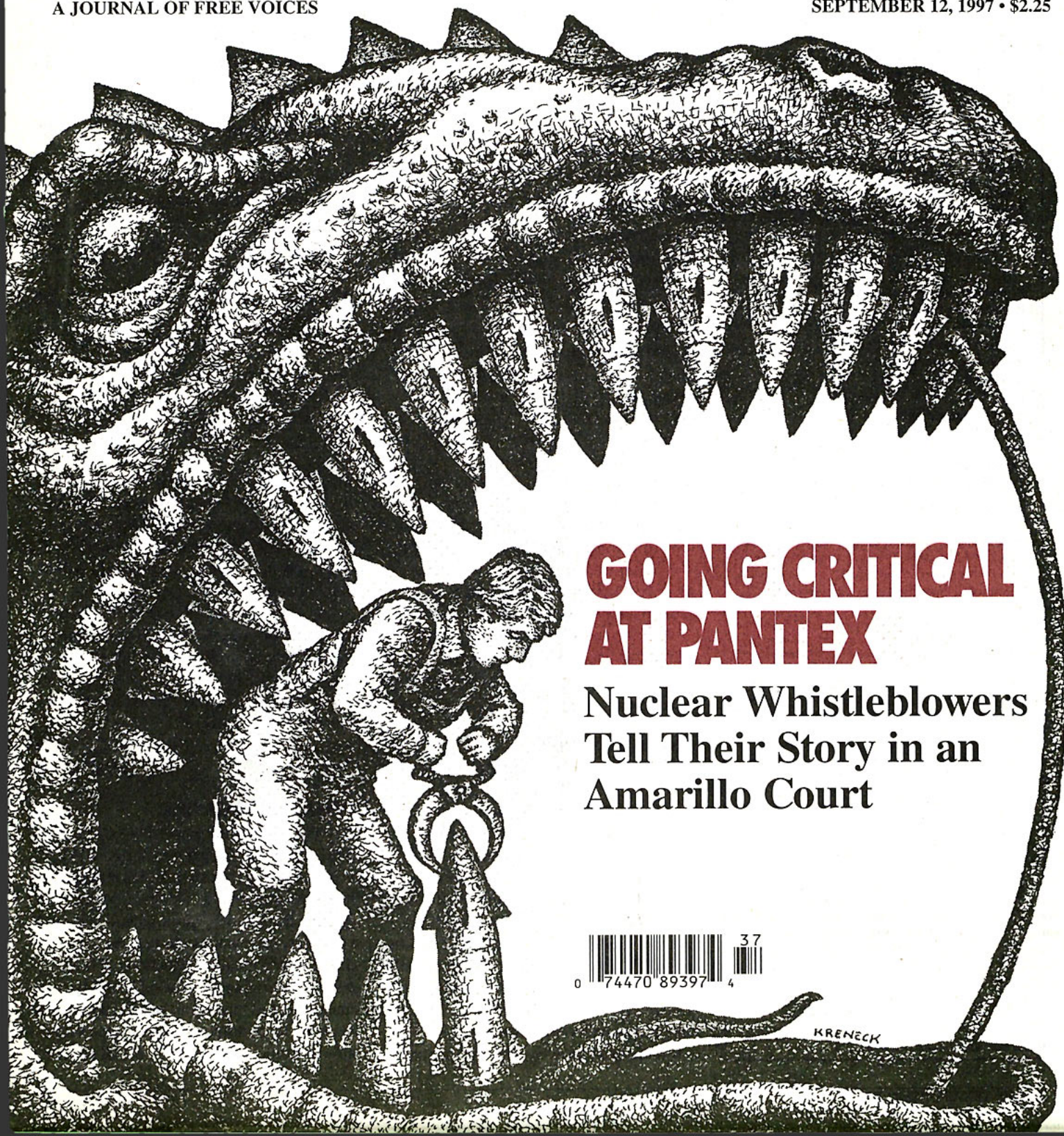


Don Graham Bids Farewell to William Humphrey

THE TEXAS Observer

A JOURNAL OF FREE VOICES

SEPTEMBER 12, 1997 • \$2.25



GOING CRITICAL AT PANTEX

Nuclear Whistleblowers
Tell Their Story in an
Amarillo Court



KRENECK



VOLUME 89, NO. 16

A JOURNAL OF FREE VOICES

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

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

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In Memoriam: Cliff Olofson, 1931-1995

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DIALOGUE ▶

WAR OF SHAME

The toll the war on drugs has taken on America is a national disgrace. The sacrifice of Ezekiel Hernandez' life, on the altar of the war on drugs, is totally unacceptable ("Looking for the Border," by Barbara Ferry, July 18). [Radio talk-show host] Ken Hamblin is a disgusting slug for calling this dead teenager a "sniper."

Warren Hudson
Dallas

the members of both houses are occupied by a majority of the opposite sex, the situation will remain the same. Even then, if the elected female members are hand-picked by the machine, the changes will be slow in coming.

My granddaughter, Susie Works, is responsible for me receiving *TO*. She knew that I thrive on protest, even though the outcome is a long shot.

Keep up the good work, and let me read more of Molly Ivins.

Leonard Galbraith
Sapulpa, OK

LONG TIME FIGHTING

Many thanks for the article written by Molly Ivins ("Remembering Cynthia Chavez Wall," August 1). It is an outstanding report about major news media who stick their heads in the sand and refuse to face reality...

This 81-year-old environmentalist has been writing letters of protest many years. Letters to Senators Don Nickles and Jim Inhofe of Oklahoma are promptly answered. They commence with the usual comment: "I share your concerns, blah blah..." The same is true with our congressmen.

If there is an answer, it seems that until

PERFECTION TAKES TIME

Ray Price's [sic] review of *Who Owns the Sun?* ("Burning Questions," August 29) was interesting, but some of his statements make me question his judgment. After quoting the authors' list of federal energy subsidies, Price points out that the list doesn't even include deductions of fuel costs as operating expenses. If a utility must report as income all service payments made by its customers, why shouldn't it be able to deduct fuel costs? Don't all private

businesses (e.g. truckers, airlines, railroads, maritime shippers, refiners, steel mills, apartment and office building owners, retailers, etc.) deduct fuel costs?

The *Observer's* ignorance of geography is usually limited to obscure corners of the universe (i.e., anywhere out of state). In the past it's made Hubert Humphrey a Senator from Wisconsin. Now, it's made Kika de la Garza a Congressman from El Paso ("Chronicles of Chemical Warfare," by Susan Pitman, August 29). So what if Mission and El Paso are more than 500 miles apart. They're both in the Valley, right?

Tom Fisher
Corpus Christi, Texas

The Editors respond:

A last-minute editing error transplanted Congressman de la Garza across the state; we apologize to Susan Pitman and to our readers. Occasionally we get in a rush, as Mr. Fisher undoubtedly did when he transformed *Observer* writer Ray Reece into country singer Ray Price. (On the other hand, if Mr. Price is at all interested in contributing to the *Observer* in any capacity,

we stand in readiness. But we remain grateful for such careful readers, and hope you will continue to keep us careful, too.

SHAGGY WEB STORY

I found the *Observer's* URL on the wall of a stall in the men's room at DFW airport. It said "for a really good time, go to www.hyperweb.com/txobserver." OK? (No, Linda Fischer done tol' me.) It's really nice to have such a "no-nonsense" place where one can kick back in the ol' recliner, git the little lady (a misnomer if ever they wuz one, she's big as a Mack truck but good-hearted and generous to a fault) to bring me a Shiner Bock, and give me a hand pulling off my boots, since the dog done dragged off my boot jack to gawd only knows where. It'll probably turn up next spring when I spade the garden again. In the meantime, thanks for keeping track of all them pols. Somebody's got to do it, and since you seem to take so much pleasure in giving us all pleasure in reading about 'em, and keeping 'em guessing which one of 'em will be your next target.

You do good work; keep it up—sounds kind'a suggestive, but it's not meant to be.

Al Wright
msn.com

BITING BYTES

I'm real glad I found you folks online. I've enjoyed Molly Ivins' writing for years, and have found her recommendations generally worthwhile. The *Observer* looks like one of the good ones. Here in upstate N.Y. there are plenty of liberal journals and such, but none that have the *Observer's* mix of bite and humor. I plan to do more reading on your site before subscribing; gotta see how much the geographical separation makes the local articles less relevant to a yankee. But if Molly's right, you take on issues that transcend geography. I look forward to that, and appreciate your attitude.

Thanks, and I wish you success and survival in this increasingly hostile environment.

Roy Flacco
Brooktondale, New York

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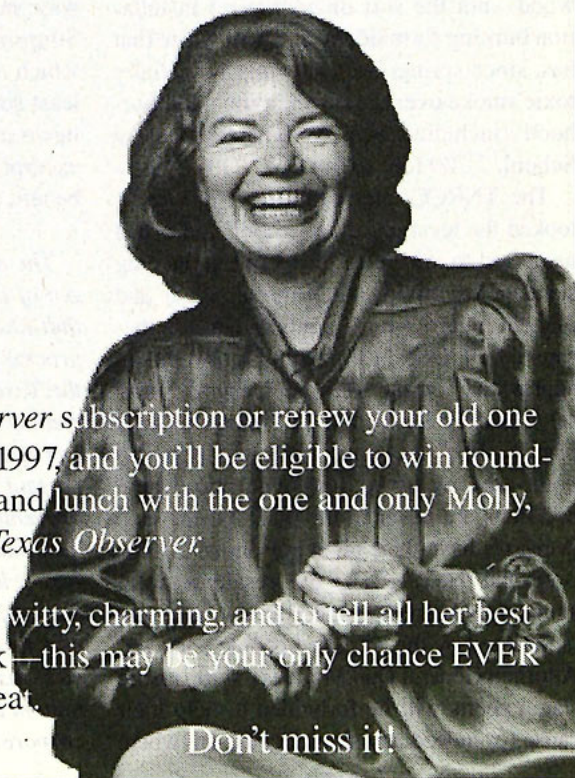
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Molly promises to be witty, charming, and to tell all her best stories. And just think—this may be your only chance EVER to watch Molly Ivins eat.

Don't miss it!



Smoke Gets In Your Eyes

The TNRCC has engaged in an outrageous manipulation of the regulatory process and a denial of basic rights of democratic government.

—Professor John Barkdull, Texas Tech University, April 3, 1997

Since last year, residents of north Lubbock, acting through a community organization known as All Neighbors United, have been battling the installation of an incinerator by a company called O'Hair Shuttles, Inc. O'Hair had been burying its production wastes (more than ten tons per day, hauled away by city trucks) in a city landfill at no charge. When the city council moved to end this extraordinary subsidy, the company decided that although public land had become expensive, public air was still cheap. (Can anybody in Lubbock say "corporate welfare"?)

So the company built an incinerator and applied for an incineration permit from the Texas Natural Resource Conservation Commission (if you think that sequence is ass-backwards, you're not familiar with the TNRCC). While the company waited for its permit, the TNRCC generously and expeditiously granted it a "standard exemption" for a "trench-burner"—that is, a temporary incinerator designed to burn untreated wood—not the sort of permanent installation burning formaldehyde-glued waste that has, since spring, been spewing potentially toxic smoke over the surrounding neighborhood (including Neil Wright Elementary School, 2,700 feet away).

The TNRCC later admitted it had overlooked the location of the school, and it had neglected to inform residents of the pending standard exemption—despite persistent and diligent inquiries by Neighbors United—because, well, Oops! ("I'm sure I too would be aggravated," wrote TNRCC General Counsel, Geoffrey S. Connor, "if I were in [their] place.") But of course, that's precisely the point—the well-paid suits who make these decisions are never in the place where such decisions have their often poisonous effects.

In the latest twist, the residents were stunned to learn that under a new state law (sponsored by the so-called people's lawyer, Attorney General Dan Morales), sympathetic state experts will be forbidden to help their cause (or indeed any similar cause anywhere

in Texas). A rider attached to the state budget now forbids state employees to act as "expert witnesses or consultants" in litigation against the state. That presumably means that Texas Tech Law Professor Frank Skillern, who has given free legal advice to All Neighbors United in their pending suit against the TNRCC, is risking his job if he continues to do so. A U.S. district judge recently enjoined the law in a case involving a Texas A&M faculty member—but Skillern said the injunction is not binding on the comptroller, who pays faculty salaries. Skillern described the law as probably unconstitutional, but said that until it is overturned he must end all contact with All Neighbors United.

The law might also have forbidden or intimidated the August testimony of Cyndi Simpson, a public health officer with the Lubbock office of the Texas Department of Health (also, as it happens, downwind of O'Hair Shuttles). Simpson had addressed a preliminary hearing concerning the incinerator. We suppose if Dan Morales has his way, no Texan would have the benefit of Simpson's moving and astute commentary, which convincingly demonstrates that at least someone in state government still believes in the public interest. We are proud to excerpt Simpson's testimony here, for the benefit of our readers.

—M.K.

The main point I wish to make, as a citizen of Lubbock and as a state employee, is that I have been appalled at how this entire process has been handled by the TNRCC. At the Texas Department of Health, we implement continuous quality improvement in all our systems and operations. The most important aspects of continuous quality improvement are knowing who your customers are, and committing to putting their needs first. I know that my primary customers in this region are the citizens of the region, first and foremost. Certainly I deal with agencies, institutions and corporations—but the bottom line is that agencies, institutions and corporations are things, not people. These

things cannot be hurt, do not feel pain, and cannot suffer health problems.

Apparently, TNRCC has a different notion of who their primary customers are, and they are not the citizens of West Texas. Rather, TNRCC seems to be solely at the beck and call of the monied interests of private corporations. The impression I have, of this entire process, is that the permitting of the incinerator was not a decision to be made by examining the facts, values, and opinions of all parties involved. Rather, it's been as if the whole process has revolved around a commitment to awarding the permit from the beginning. That is, each step of the process has been twisted and warped, to justify a decision already made from the outset.

Were there misstatements of fact in O'Hair's original application? Doesn't matter.

Did the TNRCC break its promise to the neighborhood to keep them fully informed of the process? Doesn't matter.

Does holding public hearings during working hours pose an inconvenience to the citizens who should be TNRCC's primary customers? Doesn't matter.

Apparently nothing matters—except appeasing and placating things whose interests are more politically and financially powerful than those of people.

As a citizen of Texas, I'm appalled by the disregard for the welfare of people and the environment shown by TNRCC. As a state employee, I'm ashamed of TNRCC's weaseling to justify an apparently foregone conclusion. It's very difficult to be part of government in an area such as Lubbock, where strong anti-government sentiments prevail. The TNRCC's actions have, in my opinion, made it much harder for me and all other state employees to do our jobs effectively.

(Readers interested in supporting the work of All Neighbors United can contact them c/o Kathryn Suchy, 2605 N. Cypress Road, Lubbock, TX 79403; (806) 762-2646.)

Thoroughly Grounded

BY ERICA C. BARNETT

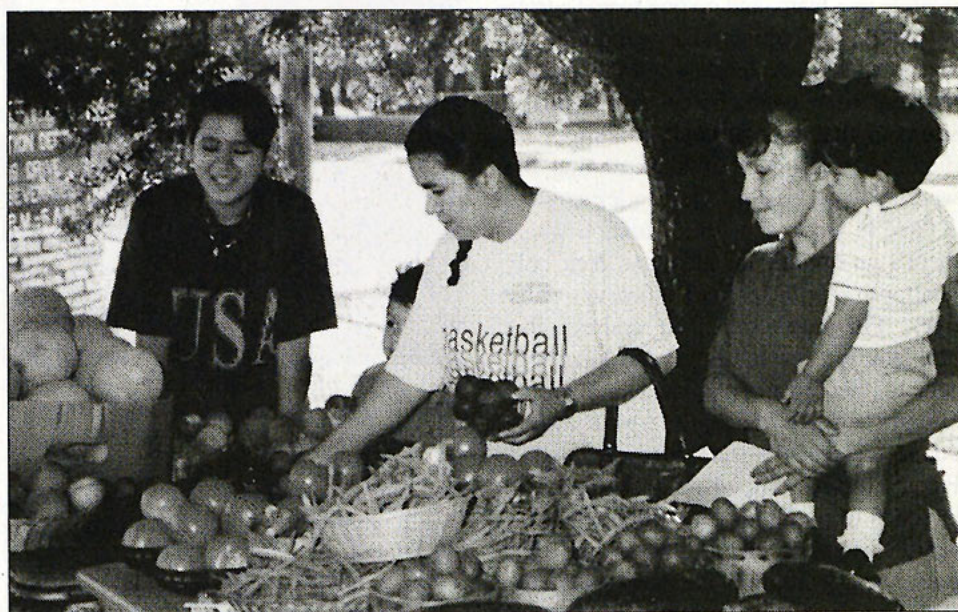
On a July morning at Austin's East Side Market, it's so hot that even the lightest clothing clings to the skin. But the inconspicuous cluster of vegetable stands that local residents call El Mercado is an oasis of activity. A grove of crepe myrtles provides some relief from the heat. The flow of customers is steady. And Kate Fitzgerald can't seem to sit still.

As director of food assistance in Jim Hightower's Department of Agriculture in the late 1980s, Fitzgerald set up the program that allows farmers' markets to accept WIC (Women, Infants and Children) coupons. Now, as the East Side Market's informal manager and director of the Sustainable Food Center, Fitzgerald is watching the coupon program work. Many of the early-morning customers pay with WIC coupons, and most, like Fitzgerald and market staff-member Hector Hernández, are speaking Spanish.

"These kids are going to eat fresh food tonight," Fitzgerald says, pointing to a trio of children peering from the open window of a nearby car. "This is putting power back in the hands of people." As Fitzgerald sees it, some of that power derives from the building of community. Residents of East Austin buy produce from small farmers participating in the market program, and the money stays close to home, in the hands of local business owners who have a direct relationship with their customers.

