

THE TEXAS Observer

**POGUE IN
CENTRAL
AMERICA**

Pg. 12

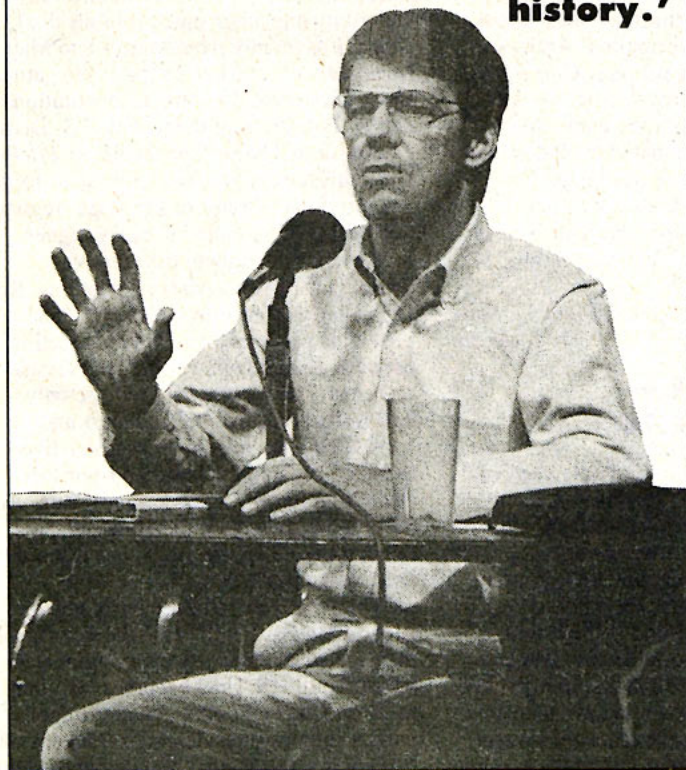
A JOURNAL OF FREE VOICES

SEPTEMBER 2, 1988 • \$1.50

The Governor's Prison Boom

Prison Expansion, Pro and Con. A Texas Observer Radio Debate

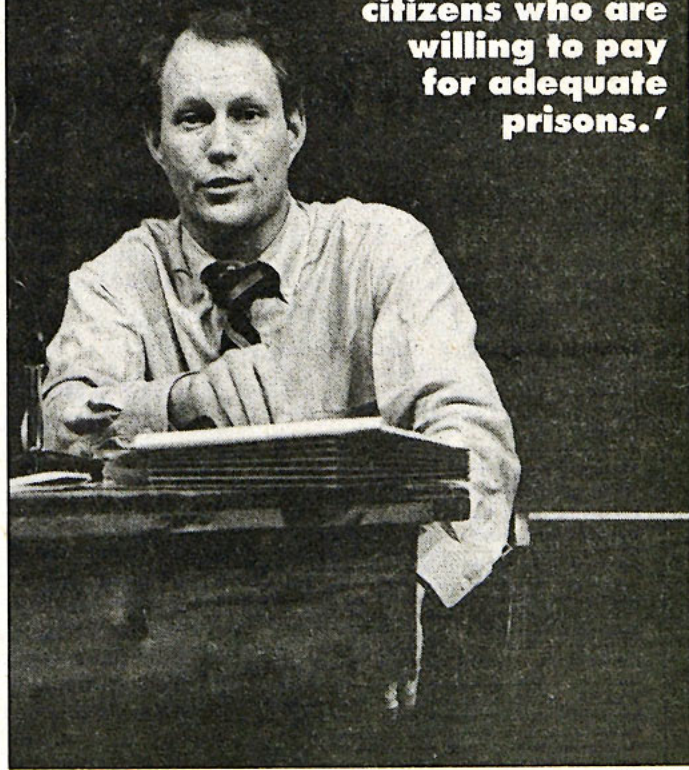
'What's being proposed is one of the most costly efforts in prison construction in this country's history.'



ALAN POGUE

**Attorney and author
Steven J. Martin**

'In Texas the ultimate sanction — the sanction of incarceration has been removed. We have citizens who are willing to pay for adequate prisons.'



ALAN POGUE

**Rider Scott,
General Counsel to Gov. Bill Clements**



THE TEXAS Observer

A JOURNAL OF FREE VOICES

We will serve no group or party but will hew hard to the truth as we find it and the right as we see it. We are dedicated to the whole truth, to human values above all interests, to the rights of humankind as the foundation of democracy; we will take orders from none but our own conscience, and never will we overlook or misrepresent the truth to serve the interests of the powerful or cater to the ignoble in the human spirit.

Writers are responsible for their own work, but not for anything they have not themselves written, and in publishing them we do not necessarily imply that we agree with them because this is a journal of free voices.

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Contributing Photographers: Vic Hinterlang, Bill Leissner, Alan Pogue.

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Managing Publisher: Cliff Olofson

Subscription Manager: Stefan Wanstrom

Publishing Consultant: Frances Barton

Development Consultant: Hanno T. Beck

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DIALOGUE

Jews and Anti-Semitism

In the 7/1/88 "Dialogue," two letters, one from New York and one from Austin, captured my interest. The New York letter denies racism exists in Israel. Israel was founded as a "Jewish state," a "national home for the Jews" exclusively, where others are not welcome. Why else, since 1948, the removal, through fear and violence, of the non-Jewish natives of the land where the state was created? It is a state where one's religion determines full citizenship. This is not a unique circumstance, but it can be called racism.

The Austin correspondent disagrees with the term "Jewish lobbyists." He has a point. It would have been more exact to have referred to them as "pro-Israel" or "pro-Zionist" lobbyists. (And, some would say "Israel-first" lobbyists.) In any case, use of these terms does not automatically tag the user as "anti-Semitic," or "anti-Jewish."

I'd like to state my strong disagreement with the use of the term "anti-Semitic" as referring only to Jews. Any expression of disagreement with Israel's policies, with AIPAC, JINSA, or the B'nai B'rith, is immediately branded as "anti-Semitic." Many of the users of this term must know it is being inaccurately applied. Arabs and Jews are both Semitic peoples. Current usage of this term seems a ludicrous way to figuratively eliminate the entire Arab race. Golda Meir eliminated the Palestinians saying, "There are no Palestinians." (Maybe there are no Arabs; my *Time* magazine-supplied *New American Webster Dictionary* lists "Jew" but not "Arab.") Is this what God wants?

William V. Kelly
Austin

English First — For Journalists

Thank you for the complimentary copy of the July 1 issue of the *Observer*. A number of years ago, we were subscribers.

I found most of the articles very informative, interesting, and well-written. However, I can't believe the rules of punctuation have vanished to the extent exhibited in your editorial about Clements. Your errors are worse than his. In my school days, a split infinitive would have warranted an "F." You would have received several of those, plus many other violations earning circles of red.

I refer you to *Advanced English Grammar* by Dr. Annie Webb Blanton, University of Texas (Southern Publishing Company,

Copyright 1928). This is an "oldie," but it's the best, and you need it. A law declaring English the Official Language??? Sure! Let's first make it mandatory that we all learn English — to read and write it — and start with the newspaper people. They're the worst offenders.

Louise Allison
Cisco

The Myth of Electoral Choice

Your editorial, "Electoral Empowerment" (*TO*, 7/29/88), told only half the story. What good is the right to vote if, as in 26 percent of the 1986 Texas Congressional elections, there's only one candidate on the ballot to vote for? Our grossly unfair state laws on ballot access for minor party and independent candidates leave it pretty much a rigged game.

I'm the write-in U.S. Senate candidate of the Socialist Party of Texas. Let me run down the list of barriers that the Texas Legislature has placed in my way to the ballot. First, I have to gather 34,424 valid ballot petition signatures (fifth-highest of any state) from living, registered voters. Second, primary voters aren't allowed to sign (only one other state prohibits this). Third, I have only from March 8 to May 9 (independent) or May 23 (party) to gather them (these deadlines are unconstitutionally early). Fourth, until the recent U.S. District Court ruling (being appealed) on *Pilcher v. Rains*, Texas was the only state to unconstitutionally require the voter registration affidavit number of every signer.

There is a remedy to the creative democracy of yahoo state legislatures. Rep. John Conyers has introduced HR 1582, providing for a uniform Federal election code for *Federal offices only*. In the case of Texas, HR 1582 would require only 7,288 signatures for ballot access and remove or alleviate the other restrictive barriers. Although it has 23 cosponsors (including Rep. Mickey Leland), Rep. Al Swift, Chairperson of the House Subcommittee on Elections, has refused to hold hearings on it.

While the New Alliance Party and the Libertarian Party will be on the Texas ballot, they'll also be on nearly every other state ballot. Until HR 1582 becomes law, our party and the eight other smaller minor parties running Presidential candidates will (except in a few states) remain out of sight, out of mind, and effectively locked out of the "free marketplace of ideas."

Earl Divoky
Fresno

The Man Without a Label

ATLANTA MAYOR Andrew Young ought to have been awarded some sort of Rare Bird Award after the Democratic National Convention this summer. He was one of the few politicians — perhaps the only one — who publicly identified himself as a proud liberal. Michael Dukakis, in his acceptance speech, dared not utter the word. Neither did Party chairman Paul Kirk, in remarks on the opening night of the convention in which he extolled the Massachusetts governor. Even Arkansas Governor Bill Clinton, who spent a half-century nominating Dukakis one night, didn't once use the word liberal.

But Andrew Young made an offhand remark that, when you look back on it, seems almost enough to qualify him for the endangered species list. In praising different factions of the Democratic Party for working together, he noted that his state has a Democratic governor, Joe Frank Harris, who is "a proud conservative in the Georgia tradition." Then he added, "and I am equally proud in the liberal tradition." A proud liberal!

But, of course, Mayor Young is not running for President (at least not yet). Conventional wisdom would tell him that such a remark would cost him support if he were trying to gain a national majority. Indeed, Michael Dukakis seems to live in fear of the word liberal. The more the Republicans try to attach the label to his candidacy, the more Dukakis rejects it. "The 'L' word" to him is "leadership," he said recently, after Ronald Reagan told the Republican convention that Dukakis's policies are "liberal, liberal, liberal."

There's no denying that, as a matter of campaign strategy, Dukakis is doing the cautious, sensible thing in trying to avoid the liberal label. Suppose the governor, by some peculiar circumstance, were to stand up with a stiff spine and make an inspired and spirited defense of liberalism — along the lines of "If by liberal you mean someone who believes that the rights of unpopular minorities must be protected from the whims of the majority; if by liberal you mean, as well, someone who thinks the government's job is to protect the liberty of the many against the power of the privileged few; if by liberal you mean someone in the tradition of Thomas Jefferson, Franklin Roosevelt, and John F. Kennedy, then yes, I am a liberal."

It's not hard to imagine the next day's headlines: DUKAKIS: 'I AM A LIBERAL.'

Republicans seem to have decided that if only they can get the public to believe Dukakis is a liberal then victory will be theirs. This is not much of a message to base an entire campaign on, but they probably do not underestimate the negative connotations that are now attached to the label. Reagan Republicans have been, in this political era, simply allowed to define the word. In the public mind liberal most often now seems to mean "soft-hearted." A liberal is one who favors giving handouts to the weak and to the lazy. Just as a liberal parent is thought to be one who is so permissive as to lose control of the child, a liberal government lacks the resolve to control miscreants and to face threatening forces in the world.

It has been the misfortune of the word liberal to emerge from the 1960s in strangely battered condition: the successes of liberalism — Social Security for example — are no longer associated with the word, but the failures of liberalism are. Some of the failures resulted in something more devastating than criticism from the right: a loss of faith among would-be liberals themselves. The Cold War liberalism that was capable of brutalizing Third World countries as well as a generation of young American soldiers succeeded in depriving liberalism of its claims to a higher ideal, a more noble outlook.

It's interesting to recall that only a few generations ago the word was not an epithet but instead was invested with inherently favorable connotations. In fact, in the 1930s when the word was first coming into regular usage in American political debate, Republicans and Democrats competed for the right to claim it. As late as 1936 Herbert Hoover was arguing that the Republican Party "must become the true liberal party of America." The New Deal, of course, won the day by redefining liberalism as a means of using the state to expand the liberty — including the economic liberty — of ordinary working Americans. Said Roosevelt: "I am not for a return to that definition of liberty under which for many years a free people were being gradually regimented into the service of the privileged few."

Nor has the word liberal been discredited in all parts of the country. Here in Texas it may not be a popular term, but it is an

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honorable one. This is partly because the liberal tradition here — thanks to people like Ralph Yarborough, Ronnie Dugger, Molly Ivins — is an admirable tradition of stoutness and high ideals. It is also because conservatives have had such a lock on this state's power that they deserve credit for most, if not all, of the screw-ups and shortcomings and ignominy in Texas politics.

As for Michael Dukakis, the man without a label, he is moving along with the notion that he can sell the voters on "competence," and "leadership" and the idea that we need a better manager in the White House. Sillier notions have brought electoral success in past years, so who's to say Dukakis's strategy won't get him elected? But sooner or later those who are ready to help close out the conservative era will need a name for themselves and their movement. If Dukakis were to take power and, like FDR, move toward giving average Americans a new deal, and if such programs met with popular acclaim, he could call it whatever he liked. If his Presidency were to lead to a war or to Carter-like disarray, liberals will thank him at least for not further sully their once-good name. —D.D.

