous "definition" in it may open up the penetrated homes and businesses to extensive search and seizure, if only by apparent implication on which courts will have to rule. The bill says, in the definitions section, "'Contents,' when used with respect to a wire or oral communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purport, or meaning of that communication." The italics have been provided. The implications of this language could bear their fruit in action either when the tap is

A Note on Timing

Austin

As we go to press this issue, the Texas legislature has ended its regular session. The major issues, the Clayton plan, bilingual education, redistricting, and the others, have rushed pell-mell toward their complicated and somewhat momentous resolutions. We reserve much of our reporting and analysis of all this for the next issue, which we will close the week after the session.

placed or when the officers, fully informed, return to remove it.

This definition was not debated or discussed in any of the proceedings on the bill the *Observer* covered. When, during the Senate debate, the *Observer* asked Doggett if it had been discussed, he said it had not. Might it open up authority for a full search and seizure by the breaking-and-entering officers? Doggett said he wanted to raise the question in that last day's debate, but he did not, nor was there doubt then that the bill would pass as it was.

Governor Clements, arguing for the bill, said persons tapped "would have to be notified within 90 days," and indeed, the law does appear to require that the judge "shall" notify the tapee of the tap not later than 90 days after it ends (or of a denial of an application for a tap not later than 90 days after the denial). But despite the mandatory import of the verb, "shall," in statutes, the new law promptly adds that upon a showing of "good cause" in which the tapee does not participate, the judge may postpone this notification. No time limit for the postponement is specified.

What will happen to the recordings? Officers are enjoined by the law to protect them "from editing or other altera-

tions," and an edited or altered tape could not be used in a trial. "Immediately upon" the termination of the tap, the judge receives and seals the recordings and they may not be destroyed for ten years, and then only on a judge's order.

However, any state or local officer in drug enforcement "may disclose the contents or evidence" concerning the tapped communication to any other such officer, and the receiving officer may use the contents or evidence "to the extent that" the disclosure or use are "appropriate to the proper performance" of the officers' official duties. In other words, one cop can tell another what the tap showed — and share any other evidence collected — and the receiving cop can use the information and evidence as he may need to.

"The recording," the law says, shall be kept wherever the judge orders. But right thereafter in the law, it is said that "duplicate recordings may be made for use or disclosure" one officer to another. Who keeps custody and control of these duplicates? The law does not say that the judge or anyone else does. Asked about this, Mauzy said the law does not require the judge to keep control of the duplicates.

At the motion, during the House debate, of Rep. Craig Washington of Houston, the law provides that the judge must suppress parts of a tap concerning a third party if the potential embarrassment or harm to the third person "outweighs the probative value." However, the judge shall do this only "if identification is sufficient so as to give notice." Allusions to third parties whom the authorities cannot identify can thus be entered into public proceedings and broadcast at large, whereupon persons who know the third parties may well recognize them and their privacy be violated unfairly and to their detriment.

What if a wiretapping or eavesdropping eventuates in profound damage to innocent parties? What if an officer, distributing copies of a re-

cording to other officers, violates the rights of the overheard persons? What if officers break into and enter the wrong home or business? What if they destroy property while on the invaded premises? What if they break into a business, come unbeknownst upon an innocent person there, and in the confusion or a melee beat up or kill him or her? What if a person asleep at home, alarmed upon realizing his or her home is being broken into, takes up a gun, starts firing, and is killed in the officers' replies?

The authors of this new law have thought of all that. The law flatly states, "A good faith reliance on a court order or legislative authorization constitutes a complete defense to any civil or criminal action brought under this article."

Legislative debate made it clear that the intent of this section is to provide officers a total defense against either criminal charges or civil liability, provided only they were proceeding on "a good faith reliance" on a court order. The added phrase, "or legislative authorization," conceivably will lead to the use of such provisions of the law as the definition of "contents" to argue that the law authorizes the intruding officers to scour premises in search of evidence.

The law covers communications over wires, cables, or other like connections and operated by a common carrier, as well as oral communication "uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying that expectation." Lawmen are authorized to use electronic, mechanical, or other devices "primarily designed or used for the nonconsensual interception of wire or oral communications." Pressed in committee by Doggett, the Senate sponsor of the bill, Sen. Ed Howard of Texarkana, said videotaping was not intended to be authorized.

The nine authorizing judges are selected in this way: The presiding judge of the Court of Criminal Appeals appoints one district judge from each of the nine administrative judicial districts to be the only judge in each district who can authorize breaking and entering and/or surveillance.

Ostensibly, only the Texas Department of Public Safety is authorized to own, install, operate, or monitor surveillance equipment. However, local law people can "assist" the DPS in operating and monitoring a tap provided one uniformed DPS person is present at all times.

The head or acting head of a local law enforcement agency may request in writ-

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ing that a prosecutor apply to a judge for an order, but before that, the agency must submit the request and supporting affidavits to the director of DPS (now Col. James Adams, see *TO* 4/3/81), who makes a finding whether other investigative techniques have been exhausted or are too dangerous to try and whether the request "is justifiable."

A person properly in possession of the taped recording and derivative evidence from surveillance may disclose it while testifying under oath "in any [official] proceeding," federal, state, or local. Civil trials are excluded from this disclosure provision unless they arise from criminal violations.

The application for the court order must recite "a full and complete statement of the facts and circumstances relied on" for the request, "details" about the putative offense, "a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted" and the type of communication to be intercepted, a statement whether covert entry will be necessary, and obvious other information. The judge "may," in an *ex parte* hearing (excluding the target), require additional testimony or documentary evidence. The judge may enter a "probable cause" order authorizing the officers to proceed. He may, if he wishes, require reports on the tap. The application and order are sealed, cannot be disclosed except for good cause, and cannot be destroyed for ten years. The judge may, at his discretion, make available any portion of the proceedings and evidence to a citizen or counsel.

Reports about covert entries and wiretaps are filed with the director of DPS, who in turn reports to the legislature. A person whose communication is intercepted, disclosed or used in violation of the new law has a cause for a civil action, but not against an officer proceeding in good-faith reliance, as explained. Violation of the provisions on the protection and sealing of the recording and evidence is punishable as contempt of court. Unlawful surveillance or the use of the fruits of it is a felony — but again lawmen are exempt as explained.

House Acts

With the Governor's men pushing and prodding every stage of the way, the legislature began enacting the break, enter, and wiretap law at mid-April when the House jurisprudence committee passed out the Governor's bill, 7-3.

Rep. Lynn Nabers, Brownwood, chairman of the committee, tried to pro-

hibit what he called "legal burglary" — that is, break-ins by officers. "You have people getting into homes and businesses," he said. "It's probably in the long run going to get somebody killed, whether innocently or not." But Rep. Bob Maloney, a Dallas Republican, contended this would tie the hands of police officers when they know where drug traffickers are going to meet, and the committee agreed with Rep. Terral Smith, an Austin Republican, to permit covert entry.

In the House debate, Rep. Matt Garcia, San Antonio, tried again to stop covert entry. "There is no reason to authorize law enforcement officers to break into your home in the dead of night to bug your home," he said; but his position was rejected in a non-record vote.

A ploy to expand the putative offenses justifying the spying to official misconduct and gambling was beaten back. So was an attempt to bar use of evidence of other crimes uncovered during a surveillance. An amendment to exclude churches and schools was whacked back when Maloney said Charles Manson had a church, too. Rep. Washington tried to exclude the clause exculpating law officers of any wrong-doing if they act in good faith under the court order, but this was rejected, 76-55.

With 17 amendments still to be considered, the House showed how determined it was to pass the bill on out by cutting off further debate on a vote of 69-53. The bill then passed 96-32.

John Duncan, executive director of the Texas Civil Liberties Union, declared, "McCarthyism in the 1980's has a new code word — it's drugs. The elected politicians turn off their minds and follow Clements and H. Ross Perot blindly. They've done an excellent job laying a foundation for a fascist state."

Hobby's Role

Hobby told the *Observer* [*TO* 5/15/81] he opposed the bill. Duncan, knowing that if the bill cleared the Mauzy committee it would pass, hoped Hobby would refuse to recognize a motion to take it away from Mauzy and give it to a committee that would approve it, but he got no such indication from the Lieutenant Governor. Duncan, participating in what was in effect a committee filibuster against the bill with the consent and amused submission of Mauzy, still assumed at this point that Mauzy was prepared to let the bill's consideration be delayed long enough to get it onto the Senate floor during the last week, when it could be killed by filibuster.

On Monday, May 18, however, all the signals changed. Mauzy and Hobby had a conversation that morning. Sen. Peyton McKnight, Tyler, standing at the back of the Senate chamber, told the *Observer*, "Hobby told Mauzy the bill had to be passed out because he (Hobby) couldn't be elected unless he got it out here." McKnight would not give his source for this information. "So I'm told that he told Mauzy," was all he would add.

Why would Hobby change positions in this way? "Outside his just bein' gutless, I don't know what it'd be," McKnight replied angrily. "If I had the power of appointment and got that gavel, I'd use that to support my position — and I'd hit it hard. I'm just not dedicated to passing Clements' program."