"A small amount of space, a small amount of money, and not a lot of technical expertise" can make a difference in people's lives, Fitzgerald says. The SFC's programs are innovative and ambitious, but they are designed to get as much as possible out of a \$200,000 annual budget.

The East Side market serves a poor, predominately Hispanic area of Austin. Next door, at the Seton East Community Health Clinic, SFC's *La Cocina Alegre* (Happy Kitchen) provides classes for low-income women to learn to cook simple, nutritious meals with fresh produce. Down the street, at *El Jardín Alegre* (the Happy Garden), the matronly women Fitzgerald calls the *señoras* have planted herbs and vegetables in forty garden plots. Fitzgerald says the garden saves each of its tenants between five



▲ East Side residents shop at one of the SFC's farmers' markets

File photo

and six hundred dollars a year in grocery costs. And the "psychological benefit" of owning and controlling such a garden is also important, she says.

The SFC has also pushed local government toward addressing the problem of food scarcity in Austin's low-income neighborhoods. According to the center's 1995 report, *Access Denied*, the entire local food supply for the 24,000 residents of Austin's East Side is provided by two small supermarkets (inaccessible to many residents), and thirty-eight convenience stores. The Center used the study to persuade Capital Metro to add an East Side Circulator route to its regular city bus schedules, and East Side neighborhoods are now linked to Austin supermarkets.

The Center was founded in 1993, after thousands of family-owned farms across the state went out of business in the farm crisis of the mid-'80s. In 1996, an East Austin farmer offered to rent his

land to the Center. Today that tract of land in the Montopolis neighborhood is the SFC's home base, and includes a two-acre farm with a greenhouse, experimental and children's gardens, a pasture for a few goats and cows, and an acre of cultivated fields that provides much of the produce for the center's four farmers' markets and its limited business with grocery stores and restaurants.

During the summer, the farm is staffed by teenage workers recruited through the city's youth-employment program. Most of the youths were on the verge of expulsion from school when they came to the program—and some are or were gang members.

Fifteen-year-old Hector Hernández is one of five teenage workers at the SFC. He got into the program in 1996, through an SFC garden project at Del Valle High School, where the four-year dropout rate exceeds 50 percent. After being kicked out of his ninth-grade classroom and placed in an "alternative" learning program, Hernández was on

the verge of becoming one of those statistics. He spent the summer at the farm and in the market, earning \$5.25 an hour.

"I'm just trying to do something for the summer and stay out of trouble," says Hernández, a reticent, soft-spoken young man. "The worst that could happen is I could shoot someone or get shot—stealing cars, writing on walls, bad stuff like that." The statement seems out of place on the farm, where young workers are required to operate as a team, and no one seems a troublemaker. But putting those teams together wasn't so easy. At least two of the teenage workers were members of rival gangs, a situation that was difficult to defuse. "It didn't work too good in the beginning, but we tried to get past it," Hernández says.

"We're working with a situation where there's no options for kids, and their only relationship with [police] officers is punitive," Fitzgerald says. To address that problem, the center has invited local officers to the farm. "We make a point of bringing people out to see what we're doing, to meet the staff, to open minds," Fitzgerald says. The visits to the farm are intended to remind police officers that juvenile offenders can be productive citizens—and to remind the workers at the farm that the police are not their enemies.

If hiring gang members is a touchy issue, sustainable agriculture must seem like a full-scale assault on the corporate production and distribution of food, which is nationally organized in a top-down fashion. Agribusiness corporations control the production, marketing, and distribution of the food that consumers purchase, far from its place of origin, at prices inflated by marketing, transportation, and packaging expenses. "All of it has to do with the loss of democratic control of the food supply," Fitzgerald says. "A few corporations control the whole process, from seed to the selling of the food."

Sustainable agriculture—operating on a smaller scale, depleting far fewer natural resources, and attempting to protect ecosystems—connects local farmers to local markets and consumers. It's all a part of what Fitzgerald calls "food security"—a philosophy that focuses on the right of neighborhoods to have access to fresh, affordable food; the relations between farm-



▲ Angel Espinoza and Hector Hernández harvest honey from the SFC's beehive Jamie Ogden

ers, markets, and consumers; and the ability of communities to support and maintain their own food supplies.

But sustainable agriculture now has few promoters in the Texas Department of Agriculture. In fact, since Rick Perry defeated Jim Hightower in 1991, almost every progressive program begun by Hightower's TDA has been disbanded, including the Food Assistance programs that supported direct marketing for farmers and farmers' markets. Fitzgerald says the current TDA "hasn't been aggressively supportive" of the center's programs, despite the fact that the SFC does not depend directly on TDA funding. Hostility toward sustainable agriculture runs deep at Perry's TDA, which favors big-money, pesticide-dependent agribusiness. Since sustainable agriculture is based on small-scale, environmentally friendly, often organic farming techniques, the business-dominated TDA wants little to do with it; in fact, among the dozens of TDA programs, only one promotes sustainable agriculture. According to TDA spokeswoman Beverly Boyd, the TDA's Agri-Systems program, which focuses on integrated pest management, and includes the department's entire budget for organics and biotechnology research, consumes only

9 percent of the department's annual budget. "They don't believe in the free marketplace," Fitzgerald says. "They don't believe in the consumers making the choice."

Despite the odds against it, sustainable agriculture—in various incarnations, ranging from community gardens to organic farmers' markets—appears (at least in Texas cities) to be taking root. In Houston, the Urban Harvest community gardens provide food for low-income residents. Lubbock's food bank is based on sustainable agriculture principles. And in San Antonio, a community garden program works with juvenile offenders, much like the SFC works with "at-risk" students. But few are as ambitious as the SFC. When she began the program, Fitzgerald says, "there wasn't any one organization in Texas which was really going forward with the bigger picture, tying food and low-income people and farmers together." As the first organization in Texas to try, the SFC has provided a road map for similar programs. Its long term success or failure may help determine the future of larger-scale sustainable agriculture in communities across the state. □

For more information about the Sustainable Food Center, or to get involved in the work of sustainable agriculture in Texas, call Anna Maria Signorelli at (512) 385-0080, or write the SFC, 434 Highway 183 South, Austin 78741.

Erica C. Barnett is an Austin freelance writer and Observer intern.

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Going Critical at Pantex

BY LOUIS DUBOSE

"Safety is our top priority and every employee has the right to voice his or her safety concerns to stop work if he or she feels the situation is unsafe."

—Pantex General Manager William Weinreich

"They preach safety but they force production."

—Pantex Production Technician Norman Olguin

On February 6 of last year John Randall Williams came face to face with a workplace hazard that exists no where else but in Amarillo, where the Pantex Plant is the home of the nation's nuclear mothball fleet. Warheads, bombs, and depth charges—loaded with plutonium, uranium, and yield-enhancing tritium, sit in earthen "igloos" awaiting decommissioning. Williams was a production technician on the second team trained to dismantle a stockpile of nuclear depth charges built in the 1960s. By the time the aging "W-55s" made it to Amarillo, the spheres of conventional high explosive that are wrapped around the grapefruit-sized plutonium pits at the core of each weapon were beginning to deteriorate, crystallize, and change color. Cutting the cases of the W-55s had already created so many problems that the program had been suspended since the mid-'80s, and production technicians who remove the "physics packages" from weapons systems describe the W-55 as a "dirty weapon."

Not all the dirt was conventional. Although the last W-55 in the U.S. nuclear arsenal was dismantled late last year and much of the information about the weapon remains classified, it must have contained uranium. Because uranium dust was the hazard Randy Williams encountered the first day he went to work on the W-55. And he believes that what happened in a work cell at the Pantex weapons plant could have been avoided.

"I caused another PT to ingest," Williams says, eighteen months after he pushed against a plastic bag containing a partially dismantled W-55. By moving the bag, Williams blew a cloud of uranium dust into the face of a production technician working with him. "When you eat uranium, you know it," Williams said. "You taste it....You could see the dust come out of the bag, and when it blew in his face, he knew what happened to him."

Williams would not reveal the name of his co-worker or provide details about the uranium "dosing." And Mason & Hanger-Silas Mason, the contractor that operates the Pantex Plant for the Department of Energy, refused repeated requests for interviews for this story. But when Mason & Hanger went to court in June to challenge a Department of Labor ruling, which resulted from Williams' complaint about working conditions at Pantex, much of the story was told by workers and managers testifying under oath. What they said in court revealed that more than uranium

dust is being swept under the rug at Pantex. (Judge Avery's decision is expected in sixty days.)

In fact, Mason & Hanger executives are probably questioning the wisdom of dragging six whistleblowers into court in an attempt to overturn a Department of Labor ruling that declared the Pantex plant a "hostile work environment." The company's own hired consultant had quickly concluded that there was a hostile environment in the W-55 program, and when investigators from the Department of Labor followed up on the consultant's report, they agreed, and ordered Mason & Hanger make immediate changes. "They couldn't have come up with any other conclusions," Williams said.

"This is a hostile environment in a place where three hundred technicians work with the most dangerous weapons in the world," said Steve Sottile, who retired as a master chief from the Navy, where he spent twenty-six years working with some of the same nuclear weapons now being dismantled at Pantex. Sottile is one of five production technicians who supported Williams' claims about conditions at Pantex, and he is the only one, other than Williams, who no longer works at the weapons plant. Sottile emphasized that the work done at Pantex is unique, and that workplace hostility at Pantex—or among nuclear weapons technicians in the Navy—can be deadly. "This is not," one of the lawyers representing the whistleblowers said, "like an argument on the line at IBP."

Other than the town of Panhandle, the Pantex operation is the only cluster of buildings north of Amarillo on Highway 60 that is larger than the huge Iowa Beef Packers plant. So IBP is a point of reference for Pantex

workers, and the reference point is more than geographical. The PTs at Pantex, after all, are Amarillo's blue-collar elite, paid almost seventeen dollars an hour to dismantle the nuclear detritus of the Cold War. They are monitored for levels of radiation, and uranium dust is not the only nuclear workplace hazard workers confront. Their blood and urine are sampled for tritium, thorium, plutonium, and perhaps other radio nuclides and isotopes never mentioned in the Amarillo courtroom where Department of Labor Administrative Law Judge Richard Avery conducted a one-week trial in late June.

And no one down the road at the IBP plant punches the clock each day knowing that one critical mistake by a worker could bring down tons of suspended gravel designed to absorb a blast. The risk of *unintentional* detonation of a nuclear weapon at Pantex is slim. But the spheres of conventional explosives designed



to drive plutonium pits inward toward a critical mass will explode if dropped from 1.4 feet or higher. And each bowling-ball-sized sphere of high explosives (HE) has huge (but classified) explosive potential. "Think Oklahoma City," one worker said, referring to the bomb that brought down the William P. Murrah Federal Building two years ago.

In an attempt to ensure that no nuclear material is released by a conventional explosion, warheads are dismantled beneath tons of gravel suspended above the workers. If the HE explodes—and perhaps sets off sympathetic explosions of all the conventional explosive material in the area—the gravel collapses on the work cell, absorbing the blast and burying forever the workers and the fissionable material. "We know that if the HE goes, we're paste," said production technician Norman Olguin, who has worked at Pantex for sixteen years. "We know it's our graveyard. Our bodies stay there." Workers also know that in the event of a nuclear explosion, the gravel doesn't matter.

Engineers at the DOE know this, as do the engineers at the Sandia Laboratories, in New Mexico, where hundreds of thousands of dollars are spent designing the specific "safe and repeatable" processes used in dismantling each nuclear weapon. At Pantex there is additional engineering, and the writing of step-by-step standards specific to each weapon. Some standards are so critical that one technician in the cell reads aloud while others follow precise directions initially developed by engineers, then fine-tuned by Pantex production technicians. Everyone, in other words, works to ensure that the gravel stays in the "gravel gerties" suspended over the workers' heads.

But some variables in the nuclear weapons production equation cannot be solved by engineering or physics. The emotional state and interpersonal relations of production technicians who stand under tons of suspended gravel while working on high explosives are critical variables in a process no one wants to go critical. And although a nuclear explosion at Pantex is unlikely, the sort of mistakes workers worry about are the accidental detonation of HE, or exposure to radiation, like what occurred when Randy Williams pushed uranium dust into the face of a co-worker last year. Or the sort of exposure that occurred in the "Cell I Incident," which released 40,000 curies of tritium into the atmosphere on one day in 1989. "[U]ndesirable," wrote the author of a DOE report, "but only one-fifth of the annual release from normal operations at Savannah River [South Carolina]." It was more than undesirable for Phillip Smith, who in 1995 discovered tritium in a well on his ranch near the Pantex site.

Those were the external, environmental consequences of one "occurrence" at Pantex in 1989. What happened "inside the fence" should have been a cautionary tale for engineers, managers, and trainers involved with the W-55 program. Cell I is now abandoned, but on the last day it was operational, in May of 1989, an operator/technician loosened a seal, unaware that an internal "electroexplosive squib had been initiated." The tube, according to a 1996 Pantex report, was filled with tritium. No one who was involved will talk about the Cell I incident, but five workers were dosed and at least one of the workers is dying as a result of the exposure, according to Pantex workers who requested to remain anonymous. (Workers claim that no one talks because the company ties catastrophic health insurance coverage for permanently disabled workers to confidentiality agreements workers are required to sign.)

The incident illustrates how very dependent each worker is on the other members of the workforce. A co-worker's deviation from procedure (and the DOE report on the Cell I Incident criticized Pantex management for using "instructions" rather than "procedures") can have immediate and even fatal consequences. To protect their workers—and to ensure that no one intentionally detonates a nuclear weapon—Pantex and the DOE have developed a Personnel Assurance Program (PAP) that requires workers involved in certain procedures to work in pairs, as part of an established "buddy system." The program includes psychological services, but it is based on peer monitoring for signs of stress or emotional imbalance that could lead to an unstable production technician endangering the lives of others. One essential component of the PAP requires any individual worker to issue a "Stop Work" order if a team member appears psychologically unfit, or even too stressed to enter the bays or cells where work is performed on warheads. Workers are also required to stop work any time they see a departure from one of Mason & Hanger's "safe and repeatable" procedures, or any defective equipment or irregularity that could be a threat to safety.

That's how it works in theory," Williams said. But Randy Williams and the technicians he trained with claim the theory was never put into practice. The first signs that there would be problems with the W-55 program came in training, which was conducted by an instructor whom Pantex's own consultant described in court as "a man that's retired on the job; he's waiting for the day to get there so he can retire."

"I would ask him a question, and he would shout at me or say 'shut up, Norm,'" Norman Olguin said in an interview. Olguin, who had worked on other weapons before being assigned to the W-55, said that he was embarrassed and humiliated and ultimately he stopped asking questions. "He said it so much that it got to be a joke," Olguin said. One of the Government Accountability Project attorneys who represented the whistleblowers described the entire W-55 training program as "a joke." And there is at least some humor in a group of frustrated technicians bypassing their angry and disengaged trainer and going to an engineer for help. The engineer "drew a rudimentary picture of the unit, the tooling, and how it looked, and this is what you do, and so on and so forth"—on a napkin, production technician Tom Byrd said in court. When Byrd asked, "Is that a classified or confidential or secret document you've created?", the engineer thanked him, marked through it, and tore into several pieces the clearest illustration the technicians had seen of the critical case-cutting process.

For Randy Williams, there was little to laugh about. Before he walked off his job when a supervisor angrily complained because Williams briefly talked to a DOE official ("that's D-O-E: the customer," Steve Sottile said), Mason & Hanger had him investigated by the FBI, removed from the W-55 program for an alleged incident of sexual harassment the company never took seriously enough to fully investigate, assigned him to a work area where there was nothing for him to do, and escorted him through the plant by security officers. If Mason & Hanger didn't kill the messenger, they made life so difficult for him that his attorneys from the Government Accountability Project claim he was "constructively discharged."

In the back yard of his tract home in Hereford, fifty miles from Amarillo, Williams said he should have known the W-55 program was going turn sour when he saw what was happening in training. One team was already at work on the W-55 and Mason & Hanger was trying to get a second team qualified. "We wanted to get through with training and get to work," Williams said. "We knew that when the second team got started that would cut the [radiation] exposure of the first group." But, as Olguin, Williams, and other PTs said in interviews and in testimony, problems quickly developed with the instructor, Jackie Peak. "He would shout at people; he didn't like to answer questions; once when I said I was going to read a procedure, he paced back and forth, real impatient," Williams said.

Steve Sottile saw it the same way. "We were training to work with a very dangerous weapon," Sottile said in the living room of his Amarillo apartment a few days before he left for Florida. "And we couldn't get answers from the person responsible for the training." In court, Sottile said the training at Pantex was inferior to what he had experienced in the Navy, and he confirmed Williams' account of difficulties with an instructor who bristled when a student stopped to read a process that was not clear.

[We were trying to learn some of the tooling that would be used in this—well, I'll keep it unclassified—open-end case-cutting procedure, which is vital to get to the high explosive components and the active material.]

And we weren't able to perform that operation in the training scenario, in the bay itself. One of the technicians, Randall Williams, wanted to at least read through the procedure so we could get familiar with the operation.... And we were not able to do that. The instructor actually prevented that from happening.... He told Mr. Williams that he could go ahead and read it if he liked, and he was, you know, kind of like mad at him; you could tell by his tone of voice. And so Randall—John Randall Williams went ahead and read the steps. And while he was reading, the instructor was pacing in front of him. And it got Mr. Williams upset, and he had to stop reading the procedures. So we never really finished learning the procedures.

Reading the procedures was important, Williams said, because the technicians could not cut the mock-up weapon used in training. So the technicians who were unsure of the process went to W-55 program manager Kathleen Herring to ask for help. It was Herring who "gave us some training on this case-cutting operation right there on the napkin," Williams said. Herring also said she would encourage the instructor to let the technicians read the procedures when they were unable to practice on the trainer. The PTs were never provided the opportunity to read the procedures.

