

Panhandling for Plutonium

BY DAVID ARMSTRONG

ON MAY 26, the Texas Legislature approved a resolution seeking expansion of the Pantex nuclear weapons plant near Amarillo. Co-authored by a group of Panhandle legislators, the resolution urges the U.S. Department of Energy (DOE) to relocate Colorado's beleaguered Rocky Flats nuclear facility to Pantex.

The resolution's authors, Reps. David Swinford, R-Dumas, John Smithee, R-Amarillo, Warren Chisum, D-Pampa, Rick Crawford, R-Amarillo, and Sen. Teel Bivins, R-Amarillo, stress that Pantex expansion would provide an economic boost for their districts. Critics, however, point out that the proposed move poses a severe threat to the region's ecology.

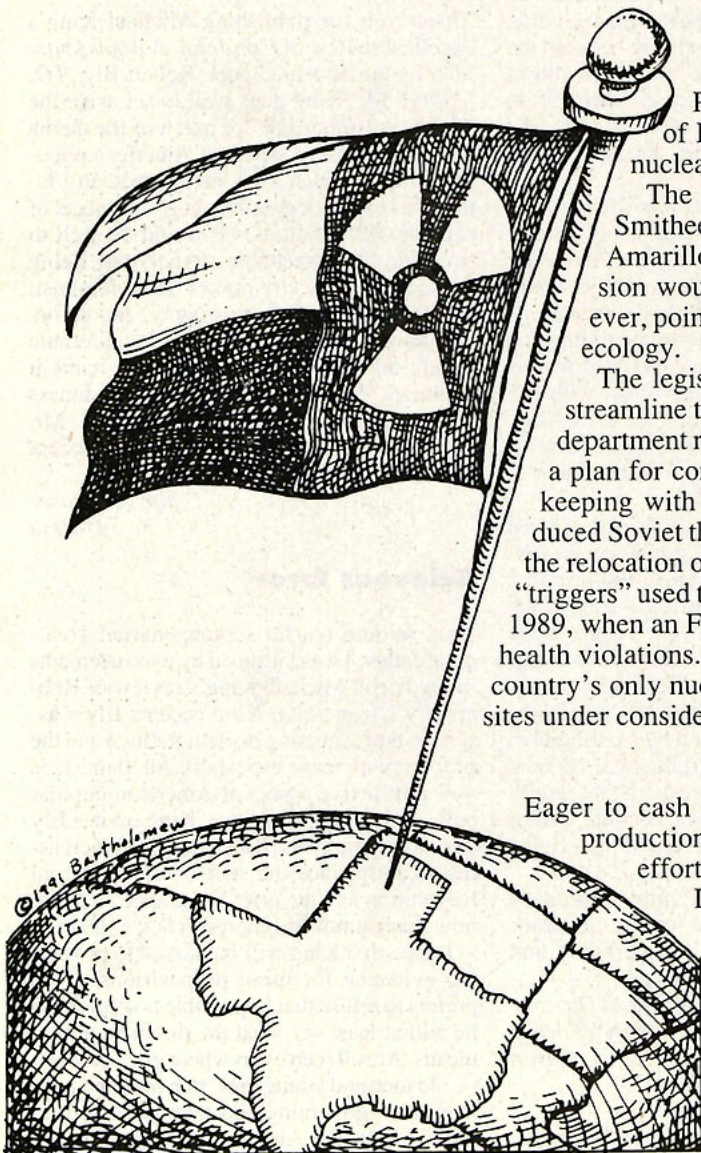
The legislators introduced the resolution in response to DOE efforts to streamline the nation's nuclear weapons production process. In January, the department released its "Nuclear Weapons Complex Reconfiguration Study," a plan for consolidation of DOE's 13 existing nuclear weapons facilities, in keeping with the "emerging international security environment" (read: "reduced Soviet threat") of the 21st century. High on the study's list of priorities is the relocation of Rocky Flats, the country's sole manufacturer of the plutonium "triggers" used to detonate nuclear weapons. The plant has been shut down since 1989, when an FBI raid revealed a long list of alleged environmental, safety and health violations. (See sidebar, page 9) According to the DOE study, Pantex, the country's only nuclear weapons assembly and disassembly facility, is one of five sites under consideration to take over Rocky Flats' plutonium-processing duties.

Nuclear Boosters

Eager to cash in on the perceived economic benefits of expanded weapons production at Pantex, Amarillo city officials launched an all-out lobbying effort to bring Rocky Flats to the Texas Panhandle. Months before

DOE's plans were made public, members of Amarillo's City Commission and well-connected private citizens met with DOE representatives in Washington to discuss enlarging the Pantex facility. Among those accompanying the city commissioners on the trip were Amarillo attorneys Wales Madden, Jr. and Jerome "Jerry" Johnson. Madden, who heads his own law firm as well as several small businesses, was a driving force behind efforts to bring a nuclear waste repository to

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DIALOGUE

Evidence of Abuse

It's a shame that Kathryn Kase didn't check with the Texas Council on Family Violence to get the facts on Senate Bill 275 before including it among legislative bills that she perceives as damaging to Texans' civil liberties. If she had, she might have used our correct name. She might also have found out that S.B. 275 does not create a new "defense" especially for family violence victims. This is a common misconception among the public and the press, but I would have expected a practicing attorney to have read the relevant law and therefore to know better.

Existing law (Penal Code 19.06) provides that in *all* (italics mine) prosecutions for murder or voluntary manslaughter, the state or the defendant shall be permitted to offer testimony about all relevant facts and circumstances surrounding the killing, including the previous relationship existing between the accused and the deceased. 19.06 also allows evidence related to the accused's condition of mind at the time of the offense, and well-established case law supports the use of expert testimony in this regard.

Common sense suggests that when a family violence victim who has killed her batterer alleges self-defense, the history of abuse she endured at the hands of the deceased would constitute "relevant facts and circumstances." It's also not too much of a stretch to imagine that her own victimization (read: fear for her life) might have something to do with her condition of mind at the time of the killing. Therefore, existing law, as described above, *should* be sufficient to ensure such a defendant's evidentiary rights.

Yet a study conducted in 1988 by the House Criminal Jurisprudence Committee on discrimination against women in the criminal justice system found that in many such trials, this evidence is not allowed. Judges have exercised wide discretion about the admission of such testimony. All S.B. 275 does is narrow that discretion, ensuring that the jury hears the whole story as intended by existing law. The bill creates no new rights and no new legal defenses; it simply ensures that family violence victims who have become defendants are not unfairly deprived of their rights due to judicial whim.

The Texas Council on Family Violence is pleased that, unlike your writer, Governor Richards understood the bill correctly and signed it into law on May 2.

*Melissa J. Eddy, Assistant Director
Texas Council on Family Violence
Austin*

*Kathryn Kase responds:
Ms. Eddy mistakenly asserts that, before the amendment imposed by Senate Bill 275, Sec-*

tion 19.06 of the Texas Penal Code explicitly allowed direct testimony on the defendant's state of mind. Rather, Section 19.06 allowed "testimony... going to show the condition of the mind of the accused at the time of the offense." (Emphasis mine.) There is a great difference between evidence that illustrates, so the jury can draw its own conclusion, and evidence which directly draws conclusions for the jury. S.B. 275 accomplishes the latter by letting expert witnesses directly testify about the defendant's state of mind. In this way, S.B. 275 creates something that heretofore was not in Section 19.06 of the Penal Code. Apart from that, the need for S.B. 275 is a matter of opinion. Obviously, Ms. Eddy and I differ in our opinion.

Blythe Assumptions

Thank you for publishing Michael King's excellent review of *Iron John: A Book About Men* by the esteemed poet, Robert Bly [TO, 5/3/91]. Mr. King does well to set aside the "defensive animosity" of much of the media and the "reflexive aspect of American popular culture" which view men, especially fathers, as either demonic beings or objects of ridicule. As a culture, we would do well to set aside our regrettable stereotypes: Being female automatically makes one a feminist; all males suffer from misogyny, and so on. An equal injustice is done to racial/ethnic groups and to political, sexual, you-name-it identities. We have subsumed our humanness to the more visible and verbal persona. Mr. Bly and Mr. King may help us all to accept instead the "nourishing-dark."

*Margot Fraser
Odessa*

Grievous Error

As a seldom tearful septuagenarian great-grandfather, I was intrigued by two statements in my friend Michael King's review of Robert Bly's *Iron John*. King accepts Bly's assertion that "sneering disdain for men and the problems of men, especially for fathers, is now a reflexive aspect of American popular culture" (King's phrasing). King quotes Bly directly: "The grief in men has been increasing steadily since the start of the Industrial Revolution and the grief has reached a depth now that cannot be ignored" (TO, 5/3/91).

I hope that King will be moved to provide the evidence for these propositions. If he prefers to refuse that impossible task, perhaps he will at least say what the direct quotation means. Are all men everywhere grief-stricken — old men and young men, rich men and poor men, men governing and men governed, in Asia, Africa, the Americas, Europe, Antarc-

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Crimes Behind the Crimes

Too often, when examining political issues, journalists and voters alike concentrate on abstract policy analysis and gossip about political maneuvering, ignoring the human lives affected by the laws our representatives pass. Last month, however, two notable exceptions to this rule passed the Legislature and were signed into law by Gov. Richards. These measures won't affect too many people, but they struck home with me, for six years ago, I'd encountered someone whose story showed me why such laws are so needed in Texas.

...

It was my second day on the job as an aide to state Rep. Al Granoff, D-Dallas. Granoff wanted me to get a first-hand look at some of the problems we'd be dealing with during the 69th Legislature in 1985, so we climbed into my car and drove out to the Texas Youth Commission minimum-security facility in Giddings, some 45 minutes east of Austin.

Along the way, Granoff explained that, as a former school teacher in impoverished areas of New York City, he'd developed a special interest in the problems of children and adolescents. Later, he used his position in the Legislature to effect some changes in the way the state dealt with what it antiseptically calls "juvenile offenders" — that is, kids whom the system, or their parents, or someone, has failed, one way or another. One thing I learned was that the state often failed children by striving, at all costs, to reunite "broken" families. Unfortunately, that often had the effect of throwing abused or neglected kids back into the same cauldron of poisonous influences that drove them into violating social norms in the first place.

When we arrived at the Giddings facility, the staff greeted Al like an old friend. He was no posturing public official who thought of criminals as mere threats to society or convenient campaign-trail bogeymen; they knew he had the kids' best interest at heart. I began interviewing some of the institution's charges. They were unfailingly polite, calling me "sir" far more often than someone who had just discovered his first grey hair wanted to hear. By and large, the kids I spoke to were the ones who really did want a way out of the cycle of crime and imprisonment that they were in danger of slipping into.

While the actions that had led them to their crimes were as diverse as the children themselves, there was one striking similarity in their stories, at least among the girls: *Every one* of the dozen or so girls I talked to had been abused as children. Virtually all the

abuse was sexual. For many, the abusers had been members of their own families. Even those who avoided becoming pregnant by their abusers had somehow found it difficult to fit comfortably into a world where no one can quite be trusted.

Seeking respite from the tales of poverty, discrimination (most of the girls I spoke with were Mexican- or African-American), alcoholism, and the other accompaniments to life at the bottom, I strolled over to a young girl who looked as though she might have gone to my predominantly white, middle-class high school. Melinda (I don't recall, or have blocked out, her real name) was blond, plump, cute, relatively well-dressed, and obviously articulate and well-educated. She was 15, had grown up in the suburbs, was looking forward to going back to school in a few months when her program ended and a suitable foster family was found. After I went through the obligatory interview questions, she warmed to me, and we talked about life at the Giddings institution, about her ambitions, plans for the future, about what caused kids to get into trouble with the law and about how they could get themselves back on track.

After a few minutes of pleasant chatting, I realized that this was the kind of conversation I could have been having with anyone in my own circle of friends. It seemed strange that I could be talking this way to someone who was, after all, incarcerated — even if Giddings had no prison walls. When the moment seemed right, I asked Melinda, as gently and offhandedly as possible, "So, what did you do to get put in here?"

"I killed my mother and father," she said.

I was flabbergasted. How could this sweet, seemingly innocent little girl...? I fumbled for words, trying to conceal my shock and revulsion and confusion.

Melinda went on to explain, calmly, what had happened that night a few years before. Her parents had been abusing her, separately and together, physically and sexually, for as long as she could remember. One night, she said, she just couldn't bear it any more. She hid her father's pistol in her room. When she was sure her parents had been asleep for several hours, she slipped quietly into their bedroom, took careful aim, and shot them both. She left the room, found her mother's car keys, and drove the family car down the road. A few minutes later, spying a police car coming the opposite way, Melinda turned her headlights on and off so the officer would pull her over. When he walked up to the driver's window, she told him what she'd done.

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Cover illustration by Richard Bartholomew

Senate Bill 275, by Sen. Eddie Bernice Johnson, D-Dallas, which became law last month, would let judges allow trial testimony about a history of violence in a defendant's family and its effect on that defendant when he or she committed a homicide. Senate Concurrent Resolution 26, also by Johnson, would start a process of reviewing cases in which the perpetrator (including juveniles) might have been abused by the person he or she killed. Texas was actually the first state in

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Correction

In the editorial, "The Campus Right" (TO 5/31/90), Irving Kristol was misidentified. He is co-editor of *The Public Interest*, and publisher of *The National Interest*. The *Observer* regrets the error.

Hazardous Oversight

Who's Minding the Toxic Store?

BY KATHY MITCHELL

IN 1987 A release of hydrofluoric acid in Texas City hospitalized more than 1,000 people; emergency teams evacuated 3,000 others. Unfortunately, police and fire fighters, going door to door through the neighborhood, walked directly into the toxic cloud wearing no protective clothing, and directed residents to go to a nearby shelter, itself engulfed in the acid. Although a year earlier, industry had conducted hazards tests on the dispersion of hydrofluoric acid, the findings were not publicized. As a result fire fighters and others made crucial mistakes that could have been avoided. With proper public information, perhaps the magnitude of the accident could have been reduced long before and accident occurred.

Emergency planning for hazardous chemical accidents in Texas remains largely in the hands of the chemical industry and emergency professionals, despite federal insistence on independent community oversight in the areas of hazards reporting, hazards communication and emergency planning. Both professionals and industry emphasize "response" to an emergency, while many community members would like to use the powers of the Superfund Amendments and Reauthorization Act to inform local communities about chemical hazards and move toward prevention.

Texas is the nation's second largest toxics generating state, releasing more than 724 million pounds of chemicals to land, air and water in 1988. The most recent report from the Acute Hazardous Events Database ranks Texas second in the nation in hazardous materials accidents. Of the 11,048 accidents involving death, injury or evacuation that occurred nationally between 1982-1988, more than 1,000 took place in Texas. The Texas Air Control Board reported 428 accidental releases of hazardous chemicals caused by equipment failure or maintenance problems.

In a national survey, *Chemical Engineering* magazine found that, of 800 respondents from the chemical industry, 44 percent say "their plants have had a major accident within the last five years and ... 70 percent think that a similar accident could happen again."

While professional emergency teams emphasize response, many accidents could be prevented with proper public oversight, detailed and public risk analysis, and an energetic push for reductions of the total quantities, container sizes and toxicity of materials used at neighborhood facilities, according to

Kathy Mitchell edits Polemicist in Austin.

consultant Fred Millar. Federal law requires each county to set up a Local Emergency Planning Committee (LEPC). Thanks to the often-defective structures of LEPCs in Texas, however, information about plant hazards is scattered and incomplete, and the public is afforded little input into emergency planning.

In 1986 the Congress enacted the Emergency Planning and Community Right to Know Act (EPCRA), part III of the Superfund Amendments and Reauthorization Act (SARA). In the wake of the 1984 Bhopal, India disaster, in which a chemical accident at a Union Carbide Plant killed 3,400 people and injured 100,000 others, lawmakers created a grassroots structure for state and local hazardous materials planning, and required citizen and environmental group participation in the LEPCs, which by law must be broadly representative and independent.

LEPCs collect information for both emergency planning and for the public. They have the authority to request and obtain any information that might help first responders act safely and prevent injuries. They have the responsibility to disseminate the information they collect to the general public through information programs tailored to the local area. LEPCs must include membership from 14 categories including broadcast and print media, environmental and community groups, as well as elected officials and emergency management team members. And the committees have broad authority to accumulate information on chemical hazards, formulate it and make it available to the public.

