

THE TEXAS Observer

A JOURNAL OF FREE VOICES

AUGUST 5, 1994 • \$1.75

**ABSOLVING
TEXAS S&L
LOOTERS**

Pg. 12



BO PILGRIM'S HANDS

The Poultry Magnate, His Workers and a Resolute Physician

PLUS



Health Care

Down to

the Wire



More on

San Antonio

Water Woes



Cormac

McCarthy's

Second

Border Novel



A JOURNAL OF FREE VOICES

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

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

SINCE 1954

Founding Editor: Ronnie Dugger

Editor: Louis Dubose

Associate Editor: James Cullen

Production: Peter Szymczak

Copy Editor: Roxanne Bogucka

Editorial Interns: Todd Basch, Carmen García, Angela Hardin, Trae Monroe.

Contributing Writers: Bill Adler, Barbara Belejck, Betty Brink, Warren Burnett, Brett Campbell, Peter Cassidy, Jo Clifton, Carol Countryman, Terry Fitzpatrick, James Harrington, Bill Helmer, Jim Hightower, Ellen Hosmer, Molly Ivins, Steven Kellman, Michael King, Deborah Lutterbeck, Tom McClellan, Bryce Milligan, Debbie Nathan, James McCarty Yeager.

Editorial Advisory Board: David Anderson, Austin; Frances Barton, Austin; Elroy Bode, El Paso; Chandler Davidson, Houston; Dave Denison, Cambridge, Mass.; Bob Eckhardt, Austin; Sissy Farenthold, Houston; Ruperto Garcia, Austin; John Kenneth Galbraith, Cambridge, Mass.; Lawrence Goodwyn, Durham, N.C.; George Hendrick, Urbana, Ill.; Molly Ivins, Austin; Larry L. King, Washington, D.C.; Maury Maverick, Jr., San Antonio; Willie Morris, Jackson, Miss.; Kaye Northcott, Fort Worth; James Presley, Texarkana; Susan Reid, Austin; Geoffrey Rips, Austin; A.R. (Babe) Schwartz, Galveston; Fred Schmidt, Fredericksburg.

Poetry Consultant: Thomas B. Whitbread

Contributing Photographers: Bill Albrecht, Vic Hinderlang, Alan Pogue.

Contributing Artists: Michael Alexander, Eric Avery, Tom Ballenger, Richard Bartholomew, Jeff Danziger, Beth Epstein, Valerie Fowler, Dan Hubig, Pat Johnson, Kevin Kreneck, Michael Krone, Carlos Lowry, Gary Oliver, Ben Sargent, Dan Thibodeau, Gail Woods, Matt Wuerker.

Business Manager: Cliff Olofson

Subscription Manager: Stefan Wanstrom

Development Consultant: Frances Barton

SUBSCRIPTIONS: One year \$32, two years \$59, three years \$84. Full-time students \$18 per year. Back issues \$3 prepaid. Airmail, foreign, group, and bulk rates on request. Microfilm editions available from University Microfilms Intl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Any current subscriber who finds the price a burden should say so at renewal time; no one need forgo reading the Observer simply because of the cost.

INDEXES: The Texas Observer is indexed in *Access: The Supplementary Index to Periodicals*; *Texas Index* and, for the years 1954 through 1981, *The Texas Observer Index*.

THE TEXAS OBSERVER (ISSN 0040-4519/USPS 541300), entire contents copyrighted, © 1994, is published biweekly except for a three-week interval between issues in January and July (25 issues per year) by the Texas Democracy Foundation, 307 West 7th Street, Austin, Texas 78701. Telephone: (512) 477-0746. E-mail: txobserver@igc.apc.org.

Second-class postage paid at Austin, Texas.

POSTMASTER: Send address changes to THE TEXAS OBSERVER, 307 West 7th Street, Austin, Texas 78701.

DIALOGUE

A Strange Breed of Christian

The Christian Coalition's Congressional Score Card represents scores assigned to members of the U.S. Senate and House of Representatives, thereby identifying those members that the Coalition favors. Their Score Card registers such members on 14 votes in the Senate and 12 in the House, giving a percentage rating of 0 to 100 percent on those votes the Coalition chose for such ratings.

It describes such ratings as "including KEY votes covering President Clinton's first year in office!" However, in the Senate the Coalition includes one key vote cast on January 23, 1992, on school prayer. Preacher Robertson couldn't let that one get away! Interestingly, it was in President Bush's Administration. Also, three Republican Senators were not shown as voting on that issue. The reason is not given; perhaps it spoiled a 100 percent rating for the three, or they were newly elected and couldn't vote in 1992.

The Christian Coalition picked, from all the votes cast in the House in 1993, 12 to measure its favored representatives. Many were votes on a Republican amendment to a bill and not upon the bill itself. Those votes, called "KEY" by the Coalition, were not key at all but were selected, apparently, to give a high score to their favorites in the House. It was easy for the reader to tell the Republicans from the Democrats on the Score Card. It CAPITALIZED all Republican names! One Democrat, Mr. Portman of Ohio, also scored 100 percent. Eighty-nine Republicans in the House scored 100 percent.

Eighteen Republicans scored 100 percent in the Senate. No Democrat did so. Seven Texas Republicans in the House scored 100 percent, and one, Mr. Fields [of Humble] in District 8, scored a 92. Again no Democrat received the 100 percent mark, but Mr. Hall of [Rockwall] in District 4 and Mr. Stenholm of [Stamford] in District 17, each received 83 percent.

In the Senate from Texas, Senator Hutchison scored 100 percent, but Senator Gramm only scored 93 percent. He failed

to either be present and vote on Senator Helms' "Tax-payer Funded Amendment to only give endowments for the arts to non-profit corporations and not to individual artists"; or to announce his position in the Congressional Record, thus missing making 100.

Analyzing the Coalition's scoring in another way: Of the Republicans in the House scoring 50 percent or less there were 17. All others scored over 50 percent. In Texas there were none who scored so low. Democrats in the House scoring over 50 percent were 27 in number. Of those Texas Democrats in the House, only six scored over 50 percent. They were Hall (Rockwall, District 4), Geren (Fort Worth, District 12), de la Garza (Mission, District 15), Stenholm (Stamford, District 17), Ortiz (Corpus Christi, District 27), and Tejeda (San Antonio, District 28).

In the Senate, every Republican scored over 50 percent except Cohen of Maine, Specter of Pennsylvania, Chaffee of Rhode Island, and Jeffords of Vermont. One Democrat, Shelby of Alabama, scored over 50 percent. All others were denied the Coalition's endearment.

One may only conclude that few Democrats in Congress are Christians, or else the members of the Christian Coalition and Reverend Pat Robertson, its founder, are a queer breed of Christianity.

The Coalition's Score Card recites that the Christian Coalition "does not advocate the election or defeat of any candidate." It would be a criminal offense should they do so. Its Score Card also declares that the Coalition "...does not endorse any political party." But its members roost in the entire right wing of the Republican Party, and its Score Card certainly shouts to its members and readers its favorites!

Finally, it should be noted that the Christian Jesus was a revolutionary prophet, teaching the poor, the slave, the misused by the Caesars, Herods, high priests, Pharisees and Saducees—the masters. This weird Christianity of the Coalition seems to have forsaken Jesus the Christ in shying from his mission.

Otto B. Mullinax
Dallas

WE PRINT OUR MAIL

Write Dialogue, The Texas Observer
307 West 7th St., Austin, TX 78701.

EDITORIALS

The Waterboys

Who can afford to show up at all of these public hearings? Who will be able to deploy their own lawyers or scientists or economists to testify expertly on behalf of their agenda? Who is going to hire the lobbyists to track the legislative debate at every laborious stage?

— William Greider
*Who Will Tell the People:
The Betrayal of American Democracy*

ON AUGUST 13, San Antonians will again vote on the Applewhite Reservoir, which the mayor and the business establishment claim will help end the city's dependence on the Edwards Aquifer and free San Antonio from control of Federal Judge Lucius Bunton (see "Muddy Waters," TO 7-22-94). Voters in 1991 rejected Applewhite, after a campaign that pitted Applewhite proponents' \$500,000 against opponents' \$10,000. And as the residents of San Antonio are about to learn, the answer to the questions posed by Greider in his 1992 masterpiece on the American political system is not "the people."

The 63,258-59,833 vote against Applewhite in 1991, according to the *San Antonio Express-News*, was not only close, it was confusing—because the initiative was on the ballot with seven mayoral candidates. Nelson Wolff, who prevailed in a runoff and is now mayor, said he would respect the will of the people and appointed a committee to come up with a new water plan. When the committee filed a report that did not include the Applewhite Reservoir, the report was shelved and a new committee appointed.

In 1993, San Antonio managed to get a water bill through the Legislature. Described as a regional legislation, Senate Bill 1477 was a San Antonio affair. Its passage was promoted heavily by the city of San Antonio, whose water system (SAWS) hired Austin consultant George Shipley to move the bill through the Senate. While the new law provides the framework for overdue restrictions on the amount of water pumped out of the aquifer, it eliminates the elected board of the Edwards Underground Water Authority. The board that was abolished, after a history of inaction, had begun to live up to its legislative mandate to protect the aquifer. (Killing the elected board stopped the implementation of SB 1477, as the U.S. Justice Department has tentatively ruled it in violation of the Voting Rights Act.)

Prior to the legislative session, a San An-

tonio PAC (SAPAC) funded by the business community contributed \$15,000 to Lieut. Gov. Bob Bullock and \$2,500 to Victoria Senator Kenneth Armbrister, who serves on the Natural Resources Committee and pushed the bill through the Senate. SAPAC also spread \$32,000 among 17 other senators. The \$49,500 PAC contribution to the Lieutenant Governor and members of the Senate was complemented by individual contributions to Bullock—from members of the same business community that funds SAPAC: H.B. Zachry, \$2,000; Red McCombs, \$1,000; General Robert McDermott's USAA, \$7,000; Carl Raba, \$2,700; Valero Petroleum, \$7,000; Sam Barshop, \$1,000; and Diamond Shamrock, \$2,000.

After the bill passed, the same pack (PAC) gathered to thank Armbrister. A seating chart for the Armbrister appreciation banquet at the San Antonio Marriott includes tables purchased by the San Antonio Water System; Cliff Morton, a developer and former mayor pro tem, now chair of the Water System board; George Shipley, who is coordinating this summer's Applewhite campaign; H.B. Zachry, the contractor building the reservoir and a \$60,000 contributor to the first Applewhite campaign; Raba-Kistner, engineers who have worked on Applewhite studies; Akin, Gump, the law firm that represents the Edwards Underground Water District but recently announced it can no longer represent the old, elected board; and Davidson & Troilo, the San Antonio Water System's law firm.

In August 1993, after the bill had been signed into law and the old, elected Edwards Underground Water Authority board declared dead (albeit prematurely), Mayor Wolff made his two appointments (albeit prematurely) to the new board. They were Mario Hernandez and Phil Barshop. Hernandez had served as president of the Economic Development Foundation, a big-business combine organized by General Robert McDermott. McDermott is the retired executive director of USAA, the insurance company that built Fiesta Texas, has large land holdings in north San Antonio, and contributed \$80,000 to the 1991 Applewhite referendum. The other appointee was Phil Barshop, a developer who as a city water board member had voted to sue the city when the council preceded to abide with the 1991 referendum vote.

Other occurrences surrounding passage of Senate Bill 1477 are questionable. At a

THE TEXAS Observer

AUGUST 5, 1994
VOLUME 86, No. 15

FEATURES

Poultry Pilgrim	6
<i>By Carol Countryman</i>	
Bentsen and Texas S&Ls	13
<i>By Joel Bleifuss</i>	

DEPARTMENTS

Editorials	3
<i>Water Fight Again</i>	5
<i>Health Care's 3 Percenters</i>	
Potomac Observer	
<i>Let's Really Socialize Medicine</i>	15
<i>By James McCarty Yeager</i>	
Jim Hightower	16
Molly Ivins	17
Books and the Culture	
<i>The Crossing</i>	18
<i>Book review by Steven G. Kellman</i>	
<i>The Times of a Sign</i>	20
<i>TV review by Steven G. Kellman</i>	
Afterword	
<i>Following Jaime</i>	22
<i>By Barbara Ferry</i>	
Political Intelligence	24

Cover art by Valerie Fowler

2:30 a.m. May 1993 legislative committee hearing, SAWS chair Cliff Morton and lobbyist Terral Smith persuaded the committee to accept a provision that left the valve open for Ron Pucek's catfish farm, upstream from the Applewhite reservoir. By the provision Smith and Morton tacked onto the bill, the farm, shut down by the same elected water authority SB1477 set out to kill, can apply for a permit to pump 60,000 acre-feet of water per year. The amount, about one-third of what San Antonio draws from the aquifer each year, is based on the farm's having pumped 15,000 acre-feet during the three months it was in operation.

Why was Morton, who represents the interests of the San Antonio Water System, collaborating with Smith, who was hired by a thirsty catfish farmer pumping water from the same limited source that provides San Antonio drinking water? A letter written three years prior to the 1993 legislative session might help explain. On November 19,

1989, Nelda Weatherly, chair of the San Antonio Water Board, wrote Pucek, telling him that the city would work with him "to insure [sic] that all waters discharged from your aquaculture project will be put to beneficial use by storing such waters in Applewhite Reservoir." "It's not a catfish farm," said Carol Patterson, a San Antonio member of the (elected) water authority, "it's a water farm." (And although the city's "2050 Water Plan" booklet claims that the new law "includes the catfish farm within the scope of the prohibition against 'waste,'" the language of the 1993 law, concerning waste and beneficial use, defers, oddly, to the state water code—which excludes aquaculture from prohibitions against waste.)

Queer deals with Applewhite are not limited to the Legislature. Davidson & Troilo's investigation of Kay Turner, who organized the 1991 Applewhite initiative, raises other questions and suggests that supporters of the project aren't exactly doubled over with ethical concerns. SAWS paid the law firm almost \$1,000 of public funds to investigate Turner prior to a radio debate with Senator Armbrister. Karen Ann Mann, who in 1993

as a paralegal for Davidson & Troilo conducted the investigation, said, "It was pretty routine, business and political information about her [Turner]." Phone calls to Davidson & Troilo were not returned.

Mayor Wolff had to appoint a second study group before he could get Applewhite back on to the agenda, and the second group included not one resident of South San Antonio, although the reservoir will be located south of the city. The last time Applewhite was presented to voters, it was to be used as a drinking-water source; this time, ballot language limits its use to non-drinking water. City officials have tried to explain complicated swaps that will move drinking water from the Guadalupe-Blanco River Authorities (GBRA), upstream from San Antonio, and release Applewhite water to downstream industries holding GBRA water rights. But SAWS has not yet filed a required application to change the Applewhite permit from drinking to waste water. In an interview last week, Mayor Wolff said he expects the application to be filed after the next SAWS board meeting.

Governor Richards and Mayor Wolff's

shrill attacks on the Mexican American Legal Defense and Educational Fund, for its opposition to the abolition of the elected regional board, have created greater pressure and anger, particularly when they raised the threat of the closure of Kelly Air Force Base. "There are five bases, but that base," former councilmember Maria Berriozábal said, "created our middle class. Why is it only Mexican Americans who are asked to choose between voting and eating?"

So San Antonio, faced with pumping limitations imposed by a federal court, and in the midst of a drought, goes to the polls to vote on water, while big business prepares to let flow \$400,000 to ensure that the people vote right. And last week, Judge Lucius Bunton suggested that there will be limits on the amount of treated effluent the city can empty into the San Antonio River.

The business community, whose major players want to develop in the north and can't do so without water and sewage disposal, might actually be advocating what is best for San Antonio. If they are, they ought to at least make an effort to hide their contempt for the people who live there. —L.D.

Ann Walks on Water

LAST SEPTEMBER, Governor Ann Richards welcomed federal help in protecting Texas waterways. She sent a letter to Texas Natural Resource Conservation Commission chairman John Hall urging him to approve the designation of the waterways as Outstanding National Resource Waters (ONRW). She even scribbled a note to Hall at the bottom of the letter: "John, This is important! A."

In May, Richards sent her environmental aide, Susan Rieff, to the commission with another letter. Richards said the ONRW designation would assure that the waterways are "protected from pollution and that all Texans can continue to enjoy them...I strongly support the ONRW designation for all five systems and urge that all be included in the proposed water quality standards package."

