

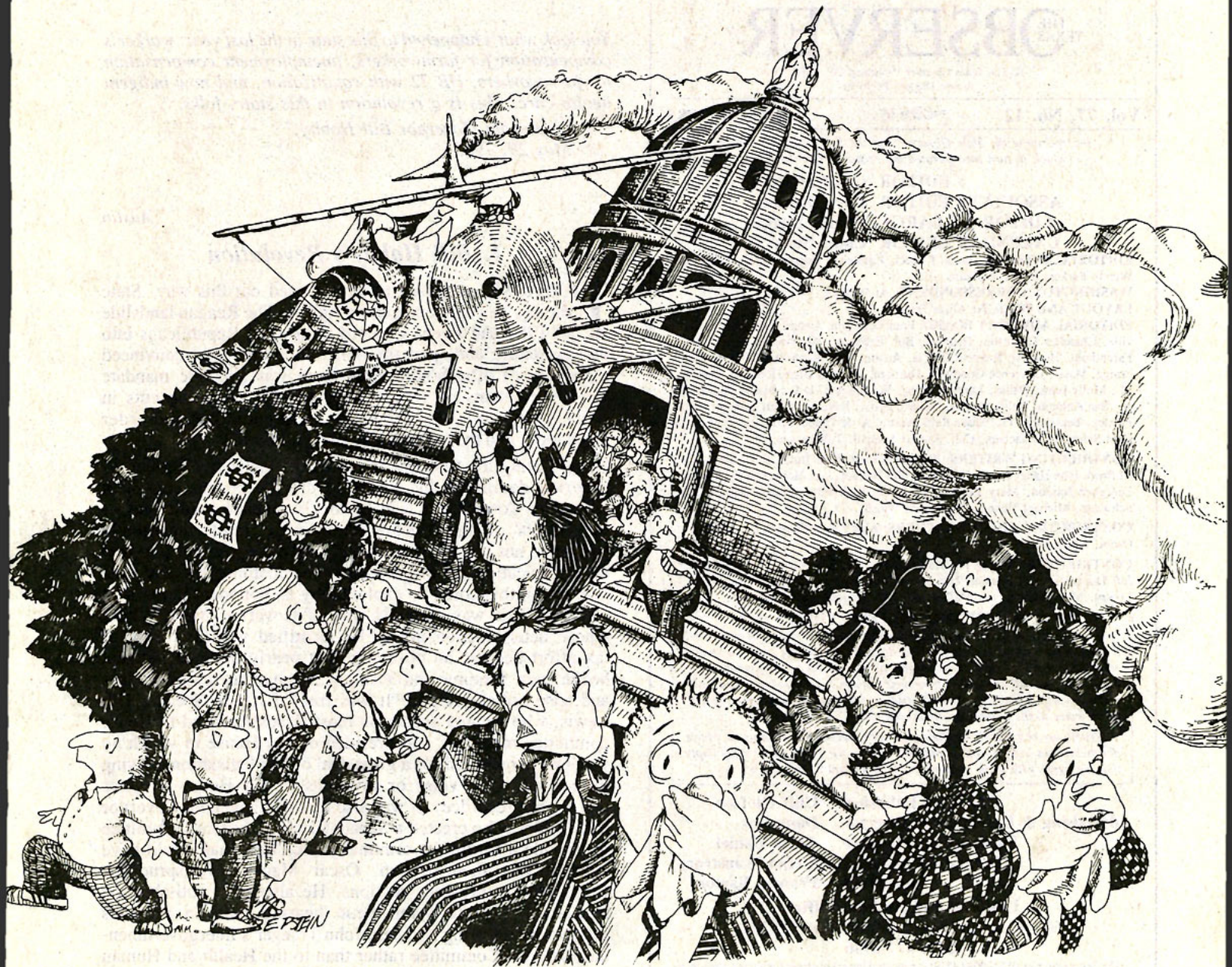
THE TEXAS OBSERVER

A Journal of Free Voices

June 14, 1985

One Dollar

The 69th Legislature: Once the Smoke Cleared



Chemical industry tactics to undermine pesticide regulations raised a stench in the Capitol, but, once the smoke cleared, the damage was limited. The session was marked by the demise of some bad ol' bills, the passage of some good new ones, and signs of re-alignment.

How It Ended

... remember those less fortunate, but also remember those people who are more fortunate than us.

Invocation by Rep. Mark "Bubba" Stiles
Texas House of Representatives, May 29, 1985

You look what's happened to this state in the last year: worker's compensation for farmworkers, unemployment compensation for farmworkers, HB 72 with equalization, and now indigent health care. This is a revolution in this state, folks.

Lieutenant Governor Bill Hobby
May 29, 1985

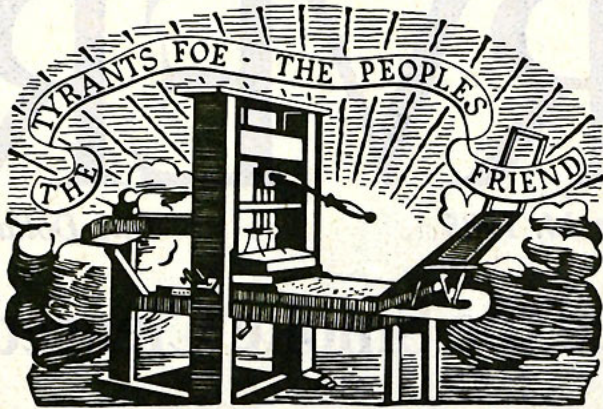
Austin

1. Bill Hobby's Revolution

IT WASN'T supposed to have turned out this way. State money was tight and getting tighter. The Reagan landslide of 1984 had swept a record number of Republicans into the legislature and, perhaps more important, had convinced a number of officeholders that there was a public mandate for key elements of a right-wing agenda, including cuts in social services, enactment of hard-core law-and-order legislation, and the paring away of civil liberties.

But during the first two-thirds of the legislative session — a period dominated by efforts to draw a budget consistent with state Comptroller Bob Bullock's revenue predictions — the results of the 1984 election were most consistently translated not into right-wing legislative purpose but into fear of identification on major issues and loathing for any vote or position that could be exploited by an opponent in the next election. This was certainly true of Governor Mark White, whose determination not to be identified with any kind of tax effort became an obsession that nearly doomed indigent health care funding and resulted in huge increases in fees and state college tuition. It was true of House Speaker Gib Lewis, who wanted debate on most issues confined to House committee meetings, and presided over a House in which no votes were recorded for a great deal of key legislation (relying instead on voice votes or divisions of the House — votes that are not recorded). It was also true of Lieutenant Governor Bill Hobby, who created a Senate Criminal Justice Committee to provide a forum for criminal justice bills that would have automatically died in Sen. Oscar Mauzy's Jurisprudence Committee in previous sessions. He also gave anti-abortion legislation a more sympathetic hearing than in previous sessions by referring it to Sen. John Traeger's Intergovernmental Relations Committee rather than to the Health and Human Resources Committee.

But what began as a dour session devoted to cuts in social services ended with a few key victories for the forces of progress. Significant legislation was passed providing enhanced indigent health care in the state, addressing problems of hunger, and removing the exemption from unemployment compensation coverage for farmworkers. At the same time, major pieces of right-wing legislation were killed, and political



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attacks on Agriculture Commissioner Jim Hightower and Attorney General Jim Mattox were turned aside.

"I've been real pleased with the way it's turned out," Rep. Al Luna told the *Observer*. Speaking as the chair of the Mexican American Legislative Caucus, he added, "We made gains, and coming out of it we're a stronger group. I had my doubts going in with 53 Republicans and the last election affecting the behavior of some Democrats. But on unemployment compensation for farmworkers we got good breaks, like having the bill in Lloyd Criss's committee. [Criss was sponsor of the bill and chairs the House Labor and Employment Relations Committee.] The Speaker held firm in terms of not altering HB 72, particularly on the equalization of school districts. The other key area was appropriations. We knew money was going to be tight. We persuaded them to put six caucus members on there and managed to hold on to our targets, like the funding for the pre-kindergarten program. We were able to hold on to that and keep from getting programs important to us from being gutted. The pesticide fight — I think it did a lot for us. It showed the newer members of the caucus why it's important to be organized. You can pull off something like that through hard work, organization, and floor work."

How has this come to pass in the Age of Reagan? Is Texas at the cutting edge of a trend to reverse the so-called Reagan mandate? Are state and local politics immune to the national jingoism of 1984 or are they reacting to federal cuts? Is Texas just now entering the 1970s in terms of social legislation while other states move into the 1980s? Do issue-centered politics operate on a time-clock that is relatively independent of candidate-centered politics? What happened?

IN MANY RESPECTS, Bill Hobby's revolution is largely a matter of Texas catching up with the rest of the nation. Unemployment and workers' compensation for farmworkers were long overdue, and legislative action on these matters was spurred by lawsuits brought by the Texas Civil Liberties Union in state courts. Equalization aid for school districts was passed during the 1984 special session, with legislators aware of a threatened lawsuit on inequality in education by the Mexican American Legal Defense and Education Fund (MALDEF). The funding of indigent health care was as much a mechanism to aid county hospitals as it was a bill for the poor and medically needy.

But this reductionist view of social reform does not explain everything. Texas has been under the judicial gun before, and the legislature has refused to act. The poor have needed medical care and county hospitals have needed additional funding for years without legislated relief.

There are a number of factors which, when considered together, begin to explain this social reform during a period of relative political darkness. First, there is the increasing political clout of the Mexican American electorate in the state. This electorate, particularly in the Lower Rio Grande Valley, did not participate in any great numbers in the 1984 Presidential election but has shown a good deal of muscle in local and statewide contests. Since being denounced by Mexican American leaders for his role in the failure to pass workers' compensation for farmworkers in 1983, Hobby has exhibited a keen awareness of Mexican American influence, particularly

Editor's Note

The conclusion of "TDC: A View from Inside" by Michael Vines will appear in the next (June 28) issue of the *Observer* and not in this issue as previously indicated.

CONTENTS

FEATURES

- 2 How It Ended Geoffrey Rips
- 8 A Water Plan, Of Sorts Dave Denison
- 11 Champs and Chumps of the 69th
- 17 Key Votes
- 20 Key Vote Chart
- 22 A Chronicle of Wisecracks, Not-So-Wise Cracks, and Capitol Offenses
- 25 A Legislative Round-Up
- 29 Darkness of the Heart Geoffrey Rips
- 30 New Bill of Health Dave Denison
- 33 Civil Liberties Survive Another Session Gara LaMarache
- 35 Ethics Reform on Hold Donna Mobley
- 36 Bar Lobbying Questioned Dave Denison

DEPARTMENTS

- 27 Political Intelligence

Afterword:

- 38 The Great Shrimp Debate Dave Denison

Cover art by Beth Epstein



Photo by Alan Pogue

in Democratic party politics. White, on the other hand, seems to need to be continually reminded of its importance. While Hobby now seems to be the best statewide reader of political forces, Gib Lewis has shown some evidence of a new understanding of these matters. This increased Mexican American electoral influence has, in turn, resulted in increased legislative influence by the Mexican American Legislative Caucus. Gib Lewis, in reading the number of votes controlled by the caucus and the numbers he's needed for his own legislative agenda, has awarded key positions of leadership to caucus members.

The increased Mexican American electorate has also provided sudden constituent strength for public-interest lobbyists working on issues for which there is great Mexican American support, including farmworker issues, health care issues, education equalization. During this session, public-interest lobbyists from across the spectrum out-organized and out-played their private interest adversaries. On several occasions, lobbyists representing churches, environmental groups, consumers, small farmers, farmworkers, labor, ethics and prison reform banded together to kill or pass important legislation, each calling upon his or her own legislative advocates for support, trading one vote for another.

Then there is the influence on a statewide scale of the community organizations of the Industrial Areas Foundation (IAF). This organized constituent strength could be mobilized around specific issues, calling upon voters from Houston, San Antonio, Fort Worth, the Valley, Austin, and El Paso. It is no mere coincidence that the year of Hobby's revolution has also been the year of IAF presence in the halls of the Capitol. IAF leaders worked closely with public-interest lobbyists on matters such as pesticide regulation. Bill Hobby hailed IAF leaders Helen Ayala of San Antonio Communities Organized for Public Service (COPS) and Ofelia de los Santos of Valley Interfaith as "two people to whom credit really belongs" for securing indigent health care funding. During the 1984 special session, the IAF organizations provided the chief constituent pressure for including education funding equalization in the education package.

As a direct result of the changes in constituent power, some conservative forces have shown a new sophistication in dealing with social reform. Whereas conservative powers of old were never forced to abandon their knee-jerk denial of equitable social services, many conservative interests these days are being forced to accommodate social reform but do so while protecting their interests against any major change in the state's revenue structure. (Their approach this session has been far more successful than the extremist reaction that characterized such interests as the Farm Bureau and the Texas Chemical Council. Rather than adapting to new political realities, these groups defied them, resulting in the demise of their own legislative agendas.)

A bill by Ways and Means Committee chair Stan Schlueter, D-Killeen, provided for a constitutional amendment banning the imposition of state personal or corporate income taxes. It passed the House only to be killed by Oscar Mauzy, D-Dallas, in the Senate. In a time of tight money, the first priority for the corporate interests was to protect their assets from becoming part of the state's revenue solution. Oil and gas interests, rather uncharacteristically, lobbied against the bill, recognizing that increased taxes on oil and gas production were among the most logical alternatives to income taxes. The Texas Association of Business joined the forces lobbying for passage of unemployment compensation for farmworkers, reasoning that, with the state court ruling on farmworker eligibility, business would be shouldering the burden for farmworker benefits unless agricultural operators were forced

to pay into the fund, as businesses always had.

Then there was the matter of the huge tax break given Texas banks by the 1984 special session and what that has meant to state revenues. In response to a 1983 Supreme Court ruling on the assessment of bank stock value, the legislature replaced the property tax on bank stocks with a corporate franchise tax. Not only did this reduce local revenues, but it also reduced the amount of money the state could make had the legislature adopted one of two other solutions to the Supreme Court ruling. Had the legislature adopted a method proposed by the Texas Association of Appraisal Districts (TAAD) or one used by the State of Georgia, Texas would have realized increased yearly revenues of \$55 million or \$40 million, respectively, above what is received through a franchise tax. Having gained a tax break in 1984, banks were not about to lose it again in 1985. Although the switch in taxing methods could have been easily justified by White (why should banks get new breaks during a fiscal crisis?) and could have provided the money needed for indigent health care, this option was never considered. Banks have their priorities. They will not oppose indigent health care as long as they aren't funding it.

There were other issues important to conservative and corporate interests, such as the finance companies' interest in second mortgages and the abolition of the homestead exemption. But these issues were secondary to the maintenance of the status quo in state revenue acquisition. If social reform can be achieved without changing the state's revenue structure, then opposition to that reform becomes a secondary issue for corporate interests. Should failure to pass social reform legislation spark new interest in the state's revenue structure — as could have happened if no funding mechanism had been developed for indigent health care — then it would be in the best interests of corporate forces to help pass a modified reform package.

Finally, the urbanization of Texas and the reduction of federal social services and assistance to urban communities have to be considered prime movers in the passage of social reform this year. It no longer makes sense for a predominantly urban legislature to protect agricultural interests from unemployment and workers' compensation that is required of city businesses. As Texas cities grow larger, their problems grow larger, including the provision of health care and food. With the Reaganomic reduction in assistance to cities and their residents, the cities must turn to the state for aid in dealing with these economic burdens. The State of Texas is being forced to provide the social services for the hungry, the sick, the poor, the elderly that the Reagan regime has abandoned.

2. *The Politics of Reaction*

NOBODY SAID IT would be easy. The victories achieved by progressive forces this session were as much a matter of defense as of offense. Late in a session marked by a dearth of open combat or debate, progressives engaged the forces of darkness in three hand-to-hand battles and each time emerged victorious. As a result, the Mexican American Legislative Caucus, the Black Legislative Caucus, and the public-interest lobbyists left the 69th session with new strength, while members of the Texas Conservative Coalition and lobbyists for the Chemical Council and the Farm Bureau ended up with their ability to muster votes in question and their credibility shaken.

It was no secret that Republicans and conservative Democrats intended to use this legislative session to gun for Attorney General Jim Mattox and Agriculture Commissioner Jim Hightower. Right-wing Republican Bill Ceverha of Dallas introduced a bill to limit Mattox's ability to settle lawsuits

out of court without the approval of the affected agency. Mattox and his supporters called it the "Bum Bright bill," claiming it was the former Texas A&M regent's revenge for Mattox's agreement to a settlement allowing women to play in the Aggie band. Rep. Betty Denton, D-Waco, argued that the bill would create enormous state expense in increased court costs, while others questioned the constitutionality of the bill's intent. Mike McKinney, D-Centerville, told the House, "I have a couple of friends, both of 'em with the name Kent [Caperton and Hance], and they're both interested in this job — one on one side and one on the other." He argued that the bill was political in nature and that a political solution one year could become a political nightmare the next. The bill surprised everyone when it passed the House, 74-65, on second reading. While Ceverha argued that the bill was designed to return the Attorney General to defending the constitution, there was little evidence that it was anything but a political attack on Mattox. When the bill passed the House on second reading, Mattox and his supporters began an intensive lobbying effort. The next day it paid off, with the defeat of the bill on third reading by a 67-67 vote. During the verification of the vote (called to make sure each vote recorded was actually cast by a present House member), Austin Rep. Lena Guerrero had to pull Rep. Al Price, D-Beaumont, from the bathroom, she said — from the Speaker's office, Price said — at the last moment to verify his vote against the bill.

The second, and more concerted, political attack involved the campaign by agribusiness and conservative interests to restrict Hightower's regulatory authority and to bleed his Agriculture Department budget. This effort was orchestrated by agricultural commodity groups, the Texas Chemical Council, and the Texas Farm Bureau, who have always opposed any efforts to protect farmworkers and would probably have targeted Hightower's budget for cuts regardless of his work before the session. But they were inspired with new zeal when Hightower announced late in 1984 new regulations for the use of pesticides. Chief actor in this agri-drama was House Agriculture and Livestock Committee chair Robert Saunders, D-LaGrange, who began the process of cutting up Hightower's budget with visions of a future Agriculture Commissioner in his head and came out of the entire process a legislator whose credibility was destroyed, having allowed himself to be exploited as a pawn of agribusiness and chemical interests.

The budget and oversight subcommittee of Saunders's committee had initial responsibility for gutting Hightower's appropriation for the coming biennium. They were long on agricultural extension services and short on regulatory and marketing authority, cutting Hightower's budget far beyond the three percent cuts suffered by most state agencies and reducing by two-thirds the number of exempt employees he was allowed. Many of the items cut were later restored in the House Appropriations Committee as a result of the efforts of Rep. Juan Hinojosa, D-McAllen, and the five other committee members from the Mexican American Legislative Caucus.

But Saunders's real thrill came in his efforts to undo the pesticide regulations announced by Hightower. Saunders cosponsored a bill by Sen. Buster Brown, R-Lake Jackson, which in its original form amounted to little more than a radical limitation of Hightower's regulatory authority and counteracted most of Hightower's pesticide orders. It was amended in the Senate and subjected to a series of compromises that resulted in a virtual codification of the pesticide rules issued by Hightower with the addition of several advisory committees. After waging a loud and destructive propaganda battle in support of the original Brown bill, the Chemical Council and

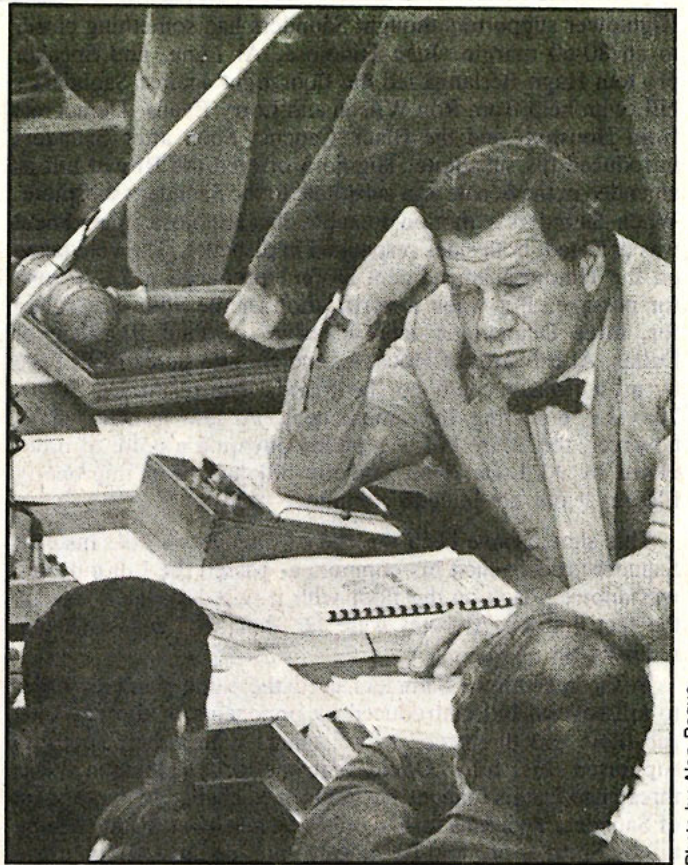


Photo by Alan Pogue

When Lt. Gov. Bill Hobby talked, both Houses listened.

most agribusiness interests agreed to the compromise legislation, as did representatives of Hightower.

But, lo and behold, once the Brown bill reached the House, Saunders substituted his own bill (written by Jon Fisher of the Chemical Council and several agricultural commodity lobbyists), which gutted Hightower's regulations and severely diluted his authority by making him one member of a three-member board to regulate pesticide use in the state. (The other two members were the Health Commissioner and the head of the Agricultural Extension Service; neither is an elected official.) Buster Brown, who had agreed to the compromise in the Senate, now wasn't saying whether he would stick with the bill he had promised to go with or switch to Saunders's substitute. Many believed Brown had accepted the Senate compromise knowing Saunders would introduce a substitute, for which Brown would offer Senate concurrence if it passed the House. At the same time, the Texas Chemical Council established a legislative precedent by claiming its agreement to a compromise in one house (the Brown bill) did not mean the agreement applied to the same legislation in the other house.

