

THE TEXAS Observer

A JOURNAL OF FREE VOICES

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**ELECTION
ENDORSE-
MENTS**

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*By Louis Dubose
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This Year's Assault on Legal Services

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By Debbie Nathan



VIC HINTERLANG

PUC Chair Marta Greytok



VIC HINTERLANG

PUC Commissioner Jo Campbell

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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EDITORIAL

Endorsements

SINCE 1983, when he moved from the Texas House to the Texas Senate, Craig Washington has killed bad bills, amended potentially bad bills, and introduced his share of worthwhile legislation. Having mastered parliamentary tactics in the House, in the Senate Washington waged successful fights against bills that would have prevented municipal governments from banning guns, expanded the definition of capital murder, and diminished rights of the accused. It was Craig Washington who persisted until the final hour of the final day of the 70th session, in a fight against a tort-reform package that would have eroded individuals' rights to equity in court. Washington has carried legislation that protected persons with AIDS against discrimination. He has fought against the privatization of prisons and reduction in AFDC programs. In the last session he held his ground against conservative House members who would have used omnibus AIDS legislation to harm the very persons it was intended to help. Some of his fights have been more symbolic than substantive. Washington alone, on the final night of the 70th session, killed a bill that allowed investment of state funds in companies with ties to South Africa. And in what might have been his last filibuster in Austin, Washington stood at 2 a.m., on July 19, talking to an empty Senate chamber. He was attempting to kill a proposal supporting an anti-flag-burning amendment to the U.S. Constitution. If Craig Washington is elected to replace Mickey Leland the Texas Senate will lose its most dedicated and eloquent defender of the Bill of Rights. Like the late Mickey Leland, Washington is a complex mix of ideology, principle, and pragmatism. Also like Leland, Washington has learned how to work effectively in a system in which, by philosophy and race, he is a minority. The only reservation that we offer in endorsing Craig Washington for Congress is our concern over who will replace him in Austin. The Senate will have lost its conscience. (*Note: The final Observer issue of 1989 will be dedicated to and focused on the career of U.S. Congressman Mickey Leland.*)

AMENDMENTS

SINCE ITS adoption in 1876 the Texas Constitution has been amended 307 times. The amendment procedure requires a two-thirds vote in each house and approval by the voters. On November 7, 21

amendments will appear on the ballot. The *Observer* makes the following recommendations:

- Proposition One is an attempt to raise legislators' salaries to one-fourth of the governor's salary, which is currently set at \$93,432 per year. Legislators now earn \$600 per month plus per diem expenses. The low salary is based on a nineteenth-century concept of a volunteer, yeoman/lawyer Legislature that would meet every two years. The low salary, despite the intentions of the authors of the constitution, now serves to discourage people of modest means from running for the Texas House and Senate. And it is not reasonable compensation for legislators who perform year-round constituent service and are usually called back for one or more special sessions. (Before the next general election, this Legislature will have served in at least three special sessions — beyond the 140-day biennial sessions required by the Constitution.) The legislative pay raise is a wage-and-hour issue. It is about public financing of government. It would take the power to increase legislative salaries away from the people, but the pay increase is overdue. And in a sense, the people get the government that they pay for. The ten most populous states pay their legislators an average of \$32,437 per year. Of that group Texas, is dead last. The *Observer* votes yes on proposal number one.

- Proposition Two would allow the state to issue \$500 million in bonds for water projects and funds for improvement in living conditions in colonias, (unincorporated, rural or semi-rural residential subdivisions scattered along the Texas-Mexico border). The bond money would go a long way toward improving Third World conditions in which many live on the border, where tuberculosis, dysentery, encephalitis, and hepatitis are all too common because of improper public sanitation. Much of the bond money will be paid back by colonia residents who will be assessed monthly payments for water and sewer services. And much of the bond money is not limited to colonia development, but is available to communities where potable water and sewer systems are in need of funding. The passage of the joint resolution in the House and Senate was the result

of a long fight by the Industrial Areas Foundations. Proposition Two represents not only economic development, but social justice. The *Observer* votes **yes**.

• Proposal Three would permit the Legislature to issue \$75 million in general obligation bonds to provide funds for small business ventures in rural Texas. It would provide a needed infusion of capital into depressed areas in rural Texas in loans and loan guarantees. It also would create a Rural Microenterprise Development Fund, provide funding for the Texas Small Business Incubator Program, and the Texas Product Development Fund. The proposal is aimed at the small entrepreneur, who is often unable to come up with start-up funds. Principal and interest would be repaid by borrowers and in some instances the state would receive royalties and interest from products in which the funds are invested. Opponents decry the state becoming the lender of last resort and underwriting programs that banks and Savings & Loans will not touch. But those institutions have their own agenda and that agenda usually doesn't include the small businessman, particularly if she is investing in a business in rural Texas. The *Observer* votes **yes**.

• Proposition Four would provide property tax exemptions for veterans organizations, such as the Veterans of Foreign Wars. Proponents of the legislation claim that the organizations purposes are largely eleemosynary and that should they be taxed out of existence the government would be forced to assume the burden of the charitable work that these organizations now perform. Opponents argue that their function is largely recreational, that VFW halls hold dances, serve liquor, and rent out space for wedding receptions. They also argue that removal of the property from tax rolls would require a shift of property taxation to homeowners and business. We agree with the opponents and also observe that the political agenda of the VFW is not one that we are inclined to support. The *Observer* votes **no**.

• Proposal Five would allow a tax exemption for goods in transit, a "freeport" exemption. Its fundamental premise is a supply-side argument that government should sacrifice its revenue base in the name of economic development, then hope to reap the benefit that development brings. It would exempt from taxation commercial property warehoused in the state (cloth to be made into blue jeans, microprocessing chips, aircraft parts, etc.) The loss of this tax base would be a hardship for many local taxing entities, such as school districts and counties. When the House sponsor of this proposal, Corpus Christi Rep. Hugo Berlanga, made a run with a similar bill last session, school superintendents and

county judges lamented that it would result in a shift of taxation to homeowners and still require reductions in services. The aircraft-parts exemption, added in the closing days of the legislative session, was designed to benefit one corporation — American Airlines. The *Observer* votes **no**.

• Proposal Six would allow the Legislature to change the terms of hospital district governing board members from four to two years. Proponents claim that the two-year term for hospital board members is burdensome because it requires frequent elections; and the money used in holding elections could be better used in the provision of services, particularly in rural districts where many county hospitals are closing because of economic hardship. Opponents argue that this amendment would insulate board members from public accountability by providing them with longer terms. The issue should be a legislative matter and the amendment shifts the authority to the Legislature where it belongs. And it does not require, but only allows, for four-year terms. The *Observer* votes **yes**.

• Proposition Seven, is a proposal to shorten oaths and affirmations of public officials from 107 words (by the editors' count and not including names, middle-names, or Jrs.) to a lean 46 words. Despite our preference for leaner prose, and the fact that minimalism is now the rage, we do solemnly swear **indifference** to this amendment — even though it trims excess fat from government. That is identifies part of the excess verbiage as an unseemly affirmation that the elected official has bribed no one to obtain office, and that it mandates that the no-bribe affirmation be discretely signed rather than solemnly sworn, inspires an almost passionate indifference

PRISON BONDS

• Proposition Eight is as important as number seven is insignificant. It would authorize the Legislature to issue \$400 million in general obligations bonds to construct 10,800 new prison beds. Proponents point to the 10,000 convicted felons now held in county jails because there is no room for them at Texas Department of Corrections facilities. They contend that the lack of prison beds has resulted in shorter sentences and that dangerous felons are often released early because there is no place to house them.

But Citizens United for Rehabilitation of Errants (CURE), a nationwide prison-reform group, contends that building prisons is not the solution. In fact, it is often a part of the problem. There is not adequate prison space today because of a change in the prison population. As we have gradually become tougher on crime, a higher number of marginal, non-violent offenders have been prosecuted and sentenced. And since their

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sentences are shorter, the average stay in TDC facilities is now lower. But not so low as proponents have claimed, according to Don Taylor, a penologist and national chairman of CURE. Taylor takes issue with the claim that since 1987 the average length of stay has decreased from 98.5 to 20 months. According to Taylor, the correct figures are 23 in 1987 to 19 months in 1989. And much of that, according to Taylor, is related to the trend to prosecute and incarcerate the marginal offender.

This trend has resulted in young, non-violent offenders being incarcerated with hardened, violent criminals — usually in large warehouses in rural areas. The unfortunate result of comingling marginal offenders with violent criminals is the

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Advice and Dissent at the PUC

BY W. GARDNER SELBY

HENRY "MOAK" Rollins gazed sternly at some of the 60 witnesses who trooped before him during fall hearings at the Capitol. The heavysset chairman of the Task Force on Public Utility Regulation then delivered lengthy questions and sometimes volunteered his own answers. Rollins marked such sallies by intoning, "It seems to me . . ." — perhaps daring witnesses to disagree.

Rollins's handling of the hearings suggested both that he had his mind made up and, perhaps fortunately for the task force, the former Public Utility Commission member turned utility consultant, would readily share his wish list on how to shape up the embattled PUC. Time was short, to say the least. Established by Governor Bill Clements in July, the nine-member task force (with three members chosen by Clements, three by Lieutenant Governor Bill Hobby and three by House Speaker Gib Lewis) was given a December deadline to recommend changes to the commission's structure. The hope was that a transformed PUC would temper the public wrangling that has made commission meetings the most dramatic show in Austin for nearly a year (see related story, page 4).

As the hearings ended in mid-October, task force members anticipated preparing a short list of suggestions in time for the November 14 special session of the Legislature. Among the options open to discussion were the creation of technical qualifications for appointed commissioners, a code of conduct, more expert staff, better definition of duties for the commission's executive director, and clarification of the roles of the commission's general counsel, now statutorily committed to representing an undefined "public interest."

List or no list, nearly every speaker who went before the task force — from a Grey Panthers of Texas messenger to a consultant to the Texas Industrial Energy Consumers (TIEC) to the two current commissioners, Mary Jo Campbell and Marta Greytok — opposed any changes to the PUC without careful legislative review. TIEC consultant Bill Avera warned, "A major restructuring of the PUC at this time may do irreparable

damage to the economy." Avera added later: "It's not as if the PUC is unexamined."

In early October, Lena Guerrero, the Austin Democratic state representative and co-chair of the committee, perhaps unintentionally suggesting the futility of the quick study, said: "There really isn't the time to go through the kinds of issues that we should."

It is possible that Clements expected as much when he revealed plans for the task force last April — an announcement obviously well-timed to divert attention from the tense Senate confirmation hearings for PUC Chair Greytok and William Cassin, whose term ended in September. Indeed, the governor subsequently took a month more to name his appointees to the task force than members planned to spend drafting recommendations. The political purpose of the task force, loaded with a majority of Democrats, may have merely been to forestall Democratic gubernatorial candidates (a la Mark White in 1982) from making public utility regulation an issue in 1990.

The sight of the appointed legislators and citizens trying to understand all the give and take of the commission occasionally proved

humorous, if only because the assembled committee members told jokes about killing all the lawyers and listened to Cassin compare Commissioner Campbell to a rabid skunk. Like Rollins, several task force members showed either a pro-utility or pro-consumer bent in their questions. After hearings began in September, members asked city, consumer and industrial advocates to consider making PUC meetings more private, expanding the commission to six or nine members, and ending cities' original jurisdiction in utility rate cases. Those ideas yielded a generous "not at this time" from almost everybody.

Promoting his view of things, Rollins characterized municipal intervention in rate cases as ultimately too costly to ratepayers. Cities routinely intervene in rate cases to present their challenges to proposed rate increases before the PUC; the cost of intervention is later passed to utility customers in each city. Speaking to that arrangement, Rollins compared city participation to handing a hired attorney a blank check. After the hearing, Rollins added: "There is a plethora of representation of the residential interests [before the PUC] . . . very frankly, the more participants you have, the more the total expenditure in the



Committee Chair Moak Rollins

VIC HINTERLANG

W. Gardner Selby is an Austin-based journalist.

rate case process becomes." Rollins said the commission could save money by consolidating those groups pitching consumer interests, which otherwise make, he said, "for a lengthy and expensive (hearing) process."

Texas Public Citizen's Tom "Smitty" Smith fielded offbeat questions from two task force members. Representative Jim Tallas, a Republican from Sugarland, and Senator John Montford, a Lubbock Democrat, asked Smith how he and other consumer groups had researched last spring a legislative report card distributed by the Texas Fund for Political Accountability Committee. The report card, based on legislative votes in six consumer-oriented areas, gave Montford a "D." Task force members Tallas and Hale Center Democrat Representative Pete Laney each earned an "F." After a run of questions, Montford asked that Smith provide background paperwork explaining the grades, and Smith promised to do so. Smith later called the questions reasonable. But John Hildreth of Consumers Union said the pokes were obviously unrelated to the task force's mission. "It's certainly not a pleasure to endure," he said.

Neither were the hearings. From the outset, consumer activists like Hildreth criticized the task force for lacking consumer representatives. Bryan Baker, director of the Houston-based Committee for Consumer Rate Relief, said: "The majority of the people on the task force believe that utilities are being beat up... After hearing the questions that were being asked of the witnesses, their thinking on things is just way, way wrong." Less critical, Austin attorney Cathy Lee Jordan, who served on a task force supervising an audit of the PUC staff last spring, said business-oriented members might offer fresh insights. In general, Jordan said, "All the different factions get too anxious to exclude anybody who knows something about the subject."

