

Molly Ivins on Tobacco, Pigs, and Money

THE TEXAS
Observer

A JOURNAL OF FREE VOICES

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MAURO DEFEATS BUSH



Taking the Governor's Race to the People



Austin's KLBJ Pays the Piper for Hate Radio



Housekeepers Clean Up for Bush





THE TEXAS Observer

VOLUME 90, NO. 12

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.

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DIALOGUE

HIGHTOWER NO EINSTEIN

With the magic of imagination, I can see Jim Hightower ("Dinner by DuPont," March 27) as Commissioner of Immigration during the time of the New Deal. Sometime during the mid-thirties he has a personal interview with a prospective immigrant:

"Well, Dr. Einstein, you certainly have a very impressive résumé, and your work on the relationship between energy and matter is very interesting. However, you must remember we are in the middle of a Great Depression, and jobs of all kinds are scarce for Americans. If we allowed you to come here and work we would be depriving one of our own people of a priceless opportunity. Under these circumstances I just cannot, in good conscience, approve your application for a visa!"

Of course, if Jim were Commissioner

now, with our low (4.3 percent) unemployment, he would not take the same position. Would he?

Ed Cogburn
Houston

DIDN'T SEE NOTHING...

Great pair of articles by Michael King on the Texas Natural Resource Conservation Commission and its disgraceful protection of "grandfathered" polluters ("Who's Poisoning Texas," April 24 and May 8). Asking industries to voluntarily cut down on emissions makes as much sense as asking defense contractors to cut down on the amount they overcharge the Pentagon, or asking George W. Bush to cut down on the soothing lies he tells about the nature of the hazardous radioactive garbage he plans to send down the nation's highways and bury in an eternal sacrifice zone at Sierra Blanca.

As soon as industry sees more short-term profits in keeping air clean than in fouling it, McBee and Company will rush to the defense of those of us not yet expired from respiratory complaints and toxin-induced cancers. Until then, the three High Commissioners are sticking with "Hear No Evil, See No Evil, and Speak No Evil" — at least as far as polluters are concerned.

Gary Oliver
Marfa

SLOW ASPHYXIATION

Thank you for the fine article on grandfathered plants in Texas. It is discouraging to read about air pollution unchecked by state action. The article came out shortly after the May 4, 1998 release of the Phase One study done on air pollution in the Big Bend. It was most interesting to read that sulphur dioxide emissions are coming from Texas as well as Mexico, in fact some from the Dallas area. Perhaps some of the same sources exist from both studies.

It was also interesting to note that Governor Bush had gone to Mexico May 4, 1998 and had brought up the pollution in the Big Bend with the Mexican government, urging Mexican action (*Houston Chronicle*, May 6). Newspaper reports indicate that the Governor did not know that the Phase One report indicated that Texas as well as Mexican sources are polluting. When that information was brought out, Bush is quoted as saying, "In our state, we will insist that standards be met."

It is also worth noting that Commissioner Marquez, of the Texas Natural Resources Conservation Commission, indicated (*Dallas Morning News* and *Austin American-Statesman*) that the Phase One study would not motivate the TNRCC to move with greater speed, but instead the Agency would wait for results from a proposed 1999 study. That could mean years, as the study would be done in the summer and fall of 1999. If the release took anywhere near as long as the last one (one and one-half years after the study) then no standards will be met for some time.

As usual, no action will take place in a timely manner.

Fran Sage
Big Bend Regional Sierra Club
Alpine, Texas

Chat & Chew With Jim Hightower

Purchase or renew a subscription to the *Texas Observer* and you could win lunch with Jim Hightower, legendary wit, raconteur, progressive philosopher, and the first radio talk show host fired by Mickey Mouse!

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WIT VS. WITLESS

Thanks for the incisive repartee by James Galbraith ("Newt's Presidential Dreams," May 22).

James' ability to debunk vacuous laissez-faire illusions is exceeded only by his ability to dramatize the dull science of economics. Tell James he'll be forgiven any unfairness should he debate an unarmed Newt in a battle of wits.

Ted S. Corin
Austin

Write Dialogue
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Readers are invited to submit letters on any subject addressed in the *Observer*, and we ask that letters generally be brief (300-500 words at the outside) and to the point.

The Truth is Out There — If You Can Afford It

Democrats in Texas — where by the most recent Ethics Commission filing deadline, gubernatorial candidate Garry Mauro had raised \$1.07 million to compete with incumbent Republican Governor George Bush's approximately \$12 million — have found some consolation in the recent California primary. In California, the really big spender finished last in the Democratic governor's race, and Lieutenant Governor Gray Davis, outspent by both his opponents, won by a comfortable margin.

“Outspent” is something of an understatement. Political newcomer Al Checchi, a multimillionaire businessman, spent \$40 million of his own fortune in an attempt to buy the nomination. And Jane Harman, a U.S. Representative from Southern California, spent \$16 million of her family fortune to buy 12 percent of the vote. Davis' (relatively) meager \$10 million carried the day. So Democrats in Texas are eagerly casting Garry Mauro as their Gray Davis.

But there are more than a few differences. Although at a certain point, campaign money may deliver diminishing returns, the candidate has got to reach that point. Mauro's not there yet, and may never get there. It's not that there are no big Democratic funders left in the state — they are just completely outnumbered.

For every \$50,000 that Beaumont trial lawyer Wayne Reaud, Waco Insurance C.E.O. Bernard Rapoport, and Dickinson Banker Walter Hall can provide Mauro, Bush puts twenty big checks in the bank. Bush not only gets courtesy contributions of \$1,000 from former Secretary of State George Schultz and ex-National Security Council Director Brent Scowcroft, but perennial Republican givers — such as Dallas investor Peter O'Donnell, Houston Astros owner Drayton McLane, and Houston energy company magnate David Dewhurst — provide \$25,000 contributions as a matter of course. Those big bucks punctuate the long lists of the smaller stipends, themselves the result of the relentless direct mail campaigns paid for by the larger contributions. (Governor Bush's brother Jeb, running for governor in Florida, raised more

than \$800,000 in Texas — that is, nearly as much as Mauro himself.)

Democrats might have seen this coming and imposed limits on campaign contributions in 1990 — when their party had a majority in both chambers of the State House, a Democratic governor, lieutenant governor, comptroller, and attorney general. Yet the closest Democrats came to campaign finance reform was their duplicitous support of “tort reform,” which in effect has turned into campaign spending caps for Democrats. For years, the Party and its candidates had depended on trial lawyers who, along with

IF THERE IS A COMMON THEME, IT IS TO RUN ON ISSUES THAT MATTER TO WORKING PEOPLE IN TEXAS.

consumers and accident victims, have been financially crippled by the limits imposed on plaintiffs in personal injury lawsuits.

There are other differences between the California and Texas elections. In California, Gray Davis waited until the eleventh hour and spent his money on an ad campaign that promised voters “Experience Money Can't Buy.” It worked, because he used \$10 million to buy the ads that got that message out. Mauro, again, has raised one-tenth that amount, in a state with almost as many expensive media markets as California. And the negative campaign that pitted Checchi's \$40 million against Harman's \$16 million left Davis almost unscathed; so just as Ross Perot helped elect Bill Clinton in 1992, Al Checchi helped Gray Davis win the Democratic nomination. There is no third candidate in the Texas race to beat up on Bush.

What's left for Mauro to do? Democratic Party activists and leaders (“Mauro Defeats Bush?” page 8) offer up a variety of suggestions — and a few predictable predictions. If there is a common theme, it is to run on issues that matter to working people in Texas. Mauro's recent stand against a low-level nuclear waste dump that would bring out-of-state radioactive waste to West Texas is one such issue. His quick response to the Governor's attack on casino gambling on Indian reservations is another. The Tigua casino in El Paso has distributed a lot of wealth to working people and Indian owners in El Paso's Lower Valley — a poor pocket in one of the most economically distressed areas of the state. And Mauro's argument for a pay raise for public school teachers encourages teachers to go to the polls, and makes sense to working-class voters who still send their children to public schools.

Like Davis, Mauro certainly has “experience that money can't buy,” yet little money to get that message to the public — in a system dominated by fundraisers and media consultants. This year's second filing deadline is a month away, and Mauro says he's up to \$2.2 million. Former Democratic Party State Chair Bob Slagle thinks Mauro needs seven to ten million dollars to win. Jim Hightower believes it can be done with less. “I don't think you need ten million or even seven. I think you can do it with four,” the former Ag Commissioner said, when asked about Mauro's fundraising. “The issue is not the dollar signs. The issue is excitement; you generate that by telling the truth on the bastards. And saying it again and again and again — every place you can find six people gathered on a corner.” — L.D.

The Governor's Housekeepers

BY KAREN OLSSON

Adair Margo is well-known in El Paso: a fourth-generation El Pasoan (her grandfather was Pancho Villa's personal physician), she is the proprietor of the Adair Margo Gallery, a philanthropist, a participant in various civic activities, and, according to George W. Bush, "a person who believes in the best of the future."

Bush selected Margo, a self-described political novice, to direct his El Paso campaign, and thus far her unconventional tactics have drawn almost as much attention to the campaign itself as to the governor. In particular and to her apparent surprise, one of her campaign's subcommittees, Housekeepers for Bush, has made the news as far away as Dallas.

Word of the group's existence first surfaced last April in an *El Paso Times* front-page profile of Margo. The article — which noted, "Margo is equally comfortable in a country club environment or meeting with friends in the barrio" — mentioned several Bush campaign groups, including Ballplayers for Bush, Homebuilders for Bush, and Shoppers for Bush. But it was the housekeepers' group — led by Margo's own housekeeper, Adela González — that provoked a series of critical letters to the editor and opinion pieces in subsequent editions of the *Times*.

On a recent Monday afternoon, Margo could be found in her gallery — a basement enclave of art world chic, cool and quiet and free of visitors, which sits below the insurance company Margo's father passed on to Don "Dee" Margo, her husband. She seemed happy, if not exactly eager, to discuss the recent controversy. When Housekeepers for Bush started catching flak in the newspapers, "my heart kind of sank. The last thing I wanted to do was hurt them in any way," she said. "They say they want to help. After all, the Mexican Revolution was won by a housekeeper." According to Margo it was González, her housekeeper of fifteen years, who really started the group: "Adela's daughter, a Baylor graduate, works for the Bush campaign, and her mom loves Bush."

Margo — whose casual elegance has not been ruffled by her forays into the barrio — believes that criticism of the group is

grounded in stereotype. "People still have the perception of housekeepers as illegal people who are underpaid and mistreated. This group of people are legal, many are first time voters, and they have chosen to be housekeepers, because it allows them to do other things like raise children. They are outstanding people. I look at them, and I think, this is really the *muscle* of what made our country great."

When I asked whether I might speak directly with González and some of the other group members, Margo obligingly instructed Isaac, her assistant, to call González. After a brief conversation he held the phone out to Margo: "She thinks I'm joking," he said. Margo took the handset and made the arrangements herself.

An hour and a half later, I met one half of the current membership of Housekeepers for Bush — González, Aurora Reyes, and Teresa López — at the University Hills Spanish colonial bungalow that Reyes and López rent from Reyes' employer, a neurologist. By visiting estate sales over the years, Reyes and López have amassed a considerable collection of antiques — a walnut dining set, chandelier, four-poster bed, sideboards, armchairs, glass-panelled chests containing dozens of ancient dolls, rugs you could lose a shoe in, ceramics, stone eggs, etc., etc., etc. Inside, the blinds were drawn to block the late-afternoon desert sun. The three women recounted how, in the early seventies, they had come from Mexico (illegally, though they are all now citizens), and cleaned houses for \$20 a week. "We knew it wasn't going to be forever," said Reyes, "and we were going to garage sales, finding good things ... we had dreams. We knew we would one day get a place. All the things here are ours, everything is ours. I believe if I want something I can have it, not by stealing, not by

begging, but by working."

The three women volunteer at a public health clinic for the elderly, but they'd never been involved in politics before this year. "We were invited to join the Bush campaign," Reyes said, "and we thought that it would be a good experience, a good way to show people that we exist and we are human beings."

The average housekeeper in El Paso makes \$150 a week, González estimated. "Of course, we make more," she said. "You'll see us on Sunday — we belong to the country club. We encourage them [lower-paid housekeepers]... We fit everywhere."

What might Bush do to help housekeepers? "I think he will do the best he can for every individual, and that's what we expect," said Reyes. "He plans to make all the children read by third grade, and that's good."

The three women said they all voted for Clinton, but would take back their vote in light of the recent scandals. "I see in Bush a married man, a kind man, a family man," Reyes said. "The other one [Mauro] is not married." I pointed out that none of them is married. "I know, but not by choice!" said González.

"I don't even like his name," González said of Mauro. "That's all you can say. He's divorced. People who work close to him, they don't like him." All three believe Bush will create jobs, though they aren't sure how he would do so. "We'll ask him," said González. "We'll write that down to ask him."

As I got up to leave, Reyes took a doll out to show me: an original Shirley Temple doll, she said, now worth \$700. It was one of those eerie, antique dolls, heavy-lidded and beatifically grungy.

"Dolls for Bush!" we joked, as Reyes set Shirley down on the wing chair. □

How to Stop the Death Machine

Editors' Note: In the April 24 issue of the Observer, we published a review, by David Dow, of Dead Wrong: A Death Row Lawyer Speaks Out Against Capital Punishment, a book by Michael Mello. Mello submitted an unusually lengthy response to Dow's review, but in light of the subject and its interest to our readers, we are publishing Mello's letter in full, along with a response by Dow

DEATH ON THE ASSEMBLY LINE

My usual approach to book reviews that pan my books is not to respond to them. However, in Professor Robert [sic] Dow's case, I am making an exception. I read his review; it is dreadful; it inadvertently makes my basic point in my book *Dead Wrong: A Death Row Lawyer Speaks Out Against Capital Punishment* (Wisconsin University Press) — and I'm inclined to say why.

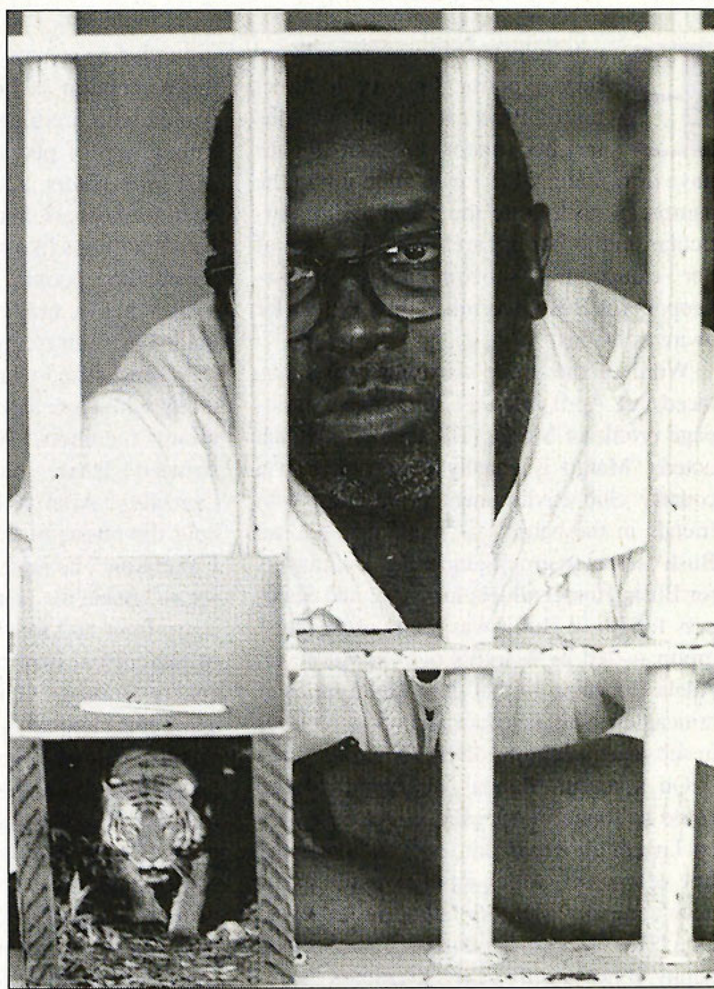
To paraphrase Professor Dow, I want to begin by saying something positive about his review: it's nicely typed. But as a literary critic, Dow has the tin ear of a law professor (Newsflash for Professor Dow: the twenty-six page paragraph is a literary device called "stream of consciousness," and I don't think I invented it).

