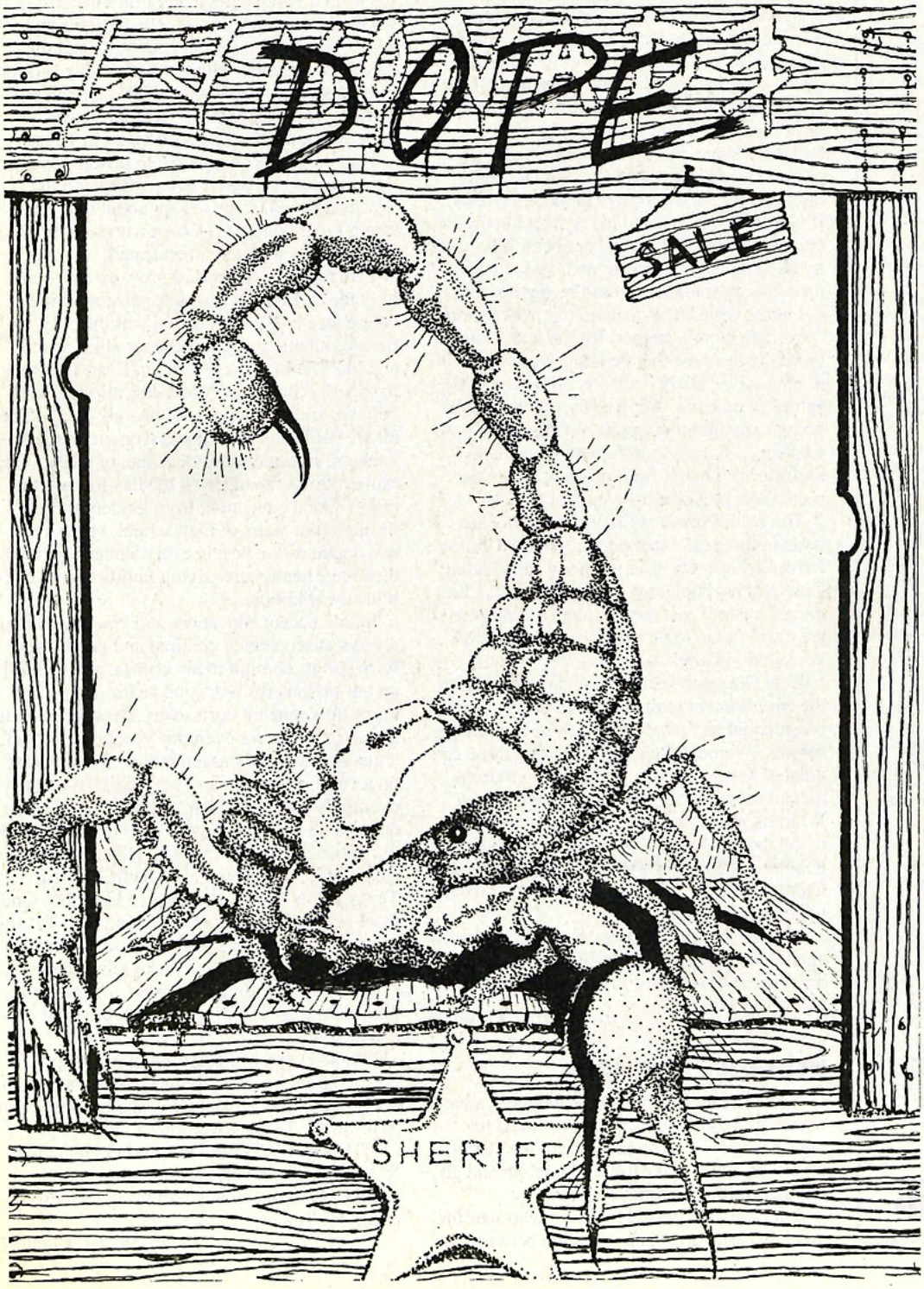
THE TEXAS Observer

A JOURNAL OF FREE VOICES

MAY 22, 1992 • $1.50

**WOMEN AND POWER**
*Pg. 15*




# Drugs, Stings & Profits: *The Law in Midland*

THE TEXAS Observer

A JOURNAL OF FREE VOICES

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

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

SINCE 1954

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# DIALOGUE

## Look Past Records

Michael C. Worsham is wrong [in his letter of 4/24/92, criticizing an Observer book review dated 3/13/92]. The Observer did not "allow Senator Al Gore to tout his environmental book." It allowed me to review that book and also pulished excerpts from an interview I had with the Senator in Dallas.

Agreed, Gore voted for an environmental and human tragedy, the war against Iraq. Agreed, most of the environmental damage was caused by the U.S. and its allies. But a critique of Gore's political history was not the purpose of the review or the interview. If the writer had read the review carefully he would have discovered that I did criticize the Senator's stand on nuclear power; I also allowed Gore to respond to questions about his stand on nuclear power in the interview. If Observer readers find his answer hypocritical, all the better. If he had not been "allowed" by the editors to be questioned, and to answer, then Observer readers would be the poorer.

I agree with Mr. Worsham that we cannot "overlook Gore's support for the war," but I fervently disagree that that means we also have to ignore his "positive efforts on behalf of the earth." Come on. Are we environmentalists going to maintain our purity to the extent that we keep getting "environmental presidents" like Bush? Time is running out. That's the point Gore makes most emphatically.

The environment is finally becoming an issue in this year's campaign; witness Clinton's Earth Day speech. The publicity surrounding Gore and his book may have influenced Clinton's decision. His environmental proposals are clearly akin to proposals found in Gore's book and in Gore's record.

If Al Gore and his book are helping to push the environment to the forefront of this year's presidential race, then we ought to be jumping for joy. We ought to also be holding these candidates' feet to the fire, demanding environmental salvation for this old battered planet. Whining about their past records is not going to get the job done. Except for Jerry Brown, nobody's record is good on the environment. Clinton has now joined the debate; its up to us to keep them talking.

And thank God The Observer "allows" writers like myself and readers like Mr. Worsham to continue to be heard in this wonderful "journal of free voices."

*Betty Brink, Ft. Worth*

## Schools, Not Jails

I cannot quarrel with Mr. Rapoport's advertisement (4/24/92) concerning the need for higher education as an investment for Texans. However, I will make use of the graph and go one step further - or maybe sideways:

Am I the only person in Texas who sees the great disparity and yet connection between the costs of any eduction (21% increase in the last eight years) and the costs of Public Safety and Corrections (Prisons) — (127% increase in the last eight years)? What can Texans be thinking of, and what games have our past governors and legislators been playing with the public? I believe Ann Richards is aware of the problems and connections between prisons and the lack of decent eduction for all Texas children. When we disdain to help many others except the elite, we will end up paying many times the cost of a good education for prison cells for thousands of adults who had no decent eduction, (and the danger of criminals on the streets today and for years to come, when the criminals are out on parole.) Hell, "Employee Benefits" have increased more than any education in Texas.

I am particularly sensitive to prison populations because I worked as a paralegal in the Washington, D.C., prison for about two years. There I met hundreds of men who were bright, but almost completely uneducated.

I am not from Texas ... I grew up and went to grade and high school in Evanston, Illinois, where an excellent education was the only thing available for rich and poor alike, white and black alike. Every child in Evanston went to superb schools, got good educations, and, I believe, are not residents of prisons today. They all are the business men and women, teachers, bankers, community leaders, etc. of today. One thing follows the other, as the day follows the night. Good education, from kindergarten through four years of high school, brings out, and demands the best in every student, and we then have healty, tax-paying families, who continue the tradition.

Ignore decent education, and you have, almost always, discontented children and youth, who form gangs, commit many crimes, and then fill up our prisons for years and years. Do you know how much it costs every taxpayer to house a man in prison for even one year? Good grief, let us spend five thousand per child every year on a good education, and we won't have to pay twenty thousand per year per prisoner. Consider also all the "extra" personnel needed to handle prisoners: guards, judges, police, marshals, etc. The Texas priorities are badly twisted. Texas seems to pinch pennies to keep thousands from getting a good education, and then Texans must pay and pay and pay to house thousands in prisons. It just doesn't make sense to me.

And of course, prior to prison, uneducated families are on welfare, and the State must contribute to that!

I think a copy of that graph of Mr. Rapoport's should be glued to the desk of each member of the State Legislature ... and to some other desks in the Texas government.

THINK BEYOND THE ENDS OF YOUR NOSES ... Think years into the future, and decide where the money will bring the best return for Texans.

*Peggy Snyder, Comfort*

# Presidential Thoughts: Poker With Perot

In the April Texas Poll, Ross Perot, at 35 percent, is leading George Bush, at 30 percent, and Bill Clinton, at 20 percent, for the Presidency. Of Perot's supporters, 38 percent were identified as liberals and 35 percent as moderates. It is true, per Molly Ivins, that as right-wing billionaires go, Perot is the best we've got. He appears to be a spontaneous and natural person, and he advocates some good things — particularly, that officeholders should lose most of their special privileges and that elections should be held on Saturdays and Sundays, not Tuesdays, so people who work for a living can vote more easily. But Perot is a radical right-winger on central issues. Observer readers may remember that Perot championed more wiretapping and bugging powers for the state police when he led the Texas War on Drugs from 1979-1981. Laura Miller of the late Dallas Times Herald reported in 1988 that Perot favored police house-to-house searches in South Dallas to seize drugs and guns. Perot denies that now, but Miller stands by her story and still has her notes. Worst of all, Perot wants to deprive Congress of the power to raise taxes—forever—with a constitutional amendment. Such a change would destroy the already gravely weakened Congress and might well, in due course, change the already imperial Presidency into a de facto dictatorship. Perot, whose supporters turned in more than four times the number of signatures needed to place him on the Texas ballot, also says that if he and Bush are way ahead of Clinton and it looks like the election will be thrown into the House of Representatives where Clinton would be chosen, he — Perot — will have no part of that — would withdraw rather than let the Democrat be chosen. In the game with Ross Perot, voters had better check their hole cards. This guy plays poker for keeps, and he can buy any pot up to three billion dollars.

I now regard my preference for Jerry Brown for the Democratic nomination in a recent column as defensible in the dispiriting circumstances, but wrong. Subsequently I have learned that a concentrated effort has been made in the Brown camp to bring him off his flat-headed flat tax proposal, which he has been told and told again and has to know would soak the poor and further enrich the rich to an incredible degree. That effort may have reached some sort of a decisive focus the week before the New York primary. In any case, Brown did not budge. His persisting reactionary position on the federal income tax cost him his credibility as a progressive candidate. So we are where we are — a right-wing billionaire gifted with a good spiel threatening to run off with the country.

## Bill Moyers for President — of UT

Bill Moyers ought to be running for President of the country this season. He frankly, publicly confessed his interest in doing it, but didn't. Perhaps he is somewhat uncomfortable, starring in public-issues programming on television and becoming a possible presidential contender at the same time.

Moyers started out life as a fixated fundamentalist Christian anti-Communist, and he was that when he turned up at Lyndon Johnson's side after the Kennedy assassination. Yet, as chief of Johnson's domestic task forces and his press secretary, Moyers grew into a sound progressive policy leader. Behind the scenes he opposed the Vietnam war, but he never went public about it. His resignation without explanation in the middle of Johnson's elected term was evidence of his decency, but his not saying why he quit was the great failure of his period in public office. Ever since, though, on national television, he has been cracking the eggs in the Establishment's nests. If, because of his silence as he resigned, he needed redemption, he has most certainly earned it. He is trusted across the country as no one else has been since Walter Cronkite.

There is something, however, that leaves us feeling uneasy when a TV star enters politics. Moyers needs a change of profession, something comparable to Eisenhower's period, before he ran for President of the United States, as president of Columbia University.

Voila! Moyers is reported to be interested in leaving public television to become President of the University of Texas. The designation of William Cunningham as the UT System chancellor is anything but inspiring — more big business as usual, despite the presence of a new liberal-leaning Governor. If the regents would now bring in Moyers as President of the University, even though knowing that he might eventually run for President of the United States, the situation would be transformed into something promising and exciting for higher education in Texas — and possibly, down the road, for the country.

## 93,000 Texas Prison Cells

Pretty soon, the way things are going, the Texas prison population will double. In April the Board of Criminal Justice approved sites for 30 new prisons and negotiations to buy six private ones. Nine other prisons are under construction. All this will increase the prison capacity in Texas from 48,000 persons to 93,000 persons. "We're now engaged," board chairman Selden Hale told the Dallas News, "in the largest prison building program in America." About one in five new inmates has been convicted of a violent crime; about one in three inmates in Texas is a drug offender. Blacks now comprise 47 percent of the prison population, whites 31 percent, Hispanics 22 percent.

Crime is personal, but its patterns have causes. Behind such dry, bare-bone facts as these on the acceleration of imprisonment in Texas there lie the failure of progressives to insist on the causal connections between poverty and crime and the failure of American society to address the social collapse of the central cities and right the gross maldistribution of wealth and power, in which the top 1 percent of the population now has more total wealth than the "bottom" 90 percent.

— R.D.

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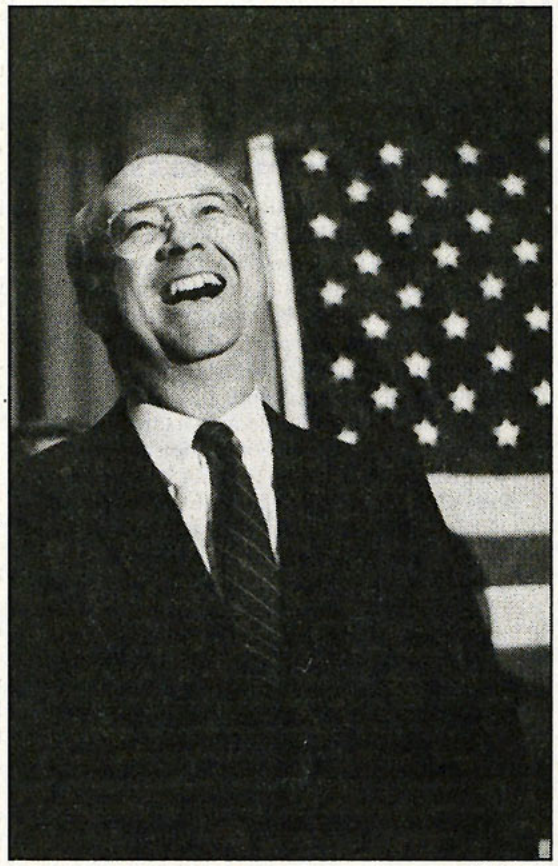
*Cover illustration by Michael Alexander*

# Inflammatory Rhetoric

Determining who, other than four policemen and 12 jurors, is responsible for the Los Angeles riots has come to be called the "blame game."

White House spokesman Marlin Fitzwater blamed the failed programs of the '60s, the President has blamed the Congress, and Housing and Urban Development Secretary Jack Kemp, by remaining silent, has graciously suggested that the President is to blame. It was, after all, President Bush who stood by while Kemp was shut out of the White House by the Bush gatekeepers.

Who to blame? The American people, according to a New York Times poll, blame the Federal Government, saying by a 63-34 margin that not enough attention is being paid to needs and problems of minorities, most living in cities and forgotten since Ronald Reagan was elected in 1980. Editors at the Times documented the decline of Federal spending and in an editorial entitled "The War Against the Poor" singled out President's Reagan and Bush, arguing that "the poor, sick and homeless who roam city streets are not the citizens or products simply of New York or Los Angeles or Detroit or Chicago. They are America's poor, sick, and homeless. America has forgotten its collective responsibility to them during the Reagan Bush years."



FILE PHOTO

**Phil Gramm**

In their May 6 lead editorial Times editors also wrote:

• Direct Federal aid for cities has fallen more than 60 percent (adjusted for inflation) since 1981.

• The Federal share of city's budgets decreased from 18 percent to 6.4 percent just as AIDS and a nationwide crack epidemic sent social spending through the roof.

• Lyndon Johnson's War on Poverty help cut the poverty rate nearly in half and reduced poverty among the nation's elderly even more.

• Poverty programs like food stamps, medical care, higher Social Security benefits, college tuitions, legal services and prenatal care, and early childhood education, along with a healthy economy, brought the poverty rate down from 19 percent in 1964 to 11 percent in 1973.

"To denounce programs like Medicare, Head Start and WIC [a nutrition assistance program for women and infant children] denies the suffering of tens of millions who would stumble, or fall, without help," argued the Times editorial writers. Disagreeing with the White House, they laid the blame upon those who for 12 years have waged this War Against the Poor.

In the same year that Ronald Reagan was elected, we in Texas elected a man who has become one of the *capos* in that war, and since hardly anyone is paying attention to his record, we will.

