THE TEXAS Observer

A JOURNAL OF FREE VOICES

OCTOBER 13, 1995 • $1.75

CENSORS WALTZ ACROSS TEXAS

Page 18



THE HATE GATES IN LANIERVILLE

CLASS MENAGERIE IN MEXICO: HIPPOS ON THE FREEWAY

DEMOCRACY IN A PICKLE IN GUN BARREL CITY

THE TEXAS Observer

A JOURNAL OF FREE VOICES

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

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

SINCE 1954

Founding Editor: Ronnie Dugger
Publisher: Geoff Rips

Editor: Louis Dubose
Associate Editor: Michael King
Production: Harrison Saunders
Editorial Interns: Amanda Toering
Contributing Writers: Bill Adler, Barbara Belejack, Betty Brink, Warren Burnett, Brett Campbell, Peter Cassidy, Jo Clifton, Carol Countryman, Terry FitzPatrick, Richard L. Fricker, James Harrington, Bill Helmer, Jim Hightower, Ellen Hosmer, Molly Ivins, Steven Kellman, Deborah Lutterbeck, Tom McClellan, Bryce Milligan, Debbie Nathan, Brad Tyer, 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 Editor: Naomi Shihab Nye
Poetry Consultant: Thomas B. Whitbread
Contributing Photographers: Bill Albrecht, Vic Hinterlang, 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 and Office Manager: Douglas Falls
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, © 1995, 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

Friends and Strangers

Re Don Graham's monologue, "Anything for Larry," (September 15). If memory serves, I had a brief hobnob with Larry in 1977 at UT Austin, where he had come to give a talk and appear for a reception. Our (real or imaginary) conversation went approximately thus:

Me: So pleased to meet you. I spent two years on *The Rice Thresher*.

LM: I'm sorry....

I have been lucky enough not to read *Lonesome Dove*. Unfortunately, I did read *All My Friends Are Going To Be Strangers*, which is set at Rice during the years bracketing Ken Kesey and "Further's" precipitous landing on McMurtry's front lawn. I hate it when life imitates art: *Strangers* was a most depressing read and I still remember it with a bad taste. I seem to have struggled through a sequel, but a great deal of mental avoidance is involved. I can think of only one production more depressing than *Strangers*, and that is the only film Robert Altman has ever repudiated, *Brewster McCloud*. (Rice alums will understand....)

A great writer Larry McMurtry may be, but if I were Don, I wouldn't bother reading that next novel. Let's stick with the home-growns who remain in the places which engender their writing.

Debbie Huffman
Houston

Moving on with Don

In anticipation of "a scintillating discourse of regional writing," I was sitting in that audience at UT in 1988. Now, I honestly do not recall Professor Graham's tooth nor do I remember the mumbled words of our dull-eyed, slack-jawed speaker. I *do* remember what I was thinking to myself: "And I put my new job at a major library on the line and defended *Horseman, Pass By* before a review committee that had refused to buy it..."

Never mind. Readers who know Texas and the Southwest will read on—Katherine Anne Porter, Willa Cather, Wallace Stegner and many others; while librarians re-shelve old novelists-by-the-pound, Frank Yerby, Larry McMurtry and Sir Walter Scott to the backrooms and finally, into the recycling bins.

Keep the faith, Don Graham, and may I thank you for *Texas, A Literary Portrait*, an enduring classic.

Carolyn Porter Norgaard
Dallas

We Didn't

Regarding Don Graham's review of Larry McMurtry's *Dead Man's Walk*, the Great Western, beginning in 1838, was the first steam ship to make a regular run across the Atlantic Ocean.

Everyone knows that.

Fred Sinclair
Boerne

From the Inside

William Cunningham answered Steven Feld's protest resignation from UT (September 29) by disingenuously inviting him to visit the Freeport mine in Irian Jaya, so he could witness what a friend Jim Bob Moffett is of man and nature. Cunningham's response is a specific instance of a *genera* called the "IO" (for Inside-Outism). The IO is a finessed-fact inversion that is used like a magic formula to turn a story or event inside out, usually to transform a negative rumor, report, or observation into a glowing tribute of appreciation. The IO is exposed here with the realization that Feld has about as much chance of entering Irian Jaya as Moffett has of slipping through the eye of a needle.

Manufacturing Consent (see Noam Chomsky's book by that title) requires control over public opinion and the IO is a powerful, subconsciously-applied propaganda tool, which functions best when it remains subconscious. However, sometimes the emperor's new clothes are perceived, in certain when-all-other-explanations-fail situations, such as when government troops are caught in massacres of civilians, by witnesses who escaped, or on videotape. The IO occurs when government officials explain that the crime was perpetrated by guerrillas dressed as government soldiers. In the most artistic form of the IO, the pigeon is not only victimized, but is viewed in retrospect as responsible for the crime and punished appropriately. Judicious use of the IO is how the rich help the poor, how trickledown economics works, how larger armies create more peace, and the reason why more profits mean more jobs.

IOs power the history of our time...thanks, Bill, for keeping us up to date.

Jay Peck
Austin

Write "Dialogue," The Texas Observer, 307 West Seventh Street, Austin, Texas 78701.

Green Farmers

Othal Brand tells Rick Perry to stop the malathion

JUST STAY OUT OF MY FIELD. We've destroyed the balance of nature. We've killed all the beneficial insects," one angry McAllen cotton farmer told the TDA by way of the *McAllen Monitor*. It was an altogether unlikely quote. McAllen Mayor Othal Brand is the owner of an international agribusiness. He is widely known for his opposition to legislation intended to improve the lot of farmworkers, such as workers compensation, laws prohibiting the required use of the short-handled hoe, and the farmworkers' minimum wage. He was never enthusiastic about pesticide regulations promulgated by Jim Hightower's Texas Department of Agriculture. (When pesticide use was being restricted in an attempt to prevent the deaths of farmworkers, it was Brand who said, "They have to die of something.") And Brand contributed to the campaign of Republican Ag Commissioner Rick Perry, who has held that office since he defeated Hightower in 1989.

So to see Brand quoted in the *Monitor*, under a headline that reads, "Cotton growers blame spraying: Stop boll weevil program, Perry told," is a surprise to anyone who doesn't grow cotton.

In the Lower Rio Grande Valley, cotton farmers this year produced 54,101 bales—compared to 307,943 bales last year. In San Angelo, cotton farmers lost half the region's 190,000 acres of cotton. What destroyed the cotton crop, according to a study done by the United States Department of Agriculture, was the widespread and repeated use of the pesticide malathion, as mandated by the Boll Weevil Eradication Program established in 1993 and administered by the TDA and the USDA.

The USDA study found that the pesticide that killed the boll weevils also killed spiders and wasps that naturally control the population of other harmful insects, in particular the beet armyworm. With its natural predators eliminated, the armyworm ate the Texas cotton crop. Meanwhile, across the river in Mexico, where there was no widespread malathion application, cotton growers were harvesting good crops.

Valley Cotton farmers have established their own eradication program, project SWEEP OUT, by which they intend to eradicate the Boll Weevil Eradication program. And forty cotton farmers have filed suit against the TDA. Texas Comptroller John Sharp released a report that identified malathion as the cause of the crop failure and asked why Mexican fields two miles from Texas fields had such good cotton yields.

WHEN JIM HIGHTOWER was ag commissioner, among his repertoire of stock jokes was a story about two small-town boys who purchased a truck and used it to transport watermelons from Hempstead to Houston, where the melons were sold at a busy intersection. After months of selling thousands of watermelons—at two dollars each, the same price they paid for them at Hempstead—one of the young entrepreneurs figured out why they were making no money. "I've got it," he told his partner. "We need to buy a bigger truck."

Rick Perry has applied that same logic to pesticide application. "The eradication program cannot be completely successful," Perry wrote in a letter to Republican U.S. Senator Kay Bailey Hutchison, "if the boll weevil problem is not simultaneously addressed in Mexico. I am taking every step to work with the Mexican government on the importance of the matter. In fact, I have a meeting on September 28, 1995 with officials from the Mexican department of agriculture to discuss boll weevils and other issues." Attached to Perry's letter was an enclosure that explained how U.S. agencies will be encouraged to actively work with the Mexican government in developing and implementing a boll weevil suppression program in Northern Mexico, particularly in fields along the Texas-Mexico border.

Perry has never been terribly articulate in his mother tongue. It would have been interesting to hear what his pesticide pitch sounded like in Spanish. **—L.D.**

CITIZENS ALLIANCE UPDATE

I have now received about 1,200 written responses, and many more verbally, to my Call to Citizens in *The Nation* of September 12-21 and the September 1 issue of the *Observer*, for the formation of one broad, national coalition of populists, progressives, workers, and liberals, possibly to be called the Citizens Alliance. While preparing a database, we have had to put back by one month our intended schedule. Citizens have held local meetings, forming alliances and selecting representatives, and will have until late December to continue doing so before the national assembly. On the weekend of November 10-12, representatives of local and regional meetings chosen by that time, and representatives of other interested organizations, will meet in Chicago to plan the St. Louis meeting and issue a national call. I recommend that the national meeting in St. Louis be held December 27-January 1, with a big New Year's Eve party part of it. But that will be for the Chicago planners to decide. **—Ronnie Dugger**

THE TEXAS Observer

OCTOBER 13, 1995
VOLUME 87, NO. 20

FEATURES

The Hate Gates in Lanierville *By Michael King* 4

Emptying Their Pockets *By Mary Hull Caballero* 10

Class Menagerie *By John Ross* 12

DEPARTMENTS

Dialogue 2

Editorial *Green Farmers* 3

James Galbraith *Give War a Chance* 14

Molly Ivins *The Arithmetic of Deprivation* 15

Jim Hightower *How to Succeed in DC* 16

BOOKS AND THE CULTURE

"Ghost Story"… *Poetry by Leonard Nathan* 17

Onward Christian Censors *Story by Amanda Toering* 18

The Real Buddy Holly Story *Book review by Brad Tyer* 19

AFTERWORD

A Barrel of Fun *By Carol Countryman* 20

Political Intelligence 24

Cover art by Valerie Fowler; pictured are Brandon Ramos, Sean Walters, and James Tidmore of Houston

The Hate Gates in Lanierville

BY MICHAEL KING

A YEAR AGO, the city of Houston tossed me, and several hundred of my neighbors, out of our near-northside neighborhood. At the insistence of some residents of a single subdivision called Timbergrove Manor, located at one corner of the neighborhood, the city erected a locked, cast-iron gate on a central connector street, partially segregating that subdivision from the rest of the neighborhood. Since last October, when the gate was installed, the neighborhood has been embroiled in a battle over whether it will remain; recently, the federal Department of Housing and Urban Development has been investigating charges that the gate—and similar gates proposed for numerous other neighborhoods in Houston—constitute a form of racial and economic discrimination.

What might appear to be the thin haze of a neighborhood feud partly obscures a more serious and much wider dispute troubling Houston and many other American cities: a dispute about the nature of neighborhood and community, about "quality of life" and "property values," and about the proper role of city government in preserving and protecting urban neighborhoods.

My family (we have since moved to Austin) and my neighbors happened to have found ourselves on the wrong end of a particular Houston street gate—but across the country, from Miami to Los Angeles, city-dwellers are discovering that when it comes to what passes for urban planning, you're either on one side of the gate or the other.

There are many Houston neighborhoods under consideration for the city's "Neighborhood Traffic Projects," a program that in its widest definitions includes gates, diverters, one-way streets and now "speed humps" (low-grade risers laid into the asphalt and designed to force traffic to slow down).

Locked gates preventing outside access to a public street are theoretically a last resort for solving neighborhood problems, but in recent years restrictive gates or walls have become increasingly popular—and controversial—across the country. Nationwide, city officials have become enamoured with the acronym "CPTED" (pronounced "SEP-ted") or, in engineer's English, "Crime Prevention Through Environmental Design." One of CPTED's principles is that diverting or restricting traffic around residential neighborhoods can decrease not only "cut-through" traffic but crimes of opportunity. Supporters cite successes in Chicago, Dayton and other cities where, they say, large, decaying urban neighborhoods were stabilized, made safer and even rejuvenated by judicious re-design.



Brandon Ramos and Sean Walters, outside Timbergrove's gate

Critics argue that building barriers between neighborhoods is an anti-democratic and polarizing approach to city problems, and one that risks making permanent and even exacerbating the very racial, ethnic, and economic divisions that make city problems so intractable and cities so difficult to govern. Michael Lind, writing in *Harper's Magazine* last June, called the gates a symptom of "the new feudalism," citing an opinion from a California appeals court which "recently ruled that seven metal gates installed by the Los Angeles suburb of Whitley Heights [with the approval of the Los Angeles City Council] represented an illegal 'return to feudal times.'" University of Houston urban historian Robert Fisher described the gated communities as another sign of an international trend toward privatization of public resources, and a rejection of the traditional conception of the city as a place "where people come together as a community."

In Houston, the street gates—also known among my neighbors as "hate gates"—have been several years in coming, but appear to be at a public-policy turning point. Single gates have been erected in several neighborhoods; another dozen projects involving one gate or more are in the approval or pre-approval stages; ten more gate projects are in the concept stage, waiting to move through the city planning offices for refinement and confirmation and then on to the city council.

