THE TEXAS Observer

A JOURNAL OF FREE VOICES

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THURGOOD MARSHALL AND HIS TIMES
Pg. 19

VIDOR BURNS ITS KLAN IMAGE

BY LOUIS DUBOSE

Vidor

THE THURSDAY NIGHT CITY COUNCIL MEETING proceeds like most council meetings in small-town Southeast Texas, wending its way down an agenda filled with demands for water and sewer service, complaints about oiled roads and requests to have potholes filled. The final order of business is a decree honoring the Vidor Pirates' place kicker, who last year kicked field goals from as far out as 48 yards. When the meeting adjourns, the mayor, recovering from orthopedic surgery, steps gingerly from the podium and congratulates the young man who was honored. Then she walks slowly to her office to confer with her city attorney. She doesn't seem to acknowledge the presence of the two local knights of the Ku Klux Klan who have been standing at the back of the chamber, arms folded, since the meeting began. "Tell your editor," one of the departing Klansmen says to a reporter "that we attend city council meetings."

Ruth Woods has encountered Klansmen in her council chamber before. On one occasion, after she received a telephone threat, she squared off with two of them: "one who lives in Mauriceville and one who lives outside the city limits of Vidor." She had walked to her office to get her purse, she said, and as she unlocked her door one of the Klan members said, "Mayor, we want to talk to you. We want you to understand that we're not the ones who are keeping all this stuff stirred up on the newspaper."

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

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

SINCE 1954

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Editor: Louis Dubose
Associate Editor: James Cullen
Layout and Design: Diana Paciocco, Peter Szymczak
Copy Editor: Roxanne Bogucka
Editorial Interns: Carmen García, Mary O'Grady.
Contributing Writers: Bill Adler, Betty Brink, Warren Burnett, Brett Campbell, Jo Clifton, Terry FitzPatrick, Gregg Franzwa, James Harrington, Bill Helmer, Ellen Hosmer, Steven Kellman, Michael King, Deborah Lutterbeck, Tom McClellan, Bryce Milligan, Debbie Nathan, Gary Pomerantz, Lawrence Walsh.
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Managing Publisher: Cliff Olofson
Subscription Manager: Stefan Wanstrom
Executive Assistant: Gail Woods
Special Projects Director: Bill Simmons
Development Consultant: Frances Barton

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DIALOGUE

Organ Grinding

Bill Adler's vituperative attacks on labor union publications, in particular the Texas AFL-CIO *Labor News*, might prove more helpful if he acknowledged the fundamental role of union publications, and the role of the Texas AFL-CIO in general. (See "Working Papers," TO 1/15/93 and "Adler replies," TO 2/12/93).

Because I recently had the opportunity to speak with Adler in private, I will not comment on the personal attack he made on me except to say I now trust that matter is resolved.

Still, I believe Adler in his writings has expressed certain criticisms of trade unionism that warrant further discussion in these pages. First, there is the role of union "house organ" publications; second, the role of the Texas AFL-CIO, the state labor federation.

Generally, a "house organ" is a publication financed by and intended for members of a particular group. Most movements and organizations produce such publications (newsletters, magazines, etc.) for internal use.

The Texas AFL-CIO *Labor News*, of which I am editor, is such a "house organ" — a monthly newsletter intended for circulation among state trade unionists. As such, its purpose is promote the interests of trade unionism in a political and economic environment hostile to union values.

Putting aside Adler's more pejorative characterizations of the *Labor News*, his principal criticism of it seems to consist of faulting the newsletter for not publishing a wider divergence of views, dissenting opinions, and criticism of the labor movement and the Texas AFL-CIO itself.

An easy reply is that the labor movement, subject as it is to hostile forces from every side, does not relish the prospect of self-cannibalization. We have all seen unhappy social activists who, having become hopelessly alienated from political and economic realities, resort to serving one another up for lunch. The taste is unpleasant.

Still, there is a valid argument in support of a reasonable amount of dissent and self-criticism. A healthy amount guards against stagnation and drift; in proper doses, it stimulates change and provides direction. No doubt, the labor movement could use more of it. But that does not mean the *Labor News* is the necessary forum for dissent and self-criticism, or that such activity does not occur in another forum.

This, I believe, goes to Adler's real complaint. He is confessedly unhappy with the labor movement in general, citing labor's recent political endorsements of Bill Clinton and Bob Krueger as just two examples of poor or, even worse, cynical decisionmaking. In this unhappy milieu, Adler perceives the *Labor News* as both part of the overall problem and part of a possible solution. The newsletter, he believes, could "light a fire under the federation" by devoting more space to dissent and self-criticism.

That assertion belies present reality. It demands we take a look at the structure of the Texas AFL-CIO, its role in the trade union movement, and its function in relation to union members. Once that is done, perhaps Adler will understand that the monthly *Labor News* is more a mirror than a fire.

The Texas AFL-CIO is an organization in which membership is voluntary. Union locals, central labor councils, and international unions who join pay per capita membership fees in order to support a statewide union voice for labor. As such, the state federation is akin to a service organization expected to be responsive to its members.

Members of the Texas AFL-CIO elect its two principal officers, the president and secretary-treasurer, who in turn hire and administrate a staff to provide political campaign, legislative lobbying, educational, legal, community, and communications resources to the membership.

Overseeing the officers and staff is the Executive Board, a body of 56 federation vice presidents elected from union members across the state by those same members during a biennial general convention. This democratic body either makes or approves the major decisions regarding Texas AFL-CIO policies and positions.

Members hold a second biennial convention, a political convention, to democratically vote and make political endorsements on elective public offices ranging from state governor to county sheriffs. During special elections, the costs of such a conven tion is prohibitive, so the Executive Board votes on the candidate endorsements instead.

Anyone who has ever attended a Texas AFL-CIO general convention or political convention has seen the free and open expression of dissent. Executive Board meetings, too, often become intense forums where divergent opinions are expressed and heard. These discussions, often closed to the public, can become vigorous, energetic and frequently heated debates.

Once the discussion on a matter is concluded, a vote is taken. The position which gains majority support (which must be two-thirds in political endorsements) becomes the position of the Texas AFL-CIO. If the position happens to be a political endorsement, then that endorsement becomes labor's unitary endorsement; member unions are prohibited from supporting any other candidate for that political office. That's the way the con-

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Grinding Wheels

THE WHEELS OF JUSTICE grind slowly, it is said, but they grind like a son of a gun.

Twenty-five years after Demetrio Rodriguez and other residents of the property-poor Edgewood Independent School District filed their first lawsuit and three years after the Texas Supreme Court recognized that "glaring disparities" in the wealth of school districts violated the state Constitution, the Texas House of Representatives on February 11 achieved a compromise on a constitutional amendment that would "share the wealth," albeit at a minimal level.

The House, where a bloc of Republicans and conservative Democrats had resisted previous efforts to provide a more equitable school funding plan, finally cobbled together 102 votes, two more than the two-thirds majority needed to advance a constitutional amendment that provided for a redistribution — or recapture — of no more than 2.75 percent of the state's school funds, a compromise that gave little comfort on the right or the left.

Announcement of the final House vote after three days of debate and lobbying prompted cheers and applause in the House Chambers while some die-hard Republican opponents of redistribution slumped in their chairs. The measure went back to the Senate, which had supported a more liberal plan but chose not to quibble over the House restrictions and risk another House vote. Senators concurred on a 27-4 vote February 15, which puts the recapture proposition on the May 1 ballot, along with a proposition authorizing school districts to ignore new unfunded mandates.

First, a little background: After 20 years of lawsuits, on October 2, 1989, the Texas Supreme Court unanimously ruled that "glaring disparities" in spending between wealthy and poor school districts violated a constitutional requirement that the state support and maintain an efficient educational system. The Legislature did little to address these disparities until state District Judge Scott McCown of Austin, who inherited the case from his predecessor, threatened to appoint a court master to redistribute funds if the Legislature did not act by September 1990. The Legislature proposed to increase funding for poorer schools, but stopped short of equalization. McCown found this plan "did nothing to eliminate the disparities in local wealth." Facing a new deadline of April 1991, the Legislature agreed on Senate Bill 351, which combined increases in state aid with some redistribution from rich to poor districts through countywide education districts.

On January 22, 1992, the Texas Supremes ruled the countywide education districts were unconstitutional but the court allowed the new system to remain in place until the Legislature could come up with a new plan; the court threatened to cut off all state funding for public education if a constitutionally acceptable plan was not produced by June 1, 1993. In the lame-duck special session this past November, Gov. Ann Richards, Lt. Gov. Bob Bullock and then-Speaker Gib Lewis backed the Fair Share Plan, a constitutional amendment that would have defined school funding equity — thereby removing the question from the courts, along with recapture of wealth from rich to poor school districts. The Fair Share Plan would have defined equity in dollars, requiring that 95 percent of education revenue be distributed equally. But advocates of school equity complained that such an amendment provided a vague definition of equity and so would have constitutionalized inequity. (See "Remember the Alamo Heights," TO 11/13/92, and "School Finance Famine," TO 11/27/92.)

This session's debate started on Tuesday morning, February 9, when Rep. Libby Linebarger, a Democrat from Manchaca and the new House Public Education chair, offered her proposed constitutional amendment, a substitute for Senate Joint Resolution 7 that would allow recapture of revenue within a county or within the state. Her version would limit that redistribution to a maximum of 2.75 percent of all the money in the system, which now involves $14.6 billion. "This is the least amount of recapture we can put in the system that will result in an equitable system," Linebarger said. She warned that if the House balked at the constitutional amendment allowing recapture, their remaining choices would be to consolidate school districts or approve an income tax, neither of which options would require a constitutional amendment.

Linebarger argued that the proposition represented a compromise, and one with which not all House Democrats were happy. "Why are we so quick to compromise?" asked new Rep. Tony Parra, D-El Paso, who argued that there should be no limit on recapture. An amendment offered by Rep. Paul Moreno, D-El Paso, that would have increased the potential recapture to 10 percent of the school budget got only 38 votes, which probably accounts for the House progressive bedrock. The House accepted amendments by Dan Kubiak, D-Rockdale, that set a property tax limit of $1 per $100 of assessed values in the county education districts and an amendment by Rep. Robert Duncan, R-Lubbock, that would exempt school districts from the obligation to comply with unfunded state educational mandates.

Unimpressed, a Republican-led coalition mounted an assault on Linebarger's proposition. First, an amendment by Rep. John Culberson, R-Houston, to remove the schools from court control was defeated by a 79-65 vote. Another amendment by Rep. Kevin Brady, R-The Woodlands, to remove the district court in Travis County from the case was tabled on a 78-65 vote.

The Republicans, with the assistance of Ron Wilson and Hugo Berlanga, two prominent minority Democrats, then turned their attentions toward attempts to divert money from the public schools to private schools.

Wilson, a Houston African American, proposed a voucher program for students from low-income families. Under his proposition, children who qualified for free lunches would be able to earmark to the private school of their choice 80 percent of the cost of educating them

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in public schools. Participating private schools would be called "free schools."

"For 16 years I supported public school system," Wilson said in defense of his proposal. "However I'm here to tell you that schools in my district for the most past haven't lived up to their responsibilities and the school district has not lived up to its responsibility.... We need competition in the process and these free schools will give them that competition," he said.

Rep. Wilhelmina Delco, a black Austin Democrat, said she agreed with Wilson's concern, but disagreed with his methods. "We're simply re-ghettoizing and re-barrioing our kids" with such a voucher program, she said. "I strongly support freedom of choice within the public education system [but] everything we're talking about doing apart from public schools could be done within the public schools."

Rep. Sylvester Turner, a black Houston Democrat, likened the voucher system to a rescue plan for a sinking boat. "You want to let some kids off the boat, while others drown," he said.

Wilson's amendment, which also would have allowed the Legislature to grant "scholarships" to students who were not educationally disadvantaged, was tabled on an 85-60 vote.

Berlanga, from Corpus Christ, tried an amendment that would eliminate the prohibition against scholarships for private schools. He noted that the state spends $24 million on Tuition Equalization Grants for students to attend private colleges. When a legislator sarcastically noted his "new friends," Berlanga replied, "Maybe we wouldn't have to look for new friends if our old friends would help us." His amendment failed on a 74-70 vote.

Trying yet another tack, Rep. Kent Grusendorf, R-Arlington, proposed to allow school districts to issue scholarships to educate children at other school districts or parochial schools; that attracted an attempt by Rep. Keith Oakley, D-Terrell, to require private schools to comply with the same regulations as public schools. Oakley's amendment failed on a 74-67 vote, but the Grusendorf amendment then failed on an 84-61 vote.

Before the voucher debate, Rep. Irma Rangel, Kingsville Democrat and chair of the House Mexican-American Legislative Caucus, expressed confidence that Hispanic lawmakers, despite some pressure from parochial schools in their districts, would resist the move toward vouchers. "We're here as public servants, not as advocates for private schools," she said.

Rep. Ciro Rodriguez, D-San Antonio, got into a shouting exchange with Berlanga over Rodriguez sending his child to parochial school. "I choose and I pay to go to private school, partly because we don't have an equitable public school," Rodriguez said. He later added, "We've been fighting vouchers for 12 years of Reagan and Bush [at the federal level] and now we're having to deal with it here." In the end, voucher supporters in the Mexican-American caucus included Berlanga, Henry Cuellar of Laredo, Leticia Van de Putte of San Antonio and, on Berlanga's amendment, Leo Alvarado of San Antonio. Harold Dutton, D-Houston, was the only other African American to support Wilson's amendment.



HAL WYLIE

Demetrio Rodriguez in 1975

After the House defeated a few more amendments, the last hurrah, like the climactic fireworks display of the evening, was a Republican proposal to present voters with a multiple-choice ballot. Along with recapture, the ballot would list propositions to authorize a school voucher program, take away court oversight, require voter approval of all local property taxes and allow school districts to ignore state mandates when the state fails to pay for them. The measure failed, 84-63

When the debate finally came around to the constitutional proposition, Linebarger observed, "We've spent one hour debating public education and the other eight hours debating other issues." She drew boos and hisses when she quoted columnist Molly Ivins' observation that "Brutal frankness sells. Try it." Linebarger's measure then was approved on an 89-59 vote, enough for tentative approval, but 11 less than the number required to send the constitutional amendment back to the Senate. Three Republicans joined 86 Democrats to vote for Linebarger's plan, while four Democrats joined 54 Republicans voting against it.

After the vote, new House Speaker Pete Laney said he was optimistic that 11 votes could be turned. "This is like a balancing act," Linebarger added. "A very delicate balancing act." The next morning the final vote was put off until Thursday, as Laney, Linebarger and school lobbyists brought conservative Democrats back into the fold and stepped up grassroots lobbying on wavering Republicans.

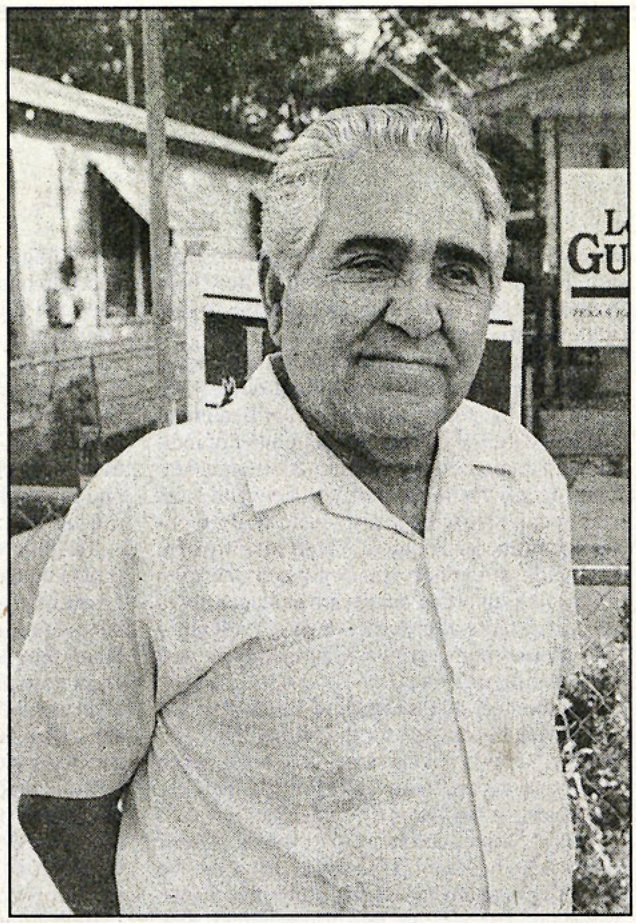
Shortly after the House was called into session on Thursday, Midland Rep. Tom Craddick, chair of the House Republican Caucus, called his GOP colleagues into a closed-door session. The half-hour discussion grew heated, according to one of the participants who described it as a "head-cracking" session, although Craddick later played down the pressure placed on GOP legislators to stay with the team. "That wasn't the point of the meeting. The point of the meeting was that we had a lot of people that had some things they wanted to say and were trying to get together," Craddick said.