Let us begin by remembering that on one January day in 1991 Phil Gramm, the Republican junior Senator from Texas, voted against additional funding for: Head Start (the early childhood program considered by many to be the most successful of all of the Great Society anti-poverty programs), the Low Income Housing Energy Assistance Program, and Pell Grants for college tuition. The appropriations would have cost no additional money because they were part of a proposal by Iowa Sen. Tom Harkin to transfer funds from Defense Department accounts into the general budget for social spending. Included in the appropriations that Gramm (and Democratic Sen. Lloyd Bentsen) voted against was $400 million for the National Cancer Institute; $170 million to the National Institute on Aging to double what they were spending on Alzheimer's research; $100 million for the Centers for Disease Control's immunization program which would have provided the immunization of more that 1.6 million children with the hepatitis B vaccine, 650,000 additional children's second round of measles, mumps, and rubella vaccine, and an additional 1.8 million preschool children with recommended immunizations; $50 million to the Center for Disease Control to double breast cancer screening programs; $100 million for mental illness research; and $900 million for the Head Start Program.

(On these issues Gramm has remained consistent. In 1986 he voted against an amendment offered by Ohio Sen. Howard Metzenbaum to provide additional funding for WIC, maternal and child health, childhood immunization and community health centers.)

In 1986 also, according to Congressional Quarterly, Gramm was almost singlehandedly responsible for killing a bare-bones compromise to re-authorize funding for some 50 Federal housing and community development programs — the first major housing bill with any promise of passing in Congress since 1980. The original House bill, a result of a compromise between Republican Stewart McKinney of Connecticut and San Antonio Democrat Henry B. Gonzalez, had won a 340-36 vote in the House, but not before a group of conservative Republicans had attached amendments which drastically altered the bill. Housing advocates in the Senate hoped to return to the bill's original language and intent, resolve differences with the House in a conference committee, and then get a bill to the White House. Housing advocates warned that "no bill might be preferable to one that was reshaped on the floor by Senators Armstrong and Gramm," according to Linda Greenhouse of the New York Times. No bill is what the country got. "It never reached the floor because of filibuster threats by Phil Gramm, R-Texas, and William L. Armstrong, R-Colo. ...," reported Congressional Quarterly. Gramm made the same fight in 1988 but failed, when the first housing bill to be passed by Congress since Ronald Reagan's election was approved and signed by the President

.In 1986 Gramm did vote *for* something, an amendment considered on April 23 that would have terminated Urban Development Action Grants, rental housing and development grants, FEMA supplemental emergency food and shelter, rural housing loans/grants, rental rehabilitation grants, section 8 moderate rehabilitation housing grants and a section 203 elderly and handicapped housing program. By this time the country was beginning to suspect that the Ronald Reagan's program wasn't delivering what was promised and that the Laffer curve was laughable. The Senator ended up on the los-

**Continued on pg. 21**

# Drugs, Stings & Profits:
## *The Law in Midland*

*Virtue has never been as respectable as money*
*—Mark Twain*

*Midland*

LAST SUMMER I spent eight weeks covering a series of events that the local media had been describing as a "feud" between the Midland County Sheriff's Office and County Commissioners' Court. In mid-September, I took my 5,000-word first draft in search of a local newspaper, and, after repeated humiliating offers that would not have even covered my expenses, I did what I should have done in the first place and called the Texas Observer. The new editor, Dave Armstrong, offered, to my delight, not only to pay expenses, but a modest honorarium as well. Moreover, said Armstrong, it was no problem that I wished to leave forthwith on my first vacation in four years; I could simply fax him the manuscript and the story would be on the street by the time I got back.

When I returned in two weeks, the story wasn't quite finished; in fact, it had taken on a life of its own. In my absence, Armstrong had driven out here, not once, but twice. And, armed with Open Records Act requests and a guns-blazing big-city investigative reporter's style that left the locals wondering what had hit them, he had swept through Midland and Monahans, taking no prisoners and obtaining more pertinent documents than I ever knew existed.

From there, the story grew apace; and following a marathon of sorts that featured Armstrong locked in his house with little or no sleep, calling out at all hours to me, to the intelligence community noosphere and God knows where else to nail down this quote and that attribution, it soon grew to twice its original size, birthing finally as the Oct. 18 cover story, "Have Badge, Will Travel." I refer the reader to that issue for detail and specifics of fact; here, I will merely reiterate background.

### Listen to the Weird: The Iran-Contra Chickens Come Home To Roost In Midland County

The conflict between Midland County Sheriff Gary Painter and the Commissioners' Court, headed by Judge Charles W. "Bro" Seltzer, revolves around the sheriff's office's conduct of reverse sting operations — undercover police operations in which officers offer drugs for sale, then arrest the buyers and confiscate their money and property. What most observers assumed is that the commissioners were concerned that because the Operations Division, headed by fomer Texas Ranger Clayton McKinney, was conducting stings — "reversals" —outside of Midland County, sometimes as far afield as Arizona, Oklahoma and Indiana, that they were creating an unnecessary potential for liability lawsuits. The Sheriff's Department, said the county judge and commissioners needed to stay within their own jurisdiction as defined in the Texas Constitution and applicable case law. To this end, the Commissioners' Court issued a resolution policy and order, stating that the court would neither fund nor assume legal responsibility for operations, particularly drug reversals, conducted out of the county.

Sheriff Painter responded by filing a lawsuit in state district court asking for both a "writ of mandamus" requiring the commissioners to cease meddling in his department's internal affairs, and a grant of injunctive relief from the resolution policy and order, which carried a potential for contempt of court, if not abided by.

After attending two sessions of Commissioners' Court and separately interviewing several commissioners and other county officials, I began to understand that while this conflict contained all the elements of a county-courthouse political feud, it was something much more; in fact, it tended toward the bizarre.

As best as I could determine, the burlesque began about the time Sheriff Painter and his operations Captain Clayton McKinney hired as "special deputies" two soldiers of fortune to help them plan and execute reverse drug stings. These mercenaries, Gary Howard and Ronald Tucker, prior to entering the freelance reverse-sting business, had owned and operated a paramilitary corporation known as Peregrine International.

Incorporated in Texas around 1981, Peregrine, according to press reports, operated "like a private CIA, offering counter-terrorist and counter-insurgency assistance to foreign countries." Among the services they claimed to provide were "commando training program(s) which include restraint techniques, interrogation and demolition and sniper marksmanship." According to press reports and court documents quoted in the previous Observer article, Peregrine personnel had also claimed participation in schemes to abduct and kill drug smugglers in Peru, Honduras, Belize and other Caribbean countries, and in the training of Nicaraguan Contra rebels and elite military commando units throughout Latin America. They were also alleged to have been involved in a fairly strange plot to kill the Ayatollah Khomeini, and in the training of Haitian Dictator "Baby Doc" Duvalier's state death-squad, the dreaded Ton Ton Macoute.

Some of Howard and Tucker's later freelance projects include a series of arms-deal stings, allegedly conducted in association with U.S. Customs, whom they claim hired them to set up the deals. In one, called "Houston I," which involved a foiled arms shipment to South Africa, they reportedly received $600,000 in commissions from funds forfeited in the deal. Another, "Houston III," which specifically targeted British arms merchant Ian Smalley, otherwise known as "Dr. Doom," was devised as a response to a plot to simultaneously deliver 100 M48 A-5 Tanks to Iran and 8,300 U.S.-built TOW anti-tank missiles to Iraq; it came unwound at the last moment, leaving Howard and Tucker claiming a $1.4 million loss, for which they are currently suing the Customs Service. In their suit, Howard and Tucker claim that Customs and the Department of Justice scuttled the operation because Smalley was actually working with the U.S. Government, Britain and Israel as part of the illicit Iran-Contra scheme to deliver arms to Iran in exchange for freedom for hostages.

Exactly how Sheriff Painter came to employ the likes of Howard and Tucker is not all that clear. Speaking with this writer in the hallway of the Midland County Courthouse, Painter indicated that he first met them in the mid-1970s through Presidio County Sheriff Rick Thompson's office, where Painter served as chief deputy from 1973-78. Whatever the connections between the mercenary duo and the Presidio sheriff's department, Sheriff Painter long has and continues to evince warm feelings for them, having gone on the record more than once praising their "patriotism," and stating that they are "welcome at his house anytime."

"What one of them can't do, the other can," McKinney said in a Dallas Morning News article. "Gary is more of a planner, kind of a layout man. He handles the situation way down the road. Tucker is more like the most of us, he's handling the problem right at the time."

It was with the help of Howard and Tucker that Painter was able to embark on what Midland District Attorney Al Schorre characterized as "the first phase of Painter's international career—Iranians and commies; the second being drug stings." As the result of a four-month "investigation" for the Midland County Sheriff's Office in the Big Bend, 200 miles from Midland County, Howard and Tucker reported to Painter the existence of five "terrorist training camps," where squads of Libyans, Cubans and Colombians were readying for attacks against the United States. With said information in hand, Painter hopped a jet, at taxpayers' expense, to Washington, D.C., where he met with top federal officials, including Boyden Gray, chief counsel to then-Vice-President Bush; John Savercool, aide-de-camp to U.S. Sen. Phil

*Nick Johnson is a freelance writer living in Midland.*

Gramm, R-Texas; and representatives of the Central Intelligence Agency. The federal response was up-the-sleeve snickers.

Research done since the first Observer article indicates that the "terrorist training camps" story may have originated with none other than Pablo Acosta, the quondam drug lord of Ojinaga, assassinated in 1987 by Mexican Federal Police in an operation abetted by the American FBI. Acosta, who had an ironic sense about him, may have intended a joke on gullible gringo lawmen, or, more seriously, a ruse to bring pressure upon the Colombians with whom he'd once shared his smuggling routes, but with whom he had subsequently fallen out.

Painter's other international notoriety came out of the Fonseca affair, in which Howard and Tucker lured an "international arms dealer" to Midland to inspect a cache of "missile parts," which were in fact, barrels of gravel. Despite dismissal of the case on grounds that buying gravel is not illegal — unless it is illicit gravel, of course —Painter played the incident for all the publicity he could garner, including an interview with Ted Koppel on ABC's "Nightline."

Aside from the comic-opera aspects of the Fonseca case, noteworthy, too, are insinuations by the Midland Sheriff's Department that Howard and Tucker were somehow working for "military intelligence" in connection with that operation. A subsequent investigation has yielded no evidence of such connections.

So, it was against this backdrop and the passage in 1989 of a new forfeiture law, Article 59 of the Texas Code of Criminal Procedure, which allows law enforcement agencies — under certain conditions — to keep and use for "law enforcement purposes" any assets seized and awarded them by a court, that Painter and McKinney, in concert with a host of friendly D.A.s, other sheriff's departments, informants, former drug dealers and mercenaries, pooled their talents in pursuit of the big reversal. McKinney has been quoted on numerous occasions in almost salacious praise of this type of operation, opining that in order to do it right, his office needs to keep upward of a million dollars in the forfeiture account.

This, according to the commissioners in their resolution policy and order, is "entrepreneurial law enforcement," the public policy implications of which can only be bad.

*Why does a hearse horse snicker,*
*hauling a lawyer away?*
*—Carl Sandburg*

Since publication of "Have Badge Will Travel," in October 1991, the following events and developments have transpired or come to light:

Hal Upchurch, former Ward County district attorney and initial attorney of record in Sheriff Painter's suit against the Commissioner's Court, with whom the Midland County Sheriff's office conducted several reversals, was indicted by a Ward County grand jury on January 16, 1992 for activities relating to those operations. The indictment charges Upchurch misapplied $68,750 of $275,000 seized in a 1989 marijuana reversal conducted in Ward and Grayson counties, and tampered with governmental records by reporting only $206,200 of the $275,000 seizure. According to court testimony by Midland County Sheriff Gary Painter in his suit against the Midland County Commissioners, which recently went to trial before visiting Judge Virgil Mulanax, Midland County deputies played a significant part in this operation: Captain Clayton McKinney flew the seized funds and Ronald Ray Tucker from Grayson County to Ward County in an aircraft rented by the Midland County Sheriff's Office (MCSO). Tucker was also named in the same set of indictments — for misapplication of fiduciary property and theft.

Less than two weeks later, the same Ward County grand jury again indicted Tucker, this time for lying during testimony in a case against drug informant Billy Doyle. In the court record of that case, detailed in the Odessa American by reporter Mike Wheeler, Doyle, who was assessed a 50-year sentence for drug violations, agreed to cooperate with Upchurch's narcotics officers Clay McKinney, son of MCSO Captain McKinney, and with Tucker, only after McKinney the younger threatened Doyle with bodily harm, according to allegations made by Doyle's appeals attorney, John Osborne.

In 1990, Midland County Sheriff's deputies confiscated $449,950 in a marijuana reversal that took place at the La Quinta Motor Inn in Midland. According to his own testimony in the recent suit over the resolution policy and order, Sheriff Painter admitted that after seizing the money, deputies Jose Primera and Ed Krevitt took it to the sheriff's office in the basement of the Midland County courthouse, where they counted and photographed it. Then the money went for a ride, when Sheriff Painter and Deputies Primera and Krevitt immediately loaded it into a car and transported it to Ward County District Attorney Hal Upchurch's office, where Ronald Tucker attested in affidavit that he had seized the money in Ward County. Later, when defense attorneys began grousing about contesting this "illegal" forfeiture, the money was moved back to Midland, where another affidavit was sworn attesting that the seizure had indeed been made in Midland.

In this particular case, the "local agreement" clause of Article 59 would seem to mandate the equal division of the funds between the Midland County D.A.'s and Sheriff's forfeiture accounts; yet Midland County D.A. Al Schorre's office received only $19,000. The remainder was divided between the forfeiture accounts of Sheriff Painter and Ward County D.A. Upchurch.

In what would seem to be a curious variation on standard forfeiture procedure, on or about August 25, 1989, Clay Mckinney, acting as a peace officer with Hal Upchurch's 143rd ??? District Attorney's office, filed a notice of intention to forfeit $206,250 against Ronald Ray Tucker, who was requested to relinquish any claim that he or his office had to the money. After "respondent" Tucker failed to appear, the money was forfeited to the Grayson County Sheriff's Office and Mr. Upchurch's office. The final disposition of this money, the proceeds of a sting, was not challenged by the original owners of the $206,250.

Despite claims by Tucker that he and Howard were at the time not peace officers, but merely informants, and therefore could not have violated fiduciary trusts, the Dallas Morning News cited at least three instances where the duo had requested "carriage of their commissions" — that is, issuance of law enforcement credentials, from local law enforcement agencies. According to the Morning News, after being turned down on such a request by Midland District Attorney Al Schorre, Howard and Tucker approached Sheriff Painter, who swore them in as "special" deputies on or about Jan. 9, 1985. Painter reportedly kept the record of their commissions in a desk drawer, thus depriving the county commissioners of the opportunity to lawfully approve or disapprove the appointments.

In December of last year, Glyn Robert Chambers and Sheriff Rick Thompson of Presidio County were charged with and subsequently pleaded guilty to federal charges of conspiracy to import for sale 2,400 pounds of uncut Colombian cocaine.

The cocaine, with a potential street value estimated by some to be as much as $1 billion, is believed to have been jointly owned by several Latin American smuggling organizations, including the Medellin Cartel of Colombia, the Guadalajara and Chihuahua City cartels of Mexico, and the successor organization to Pablo Acosta's Ojinaga Drug Plaza, now run from Juarez by former Acosta associates Amado Carillo Fuentes and Malaquias Flores. According to DEA and Customs intelligence reports, these organizations have been responsible for thousands of murders in their respective regions, including the machine-gunning of a 24-year-old woman and her 12-month-old baby on a Guadalajara sidewalk and the abduction and murder by torture of American DEA agent Enrique Camarena.

According to the arrest summary in Sheriff Thompson's detention hearing in Pecos on Jan. 12, 1991, attested to by DEA agent Dale Stinson of El Paso, Chambers and Thompson were to deliver the cocaine to either Houston or San Antonio, for which they were to be paid a transshipment fee of half a million dollars apiece.

According to articles in the NIMBY News (acronym for Not In My Back Yard), a tough little Alpine newspaper run by retired Marine Corps Colonel Jack MacNamara, Glyn Robert Chambers was a family friend, possibly even a godson, of drug lord Pablo Acosta.

The NIMBY and other newspapers describe Chambers as somewhat of a wild boy, having been associated with border drug dealing and ancillary criminal activities for 16 years or longer. Chambers also had connections with certain law enforcement officers in the Big Bend area, and was apparently willing to do for them things which probity, propriety or the law might have prevented them from doing themselves. He reportedly made regular forays across

the border to retrieve stolen livestock, vehicles and airplanes; and, as the legend goes, with the aid of Pablo Acosta, once broke out of an Ojinaga jail a rapist wanted in the United States, leaving the liberated prisoner barb-wired to a tree on the American side for law officers to "find."