At the same time, public protest has at least momentarily slowed the city's progress toward fortress Houston. The council has been forced to rewrite the en-

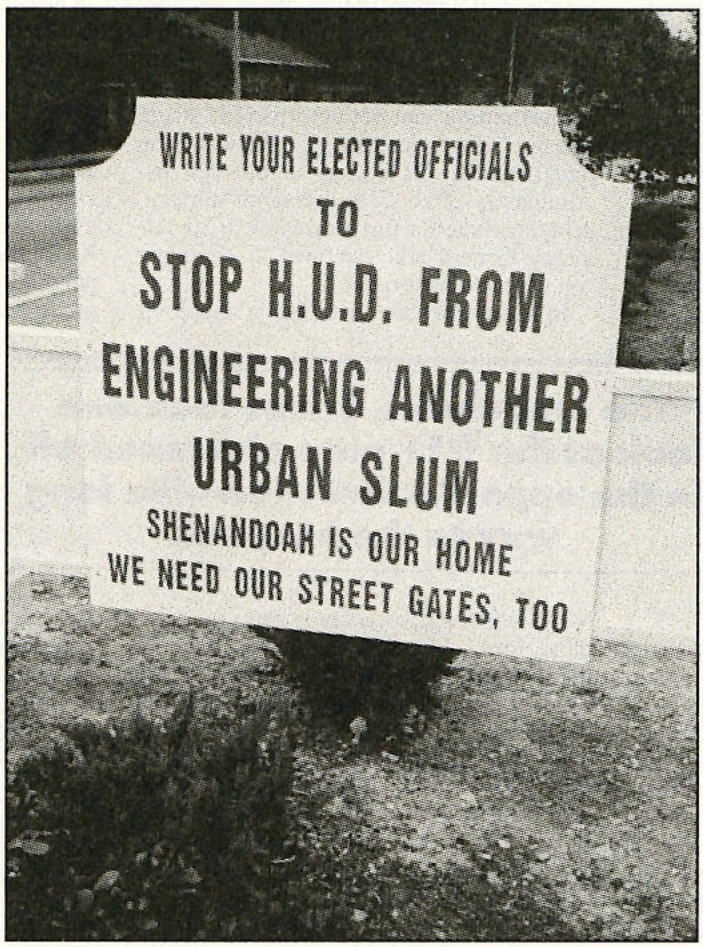
abling ordinance (the "Neighborhood Traffic Projects" ordinance, or NTP) and, under pressure from a citywide investigation by HUD, the city's legal department is performing a "civil rights review" of the program for what it calls "unintended discriminatory effects." At least one suit has been filed against gates (within Houston's internal neighbor, Bellaire, where mediation has called for a neighborhood referendum); others are likely to follow. Opponents of the gates insist that they will not be pacified by cosmetic changes in the ordinance.

The outcome of these arguments may well determine whether Houston will attempt a future based upon its uniquely multi-racial, multi-ethnic and notoriously free-wheeling heritage, or will instead move toward an increasingly segregated, race- and class-stratified metropolis—in which it will be even easier than it already is to tell who's "in" and who's "out."

The use of street gates as a city planning option is a product of the administration of Mayor Bob Lanier, who proposed them as an offshoot of his "Neighborhoods to Standard" program—which targeted for improvement substandard streets, lighting and other services—during his first term, 1992-94. Previous administrations had not been enthusiastic about civic association requests for gates, and particularly the fire department—which also has responsibility for other emergency vehicles, including EMS and ambulances—had strongly frowned on gates. But Lanier, who made his fortune in real estate and generally thinks of city problems in developer's terms, saw restrictive gates as one more tool to compete with nearby "planned communities"—like Kingwood to the south and The Woodlands to the north. If suburban homebuyers have controlled access and private subdivisions, argued Lanier, why shouldn't the city have them too?

The gates option received an additional boost as an alternative to citywide zoning, which was (once again) defeated in the fall elections of 1993, partly for lack of committed support from the mayor. Houston remains the largest city in the nation without zoning, relying instead on the property deed restrictions provided in scattershot, patchwork fashion by civic associations that have balkanized Houston politics for decades. Civic associations, frustrated in their desire to create permanent zoning barriers around single-family-residential subdivisions, looked to the new NTP ordinance to provide physical barriers instead.

Lanier, with the support of a compliant city council, strongly endorsed the new ordinance, and gates projects that had been stalled for years by neighborhood opposition were suddenly fast-tracked. Local fire personnel—and some neighborhood police—still objected, but Lanier-appointed fire chief, Eddie Corral, quickly came around to his boss' point of view.



Shenandoah's response to HUD investigation

In official theory, street gates represent both a democratic and technical solution to neighborhood problems. Civic associations, representing self-declared neighborhoods, apply to the city traffic management division for a solution to cut-through traffic by "outsiders." Following an engineering review (including a traffic count) and a period for public comment (including a hearing, if necessary), the gates are recommended to city council—which almost never rejects staff recommendations.

In practice, what happens is much more complex and problematic; even the definitions don't quite parse. In the first place, the "neighborhoods" represented by civic associations—with widely varying degrees of resident involvement—most often coincide exactly with the street boundaries of single-family, residential subdivisions, excluding *de facto* any businesses and restaurants, apartment houses, or even nearby subdivisions which might be slightly more mixed in character. Once self-defined as a neighborhood, such subdivisions exclude from the discussion the very neighbors—now officially deemed "outsiders"—most likely to be negatively affected by restrictive street gates. By the time a proposal gets to the public comment or hearing stage, it already carries a presumption of "neighborhood" support, as well as the presumed objective recommendations of consultants and engineers; negative comments from "outside the neighborhood" are given little standing.

Similarly, defining the whole issue as a traffic problem, and handing it over to the traffic engineers and managers, gives the appearance of traffic management to what is more often an issue of social policy. That is, instead of elected officials asking what solutions are best for an entire neighborhood—or indeed for the whole city—the question becomes, "What do these particular residents want?," regardless of the larger consequences.

And larger consequences there certainly are.

The gates in Houston—whether installed or only proposed—have already polarized neighborhoods, pitting neighbors against neighbors, homeowners against apartment dwellers, residents against small businessmen, whites against Hispanics and blacks. Demonstrations against the gates have been held in several of the affected neighborhoods, and the threat of lawsuits has been persistent enough that at one point the city refused public access to the NTP files, citing "possible litigation" (the state Attorney General overruled the city). After Hispanic residents from several areas filed discrimination complaints, HUD began an investigation, triggering a "civil rights review" of the program by the city's legal department. (Both are still in progress.) And in the most tragic incident associated with the street gates, an ambulance delay resulted in the near death and permanent disablement of a man who had suffered a heart attack—and who happened to live on the wrong side of the gate.

In that instance, which took place last March 24 in my old neighborhood, fire department personnel responded to an emergency call at the home of Timothy Walters, on Fourteenth Street in the Clark Pines/Timbergrove neighborhood near

downtown Houston. According to Walters' wife, Cynthia, and other neighborhood witnesses, the fire engine arrived quickly, and firefighters began shocking the man's heart in an attempt to resuscitate him. Each time they shocked him—and they tried more than a dozen times—Walters' heart would begin beating, but it would not hold a pulse.

The medication that would stabilize Walters' heart was carried by an ambulance, approaching from a different direction. Neighbors heard that ambulance approaching, a block away—and then they heard it stop, hesitate, turn back and circle around in the other direction, traveling over two miles out of the way. It arrived approximately ten to fifteen minutes later—long enough for Timothy Walters to incur irreparable, catastrophic brain damage.

The so-called "911 gate" that had delayed the ambulance had been installed by the city of Houston, over the objections of many of these same neighbors. Just three days earlier they had appeared before the city council to warn of the danger posed by the "traffic control" gate, which recently had been confirmed by neighborhood fire department personnel. They were dismissed by the mayor and the city council with bland reassurances that the gates presented no problems for emergency personnel.

Timothy and Cynthia Walters and their three children soon discovered how wrong city officials were. Walters has been permanently incapacitated; Cynthia Walters was recently told by his doctors that her husband suffers from "permanent anoxic brain damage"—the result of prolonged deprival of oxygen to the brain. At the time of the emergency, Cynthia Walters worked as an assistant to Houston's city secretary, and for the next few months, she tried to hold on to her job (and the family's health insurance). In August, she had to resign in order to tend to her husband full-time. "It's like he's got Alzheimer's," she said. "He's like a new blank page, every day...I've got to take care of him every minute, because he won't stay put, and he doesn't know what or how to do for himself."

Cynthia Walters had been reluctant at first to publicly criticize her employer's gate. Her attitude changed after the city's response. Following a perfunctory investigation, Fire Chief Corral announced that the gate had caused only a brief delay which had no effect on the emergency. "It could have been a disaster," Corral told the *Houston Chronicle*, "but it wasn't."

Cynthia Walters is now considering suing the city, and said, "I feel like they are liable for the delay in Tim receiving the life-saving drugs...he could have had a better chance. He was shocked fifteen or sixteen times before [the medics] got here." Corral also insisted that all emergency personnel have keys for the gates and will use them, but there has since been another medical emergency on the wrong side of the Timbergrove gate, and neighbors say the ambulance driver took one look at the 911 gate and raced off in the opposite direction—the long way to the hospital.

According to Susan McMillian, who supervises the NTP and is its spokeswoman for the city administration, there are now nine city projects already in place which have a gate (one each) of some kind. There are another sixteen projects in the "formal application but not yet constructed" stage. The city's legal department reviewed these first, for what was termed "unintended discriminatory effects," and cleared thirteen, delaying three for further review. (City Attorney Gene Locke declined to comment "on matters under review.")

In addition, there have been a couple of NTPs which did not include gates but used other forms of restricted access. One of these established one-way streets on the edge of a predominantly black, east-side neighborhood called Pleasantville. After black residents protested that they were required to drive miles out of the way to return to their own homes, the one-ways were replaced by less restrictive, narrowed entrances designed to slow or divert cut-through traffic elsewhere.

The ambulance driver took one look at the 911 gate and raced off in the opposite direction—the long way to the hospital.

Why is a "traffic" program—in a car-choked city that could certainly use all the traffic amelioration it can get—so controversial? One reason is that while the city insists that the NTP is a traffic program only, people in the neighborhoods (pro and con) recognize it for something else—an attempt to exclude "outsiders" (however defined, and whether driving, on foot, bicycle, or if it comes to that, horseback) from the gated subdivisions. Neighborhood proponents consider it first and foremost a "crime-fighting" measure, while neighborhood opponents describe it, in effect if not intent, as a form of racial and class segregation.

McMillian insists that the NTP ordinance, especially in its newly-revised form, recognizes only excessive traffic counts and subsequent engineering recommendations as reasons to close a street. "We must be able to demonstrate that the cut-through traffic is a real problem.... Crime is not an issue. I'm telling you it's not a justification—truly it never has been." City councilwoman Helen Huey, who strongly supports the NTP and heads the committee revising it, echoed McMillian's comments and added, "In limiting the ordinance to what is absolutely measurable—and that is traffic impact—we are making it as objective as possible." McMillian noted that "the logic of CPTED" would suggest that diminishing traffic volume might also have an effect on crime, but says she tells civic associations "gates won't keep out burglars any more than locks do."

BUT IN THE NEIGHBORHOODS, traffic—except as the only officially sanctioned means of justifying street closures—remains very much an afterthought. The two most controversial NTP projects have been the one in my old neighborhood (which includes the Timbergrove Manor, Clark Pines, Heights Annex and Shady Acres subdivisions and the shops, schools and churches surrounding them), and the more ambitious Shenandoah/Gulfton project on the southwest side, where the Shenandoah subdivision has applied for an elaborate combination of gates, diverters and one-way exits (some twenty parts in all), which would effectively segregate it entirely from external traffic. (The plans were originally drawn to exclude even pedestrians.) The Shenandoah project had been recommended to the council for approval, and a single temporary barricade was briefly installed. That came down when the proposed gates became the subject of intense opposition from the surrounding Gulfton neighborhood, which is largely Hispanic; Shenandoah is one of the projects now under review by both HUD and the city.

In addition to two other projects under an official cloud, a few gates projects haven't moved forward because of early opposition. One of these, Braeburn Valley, was the occasion of the Attorney General's opinion on public records. A lawyer who lives in the subdivision, Bob Rooney, found out about the gates proposal and papered city hall with his formidable objections. As a result, the civic association application apparently never got off the ground. But the Braeburn Valley instance is instructive. When Rooney and several of his neighbors, including his father-in-law (who had lived in the subdivision for many years), got wind of the gates proposal through fliers distributed by the civic association, they objected because it would make traffic problems worse for them, blocking direct routes to neighborhood schools and forcing elderly drivers into

heavy rush hour traffic that they otherwise could avoid. Rooney also discovered that the gates would effectively block escape routes during street flooding (not uncommon in southwest Houston). But as it turned out, he says, proponents wanted the gates not for traffic purposes, but primarily to exclude (mostly non-white) apartment dwellers who live nearby.

When neighbors learned of the Rooneys' opposition, the family began to receive harassing phone calls with frankly racist language Rooney is reluctant to repeat. "It became increasingly vitriolic...and off-color. They asked me if I were black—'you sure sound black,' they said. A number of racial epithets. I got Caller ID, and when that became known, the calls stopped."

Public supporters of the street gates angrily reject accusations of racism, pointing out that non-white residents in their subdivisions also want the gates. John Paul Vogel, who no longer lives in the Timbergrove Manor subdivision but proudly takes credit for getting the street gate erected ("I instigated it, and I concluded it"), accused opponents of "playing the race card, a powerful political weapon nowadays." In fact, Vogel said, those opposing the gates were simply white neighbors who were angry because they weren't included within the gated boundaries.

Vogel is also frank in describing the Timbergrove gate as primarily an anti-crime device, with traffic only a consideration insofar as increased traffic generated, in the civic association's judgment, increased crime. Vogel was head of the subdivision's crime watch brigade, and claims to have documented that ninety percent of the crimes in his subdivision occurred "within two blocks" of the now-gated intersection (actually just a name-changing bend in the road) of Dian and Wynnwood streets. But opponents of the gate say that their own review of police reports across the entire neighborhood (Timbergrove Manor includes a couple of hundred homes within a neighborhood of several hundred more) indicate a moderate crime rate by inner-city standards, and moreover, that the rate is essentially *uniform* across the entire neighborhood. Vogel says that's a "blatant lie" based only on police calls which include "domestic violence"—more common, he says, on the poorer side of the gate. He insists that his statistics prove that "property-type" crimes were more numerous in Timbergrove before the gate was erected. As he sees it, the problem was a "relatively wealthy community [Timbergrove Manor] immediately next door to a poor community...what happens is you have a high potential for crime." Vogel's comments were seconded by current residents of the subdivison, who say that Timbergrove Manor streets are quieter and safer since the gate was installed. When asked about the delayed ambulance endangering her neighbors, Susan Nelson, the current civic association president, said she had no direct knowledge of the incident, and that the city told the press "it didn't happen."

Vogel did acknowledge that the gate was placed precisely at that point where the neighborhood begins to get poorer and darker. He described the subdivisions a few blocks outside the gate as "eighty-percent Hispanic"; in fact the whole neighborhood has a slight anglo majority, but in general, the closer to the gate, the whiter the neighborhood—and according to the most recent census, the Timbergrove Manor subdivision is ninety-percent white. (By no coincidence, the gate's location is also in the boundary area of the Eighteenth Congressional district, now subject to the current Texas redistricting dispute over "racial gerrymandering.")