It was after this incident that Randy Williams began a practice that would alienate him from the first team working on the W-55. "I started writing things down," Williams said. He also discussed the quality of training with a DOE engineer at Sandia Laboratories in Albuquerque. Taking written notes angered some technicians. Norman Olguin said: "I had one guy threaten me, tell me, threaten me, say 'writing notes can be bad for your health.'"

For the A Team, which had been at work on the W-55 for eighteen months, the note-taking must have confirmed what they already suspected. By the time the B Team was qualified to begin work, its members were tagged as troublemakers for raising safety concerns during training.

There were other problems in training and almost all of them pertained to the B Team technicians' safety concerns. Olguin, for example, described an incident in which the instructor led the trainees to a work area to watch a process they could not perform in the training bay. When they arrived, a tool had broken. The supervisor, Olguin said, "ripped the Do Not Use tag off [another tool, a blatant violation of procedures] and told—instructed the PTs that were working on the unit to use this. And I voiced my opinion to Mr. Peak, and he told me, 'Don't say anything. You're in the training class. You just keep out of it.' And so I did, except for talking to the new PTs." (There are mechanical and safety reasons for "tagging" tools and radiation safety guidelines for "bagging" tools, and technicians say that they have seen violations of both procedures.) The difficulties in training seemed to galvanize a group of six technicians, whose tenure at Pantex ranged from two to thirty-one years.

If the experience with a hostile instructor galvanized the second group of workers in training for the W-55 program, the group's first days in the cell, where the conventional explosive is separated from the plutonium, pushed Randall Williams closer to the edge. (The others would follow later.) After the "dosing" of a co-worker, Williams suggested that a strip of tape be attached to the top of the plastic bag containing the weapon and the radioactive dust that fell from it as it was rotated. He was told, according to his testimony, that tape could not be used because it would create a new waste stream. (Tape and a plastic "donut" shield were added to the process before Williams left Pantex.)

Williams requested a respirator, and was told that it would only make communication more difficult. Later, he was sprayed in the face by a deflected high-pressure jet of water used to separate the HE from the plutonium. "He was gargling it, and it was in his eyes and down his face," Sottile said. So he got face shields for himself and Williams, his designated "buddy" in the PAP program—only to be told by a supervisor that face shields were not in the written procedures and could not be used. After Williams was assured that the water had been tested and was "clear...good, and there were no problems with it," the shields were approved—to protect workers' eyes from high-pressure water jets. Two months would pass before a technician from explosives safety would tell the W-55 technicians that the water was "highly contaminated." And it was not until the trial in Amarillo that Williams learned the tests he was told about had not been conducted at the time of the incident.

Williams was the most aggressive of the whistleblowers represented by the Government Accountability Project, a public-interest law firm with offices in Washington, D.C. and Seattle. It was Williams' willingness to act that got him moved out of the W-55 program for several days, based on what he says—and Mason & Hanger's reports confirm—was a unfounded charge of "sexual harassment." Or, as it was described in a Mason & Hanger internal document that was introduced as evidence, the "aggressive touch" incident. According to Williams, when he noticed that a co-worker, Renee Stone, was removing a pump cart from the contaminated area without doing a "radiation swipe," he told her to stop. "She was cursing under her breath, but loud enough for others to hear her," Williams said. When she proceeded to move the contaminated cart, Williams touched her on the arm and told her the cart could not leave the contaminated area. Two days later

Williams was removed from the program after being told he was under investigation for sexual harassment. Renee Stone remained with the W-55 group.

That all of this—and much more—occurred in less than one month suggests how critical the W-55 program had become, and its eventual meltdown seemed unavoidable. It began to happen in increments, when work was briefly suspended by Mason & Hanger General Manager William Weinreich in February of 1996, and suspended again in February by one of the whistleblowers who realized that an “all-hands” meeting was an occasion for open attacks on Williams. By April of ’96 all work was suspended for a month while both W-55 teams attended Steven Covey’s *Seven Habits of Highly Effective People* course and helped rewrite the procedures for the depth-charge program. “Can you believe that?” a former Pantex employee said. “They had serious, serious problems and they sent their workers to a feel-good course.”

“They called us the ‘Barney Group,’” Williams said. “When we would walk back into the plant, [the other workers] would sing the Barney Song, ‘I Love You, You Love Me.’” Like many of Mason & Hanger’s attempts to respond to the W-55 program, the Seven Habits Course only made management seem more out of touch.

But maybe they only seem out of touch. In court testimony and in interviews done for this story, there are accounts of frontline managers pushing workers to stretch or violate rules or procedures that if performed properly would slow production. Yet it can probably be safely said that in the seven-hundred-page court record, there is not one reported instance of a frontline manager erring on the side of prudence or safety. So when employees use their “stop-work” authority—and every Pantex employee is authorized stop work in the event of safety concerns or deviations from procedure—the result is usually less overtime, which is available when programs are running at full speed.

Management would say, “if you stop work, we’ll have to stop overtime,” Norman Olguin said, and one of Mason & Hanger’s internal investigations supports his claim. “The work stoppages prevented business as usual and up to two hours of overtime pay per day were lost to some individuals,” operational support director John Meyer wrote in a report dated March 22, 1966. According to the same report, when work was stopped on February 26, one technician said: “Fuck, there goes my overtime.” In reviewing overtime records, Meyer found that “three of the Initial [A Team] PTs worked a combined 244 hours overtime pay from October 1995 to February 1996 which equates to approximately \$6,771 additional gross income between [sic] those three people. Since March 1, 1996, to date, only three hours of overtime-pay has been worked by these same people.” And before the incident of alleged sexual harassment, production technician Renee Stone reportedly had also been complaining about lost overtime.

Technicians fear their co-workers’ responses and they have to build themselves up to “an emotional plateau” before stopping work, Sottile said in court. It was also revealed that Pantex division manager James Angelo warned technicians of “a Rocky Flats shut-down,” implying that not only overtime, but many of the jobs at Pantex would be lost. “To me, that was very intimidating to be told that,” Tom Byrd said. For workers at the plant overtime has become both a production bonus and a direct threat to their safety.

Until the FBI showed up to look into allegations that he had taken classified material from the Pantex plant, Williams was hesitant to file a complaint with the Department of Labor. He had been working with GAP lawyers, who had previously represented Pantex whistleblower Mark O’Neal, and the GAP attorneys had intervened on his behalf with Mason & Hanger and with the Department of Energy.

Williams suggests that events on the eve of the FBI investigation demonstrate that upper management was willing to look the other way while frontline managers ratcheted up the pressure in the plant. According to Williams, when *New York Times* reporter Matthew Wald took a critical look at Pantex on June 26, 1996, someone in operations read the article (which referred to former Pantex whistleblower Mark O’Neal) over the public address system. The plant-wide broadcast of the *Times* story was punctuated with critical commentary suggesting that some in the community believed that Pantex PTs were not qualified to do the work they were—at the very moment—doing. For Williams, the reading of the article, and the comments that suggested a whistleblower had made life difficult for production technicians, could only focus more attention on his role at Pantex.

The following week, Williams was informed that an FBI agent had been at the plant a few days earlier on June 28, asking to interview him. At a meeting with Mason & Hanger General Manager William Weinreich, Williams was told that a fellow production technician had turned him in. He later learned that the plant’s security director, Curtis Broaddus, had called the FBI—after production technician Caylen Perry told Broaddus that Williams had taken classified documents from the plant. According to documents filed in the case, Perry had previously threatened Williams’ life, warning him that he had been an FBI agent and knew ways of getting rid of Williams “without leaving a trace.”

Perry told FBI officer S. Blaine Scot Westlake that he became suspicious of Williams when Williams reacted to comments about *The New York Times’* Pantex story. In Williams’ presence, Perry had “questioned how any loyal American could betray his loyalty to country and employer by revealing classified data.” When Perry stated his “strong feelings about whistleblowers,” Williams angrily responded, and said “you’re talking about me.” Perry became suspicious and recalled that several weeks earlier he had seen Williams “holding a manila envelope,” he told FBI Agent Westlake on July 2 of last year. Williams offered to take a lie detector test and denied taking classified material. And Pantex counter-intelligence officer Broaddus says it was never established that classified material was taken from the plant. In court, Broaddus also said he destroyed all of his notes relating to the incident, although DOE officials had told Broaddus that this was not a counter-intelligence matter that would allow for notes to be destroyed. Williams was never interviewed by the FBI, only told that an agent had been at the plant looking into allegations about him. For Williams, it was another incidence of harassment—and it involved both management and his co-workers.

When Randy Williams finally left Pantex in November 1996, his departure was related to an event that portended a bang rather than a whimper. Before production technicians can remove the nuclear explosives from a warhead, they must first remove all of the safety or “fail-safe” mechanisms. So there is a brief and utterly sobering

moment when a weapon can be detonated by a technician. This is the most basic reason why every PT is assigned a buddy. At certain times, no one is left alone with a warhead.

On November 25, PTs opened a W-55 and discovered the detonation cables were exposed. "The word to keep in mind here is 'detonation,'" Sottile said. "There was a telephone call to engineering and we were told to proceed. We refused. The engineers needed to get the suction off their butts and come down and look at the problem." A quarter of a mile away in the engineering building, Ernest McNabb got the call. "I happened to have in the office with me at the time—we were in there talking about a real serious problem, a golf game—Eddie Collins, who is the nuclear explosive safety engineer," McNabb testified. "So when I called back and talked to the supervisor, I asked Eddie Collins if he had a concern with the cable."

Collins said technicians had worked with crushed detonation cables before and they had presented no problem. The telephone conference didn't satisfy the workers in the cell. "These det cables was actually the wires that actually fired the weapon," Williams said in court. Two supervisors, Paul Harter and Danny Brito, were pushing the PTs to continue, but the technicians held their ground until an engineer arrived to look at the cables. "And all I could see was the problems that were starting all over again as far as trying to make a stand with safety," Williams said. On the following day, November 27 of last year, one of the supervisors who had pushed the technicians to continue to work on the damaged detonation cables angrily confronted Williams when he returned to the bay a few minutes late. Williams had been stopped by a DOE official for a discussion that he says lasted no more than thirty seconds, and the supervisor, Paul Harter, was angry because Williams had been talking with the DOE, Williams said. When Harter began to shout at him to open the bay, Williams told him that he no longer worked for Mason & Hanger.

A week after the trial, several of the whistleblowers sat down in the Sottiles' apartment for an odd smorgasbord of fried chicken, fried shrimp, pasta, beans, potatoes, and several desserts. It was the second and last "freezer party" Steve and Barbara Sottile would host in Amarillo. Nothing would be left in the freezer on Monday when the movers arrived. "I came here planning to start a second career," Sottile said. "I thought I'd die here, but not at Pantex." He was leaving Amarillo—and the nuclear weapons work that he'd done for twenty-four years as a sailor before he was hired by Pantex two years ago. Randy Williams was trying to rebuild a refrigeration service business he had left in the hands of an employee in Hereford when he came to work at Pantex. The other four technicians involved in the whistleblower trial continue to work for Mason & Hanger.

Norman Olguin said he does not intend to leave. "This is my home. I've got sixteen years of my life invested in this job. I've had health problems, a threat on my life when [another PT] told me he was going to 'pop a cap in my ass,' but I'm not leaving." (The worker who threatened Olguin had also threatened Pantex whistleblower Mark O'Neal, who accepted a legal settlement and left the company two years ago.)

Olguin is an engaging, articulate man who again and again argued that Mason & Hanger management has to respect the workers' right to protect their health and safety. "Nobody should put the

other PTs' lives in danger," he said, referring again to an incident when a technician picked up a sphere of high explosive and took it out of the work area to show to a visitor. It explodes if it is dropped from higher than two feet, is stored in a canister with rubber safety seals, and is never allowed in an area where there is no rubber mat on the floor, Olguin explained. "And this guy stuck it under his arm and walked across the room with it." Olguin also said that there should be no more stacking of four and five "units" in the area where technicians work, quadrupling the workers' constant exposure to radiation. "We had all these units stacked up around us, so one time we moved one under a radiation safety tech's table. He came in and said, 'What's this doing here? I'm not working with this in here.' And he left." The technicians were required to stay in the area and continue working.

"This is not about money," Olguin said. Olguin says the 166 improvements the B Team technicians helped make in the W-55 process suggest how the system is supposed to work. Williams is asking for \$100,000 in lost wages and expenses and the other technicians are asking for far lower sums. "This is about knowledge and knowledge is power," Olguin said. "Secretary O'Leary opened the process up," he said, referring to the former Secretary of Energy. The process, Olguin said, needs to remain open. □

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Not Easy Being Green(peace)

BY DON HAZEN

Greenpeace USA, the immensely popular and influential environmental organization known for its aggressive direct-action campaign and promotional flair, is in turmoil. In a drastic move, the Washington, DC-based organization plans to reduce its 400-person staff to a mere sixty-five, and will close down five of its ten field offices across the country. Greenpeace had initially announced it would close all ten field offices, a downsizing of unprecedented scope in the environmental movement.

The layoffs, dubbed a "restructuring" by Greenpeace representatives, essentially cut the heart out of the group's grassroots operations—effectively halting its long established door-to-door canvassing operation. This dramatic move was made by the Greenpeace USA board of directors, reportedly under strong pressure from Thilo Bode, executive director of Greenpeace International and the former head of Greenpeace Germany.

The portentous restructuring decision was blamed on nagging budget problems that apparently have plagued Greenpeace for years, exacerbated by declining fundraising in the Clinton era and perhaps a faded Greenpeace image. In the face of growing deficits, the group's \$29.5 million annual budget will be slashed to \$20.1 million.

Under the troubled surface burns a fundamental fissure in the far-flung Greenpeace family: a culture clash, between the old style European-initiated model of direct action and focus on large scale international issues of the global climate change and ancient forests (embraced by Greenpeace International and Bode), and more recent efforts by Greenpeace USA at grassroots environmental organizing, making connections between local and national and international issues. The contrast is between macho but effective symbolic actions—saving whales, fighting nuclear testing and struggling against drift-net fishing—versus Greenpeace USA's long evolution into a multi-faceted organization deeply concerned with toxic dumps in poor communities and environmental justice. While the turmoil is far from over, it appears that a return to the dominance of the traditional direct-action model has the upper hand, as a three-person transition team—seemingly sympathetic to Bode's position—takes charge.

What these changes mean to Greenpeace and the environmental movement as a whole are open to debate. But this much is evident: The era of Greenpeace USA as a large-scale, free-spending, diverse organization grappling with the full plate of U.S. environmental problems is over. One Greenpeace insider suggested that the restructuring has the makings of a new leaner, meaner machine focused on its traditional bread and butter—political campaigns with clearly defined targets. Others are far less certain what the future will bring.

RESTRUCTURING AT THE TOP

The upheaval at Greenpeace included the May resignation of Executive Director Barbara Dudley, who served five difficult years at the helm. And in August, in the wake of the layoffs, legendary Green-

peace activist, Earth First founder and Dudley antagonist Mike Roselle angrily resigned from the Greenpeace board of directors.

Dudley said she resigned exhausted from years of crisis management. "A week didn't go by without personnel problems, international political problems, fundraising problems. I'm just worn out and want to be an activist again, instead of an administrator of a huge organization." Nevertheless, in major ways, the restructuring underway undermines much of what Dudley worked for. As one former high ranking insider put it, "There's been a fight for Greenpeace's USA's soul—and the soul lost."

Dudley and Roselle are symbols of the schisms within Greenpeace. Roselle, who has twice worked at Greenpeace, is famous for organizing in-your-face direct actions, which often garner inspirational media coverage. Recently he and other veterans have independently organized The Ruckus Society, an effort that has trained more than 500 of the next generation in direct action tactics, *à la* Greenpeace.

After three tries, Roselle finally was elected to the Greenpeace board in an attempt to influence Greenpeace from within, an organization he felt "was completely staff driven." Long critical of the Dudley direction, Roselle calls himself an "internationalist now and always," a position that made him a minority on the board, but an advocate for intervention by Greenpeace International.

One of the internal questions that continually has dogged Greenpeace USA has been its relationship to the International, headquartered in Amsterdam. Is Greenpeace an international organization with offices in thirty-two different countries, or a federation of semi-autonomous organizations forged in an international alliance?

This issue has never been resolved, but the point was rendered moot as Greenpeace USA's success over the last decade enabled it to keep Greenpeace International somewhat at arm's length. (In 1991, with Peter Bahouth in the director's chair, Greenpeace USA had more than 2 million members and a budget in the neighborhood of \$50 million.) However, its steadily declining economic fortune and dwindling membership—currently down to 450,000—made it vulnerable to Greenpeace International's increased influence.

Another factor for the split between the U.S. and International organizations, according to former Greenpeace USA Media Director Bill Walker, is that European Greenpeace groups have much easier access to and influence over legislators in their countries than Greenpeace does in the U.S. "These guys have a hard time understanding why Greenpeace USA needed to be mucking around at the grass roots."

But Greenpeace was victorious in such battles as pressing the House to pass a ban on factory trawlers in Eastern Atlantic waters.

Board member Harriet Barlow called the unexpected trawler ban one of Greenpeace's biggest recent victories: "When lately has Congress voted against organized corporate interests, siding with small communities?" In this uphill struggle, Greenpeace was aligned with New England fishing communities, whose waters had been raped continuously by these monster ships, against such companies as Tyson Foods, Inc., a huge producer of fish sticks (along with all those chickens).

HOW BIG A FINANCIAL CRISIS?

The extent of Greenpeace's actual financial crisis is open to debate. While the restructuring axed more than \$9 million from the fiscal budget, one board member suggests that the projected deficit for the year was close to 10 percent of the overall budget, not a shocking position for difficult fundraising times. In fact, according to sources within Greenpeace, similar deficit projections last year were overcome, ending the year with a slight surplus.