In a survey of the 20 counties that together generate 93 percent of Texas' hazardous wastes (as documented in the Texas Water Commission's March 1991 Toxic Release Inventory, based on data from the Environmental Protection Agency), the *Observer* found five LEPCs that were virtually inactive (in Travis, Guadalupe, Calhoun, Galveston and Brown Counties), while several others meet occasionally but have no outreach programs or information management procedures as required by law. Nueces County's LEPC has not met for several months because the chairman, a reservist, went to Saudi Arabia as part of Operation Desert Storm. Jasper County's LEPC is "in limbo." Most counties have one LEPC, some have two or three. Harris County, with 27, was excluded from the *Observer's* survey to avoid skewing the statistics. Most LEPCs neither actively promote citizen and environmental group involvement in emergency planning, nor publicize the quantities and dangers of hazardous materials present in Texas neighborhoods.

Wearing Two Hats

Of the LEPCs that responded to the *Observer* survey, only Jefferson and Galveston Counties have not filled the membership slot reserved for community representation. For many others who have officially fulfilled all legal requirements, the definitions of "community" as well as "environmental" groups appear flexible. "The LEPC hasn't defined the word 'community' in the activist sense," said Les Breeding of the Peace Farm, and member of the Amarillo/Potter/Randall LEPC. Amarillo chose for its community representatives one member of the American Chemical Society and a representative from The Environmental Training Institute, a university/Pantex consortium. The community member for Calhoun County is the head of the chamber of commerce. The environmental reps for Jefferson and Ellis Counties are from Texaco and Owens-Corning Fiberglass respectively.

Several LEPCs have filled a number of different categories with representatives from industry, from the committee chair to the health coordinator. The health, security and safety, and transportation slots for Jefferson County are filled by representatives from two DuPont plants and Chevron. Orange County LEPC chair and Chevron manager Dale Durr told the *Observer*, "I'm talking to you with two hats on, my chemical industry hat and my LEPC hat."

Domination by industry representatives sometimes leads to the complete dissolution of the committee or its absorption by a chemical industry program called Community Awareness and Emergency Response (CAER). CAER, initiated by the chemical industry itself in response to the Bhopal disaster, duplicates many of the emergency planning priorities of SARA III, but the industry association controls and explains the information produced for local residents. CAER has what it calls community right to know. Industry members can be dropped from the Texas Chemical Council for non-compliance with the CAER program, according to Durr. It is not enforceable by any outside public agency, however.

Calhoun County LEPC, in one of Texas' most industrialized areas, has not met in a year. Cissy Bonus, emergency manager for Calhoun County explained that "the LEPC met last Christmas at a CAER Christmas party, but really there hasn't been a meeting since June of last year. We try to meet quarterly, but it got to where there is just not anything to discuss."

Calhoun County ranks fourth in Texas in overall toxic releases, according to the EPA

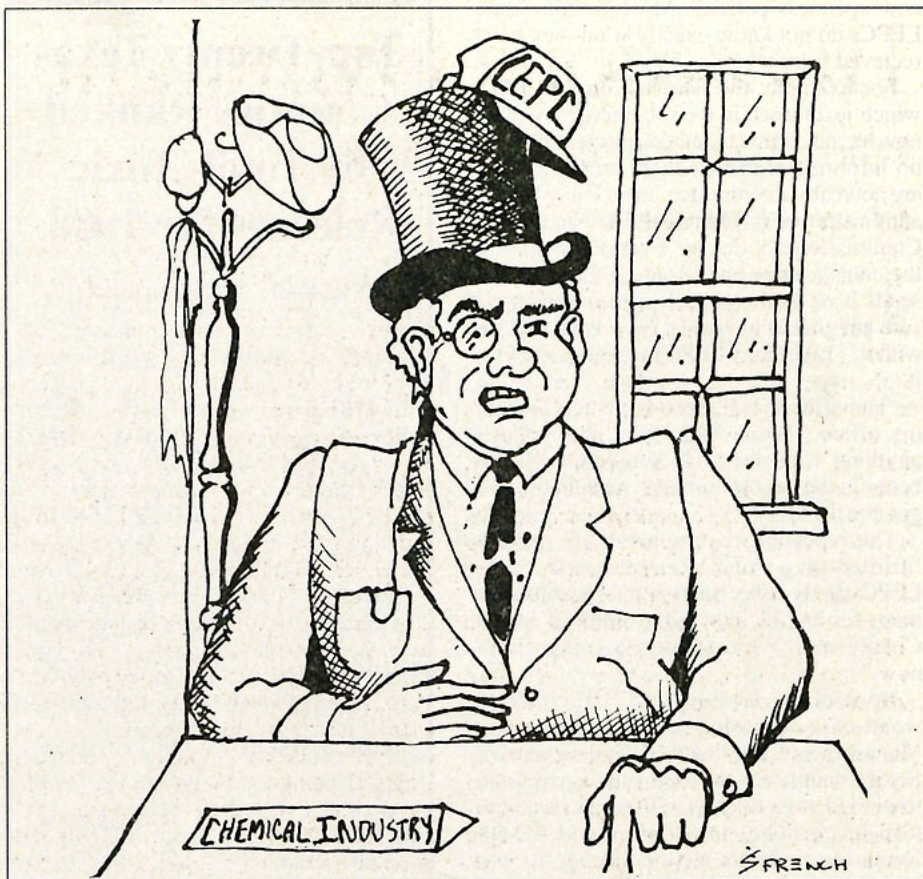
report, and a recent series of hazardous waste violations at the Formosa Chemical plant in Point Comfort (that embarrassed LEPC member and Formosa backer, State Sen. Ken Armbrister, D-Victoria — see *TO*, 5/17/91) underscores the need for independent oversight. The LEPC in Calhoun County is the largest among those surveyed, but most of its 78 members were drawn from industry; 31 people represent industry and regulated facilities, while there are only 26 emergency professionals, nine elected officials including Armbrister and State Rep. Steve Holzhauser, R-Victoria, and a scattering of non-elected government officials.

In April 1990, according to the Calhoun County LEPC minutes, the plant manager of ALCOA informed members that the meeting had been called in order to present the Toxic Release Inventory data before they were released by the EPA. Representatives from Union Carbide, ALCOA, Formosa Plastics, British Petroleum (BP) and others made elaborate presentations (including slide shows, lists, several charts, and a video on waste injection) describing their reduced emissions since 1987 and their high safety standards. The June meeting also included slides from Union Carbide on its transportation safety program, and a Formosa presentation using overhead transparencies. Of all those who spoke, only the chair, Billy Zwerschke, did not work in the chemical industry. The June meeting concluded when a BP representative said she would compile lists of "vulnerability zones," or high risk areas, around local industries, and make a presentation in September. The LEPC, however, did not meet again.

Said Durr, "CAER and the LEPC have almost become interchangeable in some areas." In Ector county LEPC memos appear on CAER letterhead, and the meetings are now called "CAER/LEPC" meetings.

In a speech before the British Institute of Chemical Engineers in 1988, Monsanto senior vice-president for environmental safety and health Harold J. Corbett described the purpose of the chemical industry's new program of public information. "Beginning in July, every major manufacturing industry in the U.S. must report what hazardous chemicals are routinely emitted to air, water, and land.... The new law does not require us to fix anything, install anything, or clean up anything. Just simply report the data... The reaction may well be staggering. If we don't voluntarily make a basic change in our approach to public concerns, the public will force us to make it."

While Durr claims that there are no significant differences between the industry sponsored program for emergency planning and SARA Title III, some LEPC members have complained about the strong role played by CAER and its industry membership. "Many of the same representatives are on both," said Janet Willie, who has served as the media member on the Texas City/La



Marque LEPC for two years. "CAER principally addresses emergency response planning but the LEPC was clearly meant to go beyond that. LEPC is an independent, community based law. The company-dominated CAER committees were set up right after Bhopal and are clearly designed to prove that industry can function without government supervision."

According to Fred Millar, the categories set up by the federal law explicitly define the kind of broad and balanced community organization the LEPC should be. "Companies are not supposed to be a voting block on the LEPCs," Millar said. "They are to have one vote among 14. Not every company in town is supposed to have a voting member." Ector County's "CAER/LEPC" has 12 industry reps, or about a third of the committee.

In some counties, the major industry writes the emergency plan itself and provides most of the infrastructure for an underfunded LEPC and emergency management office. According to Patsy White, assistant to the Commissioner's Court in Brown County, "We [LEPC] met two years ago and then stopped while we did the plan. We patterned our plan after another county, and then the people at 3M adapted it. We used their computer, their personnel, their expertise. Now that the plan is done, we hope to do better."

Millar, who has toured the country teaching community people and LEPCs about the information they can obtain under SARA Title III, finds that fire departments and emer-

gency managers across the country have repeatedly been forced to rely on companies for donations and for voluntary information because LEPCs were never funded under federal law. Many LEPCs are in an awkward position with respect to the industries they are supposed to regulate. "Fire chiefs have historically been beggars asking companies for materials, gloves, computers and permission to look at everything," Millar said. "Do you really want to turn your most endangered first responders over to the corporate establishment?"

Burying Public Information

"I went to the bottom of the courthouse and found the lists of chemicals," said the newly appointed emergency manager for Ellis County, Fred Minton. "There wasn't anybody managing it. People couldn't get to the lists. Companies have sent them, but I don't know if I have them all. I've tried to find out who's supposed to send them to me, but if there's ten companies not reporting, no one knows."

By law, companies must send the LEPC their chemical inventories and the Material Safety Data Sheets (MSDS) that explain the hazards involved in handling each chemical. These are supposed to be available to the public, but most LEPCs have no program to explain the public's rights under SARA Title III and the potential of the LEPCs. Some companies voluntarily send the LEPC site plans with risks analyzed under different conditions as part of the chemical industry's

new openness policies. Most do not. Some LEPCs do not know exactly what they have received from whom.

For example, the Brown County LEPC, which just turned in its 3M emergency plan, now has no current members, no meetings and no information management program. "We are not really a committee," said Patsy White, administrative assistant to the Brown County Commissioner's Court. "Everything goes to the county judge and he doesn't open it but sends it on to me. And I open it and say, I sure am glad to have this. Now what do I do with it?" Like many LEPC managers, she files it.

"I have the Tier II forms [chemical lists] in my office," White said. "We haven't done anything with them. Hopefully we will do better in the next six months, now that we've got our plan."

The reporting requirements are usually fulfilled on a voluntary basis, and Texas LEPCs rarely collect or distribute detailed risk maps for any facility. Billy Smith of Jasper County said, "We're taking what we get right now."

None of the facilities surveyed collected worst case scenarios. Deputy Emergency Management Coordinator Pat McAllister, of Ector County, took the local yellow pages and tried to identify all the facilities that ought to turn in chemical inventories and MSDS forms, but could not be sure that her list was complete. Danny McLerran, chair of the El Paso LEPC said that they have not forced companies to supply SARA information nor has it collected facility emergency plans. The LEPCs, under SARA Sec. 325 may assess penalties of \$25,000 for each reporting violation, and sue facilities for failure to provide requested information under Sec. 303(d), but none of the LEPCs surveyed have ever filed civil suits or fined manufacturers.

"They would rather talk people into it [compliance]," said Les Breeding. "Because of the makeup of the committee there's no way anyone is going to agree to assess fines."

In order to produce a useful emergency plan, the National Response Team's *Hazardous Materials Emergency Planning Guide* suggests that LEPCs take advantage of their broader powers to request information under Sec. 303(d)(3). "Upon request from the [LEPC] the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan."

The National Response Team (NRT), a national body of 14 federal agencies responsible for coordinating federal response to oil and hazardous materials emergencies, notes that requests should include descriptions of those situations that pose the most serious threat of damage. "Location maps and charts are an excellent means of depicting this information." Emergency plans should analyze the extent of vulnerable zones for hazardous chemicals (plume maps), and describe the population, property and sensitive environmental areas near particular releases. The

Top-Twenty Texas Counties Ranked by Total Toxic Releases for 1988.

(Numbers are in pounds)

Jefferson	145,089,539
Harris	123,661,545
Brazoria	122,892,064
Calhoun	83,004,046
Galveston	57,911,864
Victoria	19,630,665
Orange	18,250,995
El Paso	12,842,257
Nueces	12,268,629
Tarrant	9,217,908
Hutchinson	9,106,977
Dallas	9,052,775
Brown	9,034,016
Harrison	8,947,059
Ellis	6,947,803
Potter	5,728,444
Ector	4,903,516
Jasper	4,556,034
Guadalupe	4,200,223
Travis	4,170,380

Source: Toxic Release Inventory Program 1988 Report, Texas Water Commission, March 1991.

NRT adds that worst case scenarios provide valuable information for risk analysis.

Said Pat McAllister, "We've done a hazard analysis for all the hazards in the community as a whole, but not for each neighborhood or facility. That's where most of us are lacking."

No LEPCs surveyed actively sought to reduce the amounts of highly toxic chemicals at area facilities. Nor did they incorporate detailed internal safety audits, often created by major companies for vulnerable areas, into their emergency planning. LEPCs do not ask for or develop worst case scenarios for hazardous accidents, although they have the authority to do so under federal law.

Who's Counting?

LEPCs often do not know if every facility with hazardous chemicals on site reports them, or if it reports accurately. Sometimes the amounts and container sizes of chemicals listed in the emergency plans are simply in-

correct.

Travis County LEPC submitted a plan to the SERC that was basically the plan for the City of Austin put together previously under the Texas Hazardous Materials Act (minutes from their only meeting in 18 months focus on the need for county wide planning). The city emergency plan notes that the Thomas Green Water Treatment Plant downtown has 15 one ton cylinders of chlorine and 3,500 pounds of ammonia. The plant manager claims that they store 18 cylinders and 5,625 pounds of ammonia. Listings of container sizes and amounts in the Travis County plan for other waste-water treatment plants were also inaccurate, as were the contact names and a phone number.

"Obviously there is a discrepancy," admitted Steve Collier, director of the Emergency Management Office for the City of Austin. "I'm not sure when that plan was submitted. Changes have occurred and we have not been made aware of them." According to Collier, the data is often entered from older lists and not checked, and then rarely updated. "We get the information but we don't actually call those people up. We get some of it from the Chamber. It [the plan] needs to be updated more often than it is." The Emergency Management Office is currently in the process of updating the plan, and Collier promised to check all the discrepancies in its *Critical Facilities Database*.

However, the information in the emergency plan may never be used by any emergency responding agency. Collier described the plans created by the LEPCs as reference documents for use by other planning agencies. "The difference between 10 and 20 tons of material on site is not significant," he said. "We use it to assess the general magnitude of the problem."

Run By the Experts

Those LEPCs run out of a fire department office often have strong safety response development programs. Emergency managers and fire department officials identify and try to correct the deficiencies in the current emergency response structure as they see them. Typically, however, they do not have the time or funding to provide organized public information as required of LEPCs.

Fred Millar notes, "If you emphasize expertise you run the risk that the fire chief or other officials will not release the information to the public. Congress did not intend this to be a replication of the emergency planning establishment. Here volunteers from the community can start something new. It's a democratization of emergency planning."

Danny McLerran, emergency manager and member of the El Paso LEPC, emphasizes that his loose and unofficial group has both created a hazardous materials emergency plan and revised the fire code to create a hazardous materials ordinance. It has implemented a fee system to run the hazardous material program and mapped transportation route. Public information, however, has not received much

attention, says McLerran. "There is no outreach, although we have applied for a grant to have a public awareness campaign about the hazardous materials routing."

Fred Minton, in Ellis County, has prioritized catastrophe exercises that will train fire fighters, police and other professionals in every kind of response, from plane crashes to hurricanes. His own subcommittee is currently working on such an exercise. Other aspects of Title III work do not receive the same attention, however, because he has to wear one too many hats under the law. "Public information? No, we don't have anybody doing that," he said. "They send it [facility inventories or plans] to my office. I just stick it in the file and forget it. I am the emergency manager, the LEPC coordinator and the 911 coordinator. I am working to get 911 county-wide and that's a big enough job."

Emergency Manager Robert Stoeltje of Guadalupe County has himself done most of the work for the LEPC in addition to his regular duties. "We have not done much in the last 12 months," Stoeltje said. "We appointed a chairman but nothing has happened. I really don't know what to do about that. We need a meeting. Most of what's been done, I've done it. I've identified the plants that should be reporting and put together the plan, but that's all. We have met the minimum requirements in writing under the law. We got our plan and our Annexes, but we haven't done a thing else in a year or over a year. We really are not going the way we are supposed to."

Of the LEPCs surveyed, seven admitted that they did virtually no outreach to the public, largely because they work out of already overloaded emergency response divisions within the fire department. "We have mostly people connected with the committee on business; emergency people of various kinds and facilities," Stoeltje said. "We don't have a good cross section. We have no laypeople on the committee. I shouldn't even be on the thing. I should work closely with them, but the LEPC should be a separate entity. I'm sorry, but when you have all government officials, no one is going to take a lead on anything. Everyone is wearing two hats, and doesn't have time in the regular business day to make sure the LEPC is working and also get their jobs done. I may be cutting my own throat on this, but something has got to start going again."