Equally apparent is the visible class distinction between the subdivisions. Timbergrove Manor is solidly middle-class: small brick ranch homes with attached garages, housing retirees as well as many young professionals, with the wider streets, curbs and sidewalks that characterize Houston's more recent subdivisions. The older subdivisions beside it are, with some elegant exceptions, mainly small wood-frame bungalows of various design, built on curbless streets lined with old-style storm ditches in the helter-skelter fashion of the nearby Heights.

Some of the most telling testimony against the gates is provided by Brandon Ramos, a twelve-year-old boy who lives on Dian Street within sight of the gate; before it was erected, he and his friends felt free to ride bikes or skateboards on both sides of the neighborhood. Brandon spoke to city council last spring, describing several incidents since the gate's installation, in which he and his friends were cursed and threatened by residents within the Wynnwood gate, or were ordered by various adults to return to "your side of the gate." (Among Brandon's friends is Timothy Walters' twelve-year-old son, Sean, who confirms Brandon's stories—and who has the gate to thank for more than just nasty neighbors.)

Until 1992, proposals for a Dian/Wynnwood gate were summarily rejected by the fire department. Following Lanier's election, Timbergrove Manor suddenly had a new proposal welcomed by the city's planning departments, and those neighbors who objected were told first it was too early—and then too late—to stop the gate. The city initially tried to evade objections from HUD by shifting the project funding from federal Community Development block grants to the city's general construction funds, but Hispanic residents filed complaints of discrimination, and in the spring of this year HUD investigators arrived from Fort Worth. Mayor Lanier reacted angrily to what he called HUD's intrusion into local matters, but following similar complaints in other neighborhoods, Houston's legal department began its own review of the gates program. According to administrator Susan McMillian, the city has been informally advised that there is no "systemic" problem with the gates program, but that individual projects require further review. (HUD officials refused to comment concerning ongoing investigations.)

Clark Pines resident Dixie Friend Gay has spearheaded the most recent fight against the Timbergrove gate, and says she is opposed to it because it creates racial and economic segregation that is "morally wrong." (The mayor has attempted to single out Gay, saying that as an Anglo who lives in an expensive house she has no business complaining about discrimination.) Alex Martinez, who is fighting a gates proposal in nearby Garden Oaks, has also become an informal spokesman for the Hispanic residents of Heights Annex, since he grew up there, on mostly Hispanic Prince Street where his mother and sister still live—and where much of the neighborhood traffic has been diverted. He and other opponents have formed a city-wide group called "Citizens Access to Public Streets" (CAPS) to help coordinate opposition to the NTP.

Martinez says CAPS is not encouraged by the city's attempt to revise the NTP ordinance, since it will still define "collector streets" as neighborhood boundaries—thus excluding the residents most likely to be excluded by the gates—and because it exempts those neighborhoods where gates have already been approved. He also believes the city is dragging its feet on the program, and on the HUD and civil rights review. "If they can delay action until after the [November] election," he said, "Lanier will be in his final term [due to term limits] and can do whatever he wants." As if to confirm Martinez' fears, Gay recently received a formal notice from HUD's Fort Worth office informing her that its investigation of the neighborhood complaints would not be completed within the projected one hundred days. The new projected date is December 1, 1995.

The fight over the single Timbergrove gate has poisoned friendships, separated neighbors, parishioners, and PTA members, and created open hostility where there had been at least the appearance of quiet co-existence. Multiply that atmosphere by about twenty—the approximate number of traffic devices originally planned for installation around the Shenandoah neighborhood—and you get a sense of the political

temperature surrounding the Shenandoah/Gulfton NTP plan. The Shenandoah gates proposal, now officially on hold because of the city's legal review, became the visible flash-point for nearly a decade of antagonisms building up between the Shenandoah Civic Association and the larger Gulfton neighborhood entirely surrounding it, represented most prominently by a community organization, the largely Hispanic Gulfton Area Neighborhood Organization (GANO). The Shenandoah residents insist that the gates project is primarily aimed at opportunity crime and cut-through traffic, and are determined that it will be finally approved by the city; outside residents, led by GANO (in Spanish, the acronym means "I win") and local clergy, describe the project as discriminatory segregation aimed primarily at non-white apartment-dwellers outside the subdivision, and appear equally determined that the project will not be built.

The Shenandoah/Gulfton dichotomy is an extreme outgrowth of two decades of changes that have completely transformed the southwest side of Houston. When the small Shenandoah subdivision—two hundred and fifty single-family brick homes on a handful of streets with names like "High Star" and "Moonmist"—was first built in the 1950s, it was surrounded entirely by countryside. One resident recalls that Renwick street (the busy four-lane boulevard that now bisects the subdivision and would be the only external access if the gates were erected) was a drainage ditch; another remembers a "goat pasture" just to the south. By those lights, contemporary Gulfton is completely unrecognizable. Shenandoah is now surrounded by block after block, mile after mile, of strip centers, apartment houses, small and large industry—and intermittently, other tiny subdivisions very much like Shenandoah.

The transformation took place in less than a generation. In the late '70s and early '80s, apartment development was explosively fueled by a combination of the oil boom, federal tax incentives, and Houston's non-existent urban planning. The apartments, rapidly overbuilt, were originally filled by young professionals working in the expanding Houston economy. But the crash came just as quickly; when the recession hit from '82 to '85, whole apartment houses went begging or into bankruptcy, rents plummeted, and the residents moving in—large families of working people or people looking for work—were not the sort of clientele the once-tony apartments were designed for.

Simultaneously, waves of Central American immigrants, especially Salvadorans, began fleeing that area's civil wars and economic devastation. They moved in great numbers into southwest Houston, and over the next several years the Gulfton area became the center of the city's Central American immigrant community ("legal" and "illegal" alike). Indeed, the connection is so direct that GANO recently merged with the Houston-area chapter of CARECEN, the Central American Refugee Center, which provides legal and other services to immigrants. It is no exaggeration to say that the Gulfton/Shenandoah conflict is at bottom one more social crisis generated by a militaristic and short-sighted U.S. foreign policy.



Sign on Prince Street, Heights Annex

But on the neighborhood level, the battle has been waged in neighborhood terms. A low-intensity conflict has simmered for years over GANO's attempts to secure services—health care, citizenship and language classes, a youth soccer league—for the immigrant community. According to Francisco López, a Salvadoran immigrant himself and a board member of GANO, the organization was accused by some local businessmen and Shenandoah residents of trying to create a "welfare neighborhood." (The Shenandoah Civic Association, in contrast, emphasized deed restrictions and crime control, and successfully lobbied for a storefront police station in the area.) GANO and the SCA worked together, with the city's help, to establish a day-labor center for immigrants, addressing a problem with transients. Otherwise, says López, the Shenandoah residents opposed efforts by GANO to improve services for immigrants, on the grounds that such services would only attract more immigrants. They particularly opposed, he said, efforts to establish a health clinic; community organizers were told that the best advice they could give to newcomers was to "learn English and assimilate."

The conflict between two communities with such radically differing backgrounds and interests was to some degree inevitable. But the city's creation of a program designed to build permanent barriers in the neighborhoods served only to throw gasoline on the flames. Once the gates proposal was in progress, accusations of bad faith and dishonesty multiplied. The SCA says the larger neighborhood was fully informed of Shenandoah's application for the NTP at all stages, and protests to the contrary are simply "lies"; GANO representatives respond that the neighborhood was in fact presented with a fully-formed blueprint for a Shenandoah enclave and was offered no real opportunity for input except direct protest to the city. Shenandoah residents call the GANO members "outsiders" who have just come to the neighborhood to "cause trouble"; López says the subdivision residents simply refuse to recognize that the neighborhood has changed irrevocably, and that now *they* are the minority.

ON A SUNNY HOUSTON September afternoon, at the center of this swirling controversy, the Shenandoah subdivision hardly seems a vortex of anger and discontent. Although the surrounding main streets, including Renwick, are thick with brisk traffic, the subdivision streets are very quiet; in an impromptu sample confirmed again on another morning and again at rush hour, there are plenty of cars in driveways, but almost none rolling through the subdivision streets. (The residents say cut-through traffic is worst on weekend nights.) Several blocks are already cul-de-sacs, and the handful of people on foot are mostly yardmen or mothers with toddlers and baby carriages. In short, Shenandoah does not appear to be a hotbed of either traffic or crime.

But the residents tell a different story. Ross Lence, a professor of political science at the University of Houston and a Shenandoah resident, says that on certain corners drug deals are taking place "any hour of the day or night, and the police know about it." He says the situation has improved since the police storefront was opened nearby,

but the police can't be everywhere. The local police officially support the gates; Lieutenant John Anderson of the HPD says they would "discourage pedestrians and traffic from coming through the neighborhood" and consequently cut down on crimes of opportunity—"crackheads stealing a lawnmower, that kind of thing." Lence said residents are tired of fighting for the gates, and he considers the current delay a sign that the city is "capitulating to political pressure," and that once again, through the HUD investigation, "the federal government is meddling where it has no business." Lence added that he personally is near to surrender: "There's just no reason to fight it any more; it's just quicker, easier and safer just to move out, and let the city rot in the hell it's producing."

Lence and his neighbors particularly bristle at charges of racial motivation. He claims that the subdivision itself is "fifty percent" Hispanic, and Hispanic residents support the gates (although he admits they aren't much involved with the civic association). The gates, Lence insists, have nothing to do with racism: "Frankly it's an insult to be branded some kind of racist because one lives in a predominantly Hispanic neighborhood."

Lence's comments were echoed by Tip Allen and Carlo Penagos, Shenandoah neighbors chatting outside Allen's garage one recent afternoon. Allen is retired and is head of the Shenandoah Citizens Patrol; Penagos is a physician (President of the American Association for Preventive Medicine), and a recent immigrant from Colombia. Penagos has three children (ages ten, five and two), and won't let them play unsupervised in front of his home, for fear of passing criminals from nearby apartment houses. Penagos strongly supports the gates; Allen says he is less enthusiastic because of the inevitable inconvenience to long-time residents: "I don't want the gates, but I know we have to have them." Allen says thanks to the citizen patrols, the storefront station, and police pressure, crime had gone down in the last couple of years, but is starting to creep up again. He attributes the increase to what the men called "HUD apartments" (rent-subsidized) on streets near Shenandoah.

Both men dismissed the charges of racism. "We have Asian, Indian, Spanish—even seven or eight black families," said Allen. They simply want to keep out "transient," "non-residential" traffic, in car or on foot—"there is no reason for them to go through here." Allen called my attention to the signs, erected by the SCA on the Renwick esplanade, which exhort residents to write their congressmen in support of the gates, and declare, "Stop HUD from Engineering Another Urban Slum."

Standing beside their short cul-de-sac, we talked for perhaps twenty minutes. During that time, a couple of cars went by the corner, one a bit too fast for a residential street—hardly an unusual occurrence in Houston, but we took note of it. The men said they would accept speed humps if they had no choice, but they preferred gates. Penagos' wife and children returned from errands. As the conversation broke up, Allen shrugged, then nodded resignedly in the direction of the busier streets nearby, and said, "The biggest question is—if we could stop the border crossings."

The Lanier administration has not yet drafted an ordinance for border gates. But in honor of the mayor's work with Shenandoah on the Neighborhood to Standards program and his support for the street closings, a proposal was recently placed before the civic association to rename Shenandoah "Lanierville"—ideally to coincide with the installation of the Shenandoah gates. Shenandoah block captain Bill Marberry told the *Houston Chronicle* that the name change "would tie right in with the street closings that give us back our identity." Lanier seemed a bit embarrassed about the offer, saying it should at least wait until he'd left office; the Shenandoah residents I spoke to, despite their vocal support for Lanier, were also unenthusiastic. "I presume they came up with that scheme," said Ross Lence, "just to draw attention [to the gates proposal]." Lence doesn't think much of Lanier's fiscal policies, but he acknowledged the street lights and increased police and other services they brought Shenandoah. "The mayor did do wonderful things for the subdivision."

But Francisco López suggests that is precisely the problem. López described his outrage that while the Gulfton area has "no city park, no city health clinic, no public library, no multi-service center" and is desperate for these and other services, the city somewhere found an estimated four hundred thousand dollars to build street gates around Shenandoah. "They just want to impose a solution on the neighborhood," he said. "We cannot spend four hundred thousand dollars just to protect three percent of the [district's] population." Asked to respond to these charges, the district's city councilman, Ray Driscoll, said that more services are in the works, and that while there's no city clinic, the county clinic is still funded by taxpayers' money. Driscoll supports the Shenandoah gates, and expects others will be built elsewhere. "We've got a few other neighborhoods that are looking at that proposal also—ten to twelve subdivisions in the district."

López pointed out that Driscoll didn't even know about the clinic until GANO told him about it, and that the same residents of Shenandoah now demanding the gates have been opposed to every attempt to improve the conditions in the wider Gulfton community, with the single exception of the police storefront. López adds that this is not simply a matter of racial divisions, but of class divisions, and he's seen it before. "In Latin America, money is put in to protect the ones that are rich, the ones that have power, that have control. Money is never spent for the poor, the ones that don't have anything. Now here in America, there are some subdivisions who want to practice the same dictatorial ways. And that is wrong."

BUT MAYOR LANIER is determined to move forward with what he has repeatedly described as allowing neighborhoods "to take control of their own destinies." He said recently that he had talked to HUD Secretary Henry Cisneros in what he hoped was a successful effort to defend the street-closing program, and he reiterated that his own experience as a developer of suburban subdivisions confirmed that "one-entry in-and-out *works*." Apparently, it has not occurred to the mayor that a suburban subdivision might not be every Houstonian's vision of an ideal—or even functional—city neighborhood. Councilmember Huey also dismissed the idea that barricading streets might polarize neighborhoods instead of bringing them together, saying, "I think that is so much rhetoric," even for Gulfton/Shenandoah: "It hasn't polarized that neighborhood any more than they already were." Other council members, especially Hispanic and black representatives, have been less enthusiastic about the gates, but not one has been willing to fight this pet program of the mayor.