In the end, 15 Republicans joined 87 Democrats in voting for the recapture amendment, although a few Republicans reportedly were brought back into the fold during the caucus meeting. They had been lobbied aggressively by local school superintendents and trustees who were concerned that schools would be closed if the House failed to act. The only Democrat who stood against the proposition was Rep. Al Price, D-Beaumont, who has acquired a reputation as the Cassandra of the House; although he frequently makes sensible and principled points, he generally is ignored by his colleagues for his refusal to "play ball" and compromise. But, over a clamor that prompted Speaker Laney to ask members to sit down and pay attention, Price reminded the House that the inequity was nothing new and that the proposed constitutional amendment would not achieve equality. "Rather we are here, and it is very obvious, to satisfy the minimum that is required by the court order," he said. "We are faking an attempt to achieve equity. We are continuing to base our school finance on local school property taxes when that taxable property is inequitably distributed. This is impossible and all arguments you use are specious at best," said Price, who has supported an income tax.

Rep. Jack Vowell, the prodigal Republican from El Paso, switched his vote after he had opposed the proposition on the first go-round — because of the limits on recapture. "I felt like if we were going to amend the constitution we ought to have enough recapture provided for in the amendment so that we wouldn't have to revisit this for some years. And so I voted against it on the second reading because I don't think it is financially sound," said Vowell, who did not attend the GOP caucus. In the end, he voted for the 2.75 percent recapture "as a temporary measure," but he added that he is comfortable with giving voters the choice of accepting the

recapture plan or risking further court orders, probable closing of the schools and possible forced consolidation of school districts. "I don't know whether it will meet the court tests or not ... but 2.75 percent recapture is simply not enough to meet the financial needs of education," Vowell said. "I would have much preferred a statewide property tax, or an income tax or some other method of financing education." There. He said it. And no lightning bolts issued through the ceiling.

Rangel put the best face on the House development, saying the Mexican-American caucus did what its members thought was right and voted for the measure with reluctance but not disappointment. "We're not thrilled that we got 2.75, but we got something that never would have been discussed five or 10 years ago — recapture, a sharing of the wealth — and if we would have liked it if there had been no limit, or if it had been at least 10 percent, [still] we got something, and whatever little we get, we're very grateful," she said.



ALAN POGUE

Demetrio Rodriguez in 1992

She noted that her South Texas district includes Starr County, recently recognized as having the highest poverty rate in the nation. "Are we going to close the doors to the only escape from poverty they've got? I did not want to take that chance. I'm not thrilled about the 2.75, but it's a beginning. It's progress. It's going very slow. I've been here 16 years and I know it's a step forward."

Her next step is to inform her constituents, and leave the choice up to them. "If they want to take any risks, that's fine. I just don't want to risk the futures of these students who are in such great poverty — closing the only door they would have to escape this poverty," she said.

"I don't know what we're going to end up with. I don't know how this is going to effect the property taxes. I just don't know. But we know that we're facing finally something that is a sharing of someone's wealth."

Craddick and other Republicans who remained opposed to recapture said they would work to defeat the recapture provision on the May 1 ballot.

A Texas Poll released February 11 indicated that 51 percent of Texans would favor taking property tax revenues from wealthy districts to help low-wealth districts. The poll, which had a 3 percent margin of error, showed 43 percent opposed redistribution and 6 percent had no opinion. The poll also showed 54 percent of Texans would support a 4-percent income tax if it meant their property tax bills would be cut in half.

The vote was a major victory for Laney in his first legislative battle as Speaker, coming just one day after his self-imposed 30-day deadline for action on school finance. He admitted he was worried about the outcome up to the morning of the vote. "There's four bottles of Maalox" to show for it, the Hale Center Democrat said.

Craig Foster of the Equity Center, which represents poor districts, called the House approval "a minor miracle" and said those who complained about the deal were not involved in the negotiations and did not realize how badly it could have gone. "Our great concern was that something like that equity standard would get in the constitution and we would be screwed forever," he said.

Albert Kauffman, the attorney for the Mexican American Legal Defense and Education Fund which represented the plaintiffs from the poor districts in the lawsuit, agreed that the constitutional amendment was the best deal the school-equity advocates could get through the House. The alternative was to let the courts close the schools and create a crisis, which presented its own risks. "In a crisis you never know what the Legislature will do," he said. "You'll cause some people to do pretty crazy things."

Now the fight will continue over the "enabling legislation," the bill which will flesh out the provisions in the constitutional amendment. The major variable is how much money the Legislature will make available for public education. When the Legislature passed Senate Bill 351 in 1991 in an effort to redistribute the funds more fairly, the formula called for investment of $3.5 billion in new state money for education in 1994 and 1995 (along with a recapture of nearly 5 percent). Kauffman said the constitutional amendment will not settle the equity issue. The formula in SB351, if fully funded, would be adequate, he said, but state budget officials are talking about making available only $300 million to $650 million in new funds for public schools in the coming biennium.

In an interview with the *Observer* (1/25/93), Ernestine Glossbrenner, the Alice Democrat who retired as chair of the House Public Education Committee, compared the school finance debate to reading readiness in primary school. "When a child's ready to learn to read, that's when they learn," she said. She wondered if the Governor, the Lieutenant Governor and other state leaders were running the equivalent of a reading-readiness program on the state's tax structure.

S.J.R. 7 is not the end of Edgewood. It may not even be the beginning of the end. But advocates of school funding equity at least hope it is the end of the beginning. — **J.C.**

This is Texas today. A state full of Sunbelt boosters, strident anti-unionists, oil and gas companies, nuclear weapons and power plants, political hucksters, underpaid workers and toxic wastes, to mention a few.

BUT DO NOT DESPAIR!

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Vidor Burns Its Image

CONTINUED FROM COVER

"And I put my finger up in his face and I said, 'I want you to know something, you people do not intimidate me. But when you start threatening me and my home.' You see, I had already been threatened. 'My mental anguish level is already up to $7 million dollars. And it's going to be a lot higher. ...'"

When they told her "that's not us, that's that rough bunch from Cleveland," she told them she didn't make that distinction. "The Klan is the Klan is the Klan is the Klan," she said, recalling the incident during an interview. "I wanted them to know that if anything happens to any of us, we're going to hold the Klan responsible." Her attorney is instructed to sue them as individuals and as an organization, she said. Ruth Woods is a resolute woman.

Since mid-August, when a representative of four regional housing authorities announced that the HUD-funded housing complex in south Vidor would be integrated, the mayor's resolve has been regularly tested. She has earned every cent of her $250-a-month salary and it seems certain that she will continue to earn it. A week before she shook hands with the parents and grandparents of the place kicker for the 2-8 Pirates, the exalted cyclops of the Cleveland-based White Camelia knights was arrested in his home just south of Vidor, where federal agents confiscated 600 rounds of ammunition and several weapons, including an AK-47 assault rifle.

"He had been at one of our council meetings, last week, or the week before last, reading me their First Amendment rights," Woods said of the man held on federal charges in a Beaumont jail. And on the day after the mayor walked past two Klansmen standing at the back of her council chamber, Michael Lowe, the Texas grand dragon of the Knights of the Ku Klux Klan, was in the Vidor chief of police's office, making arrangements for a February 20 rally. When the Waco-based Knights come to town, so do the White Camelias, known to be, as one local Klan member said, "more radical and militant" than the Knights — and determined not to be outrecruited only 50 miles from their home.

For Vidor, the Klan story, like the Klan members who still call Vidor home, will not go away. National Public Radio, *The Los Angeles Times* and the *Detroit Free Press* have recently done stories on Vidor, the town has been featured on the Donahue show and a reporter for *Texas Monthly* recently interviewed the mayor. "Do you know," Woods said, "I was called by a reporter from London today. And I'm sure he wants to talk about the Klan. But that's not what Vidor is about. This community doesn't deserve that."

Woods acknowledges that Vidor was once home to a number of Klan members. She even offers up the information that it was once home to a former grand dragon and that in the '80s a Klan member ran for mayor. But the mayor's race was no contest, the town, by a 4-to-1 margin, repudiated the Klan. "I don't know how long this community is going to have to live with this stigma," Woods said.

It would not be unfair to say that Vidor earned its bad name. For years, this still-all-white town of 12,000, located eight miles east of Beaumont on Interstate 10, was home to a number of individual Klan members. Several Klan organizations openly maintained offices here and Klan rallies and "cross lightings" were fairly regular occurrences. Today, it's hard to tell where fact ends and apocrypha begins, concerning things like signs that once warned blacks not to remain in Vidor after sunset. And it's still fairly easy to find home-grown Klan members, past and present, in Vidor.

But the story that is somehow overlooked has to do with the struggle for the soul of this community. "This is not the same place it was when I was growing up," says Vidor Police Chief J.L. Reynolds. "It's not even the same place it was 10 years ago," when, according to Reynolds, a Vidor native who has been police chief 16 years, the town began to change. He attributes the change to new people moving into Vidor, which now serves as a bedroom community for refinery workers who commute to plants in Beaumont, Port Arthur and Orange. And, to changing attitudes about race. "Times change, people's thinking changes, yet my community still gets a black eye in the press," Reynolds said.

Reynolds estimates that there are "20 or so" active members of the Klan living in or around Vidor. With federal and state law enforcement officials, he participated in the recent arrest of John Horne, alleged to be the "exalted cyclops" of the White Camelia Knights' Vidor den. According to Reynolds, until the recent publicity about the integration of the Vidor public housing project, Klan activity in Vidor had died down — the arrest of the cyclops notwithstanding. Most Klan members and supporters at rallies associated with the attempt to integrate Vidor's public housing are from other towns, Reynolds says.

Yet in Vidor, it is still easy to find Klan members or sympathizers, some of whom are willing to talk openly about their participation in what they refer to as a "political organization."

Gary's Coffee Shop, at the FM 105 exit on I-10, is the face Vidor shows to most of the outside world. Long after McDonalds and Dairy Queen, which share the same parking lot with Gary's, have turned out their lights, waitresses at Gary's — there are no waiters — serve burgers, coffee and the sort of coconut and chocolate cream pies you'd never find in "Twin Peaks."

Gary's is also rumored to be one of Vidor's Klan hangouts, and on a morning in early February one Klan member, his red and white Klan-insignia stickpin visible on his gimme cap, is holding court at the back table. I am introduced to him and we agree to meet for an interview the following morning, with the understanding that no one's name will be printed without consent. He will invite a few more Klan members, who might show up if they are free. "This ring shows you who I'm with," he says, extending his hand. He says that he hopes I don't intend to use a bunch out-of-context quotes to make him and fellow Klan members look foolish, or, to ridicule the organization he belongs to.

The following day, with Ed and his wife Laura (not even their real first names can be used), I go over the ground rules of the interview. They have no objection to being identified with the Klan, they tell me. But it sometimes worries employers, and being identified in print as a Klan member can mean being fired. Also, Laura says, Klan membership is dangerous. Recently, she was twice run off the road, she says, once by four black men in a car and once by two black men in a truck. Asked why she did not report the incident to the police, she replied: "It wouldn't do me no good. Do you think police in Vidor would protect me from anything?"

Both complain of police surveillance of Klan gatherings. "They film us with video cameras and write down all the license numbers of cars" parked at the rallies, Laura says. (Reynolds, the police chief, in a later interview conceded that the police constantly watch the Klan. "We film, they film, if they're not breaking the law, what are they worried about," Reynolds said.) Ed complains that the Vidor police also keep dossiers on Klan members, which the police chief denied, saying he has no special intelligence unit. (It was U.S. Alcohol, Tobacco and Firearms agents who had been keeping an eye on the cyclops.)

"We're a political organization, not a terrorist group," Laura says. "And when we stand up and exercise our First Amendment rights, we have eggs and rocks thrown at us."Asked if threatening the mayor would be considered a First Amendment right, Ed responds that "knights do not break the law. "Do you think we'd be fool enough to use the federal mail to deliver a threat? We're not stupid."

What local members of the Knights of the Ku Klux Klan are planning, Ed Says, is to defeat the mayor at the polls. Though Mayor Woods said she expected the Klan to run a candidate against her in the May 1 election, Ed says no member of the Knights of the Ku Klux Klan will file to run for mayor of Vidor. But he and other Klan members will work for the Mayor's opponent, putting up yard signs, making phone calls, whatever is necessary to defeat Ruth Woods. Ed says he expects the mayor to describe any opponent that files as a Klan member, or as the Klan's candidate, in an attempt to use anti-klan sentiment in her favor. If she does, she might be surprised by the extent of Klan support in her community, he

predicts.

Yet earlier this year, when the Klan attempted to recall Mayor Woods, they were unable to get the 200 signatures required to place a recall motion on the ballot. Laura says townspeople hesitated to sign the petition because it would openly identify them as members or supporters of the Klan. Ed contends that petitions were constantly stolen from the public places, like Gary's, where they were posted. Both are betting that in the privacy of the voting booth, Vidorians will vote with them and against the mayor — making the May 1 election something of a referendum on the Klan.

"This is your new Klan you're talking to," Ed says. He says that the new Klan will not, however, give up traditions perceived to be odious to most people. Not even on the use of racial slurs will he give ground. Asked about the Nazi-style salute, he responds that Nazis salute with the right hand, Klan members with the left hand. It is, he says, a Roman salute. He also says that members of the knights are not Nazis or neo-Nazis, though they do share "some beliefs with neo-Nazis."

"We're not outdated, we're updated." He describes the Knights as an modern political organization and tells me that if I wait around long enough, I will get to meet the Texas grand dragon, Michael Lowe. I tell him I'll wait.

While I wait, we continue to talk and drink coffee. Ed tells me that he grew up around the Klan, so his membership in it seemed natural. Laura initially was disturbed by her husband's membership in the Klan, until she woke up, she says..What woke her up was what she read in the newspapers. "Not just this one," she says, pointing to he copy of *The White Patriot* lying on the table. She cites the old arguments: Blacks displacing white people, affirmative action — all of this with no one standing up for white people convinced Laura that her husband was right. So she joined the Klan.

"The black man has the NAACP," Ed says. "The Mexican has LULAC, now the white man can say that he has the Knights of the Ku Klux Klan working for him." Ed, an electrician, says Klan work has become something of a second full-time job for him. He was out until 12 the previous night, he says, working for the Klan.

The fight over the housing project on the south end of Vidor has been good for the Klan. Local membership has increased and the Klan is more visible than it has been in years. Asked about local membership numbers, Ed says that is something the organization does not divulge. Then he says "well, more than 40 and less than 200." What he will tell me is that in Vidor, the Klan is planing for more demonstrations and more political pressure against the mayor and the integration of the housing project. When I tell him the mayor complained that demonstrations have already cost taxpayers $17,000 he smiles. "She ain't seen nothing yet. We're going after their pocketbook, and we're only beginning," he says, spitting out his words.

We continue to talk, and occasionally Ed calls someone over to the table to discuss either Mayor Woods, the role of the Klan in Vidor, or integration. Though it is not surprising that everyone he invites to the table supports the Klan and opposes integration and Ruth Woods, what is surprising is how open support for the Klan is. Racial slurs and jokes are the standard fare here and from the back table at Gary's, Vidor looks more and more like a Klan town.

When Michael Lowe walks in, shortly after noon, he dominates the restaurant. Lowe, my colleague observes, has the blue-collar looks of an English football hooligan. He also has presence and the peripheral vision of a good politician; even a glance in his direction is, for Michael Lowe, an opportunity to talk.

When we sit down to talk, he is engaging, polite, even charming. Men are "sir," women are "ma'am" and the lunchtime crowd at Gary's is his. Here he projects a different image than the one evident in a hate-filled speech delivered in Austin last month. (Only occasionally does he use the word "nigger.") Even his very obvious speech impediment is an asset. He is in Vidor to organize a rally scheduled for next weekend. Later we will cross paths in Police Chief Reynolds' office. Lowe was there, Reynolds says, to discuss the scheduled demonstrations.

One purpose of the weekend rallies, Lowe says, is to assure his members that the membership lists subpoenaed by Bill Hale of the Texas Human Rights Commission will never be turned over. "I'll never betray their trust," Lowe says. "I'll go to jail if I have to."

Michael Lowe's rise in the Klan, from page to grand dragon in the six years since he joined, is probably unprecedented. A 44-year-old carpenter from Waco, Lowe relates how he went to Harrison, Arkansas, in 1982, after being ordered out of a club as a result of a confrontation with a black man, and told the Klan's Grand Wizard, Thomas Robb, that if Robb would make him Texas grand dragon he would "build him the largest Klan organization in America."

"Morris Dees [the Klan-busting lawyer and founder of Klanwatch, based in Montgomery, Alabama] says we're the fastest growing Klan group in the country," Lowe says. Confrontations like the integration fight in Vidor are good for the Klan, according to Lowe. "It's always better when incidents like this surface. You take advantage of any situation you can. Something like this can be profitable for us, it can mean new members," Lowe says. He tells me the Klan has purchased voting lists and intends to use them. "I've got the name of every registered voter in Vidor. We're going to do bulk mailing, we're going to send faxes, we're going to every voter to ask them to vote against Mrs.Woods." The mayor, he says, proved she's out of touch with her constituents when she attended an NAACP meeting in Orange. And while he's retiring Mayor Woods, Lowe will be working himself into a job. Soon, he predicts, he will be a salaried full-time state director of the Texas Knights — as well as their dragon. Lowe says his organization will become more involved in electoral politics, running "sleeper candidates" who will win elections and not reveal that they are Klan members, or backed by the Klan, until they have won the confidence of the voters who elected them.

