

THE TEXAS OBSERVER

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75¢

PROPOSITION ZERO: CAN A TAX REVOLT BE PROGRESSIVE?

By Geoffrey Rips



Photo by Alan Pogue

Reps. Bob Barton and Steve Carriker plot Prop. Zero.

TEXAS MAY BE on the brink of a full-scale tax revolt. It is being generated by the collision of several major events affecting state and local economies and the lives of most Texans. The trailing edge of the national recession has swept through Texas bringing a rise in unemployment and a drop in sales and sales tax revenues for the state. The decline in oil prices and the repercussions of the depression in Mexico have put an additional dent in the state's economy and government budget. At the same time, property values have continued to increase. Add to this the Peveto bill, whose full effect began hitting small communities last year and is scheduled to strike urban areas later this year.

The blow dealt local entities by this *ad valorem* tax bill has been two-fisted. First, the new valuation called for has hit homeowners with much larger property tax bills. These, of course, could be reduced by the locality's reduction of the percentage of taxation. But here's the second whammy: the exemptions included in the bill are such that they shift the brunt of the taxing burden to the homeowner, providing "tax relief," as the bill was labeled, only for some elderly, housing developers, farmers and ranchers,

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Whistleblower to Go "All the Way" With Appeals

Fort Worth

Charles "Chuck" Atchison's latest struggle to clear his work record and win the back pay, benefits and court costs ordered by the National Labor Relations Board in three separate rulings against three nuclear power plant contractors may cost the former nuclear quality control inspector from Azle yet another job. The three contractors all fired Atchison in a five-month period last year in violation of the Equal Protection Section* of the Energy Reorganization Act (ERA), the so-called "whistleblower law."

Atchison, who finally found steady work eight months after being fired illegally by Brown & Root, nuclear constructor for Texas Utilities' Comanche Peak plant being built near Glen Rose, and who subsequently found himself hired and fired abruptly by two nuclear contractors in Louisiana, talked about his

*Which prohibits the firing of workers for reporting violations or testifying in federal proceedings covered by the Atomic Energy Act.

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problems recently as the appeal hearing for one of the latter firms, Thompkins-Beckwith, Inc., subcontractor at Waterford III being built for Louisiana Power and Light near New Orleans, drew to a close.

"I'm making about half what I'd make in the nuclear industry," Atchison said, "but I'm not complaining. I just hope I can keep this job [with a small defense contractor in Fort Worth]. At first the company was glad to get someone who did an honest job, but I've lost so much time giving depositions, attending hearings and the like, that my boss is getting a little restless."

Atchison, accused of "overinspecting and witchhunting" by a Brown & Root supervisor, was fired illegally in April, the NLRB ruled, after he continued to report defective welds (up to 75% in 10,000 weld feet, Atchison said) on vendor supplied pipe whip restraints in critical safety areas of the Comanche Peak plant.*

Atchison never got a chance to report on any welds for Thompkins-Beckwith,

*The defective welds were confirmed by later NRC investigators who also said with straight faces that Atchison's testimony had "nothing to do with the NRC investigation."

the firm that hired him one week and fired him the next, in a "probable conspiracy," the NLRB ruled, with B&R in an effort to prevent his testimony at the Comanche Peak licensing hearings in Fort Worth in July. Thompkins-Beckwith fired him in retaliation when he testified anyway. (TO, 11/12/82)

"I was desperately looking for a job," Atchison said, "when I saw this ad for pipe whip restraint inspectors at Waterford. I called (Jerry) Magner in Granbury, the guy who ran the ad, and he set up an interview on a Friday and I was told to report on a Monday. That was the day I was supposed to testify. I left anyway and spent two days at the site when I was called back to Fort Worth for the Atomic Safety and Licensing Board hearings [under subpoena.**] When I

**Atchison was served with his subpoena only after he arrived in Fort Worth, purposefully, in order to give him job protection; yet, later, back at Waterford III, a Louisiana sheriff's deputy arrived with a subpoena for Atchison. This subpoena could never be accounted for since all of the ASLB subpoena's had been returned. (The ASLB had the only legal authority to issue them.) Its origin remains a mystery as does its present location. It seems to have disappeared.

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told my boss [Q/A engineer D. L. Holstead] he told me to go, but not to tell anyone else what I was doing, [i.e., testifying]" Holstead, whom Atchison thought would support him, now denies any knowledge of the Fort Worth hearings.

"When I got back, I was fired by Tony Orsini, Q/A supervisor, because, he said, my termination from B&R was 'unacceptable.' When I tried to tell him that the firing had been ruled illegal, he refused to listen. I learned later that there had been meetings all morning: with Larry Richardson, my immediate supervisor, Holstead, Orsini and Pete Foscolo, project manager. A copy of the Fort Worth paper covering my testimony had been telexed to the site that morning, and just about everybody had read it."

Links between personnel at Thompkins-Beckwith and B&R had already been established by the initial Labor Board investigation, but were reestablished for the record in February by Atchison's attorney, Marshall Gilmore of Fort Worth, during cross-examination. Pete Foscolo had formerly been with B&R, and had been the man to contact Jerry Magner in July looking for "pipe whip restraint inspectors" in the Fort Worth area. (Atchison was scheduled to testify that month.) Magner, former project engineer at Comanche Peak, told the court that he runs an employment service in Granbury, but admitted later under cross examination that the *one and only* time he ever initiated an "employee search" was that July for Foscolo. He said that after the July contract, "hiring people was too much trouble," so he quit.

Larry Richardson had also been employed by B&R; C. T. Brandt, the supervisor at B&R who fired Atchison, had once worked for Thompkins-Beckwith. "I know Brandt, and if he fired you, that's good enough for me," Atchison reported Richardson told him the day he was fired.

James Kenny, senior vice president for Thompkins-Beckwith, testified that the telexed newspaper article reached his office in Jacksonville, Fla., Thompkins-Beckwith's home office, the same morning it was sent to the Louisiana site. Kenny and Orsini, who was also in Jacksonville, then had a meeting to discuss Atchison's testimony before Orsini flew out to fire him. Both men deny that Atchison's testimony before the NRC caused his firing.

On the stand later, Orsini did admit that he refused to listen to Atchison's reasons for the B&R firing or to make an effort to find out, accepting instead B&R's statement in his personnel file, to

the effect that "employee refuses to carry out orders." The only thing wrong with that, Atchison points out, is "the orders were illegal."

Although Atchison's personnel files had been filled with glowing reports from his B&R supervisors, prior to his firing, and he had been regularly promoted to higher positions, he had made a serious mistake when he first applied for work with B&R. He had falsified his educational background, giving himself a hundred extra college hours and an associate degree he had not earned, even though college hours were not required for the job he held. "A mistake," he says, "but one that a lot of construction people make." Nonetheless, the companies have focused on the falsified resume, painting him with a broad brush of "liar and cheat."

So far, that has not affected the NLRB or Administrative Law Judge Ellin O'Shea, who recently denied the B&R appeal, accusing the company of making "unconvincing, unbelievable and irrational" charges against Atchison.

Hearings on the Mercury of Norwood firing, also a contractor at the Waterford site, have not been scheduled. That firing, says the NLRB, was a direct result of the Thompkins-Beckwith firing: Thompkins-Beckwith personnel, who saw Atchison on site after Mercury of Norwood hired him, told Mercury personnel that he was a "troublemaker." Atchison was fired an hour after reporting for work. That had the effect, so wrote the NLRB area director, of "perpetuating a violation of the [whistleblower act] *ad infinitum*."

Gilmore compares that firing to a person winning a discrimination suit after being fired for being black, then finding himself fired by another company *simply because he was fired by the first company*. "That kind of policy is simply an extension of the original illegal firing. But both Thompkins-Beckwith and Mercury have tried to use that defense.

"Atchison's case is extremely important," Gilmore says, "because if the whistleblower law is going to have any teeth in it, it must protect against this kind of 'ad infinitum' firing, especially if the act is going to give any real protection to workers in the nuclear industry, which is closeknit and blacklists whistleblowers. A favorable ruling for Atchison will also establish some precedents since there have only been a few whistleblower cases to reach the appeal level and Atchison may be the only worker who has been the principal in *three* of them!"

A dubious honor, Atchison believes. "I may win big somewhere down the

line," he says, "but in the meantime, I'm about to lose the first house my wife and I have ever owned and I have a 14-year-old daughter who wants to quit school and go to work. The strain has been hard on all of us. Still, if I can keep my job, and if my attorneys will stay with me, I'm going to see this all the way. Others are bound to benefit."

"All the way" may be the Fifth Circuit Court of Appeals, the final stop for the companies; Atchison and Gilmore believe B&R will certainly take its case that far. A ruling in the current Thompkins-Beckwith appeal is not expected for several months.

Betty Brink

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White does about-face on Simpson-Mazzoli

Austin

Governor Mark White was the acknowledged "belle of the ball" at the National Conference of Governors in Washington, D.C. last month, thanks to his upset victory over Republican incumbent Bill Clements. But a trip that started with a lot of hand-shaking ended back in Texas with a lot of head-shaking after White voiced support for sanctions against employers who knowingly hire illegal aliens. This marks a reversal of White's previous position, and puts him in opposition to the position taken by the Hispanic community, whose voting power was instrumental in White's victory.

White was speaking in reference to the Simpson-Mazzoli bill currently being considered in the Congress which would result in the first major rewriting of U.S. immigration law in thirty years. This legislation passed in the Senate during the last session only to die in the House, but is thought to be a priority item this session since the administration has been more vocal in its support. Some say that Reagan is pushing the bill in order to use the illegal alien as a scapegoat for some of the nation's economic problems.

White's support of employee sanctions puts him in the position of supporting one of the most controversial provisions of the bill, and one which is most objectionable to the Hispanic community. Tony Bonilla, National President of the League of United Latin American Citizens (LULAC), said, "I think that the governor just got carried away being in Washington for the first time and he wanted to make a statement that sounded statesman-like, but that won't sell in Texas. I think he realized that he had made a mistake because he came back and said that he hadn't decided and would appoint a task force to study the problem."

"An employee sanction is a gestapo-like mechanism for enforcing immigration laws and puts the burden of enforcement on the employer," he added.

Although exact plans for proving that an employer "knowingly" hired an illegal alien have not been deter-

mined, Bonilla said that the only non-discriminatory method would be to require all citizens to carry identification cards. Attorney General William French Smith has said that he would not favor such a system, but without ID cards, Bonilla said that employers, to avoid legal trouble, would simply stay away from hiring anyone that looked Hispanic.

Robert Velasquez, legislative aide for Rep. Henry Gonzalez, agreed that if employee sanctions are included in an immigration bill, they must be addressed across the board in the form of national ID cards. He added that Gonzalez opposes both this measure and the guest worker program which is also part of the Simpson-Mazzoli bill.

In its present form, the bill is something of a conglomeration of reforms, designed to include "something for everybody"; as such, it has resulted in the most unlikely of political alliances. Supporters of the bill include the NAACP and organized labor, who maintain that illegal aliens usurp American jobs. David Hall, of Texas Rural Legal Aid, said that, since the guest worker program was also included in the bill, agricultural interests have lent their support, in spite of their opposition to employer sanctions. The guest worker program would allow between 300,000 and 400,000 foreign workers into the country, workers who have no legal protections except their entitlement to receive minimum wage.

Joining Hispanics in their opposition to employer sanctions are the U.S. Chamber of Commerce, civil liberties groups, and the convention of the American Bar Association. They fear both national ID cards systems and the fact that employer sanctions force employers into the position of enforcing immigration laws, a task they feel belongs to Immigration and Naturalization Service.

This bill would also grant amnesty to people who entered the country before January 1980, would increase the border patrol and would double current quotas for Mexico to 40,000. It would establish a guest worker program and provide for

assessment of a civil fine of \$500 to \$2000 for an employer who knowingly hires an undocumented worker.

The bill is expected to pass the Senate and again face a tough battle in the House, where it has been assigned to the Judiciary Committee. Committee chairman Peter Rodino has been working with Mazzoli on the bill, which will make it difficult for compromise bills to get consideration from the committee. Any changes in the bill will probably be limited to the volatile House floor.

White's stance on the issue is likely to further disenchant local Hispanic leaders, some of whom have stated that White's appointments have not adequately recognized their contribution to his victory. In a February interview, Ruben Bonilla, state president of the Texas chapter of LULAC, said, "I know that it's very early to chastise, but I am an impatient person. Mexican Americans ran to the polls to vote for Mark White in excess of his margin of victory. I pictured him running to the appointment desk to appoint Mexican American community leaders. So far there has not been parity." He added that, while White had appointed a Mexican American to head the department of Community Affairs, that was a traditional "minority" appointment, and that the absence of a Hispanic nominee to the UT Board of Regents was a "major disappointment."