So, unless they are derailed by citizen protests or legal action, Lanier, Huey and the rest of a subservient city council will continue to encourage subdivision civic associations to determine city policy for entire neighborhoods, and increasing numbers will choose to enclave public streets to their exclusive benefit, at whatever the costs and risks to their neighbors. That appears to be the twenty-first century "destiny" Lanier envisions for Houston: a mayoral legacy of neighborhoods increasingly segregated by race and class, and occupied by citizens physically and politically isolated from one another, by government-provided barriers that make a mockery of community.

It is a peculiarly cramped, restrictive, and stultifying vision of a great city, especially one dedicated to the memory of the hero of Texas independence, Sam Houston. But then, maybe they can rename the whole town Lanierville. □

Emptying Their Pockets

El Paso Attorney Defies Punitive Immigration Judge

BY MARY HULL CABALLERO

FRANCISCO NUNEZ came to the United States from Mexico seven years ago, looking for work in order to help his parents support his five younger siblings. Lacking any formal education, he landed various jobs in Nevada, most recently busing tables at Circus Circus in Reno, which allowed him to send three hundred dollars to his family every month.

Nuñez, twenty-seven, was among the multitudes who live here illegally, doing the dirty, back-breaking jobs few Americans want, paying taxes and sending money home to their desperately poor relatives. Presumably, he is back in Jalisco now, having served a four-month jail term for lying to U.S. Customs agents about his citizenship, for which he was deported in July.

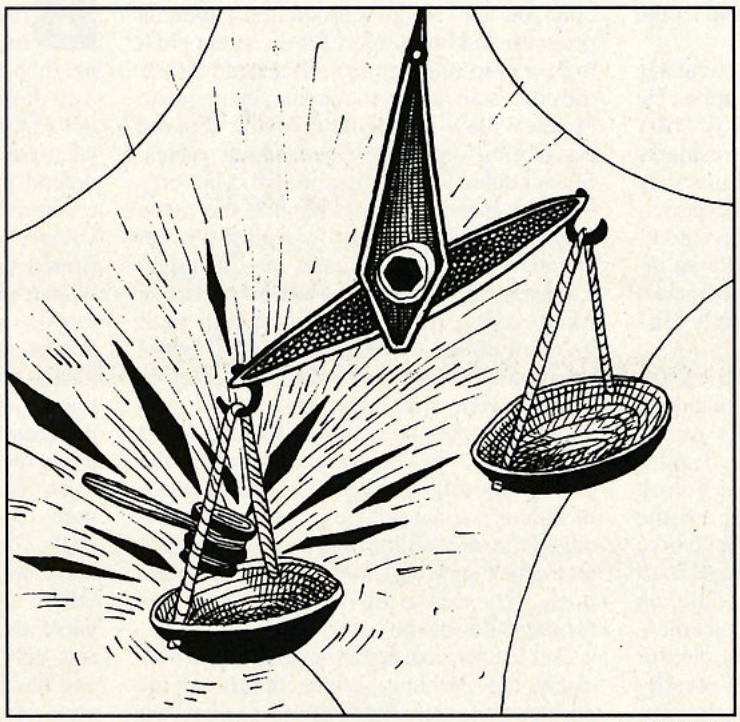
Aspects of his case, however, are still under consideration at the U.S. Courthouse in El Paso, where the Federal Public Defenders Office and U.S. Magistrate Janet Ruesch are engaged in a terse dispute over a judge's orders that force poor Mexican nationals to pay steep legal fees in misdemeanor immigration cases.

The defendants are usually first offenders, charged with making false statements to border officials or using counterfeit documents to get jobs in the U.S. Almost always, their immigration was motivated by economic survival. They plead guilty, serve up to six months in jail and are deported.

But if their cases get assigned to Ruesch, most of any money they have in their pockets when they are arrested will be taken from them to pay legal fees—even if they are represented by public defenders, whose job it is to represent the poor for free.

Defendants who draw a public defender are penalized disproportionately, the public defenders contend, because Ruesch apparently has no formula for determining their fees, while the Criminal Justice Act limits how much private attorneys can charge indigent defendants.

Nuñez had four hundred and forty-one dollars in his pocket when he was arrested, an amount Judge Ruesch determined too high for Nuñez to be declared indigent, which is a prerequisite for free legal representation. After she had appointed Assistant Federal Public Defender Amy Beaton to take Nuñez' case, the judge ordered him to pay two hundred dollars in attorneys' fees into the registry of the court .



VALERIE FOWLER

"If it was an American citizen and all they had was four hundred dollars, there is no way in hell the court would take it," Beaton said. "It's an equal protection issue. She is employing a different standard for aliens, which means Mexicans."

Ruesch, through an employee, declined to discuss the reasons she charges legal fees to poor defendants. But Special Assistant U.S. Attorney Thomas Roepke defended her right to charge the fees and said the Public Defender's Office has accused Ruesch unfairly of bias against Mexican nationals.

"I am absolutely not in agreement with them," Roepke said. "The court does not pick the nationality of defendants who appear. If the public defender said that, I do not see where that is genuine. The law says a defendant can be ordered to pay a portion of the fee. [Nuñez's four hundred forty-one dollars] won't buy a Coupe de Ville or make a down payment on a house in America," but, Roepke argued, he shouldn't get free representation.

Beaton, at twenty-five a rookie lawyer licensed for less than a year, is taking on a magistrate with sixteen years on the bench who currently is under consideration for re-appointment to her third eight-year term. Beaton divides her time appearing before Ruesch and El Paso's only other federal magistrate, Richard Mesa.

Ninety-two percent of all the misdemeanor immigration cases filed in El Paso are assigned to the public defender's office; the bulk of these fall to Beaton, because they are simple matters easily adjudicated by inexperienced lawyers. The Nuñez case was just one in a sea of similar cases—until Beaton decided to challenge Ruesch over the fee she charged Nuñez for Beaton's services.

Last March in court, after Nuñez had pleaded guilty and received a four-month jail sentence from Ruesch (although it was his first offense), Beaton told the judge that the two-hundred-dollar fee was too high for the work she had put into the case, and asked Ruesch to reimburse her client one hundred and twenty dollars.

Ruesch refused.

Beaton then filed a motion asking Ruesch to reconsider her decision, saying that after checking her time sheet, Beaton realized she had only worked on Nuñez' case for a half-hour in court and a half-hour outside of court. Beaton pressed Ruesch to apply the standard provided in the Criminal Justice Act, which pays court-appointed private attorneys sixty dollars an hour for trial work and forty dollars an hour for preparation. By Beaton's calculation, if the court felt compelled to charge Nuñez anything, it only should have been fifty dollars.

Ruesch rejected Beaton's argument, and in an eight-page order March 16, ruled that

---

Freelance writer Mary Hull Caballero lives in El Paso.

she was not bound by the Criminal Justice Act when it came to charging fees for public defenders. (There is no case law specifically addressing the issue of whether public defenders fall under that statute.)

Beaton appealed Ruesch's order to her boss, U.S. District Judge Harry Lee Hudspeth, who agreed that Ruesch was not bound by the limits included in the Criminal Justice Act. Hudspeth ordered Ruesch to hold a hearing in which she was to apply a *civil* formula to determine a reasonable fee and to decide the exact amount of time Beaton spent on the case. Ruesch's opinion on those two issues was pending as of September 13.

WHILE BEATON, the government and Ruesch continue to slug out the details of how much a poor man with extremely limited prospects for future income should pay for a lawyer who doesn't want his money, the most troubling evidence lies in the numbers.

In his July 11 opinion, Hudspeth rejected the argument that by treating Mexican nationals differently from others who appear in her court, Ruesch had violated Nuñez' right to equal protection. Hudspeth noted correctly that Beaton had failed to first raise the equal protection argument in the lower court, but that legal reasoning doesn't make Ruesch's pattern of hitting up desperately poor people for attorneys' fees any less disturbing.

According to an affidavit Beaton filed in support of her equal protection argument, of the eighty-four misdemeanor immigration cases Beaton has handled since December 1994, eighty-three have involved Mexican nationals. Of those eighty-three, Ruesch ordered eighteen to pay attorneys' fees, ranging from fifty to five hundred dollars, even though they possessed no significant funds other than what was in their pockets when they were arrested. Five of the eighteen also received a fine as part of their punishment.

"While a few defendants had meager funds in Mexico, these funds were far beyond their reach while incarcerated at the El Paso County Detention Facility," Beaton said in her affidavit. "In fact, in some cases, the money had to be paid by relatives of the Defendants....It is noteworthy...[that] not one of the cases...was more complex or more time-consuming than another."

Ruesch does not explain in her orders how she determines a fee, Beaton said. Defendant Luis Loya had two hundred dollars and one hundred and seventy pesos (worth about twenty-eight dollars) on him when he was arrested. He had no other funds available to him, court records show. Ruesch ordered Loya to pay one hundred fifty dollars in attorneys' fees and imposed the mandatory twenty-five dollar court fee, leaving him with little more than fifty dollars.

Defendant José Sapién had seven hundred dollars and ten pesos in his pocket when he was arrested, which according to Beaton's affidavit was all the money he had to his name. Ruesch ordered him to pay three hundred dollars in attorneys' fees, imposed the twenty-five dollar mandatory court fee, and fined him an additional two hundred twenty-five dollars, leaving him with one hundred fifty dollars.

Ruesch's willingness to empty their pockets has serious implications for the defendants, Beaton said, and, ironically, can hasten their return to the United States.

Beaton, the government and Ruesch continue to slug out the details of how much a poor man with extremely limited prospects for future income should pay for a lawyer who doesn't want his money.

Some of the money they have left after Ruesch charges them attorneys' fees is spent on soap, shampoo and shaving cream while they are in jail, terms that usually last six months. Once they run through the deportation process, which takes at least ten days, they are bused to the international border and released at the edge of Ciudad Juárez, a city of over one million inhabitants in a country with no welfare system.

If they have no friends or family in Juárez, which is often the case, they are left to fend for themselves on the streets if they don't have the money to get back to their hometowns, Beaton said. Those who are desperate enough or determined enough try to return to the United States. If they are caught, because of their prior immigration offense they have just graduated to felony status.

Beaton prefers that her clients get assigned to Magistrate Mesa, who she said does not impose legal fees against them nor deplete the funds they have at the time of their arrests. Not wanting to give them any reason to return to the U.S., Mesa tells them to use their money to get back home, Beaton said.

Ruesch heard testimony in August to determine how much time Beaton spent on Nuñez' case and what a reasonable fee the legal community, including private attorneys, would have charged him. The hearing consisted of tedious testimony about how long it takes Beaton to get from the front steps of the jail until she sees her incarcerated client (five minutes) to a cost analysis of how much taxpayers pay per hour for Beaton's services (twenty-eight dollars and eighty-seven cents).

Prosecutors Roepke and Brandy Gardes, a lawyer who is on loan to El Paso from Justice Department headquarters in Washington, D.C., specifically to press illegal immigration cases, essentially accused Beaton of lying on her time sheet about how little time she spent representing Nuñez. Beaton's time sheet for the day she first met with Nuñez showed he was one of seventeen clients she interviewed that day in the jail. While private attorneys are motivated by profit, Beaton said, lawyers who don't bill by the hour are motivated by efficiency.

"I am a really busy federal public defender," she said. "I have a huge caseload. Of course, I am going to do it in the most efficient way possible." The public defenders' office argued that because it handles ninety-two percent of the illegal immigration cases in El Paso, *it* is the community by which the fee should be set. Prosecutors scoffed at Beaton's calculation that her hourly rate—an absurd notion to a salaried public defender—is only twenty-eight dollars and eighty-seven cents, far below the one-hundred-fifty-dollar rate one private attorney with twenty years' experience testified he would charge for such a case.

The prosecution and the defense had until the end of September to submit follow-up briefs to Ruesch. Despite all the haggling over minutiae, Beaton contends the judge should not get distracted from the fact that any fee charged to poor defendants unfairly punishes them. "Given the economic circumstances in Mexico," she said, "it is inhumane to take any money away from them." □

ANDERSON & COMPANY
COFFEE
TEA SPICES
TWO JEFFERSON SQUARE
AUSTIN, TEXAS 78731
512 453-1533
Send me your list.
Name _____
Street _____
City _____ Zip _____

Class Menagerie

Traffic In Endangered Species Shows What Money Can Buy In Mexico

BY JOHN ROSS

"ALTO!," flashed an inspection stoplight at the Mexico City international airport customs checkpoint last May 22. Frazzled by a long flight in from the Far East, Jorge Hank Rhon, the scion of one of the nation's political kingpins, called off his protesting bodyguards and reluctantly snapped open a dozen suitcases for inspection.

Authorities charge that in the long-haired impresario's luggage was a treasure trove of contraband, including mother-of-pearl encrusted vests, ivory elephant tusks, and a pair of overcoats fashioned from the skins of a dozen ocelots. Also out of the bag was one of the worst-kept secrets in government circles: the son of Carlos Hank González, former cabinet minister, *compadre* of presidents, and billionaire, is one of Mexico's premier traffickers in rare and endangered species.

As a former government undersecretary of flora and fauna, Graciela de la Garza has tracked Jorge Hank's career for years, and the overcoats immediately caught her eye. Ocelots are native to Mexico, not to the Far East region where Jorge Hank had been traveling. The ocelot is also an endangered species—there are only about three hundred left in the country, de la Garza calculates, and each coat (one large, one medium) utilized six skins. Although Jorge Hank returned to Mexico with two, what de la Garza asks is how many ocelot overcoats Hank (son of the leader of the ruling PRI party's Dinosaur wing) might have sold or traded in the Orient.

Freelance writer John Ross doggedly pursues stories in Mexico.

And as he has in other scrapes with the law, the youngest son of "The Professor," Carlos Hank, was freed from custody within hours. Although Customs evaluated the contraband at forty-six thousand U.S. dollars, far more than Jorge had declared, Mexico's most prominent animal trafficker paid only a sixteen-thousand-dollar fine—he could have been fined as much as one hundred seventy-five thousand dollars, and sentenced to six years in prison.



VALERIE FOWLER

Mexico is wealthy in native fauna, counting the second largest mammal population (four hundred forty-eight species) on the planet, and is *número uno* in reptiles (seven hundred seventeen). But environmental degradation, hunting, and rare-species trafficking have placed thirty-four percent of the mammal population (ocelots, jaguars, anteaters, among others) in danger of extinction. One thousand, four hundred seventy-one species are at risk, including many found only in Mexico (one hundred twenty-four out of four hundred eleven), according to the National Institute for Statistics and Geography (INEGI).

