

The Mystery of the Courthouse Fire

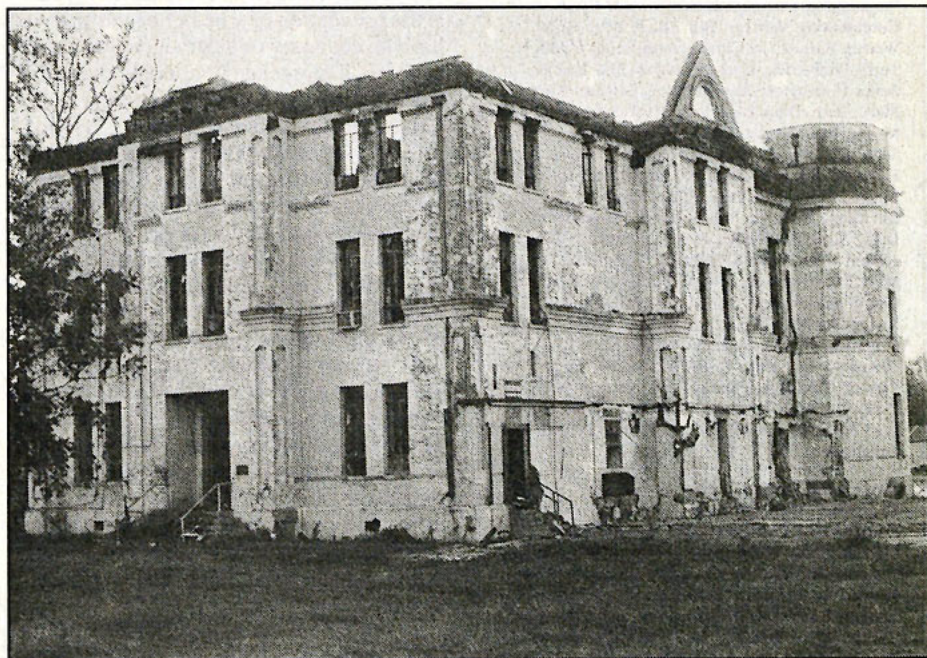
*A Case of Arson
Leaves an
East Texas County
With Smoldering
Suspicious*

BY DAVE DENISON

Bowie County
IT WAS THE MIDDLE of the day on August 12, 1988, in downtown Boston and it was quiet enough to hear the pigeons chortle and flutter. The birds were going about their torpid and gaseous business in the old Bowie County Courthouse at the center of the public square. Not long ago this had been the seat of county government. But that was before the county offices were moved to a modern \$6 million facility in New Boston, out by the interstate (more accessible to Texarkana, which is 30 miles due east). Now there wasn't much left of downtown Boston and, for that matter, there wasn't much left of the old courthouse.

You could see the sky through some of the broken-out windows. Bricks and rubble spilled out of the front doorway as if the thing had finally coughed up its own innards. The paint on the walls was a faded yellow. An air conditioning unit was drooping out of a second floor window. And the roof had fallen in.

It had been a year to the day since county residents had awakened to the news that the courthouse was burning. By the time most of them were going to work, the fire had brought the roof crashing down through the



DAVE DENISON

Bowie County Courthouse, August 12, 1988.

third and second floors. By the time people were having lunch, rumors were spreading that the fire had been intentionally set.

As far as I could tell, I was the only one who came out to observe the anniversary of this event. Across the street from the courthouse, business was going on as usual at the His and Hers Hair Designs and at Birdwell's Lumber and Hardware. The post office on the square was closed for the lunch hour, but at any rate the sign on the facade (United States Post Office, Boston, Texas, 75557) was perhaps the most important sign of the continued existence of this town as

an entity separate and distinct from New Boston.

The shell of a courthouse was a bit of an embarrassment. Why couldn't something be done about it? "They need to tear it down or clean it up," Frances Jones told me, as she tended the cash register at Birdwell's. Though she remembered going into the courthouse as a small child while her parents were voting, and though she said the building was full of beautiful old woodwork, she was not sentimental about the building. The fire had ruined it.

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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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DIALOGUE

Biblical Influence

In his otherwise excellent article on John Bryant (*TO*, 9/30/88), your reporter misidentifies us as Mary and Paul Tolchin, authors of *Buying into America — How Foreign Money Is Changing the Face of Our Nation*. The book title is correct, but our names are Martin and Susan Tolchin.

Perhaps he has seen *The Last Temptation of Christ* too many times.

Dr. Susan J. Tolchin
Washington, D. C.

'Misquote' Not Appreciated

Well! You laid out a powerful story of the poor performance of our educational system in the state (*TO*, 9/30/88) and of the ways this performance affects our economy and is the foundation of whether or not we will have an economy or a democracy in years to come. I appreciate your doing the story; I don't appreciate your misquoting me.

I did not say public education is a failed monopoly. David Kearns, Chief Executive Officer of Xerox, did. I didn't say I have no faith in the educational system. I have tremendous faith in the people who make up our democracy because it is they who can and must and will change our educational system so it can serve us instead of our serving it.

For a country to have free voices as your journal has always trumpeted it is imperative that all of us participate in the rebuilding of our educational system. The opportunity is here. The payoff is tremendous. For all of us to be free voices must be raised and arms must be locked together; changes must and will take place. We will either be part of the change or part of the status quo. It is ours to choose.

Richard H. Halpin
Austin

The Author Replies

I spoke with Richard Halpin three times and on at least two of those occasions he referred me to David Kearns's speech about the failure of the public schools. The phrase "failed monopoly" is indeed Kearns's, and for the sake of exactness I should have directly attributed it to him. But each time Halpin spoke of the Kearns view he made it clear he agreed with much of Kearns's analysis. Because he was so gung-ho about Kearns's view that the school system is a failed monopoly I, perhaps mistakenly, assumed he viewed it that way, too. Now

it seems he wishes to disassociate himself with the phrase. That's fine, but he should not be so loose with his charges of "misquoting," especially when he is guilty of it himself. He charges me with reporting that he said he has "no faith in the educational system." That is not what I reported. I wrote "Halpin doesn't profess to have much confidence in the public schools." That is not a "misquote." In my conversations with him he never professed confidence in the public schools, nor does he profess such confidence in the letter above.

—Editor

Equal Protection for the Unborn

The letters (*TO*, 10/14/88) critical of the Hitchens interview once again illustrate the intellectual bankruptcy of the abortion movement. Such meaningless incantations as "mandatory pregnancy" and "a woman's right to her own body" are hardly substitutes for rational argument. Unpalatable as it may be to militant feminists, a woman's anatomical structure makes pregnancy a possible consequence of sexual intercourse, and pregnancy means that a second individual's body must be considered. Babies are people before they emerge from the womb.

Contrary to your NOW respondents, most women reject abortion. Gallup polls consistently demonstrate that, by a three-to-one majority, Americans reject abortion-on-demand — which is the point at issue. Indeed, anecdotal evidence strongly suggests that male pressure is the deciding factor in a large number of abortions.

Feminist extremists want more than equality. They insist on a woman's unilateral right to abortion. Traditionally only the community as a whole could condemn a human being to death. The *Roe v. Wade* decision overthrew that tradition. Belatedly our society is beginning to grope toward a way to undo that mistake.

In that context, it is important to examine the degree to which abortion is justified as strictly a moral issue. It is that, of course, but it also has basic political/legal and medical/scientific components. Medical advances in the past decade make it impossible to ignore the humanity of the child in the womb. Increasingly, atheists such as Nat Hentoff, the *Village Voice* sage, and Bernard Nathanson, one-time abortion pioneer, deny that only benighted church-going folk champion the unborn. It took a century and a half to eliminate property, race, and sex barriers to equality. Isn't it time we provide equal protection to the most

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Debt Squads

BY NOW, most are familiar with the mean arithmetic that documents the family farmer's departure from the land:

In 1981, 189,000 farms were operating in Texas. Today 160,000 remain. In 1981, 69,912 family-sized livestock feedlots were operating nationwide. Only 41,076 are still working today. Cattle operations in Texas, during that same eight years, have decreased by 16,000 and those farmers and ranchers who managed to stay in business have seen property values fall by 31 percent. In 1988, 2,500 farmers went out of business each week; Texas' share in that number was 175 per week.

What has become of the land from which the farmers and ranchers were displaced? According to Texas Department of Agriculture economist Heather Ball, lenders now hold eight million acres of foreclosed farm land, the Farmers Home Administration (FmHA) holds 1.6 million acres, and insurance companies own five million acres — most acquired through foreclosure. Corporate-owned farms are expanding while smaller farmers face foreclosure. This shift in ownership, as *Village Voice* writer James Ridgeway has observed, is an "immense agricultural reorganization equivalent to the 18th century enclosure movements that drove farmers off the land."

And now, as something of a parting shot by the Reagan Administration, the Farmers Home Administration promises to make things more difficult for farmers — particularly for High Plains cotton growers. On November 14 the FmHA began mailing out delinquency notices to all borrowers who are more than 180 days behind in their payments. Borrowers are informed that they have 45 days from receipt of their notice to complete paperwork to qualify for debt mitigation options established by the Agricultural Credit Act of 1987. Failure to complete the paperwork could accelerate foreclosure.

The delinquency mailout is not only untimely because of the obvious cynicism in deferring it until after the Presidential election (though it seems like an almost Dickensian irony that most notices will be received between Thanksgiving and Christmas). It is untimely because it begins the foreclosure process before the debt mediation mechanisms required by the Agricultural Credit Act are in place — a situation not unlike beginning probate proceedings while a patient lies on an operating table awaiting a surgeon.

Since 1984, when a federal judge in North

Dakota ruled its foreclosure procedures unconstitutional, the FmHA has been restricted from foreclosing on most of its delinquent loans. The Credit Act revised the foreclosure process and the agency is now moving on some 83,000 farmers. But Congress used the same 1987 credit act to provide a mediation process so farmers and ranchers could restructure debts and put together reorganization plans.

In Texas, an application was signed by Governor Bill Clements requesting \$500,000 in federal funding to establish a mediation center at Texas Tech University. Two weeks after delinquency notices were sent to 6,500 Texas farmers, funds for the mediation process had not been released — though the money had been appropriated by Congress.

Gary Condra, an associate professor of agricultural economics at Texas Tech who directs the debt mediation office, said his program is "an hour late and a dollar short." In late November, when Condra opened his Lubbock office, he did so assuming that federal money would be forthcoming. According to Condra, with the delinquency mailout already two weeks underway, and borrowers facing a 45-day deadline, loan mediation agents had to begin processing applications. "We're doing now what we should have been doing 60 days ago," Condra said. He also said that he had hoped to have the FmHA's "dollar program" available so that mediators could run applicant's numbers through the computer to determine if they will qualify. But the FmHA doesn't have its computer program ready yet.

One-fifth of the cotton grown in the U.S., according to Texas Farmers Union President Joe Rankin, is grown within 100 miles of Lubbock — where the largest concentration of delinquency notices were received. Most of that cotton will be harvested — stripped — between Thanksgiving and Christmas. As Rankin describes it, stripping cotton pits farmers against the elements, the market, and now the FmHA. Dew or rain means that the cotton will be tough and difficult to harvest. "A foot of snow," Rankin said, "and we're two weeks behind." And only if farmers get their cotton to the gin early can they exercise an option to defer their earnings until next year or accept them at the time of harvest. Falling behind in stripping can mean growers will wait for 30 (of 45) days before they know what they have earned in 1988. "I'm afraid that farmers are going to stay out on their

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strippers and tractors because they think the only way out of this is to get a crop in," Condra said. "Then there won't be time to complete the paperwork before the deadline."

Even if farmers accept outgoing FmHA director Vance Clark's explanation — that delinquency notices went out now because it took that long to put a complicated program into place — the agency's timing demonstrates a gross insensitivity to the economy of an entire region.

Governor Bill Clements has talked of his close ties with the President-elect. Since the Governor represents the state with the largest number (6,500) of delinquent FmHA loans, perhaps it's time for him to play his first card and request that the 45-day limit be waived and foreclosure proceedings forestalled until all the elements of the debt mitigation program are in place.

—L.D.

On Liberal Education

BY ROBERT L. HARDGRAVE, JR.

This speech, made at the University of Texas, Austin, College of Liberal Arts Honors Day ceremony on April 9, 1988, was also the occasion on which Bernard Rapoport and his wife, Audre, were selected for the Pro Bene Meritis award.

Three weeks ago, at the end of spring break, I flew back to Austin from Dallas with a planeload of students. In front of me was a young woman, freshly tanned and bubbling over with enthusiasm about her week in South Padre. Soon after we were in the air, a young man in a blue blazer and tie came back from the forward section of the plane and stopped by the row in front of me. Addressing the tanned young woman, he said that she had been pointed out to him as a student at the University of Texas. He identified himself as a high school senior from Connecticut who had applied for admission to UT and he was on his way down to visit the campus.