Captain Clayton McKinney admits that as a Texas Ranger in the Big Bend area he often availed himself of Chambers' services. And in 1989, Captain McKinney wrote a warm letter of recommendation on Chambers' behalf to Judge Harry Hudspeth, after Chambers had been charged with a federal firearms violation earlier that year. The text of the letter is this:

*I am Captain Clayton McKinney of the Midland County Sheriff's Department, Midland, Texas. I am writing this letter on behalf of Mr. Robert Chambers, who I understand is to appear before you for sentencing. Having worked the border area for sixteen years as a Texas Ranger, I have known Robert well for the last several years.*

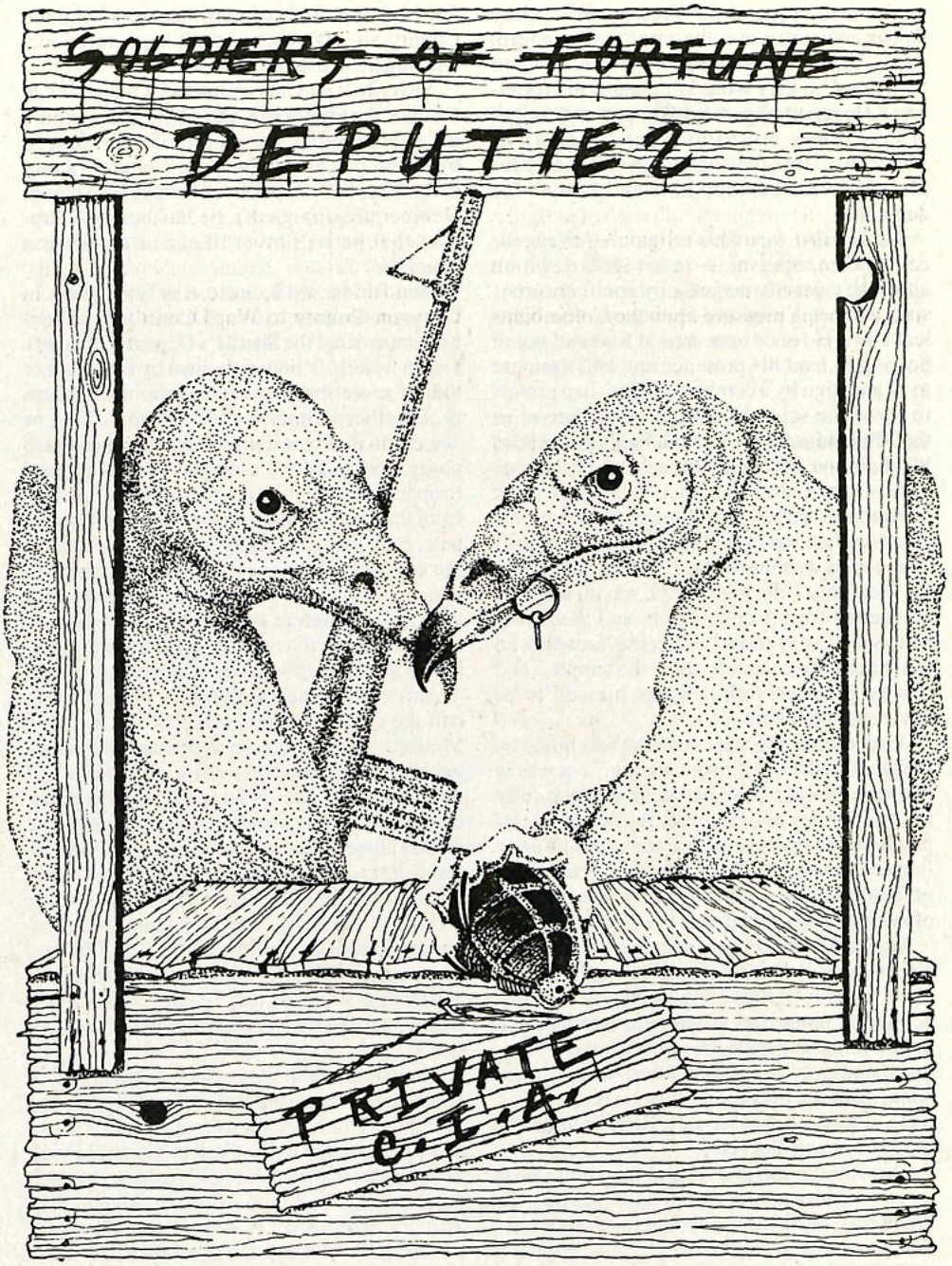
*During this time he has on numerous occasions assisted me with the recovery of thousands of dollars worth of stolen property, including everything from burros to airplanes. He has also given me, and assisted me, in obtaining information we believed to be vital to the security of the United States of America.*

*His assistance has been without regard for his personal safety, and was done by him solely as a civic duty. I have never paid Robert Chambers one cent as informant fees. In all my dealing with Robert, I have never found him to be untruthful or lie about anything. I know him to be a man of his word.*

*I am sure that Robert has more respect for the Court than he does for any man, and I feel that if Robert tells you he will live by the terms of probation, he will do just that.*

*Thanks for your consideration.*

*Respectfully Submitted,*
*Clayton McKinney.*




In all fairness, it should be pointed out here that Captain McKinney has stated emphatically that he "never had Robert Chambers do anything on dope [sic]," which this writer interprets to mean "about, or regarding, dope;" and said writer is aware of no evidence linking Captain McKinney to the Chambers-Thompson smuggling operation.

But, acting Sheriff "Abe" Gonzales of Presidio County verified that in the intervening hours between the "discovery" of the 2,400 pounds of cocaine at the Presidio County Fairgrounds in a horse trailer belonging to Sheriff Thompson, and Sheriff Thompson's arrest, a number of calls were placed back and forth between Thompson and the Midland County Sheriff's Department. Also, throughout Sheriff Thompson's "ordeal," which resulted in his pleading guilty and agreeing to implicate others involved in the operation, Sheriff Painter has continued to evince a stolid complementarity as to Sheriff Rick's character and innocence, much in the manner that he continues to admire Howard and Tucker, despite the fact of the latter's indictment. Questioned at a press conference, before Rick Thompson was sentenced, Painter said "I think he's innocent," citing his friendship with Painter as the basis for his belief.

Thompson and Chambers ended up with life sentences in federal prison after pleading guilty to conspiracy to import the cocaine.

## Circles Within Circles

*"Cops and crooks are about the same caliber; the only difference is cops carry badges."*

*—Sheriff Rick Thompson, at a press conference where he claimed he intended to use the 2,400 pounds of cocaine seized at Marfa in reverse stings.*

For benefit of readers uninitiated in the psycho-ethnography of this region, or the ways of small-town Texas politics — and Midland, like it or not, is a small town — a backgrounder, if you will:

Gary Painter, Clayton McKinney, and Howard and Tucker are all native West Texans, good old boys of the kind who seem drawn to employment in sheriff's departments, in which, unlike big-city P.D.s where discipline approaches military, things are a bit more loose; matters of professionalism, discipline and ethics are, for good or ill, largely left up to conscience and one's sense of legal survival. These good old boys share common opinions about a good many things, some spoken, others tacit. They do not like communists, hippies, homosexuals, liberals, civil libertarians, uppity people of color, secular humanists or anybody who

might have opposed the Vietnam War. Gary Painter sometimes uses the term "jew" as a verb, as in "We let the drug dealers jew us down to five years, so they wouldn't contest the forfeiture." He reportedly once told a personnel clerk at the county not to hire any "niggers or Mexicans;" that he wanted "the kind of people who wear cowboy hats and boots" for deputies.

Painter also wears his religion — evangelical fundamentalism —on his sleeve, which although certainly no issue by itself, becomes such when it is used as a feature of one's political aims. He once appeared at a school board hearing to lend his presence and endorsement to a campaign by a combine of Christian groups to force the school board to allow prayer in the Midland schools. Indeed, Painter sprinkles his dialogue, after a fashion, with references to the Good Lord and Christ. When, at a press conference, this writer inquired by what process of divination he had concluded that Sheriff Thompson was innocent, Painter replied that his friendship with Sheriff Rick was all the basis he needed for his conclusion, and then went on to soliloquize about "a fella in Nazareth who ran the money-changers out of the temple," and that he (Painter) didn't figure himself to be any better than Him.

Also, during a recent event that was billed by the local media as a "town meeting," but was in reality a $25-per-head barbecue and pep-rally to raise money for Painter's re-election campaign and legal expenses, Painter continually limned himself as a Christian and high supporter of family values — implying, of course, the lack of such in his opponents.

The sense this writer, who has been wrong before, gets of Painter is that he might be sincere: in his religious convictions; in his conception of himself as a righteous international drug warrior and nemesis of Iranians and commies; and even in his misplaced sense of personal loyalty that leads him to respect the likes of a Pablo Acosta, or a Rick Thompson, or Howard and Tucker.

Considering the above, and the contrapositive, of course, one might also suspect in Painter a considerable appetite for the acquisition and use of power.

There is no doubt that the fracas with the county commissioners has been a learning experience for Painter, as it has been for everyone involved. Although retaining a sulking mien at meetings with the commissioners, he no longer seethes visibly when appearing before them. During the political campaign he became surprisingly adept at public relations, refining his television presence and general public image, even to the point of pressing the flesh with this reporter, whom he distinctly resents for past coverage. He is also learning to better survive, nay, to thrive, in the world of lawyers, improving his skills at stonewalling and parrying opposing lawyers in depositions and on the stand; although he did slip a little recently in the trial of his lawsuit against the county commissioners, when he admitted that he had not read the amended resolution policy and order, which was the very matter at hand, and that he didn't really know who was in charge of security of the 14,000 pounds of marijuana the Midland County Sheriff's Department kept stored in a warehouse to use in reversals.

Nevertheless, Gary Painter is a man who, at least for the time being, can sit back and admire his own political star on the rise. Evidenced by his 63 percent landslide re-election victory in the March 10 Republican primary (he has no Democratic opponent), he has bedrock support that he will most likely interpret as a mandate.

Mandate for what, one can only imagine. In his recent decision, visiting District Judge Virgil Mulana ordered the Sheriff's Department to stay within its jurisdiction as defined by law, and not to take more forfeiture funds out of the county. Whether Painter abides by this ruling, or decides to interpret it to his own liking and purposes, thus further forcing the issue, or decides to appeal it, is anybody's guess. He did emerge from the courtroom claiming victory in the dispute, even though his only gains were orders for the commissioners to resume funding maintenance and fuel for vehicles seized or bought with drug forfeiture funds, and for the county commissioners to cease trying to manage sheriff's department personnel placements.

And even at that, the February trial is only half the game. Before it actually began, Judge Mulanax granted motion to separate the issues into two trials. The first dealt with the fate of the aforementioned vehicles and whether or not the resolution policy and order would stand. The second phase, expected to start soon, will address disposition of the almost $1 million that has run through the sheriff's department forfeiture account — $225,000 of which remains in temporary suspension, and the rest ($700,000) having been spent for "evidence and obtainment" in pursuit of reversals, and for other things which may or may not have been related to law enforcement.

The county commissioners, in this time of economic recession and tight budgets, are petitioning to have the remaining forfeiture money deposited in the County General Fund, to be spread across the whole budget. But, and here's the hitch, Texas Attorney General Dan Morales, who, as a Texas legislator shepherded Chapter 59 through the legislature, has intervened in the suit, claiming the funds were illegally seized, and thus should revert to the state.

If Morales' intervention succeeds, Midland County will have to cough up that $700,000 it no longer has — either by raising taxes and fees, cannibalizing other areas of the general fund, or both.

Flush with his election victory, Captain McKinney proclaimed that the sheriff's department "would continue to enforce the law where ever the law is broken"— but the quote never made it into the Midland Reporter-Telegram. Throughout this conflict, there have been persistent charges, denied by both Painter and McKinney, that McKinney is the brains behind what goes on at the sheriff's department; that Painter mainly kisses babies and woos the press, while rubber stamping the operations side. This question is probably moot. I do know from the times I've been to the sheriff's office, to pick up documents or to ask questions, that Painter has referred me to McKinney right off the bat. Too, I have it on authority from someone McKinney himself describes as knowing him "almost as well as [my] wife does," that McKinney is an adept and tireless intriguer, a law enforcement genius of sorts with a matchless appetite for Machiavellian game-playing." According to County Judge Seltzer, Captain McKinney plays too many games... "He draws circles within circles within circles."

Some reporters have found McKinney intimidating, making oblique references to bodies floating in the Rio Grande and removing his gun and placing it with muzzle toward the questioner during an interview. After the first Observer article had been on the street for a week, I showed up at the law enforcement building to collect more records. And, aside from a sizing-up interlude slightly reminiscent of the free-haircut days of the late sixties, I must say that I was treated with the utmost courtesy by both Painter and McKinney. McKinney, in his inimitable down-home style, even spun me a sentimental little philippic to the effect that the county commissioners and other dark forces who opposed forfeiture laws were sicc-ing people like former Observer editor David Armstrong and me on them.

McKinney and Painter are fond of and have gone out of their way to promote, through the local media and elsewhere, this "dark forces" idea, that somebody powerful out there feels threatened enough by the drug stings to put all of these unseen forces in motion against them. Just who that might be, well, they're not saying. But at the "private" press conference called by Painter at the sheriff's office, the day before his public pep-rally, a reporter pointed out that the CIA had been involved in dope dealing with Noriega in Panama as part of Iran-Contra...Could there be a connection? Is it possible that the Midland County Sheriff had interdicted some of their dope? Well, Painter replied with a twinkling Reaganesque glance ..."If it's dope, we're gonna bust it."

Whether or not the feds, whom McKinney openly disparages, are behind the Sheriff's recent troubles, I cannot attest one way or the other. And I certainly cannot, with what I know, disabuse Captain McKinney of any ideas he has of intelligence-agency persecution; nor would I care to. It has been firmly established that Howard and Tucker were used by at least one governmental agency, Customs, for undercover operations; and it may be, too, that in the thrall of Reagan and Casey's covert war in Central America, that the CIA or the even more shadowy Defense Intelligence Agency availed themselves of their talents as well. After all, the agency had no qualms about hiring someone like Barry Seal, who, in turn, used his CIA connections and cover to fly millions of dollar's worth of cocaine into the United States.

As to the possibility of the sheriff's recent tribulations resulting from retributive intelligence agency actions aimed at Howard and Tucker: Who can say for sure? Despite all of their secret-agent hype, Howard and Tucker

probably do not figure greatly in the intelligence community's grand plan. Too, there is something a little weird, a little Emperor Jonesish about them: They seem to brag about their exploits quite a bit, something that genuine special ops, unless evincing a creative suicide wish, just don't do. Ask Gordon Liddy.

## Quien esta manejando la plaza?

No, if there be trouble with the feds in McKinney's future it will probably emanate from either his former contacts as a law enforcement officer with Pablo Acosta, or his association with Robert Chambers and Rick Thompson during his years as a Texas Ranger down in the Big Bend, or perhaps from the very reversals with Howard and Tucker that the Texas Attorney General and the Midland grand jury is looking so hard at these days — not from the spooks.

After Thompson was busted, McKinney himself told Midland District Attorney Al Schorre that he expected to be indicted. By whom, and what exactly for, he didn't elaborate. Upon learning this, I called and asked McKinney if he thought the feds might come at him for something that might have transpired during the days of Pablo Acosta's Drug Plaza, when, according to Terry Poppa's book *Druglord*, McKinney and a Customs agent named David Regela were the only two American law officers the padrino would see upon demand. It has been claimed by law enforcement agents operating in those parts that they sometimes have to strike bargains with known smugglers in order to gain any information at all about that world. The tone of McKinney's response was one of irritation, the message terse. "They'll have to prove anything they accuse me of..."

Asked to speculate upon the possibility of a federal investigation into possible links between the sheriff's department and the world of Chambers and Thompson, District Attorney Schorre had no opinion other than a somewhat cryptic utterance to the effect that while there are U.S. Attorneys who might harass Painter and McKinney just to put notches on their guns, those in the Midland office are straight shooters who would not go after anyone without good cause.

## Painter Agonistes... Ten Midland Place

Despite Painter's overwhelming re-election victory, there is discomfiture over at the law enforcement building — Fort Painter, some call it — these days. The grand jury called by Texas Attorney General Morales' office has been held over an additional 90 days, for the express purpose of looking long and hard at Painter's sting and forfeiture records, as well as some of the operations themselves, such as the La Quinta reversal. There has long been talk of money unaccounted for in these operations, and one can scarcely overlook the glaring fact that the sheriff's department marijuana stash has dwindled from 14,000 to less than 3,000 pounds, with very little in the way of explanation offered by anyone at sheriff's office. Should the grand jury not like what it sees in all or part of this, then Painter, McKinney, Howard and Tucker, as well as a host of lesser players could face indictment for a whole raft of violations along the same lines as those returned in Monahans against Upchurch and Tucker.

Should this come to pass, it would present Midland County and the State of Texas with the complex and interesting question of removing a sitting sheriff. With impeachment not an option, the only mechanism for such is a civil suit brought by the district attorney— Al Schorre, in this case. Schorre has stated that, due to "conflicts of interest" he would in such a case, recuse himself to the Texas attorney general.

