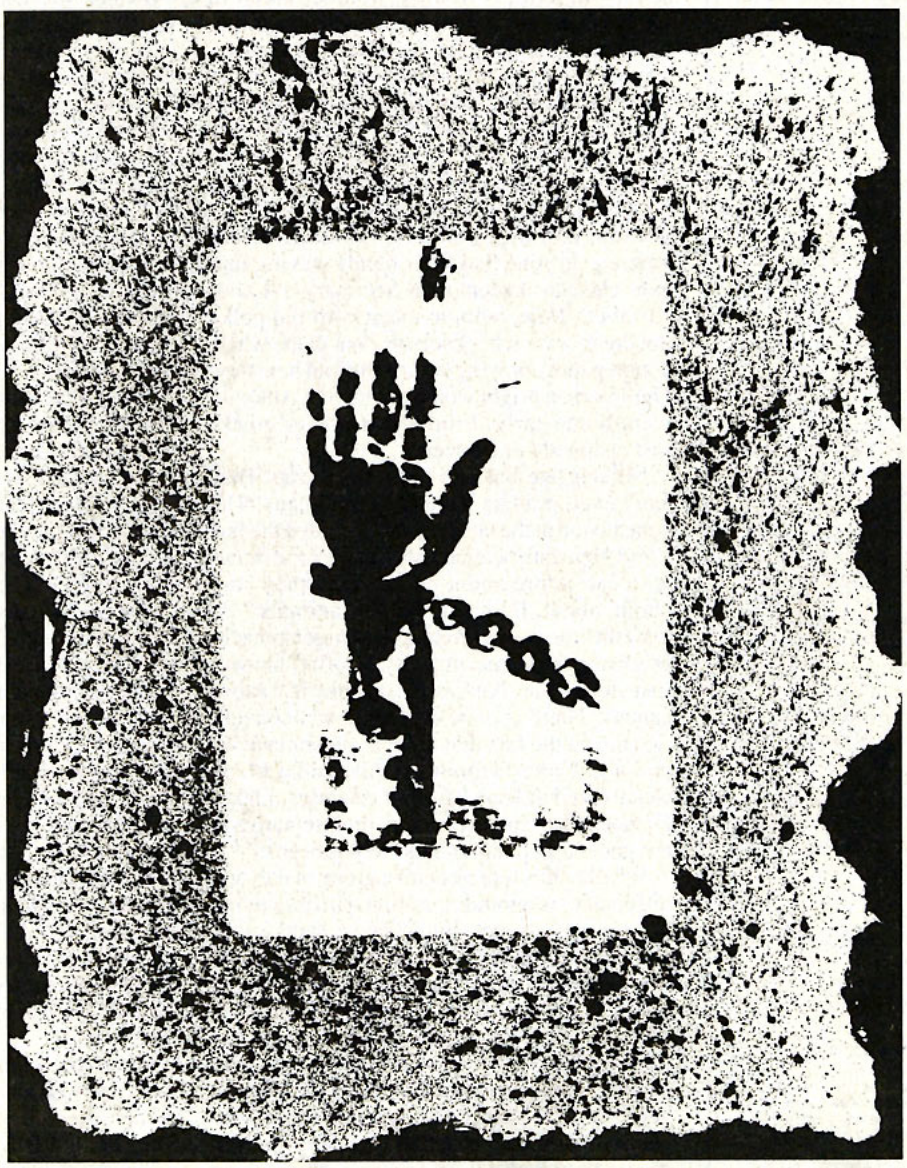
THE TEXAS Observer

A JOURNAL OF FREE VOICES

JUNE 19, 1992 • $1.50

ON THE ROAD WITH DEMOCRATS
Pg. 2

THE DIVIDING LINE:



Police vs. Blacks in East Texas

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.

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EDITORIAL

Conventional Ennui

Houston

In this state, Republican Party conventions are always more interesting — from an anthropological point of view, that is. For example, with the Democrats at the George R. Brown Convention Center last weekend, there was no booth with a tire suspended under a "Mandela's Necklace" sign. I didn't see a single fetus in a jar, no one talked in tongues, no eyes-closed-hands-waving-in-the-air hymn-singing. (The last time I attended a convention in this building it was the Republicans and I accompanied our editorial intern to a prayer breakfast, expecting a slice of cantaloupe, a cup of coffee, and a Norman Vincent Peale homily. Instead, someone handed us small Styrofoam cups of coffee, two donuts, and directed us to an auditorium where everyone had their hands waving and eyes closed -- except then-Secretary of Labor Elizabeth Dole, who, in a black-on-red polka dot dress, was on her knees in front of the whole congregation, praying before she told her story. Our intern, a bright woman from San Antonio, went home early. I think that prayer breakfast changed her forever.)

Nothing like that with Texas Democrats. They can't even pray as well as Republicans. The benediction at the labor caucus included the line "And Heavenly Father, help us elect officials who care more about people than they care about, about, Heavenly Father, animals." At least the line was offered up by a union preacher and maybe he meant to say "profits" but was lost in reverie. And at least there is a labor caucus. There is none at Republican conventions. And the fact that there is a labor caucus, and a gay and lesbian caucus, and a black caucus, and at least 37 other caucuses, makes Democrats at least seem more representative of the general population than Republicans.

Whether this representative group makes any difference, is another question. (In an attempt to make it even more representative, gays waged and lost a floor fight for a 8 percent quota for gay delegates to the national convention.) A platform is drafted, but as one member of the platform committee said at the last convention in Fort Worth (and it's good that they change cities now and then because without geographical points of reference these conventions would all be a blur), "a platform is to run on then forget." And there is the ongoing process of resolving, by which thousands of groups or individuals appear before a resolutions committee, each offering up their cause in the form of a resolution. But unless the resolution is absolutely unDemocratic, it passes anyway. And how many resolutions have actually changed the course of human events?

So state party chair Bob Slagle drones on endlessly. "I've told y'all how to do this at least six times and you've never done it right yet," Slagle told 12,000 delegates, alternates, and convention organizers before they filed back to district caucuses. "So I'm going to tell you again and maybe we can get back here on time for Senator Bentsen and Governor Clinton to speak at 8:30" — which was necessary if they were to make the 10 o'clock news. Billie Carr holds forth outside of one meeting or another and the Travis County caucus, blessed with a near-critical mass of professional political talent, never can seem to adjourn. The same holds true of the Jefferson County delegation, with its critical mass of critics.

The truth is that the primary system has rendered these conventions obsolete. They are coronations for winners and pep rallies for workers. At best, they provide a reading of where a political party is heading and what its leaders are thinking. Usually, the boredom is fairly intense.

What's on Democrats' minds in early June of 1992? Ross Perot, of course: "I think he's got a shot," Gov. Ann Richards said of Perot, "... because he is expressing what is a mood of the people out there that I happen to agree with. That is, that they're frustrated, and they're angry, and for the first time in their lives they're afraid of the future. There's a real fear for our kids. ... I think he's going to be a real contender all the way through." But, as the Governor rightly observed, this was mainly a story the press was flogging along at the convention.

When a TV reporter looking for a byte tried to lead Richards into the Clinton camp — "But now that people like your are getting into the campaign, you're going to campaign for Clinton, are you not?" — the Governor was less than enthusiastic. "Yeah, I'm going to be involved in the campaign in the fall," Richards said, adding that she has a job and politics is only one part of it. "I'm going to do my job first and politics second," she said, before continuing her caucus hopping in support of the candidacy of Railroad Commissioner Lena Guerrero.

Guerrero, appointed to an unexpired term, is the first woman and first Hispanic ever to serve on the three-member regulatory commission. She, and not Bill Clinton, is the candidate to whom the Governor is most beholden. A good argument can be made that if it had not been for the work of Guerrero, Richards wouldn't be governor today. Early in the 1990 Democratic Primary, Attorney General Jim Mattox set out to win two crucial endorsements: the Mexican American Democrats (MAD) and the Texas AFL-CIO. Guerrero was the convention floor

tactician who denied the Mattox organization both endorsements — which everyone knew Richards couldn't win. By blocking those organizations from endorsing Mattox, Guerrero denied the Mattox campaign the early momentum and the public perception that the AG was going to steamroll his way to the nomination.

The real prize that most expected Richards to offer Guerrero, then a Travis County legislator, was an appointment to the office of Secretary of State, which instead went to John Hannah, who now seems to have disappeared. Guerrero's appointment to the Railroad Commission meant that she would face a well-financed Republican opponent in two years. Those two years are up and the Governor is investing heavily in Guerrero's candidacy. Richards has turned her organization over to Lena Guerrero. The Governor's son-in-law, Kirk Adams, is working with the Guerrero campaign, and Richards, at most of the caucuses she attended, described herself as "Lena Guerrero's chauffeur."

Guerrero, taking a page from the Mattox canon, has perfected her own version of the People's Lawyer's "my momma was a waiter and my daddy a sheet metal worker" speech. "I grew up the fifth of nine children in the little town of Mission, Texas," Guerrero begins, before moving on to to Dimmitt, where she picked corn for 65 cents an hour and worked as a carhop at the Bobcat Drive-In, and then back to Mission where her father "died in '69" and her mother took a job in the school cafeteria. Her mother, "who just turned 70" is still at the school cafeteria. And if Guerrero can convey this message to the public, she will still be on the Railroad Commission in January. Her opponent, Barry Williamson, has deep roots in the oil patch and deep pockets. Guerrero, like Mattox used to do, is telling people that she is from whence she came — sort of sticking the silver spoon in Barry Williamson's mouth. And she gets fairly high marks for her two years on the commission.

And Democratic Senator Lloyd Bentsen seems to have lifted a page from the Jim Hightower canon. The senior Senator attacked the accumulation of wealth by the "richest 1 percent" and railed at Bush for "offering Americans a thousand points of light and leaving them looking for a flicker of hope."

"During the Republican '80s, the income of the richest 1 percent more than doubled," Bentsen said, "while they got a healthy tax break. Their share of the total net worth of this country went up while everyone else's went down." Bentsen lamented the country's decline to 130th among all nations in the immunization of children; its decrease in public investment in preschool primary, secondary, and higher education; its increase in infant mortality and the diminishing size of its middle class. Bentsen's endorsement of Bill Clinton ends speculation about the Senator's presidential aspirations and perhaps begins speculation about Bentsen as a vice-presidential candidate who might move the ticket toward the left. This time, it was Lloyd Bentsen, and not Jim Hightower, who said that Republicans believe "a rising tide lifts all yachts."

There was even some "news." An well-organized "pro-life" faction showed up at the "pro-choice" caucus, which is probably a sign of life in the Democratic Party. Perhaps it even augurs that the debate about abortion, one of the most morally complex issues of our time, will advance beyond the "pro-vs.-pro" level where it has languished since the Republican Party defined the terms of the debate and the Democrats, without thinking, followed along. But it is obvious that Democrats by and large remain committed to the right of a woman to make decisions about her own body — as they should. And a poll soon to be released by the Texas Abortion Rights Action League (TARAL) suggests that most residents of this state agree with the Democrats.

The poll shows Democratic Supreme Court Justice Oscar Mauzy running even with his Republican challenger, Craig Enoch of Dallas. Mauzy supports a woman's right to abortion, while Enoch is a staunch opponent of abortion. But the equation of the three-way split among Mauzy, Enoch and undecided, is altered when pollsters identify Mauzy as "pro-choice" and Enoch as "pro-life." When candidates' positions on the issues are stated, Mauzy moves to 51 percent. TARAL has never endorsed candidates for judicial races. But with a 4-1-4 split on the Texas Supreme Court on the issue of a woman's right to choose, and the predicted overturning of *Roe vs. Wade* by the U.S. Supreme Court, TARAL is even expanding its electoral activism into races for state district courts.

And the AFL-CIO took a stand on the House speaker's race, joining Common Cause in a call for a more open race and an end to the signing of pledge cards, by which House members are strong-armed or seduced into supporting a candidate for speaker, often as early as a year before the House even convenes. (Port Arthur Sen. Carl Parker once told me that a House member, whose name I since forgot but I suspect Parker remembers, had signed pledge cards for three candidates in 1974, when Parker, as a House member, ran for speaker.)

And, yes, Dallas Mayor Pro Tem Al Lipscomb came out in favor of Ross Perot. Lipscomb is not exactly a bell wether of anything important, although he does, in a very real sense, personify the intense personal anger that results from being black in Dallas.

Bill Clinton didn't say much, but he said it loud. I was waiting for him to seize the moment and show us all that he understood political theater, perhaps by tearing into the Bush Administration's pathetic record on the environment and then announcing that he himself was "going to Rio." Instead, he took a standard swipe at his opponents. In one of his better lines, he measured himself against Perot and Bush: "I can't spend whatever it takes, and there's a lot of things I won't do to get the job."

So it's on to the Republican convention in Dallas, where to reporters "trickle down" means better food and name-brand liquor at hospitality suites and "big tent" suggests something other than all-inclusive. Once Ross is elected this'll all be done telephonically, anyway.

— L.D.

THE TEXAS Observer

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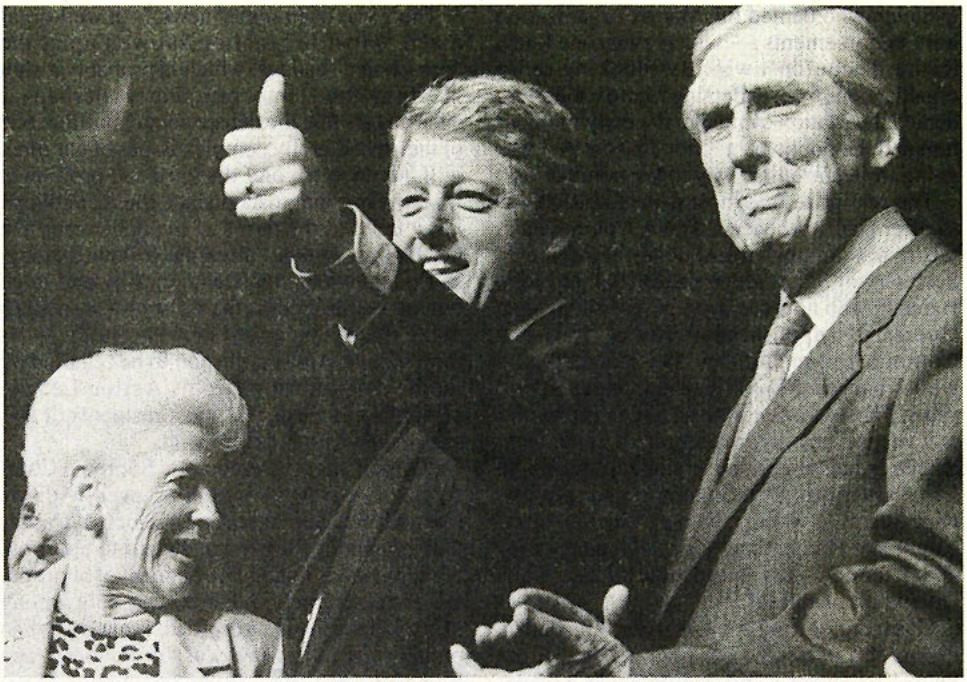
Due to an error that sent a computer disk with an earlier version of the Observer's May 8 issue to the printer for processing, that issue as published contained a number of typographical errors which were thought to have been corrected. The Observer apologizes to the writers whose articles were marred by the stubborn typos as well as the readers who had to negotiate them. We are re-running Elroy Bode's "Meditations on a Vacant Lot."

"Low-Level Threat," a report in the May 8 issue on the proposal to permit a radioactive waste dump in Hudspeth County, quoted a spokesman for Public Citizen in Texas suggesting the Maine Yankee nuclear power plant, whose waste could be transferred to Texas, would be decommissioned in 1996. A spokesman for the Maine Citizens Against Nuclear Dumps said the plant could be closed as early as 1998; its license expires in 2008.

The last line of type was dropped from "'Life' in West Texas" on page 16 of the Observer's June 6 issue. The last sentence should have read: Robert Chambers' name is not included *in any of the records*. (Italics indicate the missing line.)