Fighting for a Working LEPC

Residents of Texas City, where the 1987 hydrofluoric acid release occurred, have actively pursued and publicized information through the LEPC, in order to avoid industry control over risk analysis. According to the *Victoria Advocate*, in 1987 "Amoco had conducted a \$2 million test on the dispersion of hydrofluoric acid a year earlier but did not share its research findings." Company safety analysts, expecting to clean up a liquid test-spill, had spread a plastic spill pad to catch the release but the entire test quantity evapo-

rated into the air instead. Lethal levels of gas spread over a five-mile test area, according to Fred Millar.

Without this information, emergency coordinators sent police officers and fire fighters, as well as residents, directly into the cloud. When Millar questioned the local emergency manager if he had asked for worst-case scenarios, the official replied that the company had told him "it can't happen here," according to Millar.

In the wake of this accident, a local labor organizer and community representatives from a citizens' group, which had previously defeated a proposed hazardous waste incinerator, joined the Texas City/LaMarque LEPC. Pointing to the right-to-know mandate, they attempted to redirect the work of the committee, meeting with resistance from entrenched industry and emergency response establishments.

In a controversial recertification meeting on March 14, two community members were dropped from the committee and have not

Safety Tips

Information about hazardous materials collected in your neighborhood should be available to you through your LEPC. Look for the LEPC in the county judge's office, and if no one there knows what you are talking about call the fire department's hazardous materials section. Ask for your local emergency plan, Annex Q. Ask for chemical inventories, MSDS forms and worst case scenarios for your local industry. For more information on your right to know, call Paul Orum of the Working Group on Community Right to Know at 202-546-9707.

If your LEPC is not currently active, call your county judge's office and insist that a meeting date be set. If he or she proves recalcitrant, you may write a formal letter of complaint to David Haun, Texas Department of Public Safety, PO Box 4087, Austin Tx., 78773, and to the governor's office. Be sure and send a copy to James Makris, Office of Solid Waste and Emergency Response, OS 120 EPA, Washington, D.C. 20460 and to your state and national legislators. If the LEPC is active, find out when they meet again and attend.

The Texas Water Commission, PO Box 13087, Austin Tx. 78711, will provide you with a copy of the most recent national and Texas TRI reports for free. In addition, you might want to look at a more detailed breakdown of the data for your county or your local major industrial plant. For useful number crunching, write the Citizen's Fund, 1300 Connecticut Ave. NW, Washington, DC 20036 or call 202-857-5168, and ask for the TRI report, *Poisons in Our Neighborhoods: Toxic Pollution in Texas*.

—K.M.

been reinstated at this time. Their removal came after they attempted to start risk-reduction programs and intensified the community outreach. In protest, the third also resigned.

In a letter sent to the local judge in March, Cyndy Maldonado, Janet Willie and Glen Erwin, all two-year veterans of the committee, emphasized the importance of public outreach to reduce public risk. "Heavy with first responders and industry representatives responsible for emergency response, the majority of the Texas City/LaMarque LEPC has never even attempted to go beyond the traditional emergency response planning," they wrote. "Over often strong protest, the former community group members were able to introduce some elements of risk reduction. Mandated reports of accidental releases (Sec. 304) were being discussed in the committee, with the community group members asking why the accidents occurred and what prevention efforts were being made. In addition, the LEPC agreed to begin community outreach efforts."

In the *Texas Daily Sun*, Fire Chief Roy McKinney explained that the LEPC is only required to make emergency plans for the cities and to give information to the public concerning those plans. "It is not our responsibility to ask these plants why they do what they do," he said. Judge Holbrook, on the other hand, defines the LEPC as a committee "organized to receive information from various businesses and present this to the public. They are also supposed to be able to ask critical questions and get satisfactory answers." The ongoing debate over the purpose of the committee usually left the three community people in an out-voted minority position.

"The Committee became divided 26-3 when input from the community was requested," they wrote. "We requested that total membership be expanded, with new members to be community group members. There was such resistance. There was also a heated debate over what was meant by community groups. Many argued that government representatives were also community representatives. While this may be true, Congress made these separate categories," the three members wrote.

Judge Holbrook, when asked what action he could take to rectify the problems in his LEPC, said that the SERC had not given him permission to make appointments but only to approve the committee's choices.

In Texas, supervision of the LEPCs falls to the State Emergency Response Commission (SERC), headed by the director of the Department of Public Safety (DPS) and to the governor. The SERC gave jurisdiction over local LEPC formation to the judge in each Texas County, who may or may not be on the LEPC themselves. The judge approves the members and looks over the emergency plans. The State Emergency Response Commission claims that it provides oversight by checking industry nominees to LEPCs for current vio-

lations. Otherwise, it allows the local areas to freely choose their own structure. According to David Haun, director of the Department of Public Safety the SERC does not review the membership of the individual LEPCs. "We don't really look at the community or environmental representation. We go by what the judge recommends." According to Jim Makris, director of Chemical Emergency Preparedness and Prevention for the

EPA, in a letter to Willie, Maldonado and Erwin on May 17, "it is clear that Congress intended that the preparedness for, prevention of and response to chemical accidents be in the hands of the people who will be affected should a chemical accident happen." On the other hand EPA denies oversight responsibility, sending the enforcement back to the SERC, the LEPCs and the governor.

In this case, David Haun talked to Ray

Holbrook, who talked to the Gary Jackson, who talked to the newly created "official" membership, and returned to the judge with a new list of members. No one talked to Janet Willie. According to Judge Holbrook, enough time has gone by now "to where they should have done something. I'll look into it, but you know its just not one of the most important things I've got going." □

Semi-Toxic: Reduction at the Source

Negotiations that could lead to safer chemical processes for use by the microelectronics industry opened last month between an unusual collection of Austin citizen, labor and environmental groups, the National Campaign for Responsible Technology (CRT) and Sematech, a Defense Department-subsidized semiconductor research consortium. The meeting, 18 months in the making, comes at a particularly opportune moment. Sematech, now three years into its five-year funding cycle, has begun formulating a new agenda, "Sematech II," in preparation for what will probably be a heated funding debate in Congress this fall.

An industry research collective made up of 14 semiconductor manufacturers, Sematech was originally designed to provide member corporations with high-tech research needed to strengthen their "competitiveness" in the world micro-chip market. Sematech receives over \$100 million annually in government subsidies for research. CRT, a national coalition of labor and environmental groups, has chosen Sematech as its first major target in a broad based effort to bring issues of worker safety and environmental protection to those at the cutting edge of technological development for production. CRT includes organizers from the Southwest Organizing Project, the Silicon Valley Toxics Coalition, Jobs With Justice, Asian Immigrant Women's Advocates and others. It organized its first conference in Austin last year, bringing Texas organizers an array of information and experience with the hazards of the high-tech industry.

High-Tech Toxics and Sematech

Microelectronics has been labeled a "clean industry," but that phrase is misleading. The semiconductor industry produces integrated circuits that are hundreds of times smaller than the diameter of a hair. A speck of dust or any kind of particle could destroy the carefully etched surface. Within the industry, the term "clean" refers not to freedom from chemical hazards, but to "clean rooms," so named because the ultra-filtered, rapidly circulating air contains no particles, although it *does* contain the toxic vapors from solvents. Clean rooms are clean for the product, not for the workers.

Typically, chip production requires the use of solvents that irritate the eyes, skin and membranes, and with chronic or acute exposure can cause liver and kidney damage. "Dopants," chemicals used to change the conductivity of the silicon, can be lethal in even minute doses. Workers may encounter lead, tungsten, cadmium or arsenic, as well as corrosive acids and gasses that instantly explode on contact with air. At a town meeting in the Montopolis Community Center adjacent to Sematech, over 50 area residents spoke with labor and environmental activists from California, New Mexico and the east

coast about the costs and hazards of the "clean industry."

At a March 28 public hearing before the California Regional Water Quality Control Board in Sunnyvale, Water Quality officials acknowledged that a toxic-solvent spill from Sematech member Advanced Micro Devices and from Signetics Corp. and TRW might be evaporating into homes through basements and crawl spaces. According to Ted Smith of the Silicon Valley Toxics Coalition (SVTC), many Silicon Valley residents had not been informed of the spill or of the health hazards posed by the airborne solvents. The board will hold hearings on the spill clean-up in June.

According to the SVTC, Santa Clara, California has 29 EPA Superfund sites, the highest density of sites in the US, and 23 of those were related to high tech; individual site clean-up estimates for semiconductor-factory spills range from \$1-10 million. CRT also reported that more than 150 leaks and spills have already contaminated the aquifer beneath the city and over 200 of its drinking water wells.

Mike Guerrero of the Southwest Organizing Project in Albuquerque has worked with the Toxic Victims Assistance Corp.,

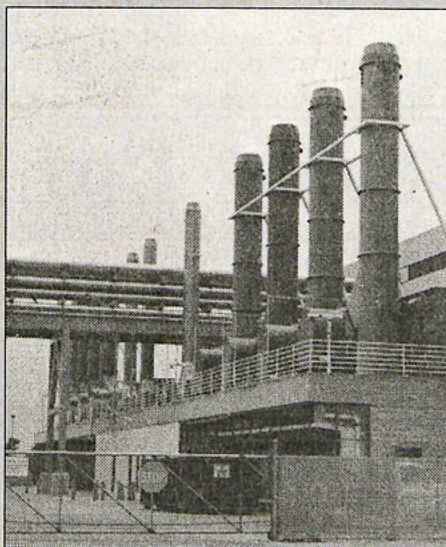
fighting GTE for access to health care for people poisoned by chronic solvent exposure. "Five hundred people in Albuquerque ... are dying," said Guerrero, "living with numbness in different parts of their bodies. Children are born with solvents in their blood. People are afraid and the system has let them down. GTE picked up and moved to Juarez, Mexico, but the people have to face the aftermath." In 1987 GTE settled out of court a suit charging "115 combined claims of occupational disablement due to toxic chemical exposure at GTE." Another suit remains pending, with nearly 500 plaintiffs, against the chemical manufacturers themselves.

A 1985 California health department study revealed a birth-defect rate in the Fairchild/IBM area of San Jose three times the national average, and worker illness for employees of the high tech industry are reported to the California Division of Industrial Relations at three times the rate for manufacturing as a whole. In addition, an epidemiological study, at Digital Equipment Corp. found a miscarriage rate among production workers twice the national average, according to Smith.

A much younger Texas semiconductor industry has already made this one of the top high-tech manufacturing states, with industrial centers in Austin, Houston, Dallas and several rural counties. Here, local chambers of commerce and others still boost high-tech as a "clean industry," and subsidize it to promote "competitiveness."

According to Smith, Sematech is in a unique position to develop corrective technologies for the environmental and safety problems

See Sematech page 21



Sematech

SCOTT HENSON

Plutonium

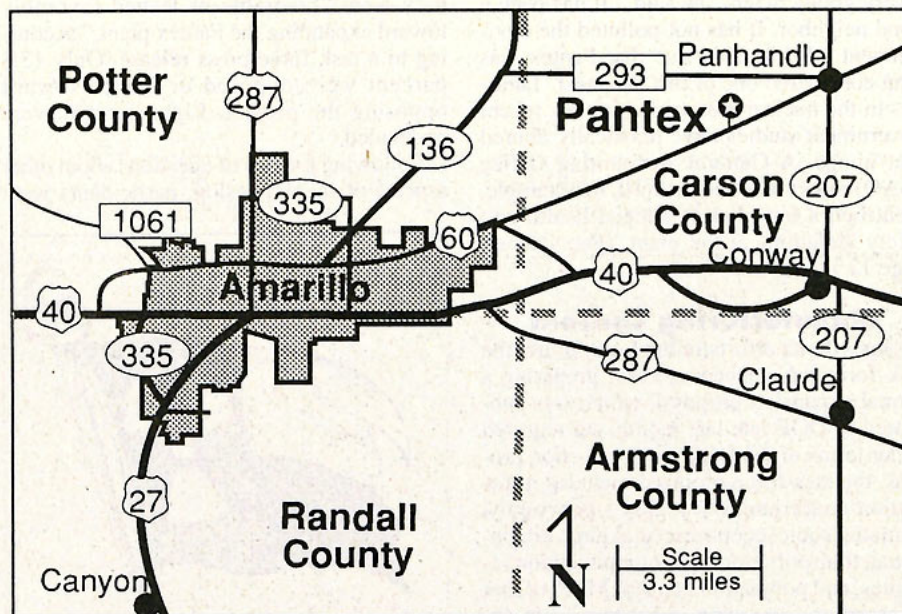
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nearby Hereford. He is also a longtime Panhandle power broker and an acquaintance of President George Bush. Johnson, a partner in the law firm of Underwood, Wilson, Berry, Stein and Johnson, was the first appointee to Texas' superconducting supercollider oversight committee by former Gov. Mark White, a position to which he was recently reappointed by Gov. Ann Richards.

In February, after the DOE study was released, Amarillo Mayor Keith Adams selected Madden and Johnson as co-chairs of the Pantex Expansion Task Force, also known as Panhandle 2000. Adams himself also serves on the task force along with various city officials, members of the Amarillo Chamber of Commerce, representatives of the Amarillo Economic Development Corp. and other local businessmen.

As part of their campaign to bring Rocky Flats to Pantex, located 17 miles outside Amarillo in Carson County, the task force submitted a proposed resolution to area legislators in April. Various versions of the document circulated through the halls of the Capitol over the next several weeks, but the initiative stalled when the lawmakers were unable to agree on final language for the proposal.

In an effort to allay any lingering doubts about the wisdom of inviting plutonium processing into the area, the Panhandle legislators last month journeyed to Colorado as part of a delegation of Texas government officials for a fact-finding tour of Rocky Flats. Others in the delegation included Rep. Ron Lewis, D-Mauriceville, chairman of the House Natural Resources Committee; Rep. Robert Saunders, D-La Grange, chairman of the House Environmental Affairs Committee; James Mathis, legislative assistant to Gov. Richards; and Buck Wynne III, chairman of



Dorsey Wilmarth / Amarillo Globe-News

the Texas Water Commission.

Even before the Texans' visit, however, a shadow was cast across their mission. On the day they arrived, an electrical fire erupted in one of the buildings housing Rocky Flats' plutonium operations. Although no injuries were reported and, according to DOE, no radioactive contamination was detected, the blaze forced the evacuation of about 50 workers and caused minor damage to the facility.

Undeterred by the incident, the Texas delegation forged ahead with its scheduled activities, including a tour of the plant and meetings with Colorado officials, representatives of the Environmental Protection Agency (EPA) and local environmentalists. Despite stern warnings from local Greenpeace representatives about the hazards associated

with plutonium processing, the Texans emerged from the meetings confident that the proposed Pantex expansion would pose no undue threat to the surrounding area. "When I came here I was very skeptical," Swinford told the *Amarillo Daily News*. "I'm not so skeptical anymore."

Members of the Pantex Expansion Task Force share Swinford's view. Despite Rocky Flats' well-documented difficulties, they insist that shifting plutonium operations to Pantex would not threaten the Panhandle environment. "It's going to be a redesigned, state-of-the-art operation with an emphasis on environmental safety," Johnson said. "I think the safety requirements for these facilities will be higher than anything that has heretofore been built."

Johnson cites Pantex's past record as justi-

Rocky Flats' Rocky Record

Panhandle residents are understandably concerned about the prospect of shifting Rocky Flats' plutonium operations to Pantex. In less than 40 years of operation, Rocky Flats, located 16 miles outside of Denver, has experienced hundreds of small fires and at least two major blazes that likely involved significant radioactive releases.

Both of the conflagrations at the plant have been linked to the handling of plutonium, a radioactive material prone to spontaneous combustion and so potent that lethal doses are measured in billionths of a gram. In September 1957, according to court documents obtained by the *Washington Post*, plutonium shavings spontaneously ignited in a "glove box," a transparent container that allows technicians to handle plutonium with lead-lined gloves inserted through the sides. The fire quickly roared out of control, in part because the glove boxes had been constructed of highly flammable Plexiglass. While fire fighters battled the blaze, an explosion rocked the plant, sending thick plumes of plutonium-laden smoke billowing into the

skies above Denver. Rocky Flats officials contend that little or no radiation escaped, but studies conducted in nearby areas the following year discovered radioactivity at 8,000 times normal levels.

The *Post* also reported that in May 1969, Rocky Flats suffered a second major fire. Again, the flames were aided by flammable glove boxes that had not been replaced due to "very stringent budgets," according to Atomic Energy Commission officials. Still regarded as the worst fire in the history of the nuclear weapons complex, the blaze caused more than \$50 million in damage and shut down all new weapons production for six months. Rocky Flats managers assured local officials that no significant levels of radiation escaped, although a professor at the University of Colorado reported that approximately one ton of plutonium had burned.