"McKnight told me," Doggett confirmed when informed of McKnight's statement, "that Hobby told Mauzy there were 22 votes to re-refer, and if they didn't pass the bill it would be his political life." Doggett said he had no source for this except McKnight.

The *Observer* told Mauzy what McKnight had said and asked if Hobby had told Mauzy he would not get re-elected if the bill did not move out. "I really can't answer that question because the conversation that Hobby and I had on the subject he asked me to treat in confidence, and I have," Mauzy replied.

Before the session opened, Mauzy volunteered, he and Hobby had a conversation setting out understandings should Hobby make Mauzy chairman of jurisprudence.

"Well," Hobby told Mauzy (Mauzy recalled), "your views are pretty well known on things, and some of 'em I agree with you about, on wiretapping and things like that, but I also have always felt that you're a man who believes in majority rule and that even when people don't agree with you they're entitled to have their views be heard and be acted on."

"That's right, I do," Mauzy told Hobby. "I think I understand what you're sayin' to me is, an' you can tell the Governor that on wiretapping, while I'm gonna do everything I can to defeat it, that doesn't mean that I'm gonna become an autocrat and stick a bill in my hip pocket and walk off with it so it can never get heard in the committee."

Mauzy said he later had substantially the same conversation with "the Governor, himself," telling Clements:

"You bet your ass I'm gonna fight you every step of the way on wiretapping, because I don't think it's necessary, it

violates the constitutional rights of the people."

"Is there any way I can make it acceptable to you?" Clements asked him.

"Honestly, Governor, no," Mauzy says he replied. But he would not obstruct it by autocratic means, he repeated.

During the critical week, Mauzy said, "there was even shown to me a list of 22 senators who were prepared to vote to re-refer the bill immediately to where . . . bang! it would have a five-minute hearing and there would be no possibility" of real changes in it. "So at that point it became obvious that somethin' was gonna happen, and the best I could do was try to salvage somethin' . . ."

In return for agreeing to let the bill be heard at once, Mauzy got Howard to agree to a clause that the law will self-destruct in September, 1985, four years from now. The legislature, of course, can re-enact it.

Hobby, asked about McKnight's statement, said, "I never had such a conversation. Certainly not. . . I have never said to Oscar Mauzy or anybody else that I was worried about being re-elected Lieutenant Governor."

Told about Hobby's statement, McKnight would say no more on the record.

Hobby did not deny the widespread perception that beginning at mid-week, he began conducting the Senate's busi-

ness in a way designed to get the break, enter, and wiretap bill passed by the Senate by Saturday, May 23, a full nine days before the session's end, and just beyond the killing reach of a filibuster. On the Senate floor he told the *Observer* that if he was a senator he would vote against the bill, "but that doesn't mean the senators should be denied the right to vote on it."

The practical effect of all this was two-fold. In the Senate committee, Mauzy moved the break, enter, and tap bill up from 88th on the list of bills to be considered to the top of the list. He also kept the committee in session until the bill was passed out while Hobby had the Senate stay recessed. For Hobby's part, he laid the bill out just a bit more than a day after it was passed out by the committee and in every case ruled for its sponsors against the opponents' points of order.

From being, one week, a staunch opponent of the bill, Hobby became in practice its gavel-wielding ally. Hobby could have caused the debate to go over into the final week and the bill thus lost, but whether for the reason McKnight attributed to Hobby or for the reasons Hobby described, he and Mauzy shoved it on out knowing it would become law.

Lawyers' Warnings

Doggett, who is a member of the jurisprudence committee, having heard what he had from McKnight, was angered when Mauzy gave the wiretapping bill priority. It was, Doggett told Mauzy, "fair to say this bill is getting privileged status."

"I think it's also fair to say the Governor and the sponsors have agreed to a self-destruct amendment," Mauzy retorted, implicitly confirming the deal. Mauzy told Doggett he would not recog-

nize a motion to resume the regular order of committee business. Clearly his use of his chairmanship to delay the bill was finessed by the convincing threat of referral.

Duncan, wrought up now that he saw the railroading could not be stopped, testified at length until, as he said, he had to take the hint from Mauzy to stop. When Sen. Bob Glasgow of Stephenville, by far the bill's most aggressive and relentless supporter, began to recite to Duncan cases of teen-agers ruined by dope, Duncan cut him off angrily, "Oh, here comes your list again."

Mark Cohen of Austin, who had been an attorney for the Senate jurisprudence committee for eight years, said the bill would "open up this society so that everybody talking on the phone will wonder whether somebody is listening. That loss of privacy can never be regained, whether you're doing something wrong or not."

Cohen also said that an Austin police officer had estimated to him that 75% of the homes in Austin have illegal drugs in them. From this Cohen reasoned that affidavits based on lying informants would not necessarily result in no unconstitutional harm, since people might turn out to have illegal drugs even though the informant's information was wrong. The informants will usually be criminals, sometimes under immediate threat of prosecution, he said.

Cohen said that all the bill's other safeguards come to naught because the informant is not required to be telling the truth. The officer making the affidavit stating what the informant says has to swear to the affidavit, but the informant does not. Cohen proposed the informant be required to swear to the truth, and Cohen also wanted the judge required to see the informant, under protections, in chambers, but the committee would not go for these proposals.

In the opinion of Frank Maloney of Austin, an attorney testifying in opposition for the Texas Criminal Lawyers Assn., the surveillance under the bill will not be limited to dope cases, it will be an excuse for DPS lawmen all over the state to have the surveillance equipment. Maloney told the press after the hearing that in his opinion the lawmen will employ this equipment for whatever purposes they want to, whenever necessary using the

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allegation of an informant about drugs as, in effect, a pretext.

Only Doggett and Mauzy voted no as the committee reported the bill out. A day later Hobby accepted a motion to set the bill for special order (that is, debate) the ensuing Saturday. His voice quivering, Doggett angrily protested from the floor, under a point of order, that so scheduling for debate a bill that had not yet been formally presented to the Senate marked a distinct change in the Senate's way of doing business and should be noted as a change in the Senate's rules. Later Hobby expatiated to the *Observer* at some length in defense of various rulings he had made during consideration of the bill, but the precedents he cited did not address Doggett's point. As Doggett well knew, this was it. The bill was scheduled too early for a filibuster to avail; it would pass.

In the Senate

On the decisive, special-order Saturday, with the Senate assembled before him, Sen. Kent Caperton, the freshman from Bryan who defeated oldtimer Sen. Bill Moore, gave the opening prayer.

"Dear Lord," he said, "we invoke your presence, and as we enter into these serious deliberations today, help us to be wise, and help us to be free. If not one, then the other. Amen."

Like his prayer, Caperton's role in the enactment of the break, enter, and wiretap bill was equivocal. In committee and on the floor he fought hard for an amendment to remove the authorization for covert entry. But losing that effort, he then voted for the bill authorizing such entry. He wound up voting with the bill's sponsors against many of its adversaries' amendments aimed at shoring up citizen protections.

Howard, a stringbean of a fellow, tall and almost cadaverous, said his and the Governor's measure would "give law enforcement officials a tool" against drug traffickers. The bill, he said, tracks the federal law closely, but is superior to it in providing safeguards. The U.S. Supreme Court has held "that the actions of entry that are necessary to install the taps are constitutional."

As opponents questioned Howard, the sponsor often went to the brass rail behind him to confer with David Dean, the Governor's lawyer, who was standing by there behind the rail, on how to respond.

Sen. Bob Vale, San Antonio, said that after "some unsuspecting person" is wiretapped, his home or business "entered surreptitiously in the dead of night," an officer violating the requirement that the recording not be altered would be punished for, at most, con-

tempt of court. Vale wanted Howard to accept an amendment making such a violation criminal. "What we're talking about," Vale said, "is tampering with evidence, which is a very serious offense." Howard would have no part of this change.

Sen. Hector Uribe, Brownsville, made the point to Howard that his bill "would permit the wiretapping of any and every home phone in the state of Texas . . . and any business institution." "If they're involved in narcotics, senator," Howard replied. The sponsor's style was boredom with his inquisitors. He shifted from one foot to the other as he stonewalled or answered by referring to protections written into the bill.

Uribe pointed out that officers running a surveillance are not, in the bill, specifically required to record communications that tend to show the target is innocent. He visualized an officer hearing the beginning of what sounded like an exculpatory conversation and shutting off the recorder.

"This bill," Doggett charged, "allows someone to break and enter into someone's house. The thrust, the very core of your bill is to empower people to break and enter homes and businesses across the state of Texas." "If those people are involved in drug trafficking, yes, sir," Howard responded.

The court order, Doggett continued, "can rely on an informant," and "not infrequently these informants are involved in narcotics, many have been convicted of crimes, they've burgled, robbed, stolen, whatever."

"Correct," Howard replied.

"And an informant's name will not be disclosed necessarily."

"Correct."

"And he does not have to appear before the judge."

"Correct."

"So if the informant lies and his credibility is never evaluated and they get the order, it can't be challenged on the basis he is a liar."

"Senator," Howard replied, "he is under oath." After the bill passed, the *Observer* asked Howard about this statement and he repeated it, but advised by the *Observer* that his bill did not so provide, he posed the question to his aide, Allen Hedges, who told him, "No, not the informant."