In order to announce his substitute, calling it the true "compromise bill," Saunders was introduced to the press by Speaker Gib Lewis — the only time Lewis had played such a role the entire session. Lewis would not divulge his feelings on the bill but said he was merely there to hold Saunders's hand. Later, when Lewis allowed Saunders's bill to re-emerge two days after virtual defeat on a point of order, his "non-position" was further illuminated.

On May 20, Saunders introduced his bill on the floor of the House. Lewis normally requires a bill sponsor to have 82 assured votes before he allows bills to be introduced on the floor (another way to keep debate and controversy in committees). Saunders was telling supporters he had 90 votes.

Hightower supporters thought Saunders had something closer to an 80-60 margin. Juan Hinojosa, Al Luna, and Speaker pro tem Hugo Berlanga led the floor fight against Saunders's bill, with help from Ron Wilson and Larry Evans, Democrats from Houston, and the Black Caucus. Soon after Saunders introduced his substitute, Hinojosa offered the Brown bill as amended in the Senate as a substitute to the Saunders substitute. When Saunders's motion to table the Hinojosa amendment was defeated, both sides responded in disbelief. The vote taken on the Hinojosa amendment at first produced a 73-70 vote for passage. But when a verification of the vote was called for, three Democratic representatives — Paul Ragsdale of Dallas, Al Edwards of Houston, and Nicolas Perez of El Paso — mysteriously could not be found. The result was a 70-70 vote, defeating the amendment. A few minutes later, however, the entire bill was pulled down on a point of order raised by Al Luna, who said the bill had been improperly filed as it did not include committee minutes.

This should have been the end of Saunders's bill. Instead, Saunders reconvened his committee, passed the bill out, and was allowed back on the floor with it two days later, despite the fact that his 70 votes were far short of Lewis's normal requirement of 82.

In the meantime, Saunders used the same point of order to kill several bills introduced by opponents of the pesticide substitute and threatened to kill others unless their sponsors supported his bill. David Patronella, D-Houston, was threatened in this manner but refused to change his vote. One of Saunders's victims turned out to be a saltwater sportfishing bill by Speaker pro tem Berlanga — not the most politic move — sponsored in the Senate by none other than Buster Brown.

When Saunders re-introduced his bill on May 22, Hinojosa again rose to speak against it and to introduce the amended Brown bill as an amendment. Saunders's motion to table this time went down, 60-77. Before a vote could be taken on the Hinojosa amendment itself, Saunders withdrew the bill from further consideration. After Saunders surrendered, Hinojosa was asked if he thought the bill would emerge again. "He [Saunders] promised he would not bring it up again," Hinojosa said. "He made that statement before the Speaker and the parliamentarian and shook my hand on it. But I think the Farm Bureau will never learn."

The final pitched battle of the session involved the funding of indigent health care in the state. The Senate, under Hobby's leadership, had proposed financing the health care package with a 5-cent tax on cigarettes. This came after Hobby originally endorsed a proposal to tax non-public hospitals to pay for indigent care in public hospitals. This proposal was withdrawn after opposition by White and a propaganda campaign by private hospitals, which included sending letters to the elderly saying they would be taxed for being sick. The House favored, instead, funding the package with a cigarette tax contingent on the removal of the current 8-cent federal cigarette tax proposed by Reagan. Then there was Governor White, who threatened to veto a health care bill with any tax attached, cigarette or otherwise, contingent on federal action or not. White argued that his sources in Washington, including Sen. Edward M. Kennedy, assured him that the tax would not be removed by Congress. The tobacco industry now favored the tax, these sources said, because a number of states and localities were proposing cigarette taxes to exceed 8 cents should the federal tax be removed.

As sound as White's information may have been, his timing was for the birds. His refusal to consider tax proposals to fund indigent health care delayed the progress of the funding bill until the last day of the regular session. That evening, a House-Senate conference committee on the funding bill met

to rubber-stamp White's funding proposal, presented in the eleventh hour, after passage of the appropriations and fee bills. White proposed funding the care with \$40 million from general revenues (estimating the extra money would be generated by sales taxes on goods sold on Sunday after repeal of the blue law), \$20 million from the governor's utility contingency fund, and another \$10 million from various budgets of the governor and the legislature.

The conference committee was not impressed but reluctantly endorsed White's proposal. Bill sponsor Rep. Jesse Oliver told the committee he thought the health care program should also claim the cigarette tax contingency should Congress get rid of the federal tax. But, he added, White would veto such action. Sen. Kent Caperton, D-Bryan, said, "The House voted by a fairly clear margin for the contingency cigarette tax. The Senate voted 31-0. Because for some reason the governor didn't want to fade that heat . . . we're willing to [accept] this program despite the fact that we're on record." Added Sen. John Montford: "What we're doing here today is postponing a decision that ought to be made . . . letting an avenue of funding escape that we're going to have to decide on in two years."

The bill was finally officially stamped and filed at 9:57 p.m. The House's two hour posting rule required that it not be presented until 11:57. After Oliver rose to introduce the bill at 11:57, Rep. Ceverha rose to speak in opposition, dooming the bill's passage, given the three minutes he was allowed to speak. There are many questions about the delay of this bill. Much of the blame can be laid at the feet of White's failure to act in time. But there is also some question about the delays in the sequence of events that prevented the bill's being validated until 9:57. Clearly, there were elements in the House leadership and bureaucracy who were determined to embarrass White on this issue. Many bills have been passed in less than three minutes, particularly in the last minutes of a session. The entire budget debate and vote on the House floor this year clocked in at ten minutes.

As soon as Lewis gavelled the session to an end, Al Luna, Berlanga, Hinojosa, Oliver, and other bill proponents made a beeline for the governor's office. Hinojosa later told reporters outside the governor's office that "the governor made a big mistake, and he better call a special session. If he thinks he's got problems with Republicans, he's going to have more problems with Democrats from South Texas. He has to remember who elected him in 1982." As he was speaking, Hinojosa was summoned into the governor's office. He emerged a few minutes later with other legislators and the governor, who announced that a special session would begin the next morning to deal with indigent health care funding.

White had, in a single act, shifted the onus from himself to Ceverha and other opponents of the health-care legislation. The next day a Republican full-court press was applied to defeat the bill. It included phone calls from U.S. Senator Phil Gramm to key Republicans and the office of the Speaker.

Once the special session began, there was little question that the funding bill would pass. The Senate formed a committee of the whole, introduced the bill, and passed it out of the Senate in a half-hour. The House, with Mark White's lieutenants all over the floor, referred the bill to its Public Health Committee. Throughout the committee meeting that afternoon, Gib Lewis and Hugo Berlanga stood behind committee chair Brad Wright, R-Houston, as the committee took up one conservative amendment after another, most by Rep. Alan Schoolcraft, R-San Antonio, who asked for a committee recess for a day while he created a substitute bill. Wright, noting that he agreed with Schoolcraft on the issues, said, "I'm not going to recognize you for that purpose." He



Michael Krone

Charge of the White Brigade.

later told Republican Jack Harris of Pearland that he might as well not propose another amendment. "Jack," he said, "we've got three votes — yours, Alan's, and mine. It's gonna go down." The bill passed out of committee without amendments.

Introducing the bill on the House floor the next day, Jesse Oliver said, "It's illogical and difficult for me to understand why when we chose not to tax the people of the State of Texas this bill that originally passed without opposition all of a sudden became a dangerous instrument." Schoolcraft offered a substitute bill, drawn up by members of the Texas Conservative Coalition [see page 29], which provided for what amounted to local option indigent health care. Berlanga charged that the amendment "allows for the status quo to remain in effect." Schoolcraft argued that funding indigent health care would lead the state to insolvency. Oliver moved to table the amendment. The motion passed, 73-71, but when a verification was called for the vote stood at 71-71. Lewis then announced, "Show the chair voting 'Aye.'" For all practical purposes, the bill at that point was assured passage.

There was, however, the matter of an amendment offered by Tom Craddick, R-Midland, requiring hospitals to report "illegal aliens" being treated. "I know it will be difficult for you to understand this," Paul Moreno, D-El Paso, told Craddick, "but this amendment is the most racist amendment you have introduced dealing with us, the Mexican American people of this state." Doyle Willis, D-Fort Worth, told Craddick: "You know as well as I do that there are probably 500,000 undocumented workers with children working in the fields and getting along fine. . . . Aren't you making a hospital district a department of the U.S. Department of Immigration . . . and a family that brings a child into the hospital [in the morning] might be deported that afternoon?" Asked Greg Luna, D-San Antonio, "Are you familiar that they [public hospitals] are required to give services to members of the community? Immigration status should not determine service."

Craddick withdrew his amendment only to introduce it again later in the day in a watered-down form. Hinojosa's motion to table the Craddick amendment passed, 75-69. "Some people have problems with illegal aliens receiving services," Oliver said. "I have a problem with Collin County receiving services

in Dallas paid for by my taxes."

Soon, thereafter, the indigent health care battle was over. Hobby, Oliver, Berlanga, and Lewis were greeted by a cheering group of leaders from the Industrial Areas Foundation community organizations and by Helen Farabee, who had chaired the interim task force on indigent health care. Hobby told the crowd the legislature had "brought humanity" to the state. Said Oliver: "This was something that was well nigh time to be done. We were successful today because we had everybody working for us on our side. If we can continue to do that, we can continue to make Texas a better place. I am proud today to be a Texan."

3. The Old Ways Passeth

CONTRARY to what might have been expected going in, the 69th session of the legislature and the special session that followed served to strengthen the hand of progressive forces in the legislature, particularly the Mexican American Caucus. At the same time, the forces of reaction, such as the Texas Chemical Council, the Texas Farm Bureau, and members of the Texas Conservative Coalition lost a lot of ground and a good deal of credibility as a result of their method of operation and their inability to deal with the new political realities of the state.

Farmworker lobbyist Dee Simpson's assessment of the pesticide fight can just as easily be applied to those who opposed indigent health care. Says Simpson: "Texas history is such that any time anybody stands up for farmworkers [or health care for the poor] they're [the forces of reaction] going to sting them. They're using these old political ploys, but behind those ploys is a racism that many of those now using them may not understand. The veil of Texas history is what we better look at. If you look behind that veil and see what's back there, you see how ugly and bizarre it is. Who were they trying to kid when they said they wanted to make Hightower more accountable? Why did they think the Mexican American Caucus reacted the way they reacted? Robert Saunders is not a racist, but he is assuming a position that throughout the history of Texas has been used to deny rights to farmworkers, its chief motive being racism."

The same can be said of the opponents of the indigent health care funding bill. Behind all the cries for further study and delayed action and questions of cost and need is a deep-seated feeling that perhaps the poor are less deserving of care, that attempting to provide equal treatment is not the role of the state. Most indigent health care opponents probably do not understand the racism and class-bias inherent in their position. But it is there. And it is perhaps the most significant achievement of this legislature that the old way of doing things was defeated in several significant battles, even in this Age of Reagan.

4. Postscript

THE FACT that the legislature and Mark White escaped this session without a tax bill does not mean the state's revenue crisis is licked. It is merely postponed. Significantly, it is postponed until after the 1986 elections. 1987 may be the year of reckoning on the state tax structure. This will, of course, be determined by the state and national economy and by the results of the '86 elections. But some sort of tax revision is inevitable. Stan Schlueter, House Ways and Means Chairman, tried to make future consideration of an income tax more difficult by passing a constitutional amendment forbidding such a thing. Schlueter sees the writing on the wall. Mark White may try to forestall a tax change again in 1987 to enhance his stature in terms of national office in '88. But, sooner or later, it will come.

G. R.

A Water Plan, Of Sorts

Austin

NOW THAT THE legislature has passed a water plan of sorts, there is bound to be a summer of hype coming. All the efforts to get the plan through the legislature — and it took considerable effort to do it — will be for naught if voters don't approve the funding for the plan in November.

Politicians will issue dire warnings that the state is running dry, editorialists will urge citizens to do the responsible thing, and those who really care about seeing the water plan pass will be praying for a summer drought, just to make sure voters are in an appropriately somber mood when they go to the polls.

In truth, there is not much of a "water plan" to hype. What legislators have done is to agree on a plan to raise more than a billion dollars in bonds for various water projects, mostly minor ones, and mostly along the conventional lines of development. There is nothing truly innovative in the plan, and nothing that serves as a comprehensive approach to the fundamental water problems that have been slowly getting worse over the past decades as industrial and agribusiness development have marched forward.

There is also, it must be said, nothing as wild-eyed as there has been in the previous over-ambitious water plans that have gone down to resounding defeat at the polls — such as the 1968 plan to build a water importation pipeline from Arkansas to West Texas. There is dam-building called for in the present plan, but nothing yet on a large enough scale to arouse serious environmental opposition on that score alone.

Voters will be asked to approve constitutional amendments in November authorizing \$980 million in bonds to go to water development projects, plus \$200 million for agricultural conservation projects, and \$250 million in bonds to insure water bonds issued by cities. Of the \$980 million, \$590 million is specified for certain types of projects — \$190 million for wastewater treatment, \$200 million to build water reservoirs and pipelines, and another \$200 million for flood control projects. The other \$400 million could go for any number of water projects, including regional wastewater treatment plants that could benefit several mid-size cities in proximity.

The agricultural conservation program is a small portion of the water plan, and it could conceivably end up as next to nothing. The \$200 million in bond money that would go to help farmers purchase more efficient irrigation equipment is contingent on the success of a \$5 million pilot program in the next year. It will take a two-thirds vote in the next session of the legislature to actually free up the \$200 million.

Thus, what we have before us is a plan to help mostly small cities and towns (large cities raise their own municipal bond money for their own projects) to deal with their sewage, to hold back some extra river water for commercial and residential uses, to find additional ways to get water from here to there, and to prevent too much of it from rushing into various flood plains. It is a continuation of the traditional Texas approach to water development, presented in as inoffensive a way as possible. Meanwhile, what little bit of a conservation plan that was offered was left hanging by a thread.

This hardly constitutes an awe-inspiring legislative accom-

plishment, when you consider that more than 70 percent of the state's water goes for agricultural irrigation. This would seem to be the logical place to begin to attack the state's water problem, but to understand why that didn't happen, you need to understand the byzantine (as Ken Kramer of the Sierra Club puts it) workings of the Texas legislature when it comes to water policy.

WATER LEGISLATION in the House is under the control of a few conservatives, mostly from West Texas, mostly Republicans. They are led by Rep. Tom Craddick, the Republican from Midland who chairs the House Natural Resources Committee. Serving as point man most often has been another Republican, Rep. Gerald Geistweidt of Mason. Craddick and Geistweidt teamed up this session, as they have in the past, to oppose most changes in the traditional way of doing things. They especially would not hear of proposals made early in the session, by Agriculture Commissioner Jim Hightower, for one, to create state programs to share costs with farmers trying to convert to more water-efficient irrigation systems. Hightower argued that "the cheapest water is water we already have" and said that systems and techniques to conserve that water are already developed but not widely used. The Agriculture Commissioner advanced a proposal that he said would save \$650 billion gallons of water — enough to fill up the Astrodome a thousand times — by converting to better irrigation equipment.

The water bill that came out of the House contained no such proposals — House members were opposed not only to cost-sharing but to state loans to farmers. The Senate's version of the water bill originally had both programs.

By the time the water bills had passed each chamber and a conference committee was appointed to work out the differences, the difference in approach to agricultural conservation was only one of many points of contention.

Craddick and Geistweidt were hard bargainers throughout the seven weeks of conference committee hearings, standing firm for House positions against groundwater regulation, loans to farmers, and anything that might look like kowtowing to the environmentalist positions. They were opposed most vociferously by Sen. Carlos Truan, D-Corpus Christi, whose primary concern was the protection of coastal bays and estuaries. Sen. John Montford, D-Lubbock, used his wit and diplomacy during conference committee meetings and meanwhile negotiated almost daily behind the scenes with Craddick.

In the end, the Senate got a concession from the House to allow the trial program of agricultural loans to go through, with the contingent \$200 million bond program. But the House did not give in on groundwater regulation — the changes made in that area are not substantial.

ALTHOUGH AGRICULTURAL conservation programs will determine the ultimate success or failure of the state's water policy, other concerns are likely to determine whether the plan survives at the polls.

Chief among these is the debate over whether the coastal regions are adequately protected or whether the balance is tilted in favor of the upstream interests who believe they have better uses for the water than to let it flow into the Gulf of Mexico.

This debate took a business interest vs. environmentalist tenor in many of the conference committee meetings, as Rep. Geistweidt locked horns with Sen. Truan. In an April 9 meeting Geistweidt and Truan argued about where the water for bays and estuaries ranks in importance relative to other uses. "I'd put it right at the bottom of the list," said Geistweidt, arguing

that it was not an "efficient" use of water. Truan said he would put it toward the top of the list, after domestic uses of water. "Bays and estuaries are to the Coast what irrigation is to the dirt farmer," he said.

Geistweidt argued that there are other industries that have more need for the water upstream, prompting Sen. Ted Lyon, D-Rockwall, to intervene. "You're missing something that is very, very important," Lyon said, "and that is the intangible benefit of fish and wildlife in this state." Geistweidt said, "There are a lot of intangibles to having a job, and knowing where the next meal is coming from," grasping neither the

concept that many people on the coast make a livelihood from a healthy fish and shrimping environment nor the fact that there are indeed intangible benefits to the preservation of the natural environment. (See box.)

As the plan came out of conference committee, it was difficult to tell who won the bay and estuary debate — it depends on how the Texas Water Commission interprets the language the legislators put in. Truan voted for the final passage of the water plan because, he said, of a commitment to Lt. Gov. Bill Hobby, but he told newspaper reporters that the bill does not do enough for the Gulf Coast and that he

Damn Environmentalists

IN A RECENT interview with the *Observer*, conservative Representatives Gerald Geistweidt, a Republican from Mason, and Jerry Clark, a Democrat from Buna, expanded on the discussion they had with Sen. Carlos Truan in an April conference committee meeting. The House members argued with Truan over how important it is to reserve some of the state's river water for the specific protection of coastal bays and estuaries.

Geistweidt: In terms of what provides the most jobs and what uses water more efficiently, bays and estuaries is one of the biggest 'wasters' of water. . . . I still maintain that with the lack of scientific evidence that the preservation of a given amount of water for bays and estuaries is worthwhile . . . to set aside water for bays and estuaries you defeat the potential to have adequate waters for our metropolitan areas, for our petrochemical industries, for our agricultural pursuits — all of which do a much more efficient job of using that water in terms of what you get back for it.

Observer: So it's a classic business interests versus environmentalist discussion?

Clark: O.K., that's exactly right. . . . The environmentalist is satisfied by saying, "Ah, no more dams and reservoirs

up here, to murk up God's natural state. No more things going on up here that would mean industrial development." And the offshoot of all this is that the environmentalists oppose growth.

Geistweidt: What he's saying is, environmentalists don't really know that fresh water really affects bays and estuaries to the extent that they're claiming it does.

Clark: But they're using this as a tool to put the brakes on.

Geistweidt: As a ploy to keep any dams or other things . . .

Clark: What evolves out of business being up there? Smog. Pollutants. Contaminants, etcetera — as per the environmentalist point of view. So you use this as a tool.

Geistweidt: I don't mind having industries. I want them. Because people are a part of nature, too. Everybody thinks nature doesn't include us, but it does. . . . What I do mind is when industry pollutes the water for the rest of us. And that's where the Water Commission comes in. . . . I have no problem with protecting the rights of citizens to use that water in an efficient method so long as it doesn't pollute or take away the natural resources that's available for other human beings downstream. But when we're talking about bays and estuaries versus upstream uses, you're not talking about polluting problems so much as you are [talking] about: when there's only so much water, who can more efficiently use it?

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would oppose the plan's approval in November. The Sierra Club reserved judgment on whether to oppose the plan, or to stay neutral, until after a statewide meeting on June 15.

Ken Kramer, the Austin lobbyist for the Sierra Club, says the water plan "is more characteristic of sins of omission rather than sins of commission. There are a lot of things that I think are really necessary to a statewide water program that are not in this package," he says.

DESPITE SUCH MILD assessments of what is touted as one of the major bills of the session, there were unmistakably some significant shifts in water policy that came out of this session. In a sweeping proposal that started out quietly and then came on like a storm in the last week of the session, the House and Senate undertook a major reorganization of the state's water bureaucracy through the sunset review process.

This resulted in an ironic twist because the conservative West Texas representatives who teamed up with Speaker of the House Gib Lewis in getting the water bill through suddenly found themselves fighting against Speaker Lewis and his cronies Rep. Bill Messer and Rep. Charlie Evans on the proposed changes in the water agencies. "We're the men that handled the water legislation this time," says Rep. Jerry Clark, D-Buna. "We were the Speaker's team, but now we're not the Speaker's team."

Geistweidt and Clark led a four-hour floor fight against the plan three days before the end of the session but were narrowly outvoted several times as they tried to amend the bill on the floor. The bill, carried by Rep. Evans in the House and Sen. John Sharp in the Senate, split the Texas Department of Water Resources into two separate agencies. The Texas Water Commission will be given more power and a full staff, while the Texas Water Development Board — the part of the current bureaucracy closest to water developers and their allies such as Geistweidt and Clark — has been eviscerated.

"It's the stupidest bill I've ever seen come through the legislature," says Geistweidt, who charges that those who know most about water policy in the House weren't even

consulted. Instead, the bill was pushed by the likes of Bill Messer, who "doesn't know jack-diddly-shit about water," according to Geistweidt.

The agency reorganization is designed, backers say, to bring about stricter enforcement of water quality standards by giving the Water Commission the power and staff to do the job. But it has just as much to do with the notion that if the bureaucracy isn't working right one way, maybe it will work better another. The Sierra Club, some developers, and a few senators were all unhappy with the Water Department the way it was, so they all backed the reorganization for various reasons.

