Mauro on Mauro • Sidney Brammer on Texas Music

THE TEXAS Observer

A JOURNAL OF FREE VOICES

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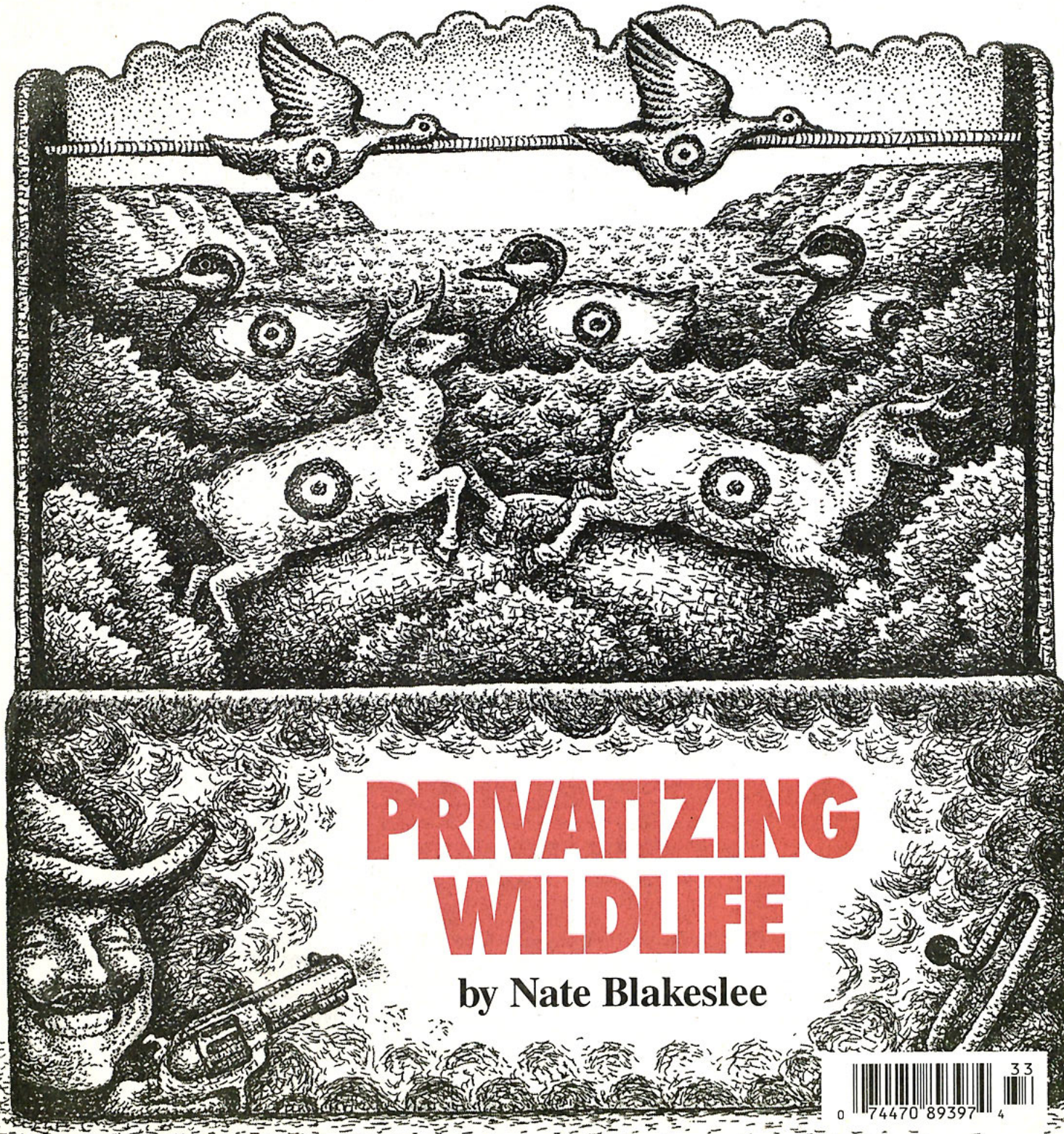

PRIVATIZING WILDLIFE

by Nate Blakeslee

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THE TEXAS Observer

VOLUME 90, NO. 15

A JOURNAL OF FREE VOICES

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

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

SINCE 1954

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THIS ISSUE

FEATURE

DEPARTMENTS

BOOKS AND THE CULTURE

DIALOGUE

A READER'S CONUNDRUM

Dear Ronnie Dugger,

You won't remember me, but you (and everyone else at the *Observer*) were very kind and helpful to me when I turned up in Austin during the missile crisis. I was then working for the *Economist*. Since then I have switched to academia, but I have been a faithful subscriber to the *Observer* for more than thirty years, and have greatly profited from reading it. I enclose a money order for one more year, and am glad to send it.

But I shall be retiring in the autumn, and this must be my last year as a subscriber: I am turning to quite different work and also taking a cut in pay, and above all I won't have time to read the *TO*. (I hope to induce my university library to subscribe instead.) So it must be a regretful goodbye. Also a protracted one — and I write this to you for that reason. Texas has changed so much in thirty-five years, but one thing remains constant — indeed, seems truer today than it was in 1962: the *Observer* writes as part of an embattled and perpetually defeated minority.

Why is this? Why, in spite of so much intelligence, good humour, good will and good writing, does power in Texas remain so firmly in the hands of the conservative business class? Is it likely to change over the next thirty years? I don't want the *Observer* to give up the fight, but I would like it at least to have a secure financial future; and still more I would like it to shape the state's future. Perhaps it has already done so, with its allies, in ways that aren't apparent from four thousand miles away. But if, during the next twelve months (while my subscription lasts) an article were to tackle this problem, I would feel that my cup was running over. And I have had that feeling many times in the decades of my readership.

Best wishes for the future.

Hugh Brogan
Department of History, University of Essex
Colchester, England

WAKE-UP CALL

I left my beloved home state thirty years ago to journey through the Sodoms of N.Y.C. and L.A., fetching up finally in Minneapolis. Today, I am back in Texas caring for an aged parent near Amarillo. A friend took pity on me and offered up several back issues of the *Observer* to relieve my misery.

I was stunned! Why is this state still mired in antediluvian public policy? Karen Olsson's May 22 exposé of IBP's "business practices" ("On the Line at IBP") should outrage any thinking person, management or labor, liberal or conservative. What kind of relentless ignorance and malfeasance allows Texas legislators to maintain a workers compensation system that so cynically — and stupidly — abandons workers to the depredations of greedy managers?

Texas "bidnessmen" take note: *every* worker in the state of Minnesota is covered by

mandatory workers comp. This radical socialist interference with the God-given right to increase net-before-tax (and not incidentally, management bonuses) hasn't prevented Minnesota businesses from enjoying perhaps the most robust regional economy in America, the lowest unemployment rate, the highest rate of high school graduation, and one of the lowest crime rates in the country. Wonder why there are so many Fortune 500 companies headquartered in a city of fewer than a half million people?

As the C.E.O. of a company that employs hundreds, it would never occur to me to do anything but promote the health and welfare of my principal asset (not cost): our workers. Wake up, Texas. You're shooting yourselves in the foot with your concealed weapon — the Texas Legislature.

Bravo *Observer*. Bravo Karen Olsson!

John A. Haynes
Minneapolis
formerly of Canyon, Texas

CALIFORNIA DREAMIN'

Re "Schmaltz Across Texas," by Don Graham (June 5).

Don Graham can relax. Those of us who love visiting Texas are not about to alter our views of the state on the basis of a trio of lousy movies. However, the professor, whose articles and reviews I enjoy reading, ought to examine his prejudices, even when reviewing movies. He appears to be offended by the notion of boys in the provinces (West Texas, in this case) dreaming of Los Angeles. He's under the impression that the "sheer vapidity" of L.A./Hollywood dreaming is in contrast with the days of old when boy dreamers would pine for Paris and New York, presumably for a literary experience.

Doesn't he know that quite a few boys from the hinterlands — from Will Rogers to Tennessee Williams, as well as Faulkner and Steinbeck — thought enough of L.A. to live there briefly? Even sturdy Irish stock like John Huston, who in his youth crossed the border into Mexico (as Graham apparently thinks boys ought to), developed a hankering for Hollywood, where he eventually directed a few memorable films including *The Treasure of the Sierra Madre* and *The African Queen*.

Let's not forget the original boy from the Texas provinces, Gene Autry. He moved to California, retained his rural coloring, became a popular Hollywood star, and then had the gall to build a museum for the culturally deprived L.A. masses (the Gene Autry Western Heritage Museum). Thankfully, this fine museum is only a short and pleasant horseback ride through the canyons near my home (no driving required). The museum's current exhibit is entitled "Culture y Cultura: How the U.S.-Mexican War Shaped the West." I invite Graham to check it out next time he visits our fair city.

Frank J. Garza
Los Angeles

BY THEIR WORKS...

I just finished reading Molly Ivins' article about you in her new book, *You Got to Dance With Them What Brung You*. So I had to see for myself. Our daughter and family live in Austin and I have a sister in Pasadena, although we live in Hawaii and I spend much time in Indonesia and China hoping to help good things to happen.

I read a few of the articles [on the Down Home Page: http//:texasobserver.org] and we are pleased that you, along with Molly and too few others, are serving to be the "leaven in the loaf" of Texas to make it better and protect it from all those "evil" doers. Religious faith should be judged by how you live your life in serving others, and not by things you say, trying to make God in your image.

Thank you and keep up the good work.

D. Richard and Diane M. Neill
Aiea, Hawaii

Write Dialogue
The Texas Observer
307 W. 7th St. Austin, TX 78701
editors@texasobserver.org

Messing with Texas

So now it's napalm.

If you're not yet convinced that enough's enough, just consider the following:

As this issue of the *Observer* goes to press, Congress is already well on its way to making Texas the discount nuclear dump for the nation (see "Texas Nuked," page 18). Two of the five national incinerators certified by the feds to "burn" (i.e., disperse into the air) hazardous waste are located in Texas. A Central Texas cement factory is nationally renowned for spewing dioxins from Dallas to the Great Lakes. Along the border, the land, air, and water have for years been considered the private, toxic dumping ground of major corporations on either side of the Rio Grande. Much of the Gulf remains a catchbasin for industrial waste. Across the state, dozens of "grandfathered" industries stoutly maintain their inalienable right to emit whatever poisons they like into the public airways, where the rest of us are free to breathe it or leave it. And while citizens fight the collective determination of the utilities, the feds, and the Governor to turn West Texas into a Heap o' Nukes, it's worth recalling that Amarillo is already home to tons of plutonium pits: perhaps the most dangerous military-industrial poison on the planet.

Does anybody see a pattern here?

Apparently the Navy did, when it decided that what San Diego couldn't stomach, and Illinois and Indiana wouldn't stand for, and a dozen other states wouldn't even consider — would be perfectly acceptable in east Harris County, Texas. That's how it happened that approximately 3.4 million gallons of napalm (currently contained in 35,000 surplus firebombs, some already leaking, at the Navy's Fallbrook Naval Weapons Station near San Diego) is being shipped cross-country by rail to Deer Park, where it will be "recycled" by a small disposal company called the GNI Group, Inc. The $2.5 million contract with GNI was already concluded and the re-packaged napalm en route before the Navy — clearly with no intention of rescinding the decision — called a public meeting to hear the concerns of GNI's neighbors. "They figure it's so nasty over there anyway, what's a little more going to do?" Deer Park resident Karla Land told the *Christian Science Monitor*. "But we're tired of being dumped on." It's a story the Houston Ship Channel communities, predominantly low-income and minority, know all too well. They suffer lung cancer and other pollution-related illnesses at rates far above the state and national average, but are dismissed as alarmists if they complain.

Public pressure in San Diego forced the removal of the napalm (Californian Republican Congressmen Randy Cunningham and Ron Packard reportedly held up the defense appropriations bill in order to force the Navy to begin shipments), and community outrage in the original destination — East Chicago, Indiana — forced the disposal contractor there to back out of the deal. Opponents in Illinois and Indiana communities were supported by their Congressional delegations. In shameful contrast, a spokesman for Democratic Congressman Ken Bentsen delivered this ringing defense of his Deer Park constituents: "I don't think any community likes the idea of having something like napalm coming to it, but this work needs to be done somewhere."

"I DON'T THINK ANY COMMUNITY LIKES THE IDEA OF HAVING SOMETHING LIKE NAPALM COMING TO IT, BUT THIS WORK NEEDS TO BE DONE SOMEWHERE."

– spokesman for Congressman Ken Bentsen

Precisely what sort of work is it? Defenders of the Navy's recycling plan argue that napalm is more stable and less explosive than gasoline, and that the objections are an irrelevant reaction to napalm's history as an anti-personnel weapon in the Vietnam War. But if napalm is so safe, why is California so desperate to get rid of it? More to the point, what the Navy and GNI call "recycling" is nothing of the kind. Dismissing safer methods as too expensive, they propose to liquefy the jellied fuel (composed of gasoline, polystyrene, and highly carcinogenic benzene) with *additional* toxic wastes, including industrial solvents, and then to ship it by pipeline to cement kilns across the country, where it will be used as "alternative fuel." It's a process certain to poison the air wherever it's used, says Neil Carman, Clean Air Director of Lone Star Chapter of the Sierra Club. "Chlorine in the industrial wastes and benzene in the napalm, when mixed together and incinerated," said Carman, "form a good recipe for cooking up the same dioxin as that found in Agent Orange." In other words, thirty years after its creation as a weapon of fiery terror for the Vietnamese, the napalm will slowly kill again, this time in the country of its origin. What goes around comes around.

Unless, of course, concerned Texans join with grassroots organizations from across the country to stop the Navy once again. Among the dozens of Texas groups (and more nationwide) organizing to stop the napalm are the following: Channelview Citizens Against Pollution, Grandparents of East Harris County, Sierra Club, Texans United, San Jacinto River Association, OCAW (Oil, Chemical and Atomic Workers Union), Peoples Action Coalition, American Lung Association, American Business Women, Catholic Daughters of the Americas, Galveston/Houston Association for Smog Prevention (GHASP), and STOP (Sick and Tired of Pollution). To get involved, or for more information, call the Sierra Club at (512) 477-1729. **—M.K.**

The Prosecutor's Double Standard

BY RICHARD FRICKER

Kenneth Starr is, if nothing else, resolute. The Church of Christ preacher's kid from San Antonio diligently slogs through the streets of the nation's capital, turning over rocks and digging through trash, while listening to and enlisting anyone willing to say, "Clinton did it."

But it's worth recalling that the Special Prosecutor wasn't so doggedly committed to truth, justice, or his responsibility as the government's lawyer five years ago, when he was hired by the Senate to review Bob Packwood's diaries. Senator Packwood, a Republican from Oregon, resigned from office after it became apparent that during his term of office he had regularly groped, pinched, or fondled almost any woman who ever came within arm's reach.

The evidence was so clear and convincing that Packwood had to admit his sins and apologize to his Senate colleagues. So there he was, indicted and convicted by his own words, while Senate Republicans grew more and more nervous at his refusal to resign. After all, how would it look to the Christian Coalition if the Republican Senate turned a blind eye to sexual groping outside the bonds of matrimony? Pragmatic Republicans were worried, too. In his diaries, Packwood had recorded everything: every contribution, every back-alley deal, every conversation with lobbyists, every meeting with his colleagues, and what he knew of their dealings with lobbyists and GOP money men.