Not satisfied with official assurances, a citizen's group asked the National Center for Atmospheric Research to conduct an independent investigation. Results showed that soil near the plant was con-

Continued on next page

fication for such confidence. "Pantex has been a very good citizen," he said. "It has been a good neighbor. It has not polluted the environment." While it is true that Pantex was long considered one of the "cleanest" facilities in the nuclear weapons complex, recent government studies have drastically altered that image. A General Accounting Office (GAO) report released in April, for example, identified a long list of alleged health and safety violations at the plant. (See sidebar, page 12.)

Manufacturing Consent

Along with its efforts in the Legislature, the task force has concentrated on preparing a formal expansion proposal, which was submitted to DOE late last month. As required under terms of the DOE's site selection process, the task force proposal includes information concerning the region's geography, climate, socio-economic makeup, educational, transportation and communication facilities, and population density. Much of that information, according to Johnson, was obtained from revised data compiled for Amarillo's failed supercollider bid.

An important consideration in DOE's assessment of the proposals will be public acceptance of the project. According to the department's site proposal invitation, DOE will evaluate bids to determine "the extent of the population's support for establishment of nuclear and defense materials production facilities within the area."

To demonstrate support, the task force hired a research firm to conduct a public-opinion poll. Four hundred residents of Randall, Potter, Armstrong and Carson counties were questioned about various aspects of the proposed expansion. The survey, conducted in mid-March, twice asked participants whether they favored or opposed Pantex expansion "based on everything you know about this proposal." Questioned the

first time, 78.3 percent of respondents said they were "favorable or leaned favorably toward expanding the Pantex plant," according to a task force press release. Only 13.8 percent were opposed or leaned toward opposing the project. Eight percent were undecided.

Following a series of questions about other aspects of the expansion, participants were

were undecided.

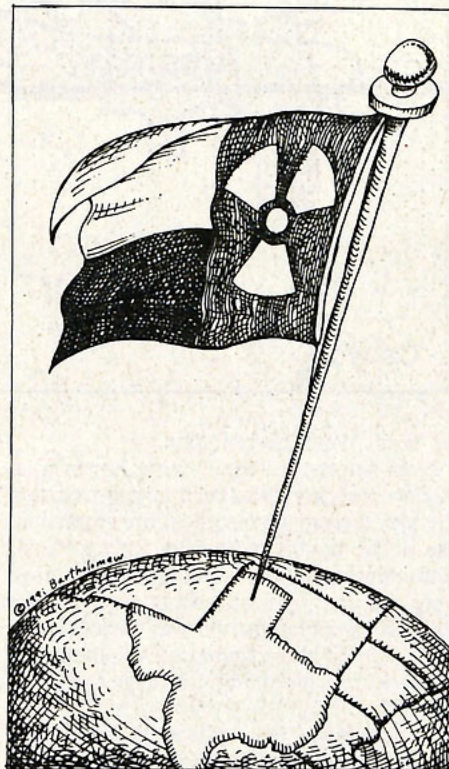
Pollsters also found that 62 percent of those questioned believed DOE could be trusted to design and operate an environmentally safe facility. Results of the poll were not released until May 20 and, even then, not in their entirety.

To establish additional evidence of public support, the task force solicited written statements from government bodies and private interests throughout the Panhandle and around the state. By mid-April, the task force boasted that it had secured resolutions and letters of support from 34 cities, 17 Panhandle counties, 17 Panhandle school districts, 15 chambers of commerce and 24 additional organizations, businesses and individuals. A list of supporters was distributed to members of the Texas Legislature.

Second Thoughts

While the task force insists support for the project remains strong, several government bodies have withdrawn their endorsements in recent weeks. On May 7, the city of Fritch, located 30 miles northeast of Amarillo, rescinded a resolution it had previously passed in favor of Pantex expansion. Fritch City Council members, who revoked their earlier resolution unanimously, complained that the task force never informed them of the hazards associated with plutonium processing, focusing instead on the 2,000 to 10,000 jobs boosters predict the project will create. "In the first light of this, we looked at the expansion of Pantex in a purely economic aspect," Fritch City Secretary Dan Graves told the *Amarillo Daily News*. "Since then, we have been presented with other data from present operations at the Rocky Flats plant that have lead us to reconsider this resolution."

Following Fritch's lead, the city of Dimmitt, Hartley County, and the Hart, Dimmitt and Panhandle school districts have all rescinded earlier resolutions of support.



RICHARD BARTHOLOMEW

again asked their opinion of the proposal. This time, 85.3 percent of those surveyed favored or leaned toward favoring the expansion. 10.8 percent voiced disapproval and 3.8 percent

taminated with plutonium and americium, a decay product of plutonium, at up to 210 times normal levels.

Unable to dismiss evidence of off-site contamination, Rocky Flats managers finally owned up to a problem they had never before discussed publicly: For more than 10 years, hundreds of leaking drums filled with plutonium-contaminated oil had been stored near the plant's eastern border. The Dow Chemical Co., which operated the plant at the time, estimated that 86 grams of plutonium had seeped from the drums — enough, if distributed in the form of inhalable particles, to give lung cancer to every person on earth. In 1974, the government purchased thousands of acres of the contaminated land adjacent to Rocky Flats. In 1985, as part of a lawsuit settlement, the government bought an additional \$9 million of land surrounding the plant that had been rendered unsafe for human habitation by plutonium contamination.

In June 1989, the Justice Department halted plutonium operations at Rocky Flats following a midnight FBI raid on the 6,550-acre facility. A 116-page affidavit filed by the Justice Department to obtain a search warrant for the FBI sweep lists dozens of alleged health and safety violations. The affidavit states that "Rocky Flats is using an outdated and unpermitted incinerator" in a building used for plutonium processing "to illegally 'treat' at least nine hazardous or mixed wastes in violation of the Resources Conservation and

Recovery Act." "Mixed waste" is a combination of radioactive and other hazardous materials. The waste was allegedly being burned in December 1988, when the EPA and the public were told the building was shut down. Evidence that waste was being burned in the incinerator at the time was obtained by FBI night-time surveillance flights using infrared cameras.

The Justice Department also alleged several illegal discharges of hazardous waste into streams at the plant in late 1988. Those discharges went "into creeks crossing the Rocky Flats property and leading to metropolitan Denver drinking water supplies, which contained chemical pollutants not authorized by Rocky Flats' [Clean Water Act] permits," the affidavit said. The document also alleges that some of the 31 million pounds of waste generated annually by Rocky Flats was illegally sent to various dumps around the country that lacked appropriate environmental permits.

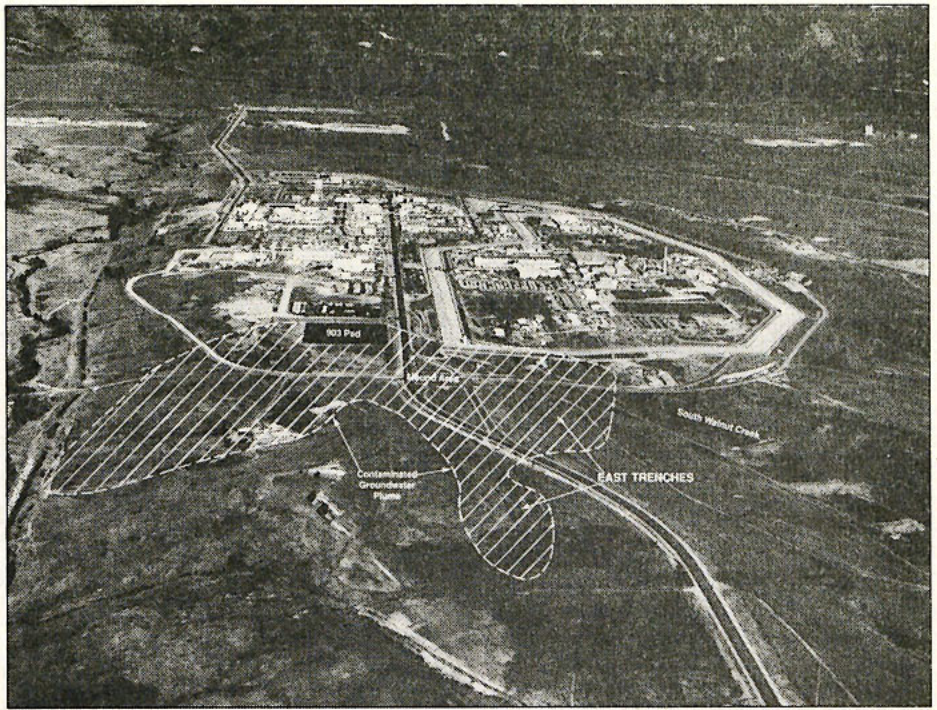
The affidavit also contains allegations of deliberate misrepresentation by officials of DOE and Rockwell International, then the facility's contractor. "There is probable cause to believe that Rockwell and [energy department] officials have knowingly and falsely stated Rocky Flats' compliance with environmental laws and regulations, and concealed Rocky Flats' serious contamination," the document states. Citing numerous DOE memos, the Justice Department charged that "false statements and concealment of mate-

Each cited inadequate information about the environmental impact of the expansion as grounds for their decisions. "Unless we can get reassurances that expanding that plant [Pantex] will be safe, the board does not wish to support it," Panhandle Superintendent Ronnie Teichelman told the *Daily News*. Teichelman also complained that legislators and others who saw the list of supporters were not informed of qualifying amendments his school district had added to the standard resolution distributed by the task force.

Other cities are having second thoughts about the expansion as well. On May 20, the Canadian City Council withdrew its support of the project in favor of a resolution demanding full disclosure of the activities that will be conducted at Pantex. The new resolution also calls for an independent study of the potential environmental impact of the proposed expansion. The City of Channing is also considering revoking its support. The City Council has placed the matter on its agenda for further discussion.

Madden insists that the recent rash of defections does not represent dwindling support for the project but simply an interest in obtaining more information, which he says the task force will provide. "They actually misread the resolution we submitted to them," Madden said. "Our ultimate goals are compatible. No one wants a facility out here that is arguably unsafe."

More questions are being raised about the endorsements, however. Two of the entries on the task force's list of supporters, First National Bank of Amarillo and the Amarillo College board of directors, have not actually endorsed the expansion. First National Bank President Don Powell, who is a member of the task force, and Amarillo College Chairman John Huffaker both told the *Amarillo Daily News* that their boards of directors had not discussed the expansion or passed any resolution on the matter. Amarillo Chamber



COURTESY COLORADO GOVERNOR'S OFFICE

Plutonium processing facility at Rocky Flats, Colorado

of Commerce President Tom Patterson, who also serves on the task force, told the *Daily News* that "they won't be on the list if we don't have a signed resolution from their board members."

Rumblings of Discontent

While some groups are only now questioning their support for the proposed expansion, others have opposed the project from the beginning. On April 27, for example, the Panhandle Groundwater Conservation District unanimously approved a resolution opposing Pantex expansion. Groundwater district board members expressed concern that moving

Rocky Flats operations to Pantex could pollute the Ogallala Aquifer, a huge underground water system that supplies drinking and irrigation water to Amarillo and surrounding areas. "We've learned that most of these facilities have a great deal of contamination of the groundwater," said Phillip Smith, a groundwater district board member and farmer whose property borders Pantex. "We can't, in this area, risk contaminating our groundwater."

To combat the proposed expansion, Smith and his wife Doris formed an organization known as Panhandle Area Neighbors and Landowners (PANAL) to educate area resi-

rial facts have occurred ... [to] keep the public from knowing just how really bad the site is."

Even after Rocky Flats was shut down, new problems emerged. An October 1989 DOE report indicated that the plant lacked adequate safeguards against dangerous build-ups of plutonium in filtering systems and ducts. DOE described the situation as serious enough to kill workers but not bad enough to cause a nuclear explosion. Several months later EG&G Inc., DOE's new contractor at the facility, discovered 62 pounds of plutonium lodged in the plant's ductwork — enough to build seven nuclear bombs.

In March, Congress approved \$283 million for cleanup of Rocky Flats. Officials now estimate the total cost of restarting the idled facility will exceed \$1.1 billion by 1993.

Over the past 18 months, DOE and Rocky Flats officials have repeatedly stated that the plant would not reopen until major upgrades were finished and a new climate of safety was established. "We are not going to resume plutonium operations until it's safe to do so," Energy Undersecretary John Tuck told the *Denver Post* earlier this year.

Under pressure from the military to renew production of plutonium triggers, however, DOE has begun cutting corners. In March, EG&G announced that Rocky Flats would resume plutonium operations on a limited basis later this summer. The following month,

the Associated Press reported that Rocky Flats managers were moving ahead with plans to restart operations in some buildings despite warnings from engineers that the structures were unsafe. One source told AP that a laboratory at the plant had a faulty filtration system that could introduce plutonium-contaminated air into offices and work areas in an emergency. A memo written by consulting engineers hired to evaluate safety at the plant stated that airborne radioactivity "may present a serious consequence to the workers and the public."

The AP story also cites a 1992 DOE budget request that contains numerous additional warnings. The most serious of these include charges that:

- the plant's airborne radioactivity testers do not meet state or federal standards and are present in insufficient numbers;
- the outdated, overloaded and deteriorated fire alarm system creates "dangerous delays" in alerting fire fighters;
- and a public address system, designed to alert workers during emergencies, failed on 30 separate occasions during testing.

DOE Assistant Director of Operations Vic Stello acknowledged that the department would not meet all federal guidelines before resuming operations at the plant. He told AP that DOE would seek waivers for any regulations it could not meet until the problem was solved.

— D.A.

Radiation Exposure

Uncovering Pantex's Safety Violations

While Pantex's safety record is certainly better than Rocky Flats', it is hardly perfect. According to a General Accounting Office (GAO) report released in April, Pantex has a long history of alleged health and safety violations that have only recently come to light.

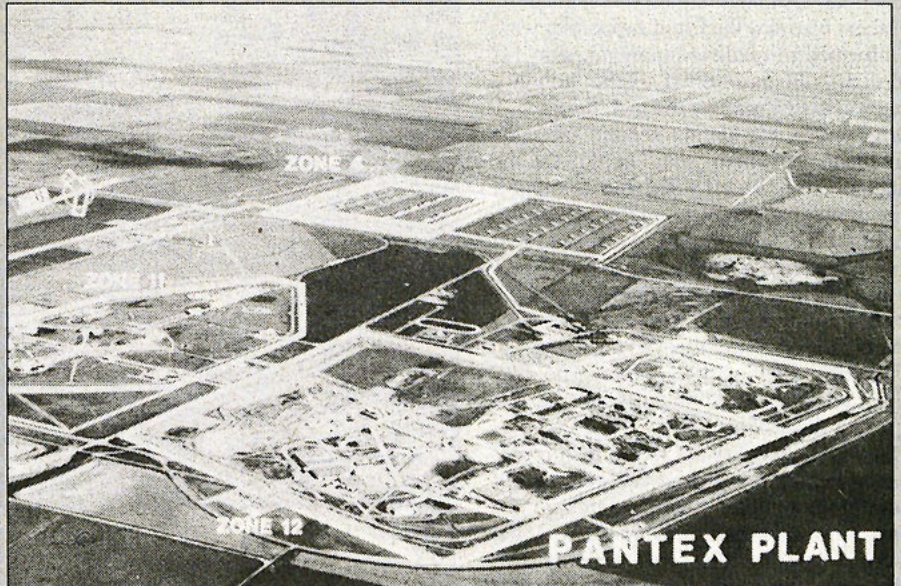
The 49-year-old facility's main missions are the assembly, disassembly, modification and repair of nuclear weapons as well as the testing and disposal of chemical explosives. "Before 1989," the GAO report states, "DOE and others considered Pantex to be a relatively clean and safe facility. Since 1989, however, Pantex has been criticized for its safety and health problems...." The report cites three instances in which plant workers were exposed to radioactive hazards:

- In February 1989, a radiation specialist found that a worker had been contaminated with "black dust" consisting of depleted uranium while disassembling a weapon. "According to DOE," the GAO report states, "the worker was not exposed beyond DOE's allowable limit. However, DOE later discovered that, although workers occasionally had observed the black dust during disassemblies of the weapon since 1984, nothing had been done about it. Consequently, workers were exposed to the black dust for years without being aware of its radioactive hazard."

- In May 1989, five workers were exposed to tritium gas when an accident occurred during a "normal" weapons disassembly procedure. Although none of the workers "received an exposure exceeding DOE's allowable limit," the incident "could have been prevented had proper equipment and procedures been implemented," according to the GAO report. Decontamination of the disassembly facility will cost between \$2 million and \$3 million, the report said.

- In October 1990, seven radiation technicians were contaminated with uranium oxide when they entered a disassembly facility without proper protective clothing. Again, DOE found that none of the technicians were exposed to levels of radiation "beyond DOE's allowable limit," according to the GAO report. DOE and Pantex officials "attributed the exposure to inadequate instructions about protective clothing," the report said.