It has as much to do, too, with Senators John Sharp and John Montford's getting back at the entrenched water establishment interests who helped to kill the 1983 water plan in the final days of that session.

But it may also signify a more important shift in power on water questions — away from the West Texas-oriented water developers, symbolized by Craddick and Geistweidt, and toward a new group of developers who are interested in water for urban purposes. Lobbying against the change in the water agency this session was former Speaker Billy Clayton, himself a West Texas irrigation farmer. Lobbying for the change was James Box, working on behalf of Houston developer Walter Mischer.

"Urban developers feel that for too long the water policy has been to get East Texas water to West Texas," says Ken Kramer. "Urban developers don't want that."

None of which leaves us with a progressive water plan based on conservation and a respect for the environment. In the coming years we face a new set of "water hustlers" who will look to government to help finance the means by which they can get rich from new subdivisions and developments. They will speak in grandiose terms about a water plan for Texas when it comes time to get voter approval. But the question we need to ask is whether their interest is also our interest — whether *their* water plan is for them or us.

D. D.

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Champions of the 69th



Rep. Juan Hinojosa

This session Hinojosa, D-McAllen, proved himself to be the best of the best. He worked closely with Al Luna in developing the Mexican American Legislative Caucus into the most powerful bloc for social reform in the legislature. As a member of the House Appropriations Committee, Hinojosa was the most effective watchdog for the people's interests on the committee, preventing many cuts harmful to the social welfare. He led the fight to restore a good deal of the Agriculture Department's funding, cut by the House Agriculture and Livestock Committee. Hinojosa was both a crafty committee worker and a keen operator on the floor. Ethical, honest, and forthright, Hinojosa is the rare non-publicity seeker who tirelessly devotes himself to basic good legislation. He helped lead floor fights for indigent health care and unemployment compensation for farmworkers, sponsored anti-hunger legislation, and fought the Saunders pesticide bill tenaciously. He also single-handedly killed a resolution Rep. Robert Earley tried to sneak through on the local and consent calendar that advocated prayer in schools.

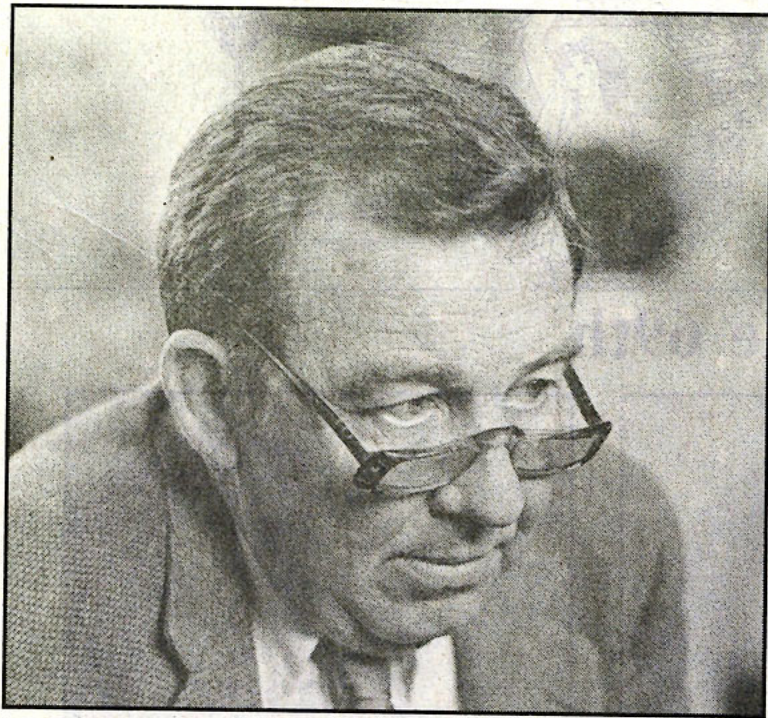


Senator Craig Washington

The Houston Democrat was missing in action for much of the early part of the session but played a critical role toward the end. Washington led a 12-hour filibuster to strengthen restrictions on the Department of Public Safety's use of wiretapping and covert entry and was instrumental in preventing attempts to weaken such civil liberties protections as the exclusion of illegally obtained evidence from trials. Washington's strong stands, filibusters, and threatened filibusters have kept him on the outs with Lt. Gov. Bill Hobby, making it difficult to get bills passed. "That's my legislative program — filibusterin' and amendin'," he told reporters one day. "Don't laugh," he said. "Somebody's got to do it." He's right; somebody does. Washington's ability to "veto" prison bills with threatened filibusters led Charles Sullivan of CURE to declare, "He's functioning as the governor." In the last week of the session Washington stood up and began a filibuster against a bill to route more than \$200 million from the sale of Texas Department of Corrections land straight to the prisons. Washington claimed the money would go to build new prisons without legislative approval and was able to win a compromise.

When Sen. Ed Howard and Rep. Bill Messer sponsored a bill allowing students to choose which school in a district they wanted to attend (a veiled anti-busing bill), Washington added an amendment prohibiting the bill from undoing voluntary or involuntary desegregation plans. Since Howard said the bill was not aimed at busing, Washington explained, he had to have no problem with the amendment. He is the rare senator still willing to stand up and speak for the unspoken for.

More Champs



Senator Oscar Mauzy

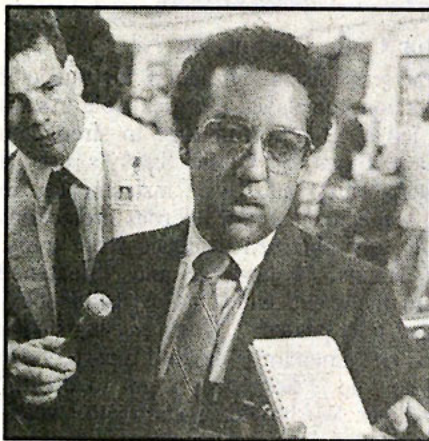
The 18-year Senate veteran from Dallas remains an unregenerate liberal. Operating from a desk next to Sen. Craig Washington, Mauzy's area on the Senate floor became the center for most of the plans to stop bad legislation (much of it coming from the other corner, where Sen. Buster Brown sits). Mauzy carried the farmworkers' unemployment compensation bill (with Sen. Hector Uribe) and killed a pea-brained resolution to make it unconstitutional to enact a personal or corporate income tax in Texas.



Photos by Alan Pogue

Senator Hugh Parmer

The hard-working and sincere former mayor of Fort Worth was almost single-handedly responsible for what turned into a \$15 million program to feed the hungry in Texas; he sponsored the resolution two years ago to create a hunger committee, led the committee, and then got the hunger bills passed this session.



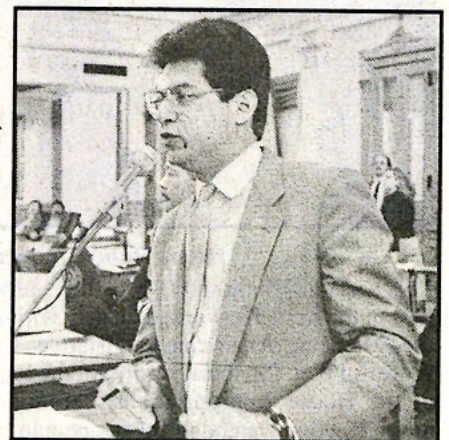
Rep. Jesse Oliver

This Dallas Democrat has come into his own this session as a leader on issues of social reform and social justice. Oliver has a reputation for working hard and expecting his staff to do the same. This session he sponsored key anti-hunger and indigent health care legislation. His work during the last days of the session and during the special session to create an indigent health care funding bill and to pass it through the House showed a tenacity and strength of character that some say will lead to his becoming the first elected black statewide officeholder.



Rep. Hugo Berlanga

The Speaker pro tem from Corpus Christi emerged from Gib Lewis's shadow this session to help direct the floor fight on major social issues. After his parimutuel gambling bill suffered a surprisingly heavy defeat early in the session, Berlanga directed his energies toward passage of unemployment compensation for farmworkers, the indigent health care plan, and toward the defeat of the Saunders pesticide bill. His leadership on the floor and his willingness to use his influence with the Speaker on these issues were of crucial importance.



Rep. Al Luna

This Democrat from Houston chaired the Mexican American Legislative Caucus through its finest session. Under his leadership, the caucus fought toe-to-toe with conservative powers and, more often than not, came out the victor. Luna's ability to marshal this largest single voting bloc for social reform measures was crucial in the indigent health care and pesticide fights — which were decided by paper-thin margins.

Solid Citizens

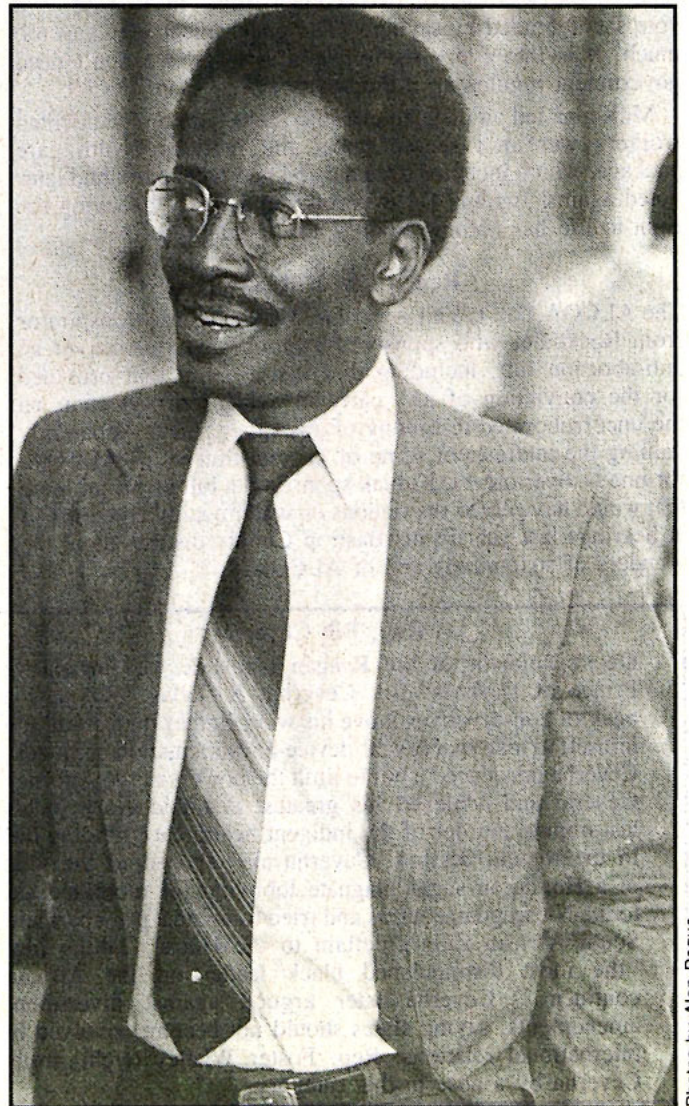


Photo by Rebecca McEntee



Five solid legislators: (clockwise from top) Sen. Hector Uribe, D-Brownsville; Rep. Lloyd Criss, D-La Marque; Rep. Larry Evans, D-Houston; and Rep. Alex Moreno (left), D-Edinburg, and Rep. Steve Carriker, D-Roby.

Uribe co-sponsored the farmworkers' unemployment compensation bill in the Senate. His threat to filibuster a bad pesticide regulation bill if it came back to the Senate helped defeat it in the House. Criss carried a ton of labor legislation in the House, including the unemployment comp bill, and has power and influence as chair of the Labor and Employment Relations Committee. Evans, Moreno, and Carriker know the ropes and fight the right battles.



Photos by Alan Pogue

Chumps



Rep. Jan McKenna

The Right-to-a-Crummy-Life Award to this Arlington Republican, who wrested the lunatic fringe trophy this session away from colleague Bill Ceverha with her single-minded determination to legislate every family-oriented item on the right-wing agenda. To her go our rose-colored blinders for her inability to see the inherent contradictions in her authorship of right-to-life bills regulating abortion, on the one hand, and her vote against Rep. Debra Danburg's bill outlawing marital rape — she was one of two women Reps. to so vote — a vote she defended by saying, "The government regulates too much. It is into every section of life. I feel we don't need government regulation in the bedroom."

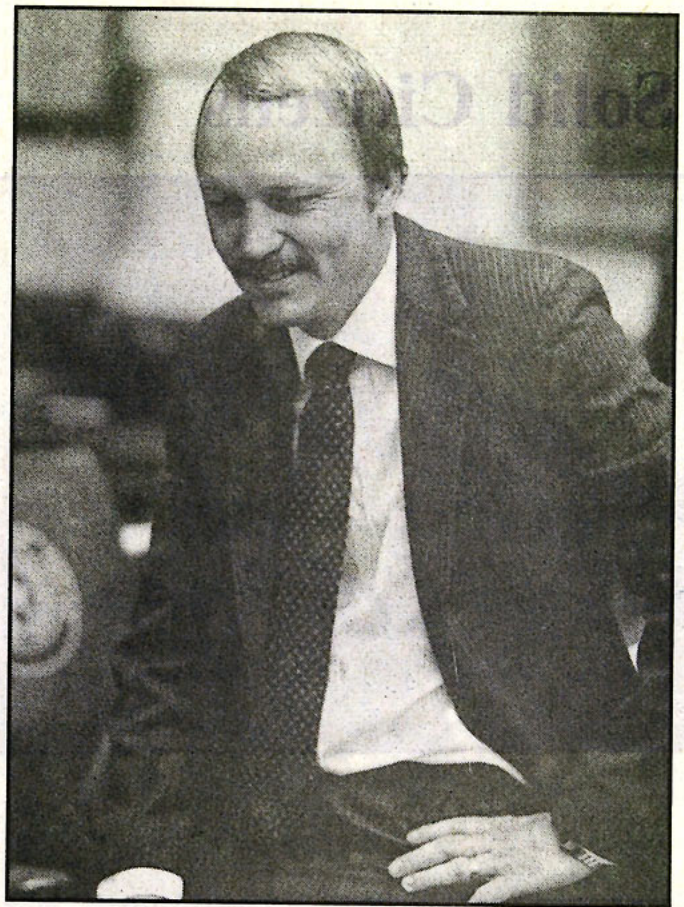
McKenna led an ill-fated effort to make sure undocumented workers were not served under the indigent health care package, which included prenatal and neo-natal care, and later voted against funding for everyone, apparently believing the right to life has nothing to do with the quality of life.

Rep. L. B. Kubiak

The ALCOA Can't Wait Award to McKenna's co-conspirator from Rockdale, who sponsored a number of versions of an anti-abortion bill, including the final version that provided for the conviction of any party to a late-term abortion on the uncorroborated testimony of any other party. Apparently valuing the interests of some of his constituents — ALCOA, for one — over others, Kubiak sponsored a bill on stripmining that would have eased restrictions on water quality and testified at hearings last year in his Bastrop County district about the wonders of stripmining and of ALCOA.

Rep. Bill Ceverha

One benefactor of the Reagan landslide was legislative Prince of Darkness Bill Ceverha, R-Dallas, who saw a bevy of conservatives move his way. Rather than confining himself to his usual sexual-device-and-orientation bailiwick, Ceverha introduced a bill to limit the powers of the Attorney General and achieved his greatest demonic glory in his last-minute murder of the indigent health care funding bill in the regular session. Ceverha also sponsored the visit of a Honduran sugar magnate lobbying for increased aid to the Nicaraguan contras and tried to invite a pro-apartheid South African Zulu chieftain to the House, calling him "the most distinguished black leader on the African continent." Ceverha later argued against divestment amendments, saying states should not become involved in international relations. Rep. Foster Whaley (right) trails Ceverha by a nose in this category.



Rep. Gerald Geistweidt

The prototype of the sneering conservative, the Republican from Mason is one to watch . . . or to watch out for. Geistweidt was a leader in the House Conservative Caucus, and he shamelessly joined in the last minute attempts in the House to sabotage an indigent health care package that was two years in the making. After Speaker Gib Lewis helped the package get through the House in the special session, Geistweidt's enlightened assessment was that Lewis's "power base is with the white liberals, the blacks, and the Mexican Americans."

Geistweidt was also a key advocate in the House for the West Texas status quo approach to water legislation. He seemed to enjoy making sport of environmental concerns in the conference committee on the water bill, while insisting on 19th-century concepts of industrial progress. Should Tom Loeffler resign his seat in Congress to run for governor, Geistweidt (a cousin of Loeffler) is itching to run for the seat.



Photo by Alicia Daniel



Rep. Robert Saunders

Robert Saunders, D-LaGrange, thought he'd latched onto a career-maker when the chemical and agribusiness boys decided he would lead the fight against Agriculture Commissioner Jim Hightower. Long before the session began, Saunders was on the radio and in the papers talking about how Hightower's pesticide rules had "politicized" agriculture and how the real farmers had not been consulted. Once the session convened, Saunders's Agriculture and Livestock Committee went after the Agriculture Department budget with a jackhammer. Later Saunders came up with a substitute for Sen. Buster Brown's pesticide bill that looked like it had been written by Old Man Dupont himself. The fact was it had been written by the Texas Chemical Council and some agricultural commodity groups.

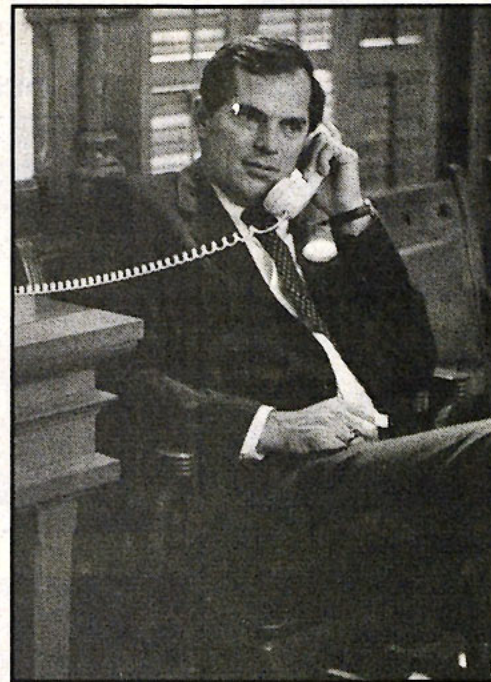
Meanwhile, Saunders was strutting and preening while the agri-chemical boys were whispering in his ear about being the next Commissioner. He arrogantly railed at witnesses and his own committee members during committee hearings.

But then came the fall that pride goeth before. Saunders came to the House with his substitute for Brown's pesticide bill, claiming 90 votes, goaded all along by his corporate friends. When the votes were finally counted, he could barely muster 70 and went down to ignominious defeat, carrying his relations with many colleagues, including Speaker pro tem Berlanga — whose bill Saunders killed — down with him. A dupe of the Texas Farm Bureau and the Texas Chemical Council, Saunders now faces serious challengers for his seat in his home district.



Senator Grant Jones

The Senate's own Scrooge, Jones fought all efforts to modify his bill increasing tuition for students at the state's universities and colleges. Ill-tempered and opposed to all social reform, Jones made sure to record a "no" vote on a voice vote for insurance reform for divorced and widowed women. Jones also held up negotiations on funding indigent health care for a crucial day at the session's end when he claimed — rather illogically — that the \$40 million targeted for indigent health care (from added blue law repeal revenues) were spoken for and as good as spent.



Photos by Alan Pogue

Senator Bill Sarpalius

The "I Can't Get That Monster Out of My Mind" Award goes to the Democrat from Hereford, who spent the entire session seemingly obsessed with the demonology of Jim Hightower's Department of Agriculture. Sarpalius drew ridicule with his "nepotism" bill, which would have brought the state into the business of monitoring the personal relationships of state officials — purely because Sarpalius was interested in monitoring Hightower's. When he wasn't preoccupied with finding ways to take shots at the Ag Department, Sarpalius was busy performing for the Farm Bureau lobbyists, who in committee hearings were never far from his desk.



File Photo

Senator Buster Brown

The No Control Award goes to Buster Brown, R-Lake Jackson, who, upon assuming a position as New Right hit man in the Senate, promptly shot himself in both feet. Brown attempted to pass a National Rifle Association-created bill that would have denied to cities and towns the power to regulate ownership, possession, or use of guns. It was amended to allow localities some control, after which Brown accused his opponents of wanting to "outlaw guns." With the backing of the chemical industry, Brown sponsored a bill restricting Jim Hightower's pesticide authority but eventually agreed to a compromise bill, amenable to all parties. He told Senate colleagues he would stick with the compromise bill no matter what form it took in the House. When Rep. Robert Saunders substituted a bill in the House with more severe limitations on Hightower's authority than those contained in the original Brown bill, Brown would not say if he would stick with his original. In the resulting House maneuvers, not only did the Brown pesticide bill get shot down, but a Brown saltwater sport bill was also killed when Saunders went after the bill's co-sponsor, Hugo Berlanga.

Brown, who has made no secret of his desire to run for Attorney General next year, toured the state to talk up a number of law and order bills he sponsored. But in the Senate he burned several bridges before he crossed them, creating the demise of several of his own bills.

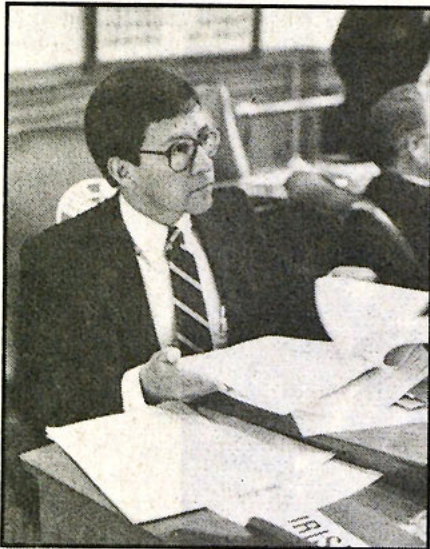


Photo by Alicia Daniel

Rep. Dan Morales

Bexar County D.A. Sam Millsap's direct line to legislative intent, this first-term San Antonio Democrat worked with Republican Sen. Buster Brown on a number of law-and-order bills, and, at a time of prison reform, called for more prisons and less administrative flexibility. Morales supported a resolution favoring the "Star Wars" weapons program and opposed expansion of bilingual education. He voted with the three Bexar County Republicans in opposition to anti-apartheid amendments. Said right-wing Republican colleague Alan Schoolcraft, "He probably votes closer to the way I do than some Republicans do."