KNOWLEDEGABLE or not, it turns out that every task force member had more than a passing interest in utility issues. State records show that every member had received money from a Texas utility — either through campaign contributions or through business dealings. Two members, Rollins and Don Carlton, direct businesses that routinely benefit from utility-related work. Specifically:

- Henry "Moak" Rollins served as PUC chairman from February 1982 until he resigned in 1983, following Mark White's upset victory over Clements. White made the PUC's close relationship with Texas utilities a campaign issue. Rollins, in contrast, trumpeted the commission's responsibility to balance ratepayer concerns against the importance of giving utility companies reasonable rates of return. On a swing through the Rio Grande Valley, he urged communities to stay with the super-



VIC HINTERLANG

Committee Co-Chair Lena Guerrero

costly South Texas Nuclear Project. Speaking to a New York audience in August 1982, Rollins said the Texas PUC was monitoring construction of \$25 billion worth of electric utility plants in Texas. "The things about which we are concerned are rate stability, system reliability and the financial health of the (utility) companies," Rollins said.

Consumer activists criticize Rollins both for his open sympathy for utility interests and, perhaps more significantly, for the fact that he makes his living from his partnership in Financial Analysis Consultants (FINANCO), a company that has spoken on behalf of utilities in major rate-making cases before the PUC.

Sam Hadaway, Rollins's partner in FINANCO, has served as a paid representative of utilities in 22 cases since January 1984, according to a PUC document. Those cases included the commission's decision last February to slash GTE Southwest's rates by \$59 million annually and order a refund of \$128 million, plus \$10 million interest, to its customers — a decision that first prompted Clements to call in Rollins for an explanation, and then to call for a task force. Hadaway also has served as a paid representative to the PUC on behalf of the West Texas Utilities, Gulf States Utilities, Central Power and Light, and Houston Lighting and Power.

Rollins said that because Hadaway makes his own presentations to the PUC, FINANCO's involvements do not pose a conflict of interest to his participation on the task force. "He's doing individual testimony," Rollins said, "which he prepares."

In addition, Rollins is currently serving as "facilitator" in HL&P's rate case before the PUC, for which they paid FINANCO \$93,570 in 12 payments between May of 1988 and July of 1989. HL&P officials did not return calls to respond to questions for this article. But Geoffrey Gay, a lawyer who

represents cities in rate case hearings, said that "Rollins is fundamentally an agent for HL&P and CPL."

- David Dean was Bill Clements's secretary of state during his first term as governor. Dean now heads the public law section of the Dallas law firm of Winstead, McGuire, Sechrest and Minick, where his responsibilities include private prison proposals before the Texas Department of Corrections. Dean is not registered as a lobbyist. He said that he does no legislative lobbying and characterized his present work as intergovernmental relations.

- Donald Carlton, president of the Austin-based Radian Corp., said he believes he was appointed to the task force by Clements because of his friendship with Rollins. "If ignorance is an advantage, I'm great," he said. "I have not been involved with the PUC at all."

Yet Radian Corp. has had extensive involvement in utility matters. PUC records show, for instance, that Radian received nearly \$95,000 through December 1988 from Central Power & Light. Carlton said Radian was paid for a study on the environmental consequences of generating electricity in coal versus nuclear plants. He said the study was not related to the South Texas Nuclear Project.

Carlton said Radian has also completed studies for the Electric Power Research Institute as well as HL&P and Texas Utilities.

Carlton told the *Austin Weekly* in early October that Austin's electric rate structure, favoring residential users, was "the largest single deterrent to outsiders looking at Austin." Since making that remark, he said later, the local city council has improved the structure. As task force members drafted recommendations, Carlton might have consulted Radian vice president Neal Kocurek, a 12-year member of Austin's Electric Utility Commission and longtime advocate

for Austin's involvement in the South Texas Nuclear Project. Carlton said: "We have a very close working relationship. We certainly do share our views and expertise with each other."

• Senator Kent Caperton, a Bryan Democrat, could have been a consumer advocate on the task force, but missed every one of the group's five hearings. (Caperton, because of his work in the Senate, which he will leave in 1990 probably understands utility regulation better than any other member of the committee. He was unable to make the meetings because he was trying a court case in Conroe.) Deeply involved in the last full-blown review of the Public Utility Regulatory Act in 1983, he is described by his aide, Gina Martin, as opposed to far-reaching changes, particularly those that undermine open meetings.

Like the two other senators appointed to the task force, he voted to confirm Greytok and Cassin last spring. And, like every other legislator on the panel, Caperton has accepted campaign contributions from utilities, including \$1,000 from GTE Southwest's political action committee in 1986. Caperton could not be reached for comment.

• Senator John Montford, a Lubbock Democrat, has been chair of the Senate State Affairs Committee, entrusted with keeping an eye on PUC doings. His campaign contributors have included political action committees representing CP&L, Texas Utilities, GTE Southwest, HL&P, and Gulf States Utilities. In an early hearing, he raised the possibility of the PUC deliberating rate cases privately, but did not commit himself to the idea.

• Senator Temple Dickson, a Sweetwater Democrat, is a lawyer whose firm serves as local counsel for Texas Utilities. He is openly critical of Clements's appointees to the task force, saying: "Clearly, the governor appointed some people with fairly tight connections to the utility companies . . . Reaching any dramatic conclusions seems unlikely. I'm really not sure dramatic conclusions are appropriate."

Dickson's campaign contributors include political action committees representing HL&P, Texas Utilities, GTE Southwest, West Texas Utilities, and Gulf States.

• Representative Lena Guerrero, the Austin Democrat and vice chair of the task force, has been a member of a House State Affairs Budget and Oversight subcommittee which handles the PUC. From that, she said she has developed concern about commissioners getting involved in hiring and firing decisions. Her utility contributors include PACs for GTE Southwest and Texas Utilities.

Many consider Guerrero the strongest consumer advocate on the committee. During the last legislative session, she carried the Department of Agriculture's Sunset Bill and often found herself squaring off with the powerful chemical lobby and

the Governor's office. Guerrero got high marks for her handling of the TDA sunset legislation.

• Representative James E. "Pete" Laney, a Democrat from Hale Center, serves as chairman of the State Affairs Budget and Oversight subcommittee that oversees the PUC. His campaign contributors include GTE Southwest, Gulf States, Texas Utilities, and CP&L. He did not return calls for comment.

• Representative Jim Tallas said the PUC deserves more qualified appointees. "When you stop and think about it, can you name one PUC commissioner who stood out in a particular field or endeavor? I can't." Tallas, named as one of the five worst legislators in the consumer report card last spring, said he focused questions on Smith's qualifications during the task force hearing because he doubted Smith's authority in the utility arena. "He's like a Don Quixote out there stabbing at windmills and yet the press

picks it up as authoritative," Tallas said.

Tallas's utility contributors include GTE Southwest, Gulf States, Texas Utilities and HL&P.

During the task force's last public hearing October 12, former PUC member Peggy Rossen urged members to heed the advice of a majority of witnesses and make no piecemeal changes to the commission structure or organization. Chairman Rollins, without offering specifics, had said before the hearing that he hoped for corrective recommendations that would not require legislation. "Our function," Rollins said, "is to gather information and provide that information to the Governor."

Most telling, perhaps, was the fact that task force staff members were drawn from the Sunset Advisory Commission. They could well end up storing any quick-fix ideas until the scheduled sunset review of the PUC in 1993. As Rollins might put it, that seems a wise consideration. □

Points of Discord

There Is More Than a Conflict of Personalities at the PUC

BY LOUIS DUBOSE

IN THE CAPITOL lobby, outside the old Supreme Court Chambers, an impromptu press conference developed as reporters circled Austin State Rep. Lena Guerrero, as she departed from the final session of the special committee on the Public Utilities Commission. The committee had been convened by Governor Bill Clements and charged with taking a critical look at the three-member PUC and drawing up a list of recommendations for reform. Though three former and two sitting commissioners had testified that day, most of the reporters' questions concerned PUC Chair Marta Greytok, who moments earlier had refused to answer questions posed by Guerrero.

Before any serious questioning began, several reporters casually asked Guerrero for her impression of the session she had just left. "Was it [the commission] like we reported it," a reporter who regularly covers the Public Utility Commission asked. "It was," Guerrero said, "I believe you, I believe you." Guerrero went on to say that as incredible the past several months' news coverage of the PUC might have seemed, she now believes everything she has read.

There was, in this humorous exchange, an element of vindication. The Republican majority on the Public Utility Commission had repeatedly blamed the press for the PUC's poor public image. At one point, the

PUC chair, speaking from the bench, singled out and publicly excoriated one reporter. Commissioners William Cassin, whose term has since expired, and Marta Greytok, who now serves as chair, turned on *Dallas Morning News* reporter Anne Marie Kilday at an August 17 administrative meeting. Both commissioners criticized Kilday for her coverage of the agency's handling of a contract awarded to a management firm hired to conduct an audit at a nuclear power plant.

The commissioners' remarks are here quoted at length to provide some indication of the character of the meeting. The exchange begins with Cassin responding to Commissioner Jo Campbell, who said that she intended to meet with the press to provide names of public officials from other states who had provided critical information on the firm the commission was prepared to hire to conduct a \$9 billion audit:

Cassin: Yeah, you sit down with the press. That's typical. You called Anne Marie Kilday into your office yesterday and gave her your whole story. You told her — you gave her her lead. And you conspired with the press yesterday. That's typical of the way you operate out here. That's why this commission is so screwed up.

A few minutes later, during the same meeting, the criticism would be leveled

directly at Kilday:

Greytok: I'm speaking, commissioner. Let me also note that the *Dallas Morning News*, in their usual distorted articles — I don't know why you all don't just sign on as Chet Edwards's press agent. I don't know, Anne Marie, if that's what you're aiming for or not. But maybe you'll get it.

A document was sent — in your article you note at 2:39 or whatever p.m., the General Counsel had already selected their auditor by that time. I think that's patently obvious, and yet, your indication is that somehow TU [Texas Utilities] was the one that made the selection. They had already made their own selection by that time.

Cassin: You mean the General Counsel had. Greytok: The General Counsel had made their selection. I think it's an attempt — more than an attempt — it's a continuing yellow journalism to try to paint the staff with a brush and put them in with TU on the selection of this contractor.

I hope you'll print some of my remarks, including the ones I'm making to you, since Mr. Edwards was quoted liberally in this article, and after making the statement he and I had a lengthy exchange and you chose not to print any of the return comments. I would like to thank the *Austin American-Statesman* for printing a fair article . . .

I think that candidate [Senator] Edwards is indicative of what we've had to put up with here at the PUC. I haven't been here all of the time, but staff, many of them have. And we've lost a great number of them over this type of activity, an activity that many members of the press have gleefully participated in.

I think that to those who have not, and have written fair articles — I don't always like the articles completely, but I do think that many of them do write fair articles — to those individuals, I salute you as journalists. To the others, I will indicate again, yellow journalism has always been a fast way to the top and a quick way to the bottom — sort of like a rocket. It goes up, and that's all you see.

Even as the discussion shifted to another topic, the commission's 2-1 refusal to promote staff attorney Sheila Bailey Kneip, Greytok continued her attack on Kilday, claiming that a story published by the *Dallas Morning News* worked against the interest of Texas ratepayers:

The other item in the *Dallas Morning News* is also costing the ratepayers hundreds of millions of dollars. The other item has to do with Sheila Bailey Kneip and I have information for you, too, which apparently you don't want to pick up. I will send it to your editor.

WHAT CAUSED the Chair of the agency charged with setting electric and telecommunications rates to openly attack a reporter on the staff of one of the state's largest daily newspapers? For months, the fighting at the PUC had been largely intramural, with commissioners Cassin and Greytok acrimoniously disagreeing with minority commissioner Jo Campbell, and Campbell, using

every device available, including the press, to fight back. When the fight finally extended beyond the commission, and involved one of the state's most highly regarded newspapers, perhaps it suggested that the commission could no longer function, that it was beginning to buckle under the weight of the mutual animosity of the commissioners.

If only these three would step down, newspaper editorialists argued in about an 18-part harmony, the PUC could return to the important business of setting the state's electric and telephone rates. There was, in this argument, a certain anti-feminist logic, suggesting that because the commission was dominated by women, it could not function — perhaps because of their predisposition to bicker. (Cassin's term was about to expire and he obviously would not be reappointed.) The disputes became what several members of the special committee on the PUC now describe as "the personality problem."

The "personality" theory provides a facile solution. But even a cursory reading of daily newspaper coverage of the PUC reveals that there are fundamental issues of disagreement on policy and procedure, and more importantly, philosophy. Were the two remaining commissioners to resign and make way for Governor Bill Clements to appoint three like-minded members, these issues would no longer be debated. It is by more than a coincidence that the most acrimonious debate occurs when the commission considers issues that have long-term economic consequences for ratepayers.

The Public Utility Commission bears watching, not because its meetings have become livelier, but rather because no single agency has such an immediate effect on the checkbooks of every resident of the state. Ratepayers in North Central Texas will look to the commission to determine how much of the \$9 billion in cost overruns at the Comanche Peak Nuclear Power Plant will be included in their rate base. Residents of Houston, Corpus Christi, and the Rio Grande Valley will depend on the three commissioners to determine how many hundreds of millions of dollars in alleged imprudent expenses will be included in their bills, which will begin to climb as a partners in the South Texas Nuclear Project pass construction costs overruns on to consumers, now that the plant is on line. And it is the PUC that determines what percentage of those costs can be passed on. According to the consumer-advocacy group, Public Citizen, electric rates will increase by 20-46 percent for 86 percent of all Texans during the next two years, as nuclear plants come on line and their costs are included in the rate base.

Yet it is unlikely that anyone other than utility consultants would have paid much attention to a PUC management audit considering such arcane topics as staffing, budgets, docket organization, and privatization of PUC staff functions. But the audit,

and the recommendations it generated, according to the protestations of the lone Democrat on the commission, could become an agenda for reform of the commission. The change is not likely to benefit ratepayers in Texas, Campbell said. Leaders of consumer-advocacy groups joined Campbell in her open criticism of the management audit performed by Peat Marwick Main & Co.

Commissioner Marta Greytok, according to her office, conceived of the management audit shortly after arriving at the commission. While Greytok had served as Chair of the Harris County Appraisal District, Peat Marwick had conducted a management audit there. According to Greytok's comments at a December 12, 1988 PUC meeting, the Harris County audit cost \$180,000 and saved \$6.2 million, as well as putting a cumbersome bureaucracy in order.