GAO also reported that Pantex has completed fewer than half of its required safety analysis reports (SARS). The safety reports, compiled by the plant's contractor, illustrate whether a facility's systems and



COURTESY U.S. DEPARTMENT OF ENERGY

Aerial view of Pantex facility in Amarillo

operations meet established design criteria and are used by DOE to identify problems so that corrective measures can be taken. "Because most of the SARS have not been completed or need to be updated, DOE cannot adequately ensure that the plant is operating safely," the report said.

Pantex's radiation protection program was also found lacking. The GAO report cites a 1989 DOE "Tiger Team" investigation that found Pantex had insufficient staff to provide emergency response in the event of a radiation contamination accident or to monitor routine plant operations for radioactivity releases. "Pantex had only four radiation specialists to monitor the activities of more than 400 radiation workers, or only one-fifth the number called for in DOE's manuals," according to GAO. In addition, Pantex demonstrated "weaknesses" in training technicians in radiation protection techniques. Shortly after the Tiger Team review, GAO reported, DOE's Albuquerque Operations Office discovered additional deficiencies at Pantex — primarily a lack of clear and specific procedures and guidelines for radiation protection technicians.

As part of the Tiger Team investigation, the Occupational Safety and Health Administration (OSHA) evaluated Pantex's compliance with worker protection standards. According to the GAO report, OSHA discovered 168 alleged violations at the facility, all but one of which it classified as "serious." In addition, OSHA found that "the plant has one of the highest injury/illness and lost

workday rates in DOE's weapons complex."

As a result of its investigation, GAO concluded: "The persistent safety and health problems at Pantex clearly support a need for external oversight of the plant's safety." The report recommends that the facility be placed under the supervision of the Defense Nuclear Facilities Safety Board (DNFSB), which oversees most of the nation's nuclear weapons plants. Pantex was excluded from DNFSB monitoring at the time the board was created in 1988, when DOE argued that allowing outside review of the plant would create "security risks."

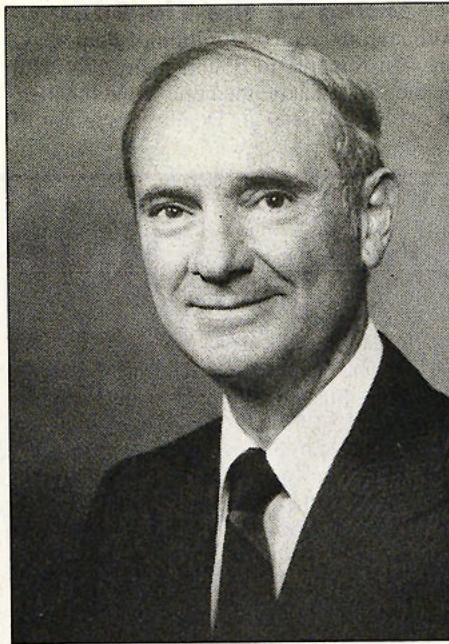
In response to the GAO recommendation, the U.S. House of Representatives last month approved an amendment to place Pantex under DNFSB supervision. The amendment, which was included in a defense spending bill, was introduced by U.S. Rep. Albert Bustamante, D-San Antonio, and backed by Amarillo Democrat Bill Sarpalius, whose district includes Pantex. Sarpalius spokesman Phil Duncan told the *Observer*, "The Congressman determined that the time had arrived where if we're out here urging [Pantex] expansion it wouldn't be consistent not to have independent oversight." Asked to comment on the move, energy department spokeswoman Debbie Smith said, "DOE feels it would be inappropriate to comment as to how Congress intends to assign [oversight] responsibility." — D.A.

dents about the dangers of plutonium. "If they bring Rocky Flats in, with the waste management problems that are associated with the testing of plutonium, then there is a possibility that the land we maintain around here will be contaminated," said Doris Smith. "If our crops or cattle are contaminated in any way, or if the public perceives that there is any contamination whatsoever, then what will happen to their marketability? No one will want to have any of the products that come from this area."

The Smiths say they originally expressed their concerns to Amarillo city officials but were rebuffed. "We asked to have the agricultural community represented on the task force, but they refused," said Doris Smith. "They've tried to circumvent us in every way."

Other groups fighting the rush toward Pantex expansion have raised questions about the task force's finances. The majority of the task force's operating funds came from the Amarillo Chamber of Commerce, which donated \$80,000 left over from the failed effort to bring the supercollider to the area. But the task force also received \$50,000 from the Amarillo Economic Development Corp., which is in turn funded by a half-cent tax approved by Amarillo voters in 1989. Tonya Kleuskens, president of the Nuclear Waste Task Force, opposes the use of public funds to promote the project. "I think they're taking a lot of liberties with the taxpayers' money without having taken local votes or referendums [on the expansion]," Kleuskens said. "They're taking a lot of leeway in assuming that this is the way that Amarillo wants its taxpayer dollars spent."

Madden, however, strenuously opposes putting the matter to a vote. "I would be totally opposed to any sort of a referendum procedure determining what funds could be expended for what purpose by the development commission," he said. "These are people who are appointed by the city commission to serve on this board.... If you make it so cum-



COURTESY AMARILLO GLOBE-NEWS

Wales Madden Jr.: "I would be totally opposed to any sort of referendum... [on] what funds could be expended for what purpose by the development commission."

bersome that they can't operate, then you can't get people to serve.

"Any entity such as the development council, charged with spending public dollars, will incur opposition to some expenditures. That's the nature of the game," Madden said. "You're trying to, overall, improve the economic condition in the community and you cannot satisfy all of the people all of the time."

If Madden and the task force succeed in bringing Rocky Flats to Pantex, taxpayers will continue feeling the pinch. In April, the State Highway and Public Transportation Commission agreed to provide highway improvements if Pantex expansion is approved. "What most people don't understand," said Phillip Smith, "is that the city of Amarillo's going to pay for it. ... The highway department's going to do it, but it's going to be the City of Amarillo's money." In fact, Amarillo has al-

ready agreed to pay for "all right-of-way costs for any improvements and expansions if Pantex is selected," according to a highway department press release.

Scare Tactics

Amarillo is not the only community bidding for Rocky Flats' operations. Other sites under consideration are the Hanford plant in Richland, Wash.; the Savannah River plant in Aiken, S.C.; the Oak Ridge Reservation in Oak Ridge, Tenn.; and the Idaho National Engineering Laboratory in Idaho Falls, Idaho (INEL). Proponents of Pantex expansion, including the local press, have used this competition to their advantage. On April 29, for example, an op-ed piece in the *Amarillo Daily News* declared, "It's pretty obvious that if we don't want Rocky Flats here, somewhere else will take it — and maybe take Pantex, too."

Detractors believe this argument is largely subterfuge. "They have used that as a scare tactic or a ploy to try to persuade people to go along with this endorsement," said Phillip Smith. "We're going to have expansion here at Pantex whether we want it or not and we realize that."

In fact, DOE acknowledges that Pantex will likely remain open in the reconfigured nuclear weapons complex; its mission, however, may change. As the nation's only nuclear weapons dismantling facility, Pantex is already busy reclaiming warheads decommissioned as part of the Intermediate Nuclear Forces (INF) missile retirement treaty. Future nuclear weapons reduction agreements, such as the Strategic Arms Reduction Treaties (START) currently being negotiated between the United States and the Soviet Union, would seemingly ensure increased dismantling operations at Pantex.

Moreover, since it is doubtful the military will redeploy the retired weapons, Pantex could become a storage facility for radioactive warhead components such as enriched uranium and plutonium. Given plutonium's half-life of 24,000 years, storage requirements would be on the order of tens of thousands of years at a minimum.

In testimony before the Senate Committee on Government Affairs on Feb. 25, DOE Deputy Assistant Secretary for Military Ap-



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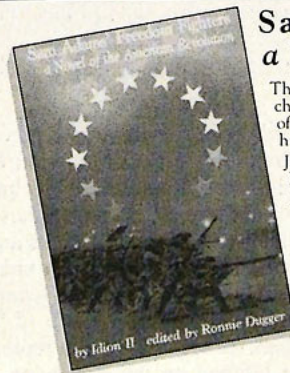
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plication Admiral J.M. Barr acknowledged that the department envisioned "long-term" storage of retired warheads "probably at Pantex."

DOE's reconfiguration study essentially echoes this statement: "A DOE storage facility, preferably located at the weapon disassembly site [Pantex], should be sufficient to serve all DOE interim requirements for [storage of] fissile [fissionable] components," the document states. Unlike commercial nuclear waste repositories, nuclear weapons storage facilities are not subject to monitoring by the Nuclear Regulatory Commission (NRC).

"The writing's on the wall in terms of these warheads coming back and the need to then store the material in the long term," said Jim Werner, an environmental engineer with the Natural Resources Defense Council in Washington, D.C. and former DOE subcontractor. "The Department of Energy needs to indicate exactly how it intends to store this material safely for the indefinite future. More importantly we need to make sure that an independent agency, other than the Department of Energy, such as EPA or the NRC, ensure that it's stored safely."

While plutonium storage requirements are on the rise, the need for virgin plutonium is declining. In 1987, then-Energy Secretary John Herrington declared that the United States was "awash in plutonium." Even the DOE reconfiguration study states that "plutonium requirements are reduced sufficiently to be satisfied by plutonium from retired weapons alone." As a result, plutonium operations, such as those conducted at Rocky Flats, may be discontinued. This raises serious questions about exactly what the relocation of Rocky Flats to Pantex would entail.

"If Pantex expansion means moving Rocky Flats' missions to Pantex, then claims of Pantex benefiting from all those missions are greatly exaggerated," said Werner. "The most likely mission for Pantex expansion is basically more of the same: an expansion of the historical mission of Pantex for weapons assembly with the added mission of long-term storage or disposal of the fissile material that's removed from these warheads."

Lining Up the Big Guns

Although the exact definition of Pantex expansion remains in doubt, many powerful Texans are already lined up behind the idea. In a Feb. 28 letter to Deputy Secretary of

Energy announced his support for the proposed expansion at a luncheon hosted by the Pantex Expansion Task Force. "I support it with the provision that it must be done with safety and protection of the environment," Bentsen said.

"There have been problems elsewhere because of old buildings and equipment and outmoded procedures. Those problems would be eliminated and prevented in the proposed facility."

Gov. Richards has also come out in favor of the expansion. "I cannot think of a better community or a better people to have this and I will help you in any way I can," Richards told an "Amarillo Day" luncheon crowd in February, according to the *Amarillo Globe-Times*. Richards' press representative Chuck McDonald told the *Observer* that the governor "has talked to Teel Bivins several times about this project and has expressed support for his efforts." McDonald added that "as long as she was sure that all [safety] requirements were met she would support that expansion."

U.S. Sen. Phil Gramm also strongly supports the proposal. Gramm's office did not respond to repeated *Observer* requests for comment.

While the big guns appear lined up on one side of the issue, the citizens of the Panhandle have yet to have their say. On July 24, as part of its required Programmatic Environmental Impact Statement (PEIS), DOE will conduct a scoping hearing in Amarillo to evaluate possible impacts of any future Pantex expansion. The hearing will be open to the public and both spoken and written statements will be accepted.

While such public forums may be a step in the right direction, Werner fears that "security concerns" prevent declassification of materials necessary to evaluate the expansion proposal.

"A lot of this stuff is secret so the public can't fully take part in the debate about what expansion means," Werner said. "The implication is that decisions that may affect their lives are going to be made by somebody else behind closed doors."

Some Panhandle residents, however, require no further information to know where they stand. "We're not running around saying we want to see Pantex closed," said Phillip Smith, "but it wouldn't bother anybody in this agriculture community to see that outfit go." □

On Dubious Battelle

On May 6, DOE announced it would retain Mason & Hanger-Silas Mason Co. Inc. as its chief operator of the Pantex plant. The new contract will pay Mason & Hanger, which first took over operations at Pantex in 1956, \$1.6 billion over five years.

Just two days before DOE announced its decision, Mason & Hanger spokesman Kevin Knapp was elected to the Amarillo City Commission. Asked whether he would abstain from votes concerning Pantex that came before the commission, Knapp responded: "I have not decided that. I know I'm going to take a very low profile." Knapp says his dual role does not constitute a conflict. "I can definitely make a distinction between me being a city commissioner and me being at Pantex and that's exactly what I'm going to do," he said. Knapp formerly served as an administrative assistant to then state Senator (now U.S. Rep.) Bill Sarpalius, a strong advocate of Pantex expansion.

Mason & Hanger's new subcontractor at Pantex will be the Battelle Memorial Institute, a multi-national research and development operation based in Columbus, Ohio. According to Mason & Hanger, Battelle "will assume environmental, safety, health and waste management policy, planning and compliance functions."

Most of Battelle's \$600 million in annual earnings comes from contracts with industry and government. About 40 percent of its contracts are with DOE. It was Battelle, for example, that coordinated construction efforts for DOE's proposed nuclear waste repository in Hereford. The firm also conducted the study, commissioned by Exxon, which found that the 11-million-gallon *Exxon Valdez* oil spill "is unlikely to cause long-term harm to fish and other organisms in [Alaska's] Prince William Sound," said the *New York Times*.

In 1989, the EPA took a Battelle subsidiary to task for alleged laxity in its supervision of a subcontractor hired to analyze radioactive and chemical contamination at Washington state's Hanford nuclear facility. According to the *New York Times*, the subcontractor, United States Testing Company of Hoboken, N.J., was accused of lying about test results, forging records and improperly disposing of hazardous waste samples. United States Testing was stripped of its Hanford contract and twice barred from performing government work by the EPA. An EPA review charged the Battelle subsidiary, Battelle Pacific Northwest Laboratory, with inadequate supervision of U.S. Testing's activities. "Oversight techniques were not routinely extended to include a level of detail which could effectively determine data quality," the review said. Battelle said it had received only limited information from EPA but found no evidence of misconduct that would warrant suspension of U.S. Testing's contract.

— D.A.

Energy John Tuck, Bivins wrote: "I can assure you Amarillo's City Commission, Chamber of Commerce, Economic Development Corporation and numerous civic leaders in addition to the area's elected officials are exuberant about the possibility of expanding Amarillo's relationship with the Department of Energy."

Since then, Texas' state-wide representatives have jumped on the expansion bandwagon. On May 2, Sen. Lloyd Bentsen an-

Conference Explores Mexican-Americans' Role in Texas History

SAN ANTONIO

The "Mexican Americans in Texas History" Conference held May 2-4 at the University of Texas Institute of Texan Cultures in San Antonio marked the first major gathering of Tejana/o historians, directly challenging how the history of this state has been taught for the past 155 years.

The conference featured Chicano/a historians and sociologists, folklorists and ethnographers, literary critics and musicologists, archivists, librarians, painters, poets and novelists. Among the many topics addressed in the sessions were War and Conflict in 19th-Century Texas, Legacy of the Mexican Revolution, Racial Repression and Resistance in South Texas in the 1910s, History of Land and Labor in Central and South Texas, Música Tejana, LBJ and Mexican Americans, Texas Mexican Material Culture, Chicano Middle Class Politics, and History of Mexican American Theatre in Texas. Teresa Palomo Acosta, research associate for Hispanic Studies at the Texas State Historical Association, and her colleague, Cynthia E. Orozco, coordinated the event, which was made possible by the Texas State Historical Association (TSHA) and other institutions.

The conference honored Doña Jovita González de Mireles (1903-1983) and Don Américo Paredes for their great contributions to the preservation of the folklore, history and literature of the Mexican people of Texas. Paredes has been widely recognized as an eminent musician, folklorist, journalist, poet, teacher and professor emeritus at the University of Texas at Austin. Recently, his novel *George Washington Gómez*, was nominated for the National Book Award.

Don Américo's keynote address, read in his absence, gave an account of how the *viejos*, and the oral tradition they kept alive, provided and preserved what is now the subject of serious scholarship. "I have absorbed the history and culture of our people from the *viejos*, [my elders], guided [by] their oral narratives, their songs and anecdotes and by a bitter need to use all the things I have learned from [them] to combat the defamatory picture given to us by Anglo historians and *raconteurs*," Don Américo wrote. As UT history professor Ricardo Romo put it, "Don Américo's work has many historical dimensions and an understanding of Tejano history and culture begins with his published material."

Acosta and Orozco questioned whether this understanding began with Paredes. They honored Jovita González de Mireles as a México Tejana folklorist, historian, writer and educator who preceded Paredes. She pioneered collecting the folklore of Texas Mexicans in the Río Grande Valley in the late 1920s and '30s. A fifth-generation descendant of land grantees, González de Mireles was one of the first México Tejanas to write about and record her people's literature in English; in 1930 she became the first Tejana to obtain a master's degree in history, and a year later became the first Tejana president of the Texas Folklore Society, a position which Don Américo Paredes would attain 30 years later. Her research, her promotion of the teaching of Spanish in the public schools, and her stance claiming a México Tejano heritage stood in sharp contrast to most Anglo-produced studies of the time, which viewed Mexicans as a social problem.