Highlights from the Illustrious Career of Sen. Glenn Kothmann, Retiring



1983



1985

Photos by Alan Pogue

KEY VOTES

The 69th session of the Texas Legislature was noted for, among other things, the paucity of record votes taken on major legislation. Most often voice votes were taken with most of the debate on bills and issues reserved for committee meetings.

In the following table, we present House and Senate votes that were recorded on a number of key issues. These votes and issues are explained in the following paragraphs. A ☆ beside a legislator's name indicates that he or she voted with the *Observer* position on the legislation indicated. A ○ indicates a vote against the *Observer* position. A blank space indicates the legislator did not vote.

1. Wiretapping

Sen. Craig Washington stood at his desk shortly before midnight on May 15 after having talked for 12 hours against allowing the Department of Public Safety to secretly enter private residences to plant bugs and rig up wiretaps. Hefty law books were strewn across his desk, along with a paperback copy of *The Politics of Privacy*. "This is not a law and order issue, it's a Fourth Amendment issue," Washington had said upon launching his filibuster. (TO 5/31/85).

He was able to win new restrictions on DPS covert entry powers, and Sen. Bob Glasgow put an amendment on the bill to cover pen registers — the devices used to detect what phone numbers a suspect calls. A new sunset date, 1993, was also established before the Senate went ahead and reapproved the law giving DPS authority to use wiretaps in narcotics investigations. The measure easily passed the House. Both votes shown are on final passage. The *Observer* votes "Nay."

2. Pesticide Regulation

Buster Brown's Senate Bill 63 was drawn to severely limit the regulatory authority of Agriculture Commissioner Jim Hightower in dealing with pesticide use. Written with a great deal of help from the Texas Chemical Council and Texas Farm Bureau, the bill was subjected to close scrutiny in the Senate. By the time it reached the Senate floor, it represented little more than a codification of Hightower's current authority and created a few advisory committees.

At that point the bill was a compromise agreed to by representatives of the Agriculture Department, farmworkers, environmentalists, chemical companies, and farm organizations. Sen. Bill Sarpalius, D-Hereford, offered an amendment to the bill restricting the Agriculture Department's authority of prior notification on pesticide applications. The Senate vote shown is on Brown's motion to table the amendment, which passed, 22-7. The *Observer* votes "Aye."

2a. Once the Brown bill reached the House, it was replaced by a committee substitute by Agriculture Committee chair Robert Saunders, D-LaGrange. Saunders' substitute undid all the previous compromises and put greater restrictions on Hightower's authority, diluting it by making him a member of a three-person board. Chemical and agribusiness groups that had agreed to the Brown compromise suddenly renounced it. The first House vote shown is on an amendment offered by Juan Hinojosa to the Saunders substitute. The Hinojosa amendment called for the re-instatement of the Brown bill. It failed on a tie vote, 70-70. The *Observer* votes "Aye."

2b. After the vote on the Hinojosa amendment, Rep. Al Luna, D-Houston, had the Saunders bill withdrawn on a point of order. It re-appeared two days later on the House floor. When Hinojosa again offered his amendment, Saunders moved to table it. The motion to table failed, 60-77, whereupon Saunders withdrew his bill, killing it and the Brown bill for the session. The second House vote shown is on the motion to table the Hinojosa amendment. The *Observer* votes "Nay."

3. Farmworkers' Unemployment Compensation

A state district judge had already ruled that the exclusion of farmworkers from unemployment compensation in Texas was unconstitutional; still, it was not a foregone conclusion that the legislature would change the law. A bill carried by Lloyd Criss in the House passed April 10 but drew 54 negative votes. It passed the Senate a week later with eight dissenting votes, and the governor signed it into law on May 2. The vote in the chart is the vote to bring the bill up for consideration. Six senators voted "no." The *Observer* votes "aye." On final passage three

additional senators recorded "no" votes in the Senate Journal: Ted Lyon, Buster Brown, and John Sharp. That would make nine dissenting votes, but Bob Glasgow, who voted against considering the bill, did not enter a "no" vote in the Journal.

4. Gun Control

Sen. Buster Brown, R-Lake Jackson, carried a bill being pushed by the state chapter of the National Rifle Association that would restrict the ability of local governments to regulate firearms. The bill was watered down in the Senate by several amendments, including one by Bob Glasgow, D-Stephenville, that allowed cities to regulate the use and possession but not the ownership of firearms, and another by Ted Lyon, D-Rockwall, allowing cities to restrict the location of stores selling guns. Brown accused opponents of his bill of wanting to "outlaw guns," to which Glasgow reacted angrily that he "owned more guns than most people." Sen. Craig Washington, D-Houston, responded: "You certainly can include me as one who wants to outlaw guns at every opportunity." The Senate vote shown here was on a motion to table an amendment by Hugh Parmer, D-Fort Worth, allowing a city to regulate the possession and use of firearms in emergency situations in order to protect the public safety. Brown's motion to table the amendment failed, 13-18. The *Observer* votes "Nay." The House vote shown is on passage of the amended bill to third reading. The *Observer* votes "Nay." It passed, 106-38.

5. Indigent Health Care

The bill by Rep. Jesse Oliver, D-Dallas, on indigent health care funding that was killed by Rep. Bill Ceverha in the last minutes of the regular session re-emerged in the special session as Senate Bill 1. It passed the Senate, 30-1, in less than an hour. The *Observer* votes "Aye."

In the House, the bill was referred to the Public Health Committee and reached the House floor for debate the following day. The crucial House vote involved an amendment introduced by Rep. Alan Schoolcraft, R-San Antonio, that had been formulated in the Texas Conservative Coalition meeting the day before. The amendment virtually gutted the indigent health care program, calling instead for an interim study. Oliver moved to table the amendment. The House vote shown is on the motion to table, which passed 71-70, after Speaker Gib Lewis voted "Aye" to break a tie. A few hours later, the bill passed the House. The *Observer* votes "Aye."

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Speaker Gib Lewis

6. Insurance Reform
 The House and Senate passed a bill sponsored by Sen. Hugh Parmer, D-Fort Worth, allowing the widowed and divorced to remain on their spouse's group insurance policy for a year after the death or divorce. The bill was stuck

in Bill Messer's Calendars Committee in the last weeks of the session, until Parmer threatened to block a pet bill of Messer's in the Senate. On May 25, Parmer's bill was added as an amendment to another bill in the House and it passed 102-36. It passed by a voice vote in the Senate. The *Observer* votes "Aye."

7. Marital Rape
 The House approved a bill by Rep. Debra Danburg, D-Houston, to make it a crime for a husband to rape his wife. But 15 senators stood against bringing the bill to a vote in the Senate, preventing its passage. Sens. Bob Glasgow and Carl Parker spoke against it in Senate committee hearings, claiming the bill would tie up the court process and advancing other age-old arguments. Rep. Jan McKenna, R-Arlington, spoke against the bill in the House, claiming that the government already regulates too much. The House vote was not recorded, but McKenna and ten other conservatives took the trouble to record "no" votes in the House Journal. The *Observer* votes "Aye."

8. South African Divestment
 There were several bills and amendments offered to restrict investments of public money in banks and corporate entities doing business with South Africa. Rep. Al Edwards, D-Houston, introduced an amendment to a bill by Rep. Stan Schlueter, D-Killeen, concerning the investment of money from state school and retirement funds. Edwards's bill prohibited future investment of these funds in banks making loans to the South African government or its instrumentalities. The vote shown is on the motion to table Edwards's amendment. It passed, 87-56. The *Observer* votes "Nay." There was no Senate vote.

9. Stripmining
 One of the clearest divisions in the House on environmental issues came in May when Rep. L. B. Kubiak of Rockdale tried to take the regulation of water quality aspects of stripmining away from the Texas Department of Water Resources and give it to the Railroad Commission. Backers of the plan circulated a letter from Harry Whitworth of the Texas Chemical Council to certain legislators, while the Sierra Club marshaled opposition. Rep. Foster Whaley, the conservative Democrat from Pampa, asked on the House floor, "Isn't the Sierra Club the organi-

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zation that held up the Alaska pipeline for ten years?" Whereupon he announced that if the Sierra Club was opposed to the bill he intended to vote for it. Rep. Kubiak carried the bill in the interest of one of the largest corporate citizens in his district — Alcoa. The environmentalists won the vote, 70-59. The *Observer* votes "Nay" on the bill.

10. Alien Health Care

During the special session, Rep. Tom Craddick, R-Midland, twice introduced amendments to the Indigent Health Care bill that would require hospitals to report "illegal aliens" receiving care. The first amendment he pulled down only to return with a slightly pared-down version. Rep. Paul Moreno, D-El Paso, called the amendment "the most racist" piece of legislation Craddick had ever introduced. Juan Hinojosa, D-McAllen, said it would make hospitals agents of the INS and moved to table the amendment. The motion passed, 75-69. The vote shown is on the motion to table. The *Observer* votes "Aye." There was no Senate vote.

11. Income Tax

A bill calling for a constitutional amendment prohibiting personal or corporate income taxes in the state passed the House but was killed by Oscar Mauzy, D-Dallas, in the Senate. The bill, sponsored by Reps. Bill Haley, D-Center, and Stan Schlueter, was dubbed the "Texas Fiscal Irresponsibility Act of 1985" by Paul Ragsdale, D-Dallas. Oil and gas interests lobbied against the bill, while the Texas Association of Concerned Taxpayers said, "The power to tax is the power to destroy." The vote shown is on final adoption in the House. It passed, 106-31. The *Observer* votes "Nay." There was no Senate vote.

12. Anti-Mattox

Dallas Rep. Bill Ceverha took time out from his usual interest in sodomy legislation to tackle bigger game this session. Ceverha introduced a bill restricting the Attorney General's power to settle a suit out of court. "They're angry because I ruled that women should be in the band at Texas A&M," Mattox told reporters. "I don't happen to think having women in the Aggie band is a threat to national security. I happen to be very conservative in using taxpayers' money. Ceverha is very liberal." The Ceverha bill surprisingly passed the House on second reading. It was defeated on third reading on a 67-67



Photo by Alan Pogue

Consumer and labor lobbyists Rebecca Lightsey, Joe Gunn, Dally Willis, and Rebecca Harrington (l. to r.).

vote. The *Observer* votes "Nay." There was no Senate vote.

13. Tuition

The session began with dire predictions of funding cuts for the state's universities and colleges, including the possible elimination of several campuses. With the collaboration of representatives of the state's university and college systems, legislators, instead of cutting, decided to increase drastically the tuition paid by in-state and out-of-state students, be they in undergraduate, graduate, or professional schools.

As chair of the Senate Finance Committee, Sen. Grant Jones carried the tuition bill in the Senate, opposing attempts to reduce tuition increases, phase them in over longer periods of time, or provide emergency financial assistance out of the increased tuition revenues. The 18-11 vote shown is the Senate vote on second reading of the tuition bill. The eleven votes against passage to third reading are the same eleven votes that supported amendments by Sens. Gonzalo Barrientos and Oscar Mauzy that attempted to make the bill less burdensome for lower-middle-class students. The eleven formed a "good guys" group, sticking together long enough to prevent suspension of the rules for final consideration (needing a two-thirds vote) and thereby gaining a few concessions. The *Observer* votes "Nay."

14. Jury instructions

Part of Buster Brown's vaunted battle against crime was a bill to mandate

certain instructions to juries, i.e., that the sentence given out might not represent the actual time the convict spent in jail because of the possibility of parole. It was, in fact, a transparent attempt to influence juries into meting out longer sentences to counteract potential parole. The bill passed the House on an unrecorded vote, and passed the Senate April 3 by a 28-3 vote. The *Observer* votes "nay."

15. Local Measured Service

A bill sponsored by Sen. Chet Edwards, D-Duncanville, prohibiting for two years charges on local calls based on their length, passed the Senate but died in committee in the House. A lobbying effort by the major telephone companies killed the bill that would have prevented phone companies from switching to a system that would mean increased phone bills for 94 percent of the state's telephone users. The bill also was opposed by the Communications Workers of America, who said local measured service (LMS) would provide some 600 more jobs in the state. On May 25, Edwards attempted to amend a telecommunications bill with his two-year ban on local measured service. The motion to table his amendment passed, killing the Edwards amendment. The vote shown is on the motion to table. The motion passed, 17-13. The *Observer* votes "Nay." There was no House vote.

Key votes were tallied by Kathleen Fitzgerald.

House Record Votes

	Wiretap	Pesticide	Unemploy	Guns	Ind. Health	Ins.	M. Rape	Divest	Strip Mine	Aliens	Anti-Tax	Anti-Mattox
	1	2	3	4	5	6	7	8	9	10	11	12
	A B											
Adkisson	○	★	★	○	★	★		★	★	★	○	★
Agnich	○	○	★	○	○	★		○	○	○	○	○
Armbrister	○	○	○	★	○	★			★	★	○	★
Arnold	○	★	★	★	○	★		○	○	★	○	○
Barton	○	★	★	★	○	★		★	★	★	○	★
Berlanga	○	★	★	★	○	★			★	★		
Blackwood	○	★	★	○	○	○		○	○	○	○	○
Blanton	○	○	○	○	○	★		○	○	○	○	○
Buchanan	○	○	○	○	○	★		○	○	○	○	○
Burnett	○	★	○	○	★	★		○	○	★	○	★
Bush	★	★	★	★	★	★		★		★		★
Cain	○	★	★	★	★	○		★	★	★	★	★
Campbell	○	○	★	○	○	○		○	○	○	○	○
Carriker	○	★	★	P	○	★		★	★	★	○	★
Carter	○	○	○	○	○	○		○	○	○	○	○
Cavazos	○	★	★		★	★		★	★	★	★	★
Ceverha	○	○	○	○	○	★		○	○	○	○	○
Clark	○	○	○	○	○	★		○	○	○	○	○
Clemons	○	★	★	★	○	★		★	★	★	○	★
Colbert	○	★	★	○	○	★		★	★	★	○	★
Coffazo	○	★	★	★	○	★		★	★	★	○	★
Connelly	○	○	○	★	○	○		○	★	○	○	○
Cooper	○	★	★	○	○	★		○	★	○	○	○
Craddick	○	○	○	○	○	★		○	○	○	○	○
Criss	★	★	★	★	○	★		★	★	★	○	★
Danburg	★	★	★		★	★		★	★	★	★	★
Delco	★	★	★		★	★		★	★	★	★	★
Denton	○	★	★	○	○	★		★	★	★	○	★
Dutton	★	★	★	★	★	★		★	★	★	★	★
Earley	○	○	○	★	○	★		○	★	○	○	★
Eckels	○	○	○	○	○	○		○	★	★	○	○
Edge	○	○	○	★	○	★		★	○	★	★	★
Edwards	○	○	★	★	★	★		★	★	★	P	★
Emmett	○	○	★	★		○		★		○	○	○
Evans, C.	○	○	★	★		○		○	○	○	○	○
Evans, L.	★	★	★	★	★	★		★	★	★	★	★
Finnell	○	○	○	○	★	★		○	○	○	○	★
Fox	○	○	○	○	★	○		○	★	○	○	○
Garcia, A.	○	★	★	★	★	★		★	★	★	★	★
Garcia, O.	○	★	★	★	★	★		★	★	★	★	★
Gavin	○	★	○	★	○	○		○	○	★	○	★
Geistweidt	○	○	○	○	○	○		○	○	○	○	○
Gibson	○	○	○	○	○	★		○	○	★	○	○
Gilley	★	★	★	★	★	★		★	★	★	★	★
Givens												

	Wiretap	Pesticide	Unemploy	Guns	Ind. Health	Ins.	M. Rape	Divest	Strip Mine	Aliens	Anti-Tax	Anti-Mattox
	1	2	3	4	5	6	7	8	9	10	11	12
	A B											
Patronella	○	★	★	★	○	★		★	★	★	○	★
Patterson	○	○	○	○	○	★		○	○	○	○	○
Pennington	○	○	○	★	○	○		○	○	○	○	○
Perez	○		★	★	○	★		★	★	★	○	★
Perry	○	○	○	○	○	★		○	○	○	○	○
Pierce	○	○	★	★	○	★		○	○	○	○	○
Polumbo	○	★	★	○	★	★				○	○	○
Price	○	★	★	★	★	★		★	★	★	★	★
Ragsdale	★	★	★	★	★	○		★	★	★	★	★
Rangel	★	★	★	★	★	★		★	★	★	★	★
Richardson	○	★	★	★	○	○		○	★	★	○	○
Riley	○	○	○	○	○	○		○	○	○	○	○
Roberts	○	○	★	○	○	★		○	★	○	○	○
Robinson	○	○	○	○	○	★		★	○	○	○	○
Robnett	○	○	○	○	○	○		○	○	○	○	○
Rudd	○	○	○	○	○	○		○	○	○	○	○
Russell	○	○	○	○	○	○		○	○	○	○	○
Saunders	○	○	○	○	○	★		○	★	○		○
Schlueter	○	○	○	★	○	★		○	○	○	○	○
Schoolcraft	○	○	○	★	○	★		○	○	○	○	○
Shaw	○	★	★	★	★	★		★	★	★	○	★
Shea	○	○	○	○	○	○		○	○	○	○	○
Short	○	○	○	○	○	○		○	○	★	○	○
Smith, A.	○	○	★	○	○	○		○	○	○	○	○
Smith, C.	○	★	★	★	★	○		○	○	○	○	○
Smith, R.	○	○	○	○	○	★		○	○	○	○	○
Smith, T.	○	★	○	★	○	★		○	★	○	○	○
Smithie	○	○	○	○	○	○		○	○	○	○	○
Staniswalis	○	★	○	★	○	○		○	○	★	○	○
Stiles	○	○	○	★	○	★		○	★	○	○	★
Sutton	○	★	★	★	★	★		★	★	★	○	★
Tallas	○	○	○	○	○	★		○	○	○	○	○
Taylor	○	○	○	★	○	○		○	○	○	○	○
Tejeda	○	★	★	★	○	★		★	★	★	○	★
Thompson, G. E.		○	★	★	★	★		○	○	○	★	○
Thompson, G. W.	○	★	★	★	★	★		★	★	★	★	★
Thompson, S.	○	★	★	★	○	★		○	★	★	★	★
Toomey	○	○	○	○	○	○		○	○	○	○	○
Uher	★	○	○	○	○	○		○	○	○	○	○
Valigura	○	○	○	★	○	○		○	○	○	○	○
Vowell	○		★	★	★	★		○	○	★	○	○
Waldrop	○	○	○	○	○	○		○	○	○	○	○
Wallace	○	★	★	★	○	★		★	★	★	○	★
Watson	★	★	★	★	○	★		★	★	★	★	★

Glossbrenner	★	★	★	★	★	★	★	★	★	★	★	★	★
Godwin	○	○	○	★	○	○	○	○	○	○	○	○	○
Granoff	○	★	★	★	★	★	★	★	★	★	★	★	★
Green	○	★	★	★	○	★	○	○	○	○	○	○	○
Guerrero	★	★	★	★	★	★	★	★	★	★	★	★	★
Hackney	○	★	★	★	★	★	★	★	★	★	○	★	★
Haley	○	○	○	○	○	○	○	○	○	○	○	○	★
Hall	○	★	★	★	○	★	○	★	★	○	★	○	★
Hammond	○	★	○	★	○	○	★	○	○	○	○	○	○
Harris, C.	○	○	○	★	○	○	★	○	★	○	○	○	○
Harris, J.	○	○	○	○	○	○	★	○	○	○	○	○	○
Harrison	○	○	○	★	○	○	★	○	○	★	○	○	○
Heflin	○	○	○	○	○	○	○	○	○	○	○	○	○
Hightower	○	○	○	○	○	○	★	○	★	○	○	○	★
Hilbert	○	○	○	★	○	○	○	○	○	○	○	○	○
Hill, A.	○	★	★	○	○	○	★	○	★	○	○	○	○
Hill, P.	○	★	★	○	○	○	○	○	★	○	○	○	○
Hinojosa	★	★	★	★	★	★	★	★	★	★	★	★	★
Hollowell	○	○	P	○	○	○	○	○	○	○	○	○	○
Horn	○	○	○	○	○	○	○	○	○	○	○	○	○
Hudson, D.	○	★	★	○	★	★	★	○	★	★	○	★	★
Hudson, S.	★	★	★	★	★	★	★	★	★	★	★	★	★
Hury	○	○	○	★	○	★	★	★	★	○	○	○	○
Jackson	○	○	○	★	○	○	○	○	★	○	○	○	○
Johnson, C.	○	○	○	○	○	○	★	○	○	○	○	○	○
Johnson, S.	○	○	○	○	○	○	★	○	○	○	○	○	○
Jones	○	★	P	★	○	★	P	○	★	○	○	○	○
Keller	○	○	○	○	○	○	○	○	○	○	○	○	○
Kubiak	○	○	○	○	○	○	★	○	○	○	○	○	○
Kuempel	○	○	○	○	○	○	○	○	○	○	○	○	○
Laney	○	○	P	○	○	○	○	○	○	★	○	○	○
Lee	○	○	○	★	★	★	○	★	○	★	○	★	○
Leonard	○	○	○	★	○	★	○	○	○	○	○	○	○
Lewis, G.	○	○	P	P	P	P	★	P	P	P	P	P	P
Lewis, R.	○	★	★	★	○	○	★	★	○	★	○	★	○
Luna, A.	○	★	★	★	★	★	★	★	★	★	○	★	★
Luna, G.	★	★	★	★	★	★	★	★	★	★	★	★	★
McDonald	★	★	★	★	★	★	★	★	★	★	★	★	★
McKenna	○	○	○	○	○	○	○	○	○	○	○	○	○
McKinney	○	○	○	○	○	○	○	○	○	○	○	○	○
McKinney	○	★	★	○	○	★	★	★	○	★	○	★	○
McWilliams	○	○	P	○	○	○	○	○	○	○	P	○	○
Madia	○	★	★	★	○	★	★	★	★	★	P	★	★
Martinez	○	★	★	★	★	★	★	★	★	★	○	★	○
Melton	○	★	★	★	○	★	★	★	○	★	★	★	★
Messer	○	○	○	★	○	★	★	○	○	★	○	○	○
Millsap	○	○	○	★	○	★	★	○	○	★	○	○	○
Morales	○	★	★	★	★	★	★	○	○	★	★	★	★
Moreno, A.	○	★	★	★	★	★	★	★	★	★	★	★	★
Moreno, P.	○	★	★	★	★	★	★	★	★	★	★	★	★
Oliveira	○	★	★	★	○	★	★	★	★	★	○	★	○
Oliver	○	★	★	★	★	★	★	★	★	★	P	★	○
Parker	○	○	○	○	○	★	★	○	★	★	○	★	○
Patrick	○	○	○	★	○	○	○	○	○	○	○	○	○