According to Tony Bonilla, LULAC staff members are actively working with some members of Congress on a compromise bill. In addition to opposition of employer sanctions, LULAC is working to increase annual immigrant quotas, provide for reunification of families, provide amnesty for anyone in the US before the new laws, and enforce immigration laws at all points of entry, not just the Mexican border. LULAC also advocates involving the Mexican government in any new laws, a plan supported by House Majority Leader Jim Wright, and opposes the guest worker program, which Bonilla calls "government-sanctioned slavery." *Kay Gunderson*

Mental Health Code Redefines Mental Illness

By Leslie Whitaker

Austin

IF A MAN thinks he is Napoleon Bonaparte, enjoys being Napoleon Bonaparte, and isn't hurting anyone in the process, what right has the state to incarcerate him and employ psychiatrists to change his state of mind? This was only one of the knotty questions raised at a public hearing last October concerning revisions by the Texas Mental Health Code Task Force — a 45-member committee composed of psychiatrists, psychologists, social workers, judges, representatives from state and private agencies, and one former mental patient — of the state code that governs voluntary and involuntary court-ordered mental health care in Texas. The philosophical questions the Task Force has dutifully wrestled with for the past year — i.e., What are the rights of the "mentally ill" vs. the rights of society for protection from the mentally ill? — are questions about which reasonable minds may differ. But what is a reasonable mind?

What a reasonable mind is *not* has been redefined by the revised mental health code, sponsored by state Sen. Ray Farabee (D-Wichita Falls) and referred to the Senate Human Resources Committee (S. B. 435). The present code defines a mentally ill person as "a person whose mental health is substantially impaired." Task Force member George Dix, a UT law professor, characterizes the current definition as "conveniently written so you can't tell what it means." The revisers have attempted to correct for its vagueness with their new definition: "an illness, disease, or condition which either (a) substantially impairs a person's thought, perception of reality, emotional process, or judgment; or (b) grossly impairs behavior as manifested by recent disturbed behavior." During the October hearing a number of ex-patients called for even more precise language because the

revised definition still leaves ample room for individual interpretation.

Criteria for involuntary commitment to a mental health facility have been substantially tightened by the new code, however. Commitment requires a finding of mental illness and meeting the following criteria: "as a result of mental illness [the person] (a) is likely to cause serious harm to himself or (b) others; or (c) will, if not treated, continue to suffer severe and abnormal mental, emotional, or physical distress, and will continue to experience deterioration of his ability to function independently and is unable to make a rational and informed decision as to whether or not to submit to treatment." The court's determination must be based on evidence of either a recent or overt action or a continuing pattern of behavior.

Under the present code, a family member who wants to have a relative committed must appear before a magistrate, and one doctor must find the person "dangerous to himself or others." The magistrate can then order the person held in protective custody. A second hearing within 72 hours has recently been mandated by a federal district court to determine if the person should be detained (based on a finding of dangerousness) or at liberty until a commitment hearing. The commitment hearing, held within two weeks, requires examination by two physicians. If the doctors diagnose the person as "mentally ill" and as fitting the commitment criteria, that person could be committed involuntarily for six months without further examination.

Despite the seeming unlikelihood that anyone could be committed to a mental institution in angry revenge by family members, for example, or by the mistaken judgment of judges and physicians, it does happen. According to James Spearly, legislative assistant to the Task Force, even the state hospitals themselves admit to having people who shouldn't be there. To guard against incorrect diagnosis and other forms of patient abuse, the revised code strengthens

requirements for periodic court review of commitments, legal representation for patients, and treatment plans formulated with patient participation.

These clients' rights provisions were agreed upon only after hours of debate and negotiation among Task Force members. One of the organizers of the Task Force, Dale Beebee, president of Advocacy, Inc., says the committee was so unwieldy at first it seemed doubtful that members would ever agree on any changes. Law professors and clients' rights advocates pushed due process issues. Physicians and other service providers insisted that they had a "right to treat." Administrators wanted to maintain a code they could implement easily. So the Task Force broke into five smaller groups to examine specific provisions, argue about the issues, and report back to the whole committee with their recommendations.

Under the leadership of Helen Farabee, wife of the senator and longtime mental health volunteer, the Task Force labored, with no money and little staff support, to update and reorganize the Texas Mental Health Code, authored in 1957 and considered by many to be paternalistic and out of step with recent court rulings concerning clients' rights and developments in drug therapy. Fifty of the 79 provisions remained intact, except for occasional word and placement changes. Many of the most controversial issues — i.e., right to informed consent and right to refuse treatment — are never directly addressed in the new code. Despite such avoidance of controversy, the task force made a number of substantive changes.

The revised code generally increases treatment accessibility and flexibility. Revisions to this end include:

- deleting the requirement that a voluntarily admitted patient remain in the custody of the mental health facility for an initial period of ten days;
- allowing minors age 16 years or older to obtain mental health services based on their own consent;

Leslie Whitaker is an Austin free-lance writer.

“When we lose hope . . .”

Terry and I squeezed through the opening between the two halves of the gate, underneath the padlock. We walked down the asphalt driveway, past some dry grass and a few trees, until we reached the blond brick building marked “Capitol Unit.”

Inside, Terry steered us down identical corridors with scuffed linoleum floors and pockmarked walls. When we came to the door that locked the patients inside, we didn't have to ring the bell and wait because two black women orderlies came out and held the door for us. They recognized Terry and told her that her sister Lisa was out in the yard.

We found Lisa, not in the sunshine, but underneath a thin, green blanket in the darkened bedroom that has plywood beds and a few drawers for each of the 134 patients in the unit. Lisa was lying in the fetal position. She remained stiff but passive as the orderly straightened her legs and pulled her up by two hands. “She's the same as the day she came in here last summer,” the orderly said.

Terry led her sister, a diagnosed paranoid schizophrenic, out of the warehouse bedroom, through the common room — complete with young orderlies behind a security counter, a television, and patients shuffling with cigarettes in their hands — to the fenced yard. Halfway through the common room, Terry realized that Lisa wasn't wearing any shoes, and went back to get a pair. I was left alone with Lisa, who stood rigidly where Terry had left her — her eyes staring straight ahead but blinking wildly, saliva drooling out of her mouth.

Lisa's brown hair was braided. Its slight graying at the temples was one of the few signs of her 33 years. Her red and blue striped turtleneck almost matched the shade of her red pants. The shoes that Terry brought out were yet another shade of red.

We walked Lisa to an iron bench near the fence. Terry talked to Lisa in the way, I imagine, she has done every other Saturday afternoon she's gone to visit her sister, who is now classified as catatonic. She talked to Lisa about the family, her

raise, the latest Linda Ronstadt record, about getting better. Lisa was listening, but the only time she let it show was when Terry talked about their 3-year-old nephew, Josh. Terry's description of Josh's recent birthday party brought a smile to Lisa's face. But it soon disappeared.

Lisa and Terry are daughters of a wealthy chemical engineer and his wife. They grew up in France, England, Japan, and Greenwich, Connecticut, the fancy New York suburb. Lisa was 24, finishing her last semester at Tufts University in Boston, when her family first discovered that she was afflicted with mental illness. They were summering in Arabia and got word that the straight-A student had been found with slit wrists at a roadside in Ohio. She was being held in a state mental hospital nearby.

The family aborted their trip and brought Lisa to a private psychiatric hospital in Connecticut. They have since spent thousands of dollars on psychiatrists, psychologists, medication, shock therapy, and state and private hospitals. Even Lisa's lifetime Medicare limit has been used up.

Lisa's illness, Terry says, seems to run in a yearly cycle. Once she comes out of the catatonic state, she enters a more active, but destructive stage. She chain smokes and watches television, but is communicative. In several months she is improved enough to be released from the hospital. But as the years have passed, Terry says, the bad stage gets longer and the good stage gets shorter.

Central to Lisa's treatment is prolixin and other psychotropic drugs. But outside the hospital, she inevitably decides to discontinue the medication because of its side effects — weight gain, numbness, uncontrollable muscle spasms, and difficulty speaking. She doesn't consider taking the drugs as a viable way to live. “It's not an option to her,” says Terry.

When Lisa is in a better part of the cycle, she tries to cure herself. She reads books about mental illness and tries vitamin regimens and other treatments.

She has even written to Erich Fromm for advice.

Upon release from the hospital, Lisa is always anxious to reacquaint. Her parents set her up in an apartment and help her find work. She's been a waitress, a typist, a picture framer. But inevitably the adjustment does not go smoothly. Her employers become impatient with her inconsistency or she worries that fellow workers are making fun of her and she quits.

Like a soldier returning from a war, Lisa feels out of place and impatient with others' gaiety in the face of the suffering she has experienced. She laments her lost years, her feelings of unattractiveness, her childlessness. When Lisa is feeling good she still hears the voice of Jesus, but she ignores it. When she is mute, she has told Terry, she is obeying the voice's command not to speak, or she will go to Hell.

Lisa has not spoken since the summer, when she was most recently readmitted to Austin State. Her family is considering shock therapy, which has previously turned her around dramatically, if only for a short time. Because Austin State rarely administers shock therapy, the family will take her to Shoal Creek, a private hospital that costs about \$1,000 a week. A new doctor there will require several months of hospitalization, claiming that adequate time is needed to effect any change.

We walked Lisa around and around the borders of the fenced yard. We passed the same tree again and again. Terry complimented Lisa's hair. I asked her about their childhood. After about the thirtieth time around, Lisa stopped walking. The visit was over. On the way out Terry asked an orderly to bathe Lisa. “We usually do it on Saturday morning,” the young woman replied, “but we didn't have time for everyone today. We'll get to her at 6 p.m. I'll make sure of it.”

As Terry and I walked down the driveway toward Guadalupe Street, Terry turned to me and said, “When we get really serious about treating Lisa, we say, damn the cost, we'll put her in a private hospital. When we lose hope and give up, we put her in the state hospital.”

L. W.

- establishing two types of court-ordered treatment; (1) temporary, not to exceed ninety days; and (2) extended, not to exceed twelve months.

- mandating that court-ordered treatment take place in the least restrictive appropriate setting available; Establishing procedures for out-patient treatment, for assigning an individual to be responsible for that treatment, and for the court to modify treatment that is no longer necessary or adequate; flexibility for

modification of treatment is also added to in-patient procedures.

On the other hand, the code strengthens the powers of the state and families by:

- allowing parents to voluntarily admit their children younger than age 16 without the child's consent;

- permitting a facility to file an application for involuntary treatment if a patient is absent without authorization, or

refuses or is unable to consent to treatment, or appears to meet the criteria for court-ordered treatment (Previously this application could only be triggered by a voluntary patient's written request for release);

- instituting an emergency procedure allowing peace officers (police) to apprehend, without a warrant, a person who appears to be mentally ill or presents a substantial and imminent risk of serious harm to himself or others. Following ap-

prehension, an appropriate facility must provide a physician to determine if detention is necessary. (Previously a warrant was necessary for apprehension.)

ONE OF THE provisions of the current code which remained unchanged, despite innumerable, heated discussions at Task Force meetings, was the requirement that two physicians sign the "medical certificates of mental illness" necessary for commitment hearings. The Task Force subcommittee that examined this provision proposed allowing a "mental health professional" to sign one of the certificates, as long as a physician signed the other one. Those who supported this proposal cited the lack of physicians, especially psychiatrists, in the rural areas of Texas. This change would have broken the Texas Medical Association's (TMA) monopoly in the Texas mental health system. Psychologists, therefore, supported defining "mental health professional" as psychologists. Psychiatric nurses wanted to add psychiatric nurses to the definition. Psychiatric social workers wanted to add psychiatric social workers. And so on.

The TMA stood firm. At each meeting their representative on the Task Force, Dr. Jane Preston, would reiterate the official TMA position: it is in the patient's best interest to be examined by physicians, and by physicians only. Preston was countered by claims that the psychological training that mental health providers receive is much more extensive than the six to twelve weeks required in medical school or non-psychiatric students. It was also pointed out that the "mentally ill" person before the court often has been a client of a psychologist or some other mental health professional who would be better able to diagnose the client than, say, a podiatrist, or even a general practitioner.

"We kept things as long as we could, until we saw it would be a showdown," says Searly, referring to controversial revisions like the certificate signing. "The TMA was ready to sabotage the whole thing," he adds. Searly explained that Senator Farabee's political strategy has been to drop all provisions the Task Force could not agree upon. In the negotiation process each interest group won some items in return for giving up others. As a result every member on the Task Force has enough invested in the code to work for its passage despite individual disagreements with specific provisions.

Another dynamic at work in the negotiation process is the settlement of the RAJ vs State of Texas case, a class action suit charging mistreatment of mental patients by Texas state hospitals. The patients' rights advocates dropped some

of their proposals in hopes that provisions of the settlement will be stronger than anything the Task Force could have agreed to.

Attorneys and clients' rights advocates on the task force were most concerned with strengthening legal protection for those who come in contact with the mental health system. Even though commitment is intended to "heal," they contend that mental patients while detained deserve at least the same protections and rights as criminals. "I think this code is 100% more realistic than [the present one] because it acknowledges that taking rights away is a serious matter," says Doug Cameron, author of *How to Survive Being Committed to a Mental Hospital* and the only former patient on the Task Force.