But there were questions about Peat Marwick as the PUC's choice. A PUC review team considered the applications of eight consulting firms and rated PMM, assigning it a score of 68.3. The first choice, Price Waterhouse, was assigned a rating of 78.6 and none of the top three firms were scored lower than 76. Evaluations were based on team qualifications, experience, cost, workplan, problem understanding, and minority participation.

PMM, it seemed, was not in the running for the audit that it would ultimately win. If the low rating wasn't sufficient to eliminate Peat Marwick, an obvious conflict of interest would. At the time of the application, the consulting firm was retained by El Paso Electric Co. and had filed with the utility commission 40 pages of testimony to rebut challenges to El Paso Electric's request for a rate increase. (Greytok told a House subcommittee that PMM had filed two pages of testimony on the El Paso Electric Case. The *Houston Chronicle*, however, discovered the 40 pages of PMM filings supporting El Paso Electric's request for \$39.3 million in rate hikes.)

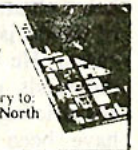
"Predetermined" is the word that Campbell uses to describe the selection of PMM over other more suitable firms. The charge is borne out in some of commission's deliberations. At an administrative meeting on December 14, Cassin advocated MGT, the firm ranked third (with 76.8 points) and also identified as the only consultant with no potential conflict of interest, as they did no work for utilities.

"I'm just, you know again, commissioner," Greytok said, "I'm just amazed that I'm asked to make a decision based on

Continued on page 21

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LSC's Pot Shot

*The Legal Services Corporation
Targets Texas Redistricting Suits*

BY ALLAN FREEDMAN

MICHAEL WALLACE says the decision was partly a matter of philosophy. Wallace is the Reagan-appointed chairman of Legal Services Corporation, the Washington agency that dispenses millions of dollars to local legal-aid offices. Just months before 1990 census takers kick into high gear, LSC has slammed the lid on millions of dollars in private and public money once aimed at key redistricting battles.

Reached at his office in Jackson, Mississippi, Wallace denied the LSC regulation is aimed at disenfranchising minority voters. After all, many of the redistricting cases brought on behalf of Hispanics and other minorities in Texas are waged with LSC money. But Wallace insists the LSC cut is a matter of Reaganistic practicality. Too many federal dollars have been spent on such openly political work.

"We'd rather have money put into other things," he said. "The purpose of legal services is to put poor people in the same position as ordinary citizens. Ordinary citizens just don't run around filing redistricting suits."

Legal experts and community activists aren't buying. They say despite official intent, the new regulations, which went into effect Sept. 5, are a serious blow to expanded voting rights for Hispanics and other minorities. They note the limitations are timed to handicap voting rights cases on the eve of the 1990 census, a count that is expected to further open the door for increased minority voting power. Legal services officials are looking to an anticipated court challenge or Congressional action to block enforcement of the regulations. The outcome of both defenses remains unclear (See related story, p.TK).

Meanwhile, majoritarian white officials are already cheering the decision as a right-minded restriction. Hereford Mayor Wes Fisher, whose Panhandle town has been the target of Texas Rural Legal Aid-sponsored redistricting cases over the years, says its about time taxpayers stopped "paying out taxes to the TRLA for political purposes."

In fact, it was time and money that LSC board chairman Wallace said was at the core of the decision to restrict key voting rights cases. He said millions of dollars and thousands of hours have been spent on redistricting cases — resources that would have been better spent on non-political

work. Despite Wallace's contention, even the agency he oversees can't say exactly how much is spent on the work. "We don't have a clue," said LSC spokesperson Beth Owen. "We really don't."

TRLA EXECUTIVE Director David Hall said less than 1 percent of his annual budget is consumed in redistricting work; the current budget is \$4.5 million. But Hall and other legal aid officials said the LSC rule could seriously undercut gains in minority voting rights and future redistricting cases. The growth of single-member districts, which usually benefit minority representation, has more than tripled in the last decade. Hall said it is unlikely the old at-large systems could make a comeback. But he said the LSC decision raises "the possibility of going back and undoing what we did over the last decade." Minorities have lost skilled representation.

Much of TRLA's success has been realized by the threat of litigation rather than actual court actions. That leverage has been removed. In 1980 TRLA anticipated more than 30 voting rights cases. But once the threat of litigation was made many districts adopted more equitable voting systems. Some districts, however, didn't bend so easily. In Hereford, cases against the school board and city commission forced local officials to accept single-member districts.

TRLA has played a historic role in voting rights litigation — a role that has drawn the ire of the Reagan-era LSC. With TRLA barred from redistricting litigation, the door is now open for majority white officeholders; without serious legal opposition, to redraw lines that currently benefit minority officeholders. Anglo domination of local politics is now more secure in places that have yet to adopt the more equitable single-member districts. Ironically, the impact could be greatest in the towns that have the most to gain in new-found political representation. Hall said in areas where the Mexican American population has grown steadily in the last decade, voters are now more unlikely to reap the benefit of greater political representation through elections. The impact could be greatest along the border, from El Paso to Brownsville, as Hall put it.

"We expect a war in 1990 to match the war in 1980," said Judith Sanders-Castro, a staff attorney with the Mexican American

Legal Defense and Educational Fund (MALDEF), a key player in expanded voting rights for Mexican Americans.

Major urban areas could suffer as well. The future of a major Dallas voting rights lawsuit, judged by legal aid officials as an important assault on Anglo domination of city politics, is now uncertain. Some City Council members are elected by at-large votes. The suit seeks to elect members from single-member districts, and it remains unclear if LSC will allow corporation money to fund future legal action, such as appeals. LSC did grant permission for corporation money to be used in the first round in court in September. Legal aid officials say it is unlikely that LSC will fund the case through a costly and inevitable appeals process, although LSC hasn't staked out a clear-cut position on the issue.

Betsy Julian, Legal Services of North Texas executive director and a counsel on the Dallas lawsuit, said her organization has yet to decide how to fund the case without LSC money. She said the effect of the new LSC limitation could extend far beyond the City Council case.

"Without the resources of legal services, I think it would be really harmful in Houston and Dallas, depending on what came out of the 1990 census," she said. "There are no final victories on voting rights. To say that all the cases have been won, I think is wrong. I think 1990 is a critical year for voting rights. At this point to remove a group of very effective advocates, I think is a significant blow to equal access to justice."

FOR HISPANIC Americans, that blow will be particularly hard. The push for political expansion among Hispanics has been front-page news. Just last month, in a page-one story, *The New York Times* called the current campaign to expand representation "the largest effort ever undertaken by Hispanics." Census estimates show more than a 30 percent increase in the number of Hispanics since 1980. Activists are counting on a population increase as the foundation for added representation.

Though official Washington maintains that LSC restrictions were not aimed at Hispanics, legal experts are scrambling to repair the damage. In an April 11 letter to LSC General Counsel Timothy B. Shea,

MALDEF Director of Political Access Jose Garza sounds the warning.

"Currently, we have more requests for investigations and legal actions than we can hope to respond to in the next decade. MALDEF only has two full-time voting rights lawyers to cover Texas, New Mexico, Colorado, Arizona and California. Thus the restrictions proposed by the corporation would have the effect of condemning literally millions of poor people to simply tolerate illegal and unconstitutional obstacles to free political access."

Trini Gamez, a TRLA employee in Hereford who has been involved for two decades in the fight to expand rights for Mexican Americans, noted, "It will have a terrible impact. It will set us back many years. They are reacting to the growing Hispanic population. They think we are a threat to them."

MALDEF doesn't depend on LSC for funding, but it will feel the impact of the LSC restriction nevertheless. Groups such as TRLA have played major roles in expanding Hispanic voting rights. The absence of these advocates will put added pressure on MALDEF and private attorneys to do the work.

"I think it's going to make it an even harder struggle than it has been in the past," said Sanders-Castro, the MALDEF staff attorney. "We are being grossly limited in our representative ability."

Without TRLA and the other groups' participation in voting rights litigation, Sanders-Castro said, MALDEF will be less effective. The organization does not have the staff or the resources to pick up the slack. There is widespread agreement among legal aid officials that there are too few private attorneys and too few dollars to represent many minorities in redistricting cases.

"What this decision has done is totally undercut this third group to continue this very important battle over political power," Sanders-Castro said of TRLA. "What it comes down to is they have cut our legs out from under us. Private attorneys are really handicapped when it comes down to taking these cases because of the expense and time."

Mexican Americans are also more likely to be squeezed by the major parties. Although Hispanics have been targeted by the GOP as a potential voting bloc, newly enfranchised minority voters in Texas are expected to sign up with the Democratic Party. GOP loyalties have largely depended on class, and many Mexican Americans in Texas aren't likely to judge the Grand Old Party on the side of working people.

Sanders-Castro said Mexican Americans are interested in drawing lines that enhance their voting power as a bloc. Yet the Democratic Party will be more interested in party power. Minority voting strength could be diluted by the Democratic Party drawing lines that spread thin Mexican

American voters in order to build Democratic stronghold districts. The power of the party would grow, but Mexican Americans would be relegated to a more dependent relationship with the party.

For now, TRLA and other legal services organizations are contemplating legal action against LSC. Hall said the suit could

challenge LSC's ability to initiate the regulations under its legal mandate. Whether court action can free up much-needed money remains an unanswered question.

"There is a great deal of danger that things are going to go backwards after 1990," said Sanders-Castro. □

The View From the Hill

Will Congress Save Legal Aid?

BY ANNE KORNGHAUSER

Washington, D.C.

DURING THE eight years that the Reagan-appointed Legal Services Corporation board has adopted regulations to curtail the activities of LSC-funded lawyers, friends of the 15-year-old agency have routinely gone to Congress to neutralize the board's actions.

Always a controversial program on Capitol Hill, the LSC provides federal funds to local lawyers who represent the poor in everything from divorce suits to class actions. Congress has been outraged enough by the conservative-dominated board in recent years to overturn its measures through restrictive language in appropriation bills. While LSC is technically an autonomous non-profit corporation, it relies exclusively on Congress for its money; lawmakers always have the option of telling LSC how it can spend its funds.

Occasionally Congress itself has restricted the scope of legal-services lawyers. It has prohibited, for example, LSC-funded lawyers from taking on abortion cases. But Congress has not tolerated such monkeying around from the LSC board, whose motives it doubts and whose legal authority to rule over the local programs is limited.

In the case of the board's recent ban on redistricting suits, however, Washington's legislative Goliath has been eerily silent. Fears of Congressional redistricting suits flowing from the 1990 census and an anticipated lawsuit challenging the LSC board's regulation have led Congress to pass on the regulation.

Legal services advocates have pleaded twice with members of Congress to overturn the regulation through legislation. Twice they have been rebuffed. Lawmakers now have a third opportunity to block the

regulation as House and Senate conferees deliberate LSC's 1990 budget. It is through the budget bill that lawmakers can add language voiding LSC regulations. As the *Observer* went to press, it appeared that lawmakers would postpone until next year any decision on the new restrictions.

"Nobody's interested," says Julie Clark, director of government relations for the pro-legal services National Legal Aid and Defenders Association.

At least nobody's interested anymore. Earlier this summer, Senator Warren Rudman, the New Hampshire Republican and leading Congressional advocate for the \$308.5 million legal services agency, introduced sweeping legislation that would have nullified virtually all of LSC's regulations passed over the last year. Rudman moved to amend LSC's 1989 budget.

Rudman was furious. The 11-member board's six-member conservative majority was having a field day trying to regulate the program out of existence, as it has tried to do during the Reagan years. The LSC board flexes its muscle by controlling the more than 300 local grantees, like Texas Rural Legal Aid. It sends out troops to monitor them and is constantly declaring outside funds and various activities off limits, even when Congress is clearly opposed to the restrictions. At his wit's end, Rudman would have no more.

For the most part, much of Rudman's proposed amendment to the 1989 LSC budget met with approval from other members of Congress, who also wouldn't stand for many LSC positions. But several Republican House members, including Florida Republican Bill McCollum, criticized the provision that would have wiped out the ban on redistricting suits. House members, especially Republicans, are wary of LSC redistricting suits. They fear redrawn Congressional districts will increase Democratic voting strength by

Anne Kornhauser is a Washington reporter for Legal Times.

lumping together liberal-minded minorities.

Rudman agreed to strike the redistricting rule from his harshly worded bill. Meanwhile, Democrats were content to await the outcome of an expected lawsuit challenging the rule.

Alan Houseman, executive director of Washington's Center for Law and Social Policy, a counsel to local legal services programs across the country, is intent on taking legal action. As soon as a program must turn down litigation because of the new regulations, LSC will likely be headed for court. Advocates for the deprived local program will argue -- most likely persuasively -- that the regulation is illegal because it violates the 1974 act that established the corporation. That law states that local boards are to determine their own priorities.

"This is plainly illegal," says Houseman. "Boards are supposed to set their own priorities."

MEANWHILE, the Senate has continued its silence on the ban in the current appropriation bill that, as the *Observer* went to press, was on its way to both chambers. (The House did not adopt any LSC package before the Senate bill went to conference.)

In fact, this silence was the result of an all-too-common Washington compromise. The LSC has been circulating its own proposal on the Hill to have Congress pass legislation that would make the restriction on redistricting cases as good as law -- a move that would sure up LSC's position in court. LSC officials are harboring fears of their own.