Jorge Hank Rhon tells reporters that his love for animals began in his mother's womb: "When I was in there, I played with the worms," he jokes to reporters. As a child in the small town of Santiago Tianguistenco in the state of Mexico, his father, then the governor, built Jorge a private zoo. Native Matlazinca Indians remember with some bitterness the ostriches, zebras, camels, and hippopotami that roamed what had been their fields. The zoo was built on communal land, explains community representative Aurelio Monroy, and the Matlazincas still want the land back from the Hanks.

As Jorge grew into manhood, he and another animal-loving "junior"—as the sons of the political elite are christened—dabbled in the rare-species trade. Hank and David Ibarra, whose father at the time was Mexico's finance minister, opened an enormous exotic pet emporium where even manatees (endangered) were exhibited, according to Alfonso Cipres Villarreal, veteran director of the MEM ("Mexican Environmental Movement"). Ibarra and Hank planned to develop a wild animal park, and even illegally flew in a killer whale named Keiko for display. But their Reina Aventura (Adventure Queen) Park was sold to the communications conglomerate Televisa and became an amusement park, trapping the whale in an undersized pool. Keiko has since gained fame on the silver screen for its role in the *Free Willy* films

and a fund has been established for the orca's relocation.

DE LA GARZA ALSO documented how Ibarra and Hank Rhon became the biggest bird dealers in Mexico. In 1988, CITES (the International Convention on Trade in Endangered Species) obtained lists of rare and endangered species offered for sale by Promotora Beta, Ibarra and Hank Rhon's Mexico City-based exotic animal distributorship. Mexico did not become a signatory to CITES until 1991, and although the documentation of the sales were available, the shipments could not be controlled by international convention. Ibarra's and Hank's names had shown up on government computers before, when a 1985 CITES complaint petitioned the Mexican government to investigate Promotora Beta's importation of large numbers of exotic birds, forty percent of them endangered. Throughout 1988 and '89, de la Garza worked in conjunction with the U.S. Fish and Wildlife Service to track bird shipments through Mexico, an operation that resulted in twelve U.S. arrests in May of 1989. One shipment of Indonesian Mourning Cockatoos was tracked through Singapore to Japan to Spain to Costa Rica to the Yucatán (where rare Guacamaya Macaws were apparently added to the cargo) to Promotora Beta's Mexico City facility. The birds were then shipped to Tijuana on the California border, to an address that coincides with the Agua Caliente racetrack owned by Jorge Hank Rhon. According to De la Garza the birds were later moved to a private marina in the nearby port of Ensenada, then smuggled onto private yachts for U.S. delivery. Monthly shipments of as many as five hundred birds were estimated to be worth as much as total of two million U.S. dollars, the former undersecretary noted. As in the ocelot caper, Jorge Hank Rhon escaped prosecution.

Prior to signing the CITES, Mexico was cited by that international body as a major rare species trafficking nation. Poet-environmentalist Homero Aridjis tells of a Chinese panda being flown into Mexico in a private plane, strapped into its own seat. And respected researcher Sergio Aguayo writes of sitting down to a banquet featuring an unidentified endangered species as the main course. The banquet was hosted by the same Quintana Roo state authorities responsible for protecting the species.

Today, Jorge Hank displays rare Guacamayas and cockatoos in glass cages adorning his Agua Caliente race track (where dogs have replaced horses)—of twenty-one native Mexican parrot species, eight are considered endangered. Also available for public viewing at Agua Caliente are a trio of bears and two regal Bengal Tigers.

Jorge Hank Rhon has made the tiger his personal fetish—Tigre Hank Krauss, his son, was born October 1, 1991. Hank is reputed to keep a caged jaguar (endangered) at his personal zoo on his exclusive El Paraiso estate, adjacent to the race track. On October 24, 1989, a cheetah escaped from El Paraiso, streaked down the boulevard, and was clipped by a pickup truck outside a nearby supermarket. When photographers from Tijuana's crusading weekly, *Zeta*, happened on the scene, they were waved away by Hank's gun-toting bodyguards who growled that the injured cat was "a private animal."

In August 1991, Jorge Hank was stopped in California by the U.S. Border Patrol. Perched on the back seat of his luxury Mercedes-Benz was a white tiger cub the race-track owner had driven from Tijuana to his second home near San Diego, and was returning to Mexico. U.S. authorities confiscated the Siberian cub (the animal is now interned at the San Diego Zoo) and fined Jorge Hank twenty-five thousand dollars for transporting an endangered species without proper permits.

Poet-environmentalist Homero Aridjis tells of a Chinese panda being flown into Mexico in a private plane, strapped into its own seat.

The loss of Blanca left Carlos Hank's son disconsolate, but the void in the family menagerie was filled with the acquisition of a second white tiger cub purchased for (thirty-five thousand dollars) from Tanganyika Wildlife of Wichita, Kansas. Also included in the Tanganyika shipment (the national daily *El Financiero* holds copies of U.S. Fish and Wildlife permits): eleven kangaroos (four red, seven gray) and a pair of pygmy marmosets (total sale was one hundred twenty-nine thousand dollars). "Animals are my only vice," Jorge Hank Rhon is fond of repeating to reporters.

But the big cat that has given Jorge Hank the most trouble was *Zeta*'s three-dot columnist, Hector "El Gato" Felix Miranda, who regularly pilloried the Agua Caliente track owner in print, even labeling him "the abominable snowman" because of reputed cocaine use. On April 2, 1988, "El Gato" was gunned down on a Tijuana freeway by members of the Agua Caliente security staff, two of whom are now doing twenty-five-year stretches in prison for the murder. Although one of the killers was Carlos Hank's long-time personal bodyguard, Jorge Hank Rhon escaped investigation. Every week since, *Zeta* editor Jesus Blancornelas has run a black-bordered page, signed by Hector "El Gato" Felix Miranda, that asks Jorge Hank Rhon: "Why did your bodyguards shoot me?"

OTHER SPECIES have made mischief for Jorge, too. In 1994, Victor Bernal, director of the Mexico state zoo founded by Carlos Hank, was arrested at the Opalocka, Florida, airport by a U.S. Fish and Wildlife agent who had dressed up in a gorilla suit to complete a ninety-two thousand dollar deal for a baby orangutan and the endangered primate he was impersonating. Jorge Hank's business card was found in Bernal's wallet, and arresting agent Jorge Picón says the intended shipping address for the ersatz gorilla was Tijuana's Agua Caliente Hippodrome. Although Bernal was imprisoned in the gorilla sting, Jorge Hank was never even questioned by authorities.

Even the species that so enchanted Jorge as a child continue to cause problems. One small hippo escaped three times (at last count) from Hank's Tijuana estate. In 1989, a hippo, nicknamed "The Pilgrim," escaped from a Hank ranch in Guanajuato and set off on a legendary interstate rampage.

Other animal motifs continue to dog Jorge Hank. His Iguanas nightclub is a favorite watering hole for Tijuana's top narco-lords, the Arellano Felix brothers, and in an attempt to clean up his image Hank makes appearances at the local Lions' Club. Nonetheless, several members of the TUCAN special police squad suspected of facilitating the March 1993 Tijuana assassination of PRI presidential candidate Luis Donaldo Colosio, reportedly worked at the Agua Caliente track. Jorge Hank's links to that dolorous event are decried by an ex-Mexican drug agent Eduardo Valle, universally known as *El Buho* (The Owl). And most recently, Jorge Hank has been tied to the death of a Cardinal: ministerial testimony by two stewardesses indicate that Jorge Hank Rhon was a passenger on a May 23 1993 Aeroméxico flight to Tijuana, sharing first-class with Arellano Felix gunmen who had just assassinated Cardinal Juan Jesús Posadas at the Guadalajara airport.

"Jorge Hank Rhon is a predator, a species found in Mexico, which is the perfect habitat for it to fatten up and reproduce" writes Sergio Aguayo, tongue in cheek, in the national daily *La Jornada*.□

JAMES GALBRAITH

GIVE WAR A CHANCE

The news from Bosnia is astonishing. Within weeks the siege of Sarajevo has been lifted, that of Bihac broken, and the allied forces of Bosnia and Croatia have retaken over fifteen hundred square miles of Bosnian national territory. They are now nearly in position to dictate terms to a brutal enemy who only last spring was still committing systematic murder, as we know from the recent discovery of a mass grave in the Srebenica enclave.

At Washington, on the other hand, the siege guns are booming. Newt Gingrich, the Karadzic of our political culture, rolled out a big one on September 21, a threat to force default on the U.S. national debt unless Clinton capitulates on the budget. This, on top of longstanding threats to shut down the government itself. "Rule or ruin" is the common maxim of the Republicans and the Republika Srpska.

The pressure is building. The abolition of federal child welfare assistance—AFDC—is all but agreed to, apart from details of just how punitive to be. Medicaid and Medicare are slated for huge cuts in service and a doubling, or more, in premiums. Environmental protection will be dead, very soon, and a vast rape of natural resources will get underway, if the congressional appropriations bills are passed and signed. And nasty little abuses of power, such as an amendment aimed at silencing public interest advocacy groups, are making the news.

Most recently, an attack has started on Social Security itself. This takes the form of a suggestion that cost-of-living adjustments to Social Security be cut to one percentage point below the inflation rate. The suggestion originated years ago with Martin Feldstein, chief economist under Reagan, and is now backed by a hastily-assembled congressional commission of prominent economists headed by Michael Boskin, chief economist to George Bush. Not surprisingly, the commission was rigged. According to a critique by Dean Baker of the Economic Policy Institute, before they were appointed to the commission, all members were on record that the official Consumer Price Index overstates actual inflation, and that cost-of-living adjustments based on it are excessive. Economists with contrary views, such as former Commissioner of Labor Statistics Janet Norwood, were excluded.

The maneuvers of the Boskin Commission illustrate the political motives of some academics. The issues are complex, and very little research has been done. Yet the commission made no effort to conduct any research of its own. As Baker shows, the Commission's interim report, produced in a month, also misstates existing BLS findings and the conclusions of an article by one of its own members, and takes no account of phenomena, such as the high percentage of health care costs in the consumption of the elderly, that might cause the CPI actually to understate inflation for the Social Security population.

There are rich ironies if inflation really has been overcounted all these years. For that would mean that real output and real wages have been rising much more rapidly than we've thought. Bingo: no productivity crisis! So, no need for more savings or investment, and no urgent reason to cut the budget deficit in the first place—out with the whole Republican agenda!

Squeezing the elderly means more money will be available to save other programs, to balance the budget, for tax cuts to the wealthy—depending on your political agenda.

And interest rates have been much too high. Perhaps we should all get refunds on our mortgage loans, which have been transferring huge sums of real wealth to our bankers, which they told us was only to compensate for inflation. There may be something to this—as a systematic research program could show. But the Boskin commission isn't interested, and to make one argument for one purpose—screwing the old—without exploring any of its implications, is to reveal the motive behind the deed. Why play these games? Easy: the numbers are very big. Social Security will account for some three hundred and fifty billion dollars in expenditures next year. A cut of nearly one percent per year, cumulating over time, quickly mounts up. Squeezing the elderly means more money will be available to save other programs, to balance the budget, for tax cuts to the wealthy—depending on your political agenda. Even a liberal like New York's Daniel Patrick Moynihan, who fought hard to save AFDC, can be tempted. Moynihan knows that his home state, and many others, cannot actually tolerate beggar children on street corners and kids dying because they cannot pay for life-saving drugs. What will happen—what is happening already—will be life-crushing financial burdens on state and local government, continued cutbacks in services of all kinds (not just welfare) and increased regressive taxes in an attempt to cope, followed ultimately by bankruptcy and ruin. Cuts in a transfer program like Social Security, instead, open the way to shift some of the burden away from service-providers at the state and local level.

Yet one can understand Moynihan's dilemma without agreeing to the present retreat. For surely there are times when a last-ditch stand is called for. Social Security is rightly popular. It is an efficient, progressive, universal program that keeps most elderly Americans out of poverty. It is not bankrupt, and not heading that way. It is a model, indeed, for federalism; a model followed by food stamps, and in recent years for the working poor by the Earned Income Tax Credit, another successful and rightly popular transfer program under attack.

The electoral calendar assures that 1995 is the year for the dirty work. None of the Republicans' present actions are popular. To the contrary, they are widely, accurately viewed as vicious and unnecessary. Most were not featured in the Contract with America, but emerged from hiding after the 1994 election or even later. The GOP is flexible: give an inch, and they demand another mile. Their apparent strategy is to cut as much as possible, on all fronts, right now, ethnic cleansing of the poor, the old and the sick. This will leave time for a big, happy argument next year over how to divvy up tax cuts among the healthy and the rich. This strategy can be broken, and a defense mounted that may ultimately turn the tides. But it must be based on a principled, stubborn defense of the good things that the federal government does: fighting poverty, financing health care, supporting the old, and paying for all of this by taxing those who can better afford to pay. These are bedrock commitments, worth rallying around. They won't be saved if our leaders keep looking for ways to retreat. Sometimes you can't, and sometimes when you don't, you come out all right in the end. Look at Bosnia.□

James K.Galbraith teaches economics at the Lyndon B. Johnson School of Public Affairs at the University of Texas, Austin.

MOLLY IVINS

THE ARITHMETIC OF DEPRIVATION

Simple math:

—Infant day care costs six hundred to eight hundred dollars a month.

—Child care costs five hundred to six hundred dollars a month.

—Minimum wage, at four dollars and twenty-five cents an hour, makes for an income of approximately six hundred eighty dollars a month before taxes.

You figure it out.

If we keep the Earned Income Tax Credit for working poor people (my nomination for the Best Thing That President Clinton Ever Did And Got No Credit For) and raise the minimum wage to cover at least basic needs, estimated by the Center for Popular Economics at ten thousand, eight hundred and forty-seven dollars for a woman with two children, and keep Medicaid intact for those at the poverty level, then we will probably see a noticeable number of folks move off welfare—although offering them job training and transportation costs would help move even more off the rolls.

So what are the Republicans doing?

—Moving to eliminate the EITC for working poor people.