Nun Testifies on State of Nicaraguan Prisons

SAN ANTONIO

Fr. Bill Davis cares about human rights. Davis, who is pastor of St. Mary's Catholic Church here, also directs the San Antonio Archdiocese Committee for Peace and Justice. Last November Davis, with eyes peeled for human rights violations, toured Nicaragua. There he met Mary Hartman, an American nun who has worked in the country since 1962.

"I hear there are prisons in Nicaragua where they torture people," Davis says he told Hartman. Hartman replied, "Name the prisoner. I'll take you there."

Hartman, Davis discovered, has authority to visit any prison in Nicaragua unannounced and demand to talk to any prisoner alone.

Tall, lean, and vital, Hartman, at age 59, is a member of Nicaragua's National Committee for Protection and Promotion of Human Rights. The committee was established in 1980 in response to a United Nations request that all members establish human rights offices to monitor abuses in their own countries. Hartman returned to the United States to receive the Mary Rhodes Award, presented by the Sisters of Loretto for her work among women in Nicaragua. Davis invited her to Texas to address audiences in San Antonio and Austin.

"Nicaragua is not a human rights paradise," Hartman said. "But human rights violations are not government policy. There are no death squads and no torture by the government in Nicaragua."

Hartman stressed the importance of maintaining family contacts for rehabilitating prisoners. "With few exceptions, all prisoners have rights to conjugal visits. As a prisoner progresses from higher to lower security conditions in the work training and labor program, they graduate from visits by family every 40 days, to visits every two weeks, to the semi-open system where one can go home one day per month and have family visits every Sunday all day. The open system allows one week at home each six months," Hartman said.

"In Nicaragua, jail is not so much punishment as rehabilitation. A Pan American conference of 11 Latin American countries agreed among themselves that Nicaragua is the only nation doing serious prisoner rehabilitation," Hartman said.

According to Hartman, credit for this

goes to Interior Minister Tomas Borge. "Borge was a prisoner under the dictator Somoza," Hartman said. "He was tortured horribly. Amnesty International called Borge 'the most tortured man in the world.' While [Borge was] in prison, Borge's wife was captured, tortured, raped, and executed."

Hartman said her committee makes the rounds of all prisons every few months. "On one occasion, in the city of Grenada, we found some prisoners had been kept in darkness and deprived of food. We reported it to the authorities. The guards responsible were jailed and their names published in newspapers," Hartman said.

"We are serious about genuine rehabilita-

tion for the sake of all Nicaraguans.

"The Contra war has killed 50,000 Nicaraguans and made 12,000 orphans in a population of three million. If the people of the United States suffered equivalently, we would have over 3.7 million dead and nearly one million orphaned."

Fr. Bill Davis said Hartman's advocacy efforts are well-known in Nicaragua.

"One official told me, 'Sister Mary really loves God's people. If the Vatican does not canonize her as a saint, Nicaraguans will,'" Davis said.

—TOM KEENE

Tom Keene is a freelance writer living in San Antonio.



ALAN POGUE

Sr. Mary Hartman

tion. In the early '80s most prisoners were henchmen for the former dictator. They worked as assassins. They knew guns but had no other skills and were illiterate.

"We set up a skills training program for which any prisoner could volunteer. They can learn carpentry, shoemaking, prefab housing, sewing, or farming. They are paid competitive salaries which most send to their families," Hartman said. "When the Guatemala peace plan is in place, 50 percent of all Contra and National Guard prisoners will be released. When the treaty is completed the rest will be freed. That will reduce our prison population by 40 percent," Hartman said.

Hartman said that peace is important for

Unionists Dealt Setback on Prevailing Wage

AUSTIN

The mood was almost festive when hundreds of Austin's union construction workers met in the Palmer Auditorium parking lot on July 28. Hailing friends from current or previous jobs, introducing spouses and children, trading jokes or swigging beer, they might have been gathered for a union picnic rather than a march on City Council chambers to protest a proposed 30 percent cut in their wages. But, then, they had reason for optimism. Members of the Council had all won AFL-CIO endorsement by pledging to uphold the wage standard. Only Lee Cooke, Austin's new mayor elected on a promise to bring the city's tax rates under control, had publicly opposed the prevailing wage. The odds were clearly in labor's favor.

But somewhere between the election and the vote on the prevailing wage, four Councilmembers changed their thinking on the issue and on July 28 labor lost, five to two. Those who voted with Mayor Cooke to lower the prevailing wage — Councilmembers Robert Barnstone, George Humphrey, Charles Urdy, and Max Nofziger — claimed that labor lost out to the economic realities forcing cutbacks in city expenditures.

On the other side the argument was made that economic realities, particularly a tax revenue shortfall produced by declining property values, did not unambiguously dictate cuts in the prevailing wage. While Mary Guerrero Pelzel, chairwoman of the city's Construction Advisory Committee, put labor costs at 37 percent of total construction costs and claimed the city could

save millions of dollars by adopting the lower prevailing wage used by Austin Independent School District and Travis County, Thomas Ates, spokesman for the Committee's majority, disagreed. Citing a survey conducted by Austin's Transportation and Services Department, Ates argued that the 37 percent figure is misleading because it reflects speculated or bid labor costs, not the amount contractors pay in actual wages. If actual rather than speculated labor costs are considered, labor's portion of total construction costs shrinks to 11 percent, and "the difference between AISD and what is currently prevailing in Austin is less than two percent." The real winner in a reduction of the prevailing wage, Ates concluded, would not be the city but the non-union contractor who would continue bidding labor costs as he had, while paying substantially less in wages.

"If we make a change, there will be no significant change in the cost of construction," Ates said. "The city of Austin will not realize any profit. The end result will be the same. Those that have will get, and those that have not will get it again."

Union construction workers did "get it again" at the City Council meeting, but their loss seemed to have less to do with statistics cited by Pelzel and Ates than with free market thinking that considers economic facts as natural phenomena. Like the weather, economic facts may be reported or forecast but not changed. This attitude was clearest among anti-union contractors who wished aloud that the prevailing wage could be abolished altogether so the wage-labor market could find its "natural" level. But a more subtle expression of weather-report economics was the demand by Pelzel and several Councilmembers for a survey to determine if the city's mandated prevailing wage rate in fact represented the prevailing wage scale in the city. "All I'm asking for is a survey," Pelzel told her listeners again and again; "If . . . a new study proves the current wages are in fact prevailing, then nothing's lost."

A great deal was lost, however, when the Council voted to report rather than create economic weather by adopting the AISD/Travis County prevailing wage survey. This laissez-faire approach, according to some, works to the advantage of anti-union contractors in a way that violates the spirit of the 1933 statute directing the state and its political subdivisions to set a prevailing wage. According to Austin labor lawyer David Van Os, the prevailing wage was intended to regulate a "free" market in which contractors have a distinct advantage over labor, and it does this by setting a wage standard:

"The prevailing wage is supposed to set the standard. It's not just supposed to reflect what people are already paying. . . . When people base the prevailing wage on an average or a survey . . . that defeats the purpose of the statute [which] is to keep

the lower-paying contractors from pulling the wage standards down."

Under the new wage scale, wages will be pulled down considerably. Carpenters' hourly scale will decrease from \$17.09 to \$11.52; masons from \$17.34 to \$14.74; electricians from \$19.05 to \$16.45; and laborers from \$10.78 to \$7.52. The new prevailing wage gives the anti-union contractors here a bidding edge over union contractors and a long-range weapon against

unions in the city. Contractors employing union labor and paying union scale may now be priced out of city projects — a development that would mean a decline in union jobs, union membership, and union ability to negotiate wages and working conditions in the future.

—DOUG ANDERSON

Doug Anderson is an Observer editorial intern.

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On Prison Construction

Is Gov. Clements Going Overboard in Expanding the Prison System?

On August 15 the Observer and KLBJ-AM sponsored a radio debate, broadcast live from Austin's Scholz Garden. The question posed was, "Should we say no to the Governor's prison expansion program?" Participating were: Steven J. Martin, an Austin attorney who is the co-author of Texas Prisons: The Walls Came Tumbling Down; Rider Scott, general counsel to Governor Bill Clements; and Arthur "Cappy" Eads, district attorney for Bell and Lampasas Counties. Eric Blumberg of KLBJ-AM and Observer editor Dave Denison moderated the discussion. A yeoman's job of debate organization was done by Observer associate editor Louis Dubose. We wish to thank Becky Willard, who prepared the transcript; we have edited it for length. As always, Scholz Garden was the ideal place.

—Editor

OPENING STATEMENTS

Steve Martin: I think it's important that the listening audience know the magnitude of what's being proposed by the current administration. Oftentimes Texans tend to look at things in only a Texas way — they see an issue debated by Texas people and they just assume that that's all there is to it. . . . Folks, I'm telling you what's being proposed over the next four years is one of the most costly, one of the most expansive, massive efforts with prison construction in the history of this country. And I want to try to give you a frame of reference for the magnitude. If you take the 25,000 beds that are being proposed to be built the next two bienniums, the next four years, those beds standing alone — you don't even add them on to the current 40,000 beds — just look at them separate and apart — will constitute the fifth largest prison system in America. There will only be four prison systems — California, New York, Florida, and the current Texas system — that will be larger than just the construction program. So I want you to keep that in mind — the magnitude. And those 25,000 beds will simply — given current projections — catch the system up. In order to stay up, with the incoming prison population, given the current sentencing structure and the current structure of the criminal justice system, the state is going to be forced to

build a 2,000-man prison every eight to twelve months. Now at some point in time obviously we're going to have step back and say "where does this stop?" I mean, are we going to stop at 50 prisons or are we going to stop at 60 or are we just going to build a huge fence around the entire state, which at some point is going to be more economical to do.

Now let's talk about cost for a minute. Given current construction costs — now I think these are conservative estimates — the capital outlay, the capital expenditure simply to construct 25,000 beds is going to be somewhere in the neighborhood of 650 million dollars. And you know folks that's not even the major outlay. As large as that number sounds and I surely hope that it does sound large to you — that's not the big outlay. The big outlay is over the 30-year operation of those beds and that cost is roughly — depending on a lot of variables — but it's going to be in the neighborhood of six billion dollars over a 30-year lifespan. To put that in context for you, if the state legislature appropriated 650 million dollars — the small end of this outlay — we would correct an unconstitutional public school system. . . .

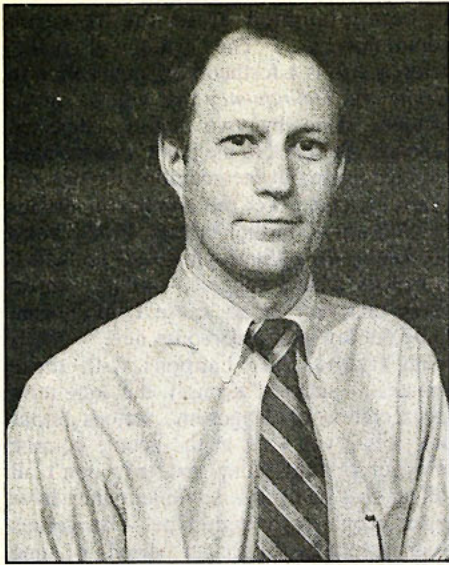
The last thing, in order to create a frame of reference for you — so we know again the magnitude of what we do here in Texas — let's talk about incarceration rates just a moment. The current incarceration rate in Texas is approximately 230 people for every 100,000 in the population. I want to cite the experiences of three other states that take a systems approach to their criminal justice system, in other words, they seek solutions other than building prisons. Minnesota has an incarceration rate of 56 per 100,000; Connecticut has a rate of 127 per 100,000; and the state of Washington, 156 per 100,000. So we in Texas like to lock people up; we're more punitive; we have more people subject to criminal justice sanctions — that's probation, parole, prisons, the whole gambit — than any other state in America.

Now if you were getting a bang for your buck with that commitment that would be one thing. In other words if we had a reduced crime rate and our streets were safe we might look at that and say, well, that's a good investment; but, folks, we are no safer today — in fact my adversaries I will

anticipate sometime in the course of this debate will tell you that our public safety is threatened. That's the whole heart of their argument is let's get tough on criminals and you do that by building prisons. Well, I don't want to get tough on criminals; I want to get smarter. I want to start outsmarting criminals, because I tell you out-toughing them is going to be hard to do and I think the best evidence of that is the current state of the system. So what I hope to do is . . . talk about us being smarter in dealing with convicted felons rather than trying to out-tough and out law-and-order each other. Because we're all, obviously, in favor of law and order. And it doesn't take a real intellectual brain to get up here and say I'm in favor of law and order; we all are if we're right-minded people.

Rider Scott: For a moment there I was afraid that Governor Bill Clinton had written Steve's opening remarks. . . . I guess we've got a problem when criminal justice makes it onto the editorial page of *The Wall Street Journal* in the form of a cartoon. The one that I saw was a group of inmates waiting to be processed into the penitentiary; they were standing waiting to come into the penitentiary and this particular prison guard was giving them their instructions and he said, "Book-in procedures, gentlemen, are at 10 a.m., lunch is at noon, and your first parole hearing is at 2 p.m."