And Dow's treatment of the substance of my book is equally educated. For example, Dow seems to think that I am unaware of former Justice Lewis Powell's post-retirement epiphany about capital punishment. But, as I say in the book, I think Powell's post-retirement conversion to the ranks of capital punishment opponents is worth a footnote. So that's what I give it in my book: a footnote.

Since Professor Dow does not bother to summarize either my thesis or my book itself, I will do so here. Lawyers and academics have compiled a mass of data demonstrating that our legal system decides who dies based on chance, class and race. If the system really *is* as unjust as we say it is — and my experience leaves no doubt in my mind that it is, and that it will continue to remain so *regardless* of what we postconviction defense lawyers do — we are faced with several questions and with a choice. We must decide whether the costs of our participation outweigh the benefits of saving a few lives here or there (in Texas, *very few*)? We are participants nonetheless; are we therefore serving to legitimate the system by providing sanitized executions, executions with the aura of legalism and therefore the appearance — but no more than the appearance — of fairness?

Those are the questions, and they are hard ones. This is the choice, and it is even harder: ought we continue to participate in a system so rigged against our clients? Death row demographics are such that more and more people are going to be executed in the years to come, especially in Texas. We postconviction attorneys might be able to use litigation to influence the timing of these executions, but, regardless of what we do, the killing will increase in frequency, especially in Texas. The question posed by my book *Dead Wrong* is whether marginal victory justifies the aura of legitimacy with which our participation infuses the system. *That* (and, increasingly, not much more than that, especially in Texas) *is* within our power to control.

And I'm not alone in thinking that conscientious abstention is a



▲ Eugene Broxton on Death Row, Ellis Unit, Huntsville Alan Pogue

reasonable moral position given the realities on the ground of capital punishment as a legal system. Professor Dow, with his vast experience on twenty whole capital cases, can dismiss me as a petulant quitter because I am no longer willing to play his game. Dow cannot dismiss former justice Robert Utter of the Washington Supreme Court so easily. As Colman McCarthy noted (reviewing my book for *The Nation*, December 29, 1997), Justice Utter announced that after twenty-three years on the bench he was resigning because, as Justice Utter wrote, "I have reached the point where I can no longer participate in a legal system that intentionally takes

See "Mello," page 22

SMALL VICTORIES

David Dow replies:

Wow. If Michael Mello spends this much paper replying to all the negative reviews of his book, he is killing more trees than Texas is executing inmates. Being a careful reader, I realize that Mello says that his usual response to reviews that pan his book is not to respond to them, but frankly, I don't believe him.

Mello quotes a couple of sentences from my review of his book. One he didn't quote was my characterization of his book as "nothing but a rant." I am tempted, in response to his letter, to say "Q.E.D." and leave it at that. But he is so egregiously wrong about several important facts that the temptation is worth resisting.

First, Mello is confused about the goal of lawyers who represent death-row inmates. In an ideal world there would be no murders. In a next-to-ideal world there would be no constitutional violations in death penalty trials, and any that occurred would quickly be remedied. But we live in a world that is pretty far down on the scale of ideal. Part of what lawyers do, of course, is help push the world toward the ideal, but part of what they do is represent clients in the world we live in.

In the world we live in, there are murders every day and thousands of murderers on death row. Many of these death-row inmates hope to escape the death penalty. The innocent few hope to escape prison altogether. But many of these inmates know that they will be unable to escape execution. Yet they appeal anyway. Why? For the simple reason that even those inmates who know they will get executed still want to live a little longer. Pursuing appeals — hoping to win relief for constitutional violations — permits them to do that. Maybe Mello's idea of justice is that we should just let all those folks die swiftly, because that would better serve some larger goal. How or why this miracle will occur is something Mello doesn't really illuminate.

As my review of his book made clear, lawyers representing death-row inmates lose all the time, by which I mean that their clients eventually get executed. But they also win quite a few intermediate victories, meaning that their clients live years longer than they would without lawyers. I recently lost a client who lived for six additional years while I represented him; when I took his case he was scheduled to die in a week. When a lawyer prolongs the life of his client, he gives that client a small chance of escaping death row entirely, but he also gives that client additional years to visit his wife and children and parents and siblings, to read and write and make prison art. It is not an ideal life in prison, but it is a human life, and it is honorable for lawyers to try to extend it. It is honorable for lawyers to insist that the State play by the rules, even if the State persistently cheats and the courts seem indifferent to this cheating. It is honorable because the lawyer's duty is to pursue justice, no matter how elusive justice may seem. It would be refreshing if Mello would just concede that he is tired of the chase rather than masking his fatigue as an epiphany.

Second, although it is true that hostile courts and a hostile Congress have made it increasingly difficult for death row inmates to prevail in their legal claims, the fact of the matter is that in the last two decades, death-row inmates have prevailed in their federal habeas challenges a quarter of the time. One out of four. True, a big part of the reason for this misleadingly sanguine statistic is that

death-row inmates were successful over half the time through the mid 1980s; the likelihood of victory has plummeted in the wake of a federal judiciary heavily populated by Reagan or Bush appointees who care less about the Constitution than the acceleration of executions. But the point is that lawyers have occasionally succeeded. Clarence Brandley (whom Mello misidentifies in his book as Clarence Brantley), Randall Dale Adams (whom Mello says has been absolved without even mentioning the efforts of Adams' lawyers), and Ricardo Aldape Guerra (whom Mello does not mention at all) have all been released from prison in the last decade due to the efforts of their lawyers.

Okay, now we have identified a benefit of participating in the system. The cost of not participating is the execution of three innocent men. Let's grant, for the sake of argument, Mello's claim that the system is "rigged against our clients." Is the question of whether it would be better to allow Brandley and Adams and Aldape Guerra to die somehow rendered difficult by the fact that the system often cheats? Maybe the calculus presents a close call for Mello. It does not for me. And we haven't even counted the inmates who have had their death sentences replaced with a life sentence. We haven't counted the hundreds of inmates who have had their lives extended. We haven't counted the additional time they have had with their loved ones. Mello seems not to know what it is to be a lawyer, which is bad enough. Yet he also seems not to know what it is to be a human being.

Finally, Mello makes the mistake of stooping to that favorite tactic of authors whose books receive negative reviews: He actually has the audacity to suggest that I didn't even read the book. I can only wish. He says I have a tin ear and explains that his twenty-six-page paragraph is a literary device called "stream of consciousness." Really? Permit me the indulgence of quoting my review: of Chapter Three, I wrote, "a single stream of consciousness paragraph goes on for — I kid you not — twenty-six pages." Oops. So who is the one who isn't reading? (Also, the review does not say that I worked for the Texas Resource Center; it says that I worked with lawyers from that office; and my name is David, not Robert. But who's reading?)

If Mello thinks that a decision by lawyers like me not to participate in the system is going to trigger the end of the system as we know it, then he is just delusional, pure and simple. History proves that apathy and withdrawal do not bring about change. Wherever there has been reform, there has been persistence, not surrender. Where I differ from Mello, in the end, is that I believe that a lawyer, like any moral agent, has a responsibility to struggle against injustice rather than to define the struggle as part of the problem. That is all the more so when the reward of victory, no matter how infrequent, is a human life. Our political system is not ideal, but that does not mean that it is morally superior not to vote. Our budget priorities are not ideal, but that does not mean that it is morally preferable to cheat on one's taxes. Our death penalty system is not ideal either, but Mello still has not figured out that that does not justify his puerile and self-indulgent advocacy of a strategy that sacrifices human lives. □

David Dow is a professor of law at the University of Houston Law Center, and represented more than twenty death-row prisoners in their habeas corpus appeals, from 1989 to 1997.

Mauro Defeats Bush?

Land Commissioner Garry Mauro has been running uphill since he announced for governor, late last year. Several Democratic Party leaders have abandoned him, most notably Lieutenant Governor Bob Bullock, who has endorsed the candidacy of Governor George W. Bush and enthusiastically participated in fundraisers for Republican senators. Appropriations Chairman Rob Junell, a nominal Democrat in charge of the most powerful committee in the House, has also endorsed Bush. And just below Mauro in the ballot, John Sharp and Paul Hobby are running for statewide offices while also apparently running away from Mauro and Bill Clinton.

But not every Democrat has embraced Bush, and the Observer talked to a few who argue that Garry Mauro has a real shot at winning. We asked them about Mauro's chances, and what he needed to do to win. Their comments (edited for length) follow. — The Editors

A Message — And Some Money

Bob Slagle, former Texas Democratic Party Chair

Do I think Garry can win? I think it's a long shot. That doesn't mean it can't be done. You know Bush has been very fortunate because nobody has challenged him. Bob Bullock has done nothing but hug and kiss on him. Nobody has chosen to go forward and criticize him, and most of the things Bush has taken credit for were already percolating in the Texas Legislature. But nobody has really attacked Bush, they've given him a free ride. If Garry can get enough money to get his issues forward, I think he has a chance to win.

Look at the public opinion polls and interpret them in election terms. In a lot of these polls they were taking a couple of months ago, Bush actually had a plurality among black voters. And if I remember right, he had a majority among Mexican-American voters. Well, in the real world, when the election takes place, it's not going to be that way at all. Garry is going to get somewhere between 85 to 90 percent of the black vote, depending on what the turnout is. And the Mexican-American vote will be somewhere between 70 and 82 to 83 percent Democrat, depending on turnout. Again, if turnout's down, at 28 or 29, Garry will only get about 70 percent. If you get the turnout up to 38 or 39 or 40 percent, then he'll be hitting 80 percent and above. You take those numbers [on minority voters], and I can easily see how you can get Garry up into the 40s. Then he's got to pick up another 5, 6, 7 or 8 percent. If he has the money to get his issues on TV, he might get there.

He doesn't have to be able to match Bush dollar for dollar. Mark White didn't match Bill Clements dollar for dollar. I assume that Bush — if he needs \$16 million, he can get \$16 million. If he needs twenty, he can get twenty. But the fact of the matter is that if Mauro can get together \$7 million or \$8 million he can put most of it on TV. And I assume that would buy him enough gross rating points to have a shot at it.

It's the Message

Joe Gunn, President, Texas AFL-CIO

Mauro can never match him in cash, not in this lifetime or the next one. But in El Paso, he jumped pretty solid [on Indian gambling and



▲ Garry Mauro

Kirk Tuck

the Sierra Blanca nuclear waste dump]. He needs to stay right on top of Bush. Bush is talking about what profit the lawyers have made in such a short time on the tobacco lawsuit, but when he invested in the Texas Rangers, he put in less than the other partners, and he comes out with the lion's share of the money. That's just an opportunity to have a political payoff.

We're so early in this race, we've got several laps to run. He can take up issues that Bush hands to him — it's a question of integrity, and a man's word ought to be meaningful, and I think that Bush's lack of integrity will bring people to the polls more than any other issue.

The Issue is Not Dollars

Jim Hightower, author and talk-show host

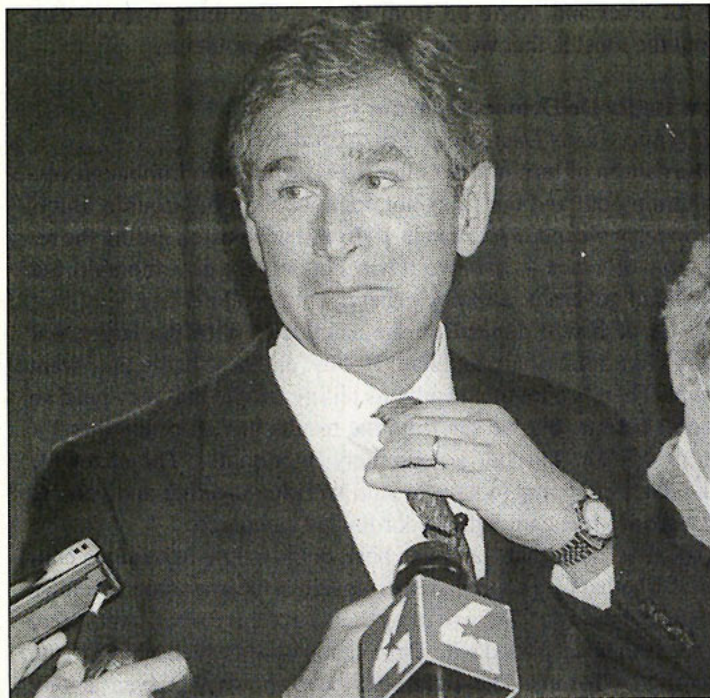
He's the darling of the press. Everybody says, "Well, you've got to like George Bush." Well, I don't like him. Just another rich son of a Bush. He's a do-nothing Governor. He's completely tied to corporate money and to the corporate wish list.

I've been impressed with Mauro recently, carrying the battle right to Bush, on two or three good solid issues, including the "Patients' Bill of Rights," where Bush is stupidly vulnerable. And I think he's nailed him on this casino gambling, a political ploy that Shrub's trying to play.

There are plenty of others, including the so-called "prosperous Texas economy," in which 24 percent of our children live in poverty. And the average working stiff has lost income. Where's our Governor been on these fundamental issues of middle-class survival? Shrub is just like his daddy. He doesn't have a clue about the price of a gallon of milk. And he thinks that eating *chicharrones*

is the equivalent of being a populist.

[Money] is a crushing disadvantage, unless you're running a hot, populist, give-'em-hell, right-in-the-face-of-the-establishment



▲ George W. Bush

Katy Adams

people's campaign, that uses the few dollars you have to get the message out, that George Bush is an elitist prick who doesn't know the typical Texan, much less give a damn about them. The key issue is not dollars, but about how many new voters can Mauro excite and turn out.

I don't think you need \$10 million or even seven. I think you can do it with four. The issue is not the dollar signs. The issue is excitement; you generate that by telling the truth on the bastards. And saying it again and again and again — every place you can find six people gathered on a corner. And that's the kind of Huey Long, Ralph Yarborough campaign that's got to be run, if little "d" Democrats have a chance again.

I think Mauro's on to something with the low-level nuclear waste dump; that is not anything any Texan is for. I think he's right on the Indian reservation casino gambling. I think that's a secondary or tertiary issue, but it's important in West Texas. And then on his Patients' Bill of Rights; I would hang that all over Bush in East Texas and in the cities.

And that's just the three issues I see Mauro raising effectively. There are tons of other issues. Another issue to hang on him is that of favoritism. That taxpayer money going into the stadium in Arlington, and Bush making \$10 million off the deal. Bush is corrupt — not in the legal sense of corrupt. But he's corrupt like all these big-money corporate-welfare hustlers.

Bush Is Big Business

Bill Addington, Sierra Blanca rancher and activist

People definitely believe that Bush tends to favor big business over people on many issues. Out here, it's the health and safety of West Texans at stake, and yet it's only for the utilities in East Texas to

get a cheaper place to dump their [radioactive] waste. It's not that there's a need for it, they just want a cheaper place to dump it. It's corporate welfare, because they don't want to pay the going rate at Barnwell [South Carolina], so they'll make a national dump over here. So Bush, in every way he can, is favoring big business.

Mauro is not going to win with money. He needs to focus on the major issues affecting peoples' daily lives. Out here, everyone sort of ho-hums when he talks about choosing your own HMOs. A lot of us don't know what an HMO is — or have health insurance at all. The only time he gets a standing ovation is when he talks about the [Indian] casino issue, and the nuclear dump...

Out here in the West, water is a number one issue. I'm on the Water Task Force of the Rio Grande Council of Governments, and they want to suck up to 200 million gallons a day of water back to El Paso.... They have invested about \$4 million in two water ranches out here — and Governor Bush is promoting a nuclear dump over the future water supply of about 750,000 people in El Paso. That is one of the major issues in the state, when we're talking about importing nuclear waste from northeastern states.