Richards' support ended July 25 with a reversal on the ONRW designation that plays into the hands of the GOP and the pro-development "Wise-Use" movement. Ag Commissioner Rick Perry, gubernatorial candidate George W. Bush and assorted Republicans have attacked the ONRW designation as federal interventionism in state and local matters. The Wise Use movement, which opposes any state or federal regulations that restrict landowners' rights, has been increasingly vocal in Central Texas, particularly regarding endangered species regulations and

water quality issues. Richards' waffling on ONRW does nothing to placate the Wise-Users but provides plenty of ammunition for Bush the Younger, who said he's not going to let Richards "weasel out of" her prior support for the measure.

A brief explanation of ONRW: five waterways—Caddo Lake in East Texas, Christmas Bay in the Galveston Bay system, South Bay near Port Isabel, the streams of Guadalupe Mountains National Park and Barton Creek/Barton Springs in Austin were nominated for the federal designation by a variety of groups, including such radical environmentalists as the Texas General Land Office, the National Parks Service and Texas Parks and Wildlife Department. This is the first time Texas waterways have been nominated for the designation which, under the Clean Water Act, provides the highest level of water quality protection available under federal law.

Several other states have used the ONRW designation to protect waterways. Except for Barton Creek and Springs (which are continually being fought over in Austin) the ONRW designation appeared to be a "done deal." That is, until Richards hit the waffle iron.

In her July 25 letter to Hall, she made no mention of her earlier "strong support" for ONRW. Instead, she wrote, "elected officials and others who initially endorsed the ONRW designation have questioned

whether this is the most desirable mechanism for protecting these waters." Richards then went after federal agencies involved in the ONRW program, while conveniently forgetting that the TNRCC, not the U.S. Environmental Protection Agency, administers the program.

"Frankly," Richards wrote, "the unilateral actions of federal agencies without consultation with state or local government impedes rather than facilitates progress and I have had enough." She continued: "Members of Congress agree that their good intentions to protect the environment become an open door for agencies to run amuck."

So much for the ONRW proposal. The three TNRCC members—Hall, Pam Reed and Peggy Garner—all Richards appointees—quickly terminated the proposal and Hall said the agency would look for ways to protect the waterways without the feds. "We are convinced we can assure adequate protection without ONRW," he said.

So, Richards suddenly has "had enough" with strict environmental regulation. A short while ago, ONRW was "important." By killing ONRW, she pandered to supporters of the Wise-Use movement, who have no intention of voting for her anyway. Or perhaps she is pandering for money. By killing ONRW, she can look good to wealthy developers, who may supply some of the \$15 million she will need to keep her job. —ROBERT BRYCE

Health Care's 3 Percenters

WHY IS HEALTH-CARE reform such a difficult case? Polls consistently show Americans support universal health care and other basics of the reforms proposed by President Bill Clinton. In a recent *New York Times*/CBS News poll, nearly 80 percent of respondents said it was "very important" that every American receive health insurance and 69 percent said they would be disappointed if Congress does not pass any health-care reform this year. Only 3 percent of those polled said universal coverage was not very important. Unfortunately that 3 percent seems to include the entire Republican caucus in Congress, along with selected Boll Weevil Democrats, who seem determined to block any meaningful reforms.

It takes big money to make Congress overlook poll numbers like that, and recent reports have confirmed that the special interests are shelling out what it takes to preserve the \$1 trillion health-care industry. The Center for Public Integrity in Washington, D.C., recently reported that health-care reform has become the most heavily lobbied legislative initiative in recent United States history. In 1993 and 1994, hundreds of special interests have spent more than \$100 million to influence the outcome. According to Federal Election Commission records, over \$25 million was given to members of Congress from 1993 through the first quarter of 1994 by health-care interests. Add to that \$50 million in TV, radio and newspaper advertising, plus as-yet-un-told millions spent in lobbying contracts, polling and grassroots campaigns, "and the result is the largest blitz on proposed legislation in the nation's history."

The Annenberg School for Communication at the University of Pennsylvania found that more than one quarter of the print ads and one half of the broadcast ads, which have helped turn public opinion against President Clinton's plan and have undermined other reform efforts, are "unfair, misleading or false."

The Center for Public Integrity also found that during 1992 and 1993, more than 85 members of Congress participated in 181 trips sponsored by the health care industry to 73 cities in the United States as well as San Juan, Puerto Rico; Paris, France; Montego Bay, Jamaica; and Toronto, Canada. Rep. Charles Stenholm, the conservative Democrat from Stamford and a leader of the bipartisan "go-slow" team on health reform, was tied with Minnesota Republican Senator Dave Durenburger for the most junkets, at 11.

The campaigns have had their effect with Texas members of Congress. Carlton Carl, an aide to Rep. John Bryant, Dallas Demo-

crat, said many of the constituents' comments appear to be based on misinformation. "The sense we get is that people are for the elements of the [President's] plan, but the President has been so trashed that people are confused. They want universal coverage and they are even willing to pay more taxes for universal coverage," but they aren't sure about Clinton's plan, Carl said.

The problem is particularly acute in Texas, where census figures show approximately one-fourth of Texans went without insurance last year and 84 percent of the uninsured Texans were from working families. Unfortunately, those 3.2 million Texans (or their parents) were working for businesses that could not or would not afford health insurance coverage for their employees, but business groups such as the National Federation of Independent Businesses and the U.S. Chamber of Commerce have waged intensive campaigns to fight any mandated insurance coverage.

Texas' delegation to the U.S. Senate has embraced the GOP effort to sidetrack and/or dilute health-care reforms. Senators Phil Gramm and Kay Bailey Hutchison questioned the numbers released by the Clinton Administration to support its health-care reform initiative; after all, everybody they know has insurance. Then the Republican senators said the figures were irrelevant; the issue, they said, was not how many Americans were uninsured, but whether the lucky 80 percent of Americans who have insurance should be "penalized" to assist the remaining 20 percent.

Hutchison has said the nation already practically has universal care because people who don't have insurance can go to places like Parkland Hospital, the publicly funded hospital in Dallas County, and get "the best health care treatment in the world."

Blithe utterances like that make Richard Fisher, the wealthy Democratic Senate nominee, look relatively progressive. Fisher does not support some of the President's far-reaching efforts to provide universal coverage, but at least the Dallas investor recognizes there is a health care crisis and he supports the managed competition concept that would form large purchasing networks to generate competition among insurers and reduce costs.

If you're scoring at home when the bills come up for House votes (tentatively set for August 12), first look for those who support the single-payer bill, HR 1200, which is the most efficient plan and provides the best benefits and the widest choice of health-care providers but is accorded no chance of passage because it would put insurance companies out of business. When that bill fails, let loose a

sigh and look for those who then support universal coverage by a fixed date. Clinton suggested universal coverage by 1998 while Republicans would reduce it to a goal to be achieved sometime in the next millennium.

To achieve universal coverage, somebody has to pay for it. Since there appears to be little groundswell for a broad-based tax, which would be the fairest and most efficient way to finance it, the only realistic option is to require employers to share the costs of providing insurance. If it comes to an employer mandate, most progressive organizations are pushing for employers to pick up at least 80 percent of the insurance cost.

There are other important issues, such as cost control, scope of benefits, administration and choice of providers, but they all follow the critical issues of who gets covered and how we pay for it.

Texas Democrats likely to vote for a strong reform bill, with universal coverage and employer mandates, include Jack Brooks of Beaumont, John Bryant of Dallas, Ron Coleman of El Paso, Henry B. Gonzalez of San Antonio, Gene Green of Houston, Eddie Bernice Johnson of Dallas, Jake Pickle of Austin and Craig Washington of Houston. Gonzalez, Johnson and Washington deserve special credit for co-sponsoring the single-payer bill.

Congressmen who are undecided on requiring employer contributions for all workers, according to a survey by Consumers Union, include Martin Frost of Dallas, who is likely to end up supporting the Democratic leadership; Kika de la Garza of Mission, who has the poorest district in the nation, Frank Tejeda of San Antonio and Charles Wilson of Lufkin.

In addition to every Texas Republican in the House and Senate, Democrats who oppose employer contributions include Mike Andrews of Houston, Jim Chapman of Sulphur Springs, Chet Edwards of Waco, Pete Geren of Fort Worth, Ralph Hall of Rockwall, Greg Laughlin of West Columbia, Solomon Ortiz of Corpus Christi, Bill Sarpalius of Amarillo and Charles Stenholm of Stamford.

Constituents may be confused by the conflicting messages on radio and TV and in the public prints but members of Congress do not have that excuse. The Republicans believe they can gain control of Congress this fall in part by killing health-care reform and many Democrats will help them, but a health care system that only covers 75 to 80 percent of the people is not "good enough."

Call your representative at 202-224-3121 and cancel out an ad.

— J.C.

Bo Pilgrim's Hands

BY CAROL COUNTRYMAN

PILGRIM'S PRIDE Chief Executive Officer Lonnie "Bo" Pilgrim says in his commercials he "just won't sell a fat yella chicken." Neither would he bribe state officials. But in 1989, the CEO of the Northeast-Texas-based poultry company walked onto the floor of the Texas Senate and handed neatly folded \$10,000 checks to legislators—with the name of the payee blank—along with his business card and information outlining his concerns with workers' compensation. Pilgrim's Senate visit occurred two days before a crucial vote on a bill written to reform the state's workers' compensation bill.

Workers' compensation in Texas was too expensive, Pilgrim told legislators, and if reforms weren't implemented he might have to move his company to Arkansas, where it is cheaper to operate. The bill, an attempt to "streamline" the workers' compensation process and reduce the role of attorneys representing injured workers, was enacted and went into effect in 1991. Now, five years after Bo Pilgrim's high-dollar lobbying effort, the Texas Workers' Compensation Commission has completed its second investigation into alleged wrongdoing at Pilgrim's Pride.

Both investigations found "numerous violations" on the part of Pilgrim's Pride and its insurance carrier, Old Republic Insurance Company. Violations included late reporting of injuries and, in some cases, missing reports to the TWCC; late payments of benefits to injured workers; and late payment of medical bills to physicians. The state agency sent notices of violations seeking \$28,000 in fines against Pilgrim's Pride and \$450,000 in fines against Old Republic Insurance Company, although commission spokeswoman Linda McKee said those fines may be reduced if the companies take steps to bring their procedures into compliance.

The results of the investigation came as no surprise to Dr. Louis Arrondo, a Mount Vernon-based family practitioner and one of very few Spanish-speaking physicians practicing in East Texas. For years, Arrondo had been hearing horror stories from his patients about working conditions at the Pilgrim's Pride plant in Mount Pleasant. Injuries were

commonplace, they told him, and ranged from falls to severed limbs to death. Arrondo's female patients, mostly Hispanic and many of whom are undocumented, also complained that they were being physically and sexually abused by male supervisors. In order to get proper equipment, some said, they had to let the supervisors touch them.



VALERIE FOWLER

"They treat us badly," said Blanca García, who was injured at the plant and alleges she was sexually and physically abused. "They call us wetbacks. They tell us we should be grateful because we get paid more here in an hour than we do for a full day's work in Mexico."

Arrondo tried to alert state officials to the problems. He phoned, faxed and wrote. But no one, it seemed, would listen. Then, in 1992, Arrondo wrote a confidential letter to the Workers' Compensation Commission, relaying what his patients had been reporting. "I feel the employees at Pilgrim's Pride are being mistreated, abused, and not being informed of their rights when it comes to workers' compensation," the letter said. Arrondo told the commission that reports of injuries were being suppressed by supervisors, that workers were not provided the forms on which to report accidents, that workers with repetitive-motion injuries were being pressured to continue with the same job until they were physically unable to continue. "Sexual abuse is also being related to me," Arrondo stated in the letter.

Shortly after he sent the letter, Arrondo

said, workers began telling him that they were warned not to be treated in his office. Threats of firing and/or deportation were used to discourage workers who continued treatment in Arrondo's office, workers said. Arrondo said that at the same time it became difficult to collect from insurance companies. He later discovered that a TWCC official in the Tyler office was negotiating deals that denied Arrondo compensation for his services, prohibited workers from being treated in his office and denied workers their temporary income benefits.

Representatives of Pilgrim's Pride deny that the company harasses its employees or tries to prevent them from seeking medical attention for their injuries. The insurance company refused to respond to repeated attempts by the *Observer* to get comments. But Arrondo and his former patients produced documentation of months and years they have spent trying to obtain compensation for injuries sustained at a Pilgrim's Pride poultry plant.

"The wrongdoing starts at Pilgrim's. They suppress the injuries," Arrondo explained. "Eventually, the worker will complain so much that they can't do their work anymore—until they get fired." The most common injury reports suppressed, said Arrondo, are those which result from cumulative trauma, such as carpal tunnel syndrome and other impingement syndromes of the upper back, which cause the muscles to ache and swell from constant use. The damage is extremely painful, may cause crippling and often permanent gnarling of the hands and fingers.

According to the U.S. Department of Labor, the poultry industry ranks third in the nation in the rate of occurrence of cumulative trauma injuries, which result from the furious pace of repetitive work and abnormal temperatures in the plants. (According to state records, 912 injuries were reported to the Texas Workers' Compensation Commission from Pilgrim's Pride's Texas plants from January 1991 to May 1994. Those injuries included wrist and upper-back strains from repetitive motions in the production lines, broken bones and back and neck injuries from falls on the greasy floors, limbs being severed and at least three deaths in the plant since 1985. And in Lufkin one employee has been indicted on a charge of murder, which is alleged to have been committed on the production line in the plant.)

Many of the line workers at Pilgrim's

Carol Countryman is a freelance writer based in Kemp.

are women, mostly Hispanic or African-American, drawn to the jobs that start at \$6 an hour. Some refer to their work as "slavery" and compare working conditions and sexual harassment they endure in the plant to something that might have occurred on plantations.

For Blanca García, who no longer works at Pilgrim's, the end came one day when she needed to go to the restroom but was told by her supervisor that she would have to wait

until the break. She said she went anyway and when she returned, because the line had not been stopped while she was gone, chickens, which move along the line at the rate of 70 birds a minute, had fallen off the conveyor belt and piled up on the floor. "He noticed that," she recalled. "He grabbed me by the apron and screamed obscenities in my face. He shoved me and I fell on some boxes. That's when I left. I haven't stepped foot in there for three years."

The Man in the White Hat

BY MOST ACCOUNTS, the investigation into Pilgrim's Pride and its insurance carrier that found numerous violations of the state workers' compensation law is credited to John Nash, the president of the Tyler local of the United Rubber Workers Union, who last year was appointed by Governor Ann Richards to the Texas Workers' Compensation Commission.

"Nash wears the white hat," said Emil Curello, administrator for Arlington South Orthopedics Center and a critic of the commission, which was a product of 1989 reforms. "Until he came to the commission, no one had access to the commissioners."

Curello said the investigation into Pilgrim's Pride was instigated in December after a group of administrators from a statewide organization of orthopedic clinic administrators cornered Nash outside the men's restroom during a break in the monthly commissioners' meeting.

"We began telling him about the problems with the workers' comp system," Curello recalled. "I said, 'Mr. Nash, if you want to see it for yourself, take a look at a doc in your own backyard—Dr. Arrondo.'"

"I'll never forget it," Curello recalls. "He invited me and my doc, Dr. Hinkley, to meet with him in Tyler. We got there and Representative David Cain [a Dallas Democrat] was there. We told them both about the problems. Then he invited a group of us to a meeting in his hotel room the night before the next commissioners' meeting, and there was Todd Brown and other bigwigs from the commission. He asked us to tell our story to Todd, then Mr. Nash told Todd to call Dr. Arrondo, right then, that night. It was about 10:00 or 10:30. He told Todd to tell Dr. Arrondo the commission would take care of the problem."

"The commissioners are painted a very rosy picture of what goes on in the commission," Nash said. "But soon after coming on the commission, I started hearing horror stories about injuries in the workplace and the complicated maze of the workers' comp system."

In February, the commission held a

public meeting at the First National Bank in Mount Vernon. "Sixty workers showed up and it looked like a Bosnian war zone, slings and bandages and all the rest," Father Les Schmidt recalled. "Xavier [Gonzales, TWCC Ombudsman] said 'Well, we've got to do something about this.'"