"Tell me about it," he said, and the young woman, with enthusiasm, declared, "Oh, it a great university — party, party, party."

I leaned forward and, in a stage whisper, said: "Watch out, there's a spy behind you."

What I really wanted to say to that young man came out of my own experience — as a student and a teacher.

I was an undergraduate at the University of Texas back in the 1950s. It had never occurred to me that I might go anywhere else. Texas was "the" University, and I would be a third generation UT student.

I went to high school in Sonora — about 200 miles west of Austin — and graduated in what was, till then, the largest class in the school's history — 31. There were 14,000 students at the University of Texas when I entered in 1956, and I was bewildered at the array of courses.

How many more there are today, when at registration this semester students could choose among 9,000 classes (sections included) — some 2,000 alone in Liberal Arts.

The challenge for the undergraduate liberal arts student without a prescribed curriculum is to shape a program that embraces both breadth and, at the same time, an experience of depth in an academic discipline. How do you pick and choose to give that degree coherence and integrity — for an education is surely more than 120 hours and a 3.5 or even a 4.0 GPA.

All courses are not created equal.

What are the aims of education? Broadly, they involve the creation of the critical, inquiring, and informed mind. We might all agree on certain goals:

- to sharpen the intellect and stretch the imagination;
- to develop "the ability to communicate orally and in writing with clarity and style" and (to quote Derek Bok) "the capacity for careful analysis";
- to foster the development of maturity in judgment and values;
- to cultivate an appreciation of the fine arts; and

- to develop habits of mind that enable us (as Carl Kaysen has said) "to continue the educational process in a self-motivated and self-directed way." Education, after all, doesn't stop when we get a degree.

But there is another component of liberal education — the mastery of that body of knowledge that in some way defines who we are as a people, as a civilization — that body of knowledge which is our common heritage.

In the relatively short period of time since I was a student at UT — at least it seems like a short time to me — knowledge has expanded enormously. And it has become increasingly difficult to identify a common core of knowledge that we agree upon as what every liberally education person should share.

In that same span of time — hardly more than 30 years — knowledge has become increasingly compartmentalized — more highly specialized and less accessible to the educated layman.

Another change is the much greater diversity of the student body — racial, religious, and ethnic diversity. I entered UT in the first year that Blacks were enrolled in the undergraduate program. There were a few Hispanics and almost no Asian-Americans. Today the campus is much more nearly a cross-section of our state and nation.

In the debates on undergraduate education, some people have argued that the expansion of knowledge, increased specialization, and the diversity of student backgrounds preclude any consideration of a "core curriculum" or any notion that there can or should be some body of shared knowledge at the heart of liberal education.

I disagree. These very factors make it all the more imperative that through liberal education we come to share a common bond in knowledge of our human heritage — not one bounded by Europe or ending in the 18th century, but one that embraces the highest achievement of *human* civilization.

To be without knowledge of India's Bhagavad Gita or of the sublime achievements of ancient Chinese art is to be intellectually and culturally impoverished, as would be lack of knowledge of Aristotle, St. Augustine, or Michelangelo.

The challenge for that young man on the airplane — and for each of us in higher education, students and teachers — is to give serious thought to what it means to be a liberally educated human being. With guidance and judgment, a student at the University of Texas can shape a program that embodies the best that any university can offer. The opportunity is here.

I don't know whether that young man will come next fall to the University of Texas. I hope he does. □

Robert L. Hardgrave, Jr., is Professor of Government and Asian Studies, the University of Texas at Austin.

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Perils of Poverty

In the Panhandle, a County Judge Asks Poor to Give Up Right to Vote

BY ROBERT ELDER, JR.

WHEN Mary Helen Vargas's father died this past August, she didn't have the minimum of \$575 it takes to secure a spot in the local cemetery. Like dozens of other Gray County residents over the years, she asked the county judge to pay burial costs. And the Republican county judge, Carl Kennedy, had the same deal for Vargas that he made with the others: we'll bury your father if you give up your right to vote.

Right up until election day last month Kennedy had been using a pauper's oath that seemed like a grim flashback from the Texas of 25 years ago, before the poll tax and other barriers to voting fell.

Mary Helen Vargas says she didn't know enough about her rights to question the "pauper's oath" Kennedy put before her August 28, so she signed it.

Paupers' oaths are a standard tool, used mostly by people who can't afford certain filing fees. They sign the oath, the fees are waived, and their legal proceeding can begin. But the Gray County version of the oath contains this line: "In making this declaration under oath . . . , I surrender my rights to vote as set forth in the Constitution of the State of Texas."

Dozens of other residents in the Panhandle county had signed the oath before Vargas — roughly 40 in the past decade, according to Kennedy. County records show 11 persons have signed the oaths in the past two and a half years. In 1987 a woman signed an oath to obtain a burial for a nine-month-old baby, identified only as "Baby Boy Calfy."

Some residents may have been knocked off the voter rolls by signing the oaths. Others, like Vargas, did not try to register because the county judge told them they cannot vote if they receive aid from the county.

"My experience has been that most people asked to sign the oaths simply do not care if they vote," Judge Kennedy said. "They aren't even registered."

According to Kennedy the county applies the oath only to burial requests because "that's the only [county] welfare program we have." (The oath, however, does not

specify that it applies only to burial costs.)

On November 3, Kennedy said he would stop using the oaths after lawyers from the Texas attorney general's and secretary of state's offices told him to. Before stopping the practice Kennedy observed that it would "sure be nice to know" for sure if the oaths were illegal.

Tom Harrison, the lawyer in charge of the secretary of state's election division, gave Kennedy the specifics the judge apparently needed: The oath violated the U.S. Supreme Court's decision in *Harper v. Virginia State Board of Education*, 383 U.S. 663 (1966), which struck down voter qualifications based on wealth.

Other lawyers were amazed the judge needed to be prodded by a 22-year-old Supreme Court decision.

"Anybody with the least amount of sense or idea about how American democracy works knows you don't deprive people of their right to vote because they're poor," said James Harrington, legal director of the Texas Civil Liberties Union and author of a book on the Texas Bill of Rights.

In applying the oaths, Kennedy was taking advantage of some outdated state constitutional language that has not been repealed and was ignoring the state's election code, which contains more current definitions of qualified voters. Kennedy's oath cites Article VI, Section 1 of the state constitution, which in part bars from voting "all paupers supported by any county." Section 1, which has not been repealed, also contains outdated language that bans "idiots and lunatics" and persons under 21 years of age from voting.

THE TCLU'S Harrington said it was not surprising that "a lot of nonsense" remains in the state's unwieldy and often outdated Constitution. What is surprising, Harrington said, is that Kennedy believes this article gives him any power. "The county judge cannot say 'We gave you some money and therefore you surrender your right to vote.'" Harrington said. "He doesn't have the authority to set up this kind of tit for tat."

According to Harrington, this pauper provision originally applied to people who depend on the county for survival. "To stretch that to apply to someone who has a relative who ends up in a cemetery is incredible," Harrington said. "It's not their

[the family's] debt. They're penalizing the family because somebody died."

Kennedy is not a lawyer, but because Gray County has no county courts-at-law, he hears criminal misdemeanor cases and probate matters.

"What amazes me is that you have this judge who supposedly has some basic knowledge of the law, who can put people in jail and do probate . . . enforcing this kind of nonsense," Harrington said.

The "nonsense" continued longer than it should have because several state officials didn't take it very seriously. Two state legislators first found out about the oaths last spring — but did nothing to stop their use.

Directors of two organizations that protect battered women protested the use of the oaths in letters to Rep. Foster Whaley — a Democrat who represents Gray County — and Rep. Juan Hinojosa, D-McAllen, last March. The directors feared the oaths were being used against women seeking protective orders against abusive husbands and boyfriends.

Hinojosa, a lawyer and chairman of the House Criminal Jurisprudence Committee, said he asked a staff member to seek an attorney general's opinion on the oaths, but that the employee stopped working for him before doing so. "It fell through the cracks," Hinojosa said. Whaley, who spent part of the 1987 session urging castration of sex offenders, said he was "shocked and surprised" by the oaths, but "never followed through to see if it was illegal."

Indeed, the only official who acted on the oaths was the county's voter registrar, Elaine Cooper. About two years ago, Cooper said, she stopped deleting names from the voter rolls after someone in the Texas secretary of state's office — she can't remember who — told her the oaths were illegal. The official from the secretary of state's office didn't bother to do anything about Cooper's revelation of the oaths, either. Cooper started putting Kennedy's oaths in a forgotten corner of her office. "In my opinion, just because you're poor doesn't mean you can't vote," she said.

However, the oaths remained in use until early November. And Kennedy and Cooper acknowledge that unregistered persons who signed the oaths may have left the county courthouse believing they can never register. □

Robert Elder, Jr., is a reporter in the Austin bureau of Texas Lawyer, a statewide legal newspaper, where a similar version of this story first appeared.

The Mystery of the Courthouse Fire

Continued from cover

I asked her if the date August 12 meant anything to her. "August twelfth? That's the day it burned," she recalled. Then she said, "That's today, isn't it?" She thought about it for a moment. "It's kind of sad to see it standin' there like that," she said.

The courthouse had been standing there since 1891. No one could be sure at this point, though, whether it would survive to see its 100th year. It was easy enough to look at the roofless old building and conclude that its life was over. What use did it have? And yet, standing in its presence you could almost hear its rejoinder: "I still stand." The old wooden joists had given way and floors and staircases had been crushed and burned. Cracks in the masonry may or may not have grown larger. But the walls were still standing.

Facing the building from the north side, you could see that it might well have been impressive in an earlier day. This side had once been used as the front of the courthouse, in its earliest period after construction. The view from the north accentuates the most unusual feature of the building's architecture: an octagonal tower situated off-center on the northwest corner. It was a castle-like, Medieval touch on a style that otherwise suggested Classical Greek or Roman forms: triangles, arches, columns.

Partly because of these unusual features, the courthouse is listed on the National Register of Historic Places. In nominating the courthouse and the adjacent jail for such a designation in 1977, the state's historic preservation officer pronounced the site to be "significant locally."

But an old courthouse is significant for more than its architecture. An old courthouse is a monument — a reminder of the noble and the not-so-noble events in a county's life. Here is where the people have cast their ballots for generations; perhaps also elections were manipulated here behind closed doors by local kingmakers. Here is where the wheels of justice have turned, in the courtroom and on the witness stand; here also is the site of an endless parade of murderers and thieves and petty crooks.

This is the first of a two-part series on the courthouse fire and politics in Bowie County. This investigation has been made possible by a grant from the Texas Investigative Reporters' Fund. Part two will appear in the December 23 issue of the Observer.

Here are the records of marriages, and of divorces. Here is the courthouse, repository of deeds, in the legal sense, and of misdeeds, too, if you think of this as the seat of "the courthouse gang," in every generation up to something.

What secrets these walls must know!

It would be natural for people to regard such a monument with some ambivalence. Especially if the courthouse is not, any longer, much to look at. But this courthouse stands now as a monument to something else. It is a reminder of someone's crime. These walls now have a deeper and darker secret. The Bowie County Courthouse, in its present condition, is a monument to arson.

TWILIGHT ZONE

■ WILL SAY at the outset that I do not know who set the Bowie County Courthouse on fire, nor do I know *why* it was set on fire. But simply asking the question out and around Bowie County has been my ticket into an intriguing world of East Texas politics. It is a world where suspicion hangs in the air like the pungent odors from the local paper mills. Rumors frequently guide politics and politics can sometimes get rough. "County politics here are ruthless," one Texarkana businessman told me, only after being assured of anonymity. A visitor learns early that there is almost always a sexual innuendo to be heard about anyone in public office, or anyone running for public office. For the reporter, it is a world where many will talk, but few will be quoted. When you enter Bowie County and start to inquire about local mysteries, you are entering a political twilight zone.

This particular corner of the state has always been unusual in the first place. Bowie County (it is pronounced *Boo-eh, Cannah* in these parts) is in the extreme northeast corner of Texas, bordered on the north by the Red River and Oklahoma, and on the east by Arkansas. The center of population is in Texarkana, which straddles the state line, half of it in Texas, half in Arkansas, yielding a split personality that city boosters try to gloss over with the slogan "Texarkana is twice as nice."

The city's power structure — and the county's, for to a great degree they overlap — has never taken kindly to suggestions that life in this corner of the state is anything less than twice as nice. The major newspaper here, the *Texarkana Gazette*, has had

moments of journalistic initiative, but not many. Young reporters who incline toward investigative work tend to move on to better papers about the time they are beginning to see who turns the wheels of power. Those who stay become familiar with the limits of their enterprise.