Who were the Republicans going to call? Ken Starr had been chief counsel to Ronald Reagan's first Attorney General, William French-Smith (who had signed the agreement, with Reagan campaign manager and then-C.I.A. Director William Casey, that the C.I.A. would not report what it knew about drug-trafficking, particularly as it involved the Nicaraguan Contras). He had held a seat on the Washington, D.C. Court of Appeals, resigned to become solicitor general (to help George Bush clean up the Iran-Contra mess and to argue abortion cases), and was being groomed for a seat on the Supreme Court.

Starr was also a major player in the Federalist Society — clearly the place to be by the end of the Bush administration, when the Federalists openly bragged that their approval was required for every appointment to the federal judiciary. The young ideologues who founded the Federalists in 1988 had received much of their start-up funding from the Mellon-Scaife Foundation, run by Richard Mellon-Scaife, the right-wing multi-millionaire. Mellon-Scaife later tried to fund a position for Starr as dean of the Pepperdine Law School, sank millions into the liberal-bashing *American Spectator,* and put $1.5 million into his so-called "Arkansas Project": the freewheeling, freelance investigation that provided Starr with Clinton-hater David Hale, thus far his prime witness against the President.

Ben Sargent

Starr was eventually dropped from the Supreme Court short list, because as solicitor general he had been a bit too vigorous in his opposition to abortion (at one point Starr even refused to answer the questions of Justices who did not appear to support his position). As much as Bush wanted Starr on the Court, he didn't need Senate confirmation hearings focused on abortion — which, before an election, might split the social and economic conservatives who make up the Republican party. So Starr's judicial future was put on hold, and when Bush lost in 1992, the former Supreme Court clerk — ex-chief counsel to the attorney general, one of the youngest federal judges in the history of the republic, and solicitor general of the United States — was out of work. But the partners at the law firm of Kirkland & Ellis read that résumé and offered Starr $1-million-plus a year, anticipating the $390 an hour he now commands from the firm's corporate clients.

But when Bob Packwood unraveled, Starr was called back into public service. His charge was to review the Senator's diary to consider evidence of further wrongdoing, to determine if anything had been altered, and to vet any

confidential information not relevant to the Senate inquiry.

Incredibly, in some 10,000 pages of Bob Packwood's private musings, Starr found nothing worthy of the Senate's further attention. Among these neglected leads were Packwood's notes of a meeting with Texas colleague Phil Gramm, to determine how to launder $100,000 of lobbyists' money. (Of that meeting, Packwood had written, "What was said in that room would be enough to convict us all of something.") In Starr's considered legal judgment, that meeting was not worth investigating. Packwood also wrote that during Senate trade hearings he had asked questions that had been provided to him by Mitsubishi — the same corporation that, according to Packwood, had provided his ex-wife with a $7,500-a-year consulting contract, thereby reducing the Senator's alimony payments. Mitsubishi also promised that if the GOP gained control of the Senate, the company would increase the retainer provided to the former Mrs. Packwood. When the Republicans won, Mitsubishi, like Bob Packwood, delivered.

Packwood's diaries are littered with such entries, some of which he later attempted to alter, a practice that Starr either overlooked or chose not to mention. Behavior a bit strange for the dogged prosecutor who locked Susan McDougal in jail for two years for refusing to answer questions, argued that Vincent Foster's attorney-client privilege ended when he died, demanded the names of every reporter who discussed the Whitewater investigation with Clinton's top aides, and had Deputy Prosecutor Solomon Wisenberg put Sidney Blumenthal under oath to ask, "Does the President's religion include sexual intercourse?" □

Richard Fricker writes about legal affairs from Tulsa, Oklahoma.

Raising the Bar

BY JEFF MANDELL

Sofia Perches did not expect to be in a courtroom earlier than any of her classmates from the University of Texas School of Law, Class of 1998. Like most graduating students, Perches planned to take the state Bar Exam in July and — assuming all went well — to begin her career as a licensed lawyer this fall.

Unlike most of her classmates, however, Perches has a physical disability — juvenile rheumatoid arthritis. That disability, and its potential effects on her Bar exam, led Perches to court before she even got to take the test. She has now earned an additional distinction: in the shadow of a lawsuit, Perches convinced the State Bar that precedent doesn't answer every legal question.

Throughout her education — from elementary school to Southwestern University to the U.T. School of Law — for any test requiring written responses, Perches was allowed at least double the amount of time accorded to other students. She got extra time on the Law School Admissions Test, and the federal government gave her double time to complete the Foreign Service Examination. Perches requires double time as a result of her arthritis and five operations — including reconstruction of her left elbow (she is left-handed), and replacement of both her knees and one of her shoulders — she has endured to mitigate the pain of her arthritis. She writes slowly and requires time to stretch her muscles and joints; she uses special grips for her pens to relieve pressure on her joints; she has trouble with precise motor skills required for tasks like filling in bubbles on a multiple-choice test; and before long exams, she requires a cortisone shot to inhibit her pain. At Southwestern, professors granted Perches as much time as she needed to finish her exam essays. The U.T. School of Law, after consultation with the U.T. Office of Student Disabilities and Perches' doctors, granted Perches double time to finish all written exams, and created a special schedule so that her exams were at longer intervals, preventing her from having to spend consecutive long days in the same position, writing for hours.

Perches requested double time to take the Bar. The Texas Board of Legal Examiners (which administers the Bar exam) offered her different accommodations, which Perches considered inadequate.

And that is how Perches wound up in the courtroom of Judge David Phillips on July 20, less than one week before the scheduled administration of the exam. Perches had an appeal pending in the B.L.E.'s internal process, but an administrative error had led to her appeal being delayed until only two business days before the exam, leaving her almost no time to react if the appeal was denied. So Perches filed suit before her appeal could be heard, in order to give the judge time to make a decision prior to the exam. The defendants were the Texas Board of Legal Examiners and Rachel Martin, Executive Director of the Board; Perches asked the court to enjoin the Board from administering the test under the conditions it had offered.

The Bar is a three-day exam: the middle day is a three-hour multiple choice test; the first and third days are essay tests (three hours on the first day, and six hours on the third). Both parties had agreed on accommodations for the second day: Perches would receive four and one-half hours, and would only have to indicate

her answers in her test booklet, rather than fill in a computer-graded answer sheet.

Days one and three, however, remained under dispute. The Board had offered Perches what they termed "cumulative double time." Perches would be allotted time-and-a-half to write, and would also be allowed half of the original testing time in scheduled breaks. Added together, the breaks and the allotted writing time comprised twice the time other students have to complete the test.

Perches maintained, however, that such an offer was neither fair nor in keeping with the recommendations of her physicians. According to Perches, time-and-a-half for writing is insufficient to account for her snail-like pace; further, she contended she needs to be able to take her own breaks in response to pain, rather than at arbitrarily set times. Finally, she also requested two days to complete the final day of the exam; the scheduled exam is six hours plus a lunch break, which meant (as the B.L.E. would have it) that Perches would receive twelve hours (in "cumulative double time") plus a lunch break. Perches maintains that her arthritis prevents her from writing so long in one day.

On the witness stand, the position of the Board appeared to be founded less on the particulars of Perches' case than on the Board's sense of its own precedents. In his opening remarks, the Board's lawyer, Christopher Johnsen, declared precedent the chief factor — although Executive Director Martin later denied that in her testimony. Martin maintained that the letters submitted by Perches' doctors — an Austin rheumatologist, an El Paso orthopedic surgeon, and an occupational therapist from the Mayo Clinic — specified neither the length nor the scheduling of Perches' breaks. In explanation for the Board's decision not to grant Perches the accommodations she and her doctors requested, Martin cited her concerns over maintaining the "validity, reliability and fairness" of the Bar exam. Referring to psychometric research, Martin testified that "accommodations greater than time and a half skew validity" in that "scores can no longer be presumed to be accurate indicators that the examinee possesses all the knowledge and attributes being tested."

Perches' lawyer, Malcolm Greenstein, suggested that Martin and the Board did Perches a disservice by not investigating her case more specifically before offering limited accommodations. Greenstein introduced evidence that on an earlier standardized examination, for which Perches had double the two-hour time limit, she spent 216 minutes writing and 15 minutes resting. Greenstein maintained that such figures illustrate that Perches needs to take one- or two-minute breaks, and that devoting 25 percent of the testing time to scheduled long breaks, as proposed by the B.L.E., would not meet Perches' actual needs. Greenstein also questioned why the B.L.E. never forwarded Perches' file to a physician to get another opinion before making an offer of accommodation (a

THE POSITION OF THE BOARD APPEARED TO BE FOUNDED LESS ON THE PARTICULARS OF PERCHES' CASE THAN ON THE BOARD'S SENSE OF ITS OWN PRECEDENTS.

Board letter in response to Perches' initial application states that her request would be forwarded to a physician). According to Martin, however, review by a physician is only the Board's practice when it doubts the authenticity of an applicant's disability, and the Board's letter to Perches was not a promise of such a review.

After Perches' own testimony — which included her showing Judge Phillips her deformed bones and surgical scars, and a demonstration of her writing process — no one in the courtroom doubted Perches' disability. (The bailiff later approached Perches and commended her for giving the best testimony he had ever seen.) Phillips asked if a dictation process would solve the problem, but Greenstein argued that dictation is a skill which requires practice, and that Perches should not have to worry about an unfamiliar testing situation on top of trying to finish her preparations for the Bar.

At the close of testimony, the Judge directed the Board to respond to Perches' appeal before the court rendered its decision. Despite Martin's protestations on the witness stand that Perches' requests were unreasonable and unfeasible, the B.L.E. appeal decision granted Perches most of the accommodations she sought — among other concessions, Perches became the first examinee to be allowed to take the third part of the exam over a two-day period. In response to the Board's decision, Perches withdrew her lawsuit.

Would Perches have prevailed on appeal without taking the B.L.E. to court? No one knows. But during her testimony, Rachel Martin responded to Greenstein's query of whether the Board had ever made a mistake in deciding accommodations for disabled students by stating flatly, "Well, we've never been sued before." Her clear implication was that in the absence of a lawsuit, the Board was incapable of error. Martin's rigid hostility to any challenge of the process led Greenstein, following his withdrawal of the lawsuit, to make an unusual request of the Judge: "If the Court was one-half as outraged as I was [by the testimony given], I would ask the Court to make a statement on the record, so that perhaps the State Board of Legal Examiners will make some change in the process, and that another applicant will not be subject to the same treatment in the future." The B.L.E.'s counsel objected; the court declined to make such a statement. Sofia Perches had her first day in court — now she will sit for the Bar exam. □

MISADVENTURES WITH THE NEW TEXAS NATURALISTS

by
Nate Blakeslee

Almost four decades have passed since Roy Bedichek, the great Texas naturalist, was memorialized in these pages following his death in 1959. Bedichek's *Adventures with a Texas Naturalist,* published in 1947, was immediately celebrated as a classic in nature writing, in the tradition of Emerson and Thoreau. *Adventures* was also compared favorably to the work of Bedichek's contemporary, Aldo Leopold, perhaps the most famous naturalist of the twentieth century and the founder of modern wildlife management. Bedichek's bronze likeness, beside those of his lifelong friends J. Frank Dobie and Walter Prescott Webb, now guards the entrance to Barton Springs swimming pool in Austin. The triumvirate of Texas letters, bare-footed and bare-chested, are seated on a rough-hewn reproduction of Bedichek's Rock, the poolside limestone perch on which the three men spent so much of their adult lives, discussing philosophy, literature, and their next foray into the Texas wilderness. Though Dobie and Webb have cast longer shadows in Texas literature, the sculptor of this particular idyllic scene chose to focus on Bedichek, who preferred the outdoors as his classroom. Shaded by the ancient oaks, cottonwoods, and pecans he cherished in his writings, Bedichek is depicted holding forth with book in hand — perhaps an early draft of his own *Adventures* — as his colleagues listen intently.

At some point the modern stewards of wildlife in Texas, the officials of the Texas Parks and Wildlife Department, stopped listening to the wisdom of Roy Bedichek and Aldo Leopold. "There are people in my profession who worship Leopold — including myself," said T.P.W.D. executive director Andy Sansom, "but who have come to the realization that we could be entering the post-Leopold era." It was Leopold's classic *Game Management*, the bible of wildlife professionals, that first advocated centralizing and rationalizing wildlife conservation efforts, by establishing statewide commissions which would administer policy based on scientific management principles, rather than the provincial concerns that dominated scattered management efforts at that time. This aspect of Leopold's philosophy was slow to take root in Texas. Until the early 1980s, for example, bag limits for white-tailed deer were still set by individual counties, resulting in 254 different sets of game regulations in the state.

But what really distinguishes the work of Bedichek and Leopold (particularly in the latter's classic *Sand County Almanac*) is their willingness to take up Thoreau's inquiry into the relationship between people and nature. At the very heart of their concept of conservation is the idea that humankind lies not at the center of the natural world, but instead forms merely one part of a fabric of living things. The distinction is akin to the difference between a king, who controls all he surveys, and a steward, who cares for something he does not own. Stewardship is the bedrock of traditional wildlife management. But in present-day Texas, it appears that the property rights movement — the resurgent ideology of powerful Texas landowners — threatens to usurp the philosophy of Thoreau, Bedichek, and Leopold, once and for all.

But Thoreau didn't hunt, he didn't raise cattle, and he didn't hail from a state that was 97 percent privately owned. According to several current and former members of various agency departments, in recent years the T.P.W.D., under the leadership of Sansom, deputy executive director Bob Cook, and wildlife division director Gary Graham, has increasingly ignored, undermined, or silenced outright the voices of the agency's own staff biologists. Some state biologists, reluctant to join the "post-Leopold era," have discovered the hard way just how incompatible stewardship and property rights really are.