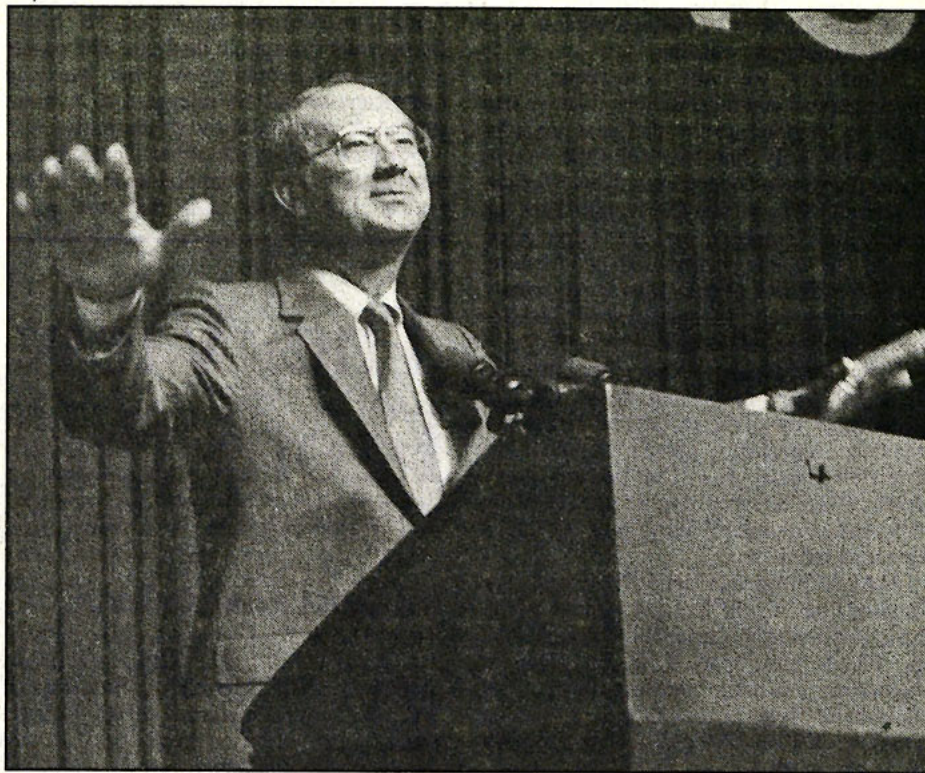
Although several Senators, including Texas's Phil Gramm and Utah Republican Orrin Hatch, supported the ban on redistricting suits, with Massachusetts Senator Edward Kennedy and Ohio Senator Howard Metzenbaum ready to respond, Republican lawmakers never raised the LSC proposal.

"Both sides were poised to strike if either side proposed an amendment (on redistricting)," said an aide to Rudman. "Nobody ever pushed it."

In their fear of LSC-funded redistricting suits, supporters of the ban apparently failed to understand that LSC programs virtually never bring suits involving Congressional Districts. With one exception.

Not surprisingly the one known exception involved a lawmaker who is now said to favor the ban: Phil Gramm. Gramm has never shown much love for legal-aid groups. In 1983, Gramm found himself embroiled in a redistricting suit connected to a special election for his then House seat. TRLA lawyers argued that the election date had to be pre-cleared by the U.S. Justice Department. Election pre-clearance is especially important in Texas, where migrant workers can effectively be disenfranchised if an election is held during an agricultural off-season.

The case was dismissed, and Gramm was



DAVE DENISON

Senator Phil Gramm

reelected. But Gramm likely has some personal feelings about LSC-sponsored redistricting suits. (A Gramm spokesman said his office has a policy of not talking to the *Observer*.)

Republicans may also be wrong in their assessment of how redistricting suits affect members of their own party. Legal services lawyers say that such suits often help Republicans at the expense of Democrats.

In Texas, many new districts that resulted from redistricting suits following the 1980 census actually went Republican. According to TRLA Executive Director David Hall, after a district is carved out that allows a minority candidate to be elected, leftover districts dominated by conservative Democrats and Republicans often align with GOP candidates.

"When we're cutting districts to increase minority representation, it often has the effect of increasing Republican representation at the expense of Democrats," Hall explains.

For programs like TRLA, a lawsuit may be the best hope for overturning the LSC redistricting regulation. But there is one other possibility: a new LSC board.

The 11 current directors are Reagan holdovers; their terms have long expired. President Bush is expected to nominate a new slate any day now. What that slate will look like remains unclear.

The Reagan administration wasn't shy about its desire to gut the LSC, proposing zero funding for the LSC budget in all but one year. But the Bush administration has waffled on its stance on the LSC. Bush has

surrounded himself with advisors with varying opinions about the agency. Chief of Staff John Sununu leans heavily toward the Reagan line. Attorney General Richard Thornburgh is considered friendly toward the LSC. So far, Sununu appears to be calling the shots.

Last month, Sununu agreed to drop former Congressman M. Caldwell Butler, a Virginia Republican, from consideration as LSC board chair after conservatives balked at Butler's possible appointment. These activists were disgusted by Butler's murky stance on abortion and by his pro-LSC voting record. (The White House cannot actually nominate someone to head the LSC board, though it can nominate a person with the tacit understanding that he or she will become chair once the full board is confirmed by the Senate.)

At the same time, the White House is looking for moderates such as Washington lawyer Michael Madigan, who advised the Bush transition team, to sit on the board. Like Reagan, Bush could appoint both conservatives and moderates, while giving the edge to conservatives.

Even a moderate board might not do the trick when it comes to redistricting, however. By statute, the composition of the LSC board must be split between the two parties. A bipartisan board may well want to avoid an issue that smacks of partisanship.

Whatever steps a new board does take on the redistricting issue, most here in Washington are anxiously awaiting a change at the LSC. □

Abortion Stories From the Border

BY DEBBIE NATHAN

YOUR period's late?" *El Paso* Ciudad Juarez's Benavides Pharmacy offers a customer syringes of female hormones. "Inject this twice," she advises. Down the street, at the market where El Pasoans and tourists buy party piñatas, herbalists hawk bags of leaves and bark. "Guaranteed to bring on your period if you're less than three months overdue," one vendor says.

In Mexico, with few exceptions, abortion is a crime. State law governing the city of Juarez, for instance, declares that a woman convicted of having an illegal abortion can be imprisoned for as long as five years, and her abortionist for three.

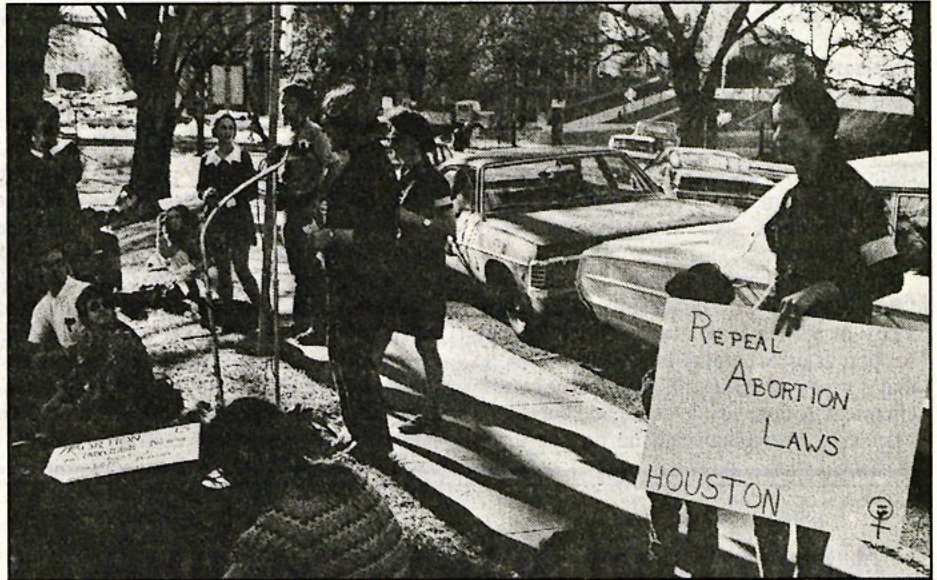
Nevertheless, before the U.S. Supreme Court legalized abortion in 1973, American women flocked to Mexico to end their pregnancies. Black market abortions were easy to get then; and though most still offered today are medically risky, they remain available.

Texas already prohibits Medicaid funding of abortion and restricts techniques used to abort "viable fetuses" older than 20 weeks. After the Supreme Court ruled on the *Webster* case, Texas was considered one of 22 states likely to limit further or even outlaw abortion. Should Governor Clements acquiesce to the Republican right and persuade the Legislature to enact further restrictions on abortion, the Mexican border may once again become an abortion underground option for many American women.

Elizabeth Canfield, currently a Planned Parenthood counselor in Albuquerque, New Mexico, worked from 1968 to 1971 with Clergy Counseling Service for Problem Pregnancies in Los Angeles. The group referred American women to abortionists in Mexican border cities — especially Juarez.

"Juarez had many abortionists," Canfield said. "Most were physicians; others were laypeople trained by doctors. They charged \$160 to \$200 to do an early abortion, and millions were being made. Everybody had relationships with the cop on the beat. Enormous amounts of payoffs were taking place, and they couldn't conceive of us U.S. referrers not wanting a kickback."

Debbie Nathan, whose work regularly appears in the Observer, lives in El Paso.



ALAN POGUE

Early abortion rights rally, Austin

A woman who went to Mexico for an abortion entered a James Bond world, Canfield says. "You needed to carry your money inside your bra. You couldn't ever say 'abortion,' just something like 'Liz sent me.'"

"Though some black market abortion providers were very humanitarian," Canfield says, "they were all doing it for the money." Even back-up services, like airlines, cleaned up — whether intentionally or not. She recalls, for instance, one U.S. travel agent who "didn't want to know anything about what we were doing when we made reservations through her. One day she called me and said, 'You won't believe this, but we received an award for selling the most three-day weekends to Mexico.' Her boss kept asking how it was that so many of her clients wanted to go there? She was mortified! Canfield remembers.

After abortion was legalized in the United States, the Mexican black market dissolved. Mexican women of means, however, can still find doctors who will occasionally provide discreet early abortions, says Dr. Francisco Urango Vallarta, former director of the Autonomous University's medical school in Chihuahua City, about 225 miles beyond the border.

"It's illegal, of course, so no one is going to routinely do the procedure and thus earn

a reputation as an abortionist," Urango says. "But occasionally, a doctor will, say, fall behind on his car payments. Then he may do one." The procedure of choice, Urango says, is the dilation and curettage (D&C) procedure, scraping the pregnant patient's uterus under the pretext of checking for diseases. The D&C automatically causes abortion.

Many Mexican doctors who favor abortion rights but are reluctant to break the law refer their patients to U.S. clinics such as Reproductive Services in El Paso. Clinic director Patti Pagels estimates that of 1.5 million abortions performed annually in the United States, 6,000 are done in El Paso. Reproductive Services does 2,500 of these, and a quarter of the patients are from Mexico. Most are middle- and upper-class women seeking medically safe abortions.

Those Mexican women with neither connections nor money to cross the border must rely on cheap home or drugstore remedies. As indigent American women did in the United States before abortion was legalized, many Mexicans trying to end their pregnancies drink tea made of herbs such as thyme, rue, or cedar bark, sold at herb markets. Or they use synthetic chemicals. At a Mexican pharmacy one doesn't need prescriptions to buy hormone injections and drugs to make the uterus contract so as to

expel the fetus. If such measures aren't successful, a Mexican woman may apply caustic chemicals or pay midwives or nurses, nicknamed "stork scarers," to stick catheters through her cervix.

Such methods are often ineffective and dangerous. The Mexican Social Security Institute reported almost 60,000 cases of abortion-related complications in 1988. Of those, at least 100 resulted in massive infections or hemorrhaging that led to death. Indeed, in Mexico, illegal abortion is considered the second most common cause of maternal mortality (after childbirth). Even so, the country's federal Health Secretariat estimates that at least 500,000 such procedures are performed annually.

In Ciudad Juarez, Dr. Carlos Cano Vargas, Assistant Chief of Obstetrics and Gynecology at the city's General Hospital, believes that many of the 350 miscarriages his department sees annually are really illegal abortions.

"But it's hard to prove," he says, "because everyone conceals it. The pharmacy drugs leave no traces. Infection can happen after a natural miscarriage too, so that's no proof either. You may see caustic chemical lesions or a catheter, but that's very rare. A woman can be on her death

bed and usually won't admit anything. In six years I've seen only two cases of obvious abortions. For every verifiable one in Juarez, there are countless more covered up."

DELIA is a pseudonym for a Juarez woman whose abortion would have gone unnoticed last year had it not been botched. The 26-year-old is the mother of three preschoolers; her husband is a "twin plant" factory worker, earning about \$40 per week. When their youngest child was six months old, Delia found herself pregnant again. She is taciturn but matter-of-fact while describing what happened next.

"We couldn't afford another child, so I took hormone shots from the drugstore and rue tea from the herb market. Nothing worked. Then a friend told me about a nurse abortionist. For \$350,000 pesos (at the time about \$200) she put a catheter up me that she was going to remove next day. But at night I got such a high fever that my husband insisted I go to a clinic. If only I'd known how to remove the catheter! Because when the doctor saw it in me he got really mad and called the police. They came and interrogated me, but of course I wouldn't

tell them where the nurse was.

"The police made the clinic detain me for three days. Later at the station I was interrogated again for four hours. Finally, the detectives left the room and I just walked out. I hid at my mother's house for a few days but the police never came back.

"Oh yes" Delia said, "it's very common for women here to get abortions. If you know the pharmacist you can get the injections, and there are lots of abortionists. Lots of my friends have had abortions. Most already have children."

Delia's abortion was reported in the local Mexican press — complete with her name and address — on the police blotter page, along with stories about gang leaders, robbers and rapists. She was never indicted, however.

"It is hard to prosecute these cases," says State Police Chief Investigator Saul Oscar Osollo. Delia's was one of only about five abortions reported to the Juarez police each year, he said.

Some Mexican women with botched abortions are luckier than Delia — they make it to El Paso, where health care providers like Reproductive Services do mop-up duty. Once, Pagels says, "We suctioned a woman's uterus and found

Abortion Abecedarium

Note: the following lists were gleaned from Legal Medicine, Pathology and Toxicology, a now out-of-print text written by New York City medical examiners, and filled with tips on how to determine, say, if a dismembered corpse dredged from a large river is a murder victim, or merely a suicide by drowning that later crossed paths with a steamship propeller.