Lowe cites other incidents, fights over flags and confederate symbols in Lubbock, San Antonio and Conroe, a protracted Klan campaign in Tyler. In each case, he explains, his organization stepped in and became a player — always to their advantage. "In San Antonio we circulated a petition. We didn't use the Klan name, but everyone who signed later got a piece of Klan literature in the mail," Lowe says. In Conroe, the Knights are organizing around a confrontation that began with a student's waving a confederate flag at a basketball game. A rally at Conroe will precede the Vidor and Orange rallies scheduled for February 20, Lowe says.

While we talk, a tall blond woman wearing boots, jeans and a white shirt steps out of the booth behind us. "See you at the rally," Lowe says. "And come by and see me later. I really look great under the sheets." Later, in the course of three hours, he will visit the offices of three newspapers, several television stations, Police Chief Reynolds and other government offices, promoting and planning rallies one week away. Though Lowe refuses to divulge his membership numbers, there is perhaps a clue in what he says about next weekend's rallies. "Why mail to 5,000 when you can reach 25,000 [the approximate circulation of local newspapers in each town where he has scheduled a demonstration] with each one of these rallies." Do the Knights have 5,000 members in Texas? Or is that the figure Lowe wants us, and White Camelia leader Charles Lee, to consider?

Lowe denies that there's a "turf war" going on between the Knights and the Camelias. But he also says of Vidor that "we got here first and we got the cream of the crop." And he reminds me that the Knights of the Ku Klux Klan are national organization. "International," Ed says. Charles Lee's Camelias are a small, local Klan group. "I've never seen such a pro-Klan town," Lowe says of Vidor.

Finally, Lowe says he has to get back to business, and settles in with his local organizers. Before I can get to the door, I'm surrounded by a several waitresses and a woman who identifies herself as a missionary who works in the projects. "You can't leave without talking to us," a woman standing behind the counter says. "You've talked to those people all morning and not one of them is from Vidor. I'm a Vidorian and they eat and drink coffee here, but they don't have the only opinions in town." One after another, the women repudiate most of what I heard at the round table in the back of the restaurant. They support the mayor and believe blacks and whites can live in harmony. "What choice did the mayor have," one woman says. "She was doing what the court ordered and when she got caught behind a rock and a hard place, she kept doing the right thing. The woman has guts."

"There are a lot of people living out there who are scared," Dianne Puckett, the Church of God's projects minister says."The mayor was going to lose federal funding. What else could she do? Will the KKK go out there and provide AFDC payments? Will they get food stamps for the people who live there when federal funding is cut off? Who is going to look after those elderly women?" "George Jones and the KKK, that seems to be all Vidor is ever going to be known for," a woman behind the counter says. The meeting with the waitresses prepares me for my next interview.



RON JAAP/ BEAUMONT ENTERPRISE

Boys in the Hoods: Grand Wizard Thom Robb, right, leds Klansmen in a chant near Vidor.

Tracking the Klans

TWO IDENTIFIABLE sects of the Ku Klux Klan, plus numerous splinter groups, are known to operate in Texas: The Knights of the KKK, led by Michael Lowe of Waco, compete for allegiance and membership dollars with Charles Lee's White Camelia (sic) Knights of the KKK who circulate from Cleveland, Liberty County. A Knights of the KKK member who wished to remain unidentified stated that "philosophical differences" separate the two groups, giving as an example the fact that the White Camelia Knights do not admit Catholics while the Knights of the KKK accept Catholics (white, of course) and even Jews, "if [they] converted."

Barbara Harberg, Southwest Regional Director of B'nai B'rith's Anti-Defamation League, feels that the rise in public activity on the part of both groups has aimed principally at recruitment, but their efforts have consistently met with rejection in the communities they targeted. Her impression is borne out by recent local responses to Klan events in Texas.

Despite a series of headline-grabbing rallies near Vidor and Orange last autumn, the Knights of the Ku Klux Klan proved unable to collect the 300 registered voters' signatures necessary to recall Vidor Mayor Ruth Woods, who earned the Klan's displeasure by supporting public housing desegregation ordered by a federal judge. Local reaction to Klan efforts included a prayer meeting attended by 1,000 area citizens, a turnout far better than any Klan-related event had attracted.

Lowe's Knights of the KKK surfaced again in Austin on January 16, 1993. When 50 Klan members and hangers-on marched to the Capitol to protest the public holiday for the birthday of the late Rev. Martin Luther King, Jr., they were greeted by some 5,000 anti-Klan demonstrators, including about 75 people organized by singer Steve Fromholz for what he billed as the world's first anti-Klan mass mooning. The Klan's appearance also inspired a separate racial unity rally attended by an estimated 1,000 people.

Three days later, on January 19, a Conroe High School student waved a Confederate flag from the stands during a football game and made a hand signal which many students believed signified support of the Klan. The student claimed that he was merely trying to insult the opposing team, but the following 48 hours saw one racial fight and one lesser confrontation at the high school; the White Camelia Knights of the KKK also distributed leaflets and membership applications on car windshields in the school neighborhood and dumped a supply of their literature in a parking lot at the high school.

As the atmosphere on the Conroe High School campus grew more tense, an unspecified number of Caucasian students were found in possession of Klan literature and/or sent home for wearing all-white clothes as a gesture of support for the Klan; one black student was also sent home for wearing a Malcolm X shirt. However, Harberg of the ADL reports that Conroe High students have now begun forming multi-ethnic committees for racial understanding in response to the White Camelia Knights' incursion. **—Mary O'Grady**

"If you want to meet a man of vision, go see Ellis Urbina, the owner of Munchies Ole," Mayor Woods said at the end an hour-long interview. Munchies is a Mexican restaurant, located a few blocks north of Gary's. And Ellis Urbina is a soft-spoken but persistent man. When we meet him, his attention is divided between the Vidor Kiwanis Club, eating lunch in his restaurant before moving across the parking lot to reconvene in his banquet hall, and a lunchtime crowd of 40.

Urbina makes time for us. Well, not exactly for us but for Vidor. "Do you know when our kids leave here and go to Lamar [University] they can't wear their letter jackets?" Urbina says. "They're ridiculed because they're from Vidor." Urbina is determined to do something about the town's image as a hardbitten redoubt of white, blue-collar racists. "That's not what this town is," he says. He gets on the phone and calls the ex-mayor and the president of the Chamber of Commerce, anyone he can get to come in and explain the difference between myth and reality in Vidor.

The former mayor, Urbina says, is not available but the president of the chamber is. Yet it is Urbina, one of very few minority members of this small community, who is Vidor's best advocate. He makes available a huge stack of newspaper clips which, he hopes, will tell the truth about Vidor. "Do you know how many people showed up at the Klan rally? Do you know how many people showed up at the prayer rally when our Ministerial Alliance asked for an end to the hatred?" The questions are rhetorical. Urbina and his clips provide the answers: 200 and 1,200.

It was Urbina who first approached city hall with the "Thumbs Up, Vidor" program, an attempt to use the business community, churches and schools to bring the community together. Urbina, a Vidor native whose father was a labor contractor from Mexico, tirelessly flogs Thumbs Up and argues that it is unfair the town's children to let the Klan and drive-time radio commentators continue to define Vidor. (If Vidor once earned its image, it was Gordon Baxter, a legendary a.m./AM radio commentator, who kept it alive. Baxter's Vidor jokes, and regular drive-time references to "Bloody Vidor" have more to do with the way the city is perceived that does Klan or the best of Vidor's citizens, like Urbina, the mayor said.)

Where was the press coverage, Urbina asked, when the Wal-Mart parking lot was filled with Vidorians praying for an end to the racial division and hatred in the community? Where was the press when 7,000 of a town of 11,000 turned out for a Thumbs Up rally at the football stadium? The answer, of course, is that in the news business, good news isn't news. "This is a good place to live, a good place to do business," he said. "Somebody has got to tell people that," he says, implying that to remain silent is to allow Gordon Baxter and the Klan to define the city. A few miles south of the Interstate, on the south edge of Vidor, lie the 74 federally-funded housing units that divide the town. None of the eight people we met in the public housing project in seemed receptive to African Americans moving in. "I'm a Klan supporter," says Jennifer Martin. "Not a member, but I support what they are doing." She says she lived in a public housing project in Orange (about 20 miles east of here), where most residents are black. "It was not safe for my children to play outside," she says. Her husband, Alan, says their apartment in Orange was broken into and he purchased a 9mm pistol to defend his family. "Here, we sleep with the windows open." he says. Alan, however, is not so opposed to African Americans moving into the projects, "as long as they obey the law." Both say they have been contacted by the Klan since the August 17 announcement of the plan to integrate the housing project.

Two blocks away a woman who said she would prefer her name not be published says (as did Mayor Woods) that much of the controversy could have been avoided had the residents been treated differently. "We didn't know anything about it until the media came out here in August and said 'How do you feel about blacks moving in?' That was right after Albert Harrison told the commissioners he was going to integrate us."

Harrison, an African American from Beaumont, was hired by four regional housing authority directors to coordinate the integration project. He has been embroiled in controversy ever since he announced the integration plans, instead of quietly move three or four families in as was originally planned. He 0was fired after he appeared on the Donahue show in October.

He is also a rehabilitated felon, who has served time for possession of a controlled substance and who had a murder conviction overturned by the Texas Court of Criminal Appeals . He is also a self-educated paralegal and housing advocate for 10 years. He did much of the field work, he said, for the *Young v. Kemp* lawsuit by which public housing in 36 counties is now being integrated. But in some circles in Vidor, all of that can be summed up in one hyphenated word: "ex-con." Albert Harrison was not exactly type-cast to coordinate public housing integration in a place like Vidor.

Harrison, who is now working for the NAACP, said he would do nothing differently in Vidor were he given the chance to do it all again. "We had agreed with the mayor, the city manager and the assistant chief of police to secretly integrate the project," Harrison says. He later decided that media attention would provide protection for the African-American families to be moved into the Vidor project. "They were all angry because I made a decision by myself," Harrison said in a telephone interview. "But I felt that if their feelings were hurt, I would prefer that than to have to go tell someone that some family member is hurt — or worse."

It was more than hurt feelings, according to the the mayor. Albert Harrison"blew it." "Every time he got on TV we had the Klan out here," Woods says. Harrison's activity also brought the Klan into the housing project, which is now surrounded by a new, seven-foot-high hurricane fence. Everyone we interviewed on one morning in the housing project had been approached by Klan members, and many of the residents' arguments were, verbatim, the same arguments made by the Klan members and segregationists gathered at Gary's Coffee Shop. "We never saw so much Klan down here until they announced that black families are moving in," said one woman who was working in her yard. "Klan and reporters, Klan and reporters." Several of the people we interviewed said what worried them most was the possibility of violence, not from, but against African Americans. "We hear rumors that the Klan will burn or bomb them out," an elderly woman said. "Of course we're scared. We just want to know how this is going to end?"

How will it end? In a telephone interview in Austin, Human Rights Commission Executive Director Bill Hale's resolve was almost palpable. "My agency is charged with enforcing the Texas Fair Housing Act and that's exactly what I intend to do." Hale said that anyone interfering with people's right to live where they choose in Texas is violating that act. Hale has subpoenaed Klan documents and membership lists, and says that his attorney is close to an agreement with Jay Jacobson of the Texas Civil Liberties Union, who is representing the Klan "on the issue of the membership list only." The Fair Housing Act provides for civil action against anyone suspected of interfering with any individual's access to housing. "I want to know where Klan members were when these alleged acts of intimidation took place," Hale says, explaining that in civil actions sanctioned by the Housing Act the burden of proof lies with the defendants. Hale expects to confront Charles Lee in court in Liberty County and Michael Lowe in court in Waco.

But the final resolution of this conflict will ultimately occur outside the judicial system. It began a week after we left Vidor, when John DecQuir, a 58-year-old disabled African American, moved into the housing project quietly and with no advance publicity.

Sitting in Ruth Woods' office a week before DecQuir arrived in Vidor, I asked her why, for $250 a month, she continues to fight this fight. She slowly leaned forward, and seemed to be gathering force, as Ann Richards used to do when she gave one-on-one interviews with the press, and said (as Ann Richards used to say):

"I'm glad you asked me that."

Then, Ruth Woods, an ardent Ann Richards convert, began an extemporaneous speech that also seemed to grow in intensity as it continued. She talked about wars against tyranny, about the ideals upon which this country was founded, about the right of Americans to live wherever they choose whenever they choose, as long as they abide by the law. "And they should not be intimated, they should not live under fear or anything else. I don't care what their color is. I don't care how much money they make. Or how much money they don't make. It's the fairness of it all. It's the fair thing and the morally right thing to do."

Monday, February 15, was the first day candidates for elected office could file with the city secretary in Vidor. By the 20th, the mayor had no opponent. If she does, bet heavy on Ruth Woods. And on Ellis Urbina, Dianne Puckett, the women on the working side of the counter at Gary's, brave John DecQuir now living in the projects, and even contentious Albert Harrison.

You know, the New Vidor. □

Research and additional reporting for this article was done by Observer editorial intern Mary O'Grady.

John Leedom: Dim Son

BY MARY O'GRADY

WITH 1,285 BILLS and resolutions already filed and the legislative session still young, "Bad Bills" will, alas, be a recurring feature of the *Texas Observer*. Rankings are entirely arbitrary. Readers are invited to submit their own examples of measures before the Legislature which demonstrate high levels of idiocy and/or avarice. Contact Mary O'Grady at the Bad Bill Desk, TO, 307 W. 7th St., Austin, Texas 78701; telephone 512-477-0746.

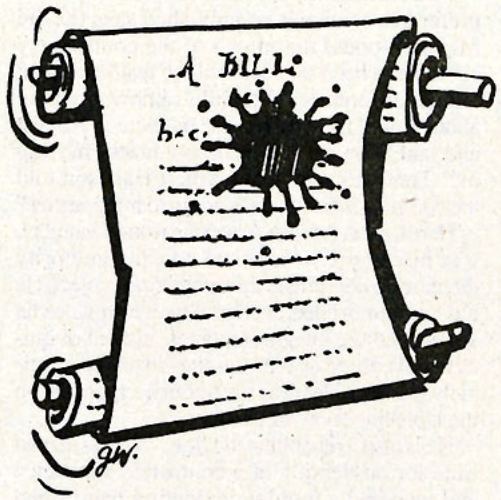
Bad Bill 1: H.B. 292

Sponsor: Rep. Kenneth (Kim) Brimer, R-Fort Worth

Rep. Brimer's staff states his occupation as "insurance counselor," perhaps in much the same way that undertakers occasionally call themselves "bereavement counselors." Brimer's choice of career may help in understanding his motivation for filing House Bill 292, which would amend the Texas Motor Vehicle Safety-Responsibility Act to require proof of automobile liability insurance forms to carry the telephone number of the insurance agent who sold them. His bill also provides for a 1 percent surcharge on automobile liability coverage, to compensate the insurance agents for answering new, senseless, routine telephone calls to verify their customers' automobile liability insurance coverage, calls this bill also mandates.

The bill's purpose is to prevent the use of forged liability coverage certificates or certificates reflecting canceled coverage. Public employees presumably would call the listed insurance agent "or a designated employee of the agent" when a citizen applies for motor vehicle registration or a driver's license, although driver's license applicants could get off with a sworn statement that they own no vehicles. Purchase of the annual inspection sticker would also be delayed while somebody from the inspection station calls up the customer's insurance agent for the same little chat. Thus, if you enjoy waiting in line in public offices and hanging around service stations, this is a measure to gladden your heart.

A Public Safety Department spokesman speculated that drivers' license bureaus around the state "would need three or four times the number of people" if this bill's provisions became law.



GAIL WOODS

Bad Bill 2: S.C.R. 5

Sponsor: Sen. John Leedom, R-Dallas

Sen. Leedom addresses prison overcrowding in this resolution, which directs the Criminal Justice Policy Council to investigate the feasibility of contracting with one or more foreign governments to incarcerate Texas felons overseas. Dallas voters may remember the senator's suggestion, prior to the 1990 election which returned him to the Senate, that the state of Texas would be well-served by exiling its indigent AIDS patients to the People's Republic of China. While the current resolution mentions no specific prospects for foreign placement of Texas prisoners, given his past fixation with the Chinese mainland it is not difficult to envision S.C.R. 5 as a renewed attempt by Sen. Leedom to send a group of citizens whom he considers undesirable to that exotic locale.