Former board member Roselle, on the other hand, says that these budget figures are misleading. "The deficit would have been \$7 million and Greenpeace USA would not have been able to send its \$3.5 million to the International, hurting the entire organization and justifying intervention from the International." In fact, Roselle feels that overall, Greenpeace USA has just not been supportive of the International's activities, especially in the priority areas of fisheries, climate and forests. "Thilo Bode is the only person who can save Greenpeace," he adds.

Roselle said he quit the board because he couldn't assure financial accountability and he couldn't organize while being on the inside. Describing the board process as "chaotic," he maintained that "the board lacked honor—it was like the Village of the Damned." And besides, Thilo Bode had demanded that the entire Greenpeace board resign, Roselle claims, and he complied.

The rest of the board, however, hasn't resigned, although the board is not proceeding with business as usual. Running the organization is a transitional team made up of: board chair Joanne Kliejunas; Seattle Regional Director Bill Keller, who represents staff; and international representative Kristen Engberg. Kliejunas, who was brought onto the board to help with management advice, has ended up in the hot power seat.

While rumors abound that other board members likely will be ousted under continued pressure from Bode, Kliejunas says that although changes are being "actively discussed" within the organization, nothing has been finalized.

FUNDRAISING REALITIES

In the larger sense, no one disagrees that Greenpeace was struggling financially. What brought Greenpeace to this point, in part, reflects many of the problems facing large membership advocacy groups in the U.S. today. In Greenpeace's case, trying to combine a grassroots operation with a direct mail and telemarketing membership base was a constant balancing act. Greenpeace always has been very proud that almost all of its funding came from the "people," via door-to-door canvassing and direct mail. Only 2 percent of its budget came from foundation grants.

By seeking more foundation support and phasing out the canvassing earlier, Greenpeace USA likely wouldn't be facing this cri-

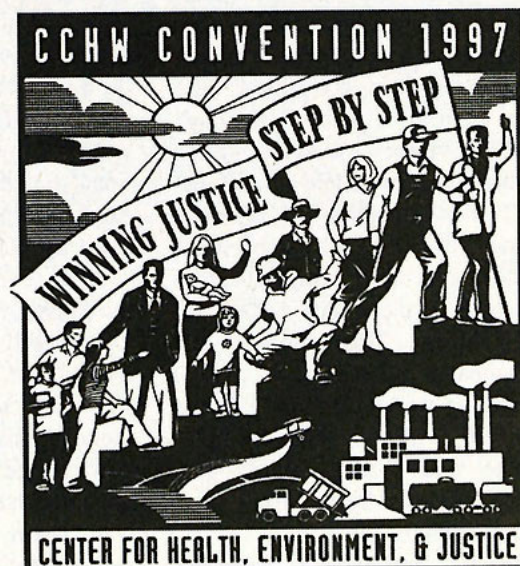
sis. But Greenpeace USA saw the values of independence from foundations and a continuous grassroots presence as essential to its character, probably no less so than Greenpeace veterans see direct action as fundamental to their vision. (It is important to note that direct action has continuously been a strategy for Greenpeace USA all along, particularly in its toxics organizing.)

In fact, financially, the canvas operation, which included many of the staff people laid off, was at best a break-even proposition. And as Greenpeace board member Barlow explained, it was Greenpeace's commitment to pay canvassers a living wage and benefits, that somewhat contributed to its budget woes. At the same time, direct mail was slow. With a Democrat in the White House, and the ability of Clinton/Gore to project a green-washed image—particularly through its Environmental Protection Agency Director Carol Browner—direct mail, which works best with an identified enemy or crisis, continued to drop off.

WHAT'S AHEAD?

What the transitional team means for the future is a wide-open question. The Greenpeace community has petitioned for a voting members meeting with the board, scheduled for September 13. Greenpeace has a unique form of internal democracy: Current and former staff members who have worked for more than six years make up the official community and vote for the board of directors. Currently, there are more than 170 members of that community, and many of them—including some of the recently laid off canvassing operation—are angry.

One of those staffers with serious questions for the Greenpeace



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board is current Southwest Toxics Campaigner Bradley Angel. Bradley is confident that voting membership will succeed in preserving some of Greenpeace USA's current focus. "We look forward to a constructive meeting among voting members—both current and former staff. I think having 172 people there, we're in a very good position to come up with alternative proposals."

However, the role of that community, and the power wielded by it, are unclear in this battle. Board chair Kliejunas emphasized that only the board can determine how the resources are allocated. No doubt the meeting will produce a lot of fireworks.

The turmoil at Greenpeace is bound to have repercussions in movement politics. Thousands of activists in organizations around the world, in addition to the current staff, have cut their organizing teeth at Greenpeace. Greenpeace has been the model of bold, media savvy actions that encouraged hope and conscience in many. Will the activist diaspora and the laid off staff mark this difficult moment in Greenpeace history as a huge defeat, or as a chance to return to the Greenpeace roots?

See "Greenpeace," p. 27

UN-GREENING TEXAS

BY NATE BLAKESLEE

The recent Greenpeace USA staff reductions came as no surprise to Austin canvass director Bill Jackson. That's because the director of the only canvass operation in Texas was laid off over two months ago, along with his staff of ten full-time canvassers. "We were among the first to go," Jackson said, from his new post at Texas Citizen Action, a consumer advocacy group. When he was laid off, Jackson had been concentrating on Greenpeace's Toxics Campaign in Texas. "Texas and Louisiana are among the nation's leaders in PVC plastics production," he said, "and we had been working to raise consciousness about the dangers of organochlorine contamination from these plants." Although the rest of Greenpeace's canvassers, like Jackson, have now been laid off, the nationwide Toxics Campaign will continue to be funded. But the staff has been cut from thirteen full-time campaigners to five, which may mean no staffers for Texas or Louisiana. Reductions in the Toxics Campaign are part of an overall shift in funding which, according to the national office, will now generally favor the climate and forestry campaigns. Greenpeace will actually be hiring more staff for those campaigns.

Greenpeace's anti-nuclear campaign was hit particularly hard by the restructuring, which has defunded virtually the entire staff. The ripples caused by this particular layoff have also reached Texas, according to Erin Rogers of the Sierra Blanca Legal Defense Fund (SBLDF), a group fighting to keep the state of Texas from opening a national nuclear waste

dump in Hudspeth County, Texas. "Sherry is a saint," Rogers says, referring to Sherry Meddick, a Greenpeace staffer based in Southern California who was laid off after five years of anti-nuclear work. Her knowledge of nuclear issues has made her a valuable resource for communities fighting dumps in Texas, Nevada, and Southern California. "We called her every day. Along with NIRS (Nuclear Information Resource Service) in Washington, she was our link to the national movement," Rogers says. "I'm hoping she will continue to work with us, if we can find the funding." Freeing up activists to work full-time on projects like the Sierra Blanca fight is part of the rationale behind closing the field offices and ending canvasses, according to the national board. But whether the resources exist elsewhere to replace the funds supplied by Greenpeace remains uncertain.

In any event, Jackson feels that leaving the grassroots is the wrong direction for Greenpeace. "You have to go into a community and find people who are at risk, who have something to lose, and help them organize," Jackson says, "and that's how change occurs." He doesn't want to see a return to the days when Greenpeace was known solely for their dramatic direct actions, but did little to follow up in affected communities. "Our big media events did a lot to draw attention to important issues like whaling," he recalls, "but now, when it comes to doing something like environmental justice work, people need to know that you'll be there, tomorrow, next week, the week after that." Perhaps in recognition of this need,

the Greenpeace board has announced that five of its original ten field offices will remain open, a retreat from the original proposal to shut down them all down and run everything from the Washington, D.C. headquarters.

Bradley Angel, a Greenpeace campaigner based in the San Francisco field office (which will remain open), is guardedly optimistic that other board actions may be reversed as well. Angel and concerned voting members of Greenpeace are preparing to make their voices heard at a special, member-called board meeting scheduled for September 13. "We hope to persuade the board to reverse some of its cuts," Angel says, "in order to preserve some of the most important work being done by Greenpeace." For example, he hopes to impress upon the board the degree to which Greenpeace's environmental justice work has been jeopardized by the layoffs, a sentiment echoed by Sherry Meddick and others. "A lot of our work against contamination, whether toxic or nuclear," Meddick says, "involves working with communities of color, who have always been targeted for dumping by corporations and governments." In Southern California this includes the campaign against the proposed Ward Valley nuclear dump, to be located on sacred Native American land. Angel and Meddick fear that shifting resources to the admittedly crucial forestry and global warming campaigns will have the unintended side effect of essentially halting Greenpeace's grassroots organizing in minority communities. □



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BERNARD RAPOPORT

Chairman of the Board and
Chief Executive Officer

A Cold-War Solution for a Warming World

BY PAUL H. NITZE

A string of new studies indicates that we are witnessing the early signs of something potentially catastrophic: The earth's temperature is rising. Glaciers are melting, extremely heavy rainstorms have increased by 20 percent in North America this century, and spring has been arriving a week earlier in the Northern Hemisphere. The cause appears to be the emissions from the fossil fuels we burn to heat our homes, run our cars, power our industries, and cultivate our farms.

The earth's climate has remained stable for the past 10,000 years, but global warming threatens the stability that fostered the development of modern civilization. Rapid warming could render whole forests more vulnerable to the ravages of disease, pests, and fires, destroying watersheds. Rising sea levels, flooding, drinking-water shortages, and the northward spread of tropical diseases could displace millions of people. The economic and human costs may devastate continents, creating a crisis larger, and possibly more enduring, than any in recorded history.

The question is no longer "Is our climate changing?" but "What can we do about it?" The cause and consequences of climate changes are global and require global response. The stakes are high, not only for those directly in harm's way of the physical effects of warming, but also for those who have staked their economic well-being on fossil fuels. To stabilize the world's climate will require reducing greenhouse gases by half during the next century, and countries need to begin to cut emissions soon if adaptations are to be made without disruption. But the challenge—and required changes—are of such scope and magnitude that courageous multilateral steps, beyond what has been accomplished even in our landmark arms-control agreements, are necessary.

Such bold steps also are essential if we are to address the looming threat to geopolitical stability posed by climate change. Just as arms-control treaties sought to limit and reduce the nuclear arsenals of the superpowers, creating an environment of cooperation that encouraged the peaceful transition of Eastern Europe and the Soviet Union, world leaders must create similar, durable, international structures for limiting and reducing greenhouse pollutants while providing for an orderly transition to the use of the energy sources of the future.

Our best prospect for such an agreement is an international greenhouse/gas-emissions budget system. Nations would adopt internationally binding caps or budgets on pollution. Those which reduce emissions could earn emissions savings to bank for future use—or to sell to others to meet their budget requirements. Over the long run, the innovative, technology-rich U.S. economy

could benefit, with U.S. industry competing on an equal footing to offer pollution controls in world markets.

What would it take to create such a structure? To begin with, the United States must lead the way. If we promote the concept internationally, others will follow. Four key elements would make an agreement successful.

First, any agreement must encourage maximum participation, permitting all nations to earn or use tradable emissions credits at some level, whether by using energy more efficiently, switching to less environmentally damaging fuels, or planting and preserving forests that absorb pollution.

Second, to encourage developing countries to participate as soon as possible, industrialized countries—especially the United States—should speedily set an example by adopting these budgets. Industrialized countries also should find ways to make it easy for others to join. One interim method would be for industrialized countries to provide incentives (such as credits) for their own companies to work with the industries in developing countries to reduce emissions.

Third, the agreement will need tools to enforce compliance. International—and domestic—support for a budget system will fade if it permits some countries to evade responsibility or imposes unacceptable disciplines on our own. A treaty should include a range of realistic options for deterring emissions profligacy. Violations could be identified by international inspectors along the lines of the U.N.'s International Atomic Energy Agency. Similarly, in response, economic measures such as sanctions or embargoes might be emplaced through the U.N. Security Council.

Finally, President Clinton should demonstrate his personal commitment to this effort. Just as he took the lead in furthering the Chemical Weapons Convention, so should he lead the battle against this new threat to global security. He should not be swayed by arguments that global agreements would spawn an intrusive international bureaucracy. Comparable criticisms were leveled at the arms treaties and dispelled—and the danger from not taking action is just as severe. Those agreements demonstrated that global problems could be solved through international agreement. Their lessons can help us limit and reduce the growing threat from climate change before we find ourselves facing catastrophe.

The writer is a former diplomat and is on the board of the Environmental Defense Fund. This article first appeared on the editorial page of The Washington Post on July 2, 1997.

...WHO NEEDS ENEMIES? Governor Bush was in Indianapolis last month, delivering the keynote speech to a Midwestern Republican gathering widely reported to be the opening beauty pageant in the race for the GOP presidential nomination. "I left my swimsuit at home," said Bush. Also schmoozing the party faithful were Hoosier homeboy Dan Quayle, feuding flat-taxers Jack Kemp and Steve Forbes, lonesome Lamar Alexander, and rising television star Fred Thompson (among others). Bush delivered his predictable endorsements of balanced budgets, personal responsibility, welfare reform, phonics (yes, phonics), private property, free trade, and "faith-based" transformation of a "culture that has failed." You would have thought all these touchstones would have set off right-wing sparks, but afterward conservative pundits were complaining that the Guv had failed to inspire the troops. An Indiana delegate told the *Dallas Morning News* that Bush's presentation was "a little weak," and Republican handicapper Robert Novak quoted another old party hand, "I'd say George was the dullest knife in the pantry."

Bush had to return to Texas to get some respect, and from an unlikely quarter. Democratic Lieutenant Governor Bob Bullock turned up at a Bush fundraiser in Austin, reportedly "out of respect" for Bush's "magnificent job as governor." Bullock contributed \$2,500 to Bush's campaign, and added that he would be "proud to call him my president."

Garry Mauro, Land Commissioner and Bush's all-but-declared opponent in the 1998 gubernatorial election, might be getting just a wee bit put out at his former boss' enthusiasm for Governor Bush. Earlier this summer, Bullock told reporters that Bush is virtually "unbeatable," and that taking him on would be a "kamikaze mission." Bullock did chip in for Mauro's campaign—but only a measly \$1,000. A spokesman for Mauro declined to comment on Bullock's praise for Bush—maybe he needs to consult with more Indiana Republicans.

OBEY THE LAW. Bush told the Indiana Republicans that Americans need to remember, "You are responsible for what you do," and that in Texas everyone is required to obey the law. Apparently, the Guv's a little selective when the law applies to himself.

On August 29, the Texas AFL-CIO filed suit to force Bush to obey the Texas Workers' Compensation Act, which states that the governor "shall alternate the chairmanship [of the Compensation Commission] between the members who are employers and the members who are wage earners." The union lawsuit, filed in Travis County District Court, alleges that Bush broke the law when he appointed an employer representative, Richard Reynolds, to chair the commission in September 1995 (removing employee representative O.D. Kenemore from the formerly elected position), and then when he failed to appoint a wage-earning chairman on February 1 of 1997, as the law requires. Reynolds remains chairman; the lawsuit seeks a declaratory judgment to compel the governor to appoint a wage-earner as chair.

In announcing the lawsuit, Texas AFL-CIO President Joe Gunn blasted Bush on issues "of importance to working people," calling his record the worst in several generations. "George Bush's labor policy," said Gunn, "is that the boss always wins."

By the way, in Indianapolis Bush had his own kind words for the national AFL-CIO, blaming union pressure on President Clinton for delaying the Governor's attempt to privatize the Texas welfare system.

SPACEBALLS. Secretary of State Tony Garza visited Houston for a photo-op and to try out a new procedure whereby astronauts will be able to vote from space. Previously, state law precluded voting when an absentee ballot couldn't be mailed, making Garza (in his words) "the jerk who wouldn't let the astronaut vote last November." (Astronaut John Blaha was prevented from voting by a four-month space station mission.) Now astronauts will be able to vote by e-mail, a change Garza welcomed, he said, because "We had an individual who clearly wanted to participate in the process."

The singularity of Garza's sudden generosity was not lost on advocates for disabled voters, since he has steadfastly refused to accommodate them in voting procedures. After an El Paso federal court ruled that blind voters must be allowed the technical means for secret ballots, Garza appealed the decision to the Fifth Circuit, where he successfully defended his refusal to supply blind voters with already avail-

able technology for secret ballots.

James C. Harrington, legal director for the Texas Civil Rights Project, blasted Garza for his space-publicity stunt. "The anomaly is," said Harrington, "that he has contributed more than any other official in the United States to dashing the hopes of blind voters to finally exercise the secret ballot like other Americans—and further discourage their participation in polling." Harrington reminded Garza that not long ago, Mexican Americans who didn't read English well were required to have others mark their ballots for them—just as blind voters must do now.

Perhaps, to persuade the Secretary of State to accord them the rights of all U.S. citizens, disabled Americans should apply to NASA for space duty.

EL PASO MCCARTHYISM. Once again, the El Paso library has sent out a call for would-be epic novelists to pick up their very sharpest pens, for the Not-Cormac Writing Contest. In the sly spirit of the fake Ernest Hemingway and faux William Faulkner writing competitions, the library's 1997 Border Voices Literary Festival has issued a call for writers to submit their own outrageous parodies of El Pasoan Cormac McCarthy's unique writing style, immortalized in such internationally acclaimed novels as *Blood Meridian*, *All the Pretty Horses*, and *The Crossing*. First prize includes cash and publication, and an invitation to read at the Festival, held in El Paso in early November. Deadline for postmarked entries is October 24, 1997; for rules and details call contest organizer (and *Observer* contributor) Debbie Nathan at (915) 545-2315, or e-mail "dnathan@utep.edu". The contest mailing address is "Not-Cormac Writing Contest," c/o Nathan, 511 Randolph Street, El Paso 79902.

Last year's first place winner was El Paso schoolteacher Derek Svenningsen, whose entry began, "The traveler now arrived at that anticipated place where the unenviable scene would soon play itself out in the glowing darkness of the fallen evening...." The *Observer's* own Don Graham placed second.