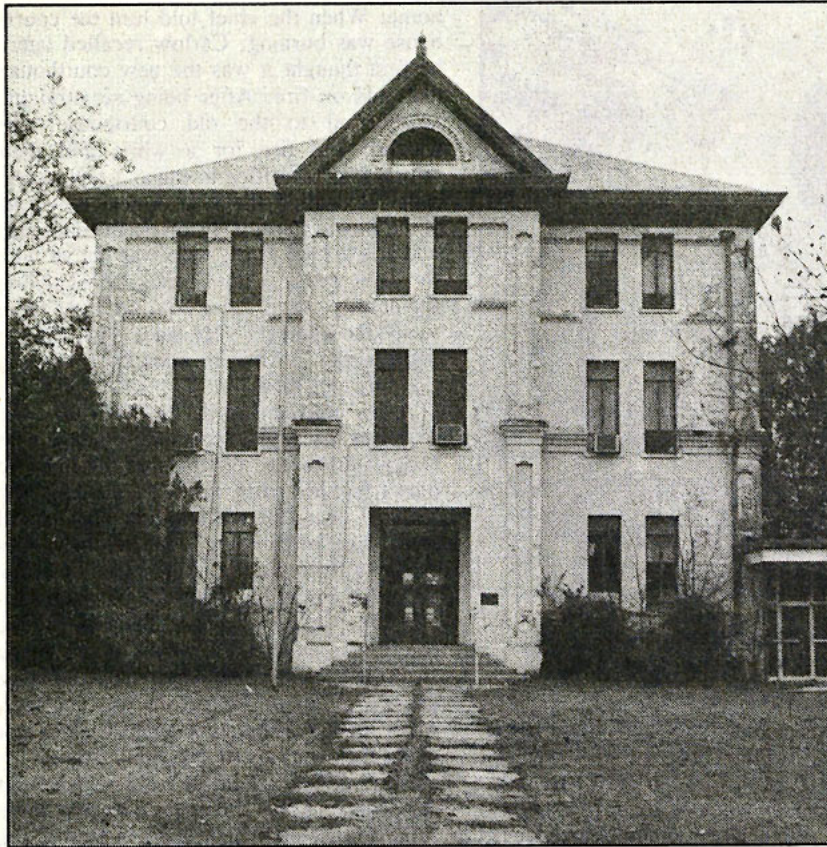
One limitation is that "negative" coverage tends to generate a hostile reception, if not reprisals. Several years ago the Associated Press wrote a story that billed Texarkana as the "rat capital of the world," based on public health officials' claim that Texarkana had a larger urban rat population per capita than other major cities. "The story was not well-received by the powers-that-be," according to a journalist in Texarkana who remembers the ensuing storm. This source claims that local officials saw the story as a "slap at the city" and were more concerned with finding out who leaked the information than in doing something about the rat problem. This may appear to be a mild criticism, yet the source refuses to be quoted by name, saying "there's been too many damn heads lopped off" by the power brokers.

The county government's public image suffered in 1981 when four county commissioners and one former commissioner were indicted in connection with a kickback scheme. One commissioner was acquitted, three pled guilty, and one was convicted on 38 counts, involving the Hobbs Act, mail fraud, and conspiracy.

Sometimes traces of an underground "criminal element" filter into the press, as well. In February of 1987 a Texarkana drug company executive was killed when a pipe bomb exploded under his Mercedes-Benz in the company parking lot on State Line Avenue. An anonymous group offered a \$250,000 reward later that year for information leading to a conviction, but the FBI and local police have been unable to solve the crime.

"I've always said, if you're not paranoid in Bowie County politics there's something wrong with you," James Presley, a Texarkana writer and political activist has told me more than once. (Presley is a longtime contributor to this magazine.) "We're as bad as Duval County, our politics are," says Ruby Neil Hart, the former postmistress of New Boston who Presley describes as the "Grande Dame of the Bowie County Democratic Party."

The comparison to Duval County may well be exaggerated — few counties can



DENNIS WATERS



DAVE DENISON

Before the fire, December, 1986

A year after the fire

rival the corruption of the legendary political machine that flourished in South Texas in the first half of this century. But there is an interesting historical resonance to the comparison. On an early morning in August — the 11th of August, 1914 — the Duval County Courthouse went up in smoke. Some said there was a connection between the fire and the fact that state auditors had planned to visit the courthouse later that day for a look at the records.

Of course, it is a preposterous idea that someone would have a courthouse burned for political or economic gain. Yet the suspicion has never been dispelled in Duval County. And in modern-day Bowie County, people have their suspicions, too.

THE HUNGRY HOBO

THERE IS NO evidence that the Bowie County Courthouse, when it burned in August of 1987, contained anything of substantial value. Though the contents of the building were insured for \$20,000, all records that were of day-to-day importance to the county had long since been transferred to the new courthouse. Batches of old documents were still stored at the old courthouse, as well as office equipment that was no longer in use. The third floor was used mainly as a "typewriter graveyard," according to the leader of a local preservationist group who toured the building months before the fire. The building seemed to serve no other purpose

in its dotage than to shelter a considerable population of pigeons.

Local officials said after the fire the courthouse had one other purpose as well: it may have been used as a shelter by vagrants. New Boston Police Chief Otis Scott said there had been evidence of forced entry to the building, though there were no records of arrests for trespassing on the site.

Immediately after the fire, officials began to speculate about the possibility that a vagrant had been in the building on the night of August 11 or the early morning of August 12 and had, either accidentally or intentionally, started the fire that burned the courthouse. "We got word this morning that there might have been a transient living in the building," Police Chief Scott told the *Texarkana Gazette* the day of the fire. "I hadn't heard anything about this until this morning," the chief continued. "We did find the basement door open when officers arrived." Scott said if the fire had been caused by a transient it would be treated as a case of "accidental arson." The *Gazette* headline said that a "derelict" was the suspected culprit, and as the newspaper repeated this information in the following weeks it rapidly became the "official" version of the story.

A year after the fire, nearly every local official that I talked to expounded on what had by then evolved into a sort of "hungry hobo" theory. The most likely cause of the fire, in their view, was that a hobo had made

himself at home on one of the fine wooden benches inside the courthouse and had been cooking his supper when somehow the fire got out of control. At this point, the hobo could have made his escape from the inferno and might well have caught a rail to California by the time officials began to investigate. Modified versions of the theory had the hobo starting the fire to keep warm (though it was a warm August night), or smoking a cigarette and dozing off, or, in one version, even free-basing cocaine. These more imaginative stories seem to be served up mainly for the consumption of the press. In less fanciful moods, officials have been willing to discuss the possibility that the fire might have been the work of delinquent teenagers from the Bowie County area.

But the local press (by which I mean the *Gazette* and the twice-weekly *Bowie County Citizens Tribune* of New Boston) was content to swallow the hungry hobo story and did not pursue the matter further. In reality, police had no record of reports being made prior to the fire of transients living at the courthouse, according to Sgt. Kerry Pinkham of the New Boston police.

Vague and inaccurate information was reported and then allowed to stand. For example, New Boston Fire Chief Billy House had told the *Gazette* the fire was discovered by two women who were "doing their walking at that time in the morning." But the log at the New Boston Police



DAVE DENISON

Preservationist Ida Lou Ames near her home in Texarkana

Department shows that the call alerting police to the fire came in at 4:41 a.m. It was not made by a woman who was out walking; it was made by an eyewitness to the fire — and, more important, to events leading up to the fire. The witness was contacted by investigators about a week after the fire was extinguished.

The eyewitness, Evelyn Huggins, who lives in a mobile home across from the northwest corner of the public square, gave an account that cast doubt on the hungry hobo theory. Yet officials have not spoken publicly of her account, nor was she interviewed by the local press. Her testimony suggests that county officials knew soon after the fire that evidence suggested the fire was the work of an arsonist and not a vagrant.

In an interview in her home in October of this year, Huggins told me what she remembered of the events on the night of the fire. She is a large woman with a no-nonsense demeanor that, as it turned out, belied a friendliness and a willingness to talk. Huggins recalled getting ready for bed around midnight on the night the courthouse burned. Her bedroom window faces the courthouse. Glancing out of it on this particular night, she noticed a pickup truck pulling up in front of the courthouse. She saw someone get out of the truck. "The man I saw was a young man," she said. She noticed his features when he opened the door of the truck and the truck's interior light shone on him. Her home is perhaps 200 feet from the courthouse, so she was only able to give the most basic description: a white male of average build, with lots of dark hair and a small beard. She told police the man was driving a two-tone pickup — tan with a brown stripe.

Huggins said the man disappeared for a while. She did not see him go into the

courthouse. But around 1:30 a.m., she said, he returned to his truck and drove away. She dozed off but some time later, perhaps around 2:10, she heard a loud noise that sounded like a window being blown out. Then she fell back to sleep. Around 4:35 a.m. Huggins was awakened by the arrival of her sister, who had been driving in from out of town. Her sister told her that it appeared the courthouse was on fire. Shortly thereafter Huggins called the police.

I asked Huggins what she made of the events she saw that night. She said it was difficult to believe the cause of the fire was anything but arson. "That's everybody's conjecture around here — whoever it was was paid to do it. It just don't make sense any other way," she said.

THE MORNING AFTER

NEW BOSTON'S volunteer fire department was first on the scene. By 5:06 a.m. volunteer firefighters from the nearby town of DeKalb were en route. ("You light 'em, we fight 'em" is the motto painted on their firehouse.) Eight minutes later firefighters from Hooks and Maud were on their way.

According to Fire Chief Billy House, the blaze was burning on the second floor of the courthouse when New Boston firefighters arrived. House had about two dozen men on the scene, training two-and-a-half inch hoses on the fire, some climbing onto the roof of the low-lying north annex to get a better approach. When DeKalb's men arrived they took the south side. By this time, House said, the fire was burning so strongly they could only hope to keep it from spreading to other buildings.

Bowie County Judge James Marion Carlow remembers being awakened by a phone call from the police chief of Maud, the tiny village where Carlow makes his

home. When the chief told him the courthouse was burning, Carlow recalled later, he first thought it was the new courthouse that was on fire. After being set straight, he hurried to the old courthouse. He watched the fire for a while and then returned to his office to make a few phone calls. He called Ida Lou Ames, the head of the Bowie County Historical Commission and Ruby Neil Hart, who was active with the same group. Ames remembered telling the county judge she would be right there to see the damage. "He said, 'No, it's too depressing,'" Ames recalled later. "I said, 'I'll be right there.'"

Ames arrived shortly before 7:00. The roof had already fallen in. She stood with Judge Carlow and commented that the fire didn't feel hot from where they stood. She realized later that the building's walls had acted like a chimney and the heat was escaping from the top. Ames asked Carlow about the insurance coverage on the building. The judge told her he had moved recently to have the amount of coverage decreased, but that he wasn't sure whether the new policy or the old one was in effect, Ames said. Carlow now says he does not recall the specifics of that conversation.

News of the fire began to spread around the county. Ames drove back to her home in Texarkana and called Gerron Hite of the Texas Historical Commission (THC) in Austin, the agency that is concerned with old courthouses and historical landmarks. Hite mentioned the fire to Mark Denton, an archaeologist at the Texas Antiquities Committee (TAC), which also has jurisdiction over buildings with landmark status. Judge Carlow returned once again to his office and, at 10:14 called the State Fire Marshal in Austin to report the fire and to request an investigation into the cause. At 10:30 Carlow received a call from Mark Denton of the TAC. He also got a call from Hite in Austin, who asked him about the condition of the courthouse and reminded him that certain laws gave his agency a say in what would happen to the building. According to Denton's memorandum of his call, Carlow "said he didn't know yet whether they would need a demolition permit and he was generally very unclear about THC or TAC jurisdiction in the matter."

As it would happen in the following months, Judge Carlow would have plenty of time to become "clear" about THC and TAC jurisdiction. For what that jurisdiction amounted to was that the county would not be able to tear down the remains of the courthouse without the go-ahead from Austin.

A CASE OF ARSON

THE INVESTIGATION into the cause of the fire began the next day, on Thursday, August 13. Deputy state fire marshal Don Turk, who works out of an office in Lufkin, spent three days that

week and two days the next looking into the circumstances of the fire. He was assisted by Sgt. Kerry Pinkham, and by George Huggins, an investigator in the Bowie County Sheriff's office. It was Pinkham who interviewed Evelyn Huggins (no relation to the Sheriff's investigator) and learned of the man in the pickup truck she had seen on the night of the fire.