Bad Bill 3: S.B. 179

Sponsor: Sen. Carl Parker, D-Port Arthur

Why not permit the Parks and Wildlife Commission to declare open season for recreational hunting (of animals) in state parks? Speculation is that Sen. Parker's actual purpose is to allow Texans to blast away at the wildlife in newly acquired state parkland in the Big Bend, but this vaguely worded bill leaves the decision about any or all state parks' suitability for hunting to the discretion of the Parks and Wildlife Commission. Environmentalists also worry it could change the thrust of conservation efforts. Current state law prohibits recreational hunting in parks and wildlife refuges, except to reduce overpopulation.

Bad Bill 4: H.B. 716

Sponsor: Rep. Steve Holzheauser, R-Victoria

Rep. Holzheauser has also favored us with a bill intended as a boon to the Texas hunter. The bill would amend existing law to remove limits on bounties awarded on predators. Unfortunately, as a Sierra Club spokesman pointed out, the present law awards bounties not merely to slayers of everyday varmints but also to those who bring in carcasses of a number of creatures such as ocelots and jaguarundis, now listed as endangered by the federal government. □

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Henry B. and the Fed

BY DEBORAH LUTTERBECK

New York City

WHEN PRESIDENT Richard Nixon refused to release the Watergate tapes, he wrapped himself in executive privilege and claimed that disclosure would impair national security. Nixon failed to salvage his presidency but the tactics he used were not forgotten. Recently, Federal Reserve Board Chairman Alan Greenspan has used a similar argument. Greenspan has been making the case against one of U.S. Rep. Henry B. Gonzalez's new legislative initiatives, which, if enacted, would shed some light on the inner working of the Federal Reserve.

Gonzalez, the San Antonio Democrat who heads the House Banking Committee, wants to put the Federal Reserve in the spotlight — literally. Not only does he hope to put the national bankers' private get-togethers on camera, he also wants to change the rules by which the so-called Federal Open Market Committee — the policy making body of the Fed — is selected.

Why all the fuss? Quite simple. The federal government has two main levers for influencing the economy — spending and the amount of money being circulated. The Fed and its 12-member FOMC, consisting of the seven Federal Reserve Board governors and five of the regional Federal Reserve bank presidents, exercises considerable control over the latter. When the FOMC meets, it sets monetary policy, meaning it determines how much money will be circulating in the economy.

According to Gonzalez, the power of the Fed over the economy (and therefore also over politics) demands scrutiny. As Gonzalez said on the floor of the House of Representatives in early January, the Federal Open Market Committee "must end its secret deliberations which affect the economic well-being of every person in this nation. It must 'let the sunshine in' when it comes to accountability to the public it serves." The Federal Reserve prefers the shade.

To let the sunshine in, Gonzalez has proposed the Federal Reserve System Accountability Act — legislation that would not only require videotaping and detailed transcripts of FOMC meetings, but also mandates some changes in membership rules for the Committee.

At first glance, FOMC meetings are an unlikely possibility for syndication on any new cable channel. As the FOMC's deliberations and edicts have roots in another language with references to M1, M2, discount rates and federal funds rates, and any such program would require a translator. While the mechanics and jargon of manipulating the money supply might seem technical, the way this jargon is used directly influences issues as fundamental as how much it costs to rent a place to live, what interest can be earned on a savings account and whether this month's groceries will cost more or less than last month's.

Despite the esoteric terminology, the Fed's role in setting monetary policy is simple. Monetary policy refers to steps that can be taken to affect the supply of money circulating in the economy. If interest rates are seen as the "price" of acquiring money, the more money that is available in the economy, the lower interest rates — the "price" of money — will be. When FOMC members talk about "tightening" monetary policy, it means that the FOMC would like to see higher interest rates, generally a measure to counter what is perceived as excessive inflation in the economy or a way of boosting the value of the dollar. When Federal Reserve officials talk about easing monetary policy, it signals lower interest rates, normally associated with spurring economic growth.

But what distances the actions of the Federal Reserve from the public arena is more than arcane rhetoric. In addition to being difficult to understand, much of the Federal Reserve's actions are also secret. A great deal of what is known about those meetings is what the Fed chooses to tell the public. About six weeks after each FOMC meeting, a directive is issued in which the Fed summarizes what was decided at the meeting.

According to Fed Chairman Greenspan, there is a reason for the closed doors. In a letter to Gonzalez dated December 28, 1992, Greenspan wrote, "The overriding objective of the FOMC is to arrive at the best policy for our nation's economic welfare, and anything that might impair our ability to take action to further progress towards this objective must be avoided."

He maintains that detailed disclosures of FOMC meetings impair their objectives. As Greenspan explained, "The major concern in assessing these proposals is their effect on the deliberative process — the free flow of information and ideas essential to policy-making. Members need to feel free to trade ideas, question assumptions, advance hypotheses, make projections, speculate on alternative policies and possible outcomes, and especially to change their views in response to the arguments of others." These are just the kind of arguments that were made to try to keep television cameras out of Congress.

Other people familiar with the way the Fed operates say that whatever the merits of Gonzalez's plan might be, it is just not feasible. William Dudley, a senior economist at the New York investment firm Goldman Sachs, is one such critic of Gonzalez's plan. "It sounds like a good idea on paper, but if you make the FOMC transparent, you would get stilted meetings and the real policy debate would take place elsewhere," he said.

Other observers think that the secrecy of the Fed's deliberations is overrated. While the FOMC minutes may be a well-guarded secret as far as the general public is concerned, for the people who watch the financial markets, shifts in Fed policy are typically known shortly after they occur. In fact, while those closed-door meetings may leave the general public unaware of what the nation's bankers are devising, the financial markets keep close tabs on such events.

"Everyone who watches the market can tell you whether or not the Fed changed policy," said James Galbraith, a professor of economics at the University of Texas LBJ School of Public Policy. The people left in the dark are the average members of the public, and in some cases members of Congress. Galbraith said that if precise transcripts or videotapes of FOMC meeting were made available, it might "reveal that the Federal Reserve is nowhere near representative of the general debate [among economists]." Not to mention the general public.

What is obvious, whether to protect the economy or simply to mask the flaws in the decision-making process of the FOMC, is that the FOMC is loath to reveal its secrets. Even when records of the FOMC meetings were kept before 1976, they were not released to the public until five years after the meetings occurred.

Precise record-keeping was abandoned in 1976, with the passage of the Government in the Sunshine Act, which required the minutes of public agency meetings to be made public. To avoid this, the FOMC simply stopped recording minutes.

According to Gonzalez, the secret meetings have other consequences. "The FOMC's activities create inside information that fosters leaks and rumors about our nation's monetary policies and causes instability in financial markets. FOMC members should do the right thing and make a full video record so that the public will have no doubt that FOMC members are acting in the public interest and have nothing to hide," Gonzalez said.

Gonzalez's Fed Accountability Act goes beyond documentation of Fed business. He also wants to change some of the rules of the game. As it stands now, five of the 12 members of the FOMC are not appointed by any elected official, nor subject to Senate confirmation. The Federal Reserve Regional Bank Presidents are instead elected by the nine-member board of directors of each regional bank. Those nine members include three that are appointed by the Board of Governors and six that are elected by member banks in each district. Gonzalez calls the current process of selecting regional bank

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Deborah Lutterbeck is a NewYork-based writer on economic issues.

presidents an "inbred process with no public accountability."

However, many economists disagree with Gonzalez and contend that insulating the presidents of the regional Fed banks from political pressure is good. According to these experts, the current arrangement keeps the FOMC from becoming subject to political issues that may serve the country in the short-run but harm it over the long-term. One need only to look at the Congressional deadlock on the issue of the fiscal budget deficit to get an idea about where economists come up with such undemocratic notions.

But the problem, according to Gonzalez, is that although these regional bank presidents might benefit from insulation from political pressure, this does not mean that they should not be representatives of the people.

A study conducted by the House Banking Committee in 1990, called "A Racial, Gender, and Background Profile of the Directors of the Federal Reserve Banks and Branches," found there was little diversity among the regional boards of directors. Of 72 directors chosen by private member banks, there was one African American, no Hispanic Americans and three women. The study also reported that of the 36 directors who are chosen by the Board of Governors and are also required to "represent the public," 50 percent were former bank directors and none worked for consumer or labor organizations.

According to Gonzalez, the lack of diversity at the Federal Reserve could be a factor in the discrimination often found in lending policies within the U.S. banking system. Gonzalez charges that "the Federal Reserve has made a sham of the 'public participation' and 'diversity' concepts for boards of directors of reserve banks, despite the Federal Reserve Reform Act of 1977, which clearly delineates that women and minorities, and persons with a consumer and labor orientation, should be represented in decision-making roles. The Federal Reserve Bank boards are thus a poor role model for the banking industry. This became obvious by the Federal Reserve's own recent survey of bank lending,which showed that minorities are still being denied loans at a rate far higher than whites.

But according to Goldman Sach's Dudley, the process of trying to make the Fed look more accountable to the public might come at too high a cost. Dudley said, "The transition would create a lot of turbulence, the arguments have merits but they are stronger on paper than in practice." Dudley contends that if the financial market perceives that the Fed is becoming more politicized, interest rates could easily spike up.

Washington handicappers say that Dudley and Wall Street should relax. They say that any change that may be coming will not come any time soon. In fact, Chairman Greenspan's recent slow dancing with the Democrats just might be the Fed's way of defusing calls, like those from Gonzalez, for reform. Though real change in the way the Fed does business may be a long way off, those familiar with Gonzalez doubt that he will be dazzled by Greenspan's footwork. □

The Inscrutable Fed

Note: The following is a special-orders speech given May 4, 1992, by U.S. Rep. Henry B. Gonzalez, D-San Antonio, on the power of the Federal Reserve.

IT USED TO BE that the Chancellor of the Exchequer could, until actully not too long ago, determine the fall or rise of any cabinet or government in England by just the power to set the value of the bills, of notes, bills so forth.... It used to be, and for at least six different chairmen of the Federal Reserve Board that I have observed since I have been a member of the Committee on Banking. Finance and Urban Affairs, it repeatedly came up, as late as Chairman Volcker, to tell us that interest rates were something that was totally and completely out of their control. They could not control that. At one point I said, "What is it, an act of God?" And he looked at me rather condescendingly and did not say anything, just smiled and puffed on that cigar he used to puff.

The truth is that now have had the last two chairmen repeatedly say, "Of course we can control interest rates. In fact, we are going to respond to the political pressure of our Republican confreres in power in the administration and we are going to reduce interest rates." Unfortunately, the last three years of Mr. Volker's regime he lost that power as fas as controlling it, in view of external forces, international forces, over which he was able to preside over the loss of that control, no matter what we do domestically, as is being proven today by the so-called control. But nowadays we have definition of interest rates. We have short-term interest rates, long-term interest rates.

The prime rate can mean at least three or four different things, depending on the definition. It did not used to be that way, and it certainly was not that way until the end of Volcker's regime.

The truth of the matter is that the Federal Reserve Board is totally independent of anything that Congress wants to do, or for that matter the executive branch, unless, as in 1972, the Chairman then, Mr. Burns, was sympathetic to Mr. Nixon's plight in the 1972 recession that summer, which incidentally coincided with Watergate, and did do a little bit about the so-called money supply.

They have all kinds of jargon to try to explain this, but the simple language that anybody can understand, these are not matters of esoteric or secret or magical things left to the high priests of finance, but they just happened to hide their thievery in this kind of secrecy where it is the secrecy to keep from the American people what is going on that has enabled it, not all of their jargon and gobbledygook and everything else that they enshroud whenever they want to [conceal] their activities.

Dialogue

Continued from pg. 2

stitution of the Texas AFL-CIO, which was established by its members, reads.

Similarly, when the 56 Executive Board members conclude debate on an issue and take a vote, they then agree to support the majority position with a high degree of unity. This agreement is based on the premise that a strong, single voice is more influential than several weaker and conflicting voices.

What the preceding paragraphs describe is a process by which Texas trade unionists voice dissent and self-criticism, frequently with great fervor, in relative privacy. Once a position is adopted democratically by vote, however, and the public is invited inside the room, a unitary front is presented.

The Texas AFL-CIO Labor News is part of that unitary presentation. Dissent and self-criticism is managed within the structure and constitutional provisions of the federation, not on the pages of the newsletter. That is why the monthly newsletter is more a mirror reflecting the positions and concerns of the Texas AFL-CIO than it is a fire intended to ignite dissent.

I do not doubt that Adler disapproves of both the process I've described and the role of the newsletter in it. He no doubt believes, very sincerely, that it too easily discourages open dissent and robs rank-and-file union members of information that otherwise could be gained.

Perhaps Adler is right. If so, he needs to convince not just me. I did not create the strong labor tradition of keeping fights within the family and presenting a unified front to the world. Nor could I change such a tradition by myself.

If Adler wants to change the process, then he must join that process and, with others of like mind, change it from within. A good first step would have been for him to come talk with me privately about his concerns.

Instead, by going public in the manner he did, he has offended some who might have readily listened to him, or even become his allies.

By taking his concerns public before attempting to resolve them within the family of labor, he has created more resistance to his criticisms than necessary. Such resistance may or may not be laudable, but it's the reality with which Adler, as well as I, must contend.

If Adler does not choose the option of working for change from within, then he must wait until the process changes on its own, or for others to change it for him.

Otherwise, the process may never change. And if it is the case that Adler is correct in his criticisms, then that would be a great misfortune.

Christopher Cook
Director of Communications,
Texas AFL-CIO

Jesse's Camera Corps

BY MOLLY IVINS

Austin

AS WE ALL KNOW, our government is little peculiar. If we could just keep it from working at cross purposes on even one issue, we'd be better off. Take two of its weirder reactions to the fact that there are homosexuals among us.

One of government's madder, sadder functions lies in the nitty-gritty of kicking gays out of the military. From 1980 through 1990, almost 17,000 homosexuals were dismissed from the military. That means someone had to go around tracking them down.

The Nation got an interview with a former civilian employee of the military who did precisely that — a photographer who was called upon, among other things, to burst into the wiretapped bedroom in the private home of a lesbian lieutenant and photographed her in flagrante with her lover. Anthony Thomas said his photography unit handled about one such case a month, just like sleazy private dicks in the days of bad divorce laws.

Said Thomas, "I felt rotten, really low-life, to be involved in this. But it was paying the bills and one of those things you are led to believe you have to do for 'God and country.'"

So here's the government paying people to photograph gays doing it, but meanwhile, back at the National Endowment for the Arts, you will recall there is this running flap lest so much as a nickel of our tax dollars be used to support or show arty photographs of gays.

Sen. Jesse Helms and his merry allies have thrown hissy fits about erotic photos of gays in art exhibitions even partially funded by the NEA. Glenn Smith, an Austin political consultant, suggests a cost-saving solution for this unhappy contradiction.

If only Robert Mapplethorpe hadn't croaked, he'd be the perfect photographer for the military in these situations. He liked taking pictures of gays and was awfully good at it. If we could find a few more artists like Mapplethorpe who are doing this anyway, maybe some of them would volunteer their services, thus saving the taxpayers money and allowing Helms a rest from his labors. What do you think? Good idea, or what?

Meanwhile, we can all be proud of our tax dollars at work, as we pay people to burst into other people's bedrooms on the one hand, and then pay Jesse Helms to suppress photos that have artistic merit on the other. We live in a great nation, a great nation.

Another happy thought comes from John Albach, a Dallas lawyer, concerning the recent report that AIDS is affecting only "marginal populations." Since the highest rate of growth in AIDS cases is now among women and teenagers, I'm not sure how we should feel about being stamped "marginal," but I trust another study will be along soon. While we're waiting, Albach suggests that what it takes to see "marginal populations" is a peripheal visionary.

In the coming festivities over "shared sacrifice" keep an eye on that astonishing number in the poll by *Time* mag: 70 percent of the richies in this country think they should be paying higher taxes. They get booted up to 36 or 38 percent, hey, not too much gritching.

Now, we all know we can't solve the deficit by soaking the rich. Guys like George Will have been harping on that for years. Although, since the rich are lot richer than they used to be, we can sure come closer than we used to. But suppose we cut out welfare for the rich on top of raising their taxes — tax-deductible business entertaiment, capping mortgage interest deductions for the rich, cutting off agriculture subsidies to wealthy farmers — lots of perks and deductions going to folks who don't need them.

Clinton has already announced he's going to cut the deduction corporations can take for paying their CEO's humongous salaries. Conservatives always squirm when someone takes up a fine old populist slogan such as "Up the rich," believing this is an unseemly stirring up of class hostility. Nah, the hostility stems from the unfairness of having the taxpayers as a whole subsidize the rich on everything from health care to Social Security.

A particular peeve of mine — as long as we're all thinking of dandy ways to gig the richies — is letting corporations write off their advertising costs as a business expense. This may or may not be good for the economy in most cases, but would anyone like to explain to me why we should subsidize advertising by monopolies such as utilities?

It isn't as though we were going to switch to some other gas company or electric company if dear old Texas Utilities didn't play jingles for us.