In an taped interview played at the keynote dinner, Paredes depicted Doña Jovita as "a young woman travelling alone acting as an independent professional and at the same time being a traditional model of propriety." In her own words, spoken in Spanish, Doña Jovita describes the challenges of her work, the accommodations she made to the patriarchy of her own culture, as she presented herself in various communities in her unusual role as woman scholar:

When I would go out to do research for my thesis, I depended on two things: One was that I went to the Archbishop of San Antonio and asked him, 'I want you to write a letter of recommendation for me, so that I can take it to each town where I go and show it to the parish priest, so that he will tell the people of the community that I am a decent person. Another is that whenever the people were talking, I would take out my knitting needles and begin to knit so that they would not think I was one of those "other" women.

In Acosta's words paying homage to Doña Jovita, "Thus no harm could come to a man relating tales to a woman confidently bent over a complex knitting pattern politely extracting stories, *his* stories about *el paisano*, the mockingbird, and the devil on the border."

Appropriately, the conference honored several *viejos*: Doña Manuela Solís de Sager, who helped organize the Mexican Workers Union during the 1920s and '30s; Ed Idar Jr., who helped write the first constitution of the

American GI Forum and filed the first redistricting lawsuit; Aurora E. Orozco, a writer and activist from Cuero, Texas; and Luciano Guajardo, a librarian for over 30 years for the Laredo Public Library.

Though, as Don Américo pointed out, "We no longer need to look to oral tradition alone to make the voices of our people heard," the speeches by *los viejos* as well as other lay researchers and activists at the conference prove the value of their role in the evolution of today's scholarship. Their original perspective is still respected and recognized among these scholars. As living evidence of past as well as present struggles, the voice of "la gente" (the people) also exposes the lack of nurturing of voices such as those of future Chicana historians, of whom there are evidently only a handful in this scholarly field.

As Irene Ledesma, a doctoral student at Ohio State University, noted in her talk about Mexican American women's strikes of the Southwest, 1919-1974, although the garment workers who organized and fought for better working conditions and decent wages were primarily women, the media insisted on interviewing and highlighting only men.

A parallel situation exists today whereby Chicanas, in the absence of more women in the field of historiography, continue to read mostly Chicano scholars. Worse still, Anglo women who speak for and about us, recording our history, mistakenly, as Don Américo pointed out, looked "too long for the Mexican intellectuals to speak for us," just as the Texas Mexicanos of the past. Future conferences should address what can be done to promote Chicana scholarship. Tejano historians, like other male historians, can begin by integrating gender into their work and by mentoring young women scholars.

The new Tejana/Tejano Historical Association intends to promote the dissemination of Tejana/o history books in university and public school libraries. Through this kind of nurturing of scholarship and interaction, the historiography of the Texas-Mexican would no longer have to look to institutions such as the Texas State Historical Association for its legitimization. Professor Paredes' own message included these words regarding the new situation: "This conference is proof that the Mexican American intellectual is no longer a rarity.... Through our own efforts, we have learned to speak for ourselves."

—LETICIA M. GARZA-FALCÓN

Leticia Garza-Falcón is a doctoral student in comparative literature and teaches Chicana/o literature for the English Department at the University of Texas at Austin.

History's Judgment

By Sen. Paul Simon

In the midst of the cheers our armed forces have merited, there are those devastating pictures of some of the two million Kurdish refugees the war has caused, and the growing uneasiness of knowing that we were presented by the Pentagon with a sanitized war — sanitized by new limits on media coverage and by our inability to see the agony of the 100,000 to 200,000 Iraqis who died in the conflict or of our own casualties.

As I reflected on this, I came across three pertinent quotes, the first two from one *Washington Post* editorial page. Former Secretary of State Henry Kissinger writes: "America does not need to assert either the duty or the capacity to right every injustice by force of arms." Then I read columnist George Will's reflections on reaching age 50: "To have been born seven months before Pearl Harbor and to turn 50 two months after Desert Storm is to know the centrality of war in America's modern experience."

Reflecting is good for us if it does not cause inaction. On the most recent conflict, I recall the late December meeting five of us in the Senate had with President Bush in which it was clear that he felt it important to launch a military offensive against Saddam Hussein. As we left, he gave each of us a copy of the Amnesty International report on what the Iraqis were doing in Kuwait. "We can't let them get by with this," he told us.

And now Amnesty International is issuing reports about the abuses taking place in newly freed Kuwait. While the most recent reports are somewhat less ominous, I assume they are not being handed out by the White House.

It is much too early to make final judgments on the Gulf War, but my guess is that history will find that we should not have become so cozy with Saddam Hussein during the Iran-Iraq war, that we should have tried sanctions longer before resorting to the use of force, that our military performed superbly once called upon, and that we botched up the post-war situation.

World War II and the Korean War were justified and heroic actions on our part, though the Korean conflict might have been prevented had we been clearer on the matter of aggression.

Historians will not look kindly on what we did in the Vietnam War, though our motivation was good. And the Grenada mini-war is not likely to receive the applause of history. The Panama action will not bring us praise, though historians will not look with any sympathy on the Panamanian dictator, Manuel Noriega.

Not in the category of war, but part of history's judgment, will be our eagerness to supply arms to virtually every conflict around the Earth. Our involvement in wars, whether through our armed forces or our weapons, brings me to the third quotation I read recently from Herman Goering, Hitler's number two man, at the Nuremberg trials: "Why, of course people don't want war. Why should some poor slob on a farm want to risk his life in a war when the best he can get out of it is to come back to his farm in one piece?"

"Naturally, the common people don't want war: neither in Russia, nor in England, nor for that matter in Germany. That is understood. But after all, it is the leaders of a country who determine the policy, and it is always a simple matter to drag the people along, whether it is a democracy, or a fascist dictatorship, or a parliament, or a communist dictatorship. Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is to tell them they are being attacked, and denounce the pacifist for lack of patriotism and exposing the country to danger. It works the same in any country."

His words should not paralyze us into inaction, but they should cause pause as we make choices between war and peace, and as we make choices between helping people with arms or economic assistance.

Paul Simon is a U.S. Senator from Illinois.

From San Jacinto to Dhahran

Disturbing Parallels Between the Mexican and Persian Gulf Wars

BY DAVID MONTEJANO

DURING THE TIME that I was preparing these comments, the events of the Middle East and the Persian Gulf War dominated our daily lives. These events left a definite imprint on my thinking about social change, war and ethnic relations.

Analogies drawn from what historian Stanley Elkins called "living memory" help identify important areas for historical research, and they also help establish some distance from the remembered frame of reference. Using the Middle East as such a reference point, I believe, can help us better understand the situation of the Texas Mexican 150 years ago, and it can also serve as a marker or base line to measure how far we have come.

Whether we talk about a war of conquest or a war of liberation, we see similar dynamics at play. The contending parties must dehumanize the enemy and seize the high moral ground. This becomes clear if we compare the recent Gulf War with the Mexican-American War of the mid-19th century. The United States' war with Iraq over its conquest and annexation of Kuwait may be taken at face value as a war of liberation; the United States' war with Mexico and the subsequent occupation and annexation of the northern Mexican frontier, what today we call South Texas, may be seen as a war of conquest. In both cases, the leadership and armies of the enemy were portrayed as evil forces.

According to one *New York Times* commentator, "Saddam Hussein was a mail-order despot right out of the Sears catalogue." Similarly, historians portray Santa Anna as a tyrant who inspired fear and respect from the Mexican masses. A Time-Life book entitled *The Texans*, for example, noted: "Having acquired great power, [Santa Anna] thirsted for more; now he took political differences as personal challenges, an attitude that dictated the violence with which he subdued the liberal state government of Zacatecas and the destruction he planned for Texas. But cruelty and love of power and luxury made him no less effective a general. He was a charismatic leader whom his troops admired and feared."

The Mexican army and citizen-soldiers were likewise seen as cruel and treacherous. Walter Prescott Webb, in his history of the Texas Rangers, characterized Mexicans as

David Montejano is a professor of history at the University of Texas at Austin. These remarks were excerpted from a speech delivered to the Mexican Americans in Texas Conference in San Antonio May 4.



volatile and mercurial, cruel, ignorant, dishonest, superstitious and wholly unequal to the Texans as fighters. Arnoldo De Leon in *They Called Them Greasers* provides a nice summary of the views held by the Anglo Texans during the days of the Republic: Mexicans were primitive beings, religious pagans, indolent and carefree, sexually remiss, degenerate, depraved and questionably human.

In both cases, the Presidents of the United States proclaimed a great reluctance to go to war. President Bush, in his January State of the Union Message, declared: "And the war in the gulf is not a war we wanted. We worked hard to avoid war ... but time and time again Saddam Hussein flatly rejected the path of diplomacy and peace. The world can therefore seize this opportunity to fulfill the long-held promise of a new world order where brutality will go unrewarded, and aggression will meet collective resistance."

In like manner, President James Polk declared in his Second Annual Message, December 8, 1846: "The existing war with

Mexico was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it. After years of endurance of aggravated and unredressed wrongs on our part, Mexico, in violation of solemn treaty stipulations and of every principle of justice recognized by civilized nations, commenced hostilities, and thus by her own act forced the war upon us."

THE SIMILARITIES in the reasoning of both Presidents seem to suggest a collapse of history or time, what is popularly known as a "time warp." In fact, all effective analogies suggest such time distortions. For example, President Polk's praise for American patriotism in his Second Annual Message anticipates the words of President Bush 145 years later: "It is a source of national pride ... that the great body of our people have thrown no obstacles in the way of the Government in prosecuting the war successfully, but have shown themselves to be eminently patriotic and ready to vindicate their country's honor

and interest at any sacrifice. The alacrity and promptness with which our volunteer forces rushed to the field on their country's call prove not only their patriotism, but their deep conviction that our cause is just."

Either man could have said the following: "The war will continue to be prosecuted with vigor as the best means of securing peace. It is hoped that ... our last overture ... may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of their ... authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known."

That was President Polk. Which President do you think said the following? "It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic ... or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she maintain her nationality, and under a good government adapted to her condition be a free, independent, and prosperous Republic."

Those too, were the words of President Polk, who seemed to have "backed into the future." Certainly this comparison is more than just an analogy. A thread of continuity links the marshes of San Jacinto with the sands of Dhahran; what connects these wars of conquest and liberation is a long thread of hegemony of a European-American center over a non-European periphery. Indeed, one can argue that the preeminent position of the United States — its "more commanding position," in President Polk's words — in today's "New World Order" had its origins in the Texas Revolution and the U.S.-Mexico War.

President Polk in his Fourth Annual Message to Congress, noted as much: that one of the "most important" results of the Mexican-American War was the demonstration of the country's military strength, which many European and other foreign powers had questioned. The war with Mexico had "undeceived" them. Moreover, the vast additions of Texas, New Mexico and California — which now gave the country as much territory as "the whole of Europe, Russia only excepted" — had elevated the country to a "more commanding position among nations than at any former period." In fact, emphasized Polk, these acquisitions "will add more to the strength and wealth of the nation than any which have preceded them since the adoption of the Constitution."

Moreover, added Polk, such strength and wealth would make for peace: "The great importance and wealth of the territorial acquisitions" would enable the United States to pursue without interruption "our cherished policy of 'peace with all nations, entangling alliances with none.'"

Since the days of San Jacinto in 1836, the European-American axis has shifted its center from Western Europe to the United States, but this axis nonetheless remains the domi-

nant allied force in the international arena. An Anglo-European core continues to exercise dominion over a non-European periphery.

REFLECTING, THEN, on President Bush's declaration of a "New World Order," one might ask, in complete candor, what really is so "new"? As one political scientist wrote in the *New York Times*, "the Administration's proclaimed new world order is remarkably like the old one: The United States still calls the tune." Perhaps the only "new" aspect is that this latest military action took place in the post-Cold War era, after the collapse of the Warsaw Pact and the crises of communism in the Soviet Union.

Some have called this the "end of history," meaning that with the decline of fascism and communism, Western liberal democracy has won the great East-West ideological struggle. More appropriate, in my opinion, is Hegel's *dicho*, that "man learns nothing from History." □

Crimes Continued from page 3

the nation to pass such legislation, during the 1989 session, but the bills were vetoed by then-Gov. Bill Clements. Last year, Ohio — using the Texas legislation as a model — began a similar process. The result: clemency for 26 battered women who killed their abusers; Maryland commuted the sentences of eight more. Family violence experts estimate that scores of Texas cases might merit similar review under the new law.

I don't know whether these laws would have affected Melinda's situation, or those of any of the other children I spoke with that day and night. I don't, of course, condone violence, even against child abusers. But given the state's flawed system of dealing with abusive partners and parents, and the almost incomprehensible psychological damage abusers inflict on their vulnerable victims, it seems the only humane course to allow judges and juries to hear evidence of such abuse in cases where the abused victims felt they had no other choice than to resort to violence. And those whose cases have already been adjudicated deserve similar, retroactive investigation.

My day at Giddings opened my eyes to one small corner of the complex reality of crime and punishment in Texas. It taught me that a complex reality often underlies superficially simple acts of violence. But though crime is perhaps the most serious immediate concern for many Texans, too many politicians exploit those fears by crusading against the rights of defendants and pushing for longer and longer sentences, regardless of individual circumstances. Meanwhile, these tough-talking putative crime-busters refuse to muster the political courage required to pay for measures that really would reduce crime in the long run, such as education and job-training programs,

maternity and infant-health programs, abuse-prevention and counseling, and so on. (Studies indicate that as many as two-thirds of felons were abused as children.) Recent sessions of the Legislature have been especially odious in this regard, as a number of short-sighted so-called anti-crime laws were enacted that do nothing to address the causes behind the symptoms we all deplore.

In the midst of this kind of mindless response to a devastating social pathology, it's surprising, and heartening, to see that even in a state whose mythology so glorifies violence and retribution, laws as enlightened as these could slip through. While those laws will certainly help a few tortured souls, they are even more important because they signify the Legislature's willingness to acknowledge, at least after the fact, the role of abuse in some crimes. Moreover, the just-completed legislative session, which saw a number of reactionary bills proposed only to be rejected, and the defeat of the "bustin' rocks" mentality in the November election, may signify a trend toward a more rational, thoughtful approach to dealing with crime.

Let us hope that the day comes soon when our lawmakers will realize that behind most crimes and most victims lies a history of abuse or neglect of some kind, and that we should turn our attention and resources to addressing the sources of such abuses — before they erupt in violence. So that people like Melinda won't have to deal with the consequences.

— B.C.

Dialogue Continued from page 2

tica, Australia? If only some men somewhere, then which men where?

Personally, I share Mencken's delight in the daily belly-laugh that Kulchur in the USA provides.

James Sledd
Austin

Michael King replies:

As the sentence Sledd cites from Iron John itself implies, Bly is speaking primarily of men in western, industrialized societies, and not of personal "grieving" but of the sort of spiritual/cultural grief well known to Blake, Lawrence, Kafka, and Bly, among many others.

To take delight, as did Mencken, in contempt for one's own culture, may be justifiable or even necessary, but it is also a confession of homelessness. Is that not sufficient reason for mourning?

In this society, the education of the young is in the hands of ambitious demagogues like John Silber or corporate underbosses like William Cunningham. Bly's book suggests that in a sane culture, this task would be in the hands of shaggy elders who like to cause trouble: men (and women) like Robert Bly and Jim Sledd. □

A Film Before Dying

BY STEVEN G. KELLMAN

ABSOLUTELY POSITIVE

Directed by Peter Adair

ONE OF THE novelties of the "New Journalism" two decades ago was its recognition, even celebration, of the fact that objectivity and omniscience are shams. In principle, a newspaper of record ought to be able to dispatch any of its employees to an event, and each — asking who, what, where and when — ought to return with the identical story. However, like Impressionists who deposited their easels on the same riverbank, New Journalists came back with paintings whose signatures aren't hidden in the corner of the canvas. Though not every story has a point, all have a point of view.

P.O.V. acknowledges that those who point the camera project a point of view. A weekly PBS summer series, *P.O.V.* provides a rare opportunity to view independent nonfiction films. Its previous three seasons have offered TV premieres of *Salesman*, *Best Boy*, *Who Killed Vincent Chin?*, *Dark Circle* and *Girl Talk*, counter-programming against the blandness of network reportage and the fluff and dross of summer theater fare. Its 1991 season will include Exxon exposé *Sea of Oil*, Les Blank's Cajun gumbo *Marc and Ann*, *Berkeley in the Sixties*, *Homes Apart: The Two Koreas*, and *Maria's Story*, the portrait of an unlikely Salvadoran guerrilla. Most PBS affiliates inaugurate *P.O.V.*'s fourth season during the week of June 18 with *Absolutely Positive*.