Williamson	○	★	★	★	★	○	○	★	○	○	★	★	○	★	★
Willis	○	★	★	★	○	○	★	★	★	★	★	★	★	★	★
Willy	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Wilson	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Wolens	○	★	★	★	○	★	○	○	★	★	★	★	○	★	○
Wright	○	○	★	○	○	○	○	★	○	○	○	○	○	○	○
Yost	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

Senate Record Votes

	Wiretap	Pesticide	Unemploy	Guns	Ind. Health	Ins.	Tuition	July	LMS
	1	2	3	4	5	6	13	14	15
Barrientos	★	★	★	★	★	○	★	○	★
Blake	○	★	★	○	★	○	○	○	○
Brooks	○	★	★	★	★	○	★	○	★
Brown	○	★	★	○	★	○	○	○	○
Caperton	★	★	★	★	★	○	○	○	★
Edwards	○	★	★	★	★	○	○	○	★
Farabee	○	○	★	★	★	○	○	○	○
Glasgow	○	○	○	★	★	○	○	○	○
Harris	○	★	★	★	★	○	○	○	○
Henderson	○	★	★	○	★	○	○	○	○
Howard	○	○	★	○	★	○	○	○	○
Jones	○	★	○	★	★	○	○	○	○
Kothmann	○	★	★	○	★	○	★	○	○
Krier	○	★	★	○	★	○	○	○	○
Leedom	○	★	○	○	★	○	○	○	○
Lyon	○	★	★	★	★	○	○	○	★
Mauzy	★	★	★	★	★	○	★	★	★
McFarland	○	★	★	○	★	○	○	○	○
Montford	○	★	○	○	★	○	○	○	○
Parker	○	★	★	★	★	○	○	○	★
Parmer	○	★	★	★	★	○	★	○	○
Santiesteban	○	★	★	★	★	○	★	★	○
Sarpalius	○	○	○	○	★	○	○	○	★
Sharp	○	○	★	○	★	○	○	○	★
Sims	○	○	○	○	○	○	○	○	○
Traeger	○	○	★	○	★	○	○	○	○
Truan	○	★	★	★	★	○	★	○	★
Uribe	○	○	★	★	★	○	★	○	★
Washington	★	○	★	★	★	○	★	★	★
Whitmire	○	★	★	★	★	○	★	○	○
Williams	○	★	★	★	★	○	★	○	○

A Chronicle of Wisecracks, Not-So-Wise

Illustrations by Michael



Best Mixed Metaphors

Veteran state Rep. Gary Thompson of Abilene got fed up with speculation in February over whether he would switch to the Republican party and said, "I'm really tired of the whole thing. It's almost as if I'm holding myself out as an eligible bride. I'm sure people are wondering if I'm milking it for all it's worth."

Most Breathtaking Poetry Uttered on the House Floor

On the first day of the session, Rep. Charlie Evans of Hurst said of Speaker Gib Lewis, "He has had the foresight to attach landing gears to those ideas where only wings were placed thereon in the past."

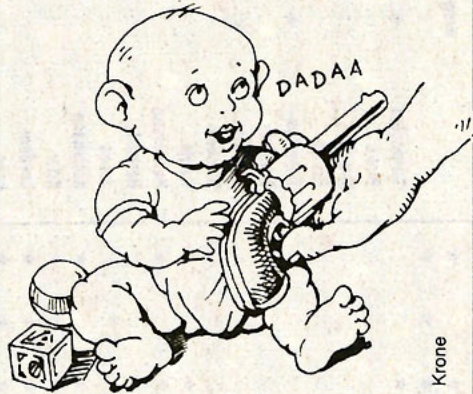
Code of the West

State Rep. Foster Whaley, D-Pampa, once explained why he'd agreed to a compromise on workers' compensation for farmworkers in 1984 as a member of a special committee and then voted against it in the legislature. According to Whaley, he was playing according to the Code of the West. Under the code, Whaley explained, a deal's not a deal unless you shake hands on it within 48 hours and get it in writing within ten days.

That must explain Whaley's action this year regarding the bill extending unemployment compensation to farmworkers. Whaley told bill supporters he was for it but then voted against the bill in the House. After the vote, one supporter realized he'd forgotten to shake Foster Whaley's hand.

Hello History, Get Me Rewrite

Rep. Sam Johnson of Plano, a former prisoner of war in Vietnam, passed a resolution on the occasion of, as he reverently put it, "the tenth anniversary of the participation of the United States in the Vietnam war." The resolution reads, "History has now revealed that America's longest war, longer than the Civil War, World War I, and World War II combined, was waged upon an honorable premise and for a noble purpose."



The Bubba Principle

Beaumont Rep. Mark "Bubba" Stiles, after the House voted to prohibit cities from enacting gun control ordinances: "The right to bear arms is a right that I think is just fundamental. You get born, you go die, and while you're here, you can have a gun if you want to."

The Yogi Berra Award for Unforgettable Wisdom

To Speaker of the House Gib Lewis, who dramatically broke a tie vote during the indigent health care debate and later told newspaper reporters that he agreed in part with the people he had voted against. He explained: "You just do what you have to do when you have to. You always hope you don't have to."

Henry Clay Said There'd Be Days Like This

In the middle of the Senate debate on unemployment compensation for farmworkers, Sen. Bill Sarpalius, D-Hereford, attempted to join the issue, taking on bill sponsors Oscar Mauzy, D-Dallas, and Hector Uribe, D-Brownsville, in an effort to win key debating points. Trying to put the sponsors on the ropes, Sarpalius unleashed his most incisive question, "I want to ask Senator Mauzy — what is a calendar quarter?"

Mauzy backed up a few steps, apparently struck speechless, and deferred to his colleague Uribe, who explained how the calendar operates.

Later in the debate, Sarpalius addressed Uribe, asserting, under the proposed bill, "an illegal alien can come into this state and work for one day and go back to his country and collect unemployment insurance."

"Are all illegal aliens migrant workers?" Uribe asked Sarpalius. "Is that what you're saying?"

Sarpalius paused, measured his words carefully, and answered, "Yes."

No Shrimp, He

Senator Carlos Truan of Corpus Christi in the middle of the Great Shrimp Debate, April 30: "There's so much I'd like to tell you, members, that I don't know where to begin." At the time, he was 15 hours into his filibuster.

Most Asinine Excuse for a Bad Bill, Made Worse by Constant Repetition

Rep. Robert Saunders of La Grange, who touched off one of the most politically charged battles of the session by trying to weaken the regulatory authority of Commissioner of Agriculture Jim Hightower, repeatedly explained he was "trying to take the politics out" of pesticide regulation.

Cracks, and Capitol Offenses

Krone and Chris Bonno

The Feel Free to Bug Me Anytime Award

To Phyllis Morrow, of the Houston group CRIME, Inc., who lobbied for the renewal of the Texas wiretapping statute. Asked what she would think if her own phone were tapped by the police, she said, "I haven't thought about it. I don't really say or do anything that I give a shit about anyone knowin' or hearin' about."

The Andy Warhol Everybody Gets Five Minutes of Fame Award Bestowed This Year for Undignified Conduct Not Entirely Unbefitting a House Member

To San Antonio Rep. Edmund Kuempel for intentionally dumping a can of chili on the desk of a fellow legislator. Bragged Kuempel the next day to members of the press, "That chili incident made the papers."



Does It, or Doesn't It?

Rep. David Hudson, a Democrat from Tyler, during the gun control debate in the House, asked, "It seems to me being a conservative doesn't mean you've lost all good sense, does it?"

Must Have Wanted to Go Home

State Sen. John Leedom, R-Dallas, spent part of the second day of the special session lobbying Republican House members for the indigent health care bill and attacking Phil Gramm for his phone calls to legislators encouraging their opposition. Leedom told reporters that he'd been "a Republican a little longer than Phil Gramm has. To me the difference between welfare and indigent health care is really the difference between night and day."

The day before, Leedom had been one of 30 senators voting for the bill. On May 25, however, during the regular session, Leedom joined Buster Brown as the only senators voting against the health-care bill.

The Hyperbolic Overkill Award

To Republican House member Ed Emmett who, introducing Vice President George Bush in February, said Bush has "in my opinion the most distinguished record of public service in our country today," and "with every new position he has won more and more respect." And to the Vice President, who, addressing the Texas House, said he was proud to speak to "perhaps the most prestigious and honored institution in our state."

Best Constituent Telegram of the Session

In May, Sen. Don Henderson, the Republican of Houston, received a telegram stating, "We, the God-fearing citizens of Texas who elected you encourage you to oppose the Youth-in-Asia bill."

Remember Old Yeller

After a debate in the Senate on a bill to allow pet owners to vaccinate their dogs, Lt. Gov. Bill Hobby assured the bill's sponsor, Sen. Bob Glasgow, "You can probably get 21 votes again tomorrow . . . unless everybody's gone mad."

The Exceptionally Astute Observations Award

To Rep. Brad Wright, the Houston Republican who looked out upon a group of mostly Hispanic citizens rallying for an indigent health care package and commented, "This is not your basic Republican constituency."



I See by Your Blessing You've Been Fooling Around

At the end of a long day of public hearings on the proposed abortion regulations in the House, a Baptist preacher gave the issue a new twist. He said that, although it is often overlooked, abortion is a "grandparents' rights" issue. "A grandparent needs to know if there's a blessing in their child's womb," he said.

The Great Debate

Arguing against Jesse Oliver's indigent health care funding bill during the special session, Rep. Alan Schoolcraft, R-San Antonio, got into a discussion with Rep. Paul Colbert, D-Houston, on the dangers of social programs.

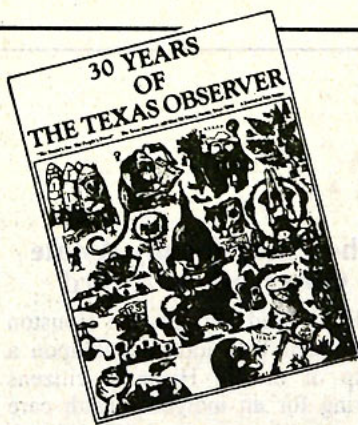
Schoolcraft: "States have gone bankrupt. . . ."

Colbert: "Name me a state that's gone bankrupt."

Schoolcraft: "Rep. Hill says California has gone bankrupt."

Colbert: "California has gone bankrupt?"

Schoolcraft: "I'm not going to stand here and debate with you about which states have gone bankrupt."



Don't miss your chance to buy a poster of the *Texas Observer's* 30th Anniversary cover.

Artist Tom Ballenger's Texas landscape highlights the outrageous aspects of Texas culture. From crippled nuclear plants to clear-cutting to pesticides pouring into the Gulf, it is the concerned citizens' guide to forces that are shaping this state.

Show your out-of-state friends what Texas politicking is all about. Or add a touch of satire to your den. The 17 by 22 inch poster costs \$5 (tax included) plus \$1 for postage and handling.

Also on sale are copies of the 30th Anniversary issue for \$2 each. (If you plan to order more than 10 copies, contact the *Observer* for discount rates at 512-477-0746.)

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600 West 7th Street
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Bonno

The Rod Serling Oratory Award

Imagine, if you would, Rep. Anthony "Tony" Pulumbo of Houston — a conservative Democratic legislator, a pipe-smoking law-and-order man, whose imagination one day in February breaks loose from its staid bonds and paints pictures for a House committee of ever escalating horrors, of a world befitting Heironymous Bosch. Picture, if you will, Mr. Pulumbo, as he leads committee members on a tour of his own personal Twilight Zone:

"Imagine for a moment, if you would, a terrorist," Pulumbo said, "who puts a bomb in a crowded airport . . . and kills hundreds of people. Or, imagine if you would, a person that starts across the state of Texas on a killing spree, just to see what it's like to kill. Or, imagine if you would, a person that takes and poisons the drinking water of an entire city.

"The United States Supreme Court Justices, in arguing the constitutionality of the death penalty cited similar examples of cases deserving," and here Pulumbo paused dramatically, "the *death penalty*."

Pulumbo's mind then took a more fanciful twist. He continued: "You know, as I began studying the capital punishment statute, I came to the realization that I could, for instance, shoot Representative Morales and kill him intentionally, and rob him of a dime. And then I would be eligible for the death penalty. However, if I elected not to rob him of that dime, and instead shot my co-author here, Representative Patricia Hill, and intentionally killed her, too, then I would not even be eligible for the death penalty in the State of Texas."

Over the Edge

Testifying on Rep. Pulumbo's death penalty bill, Michael Coe, a deputy sheriff in Houston, opined that expansion of the death penalty would help curb international terrorism.

Central America already has "Soviet-Cuban-Libyan-Iranian influence," he said, and "Texas has an international border leading to Central America."

Show Senator Roy Acuff Voting Aye

The *Dallas Morning News* in April ran a picture of Sen. Chet Edwards with the cutline "Sen. Chet Atkins rallies an 'aye' vote."

Best Scatology Fit to Print

Ag Commissioner Jim Hightower said of legislative efforts to cut his authority: "It's kind of like being a fire hydrant at a dog show."



Bonno

They Shoot Horses, Don't They?

"If I ever vote for a state income tax," declared Rep. Edmund Kuempel, R-Seguin, in May, "you have my permission to shoot me and no charges will be pressed."



Krone

Moment of Truth

When San Antonio senator Cyndi Krier claimed that a bill on the Senate floor was hypocritical because it was merely an attempt to "give lawyers a raise," Sen. Carl Parker responded, "Senator, haven't you learned yet that hypocrisy is an integral part of this process?"

A Legislative Round-up



Hunger Program Funded

A bill setting aside \$15 million to feed the hungry in Texas was signed by the governor in May, after Sen. Hugh Parmer of Fort Worth guided it through the Senate and Rep. Juan Hinojosa sponsored it in the House.

The hunger bill was a significant accomplishment in a session of budgetary constraints. Sen. Parmer had gathered evidence of hunger in Texas as leader of an interim committee on hunger and nutrition. The committee recommended spending \$20 million to deal with the problem. Parmer said he was hoping to get at least half of that and so was pleased with the \$15 million funding. As a result, he said, "over the next two years 140,000 Texans will be spared the indignity of going hungry in a land of plenty."

The program calls for state monies to go to the Supplemental Food Program for Women, Infants and Children (WIC), for home-delivered meals to elderly shut-ins, and for emergency food assistance programs.

The Primary Stays Where It Is

A bill to move the date of the Texas presidential primary from May to March came so close to passing that a day after the session ended Sen. Chet Edwards was still running around rounding up support for it. Edwards was quixotically counting votes in the House in case Gov. Mark White chose to give the primary bill another chance in the brief two-day

special session he called to pass the indigent health care package.

The bill drew a six-hour Republican filibuster before it passed the Senate in April. It was held up in the House numerous times as it worked its way through the committees, as both Republicans and conservative Democrats worked against it. It came limping out of the House with an amendment to make the early primary date effective in 1986 — a proposal Senators objected strongly to, charging that it was calculated to help the re-election efforts of House conservatives such as Stan Schlueter, D-Belton.

On the day before the end of the session, Sen. Edwards declared the bill dead — the conference committee couldn't meet because the House members had gone off to a barbeque in Salado, and Republican Senator Buster Brown was threatening to filibuster if it got back to the Senate. But, the next day, with four hours until the midnight end of the session the conference committee made a last stand. Two proposals to reconcile the differences failed.

The bill would have a chance again if a special session is called some time in this biennium, but if it waits until the 1987 session, senators fear it will go nowhere because the political season will already be in swing.

Minimum Action on Minimum Wage

A bill proposing to raise the state minimum wage from \$1.40 an hour to \$3.35 was sponsored by Rep. Alex

Moreno in the House and Sen. Craig Washington in the Senate. The change would primarily benefit the state's farmworkers, who are often payed at a piece rate that may or may not amount to the federally mandated minimum wage of \$3.35 (which does not cover all farmworkers). The bill was never likely to get out of committee this year; still, it was "tagged" by Sen. Bill Sarpalius (a delaying tactic used in the Senate) before it was heard in committee May 13.

"Son of Hoe" Dies

Another farmworker bill, outlawing the use of some short-handled tools, went further than the minimum wage bill, but was also unsuccessful. The bill was referred to as the "Son of Hoe" bill because it followed in the footsteps of a 1981 bill that outlawed the short-handled hoe. Some farmworkers complain that they are still required to use implements that make their work more backbreaking than it would have to be. The bill was approved in House and Senate committees and set for floor debate but neither chamber got to it.

River Authorities to See Sunset

In a perfectly executed sneak attack, Sen. John Sharp, the Democrat from downriver (Victoria) who is no great buddy of the state's river authorities, brought the boards of river authorities under the sunset act — giving the legislature periodic review of the authorities and the power to let the boards fade out of existence if they are not thought to be necessary. Sen. John Montford, D-Lubbock, introduced a bill to the same effect earlier in the session, but it died in committee. But on the afternoon of May 24, while a bill by Sen. Caperton was on the floor, Sen. Sharp rose and said calmly, "Senators, this amendment puts river authorities under the sunset process." There was momentary silence, and then a good deal of chuckling as the presiding officer, Sen. Carl Parker, took a quick voice vote. Sen. Buster Brown, the Republican from Lake Jackson stood up with a "Hey, wait a minute" look, but didn't get a word in. On the subsequent roll call vote, the amendment passed 20-8. Sharp said later that "every river authority general manager in the world is sitting outside the House" to lobby against the bill there. Conservatives in the House argued against the amendment, but unsuccessfully. Sharp said he had "cooked up this little scheme" a month earlier because he believed the river authorities were not responsive to the legislature. He said his move was

"to make them compromise, to make them work with the legislature just like all the other sunset agencies."

Voting Rights for Felons

At a benefit for activists Charlie and Pauline Sullivan in March, former Galveston Senator A. R. Babe Schwartz remembered the days in the legislature when "not one damn person cared about felons' rights, except felons and Charlie and Pauline." Such days are not completely behind us. Sen. Craig Washington, D-Houston, was one of the few people to consistently stand up and insist that punishment is one thing and inhumanity is another. When a bill having to do with the recodification of election law came up in the Senate, April 24, Washington offered an amendment allowing convicted felons to register to vote upon their release from prison. Current law requires a five-year waiting period before voting rights are restored. San Antonio Republican Cyndi Krier, seeming a bit scandalized at the idea of a released prisoner walking out of prison and right down to the voter registrar's office, challenged Washington, saying such a substantial change should be offered in a separate bill. Washington said the senators were unable to give a good reason "why someone who has been incarcerated and had their civil liberties removed should not have them immediately restored when they are released." His amendment lost 16-14, but a subsequent amendment by Sen. Chet Brooks, D-Pasadena, reducing the waiting period from five to two years, passed by a 16-13 margin.

"Right-to-Know" Passes

The state's first "Right-to-Know" law passed both chambers after Rep. Ed Watson, D-Deer Park, agreed on a compromise version of the bill with the Texas Chemical Council and the Sierra Club. The bill gives workers in manufacturing industries, and the public at large, the right to know what chemicals are being used in the workplace. Watson said of working with the Chemical Council, "I've found that when you're reasonable, they're reasonable." He said bargaining with his adversaries was nothing new to him, having done it as a union president for many years.

One of the keys to getting the bill through without controversy, however, was to leave agricultural workers out of the law. As it stands, neither farmworkers nor farmers have the same right to demand information from pesticide makers on what chemicals and what hazards are involved in their workplace.

Dues Check-Off Stalled

Among the bills that fell victim to union-phobia this session was one carried by Kent Caperton in the Senate and Gene Green in the House that would have allowed state employees to authorize automatic paycheck deductions for unions or charitable organizations.

Wayne Smith of the Texas State Employees Union told a Senate committee May 13 that the practice is available to other workers all over the state and that the legislation would cost the state nothing. The Senate State Affairs Committee, however, took no further action on the bill. In the House, TSEU lobbyists scrambled to collect pledges of at least 80 House members, but were unable to persuade Rep. Bill Messer, the chair of the Calendars Committee, to set it for a House vote. The bill was opposed by the Texas Right to Work Committee, which said that dues check-off was "the proverbial foot in the door" that would "thrust power in the union's direction." The Texas Public Employee's Association also opposed the bill, since it would be likely to bring more money into the coffers of their rivals at the TSEU. "This bill would open the door for union dues checkoff and TPEA opposes the idea of labor unions in state government," said the director of the association.

Alimony Seen as Bad Business

The men in the House rose up in May to boo and hiss a proposal to allow alimony in Texas. The Senate passed a bill by Sen. Kent Caperton that would for the first time allow a judge to award alimony to women married longer than ten years. But in a test run in the House — a vote asking that the bill be hurried through committee — the measure drew instant disapproval. A House committee late in the session did approve the bill, but it never got set for floor debate.