As it happens (Nathan swears it's a coincidence) the Not-Cormac Contest award ceremony will coincide with the annual convention of the Cormac McCarthy Society, to be held in El Paso the same weekend

(November 7-9). The convention is open to the public for a fee; for more information, contact the Office of Continuing Education at U.T.—El Paso.

NO NUKE MUSIC. Bonnie Raitt, Jimmie Dale Gilmore, Joe Ely, and special guest Jimmie Vaughn will perform at The Backyard in Austin on September 28, in support of efforts to stop the placement of a national radioactive waste dump in Sierra Blanca. "The power of music and the social conscience of artists like Bonnie Raitt and Jimmie Dale Gilmore have changed the course of history," said concert coordinator and Sierra Blanca Legal Defense Fund spokeswoman Suze Kemper. Funds raised at the concert will support the work of the SBLDF, which is fighting the proposed dump in state administrative courts, the Legislature, and the U.S. Congress.

The Austin concert will occur on the eve of a Congressional vote on H.R. 629 (the so-called "Compact"), which would allow nuclear facilities in Maine, Vermont, and

eventually other states to truck their radioactive waste across the country to be dumped in the small West Texas town of Sierra Blanca, sixteen miles from the Rio Grande and the Mexican border. The Austin show will be part of a "No Nukes" tour by Raitt and others, with stops in San Diego and Las Vegas. Performers on the tour will include Jackson Browne, the Indigo Girls, John Trudell, and Graham Nash. The tour will focus on communities in danger of becoming radioactive waste dumps: Sierra Blanca, Ward Valley (California), and Yucca Mountain (on Western Shoshone land in Nevada).

Over 90 percent of "high" and "low" level radioactive waste—which contain the same radioactive elements, in varying concentrations—comes from nuclear power plants.

NO ASSASSINS. As we went to press (September 4), *SOA Watch* was monitoring the pending vote on U.S. Army's School of the Americas. Appropriations for SOA

(a/k/a the "School of Assassins") are included in the Foreign Aid Appropriations budget under consideration in the House. An amendment sponsored by California's Esteban Torres and Pennsylvania's Thomas Foglietta would cut all appropriations for SOA; related legislation has been sponsored by Massachusetts Congressman Joseph Kennedy and Illinois Senator Richard Durbin. A vote on the amendment is expected soon; readers are urged to call their representatives, at (800) 522-6721 or (202) 224-3121.

NUCLEAR LUNCH. Sierra Blanca businessman and rancher Bill Addington has demonstrated, agitated, litigated, and fumed against the proposed low-level nuclear dump the State of Texas is locating in his home town. Now he's not eating. On September 5, Addington began a hunger strike to protest the pending Texas-Maine-Vermont Congressional Compact—a hurdle the dumpsters need to clear before opening the gates. □

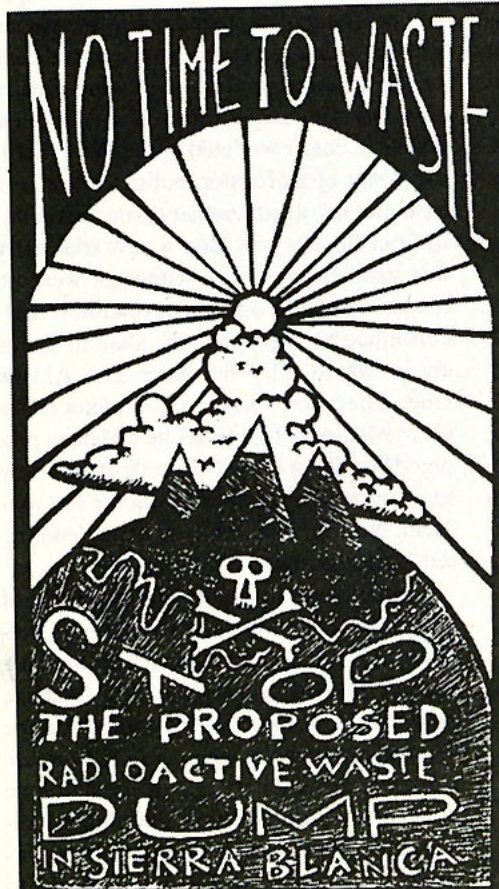


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Awaiting Death *en El Norte*

BY JOHN ROSS

Mexico City

Javier Suárez Medina, one of a dozen Mexican citizens housed on Texas' death row, is scheduled to celebrate Mexican Independence Day, September 16, strapped to a gurney, as a lethal injection spreads through his body. Suárez Medina's death certificate will corroborate that his court-appointed date with his maker was a homicide, perpetrated by the state of Texas.

Although Mexico tolerates abundant extra-legal executions (such as the June 1995 massacre of seventeen farmers under the guns of the Guerrero state police), legal executions are frowned upon by the government, the church, and a broad swath of society. The death penalty was virtually abolished here decades ago, and the murderous U.S. ritual of near nightly executions of death row inmates is seen as yet more evidence of North American barbarity.

When the victim of such questionable U.S. justice is a Mexican citizen, the pending execution excites nationalist fervor that can threaten to boil over into retaliatory violence. U.S. prisoners in Mexican jails are moved into protective custody, to keep them from being attacked by their local counterparts, and in Mexico City, the U.S. embassy cautions its employees to maintain a low public profile. Such was the atmosphere in the days leading up to the June 18 execution of Irineo Tristan Montoya, at the Walls Unit of the state prison in Huntsville.

Prisoner No. 847 had spent many years on death row, at the Ellis Unit twenty miles up the road from the killing chamber at the Walls. Only one other Mexican, César Fierro (convicted of killing an El Paso taxi driver in 1979) had been there longer. Tristan Montoya was convicted in the stabbing death of a motorist who had given him and a companion a ride on a Texas border road—largely on the basis of a four-page confession in English, a language he did not yet understand.

For a decade, Tristan Montoya had been kept alive by a series of last-minute appeals. This time, the Mexican government (which maintains a death watch over its citizens facing imminent execution in the U.S.) sought to postpone the execution by citing the Con-

vention of Vienna (which mandates that foreign suspects must be informed of their right to contact the nearest embassy or consulate office). Texas Governor George W. Bush responded that Texas was not a signatory to the Vienna Convention, and refused to postpone the killing.

In his last days, Tristan Montoya was seen often on Mexican television, through a glass prison panel, protesting his innocence and commending his soul to God. He was denied a last supper of nopal cactus because the prison did not have it in stock. Relatives of the victim, John Kilheffer, crowded into the ante-chamber to witness the clinical killing. Outside of the Walls, an angry band of Mexican Americans yelled “¡Asesinos!” and “¡Viva Irineo!”

Tristan Montoya's execution was the twenty-fourth of the 1997 Huntsville killing season, but he was only the second—or possibly third—Mexican to be hauled into the Texas death chamber since the state resumed killing prisoners in 1982. The executions of Ignacio Cuevas in 1991 and Ramón Montoya in 1993 had little public impact. As often happens concerning Mexicans or Mexican Americans on U.S. death rows, Cuevas' actual country of birth was disputed. Of the 106 prisoners executed in Texas in the ten years preceding Tristan Montoya's June 18 execution, sixteen were classified as Mexican-Americans.

Tristan Montoya's final passage through his native state of Tamaulipas was a long, sad ride, flushed with nationalist outrage. As the cortège rolled through Matamoros, and Tampico, and Ciudad Mante, to its final resting place at Puerto Mexico on the Caribbean, roadside crowds reiterated the chants of “¡Asesinos!” and “¡Viva Irineo!” U.S. flags were burned outside that country's embassy in Mexico City, and the front

page of the daily *La Jornada* said simply INDIGNATION! in big black letters. A U.S. reporter witnessed Mexico City police officers draw their guns on two English-speaking tourists, accused of drinking beer in public. “When we break the law in their country, we are executed,” was how the officers' justification their menacing demeanor, before accepting fifty pesos to holster their weapons and free the women (who turned out to be British and not North Americans, after all).

Tristan Montoya's journey home in June contrasts sharply with the April homecoming of another death-row veteran, Ricardo Aldape Guerra. After more than fifteen years behind bars, Aldape Guerra was abruptly released from Huntsville. He had been convicted of the 1982 shooting death of a Houston police officer in a case that involved another (slain) perpetrator, but his lawyers won a new trial early this year. Because key witnesses were no longer available and the eyewitness evidence had been suspect, the state of Texas chose not to retry the case. The Aldape Guerra decision was seen as a minor miracle in Mexico—four times he had been prepared for death by prison authorities, only to be rescued by his lawyers at the last moment. Now a “final feliz,” a happy ending, was at last in sight.

Fiestas were in order. The governor of Nuevo León sent his private plane to welcome Aldape Guerra home. The nation's second television network, TV Azteca, pulled off a ratings coup by writing Aldape Guerra into its hot soap opera, *Al Norte de Corazón*, a cautionary tale of life and love along the border. Within days of his release, the former resident of death row was presented by gloating TV Azteca flacks to the press at a Mexico City cocktail party. A

startled Aldape Guerra mumbled to reporters, "I'm not a legend, I'm not Pancho Villa. I'm here by accident..." (In a final grim coincidence, Aldape Guerra departed by accident as well. He was killed August 21 in an automobile collision, near Matahuala, San Luis Potosi, en route to Mexico City from his home in Monterrey.)

According to human rights groups, there are thirty-five Mexican citizens currently housed on U.S. death rows—twenty of them lacking legal representation. Mexicans represent only 1 percent of the more than 3,000 prisoners on death row in the U.S., but they account for more than half of the number of condemned foreign citizens. On the evening following Suárez Medina's scheduled Texas execution, Mario Murphy is slated to be executed in Virginia. Also upcoming: the execution of Ramon Martínez Villareal by the state of Arizona. Martínez, at fifty-three the oldest Mexican prisoner awaiting death in the U.S., has an IQ of 64, and is considered mentally ill by medical doctors and his own family. The Durango native was convicted in a 1983 house robbery/double murder twenty-five miles north of the Nogales border. As in many such cases (including that of Tristan Montoya), Martínez's crime partner turned state's evidence and was freed. Martínez narrowly escaped execution last June. Another Mexican imprisoned in Arizona was not so lucky; in July, Ascensión Perez, lodged in the Nogales jail while facing the death penalty for a kidnap-murder, hung himself from the bars.

Mexicans on U.S. death rows mirror the map of their migrations north. A pair of Mexicans languish on Illinois' death row, and there are Mexicans awaiting execution in Oregon and Ohio, Nevada and North Carolina. But the bulk of death row prisoners are to be found in the big migration states. Thirteen Mexicans are on death row at California's San Quentin prison. A fourteenth Mexican may soon join them—Francisco Covarrubias, the twenty-year-old driver of a truckful of migrant workers, eight of whom were killed during a southern California chase by immigration officers in April 1996. The youth faces the death penalty under enhanced powers now available to prosecutors, for fatalities occurring in connection with immigrant-

smuggling cases.

The stories of the twelve Mexicans currently held at the Huntsville Ellis Unit yield unavoidable conclusions. Most committed the crime(s) for which they were convicted when very young—Suárez Medina was only nineteen when he was accused of killing an undercover narcotics officer in Dallas. Even those prisoners who have served the longest stretches in Huntsville were convicted of



Posada

homicides committed in their early twenties, and often under the influence of drugs or alcohol. All are poor, from large families, and most are natives of border states who crossed illegally into the U.S. to find work. At the age of fifteen, for instance, Aldape Guerra sold his bicycle to raise enough carfare to get to Texas, and Tristan Montoya never attended grade school, instead selling oranges on the street to support his family. "These are young men who are abandoned by their government

until they are literally at death's door," observes Arturo Solis, a Reynosa Tamaulipas human rights worker. Solis accuses the Mexican government of not intervening in capital cases "until it is too late." An organizer of Tristan Montoya's cortège through Tamaulipas, Solis described Mexico City's apparent public efforts to save the convicted killer as "nothing but propaganda."

Yet despite the nationalist outrage at the frequent application of the death penalty in the U.S., there is now a certain growing sentiment for the re-institution of capital punishment in Mexico. The death penalty remains on the books here, for such crimes as arson, patricide, pre-meditated murder, and treason, but was removed from state penal codes in 1970 and frozen by the federal government. Military courts retain capital punishment as an option for serious crimes, and there have been demands within the army for the death penalty to be imposed upon Brigadier General Jesús Gutiérrez Rebollo, Mexico's former drug czar, accused of being in the employ of the late narco lord, Amado Carrillo.

The escalating violent crime rate has encouraged the crusade to revive the death penalty. Two to four homicides are committed in Mexico City every day (about 1,400 out of the 6,000-7000 committed annually throughout the country), and the demand for vengeance has grown. Recently formed victims' groups are organizing marches and petition drives, and taking out newspaper ads advocating the return of capital punishment.

On the other hand, Javier Ruiz de Velasco is so appalled by such talk that he has taken to hanging himself, once a month, from a palm tree in front of the U.S. embassy. The startling apparition of the young man, clad in a Virgin of Guadalupe t-shirt, dangling from a noose (he uses a harness) tends to stop traffic. "The state's role is to respect life, not kill life. Capital punishment is state-licensed homicide," Ruiz tells a U.S. reporter. "We're against it for everyone, not just Mexicans. But the fact that the United States has sentenced Javier Suárez to death on our most sacred patriotic holiday is an insult that Mexicans cannot disregard...." □

John Ross reports regularly from Mexico City for the Observer and other U.S. publications.

Torture and Technicalities

BY DAVID R. DOW

Everyone agrees that this case presents a due process violation, the knowing use of perjured testimony.

—Judge Charles F. Baird, dissenting, in the case of César Fierro

At 3 a.m. on an August morning in 1979, police in Juárez, Mexico, rapped on the door of the house where the mother and stepfather of César Fierro were sleeping. The couple was roused from their bed and driven to police headquarters. Fierro's mother was beaten; his stepfather was shown a *chacharra*, a device like an electric cattle prod, and told it would be used on his genitals. Neither of the two was ever charged with a crime. At seven that evening, the two were released and sent home. They were no longer needed.

Six months earlier, in February 1979, authorities in Texas had found the body of Nicholas Castanón, an El Paso cab driver, dumped in a city park. Castanón had been shot in the back of the head. Mexican police found his cab across the border in Juárez. El Paso police soon arrested two men they suspected of murdering Castanón, but the two were later released and the investigation lay dormant for several months.

In late July, a young man by the name of Geraldo Olague came into contact with Juárez police, either because the police suspected him of committing a series of robberies, or because he approached them voluntarily. Olague told Juárez police officers that he knew who killed Nicholas Castanón. According to Olague, he and César Fierro, a Mexican national, had hatched the plan to rob Castanón, and after taking Castanón's money, to the surprise of Olague, Fierro suddenly shot and killed the cab driver.

Juárez, Mexico, and El Paso, Texas, seem at times like one big city divided only by a narrow strip of the Rio Grande. Drivers on Main Street in El Paso can look to the south and see into the homes built into the hillside in Juárez. Juárez is poorer, but the two cities share a common culture. Although Mexico has no death penalty, and its government officially considers the sanction to be barbaric, the Juárez

police are notorious for flouting the rights of Juárezens in a way El Paso authorities could never get away with. Yet, constrained by different sets of law and mores, the two police forces sometimes succeed in evading these constraints by a calculated division of labor. So when Juárez authorities called the El Paso police and told them of Olague's statement, the El Paso police immediately traveled to Juárez to arrest Fierro.

That August, in the custody of the El Paso police, César Fierro immediately proclaimed his innocence. He admitted knowing Olague, admitted participating in robbery sprees with him, but steadfastly denied having murdered Castanón. Yet during the course of a lengthy interrogation, Fierro eventually signed a confession saying that he and Olague had robbed Castanón and that Fierro had then shot him.

Authorities charged Fierro with capital murder. An El Paso criminal defense lawyer was appointed to represent the indigent Fierro, and Fierro insisted to his attorney that he had not killed Castanón, and that he had only signed the confession because during his interrogation the Juárez police phoned to say that his mother and stepfather were in police custody. Fierro was familiar with the methods of the Juárez police; he knew what a *chacharra* is, and he understood the meaning of the implied police threat: either he would confess to the murder of Castanón, or the police in Juárez would torture his parents. He confessed; his mother and step-father were sent home.

During the initial meeting with his lawyer, Fierro said that the El Paso detective who had interrogated him, Al Medrano, knew that the Juárez police had taken Fierro's family into custody, for Medrano had spoken to Juárez police officers on the phone before handing the receiver to Fierro. On the basis of this story, Fierro's lawyer sought to suppress the confession. At the suppression hearing, however, Detective Medrano denied Fierro's story, insisting he had never spoken to

Juárez authorities. The trial judge believed Medrano and ruled that Fierro's confession was admissible. Fierro was convicted and sentenced to death.

Fierro's conviction and sentence rested solely on the testimony of Geraldo Olague and his own confession. Yet Olague has never explained why he waited nearly half a year before implicating Fierro; moreover, he originally told authorities he had known Fierro for only a couple of weeks before the murder of Castanón, but later testified that he and Fierro had been committing robberies together for six or seven months. He said Fierro had taken a silver watch from Castanón, but the watch was never found. And he said he and Fierro had together sold the murder weapon to a rancher south of Juárez, but neither the rancher nor the gun was ever located.

Texas law renders it impossible to convict someone of a crime solely on the basis of the testimony of a co-conspirator, considered inherently unreliable because of the incentive for one criminal to shift responsibility for a crime onto his partner. Inexplicably, Olague was not treated by the Texas courts as Fierro's co-conspirator. Fierro's confession was a crucial piece of evidence, perhaps the crucial piece of evidence. Without the confession, it is plausible to think that Fierro would not have been convicted, and it is almost impossible to believe that he would have been sentenced to death.