MORE CONVENTION NOTES

Melissa Shea of Round Rock gave one of the more impassioned speeches at the Democratic convention with her appeal for the Clinton Democrats to recognize the effort of the Brown supporters by granting them more than the four national delegates they gained on their own, including two they picked up in a bargain with Paul Tsongas. "I'm begging you not to alienate the Brown delegates. We're not just a fringe element," she said. Later Shea said the 15-percent threshold before a candidate qualifies for delegates in any senatorial district is too high for a state like Texas. "It's not us against them at this point," she added. "The state convention is the vehicle to determine the details of what the party represents. I understand that Clinton is going to be the nominee, and everybody will come together at the national convention, but this is a working convention and we need to attend to the details in a spirit of compromise, not dictatorship."



The gang's all here. PATRICIA MOORE

HARDBALL POLITICS

Some of the toughest fights at state conventions usually concern who will lead delegations. Railroad Commissioner Bob Krueger of New Braunfels ousted Bill Sinkin, a 79-year-old financial consultant and party activist from San Antonio, for the right to chair the Senate District 26 delegation during the convention. Sinkin later told the San Antonio Light he apparently was too closely identified with Bexar County for delegates from counties north of San Antonio, but it is unusual for a statewide officeholder to spend political capital on a fight for delegation chairman, which frequently turn bitter.



Ann Richards and Lena Guerrero PATRICIA MOORE

PEACE TALKS FALTER

Arab-American Democrats thought they had a deal with Jewish Democrats to eliminate platform language that noted the "special" relationship between Israel and the United States, but Jewish Democratic delegates pushed to reinstate the old language after they saw an op-ed piece written by an Arab American and published in the Houston Chronicle a few days before the convention, and a handbill distributed at the convention which questioned further loan guarantees for Israel. The plank as approved by the convention ended up recognizing the special relationship, but also hoping for the realization of the "legitimate rights of the Palestinian people" and, among other things, human rights in the region. Ruth Ann Skaff, an at-large Democratic National Committee member and an Arab American from Houston, said she was "stunned and shattered" at the breakdown of the compromise, but she hoped the Democrats would continue to work with Arab Americans.

SPIN ON PEROT

Garry Mauro told Mexican-American Democrats the candidacy of Ross Perot may put Texas in the Clinton bracket, if Perot splits the Anglo vote with Bush and Clinton holds onto the Hispanic, black and yellow-dog Democratic vote. ... Texas AFL-CIO President Joe Gunn said Perot was a "good American," judging from his celebrated effort to bust two EDS executives from a Tehran prison after the ayatollah took over. ... Supreme Court Justice Oscar Mauzy said he believes Perot will cause a larger turnout than normal, but he doesn't expect those voters to have much impact below the congressional races. ... Lena Guerrero, seeking to become the first Mexican American elected to the Railroad Commission, said Perot is good news for downballot Democrats. "Having Mr. Perot on the ballot destroys a Republican straight-ticket base, and (Perot) really doesn't affect the Democratic base," she told the Houston Chronicle. ... Sen. Bob Glasgow's new district is considered 54 percent Republican, but the Stephenville Democrat said he expects Perot to take Republican votes from Glasgow's opponent in suburban areas of Tarrant and Denton counties. — J.C.

A Disillusioned Delegate's Diary

BY ROXANNE BOGUCKA

THIS YEAR I WENT to my third state Democratic convention. This is the second time I've navigated the hazardous highways of Houston to make my way to the George R. Brown Convention Center in defense of democracy. The first two times I was elected out of my Northeast Austin precinct, but this year I suggested that someone who hadn't attended before should get to go, and I was elected as a Jerry Brown alternate. Wouldn't you know, the minute we got all that settled I decided that I really did want to go after all. I filled out the blue form and got moved up to at-large delegate status.

I like going to state conventions, at least I like the idea of going to state conventions. This year I was a bit more prepared than I'd ever been before. I'd been a precinct chair for two years, I'd actually studied the party rules, and I'd been a bit more active in a candidate's campaign. I prepared to see and do politics.

At my first convention, frankly I just held tight and hung on. Jesse Jackson was running then, and there was a real adrenaline rush. I barely knew what was going on, and relied on the floor whips to tell me, an average voter elevated to party delegate status, when we were supposed to vote and what we, as Jackson delegates, were supposed to think about each resolution and rule. Despite that, it was good theater and good bull, and I began to think that I'd been wrong to eschew all those pep rallies and yell practices in high school and at A&M.

My second state convention had Ann Richards running for governor, and a considerable prominence of pro-choice activity, so it was pretty exciting too. I'd actually learned something about how the party worked by then, so I could even take a few cogent notes.

In this presidential campaign my candidate of choice (Kerrey) faded fast, and my fallback position was Edmund G. Brown. Long before the convention it was obvious that my support had sounded the death knell for yet another candidate, but I kept up appearances and even managed a few cheerful remarks to friends and family while I secretly calculated whether I would pull the lever in November for Bill or write in Hillary. In the meantime I consoled myself with the notion that at least I would attend the convention, meet other Brown supporters, discuss the issues we felt were important, and be a part of the process.

I wasn't part of the process. I wasn't even near the process. The process went on in some dim recess of the George R. Brown Convention Center. I was geographically close, but I wasn't invited. The show didn't start until 6:00 p.m. on Friday night. I, like many other bewildered delegates, wandered around the vendor displays looking for cool, kick-ass T-shirts (not many great T-shirts since we lost Jim Hightower); drinking the most expensive orange juice I've ever consumed in my life; and latching on like grim death to the few people I recognized.

I don't pretend to expect that all Democratic Party business could be open to examination by any or every delegate in attendance. I certainly didn't expect to walk freely into any room or to be privy to any high-level meetings. I just expected that as a three-time delegate, now fairly comfortable with the convention scene, I would know what was going on. I think I did all the right things. I kept abreast of campaign developments by newspaper, NPR and CNN. I talked more with people who really do things in the party, and with people who want to do things in the party. I studied the party. The methodology was clear to me. The mystery remained. What gives?

Basically, I discovered that even if you involve yourself in a political party to the extent of being a recidivist delegate, you're no closer to what's going on than the folks back home. You know what the committees are and you understand their reports, you attend the caucuses of your choice, and you recognize a lot more people, but your essential role at the convention is to raise your green delegates' badge when your floor leaders say vote "yes."

There wasn't any evidence that things were being kept from us, though it certainly seemed that way. It just seems that to really know what's up you have to make politics and the Democratic Party your life. I have a life, full of children and work and graduate school, and I suspect most folks at the convention were in about the same fix. Most of us can't embrace our political party like a religion. Frankly, we don't have time.

I thought the convention was pretty dull Even Saturday's floor demonstration by Brown, Tsongas, and Uncommitted delegates (mostly from Travis County) was spiritless and lackluster, and not nearly loud enough or disruptive enough. (These folks were disgruntled that the 15 percent rule for delegate apportionment wasn't voted down. They marched through the aisles with signs calling for a 7 percent solution, and in my state of ennui I thought of Sherlock Holmes and wished I had a 7 percent solution myself.) The ritual appearance of a Lyndon LaRouche supporter before the convention failed to stir my blood. In this instance one Susan Schlanger, an earnest LaRouche-ite, challenged Bob Slagle (a truly grumpy old man) for the chair of the convention. She was accorded 10 minutes to address the convention, during which I heard her reviled by people who apparently had no idea just why Lyndon LaRouche might be objectionable. Our side good; their side bad. Fight, team, fight.

Bill Clinton gave a speech on Friday night, the gist of which my 12-year-old could have written. We've all got to work together, tax the rich, feed the poor, do good, and we're just the guys to do it. Ann Richards wowed the crowd as usual, though before her appearance we were submitted to an extended promotional video for our governor. I admire Richards, and I must admit the sight of her on election night with the theme from Chariots of Fire blasting in the background raised a goose pimple or two. We also heard Lena Guerrero, who seems to be taking speech-making lessons from both Ann Richards and Jerry Brown. Between zingers, she exhorted the crowd to write checks for her campaign and even spelled her name for us. Give me a "G" ... Give me a "U" ...

The most interesting things I observed were the benedictions. The Friday night priest read at length the words of Abraham Lincoln, a great man and a great thinker, but, as many folks around me complained, not a Democrat. The Saturday night preacher's orisons were equally lengthy and highly and unapologetically partisan. I'd never heard a Democratic prayer before. Reminded me of The War Prayer but not so bloody.

We were there not to change lives or even to find out how one begins to change lives. We were there to bow our heads and pray for victory, ridicule the other team, cheer for our quarterback, root for the backfield, and show spirit. In a place where fervor for football is the measure of one's patriotism, this year's Democratic convention was highly appropriate. □

Roxanne Bogucka is the Observer's copy editor and a graduate student in anthropology at the University of Texas in Austin.

The Dividing Line

Police vs. Blacks in East Texas

BY JAMES CULLEN AND CAROL COUNTRYMAN

Longview, Tyler

ANNIE RAY DIXON apparently was asleep in her bed when an East Texas drug task force burst into her house shortly before 2 a.m. this past January 29. As the 84-year-old invalid slept, a gunshot from a Kilgore police officer's semi-automatic pistol killed her while the officer was rushing into her bedroom.

Officer Frank Baggett Jr. kicked through the door as other task force members searched the rest of the house. His .40-caliber pistol apparently discharged when he tripped or stumbled through the doorway into the dark room. He later testified that he did not realize he had shot the woman until he tried to console her about breaking into her room and noticed the bloodstain on her nightgown.

No illegal drugs were confiscated during the raid of the house, which is west of Kilgore and just inside Smith County. Nobody was arrested in the raid, but Smith County District Attorney Jack Skeen said a small "crack cocaine-type pipe" was found. The police were acting on a warrant issued after an undercover officer allegedly purchased a small amount of crack cocaine at the house earlier that evening. They knew that some of the occupants of the house had previously been arrested for drug offenses and at least one was known to have carried a gun, Skeen added.

Dixon's family filed a lawsuit in Smith County against the Gregg County Organized Drug Enforcement Unit, the cities of Kilgore, Longview, Gladewater, White Oak and their police departments and the Gregg County Sheriff and his department. Members of the task force reportedly thought Dixon's house was in Gregg County.

At a recent inquest into the death, Baggett testified that he had his finger on the trigger and his gun was pointed straight ahead at waist level when he tried to kick open the door. The door opened easily, which he said caused him to lose balance and fall forward, with his right arm and shoulder striking the door. The gun discharged when he hit the floor.

While other officers testified that they usually pointed their guns down when they broke through doors, Baggett testified that instructors taught him to be ready to shoot when he broke through the door. A mistrial was declared in the inquest June 5 after the jury deadlocked 4-2 over whether to rule the death an accident or refer it for criminal prosecution.



MICHAEL ALEXANDER

Dixon's death outraged East Texas blacks who in the previous month had seen two black men die in police custody and another by a gunshot wound later ruled to be accidental.

Eight days earlier, on January 21, Demetrius Caddell had died in the Smith County Jail. An inquest produced a Tyler jury verdict that the 19-year-old man died after suffering an asthma attack, but officials of the local chapter of the National Association for the Advancement of Colored People were not satisfied and charged negligence on the part of jailers.

During the inquest, the jury heard conflicting testimony involving Caddell's access to asthma medication and treatment while in jail. Testimony by a sheriff's investigator showed that Caddell was issued a "blue card," which noted serious medical problems and authorized medical treatment when requested. Jail trusty Diana Sherrell, who worked in the jail's infirmary, told the jury Caddell requested medical treatment several times. She said she was concerned about conversations she overheard between two nurses which had made her feel a "lack of concern." Caddell received treatment three times at the infirmary within 24 hours of his death. The emergency room physician, Dr. Kenneth Hackney, testified that Caddell was clinically dead upon arrival to the hospital.

One month prior to Caddell's death, Michael Rose also died in the Smith County Jail. Agreeing with Texas Ranger Steve Black, Justice of the Peace Mitch Shamburger of Tyler ruled the December 13 death accidental. In an inquest, a pathologist testified that Rose, 35, died due to an "intoxication by the ingestion of cocaine" which he allegedly swallowed during his arrest. Ben Clay, a detention officer, testified that he escorted Rose to the restroom where Rose began to tremble and "lose control." He said he handcuffed Rose and restrained him to keep him from kicking. A nurse then gave Rose an injection of Thorazine to calm him down. Rose was taken back to his cell where he stopped breathing. He was transported to East Texas Medical Center where he was pronounced dead.

Early on the morning of December 22, 1991, a burglary suspect died after a Longview police officer's pistol discharged while the officer was trying to handcuff the man. Police said the suspect, Cornell Lockridge, 28, of Longview, was fleeing officers when Lockridge tripped and fell. As Officer Joe Wilson knelt to handcuff the suspect he was putting his pistol in his holster when Lockridge reportedly rolled

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Carol Countryman is a teacher and a freelance writer living in Athens.

over and knocked Wilson off balance and the gun discharged. Texas Ranger Ronny Griffith called the death an accident and a Gregg County grand jury cleared the officer.

The deaths spurred a rally by the NAACP in downtown Tyler on February 10 to protest what Tyler chapter president Ernest Deckard called "inadequate investigations into deaths of blacks in East Texas." Deckard also questioned the role the Smith County Sheriff's Department played in the two jail deaths.

During a town hall meeting after the rally, citizens questioned if thorough investigations were or will be conducted into these deaths and also questioned how drug raids are conducted in poor, black communities. Asked why these raids target poor neighborhoods, District Attorney Skeen explained that budget constraints force narcotics officers to bust smaller dealers instead of targeting those larger dealers selling cocaine to the more affluent. The Rev. Harlon Overstreet, chairman of the local NAACP's Legal Redress Committee, voiced his concern that deaths of blacks in East Texas while in the hands of law enforcement have too often been deemed "accidental."

Smith County Sheriff J.B. Smith maintains that he doesn't understand the charges the NAACP is making. He stated that in the Caddell case the officer on duty was black and two of the nurses were black. He is upset by the "insinuations of prejudice" aimed at him. "I've never experienced anyone pointing a finger at me and saying you're guilty of prejudicial conversation or you've offended us with some sort of prejudicial thing you've done in the jailhouse," Smith said. However, referring to blacks during an interview, Smith said, "I don't even know what to call them...They don't call themselves black anymore, they're not negroes, what are we supposed to call them?"

Months after the rally, the black community is still angry and demanding action. Skeen and Smith have assured NAACP leaders that thorough investigations into these matters are being conducted by the District Attorney's Office, the Sheriff's Department and the Texas Rangers (a division of the Texas Department of Public Safety). In response to a Tyler city councilman's question on the need for a citizens' review board for civil rights violations, Skeen said he would support such a board, but "too many investigations could only hamper progress."

As Sheriff Smith and District Attorney Skeen continue to express surprise over charges of racism in the Smith County deaths and maintain that thorough investigations are being conducted by their offices and the local Texas Ranger, black leaders are recalling the case of Loyal Garner Jr., who died in a Tyler hospital on December 27, 1987, after a severe beating in the Sabine County Jail at the hands of Hemphill police and the county sheriff's deputies, and the case of Troy Lee Starling, who was shot by a DPS trooper in Mount Enterprise.

Garner, of Florien, Louisiana, was taken to the county jail in Hemphill Christmas night after he was stopped for suspicion of drunken driving. When Garner was denied his right to make a phone call, he began to complain loudly. According to court testimony, he was taken into an interrogation room where he was struck several times by Hemphill Police Chief Thomas Ladner with a homemade blackjack. Garner was transferred to "detox," where he lay comatose on the floor for the rest of the night. The next day he was transferred to a Tyler hospital, where he died.



JAMES CULLEN

James Jones points to bullet holes.

Tyler-based Texas Ranger Steve Black ruled the death "accidental," but in a state district court in Hemphill Chief Ladner and two sheriff's deputies faced charges of violations of civil rights. A jury of 11 whites and one black found the defendants not guilty. The black juror sat in the same jury box as her employer. A judge allowed four whites to be members of the jury even though they had contributed to the defense fund for Ladner and the deputies.

A year later, brought up on murder charges in Tyler, where Garner died, Ladner and the two deputies were convicted in state district court. Although Chief Ladner is currently serving a prison term, the deputies are free during the appeal process.