In April, John Nash called the TWCC staff together and held an unprecedented public meeting in Mount Pleasant to hear from injured Pilgrim's Pride workers. About 100 people attended, several from Dallas, Arlington, and as far away as Lubbock. "We're finally getting to talk to someone in charge," one man said.

"There are things about this law that I feel are grossly unfair," Nash told the crowd. A man in the crowd stood up and said, "They [insurance] come in wielding a four-inch-thick book of laws, and all they give me is this one-page pamphlet to defend myself."

Nash said he is receiving calls, faxes, and letters almost every day from people around the state who have horror stories to tell about the workers' comp system. "I'm not against cost reduction if it's occurring because there are less accidents in the workplace," Nash said.

In May, Nash said, the commissioners learned that since 1991 the commission has fined insurance companies in Texas \$5 million for wrongful activities, but have only been paid \$900,000. Nash said he had not received a satisfactory explanation for why that was the case, although he was told that in many cases the fines are negotiated down.

"I'm upset about that," Nash said. "If an employee does something wrong, they immediately stop benefits...but if the insurance company does something wrong it takes a long time to get any action and even when you fine them it may be negotiated down later. I think [insurance companies] need to be punished when they do something wrong," he said, adding that he expects the commission to take a "good, hard look" at how the agency applies the workers' compensation law. —C.C.

"This is very difficult for all of us," García added. "If you report an injury and they tell you you can't work, you don't get paid. You have to start battling with the insurance, the company, with doctors. You have to do everything yourself to get paid. We go to Human Services for help, and they say we might have problems with immigration. So what are we supposed to do?"

SOME POULTRY WORKERS at Pilgrim's Pride contend that the company uses an indirect form of intimidation to influence injury statistics. "They have these safety awards out there—to keep injuries down," one man said, declining to be identified out of fear of losing his job. "I've seen people run wire up their hands, need to go to the doctor, need stitches, but won't because of the safety awards."

Safety awards include inducements such as watches, thermoses and money. Everybody on the line gets an award if no one is injured. But if one person gets hurt, nobody gets the award. "It's like boot camp. If you do something wrong, everyone gets punished for it. It's the same principle," the man said. He added, "If you hurt your wrist and you want to go to the doctor, you better think about it. Are you gonna go back in there where they have these sharp knives and stuff, over a sore wrist. You might come out with a scar across your head."

Pilgrim's Pride, which employs 10,000 people in the United States and Mexico, takes pride in its Safety Awards program, boasting in one of the company bulletins: "One of the safety programs that has contributed to lowering our accident and injury rate is our Corporate Safety Awards Program," says Mark Holmes, a safety manager. "The company rewards our Partners for achieving no lost-time injuries." According to Bo Pilgrim, safety awards are based on the number of man-hours worked with no lost time due to accidents. Lost time refers to missing at least one day of work with a work-related injury. In 1993, the Lufkin complex set a U.S. poultry plant record for the most man-hours without a lost workday.

"There's a terrible loophole in the law," said Gary Cunningham, executive vice-president of the United Food and Commercial Workers' Union in Dallas. The union is trying to organize plants such as Pilgrim's Pride's in Mount Pleasant. It has organized Pilgrim's plant in Lufkin but is working without a contract there. "Unless there's a death or dismemberment—loss of limb, eye, broken bone—if it doesn't require hospitalization, as long as they can keep that employee from showing up as being off the clock, they don't have to charge it as a lost-time injury," Cunningham said.

One way to reduce lost time, workers allege, is by requiring the worker to take a personal day or vacation day, instead of a

lost-time day, thus charging the worker rather than the company for the lost day. Another way the company prevents lost-time, Pilgrim's employees contend, is by forcing workers to work while injured, or sending them to company doctors who tell them there is no injury and that they must return to work. Many times, workers allege, the company doesn't report the injury to workers' comp and doesn't inform employees of their rights. People who advise workers of their rights, as Arrondo does, find they are no longer welcome in the Pilgrim's Pride system.

THE FIRST STOP for most injured workers is the nurses station, where they might get a pain reliever or balm such as Advil or Ben Gay, Arrondo said. "The worker will say, 'I'm not getting better this way' and Pilgrim's will send them to certain company doctors. And those doctors will tell them there's nothing wrong, give them pain medication, and send them back to work." If the worker begins to complain, Arrondo said, they will very often get fired.

Juana Martínez, a 31-year-old mother of five small children, had several injuries, Arrondo said. "She had a door fall on the back of her neck—one of those big plant doors—it fell on the back of her neck. She also injured her right wrist. For two years she had to use only her left hand to work, because the right was injured. In this particular case, I diagnosed [carpal tunnel syndrome] and Pilgrim's started paying for it. This was early on. They paid for a couple other visits, then they stopped paying. I sent her to Dr. [Mark] Race, a specialist in Tyler, for an EMG [electromyogram], which was positive for carpal tunnel. Once it gets to carpal tunnel, they will very likely have to have surgery." At that point, said Arrondo, the insurance adjuster said Martínez wasn't injured, there was "no injury." "The insurance companies and the loss-control department at Pilgrim's are working together," Arrondo said. "Then the insurance company and the TWCC determination officers, as far as I'm concerned, are working together to rubber-stamp these claims."

Emil Cerullo is an administrator at Arlington South Orthopedic Clinic and a member of the Texas Orthopedic Business Administrators Association. He agrees with Arrondo and his description of the obstacles workers encounter is not unlike Arrondo's. "A lot of this is just the Texas Workers' Comp system and how crooked and how unfair it is for the worker," Cerullo said. "The worker would become injured and then they would go to the company doctor," Cerullo explained. "The company doctor will tell them they are okay, give them some medication and send them back to work." Sometimes, said Cerullo, the injuries do heal themselves. In other cases,

the injury is significant. "So now they go to the doctor for a month or two, they are told nothing is wrong. The patient starts to ask to see someone else. Enter Dr. Arrondo, who decides, okay, I need to get some diagnostics done in order to prove pathology. At this point the insurance company can simply deny it without any medical reasoning. In other words, an adjuster can simply abort care against a doctor. So even if a doctor is sitting here saying [a patient] is experiencing pain, there is nothing to prevent that doctor from being stopped by a simple insurance adjuster with no medical training. There's a flaw in the system."

The insurance company ordered Juana Martínez to see Dr. Barry Green in



VALERIE FOWLER

Texarkana for a second opinion. He diagnosed de Quervains, a form of tendonitis of the right wrist, gave her a zero-percent disability and stated that she had met her maximum medical improvement—before her surgery—as of August 19, 1993, the date he examined her.

"I wrote this man back," Arrondo said. "I said I have positive EMGs and x-rays. The insurance company was supposed to give them to the doctor. He never got them, I guess. He sent this letter to the insurance company and their attorney. He did not send the letter to me. I never received anything."

The letter Arrondo refers to, dated September 9, from Green to the Tyler law firm of Cowles & Thompson, attorneys for the insurance company, states that Arrondo sent reports confirming de Quervain's, but also showed a magnetic resonance image with a "mild disc herniation" and a problem with Martínez's right shoulder. "When I examined the individual she had no symptoms whatsoever of cervical or shoulder," Green's letter said. He suggested a re-evaluation.

Upon re-evaluation, Green stated, "there is

no basic change from my evaluation on August 19." However, this time he gave her a 6-percent bodily impairment rating and wrote "appropriate treatment has been given and the examinee is plateaued and is not likely to improve with future treatment. By definition she is at MMI as of August 19, 1993."

"It was his word against mine and Dr. Race's," Arrondo said. "The adjuster said she didn't have anything. Who came up with the 6-percent bodily impairment? I certainly didn't give it to her. I'm supposed to be her attending physician."

According to the workers' compensation law, the attending physician determines the impairment rating, based on American Medical Association guidelines. If the carrier disagrees with the rating, it can request a patient evaluation from a doctor the carrier chooses. Once a patient reaches maximum medical improvement (MMI) and is assigned an impairment rating, she will receive 3 weeks of benefits for every percentage point of impairment. If a patient has 6-percent impairment, she will receive 18 weeks of benefits at 70 percent of her weekly income. This can be paid in one lump sum and is considered compensation for the injury suffered. However, if the patient receives an impairment rating of 15 or above, she will be eligible for supplemental income benefits, which are intended to compensate for the difference between pre-injury and post-injury earnings.

"It's a way to try to make you lose as little as possible," said TWCC spokeswoman Linda McKee of Austin. "Those are paid to a maximum of 401 weeks total from temporary income benefits to supplemental income benefits. Temporary income benefits stop at 104 weeks. Anytime you are determined to have reached MMI, your temporary income benefits stop." But to receive temporary income benefits, the patient must have missed at least eight days of work; otherwise the worker is "double-dipping." The eight-day requirement, according to many critics, is a motivation for employers to keep employees on line and not to report lost time.

"The MMI is very controversial," said Cerullo, the orthopedic clinic administrator. "It gives the insurance company the ability to say to a patient 'You are now MMI.' They now cut off their benefits. So the patient has no money, no income, can't work and is still injured."

The insurance company told Arrondo that Green was right and Race was wrong. The insurance company would not approve payment for carpal tunnel surgery, would not pay for Martínez's medication, and would not allow her any impairment benefits.

In November 1993—a full year after Arrondo diagnosed carpal tunnel and requested a surgical release—Martínez was evaluated by Dr. Bruce Hinkley, an Arling-

ton-based orthopedic surgeon. Hinkley agreed with Arrondo and Race that Martínez did indeed suffer from carpal tunnel syndrome. Hinkley's report stated: "To deny her a carpal tunnel release at this time is to guarantee further nerve damage...If my understanding of the patient is correct, the level of resistance to this procedure is criminal in its degree of neglect for her well being." Arrondo called the insurance company back after receiving Hinkley's report and again was told that Green's report stood, as did the MMI and zero-percent disability. And that was final.

"The insurance companies will make you fight tooth and nail to get these approvals," said Cerullo. "And that's where the length of

time begins. So now you have patients where care is being aborted that are forced to wait in pain in order to fight the battles over why these tests are medically necessary."

Arrondo helped Martínez secure another benefit review conference from TWCC. On January 21, 1994—nearly two years after the initial injury—Martínez attended the conference. She walked into the hearing room, alone, speaking no English, represented by no one. Seated across the table from her she saw the hearing officer, Charlie Way from the TWCC office in Tyler, two supervisors from Pilgrim's Pride, a representative from the insurance company, an interpreter, and an ombudsman from TWCC who was not a lawyer and could not

give Martínez legal advice.

"They wouldn't listen to what I had to say," Martínez said. The result of the conference was that the insurance company and Pilgrim's Pride would agree that there was a compensable injury, only if Martínez would agree to take no temporary income benefits and would consent that she had reached maximum medical improvement as of August 19, 1993—the date Green initially saw her and gave her a zero-percent disability rating. The insurance company would agree to a 6-percent whole-body impairment, but for further medical treatment, Martínez would have to agree to see another physician in Winnsboro instead of Arrondo, and the carrier would agree to pay only outstanding medical bills submitted by Race and any medical testing ordered by Race prior to January 21, 1994.

"All this time they said she had no problem," Arrondo said in disgust. "They finally said, okay, she had a problem of 6 percent, [the insurance] carrier will pay for treatments, but not any temporary income benefits. She lost all the time she was off. It states the date of MMI as August 19, 1993. What that means is she cannot improve anymore. She has not had her surgery yet. She has not had anybody look at her since I was forced to stop seeing her. She has impaired discs in her back, carpal tunnel. She's in a lot of pain, but she hasn't been able to get any medication. Winnsboro is over 30 miles from where she lives. She doesn't have any way of getting there, has to have someone drive her.

"The thing is, I'm her treating doctor, and they now assigned [another doctor] as her treating physician—because the insurance company doesn't want her to see me. Carrier agrees to pay only outstanding medical bills submitted by Dr. Race—the doctor I referred her to for a second opinion. They will pay Dr. Race, but they won't pay me."

Arrondo said that although the TWCC was negotiating deals to deny payment of his bills, the agency didn't make him aware of it. "I had to find out about it from the patients," he said. "If they had not come back, I would not have known."

This was not the first time the insurance company, with the apparent complicity of the Texas Workers' Compensation Commission, had negotiated away Arrondo's rights to compensation. In at least three other cases, the state agency negotiated agreements stipulating that the insurance company and Pilgrim's would agree that there was an injury—only if the patient would no longer see Arrondo, according to confidential benefits-review reports obtained by the *Observer*. The physician believes this was a form of retaliation for his attempts to improve conditions in the workplace and for injured employees.

"Pilgrim's doesn't want any workers' comp claims filed. Period," said Cunning-

Citizen Bo

"JESUS CHRIST is a personal friend of mine," Bo Pilgrim told a crowd of about 300 people attending a God-and-Country-type rally sponsored by the First Baptist Church of Pittsburg. The June 29 spectacular honored Mike Huckabee, the Lieutenant Governor of Arkansas and an ordained Southern Baptist minister, who was to address the congregation that evening. A huge American flag provided the backdrop for Pilgrim, and a U.S. Air Force color guard provided the pomp and circumstance.

Dinner on the grounds was also furnished for the crowd of "deep-water" Baptists, as they like to refer to themselves. Religious music was mixed with patriotic songs, from "Amazing Grace" to "America the Beautiful." Pilgrim is active in Republican politics and now is working on George W. "Junior" Bush's campaign for governor. Other Republican candidates at the rally included Dr. Mike Blankenship, a kidney specialist from Texarkana who is challenging incumbent Sulphur Springs Democrat Jim Chapman for the First Congressional District seat in November. All in all, it was a very American picture, like a scene from a Norman Rockwell painting.

While Pilgrim was pontificating to the crowd of "deep-water" Baptists, some folks in town were telling reporters their favorite Pilgrim story. Some recalled the time Pilgrim was caught handing out \$10,000 checks to state senators on the Senate floor two days before they were to vote on workers' compensation reforms he was backing. Although some said they looked like bribes, Pilgrim called the checks campaign contributions, and they were legal, although some embarrassed senators later returned the money after the newspapers found out about the payments. The Legislature in 1991 made it il-

legal to give or take campaign contributions in the state Capitol or state legislative and executive offices.

One woman, laughing so hard tears were streaming down her face, told about the time Pilgrim wanted to remove a house near the feed mill, which was smack in the middle of town. He delegated this duty to his youngest son, Pat. "Pat takes it upon himself to buy dynamite, places it in the house, and blows it up. Blows it up! It knocked the electricity out down town," she said. "Can you imagine going and buying dynamite and just blowing something up?"

Other folks just wanted to talk about Pilgrim's mansion, Chateau de Pilgrim, or Cluckingham Palace, as locals like to call it, which sits just south of town, practically on the road. Right after it was built, a woman said, Pilgrim was giving tours of the house. "They made up this description sheet for you to have when you tour," a woman said. "It states that in the garden area there would be a bronze statue of Pilgrim. On the shoulder would be a replica of Bo's grandfather." On the shoulder? Like a parrot?

Everyone seems to agree that Bo Pilgrim certainly worked hard to become successful. And what's good for Bo is good for Pittsburg, they say. "Bo's a Deep-Water Baptist," someone explains.

"There are ankle-deeps, who aren't very committed; knee-deeps, deep enough to make waves, but still close to the shore—worldly things; waist-deeps, which make up the majority of your congregations, the church couldn't survive without them; and deep-waters, they get in and do everything for the church. Bo's one of them." "Yeah," a woman points out. "But I guess no one told him that deep water and chicken fat don't mix." — C.C.

ham, the food workers' union official. "Failing that, if a claim has to be filed, they want you to use a company doctor. If you don't use a company doctor your doctor is not going to get paid, and neither will you." Cunningham added, "Those people in the Tyler workers' comp office are either terribly ignorant, or there's some hanky panky going on."

Pilgrim's position is that a worker is always allowed to see the doctor of his choice, but oftentimes the worker doesn't state a preference. In those cases, Pilgrim's officials say, the company finds the most expedient care available, which depends on such factors as which doctor is on duty and who has office hours and is available to see patients. "We have no reason at all to try to deny a worker their benefits," said Ray Gameson, Pilgrim's vice president of human resources.