GOOD ON THE TEAM of Laney and Linebarger. They hauled that ox right out of the ditch and we have a school-finance bill, voters willin' and the creeks don't rise, the schools will stay open. Major credit to Speaker Pete Laney and House Education Chair Libby Linebarger of Manchaca. (Look, Ma, girls are players in the Lege now!) And now that we've taken a long breath for hallelujah on that one, the session can start. So far, this has been another special session on school finance.

The result of this interminable isometric exercise in which the Republicans have been holding up a constitutional amendment to fix this mess is not particularly pretty. Any number of great minds came up with better plans, but one thing we do know by now is that this is the best we can get: not the best plan but the best plan we can get passed. The last 11 votes, painfully pried out of the Republican block, were finally blasted loose largely by grassroots lobbying— hometown school officials calling to say, "We don't want our schools closed." And therein lies a lesson.

Coming up soon is a nasty ol' bill repealing many of the rights of consumers in this state. The products-liability bill, which is what we call consumer protection in our state, is a Texas trial lawyers' deal. Trial lawyers, you say? Aren't they the guys who make a handsome living protecting consumers by suing do-bad corporations? Yup. And they just caved in without consulting anyone.

This here products-liability bill is a classic example of secret legislating. The trial lawyers, who have gotten trounced lately at the polls largely because of the propaganda spread by their foes in the bidness lobby, took a gander at the new lineup in the Senate — heavy on Republicans — and decided to cut a deal in advance before they got beat on the floor. Lite Guv Bob Bullock, who knows how to count votes, and Sen. Carl Parker of Port Arthur, one of our shrewdest freedom-fighters, knew they were in a no-win situation. But the trial lawyers didn't even aim for a draw.

The bill immunizes the tobacco industry from liability, which is especially ironic given that Bullock is sitting over there with one lung (and I'm sitting here smoking as I write this, but that doesn't mean I think the makers of a poisonous product should be allowed to hook another generation).

S.B. 4, which the consumer group Public Citizen calls the Tobacco Products Protection Act, sailed through the Senate 31-zip. Hell, you couldn't get anything short of a resolution in favor of the flag through the Senate 31-0. The smell of tobacco money is more prevalent around here than the smell of tobacco smoke. As has been reported elsewhere (*Washington Post, Austin American-Statesman*, etc.), tobacco money is pervasive, not just in campaign contributions ($20,000 to Bullock in the past two years) but, because the tobacco companies have been diversifying, they now control a lot of nontobacco employment — Kraft, Nabisco — and can lean on legislators who have factories in their districts. Philip Morris, for example, employs about 6,000 Texans at 60 locations.

Doctors Ought to Care (DOC), the Houston health advocacy group, has documents from Philip Morris showing that the company spent $225,580 in lobbying and political expenses

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Molly Ivins, a former Observer *editor, is a columnist for the* Fort Worth Star-Telegram. *She is author of* Molly Ivins Can't Say That, Can She?, *a best-selling Vintage paperback.*

in Texas in 1989. The 1990 budget called for $10,000 for two New York City trips for Texans and $15,000 for a buck hunt. Money was also channeled to favorite charities of legislators and to regional and state political associations, including $5,000 to Texas Speaker's Day in '89 and $5,000 to Texas Voters Registration.

Now everyone who cares about this stuff is being told, "done deal, done deal," but they never had a chance to get their licks in, to shape this sucker. The trial lawyers also gave away their stopper: a veto by Gov. Ann Richards. It's a done deal, what's she got to object to? The trial lawyers didn't even bother to call out their grassroots support— everyone out there who's ever been maimed or mutilated by an unsafe product, not to mention the doctors who are pretty huffy about tobacco these days. (And think how happy we all would have been to watch the doctors and the lawyers cooperate.)

The trial lawyers who put together S.B. 4 behind closed doors still think they got a good deal, reversing some of the ground they've lost in recent years. But you better believe that not all the trial lawyers are happy campers about this. And besides, how do we know if it's a good deal since it was done in secret? □

Taking on the Military

BY JAMES RIDGEWAY

Washington, D.C.

FEBRUARY'S FIREFIGHT over the military's gay ban was the opening shot in a much broader political battle over the future of the U.S. Army and its conversion to the post-Cold War world. The press clamored for a week over Clinton's (a) political arrogance, for apparently substituting a social issue for the promised economic plan and trying to force it down the throats of Congress and the Pentagon, or (b) his weakness, for then backing down before both the Congress and the Pentagon. In fact, the president was, perhaps inadvertently, advancing his economic plans all along. He was merely doing so on a cultural front.

The military-industrial complex first delineated by President Dwight Eisenhower has long been the most difficult and recalcitrant bureaucracy to change. For three decades it has successfully eluded every straightforward effort at open political reform, whether it be aimed at massive corruption in weapons contracting methods or merely at showing those weapons, once delivered, to be faulty or inappropriate for the mission assigned them. But with the end of the Cold War, the bureaucracy nurtured by that shadow conflict finds itself facing for the first time a bipartisan resolve to cut its share of the federal budget and, as everyone knows, that means many people now in the military will have to leave. If the military does openly accept homosexuals in its ranks — as it finally did blacks and women under presidential order — the transition will likely create a new army, one better equipped to deal with its new purpose.

What Clinton has done, then, is to use a cultural wedge to force a political reform, accomplishing through the bedroom door what couldn't be done on the floor of Congress. He has sent a clear message to the commanders of the old generation that they must obey strict rules on sexual conduct, judging the unwilling imposition of male heterosexuality with a severity equal to, and not less than, that of female or gay sexuality. And if the brass don't like it, now is the time to go.

Along the way, Clinton won a moral victory by standing up firmly against outrageous, federally endorsed discrimination. But more importantly, the flare his campaign pledge touched off has revealed the lineaments of America's new political terrain, inhabited on the left by middle-class constituencies driven by social concerns and on the right by the startling resurgence of the Christian and military right wings — which bode to be a powerful and unified opposition to Clinton, especially in his Southern homeland.

Although the consequences may be unintended, Clinton can now say to those middle-class constituents, "Look, I went to the wall for you on abortion and gay rights. Now you stand by me and support higher taxes — either an energy tax or conceivably some sort of value-added tax — because we all know you can pay for it." And despite the sound and fury, he may well have forced his opponents into a lengthy replay of last August's Republican National Convention, something outgoing GOP chair Rich Bond, for one, deplored in his farewell speech.

There is a good explanation for the way that the wedge politics of the '80s were dominated not by economic but by sexual issues, which became the political engines for an array of social questions ranging from abortion and gay rights to family leave. Frankly, the GOP wanted it that way. But what we see now better than ever before is that sexual issues were, at bottom, economic issues all along, since they determined who got what benefits, when government aid was mandated and when it was not, and most importantly, how America determines full citizenship for its residents.

In his statement on February 5, Clinton declared, "The issue is not whether there should be homosexuals in the military. Everyone concedes that there are. The issue is whether men and women who can and have served with real distinction should be excluded from military service solely on the basis of their status.

"And I believe they should not. The principle on which I base this position is this: I believe that American citizens who want to serve their country should be able to do so unless their conduct disqualifies them from doing so."

The actual procedural change laid out in his speech is, however, less ringing. Clinton has asked Secretary of Defense Les Aspin to draft a formal order ending the gay ban by July 15; in the interim, the military won't ask recruits about their sexual orientation. While this represents something of a moral victory for Clinton, it should be noted that until July 15, the military can continue to separate gays from active duty. Instead of outright discharge, they will be put in the standby reserve with no pay nor benefits. If the ban is lifted, they'll all have to go off base and land a job at McDonald's to survive.

The issue is complicated by the sodomy statute in the uniform code of military justice, which prohibits oral and anal sex. (Clinton cannot change the military code, which must be amended by Congress, and in his statement he gave no indication that he would try). While the statute is by no means aimed solely at gays, it is far more likely to be enforced against them — it's hard to believe that there aren't quite a few good men in the military who have violated the military code by engaging in oral sex. As result, it's possible to envision a situation where the administration's policy demands the protection of the rights of gays to join the military, but the Pentagon will still be able to prosecute them under the sodomy statute.

While there is no explicit protection for gays working in the federal civil service, federal court rulings have established a de facto level of protection for gays there that is greater than that for the rest of the work force. Still, gay people are not protected against discrimination under the federal civil rights laws, though there is a bill pending in Congress that would correct this glaring omission. Real movement on lifting the ban in the military would send a signal to the Congress and the states on how the new government views legalized discrimination against gays.

Taking the measure of the relative power and sophistication of each side of the debate is difficult; even many of the most righteous conservatives on the Hill are squirming on their too-soft seats about this one. While their '80s instincts tell them they've got Clinton in a polit-

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James Ridgeway is a staff writer for the Village Voice, *in which this article first appeared. Additional research and reporting by Jimmie Briggs Jr. and Billy Tashman.*

ical box, there is no way to be sure that they aren't in that box with him. Bob Dole, the Senate minority leader, has shown up on the talk shows looking like an acrobat in pain as he puts the issue through the usual hoops. Sen. Dan Coats of Indiana, heir to Dan Quayle's seat and, in this case at least, his agenda, has pursued it with as little appetite. As usual, they are backed up by the GOP's old reliables, Mississippi's Trent Lott and South Carolina's Strom Thurmond.

Clinton's greater worry lies among the shattered fragments of the Reagan coalition. "What Clinton is doing is uniting two different groups of people who normally would not be united in opposition to him: the military community and the religious right," according to Dave Mason at the Heritage Foundation. "Those groups would normally be fighting, but they wouldn't have any particular reason to work together against the president. By uniting them, he's put together a coalition that could well defeat him — this is the kind of issue that has, in the past, appealed to blue-collar Reagan Democrats.

"The effect will be to extend the debate out probably until the defense reauthorization appropriations bill is passed sometime this summer," Mason continued. "The gay issue could easily become entangled in the future role of the military and embedded within the debate over conversion."

Along with the radio shock jocks, the main lobby against lifting the ban in Washington has been the Family Research Council, which is led by Gary Bauer, who worked first for Ed Meese in the White House then as undersecretary of education. During the '80s, the press was calling Bauer "the administration's battlefield commander in its war on immorality" and the "New Right minister without portfolio." It was Bauer who went after the National Education Association for its "leftist indoctrination" that turned nice little grade schoolers into screaming left-wing radicals; Bauer who attacked the ACLU for hiding behind the Constitution in its defense of sex filth; Bauer who tried to cut student loans and planned the federal withdrawal from education. As for the mewling blacks, always looking for another government handout, well, they should watch "The Cosby Show." It was Bauer who vouchsafed the ideological credentials of William J. Bennett with the New Right long before he won his spurs in the gung-ho drug wars.

"This goes far beyond a social issue," said Elisabeth Law, who directs lobbying for the Council. "It goes to the heart of whether or not we are going to have a military that is prepared with individuals in it whose morale is high and who are willing to serve in combat units where they are living with people who may be attracted to them. There is sexual tension involved, and we're talking about military preparedness. It's not just a social issue."

By contrast, the gay lobby, highly vocal; and very generous in its support for Clinton during the campaign, is probably considerably less powerful than it is made out to be — just 2.6 per cent of those who voted in the '92 election said they were gay, up from 1 percent in 1990. Had there been a national referendum on gays in the military, Clinton's proposed removal of the ban probably would have been beaten. While House Armed Services Committee chairman Ron Dellums of California supports Clinton, scoffing at arguments against lifting the ban as "silly," Ike Skelton, the chair of the House subcommittee that will hold the hearings scheduled for next month, is opposed. The telephone calls in his office in early February were running 115-3 against lifting the ban.

Gays, of course, depend on coalitions for any success in Congress, and while the shape of such a coalition remains unclear, a recent *Village Voice* survey provides some idea of what it might turn out to be. One might think African-American men would have a vested interest in the military as is, since it is their one clear path to escape from poverty into a better world. But the members of the Congressional Black Caucus nonetheless either support the president's position or have made no statement. Of 39 African Americans in the House, 20 supported Clinton outright. Barbara Rose-Collins of Michigan was opposed, and the rest wouldn't say. Of 19 Latino members in the House, eight backed Clinton and the remainder had nothing to say one way or another. Gerald Solomon of New York is opposed. There is no question but that women are for Clinton on the issue, but little of his support seems based on any strong cultural or religious feelings.

Half of all defense spending goes to eight states — California, Texas, Virginia, New York, Florida, Massachusetts, Ohio and Pennsylvania, in that order. Of the 16 senators from those states, only three are openly opposed to the president: Phil Gramm of Texas, John Warner of Virginia and Connie Mack of Florida. Four are undecided: Harris Wofford and Arlen Specter of Pennsylvania, John Glenn of Ohio, and Bob Graham of Florida. Both of the new woman senators from California, which is far and away the largest recipient of defense spending, are for ending the ban.

The military recruits most heavily from the South and mountain states, and here the picture is more muddled. Conservative Democrats there have staked out positions either supporting the Joint Chiefs or running for cover lest they provoke the wrath of the new military-religious coalition. And it is here, in the traditional Bible Belt, that the battle will probably be fought out. Both parties have struggled over the last two decades to recruit the support of young white boys. A recent Gallup poll showed Southerns (both men and women) split 61 to 27 percent in favor of the ban.

And it should be remembered that national polls of the troops conducted in early February showed narrow support for continuing the ban. The *Wall Street Journal* reported that in an independent poll of 946 army personnel conducted by a Northwestern University sociologist last December, 78 percent of the men said they were against lifting the ban. By contrast, a similar survey of U.S. troops conducted during the Korean War showed only 33 percent of the white infantrymen objected to integration. That would seem to indicate that gays in the military is a far more controversial issue than racial integration.

The example of full racial integration in the U.S. Army is, nonetheless, an important one because it set a standard by which major corporations and the rest of American society were judged for a quarter of a century. In fact, the culture of the army, as an engine of social change and as a ladder for the lower classes, has always been important but never more so than now, when many Americans believe the rest of the nation is out of control. In a sense, the military is the single best guide to the federal government's idea of what a good citizen should be. You can hear this not only in President Clinton's campaign promise to put U.S. youth in "boot camps" but, even more importantly, in the worries of communities that came to rely on military bases as stabilizing influences during the long, trillion-dollar buildup of the Reagan years.

The armed services have come a long way from the motorcycle culture that dominated the draftee army or the Vietnam era. In a 1989 report, the Defense Department pointed out that "the contention that the enlisted ranks are recruited from the lower socio-economic strata of society is not supported by the evidence. In the last half of fiscal year 1989, the period for which data are available, the great majority of the parents of recruits had a high school education or better, were married, and owned their own homes." The soldiers of the volunteer army show generally excellent educational aptitude, attainment, and skills training, some of which can be transferred into the civilian economy.

At the beginning of the 1990s, there were about 2.1 million people on active duty in the military, with the greatest number (approximately 732,500) in the army. They have 1.7 million dependents who qualify for special health and other benefits as well. The military-industrial complex, including active duty personnel, defense contractors, and civilians working for the Pentagon, represents 5 percent of the nation's work force. The military is engaged in a massive downsizing, eliminating 120,000 jobs last year alone; compare that with General Motors' plan to end 74,000 jobs over three years. Under the Pentagon's five-year plan, active duty military manpower will shrink by some 21 per cent by 1995. Democrats in Congress — led by Arkansas Sen. David Pryor, Clinton's associate president on the Hill — want much deeper cuts.

With the civilian recession, many soldiers want to reenlist — something the army used to beg you to do — but they are finding that harder than anyone could imagine. Today the military is carefully culling the force for the best holdovers and, in addition, subjecting soldiers to "wrench-up" programs where they must demonstrate physical fitness (often requiring officers and non-coms to lose weight) and meet other requirements or face dismissal.

Meanwhile, the Pentagon is actively encouraging soldiers to quit, offering them cash up front if they'll get out. While this is meant to get rid of the bad soldiers, it's enticing the good ones to leave as well. An army major with 14 years service, making about $3,500 a month, can choose between an annuity of $14,600 for 28 years or a lump sum of $87,000.

Today, retiring members of the armed services must compete for lower-level management jobs that carry less responsibility and much less pay. *Government Executive Magazine* recently pointed out that a 43-year-old colonel with 22 years experience makes about $80,000 a year. Army and Air Force captains with 10 years experience are pulling down $48,000. By contrast, the national median salary for managers ranges from $32,000 for public administrators to $41,000 for purchasing managers.