Meanwhile, the strangeness factor on this story remains high. Perusing the sting records, this reporter came across a chit noting payment to an address, 300 West Wall, for "rental of a narcotics office." A quick peek across the street revealed this to be Midland Savings Building, a run-down and largely unoccupied 14-story office building catty-corner from the courthouse, owned, in part, by Leona Helmsley of New York, and managed by Elliot Yell, a friend and supporter of Sheriff Painter. Upon interviewing Yell, this reporter was shown a letter, written and signed by Sheriff Painter on Sept. 17, 1987, attesting that the sheriff has employed Yell's services in "detoxifying narcotics addicts," and moreover, would continue to do so. Yell attested that, yes, he has been "detoxicating" narcotics addicts for the sheriff's department and "others" for quite a few years, a skill that he acquired as a nurse's aide in a state hospital back in 1939, when he used to administer metrazol shock treatments to schizophrenics and alcoholics.

Asked after his educational background and possible credentials for such undertakings, Yell replied that, although he never got past the third grade in school, that he had degrees in electrical and mechanical engineering, and that he was a graduate nurse, albeit never having taken the state licensing exam. A scan of his office wall revealed certificates for completion for air conditioning, plumbing and electrical courses, but none for medicine, psychotherapy or nursing.

Pressed further for details of his clinical practice, Yell proffered that having a relative with drug problems has added greatly to his expertise, which he now uses to benefit the community by "treating" junkies who can't afford the high fees charged by treatment centers. As conversation inevitably turned to questions of which drugs and other treatment modalities he might be employing in his practice — Trexan, and "rest medications," he explained — Yell would occasionally drop a medical term. In this case it was "dementia praecox" this, and "dementia praecox" that, a term which hasn't been employed in clinical practice for quite a few years. Trexan is an endorphin antagonist which also hasn't been used for years and is no longer listed in the *Physicians' Desk Reference*.

Too, during the discussion, it became clear that at least some of Yell's "detoxication" efforts were conducted in the course of extracting from addicts information of law enforcement value.

The reasonable liberal mind has a problem processing such information. But take my word; I have a copy of the letter.

(When called by the Observer, Yell confirmed that he did "detoxication" for the sheriff's department, in the course of which he sometimes obtained useful information for the sheriff. Yell said he was not licensed by the state, purchased and administered his own drugs and accepted no payment from the detoxees.)

## The Bubba Factor... You Got Relatives In Midland?...The End Is Not In Sight...

"The next two and a half years of my term," said County Judge Charles W. "Bro" Seltzer dejectedly, speaking of the election results, "are not going to be pleasant. We tried to bring some fiscal sanity and good sense to county government, but they just don't want it."

In contrast to Painter's good-old-boy image, Seltzer, despite a friendly enough demeanor, maintains a hypercompetent, military bearing about his person that is off-putting to some, especially those who might be on the other side of an issue from him. His television image, at least in this dispute, has been one of severity and impatience, especially with the local press, whom he dressed down on camera more than once for perfunctory coverage. "The press," he said, following the election, "did all they could to make this look like a personal feud, which it could very well now become, because they [at the Midland County Sheriff's Department] will do all they can to make my life and that of the other commissioners miserable."

Perhaps Seltzer, who is a Major in the Air Force Reserve, a staunch supporter of the U.S. military and George Bush, but yet is semi-liberal in his social views, needs an image renovation. Yes, and perhaps a hog needs a sidesaddle. The sad fact is, the local press has dropped the ball on this one. Ten-second sound bites, monkey-feed "press conferences," and insouciant editorial policies that would've done *Voelkischer Beobachter* proud all militated against this story, in all its Byzantine implications, getting out to the people.

But then again, even had the story gotten out, it may not have altered the outcome of the election. Long a haven for Birchers and rich eccentric fascists, Midland has cultivated a historical know-nothingism that is a natural breeding ground for the wiggy right; and by all indications may be headed that way wholesale. Several times in the past 10 years Republican friends of mine have dropped by expressly to try and talk me out of my native distaste for political parties, so I could join theirs to help hold back the tide of knuckle-draggers that were trying to take it over. "Let 'em have it. It'll serve you right for sleeping with those people in the first place," was my response back then. In light of recent events, I'm no longer quite so insouciant.

With Pat Buchanan pulling a solid 30 percent and David Duke getting 5 percent of the GOP primary vote out here, it just may be that "Bro" Seltzer's brand of "liberal," sensible Republicanism is passé; or at the very best, concessions will be made to the Buchanan-Duke-Painterite crowd. The possibility is not lost on Seltzer, who, in his role as Republican Party Chairman, bemoaned the fact that the party leaders were so out of touch with the electorate in the sheriff's race.

And, as I say, there is no reason for celebration by natural conservatives, libertarians, Democrats and populists at the prospect of the demise of moderate Republicanism out here. The retro-righties—Schlaflyites, fundamentalists, blow-dried Ku Kluxers, the Singlaub-Soldier of Fortune-Blue Water Association (stay tuned for future submissions)—want the party, and by extension, the local political offices. And with Painter as their *gruppenleiter*, with his own private armed force, replete with mercenary operatives and their intimate knowledge of the tricks of the trade, they could go a long way toward getting what they want.

Durward Wright, who is actually the most lukewarm of Painter's detractors on the court, lost his run-off election to Henry Goulet, who promises that once he is sworn in as commissioner he will leave the sheriff's office to its own devices. Louisa Valencia, the only Democrat on the commission, faces a tough challenge from Jo Ann Carr, the wife of Painter's Chief of Warrants and Extraditions, who worked closely on Painter's re-election campaign with Elliot Yell. Following his 60-30 defeat of Wright, Goulet, a 70-year-old furniture refinisher, arrived at the Republican Party Headquarters in a car driven by Deputy Sheriff Tim Rogers.

It is Judge Seltzer's opinion that in the afterglow of his landslide victory, Painter indeed intends to take over the county. Asked by a local reporter to comment on his defeat in the run-off, Wright replied, "It looks like those people (Painterites) are going to figure heavily in local politics for the next few years. Lord help us all!"

Just what that implies as to polity and the social contract and imminent threats to liberty and so on, well, we shall have to wait and see. There was certainly an uncharacteristic nastiness in this campaign that might well stir one to unpack the Gadsden Flag and dust off the musket. A local fundamentalist group passed out flyers claiming that Midland County's "anti-drug and anti-terrorist conservative sheriff" was "being undermined by a pro-abortion, pro-homosexual County Judge." Bogus letters carrying Seltzer's letterhead were posted on courthouse bulletin boards. Bumper stickers sporting the logo "No Mo' Bro, Ousta Seltzer" appeared on vehicles around town.

## A Postscript

Adolescent pranks aside, there were, and continue to be, reports of incidents of intimidation, and even violence against opponents of the Midland County Sheriff's Department. Early in the controversy, Judge Seltzer received several threatening phone calls, one he took as ominous enough to report to the FBI. Later, someone stuck a knife through one of the tires on his wife Susie's car. And, while Durward Wright attended an official function, someone shattered his car windshield with a large rock.

And, recently, an incident was reported to an agency which shall go unnamed, that if proven to be part and parcel of this conflict, could well bring the true nature of the problem into better focus. A woman who had written letters to the editor critical of the sheriff's department, while driving on Front Street, near downtown, was motioned over by a man driving a late model gray sedan. The man, whom she did not know, but claims she would recognize if she saw him again, then pulled her out of the car and, body-punched her repeatedly, professionally, leaving her with the warning, "You'd better keep your mouth shut!" □

# Justice in Northeast Texas

**BY JAMES CULLEN**

*Austin*

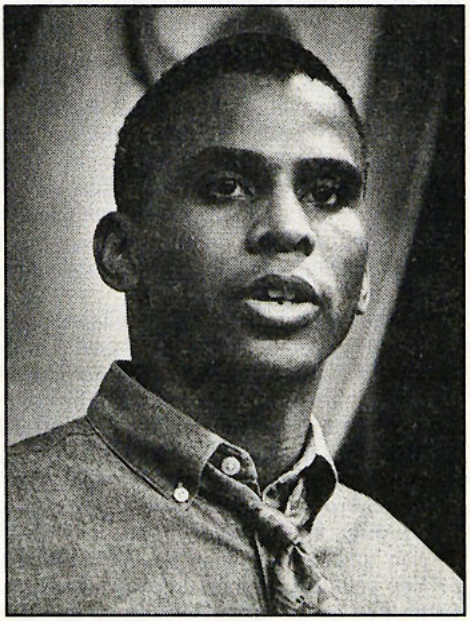
THE SAME WEEK that a jury in Simi Valley, California, acquitted four Los Angeles police officers for their roles in the videotaped beating of motorist Rodney King, the Texas criminal justice system finally acknowledged the innocence of Rickey Dale Thomas and almost reluctantly released him from a life imprisonment to which he was wrongfully sentenced.

Thomas was released April 29 from the Hopkins County Jail, nearly two weeks after another man confessed to the role that lawmen had assigned Thomas in a 1989 mugging of an elderywoman in Sulphur Springs. News of Thomas' release was overwhelmed by the reports of violent reactions to the California verdicts; the Los Angeles riots ultimately required the intervention of the Federal army to restore order.

There were no such riots in Texas the day after Thomas' release. As news spread of Los Angeles in flames, Thomas spoke at a rally in the State Capitol in Austin but he was in no mood to fan the sparks. Instead, Thomas, 29, was gracious and soft-spoken as he reflected on the support of his family and friends, the value of freedom after nine months in a Northeast Texas jail and the need to change the system that allowed him to be put there.

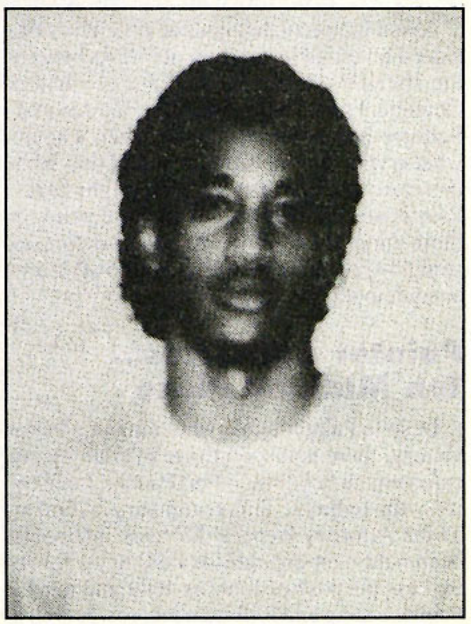
"I'm not saying that ... Texas is a bad state, but what happened to me, it could have been avoided, but it wasn't," Thomas said at a news conference before the rally. "I had all the evidence in the world to prove that I was innocent and didn't nobody listen to me at first, but I had a friend in San Diego that listened to me..."

That friend got the attention of the San Diego Tribune-Union, which ran an investiga-



ALAN POGUE

**Rickey Dale Thomas**



**Ricky L. Knox**

tive story that suggested Thomas was innocent. A local TV station aired a two-part series on the case, which gained the attention of Phil Donahue and CBS' Street Stories. The exposure on Donahue's nationally syndicated show motivated John Boston Jr. of Austin to take up Thomas' cause, and Boston persuaded Clifton "Scrappy" Holmes of Longview to handle Thomas' appeal.

The Austin American-Statesman also noted irregularities with the case, as it reported that Thomas was assigned a court-appointed attorney with little criminal defense experience who was expected to pay pre-trial expenses out of his own pocket. The judge denied a defense motion to pay for defense witnesses to travel to Texas to establish Thomas' alibi that he was in Chula Vista, Calif., the evening of the mugging. The judge also denied defense motions to hire an expert to analyze handwriting samples left by the suspects at a Dallas motel.

Thomas, who previously had been convicted of burglary, theft and misdemeanor driving while intoxicated, was stopped by Chula Vista police on Jan. 1, 1991, for driving without his headlights. He was jailed when a computer check showed an Arkansas warrant for a parole violation. Later, police were notified Thomas was wanted for the Sulphur Springs robbery.

After Thomas served time in Arkansas for the parole violation, he returned voluntarily to Texas in July 1991, confident that work records would clear him of the robbery charge. One of Thomas' friends travelled to Sulphur Springs to testify that it would have been impossible for Thomas to have been in Texas on the night of the robbery, and the restaurant records showed Thomas was at work in Chula Vista until about two hours before the robbery on the evening of Oct. 20, 1989. But a three-day trial this past October apparently hinged on the testimony of a state trooper who stopped a Bronco carrying three black men the night of the mugging. The trooper identified Thomas as one of the men in the vehicle who had given his name as Richard Thomas. The prosecution also introduced photos taken by the Federal Bureau of Investigation, which had the Bronco under surveillance the day of the robbery. The FBI produced a photo of another black man who bears little resemblance to Thomas. But it was close enough for an all-white jury that convicted Thomas. Because of his criminal record and the enhanced sentence for a crime against the elderly, Thomas was sentenced to life in prison. He was held in the Hopkins County Jail awaiting transfer to the crowded state prison.

Shortly after Holmes agreed to handle Thomas' appeal, he received information from a law enforcement officer in Thomas' hometown of Hot Springs, Ark., that linked Ricky L. Knox, also of Hot Springs, to the robbery. Knox, who was arrested in Salt Lake City, Utah, on a shoplifting charge on April 18, spoke to the FBI in Salt Lake City about his role in the Sulphur Springs robbery, but Texas authorities would not move to free Thomas until Knox was returned to Texas.

Holmes believes Thomas' conviction would have been overturned eventually, even without Knox's arrest, but Thomas might have waited another year in jail while the case wound its way through the courts. "It would have exacted another year's punishment on an innocent man," Holmes said, adding that the case against Thomas should never have gone to trial. "There was not enough evidence to constitute probable cause to get an arrest warrant, much less get to a grand jury." But the case demonstrated the power of the law enforcement establishment. "They just decided they were going to convict that boy and (the trooper) just went along with it. The FBI went along with it," he said.

Thomas was reflective as he reviewed the events. "I'm bitter just a little bit. They say you have to take the bitter with the sweet and the bitter is behind me so I'm just going to go with the sweet right now."

One bright spot was Billy Dirks, the state's only black sheriff, who not only treated Thomas well but allowed press access to the prisoner and supported release when Knox's confession became known. "He was a real kind man," Thomas said.

Dirks was critical of District Attorney Frank Long's prosecution of the case, and a challenger in the Democratic primary tried to make an issue of Dirks' alleged preferential treatment of Thomas, but Dirks won with 62 percent of the vote. He has no Republican opponent.

Thomas was anxious to make tracks out of Texas and return to California, where he was offered his old job back. But at the Capitol, he bought a T-shirt with the motto, "Don't Mess With Texas," for his 2-year-old daughter. "I'm not no saint or anything, but I'm going to try to teach her right," he said. "When she's old enough to understand, I'm going to tell her that they took nine months away from your daddy for something he didn't do."

Thomas is only the latest example of poor or black defendants who have been wrongly convicted. Holmes, a criminal defense lawyer from Longview, said the "War on Drugs" mentality has relaxed the constitutional safeguards against false arrest and imprisonment and the public is willing to give police the benefit of the doubt in criminal cases.

"This is a scary time we live in. By and large the public is willing to forfeit their rights to the police," Holmes said. In criminal justice the deck is undeniably stacked against minority defendants, he added.

"We stick our heads in the sand and deny that it exists, but all you have to do is watch one jury selection and watch how it operates. If you have a black defendant, unless you have a judge that will keep a prosecutor's feet to the fire, they'll strike all the black jurors, or try to, for some damn reason, some 'racially neutral' reason ... Almost always the state's witnesses are white. The juries are by and large white — maybe you get one, two, sometimes three black jurors on a jury."

Holmes added that drug task forces seem to specialize in busting blacks. "I remember one undercover drug roundup, there were 38 defendants and 38 were black, and I stood up in court and asked the district attorney, 'Is this a unique drug that only blacks do it.' Even black officers hassle the blacks ... We're in trouble in this country and I can't make people listen," he said..

Jim Harrington, director of the Austin-based Texas Civil Rights Project, saw the case as a vindication of the First Amendment, which allowed the news media to focus attention on Thomas. But the case also stands as an indictment of the Texas criminal justice system. "We had an innocent person locked away and the system could not bend, it could not respond and the politicians would not move to free him. How many other people are there like Rickey Dale Thomas who are innocent and are in jail because of poverty or race or both, and but for the grace of God, or John Boston or Scrappy Holmes are going to sit there? Something has to be done," Harrington said.

"We see people even brought to the point of being executed who are innocent, and we cannot have a system that we call just, if, in fact, this occurs. So it seems that the responsibility once again falls back on the Governor, once again on the back of the Attorney General and the Legislature to change this system so that there is a mechanism put in place so that this cannot happen."

Harrington suggested that an independent state attorney, possibly appointed by the Texas Court of Criminal Appeals, should review cases like that of Thomas in which evidence surfaces to show reasonable doubt that the convicted person is guilty. "One of the things we have learned from this case is that you cannot depend on the district attorney and you cannot depend on the judge to go back and look at what they did," he said.