—Refusing to consider the minimum wage.

—Moving to slash Medicaid.

And that, friends, is a recipe for disaster.

Pat Cole of Seattle wrote to Senator Patty Murray:

"I found myself at thirty years of age with two children, no job and very few skills to make more than a minimum wage. I was awarded no alimony and two hundred and ten dollars a month child support. For a month, I was forced to leave my eight-year-old daughter in charge of my two-year-old while I worked as a waitress. I could have been arrested and my children taken away from me. My only recourse was public assistance....

"Luckily, the state paid for a vocational program at a community college and the early learning center program for my two-year-old. Within a year, I was graduated and off welfare; within five years, I was making forty-five thousand dollars. Currently, I am in business for myself as an independent sales representative, and this year, I project sales in excess of two million dollars. My oldest daughter works for me, and my youngest daughter is graduating from college. I could never have accomplished this without the availability of education and child care.

"I was given a chance to create a future for myself and my children instead of drifting in low-paid jobs and dangerous environments, with no hope....What Senator Dole is suggesting is insane! The idea that there be no child care, that somehow women are supposed to leave their children at the mercy of family or neighbors suggests that he has never been to a poor or even working-class neighborhood....He pictures some '50s fantasyland where some sweet grandmother is being magically supported and willing to lovingly care for her grandchildren....Excuse me...the reality is that these 'grandmothers' are in their 40s, have to work and are struggling to hold their own lives together."

Another Republican proposal is to raise the retirement age to seventy, leaving even fewer grandmothers home to provide child care.

When contacted yesterday, Cole was even more indignant about "welfare reform."

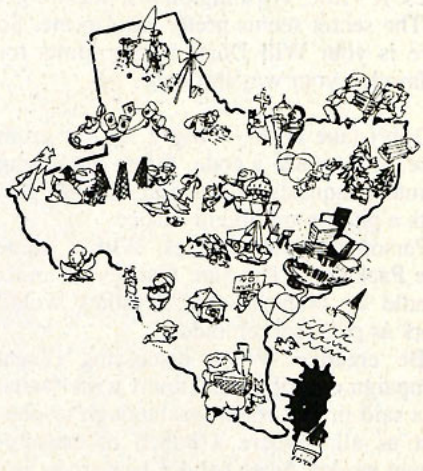
"Haven't any of them ever spent an afternoon at a welfare office?" she demanded.

A five-year cut-off on welfare is not necessarily a bad idea; in fact, seventy percent of women on welfare stay on the rolls for less than two years, according to the Center for Popular Economics. The problem is that many are forced to return to Aid to Families with Dependent Children within five years, almost always because of job loss or a health-care crisis. As soon as a woman loses Medicaid because she gets a job (almost always with no health benefits) and then one of her kids gets sick, she has to go back to welfare to get the child medical care. So cutting Medicaid puts these women on a hopeless treadmill.

My favorite quote from the Senate welfare debate came from Texan Kay Bailey Hutchison, who said: "States can be more efficient and more responsible if Washington just gets out of the way." Hutchison served in the Texas Legislature when this state provided thirty-two dollars a month—not per week, per month—in AFDC. If she has forgotten, she should ask her husband, Ray, about the fight to get education for deaf children. "Efficient and responsible"? Try callous, racist, cruel and stupid. □

Molly Ivins is a former Observer *editor and a columnist for* The Fort Worth Star-Telegram.

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!

THE TEXAS Observer

TO SUBSCRIBE:

Name

Address

City

State

Zip

☐ $32 enclosed for a one-year subscription.

☐ Bill me for $32.

307 West 7th, Austin, TX 78701

JIM HIGHTOWER

HOW TO SUCCEED IN D.C.

First Nixon abdicated because of tapes, now Packwood resigns because of his diaries. It's true, Washington just doesn't get it. The secret seems pretty easy to me. So here is your Will Durst Handy Hints for scamming your way through:

- Don't take notes. Wing it. Or for crum sake, at least use a code. When discussing sexual conquests, a baseball scoring grid with a pitch count might suffice.
- Personalize your entries. With a name like Packwood, I'm sure notches on an ax handle or blunt toothpick tallies would work as personal reminders.
- Be creative. When discussing illegal campaign contributions, don't write "what was said in that room was enough to convict us all," where a bunch of crudely-drawn smiley faces behind bars gives out the same basic information.
- When you get caught, burn the evidence. Pull a Reagan. Don't recall. Hundreds of times if necessary. Just recently Ron wrote a letter to the press announcing he had Alzheimer's Disease. Who knew? This just in—Fire is Hot! Mexico—full of Mexicans!

My theory is: Reagan wrote the letter fifteen years ago, just forgot to mail it. You do have to give Packwood credit for giving it the old Congressional try. He said out loud in front of television cameras that some of the stuff he wrote in his diary wasn't true. But which rings truer to you? A. "I can't remember" or, B. "I was lying then, but I'm not now."

DETAILS OF CORRUPTION

If you want to know how Congress works, don't bother reading a civics book…just read "Senator Bob Packwood's Diaries."

Whoa! What a raunchy guy, huh? But the nastiest revelations in this Oregon Republican's diaries might not be about his sexual harassment of women, but about his lewd liaisons with corporate lobbyists.

Rarely do "we the people" get such a peek inside the cozy and corrupt world of our lawmakers and the big-money lobbyists who both feed them…and feed off of them.

Here's a for-instance: In 1989, Packwood tried to avoid making a big alimony payment to his ex-wife Georgie by lining up some outside income for her. To get the money, he turned to his lobbyist pals…and, as ranking Republican on the Finance Committee, he had beaucoup lobbyist pals.

For example, he approached the lobbyist for Mitsubishi. Here's Packwood's diary entry about their little chat: "I wonder if you can put Georgie on a retainer." "How much?" "Seven thousand, five hundred a year." "He said, 'Consider it done.'" Three days after this blunt exchange, the Senator rearranged his schedule so he could attend a Finance Committee hearing, where he grilled a witness with questions that Mitsubishi had drafted for him.

He got another seven-thousand, five-hundred-dollar commitment from a Shell Oil Lobbyist for whom he'd done "a favor," and another thirty-seven thousand, five hundred was offered by a lobbyist he doesn't name but who told Packwood (according to the diaries), "If [you become] chairman of the Finance Committee, I can probably double that."

To her credit, Georgie Packwood rejected all of these corrupt offers her ex-husband solicited.

The sad part is that Packwood and all the others who've gotten used to taking corporate money in exchange for legislative favors…no longer even recognize it as corruption. To remind them, support campaign-finance and lobby reform, by getting involved with Common Cause: 202-833-1200. □

Jim Hightower is a former Observer editor and Texas Agricultural Commissioner. His syndicated radio program was recently dropped by the ABC network, but he is seeking a new national outlet and will continue to preach the populist gospel.

"Censors," from p. 18

The Egypt Game, by Zilpha Keatly Snyder, was the source of some fist-waving and finger-pointing in Richardson. A group of parents objected to the book because "[b]esides a thorough indoctrination into occult practices, the book also suggests to children that it is all right to lie to and keep secrets from parents, trespass upon private property, light fires, and trust strangers." Teachers were instructed to notify parents before the book was assigned and to offer an alternative reading to students whose parents objected to the book. (Although I, too, am a somewhat young and rather impressionable person, I felt no overwhelming desire to play with matches or toddle off with strange men after reading *The Egypt Game*.)

In Midland, a parent requested the removal of a book called *The High King*, by Lloyd Alexander. Citing allusions to witchcraft and magic, the parent filed a formal complaint with the district, which was not upheld. True, there was indeed a hoodoo-voodoo mystic type in *The High King*—a witch, if you please. This witch, though, took the form of the "oracular pig Hen Wen," a highly-revered hog who warned the protagonists of impending disaster. Conflict arose, presumably, for fears that a prophesying porcine might eventually entice children to follow the advice of common barnyard animals, rather than the Christian god. Still, any book containing the sentence "The oracular pig shuddered violently, shut her eyes, and sank her head between her stubby trotters," is a true work of art.

In another case of leaving the big-time spooky stuff to god, parents in one town not named in the study persuaded the school library to remove *Scary Stories to Tell in the Dark* from its bookshelves. A book jacket was left in its place so that unsuspecting browsers would not scare themselves by accidentally opening the offending book. No word yet on implementing the same policy for the Newt's collection of horror stories.

Alas, poor Yorick. Is Shakespeare next? □



Ghost Story

There are loves never spoken for, dead
now, with never a chance to be themselves.

One sometimes meets them years later
coming out of a movie or a florist's.

Is that you? It can't be you. It's a ghost.
And are those roses real? Real yes and red.

Second Pressing

The girl who slowly walks her bicycle
up toward the Parthenon, will,
thirty-six years later, hold
a bottle of olive oil up
to autumn morning sun and feel
the warm surprise of tears coming
from far away, and through these tears
she will see the sunlight pressed
into the glow of cloudless essence,
and she will be that girl again,
summoned again to plain wonder,
but this time her life will have lived
its future, so the tears will seem
the pressings of that life, glowing,
almost cloudless—but whom to tell?

She will, instead, open the bottle
and use just what the recipe calls for
and she alone will taste the difference.

—Leonard Nathan

LEONARD NATHAN, who taught for many years at the University of California, Berkeley, has published many warmly-received books of poems, including *Carrying On, Dear Blood,* and *Holding Patterns*, from the University of Pittsburgh Press. He writes, "At seventy, my poetic ambitions have come to fit snugly into a few stanzas. No more 'big' poems it seems. Yeats spoke of withering into truth. I can testify to the withering. About the truth part, I am no longer sure. Wallace Stevens' lines—'After the leaves have fallen, we return to the plain sense of things'—suit me better, a minimal positive in a world of maximal negatives. No posturing (well, not much anyway), just what 'necessity requires.' And a still-caring voice to recite that necessity."

Nathan is a passionate bird-watcher and has recently trailed his winged friends to the wilds of Alaska and the bird preserves along the Rio Grande of Texas, where his daughter works as a doctor.

—Naomi Shihab Nye

Onward Christian Censors

BY AMANDA TOERING

HOLD ON to your library cards. For the second year in a row, Texas has ranked second in the number of morality-based challenges to school curricula attempted in the U.S. People for the American Way's 1995 edition of *Attacks on the Freedom to Learn* documents twenty-eight attempts to censor books, school programs and policies in Texas public schools during the 1994-95 school year. Resplendent in its evening gown and grinning politely, Texas is once again second runner-up to the most censor-happy state in the country. (California beat Texas with its forty-four censorship attempts.) The literate Texan must now stop and wonder where it all will end.

Certain issues have repeatedly plagued school boards across the state. Over and over again, contingents of indignant parents and/or citizens have tried to prevent other people's children from having access to matter that may be offensive to some, art to others.

The following are some of the most dog-eared and threadbare issues of the past year. So, if you happen to find yourself in the position of scribbling lesson plans in the near future, take note: these gargoyles won't fly.

THE BIRDS, THE BEES, AND WHENCE THEY CAME

The battle over health and sex-education books has been well publicized in recent years. Several communities in Texas have rejected all four state-approved health texts because they mention birth control, homosexuality, AIDS, and other taboo subjects. Many conservative groups argue that these books should be replaced by fear-based health texts that emphasize subjective morality (i.e., the moral imperative of abstinence) over factual information (where do babies come from, anyway?). Some also believe that the current health textbooks are too titillating and graphic for teenagers. Let's face it—who needs steamy soap operas or sensuous music videos when there's an anatomy diagram waiting in locker 212?

In other science news, students in public school biology classes are learning not only how to dissect little worms and froggies, they're also getting a crash course in the finer points of political discourse. In Plano, *Of Pandas and People*, an alternative to evolutionist biology textbooks, was proposed by school board members who attended an education summit organized by the Christian Coalition, the Eagle Forum, and Concerned Women for America. Board members drafted a proposal that would have instructed the school district to buy copies of the creationist textbook for each student enrolled in a biology class. Confronted by protests from a faction that argued that the creationism curriculum could infringe upon students' religious rights, board members withdrew the proposal.

OF VICE AND SIN

Works considered to be classic or modern classic pieces of literature took a heavy beating during the past year. *I Know Why the Caged Bird Sings, Catcher in the Rye, The Adventures of Huckleberry Finn, The Autobiography of Miss Jane Pittman, The House Made of Dawn,* and *To Kill a Mockingbird* were included in these challenges. References to sex, atheism, and racial or ethnic slurs were cited as the reasons for removing these books from the classrooms.

THINGS THAT GO BUMP IN THE RELIGIOUS RIGHT

Matters of the occult are tricky topics nowadays, what with godless liberal heathens creeping across the heartland like kudzu. Note that occult in its new context can refer to anything that might be out of place in a second-grade Sunday school class.

Books that contain mentions of magic, ghosts and witches—the ones with the pointy hats, not practicing wiccans—were attacked by groups who felt that their religious values were threatened by the presence of such materials.

See "Censors," on p. 16

Amanda Toering is a young and impressionable Observer *editorial intern who has read several of the censored titles and still seems all right.*

Banning and Burning from Abilene to Wimberly

Abilene: *Frog, Duck, and Rabbit*

Beaumont: All four state-approved health texts

Boerne: *Sex Can Wait*

Canyon: *Perspectives on Health*

Clear Creek: State-approved health and psychology textbooks

College Station: State-approved health texts

Conroe: *The Autobiography of Miss Jane Pittman*

Dallas: Valedictorian's graduation speech that contained references to religion

Fort Stockton: *Bless Me, Ultima*

Houston: *The Boy Who Lost His Face*

Lumberton: State-approved health texts

Midland: *The High King*

Pampa: *Health: A Guide to Wellness*

Pflugerville: Books by author R.L. Stine

Plano: Removed condom information from AIDS programs; refused to endorse Take Our Daughters to Work Day; also endorsed creationist curriculum

Richardson: *The Egypt Game*

Round Rock: *I Know Why the Caged Bird Sings*

Southlake: *I Know Why the Caged Bird Sings*; *The Last Mission*; *Iceman*

Wharton: Sex education curriculum, health texts

Wimberley: *I Know Why the Caged Bird Sings*

Other notable bannings and banners: *The Giver; Changes of Latitude; Scary Stories to Tell in the Dark; The Way of Witches; The Adventures of Huckleberry Finn.* Denton County Commissioner Scott Armey, son of Republican Majority Leader Dick Armey, drafted a resolution that advocates prayer in public schools. It states "[O]ur nation was founded on the freedom OF RELIGION and was not founded on the freedom FROM RELIGION." Information taken from *Attacks on the Freedom to Learn*, copyright 1995 by People for the American Way. **—A.T.**

The Real Buddy Holly Story

New Biography Makes an Icon of Lubbock's Own

BY BRAD TYER

BUDDY HOLLY: A BIOGRAPHY.
By Ellis Amburn.
St. Martin's Press, 1995.
432 pages. $24.95.