I started in 1987 with the governor and if I stay the full four years I will have served more time with the governor than most people spend in the penitentiary. And I want to talk just a little bit about the system coming out of balance, and out of whack, and I guess I do agree that we need a continuum of sanctions. It's just like those of you in the audience who have children; we have a continuum of sanctions that we deal with in terms of altering behavior, whether it's in dealing with your daughter, your son, is it a stern talking to? is it suspending their allowance? is it sending them to their room? or is it actual spanking? It is a continuum of sanctions that depend upon the severity of their conduct. I think in Texas we found that that continuum of sanctions doesn't work because the ultimate sanction — the sanction of incarceration — has been removed. What do I mean by that? Currently, as we sit here today, Texas has

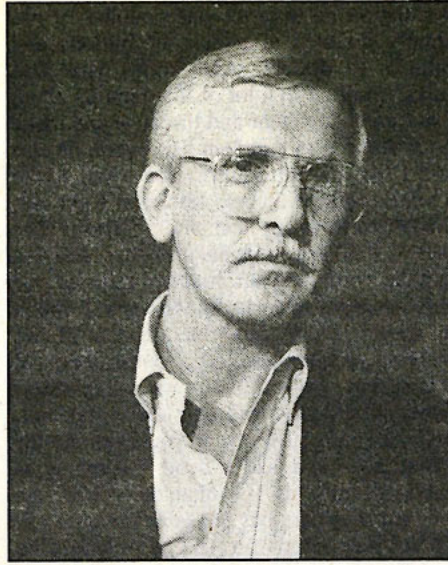


Rider Scott

more than 300,000 adults on probation; that's by far and away more than any other state in this country, more than California, more than New York, more than Florida, more than any state. We have on parole around 50,000 people, again more than any other state in the country. We have alternatives; we have sanctions; but they don't work because there is no ultimate sanction of incarceration.

Six years ago in 1981 the total number of adults that were under some sort of sanction be it probation, the penitentiary, or parole, the percentage that were in the penitentiary was 16.7 percent; in six years that number has actually declined to now just 10 percent of the total population under supervision. So we have fewer people in the penitentiary; probation officers cannot get probationers to listen to them because they know quite simply they can't be revoked. And the same thing is true of parole. We have citizens that are concerned about their safety that are willing to provide the cost to build adequate prisons.

And just a word about cost: the Rand Corporation study three years ago looked at a class of 2,190 inmates taken from California, from Texas, and from Michigan. Of those inmates they were able to determine that the median crimes committed by each of these inmates — and they went to a great deal of trouble to verify the commission of the crimes — the median crime commission rate was 187 a year. A hundred and eighty seven a year when they're on the outside. Ten percent of this particular sample committed over 600 crimes a year. Ed Zedlewski, the staff economist for the National Institute of Justice, places the average cost per crime at 2300 dollars. So Steve talks about a building program that may cost us 650 million dollars; I'd say it's closer to 500 million — but it's an expensive proposition any way you look at it. That's the cost of incarceration. Let me ask you to step back



Cappy Eads

just a moment and let's talk about the cost — economically — of *disincarceration*. You take a 187 crimes per annum per individual times 2300 dollars per average crime you have a cost to society of \$430,000 of having that individual on the street and that does *not* factor in the trauma of a rape, the terror of a robbery, or the societal cost of a murder.

Compare that, if you will, to an operational cost of confining that individual of \$10,000. Let's even add in the capital amortization of the structure — another 25 or 35 thousand dollars — let's make it \$45,000 — let's make it \$50,000 to house this person — you're saving \$430,000 worth

**The public will
tell you our
criminal justice
system has shown
too much
compassion.**

of grief for society. So there is a cost of *disincarceration*. If we're going to be honest about it, and if we're going to put cost on the table, let's look at both sides. Let me just close with one last cartoon of *The Wall Street Journal*: it's appropriate for here in Austin. It was two legislators, they were bounding up the steps of their respective state capitol, one turned to the other and said, "You know our jails and our prisons are overcrowded today." And the other guy said, "You're right; let's go inside and legalize something today." I hope that's not the answer that we have in the state of Texas. I hope we enforce our laws and we provide adequate confinement to receive



PHOTOS BY ALAN POGUE

Steve Martin

those people who are sentenced by Texas judges and Texas juries.

Cappy Eads: I come from a jurisdiction of about a quarter of a million people. We have a caseload docket, a criminal docket, about the size as Corpus Christi. Some two-and-a-half times that of, say, Waco or Lubbock. We represent the Central Texas area, which has the largest military installation in the world in Fort Hood. I think if I were to try to succinctly put how the people in that part of Texas feel — and I think it's a fairly cross-representative section of people — they would tell you, number one, of their growing dissatisfaction with the entire criminal justice system. They would tell you that their primary concern today has been the punishment of offenders and not the rehabilitation of offenders. They would tell you that they are concerned that the ever-present threat of the criminal lurks at the fringes of their consciousness every single day; that they are concerned when they go to a restaurant to eat in the evening as you are that their automobiles are locked, of their fear that they will be completely ransacked when they return; that they are concerned as they sit here that their homes are locked and barred because of the fear of burglary; they will tell you they are concerned when their children get up to go to order more food or to use the restrooms that they come back safely; they will tell you they are now afraid to walk the streets in the evening because somewhere a system in which they have the right to place their trust has somehow let them down, be that prosecutor, or judges, or the correctional system.

I think that they would tell you that some 30 years ago we should have learned that which we do not know and that is how to rehabilitate. I think that they would tell you that a second chance doesn't wash anymore like it used to. And I think that they will tell you a third chance is out of the question.

I think that they would tell you that they feel that those who enter into our criminal justice system are shown too much compassion by judges where no compassion should be shown, where judges see so much daily of the dregs of humanity on a daily basis that they lose perspective of that which should, I think, receive compassion and that which shouldn't. The bottom line of which is a tremendous sense of frustration; it is that frustration that gives me the fear when someone like Steve, who's a good lawyer [with] a solid background says, "Where we really need to look is not get tough, but get smarter." . . . It was, I think, that "get smart" attitude 30 years ago which led us to the combined resources of the criminal justice system to place emphasis on rehabilitation, to place emphasis on second chance, and not on punishment. That members of the public who had an attitude of punishment first were somehow or another made to feel guilty because they had that sense of moral indignation when someone in their community, or one of their friends, was mugged, or robbed, or raped; that there was somehow something wrong with that feeling. Now, having been in public office for 15 years, whether it is right or wrong, that is the perception of the public which I see and which I hear in the courthouses in this state today. And moreover, having just served a year as the President of the National District Attorneys Association and having had the opportunity to travel this country, I think that that is the general attitude of the American public today. And I think that is reflected in figures when you have some 82 percent of the people in the country who are favor of the death penalty, and when you have that growing sense of dissatisfaction all the way to the White House to where one of the primary issues in this presidential campaign is going to be the War on Drugs in this country. We can fault, and we can lay the blame, and we can lay to rest all those issues which brought us here but the simple fact is this: we have a crime problem in this state, we have a crime problem which is not going to go away by placing punishment on a back shelf and putting rehabilitation on the front shelf. It is not going to be accepted and it's not going to wash with the public.

PRISONS AND THE CRIME RATE

Observer: Mr. Martin, it seems to me that the two men on my right are both suggesting, to put it simply, that we can't afford *not* to set out — both in human terms and in economic terms — we can't afford *not* to build a tremendous amount of [new] prisons. How do you respond?

Martin: First, Mr. Eads speaks of — he makes this divisive statement about rehabilitation is found not to work and we need to start locking them up. I'm really amused at that because since 1975 our prison

population in America has doubled; it has simply doubled at a cost of billions and billions of dollars. And know what else folks? Implicit in a lot of his remarks about this tremendous fear and threat — and make no mistake, I'm a citizen like everyone else and I like to feel comfortable when I take a walk, believe me, so let's don't get into this rhetoric about fear and so forth. The fact is that prison population has doubled and the crime rate has not been reduced one percentage point during those years. Implicit in Cappy Eads' remarks are that if we increase punitiveness, e.g., construction of prison beds, we will feel — we will *be* safer. Now, admittedly we may feel safer but, folks, I can assure you if you examine the statistics — and Rider Scott I know is as knowledgeable as I — that the crime rate the past ten years has not gone down at all. There has been no direct relationship correlation established by any statistician, researcher, scholar, or professional that I know of between incarceration and crime rate. It simply is not there.

"I'm not going to be cast as anybody that supports letting a dangerous offender out a day early."

Now, secondly, as far as the study Rider Scott made reference to I'm also amused at that — he failed to tell you [that] was a self-reported study, in other words, inmates — they went to inmates and said, "How many crimes have you committed?" And admittedly they went to lengths to verify. But it amuses me in the sense that Rider Scott and Cappy Eads do not traditionally give a lot of veracity or a lot of truth-telling ability to convicted felons but when it serves their ends they throw it out as a study of great importance. So I'm a little bit taken aback by that — I want to make another comment on that study, too. If you take his figures of a 187 crimes per criminal which costs \$430,000 the logical end of that is if you lock up so many people we'll reduce — I mean, we'll eliminate crime. Because at a point you're going to hit zero.

Well, folks, I anticipated he'd make reference to this study which, incidentally, by reputable scholars is already being characterized as a research piece that is compounded catastrophic, research error. It

is being laughed at in the research community. . . . The critique I make reference to is a forthcoming publication in *Crime and Delinquency* that will be out in October done by two highly respected scholars. But back to the point: that we have doubled again our incarceration the past ten years nationally yet the number of crimes in 1985 was 40 million crimes. Either we're not finding the right people to lock up, which is exactly what I suggest — and I want to make this very clear 'cause I don't want to be out law-and-ordered up here — that's what traditionally happens with these debates. I support strongly the long-term incarceration of dangerous, serious felons but, folks, you look at the people coming into our prisons today and they don't all fall in that category. I would rather have fewer people of the right type — dangerous — incarcerated for longer periods of time than have large groups of needlessly incarcerated people for short periods of time. That's what I'm talking about being smarter, rather than being tougher. If you're smart enough, the toughness is going to be built into the system. And to stand up here and hang your hat on this old tired-out rhetoric of "people are threatened" — that doesn't get us anywhere. Let's start looking at who we're incarcerating and just from a cost-benefit analysis start focusing on those offenders who do indeed pose a threat. And once we nab them have enough prison space to hold them for long periods of time.

Observer: Mr. Scott, do you feel that a 50 percent increase, for example, in prison construction would be reflected in bringing the crime rate down, would it indeed make us as a society safer?

Scott: Yes, as a matter of fact, it would. If we go back to even some of those numbers that Steve castigates and, in all fairness to Steve, he has to castigate them because those numbers are damning. Even if that \$400,000 number is not accurate, let's just slice it in half, Steve. \$200,000 and the cost of confinement is \$30,000. The numbers are still compelling. However you want to castigate those numbers there is a cost of disincarceration. Of course, the National Council on Crime and Delinquency is opposed to it; they are the national spokesman for taking people out of prisons and putting them in alternatives. So let's don't confuse that issue by arguing our sources.

I give you just two others: Kenneth Wolpin in his study in English and in Ireland prisons indicated that a one-percent increase in imprisonment would produce, Dave, as you asked, an eight percent decrease in crime rates. Translating that study to the United States, Wolpin said that 5,000 imprisonments in 1985 would translate into 104,000 serious felony crimes not committed. So, yes, it would have a direct impact. Let me ask you: how many

prisoners, how many felons, did we parole last year in the state of Texas? I'll answer my own question. 34,000. This year we're going to parole onto the streets of Texas communities over 36,000 felons. Of those 36,000 felons, over half will serve less than a year in the penitentiary. In some instances, prosecutors around this state are offering that alternative sentence — that five-year probation, that ten-year probation, and defendants — who nobody accused of being real stupid — are turning down probation to take two years in the penitentiary because they can do it in 90 days. And those people are revolving doors out of our prisons into our jails and back into our prisons. Let's rehabilitate what we can, but let's provide some incarceration space for those who must be there. When we say "large groups needlessly confined," let's look very carefully. That's a very cavalier term to throw out to an audience: "large groups needlessly confined."

Martin: Roughly, half the [prison] population is a large group, Rider.

Scott: Well, let me tell you, Steve, I don't think that anybody in Central Texas ought to be raped by the likes of a Thomas Grettenberg. I don't think anybody in Central Texas ought to have David Ruiz put a gun in their face. And I don't think anybody in East Texas ought to have Animal McFadden kill 'em. And they are all products of the parole system in this state. The capacity ought to be there to house these people for a meaningful length of time in the penitentiary until they're properly rehabilitated, so they don't injure our citizens or they ought to stay there.

THE COSTS OF OVERCROWDING

KLBJ: Let me ask a question to Cappy Eads on some other numbers. Here in Travis County, for example, we have a large number of state prisoners who are currently being kept in the county jail because they cannot be shipped off to the TDC. I imagine you have a similar problem there and I'm wondering how — in what way you support the Governor's program for prison expansion when you have to go to your constituents presumably this year and ask for an increase of taxes? . . .

Eads: I think if there's one issue that you could go to the taxpayers with and tell them that if we can give you effective incarceration of those who violate the law, will you correspondingly support a tax increase, and they will. That's the one thing you can go to the public and ask them for a tax increase for. . . .