The title refers to diagnosis of the human immunodeficiency virus (a prelude to AIDS) — as well as to the film's unexpectedly cheerful tone. Of more than one million people in the United States who are HIV-positive, director Peter Adair interviewed 125. *Absolutely Positive* presents 11 of them, frontal shots of talking heads who talk about their heightened sense of mortality. They are introduced in three initial categories: homosexuals, intravenous drug users, and those infected by tainted blood. However, these distinctions are soon blurred, as crosscut statements reveal similar reactions of fear, grief, shame, and fortitude. Adair's HIV 11 are a microcosm of a multicultural society — white, black, Hispanic, Asian; male, female;

straight and gay. All share the human condition of impermanence, though HIV tends to concentrate the mind more on that fact and accelerate the impermanence.

Denial is a common reaction to news of the infection. Juan, who contracted the virus from his first wife, initially refused to acknowledge his affliction, to the extent of marrying another woman and siring a child before eventually deciding to practice safe sex. Delmar, who contracted HIV through drug use, and his wife Margie, who contracted it from him, went on a drinking binge to forget about their troubles. In theirs and other cases, denial becomes hard to distinguish from its opposite, obsession. HIV has transformed each of those whom it has touched, forced them to confront and control the brevity of their lives. "I want the time I have left here to be my time," declares Adair, himself HIV-positive. "But how do you live with a monster?" The question haunts the film, and the viewer. Adair's answer is to make a film, a tranquil monster flick.

ABSOLUTELY POSITIVE is dramatically weak, in part a function of its deliberate attempt to avoid bombast. HIV is not cosmic retribution for human iniquity. "It is like the feeling of getting an F on the report card," explains Johnny, though he is not convinced he has earned that grade. Nor is a model named Greg who grew up Catholic: "I was about as angelic and white-bread as you can get....I wasn't sleeping with a bazillion guys!...My idea of love was two people in a room, with the windows closed." Doris, who unwittingly transmitted the virus when she gave birth to a son, knows he did not earn it.

HIV is a natural and often capricious phenomenon, and testimony about it lacks the elements of plot and purpose that make for narrative excitement. For husband and wife Delmar and Margie, it is as if their names had been "pulled out a celestial hat." HIV victims are unexceptional people whose accounts are often predictable and banal. *Absolutely Positive* does not plumb the depths of Dostoevskian anguish, nor does it challenge the mysteries of theodicy, of how to reconcile unmerited misfortune with a meaningful cosmic scheme. Intent on demystifying the disease, the film presents us with 11 human beings about whom we learn little except their common diagnosis. One is a logger, another a nurse, but most are not even identified by occupation.

Adair himself is the most engaging personality of the film, and, from his own open-

ing statement to the epilogue, he makes no attempt to conceal his presence or his point of view. We even see the director reflected in a mirror behind one of the men he is interviewing. A veteran filmmaker, whose projects have included *Holy Ghost People*, *Stopping History* and *The AIDS Show: Artists Involved with Death and Survival*, Adair explains that he has always taken on subjects that matter deeply to him. The two biggest events in his life, he claims, were his coming out of the closet and his learning he was HIV-positive. The first found expression in the 1978 film *Word Is Out*, and the second compelled him to make *Absolutely Positive*. "As a storyteller, I recognized a good story," he said, about what happens to people when they learn the bad news. Except that it is in fact uncomfortable with storytelling, with eloquence and extravagance, that it is in fact all small talk about big trouble, *Absolutely Positive* is an inversion of *The Millionaire*, the old TV series that eavesdropped on ordinary lives unexpectedly transformed by a reclusive tycoon's largess.

"The nice thing about having a serious disease is that it's OK to say anything you want, and people put up with it," Adair claimed. "I don't know if it's because they feel sorry for you — the extra-cake-at-the-birthday-party-'cause-you've-been-sick syndrome — or because they think, since you're facing death, you're somehow wiser." *Absolutely Positive*, by which Adair says what he wants, exerts a special claim on our attention. The filmmaker's authority comes not because he is particularly wiser than those who are HIV-negative and not even because we feel smug enough to patronize the prattle of a victim of misfortune. The film is effective precisely because it is a reminder of how none of us can be absolutely positive about anything but the inevitability of extinction. □

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Steven Kellman teaches comparative literature at the University of Texas at San Antonio.

Tall Tales from the Triangle

BY MICHAEL KING

KARANKAWA COUNTY:
Short Stories from a Corner of Texas
By Neal Morgan
College Station: Texas A&M Press,
1990 141 pp.

THESE ARE NOT so much short stories as tall tales, although more in the tradition of Twain or Faulkner than Pecos Bill. Karankawa County is Morgan's Yoknapatawpha, roughly coincident with Orange County (need one explain, Orange County, Texas?), in an especially unglamorous section of the Gulf Coast. It is an area, Morgan laments, neglected by Hollywood's version of Texas, and which is "lost in history...its people exist in a veritable vacuum, partly of their own creation." According to Morgan, the Dutch settlers who named Karankawa did so after cannibalistic Indians who in fact never lived there. It has more recently been called the "Golden Triangle" or "The Triplex" — after the refinery cities of Beaumont, Port Arthur and Orange.

But for the author the true Karankawans, the only ones who know the county's real character and name, are neither the Hollywood screenwriters nor the "immigrants" from the Deep South or East Texas, who arrived relatively recently to work in the oil industry. Rather, he looks to those "coastal plains long-timers... irrevocably tied to the land...who never had the slightest doubt of their own identities....They view themselves as Texan... and care naught what Hollywood, novelists, or history teachers write or say. They are sure one has to really work at being a Texan today... and they show thinly veiled contempt for anyone not thusly occupied."

With that kind of an introduction, it's not surprising that the stories that follow together form a sort of rough-hewn portrait of just what, for the author, a Texan might be. Or might say — a retired schoolteacher, football coach and principal himself (is there another state which can echo that particular ascension of careers?), Morgan places these stories in the mouth of one Coach Jacobs, now a coastal rancher readily agreeable to a bribe of "Scotch whisky and a willing ear." Jacobs shares with his creator — also now a rancher — a "grim fascination" with the county and its quirky inhabitants.

Although Morgan has a real gift for satire and even farcical comedy, as a group the stories are essentially elegiac in tone. Like the old-time Karankawans, Morgan seems

stunned by the contemporary state of Texas, its galling transformation from the mythic possibilities it once presented to its original inhabitants and immigrants. Now, the natural landscape is bludgeoned and scarred, the concrete and asphalt that increasingly covers it spiritually arid and economically vicious. One benighted character, a former high-school history teacher who had once tried in vain to impress upon his students the importance of their Texas heritage, dies raving hysterically over the trash on a gulf beach, apparently imagining the whole state dissolving into a welter of meaningless garbage ("The Waxahachie Coke Bottle").

Yet as its title suggests, even this story is filtered through a sardonic viewpoint (its narrator dismisses the poor teacher as "goofy as a goose"), and one's first impression of the collection is primarily of a human comedy cut to Texan type. A former whorehouse madame, now a barkeeper, introduces a customer to the writings of Thoreau (who also provides the book's epigraph) and soon, obsessed with Thoreau and Gandhi, he begins dispensing inscrutable wisdom to the sudden crowds attracted by his reputation for oddity ("Maud and Mahatma"). A drunken rancher in hock to the Great Coastal Bank attempts to transport his prize Brahma bull through downtown Beaumont for sale, and in comic justice, the bull breaks loose and into the Great Coastal Bank ("War Hoss Kelly and the Brahma Bull"). During the annual Fourth of July rodeo in downtown Karankawa City, the wild-cow race is won by a hapless news photographer from Dallas, who had been stupidly trying to get a close-up of what he thought was an unconscious cow ("The Karankawa Rodeo").

Yet beneath the surface of all this almost stereotypical rube-Texan farce is a darker strain, the growing implication that, comic or tragic, the old Texas that produced these tall-tale figures is inevitably drifting away, disappearing or being homogenized into Anywhere, U.S.A. In "The Click," a bureaucracy-weary school principal drives daily over the freeway and longs for a lost countryside:

It was a four-lane highway where Owen saw the deer, and he drove over it twice a day. It runs from Beaumont through East Texas, and it's often called the Eastex Freeway by those who make radio and television commercials for businesses on either side of it. In Beaumont, a large shopping mall fronts on it, just before it crosses the LNVA Canal and becomes a country highway instead of a city freeway.

The area between the mall and the Big Thicket area of Deep East Texas is caught up in a decision-making process, trying to decide whether it will remain country or become part of the city. Owen knew the city would win, because cities always do.

The principal finally decides to leave the highway, and his job, altogether, and return to the coastal country he loves — partly because it seems so unattractive to the developers and the construction crews and the "decision-makers."

MORGAN HIMSELF has apparently made the same retreat; and yet the impulse behind his stories is not simply an easy nostalgia for a lost rural Texas. A gritty defiance runs through them, and also a cold-hearted realism about much of that old-time Texas. A good example is his ambivalent treatment of the unacknowledged religion of Texas, high-school football. As a former coach, Morgan clearly knows very well the contradictory and bloody vicissitudes of football rituals, particularly in small towns where victories are rare and yet losing is unacceptable.

Young "War Hoss" Kelly is a Karankawa High School football star, although his grandfather dismisses the game as "damned foolishness and a waste of time." Nonetheless football will come to provide not only the boy's college education, but his grandfather's salvation, in the form of an avid booster willing to underwrite the grandfather's failing ranch. In "Waiting for '57," the town chews up coach after coach trying to repeat a one-time state championship — and does so only after a housing project inevitably integrates the school and the team. But football is also a twisted warrior cult, often brutal to nonwarriors, particularly women, and it is implicated in the reasons a young woman gives to her football-coach lover for killing her abusive husband: "Bubba was hurtin' me and he was handy. But I'm not sure whether I killed Bubba, or Karankawa County killed him, or the football killed him, or you killed him."

This uneasy, contradictory sense of human possibilities is a central conception in Morgan's stories, and especially important in the best tale, "Joe Willie's Problem." Joe Willie Kolander has the extraordinary power (or curse) to render useless any mechanical device, from his childhood baby buggy to his father's tractors years later, simply by his proximity. Inheriting the ranch, he becomes a happy, eccentric hermit living on the land — until chemical pollution poisoning his water brings him out, to do silent battle with

Frequent Observer contributor Michael King is a writer living in Houston.

the chemical companies destroying the Karankawa countryside.

On one level, "Joe Willie's Problem" is a comic set-piece, as a hapless sheriff and his deputies attempt to arrest a man who can effortlessly hex their guns, radios, sirens, squad cars and jails. But it also exhibits Morgan's melancholy yearning for some valiant, mythic rebellion against the terrible and seemingly unstoppable devastation that the corporations (and indeed ourselves, their servants), doing "business as usual," have wreaked upon our fragile Texas coastlands — indeed upon all of Texas. Like the goose-goofy teacher on the beach, Neal Morgan has tried to embrace his small corner of Texas, even as he feels it slipping away beneath him, to a darker and unknowable fate:

"I could see every town in Texas all around me on the beach with their bright lights shining. I pulled them to me and tried to hold them, but they just kept trickling away and returning to the beach. Then God and the devil painted the night with that scream"

The book comes to a close following that Manichean moment, and its author suggests that it remains impossible to tell the meaning, or the outcome, of that horrifying scream. □

Sematech

Continued from page 8

faced today by workers and neighborhoods in Santa Clara, Texas and elsewhere. Sematech, whose members include the 14 companies that produce 80 percent of the integrated circuits for the Department of Defense, promises to develop the new wave of semiconductor technologies, and transfer its innovations to its member firms through a system of rotating engineers and managers who work with the center for two years then return to their home companies.

In a position paper presented to Sematech, CRT pointed out that "by bringing producers together under one roof ... and by issuing development contracts to equipment makers, Sematech can ask for or specify pollutions prevention objectives directly. For instance the consortium could help coordinate goals and timetables for phasing out reliance on toxic solvents, gases, glycol ethers and other hazardous production chemicals."

While Sematech officials insisted that "we report to our members. They don't report to us," the consortium has agreed to continue meeting with the local citizens, and will respond in writing to the suggestions put forward by both CRT and neighbors. CRT wants a thoroughgoing reassessment of Sematech's mission, prioritizing safety, access to information, health and the environment.

At War With the Japanese

Currently Sematech's primary objective is beating the Japanese in an international struggle to dominate the \$620 billion chip market. Its immediate goal is to produce a smaller chip than those currently available

from Japan. "We're at war with the Japanese," one Sematech representative told the CRT delegation, standing before a market share chart outside the chemical vapor deposition area, "and this is the front line right here."

Receiving over \$100 million annually in federal, state and local subsidies, Sematech represents one of the federal government's most controversial moves towards a national industrial policy to coordinate what is currently the dominant industry in the US. With 2.7 million workers and 1988 sales of \$279 billion, according to the American Electronics Association, the capital-intensive electronics industry, dominated by a handful of multinational corporations, has become the focus of a wide ranging debate over national economic priorities and the role of government subsidy in world competitiveness.

Sematech promotional material equates government subsidy with innovation. "Our overseas competitors have, with their government's encouragement and support, targeted specific industries for domination. The U.S. electronics industries, which invented silicon chips, was one of those targeted. As a result, the U.S. lost leadership in the market and its ability to compete has eroded."

As a corollary to this argument, when the consortium came to Austin, receiving over \$55 million in state and local subsidies, Sematech boosters claimed this "innovation" would stimulate job creation, both locally and nationally. The Austin Chamber of Commerce, according to a 1988 *New York Times* article, estimated that the 800 original jobs at Sematech "could be parlayed into nearly 10,000 by 1995." In this trickle-down vision, hundreds of millions of dollars spent on research capital for a few companies will lead to jobs and a military secure in its technological edge.

But several angry locals complained at the May 17 Town Meeting that the original 800 jobs had dwindled to only 500 for Texas residents; one woman said that no one she knew in the largely Latino Montopolis area could think of a neighbor or friend working at the site. "I remember all the hype, and the vast opportunities for the community," said Gilberto Rivera of the United East Austin Coalition, "We all came out and said we supported Sematech because it meant jobs. We used to believe in jobs for job's sake, but now we have grown up and want information, safety and responsibility." One local contractor said that promises of minority contracts in the construction phase were never fulfilled. (Sematech officials say they haven't compiled statistics on local hiring.)

The People's Industrial Policy

While Sematech's success in "the war against Japan" continues to be controversial, it has made the first significant steps towards the toxic chemical source reduction demanded by CRT and other environmental groups. CRT,

however, insists that the planning for new production processes must involve citizens at every step.

According to Sematech's environmental-health specialists, the consortium labs have, on their own, already substituted solid arsenic for arsine gas, the most lethal chemical commonly used in semiconductor production. A single leaking cylinder of arsine gas, spread through the rapidly circulated air of a clean room, could quickly kill everyone at a production site and affect a wide area around a plant. This is one innovation for which the Silicon Valley Toxics Coalition has fought in Northern California.

Further, Sematech expressed a commitment to Freon-113 reduction in its new processes. Freon, long noted for ozone-layer destruction, and banned from aerosol use, evaporates into the air after being used as a cleaning agent in chip manufacturing. According to the recently released 1988 Toxic Release Inventory, Texas industries released 2.9 million pounds of CFCs into the air.

Finally, Sematech health specialists assured the delegation that worker safety was a priority in the contracts Sematech signed with tool manufacturers. However, in order to ensure that hazard response and worker safety, as well as toxic-substance control would be the central objectives of a government and taxpayer sponsored industrial policy for the semiconductor industry, CRT members asked that further meetings be scheduled to create an ongoing channel of communication with the community.

"The Montopolis neighborhood has been here since the 1800's and has a long tradition and tremendous needs," said Frank Compos of the Montopolis Montessori School, which is situated across the street from the Sematech plant. "I want to know how Sematech is going to do something for us. This could be a tremendously historical interaction that can make a difference nationwide. I would like to see a worst case scenario for Sematech and see it presented to the community. There is nothing wrong in holding you guys [Sematech] accountable to the community. We can go out and dialogue, offer people an open place for questions and concerns."

Suzanna Almanza, the local CRT liaison suggested that the public should have direct oversight over a publicly funded industry group. "You have advisory boards. We would like to be that advisory board—the people who are here. We would like to set up another meeting and see a response to the recommendations put forward today. We want to see the funds go to the community, a community protection plan, and we want to start a Good Neighbor Policy." Sematech verbally agreed at the meeting's close to respond to all of the community and CRT concerns in writing, and to meet on an ongoing basis with the delegates who live in Austin. — K.M.