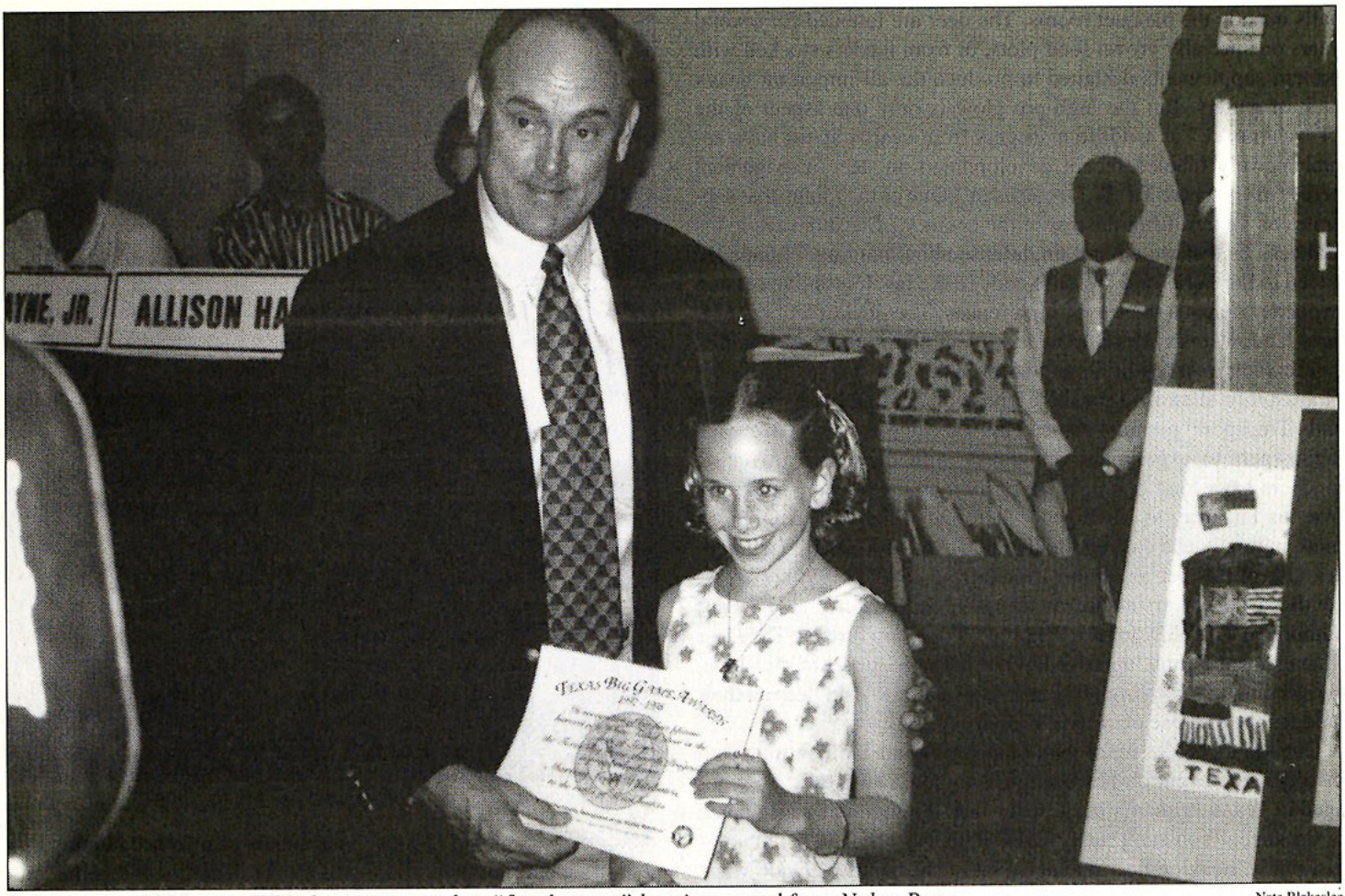
Some fifty years after the publication of Bedichek's *Adventures,* it is instructive to revisit a few of his still-timely observations, documenting by contrast the misadventures of Bob Cook, Gary Graham, Andy Sansom, and their underlings, as they mold and squeeze the square cornerstones of "conservation" and "management" into the tiny round holes of the property rights movement.

FENCES: FIELDS AND PASTURES

I have been looking over a two-hundred acre plot of fenced land and trying to compare the life it now supports with that which it had been supporting for thousands of years when the first white man occupied it a hundred years ago.... Natural life in North America has been more profoundly affected by fencing than by any other of man's devices, ancient or modern, for it is the fence which has enabled him to multiply at will those species which minister to his wants, while suppressing plants and animals which do not.... The fence has fenced off or fenced in certain natural life from one resource or another that it must have to survive, and has given priority to other forms favored by the fence maker.

— Adventures with a Texas Naturalist

The fencing of Texas was complete before Bedichek's death, but the recent proliferation of high game fences in Texas is changing our landscape once again. Designed principally to contain deer, the six- to eight-foot chain link fences are not new. But they have become so popular in recent years that Texas now has more high-fenced acreage than any other state, with estimates running as high as one million acres. High fences are the technological prerequisite for a growing cottage industry in Texas — expensive hunts on highly managed ranches where hunters are all but guaranteed a shot at a prize white-tail. Fees begin around $5,000, escalating according to the size of antler rack (i.e., six, eight, or ten points) the



▲ *Ten-year-old Marrisa Whitehouse accepts her "first harvest" hunting award from Nolan Ryan* Nate Blakeslee

"hunter" wants to shoot a deer out from under. One Texas hunting guru derisively called it "antler shopping." Even before the advent of managing deer for antler size, the ubiquitous use of elevated deer blinds and feeders put Texas hunting pretty far afield of Aldo Leopold's well-known injunction: "The recreational value of a head of game is inverse to the artificiality of its origin."

Nevertheless, Andy Sansom and his colleagues at T.P.W.D. have overseen this fetishization of trophy deer and pronounced it good. In late June, the antler shoppers convened, as they do every year, at the Hyatt Regency Hill Country Resort for the annual Big Game Awards, co-sponsored by Parks and Wildlife and the Texas Wildlife Association (T.W.A.), the state's largest pro-hunting group and one of the staunchest defenders of private property rights in Texas. Sansom, a lifetime member of T.W.A., presented the awards, along with T.P.W.D. commissioner Nolan Ryan (also a T.W.A. member), and T.W.A. executive vice-president David Langford. The lavishly appointed resort is itself a monument to the myth of an unspoiled central Texas landscape, carved out of prime deer habitat in the virgin hill country west of San Antonio. The rural Texas aristocracy travels by sports utility vehicle, preferably with tinted windows and dark exteriors polished to a blinding sheen. Oversized Suburbans clog the arteries of the resort's three huge parking lots, as valets maneuver around islands of freshly cut limestone and peninsulas of juniper trees stranded in the blistering asphalt. Inside, a tasteful distance from the well air-conditioned lobby, children flock around an unlikely hallway diorama depicting a giant stuffed buck set upon by three blood-crazed coyotes, one swept up by the deer's massive antlers. Together with the dozens of mounted deer heads brought in by various vendors, and the outlandish Big Game Award-winning trophies themselves, the interior of the resort resembles a natural history museum, for a land in which the only inhabitants are giant deer and hunters, and an occasional antelope for variety.

> ***To manage and conserve the natural and cultural resources of Texas for the use and enjoyment of present and future generations.***
>
> **— Mission statement, Texas Parks & Wildlife Department**

No organization has done more to popularize for-profit deer management than T.W.A., and few organizations have as much influence over Parks and Wildlife. In his keynote address to the group, Sansom jokes that he "might as well issue David Langford a staff pass, he's in our building so often." Everything you need to start up your own deer management program is on display in the

halls outside the banquet rooms. The deer are fattened for several years on specially grown food plots, or from feeders stocked with protein supplements designed to produce the all-important heavy rack of antlers. But the high-pro glow is only one aspect of the "Texas model," as wildlife managers from nearby states have apprehensively labeled recent developments in deer management here. This is where T.P.W.D. comes in. "One of the things that separates us Texans from the rest of the country," Sansom says in his address, "is that we are not on defense about hunting." Language added to the Parks and Wildlife code in the last legislative session explicitly defends the use of high fences. The department encourages landowners to develop management plans, under which they can set their own bag limits and allow hunters to "harvest" deer out of season on their land for the purpose of limiting herd size. Trap and Transport permits issued by the department encourage landowners to experiment genetically with their herd (as cattle ranchers have long done), bringing in massive bucks, sometimes from as far away as Michigan, where the white-tails grow enormous naturally and can reportedly fetch over $100,000 from breeders. Use of this permit almost tripled from 1993 to 1996. Most recently, a controversial bill in the 1997 Legislature, H.B. 3061, authorized T.P.W.D. to take the process one step further. The Deer Management Permit, approved by the commissioners in mid-June, allows ranchers with high fences to trap and pen wild deer on their land for the purpose of breeding them.

Outside of professional game managers and the hunting community, little attention has been paid to how white-tails are managed in Texas, primarily because the deer are so numerous in much of the state. "You can't really screw it up," as one T.P.W.D. biologist put it. Leaving deer management in the hands of landowners encourages them to pay attention to wildlife habitat on their own property, which according to Andy Sansom and Gary Graham, can only be a good thing for all species. But the growing practice of enclosing wild deer behind high fences and even breeding them like cattle raises philosophical questions about the nature of "wild" animals, as well as political questions about who "owns" wildlife. With the passage of H.B. 3061, even hunting groups began to protest that the department had gone too far in the direction of privatizing wildlife. "The Parks and Wildlife Code says wildlife in Texas will be managed as a public trust, belonging to everyone in Texas," says Alan Allen of Sportsmen Conservationists of Texas. That provision reflects hundreds of years of common law tradition in this country, and embodies one of the core tenets of traditional wildlife management.

Allen attended the final hearing on the Deer Management Permit in June, where public comments ran almost three to one against the permit. In the end, only three of the nine commissioners, Nolan Ryan, Dick Heath, and Ernest Angelo, even voted on the issue. Three commissioners abstained, and two were absent (the chairman, Lee Bass, votes only in case of a tie), so the permit was approved by a 3-0 vote. Commissioner Carol Dinkins said she felt the permit was a "step in the direction of deer not being wild," but she was careful to emphasize that the idea for the permit did not come from the department, but from the Legislature. Several opponents of the bill have speculated that it originated with Syd Terry, a powerful rancher in state representative Edmund Kuempel's rural

▲ *Representative Edmund Kuempel of Seguin*

southeast Texas district. Terry runs a high-game fence hunting operation near Columbus. Biologists in the department's game animals branch were reportedly mystified by the bill, but went along with the plan out of deference to Kuempel, who chairs the House Committee on State Recreational Resources, and the bill's sponsor Allen Hightower, also a member of the committee. Jerry Cooke, T.P.W.D.'s director of upland wildlife ecology, defended the program with a less than reassuring logic: "There's no possible negative impact here, because there won't be enough people participating to affect the deer population." The obvious question then became, why have the permit at all?

When the subject is deer hunting and the logic is circular, veterans of Texas politics know that Gib Lewis can't be too far removed from the conversation. The former House Speaker is now the lobbyist for T.W.A., which played a major role in getting H.B. 3061 passed, as Lewis explained to the group's executive committee at the San Antonio convention. Lewis also claimed victory on several other initiatives, including a crucial bill by Kuempel reaffirming a landowner's right to put up a high fence. Less well-known was Kuempel's original response to the high-fence controversy: a bill stating that wildlife belongs to whoever owns the land on which the animal is found. Sansom says the department opposed that position, and Kuempel was dissuaded, for the time being, from pursuing it further.

But as Commissioner Ernest Angelo observed at the height of the Deer Management Permit controversy, high fences have already accomplished de facto privatization in many areas of the state. Elsewhere, an effort to reaffirm public ownership of wildlife

has just been launched in Wyoming. Alabama and Louisiana, meanwhile, are struggling against the encroachment of the "Texas model," by legislating against game fences and importation of out-of-state bucks. Andy Sansom says his agency is resigned to the reality of high fences. "The first game fences went up over a generation ago, and nobody said anything," Sansom said. The director has made it clear that if anybody says anything now, it won't be someone from his agency.

Davis Mountains Holiday

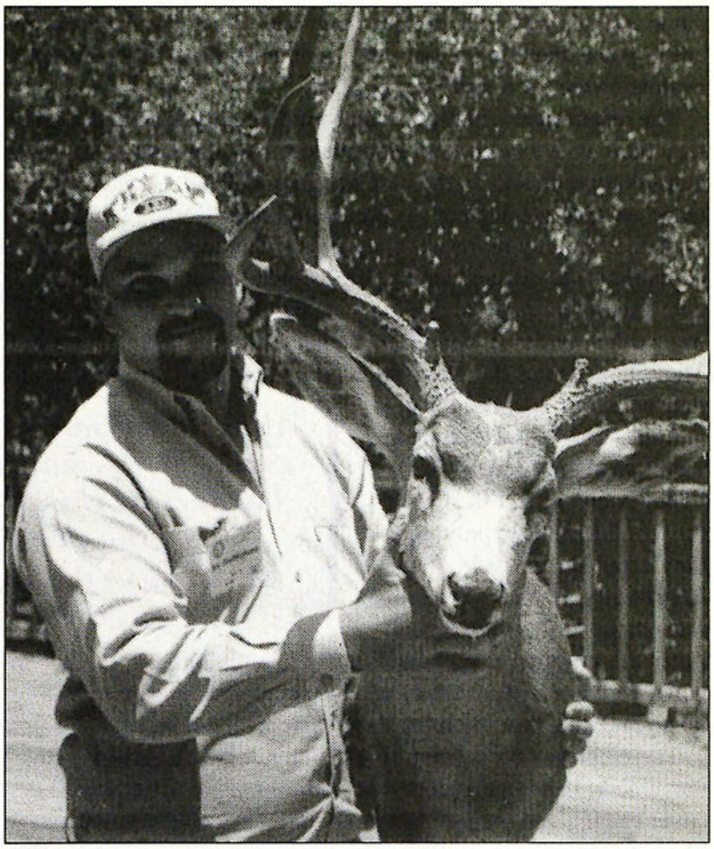
Toward the end of each August I have an attack of Davis Mountains Fever.... It is a long pilgrimage from any one of the more populous centers in Texas.... I prefer the road of the most violent contrasts: the Bankhead highway, U.S. No. 80 to Pecos, thence south to Balmorhea and on up Limpia Canyon into the mountains.... The climax of my bird-watching on this trip occurred in the lowlands at a ground tank near the Ft. Davis-Marfa road where a fork leads off into Valentine.... Here I saw for the first time the famous phainopepla....

— Adventures with a Texas Naturalist

Just north of Fort Davis and adjacent to Fort Davis State Park, Limpia Creek is one of the few remaining intact riparian forest areas in Texas. For decades, birdwatchers have made the long pilgrimage to this remote area to view rare birds, including Common Black Hawks, endangered Southwestern Willow Flycatchers, and Elf Owls, which depend on the forests of large cottonwoods, sycamores, willow, and mesquite that line the riverbed. The portion of creekside habitat owned by a rancher named Mac Sproul has long been known for the nesting black hawks it supports every summer. In June, acting under a "landowner incentive plan" approved by West Texas T.P.W.D. biologist Bonnie McKinney, Sproul bulldozed a section of creekbed directly beneath a pair of nesting black hawks, sparking a controversy within the department and calling into question the department's increasing reliance on landowner incentives for habitat management.

Ostensibly designed for "habitat restoration of a riparian corridor," the plan received little or no peer review from other T.P.W.D. staff. According to one biologist in the endangered resources branch, the head raptor specialist at the department had not even heard of the plan. Neither had two other T.P.W.D. biologists in the region. Rather than wait until winter when the nests were empty, McKinney, knowing that the hawks were nesting, authorized Sproul to move forward. Though it is still unclear whether the extent and nature of the work done in the creek was appropriate — in part because T.P.W.D. has refused to turn over the details of the plan — it seems clear that the timing of the project never would have been approved with proper peer review. The Texas branch of Public Employees for Environmental Responsibility has filed a criminal complaint with federal prosecutors over the Limpia Creek incident, alleging willful violations of the Clean Water Act, the Endangered Species Act, and the Migratory Bird Treaty. The complaint specifically names as defendants Gary Graham, at that time still director of the Endangered Resources Program, and Kirby Brown, Director of the Private Lands Enhancement and Public Hunting Program.