Legal Medicine was considered the authority for coroners nationally during the 1930s, 40s and 50s, when abortion was illegal and therefore a forensic matter. Hence Chapter 22, instructing the medical examiner on how to inspect a dead woman's uterus to decide, for example, whether she herself inserted the knitting needle that killed her, or if it was the work of an abortionist (the two acts carried different criminal classifications and penalties).

The book notes that in each year between 1937 and 1941, the authors performed autopsies on about 65 New York City women dead from known or presumed illegal abortions. Below are some of the things such women did, ate or inserted, as well as the particular ways they became ill and expired. These lists of desperation, invention and suffering — which soon may have to be

republished in modern coroners' manuals — follow little rhyme and certainly no reason. There thus seems no other way to order them than by the comforting canon of the alphabet.

Means

Aloe. Alum. Ammonia. Apiol. Bicycle riding. Bitter apple. Black hellebore. Borax. Camphor. Catheters. Colocynth. Cotton root bark. Croton oil. Darning needles. Ergot. Gamboge. Hot baths. Imitation oil of bitter almonds. Jumping up and down stairs. Laburnum. Lead. Lysol. Methyl salicylate. Nitrobenzol. Oil of cedar. Oil of nutmeg. Oil of pennyroyal. Oil of rue. Oil of savin. Oil of tansy. Oil of thyme. Oleander leaves and bark. Oxytocin. Phenol (carbolic acid). Quinine. Saffron. Salts of arsenic. Slippery elm sticks. Soapy water. Spanish fly (dried beetle, of the species *Cantharis vesicatoria*). Sponges. Turpentine. Umbrella ribs. Urethral sounds. White phosphorous (scraped from the tips of kitchen matches). Yew. Zinc sulfate (white vitriol).

Ends

Acute suppurative peritonitis. Ataxia. *Bacillus welchii* (resulting in gangrenous endometritis and myometritis in the

uterus, turning it black-red in color). Bronze-colored skin. Central nervous system depression. Chills. Coma. Convulsions. Death. Delirium. Dyspnea. Embolic lung abscesses. Excitement. Exuberant vegetations on the mitral, tricuspid and aortic valves. Fever. Gastroenteritis (severe). Hemorrhage from the uterus. Hemolytic *streptococcus*. Irregular breathing. Irritation of the kidney. Irritation of the bladder. Jaundice. Lacerations. Oil embolism. Perforated intestine (and other perforating wounds of the abdominal viscera). Perforating wounds of the uterus. Pulmonary air embolism. Purulent yellowish-green or grayish-brown pseudomembrane, sometimes covering the inside of the uterus, or ragged, dirty red or red-black in color and gangrenous. Septic endometritis. Septic infection of the uterine wall or abdominal viscera. Severe anemia. Skin eruptions. *Staphylococcus aureus*. Streptococcal septicemia. Stupor. Suffocation. Suppurative endometritis. Suppurative phlebitis. Sweats. Tetanus. Uterine necrosis (with gas bubble formation). Vegetative endocarditis. Vomiting. Yellowish pus, pus-filled clots in the ovarian and uterine veins.

D.N.

rubber bands in it. The patient was from Juarez. We told her we weren't going to report it, but she would never admit to having done anything."

Another recent patient, a 17-year-old, "came in already 16 or 17 weeks pregnant. All the lab work indicated she was perfectly healthy; but — this is how fast the infection sets in — next day when she returned, a faucet of green, rancid pus was coming out of her vagina. We immediately gave her 2000 milligrams of tetracycline. An hour later she was blue and shivering — she couldn't swallow and her temperature was 104.5. She ended up spending five days on antibiotics at Thomason [El Paso's county hospital].

"She told us she'd gone to somebody in Juarez who'd stuck something up her. It scared me! I thought, 'What if she hadn't come here? How long would she have waited to tell her parents?'"

"Death from septic abortion is horrible," Pagels says. "My God. Nobody should ever have to die like that."

Elizabeth Canfield, recalling her work two decades ago referring American women to Mexican abortionists, predicts that if abortions are outlawed in Texas, women will travel to other states where they remain

legal. But if a change in the law results in ready availability of abortion in Mexican cities, Americans along the border may go south as they did in the past.

Canfield keeps in touch with a former

Juarez abortionist. "He's now a law enforcement officer," she said. "He told me recently that if things ever get tough again in this country, he'll help us again." □

Choice Bashing

Dallas may have Judge Hampton and his gay-bashing, but El Paso has taken grandstanding a step farther, with choice-trashing.

Last month, after anti-abortion protesters descended on the Reproductive Services clinic, 51 were arrested and charged with blocking the doors, and some with grabbing a pregnant patient. Many of these same protesters had been arrested in an earlier action and released after posting \$200 bond by assigned Justice of the Peace Felix Saldivar Jr. But this time, arraignment was handled by Justice of the Peace Fred Chavez. He released everyone on their own recognizance.

When local reporters told Chavez the clinic people weren't happy with his no-

bond policy, he called Reproductive Services a "slaughterhouse," adding that abortion providers are "worse than the Mafia or the Nazis."

Next day, Chavez told the Associated Press he had "blurted" out the remarks. But more than a week later, clinic director Patti Pagels filed a complaint against Chavez with the State Commission on Judicial Conduct. When AP asked his reaction, Chavez called Reproductive Services an "abortuary" and said Pagels "can go where it's hot."

The justice of the peace, who has held the office for 10 years, maintains that voters who elected him know his stand on abortion. He said he will defend his actions to the Commission "with logic and reason." **D.N.**

Drug Warriors

Washington's War on Drugs is not exactly what it's cracked up to be.

BY DAN CARNEY

WASHINGTON *Washington*
T'S A foregone conclusion these days that we are waging a war against drugs. It is not a policy nor an initiative. It is not the moral equivalent of war or part of the nation's public policy agenda. It is an old-fashioned, conventional war — the kind where people are killed and money is spent, where flags are waved and speeches are made.

As such, it has attracted many comparisons. Delaware Senator Joseph Biden likes to ask if the fighting will more resemble the precision assault on the Normandy beaches on D-Day or the pointless quagmire of Vietnam. He makes this point to argue that President Bush's war of an additional \$717 million is not enough to provide a reasonable chance of winning, or at least coming to an honorable truce.

There are other ways this war, both the one declared by the White House and the one declared by Congress, resembles Viet-

nam. They are a mix of some good ideas, a lot of conflicting proposals, varying levels of commitment and a rush on the part of politicians to look tough.

Bush's plan would actually mean a net decrease in federal funding for states like Texas, Florida, California, and New York — where the assortment of cities and villages form the front line. The 50 states have \$300 million to share for treatment, education, and prevention. But what is missing is what was referred to in Vietnam as pacification, or as Lyndon Johnson said, winning favor in the "hearts and minds of the people who actually live there."

Neal Sheehan, in *A Bright Shining Lie*, describes an American campaign in Vietnam characterized by an awesome display of firepower but an almost total lack of knowledge of the country and its people. Something analogous could be happening here, as politicians stand in line to give law enforcement officers greater powers, while cutting or inadequately funding many of the programs directed toward the poor, in general, and the drug abusers or potential

drug abusers specifically.

If Bush's plan were enacted, Texas would see a \$16 million net drop in federal funding. Grants to Texas for law enforcement, education, and treatment would rise by \$31 million. But, according to the U.S. Conference of Mayors, the state would lose \$53 million from other programs. The biggest chunk, about \$37 million, would come out of federal grants to Texas to assimilate and teach job skills to aliens legalized under the Immigration Reform and Control Act of 1986 — the legislation designed to solve the problem of undocumented aliens and that is now in the process of major revisions.

The second biggest chunk would come out of Commerce Department grants to the poorest cities and towns for basic improvements to streets, sewers, and storm drains. These cuts in the State Legalization Immigration Assistance Grants and Economic Development Administration grants would follow Reagan-era cuts to the Community Development Block Grant (a housing fix-up loan fund for so-called "pockets of

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poverty"); the total elimination of the Urban Development Action Grant, which provided grants to inner-city employers; and General Revenue Sharing, which allowed cities in Texas and elsewhere to fund programs of their own choosing.

Congress will likely push for more money in the drug war package. But don't necessarily count Congress as more committed to the fight than the president. In early October, it independently knocked out \$555 million in the immigration assistance program. Immigrants are not a major part of the drug problem, but these funds will have to be made up by states diverting resources from other areas, including drugs.

Even when legislation designates drug war money, Congress has a habit of authorizing billions but appropriating very

little. In 1987, Texas got \$10.5 million for local law enforcement agencies. The following year it dropped to \$2.3 million, before jumping to the current \$6.3 million. Not surprisingly, John Coffel, Texas Narcotics Control Program Manager, says he is delighted by current talk on the Hill, but he's holding his applause until the money comes through.

These law enforcement funds are especially important in depressed, and increasingly drug-infested small and medium-sized towns. In Nacogdoches County, for example, Sheriff Joe Evans faces as much as a 30 percent cutback in his department. The cuts stem from tax cuts designed to stimulate the local economy. At the same time, the area has seen a marked increase in crack abuse. Ninety five percent of his jail is occupied by drug-related offenders, Evans said. Federal funding is vital to him.

On the treatment and education side, funds from the federal government have steadily risen to \$34.8 million in fiscal year 1989, according to the Texas Alcohol and Drug Abuse Commission. But Texas has nonetheless been given the short end of the stick due to a complex formula, sponsored by Senator Edward Kennedy and included in a 1984 appropriations bill. While Texas is the third most populous state, its funding has ranked as low as ninth.

Dallas Congressman John Bryant and other officials contend too little is spent on treatment. According to Bryant, waiting lists of several weeks are common at all Texas detoxification centers. The waiting lists prevent many from receiving treatment. "Telling someone to come back in three or four weeks is like telling him he never should have come there in the first place," Bryant said. "I think a lot of people are lost in the shuffle and continue to buy controlled substances."

Both the Bush plan, and plans under consideration in the House and Senate, would increase funding for law enforcement, treatment, and education. The appropriations are likely to come through as long as the war on drugs remains an important political issue. But as long as the issue remains high on the public agenda, Congress is likely to do a fair amount of grandstanding.

EVEN SUCH a veteran drug warrior as Congressman Charles Rangel, the Democrat who represents Harlem and chairs the House Select Committee on Narcotics Abuse and Control, looks wearily on some proposals now being considered. "You can't turn the war on drugs to a war on the constitution," Rangel said. One such bill, introduced by Senator Mitch McConnell of Kentucky, has met full Senate approval as part of a defense bill. The bill would provide Customs, Immigration, and Drug Enforcement Agency officials the powers to shoot down airplanes that act like drug carriers, do not respond to requests

for identification, and drop packages while in flight.

San Antonio Congressman Lamar Smith found out on a plane trip from Marfa, where he had helped launch an anti-drug surveillance balloon, just why this is such a dangerous strategy. The airwaves were full of talk of a suspect plane being hunted down by law enforcement officials. As it turned out, Smith reports, the airplane had turned its radio off and had landed in Del Rio.

"That was an instance where a suspect plane turned out to be a legit flight," Smith said, adding that he would favor safeguards before "we get to the point where we are shooting down airplanes."

As one of three Texans on the House Judiciary Committee, which oversees law enforcement, Smith's participation in the drug war isn't drawing rave reviews from civil libertarians.

A Smith proposal backed by Bush would grant INS officials the powers of general arrest — "for any offense against the United States committed in his (the agent's) presence or view . . . if he has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony." Currently INS agents may only arrest suspected illegal aliens.

The bill would also grant INS agents the right to serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. Smith says this expansion of powers is needed to win the war. "If this is a war on drugs, we're going to have to take actions that do offend some individuals' sense of propriety," he argues. "We're going to have to take actions we would not take in normal circumstances."

Even Bryant, the liberal Dallas Congressman running for Texas attorney general, is beginning to sound like a general. Bryant is calling for 10,000 new police officers in Texas (with no indication of how they would be funded by the cities and counties that need them) and additional legislation to make it easier to use federal troops in the war. (The Pentagon is said to have created a drug task force with elements of the 5th Army in San Antonio.) The painful truth, according to Bryant, is that a number of cities in Texas have among the highest drug-related crime rates. His proposals are the painful cure.

But pain seems to be something Washington is trying to avoid. Strapped for funding and unable to resist adding to its own financial woes by moving to grant capital-gains tax breaks for the wealthy and repealing a self-supporting catastrophic health insurance fund, little of substance can be expected out of Congress. Though drug abuse and the crime it spawns are repeatedly at the top of the list of issues people consider important, it is not at all clear that what will come out of Washington over the next few years will be either effective or wise. □

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creation of more hardened criminals. Maximum-security prison beds should be reserved for those violent offenders who represent a threat to society. House Bill 2335, enacted during the last legislative session, provides innovative and much more cost-effective alternatives to prison, such as boot camps and electronic monitoring.

Cost is also something to consider. Each large maximum-security prison, like the TDC's Michael Unit, will cost \$65 million to build. At 7.5 percent interest, over 20 years, the cost becomes \$130 million, which only represents about 10 percent of the cost of operating such a facility. Calculated over 20 years and the figure — based on \$50 per prisoner per day — becomes just over \$1 billion per prison. And unlike the general obligation sewer and water bonds, and the microenterprise bonds, prison bonds offer no payback by their users.

Several years ago California began a program similar to what is now proposed in Texas. They are up to 80,000 beds, have not reduced their crime rate, and they continue to build. The *Observer* votes no.

• Proposition Nine would consolidate various agencies that perform criminal justice functions. Proponents claim that it is necessary to eliminate any possible constitutional ambiguity that might threaten the consolidation of criminal-justice agencies under the new Criminal Justice Reform Act. Opponents contend that it is far broader than needed to implement the law and that it poses a threat to the separation of powers. The *Observer* takes **no position**.