In one of the more peculiar arguments against alimony, Rep. Charles Evans, D-Hurst, suggested it would scare corporations away from Texas. Evans told the *Fort Worth Star-Telegram* that the absence of an alimony law "is one of the items that comes up consistently when you are in the North or the Northeast trying to lure corporations to Texas. It comes up as one of the attractive things in Texas — that you won't have all the matrimonial problems because you don't have alimony."

Making Criminals Pay

Part of the spirit of the 69th legislature was to make citizens pay more for all sorts of government services and to make criminals pay for their crimes — in more ways than one.

Rep. Bill Ceverha, R-Dallas, was behind a proposal to put a new charge on prisoners; included in the Omnibus Fee Bill that passed the House and Senate is a new requirement that parolees pay a \$10 a month "parole fee." Prison activist Charlie Sullivan said the move was "a real step back" that might lead to parolees "stealing to stay out of prison." "They've got enough problems, parolees, without putting a tax on them. I think it's just terrible," Sullivan said.

Rep. Randy Pennington, R-Houston, also had a bill to make prisoners caught through "Crime Stoppers"-type programs pay the \$1,000 or so that was paid out by the program as a reward. The bill passed the House, but got stopped in the Senate, at least partly because Pennington had the bright idea of suggesting to a few senators that their bills might do better in the House Calendars Committee (upon which Pennington sits) if his bill got favorable treatment in the Senate.

A Bad Session for Open Government

Relating to the Open Records and Open Meetings Acts, the session saw one bad bill and one good bill. The bad bill passed and the good bill died.

A bill by Rep. Charles Evans, D-Hurst, sought to make some communications to legislators from the State Auditor, the Legislative Budget Board and the Legislative Council exempt from the Open Records Act. The bill passed the House but was substantially modified by the Senate in the final days so that only correspondence from legislators' constituents and some computer information was exempted from the Act.

A bill by Sen. Kent Caperton and Rep. Tommy Adkisson, D-San Antonio, that would have strengthened the Open Meetings Act by clarifying which governmental meetings were to be open, passed the Senate but died in the House Calendars Committee in the last week of the session.

John Hildreth, the director of Texas Common Cause, said the session was "a disaster" for political process issues. Bills on campaign finance reform and conflict-of-interest standards died, as well as the bill strengthening the Open Meetings Act, he said. □

Bentsen Bonanza

✓ Texas produces more hazardous waste than any other state in the union, according to a Congressional Budget Office study. Texas accounts for 13 percent of all toxic waste produced in the United States — 35 million metric tons in 1983. Oil refineries and chemical firms account for most of the production.

Ever the friend of the petrochemical industry, Sen. Lloyd Bentsen sponsored a successful proposal on May 16 in the Senate Finance Committee for a new broad-based excise tax to pay for toxic waste cleanup. Bentsen contends that toxic waste is society's problem, not merely a chemical industry problem. Bentsen's measure would save the Texas petrochemical industry an estimated \$564 million a year. The proposal, co-sponsored by Sen. Malcolm Wallop, R-Wyoming, would raise an estimated \$7.5 billion over five years. This is much more than the Reagan administration is asking. Lee Thomas, head of the EPA, says that the agency could not possibly manage to spend more than \$1 billion a year on cleanup.

✓ The Texas petrochemical industry produces, besides solid wastes, another noxious byproduct that is coming under increased government scrutiny — toxic air emissions. Although recent studies have increasingly linked cancer and other illnesses to chemical emissions, it was the Bhopal, India, disaster that galvanized legislators and regulators to take a closer look at toxic emissions as a serious air pollution problem.

Some chemical experts now say that these emissions from plants are the major air pollution danger in America today. These toxic substances fall into four categories; synthetic organic chemicals, natural organic chemicals, fibers and metals. Although much more dangerous, these substances are not covered by federal air pollution regulations written in the 1970's, which have focused on inorganic combustion products. The toxic emissions are dangerous in small quantities whereas the regulated air pollutants are associated with respiratory problems and eye irritation but only when discharged in large amounts.

The difficulties in regulating toxic emissions are manifold. Information from the companies is hard to get, and regulatory agencies can't seem to agree on who is responsible for what. The

wording of the Federal Clean Air Act, though very stringent, has effectively crippled EPA's efforts because it is interpreted so differently by environmental and trade groups. The result has been that EPA has done very little. EPA only specifically regulates six of approximately 60,000 chemicals that are regularly emitted. Although some states and localities enforce tougher air control methods, according to Harold J. Corbett, senior vice president of the Monsanto Company, the impetus to clean up operations now comes primarily from peer pressure rather than government regulation.

The largest body of information available on toxic emissions was gathered this year by a House subcommittee on health and the environment and is based on a survey of 86 major chemical companies. Response to the survey was voluntary and, while some companies provided ample information, others refused to provide any data.

The House committee survey looked at 302 plants in 34 states and found that these plants alone released more than 62 million pounds of toxic chemicals a year. Some of the heaviest concentrations are along the Texas Gulf Coast. The study also found that large companies generally emit the most toxic substances — a few large plants account for most of the chemicals emitted.

The five plants of Shell Oil Company's chemical division in Texas, Louisiana and Illinois, for example, account for about 61 percent of all benzene emissions tabulated. Two Diamond Shamrock Corporation plants in Texas and Delaware and another plant in Louisiana emitted 56 percent of the carbon tetrachloride released. Benzene is a known carcinogen, causing leukemia, and evidence suggests that carbon tetrachloride also causes cancer.

According to Jim Price of the Texas Air Control Board, the Board first began studying the regulation of toxic chemicals in the late 1960's. In 1972 the agency instituted a permit system that requires "the best available control technology" for all new plants built and for any significant changes or additions to existing sources. The regulation does not specifically regulate toxic chemicals but rather covers all volatile organic compounds which encompasses toxic and non-toxic emissions. Price feels that the permit system is a real strength of the agency and has been very effective.

Price is confident that Texas' air control standards are rigorous enough.

to protect public safety. One Louisiana study has shown that people living within a one mile radius of chemical plants in that state show ten times the average of cases of lung cancer. But Price's studies have not found a strong correlation between exposure to chemical plant emissions and increased incidence of cancer in Texas. And, there "is significant uncertainty about how much cancer is produced by air pollution" he adds. Price feels that new regulation is not needed in Texas because the remaining risks are so slight that new rules would not be cost effective. He is confident that the large chemical companies in the state are environmentally responsible and that the only remaining hazards could be from small plants with operators who don't understand the hazards of the chemicals they are working with.

The Texas Air Control Board went through sunset review in the recent legislative session, and was given a number of strict enforcement tools, including authorization to levy administrative fines on violators of the Texas Clean Air Act.

Nuclear License

✓ In a surprising burst of Texas jingoism, U.S. Representative John Bryant, D-Dallas, told a nuclear industry trade group that he had thwarted plans by Rep. Edward Markey, D-Mass., to hold hearings in Texas on the troublesome Comanche Peak nuclear power plant by telling him not to "meddle" in Texas affairs. Markey, a vociferous critic of the nuclear power industry, is chairman of the House Energy and Commerce subcommittee that oversees nuclear plant licensing. Bryant is also a member of the subcommittee.

Bryant's comments were made in a speech at an Atomic Industrial Forum conference. According to a report in the *Fort Worth Star-Telegram* on May 21, Bryant "enthusiastically endorsed" proposals to speed up licensing of new nuclear power plants and to curb requirements to repair plants once deficiencies are found in other plants. "Enthusiastic" endorsement was a bit of an exaggeration, an aide to Bryant told the *Observer*, but the Congressman does feel that the nuclear licensing process is too cumbersome and the extra expenses it involves serve no one's best interest.

Comanche Peak has had its problems with the Nuclear Regulatory Commis-

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sion. William Dircks, the NRC's executive director for operations, said recently that the agency is conducting an intensive investigative effort to tackle Comanche Peak's licensing problems. Vince Noonan, the NRC project director for Comanche Peak, said that although the utility has been trying to rush licensing hearings, the agency is not prepared to do that.

Texas Utilities Electric Co., the primary owner of Comanche Peak, had recently been aiming for an early 1986 start-up date for Unit One, but in mid-May the company announced that it no longer knows when the plant will open, or how much it will finally cost. Comanche Peak, under construction for eleven years, is already five years behind schedule and six times over the original estimated cost.

One last monkey wrench was thrown in the utility's works on May 23 when seven former employees joined a lawsuit against Texas Utilities and the builder Brown and Root alleging that it was corporate policy to harass and fire workers for reporting construction flaws. The ex-employees' lawyer said that information uncovered by the NRC's investigation will strengthen their case.

✓ Kelly Air Force Base in San Antonio

does the maintenance on all Air Force C-5 airplanes. All the planes go through maintenance every three years and, according to a Kelly spokesperson, the maintenance includes checking things like whether all the plane's parts are properly attached.

But in the past two years 46 parts have fallen from airborne C-5 jets. And not just small parts either; on May 14 a 353-pound, seven-by-ten-foot door fell off an airborne C-5 and plummeted 6,000 feet into a field in Delaware. No one has been hurt in any of the incidents and, according to a Kelly spokesperson "there may likely be no connection between maintenance and objects falling off airplanes."

✓ Historic preservation Dallas-style: The City Plan Commission recommended in May that a church that had been designated the city's first historic landmark be leveled. In 1981 a fire of mysterious cause destroyed much of the church, and developers have maintained that nothing can economically be built on the site that would preserve the remaining facade. The church is going to be replaced by a drive-in savings and loan.

✓ The Right Man for the Job Award goes to the *New York Times*, which has Pennsylvania politics reported occasionally by Ben A. Franklin.

Pigs on Radio

✓ Radio Martí is on the air, to dubious political effect. Rep. Henry B. Gonzalez, D-San Antonio, described it as the Reagan administration's "electronic Bay of Pigs invasion." The omnipresent John R. Silber, who is a member of the Radio Martí Advisory Board, sees it differently. According to Silber, "no price is too high to take a stand against totalitarianism."

Although Radio Martí has enraged Castro, it is actually only a watered-down version of the show the Administration wanted to put on for Cuba. Congress placed Radio Martí under the control of the Voice of America, which is required to maintain a balance in its news reports. The Reagan administration wanted it to be a separate entity like Radio Free Europe and Radio Liberty, which blast untempered pro-American propaganda at Eastern Europe and the Soviet Union. Radio Martí programmers will have to settle for more subtle programming that highlights the "lack of opportunity" in Cuba, said Rogene Waite, a Voice of America spokesperson. □

Political Intelligence is gathered and reported by Kathleen Fitzgerald.

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Darkness of the Heart

By Geoffrey Rips

I think I would have raised an outcry if I had believed my eyes. But I didn't believe them at first — the thing seemed so impossible. The fact is I was completely unnerved by a sheer blank fright, pure abstract terror, unconnected with any distinct shape of physical danger. What made this emotion so overpowering was — how shall I define it? — the moral shock I received, as if something altogether monstrous, intolerable to thought and odious to the soul, had been thrust upon me unexpectedly.

Heart of Darkness
Joseph Conrad

Austin

IT WASN'T totally unexpected, given the players involved and the manner in which the state legislature was forced into a special session in order to conclude its business on the matter of indigent health care. The fact that the strategy session called by the Conservative Coalition of the Texas House of Representatives to determine how to kill indigent health care funding during the called special session turned into an orgy of cold-hearted and racist speculation was not a complete surprise. Had not the prince of legislative darkness, Rep. Bill Ceverha, R-Dallas, just the night before chubbed the health care bill into oblivion by talking out the clock for the 69th legislative session?

That night Ceverha, in his finest misanthropic hour, with the aid of such beacons of enlightenment as Milton Fox, R-Houston, Foster Whaley, D-Pampa, and Pete Patterson, D-Brookston, had spent the last minutes of the regular session asking questions on a number of bills in an effort to delay legislative activity — called “chubbing” — in order to have the clock run out on a number of important bills, including the funding bill for indigent health care. After Jesse Oliver, D-Dallas, introduced the bill at 11:57, Ceverha took the mike to speak in opposition and was greeted by a chorus of hissing. But the deed was done. The clock ran out, even after stopping for several min-

utes at 11:58, in deference to legislative tradition. One hour later, Governor Mark White announced a special session for the next day, sending the Conservative Coalition into a strategy session the next morning in an effort to subvert Oliver's bill.

In the meantime, Ceverha, longtime denizen of the right-wing fringe, found himself being interviewed by the media. “The counties would still be taking care of indigent health care as they always have,” Ceverha told reporters as the special session began. “Parkland Hospital has always taken care . . . of health care in Dallas County.” Perverse logic, but almost statesmanlike for someone who has spent most of his legislative career concentrating on bills determining which appendage goes in what orifice.

But put Ceverha and his kind together in a meeting of the Texas Conservative Coalition, and all pretense of statesmanship, despite the handful of reporters in the room, goes out the window. They were all white, smug, and almost unanimous in their desire to kill indigent health care in the state. House Ways and Means Chairman Stan Schlueter, D-Killeen, wanted to use the occasion of the reconsideration of indigent health care to tack on right-wing legislation killed during the regular session, such as a bill by Rep. Bill Messer to reduce the number of state employees, called a “government efficiency” bill. From that elevated point, the debate descended into the abyss.

Consider Rep. Alan Schoolcraft, a Republican attorney from San Antonio, who was a cheerleader in the fight to gut the indigent health care program. He told the coalition that the only government responsibility in these matters, as dictated by the state constitution, was that “counties must take care of their paupers.” Schoolcraft proposed that they amend the Oliver bill with an exemption to the homestead act, wherein “a lien for services could be attached.” In other words, Schoolcraft explained, the hospital would receive a second mortgage on a

patient's home as collateral for all hospital bills. He quickly assured his colleagues that this did not mean that hospitals could foreclose on patients. There would be safeguards so they could only foreclose on a patient's heirs after that patient's death. Call this the “euthanasia incentive” bill. Even this gathering was not impressed.

But Schoolcraft pressed on, engaging in lively repartee with that slow train to Tulsa, Rep. Cliff Johnson, Democrat from Palestine. Said Johnson, “What we're creating is state Medicare.”

“Medicaid,” Schoolcraft rejoined. Referring to the Oliver bill, Schoolcraft complained, “You can ask them [the poor who qualify] for a token payment, but if they're unwilling to give a token payment, you're still got to give them the care.”

“Should we drop our major medical?” asked Johnson, laughing.

Schoolcraft answered that they ought to be considering “some sort of workfare program like the one that Geistweidt [R-Mason] set up [proposed in 1983].”

Johnson sneered that people in his three counties [Anderson, Cherokee, Freestone] “are going to be paying for people in Dallas County or Harris County or San Antone.”

“Pretty soon we'll be coming in with equalization aid,” said Schoolcraft. “Did the War on Poverty eliminate poverty?”

Then Foster Whaley added his two cents: “Look at what aid to abused children [apparently meaning Aid to Families with Dependent Children] was. Go back ten years and I don't think you even had a program [compared to the money being spent on it now]. It's going to be a bottomless pit.”

This bottomless or “deep pit” metaphor came up again and again in the rhetoric warning of the dangers of this legislation. It was most clearly articulated by the coalition's chief ideologue, Gerald Geistweidt. Geistweidt warned that welfare programs, deficit spending, income taxes, and all the other evils of twentieth century America were about to burst upon Texas. He told his colleagues that this “is the first gut vote you're going to have” to determine whether Texas will become another welfare state. “Stop it now or be a part . . . of the biggest welfare scheme this state has ever set up. My constituents have said we've

had enough. Hospitals will continue to pay for these people whether we pass these bills or not."

Let it be noted that there were a few trying to buck this tide of ill will. When Republican Tom Craddock of Midland proposed an amendment, later introduced by Schoolcraft on the House floor, calling for an interim study, a 10 percent cap on county costs, and the government efficiency bill as the means of funding, Rep. Anne Cooper of San Marcos reminded the coalition that when the session opened in January they had each received a report from the committee set up to study indigent health care during the previous interim. "It would behoove you to go read that," she chided.

Then there was Rep. Gordon "Doc" Arnold, an attorney from Terrell. Arnold had served on the interim committee and argued throughout the coalition meeting for the Oliver bill. "We tend to have a stereotype of the people we're dealing with," he said at one point in response to concerns about "welfare

chiselers." "In the ten to twelve public hearings there was nobody pulling up in shiny cars." Later he said, "There are people being turned away from hospitals, people who can't find hospitals, people who can't pay for health care like neonatal care. . . . Hell, there's always a task force on health care. We've studied it for two years every two years."

But Arnold's arguments were overwhelmed on this dark morning of the soul. When coalition leaders asked for a show of hands to determine who would be voting against the Oliver bill, with or without amendments, approximately 50 hands waved in the air. Only Cooper, Arnold, and El Paso Republicans Arves Jones and Jack Vowell said they supported the health care bill.

They were no match for the racism and mean spirit that dominated the meeting. It was typified by the following exchange between Rep. Jan McKenna, Republican Right-to-Life mavin from Arlington, and Tom Waldrop, a Corsicana Democrat who chaired the meeting.

Asked McKenna: "Can someone give me some information on illegal aliens we would be funding in this program? I hear reports that we're already educating them. . . ."

Answered Waldrop: "I heard 50 percent of them would be Hispanics."

Said McKenna: "But not all. . . ."

Said Waldrop: "Alien or not."

AFTER FINAL passage in the House on Oliver's bill, Lieutenant Governor Bill Hobby told a gathering of bill supporters, "How anybody can oppose a program that will reduce the number of retarded people in this state through prenatal care is incredible to me. I hope anybody who voted against this bill will remember it all their lives."

They may remember it, but not with regret. More likely, they will justify their votes as the first "gut vote" against the spread of the welfare state. And their hearts will grow colder. And they will know even less than they knew before. □

New Bill of Health

By Dave Denison

WITH SEVEN HOURS until midnight on the last night of the legislative session, five members of the House sat down with five members of the Senate to iron out differences in a bill that would keep the sun from setting on the Texas Department of Health. It was a bill that had to pass, of course — the Department of Health (TDH) is one of the biggest agencies in state government and was due to expire under the state's sunset law unless the legislature specifically reauthorized it.

But swirling around the room that night as the clock ticked away were a few unresolved issues that had simmered all session and now had come seeking final resolution under the TDH sunset bill. Nursing home regulations — always fought by a vocal lobby group — were included in the bill. The re-creation of the Health Facilities Commission — an agency that tends to make some House members see red — was in the

bill. And abortion regulation was in the bill.

The abortion regulations had for two weeks been threatening the very survival of the bill. Sen. Ted Lyon, D-Rockwall, a Catholic who has long wanted to see some state abortion legislation, amended the TDH bill in the Senate. But Sen. Craig Washington, D-Houston, and Sen. Oscar Mauzy, D-Dallas, had threatened to filibuster the final passage of the bill if it contained the abortion language. This would have led to the death of the TDH bill and would have forced the governor to call a special session to get it through.

The Health Facilities Commission, a three-member board that decides when and where hospitals and nursing homes are allowed to open, was opposed tenaciously in the House, on the grounds that it allowed the government to interfere in the "free market." The House had rejected a bill to allow the eight-year-old commission to continue, but the Senate recreated the commission

by an amendment to the TDH sunset bill. Rep. Brad Wright, the Houston Republican with an almost fanatical zeal to end the commission, had vowed that the House would not accept the Senate amendment; this too could have led to a special session. Wright was on the conference committee that took up the TDH bill, as was Sen. Lyon, who was there to press for his abortion amendment.

The ten conferees started off amicably enough, trading off minor points. At one point, Rep. Bill Messer, D-Belton, got caught up in the spirit of it and — since the House had just allowed the Senate to require toilets on trains — asked for removal of Senate language creating a system of reporting on diseases related to occupational and environmental factors.

"I think that's a somewhat more significant issue," said Sen. Hugh Parmer. "Nice try," added Sen. Lyon. Messer argued that, since the Occupational Disease Reporting requirement had originally been a separate bill and had not gotten through the House, it must not have been extremely important. Senators pointed out that it did not get through the House because it was stuck in the House Calendars Committee, which Messer chairs. "Bill, I really think that's a good thing," said Lyon of the Senate's proposal. "It actually could wind up saving industry a great

deal of money." Messer eventually agreed to go along with it.

Messer also at first resisted the senators' efforts to raise the permissible level of health department fines against nursing homes from \$1,000 a day to \$10,000. Sen. Chet Edwards, D-Duncanville, argued that the \$1,000 fine is too low to be an effective penalty. Messer agreed to accept the \$10,000 level fine on nursing homes if the fine on certain hazardous waste generators was lowered from \$25,000 to \$10,000.

By 8 p.m. the conferees had settled all issues except the abortion and the Health Facilities issues. During a break, they conferred in an informal huddle on the Senate floor. Brad Wright made it clear he did not intend to budge on the Health Commission issue.

When the legislators resumed their meeting, the confrontation was set. Before voting on a motion to strike both the abortion language and the Health Facilities Commission, Sen. Lyon said, "I've got a few things to say." He addressed Rep. Wright directly, saying that if another two years went by without abortion regulations in the state "you're the one who bears all the responsibility for it." Wright and Lyon then proceeded to attempt to out-Right-to-Life each other.

"Are you for regulating abortion clinics in this state?" asked Lyon.

"Senator, I've voted with the Right to Life movement for ten years," Wright responded.

"We haven't voted on it in ten years," Lyon said.

Wright said he had voted against abortion in various committee votes. Lyon charged that Wright's intransigence on the Health Facilities issue, showed he was willing to sacrifice the abortion amendment. Wright became anxious to prove that this was not necessarily so.

This set the stage for a motion by Sen. Washington to test Wright on that point. In order to keep the abortion language in the bill, and to keep Washington from filibustering against it, would Wright agree to one small concession on the Health Facilities issue? Washington proposed that the HFC be removed from the bill, as Wright wished, but that the Senate language in a related section be allowed to stand. The Senate language permitted the governor to recreate an agency or mechanism similar to the Health Commission if it became apparent that federal funds might be lost because the commission had been abolished. To Wright, this left an opening for continued government meddling — and put the decision in the hands of the

Democratic governor. The return of an HFC-type structure was not unlikely, because it left the state without a cost-containment mechanism — something the federal government had required in 1976 in an effort to curb rising health-care costs.