Four months before Garner's death, Troy Starling was shot by Department of Public Safety Trooper Jim Reese in Mount Enterprise. According to Trooper Reese, he observed a speeding violation and chased Starling for five miles. After finally stopping the suspect, Reese approached the car with his .357 magnum revolver drawn. Reese said Starling did not respond to two commands to get out of the vehicle. Reese said he then reached through the window and grabbed Starling's shirt. Starling reached around and grabbed Reece's gun which then "discharged" into the back of Starling's neck, Reece said.

According to the Dallas Morning News, Reese had twice been investigated by the Justice Department for civil rights violations and had 13 complaints filed against him. Four months before Starling was killed, 37 residents of Mount Enterprise signed a petition to have him transferred away from Mount Enterprise. They alleged that Reese harassed townspeople and was dangerous. The Morning News reported that Reese's supervisor, Sgt. Stan Clark from the Tyler office of the Department of Public Safety, investigated the allegations and found then unsubstantiated. In his report, Clark called some members who signed the petition "trash" and concluded that he "did not find a single documented piece of evidence to support the allegations of harassment."

Mrs. Beatrice Barrett, widow of a former Justice of the Peace in Mount Enterprise, said her husband called DPS in Tyler "several times" to warn them about Reese. Ranger Black declared the shooting an accident. Reese remains stationed in Mount Enterprise. The DPS settled a civil suit out-of-court with the Starling family in excess of $180,000.

East Texas blacks also complain that use of deadly force against black youths has become routine. Kevin Jones was driving Tiffany Wallace home in his car on a Sunday night in south Longview when behind them they saw a police car with lights flashing. Jones, a young black man who has been in trouble with the law before, drove a few blocks to an apartment complex, he later said, because he wanted witnesses to any confrontation with police.

When they arrived at the apartment complex, shortly before midnight March 29, Jones said he got out of the car to look for a relative. The police officers, who later said they had observed the car run a stop light, followed him. Wallace said she tried to follow Jones in his car when one of the officers tried to stop her. The car ended up with at least nine bullet holes, as the officer fired several shots into the windshield

before he jumped aside and fired more shots into the driver's-side door. An officer on the other side of the car also fired at least three times at the car.

Police found no weapons, no drugs and no alcohol in the car, but Jones was jailed on a charge of resisting arrest and a warrant for a probation violation. Wallace was jailed on a charge of aggravated assault on a police officer. The warrant against Jones and the assault charge against Wallace later were dismissed. A Longview Police Department internal investigation sustained complaints of excessive force used by Paul J. Ely, a 26-year-old white patrol officer, and Juan D. Roberson, a 30-year-old black patrol officer, in the incident. Ely was suspended without pay for 30 days and his status as a probationary employee was extended by six weeks. Roberson was suspended without pay for 10 days and placed on disciplinary probation for six months.

James V. Jones Jr., father of Kevin Jones, said the shooting was only the latest in a series of provocations against young black men. "In none of these incidents were any drugs or alcohol or weapons found," Jones said. "Nobody was drunk or disoriented, but the police found it necessary to use maximum force." He thinks the officers who shot up his son's car should be charged with attempted murder.

"Look at the north side," Jones said, referring to the predominantly white section of town. "You never hear of any police officer, black or white, shooting at a teenager [there]." The week after his son's car was shot up, Jones noted, a white man on the north side fired 16 shots into the house where his girlfriend was staying. "They never shot at him," Jones said. "They tried to chase him down on foot. In the case of a black person, they don't get the dogs. They start shooting."

To a black youth, Jones said, any confrontation with police is a no-win situation. "They'll start with running a red light but by the time you get to the jail they've added assault and resisting arrest and a hundred other things. They've got to have something to justify the use of force," Jones said.

The U.S. Justice Department has been reluctant to release information on brutality complaints. Records of complaints of police abuse from 1987 and 1988, obtained under a Freedom of Information request by the Dallas Morning News, showed that allegations of civil rights violations are as likely to occur in rural areas as in urban areas. The bulk of the cases were concentrated east of Interstate 35, the newspaper reported in March 1991 as part of its Pulitzer-Prize-winning series, "Abuse of Authority." Of the 634 investigations into Texas officers, 243, or more than one-third, focused on police and sheriffs' departments in rural areas. Federal authorities investigated two complaints against the Longview Police Department in Gregg County and six complaints against the Smith County Sheriff's Department.

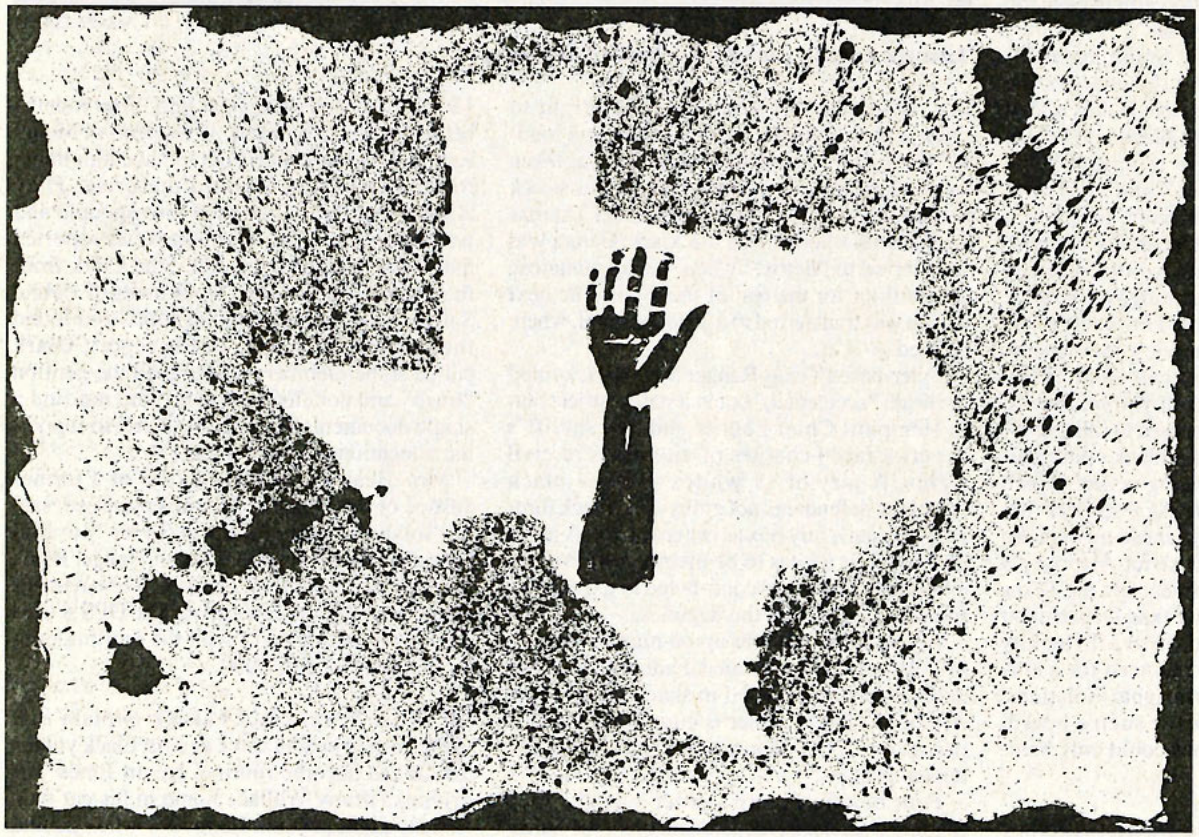
After the beating of Rodney King was captured on videotape, Dick Thornburgh, who was then U.S. Attorney General, in March 1991 said his agency would review the 15,000-plus complaints it had received over the previous six years. After prodding by Congress this past month, the Justice Department released a preliminary report on May 19 that showed six Texas law enforcement agencies among the worst 25 nationally in numbers of complaints. San Antonio, with an average of 21 complaints a year, ranked fourth, after New Orleans, Los Angeles and Jefferson Parish, Louisiana. Houston ranked sixth with 18, Dallas was 13th with 12, Harris County was 14th with 11 and the Texas DPS ranked 24th with eight. Justice officials warned that no useful conclusions could be drawn about police brutality because the data were incomplete and represented only an estimated one in nine locally-reported brutality cases.

People who suffer abuse from police have a long, hard route to justice, especially if they are black, said Curtis Stuckey of Nacogdoches, one of the few East Texas lawyers who specialize in constitutional tort claims, or lawsuits against police agencies, that allege, in his words, "ass-kickings, shootings and bad arrests."

Approximately one-half of his clients are black, he said; he believes the ratio of police misconduct is weighted more heavily against blacks, but after 19 years of representing victims of police abuse or their survivors, he knows a jury is more likely to side with a white plaintiff, so those are the cases he is more likely to take. "The same facts will translate to fewer dollars for a black victim than for a white victim," he said.

White victims also are more likely to have confidence in the courts, he said. He rarely sees more than one black out of the six jurors in federal lawsuits, although the odds are better in Marshall and Beaumont. While judges will give him fair trials, he said, "Jurors ofttimes, walking into the courtroom, don't have much sympathy for my clients."

The deck normally is stacked against his clients, Stuckey said. To start with, most jurors grow up believing the police are on their side, while many of his clients have police records. In investigative reports, the police officer always is listed as the victim; the dead or beaten person is listed as the suspect. Police will cover for each other and are reluctant to testify against another officer, he said. Many times the police officers have been involved in previous shootings. In each case, he said, the justification is the same: "I feared for my life." And even if he wins the case, it is unlikely that the officer will be taken off the street. "I've never had a police officer fired after he shot or beat up my unarmed client," Stuckey said, even after settlements of six figures. And if a police department gets rid of a



MICHAEL ALEXANDER

shooter, that officer is likely to sign on with another department.

Stuckey believes that fewer than 5 percent of police account for 95 percent of the shootings and beatings, although he said different officers are more likely to shoot suspects and others are more likely to beat them.

"The remarkable thing about the Rodney King case is not that the police officers were acquitted, but that the police officers were indicted at all," he added. "Most of the time in East Texas a policeman who not only beats but shoots one of us is not indicted at all."

The Dallas Morning News reported that Texas officers were the focus of 2,000 federal civil rights investigations since 1984, and the Justice Department had filed at least 50 civil rights cases against 125 law officers in Texas — about 20 percent of all cases filed nationally.

The Morning News also reported that 445 people died in Texas jails or during arrests by law enforcement officers in Texas since 1987 and no criminal action was taken in 99 percent of the deaths. During the period, five police officers were convicted of killings committed while on duty, and three of those convictions involved the beating death of Loyal Garner.

Tyler's black community feels the "accidental" deaths warrant further investigations, but there is little faith that a thorough investigation will occur. In response, District Attorney Skeen stated on a TV show that "what is important is the appearance of fairness, the appearance of integrity is essential. We must have the appearance that justice is done."

Appearances are important in Tyler, where, just off Front Street, stands Tyler's crowning glory — the rose gardens. Few people who attend Tyler's Rose Festivals and Parades realize that only 50 years ago, on the spot where the rose gardens are located, stood the headquarters for Tyler's Ku Klux Klan. The city decided to locate the rose gardens on this spot even though the soil would not accommodate the roses and had to be replaced.

Some also observed that the problem is as much an economic issue as a racial issue. Behind the rose gardens and azalea trails, Tyler is a city divided by a single street. The black community refers to Front Street as the "Mason-Dixon Line." White flight is painfully evident as businesses move toward south Tyler. On the north side, populated mostly by blacks, the buildings are more likely to be dilapidated and boarded. In Longview, the line of demarcation is U.S. 80, or Marshall Avenue.

Fountain Square in Tyler, where the NAACP rally was held, is a metaphor for the condition of minorities in East Texas. On one side stands a modern bank with a black glass facade. On the other side is the courthouse and jail. Minorities have little access to the bank, and disproportionate access to the courts and jail. A preacher noted that blacks comprise about 21 percent of Smith County's population, but they represent 65 percent of the jail inmates. That percentrage corresponds with the number of blacks sent from Smith County to the state prisons. Blacks are 19 percent of Gregg County's population, but as of August 1991, 58 percent of convicts from Gregg County were black, the Texas Department of Criminal Justice reported. Statewide, 45.6 percent of convicts sent to Texas prisons in 1991 were black, up from 35.7 percent in 1985. Blacks make up 12 percent of the state's population.

David Brabham, Gregg County District Attorney, said each complaint of excessive use of deadly force has been investigated and, where appropriate, forwarded to the grand jury. The grand jury cleared the Longview police officer who shot the suspected burglar while trying to handcuff him and while the grand jury did not bring charges against the officers who fired at Jones' car, also chose not to indict Wallace, the driver in the case, Brabham noted.

The most recent prosecution of Gregg County lawmen was in the late 1970s, when two sheriff's deputies were prosecuted for beating a prisoner, he said. Brabham said he doubts that blacks are singled out for mistreatment. "My observation is that they do not (use excessive force) from my personal experience in observing these cases," but he said any systematic review would be up to individual police agencies.

Sgt. Allen Pigeon, who has headed the Longview Police Department's Internal Affairs Division for two years, said the office looks at complaints on a case-by-case basis, but he has not noted a problem. "We're small enough that we know what's going on. We're only 129 officers," he said, adding that complaints have dropped by one-third over the past three years. He attributed the decline in complaints to efforts to get police officers closer to the community.

Pigeon played down racial bias on the force, and said the department gets complaints from whites, too. "We don't get any more complaints from minorities than we do from non[minorities], and I think really it's probably going to be closely related to the criminal suspect makeup," he said. "If there is a disproportionate number of minorities vs. non-minorities, or vice-versa, committing crimes, those are the people we come in contact with. And it's only the people we come in contact with that we get complaints from."

Pigeon also noted that Longview's is the only police department in East Texas with an independent internal affairs unit, which answers only to the chief.

Mayor Martha Whitehead said she was not aware of complaints about traffic violators being pursued and beaten by police. She said she has met with black ministers to try to open lines of communication, and she was considering the formation of a human relations commission to address concerns in the minority community.

"We're doing everything we can to be more sensitive to their needs and in turn I think they're doing everything they can to support law enforcement," she said.

Although Longview has a population of nearly 70,000, it retains many of the characteristics of a small town whose community leaders — black and white — seek to avoid confrontation. Whitehead, the wife of the county Democratic chairman, is considered a relatively progressive mayor. The new police chief, Johnny Upton, has impressed black ministers such as the Rev. Homer Rockmore, a black pastor of the Red Oak Baptist Church, with his willingness to listen to their concerns.

Some of the city's black and white ministers in the past year have tried to cultivate relationships across racial lines. They count as a breakthrough a Feb. 20 biracial gathering of 300 at the First Baptist Church, long the symbol of the city's ruling establishment, whose new pastor has opened a ministry to local blacks. But even with the first hopeful signs of progress, the Rev. Bob Bruce, a progressive Presbyterian pastor in Longview said, "The majority of white ministers won't have anything to do with us."

Complicating the issue was the prosecution in early May of James Johnson, the county's first black commissioner, in federal court on a felony charge that he illegally buried hazardous pesticides at the Gregg County Airport seven months after he took office in 1991.

After a four-day trial in Tyler federal court, a jury acquitted Johnson, a former Longview City Council member, who later said the charges were only the latest in a series of harassments since he won a hotly-contested election to the Commissoners Court in November 1990 amidst complaints of voting fraud.

"They're looking at every move I make," Johnson said of his enemies who hope "to bust my ass out of office." He said federal investigators, who were tipped that he had dumped the chemicals at the airport, found other barrels filled with hazardous chemicals there, but there has been no effort to find others who may have dumped chemicals illegally.

But the charges also brought support from blacks and whites who believe he was being unjustly targeted, he said. Johnson, who has been criticized by some in the black community for his non-confrontational style, hopes he can build upon that support to expand what remains of his defense fund into a fund to create education opportunities for local minorities.

Johnson said the local shootings, his prosecution and the riots in Los Angeles have helped to pull the black community together. He said the current system, which depends upon internal investigations or calling in a Texas Ranger to investigate shootings or beatings, is inadequate, because lawmen are still investigating other lawmen. He called for a civilian review board to conduct independent investigations of complaints against law enforcement in Longview and Gregg County.

Before the trial, Rockmore, who was active in Johnson's defense, said the community was sitting on a "powder keg." Johnson's acquittal in federal court may have relieved the pressure, but Rockmore said the community has to come to terms with the underlying problem of racism.