Sproul received a grant under the Landowner Incentive Program, which was developed by Gary Graham during his tenure at



▲ *Brett Stephenson and trophy mule deer* Nate Blakeslee

endangered resources. The program offers grants of up to $10,000 for landowners willing to make department-approved improvements to certain types of species habitat on their land. The plans have been criticized for their secrecy and their questionable use of federal endangered species funds. Graham created the program from a pot of federal money formerly used by staff biologists for endangered species research. Like the deer management plans, the L.I.P. represents the essence of Andy Sansom's vision for the future of wildlife management in Texas: to convince private landowners, who control such a large portion of Texas lands, that habitat management is in their own economic best interest. "We're reaching the end of oil and gas; no one can make payments on a ranch with cattle," Sansom says. "So wildlife has become the most attractive option."

The Limpia Creek incident does not augur well for the future of conservation in the post-Leopold era. In the last several years the department has gone to great lengths to jump-start the bird-watching industry in Texas. Sproul was supposed to be improving his property to attract just this type of eco-tourism. He planned to build a roadside blind for viewing the hawks with part of the incentive plan funds.

Sproul and agency representatives insist that their work was in the best interests of the hawks and birders alike. But some in endangered resources have questioned how long the agency can continue throwing $10,000 checks at people to get them to perform minimal habitat management. As one biologist put it, "There's only so many bird-watching bed and breakfasts one region can support." And how will incentives convince a landowner to manage for non-

game animals with little or no recreational value? For the plans that are in place, there is no long-term monitoring and little attempt at evaluating the success of the program.

The department's insistence on confidentiality in virtually all interactions with landowners also undermines the new direction in conservation efforts. In the case of Limpia Creek, Graham's insistence on absolute secrecy — predicated on a 1995 law sponsored by Travis County representative (now a candidate for Agriculture Commissioner) Susan Combs — precluded even his department's own experts from reviewing the plan, much less any attempt at giving public notice of what Sproul planned to do in the creek bed. Though he denies that the plan itself caused any harm to wildlife, Sansom conceded that the department may have been too secretive about Limpia Creek. "They were so protective of the confidentiality provision, they erred on the side of the landowners, which I can't fault them for," said Sansom. After the criminal complaint was filed, a biologist in the endangered resources department said, a director delivered a stack of landowner incentive plans to be reviewed.

> *All wild animals, fur-bearing animals, wild birds, and wild fowl inside the borders of this state are the property of the people of this state.*
>
> — Chapter 1, Subchapter B, Sec.1.011 of the Parks and Wildlife Code.

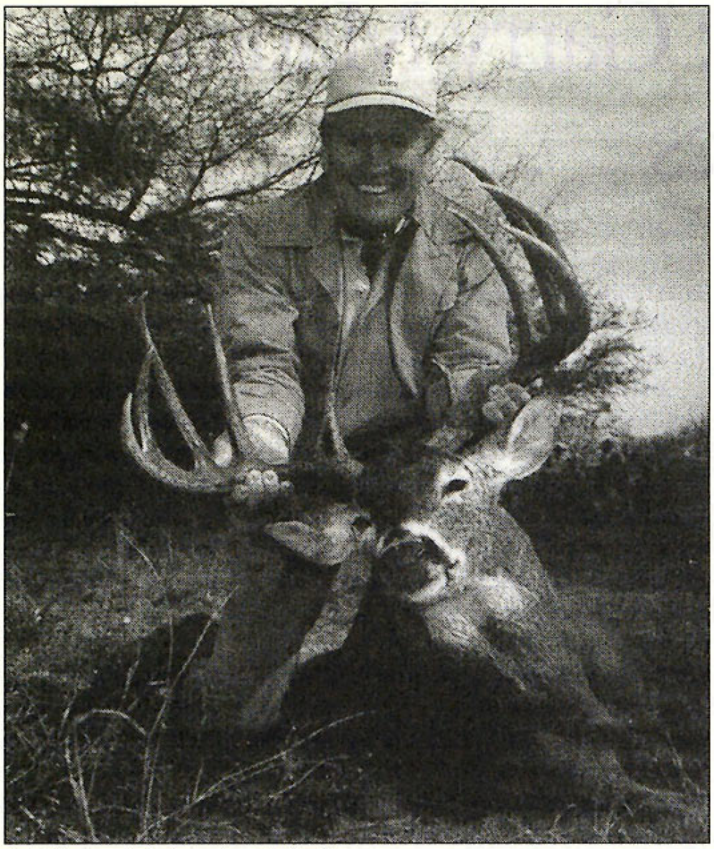
The emphasis on secrecy is in deference to the property rights movement. Landowners fear that state or federal officials will discover endangered species habitat on their land, and few understand that better than Graham. Before his recent promotion to head of the wildlife division, Graham presided over a tumultuous period at endangered resources, during which several of the department's top scientists (including P.E.E.R.'s Dean Keddy-Hector) left the agency, citing political pressures that prevented them from doing their jobs. Among other things, Graham has been accused of intimidating biologists or misrepresenting data to discourage listings of the Jollyville Plateau Salamander, the Arkansas River Shiner, and the jaguar. During the 1995 session, Graham was married to an aide to Combs, herself a sweetheart of the property rights movement. Combs is a member of the powerful Trans-Texas Heritage Association (formerly the Trans-Pecos Heritage Association), a property rights group that has donated large amounts of money to Parks and Wildlife over the years. Her 1995 landowner confidentiality bill required T.P.W.D. to obtain explicit written permission from landowners to collect information about endangered species on private land. The bill also made it more difficult to share that data with other agencies, including the federal government. The Combs bill was instrumental in persuading Sansom and Graham to dismantle the Texas Natural Heritage Program, the only centralized effort in Texas to catalogue species habitat, and a primary target of property rights groups like T.W.A. and the Farm Bureau.

Despite repeated demonstrations of fealty to private property interests (Kirby Brown has said he would rather go to jail than reveal information about a landowner's species habitat), many ranchers remain unconvinced of the department's trustworthiness. The fate of the Central Texas Rare Species Conservation Plan illustrates the depth of landowners' mistrust of any type of government intrusion on private property. The plan was an ambitious attempt to implement a relatively new concept in endangered species habitat management, commonly known as a "safe harbor" agreement. Cooked up by Interior Secretary Bruce Babbitt, the plan entices landowners to participate voluntarily in habitat improvement by guaranteeing that they will face no added legal liability under the Endangered Species Act — for an incredibly generous ninety-nine years — regardless of future developments on their land. It was this type of non-binding cooperative agreement that Babbitt used to forestall the developer-opposed listing of the Barton Springs Salamander for several months. In the case of the C.T.R.S.C.P., things broke down when the involved landowners learned that T.P.W.D. was in possession of highly detailed satellite imagery of Golden-cheeked Warbler habitat in the area. The department has had the information since 1995, but has been stonewalling The Nature Conservancy and the U.S. Fish and Wildlife Service, who provided most of the money for the project and understandably were anxious to review the results. Unwilling to put property-owners in jeopardy by revealing — to the federal government and others — the extent to which warbler habitat had already been documented, T.P.W.D. backed out of the project amid rising suspicion from the Farm Bureau and other property rights groups.

Nest Hunger

Under provisions of the Range Improvement Program, the Federal Government has been paying landowners so much per acre for clearing off cedar (Juniperus mexicana) from their farms and ranches on the Edwards Plateau. In ten years or so extensive tracts have been denuded under the stimulus of the government's subsidy.... It has often been pointed out that bird life hovers about the edges of a forested area and grows thinner as one penetrates the forest itself.... There is in this section one highly specialized species to which these remarks do not apply, the golden-cheeked warbler, whose breeding range is already restricted to a few counties lying east central in the Plateau, from Bexar County north to Bosque, and west — rarely — to Tom Green. So dependent has the golden-cheeked become upon cedar that it is difficult to see how he will do without it. — Adventures with a Texas Naturalist

Much of Parks and Wildlife's research is devoted to demonstrating the compatibility of management for cattle and deer with management for endangered species. "What's good for white-tailed deer is good for wildlife in Texas," is a quote frequently attributed to Kirby Brown. While this panacea holds true for some species, T.P.W.D. has had to stretch the boundaries of science to reach other conclusions, like the compatibility of cattle and songbirds, for example. One of the laboratories for this peculiar brand of research is the Kerr Wildlife Management Area in Kerr County, a "demonstration ranch" where cattle graze and deer are managed for public hunting. The ranch also happens to be Golden-cheeked Warbler habitat. Warblers rely on large expanses of unfragmented cedar forest for habitat. When Parks and Wildlife bought the land in 1950, about 4,000 out of 6,493 acres was mature cedar. By 1985, over 80 percent of this habitat had been destroyed by government



▲ *Gib Lewis (above) and Buck*

sponsored clearing and wildfires, reducing the carrying capacity of the ranch from about 800 adult warblers down to about forty, according to Dean Keddy-Hector, who studied warblers on the Kerr W.M.A. while still at Parks and Wildlife.

"The prescription is that everyone should manage for game animals," says Keddy-Hector, "but that may not be the best thing for all species." The trouble is, game biologists aren't interested in looking for the answers to those questions. For example, what effect do high fences have on the habitat of other non-game animals? What about the benefits of open-range for deer, such as populating new areas and spreading genetic diversity? "Selective management for one species deviates from a very fundamental concept in wildlife management, which is that you need species diversity for a healthy ecosystem," Keddy-Hector says.

Controlled burns, cedar clearing, and the carving of *senderos*, or wildlife paths — measures taken to improve deer management and cattle grazing capacity — do have a beneficial effect for some songbirds, such as the endangered Black-Capped Vireo, which thrives in the brush and shrubs that follow deforestation. But these incidental improvements caused by traditional cattle management come at a price. Cowbirds must be trapped to prevent songbird nest predation. Cattle trample nests, increase erosion, and degrade water quality. Keddy-Hector wonders how much more valuable the research on endangered songbirds at the Kerr W.M.A. would be, if Parks and Wildlife biologists were not "blindly obligated to support cattle grazing, juniper [cedar] control, cool season burning, wildlife food plots, [and] senderos." Parks and Wildlife recently sent out a press release trumpeting the recovery of warblers at Kerr W.M.A. No mention was made of how the population reached such critical numbers in the first place.

"Of course we assume cattle," Andy Sansom says. "Are we going to tell that rancher that he has to remove his livelihood from his land?" Although the influence of powerful interests like the cattle ranchers is important, the focus of research at Parks and Wildlife is in large part structurally determined. Paying customers — mostly hunting and fishing license holders — earn the lion's share of attention. Cattle ranchers and oil and gas interests contribute to another source of departmental research money, the Parks and Wildlife Foundation of Texas, where most of the funds are spent on game-related research. A federal audit of T.P.W.D. spending of federal funds has raised questions about the expenditure of endangered species funds on cattle and game management research, which only fuels the department's drive to demonstrate the beneficial effects of game-management on endangered species at places like Kerr.

The first person called up to shake hands with Nolan Ryan at the Big Game Awards was ten-year-old Marrisa Whitehouse, to accept an award for shooting her first doe. It was difficult to imagine this blonde-headed fifth grader, still small for her age, handling a hunting rifle, much less gutting and cleaning a deer. But nothing better encapsulates the hopes and fears of the landowners in the Texas Wildlife Association. They have distilled all of their understanding of the land and its wonders into the single sacred activity of hunting. If the next generation loses interest in hunting — as trends in the purchase of new licenses suggest — landowners fear that their connection to the land will be lost. The most-repeated word at the convention was "heritage," a treasure which must be preserved against the intrusion of state regulation, the Endangered Species Act, anti-hunting groups, and nosy reporters.

Somewhere along the line, "our heritage" became equated with "our wildlife." "The fact is, what we've got are habitat enclaves which are totally controlled by the people who own them," Andy Sansom said, "and that's not something you or I are going to change." But Sansom's solution — persuading landowners to appreciate the economic value of wilderness in lieu of regulation — may well give away too much. Economic incentives are not a new concept in management; Leopold considers a soil erosion incentive plan among Wisconsin farmers in *Sand County Almanac*. Ultimately, farmers could not be persuaded to take the long view, choosing to implement only those methods that offered short term financial benefits. Leopold argued that viewing conservation solely in economic terms is fundamentally flawed. What is needed, he said, is an extension of ethics to incorporate the treatment of land. An ethic involves not just privileges but also obligations; it is fundamentally a *limitation* on freedom. A true conservation ethic challenges the absolutist interpretation of private property rights. Hence its fate in Texas, where now even the wildest animals are expected to respect property boundary lines, because, as Andy Sansom says, "Private property is private property." □

Austin writer Nate Blakeslee has published articles in the Observer, The Nation, *and elsewhere on environmental issues.*

Pulling no Punches: Garry Mauro on Policy and Politics

PHOTOS BY JANA BIRCHUM

Politicians establish the metaphors they hope will help carry them into office. A few of these metaphors — Jim Hightower's white cowboy hat, Senator Patty Murray's white tennis shoes, Victor Morales' white pickup truck — may even have some practical function. Democratic gubernatorial candidate Garry Mauro's blue and white boxing gloves, while recalling the inspirational underdog theme of the Rocky *films, may seem about as useful as the green rubber pickles once distributed by former Austin Congressman Jake Pickle. But the gloves are steadily becoming the right metaphor for a campaign — and a candidate — more and more pugilistic as the long hot summer moves toward November.*

As he began a late July interview with Observer *editors in his Austin campaign office, Mauro made certain the gloves were directly in the viewfinder of Jana Birchum's 35 mm camera, and for the next hour, he punched away at several targets:George Bush ("It's easy to be for George Bush, until people hear his positions on the issues"; the current Texas Natural Resources Commissioners ("I won't have to ask for their resignations"), Lieutenant Governor Bob Bullock ("He's dead. He's gone. He's nobody. He's a* lobbyist"*), John Sharp ("He needs to join the Democratic Party"), and the pollsters and consultants who've already decided the election.*

The following is an edited transcript of our conversation.

— L.D./M.K.

Mauro began with the media:

You guys in the press haven't gotten the flavor of why I think this election is so important, and why I decided to run against Bush. I believe this election is a historic opportunity to re-prioritize what we do in Texas in government. Because of this economy, we've got enough money. If we won't let the special interests and the Bushites maintain the status quo, we've finally got enough money to really make Texas a special place to live.

I start out spending money building classrooms. I've got a finance program to build $2 billion in new classrooms. We give teachers a $5,000 pay raise, to bring them up to the national average. That only costs a billion dollars a year. We can fund it. I talk about giving a $5,000 signing bonus to students who will go get teaching certificates and sign a contract to teach three years. We've got a terrible teaching shortage to deal with. I used to talk about Hope Scholarships — you know, if you graduate and get a B- average, you get tuition and fees paid. I still talk about it, but it's not as much fun anymore since [Republican Senator Bill] Ratliff's come out for it.

On environmental issues, you've addressed the amount of pollution created by "grandfathered" industrial facilities — industrial polluters that operate with very limited restrictions because they were established prior to the enactment of the Clean Air Act in 1971. I will end grandfathered exemptions by 2001.

Seventy percent of the population in this state lives in a neighborhood where on so many days a year it's not safe to breathe the air. We're lucky here in Austin — it's only eight days a year. In Houston it's forty-six days a year. Bush's voluntary program allows the grandfathered facilities to continue, because it's not a voluntary program to volunteer to abide by the law. It's a voluntary program "to do better." For doing better — if you've broken the law, we'll give you amnesty.

How would a governor go after these large industrial polluters, like Texas Utilities and the oil and gas companies along the Gulf, when they're so powerful and so entrenched in state politics, particularly at the Legislature?