McKnight said, "Watergate is on everybody's minds, where there were tapes altered and erased, skips in 'em." McKnight said it is easy to alter such tapes, moving a word from one place to another.

Glasgow said police officers have authority now "to break into people's

homes apprehending criminals" and "in pursuance of search warrants." The bill "has no provision" for breaking into homes for political reasons, he said.

McKnight tried to get it amended so that the Attorney General, not the DPS director, would approve the taps, so that someone elected by the people, not an appointee of a board who is not answerable to the legislature, would be in charge. "I feel like I ought to feel confident that my conversation is secure," said the Tyler conservative. His amendment was tabled, 20-8.

Caperton, trying to strike covert entry, said the bill "is not just tapping a phone, it is not just planting a bug, but actually in the stealth of night coming into a home and into a business and do anything they want to do while they're in there and plant a bug. . . . I think we will rue the day that we opened this Pandora's box into our homes and businesses."

Glasgow and Caperton fell into a shouting match, Glasgow telling Caperton he'd rather have "drugs on the street" than take the risk of the bill, Caperton telling Glasgow that sounded like a prosecutor's arguments and he wasn't buying them.

While the drug situation "does require," Caperton said, "in many of our cases a very strong philosophical compromise" on the rights of privacy, the bill provides for "an intrusion which is . . . sheer breaking and entering."

Sen. Bill Meier, Euless, quietly said the Supreme Court has ruled that breaking and entering was constitutionally permissible under the Fourth Amendment (which prohibits unreasonable searches and seizures). Meier favors allowing "a secret entry to the premises," he said, and "The Supreme Court has ruled clearly that it's not unconstitutional."

As Garcia had in the House, now Caperton in the Senate made sure everyone knew what he or she was voting on. Officers breaking and entering, he said, are "human beings who are capable of making mistakes . . . and in their zeal, would perhaps stretch the truth . . . to just get into that house. Please . . . consider. . . . Are we gonna let law enforcement covertly break and enter, in the stealth of night, when you are not home, to do anything they want to your house and plant a bug in your house?"

"The Fourth Amendment does not prohibit covert entry," Howard echoed Meier. "It shouldn't be treated any differently than any other search and seizure."

Caperton's amendment lost 16-11. He tried a narrower one, prohibiting covert

entry into domiciles. "There's still something that has to preserve that sanctity that is that old adage, 'Your home is your castle,'" he said.

Sen. Bill Sarpalus, Hereford, said, "If we make an exception in any case . . . for somebody's home . . . somebody cutting a narcotics deal, knowing it's exempt, they'll do it in a home." Under the bill as written, he continued, dopers "know they can be bugged in a bathroom in the home or anywhere. . . ." A bug on a person "won't pick up as well for example in a lantern or somethin' like that."

"The effect of your amendment," Glasgow told Caperton, "is that if you're gonna deal dope, deal in your house" and you'll get away with it.

"When you come home at night and you find somebody in your home and you get out your shotgun and shoot 'em, is that justifiable?" Caperton asked.

"I don't care if police bug my home or my office," Glasgow replied, although not in point. "I don't say anything in my home or my office I don't want listened to."

"If you can't have the privacy of your home, what in the world is left?" Caperton asked. His second amendment lost 15-10.

Doggett proposed to add "official misconduct" to the offenses justifying breaking, entering, and bugging. Vale, perhaps in jest, proposed the DPS employ bilingual translators to interpret the Spanish on recordings. Mauzy proposed to require that the informant appear before the judge and identify himself in chambers, but this lost 19-7.

Doggett Closes

It was, then, 3:30, and Doggett took the floor to talk through to the agreed hour when the bill would pass, 5 p.m. "When government is unrestrained to some in society, it will eventually become unrestrained to all," he said. Eavesdropping is common in Russia, he said, and as government interference in people's lives, this bill is "the most dramatic step in that direction that's been taken by the legislature since I've been around."

Slamming Hobby, though not by name, Doggett said some "are facilitating passage of this bill knowing it's wrong. They have sacrificed principle for political expediency. . . . I understand trouble facing re-election. Who wants to have an opponent who puts you on the side of the dope addict or the dope peddler?"

In the last decade, he said, despite safeguards, "political spying could not be prevented," and officers may tap, he implied, "people who are different or they don't like or don't agree with." As for the complete "good faith defense" provided officers, Doggett said, "One could hardly forget Watergate."

Doggett spoke strongly, but in a tone of voice that seemed to have the corners of the mouth turned down. Doing what was expected of him, he read newspaper editorials against the bill, called attention to Orwell's 1984, a paperback copy of which he had on his desk ("1984 has arrived here three years earlier"), quoted Brandeis, Holmes and the League of Women Voters.

With sure knowledge of the futility of

his effort, he said, "There is nothing to prevent anyone from blatantly 'pleading the form' and having that rubber stamped. The judge is not likely to see the informer. . . . Most judges are likely to say yes."

In his peroration, Doggett said, "This is a political solution offered for short-term political gains. . . . There are only losers in this bill. . . . The losers are those who want real solutions to the drug problems and are getting only phony ones."

The bill passed the Senate 23-5, with only Doggett, Mauzy, Carlos Truan of Corpus Christi, Uribe, and Vale voting no.

Afterward Doggett said, "I certainly don't think it would have been possible to pass the bill out of the Senate without Hobby's guidance. He certainly played a vital role in facilitating its passage."

Did he think Hobby had been fair? "I think that special rules were employed facilitating this bill," he responded indirectly. It was taken up out of order in a committee, the committee was kept in session until it passed, it was printed before it was out of committee, the special order was set before the Senate received the bill. . . . "Special rules were applied to satisfy what would appear to be a commitment to get it out before the week was out," a commitment Doggett presumed was made to Clements.

Hobby, John Duncan said, had "become the chief engineer on the Gov. Bill Clements' surveillance and political spying railroad. . . . Hobby has traded our birthright to be free of spying for a mess of political pottage," and the bill might not have passed "without Hobby's abuse of power from the chair."

McKnight pointed out that the preceding Wednesday the Democratic caucus of senators had voted not to work Saturday, and Hobby had said he would go along with that. Hobby said he'd responded to the vote, "Well, I guess we won't be working Saturday," but that this was before 22 members of the Senate voted to set the special order, a vote he had no control over.

Musing over the subject, Hobby added that one's concern about parliamentary process should be equal to one's concern about legislative substance. "I think that concern [about process] has to be there, to hold the legislative process together," the Lieutenant Governor told the *Observer*.

And to John C. Henry of the Austin daily, Hobby added, "The experiment (of tapping drug traffickers' telephones and homes) has been conducted in other states. Let's try it for four years and see if it helps." □

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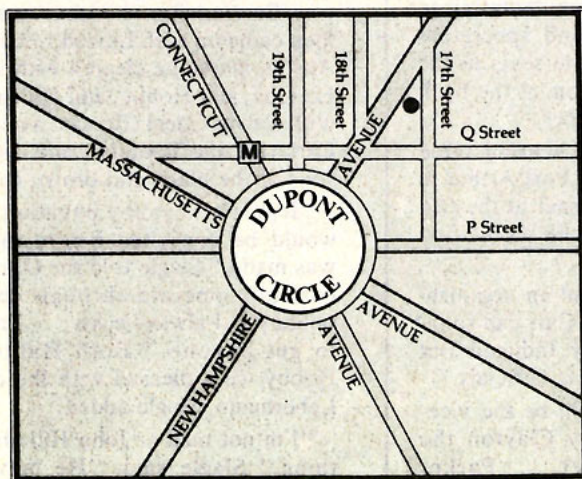
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On Clements, Slagle, John White; Mauro Announces; the 'Hit Lists'

✓ Since 1975, when the legislature cut its budget to zero, the state Occupational Safety Board has had no enforcement powers. The excuse at the time was the establishment of the federal job-safety agency, OSHA, a prime Reagan target in 1980. But now the new figures are shaming state officials — even Gov. Clements, who has appointed an advisory committee to see what can be done. Since '75, injured worker claims are up 32%. In 1979, 1,064 Texans died in connection with their occupations, the highest number of any state, even though California had nine million more people than Texas. Texas in 1979 was third in the nation in on-the-job injuries with a total of 391,619 of them.

✓ About 15,000 people are being invited to a \$1,000-a-person dinner in Dallas on June 18 to retire Gov. Clements' remaining \$1,185,000 campaign debt. His political organization, based in Austin, has retired the rest of his original \$4.8 million debt (he spent \$7.1 million) and \$700,000 in interest on the bank notes.

✓ Without exception, every special election Gov. Clements has called this year he has called for a Tuesday, when people who work have a harder time voting than they would on a Saturday. Mike Workman, a political consultant who worked for Democrats in a couple of the special elections, brings this to our attention.

✓ The role of Sen. Peyton McKnight, Tyler, in bucking Clements, Hobby, *et al.*, to fight the wiretapping bill may be better understood in light of his desire to run for governor as a Democrat. A wealthy oilman who flies his own airplane, an independent conservative, McKnight wants to run and thinks he might be able to raise enough money to front up to Clements.