"Anyone here would be foolish to say there is not a problem," he said. "I'm hopeful and prayerful that we look for peaceful means of solving the problem before it reaches the stage of exploding." □

Rewriting the First Amendment

BY JAMES CULLEN

THE FIRST AMENDMENT has been called the cornerstone of the Bill of Rights, and rightly so. For the past 200 years it has — on and off — guaranteed freedom of speech, of religion and of the press; no other nation has so enshrined those basic freedoms of expression. Only lately has it become fashionable in some quarters to undermine those foundations.

The John Henry Faulk Conference on the First Amendment recently drew 17 authorities to the University of Texas to discuss the embattled amendment. One of the main exhibits was a survey conducted for the American Society of Newspaper Editors that showed increasing public misgivings about those freedoms.

"There is a sense that the American people don't feel the amendment belongs to them — that it belongs to arrogant editors and journalists, it belongs to radical protestors and it belongs, in their minds, to pornographers," said John Seigenthaler, former publisher of the Nashville Tennessean, now chairman of the Freedom Forum First Amendment Center at Vanderbilt University. "It's quite clear they would reject the First Amendment today" if the Bill of Rights were put up for a popular vote, he said.

Robert Wyatt, a professor of journalism at Middle Tennessee State University in Nashville, who conducted the survey, said it contained contradictions, such as two-thirds of the American public believing in free speech for themselves, but only one-third believing that newspapers or broadcasters should have the absolute right to endorse political candidates.

The strongest defenders of free expression are middle-class white men, he said, while women and minorities are more likely to fear speaking their minds. "One reason Americans don't support free speech is because they don't have a lot to say. That is perhaps my saddest conclusion," he said.

Most of the panelists supported a broad interpretation of the freedoms. The notable exception was Lino Graglia, a professor at the University of Texas School of Law who frequently has been mentioned as a potential Republican Supreme Court nominee. Graglia ridiculed Wyatt's concern about the erosion of support for free speech. "What most amazed and disheartened me about the report is that there are so many nuts that actually share Professor Wyatt's point of view on speech rights," Graglia said. "Would you believe, for example, that 36 percent of the American people believe that there is or should be a right 'to spread lies that damage other people'? Would you believe that 28 percent think there is or should be a right to 'give classified information to a foreign government'? And perhaps most incredibly would you believe according to his survey that 20 percent of the American people think there is or should be a right to 'falsely yell fire in a crowded theater.' "

Graglia, who teaches constitutional and civil rights law, also noted that judges have upheld the rights of panhandlers in subways and vagrants in libraries. "It seems that a lot of Americans should be told that although some judges have indeed given us some crazy rights, the situation may not be quite as bad as they think....

"Professor Wyatt complains that many Americans feel they have a 'right not to be offended.' But these Americans are correct to think they should have such a right if they do not ... a right, for example, to walk the streets, ride the subways and visit libraries without being subjected to insult, harassment and indignity.

"Our problem is not an excessive willingness to limit allegedly expressive activities, as Wyatt thinks. The problem is excessive tolerance of public disorder under the mistaken notion of some judges that they are somehow protecting speech."

Graglia argued that the First Amendment does not protect free expression. "The word 'expression' doesn't occur," he noted. "It says speech, and not all expressive activity ought properly be considered speech."

Graglia also complained that the audience was unreceptive to his remarks. "Professor Wyatt tells us he is willing to accept public disorder in the interest of freedom of expression, to, I think, rousing applause. I gather I have a hugely unsympathetic and unperceptive group here," Graglia said, but he drew comfort that the audience did not reflect public opinion at large. "Most American citizens ... believe there should be some rather clear impositions of order," he said. "It is generally thought that the security of the citizen, especially in public places, is the very first obligation of government, and outrages like [judges saying] 'You can't ride the subways without being harassed by panhandlers, or use libraries without their being homes for vagrants,' happens to be not what most American people think is a sensible social arrangement."

Graglia defended his revisionist view of the First Amendment, noting that the Bill of Rights, was proposed by people who wanted to weaken the Federal government. "The point of the First Amendment was to leave matters of religion and speech to the states," he said, noting that shortly after the Bill of Rights was enacted, Congress passed the Alien and Sedition Laws that penalized criticism of political figures. The commitment to free speech obviously was not very strong at the time.

Some panelists stepped up to the plate against Graglia's wicked curves, but few got more than a foul tip off him. Alexander Cockburn, the Nation columnist, suggested that Graglia, with "deplorable demagoguing," was making a campaign speech for the Supreme Court. Graglia dismissed that suggestion by noting that the American Bar Association already has found him unfit for judicial office.

Lawrence Goodwyn, a history professor at Duke University who specializes in social movements and a former Texas Observer editor, made contact with his critique of Graglia's comments. "What I did see in front of my eyes, Dr. Graglia, was anger and a philosophy that seems to privilege the state over people and maybe corporations over the state, and I certainly have discerned that thread through the Supreme Court lately, and I treasure the Bill of Rights because it attempts to erect a wall around people so that these other forces can't intrude. And I get very nervous when people get very angry and very mean in defense of order. I can hear jackboots. That's how you get order," Goodwyn said, to applause. Well, as Graglia said, it was a free-speech crowd; a tough room for a right-winger to work.

Goodwyn also told about how Communists used to picket at the house of John Henry Faulk's father because Faulk's father, being a Socialist, was the only one in town who understood their argument. After they were through picketing, he would invite them in for coffee. "That is a very disorderly sort of thing to be going on in Austin, Texas, but I approve of it," Goodwyn said.

Gary Reaves, a reporter at WFAA-TV in Dallas, noted that Graglia would make state legislatures the protectors of freedom and asked "why that doesn't scare you as much as it scares me."

Graglia replied, "What scares you people, and quite rightly, is the American people. You are the absolute nightmare of the American intellectual, of which perhaps Dr. Goodwyn is the epitome. He cannot hear someone say that perhaps nude dancing is not speech without hearing jackboots. Talk about ad hominem, and the kind of attack one could be subject to take a contrary view in a hardly sympathetic gathering."

"The Texas Legislature is the closest arrangement we have for representative government, with all its flaws and faults.... The alternative to the Texas Legislature making the laws is that judges make the laws," he said.

Reaves, who is black, rejoindered, "... If this had always been the law, I wouldn't be able to vote. These [legislators] are the guys that built whole black college systems so I couldn't come to this school [UT], and the Constitution is sup-

posed to protect me from the abuses of the majority, and you seem to be telling me that we don't need the Constitution to protect us from the abuses of the majority."

Graglia replied that the majority inevitably makes the policies. "There was a time when only whites voted, and it was changed that blacks voted, and it wasn't the Supreme Court that did," he said, to groans in the crowd and at least one audience member who hollered, "It wasn't the Texas State Legislature." But Graglia proceeded, "It's a difficult concept, and hard to grasp, that in this society nothing is protecting us from one another. It is not the Supreme Court ... It's only the American people that permit this society to be as free and as protective of individual interest as it is. It's not the Constitution. It's not these judges."

Graglia also noted that James Madison, in the Federalist Papers, insisted that a Bill of Rights was not needed, and that the best protection would be representative government and local autonomy.

Seigenthaler noted that Madison later embraced the Bill of Rights in order to win a seat in the new Congress. "It was one of history's greatest flip-flops," he said, as Madison went on to become one of its strongest defenders.

Why dwell on the opinions of a UT law professor who, by his own admission, is considered by his peers to be ineligible for the judiciary? Because the bar association does not pick the judges. If Graglia never sits on the Supreme Court, more likely it is because, as a professor, so many of his opinions are public knowledge. Clarence Thomas, in a preposterous statement to the Senate Judiciary Committee, claimed he never had discussed the "Roe vs. Wade" Supreme Court decision on abortion; he was dutifully confirmed to sit on the court. Graglia is not afraid to tell us what he thinks of the First Amendment so, like Robert Bork, he may be denied the bench.

The attitudes of potential judges is worthy of concern; People For the American Way recently issued a noteworthy report on the implications of 12 years of ideological court-packing by the Reagan and Bush administrations. "Assault on Liberty: The Record of the Reagan-Bush Courts" documents judicial retrenchment on the right to privacy, freedom from discrimination, freedom of expression and freedom of religion.

The 300-page report notes that Reagan and Bush have appointed more than half of the 837 district, appellate and Supreme Court judges. Reagan-Bush appointees form majorities on the Supreme Court and nine of the 13 appellate circuits. By 1997, if Bush is re-elected, he and his predecessor may well have appointed 90 percent of the federal judiciary. The report also notes that Reagan-era appointments were made with an eye toward longevity and upholding "traditional family values and the sanctity of innocent human life," as expressed in the 1980 Republican Party platform.

The report cites damage in four key areas:

— Privacy. The courts have retreated from reproductive freedom in decisions upholding restrictions on public funding and private insurance coverage for abortions, including its "Webster" decision that the right to choose an abortion was not fundamental, as well as decisions undermining the right to sexual privacy and protection against government intrusion into homes.

— Discrimination. A cluster of 1989 decisions signalled a major retreat from civil rights laws. The courts also have made it more difficult to stop abusive police tactics in "Los Angeles v. Lyons;" denied allegations of sex harassment in "Rabidue v. Osceola Refining Co.;" denied parents of public schools the ability to challenge enforcement of regulations prohibiting tax exemptions to discriminatory private schools in "Allen v. Wright;" and the Supreme Court's recent "Presley" decision states that the Voting Rights Act does not stop Alabama county officials from reducing the authority of newly-elected black county officials.

— Expression. In the 1991 "Rust v. Sullivan" decision, the Supreme Court allowed the government to stop workers in family planning clinics that receive federal funds from providing information about abortion, even when clients ask for the information. The Bush Justice Department also argues that the government can impose restrictions on virtually any recipients of government funds. The courts also have undermined the right of some citizens to political free expression in upholding the firing of a government employee for circulating a questionnaire about office policies and work performance in "Connick v. Myers" and allowed a school to punish an honors student for criticizing the school administration in a campaign speech, in "Poling v. Murphy."

— Religion. Courts have forced the family of an auto accident victim to endure an intrusive government autopsy, violating their beliefs, in "Montgomery v. County of Clinton;" allowed the "harvest" of trees from a forest area sacred to American Indians, despite a lower court ruling that the result would be to "virtually destroy" the Indians' ability to practice their religion, in "Lyng v. Northwest Indian Cemetery Protective Association;" and recent court decisions have narrowed the separation of church and state by allowing prayer services in public facilities and official government observance of religious holidays.

People For the American Way recommended that judges be selected for their adherence to the principles of justice and fairness; that the courts resume their role as defenders of rights and liberties; that the Senate provide meaningful "advice and consent" on judicial nominations; that the Congress and state legislatures restore legal protections where they have been damaged by the courts; and that the people become more vigilant in expressing their collective will through the election and confirmation process.

For copies of the report, contact People for the American Way, 2000 M St. NW, Suite 400, Washington, D.C. 20036. □

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Border Boredom and Beer

BY DEBBIE NATHAN

El Paso, Juarez

THESE DAYS, here on the border you hear lots of talk about NAFTA, the North American Free Trade Agreement. Lots of talk pro: "Finally Mexicans will have jobs in their own country! Americans will prosper in a new *mercado* just wild to buy exports! Lots of talk con: "Those jobs will pay only $4 a day and the Mexicans will naturally keep fleeing northward! Not to mention the unregulated pollution! The hazardous waste!"

But one thing you don't hear about is NAFTA's potential to exacerbate border boredom. This concerns me, because here in El Paso we already have too many boring shopping malls, boring chain bookstores, boring radio and TV stations, boring newspapers and boring politics — unless you enjoy the perverse drama of county commissioners court meetings, where commissioner Orlando Fonseca regularly opines on such issues as homosexuality (Catholic toleration of it, he says, caused lightning to strike El Paso's St. Patrick's Church).

For the past few years, the only relief from northside border ennui has been Juarez. Summer 1986 was a case in point. The Chihuahua state gubernatorial campaign was in full swing; the big contenders were Fernando Baeza, of the hulking PRI (Institutional Party of Revolution) and Francisco Barrio of the conservative opposition PAN (Party of National Action). For years, the PAN had limped along as the pro-Church opposition. Now it was mushrooming in parts of Mexico, nourished by torrents of popular and entrepreneurial outrage dating from a few years back. The business community deeply resented President de la Madrid's 1982 bank nationalizations, for instance, and Mexicans of all classes were unsettled by the peso devaluation, the spiraling foreign debt and plummeting real income. On top of this were revelations of grotesque government corruption.

In 1983, Barrio had been elected Juarez's first opposition mayor. Now, he was stumping the state, heatedly warning that the PRI was plotting massive electoral fraud to defeat him in the governor's race.

Barrio is a Charismatic Catholic who favors campaign touches like scheduling rallies at the city plaza, then timing his walk to the microphone just as bells begin tolling the hour. He hails from a family of Chihuahua industrial developers, used to be president of the local businessmen's association, and joined the PAN only after the banks were nationalized. As mayor, he used to noisily denounce Juarez's Marxist squatters' movement; he also organized teen gang members to wash leftist graffiti off downtown walls. Radicals have always sneered at Barrio and company, but at PAN rallies recently in Juarez you saw not just the trendily dressed rich, but also thousands of the farm-hatted poor. For them, the PAN of the late '80s had come to mean an end to corruption, a path to clean elections, to democracy. That summer, the leaders were often wont to compare themselves to Jeffersonians, or even Poles. Juarez was plastered with graffiti that read, variously: *Solidarnosc/Solidaridad*, and at rallies, I could never decide whether Barrio, with his moustache and narrow eyes, more closely resembled Lech Walesa or Adolph Hitler.

El Pasoans attended these demonstrations, too. There were the reporters, whose editors knew Reagan's Washington was rooting for democracy in Mexico — especially when democracy promised to favor a political party that, unlike the ruling PRI, wanted the banks reprivatized; wanted Nicaragua reprivatized; and Cuba, and the telephone company, etc. And the *panistas* knew how to talk to gringo reporters. Most of the party's leaders had attended the University of Texas at El Paso or someplace even farther north. Unlike the monolingual *priistas*, with their surly and often incomprehensible nationalistic wisecracks, the oppositionists spoke fine English peppered with American slang. They also wore L.L. Bean shirts instead of guayaberas, showed up on time and unfailingly answered their phones. They made political reporting comfortable, even fun.

It wasn't just journalists who liked hanging around the PAN. Sundry activists used to cross the river, and I even saw Frank at rallies. Frank was a graying senior citizen who worked with the Immigration and Naturalization Service in the 1950s (and, he was marginally involved in deporting the Mexican movie stars who made *Salt of the Earth*.) Now he had a subscription to Maximum Rock and Roll, attended punk rock concerts and said he enjoyed riots.

Frank looked satisfied by the PAN scene. On election day outside polling places, party members shook with indignation as they described PRI's nefarious tricks to deny *panista* suffrage; computerized election rolls missing thousands of names, for instance, and if you weren't on the rolls you couldn't vote. Anger often intensified with the arrival of the glut of big-city reporters from publications like the New York Times and the major wire services. They spoke minimal Spanish, ran around with walkie-talkies, and whenever a car backfired, would yell, "Just heard a shot. Get over there!" Suddenly you'd see burly Banana Republic-attired photographers from Sygma and Gamma. "Just in for a day. Gotta go back to the Philippines tomorrow." (To get artsy shots of the *panistas*, these fellows would jump atop utility poles, shimmy under trucks ... and assume gymnastically suggestive positions that made me yearn to be their girlfriend — but only for the same amount of time that they might remain interested in Mexican politics.)

Immediately after the elections (which the PRI won, of course), several Juarez notables staged protest hunger strikes in tents on the town plaza, and anyone could drop by and talk with them. There were also massive encampments on the international bridge where thousands of people in tents sang, played guitars, ate, slept, and didn't sleep. Political discussion, progressive to reactionary, wafted through the settlement day and night.