• Proposition Ten would allow the Legislature to pass laws either permitting or compelling courts to inform juries about the effect of good conduct time and eligibility of parole on the actual time served by convicted criminals. In effect, it would allow — or perhaps compel — a judge to say, "If you sentence this person to ten years, he could be out in two years." State Senator Buster Brown, State Rep. Dan Morales, and much of the let's-get-tough-on-crime crowd are flogging this amendment along. But it seems likely that it would distort the sentencing process, as jurors pile on more time in attempts to assure a certain period of time served. If lawmakers are concerned with convicts serving too little time, then parole rather than sentencing procedures need reforming. The *Observer* votes no.

• Proposition Eleven would increase the per diem pay for legislators by linking it to the per diem federal income tax deduction. This would have the immediate effect of increasing per diem expenses, that is, a daily allowance for those days while the Legislature is in session, from \$30 to \$81. Except for those legislators who represent Austin, members of the House and Senate pay for extra food, lodging, and other quotidian expenses while the Legislature is in session. The current \$30 per day is hardly

sufficient to allow someone to maintain two households. Proposition 11 represents another step toward public financing of government. It would make legislators less dependent on the lobby for meals and deals. The *Observer* votes yes.

• Proposition Twelve would allow the Permanent School Fund to be used to guarantee up to \$750 million in state revenue bonds for school districts to buy equipment, construct buildings, or repay outstanding bonds. School districts could save as much as \$10 million a year, through lower rates obtained through state-backed bonds. If a school district defaulted, payment would be deducted from their state-aid entitlement. The amendment was sponsored by Rep. Paul Colbert and Senator Bill Haley, two legislators recognized for their commitment to and understanding of education issues. The *Observer* votes yes.

• Proposition Thirteen would define certain constitutional rights of crime victims. A combination of triskaidekaphobia and a wariness of thirteen's sponsors, Lake Jackson Senator Buster Brown and Austin Rep. Bob Richardson, make us a little uneasy with this proposal. It seems that the rights of crime victims are protected by Texas criminal law. And they are enumerated in the Crime Victims Act, which was passed in 1987. Victims' rights seem more appropriately addressed by statute, rather than by the constitution. The *Observer* votes no.

• Proposition Fourteen would allow residents of Fort Bend County to elect a district attorney at a time other than what is specified by the constitution. A local bill was passed during the 1989 regular session eliminating the position of criminal district attorney in Fort Bend County and creating two separate offices, district attorney and county attorney. Now that they have a district attorney position, they want to hold an election in an off year to fill the spot, thus avoiding a gubernatorial appointment. The *Observer* takes **no position**, but notes that this is a local matter being placed before a statewide electorate.

• Proposition Fifteen would allow qualified nonprofit groups to hold raffles for charitable purposes. Supporters say that hundreds of charities already hold raffles, unaware that they are in violation of the Penal Code's gambling prohibition. Local prosecuting attorneys generally ignore the raffles, rather than throwing ladies from the Holy Name Society and Eastern Star into jail. The proposed amendment would allow prosecutors to stop disregarding state law in cases of raffles for charity. The *Observer* votes yes and reminds readers to watch for *Texas Observer* raffle ticket orders in the months to come.

• Proposition Sixteen would allow county commissioners to create local hospital districts — a function that is now a right of the Legislature. This amendment would give local officials and citizens greater

control of local affairs. When the Legislature considers the creation of a hospital district, members usually defer to the requests of local representatives. This amendment puts the authority where it belongs, at the local level. It might also provide some solution to the crisis in rural health care. The *Observer* votes yes.

• Proposition Seventeen would allow the state to provide financial assistance to local fire departments. Since the constitution prohibits grants of public money to individuals, associations, or corporations, many small public fire departments cannot provide protection for the areas they serve. Half of the state's communities of fewer than 10,000 residents have no fire protection, while others serve with outdated equipment. This amendment would allow the state to provide some financial and training assistance to small fire departments. The constitution includes many similar exceptions to the prohibition on grants of public funds. This is an appropriate use of government money; the *Observer* votes yes.

• Proposition Eighteen would remove a five-year limit imposed on the issuance of \$200 million in agricultural water bonds approved in 1985. The general obligation bonds provided for a loan program for farmers and ranchers to purchase more efficient irrigation systems. Seventy percent of those who cast their votes in 1985 voted in favor of the bonds. This amendment would only allow more time to issue the bonds. The *Observer* votes yes.

• Proposition Nineteen would permit local governments more discretion in how they invest their money. Proponents claim that local governments could earn more interest if they could invest in such ventures as low-risk money-market funds. Opponents claim that large cities might benefit, but that small cities and school districts, which do not have access to investment counseling, could be placed at risk by a more liberal investment policy. They cite the city of Beaumont's huge losses, caused by the imprudent handling of a Treasury note, a relatively sound investment instrument. The *Observer* takes **no position**.

• Proposition Twenty-One would allow the Legislature to issue \$75 million in bonds to finance student loans. The Hinson-Hazelwood Program, which will benefit from the bond sale, has been a successful means of allowing students from families of limited resources to attend college. The loans are paid back by the borrowers. And the tax-free bonds, when issued in the form of college saving bonds, can be purchased in small denominations by families saving to send their children to college. Proceeds derived from the bonds would not be considered in determining an applicant's eligibility for financial assistance to attend college. This seems to be a productive use of the government's power to issue bonds. And the bonds would be retired by the borrowers. The *Observer* votes yes. **L.D.**

POLITICAL INTELLIGENCE

✓ **FORMER GOVERNOR** Mark White didn't exactly dazzle the crowd during a recent address at the University of Texas. White, who is considering another run for the Democratic nomination, gave his mostly student audience some pointers on how to avoid tough questions. Asked about UT funding, White conceded he didn't know enough to talk about the issue. Asked about funding for public schools, he suggested that the money is there, but didn't specify where it would come from. In an interview after his talk, White kept true to his previous form, saying he had "commitments" for about \$2.5 million in campaign funds. Confronted with the obvious follow up, White conceded that his millions aren't exactly in the bank. "I haven't been asking for that . . . just commitments," he said when asked how much he had actually raised.

✓ **IT TOOK HIM** a while to say it, once asked, and it was preceded by several convoluted descriptions of the issue, but those UT students who stuck it out learned that White is, well, in favor of a woman's right to obtain an abortion. In fairness to White, he did spend some of the time explaining that abortion is a solemn and complex issue. "But in the end, that decision has to be made by the woman," White said. He also said that he will announce whether or not he intends to run for governor "at the end of this [October] month or early next month."

✓ **ATTORNEY GENERAL** Jim Mattox doesn't touch caffeine products, as he declared proudly at his Austin campaign announcement, but he seems to enjoy a good whirl in a cop car. City officials in San Antonio couldn't refuse the state's top prosecutor and now gubernatorial candidate a ride in one of their squad cars. After all, Mattox is the attorney general. The ride happened to take place the same day Mattox made his official announcement that he was running for governor, and that timing didn't appear to please San Antonio officials. City Manager Lou Fox said the city had researched means to keep Mattox out but couldn't find a way. Now the city is offering rides to other candidates who request them. Officials want to appear nonpartisan, or as one local official was quoted as saying, "We are not going to make a show out of this."

✓ **PERHAPS** the bumper stickers should read "Texas Tough and Caffeine Free." When he officially announced his candidacy in Austin, after a 24-hour flying tour around the state, Attorney General Jim Mattox said that he does not touch caffeine products or alcohol. On a downtown Austin

jogging trail, Mattox said that he loves the children of Texas and that they need adults who will provide good role models for them.

The subtext to the press conference, in which the word "alcohol" surely was mentioned some 30 times, was that Ann Richards, a recovered alcoholic, is not the proper exemplar for the state's children. A week earlier, Mattox had provoked a storm of controversy by suggesting that Richards's history of alcoholism made her less fit to serve as governor.

✓ **REPUBLICANS** seem to have their own peculiar addictive predispositions. At a recent Bexar County Republican Women's gathering, Republican gubernatorial candidate/telecommunications magnate Clayton Williams sponsored a booth in which donors were placed in a wire cage and given one minute to scramble for all the fake money they could grab as it spewed out of a large blower fan. The more bucks a participant grabbed, the bigger prize he won, in a contest that seemed a metaphor for the Williams campaign.

✓ **AT A DEMOCRATIC** Party party in Austin, it seemed that at least every third participant was a candidate for the House seat occupied by former Democrat Bob Richardson. Richardson, who last session made *Texas Monthly's* Ten Worst list, where he was described as "a Zero," has already attracted his share of Democrats, eager to win a primary and have a go at him.

Observer softball team second baseman Elliott Naishtat was the first to announce. Naishtat, a lawyer, has served as staff counsel for Austin Senator Gonzalo Barrientos, where he was involved in drafting legislation. He has also been involved in community affairs in Austin. Naishtat is citing some 30 bills he drafted while on Barrientos's staff as evidence of his understanding of the legislative process.

M.C. Tyer, who lost to Richardson in the last general election, has also announced. Tyer is running a good-government campaign and has taken Richardson to task for a number of votes last session.

Fernando Dubove has worked around the Legislature for the past three sessions, first as a staff member for Kingsville Rep. Irma Rangel, then as a legislative aide for the House Judiciary Committee, and last session as a legislative liaison for the state bar association. He is an attorney who will also be running a good-government grassroots campaign.

Erwin McGee is an Austin lawyer who worked in Washington for 10 years before going into private practice in Austin. In Washington, he worked as Deputy Secretary of Agriculture for John White and later

followed White when White worked for the Democratic party. McGee also held several positions in the Texas Senate, serving on the staffs of Lloyd Doggett, Ken Caperton, and Bill Hobby. He had not officially announced his candidacy as the *Observer* went to press.

✓ **DEMOCRATS** are also positioning to announce for another House seat in Austin, where Republican Terral Smith has announced that he will not run in 1990. Pam Reed could be the candidate with the best chance of winning in the conservative, white, West Austin district where Smith served. But Reed would have to challenge a state constitutional provision that prevents elected county officials from running in any general, special, or primary election unless they resign. As Travis County commissioner, (representing West Austin) Reed has the name recognition. She also has the private resources to run a race. Other potential candidates are Annette Lo Voi of the Texas Consumers Association, Sheri Greenberg, a local businesswoman, and Kirk Watson, an Austin attorney and chairman of the Austin Democratic Forum.

✓ **GRAPE BOYCOTTERS** won another small victory, this time at the Inter-American book fair in San Antonio. At a reception for author Alice Walker, among the items served with the standard broccoli, cauliflower, and sour cream were large bunches of table grapes. Esmeralda Cardenas, who has been involved with the grape boycott in Austin, scrambled around the Universidad Nacional de Mexico building looking for support among the literary luminaries participating in the conference. "I knew I could get the grapes off the table," Cardenas said. "But I needed some backing." She found none until she tracked down poet/novelist Sandra Cisneros. "I told Sandra that they were serving grapes in there," Cardenas said, "at a book fair for Chicana writers. And she said 'Let's go get them,' " Cardenas, Cisneros, and several others removed the grapes, walked through the lobby with several bunches held above their heads, and unceremoniously tossed them into a garbage can in the Plaza of the Americas. It only took six hours for the book fair organizers to get the message. "Are you sure that these trays are kosher?" one of the event's coordinators asked the food handlers at a reception held late in the evening.

Cisneros said that both she and Cardenas tried talking to officials and "going through the channels" before they removed the grapes. She speculated that the grapes were there because the Universidad Nacional organizers didn't know or understand what the grape boycott was about. □

A Black River in a White Season

BY MICHAEL KING

A DRY WHITE SEASON
Written by Euzhan Palcy and
Colin Welland
Directed by Euzhan Palcy

PERHAPS THE MOST remarkable aspect of *A Dry White Season* is that it makes South Africa seem a very attractive place — not, of course, for the usual tourist's reasons, but because it gives an extraordinary feel for the determination, heroism, and resilience of the African people, especially the children. It may be telling that the director is a black woman, although Palcy is from Martinique, and the film is based upon a novel by the Afrikaaner Andre Brink. The central figure is also an Afrikaaner, Benjamin Du Toit's (Donald Sutherland), but much of the time he seems almost a stand-in for a white, Western audience. The real action is on the margins, among the black families and protesting crowds, and with the relentless black underground of cabdrivers, cleaning ladies, janitors, and prisoners. A mighty black river runs through the film, and the white men only seem to ride it. They do not know its source, and they cannot imagine where it will take them.

Du Toit is prep-school history teacher (early on, we watch part of a class on "The Causes of the Great Trek"), and an apparently apolitical liberal who has underwritten the education of his black gardener's young son, Jonathan. But the young students are getting caught up in planned and accidental demonstrations; one day Jonathan comes home badly wounded from a police caning. Du Toit is stunned, but can only mutter "he must have done something wrong" when the boy's father Gordon (Winston Ntshona) asks him to intervene with the authorities on his boy's behalf. The demonstrations continue, and when Jonathan disappears in police custody, Du Toit is certain there has been some mistake. He makes a few phone calls hoping to set things right — and discovers that the boy is dead.

Michael King is a freelance writer living in Houston.

"Nothing can be done," he tells Gordon, but Gordon is inconsolable. He begins to gather evidence of his boy's murder by the police — and soon he too, meets the same fate: torture and death.

The film moves quickly to this pass. Gordon's world is destroyed before it begins to sink in to Du Toit that in South Africa, things really are what they seem. His whole life, and that of his family, rests on a class- and race-bound system that is readily apparent to its victims, and to most outsiders. To the Du Toit family — his wife, daughter, and in-laws are embarrassed and angry that he even acknowledges his gardener's existence — it is as invisible as air. Palcy is reticent in her approach to this gaping schism in consciousness; she handles it mostly by quick contrasts between the households of master and servants, and an instinctive sense of the moment when the illusory white surface must be shattered by impudent black reality.