Harrington and Gary Bledsoe, state president of the National Association for the Advancement of Colored People, both called for the establishment of state-funded public defenders to represent criminal defendants who cannot afford to hire their own attorneys.

"No matter how good-hearted a competent attorney may be in a certain specialized area of civil law, that attorney may not necessarily know the ropes in protecting the rights of persons whose liberty is in jeopardy," Harrington said.

Bledsoe also hopes to set up an organization to monitor and get involved in criminal cases where there is evidence of abuse. He also would support giving the attorney general's office the authority to prosecute in cases of alleged police brutality. The attorney general now has the authority to investigate if a prisoner dies or is injured while in custody. Bledsoe encouraged concerned Texans to write letters asking the Governor to expand the scope of the punishment standards commission or appoint a special task force to address the problem of racial injustice in the criminal justice system.

At the rally in the State Capitol rotunda, Rickey Dale Thomas tried to speak over the cries, "There is no justice" and "400 years of brutality," by angry protesters who gathered there. "This is a lesson to be taught, that we need to check our system and the people who are running our system," Thomas said. He urged them to remember what happened to him, to get involved in the next election, and to vote for people who will look after minority interests. □

**To Be Continued**

# Guadalajara Syndrome

**BY BARBARA BELEJACK**

*Mexico City*

When I told a friend in the Colonia Roma that I was going to Guadalajara after the explosions last month, this was the advice I received: "Take the official death toll, multiply by 10, and there's your story."

The Colonia Roma was once an elegant section of Mexico City, the boyhood home of several recent presidents. It still has it's share of faded Porfirian mansions, standing since the 30-year dictatorship of Porfirio Diaz, which was toppled by the Revolution 70 years ago. But much of Colonia Roma's contemporary architecture was destroyed by the 1985 earthquakes. The Roma was one of the areas hit worst by the quakes; consequently memory, like fault lines, runs long and deep.

As I write this, the official toll in last month's explosions in Guadalajara stands at 205, with 155 "missing." The criminal investigation has reached lower-level officials of the government and Pemex, the state-owned oil monopoly. Guillermo Cosío Vidaurri, the Governor of the state of Jalisco, has resigned, asking for a one-year "leave of absence." Inevitably he will join the 50 or so governors the ruling party — the PRI — has replaced at will for one reason or another in its more than 60 years in power.

Following the blasts, Mexico has experienced a wave of "Guadalajara syndromes" in Nuevo Laredo, Saltillo, Puebla, Mexico City, etc. There are evacuations, scares, panics, psychoses, leaks real and imagined. Suddenly everywhere you go, it smells like gas. The President has ordered a massive investigation of the nation's infrastructure and Pemex has hired Bechtel Corporation to do the job on Pemex-owned properties. Suddenly Pemex, the *paraestatal* — the parastate, or state-owned enterprise — that could do no wrong, can do no right. Suddenly Mexico has reached one of those moments of transformation that political pundits talk about. It's the earthquake all over again. It's the 1988 elections. Suddenly, Mexico will never be the same — again.

If Guadalajara is a story of environmental disaster, unbelievable negligence, ruthless manipulation of facts and figures, it's also a story of memory that evokes the Mexico City quakes, the 1984 gas explosion at San Juanico outside the capital, and Guadalajara's own dress rehearsal: a 1983 "incident." From his office at the *Centro Médico de Occidente* in Guadalajara, a hospital chemist outlined the blocks that had been destroyed in 1983. "It was the same thing," he recalled, "sewer lids tossed into the air, cars flew one or two stories high." The hospital's research labs were singled out for supposedly dumping toxic wastes into the drainage system. Another hypothesis, according to an account at the time in the daily *El Universal*, was that "young drug addicts" had somehow managed to tamper with Pemex's drainage system. Most residents of Guadalajara, like the chemist, suspected that Pemex was behind the 1983 blast as well. No charges were ever brought, and until the April explosions, there was never any recognition on the part of government officials that anyone had actually died in 1983. (Recently, Guadalajara radio stations began reporting that at least 20 people had died in the earlier blast.)

For 20 years Guillermo Cosío Vidaurri wanted to be governor of Jalisco. Like most Mexican politicians he hitched his star to another politician a notch or two above him on the political ladder. Cosío belonged to the Ramon Aguirre camp. (Aguirre was most recently in the news as the PRI's 1991 gubernatorial candidate in elections in the state of Guanajuato. The PRI said he won, but Aguirre "decided to step down in the interest of harmony."

In 1985 Aguirre was mayor of Mexico City. Cosío was a deputy mayor, who along with Enrique Dau Flores, his business partner and would-be protege, was responsible for Mexico City's reconstruction following the quakes. Although he assumed the Jalisco governorship with the support of Guadalajara's business elite, Cosío became a political liability. Guadalajara's 450th birthday celebration was marred last February by 5,000 members of the conservative minority *Partido de Acción Nacional* (PAN) — who staged a silent protest over state election results. Cosío's administration was also racked with charges of corruption and nepotism in public works and land deals. And when the 17-year-old daughter of one of Guadalajara's wealthy families was shot to death by a police officer in what is believed to be an extortion attempt, a group of 3,000 middle- and upper-class women took to the streets, calling themselves Mothers United Against Violence. "They don't listen to the poor of Guadalajara, but they will listen to us," one marcher told the English-language weekly, the Colony Reporter. She was wrong. Cosío publicly questioned the sincerity of the group and their cause: "I do not believe in all honesty that this was spontaneous," he said of the protesters. "They were organized perfectly. The amount spent on publicity was very high."

As Mexico City columnist Miguel Angel Granados Chapa explains, Cosío had become a "convenient punching bag." In the hours following the April 22 blast, he was insensitive and incoherent, mumbling when asked why the Reforma sector was not evacuated, something about the recalcitrant child who climbs a tree even though he is told it is dangerous. He provided the President with an out in the wake of an environmental disaster of tremendous proportions, and deflected scrutiny from higher-ups in Pemex and SEDUE — the ministry of urban affairs and environment. (Pemex chief Francisco Rojas and his brother Carlos also enjoy a certain advantage; both belong to the Salinas camp, allies of President Carlos Salinas de Gortari. The former secretary of SEDUE, Patricio Chirinos, who is now the PRI candidate for governor of the state of Veracruz, was considered a do-nothing secretary who won political points as the President's office boy. The current occupant of SEDUE, recently revamped as a super-secretariat of social development, is Luis Donaldo Colosio. Colosio is the former PRI party chairman, a 1994 presidential contender whose debut in his new post was less than spectacular. Hours after the blast Colosio said that "probably hexane from a cooking oil factory was to blame.")

That explanation, of course, was proferred by Pemex, almost immediately after the blast. Anyone who has ever dealt with a government office of *Comunicacion Social*, as press officers are here called, should have been skeptical. Whatever the inquiry, we know to expect days of painstaking investigation by a *licenciado* who can never be located. "*Para servirle*," the polite way of answering phones, meaning "here to serve you," is not to be taken literally.

During one of the more memorable moments in its comprehensive coverage of the explosion, Mexico City's Radio Network broadcast the comments of an on-scene Guadalajara radio reporter who said that Pemex was closing nearby ducts; a Pemex spokeswoman on another telephone line in Mexico City insisted there were no ducts in the area. And so it went.

As columnist Granados Chapa sees it, the Guadalajara blast represents a major threat of social unrest, which will hang over the administration for the rest of its six-year term. It doesn't matter what the government does or promises to do with respect to safety and infrastructure. The government will be haunted by a credibility gap. Just moments before the first blast, a Guadalajara official assured residents that everything was fine. Afterward, an amazing chain of government officials bought the hexane/cooking oil factory theory with total disregard for basic chemistry or common sense.

In Cambridge, Mass., journalist Raymundo Rivapalacio, who is studying the Mexican press while on a Nieman fellowship, sees the blast and the incessant political coverage that followed it as proof of the failure of Mexican soci-

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*Barbara Belejack is the Observer's Mexico City correspondent.*

ety to develop independent institutions. The society is permeated by *la grilla*, politicking, political gossip and maneuvering, he says. The story of Cosío Vidaurri is important, but what's more important is an investigation of nuts and bolts, of oil and ducts. That's something which interests the press to a far lesser degree. Meanwhile, the government's preliminary report, issued in the 72 hours following a presidential fiat, "was perfect for the eyes of Washington, perfect in terms of TV images for a U.S. public."

The President's image emerged relatively unscathed; the presidential system reinforced. On the night of April 22, as Salinas toured one of the most devastated areas, the Mayor of Guadalajara looked to the Governor for his cues, the Governor to the President. Both tried to assure Salinas that everything was under control. When the President demanded to know "Where are the people from the neighborhoods? Are any of the people from the neighborhoods here?" someone shoved a young man in front of him. The young man, a rather obvious plant, said he lived nearby and that the government rescue efforts were working well. As he spoke, and as television cameras rolled, Salinas plucked the PRI sticker from the young man's jacket. It would have been a subtle gesture had it not been broadcast into millions of Mexican homes.

So what will we remember about this transforming moment 10 years from now, or 15 years from now. I'm not sure, but I think this is what I will remember: the eerie calm along the Calzada Independencia, a main thoroughfare whose side streets were cordoned off as bicyclists with surgical masks on their faces whizzed by, the gust of the smell of death, gas and sewage; a sign on a bakery pretending that everything is all right. "Because of the situation we're experiencing, for information about your special order call ....," the bizarre scene on the corner of Violeta and Gante, a huge block scooped out forever from the city's landscape; army and rescue workers plodding through the debris, bucket by bucket, as a group of women sat on the porch and stoop at the *Casa de Huéspedes Margarita* across the street. The Casa — a guest house — was intact. The women had balcony seats, watching the Japanese television crews, the army, etc. José Luis López, 54, and his family live in a temporary shelter in a Guadalajara home for the elderly. Like many in the Reforma sector, López was not from Guadalajara. He was from Veracruz. He worked as a street vendor and lived in a rooming house with his wife and seven young children. The night before the blast he noticed a city worker checking the sewer system. He asked what was wrong. "Nothing" he was told. "Just routine cleaning." The following morning there was so much dust, López said. Everything was black. You couldn't see the stairs. There were no stairs. When they finally reached the door, their way was blocked. A white Volkswagen had been tossed into the air and landed in the doorway of the *Casa de Huéspedes Mazatlán* on the corner of 20 de Noviembre and Gante. I think I will remember that. □

# Bring Home the Bacon

**BY DEBORAH LUTTERBECK**

*Washington, D.C*

EVEN IN WASHINGTON, you can't spend the same money twice; what goes to one state can't go to another. And since there is no time like an election year for the distribution of goodies, President Bush, faced with a flagging economy and challengers coming at him from all sides, is loosening all available purse strings.

How is Texas doing? Not as well as you might think, given that there is a Kennebunkport Texan in the White House. There are bright spots: Houston was chosen not only for the Republican convention this year, but was also the site of the 1990 economic summit. That meant millions of dollars for the local economy. And, in no place are science grants bigger than in Texas. NASA and the Superconducting Super Collider are the two of the largest science projects in the country. And the state's fortunes should improve this year, as legislation will allow Texas to collect an additional $525 million in federal Medicaid matching funds, the Texas Office of State-Federal Relations recently reported. "Texas will also receive approximately $325 million in each of the next six fiscal years due to the re-authorization of the Federal Surface Transportation Act last November," the office reported. But, before putting streamers on the town hall it is important to take a look at the larger picture — the ugly one.

*Deborah Lutterbeck is a journalist in Washington, D.C. and New York City.*

Texas' most recent Federal funding report card from the Census Bureau places the state far from the head of the class. In fiscal 1991 Texas came in far below average compared with other states. For the year, Texas received $64.5 billion in federal funds; the state's 38th place in per capita allocations was a modest improvement from the previous fiscal year's 41st-place finish. The breakdown of those funds illuminates the shortfalls. The largest category for state funding is direct payments to individuals, including funds for Medicare, Social Security and other entitlement programs. Texas received $31.5 billion of such funds in FY 1991, ranking 46th in that category. Similarly, Texas showed a poor performance in Federal grants to state and local governments, coming in 47th. Those poor showings were attributed to state and city governments that refuse to spend the money required to capture matching federal funds.

Texas' only decent marks came under the procurement category, which was swollen by money for NASA and the Superconducting Supercollider. Total money for procurement stood at $13.152 billion, putting Texas at 19. Finally, federal funding for salaries and wages for military and postal workers totaled $9.848 billion, ranking Texas 26th. The hope is with a new Governor and a new team of state lobbyists set loose in Washington, this picture will improve. However, there is still a lot to be done. During the first quarter of fiscal 1992, Texas was granted $1.872 billion for state and local governments, which would put yearly spending at $7.488 billion — even worse than last year. Likewise, the $7.519 billion in first quarter disbursements in direct payments to individuals would put the total for the year behind the mediocre pace set in FY 1991.

However, looking at one quarter's figures and trying to make a guess about what the new year will bring can be tricky business. There are seasonal factors that can make one quarter seem out of whack with the rest. Going into the Fall elections the President may need to lavish a few more favors on the states, especially if that other Texan — H. Ross Perot — becomes a real candidate. Bush has already shown what he can do if he thinks he needs to. Before the New Hampshire primary he promised to dole out $274 million in federal programs. In Florida, he made a $514 million pledge to clean up Kissimee Basin. Imagine the possibilities in Texas.

What has not been left up to the imagination are some of the economic incentives that have been spread nationwide. For example, if you are one of 90 million people who earn less than $48,000 a year you may have noticed that your paycheck is a little bigger. Just as he promised in the State of the Union address, Bush told the Internal Revenue Service to stop overwithholding from people's paychecks. What you're supposed to do is go out and spend that extra cash on anything from an extra dessert to a lawnmower — right now. Remember, every time you buy something it helps out the economy — that's what you can do for your country. What greater sacrifices could be made? The only fly in this ointment probably won't show up until next April. If you are a forgetful per-

**Continued on pg. 20**

A public service message from the American Income Life Insurance Co. — Waco, Texas — Bernard Rapoport, Chairman of the board and Chief Executive Officer (Advertisement)

# WHERE TO FIND NEW LEADERSHIP

By Ralph L. Lynn

How is public opinion formed? Is it true that the momentum of established public opinion constitutes a kind of briar patch jungle in which each succeeding generation is trapped?

Can our democratic society hope to find and follow leaders comparable to the Founding Fathers who might insure its happy continuation?

Since we have no intention of submitting to doom in the form of our cancerous population growth, the greenhouse effect, or any other of the looming potential catastrophes we must ask were we might find the leadership for changing our foolish ways.

Probably most of us acquire our orientation in private and public affairs from our parents. But so to state is of little help; we must ask the sources of our parents' views. And it is likely that most parents get their views from preachers and politicians.

We could hardly pick poorer guides. Since preachers and politicians are always running for office they must cater to the mindsets of their constituents.

In the Old Testament the false prophets were called "court"prophets because they hung around the court and catered to the establishment. In our democratic society, the court is public opinion. But the prophets we honor were not court prophets.Since they spoke truth to power the prophets we honor were lucky to escape death either at the hands of the establishment or of mobs inspired by the establishment.

True prophets then and now call for radical changes in public opinion and in public procedures. But as Noah and all his successors have discovered, people would rather drown in the flood than change. Mankind's tragedy is that we wish always to be saved — but never to change.

Without a doubt, every generation is caught in the trap formed by the momentum of traditional public opinion. Probably the clearest examples in our history stem from our race problem.

Long before the Civil War all thoughtful observers feared discussion of the race problem as Thomas Jefferson in his lovely Monticello "feared a fire bell in the night." Yet, neither in the North nor in the South did any significant leadership appear save that which guaranteed what came to be called "the impending conflict."

Similarly, in our post World War II period all sensible people understood that we must move to accord full civil rights and full human dignity to all our black citizens. Yet, once more and for much too long, the only outspoken leadership was in defense of ancient wrongs sanctified by public opinion.

The preachers and the politicians in general either spoke in defense of the ancient wrongs or they kept silent. I have many memories of vitriolic sermons against the demon rum and against gambling but no memory of a single forthright sermon against racial prejudice.

Where can we turn for saving leadership?

Probably the best we can do is to look to the best of our journalists and university professors. Only they are capable of creating an informed public opinion.

The best of the journalists, like the professors, are professional students. Therefore they understand our problems more clearly than non-students. Their training demands loyalty to the facts and forthright reporting of the facts. Any journalist or professor who fudges the facts will promptly lose his position.

Because they are professional students their views, more often than not, fly in the face of ignorant public opinion. But most fortunately, our journalists and our professors are protected physically and financially by the constitutional guarantees of freedom of the press and by the concept of academic freedom.Needless to say, preachers and politicians often inflame public opinion against these protections.

Therefore it is not at all clear that a democratic society can find and follow a saving leadership such as the fledgling United States was blessed with in its aristocratic infancy.

Most of the Founding Fathers were scholarly aristocrats who,wonder of wonders, welcomed to their councils people like Benjamin Franklin, who had no advantages of birth but who was a civilized, brainy intellectual.