LUBBOCK-BORN BUDDY HOLLY recorded rock and roll for two short years, from 1956 to 1958. Listen to that output today—if you can find it amongst the record companies' spotty treatment of Holly's catalog—and the music's unlikely combination of freshness and prescience is striking. There's no shortage of folks claiming to have invented rock and roll—and since rock is a hybrid sport, that's as it should be—but few can make the claims to which Holly, too long dead to argue his own case, is entitled. It was Holly who popularized the sturdy two-guitar/drums/bass rock and roll line-up with his band, The Crickets. It was Holly who stretched the boundaries of the recording studio, utilizing then-advanced techniques, like double tracking, to achieve sounds that have since become integral to rock and roll. It was Holly who popularized the idea that a rock singer could successfully write his own material, paving the way for three generations of rock auteurs. It was Holly, matter of fact, whose four-eyed visage convinced a Liverpool geek named John Lennon that his own bespectacled self might make a go of it in the rock and roll world.

But if those inspired by Holly—and they run the gamut from Keith Richards to Waylon Jennings—have survived to become rock legends, Holly himself has largely faded in the mists of memory. When Holly, Richie Valens, the Big Bopper, and pilot Roger Peterson died in that famous 1959 plane crash outside Clear Lake, Iowa—the crash itself the inspiration for Don McLean's 1972 mega-hit "American Pie"—a romantic and sometimes shabby mythology began its obscuration of Holly's life. A 1978 movie, *The Buddy Holly Story*, distorted key aspects of Holly's mercurial ascent, and million-selling cover versions of Holly's songs, especially Linda Ronstadt's readings of "That'll Be the Day" and "It's So Easy" re-popularized—and entombed—Holly's hits.

But take your hazy cultural memory of Ronstadt's admirable if still kinda icky readings and stand them next to original Holly rockers like "Rave On," "Maybe Baby," and "Peggy Sue," and it's clear what got lost in the translation. The morning-after 1970s revivals wilt within earshot of Holly's crisp explosions of transformation. Those songs, forged in a frantic window of creativity, represent everything that Holly, rock pioneer, stands for.

As presented by biographer Ellis Amburn—author of previous bios on Roy Orbison and Janis Joplin—Holly was an adventurous Lubbocker born into a culture of institutionalized sexism, racism, and creationism, who experimented sexually, married the Puerto Rican woman he loved, and embraced white country music and black rhythm and blues with such arduous fervor that he made the baby that was rock and roll. He managed to think of his boundary-exploding life as consistent with his small-town Baptism. Amburn's Holly is an American icon whose trajectory mirrored that of the generation it pioneered. These days, it seems, Holly rarely gets the credit of an Elvis—and Amburn gets most vehement when discussing Lubbock's long-time indifference to Holly's legacy—but Amburn's portrait (oft-times stilted prose and all) might just be vivid enough to revive Holly's memory.

Amburn did his homework, conducting interviews with several hundred sources, including Holly's wife Maria Elena, members of the Crickets, and the Holley family (Buddy dropped the "e" as a recording artist). The picture that emerges is of a small-town boy whose initial gawkiness helped steer him into a life of cleverness. He was an at-times devout Baptist, and the life he later led as a bohemian newlywed in Greenwich Village was a cause of consistent strife with his parents' community. Holly found in music a window out of smallness, and played with country & western line-ups before an Elvis sighting led him to try rock and roll; Holly would later produce Waylon Jenning's first record. He turned into an insatiable musician, and on the rock-and-roll package tours that he headlined, would often sit in with other bands. Recordings like "Everyday" would find him layering strings on his recordings, anticipating a crossover to the pop market cut cruelly short, and that would remain unachieved until Ronstadt. Holly was a homeboy who craved the limelight in Lubbock, but would never perform there as a star, and would remain to this day more popular and revered in England, where he sparked a fire, than in his own home, where he broke the mold.

If Holly set the model for rock and roll stars, he did not escape that occupation's usual travails. Amburn is clear, if careful, in his disdain for the business practices of Norman Petty, the Clovis, New Mexico, record producer who made Buddy a star after Decca misused him, but who felt free to keep most of the money, too. Today, the back cover of *Buddy Holly: From the Original Master Tapes* lists sixteen of twenty tunes, including "That'll Be The Day," as co-written by Petty—which, it's generally acknowledged (and in this book documented), is not strictly accurate. Holly, it emerges, was aware of impropriety, but moving too fast or perhaps too deferential to authority, to do anything effective about it.

While Amburn indicts Petty (who died in 1985), he's no more generous towards Roger Peterson, the underqualified Iowa pilot who offered to take the stars to the next gig, and then died with them when the plane crashed in snow a few minutes after take-off. Book-jacket copy suggests that Amburn offers "what really happened on that final flight on February 3, 1959," and while he does compile a definitive-sounding recreation of the available information—including an unmemorable "scoop" that nudges the accident's accepted time frame by a few minutes—he fails, of course, to do more than suggest the most likely possibility: pilot malpractice.

There's quite a bit of blame spread around in Amburn's biography. Small-town '40s Baptists aren't open-minded enough. Record producers aren't scrupulously honest enough. Lubbockers aren't appreciative enough. So on and so forth. It seems to be not spite driving the crusade, but an almost religious, hero-worshipping fervor. With half a century's hindsight, it's difficult to avoid taking your flesh-and-blood character out of the real world and recasting him as a "deeply tortured…visionary"; Amburn doesn't resist the temptation. It's a mild and expected flaw, overshadowed by the book's comprehensive scope, in three thorough sections: Beginnings, Stardom, and Legend. Luckily for Amburn, Holly the man—frozen in youthful death and timeless recordings—can stand the weight of this iconic memorial.

Just turn up "Oh, Boy" real loud and you'll know that's true. □

A Barrel of Fun

Small-town Politics is in a Pickle in Gun Barrel City

BY CAROL COUNTRYMAN

ON ANY GIVEN MORNING in Gun Barrel City, Bill Clark will be dispensing political observations to the breakfast crowd at the Dairy Queen. Clark is in demand these days, what with a political feud dividing the tiny town and offering a show better than any in Hollywood. "It's the best ticket in town," says Clark, referring to his reserved front-row seat at city council meetings. "We've got a council now that is plumb full of off-the-wall, truck-'em-in-from-Terrell ignoramuses—and a city administrator who caddies for 'em."

Since May, Gun Barrel City, sixty miles southeast of Dallas, has been in turmoil. The small community, dominated by retirees, has been engaged in political fisticuffs the likes of which haven't been seen here since local liberals—arguing that the picture might conjure up violent images—decided that city signs should no longer depict a shotgun. The liberals were soon run out of town, and a shotgun once again adorned city signs—along with a fish, a heart, a duck, and the city motto: "Welcome to Gun Barrel City. We Shoot Straight with You."

These days, a more accurate motto might be, "We Shoot Straight AT You." In recent weeks, Mayor Joe Agnes and City Administrator Allan Taylor have lobbed charges and counter-charges at each other. The mayor accuses Taylor of bid-rigging and lying; Taylor accuses the mayor of assault, and of being a "megalomaniacal tyrant." Threats, terminations, and lawsuits have become part of Gun Barrel City's daily operations.

The feud recently took a potentially deadly turn, when Taylor reported finding a homemade bomb under his van. There's no question that an explosive device of sorts was found—a pickle jar wrapped with nails and filled with gasoline, and connected to a long fuse that appeared to have been lit several times before burning itself out. The Texas Rangers and the Federal Bureau of Alcohol, Tobacco and Firearms are investigating the incident.

Freelance journalist Carol Countryman lives in Kemp, just a pickle's throw down the road from Gun Barrel City.



THE PICKLE-JAR INITIATIVE

The cauldron began boiling in May, following the installation of a newly-elected city council. A majority bloc, made up of councilmembers B.J. Simmons, Emogene DeFord and W.C. "Bill" Brooke (soon known as "The Three") and allied with administrator Taylor, squared off against members John Tankursley and Marge Puck, who favored Mayor Agnes.

By the end of July, the townsfolk were so incensed by the shenanigans at city hall that they began demanding the resignations of Simmons, DeFord and Brooke, and Taylor, even picketing the councilmembers' homes. Bill Clark suggested that the town undertake a "pickle jar" vote to determine the future of the City Council. Two jars would be placed side by side on the counter at the Dairy Queen, one reading "Impeach" the other "Lynch." The sentiment raising the most money would win, and the cash could go to Crime Stoppers. One way or another, everybody would be happy.

The pickle-jar vote never came to pass, but a group of businessmen did form the Gun Barrel City Business Coalition, and hired a private investigator to sniff into administrator Taylor's past, and an attorney for the purpose of impeaching the whole doggone council. The lawyer advised them to take their information to the district attorney. Meanwhile, city attorney Thomas Williams resigned, basically on the grounds that city administrators were just too danged nutty to work for.

EGOS RUN WILD

The central issue has been the employment of Allan Taylor—formerly dogcatcher and building inspector—as city administrator. Council members Tankursley and Puck say that soon after Taylor's appointment, two distinct council factions emerged, and that The Three voted as directed by Taylor, who would discreetly nod or shake his head to give them cues. (Taylor, Simmons, DeFord, and Brooke declined to comment for this story, except that Brooke did allow he wanted to see the mayor arrested: "He'll look good behind bars.")

In June, the fight spread beyond the council chambers, when the position of the assistant city secretary, held by Peggy Stamper, was abolished. Taylor claimed he abolished the position for budgetary reasons. However, on the same day, he created the higher-paying position of "data-processing manager," and hired a former city council member to fill the job. Stamper alleges that she lost her job after she brought allegations of wrong-doing to the attention of certain council members. She has filed a whistleblower suit against the city.

Over the next two months, the citizenry became more and more disenchanted with Simmons, DeFord and Brooke, and positively hostile toward Taylor. "When the city administrator got the backing of The Three, they literally took over," said Tom Ward, a member of the Business Coalition. "They started messing with the fire department, then the police department. They tried to fire all the volunteer fire fighters. They gave [police chief] Tommy Smith two groundless reprimands. They've had no authority to speak of before, and their egos have run wild."

By July, council meetings were drawing upwards of three hundred people, many shouting "Impeach!" and "Resign Now!" and collecting money to file a lawsuit against the council. However, the meetings were not necessarily attracting council

members. Either the bloc of three would be absent, or, if a special session had been called by Taylor, Simmons, DeFord or Brooke, the other two council members would be missing. Such special sessions became routine and they usually seemed to be scheduled when no one was looking. "The *only* special session that council needs," Clark suggested, "is one of those 'special sessions' with a city psychiatrist."

Tensions were running high enough that on one occasion the Henderson County Sheriff's Department and Texas Ranger Otto Hanak were brought into a special session—called after The Three had failed to make a regular council meeting three nights earlier. There was to be a particularly hostile crowd in attendance that afternoon: the lunch crowd from the senior citizens nutritional program.

Taylor and company are not without their defenders. Former city secretary Linda Baker said she believes the people behind the protest against the administrator are former council members who want to continue running the city. "They're a bunch of old fossils who don't want change," Baker said. "They don't want to be told they can't do things that are illegal." In the mid-1980s, Baker sued the city for wrongful termination, won a judgment against then-mayor John Muirhead, and subsequently served a term on the council herself.

"I'm afraid someone is going to get killed," said Glenda Harley, one of a handful of citizens openly backing Taylor and the three council members. "Most of those protesting don't even live in the city. I'm afraid there is going to be a riot." Skeptics note that Harley's husband, Chuck Harley, recently won an appointment from Taylor to replace the fired volunteer fire chief, Butch Grant. (Actually, a new position was created for Harley, who retired from the Dallas fire department. For twenty-eight thousand dollars a year, he will serve as Gun Barrel City's fire chief, fire marshal and weed control officer.)

Bill Clark laughs at the prospect of a riot. "These are a bunch of retired fossils—among whom I'm one—who have no life of their own, so they're trying to run everybody else's," Clark said. The only way a riot would break out, he added, is if someone spikes the city's supply of Metamucil.

THREATS, LIES AND VIDEO TAPE

Riot or not, Taylor has alleged that on at least two occasions the mayor assaulted him. On September 14, joined by Simmons, DeFord and Brooke, Taylor filed a petition requesting a temporary restraining order against the mayor, alleging that Agnes threatened him with "unlawful imprisonment, false imprisonment and threats of physical restraint and incarceration." The petition also alleges that on a prior occasion Mayor Agnes "physically assaulted and battered Allan Taylor."

Agnes calls Taylor's claims "a pack of lies," and says he merely shook his finger in the administrator's face. "I never touched him," Agnes said. "He hollered to the city clerk to call the sheriff's department—that I was holding him hostage. The door was open the whole time and the city secretary was sitting right here watching." Agnes said he didn't want Taylor in his office at any time, and certainly wouldn't hold him hostage. According to the mayor, Taylor filed a workers' compensation claim based on the incident, but the claim was denied by the Texas Workers Compensation Commission. Taylor's attorney, Charles Nichols, retained (at city expense by a three-to-two vote of the council) to represent Simmons, DeFord, Brooke and Taylor against Agnes, also refused to comment on the alleged assaults. Agnes has himself retained two lawyers and intends to sue Taylor for slander.

Taylor has also accused former fire chief/fire marshal Butch Grant of threatening him, demanding that city police arrest Grant. Grant says that he had gone to city hall to ask Taylor why he told the fire dispatcher there was no longer a volunteer fire department. "He saw me," said Grant, "screamed like a banshee and took off running." According to Grant, Taylor then called the police dispatcher (next door) and said Grant was attempting to kick down the door and kill him. "The dispatcher looked at me and said, 'Uh-uh—he's standing right here.'" Grant was not arrested.