But having had his Right-to-Life credentials challenged, Wright had been shaken loose from his free-enterprise perch long enough to think it over. He looked at his fellow Republican, Rep. Terral Smith. Smith nodded, Wright agreed, and Washington said, "It's a deal."

Afterward, Lyon said, "I couldn't be happier." He said of Wright, "We painted him into a corner just now and he couldn't get out of it." At 20 minutes to midnight the Senate passed the TDH sunset bill. Lyon thanked Lt. Gov. Bill Hobby for supporting his efforts to get the abortion language in the bill. "A lot of that credit goes to you," he said. The bill passed the House moments later.

THE FIGHT over the abortion regulation was largely symbolic, and mostly a part of the greater political maneuverings. The regulations, in actual practice, are not far-reaching, and were not opposed by pro-choice activists. Abortion clinics will now be required to be licensed, to comply with TDH sanitary standards, and to keep statistics on abortions performed.

The effect of abolishing the HFC is open to question. One of the prime purposes of the commission is to prevent too many hospitals from opening in wealthy areas, while poor districts go underserved. Sen. Chet Edwards, the Senate sponsor of the TDH sunset bill, says, "I think you're going to see, as a result of not having a Health Facilities Commission, a flurry of hospital building." He foresees private hospitals moving into the vicinity of public hospitals, and a resulting increase in taxes to support those public hospitals. "To say let the free market work is a nice cliché that just doesn't apply to the hospital business," Edwards says.

Edwards says he was also disappointed that both the House and Senate did away with a provision in the Health Department bill allowing "liquidated damages" to be levied against nursing homes by the Department of Human Resources. But he at least won the inclusion of administrative fines by TDH up to the limit of \$10,000 a day. Among other significant nursing home reforms, Edwards lists new protections for employees who may have been fired for reporting violations at the home, a new



Photo by Alan Fogue

Rep. Brad Wright

requirement to keep nursing home inspection reports available for public inspection at the home, and the establishment of a \$100,000 trust fund that the state can use to operate a home temporarily in the event it is about to go under, in order to prevent sudden transfers of elderly patients. □

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Part II

Feeding the "Trillion-Dollar Rat Hole"

By Tristram Coffin

This is the second in a series of reprints from Tristram Coffin's newsletter, *The Washington Spectator*, describing the Pentagon's extravagance and mismanagement of military contracts.

FOOLING THE CONGRESS

Some examples of the way Congress is bamboozled into voting for extravagant programs are cited by the General Accounting Office.

- "The B-1B program office [in the Pentagon] was told by the Secretary of Defense to exclude certain items — e.g. the simulator — from the B-1B program so that the President could certify that the program costs would not exceed \$20.5 billion."
- "The production decision program cost estimate for the Army's Apache Helicopter . . . excluded \$291 million in research, development and investment costs associated with the combat mission simulator, and \$59 million in costs associated with aircraft survivability equipment."
- "The Bradley Fighting Vehicle System [a super-tank] program office cannot explain why costs increased \$5.6 billion between the two estimates," one in 1979, the other in 1982. The increase was from \$7.7 billion to \$13.3 billion.
- "It was determined that for the period 1977-79, the contractor underestimated the man-hours required to produce the first 163 Black Hawk helicopters by over 54 percent."
- "The Army is paying a Ford Motor Company subsidiary as much as \$84 million in excess prices for the Divad gun, a troubled new anti-aircraft weapon, according to an internal Pentagon investigation." (*Wall Street Journal*). Rep. Denny Smith (R-Ore.) states, "Internal controls were bypassed and the Army chose to ignore, or not fully use, information that provided repeated warnings of potential problems."
- "The Alaska, a 560-foot nuclear-powered submersible that functions as a launch pad for the nuclear-tipped Trident missile, was constructed over a five-year period at a cost expected to be about \$1 billion. But if terms of the original contract had been held, it would have been delivered at a cost of \$379.5 million" by General Dynamics. (*New York Times*).
- Two Air Force maintenance technicians told a Senate hearing that "the Air Force equips its C5A cargo planes with \$7,600 coffeebrewing machines that commercial airliners buy for less than one-third as much and with \$670 armrests that could be produced for \$25." (*Washington Post*).
- Last summer, the Navy found cracks in the tails of its new F-18 fighter jets.
- Senator William Proxmire (D-Wis.) released internal General Dynamics Corp. documents which suggest that the nation's biggest defense contractor "was largely responsible for cost overruns on an attack submarine program that cost taxpayers an extra \$634 million." (*Washington Post*). Proxmire said that senior Navy officials collaborated with General Dynamics "to jointly contrive an explanation that would be approved by Congress."

MANY ARMS DON'T WORK

The arms are not only overpriced; many are inoperative. Examples:

- The Navy grounded one-fifth of its AGE attack aircraft, the Navy's only all-weather bomber to operate from carriers, because "tests have shown that the plane's wings may last only half as long as believed . . . The Navy has grounded 66 AGEs and has restricted the maneuvers of another 112,

affecting about one-half of the 344-plane fleet." (*Washington Post*).

- As a part of the \$200 million military aid program to El Salvador, that country ordered 19 million rounds of ammunition from a U.S. company. Troops in the field discovered that the bullets caused their M16 rifles to jam. Federal investigators determined that much of the ammo was defective.
- Inadequately tested electronic parts, called chips, manufactured by Texas Instruments, Inc., have put a "serious" question mark over the reliability of thousands of our most sophisticated weapons, according to the Defense Logistics Agency.
- The Navy has recalled more than a third of its first batch of Trident nuclear missiles because of problems with the first-stage engine. A senior naval officer spoke of "the possibility that failure might exist" in the whole arsenal of more than 700 Trident C-4 weapons.
- Little more than a year ago, the *Fort Worth Star-Telegram* reported: "Nearly 250 U.S. servicemen have been killed since 1967 aboard Bell helicopters that crashed because of a design flaw that remains largely uncorrected even though the Army discovered it in 1983." Not until more than a month later, when three servicemen died in the crash of a Huey helicopter, did the Army name a special panel to study the problem. In July, the Army grounded 600 Hueys to be equipped with stronger masts for turbulent weather.

PROFITS FOR ARMS MAKERS

A memorandum by Air Force Auditor General Jerome H. Stolarow said of a contract for modernized C5 transport planes, "For the five C5B aircraft currently on contract, the contractor is projecting a profit of 29 percent, nearly twice the 15 percent profit rate negotiated at the time of the contract award" in December 1982. "We estimate that the 'excess' profit will amount to \$162 million for the fiscal year 1985 option and \$315 million for the 1986 and 1987 options."

The *Washington Post*, which obtained the memo, pointed out, "The C5 has been a source of controversy for more than 20 years. The original versions experienced cost overruns of about \$2 billion, and their wings had to be replaced."

Ernest Fitzgerald has testified that one scheme to hide profits is to pad the books or overcharge the government as much as 20 times the hourly labor costs. In one case he cited, the real hourly wage was \$14, but reached \$114 in the contractor's statement to the Pentagon.

Fitzgerald, reports *The Machinist*, "said the overpricing scheme works this way: A contractor actually pays his employees \$13.92 an hour, a real example. Then he adds to that real rate such items as 'rework, special charges, planning, manufacturing development, shipping and manufacturing support' charges. Now he has the 'labor' costs up to \$20.62. Next he adds such things as 'tooling, quality and finance, on-line planning, overhead, inventory management' and now his 'labor' costs total \$99.13 per hour.

"Now that the contractor has the 'wage costs' up that high, he tacks on his profit. If it is 6 percent, his 'wage rate' is \$108.81."

Senator Proxmire commented on this testimony, "The higher the contractor can make his labor costs, the higher the profit the contractor can tack on the end."

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Civil Liberties Survive Another Session

By Gara LaMarche

ON ISSUES of civil rights and liberties, the 69th Texas Legislature was like a dog that often barked but rarely bit.

Few people around at the start of the session in January thought it would turn out that way, for all the signs were ominous. The 1984 election had swept into office 20 freshman Republicans, many of whom ran on New Right platforms. Many surviving Democrats were running scared, convinced that their political survival depended on embracing the Reagan agenda. Senator J. E. "Buster" Brown, R-Lake Jackson, and his "Associated Texans Against Crime" (as opposed to the rest of us pro-crime folks) were holding show hearings all across the state to build public support for eliminating legal "technicalities" to make it easier to lock 'em up and throw away the key. Right-to-lifers, crime victims groups, and anti-porn groups were becoming as familiar in the corridors of the Capitol as oil and gas lobbyists.

The opening weeks of the session gave further cause for alarm. Lt. Governor Bill Hobby, long a friend of the pro-choice movement, referred an 18-page anti-abortion bill to the Senate Intergovernmental Relations Committee, whose chairman, John Traeger, D-Seguin, promised to report it out "clawing like a tiger." In past sessions, such bills had gone to Sen. Oscar Mauzy's Jurisprudence Committee, where they received close study for the remainder of the session. Mauzy's committee had also been a graveyard for the dozens of bills filed each session to strip the people of one or another basic due process right, so when Hobby created a new committee on criminal justice and referred all the law and order bills to it, there were fears that the battle was over before it had begun.

Good government groups always complain that 140 days every other year is too little time for representative government to function effectively. But more sessions than not, it's seemed an excruciatingly long time to have the Bill

of Rights on the chopping block. This year it escaped with only a few nicks. Why?

First, a balance sheet. On the minus side, Speaker Gib Lewis pushed most of his "anti-crime" package through the legislature, but not without some modifications. Lewis had endorsed expanding the death penalty statute to cover serial and mass murders, extending the wiretapping and triplicate prescription laws, and enacting a long-sought measure to "instruct" juries about the effect of parole and good time laws.

There was never any real doubt that the legislature would correct a "loophole" in the capital murder statute and give the Henry Lee Lucas types the same penalty as the guy who kills a 7-11 clerk while stealing a six-pack of beer. Abolitionist forces made their case about the barbarism of the death penalty,

Gib Lewis picked the easy ones for his crime program and stayed away from other law and order bills.

and the racism which continues to pervade its application (while 60 percent of American homicide victims are black, all but one of the persons executed since 1977 had killed white victims), but the bill sailed to an early passage, without even a record vote in the House. The Senate amended it to cut out a provision that would have permitted capital murder prosecution for anyone who had previously killed someone, no matter how long ago in the past. In the closing days of the session, the clock killed two other death penalty-related bills — a bad one, to provide the death sentence for killers of children under 11, and a good one, sponsored by Rep. Larry Evans, D-Houston, which would have corrected the grievous injustice of executing an accomplice while the principal gets only a jail term.

The saga of the wiretap bill has been well reported in these pages (TO, 5/31/85). For most of the session, it was difficult to get anyone to pay attention

to the issue, which had produced bloody fights in each session it was introduced before privacy finally became a casualty of the Bill Clements "War on Drugs" in 1981. But after 54 House members joined Rep. Debra Danburg, D-Houston, in an unsuccessful floor effort to amend the bill to add a new sunset clause, the Senate got the message and added it back in committee on a motion by Sen. Ted Lyon, D-Rockwall. Lyon said he supported wiretaps but worried about "piercing the Fourth Amendment." Apparently the Legislature is not yet willing to give DPS a blank check in operating this intrusive technology.

The triplicate prescription law, which gives DPS a copy of every prescription written in Texas for some drugs (like Percodan), was renewed with barely a whimper of protest in either House, and jury instructions on parole was passed when members finally gave up on trying to write a comprehensible explanation for jurors of how Texas' byzantine sentencing laws work. The idea behind the bill is that if jurors get a ten-minute warning about how the defendant might get out sooner than they'd like because of parole or good time, they'll add a bunch of years on for good measure. Because Texas is one of the few states which retains jury sentencing, and because it is used in barely five percent of criminal cases, the debate was largely symbolic. It took on a comic tone when the bill's Senate sponsor, Buster Brown, tried to sell it as a *pro-defense* measure, arguing that juries sentence too harshly now because they speculate that parole and good time laws are more lenient than they really are.

On the plus side, while Gib Lewis picked the easy ones for his crime program, he didn't seem to care much about the dozens of other law and order bills. The prosecutors, on the other hand, seemed to scent the possibility of achieving many of the other long-cherished items on their wish list. The weekly hearings of the House and Senate criminal justice committees saw a constant parade of county D.A.s — Sam Millsap of Bexar County attended more committee meetings than most legislators. They tried to gut the state's exclusionary rule, a restriction on illegally-gathered evidence that has been on the books since Prohibition days, by tying it to whatever the Burger Court says the Fourth Amendment means: In another shot at states' rights, they tried to repeal Texas' statutory protections for oral confessions, which can now be used only if videotaped to assure voluntariness. They worked hard for a bill to eliminate defendants' option to have multiple offenses tried separately.

Gara LaMarche is executive director of the Texas Civil Liberties Union.

They didn't get any of this, and it could not be said that 1985 turned out to be the "year of the prosecutor," as many had prematurely labeled it. The D.A.s even saw their agency, the Prosecutors Council, abolished through the sunset review process.

Despite the strongest push in the twelve years since *Roe v. Wade*, no bill restricting abortion even made it out of committee in either House, and one suspects that Lt. Governor Hobby asked Senator Traeger to keep this tiger caged until the end of the session. Most of the pressure came on the House side, where Rep. L. B. Kubiak, the veterinarian from Rockdale, rewrote his 18-page bill at least six times in an effort to make it fly. It got shorter, but no better. Even though the final version, which finally passed a two-person subcommittee of

the House State Affairs Committee, dropped sections on parental notification and pre-abortion "counseling," the section banning late term abortions grew more draconian. The final draft, worked on by the office of Dallas D.A. Henry Wade (yes, the Wade in *Roe v. Wade*) contained a new provision permitting conviction of any party to the abortion (even the woman) on the uncorroborated testimony of any other party.

What came out of all this was a section setting up health and safety regulation of abortion clinics in the bill

Despite the strongest push in the twelve years since Roe v. Wade, no bill restricting abortion made it out of committee in either House.

extending the life of the Department of Health. Incredibly, the language was acceptable to both pro-choice and "pro-life" forces, but its chief significance was political — it got caught up in the debate over whether to extend the Health Facilities Commission, an agency some conservatives oppose almost as vehemently as they do abortion.

As for other social issues, the session got off to a shaky start when Rep. Robert Earley, D-Portland, tried to slip through, during the time in the House ordinarily reserved for birthday and memorial tributes, a resolution calling

for a constitutional convention on school prayer. His colleagues rose in anger (he had assured Gib Lewis that it was a "non-controversial" resolution), and the measure was referred to the State Affairs Committee, where it died a quiet death. There was no anti-gay action, as Rep. Bill Ceverha, R-Richardson, confined his mischief to other issues while the Fifth Circuit Court prepares to re-hear the appeal involving the Texas sodomy statute.

So why didn't the dog bite more often? Here are several factors to consider:

- The freshman class was, on the whole, more moderate than expected. Most of them ran like Jesse Helms but acted in office like Robert Dole.

- Most legislators don't want to vote on controversial issues. A handful of House and Senate members have vocal positions on either side of the abortion issue, but most would prefer not to have to deal with it at all and resent the efforts of zealots like Rep. Jan McKenna, R-Arlington, to force them to. Gib Lewis's desire to protect his House members from voting on explosive issues operated to the general benefit of civil liberties.

- A little-noticed but crucial role was played by some moderate legislators, many with law enforcement backgrounds, in resisting the prosecutors' wish list this session. With many liberals running scared on the crime issue, it was often moderates and conservatives, particularly those like Senators Ted Lyon and Bob Glasgow, D-Stephenville, whose prior careers insulated them from "soft on crime" criticism, who rose to the occasion to resist encroachments on due process.

- The civil liberties agenda is almost always defined in terms of blocking bad legislation, and because legislatures are set up to make it as hard as possible to pass bills, the odds are with you most of the time. In the closing days of the session, time kills more bills than the persuasive powers of any lobbyist.

- The Bill of Rights is essentially a set of limits on the power of majorities, and civil liberties were aided by the determination of one member of the Senate to use the anti-majoritarian device of a filibuster to prevent repressive bills from passing. Sen. Craig Washington's filibusters, or threats of them, resulted in improvements in the wiretap law and restrictions on the funds available for new prison construction by TDC, and prevented final passage of both the joinder and exclusionary rule bills. He literally stood up for the rights of Texans, and we all owe him a debt of gratitude. □

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Ethics Reform on Hold

By Donna Mobley

LAUWMAKERS SEEM TO require a good scandal to spur them on to passing significant ethics reforms. In the early '70s, Watergate and Sharpstown led to meaningful legislation on the national and state levels in such areas as campaign finance, lobby regulation, and conflict of interest. Immediately following his acquittal in the 1980 Brilab trial, House Speaker Billy Clayton filed legislation to create a "blue-ribbon" committee to conduct a two-year review and rewrite of the state's ethics laws, to be considered by the 1983 legislature. During the 1981 session, he joined a number of reform-minded legislators on the ethics bandwagon, pulling most of his own team members on with him, to pass campaign finance reforms outlawing large cash contributions and requiring political action committees (PACs) to identify themselves.

Recommendations of the blue-ribbon ethics study committee led to the passage of 14 bills in the 1983 legislature, among them the prohibition of personal use of political contributions, the requirement that lobbyists report money spent to influence state agency decisions, the creation of the State Ethics Advisory Commission, and the first conflict-of-interest law covering all local officials. Several bills that would have clarified and put some teeth into the conflict-of-interest laws covering state-level officials passed the Senate but died in the House Calendars Committee at the end of the session.

Some of those bills resurfaced this session but without the public outcry generated by a major scandal or the influence of a blue-ribbon committee and its staff. This time Texas Common Cause Director John Hildreth was almost alone in actively pushing ethics reforms, aided only by letters and volunteer help from Common Cause members and by the occasional assis-

stance, mostly in the form of committee testimony, from Clayton, now a lobbyist.

Two ethics bills, introduced but not passed in the 1983 session, were filed again by their 1983 sponsor, state Sen. Hugh Parmer, D-Fort Worth. This time they passed the Senate but were killed by the fact that the House, as usual, took no action on these or a good number of other public interest bills until the end of the session. During the last week of a session there is a frantic push to pass bills that have been languishing all session, creating a tremendous logjam in the committees and on the final calendars. As a result, the public interest often gets submerged.

Rep. Charles Evans, D-Hurst, carried one of Parmer's bills in the House, but it died awaiting a hearing in the State Affairs Committee. It would have required a member of the legislature who gets paid for representing a person before a state agency to tell the agency the name of the person being represented and the subject matter of the representation. The disclosure was to be filed within five days of the first paid contact with the agency, except in matters in which the representation is only ministerial as in the filing of documents. Failure to file the disclosure statement would have been a Class C misdemeanor, punishable by a fine not to exceed \$200. The bill is not exactly earth-shaking; only when compared to current law does it appear to include any provisions that would bring consternation to some legislators.

The present law provides that "no member of the legislature shall, for compensation, represent another person before a state agency . . . unless the representation is made in a proceeding that is adversary in nature or other public hearing which is a matter of record, or the representation involves . . . only ministerial acts. . . ." Since the exceptions to the prohibition cover just about anything anyone can legally do before a state agency, the law is totally meaningless and gives free rein to those legislators (many of whom are lawyers) who choose to supplement their \$7,200 yearly legislative pay in this manner.

No one suggests limiting a legislator's ability to assist constituents in dealing with state agencies — that is an important part of their job. But there are those who question why legislators should be allowed to use their unique influence for personal gain. And, under current law, agency employees have no way of knowing whether they are dealing with the legislator as a constituent representative or as a privately-employed advocate. Many state employees, and even some attorneys, who have found themselves opposing a lawyer-legislator speak privately about implied threats and outright intimidation by these legislators.

The Parmer/Evans bill was a middle-ground compromise between those who want the status quo and those who want to prohibit any paid representation before state agencies by legislators. The majority of the ethics study committee and many legislators, including some who are lawyers, support the latter position. Rep. Steve Carriker, D-Roby, sponsored a bill this session to bar the practice, but after it was heard in the House State Affairs Committee it was referred to a subcommittee that never met. Considering that 16 of the 31 state senators and 51 of the 150 representatives are attorneys and that many of them depend on the practice of administrative law for their private incomes, Carriker's bill was doomed from the start. The Parmer/Evans bill at least provided for some disclosure that is not now required.

THE SECOND ethics reform measure with a real chance to become law would have prohibited members of state boards and commissions and agency employees in decision-making positions from participating in decisions in which they have a personal financial interest. Under current law, as interpreted by a 1978 Attorney General's opinion, a conflict of interest decision is left up to each board member, even if all the other board members disagree with that decision. The bill, by Parmer and Rep. Steve Wolens, D-Dallas, required financial disclosure and sought to clarify when a conflict exists by setting minimum dollar and percentage amounts for financial holdings and sources of income as a threshold for prohibition. Since many board and commission members are required by law to be chosen from among members of the profession regulated by the agency they supervise, the prohibition only affected participation in an action when a member's

Donna Mobley was director of Common Cause of Texas from 1979-1981 and served on the legislative ethics advisory committee created by former Speaker of the House Billy Clayton.

financial interest is specifically affected in a way that is different from the effect on others engaged in the same profession, trade, or occupation. A violation was to be a Class A misdemeanor and include possible removal from office.

Wolens sponsored several other ethics bills, including one that completely revised the state's Ethics and Financial Disclosure Statute and included the same provisions as the Parmer/Wolens conflict-of-interest bill. But in May, Wolens dropped the more far-reaching bill and substituted the Parmer/Wolens measure in committee. He amended the senate bill to include a revolving-door restriction that would have provided a two-year prohibition for a former state employee representing another person before a state agency on a matter in which the employee was involved while in state employment. The committee added an exemption for legislative employees and passed the bill with the recommendation that it go on the Local and Consent Calendar, which is reserved for supposedly non-controversial legislation. It finally made it to the last Consent Calendar of the session, where it was knocked off by another legislator

who was angry at Wolens because of other legislation. Although there was an attempt to get it on the regular calendar, the effort came too late and the bill died with the session.