✓ Hispanic and labor spokesmen are speaking out now against the Reagan-Clements guest worker program [see TO 3/20/81]. "Legalized slavery," LULAC national executive director Tony Bonilla calls it. "We should take care of U.S. farm workers first," especially when U.S. farmworkers have so few protections. Hispanic leaders will

confer with Mexican President Lopez Portillo, having been told by other Mexican officials that they are under pressure from the White House to go along with the program. State labor chief Harry Hubbard has also spoken out, and the vice president of the railway and airline workers, in Houston, said Clements "is more interested in providing an escape valve for Mexico than jobs for Texans."

✓ Three more defections from the conservative Texas Democrats: Rep. George Pierce of San Antonio; Rep. Ray Keller of Duncanville, south Dallas; and the only black judge in Dallas, county criminal court judge Berlaire Brashear, appointed in 1977 by the Democratic county commissioners (who vowed to oppose him for re-election). The two representatives bring the GOP total in the Texas House to 38 (compared to 22 two years ago). Welcoming them, Gov. Clements said, "The Republican Party is the true home of conservatives in Texas."

✓ A notion of moving the primaries back two months, from May-June to July-August, surfaced suddenly at a State Democratic Executive Committee meet-

Here's An Idea

Austin

The senators were assembled, waiting for a decisive committee hearing on the wiretapping bill to begin. Reporters and spectators occupied most of the seats in the small committee room at the back of the Senate chamber.

Suddenly at the hearing table Sen. Carl Parker of Port Arthur in his booming voice said to the *Observer* reporter, seated on the first row of the seats:

"I've finally found an organization that Waggoner Carr can suitably head: Formerly Indicted But Not Convicted Texas Officials."

John Connally will be the vice-president and Billy Clayton the secretary-treasurer, Parker added.

ing in San Antonio, made headway in the legislature, and was clubbed to death by Gov. Clements' statement he would veto it.

The idea was pushed hard by Texas labor chief Harry Hubbard in confidential communications. Liberals divided, some favoring it, others believing it would devastate volunteer campaign forces to run the primary into the summer. The SDEC passed the idea 43-20 and the Texas House did, too, 93-51, before Clements killed it.

✓ Bob Slagle, chairman of the Texas Democratic Party, reached at his law office in Sherman concerning reports of the contretemps over his rejection of Gene Evans for party treasurer, granted that Texas AFL-CIO president Harry Hubbard had pressed him hard to name Evans, but denied he held it against Evans that he had been for Luther Jones for party chairman (against Slagle) and John Hill for governor in 1978 (against Slagle's candidate then, incumbent Dolph Briscoe).

He likes Evans, Slagle says, but he adds, "I told Harry I thought Gene would have trouble raising the big dollars." In addition, Slagle says, he objected to Hubbard that at last year's state Democratic convention, Evans, as part of a deal Slagle suspects the Jones group had cut with the conservatives, nominated Dick Arlington, a conservative, for party treasurer. Slagle told Hubbard Evans made anti-liberal and anti-labor remarks in the course of nominating Arlington.

It is not fair criticism, Slagle says, that he opposed Evans as a Luther Jones-Hill man. He points out that the chairman of the budget and finance subcommittee on the State Democratic Executive Committee, Charles Scarborough of Abilene, was for Jones and Hill. Many of Slagle's key backers for chairman had also been for Hill for governor, the chairman adds.

Hubbard vetoed a candidate Slagle was floating for treasurer, and Slagle then came up with Lowell Lebermann of Austin, whom he cleared with Hubbard, Lt. Gov. Bill Hobby, and Hill, as well as with Calvin Guest (Briscoe's man), Billie Carr (for the liberals), and spokespersons of the black and brown caucuses.

"It was always my intention that Hill would be consulted before the choice was made," Slagle told the *Observer*. "I basically operate through consensus politics — I always have . . . I'm not out to gut anyone." Both Hubbard and Hobby were pleased with the choice of Lebermann, Slagle added.

"I'm not mad at John Hill about anything," Slagle said. "He may be our Democratic nominee next year and if he is I'll break my back working for him."

✓ Slagle wants to put a kibosh on any idea that he and Garry Mauro, candidate for land commissioner, are on the outs. Mauro told him in the spring of '80, Slagle says, that if he, Slagle, was elected chairman, Mauro would want to move on from his post as executive director. Slagle says he left Mauro in charge of the state party's computer operation and made him Slagle's representative in the Carter/Mondale campaign headquarters. "There really isn't any hostility between us," Slagle told the *Observer*.

Mauro Is Running

✓ Garry Mauro announced for land commissioner, but did not get much press, perhaps because reporters were busy with the last ten days of the legislature. He said he expects to spend about \$400,000, of which he has raised \$53,000 from about 150 contributors. His brother is Bryan Sen. Kent Caperton's law partner, and Caperton's campaign manager against Bill Moore in 1980, Allan Schoenbaum, will also manage Mauro's campaign. Publicity will be handled by Roy Spence, Austin.

Mauro spoke of protection of state lands and professional management of the revenues from them "to insure that Texas will never have to resort to a personal or corporate income tax, to which I am adamantly opposed." Gold and sulphur production on state lands should be expanded, he said.

Mauro, a graduate of Texas A&M and UT law school, worked in Bob Krueger's 1974 congressional race; was Comptroller Bob Bullock's deputy for tax administration; managed Krueger's 1978 campaign for the U.S. Senate (in which Mauro is understood to have influenced Krueger to be more conservative than he was naturally); and was executive director of the Texas Democratic Party, in which capacity he computerized state Democratic voter lists.

Other potential candidates for the post Bob Armstrong is vacating are Speaker Billy Clayton, who reportedly has taken a poll on the subject; Dow Chemical publicist Alan Erwin, a former Public Utility Commissioner; and Max Sherman, president of West Texas State University.

During his four-day announcement tour, Mauro told reporters at College Station's Easterwood airport that if he didn't raise enough for the campaign, he would dip into his own and his family's money. Greg Moses, reporter for KTAM, asked him what his interests were. The practice of law and some real estate, Mauro replied. How much is he worth? Moses asked him. Put off, Mauro nevertheless answered: about half a million dollars. Not even his banker had known that, Morrow half-complained.

✓ The *Observer* sent John White, former chairman of the national Democratic Party, our long political intelligence item [TO 4/17/81] concerning his relationships with Libyans and asked for comment. He has replied:

"(The) article is a ridiculous assumption based on articles by Jack Anderson and Earl Golz, neither noted for accuracy or letting the facts spoil a good story.

"The fact is that Jimmie Day is in jail for lying fraudulently about me and others.

"The fact is that I have never met (or) talked to (Robert) Vesco or anyone representing him, or been in the Bahamas. In fact, I didn't know I knew anyone who knew Vesco until I read it in the papers.

"The fact is that I never discussed with [Mansur] Kikhia [the Libyan ambassador to the U.N.] any government action, talked to him on the telephone, or saw him in New York. I had a short social meeting in the public place to say hello on April 18, 1979, but nothing more (in Washington).

"The fact is that Jimmie used an imposter named Alexander Phillips at these meetings.

"The fact is that despite the efforts to

set me up for a bribe, they were not successful as they have been in the Abscam cases.

"The fact is that this is all available in newspaper files, or in court testimony, and not on my own word, but that of the culprits themselves.

"I can't help but wonder why you chose Anderson and Golz as your prime sources — the standard you set over 20 years ago deserves more.

"P.S. Jimmie Day is not a longtime friend, he is a longtime acquaintance."

Anderson, of course, is the national columnist; Golz is a respected reporter on the *Dallas Morning News*. As we reported, Day was sentenced to four years for his part in a scheme to defraud Libya of \$1 million by overstating his influence with high U.S. officials, including White, and said in his plea of guilty that he had exaggerated his influence with White.

White sent the *Observer* a copy of Day's sentencing hearing before U.S. District Judge Richard Owen in New York Feb. 10, 1981, drawing attention to these remarks Judge Owen made to Day:

"... sure, there is puffing in politics, but these are absolutely false, fraudulent statements, that you have the chairman of the Democratic Party in your pocket,

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that he is a co-conspirator with you in an effort to obtain bribe payments from the Libyan government; that you have a pipeline to Hamilton Jordan, who was in on this scheme. This is not 'puffing'; this is just fraud at a high level.

"It is bad enough when officials are corrupt and you are exposed, but it is almost worse when they are not corrupt and you represent them to agents of foreign governments as being corrupt in order that you can eventually, you hope, get a million dollars as a cut. . . .

"You got Mr. White to come to meetings so that he could be exhibited as your contact and you would thereafter represent that you had a corrupt bargain with him."

✓ Conservatives are targeting Sen. Lloyd Doggett, Austin, for defeat next year. J. B. Goodwin, a real estate businessman, is likely to be a candidate against Doggett in next spring's Democratic primary. Goodwin is appearing in TV and radio ads for his company in which he opens, "Hi, I'm J. B. Goodwin" and in which his motto — ostensibly for his company — is, "We're the extra effort people."

He'll have to go some to out-effort Doggett, though. His district trimmed down to Travis and Hays counties, Doggett is already campaigning hard for re-election.

✓ Former Vice President Walter Mondale, on another political trip to Texas, was introduced to the Texas Senate by his friend, Lt. Gov. Bill Hobby.