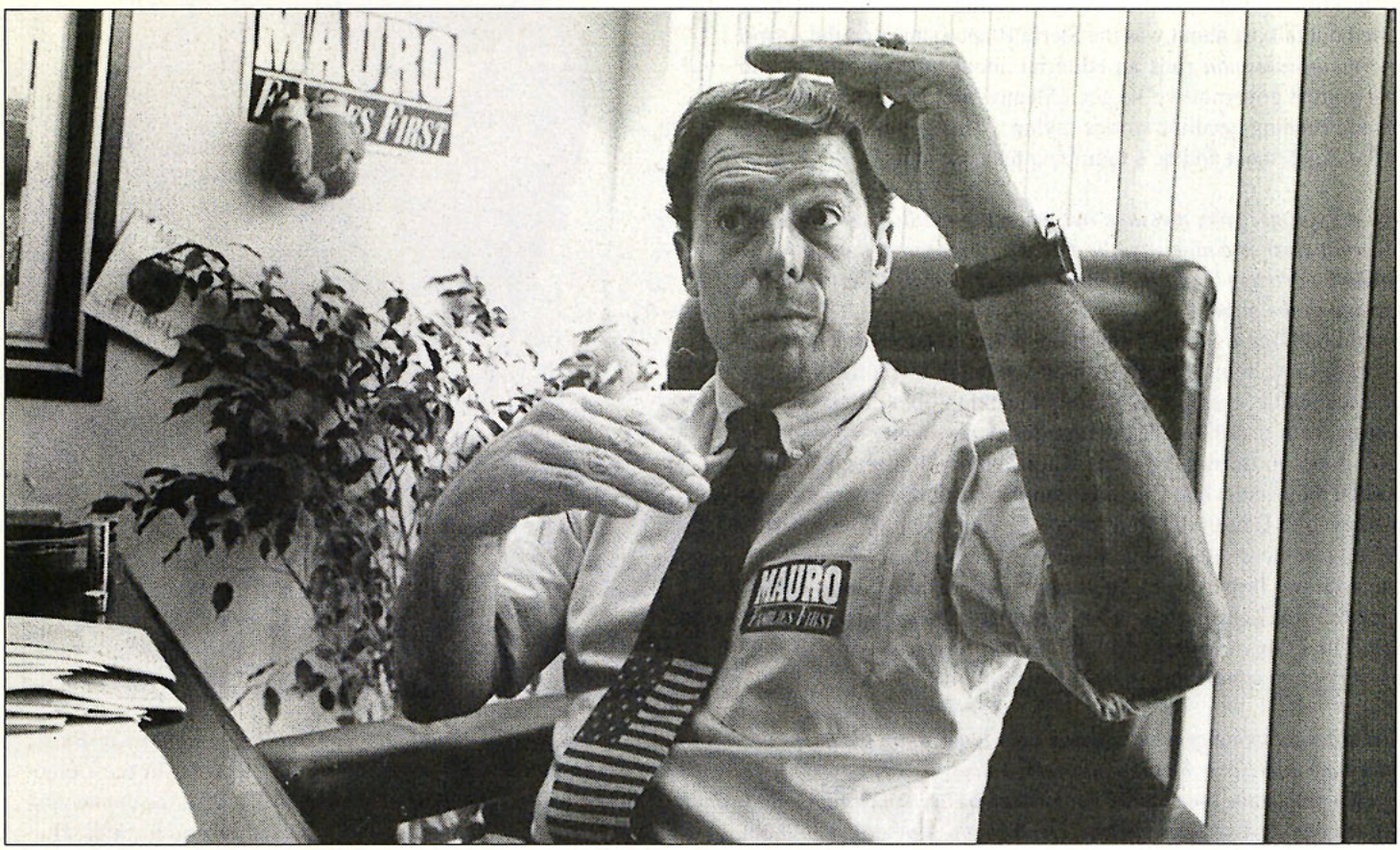
They're not [powerful] for me. I'll go after them real easy. Running against George Bush has set me free. I don't have to compromise. Do you really think the state Legislature can stand up and say, "I want every Texan who buys a car to spend $500 on a catalytic converter, but I'm not going to make Shell Oil spend $500 to clean up a grandfathered plant"?

This is a basic justice issue. Half the pollution in this state comes from cars, trucks, and vans. And half comes from industrial polluters. Half the industrial pollution comes from grandfathered plants. Either the other half of the industrial polluters are going to have to spend a whole heck of a lot more money for us to have clean air — or we're going to have to take care of the grandfathers....

Can the state be made to act before the federal government finally steps in?

The federal government is not going to step in, except where it already has as much as it can, in places like Houston. Federal law sets up different levels of "non-attainment." "Non-attainment" is a nice way of saying that there are so many days a year when it's not safe to breathe the air. I hate it. It is a bureaucratic word that hides the fact that we are harming our children and our old people and everybody's lungs in our urban areas. What the Clean Air Act does is give states a menu, and allows states to pick from the menu to come up with a plan to clean up the air.

Under Ann Richards, we had a model that would have given us clean air. It's been thrown out. We're the only state in the union where air in our cities is continuing to get dirtier. In the other states, air in the cities is getting better, because they've done what the law requires. They've put together a plan, run it through a computer, put together an implementing plan, and their air is getting better. Our air is getting worse — because we don't have a plan.



Our TNRCC said, until October, they were not going to come up with a statewide implementation plan for clean air because [the Clean Air Act] wasn't based on "good science." That is thirty-year-old political posturing. The fact is, George Bush's father signed the Clean Air Act.

You've declared your opposition to the proposed low-level nuclear waste dump planned for Sierra Blanca. What do you expect Bush to do now in regards to the Sierra Blanca plan, since the TNRCC administrative law judges have ruled against the proposed site? That decision must be approved or rejected by the three commissioners Bush appointed to the TNRCC.

I'll bet he won't have them vote before the election. I think he'll try to stall. And people of good conscience have to force them to vote before the election.

You don't really think that when the Congress of the United States called down here [concerning the waste Compact under consideration in Congress], Bush told them, "We're going to kill that plan." After the administrative law judges came out with that ruling, if they called down here and had somebody tell them that it's probably dead, the Compact wouldn't have passed. It passed in conference committee, and that's hard work. I hope Clinton vetoes it. The Compact is going to be messy and cause problems for all the players.

In the past you've supported the Andrews County site as an alternative to Sierra Blanca. Is that still your position?

I've already said that if the plan is right, and the geology is right, and the public supports it, then I could support it. I've been to Andrews twice and I can't find anybody to oppose it. And I think the geology is okay.

[Asked if the Compact law — which as now under consideration in Congress, would allow an unlimited number of states to dispose of radioactive waste in Texas — would also be valid if the TNRCC failed to approve the Sierra Blanca site, Mauro said it is his understanding that the Compact applies to Sierra Blanca only. But when an aide said the Compact is not site-specific, Mauro said he will have to reconsider his position on an Andrews County nuclear waste site.]

That to me is a problem. I think you understand what I'm saying. I have not taken that position [opposing the Andrews County nuclear dump] yet. But if that's correct, it's a problem and I'll have to give it serious consideration.

I personally believe that Governor Bush's intention is to site the dump at Sierra Blanca. That's outrageous. The judges said the geology is wrong, which I've been saying for a long time. And they said there was environmental racism, which I've been saying for a long time. (That shocked me — I never thought I'd hear the TNRCC use that term.) The only thing they didn't say, is that it is in violation of the La Paz Agreement. I will get you a copy of the La Paz Agreement and underline the part that says we specifically agree not to place hazardous waste sites within fifty kilometers of the border.

I am so mad about how you all [the media] covered Bush's trip to Mexico. If you can read Spanish, every newspaper in Mexico

ran headlines about how at every meeting Bush had, all they started out talking about was the Sierra Blanca site. And the *Austin American-Statesman* runs an editorial about tuberculosis — and what a great governor we've got. [Meanwhile] Mexico's newspapers are running headline stories saying, "This guy is breaking the La Paz Agreement and he's thumbing his nose at us."

How do you get your message out when the public perceives that Governor Bush is a nice guy, the son of a former president, and the economy is strong? And how much money does it take to get the message to the public?

I would be lying to you if I said I am going to have fifteen to sixteen to seventeen million. But I'll have enough to get the message out. Meanwhile, I've got volunteers knocking on a million doors, meeting with a million Texas families. I personally knocked on 2,100 doors in thirty-four cities. I think the volunteers will hit a hundred thousand while I'm in Houston. And the press coverage is unbelievable. I'm on the front page of every small-town newspaper, not just the weeklies. The Beaumont paper had me on the front page with my Jasper walk. The Lufkin paper had me on the front page with my Lufkin walk. The Tyler paper had me on the front page. The Longview paper had me on the front page. We are getting very good coverage.

When does that kind of campaigning begin to change the dynamics of the race and close the big gap in the polls?

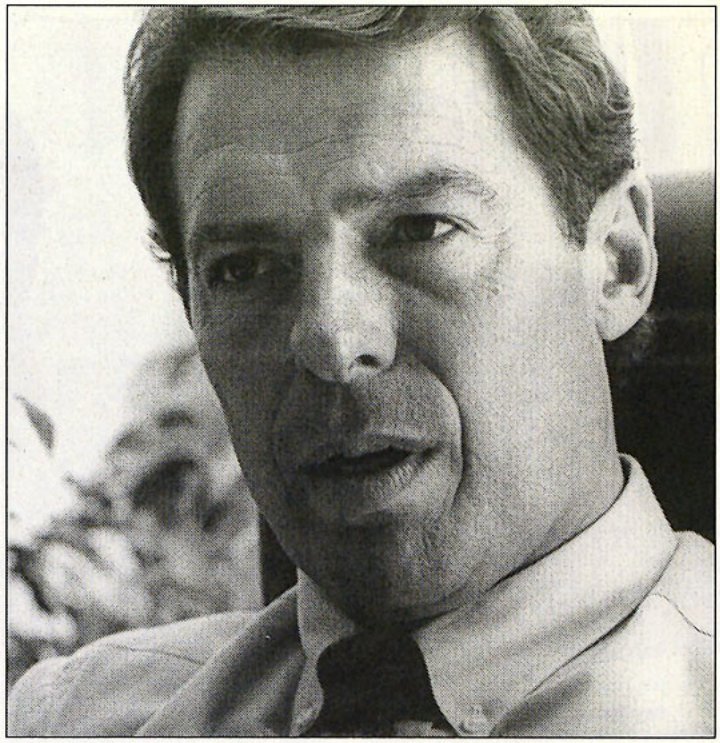
My own polls have me behind. But instead of fifty-two points, they have me twenty-five points behind. And twenty-five points is about where a challenger running against a popular incumbent governor ought to be in July. In January, the poll was right; I was fifty points behind in January. It's not right, now. The Texas Poll [used by most state newspapers] is run by academics who are polling on issues. It's not a political poll. They don't use registered voter lists. They don't use screens. It's just not a very good poll.

Does your own polling suggest that your campaign should run directly at Bush — not just a "negative campaign," but an aggressive examination of his record?

We're going to run a "negative campaign" in the sense that we're going to lay out his position and my position. My positions poll in the 60s, 70s, and 80s [percent]. His positions poll in the 30s, 20s, and 10s....

It's easy to be for George Bush. He's Barbara Bush's son. We've got a good economy. The average person, the average voter, doesn't believe that government does anything relevant to their lives. So until I lay out how I'm going to be relevant in their lives, they're going to be for George Bush. But once I break through the barrier, people understand that George Bush's good family and Bill Clinton's economy is not a reason to elect this guy. I'm cracking through the barrier right now. I'm knocking on a million doors. The Democratic convention really did energize several thousand workers and they left that convention with a lot of enthusiasm.

How difficult is it to run at the top of a ticket that doesn't have the full support of the party leaders and all the candidates — for example, the reluctance of John Sharp and Paul Hobby to support



you at the state convention, and Bob Bullock's support of Bush?

Hobby said that he was for me, he's going to vote for the Democratic ticket, and he would have been on the stage at the convention if he had been there. But he was with his family and his kids. Bullock endorsed my opponent *in October*. How many times are you guys going to give him a news peg? He's irrelevant. I mean, in the last poll, 15 percent of the people recognized him. He's not a help anymore. He's dead. He's gone. He's nobody. He's a lobbyist.

There are about 3,300 Democratic elected officials in the state; 100 are for Bush. That leaves me with 3,200, and I think that's all right.

But does Bob Bullock represent the leadership of the Democratic Party?

He doesn't represent the Democratic Party. He lost the Senate for us. He's a lobbyist. I know Bob real well. I like him. And I know a lot about his politics. Remember, I worked in his first campaign. But there's not one single person I can think of who's not supporting me because of Bob Bullock — except maybe the lobbyists here. And I don't want them.

In 1982 there was a unified Democratic ticket, and you, Ann Richards, Jim Mattox, and Jim Hightower ran as a slate.

What really made that campaign work was synergy.... We didn't start out together. Every election I've ever run in, and I've run four times, we start off running our own campaigns and come together later.

But I knew we were in deep trouble in '94, four weeks out from the election, when I went to Palestine and a local newspaper reporter said, "Well, you're the first Democrat who's come to Palestine.... But every Republican has been here and you're the first Democrat to come." My point is that in '82, the biggest problem was scheduling; we had to set up scheduling meetings, because I,

Jim Hightower, Jim Mattox, Bill Hobby, Lloyd Bentsen, would end up in the same damn courthouse on the same damn day stepping on each others' news.

We were all working and running a grassroots campaign. What the consultants have done is convince us to spend all our time talking on the phone to rich people, and going to cities with big television stations— and not doing anything else. Now I might point out that I carried Palestine, and a lot of other Democrats didn't. I think the best thing I've done in this election cycle is re-energize our party so that we're all talking about grassroots campaigns.

Now, let's talk about Sharp. And get this quote right. John Sharp is the first candidate since I've been involved in the Democratic Party to refuse to say he's going to vote for the Democratic ticket. And that's wrong. He doesn't have to like me. But if he's going to run as a Democrat, he's got to tell us that he's going to vote for the Democratic ticket. Because if he doesn't, there's only one reason he's doing that. He wants to run as an independent this time — and maybe change parties next time. If he put out that press release, naming all the Republicans who have given him money, that only says that he wants the Republicans to know he's no different than them.

Now I am as bi-partisan as the next guy when it comes to running the government. I was a bi-partisan land commissioner. If you don't believe it, look at my Veterans' Land Board. I ran my office in a bi-partisan fashion.

But elections are not bi-partisan. They are very partisan; you're not going to win by trying to be all things to all people. So John has got to get over it. He's got to vote for the Democrats. He can be a bi-partisan lieutenant governor. But when he's running, he's a Democrat.

[Later, following the formal interview, Mauro added this afterthought:

I've personally knocked on at least 2,100 doors in the last few weeks, campaigning for Governor, and at every house I've left a push card asking people to vote for the Democratic ticket. John Sharp's name is on that push card; I've been asking each and every voter to support John Sharp — because John Sharp's a Democrat, and I support the Democratic ticket.]

Is there a contradiction in Sharp's consultant Greg Hartman advising Sharp to run his campaign alone, after Hartman ran the past two Democrat Unity Campaigns?