Improve the Lives of Ordinary Texans

Glenn Maxey, Austin state representative

You have somebody as Governor now who is perceived to be very popular, because he doesn't have an original thought. Press Secretary Hughes speaks for Governor Bush. When's the last time you saw George Bush articulating issues? If ever Bush has to talk on his own, the voters may see a different picture.

Looking at voter trends, Mauro has to smoke Bush out, not to be talking through spokespeople and TV commercials. He has to energize the basic Democratic vote. In recent years, it's not that the Republicans are so dramatically gaining, it's that Democrats are staying at home. They've become disaffected.

People need to be able to see that we could significantly improve the lives of ordinary Texans, if we just had leadership in the governor's office. The environment, health care — the kinds of day-to-day things that people need in their lives. People don't realize that things can happen at the state level that can improve their lives significantly, because there's no leadership at the top articulating those issues. Garry Mauro has to be one who articulates a very clear vision about things that will affect peoples' daily lives, to give them a reason to go vote.

The Legislature, and the Governor, continually have worked toward making sure that we protect corporate America and the business community. But business in Texas does not do its fair share — whether it's taxes, or protecting the environment, or whatever.

There are things that we could do. For example, the amount of air pollution generated by the grandfathered polluting industries is more than all the cars put together in the state. So when you talk to people in Texas about having to do all this automobile pollution-control that really pisses people off — we wouldn't be in this mess if we got just thirty companies out there to put cleaners on their emissions. Clearly, we still have to deal with the automobiles — but if you put it that way, you change the dynamic tremendously.

George Bush can stand up and say, "I'm for school vouchers," and the polls will respond, that sounds like a good idea, for a voucher to take my kid and send him across town. But if you tell

the voters that just to provide vouchers for the kids who are *already* in private schools in Texas, we'd have to raise taxes by \$1 billion — I bet the poll numbers would switch around. People don't understand vouchers, because we don't have anybody in leadership who is articulating both sides of these kinds of issues.

It is just unconscionable to me, that I can go to national conferences and see Governor Huckabee in Arkansas, Governor Wilson in California, Governor Whitman in New Jersey, Engler in Michigan — I haven't named a Democrat yet — who are doing more on children's health than we are in the state of Texas. All we get from George Bush is, "I don't think I want to create any more entitlements." The federal government has put the money on the table, our tax dollars, and if we waited around for George Bush, we'd be sending that money back to Washington, and it will go to New York. It is redistributed to other states; it does not go back to the taxpayers. He can talk all the rhetoric he wants about saving tax dollars and avoiding entitlements. Either we're going to provide for kids in Texas, or we're going to provide for kids in California and New York. That's our choice.

All Politics Is Local

Carroll Robinson, Houston City Council member

You've got to do two things. You've got to show that you're as personable as the Governor, and you've got to show that the policy differences you recommend show something positive for the community.

It's going to be security, law enforcement, protect and enhance neighborhoods, economic development, even transportation. Working with TxDOT to bring down the highway funds that we need. To streamline the processes dealing with nuisances in the community, dangerous buildings — before you get to these big grand ideas, government needs to take care of these basic necessities that affect the quality of life.... Right now, state folks are talking at an abstract level, which does not get down to the neighborhood level where folks live — and vote.

Moving Unmotivated Voters

Bernard Rapoport, Chairman, American Income Life Insurance

Two problems: it's not only that Bush is a very popular Governor. But ... the upper 40 or 50 percent that's doing well in our society don't want anything to change; and the other 50 or 60 percent that aren't doing well, don't give a shit. And why should they? Part of it is that at the bottom — they may feel that only the federal government can provide what they're looking for....

As for the governor's race, there's the argument over "having the doctor of your choice." For me, having the doctor of my choice is one thing, because I can afford any goddamn doctor I want. I think that's one of the areas where Garry is missing the point. The people that respond to that particular issue are already voting for Bush.

If we don't start making sure that every mother has good nutrition, and every child has good nutrition, and have Head Start programs, and the kind of things that can change a society — because if we start trying to tackle the problems at the higher-education level, it's way too late....

The following issues are the ones that are most important: to see that a newborn child, every one, has good nutrition. Here we have \$1 billion in surplus [in the state budget], we distribute it, and peo-

ple get \$100 in property tax relief, and the most serious issue in our society is that every child that doesn't have good nutrition is going to cost us \$1 million. So that's number one. The second thing I would do: We need basic education, beginning at the elementary school level and going up from there.... The thing I really care about the most is that we face up to our real problems.

How Badly Do Democrats Want It?

Bill White, Texas Democratic Party Chair

If the pattern of turnout looks like 1994, with Rush Limbaugh voters turning out and our folks not, then we're in big trouble. But if we do what we did in El Paso in 1996 and in Houston during the recent mayor's race — then we'll win not only the governorship, but lieutenant governor, attorney general, comptroller.

A lot of it will depend on the candidates with the larger war chests, like John Sharp and Paul Hobby, and how badly they want to win. There's a lot of consultants telling people that they need so much TV time, but we see from the results in California, that TV can't do it all. Turnout is extremely important.... The statewide candidates are going to have to start working together and pooling resources to come up with a coordinated campaign.

The first thing, that Garry can help, but is a little beyond his control, is whether by a coordinated campaign at the grassroots level, we can get out the vote. The one thing that Garry has control over is that he needs to be identified with Democratic issues which appeal to the majority of Texans. The early polls have shown that even among people who support Democrats on our issues, they may not be familiar with Garry Mauro. So if the people that are with us on our issues will vote for Mauro, that will give us a big boost.

The key issues? Patient choice; improving the public schools through raising teacher pay; the vote Republicans had on the [Talmadge] Heflin amendment, to reduce the corporate franchise tax, and make it up through increased sales taxes — that's a real issue.

Divided Democrats?

Judge Morris Overstreet, Court of Criminal Appeals

What it's going to take is a cooperative effort from all the Democrats.

Texas really has changed. It sneaks up on you; Texas was really a Democratic state, but with the growth of Texas over the last few years, the expanded population — three to five million people — it just so happens that a lot of those folks were used to voting Republican. Democrats still outnumber Republicans in Texas, but they don't outvote them.

Mauro needs a mainstream sort of message, to make opportunities available to all, because I think people recognize there's a big gap between the rich and the poor. It may not be anything he himself can do — it's going to take all of the Democrats, together, and so my advice to him was to try to find a way to get all of the Democratic office-seekers on the same page.

I see the Republicans cooperating with each other, and everybody bringing something to the table, so that everybody can eat, and I really don't see the Democratic Party doing that right now. I guess we'll find out a lot, later this month [at the Democratic state convention] in San Antonio, if there's going to be a coming together. I'm disturbed by things I hear — I heard that neither Sharp nor Hobby was willing to attend the [June 3 Houston] fundraiser with

Clinton — so I guess folks are just going to try to do it on their own.

Two Kinds of Elections

David Butts, Austin political consultant

A friend of mine is fond of saying, there are only two kinds of elections: "Change" or "the Status Quo." Right now the election has the appearance of a status quo election, at all levels. Our politics in this country and this state are very individualized. They're not so much about any kind of ideology as they are about, what's this guy about, what are his values? If they feel comfortable with that, they're going to go with him. Everyone, even Mauro, says Bush is a "nice guy." So Bush is identified in the minds of the vast majority of Texans, and they know who he is. They don't know who Garry Mauro is. What I think Garry will have to do is literally get people to know who he is, and feel comfortable with him as a person — first, before the issues that matter that divide the majority of

Texans from George Bush's positions, begin to play a role.

Mauro did score some points in El Paso, on the Sierra Blanca [nuclear waste dump] thing. Any environmentalist that looks at Mauro's record knows he has been the most aggressive, effectively pro-environmental statewide official perhaps in state history. Then of course the casino thing in El Paso. He may be able to find regional issues, around the state, where he can peel off some votes, but that's not going to win you an election.

Mauro needs to be talking on the core issues that Democrats care about. He has to go to the minority community, with a message that motivates a turnout higher than normal for non-presidential years, that there is a reason to go vote. And he has to convince Mr. and Mrs. Middle-class Texas, that their interest — independents or former Democrats, Perot voters — that their lives and their children's lives are going to be better off, because of policies he's going to advocate. Those are pretty tall orders. □

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The High Cost of Hate Radio

BY MICHAEL KING

Except in a couple of minor but telling details, the scene in the Travis County 201st District Court on May 26 was unremarkable. As in most civil cases, the participants — judge, jury, lawyers, and clients — outnumbered the audience, and there seemed to be little that separated this particular group from an ordinary crew of courthouse onlookers.

A sharp-eyed visitor might have noted, however, the officially watchful demeanor of a couple of burly dark suits in the second pew. One sported an earpiece, its wire descending his broad neck and disappearing into his shirt. The earpiece was the distinguishing feature of a U.S. Secret Service agent, dutifully protecting the former First Lady, Lady Bird Johnson, and her family, seated in the first row.

The Johnsons, including daughter Luci Baines Johnson and her husband, Ian Turpin, were in the courtroom as interested parties in the lawsuit brought by Rochelle James and Mediatrix, Inc. against The LBJ Broadcasting Company, owned by the LBJ Holding Company, owned in turn by the Johnson family. As it happens, the presence of the Secret Service agents was not simply incidental to the case.

For a central issue at trial rested on the question, just what might it take to make a broadcaster lose her job as a right-wing radio talk-show host? As it turned out, in the judgment of the Travis County jury, cheerfully endorsing the assassination of the President, Vice-President, and First Lady is *not* sufficient cause for dismissal. Rochelle "Rollye" James, formerly the afternoon talk-show host for KLBJ-AM in Austin, had been relieved of her duties in October of 1996, a few days after a show in which she joined a listener in longing for another "Lee Harvey Oswald" to shoot to death President Bill Clinton and Vice-President Al Gore. When another caller complained that such remarks were irresponsible and might cause some "kook" to act upon them, she responded: "I really don't think that I'm going to be able to cause anybody to take out Bill Clinton. But if I can, I hope their aim is good and I hope that bullet passes through Al Gore first. And if you want a trifecta, take Hillary, too." James later claimed that she was only joking, and that in any case her show was simply "entertainment," powerless to influence listeners to violence.

But as all threats against the President and his family are potentially violations of federal law, James' broadcast was duly investigated by the U.S. Secret Service and the Department of Justice. The U.S. attorney described James remarks as "irresponsible," but did not file charges; however, shortly thereafter, KLBJ management cancelled The Rollye James Show.

In July of 1997, James sued the station and its owners for breach of contract and libel (the latter charge because of critical remarks by the station manager, and a mocking fax, produced by some former co-workers, depicting James as a witch departing on a broomstick). The Travis County jury found the station liable on both counts.

The radio station and its corporate parent, LBJ Holding Com-



▲ Air Force One, November 22, 1963

LBJ Library

pany, is owned by the family of former President Lyndon Baines Johnson; Luci Baines Johnson is chairman of the board. The Johnsons' attorney, Roy Minton, said that he was not entirely surprised by the breach of contract decision, because the station's original contract with James — who was not an employee but an independent contractor through her own company, Mediatrix — had been quite vague in setting limits on her show's content. "But on the libel," said Minton, "I was close to astonished. It is just very difficult for me to understand that [the jury] could take so lightly statements that she made about shooting the president, and on the other hand, decide that a fax that some kids put together ... making a little fun of Rollye's departure, would be \$545,000 worth of libel. I find that difficult to understand." Pending the judge's decision on a motion for summary judgment, Minton expects to appeal the libel verdict.

When James left KLBJ a few days after her October 15, 1996 broadcast, the station cited "creative differences" as the reason for the mutual parting. But according to trial testimony, in response to complaints, Luci Johnson had directed station management to elicit a broadcast apology from James, and to make certain such remarks did not recur. James initially complied — after a fashion, by denying she had advocated violence in any way, and insisting that only "lunatics" or unnamed enemies would willfully misunderstand what she had said. The apology was not enough for KLBJ management, which cancelled the show a few days later.

According to her testimony, James was unable to find a new

See "Rollye," page 14

Selections from the transcripts of The Rollye James Show, KLBJ-AM, October 15, 1996

Caller: Hey, I saw a bumper sticker at a parking lot on a red-neck's truck up in Kentucky.

James: Yeah?

Caller: And it said, "Lee Harvey Oswald, where are you when we need you?"

James: (Laughter.) I love it. I love it. Isn't that the truth?

Caller: That's cold, isn't it?

James: Oh, no. That's appropriate. That's absolutely —
[...]

James: You know, I'm thinking about your Lee Harvey Oswald sticker, and I'm thinking, you know, unless that bullet passes through Al Gore first, I think we're in deeper trouble.

Caller: Well, they could contaminate it with Clinton, and that way Gore would be dead for sure.

James: Yeah, there you go. All right, thanks. Appreciate it, Robert....

[Later]

Caller: Yes, Rollye, your recent banter about thirty or forty minutes ago about Lee Harvey Oswald and sort of wishing he were around today, that was just a little bit irresponsible.

James: I don't think it's irresponsible.

Caller: Uh, that's the same thing that we were hearing right before the Kennedy assassination. With the kooks around nowadays, anything could happen.

James: You were hearing that right before the Kennedy assassination? What were you listening to?

Caller: There were comments of the same type that were going around in Dallas. And that's exactly the sort of thing that sometimes is just enough to dislodge some kook.

James: Well, I'll tell you —

From a letter dated October 28, 1996 to KLBJ-AM management from James William Blagg, United States Attorney, Western District of Texas, U.S. Department of Justice

The purpose of this letter is to follow-up in writing our previous conversation regards the law pertaining to threats on the President and public officials and hopefully to avoid further incidents such as occurred last week on the Rollye James Show. First, it is a violation of Title 18, United States Code, Section 871 to make any threat to inflict bodily harm upon the President, a member of his family, or other public officials. The making of such a threat is illegal whether or not the speaker had an intent to actually commit such a crime. This is, in part, because the

U.S. Secret Service naturally cannot afford to ignore any threats, and it must expend personnel and resources to check out all reported statements of this nature to make sure they are not viable. Second, be advised that it is a violation of Title 18, United States Code, Section 2 to aid, abet, counsel, or induce the commission of a federal offense. This means that, depending on the overall context and circumstances, encouraging others to harm the President or other officials with an intent that this be accomplished could constitute a crime.

I am certain that this explanation of the law and your co-operative attitude will ensure that there will be no further possible violations in this area. I would like to add that it is my personal belief that the caller who advised Ms. James that she should watch what she said because vicious and inflammatory slander could potentially "dislodge" an individual who is already prone to commit violent acts was probably correct. We all know that civil discourse, not irresponsible and baseless attacks, advance the cause of society.



Andre Marrou [guest]: If that's enough to dislodge some kook, then he needs to be dislodged.

James: Yeah, right. If that's going to do it, I think we all need to take to a cave in the ground. I think anybody who doesn't see this as an entertainment show has a screw loose, and I don't — I'd love to think that I'm as powerful as you think I am, Jim. And that's that I can actually influence public behavior. But I'm lucky if I can get them to [visit an advertiser]. I really don't think that I'm going to be able to cause anybody to take out Bill Clinton. But if I can, I hope their aim is good and I hope that bullet passes through Al Gore first. And if you want a trifecta, take Hillary, too.

From a fax by KLBJ-AM staffers, October 31, 1996 (trial exhibit)

Ding! Dong! the [Rollye James on a broomstick] is gone!

Good Golly! Miss Rollye has taken her leave,
From her sarcasm and opinions we have a reprieve,
The Woman and Week from Hell is behind us,
So for lunch in your office with food you will find us!

"Rollye," from page 12

radio assignment for nine months, and that as a result of ensuing bad publicity, she was reduced temporarily to "living out of her car." She has since taken a job as a weeknight radio host for WWBD-AM in Philadelphia, where she earns \$6,000 a week (her base salary at KLBJ was \$7,000 a week). Her lawsuit alleged that her dismissal violated her contract, and moreover, that management remarks published after her firing were libelous and made it impossible for her to find equivalent employment in radio.