"I particularly appreciate the Lieutenant Governor mentioning my name, because it's beginning to disappear from the public dialogue," Mondale told the Senate. In the hall a moment before, he said, someone had stopped him and asked, "Are you Senator Ogg?" "No, but I'd like to meet him sometime," Mondale had replied.

After a few more pleasantries, Mondale adjourned to Hobby's apartment, where a seated luncheon was served. Guests included Atty. Gen. Mark White, Land Cmsr. Bob Armstrong, Agriculture Cmsr. Reagan Brown, State Treasurer Warren Harding, state Democratic chairman Bob Slagle, party ex-chairman Calvin Guest, and Harry Hubbard, president of the Texas AFL-CIO, along with most or all the Democratic senators except Carlos Truan, Corpus Christi, who was filibustering through the noon-hour against the bill to permit localities to bar vehicles from the coast beaches.

✓ A straw poll at the recent state Young Democrats' convention in McAllen showed Kennedy favored for President over Mondale, 43% to 31%; Frances Farenthold of Houston favored for governor (31%) over Atty. Gen. Mark White (24%) and John Hill (22%); and Jim Hightower favored for agriculture commissioner, 98% to 2% for the incumbent, Reagan Brown.

✓ The race in November for mayor of Houston will be a lulu. Incumbent Jim McConn is running again. He will be opposed by former councilman Louis Macey and Harris County Sheriff Jack Heard, who have announced, and controller Kathy Whitmire, who is expected to do so. Heard said he will not quit as sheriff. McConn and Macey say they'll need \$1 million, each, to run; Whitmire has mentioned half a million. Contrast, then, Houston's gunslinger politics to that of Dallas, where the new mayor, the choice of the presiding Dallas Citizens Council, spent only \$177,000 to win.

Bentsen on Abortion

✓ Sen. Lloyd Bentsen of Texas, reversing his previous position, joined 18 other Democrats voting aye as the Senate approved a ban on Medicaid funding for abortions, even from rape or incest, except in life-threatening situations. Jack DeVore, his press secretary, explained that "the question asked" was, "Are you for unlimited abortion or are you for these restrictions. . . . Sen. Bentsen . . . felt he should be counted not for no restrictions whatsoever but for these restrictions more onerous than those he supports."

Four months ago the National Abortion Rights Action League included

Bentsen on a list of the "deadly dozen" senators it meant to oppose for re-election. Presumably that league will not now oppose him.

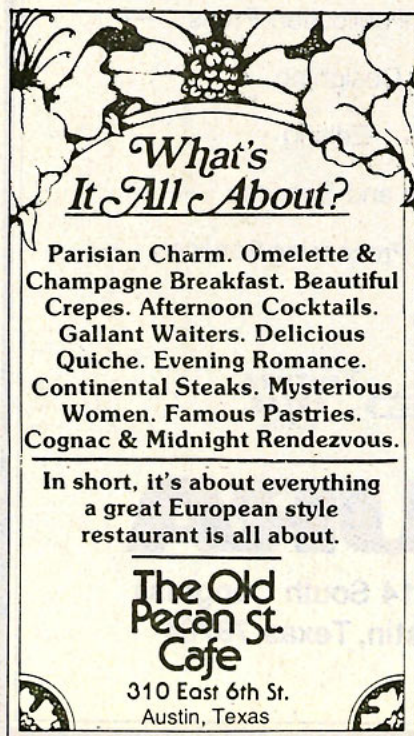
✓ Jim Collins, the eight-term GOP congressman from North Dallas, will decide by Thanksgiving whether to oppose Bentsen in 1982. The 66-year-old Collins, worth an estimated \$8 million and an advocate of abolition of the income tax, calls Bentsen a liberal — "the most liberal senator in the South," in fact. Collins estimates \$5 million would be needed to win. Last month 1,400 guests at an appreciation dinner for him kicked in \$300,000. Studies by GOP pollster Lance Tarrance indicate Bentsen could be beaten by a good-old-boy Republican who painted Bentsen as aloof and out of touch with common people. State Sen. Walter Mengden and Cong. Bill Archer, both of Houston, are also said to be weighing a run for the GOP nomination against Bentsen. Roger Staubach has sent word he will not run.

Bentsen is trying to win the 1982 race this year, campaigning two or three weekends a month. At fund-raisers he has taken in about \$2 million already. At 60 clearly he is running for his third term, which he guesses will be his last. His chief fundraiser, George Bristol, told Paul West of the *Dallas Times-Herald* in March, "By the end of September, we expect to show enough muscle and enough strength that somebody's gonna have to gulp down a bottle of scotch to run against Lloyd Bentsen." A poll Bentsen had taken in January showed 50% ready to vote for him, 34% undecided, and 16% against him.

✓ The liberal National Committee for an Effective Congress has targeted eleven, and the conservative National Conservative Political Action Committee has targeted perhaps five, Texas congressmen for defeat in 1982.

Saying it believes nine Democrats and two Republicans are vulnerable to defeat by moderate or progressive opponents, NCEC intends to oppose in the primary Democratic congressmen Sam Hall, Jr., Marshall; Ralph Hall, Rockwall; W. Philip Gramm, College Station; Marvin Leath, Marlin; Jack Hightower, Vernon; Kika de la Garza, Mission, the chairman of the House agriculture committee; Charles Stenholm, Stamford; and Abraham Kazen, Laredo. Two Republicans, Jack Fields, Humble, and Ron Paul, Lake Jackson, are on NCEC's target list for the general election.

Terry Dolan, chairman of NCPAC, said his go-for-the-jugular right-wing group will spend \$450,000 on a media campaign against Majority Leader Jim



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Wright, Fort Worth, now, but will pull back if it does not yield signs of working. Wright won against a GOP onslaught with 62% in 1980. He retorted at once, calling NCPAC extremist and Dolan a hired gun.

A confidential Dolan memo, or a document alleged to be that, also considers targeting Jim Mattox and Martin Frost of Dallas, Jake Pickle of Austin, and Henry Gonzalez of San Antonio. Dolan said he's also considering targeting Bentsen.

The alleged Dolan strategy memo says, among other things: "Creating a negative impression is easier than creating a positive impression. . . people decide on images rather than substance."

✓ Pickle, spotlighted as chairman of the House subcommittee on Social Security, evidently missed a call. When Reagan announced his sharp Social Security cuts, Pickle responded, "It is a sincere package. . . I am concerned that even with this, the program will be on thin ice. . . But I don't think that either the subcommittee or the Administration is locked into any one approach. . . We will be working hard together. . ." When the overwhelming reaction against Reagan's proposals took hold and the Senate unanimously voted, in effect, no, Pickle was left looking like he'd climbed on a sinking boat.

Notes from the Right

✓ The late H. L. Hunt's son, Bunker Hunt, is about a fourth of the way to rais-

SEQUELS

Mayor Henry Cisneros of San Antonio, in what may become a reverse-of-field, says he will soon decide whether to align himself with the position that San Antonio should set a ceiling on spending for its 28% share of the South Texas Nuclear Project — or even reduce its share to 14%.

The city election in San Antonio reduced the pro-STNP majority by one, to 7-4, with new council member Maria Berriozabal now voting for the 14% ceiling.

In Austin, the city council runoffs as

expected confirmed an anti-STNP majority on the city council. With the election of Larry Deuser (by 61%) and Charles Urdy (by 54%), there is a 5-2 majority in favor of going to the voters on whether Austin should get rid of its 16% share of STNP. Even the re-election of Mayor Carole McClellan, 54%-46% over Bob Binder, does not bode well for the STNP contractors, since McClellan is seriously considering legal steps to seek recovery of cost overruns from the companies.

Dan Davidson, the Austin city manager, resigned. No one doubts that, because of the election returns, it was that or be fired.

Hearings are proceeding in Texas on the licensing of STNP. □

ing \$1 billion for a world-wide evangelistic campaign he calls "Here's Life World." Hunt is quoted, "We have reached the highest plateau reached by any attempt to evangelize the world."

Meanwhile, Bunker Hunt, Cullen Davis, and 50 or so other ultra-rich Texans have formed a new conservative organization, the Council for National Policy, with membership restricted to 200. The stated purpose: "to exchange ideas and discuss the future."

✓ A former vice president of the Texas AFL-CIO and ex-organizer for the operating engineers, J. Frank Parker, is featured as a "union-buster" (a title he doesn't mind) in the current *Texas Business*, which says Parker's firm, Man-

agement Center International, Inc. of Dallas/Fort Worth, has defeated unions in 54 out of 55 union-organizing campaigns in which it has advised management. Parker is quoted that unions are no longer necessary, don't help working people, and make workers do non-productive work, and that a company that "pays the correct wage," has the right benefits, and uses correct operating procedures eliminates the workers' desire for a union.