Within two weeks, Turk had finished his preliminary investigation. On August 26, the state fire marshal concluded that the cause of the fire was arson. The evidence in Turk's report, obtained under the state Open Records Act, directly disputes the "accidental arson" theory. Turk noted that no utilities or electric wiring had been connected at the time of the fire. He noted that the building had not been secure and that there was evidence people had been inside the courthouse at various times before the fire. He noted, also, that flammable liquids such as paint thinner and paint remover had been stored in the building. (It may have been an explosion of one of these containers that Evelyn Huggins remembered hearing around 2:10 a.m. the night of the fire.) "Due to the complete destruction of the structure," Turk wrote, "it is the opinion of this investigator that . . . a flammable liquid was used as an accelerant to spread the fire." Sheriff's investigator Huggins told me that firefighters on the scene could tell that an "accelerant" had been used from the way the fire moved. "When they started sprayin', it started spreadin'," he said. "Whoever burned it wasn't playin' around. It burnt good," he said. Sgt. Pinkham agreed. "If it wasn't professionally set, some amateur had a hell of a lucky night," he said.

Turk determined the fire's point of origin to be the northwest corner of the courthouse on the second floor — in what had been the District Courtroom. (A room in the octagonal turret served as the judge's quarters.) The courtroom was the largest open space in the building. It was a two-story space; the third floor did not extend to this part of the building. This gave the fire plenty of room to burn without anything to serve as a firewall. "I'm no arson expert," Sgt. Pinkham told me, "but my own personal opinion is, this wasn't no amateur."

Though it is not mentioned in Turk's report, a gasoline can was found on the premises and was sent to a lab for analysis, according to assistant state fire marshal Mike Davis. He said fingerprints were found on the can. Turk recommended that the investigation remain open. Later more detailed reports prepared by the investigator are not open to inspection, according to Davis, because of the continuing criminal investigation. The statute of limitations for arson, which is a felony, is five years.

Sgt. Pinkham, going on Evelyn Huggins's information, looked for a suspect with a tan



DAVE DENISON

Judge James Carlow in front of new courthouse

pickup. He questioned the teenage son of a man who lives in the area. The suspect was picked up on August 20 and given a polygraph test, as were, according to George Huggins, at least two others. Based on inconclusive or negative results from the polygraphs, all suspects were released. Pinkham also questioned others — he remembers seven suspects in all. Most of them were youths from the area who admitted to having been in the courthouse at one time or another since it had been abandoned. It was common knowledge among the youths that the basement door to the courthouse was not secure, Pinkham said, and some teens had "prowled around" in the building out of curiosity. Pinkham said he followed leads for two or three

weeks and then went on to other matters.

On August 27, some two weeks after the fire, the *Gazette* quoted Bowie County Sheriff Thomas Hodge saying, "We have developed some leads and are following them at this time. If we are right, it could break today, but, in reality, some cases take longer than others." That was the last readers of the local newspapers heard of the investigation. I asked Turk this October about his investigation and he said he hadn't had time to follow up on it lately. He said he had received new information since a new round of media interest in the case (the *Dallas Morning News* ran a story on October 2). "I realize there's some things I need to pursue," he said.

Meanwhile, there was the insurance



DAVE DENISON

Former Dallas Cowboys football player Walt Garrison reportedly was the model for New Boston's James Bowie statue

matter. The papers had reported days after the fire that the courthouse was insured for \$584,105 and that the policy had been arranged by an insurance agent in Hughes Springs, in nearby Cass County. More than a year later, the *Dallas Morning News* reported that the actual insurer was a company in Dallas named Commercial Union. That company's adjuster, Dan McLain, told me recently that he went out to the scene of the fire for a day shortly after the event. He met with investigators and with Judge Carlow. He was told there had been a problem with vagrants in the building and that the entrances had not been secure. It was his belief, he said, that "if a vagrant had been trying to warm something up or to keep warm" a fire might have gotten out of control because of all the combustible material in the vicinity. "That was the story we were given by the authorities," McLain said. "We certainly weren't going to question them."

In cases of suspected arson it is common for insurance companies to conduct their own investigations. Many companies take at least 90 days before settling the claim. But that was not the case with Commercial Union. McLain said the company chose not to investigate. "After we were told there were vagrants in there, we basically closed our books on it," he said.

Even after the fire marshal's report was completed on August 26, Commercial Union was not dissuaded from the vagrant theory. On September 3, just 22 days after the fire, the county received a check from the insurance company for \$584,105. Judge Carlow had been wrong if he told Ida Lou Ames, as she recalls, that the insurance coverage had been lowered. In reality, the policy had been renewed on August 1 and the coverage had been increased. Both Carlow and the insurance company say that

the rate increase was an automatic, across-the-board five percent increase that affected several county buildings covered on the same policy, not just the courthouse.

Nevertheless, it is a fact that the coverage increased 12 days before the fire. It is also a fact that the insurance settlement arrived in county coffers shortly before the fiscal year was ending on September 30, at a time when the county was short of money. Records at the County Treasurer's office show a deficit in the month before the fire of \$327,681. Taking into account a \$250,000 certificate of deposit the county held and cashed in August, the deficit would have been reduced to \$77,681. By the end of September, thanks in part to the half million dollars from insurance, the county was back in the black, finishing the year with a general fund balance of \$410,141.

County governments are prohibited under the Texas Constitution from ending the year with a deficit. To at least a few county wits, it appeared that the Hungry Hobo could not have come along at a better time, as far as county finances were concerned.

THE ARCHAEOCRATS

WHEN THE HALF MILLION dollars of insurance money came into the county treasury, the county could have set out in either of two directions: the money could have been earmarked to fix up the old building, or to fix up the budget. It became clear very soon after the fire that the county preferred the latter approach.

Within weeks, the county judge was quoting figures that it would take one, perhaps two, million dollars to renovate the old courthouse. And anyway, he argued, we already have a *new* courthouse, we don't need the old one. He began to proceed as if the only sensible course of action would be to call in the wrecking crew. But not so fast. There was that matter of THC/TAC jurisdiction Mark Denton had mentioned to Carlow on the phone the day of the fire.

To the Austin "archaeocrats" — the government workers who oversee the state's archaeological sites, old buildings, and other protected landmarks and artifacts — the Bowie County courthouse was more than just a pile of old bricks. Their involvement with the county had begun while the courthouse was still in use. The nine-member Texas Antiquities Committee had decided in May of 1981 that the building was worthy of landmark status. After all, it was one of the oldest county courthouses still in use in Texas (of the state's 254 county courthouses, there were 35 that either predated Bowie County's or were built the same year, according to 1984 THC statistics). In June of 1981 the committee had written to the Bowie County Commissioners Court, "the TAC is pleased to inform you . . . the committee voted to designate the [Bowie County Courthouse] as a State Archaeological Landmark."

The designation meant that the courthouse was then protected by the state antiquities code, which provides that a State Archaeological Landmark not be "taken, altered, damaged, destroyed, salvaged or excavated" without permission of the Antiquities Committee. In addition, laws had been passed protecting old courthouses specifically; in this realm the Texas Historical Commission has the power to delay demolition of courthouses for up to six months.

The courthouse's protected status accounts for why the building was still standing a year and a half after the county had moved into a new facility. And yet it was never clear just what the county had intended to do with the old structure. County officials had been informed long before the fire that they could not unilaterally decide upon demolition. Certainly those officials who were aware of the county's financial straits knew it would be difficult to expend the money to renovate the courthouse. So they let it stand and they ignored it.

Gerron Hite, the staff architect at the Historical Commission wrote to then-County Judge Ed Miller in January of 1986. It had come to his attention, Hite wrote, that Bowie County officials would be moving to a new courthouse soon. "We would appreciate knowing if any physical changes are being considered for the historic courthouse and jail," he wrote. "We will be looking forward to working with you in the future in this important landmark to the people of Bowie County." Hite says he never received an answer to his letter.

The *Texarkana Gazette* reported in December of 1986 that the courthouse was deteriorating from lack of maintenance. "If they don't tear it down, it's going to fall down," said county commissioner L.B. "Boss" Grimes. But the story quoted state officials reminding the county that the building was a protected landmark. By this time County Judge Ed Miller was preparing to leave office and the courthouse was no longer his problem.

It was the problem of James Marion Carlow, who became county judge in January of 1987. Carlow was a dairy farmer from Maud who had won against a candidate backed by Miller in the November election. A lean man who looks slightly ill at ease in a suit, Carlow was an outsider in county politics. Many expected him to show an independent streak in administering the county, which had been under Miller's control for eight years. The small group of local preservationists were hopeful they would get a fair hearing from the new county judge, as they began to think of ways to get the old courthouse restored.

The central figure in the long fight for preservation that was just beginning to unfold was Ida Lou Ames, chairwoman of the Bowie County Historical Commission. Ames is a resolute woman with a broad and pleasant face and hazel-blue eyes. She runs a health food and vitamin store behind her

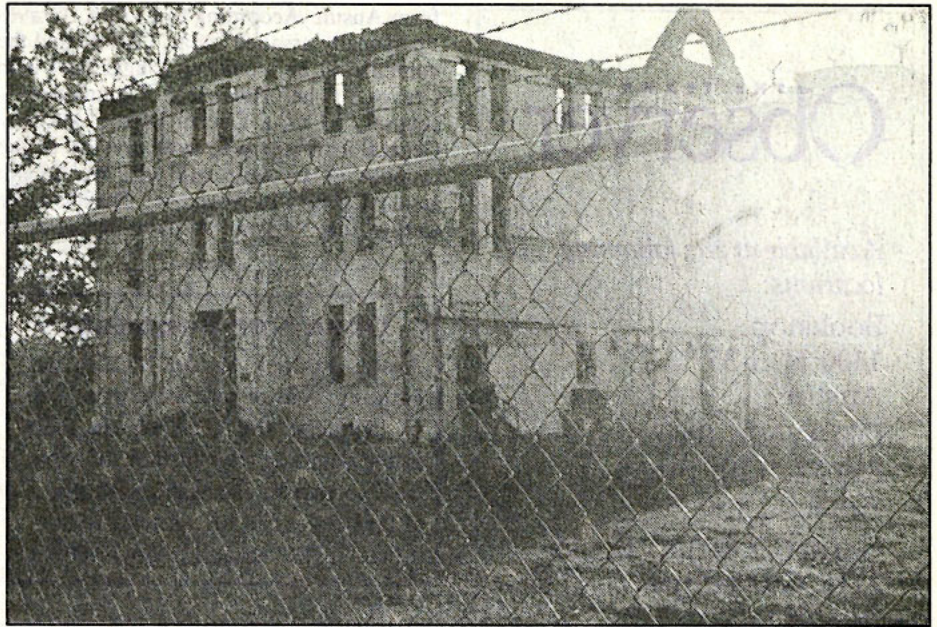
house. (Evidently, at 70, she knows a few things about health, for she has a vigor that easily could lead one to underestimate her age by ten years.) Her family has roots in Texarkana that go back well into the 1800s; the family now owns considerable landholdings in the area.

Gerron Hite had written Ames in January of 1987 that "It is very important that a trained preservation professional be involved in this project as soon as possible." Ames began to look for a professional architect to study the condition of the building. In February (six months before the fire now), Hite wrote Carlow, reminding him of the laws protecting the county courthouse.

By the spring of 1987 it was clear to anyone who was paying attention what was shaping up: the local historical commission under Ames's leadership, in tandem with the state historical commission in Austin, was going to push for a restoration plan. On April 5, on a warm Sunday afternoon, more than a dozen of the county historical commission members met Judge Carlow at the old courthouse and took a tour of the building. In an interview in her home last summer, Ames recalled her reason for organizing the tour of the courthouse: "It was something that we all needed to see, to see what we were going to preserve." She admitted that the building was in disrepair. One commission member resigned after the tour, evidently concluding the building wasn't worth saving. The pigeon problem was especially obvious. "They put out a vicious odor," Ames said.

But Ames reasons for saw hope. She commissioned an architect to study the courthouse and evaluate the prospects for restoration. The architect, Kim Williams of Austin, visited the building for two days in May and released his report the following month. Williams found the basic structure to be sound, though he chided county officials — perhaps undiplomatically — for not maintaining the building. "Neglect of this potentially useable and historic structure is a poor reflection on the county leadership," he wrote. The architect estimated that "economical renovation work" would cost the county \$442,060 and more extensive work would cost \$619,660.

Reading Williams's report now — he waxes eloquently about how fine the building could look if it were restored to its original ruby red brick appearance — is to realize how far apart the preservationist mindset was from the attitude of the county leadership. "Why restore a building if you don't have a use for it when you're finished?" Carlow was quoted in the *Gazette* in July. "But," he added, "we don't want to tear it down if we can find a way to preserve it without taking taxpayers' money." The same story quoted Stan Graves of the Texas Historical Commission to the effect that the commission would not be willing to allow the county to tear the



DAVE DENISON

The sun sets on the county courthouse

building down. That story appeared on July 4, 1987. Thirty-nine days later the courthouse went up in flames.