Such protest obstructed international traffic — a serious matter around here, since Juarez is the border's center for *maquiladoras* — the low-wage, foreign-owned assembly plants that daily ship vast quantities of electric gizmos, auto parts and textiles back to the United States. But not now. The normally endless lines of cars and trucks were paralyzed, and in El Paso maquiladoras executives gnashed their teeth. The blocked bridges "were a total nightmare!" recalls Don Nibbe, editor and publisher of the trade journal, Twin Plant News. Managers even started talking about the industry building its own private international bridge, Nibbe says. "Anything to keep us away from the demonstrations."

After a few weeks everybody went home, the bridges opened, and Barrio went off to Chihuahua City to be a private citizen. That was six years ago. Now, with *priista* governor Baeza's term ending, Chihuahua is gearing up for another election on July 12. Again, Barrio is the PAN's candidate. That's where the excitement stops.

This time around, Barrio is running a conciliatory, even PRI-friendly campaign. Instead of telling his audiences how rotten the ruling party is, he's been commenting that *panistas* are the best *salinistas* — referring to the fact that PAN preceded the current president, PRI's Carlos Salinas, in advocating such policies as privatizing industries that had been state-run. And when asked recently if he considers legitimate the presidency of Salinas (whose 1988 win over populist-leftist Cuauhtemoc Cárdenas was widely attributed to voter fraud), Barrio replied, "I think so, because most of his programs are for the common good," Too, Barrio's statements are at times contradictory. Lately he's threatened to withdraw from or disrupt the election if his party detects preparations for cheating. But he has also said "there won't be any trickery," and that the public won't be "going to the streets like before."

If such rhetoric sounds more ashen than firebrand, that is because during the last six years

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Debbie Nathan is a freelance writer living in El Paso.

much has changed for the PAN — as well as for PRI — on the border, nationally and even internationally.

After four years of Salinas' self-proclaimed "neoliberal" presidency, half of Mexico's population is destitute, an even larger number than before he took office. On the other hand, the banks have been reprivatized and relations between government and business improved with state initiatives to promote the private sector. Inflation is down dramatically, from 180 percent annually to less than 20 percent. The foreign debt has been relatively successfully renegotiated, capital flight is reversing direction and foreign investment is pouring in. Salinas has begun a *rapprochement* with the Church, government corruption appears more modest than before. And Washington, having noted leftist Cárdenas' strong 1988 showing, no longer seems interested in promoting Mexican "democracy."

All this leaves PAN stripped of much of its former *raison d'etre*, but surely not all of it. In fact, many observers think, Barrio has a real chance of winning this time around — not because of the PAN's differences from PRI, but because of their similarities.

Barrio is, after all, a free-trade booster who promises that as governor he'll promote Chihuahua worldwide. "No one can be a better economic developer than I can," Barrio says.

Salinas is also adamantly pro-NAFTA and eager to enact a treaty as soon as possible. With international attention focused on Mexico these days, negotiations could stall if an important border trade state like Chihuahua were tainted by even the appearance of stolen elections and the resulting disruptions in commerce. Salinas has already demonstrated intolerance for unruliness in other Mexican states by replacing several PRI governors, including a few whose apparently rigged elections inspired *panista* protests. In Chihuahua, "PRI needs to show the world it will tolerate a minority party win," says Nibbe of Twin Plant News. "They know Francisco [Barrio] isn't a rebel; that as governor he won't rock the boat or be an embarrassment. They'll let him win this round."

In Chihuahua, PRI backing for its candidate, Jesus Macias, appears whole-hearted. According to the El Paso Herald-Post, the party is spending almost $10 million on the campaign and several powerful Chihuahua families and business consortia are firm supporters. Yet there is evidence that on the national level, PRI accepts, perhaps even encourages, a PAN victory in Chihuahua. Earlier this year Salinas met with Barrio at *los Pinos*, the presidential palace in Mexico City, and according to Barrio, he got a promise that the federal government will push for clean elections.

Meanwhile, Salinas has yet to meet with PRI candidate Macias. The Mayor of Juarez, before he took a leave of absence to run for governor, Macias was chosen by the state's Governor Baeza — not by Salinas, whose apparent favoritism for Barrio has prompted political pundits to wonder whether Macias is playing the role of PRI's sacrificial lamb.

But the national PRI doesn't seem to control the state party. Despite Salinas's reported assurances of an honest vote, PAN officials say they've discovered evidence of impending fraud — like the 600 undelivered voter IDs found squirreled away recently in a Juarez federal election registrar's office. Before that discovery, Barrio was proclaiming that as a "Christian," he had "forgiven" Governor Baeza for Baeza's 1986 part in "usurping" the vote. Now, Baeza is the villain again, and Barrio talks of calling off elections or "paralyzing" the state.

Such talk brings to mind 1986, but in El Paso few people take it seriously. Several twin plant managers and investors echo Don Nibbe: "People in Chihuahua are for Barrio not because of any differences from PRI in his program, but because they're sick of being governed by Mexico City. They probably would be disappointed if [Barrio] didn't win. So there's always the possibility they would block the international bridges again. But given how Salinas has handled other Mexican elections, I don't think that will happen."

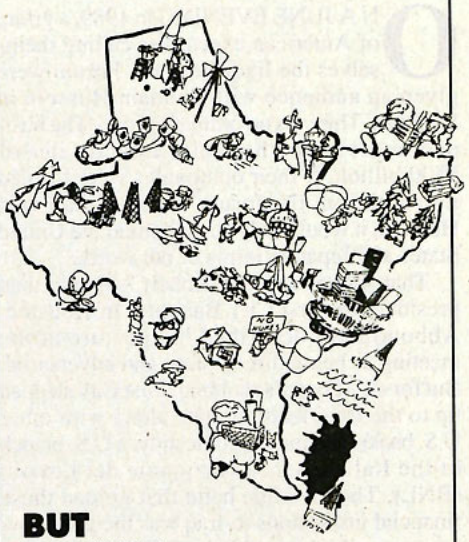
Nor do U.S. observers worry much about Juarez or Chihuahua being starved for federal funds if Barrio wins. One *maquiladora* customs and distribution manager predicts a Barrio victory, but even if that goes against PRI wishes, "Free trade is such a big thing that the federal government is going to put money into Chihuahua." As booming areas like Juarez expand, Nibbe predicts, Barrio might push harder for tax money collected locally to be managed in Chihuahua instead of being doled out by Mexico City, as is done now.

The customs and distribution manager thinks future infrastructural development — the grand works we've always thought of as the state's responsibility — will be privatized, just like so many other things in Mexico have been lately. So who will foot the bill? Maybe free traders from abroad. In Juarez, a group of *maquiladora* owners is currently discussing paying for a municipal sewage treatment system; the city of more than a million people doesn't have one now. In addition, the local twin-plant industry has offered to cover Mexico's costs for a new bridge connecting El Paso and Juarez. Ironically, the problem this time isn't *panista* demonstrations — now it's simply that *maquiladora* truck traffic has crumbled the old bridge into dangerous decrepitude. The spectacle of *communards* on the Rio Grande may soon be history anyway, since as this piece was being written, the Mexican Congress, probably responding to free-trade negotiators' pressure, is considering a bill to make it a federal felony to intentionally tie up traffic on an international bridge.

So when we commute south now, six years after Barrio's last race, *fronterizos* are more likely to contemplate bridge collapse than bridge blockades. The upcoming elections? "In El Paso nobody's interested," says a local investment banker with interests in Mexico. "If Barrio wins or if Macias does, either way, it doesn't make much difference."

Come July then, we'll probably be back to channel grazing, the mall and commissioners' court with goofy Orlando Fonseca. Is free trade worth the boredom? Wake me up when it's over; maybe we can drive across the bridge to Juarez for a beer, and, if we're lucky, catch an illegal demonstration. □

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Back to Basics with Iraq

BY DEBORAH LUTTERBECK

ON A JUNE EVENING in 1989, a group of American executives calling themselves the Iraqi Business Forum were given an audience with Saddam Hussein in Baghdad. This was no ordinary group. The business represented had total annual sales of $500 billion. If their companies were formed into a nation, the forum's spokesman told Hussein, it would only stand behind the United States and Japan in terms of net worth.

That spokesman was Robert Abboud, then president of First City Bancorp. in Houston. Abboud later described his posture at the meeting as being direct, blunt and adversarial. But for all Abboud's scolding, First City stepped up to the Iraqi lending plate along with other U.S. banks, and most significantly, a U.S. branch of the Italian Banca Nazionale del Lavoro (BNL). The invisible hand that guided these financial institutions to Iraq was the U.S. government, which provided generous terms and guarantees to lenders who would do business with Iraq and exposed not the banks but the U.S. taxpayer to the risk of losing $5 billion in loans to Iraq.

The allegations go beyond simple bad lending policies to Iraq to supply the country with food. An exhaustive investigation by the House Banking Committee, under its chairman, U.S. Rep. Henry B. Gonzalez, D-San Antonio, reveals that the U.S. government might have missed the fact that Saddam Hussein was building up his military arsenal through the use of U.S.-backed loans. BNL, through its Atlanta branch, was probably the single largest banking contributor to Iraq, receiving close to $2 billion in outright lending support from the U.S. government. When government agents seized the records from the Atlanta branch in the fall of 1989, it appeared that the bank had diverted as much as $4 billion to Iraq, including about $2 billion of loans backed by the Commodity Credit Corporation, which the U.S. taxpayer is liable for. The Atlanta bank was not alone. Whether or not the loans were motivated by the drive to explore new export markets for U.S. crops, the story that now has been dubbed "Iraqgate" is widespread and complex. One of Texas' largest banks, First City of Houston, became just one enabler to Iraq. While no charges of illegal activities have been leveled against the Houston bank, it perhaps played an unwitting role in a policy decision that failed. Here is how it happened:

The seeds for loans to Iraq were sown long before Abboud's trip to Baghdad. In the early 1980s, when President Ronald Reagan sanctioned a move to take Iraq off the list of terrorist nations, the Middle Eastern country, wracked by an extended war with Iran, became eligible for a host of U.S.-backed lending programs. By the time the Forum traveled to the Middle East in 1989, Hussein already had secured more than $4.5 billion in agricultural loans from the U.S. Those loans made by U.S. food exporters were guaranteed under the U.S. Department of Agriculture's Commodity Credit Corporation — otherwise known as the CCC. U.S. businesses needed little prompting, as they were eager to enter the reopened Iraqi markets, and some of them banded together to form the Iraqi Business Forum.

While not a direct creation of the U.S. government, the Forum "did play a key role in United States-Iraq commercial relations," according to Gonzalez. The Forum also seemed to have very close ties with Henry Kissinger. Through his company, Kissinger Associates, the former National Security Adviser and Secretary of State under President Nixon offers political advisory services to a host of corporations, many of which turned up as Forum founders.

To untangle the connections between the politicos and the bankers in the BNL matter is quite a task for investigators. For instance, one of Abboud's former employees, Alan Stoga, later became a director of Kissinger Associates. Stoga had been employed as an economist at the First National Bank of Chicago during the same period that Abboud was that bank's chief executive officer. Stoga's new boss, Kissinger, happened to be on the BNL payroll "during the height of the biggest bank scandal of all time," Gonzalez said. BNL hired the former top government official to join their Consulting Board for International Relations. Stoga also accompanied the Forum on its summer trip to Baghdad.

One can only imagine how the Iraqi President responded to Abboud's finger-shaking. According to his testimony before the House Banking Committee on April 9, 1991, Abboud issued an all-too-rare scolding to Hussein. "I told President Hussein that if Iraq wanted to attract capital to develop its resources, Iraq would have to play by the established rules of international trade. Even more, he had a very parochial perspective on how the world operated and what the proper conduct might be in the international financing community," Abboud said. But Hussein was doing pretty well on the international lending front, especially with a little help from Washington and the Commodity Credit Corporation.

Here is how the Commodity Credit Corporation works. Each year, according to government mandate, the CCC must make at least $5 billion available to U.S. exporters for targeted programs, explained Larry McElvain, director of the CCC Operation division. Once the CCC designates a certain country — let's say Iraq for the purposes of this exercise — it then announces that the country has been targeted and funds are available to U.S. exporters. At that point, an exporter would go to Iraq and enter into a transaction. If the CCC approves the export transaction, it guarantees 98 percent of its cost. However, a CCC guarantee allows the U.S. exporter, if it becomes anxious about immediate payment, to sell a U.S.-based bank its uncollected receivable that is backed by the CCC. The CCC steps in only when the foreign bank does not honor its guarantee for the importer.

The bulk of those bad loans were made by the Atlanta branch of BNL which held receivables backed by guarantees from the Iraqi national bank which are now in default to the tune of $2 billion, leaving CCC and – guess who – the American taxpayers to pick up the tab for Washington's favors to Iraq.

It turns out that, despite his tutoring by Kissinger, his lectures to Hussein, and his concerns about the parochial nature of the Middle Eastern state, Abboud and First City too put their lending foot forward. As Abboud told the Banking Committee, "First City committed to confirm and negotiate up to $50 million of these agricultural exports on the basis that it was good for our customers and that our principle risk would be capped at $1 million because of CCC's 98 percent guarantee."

Abboud added that no Texas banker can afford to overlook export prospects. "With leading ports in Houston, Galveston, Corpus Christi, as well as the border cities with Mexico, Texas enjoys some $50 billion a year in international trade out of a gross state product of about $325 billion. One out of every eight Texas manufacturing jobs comes from exports, and in agricultural exports, we rank first in cotton, second in rice, and third in wheat in the United States. A large Texas bank would naturally finance its customers' trade."

Naturally, especially when the taxpayers take the downside and the bank takes the upside.

According to some former administration officials, trade was the driving force behind opening up the U.S. relationship with Iraq. Stephen D. Bryen, a former Deputy Undersecretary of Defense for Trade Security Policy in the Reagan Administration, said, "The real truth is that what was going on was, the United States was in a big hurry to open up positive and good relations with Iraq. The keystone of that, I think, was trade."

Establishing a trading role was something the U.S. was willing to pay for.

Deborah Lutterbeck is a financial writer based in New York and Washington, D.C.

While some people stress the importance of Iraq as a trading partner, others view the U.S. food programs to Iraq in political terms and as yet another attempt — like the attempts to trade weapons for hostages in Irangate — by the White House to trade with a politically unpopular foreign state without justifying it to Congress or the public. For instance, David MacMicheal of the Association of National Security Alumni noted that the administration probably used the CCC as "a back door way of giving foreign aid — that way you didn't have to go to Congress."

The BNL controversy, along with other questions being raised about the Bush Administration's pandering to Iraq prior to the invasion of Kuwait, represents a significant danger to the Republicans as November approaches. While administration officials who publicly have testified on BNL carefully denied that the promotion of trade had anything to do with political forces, that is not quite what these officials end up saying in their private correspondence.

Gonzalez unveiled a letter that Deputy Secretary of State Lawrence Eagleberger sent to William Draper, then chairman of the U.S. Export-Import Bank (Exim), which insures American exporters against the risk of nonpayment for about one year. "From the political standpoint, Exim financing would show U.S. interest in the Iraqi economy in a practical, neutral context. This evidence of our interest in increasing commercial relations will also bring political benefits," the letter said.

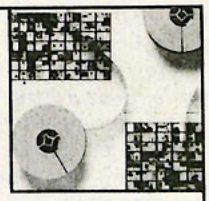
More recently, the administration — apparently believing that export of butter to Iraq is politically more palatable than the export of guns — has begun to acknowledge the politics behind the CCC. In a recent press conference President Bush said, "We tried, not through strengthening his nuclear or biological or chemical weapons, as has been alleged, not by giving him part of Kuwait, as has been alleged, but we tried to work with him on grain credits and things of this nature to avoid aggressive action. And it failed. It failed."

Finally, trade with Iraq in the late 1980s is suspected to have included military technologies. According to congressional testimony, the export laws were slack enough that Iraq was able to acquire more than just manufacturing know-how from the Unitd States. Iraq also acquired tools to build up its arms base. Gonzalez, during one of his floor speeches that are only now gaining national media attention, said, "It is debatable whether or not these companies knew the ultimate destination of their products. Some probably did; some probably did not. These companies were often lured into supplying Iraq by higher-than-normal profits or even bribes."