Moreover, a significant piece of evidence was not presented at the suppression hearing: a document, written by Detective Medrano while Fierro was in custody, indicating that the detective knew that Fierro's family was in the custody of the Juárez police. This report should have been provided to Fierro's defense team in 1979, but it was not discovered by lawyers representing Fierro until 1994. When Fierro's lawyers tracked down Medrano, he was close to death from cirrhosis. He signed what might be regarded as a deathbed confession: an af-

fidavit swearing that what he had written in the police report was true. He admitted that he had indeed known that Fierro's parents were in the custody of the Juárez police, and that he had communicated this fact to Fierro. The detective had finally admitted that he lied under oath at Fierro's suppression hearing. The district attorney who prosecuted Fierro then signed an affidavit saying that he would not have used the confession had he known it had been coerced. Such an admission is stunning and unprecedented.

Fierro's lawyers took these two pieces of evidence—the evidence establishing that Medrano lied and the evidence that the prosecution would not have used Fierro's confession—to the Texas Court of Criminal Appeals. The court ordered an evidentiary hearing on Fierro's case, and the hearing judge concluded that Fierro should receive a new trial.

Yet the Court of Criminal Appeals overruled the hearing judge. The court agreed that Fierro's constitutional rights had been violated, but concluded that he would probably have been convicted anyway, and that the errors pertaining to the coerced confession and Detective Medrano's perjury were therefore all "harmless." The Supreme Court of the United States declined to hear César Fierro's appeal.

Americans love the death penalty. Somewhere between 75 and 90 percent of those surveyed express support for capital punishment. These numbers decline somewhat when the punishment options include genuine life without parole (and indeed, one of the reasons prosecutors and victims-rights organizations oppose life-without-parole statutes is that they realize the result would be fewer death penalties), but the sentiment is deep enough that politicians go out of their way to demonstrate their affinity for the death penalty. When President Clinton was running for President in 1992, he made a very public showing of refusing to halt the execution of a retarded inmate in Arkansas, and in Texas it is not uncommon for gubernatorial candidates to boast about the number of executions that have been carried out under their watch.

Yet most Americans also recoil at the prospect of executing an innocent man. Studies over the last half century have con-

sistently shown that approximately 1 percent of the death row population is innocent of the crime for which the death penalty was imposed. Thus, of the 3,500 or so death row inmates nationwide, around 35 are innocent; in Texas and California, which have about 400 death row inmates apiece, perhaps four of the inmates in each of the states are innocent.

Whether César Fierro is among this 1 percent is something we do not know. What we do know is that police used a form of torture to extract a confession from him, and then lied about it under oath. We know that the detective who lied later admitted he had lied. We know that the district attorney who prosecuted Fierro said he would not have used Fierro's confession had he known all the facts. We know that a judge who heard the evidence recommended that Fierro get a new trial. And we know that the highest court in Texas, in spite of all this, declined to disturb Fierro's conviction or sentence. One question, obviously, is whether Fierro is innocent of murder; but there is a second less obvious yet equally compelling question: How could our system of justice have produced this result?

One consequence of electing judges is that they lose their independence and become beholden to interest groups, the same way politicians do. In California in the mid-'80s, Rose Bird, the chief justice of the state's Supreme Court, was voted out of office after her court ruled in most every death penalty case it confronted that the execution could not be carried out because there had been constitutional violations. Similarly, in Texas in the early 1990s, a trial judge, Norman Lanford, made a ruling that resulted in the release of a man who murdered a police officer. Although the legal soundness of Lanford's ruling was never really in question, his decision so outraged the police and district attorney's office—not to mention the voters—that a candidate was recruited to run against Lanford and he was overwhelmingly defeated in the subsequent election. When 75 to 90 percent of the population supports the death penalty, a system of electing judges ensures that judges will care more about implementing the death penalty than safeguarding a defendant's constitutional rights. Even when judges are appointed,

moreover, the person who appoints them must be wary; a governor or a president who appoints judges or justices who are viewed as "soft on criminals" almost certainly will not be in a position to appoint many more.

The nine judges on the Texas Court of Criminal Appeals in Texas are elected. The vote in Fierro's case was 5 to 4, against him. All nine judges agreed that the police had lied and that the consequence of the lie was that Fierro's confession had been coerced. Yet five of the judges concluded that these facts did not entitle Fierro to a new trial. Of the four judges who concluded that Fierro was entitled to a new trial, three of them had already determined that they would not run for reelection when their current terms expire. All of the five judges who voted against Fierro have stated that they intend to remain on the court.

A decade ago, nearly 40 percent of all death penalty cases were deemed to have been infected by constitutional violations; the American Bar Association recently found that this percentage remains roughly the same, and called for a moratorium on executions. These rulings on constitutionality were typically made by federal courts, where judges are immune from political pressures, rather than by state courts. But even the federal courts, especially the Supreme Court, eventually became exasperated by death penalty appeals. The result has been that over the last decade the types of claims that death row inmates can raise in federal court have been reduced dramatically. Merely identifying a constitutional violation, no matter how egregious, is rarely enough to warrant relief; it is also necessary to prove that had the violation not occurred, the trial result would have been different.

Yet criminal trials are not laboratory experiments where it can be easily shown that altering a single fact will change the outcome. So this standard of proof is almost impossibly high. Thus, in one extraordinary case in 1995 (*Gray v. Netherland*), the Supreme Court held that the state can lie to the defendant about the nature of the evidence it intends to introduce at the punishment phase of the defendant's trial—as long as the defendant cannot prove he did not commit the crime. And in a perhaps even more extraordinary case in 1993 (*Her-*

See "Fierro," p. 27.

Watching the Teamster Watch

Here we are again with some seriously inadequate reporting on the Teamsters, spreading misunderstanding nationwide. The long-expected decision by federal election overseer Barbara Zack Quindel, that last year's Teamster election has to be re-run, was treated as though it were an astonishing revelation—evening newscasts, front-page treatment, etc.

Actually, that story had been widely reported for several months; everyone involved expected it. And the Carey forces did indeed foul up royally; what they did was both stupid and illegal, and the fact that they returned \$200,000 in questionable contributions doesn't make it any better. The scam was simple: Kickback money went into the Carey campaign, funneled through a public-interest group, Citizen Action, and through Michael Ansara, the head of a labor-oriented telemarketing firm, the Share Group. Citizen Action, which had done good community organizing work, is discredited and destroyed by this. One of Carey's campaign consultants has been indicted on mail fraud charges, and two others have been forced to resign. Bad doings all 'round.

But, in addition to being old news, the story as reported last month contained some rather large lacunae (a fancy word for holes big enough for a Teamster to drive a truck through). For one thing, it might interest readers to know that Carey won even though Jimmy Hoffa outspent him in that election by about 3 to 1 (\$3.7 million to Carey's \$1.6 million), not that that excuses the Ansara scam.

In addition to the endless repetitions in the headlines—"Carey, Corruption," "Corruption, Carey" (Carey has been charged with no wrongdoing in this mess)—at least one Sunday-morning chat show gave a good chunk of air time to Hoffa with no response whatsoever from Teamster leadership. When you talk about corruption and the Teamsters, it is wise to follow the oldest rule of political reporting: "Look at the record." Carey's record is this: He was elected in 1991 with the support of Teamsters for a Democratic Union, whose ten-year struggle against the mob is one of the most heroic chapters in labor history.

Since then, Carey has placed more than seventy union locals under court-ordered

trusteeship—more than one out of every ten locals. Hoffa and the old guard naturally claim that Carey was only replacing his political enemies within the union. Try New York Local 966, run by Jack McCarthy and his four sons for thirty years. McCarthy had been convicted five times of labor racketeering. And so it went in local after local after local.

Not that the process is complete by any means. The Village Voice pointed out in December that 807, the Javits Center local, has been run by Joe Mangan for twenty-five years with help from the Gambino crime family. And the even more notorious 295, the New York airport freight local run by the Luchese family, was made famous in the film *Goodfellas*.

In addition to the seventy-plus trusteeships, Carey sold off the union's two jets, ended free lunches at headquarters, and stopped holding union conferences in Hawaii. He also cut pay to union leaders and infuriated many of the old-guard leaders by stopping the system under which they got multiple salaries through regional boards. On top of that, Carey continues to live in the same apartment he had before he was elected president, and as you noticed from watching him on television, this is not a man who spends a lot of money on his suit. But this is the man whom ABC allowed Jimmy Hoffa to call corrupt and dishonest without any response.

And, of course, while linking Carey's name to corruption, the media have not bothered to look at Mr. Hoffa and his charming allies. Hoffa's constantly quoted spokesman Rich Leebove is a former lieutenant in the whacky conspiracy cult of Lyndon LaRouche, who went to prison for bilking his contributors through false credit-card billings. Leebove left LaRouche's National Caucus of Labor Committees in October 1981. He has since worked with another ex-LaRouchie, George R. Geller, who was a

lawyer for Teamsters Local 337 in Detroit until at least 1993. According to the Gazette-Mail in West Virginia, Leebove went on to run a communications company that attacked Carey's reformers in Chicago and elsewhere.

Just to remind you of the kind of propaganda spread by the old LaRouche outfit, they were the folks who claimed that Queen Elizabeth II was a drug dealer, that Henry Kissinger spied for the Soviets, and that the since-deceased Nelson Rockefeller practiced cannibalism. According to the Gazette-Mail, "Since the 1970s, Geller and Leebove have specialized in smearing reform candidates in Teamster and United Mine Workers elections."

Last month's news coverage gave both aid and comfort to the mob-controlled Teamsters' old guard. Way to go, media. □

Molly Ivins is a former Observer editor and a columnist at the Fort Worth Star-Telegram.

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Nuclear Negligence

Remember the classic, late-night TV ad, featuring an elderly woman sprawled on the floor, saying, "Help, I've fallen and I can't get up"?

Well, tragically, tens of thousands of Americans can't get up, because of something that fell on them from the sky: radioactive iodine.

During the '50s and '60s, atomic bomb tests were made in Nevada, even though government scientists knew the radioactive fallout would spread across the country—and be drawn up into the food chain, often through dairy products. Not to worry, they said, a little iodine won't hurt you.

A little? The National Cancer Institute now tells us that this fallout was ten times greater than that from the Chernobyl nuclear plant explosion in Russia. So much, in fact, that every county in America got some fallout; that ninety-eight counties became fall-out "hot spots"; that a quarter million of our people suffered dangerous levels of exposure; and that up to 75,000 cases of thyroid cancer have resulted.

Iodine concentrates in the thyroid, and the incidence of thyroid cancer among people who were children at the time has risen four-fold above normal. One of the hot spots is Meagher County, Montana, where the Mayns family is mad as hell. Deryl Mayns, the 61-year-old matriarch of the family, told *USA Today* that she has an enlarged thyroid, her two elderly sisters had to have thyroid surgery, and her son was desperately ill for seven years because his thyroid simply quit working. Others in the county are sick, too.

Especially appalling is that officials have known about this for forty years, but failed to tell the people. Thyroid cancers grow very slowly and are curable, but chances of survival are much greater if you're treated when the cancer first appears. As one watchdog group put it, "It's criminal that they did not alert the public." For more information, contact the Physicians for Social Responsibility at (202) 898-0150.

WAR IS PEACE

An ad for a car repair shop asked, "Why go elsewhere to be cheated? Come here first."

Well, we citizens and taxpayers are being

cheated, by a Clinton administration decision to lift a twenty-year ban against selling arms to Latin American governments. This is a policy change that Lockheed Martin and other weapons manufacturers have been lobbying for furiously, hoping to sell billions' worth of tanks, fighter jets and other high-tech weaponry to Latin American generals.

On the other hand, those pushing for democracy have dreaded this day, since it opens a new arms race among Latin American military regimes, which have a history of using their arsenals against their neighbors and their own struggling people. Yet, in a cynical bit of doublespeak, Clinton actually said he was lifting the arms ban "to promote stability and security among our neighbors." Security for whom? Not for the impoverished majority, who will now be confronted by a military establishment with even more weapons to hold them down.

Oh, the weapons makers say, the region now is controlled by elected civilian governments, and the threat of military action is nil. I wish! Unfortunately, from Mexico to Paraguay, the generals still lurk and scheme. Indeed, the first in line to buy weapons is Augusto Pinochet, the notoriously brutal former dictator of Chile. While he's no longer dictator, he still heads the military—and he's rushed to Lockheed to buy two dozen F-16 jets.

These sales cheat us as citizens, because they mock our peaceable principles, turning America into an arms proliferator while we're preaching disarmament. They cheat us as taxpayers, too, since we subsidize these purchases—by giving money to the generals so they will buy from the Lockheeds.

New York Congresswoman Nita Lowey wants to reinstate the arms-sale ban—and common sense. Call her at (202) 225-6506.

CORPORATE FEATHERBEDDING

Down on your luck, Bucko? Been fired and finding it hard to get rehired? Trying to make ends meet in the Lean & Mean Corporate '90s with only a few weeks' severance pay?

Well, that's because you're on the wrong end of the corporate ladder, Bucko! If you were at the top, you could actually enjoy getting bounced. Look at John Walter, the number two operator at AT&T. He got fired in July after only nine months on the job, but you don't see him moping around. That's because Ma Bell put \$26 million in his severance package. Plus, AT&T bought Walter's house from him for \$3 million more.

Likewise Gilbert Amelio couldn't hack it after seventeen months at Apple Computer, but he still got a \$7 million severance package. Robert Greenhill's three-year tenure at Smith Barney ended with him securing a \$22 million severance. Then there's Michael Ovitz's fourteen-month trip to Disney Inc., ending in a whopping severance of more than \$90 million.

New York Times writer Judith Dobrynski calls it the "sweet smell of failure."

One wonders: Where is the Board of Directors when these platinum payoffs are being lavished on departing executives? After all, these millions belong to the stockholders, and board members are sworn to protect their money.

But guess who sits on the boards? Executives from other corporations, and their Corporate Buddy System has them scratching each other's backs! When chief executives retire, they don't fade away—they reappear on the boards of their buddies' companies, where they can be counted on to be generous to a fault. One survey found that 90 percent of retiring CEOs find their way onto at least one corporate board, where they're paid an average of \$44,000 a year to be "yes men" to the companies' top executives.

They say it's lonely at the top—but not when you've got your buddies on board. □

Jim Hightower is a former Observer editor and Agriculture Commissioner. His national radio show broadcasts daily, but not in most Texas cities—readers should visit Threadgill's World Headquarters and sign the petition to get Jim on the air. Or call Gary Dugger at (512) 288-3170.

Culture Shock

His name is St. John
And I pronounce it
As any American might,
Causing his classmates to
Fall into fits of giggles and guffaws
And to stare at this slender slip of a child
Whose twisted body seems
Made of mismatched parts.

Birth wounded, now rewounded
By my ignorance,
He blushes and turns to gaze at me
With pleading eyes.
Rising, he limps forward hesitantly
To whisper "Sinjun" in my ear.
I sense his pain.
I hope he senses my remorse.

—ROBERTA FAULKNER SUND

All These Names

All these improbable names,
but then it had to be someone,
twelve someones, so why not these?

Dusty, Doug, Joann, Jason K.,
Hank, Kyle, Brad, Sandra Gail, Scott,
Mike, Sam, Jason D.

Only at great odds do each of us exist.
Like the one toothpick from the box of 300
we get picked, but these odds aren't high enough.

The problem is I can't think beyond 500.
What does 50,000 mean? or a million?
a billion?

a billion hamburgers?
a million yucca seeds?
a million movies?

I can't imagine a million dogs that have no homes,
so turn to think how unlikely that I breathe,
that my fingers move this pen,

that tissue connects my arms to my torso,
that my cells are and cease, that I live,
that I remember the time of the dead cells,

that the cells pass on memory, all of it,
before dying, that we, like the cells, pass on
what we know or feel or smell or hear before we die,

that we write this all down and save it on paper,
that we give it, pass it, print it for others
who want to read us, that we need to read others,

need to know others to make ourselves
the unlikely names that we are.

Green Here, Your Favorite Color, Daddy

The barn. You. Your horse. Early March West Texas morning, and I know the shirt you wear hangs faded brown. Your bones have no flesh. Your hand circles, loosely circles the rein. The horse's eyes, like yours, reflect the pickup truck and the trailer in the blowing dry air. Your decision, firm, is to never ride again on a long prairie trail. You lead him into the hitched-up trailer easy, easy as on any morning ride. The horse steps in; you drop your red handkerchief. I want you to wish this wasn't the last loading. You and the horse accept this all too well, as if you have practiced in another dawn. You bend to pick up the handkerchief, shake out the dust, and I think I could console you. I cry out, but you tell me, it's not the end of the world. You tell me I have to learn to stand it, have to stop crying and stand it. A thousand miles and a world away, the rain falls to Florida trees and grass already green. The air, heavy like steam, rises, blurs my face. I can't see, but then remember that even some of the bugs down here in Florida are green, remember too that green is the only color you ever believed in.

—SANDRA GAIL TEICHMANN

Roberta Faulkner Sund taught chemistry for twenty years in Texas, one in England, and one in Hawaii, and currently lives in Wichita Falls. Sandra Gail Teichmann teaches writing and literature at West Texas A&M University in Canyon. "All These Names" was written during a workshop conducted at Cal

Farley's Boys Ranch north of Amarillo, which Teichmann describes as "uncommon and wonderful for all who participated."

The poems about learning one another's names feel just perfect for these slightly discombobulating, anticipatory back-to-school days.