You're wrong on that.... He didn't run it [the unity campaign] when I was running the statewide Clinton campaign. And I'm no fan of his. He ran the one in '90, when Hightower lost. And I personally believe that by not running a neighborhood strategy and a door-to-door strategy, he cost Jim Hightower the election. And I told Hightower that. We have got to get our voters out by returning to grassroots politics. The most effective campaign tactic is looking a voter directly in the eye asking for a vote. I like phone banks, I like direct mail, I love television — if it can make them feel like you're looking them in the eye and asking for a vote. But most political television is not that good. So, you've got to have a grassroots campaign. We'll do all those other things to supplement the grassroots, but you've got to go back to the grassroots. □

TEXAS NUKED. "It seems to me that the slogan that one can find on one pickup truck after another around Texas ... 'Don't Mess With Texas,' is being converted by [the Bush administration] into another slogan: 'Send us your mess; and in particular, send us your nuclear mess.'" That was Austin Congressman Lloyd Doggett on the House floor July 29, as he attempted in vain to persuade his colleagues to reject the revised version of the Compact agreement that would allow nuclear waste to be dumped in the small West Texas town of Sierra Blanca. The Compact is nominally a disposal agreement between Texas, Maine, and Vermont, and Doggett had amended H.R. 629, the House version of the Compact authorization bill, to restrict its application to those three states. But the conference committee stripped those amendments, and despite Doggett's appeal, the House voted 305–117 to send the Senate what increasingly looks like the authorization for a national nuclear waste dump, the discount outhouse eagerly sought by utility companies with decommissioned nukes to go.

Doggett called particular attention to the duplicity of Governor George W. Bush, who in public claimed to support the limitation, but privately lobbied to have the amendments deleted. In April, Bush told the *Houston Chronicle*, "My pledge is to make sure that those are the only two states beside our own to use this dump site." In June, at an El Paso meeting of Mexican and U.S. Governors, Bush told the *El Paso Times* that he agreed with "the spirit" of Doggett's amendment, and that if the bill passed without it he would propose that the Legislature reinstate the limitation.

That was for public consumption. Meanwhile, Bush was lobbying the conference committee furiously to strip the bill of the Doggett amendments, writing to members that the amendments would cost time and money and infringe on "state sovereignty" — i.e., the ability of nuke marketers from across the country to cut new disposal deals in Texas after the Compact and the dump are in place.

Speakers in support of the Compact included Vermont's Bernie (Really, I'm a Good Guy) Sanders, and Eddie Bernice (It's Not in My District) Johnson of Dallas, neither apparently noticing what even the state's own administrative judges had ruled earlier in the month: that the dumpsite planned for Sierra Blanca was both geologically unsound and an instance of environmental racism.

Senate Majority Leader Trent Lott had planned to bring the Compact to an immediate vote, but in response to a threat by Minnesota's Paul Wellstone to filibuster the defense appropriations bill, agreed to postpone until a limited-debate, up-or-down vote in September.

To join the fight against the Compact, contact the Sierra Blanca Legal Defense Fund: (512) 472-0855.

MOSES WINS ONE. Not all the environmental news is bad, all the time. In late July, a large hazardous waste company, American Ecology Corporation, and two of its subsidiaries dropped their lawsuit against the Winona community group, Mothers Organized to Stop Environmental Sins, its president, Phyllis Glazer, and her family. In an attempt to force an end to community protests against its hazardous waste facility in Winona, A.E.C. filed suit two years ago, charging the grassroots environmental organization with "racketeering." Glazer said the company knew it couldn't win but wanted to harass and silence the protestors, and withdrew only because of M.O.S.E.S.' counterclaim of frivolous legal harassment. The conflict has brought national attention, and resulted in the closing of the facility, although cleanup remains to be done.

Citizen advocate Ralph Nader congratulated Glazer and M.O.S.E.S., pointing out that their successful defense against a "S.L.A.P.P." suit (Strategic Lawsuit against Public Participation) may set a national precedent. He said it demonstrates "the need for legislation to protect citizens ... from these frivolous SLAPP suits that put a chill on our first amendment rights."

SCAPEGOAT DEBATE. As the gubernatorial election nears, Texans can expect the perennial return of that symbolic electoral dance, the Ritual Debate over Capital Punishment. By time-honored tradition, the Ritual requires Republican candidates — presumed ready to call for the hangman on a moment's notice — to demonstrate "compassion" by evincing an occasional willingness to *consider* clemency. In turn, Democratic candidates — inevitably suspected of being soft on crime — must find some way to document their eagerness to fry as many luckless criminals as the next guy.

So it begins, with Bush vs. Mauro. Following Governor Bush's decision to grant clemency to Henry Lee Lucas (after two attorneys general and his own Board of Pardon and Paroles acknowledged that Lucas almost certainly didn't commit the crime for which he was condemned), Garry Mauro blasted the Governor, insisting that Lucas is guilty, and calling the decision "inconsistent" with Bush's denial of clemency in the Karla Faye Tucker case. Mauro said he would not have granted clemency in either instance — "because some people really earn the death penalty" — but would have granted it in an earlier case: that of a Mexican national who was executed despite the fact that he was not accorded his consular rights, "putting us out of compliance with a treaty [the Vienna Convention] we had signed." Mauro added that he didn't speak out at the time, "because we have this tradition that juries are really the folks that ought to make the decisions on the death penalty." Mauro added that he supports giving Texas juries more choices in capital cases, including life without parole.

Amplifying his comments recently, Mauro offered the *Observer* his personal theory on the motive for Bush's decision. "I was 'Newsmaker of the Week' for the Washington, D.C. Press Club, and the day before ... the *Washington Post* editorialized that the decision on Henry Lee Lucas would be a real test of whether George Bush is made of presidential timber. George Bush provided clemency for Henry Lee Lucas because he's running for president of the United States, and he catered to the *Washington Post*."

At press time, there are five Huntsville executions scheduled to occur before the November election, including that of the notorious multiple murderer Kenneth McDuff (October 21). There should be plenty of opportunity for political spin on the state's ritual killings. □

Who's Guarding the Henhouse?

Some nice people who produce cartoons for children based on classic fairy stories and Mother Goose rhymes have asked me to do "a treatment," as they say in the film world, of "Henny Penny" — she who (along with her friend Chicken Licken, the one that started the whole thing) thought the sky was falling.

This is causing me to call my friends and announce dramatically, "I'm having trouble with Goosey Loosey's character development," or, "I can't work Ducky Daddles into my new subplot." Ah, the trials of the creative *artiste*.

As we all know, however, great literature enriches our understanding of everyday life, and so it is with the immortal Henny Penny. Look around and you'll notice dozens of Hennys, hopping up and down while shrieking: "The sky is falling! The sky is falling!" You might think the moral of Henny's story is, "We have nothing to fear but fear itself." But if you haven't reread it lately, you may have forgotten that in the end, Foxy Woxy eats the fowl friends.

So let's start with this simple moral: People who can convince you that the sky is falling can also make you forget that Foxy Woxy would like you for lunch. Which brings us to the Social Security system.

As you may have heard, Social Security is supposed to be in trouble; "crisis" is the preferred description here, and many a Henny Penny is hopping up and down, shrieking: "It's going to go broke! It's going to go broke! You'll never see a nickel of your money!"

Here's the problem: S.S. is now taking in $101 billion more a year than it pays out in benefits. We are building up a surplus to finance the retirement of the baby boom generation. In April, according to Senator Paul Wellstone, the trustees reported that S.S. will be able to cover benefits for the next thirty-four years — until 2032. After that, with no changes in the system, it will still be able to pay out 70 to 75 percent benefits indefinitely. The problem is not so much the bulge of retiring baby boomers as it is increased longevity in all cohorts.

The solution, obviously, is to fix the shortfall. And the shortfall itself, according to an article in the July issue of *The Atlantic Monthly,* is based on the most pessimistic assumptions: that economic growth will average just 1.8 percent during the next two decades, a lower rate than in any comparable period of America's history. This also assumes that the growth will slow even further in later years, to less than half of the 2.6 percent of the past two decades.

The numbers most commonly used to convince us that this particular sky is falling? In 1960, "There were more than five workers for each beneficiary; today there are 3.3 workers; by 2030, there will be only two workers for each beneficiary." Eeek!

"THE INCREASED COSTS OF PROVIDING FOR A LARGER RETIRED POPULATION WILL BE LARGELY OFFSET BY THE REDUCTION OF EXPENSES ASSOCIATED WITH CARING FOR CHILDREN."

But those numbers ignore both the surplus now generating revenue interest to support the system, as the ratio of workers to beneficiaries falls, and the increased productivity of workers, which means it takes fewer workers to support each retiree.

In that *Atlantic* is a comprehensive examination of myths about S.S. It reports: "To assess the burden accurately, it is necessary to examine the total number of dependent-beneficiaries and children each worker will have to support. It is projected this ratio will rise from 0.708 per worker at present to 0.795 in 2035. But even this number is well below the ratio of 0.946 that prevailed in 1965 … thus, the increased costs of providing for a larger retired population will be largely offset by the reduction of expenses associated with caring for children."

So why all this talk of "crisis" and need for radical change and privatization? Money.

Mutual fund companies, stock brokerages, life-insurance companies, and banks would love to have tens of millions of new customers and billions of bucks in new commissions and fees. So, of course, they've poured millions of dollars into a fat PR effort backing privatization — and then there's those hefty contributions to lawmakers and would-be lawmakers. (Why, Foxy Woxy, there you are!)

Says the *Washington Post* of September 20, 1996: "Lobbyists for Wall Street are trying to stay behind the scenes as they argue for privatization of Social Security because they and their firms so obviously stand to profit by the changes they are promoting, according to financial industry executives. Representatives of mutual funds, brokerages, life-insurance companies and banks are involved in the lobbying effort to have the government let Wall Street manage a slice of Social Security's money. Representatives of investment firms have begun lobbying Capitol Hill and the White House to advance their agenda."

Social Security has administrative costs of less than 1 percent, with no fees or commissions. According to Wellstone, in Chile, where the social security system has been completely privatized, an estimated 19 percent goes to administrative costs, and fraud is rampant.

According to the *Atlantic* article: "If $1,000 is invested through a brokerage firm for forty years, the investor will have been charged in excess of $400 in fees on the original investment, plus an additional 1 percent a year on all gains.... Meanwhile, the operating expenses of the Social Security system are less than $8 for every $1,000 paid out to beneficiaries."

Hiya, Foxy. □

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

The Public Be Damned

Whatever happened to the public part of public broadcasting? I'm not talking today about those "enhanced underwriting announcements," which really are nothing but full-fledged commercials for the corporations doing the "underwriting" of our supposedly noncommercial public radio and TV networks. Instead, I'm talking about "public" stations that have stooped so low that they've gone to court to avoid their public responsibility to present the full, hot flare of American political debate — rather than presenting only the flickering flame of the same old, sad two-party system.

In May, the U.S. Supreme Court — which has become a total toady to the Powers That Be — ruled that Third Party candidates have no First Amendment right to participate in congressional or presidential campaign debates sponsored by the public's broadcasting outlet.

Imagine that! The public airwaves are owned by We-the-People, PBS itself was created and is funded by We-the-People, yet the "outsider" candidates of We-the-People can be nixed by anonymous officials of PBS. Now get this: Justice Anthony Kennedy, who wrote the Supreme Court's anti-democratic opinion, said that to include all candidates in the public debate would "result in less speech, not more." His rationale was that to include Ross Perot, Ralph Nader and the rest would cause the public stations not to air the debates at all. Hey, Anthony: We want the chance to hear them all, and since the airwaves and PBS belong to us, make them air the debates and bring on all comers!

Indeed, this particular case was brought by an Arkansas public TV station that staged a big whopping one-hour debate among congressional candidates in 1992, and claimed there wasn't room for the "outsider candidates."

Hey, PBS — how about devoting *two hours* once every two years to our democratic dialogue? Is that too much to ask?

FAVORS FOR SALE

Congressional Republicans — what a hoot they are! They've been chattering and screeching like a tree full of monkeys, rightly outraged that Bill Clinton does governmental favors for big, corporate campaign donors. But — shhhhh — what these Republican monkeys don't want you to know is that they are doing the same thing. They've been running a "Governmental Favors Sale-a-Thon" on Capitol Hill.

Senator Al D'Amato, for example, might as well have a "Favors R Us" sign over his office door. The New York Republican chairs the banking committee, where he can affect legislation with the stroke of his pen. Now, guess who his biggest contributors are? Bingo! Banks. MBNA, the huge issuer of bank credit cards, wanted Al to use his pen to wipe out a consumer protection law. Rather than write a policy paper for the Senator though, MBNA execs started writing checks to him — $220,000 to his reelection campaign, $127,000 to the senatorial committee he chairs, and $170,000 to his Republican State Committee. Sure enough, Senator Quid-Pro-Quo D'Amato maneuvered MBNA's anticonsumer amendment right through his committee.

When *The New York Times* asked MBNA about paying cash for legislation, the bankers squealed: "There is no connection. We support good government." Right ... as long as government is good to you.

Then there's GOP Senate leader Trent Lott. The *Wall Street Journal* took a peek at one of Senator Lott's political slush funds, which was filled with corporate checks. Four out of five of these corporations had identifiable favors that they wanted from Washington — and Lott is helping deliver the favors. At least one of Lott's donors was honest, telling the *Journal*: "I give because I have an interest in how he votes.... It's self-interest."

We won't get "good government" until we outlaw these corporate bribes.

STRANDED CITIZENS

Grab your flyswatter, because in Congress and in many state capitols these days, there's a new buzzword: "Electric Utility deregulation."

"Deregulation" might sound good, but utility company lobbyists are trying to use the word as a cover so utilities can swarm your and my wallets. One especially nasty provision in their de-reg legislation would make us ratepayers bail out the utilities for stupid management decisions they made in the sixties and seventies, when they went on a nuclear power-plant building binge. Those nukes ended up as environmental and financial disasters, so now the utilities want to sock us with the tab for their white elephants. They're asking lawmakers to require us consumers to pay billions to the electric companies for what they euphemistically call "stranded costs."

Hey, when Bubba's Bargain Barn on Main Street makes a management blunder, Bubba doesn't get to nail his customers with his "stranded costs" — and neither should the utilities. Besides, these giants don't need a bailout. Texas Utilities, for example, is so cash rich it's been buying other utilities in California, England and Australia — yet now it wants consumers to write them a billion-dollar "stranded cost" check to cover their bad investments. Utility companies would use their multibillion-dollar bailout to buy up even more of their competitors, leaving us with less competition. So, in the name of deregulation, the industry's bills would force us to subsidize monopolization. They get the goldmine ... we get the shaft.

Public Citizen has organized a coalition to stop their greed, and to push for true deregulation that would bring us cheaper power produced by environmentally sound, alternative sources. The coalition is called RAGE — Ratepayers for Affordable Green Electricity. Call RAGE at (202) 546-4996, ext. 323. □

Jim Hightower's radio talk show broadcasts daily from Austin, on over 100 stations nationwide. His new book is There's Nothing in the Middle of the Road but Yellow Stripes and Dead Armadillos, *and his political action newsletter, the "Hightower Lowdown," is forthcoming. Find him at www.jimhightower.com, or e-mail: info@jimhightower.com.*

Making a Wish

Reader, how are you dreaming these days?
It's important we have vibrant, epiphanic dreams.
So ask your mother how she is dreaming.
And your father, too. In fact, ask the whole neighborhood
what motion pictures they most
like to see behind their eyes while asleep.
The sex film? The time-lapse film where roses
bloom speeded up? The film where grandfathers
catch fish after precious fish?
Let us welcome sleep as much as money.
Let the great dreams return again and again.