Although government officials deny that they were aware that some of the funds going to Iraq were paying for arms, there is some disquieting evidence to the contrary. For example, according to Gonzalez, the Commerce Department approved many projects even though the end user was expressly identified as the Iraqi military. "The Iraqi organization responsible for Project 395 and the Scud modification projects is called the Technical Corps for Special Projects (TECO). The Commerce Department approved numerous export licenses for U.S. and foreign firms even though TECO was listed as the end-user," the congressman said. This is the type of evidence that Gonzalez has unveiled to counter the claims by the President that the U.S. in no way contributed to the Iraq military buildup. The investigation continues, and some of it is expected to involve Texans.

As for Robert Abboud, he already has left the state. Just a few days before he testified before Congress, he unexpectedly was replaced as the head of First City. The press release announcing the changing of the guard did not cite any reasons for the change. First City's earnings were tarnished enough to give cause for new leadership. Perhaps Abboud would have done better to have heeded his own advice that he gave to Hussein about getting back to the basics of economics and finance. While no one can criticize the financial aspect of First City's $50 million in loans to Iraq — the CCC is making good on 98 percent of it — sometimes the bottom line is not found in the statistics. □

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Falling Star

BY STEVEN G. KELLMAN

THE EVENING STAR
By Larry McMurtry
New York: Simon & Schuster,
637 pages, $23.00

DANNY DECK, the narrator of Larry McMurtry's 1972 novel *All My Friends Are Going to Be Strangers*, is, like his author, an aspiring novelist who abandons his native rural Texas. From what we learn of it, Deck's *The Man Who Never Learned* seems much like the volumes in the Houston trilogy that McMurtry himself published in the early '70s: *Moving On* (1970), *All My Friends*, and *Terms of Endearment* (1975). "My heart was with the people in *The Man Who Never Learned*," declares Deck. "They were alive, to me. I didn't want to stop writing about them, or knowing them."

McMurtry, who declares himself a resident of both Texas and Washington, has always had problems with moving on. Throughout his career, he has reenlisted characters from earlier books to populate later ones. In 1987, *Texasville* revisited Thalia (a version of the author's Archer City) to renew acquaintances with the cast of *The Last Picture Show* (1966). McMurtry is reportedly working on a sequel to *Lonesome Dove* (1985). Emma Horton, the 37-year-old Houstonian who dies of cancer in *Terms of Endearment*, is also an important presence in *Moving On* and *All My Friends Are Going to Be Strangers*. Her absence haunts McMurtry's latest book,*The Evening Star*.

McMurtry's heart is clearly with the Horton children — Tommy, Teddy and Melanie — and especially with Emma's gumptious mother Aurora Greenwood, the Wife of Bath of River Oaks. Clearly, he does not want to stop writing about them, and he continues their stories, through an additional 637 pages. McMurtry's characters are presumably alive, to him and to a passel of readers and moviegoers. But it is remarkable how frequently he kills his children off. In 1988, during a public appearance in San Antonio, McMurtry recited passages from *Lonesome Dove* selected to create a medley of death scenes—enough to fill an hour and an audience with dread of extinction and of turning another page. *Horseman, Pass By* (1961), the book that launched his career, derived its title from W. B. Yeats' epitaph, and many of its successors have likewise advertised their valedictory intentions; mere mention of *Leaving Cheyenne* (1963), *The Last Picture Show*, *Moving On*, or *All My Friends Are Going to Be Strangers* announces the theme of transience. So does *The Evening Star*.

The novel ends with a performance of the Brahms Requiem, and it begins with Aurora driving her sputtery old Cadillac home from Huntsville in typically reckless fashion — "Rosie and everyone else who knew Aurora felt sure the Cadillac would be the death of her someday." It in fact is not, but mortality is king of the road in McMurtry's novel. Named for the Roman goddess of dawn, Aurora makes her final appearance in a book called *The Evening Star*. "All around them," realizes Aurora, "was evidence of what she knew in her own heart: that life was nothing but a matter of innumerable comings and goings, separations and separateness, of departures from which there might be no certain return." The goings seem to outnumber the comings.

Aurora goes to Huntsville once a month to visit her unresponsive grandson Tommy, imprisoned for murdering his girlfriend. After the death of Emma, Aurora raised Tommy, Teddy and Melanie as if they were her own children. Flap, their indifferent father, has remarried and gone off to teach at a California college. After meeting her while both were confined to a psychiatric ward, Teddy lives with Jane, their son Bump, and their mutual companion, anxiety. Teddy takes up Sanskrit, while Jane takes a lover named Claudia. Melanie is impregnated and abandoned by unworthy men.

"There are only two kinds of men, insistent and uninsistent," declares the ever-voracious Aurora, "and I can't seem to resist either kind." When we first encounter her, she has been living with retired General Hector Scott for 20 years. But, even before the impotent octogenarian abandons the battlefield of life, in a booth at a nearby Pig Stand while Aurora stuffs herself with mince pie, she has been setting her sights on other men. One is Jerry Bruckner, a Las Vegas comic turned psychotherapist who is 30 years her junior. Another is Pascal Ferney, an attaché at the French consulate whose most remarkable feature is a bent penis. Then there are Theo and Vassily Petrakis, stocky Greek brothers whom Aurora picks up at the open-air bar they own near the Houston Ship Channel. But all are feckless foils to Aurora's indomitable life force, and all disappear. Aurora's most enduring relationship is with Rosie, and the lady and her faithful maid form an elemental duo that is a female version of Don Quixote and Sancho Panza or Woodward Call and Gus McCrae.

"Everything you start gets messy in five minutes and everything I start is messy before I even start it," complains Rosie as she and Aurora embark on a joint romantic adventure. "Even so," replies Aurora, in what is in effect her credo, "I prefer trouble to endless nothingness." Squeeze the day, and make as much trouble for it as you can before the dusk descends is the formula for *The Evening Star*. It is easy to imagine Shirley MacLaine, who played her in the 1983 movie adaptation of *Terms of Endearment*, cast again as McMurtry's luminous Aurora. (Jane mentions meeting Jack Nicholson at a party, but Breedlove, the randy former astronaut he played in the James Brooks movie, is nowhere in the neighborhood of the literary sequel).

Whenever Aurora's "spirits sunk to threatening depths," we are told, Rosie "flogged her with platitudes." A reader can sympathize, as McMurtry's novel does the same to us. Much of *The Evening Star* is ditsy dialogue, but most of the rest is delivered as represented discourse, the interior monologue of characters who seem persuaded of a necessary nexus between the trite and the true. Here, for example, is what goes through lithe but white-haired Rosie's mind when she is spotted doing handstands in a parking lot: "The thought that policemen would look at her suspiciously just for doing a few handstands made her want to join a demonstration as soon as she could find one. Maybe Peter Jennings would be around to report on the demonstration for ABC. Maybe he would even get to ask her a question or two as she was being handcuffed and booked, and she was sure it would happen to her as soon as she began her life as a demonstrator." A few hundred pages of such insistent banality, and a lucid reader might long for Proust.

Aurora in fact spends much of the novel trying to read *Remembrance of Things Past*, the massive novel that inspires her to conduct her own "memory project." After assembling every document she can find, Aurora hopes to reconstruct each day of her life. But the effort is a failure. "Despite the playbills and the concert programs, despite the diaries and the scrapbooks, she had to admit that she could remember practically nothing of her long experience of life. The analysis of high moments, whether ecstatic or terrible, that Monsieur Proust was so good at was far beyond her." Though memory and transience are as crucial to McMurtry's art as they are to the Gallic master's, it is only in *Lonesome Dove*, his elegy for the frontier, that the Texan comes close to being a Lone Star Proust. *The Evening Star* recalls the more disposable work of Danny Deck. □

Steven G. Kellman is a professor of comparative literature at the University of Texas-San Antonio.

Two Poets

LIKE A TREE

for Kwaku Pierce, whose sculpture "Children of Eve" looks out at us on Almeda 3rd Ward, Houston

1

The gleaners roll in
With heaped shopping carts

We have constructed ruins
To be reborn out of

Here in our cities, a question:
Is there life after birth

2

Cynical innocents
Who think knowledge is dope
Facing the future
With resentful faces
& battery-operated
Primitive art

Throat-slitting music
Martial anthems
For a war on drugs
That scoops up teenage alchemists
Who cook up crack
Who conjure up themselves
Lost

No distant mountainsides, no midnight airdrops
Just sad chumps getting busted on the hottest tv show
Since Allen Funt

3

There is no vanishing point in our art
Ancestors do not go away

You say they are here
It is not even a question
Of return

Silent and dynamic
A gleaming symmetry of ancestral faces
Smooth African puzzle
That tested
Renaissance mathematics
Ebony or mahogany
Chosen because it is the living color of a man
Matched to the wood carver's own hand

The art is how to
Recognize the spirit
Is the thing you see
These wooden faces looking out
Are not portraits
They are the beings
Who were visiting that tree
When Kwaku found it

— Lorenzo Thomas

THE RITUAL OF EARPIERCING

Cristina saying:

When Ana was pregnant with Cielo
the doctor listened to her stomach
and said, "Buy some earrings,
it's gonna be a girl,"

made me think of 2nd grade
when I might've been the only girl
with no holes in her ears.

No golden circles winking sunlight,
no broomstraws singed at each end
to keep the holes from closing.

The girls' ears were pierced soon after birth,
like a kind of circumcision,
but I was one girl-child exempted from
the ritual of earpiercing.
That was a tradition not honored by my family.
(My family that shunned nicknames and other forms of "common" behavior.
We got watches at 8,
a plain brown package of sample sanitary napkins at 13,
along with a booklet of instructions.
Got a steam iron for college at 18.)

Last thing you need,
more holes in your head.
Seems like leftovers from somebody's
ancient barbaric customs.
That would be my mother,
infinitely practical and modern.

So, no holes in my ears,
no golden hoops,
no scorched brown broomstraw pulled through each ear
to keep the hole from closing
like Jean, Denise, Marie, Debra, Clarice, and Ivynell
shaking their earrings in the sun.

But a cousin I remember
who lived in the projects
numbed her earlobes with a slick wet ice cube
and jabbed the holes herself in each ear
with a sewing needle sterilized in fire.
She was 11 years old and I watched her do it.

When she lit the broomstraws
they burned for a moment like skinny candles.
And a week after her self-initiation,
she was strutting toward womanhood
with new-won golden earrings.

— Harryette Mullen

FLOORWAX MOTHER

My mother warned me I'd perish in dirt:
Girl, how you going to take care of a filthy man
when you got so many nasty habits yourself?
Ambition don't make you immune to the facts of life.
Ask me, you do too much dreaming and scheming and
not nearly enough cleaning.

Let me tell you, honey, even career women have to
wipe their man's pee off the toilet seat before they sit down.

You got to get realistic one of these days,
or do you think you going to

paint finger pictures in grimy window panes,

grow gardens under gritty fingernails,

practice broadjumping the length of the unswept hall
with a pile of dirty laundry to cushion your landing,

and raise bacteria cultures for research on greasy
kitchen plates?

Girl, don't you know men's mamas tell them stuff like:
Look under a woman's bed to see if there's dust
so you'll know if she'd make a bad wife.

Mama, don't let me get ugly now,
but if I let a man into my bedroom
it aint going to be so he can check for dust.
And any man I catch looking *under* the bed,
I'll send him right back to his floorwax mother.

— Harryette Mullen

Lorenzo Thomas is a professor of English at the University of Houston. Harryette Mullen, a Texas native, is on the English faculty at Cornell University in Ithaca, New York. "The Ritual of Earpiercing" and "Floorwax Mother" were published in Tree Tall Woman, a collection of Ms. Mullen's poetry published by Energy Earth Communications Inc. of Galveston.

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

SENSE AND SENSIBILITY

By Lewis H. Lapham

The ocean is closed.
— Sign posted at 5 p.m. by the management of a Miami Beach hotel.

On a Tuesday afternoon in late July, in a taxi stalled for an hour in traffic on the Brooklyn Bridge, I listened to a New York literary agent praise his daughter's gift for refined political sentiment. Twenty years ago a proud father might have praised a daughter's talent for music or gymnastics, but the times have changed, and it is the exquisiteness of the moral aesthetic that prompts the cue for applause. The girl was fifteen, a student at one of the city's better private schools, already word perfect in her catechism of correct opinions. Her father was a successful dealer in high-priced pulp, and his daughter kept up with the latest cultural trends as they made their way around the beaches and lawns of East Hampton.

At the beginning of the spring term her biology class had taken up the study of primitive organisms, and the girls were asked to look through microscopes at a gang of bacteria toiling in a drop of water. The agent's daughter refused. No, she said, she would not look. She would not invade the privacy of the bacteria. They might be weak and small and without important friends in Congress, but they were entitled to their rights, and she, for one, would grant them a measure of respect. After what apparently was a moment of stunned silence in the classroom, the teacher congratulated the girl for her principled dissent. Of course she didn't have to look at the bacteria. She had taught the class a lesson that couldn't be learned from a microscope.

The story seemed to me proof of the inanity of much of what goes on in the name of higher education, but the agent was so pleased with it, so suffused with the light of virtue, that I smiled politely and said something genial and optimistic about his daughter's chances of going to Harvard. By that time the taxi had crossed the bridge, and I was glad to escape into the less rarefied atmosphere of Second Avenue before the agent began to explain his theory of global harmony. I once had listened to him give a speech on the subject to a conference of publishers, and I knew that he was capable of long recitations in what he believed to be the language of the Oglala Sioux.

Two days later I was still thinking about the innocent and disenfranchised bacteria when I came across a news item on an inside page of the New York Times that matched the literary agent's story with its appropriate corollary. The narrative was very brief, no more than a few paragraphs, and sketchy in its details, but the moral lesson was as solemn as an auto-da-fé. Well after sunset on the evening of July 16, an eight-year-old boy in Tampa, Florida, looked through the window of a building near his home and saw a man and a woman (both unmarried and both in their middle thirties) making love in a hot tub. The hot tub was in the bathroom of a condominium that the man had rented three weeks earlier, and the blinds on the window had been drawn closed. The boy reported the event to his father, who called the sheriff's office. While awaiting the arrival of the men in uniform, a small crowd gathered outside the bathroom window and another neighbor took it upon himself to record the scene in the hot tub on videotape. He was, he said, assembling evidence.

"They knew we were out there," he said. "They were exhibitionists. I shot right through the blinds."

Both the man and the woman were arrested on charges of committing a lewd and lascivious act. They spent the rest of the night in jail, and the next morning they had to post $15,000 bail before being let loose in the streets.

The vigilante schoolboy in Florida reminded me of the sensitive schoolgirl in New York, and I wondered why it was that both prodigies seemed to partake of the same spirit. At first glance, they seemed so unlike each other, and it was easy enough to contrast the differences of age, sex, education and regional prejudice. Their acts of piety expressed contradictory notions of the public good, and I could imagine each of their fathers thinking that the other father had stumped into the snares of the Antichrist. The boy quite clearly had been born under the star of the political right. Given world enough and time, he stood a good chance of growing up to vote Republican, enforce the drug laws and distribute Bibles or the collected works of Allan Bloom. The girl had been raised under the sign of the political left, and once she completes the formality of the curriculum at Harvard, I expect that she will write funding guidelines for the federal government or scripts for Kevin Costner.

The ideological differences matter less than the common temperament or habit of mind. Both the boy and the girl apparently were the kind of people who sift the grains of human feeling and experience through the cloth of milk-white abstraction, and I didn't doubt but that they never would have much use for historical circumstance or the exception that proves the rule.

I wish I didn't think that such people now speak for the American majority, or that the will toward conformity crowds so close to the surface of so many nominally political disputes. The spirit of the age favors the moralist and the busybody, and the instinct to censor and suppress shows itself not only in the protests for and against abortion or multiculturalism but also in the prohibitions against tobacco and pet birds. It seems that everybody is forever looking out for everybody else's spiritual or physical salvation. Doomsday is at hand, and the community of the blessed (whether defined as the New York Yacht Club or the English department at Duke) can be all too easily corrupted by the wrong diet, the wrong combination of chemicals, the wrong word. The preferred modes of address number only three — the sermon, the euphemism, and the threat — and whether I look to the political left or the political right I'm constantly being told to think the right thoughts and confess the right sins.