The new provisions strengthening patients' legal protection include:

- a determination that an order for protective custody (OPC) must include a finding that the person presents a substantial risk of serious physical harm to himself or others if not immediately restrained. The OPC is limited to fourteen days. A probable cause hearing would be required within 72 hours of the OPC (in compliance with a federal district judge's recent ruling);
- specifying duties for court-appointed attorneys, including a mandate to represent the wishes of the client, rather than the attorney's estimation of what is best for the client. It also raises fees equal to attorneys court-appointed for criminals;
- requiring that court-ordered treatment by jury or judge be based on clear and convincing evidence increases state's burden of proof.
- requiring that anyone apprehended be informed in his or her native tongue, or in sign language, of the reason for apprehension, that anything said to a physician can be used in court, of the rights to an attorney, and destination.

More general clients' rights provisions added by the Task Force include the right to:

- freedom from unnecessary and excessive medication;
- refuse to participate in research;
- have an individualized treatment plan and to participate in its development;
- a humane and safe treatment environment.

Even if the Farabee code passes, a voluntarily- or involuntarily-committed patient would not have the right to refuse psychotropic drugs or other treatments prescribed at a hospital. In fact, a voluntarily-committed patient who wishes to discontinue treatment is in danger of being committed involuntarily

on the basis of "incompetence in deciding whether or not to accept treatment." Though the medical community considers psychotropic drugs the most important advance in the treatment of mental illness, patients' rights advocates consider refusing treatment as the ultimate patient's right. Under the new code, a patient still would not technically have the right to choose between psychiatric (medical) and psychological (counseling) treatment, but the code does apprise judges of treatment options including community mental health centers, private psychological counseling, and other out-patient facilities.

Community mental health centers will be the leading recipients under the revised code, according to Searly. The provision for "least restrictive setting" for treatment will often mean out-patient treatment administered by community mental health centers.

"But," Searly cautions, "the new code is procedural only. It doesn't provide funding for building buildings or anything else. We've left an out so that community mental health centers don't have to accept clients they don't feel they have the resources to treat. We don't want to create an unworkable situation. This code is merely a policy statement until [the availability of] services catches up. It must be followed up with [funding for] more locally-based patient care."

Sen. Farabee contends, however, that because the code encourages out-patient services — considered the most cost-effective treatment for mental illness — it is Texas taxpayers who stand to gain the most from its passage.

The trend towards deinstitutionalization has spread across the country. In the past two decades the resident population of large mental hospitals has been reduced by two-thirds nationally. But in many areas, community services are not in place to offer treatment and minimal support to former patients. Released patients often return to troublesome family environments, or they live alone, unable to provide adequately for themselves. Former patients also have trouble paying for treatment because medical insurance usually reimburses in-patient treatment only. Hence, many return frequently to hospitals, creating what has been called the "revolving door" syndrome. Of the \$480 million spent by Texas last year on mental health, 70% went to state mental hospitals and 30% supported out-patient facilities. As long as such a funding imbalance exists, the revolving doors in Texas mental hospitals will probably keep on spinning. □

Senate Bill 435 passed the Senate on Mar. 21 and now goes to the House Public Health Committee.

Why We Must Elect the PUC

We are not answerable to anyone, except in the case of malfeasance of office.

— George Cowden,
former commissioner,
PUC of Texas

A body of men holding themselves accountable to nobody ought not to be trusted by anybody.

— Thomas Paine,
The Rights of Man

Austin

WHAT DO WE WANT from our utility regulators? That's not hard to answer: We want to be able to trust and hold them accountable.

How can we accomplish those goals? I'm not certain, but the way we have selected them at the PUC — by appointment — has failed. We need to try a different way.

I propose that we elect six utility commissioners from single-member districts, limit campaign contributions, require strict reporting on contributions, and recall them if we don't like the way they perform. Why should we elect our utility commissioners?

- Only by election can we counterbalance the overwhelming utility pressure on members and staff at the PUC.
- Only by election can the PUC become accountable to the public.
- Only by election will consumers accept the rate increases the PUC must inevitably impose.

Let's understand exactly what we hope to do with this reform. We're not trying to lower utility rates; that's impossible. We're not even hoping to stop utility bills from rising; they will continue to rise regardless of who runs the PUC. Utility decisions and mistakes have already been made that will make the costs come due for a long time. Escalating costs for new

By Jack Hopper

"The appointment process is almost guaranteed to ignore consumers and their interests."

generating plants, increases in coal costs resulting from deregulated rail rates; spiraling natural gas prices — these increases will cause continued steep rises in electric rates.

Increases in telephone rates threaten to be even worse. Southwestern Bell, General Telephone, and all the others will seek massive increases this year to anticipate next year's event when the Bell system breaks apart and severs long-distance from local service.

No kind of reform nor the most diligent regulation will prevent utility rates from rising. But the people who pay those rates deserve regulators who will do all that it is possible to do. That is the measure of public trust and accountability we should restore.

IN TEXAS, the appointment process, made after the fact, in secret, and based on political motives, is almost guaranteed to ignore consumers and their interests. And given the usual business-dominated Senate, its confirmation of appointees often reflects an anti-consumer attitude. The evidence confirms that consumers seldom get responsive regulators from the appointed process.

Even if they did, the system would still work against them, because the PUC has deliberately removed itself from the public. For years it rebuffed the sugges-

tion — even from the legislature — that it seek response directly from customers in areas served by the various utilities. It refused to install a free, in-coming telephone line for consumers, and it discourages collect calls. For the last four years, no commissioner has conducted or presided over a rate hearing, no matter how large or important the case was.

At the same time, it has been unable to resist the pervasive influence of utilities and their host of allies — the Austin lawyers and lobbyists; the Wall Street brokers, rating agencies, and security analysts. The PUC's office at 7800 Shoal Creek Boulevard houses at least four utility company offices or their lawyers. Dozens of utility employees and executives prowl the halls at the PUC daily, visiting staff and commissioners. The investment community, the Gemini to the utilities, calls and visits the PUC constantly.

The heavy utility presence at the PUC is apparent. It shows up in the monthly reporting required in Section 34 of the Public Utility Regulatory Act (PURA), which requires all contact between commissioners, staff, and their visitors be logged. It will show that commissioners and staff members seldom receive members of the public or their representatives.

In contrast, consumers seldom visit the commission. When they do, they are often patronized and at best, tolerated. The main consumer contact comes by letter or telephone to the PUC's Consumer and Information Services Section; they remove the sting, de-personalize it, turn it into a statistic, and insulate it from the rest of the commission. It is no accident that Consumer Services does not even occupy the same suite of offices with the rest of the PUC. It is located in another wing, far removed from the commissioners' offices.

Even the most well-intentioned appointees will be victimized by the strength of this pro-utility pressure. There is no effective consumer influence available that can offset it. Countervail-

Longtime Observer contributor Jack Hopper is a utilities consultant.

ing pressure from consumers can come only with the ballot. There is no other way. By answering to the voters every six years, commissioners may be subjected to the necessary balance to accomplish fair regulation.

The strongest opponents of changing the system and electing PUC members are, not surprisingly, the utilities. But they are joined by many others who oppose or hold reservations about electing regulators. All these opponents express a peculiar attitude: the appointed commission, despite its dismal record, gives us a standard against which the elective system must be measured. We must keep the failed appointive system, they say,

Commissioners should set policy, not be experts.

because we know that the theoretical or hypothetic flaws in the elective system could not possibly improve regulation. The leaky logic in this attitude ought to be obvious. Any change with the least chance to improve on the present system is worth trying.

But what are these fatal flaws in the elective process? Electing utility regulators, the utilities claim, would "politicize" the regulators, injecting politics into the decisions to set utility profits and rates.

Our PUC and its staff have been "politicized" from the first day. Who among us is really dumb enough to believe that governors ever make appointments that aren't political? Appointments are, will be, and ought to be political; and there's nothing wrong with that. But we had better be honest with ourselves about this or the utilities and their appointees will carry everything away in the sham of being "non-political."

One House member has said: You have only two types of people running for the PUC — the one person who screams, "I'm going to cut your utility bills"; and the other who is beholden to the utility companies. Isn't that what we have in the legislature? Don't we call that "balance"?

The appointive method shuts consumers, their interests, and their influence out of the decision-making process. The politics in the appointive system belongs to the utilities. That's why they resist any change. Consumers know they have been excluded from the "un-political" regulatory process and that's

why they are raising hell. By electing the commissioners they can bring some influence to bear.

But, the utilities say, elected commissioners will take the "short" view at a time when the public interest requires them to take the "long" view. This presumption holds that appointed commissioners always take the correct or "long" view. How was it several utilities got into such a terrible fix: HL&P with its South Texas Nuclear Project; El Paso Electric with its Palo Verde Nuclear Project; the Texas Utilities with its overbuilt generating system? Are these the "long-views" our appointed commissioners took? Could elected commissioners have done any worse?

But, the utilities say, you can't get qualified, experienced people to serve on the commission when they must run for election. (One thing is certain: we won't get any utility presidents.) But this argument relies on a double standard. The governor recently appointed a new commissioner to the State Insurance Board, one who admitted that all she knew about insurance and its regulation was that she paid the auto insurance on her teen-age sons. No one seemed particularly concerned about her lack of expertise. In fact, her inexperience was not unusual in such appointments. Then why should we expect a higher standard for utility regulation? All commissions depend on a professional staff for technical advice; commissioners should set policy, not be experts.

But, the utilities say, we fear elected commissions and so does the investment community. We will be unable to secure capital funds, our ability to serve could be damaged, and the cost to our customers rises with an elected commission. Has our elected Railroad Commission caused investment funds for gas distribution utilities in Texas to dry up? Have utilities in neighboring elected-commission states — New Mexico, Oklahoma, and Louisiana — been crippled by their regulators? They have not.

But, the utilities contend, PUC elections would degenerate into contests in which candidates compete in promising to reduce utility rates the most, instead of who is the most qualified to do the job. This is the age-old elitist opposition to elections and the democratic process; people shouldn't be allowed to make such important decisions because they will decide elections on base motives.

An elected PUC, T. Louis Austin of Texas Utilities Company said, might be tempted to base its decisions on emotional, political, or short-term solutions to issues rather than facts. That cynic, G. B. Shaw, once said, "Democracy

substitutes election by the incompetent many for appointment by the corrupt few." We choose governors, senators, legislators, and all other officials by ballot; why not people who make billion dollar decisions on energy rates? We've been doing it for decades in this state. Every utility decision from 1908 until 1975 was made by an elected official. The utilities testified and propagandized at great length that the city councilmen and railroad commissioners offered a regulatory system that could stand no improvement: it was the best in the country. And in 1975, after their plea, we left that system largely intact.

THEN THERE ARE the objections my friends make. Electing the PUC might be a good idea, they say, but the utilities will contribute all the campaign money and capture the commissioners. Of course utilities sometimes do that in other elections. But we can limit the possibility by restricting contributions, setting stringent requirements on campaign financing, and lowering the campaign money needed by electing by districts instead of state-wide. And so what? If the winner does get in with utility support, would we be any worse off than we are now? Elected commissioners can get into bed with the utilities, but if they crawl under the covers we could recall them.

Elected commissioners can get into bed with the utilities, but if they crawl under the covers we can recall them.

But explain this contradiction. In the last four legislative sessions we have tried to pass an elective commission bill. During those years it has been the Number One opposition of the utility lobbyists. They have taken extreme measures in their opposition. The utilities have little confidence that they will be able to buy and control elected commissioners. Maybe that's because they don't in most states. So, my friends who are so sure utility contributions would buy elections, should ponder the utilities' adamant opposition to elections.

But, my friends say, look no further than the Railroad Commission. Do you want to repeat that dismal record at the PUC? The railroad commission is not

truly an elective body; all but two members over the last forty years have been appointed by a governor to fill each resignation. Those appointed members subsequently stand for election, holding the advantage of incumbents.

This hybrid-elected Railroad Commission gives us an example of the power of even this limited election process. The old pre-1973 regime that gave us the Coastal-LoVaca debacle felt the public heat and refused to seek re-election. In 1976, a wide-open race between non-incumbents ensued, bringing in Jon Newton and major changes in the way natural gas was regulated. We can insure fully elected commissions by requiring special elections to fill unexpired terms. We ought to do that at the Railroad Commission, too.

But, my friends say, the ballot is already too long; another candidate would overburden it. Adding one more every six years would add little to the length. If they are seriously concerned about a long ballot, they ought to propose that county clerks, constables, and justices of the peace be taken off the ballot.

But, my friends say, in those states with elected commissions, the regulators are so irresponsible the courts have to set rates. Courts don't set rates in any state, but they remand decisions back for commissions to make over again. And that's just as common in states with appointed as elected regulators. Our own PUC has had its own share of court appeals and remands, and on that score our elected Railroad Commission and our appointed PUC appear to be about even. Research shows that elected commissions are no more prone to be irresponsible than appointive.

What about the twelve states with elected commissions? Their record suggests that they are more responsive to consumers. The ones elected state-wide, like Oklahoma, are less responsive than those with districts. Louisiana, for example, is a commission with a reputation for being much more protective of consumers. A recent article in the *Austin American-Statesman* showed that Gulf States Utilities and Southwestern Electric Power, which operate in Texas and Louisiana, have higher profits and rates in Texas. It was only five years ago that the Louisiana PSC finally raised Bell's pay telephone rate from a nickel to a dime. That same year our PUC raised it to a quarter, even though Bell did not ask to increase it above 20¢.