Du Toit hires a civil rights attorney, Ian McKenzie, to sue the government on behalf of the dead man. As McKenzie, Marlon Brando brings some cynical levity to the proceedings, brushing off Du Toit's plea for justice with the jaded air of one who has been there too many times before. "Law and justice," he says, "are at best distant cousins — and in South Africa, they're barely on speaking terms." But he agrees to take the case, if only to demonstrate to Du Toit the futility of his earnest belief in Afrikaaner justice. As he predicts, despite strong evidence of brutality on the part of the police, the judge dismisses the charges against the Special Branch.

Brando's part is relatively small, and he uses a stage Scots accent that he last employed as the evil regulator in *The Missouri Breaks*. Snorting with idiosyncratic congestion, he stops just short of carrying the character over into farce, with the result that his courtroom scenes are all the more dramatic in their revelation of police malevolence and brazen judicial corruption. Even Brando is overshadowed by the outraged murmur in the black galleries behind him, and by the black prisoner who suddenly refuses to testify for the police, though he knows it means his own death.

THE COURT case is the turning point for Du Toit, who finally has seen clearly the real face of his country. It is a terrible knowledge that shatters his family — only his young son, Jonathan's age, stands by him — and ends his comfortable middle-class existence. I have not read Brink's novel, but my guess is that its central preoccupation is the tragedy of the good Afrikaaner, the white man whose defiance of the system of racial dominance ends in his own downfall. That is still the central story of the film; but in Palcy's version, the white man's tragic fate is only one of many similar sacrifices, most of them black, and all are subsumed in the larger fate of a whole people.

Du Toit begins to aid the black underground in collecting affidavits and evidence of the crimes of the Special Branch, knowing that it was this activity that ended in the murder of his friend by the authorities. His skin color brings him some protection; he is threatened and harassed, at first, rather than murdered outright. This bit of breathing room allows him time to maneuver, and gives the filmmakers the opportunity to develop a portrait of the African underground. What we see is less an organized conspiracy than a ragtag collection of reluctant opportunists, brought together by circumstances of oppression. The disciplined activists, few in number, swim in a sea of ordinary working people, who are the eyes and ears of the struggle against apartheid. For the white machine requires endless numbers of "kaffirs" to do the heavy work — in the hospitals, the jails, the morgues, even the torture chambers — and what they see and hear becomes the only ammunition of the resistance.

"There is a line you must not cross," Du Toit is warned by one of his pursuers from the Special Branch, and once the white man has begun cooperating with the underground, the film assumes a kind of inevitability that is compelling without being predictable. Du Toit's wife and daughter turn on him; Janet Suzman is particularly effective in portraying an Afrikaaner who, faced with the same evidence as her husband, turns in the opposite direction: "Maybe terrible things have been done. But

this is a war, and you have to choose which side you're on." Later, in one of the film's most revealing moments, Du Toit makes a phone call to his daughter, revealing a decoy "plot" that he knows she will betray — the heartache and guilty comprehension in Sutherland's face is unforgettable.

But beneath Du Toit's tragedy is his own small victory over his tormentors; and beneath that is the black tale of the African resistance, terrorized by white power, but relentless in the accumulation of small acts of courage which make a revolution. Much of the film was shot in Zimbabwe, lending its somber optimism a ring of historical

truth. Pacy has looked beyond the daily outrages with the help of the eyes and hearts of people who are creating Africa's future, and their bloody determination is hard-earned. Were this film being made about America and the battles over its own variety of apartheid, no doubt the blacks would be seen as faceless and helpless victims, saved in the nick of time by our own "Special Branch," the FBI. Maybe they'd call it *Mississippi Burning*.

I make that comparison not idly, but to note with regret that white historians and commentators, like filmmakers, are rewriting history to make themselves the heroes

of a story not their own; in the pages of this august liberal journal Lyndon Johnson was recently described, without irony, as "the greatest civil rights leader of our time," by somebody who should know better.

The title of *A Dry White Season* was perhaps chosen to suggest, wryly, the aridity of the dominant culture, but it reveals a very fertile black nation growing beneath this desiccated topsoil. While hardly envious of their bitter and bloody task, I found myself enthralled with a world that has bravely chosen the future, beside one that seems determined to hang on, grimly, to an ill-remembered and dishonorable past. □

Remember Los Alamos

BY STEVEN G. KELLMAN

FAT MAN AND LITTLE BOY

Directed by Roland Joffé

LOOK WHO'S TALKING

Directed by Amy Heckerling

FAT *Man and Little Boy*, which attempts to make Theban tragedy of the Manhattan Project, is released at a moment when the possibility of nuclear annihilation is probably lower than at any other time since both the United States and the Soviet Union got the bomb. Threatened by environmental catastrophe, the world is poised to end with a whimper and a gasp rather than a bang. *Fat Man and Little Boy* can almost make you nostalgic for an era in which a few decisions by a few men could save civilization from itself. The Paramount picture is also released during the prime season for Serious Films on Important Subjects, when every studio is auditioning for the Academy Awards.

A long moratorium on the Nobel Prize might have been necessary if a bomb had been dropped on Los Alamos, New Mexico, in 1943, when Luis Alvarez, Hans Bethe, Niels Bohr, Enrico Fermi, Richard Feynman, Seth Neddermeyer, Edward Teller, and other prodigies went to science camp. Like Sidney Schanberg intent on saving Dith Pran, or Jeremy Irons and Robert De Niro, who die trying to protect Guarani Indians from Portuguese butchers, the boys at Los Alamos are men with a Roland Joffé mission: in this case, to devise an atomic weapon before the Germans do.

Steven G. Kellman is professor of comparative literature at The University of Texas at San Antonio.

In dramatizing the celebrations of physicists, director Joffé faced logistical challenges more daunting than filming the killing fields of Cambodia or the mission of Jesuits in a gorgeous Amazon rain forest. How to make the process of scientific discovery into a spectator sport, to translate a lab report into a screenplay? Isaac Newton conked on the skull by an apple is a convenient objective correlate for the complex operations going on inside that unusual skull, but the workings of science are rarely so obviously fruitful. Joffé who co-wrote his screenplay with Bruce Robinson, does have Neddermeyer reveal the possibilities of implosion by squeezing an orange. But, for the most part, this is less a story of intellectual inquiry than a study in the calculus of power.

"It's all about ass," says General Leslie R. Groves. "You kick it, or you lick it." A terse survivor of turf battles among the military elite, Groves prefers flexing his foot to using his tongue. Shortly after the credits, we see him striding through the corridors of a Pentagon he helped build, fuming over the fact that, instead of the combat commission he covets, he has been assigned to head up a stateside research operation. He is placed in command not of disciplined soldiers but whacky intellectuals, "pinko fruitcakes" whom he never quite understands and whom he resents for being Jewish or leftist or both.

Groves chooses J. Robert Oppenheimer, a brilliant, charming leftist Jew who quotes Catullus and quaffs carrot juice, to supervise the scientific work. The title *Fat Man and Little Boy* refers to the code name for the uranium and plutonium bombs that were dropped, respectively, on Hiroshima and

Nagasaki, but it also suggests the tension between two characters and within each character that is the principal power of this film. Although Paul Newman gets top billing for his craggy impersonation of gritty Leslie Groves, Dwight Schultz as Oppenheimer is the one to watch. It is he who presides over the "atmosphere of creative stress" he deliberately creates in a stretch of New Mexico he has been coming to since he was a little boy. Step by step, we witness the conversion of a professor into an administrator, one who averts his own implosion by learning to kick ass, with the strongest punt in the history of army and navy games. "Oppenheimer," warns Richard Schoenfeld (John McGinley), "You ought to stop playing God, because you're no good at it, and the position's taken." But Schultz does an excellent job of playing a tormented man convinced that God is the one with the biggest boot.

The race to build the bomb was scattered among several sites, including Oak Ridge, Tennessee, Livermore, California, and Hanford, Washington, but Joffé telescopes the action at Los Alamos, with off-camera echoes from Chicago, where a cabal of academics led by Leo Szilard represents the movie's voice of conscience, petitioning the president to abjure the bomb. "We've been asked to build a technical device," Oppenheimer reassures one of his younger disciples. "We're not responsible for its use." But Oppenheimer does not entirely reassure himself, particularly when he discovers that Groves has been deceiving him, that Germany has in fact abandoned its efforts to develop a bomb. "If we don't need it, why make it?" Oppenheimer asks Groves, and the viewer. Groves is loath to

let go of the \$2 billion project that has boosted his career.

By the time of the final countdown for the test explosion, Oppenheimer has learned to quash his qualms. The detonation of a plutonium fission device — which, contrary to what the film implies, actually took place before Nagasaki but after Hiroshima — is a triumph of amoral technology and impassioned cinematography. Just prior to the desert blast, Joffé has a sympathetic young scientist named Michael Merriman (John Cusack) succumb to radiation poisoning, though there is no public record of such a casualty then at Los Alamos. He also melodramatizes Oppenheimer's decision to relinquish an extramarital romance with Jean Tatlock, a California beauty whose Communist affiliations make Groves apologetic. Tatlock did exist, but the historical evidence for portraying her as Natasha Richardson does seem thin.

Fat Man and Little Boy concludes with a fusion reaction; Oppenheimer has become Groves. Titles at the end of the film inform us of the 200,000 deaths that resulted from the bombings of two Japanese cities. In outlining the afterlives of Groves and Oppenheimer, they also point to a dramatic sequel; *Son of Fat Man and Little Boy*, if not born malformed, would focus on Oppenheimer's fall from grace. A PBS drama starring Sam Waterston did in fact dramatize how the father of the atomic bomb refused paternity of the hydrogen bomb and was hounded out of public service by right-wing vigilantes. It is the cautionary saga of a renowned mycologist poisoned by his own mushroom clouds.

ON THE EVIDENCE of her latest movie, writer-director Amy Heckerling rejects the pro-life doctrine that life begins with conception. *Look Who's Talking* implies that it starts with ejaculation.

The opening credits are followed by a tracking shot of a school of exuberant spermatozoa swimming up a fallopian tube in quest of an ovum. They are a rowdy, randy bunch, trading raucous comments while the soundtrack plays the Beach Boys' "I Get Around." Many are called, but few are chosen, and when one of the seminal navigators manages to crack an egg, he is the one who has been speaking with the voice of Bruce Willis. Willis continues to be the spokesperson for the resulting fetus, as though in the merger of male and female corporate bodies no one should expect egg-alaritarianism.

A talking sperm is a clever conceit, but not fertile enough to sustain an entire film. *Look Who's Talking* is a silly, predictable entertainment not unexpected from the progenitor of *Fast Times at Ridgemont High* and *European Vacation*. But, in personifying a sperm and a fetus, neither of which, even after *Webster v. Missouri*, is a legal person, it offers a timely subtext for the

abortion debate. *Look Who's Talking* is saying more than it lets on to.

Molly (Kirstie Alley) thinks she is in love with Albert, CEO of a lucrative franchise operation called Chubby Charles. Albert (George Segal) is settling on the inevitable choice, a married cad who soon after impregnating Molly with Mikey, takes another mistress. "I'm going through a selfish phase now," explains Albert soulfully. Molly auditions several prospective stepfathers before settling on the inevitable choice, a savvy cabbie named James (John Travolta), who is always around when needed, particularly during parturition. James develops a special rapport with Mikey, a movie tyke more precocious than either Shirley Temple or Rin Tin Tin. As Mikey is yanked out into the world, Willis's voiceover implores: "Put me back in!" "This has got to be the weirdest thing that's ever happened to me," thinks Mikey loudly enough for us to hear. "Well, so far."

Look Who's Talking takes the premise of talking semen/fetus/infant about as far as it can go. Mikey speaks in the tones of an urban skeptic, worldly wise beyond his days. Blessed with a built-in poo-poo detector, he sees through the pretensions of the adult world. You almost expect him to deliver caustic comments on the screenplay

into which he finds himself born. It is one suffused with cinematic references — to *It's a Wonderful Life*, seen briefly on a TV screen, or *Gaby*, the true story of a malformed child that is the incongruous choice of Molly and a dullard on their first date. When James takes Molly flying without parachutes, she reminds him of what happens to the heroes of *Sweet Dreams*, *The Buddy Holly Story* and *La Bamba*. Heckerling has no compunctions about nourishing her child on other films.

Like *Baby Boom* and *Three Men and a Cradle*, *Look Who's Talking* exploits current horological anxieties; the biological clock on 33-year-old Molly is ticking, and it and a nagging mother (Olympia Dukakis) make her determined to have Mikey. Heckerling's position is "pro-choice," as long as the choice is carrying the baby to term. It helps that Molly is a successful accountant who can afford to be in a family way sans family and that Mikey is a healthy organism not conceived through rape or incest. How could anyone but a discerning film editor abort the adorable brat? The box-office success of *Look Who's Talking* seems less a result of anti-abortion sentiment among a genuinely ambivalent public than it is of the common frame of mind for moviegoing: childishness. □

A Tale of Two Cultures

BY JAMES HOGGARD

BUFFALO NICKEL

By C.W. Smith

New York: Poseidon Press, Simon & Schuster
429 pages, \$19.95

HIS SWEEP of attention broader in his new novel than in his previous work, C.W. Smith continues exploring the psychologies of love. As he did in *The Vestal Virgin Room* (1984), the award-winning Dallas novelist shows here in *Buffalo Nickel* an ability to dramatize the interconnecting problems and promises of friends, lovers, and mates. Focusing on the rise through Anglo society of two Kiowa Indians who come to maturity with World War I, Smith does not opt for the tempting cliché of the noble primitive ruined by sudden wealth. Instead, demonstrating respect for the canniness of the Indian sensibility, he develops his protagonist into

James Hoggard is a professor of literature who lives in Wichita Falls.

an increasingly interesting figure who, like his white counterparts, is inarticulate with the soft emotions but detached enough to handle violent situations well. Women are similarly depicted and this characterization that transcends gender suggests a peculiarly American problem. And though America is not a central preoccupation of the author, the concerns in *Buffalo Nickel* are national rather than provincial.