The core of James' case, in the words of her attorney, state representative Terry Keel, is that KLBJ management knew very well the nature of James' show when they hired her, and that indeed it was *why* the station hired her, hoping to get more of the same. Keel noted that the station's own ad campaigns emphasized her outrageous political opinions — including ads that suggested ending welfare by shooting welfare recipients. "KLBJ got exactly what it paid for," Keel told the court. "For them to come back later and claim, this particular show was somehow over the line, is nothing but hypocrisy."

James had been recruited by KLBJ to follow Rush Limbaugh's nationally syndicated talk program (still broadcast by KLBJ). Her contract specified that she would deliver programs "similar" in content to those she had supplied as samples of her previous radio work. Among them was a talk show in which James expressed disappointment that Jean-Paul Aristide (president of Haiti at the time) had not been assassinated. "Here she was," said Keel, "discussing the assassination of a head of state. KLBJ knew what they were getting."

For seven months, James followed Limbaugh's mid-day diatribes with her own brand of "libertarian" political commentary, occasionally leavened by "entertainment" features like pop music trivia contests. She styled herself as a cheerier, feminine, localized Limbaugh-jock, similarly devoted to anti-government, anti-tax messages on issues ranging from affirmative action to gun control, public education to public transportation. When challenged she could be nastily strident, eagerly redbaiting opponents — which included all Democrats, environmentalists, union-members, government employees, and virtually anybody she considered to be "leftists." Following the example of one of her heroes, Senator Joseph McCarthy, James reflexively denounced those she disapproved of as "socialists" or "communists."

During and immediately following James' October 15 show, several complaints were made to the station and to Luci Johnson's office. (Among these were calls from the *Observer*, which James described in her testimony as a "lefty looney" publication.) Johnson told general manager Mike Crusham to review the tapes and if the complaints were accurate, James was to make an apology to her listeners and promise never to repeat such remarks. Johnson herself listened to the tapes, and said they were worse than she imagined. In her deposition, Johnson described the assassination remarks as "a source of grave concern to me, because I do not believe that a radio station ... entrusted with a license for the public welfare, should advocate shooting anybody."

But when Crusham and program director Mark Caesar discussed the situation with James, she insisted she had done nothing wrong. She was instead outraged that Johnson had intervened in the matter, calling her interference a "betrayal." She reminded Crusham that

when she was hired, she had said she "hates the Johnsons" because of LBJ's "socialism," and had demanded specific guarantees that the "Johnson family sensitivities" would have no influence over her broadcasts. Crusham acknowledged that he had given her such assurances, but insisted that "common sense" should have made James understand that did not mean it was okay to joke about shooting the president. James refused to guarantee that she would not make similar statements in the future, and shortly thereafter, Crusham informed James that her show would be cancelled. When James later demanded full payment under her contract, the station responded that because she had breached the contract, KLBJ had no further obligation.

The station's defense was not helped by evidence that management initially lied to the Secret Service about tapes of the James show — first saying there were none, and then admitting the tapes existed only after several days of stalling. James testified that Caesar and Crusham told her to erase the tapes, until she responded that doing so might constitute obstruction of justice. Jurors may have believed that if the Secret Service had not begun a formal investigation — potentially threatening KLBJ's broadcasting license — station management would have simply ignored James' remarks and returned to business as usual. And Crusham admitted repeating to James his version of Luci Johnson's standard response to Democratic friends who complained to her about KLBJ's broadcasting Rush Limbaugh: "Luci doesn't care how you make us money, as long as you don't care who she contributes it to." Crusham said James should have realized such assurances did not cover assassination threats.

But the jury apparently disagreed. Attorney Minton, who is now in his sixties, said jurors told him that such inflammatory comments are commonplace on talk radio, and jurors seemed to believe he was "quaint and dear" to presume otherwise. "My son and law partner warned me," said Minton, "that this is not Denton County in 1940, and radio is different these days. I guess I should have listened more closely." The jury decided that James, dismissed after seven months at KLBJ, was owed the full amount of her two-year contract, plus potential bonuses (\$170,000 in all).

The jury's libel decision seemed a good deal less forgiving of satiric insult. Following James' departure, KLBJ advertising staff apparently sent a fax to some potential advertisers, picturing James on a broomstick with the heading, "Ding! Dong! the [witch] is gone!" (using a photo of James perched upon a broomstick to represent the "witch"). The fax also included a doggerel farewell to "the Woman and the Week from Hell." And in remarks to reporters following the cancellation, Crusham had described James' assassination remarks as "inappropriate," "mean-spirited" and "vitriolic." In the judgment of the jury, the evidence of the fax, together with Crusham's remarks, caused Rollye James a loss of reputation, income, and business opportunities, as well as mental anguish — in the overall amount of \$545,000. Unless overturned on appeal, the combined judgments will cost the LBJ Broadcasting Company nearly \$715,000.

Among the many anecdotes recalled of Lyndon Johnson is the wry response he often gave to friends who asked him why he continued to work with some troublesome political ally. "I would rather have him inside the tent pissing out," Johnson would say, "than outside the tent pissing in." It is a hard-earned lesson that Rollye James is apparently determined to teach, at some expense, to LBJ's survivors. □

Building a Peoples' Media

BY CHERYL BISHOP

"We need to expand democratic communications worldwide, because we're being trampled by mainstream media — whose concerns are with major corporations, not with our communities," said Paul Odekirk, one of the organizers of the upcoming Grassroots News and Media Conference & Culture Jam, to be held in Austin and San Marcos June 19-21.

The conference will include workshops, presentations by media workers from Texas and across the country, concerts, a mural brigade, and perhaps even a bicycle parade. "Media is not just the dissemination of news," explained Odekirk, a member of the News and Public Affairs Collective of KO.OP Radio, an Austin community radio station. "It's the dissemination of culture, feelings, music. We want to expand our concept of media."

During the last decade, there has been an unprecedented international growth and centralization of media conglomerates. Most of the mainstream media — newspapers, radio, television, film, even book publishing — is now owned by a handful of multinational corporations, which also have corporate interests in everything from dish detergent to B-52 bombers. One consequence of that centralization is that the flow of public information essential to a democratic society is allowed to proceed only if it can be made to generate a profit.

But at the same time, the consumer culture has also made accessible relatively affordable new media technologies — thereby helping to create a flourishing media activist movement, within the shell of the mainstream media. In addition to community-based public stations like KO.OP (one of several such stations in Texas cities), there are now micro-power radio stations (i.e., low-wattage stations not licensed by the Federal Communications Commission), Internet websites and e-mail networks, 'zines (self-published magazines), and similar grassroots experiments and small institutions.

The conference is an outgrowth of the recently formed and still evolving Grassroots News Network, a coalition of thirty-one grassroots media groups and over 100 indi-

viduals from all over the country. What started as an ongoing Internet conversation between members of KO.OP's News and Public Affairs Collective and other community and micro-power radio stations, has since become a thriving network of various community media sharing information and technology.

"It's free speech breaking out all across the nation," said G.N.N. member Zeal Stefanoff, co-founder of the Hays County *Guardian*, an alternative newspaper, and KIND Radio, a micro-power station which went on the air in San Marcos last year. "G.N.N. and these kinds of efforts are bringing media, the news, and freedom of speech back to the personal level, so you're not just sitting there watching some corporate version of the news. You're actually taking part in the news-making process."

Stephen Dunifer, founder of the micro-station Free Radio Berkeley, an icon of the micro-power radio movement, will also be speaking at the conference. Dunifer described the new media networks as just one part of a larger struggle against international corporate power and capitalism. "There's a whole undercurrent of international activity taking place that's not visible to the mainstream and that's being greatly accelerated by the Internet," he said. "On a regional or local basis, it is being facilitated by alternative media and their networks."

Media projects include such G.N.N. members as the A-infos Radio Project and the Direct Action Media Network, examples of the creative media networking now taking place via the Internet. Through A-infos (which includes Austin's KO.OP), a locally produced radio show can be uploaded to the Internet by one station and downloaded by another for broadcast. DAMN is an activist-oriented news ser-

vice, gathering stories from print and radio journalists as well as videographers. (A-infos and DAMN will be among the groups presenting conference workshops.) As with most of these grassroots networks, they are thus far free of charge, and run solely by volunteers.

According to Odekirk, the conference hopes to bring between 350 and 400 G.N.N. members and sympathizers together to strengthen connections, share technical information, and create a structure that can act as a whole on new media issues — such as the ongoing and thus far unpredictable attack on micro-power radio stations by the F.C.C. Other conference events include: workshops on creating a micro-power station by Stephen Dunifer and the members of KIND Radio (including a tour of KIND's San Marcos studio); a talk on rebel media by a representative of the Zapatistas; a workshop by Fuerza Unida on the union struggle against Levi-Strauss; a talk by David Barsamian, founder of Alternative Radio (Boulder); a mural brigade to paint murals in community spaces; and possibly, a bicycle parade.

Moreover, conference organizers promise the usual opportunities to network, exchange information, and just schmooze with folks laying the groundwork for grassroots media. □

To register for the Grassroots News and Media Conference, for more information, or to volunteer help or financial support, contact G.N.N. at (512) 471-4701; e-mail: grassroots@rootmedia.org.

Cheryl Bishop is an Austin writer and radio journalist who has written for KO.OP Radio news, Z Magazine, and other publications.

CHOKING ON PORK. Who knew? While environmentalists have advocated taxes on toxic air emissions for some time now, big belchers like Texas Utilities are already quietly paying to pollute. Unfortunately, the tax isn't all that high: an average of fourteen cents per ton of "non-permitted" — that is, unregulated by the state — pollution. Nor is it uniform, since, for example, Lockheed Martin has been paying more than \$30 per ton on its forty-three tons of non-permitted pollution, while Texas Utilities has paid less than 4 cents per ton on its 210,847 tons of pollution.

And, alas, this "tax" adds not to the public coffers, but to the Bush campaign. According to a report just published by Texans For Public Justice, in the years 1995-1997 Bush received \$193,500 in contributions from political action committees affiliated with "grandfathered" polluters — those companies whose aging facilities are exempt from complying with the state's 1971 Clean Air Act and not required to obtain permits from the Texas Natural Resource Conservation Commission (see "Who's Poisoning Texas?" by Michael King, April 24 and May 8). Houston Industries alone contributed \$25,000; Central & South West Corporation and Texas Utilities pitched in \$23,500 and \$20,000. The twenty-seven companies making big contributions released 451,269 tons (that's almost a billion pounds) of non-permitted pollution in 1995 alone.

What's worse, five out of the six members of the House Environmental Regulation Committee's subcommittee on grandfathered pollution received a large chunk of their total contributions from the grandfathered polluters. Committee chair (and ex-officio subcommittee member) Warren Chisum took \$20,350 from the polluters' PACs and lobbyists, accounting for 30 percent of his total contributions during that two-year period. It was Chisum who immediately denounced as hysterical *Grandfathered Air Pollution: The Dirty Secret of Texas Industries* — a report by the Galveston-Houston Association for Smog Prevention and the Lone Star Chapter of the Sierra Club — after it was released in April. (Chisum did not provide, and has not since provided, any data to contradict the report.)



▲ Warren Chisum inhaling

Alan Pogue

All told these companies have spent \$2.5 million to cover PAC expenditures in Texas, and millions more to pay a battalion of 359 registered Austin lobbyists.

That money has not been wasted. Despite the fact that grandfathered companies have had twenty-seven years to comply voluntarily with the requirements of the Texas Clean Air Act, state officials have responded to their failure to do so by introducing a voluntary emissions-reduction program. So far, the emissions reductions pledged to the Clean Air Responsibility Enterprise (CARE) program amount to just 2.5 percent of total grandfathered emissions.

Other polluter-friendly measures are outlined in draft legislation written (in theory, anyway) by members of the House subcommittee. Recommendations include tax abatements for grandfathered polluters, which would shift long-avoided compliance costs to taxpayers, and "streamlined" permit applications that would minimize health-effects reviews and public involvement.

Not surprisingly, the only member of the House panel who took no money from the sugar granddaddies, Wichita Falls Democrat John Hirschi, is also the only member of that panel who has spoken forthrightly about the grandfathered pollution problem. As he explained to this magazine in April, "We're not only subsidizing pollution,

we're encouraging it. The more [polluting] you do, the less it costs you to produce it. There's little incentive for them to do anything unless we pass more stringent laws, or not renew the grandfather privilege they have enjoyed all these years."

NY TO EP: YOU'RE DEAD! In April and May, *The New York Times* discovered Marfa and El Paso. Cultural correspondent Bruce Weber first attended the recent gathering of culturati in Marfa, where, he subsequently informed *Times* readers, there is no McDonald's. Then, on his way back east, Weber paused in El Paso to survey the local arts scene. Despite the fact that El Paso has several McDonald's, Weber concluded that in such a "poor and remote" city, artists "endure rather nobly in a kind of vacuum."

Leading off the El Paso article was a description of a new artists' collective, the Alternative Ark: "Most of the artists are Hispanic, and they have filled the walls with fresh paintings. They are friendly, stoned-out types ... who speak earnestly about self-expression, harmony and partying.

"They are essentially squatters, rent-free occupants of a building that would otherwise be empty, providing a genuine spark of exuberance on a once-bustling commercial strip that has gone seamy and listless, a casualty of the collapse of the peso. Almost as a bonus, not all the art is terrible."

Weber's Gothamcentric proclamations were not well-received in some quarters: *El Paso Times* arts writer Maribel Villalva called Weber's depiction of the city "disheartening." In a column that appeared in *El Paso's Times* a few days after Weber's piece ran, Villalva explained that she and Weber had visited the Alternative Ark at the same time. "But where I saw dreams come true for artists and a place for the masses, Weber saw something different."

Villalva also wrote that she'd phoned Weber to talk about his view of the city. "I think the people there are both proud and frustrated to be away from the rest of the country," he told her. The rest of the country? He must have meant Marfa.

MARKETING SOCIAL SECURITY. Arts writers aren't the only ones to treat El Paso a little differently. Shortly after *The New*

York Times article ran, Senator Phil Gramm showed up in El Paso, where he spoke more candidly than usual about his designs on Social Security. In a Saturday news conference held at an Office Furniture USA store, Gramm whipped off his earthling costume and revealed himself to be a visitor from Planet Wall Street, explaining to El Pasoans that the government ought to insure stocks against losses.

As reported in the *El Paso Times*, the Senator from Another Planet and fellow Republican Pete Domenici of New Mexico plan to introduce Social Security legislation next month. In their bill, workers may opt to put 3 percent out of their 12.4 percent Social Security deduction into an investment account, while the remaining 9.4 percent would continue to pay for benefits under the current system. Workers could, if they wished, remain under the current system, but that would be silly since, in Gramm's proposal, the government would guarantee that workers in the new system never receive less than in the old system. "There is risk, because these are investments," Gramm said. "But the current system is risky, too. And remember, we will guarantee benefits."

Gramm didn't bother to explain that as he described it, his plan amounts to a direct state subsidy to brokerage firms, who can freely spend their clients' money with Gramm's "guarantee" that they can't lose a dime. This is apparently the Senator's version of "free enterprise": privatize the profits, socialize the losses.

WAITING FOR HENRY. On June 30, the most notorious would-be serial killer in history, Henry Lee Lucas, is scheduled to be executed in Huntsville. In 1984, based on his confession, Lucas was convicted and sentenced to death for murdering a young woman in 1979 and dumping her body near Georgetown.

The so-called "orange socks" murder was only one of many claimed by the garrulous Lucas, whose implausible stories of mayhem from Florida to California were eagerly embraced by credulous law enforcement officers hoping to clear their desks of unsolved homicide cases. The cooperative Henry Lee, plied by jailhouse favors and special treatment — including



▲ *Blowing smoke?*

Alan Pogue

"investigation" tours in then-Governor Mark White's personal plane, and hired limousines — eventually pushed his alleged total to over 600 murders (including Jimmy Hoffa's).