W HETHER OR NOT county officials favored tearing down the courthouse before the fire, they favored it soon after. While the deputy fire marshal was poking around for signs of arson, the county seemed more concerned with the future of the building than with its past. They wanted to know if the walls were structurally sound and if the building posed a safety hazard to the community. Initially, the county had the building under 24-hour guard to prevent trespassers. In October, a chain-link fence with barbed wire on top was erected around the courthouse square.

The county brought in a structural engineer from Shreveport, Louisiana, to study the remains. The engineer visited the site on August 17 and in a letter to Carlow dated August 19 he wrote, "It is my opinion that the remaining masonry walls are not structurally sound. I recommend that the walls be demolished as soon as possible." The engineer sent a copy of the letter to Dan McLain, the insurance adjuster in Dallas.

But the state historical commission wanted a second opinion. At their request, Per Schneider, a structural engineer from San Antonio, visited the old courthouse on September 7. Schneider prepared a detailed report in which he found the walls to be structurally sound but in need of stabilization, which he estimated would cost \$29,400. Reconstruction of the building, he estimated, would cost \$678,930.

Meanwhile the commissioner's court had met and unanimously voted to tear down

the walls. The City of New Boston determined that the courthouse ruins were in violation of the city building code. On September 21 Carlow wrote to the historical commission asking permission to demolish the courthouse. "We have bids from three demolition companies that have offered to tear down the walls and clean up the area at no cost to the county," Carlow wrote. "Under these circumstances, this seems the proper thing to do." He went on to refer to the demolition as "inevitable." (Responding to an Open Records request a year later, Carlow said that he had no record of the bids because the bids were made verbally.)

Curtis Tunnell, state historic preservation officer, responded in a letter to Carlow that the historical commission's opinion was that the courthouse "has historical significance worthy of preservation. Many other fire-damaged buildings in this state have been successfully repaired and we see nothing to prevent the same from happening in this instance."

One thing Tunnell might not have been seeing was that the county's establishment had decided by this point that they were not interested in "historical significance worthy of preservation." The New Boston city council had scheduled an October 19 public hearing, in light of the continued lack of compliance with the building code. By all accounts the hearing turned out to be spirited exchange between local officials and their backers, and the preservationists and their supporters. Buttressing the preservationists were Stan Graves and Gerron Hite of the historical commission, who had made the trip from Austin. As much as a year later, county officials were still simmering with resentment over what they saw as the meddling of the "outsiders"

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Texarkana

from Austin. According to Carlow, Graves "personally assailed" him. Carlow told the commission he would no longer deal with Graves. (The Historical Commission's counsel, Victoria Guerra of the Attorney General's office, who was present at the October 19 meeting, said Graves did not assail Carlow.) In November Graves wrote Carlow that "it is an absolute deception to

encourage" fears that taxes would have to be raised to preserve the building. Carlow told the local paper, "They can keep us from tearing it down, but they can't make us rebuild it."

Several days after the volatile October public hearing, the *Texarkana Gazette* weighed in with a florid and philosophical editorial titled IT'S TIME TO TEAR DOWN OLD COUNTY COURTHOUSE. "Sadly but truthfully," said the *Gazette*, "the only thing the old Bowie County Courthouse could ever be again is a replica of what it once represented. And the world is already full of too many poor imitations." The time had come "to stop blowing against the wind," counseled the editorialists. "For it is when we can't let go of the crumbled ruins of the past, that we are forever forced to walk in the dark and empty shadow of the present."

Dark shadows notwithstanding, the historical commission wasn't budging. As Graves told Carlow in November, the commission had neither the authority nor the inclination to waive the 180-day waiting period before the courthouse could be torn down. That meant that at least until March of 1988, the courthouse would stand. □

Next issue: Accusations in Bowie County of "Arson Economics." How serious was the county's deficit problem? Meanwhile, local preservationists organize a non-profit foundation and seek to raise money for restoration, while county officials intensify their efforts to get permission from Austin to demolish the courthouse.

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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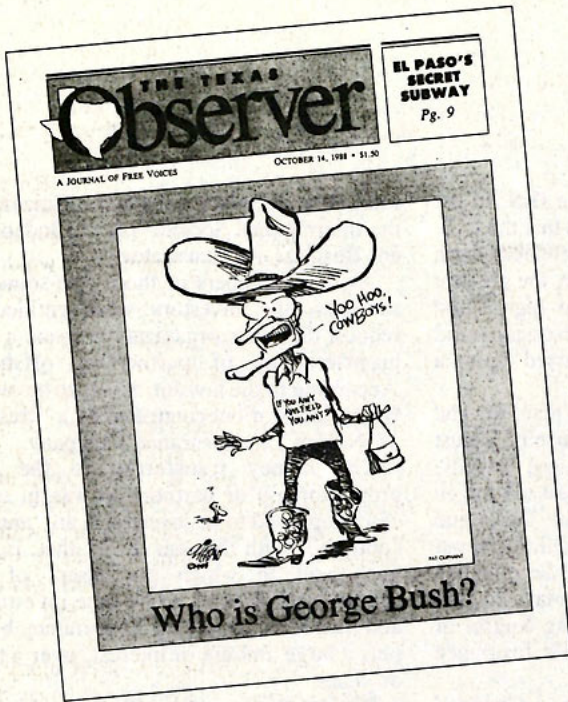
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Yoo Hoo, Cowboys!



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Confidence Man

How an Insurance Salesman's 'Secrets' Unraveled in Court

BY JO CLIFTON

ARE YOU TIRED of paying taxes?" asked the newspaper advertisement.

The headline caught the eye of a retired schoolteacher living in a small town in the Panhandle. "Well, I had just retired and I was paying taxes over my ears," she said.

Speaking to the *Observer* on the condition that we not use her name, the woman said she responded to the ad in her local newspaper sometime in 1985. Within two months she met Norman Cowart, 46, of Arlington. Cowart's talk of higher interest rates and lower taxes lured her into investing with Nassau Life Insurance Co., she said. The salesman "just came by with all of these big stories about how much interest I was losing if I didn't invest in all of this," she said.

He came to her home or called five or six times, and each time she gave him more of the money she had saved for retirement. Finally, she had invested \$42,000 with the salesman, whom the former teacher describes as "your next-door neighbor kind of person."

All she ever got from Nassau Life was some stock certificates and notes of thanks. She doesn't expect to get any of her \$42,000 back.

The former teacher is just one of at least 90 Texans, mostly retired, as well as a number of persons from adjoining states, who were persuaded by Cowart to make what sounded like appealing investments, according to the Texas Attorney General's Office. State Securities Board investigator Jay Oman estimates that Southwestern residents entrusted Cowart with \$2.5 million for investments in Nassau Life and related businesses.

And Nassau Life is just "the tip of the iceberg," says Assistant Attorney General Edna Ramon Butts. She says insurance fraud "is an ever-increasing problem" in Texas. And the people involved "are becoming more sophisticated about their schemes."

The now-defunct Nassau Life (a company originally based in the Bahamas) was the brainchild of one Robert Chappell, who is also the author of the book *Secrets of Offshore Tax Havens*. Chappell's technique was to use people's resentment over paying taxes as part of his sales pitch; his book

begins with a tirade against the IRS. In the first chapter, Chappell declares that the U.S. income tax is "perhaps the greatest form of torture — the greatest plague, the greatest burden, the greatest source of high blood pressure, heart attack, depression and mental anguish — ever imposed upon a nation."

Then Chappell lays out a plan for the reader to avoid taxes through use of a trust formed in the Turks and Caicos Islands, which the author terms "the best tax haven jurisdiction in the world." (The Turks and Caicos Islands are a British colony about 600 miles southeast of Miami.) *Secrets* then describes how the reader can make money and avoid taxes by relinquishing control of his or her funds to Nassau Life Insurance Co., as trustee.

Ramon Butts sued Cowart and Chappell on behalf of the State Commissioner of Insurance. In her petition, the Assistant Attorney General labeled the Nassau Life investment schemes as "an elaborate system for the illegal and fraudulent marketing and sale of unauthorized insurance."

Shortly after the filing of the original suit, in August 1987, the State Securities Commissioner intervened, complaining that Cowart, Chappell, and others had violated the State's securities laws, as well. In court documents, the Securities chief alleged the following:

The prospective investor [in Nassau Life] is led to believe that by forming a personal or business trust under a foreign country's laws, he or she can:

- Eliminate or drastically reduce federal and estate income taxes;
 - Reduce taxes on investment income;
 - Enjoy tax free dollars on capital gains;
 - Protect assets from court action;
 - Avoid costly probate against one's estate;
- and
- Avoid transfer, estate, death and inheritance taxes.

The Securities Commissioner argued that the actual investment possibilities with companies such as Nassau Life proved to be not quite so rosy.

According to the State's lawsuit, Cowart got names of elderly persons from the National Association of Retired Persons. He then made appointments with those on the list who appeared to be "likely candidates" for his scheme. For those, he set up the

International Society of Senior Citizens or the International Societe' [sic] of Independent Business Administrators.

As new members of these fine-sounding societies, the investors were entitled to request that their organization create a sole proprietorship or partnership offshore. According to the lawsuit, it was to be owned by the investor but controlled by a "trustee" — Nassau Life Insurance Company.

The money transferred to the sole proprietorship or partnership was in some cases supposed to be invested in an "annuity contract" with Nassau Life; that is, an agreement in which purchasers of the annuity were making a one-time investment and then were to receive their money back, plus a large amount of interest, over a term of years.

Besides the annuities, Cowart sold stock in Nassau Life and other entities not approved by the State Securities Board. For example, one Lake Jackson couple put \$14,000 into what they thought was a "trust fund." What they got back from the company was a certificate for an annuity from Nassau Life.

WHEN THE CASE went to trial this summer, several investors told the 126th District Court in Austin about their experiences with Nassau Life and the company's super-salesman, Norman Cowart. Margaret Pasztor testified that she made the investment after Cowart assured her that her money would be insured by Lloyds of London. Pasztor said that the salesman told her that she and her husband would receive 13 percent interest on their money. That was in June of 1985.

In August of the same year, Pasztor said, Cowart sold the couple stock in Nassau Life. In December, they purchased more of the Bahamian company's stock, this time for exploration of a gold mine, she said.

Then in early 1987, according to Pasztor's testimony, she purchased 500 shares of a company called Caribbean Express Airlines. Pasztor said Cowart told her that she would not receive a regular stock certificate for that purchase because he would be holding the stock for her under the name of his management company, Dunhill Management Corp.

Pasztor testified that Cowart told her that "they were starting up this new airline and that they were going to go between several

Jo Clifton is a freelance writer living in Austin.

routes and that it was going to be real lucrative." She told the Court that Cowart led her to believe that when the stock became available for sale to the general public Dunhill would be able to sell it for her.

Caribbean Express Airlines stock never was legally sold to the public and the company declared bankruptcy earlier this year, according to Jay Oman, an investigator for the State Securities Board. Margaret Pasztor, like many others, never received a cent of interest on her investments, nor has she gotten back any of the principal, according to her testimony.

But Pasztor hadn't suspected that there was anything wrong with her investments until it was too late. Apparently she didn't become suspicious until she and her husband received a letter from Richard Moore, a former Nassau Life salesman whose last title was "attorney-in-fact" for the company.

Moore's letter to Nassau Life investors, dated February 11, 1987, was an exhibit in the State's case against Cowart and the other defendants. In that letter, Moore compared information he had been able to glean with information from the company's alleged balance sheet of May 1986. According to Moore, the company had only \$3,100 cash on hand in February 1987. The balance sheet showed cash on hand at \$2,181,334. Accounts payable, as far as Moore could determine were \$220,000, as compared to the balance sheet's amount of \$21,981. Other figures were similarly alarming for an investor. Moore concluded his letter by urging investors to "seek independent counsel."

Long before Richard Moore wrote his letter, Lampasas attorney Pat Millican was approached on behalf of an elderly Central Texas man named Smith. Millican (who asked that we not use his client's full name) said as soon as he learned about Smith's investment of approximately \$10,000 he contacted the company and got the money back. About a year later, Cowart or one of his assistants came by and Smith invested more money, said Millican. The lawyer once again contacted the Bahamian company and that money also was returned. "Mr. Smith gets very confused. If he weren't confusable in his advanced stage, he wouldn't have let this man take his money," said Millican.