Passing through Portsmouth, Rhode Island, I see a sign on a public bus that says DO DRUGS AND KISS YOUR FED-

ERAL BENEFITS GOOD-BYE. I leaf through *The Dictionary of Cautionary Words and Phrases*, compiled by a tribunal of purified journalists (the 1989 Multicultural Management Program Fellows), and I learn that I must be very, very careful when using the words "man," "woman," "watermelon," "barracuda," "community," "banana," and "impotent." Given a careless inflection or an ambiguous context, the words can be construed as deadly insults.

The prompters of the public alarm sound their dismal horns from so many points on the political compass that I suspect that what they wish to say isn't political. The would-be saviours in our midst worry about the moral incoherence of a society, distracted by its fears — fear of apples, fear of Mexicans, fear of bankruptcy, fear of the rain — and they seek to construct the citadel of the New Jerusalem with whatever materials come most easily or obviously to hand. Every few days the newspapers bear further witness to the jury-rigged orthodoxies meant to redeem the American moral enterprise and reclaim the American soul.

- The village of Chester, New York, passes a law to the effect that all the signs on all the stores of a new shopping mall must be painted blue. A merchant neglects to read the fine print on the lease and plans to put up the red sign under which he has been doing business for thirteen years. No good. Unacceptable. Either he paints the sign blue or he goes elsewhere. The village clerk, Elizabeth Kreher, overrules his objections with an air of sublime self-righteousness. "He shouldn't be complaining; he should be thankful to have such a nice place to move his store into. Plus it's a beautiful color — I just love blue."
- The chairman of General Public Utilities Corporation, a married man named Hoch, admits to a love affair with a woman employed by the company as vice president of communications. The news of their liaison arrived by anonymous letter. Hoch resigns, but the woman keeps her office and title. Various spokespersons explain that a public utility depends for its rate increases on the grace and favor of the federal government and therefore must align its manners with the prevailing political trends. The feminist lobby in Washington is as loud as it is judgmental. Good-bye, Hoch.
- A waiter and a waitress working in a restaurant south of Seattle refuse to serve a pregnant woman a rum daiquiri in order to lead her out of the paths of temptation. When the woman persists in her folly, the waiter and waitress (both in their early twenties and very devout in their beliefs about health and hygiene) lecture her on the evils of alcohol and read her the surgeon general's warning about drinking and birth defects.
- A woman in California kisses her boyfriend good-night on the steps of her own house, and a committee of disapproving neighbors reprimands her for lowering the tone and character of the block. For precisely the same reason, a committee of neighbors in Illinois censures a man for parking a vulgar pickup truck in his own driveway.
- Joseph Epstein, the editor of The American Scholar and a writer well-known both for his wit and neoclassical political views, publishes an essay in a literary journal in which he refers to "the snarling humorlessness" of various feminist critics and professors. He makes the mistake of repeating the joke about the couple in Manhattan who cannot decide whether to get a revolver or a pit bull in order to protect themselves against burglars. They compromise by hiring a feminist. The joke incites so much rage within some of the nation's more advanced universities that Epstein feels constrained to write a letter of explanation to the New York Times conceding that "one attempts humor at one's peril."

Like Queen Victoria and the National Endowment for the Arts, the Puritan spirit is not easily amused. Over the last seven or eight years I've noticed that my own experiments with irony or satire in mixed or unknown company require some introductory remark (comparable to a warning from the surgeon general) announcing the arrival of a joke that might prove harmful to somebody's self-esteem.

A society in which everybody distrusts everybody else classifies humor as a dangerous substance and entertains itself with cautionary tales. The news media magnify the fear of death by constantly reciting the alphabet of doom (abortion, AIDS, alcohol, asbestos, cancer, cigarettes, cocaine, etc.), and the public-service advertising extols the virtues of chastity and abstinence. The more urgent the causes of alarm, the more plausible the justifications for stricter controls. Stricter controls necessarily entail the devaluation of any and all systems of thought (most of them humanist) that make invidious distinctions between man and beast, man and moth, man and blood specimen, and I've noticed that the puritanical enthusiasms of the last several years complement and sustain the attitude of mind that assigns to human beings a steadily lower and more disreputable place in the hierarchy of multicellular life forms.

The rules and exhortations run to so many cross-purposes (more freedom and more rights, but also more laws and more police; no to fornication, yes to free contraceptives in the schools; yes to the possession of automatic weapons, no to the possession of cocaine) that it's hard to know what sort of perfect society our saviours have in mind. Presumably it will be clean and orderly and safe, but who will be deemed worthy of inhabiting the spheres of blameless abstraction? Maybe only the bacteria. Human beings make too much of a mess with their emotions and their wars. They poison the rivers and litter the fields with Styrofoam cups, and very few of them can be trusted with kitchen matches or the works of Aristotle.

I see so many citizens armed with the bright shields of intolerance that I wonder how they would agree on anything other than a need to do something repressive and authoritarian. I have no way of guessing how they will cleanse the world of its impurities, but if I were in the business of advising newly minted college graduates, I would encourage them to think along the lines of a career in law enforcement. Not simply the familiar and sometimes unpleasant forms of law enforcement — not merely the club, the handcuffs, and the noose — but law enforcement broadly and grandly conceived, law enforcement as a philosophy and way of life, as the presiding spirit that defines not only the duty of the prison guard and police spy but also the work of the food inspector, the newspaper columnist, the federal regulator and the museum director. The job opportunities seem to me as numberless as the microbes still at large (and presumably up to no good) in the depths of the cold and unruly sea.

(This article first appeared in Harper's Magazine. It is reprinted with permission.)

Health Care Twists

SAN ANTONIO

"There are only three things congressmen are afraid of: AARP, AARP and AARP," satirist Mark Russell told the American Association of Retired Persons in convention here, explaining why he had asked friends to pray for him.

Russell emerged unharmed from the convention, which drew 30,000 of the fearsome, aging activists in early June to listen to, be amused by, or to challenge big-gun speakers such as keynote speaker Ed Bradley of CBS, Arkansas Gov. Bill Clinton, First Lady Barbara Bush and Chrysler's Lee Iacocca. Other "stars," such as Lady Bird Johnson, Eric Sevareid, Dr. Art Arnot, Louis Rukeyser, Henry Cisneros and Shirley Chisholm — most of whom are used to being headliners at other conventions — spoke at concurrent special-interest sessions that ran for four days and kept the oldsters jogging from hall to hall at the Convention Center and through the rain to spinoff meetings in nearby hotels.

Consumer advocate Ralph Nader was among the most popular of these "Also Featured" speakers. Hundreds were turned away from the session in which he urged AARP members to learn consumer skills. Later, Nader carried his current campaign for health care reform to a fundraiser for Public Citizen, the group he founded to work for consumer interests. Rain and competing activities kept the audience down to approximately 100, but the crowd included a savvy bunch of younger citizens who took advantage of AARP's welcome mat to attend sessions that interested them.

Health care reform is a key issue on the AARP agenda this year, but Nader criticized the direction in which AARP leaders, health-care advocates and congressional leaders seem to be heading, which is to continue to base coverage on private insurance or employer-dependent systems. "Single-payer insurance, with cost containment," similar to the national health-care system in Canada, was how Nader summed up his preference on health care reform.

"There are many proposals — too many — for medical care reform ... The House plan, [Texas Sen. Lloyd] Bentsen's bill in the Senate, the [American Medical Association]'s plan, the administration's plan," Nader said. "There may be up to 20 of them in the making. I figure it would take about 100,000 working hours to float and examine them all. Two years of work. 1994 would be the soonest it could be completed. But even meeting that deadline will take dedicated work. One plan is going to have to win and we will have to work together to get it through. But we should be careful, because what we adopt will be put into concrete."

"I believe the Canadian plan is the best one so far. It isn't perfect, but it's the best. Cost containment is what we need to improve on," Nader said. He noted that audits show 90 percent of errors on medical bills are to the advantage of the hospital. "The Canadians spent 9 percent on administration; we are spending 24 percent. Just the savings on administration costs would pay for insurance for all those who are currently uncovered," he said.

Nader also called for controls on drug prices. "We pay the highest prices in the world for drugs. Yet most of these drugs were developed with government financial aid. Some of the royalties should be coming back to the taxpayers," he said.

He also said activists may have more luck getting health care reform at the state level. "Things are moving so slowly with all the proposals in Congress, most of them incremental, that I believe that the states should take the initiative. Some already have. The thing is to make sure the plan is really universal." Experienced conventioneers and serious activists, who could be spotted by the sneakers they wore and the lists of questions and even tape recorders they carried in hopes of starting a dialogue, were disappointed when Nader took no questions and left immediately after his remarks to catch a plane.

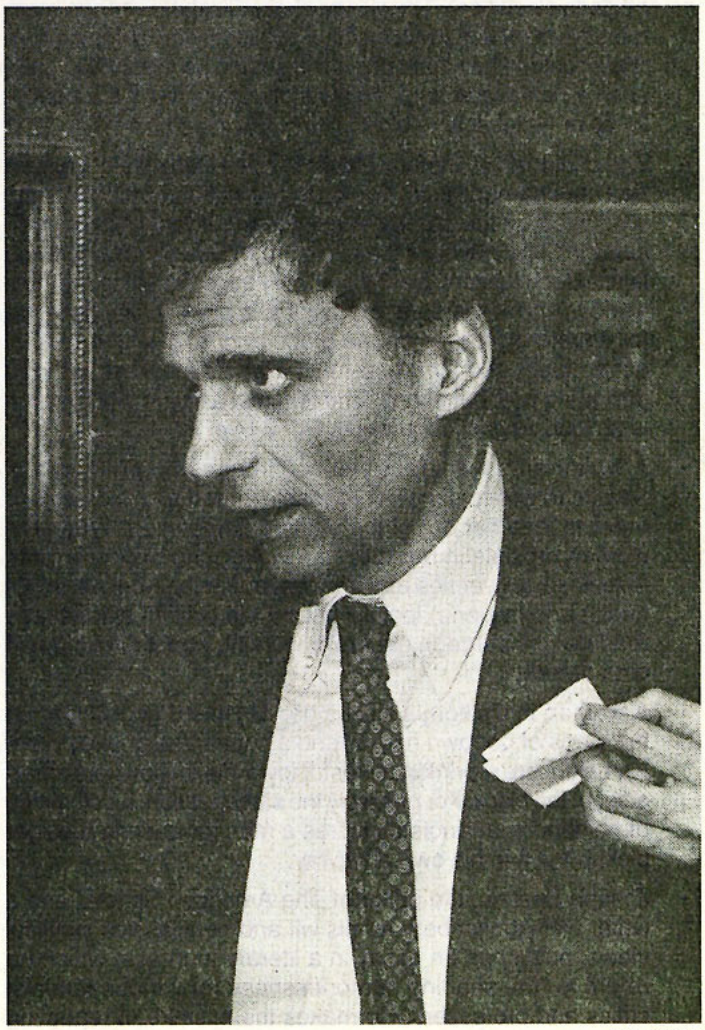
But Tom Smith, head of Public Citizen's Texas office, fielded a few questions and introduced Ken Bloom, a student volunteer from the University of Texas, whose study of health care in Texas found that one of five Texans has no health insurance, the second-worst record in the country. Bloom also found that the average costs for medical care for a family are $9,000, of which the family pays about $6,000 and employers' insurance usually picks up the rest. If the employee is dropped, the state picks up the difference. Bloom urged the audience to write recommendations for changes to the Task Force on Health appointed by Governor Richards.

Public Citizen has little use for AARP's "Health Care America" proposal, the details of which are still being worked out, but which basically would expand Medicare eligibility to all Americans and would include new preventive and long-term care benefits. Public Citizen's analysis is that the AARP plan would tie most insurance to employment and has a welter of co-payments and deductibles that would eat up any savings gained by the proposed computerized billing system.

A member of the AARP resolution committee reported that the organization has been working on its health care reform proposal for two years and is still not ready to present its final version to the public. Congress is expected to take action on the issue in 1993, but AARP members were encouraged to lobby within AARP to switch to the single-payer national health plan.

— NANCY DUGHI

Nancy Dughi is a freelance writer living in San Antonio.



FILE PHOTO

Ralph Nader

DIALOGUE

THE RARITY OF TRUTH

For about a year now I've been receiving the Texas Observer. Of the three or four publications I receive, TO has become one of my favorite, if not the favorite. Quite frankly, with all the events happening in Texas or in the national political scene, events which will also affect Texas, your publication has become quite important in my life. I am currently in prison, on Death Row in fact, and our access to worthwhile information is somewhat limited.

I'm not sure how I ended up on your mailing list, whether someone purchased a gift subscription or whether one of my contacts associated with your staff had my name put on your mailing list. However I ended up on your mailing list, I am thankful and owe the person a huge debt of gratitude. I was introduced to TO when I attended Stephen F. Austin State University and was a fairly regular reader after that, until I ended up here about seven years ago. Through most of that time one of my friends here received TO, but he eventually left and went back for a retrial (he's back here again, by the way). It was during that time that my subscription to TO began.

I recently received a renewal notice, indicating that my subscription had run out, or was about to. This I hate to do, but, is there any way I might be able to receive, rather, continue to receive, TO? Quite honestly, I have no source of income and not much of a way to obtain any significant funding in here. I, like almost half of the men on Death Row, work for the prison making guards' uniforms. But I am not paid in any way. We don't even get "good time." I sincerely hate to ask this, to "come begging," but I really enjoy receiving TO and don't have any other way to get it. And I'm not sure my previous "benefactor," will be renewing, if that was the case the first time.

These are really hard financial times, especially for a publication like yours, and if you are unable to foot the bill for another year, I completely understand and offer my thanks for the year I've already received. You guys are nothing less than a valuable resource for Texas. Truth is a rare commodity these days. If my experience here has taught me anything, it's the rarity of truth.

James L. Beathard , Huntsville

Editor's note: We are able to continue the subscription of Mr. Beathard and others who cannot afford the Observer thanks to the generosity of subscribers who have contributed to the Texas Observer gift fund.

OUTPOST OF REASON

Thank you for sending me the sample copy of the Texas Observer. It really does deserve the epithet ``outpost of reason in the Southwest.'' It's so nice to read an alternative weekly that is full of analysis of real problems in the society instead of phone sex ads and how to dance like they do in Los Angeles (maybe some of us left Los Angeles because we don't want to dance the way they do in El Lay), or how to get in on on the fringes of that powerful ... social change movement known as alternative spirituality. ... By the way, I loved your reviewer's comparison of Fritjof Capra to Frank. I'll take Frank, too, any day, over spoiled narcissistic advisers to our future owner/rulers. In reality, the owners of Euro-Disney are more likely to be the clientele of the living Mr. Capra, than are the type of people who lived at Mont St. Michael. ... Congratulations on the wonderful Mr. [Henry B.] Gonzalez, whose character I first really began to understand in Molly Ivins' book. Not enough of us non Texans know about this elderly statesman. I'm glad he's getting more coverage. And your editorial quotes from Larry Goodwyn could not express my experience in 1992 America better.

Cynthia Denton, Frankfort, Indiana

We read our mail

Write Texas Observer Dialogue,

307 W. 7th St., Austin, Texas 78701

Continued from pg. 24

state's taxes fall heaviest on individuals. It reported that mor e han $400 million worth of state tax breaks were approved in 1990 for four paper plants despite complaints that the plants were polluting waterways and wetlands. In a December interview with the New York Times, Clinton conceded that in the trade-offs he has made, economic considerations probably took precedence over some environmental ones.

✔ **PEROT GAINS CONVERTS.** One of the most recent defections to to Perot camp was John Wayne Caton, who is running as a Democratic challenger against U.S. Rep. Dick Armey in the 26th Congressional District. Caton, a Clinton delegate at the state Democratic convention in Houston, said he made the switch "after much soul-searching and prayer," according to a Reuters report. He hopes that as a candidate running against Representative Dick Armey in the 26th Congressional District, he will shed some light on the virtues of Perot. If elected, he added, "I think I can try to persuade a few members of the electoral college" to vote for Perot. "If Bill Clinton should win Texas, then I think they have to consider whether or not the electoral college is going to deadlock. What I'm going to try to do is to persuade some of those that I may know to just switch their vote from Bill Clinton to Ross Perot to try and go ahead and get Ross Perot in charge of the electoral college," Caton said. He also plans to try to persuade other Democratic congressional candidates across the country to vote for Perot. A plant manager at Dwights' Energy Data in Fort Worth, Caton is making his second campaign against Armey. Caton has little to lose in making the pitch for Perot. In his 1990 race against Armey, a right-wing Republican popular in the D/FW Mid-Cities for his support of free-market, anti-welfare policies, Caton got only 30 percent of the vote.