With regard to housing prisoners in county jails, we shouldn't be doing that. We shouldn't be doing that simply because it's not a county obligation; it's a state obligation. It's a state obligation which

members of this Legislature had ignored for the last 25 to 30 years until finally it has become such a critical issue with the public that they've had to. They've had to face up to the fact that we now have such a prison overcrowding situation that they must face it. But beyond that, Eric, and let me mention something in reply to something that Steve said and that is as to incarcerating violent offenders in the Texas Department of Corrections. Certainly I agree with him that not every classification, not every type of criminal offender should automatically go to Texas Department of Corrections. There should not be that type of indiscriminate sentencing. But what concerns me about people like Steve, when they start talking about violent offenders, as a prosecutor I begin to wonder. Is that person who is a major narcotics dealer, is he classified under Steve's system, as a nonviolent offender? Is that person who is a habitual burglar, who has burglarized home after home, but has just not been confronted by a homeowner to an act of violence, is he a

"I don't think that anybody in Central Texas ought to be raped by the likes of a Thomas Grettenberg."

nonviolent offender? When narcotics are the number one problem that we have in the state today all the way from meth labs to crack houses, are those operators and purveyors of narcotics in our system, are they nonviolent offenders? Are they people that should not be incarcerated, that should not answer for the destruction of kids and grade schools by selling narcotics? I think they are and I wonder where Steve would put them. And more importantly than that is I think people on juries in this state will tell you exactly the same thing in a heartbeat.

Martin: I'd like to respond to that because that goes right to the heart of what we're talking about. I fully agree with the few references that he made to certain types of offenders and that's what I harken back again to my basic premise of not being smart. I'll give you two illustrations of that. One, if our local judges required the development of pre-sentence investigations which are standard in most criminal justice systems and is required in each and every

case in the federal system but which is rarely done — those offenders that cop pleas on one case which may be nonviolent but have a whole litany of violent offenses, that would come to the forefront in a pre-sentence investigation and would be taken under appropriate consideration and the offender would probably end up with a significantly longer term. So, that's where we need to get smarter, we need to get smarter through sentencing guidelines. We have some of the greatest discrepancies and disparities in our sentencing in this state as any state I've ever seen where you can go to North Texas and a — say somebody that steals some cattle gets five to ten years or maybe 20 years because that is a serious offense in the Panhandle where there's a lot of farmers and ranchers. But you take that same offender and put him in Harris County for a like type of offense and he gets probation. So we're not using sentencing guidelines; we're not using those things that aid us in identifying the very type of offender that Cappy's talking about. And I'm not going to be cast as anybody that supports letting a dangerous offender out a day early. We don't have to do that but we're being forced to do it because we are putting — we are not setting sentencing priorities and I can show you at least — the statistics show us that roughly 50 percent are incarcerated for nonviolent offenses. Now let's concede that half of those are actually violent offenders. That still leaves 10,000 people, and if those were appropriately sentenced we wouldn't have anybody backed up in our county jails. So the issue here is not being soft or tough on criminals; it's making the system work properly for you.

And I want to cite you a couple of examples of how I think our system is operating very irrationally. Rider made reference to the Animal McFadden cases and all these horrible cases — anybody would agree those people shouldn't be let out and it's a faulty system that releases them. But, two years ago a Legislative Budget Board study documented that offenders were being paroled that had violent free world histories and had violent institutional histories. Case after case was clearly documented. Those people were being paroled while these at least, let's say five to ten thousand nonviolent offenders were serving time. That was two years ago, folks, and that was blasted across the front pages of all the state newspapers and it was a political issue because it was suggested that then-Governor White did not want to hit the 95 percent prison capacity and trigger early releases so rather than letting out nonviolent select offenders they're paroling people straight out of disciplinary status. As we speak, there is still an incidence of that happening. I don't know the extent but I know there are people being paroled in this state as we speak that any correctional professional will tell you that is a high-risk inmate. And I know that's being done while

we have approximately a 5,000-man pool of the lowest risk offenders available to the system — and I say “lowest risk” because they meet the criteria of a bill that Rider Scott had a lot to do with pushing through. And we’ve got 5,000 of those people that are the most low-risk offenders available that I don’t know what’s being done with them while we’re still paroling the most highest risk offenders . . . now that’s not a matter of prison construction, folks; that’s a matter of faulty decisionmaking.

A DUBIOUS TRACK RECORD

Observer: Let me ask a brief question to the men on my right here. I’m going to quote from the preface by Harry Whittington — who is a Republican as you know — the preface to Steve’s book. He expressed the doubt that with this kind of buildup program “there will soon be more prisons, more prisoners, more guards, more profits to monitor, resulting in an increasingly complex prison system and an even greater opportunity for corruption, mismanagement, and mistreatment of inmates.” The question simply is, what makes you — given the history of Texas prisons — think that the Texas prison system

can handle a 60 percent buildup?

Scott: I think that that’s a very good point and let me point out that Harry Whittington served well as a member of the Board of Corrections. He served on the Board during the Governor’s first administration during a period of time when Steve was General Counsel to the Texas Department of Corrections; and, in fact, the history is not good. But I hope we can learn from that example and that we have moved forward. We have an articulate board, we have spokesmen like Steve who watch the prisons, that we have debates like this to bring it to the focal point of the public so that they see it. And I hope that our history is better in the future. It needs to be.

Martin: Could I respond to that? It’s not to take issue with Rider at all; it’s really just kind of supporting what he says. But I would like to point out that the system has undergone dramatic change the past four to six years and it continues to undergo dramatic change — the prison system I’m speaking of — and there’s been a lot of turmoil, a lot of turnover in experienced administrators. And the plaintiffs’ lead counsel in the Ruiz prison case has gone

on record as saying the greatest impediment to ending the federal court intervention in the prison — in the Texas state prison system — is this massive construction program. Because you can’t ask administrators who are battle weary and that are thin in the ranks from turnover and a lot of commotion, and under constant, ongoing scrutiny by the courts and other public interest groups to absorb a 60 percent — more than doubling — of their system in a four-year period which is a real brief period in the lifespan of a prison or a social institution and expect them to do well. And I will just close by adding that Mr. Whittington’s comments that he made in the preface of the book are to some extent at least already coming true in the California system where they’re starting to find there’s so much construction, so much money to be made, that they’re starting to find evidence of payoffs, evidence of things that we don’t like to see in government. □

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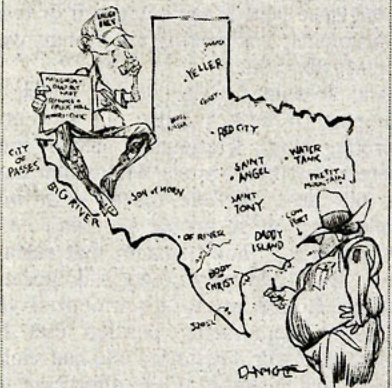
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How Courts Govern America

BY RALPH L. LYNN

The courts have always governed America by clothing vague phrases in our Constitution with meaning relevant to time, place, and circumstance.

"For a century preceding Franklin Roosevelt's first term, the Supreme Court has intervened in economic matters in defense of what could loosely be called the liberal economic model of free contracts, labor mobility, no government competition with free enterprise, and no unions."

With the advance of democracy in the twentieth century, the courts have continued to govern America because, too often, neither our executives nor our legislators have either the courage or the conscience to insure compliance with the constitution in controversial cases — especially where the plaintiffs have no powerful lobbies working for them.

Thus a paradox: "The democratic process is successful only if it is supervised by a nondemocratic institution."

These statements do not come from the Americans for Democratic Action, the American Civil Liberties Union, or some other group deemed subversive by people not adjusted to current realities.

They are in an informed, closely reasoned, but still readable — and even amusing — book by the Honorable Richard Neeley of the Supreme Court of Appeals of West Virginia. (Richard Neeley: *How Courts Govern America*, Yale University Press, 1981)

He is a product of Dartmouth and the Yale Law School, the scion of a politically prominent family and a veteran of his state legislature.

He suggests that we really have two systems of government: the myth system and the operational system.

The myth system is the system in the minds of thoughtless and naive people. It is formed by school civics texts, by popular theory, and by popular idealism.

We must have both systems. The thoughtless cherish the myth system — although they sometimes profit marginally from the operational system which is necessary because so many of us "want to take bribes, help friends, further economic interests, gratify vanity, and not work very hard."

Government by court action is best justified in cases like those involving reapportionment of legislative representation to keep depopulated rural counties from dominating populous urban areas. Similar cases arise to insure constitutional protection for prisoners, juveniles, the insane, and other groups without lobbying power.

The analogy is inexact and Neeley does not use it but it seems that the higher ranking justices play a role comparable to that of the Roman soothsayer. The soothsayer — ideally — was an able, honorable, hard-headed, analytical man steeped in the Roman law and traditions and fully knowledgeable in current affairs. His task was to examine the "omens" — the play of wind-

driven clouds or the entrails of a freshly killed bird — and give guidance to the responsible officials.

Obviously the advice he gave was based not on the "omens" nor just upon law and traditions but also upon the best intelligence currently available. His opinion was, in a word, principled.

Conceivably, a soothsayer could deduce just anything at all from the omens — just as the justices can, and do, deduce different opinions from the Constitution. But the point is that these differing opinions are principles.

Neeley is not awed by the court system but he is most respectful of it.

In his colorful language, the "judiciary takes good, old, tired, experienced whores and turns them into virgins in five years." He uses this language because most men come to the judicial system from careers in politics where they have not always behaved as honorably as they must as justices.

Even though Neeley is aware that few people know or want to know just how the operational system really works, he finds himself trying occasionally to explain it to people committed to the myth system. On one such occasion, he saw that emotion was overwhelming intellectual curiosity. He says that he promptly cleaned up his act "and concluded with an altar call."

Not a bad idea!

The book contains so many sharp comments that the reviewer is frustrated that he can share so few of them.

"Democracy is predicted upon sufficient indifference to provide a high tolerance for doing nothing."

The democratic system in a poor country can hardly survive because, with nothing to spare, "any economic reversal immediately touches the lives of everyone."

The courts and democratic power: "To make an impression on courts requires nothing more than a good case and the comparatively small sum of money to hire a lawyer."

"The difference between judges and legislators is that judges can betray their benefactors without fear of retribution."

"Day-to-day politics is not about ideas but about money."

"Even after 20 years of reform, police brutality is an everyday occurrence everywhere."

"In the early 1960s, the average criminal defendant was treated like a piece of meat on its way to dressing and processing."

"Police officers routinely lie, particularly to save their own skins, and when they do, they make enormously credible witnesses."

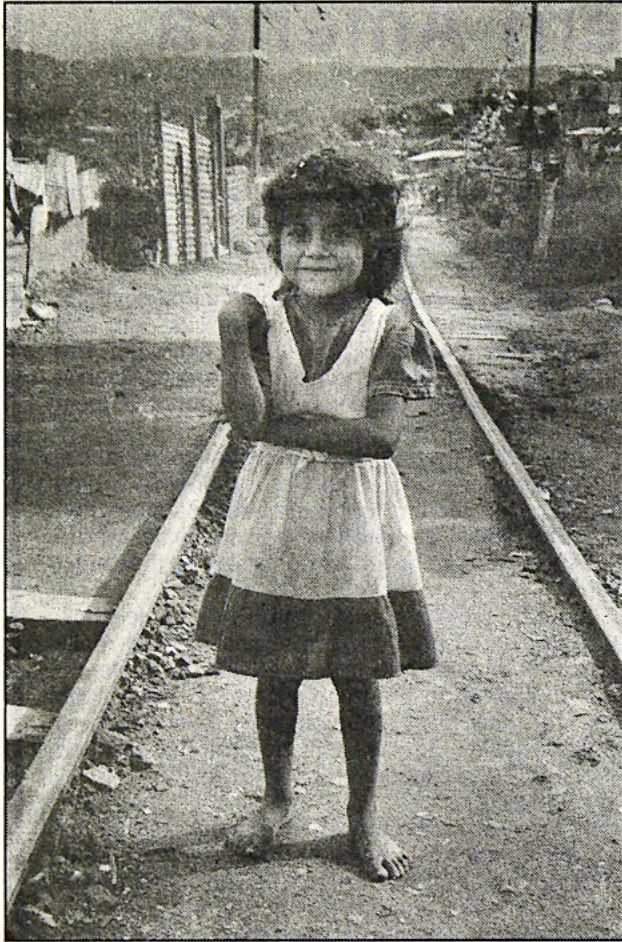
"There is almost a perfect statistical correlation between rising taxes and legislative unemployment." □

Ralph L. Lynn is Professor Emeritus of History, Baylor University.