Herón García might not agree. García, 25, began working for Pilgrim's Pride in Mount Pleasant when he was 16. In January 1991, while washing floors, he was injured when he was struck by a metal bar. In May 1992, García began showing symptoms of carpal tunnel syndrome. He said he told his supervisor about the first accident, but tried to continue working. The next week Pilgrim's sent him to a company doctor who provided him with pain pills and released him to return to work. Subsequently, he saw many different doctors. "First it was just my shoulder, there wasn't anything else wrong," García explained. "But then I just kept working and kept working and it complicated everything. Then I had to stop working because my chest kept popping. But they didn't believe me, they said it was related to another injury, that it wasn't work-related."

In March 1993, García went to Arrondo. He was told that because he had been treated by other doctors for injuries covered by workers' compensation, the TWCC would have approve his transfer to another physician. "When I asked the TWCC for those papers, they didn't have them. They had nothing on my case whatsoever. Nothing," García said. "I said, 'What do you mean?' They said, 'You shouldn't be here, we have nothing on you.' I said, 'But I've been seeing doctors.' They said they were sorry, they would send me the forms to get something started."

On April 16, over two years after he was injured, García was given forms to file an Employees Notice of Injury with the TWCC. "The company fills out the form if you are injured. They don't like for you to have it," García explained. "In my case, they [company doctors] called the company in every case before they would see me. I don't know why. I had the paperwork with me that said workers' comp was gonna pay." So he thought.

That's where a loophole in the Texas

Workers' Compensation law comes into play. According to law, injuries must be reported to the employer within 30 days in cases of occupational disease, within 30 days of the date the disease is determined to be work-related. The notice may be written or verbal. In order to receive workers' compensation, the claim must be filed within one year of the injury. Any claims can be denied if not reported as required by law.

However, the employer does not have to report the injury to the TWCC unless the worker misses more than one day of work in connection with the injury. So if the doctor gives the patient pain pills and sends him or her back to work, no notice is given to the commission. Moreover, the employer may choose to pay the physician's bill instead of requesting the insurance carrier to pay it, thus keeping claims lower—because they are not reported—which, in turn, keeps insurance rates lower.

Arrondo and other physicians interviewed for this story believe this process gives some company doctors a "financial motivation" to look the other way. "There's a fee list that the TWCC allows doctors to be paid for certain procedures and no more," said Arrondo. "But if the employer pays the doctor directly, they can pay whatever they want. Maybe a lot more." Doctors Bruce Hinkley and David Selby, both Dallas-based spinal surgeons, are forthright in their characterizations of doctors who engage in such practices and are often selected by insurance companies to give second opinions for spinal surgery. "They are known in the medical business as insurance whores—high-priced physicians who prostitute themselves for the insurance companies," Hinkley said. "Some of them are just slot-machines for insurance companies," said Selby. "Workers' comp is set up so insurance companies have the upper hand." He added, "I think it has been cruel and vicious with patients."

In May 1993, Herón García attended his benefit-review conference. The insurance company and Pilgrim's were represented by the same attorney. García represented himself. According to the written agreement signed two weeks after the hearing, Pilgrim's Pride and the insurance companies would concede that García's injury was be compensable, but only if García agreed to treatment by another doctor for surgery and follow-up on his right hand only; agreed to no temporary benefits for lost time; and agreed for the carrier not to pay for any treatment by Arrondo. García said that he was told at the conference that Arrondo would be paid for previous treatments.

García said he signed his benefits-review agreement in Pilgrim's office, where several Pilgrim's supervisors served as witnesses. "I asked them to explain the paper. I can't read much English. They said it was

what we agreed to at the hearing, that they were going pay Dr. Arrondo's bills, they were going to get me fixed. The paper didn't say that, though. It says they won't pay Dr. Arrondo. I don't understand that."

As established by the agreement, García was ordered to see another physician, who performed surgery on his wrist to remove a ganglion cyst. But according to medical record, no cyst was found. He then was ordered to have an independent medical examination from yet another physician. Not only did the insurance company send him to a doctor selected by the company for examination, García was transferred to that physician for all further treatment. That doctor wrote in his medical notes, "He did have right hand surgery...but I am not exactly sure how that responds to the original injury."

AUGUSTINA BONILLA was injured on October 24, 1992, and was diagnosed with a repetitive-motion injury the following November 7. Arrondo suggested two to three weeks of complete rest or very light duty. On November 19, Pilgrim's filed the first report of injury with the TWCC, stating that Bonilla reported the injury to her supervisor, Robert Eastham, on October 24, 1992. Pilgrim's also filed a wage statement, again stating the injury occurred October 24, 1992. According to Pilgrim's reports, there was no "lost time."

But in a tape-recorded interview the insurance company conducted with Eastham in December 1992, the date of injury changed. He stated in that interview that Bonilla reported the injury to him on November 13, 1992, that she said the pain began a year earlier and that it just "happened over time." He said she was offered light duty that same day, November 13, 1992, but that she chose not to work, taking a personal leave of absence instead. But three weeks earlier, on November 10, internal documents obtained by the *Observer* show Eastham filled out the leave of absence form himself, three days prior to the new injury date Pilgrim's was claiming.

Pilgrim's own documents show this is not the first time injury dates have been changed on reports. Juana Martínez said she first notified her supervisor of her injury on February 11, 1992. But according to information on Pilgrim's Employer's First Report of Injury or Illness, which was filed January 5, 1993, and other documents, Martínez reported the injury in February 1992. However, eight months later, Pilgrim's amended the Employer's First Report of Injury, changing the date Martínez first informed her supervisor to April 20, 1992. Subsequently, records show, the insurance company denied Martínez's claim based on the defense that she had not reported the accident within 30 days of its occurrence.

Ray Gameson, vice president for human services for Pilgrim's Pride, said that rules governing procedures for reporting injuries are confusing. The Occupational Safety and Health Administration requires the date that the worker first knows it's a work-related injury, while workers' compensation law requires use of the date a physician diagnoses the injury as work-related. He did not know specifically what happened in Martínez's case, but said he was certain there was a good reason for the change of injury date.

Over the course of the next year, as he had done with Juana Martínez and Herón García, Arrondo charted what he believed was a pattern of questionable maneuvers by the insurance company—denying the claim as non-compensable, denying pre-authorization for procedures that would definitively show the injury was work-related, forcing the patient to go for months without pain medication. Arrondo also filed a medical report with the TWCC stating: "Please Note: the patient is relating to me that even though she works 40 hours, she is being paid for less. The patient has not lost time from work at limited type work." On March 3, 1993, after months of wrangling with the insurance company to approve treatment and months of going without medication, Bonilla, "crying in pain," was treated in the emergency room and hospitalized. Arrondo ordered that she stop working at that time.

In July 1993, Bonilla attended her benefit-review conference. The result: The carrier would have her evaluated by a doctor in Fort Worth—three hours from her home—and if the physician found a compensable injury, Bonilla would have to continue seeing him; she would be required to request a transfer from Dr. Arrondo to the Fort Worth physician; and she must agree not to seek any further treatment from Arrondo in connection with her injury. Bonilla received and signed the agreement on November 30, 1992—four months after the conference. After she had hired an attorney, in April 1994 she received a check for \$489 for her lost time in 1992, minus \$123.45 in attorney fees, which by law must be paid from the claimant's benefits.

Todd Brown, executive director of the Texas Workers' Compensation Commission, said that BRC hearings aren't normally handled that way. He added that a patient cannot sign away a doctor's right to payment. "I think if you look further," Brown said, "you'll find in those cases where we have found some irregularities, we have taken action to correct them."

Brown added that Arrondo never filed for appeal in those cases and never followed the proper procedures. "He just wanted the commission to pick up the phone and make the carrier pay his bills." Brown also said that almost half the bills Arrondo said had not been paid were paid. Arrondo replied

that some bills were later paid, after protracted battling with the insurance companies, but that the problem of significantly late payments was ongoing.

Arrondo added that he would never have known about the deals denying him payment, which TWCC representatives negotiated in the benefit-review conferences, had the injured workers not come back and told him; the TWCC never sent him copies of those agreements.

Brown says recently implemented procedures will ensure that all agreements are reviewed in the central office in Austin—to see that people are not signing away their rights and that no "sweetheart deals" are negotiated. Also, the agency is making an effort to place more Spanish-speaking officials in Northeast Texas.

But, Cerullo said, workers still are being ground up in the system. The reason, according to the orthopedic clinic administrator, is the 1989 reform bill, which legislated workers' lawyers out of the game. Benefit-review hearings are unbalanced, he said, because workers usually cannot afford a lawyer, so an ombudsman, who is not a lawyer and cannot offer legal advice, accompanies workers, while insurance companies are represented by their attorneys. "We're talking laborers—people who can barely speak English in some cases or barely have a high school education in others. Or both." He adds that these people are being dumped into Medicaid and Medicare. "You have a commission that is ripping the worker off of his benefits with the insurance companies and then dumping that worker back into the public's checkbook."

BROWN SAID THERE seems to be a widespread problem with Spanish-speaking workers dealing with the commission. "The common thread here is you have a segment of people out there getting injured...whether it's education level or cultural level, we're not communicating with them well. It's a problem we're trying to address, because if they don't file a claim within a year, they can lose their rights."

"I believe that many Spanish-speaking workers are being abused and taken advantage of by unscrupulous employers, from what I've gleaned from talking to my patients," said Race, the Tyler physician who also chairs the Rehabilitative Committee for the Texas Medical Association and serves as an advisor to the Workers' Compensation Commission. He added, "It's not uncommon to see it at all, but time after time from the same company, a pattern starts developing."

Bo Pilgrim responds that the problem might lie elsewhere. Pilgrim asked why the press doesn't write about the good things Pilgrim's Pride does—like the company's ministry program. Through the Pilgrim's

Cares program, ministers are retained to counsel employees and help them with the stress of daily life. None of the clergy members are Catholic, although more than 50 percent of Pilgrim's workforce is Hispanic and largely Catholic.

In December, Father François Pellissier told *Catholic East Texas*, the newspaper of the Diocese of Tyler, that priests and nuns had "absolutely no access to the plants. It's almost a police-like environment." Pellissier said that Catholics had been told by fellow employees at the plant, "If you haven't received Jesus Christ as your personal Lord and savior, then you aren't saved," or, "You're not a Christian because you're Catholic."

Pilgrim, a devout Southern Baptist who has built a beautiful Prayer Tower in Pittsburg, the Camp County seat where his corporation's home office is located, acknowledged that there are no Catholic priests working in the company's ministry program. He said that if employees wanted to consult with a Catholic priest, one would be provided. Pilgrim also denied allegations of sexual harassment and intimidation, saying that the ministers in the plants would know if such activities were occurring. The company, he said, will not tolerate sexual harassment of any sort. "We've been in business 48 years; we would have to be dumb to do things like this," Pilgrim said. If conditions were as bad as some have alleged, he said workers "would strike, they would rebel, they would quit."

But the situation became so serious that in January the Catholic Diocese called in a special community organizer to help "secure simple justice for injured Pilgrim's Pride employees."

"For the past two years so many workers have been injured in the workplace at Pilgrim's Pride," according to Father Les Schmidt, the organizer called in from Big Stone Gap, Virginia, "that one of the TWCC commissioners put it this way: If we have that much smoke, there must be pretty heavy fire." Schmidt said workers tell him that for every one worker who files for workers' comp, there are five to six others who do not, because they are afraid of being fired and shipped back to Mexico. "Mexican-bashing gets pretty fierce up here," Schmidt said.

Brown said that the commission was meticulous in conducting the recent workers' compensation investigation. "In the case of Pilgrim's, whatever action we take, we wanted to make sure it would not be something that we would lose," Brown said. "If we found acts of wrongdoing, I told my staff to make sure these cases were solid because I didn't want to lose. If I go into a district court in that area, I've got several things I have to overcome."

But even before litigation, there are other obstacles. According to Brown, the greatest

difficulty the agency confronted is employees who are were too scared to come forth with information. "When we met with Father Schmidt and Dr. Arrondo they told us, 'They're afraid to come out.' I'm not sure how you bridge that gap, because there's always a possibility that if they come forward and complain, A) they can be fired, and B) they can be deported. And I have no protection against that."

Brown said the commission tried to keep the investigation from becoming too widely known, because "my biggest fear has been all along that if these people were illegal immigrants, that Pilgrim's would just turn themselves in." In March, in an immigration raid conducted on Pilgrim's plants in Dallas and Mount Pleasant, 30 and 42 undocumented workers were detained, respectively. "And out of the 30 or 40 they picked up that day, of those that have been sent back [to Mexico], I can't do anything for them," Brown said.

To Bo Pilgrim, however, there is no

problem with workplace injuries, although there is a handful of malcontents spurred on by one doctor. "We have people approach us for a job and have credentials—Social Security, driver's license and so forth," Pilgrim said in an interview. "We're not responsible for it. We are responsible for honoring the documents that people present to us—that they are valid. You have to take them or they can file a discriminatory suit against you because you don't accept them."

"So a lot of these people get hired. And coming out of Mexico, where you make five dollars a day, has become a racket to some extent with people coming out of there and getting jobs and saying, 'Uh oh, my wrist is hurt and I hurt my back and I need attention,'" Pilgrim said.

Of the 10,000 employees Pilgrim's Pride has, Pilgrim said, "We have eight cases, and they are all with one doctor. And the others are good people that aren't caught up in this."

IN MAY, ARRONDO filed a lawsuit in state district court in Brownsville against Pilgrim's Pride and its insurance carriers and adjusters, alleging interference with his doctor/patient relationship. "The poultry industry...is hard monotonous work which tends to result in repetitive trauma to the body," the lawsuit states. "The workers in this type of industry, being unfamiliar with the law and at high risk for injuries that develop over a long period of time are in an ideal position to be exploited by unscrupulous employers, insurers, and adjusters eager to reduce claims and increase profits."

"Pilgrim's is trying to exploit these people for whatever reason, by whatever means," Arrondo said. "They are trying to get cheap labor, put them under their thumbs, and work them to death. Period. Not let them have their rights. Even if they are not citizens, they have workers' compensation rights."

That same month, Juana Martínez, Herón García and Augustina Bonilla also filed a wrongful termination lawsuit against Pilgrim's. Representing Arrondo, Martínez, García and Bonilla is the law firm of Williams, Blizzard & McCarthy, of Houston, and Steve Norris, of Longview.

Clifford Butler, Pilgrim's chief financial officer, calls Arrondo's lawsuit "spurious" and said that the workers' suit was "in error... The allegations are completely in error. It's just a harassment by Dr. Arrondo." Of the three workers who have filed suit, Butler said, only Juana Martínez was fired, he said, for "sleeping on the job." Bonilla was terminated January 24, 1994, Butler said, because she had not reported for work since March 3, 1993 (the date she was hospitalized and Arrondo ordered her to stop working). "She did not call in, nor did she notify her supervisors why she did not come back to work," Butler said. Company officials "considered" that García resigned because he did not return to work after his vacation in December. García said he had worked while injured for nearly 18 months and finally was in so much pain he could not do that type of work any longer.

Other wrongful termination lawsuits have been filed against Pilgrim's Pride in Titus County, by non-Hispanic workers who also claimed their terminations followed work-related injuries and filing for workers' compensation. Pilgrim claims he has never fired someone for filing a workers' comp claim. "It's not true. Never has been true. Never will be true. I don't operate like that. My people don't. We have more integrity," he said.

Arrondo said his lawsuit against Pilgrim's Pride was a last resort. "They keep coming injured, every day, every day. They have no one else to turn to," Arrondo said in a moment of weariness. "Nobody else tells them their rights." □

Stars Are Falling Out West!

Come and see them at beautiful Fort McKavett.



On the night of August 10th and the morning of August 11th, the Perseid Meteor shower will rain down shooting stars. One of the most spectacular annual meteor shows to be seen in these parts, the dark skies of Fort McKavett are perfect for viewing the Perseids.

Complete your experience at Fort McKavett by staying overnight in our historic surroundings. Prices range from \$30 for a single to \$15 per person in a family of four. During the day, tour the Fort, one of the best restored "Buffalo Soldier" forts in the country. We have a great museum and bookstore, and lots of hiking options. You can also take a great canoe trip down the San Saba River, with the trip ending in the pecan tree-shaded bottom land of the Sol Mayer Scout Camp.