✔ **THE JFK INDUSTRY.** Larry N. Howard, director of the JFK Assassination Information Center in Dallas, has come a long way since he set up a booth with a JFK theme at a gun show and was surprised at the interest people showed. "I collected more information in two shows than anyone else had in ten years of research," Howard says. When Howard met author J. Gary Shaw in 1988, the pair decided to start the center, which houses the JFK exhibit, a theatre, and a gift shop. Howard stocks the gift shop with books, videos and memorabilia ranging from t-shirts to Hollywood 4x scope mounts like the one found on Oswald's rifle. Other revenue comes from admission charges and donations. Howard said the center gets new leads every day on what happened in Dallas. The tips can be bogus, he admits, but after years of study, he says he can tell cracked ideas apart from useful information on what happened in Dallas years ago. Howard said his knowledge of the subject led to work as a consultant to Oliver Stone for the movie *JFK*. Howard gets threatening letters and calls, but he says he can't stop. "We're getting closer to the truth all the time." □

Meditation on a Vacant Lot

BY ELROY BODE

AS I STOOD at the wire fence and the three o'clock sun played across the brown landscape of Central Texas, I entered, once again, the sun-lit now and its strange depths.

I had parked my car on a side street in Comfort and walked over to a vacant lot green with rain-soaked winter grass. I stood beside the fence, listening to the stillness. Everything in the lot and on the streets beside it — the weathered garage, the tool shed, the cistern — was sharply defined: luminous beyond description, beyond words.

I had been here before, of course — not this place, but this moment. I had seen this sun, pale in a winter sky; smelled the cedar, the river, the hill country air; listened to the silence that was just another voice for some greater reality. It was as though I had been born to stand beside fences: It was my primal moment, my opportunity — my privilege — to experience the secret nature of things.

So I stood and listened. The lot was like a stage where quiet dramas were unfolded. Each blade of grass, each slant of sun was part of the drama, and it seemed that if I could remain still enough — long enough — I could see past the familiar outlines of rocks and posts and boards into the heart of creation itself.

I waited — trying to see as the afternoon saw....Those long-stretching shadows: why, they were not shadows at all; they were prodigal sons of the land who had finally returned at midday and were now lying passively beneath the pecan trees. At nightfall, at a signal, they would blend together and reenter their rightful home, the earth.

And those rusted barrels, those scattered piles of leaves: they —

But a car cruised by, and another, their radios blaring. Then a jogger worked her fierce way down the street, looking neither right nor left, locked into her determined stride and the hidden rhythms of her Walkman.

The silence returned, and I thought of the Bible: "Be still and know that I am God." Yes: that was the kind of stillness I was trying to hear at the fence: the unattainable silence that allows, finally, a burning bush to speak, a mountain to move; the silence that a human keeps straining to hear.

I got into my car and left Comfort. As I joined the lines of cars on I-10, the intimacy of the vacant lot disappeared. Trees along the roadside seemed blank, withdrawn — like family servants decorously resuming their unnoticed — their traditional — poses. I drove along the Interstate with my speeding humankind: enclosed, insulated, focused on our human concerns. We looked straight ahead, paying no mind to the Otherness that lay around us.

Church Words. I remember sitting in a back row of the Methodist church in Kerrville. I was 17. The preacher was going on again about Jesus, the Trinity, the Holy Ghost — all the familiar, sing-song words I had listened to for years. But I had a problem — actually two problems.

One was that I didn't believe in sin — the whole long-faced, bugaboo concept of it. *Sin* just didn't jibe with what I knew of trees, of camping out along the Guadalupe River, of my grandparents' ranch, of the hill country....*Sin*? Where? To me it was an unreal, holy-Joe scare-word that I heard each Sunday and forgot about during the rest of the week.

Also, I couldn't work up any enthusiasm for "Jesus" — the idea of Him. He was strictly a secondary figure, vaguely out of focus — a picture on a Sunday school wall and nothing more.... "Son of God"? That just didn't seem right: a God wouldn't need to have "sons." Or "daughters," for that matter. As a high school senior I didn't have the concept of anthropomorphism down pat, but nonetheless my gut feeling was that the whole business of Mary and Joseph and the Virgin Birth was a hocus-pocus cooked up in order to soften the hard mysteries of life and make them more palatable to churchgoers.

Now *God*: that was a different matter. God — the word, the idea — was serious stuff. I definitely felt the need to find out all I could about *God*. I was drawn — like an arrow to its mark — to the puzzle of First Causes, the world and its meaning, its origin....Thus *Creator* had a strong ring to it, as did words like *Cosmos* and *Infinity*. Those were great, grand words — challenging words — as I sat in the back row of the First Methodist Church. They belonged rightfully to the awesomeness of the Universe. *Jesus*? He seemed too earth-bound, human-sized, parochial, of lesser import. He belonged to preachers and Holy Rollers, not the stars.

Release. In the lone, random days and nights of my 20s I roamed about — hungry for Experience. One Saturday night in Fort Worth I went to a huge western-style dance hall, bought a Pearl, sat at a table against the wall. Once again I needed to touch a woman, to put my arms around her waist, to feel our bodies press together. I needed woman-flesh.

I would get up from the table and prowl about until I found an acceptable dancing partner. We would dance one dance, I would then walk her back to her table, and I would prowl some more.

Then, as it sometimes happened, I found a woman whose touch seemed right: whose skin seemed attuned to the chemistry of my blood. She was thin, rather wide-eyed, quiet-acting: a woman in her 30s with brown, close-cut hair. We danced one song, then two — feeling the pleasure of one another, feeling through the sweat and body heat the growing sexual need.

When the band finished a number we barely moved apart; we kept our arms around each other's waists, squeezing hands, looking together toward the band to ease the awkwardness of the time of waiting. We did not speak. At the beginning of the next tune we came together and moved in our tight embrace through the other dancers.

Afterwards, in the dusty parking lot, I found myself with sudden tears in my eyes, and smiling, saying to myself, over and over, in mild astonishment, "I'll be dammed," not knowing what I meant, exactly, except I was pleased, full of genuine reverence, a happy awe. It was as though a strange beauty was inside of me, melting — something that had nothing to do with sex but was also everything that sex and contentment and release ever meant to anyone.

Hildegarde's Dream. Everyone has a lost girl, beautiful in memory, fixed like a hidden valley in the plains of youth. Mine is Hildegarde Kimmel of Cologne, Germany — lovely to look upon, painful to remember. When we met she was caught up in a dream of love that did not allow entry of mere mortals.

White-gloved, white-hatted, adroit Hildegarde: at 23 she was half-woman, half-child, moving through her well-ordered world of wealth, culture and travel. Hildegarde: translator at the U.N., speaking in her low, quiet voice, ripping r-r-r-r's off her throat like someone gargling. Hildegarde: of the pointed meditative shoe on the hot New York sidewalk — walking so slowly, so gracefully, partly because of her aristocratic bearing, partly

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Elroy Bode is a teacher and writer living in El Paso. He has been contributing, off and on, to the Observer for almost 30 years. This article is reprinted from the May 8 issue; the earlier version was riddled with typographical errors. We hope we caught them all this time.



ROY HAMRIC

because of her very pretty but long and narrow and restrictive brown skirt. Finger-snapping, jazz-loving, Americanized Hildegarde: giving her quick shudders and shakes to express the simple joys.

In 1955 she was like a smooth-sailing swan on her calm international lake: womanly serene, but girlishly watching for the sudden, electric, emotional storm that she assumed was bound to come her way — upsetting her deft, independent sailing and sweeping her thrillingly into some hidden port of love. She had no doubt it was there somewhere on the horizon — that romantic and deliciously consuming storm. She wanted it to descend like a thundercloud from heaven and unleash itself upon her — scattering her senses and tearing her heart loose from its moorings and throwing her headlong and panting into its bright lightning and roaring waves. And after the first terrible sweet thunder had rolled over her body she wanted to open her eyes and find Him there. Without words, this prince of Heart-storms, this golden-maned Neptune, would lift her with his marvelously restrained passion and carry her off to his sheltered lagoon. There she would live forever — her old poise gone, her independence gladly surrendered. She would mend his sandals, tend his fire, bear his sturdy young.

Ah, Hildegarde: her god did not descend from the clouds, but she did manage to get along well enough with a reasonable substitute, a young blond heir to the Krupp munitions fortune. On the day she left New York I went to see her off on the *Liberté*. Smiling, she sat on the deck of the narrow berth, holding her drink and making conversation with the small group of friends and relatives who had come to wish her a pleasant trip back to Germany. She sat with her smooth, firm legs crossed, the bottom of her skirt slanted artfully across her kneecap. Every now and then she reached up with the little finger of her drink hand and removed a fleck of lipstick from the corner of her mouth and smudged it away into her palm. Red-lipped, clear-eyed, oval-faced, self-possessed, she gazed into my camera with a cool readiness to be immortalized.

Speaking to Trees. Every day I got up and drove to school. I worked steadily, doggedly at the job of being a public school teacher. Then, at five o'clock, my school day over, I walked out toward my car — and a sense of emotional devastation. With each step my teacher's iron mantle slipped from me, disintegrating, so that by the time I had reached the car I was no longer a public person; I was once again privately *me*. My body was like a huge mouth, tasting gall.

I put the key into the door of the car and thought about the long remaining hours ahead before bedtime, and I said it: "I hate my life; I hate the way I live." And as I drove slowly across the parking lot I did not have a sense of commitment, of connection, of interest or goal, of belonging to anybody or any place.

One afternoon I drove up into the countryside of Bulverde and parked beside a field. I sat in my car with the window rolled down. I was 52, alone, desperate. Nothing — neither reading, thinking, patiently waiting — worked for me any more. I was a stripped nub, with no green vines growing.

I looked at the familiar pastureland in the late afternoon light. I spoke to the trees, the rocks, the air. I had nowhere else to turn.

It was not like trying to talk to God. Long ago I had stopped calling out to a Force in the world. It was more like an Indian might call out to his brother, the bear. I wanted, I suppose, some sign of kinship from the Created rather than the Creator — a recognition of our common fate.

"Tell me something," I said — meaning, "I'm lost, I can't go on." The small cedar saplings, as if in response, kept up their enigmatic nodding in the breeze. □

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POLITICAL INTELLIGENCE

✔ **GARBAGE IN, GARBAGE OUT.** Legislators may need to get more computer-friendly if the State Ethics Commission is to meet its goal of providing a computer database of political finance reports by January 1992, as the law requires. Ethics Commission Chairman George Bayoud said the options appear to be requiring candidates for office and lobbyists to file their financial reports by computer or hiring approximately 40 clerks to type the reports into the computer. The commission, which has a budget of $1.3 million, now employs 27 people and is responsible for collecting financial and campaign disclosure forms for candidates for state offices, including the multi-county legislative and district court seats, lobbyists and some political party officials. Once the database is online, as the computer folks say, members of the public will be able to peruse individual filings by telephone through their personal computers. The Ethics Commission also called on the General Services Commission to hold off on its new policy of destroying telephone logs of state offices on a weekly basis. The records, which formerly were routinely kept for a month, were used by the Houston Chronicle to detail the apparent use of state telephones by Land Commissioner Garry Mauro and his staff for the presidential campaign of Bill Clinton. Phone records also were an integral part of Texas Attorney General Dan Morales' complaint of improper communications between a federal judge and lawmakers in the Senate redistricting case.

✔ **LEGAL AID BYGONES.** Texas Rural Legal Aid and the Legal Services Corp. announced the settlement of a dispute stemming from TRLA's 1988 representation of clients who were protesting U.S. policy in Central America. TRLA filed suit in 1990 after Legal Services inWashington, D.C., cut $244,000 from federal grant funds to the Weslaco-based ogranization because it claimed TRLA had improperly represented members of the Veterans Peace Convoy, whose attempt to deliver vehicles and supplies to Nicaragua in June 1988 was stopped in Laredo by federal officials who were concerned that the material would be used by the Sandinista government there. A federal judge ultimately allowed the convoy to proceed, but the LSC, under control of the Reagan Administration, retaliated by cutting the grant. In the settlement, TRLA agreed to drop its lawsuit against LSC in return for payment of $204,000 of the previously withheld grant funds to TRLA, in addition to $50,000 to the six individual plaintiffs from the peace convoy. TRLA agreed to spend at least $75,000 of the grant money to meet the legal needs of people living in colonias along the Texas-Mexico border.

✔ **LEGAL AID LAYOFFS** may be in the offing if interest rates don't edge upward soon. Gulf Coast Legal Aid Foundation in Houston already has laid off three clerical employees, two of whom each had 25 years of seniority, and is seeking wage rollbacks from other employees; officials of the National Association of Legal Service Workers, which represents staff in seven of the state's 13 legal aid offices, fear it may be the beginning of a hard round of negotiations and possibly attempts to weaken the union. Robert Byrd, executive director of the Gulf Coast office, denied there was an effort to bust the union, but said he was trying to keep the foundation in the black in the face of higher costs of health and malpractice insurance and expectations of lower contributions from interest on lawyers' trust accounts (IOLTA) and other sources such as the United Way. IOLTA, administered through the State Bar of Texas, pays for a large share of the state's 61 legal service programs — $9.36 million in 1991 — but the Texas Lawyer reported that the plunge in interest rates since then could mean a cut of up to 25 percent in next year's grants. The magazine said many legal aid offices across the state are looking for new funding sources to make up the difference, particularly since federal funding for the Legal Services Corp., the primary funder for legal aid offices, has been virtually frozen since 1981, when the Reagan Administration tried to abolish the program. Texas programs receive about $22 million in federal money.

✔ **LOTTO LUCK.** Texas sold a record $102.4 million tickets during the first week of the lottery, and it also may have set a record for calls to its compulsive gamblers hotline. Gamblers Anonymous already has heard from people who spent their entire paychecks on lottery tickets and had nothing left to pay the rent or bills and Sue Cox, executive director of Texas Council on Problem and Compulsive Gambling said 5,300 people called the toll-free number on the back of the tickets during the first week. The Dallas Morning News and the San Antonio Light found regular lottery players at the Salvation Army shelter in their respective cities. One looked on the bright side: "The lottery's taking away from my drinking," he told the Morning News. The lottery has returned $43 million in cash prizes, $4 million for retailers and $38 million for the state Treasury. Also, two employees of the state comptroller's office, including the manager of the lottery claim center in Houston, were fired Monday aftert they admitted they stole 2,000 lottery tickets. Lottery officials became suspicious when Mark Thierry, manager of the claim office in Houston, could not account for all the free tickets allocated for the May 28 kickoff party in Houston. Thierry was confronted when he tried to cash in a winning $50 ticket.

✔ **SPEAKER'S RACE STALLS.** Could the Texas House of Representatives finally head for a partisan organization next January? The Republican Caucus deadlocked over which candidate to support in the race for House speaker and the House Democratic Caucus voted by almost 3-to-1 to endorse one of the nine Democratic candidates for speaker after the November election. The failure of the GOP to unite its 58 members behind one of the more conservative Democrats, such as Jim Rudd of Brownfield or Pete Laney of Hale Center, may open the speaker's race, which requires 76 votes to win. The Texas Democratic convention urged the 92-member Democratic Caucus to elect its own speaker, but many House Demos already have committed to candidates. Democrats have grumbled for years that Republicans head too many committees in the House. The Democratic labor caucus also joined Common Cause in support of reforms that would limit the speaker to two two-year terms, abolish the powerful Calendars Committee and allow committees to elect their own chairs.

✔ **MORE CHICKEN SH-T.** The ascendancy of Bill Clinton as the Democratic presidential nominee-apparent has stimulated Arkansas environmentalists to issue "The Arkansas Environmental Bulletin," with a none-too-flattering report on Clinton's record by Bobbi Ridlehoover, a reporter with the Arkansas Democrat Gazette. The lead article in the four-page tabloid, published by People Against a Chemically Contaminated Environment of Jacksonville, Ark., notes that polluting industries in Arkansas, many of which have contributed to Clinton, get tax breaks while the

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