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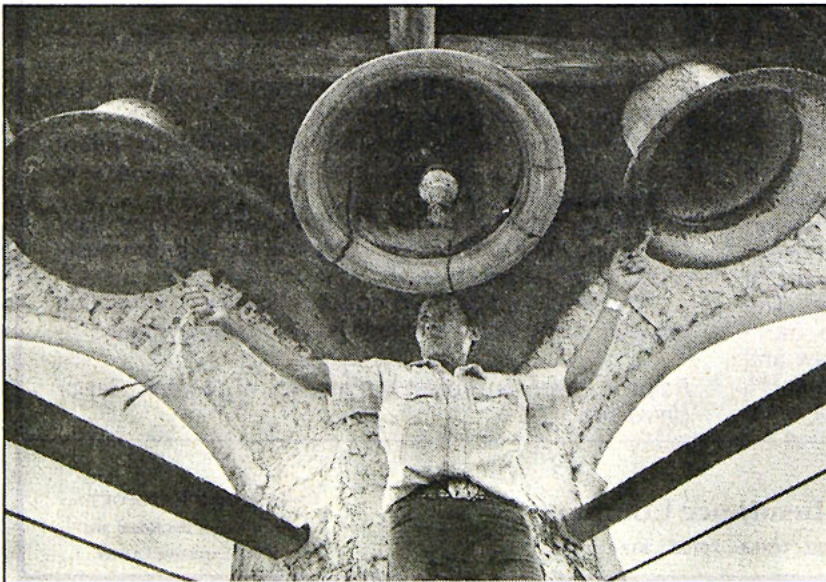


▲ San Salvador, El Salvador



▼ Esteli, Nicaragua. Co-op Farmer, Father, baseball player. A pistol handy in case of a contra raid

▼ El Salvador. Calling the faithful



Photos by Alan Pogue



◀Val Liveoak, A Quaker from Austin, works with a Catholic church in rural El Salvador

▼San Salvador. Mother and Father. Their four children were killed while working with refugees near San Salvador. "Yes, you may photograph us. We are well-known and we have nothing else to lose"



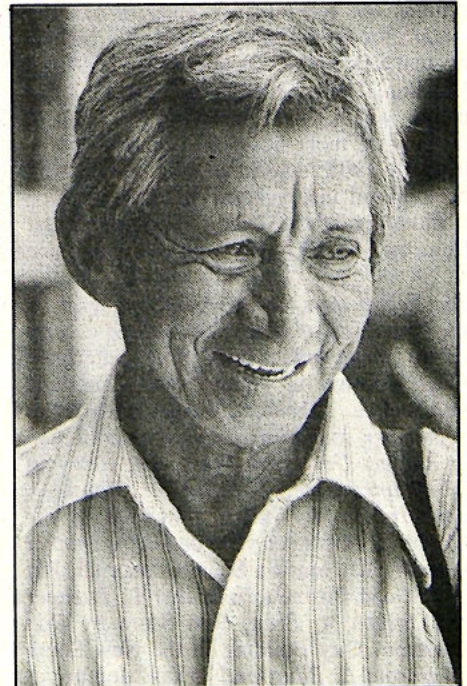
THE PEOPLE of El Salvador were happy to be photographed, with two exceptions: the military and those hiding from the military. So there are no photographs of soldiers, even though they seemed to be everywhere with their machine guns. No pictures of the middle-aged couple who were moving from house to house each night, one step ahead of the death squads. Many people in El Salvador asked me to tell Americans of their hopes that Michael Dukakis will be elected President. Some expressed the hope

it would lead to a cut-off in military aid from the United States.

In Nicaragua almost everyone was happy to be photographed, including soldiers. An ex-*contra*, who had been a battalion commander, asked me not to photograph him. Nicaraguans are not afraid of their own military. They are afraid of the *contras*. Nicaraguans also hope for a Dukakis victory so that aid to the *contras* will stop and the trade embargo will be lifted.

—ALAN POGUE

▼Children's Hospital, Managua, Nicaragua



Houston's Power Elite

The Rise of the 'Suite 8-F Crowd'

BY JOE FEAGIN

HOUSTON'S BUSINESS ELITE has often been misperceived. For several decades members of the news media outside of Houston have focused on certain local oil entrepreneurs when considering the dominant families in the city. Two of the most famous media stars were Glen H. McCarthy and Hugh R. Cullen.

Glen H. McCarthy began oil wildcatting in the 1930s and 1940s. Flush with wealth from his successful oil and gas ventures, he built the famous Shamrock Hotel in an undeveloped area several miles south of the center of Houston. At the time, the \$21-million hotel was one of the most opulent in the United States, with mahogany paneling, televisions in rooms, its own tailor, and a unique swimming pool. Painted in many shades of green in honor of McCarthy's Irish heritage, the hotel was opened in 1949 with a champagne party attended by 50,000 people, including Hollywood stars. The hotel was widely viewed in the national media as the symbol of "nouveau riche" Houston.

But it was Jesse Jones who was the dominant figure among the Houston business elite in the first half of the century. Perhaps the most significant business activities conducted by Jones were in the area of finance capitalism; he was active in the private banking sphere locally and in running the federal government's banking system for more than a decade. To finance his real estate projects Jones borrowed from Houston, Dallas, New York, and Chicago banks, which gave him a vested interest in developing more accessible banking facilities. By 1905 Jesse Jones was moving into banking; in that year he became a major stockholder in the Union Bank and Trust Company. In 1908 Jones played a key role

Joe Feagin is a professor of sociology at the University of Texas. This edited excerpt of his forthcoming book Free Enterprise City: Houston in Political and Economic Perspective, scheduled to be released in September, is published with the permission of Rutgers University Press. The first half of Chapter Five, "Who Runs Houston" appeared in the August 19 issue of the Observer. Major sources cited in the chapter include The Houston Business Journal; But Also Good Business by Walter L. Buenger and Joseph A. Pratt; Red Scare by Don Carleton, City Building in the New South by Harold L. Platt, and Texas Monthly.



METROPOLITAN RESEARCH CENTER, HOUSTON PUBLIC LIBRARY

Houston Oilman Glen McCarthy (left) at casino party

in bailing out troubled local banks and by 1915 Jones was a major owner of the National Bank of Commerce, where he became president in 1922. In 1929 the National Bank of Commerce, forerunner of the Texas Bank of Commerce, moved into Jones's Gulf Building. From that year to 1956 Jones served as that bank's chair of the board.

Two Houston banks were in major trouble in the early 1930s, but Jones and his associates rescued them. In 1931 Jones called a group of Houston's banking and other business leaders into his office. In two days a strategy was worked out for healthy banks to bail out those in trouble. The bailout meeting included executives such as W. L. Clayton of Anderson, Clayton and W. S. Farish and H. C. Weiss of Humble Oil. The arrangement was complicated: Humble Oil agreed to purchase an oil terminal company from Ross Sterling, which enabled Sterling to reduce his problem loans to Houston National, one of the troubled banks; Jones's National Bank of Commerce acquired the other troubled bank. Not surprisingly, in 1932 President Herbert Hoover appointed Jones to his new Reconstruction Finance Corporation (RFC), an agency which for the next decade spent billions of federal dollars to bail out many banks, farms, and other businesses in bankruptcy. In 1933 Jones became RFC

chair. He has been credited with restoring the health of the U.S. banking system. Jones, later Secretary of Commerce, was a key figure in the extraordinarily powerful Business Council in the 1930s and 1940s. He provides a clear example of the importance of powerful capitalistic actors at both the economic and state levels.

A trio of other business leaders — Herman and George Brown and Judge James A. Elkins, Sr. — was second only to Jones in dominating Houston and Texas affairs in this period. Coming to Houston in 1917, Elkins was one of the founders of the law firm Vinson and Elkins; in the 1980s it was one of the nation's largest. In 1924 Elkins founded what became Houston's largest bank, the First City Bancorporation in the 1980s. (This bank was the first leading Houston bank with serious financial difficulty in the late part of this decade, to the extent of being bailed out by the federal government.) Elkins was instrumental in the creation of American General Insurance Co., the South's largest insurance firm. Elkins's law firm and bank grew in tandem; the clients of the one were often referred to the other. Elkins's firm, specializing in petroleum law, serviced local oil entrepreneurs who did not like eastern law firms. By the early 1950s Judge Elkins served on the boards of four affiliate banks, thus unofficially creating a Texas banking

empire. Over his lifetime Elkins served as a director of many banks, railroads, oil companies, and insurance firms. Like his associates in "the Suite 8F crowd" Elkins participated in the system of interlocking directorates by which individual capitalists bind together the corporate institutions of modern capitalism.

ELKINS was reputed to be very powerful in local and Texas politics. Take the case of Mayor Oscar Holcombe, who in the 1930s came to be linked to the Suite 8F crowd. Working with the core elite, Holcombe was aggressive in sponsoring major infrastructure improvements such as roads and sewage systems. However, in 1952 the Suite 8F crowd interviewed County Judge Roy Hofheinz and decided that he should be the next mayor of the city. Even though he had already printed up campaign literature, Holcombe was asked to retire, which he did. Reportedly, James Elkins was a key figure in removing Holcombe. However, when Hofheinz became too progressive, Elkins and others supported Holcombe again in his successful 1955 campaign to defeat Hofheinz.

Herman and George Brown were among the most powerful Houstonians during their adult lifetimes, which spanned the decades from the 1920s to the 1980s. In the 1920s Herman created the small construction firm which became Brown and Root, later one of the world's largest construction and development firms. The company headquarters were moved from Austin to Houston in the mid-1920s, and the company grew steadily from the late 1930s to the 1960s, depending heavily on federally subsidized, large-scale construction projects. During this period George made his Suite 8F in the Lamar Hotel famous as a gathering place for men like Jesse Jones and Judge Elkins as well as prominent politicians like Lyndon B. Johnson and Sam Rayburn. George and Herman Brown were particularly effective in building bridges to politicians at the national level. Indeed, New Deal contracts helped establish Brown and Root as a principal construction firm and saved the company from bankruptcy in the 1930s.

During the 1960s George Brown's corporation, Texas Eastern, became the major developer of a 32-block project in downtown Houston called Houston Center. Brown got the city government's permission to build the planned megastructure over city streets, gaining millions of square feet at a small cost. The structure, initially planned to be twice the size of the World Trade Center in New York, was called by some the largest urban development project in world history. Moreover, unlike other members of Houston's postwar elite, the omnipresent Brown was the target of overt protests against his activities. For example, Rice University students would occasionally

protest his presence on their campus, because Brown and Root had done much construction during the Vietnam War.

Another important figure in the Suite 8F crowd was Gus Wortham. Founder of the American General Insurance Co., one of the 20 largest in the United States, Wortham was an outside activist for the Suite 8F clique. The young Wortham had served on the Texas Fire Rating Board; he subsequently used the knowledge gained to set up his own insurance company. By the mid-1920s Wortham had the legal authority to create a major insurance company in Houston, which he accomplished with the financial backing of James Elkins, Sr., and Jesse Jones. During the 1930s Wortham also began investing in Houston real estate, investments which buttressed his substantial wealth. Wortham played a central role in linking the Suite 8F crowd to the larger business and civic communities in Houston. He was a public figure; he chaired fund drives for charities, served on the board of trustees for Rice University, and worked on behalf of art institutions, including the Houston Grand Opera, the Houston Symphony, and the Society for the Performing Arts. Explicitly recognizing the importance of local cultural institutions in attracting outside investors to the city, the Suite 8F elite fostered local colleges and art facilities.

Between the 1930s and the 1960s, independent oil capitalists were not as prominent in running Houston as one might expect. But one oil entrepreneur who was a member of the 8F crowd was James Abercrombie. Abercrombie had gone into the oil drilling business in the late 1910s; in 1920 he created the Cameron Iron Works, which eventually became one of the world's leading oil tool manufacturing firms — with 7,000 employees and 16 plants scattered



METROPOLITAN RESEARCH CENTER

Houston mayor Oscar Holcombe

from the United States to Europe and Asia before the mid-1980s recession. Abercrombie was a major figure, together with the reclusive Howard Hughes, in putting Houston at the center of the world's oil tools and services industry. And he also played an important role in local philanthropic activities, including building up the Texas Medical Center.

From time to time a number of business and civic leaders have been mentioned by various writers as members of the Suite 8F crowd, including Leon Jaworski of Watergate fame, R. E. "Bob" Smith, a prominent oil entrepreneur, Walter Mischer, a real estate developer and banker, and former governor William P. Hobby and his wife Oveta Culp Hobby. The Hobbys were influential because they controlled certain communications media in the city, including a principal newspaper and a major TV station. Oveta Culp Hobby was one of few women ever to exert much power in Houston. One of the most influential of Houston's oil entrepreneurs was Bob Smith, who played a central role in real estate and politics for three decades; he invested in thousands of acres of land on the suburban edge of the city. A later addition to the group, Walter Mischer built a banking empire called Allied Bancshares and was important as a local developer.

Most members of the 8F crowd had become known to ordinary Houstonians by the 1950s. Indeed, by the 1950s the city sometimes seemed to be bragging about its successful elite. A visitor to the Houston International Airport in 1955 would have found 15 portraits of Houston's prominent leaders proudly displayed on a restaurant wall. These included members of the Suite 8F crowd (Elkins, George Brown, Abercrombie, Smith, and Hobby), the maverick Hugh R. Cullen, the leading partners in two major law firms, as well as less influential civic and religious leaders. City officials installing the portraits included the most powerful members of the local elite but may have added less powerful people to play down the power of the core elite.

OUTSIDE THE SUITE 8F CROWD: OTHER BUSINESS LEADERS

Several important capitalists largely remained outside the local Suite 8F establishment in this period. Two of these had roots in the Anderson, Clayton firm, a major Houston trading corporation. Monroe D. Anderson, one of the founders, became wealthy in the 1920s and translated some of his wealth into philanthropic contributions to university and medical center developments in Houston. Will Clayton played an especially important part in tying the Houston business community to the world market system and to the federal government. Clayton was often the "public man" for Anderson, Clayton; the firm became nationally visible when it was

accused of monopolizing the cotton marketing industry during a series of congressional investigations between 1928 and 1936. Clayton vigorously defended the company at the hearings.

During the Great Depression the firm expanded its multinational operations. The early years of the depression resulted in a drop in cotton exports to Europe and a significant increase in foreign cotton production. As a result, U.S. cotton trading never resumed its earlier importance, and over the next few decades Anderson, Clayton withdrew from cotton marketing and developed as a conglomerate. With expanding international interests, Clayton emerged as one of the outspoken defenders of worldwide enterprise and opponents of protectionism. Clayton also moved into federal government positions. He served on the cotton committee of the War Industries Board during World War I. In the 1930s, when Jesse Jones became Federal Loan Administrator, he brought Clayton into the government as his deputy.