There seems to be a notion that elected commissions are concentrated in the backward stretch of the Gulf South. That's not true; they are concentrated in

the populist Midwest. Arizona, Oklahoma, Montana, Nebraska, North and South Dakota, New Mexico, and Texas all have elected commissions of some sort.

But, my friends say, we don't need to be concerned about how we select commissioners if we would just make other changes. Let's give consumers their advocate; restrict CWIP here; limit expenses there; require management audits, eliminate automatic fuel adjustments. That will solve the problem without changing the selection method.

The PURA we passed in 1975 allows every one of those provisions now. None of the changes would be necessary if we had responsive commissioners. The law gives the PUC all the latitude it needs to be pro-utility, pro-consumer, or balanced; our appointed PUC chose to be pro-utility. We will get no lasting reform at the PUC until we change the way we select its members.

There is also a compelling reason why we should enlarge the membership from three to six. Experience at the PUC shows that our appointive, three-man commission has politicized the staff. The chairman can run day-to-day activities and dominate staff actions and decisions with one more vote. We need more than three commissioners to keep the chairman from dominating the staff. He would be less likely to with five other members.

All these arguments opposing elections focus on the negative: why we shouldn't make a change. We should reject this focus. The burden of proof ought to be on those who insist on retaining a failed system.

In the eight years since our PUC was created — the last state to get a utility commission — our appointed commission has set a record for the speed it took the industry it was supposed to regulate to capture it. It was created to protect consumers; it has been turned around and used to protect utilities from consumers. Minor changes won't reverse this.

There is no guarantee that a change in selection will be a panacea for utility consumers. An elected PUC could have all the infirmities our friends and enemies fear. But I believe the probability is higher that it would improve regulation. It would not lower rates, but it could reduce the rate of increase. That could happen without damage to utilities, their stockholders, or to the long-run energy supply in Texas.

There is enough evidence to expect an elected PUC to restore public trust, be held accountable, and bring the "reasonable balance" to utility regulation that the legislature intended when it created the PUC in 1975. □

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PROPOSITION ZERO

(Continued from Page 1)

and agri-business and lumbering interests. Municipalities and school districts have been forced to make up for what was lost by increasing taxes on homeowners and by providing inferior service.

Because the property tax provides the base for school district revenues, many school districts have been hit especially hard. They have also been victimized by cutbacks in educational programs by the Reagan Administration. (In Ohio, elderly Cleveland residents unable to pay property taxes have signed the deed to their homes over to the city in lieu of taxes, the homes to be assumed upon their deaths.) Higher taxes, poorer schools, greater inequities in taxation, and a stumbling economy are four matches for a taxation powder keg. Sponsors of Proposition Zero, which eliminates school property taxes and substitutes a 1% sales tax increase, hope to divert the explosion from the schools and municipalities it threatens and use it to open new roads for funding education.

The Rollback Revolt

Between January 1 and April 2 of this year, thirteen municipalities will have held elections to roll back property tax increases. Another 24 districts are in the process of setting up rollback elections. As of 1982, if a increase in local property taxes is more than 108% of the rate for the previous year, voters have the right to petition for elections to roll back property taxes to the rates of the previous year, plus 8%. Of the six elections that have taken place, the rollback has failed in only one. In Weatherford ISD in Parker County, voters rejected a 26% increase despite a vigorous campaign in its favor by school and town officials and the teachers associations. Elections are set in Comfort, El Campo, and Victoria. The Comfort ISD assessment dropped 25% in two years and required a proposal for a 43% increase in the tax rate to take care of teacher pay raises. Mandatory exemptions for open land and agricultural use prevented the district from collecting any more than \$91 million of the \$355 million assessment on district property. In several counties, school officials complain about the use of open land exemptions by real estate developers, who thereby escape taxes while waiting to begin development projects.

In 1981-'82, the agricultural use and open land exemptions for Hays County were \$99,500,000, while the next year they amounted to \$173,800,000, resulting in a school tax revenue loss of \$1,251,589. To make up the difference,

tax rates on residences were lowered only one cent per dollar while property assessments skyrocketed to, in some cases, an increase of 110% in taxable value.

According to the *Sweetwater Reporter*, the residential share of the school tax burden in Sweetwater rose from 11.4% (\$276,258) in 1981 to 29.9% (\$678,393) in 1982, while the business and industrial share dropped from 30.5% to 23.5%, the utility share dropped from 17.5% to 12.1%, and the oil, gas, and mineral share dropped from 28.6% to 22.3%.

The full impact of the Peveto tax legislation, with its full value assessment and exemptions, hit rural communities first. New assessments for most urban areas are scheduled for later this year. An announcement of San Antonio's revalua-

"The ingredients of education shouldn't be determined by the wealth of the local school district."

tion will be made in April. Long-time residents of older San Antonio neighborhoods that have undergone a "gentrification" process fear the new assessments will increase their taxes by five or six hundred percent.

Speaking to the senate on March 10, State Education Board Chairman Joe Kelly Butler said, "If the state passes a program that is unbalanced, under-funded, and unfair in the burden placed on local districts, in my humble opinion, we are encouraging an increase in the number of these rollback situations . . . My concern is over the hundreds [of rollback elections] that will never be called because local administrators won't dare take the chance of a rollback. Instead, they will simply replace their local enrichment money with the proposed state increases [intended for teacher pay raises]."

A Declaration of Independence

In response to the possibility of an impending tax revolt and the increasing financial hardship faced by school districts, State Representatives Bob Barton, D-San Marcos, and Steven Carriker, D-Roby, have introduced legislation designed to change radically the mechanism for funding public education. They do this not only to ease the tax burden on their middle and lower income constituents and to remedy the financial crunch on school revenues felt in the last two years but also with an eye

toward education funding inequities that have not been remedied by education equalization formulas adopted by the state. "It's been ten or twelve years since the *Rodriguez* decision. The ingredients of education shouldn't be determined by the wealth of the local school district."

Barton's House Joint Resolution 77 calls for a constitutional amendment to stipulate: "Every residence homestead and all real property used as the primary residence of an individual, whether or not the individual owns the property, is exempt from *ad valorem* taxation for general elementary and secondary school purposes. . . . The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by implementation of this subsection." The proposed amendment lists automobiles as exempted real property and replaces the exemptions of \$5,000 of the market value of homesteads and \$10,000 for the elderly or disabled, as had been provided by the Peveto legislation. The bill requires the amendment to be submitted for a vote on November 8, 1983, and, if passed, to take effect January 1, 1984.

On March 11, Carriker filed House Bill 1776, calling it "a declaration of independence." It provides for the complementary amendments to the Tax Code, including exemptions from school taxes for homesteads, residential property, and automobiles. The bill also calls for the creation of a "Public Education Sales Tax Fund," which establishes a 1¢ increase in the sales tax. The money from that increase is designated for distribution by the state treasurer to school districts based on average-daily-attendance figures.

To explain the need for the legislation, Barton and his aide Melissa Millecan have compiled statistics on taxation and funding in the 1,071 school districts of Texas. A 1¢ sales tax increase would generate almost \$300 million more than the \$900 million collected by school districts from residential property. Barton's tables show that, following the Public Education Sales Tax formula, San Antonio's Edgewood Independent School District — the district receiving the least *ad valorem* revenue — would lose \$853,000 in property tax revenue but gain \$6,563,000 from its share of sales tax increase distributed per daily attendance figures.* This would yield a net gain of \$5,710,000. The San Antonio

*His sales tax figures are based on State Comptroller Bob Bullock's January 10 estimate and so must be adjusted downward between 2% and 3% to agree with Bullock's March 8 estimate.

ISD would gain \$11,027,000; Laredo schools would gain \$7,577,000; the San Marcos ISD would gain \$456,000; and Lockhart, facing school funding difficulties, would gain \$843,000. There are also losers — Alamo Heights ISD in San Antonio would lose \$2,106,000.

"With these rollback elections," Barton told the *Observer*, "there will be 20% reductions in school district incomes. The difference between me and Jarvis [Howard Jarvis, author of California's Proposition 13] is that we are interested in improving our schools, going toward

"... there are a lot of poor people out there who own homes but can't pay taxes."

an equitable and fair distribution of money. Up to this point, the state has not come up with a willingness to adjust it in a fair and equitable way. It has relied too heavily on an antiquated tax system. There has been no dialogue on what kind of taxation is least injurious to the average citizen. The Bread Tax victory in 1972 was bigger than we thought at the time. We've protected rent, food, utility payments, and prescription medicines from the sales tax. It's a tax on frivolous expenditures. It gives a break to the frugal.

"I can get all kinds of converts for this. A lot of conservatives like it, of course, because they save tremendously on property taxes, and they think it's a way for renters to pay a little more for services. I get a lot of trouble from liberals and progressives on this, who, when they first hear about it, think it's another tax on the poor. But there are a lot of poor people out there who own homes but can't pay taxes. Property taxes on homes have become a regressive tax, where low and middle income families are paying a much higher percentage of their income on their housing and taxes than high income families. We have a chart that shows how much a sales tax increase would hurt. For a family making under \$8,000 a year, they would pay only \$1.58 more per month with a 1% sales tax increase.** And it wouldn't be collected in a lump sum at the end of the year, and people wouldn't risk losing their homes for failure to pay.

"What people don't realize is the number of homeowners there are. You see a few large houses from the highway in South Austin, but for every large house

there are one or two thousand mobile homes and prefab houses out there. And those people are fearful that they won't be able to pay their property taxes in twenty or thirty years. Besides, there may be a tax increase, regardless, this year. If we don't grab that penny for relief of homeowners, it's going to be gone."

Revenues to Equalize Education

Addressing a March 10 special meeting of the state senate, acting as a committee of the whole on state finance, Senator Carl Parker, D-Port Arthur, warned his colleagues of the perilous situation in which state education finds itself. "We're still under the gun of the federal courts," he reminded them. "Our system of delivering educational opportunity for every child can be reviewed by

those courts at any time." Parker went on to say that there had been a 17% decline in the number of public school teachers since 1976-'77. At the same time, he said, an increase of 1.5 million students is expected by the year 2000. "The disparity in education becomes very clear when you realize the richest school district is 933 times richer than the poorest. It has a \$.03 per \$100 valuation as a tax rate while poorer districts go up to \$2.30 per \$100. 100% valuation with the 8% rollbacks that have become common are placing many school districts in difficult times."

Several formulas are being offered this session to raise education equalization funding. The Legislative Budget Board is recommending a \$30 per pupil increase

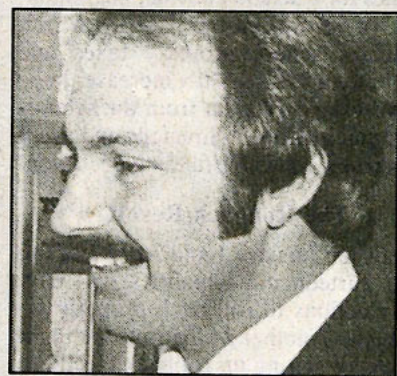
(Continued on Page 16)

Carriker Settling In

Walking to lunch one day recently after holding a press conference to explain his Proposition Zero tax bill, Steve Carriker, the freshman legislator from Roby (see *TO*, 1/28/83), was curious about how Speaker Gib Lewis would ride out news stories about his incomplete financial statement. Carriker said he enjoyed a good working relationship with Lewis although early in the session he refused to sign a pledge card supporting a second term for the speaker. Carriker said it didn't make sense to him to decide whether a man ought to be speaker again until the job he was doing could be evaluated.

Carriker says that during his two months in office, he's been working long hours, researching and writing two pieces of legislation, along with two bills of local interest. He also serves on the Agriculture Committee and on County Affairs. He has two staff members and much of the work on bills he has to do himself.

Carriker calls the "Proposition Zero" bill a residential tax relief package (see accompanying article). He and his co-sponsors contend that



residential taxpayers are bearing a vastly unfair share of local property taxes due to skyrocketing property values and an exemption system that has shifted the property tax burden to householders.

His other major bill is called the Texas Storable Commodities Program. Under this proposed legislation, a state will sell general obligation bonds at a preferred rate of interest, and then the state will turn around and loan to farmers at a preferred rate for storage construction.

"We need it in Texas because we don't have much storage capacity," Carriker says. "As it is now, farmers have to sell directly to the market, which is not advantageous in these depression times. Farmers are severely financially strapped."

If enough farmers get together to take advantage of such a program, Carriker believes, they will generate market leverage. His plan would replace a federal program that the USDA has since withdrawn, a plan other states took advantage of but Texas didn't. J. H.

**Based on federal IRS actuary figures for Texas.

The New Economic Agenda — Part II

By Gar Alperovitz

American Income Life Insurance Company is pleased to have the author's permission to publish this position paper for the perusal of Texas Observer readers. Dr. Alperovitz is the Director of the National Center for Economic Alternatives, 2000 P St. N.W. #200, Washington, D.C. 20036, and Professor of Economics at Notre Dame University.