Fort McKavett, located at the headwaters of the San Saba River, is just over three hours from Austin, and three hours from San Antonio. With some advance notice we can even have a little supper ready for you!

For reservations, call 1/800 RURAL TX, or 915/396-2358.

No smoking or alcoholic beverages allowed on the premises; however the Fort McKavett Trading Post is located 1/4 mile from the Fort and they permit both smoking and drinking. Fort McKavett Historic Site is operated under contract with Texas Parks and Wildlife by Texas Rural Communities, a non-profit corporation, through the "Partnership in Parks" program. The Fort accepts most major credit cards.

Texas S&L Absolution

BY JOEL BLEIFUSS

Chicago, Illinois

NO STATE SUFFERED more savings and loan failures than Texas. In fact, about 41 percent of the \$84.2 billion in taxpayer bailouts that the Resolution Trust Corporation oversees will go to Texas thrifts. (And that doesn't take into account the billions in S&L losses that occurred prior to 1989. When all RTC and Federal Deposit Insurance Corporation accounts are settled, according to the *Stanford Law and Policy Review*, the cost of the S&L crisis could add up to \$1.4 trillion.)

In effect, the Texas financial community got its bread buttered by both the S&L meltdown and the bailout. Yet only \$11 million (or roughly 1 percent) of the \$942 million so far recouped by the RTC's Professional Liability Program has been recovered from the directors and officers of failed Texas S&Ls.

Apologists argue that much of the money is irretrievable. They claim that it was speculated away in real estate deals that later went bust, or that it was lost with the fall in oil prices, or eaten up by the high interest rates of the '80s, or frittered away by S&L execs living high on the hog. But some portion of those billions was also undoubtedly hidden from federal authorities, laundered in offshore foreign banks by the directors and officers of the failed S&Ls or surreptitiously handed off to family members. In other words, the money was stolen.

An April RTC report plays down the role of fraud in the S&L crisis, citing as proof a Bush Administration study of 1990, which claimed that fraud accounted for only 10 to 15 percent of the losses. This seems highly unlikely. As then-FBI director William Sessions told the House Banking Committee in 1990, "Experience demonstrates that insider abuse is a major factor in almost all of our investigations involving failed financial institutions."

The RTC's Professional Liability Program is charged with the task of recovering S&L losses from the individuals—accountants, lawyers and thrift officers—responsible for failed S&Ls. As of March 31, the RTC's Professional Liability Program had recovered \$942 million. Those millions are only a small percentage of the

\$84.2 billion in S&L losses that the RTC says taxpayers will have to make up. And of that \$942 million, only \$151 million was recovered from the directors and officers of the failed thrifts.

According to the April RTC report, this performance "does not imply an inadequate professional liability effort." Tom Burnside, a former lawyer in the RTC's Dallas office, disagrees. He points to 50 Texas S&Ls—he calls them the "forgotten 50"—which cost taxpayers \$11.7 billion. He says that the RTC, in its efforts to get back some of that \$11.7 billion, has issued only 27 subpoenas and, to date, has recovered only \$42,000 from S&L insiders.

As Burnside explains: "The RTC failed to issue even a single subpoena in its investigation of 86 of the 137 failed Texas S&Ls. The entire Houston office of the RTC issued only three subpoenas in its investigation of 37 failed S&Ls." By contrast, he notes, "the Whitewater special prosecutor has issued over 160 grand jury subpoenas just on tiny Madison Guaranty Savings & Loan."

Are Texans especially blessed? No, just particularly well connected. From 1985 to 1988 the U.S. treasury secretary was Texan James Baker. From 1988 to 1992 the president was Texan George Bush. And since 1992 the treasury secretary has been Texan Lloyd Bentsen.

The Reagan and Bush administrations' blatant failure to prosecute the S&L crooks has been well established. But an optimist might have hoped that the Clinton administration would clean up the mess. After all, as Rep. Joseph Kennedy (D-MA) has aptly observed, the S&L bailout is "the greatest single transfer of wealth from poor to rich in the history of our nation."

While the Clinton Administration's record is better than that of its predecessors, it is nevertheless abysmal, thanks to former S&L owner Bentsen. He both oversees the agency that is in charge of recovering S&L funds, the RTC, and has personal and political connections to the S&L officials who are being, or have been, investigated.

William Greider reported in *Who Will Tell the People?* that when Michael Dukakis tried to make the S&L crisis a campaign issue, he was dissuaded from doing so by his running mate Bentsen, who "communicated to campaign headquarters that this was not going to be a winning

issue for their ticket."

It certainly wasn't a winning issue for Bentsen. Like Bush, Bentsen has a son who got rich at the S&L trough. And, as Texas journalist Pete Brewton notes in his 1992 book *The Mafia, CIA and George Bush*, a key figure in the S&L scandal in Texas, Walter Mischer of Houston, was a political backer of both Bush and Bentsen. In 1980, Mischer raised \$3 million for the Reagan-Bush campaign. The following year he helped raised \$750,000 at one dinner for Bentsen.

Apparently Bentsen believes there are more pressing needs than recovering the S&L loot. In fact, Bentsen has argued that no purpose would be served by reopening S&L cases that might have been prematurely closed in the previous administration. And, as Michael Lewis reported last year in the *New Republic*, Bentsen's RTC sent officials to a House Judiciary Committee hearing to help Democratic Rep. Jack Brooks (of course: a Texan) and the Republican minority on the committee defeat a measure that would have extended the statute of limitations on S&L fraud from three years to five years.

Consequently, many of the crooks got away. "Somewhere, somehow, this thing got shut down," said Senator John Kerry, Massachusetts Democrat, at a Banking Committee hearing last fall. "I am not one of those who leaps to theories, but I think it is one of the great untold, as yet unfully discovered and written about cover-ups."

As Senate Banking Committee Chairman Don Riegle, Michigan Democrat, remarked at the same hearing: "A lot of those [S&L] directors are high-profile people. They are prominent people. They are politically active people. And so if you go out and throw the net out and grab that crowd, you set off all kinds of shock waves, all kinds of repercussions."

Take the case of Joe Russo, the owner of a failed Texas thrift, Ameriway Savings. Russo borrowed tens of millions from S&Ls that subsequently failed—then transferred his assets to his children before declaring bankruptcy, according to Brewton. Ameriway is one of former RTC attorney Burnside's "forgotten 50." According to Burnside, no money was ever recovered from Ameriway, nor did the federal government issue any subpoenas to find out where the money went. Russo—who according to Brewton was investigated by the

Joel Bleifuss is a writer for *In These Times*, in which a version of this article originally appeared.

feds but never charged—is, as it happens, a good friend of both Bentsen and Bush.

Did Russo launder his ill-gotten gains? Lloyd Bentsen's Treasury Department could search the financial information contained in the databases of the Financial Crimes Enforcement Network (FinCEN) to find out.

FinCEN, a division of the Treasury De-

partment, has a stated mission "to provide a government-wide, multi-source intelligence and analytical network to support law enforcement and regulatory agencies in the detection, investigation and prosecution of financial crimes." FinCEN's wide-ranging computer capabilities make it all but impossible for criminals to hide their ill-gotten gains through money laundering.

This secretive agency has enjoyed great success employing its vast databases and its artificial intelligence capabilities to ferret out drug traffickers, terrorists and spies. FinCEN, with proper authorization, has access to almost any financial transaction involving U.S. banks. In addition, FinCEN has access to the Internal Revenue Service's Currency and Banking Database, which includes 50 million currency transaction reports covering financial transactions of \$10,000 or more.

The Treasury Department, however, has apparently decided not to use FinCEN's capabilities to track down money that was laundered by the well-heeled crooks who in the '80s looted the S&Ls—a crime Americans will be paying for into the next century. According to a recent report FinCEN filed with Congress, the agency has "received four requests for assistance in connection with the investigation of savings and loan institutions" since FinCEN's founding in April 1990—and none of those were from Treasury.

The capability to track S&L money launderers is there. What is lacking is the will. □

PEOPLE

Make a world of difference!

We're proud of our employees and their contributions to your success and ours. Call us for quality printing, binding, mailing and data processing services. Get to know the people at Futura.

FUTURA
COMMUNICATIONS, INC.

P.O. Box 17427 Austin, TX 78760-7427
389-1500

CLASSIFIEDS

ORGANIZATIONS

WORK for single-payer National Health Care. Join GRAY PANTHERS, intergenerational advocates against ageism and for progressive policies promoting social and economic justice. \$20 individual, \$35 family. 3710 Cedar, Austin, Texas 78705. (512) 458-3738.

TEXAS AIDS NETWORK — dedicated to improving HIV/AIDS policy and funding in Texas. Individual membership \$25, P.O. Box 2395, Austin, TX 78768, (512) 447-8887.

LESBIAN/GAY DEMOCRATS of Texas — Our Voice in the Party. Membership \$15, P.O. Box 190933, Dallas, 75219.

SICK OF KILLING? Join the Amnesty International Campaign Against the Death Penalty. Call: Austin (512) 469-0966, Houston (713) 529-2118, Dallas (214) 739-5151, San Antonio (210) 622-3618, El Paso (915) 592-3925.

WORK FOR OPEN, responsible government in Texas. Join Common Cause/Texas, 1615 Guadalupe, #204, Austin, Texas 78701 (512) 474-2374.

TEXAS TENANTS' UNION. Membership \$18/year, \$10/six months, \$30 or more/sponsor. Receive handbook on

CLASSIFIED RATES: Minimum ten words. One time, 50 cents per word; three times, 45 cents per word; six times, 40 cents per word; 12 times, 35 cents per word; 25 times, 30 cents per word. Telephone and box numbers count as two words, abbreviations and zip codes as one.

Payment must accompany order for all classified ads. Deadline is three weeks before cover date. Address orders and inquiries to Advertising Director, *The Texas Observer*, 307 West 7th, Austin, TX 78701. (512) 477-0746.

tenants' rights, newsletter, and more. 5405 East Grand, Dallas, TX 75223.

CENTRAL TEXAS CHAPTER of the ACLU invites you to our noon Forum, the last Friday of every month, at Wyatt's, Hancock Center, Austin. For information call (512) 459-5829.

LIBERTARIAN PARTY — Liberal on personal freedoms, but conservative in economics? (800) 682-1776 or in Dallas (214) 406 4141.

NATIONAL WRITERS UNION. We give working writers a fighting chance. Collective bargaining. Grievance procedures. Health insurance. Journalists, authors, poets, commercial writers. Forming Austin local. Noelle McAfee, 450-0705; Bill Adler, 443-8961.

PROTECT YOUR RIGHTS. Join The Texas Civil Rights Project, 227 Congress #340, Austin, Texas 78701. \$20/year. Volunteers also needed. Contact Jim Harrington or Fara Sloan. (512) 474-5073.

BOOKLETS

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

HANDBOOK OF TEXAS Vols. I & II, half price. Regularly \$65, now \$32.50. Hurry, offer ends Aug. 19. Send check or money order for \$37.95 (incl. book, \$2.60 sales tax and \$2.85 postage and handling) to Mack Lee, 2000 Palo Duro Road, Austin, Texas 78757.

SERVICES

LOW-COST MICROCOMPUTER ASSISTANCE. Tape to diskette conversion, statistical analysis, help with setting up special projects, custom programming, needs assessment. Gary Lundquest, (512) 474-6882, 1405 West 6th, Austin, Texas 78703.

PHOTOGRAPHY — Reality is us. 20 years for the *Texas Observer* and he will take a few for you. Alan Pogue, 1701 Guadalupe, Austin, Texas 78701, (512) 478-8387.

MARY NELL MATHIS, CPA, 20 years experience in tax, litigation support, and other analyses. 400 West 15th, #304, Austin, 78701, (512) 476-6986.

YELLOW DREAM MACHINE, computer bulletin board system. Telephone (512) 451-3222. Disability-based subject matter.

PRACTICAL SCHOLARSHIP in the humanities. Dr. Reed Harp, the harbor, Port Aransas, Texas 78373. (512) 749-7029.

MERCHANDISE

OINK! IF YOU LOVE RUSH. Bumper-sticker that says it all. 2 for \$5. Hard Response, P.O. Box 845-T, Seabrook, TX 77586.

PUBLICATIONS

WEIRD NEWS AFICIONADOS: The wildest, funniest, most bizarre news items are found in "Strange, But True News" newsletter. Dozens of weird news items per issue. Sample copy \$2. Write to: SBTN, 7522 Campbell Road, Suite 113, Room 162, Dallas, Texas 75248.

REALESTATE

HOUSEBUYERS — The Consumer's Agent. Our allegiance is to the residential buyer. 201 Jefferson Square, Austin, Texas 78731. (512) 452-2565.

Dwight Eisenhower's Socialized Medicine Plan

Washington, D.C.

"THE TROUBLE with Christianity is that it has never been tried," remarked George Bernard Shaw in the preface to his play, "Androcles and the Lion." Tempting as this formulation is for discussing socialized medicine in America, candor compels—if accuracy did not dictate—that it be rejected. For not only has socialized medicine a long and honorable history in the United States, it continues to this day as one of the bulwarks of our polity.

Periodically, outcries are raised against everyone's having access to socialized medicine. There was one in 1948, and again in the mid-'60s. But there has never been any difficulty with a certain segment of our population receiving continuous, free, expert medical care on demand.

I refer not to the political classes, so battered for their perquisite-proclivities that everyone imagines all of them to be permanently on the take, whereas the humble and unromantic truth is that only a few of them are as corrupt as the average film producer or bond trader. True, they're as medically well-protected as the rich, or—which comes to much the same thing—as doctors themselves. But doctors, the rich, the political classes, all receive their medical coverage from being able either to manipulate the insurance system or to effortlessly afford it. These conditions cannot, of their nature, be made available to everybody.

However, the actual conditions of socialized medicine already exist, are capable of being extended, and are wholly American. No foreign models, superior in any way, need apply. Needless to say they are not being contemplated in Congress just now. Congress is busily making those far-reaching accommodations that so regularly lead to the deprivation of benefits to millions while providing billions to those who instigated the deprivation.

These are the crucial two weeks during which some 25 Senators and Congressmen and about as many Administration officials finally sit down and figure out what will be allowed to pass. Polls showing a majority of the population in favor of single-payer health care abolishing the insurance compa-

nies are now irrelevant, since none of the 50 decision-makers are proponents of single-payer. Simultaneously, the drug companies, hospital corporations, doctors' unions, and rented small business flacks working for the Republican National Committee continue to chip away at health care reform in order to bring the reforms to resemble the current imbecilically incomplete system as closely as possible. They want the appearance with none of the substance, like Stalin taxidermizing the corpse of Lenin.

Who can fail to be reminded of the time, so heroically limned by Molly Ivins, when the Kilgore Rangerettes were invited to the opening session of the Texas Legislature

"Why don't they just bring the armed services home from Vietnam and draft all the doctors?"

immediately subsequent to the indictment of a Texas House Speaker, a Texas Lieutenant Governor, and some of their favorite bankers. Standing in the House Gallery, an honored few of the Rangerettes turned to face the wall and flipped up their skirts, revealing the letters *R*E*P*O*R*M* emblazoned on skimpy cloth covering firm Texas bottoms. The joke was, of course, that this was as close to reform as that session of the Lege ever got. Look, but do not touch.

The struggle for the soul of the Clinton Administration is precisely the fight over health care reform. In Senate Majority Leader Mitchell of Maine we have an upstanding partisan Democrat capable of giving away as little of the store as possible in order to produce the votes to pass the package. Unlike Senate Finance Committee Chairman Moynihan of New York, who does not gladly suffer other intellects than his own, Mitchell is wholeheartedly on the President and Mrs. Clinton's side in trying to gain comprehensive, irremovable insurance for as close to all Americans as can be obtained, most of the uninsured being employed.

But none of them, mind you, none of them, are close to contemplating actual American socialized medicine. Not even single-payer

would come near, since it permits private physicians. As my late father, an economist with a conscience, pointed out when Lyndon Johnson and Joe Califano were busily caving into the doctors and hospitals in order to establish Medicare and Medicaid, "Why don't they just bring the armed services home from Vietnam and draft all the doctors? We could end the war and bring health care to everyone for one low price."

Yes, Southerners proud of their individualism and freedom from government interference have long disproportionately sent their sons, and now their daughters, into a profession which balances the threat of wounds with the promise of free, on-demand, lifetime-duration healing. I refer, as you have guessed, to our licensed gun-toters of the Army, Navy, Air Force, Marines, and Coast Guard persuasion.