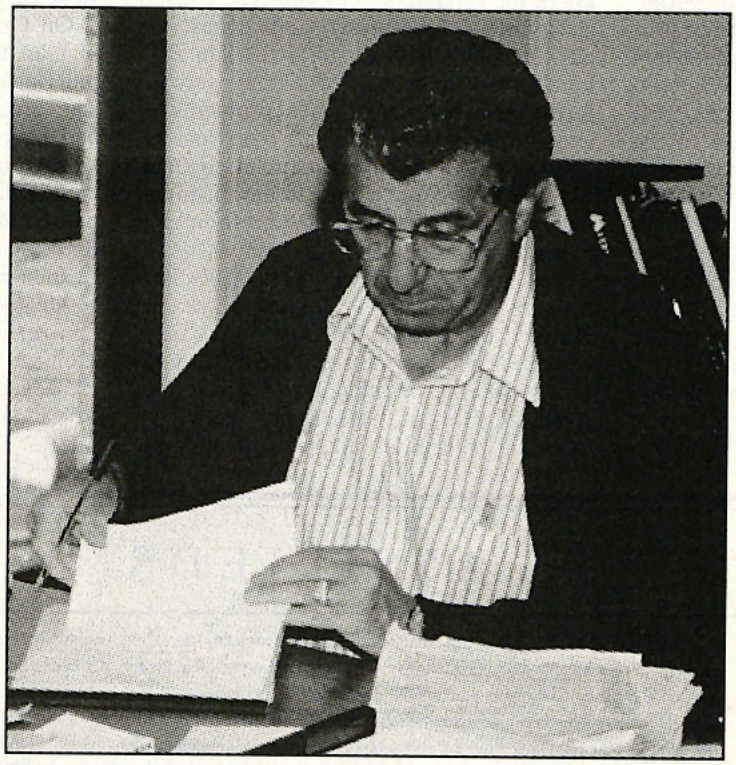
The following day, after contaminated fuel was found in one fire truck, Taylor grounded all city fire equipment, reported to police that he suspected sabotage, and placed the equipment under armed guard for five days. An independent investigation found that the contamination occurred when the city fuel vendor, filling the tank, accidentally mixed diesel oil and gasoline.

The grounding of the fire equipment really started the town smoldering. When a resident asked why the administrator had grounded *all* the fire equipment, Taylor only shrugged. "If there's one thing that man's done for this city, it's bring the citizens together," former mayor John Muirhead told a townhall meeting, called after The Three failed once again to show for the regular council meeting.

"We're behind you, mayor," Muirhead said. "Whatever steps you have to take, whatever you have to do..." Agnes suspended Taylor with pay, while the district attorney checked into the mayor's charges of bid-rigging and document tampering. However, the mayor apparently didn't have the authority to suspend the administrator, and on the morning of September 13, Taylor walked into his city hall office, where the mayor confronted him to advise him that he was suspended. Taylor refused to accept the suspension, and the red-faced mayor kicked down Taylor's office door, sending pieces flying across the room.

But the suspension didn't last long. Simmons, DeFord, and Brooke called a special session and voted to hire Palestine attorney Nichols to force the mayor to abide by majority council votes on the council.

The mayor's door-kicking episode—praised by one onlooker as a new "open-door policy"—was caught on video tape and later broadcast by Dallas media. The mayor said he received congratulations from those who saw it, including flowers from a Florida woman, who called his performance "kind of macho."



Mayor Joe Agnes is under fire MARTHA HAZZARD DECKER

Taylor's court order lifted his suspension, and when he returned to work he was accompanied by a pair of less-than-impressive bodyguards, recruited from nearby Kaufman. Bill Clark was at city hall that morning and witnessed the excitement. "Taylor came back this morning," Clark told the breakfast crowd at the Dairy Queen. "And he was flanked by Dumb and Dumber."

That afternoon, Taylor terminated popular police chief Tommy Smith, after thirteen years of service. Taylor accused Smith of siding with the mayor, of failing to arrest disrupters at city hall, and of providing police escorts for the protesters who had picketed the homes of Taylor and the council members. Smith responded that he had dispatched an officer to the protests—to prevent violence—and that he can't just throw someone in jail because some city official ordered him to. Smith is looking into suing the city, not only in response to his termination, but for earlier official reprimands and pay-cuts by Taylor that followed decreases in traffic ticket revenue.

Bill Clark worries that in the end, no one will go to jail. "And that would be a shame, too," Clark said, "Because we've got a council full of folks eligible to attend...."

By the September 26 meeting, the national media and network news reporters were elbowing their way through a crowd of four hundred, some of whom watched proceedings on TV monitors set up in front of the city hall. At the meeting, Smith's attorneys, Martin Bennett and Hank Skelton, and City Attorney Barney Knight, questioned the legality of Smith's termination, suggesting that proper procedure had not been followed. The council proceeded to approve, by a three-to-two margin, the firing of the veteran police chief. The council also voted—three-to-two and against the city attorney's advice—to give Allan Taylor a three-year contract. And they were informed that, because of recent problems related to personnel, the city had lost its liability coverage for personnel matters. Though Taylor sent a letter to Smith, advising him of his termination, the following morning it was vetoed by the mayor.

But things could get worse. This is a council with relatively limited power. In January, the citizens of Gun Barrel City, which currently operates under General Law, will vote on adoption of home rule. According to state law, a city needs five thousand bona fide citizens to qualify for home rule, and by census, Gun Barrel City has only three thousand, six hundred. No matter—the council simply voted that the town contains the required five thousand.

For the folks down at the Dairy Queen, home rule would be a mixed blessing. "Oh, lordy," said Bill Clark, "I can't imagine giving these buffoons any more power. The only good thing about home rule is that then the citizens have the right to petition for a recall. Right now, the only way to get rid of them is to prove them incompetent—and that would be hard to do, since they'll have a jury of their peers."

On October 2, the Concerned Citizens of Gun Barrel City filed a temporary injunction against Taylor and the The Three. The group represents some six hundred and fifty people—over twice the number who voted in the last election. Mayor Agnes also filed a libel suit against Taylor and councilman Simmons, accusing Taylor of planting the bomb under his own van in an attempt to discredit the mayor.

Meanwhile, Clark said he and the denizens of the Dairy Queen intend to monitor the situation closely. They have to,because it's the only entertainment in town. "After all, we don't have a bowling alley." □

CLASSIFIEDS

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.

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) 587-5386, 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 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 Luby's, 2233 North Loop, Austin. For information call (512) 459-5829.

HELP STOP CLEARCUTTING and protect roadless areas in our National Forests!! Join the largest nationwide coalition of groups, businesses, and individuals united to protect and restore America's wild and natural forests. For a free brochure contact Save America's Forests, 4 Library Court SE, Washington, D.C. 20003; 202-544-9219.

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, 443-896l.

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.

EMPLOYMENT

Experienced canvass director and/or organizers wanted for new, innovative campaign to give progressives a way to be heard! Positions starting in California, offices opening across the country. Send resumes to: 3303 Pico Blvd. #C, Santa Monica CA 90405 or call (310) 264-5437.

COALITION FOR JUSTICE in the Maquiladoras—Billingual Program Director needed. Call 210/732-8957 in San Antonio.

PERIODICALS

WILD FOREST REVIEW. Radical reporting from the front lines of Newt's war on the environment. *WFR* offers substantive, uncompromising, not entirely humorless, provocative coverage of the war over America's remaining wilderness. "First rate reporting."—Alexander Cockburn, *The Nation*. P.O. Box 86373, Portland OR 97286; (503) 788-1994. $25.00 for nine issues; sample, $2.00.

SERVICES

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

HIV ALTERNATIVE INFORMATION LINE. Call (202) 466-1662.

WE BUY MEMORY!! New/used computer memory, simms, cpu's, 256k, soj's, & hardware. We will beat any price. The Memory Exchange, Inc. (800) 731-1112.

EDUCATION

RECEIVE SCHOLARSHIP MONEY—Let us work for you. Fee charged. Money back guarantee. Mortgan Enterprises 1-800-401-8226.

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

THE BUSINESS OF LAW

By Joseph D. Jamail

(This is part of a talk given by Mr. Joseph Jamail which is so impressive that I thought it ought to be seen by a large audience.—Bernard Rapaport)

Over the years, something seriously disturbing has been happening to the legal profession. Increasingly, law has become a business rather than a profession. In too many of our law firms, the computer has become the Managing Partner. We are ruled by hourly rates, time sheets and electronic devices. We have seen an increase in technological expertise with a corresponding diminution of the human side of law practice. We are making more and achieving less, and in the process, I am afraid, we have lost a great deal of what we were meant to be.

With the passage of time, many lawyers and businessmen alike have come to accept the proposition that the client is best able to judge what he needs done and the lawyer must be ready to do whatever the client asks.

In acceding to this, the lawyer has, I submit, bartered away what has always been his proudest characteristic—his independence. For if the lawyer stands ready to do whatever the client wants, he deprives the client of one thing the client is most entitled to have—the best advice the lawyer can give him as to whether what the client wants done should really be done. What makes a lawyer a professional is his insistence that in the legal realm, he sets the parameters of what he will and will not do—and he tells the client what he believes is in the client's best interest. Elihu Root's words are worth recalling:

> *"About half the practice of a decent lawyer consists of telling would-be clients that they are damn fools and should stop."*

Too many attorneys today are too willing to turn their license over to their paying clients, to then become a lackey and no longer a lawyer.

Postmaster: If undeliverable, send Form 3579 to The Texas Observer, 307 W. 7th St., Austin, Texas 78701

POLITICAL INTELLIGENCE

✔ **RAUL AND THE RIGHT.** Democratic Associate Supreme Court Justice Raul Gonzalez joins Christian Coalition national executive director Ralph Reed at the Faith and Friends Fiesta in San Antonio on November 11. Gonzalez, one of two statewide elected Hispanic officials, will apparently appear as a friend of the right-wing fundamentalist Christians of Pat Robertson's national coalition. (Democratic Attorney General Dan Morales spoke to property rights advocates, who define the secular right of the Republican party, at their fiesta in Austin last month.)

✔ **RESPONSE TO THE RIGHT.** What is described as a rational dialogue that will include a "faith-based response to the religious right" will be held by the Texas Freedom Alliance, in San Antonio, five days prior to the Faith and Friends gathering. The Freedom Alliance will hold its meeting at Trinity University, from 6:30-9 p.m. on November 6. For information, or to register, call (210) 226-2407.

✔ **PACKWOOD'S LAST KISS.** Texas Senator Phil Gramm once provided his Oregon Republican colleague Bob Packwood with so much soft money that Packwood worried in his diary that the transaction could get everyone in the room convicted. Now Gramm benefits from Packwood's departure, claiming the Senate Finance Committee slot that opens up as Oregon's serial groper leaves the Senate. Although Majority Leader Bob Dole had successfully kept Gramm off the committee when post-election committee assignments were handed out, this time Gramm took the seat by default, after more moderate and senior Republicans, like Pete Domenici of New Mexico, Arlen Specter of Pennsylvania, and Nancy Kassebaum of Kansas, passed up the assignment. *The Wall Street Journal* speculated that Gramm's appointment could make the committee's work more difficult, upsetting the delicate split between eleven Republicans and nine Democrats by forcing moderate Republicans to vote with Democrats. Gramm, a *Journal* reporter wrote, "immediately warned that he would combat committee moderates' attempts to shave the House's deep tax cuts." The committee deals with taxes, trade, and this session, Medicare and Medicaid reductions.

✔ **WHAT'S GOOD FOR** General Motors...Plaintiffs' attorneys Anthony Martinez and Randy Whittington might have found it impossible to prove that General Motors was responsible for a string of birth defects among families living along the Rio Grande. But in the end, that didn't matter. General Motors, the last holdout in a lawsuit filed by parents of Lower Rio Grande children born with neural tube defects, agreed to a seventeen-million-dollar settlement and avoided a six-week jury trial in a Brownsville district court. Martinez, of Martinez and Barrera in Brownsville, and Whittington, of Stapleton, Whittington, Curtis & Boswell in Harlingen, estimate that their firms had a million dollars in the case and had even prepared a video of people walking along the square in Brownsville—to "let them [defendants] get a look at their jury," Whittington told *Texas Lawyer* reporter Bruce Vincent. But the plaintiffs' attorneys had more, including material gleaned from two hundred depositions, five million pages of documents, and a computer model of the chemical cloud created by the maquiladora assembly plants owned by eighty U.S. defendants, including AT&T, Zenith, and Fisher-Price Toys. Martinez had even filled his office with bags and boxes of trash gathered from the Matamoros dump, located four miles from downtown Brownsville. Martinez told the *Texas Lawyer* that the problems at the dump are not unlike the problems he claims are caused by the maquiladoras. The Mexican government, after NAFTA, has put a good face on environmental affairs and established new environmental programs. But they are not properly enforced, Martinez said. ,He warns that Brownsville residents will continue to suffer.

✔ **BIRD LADY UPDATE.** Robert Bryce reports in the *Austin Chronicle* (September 29) that the federal lawsuit filed by Midge and Woody Erskine (TO, September 15) against the city of Midland has been argued in District Court. The Erskines are avid birdwatchers and wildlife rehabilitators who are fighting the city's demand that they raze the habitat they have grown on their four-acre homestead over the past twenty-five years. The city claims the property is a public nuisance; it is also coveted by neighboring developers.

The Erskines presented evidence that their property is a valuable wildlife resource, for the non-jury trial that ended October 2. U.S. District Judge Royal Ferguson is expected to make a decision in three to four months.

✔ **EARLY POLL FOR COLEMAN.** While it's too early to handicap the race, an *El Paso Times*/News 7 Poll conducted September 12-17 showed U.S. Representative Ron Coleman holding a nearly two-to-one lead over his all-but-declared Democratic primary challenger, El Paso Border Patrol Chief Silvestre Reyes. According to a report by Gary Scharrer in the *El Paso Times*, the poll indicated that in mid-September, Coleman held a forty-seven to twenty-five percent lead among El Paso voters, with other candidates favored by the remainder.

Pollster Bill Kaigh pointed out that Coleman has a relatively high "unfavorable" rating among voters, and that Reyes' general popularity is strong, due to "Operation Hold the Line," his nationally-publicized crackdown on illegal immigration. □