After Jones, Clayton may well have been the most important link between the Houston and Texas business elites and the federal government in this period. After serving as Jones's deputy, Clayton was appointed Assistant Secretary of State, in which position he reportedly played a principal role as one of the architects of the Marshall Plan. Clayton was also very active in the Business Council, which took an internationalist position on issues. He served as a chief trade negotiator for the United States after World War II and negotiated the first international (GATT) trade agreement. Clayton helped integrate the Houston business community into international markets and politics. These extensive outside activities may account for his lesser role in the local power structure.

In addition to Suite 8F figures and to Clayton, the larger power structure of the city, according to one 1960 study, included two Humble Oil (later Exxon) executives, J. Morgan Davis and Rex Baker. However, these men seem to have devoted most of their time to Humble Oil and the oil business. Hines H. Baker and W. B. Bates were mentioned in the same study as partners in leading law firms, but they do not surface elsewhere as influential leaders, except on a few specialized issues. Another prominent local lawyer, Dillon Anderson, was very active in national politics as special assistant to President Eisenhower but seldom in local matters. This study of the local elite reported that a few other executives were mentioned locally as influential: Palmer Bradley, a Sun Oil executive; Al Parish, head of Houston Light and Power; Lamar Fleming, head of Anderson, Clayton; and L. F. McCollum, an executive at a firm then called Continental Oil. It would appear, however, that these latter influential individuals played a less significant role than 8F members on most major local issues.



BARKER TEXAS HISTORY CENTER

Allan Shivers, Tom Clark, James Elkins and Gus Wortham

THE BUSINESS ELITES AND SEVERAL LEVELS OF GOVERNMENT

Houston's history is a history of the business establishment creating, shaping, and running local governmental bodies, as well as securing aid from and participating in the running of state of Texas agencies and of certain federal agencies. Houston's business leaders have been involved with national politics and the federal government since before World War I. Men like Edwin Parker and John Kirby filled important roles but Jesse Jones was perhaps the most active at the federal level. Jones was a major force behind the proposal to the U.S. Congress to pay half the cost of improving the Houston Ship Channel. In the early 1900s Jones led a group of business leaders to Washington, D.C., to convince Congress to fund half the cost of dredging Buffalo Bayou; he headed the Houston Harbor Board that supervised the dredging project, completed in 1914 and celebrated with a cannon firing triggered by President Wilson from the White House. Wilson later invited Jones to serve as Assistant Secretary of the Treasury and Secretary of Commerce.

Jones had become a major powerbroker in the Democratic Party by the 1920s. He was a Texas delegate to the Democratic convention in 1924 and became director of finance for that ill-fated Presidential campaign. In the late 1920s Jones used his position in the Democratic Party to put Houston on the political map. When the time came for various city elites to bid for the location of the 1928 Democratic Party convention, San Francisco's business leadership offered \$250,000. Jones himself countered with a successful recommendation that Houston be chosen as the site, wrote out a personal check for \$200,000, and promised a 25,000-seat hall for the convention; it was barely completed in time

for the delegates to see the Catholic New Yorker Al Smith nominated by Franklin Roosevelt in Houston, a Protestant town of the Old South. Moreover, during the 1930s and 1940s Jones served President Roosevelt as head of the FCC, as Federal Loan Administrator, and Secretary of Commerce. Yet during these years Jones kept in constant contact with his National Bank of Commerce back home; he set bank policy and attended some board meetings while a Washington official.

Beginning in the 1930s, Houston and other Texas cities had a lot of powerful friends in Washington, D.C. John Nance Garner, as House member and Vice-President, had represented Texas for decades. A Texas Senator chaired the Senate military affairs committee while Texas House members chaired the judiciary, agriculture, and rivers and harbors committees. Between the 1930s and the 1960s there were many direct links between Houston's business leadership and the federal government. An important politician associated with the Suite 8F crowd was House Majority Leader and Speaker of the House Sam Rayburn. In his 1944 campaign Rayburn faced a tough opponent, and, although regarded as "not conservative enough" by many Texans, Rayburn received behind-the-scenes backing from the Suite 8F crowd, particularly Judge Elkins. But perhaps the most important politician associated with the Suite 8F crowd was Lyndon B. Johnson.

The Brown brothers were effective in cultivating national politicians. During the Great Depression, New Deal contracts helped save Brown and Root from bankruptcy. In the mid-1930s the Browns had received a federal contract to build a dam project near Austin, but Brown and Root's contract needed further congressional approval. The brothers helped get a young New Deal Representative named Lyndon B. Johnson elected. Within two weeks of his arrival in Washington, Johnson got the necessary approval for the dam. Johnson became a full-fledged member of the Suite 8F crowd. The Brown brothers were sometimes called "New Deal capitalists" because of the federal contracts they received, which in the 1930s and 1940s included dams, naval air stations, and warships. After World War II, the Brown brothers bid on two war surplus pipelines, and the Texas Eastern Co., now a Fortune 500 firm, was created to operate the pipelines.

DURING WORLD WAR II there was much contact between the local business leadership and the federal government, in addition to the individual work of Jones, the Browns, Lyndon Johnson, and Will Clayton. For example, during the war the Chamber of Commerce was involved in bringing war projects to the Houston area.

Correspondence between chamber officials and federal officials was frequent. More than a year before Pearl Harbor, W. N. Blanton, general manager, wrote to Albert Thomas, Houston's prominent House member; Blanton sent two copies of a chamber brief presenting Houston's case for being the location of a major airplane plant. Thomas sent the brief to the war department and received a speedy reply from the Assistant Secretary of War. Similarly, in 1945, the secretary of the chamber's military affairs committee lobbied Thomas, the Secretary of War, the commanding general of the Army Air Forces, and the entire Texas Congressional delegation in an attempt to keep a military installation called Ellington Field in South Houston and to maintain the Army Air Field in Galveston.

After World War II, the ties to the federal government remained strong. From the 1950s to the 1970s a number of Texans connected to the Suite 8F crowd played significant parts in the federal government. In addition to Lyndon Johnson's role, Oveta Culp Hobby served as the first Secretary of Health, Education and Welfare in Washington. Former Texas governor and partner at Houston's Vinson and Elkins law firm, John Connally, served as Secretary of Navy. (In 1987 Connally faced business and personal bankruptcy, in part because of real estate investments that relied upon continuing population growth in Texas.) Leon Jaworski served as special Watergate prosecutor in the early 1970s. Other members of the local business community also served in Washington, including Dillon Anderson as national security adviser in the 1950s.

These ties to the federal government were sometimes used by local business leaders to spur the growth and development of Houston. For example, study the relationship between Leon Jaworski, a member of the Suite 8F crowd and sometime president of the Chamber of Commerce, and Houston Representative Albert Thomas. On December 16, 1959, Thomas wrote Jaworski a letter of congratulations on his election as president of the chamber and said that "Whenever I can cooperate with you, the other officers and directors, it will be my pleasure to do so. Don't hesitate to call on me whenever I can be of any service whatsoever." On April 1, 1960, Thomas again wrote Jaworski asking for the chamber's active participation in supporting "the project of widening and deepening the San Jacinto River as an adjunct to the Port of Houston." In a follow-up letter, Thomas wrote to Jaworski: "You are a honey. You came through with flying colors. I know that the resolution of the Chamber of Commerce will have great influence with the Port Commission. As I mentioned to you before, this project should be consummated now for the future growth and welfare of Harris County." Later, Thomas wrote Jaworski

saying that he had "enjoyed visiting" with Jaworski in his office in Washington. He further noted that Houston has been put on the FAA's airport program for a new airport, a major goal of the chamber. And in closing, Thomas reiterated his role as a foot soldier for the chamber: "Don't hesitate to call on me whenever there is any footwork I can do for you. You have only to say the word." This correspondence illustrates the importance of individuals in integrating the organizations and institutions of a society — in this case the federal government and a major business organization.

The NASA Manned Spacecraft Center provides another example. In 1961 NASA was seeking a site for its new Manned Spacecraft Center. Vice-President Lyndon Johnson was head of the National Aeronautics and Space Council. Working together with the Suite 8F crowd and Houston Representative Albert Thomas, who headed the key House committee, Johnson pressed vigorously for the Houston location. A major oil company entered the picture at this point. In 1938 Humble Oil Company (now Exxon) had bought 30,000 acres southeast of Houston for oil exploration. In the early 1960s the president of Humble Oil gave 1,000 acres of this land to Rice University, which Rice in turn gave to NASA for the Space Center. As chair of the Rice board of trustees, George Brown had helped in arranging the land transfer. Brown and Root, later part of Halliburton Co., got a contract for architectural and other work on NASA's \$125-million project. Humble Oil announced major commercial and residential developments on the remaining land near the new NASA center. Houston's climate and terrain were not the only factors in the NASA decision; the aggressive boosterism of the local business elite and its connections with the

federal state were critical.

In the Suite 8F crowd the Browns, Judge Elkins, and the Hobbys were particularly influential at the Texas government level. Herman Brown reportedly exercised considerable influence over Texas legislators, so much so that he was described in 1951 as the "most powerful man in Texas." Moreover, William P. Hobby had served as governor of Texas from 1917 to 1921. After that service, Hobby and his wife, Oveta Culp Hobby, remained influential in Texas politics for many years.

Law firms associated with the core members of the Houston business elite have been prominent in local and national politics. For several decades the law firms associated with the Suite 8F crowd played an important role in screening potential candidates for elective offices. A former state legislator observed that "unless you get their [the top partners in the law firms] blessing, you couldn't get money from the client." Most Texas governors between the late 1930s and the 1970s were the candidates of the big Texas law firms or were at least acceptable to them. These firms reportedly have had the power to kill bills in the committees of the Texas Legislature.

On occasion, the corrupt nature of some connections of Houston entrepreneurs to Texas politicians has been made public. Houston was the center of a major banking scandal in the 1970s. Frank Sharp, a prominent Houston developer, controlled the Sharpstown Bank. Federal investigations revealed that Speaker of the Texas House, Gus Mutscher, had pushed insuring bank deposits through the Texas legislature for Frank Sharp, a local banker and developer who sought this legislation. Sharp offered to state officials including Mutscher, the governor of Texas, and several others, stock in his company. Mutscher was convicted of



BARKER TEXAS HISTORY CENTER

Buffalo Bayou Port, Houston, circa 1900

accepting a bribe; other powerful politicians were tarnished by suspect trading in Sharp's stock and by no-collateral loans from Sharp's bank.

THE CHANGING GUARD: AN EXPANDED BUSINESS LEADERSHIP

By the 1970s the Suite 8F group was seriously weakened by the deaths of core members and the arrival of numerous corporate executives from across the nation. Between the late 1960s and the late 1970s more than 150 companies moved subsidiaries, divisions, or headquarters to Houston. The magazine *Texas Business* commented that the older movers and shakers in Texas were being eclipsed, in part, by urban-based capitalists from outside and that the "influx of corporations into the state has both enhanced and diminished the power of the business establishment." Rice University professor Chandler Davidson has argued that since the 1970s the Suite 8F oligarchy has been replaced by "a more expanded oligarchy in which the key institution is the Chamber of Commerce, whose job is made more difficult by the politicized electorate."

Since the 1970s there seems to have been

an effort to include most executives of major Houston corporations on the Board of the Houston Chamber of Commerce — renamed the Greater Houston Chamber of Commerce in 1987. The chamber's board of directors has come to include the top executives of a majority of Houston's major industrial corporations, banks, newspapers, and law firms, as well as a token number of education officials. Notably, the board includes representatives from most of the Suite 8F original firms: Vinson and Elkins; Fulbright and Jaworski; First City Bancorporation; Texas Commerce Bancshares; Texas Eastern; Tenneco; Brown and Root; and the *Houston Chronicle*. The oil, banking, insurance, law, and industrial firms created by the Suite 8F crowd still have major representatives at the chamber. However, the leading executives in these firms do not wield the great personal power the members of the Suite 8F crowd once did.

Corporate executives on the board illustrate the importance of the large multinational corporation in contemporary Houston — firms that are major employers and taxpayers. And the executives of these firms often serve on the boards of other firms, the interlocking directorates used

effectively by earlier generations of Houston's business leaders. Moreover, real estate developers today constitute a distinctive interest group. Kenneth Schnitzer, head of the Century Development Corporation, symbolizes the growing importance of the major developers in Houston's business leadership in the 1970s and 1980s. Developers like Schnitzer, Gerald D. Hines, Walter Mischer, and George P. Mitchell have become members of the chamber's board of directors, shifting the chamber's concern toward the decaying infrastructure of the city and the diversification of the economy.

Reportedly, in the late 1980s, a few men on the chamber board have the power to significantly improve the chances of a favorable decision or to block a major decision in a situation where the local business community faces either a crisis or a major development project. There is no longer a small oligarchy of a half dozen or so men running the city. Yet there remains, depending on the issue, a group of men who constitute what one source called a "yes or no" elite. These men — and this leadership is all male — still hold substantial power to shape the economic and political agendas for the city of Houston. □

POLITICAL INTELLIGENCE

✓ **DEMOCRATS** see the August 13 special election of Steve Carriker to the state Senate as an omen of good things to come. Carriker scored a solid district-wide victory over Republican businessman Bobby Albert and now has at least a temporary claim to the seat vacated by Senator Ray Farabee, D-Wichita Falls. Carriker will have to win again in November to serve the full four-year term.

Carriker, a progressive Representative from the small West Texas town of Roby, seemed to have a disadvantage in the race, due to his opponent's electoral base in Wichita Falls. And yet Carriker won not only his opponent's home county, but all 30 counties in the district. His margin of victory was 62 percent to 38 percent.