After some time, more skeptical authorities began to doubt that the semi-employed drifter could really have been in several places at once, committing murders simultaneously by the bucketload. Lucas later recanted almost all of his confessions, and the suspicious totals were quickly whittled down to about 200 that police forces remained desperate to "solve." Authorities now say Lucas is most likely connected only to three murders, for which he was duly convicted and is serving long sentences.

Unfortunately, the Georgetown murder isn't one of them, and the state is poised to execute Lucas this month for a crime that both current Attorney General Dan Morales, and his predecessor Jim Mattox, acknowledge that he almost certainly did not commit. In April 1986, Mattox issued the "Lucas Report," which addresses at length the glaring contradictions of Lucas' stories about murder, and specifically documents that Lucas was in Florida at the time of the Georgetown murder. Morales' office also looked into the case, and spokesman Ron Dusek told the *Houston Chronicle* in May, "We became convinced

that it was highly unlikely that [Lucas] did that one.... It wouldn't have been impossible for him to have been in Texas that day, but he would have had to have flown here." (Since Lucas seldom had enough money in his pocket to buy beef jerky at the local Get-It-And-Go, Dusek's airplane qualification is just a tad feeble.)

It's not at all certain, of course, that official documentation of Lucas' innocence will have any effect on his date with death. State appeals courts have made it abundantly clear that once a death sentence is in the works, technicalities like innocence are not necessarily germane, and the federal courts are increasingly following suit. There remains, however, the repeated assertion of Governor Bush that evidence of innocence is the only standard he will apply in appeals for clemency. Will the testimony of two Attorneys General of actual innocence be enough to move the Governor's hand? Lucas, a hapless loser who apparently saw criminal notoriety as his only hope of glory, shouldn't hold his breath.

HOPWOOD HUSTLERS. *Hopwood v. Texas*, the reverse-discrimination lawsuit that (helped by a broad interpretation by Dan Morales) ended affirmative-action programs at the state's universities, has been a financial boon for the Center for Individual Rights, a right-wing legal foundation based in Washington, D. C. The C.I.R. did much of the work on *Hopwood* and is also involved in similar suits against Washington State School of Law and the University of Michigan. In the wake of *Hopwood*, contributions to the C.I.R. are up, according to *Texas Lawyer*. Who's giving? Archer Daniels Midland, Chevron, the Adolph Coors Foundation, Philip Morris, the USX Corporation — and in Texas, the Dallas law firm of Akin, Gump, Strauss, Hauer & Feld. And as *Hopwood*-related litigation continues, right-wing policy litigators are lining up to participate. Stephen Wayne Smith, the Austin lawyer who filed the original case, is appealing the reverse discrimination case of a student denied admission to graduate school at U.T. Joining him in the appeal is Theodore Olson, a former law partner of Whitewater Independent Counsel Kenneth Starr. □

That's A Lot of Pig...

The porcine effluent problem inspires my fellow scribes to great heights of creativity:

"Manure happens. Two trillion, 730 million pounds of it every year." — John Lang, *Scripps Howard News Service*

"To some, it may seem humorously appropriate to have a national manure summit on Capitol Hill." — Eunice Moscoso, *Austin American-Statesman*

"It's a rare salesman who can keep a straight face while he tells you that pigshit doesn't stink." — Robert Bryce, *The Texas Observer*

Okay, so the subject of manure brings out bathroom humor in the best of us. It's still a problem.

Try this: according to a Senate study, a single 50,000-acre hog farm now being built in Utah could produce more sewage than the city of Los Angeles. Except that there aren't any treatment plants on hog farms. These giant hog factories, many of them Japanese-owned, are spreading across the country, stinking to high heaven in Missouri and elsewhere.

But environmental activists are taking them on. According to *The New York Times*, a county in Kentucky has banned them at least temporarily, and as many as twenty counties in Kansas have voted in referendums against allowing these farms.

Naturally, many of them are moving to Texas. Ochiltree County, up at the top of the Panhandle, is expected to produce 1 million pigs a year within two years. According to Robert Bryce ("The Smell of Money, October 10, 1997), Texas Farm has a \$200 million expansion program there — more than 105 pigs for every man, woman and child in the county. Almost all the hogs will be exported to Japan. Nippon Meat Packers (\$4.9 billion in revenue last year), Murphy Family Farms (a major misnomer, given that Murphy is America's largest pork producer), Premium Standard Farms, Vall Inc., and Seaboard Farms all have facilities in Texas and are planning to expand them either here or elsewhere.

Havin' a pig or two around the place is a fine thing; they make nice noises and are

very intelligent. But hog factories really are factories, and because of the pollution they produce, they need to be regulated just as much as chemical plants, oil refineries, and coal-fired power plants. It appears that farms have replaced factories as the big polluters of the nation's waterways, according to the Environmental Protection Agency's 1994 National Water Quality Inventory.

As often happens with ag issues, the corporate factory farms are hiding behind the family farmer, stirring up various farm organizations to claim that regulation will "drive the family farmer out of business." When you're looking at as many as 250,000 hogs on one farm, you are not necessarily looking at a "family farm." In fact, the hog factories are driving family farmers out of business.

According to the publication *BioCycle*, thirty years ago, there were a million hog farms in the country — now, there are only 160,000. In 1996, there were fewer than 5,000 hog operations that kept 2,000 or more head, but those farms accounted for more than half of the 57 million hogs produced.

Senator Tom Harkin of Iowa has introduced a bill that would give the Agriculture Department regulatory authority over manure treatment and its use as fertilizer. The livestock and poultry industries are against it whole hog.

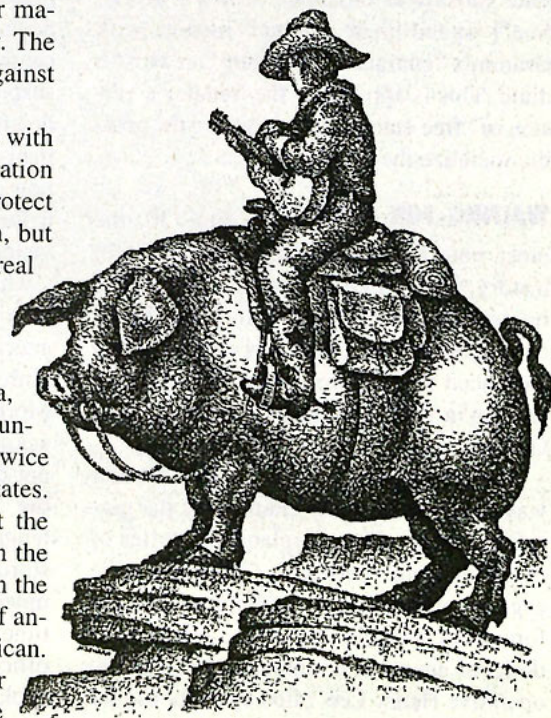
Meanwhile, the E.P.A. has come up with a less stringent plan. The administration proposes a far-reaching strategy to protect the waterways from manure pollution, but it will require years of debate before real restrictions are in place. According to a study by Harkin, as reported by the Associated Press, in 1996, there were forty manure spills just in Iowa, Missouri, and Minnesota, killing hundreds of thousands of fish. That was twice as many spills as in 1992 for those states.

The Harkin report also found that the amount of animal manure produced in the United States is 130 times greater than the amount of human waste — five tons of animal droppings for every single American. And there are no national standards for dealing with it. When you think of the

strict sewage treatment standards that cities have to meet, it's just ridiculous to allow animal waste to go untreated and pollute the rivers, lakes and streams.

True, most animal waste appears one plop at a time, spread over vast tracts of land. But the manure piled up around cattle feedlots, huge poultry barns, and hog factories is extremely dangerous. According to E.P.A. tests reported by John Lang, feedlot manure containing fecal coliform bacteria has contaminated the ground water in seventeen states. Harkin's report pointed out that the "dead zone" in the Gulf of Mexico — 7,000 square miles that cannot support most aquatic life — is now linked to agricultural runoff.

A story broken last year by the *Seattle Times* provides another reason for concern about fertilizer runoff. It turns out that manufacturing industries are disposing of hazardous wastes by turning them into fertilizer. Low-level radioactive waste, dangerous chemicals, heavy metals, arsenic, cadmium, lead, dioxin — all of it is being put into fertilizer. Again, there are no federal regulations, reporting requirements or labeling requirements. □



Texas Tobacco Two-Step

This year's Editorial Writer's Award goes to Governor George W. Bush, in honor of Murray Kempton's famous observation that editorial writers are those who ride down onto the field after the battle is over and shoot the wounded.

We are in the midst of a splendid bout here, one of those Every-one-Looks-Ridiculous rounds of political fisticuffs for which our state is nationally recognized.

This all started with a famous victory in January: the state of Texas won a whopping, record-setting \$15.3 billion settlement from the tobacco companies for all the Texans who have gotten sick from smoking and had to be cared for by the state. Nice going, team.

But the thrill of victory lasted about ten minutes before the ugly greed scrum started. The lawyers, as per their contract with the state, got 15 percent of the settlement, which works out to \$2.3 billion, a very substantial chunk of change indeed. Dubya Bush does not care much for trial lawyers in the first place: his sole notable contribution to governance during his first term was "tort reform," a way to keep lawyers from winning huge monetary verdicts from juries who tend to dislike big insurance companies and other corporate malefactors. Bush thinks \$2.3 billion is too big a fee for five lawyers (actually, over two years, about 100 lawyers worked on the case, but that's another story), and you must admit, he has a point there. Quite a good point, actually.

Let not the ugly word "politics" rear its head here, but coming out against a \$2.3 billion fee for five lawyers, no matter how much they jacked out of the tobacco companies, is not going to cost you any votes in an election year, since lawyers rank even below politicians in public esteem. So:

- U.S. District Judge David Folsom rules in late January that 15 percent for the attorneys is a reasonable fee. Since trial lawyers usually claim a third of the spoils when they take a case on contingency (that means they put up the money to fight the case; the state didn't kick in a nickel), this could be considered a bargain: on the other hand, \$2.3 billion?
- So Bush and seven state legislators file a

challenge to the fee: it is unclear, since they were not involved in the lawsuit, whether they actually have standing to do so. It becomes clearer when Folsom throws them out of court in March, observing "their argument is not grounded on recognized law."

- The five attorneys, now concerned about their big fee, hire Michael Tigar, one of the biggest legal guns in the state, to represent their interests. Two months of negotiations ensue: the lawyers are willing to go as low as an \$800 million floor if it goes to mediation. Shortly thereafter, Bush backs out of the mediation.

- A week goes by, and Attorney General Dan Morales finds out Bush's office is once again talking directly to the tobacco lawyers in a case in which Bush has no standing. Morales is infuriated by the interference with "his" settlement and asks the judge to fine Bush and the legislators \$25 million for "their frivolous intervention and improper political meddling."

- Bush replies that this is "a frivolous lawsuit against a duly elected official," and in retaliation, the seven lawmakers file a federal court document that implies Morales asked for a \$1 million kickback from attorneys who bid for the case. At this point, the alleged allegation is a cloudy reference in a deposition by Joe Jamail, yet another one of the biggest legal guns in the state, who lost the contract to sue the tobacco companies in the first place. (In one of the better strange-bedfellows aspects to this mess, Jamail, now on the same side as Bush, didn't get the contract because he wanted a 33 percent contingency fee.)

- Here's the state of play as of this writing: Morales claims the \$1 million fund referred to by Jamail was actually upfront expense money for the lawsuit and that if anything "questionable or illegal" occurred, as Jamail alleges, the entire roomful of very-high-priced attorneys present at

the time could now be disbarred.

In another happy wrinkle, Bush is now claiming the lawyers' fees in the Minnesota tobacco settlement are much more equitable and we should renegotiate to get a similar deal. Morales replies the governor doesn't know what he's talking about: A deal similar to Minnesota's would give our lawyers 17 percent instead of 15 percent. Bush says the taxpayers are on the hook for the lawyers' fees; Morales says the tobacco companies will pay them if the arbitration panel, to meet in November, is willing.

Further, somebody is spreading the rumor that Morales plans to run against Senator Kay Bailey Hutchison in 2000. Morales, who is not running for re-election, has friends who claim Bush decided to give him a parting kick in the pants on his way out the door. Both sides claim they have taken the high road and engaged in no abuse, whereas the other guys have said nasty, awful, tacky things.

And if you're not confused now, you haven't been paying attention. □

Molly Ivins is a former Observer editor and a columnist for the Fort Worth Star-Telegram. Her new book, You Got to Dance With Them What Brung You, is in the bookstores. You may write to her via e-mail at mollyivins@star-telegram.com.

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Murder Incorporated

Are you dying to get to work today? Well, be careful once you get there, because work is a dangerous place to be — so dangerous that more than 6,000 of us die each year from explosions, cave-ins, electrocution, and other nasties on the job.

On top of that, sixty thousand more of us die each year from cancer and other diseases we get from the work we do. Six million more of us are injured each year, making the American workplace by far the most dangerous in the industrialized world.

Why is that?

Because corporate executives do a cold, bottom-line calculation in which they figure it's much cheaper to pay a few fines and some occasional death benefits for killing or maiming thousands of people each year, than it is to install the systems, technologies, and procedures that actually would prevent these deaths and injuries. These same executives also use their financial and lobbying clout in Congress to kill the kind of safety legislation that would bring the American workplace up to a civilized standard.

A current example is the effort by the National Association of Convenience Stores to stop O.S.H.A. from issuing guidelines that would protect night clerks. About 500 retail clerks a year are killed in robberies, making it one of the most dangerous jobs in America. Yet this corporate lobbying group is fighting such basic protections as using drop safes, bulletproof glass, good lighting, security cameras, and putting two clerks on dangerous shifts. Night clerks are mostly low-income people with no political power though, so what the hell — they're viewed as expendable, not even worth the cost of some bulletproof glass.

A system that allows corporations to profit by shoving the gruesome price of an unsafe workplace onto workers and their families is not just a dangerous system — it's immoral. Let's be honest about what's going on here: many of these on-the-job deaths are not "accidental" — they're murder.

SKYSCRAPER PIRATES

Today's big corporate C.E.O.s are ruthlessly slashing the pay of employees while fattening their own purses. I'd call them a

bunch of cutthroat pirates — except that would be awfully unfair to pirates.

New studies are out showing that while the pirates of old certainly were not nice guys, they did have a code of ethics that puts today's corporate buccaneers to shame. For example, in pirate society everyone got a fair share of the loot. Two shares went to the captain, one and a half shares to the quartermaster, and one share each to the crew members.

Now, compare this split to the captains of modern-day corporate ships. The corporate captains are not taking a piratical two shares to every one of the crew, but 326 shares for every one that the workers get — which explains why there's a growing mutiny in the ranks!

A COMPANY CAN NOW PAY A HUNDRED MILLION OR MORE TO ITS C.E.O., AND GET A FULL TAX DEDUCTION FROM YOU AND ME TO SUBSIDIZE IT.

Congressman Martin Sabo of Minnesota is sponsoring a bill to stop the piracy. Called the Income Equity Act, Sabo's bill simply puts a cap on the amount of C.E.O. pay that a corporation can deduct from its income taxes. You see, a company can now pay a million, ten million, a hundred million or more to its C.E.O., and get a full tax deduction from you and me to subsidize it. Under Sabo's legislation, the company could only deduct an amount for C.E.O. pay that is twenty-five times the salary of its lowest paid full-time worker. If the lowest paid worker got the minimum wage of \$5.15 an hour — roughly \$10,000 a year — the allowable C.E.O. deduction would be about \$130,000 a year.

Bear in mind that the corporation can still pay its captain as much as it wants to — it just doesn't get a tax subsidy to do it. And bear in mind, too, that the captain still would get a tax-subsidized twenty-five times what the workers get — instead of the two times that pirate captains took.

To learn more, call United for a Fair Economy: (617) 423-2148.

BAD DAY SUNSHINE

Summertime! Time to hit the beach, soak

up some rays, and get a nice tan.

Yeah, yeah — there's that little skin cancer issue, but, hey, that's what sunscreen lotions are for, right? Just glop on the sunscreen, lay back, and let the lotion protect you from cancer.