Can a democratic society which fears the superior person and exalts mediocrity in public life hope to find leaders of similar qualities?

Probably our long established, complex division of labor has proceeded so far that neither journalists nor professors should actually hold office. But is it too much to hope that their ablest students who are active in business and the professions might form a generation as devoted to public affairs and as courageous as the Founding Fathers were?

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*Ralph Lynn is Professor Emeritus of History at Baylor University.*

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Chief Executive Officer

# Celia Morris on Power

**BY JOE HOLLEY**

SITTING SIDEWAYS on an office couch, shoes off, her feet tucked under the cushions, Celia Morris is talking about power. A small, slender woman in a stylish blue-and-yellow T-shirt and jeans, Morris hardly personifies power. In fact, there's something charmingly girlish, something of the coquette, about this bright and perceptive woman, now in her mid-50s, who was once elected the official sweetheart of the University of Texas. A Houston native, she speaks in a lilting voice that seems perpetually now on the verge of laughter. "I've always been interested in politics," she says, "because it's about power — who's got power over your life, how they use it. I've come to see how important it is for women to have equal power."

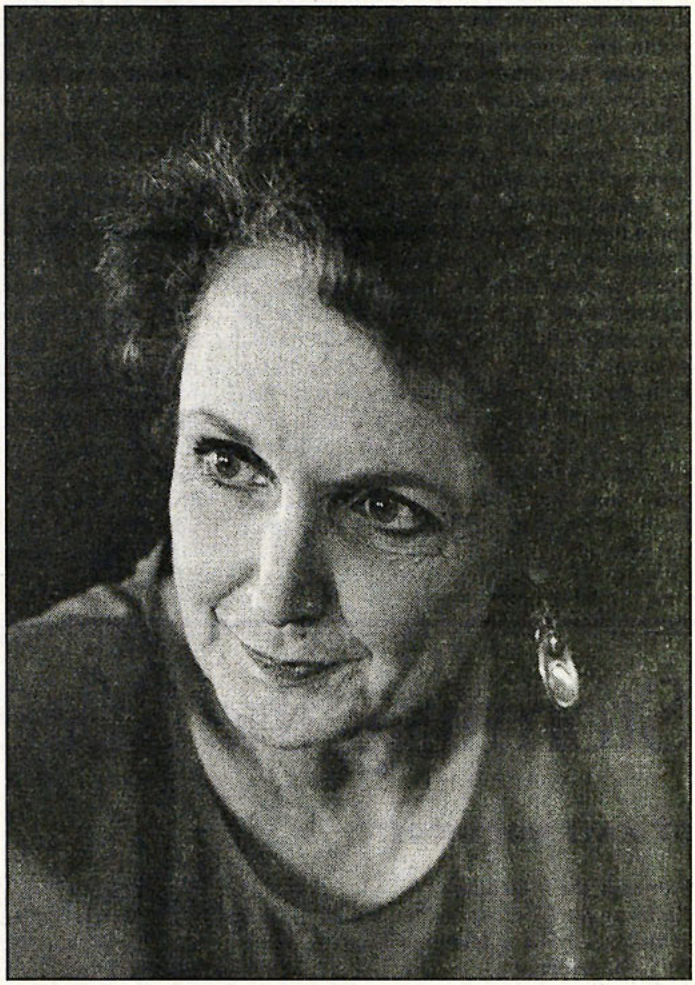
She's been around politics and power for most of her adult life. Married for some years to Willie Morris, the legendary Daily Texan and Texas Observer editor and later the youngest-ever editor of Harpers, married in more recent years to Bob Eckhardt, the influential Houston congressman and progressive icon who went down to bitter defeat in the 1980 Reagan landslide. Morris has spent a great deal of time in this nation's power centers — New York and Washington. She's seen power used, abused and wasted. A resident of Washington, D.C., where she lives across the street from the Library of Congress, she continues to be a scholar of power, particularly as it manifests itself in the evolving, often contentious dialogue between men and women.

Morris' first book, *Fanny Wright: Rebel In America*, was a biography of one of the first women in America to dare question in public the inequities of male and female. Wright, a Scotswoman, began warning in the 1820s that if women remained in a state of mental and political bondage, this nation could never expect to fulfill its democratic destiny. In 1825, Wright established a commune she called Nashoba outside Memphis, Tenn., and became the first woman in America to act publicly to oppose slavery.

The book Morris has just begun working on, now that *Storming the Statehouse* is done, is about men, women and the work place. Called *Bearing Witness*, and inspired by Anita Hill's Senate Judiciary Committee ordeal, it chronicles the abuse of power in the workplace and elsewhere.

"It really isn't about good women and bad men," Morris says. "It's about what happens when there are great discrepancies of power."

*Storming the Statehouse: Running for Governor With Ann Richards and Dianne Feinstein* is about correcting discrepancies. It offers a behind-the-scenes, blow-by-blow account of two hideously expensive, down-and-dirty, high-profile statewide campaigns, one triumphant, one almost triumphant. Although the general reader will find *Storming the Statehouse* informative and entertaining, it offers enough insider's detail to serve as a case study for women seeking high political office in 1992. It is, in essence, a primer on political empowerment.



ALAN POGUE

**Celia Morris**

Morris believes that something politically momentous is developing in this country. She is pleased to point out that a record number of women are seeking Federal office this year. Women are running in 21 of the 34 Senate races; 173 are seeking House seats. According to the National Women's Political Caucus, those figures add up to more than twice as many female candidates as in 1990. As Morris sees it, Carol Mosley Braun in Illinois and Lynn H. Yeakel in Pennsylvania are precursors. Braun, who defeated incumbent Sen. Alan J. Dixon in the Democratic primary, is a clear favorite in November. In Pennsylvania, a reprise of Harris Wofford's stunning victory over Dick Thornburgh could be shaping up, as Yeakel, a virtual unknown before her come-from-behind win, takes the fight to Sen. Arlen Specter. The Republican incumbent has become the *bête noire* of politically active women of almost every stripe after his boorish questioning of Anita Hill during her appearance before the Senate Judiciary Committee; Yeakel has made the Anita Hill episode a major campaign issue.

The reason women are running is no longer a great surprise. As Morris points out, they have been galvanized by what she calls "the choice issue" and by the Clarence Thomas hearings. Democratic women are confident that voters will see them as fresh-faced, trustworthy agents of change, welcome alternatives to calcified incumbents. Republican women have taken on a more fearsome task: They are trying to reform from within. In Morris' words, "Pro-choice Republican women are trying to take back their party." (Newsweek noted recently that of the 46 Republican women running for Congress this year, only one — Donna Peterson

*Former Observer editor Joe Holley is the 1992 recipient of the PEN West literary award for journalism.*

of East Texas — is campaigning on a right-to-life platform.)

The reason many women candidates stand a good chance of winning, Morris says, is because they are becoming more adept at playing the political game. "Women's organizing is now more sophisticated. Women are coming to understand that they have to think in terms of power, not just the amenities of life. The power question is crucial."

One of the reasons she wrote the book, Morris says, is to give women some sense of what is involved in a political campaign.

"A lot of people have no idea what politics is about," she says. "They are not aware of the extraordinary demands we place on our politicians. Somebody told me the other day that what has happened to Clinton is the modern equivalent of stoning. You remember it was Charles Dickens who pointed out in his *American Notes* that Americans have an impulse to tear people down."

Certainly Ann Richards knows something about that impulse, as Morris chronicles. It's obvious from her book and her conversation that she admired the way Richards conducted herself during the bitterest of campaigns. It's also obvious that Morris was more impressed with the Richards campaign than with the Feinstein effort, maybe because she had more access to the players on the Richards team and to the candidate herself. In California, she spent a lot of time talking to Feinstein aides and acquaintances, but the candidate remained, for the most part, elusive. She's elusive on the page as well.

With her fellow Texans, Morris obviously had a lot more fun. Her description of a campaign swing through Salado, New Braunfels and San Marcos, organized by old political pro Liz Carpenter, is lively and engaging and as inspirational as anything Theodore White ever wrote. Nothing from the Feinstein section matches it.

Ultimately, however, the difference in tone between the two sections of the book is a reflection of the difference between the two candidates. Morris believes that the former San Francisco mayor — and now U.S. Senate candidate —snatched defeat from the smiling jaws of victory. (She lost to then-U.S. Sen. Pete Wilson by 300,000 votes.)

Feinstein just didn't work hard enough, her message was unfocused and she was inept at reaching out to traditional Democratic constituency groups. "Dianne Feinstein's race, ultimately, was politics as usual." Morris writes.

Not so, Ann Richards. Not only did Richards profit from the experience of running two previous statewide races, she knew how to make connections and mobilize various groups, particularly women and minorities. She did it intuitively.

Richards also inspired passion and enthusiasm. "The difference between Ann and Dianne is not so much that more women were involved for Ann," Morris says, "but the women voting for Ann were more invested. It meant more to them. They got other women involved, other men, and by a squeaker they pulled it off. And that was so exciting. It was exciting for people all over the country.

"They were doing something together that's fun and that they believed in," Morris adds. "If we could bring that back to public life, that's an enormous gift."

In the book, Morris quotes Kay Mills, an editor in the Opinion section of the Los Angeles Times. Listening to the radio as she drove to work one morning from her home in Santa Monica, Mills heard Richards say:

" 'Come January, we're going to gather at the Congress Avenue Bridge and we're going to link arms, and we're going to take back the Capitol for the people of Texas!' And Kay Mills got goose bumps. People all over the country identified with Ann Richards and saw in her election a promise that their own future might be more spacious and their nation's more sane."

With a faith that would do Fannie Wright proud, Celia Morris believes in the possibility of that more spacious future, a future that could be as close as November '92.

"Women in the years to come will win with Feinstein's politics," she acknowledges. "The historical momentum, however, is behind Richards: in a country rhetorically committed to equality, the bills eventually fall due, and those most likely to lead the way to a more egalitarian society are the ones who have been left out. The 1990 general election vote reflected the biggest gender gap in history because it was a referendum on a world that white man had made, and the women's vote went against them."

"The momentum will wax and wane, but more and more women will be in there," Morris predicts. "I believe it will make a difference, and without believing in the millennium, I believe it will be a difference for the better." □

# Storming the Statehouse

**BY KAYE NORTHCOTT**

***Storming the Statehouse:***
***Running for Governor with***
***Ann Richards and Dianne Feinstein.***
**By Celia Morris**
**325 pp. New York:**
**Charles Scribner's Sons. $25.**

CELIA MORRIS' passionate feminism could have been put to use glossing over the rough spots in the Richards and Feinstein campaigns of 1990, making them out to be more virtuous than they were. Instead, she presents insightful warts-and-all accounts of the two gubernatorial races. Richards won. Feinstein lost. Each had one hell of a ride.

The Richards chapters are an accurate and highly readable account of that down-and-dirty Texas campaign. Richards said she found the book uncomfortable because it pitched her back into the pain and intensity of those grueling months. Ironically, both women said they abhor negative campaigning, but both felt compelled by the opposition to engage in it.

The Feinstein chapters are an excellent primer on California politics, where voter initiatives and professional consultants may have as much impact on races as the candidates themselves. (Here's just a taste of how different the dynamics are in California. More money was spent promoting 28 initiatives on the November 1990 ballots than on the race for governor. "So many and so complex were the propositions that the secretary of state mailed every registered voter two volumes that totaled almost 230 pages to explain them. Collectively they ran the risk of turning people off the electoral process altogether," Morris writes.)

Feinstein, who grew up in a troubled, wealthy Jewish family, turns out to be a woman of depth and surprises. The San Francisco ice queen whom constituents saw as more regal than the Queen of England turns to an conventional black minister as her political mentor and father confessor.

She and Richards have little in common except membership in the Democratic Party, a sense of mission and undeniable star quality. But they simultaneously pushed the boundaries of women's political power in this country.

In the Texas campaign, questions of drug use, a rape joke and Clayton Williams' refusal to shake Richards' hand were the pivotal issues -- if they can be called issues. It was a nasty, nasty year and the tone was set early by Attorney General Jim Mattox, whose record was more admirable than his ethics.

Describing Richards in the Democratic primary, consultant George Shipley says, "She had to look into the heart of darkness. It had a name, and the name was Mattox."

Perhaps in a perverse way, Mattox's decision to smear Richards with all the slime and innuendo he would a male opponent was a testa-

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*Former Observer editor Kaye Northcott covered the Richards/Clayton race for the Fort Worth Star-Telegram, where she is a political reporter.*

ment to his own belief that women should be treated equally. He played a dangerous game, though, attacking a recovering alcoholic as some kind of dope fiend, intimating she still had a drinking problem, casting dark warnings that she was surrounded by lesbians. Richards responded with a granny/bio commercial so banal she took to ridiculing it in the presence of producer Robert Squier.

Richards, for her part, proved she could fight as dirty as your average man, although not as dirty as Jim Mattox. She trashed Mattox and the third major candidate in the Democratic contest, former Gov. Mark White. On the stump and in her TV commercials, she gave almost as good as she got. Egged on by Mattox, the press pressed the drug question in two televised debates which had to be among the worst ordeals Richards ever faced. She refused to say whether she had ever used drugs, and the answer proved difficult for many undecided voters to swallow. The question drove a wedge between Richards and the Austin press corps which may never be completely removed.

Morris reports that newspapers went a little crazy along with Mattox on the drug issue. The book quotes Jane Hickie, a longtime associate of Richards, describing campaigns as going insane on a deadline. In the latest jargon, the spring campaign was dysfunctional. With full acknowledgement that she is oversimplifying, Morris describes the schism in the Richards primary campaign as between the mostly male political pros, who were hell-bent on winning, and her support group (which included her children and the women who were her closest friends and advisers) whose primary concern was her well-being.

It was not a happy time. "A skilled debater and a willful woman, she had begun playing one staff person off against another and outside 'experts' against the staff. She would grill people relentlessly. Consultants were not always prepared to respond to her questions, and she was seldom satisfied with the answers they gave," Morris writes.

Bill Hobby put it plainly: "Her warmth and caring have tended to get lost in this campaign, much to Ann's detriment." But as Morris writes, "Richards turned out to be a stunningly resilient candidate and a great counter puncher, and both she and her campaign held together while her opponent's collapsed. In the first war of attrition, White and Mattox self-destructed. In the second, Clayton Williams shot off the lower half of his body."

For most of the summer and fall, the press believed Richards was doomed. Williams outspent her two to one. He waltzed through the Republican primary beating three credible opponents without a runoff. While Richards was distant and uncommunicative with the press, Williams was open and accessible. His handlers repeatedly warned him to watch his tongue and monitor his thoughts and for the most part he did. The first major sign of trouble was when he told a rape joke at a spring cattle roundup. The next day the remarks were published nationwide.

Despite that slipup and others, Williams led in the polls well into October and he seemed invincible — to virtually everyone except Richards' campaign staff. Mary Beth Rogers, a quiet, impeccably competent member of Richards' inner circle, was brought in to run the general election campaign. She systematized money raising and tightened the volunteer structure. "Every day she had to gear up as though for war. But the last month was wholly engaging: the long-term planning was behind her, and wow, every time she did something, she could see its effects," Morris writes.

"What Edmund Wilson called 'the shock of recognition' came sometime around the first of October. ... Rogers was sitting at her desk looking at the mailings, which were targeted to swing voters in about 23 counties, to senior citizens in East Texas, and to 60,000 women on the choice issue. She knew the media was solid. The money was coming in more easily. And suddenly she knew: this was going to work! Her level of tension was so high that she had to get up and leave her office. She walked around downtown Austin for about 45 minutes before she could go back inside. 'I didn't know we were going to win. I knew it was possible to win.' After that, the daily fight was easier."

Squier gave Morris a more macho description of the impending victory, saying Richards set Williams up for errors, such as admitting he hadn't had to pay any income tax in 1986. As Squier explained, "Ann Richards understood the transaction they were involved in and he didn't. His handlers did, but Claytie expected to be able to do his thing the way he'd always done it. Ann took the campaign to him! She made him the issue. She broke through all the money, the ads, the hiding, the vacations....And there they were — finally in the ring. He had on his ten-gallon hat and his boots, and nothing else. And she said, 'OK, Claytie, let's do it!' And he was petrified! You could smell it at the end of the race: in the end, she unmanned him!' "

In one of the supreme ironies of the race, Williams spent so much money he overexposed himself. According to Morris, the average Texan saw Williams in TV spots 90 times, while four times is considered saturation. The public came to think of him as the incumbent a full two months before the election, and by election day they were sick to death of him. Voters were in an anti-incumbent, anti-wealth mood.

Late in the game, Richards found a populist issue in high insurance rates. Her negatives began to fall as Williams' rose. As Morris reports, nearly half of the people voting for Richards made up their minds in the final month — a quarter of them in the last week. Richards won every big city. In what was probably the largest gender gap vote in the state's history, she won 61 percent of women's vote statewide.