Another confused purchaser of Nassau Life Insurance Co. products was an elderly woman named Fern Pope, who lives near the Panhandle town of Waka. Pope testified before a hearings examiner at the State Board of Insurance that she bought three insurance policies from Cowart and another Nassau Life agent, but she wasn't sure what kind of insurance she was buying. "It's just kind of general insurance, I would say. I wouldn't know how to describe it," she said.

What Pope actually purchased is described in Robert Chappell's book as a

S.A.F.E. (Swiss American Financial Exchange) deposit account. Chappell claims the account is "exactly like a money market fund . . . [the money] can be withdrawn at any time." Swiss American shared its address in the Turks and Caicos Islands with both the International Societe' of Independent Business Administrators and the International Society of Senior Citizens.

The elderly woman did recall that she paid \$10,000 once and \$8,000 another time when Cowart came to see her. On the third visit, she wrote another check for \$10,000 but stopped payment on that one check, after discussing the matter with her grandson. The remainder of Pope's money has not been returned, according to her statement at a State Board of Insurance hearing.

According to the State's lawsuits, the money Cowart received generally was deposited into "an account in the First City Bank, Garland, N.A., Texas, whose sole owner is Cowart."

Upon investigation, the State found money from that account had been used to pay Cowart's personal expenses. For example, Assistant Attorney General Ramon Butts introduced copies of checks at the trial showing purchases from that account for "big ticket items," such as a \$1,400 big-screen TV, a black leather skirt, a car for one of his children, as well as a leather recliner chair. A portion of the money was sent to Nassau Life, but Ramon Butts says Cowart kept 40 to 80 percent of what he took from his victims. "His defense was 'I remitted what I was supposed to remit. The rest is mine,'" she said.

Those who purchased from the friendly boy-next-door type apparently were unaware that Cowart had previously been convicted of theft and perjury. According to court records, Cowart was convicted of felony theft and perjury in Abilene in 1972 and 1973, respectively. Then in 1974, he was convicted of another felony theft in Cuero. According to the records, Cowart

was placed on probation on the second theft conviction, but that probation was revoked and he was sent to the penitentiary.

Other state documents show convictions for larceny in 1967 and 1968, according to testimony of Kenneth Donahue, deputy sheriff for Ochitree County, at a hearing before the State Board of Insurance.

AS IN MANY such cases, the victims probably will recover only a fraction of their money.

After hearing the evidence on the State's request for a temporary receivership and injunction last year, State District Judge Joe Hart granted the State's request and put the assets of the defendants sued by the Insurance Commissioner into the hands of a receiver. Ramon Butts estimated Cowart's liquid assets to be about \$400,000.

In July of 1988, Cowart tried to get what he called his "personal assets," including his house and bank account away from the State's receiver. Judge Hart said no, granting the State its request for a permanent injunction and permanent receiver.

Although such a ruling seems eminently sensible in view of the facts of the case, it is quite rare for an individual, even "one who has committed insurance fraud and securities fraud," to be deprived of his homestead and other personal assets, Ramon Butts said.

Also, during the intervening year between hearings, Cowart's wife had been receiving a weekly stipend. Judge Hart decided that those assets should no longer be subtracted from the estate. That decision will leave a larger amount — though clearly not enough — for consumers who invested in Nassau Life Insurance Co.

In granting the State's judgment against the defendants, Judge Hart found that the allegations of fraud and misrepresentation in connection with the sales of Nassau Life were true.

Cowart and his company, Dunhill Management Corp., denied the State's allegations. Chappell and the remaining defendants never responded to the State's suit and judgment was rendered against them by default. Cowart filed a motion for new trial, which was rejected by the court. He has subsequently filed an amended motion for new trial in his own handwriting, since his civil attorney has withdrawn from representing him.

As the *Observer* went to press, Norman Cowart was sitting in the Eddy County jail in Carlsbad, New Mexico. He was under indictment on charges of racketeering, fraud, fraudulent offers or sales of securities, and sale of unregistered securities, according to Sgt. Ron Forbes of the Carlsbad Police Department. Another investigator, Jim Dickens of Clovis, N.M., said Chappell and Cowart both face similar charges in connection with Nassau Life in Clovis and Roswell, N.M.

Though Cowart has consistently denied

Goose List

FERN POPE'S grandson testified before the Insurance Board examiner that he once found 17 different insurance policies in his grandmother's house. The man said he believed his grandmother must be on a "goose list."

Why else would all these different salesmen turn up at the Pope farm all the time?

Assistant Attorney General Edna Ramon Butts defined a "goose list" as "a list of people who have in the past shown themselves to be susceptible to scams. Their names are circulated among these unscrupulous salesmen." So, if you've been a victim, beware: you could be on someone's list. —J.C.

any wrongdoing in connection with Nassau Life, his attorney would not respond to questions from the *Observer*. The court-appointed New Mexico lawyer now representing Cowart first refused to discuss the case on the telephone and then failed to respond to a written set of questions sent

by certified mail.

Meanwhile Robert Chappell, author of *Secrets of Offshore Tax Havens*, is residing at taxpayer expense in the federal penitentiary at Sandstone, Minnesota. According to Ramon Butts, Chappell was arrested in late 1986, after being a fugitive for about

three years. His current incarceration for mail fraud stems from a 1982 conviction and is unrelated to Nassau Life Insurance Co. Investigator Jay Oman says the State of Texas will seek Chappell's removal to Dallas to answer the new indictments against him. □

POLITICAL INTELLIGENCE

✓ **JUST IN TIME** to recapitalize on television's return to Camelot is Big John's return to political life. The best political rumor circulating in Houston has natural gas magnate Oscar Wyatt promoting the return of John Connally to the Governor's mansion. One source has Wyatt leaning on friends for money to get a Connally-for-Governor movement off the ground. In other Connally news, *Time* magazine was on the newsstands with a new theory on the Kennedy assassination: Lee Harvey Oswald's intended target may have been the Texas Governor instead of the President.

✓ **PRE-CANDIDATES** with designs on Houston Mayor Kathy Whitmire's job

are emerging and Houston Councilmember Rodney Ellis and former Mayor Fred Hofheinz are both at the top of several lists. Ellis, a black councilman, and Hofheinz, an attorney who served two terms as mayor in the mid-1970s, might both have a chance to attract the black vote that has always been an essential part of Whitmire's electoral constituency. And both Ellis and Hofheinz have openly discussed their interest in running for mayor. Ellis recently got a month of free media by campaigning with Senator Lloyd Bentsen and would probably be supported by Houston Congressman Mickey Leland, whose 18th Congressional district is situated in the heart of the city. Hofheinz, Houston's first liberal mayor,

inherited a poorly served and undertaxed city when he defeated Louie Welch in 1973. Hofheinz was the first mainstream mayoral candidate to campaign in Houston's black community. The *Dallas Morning News* reported that a poll conducted by University of Houston pollster Richard Murray found Whitmire's positive job rating slipping from 56 percent last year to 46 percent this October. Whitmire has said she will run for a fifth term in 1989.

✓ **AN ISSUE CANDIDACY** beginning in Bryan has English Firster Lou Zaeske launching a two-year campaign against state Senator Kent Caperton. Zaeske, an engineer and a co-founder of

Election Wrap-up

AT A PRESS conference on the Wednesday after the election Gov. Bill Clements wanted to talk about good news. And he had plenty to talk about. With the Governor were the three Republican Justices elected to the Supreme Court, and Railroad Commissioner Kent Hance — the only four Republicans, other than Clements, to ever win election to statewide office. It was, as the Governor described it, a historic election for Texas Republicans.

But did it represent realignment? Is the ascendent Republican Party capable of becoming the majority party in Texas? An assessment of Republican gains in the legislature would provide the best answer to the realignment question. But that was one aspect of the election that the Governor didn't want to discuss. So when a reporter asked about extremely modest Republican gains in the state House and Senate, the Governor chose to circumvent the question — then challenged the press to write something about Republican advances.

And in terms of numbers, Republicans gained some ground in the legislature: two seats in the 31-member Senate and one seat in the 150-member House. But

hidden in the electoral arithmetic is some good news for Texas Democrats and perhaps even for liberal Democrats. Does this mean a *progressive* House and Senate? Hardly. But consider the changes:

In the Senate, Republicans gained two seats. East Texas engineer Bill Ratliff's defeat of Democrat Richard Anderson will make a difference — particularly on public interest votes. Anderson was recognized last year by consumer groups who awarded him their TOPS (Texas Outstanding Public Service) Award for his support of consumer legislation. And though there is some speculation that Ratliff's record probably won't be as bad as his campaign portended, on issues like insurance reform, utility rates, and loan shark regulation he won't be there. Anderson was. He lost by a margin of 3,212 votes out of 169,399 cast. The other Republican gain was Teel Bivins's more substantial 34,705 vote defeat of Mel Phillips, in a contest to replace Democrat Bill Sarpalius. Sarpalius, whose every career advance seems a violation of the Peter Principle, now goes on to Congress where 434 colleagues will serve the important function of diluting his incompetence far better than could

his 30 colleagues in the Texas Senate. His replacement by Bivins, a T. Boone Pickens associate from Amarillo, is hardly good news. But in terms of votes on the floor and obstructionism in committee it shouldn't represent a great change.

Steve Carriker's 30,000-vote win in District 30 — where Ray Farabee resigned to go to work for the University of Texas — advances a solid populist Democrat from the House into the Senate. And Temple Dickson's replacing Grant Jones will make a difference, as well. Jones was a conservative Dixiecrat type who had evolved into the Senate's finance technocrat. His Democratic primary defeat, by Sweetwater plaintiffs' attorney Dickson, represents real progress in the Senate as it alters the landscape of the Finance Committee where Jones was chairman. Dickson had no opponent in the general election.

Bill Haley, a moderate if unpredictable Democrat from Center, replaces retiring Senator Roy Blake and this could also be something of an improvement in the Senate. Haley, a teacher and former chair of the House Committee on Public Education, is well-versed on education issues and could make a difference in

the American Ethnic Coalition, an English First group, admits in a press release that he is announcing early. He says he is declaring his candidacy now "to give the citizens of the 5th Senatorial District the opportunity to judge me for themselves, issue by issue, during the next two years, and I want to give myself as much time as possible to meet and listen to the citizens of the 5th Senatorial District."

Zaeske describes Caperton as a liberal who calls himself a conservative. He also takes Caperton to task for his failure to support English First legislation. But Zaeske hits a snag with his own official English when he stakes out his party affiliation: "I will run for this office as a Republican because the political philosophy of the Republican Party is more attune to my own." Zaeske wrote.

✓ **COLUMNIST** Jesse Trevino continues to flog the gubernatorial candidacy of San Antonio Mayor Henry Cisneros, whom Trevino insists will make a better Democratic candidate than State Treasurer Ann Richards or Attorney General Jim Mattox. According to Trevino, both Mattox and Richards will be subject to the same sort of liberal baiting that worked against

Michael Dukakis in the Presidential election. And, Trevino writes, Cisneros's public image has not been damaged by his going public about a prolonged extra-marital affair. A recent Texas Poll had Cisneros's ratings about the same as those of Mattox and Richards. But Trevino ignores one lesson from the Bush-Dukakis campaign — a candidate's negative ratings can be raised. And going toe-to-toe with Mattox, known for his junkyard-dog campaign style, might look like a negative-raising nightmare for Cisneros, who insists that he needs time to put his domestic affairs in order.

✓ **IN SAN ANTONIO**, Mary Alice Cisneros was considering running for the council seat her husband held before he ascended to the mayor's office eight years ago. Mrs. Cisneros, according to the San Antonio *Express-News*, would run only if incumbent council member Maria Berriozabal would run for mayor. With Berriozabal's decision to run for council, the "Cisneros agenda" mentioned by Mrs. Cisneros is put on hold. And by default, the frontrunner for the May election becomes former mayor Lila Cockrell, whom one observer of the city's politics describes as a "back-to-the-plantation candidate."

✓ **REPUBLICAN** Congressman Beau Boulter is contemplating his future after a 59-41 percent loss to Senator Lloyd Bentsen. According to Matt Curry of the *Wichita Falls Times*, Boulter is considering running for attorney general. Others, according to the *Times* story, speculate that Boulter might even mount a 1990 race for the Congressional seat he left to run against Bentsen, or perhaps even for governor. It seems unlikely that Boulter will get much support from the current Chief Executive. At the New Orleans Republican convention, Gov. Bill Clements growled at reporters' questions about his lack of support for Boulter's Senate candidacy. Pressed for an endorsement of Boulter, the best the Governor could manage was that he would be voting a straight Republican ticket and that if Boulter was a Republican he would get his vote. Boulter's 41 percent, according to Midwestern State political science professor Michael Flavin, was a respectable showing against a candidate like Bentsen. Boulter has said that he will make his plans known sometime after Thanksgiving.