—Naomi Shihab Nye

Head-On Collisions

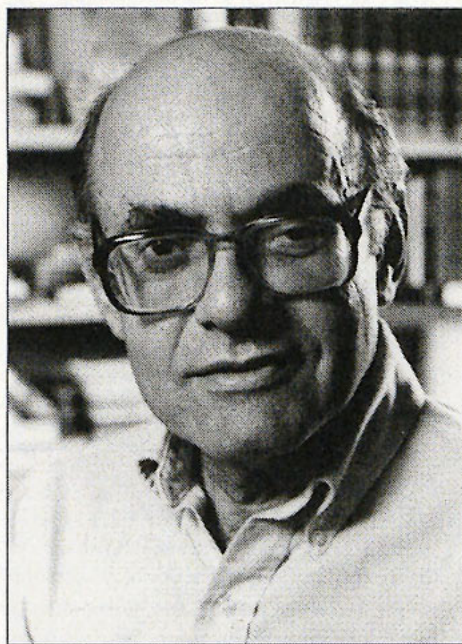
A Teacher and His Students Between the Word and the World

BY PAUL JENNINGS

CHASING HELLHOUNDS:
A Teacher Learns from His Students.
By Marvin Hoffman.
Milkweed Editions.
260 pages. \$14.95.

It will come as no surprise to regular readers of the *Observer* that Marvin Hoffman's book, *Chasing Hellhounds*, is a fascinating account of his experiences in the public school system. As a teacher, writer, psychologist, social activist, and occasional contributor to these pages, Hoffman's varied career has taken him from an early stint on an Israeli kibbutz to the Mississippi freedom schools of the 1960s to one-room schools in rural Vermont. In 1982 Hoffman and his wife, novelist Rosellen Brown, moved to Houston, where Brown had accepted a position at the university. Hoffman soon found himself teaching English and creative writing in Houston's public schools, first at an elite middle school on the city's affluent west side, and later at Jesse H. Jones High School, a struggling inner-city school serving a largely African-American student body.

Although *Chasing Hellhounds* touches on many different moments in Hoffman's career, the focus is on Hoffman's years at Jones. Named after a local financier and political fixer, Jones High opened its doors in the late 1950s to serve South Park, a subdivision characterized by a winding suburban-style street plan and inexpensive tract housing punched out by its developers. These days, however, South Park is a sprawling, working-class neighborhood, mostly noted for its grinding poverty and its low-lying streets that flood regularly, thanks to storm sewers that appear to be utterly non-functional. After one of Houston's frequent downpours, it's easy to visualize South Park and its high school as adrift in a sea of political indifference. Some of Hoffman's best writing occurs



▲ Marvin Hoffman

Frederic Stein

when he provides physical descriptions of the community, the school, and the neighborhood "walkers": children forced to walk to school down the middle of streets in lieu of non-existent sidewalks, in order to avoid the overflowing drainage ditches.

But there's also an interesting academic twist. In addition to serving the students living in the surrounding neighborhood, Jones functions as an HISD liberal arts "magnet" school, attracting academically gifted students from across Houston. Many of these students are from middle-class or professional backgrounds, and once they leave Jones, are headed for elite colleges and universities. In this sometimes uneasy mixture of "regular" and "vanguard" students, Hoffman and the other Jones teachers come face to face with the harsh realities of urban education in the post-Reagan era:

If you chanced to enter my Vanguard classroom, you would hear Kate describing her video project, for which she is interviewing people about their conceptions of beauty, where Seth is writing a short story inspired by his reading of Donald

Barthelme, where small groups are seated around their rectangular tables discussing the mythic town of Macondo brought to life by Gabriel Garcia Marquez in One Hundred Years of Solitude.... Next period these same tables will be occupied by students who have never heard of Hiroshima, who can identify neither the combatants in the Vietnam War, nor its outcome. Many of them have reached the tenth grade without having read a single complete novel.

Another author might have found Jones' potent mixture of class and race an irresistible invitation to polemicize over the unsteady journey of public education over the past few decades. Hoffman resists. Instead, he has fashioned *Chasing Hellhounds* out of a series of loosely connected vignettes, most telling the story of a single student. Sweeping policy conclusions, as a rule, are nowhere in sight. "I have tended to paint on smaller canvases," Hoffman tells us. "Individual children, single classrooms, single schools."

Hoffman's favorite subjects tend to be students hanging by a thread: artistic types yearning their way through the school year dressed in black; homeless teenagers raising on their own their younger siblings; the son of prominent leftists who must testify against his own mother in a drug case. In other hands, this approach might have turned into so much talk-show fodder. But Hoffman, who managed to pick up a Ph.D. in psychology between teaching gigs, is highly attuned to the vivid interior worlds inhabited by adolescents, and even in the most daunting cases, through his eyes we can begin to understand the courage and emotional resilience of these children.

A common thread running through many of the stories is Hoffman's affirmation of the restorative and occasionally transforming effect of literature. His eclectic syllabus runs from Shakespeare to Harvey Fierstein's *Torch Song Trilogy* (a dramatic examination of gay men's lives that ruffles a few classroom feathers). A wonderful

chapter on his students' encounter with Studs Terkel's book *Working* lets us see the students start to understand the powerful social role writers can play, and also makes one wonder why terms like "consciousness-raising" have disappeared from the current debate on educational reform. In fact, much of the charm of *Chasing Hellhounds* comes from Hoffman's recounting of the head-on collisions that occur between his emotionally-charged students and the written word, and he is generous with providing us with many examples of his students' writings. Like most things teenagers do, these are usually insightful, poignant, and infuriating all at the same time.

Hoffman is also good about describing the day-to-day details of a working teacher's life, from arranging desks to creating lesson plans to participating in faculty basketball games. A charming and unassuming man in person, Hoffman has had more than his share of run-ins with administrative types over the years—a fate unhappily common to all teachers committed to their students. Teaching, as he reminds us, is a noble profession, and standardized measures of pedagogical efficiency cannot be allowed to mask the essentially moral aspects of a teacher's job. This means, inevitably, shaking things up. "We must act as if change is within reach," Hoffman tells us, "lest our children inherit from us a paralyzing pessimism and resignation that ensure that no change will occur." At the very least, Hoffman challenges teachers to emulate the "heartening resilience" displayed by so many of their students.

Marvin Hoffman's book is a gift. These days, when the calls for educational reform range from running our schools like minimum-security prisons to handing public funding over to the bible thumpers, Marvin Hoffman has reminded us of a vision of an educational system based on freedom, individual expression, and social commitment. More importantly, he has reminded us of the basic humanity of our children, and their sometimes desperate need for our love. □

Paul Jennings is a Houston freelance writer, currently at work on a book about the city and its history.

"A NOBLE PROFESSION": A CONVERSATION WITH MARVIN HOFFMAN

Observer: The title of the book gets a lot of different reactions from people.

Marvin Hoffman: Well, it was the source of some controversy with my publisher. They were looking for something that was more conventionally educational, and for me the book was as much a literary venture as an educational venture, so this somewhat more ambiguous title appealed to me. I realized that it doesn't make immediate sense—you need to read the epigraph of the book [a snatch of dialog from the play *Fences* by August Wilson], and even with the epigraph, some people still seem to be confused about exactly who are the hellhounds are. It's not so much who the hellhounds are—it's who's chasing the hellhounds. For me, when I read that passage in the play, I said to myself, That's what teachers do, what the character Gabriel is doing in the epigraph. He's chasing off the hellhounds to make heaven safe for the people who are trying to get to the pearly gates—and that's my romantic notion of what teachers are about.

As a parent, one of the things I really liked about this book is this chance to look into the inner, mental world of these kids.

As I said in the book, I feel that it's been a real privilege: to be allowed that glimpse into kids' inner lives, and one of the reasons I've been privileged enough to have that access is because of the writing I do with kids. It's in their writing that they most reveal themselves.

As soon as you started talking about what was going on inside the classroom and with the kids, I realized how unfamiliar I was with most of what happens there.

I had many different objectives in writing the book, and one of them was give people like you—parents and other interested so-to-speak "lay people"—some glimpse inside that world. I think for most adults, once they've finished with their own schooling years, except for

parent visiting days you really don't set foot inside a school, and partake of the life and the culture of the school, and part of this was a way of opening the experience up to other adults besides teachers.

You really seemed determined to hand some of the control of the classroom and the curriculum over to the students.

Looking back on my work life, I've realized there are certain consistent themes, and that theme of turning the control back to the "client," or whatever you want to call the person at the other end, is a theme that goes back to the years I spent in Mississippi. It's not so much a teacher's vision as a community organizer's vision....

I'm sure there must be a certain amount of tension between your desire to loosen the control over these kids and still maintain your role as an authority figure.

That's tricky. One of the reasons educational reform of a different era—the kind of '60s educational reforms that led to free schools and so on—faltering, was because people wound up turning authority and control over to kids, but also abandoning their own natural authority in the classroom and backing away from their responsibility to be leaders and teachers. I think that was very naive, and a lot of stuff unraveled as a result of that.

In your introduction you talk about teaching being a "noble profession."

I really believe that, and it's very painful to see how degraded it is in the eyes of so many people, and not respected by the community at large and often not respected by the teachers themselves, who have internalized this rather low opinion that the rest of society has of them. One of the wonderful things about directing this writing project at Rice and HISD that I've been doing for the last eight years, is that it has been giving me a chance to get beyond my own classroom and wander in schools throughout the

district. HISD, like most big city school systems, is at best a mediocre system, and one that is not very supportive of teachers and of good teaching—and here are all these amazing people who are laboring away against great odds. (And there are plenty of deadbeats too; I don't want to be pollyannish about this, but that's not who I choose to focus on.) I think the people who are laboring away at it, day after day, really are part of a noble profession. I was shamelessly trying to be inspirational there, for some young people who might be making some kind of career choice. I think a lot of teachers in an earlier era responded to reading Herbert Kohl and Jonathan Kozol and some of the books that came out in the '60s where they got a similar sense of the nobility of teaching, of the possibilities of social change that the profession held out. I would love to be lumped with people who are communicating that kind of message.

—P.J.

"Fierro," from p. 21.

rera v. Collins), the Supreme Court held that the question of whether a death row inmate is innocent is simply not a question of constitutional magnitude.

Fierro has been defeated in his appeals by these developments of the past decade, which permit almost all constitutional violations to go uncorrected. Typically, when the media use the phrase "legal technicality," what is meant is that a criminal who did in fact commit a crime has been released. Yet these so-called technicalities can also—and at least as often do—prevent people who did not commit a crime from proving their innocence. If César Fierro is executed it will not be because the state proved that he killed Nicholas Castanón, but because he cannot prove that he did not. If César Fierro is executed, it will be because a "technicality" allowed the authorities to coerce a confession from him, and then get away with it. □

David Dow, a Professor of Law at the University of Houston Law Center, has been co-counsel for César Fierro since 1991.

"Greenpeace," from p. 14

Longtime activist and board member Barlow was upbeat, saying this move might very well save Greenpeace in the long run. "While this reorganization is tough on everybody, it does offer us an important opportunity. The future of Greenpeace rests on the ability to liberate Greenpeace campaign activities and allow them to do what Greenpeace does best. Greenpeace staff won't be stuck in D.C. They will go where the action is. There has been a pattern of layoffs for several years and that has had an eroding psychological effect on everyone in the organization. Hopefully a new spirit, a new board and a new executive director will bring us into a new era."

From former director Dudley's perspective, she offered just one sentiment for the future. "What ever they do, they should move out of Washington. If Greenpeace is to have an effective role in the future, it shouldn't be walking the halls inside the beltway." □

Don Hazen is the Executive Director of the Institute for Alternative Journalism and former publisher of Mother Jones.

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On the Vegas Highway

Hunter S. Thompson's Adventures in Self-Promotion

BY LARS EIGNER

THE PROUD HIGHWAY:
Saga of a Desperate Southern Gentleman, 1955-1967.
 By Hunter S. Thompson.
 Villard.
 683 pages. \$29.95.

Hunter S. Thompson is a scary guy. But you knew that. *The Proud Highway* is a scary book, if for no other reason than that such a ponderous tome could hurt some one if it fell off the shelf. This is a collection of Thompson's letters—from 1955 to 1967 only—but the editor, Douglas Brinkley, frighteningly assures us this selection is but a small fraction of the letters from that period, and this is the first of three volumes, which will skim the surface of the approximately twenty thousand letters Thompson has written and saved in his lifetime. This trilogy is to be known as "The Fear and Loathing Letters." It could hardly be more aptly named.

The first volume leaves off just after the publication of *Hell's Angels*—somewhat before "gonzo" journalism or fear-and-loathing-in-Las-Vegas T-shirts, but before Thompson had become (literally) a cartoon character (*Doonesbury's* Uncle Duke).

Reading these letters in light of Thompson's whole career, the question soon becomes: Is it possible to distinguish the poseur from the pose? The answer, I think, is, "No."

This is the story of young man trying to attract attention who made a face, and it froze that way. Which was the real Hunter S. Thompson: the contributor to *The Nation*, or the card-carrying member of the National Rifle Association? Both, I think, and it is not just a matter of some unusual philosophical twist; Thompson is a gun nut. So I believe I'll pass on the "but his heart is in the right place," when it is served.

Novelist William Kennedy (Pulitzer for *Ironweed*), a long-term victim of Thomp-

son's correspondence, believes the roots of gonzo (which first appeared in 1970, when Thompson gored his hometown's sacred cow, the Kentucky Derby) lay in Thompson's frustration at being unable to break into fiction: "It [*Fear And Loathing In Las Vegas*] was not lunacy defined, but lunacy imagined: in short, a novel." Yet, gonzo is just a step or two beyond shoot-from-the-hip foreign correspondence of the 1950s.

Consider this: in 1959, for reasons best known and explained by himself, Thompson kicked in the candy machine at the (New York) *Daily Record*. In a rational world, this might have been a career-ending move, but a mere three years later Thompson made a well-armed (and well-liquored) canvass of Latin America, and his reports were received seriously by *The National Observer*—he was Dow Jones' man in Rio and in Bogotá, indeed the whole continent, and they were running both his articles and some of his letters. How could this have happened? Well, it could not happen in a sane world, but in the real one, Cuba had shocked people into the recognition that there might be something newsworthy going on in Latin America, and no one seemed to have a better reporter on the spot. Or so Thompson alleged in a diatribe addressed to Philip Graham (owner of the *Washington Post* and *Newsweek*). These were insane times; Graham answered the letter.

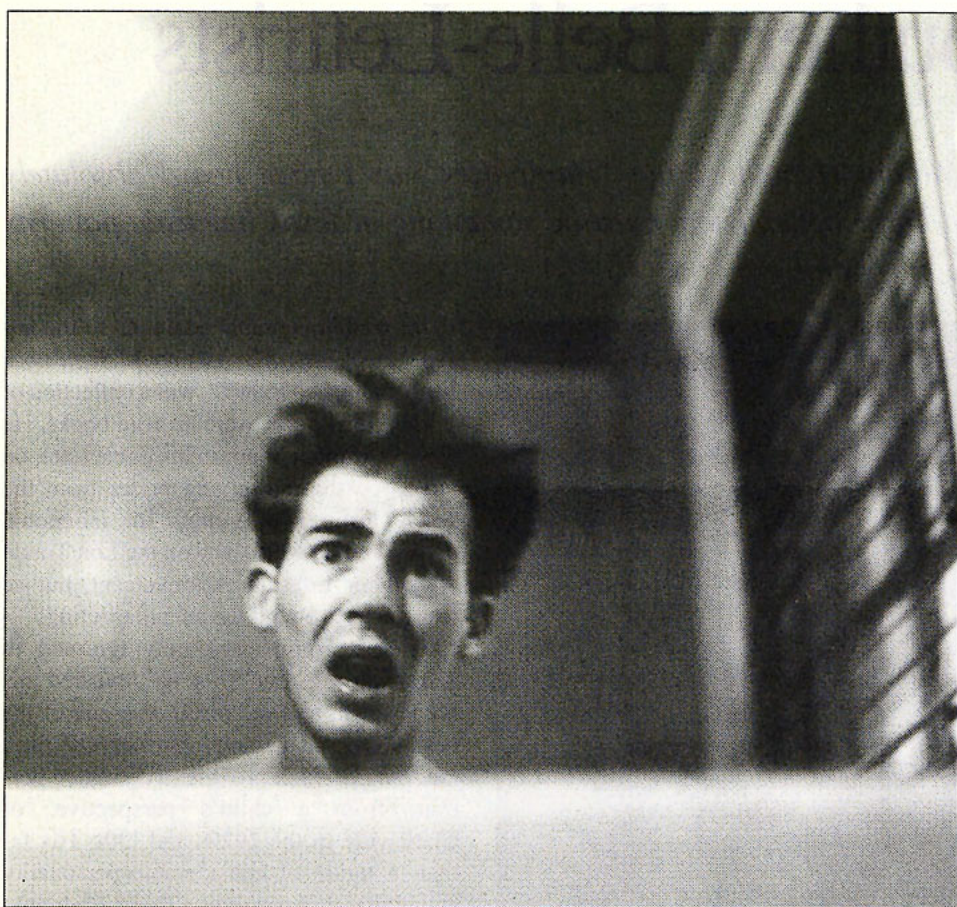
How far out is Thompson? I have to wonder. The Silent Generation was called that for a reason, and we have not heard much from it since Kerouac, and he after all was pounding the Beat beat and not trying to probe the silence. Thompson was pounding a typewriter—three, four, five letters a night, sometimes two thousand a year, and in those pre-Xerox days making carbons and stashing them away. Now that this reservoir of logorrhea has burst upon us, we ought to wonder if there isn't more like this walled up in those taciturn folks who turned thirty (as Thompson did in 1967) just in time to hear that no

one past thirty could be trusted.

Is Thompson an anomaly for having some vaguely leftist politics while gushing over Ayn Rand, for hunting wild boar in Big Sur while being on speaking terms with Joan Baez, or for taking himself seriously as a writer—and someone who is saving all these carbon copies and photographing himself bent over a typewriter so often takes himself very seriously as a writer—while holding the position of sports editor for an Air Force base house organ, eventually writing for *Pageant* and *Ramparts* at the same time? Any of those would be an irresolvable contradiction for a flower child. Killing wild boar? You might as well club a few baby fur seals while you're at it. But isn't this really where the silent ones, or many of them, were at? We hippies always assumed that anyone who acted like Thompson wrote was an agent provocateur—it was a safe assumption, but maybe not a true one.