My father's caustic remark on the subject was, "If socialized medicine was good enough for Dwight D. Eisenhower all his adult life, why isn't it good enough for the rest of us?"

True socialized medicine would not only abolish private insurance companies, it would abolish private physicians. In that sense, even England, Scandinavia, and Canada do not have socialized medicine. Nobody does. Which is a pretty good argument for trying it, it seems to me. God knows what we have now not only isn't working, it isn't designed to work; in fact, it's designed not to work, especially if you are a single parent.

We called those cultures barbaric which exposed unwanted children on hillsides until they died. Our hillsides are the brick cliffs of the inner city, and we supply them just as much medical help as the ancients offered.

Draft the doctors and nurses, I say. Pay them no more than nurses get now. It's simple. You're in medicine, you're in the Public Health Service. You're sick, show up. They'll take care of you. They have to. It's what we pay them for. They'd get used to it.

So when your Congressperson or Texas Republican Senators Phil Gramm and Kay Bailey Hutchison snivel piteously about how evil ol' Bill and Hillary Clinton are going to ram socialized medicine down the unwilling throats of unneeded Americans, remind them that what the President proposed—much less what he can get out of Congress—no more resembles true socialism than Phil and Kay resemble intelligent human beings.

In their case, it's not really the intelligence that's the problem, anyway; it's the humanity. —JAMES MCCARTY YEAGER

James McCarty Yeager survived a Houston childhood to become editor of Minority Business Report in Bethesda, Maryland.

JIM HIGHTOWER

Health Care for Congress

Here it is again: yet another poll is out making clear that the American people *overwhelmingly* want *fundamental* reform of our health-care system, including guaranteeing coverage for everyone and putting controls on our skyrocketing medical costs.

And, sure enough, here comes Congress bumbling along with plans that tinker, rather than reform—and that specifically deny universal coverage and cost controls. Like they say: If you're not a part of the solution, you're probably a part of the Congress.

Let me ask: Would you take a health plan that covers your whole family for doctor visits, hospital stays, emergency-room care, all lab tests, child immunizations, prescription drugs, basic dental care and some nursing home benefits—a plan with only a \$200 annual deductible, and a plan that does not let the insurer drop you—all for only \$100 a month?

Is a pig's butt pork? Most of us would leap at that deal. Where do we sign up?

In Congress!

Members of Congress like Newt Gingrich, that blow-dried pinhead who says Congress should not pass *any* health care bill for your family this year, already are covered by the swell deal I just described.

Wait...I said their plan only costs \$100 a month. Actually, it costs \$400. But "The Newt" and other members of Congress pay only a hundred—and we taxpayers pick up the other \$300 to cover *each* of their families.

I think we should take away all health-care coverage from members of Congress until they get off their fat butts and pass real reform that gives *all* of our families as good a coverage as they get.

To fight for health-care reform that is comprehensive, universal and fair for all, get in touch with a grassroots consumer coalition called SPAN—Single Payer Across the Nation: 216-241- 8558.

Clinton's Economic Fantasyland

Isn't it strange? The same people who laugh at astrologers, voodoo and carnival fortune-tellers take economists seriously!

I'm talking about economists like those boneheads who convinced George Bush that America's economic engine was run-

ning strong in '92, despite what ordinary people were saying and suffering. Their advice helped make Bush what he is today: a one-term ex-president.

Now these same denizens of academic fantasyland are sprinkling fairy dust on Bill Clinton, convincing him and his advisers that things are really pretty good, if only us regular folks would just appreciate it. I want to shout: "Get a grip, Bill!" But there he goes, jogging down that same bunny trail that swallowed Bush. He's talking steak, when most families are lucky if they're eating Spam.

The President keeps boasting that he's already created three million jobs. But his "jobs"—just like Bush's—are cruel jokes: part-time, temporary employment that pays poverty wages and comes with no health care, security or future. At the same time, corporations are dumping well-paid manufacturing, service and even professional jobs faster than you can say "bye bye White House." But Clinton, still under the spell cast by those Tinker Bell economists, is telling these families that their joblessness is a necessary price to pay for boosting American productivity. It's like telling someone on the gallows that their death might be unjust, but hey, it's good for the rope industry.

Plus, it's not true! A new study by the noted management firm Arthur D. Little finds that the wholesale slashing of jobs in many of America's largest companies actually has *reduced* their productivity. The study's author says, "Most major corporate downsizings have failed to produce what was expected," adding that with future cuts, "the degree of failure will become more extreme."

If Clinton wants to avoid unemployment himself, he had better stop listening to the Ph.D.s and start hearing those in need of good J.O.B.s.

PBS Goes Commercial

Big institutions, governmental and corporate, love to play the game of "Double-speak"—they use arcane or flowery phrases to try to hide what they're really doing.

For example, the thousands of employees that corporations are dumping in the streets—have they been fired? Oh no...they've been "made redundant." Did the White House lie? Uh-uh...it was just "factually flexible." Did a timber company clear-cut a forest? Of course not...it simply created a "temporary meadow."

And here's one that's especially timely: Our public television network, PBS, which used to be commercial-free, now is loaded

with corporate messages. But are these ads? Don't be insulting! They are "enhanced underwriter acknowledgements."

Now, hungry for more "acknowledgements," PBS says it intends to pursue "a rather drastic liberalizing" of underwriting guidelines. What that means is the so-called people's network—which was intended to be free of corporate influence—is shamelessly trying to get in bed with corporate advertisers.

Among the liberalizing steps: expand the amount of time for ads on each show; allow product promotion, instead of just the soft corporate "image" ads now on PBS; let companies use some of the same ads they put on commercial TV; allow company hucksters like Nancy Kerrigan to hawk their products on the public airwaves; and even let corporate mascots like Merrill Lynch and Tony the Tiger make an appearance.

What next...Big Bird pushing Kentucky Fried Chicken? MacNeil/Lehrer for Bartles & James wine coolers? Diana Rigg doing testimonials for Secret deodorant?

The whole idea of public TV was—well, to be public! To have at least *one* network that's not in debt to the corporate culture. But here's a PBS vice president now saying: "We want to make sure we're a destination more companies are comfortable considering." Spoken like just another commercial network executive.

Public broadcasting can't be public unless it's publicly funded. Period.

Redline the World Bank

I have to confess that I have an inbred Texas bias against giant banks. In fact, back when Texas was a Republic, our constitution specifically *outlawed* the establishment of any banks!

Well today there's one bank in particular that needs to be shut down A.S.A.P. I'm talking about the World Bank.

Launched in 1944 with the noble and historic mission of improving living standards and enhancing peace worldwide, the World Bank quickly became just another interlocking bureaucracy of bankers and economists in league with the elites of the world. In its 50 years, the bank's so-called "development projects" have spent hundreds of billions of dollars—much of it from us U.S. taxpayers—to prop up repressive right-wing regimes and fund massive engineering boondoggles that have both further impoverished the world's poor and plundered the environment.

In the 1980s, for example, the World Bank responded to the desires of wealthy

Jim Hightower, a former Observer editor and Texas agriculture commissioner, does daily radio commentary and a weekend call-in talk show on the ABC Radio Network.

Brazilian ranchers who wanted cheap grazing land by building a highway into north-west Brazil's huge rain forests, then proceeded to level millions of acres for them. Half a million settlers moved in on the rain forest tribes. Within 10 years, the region was riddled with disease, poverty, and violence; and the rain forests—which literally help earth "breathe"—have been decimated.

All the world's bank robbers combined have not done one-tenth of one-tenth of 1 percent of the harm that the World Bank has in just 50 years—yet bank robbers go to jail while these pipe-smoking, tasselloafed bankers are up in Congress today lobbying to get another \$2 billion from your and my pockets to finance their worldwide hooliganism.

¡Ya basta! A coalition called "50 Years Is Enough" is trying to get Congress to "just say no" to the World Bank. To add your voice to this citizens effort, call 202-879-3187.

Children's TV

In a courtroom, the lawyer asked a witness: "Could you see him from where you were standing?"

"I could see his head."

"And where was his head?"

"Just above the shoulders."

Why, yes, that's where it *should* be, but today's top television executives seem to have their heads stuck...well, somewhere else in their anatomy when it comes to broadcasting any educationally redeeming programs for children.

In addition to Saturday morning's mind-numbing parade of cartoons, many of which now are created specifically to sell the sponsor's product, the Children's Television Act of 1990 says broadcasters must provide a minimal amount of educational programming for our kiddos. The act doesn't try to dictate the content, how much of it should run or when...leaving this to the good will and creativity of the corporations.

Big mistake. As Mark Twain once said, "Virtue has never been as respectable as money," and the greedheads who run network TV are deacons in the High Church of the Almighty Dollar. Instead of creating entertaining programs that inform, broadcasters have tried to foist off re-runs of *The Jetsons* and *Leave it to Beaver* as their "educational" programming. A Detroit station even listed *Super Mario Brothers*, a cartoon based on a video game, as educational, claiming it teaches children "self-confidence." Yeah...and *The Roadrunner* cartoon teaches nonviolence.

Another indication of the commitment to kids is that the networks run their so-called "educational" offerings outside prime viewing time for kids—one survey finds almost half of it airing before 6:30 a.m. These corporations profit hugely from the privilege of

using the public's airwaves. If they can't find a way to entertain *and* educate at the same time, let's yank their licenses and give them

to someone who can. To fight back, contact an advocacy group called the Center for Media Education at 202-628-2620. □

MOLLY IVINS

Posturing on Health Care

Austin

It wouldn't be so bad if health-care reform failed this year, if we could only think that the debate about it had been as serious as the problems. I figure that's why Hillary Rodham Clinton is so intense about it—she went around the country having all those meetings listening to people whose lives have been hopelessly botched by the current system, or non-system, so she knows what the stakes are for average people.

But in Washington, deep thinking on health-care reform comes in forms like Senator Bob Dole's statement: "I've got a party to worry about."

In Washington, you hear blithe statements like, "Oh, a lot of people who don't have health insurance are in their 20s. They're young and healthy, they don't need insurance and they don't want to spend the money." Ever talk to a 23-year-old with no insurance who's been diagnosed with multiple sclerosis? That's just one of the diseases that tends to show up when people are in their 20s.

The other day at the Southern Legislators Conference, as I was attempting to point out that Canada has a sane, effective and cheap system of national health insurance, I was told: "Canada practices low-tech medicine. Why, in Thunder Bay, women have to have babies with no anesthetic." Right there in Norfolk, Virginia, I thought I heard the sound of several million Canadians politely choking. (Canadians are almost always polite.)

It takes a lot to startle a Canadian. Understatement is their national art form, calmness is their national mode, and their national motto is "Now, let's *not* get excited." Canada, Land of Low Blood Pressure. I think they even have a law against rolling their eyes. Even so, I wish you could have heard the reactions over the phone from successive layers of bureaucrats at McKellar Hospital in Thunder Bay, Ontario, when I called to ask if the assertion were true. They variously and politely gasped, strangled, wheezed and giggled.

Senior Vice President William Dunlop said, quite calmly, "We have about (that

word is one way you can identify the well-camouflaged Canadian, who might otherwise pass for an especially reticent Vermonter) 2,400 births a year in Thunder Bay, and you may rest assured that all are well-handled. The only way a woman would go through childbirth without anesthetic is if it were at her own request." Great—someone started a natural childbirth class in Thunder Bay, and it comes out as "no anesthetic in Northern Ontario" in our health-care debate. Dunlop thinks the story may have gotten started because a local anesthetist is refusing to do epidurals, but that doesn't mean natural childbirth for all.

Whatever you hear about the Canadian system, just keep in mind that polls show more than 97 percent of all Canadians think it's wonderful, in a restrained way.

As though there weren't enough idiocy on this issue already, we now have great posturing about what "universal health insurance" means. "Could someone explain it to me?" pleads Dole, touchingly bewildered by the term after a lifetime in office. Try "available to all."

Does that mean every single person in this country will have a health insurance card? Nope. Not everyone over 65 has Social Security, either. Ever talked to a census taker? I followed one around one time in Utah as she tried to track down mountain men who hadn't come down off the ridges in 20 years, moonshiners who fled in terror at the first "Halloo, I'm from the government," and a truly curious set of citizens we found living in a cave. None of them had a permanent address.

You couldn't get 100 percent of the people in this country to come in for free ice cream. Get real. Hell, we have citizens who don't believe in doctors, citizens who go to witch doctors, practitioners of holistic medicine and Christian Scientists in this country. We've got citizens on macrobiotic diets, aloe-vera juice drinkers, people who believe Pat Robertson can cure hemorrhoids and, in general, more health nuts, faddists and cranks per capita than any other nation on the face of the Earth. (I don't actually know that for a fact, but I think the only thing we lack is people who believe rhinoceros horn cures impotence and the French national fetish about the liver.) There are even people in this country who think Tex-Mex food is bad for you. Poor benighted souls. □

Molly Ivins, a former Observer editor, is now a Fort Worth Star-Telegram columnist. Forbes MediaGuide 500 recently ranked her among the top 125 American journalists, the only Texas journalist cited.

Literary McCarthyism

BY STEVEN G. KELLMAN

THE CROSSING.

By Cormac McCarthy.

426 pp. New York:

Alfred A. Knopf. \$23.00.

IN HIS EARLIEST hours of incarceration on charges of double homicide, O. J. Simpson is reported to have petitioned the turnkey for a single amenity: something to read. The only titles he specified were the two newest books by Cormac McCarthy—*All the Pretty Horses* and *The Crossing*.

The world's most famous defendant has no need to read courtroom thrillers by John Grisham. William Bennett's *Book of Virtues* would be too perverse for a murderer, too painful for a prisoner falsely accused. Requests for Scott Turow's *Pleading Guilty* or Tom Clancy's *Without Remorse* would not restore the Juice's tarnished image. But McCarthy's arduous, evocative prose is tonic for those—students, prisoners and others—with the time and will to brood. Yet *All the Pretty Horses* (1992) sits near the top of paperback best-sellers, while *The Crossing* (1994) occupies a nearly identical position on the hardcover list. An improbable darling of the marketplace, McCarthy, who is as gregarious as J.D. Salinger and Thomas Pynchon, imposes sentences that mere skimmers might find penitentiary. For sinners who delight in the power of words, what he offers is parole.

The Crossing is the story of what happens to 16-year-old Billy Parham when he rides out of Cloverdale, New Mexico, into Sonora and Chihuahua just before World War II. It is not exactly a sequel to *All the Pretty Horses*, which is the story of what happens to 16-year-old John Grady Cole when he rides out of San Angelo, Texas, into Coahuila in 1949. However, McCarthy identifies each recent volume as a component of *The Border Trilogy*. But, unlike William Faulkner's literary threesome of *The Hamlet*, *The Town* and *The Mansion*, which trace how the Snopes clan conquered Yoknapatawpha County, the two installments of *The Border Trilogy* that have been published so far share neither characters nor events.

What they do have in common is a landscape, the untamed territory of the Southwest, and the theme of straddling boundaries—between the United States and Mexico, English and Spanish, youth and maturity, past and present, life and death, human and equine (and lupine, canine and bovine). When it appears, the third volume in *The Border Trilogy* may very well offer yet another 16-year-old rider who ventures into Mexico, but will he set out from Brawley and cross into Baja California? McCarthy centers his 1985 *Blood Meridian*, which is not part of the trilogy, on a 16-year-old known only as the Kid who rides out of Texas into Mexico, recruited by a band of cutthroat mercenaries.

"Of the telling there is no end," an old loner tells Billy Parham. "And whether in Caborca or in Huisiaschepic or in whatever other place by whatever other name or by no name at all I say again all tales are one. Rightly heard all tales are one." Jungian orthodoxy has it that if you step far enough away from the text all narratives are essentially identical. But if you step far enough away, it becomes impossible to read. No one who reads McCarthy can mistake his work for that of anyone else. Though a front-page encomium in the *New York Times Book Review* likened him to Faulkner, Twain, Melville, Shakespeare, Hemingway, Cervantes, Beckett, Conrad, Homer, Virgil, Rulfo, Fuentes and a few others, McCarthy leaves his distinctive signature on every page he publishes. There are few other contemporary authors about whom the same can be said, few with the same emphatic claim to genuine literary authority.