✓ **SAN ANTONIO** police and municipal courts are under fire from local feminists, according to *Express-News* writer

the coming debate on education finance. A Nef Garcia win over San Antonio Senator Cyndi Krier would have meant the replacement of a moderate Republican with an enlightened Democrat but the St. Mary's political professor lost by a substantial 55-43 percent margin to incumbent Krier. Money, incumbency, and Cong. Henry B. Gonzalez's nominal campaign against a lightweight opponent made the difference there. Though Democrats lost, according to the simple arithmetic of the Senate scorecard, with a 23-8 margin they hold on to their two-thirds majority (21 votes) and even make considerable gains in quality of players.

IN THE HOUSE, where incumbency generally means reelection, 21 new members will take office in January. Eighteen of those were races in which there was no incumbent seeking reelection. Only three incumbents were unseated: Democrat Libby Linebarger defeated San Marcos Republican Anne Cooper, Parker McCollough defeated Round Rock Republican Randall Riley, and Mike Jackson defeated Deer Park Democrat Ed Watson (pending a recount). Republicans made up the difference by a net gain in open seats. No big realignment here.

The big difference in the House comes in loss of Republican leadership as Mike Toomey, Charlie Evans, and Bob Leonard depart. In the last session, Toomey

was the most intransigent opponent of tax increases in the face of a huge budget shortfall and he also served as chairman of the Judiciary Committee; Evans was chairman of the Calendars Committee, and thus exercised considerable control over what bills came to the floor when; and Leonard directed the House Committee on Public Safety.

Labor backed attorney Parker McCollough, who unseated rightwing Round Rock Republican Rep. Randall Riley — here a loss to all who love alliteration. McCollough, who tried to outflank Riley on the death penalty, hardly ran an enlightened campaign. But he is certain to be an improvement over Riley. Attorney Art Brender couldn't pull it off in Fort Worth, where he lost by a 55-44 percent margin to incumbent Bill Carter. Also in Fort Worth, Richard Millsap failed in an attempt to replace his departing — and somewhat more conservative — brother Mike. And Ed Watson's 12-vote loss to Mike Jackson is a setback for environmentalists and organized labor. Perhaps the best news in the House is Libby Linebarger's unseating of San Marcos Republican Anne Cooper. Not that Cooper was so bad, but rather that Linebarger has the potential to be quite good. She ran a well-financed and intelligent campaign; she insisted that education would be at the top of her agenda, held her ground on at least one volatile issue, and beat an

incumbent by 52-48 percent. Public interest lobbyist Rebecca Lightsey describes Linebarger, a former Texas Education Agency employee, as "extremely capable, bright, energetic, and committed." She could easily be another enlightened advocate of public education whose voting record might be similar to Alice Rep. Ernestine Glossbrenner.

Other improvements in the quality of the House are the result of AFL-CIO efforts in the Democratic primary where candidates like Curtis Soileau — who replaces retiring Jerry Clark — benefited from the support of organized labor.

Lightsey sees the Senate as being considerably improved and suggests that the loss of key Republican leadership in the House will make a difference. AFL-CIO political director Willie Chapman agrees, insisting that a "more progressive State Senate and a better House delegation" will convene on January 10.

This is not to suggest that there will be Big Progress. This is, after all, the legislature that will face reelection in 1990 and then address the redrawing of district lines after the 1990 census. So Democrats will be inclined to move with something more exaggerated than their typical prudence, as Republicans posture and focus on issues by which to make electoral gains in the 1990 election. Just like it's always been, only more so.

— L.D.

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Tom Bower. Phyllis Dunham of the Texas Abortion Rights Action League claimed in a press conference that police are lenient in dealings with "so-called 'rescue'" by local anti-abortion activists. Dunham demanded that the city formulate a policy to deal with the protests that she claims risks the safety and well-being of doctors, nurses, and other health care workers in the clinics. Dunham also complained about the harassment and intimidation of women entering abortion clinics. San Antonio police chief William O. Gibson denied that police have favored the anti-abortionists.

✓ **STATE HOUSE** collegiality sometimes serves to keep the legislative process from grinding to a complete halt but electoral politics should remain partisan and adversarial. So San Antonio Congressman Henry B. Gonzalez is wondering why the presiding officers in both chambers of the state legislature endorsed a Republican incumbent over a promising Democratic candidate. In letters to both House Speaker Gib Lewis and Lt. Gov. Bill Hobby, Gonzalez took issue with their endorsement of San Antonio Republican Senator Cyndi Krier over Democratic challenger Nef Garcia. Garcia, a political science professor at St. Mary's University is an enlightened progressive in the tradition of San Antonio political thinker Bill Crane. He lost to Krier by 20,000 votes and was endorsed by no House or Senate Republicans. □

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Profits and Progress

BY GREG MOSES

**THE CASSANDRA CONFERENCE:
Resources and the Human Predicament**
Edited by Paul R. Ehrlich
and John P. Holdren
College Station: Texas A&M University
Press, 1988
330 pages, \$14.95

ANOTHER MYOPIC season of balloteering having come and gone, its gentle massage having soothed a few kinks of suburban discomfort, our master bedrooms retrenched against straying threats of disruption, one is tempted to just lie back and let it be. You know, let George do it.

Then, it's Monday in America, and one has to mind the morning's alarm. Stock market's down, dollar's falling, and 400,000 drug tests will soon be required. They could have warned us about all this *before* the slumber party, but knowing us, we'd have said to hell with it anyway. Reaching for the snooze button, we think we'll just call in sick.

And we are sick as any addict. But let George reap piss by the bucketsfull; he won't find traces of our most fatal fix. For the peculiar malaise of our century is an insular blockheadedness which sees progress wherever it looks. Especially in the profit motive. Everything must be run like a business. Profit alone is truly satisfactory. Profit generates progress, and progress advances.

How long has it been like this? A few centuries ago folks would labor 1,200 hours to produce a hectare of corn (about two-and-one-half acres). And David Pimentel, in his essay, "Industrialized Agriculture and Natural Resources" — collected from the proceedings of the 1985 Cassandra Conference at College Station — demonstrates that in terms of energy those folks of the Eighteenth Century earned a return of eleven kilocalories for every kilocalorie exerted. That's a return of eleven to one, but that's not profit. For profit, one measures returns not on energy, but in cash. And profit has taken over production of our cornfields.

Greg Moses, who worked for five years as a broadcast journalist in College Station, is a graduate student in philosophy at the University of Texas.

As late as 1983, says Pimentel, we had managed to cut to ten the number of labor-hours per hectare. As we know, a lot of people in the meantime were "relocated" from farm to factory. And to replace all those hands on the farm, profit substituted machinery, diesel fuel, gasoline, chemical fertilizer, lime, insecticides, herbicides, irrigation, artificial drying, and electricity — each of which generated a profitable sideline of its own. As a result of all this progress, the actual energy exerted upon a hectare of corn has risen from 716 kilocalories in 1700 to 10,537 in 1983. While progress dislocates human hands, it also gets us hooked on enormous quantities of "profitable sources of energy." Therein lies the worrisome addiction of our age.

Of course the hectare itself has been made more exhaustively productive. Whereas the hectare of 1700, with its long labor and crude machinery, produced 7,500 kilocalories of cornfed energy, the hectare of 1983 produced 26,000 kilocalories. But the ratio of return, in terms of energy invested, has plummeted. As we have noted, the farm of 1700, with all its hands, produced a return of about eleven-to-one. Today's farm, on the other hand, with all its giant machines and chemicals, does well to produce a return of three-to-one in terms of energy, and the trend suggests further decline. As Pimentel writes:

These analyses emphasize the efficiency of human power in crop production compared with the highly mechanized system of 1983. It must be stressed, however, that in terms of economic inputs and outputs the highly mechanized system is the most profitable. This is because, at present, 1 labor kcal is significantly more expensive in dollars than 1 kcal of fossil fuel.

Which we may translate as meaning that the efficiency of human power is contrary to the need of profit's fix.

The Cassandra Conference was organized to honor Texas A&M's former Dean of Geosciences, the late Earl Cook. In a list of nine principles, published in 1982, the year before he died, Cook wrote, "The industrial revolution can be defined as that period of human history when basic resources, especially nonhuman energy, grew cheaper and more abundant." Given that definition, writes Cook, the industrial

revolution is ending. In the face of such historical closure, Cook urges new measures of efficiency. After all, whatever profit may measure, it does not measure wise labor. Every employee knows this.

"Real wealth is by technology out of nature," writes Cook. "The appropriate human objective is the maximization of psychic income by conversion of natural resources to useful commodities and by the use of those commodities as efficiently as possible." Thus, he argues, "The appropriate measure of efficiency in the conversion of resources to psychic income is the human life-hour, with the calculus extended to the yet unborn." Are the accountants of profit listening?

Meanwhile, back in Iowa, world-historical headquarters for corn production, half the topsoil has been lost in the past one hundred years. And if we ask what kinds of remedies are proposed to end such decimation, Pimentel selects the highly instructive case of one new technology known as "no-till." This process "entails leaving crop residues and weeds on the soil surface, thus protecting the soil from rain and wind erosion. The technique is effective and may reduce erosion rates up to 100-fold." The latter measurement courtesy of a 1975 assessment by the United States Department of Agriculture.

But wait — as early as 1976 Pimentel had reported the rest of the story. In order to make "no-till" work, "two to four times more chemicals must be applied to control weeds, pest insects, plant pathogens, slugs and mice." Funny how that "no-till," praised 100-fold by the USDA, turns out to double our need for certain profitable substances.

Pimentel states his conclusion in the style which truth assumes within a milieu of profit:

Of major concern is the substitution of fossil energy for the degradation of land, water, and biota resources so that high levels of crop production can be maintained and even augmented. The effect of this has been to mask the basic problem, that of resource degradation, and postpone the implementation of preventive measures. By not recognizing the problem now, the nation is slowly "mining" our valuable nonrenewable resources by substituting a nonrenewable resource, fossil energy.

WE HAVE TO FILL IN a few blanks here. We have to recall the stalagmite skyline of the Gulf Coast, especially around Freeport. This is where the business of producing "feedstocks" takes place. This is where oil is bought by the tanker and refined to the point where it can be converted to chemical products such as fertilizer or pesticides. Fossil energy in, fertilizer out. Two hundred years ago the need was met by a more rustic process, and it could be described in more rustic terms. But since profit has displaced our need for horseshit, we've also lost opportunities for a certain directness of expression regarding the processes at work on today's cornfields.

So much for the state of things at home. Anne H. Ehrlich, in her essay, "Development and Agriculture," takes us to Africa:

Why is virtually an entire continent undergoing a catastrophic drought, threatening tens of millions of people with starvation? Why does the outside world persist in viewing this phenomenon as a one-time fluke that can be cured by an infusion of donated food and will never recur? That the crisis began almost two decades ago and never really went away is lost on the public; even mass starvation loses its fascination for the press when it continues year after year.

Citing Texas Tech's Harold Dregne, Ehrlich

writes that, "severe or very severe desertification has occurred on significant portions of agricultural land on all the continents. . . . Overall, nearly 40 percent of the world's agricultural lands have been moderately desertified or worse."

In addition, profit has encouraged some farmers in Third World countries to abandon crops which could be used at home. Instead, in those southern lands, acreage is bribed away from native food-crops in order to produce cash-worthy items for northern supermarkets. Meanwhile, overseers of southern fields can avoid restrictions on the use of pesticides and other destructive chemicals, thereby increasing profits and progress all around. Even the media cash in on audience shares, so long as the tearful suburban viewer is treated to stories narrowly focused upon the abject *result* of such policies for people of dark and distant continents, and then for not too long. As for informing us about profit and the true story of the century, well, to be fair, they *do* have the sensibilities of major stockholders to consider.

Herman E. Daly stakes his essay at the heart of things. In "Moving to a Steady-State Economy," Daly describes "throughput." "Throughput begins with depletion and ends with pollution," writes Daly. Thus the true measure of a growth economy will be found in its accumulated tonnage of hazardous wastes. Aren't we

doing splendidly by such a measure? Against such "growth," Daly posits "development." "Qualitative improvement in the use made of a given scale of throughput, resulting either from improved technical knowledge or a deeper understanding of purpose, is called 'development.'" Whereas growth only increases the quality of throughputs, development seeks to make wiser use of fewer throughputs. And so we have "growth" on the one hand, or "development" on the other; depending whether we've converted more or fewer tons of throughputs into noxious wastes. That profit loves "growth" is clear; that profit can be brought to seek "development" must be the last hope in Pollyanna's head.