Albert employed the usual Republican campaign tactic of branding Carriker as a tax-and-spend liberal. Carriker rejected the label and campaigned as someone who represents the interests of the farmers and working people of the district. He also benefited from his political experience and higher name recognition. Thomas Whatley's *Texas Government Newsletter* recounted the following campaign highlight: "When political novice Albert used the gimmick of symbolically presenting Carriker with a weekly 'Liberal Left Wing' award, old pro Carriker stole the spotlight by showing up at Albert's press conference to accept the

award in person and refute his charges — when Albert refused to surrender the trophy, Carriker called him an 'Indian giver.' "

In the November 8 rematch Carriker will be in a strong position, especially if the Dukakis-Bentsen campaign gives down-ballot candidates a boost.

✓ **THE PROSPECT** of Carriker filling Farabee's seat brings hope for a more progressive Senate. Farabee was one of the most respected and skillful lawmakers in the legislature, but he also carried a good deal of the business lobby's agenda; last session he sided with the utilities, insurance interests, the large phone companies, and private prison companies. In his tenure in the House, Carriker has been skeptical of big business schemes to get out from under regulation and to shift taxes to people of average means. He has been a strongly partisan Democrat as Republicans in the House have become more vociferous.

A similar change for the better is likely to result from the replacement of conservative Democrat Grant Jones of Abilene by Temple Dickson, a trial lawyer from Sweetwater who beat Jones in the Democratic primary this spring. Dickson has no Republican opponent in November. With a legislative fight looming on workers' compensation reform, the insurance lobby can hardly be heartened. They will have a much

more difficult time winning Dickson's and Carriker's votes than they would have had with Jones and Farabee.

Three of the Senate's six Republican seats are being contested this fall, with the strongest challenge coming in San Antonio from Nef Garcia, who is given a chance at unseating Senator Cyndi Krier. If the Democrats were to win here and hold onto their other seats they'd have a 26-5 majority in the upper chamber. But Democrats such as East Texas Senator Richard Anderson and Rockwall Senator Ted Lyon are facing aggressive Republican challengers.

✓ **SENATOR AND** Vice-Presidential candidate Lloyd Bentsen has been getting some flak for his work on behalf of a candidate for the federal bench who was nominated by Senator Phil Gramm. *The Texas Lawyer* reported on August 8 that Bentsen's staff succeeded in making an "end run" around a growing group of opponents to the confirmation of Fulbright & Jaworski partner Simeon Lake for a seat on the Houston district court. Lake's appointment had been delayed in the Senate but Bentsen reportedly played a key role in getting the nominee's name out of the Senate Judiciary Committee and onto the Senate floor. The Senate approved Lake's nomination on August 11.

Lake had drawn opposition from labor

and environmental activists, in part because of his extensive work in representing Browning-Ferris Industries, a waste disposal company based in Houston. Residents who live near the Whispering Pines landfill testified against Lake at a Judiciary Committee hearing in July. Their unsuccessful class action lawsuit charged that BFI puts too many dumps near minority neighborhoods. Former state Supreme Court Justice John Hill testified on behalf of Lake. But Hill neglected to inform the committee that he, too, had been employed by BFI.

The National Toxics Campaign is charging that Bentsen turned a deaf ear to environmental concerns and says that federal records show \$18,000 in contributions to Bentsen from BFI's political action committee over the last two years.

Houston state Senator Craig Washington and Harris County AFL-CIO secretary treasurer Don Horn were working against the Lake nomination. Washington suggested to the *Texas Lawyer* that Bentsen's role in the nomination makes it more difficult to work up enthusiasm for the Bentsen candidates in the fall.

SOME MINORITY leaders in Dallas remain cool to Bentsen and the Dukakis-Bentsen ticket. Dallas County Commissioner John Wiley Price, the floor leader for the Jackson delegation at the Democratic National Convention, has been one of the most critical among the state's black leaders toward Dukakis and Bentsen. He remains non-committal about campaigning for them in the fall. "I think a lot of people feel they have not gotten sufficient return for what they've invested in the Democratic Party," Price told the *Dallas Times Herald* in mid-August.

Dallas city council member Diane Ragsdale is openly supporting the third party candidacy of Lenora Fulani, a psychologist running as the New Alliance Party nominee. Price said he was not supporting Fulani. The Jackson campaign has attempted to disavow any connection with the controversial New Alliance Party (see *TO*, 4/8/88), which commonly uses the term "Rainbow Alliance" to capitalize on the popularity of Jackson's Rainbow Coalition.

IN ADDITION TO Lloyd Bentsen's difficulties with the left wing of his party, the senior Senator has been taking it on the chin from talk-show host and professional smart-ass David Letterman. Letterman is apparently not impressed with the Senator's vigor. In a recent monologue, he said, "Last week Michael Dukakis released his medical reports and yesterday — I thought this was interesting — they released the coroner's report on Lloyd Bentsen." The next night Letterman discussed a recent Democratic Party fundraiser. He said for \$1,000 a contributor would be entitled to shake the hand of Michael Dukakis. For \$100, according to

Letterman, you were entitled to take the pulse of Lloyd Bentsen.

RAILROAD Commissioner Kent Hance's television ads scheduled to run in several media markets across the state will focus on a theme familiar to those who have followed previous Hance campaigns. In his Democratic Senate primary campaign against Lloyd Doggett, Hance raised the specter of an America invaded by illegal aliens. This time it's an invasion of corporate aliens buying into the U.S. energy industry. At a capitol press conference in August, Hance expressed his concern about foreign purchases of oil refineries that Hance claims portends a control of energy from the well head to the gas pump. Hance said that foreign corporate invaders, whom he described as making "vulture deals" will be the big message in his next media buy.

HANCE ALSO said that he supported the official English movement within the Republican Party. It is not, Hance said, an English only movement. "I think it [English Only] is a misnomer of terms. I think that being the official language of the state is just fine," Hance said.

NEVER MIND the year of the election, just write the check. A Friends of Phil Gramm mailout, soliciting members in

the "Gramm Senate Club" for contributions between \$25-\$1,000 was mailed out recently. The year of the election was not mentioned. Gramm, who is up for reelection in 1990, is raising money for what many assume will be a race with Texas Agriculture Commissioner Jim Hightower. By mid-summer, Gramm was leading Republican Senate Candidate Beau Boulter, who is running this year, by \$2.7 million raised this election cycle, to Boulter's \$459,690.

ONLY A FEW months ago state Treasurer Ann Richards was describing Railroad Commissioner John Sharp as the one young Texas politician that she could see in the White House some day. But in the two years since Sharp left the state Senate, some have begun to worry that he's fallen in with the wrong crowd. Bill Price, director of the Texas Coalition for Life, an anti-abortion group, is disenchanted with Sharp's high-profile support of Michael Dukakis for President. Price, who described Dukakis as the "most pro-abortion candidate to ever run for the U.S. Presidency," demanded that Sharp resign his position as state chairman of the Dukakis campaign. The Texas Right to Life Coalition supported Sharp in his campaign for Railroad Commissioner. But no more: "Mr. Sharp's future in electoral politics has grown quite dim," Price predicted. □

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The Neon Night Swallowed Him Up

BY ROSALIND ALEXANDER

GOODBYE, SWEETWATER:

New and Selected Stories

By Henry Dumas

Edited by Eugene B. Redmond

New York: Thunder's Mouth Press, 1988

348 pages, \$19.95 (cloth); \$9.95 (paper)

I am very much concerned about what is happening to my people and what we are doing with our precious tradition.

—Henry Dumas

HENRY DUMAS was shot to death in a Harlem subway on Tuesday night, May 23, 1968. A New York City Transit policeman apparently "mistook" Hank, the six-foot tall, reportedly likable, 33-year-old from Sweet Home, Arkansas, for some other black man who needed shooting. Martin Luther King, Jr., had been assassinated seven weeks earlier, and Dumas had captured the squalor, rage, and sadness of the times in his poem, "The King Is Dead." Columbia University was under siege by its own student body, New York Mayor John Lindsey found money to add hundreds of officers to the city's police force, and Ralph Abernathy's calming face — just a few pages ahead of Jesse Jackson's angry profile — graced the nation's dailies. Because the details of Dumas's shooting remain clouded in doubt and suspicion, Eugene Redmond, editor of this most recent collection of Henry Dumas's fiction, *Goodbye, Sweetwater: New and Selected Stories*, suggests that Dumas's killing — indeed, the shooting of any "radical" poet active in the civil rights movement — was politically motivated.

Whatever the cause, a full 20 years after his death, with the publication of 25 of Dumas's fiction pieces — three of which are being published for the first time — we are struck by this budding talent that was so violently snipped as it fought for maturation. The *Sweetwater* collection brings the times and passions of a "minor" black '60s radical writer back to the forefront so that new ears can hear and old eyes reassess that which was taken prematurely.

Rosalind Alexander is a freelance writer living in Dallas.

Dumas's stories first appeared in *Negro Digest*, *Black Icon*, and *Umbra* — all black literary magazines primed and mined by black intellectuals and activists of the Civil Rights era. He won a number of awards for his work and helped set up several publications. Fortunately his writings have been collected and published posthumously. *Poetry for My People* and *Ark of Bones and Other Stories* were both published by Southern Illinois University Press in 1970. A novel, *Jonah and the Green Stone*; a poetry volume, *Play Ebony, Play Ivory*; and *Rope of Wind and Other Stories* were published by Random House in 1975 and 1979. But, as befalls most African-American writers, none of the volumes were in print this year until Redmond compiled the best of them and added the "Sweetwater" stories.

Henry Dumas was working with Eugene Redmond as director of language arts for Southern Illinois University at East St. Louis when he was shot. Before SIU he attended Rutgers for two years, studied with avant-garde jazz musician Sun-Ra, completed a tour with the Air Force — during which he was stationed at Lackland AFB in San Antonio and in the Arabian Peninsula. He married and fathered two sons. But Dumas's subject matter seems to emanate from his initial transplantation at ten years of age to Harlem from his native Sweet Home. The move North — a move not unlike that of many black families in 1944 — may account for Dumas's frequent and successful portrayals of black male adolescents in the Deep South and Harlem. Just as the 1960s were in many ways a transitional era, so Dumas focused his storyteller's eye on human periods of vulnerability and change. Thus, the title story of this collection, "Goodbye, Sweetwater," marks one day in the growth of 16-year-old Layton Fields. Layton lives with his grandmother on a rented plot in Holly Springs, Arkansas, and daydreams of the day his mother — who, like most younger folk in the parched, dying community, had moved to New York to find work — will send for him. Besides watching freight trains pass, going to school, and working in the cement plant nights and weekends, Layton also feels responsible for hauling drinking water from a nearby spring

since the rest of the Holly Springs' water supply is sulphured. When the white landlord comes to collect money from Layton's grandmother who has only the "pennies" that Layton makes and small support checks from her daughter in New York, Layton recalls the marches, demonstrations, and voter registration drives that have seeped into Holly Springs lately. He dips the landlord a glass of sulphured water rather than the sweet his grandmother would have offered. The Fields matriarch intercepts the glass, apologizes to the landlord for her grandson's "bad manners," and pours the man a glass of sweetwater. Later, as he walks to the spring, Layton realizes that he will leave Holly Springs whether his mother sends for him or not. He loves and respects his grandmother's strength and perseverance, but he realizes the town is dying as steadily as its young leave, the earth is dying with the cement factory expansions, and even the spring will soon disappear into the ground and resurface elsewhere. "Goodbye, Sweetwater" may be bittersweet in tone, but it is so skillfully and subtly crafted that the changes it depicts are anything but hopeless. Under Dumas's deft orchestration, the language wavers, then screams, then hums like a wind, or like a very, very good saxophone player. One reads and remembers such performances.

"A Harlem Game" offers a frightening glimpse of life in one 1950s Harlem family. Mack's stepfather is abusive, his mother is abused, both are alcoholic and obsessive card players, so getting six bits for the picture show proves to be a ordeal for the young boy. "A Harlem Game" shines an unmerciful, unglorified light on the underside of ghetto life — the games, checks, draws, and risks that have to be played and understood to survive. Perhaps like no black author of his era, Dumas manages in this story to depict the victims — all three — without victimizing them further. Mack gets his coins for the show, all the characters continue to play. But at what cost?

[Mack] stood up and touched the iron spike. He wanted to scream out and curse, but he didn't. He jerked the coin from his pocket and stared blankly at it. Then he

slammed it down at the spike, which momentarily dug at the metal, then skidded off and gouged deep into his palm.

Blood spurted from the hole and he ran off up the street beside his shadow. And the neon night swallowed him up.

Henry Dumas always managed to analyze the specter of tradition and the black community — whether it lay on Southern or Northern soil — in his fiction. Also included in the *Sweetwater* collection is "Six Days Shall You Labor," a deceptively pastoral look at two black men and a young boy who decide to "frail" a few paper-shell pecan trees on the Sunday a white plantation owner is out of town. "The Voice" provides a soul-searching glimpse at The Expressions, four boys in a pop crooning group, who must come to terms with the recent death of their fifth member. "Strike and Fade" compares the street warfare of the late 1960s to guerilla warfare in Vietnam; Tyro, a former green beret and major street strategist, lost his legs and an arm to the "VC" and has this "message for all the cats on the block": ". . . learn to fade fast. Learn to strike hard, but don't be around in the explosion."