✓ Texan Robert Strauss, Carter's chairman of the Democrats and trade ambassador, has been hired in Washington as a lawyer by AT&T, which is embroiled in congressional struggles over legislation to increase its competition. □

classified

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The Exhibit On Women Evaluated

By Kay Sloan

San Antonio

At the opening of "Texas Women: A Celebration of History" at San Antonio's Institute of Texas Cultures, I turned from examining an iron used by an unknown slave woman to the luxuriant velvet folds of a gown worn by Carrie Marcus Neiman. One becomes jarringly and at times uncomfortably aware of the deep tensions that course beneath the canopy known as "women's history." In the small room reserved for the display, the experiences of privileged elites contrast sharply to those of struggling women. Labor organizer Emma Tenayuca raises her fist in a photograph near a glass case containing Mary-Kay cosmetics packaged by businesswoman Mary Kay Ash. Bonnie Parker's gun hangs on a wall opposite the portrait of Lady Bird Johnson. The neglected experiences of Texas women span a vast frontier marked by racial, cultural, and class strife.

Obviously, there is no single "women's history." So enormous and widespread are the resources on women's lives, research coordinator Ruthe Winegarten noted that "to even assume you can do a project on Texas women is presumptuous." But three years ago, the Texas Women's History Project undertook the formidable task of charting out that forgotten frontier of the history women created. Dallas's McMurray Foundation and the National Endowment for the Humanities partly subsidized the massive search through the basements of museums, archival storerooms, libraries, and church records for representative stories of Texas women. Under the supervision of Mary Beth Rogers, the researchers condensed

The writer, a native Mississippian, worked for a time with the Institute of Policy Studies in Washington. She has her BA from UC at Santa Cruz in sociology and is an assistant instructor in American Studies at UT-Austin, where she is working toward her Ph.D. in American Studies.

their findings into a portable exhibit that is scheduled to travel the state for the next year, with dates set in Dallas, Austin, Canyon, and Houston.

The women in history exhibit is a microcosm of historical struggle, covering women's roles in the development of the region from the earliest days of settlement to the present. History textbooks rarely tell about minorities and working people, offering up instead accounts of those in power. But it is in the everyday lives of common people that we find the underside of our national myths. The unique exhibit tells the neglected story of Texas women in a lively, exciting manner that manages to make history easily accessible.

Public recognition is given women like Christia Adair, who fought for the rights of the oppressed, working as a black woman in the overwhelmingly white movement for women's suffrage. Later, realizing that racism must be fought along with sexism, Adair became an activist in the civil rights movement. She played a central role in removing the "whites only" signs from public buildings in Houston during the 1950's.

Kate Ripley is another unsung heroine in Texas history — to give women access to birth control in the 1930's, she smuggled illegal diaphragms into the state in shirt boxes. But not every story, of course, is a tale of success. The pecan shellers' strike led by Emma Tenayuca failed in the 1930's when pecan growers resorted to mechanical means of shelling.

Labor leaders and political activists are only a portion of the women selected for acclaim. The exhibit finds heroines to celebrate in all factions of society. Women like Henrietta King, owner of the King Ranch for forty years, Clara Driscoll, an heiress who used her vast wealth to support liberal causes, and Oveta Culp Hobby, the publisher of the *Houston Post*, represent the success stories of a select few.

IN THE WOMEN chosen, I detected what seemed to be an implicit bias toward middle class clubwomen and social elites. Though project researchers conscientiously sought out the stories of common women, middle- and upper-class women leave their legacies in more obvious ways than do the anonymous women who settled the plains and the nameless wage earners in the cities and towns, whose histories are told by occasional symbols that represent the experience of countless women. A "crazy jug," made of a child's toys and mementos glued to a water jug, was made by a grief-stricken Nineteenth Century woman who had lost her child. An

Apache child's doll, left on the trail as the Indians fled their white pursuers, stands in a case as a poignant reminder of those forgotten by history textbooks.

The presentation of the photographs and icons tends to emphasize the lives of the more prominent Texas women, rather than the very stories of the common and neglected women the project sought to tell. Consider, for instance, the space devoted to female entertainers. Farrah Fawcett, Sissy Spacek, Sandy Duncan, and Carol Burnett, among many famous others, smile agreeably from an entire display circled with lights. Yet across the aisle, a solitary panel is given to working women — slaves, housewives, wage earners and labor organizers.

At the end of the exhibit a section titled "We Shock Society" includes an odd assortment of women. Such diverse characters as Belle Starr, Bonnie Parker, Kate Ripley, and Martha McWhirter (who established a colony of

The Women Recognized Are Described

Austin

The Texas Women's History Project settled upon 500 women "who deserve recognition" and featured about 65 of them in the glossy \$15-a-copy catalog for the exhibit now showing at the Institute of Texan Cultures in San Antonio.

In the back of the catalog, 45 women are described and honored. In the text of the catalog, many women are named in passing, but apart from the 45 at the back, about 20 are described in the text in ways drawing attention to them as singular.

The catalog's text honors:

Katherine Stinson, an early aviatrix for whose family Stinson Field in San Antonio is named; Mary Moody Northen, head of the Galveston-based Moody Foundation; May Smith, founder of a children's hospital for the poor in Dallas; Marion Koogler McNay, founder of McNay Art Institute in San Antonio;

Ellen Schulz Quillin, who started the Witte Memorial Museum in San Antonio; Sarah Elzina Henson Lamar, funder of the Pioneer Memorial Museum in Crosbyton; Mary Randolph Wilson, founder of Beaumont's city art museum;

Clara Driscoll, daughter of a millionaire rancher, whose funding helped preserve the Alamo mission and who was a writer, politician, diplomat, and businesswoman; Mrs. Ella Caruthers Porter, who called the first statewide meeting of the Mothers' Clubs; Mrs. Claude de Van Watts, a figure in the Women's Christian Temperance Union who lobbied for laws improving working conditions for women and children;

"homemakers without husbands" in 1866) fall under the label of "shockers." It seems somewhat misleading to put early feminists like Ripley and McWhirter in the same category with Parker and Starr. The formal catalog that accompanies the exhibit omits the section entirely.

DESPITE such shortcomings as these may be, the exhibit is strong. The lives of Texas women are compiled in a manner that reveals the numerous contradictions at work in those lives and celebrates the accomplishments of women from all backgrounds. Most intriguingly, this has been done in a fashion that brought together for the opening ceremonies radical feminists, liberal politicians, and conservative historians. That, in itself, is a significant victory.

The organizers of the project are also to be commended for the twelve hon-

orees invited to San Antonio for recognition on the opening day. A spirit of warmth and solidarity united such disparate women as Alma Gunter, a primitive artist, Mildred Dalrymple, an Air Force pilot in World War II, Enid Justin, a pioneer boot manufacturer, Ginger Rogers, who got her start as a dancer in Texas, and Adair and Tenayuca. Obvious care was taken to express a wide range of experience and backgrounds among the special honorees.

A thick bibliography on women's history compiled by project historians is an invaluable resource for future work on Texas women. Page after page of comprehensive material points to the deep histories and rich experiences behind each symbol in the exhibit. A multitude of achievements and contributions are represented in the icons left, in particular, by working women and housewives. Project researchers hope that the wealth of material they have tapped for the project will inspire further work.

Mrs. Violet Greenhill, pioneer in licensing procedures for adoption agencies; Janis Joplin, the singer, who is quoted prominently; Adah Menken of Nacogdoches, an actress; Carrie Marcus Neiman of the Neiman family that founded Neiman-Marcus; Chelo Amezcua of Del Rio, and other artists, examples of whose work are shown; Mrs. Lady Bird Johnson, wife of the late President;

Mrs. Margaret Watson, secretary of the Texas Equal Rights Assn., who is quoted prominently; Dr. Mary Elizabeth Branch, president of Tillotson College in Austin; Annie Mae Hunt, a working woman in Dallas, whose poem is shown; and Cynthia Ann Parker, who was captured by the Comanches when she was nine, married a Comanche chief, and considered herself a Comanche.

The 45 named in the back of the catalog (some of whom are described also in the text):

Christia Adair, Houston NAACP leader; Cornelia Adair, manager of the huge JA ranch in the Texas Panhandle after her husband's death; Daisy Emery Allen, one of the two women who first received medical degrees in Texas; Mollie Bailey, who ran a circus, alone after the death of her husband;

Annie Webb Blanton, first woman to win statewide office in Texas, the State Superintendent of Public Instruction in 1918; Mary Eleanor Brackenridge, leader in the suffrage and club movements, education for women, and mother and child welfare; Jane Cazneau, the only woman given an empresario grant to develop land in Texas;

Sarah Horton Cockrell, a businesswoman who, after her husband's death, built the first iron bridge over the Trinity at Dallas and a hotel in that city; Jeffie O. A. Conner, leader in education and club work; Minnie Fisher Cunningham, the suffrage leader who ran for the U.S. Senate in 1928 and governor in 1944 (and wrote columns for the *Observer* late in her life);

Anna Dupree, a Houston black woman who with her husband succeeded in business and gave to charities; Miriam A. Ferguson, Governor, 1925-27 and 1933-35; Annette Finnigan, suffrage leader and contributor of art objects

to the Museum of Fine Arts in Houston; Maud A. B. Fuller, a leader in the Baptist Church for blacks;

Edna Gladney, champion of unwed mothers and their children; Bette Graham, discoverer of Liquid Paper, an office product; Anna Hertzberg, clubwoman and first woman member of the San Antonio school board; Dr. Sophie Herzog, doctor and surgeon; Oveta Culp Hobby, who married former Gov. William Hobby in 1929, became commander of the WACs, was Eisenhower's Secretary of HEW, and became publisher of the *Houston Post* when her husband died in 1964;