Daly's article in itself is primer enough for any Monday's sickbed, even under the constraints which truth must feel at the end of our century. Here one finds subtitles like, "Biophysical Limits to Growth," "Ethicosocial Limits," "Money Fetishism and the Paper Economy," and "Faulty National Accounting and the Treachery of Quantified Success Indicators." From these sections one may select any sentence at random. For instance, "Anything goes" is a convenient moral slogan for the growth economy because it implies that anything also sells."

And how often have we sworn to ourselves that we'll get hold of something that will sell like hotcakes, or pesticide? Then we won't have to work so much. Something will be found to support us, a slave of sorts. And so, in the meantime, we covet the products which have become profit for others. And we wait. And as we wait, we might call in sick some Monday in order to think about how much profit gets to have its way with us and our work in the meantime — and the shapes the meantime has taken since profit came to rule the day.

The profit motive is today touted as the benefactor of humanity. But it's possible to be swayed by such ideologies only from the vantage point of the master bedroom. For the master bedroom, in all its drywall comfort, is the bottom-line measure of profit's fruits. Oh, you object to such reductions? You say the fishing boat, the patio, the lakehouse, or happy hour? As fate would have it, Cassandra implores you to no effect:

And no use at all
to save our city from its pain inflicted now.
And I too, with brain ablaze in fever, shall
go down.

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DIALOGUE

Continued from page 2

vulnerable members of the human family?

Edward M. Corbett
Commerce

Growing Up is Hard to Do

I'm renewing my subscription to your ambivalent journal because of Louis Dubose's editorial (has he grown up?) on House Speaker Jim Wright (*TO*, 10/14/88). Just a few issues ago, you milquetoast liberals were bashing the one official who, almost single-handedly, faced down the mephitic Reagan and stymied further aid to the Nicaraguan Contras.

In a state as piliated as Texas, did you really have to beat the drums for Jesse Jackson? You never heard about Operation PUSH-Excel? How much is Uncle Sam trying to recover from this boondoggle? The last I heard, it was around \$1.1 million.

Ever hear of Phil Gramm, Ph.D.? What have you editors ever done to help his foes, except to divide (but not conquer!) and confuse the very people who would like for the Lone Star State to rejoin the Union?

Goddammit, grow up! America, the world's greatest debtor in history, has become a military stumble bum, so inert and feckless that Arab sadists can kidnap our citizens — and keep them engaged for years on end. Rome's decline was at least more colorful.

Louis H. Sampliner
West Hartford, Connecticut

'Biblical Prophets' For 10, Bob

"My bowels, my bowels!" (i.e., "I am in anguish") that you should be so biblically illiterate that you cite Mary Stewart Relfe's epigraph on her cover letter for the League of Prayer's fact sheet on Dukakis as being from Jericho 4:19 (*TO*, 10/28/88). No doubt she used the abbreviation "Jer." Even *Jeopardy* players, who tend to shy away from religious categories, would recognize that as "Jeremiah."

Relfe quotes from the King James Version. "Bowels" (the literal translation) were considered to be the seat of the emotions by ancient Hebrews. Moderns, intolerant of earthy poetic metaphors, want their biblical language abstract and somewhat sterilized. Thus, the "I am in anguish!" of the RSV, for example. (That's "Revised Standard Version," in case you start playing around with *that* abbreviation.)

Relfe should have gone on to verse 20. Listen to what the prophet says: "I have heard the trumpet call and the cry of war" (what the Pentagon calls "low-intensity

conflict" these days?); "ruin on ruin is the news: the whole land is laid waste" (how perceptive of Jeremiah to foresee this administration's conservation and ecology policies!); "my tents are suddenly destroyed, in one moment all that sheltered me is gone" (the thousands of homeless, for whom the administration seems not to care a whit, will relate to that).

In short, like many fundamentalists, Relfe uses Bible quotations merely for slogan purposes. It takes a lot of chutzpah to quote the Hebrew prophets to reinforce a right-wing agenda.

Arthur A. Preisinger
Texas Lutheran College
Seguin

Debate Immemorial

First a point about Peters's scholarship in *From Time Immemorial*. Even before Dennis McDaniel's letter (*TO*, 10/28/88), I had received a letter from a Californian who is a member of the Arab Anti-Discrimination League in which he enclosed a number of critical reviews of Peters's book, most of which I had read. He did not send, and McDaniel is apparently not aware of, the dozens of favorable reviews. Indeed, the early criticism, such as that Greg Moses refers to (*TO*, 10/28/88), was provoked by the kudos the book had already received. This raises a point about intellectual honesty: Participants in political debates often enter the debate with their minds made up, and they evaluate the proffered arguments from that vantage. One should therefore not be surprised that readers like Edward Said, whose book *Blaming the Victims* is reviewed favorably by Greg Moses in the *Observer* are critical of Peters's effort; likewise, one is not surprised that pro-Jewish readers laud the volume. What is omitted in this discussion, however, is the point that Peters herself began her project with, if any bias at all, a pro-Arab tilt. That her research compelled her to reevaluate her preconceptions is perhaps not dispositive, but it is undeniably significant.

This anticipates a second point. Many of the disputants on the issue of the territories are either disingenuous or simply ingenuous. Some, like James Harrington (*TO*, 9/16/88), are both. He is ingenuous because he, like William Kelly (*TO*, 10/28/88), I think, is familiar with but a very narrow slice of the problem. When Harrington says, for example, that many of those detained by the Israelis are not terrorists but are instead doctors or lawyers, he assumes there is some disjunction between these professions. He has obviously not spent much time in the

Middle East. When he says that Israeli security is as threatened by human rights abuse as it is by Arab bullets, he resorts to platitudes without knowing anything about Israel's security needs.

Discussing intelligently the security requirements of Israel, and the related political/security problems subsumed by the territories, requires that one have some appreciation of the historical context of the controversy. Thus, while it is heartening to learn that Kelly volunteered for service in World War II to help save Jews, it is disenchanting to read his description of the Palestinian Arabs as "relatively defenseless." Neither Kelly nor Harrington seems aware of — they certainly do not deal with — the issue of 40 years of Arab terrorist activity, perpetrated not only by adult men but by women and children as well — and often planned by lawyers and doctors, Mr. Harrington. These activities have claimed the lives not only of Israeli soldiers, but of civilian men, women, and schoolchildren. Harrington's response to Israeli Consul General Artzieli's letter (*TO*, 10/28/88), for example, does not even attempt to grapple with the fundamental point of the letter: that the PLO, which was formed in 1964 — has declared as its goal the eradication of Israel. The PLO does not want only the West Bank; it wants all of Israel. Israel has been fighting for its very survival since the nation was proclaimed in 1948. Israel is the Jews' insurance that the Holocaust will not recur.

A final point: Israel has yet to learn how to manipulate the media effectively, and that is, in part, why people like Harrington end up with their views. For example, Israel's decision to ban *The Last Temptation of Christ*, while raising serious problems for those committed to the American First Amendment values, evinces a profound respect for Israel's Christian citizens. Similarly, the Israeli Knesset has banned not only the most radical Arab political party, but Kahane's racist Israeli party as well. These stories reflect well, in my judgment, on the Israeli government's commitment to democracy and fairness, but these stories are reported, if at all, only briefly in the Western press. That type of bias is probably not anti-Semitism, but it surely fosters the environment in which anti-Semitism flourishes.

David R. Dow
Houston

The *Observer* welcomes comments from readers. Short letters (two or three paragraphs) are preferred. Write: "Dialogue", The Texas Observer, 307 W. 7th, Austin, TX 78701.

The Label Stinketh

A Writer Responds to His Critics

BY TOM McCLELLAN

HERE IS WHAT it is like: Your carefully crafted essay on the ancient theme of mutability, aged in your notebook and matured through a half-dozen revisions, appears in an Intellectually Fashionable Pulp. You are so pumped up you fire off photocopies to family and friends. You are so vain you send a copy to Norman Mailer. He is so kind that he sends you one sentence of praise. A friend in the lit-crit biz responds with an essay better than yours. So does a friend in the poetry biz. Humbled and joyful, you keep pounding the keys. The IFP Readership ignores you.

Next issue of the IFP arrives and you're in print again, a second-rate thing you slapped out on the currently fashionable Ain't It Awful How Politics Is So Commercial Nowadays theme, nicely edited and illustrated, and a shot in the ego is a shot in the ego, so you send copies of that to friends in the biz and they ignore it as is their right. So does the IFP Readership.

During the summer you dry up like a raisin in the sun, and as fall grinds onward the candidate you are supposed to love reveals himself yet and again as a repressed, mechanical case of intellectual overcomp with all the appeal of I Can't Believe It's Yogurt marketed by the assholes surrounding the Navel of The Universe in Boston. The guy you knew could win refused to run, but wound up as a VP candidate, and the IFP has woven a portrait of him as A Bad Person because he is a Topdog (the warp) but not entirely evil as Topdogs usually are because he has done a few nice things for The Underdogs (the woof).

This is the IFP that makes damn sure you will never be A Bad Person much less Entirely Evil by paying five bucks per barrel for Writers' Crude: the blood, sweat, and bile you pour into every page.

Meanwhile at the campaign trial: the frozen candidate is being branded with The L Word. Does he point out that he has done an excellent job, as Governor of his state, in accomplishing the avowedly "Conservative" aim of involving private and public sectors in productive partnership?

Tom McClellan wrote "Liberalism: Let's Get Over It" for the September 30 issue of the Observer.

No. Does he point out that he is actually a human being who's picked one of the toughest careers around, public service, and that attitudinal labels are more meaningless now than ever, so how about a little relevance? No. He is somewhere off Ellis Island, if not on another planet, still gumming to Americans about suburban samples who are not so well off as they might wish, while the number of homeless in the Downtown you avoid has, according to guesstimates, grown tenfold in the last six years and you've decided to pay panhandlers on the basis of originality and acting skill; and while his opponent is promising a new, softer America, lit up like the Star Wars Movie space-sky right before the Wookiee kicks the ship into overdrive.

And then the Head Ed at the IFP devotes 758 words to defending The L Word.

YOU KNOW HOW it is sometimes, it just all comes back to you: all those academic cocktail parties with the Liberals grouped around their favorite topic, Why Does It Always Happen To Us (backers of Clean Gene, George McG., & c.), We're Such Good People.

So you point out that The L Word has an unpleasant undertone. You say: Let's Get Over It. Voila!

His essay now must be decried
A danger to the masses,
His nasty words should be denied
Impressionable lads and lasses,
His thoughts henceforth are classified
Among the Noxious gasses:
LIBERALS, AWAKE!

To the woman who sent the suddenly-it's-1972 list of Liberal Concerns: yes I am a bad boy, my wife didn't like it either. To the witty gent with the if-not-liberal-then-what question: had I attacked something you wanted to see attacked, my negativity would have been invisible to you. You want positive solutions, write the Chamber of Commerce. To the gentleman from the Woodlands: congratulations for deriving from *argumentum ad ignoratum* the contrary-to-fact hypothesis that pragmatism leads to anarchy — but thank you for an eloquent defense of liberalism.

And to the reader who sent the issue back scrawled with questions: who is this guy? is he black? why did you Good People

publish this thing?

Probably the editors published the thing because "free voices" means something to them. And because editors have nightmares like the rest of us; though their sleep is not disturbed with naked-in-a-crowd visions so often as with the horror show of an Entire Readership storing that precious Work between the GRAND SALE and the HAVE YOU SEEN ME, to be read later, after we get all these old papers into the trash bag. That unrare bird, the irate subscription canceller, has read at least one article in one issue — break out the champagne.

THE ISSUE I RAISED was Why The Label Stinketh and it stinketh from association with those who would sentimentalize poverty and cast themselves in the role of saviours by proxy, voters who want Good Men in office who will invent Programs to Help. This has not worked. It has instead created a bureaucracy, "the modern form of despotism," as Mary McCarthy aptly termed it in 1958; which despotism has been denounced by Mailer as well as by Buckley. Adherence to an attitude, a doctrine, a label — all worthless — and preference for defeat with attitude, doctrine, and label intact to serve a mawkish "honor" rather than victory and consequent responsibility — such is conservatism of a most blind and selfish sort.

Who this guy is is this guy who wants to change the mind which, if you are terminally attached to a political union label, you have not got.

No, I am not black. To borrow Mario Cuomo's phrase, I have "achieved underdog status" in other ways, mainly by being declared A Danger To Self And Others and run through the state hospital a couple of times.

Now you have something clever to say, that will be \$20 for the straight line.

Am I grateful for the non-English-speaking shrinks, timeservers, occasional sadists, and occasional decent staffers provided by good taxpayers who want their fears about The Crazies located anyplace but in the mirror? Not inexpressibly. Is The Snakepit an awful place? Not half so awful as a bevy of Liberals discussing Why Do We Always Lose, We're Such Good People. □

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