Feinstein, the former mayor of San Francisco, lost by 270,000 votes in a state with almost twice the population of Texas. It didn't have to be that way. Because of the size of the state, Feinstein abandoned constituency politics for a media campaign. She did no organizing, no get-out-the-vote effort. According to Morris, Feinstein spent 80 percent of her time raising money at an average of 25 events a week. In the end, she spent $19.5 million to Republican Sen. Pete Wilson's $23.9 million.

Where Richards received strong majorities from African Americans and Hispanics, Feinstein won only a slim majority from California blacks and Asians. Feinstein received only 53 percent of the Hispanic vote, compared to Richards' 71 percent. Feinstein received support from only 52 percent of the Asian vote. Morris said the candidate could have done much better if she had worked to register minority voters and get them to the polls. In sad contrast to the successful coordinated campaign in Texas, the California Democratic Party registered only 200,000 voters.

Feinstein did not receive the solid backing of pro-choice women as Richards did. Morris says that for Richards, "The pro-choice movement turned out to be the political equivalent of several hundred Cruise missiles." The Texas Abortion Rights Action League alone raised $250,000 for Richards and shepherded 250,000 pro-choice voters to the polls. Richards' campaign had well-nurtured grass roots in every Texas county. Feinstein was hampered by the fact that Wilson also was pro-choice.

Where many Texas Republican women found Clayton Williams unpalatable, California Republican women were comfortable with Wilson. Feinstein had never been active in the women's movement. "As mayor of San Francisco, furthermore, Feinstein had made 280-odd appointments but had increased the percentage of women in jobs at her disposal by only 1 percent," Morris reports.

In the end, Richards was simply a better politician, a better communicator and more in tune with her voters than Feinstein. Morris holds out hope that Feinstein will learn from her mistakes. The author ends the book with a prediction that the Clarence Thomas confirmation hearings will anger and inspire women candidates and voters this year. As it turns out, Dianne Feinstein is one of the women politicians playing the Thomas card. She is running for the U.S. Senate. In fact, for the first time in its history, there are two California Senate seats open in a single year. Feinstein is running for the remainder of Pete Wilson's Senate term. Fellow Democrat Barbara Boxer is running to succeed retiring Sen. Alan Cranston. □

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# Art and Immortality

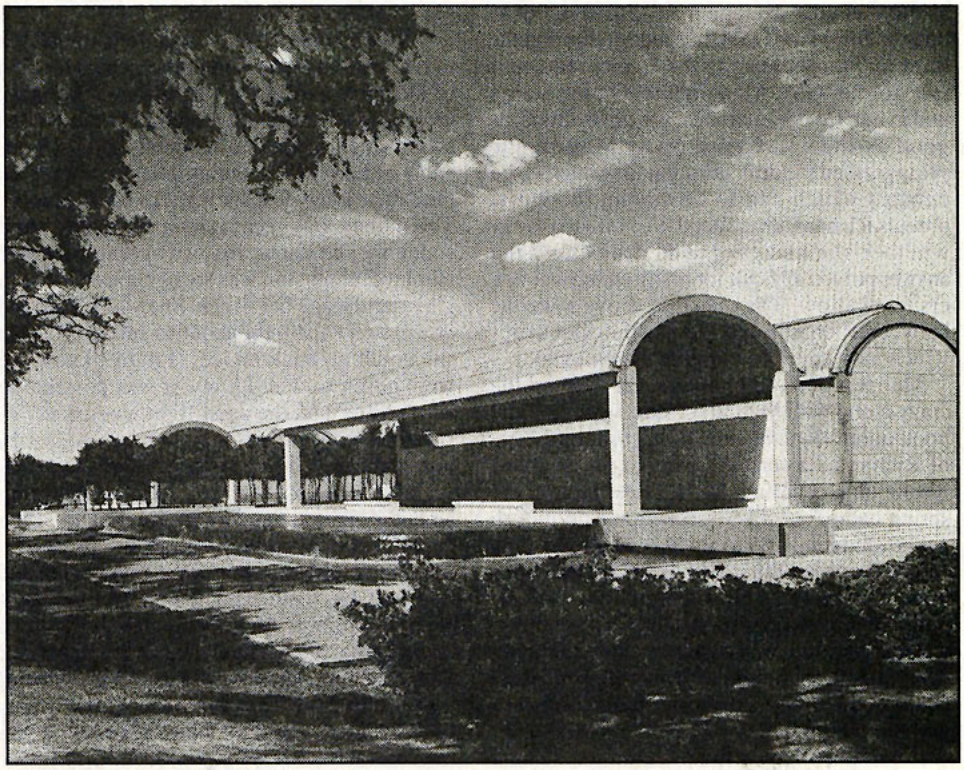
**BY RICHARD RYAN**

*DECONSTRUCTING THE KIMBALL*
**By Michael Benedikt**
**New York: Sites/Lumens Books, 1991**
**140 pages, $15.95**

AMERICANS DON'T REVERE their public places. Outside of Disney World and a few overcrowded national parks, we simply refuse to waste time acquainting ourselves with our cultural and natural monuments. We are too busy with our private business or our personal leisure, a little too late for the next appointment to stop and read those innumerable historical markers that stitch the highways. I am as guilty of this as anyone — for instance, I had lived off and on in Texas for decades before I'd ever visited the Fort Worth art district, and there discovered one of the great works of American architecture, the Kimball Art Museum.

The Kimball (completed 1974) is one of the late products of Louis Kahn, an architect who, thanks to a recent series of exhibits and books devoted to his work, can now be authoritatively placed in the league of Sullivan and Wright. What makes Kahn's work remarkable — what separates it from the angular monsters that chewed the urban landscape in the '50s and '60s — is a romantic impulse that tends toward mysticism, a natural piety informing his use of stone and steel. Kahn was fascinated by the play of atmospheric light on a building, and all of his work has a luminous texture so different from the austere rectangles and rigid surfaces of modernist constructions. I look at a Kahn and I imagine a seacoast.

While Kahn's reputation continues to grow, American architecture has itself been moving away from the grim modernity that Kahn kept at arm's length. Postmodern architecture, as the latest styles are usually classified, can be playful to the point of silliness, and creators of these decorative and jumbled buildings proclaim their debt to *au courant* critical theories, which overturn traditional ideas of formal order. Chief among these adopted theories is the now-notorious program of *deconstruction*, a French-spawned doctrine which argues that paradox and contradiction infiltrate and unsettle every text, every human attempt to make something meaningful. Deconstruction is often denounced by its critics as being little more than a trivial subdiscipline of critical nihilism: all texts are hopelessly complex, and therefore every text is meaningless. Its proponents, on the other hand, maintain that it has taught readers to view texts as open-ended, not subject to dogmas, limitations or "authorized" interpretations.



MICHAEL BODYCOMB

**Kimball Art Museum**

Eager to link deconstructivist theories with the traditions of the architectural *avant garde*, recent designers have applied the French methods to Russian constructivism, the revolutionary architectural style that brought hypermodern, machine-like buildings into fashion in the early decades of this century. Constructivists had a fascination with the energy and mechanics of buildings, and so their products have an exposed industrial look that still strikes many critics as fresh and exciting. By cross-cloning abstruse French theories and Russian revolutionary architecture, contemporary architects have spawned the mutant "deconstructivism."

What connection is there between this new architectural gambit and the great museum in Fort Worth? The link is not immediately obvious: Kahn, a man with a Platonic sense of harmony, would probably have been repulsed by deconstructivist architecture, which can look like willfully obnoxious clutter. In fact, it's hard to believe that a book entitled *Deconstructing the Kimball* would be anything other than an assault on Kahn and his aesthetic.

Surprisingly enough, the book manages to be respectful of both Kahn's work and the radical spirit of the deconstructive enterprise. Michael Benedikt, an innovative critic of architecture and design who teaches at the University of Texas in Austin, has produced a fascinating essay which shows how a careful deconstruction of Kahn's Fort Worth masterpiece leaves the building imaginatively richer. He furthermore suggests (and this is perhaps the book's most important claim) that Kahn's elegant mysticism is far closer to true deconstructionism than the theory's own architectural stepchild, deconstructivism. While critiquing current architectural styles, Benedikt shows both that Kahn's work is more radical, and that deconstruction is more traditional, than casual reflection would suggest. Benedikt brings off this critical *tour de force* by writing so gracefully that his focused observations and broad theoretical musings flow easily into one another.

The basis for Benedikt's interpretation is the "classical" version of deconstruction formulated and promoted by the extraordinary French theorist, Jacques Derrida. Derridean ideas, still controversial and hotly debated more than 20 years after their emergence, were first used by Derrida himself to read literary and philosophical texts. His attacks on "logocentrism," on the centuries-old effort to find stable and unchanging meaning in literature, eventually brought about a revolution in the way fiction and poetry is read within universities. As deconstruc-

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*Richard Ryan no longer lives in Austin.*

tive notions found a wider audience, the techniques of Derrida and his colleagues were soon applied to painting, film and virtually any object that could be treated as "meaningful." In retrospect, the popular success of deconstruction — these days the term even crops up in newspaper editorials — has been a remarkable episode in recent intellectual history. And yet, despite deconstruction's acceptance in academic quarters, it remains an unruly force. Which is precisely why it is surprising to discover that its disruptive effects have influenced a discipline as pragmatic and demanding as architecture.

But as Benedikt lucidly argues, a sympathetic reading of Derrida dispels our surprise at Derrida's influence in architecture. Derrida has always used a set of architectural metaphors to describe the dynamics of language. Noting that "grooves, chains, traces, horizons, insides and outsides" and a variety of other spatial metaphors continually appear throughout Derrida's writings, Benedikt infers that "architecture, its infrastructure, its topology, its mechanics, its 'moves,' are built into Derrida's thought patterns." To complete the symmetry of his thesis, Benedikt goes on to show that the Kimball, though initially appearing before us like a stone essay in classical unity, is in fact filled with divisions, gaps, suppressions and inverted hierarchies. Kahn's serene and rhythmic building, scalloped like a seashell, reveals itself as the scene of unlimited (and unresolved) complexity.

In discovering the paradoxes and fragments in Kahn's work, Benedikt has hit upon a key tenet of deconstruction, one often overlooked by the advocates of literary deconstruction and architectural deconstructivism: namely, that a work doesn't have to be intentionally paradoxical and fragmentary to be deconstructed. *Pride and Prejudice* can be deconstructed just as readily as *Gravity's Rainbow*. As Benedikt notes "The Kimball stands with all buildings as a complex trace of many incidents, many contributions, and many confrontations. Indeed, it is this richness that makes the critical deconstruction of almost any building possible." And if deconstruction succeeds so admirably with traditional structures, that also suggests to Benedikt that "deconstructivism," with its ostentatiously chaotic buildings, is little more than a pretentious effort to illustrate a critical theory through architecture. Deconstruction, he argues, was meant to illuminate traditional architectural themes, not displace them with incoherent experiments.

Readers with only a vague notion of what deconstruction details might be put off by the thought of picking their way through these abstruse ideas; and even those who have absorbed the "basics" of postmodernism might not be ready for yet more of the tone-deaf prose contemporary theorists seem to churn out. No such objections apply in this case. Benedikt writes with an animated style and has the steady and detached gaze of a true critic. His preliminary discussions of deconstructive ideas would make an excellent introduction to the theory for someone unfamiliar with Derrida's work, and Benedikt's moments of wit and lyricism are completely equal to the beauties of Kahn's sonata in concrete. In producing a work on applied deconstruction that is both approachable and sophisticated, Benedikt is guilty of something like a public service. And for those unfamiliar with the Kimball he illustrates his discussion of the building with copious photographs (reduced on the page a little more than I would like).

In his imaginative synthesis of seemingly disparate critical and artistic impulses, Benedikt demonstrates what cross-disciplinary studies at their best can achieve. And while I disagree with Benedikt on certain academic points, the only great fault I can find with *Deconstructing the Kimball* is that it is too short, and that consequently certain important issues are treated too lightly or not at all. A key example: other than a few biting asides — he is particularly critical of the way artificial lighting has been installed in the galleries — Benedikt does not say enough about the Kimball's actual role as a museum. I would have liked an exploration of the concept of the function of museums, how they work as public spaces, and how deconstructive ideas might be applied to the principles of curatorship.

Had Benedikt included such a discussion, his essay might have more ready application to the important ongoing debate over the social role of the museum. Because museums are home to various and valuable instances of artistic expression, museum builders have to be careful not to overwhelm the art their structures are built to house. Museums themselves are, as Benedikt notes, enormous "frames." It is a paradox — one predicted by deconstruction, naturally, — that unremarkable museums can function superbly; they "get out of the way" of the art inside. The sturdy, workman-like neoclassicism of the National Gallery in Washington and the Metropolitan in New York ideally suit them for the serious leisure of inspecting art. Wright's visually spectacular Guggenheim, on the other hand, is notoriously hostile to the works it holds.

Architecture is potentially either the most democratic or the most fascistic of art forms. A great building's blend of public and personal themes also remind us that the best communities provide locations — sites, stages — where private citizens can enjoy a shared heritage. Let's take a home-grown example of what happens when this principle is neglected: Austin, supposedly a livable and egalitarian community, has miserably failed to house its art community. As a periodic Austin resident I've found this failure grating, especially when I contrast Austin's record with the success of allegedly impersonal urban sprawls such as Dallas and Houston. The current site of the Laguna Gloria museum, however charming and pastoral, is acknowledged to be physically inadequate to the demands of curatorship. Plans to build a new museum downtown collapsed in the late '80s after years of wrangling between the museum board and Austin's inept city council

I mention this in light of Benedikt's book, because Benedikt frequently refers to the work of Robert Venturi — an enormously influential architect and theorist who was considered a leading candidate to design the perhaps never-to-be-built downtown expansion of Austin's Laguna Gloria. Benedikt — though not an uninhibited admirer of Venturi — sees him as an important forerunner to the positive elements in deconstructive architecture. Indeed, Venturi's festive and wittily referential "pop" style now seems the order of the day, and his Seattle Art Museum recently opened to national attention and acclaim. Venturi's vision might have been realized in Texas, had Austin not failed its residents on a plane where Fort Worth (of all places) succeeded immortally years ago. This is what comes from the absence of a public aesthetics: Fort Worth has Kahn's ceremonial gesture towards the infinite; Austin has a bungalow and some ducks. □

# BAD News

**BY NANCY DUGHI**

***BAD OR THE DUMBING OF AMERICA***
**By Paul Fussell**
**Summit Books, 1991**
**201 pages, $19.**

SIX LIFE-SIZED bronze statues worth $95,000-plus each have recently disappeared from parks and walkways in downtown San Antonio. The sculptor, J. Seaward Johnson, designed them for display in the open: six pedestrians, workers or loiterers placed just where they would be in any cityscape. They were on loan to the city in the hope that someone would buy them as a gift to the city. But no one did, so one by one they are going back to the owner.

I miss the fisherman on the Riverwalk the most, but all of the pieces were funny, unexpected and so real that no matter how often I saw them I always did a double take. Are those real people or not? I hear they are still available, so as soon as my income tax refund comes in, I intend to buy them all and have them reinstalled so I can see them and get a laugh when I go downtown.

Now, however, Paul Fussell tells me in his book BAD or the Dumbing of America that Johnson statues are BAD, creepy, in fact.

*Nancy Dughi is a teacher and a free-lance writer living in San Antonio.*

"BAD," he says, "is something phony, clumsy, witless, untalented, vacant or boring that many Americans can be persuaded is genuine, graceful, bright, or fascinating."

"Plain bad," he goes on, "is something like a failing grade, or a case of scarlet fever, but BAD is something phony, witless, and vacant that hype attempts to persuade is genuine, graceful or fascinating. "

He infers that Johnson's work is conning us, and in an entire chapter on public sculpture, ranks lifelike metal figures with the Statue of Liberty, the Mt. Rushmore Presidents, the outsized gold tinted head of Kennedy in the Kennedy Center and the ten foot statue of Franklin in a firehouse in Philadelphia.

They all "... try to earn easy awe; ... they satisfy the national yearning for kitsch; they are third-rate, pretentious unimaginative, our native version of Soviet Realism, designed for our peasant class, the culturally aggrieved and uneducated."

Fussell, a Menckenesque crusader against bunkum and pretense and fraud has gone from discriminating literary and art criticism to cleverly biting social commentary (CLASS, a previous best-seller, exposed Americans' hierarchies) and is now in the running for the title of America's fussiest old curmudgeon.

Yes, curmudgeon. What else would you call someone who can't get a laugh from seeing a man, bronze or real, solemnly holding a fishing line into the river in downtown San Antonio? He, by golly, is not with it ... so far out of the scene that he writes a book defining what is bad,, really bad, and BAD without mentioning the black vernacular BAAAAD. (Which we all know means very, very good).

There; I guess I told him.

But still. . . I find myself laughing and nodding in agreement as Fussell rips into the long list of other things which nag him with their phoniness. (Large menu cards; wallpaper made to look like shelves of books, the use of dialogue for conversation, of segue for proceed, the use of he after a preposition in an effort to sound educated "It is time for he and I to meet." We've seen it, heard it all right here in Texas.)