Ima Hogg, daughter of Gov. Jim Hogg, oil heiress, benefactress of art and education, and with her brother founder of the Hogg Foundation for Mental Health at UT-Austin; Jovita Idar, an organizer, writer, and advocate of Mexican-American women's rights; Lizzie Johnson, a wealthy cattleguard who kept her property separate from her husband's, active in WCTU and prison reform; Margo Jones, who had the theater-in-the-round in Dallas;

Lucy Ann Kidd-Key, president of North Texas Female College for 28 years; Henrietta King, wife of the founder of the King Ranch who "frequently was in charge of the ranch and defended it from Indians and bandits while he was away" and owned it after his death; Olga Bernstein Kohlberg, El Paso clubwoman who instigated the founding of a kindergarten and a public library; Dona Patricia de la Garza de Leon, founder with her husband of Victoria and church patroness;

Dolores Burton Linton, founder of a school for neglected black children in San Antonio; Jane Y. McCallum, suffragette, feminist, lobbyist, and Secretary of State from 1927 to 1933; Martha McWhirter, who led a group of 30 women into a program to stop taking money from their husbands and turn to menial labor, and who eventually left their husbands and set up a common home and finances and owned a chain of hotels, farms, and rent houses;

Leonor Villegas de Magnon, a Laredo teacher, writer, and political theorist who sided with the Mexican Revolution and led a

Clearly, a great need exists for such endeavors. At the festivities on May 9 Ann Richards, a Travis County commissioner who originated the idea of the project, spoke movingly of the "nuances and innuendoes" that keep women down. She emphasized that the sense of progress created by the exhibit will be only temporary if women and men together do not continue to actively work for equality on all levels. The exhibit is a call to continue the struggle to build a more equal society for all people. □



Emma Tenayuca and pecan-shellers, San Antonio city hall about 1935.

band of nurses who cared for wounded soldiers and refugees; Jovita Gonzalez de Mireles, sponsor of the first bilingual elementary school program in Texas; Helen Moore, nurse, suffragette, and state legislator;

Margie Neal, suffragette, publisher of the *Texas Mule*, first woman Texas state senator, and bureaucrat in New Deal agencies; Elizabeth Ney, the sculptress; Rosanna Osterman, who brought the first rabbi to Texas and was a leader in the Galveston Jewish community; Katherine Anne Porter, the writer;

Sara Estela Ramirez, Mexican-American feminist active in a group of exiled Mexican revolutionaries who organized Mexican-American workers for political action in the U.S., but died at 29; Melinda Rankin, founder of a religious school for Mexican girls in Brownsville, forced out of Texas because of opposition to slavery;

Kate Ripley, who with her husband founded a birth control clinic in Dallas when it was illegal to distribute contraceptive supplies; Helen Stoddard, president of the WCTU in Texas and an agent in legislation that set up what is now Texas Woman's University in Denton;

Elise Waerenskjoeld, journalist and feminist in Norwegian settlements in Texas; Hortense Ward of Houston, the first woman admitted to the Texas Bar and author of the Married Women's Property Rights law of 1913; Edith Wilmans, first woman in the legislature, from Dallas; Babe Didrikson Zaharias, the athlete.

In my opinion, there were two conspicuous and dubious omissions from those honored in the catalog: the late Mrs. R. D. Randolph of Houston, Democratic national committeewoman from Texas from 1956-1960 and the first publisher of the *Observer*, and U.S. District Judge Sarah Hughes of Dallas. R.D.

Modest Proposal I:

Shipping the Old

By Mary Lenz

With the Reagan administration in full swing it now develops that not only are you in trouble if you are black, poor, gay, liberated or high, but you can also forget about being old. This comes as something of a surprise. In my uncharitable school years I thought old white folks were firmly in control of everything and the more wrinkled up and doddering the better.

It's also a little odd when you consider that Reagan himself is one of the most wrinkled up and doddering presidents we've had in the past several decades. Who would have expected a septuagenarian to call for slicing benefits to the elderly by 10% by 1986, and eventually by nearly one fourth?

Maybe the President just figures he isn't going to be around when the cuts take full effect. But we — the dreaded postwar babies who gave him fits in the 1960's — are going to catch them smack in the middle of our arthritis years.

But the essential issue is if you cut social security, just what are you going to do with old people?

One answer might lie in the third world. In most third world countries the social security system is handled by the grim reaper, and some people are doing well to make it past 38 or 40. This means third world countries have a serious shortage of the elderly. If the Reagan administration developed a policy of shipping American old folks to foreign countries, it could probably cut social security benefits in half and leave recipients positively wealthy compared to the natives of Pakistan and Chad whom they would live among. In Texas, we could trade grandmothers for braceros.

Perhaps the simplest thing to do would be keep old people working. The administration is moving toward this by cutting benefits for early retirement. The problem is at present there are just not a lot of things you can do if you are slowly getting hard of hearing and it takes you 30 minutes to make it to the end of the block.

We need more investigation into the area of jobs for the elderly, but so far my research indicates old people could take jobs as the following:

Spies — groups of white haired American tourists are a familiar sight throughout Europe and are even becoming known in Russia and China. High technology photographic and recording devices could easily be concealed in pacemakers and hearing aids.

The same is true for internal security with which Republicans are so frequently concerned. As the administration revives on-campus surveillance, who could better serve as an agent provocateur in drug roundups than a sorority house mother?

Security guards — By themselves, elderly people seem frail and helpless. But if you hire a group of 15 or so oldsters to stand around your convenience store at midnight, they would provide an effective deterrent to holdups. Any armed

robber would be justified in shooting two or three witnesses to avoid identification, but if he has to gun down 20 or so, he's going to run out of bullets. And as the current, princely \$339 per month social security benefit indicates, the elderly come cheap at a group rate.

Medical research — Old people are always getting sick and falling down and breaking their bones anyway. Why not do it professionally as scientists test new cures and conduct experiments in germ warfare.

Chaperones — Many of Reagan's supporters are extremely concerned about teenage sex and unwanted early pregnancy, which they are currently attempting to prevent by wiping out family planning clinics, prohibiting abortion and taking a closer look at the Saudi Arabian justice system. A better way might be to hire elderly people to serve as chaperones on teenage dates. For only a slightly greater sum, a family could actually pay an elderly widow to sleep in their daughter's room and follow her everywhere. An enterprising oldster could make extra bucks accepting part of the teenager's allowance to look the other way.

Congress — Perhaps the best place for older folks to seek work is in Congress, where everybody mostly just sits around and talks all day anyway. Many leading congressmen have demonstrated that senility is no handicap to a political career, and you practically never have to take early retirement. □

Modest Proposal II:

Wombs for the Reverend

By Katherine Torrans

Fort Worth

Well, the Senate in Washington has gone and voted to deny pregnant victims of rape and incest the right to abortions under Medicaid programs unless the women's lives are in danger. So, if you are a poor woman who depends on these monies for an abortion, be figuring out how to get yourself in danger of dying.

Katherine Torrans is a Fort Worth free-lance writer.

As for you women of more blessed financial circumstances, do not be fooled. That vote is only the first step toward the abortion-prohibiting legislation the forces of the religious right have in view. (Kindly do not call these forces "pro-life," since women who get illegal abortions or abort themselves sometimes die.)

Sen. Jesse Helms (R-N.C.), the primary anti-abortion person in that august and distant body, made it quite clear that "this is a question of what is right or wrong." This is not a procedural matter,

not a matter of choice, it's a moral question. His answer is his morality.

You know, of course, that sexual harassment (and worse) is a matter of body language, according to Phyllis Schlafly, who said that no decent woman has any problem. Obviously, as always, the woman's lamentable, even deplorable, condition is again her own fault. If she is not "decent" she deserves what she gets.

These poor women who bear babies resulting from rape and incest may be helping those childless couples who want to adopt infants. But perhaps no one has thought to ask: Who will want to adopt those babies carrying incestuous genes, babies who may be mentally or physically disabled? And if we care anything about the children, we must ask how many adults will adopt some of the babies of rape who are of mixed-race or background?

The good senators and those from the religious right did not offer their homes for these hard-to-place children, nor did they appropriate extra monies to care for them — monies needed not only to rear them in safe environments, but to protect them with some kind of treatment program to help them adjust to the fact that no one may ever want them.

NO, IT IS NOT the babies of rape and incest the right-righteous senators and the religious right are thinking about,

what they really want is for the state to own the wombs of women — all women, not only the wombs of poor women and the victims of rape or incest.

Here we women have only persuaded part of the population that our heads belong to us, and now we've got to get serious about our wombs. The only thing left, women, is to protest this constant gerrymandering of our anatomy. We grew lax after the Supreme Court said in 1973 that our wombs were our business. We thought that was enough, but not so!

So, here is my suggestion:

The Rev. Jerry Falwell has chosen to make himself the chieftain of a large group of the religious right. He is their leader. So, if the good reverend does not want us to own our own wombs, let's package them up and send them to him. The religious right raises so much of its tax-free money from direct mail campaigns, we could respond in kind. And we could mount a tasteful advertising campaign — "Wombs for the Reverend."