Well — not exactly. As reported in *Mother Jones*, a survey of research by an epidemiologist at the Memorial Sloan-Kettering Cancer Center concludes: "It's not safe to rely on sunscreen." But, wait, you cry, my dermatologist told me it's okay to stay in the sun all day, as long as I keep my skin covered with sunscreen.

The problem, Little Nellie Sunshine, is that dermatologists get much of their information about the effectiveness of sunscreen lotion from a group called the Skin Cancer Foundation.

Guess who is a heavy financial supporter of this foundation? Bingo! Sunscreen manufacturers.

Here's the game manufacturers are running on us: Yes, their sunscreens do protect against UV-B radiation, which causes sunburn and can lead to two kinds of skin cancer. But these two cancers are reported to be almost always medically minor. On the other hand, there are the far more dangerous UV-A radiation, which can cause a third kind of nasty and deadly cancer called malignant melanoma. These lightwaves penetrate right through sunscreen and the outer skin, often causing the deeper skin cells to become cancerous — and producing more than 7,000 deaths a year.

Indeed, even though sunscreen sales have skyrocketed, so has melanoma, becoming our country's fastest rising cancer. If the lotion really protects us, why are we getting so much more skin cancer? *Mother Jones* reporter Michael Castleman says sunscreen might even contribute to the cancer, since it prevents sunburning, which is nature's way of saying: Get out of the sun!

Instead of buying the industry's hype — buy yourself a big umbrella. □

Jim Hightower is a former Observer editor and Texas Agriculture Commissioner who preaches the populist gospel nationwide on his daily Hightower Radio Show.



Education is True Wealth

BY BERNARD RAPOPORT

This article, the first of two parts, was first delivered by Bernard Rapoport at the College of Education Commencement ceremonies at U.T.-Austin in May.

Thank you for this opportunity to speak to you as you embark on a high calling and a great adventure. You deserve this moment, and all it represents, and so do all those parents and loved ones who have supported you in every way as you worked to reach your goal.

I have to confess that I'm just a little nervous this evening, and with good reason: I am talking to teachers.

My mother's disappointment was she always wanted me to be a professor. She was very proud that my sister was head of the psychology department at St. Mary's University in San Antonio. People would ask my mother about her children, and she would exclaim, "My daughter is a professor!" Them with a muted voice she would say, "My son has an insurance company." Then she would raise her voice, with these words, "But he is a very learned boy!"

So this "very learned boy" stands before you, a bit awed, because I share her profound respect for teachers. I remember Olga Vogel, my social studies teacher at Jefferson High School in San Antonio; and E.C. Barksdale, my debate teacher. I remember Robert Montgomery, Clarence Ayers, and E.E. Hale, three brilliant economics professors here at the university. Those teachers — *teachers* in the most basic sense of the word — took my life and molded it the way a baker shapes and molds a bagel. I am deeply indebted to them, just as your students will be indebted to you.

You too will be molding lives, influencing history, helping to build a civilization. Those who wear the teacher's mantle, that's what they do.

Let me share with you three quotations that inspire my thinking and direct what I want to say to you today. One is from Joseph Lyford: "Poverty produces a state of wantlessness." Let me say it again while you let it sink in, "Poverty produces a state of wantlessness."

The second is from the French novelist and philosopher Albert Camus: "Poverty is imprisonment without a drawbridge."

Finally, de Jouvenel's admonition, "There is a continual dying of possible futures." De Jouvenel goes on: "Two mistakes are common: to be unaware of them while they are, so to speak, alive, and to be unaware of their death when they have been killed off by lack of discovery."

Poverty. Spiritual, material and emotional poverty is what all three of these thinkers are addressing. The solution to all three forms of debilitating poverty is education. Education means wealth, true wealth — and you, our teachers, are the brokers.

Imagine for a moment that we are sitting in Gregory Gym on a warm May evening in 1898. Imagine that you are about to go forth to assume your teaching duties at the dawn of a new century, the twentieth century, and imagine that some venerable relic of the nineteenth is standing before you, urging you to prepare yourself for the world you will be inhabiting.

There's no way that our exalted speaker on that evening a hundred years ago could have predicted what was in store for his young audience in the coming century, although some were bold enough — foolish enough — to try. One futurist, for example, predicted that New York City would be uninhabitable within forty years, and he had the figures to prove it. He had calculated that the number of horses needed to sustain a population the size of New York City would mean that Manhattan would be buried in manure three stories high.

Another, in the late 1890s, observed that everything worth discovering had been discovered. Few, I suspect, foresaw a world where giant flying machines would be ferrying hundreds of passengers across oceans; where moving images would fly through the ether and appear on screens in our homes. Few would foresee that the nations of the earth would clash, not once but twice, with destruction and loss of life beyond imagining; or that we would map genes, cure cancers and eradicate many infectious scourges from the earth. Much of the world the new teachers of the twentieth century would inhabit was beyond imagining, just as much of your new century is beyond my power of prediction. Still, there are hints. I comment to you an essay in the May issue of *Atlantic Monthly* by Bill McKibben. In an article entitled "A Special Moment in History," McKibben alludes to a quotation from Ecclesiastes, "Is there anything of which it may be said, 'See, this is new'? It has always been in ancient times before us."

McKibben argues that we are indeed moving into a strange, thoroughly different time. "We may live," he writes, "in the strangest, most thoroughly different moment since human beings took up farming, 10,000 years ago, and time more or less commenced." The past, in other words, is no paradigm for the future.

The world in which you and I presume to inhabit is a world driven by a relentless singleness of purpose. That purpose is to have more. But the challenge that McKibben lays before us concerns limits: "Is there such a thing as limits?" he asks. "And if so, should there be?"

We didn't believe so before, but we are beginning to understand that perhaps there are. The problems that confront us — an environment increasingly under stress, over-population, the increasing disparity between the haves and have-nots of the world — are all warning signs that we are indeed entering a special moment in history. McKibben argues that the fate of the planet will be determined in the next few decades through the technological, lifestyle, and population choices that we make.

And who will help us make the right choices? Teachers, of course. Men and women who will serve as our guides, our point people — our scouts, if you will — as we venture into an unknown full of great peril and great promise.

(To Be Continued)

"Mello," from page 6

human life in capital punishment cases. We continue to demonstrate no human is wise enough to decide who should die."

Professor Dow would doubtless reply that he was an advocate, not a judge, and that judges play by a different set of rules. True enough. But lawyers must play by a different set of rules, and I have no doubt that Professor Dow, being a good little legal technician, played by those rules, and those rules operated to kill his clients. Even effective advocates for death row prisoners have little maneuvering left in Texas.

What Dow caricatures as my "attempt to justify [my] petulant decision to take [my] ball and go home," is in fact an attempt to articulate what, for me, was a complicated crisis of conscience: why, after fourteen years of working as a capital postconviction defense attorney, I no longer in good conscience, continue to participate in capital punishment as a legal system. As I acknowledge in the book, reasonable minds can disagree about my thesis as applied to many states with the death penalty: Florida, California, New York.

But not Texas, where death walks the assembly line. If Professor Dow — whose review reports that he worked for the Texas Resource Center, the Texas counterpart to the Florida C.C.R. (an office I criticize rather harshly in *Dead Wrong*) whose résumé, appended to his review, says he has represented more than twenty Texas death row inmates — thinks he is anything other than a genteel conductor on the railway to the death house, then he hasn't been paying attention. One county in Texas has sent more people to death than the rest of the South combined. With defense lawyers like Professor Dow, one can see why.

Given the hostility of the Texas courts, state and federal, to challenges to the legality of capital punishment in individual cases, postconviction defense lawyers there have become masks of the executioner: their participation in capital punishment as a legal system makes it easier for those judges to kill their clients. Dow writes that his participation made him feel ineffectual, not complicit. I think he was both, particularly if he read trial transcripts as carefully and thoughtfully as he read my book.

Like Professor Dow, I passionately oppose capital punishment as a legal system. Like Dow, I have spent a large portion of my professional life as a lawyer representing people the government is trying to kill. Like Dow, I long believed that such participation did more good than harm — I was able to save lives and, at least in many cases, force the law to keep its promises of fairness and justice.

But, unlike Dow, after fourteen years of deathwork, I had decided, as a matter of personal conscience, that I can no longer participate in a legal system that kills the innocent as well as the guilty and that demeans, degrades and deforms the law itself. In my book *Dead Wrong*, I try to articulate why my own experience with capital punishment has brought me to this point. In the book I am crystal clear that my own choice need not be anyone else's choice — and that I have enormous respect and admiration for other abolitionist lawyers who come out the other way on this extraordinary complicated moral, ethical, and judicial issue.

And if Dow doesn't like the ideas in *Dead Wrong*, he'll really

hate my forthcoming law review article ("Executing Rapists: A Reluctant Essay on the Ethics of Legal Scholarship," *William and Mary Journal of Women and the Law*, 129: Winter 1997). In it I argue that, in the age of the Rehnquist/Thomas/Scalia Court, capital punishment for the crime of rape would probably pass constitutional muster. I believe I have a professional obligation as a law school professor to think about, struggle with, and write about the hard questions like conscientious abstention and executing rapists. I happily cede the easy parts of the scholarly field to intellectual politicians like Dow and Steve Bright (*The Nation*, "Letters," March 2, 1998), whose published scholarship to date has focused on collecting evidence to prove the remarkable theses that political influences upon judges are bad and that many indigent capital defendants get lousy lawyers at trial. No kidding, Buckwheat.

Dow's denunciation of a book he shows little evidence of having read suggests one reason why there is no real movement to abolish capital punishment in America: Even the most polite, deferential and respectful deviation for the Gospel According to Professor

IF PROFESSOR DOW THINKS HE IS ANYTHING OTHER THAN A GENTEEL CONDUCTOR ON THE RAILWAY TO THE DEATH HOUSE, THEN HE HASN'T BEEN PAYING ATTENTION. ONE COUNTY IN TEXAS HAS SENT MORE PEOPLE TO DEATH THAN THE REST OF THE SOUTH COMBINED.

Dow will be met with instantaneous excommunication from the One True Church of Abolition. Oh, well, I guess I'm off Dow's Christmas list now.

Professor Dow writes candidly that he quit deathwork because he got tired of losing. I'll bet he did. But I won more often than I lost, and I decided to withdraw from deathwork following the sweetest victory of my career — saving "Crazy Joe" Spaziano from a fifth death warrant in Florida, employing tactics of disobedience shunned by Professor Dow's counterparts in Florida's machinery of death. Good little boys like Dow, playing by the rules that made him lose so many clients he became demoralized and quit the game, would have let "Crazy Joe" die without a sound.

The basic point that Dow & Co. perversely refuse to see is one that non-lawyer abolitionists often have no difficulty seeing: that participation by competent capital postconviction lawyers lends legitimacy to capital punishment as a legal system. Professor Dow was and remains a classic cog in a classic machine. It's a pity his self righteous, arrogant incuriosity makes it impossible to see that this is so. Dow writes that my book has caused him to reconsider returning to deathwork. Good. That's where he belongs, in the gears of a machine he doesn't understand exists — certainly not on any credible faculty of law.

In *Dead Wrong*, I wrote that my thesis on conscientious abstention from deathwork was tentative, and that I hoped that other experienced deathworkers would prove me wrong. Nothing in Professor Dow's fatuous, patronizing, and ultimately trivial review comes close to proving me wrong. My book seems to have hurt Dow's feelings, but it did not impel him to engage seriously the conversation I attempted to start by publishing *Dead Wrong*.

Which is not to say that such conversation hasn't occurred. It has. But not by laconic hacks of low cunning like Professor Dow.

The law professors seem to dislike my book; the poets seem to love it. (If I had to choose between the poets and professors, give me the poets every time.) This should come as no surprise, since one thesis of my book was that non-lawyers must seize the national conversation about capital punishment from the lawyers — specifically, the lawyer/professors like Dow.

In the weeks following publication of reviews by professors like Dow, including Steve Bright of Harvard and Yale, I received two phone calls. The first was from an attorney involved in recruiting and training other attorneys to take on death cases. He asked me whether, now that Steve Bright had spoken, I planned to “fold my tent” and retreat from the position I’d taken in *Dead Wrong*. I told him, Nope: I’m really not a tent-folding kind of guy.

The other phone call was from a lawyer who has been a capital public defender longer than I or Professor Dow has been. He told me that he was calling to thank me for writing *Dead Wrong* — and that I had spoken out loud what he, and many, many other deathworkers have been thinking about in uncomfortable silence. Unlike

Professor Dow, this public defender understood that reasonable people can disagree about these intractable issues of conscience.

But that has always been the difference between lawyers like Dow and I. He believes only an idiot could support capital punishment; I believe reasonable minds can support death as a punishment. Dow believes any abolitionist defense lawyer whose conscience leads him to become a conscientious objector in the deathwars must be a traitor or a fool. I don’t.

For Professor Dow, all of these issues are easy and simple. For me, nothing about capital punishment is easy or simple.

Michael Mello
Vermont Law School, South Royalton

Michael Mello is a professor of law at Vermont Law School, and the author of Dead Wrong and Against the Death Penalty: the Relentless Dissents of Justices Brennan and Marshall (1996). He defended numerous death-row prisoners in Florida, Georgia, and Texas, for many years.

L A S A M E R I C A S ▶

The Battle Crosses the Border

BY RICHARD BOREN

Last March well over a thousand people, about half of them students, marched up the main street of Ciudad Juárez to one of the international bridges that connects the city to El Paso. Carrying hundreds of white balloons and huge banners, the marchers were protesting Texas’ plan to build a nuclear waste dump in the town of Sierra Blanca, ninety miles away.

Just a couple of weeks later, an estimated 3,000 school children from the Juárez Valley, a rural area east of Juárez, blocked an international bridge for twenty minutes. The demonstration against the dump was the largest yet on either side of the border.

The struggle over the state’s efforts to site a nuclear waste dump in Sierra Blanca is now entering the home stretch — a final decision could come this summer. In the U.S. press, the predictable battle lines have been drawn between the twenty politically weak Texas counties which openly oppose the dump, and the politically powerful combination of the Legislature and the Governor, and their Washington allies. However, in the last few months, Mexican opposition to the Sierra Blanca nuclear dump has grown, putting this tiny West Texas town at the center of now an international controversy.

Mexicans have long been sensitive to the siting of toxic waste dumps near their border. Two South Texas dumps, both within twenty miles of the Rio Grande (the Sierra Blanca dump is sixteen miles from the border), were scrapped several years ago in large part due to opposition from the Mexican people and government officials. The former mayor of the Mexican border town of Ciudad Acuña, Dr. Emilio de Hoyos, was instrumental in mobilizing opposition to those dumps. This culminated in a bridge blockade, in which the Mexicans were joined by officials and citizens of Del Rio, Texas.

After those victories, de Hoyos became one of the leaders in the Sierra Blanca fight. Two years ago he organized a caravan of 500 elementary and middle school students, who rode to Austin to protest the dump. De Hoyos later requested legal standing as a party to the controversy, in

the formal hearings conducted by the State Office of Administrative Hearings. The S.O.A.H. judges refused de Hoyos, as well as the legislatures of the Mexican border states of Coahuila and Chihuahua.

Only representatives of Ciudad Juárez and Greenpeace-Mexico were granted standing in the hearings. Greenpeace-Mexico — which the judges admitted only because one of its members owns land near Sierra Blanca — has been a constant thorn in the side of the U.S. embassy in Mexico City. Through its frequent anti-dump protests in front of the embassy, the group has made the dump proposal well-known in Mexico.

José Luís Rodríguez, a member of both the Juárez City Council and the Mexican Green Ecologist Party, has been one of the most active Mexican politicians in the fight against the dump. On April 16, Rodríguez began a twenty-four day hunger strike to

protest the Sierra Blanca dump. He took up residence on the Córdoba International Bridge, sleeping in a ten-by-three-foot cubicle — about half the width of the sidewalk. Several large anti-dump banners were hung on the bridge, and hundreds of children's anti-nuclear drawings were posted along the sidewalk. Rodríguez spent his days talking to the thousands of people who came by to show their support, and giving frequent interviews to the local media.