DUMAS'S FICTION encompasses much more than trials in the lives of little boys and riotous nations. He draws on West African, Egyptian, and Christian mysticism, on gospel music, jazz, and the unaffected speech of black Southerners (sometimes living in the North) to give his stories an occasionally surreal, often driven, frequently shocking, but always *fresh* tone. "Fon," for example, is the mythical tale of a black man (metaphorically a stone — a bit of coal turned to diamond, perhaps) who visits earth from the next ontological rung. Fon is chased and stabbed by a drunk, racist, white former sheriff and his lynch-mob buddies. But, the sheriff, *et al.*, are destroyed by a nebulous, but potent, combination of their own hatred and Fon's ability to transcend them. At the story's end, Fon reasons: "To have looked at them would have been too much. Four centuries of black eyes burning into four weak white men . . . would've set the whole earth on fire. Not yet, he thinks, not yet. . . ."

"Will the Circle Be Unbroken?" allows us to hear a Harlem horn player named Probe (in the tradition of John Coltrane's sax and Sun-Ra's infinity drum) as he recharges a black night club audience with his performance on a mystical "afro-sax." Three whites who bogart their way into the club with police assistance are killed by the vibrations emanating from this legendary horn "forged from a rare metal found only in Africa and South America."

Arguably, "Rope of Wind" is this collection's best — perhaps because it is the most introspectively autobiographical; probably because it is an extremely well-crafted, addictively paced narrative of young

Johnny B's flight from a band of assassins who are tracking a local black minister. Johnny B runs to warn Rev. Westland of the men's approach but is told by the calm preacher: "I want you to go home to my son, and tell him his papa is gone." Johnny B then watches from behind a tree as the men take Westland from his church. Johnny B follows the killers' car on foot for miles through the night in hopes of helping Westland. The car's taillights are "two red eyes" of which he must not lose sight. Since Johnny B got his second letter-name by finding a pool of blood under a lynched black man's porch, he feels a black presence is essential. Someone must see, bear witness to injustice, even if he is powerless to help the victim escape. The community should also know the identities of a man's murderers. Johnny chases the car to a deserted barn where he witnesses the deputy sheriff and two others accuse Rev. Westland of killing a white man in another state. The men force Westland into a sack and shoot "five six seven times." They then tie the blood-soaked sack to the bumper of the car and drag it to another shed. After untying the bag and hiding it in the bushes, Johnny B memorizes the license plate and runs the miles back home where the people embrace their collapsed seer and witness:

They laid [Johnny B] in the spot over

which Ukie's blood had flown. They laid him on the porch in the morning.

He opened his eyes, stared fixedly at them all . . .

"Where you been, Johnny B?" asked Lance, with his lips touching the boy's ear.

They were waiting to hear him, just like they waited to hear Reverend Westland preach . . . they were waiting on him, and so he would tell them . . .

"Mr. Westland told me to come get you . . . I . . . follow them . . . they got him . . . go to Todd's old farm . . . I follow him . . . they . . . I cut him out that sack . . ."

And the blood burst out of mouth . . .

And they covered him, lest the flies pollute his blood.

Henry Dumas might as well have been Johnny B, because *Goodbye, Sweetwater: New and Selected Stories* tells us exactly what Dumas saw, heard and felt as he ran. Hopefully the flies have all been killed in the last 20 years, and we can uncover him now. □

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SOCIAL CAUSE CALENDAR

SCULPTURE IN AUSTIN

The Austin Sculpture Annual, a major juried and invitational exhibit, will be held at MEXIC-ARTE, 419 Congress, Austin, **September 2** through **September 30, 1988**. The Sculpture Annual will bring together different styles and schools of thinking and provide exposure for local artists as well as presenting significant work from around the state. A public reception will be held **September 23** in conjunction with MEXIC-ARTE's grand opening and fifth year anniversary celebration. The reception will be held at the gallery beginning at 5 p.m. and continue until midnight. For more information call (512) 480-9373.

CASAS EXHIBIT IN AUSTIN

Mel Casas, a special retrospective exhibition of the artist's work will open at Laguna Gloria Art Museum in Austin on **September 3** and run through **October 16, 1988**. The exhibit will introduce to Texas the painting of this artist and educator, who is considered to be a precursor of the Chicano art movement, but whose work is not widely known or seen. Casas's realistic work, spanning the years from 1965 to the present, has been dominated by a single series Casas refers to as Humanscapes showing scenes of contemporary culture. Through his paintings Casas makes forceful and complex observations about our culture and the experience of Chicanos within it. Casas was born in El Segundo in El Paso, received degrees from Texas Western College and the University of the Americas in Mexico. Since 1961 he has taught at San Antonio College where he has been chairman of the Art Department for the last ten years. For more information contact Scout Carr at Laguna Gloria, (512) 478-7742.

OBSERVANCES

September 3, 1957 • Elizabeth Eckford is blocked from becoming first black student at Little Rock Central High School.
September 5, 1877 • Crazy Horse assassinated while in custody.
September 6, 1860 • Social reformer Jane Addams born.
September 7, 1958 • First meeting of the New York Daughters of Bilitis, pioneer Lesbian organization.
September 7, 1968 • Coalition of women's groups disrupts Miss America Pageant, first mass demonstration in modern women's movement.
September 8, 1965 • United Farm Workers' grape strike begins in Delano, California.
September 8, 1974 • President Ford pardons former President Nixon.
September 11, 1973 • CIA-assisted military coup overthrows Chilean President Salvador Allende.
September 13, 1971 • Prison uprising at Attica, New York, ends with deaths of 37 inmates.
September 14, 1959 • Landrum-Griffin Act passed, limiting trade union activities.

TEXAS NOW CONVENES

The annual convention of the Texas State National Organization for Women will be held at the Beulah Land Camp, 4555 Old Shady Grove, Nacogdoches, on **September 9, 10, and 11**. For more information call NOW at (409) 326-4348 or (409) 569-0034.

LABOR DAY CELEBRATIONS

Here is a list of celebrations scheduled for **September 5**, as provided by the Texas AFL-CIO:

Austin: Picnic at Auditorium Shores. Barbecue served mid-day; \$4 a plate, drinks provided. Games and booths. In case of rain, IBEW Hall, 210 S. Congress. **Dallas:** Breakfast at 8:45 a.m. at Dallas Park Inn Plaza (formerly Dallas Hilton), 1914 Commerce. Guest speaker Representative Clint Hackney. \$12 per person. Phone (214) 321-9892. **El Paso:** Breakfast at 9 a.m. at Plaza Hotel, Oregon and Mills Streets. Speaker Congressman Ron Coleman. Call (915) 562-4747 for more information. **Houston:** Harris County Central Labor Council, Houston Building Trades, and Gulf Coast Trades have jointly sponsored a breakfast at 8 a.m., IBEW 716 Hall, 1476 North Loop West. \$12. Distinguished service award to Congressman John Bryant. Speaker: Ed Carlough, President of the Sheetmetal Workers. **Permian Basin:** "Jobs with Justice" is the theme of the 31st annual celebration of Labor Day by this CLC. The event starts at 11:30 a.m. in Odessa's Sherwood Community Center. **Sabine Area:** Third annual Carl Parker Labor Day Picnic on the Beaumont Fairgrounds from 12 noon to 5 p.m. Barbeque, games, rides. Several statewide officials will speak. **San Antonio:** Annual Labor Day breakfast at Shriner's Temple, 4th and Avenue B, 8:30 a.m. Speakers are Mayor Henry Cisneros, Congressman Henry B. Gonzalez, and Laurie Tucker. **UAW CAP Council:** Picnic and softball tournament in Franko Park, Grand Prairie.

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A Texan Looks at Ollie

BY JOHN HENRY FAULK

I'VE BEEN JUST as confused as the next man by all the conflicting accounts of how we came to shoot down that Iranian Airbus earlier this summer. Just yesterday I got what might be called an insider's account of how and why it happened. Cousin Ed Snodgrass explained it to me.

Cousin Ed Snodgrass is 88 years old. He is fond of declaring that the last eight years have been the happiest of his life. This is because Ronnie is in the White House. Cousin Ed adores Ronnie Reagan and is always eager and willing to explain the President's policies to people like me who are less enlightened about the Administration.

Yesterday, Cousin Ed popped into my kitchen just about daylight, while I was having my first cup of coffee.

"Hear about that there planeload of heathens gittin' shot down over there in the Pershing Gulf?"

I nodded.

"Well, I've got the inside story on that. Got it figured out from start to finish. It was a patriotic act of friendship that misfired, that's all."

"What the hell does that mean?" I asked.

Well, here's the poop as Cousin Ed gave it:

It means this. A couple of weeks before it happened, Ollie North's lawyer called him in and says, "Ollie, we want you to git that Bible back that you gave them Iranians."

"What you want with that thing? It didn't do nothing but bring me bad luck," says Ollie.

"We want you to hold it while you are on the stand testifying."

"But you said I was supposed to wave a flag while I was testifying," Ollie comes back.

"Our P.R. expert has changed that. He says it will get more publicity mileage if you drape the flag over your shoulders, then clasp the Bible to your heart while you're on the stand."

"What about my medals? The Bible might cover 'em up when I clasp it to my heart. Don't forget them medals is my best free pass with the patriotic crowd!" Ollie allows.

His lawyer ponders for a minute, then comes up with, "Tell you what. You can

hold the Bible in your lap with both hands, like you are clinging to the Truth. That's it! North clutches The Truth tightly in both hands. What a picture that will make! It will hit every newspaper in the U.S."

Ollie buys that right off. He gets holt of his Israeli Contact and tells him to tell the Iranians he wants his Bible back. Israeli Contact calls in a couple of days and says, "Ollie, the Iranians are hoping mad. They lit in and cussed you for being an Indian giver. But I stayed at it, 'til they agreed to cut a deal. They want five planeloads of sidewinder missiles and half of what's left in them Swiss Bank accounts."

"What that thievin' pack of greedy hogs!" Ollie shouts, "Tell 'em to go to hell. I'm not about to start another one of them damn scandals."

"I was hopin' you'd say that," says the Israeli Contact. "I can get you a brand new Bible right here in Israel. Government approved. Just one million dollars."

"One million dollars!" Ollie nearly faints.

"Don't panic," says the Israeli Contact. "Since the money goes to Israel, the whole million is tax deductible. You can set up a foundation to raise it."

"Okay," says Ollie, "send it Federal Express to my lawyer."

Well, a couple of days later, Ollie's lawyer calls him, just sore as hell. "Dammit, Ollie, we can't use this Bible. It ain't a true-blue American Bible. It ain't got no New Testament."

Well, Ollie and him jawed back and forth for a while and finally the lawyer says, "Ollie, you've got to get that original Bible back. P.R. folks say we need it, not just any Bible. They want to play it up — 'Ollie brings Bible back to America.' It would get a lot of front-page attention."

That's when Ollie decides he ain't got no choice but to go to the Best Friend He's Got in the World. So he waits 'til noon, calls Ronnie, and says, "Hope I didn't wake you up, sir! But I'm in a jam, sir! Your favorite American Hero wants to ask a favor of his Commander in Chief."

"Hey there, great American Hero!" Ronnie says, "It's good to hear from you. Been wondering when you'd get back. That was a great piece of Standing Tall you did! Great Leadership! When did you get back?" The President is standin' at ramrod attention.

"From where, sir?"

"From Grenada! America's Proudest Hour."

"That was four years ago, sir, and I wasn't along on that one, sir! This is another matter."

Then Ollie explains to the President about the Iranians refusing to give him back his Bible without starting another scandal.

"I wish you'd jolt 'em up a little, sir. Give 'em a bit of a scare. Say like laying a warning shot across their bow. Something that tells 'em that we've got strength and will use it."

"Will be done," says Ronnie.

You know the rest — shootin' to scare 'em and happened to hit 'em. Pure-dee accident! That's why I call it a patriotic act of friendship that misfired. If them Iranians had acted civilized and give Ollie's Bible back, the whole airbus thing wouldn't ever have happened.

Cousin Ed fixed a stern stare at me, waiting for my response. When I made none, he declared, "President Reagan was compassionate but firm. He said he was sorry. But not very. He wasn't about to let a bunch of heathens tell him how a true-blue American ought to feel." □

Observer Bequests

Austin attorney Vivian Mahlab has agreed to consult with those interested in including the *Observer* in their estate planning. For further information, contact Vivian Mahlab, attorney-at-law, P.C., at 1301 Nueces, Austin, Texas 78701, or call 512/477-9400.

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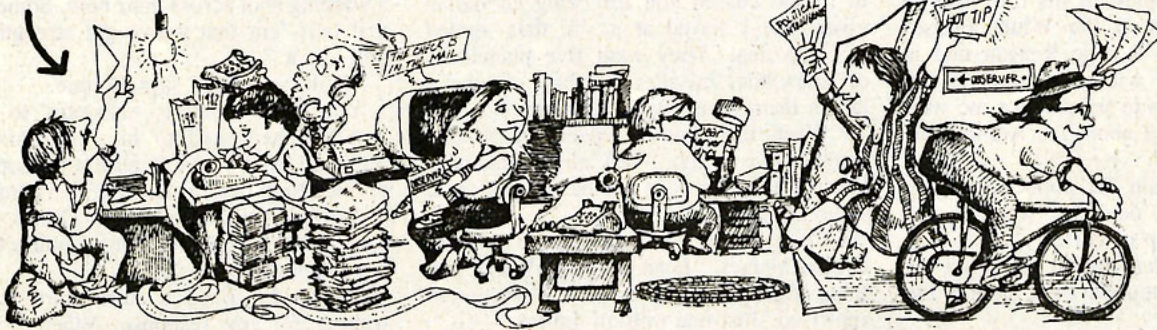
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