Almost Asleep

I am close to my bed. I am close to my book.
I am close to my chair. And my silence lights the room.
There is no other real joy but this:
to feel as if a glass of milk were warming
inside one's stomach,
to pick out familiar tunes in Tchaikovsky
and hum along,
to wish the best for the world without me.
For I'm elsewhere, about to enter sleep.
All the lullabies I ever heard beckon me.
All the fairy tales and nursery rhymes
my mother — she was forever at my bedside —
filled me with return like a messenger.
And I say to the children of the world:
Take comfort. Someday, you, too,
will treasure your moments of sleep —
even more than your parents promised.
Someday the pony who visits you
will be your companion again.

First Light

My mother smiles again in my dream.
What is she doing to me? Spanking me?
Suggesting I leave? Sheltering me
from the rain with her umbrella?
What? But I'm awake now and can't remember.
We spend our dreams like money:
sometimes they vanish forever.

O nothing will let us forget anyone like a mother.
Childhood friends reappear, too,
in the midnight movies of our unconscious.
Also there: fathers, brothers and sisters,
grandparents (if we knew them), uncles and aunts,
those not even the gods can take away.
Yes, if their lives didn't matter,
they would not be so much a part of us
as they seem to be, nightly, behind our eyes.
Could one even say a man who dreams
always of animals, wars, buildings, forests,
and rivers lacks an understanding of people?

Still, the trees seduce us. No doubt there.
Leaves too: the trees' wind chimes
which play their music only for the wind's sake.

Now the sky invents. The earth quickens.
Animals everywhere feel music in their blood.
Where has the darkness gone? It is morning.

—KEN FONTENOT

Ken Fontenot was born in 1948 in New Orleans and lives in Austin, where he works as a technical writer for a computer company. He "wishes he could make a living picking Texas bluebonnets" instead.

Fontenot also manages to be one of the most prolific poets in the state. His work couples a gift for vivid lyricism with an offbeat, deeply affecting narrative honesty. These three selections, with their linked dream/sleep theme, seem particularly suited to August days when the word "siesta" gains a new allure.

—Naomi Shihab Nye

Connected Women

Lourdes Pérez, Emily Kaitz, Mary Catherine Reynolds, Betty Elders

BY SIDNEY BRAMMER • PHOTOS BY ALAN POGUE

Soothsayers predict that with the dawning of the Age of Aquarius and the next millennium, Woman shall lead us to a higher plane of existence. In popular music, witness the ascendance of solo women artists with something to say — Shawn Colvin, Nanci Griffith, Sarah McLachlan, Joan Osborne, Tori Amos, Michelle Shocked, Tish Hinojosa, Courtney Love, Alanis Morissette — not to mention the tenacious staying power of Joan Baez and the awesome return of Exene Cervenka. And even as mainstream radio throbs to the mindless beat of the Spice Girls, an acoustic-based sound we once called "folk" music is spreading via college and alternative radio stations and small nightclubs and coffeehouses.

In Texas — especially in Austin, the state's musical wellspring— a number of gifted female songwriters have come forward with a mix of poignant love songs, bitter ruminations, dark predictions, and radiant calls to arms. They have in common both political passion and a remarkable dedication to their roots. And though their work and their status in the marketplace are markedly disparate, they share resources and skills, and offer one another feedback — perhaps because they are women.

▲ *Tish Hinojosa and Lourdes Pérez*

INTERNATIONAL TROUBADOUR

At this year's Kerrville Folk Festival, the gracious Tish Hinojosa made a place onstage (and in the hearts of unindoctrinated Kerrville fans) for the luminous Lourdes Pérez. The Puerto Rican-born Pérez is a legend among activists and lovers of Latin American *nueva trova*, but has yet to achieve Hinojosa's mainstream acceptance. Though their duet of Pérez's "Tengo La Vida En Las Manos" ("I Have Life In My Hands") threatened to upstage Hinojosa's own set, one would not have known it from Hinojosa's look of admiration as her friend left the stage.

"Tish is an example of someone who's had to forge a path that becomes a bridge for others like Lourdes," explains Annette D'Armata, Pérez's partner, significant other, and formidable young producer. "Not being 'this' or 'that' herself, Tish was forced to cut her own path — a path that she opens up to other Chicanas."

Like Hinojosa, Pérez synthesizes a Latin American traditional sound with a contemporary message. While Hinojosa sings her ballads in English and Spanish with a border *tejano* beat, Pérez sings only in Spanish, with the soulfulness of Argentinian chanteuse Mercedes Sosa and the poetry of Cuban folksinger Silvio Rodríguez. "Latin American music has been regarded as 'background music' for a long time ... music to party and dance to," says Pérez. "I want to change that environment, put the audience in a place of *listening*. That background status is contrary to what we stand for, and falls into the general 'invisibility problem' of Latinos. This music is *not* a sideline."

Pérez emigrated to the U.S. as a girl, was a social worker in Houston, and finally made the pilgrimage to Austin, where she responded to a long suppressed calling to be a singer. "I think of myself as a troubadour," she says, "pulling up and dragging my roots around the world to other fertile places, collaborating with Mexicans and Chicanos and other Latin Americans, bearing new fruit in this synthesis with the art of the geographical location I find myself in."

Since a 1994 performance (opening for Mercedes Sosa at U.T. Bass Concert Hall), Pérez's ascent has been rapid: "The first CD that I recorded was a labor of many people coming together, especially women," says Pérez. "Peg Miller and Glynda Cox of Chicago House allowed me to record live there — Peg engineered the album from different performances with glued-together equipment. And Betty Elders labored from 3 pm to 3 am on the Fourth of July, mastering that album." Pérez's latest album, *Vestigios*,was also produced by a woman, Cathy Ragland, and is the first out on Ragland's new label, Vivavoce.

On that album, Pérez sings duets with Venezuelan singer Irene Ferrara (a

transplant to the Pacific Northwest). "I find it's good to trade experiences and insights into this 'root dragging' phenomena," says Pérez. "Irene and I are both thirsty for memories of people we left behind — when you find another musician who shares this experience, it's precious."

SATIRE AND ROMANCE

Ten years ago, Houston singer/songwriter Linda Lowe began a similar synthesis with the acclaimed "Writers in the Round" performance series — a round-robin in which songwriters play their own and each other's compositions in a casual, intimate atmosphere, such as Houston's Main Street Theater. A popular offshoot of that series, "Women in the Round," has taken on a commercial life of its own, as a thriving touring act sponsored by Rollin' Records. It recently played Louisiana, Alabama, Indiana, Kentucky, and North Carolina, providing a showcase for exemplary female folk/blues artists who find it difficult to get bookings or build tours alone. This year's line-up featured Lowe, Dallas blues singer Ann Armstrong, Austin fiddler Darcie Deaville, and the irrepressible and irreverent Emily Kaitz.

Kaitz carries on a decades-long Austin tradition of combining silliness and social commentary — as exemplified by the Geezinslaw Brothers, Uranium Savages, D-Day, the Therapy Sisters, Cornell Hurd, and the Austin Lounge Lizards (with whom she used to play). Like an alternative Minnie Pearl on stand-up bass, Kaitz can disarm the most sober audience with her weird outfits, topical deadpan humor, and incisive satire in such songs as "Shallow End of the Gene Pool," "The Day the Bass Players Took Over the World" (recorded by Chet Atkins), "This Is Your Last Night As The Best-Looking Man On Earth," and "The M-Word Scares the F-Word Out Of Me." But like her east coast counterpart, Christine Lavin, Kaitz can turn achingly romantic in a moment.

Kaitz credits, among others, Peg Miller and Glynda Cox (owners of the late lamented Chicago House), Betty Elders, and the Lone Star Women's Festival for support in the past. "In a very obscure way, I'm happening nationally," muses Kaitz. "I get these dysfunctionally piddling little gigs, but I go anyway, generally to places where I can do shows with friends."

Kaitz has tuned pianos for twenty-one years to supplement her living as a singer/songwriter. "I'm playing more than ever, but I'm not a good enough singer to be something as regular as a hotel lounge singer." Some years ago, she started her own publishing company, Pingleblobber Music (motto: "Where few dare to publish!").

▲ *Emily Kaitz*

"I play with a lot of people, and generally do a looser sort of show," Kaitz says. "I like a lot of informality. People seem to like that about me. Sometimes I play bass for others, sharing solos, or whatever. Being essentially a side person balances me. There's a certain lack of egotism, and appreciation and respect for people I work with in what I do." Thus, on another starry Kerrville night this year, Kaitz introduced her all-female back-up band with more than the usual name IDs. "These ladies are up here with me because I was the one that got the gig, but they are all great artists in their own right and in their own conglomerations," she said. Those artists included Darcie Deaville on fiddle, Oklahomans Louise Goldberg (keyboard) and Elise Angelo (drums), and a heavenly-voiced Austin newcomer named Mary Catherine Reynolds (vocal and guitar).

BANNED IN OKEMAH

Like Lourdes Pérez, Reynolds threatened to upstage her headliner, but Kaitz's clear appreciation warmed the moment. Reynolds provided thrilling vocals on one of Kaitz's straightforward love songs, "Sand Dune," which Reynolds has recorded. Reynolds also sings back-up vocals on Kaitz's latest CD, *Terminally Trendy*, and publishes her own music through Kaitz's Pingleblobber Music. "Emily really helped me when I got to town," says Reynolds. "She has a way of

showing up at your shows, even on open mikes, and being there for you."

A former girlfriend lured Reynolds from Oklahoma City to Austin (and then promptly broke up with her). "I'm still not sure if this is where I should be," she says. In Oklahoma City, Reynolds was voted best female vocalist four years in a row by the readership of a city newspaper. Yet she enjoys the "honor" of being the only singer/songwriter banned in Okemah, Oklahoma (birthplace of Woody Guthrie). Ironically, she was nixed from a Guthrie Tribute concert there for being "a homosexual and communist sympathizer" (though her band, Sisters of Swing, played pop music, and were not overtly political save for benefit performances for various peace and social justice groups).

"I've been told that I 'look too gay' as a reason for not getting booked in clubs," Reynolds notes wryly. "But where the booking agents and club owners have not opened up to me, the arts councils and the audiences have. In a park concert, I'd draw 2,000 people! It's weird, but there is a certain acceptance in Oklahoma City that would be nice to replicate here in Austin."

"I'm very intimidated by Austin, there's so *much* music. I love to get up in front of people and sing, it comes out of my soul, excretes from my pores," she says. "I can't find another place where I can do this in so many places. Even the Golden Corral has music! ... So for now, I'm comfortable being uncomfortable in Austin, settled with being unsettled."

Reynolds' songwriting tackles important subjects in a very personal way. She penned "Prisoner of War" after the Oklahoma City Federal Building bombing, lamenting the new "war zone" status of her peaceful backwater town. Her lighter side reveals a love for diverse musical styles that suit her supple and powerful soprano. She is equally comfortable with folk, country, jazz, blues, and pop sounds and subject matter. When asked if she'd ever been tapped as a studio singer by commercial producers, she laments with a smile, "If only they would!"

Reynolds works as a bookkeeper to make ends meet. She promotes herself via the Internet, producing and mailing out her CD, *Patience*. "I find the Internet helps me not so much in sales as in information about gigs and what I'm doing. I model this upon Betty Elders, the Internet whiz! She has this *immense* web site." Elders may be the singer/songwriter most often mentioned by other female artists as having helped them in some way. "Betty ran the open mike at Chicago House, which was one of the first places I performed here," says Reynolds. "She MC'd my showcase at SXSW, and sang back-up on my album.... When Betty Elders got a break, *everyone* was happy."

▲ *Mary Catherine Reynolds*

FAITH AND CLARITY

You could call Betty Elders Austin's "dean of women songwriters," though the gender label would diminish her full accomplishments. Hailing from the Blue Ridge Mountains, Elders migrated to Texas in the seventies after a cover-band career and a failed marriage. She subsequently recorded three albums, the latest for Flying Fish Records. She has taught at the Kerrville Folk Festival Songwriting School, and performs, produces, and masters both her own and others' work. In her checkered past she has opened for Donna Fargo ("The Happiest Girl In the Whole USA,") as well as for Joan Baez.

"I spent a long time trying to find myself," says Elders. "I was twenty-eight years old and forty pounds lighter when I first experienced 'success.' I had several offers from record labels, who said essentially, 'We'll take your material and develop your image.' Well, that rubbed me the wrong way. I had worked too hard and long to let someone else remake me and my music. I had to write about things I knew, believed, spoke honestly to, a way to speak to political, personal, social issues, something that *speaks*, period, that doesn't just skim the surface of our consciousness."

She began performing by herself, as her male musician associates "couldn't get behind my 'fi-fi songs' — they just wanted a driving beat." To this day, Elders stubbornly adheres to her idiosyncratic vision and lyrical folk/country style. Early on, she developed her own label (Whistling Pig Records), choosing to "honor the song, not the genre," and refusing to wear electric pink pants or leather or tease up her hair.

She acknowledges without self-pity the hard pull of her life and career — rankled by the corporate nature of the industry, as well as by a string of personal tragedies and a subsequent breakdown that threatened to end her performing life. "Except for Peg and Glynda at Chicago House, and my husband, Gene, everyone backed away from me. They assumed I'd lost it on drugs or alcohol, when really I was grieving so badly that I was forgetting words and chords to songs, and not being able to focus, in a live performance."

What pulled Elders back to playing music was a performance by Emily Kaitz. "Emily's heart is pure light. She made me willing to be on whatever path I'm on, hanging on 'til the short hairs break. I went to see her at the Cactus Café in 1989 and she was singing something about 'romance of a forbidden kind in a tawdry motel' with a trout hanging out of her pants. Her face was like a window to the joy she had in performing — this childlike wonder! It made such a strong imprint on my heart.... My desire from that moment on was to have that same transcendent feeling about what I was doing. I no longer felt the need to beat the industry at their game. I could find the joy in my own music again."

Elders is quick to praise her younger female colleagues. "Lourdes Pérez is an angel of light. Her message is conveyed despite the language barrier. Her passion can be felt even if you're deaf." And recalling her own experiences in the male-dominated studio environment, Elders has made it her business to be a bridge between the "guys with toys" and women artists. "Sure there are walls of resistance. But for these younger women, a woman with credibility in that world can be a liaison between the 'studio rats' and the artist. Nancy Scott produced for me once and taught me that."

"Women are taught to connect, men taught to compete," Elders suggests. "That may be why men don't share the benefits and lessons with everyone, the way women artists tend to do. The inspiration we derive from one another as women artists is a wonderful thing." Elders adds, "I'm sorry men haven't found it yet. Too bad."

▲ *Betty Elders*

The key to the "success" of her albums (which have sold tens of copies, she adds drily) is being herself, standing behind what she believes, and being a decent human being. "I don't have to step on anyone's toes to get what I need. Otherwise it's nothing worth having."

"The commercial industry always gave folk music the stepchild's glance," continues Elders. "All along I thought the industry needed to pull its collective head out of their executive butt and look at what was happening out here. Now I feel some satisfaction knowing that I was right all along."

Regarding Reynolds, Pérez, Kaitz and so many others, Elders says, "I worship at these women's feet. I'm not the 'dean' here. They've saved *me*. They gave me faith to put one foot in front of the other again."