There were other ethics bills filed this session, including one by Senator John Montford, D-Lubbock, placing limitations on political contributions, and one by Senator Kent Caperton, D-Bryan, limiting contributions in certain judicial races. Rep. Tommy Adkisson, D-San Antonio, proposed a revision of the state's antiquated nepotism law that had been recommended by the ethics study committee and passed in 1983 but was vetoed by Governor Mark White because of his disagreement with a minor provision in the bill. Adkisson changed the language that the governor had objected to, but this bill, like the others, went nowhere.

The defeat of the only major attack on ethics laws this session provided the only real victory for those interested in ethics reform. A Caperton bill sought to abolish the State Ethics Advisory Commission on the grounds it wasn't doing enough. The Commission, one of

the best kept secrets in state government, was created to issue opinions on campaign finance, conflict of interest, lobby regulation, and Title 8 of the Penal Code, which covers the actions of all public servants in the state. Neither the Commission nor the media has done much to inform the public or those affected of its existence or of the 27 opinions it has issued to date. Nevertheless, the bill was defeated in the Senate State Affairs Committee, despite the fact that Caperton presented letters of support from former Supreme Court Justice Robert Calvert and Republican Party Counsel Leonard Davis, who, like Caperton, are members of the Commission. The legislature did, however, reduce its funding by \$3,000 per year from its previous \$60,000 yearly budget.

As John Hildreth remarked after the committee vote to defeat Caperton's bill, "First they won't give it any power. Then they won't give it any funding. Then they want to abolish it because it can't do anything." And that's the way it goes in the wonderful world of legislative ethics, at least until the next good scandal comes along. □

Bar Lobbying Questioned

By Dave Denison

A *Austin* **CONTROVERSIAL** bill deregulating the securities industry in Texas died in the closing weeks of the session, but the debate has given new life to an ongoing debate within the state's legal community.

The deregulation bill was backed by many of the state's large law firms, who joined with investment bankers and brokers to stage a major lobbying effort in the legislature. But, naturally, there were lawyers on the other side of the issue, too. And some of them are raising questions about the involvement of the State Bar in what they see as "special interest" legislation.

A section of the State Bar raised at least \$150,000 by asking large law firms to contribute \$1,000 for every 25 lawyers in the firm. The amount was matched by \$150,000 from the securities industry. Most of the money went to hire three of the most expensive lobbyists in Austin to get the bill through.

A letter from a large securities firm to one of those high-priced lobbyists, former state Senator Don Adams, was obtained by the *Observer*. The letter lists 14 securities firms "who have made financial contributions to the Corporation Banking and Business Law Section of the State Bar in furtherance of our effort." It is signed by John Dees, Jr., Senior Vice president of Eppler, Guerin & Turner, a Dallas investment banking firm, and one of those contributors. The others are also major securities firms, such as Merrill Lynch, Goldman Sachs, Rotan Mosle, and Underwood Neuhaus. In his letter dated February 15, 1985, Dees added "and E. F. Hutton has advised that they will contribute."

Although the same securities bill lost by a large margin in the House two years ago, it passed this year 117-27. The Senate passed it on second reading 18-11, but final passage was stalled in the last week of the session for lack of the 21 votes needed to bring it up once more. Don Adams, Rusty Kelley, and former state Rep. Lynn Nabers were the

lobbyists who got the bill within a hair's-breadth of becoming law.

The Texas Supreme Court, which oversees the budget of the State Bar, decided to rule out expenses for State Bar lobbying last January. In previous years, the Bar had hired an outside lobbying firm to represent lawyers in the legislature. The State Bar has thus gone without a lobbyist this session, but the various sections and committees have been permitted to organize their own lobbying efforts.

Justice Franklin Spears says, "It was the unanimous feeling of the Court that the State Bar is a state agency and should not be paying an outside lobbyist for their legislative program." Other state agencies are not permitted to do this, he says.

Spears says the Bar is considered a state agency because it is created by statute. "And the State Bar *wants* to be considered a state agency," he says. "They are resisting efforts of the Federal Trade Commission to regulate the admission to practice, and the regulation of lawyers throughout the country. . . . And the State Bar is saying, no, you don't need to do this; we are already regulated; we are a state agency."

Tom Forbes, of the Austin firm Stone and Forbes, in previous years has been the paid lobbyist for the Bar. He argues that the Bar has an obligation to address

issues of administrative justice in the legislature. And furthermore, he says, other state agencies such as the General Land Office and the Department of Agriculture, do hire lobbyists.

A spokesman for the Land Office acknowledges that the office has used "consultants" on various issues having to do with the legislature, most recently on getting the Land Office through the sunset process. And Ag Commissioner Jim Hightower told the *Fort Worth Star-Telegram* in April that he makes no bones about hiring former state Rep. Lynn Nabers to represent the department at a salary of \$3,000 a month.

Still, the rider prohibiting state funds to be used to influence legislation remains in the appropriations bill.

Joe Longley, an Austin lawyer and a long-time critic of State Bar lobbying, says the problem is worse for the Bar than the average agency, because the Bar has such a disparate and contentious membership that it could not possibly speak with one voice. "You've got everything from far right-wingers to communists in the Bar," he says. Longley argues that since membership in the Bar is mandatory there is no way to avoid potential conflicts between the Bar and its members on some issues.

In the wake of the Supreme Court ruling, the Bar decided that an effective compromise would be to allow the sections to lobby, because membership in the sections is voluntary and the money comes from freely-paid extra dues.

Austin lawyer Roy Mouer, who has been lobbying against the securities deregulation bill, says there are two things wrong with the current practice. For one, the public and the legislature usually do not make the distinction between the State Bar and the State Bar sections. "I've had several members of the legislature tell me the State Bar is sponsoring this bill," he says.

Longley says, "Legislators over there don't make those subtle distinctions. If they see a guy in a three-piece pinstripe, and Arden shoes, and the salt-and-pepper gray, they think that's the State Bar."

Mouer's second objection is that there is no democratic process within a section. He says he has been a member of the Section on Corporation Banking and Business Law for years and has now found himself working against the Section. "The Section's name is being used to endorse a bill I think is anti-consumer and anti-investor," he says. "And I resent it."

Supporters of the present Bar policy say there is plenty of opportunity for

Bar members to express themselves and that it is important for the interests of the majority of lawyers to be represented in the legislature.

But Lefty Morris, a lawyer with Morris, Craven and Sulak in Austin, says, "If a group of lawyers who do

securities want to create their own group and come over there as Texas Securities Lawyers Association — an independent entity — and lobby, that's fine." But as far as the State Bar and its sections, "I'd get them out of the lobbying business," he says. □

Blocked

IN ONE OF the lobbying upsets of the session, a bill to rewrite the state's securities regulation was stopped on the figurative one yard line of the legislative process.

The bill sailed through the House so fast, as one senator put it, "it got airsick." But two prominent ex-government regulators organized opposition to it in the Senate, and brought in the North American Securities Administrators Association to testify against the change. Roy Mouer and Bill King, who both have served as the Texas Securities Commissioner, claimed the bill would bring "con artists" to Texas to sell bad stocks to unsuspecting investors. □

Rep. Steve Wolens, D-Dallas, carried the bill in the House and Sen. Ray Farabee, D-Wichita Falls, pushed it in the Senate.

But an odd alliance developed in the Senate to stop the bill. Conservatives such as Sen. John Traeger, D-Seguin, teamed up with a handful of Senate liberals to oppose the measure. Sen. Bob Glasgow, D-Stephenville, argued with a prosecutor's zeal that Farabee was carrying a "horrible" securities deregulation bill. The bill passed on second reading May 13 by a vote of 18-11. But as long as those 11 votes held firm against the bill, Sen. Farabee was unable to get the necessary two-thirds vote to bring it up on third reading. Farabee was still trying to find a way to salvage the bill in the last days of the session, but the clock ran out. □

SOCIAL CAUSE CALENDAR

Notices of future events must reach the *Observer* at least three weeks before the event.

JOAN BAEZ

The Austin Peace and Justice Coalition will present Joan Baez, internationally renowned folksinger and nonviolence advocate, in a benefit concert, **June 26**, City Coliseum, Austin, 8 p.m., for the Humanitas International Human Rights Committee. Call (512) 474-5877 for ticket information.

BALLET FOLKLORICO

The Ballet Folklorico Aztlán de Tejas will perform their production, *Esplendor y Sonido*, indigenous Indian dances and authentic, traditional dances of Mexico, **June 29**, Zilker Hillside Theatre in Austin, 8:45 p.m.; free.

BENEFIT FOR CASA ROMERO

The Austin Peace and Justice Coalition will have a benefit for Casa Oscar Romero, the Catholic Church-sponsored safe-house for Central American refugees in the Rio Grande Valley, **June 30**, Liberty Lunch, Austin, 8 p.m., featuring Dan Del Santo and the Professors of Pleasure and Balamil; tickets are \$4 at the door.

KID STUFF

Art, music, magic, nature study, and storytimes will be offered in summer programs for children. Adventures include:

Austin: Austin Public Library — Call (512) 472-5433 for information about the "Awesome Adventures" Texas Reading Club, storytimes, puppet shows, and free movies in Austin neighborhood libraries. Free.

Austin Symphony — Call (512) 476-6090 for a schedule of the Children's Day Art Park, Wednesday mornings, **June 6-August 15**, featuring an instrument petting zoo, kiddie kazoophony, art tent, magic shows, and Womba the Fool. Nominal costs.

Zachary Scott Theatre Center — Call (512) 476-0594 for a schedule of the Center's Project InterAct production of the Hans Christian Andersen fairy tale, *The Nightingale*, which will tour Austin Recreation Centers throughout **June and July**. Free.

San Antonio: The San Antonio Museum Un-School — Call (512) 226-5544 for a brochure describing art, nature,

(Continued on next Page)

The Great Shrimp Debate

By Dave Denison

M*In The Big Top* MEMBERS, I MOVE that we take up and consider the following story. The clerk will read the caption.

"Relating to certain senators and certain lobbyists on a certain day in

April, who, in the esteemed upper chamber of a great state in the Southwest directly north of Mexico and south of Oklahoma, engage in lively debate and a subsequent floor fight, in an effort to enact legislation having to do with shrimp."

Are there any objections? Hearing none, I will proceed.

The day began just as any other day in the upper chamber. The President of the body called upon the senator from El Paso County. "Mr. President," said the senator, "I move that we suspend all necessary rules in order to take up and consider Senate Bill 609." Relating to shrimp.

The senator explained his bill. He began, "Members, all this bill does. . . ." Before long, the senator from Nueces rose. He had additional ideas on what the bill did. He intended

science, archaeology, cooking, and general adventuring classes for children. Registration required; sessions vary in length and starting date; costs are from \$40-75 per session; scholarships available.

CENTRAL AMERICA RELIEF FUNDRAISERS

The Houston Coalition for Peace and Justice in Central America will have First Tuesday Fundraisers for humanitarian aid to Nicaragua from time to time during the summer. Music, cash bars, and food will be available. Call (713) 661-3102 for details.

FROM FARM TO MARKET

The Texas Department of Agriculture has announced the openings of farmers' markets in 34 Texas cities and towns. Locations include:

Angelina Co. (Lufkin) Angelina Mall; T., Th., & Sat.; 7 a.m.-sellout; (409) 634-6414 or 634-6644.

Bastrop Co. (Bastrop) City Riverfront Park/Boat Docks; Tue.; 4 p.m.-dark; (512) 321-2419.

Smithville First Methodist Church Parking Lot at 4th and Olive; Th.; 4 p.m.-dark; (512) 237-2461.

Brazos Valley (Bryan) Brazos Co. Courthouse Parking Lot in Downtown Bryan; Sat.; 8 a.m.-noon; (409) 775-7400.

Brownwood Courthouse Square; Tue.; 5:30 p.m.-sellout. & Sat., 9 a.m.-sellout; (915) 643-1845.

DeKalb East of Old Ice House; T., Th., & Sat.; 7 a.m.-sellout; (214) 628-3024.

Del Rio Roosevelt Park; T. & Sat.; 7 a.m.-sellout; (512) 774-2781.

Dewitt Co. (Cuero) West of City Park Entrance on Highway 87; Fri.; 4 p.m.-dark; (512) 275-2112.

Eagle Pass Maverick Co. Lake Park; Th. & Sun.; Th., 7 a.m.-sellout;

Sun., 3 p.m.-sellout; (512) 773-5064. May not open in '85.

El Paso Location not definite; (915) 541-7414.

Fort Worth Tandy Center Riverfront under the Henderson St. Bridge; daily; 8 a.m.-dusk; (817) 594-5021.

Gainesville Old Market Square at Broadway and Chestnut Streets; Sat. and TBA; 7 a.m.-sellout; (817) 665-2851.

Georgetown East side of Courthouse Square; Th.; 6 p.m.-sellout; (512) 869-1873.

Goliad Co. (Goliad) Courthouse Square; Sat.; 8 a.m.-sellout; (512) 645-3479.

Hays Co. (San Marcos) Parking Lot Across from City Hall on Hopkins St.; Wed.; 4 p.m.-sellout; (512) 353-4120.

High Plains (Lubbock) Underwood Warehouse; corner 24th and Avenue E; T., Th.; Sat. 8:00 a.m.-sellout begin July 13, (806) 799-8555.

Hill Co. (Hillsboro) East Side of Courthouse Sq.; Fri.; 6 p.m.-sellout; (817) 582-2119.

Houston TBA; (713) 870-9911.

Jackson Co. (Edna) West shore of Lake Texana on Highway 111; Sat.; 10 a.m.-sellout; (512) 782-2382.

Jacksonville Highway 69 North, 1 mile outside Jacksonville; daily; 6 a.m.-sellout; (214) 683-5417.

Lavaca Co. Mustang Hall on Highway 77A, between Yoakum and Hallettsville; Sat.; 9 a.m.-sellout; (512) 798-3515.

Littlefield Santa Fe Depot; Sat.; 6:30 a.m.-12:00 noon; begin July 20; (806) 385-5331.

Luling TBA; (512) 875-2469.

Morris Co. (Daingerfield) Morris Co. Junior Livestock Show Barn; T.,

Th., & Sat.; 7 a.m.-sellout; (214) 645-3531.

Neches Valley (Beaumont) Far West End of Babe Didrickson Zaharia Memorial Park, off I-10; M.-Sat., 7:00 a.m.-sellout; (409) 832-3471.

Paris Lamar Co. Fairgrounds; T., Th., & Sat.; 7:00 a.m.-sellout; (214) 785-7511.

San Antonio Mondays at Olmos Basin Park, Jackson-Keller, San Pedro and McCullough; Thursdays at Westlakes Mercado Mall; Saturdays at San Fernando Cathedral across from Bexar Co. Courthouse; 7:30 a.m.-sellout; (512) 299-8600.

Sulphur Springs City Park at Old National Guard Armory (Connally St.); T., Th., & Sat.; 6 a.m.-sellout; (214) 885-3443.

Texarkana Oaklawn Mall; M., W., & Sat.; 7 a.m.-sellout; (214) 628-2571.

Texoma Regional (Sherman/Denison) 4612 Texoma Parkway, across from Furr's Cafeteria, between Sherman and Denison; M., W., F., & Sat.; 7 a.m.-7 p.m.; (214) 893-2768.

Travis Co. (Austin) Highland Mall, Corner of Highland Mall Blvd. and Middle Fiskville Rd.; Sat.; 8 a.m.-3 p.m.; (512) 473-9600.

Tyler East Texas Fairgrounds; T., Th., & Sat.; 7 a.m.-sellout; (214) 595-4861.

Uvalde (Wintergarden) Old West Main School Site at corner of West Main & South Park; Sat.; 7:30 a.m.-2 p.m. or sellout; (512) 278-3315.

Waco 400 Block of Dallas Street in East Waco; T. & Sat.; 8 a.m.-sellout; (817) 848-5210.

Wilbarger Co. (Vernon) On US 287 West of Radio Shack and Gibsons; daily; dawn-dusk; (817) 553-3352.

to speak long enough that no points went unmentioned. He would yield for questions, certainly. As long as it wouldn't take him off the floor.

Savvy reporters — the veterans — recognize that tell-tale phrase. It sends them scrambling for the pay phones, holding onto their hats. They yell into their editors' ears: Filibuster!

The senator from Nueces was filibustering a bill he said would put small-time shrimpers out of business. The senator from El Paso had no business carrying shrimp legislation, when everybody knows there are no shrimpers in El Paso County. "What you and the other senators do not understand is that this is a gut economic issue in my district," he said. In the gallery, there were hundreds of shrimpers looking on — the Vietnamese on one side, the Anglos on the other, united anyway on the same side of the issue.

It went on, of course, for many hours — through the morning and afternoon and into the evening. Some coastal senators lent their voices to the effort, though they may not have needed to — the senator from Nueces was seemingly full of inexhaustible argumentation. He strayed not from his desk nor from the subject matter. The senator's aide paced back and forth, back and forth on the periphery, always with a stern countenance. "It's the fat-cat Gulf Coast fishermen that want this bill," he said. "The fat cats want to put the little guy out of business. It's class war," he said. "Go ask them," he said pointing at the gallery.

I went and asked them. "The first thing you got to understand is that shrimp is a migratory little varmint," explained a shrimperman from Corpus. See, the big shrimpers fish out in the Gulf and stay out 28 days at a time and catch jumbo shrimp and throw the little ones back. The little shrimpers fish in the bays and catch young shrimp and sell them daily. The problem is, the senator from El Paso wants to bring shrimpers under the regulation of the Parks and Wildlife agency. The problem with Parks and Wildlife is that overnight they can regulate you out of business, and they will, too.

"This is a rank special interest bill," called out the senator from Nueces in his 13th hour of oratory, "and the legislature has no business in this kind of legislation. This bill was written, conceived, and promoted by one lobbyist and one lobbyist only," he said. "Rayburn!" he said, pointing at the gallery, and all heads turned to the back of the gallery, the opposite end from the shrimpers.

I climbed over a few sleeping Vietnamese and headed to the back of the gallery. "Are you Rayburn?" I asked a man who looked like Rayburn. "Well,



Michael Krone

that must be a different Rayburn they're talking about down there," he said. "I'm not that bad a guy." He smiled. I figured he was a good lobbyist because he had a smile you could take to the bank. He gave me his card. The Texas Shrimp Association. First in Fisheries. That's *shrimp* association, not *shrimpers'* association. Yes, said Rayburn, he represented those with a sizeable "capital investment in the industry."

"Look," said Rayburn. "The management regime of the state has always been based on catching larger shrimp. These guys," and he waved at the other end of the gallery, "sell it for thirty-five cents a pound. You give that shrimp another month, and you can sell it for \$2.50 a pound."

I descended back to the floor of the upper chamber. The senator from Jefferson rose for a question. "As long as it does not remove me from the floor," was the predictable reply. The senator from Jefferson has, it should be noted, perhaps the best sense of comic timing in that distinguished body. It should also be noted that the senator at the time was under indictment for charges having to do with lewd materials and such (charges that were later dropped). As the clock was moving up on midnight, he began to discuss the mating habits of shrimp.

As that discussion was being held, I sidled up to an Insider for a snippet of Background. "This has to do with much more than shrimp," he offered.

It always does, I said.

"There are a lot of Senators who are angry," he said. "Angry with a capital A. Pissed with a capital P."

Who's the fall guy?

"The Lieutenant Governor." It seems the Lt. Gov. had reneged on a deal on a matter unrelated to shrimp and so some senators were happy to see a filibuster foul up the works for a while. Some were even joining the filibuster, though their convictions on shrimp matters were not strong. "The Senate has come apart," said the Insider.

The senator from Tarrant stood and interrupted the comic interlude of the senator from Jefferson. He apparently had a serious question. The senator from Jefferson was in no mood for serious questions. "You keep that up and we're gonna make you a two-term senator," he said jocularly.

"Senator, I may not be re-elected, but I ain't been indicted yet," was the reply.

The senator from Jefferson's face turned stony. "Well, there are some of us that have been indicted, and some who should have been." But that didn't do it. He tried another: "Senator, I think what you and I ought to do is go out back and have a talk about your *smart remarks*."

The two senators marched off the floor and into the back hallway. The reporters scrambled to get a view.

Mr. President! I move that we suspend all necessary rules.

The senator from Jefferson grabbed the senator from Tarrant by the lapels.

Smart remarks!

He threw him up against the hallway wall. "I *said* I was sorry," protested the senator from Tarrant. In an instant it was over. The senator from El Paso had intervened.

Meanwhile, the senator from Pasadena was continuing the discussion of the matter at hand. He had made a recent visit to the Tokyo Steak House in Austin. "Shrimp is one of the finest delicacies there, and I just love it, and I guess I eat too much of it . . . but I notice that lately their portions have been getting smaller," he said.

These and other matters were discussed well into the early morning hours. Shortly before dawn, the senator from Nueces paused, looked around the empty room, said, "Thank you, members," and settled into his chair. The senators were called back to the floor, at which point they passed Senate Bill 609, relating to the regulation of shrimp.

Members, I have told the story of the Great Shrimp Debate as best I know how. I now move its final passage and, further, recommend that it be included in the annals of legislative history in accordance with the rules of this distinguished body. □

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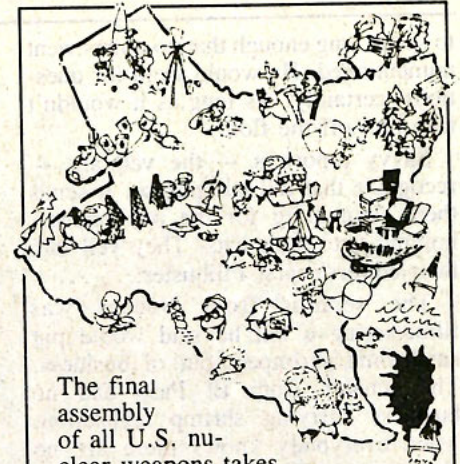
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