There could be other changes. Arkansas' Pryor, for one, leads a task force that reports not to Nunn but directly to Majority Leader George Mitchell on converting the military to a peacetime economy, and he already has made tiny practical bridgeheads, providing increased retirement benefits, sabbaticals, and other economic incentives to military personnel who take up jobs in the civilian economy as teachers or in health care. Last week, together with Oklahoma's Sen. David Boren, he reintroduced the Civilian Community Corp., which would employ outgoing military personnel and shut down bases for retraining and other social purposes in the economy. In one way or another, Pryor's initiatives are bound to find a connection with Clinton's promise to create a National Service Corps and some sort of federally backed force of neighborhood beat cops. □

JOURNAL

What Happened to the Drug War? Money

ALPINE

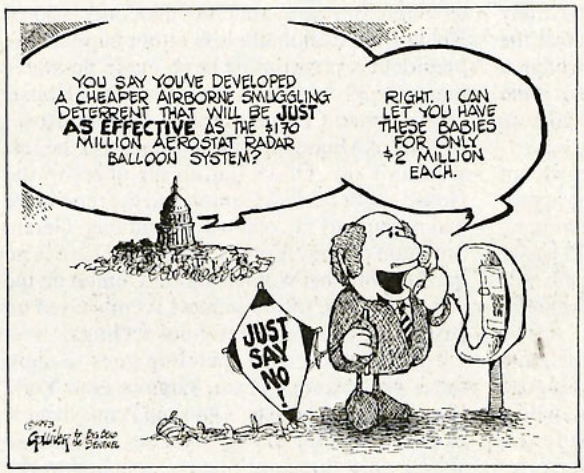
West Texas aficionados eagerly anticipated "What Happened to the Drug War," a report on the Public Broadcasting System's "Frontline" program the evening of February 2. Even before we could settle in front of the tube for the scheduled 10 p.m. broadcast, the calls started coming in. "Just great," a friend called from south of Alpine at 4:30 p.m. (He got it off the satellite feed). At 9 p.m. an aunt in Oklahoma called — "How exciting," she said.

Sure enough, WGBH-TV, the Boston PBS station which produced the show, rolled the opening credits across spectacular Big Bend scenery and solemnly inquired, "What Happened to the Drug War." Senate Judiciary Committee Chairman Joe Biden promptly appeared on screen and answered, "We're losing," setting the tone for the next hour.

The program was eight months in the making. "Frontline"'s Jim Gilmore and Joe Rosenbloom made the first of several trips to the Big Bend last summer. They began, predictably enough, with law enforcement officers, particularly those involved in the December 1991 bust of Presidio County Sheriff Rick Thompson and Robert Chambers, both of whom are now serving life terms in federal prison. Gilmore and Rosenbloom helicoptered over the smuggling routes and sat for hours in Chambers' honky-tonk haunts around Presidio, filming interviews. "Frontline" even went across the river to Ojinaga with us to interview the gutsy editor of El Sol, Armando Ortega.

Then they were gone. Like the tribes of the South Seas cargo cults, we waited around our TVs for the first authoritative report on our remote, isolated area's hard times.

"Frontline" first pictured the magnificent Big Bend and then backed up and framed the U.S.-Mexico border, concentrating on the Texas stretch. In a series of interviews and graphic presentations, "Frontline" deflated one of the most expensive of the Drug War's initiatives, the aerostat balloon picket line on the southern border. One former Senate investigator, Jack Blum, called the multi-million-dollar program "a boondoggle," and an expert who had originally



GARY OLIVER

favored the project pointed out the balloons are "looking at rocks" with their radar.

Most devastating was a "Frontline" flight with a drug smuggler who demonstrated how small aircraft elude the baloon's radar by low-level flight and mingling with legitimate aircraft.

The six balloon sites, at a cost of $18 million each, have not caught a single drug smuggler. From the balloon picket line the film went to the Blackhawk helicopters, manned by Customs agents, who also have yet to catch a drug dealer. And from the helicopters, the film went to the $150,000 "Blue Thunder" speed boats designed to interdict Gulf of Mexico smuggling. The boats were found in Customs' public relations display at a South Texas fair. One agent described their interdiction effort as "boring holes in the water."

In summary, neither balloons, boats nor helicopters have caught a drug dealer, although they have contributed law-enforcement jobs in South and West Texas.

The most surprising revelations, however, were those concerning the smuggling of more than 200 tons of cocaine through El Paso by the Munoz-Tapia families. The smugglers were busted in September 1989 only when a citizen in Los Angeles became suspicious of activity around a warehouse where 20 tons of cocaine and $12 million cash were found.

The cocaine was traced back to El Paso and Juarez. Though the information was generally known in law enforcement circles, the details broadcast by "Frontline" were previously unknown (even by us aficionados).

The Munoz-Tapia family sent the cocaine across the Juarez-El Paso international bridges in hundreds of luxury automobiles. The autos were parked in the huge Cielo Vista mall parking lot, where the cocaine was off-loaded for movement to a safe warehouse in El Paso. The cocaine was then loaded into large trucks and sent off to Los Angeles by a route, first due north of El Paso rather than the more direct route due west via Interstate 10.

"Frontline" reported that federal drug enforcement agents had detailed knowledge of the smuggling scheme from an informant almost a year before the Los Angeles bust. "Frontline" also suggested the smugglers bribed U.S. Customs officials for $10,000 a load.

Bush Administration Customs Commissioner Carol Hallett denied the bribe charge. Indeed, she denied most everything throughout the program, as her agency's disaster after disaster was presented to her. Balloons good. Boats good. "The traffickers are the guerillas," said Hallett, evoking eerie memories of 25 years ago.

"Frontline"'s camera returned at program's end to Candelaria, Texas, where pickups cross the placid Rio Grande, just as Robert Chambers' truck did on December 3, 1991, with 2,400 pounds of 93 percent pure Colombian cocaine.

Deliberately underplaying the point, the camera then rolled onto a busy scene of cop cars, helicopters and a tall, serious-looking law man who drawled in a 1988 public service ad that some viewers should ruin a drug dealer's day and call the U.S. Customs Hotline.

The law man? Who else but former Presidio County Sheriff Rick Thompson, now ensconced in federal prison for his role in smuggling cocaine and marijuana through the Big Bend from 1986 through 1991.

What happened to the Drug War? Boodle graft, corruption. Some of them are us.

— Jack McNamara

Jack McNamara, publisher of the Nimby News, *a newspaper in Alpine, was interviewed on the "Frontline" report.*

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

Clinton, Seen from the Left

By Irving Howe

When Bill Clinton was elected, most of us on the democratic left were pleased. (Some were just relieved.) We form a tendency that includes liberals, left-liberals, socialists and people from the labor, feminist, African-American and other communities, all bound by a belief in democracy and deep social change.

Some people hint that Mr. Clinton would like to institute a very liberal policy but believes it unrealizable in the present political climate. More often he presents himself as a shrewd centrist. Like Franklin D. Roosevelt in his early years, Bill Clinton follows a tactic of political "balance," conservative with liberal. This can yield small-scale benefits for his Administration. It will not solve America's problems.

Will Mr. Clinton make his way to the kind of social reforms F.D.R. put forward in 1936, the reforms for which F.D.R. is best remembered? A lot depends on popular pressures. Mr. Clinton has an opportunity to assume the New Deal's legacy.

The most important thing the new Administration can do is clear the air — change the political-moral atmosphere that is the legacy of Reaganism. It's a shabby, mean-spirited legacy: Irangate, junk bonds, union-busting, savings and loan scandals, bloated military costs, neglect of minorities, a vast deficit.

The dominant ethic of these 12 years has been a heartless Social Darwinism, reinforced by the weary myth that the sum of individual selfishness would be collective beneficence. Mindless chanting for "the free market" filled the air, though in every modern society government and the economy are intertwined. The welfare state became anathema, as people forgot that through it F.D.R. saved U.S. capitalism and improved the lives of millions. The ideological right kept shrilling that nothing good could come from government, and did its best to prove it. The rich got richer, the poor poorer.

A time of sobering, perhaps of renewal, is at hand. If the Clinton Administration merely spoke with candor about the gravity of our social problems, that would be refreshing. It would help restore faith in the democratic process. It would help us turn to reinforcing public education, without which there cannot be a healthy democratic community. And it would remind us that in a $6 trillion economy there are resources for major socio-economic reforms.

A few simple things can be done right away. Revoke the malicious edict prohibiting doctors from speaking to patients about abortion if they work in agencies financed by the government. Appoint fair-minded people to the federal courts and the National Labor Relations Board so that our unions can get a fair shake. Introduce more child-care measures. Start programs to help black youths in the inner cities. Name a few Supreme Court Justices whose minds connect with the 20th century.

For the next few years, the two great problems will be jobs and health care. Here the Clinton people have gone part of the way, but not far enough. The candidate Clinton was right to say that even if we have a recovery of sorts, we still need social investment to rebuild the infrastructure and provide jobs. The fiscal stimulus created by a such a program could prompt a stronger recovery and make possible a gradual reduction of the deficit. The Clinton camp has spoken of a $20 billion program, but that is surely too timid; far more likely to do the trick is the $60 billion proposal of the economist James Tobin.

Building and repairing facilities, training workers — that's needed because there's a real possibility that we'll have a recovery plagued by a continued shortage of jobs. It's also needed because it would help raise productivity and provide long-overdue schools, roads, trains, libraries.

This kind of a program ought to be seen as a prelude to a sustained effort to cope with the social decay of our cities and the rise of a depressed "underclass." It is a great scandal of American life that we allow our cities to rot and, with them, millions of people. A comprehensive plan including jobs, housing, education and social services would be of special benefit to the many blacks leading hopeless lives in inner cities, but it would also help the whole country. Would it cost money? Of course. But in time it would save money, reducing the costs of prisons and police officers and widening the tax base. More important, it would halt our terrible slide into two nations: The haves and have-nots.

The Clinton campaign fudged about health insurance. Whatever Mr.Clinton proposes is likely to be better than the current mess but not good enough. The managed competition scheme entails the danger of two-tier medical care: High quality for the haves, low quality for the have-nots. This would also leave intact the socially needless profit-making of the insurance companies that helps make our health system so expensive.

We need a Canadian-style national health plan. It should be universal in coverage, allow patients to choose their doctors, be financed through taxation, be publicly administered and provide for cost containment. Utopian? Not at all. Look at our northern neighbors, together with first-rate medical service at a per-capita cost lower than ours. It's the drug and insurance lobbies that keep us from this sensible course — and also the dry grip of rightist ideology.

Foreign policy aside, many other domestic tasks need to be done over the next few years. Can the idea of a democratic society thrive in a country of extreme inequalities of wealth and income? Ross Perot and I have equal rights as citizens: We are both free to spend millions on TV self-promotion. In actuality, don't the vast differences in our resources create major inequities of political power?

Sooner or later, America will have to address the fact that multinational corporations can carry on production anywhere in the world and can disregard government that would set standards (minimum wages, child labor laws, Social Security). This systemic problem requires, at the least, enforcement of international labor standards. It is a problem that will haunt Mr. Clinton and his successors.

We shall have to think about workers' democracy. If shareholders with only a nominal relation to an enterprise can help determine its policies, why shouldn't the workers whose lives are entwined with it day by day? Political democracy, in our changing world, can take on full value only through economic democracy.

The Clinton Administration is not likely to embrace the outlook I have sketched, at least not as a whole. So the democratic left will look forward with a mixture of hope and skepticism, glad for whatever reforms are enacted, critical if the President falls back on tactical caution.

Irving Howe is co-editor of Dissent. *This article originally appeared in the* New York Times. *It is reprinted with permission.*

Race from Hell

BY MARY O'GRADY

CROSS TO BEAR.
By John Maginnis.
374 pages. Baton Rouge:
Dark Horse Press. $19.95. 1992.

IN THE 1991 LOUISIANA gubernatorial contest, known to many as the "Race from Hell," Edwin Edwards, a former governor and classic Louisiana populist, faced incumbent fiscal reformer and Congressman Buddy Roemer and the inimitable state Rep. David Duke, who was fresh from his unsuccessful U.S. Senate bid. As John Maginnis comments, "For Louisiana voters it was like watching a train wreck, except they were along for the ride."

In *Cross to Bear*, Maginnis provides a detailed and entertaining account of that train wreck, in a book valuable to the non-Louisianan reader for its lucid explanations of the bizarre practices of politics in Louisiana. Good-humored digressions include an account of the fall of the Rev. Jimmy Swaggart; the Baton Rouge televangelist was discovered, during the period covered by the book, in the company of a prostitute in a cheap motel on New Orleans' Airline Highway to Heaven.

Maginnis, who in *The Last Hayride* documented Edwards' unsuccessful 1983 re-election campaign, understands Louisiana's history of strong patriarchal governors, and in *Cross to Bear* traces the origins of strong-man rule in Louisiana to the installation of the second Spanish governor of Louisiana, Don Alejandro O'Reilly, an Irishman sent by the Spanish king to deal with his newly acquired and unruly French subjects — subjects who had compelled the first royal gubernatorial appointee to flee for his life. In honor of his own arrival, O'Reilly invited Louisiana's most prominent French citizens to a gala banquet. Meal concluded, the gentlemen guests retired for cigars only to find a contingent of the governor's soldiers who marched them away, O'Reilly's apology for his little deception still ringing in their ears. O'Reilly had most of them shot, and his tenure as governor continued, unmarred by Creole turbulence. Although summary execution is no longer within the authority of Louisiana governors, the office remains remarkable for its nearly autocratically wide range of powers. Maginnis argues that, because of the influence of the succession of strong state chief executives and the effects of "involuntary immigration from Africa, which had its own kings," the majority of Louisianans have historically shared only minimal experience in representative democracy.

While retaining the governor as the closest equivalent to an absolute monarch tolerated under the U.S. Constitution, Louisiana is also unique for its open primary, a phenomenon striking in its simplicity, which inspires journalists and scholars to employ adjectives like, "'peculiar,' 'screwball,' [and] even 'dangerous'". The open primary puts all candidates on the same ballot, regardless of party affiliation, for consideration of all voters: It allows Louisiana voters unlimited freedom to choose their candidates for office, from parish police juror (the equivalent of county commissioner) to U.S. senator, with no filtering effect interposed by Democratic or Republican party machine pols. The two top finishers in each (often-crowded) open primary then meet in a runoff election — in a system not unlike the Texas special election by which voters in this state will elect Lloyd Bentsen's successor.

Major political party leaders, national and state, view Louisiana's open primary system with undisguised loathing. Their position is bolstered by episodes such as Democratic incumbent Sen. Bennett Johnston's narrow victory over David Duke in the 1990 U.S. Senate election. Johnston had never before faced serious opposition, Maginnis reports, and "[t]he rules for gaining the Republican endorsement [were] written by the influential Anal Retentive Wing of the party," which had thrown its support behind a notorious loose cannon named Ben Bagert, thus pointedly avoiding any public encouragement of the candidacy of born-again Republican and former Klansman Duke. State and national Republican officials were later forced to pressure the hopeless Bagert to withdraw from the race, lest Duke survive to become the Republican candidate in a fall runoff and embarrass Republican candidates in general election races nationwide. (Republican leaders feared that out-of-state voters unfamiliar with Louisiana's open primaries would naturally assume that Duke was the preferred nominee of the Louisiana Republican Party.)

By Maginnis' account, a number of factors combined to defeat Gov. Buddy Roemer's re-election bid in 1991. Roemer had been elected in 1987 as a Democratic reform candidate, pulling his support from "middle-class, good government types" and others, including conservative voters, who found themselves disgusted with then-Governor Edwin Edwards' high living and pungent whiffs of corruption. Using his "direct-to-the-people" style of politicking, Roemer had steamrollered the Legislature into granting him unprecedented power to cut budgets and raise fees. He soon found himself governing by veto, having exhausted his stock of good will among legislators. Then, in quick succession, he allocated money to education reform and environmental programs — pleasing his middle-class constituency but alienating the rest of his supporters — and shut himself up in the Governor's Mansion for a period of months.

Reclusiveness is not a quality desirable in Louisiana governors. Roemer's seclusion undoubtedly hurt him politically in that most sociable of states. It also accelerated the breakup of his marriage. In October 1989, First Lady Patti Roemer packed her bags and left the Governor, who responded by throwing himself into a series of personal growth and self-help projects. Roemer, or, "Hamlet, Prince of Politics", as Maginnis calls him, never regained his momentum. "We had everything going for us but a candidate," Roemer's mother remarked sadly, the morning after the primary.

Edwin Edwards' indictment and two trials on racketeering charges had punctuated his third term as governor, from 1983 to 1987. He had seen his popularity plummet as he was forced to raise personal taxes in a vain attempt to stanch the hemorrhage from the state budget. Conventional wisdom in 1987 held that "[t]he only way Edwards can ever be re-elected is to run against Adolf Hitler." Edwards pronounced himself glad to be rid of the office of governor in 1987. Four years later, appealing to his old power base, low-income blacks and Cajuns, gladhanding his way through every village barbecue and parade, and making no secret of his contempt for middleclass morality, Edwards made the runoff, along with David Duke.

Maginnis tells the twisted story of David Duke's political career, from neo-Nazi adolescence through his later attempts to shed his record as a Ku Klux Klan leader, and describes the efforts of sane Louisiana Republicans to dissociate him from their party. Maginnis also points out the degree of tolerance Duke found in the state Republican Party, despite his long paper trail of hate-filled published writings and speeches. Vivid passages of *Cross to Bear* take the reader to steamy outdoor rallies and small town food festivals to meet rank-and-file Duke supporters, people who perceived their taxes going to buy disposable diapers and beer for dark-skinned sluggards across town while their jobs went to affirmative action hires.