"Plain bad has always been with us." Fussell says. "In Rome there was certainly a chariot-wheel maker who made bad wheels, a wine seller who dealt in crappy wine. Introducing sawdust into breadstuffs is a time-honored practice, but it becomes BAD when you insist that the adulterated bread is better than any other sort."

He gives us examples we recognize immediately. From A to Z he debunks everything that makes our culture ours: BAD advertising, (using the word luxury is bad; joining it to motor car is BAD); BAD airline practices (saying "For your convenience, this plane is divided into smoking and non-smoking sections" instead of "As required by law. . .")

BAD banks, BAD books, BAD colleges, BAD conversation, BAD food, (tasteless gravy is bad; candy-coated pretzels and sugary beer are BAD); BAD newspapers (comics vs. lavish use of color and pictures on a front page of a newspaper), BAD movies, BAD poetry, BAD television (news shots where events are sentimentalized or melodramatized; public TV which makes a pretense of not taking ads yet spends more and more time eulogizing the projects of corporate givers) — he fumes endlessly.

Fussell's view is not as elitist or apolitical as it seems. His cranky iconoclastic blast at American taste has obvious significance for those concerned about issues in the coming presidential election. Much of his litany is amusing, but in a final chapter, ("The Dumbing of America") he points out, with real and serious outrage, that the epidemic of bad taste and dishonest workmanship in America is the result of the increase of adult literacy (60 million cannot read at all, another estimated 60 million read below fifth grade level). How can we expect such an uneducated, unenlightened population to be anything but philistines who glorify the BAD and can't distinguish between what is real and what is phony in politicians' statements?

He concludes, finally exposing his political opinions between the chuckles, that BAD is here to stay. Nothing will curb it: not raising capital gains taxes; not blowing up teachers' colleges; not writing English and other languages with taste and subtlety; not giving diners the guts to say, after the manager at BAD restaurants has asked them if they've enjoyed their dinner, "No"; not developing higher standards of courage and discipline for our military; not abandoning bragging and post-Cold War self-congratulation; not starting a new CCC; not improving the literacy of public signs and of public sculpture. . .

This is where we started. The reference to public sculpture again in the final statement, saddens me. If I, so obviously a person of supremely good taste, highly educated, liberal, enlightened, if I insist on presenting those six BAD statues to my city, what hope is there that any of his other and more fundamental criticisms will be heeded? No hope at all, he says, and "... Because these things are not likely to happen, the only recourse is to laugh at BAD. If you don't you're going to have to cry."

Nevertheless, Fussell's little book is a witty expose and summary of the pretentious, overwrought and fraudulent in America. Uncomfortable though it may make us (creepy, indeed!) we do well to read it. □

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**Continued from pg. 13**

son, beware that what you are getting now you won't get later. Or, if you are among the 10 million in the lowest income bracket, you fall into the buy-now, pay-later camp — in other words you could owe money next April.

There is also the question of lost revenue for the government. If the IRS is not bringing in $25 billion this year that usually comes out of your paycheck, that means the Federal government is going to need to raise that money. So Treasury will have to borrow those funds, which could drive interest rates higher, and again slow the economy.

But the word is that interest rates won't increase. The person who has the most control over where interest rates go is Federal Reserve Board Chairman Alan Greenspan. He is appointed by the President and confirmed by the Senate and has been lowering interest rates at the kind of pace that is considered fast even on Wall Street. These lower rates are another consumer initiative. If the tax cut is not enough to buy that new car, go ahead and borrow the money for it now while the rates are cheap. After all, even Alan Greenspan can't lower interest rates forever.

In the long run, the election-year tinkering will make much less of an impression on the state than the flows of Federal money into Texas. The $150-billion highway bill that was signed last year was certainly an improvement from the past, because with it Texans were getting about 94 cents back for each dollar they sent to Washington. But the highway bill is still the exception, as Federal funding seems to hit just about every state before it reaches Texas. □

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**Continued from pg. 4**

ing end of a 14-83 vote.

By 1987 Gramm was even more isolated when he cast one of five votes in a futile (78-5) attempt to stop a $50 million Federal Emergency Management Agency grant for food and shelter for the homeless. (By this point in the careers of Phil Gramm and Ronald Reagan, "homeless" was no longer an adjective.)

By June of 1987 "urgent" was the adjective proceeding a Relief for the Homeless Bill, as the homeless population continued to grow and the price tag for relief reached $443 million for the 1987 fiscal year and $616 million for the 1988 fiscal year. The bill was written to provided housing, health care, food, job training and other assistance for the homeless. Gramm was one of eight Senators voting against the package, which passed by a 65-8 margin.

In November of 1987, Gramm addressed the issue of Housing on the Senate floor, speaking in opposition to a Housing and Community Development funding bill.

"But is it not interesting that, while we are here debating the Federal Housing Program and talking about the fact that the American people are the best-housed people on Earth, no one has brought up the fact that the U.S. Government spends less money on housing as a percentage of GNP than any other nation on Earth? My assertion is that of every developed nation on the face of the earth, the U.S. Government spends a lower percentage of GNP on housing programs. Now is that not interesting."

Well, it seems interesting, particularly in light of what happened at the end of last month in Los Angeles. The housing bill, Gramm said, had to be defeated "to reassure Wall Street." It now seems unlikely that no one in New York smelled smoke last month.

Federal spending, as Sen. Phil Gramm has proven, is an easy issue to demagogue. And he continues to do it. Exactly one month before Los Angeles began to burn, Gramm was on the floor of the Senate speaking against a proposal to shift funds from military to domestic appropriations. If there is any "peace dividend" Phil Gramm said, it should be returned, in the form of $500 tax exemptions, "to taxpayers who won the cold war by being willing to let us use their money."

Gramm talked again of Dicky Flatt, Gramm's Everyman, the Mexia printer who "whether you see him at the Boy Scouts or whether you see him at the Presbyterian Church, he never gets that blue ink of the end of his fingers, never try as he may."

On floor debate on March 28 Gramm posed the following question. "Will the benefits proposed by spending money on this program be worth taking the money away from Dicky Flatt to pay for it?"

Gramm's economic calculus, however, offers little hope for those left behind in redlined urban America . "A good economy," he said after the riots; "is the best way to help individuals. It makes it possible for people to escape blighted areas."The blighted areas remain.

Gramm has collected $16 million and in three years will announce the beginning of his presidential campaign. As the cleanup proceeds in Los Angeles, and even George Bush starts paying attention, Phil Gramm's record seems worthy of consideration.

THE TEXAS Observer

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# A Place of Peace

**BY LOUIS DUBOSE**

*Such fragrance —*
*From where,*
*Which tree?*
**— Basho**

This is not a tea cottage like one closed up after the death of Kikuji Mitani's father, in Yasunari's Kawabata's Thousand Cranes — the novel of the tea ceremony. This is a cottage that can not be closed. Here, there are no mats on the floor, no Edo Period painting on the walls, there is no door, there is no veranda and there is only a gesture toward a hearth in the southwest corner — the one closest to the Mopac Expressway. And there are no complete walls, only six rough columns of limestone and river rock, and cypress beams that suspend a bamboo roof.

This was not intended to be a perfect tea cottage when Isamu Taniguchi designed and built it in the late 1960s. Its design was informed by a Japanese tea cottage, Taniguchi has said, but what he somehow had in mind was primitive man's first home.

Isamu Taniguchi built this cottage, and the three-acre garden surrounding it, working mostly alone, during an 18-month period. The house and the garden, like the man whobuilt them, as Linda Anthony wrote in the Austin American-Statesman, are a Japanese-American hybrid.

Isamu Taniguchi was born near Osaka, Japan, in 1897. At 17, he came to the United States. He made his home in Stockton, California, where he was a vegetable farmer and as a young man returned to Japan only once, to meet the bride his family had chosen for him. He was an involuntary Texan, brought here by the Department of Justice in 1942 after he was detained in Stockton. On a cold blustery day in November of 1985, speaking to a crowd that included Rep. Ernestine Glossbrenner, Judge Ron Carr and some 30 Japanese Americans — mostly visitors from Southern California who left Texas as soon as they were released from internment — Maury Maverick Jr. dedicated the grey stone marker that designates Taniguchi's first home in Texas. (The marker, by coincidence, was carved by Joe Frank Salanski Jr., whose father had worked as a guard at the camp.) "This was a concentration camp," Maverick said of the Crystal City Justice Department camp where Isamu Taniguchi spent his first three years in Texas. Maury growled about how so many good people, men like Earl Warren, then attorney general of California, and FDR, abandoned not only Americans of Japanese descent, after the bombing of Pearl Harbor, but also the most basic principles of constitutional civil rights. "Even Justice William O. Douglas lost his nerve," Maverick said. Then Isamu read his speech, in a strong voice in long paragraphs of Japanese, his young translator scrambling to keep up. He talked some of life in the camp, and of his dedication, since he was incarcerated, to peace. His only fight, he said was the his fight to tame the beast within man.

If the Second World War was the singular defining event in the lives of a generation of American men, so it was for Isamu Taniguchi. In Austin, with his son Alan translating, Isamu Taniguchi talked about the war, which, of course, he watched from a concentration camp. But if it was hard journalism I was about, Isamu Taniguchi was not the man to talk to. It was not his age, then 89, that made a dates-and-places interview so difficult. Rather it was his obsessionwith his own eclectic philosophy of peace. Every response, itseemed, was informed by two events. "When the atomic bombs were dropped on Hiroshima and Nagasaki, the very foundation of my existence was destroyed," he said.



ALAN POGUE

**Sebastian Garcia**

When he was released from camp, Isamu Taniguchi returned to California. But he had lost everything there and found that in 1946 anti-Japanese sentiment in Northern California was intolerable. So he moved his family to the Lower Rio Grande Valley where he farmed until he retired to Austin in 1967.

In Austin, with the skeptical approval of the director of the parks department, he set out to build a garden on steep forested hillside overlooking the Colorado River near downtown. If the bombing of Hiroshima and Nagasaki shattered the foundation of his exis-



ALAN POGUE

# Isamu Taniguchi 1897 - 1992

tence, on this hillside overlooking the river, Isamu Taniguchi set out to rebuild it. A walk through the mountain laurel, live oak and juniper, and over the arched bamboo bridge that crosses the pond filled with koi (carp), and then into Isamu's tea cottage, suggests that he succeeded.

One year ago, at a "Moonfest," dozens of his pre- and elementary-school "sprout scouts" came to the tea cottage — maybe to say goodbye. These were Isamu Taniguchi's most ambitious projects, he often said of his "allies of the earth." After most of the children had gone, Isamu's attendants turned his reclining chair toward the east, so he could look over the river at the moon. "Can you see the moon?" one of the women asked. He nodded. Outside, in a celebration as eclectic and charming as the man who sat looking at the moon, someone was playing a *didjeridu*, an Australian aborigine wind instrument

Two months ago, Isamu Taniguchi's private funeral was held here, in his tea cottage overlooking the river. The gardens remained open, visitors walked by and children stood back watching and listening to John Lennon's "Imagine."

Last night, on the first really hot summer night in Austin this year, a few people remained in the garden after dark, after the volleyball players and joggers had cleared out of Zilker Park below. The garden smelled like a cedar forest. Standing in the northeast corner, opposite the hearth in the tea cottage, a young couple embraced. Walking the rock path, another couple, two men, one black and from Austin and one white from Indianapolis, stopped to listen to the waterfall. And all around us in the garden were more fireflies than I have ever seen flying in one small space. □

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# POLITICAL INTELLIGENCE

✔ **IT'S A LONG REACH** but the attorney for Ben Reyes, who narrowly lost to state Sen. Gene Green in a Democratic Party runoff for a new congressional seat in Houston, is tying Reyes' court challenge to the recent riots in Los Angeles. After the riots, Reyes' attorney updated his lawsuit, according to Houston Chronicle reporter Alan Bernstein. Conflicts like the one in Los Angeles "give rise to the worst fears that different rules might apply to different ethnic groups," wrote attorney William White in an updated version of the lawsuit contesting Green's victory. Reyes contends that the new Houston district was designed for Hispanic representation and only if a new election is called will minority residents of the center-city district feel that they are treated fairly. Green won in a runoff by180 votes and it has since been established that a number of voters cast "crossover votes," voting in the Democratic runoff after having voted in the Republican primary. Such votes are illegal, but to get voters to admit they crossed over will require that they incriminate themselves. State District Judge John Delaney will hear the challenge on May 13. Republicans fought to draw those districts to the Democrat's disadvantage, labor lobbyist and organizer Dee Simpson said recently. "That's why you see these Green-Reyes and Martinez-Whitmire match-ups." (Houston Rep. Roman Martinez unsuccessfully challenged incumbent state Sen. John Whitmire in a Democratic Senate primary.)

✔ **WALL STREET JOURNAL** (we acknowledge sources) reporters David Shirbman and Jackie Calmes credit Texas Democrats with using the redistricting process to hold Republicans with designs on congressional seats at bay. "In Texas," they wrote "where Ann Richards 1990 victory returned the Governors office to the Democrats, the new map could hold Republicans to their current eight seats in a delegation that will have 30 members. All three new seats are earmarked for minorities and all are certain to be Democratic." The article describes Texas as one of a few bright spots for Democrats in the redistricting fights that concluded last year. How does the Journal see the final outcome of the redistricting? In an process historically controlled by Democrats, "The Republicans didn't lose." Though Democrats dominate state legislatures, the big factor that now works in Republicans favor is "the increasingly GOP cast of the judicial system..."

✔ **"A NEW LABOR MOVEMENT** is taking root on the grounds of Texas public schools," according to Houston Chronicle reporter Renee Haines. Haines' story chronicles the sudden and rapid growth of the Texas United School Employees Union, a union eight months old and already 3,300 members strong. It has yet to enroll a teacher, but is made up of "janitors, cafeteria workers, bus drivers, maintenance workers, tree trimmers, office clerks and mechanics." Most, in Houston area school districts like the Pasadena and Houston Independent School Districts, have never before considered joining a union. New union members told the Chronicle fear of losing their jobs encouraged them to join a union — during a recession and in a state that allows no collective bargaining for public school employees. In Pasadena, two friends formed a local on Feb. 1 and within 10 days had 100 members signed up. Orell Fitzsimmons, with the Houston local of the Service Employees International, is the chief organizer with the TUSE. Of the 3,300 members, 2,200 are in the Houston area, Fitzsimmons said. Teachers who want to join a union join the Texas Federation of Teachers, the AFL-CIO affiliate. Teachers who don't want to join a union usually join the Texas State Teachers Association.

✔ **AS THE SPEAKER'S** race in the House heats up, with Pete Laney, D-Hale Center, and Jim Rudd, D-Brownwood, claiming the lead (both of whom are about as far from needed reform as any candidate who stands a chance of winning) the big guys are asking their backers to make calls for them. One unlikely arm twister is Lena Guerrero, who reportedly has been making calls for Laney, asking some legislators to sign pledge cards. One House member who heard from Guerrero, a former Travis County legislator and Ann Richards appointee to the Railroad Commission, was surprised that Guerrero would be working for anyone in the speaker's race. Another house staff member also found it odd: "Everyone is saying that the next thing for her is a run for governor. Why should she be involved in this?" Guerrero said she admires Laney but only has time to work on her own campaign.

✔ **BEDROOM SUIT.** Larry Mitchell, a Democratic candidate for Texas House District 93, finds it ironic that incumbent state Rep. Toby Goodman, R-Arlington, is suing to have Mitchell removed from the general election ballot on the grounds that Mitchell, a lobbyist for the American Agriculture Movement, spends a substantial amount of time in Washington, D.C., and therefore does not meet residency requirements for the Texas Legislature. Mitchell, a Tarrant County native who lost his Arlington farm to the bank in 1989 but who continues to pay property taxes on his home there, noted that he has a much firmer claim on Texas residency than the nation's First Republican, George H.W. Bush, who claims a Houston hotel room as his residence. Mitchell said he has not used his Texas residency to dodge state income taxes, as Bush has. Mitchell also noted in his response to the suit that the three-judge federal panel (all Republicans) that redrew legislative lines this past December also decreed that residency requirements were waived for the 1992 election.

✔ **FEELING ENDANGERED?** The National AFL-CIO recently noted that OSHA, which is charged with protecting U.S. workers from health and safety hazards on the job, has an annual budget of $300 million, while the federal government spends about $1.1 billion each year to protect fish and wildlife. The labor federation reflected on those spending priorities as congressional cmmittees started hearings on bills to overhaul OSHA, which is 20 years old. Labor wants to strengthen criminal penalties against corporations and executives in cases of death and serious injuries, and also wants to extend coverage to more than seven million state and local government employees not now covered by federal safety regulations. The bills also would set up joint labor-management health and safety committees at work sites. President Bush, who hunts quail in South Texas and uppity labor leaders whereever he finds them, is expected to oppose the provisions.