Since choice is one of the things we are concerned about, this must be a free-will offering. If you are not through using your womb, please keep it until the time you might wish to contribute. If your womb currently is inhabited you might decide to sign a pledge card, promising a donation in the future.

You may, of course, choose to send your womb to your senator, or, if he is anti-abortion, to your local congressman — they want the state to have our wombs, so let them be the custodians. Do not forget the moral Texas legislature — as a matter of states' rights you might want to keep your womb right here in Texas.

Dropping your womb in the collection plate on Sunday is another option. This might be considered more lady-like than public demonstration, and it would reduce the lines at the post office.

WE MIGHT think about a wave-like movement. After all, each of us has just one womb, and if we donate them all at once the momentum would be a false labor of little impact. We must coordinate this thing, orchestrate it for maximum impact and media coverage, as we have learned to do from the religious right.

Perhaps we could follow the example from the White House Conference on the Family in Los Angeles last July when the crusaders of the religious right marched to the podium and deposited their black armbands beneath the American flag as television cameras rolled and print reporters scribbled. I, for one, regret that I have but one womb to give to my country! □

The Social Cause Calendar

LIBERTARIANS' TEXAS CONFERENCE

Billed as "an alternative politics conference," the state convention of the Libertarian Party of Texas June 19-21 in Austin has scheduled 21 speakers, including David Friedman, author and son of Milton Friedman; Murray Rothbard, exponent of the Austrian school of economics; Peter Breggin, discussing "liberation from the state"; Wendy McElroy, a feminist historian discussing "why libertarian feminists view socialist feminists as reactionary"; philosopher George Smith; Mark McKinnon, former editor, *Daily Texan*, UT-Austin; UT historian Jeffrey Rogers Hummel, discussing anarchism; Ken Carpenter of the AFSC on El Salvador; Jim Ollinger, editor, *Connections*, on government harassment of sexual minorities in Texas. A Juneteenth celebration will celebrate the emancipation of black slaves in Texas. Information, Michael Grossberg, 454-1522.

WOMEN'S CENTER ANNIVERSARY

The fourth anniversary of the Battered Women's Center in Austin will be celebrated June 12, 4:30 p.m., at the Law Center, Austin, open to public, those wishing to sponsor (at \$25, \$50) phone 385-0620.

A COWART SCHOLARSHIP

In honor of the memory of George Cowart, the Jefferson County labor and political leader who died at 79 last year, a scholarship in economics has been established at Lamar University in Beaumont. Applicants must be members or children of members of

organized labor. Contributions to Mrs. Cowart, 2250 21st St., Beaumont 77706.

Progressive Organizations

In no hurry, the *Observer* is building up lists of the political organizations we regard as progressive, their meeting evenings where that is applicable, and a phone number for each, in Texas cities. The editor invites communications recommending organizations for inclusion, by city.

SAN ANTONIO

ACLU, 224-6791; Women's Political Caucus, 2nd Tue., 655-3724; Civil Rights Litigation Center, 224-1061; Citizens Concerned About Nuclear Power, 1st & 3rd Weds., 655-0543; Communities Organized for Public Service (COPS), 2nd Th., 222-2367; Demos. for Action, Research & Education (DARE), rsch. volunteers needed, 4th Wed., 674-0351; Mxn.-Amn. Demos., 3rd Mon., Walter Martinez, 227-1341; NAACP, 4th Fri., 224-7636; Organizations United for East Side Development, last Tue., 824-4422; People for Peace, 2nd Th., 822-3089; Physicians for Social Responsibility, 1st Mon., Dr. Martin Batiere, 691-0375; Poor People's Coalition for Human Services, 923-3037; Residents Organized for Better and Beautiful Environmental Development (ROBBED), 3rd Tue., 226-3973; S.A. Demo. League, 1st Th., 344-1497;

S.A. Gay Alliance, last Wed., Metropolitan Cmnty. Church, 102 S. Pine; Sierra Club, 3rd Tue., 341-5990; United Citizens Project Planning and Operating Corp. (federal funding), 3rd Mon., 224-4278.

LONE STAR ALLIANCE

The Alliance is made up of member groups opposed to nuclear power. The groups, not listed elsewhere:

Dallas: Armadillo Coalition, 1st Wed., 348-0005; Comanche Peak Life Force, Wed. wkly., 337-5885.

Austin: Citizens for Economical Energy, 474-4738; Tx. Mobilization for Survival, Sun. wkly., 474-5877; Univ. Mobilization for Survival, wkly., 476-4503.

Houston: Mockingbird Alliance, 747-1837.

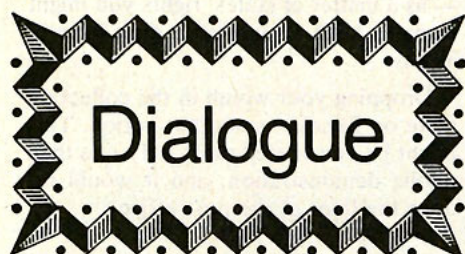
Fort Worth: Armadillo Coalition, 927-0808.

Bryan: Brazos Society for Alternatives to Nuclear Energy, 822-1882.

Nacogdoches: Pinewoods Coalition, 218 W. Austin St.

AMNESTY INTERNATIONAL

Contact persons for Amnesty International in Texas; Dallas, U.S. Group 189, Renee Berta, 915-584-4869, and Group 205, William H. Winn, 214-361-4690; Houston, Group 23, Ann Chastang, 6006 Saxon, Houston 77092, and Eileen at 869-5021, x42; Beaumont, Group 221, Karen Dwyer, 420 Longmeadow, Beaumont 77707; Austin, Group 107, Cindy Torrance, PO Box 4951, Austin 78765; Regional membership coordinator, Rita Williamson, 512-441-8078 (weekends).



Dialogue

Various Yeses

I'm glad you are expanding to Books and the Culture and emerging young Texas writers. Olé. — Carolyn F. Swearingen, 315 Catalina Pl., Corpus Christi 78411.

We wish to thank you and your staff for the excellent coverage of the legislative actions regarding the disposal of radioactive waste materials within Texas. — Alexander D. Bell, Nuclear, Biological, Chemical Safety Information Group, 4526 Waycross, Houston 77035.

I love "the *Observer's* position" inside the front page, with particular attention to "Out of El Salvador!" [TO 4/3/81]. I have been flooding old Bentsen, Mattox, and Frost with such talk — no use to appeal to Tower, wasting a stamp. The condition of the world, MX, and all the other potentials of destruction cause me to fear for the planet earth. — Cordye Hall, 5835 Ellsworth, Dallas 75206.

Along with my renewal check I wish to express special thanks to Dugger for his "Out of El Salvador" editorial and for other recent El Salvador material. — John Kruse, 1407 Alameda, Austin 78704.

I had decided to end my association with the *Observer* until I read your April 17 issue. I'm on the side of Tristram Coffin. Glad to see Ronnie back! — Mrs. T. M. Brookshire, 825 Ailsie #10, Kingsville, Tx. 78363.

Glad you are back. Ye gads, has it been 15 years?

Too many of your successors and predecessors have in my view confused the trendy with destiny and lacked any sense of historical perspective in which to view the contemporary indigenous liberal movement of Texas. Only Hightower is exempted from the criticism. His stewardship was an oasis in the desert between Dugger and Dugger. (Willie

Morris' '62 endorsement of John Connally for governor will forever stick in my craw.)

Having vented my spleen, I enclosed 50 bucks. — Dave Shapiro, Atty., 314 W. 11th, Suite 319, Austin 78701.

Hooray that the *Observer* is back on the right track. Over the years I have learned to trust the *Observer* to come out smelling like the proverbial rose; whenever things seemed to be getting sideways, somehow it all got itself fixed. . . .

I have high hopes that Mary Lenz will go a long way toward replacing the ache left in my heart by the departure of Molly Ivins. I read every word of M.I.'s stuff in the *New York Times*, but that's not enough of a fix for someone with a sweet tooth for wit and a saving ability to laugh at the Blue Meanies as they deserve. . . .

Keep up the good work: it's great to be able to lap up every word again.

Parks Campbell, 3741 Hamilton, Fort Worth 76107.

I became a reader of your paper and have read it a long time, since when I was co-librarian of the Burnet library. I am now 84 years old and still love to do my civic part for the Democratic Party. . . . Enclosed you will find a check for my subscription, and I wish you great success. — Lucile O'Donnell, 509 N. Main, Burnet, Tx. 78611.

It's Their Fault

I read with interest your long article on Bilingual Education [TO 5/1/81]. The one thing the author seems to have omitted is the fact that Latin-Americans are largely responsible for the lingual problem. A language ought to be learned in the home and playground when one is young. Since this is an English-speaking country Latin Americans who come here should make every endeavor to learn the language, not because it is superior to Spanish but because it is the language of the country. They simply refuse to do this. They speak Spanish in their homes and make no real attempt to learn English. The result is to be expected: on entering school their children are deficient in English. . . .

Herbert Finkelstein, Suite 209, 723 Main, Houston, Tx. 77002.

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