Cross to Bear reads like a novel — a darkly comic novel. Maginnis, the editor and publisher of the *Louisiana Political Review*, has written a book that anyone with an interest in Louisiana politics, or issues of race and class, will find worthwhile. □

Mary O'Grady is an Observer *editorial intern.*

Armed with a Constitution

BY PEGGY ROBERTSON

DREAM MAKERS, DREAM BREAKERS: THE WORLD OF JUSTICE THURGOOD MARSHALL.
By Carl T. Rowan
475 pp. New York:
Little Brown. $24.95.

THURGOOD MARSHALL: WARRIOR AT THE BAR, REBEL ON THE BENCH.
By Michael D. Davis and Hunter R. Clark
400 pp. New York:
Birch Lane. $24.95.

THURGOOD MARSHALL: JUSTICE FOR ALL.
By Roger Goldman with David Gallen
509 pp. New York:
Carroll & Graf. $24.95.

FOR A QUARTER OF THIS CENTURY, when black citizens who were fighting segregation and injustice became weary and thought about surrender, their spirits could be refreshed by a message, whispered through cotton fields and church yards, "The lawyer is coming."

"The lawyer," of course, was Thurgood Marshall, the NAACP's chief lawyer for 25 years. Karen Hastie Williams, at Marshall's funeral last month, told how the mention of his name brought hope to blacks aspiring to vote, children locked in segregated schools, prisoners languishing on death row and soldiers fighting unjust accusations by white officers.

Three books outlining Marshall's six-decade career as lawyer, solicitor general and U.S. Supreme Court justice were just released when Marshall died on Jan. 24. Taken together they offer almost 1,500 pages of rich detail about the man President Clinton called "a giant in the quest for human rights and equal opportunity."

Carl Rowan, in *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall*, says some of Marshall's relatives had a premonition when baby Thoroughgood was delivered by a Baltimore midwife on July 2, 1908, that he was going to be a great man. "But there was nothing about this poor African-American baby ... that could have given anyone credible reason to believe that he would grow up to strike terror in the hearts and minds of governors, attorneys general, judges and jurors," Rowan wrote.

It was Marshall who took *Brown v. Board of Education* to the U.S. Supreme Court in 1954 and toppled official racial segregation in public schools — and with it the legal foundations of other racial barriers. But 10 years earlier, he and his small, under-funded legal team won a Supreme Court ruling in a Texas case that Marshall thought might have been even more important.

That case, *Smith v. Allwright*, eventually ended all-white primaries in eight Southern states and changed forever the citizenship status of black people in America. Marshall told Rowan: "Without the ballot you've got no goddamned citizenship, no status, no power, in this country. But without the chance to get an education you have no capacity to use the ballot effectively. Hell, I don't know which case I'm proudest of."

The Supreme Court had ruled in 1926 that a Texas statute which barred blacks from taking part in party primaries violated the equal protection clause of the Constitution. But in 1935, the Supreme Court unanimously agreed that Democrats in convention — a private group — could decide who was eligible to vote in primaries. The 1941 trial in federal court in Houston established that the Democratic primary in Texas was actually the final election and that whites could vote "whether they were Democrats, Republicans, Socialists, Communists, or Independents."

The judge dismissed the case, however, and the federal appeals court affirmed the decision. The NAACP appealed once more and the U.S. Supreme Court in 1944 ruled 8-1 that the right to vote in primaries, without discrimination by the state "is secured by the Constitution."

It wasn't over. The Democrats of Texas defied the ruling by every circumvention and subterfuge, but within four years the door to real black power had been opened. Forty years later, more than 8,000 blacks nationwide would hold elective office, including the governor's office in the once-proud citadel of segregation, Virginia.

President Kennedy in 1961 appointed Marshall to the Second Circuit Court of Appeals in New York, where he wrote 118 opinions — none of them reversed. Then, in 1965, Texan Lyndon B. Johnson set the scenario for moving Marshall to the Supreme Court. He told his aide, Jack Valenti, that he was going to make Marshall his solicitor general, "and then when somebody says, 'He doesn't have a lot of experience for the Supreme Court,' by God that son of a bitch will have prosecuted more cases before the Supreme Court than any lawyer in America. So how's anybody going to turn him down?"

School integration and voting rights were far down the list of priorities when, at 26, Marshall began his work as lawyer with the Baltimore chapter of the NAACP. Lynchings then were so commonplace that they were the focus of almost all activity of the civil rights group, which was then dominated by whites. The question of integration in public life divided blacks as well as whites in the first half of the century. Finally, however, members of the NAACP board decided in favor of a broad attack on Jim Crow in all its forms.

In May 1951, appearing before three federal judges in Charleston, S.C., Marshall and a team of lawyers argued that wherever black children were segregated they were damaged forever in heart and mind. It was in that case that the New York psychologist Kenneth Clark first demonstrated "stigmatic injury" to segregated black children. Clark testified that he had shown black children two dolls, identical except that one was black and the other white, and asked them which was the "nice doll" and which was the "bad one." Almost all of the youngsters, who already knew how their world worked, chose the white doll as the "nice one." More than half said the brown doll looked "bad." The judges acknowledged that the testimony showed "mixed schools will give better education," but they also found that "mixed schools will result in racial friction and tension" and concluded that separate but equal facilities would not violate the Constitution.

"It ain't over yet, baby," Marshall declared, stomping on the newspaper. The "stigmatic injury" argument was significant in the Supreme Court's decision outlawing segregated schools in the *Brown v. Board* case three years later.

Rowan, a black man born and reared in segregated South Carolina, said no white person could know the dangers that faced Marshall, "armed only with a piece of paper called 'the Constitution,'" as he raced around the country assaulting discrimination. Marshall — who shortened his given name to Thurgood when he learned to write — learned the Constitution in high school. He was a sickly kid and a troublemaker in the Baltimore school system where his mother was a teacher. The principal, who figured Marshall was too big to whip, devised a different kind of torture.

Peggy Roberson, a Texas native, is an editor with the Hearst Newspapers in Washington, D.C.

He banished Marshall to the furnace room and gave him a copy of the Constitution with instructions to memorize it.

Rowan, a widely known journalist, author and commentator, quotes verbatim — four-letter words, smutty jokes and all — from hours of recorded conversations made before and after Marshall went to the Supreme Court. In his lively and readable book, Rowan gives his own impressions and analysis as well as Marshall's, and assigns the labels "dream maker" (Lyndon Johnson, Eleanor Roosevelt) or "dream breaker" (Strom Thurmond, George Wallace, Spiro Agnew) to players in the quarter-century drama over civil rights. While Rowan's is not an "authorized" biography, he notes that it is not a "hostile assault." He allows Marshall's critics to have their say, but takes pains to answer them.

In *Thurgood Marshall: Warrior at the Bar, Rebel on the Bench*, Michael D. Davis and Hunter R. Clark present an absorbing account of Marshall's views and decisions on some of the most sensitive social issues of the era — abortion, capital punishment, women's rights and affirmative action. Some readers will be surprised by their account of Marshall's argument with Martin Luther King over tactics and philosophy. He called King an "opportunist" and "a coward" who sent children "to men's work" in the Birmingham demonstrations. The NAACP, however, promised King legal representation in his attacks on "the Southern way of life" and the legendary civil rights leaders became respectful allies, if not friends.

Davis, a graduate of Morehouse College and the first black reporter on the *Atlanta Constitution*, and Clark, who met Marshall while serving as chief page of the Supreme Court, both live in Washington, D.C.

In *Thurgood Marshall: Justice for All*, Roger Goldman and David Gallen organized their material into sections on recollections by those who knew Marshall, reprints of essays on aspects of his life and work, and an outline of 15 opinions and dissents. The dissents are particularly important, Goldman argues, because "yesterday's dissent can become tomorrow's Supreme Court majority." Goldman, a professor at St. Louis University School of Law, is the author of several books on criminal law and individual rights. Gallen is an attorney and developer of book projects in New York City.

Simultaneous publication of the three volumes may have a dampening effect on sales for all three, because it is not likely that masses of people would buy $75 worth of books on Thurgood Marshall. But for students of black history, a decision to invest in all of the books would be a wise one. □

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Thurgood Marshall & the Texas White Primary

BY RANDALL W. BLAND

San Marcos

IN HIS DAYS AS director-counsel for the National Association for the Advancement of Colored People and its Legal Defense and Education Fund, Thurgood Marshall had a special place in his planning for the state of Texas. The defeat of the "white primary" in Texas was one of the most important strides Marshall and the NAACP made in the area of political rights.

In Texas, as in all of the one-party states in the South, nomination in the Democratic Party primary was tantamount to victory in the general election. After the U.S. Supreme Court in 1931 ruled in *Nixon v. Herndon*, a challenge of the white primary from El Paso, that legislatures could not exclude blacks from participating in party primaries, the Texas Democratic Convention responded on May 34, 1932: "Be it resolved, that all white citizens of the State of Texas who are qualified to vote under the constitution and laws of the state shall be eligible to membership in the Democratic party and as such entitled to participate in its deliberations."

In Houston, R.R. Grovey brought suit against the county clerk of Harris County who had denied him an absentee ballot. The case was carried all the way to the Supreme Court and became the third Texas White Primary case. In 1935, the court handed Negro voters another setback. Marshall later wrote about the case: "the members of the court 'blinded themselves as judges to what they know as men' and unanimously held that the Democratic primary was a private matter and that Grovey had not been discriminated against pursuant to any state law nor had he been denied any right guaranteed under the Fourteenth and Fifteenth Amendments."

In 1941 the Supreme Court stripped away the facade of the Democratic Party as a "private club" immune from federal law. In *United States v. Classic*, Justice Stone, speaking for the majority in a case involving fraudulent activities of election officials in Louisiana, held "that a primary election which involves a necessary step in the choice of candidates for election as representatives in Congress, and which in the circumstances of this case controls that choice, is an election . . . and is subject to congressional regulation as to the manner of holding it," thereby overruling a 1931 decision. "Because it was not a white primary case, *Classic*, of course, did not go behind the law and ferret out the trickery," Marshall wrote, but "it paved the way to the next milestone on the long road toward political equality — the fourth Texas White Primary case."

About the same time that the *Classic* decision was announced, a new case in Texas was being drawn up along the lines of *Classic*. The suit was brought by Lonnie E. Smith, a black resident of Houston, against S.E. Allwright, election judge, and his associate, James E. Liuzza. Both had refused to allow Smith to vote in the Democratic primary election of 1940. The lower federal courts again dismissed the new case, relying on the *Grovey* ruling that the state Democratic party was a private organization and therefore not subject to the restrictions of the 14th and 15th Amendments. The class-action suit on behalf of Smith and all other Negroes similarly situated was argued in the courts by W. J. Durham, an NAACP member from Sherman. After Durham was denied a declaratory judgment in the U.S. Circuit Court of Appeals, the Legal Defense Fund, headed by Marshall, joined the battle and in 1944 won a Supreme Court review.

The brief, largely written by Marshall and Durham, argued that the court must apply the rationale of the *Classic* decision to the Texas case and determine that "the right to vote in Texas primary elections is secured by the Constitution."

Marshall and his Texas colleague continued this line of argument by directly connecting the legal duties of the election judges with the sovereign authority of the state. The election judges were required by Texas law "to administer oaths, to preserve order, and to appoint special officers to assist in the maintenance of order." These major "police powers" of primary election judges were and are "derived solely from and exercised under the sovereign authority of the State of Texas." The fact that respondents were required to take the exact same oath required of officials in general elections was particularly important to the case.

On April 3, 1944, Justice Stanley Reed, speaking for a majority of the court, with only Justice Roberts dissenting, completely embraced the argument made by the Legal Defense lawyers and overruled *Grovey v. Townsend*.

Attempts were made by several Southern states, including Texas, to circumvent the ruling of the court in *Smith v. Allwright*. Within a year of the Smith decision the South Carolina legislature repealed more than 1,000 voting statutes in an attempt to leave racial discrimination in the hands of local registrars. In a case argued by Marshall, a federal district court invalidated this procedure and enjoined local registrars from denying to qualified blacks the right to vote in Democratic primaries. Alabama adopted the "Boswell Amendment," which required voters to "read and write, understand and explain any article of the Constitution of the United States to the satisfaction of the registrars." The U.S. District Court of Alabama declared the amendment to be unconstitutional, and the Supreme Court of the United States agreed. In 1953, some 14 years after the *Smith* case, the Supreme Court in *Terry v. Adams* nullified the activities of the Jaybird Party, or the Jaybird Democratic Association, which excluded Negroes from participating in Democratic primaries in Fort Bend County. These "private clubs," which had been in existence since 1899, were found to be in violation of the 15th Amendment, as had been the white primary in the *Smith* decision.

The "white primary" was effectively destroyed and it seemed to some Negro leaders that the attitude of the Supreme Court in the *Smith* decision was merely an indication of things to come. As Marshall confided later: "the story of the struggle to overcome this barrier is particularly meaningful.... For, if nothing else, it indicates the fate which awaits the 'legal means' which some of the Southern states have drafted to preserve segregated schools."

In his first 10 years with the NAACP, and later with the affiliated Legal Defense and Educational Fund, Marshall had seen vast improvements in the life of the African American. He continued to believe that as an advocate for civil rights he must be both cautious and patient in utilizing the judicial process.

Thereafter, the civil rights movement made greater strides as did Marshall in both a personal and professional way. By the late 1960s Thurgood Marshall had served as judge on the U.S. Court of Appeals, as the nation's Solicitor General, and had finally taken his seat as a Justice on the Supreme Court of the United States. With the passage of time as an Associate Justice on the court, Marshall never forgot his experiences in Texas, but by then he had become less cautious and greatly more impatient.

Randall W. Bland, professor of political science at Southwest Texas State University in San Marcos, is author of Private Pressure on Public Law. The Legal Career of Justice Thurgood Marshall: 1934-1991, *from which this article was adapted. The book, originally published in 1973, was recently updated and reissued by University Press of America, Landrum, Maryland.*

Heroic Vision

BY GERALD BIRNBERG

Houston

TWO GIANTS OF THE LAW died earlier this month. Thurgood Marshall, appointed by Lyndon B. Johnson to the highest court in the land, was more widely known than Judge Brown. He was, however, no more important in bringing about an end to segregation than the judges, such as Brown, before whom he so frequently appeared.

John R. Brown of Houston was an unlikely candidate for greatness. Though exceptionally bright (he completed law school first in his class at the University of Michigan) and skilled as an advocate, his chosen specialty as a practicing lawyer — maritime and admiralty law — is hardly the stuff from which icons are molded. And yet, from this background he became one of the truly consequential jurists of the 20th century.

In 1952, John Brown headed the Republican Party of Harris County. That says a lot about the man, for in 1952 there really weren't many Republicans in Harris County (other than Brown, then in private practice, and Joe Ingraham, another lawyer who later was appointed United States District Judge). The title was more a tribute to his iconoclasm than a mark of his popularity. As he would throughout his life, John Brown stood against the tide of public opinion.

At the Republican convention in 1952, a delegation of conservative regulars from Texas was challenged by a group of moderates who were offended by the ultra-right-wing dogmatism of Robert Taft, the Ohio senator who was then the leading presidential candidate. The challenge delegation decided to buck the Texas Republican establishment and supported the more progressive candidate, Dwight Eisenhower. They won and he did, too. Accordingly, in 1955 President Eisenhower appointed John Brown to the U.S. Court of Appeals for the Fifth Circuit.

In December 1953 a lawyer from New York City named Thurgood Marshall argued the case of *Brown v. Board of Education of Topeka, Shawnee County, Kansas,* before the Supreme Court of the United States. The following May, a unanimous Supreme Court ruled that racial segregation deprived its victims of the equal protection of the laws guaranteed by the 14th Amendment to the Constitution of the United States. It was easily one of the most momentous pronouncements in the history of the United States.

While the Supreme Court could declare, broadly, that segregation was unlawful, there remained "the manner in which relief is to be accorded." It was one thing to say that segregation is illegal; it would be an altogether different proposition to transform the promise of equality and fairness to reality, especially in an intractable, stubborn, arrogant, hostile South, where separation of the races was the way of life and "mixing" of the races was deemed to be heresy.

That's where John R. Brown was called to greatness.

Judge Brown's career on the Fifth Circuit started inconspicuously enough — the first case on which he sat involved a worker who had been denied workers compensation benefits after he suffered an epileptic seizure and fell from a platform, breaking his back. The court ruled he was entitled to benefits. The first opinion Judge Brown wrote for the court affirmed the criminal conviction of a common moonshiner.

It didn't take long for destiny to overtake the admiralty proctor turned appellate judge. Late in 1955 the same lawyer who had argued the *Brown* case before the Supreme Court — Marshall — asked the Fifth Circuit to affirm a lower court decision condemning the dean of the University of Alabama for refusing admission to Negroes. The circuit court ruled that excluding students from admission to the university solely on the basis of race denied them the equal protection of the laws guaranteed by the Constitution of the United States. John Brown was a member of the panel that supported integration. Thurgood Marshall was the lawyer that appeared before his court.