The first installment in this series by Dr. Alperovitz was published in the March 11, 1983 Issue.

The failure of Reaganomics has brought both the nature of our economic crisis and alternative solutions into much sharper focus. Out of this common recognition, the elements of a consensus for coherent action are emerging in both the private and public sectors. They are ready to be brought together in a pragmatic set of directions, policies, and programs needed to bring about economic reconstruction.

1. *Global Economic Expansion.* We are not going to see sustained growth for our domestic economy without achieving the conditions for global economic expansion. Strong and informed leadership by the next President on the world stage will be required to break the grip of worldwide stagflation. Lower American interest rates are one important step in this direction. But we must also move to secure closer coordination of general economic policies with our trading partners — policies designed to foster long-term growth and to create jobs. Global economic competition is inevitable and desirable, but competition can succeed to the benefit of closely-linked Western economies only within a general framework of international economic stability.

Multinational corporations, banks, and lending institutions have become major forces in the global economy. They can be instruments either of great progress for all of mankind or of deeper divisions and inequalities. The next American President must define goals and policies — and perhaps lead in establishing new international economic institutions — that stabilize new global patterns of investment, development, and growth within a framework of hope and progress for all.

Forms of protectionism by some of our trading partners and allies are punishing American industries and prospects for future economic expansion. The drift toward greater protectionism is a threat to global economic growth. Protectionism can only rebound to harm more severely our prospects for growth and the longer-range prospects of our trading partners. An expanding framework of free and fair trade is the only context in which more aggressive, skilled, and long-term expansion by American businesses into growing markets overseas can proceed to our benefit and to the benefit of our partners.

The American people are beginning to understand that economic growth in America requires an expanding world economy. The leaders of our economic institutions are beginning to respond as best they can under the conditions of crisis. The Reagan Administration is doing little or nothing. But the next President must lead in negotiating a global framework of free and fair trade, and he can lead in establishing the necessary goals and coordination, both at home and internationally, to create stability and growth for the global economy.

2. *Improved Productivity.* Both labor and management recognize that increased productivity is essential to economic renewal. Stagnant productivity levels have been a sure formula for retrenchment, layoffs, and a slide to the losing side in global competition. Many of our basic industries have entered into this pattern of decline.

An all-out effort must now be made to improve American productivity. A common recognition of how to begin to go about this effort is a basis for revitalizing our older industries. Greater efficiency in assembly-line industries can be achieved through new investments in automation, matched by investments in retraining experienced workers for the new skills required. New patterns of collective bargaining agreements — such as those between the United Auto Workers and Ford — are pointing the way to cooperative steps forward that would have been unimaginable only a few years ago. New incentives are being defined that give American workers a greater stake in the competitive success of their companies. These include profit-sharing agreements, worker participation in strategic company decisions, and programs of retraining and redeployment under conditions of reasonable career security. We must keep moving ahead on all these fronts, and government can help.

The next President can make the revitalization of our basic industries, their work forces, and their surrounding communities a national priority. We cannot abandon the so-called sunset industries. They are essential to our national security, and to balanced economic growth. The next President must help forge a partnership of business, labor, and government that seeks to make us first again in the production of quality, cost-efficient cars, not only for domestic markets but internationally. He can make revival of our steel industry and other basic industries high priorities, and bend the capacities of government to serve these efforts.

At the same time, new growth industries must be rapidly expanded along new lines of management and production. Well-publicized efforts are already underway in sections of the country — the Austin-San Antonio corridor in Texas and Silicon Valley in California are examples — but a national effort is required if we are to assert world leadership in the emerging technologies of bioengineering, space applications, computers and other markets of new demand. Venture capital, expanded research programs, and a better-educated work force must become available on a larger scale if America is to return to the frontiers of invention, production, and marketing. The President can define and push coordinated efforts by our economic institutions toward these ends.

The capacities of the Executive Branch can be much better focused and organized for making contributions to national economic-planning and decision-making. The federal government has provided precious little in the way of longer-term goals, information, and planning for economic growth. When leaders of business and labor approached the Reagan Administration with the request that tripartite discussions initiated by President Carter continue, they were told by the White House that such efforts are subversive to free enterprise.

The next President, however, must establish an Economic Reconstruction Council — including leaders from the highest levels of the Executive Branch, business, labor, education, and other branches and levels of government — that focuses the national commitment to basic industries, physical infrastructure, and technological innovations. The Council can hammer out the agenda for growth and job creation. It can serve as the investment and development arm of the federal government. It can operate as the instrument of federal coordination with other levels of government and the private sector across a broad range of longer-term economic goals.

3. *Long-Term Planning.* For more than a decade, the pressures of economic survival in a troubled economy have locked much of American business into patterns of short-term decision-making. It is commonly said that American executives who cannot show a profit on new investments within three quarters lose their jobs. Other elements of our society integral to the success of our business have also operated in terms of immediate rather than longer-range interests.

Business, labor, education, and government must begin to base economic decisions on the longer-range interests of our people and our industries. Capital investments must be more intelligently directed for rapid expansion of high-tech and information industries and revival of older industries. The national climate for longer-term goals and plans can be decisively influenced by Presidential leadership, and the federal government can direct patterns of capital investment with public funds far more intelligently.

The United States is the only major industrial power without national capacity to obtain systematic, accurate, up-to-date information about its domestic economy or the global economy. The information we get now from government agencies is full of gaps and effectively obsolete by the time it reaches users inside and outside government. Government economic statistics reflect a time when it was not necessary to look ahead on a global scale. Yet intelligent decision-making in a modern economy — about markets, investments, business operations, foreign competitors, and trends — requires the highest quality information. Businesses, unions, schools, and government at all levels cannot effectively look ahead or see the larger economic trends without such information.

The next President must move swiftly to reorganize and enhance the capacities of the Executive Branch to provide superior economic information to all our economic institutions. Successful management of our economic future depends upon it.

(To Be Continued)

Hays County Commissioner Is Proposition Zero

To understand the origins of Proposition Zero it is necessary to see Victory Gardens in San Marcos. It consists of blocks of well-kept, small frame houses, many surrounded with flowering plants, in a lowland between IH-35 and the railroad tracks before the land going west climbs to the county courthouse in the town square then up to Southwest Texas State University, then beyond that into the hills and the affluent residences of San Marcos.

Ralph Gonzalez, the father of Proposition Zero, is a county commissioner in Hays County and owns Pic-a-Taco restaurant on the edge of Victory Gardens. An old man eating a bowl of soup is the only patron in the large, darkened restaurant at 11 a.m., but by noon the booths and tables are filled with business people, truckers, and the highway patrol. Gonzalez's office is behind sliding glass doors past a bank of video machines. In the office he has a telephone for the Red Cross, a telephone for Proposition Zero, and a telephone for his business. A large room above the restaurant serves as Red Cross headquarters and the Proposition Zero planning room. A map of Texas on the wall is dotted with push pins indicating towns in which Proposition Zero partisans are organizing support.

From his office, Gonzalez points to a house across the street from Pic-a-Taco. It is not much larger than the Chevy Nova parked beside it and leans toward its north side at a 25-degree angle. Gonzalez says the house appraised last year at \$22,000. "Some of the houses being taxed are what I, as a small contractor, built through community development funding for \$14,000," Gonzalez tells the *Observer*. "That was non-profit. We'd tear the old house down and build a new structure on the same lot. Right now I'm building one for \$15,500 here in Victory Gardens, so I know what these houses cost. If they are worth any more now, it could be no more than \$3,000 more.

But the appraisers come by and appraise them for \$30,000 or \$40,000 and they have to pay \$200 or \$300. They don't have that kind of money. Some of these people might lose their homes. Some of the older ones say to me, 'We'll stay here and not pay and if they take it away maybe by then we'll be dead.' "

This is not a revolt generated by suburban ranch-style homeowners. It did not begin in the reactionary living rooms of Orange County, California, millionaires plotting a campaign of New Right subversion. It began in humble, small-town

"[This tax revolt] began in humble, small-town homes.."

homes, whose residents felt themselves to be inequitably and too heavily taxed for often inadequate services. They felt the brunt of the tax burden shifted to their shoulders from those of their more affluent neighbors who owned large parcels of land.

"The open space people pay very little," Gonzalez says. "The rich people buy land, thousands of acres. People from Houston buy land out here in the hill country. We're not fighting those people. We're saying we want to be treated like they're treated. The lawyers from big cities try cases in our courthouses, use all our facilities, our parking lot, etc., and make big bucks, but they don't pay our county anything. The Hays Memorial Hospital was built by the county, and rich doctors who live on the hill use it and don't pay a cent and make big money there. We're not saying rich doctors and lawyers and businessmen don't get to use these facilities. We're just saying the legislators should treat us like they treat them. The business people forget they owe their business to the

people down here without tax breaks.

"I know how it is to live on a dirt floor and barely get by. There were eight of us kids and my mother. I didn't know my father. I only got to go to school through the seventh grade. Now I also know how it is to pay for everything when you've got money."

Gonzalez's experience as county commissioner has given him a new understanding of the lack of accountability enjoyed by many public officials. It has also shown him the value of a representative who listens to his or her constituents. "I've been on two marches here for Victory Gardens to get federal funding," he says. "This area has been here since the 1930s. And we had to march for them to get streets paved and housing funds and city services over here. I also marched in Washington against the Reagan cutbacks. It didn't help. You have to start with the grassroots. And you need to have political involvement so people will listen to you. I just want to be a county commissioner so I can be a kind of a liaison between the people who elected me and the officials higher up. You can say Ralph has gone to his level right now.

"I enjoy being county commissioner. In a small town like this it gives you enough time to look at other things going on. An elected official gets all kinds of benefits. You get health insurance, paid vacation, sick leave, an office, and an automobile allowance. If we want more money, we just vote on it and raise it. But the question is: what are we doing in return for the taxpayers?"

"Everybody should get involved in government; they should ask questions and get answers. Lots of people are asking: 'Why do we pay such high taxes? How do we benefit? How does the legislature get its authority?'"

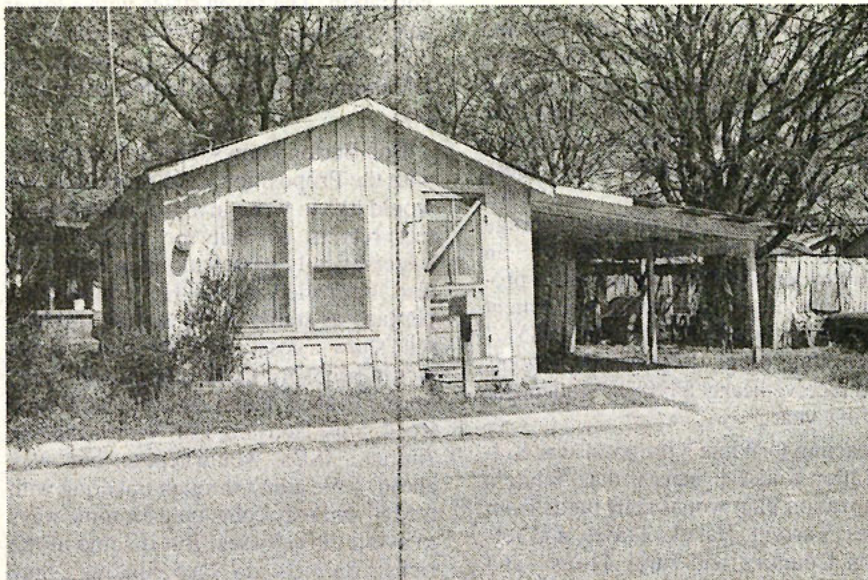
"I started with this Proposition Zero in November of 1979," Gon-

Father of

zalez recalls. "At that time I was trying to figure out a way to do away with homestead taxes. I still think it's a big dream now. But when you have a few people coming to you to lend them money because they can't pay the taxes on their house, and after a while it gets to be quite a few people, well, I began to see that something had to be done about it. Back then I didn't think with Clements it would get anywhere. But I worked on Mark White's campaign and I worked for Doggett and I thought maybe the timing is better now.

"I try to lobby. I just wonder, though, if any of these state legislators are really up there to represent the people. Do they have their hearts in the right place? This piece of legislation [Barton's HJR 77] filed Monday affects a lot of people and makes sense. I went to talk to Gonzalo Barrientos [D-Austin] about it because I know him. We went to lunch together and I said to him, 'Look, Gonzalo, I don't know how anybody else works but I know we communicate. Let's stop this bullshit that goes on in the legislature and get down to serious business.' Speaking for the poor people I tell him, 'We don't have any lobbyist to fly you to Billy Bob's in Fort Worth. All we can do is give you a taco here and a taco there. We've been waiting for you to grow up, to do something for your people down in the barrios. It is time to sit down with the governor and the other officials and be serious. I've seen those legislators jumping up and down in the legislature and making big speeches, but it's time to be serious. The people down here are waiting for you to do something.' At age 48 I don't have any more time for foolishness and wondering whether our elected officials are really doing anything about these problems."