The Duke Redux

BY JOHN PAPE

San Diego, Texas

TEXAS HAS ALWAYS had great tourist attractions. San Antonio has the Alamo. Houston has the Astrodome. Dallas has the state fair. And now Duval County has the George B. Parr Room of the Duval County Museum.

For six decades, the Parr family ran a political machine that controlled Duval County. Called the "Duke of Duval," George B. Parr was widely credited for, among other political shenanigans, orchestrating Lyndon Johnson's 1948 election to the U.S. Senate through the infamous "Box 13" voting scandal. Parr died by his own hand in 1975 as he was about to be sent to prison for income-tax evasion, effectively ending the Parr dynasty.

When the eight-room Duval County Museum opened in 1986, the exhibits were strictly about the people and history of Duval County except for the Parr family. The Parr legacy was considered to be such an embarrassment that no mention of the Parrs was included.

Time, however, and the need for an economic boost, has caused the county's leaders to reconsider. During Parr's reign, it was said that the dead would return on election day to vote for the Parr ticket. Now Duval County is trying to resurrect the Duke of Duval to attract tourist dollars.

Scheduled to open on June 22, the George Parr Room of the Duval County Museum will document the life of George Parr, and that of his father, Archie, who first established the Duval County political machine in 1911. Some of the Parr artifacts already obtained for the exhibit include the hat and clothing George Parr wore the day he died.

"When the museum was first opened, the county had been politically divided," said Lydia Canales, the chairwoman of the Duval County Historical Commission. "We had two parties. Some pro, and some con, and it was felt that it was just better to not have anything [on Parr]. Now, we've decided it's time to go on."

"What happened in Duval County with the Parrs is history, and we are going to include it [in the museum]. He was a very famous man," Canales said, "and people would come by and ask why there was nothing about him. That's how the Parr Room idea got started."

John Pape is a freelance writer based in South Texas.



JOHN PAPE

The Duval County Museum, home of the George Parr Room

County Judge Gilberto Uresti is one of the leaders in the effort to turn the area's history of corruption into a tourist draw. Uresti was first appointed to administer the scandal-ridden county by state district Judge Darrell Hester in 1975. "What we are trying to do is to turn something negative into something positive," Uresti said, "and the positive aspect is attracting tourists. We cannot ignore the past." Canales echoed the judge's sentiments, noting that they hope to use the exhibit to attract history and heritage tour groups, as well as some of the thousands of "Winter Texans" who travel through the area every year heading for the Rio Grande Valley.

The historical commission is negotiating for exhibits to add to the Parr collection. One of the most sought-after items is the notorious "Box 13" that propelled Lyndon Johnson into the Senate. During the 1948 run-off election, former Governor Coke Stevenson appeared to have beaten then-Congressman Johnson by just over 100 votes. Six days later, a recount revealed that votes cast in Precinct 13 in nearby Alice had been mysteriously overlooked. When the ballots from Box 13 had been canvassed, it was found that of the 203 votes cast, all but one were for Johnson. The

addition of those 202 votes gave Johnson a 37-vote margin of victory out of nearly one million ballots cast state-wide, earning him the nickname "Landslide Lyndon."

An investigation into the votes from box 13 revealed that the final 200 voters' signatures were in alphabetical order — an unusual way for folks to arrive at the polls — and appeared to be in the same handwriting. It was later determined that some of the people whose names appeared on the voting list were long dead, while others told investigators that they did not vote.

Governor Stevenson was quick to accuse Parr of responsibility for the fraud, an allegation Parr steadfastly denied. Despite an investigation by the Texas Rangers, and a challenge by Stevenson before the State Democratic Executive Committee, Johnson was declared the winner.

Since that time, Box 13 has been in the hands of a private individual in nearby Jim Wells County. Museum officials are negotiating with the person, whom they do not wish to identify, to loan or donate the round metal box to the museum as the exhibit's *piece de résistance*. "We're negotiating for it right now, and we're very hopeful," Canales con-

fided. "We're really anxious to get it, and it's possible we will have it for the official dedication in June."

Both state and federal investigators closely monitored Duval County as George Parr continued the family's rule. Parr served terms as sheriff and county judge, all the while doling out political patronage to ensure loyalty to Parr's hand-picked political candidates.

The Parr empire collapsed in 1975 as Parr was facing a federal jail sentence for income-tax evasion. He was found on the family ranch in his blue 1967 Chrysler Imperial, dead of a self-inflicted bullet wound to the head. Parr's heir-apparent, nephew Archer Parr, had been stripped of his position as county judge just weeks before. Having held office for 16 years, Archer Parr was convicted of perjury for lying to a federal grand jury about \$120,000 paid him by a county agency he had helped create.

TODAY, NO MEMBER of the Parr family is active in Duval County politics. Archer Parr lives quietly on his ranch and ventures into town only occasionally. George Parr's widow, Evangelina, is now married to Ireno Cadena and does not give interviews. The Cadenas still live in the old Parr mansion, but have left Parr's bedroom and some other parts of the house virtually untouched.

Efforts are underway to raise approximately \$200,000 to buy the Parr home as a new site for the museum. The Chrysler in which the Parr dynasty came to an end is stored in the garage, in need of restoration. "We're looking into some money-making things, as well as grants or loans from private companies and foundations," noted Canales. "We're hopeful we can get it off the

ground."

Parr's widow donated much of the Parr memorabilia that will be on exhibit, and the family intends to contribute more personal belongings before the formal opening. The only thing that will not be donated is a cigarette lighter, engraved with the initials "LBJ," given to Parr by President Johnson during a visit to the mansion.

In discussing Duval County politics today, Canales observed that the old pro-Parr and anti-Parr factions are long gone. Today, the Parr dynasty is nothing more than a part of the area's history. She also pointed out that, despite his reputation as a demagogue, George Parr made some positive contributions to the county. "He spoke fluent Spanish," she noted, "and taught the Hispanics of Duval County to have pride in themselves. There was no discrimination against Hispanics with Parr. Everybody was treated equally."

"He also taught the county about the value of education," Canales recalled. "He believed in education and he helped a lot of the young people go on to college. Personally, I liked him. He had a lot of charisma."

An old man sitting in small park across the street from the museum also had fond memories of Parr. "He done a lot of good for the people," he said. Giving his name only as "Beto," he recalled the time his family received help from then-County Judge George Parr. "There's a lot of people that say he stole from the county, but a lot of that went to poor people," Beto said. Judge Parr helped my family one time when we didn't have any money for food. He would always help poor people, Mexican or Anglo. It didn't make a difference to him." When asked if he would vote for Parr today if given the chance, Beto's answer was an adamant, "Hell, yes!"

Not everyone, however, is as proud of the Parr legacy. One local resident, who preferred not to give his name, felt that the political scandals of the past should be left alone. "I just don't want people coming down here laughing at us," he said. "All of that corruption was long ago, and we need to concentrate on positive things. I mean, the next thing they'll want to do is bring the tourists down here for a ballot-box stuffing contest."

WHILE THERE HAVE been changes in Duval County politics, the area has experienced little growth or economic prosperity. There is little industry, and many of the residents live at or below the poverty level. The county seat of San Diego clearly shows signs of economic decay. Many buildings in the heart of what would be a business district in a prosperous town sit vacant and neglected. Many are boarded-up while others are nothing more than empty shells.

Even the once-gracious Parr mansion on Highway 359, south of San Diego, reveals evidence of neglect. The yard of the sprawling Spanish style home is overgrown, and dead palm trees dot the property. A large "For Sale" sign is prominently displayed near the front gate.

While there are few prospects for economic revival on the horizon for Duval County, hope is alive in the hearts of the residents: hope for better times, and hope for tourist dollars. As the Parr family built a political dynasty out of this isolated brush country, the people of Duval County hope to build a tourist industry by capitalizing on the Parr era. As residents see it, their best hope for the future again rests with the "Duke of Duval."

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TEXAS TENANTS' UNION. Membership \$18/year, \$10/six months, \$30 or more/sponsor. Receive handbook on tenants' rights, newsletter, and more. 5405 East Grand, Dallas, TX 75223.

CATHOLICS for a Free Choice — DFW Metroplex. Information: 3527 Oak Lawn Ave., Ste. 156, Dallas, TX 75219.

JOIN AN ACTIVIST, issues oriented Democratic women's group in the Houston-Ft. Bend area - TEXAS DEMOCRATIC WOMEN - (713) 491-8783.

WORK FOR OPEN, responsible government in Texas. Join Common Cause/Texas, 316 West 12th #317, Austin, Texas 78701 (512) 474-2374.

CLASSIFIED RATES: Minimum ten words. One time, 50 cents per word; three times, 45 cents per word; six times, 40 cents per word; 12 times, 35 cents per word; 25 times, 30 cents per word. Telephone and box numbers count as two words; abbreviations and zip codes as one. **Payment must accompany order for all classified ads.** Deadline is three weeks before cover date. Address orders and inquiries to Advertising Director, *The Texas Observer*, 307 West 7th, Austin, TX 78701. (512) 477-0746.

SICK OF KILLING? Join the Amnesty International Campaign Against the Death Penalty. Call: Austin (512) 469-0966, Houston (713) 852-7860, Dallas (214) 739-5151, San Antonio (512) 622-3618, El Paso (915) 592-3925.

BOOKS

TEXANA, Western Americana, write or visit CYPRESS BOOK CO., 305 W. Lafayette, Jefferson, Texas 75657. Call Milton Jordan (903) 665-7227.

BOOKLETS

PROOF JESUS FICTIONAL! \$5 — Abelard, Box 5652-C, Kent, WA 98064 (Details: SASE)

SERVICES

MARY NELL MATHIS, CPA, 18 years experience in tax, litigation support, and other analyses. 400 West 15th, #304, Austin, 78701, (512) 477-1040.

YELLOW DREAMMACHINE, computer bulletin board system. Telephone (512) 473-2702. Disability-based subject matter.

MERCHANDISE

INAUGURATION T-SHIRTS. Woman's Place in the Dome and Ann Richards Victory Headlines available from Texas Women's Political Caucus. Call (512) 326-2282.

FREEWHEELING BICYCLES. 2404 San Gabriel, Austin. For whatever your bicycle needs.

REAL ESTATE

BEAUTIFUL Hill Country 2-acre wooded lot, utilities on site, in a unique environmental development on the Pedernales River. Riverfront owned by property owners. 35 minutes from Austin just past Hamilton Pool Park, across from Westcave Preserve. For sale by owners. (512) 477-3883, (713) 681-9133.

EMPLOYMENT

EXPERIENCED INVESTIGATIVE REPORTER. Large progressive newsweekly now hiring. Freelance also. Send clips, résumé: Executive Editor, Dallas Observer, P.O. Box 190289, Dallas, TX 75219 (214) 637-2072.

POLITICAL INTELLIGENCE

✓ **UPDATES.** The long, lonely story of former Salvadoran soldier Cesar Joya Martinez, recounted here last fall ("A Soldier's Story," *TO* 3/8/91) has taken another twist. Joya Martinez was arrested by the U.S. Attorney's office in San Antonio May 29, minutes after his release from a federal detention center, where he was serving a six-month sentence for illegally entering the United States. (*TO* 11/9/91.) He was charged with torturing and killing two men while on patrol searching for Salvadoran guerrillas in 1989. Joya Martinez has been trying to tell Congress about U.S. links to death squad activity in El Salvador, but has been subjected to arrest and harassment by the U.S. government.

Congressman Henry B. Gonzalez protested the arrest in a letter to Immigration and Naturalization Service Director Richard Casillas, charging that INS and the U.S. Attorney's office were trying to prevent Joya Martinez from pursuing his political asylum claim. Gonzalez and former President Jimmy Carter, among others, have tried to protect Joya Martinez against what they see as attempts to silence Joya Martinez via deportation to El Salvador, where he would almost certainly be killed.

The uprising by Chile farmers in El Paso and New Mexico ("Border Union," *TO* 2/8/91) has registered some new developments, as reported in *Texas Lawyer* by Amy Boardman. The story explained how a union of migrant farmworkers known as UTAF, with the help of Texas Rural Legal Aid (TRLA) lawyers in El Paso, challenged widespread violations of worker safety laws by corporate Chile growers.

Shortly after the story appeared, the union had signed a contract with one major grower, Loyad Anderson, raising hopes that some of the barbaric practices described in the story would be stopped. But Anderson attempted to institute a work rule that would require workers to thin the Chile plants by hand, rather than with hoes — requiring workers to stoop for eight hours. On May 21, the workers went on strike. After Anderson threatened to fire them all and replace them with other migrants, however, the union backed down.

TRLA has scored some successes in the fight, however. In April, U.S. District Judge Lucius Buntun awarded some workers \$35,000 in back pay, to which they were entitled for time spent traveling to and from the

fields. The growers have appealed the ruling, claiming that the added wage burden for workers' travel time would drive them into bankruptcy, and that the ruling violates existing laws. The grower who was the defendant in the case has filed for bankruptcy protection, leaving the judgment unpaid.

The fight has spilled over into another arena, because the author of an amicus brief filed on behalf of the growers appealing Buntun's ruling was written by El Paso attorney Kenneth Carr. Carr, as we reported last month, has been recommended by Sen. Phil Gramm for a federal judgeship in the Western District of Texas. Carr, who has not yet been formally nominated for the post by President Bush, had already drawn criticism from Hispanics who thought the seat should go to a Mexican American. The unions have called on Gramm to withdraw the Carr nomination, picketing his law offices. TRLA is continuing legal action against various growers and government agencies, said *Texas Lawyer*.

✓ **BIG GUNS FROM TEXAS.** The so-called "Brady Bill," which would mandate a seven-day waiting period for the purchase of handguns, is the most important crime-control legislation to come to a floor vote this year in the U.S. House of Representatives. Most members of the Texas Congressional delegation, however, voted against the wishes of law enforcement organizations and opposed this mild, though progressive legislation, which passed the House 239-186. Here is how our Representatives voted.

In favor: Mike Andrews, John Bryant, Jim Chapman, Martin Frost, Henry Gonzalez, Jake Pickle, Charles Stenholm, Craig Washington.

Against: Bill Archer, Dick Armey, Jack Brooks, Al Bustamante, Ron Coleman, Larry Combest, Kika de la Garza, Tom DeLay, Chet Edwards, Jack Fields, Pete Geren, Ralph Hall, Greg Laughlin, Solomon Ortiz, Bill Sarpalius, Lamar Smith, Charlie Wilson.

Public Citizen reports that Texas Congressmen who voted against the Brady Bill received \$152,594 in campaign funds from the National Rifle Association over the last five years, an average of \$8,477 each. Those who voted for it took in a little over \$14,000. Jim Chapman received \$13,348 of that amount, yet still voted against the NRA. Six of the eight members who voted for the bill received no NRA gun money.

All eight Texas Republican Congressmen

voted against the civil rights bill that passed the House last week. Only two Democrats, Stenholm and Hall, deserted their party to join the GOP on this vote.

✓ **A WOMAN'S PLACE...** Note that that last item used the sexist term "Congressmen." That's because no women now grace the Texas Congressional delegation. However, by next year, it's likely that at least one female, State Sen. Eddie Berneice Johnson, D-Dallas, may be moving up to Washington via the new black Congressional seat certain to be created in the redistricting process. And there may be another. Incarnate Word College political-science professor Larry Hufford told the *San Antonio Express-News* that outgoing City Councilwoman Maria Berriozabal, who narrowly lost the SA mayor's race to former state Sen. and City Councilman Nelson Wolff last month, would make a fine candidate for the Congressional seat likely to be carved out in south Bexar County. State Sen. Frank Tejeda has been assumed to be the front-runner for the seat, but Hufford prefers Berriozabal, who won much respect for her well-run campaign for mayor, because she is progressive. Hufford observed that only one of the state's Hispanic U.S. reps is a liberal — Henry B. Gonzalez.

Another woman seeking higher office is former Austin Mayor Carole Rylander, who switched to the Republican Party a few years back to run for Congress against paleolithic incumbent Jake Pickle and was crushed, winning less than a third of the vote. *Express-News* political columnist Bruce Davidson reports that Rylander is lining up top GOP support for a run against fellow Austinite Lena Guerrero for Guerrero's spot on the Railroad Commission. Guerrero, a progressive, effective former state representative who played a key role in Ann Richards' gubernatorial campaign last year, was appointed to the post by Richards in January, and must run for election in her own right next year.

✓ **THE POWER OF MOYERS** Another Texan is being mentioned for the White House. Not Lloyd Bentsen, not James Baker, not Phil Gramm — but Bill Moyers. *Austin American-Statesman* columnist Jesse Trevino has joined a couple of national columnists in pushing the former LBJ press secretary turned TV man of ideas to run for an office that has for too long been bereft of good ideas. □