And, though it might seem to recycle *All the Pretty Horses* and even *Blood Meridian*, *The Crossing* is equipped to ride alone. In this self-sustained novel, Billy Parham crosses into Mexico three times—the first, on a gallant, lunatic mission to deliver a wounded, pregnant wolf to freedom; the second, accompanied by younger brother Boyd, to recover the horses stolen from their murdered parents; and the third, as a desperate drifter, in search of Boyd's corpse if not peace. Early in the first excursion, Billy is warned by yet another vatic elder to "cease his wanderings and make for himself some place in the world because to wander in this

way would become for him a passion and by this passion he would become estranged from men and so ultimately from himself." Like many of the other pronouncements Billy hears along the way, this one proves an accurate prophecy. His forays begin as chivalry and end as vagrancy. He meets vaqueros, mineros, brujos, gitanos, banditos, soldiers, carnies and other assorted specimens of humanity, and he encounters generosity, indifference and cruelty. But the youthful pilgrim makes no progress except in acquiring harsh instruction in the vanity of human wishes. The late Boyd Parham ends up purged of human failings in a heroic corrido, but we last glimpse brother Billy, a connoisseur of "doomed enterprises," sitting in the road, weeping.

In *The Crossing*, where World War II is barely a rumor and fences are as rare as tarmac, borders are utterly permeable. Passage from the United States into Mexico, across unvarying expanses, often goes unnoticed. Nothing marks Sonora for Billy and the wolf except a concrete obelisk at the edge of a land "undifferentiated in its terrain from the country they quit and yet wholly alien and wholly strange." When Billy returns to *norteamericano* jurisdiction via Douglas, Arizona, he is stopped briefly by a friendly, languid border guard who even lends him half a dollar. Billy, whose grandmother was Mexican, switches casually and appropriately between Spanish and English; the reader who stays along for the ride can decipher most of what is said from context. *The Crossing* offers an experience in bicultural dislocation and immersion, and further evidence that McCarthy is the finest Mexican author currently writing in English.

Some of Billy's most intimate conversations are with other species. Like John Grady Cole, he prefers the company of quadrupeds—not only the pretty horses that both boys, master equestrians, risk their lives to retrieve from bandits but also the predatory she-wolf he at first attempts to trap and then restore to liberty. For all the savagery of McCarthy's men toward other men, the two most stunning moments in his new novel are the shooting of a wolf and the knifing of a horse. Without sentimentalizing animals, Billy talks to the critters, suffers with them and grieves over them, as though

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

attuned to the spiritual continuum between *Homo sapiens* and kindred beasts. One of the Parham horses is named Bird, another Niño, as if to emphasize how whimsical are borders between species. McCarthy's famously recondite vocabulary is the native dialect of nature, forcing the reader to share the author's affinity with non-human sensibilities. It is a lexicon rich in nouns, the lore of things that lure us out of ourselves, into crossings more dramatic than merely stepping beyond the Rio Grande. *The Crossing* is fraught with precise terms for vegetation—acacia, paloverde, ocotillo—as well as the language of equine gear—hackamore, latigo, mochila—that is the casual speech of men who know their way around and on a horse. It is a brutal universe of nomadic males desperate to cross receding borders into the feminine. A laconic 14-year-old *muchacha* attaches herself to the Parham brothers but vanishes before Billy can learn anything more about her than about the carnival prima donna whose pendulous breasts he glimpses as she bathes herself in a secluded river.

The Crossing recounts a journey and a quest, and it is filled with stories-within-stories, the tales that strangers share with Billy along the way. Most of these are patently applicable to the larger plot. When, early in the proceedings, Billy solicits advice about tracking wolves, a woman warns him that the sly old man he sought has been abandoned by God. "It could happen to you," she cautions, in a sentence that is portentous of much to come. Other dispensers of wisdom, like the hermit who tells Billy that "every act soon eluded the grasp of its propagator to be swept away in a clamorous tide of unforeseen consequence," are downright sententious. The clamorous tide of unforeseen consequence that becomes the plot of *The Crossing* makes a mockery of human wisdom and agency. If, as a *ganadero*, a cattle dealer, later declares, "You do not know what things you set in motion," then McCarthy has deconstructed the traditional novel of individual enterprise and responsibility into a record of futility and failure.

McCarthy is a mesmerizing storyteller, and, beyond the ancient tales of departure and defeat retailed by *The Crossing*, a singular voice reverberates. It is compounded of several styles. There is, first, the terse, unpolished vernacular of a boy whose school has been the open range. "I ain't takin' her to give to nobody," explains Billy when an incredulous rancher asks the boy what he thinks he is doing with a captured wolf. "I'm just takin' her down there and turnin' her loose. It's where she come from." Though Billy routinely drops his g's, he does not neglect to tip his hat to strangers or address his elders as "sir" or "mam." [sic] His Spanish speech is equally fluent though more standard. When he tells a girl, *No sabes nada de mi hermano*, it sounds more

proper than the form in which he probably would have rendered it in English: "You don't know nothin about my brother."

"Every word we speak is a vanity," a garrulous renegade priest tells Billy, who needs no lecture on the treachery of utterance. However, where Billy's speech is raw and curt yet often courtly, the narrator's style is effusive and elegant. He is fond of sinuous sentences that meander across the page like vagabonds in the Mexican wilderness. And he seasons his saddlehorn saga with an occasional inkhorn term: A misshapen mutt appears "as if some awful composite of grief had broke through from the preterite world," and "the enmity of the world" becomes "cold and inameliorate...to all those who have no longer cause except themselves to stand against it." Amid the horrors of this world, there is at least delight in the cadences of well-turned phrases.

After Mexican ruffians seize the wolf and torment her in a sadistic spectacle, Billy and his horse retreat into the wilderness. With a breathless thread of clauses, McCarthy's lyrical prose pursues:

They rode the high country for weeks and they grew thin and gaunted man and horse and the horse grazed on the sparse winter grass in the mountains and gnawed the lichens from the rock and the boy shot trout with his arrows where they stood above their shadows on the cold stone floors of the pools and he ate them ate green nopal and then on a windy day traversing a high saddle in the mountains a hawk passed before the sun and its shadow ran so quick in the grass before them that it caused the horse to shy and the boy looked up where the bird turned high above them and he took the bow from his shoulder and nocked and loosed an arrow and watched it rise with the wind rattling the fletching slotted into the cane and watched it turning and arcing and the hawk wheeling and then flaring suddenly with the arrow locked in its pale breast.

The fluidity of syllable succeeding syllable succeeding syllable does not always embody such exuberance. But, throughout the book, it presents a world in flux, into which rider and reader alike are thrown without the controlling comforts of punctuation. Sometimes McCarthy flirts with blarney, as when he tries to describe "A world construed out of blood and blood's alcahest and blood in its core and in its integument because it was that nothing save blood had power to resonate against that void which threatened hourly to devour it." Conceived in blood, *The Crossing* is a facsimile of that flow that is both life and death.

Late in the novel, a Gypsy berates the failures of photographers: "In their images they had thought to find some small immortality but oblivion cannot be appeased," he says,

attributing to this fundamental failure an explanation for "why they were men of the road." Because readers are easier to appease than oblivion, McCarthy's moving evocation of the open road is likely to endure. □

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 TO SUBSCRIBE:

Name _____

Address _____

City _____

State _____

Zip _____

☐ \$32 enclosed for a one-year subscription.

☐ Bill me for \$32.

**307 West 7th,
Austin, TX 78701**



Sea Horse Inn

Kitchenettes — Cable TV
Heated Pool
*beside the Gulf of Mexico
on Mustang Island*
Available for private parties
*Unique European Charm
& Atmosphere*
Economical Spring and Summer Rates
Pets Welcome
1423 11th Street
Port Aransas, TX 78373
call (512) 749-5221
for Reservations

Indiana Street Crime

BY STEVEN G. KELLMAN

**THE TIMES OF A SIGN:
A FOLK HISTORY OF THE
IRAN-CONTRA SCANDAL**
*Directed by David Goldsmith
and Steve Day*

DUMPING TRASH is not a negligible crime against the environment. It was serious enough to render Arlo Guthrie unfit for military service. The story of how a littering conviction kept him from combat in Vietnam is told in "Alice's Restaurant," a funky anthem of the anti-war movement. Guthrie's ballad questions the ethical priorities of a government that drafted men to drop napalm on Asians but was too fastidious to recruit someone who strewed ordinary refuse over a Massachusetts lot.

The Times of a Sign, the final offering in the 1994 season of *P.O.V.*, is a similarly sprightly study in moral incongruity. Scheduled for national broadcast by PBS on August 9 (but check the schedule for your local affiliate), it holds a video mirror up to the topsy-turvy world in which those who perpetrate high crimes and misdemeanors prosper while a prankster who protests them is forced to do time. John Poindexter and his co-conspirators in the Iran-Contra scam got away with murder—and perjury and obstruction of justice—but Bill Breeden was sentenced to eight days in the Daviess County jail for swiping a street sign.

The sign read: "John Poindexter Street" and hung near the high school in southern Indiana from which George Bush's National Security Advisor was graduated valedictorian. Breeden also grew up in rural Odon, population 1,500, and he, too, nourished great expectations. Born to a family of Nazarene fundamentalists, he was, according to his sister, Ginger Sears, "raised to be the next Billy Graham." She was appalled at his transformation into a kind of Hoosier hippy preacher. Breeden dropped out of his conservative seminary and moved into a sylvan tepee, crying in the wilderness against injustice. When his wife Glenda returned from an eye-opening stay in Nicaragua, both determined to oppose their government's mischief in Central America. Bill explains: "We both de-

cided that, by God, if there is any way that we can do something to affect a change in this kind of policy, I'll be damned if I'll pass it up."

What Breeden did was strike at the most visible local symbol of that policy—the sign erected to honor Admiral Poindexter, a cunning native son who lost his moral compass by favoring North, the twisted Oliver of the radical right. Convicted on all five counts with which he was charged, Poindexter was—along with others implicated in flouting federal laws prohibiting material assistance to either Iran or the Nicaraguan rebels—pardoned by President Bush. The placardnapper of Odon left a note on Poindexter Street: "There are some graduates of this high school who believe that the government does not have the right to lie to its people. Lo, how the mighty have fallen." He signed the message: "M.W.L.F. Midwest Liberation Front."

Directors David Goldsmith and Steve Day cut between archival coverage of the arms-for-hostages scandal and interviews with Odon residents about the episode of their purloined sign. While Poindexter is invoking his privilege against self-incrimination before a committee of the Senate, Breeden playfully pleads the Fifth Amendment to a filmmaker curious about the whereabouts of the missing sign. But he also offers to return it in exchange for \$30 million, to buy supplies for the children of Nicaragua. Figuring that: "It would be pretty silly to get shot over a damned old street sign," Breeden eventually turns himself in. Awaiting trial, the county's first prosecution for the crime of poaching a sign, he is let out on \$250 bail.

Though national reporters ignored the Odon caper, Dan Carpenter, a columnist for the Indianapolis *Star*, explains denizens' sentiments toward Breeden as a reaction against the admiral's Doppelgänger: "They considered him a local boy gone bad, just the opposite of John Poindexter." However, several locals dismiss the whole affair as much ado about nothing. John Myers, editor of the Odon *Journal*, complains that the trial "just gave Bill Breeden a forum for his views." So does this film, gladly. Goldsmith—a New York freelancer whose only previous feature was *Roads and Bridges*, an examination of racial discrimination in middle America—and Day—a doctoral student in political science who joined the project because of his Indiana roots and his acquaintance with the

case—do not pretend to be impartial. They have created a gem of droll dudgeon.

However, many of the Odon townsfolk revere the former National Security Advisor, the way a native of Norwich, Connecticut, birthplace of Benedict Arnold, might venerate the turncoat general as confirmation of one's own potential for renown. County officials found themselves under intense pressure to prosecute Breeden. Demands to apprehend and punish the renegade of Poindexter Street arose from influential figures in the community, including Poindexter's cousin Richard, who operates a funeral home in Odon.

After conviction in a trial by jury, Breeden served four of the eight days to which Judge Robert Arthur sentenced him. The public property that he held for ransom was worth \$35, while the funds and arms misappropriated during Iran-Contra amounted to about \$30 million. No Iran-Contra convict ever spent a minute in prison for his crimes against the United States, and Oliver North might even spend six years in the Senate, the institution at which he flaunted his smarmy contempt. The Midwest Liberation Front never freed the Hoosier State. If the mighty have fallen, it has often been onto the backs of the feeble.

The Times of a Sign is a study in the perpetration and perpetuation of injustice, but it masks its rage with whimsy. It is a melancholy matter to contemplate people and places and how the latter often commemorate the least deserving of the former. Stalin-grad survived the German invasion, though not revulsion against the Georgian tyrant that finally surfaced in 1961, when the city was renamed Volgograd. It seems unlikely that Odon will soon rename Poindexter Street for valiant Bill Breeden. The French, with sad wisdom, call all their streets *rue*. □

ANDERSON & COMPANY

COFFEE
TEA SPICES
TWO JEFFERSON SQUARE
AUSTIN, TEXAS 78731
512 453-1533

Send me your list.

Name _____

Street _____

City _____ Zip _____

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

The Death of Conservatism

By Ralph Lynn

This column is about David Frum's *Dead Right*, a book scheduled to appear soon. He has published a summary of it in the June 1994 issue of *Commentary*.

I would like to call the column the second coming of David Stockman.

Stockman, you remember, was Ronald Reagan's resident budget genius in the first Reagan term. Then, Stockman fought almost alone for the cuts in the defense and social programs upon which the success of Reagan's regime depended.

He was appalled to discover that neither Reagan nor the Republicans nor the Democrats would go to bat for significant changes in the spending status quo. They were, Stockman lamented, all "welfare-state politicians."

Hear, now, from David Frum whom E. J. Dionne Jr. refers to in the *Washington Post Weekly* as a "devout conservative, formerly of the *Wall Street Journal* editorial page."

"Federal revenues did shoot upward in the booming '80s but, unfortunately, federal spending swelled even faster. Conservatives would later pin the blame for this spending binge on a hostile Democratic Congress.

"But a quick flip through the pages of the budget documents of the decade shows that spending grew faster for Republican constituencies: pensioners, farmers, and veterans."

Frum goes on to say that Reagan piled up more debts in inflation-adjusted dollars than FDR did to win World War II and that Bush, on the same terms, surpassed Woodrow Wilson's expenditures to fight World War I.

Frum argues that, since the Republicans have given up on the budget battles, they have found a new battleground in trying to preserve the "culture," however that may be defined.

He thinks that the corrupting roots of all our evils, from teen pregnancies to the ills besetting our universities, are to be found in the government programs from FDR to the present which have taken the "risk" out of life and living.

"Government subsidy does for many who are not rich what her millions did for the late Barbara Hutton—it enables them to engage in destructive behavior without immediately suffering the consequences."

Frum is not without honest insights. He thinks our current affluence has affected us just as the children of rich parents are freed from considering the consequences of their improvidence. He also sees that the conservative bourgeois virtues he admires cannot be restored without a "return to the old way of life that brought such a character into being."

As an immigrant into the current world from this older way, I must applaud Frum's "bourgeois virtues which are thrift, diligence, prudence, sobriety, fidelity, and orderliness."

He seems to think these virtues rubbed off on many of the poor in the pre-welfare-state society. Since my own family was quite poor, I must agree that this was at least sometimes the case.

And, if I could guarantee that innocent children and the helpless would not suffer, I could join Frum in wishing to do away with the welfare-state world.

Frum notes that some prominent conservatives predict that the welfare state will collapse of its own weight within the next five or six years. He says that the House of Representatives' Republican leader, Newt Gingrich, agrees with this estimate. Perhaps it is for this reason that Gingrich does not vote against the welfare state.

As something of a realist, Frum notes that "it is not preordained that a more enterprising, self-reliant and virtuous society will emerge from the rubble" of the welfare state.

What prescriptions does he suggest to improve the prospect that a healthy society might succeed the welfare state?

One is that Republicans should do what Ronald Reagan conspicuously failed to do: They should tell the American people not whatever pleases them (and gets Republicans elected) but what the people need to know in order to "respond intelligently in the crisis ahead."