Contradictory currents run through Ralph Gonzalez's speech. This is not surprising in a country of



Is this house in San Marcos worth \$22,000?

mixed signals. Not surprising when those who pay the least percentage of their incomes in state and local taxes are also those with the best schools and the best public services. Gonzalez believes in charity and helping others. "I'm also a Red Cross leader," he says. "I'm always prepared for disasters. What this country needs is people doing things for other people. Or do you make money and get an education and forget about where you came from and everybody else? I could have made a lot of money by now and forget where I came from, but I can't. I share my money."

At the same time, when he feels that the burden of government taxation has been unequally distributed, charity becomes a secondary consideration. "You pay a school tax," Gonzalez says, "but you may not get anything out of it. I only went through the seventh grade. A lot of the people over here never had any education. And what about undocumented children? They say we have to educate them. How do they pay for their share of education? What about women who never have any children? What about people who work all their lives and pay taxes but then get sick and have big medical bills to pay? The city, the county, the school won't say, 'Let's give him a break.' We have not allowed any loopholes for these people. With all the exemptions, you've already raised taxes so high that it doesn't matter anyway."

"With the 1% sales tax added on it doesn't hurt so much to pay a little through the year instead of a property tax at one time. That way everybody will be pitching in.

"To get this bill through they'll have to add some things so other people will go along with it. I was against the part about renters. So many of them live in federal housing or are students or use it as a second residence. But some people think they have to get a break, too, so we'll do that."

Gonzalez also talks about the need for education, yet in the next breath condemns the social planning provided by experts with degrees. "We get too involved," he says, "in government and guidelines that don't have anything to do with living. It doesn't come from the heart but from education. People who live through poverty have a poverty degree, and they know about poverty better than someone with a degree from a state university."

"If Proposition Zero doesn't go this time, schools around the state will continue to have these rollbacks. With this bill we stand a chance to block this rollback and get more money per student for education. I know the city people don't like it the way it is. Let all those legislators with their education fix it up to be fair to cities so everybody gets an even break. We're not experts in taxing. We're experts in getting hurt by taxing." G.R.

Photo by Geoff Rips

(from the current \$360) the first year and a \$60 increase for the second. Governor Mark White's budget contains an equalization formula that calls for substantially larger increases for many school districts. Beyond the \$30 increase per student, it provides: "... for districts with 50% of the state average property wealth per pupil, or less... an additional level of equalization aid is proposed, providing maximum entitlement of \$100 per student (\$150 in 1985)." Under this plan, Edgewood Schools could receive nearly \$490 per student for the first year.

Reacting to White's proposal, Joe Kelly Butler told the senate that White's equalization plan would shift funds from Dallas, Tarrant, Harris, Travis, and Jefferson Counties and rural Texas "and redistributes the money to Bexar County, El Paso County, and Border areas." But Steve Carriker knows equalization aid does not only go to South Texas. Education disparities exist in all parts of the state. He rattles off in pairs the names of school districts in his part of West Texas that exist at opposite ends of the school funding spectrum. The have's/have not's are: Snyder/Sweetwater, Hamlin/Stamford, Munday/Knox City. The difference is usually caused by mineral wealth. Sweetwater, Stamford, and Knox City all receive equalization aid.

State Representative Eddie Cavazos, D-Corpus Christi, has filed House Bill 1527 to amend the Texas Education Code so that equalization rates are raised to those recommended by COPS and other community organizations (*TO*, 1/14/83). It calls for maximum entitlement levels to be set at \$550 for 1983-'84, \$600 for 1984-'85, up to \$750 or the state average enrichment per pupil, whichever is greater, by 1987-'88.

These proposals come on the heels of the state comptroller's latest revenue estimate, which lowered the surplus predicted in September, 1982, by almost \$400 million and left Legislative Budget Board recommendations for state programs \$1.5 billion in the red. As a result, Governor White has proposed higher taxes on luxuries and the selling of bonds for highway construction funding. Comptroller Bullock and various well-placed legislators have urged an additional nickel-per-gallon gasoline tax. While there have been a few liberal whispers about the impossibility of raising the severance tax with the decline in crude oil prices, Cavazos' bill does just that. There is little mention of a corporate profits tax (*TO*, 12/10/82) and no mention of a personal income tax. Then

there is the increase in sales tax to fund education. The seven states with a lower sales tax than Texas levy a personal income tax. Among them, Louisiana and Oklahoma also levy a higher severance tax.

Bob Barton knows there are problems with the Proposition Zero proposals. He would like to write in a provision to protect renters so that the property tax systematically passed along in rents will also be rolled back. He admits that perhaps as many as 55 school districts will show a loss under the plan. These would probably include Highland Park, Spring Branch, Plano, Austin, and Round Rock. Still, Houston, Fort Worth and San Antonio ISDs would come out way ahead. "We aren't through tinkering with the bill and may come up with some ways to avoid those losses. But if some of the richer districts do lose funding, they would be more able to shift for themselves than are the poorer districts currently scrambling for funds."

Barton is not overly optimistic about the plan's chances in this session of the legislature. For it to have a chance, legislators will have to be deluged by constituents furious over property tax increases. Without the amendment, Barton sees no end to rollback elections in the next two years.

Several school superintendents have voiced their support for the plan. Hays Consolidated School District Superintendent William Johnson sees it as an antidote to the millions lost in his district to agricultural and open land exemptions. Lockhart Superintendent told the *Observer* he'd welcome the change even if it only kept him even with past revenues.

Edgewood ISD Superintendent Jimmy Vasquez, however, is more skeptical. "I don't see my friends in the more affluent school districts ready to go along with it. It sounds interesting, but I doubt it will go through. I was at a meeting with some other superintendents recently and they kind of guffawed at the idea. I don't think people in northeast San Antonio would be as supportive of schools if they thought the money was coming out of there and going over here."

Jim Boyle of the Texas Consumers Association doesn't think the bill will go anywhere. "It is a possible solution," he says, "and if food is still exempted it might work out. Still, while the property tax is not equitable, we see the sales tax as regressive. We won't support it [Proposition Zero] at this time."

Craig Foster is Executive Director of the Public Education Resource Equity Center, an association of low-wealth school districts (representing those in the

bottom third of the ranking of Texas districts by wealth per student). He is not sold on Proposition Zero. "The problem with no residential property tax," says Foster, "is that you provide enormous amounts of relief to wealthy people. The only kind of exemption that makes sense is a flat dollar amount rather than a percentage amount. To me a percentage exemption, particularly 100%, is ridiculous, given the increased pressure on district revenue from property tax. Productivity valuations have diminished in rural areas and the tax freeze on the elderly all put stress on the property tax already. To exempt totally \$100,000 or \$1,000,000 homes is ridiculous. The people proposing this are thinking primarily of what they have locally in terms of voter support. To people in \$200,000 homes it's a windfall. There are good arguments for not providing any relief for homes above a certain level.

"What I think makes sense is a flat amount indexed as property values increase. It's true that sales tax is probably a good way to raise funds for state purposes. In Texas it is the least regressive a sales tax can be in terms of exemptions. It is a rational approach, but we did away with the most rational way — a statewide property tax. In one amendment we did away with it and in another we did away with statewide appraisal for tax purposes. That would really do away with inequities in distribution. The one way to take the wealth of the state as a whole and to distribute it to children of the state is a statewide property tax. With a sales tax, retail centers contribute more than property with mineral value. Another way, of course, is an increase in the severance tax."

Barton's aide, Melissa Millecan, considers these responses. "This is not the year to raise severance taxes," she says. "We may be two years ahead of our time. They tell me these things never make it the first time around. When I first heard about it, I had the same reaction — a sales tax is regressive." But, she says, as she began to study the situation and compiled figures on all the school districts, it changed her mind. "There are other ways, of course. We're still looking for ways to iron some of the problems out. One possibility is for a smaller property tax with the state taking on paying for buildings and maintenance and for supplies. But that would cost three or four billion dollars. It's just that the property tax is not a fair way to appraise wealth. Homes don't generate income."

"I know initiatives are not always good things," Bob Barton says, "but if we had the initiative in this state, we would go out and get a petition to get on the ballot. And we'd get 70% of the vote." □

• POLITICAL INTELLIGENCE •

✓ Attorney General Jim Mattox has demanded that the PUC hold an emergency meeting on Mattox's appeal of a hearing examiner's ruling that he may not intervene on behalf of consumers in General Telephone Co.'s rate hike request. "The longer the question of my intervention is delayed," the AG said, "the more damage that is done to the public." If the full PUC denies his intervention request, Mattox says he will go to court because "the people have a constitutional right to be represented in rate hike cases."

✓ The University of Texas has been warned by a federal judge that he would set a deadline for Texas' submission of an acceptable desegregation plan of public higher education. The case, which has been pressed by the NAACP Legal Defense Fund for 13 years, is an effort to force the Department of Education to enforce desegregation laws. Twelve states have been named in the suit, but most have already filed the necessary plans. Attorney Richard Levie, representing the Dept. of Education, agreed that a 120-day deadline would allow Texas and two other states "sufficient time" to formulate acceptable plans, but the judge was urged to set an April 1 deadline for Texas to give the legislature time to act on the plans.

Texas has been negotiating with state and federal authorities for three years and has yet to come up with an integration plan.

✓ LULAC National President Tony Bonilla announced that he and black leader Jesse Jackson had forged a

formal alliance, the beginning of coalition politics between blacks and Hispanics. The two were in Chicago together campaigning for newly-elected mayor Harold Washington, and have made tentative plans to hold a summit conference for several leaders from both groups. Among those being asked to participate are San Antonio Mayor Henry Cisneros; UFW head Cesar Chavez; and Richard Hatcher, mayor of Gary, Indiana.

State LULAC President Ruben Bonilla commented on the effort, saying, "What Tony is doing is a near impossible task filled with strain, but it is more feasible on the national rather than the local level. Reagan's cuts leave minorities stranded, and at the local level you have the harsh realities of limited money. The groups find themselves fighting for resources."

Although he acknowledged the problem of serious infighting between blacks and Hispanics, Tony Bonilla remained optimistic. "Coalition politics may be ahead of its time in many areas," he said, "because people look at things in terms of their own neighborhoods. But if we work at the national level, we set the tone for what happens at the local level."

✓ Former Secretary of State George Strake says that he has taken on the job of rebuilding the Republican Party "out of the ashes," and a big part of his plan is unseating Gov. Mark White, whose job he wouldn't mind having. Strake told a *Houston Post* reporter that he would run "if White makes the mistakes I think he's on the verge of making and I can't find anybody who's in a better position to beat him."

Strake was badly beaten in his race for the Lt. Governor's office, but says that his \$1.3 million campaign debt has been taken care of. Strake swallowed the loss of his own \$250,000 investment and said that other contributors have "retired" his other debts.

✓ A bill has been introduced which would prohibit state university and college boards from investing funds in any company doing business in the Republic

of South Africa. According to Department of Commerce records, as of August 1980, more than \$215 million, or 17% of the PUF, had been invested in firms doing business in South Africa. Some of the companies on the prohibited list would include IBM, XEROX, and General Electric. The bill is being co-sponsored by Senators Washington and Doggett, and has been introduced in the House by Rep. Al Edwards.

"Texas needs to join with other cities and states that have already enacted laws to try to bring an end to the oppressive practices of the government of South Africa," said Doggett. "When the boycott grows large enough, that government will get the message that we won't go along with dehumanizing apartheid and unfair employment conditions."

The bill would affect only those investments made after the passage of legislation.

✓ The EPA Enforcement Branch is currently investigating Chemical Waste Management Inc. for possible violation of the regulations governing transportation of toxic wastes. Chemical Waste Management, Inc., allegedly burnt dioxin along with polychlorinated biphenyls in an area 100 miles southeast of Corpus Christi. The burning of dioxin requires that a report be filed to the Assistant Administrator of Toxic Substances; no such report was filed. This firm is represented by a former adviser to EPA Chief Anne Burford and has been involved in the recent EPA controversies. The company has an option to build a toxic waste dump on 900 acres of land in Matagorda County, but has not yet filed for the necessary permits. A UPI reporter quoted EPA official Steven Schatzow as saying that evidence of regulatory wrongdoing on the part of the firm "should affect our willingness to issue any kind of permit."

✓ In a recent opinion, the attorney general's office ruled that any justice of the peace who refused to marry interracial couples is violating the equal protection clause of the constitution, and deprives these couples of due process. The opinion came in response to a request from the State Commission on Judicial Conduct after two Tarrant County JPs admitted that they would not marry couples of different races.

✓ The Senate committee on state affairs has offered a committee substitute

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for SB1, the DWI bill sponsored by Sen. Bill Sarpalius. The committee has recommended that the Sarpalius fee increase be reduced and that the clause which would provide for fine-sharing between cities and counties be deleted. The latter clause, one of the most innovative in the bill, would have eliminated the financial incentive that currently encourages cities to charge offenders with public intoxication instead of DWI because the city collects public intoxication fines, while the county collects DWI fines.

✓ Regarding the seemingly endless litany of lapses in House Speaker Gib Lewis' original financial statement, State Representative Bob Bush, D-Sherman, was moved to characterize Lewis as "the kind of person who shoots himself in the foot, one toe at a time."