"SINCE ALL OTHER NUCLEAR DUMPS HAVE LEAKED, THEY MUST WANT TO PLACE THESE PROJECTS AS FAR AWAY AS POSSIBLE FROM AREAS INHABITED BY AFFLUENT WHITE PEOPLE. FOR THAT REASON, THESE DUMPS WIND UP HERE ON THE MEXICAN BORDER."

Rodríguez is well versed in the many environmental flaws of the proposed site, such as the earthquake fault directly underneath it. But he also understands another angle: "Many Mexicans still feel resentment towards the U.S. for having taken away much of our territory and for other U.S. interventions," says Rodríguez. "This same resentment may lead some to oppose the dump on those grounds, because Sierra Blanca is seen as another example of the U.S. trying to damage Mexico."

Rodríguez is also disturbed by the dump's proximity to the Mexican border. "Since all other nuclear dumps have leaked," he says, "they must want to place these projects as far away as possible from areas inhabited by affluent white people. For that reason, these dumps wind up here on the Mexican border. Now we know what environmental racism means."

Mexican involvement has given a badly needed boost to Texas dump opponents, who for several years now have been battling a government-industry Goliath. Rodríguez is not the only public official to object to the dump: last year the Mexican Chamber of Deputies increased its pressure on the executive branch to take a stand against it, and this past January, Mexico's Department of Foreign Relations sent Washington a diplomatic note raising concerns about the Sierra Blanca proposal.

A month later, Mexico's Ambassador to the U.S., Jesus Reyes-Eroles, paid a visit to



▲ Marchers in Ciudad Juárez carry a piñata of George Bush

Richard Boren

Governor Bush. After the meeting, Bush told the Associated Press that "much of the discussion is about disposal of, for example, x-rays. And there's tons of x-rays piled up in El Paso hospitals as we speak today. This is not about high-powered plutonium." In fact, less than 1 percent of the overall nuclear waste will come from hospitals, and the Texas Low-Level Radioactive Waste Disposal Authority has already admitted that plutonium will be included in the waste stream for Sierra Blanca.

While Rodríguez was losing weight and breathing exhaust fumes on the bridge, Mexico fired its biggest protest shot of all. Both the National Mexican Chamber of Deputies and Senate unanimously passed a resolution condemning the Sierra Blanca dump. The resolution accuses the U.S. and Texas of violating the spirit of the 1983 La Paz agreement, in which both countries designated a 100-kilometer zone on either side of the border for special environmental protection. The resolution notes that the

dump will be used for waste coming all the way from the Canadian border states of Maine and Vermont (the Texas-Maine-Vermont Nuclear Waste Compact Bill has already been passed by both Houses of the U.S. Congress). Since the Mexican National Congress approved the anti-dump resolution, two more border states have followed suit, joining three states which had previously passed similar resolutions.

It would appear that George Bush's soothing words about harmless x-rays haven't translated well, south of the border. "I know that Governor Bush wants to be president," said Juárez radio news announcer Humberto Leal after the March demonstration. "I believe that the threatened population in the surrounding communities are going to remember Sierra Blanca when it comes time to vote." □

Richard Boren is an environmental activist and writer who divides his time between El Paso and Tucson.

Golden Crown

My fingertips now on my father's wrist,
and his rapid pulse weak,
I glance out the window again,
but the walk down there is empty,

and dusk's faint light is fading,
though in memory I see again
the brilliant column of light
that poured into my father's mouth

yesterday, and polished his upper crown
Years ago, the first time I saw it,
I wanted to break a tooth of my own
so I could be golden-throated, too

But tonight, though the world is giving me
little light back, I'm not sure I mind:
last week the world seemed clear:
though my father no longer had speech,

not even anymore a whisper of speech,
he still could take my mother's hand
and, gripping it carefully, bring it
up to his lips and hold it there

as he kissed it, again and again and again

—JAMES HOGGARD

Two Stories

In the wood stove, the wood burns, releases itself
for a steady, orange flame. You button your shirt in the darkness.
I can hear it; I know the sound by heart, the rubbing of fabric, the
creaking
of your elbows and knees. How often I wonder what it's like inside,
what voice your mind has, what it speaks in the comfort of that lock.

In this small house: the distances are large. I reach out to touch the
curtains, the night stand and
nothing is there. My notebook is piled away in stacks of papers I
haven't read.

Everything is further away than I thought: Your hand, the cats that
drape their slack bodies
at my feet. Hundreds of stories. What could have been said.

In the darkness, sometimes I think the silence is dense, filled
with hundreds of voices all just about to speak, the people in the cars
driving past,
the woman who reaches for a cigarette then to change the radio
station.

The man who pushes the clanking grocery cart full of black plastic
bags. The boys
up too late, one dragging a stick on the hurricane fence.
What would they use their last breath to say?

What was it you said? That I missed? That was the answer to
everything?

The water splashes into the sink, the cabinet yawns open.
We are the sum of the noises we make in passing the brushing of a
jacket on the tablecloth,
the clink of a fork onto the counter. While the words sour in our
mouths.

—DEBRA INNOCENTI

James Hoggard, a poet, essayist, novelist, and translator, is the author of eleven books, most recently *Riding the Wind & Other Tales* (Texas A&M University Press) and *Alone Against the Sea: Poems from Cuba* by Raúl Mesa (York). He recently finished his second term as president of the Texas Institute of Letters, and last December was named McMurtry Distinguished Professor of English at Midwestern State University in Wichita Falls. He also has received an NEA Creative Writing Fellowship and the T.I.L. Short Story Award.

Debra Innocenti earned her M.F.A. in writing from Sarah Lawrence College, and teaches English at St. Mary's University in San Antonio. She has received the Voertman Poetry Award from The Center for Texas Studies and the Cultural Arts Poetry Award at Houston's Gulf Coast Writers Conference. Her poems have been published widely, including *Prairie Schooner* and *the red palm* out of San Antonio.

These poems feel exquisitely linked in their careful attention to unspoken, unspeakable moments. —Naomi Shihab Nye

Race, Class, and White Trash

Cotton and White Supremacy in Central Texas

BY JAMES SLEDD

THE WHITE SCOURGE:

Mexicans, Blacks, and Poor Whites in Texas Cotton Culture.

By Neil Foley.

University of California Press.

326 pages. \$29.95.

In 1833, Stephen F. Austin spoke out for slavery. "Texas," he wrote, "must be a slave country." In 1836, says Neil Foley, "Jim Bowie, Davy Crockett, and William Barrett Travis gave their lives at the Alamo for the freedom of white men to own slaves." The first constitution of the Republic of Texas soon guaranteed "the protection of slavery," among a citizenry that denied constitutional protections to Indians, free blacks, and "racially inferior" Mexicans. "Only white heads of family were entitled to purchase land," and the whiteness of Mexicans was officially dubious.

Because it tells such naughtily remembered stories, *The White Scourge* won't be favorite reading among the lone-starry-eyed Daughters of the Republic. Even serious readers may be put off by the panoply of scholarship (over sixty pages of notes, over thirty-five of bibliography) which the academy demands of an upwardly-bound young scholar, whose mixed Irish and New Mexican ancestry, moreover, may be thought to show. But *The White Scourge* generously rewards the effort that it demands.

The fancy borrowed title may remind readers that Neil Foley, now an associate professor at U.T.-Austin, came to social history from English literature at the University of Michigan, where in 1990 he completed the dissertation from which the present more ambitious study has grown. The source of his title was the novel, *The White Scourge*, by Edward Everett Davis, published by Naylor in San Antonio in 1940. It dealt with "poor white cotton farmers in Texas" and with "the menace of Mexican immigration."

Poor whites, Foley's dust jacket and text



▲ from *The White Scourge* Dorothea Lange

report, were considered "the scourge of whiteness," as if the scourged had become a scourge; but the title as Foley uses it doesn't refer only to "the immiseration of thousands of white tenants" and to the consequent supposed degradation of the supreme white race. More abstractly, it refers to "the problem of the color line" — to the system itself of white supremacy. Though Davis called cotton "the scourge of southern society" because its cultivation provided subsistence for swarms of "white trash," Foley uses Davis' title to suggest "that the scourge of the South and the nation was not cotton or poor whites but whiteness itself."

By whiteness, Foley doesn't mean just pale skin, which was a necessary but insufficient condition. *Whiteness* was socioeconomic privilege on the basis of imputed superior merit. A pale-skinned tenant farmer degraded to a landless farm laborer was incomparably less "white" than "Henrietta Chamberlain King of Corpus Christi," reputed owner of 1,400,000 acres, whose back gate was said to be fifty miles from

her front porch.

In his introduction, Foley provides helpful preliminary accounts of his succeeding chapters, which themselves are linked by careful transitions. Chapter 1 explains "how the Texas Revolution and the War with Mexico laid the foundation for racializing

"THIS COUNTRY'S HARD COUNTRY. THEY WON'T HELP BURY YOU HERE. IF YOU DIE, YOU'RE DEAD, THAT'S ALL."

— Nettie Featherston (left) of Childress, Texas

Mexicans as nonwhites." Increasingly numerous Mexican sharecroppers later took the places of white tenant farmers in central Texas, themselves numerous, and so constituted a "white man's problem." Chapter 2 argues similarly that Mexican immigrants to "the western South," after 1910, turned the old "dyad of white and black" into a triad, by creating a "second color menace." Chapter 3 considers the "complex land-tenure arrangements among Mexicans, blacks, and poor whites," among "owners, renters, croppers, and wage hands." It was the upward and downward movements of separate and unequal social and ethnic groups that caused "white sharecroppers ... to be regarded as the scourge of the white race in Texas."

To modern readers pestered by liberal-baiting and the perpetual prevarications of the dominant, Chapter 4 brings a pleasantly surprising account of attempts by the Socialist Party in Texas (horrors!) "to organize Anglo and Mexican tenant farmers between 1911 and 1917," when making the world safe for democracy made democracy unsafe at home. But the politics of race and class defeated efforts at "interracial unity" among the downtrodden; and the itinerant Irish rabble-rouser, the admirable Tom Hickey, at last abandoned the good cause, and became secretary of a Chamber of Commerce and a "booster for the oil industry."

Chapter 5 exemplifies the generalization (not Foley's) that technological "advances" in an unjust society deepen injustice at the hands of those who own the technology. "Nordic superiors," as scientific managers, came to supervise Mexicans, blacks, and "sorry whites" on huge, mechanized, corporate cotton ranches. The modern bidnismen wiped out Thomas Jefferson's virtuous independent farmer, and "the rural South lost 2,275,000 people through migration between 1930 and 1940."

Chapter 6, on "women, gender identity, and 'men's work' on the farm," justifies the adage that "man works from sun to sun, but woman's work is never done." Child labor was commonplace in the cotton culture, and women's life was hell. The photograph of Nettie Featherston of Childress, Texas (one of a series of chilling photographs in the book), tells the story that she told in words: "This county's a hard county. They won't help bury you here. If you die, you're dead, that's all."

Chapters 7 and 8 consider "the massive disruptions to the farm order of the South and Southwest caused by New Deal agri-

cultural programs" and by "the rapid development of agribusiness farming." If another summarizing adage is needed, it has to be that "them as has, gits." Nice people do horrendously unnice things — and then blame their victims.

A reader of Foley's challenging book might encapsulate the history of central Texas as Comanches, cattle, cotton — and now computers. The conclusion is tempting that everything changes except "man's inhumanity to man" (a patriarchal phrase which today must be disowned with feminist quotation marks). But the temptation should be resisted. In the continuing conflict among Texas descendants of fallen Adam, there also have always been gutsy defiers of the inhumane.

Foley hums at least brief tunes about a number of unsung heroes, among them (in the thirties) J.F. Clayton, black preacher, union organizer, and founder of a little school for black children in tiny Littig (in Travis County, but unknown to me), and Emma Tenayuca, member of the Communist Party and leader of a strike by pecan shellers in San Antonio, who called herself an Indian like her

father, and boasted that she didn't have a "fashionable Spanish name like García or Sánchez." I was glad to read even brief mention of the people who preceded all other "races" in what became Texas.

My most honored folk hero, however, is not Tenayuca but Henrietta McGee, widowed African-American sharecropper and union organizer. Foley repeats a delightful though possibly apocryphal story of McGee's sojourn on union business in Washington. When she and her party took a table at a Washington restaurant, the waiter refused to serve them until Eleanor Roosevelt, at a nearby table, saw the insult and invited McGee to join her. Mrs. Roosevelt apologized, saying that at first she hadn't recognized Mrs. McGee as Puerto Rican. The proud reply was instant. "I'm not. I'm a nigger, a nigger sharecropper from down in Arkansas." Feathered and unfeathered chickens are obviously not Arkansas' sole crop. □

James Sledd is professor emeritus of English at U.T.—Austin, and a frequent contributor to the Observer.

The Blind Sleuthing the Blind

Considering the Not So Simple Art of Murder

BY CHRIS GARLOCK

MURDER TAKES A BREAK.

By Bill Crider.

Walker and Company.

184 pages. \$21.95.

LOVE LIES BLEEDING.

By Susan Wittig Albert.

Berkeley Publishing Group.

308 pages. \$21.95.

I got up on my feet and went over to the bowl in the corner and threw cold water on my face. After a while I felt a little better but very little. I needed a drink, I needed a lot of life insurance, I needed a vacation, I needed a home in the country. What I had

was a coat, a hat and a gun. I put them on and went out of the room."

That's Raymond Chandler in 1940, in *Farewell My Lovely*, as perfect a piece of writing as you're likely to find in any genre.

Writers like Chandler are why I love good mysteries. As Chandler himself wrote in "The Simple Art of Murder," the seminal essay on the subject, "The detective story, even in its most conventional form, is difficult to write well. Good specimens of the art are much rarer than good serious novels. Rather, second-rate items outlast most of the high-velocity fiction, and a great many that should never have been born simply refuse to die. They are as durable as the statues in public parks and just about as dull."

If the latest efforts by Bill Crider and

Susan Wittig Albert fall into this latter category — and they do — they have plenty of company. Yet even Truman Smith and China Bayles (Crider's and Albert's amateur detectives) could probably figure out why a society that permits, and encourages, tremendous gaps between the rich and the poor has developed such an insatiable appetite for murder mysteries.

Crider's latest — fourth in the series — has Truman Smith inveigled into tracking down a college student who's vanished while on spring break in Galveston. Along the way he mixes it up with the usual assortment of lead-footed cops, colorful bad guys, and a dollop of up-to-the-minute social relevance. You've seen it all before and the only potentially interesting angle

— the use of date rape drugs — is accorded barely a nod as a plot device, instead of affording Crider an opportunity to provide some substance to his story.

To say that the new China Bayles — there are now six — revolves around drug smuggling and corruption in the Texas Rangers would be grossly to overstate the case. Susan Wittig Albert is much more interested in who China's boyfriend is sleeping with and what that means for their own relationship. That, and the herb-related quotes which head up each chapter.

Is it too much to ask that a mystery be, well, a mystery, instead of a local guidebook or herb handbook?

"Down these mean streets a man must go who is not himself mean, who is neither tarnished nor afraid," says Chandler. "The detective in this kind of story must be such a man. He is the hero, he is everything. He must be a complete man and a common man and yet an unusual man. He must be, to use a rather weathered phrase, a man of honor, by instinct, by inevitability, without thought of it, and certainly without saying it. He must be the best man in his world and a good enough man for any world ... he is a relatively poor man or he would not be a detective at all. He is a common man or he could not go among common people. He has a sense of character or he would not know his job.... The story is his adventure in search of a hidden truth, and it would be no adventure if it did not happen to a man fit for adventure.... If there were enough like him, I think the world would be a very safe place to live in, and yet not too dull to be worth living in."

It's not so much that Crider and Albert — and the dozens more who churn out second-rate mysteries year after year like the latest-model Detroit iron — are not in Chandler's league. It's that they're barely in the same game. As Chandler and all the great practitioners of the detective story understand, mysteries are not about the crime itself, but about the people and forces it sets in motion, and the society in which they must operate. We read mysteries for heroes and for justice, both of which are in painfully short supply these days. The distance between Chandler's vividly realized portrayals of the mean streets and the men (and women) who must walk them and the run-of-the-mill crime melodrama is generally a yawning chasm. Yet

judging by the groaning bookstore shelves of barely passable mysteries, the difference is indiscernible to many mystery readers.