The protagonist of this effectively paced and carefully structured work is a Kiowa named David Copperfield, whose name, of course, is an allusion to another transcultural journey. Other than that, there are few direct allusions in the work. Characters, though often types — slow savant, mean banker, opportunistic whore, good-hearted adventurer, sensual puritan, or fine-love-venturer — are assimilated into an event-rich narrative.

Copperfield, the story's good-man-with-luck, inherits a plot of land from an elderly Oklahoma couple he befriended and nursed while operating a ferry. Oil is discovered

two people who are totally unacceptable and another unknown and I have no references. As far as I'm concerned, I'm not prepared to make a decision based on that. I'm not about to throw \$85,000 at anything when I don't know how good the people are."

Cassin, however, stayed with MGT saying: "I think MGT is the only one we can go with if all others have conflicts. So we just have to check them out and hope we can document them as being good — or else we're going to have change our definition of the kind of conflict that is going to knock people off."

Within a month, Cassin had changed his mind: "I guess anything we do is a close call," he said at a January 11 administrative meeting. "... I am impressed that the staff did rate Price Waterhouse higher, and Deloitte, than Peat Marwick. But the Chairman has such good experience as I understand it with Peat Marwick, at least — I haven't talked to her about it — but she's said that here on the bench and that means a lot to me ... the personal relationship she has with Peat Marwick, I think, will help the Commission get more work and better work out of Peat Marwick than perhaps the others. So I concur in her motion."

Despite Campbell's dissent, and her concern that Peat Marwick would be "carrying out Chairman Greytok's agenda," the contract was awarded to PMM by a 2-1 vote at an emergency session.

"The report," Campbell wrote of the final management audit. "has an anti-consumer slant which results in adverse implications for the citizens of this state." Campbell took issue with several conclusions in the report. Most egregious, she contended, is the recommended reduction in discovery time for intervenors. Campbell explained that utilities take months to prepare for rate cases to be heard by the commission. Intervenors, usually cities, do not respond until after the rate cases are filed and then they must often wait until a city council formally decides to respond. Reducing the time allowed for discovery — the process by which parties in disputes file written requests — will allow intervenors to obtain very little information. Getting information sufficient to present a successful case often requires several rounds of requests. So cities and consumer groups — in the name of efficiency — will be handicapped in gathering information. Campbell also disagreed with recommendations that would allow commissioners to circumvent the open meetings act, either by establishing a six-member commission or by giving the Chair the authority to make administrative decisions, rather than deliberating them in public. She criticized the pooling of agency staff, arguing that when the majority controls staffing decisions, they can control the diversity of viewpoints brought to the decision-making process and undermine the

independence of individual commissioners. Another concern she voiced concerned the privatization of PUC staff functions by contracting work out to consultants. The consultants, Campbell argued, would move easily between work in the regulated industry and working for the commission, thus allowing the utilities to gain control of the commission.

The audit report, according to Greytok aide Tipton Ross, is "a starting point for discussion ... an attempt at more efficient organization and strategic planning to the commission. It will thrash around in public for a while ... But no one said anything in it is sacrosanct." According to Ross, and Greytok, what is most needed is a larger appropriation for the agency. "Money and peace," Marta Greytok told the members of the committee studying the PUC, "are all that the PUC needs."

But consumer activists feel that once the PUC is placed on the agenda of the November 14 special session, the Legislature could enact major reforms. "On-third of the problem [William Cassin] with the commission has retired," Public Citizen Director Tom Smith told the committee reviewing the PUC. "It may surprise you that I suggest letting the existing system work. Let the Governor appoint a new member, the Senate review the appointment during the special session, and ask the Legislature to move up the sunset process to 1991." The Peat Marwick report, tossed into a special legislative session, is not the formula for reform.

"The press," former commissioner Al Erwin told the committee convened in the Old Supreme Court Chamber, "has an informal role ... they basically tell people what we're doing." Erwin, a writer who now works with a group called the Texas Media Alliance, made an eloquent appeal for keeping the process open.

And the problem is not with the media's preoccupation with personalities, as commissioner Greytok suggested, and as was reported in *Dallas Morning News* story in February when she said: "The news media always find it attractive when two women of strong minds disagree."

The problem is a result of a fundamental disagreement over the process for setting telephone and electric rates in the state. That disagreement began to come into focus when the commission deliberated the management audit. By the time the commission began to debate the selection of an auditor for the \$9 billion in cost overruns at the Comanche Peak Nuclear Plant, divisiveness threatened the existence of the Public Utility Commission. □

(Note: The following issue will include an account of the dispute over selection of an auditor for the Comanche Peak Nuclear Power Plant and excerpts from the commissioners' remarks before the Special Committee on the PUC.)

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SOCIAL CAUSE CALENDAR

REFUGEE ASSISTANCE BOOK DRIVE

Poet/Novelist Sandra Cisneros has organized a book drive to provide reading material for detainees held in the Immigration and Naturalization Service Detention Center in Laredo. Cisneros recently visited the center to conduct interviews for a work in progress and was disturbed to find few books or reading material. Books and magazines in English or Spanish for adults or children are requested. Some detainees are held for up to two years. For information call Leander L. Bethel, Pastor, First Presbyterian Church, Laredo, at (512) 723-3424. Mail material to Laredo Refugee Assistance Council, P.O. Box 3338, Laredo, Texas 78044-3338.

BLACK ARTS IN AUSTIN

The Black Arts Alliance will present a multi-media stage play based on the life of the famous African-American anthropologist, folklorist and storyteller Zora Neale Hurston. "The Sanctified Church," conceived by director/writer Ellen Sebastian, will play at the Paramount Theater in Austin, **November 2 and 3** at 8 p.m. Tickets are \$7 and available at all UTTM ticket outlets. For more information contact Denise L. Blakely at (512) 477-9660.

WORLD COMMUNITY DAY IN DALLAS

Church Women United (CWU) will celebrate World Community Day, with the theme "To Pray is to Risk," from 9:30 a.m. to 1:30 p.m., **Friday, November 3**, at the Cliff Presbyterian Church, 6000 South Hampton in Dallas. Ecumenical worship service, lunch, and program on CWU's child care project will be presented. For more information or lunch reservations call (214) 339-7747 or (214) 228-3434. Child care provided.

NICARAGUA BENEFIT AT SMU

The Dallas CISPES, the Nicaragua Network, SMU Advocates for Peace in Central America, and Redwood Records will present a concert, "Songs for the New Nicaragua," featuring Luis Enrique Mejia Goday and Mancotal, **Saturday, October 28**. The dance at the Hughes-Trigg Students Center, SMU, will begin at 8:00 p.m. Tickets are \$9 in advance and \$11 at the door. Also featured will be Jaccó Velarde, with music from the Andes. Proceeds will benefit CISPES, the Oats for Nicaragua Campaign, and

OBSERVANCES

October 27, 1962 • Cuban missile crisis begins.

October 29, 1929 • Stock Market crash begins the Great Depression.

November 2, 1920 • Eugene V. Debs receives almost one million votes for president while in prison.

November 8, 1887 • Dorothy Day, founder of Catholic Workers Movement, is born.

November 9, 1935 • John L. Lewis founds the Congress of Industrial Organizations.

November 10, 1924 • Society for Human Rights, the first American gay rights organization is founded in Chicago.

Proyecto Adelante. For information or tickets, call (214) 823-1139.

ARABS IN PALESTINE

The Council of Arab-American Organizations in North Texas will sponsor a booth at the fall folkfest in Palestine, Texas. Activities will include sale of traditional food and handicrafts, and music and dance performances. The fair will be held **Saturday, October 28 and Sunday, October 29**. For more information call 869-3664.



PIO PULIDO

Gloria Clay and Keito St. James

AUSTIN HOEDOWN

A Country and Western Hoedown will be hosted by the Adult Services Council to benefit the *Advocate*, a non-profit newspaper for older Central Texans. Admission is \$30. Beginning at 7 p.m. on **Friday, November 10**, the event will include a barbeque dinner followed by a country-and-western style show sponsored by Shepler's, a square-dance demonstration by the "Merry Mixers" and special performance by the Austin Banjo Club. At 8:30 p.m. a dance will be held with music provided by "Texas Fever." Throughout the evening, special entertainment will be provided by the Master of Ceremonies, Willie Kocurek. For reservations and ticket information, call (512) 451-7433.

BLACK FEMINISM LECTURE

University of Texas literature professor Dr. Wahneema Lubiano will discuss "Black Feminism and Early Black Feminists," at the Austin Women's Center, 1700 South Lamar Suite 203, on **November 8** at 7:30 p.m. The free lecture is sponsored by National Organization for Women (NOW). For more information contact Melva Steen at (512) 443-8902 or the Austin Women's Center at (512) 447-9666. Guests are welcome.

GREATFUL DEAD IN AUSTIN

A Dia de Los Muertos (Day of the Dead) celebration has been organized by Mexic-Arte Museum in Austin for **October 31, and November 3 and 4**. At 7 and 8 p.m. on October 31, Edgard Rivera, artist in residence at Mexic-Arte, will present Day of the Dead puppet shows. Puppet shows (and puppet making at 1 p.m.) are also scheduled for 7 and 8 p.m. on November 4. On **November 3** at 8 p.m. the 1957 film, "Dia de Los Muertos," by Charles and Ray Eames, will be shown at the museum. On **November 4**, from 11 a.m. until 2 a.m., an all-day celebration will include children's activities and performances, a 6 p.m. procession, and music and dance from 7 p.m. until 2 a.m. Mexic-Arte Museum is located at 419 Congress in Austin. For information, call (512) 480-9373

DALLAS PEACE TALK

An evening with Solange Fernex, French peace movement leader and Green-Party member of the European Parliament is sponsored by the Dallas Peace Center on **Friday, November 3**. For information call (214) 421-1988 or (214) 421-4082.

The Martyrdom of a Secular Saint

BY TOM MCCLELLAN

SPRING OF '89 was a bad one for me. I lost a friend named Steve Grayer. I recall a phone conversation with my wife that went about as follows: "They found Steve's skull in the paper today."

"Yes, I know, I heard about it at work." That came after the memorial service that was supposed to have put a wrap on the business. One of Steve's fellow workers at Parole and Probation had spoken of how his brother in Christ had taken a bum home with him — right off the street — let him sleep there, fed him, and helped him get his life back together. Steve was that kind of Christian, the young man told the salt-and-pepper congregation, and the speaker declared his faith in Paul's saying: "All things work together for those who love and serve the Lord, and are called according to his purpose."

Steve was a coffee-skinned, close-cropped young man, delicate and high-voiced and parental, so when my wife told me he'd found a job with Adult Parole and Probation, I said "Oh Jesus, that guy is going to try to mother the wrong kind of client and get himself killed."

The minister who closed the service had faith in all things working together, too. He expressed the hope that Steve's death would remind City Hall that there was a black community, that there was crime in it, that not all who loved and served the law were white, and that now was not the time for the City or the County to mistake miserliness for economy. Then we all made our slow exit into sunlight and television cameras. "Vultures," I'd said on the way in, but on the way out I was just happy that they'd remained outside, far enough away for those of us who wanted to avoid them. We had seen plenty of Steve's head-shot: At the front of the church, exhibited on a tripod, was an 18 by 24 photograph of him in all his youthful aliveness, the face of the man whose body was that day buried in Mississippi.

The man named after the first among martyrs. Paul held the cloaks of those who stoned Steven to death about AD 35.

Tom McClellan is a Dallas freelance writer.



AND THE HEAD-SHOT was familiar from proximity to a page-one headline howling, HEADLESS CORPSE FOUND TO BE THAT OF OFFICER, which awakened me between coffee and formica Tuesday morning, May 3, AD 1988. The body had been found that Sunday in Kiest Park, the report said, at about 11 in the morning by a man who'd probably thought it was a great day for a stroll. I couldn't read the rest of it right then, so I thought that "the head" being "severed from the body" meant police had found both; but they hadn't.

The morning my wife told me that Steve's head was still unburied, I read an item about the confessions of a death-row inmate who explained how ritual murder was done among diabolists. In some rites, he said, only the victim's head was of any use, so I made an immediate connection between the murder and diabolism. The police said that was not the case.

Steve's family had complained through the fourth estate over two-and-a-half weeks before the body was found. Steve had disappeared from his apartment in Irving about noon the Thursday after Easter, and by Monday of the next week it seemed to his sister and mother that the Irving Police cared more about the weekend than about their brother and son. So Steve became an occasional media event: On the Ides of April his car was found and the moon waned new; on Mayday his corpse was discovered as the moon waxed full; and at the next new moon another Sunday stroller saw the skull in a clearing 100 yards and 14 days from

the body. Probably the work of animals, said the police.

Shortly after that, a parole officer was raped and the bones of a 3-year-old girl were found — most of them, and then murder went on in more ordinary ways. Many moons thereafter, Steve made the Crimestoppers program and the world just keeps on turning. The only vulture left circling Kiest Park is in my imagination, wondering whether Dallasites do not in fact take a perverse sort of pride in their "world-class" crime rate. □



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PUBLIC NOTICE

REQUEST FOR PROPOSAL. The Austin/Travis County Private Industry Council, Inc. (PIC), as the administrative entity for the Job Training Partnership Act, will release on September 25, 1989, a Request for Proposal (RFP) to provide audit services. Agencies/firms interested in submitting a proposal for these services are invited to pick up an RFP package from: John Rosello, Fiscal Officer, Private Industry Council, Inc., 4315 Guadalupe, Suite 303, Austin, Texas 78751. Agencies/firms unable to pick up an RFP package may submit a written request. Telephone requests will not be honored. Proposals are due on October 20, 1989 by 5:00 p.m. to the same address stated above. **NO LATE PROPOSALS WILL BE ACCEPTED.** No exceptions will be made. This notice does not obligate the Private Industry Council, Inc. to award any contracts or expend any funds.