✓ In the middle of Senate consideration of Governor White's nominee John B. Coleman for the A&M Board of Regents, state Senators Carlos Truan, D-Corpus Christi, and Bob Vale, D-San Antonio, got into a heated exchange over Vale's defense of Clements nominee Sam Barshop for the UT Board

Gov. Mark White released his \$32.9 billion budget proposal just as the *Observer* was going to press. We'll have an analysis next issue.

of Regents. When Vale called for a Mexican American appointment to a major regents board, Truan accused Vale of hypocrisy, since White had promised such an appointment if Barshop were turned out.

This prompted Sen. John Whitmire D-Houston, to call out to fellow Houstonian, Sen. Craig Washington, "If I want to find out how to vote on blacks I look at you. For Mexican Americans I can't look back there [pointing to Vale and Truan]. They give out mixed signals."

Coleman's nomination was approved, but consideration of Barshop's name was delayed for two weeks. Sen. Lloyd Doggett was among those voting for delay rather than for an immediate vote, which would have rejected the appointment. A legislative aide speculated

that this was an opportunity for several senators to remind White that they hold votes necessary for the Senate to do his bidding.

✓ During an otherwise polite session of the recent LBJ Library Conference on the 50th anniversary of the New Deal, William Rusher of *National Review* attacked the waste and abuses caused by federal social programs by trotting out his favorite horse, food stamp abuse, for another whipping. Vernon Jordan, former director of the Urban League, responded: "What I want to say about the food stamp program is that ya'll ought to pick on someone your own size. I mean it. Leave them alone. They're hungry."

✓ Former UT dean John Silber is doing the Reagan Administration one better. When the government announced plans to deny federal education loans to male college students who had not registered for the draft, Silber, president of Boston University, broadened that at his school to deny all loans and financial assistance to those failing to register. □

Clean-air activists lobby

✓ Attempts to reduce or eliminate tougher clean air standards for acid rain, toxic air pollutants, auto emissions, and visibility deterioration, are expected to be the focus of heavy lobbying by the polluting industries this year as the federal Clean Air Act comes up for congressional reauthorization. An expected gutting of the Act last year, under pressure from the Reagan Administration, didn't happen, thanks to a massive grass-roots effort to save it. National Clean Air Coalition staffers told more than 140 activists from around the country, who attended a three day workshop and lobbying session in Washington, February 25-28.

But now, they say, that effort must be intensified. For Texans, on-going lobbying is critical. Four Texas congressmen sit on the Energy and Commerce Committee, which will rewrite the House version of the Act, and Lloyd Bentsen sits on the equivalent senate committee. Of the four representatives, Mickey Leland of Houston and Dallas's John Bryant are considered to be critical voices and votes in getting a decent bill out of that committee.

Texas Air Control Board staffers believe the stringent auto emission standards are the most important parts of the act to save, but acid rain may prove to be a serious future problem since the TACB has only recently begun to

monitor pH levels. Increased rainfall acidity has been recorded in East Texas and Galveston, and a 1979 study done for EPA projects 141 coal and lignite plants for Texas by the year 2000. Another factor will be the increased sulphur emissions from Texas' refineries along the Gulf Coast as they switch from sweet crude (low in sulphur) to sour crude (high in sulphur), a fuel switch that is now beginning.

One more important area needing congressional action: there are only four toxic air pollutants now regulated by EPA with three more due to be added under court order. That leaves 37 unregulated air-borne pollutants known or suspected to be carcinogenic, mutagenic or otherwise health-threatening, which EPA stubbornly refuses to regulate, even though the Act clearly authorizes the agency to do so. Ex: Dioxin (2,3,7,8-TCDD) is one of the 37, even though EPA's own estimates show that as much as 84 pounds of Dioxin is released yearly into the air we breathe. It only took 60 pounds of Dioxin to poison Times Beach, Mo., the town EPA bought because the agency determined humans could no longer live there. And in Vietnam, the total amount of Dioxin dumped on that country due to Agent Orange spraying is believed to be about 250 pounds. *Betty Brink*

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Writing Behind Bars Has Long History

By Grady Hillman

Huntsville

ALITTLE over a year ago I submitted a query letter to *American Education*, the literary extension of the Department of Education. I wanted to write an article for them about the creative-writing residency I was conducting for the Windham School System of the Texas Department of Corrections. The editor's response was not an exercise in tact: "I'm sorry, but I've got a prejudice against creative writing programs in prisons. I imagine creative petitions for pardons as the likely result . . . If there is any reason to believe the course is helping people to go straight, we'd be interested in hearing more about it." End of letter.

The date on this correspondence was November 5, 1981, about five weeks after Jack Abbott was tracked down in Morgan City, Louisiana. For weeks I'd been informing friends and acquaintances that (a) I was not Norman Mailer and (b) Jack Abbott had never attended a prison writing workshop. I'm afraid my response to *American Education* was highly unprofessional. I rattled off a quick list of writing-workshop characteristics that *could* give an ex-offender traction against backsliding, slapped down a list of ex-con writers pivotal in the progress of international letters, and then told him to stuff it because nowhere in the title of his magazine or in the blurb in *Writer's Market* had I seen a word "rehabilitation." Obviously I was angry, but not really at the editor. It was the apparent double standard by which society judges free world education and correctional education.

If anything in prison is natural, it is creative writing. Historically, we can thank incarceration for some of the finest efforts of John Donne, Daniel Defoe, Honore de Balzac, Fyodor Dostoevsky, Oscar Wilde, and even our native-born William Sydney Porter, alias O. Henry.

According to Isidore Abramowitz in

Grady Hillman is writer-in-residence for the Windham School System, Texas Department of Corrections.

*i don't miss
any more than a
used to be junkie misses
of fifty per cent flour &
forty per cent sugar
& ten per cent junk
(sure enough good shit.)
don't need to feel
any more than
i need to feel
unfiltered through
rusty barbpoints
durham droppings
or 2500 musty liars
(innocent, man, innocent.)
ain't got to see
like i ain't
got to see
with yesterday's date
lying next to my
bed still where
i hurried them
(hot, hot.)
don't miss you
don't need to feel you
ain't got to see you
(come back, come back, come back.)
— Jorge Antonio Renaud*

The Great Prisoners, "The pseudonym of William Sydney Porter was born in a spartan short-story course of thirty-nine months' duration in an Ohio penitentiary." O. Henry was born behind bars in one of the oldest creative writing workshops of record, the Sunday Recluse Club, "an astonishing project in stolen banquets and virile conversation, of which Bill Porter was allegedly the king. When in 1901 Porter . . . received his suit of clothes, the warden's solemn handshake, and a pittance for train fare, he could add seventy dollars earned by stories written in jail."

My imagination has a good time con-

jecting up mental scenarios of what the Sunday Recluse Club might have been like, but I doubt it was much different from the gatherings I preside over every week at the Eastham, Walls, and Wynne penitentiaries. We gather, talk the business of acceptances and rejections received since the last meeting, then pull out poems and stories to share with the group.

Now every writer knows that receiving an honest critique of some recent creation can be painful. And in prison, where proximity and the nature of the population create a volatile situation anyway, an injured ego can be dangerous. But the camaraderie generated by the cause for gathering nurtures an attitude of tolerance and mutual respect. The writers learn to give criticism and take it, graciously. I can offer no better defense for creative writing workshops than that.

For the individual, the process of creative writing offers other boons including self-reflection and therapy for emotional wounds safely tended to in journals, a brief but profound escape from the immediate surroundings, and most important to security personnel, a release for tension. Institution Programs, Inc., an agency which provides fine arts programming for the Federal Prison System and the Oklahoma Department of Corrections, brought in an independent monitor to determine if their workshops really made for a better behaved inmate. What they documented was a reduction in the incidence rate of the inmate participants of between 57% and 90% after the programs began. Even more important, the incidence rate remained low after the programs were completed. I don't know if that's rehabilitation, but it's not bad.

The problem in developing fine arts programs for prison systems lies not with wardens and security personnel (I was frankly amazed at how well TDC received me) but with the public.

Several months ago I was invited to attend training workshops provided by Institution Programs for a group of artists preparing to conduct residencies in the federal system. One commandment

which was fairly stamped to their easels and notebooks was "Don't discuss your program with the press." The feds had drawn a lot of negative attention for running supposed "country club" prisons. They were fearful of the litany I've heard so often, "Why should my tax dollars pay for you to give instruction to convicts when I can't afford the same instruction for my kids?"

My answer — because it pays for itself in safer prisons and inmates who, when released, are more likely to get along

Pop's Proverb

*the morning is moist
but not wet enough for flatweeding
so we pull carrots
in a field gone to seed*

*i pull those gnarled monstrosities
musing about myself
and all the guys
i've known here since reform school
now gray bent wrinkled
but carrying on still
ever doing our little numbers
because something inside us
lay in the field too long
and grew somehow twisted*

*a young drive-up saunters up
mutters 'what it is pop?'
i scrap a glob of moist red clay
from an obscene carrot
squeeze it through my fingers
and say distinctly
son it ain't shit*

*i watch his eyes
and see he doesn't realize
he's just received
all my wisdom
and all the philosophy
he'll likely ever need*

*as he boogies on down the row
i toss an ugly carrot in the crate
reach for another
and hum beneath my breath
the old blues song that says
it's a doggone lowdown dirty shame*

— Lonnie Griggs

with free worlders since they are less institutionalized than they would have been. I can't cite reduced recidivist rates, though I feel certain that in this era of necessary statistical verification for what used to pass as common sense, such figures exist. But I can relate an anecdote about the Sunday Recluse Club discovered in Abramowitz's book. "When Bill Porter read *A Christmas Chaparral Gift* to the oddest literary society ever assembled in America, Billy Raidler remarked, 'Damn you, Porter, I never did it in my life before; by God, I didn't know what a tear looked like.'" □

Getting Rich for Jesus, Looking Out for Mom

CONFESSIONS OF A HAPPY CHRISTIAN

By Zig Ziglar

Bantam Books, 1982
\$2.75 (paper)

MY LIFE WITHOUT GOD

By William J. Murray

Thomas Nelson Publishers, 1982
\$12.95 (hardcover)

By Patrick Bishop

*Houston
Happiness . . . is the sublime and refined
Point of Felicity, called, the Possession
of being well deceived; the Serene
Peaceful State of being a Fool among
Knaves.*

— Jonathan Swift

MR. ZIG ZIGLAR is not, if one can judge from *Confessions of a Happy Christian*, a man to whom the neurotic ramblings of an obviously unhappy Christian like Swift would give pause. Mr. Ziglar prefers not to "confess to the negativisms of life" because to do so only gives Satan the chance to find chinks in a Christian's armor. Besides, he's too busy spreading the good news with which the Bible is stocked to waste time with pseudo-Christians like Swift who insist on helping Satan in his evil work.

What is this good news that one will find throughout the Bible? Why, it's the comforting fact that God wants *real* Christians (those who "know Jesus" by being Born Again) to be rich. As Mr. Ziglar says in one of the more thought-provoking passages of his book: "I personally believe that it's Satan who sold the bill of goods that Christians should have long faces and short pocketbooks." Mr. Ziglar, you may not be surprised to learn, has neither, as befits "America's Superstar Salesman" and president of the Zig Ziglar Corporation of Dalas, Texas. It is from this corporation that one can obtain not only information concerning

Patrick Bishop edits Criminal Law Monthly.

Zig Ziglar's cassette recordings, Zig Ziglar's four-day Richer Life seminars, and Zig Ziglar's "I Can" course for high schools and colleges, but also a nifty 14-carat gold-plated fish-shaped pin (superimposed with the number seven), designed by Mr. Ziglar himself.

Still, there are times when even the enthusiastic reader of Mr. Ziglar's inspirational words yearns for some introspection on Mr. Ziglar's part, if only to allow him to understand his occasional failure to lead a non-Christian to Jesus. Mr. Ziglar is puzzled, for instance, by his lack of success with an airline stewardess (immobilized with a broken leg) with whom he shares a long airplane ride.

They exchange pleasantries and begin to chat. Suddenly she lets fly an unexpected string of obscene words.

"I knew I could not let it go unchallenged," he says. "I waited for the appropriate moment and asked God to lead the conversation so I could be an effective witness to the girl."

God is not one to leave a Christian in the lurch: The woman casually admits that she is a football fan who has just won a bet on the Pittsburgh Steelers. God implants an idea into Mr. Ziglar's mind.

Suppose, Mr. Ziglar asks the stewardess, that Terry Bradshaw were to announce in pre-season that he was going to throw 6,000 consecutive passes and complete them all. She would be skeptical, right? But then suppose that during the season he threw 3,109 consecutive completions. Would she then bet that he'd complete his next pass?

"I would bet everything I had he would complete the next one," she responds, not knowing of the clever trap God has laid for her.

Mr. Ziglar lays his hand on his Bible, looks at the stewardess, and says, "You're looking at a book of prophecy in which God prophesied over six thousand future events. Over three thousand of them have already taken place without error, complete in every detail. . . . Are you prepared to bet your eternal soul that after more than three thousand completions, the Lord is going to drop the ball?"