Chandler noticed that blindness as well. "The strange thing is that this average, more than middling dull, pooped-out piece of utterly unreal and mechanical fiction is not terribly different from what are called the masterpieces of the art. It drags on a little more slowly, the dialogue is a little grayer, the cardboard out of which the characters are cut is a shade thinner, and the cheating is a little more obvious; but it is the same kind of book."

In general, I have nothing against series detectives, although inevitably, like serial killers, they tend to become repetitive, get sloppy, and need at the very least to be locked away from society for a period of time, if not outright put down. Even masters like Arthur Conan Doyle and Nicholas Freeling, who have dared attempt mercy killings of their poor worn-out detectives, have been forced to yield to hordes of furious readers who insisted on resurrection.

If you know who Truman Smith and China Bayles are, you're likely already a fan and thus anxious to follow the continuing adventures of these amateur sleuths. If not, the question is who are these people and why should you care about them? And there's the rub, because Truman and China are not the heroes we're looking for. Truman just wants to stay in his house, listen to CDs, surf the Internet, and feed his cat, "Nameless"; China wants to run her herb shop, add a quaint tea-room, and feed her cat, "Khat." But first, there are these pesky murders to solve.

Cardboard characters are starting to look positively robust, compared to these tracteries.

Perhaps it's unfair to compare a contemporary writer like, say, Bill Crider, to a past master like Chandler. But Chandler, like the rest of the pantheon of mystery greats, looms over anyone toiling in these vineyards and can't be avoided any more than the hot noonday sun.

Two character descriptions:

One was a tall thin sad-faced man with a stony chin and deep eyes and no color in his face but an unhealthy yellow. He was a good sixty, or rather a bad sixty. He wore a dark business suit, a red carnation, and looked subdued.

He had on a pair of faded Levi's, and a wrinkled white cotton shirt that he strained at the shoulders because he worked out all the time on exercise equipment he bought while watching infomercials. He was also wearing a pair of scuffed Bass Weejuns that he'd probably bought when he was in college.

Three guesses which is Chandler, and the first two don't count. Here's a hint: it's the one that doesn't sound like a product endorsement.

As both Crider and Albert are "Texas" authors inasmuch as their chosen locales are Galveston and the Hill Country, respectively, I wish I could say that at least they're worth reading for their strong sense of place, in the same way, say, that Chandler's stories are infused with southern California's blinding sun and foggy nights. But Crider's Galveston is culled from history books and Chamber of Commerce press releases, while Albert's Hill Country descriptions read like in-flight magazine bed-and-breakfast puff pieces. Where is the ceaseless maddening wind off the Gulf, laced with salt and sand fine as sifted flour? The lonely dark roads that wind through the Hill Country's quiet towns where anything can — and does — happen?

"The realist in murder writes of a world in which gangsters can rule nations and almost rule cities," writes Chandler. "It is not a very fragrant world, but it is a world you live in, and certain writers with tough minds and a cool spirit of detachment can make very interesting and even amusing patterns out of it. It is not funny that a man should be killed, but it is sometimes funny that he should be killed for so little, and that his death should be the coin of what we call civilization."

Thanks to the efforts of Truman Smith and China Bayles, Texas becomes the flip side of Chandler's mean-streeted world: a very safe place to live, and yet too dull to be worth the trouble. □

Chris Garlock is the producer of Hightower Radio, broadcast daily from Threadgill's World Headquarters in Austin. He admits to at least one mystery manuscript in his desk drawer.

The Odyssey of John Howard Griffin

Understanding the "Other" with the author of Black Like Me

BY BRYCE MILLIGAN

MAN IN THE MIRROR:
John Howard Griffin and the
Story of Black Like Me.

By Robert Bonazzi.

Orbis Books.

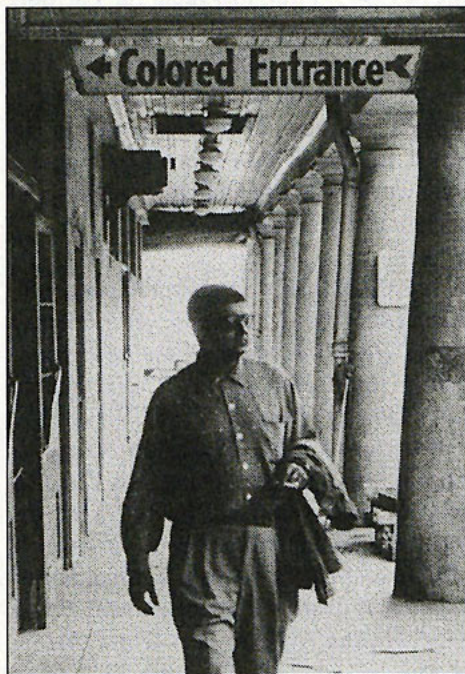
208 pages. \$14.00 (paper).

Thirty-six years after its first publication, John Howard Griffin's *Black Like Me* remains a staple of both high school and college courses in contemporary American literature. Ten million copies of the book have been published around the world; the number of term papers written about it must be staggering. When a second edition of *Black Like Me* finally appeared, in 1977 (with an updated afterword by Griffin), it was treated by reviewers around the world as a major publishing event.

These are unusual responses to a book initially intended for a small audience of sociologists. These are virtually unique responses to a book written by a Texan in Texas in the 1960s whose name was not Dobie. They are also, of course, testaments to the book's undeniable importance as an historical document. But what we tend to forget, and what has been far too rarely recognized at all, is that *Black Like Me* was a powerful literary work of a deeply spiritual nature.

Robert Bonazzi, a close friend of Griffin from 1966 until Griffin's death in 1980, has spent the last decade researching and writing what will be Griffin's "official biography." As a foretaste of that work, he has given us *Man in the Mirror*. Readers familiar with Griffin's work will find this an insightful and informative volume; teachers of American literature and history should positively rejoice. *Man in the Mirror* fills in so many gaps in the story, and provides such detailed biographical preambles and postscripts, that the book is surely destined to become the critical resource of choice.

The basic story is well known. In 1959, a



▲ John Howard Griffin exploring blackness in New Orleans Don Rutledge

novelist from Mansfield, Texas dyed his skin black and traveled through the Deep South for six weeks, recording the depravity of American racism. Bonazzi compares the text of the published *Black Like Me* with Griffin's extensive journals, revealing a remarkable subtext. Griffin's journey through the South was only the most visible portion of a life-long quest to understand the human spirit. Like some transplanted medieval scholar, Griffin sought nothing less than God himself in the human heart. Inevitably, he was drawn to what he could not understand — the darkest aspect of the soul, man's inhumanity to man.

Early in his life, Griffin sought understanding through the contemplation of the sublime, specifically medieval and classical ecclesiastical music. At the age of fifteen, he acquired a scholarship to attend the Lycée Descartes in Tours, France. Arriving with only a smattering of French, within three years the brilliant lad from Fort Worth was studying medicine at the University of

Poitiers. Soon he was experimenting with the therapeutic effects of Gregorian chant upon patients judged to be incurably insane. His first published work was a study of seventeenth- and eighteenth-century keyboard ornamentation, which at the age of nineteen he co-authored with French musicologist Father Pierre Froger. When Germany invaded, Griffin immediately joined the French resistance, and began helping Jewish refugees to flee occupied France.

After his identity was revealed, Griffin had to return to the U.S., where he promptly joined the military and was shipped to the Pacific theater. In 1943, Griffin was dropped on a remote island in the Solomons with orders to learn "everything possible about the indigenous culture." Once again, he found himself coping with culture shock, and learning to value an alien way of life. By the end of the war, Griffin learned that a bombing injury would shortly cost him his sight. He traveled to France, where he spent a year in retreat at the Abbey of St. Pierre of Solesmes, the mother house of Gregorian chant. When he finally returned to Fort Worth, he was totally blind — and once again a stranger in a strange land.

Ten years later, in 1957, Griffin had written two novels, married, and become a father, when his sight miraculously returned, suddenly and inexplicably.

He had experienced and fought against the ravages of Nazi racism, found himself a highly civilized man incapable of survival without the aid of totally "uncivilized" natives in the jungles of the Solomon Islands, and experienced the prejudice which limits the blind in a seeing world. There was perhaps no white man alive in 1959 who could better appreciate — philosophically, intellectually, and experientially — the objective realities of American racism. All that was left for him was the great experiment. As Cyril Connolly put it in *The Times of London*, "Some actions are so absolutely simple and right that they amount to genius. It was

an act of genius on the part of Mr. Griffin to decide to dye his skin and live as a Negro. Why did nobody think of it before?"

More to the point, how was it that a white Southerner, born into and surrounded by ingrained racial prejudice, become one of modern America's most outspoken advocates for racial equality?

Robert Bonazzi, himself a Texan, a poet, and an activist, gives us an answer to these questions by delving into the soul of John Howard Griffin as Griffin reveals it in his journals and in his voluminous correspondence with Catholic thinkers like Jacques Maritain and Thomas Merton. (In the 1970s, Griffin became Merton's official biographer.) Griffin's own explanation of racism eventually boiled down to an assessment of what he termed our "cultural unconscious," an ingrained set of attitudinal and behavioral norms which tend to define superior and inferior aspects of human activity. We can only escape this cultural isolationism by accepting as valid the norms of a contrasting culture — in other words, by walking a mile in another person's shoes, or in Griffin's case, in another man's skin.

The difficulty of that lesson came home to Griffin in the middle of his great experiment when, staring into a mirror, he realized that he had not recognized the man in the mirror as himself. Skin color alone, he discovered in shock, was sufficient to relegate the face staring back at him to the status of *Other*. From that point on, Griffin's quest was to find the divine within and to love his enemies without exception. As a nation, we are blessed to have had such a selfless interpreter of cultures born into our midst. Bonazzi's *Man in the Mirror* goes a long way towards helping us to understand such unlikely saintliness. □

Bryce Milligan is a San Antonio poet, novelist, editor, and the publisher of Wings Press. He is the editor of the newly published ¡Floriculto Sí! A Collection of Latina Poetry (Penguin, 1998).

Also available by John Howard Griffin is Encounters with the Other: A Personal Journey, a collection of essays, journals, interviews, and photographs, of and by Griffin, and edited by Robert Bonazzi. Encounters is available from Latitudes Press, 3354 Medina Avenue, Fort Worth 76133.

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Now Here's Bulworth, with the *Real* News

BY NORMAN SOLOMON

Warren Beatty's latest film, Bulworth, has caused quite a national stir. The plot features a successful politician who begins to speak with absolute candor — a notion so outlandish that it's apt to sound incredible. But the scenario would be even more far-fetched if the film's blunt protagonist were a TV news anchor instead of a U.S. senator. Imagine how astonished you'd be, if you turned on a television and found a newscast like this one:

"At the top of the news tonight — well, never mind. As usual, the script on my Tele-Prompter is a scam. It's written to make money, not sense.

"Tonight, I'm supposed to say more about sorrow in the wake of the latest school tragedy. Yes, the sorrow is genuine. But the chances of your kid getting hit by a bullet at school are very small. During an average month in this country, four children die after being shot at school — while about 400 kids are killed by gunshots away from school grounds. Overall, poverty is a big risk factor.

"Meanwhile, television offers little to young people other than mediocre programs and a lot of commercials. As for TV news coverage: if it bleeds, it leads. But if it challenges social inequities, it rarely gets air time. We'd much rather run more footage of yellow police tape, grieving relatives and moralizing politicians.

"From the somber tone of some news stories, you might think that our network is appalled by violence. Don't make me laugh. This network adores violence. We broadcast plenty of it — in prime time — with guns often presented as the way to solve problems. And the conglomerate behind this network also owns a movie studio that puts out a continual stream of films glorifying murder and mayhem.

"During the last few years, White House conferences and newsmagazine covers have hailed scientific discoveries about the importance of the first years of a child's life. *Duh*. What did we think — that we could keep kicking kids around from Year One and not have it affect them in crucial ways?



"While we've cheered the ascending stock market, children have seen us short-changing their futures. I've been around long enough to know that lip service is meaningless compared to how we use our money.

"In many public schools, the students get little or no counseling — because, officials say, there's no money to hire more counselors. As for higher education, the Justice Policy Institute points out that government decision-makers 'have been robbing our universities to pay for prisons we don't need.'

"Back in 1995 — while media outlets were busy distracting us with endless reports about O.J. Simpson — state governments made history by collectively spending more to build prisons than colleges. Prison construction went up by \$926 million, to \$2.6 billion, while university construction fell by

\$954 million, to \$2.5 billion. How's that for planning a future for our kids?

"The Census Bureau recently found that 11.3 million Americans under age nineteen had no health insurance (even though 92 percent of them had at least one working parent). Meanwhile, a study by the Center on Hunger, Poverty, and Nutrition Policy at Tufts University calculated that more than thirty million Americans are going hungry — an increase of 50 percent since 1985.

"Today, among all the industrialized countries, the United States has the largest gap between rich and poor. But we're not going to spend much time talking about such facts on our newscasts. Why should we?

"It's not rocket science: To watch out for my career, I've kept a lid on — playing it safe — going along to get along with people more powerful than me. After all, I don't really work

for journalists. I work for business executives. And the day I upset their apple cart is the day I'm looking at a pink slip with my name on it.

"Most of the news we put on television reminds me of the story about the emperor's new clothes — the royal guy parades around without a stitch on, but no one wants to take the risk of saying so out loud. Maybe you yell at your TV set. But believe me, the studio walls are just about soundproof. We can barely hear you. And we won't, unless you shout a whole lot louder." □

Norman Solomon is co-author of Wizards of Media Oz: Behind the Curtain of Mainstream News and author of The Trouble With Dilbert: How Corporate Culture Gets the Last Laugh.

GREAT MINDS OF THE LEGAL TRADITION

(John Jay, John Marshall, Oliver Wendell Holmes, Louis Brandeis, Felix Frankfurter, Learned Hand, Clarence Darrow, Earl Warren ... Clarence Thomas.)



Dan Morales
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Michael Tigar
Attorney



Lino Graglia
U.T. Law Professor

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In an unnoticed footnote to his sweeping interpretation of the *Hopwood* decision, Texas

Attorney General Dan Morales wrote that minority students routinely denied admission to U.T.'s School of Law could easily study the law in the privacy of their homes — if the law school would simply tape the lectures of its faculty, and make those tapes available to any student who can fill out a form and write a check.

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PART II: Criminals Great and Small

Michael Tigar, arguably the best criminal defense lawyer in the Republic, explains his theory of litigation, developed by defending such clients as concentration camp monster Ivan the Terrible, Oklahoma City bombing defendant Terry Nichols, and Texas Senator Kay Bailey Hutchison. Tigar will also discuss the legal profession's response to fundamental paradigm shifts, in particular how the defense bar is responding to Kenneth Starr's establishment of an inquisitorial system — out of one of the world's most established accusatorial systems of criminal law.

PART III: Lino, the Law, and the Rule of the Racial Majority

Constitutional Law Professor Lino Graglia's unique racial theories might have cost him a seat on the Fifth Circuit Court of Appeals, but the bench he occupies in Austin is protected by tenure. Here at U.T., where no Senate committee can censure him, Graglia's unabashed commentary has attracted national attention. Graglia did so much "thinking" for *Hopwood* counsel Stephen Wayne Smith, that shortly after Smith filed on behalf of anti-affirmative plaintiff Cheryl Hopwood, Federal Judge Sam Sparks complained that Smith was in over his head — and Sparks later reduced Smith's billings accordingly. Listen, rewind, and re-listen, as the avuncular legal scholar behind the man dismantling affirmative action explains why African-American and Mexican-American cultures are inferior — because they fail to teach "shame as a response to failure." Lawyer-anthropologist Graglia will also discuss why Sicilians are often backward (their culture "is more dysfunctional than black culture"), Jews are so smart ("they really hit the books"), and why the Bill of Rights should be subject to Initiative and Referendum.

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