The next 15 years were among the most turbulent in the country's history. In case after case, defiant Southern officials fought to thwart the Supreme Court mandate that had declared racial equality the law of the land. And in case after case John R. Brown (and his brethren on the court, Judges Tuttle, Rives, and Wisdom) rebuffed each attempt to stall progress toward dismantling a racially divided society. When Gov. Ross Barnett defiantly refused to permit James Meredith to enroll in the University of Mississippi, there was the Fifth Circuit Court of Appeals, by that time headed by Judge Brown, holding the governor in contempt of court. When school districts in Florida and Louisiana and Georgia and Texas and Mississippi and Alabama resorted to every conceivable tactic to delay or impede implementation of a unitary school system, there was the Fifth Circuit, led by its Chief Judge, John R. Brown, giving meaning to the command "with all deliberate speed," relentlessly demanding an end to segregation, and categorically rejecting the specious arguments and dilatory stratagems of the desperate resisters of progress.

Hurray for the Supreme Court for declaring segregation and discrimination unconstitutional; bravo to Thurgood Marshall for tireless, effective, and courageous representation of the victims of discrimination. But had it not been for Judge John R. Brown and the other judges of the Fifth Circuit Court of Appeals implementing those decrees in the face of implacable resistance by a recalcitrant South, the promise of equality, dignity and opportunity those efforts achieved would have been empty, unrealized, or long deferred.

The course was not easy. But it was an obligation the Constitution and principle demanded. And so, through a series of tortuous opinions and in the face of defilement and public vilification Brown, the proctor from Nebraska, brought the South kicking and screaming from segregation toward equality, from separation to the promise of a color-blind society, from oppression to opportunity, at least as far as the law was concerned. The Supreme Court announced the law — in broad conceptual terms; it was for the Fifth Circuit to transform those principles into reality and implement the promise the Supreme Court's pronouncements pledged. That was John Brown's role.

Judge Brown did not come to the court with a civil rights "agenda," but he knew right from wrong and believed in his soul that discrimination based on race, which was rampant at the time, was simply, unarguably, indefensibly, profoundly wrong. His favorite judicial phrase was: "As a judge, I cannot be blind to what everyone else can see." So Judge Brown shed the judicial blinders and called things like they really were. In his most famous dissent (*Gomillion v. Lightfoot*) Judge Brown assailed the court for its "denial of history," when it upheld an Alabama law that had changed the boundaries of the City of Tuskegee to exclude African Americans from the city limits (and rights to vote on municipal matters). He called upon the court to "pierce the veil of sham" and recognize the Alabama law as an obvious ruse intended solely to prevent black citizens from voting. He beseeched the court to assume its proper role as "the only haven" for citizens in the minority whose rights were trampled by a bigoted majority. He explained convincingly, "there can be no relief at the polls for those who cannot register and vote." The Supreme Court adopted that dissent.

Similarly, in *United States v. State of Mississippi*, Judge Brown warned, "no state, and no nation, can survive if, professing democratic rule of the governed, it flagrantly denies the voting right through racial or class discrimination." He blasted Mississippi's "understanding test" for voter eligibility as a "farce" and a contrivance designed to "deny or overwhelmingly discourage the Negroes' effort toward full citizenship." "Discrimination against Negroes has not resulted from discriminatory administration of valid laws," he wrote. "It has happened because it was meant to happen. To eradicate this evil, the attack need not be made piece by piece. It may be made by a frontal attack on the whole structure." That's what Judge Brown's judicial career was all about — a frontal attack on bigotry, injustice, inequality and unfairness — the whole structure.

Through it all, Judge Brown retained a sense of humor which was extraordinary, a flamboyance which became legendary, and a compassion for his fellow man which he never betrayed.

Gerald Birnberg is a Houston lawyer and a former law clerk for Judge Brown.

Marshall went on the appear before John Brown on at least 10 occasions before his appointment to the U.S. Court of Appeals for the Second Circuit and then his elevation to the Supreme Court. He won all 10 times. That isn't surprising; Marshall was always on the side of right and justice and dignity and equality in all these cases. He had an ally in Judge John R. Brown.

Perhaps there was more in common than meets the eye between Brown's background in admiralty law and his judicial philosophy. Judge Brown was fond of explaining the role of a judge in admiralty: "He may stride the quarterdeck of maritime jurisprudence and, in the voice of admiralty judge, dispense, as would his landlocked brother, that which equity and good conscience impels." To him, that was his job — dispensing that which equity and good conscience impels. How fitting, then, that his last opinion, released just four days before his death, involved visceral notions of fairness and justice, rather than staid concepts or legalese. In that opinion Judge Brown wrote, "We are concerned with parties receiving fair treatment. ... The risk of injustice ... far outweighs [any other concerns in the case]."

Jack Bass — whose 1981 book, *Unlikely Heroes*, explored the historic work of the Fifth Circuit court under Brown — wrote that Brown had "a passion that reacted to injustice" — a keen aversion to unfairness and inequity. So did Thurgood Marshall. Their deaths occurred only one day apart and magnify the dearth of those traits on their respective courts today. □

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Sen. Gonzalo Barrientos, D-Austin, and Carlos Truan, D-Corpus Christi, to minimize pesticide use. The potential for excessive spraying was among the concerns cited by Gov. Richards two years ago when she vetoed a similar measure.

✓ **GROWING TAX BREAKS.** Texas schools last year lost more than $800 million in tax revenues from the agriculture exemption intended to help family farmers and ranchers, with many of the exemptions going to wealthy corporations, billionaires and foreign investors with land holdings awaiting development in urban areas, Bob Sablatura and Tara Parker Pope reported in the *Houston Chronicle*. More than two-thirds of the value of open space in Texas has been removed from tax rolls, including an Exxon subsidiary, Friendswood Development Corp., which pays only $222.38 for 250 acres near the Greensport Mall, $4 million worth of property in the Aldine school district, which normally would net $21,742. Perot Group, owned by H. Ross Perot, owns 15,420 acres near the Alliance Airport in Fort Worth. If valued at market rates, Perot Group would pay Northwest Independent School District near Denton $750,000 instead of the $21,300 Perot pays, the newspaper said. House Speaker Pete Laney, a Hale Center farmer, told the newspaper he would support reforms that would end abuses by corporations and land developers.

✓ **NO CHOICE.** The number of physicians in the Dallas area willing to perform abortions is diminishing, due to harassment of abortion providers, family members and neighbors at their residences and workplaces. Dr. Clay Alexander recently signed the pledge demanded of him by antiabortionists, after withstanding six weeks of public pressure, including intermittent picketing by Roman Catholic Bishop Charles V. Grahmann. Two other area abortion providers signed the pledge after they were informed they would be next to have their offices, their children's schools, and their neighborhoods picketed and/or plastered with fetus-in-a-bucket pictures. At least one other Dallas-area physician who has been enduring harassment for five months was still holding out as of mid-February.

In other developments around the state, authorities in Corpus Christi are blaming arson for a fire that destroyed a building housing an abortion clinic early Feb. 15. A flammable liquid was found in the waiting room of the clinic, which had been the target of numerous demonstrations by abortion opponents, but Rex Moses, director of the Diocese of Corpus Christi's Human Life Office, told the Associated Press the fire may have been set by a burglar trying to hide a crime.

On the political front, Stephen Hopkins of Burnet plans to launch a statewide TV campaign featuring graphic anti-abortion footage, including dead fetuses. Citing federal election laws, Hopkins forced Austin TV stations to air similar ads during the general-election campaign, when he ran a write-in campaign against U.S. Rep. Jake Pickle.

Senate Notebook

Texas Congressional leaders reportedly have been checking out vacancies in the Clinton Administration that might have appealed enough to Jim Mattox to keep the progressive former attorney general out of a potentially lethal Senate race with interim Senator Bob Krueger, the consensus candidate of the Democratic establishment.

But despite their ministrations, "Bill ain't called," said Mattox spokeswoman Elna Christopher, as Mattox prepared to formally announce his candidacy for the two years remaining on former Senator Lloyd Bentsen's term. In the meantime, Richard Fisher, the centrist Dallas businessman, echoed Mattox's call for campaign finance reform and Krueger called for an end to federal tobacco subsidies two weeks after Mattox called for tougher tobacco regulations. "It looks like Mattox is already setting the agenda," Christopher said.

Mattox also appears to be leading the race, despite being cut off from official support from labor and Democratic minority groups and financial support from trial lawyers: A Republican poll recently showed Mattox ahead in the free-for-all special election race with 22 percent support, followed by Krueger with 18 percent, Kay Bailey Hutchison with 16 percent, Rep. Jack Fields of Humble with 9 percent, U.S. Rep. Joe Barton of Ennis with 7 percent and former La Raza Unida organizer Jose Angel Gutierrez with 3 percent. A Texas Poll showed Mattox with the highest name identification (95 percent among likely voters), but 40-percent negatives offset his 38 percent positives.

State Treasurer Kay Hutchison has shown a real talent for gaffes in her U.S. Senate campaign. First she claimed the President had no business interfering in the armed services. "We have a military that is headed by military," she said, apparently unaware that part of the President's job title is Commander in Chief.

Then it was disclosed that Hutchison finally got her college bachelor's degree from the University of Texas in May 1992 after completing — with a tutor in her spare time — a Spanish course she had lacked, but when reporters asked her to speak some Spanish, she replied with the Latin phrase, *nolo contendere*. Told that was not Spanish, she tried again: *Me no sabe*, which is close, but no *cigarro*.

Sam Attlesey of the *Dallas Morning News* on February 6 reported that a brochure from Hutchison's 1982 congressional campaign stated she had completed undergraduate studies, but she said it was not designed to mislead voters. Although some news reports during the 1970s and at least one voter's guide showed her with her undergraduate degree, she said reporters apparently assumed she had the degree because she obtained her law degree in 1967 under a six-year program that allowed her to proceed to law school without her undergraduate degree.

The *San Antonio Express-News* recently took her to task for criticizing Krueger for supporting a family leave bill when, she said, Congress had exempted itself from the bill. The *Express-News* noted that Congress, in fact, had not exempted itself in that case. "Hutchison should do her homework," the paper editorialized. "Such missteps on the campaign can prove embarrassing."

Krueger, seeking to show that he can count on support other than Gov. Ann Richards and the Democratic establishment for the unexpired Senate term, recently formed "Independents and Republicans for Krueger," headed by Bartell Zachry, chairman of H.B. Zachry Co, the [non-union] construction company based in San Antonio, according to Bruce Davidson of the *Express-News*, leaving Texas AFL-CIO leaders, who have lined up behind the moderate-to-conservative Krueger, to wonder whose side Krueger will take when the vote comes down to business vs. labor.

Mattox, testifying against a products liability bill which appears headed for quick passage and which would limit lawsuits against tobacco producers, took at dig at Gov. Richards, who defeated him in the bitter 1990 gubernatorial primary: "Thank God we've got a strong Democratic governor who will veto it, just like I would if I were sitting in that office," he told the House State Affairs Committee, which nonetheless approved the bills limiting product liability claims and wrongful injury suits filed by non-residents. Richards has not announced her position on the measures. □

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POLITICAL INTELLIGENCE

✓ **BENCH WARMERS.** Attorney General Dan Morales has agreed to submit recommendations for reforming the judicial selection process within 30 days instead of 60 days, while the full Fifth Circuit3U.S. Court of Appeals will reconsider a three-judge panel's ruling that the state's system of electing state district judges at large in eight urban counties illegally dilutes minority voting rights. Morales said he planned to hold public hearings before laying out his proposal. While some interests promote appointment of judges, with elections on whether to retain them, election alternatives include variations on single-member-district voting, which are favored by minorities, Gov. Richards and Lt. Gov. Bullock; cumulative voting, which is favored by those who majored in math at college; and election of judges from subdistricts with later countywide retention elections, which is favored by those who don't like the idea of another part of town electing the judges. Anyway, the decision by the Fifth Circuit, which is now dominated by appointees from the Reagan-Bush era, to hold a new hearing May 24 likely will take the steam out of any move.

✓ **RANK PERFORMANCE.** Texas comes out with the usual mediocre-to-dismal rankings when compared with other Southern states in crime, education, the environment, finances and health issues ranked by *Governing* magazine in its February issue. Among the 13 Southern states, rated per capita, except otherwise noted (with national rankings in parentheses), on crime issues Texas ranked second (and regionally and nationally) in serious crimes, 10th in incarceration rates (20) and eighth in corrections spending (27); on education, Texas ranked fifth in spending per pupil (35) 12th in percentage of state funding (34) and ninth in graduation rates (46); on the enviroment, Texas ranked 10th in solid waste spending (44), fourth in air pollution spending (36) and 13th in water pollution spending (50); on finances, Texas ranked fourth in personal income (31), 12th in tax revenues (47) and 11th in federal aid (43); on health, Texas ranked 13th in infant mortality per 100,000 live births (35), eighth in percentages Medicaid recipients (20); and 13th in health spending (44).

Wonder about the state's real priorities? Rep. John Carona, R-Dallas, briefly proposed changing the dedication of gasoline taxes from the current three-quarters to highways and one-quarter to schools to a half-and-half split as a way to finance public education without recapturing funds from wealthy districts. "That'll be the death knell of the North Central Expressway project," a road lobbyist was quoted by Carolyn Barta in the *Dallas Morning News*. Legislators talked Carona out of offering the proposal.

✓ **NEW JOBS AT TEC.** A partisan confrontation over appointment of Eddie Cavazos as employers' rep on the Texas Employment Commission was defused when Gov. Richards agreed to appoint Jim Kaster, the lone Bill Clements holdover on the three-member panel, to the bosses' seat given up by Mary Scott Nabers. Republicans, with 13 senators, enough to block a nomination, threatened to bust Cavazos, a Corpus Christi Democrat who has been a labor ally in the Texas House. Mexican Americans in the House threatened to hold up Republican bills there. The standoff was broken with the shift of Kaster, a former Democratic state rep from El Paso who had been the public commissioner and chair; he gets two more years on the commission while Cavazos' term expires in 1995. The deal also allows the Governor to appoint Jackie St. Clair, secretary-treasurer of the Texas AFL-CIO, as the commissioner for employees.

✓ **THE WAR ON DRUGS** has overcrowded Texas prisons with a disproportionate number of blacks, who often are incarcerated for holding small amounts of cocaine and "crack," a study of 58,266 people convicted of felonies in the state's seven largest counties in 1991 showed. Almost one-fourth of the convicts were sent to prison for drug possession, while only 6 percent were sentenced for sexual assault or homicide, the Texas Criminal Justice Policy Council found. The study also showed blacks were eight times more likely to be sent to prison than whites, and five times more likely than Hispanics, when convicted of a felony, the *Austin American-Statesman* reported. They often are imprisoned for possessing small amounts of cocaine and crack, the *Dallas Morning News* reported. In Dallas and Harris counties, where 18 percent of the population is black, the percentage of felons sent to prison who are black is 60 and 62 percent, respectively. Statewide, 46 percent of Texans convicted of felonies during 1991 were black, while whites made up 33 percent and Latinos 21 percent. The state expects to have room for 109,000 prisoners by 1995, but district attorneys are calling for another 85,000 beds.

✓ **ROLL BACK THE CLOCK.** Sen. Teel Bivins, R-Amarillo, has introduced a bill to raise the retirement age for legislators from age 50 back to age 55. During the last regular session, he noted, the Legislature quietly lowered retirement eligibility for House and Senate members, who after 12 years of service at an annual salary of $7,200 qualify for a retirement of at least $18,000 a year. About 1 a.m. during the final days of the 1991 legislative session Rep. Nolan "Buzz" Robnett, R-Lubbock, added to another bill an amendment lowering the retirement age, and it was passed with little notice. "This change unfairly benefitted a small group of people at the time, and its continued existence provides unjustified enrichment for legislators at the expense of taxpayers," Bivins was quoted in the *Austin American-Statesman*. After his retirement from the Legislature last month, the Statesman reported, Robnett, 51, landed a $24,000 contract with the Employees Retirement System, which administers the legislative pension.

✓ **CRAVATA NON GRATA.** The bolo is still outlawed in the Texas Senate, but Speaker Pete Laney apparently has come to its rescue in the House. A sergeant-at-arms had warned a TV cameraman that his string tie violated the House's dress code, which requires men to wear a tie in the chamber. "A bolo is a tie. It says so: Bolo tie," said Laney, a Hale Center farmer, when asked of the new interpretation. "Renato Cuellar wears them all the time, and he gets on the House floor," Laney said of the Weslaco Democrat. Cuellar had better pack silk if he wants to visit the Senate, which affects a more sophisticated air.

✓ **FAST TRACK.** Among the "emergency" items Gov. Ann Richards placed on the fast track for consideration by the Texas Legislature is boll weevil eradication. Facing a March 15 deadline to be included in the U.S. Department of Agriculture's 1995 budget request, the Senate passed Senate Bill 30 by Sen. Bill Sims, D-San Angelo, and it is unlikely to get much improvement in the House. The Sierra Club objected that the bill could lead to massive mandatory pesticide spraying to combat the cotton pest. The Sierra Club supports non-toxic alternatives, but

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the Senate, on a 23-7 vote, rejected a bid by

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