Despite the inexorable logic of Mr. Ziglar's argument, the stewardess' answer would appear to have been "Yes," for, as Mr. Ziglar is driven to admit, "much to my dismay, the girl did

not make a decision for the Lord. To the best of my knowledge, she still has not. Though I have continued to send her materials, I have never gotten a response. She will receive this book, and if she reads these words maybe it will bring back memories to her."

I don't doubt it.

A happy Christian is not likely to miss the silver lining in such a set-back. God put Mr. Ziglar on the airplane for a purpose, and if that purpose was not to save the soul of his fellow passenger, why then it must have been to provide him with a message that can be of immense value in his ministry. As he explains, "In my talks around the country I often use the football analogy, and many people have said it was an eye opener for them. It has also helped to clarify my own thinking."

It has had the same effect on me.

TO TURN from the bright, brave world of Mr. Ziglar to the grim horrors described by William J. Murray in *My Life Without God* is to be plunged into the negativism against which Mr. Ziglar has so effectively warned us. Mr. Murray, though he would qualify as a Christian under Mr. Ziglar's standards, is by no means a happy one. His unhappiness is understandable when one considers that his mother is Madalyn Murray O'Hair, the most hated atheist in America, a woman who, if even half of what Mr. Murray says is to be believed, is one of the most thoroughly unpleasant human beings to have come along since Aleister Crowley.

Mr. Murray, like Mr. Ziglar, is a firm believer in the physical existence of Satan. Mr. Ziglar, however, has apparently never actually met the fellow. Mr. Murray is far ahead of him in this respect. As he says (the italics are his), "*There has to be a God because there certainly is a devil. I have met him, talked to him, and touched him. He is the personification of evil. He is . . . my mother.*" (He is also a number of other people, but Mom is the main culprit. Mr. Murray has run with a very bad lot from time to time.)

Mr. Murray has some evidence to back up his charge.

Her birth, for instance, "had a bizarre element. Grandmother swore years later the Mother had been born with an unusual, dark membrane covering her whole body. It resembled a black shroud . . ."

She is given to insane rages that end in vampire-like attacks: "She laughed at me, and as I reached to fend her off, she sank her teeth deeply into my arm. I cried out in pain, and as she recoiled, the blood began to ooze from several puncture

wounds. Grandfather . . . took me to the doctor for a tetanus shot."

She can also kill with her thoughts: After a fight with her father, she screams at him, "You old bastard! I hope you drop dead." He promptly does (on a trip to the A&P). Informed by her mother that she "got her wish," she says, "Well, I'll be. Where's the stiff?"

One could go on, but you get the picture.

Mrs. O'Hair has counterattacked by (her son says) calling him a heroin addict. She has also claimed that he's just another religious nut. The latter charge may have some merit. Certainly, Mr. Murray's explanation of how he became a Christian is not calculated to convince one that he is operating with a full deck. The details are vague, but they apparently have something to do with a reading of Taylor Caldwell's *Dear and Glorious Physician* and a dream in which a "great winged angel" appeared before him clutching a sword, the tip of which touched an open Bible. He woke up and rushed out to an all-night discount store where, under a stack of porno magazines, he found a Bible. The rest is history: "I drove to my apartment and read the book of the Bible written by the great physician, Luke. There I found my answer — not the book itself, but Jesus Christ."

These could be signs of religious lunacy, but if so there are a lot more nuts running around than I care to think about.

I tend to think that Mr. Murray is intelligent enough that he'll soon tire of spending his time with the likes of Mr. Ziglar. One hopes that he will then realize that there is a middle ground between mindless fundamentalism and whatever madness it is that drives Madalyn Murray O'Hair. He could do worse than to start with a careful reading of the following observations by Jonathan Swift, a rationalist who had a life-long distrust of religions based on emotionalism and devoid of all intellectual content:

Then has this *Madness* been the Parent of all those mighty Revolutions, that have happened in *Empire*, in *Philosophy*, and in *Religion*. For, the Brain, in its natural Position and State of Serenity, disposeth its Owner to pass his Life in the common Forms, without any Thought of subduing Multitudes to his own *Power*, his *Reasons* or his *Visions*; and the more he shapes his Understanding by the Pattern of Human Learning, the less he is inclined to form Parties after his particular Notions; because that intructs him in his private infirmities, as well as in the stubborn Ignorance of the People. But when a Man's Fancy gets *astride* on his Reason, when Immigration is at Cuffs with the senses, and common Understanding, as well as common sense, is Kickt out of Doors; the first Proselyte he makes, is Himself . . . — *A Tale of a Tub* □

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◦ SOCIAL CAUSE CALENDAR ◦

Notices on upcoming events must reach the *Observer* at least three weeks in advance.

NOW PROGRAM

The Brazos County NOW will have a Lesbian Rights program **March 28**, noon, at Fred's, Skaggs Shopping Center, College Station. For more information, call 696-9538.

BOTANICAL FIELD TRIP

The botanical survey of Camp Swift being conducted by The Native Plant Society of Texas will continue with a field trip in **April**. Spring wild flowers should be beautiful then. Call: 285-4180 (Elgin), 258-2784 (Austin), or 476-4113 (Wild Basin) to reserve a place and for exact date.

LIGNITE SLIDE SHOW PLANNED

The Central Texas Lignite Watch and the Sierra Club of Texas are preparing a slide show on lignite issues. When completed, the educational filmstrip will be distributed statewide to students, neighborhood groups, environmental organizations, and others. To submit slides or ideas for slides portraying lignite development call: (512) 443-7931, 479-0678, or 285-4180.

BLACK FOLK ART EXHIBIT

"Black Folk Art in America: 1930-1980" continues at the Rice Museum, Houston, through **May 15**, with a delightful collection of paintings, sculpture, and drawings.

WAR EMERGENCY NETWORK MEETS

Public Meetings of the War Emergency Network, where ten Dallas peace groups will summarize their plans and activities, will be the **first Tuesday** of each month at Mt. Olive Lutheran Church, 3100 Martin Luther King Blvd., 7:30 p.m. A short interdenominational peace ceremony in front of Dallas City Hall will be the first Sunday of each month. Call 692-2166 for information.

WIESNER TO SPEAK ON NUCLEAR POLICY

Dr. Jerome B. Wiesner, President Emeritus of MIT and science advisor to Presidents Kennedy and Johnson, will present a major speech on nuclear arms policy and disarmament **April 5**, 7:30 p.m., in the Grand Hall of the Rice Memorial Center, Rice University, Houston. Co-sponsors are the Rothko Chapel and the Rice Program Council. Free and open to the public.

WILDERNESS POW WOW

The Sierra Club, Texas Committee on Natural Resources, and thirty other groups will sponsor the 4th annual Texas Wilderness Pow-Wow, **April 9-10**, in Sam Houston National Forest. Experts will lead nature walks and music will be provided by the Banded Geckos and Bill Oliver. Call (713) 228-0037, (512) 478-1264, or (214) 368-1791 for information.



AGENT ORANGE EXHIBIT

A photographic exhibit will be shown in the State Capitol Rotunda **April 18-20** entitled "Agent Orange — Evidence of a Horrendous Mistake." Philip Jones-Griffiths, a Welsh photojournalist who covered the Vietnam War; Goro Nakamura, a Japanese photojournalist who covered Vietnam during and after the war; Wendy Watriss, an American photojournalist who covered much of the antiwar movement as a television reporter; and Mike Goldwater, an English photojournalist who documented conditions in Canadian refugee camps, are the contributors to this exhibit.

AZTLAN NETWORK

A new interfaith coalition, affiliated nationally with the Fellowship of Reconciliation and Clergy and Laity Concerned, is forming in Texas. The Aztlan Network of over 20 groups is planning to buy land next to the Pantex plant in Amarillo to build a regional Peace Education Resource Center. A meeting and workshop are scheduled for **June 17-19** in Amarillo. Call (806) 373-8668.

WAR/PEACE GAME

Firebreaks: A War/Peace Game is Ground Zero's nationwide education effort where citizens' play the role of advisors in a mock world crisis escalation toward nuclear war. This role playing game will be conducted during **April** by many church groups, school classes, and neighborhood organizations. Game materials cost \$10; brochures and posters are free. To participate, contact: Firebreaks, c/o Ground Zero, 806 15th St., N.W., Suite 400, Washington, D.C. 20005, (202) 393-7333; or, local nuclear arms control groups.

Progressive Organizations

The *Observer* has built up lists of organizations in Texas we regard as progressive. The editor invites communications recommending organizations for inclusion. We will generally run the listings for Austin, San Antonio, and Houston in one issue followed by Dallas, Fort Worth, and Around Texas in the next.

HOUSTON

ACLU, 524-5925; ACORN, 523-6989; Amnesty Intl., 529-1892; Brotherhood of Viet. Vet., 728-4857; Casa Juan Diego, 869-7376; Centro para Immigrantes de Houston, 288-0091; CISPES, 524-4801; Citizens' Anti-Nuclear Info. Team (CAN IT) 522-3343; Citizens Party, 633-8587; Demo. Socialist Organizing Cmte., 921-6906; Gay Political Caucus, 521-1000; Harris Cty. Demos., 528-2057; Houston Anti-Draft Coalition, 529-4087; Houston Area Women's Center, 528-6798; Houston Human Rts. League, 523-6969; Houston Interfaith Hunger Coalition, 522-3955; Houston Non-violent Action, 661-9889; Interfaith Peaceforce of Houston, 388-3803; Lesbian and Gay Demos. of Texas, 521-1000; Mxn.-Amn. Demos., 6944 Navigation, 77011; Mockingbird Alliance, 747-1837; NAACP, 1018 Clebourne, 77001; North Harris Co Demos., P.O. Box 90704, 77290; Nuclear Weapons Freeze Campaign, 522-2422; Park People, Inc., 741-2524; PASO, 46716 Fairfield, 77023; Physicians for Social Responsibility, 774-4006; Senate Dist. 15 Demo. Coalition, 862-8431; Sierra Club, 288-0037; Tx. Abortion Rights Action League (TARAL), 520-0850; Tx. Coalition of Black Demos., 674-0968; Tx. Demos., 667-6194; Tx. Fathers for Equal Rights, 960-0407; Tx. Gay Task Force, 529-7014; Toxic Substances Task Force, 228-0037; UofH YD's, 749-7347; United Viet. Vets. Organization (U.V.V.O.), 645-1821; Westside Demos., 464-2536; Women's Lobby Alliance, 521-0439; Vietnam Vets. Against War, 826-2441;

SAN ANTONIO

ACLU, 224-6791; Alternatives to Imprisonment, Box 27393, 78227; Amnesty Int'l., Box LH134, 78212; Bread for the World, 494-1042; Civil Rights Litigation Center, 224-1061; Citizens Concerned About Nuclear Power, 655-0543; Communities Organized for Public Service (COPS), 222-2367; Coalition Against U.S. Intervention in El Salvador, 225-6913; Demos. for Action, Research & Education (DARE) 674-0351; Ecumenical Peace Group, 736-2587; Fellowship of Reconciliation, 822-9631; Habitat, 822-9100; International Center for Peace Through Culture, 822-0461; Interreligious Task Force on Central America, 432-1125; Latin-American Assistance, 533-9693; Metropolitan Congregational Alliance, 349-2401; Mxn.-Amn. Demos., 227-1341; NAACP, 224-7636; Organizations United for East Side Development, 824-4422; Pax Christi, 432-5715; People for Peace, 822-3089; Physicians for Social Responsibility, 691-0375; Poor People's Coalition for Human Services, 923-3037; Presbyterian Peace Fellowship, 732-9927; Proyecto Hospitalidad, 736-9306; Residents Organized for Better and Beautiful Environmental Development (ROBB-ED), 226-3973; St. Mary's Human Rights Assn., 436-3107; S.A. Demo. League, 344-1497; S.A. Gay Alliance, Metropolitan Comnty. Church, 102 S. Pine; S.A. Human Rights Commission, 436-4013; San Antonians for Freedom of Choice 733-4013; Sierra Club, 271-7169; Tx. Fathers for Equal Rights, 337-6803; United Campuses Protesting Nuclear War 691-0375; United Citizens Project Planning and Operating Corp. 224-4278; Vietnam Vets. Against War. 826-2441; Women's Political Caucus, 655-3724.

The Observer Honors Its Friends



Studs Terkel



Joe Glazer



Virginia Durr



The merit of the Observer is one of the oldest discoveries in journalism and is a simple one. It is how pleasant the truth can be for those who write it and how unpleasant it is for the guys who don't want to hear it. I hope this is a mood that never deserts it. I hope there will always be that instinctive, deep-seated nastiness in the human soul which takes pleasure in the outrage that comes from hearing how it actually is. From hearing, for example, the essence of Reagan economics, which says the rich are lazy and not working because they have too little money and the poor in this great republic are lazy and not working because they have too much. That is all you need to know.

John Kenneth Galbraith
March 2, 1982



Mari Michener, Catherine Galbraith and Esther Peterson



John Kenneth Galbraith, James Michener, Ralph Yarborough

Photos by Alan Pogue

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