The phrase "fear and loathing" first appears in Thompson's writing November 22, 1963. He was devastated, in spite of having exhibited no special fondness for John Kennedy before (except in the minimal way that Kennedy was *not* Nixon). To the next generation, assassination or attempted assassination was simply a sad fact of political life. It must have been something especially disillusioning to a generation which could hardly remember anything except a few isolated and feeble attempts.

Thompson's political reputation, as some-kind-of-leftist-we-think, rests pretty much upon his having hated all the right people at all the right times and his having observed that—especially in regard to Latin America—American foreign policy has been, more often than not, incredibly shortsighted and sometimes plainly stupid. In one of his letters he summarizes his beliefs: "My position is and always has been that I distrust power and authority, together with all those who come to it by conventional means—whether it is guns, votes, or out-



▲ Thompson self-portrait

Hunter S. Thompson

right bribery. There are two main evils in the world today: one is Poverty, the other is Government." This might seem leftist in the heart of the Cold War, when it was written, but today it could be slipped into the preamble of any militia manifesto without seeming out of place. And consider this, on racism: "Hell, I have a strain of it myself, and the only thing that has brought me around this far is the fact that every time I've seen a black-white confrontation I've had to admit the negroes were Right."

I have two theories, which are not entirely mutually exclusive. One is that Thompson is the kind of guy who the left could and did attract in the Sixties, but nowadays take their cues from Rush Limbaugh—guys who were with us when issues could be drawn as clearly as voting rights or the Vietnam war, but who just don't get the message on affirmative action and who can't even be talked to about gun control. We could stand to understand this type better. My other theory is that Thompson is a cynical opportunist who parlayed an animal revulsion to Richard

Nixon and a fondness for hallucinogens into a literary career.

As a writer, I find Thompson's early letters embarrassing. Perhaps I am too easily embarrassed (sometimes I hope I am really a space alien, because it would be too embarrassing to be certain I belong to the same species that calls radio talk shows, or hosts them). Thompson uses his letters to try on the style of whichever novelist has caught his eye for the moment. Here he is as John Dos Passos:

In London—Anthony Eden is wondering which of England's two enemies will kill it first.... In Paris—a shopkeeper prepares for church. His room above the store is cold in the morning, so he hurries to the church, where it is always warm.... In New York—a prostitute quietly sips a cup of coffee in an all night coffee shop....

And here he is as (a somewhat more tongue-in-cheek) Henry Miller:

On Christmas Eve, I voluntarily and under the influence of drink confessed to four heinously cruel homosexual offenses

in a Chicago suburb, and was subsequently sentenced on New Year's Day to 73 years in Joliet prison. Upon hearing the sentence, I mercilessly slew a juror and three guards and fled into the night. I am now working as a pimp on New York's Upper West Side, in the heart of the Puerto Rican section. In the short space of three weeks, I've become addicted to morphine, cheddar cheese extract, and three more forms of sexual perversion....

There are similar, if more subtle, forays into the styles of whichever writer Thompson was impressed with at the moment—Fitzgerald was a favorite for a time—but the more disturbing thing is his promiscuity with other writers' philosophies. He gushes over Ayn Rand's *The Fountainhead*, and Norman Mailer's "The White Negro" inspires Thompson's theory that working-class people are "Niggers."

The book includes endless photographs of Thompson in pensive poses, and the photos are credited to Thompson: he has used an automatic shutter. This realization makes it a little hard to follow his stinging denunciations of the hypocrisy of conventional ("Rotarian") journalism. There is something a little disgusting about young men too much on the make—a desperate Southern gentleman, indeed—and there is plenty of material here for a full exploration of that sensation. There is a wide selection of funny letters to creditors, peculiar salutations in letters to chums, and grand, sweeping, purple passages. It is rather hard to believe that there will ever be a severe shortage of sophomoric epistles, but we had better grab these because there will not be many more like them.

We are past the age of Xerox, and while the electronic age of literature has not (and probably will not) bring about a paperless office, it has brought about the carbon-paper-less office. Drafts and copies are too easily eradicated in hard-disk crashes, or with a touch of a button by embarrassed authors or their estates. Heirs who could not overlook a closet full of paper-filled boxes can too easily ignore disk drives.

Nothing in *The Proud Highway* is quite so scary as that. □

Lars Eighner is the author of *Travels with Lizbeth* and several other books.

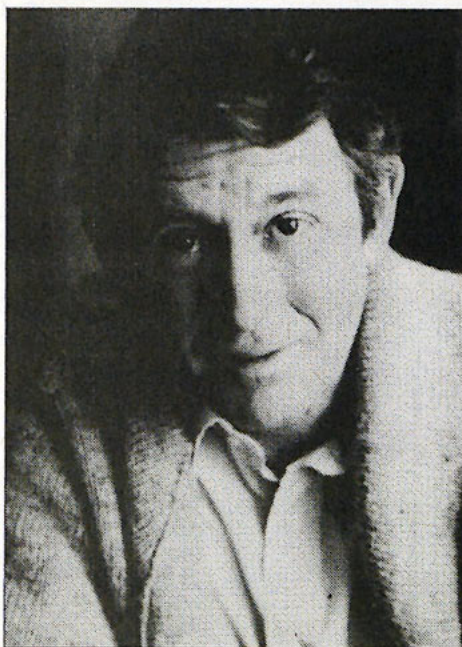
Last of the Southern Belle-Lettrists

BY DON GRAHAM

First things first: his name was William Humphrey, not "Humphries," as I have heard absolutely hundreds of people say who should know better. There must be something in Texas linguistic patterns that makes people want to pluralize that name.

Second, and much more importantly, William Humphrey's death last month, at age seventy-three, marks the end of a rich tradition in Texas writing, one whose like we shall not see again. The reasons are both historical and cultural. Humphrey, born in 1924 in Clarksville, Red River County, in the far northeastern corner of the state, grew up in a Southern community almost indistinguishable from that of William Faulkner's Lafayette County in Mississippi. The main cash crop was cotton, and the hills and forests in the surrounding countryside afforded fine venues for hunting. Humphrey's first novel, following an apprenticeship in short fiction capped by the publication, in 1953, of *The Last Husband and Other Stories*, was *Home From the Hill*, published in 1958. Two years later it was made into a successful Hollywood melodrama starring Robert Mitchum and Eleanor Parker. The novel bore strong Faulknerian influences in its syntactical complexity and its fondness for yarn-spinning and hunting lore.

In 1965 Humphrey published what I think is his best novel, *The Ordways*, which took the measure of the entire legendary matter of the Lone Star state. In this pan-Texas novel, Humphrey begins with an epic account of the coming of the original Ordway from the war-torn South to start anew in Texas, just over the border from the Red River. Humphrey's description of the perilous crossing of the river is one of the best pieces in all of his fiction. This novel also contains the definitive rendering of Decoration Day, an event of considerable importance in rural Texas of the past: a day, usually in May, when families and neighbors gathered at the local cemetery to clean up the graveyard and pay homage to both the past and the present. The highlight of Decoration Day was dinner on the grounds, a feast of Southern cooking



▲ William Humphrey

Terry Bauer

that left everybody grateful for having been born in the South.

The main thrust of the novel, however, is the wanderings of protagonist Sam Ordway, who undertakes a picaresque search to recover his son, stolen by a family who lost their only boy. Sam makes his way from safe, secure, tree-embowered East Texas to dangerous cities like Fort Worth and then to the stark, empty, tree-less prairies of cattle country out west, where, in a hilarious send-up of cowboy lore, the cowpunchers turn out to be gay caballeros. Sam eventually finds his long lost son, grown up and living in a hacienda in the Valley, fully acculturated to Hispanic Texas.

Other novels and collections of stories followed. *A Time and A Place*, containing some of his best stories, appeared in 1968; *Proud Flesh*, a novel, 1973; *Hostages to Fortune*, 1984; and *No Resting Place*, 1989. His *Collected Stories* appeared in 1985. There were books about fishing: *The Spawning Run*, 1970, and *My Moby Dick*,

1978, made honorable additions to the anglers' bookshelf. His last book, *September Song*, published in 1992, was a collection of stories. In all there were thirteen books. He was not without honor in his home state, on three occasions receiving prizes from the Texas Institute of Letters for individual books, and, in 1996, he won the Lon Tinkle Award for Lifetime Achievement, but he was too ill to attend the annual meeting.

Though Humphrey rarely returned to Texas, in the mid-'70s he revisited his home town, and the result was one of his best books, a memoir, *Farther Off from Heaven* (1977). It provides a definitive portrait, from a child's perspective, of Clarksville in the 1920s and '30s. His father, a figure of considerable personality and physical charm, was a world-class auto mechanic at the beginning of the auto age. To diagnose what ailed a car, he would lie atop the hood, listening to the engine as the owner slowly drove through the streets of Clarksville. The changes in small-town life wrought by the advent of the automobile have rarely been depicted as thoroughly or as charmingly. Humphrey's father also instructed his son in the rituals and joys of hunting game in the nearby woods. Added to the intimate portrait of a child's view of childhood, and of the mysterious adult behavior for which he lacks the experience and even language to decode, is Humphrey's retrospective look at a lost world. In one dazzling passage, he defines the new East Texas against the old:

Gone were the spreading cotton fields I remembered, though this was the season when they should have been beginning to whiten. The few patches that remained were small and sparse, like the patches of snow lingering on in sunless spots in New England in March and April. The prairie grass that had been there before the fields were broken for cotton had reclaimed them. The woods were gone—even Sulphur Bottom, that

wilderness into which my father had gone in pursuit of the fugitive gunman: grazing land now, nearly all of it. For in a move that reverses Texas history, a move totally opposite to what I knew in my childhood, one which all but turns the world upside down, which makes the sun set in the East, Red River County has ceased to be Old South and become Far West. I who for years had had to set my Northern friends straight by pointing out that I was a Southerner, not a Westerner, and that I had never seen a cowboy or for that matter a beefcow any more than they had, found myself now in that Texas of legend and the popular image which when I was a child had seemed more romantic to me than to a boy of New England precisely because it was closer to me than to him and yet still worlds away. Gone from the square were the bib overalls of my childhood when the farmers came to town on Saturday. Ranchers now, they came in high-heeled boots and rolled-brim hats, a costume that would have provoked as much surprise, and even more derision, there, in my time, as it would on Manhattan's Madison Avenue.

In this prescient portrait, Humphrey anticipated both the iconography of the TV show *Dallas* (1978) and the Urban Cowboy phenomenon of 1980.

His father's death in an auto accident, when the boy was thirteen, spelled the end of childhood. Humphrey moved with his mother to Dallas and attended SMU and the University of Texas without graduating, and eventually ended up in New York. Like many Texas writers of his generation, Humphrey lived far from his native state but continued to mine his early life there in his writing. He settled in Hudson, New York, and one of the pleasant ironies of that location was that one of his neighbors, with whom he would become friends, was another Texan, William A. Owens, of tiny Pin Hook, Texas, a rural community near Paris, not all that far from Clarksville. These two Williams, plus a third, William Goyen, created a significant body of Texas writing in the Southern tradition. Their three chief books, Goyen's *The House of Breath* (1950), Owens' *This Stubborn Soil* (1966), and Humphrey's *The Ordways* (1965) are among the best works of the imagination produced in Texas. Their predecessors were Katherine Anne Porter and George Ses-

sions Perry. Humphrey in particular recognized in Porter a pioneering literary artist. He told her in a letter that every time he sat down to write, he had open before him for inspiration such works of hers as "Old Mortality," "Noon Wine," "The Cracked Looking-Glass," and "The Old Order."

The works of this tradition of Southern writers in Texas are deeply, permanently grounded in East Texas, not the West Texas of ranching and cowboy legend so celebrated by the better known trinity of Texas writing, J. Frank Dobie, Roy Bedichek, and Walter Prescott Webb. Porter, Perry, Goyen, and Owens are gone; now Humphrey has joined them. The world they wrote about, in large part, is gone too, and good riddance, many would say. It was the era of tenant farmers and segregation, of unbroken continuity with the Confederate South, of Civil War memories and agricultural poverty. It was a time when Greenville, Texas, had a banner—celebrated then, but later notorious—over one of its main streets that read:

Welcome to Greenville, Texas
The Blackest Land, The Whitest People.

All of these writers, of course, traveled far beyond, in both physical and intellectual distance, the prejudices and provincialisms of their rural East Texas heritage, but they never forgot that this homeland, whatever its shortcomings, also offered things of value; not least among these was a pattern of remembering and ways of speech, both crucial for such artists as they would become. In the case of the modern and last of the Southern writers in Texas, the three Williams, the East Texas that they grew up in changed rather remarkably during their lifetimes. The passage of civil rights legislation, the erosion of an agricultural-based economy, the shift of population in Texas from rural to urban areas, all of these changes and more meant the end of the way of life recorded in these writers' works.

Humphrey's oeuvre will remain an invaluable repository of language and lore, a record and testimony of ways of being in a Texas now mostly vanished. □

Louisiana State University Press reissued *Home from the Hill* in 1996.

Don Graham's *Giant Country: Essays on Texas* will be published by TCU Press in Spring, 1998. Several of the pieces in the collection were originally published in the *Observer*.

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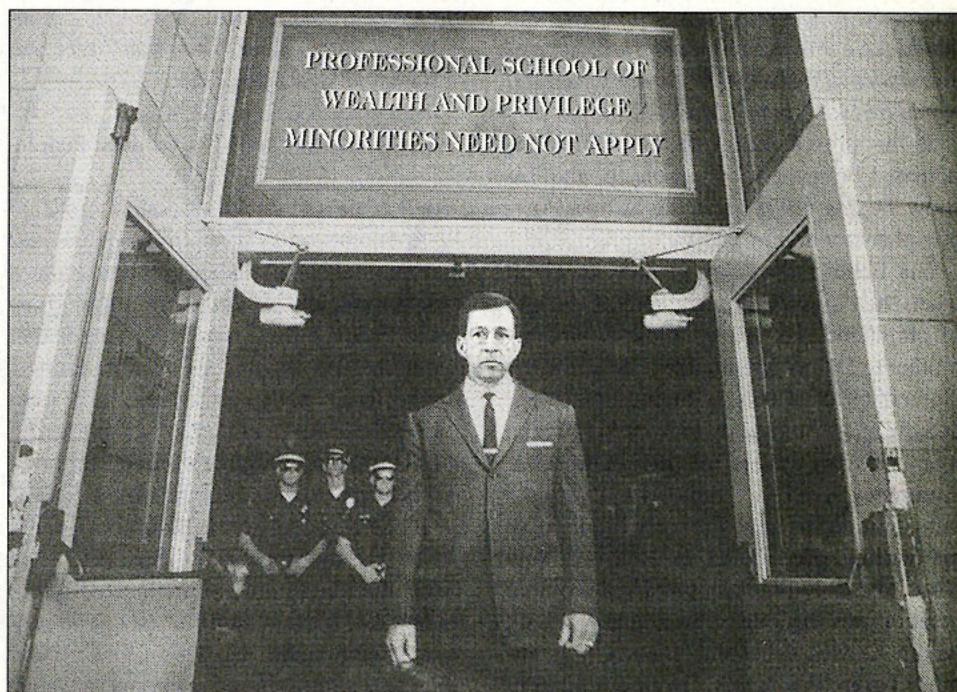
The Halls of Just Us

A generation ago, Alabama Governor George Wallace stood defiantly at the schoolhouse door, forcibly preventing black schoolchildren from entering and thereby exercising their birthrights as U.S. citizens, indeed their human rights. It took decades of protest and legal pressure—and the heroic sacrifice of many lives—to overturn legal racial segregation, and to allow African Americans and other minorities to begin to enjoy the ordinary rights and privileges that white citizens have always taken very much for granted.

In 1997, the authorities are much more civilized and sophisticated. It took exactly one lawsuit—*Hopwood v. the State of Texas*—for the state, in the person of Attorney General Dan Morales, to decide that any effort to ameliorate more than a century of racial segregation and inequality in education is, by definition, illegal. Any attempt to officially recognize what is apparent to any Texas citizen with a conscience—that the educational opportunities and facilities afforded to minority students, statewide, are institutionally inadequate and radically unequal—is suddenly an unbearable outrage against the notion of a “color-blind” America.

Morales is not alone. Right-wing judges, under the guise of “color-blind” doctrines, have been actively undermining the effects of civil rights laws in order to dilute minority voting rights across the country. California Governor Pete Wilson and his allies found attacking affirmative action an effective device for polarizing the electorate, and California accordingly joined Texas in turning its back on desegregation in education and other institutions—the color-blind leading the blind.

The one-eyed man would be king. Houstonite Edward Blum’s Campaign for a Color-Blind America—generously assisted by conservative foundations and lawyers across the country—has consistently succeeded in its nationwide attack on minority voting districts. Blum is currently aiming closer to home, against affirmative action in Houston



city contracting and in school district programs. The latter attack has particularly rich historical irony. Whites fled Houston city schools when they were finally de-segregated in the '60s, but now, returning white parents argue that their children—by “color-blind,” “objective” standards—should be able to dominate the very programs created in order to integrate the schools. The same authorities who insist that law schools are not the place to attack inequality in education, are now making certain that elementary schools are not the place, either. “Justice,”

they cry—meaning, “Just Us.”

If this were not dispiriting enough, much of what passes for the progressive movement is now decrying “identity politics,” abandoning affirmative action as flawed and therefore indefensible, and hoping for a magically populist, interracial wand that will suddenly unite blacks, browns, and whites to demand equal educational and employment opportunity for all. Yet without weapons—and affirmative action is definitely a hard-fought, hard-won weapon—how shall we defend ourselves? □