Also, understanding that this may be too much virtue, intelligence and courage to expect from politicians, he calls upon "conservative intellectuals" to educate the populace.

But, in their task of performing CPR, the intellectuals face a problem: Frum quite correctly calls his kind of conservative program a "doctrine for the tough-minded."

I cannot foresee the future but it seems quite clear on Frum's own showing that, up to now, our "conservative intellectuals" have failed to persuade either the rich, the middle class or the poor to adopt the toughness of mind needed for the kind of future for which he yearns.

For its stimulating content as for its clever use of language, *Dead Right* merits a wide, thoughtful reading.

Probably few serious readers of whatever political persuasion can read it without seeing the need for some revisions and pruning of our government social programs.

But, given the fact that nobody is likely to vote to be worse off, the sort of Right for which David Frum yearns may be more nearly dead than the welfare state he condemns.

Following Jaime

BY BARBARA FERRY

JAIME WORKED as a paralegal in a church-funded legal office that represented Central American refugees who got caught crossing the border. He had worked there for five years, earning \$150 a week. The office was on the second floor of a shabby building on the main street of a small town in South Texas, above a dress store called Angel's. Directly across the street, the immigration court stood, bland and innocuous, with its Department of Justice seal on the door. The immigration service's intention was to send as many refugees back to the countries they had left and the legal office's intention was to keep as many of them here. The two entities were thus arch-enemies. They were also pretty much the only gig in town.

When I went down to join the anti-deportation forces as a volunteer, the lawyers in the office told me to follow Jaime around for a few weeks, until I got the hang of the routine.

He was wearing a green suit jacket that looked like it came out the St. Vincent de Paul bin and old blue jeans the day he met me at the airport. He wore a shadow of a goatee and a small smile. The smile didn't seem to have anything to do with anything or anybody around him. It was an internal smile, the kind you see in old photos of Malcolm X, or paintings of religious mystics.

Jaime is the Spanish version of James, which was the name he was given at his birth—James Cushman. He was blond, well over six feet tall and fair-skinned, no more a Latino than I. His skin was tanned though, from spending so much time in the south Texas sun.

Some of the gringos who went down to the border looking for a cause or redemption from white guilt, or whatever it was we were looking for, adopted Latino names in order to identify with the poor and the oppressed. They wanted to "become" Latino. But I don't think this was the case with Jaime. I think he just figured it was easier for his Spanish-speaking clients to pronounce.

The first thing he did after greeting me

was to point out the undercover INS agent waiting over near the baggage claim area, who was also wearing a green suit jacket, though his was less shiny and shabby than Jaime's. The two of them nodded cordially at each other.

Then he drove me to his house, a white and yellow A-frame on the edge of town, which he shared with a varying number of refugees, and was now also going to share with me. The house was sinking like a ship into the ground. Inside the wooden floors sloped crazily and none of the windows or doors shut properly.

There was a hand-lettered sign posted on the kitchen wall. "Rules for guests" it stated in Spanish. "Number one: 'We will treat each other like brothers and sisters.' Rule number two was 'Do not spit on the floor.'"

Mornings, we would climb into the office's blue station wagon and drive east, past the stinking pork rendering plant, past cotton fields and dry riverbeds. Thirty-five miles later we would arrive at the INS detention center, a group of low-slung concrete buildings, on the grounds of a sanctuary for migratory birds. The men and women locked inside, less fortunate than the birds, called the detention center *el corralon*, the big corral.

WE'D PULL into the parking lot, walk past the men in orange jumpsuits playing basketball behind the cyclone fence, wait for the guard to buzz the door and pass through the metal detector. For the next few hours we'd sit in a beige padded booth that had the feel of a tiny confessional and listen to men with names like Epifanio and Eugenio. Jaime would ask them why they'd left their country, as he tried to fit their lives into the narrow spaces of a political asylum application. *La situación allí está muy fea*, they would often say. (The situation there is very ugly.) Jaime would write down: "I fear for my life due to persecution based on my membership in the social group comprised of Guatemalan Indians."

In order for Central Americans to avoid being deported, they had to convince an immigration judge that something really terrible would happen to them if they were forced to go home. Having relatives who

had been murdered was considered good evidence. Scars from bullet wounds, which could be shown off as courtroom exhibits were even better. Whenever a new client stepped into our booth, I found myself hoping that he would tell us a really horrible story so that we could offer him some chance of gaining his freedom.

One time, after I had been there a while and graduated to my own tiny booth, Jaime called over to me. "I've got a good one. Salvadoran, a minor." The boy, 16 years old, had come home one day to find his parents' decapitated bodies lying in front of the house. "This is a great case," he said, excitedly. "We're going to win this one." Then, hearing himself, he turned away, cursing under his breath.

After a few hours, we would step out of the coolness of the detention center, into the radiating heat, and head back to town. I was struggling with Spanish, which I knew only from high school. The subjunctive tense, the voice that expressed uncertainty was giving me particular trouble.

Jaime suggested I listen to the lyrics of the Mexican songs on the radio. The songs were all about love and were, therefore, all written in the subjunctive tense. "*Quiero que te vayas por el mundo*," the singer would wail. "*Que conozcas mucha gente. Que te besen otros labios*." "I want you to go out into the world. For many people to know you. For other lips to kiss yours." We sang along with the radio all the way home. It worked.

DURING THE AFTERNOONS, Jaime would sit perched on a barstool behind his desk, often talking on two phones at once, yelling instructions to a detainee on one line, while coaxing money out of a client's relative to pay a bond on the other. At the same time he would be shoveling down rice and beans out of a plastic yogurt container. This was the routine until six or seven in the evening, when we returned to the corralon for a few more hours in the interview booth.

If you saw him walking down the streets of that small town in his second-hand clothes, you might think Jaime was one of the homeless men who wintered in South Texas and camped around the artificial lake

Barbara Ferry is a reporter with the Arizona Republic in Phoenix.



VALERIE FOWLER

near our house. But he wasn't like that at all. He was more like the guys you see on the floor of the stock exchange wearing splashy ties and beepers and waving their arms in the air. They seem to bounce along on their own single-minded kinetic energy. I often thought that if his clients had been people with money instead of refugees, he would have become a millionaire.

At the same time, he maintained this weird calmness, that small smile. It was an odd combination.

Jaime's triage methods sometimes irritated the lawyers, who wanted to stick to good cases they thought they could win. His idea was to clog up "the system" with as many cases as possible. He was against "the system," but he was very systematic about it.

I lived with him in the sinking house for about three months. I wouldn't say that we became friends, exactly, though we were constantly in each other's company. He didn't offer many details about his personal life. I found out that he was from Olympia, Washington, and that his parents owned a farm up there, and that he had a twin sister. I think that it was someone in the office who told me he was gay. He didn't philosophize about his work, the way the hippie lawyers and the Christian missionaries who worked down there did. He didn't talk about his opposition to U.S. foreign policy in Central America, or his belief that the Christian should welcome the sojourner, just like it says in the book of Exodus. He did talk, quickly, moving his hands around, but it was usually about the details of a case.

I talked a lot. I complained. I could not, I told Jaime, listen to stories about people being tortured all day long, then come home late at night to face a group of men I didn't know, who smoked and drank and tried to con me into washing the dirty dishes, and then snored all night long. "I just can't keep up with you," I told him. Jaime watched me impassively with his pale blue eyes while I ranted, and said nothing.

One day, in a fit of rage against my squalid living conditions, I scrubbed the kitchen floor and made soup out of some broccoli and cheese and milk I found in the refrigerator. Jaime came home and ladled some of the soup into his plastic yogurt container of beans and rice and said nothing. Sometimes I didn't like him at all.

Then, one night, a space heater tipped over and set my bed on fire. I dragged the flaming mattress out into the yard where it smoldered until morning. The next day I stomped into the office and demanded new living quarters.

My new apartment provided an outlet for one Jaime's few indulgences—smoking pot, or, more often, eating homemade oatmeal-raisin-pot cookies. It was a strange habit, because pot didn't seem to make Jaime want to stare into space or giggle or watch reruns on TV for hours. He would get high and then go back to the office and work at his usual frenetic pace.

The lawyers had forbidden him to keep his stash in his own house, because the refugees were there. So he kept his cookies in the glove compartment of the office car and sometimes drove around town smoking a joint. But that wasn't safe either. So when I got my own apartment he came over often in the late afternoons to bake cookies. Gradually I stopped measuring myself against him and began to think of him as a friend.

I knew of two things that made him happy, besides marijuana. He liked it when we drove away from the corralon with the back seat of the car full of newly released detainees. And he liked to swim the Gulf of Mexico. On the best days we drove directly from the corralon to the beach and ran into the waves while the ex-prisoners yelled warnings at us—"the sun will punish you"—from the safety of the shade.

I think Jaime felt personally responsible for every one of the hundreds of people who ended up in the corralon. Faced with the enormity of the burden, he doled out his at-

tention carefully. He couldn't afford to get bogged down with any particular sad story. But he indulged people sometimes. Once, I went along on one of his weekend shopping trips for inmate provisions at K mart. He bought tube socks and cigarettes for the men, a home perm kit a woman from Jamaica had requested. We had a Honduran teenager named Rigoberto with us, who had lost his shoes when he crossed the Rio Grande. Rigoberto spied some black leather sneakers that seemed to him the perfect fulfillment of the American dream. But Jaime saw another pair, bright yellow canvas high tops that were half the price. Rigoberto balked. "*Es color de mujer*," he protested. "That's a woman's color." Jaime stood his ground. He was paying for them after all. He came back from the checkout counter, yellow sneakers and a can of black spray paint in hand. If Rigoberto couldn't have his leather sneakers he could at least cover up the woman's color.

When Jaime first started complaining about seeing bright pink lights flash across his field of vision, 11 months after I first met him, we all muttered about too much stress, or maybe a batch of bad dope. It turned out to be a malignant brain tumor pressing on his optic nerve. Jaime said the pink lights looked like dragons.

When I saw him in the hospital he was propped up in his bed, tubes sticking out of his arm, a telephone receiver pressed into his ear, his list of clients resting on his lap. "The telephone keeps ringing," he said brightly. "Just like at the office."

The next day, two of the brothers I didn't know he had flew down from Seattle to take him home. They seemed like nice, normal people who knew little about his life in Texas. They seemed as improbable to us as we must have seemed to them. Surgeons in Seattle operated but discovered that tumor had sent shoots of ganglia all over his brain. After the operation, his sister said he was blind and childlike. He died a year later. □

POLITICAL INTELLIGENCE

✓ **PAUKEN TALKIN'.** Tom Pauken, the new chairman of the Texas Republican Party, has been making the rounds of the state touting the GOP as the new home for Hispanic voters, but diligent readers may recall that Pauken, as the Reagan Administration's director of ACTION, on at least two occasions attempted to discredit organizations affiliated with the Industrial Areas Foundation.

The TO of April 6, 1984 reported that Pauken made his first attack against the grassroots organizations at a business luncheon in El Paso in June 1982, with charges about the then-fledgling El Paso Interreligious Sponsoring Organization (EPISO), singling out its organizer, Robert Rivera, for criticism. At that time, certain groups opposing EPISO were trying to generate community sentiment against the organization.

After a December 1983 freeze devastated the Rio Grande Valley's citrus industry, Valley Interfaith requested a \$66.7 million federal public works project to provide jobs for more than 18,000 workers. Pauken flew into the Valley in March 1984 to remind the workers about the Reagan Administration's preference for "private sector voluntarism." Instead of a jobs program, Pauken announced the government would set up 12 food pantries and he went on to attack "Alinsky-style" organizations such as Valley Interfaith, and singled out Interfaith organizer Jim Drake for criticism because he was not a Texas native but presumed to speak for Valley residents. Echoing a line he used two years earlier in El Paso, Pauken alleged that such organizations were "parachuting in volunteers into communities" and using "threats" and "manipulating" to achieve "hidden agendas."

At the time of Pauken's Harlingen tirade, Valley Interfaith, like EPISO, already had established working relationships with Democratic and Republican officials, including John Tower, whose aide distanced the Republican senator from Pauken.

Ernesto Cortes Jr., then director for the Texas Interfaith Network, said the Valley group had merely given the administration "the opportunity to demonstrate compassion, sensitivity and reasonableness. We're not asking for assistance; we're asking for picks and shovels. Instead, we get political scorpions." Texas Catholic bishops, led by then-Bishop John Fitzpatrick of Brownsville, sent a telegram to President Reagan urging him to work

with the Interfaith group on its jobs proposal. They got nowhere, Cortes said.

"The real shame is that what we had proposed was exactly what the Bush Administration did in Florida in creating jobs to clean up after the hurricane there. Because of his ideological bias, Pauken was not willing to look at the sort of program that another Republican president later used," Cortes said recently.

State Rep. Mario Gallegos of Houston called Pauken's current effort "an election-year charade and a cynical attempt to confuse voters about what the Republican Party stands for" after the state GOP convention recently adopted a platform that opposes such things as government-run early childhood development programs, bilingual education and minimum wages. "The last time Mr. Pauken reached out to Hispanics, he slapped us in the face," Gallegos said. "It's been a decade, but we haven't forgotten that fiasco."

✓ **MONEY FLOWS.** With midsummer campaign finance reports in, Ann Richards and George W. Bush appear nearly evenly matched in the race for governor. Incumbent Democrat Richards reported \$5 million in cash on hand June 30 while Republican Bush had \$4.5 million. Since July 1991 Richards has raised \$12 million and spent \$6.7 million while Bush raised \$7.4 million and spent \$2.6 million. In the Senate race, Republican Sen. Kay Bailey Hutchison has paid off \$1 million in legal bills from her acquittal on ethics charges and she had \$2.3 million in cash left for the campaign as of June 30. Her Democratic rival, Richard Fisher, had only \$100,000, but he still has his checkbook. Also, while Fisher has said he would not accept PAC money, he apparently doesn't mind if the Democratic Senatorial Campaign Committee gets PAC contributions on his behalf.

✓ **LOAN WOLF.** Rep. Henry B. Gonzalez, D-San Antonio and chairman of the House banking committee, may have done a double favor for Texas consumers when he won conference committee approval of the amendment to include the Texas homestead protection in a broader interstate banking bill, which would do away with the last few hurdles to consolidation of the state's banking industry into a few interstate banks. But Sen. Phil Gramm, friend of the Texas Bankers Association, which sees a \$5 billion-a-year industry in home-equity

loans, threatened to kill the interstate banking bill on the Senate floor after Gonzalez acted to protect the state's 155-year-old ban on home equity loans. Builders, real estate agents, farmers, labor and consumers groups support the homestead protection and independent bankers who would welcome home-equity lending wouldn't mind if the interstate banking bill were scuttled.

✓ **GOP BLOC HOLDS COURT.** Four conservative Republican justices have managed to control the Texas Supreme Court with the help of conservative Democrats. Walt Borges wrote in the July 25 *Texas Lawyer*. Democrats Raul Gonzalez and Jack Hightower agreed with the Republicans more often than they did with fellow Democrats. Borges found in a study of voting patterns on the court between January 1993 and June 1994. All four Republicans agreed in 80 percent of the cases while Democrats Lloyd Doggett and Bob Gammage formed a liberal bloc, agreeing 86 percent of the time. Gonzalez, Hightower and Rose Spector generally were the swing votes, but Gonzalez averaged 69 percent agreement with each Republican justice, compared with 53 percent with each Democratic colleague, and Hightower averaged 68 percent agreement with Republican and 59 percent agreement with Democrats. Spector, who voted with the liberals more often than the conservatives, said justices in the minority were more likely to trade a vote in exchange for mitigating language in the opinion.

✓ **VOTING RIGHTS & LEFTS.** Texas Supreme Court Chief Justice Tom Phillips has in common with Lani Guinier an appreciation of cumulative voting as a way to increase minorities in the judiciary. Guinier, a Pennsylvania law school professor, was briefly President Clinton's choice for a civil rights post before Republican senators informed Clinton that Guinier actually had advocated, *in print*, expanding minority voting rights by such means as cumulative voting, in which voters could cast more than one vote for the same candidate in multi-seat elections. After minority plaintiffs suing in federal courts under the Voting Rights Act failed earlier this year to force the state to subdivide its countywide district courts, Phillips, a Republican, proposed to elect trial judges by the cumulative process, which would allow a minority bloc to elect a favored candidate. □