Pérez submits, "You can never forget who you are. When you refuse to do certain things, it's part of keeping a clarity of vision, keeping grounded, never forgetting who you are, now or later." And from the lighter end of the spectrum, Emily Kaitz insists, "All you may ever get out of playing music is the good time you have when you're doing it. You may get rich, you may not. It's about playing music for people and for yourself. I want to do it my whole life." □

Sidney Brammer is a homesick Texan writing from New York.

Epistle To The Philistine

Going Easy on the Scourge of the Carolinas

BY STEVEN G. KELLMAN

DEAR JESSE:
A Movie About Truth, Justice and the American Gay.
Written and directed by Tim Kirkman.
Cowboy Booking International.

▲ *MAJIC co-founders Eloise Vaughn and Patsy Clarke* Cowboy Booking International

For most of your twenty-four years in the United States Senate, you have been obsessed with homosexual men," says Tim Kirkman to Jesse Helms, in the voiceover to *Dear Jesse,* a gay filmmaker's cinematic epistle to the Republican leader. "For most of my adult life, so have I."

The United States Senate is sometimes called the most exclusive club in the world, and among its exclusions is any openly gay member. (By contrast, the House of Representatives, which has of late included a number — a number in the single digits — seems veritably lavender.) Though Senate Majority Leader Trent Lott recently likened homosexuality to alcoholism and kleptomania, Helms, the scourge of same-sex love, remains the most openly homophobic member of the legislative club. After he told Patsy Clarke, whose gay son died of AIDS, that the young man got exactly what he deserved, she helped found MAJIC — Mothers Against Jesse in Congress. The group was powerless to prevent North Carolina voters from sending Helms back to the Senate for a fifth six-year term in 1996.

"For a long time I thought we had nothing in common," says Kirkman about Helms. But despite vast differences in sexual and political orientation, Kirkman discovers he shares much with the senior Senator of his native state. The filmmaker and the lawmaker were both born in Monroe, North Carolina, and both attended Wingate University for one year before transferring elsewhere. Both were raised as Southern Baptists, with one brother and one sister each. Both had early experience as journalists. But in 1990, two weeks after receiving his bachelor's degree from North Carolina State University, Kirkman abandoned the Tarheel State for New York City. The North Carolina that Helms represents, as senator and symbol, seemed increasingly inhospitable to the newly outed young artist.

Six years later, in *Dear Jesse,* he tries to go home again. Memoir, travelogue, and political essay, Kirkman's first feature film documents the director's return to North Carolina and his attempts to understand the state, the Senator, and himself. In tiny Wingate, he discovers that the town's old haunted house has been transformed into the Jesse Helms Center. He visits the Ham and Yam Festival in Smithfield and his college reunion in Raleigh. He goes to Carrboro, to talk with Mayor Mike Nelson, the first openly gay elected official in the state. At Appalachian State University, Kirkman meets the students who led a successful campaign to prevent Helms from delivering their commencement address. In Chapel Hill, Efland, Goldsboro, and Charlotte, he hears why Helms is loved and despised.

In 1994, the gracious Senator warned that President Bill Clinton "better have a bodyguard" if he visited North Carolina. In 1996, Kirkman came to Helms's state shielded from bigotry by nothing but a camera. The only physical violence to mar his visit is the suicide, back in New York, of his estranged lover Joe. While the homophobic Helms ought to inspire violent loathing, Kirkman's take is unexpectedly gentle.

Dear Jesse won a special jury award at the North Carolina Film & Video Festival. But Helms denounced it in the Senate on June 26, and a savvy cinéaste would surely give his right arm — or at least Gene Siskel's thumb — for such publicity. In fact, though, the film is astonishingly tolerant toward the ogre of intolerance, the man known, on account of his reflexive opposition to anything progressive, as Senator No. "It seems to me," says novelist Allan Gurganus, "that what you want to be known for is saying 'yes' to as many things and as many people as possible."

Of course, Kirkman has no trouble finding intelligent North Carolinians who are not fond of Helms. "Jesse is aggressively

ignorant," contends Mitch Simpson, a Baptist minister in Chapel Hill. "He's a deeply troubled man." Sue, who weds a woman named Ruth, despite Helms' successful fight to keep lesbian marriages illegal anywhere in the United States but Hawaii, argues: "He can listen to the tobacco lobby that kills people, but he can't listen to two people who just love one another." According to Mayor Nelson, "I think Jesse Helms is an evil man. He has chosen to use gay people as his tool to whip people up into a frenzy."

Kirkman, who admits having once voted for Helms ("because he believes in God"), offers little evidence of frenzy. Gene Price, the semi-retired editor of a Goldsboro newspaper, calmly commends the Senator's integrity: "You know very well where he stands. He is completely honest." Shane Webster, a National Guardsman Kirkman meets at a North Carolina festival, respects Helms while often disagreeing with him: "He's a political figure you can trust, and that's rare." When, at the end of *Dear Jesse,* Kirkman tries to get his own father, Jerry, to say something about the Senator on camera, he is told: "I can't judge him." The son certainly can, but ultimately won't.

Jerry Kirkman, who adopted both of Tim's siblings, bears a passing resemblance to Helms, who adopted a son. The younger Kirkman's unresolved feelings toward his father might have something to do with his film's failure of focus. *Dear Jesse* is, of course, not really addressed to Helms but rather to the sympathetic viewer, yet Kirkman muddles exactly what he is trying to tell him or her. With a flippant allusion to the old TV Superman, staunch defender of the oppressed, *Dear Jesse* is subtitled *A Movie About Truth, Justice and the American Gay.* But the effort seems enfeebled by something more toxic than kryptonite. What the occasion demands is indignation, not forbearance: *J'accuse* not *J'excuse.* Kirkland pulls punches when he should be raging against bull. Yes, Helms is completely honest, except when his campaign is caught violating federal law. Yes, you can trust him, to use race and sex to divide and confuse. You can indeed judge Helms, and the verdict is utterly guilty.

Dear Jesse opens with a shot of boorish Helms triumphant, receiving an honorary doctorate of laws. In 1938, his own high school newspaper labeled him "obnoxious," but the ascendancy of Helms is a dismal reminder that the spirit of Snopes has survived the "New South." Heir to J. William Fulbright — champion of internationalism, education and international education — as chair of the Senate Foreign Relations Committee, Helms is an isolationist yahoo opposed to foreign aid, the United Nations, and an international war crimes tribunal. He has voted to slash school lunches, medical care for disabled veterans, and prescription funding for the elderly. Even his musical taste is heinous; on the floor of the Senate, Helms, who supported apartheid, once whistled "Dixie" in order to goad African-American colleague Carol Moseley-Braun. He is crude enough to be at home on the floor — or at least in the basement — of the Texas state legislature. As a senator of the United States of America, Helms is odious enough to make even Phil Gramm seem enlightened and compassionate.

Gays have particular reason to resent a senator responsible for legislation that would have denied funding to school districts that teach tolerance of homosexuality. Helms has opposed gays in the military, health benefits for same-sex partners, and the selection of Roberta Achtenberg (the first open lesbian to hold high federal office) as assistant secretary of Housing and Urban Development. He continues to block the appointment of James Hormel as ambassador to Luxembourg, merely because the nominee is gay. He has demanded mandatory AIDS testing and the quarantine of victims. Exploiting homophobia to galvanize support, Jesse is not dear to those who believe in the right to sexual preference.

Helms learned his treacherous trade in 1950, working in Willis Smith's uncommonly sleazy senatorial campaign. Yet, posing as the champion of wholesome virtues, he tried to block funding for the Corporation for Public Broadcasting when PBS broadcast Marlon Riggs' film *Tongues Untied.* Indignant over its patronage of obscenity ("I don't see any point in a naked man cavorting on the stage," said he about *Angels in America*), he has led assaults on the National Endowment for the Arts. He has preferred to befriend Augusto Pinochet, Roberto D'Aubuisson, and Phillip Morris.

In his crude xenophobia and undiplomatic efforts to reconfigure foreign policy, Helms is an embarrassment to the United States. He is a disgrace to North Carolina, which nevertheless keeps returning him to the Senate, though never by more than 54 percent of the vote. North Carolina, home to vibrant academic, literary, and labor communities, might be the most progressive of the Southern states, and Helms' narrow victories could be explained by the contingencies of the moment ... except for the fact that Lauch Faircloth — Helms Lite — holds North Carolina's other Senate seat. The election of Faircloth after Helms is as baffling as the bombing of Nagasaki after Hiroshima. For that, as for other mysteries of self, sex, and state, Kirkman's cinematic letter lacks sufficient postage. □

Steven G. Kellman is the Ashbel Smith Professor of Comparative Literature at U.T.–San Antonio.

Chicken Little Redux...

Or, Correcting the Politically Correct Again

BY JAMES SLEDD

TENURED RADICALS:
How Politics Has Corrupted Our Higher Education.
By Roger Kimball.
Revised Edition, with a new Introduction by the Author.
Ivan R. Dee (Chicago).
246 pages. $12.95 (paper).

Concerning the first edition of his now famous book (1990), Roger Kimball proclaims with some pride that *"Tenured Radicals* ... quickly became, with Allan Bloom's *Closing of the American Mind* and Dinesh D'Souza's *Illiberal Education,* one of the books that contemporary academics most loved to hate." Chicken Little isn't so exciting the second time around. Kimball no more deserves so strong a response as hatred than his revision deserves to be called significant.

Though Kimball has made many small changes for his paperback, the most obvious are the deletion of the four-page "Selected Bibliography" that he provided in 1990 and the addition of an initial chapter ("Tenured Radicals: An Update, 1998," eleven pages), and a twenty-two-page "Postscript" berating multi-culturalism. Those appendages still leave the book essentially the same. It asks readers to believe its old "unhappy tale of intellectual chicanery, pedagogical dereliction, and moral irresponsibility" and to blame the wickedness of the sixties for present sin. Yesterday's student radicals, Kimball says, have become today's deans and professors, "the men and women who are paid to introduce students to the great works and ideas of our civilization"; but academic advancement has not given them wisdom. Instead, they "have by and large remained true to the emancipationist ideology of the Sixties." (It's hard to imagine Kimball at a street dance on Juneteenth. This emancipation business can go too far.)

A moderately informed response to Kimball's renewal of his political attack on politics in education is likely, then, to be Yogi Berra's "*déjà vu* all over again." William J. Bennett still appears in a white hat; black-hatted Paul de Man must be denounced again, fifteen years after he departed this life; and "the academic assault on truth" must get continued exemplification by such "exotic phenomena" as "Afrocentrism, Queer Theory, Critical Legal Studies, and the attack on science by so-called humanists." There's nothing lower than a "so-called," and Kimball justifies his new edition by the assertion that "if things were bad in 1990 they are much worse today.... The radical trends that seemed startling in 1990 have by now thoroughly established themselves." But more of the same is still the same.

All the same (that word again), an angry marksman with a blunderbuss is bound to score some hits. Otherwise, *Tenured Radicals* would never have made so great a splash. Just its first hundred pages provide a long list of sins and sinners whose remembrance should be grievous: "aggressively opaque jargons" (page 14), "defiant hermeticism and gratuitous triviality" (75), "suspicion of logic and rationality" (2), rejection of "the ideals of objectivity" (6), "devotion to shallow intellectual fashion" (50), reverence for the undefined conjure-word *theory* (23-29), the Modern Language Association (33), specialized professionalism turning "the great works of the Western tradition" into "fodder for pedantic academic commentary" (53, 55), the Reverend Jesse Jackson chanting the banishment of Western culture from Palo Alto (44), "a demand for ideological conformity" (55) yet much empty talk of "subversion" by comfortable secure academics (92 and elsewhere), "recourse to the more extravagant precincts of the erotic" (67), Madonna *Studien* (61), ritual denunciation of dead white males (58). And if you're out of breath and patience, there are still 146 pages to go.

A determined sniffer-out of sin could even invent support for Kimball's lament "that if *Tenured Radicals* erred in its indictment" in 1990, "it erred on the side of understatement." Kimball is so concerned for "high culture" that he never stoops to consider the one course where academic humanists might have some influence on much of the college population — namely, the ubiquitous requirement, freshman composition. The directors of that enterprise — the once lowly "composition bums" — now style themselves "transformative intellectuals," flee "service" desperately, and theorize as incomprehensibly as the least intelligible among the literati. Enthusiastic in denouncing the encompassing society, they have nonetheless remained faithful to the great ideal of upward mobility, which requires everybody to get ahead of everybody else. Accordingly, they cling to their positions in lower academic management yet describe themselves as revolutionaries. Their prime revolutionary function is to preside over the exploitation of composition's real teacher, a bedraggled army of graduate assistants and part-timers, the unfortunates for whom the collapsed job market for humanists has provided no permanent employment. The number of part-timers in supposedly higher education has risen steadily.

So it's hard to hate Roger Kimball as he loves to be hated. Sometimes he's right, and always he fits a familiar type. Both he and his targets are representative products of Western culture as it really now exists in North America. His priestly mission is to pretend that the high culture and great traditions he talks about are still the effective traditions and culture of our fifty states — as if Bill Gates embodied Cardinal Newman's ideal of "a delicate taste" and "a candid, equitable, dispassionate mind." For their part, the academics who suffer Kimball's great curse are trying conventionally to advance themselves by

playing the compulsory academic games of one-upmanship. Neither heretics nor inquisitor rises to so prodigious a height of wickedness (John Bunyan's phrase for Mr. Badman when young Badman laughed in church) that they merit hatred. One does wish that both were less remote from U.S. realities.

People concerned for higher education as in fact it is should worry less about the passing fads of political correctness than about the depredations of corporate executives and the subservience of the academic managers who run their errands. A first step would be action in one of our great traditions — the delusion that we are a uniquely free, just, and indivisible nation, *e pluribus unum.* Faculties are now too hopelessly divided to take such action. Holders of endowed chairs look down on plain-vanilla professors, professors look down on associate professors, all the tenured look down on the untenured, the untenured but tenurable despise the temporaries and part-timers, graduate students on their way to educated unemployment support the whole crazy structure, and all the bookish battalions think themselves superior to mere staff. The result is that the managers of the corporatized university have their well-paid way, and athletic stadia eat up vast sums while libraries starve and staff subsist on food stamps.

It needn't always be so. Educational workers of all kinds share common interests and may sometimes dare, like the University of Texas staff in the past academic year, to talk back to the bosses. Such back-talk might prompt some thinking of the presently unthinkable. How much protection, for example, does conventional tenure really offer? Is it effective mainly as a divide-and-conquer mechanism to weed out the off-beat and independent? Is the cruel hierarchy of academic ranks a necessary system of rewards and penalties? It's at least conceivable that the abolition of tenure and rank would let real believers in education for freedom (scientific or humanistic) stand together with staff in unionized opposition to bosses whose true love is big bucks.

Certainly the sit-tight alternative isn't attractive. It will allow the Roger Kimballs of high-church journalism to continue their denunciation of pretending radicals while the real radicals continue to ravage the colleges and universities that they invaded (and conquered) decades ago. □

James Sledd is Professor Emeritus of English at the University of Texas at Austin.

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Leaving Panama

BY LUCIUS LOMAX

There was no regularly scheduled passenger service by sea from Panama, but a check of the small boats operating out of the Atlantic end of the Canal led to a smuggler who promised to take me to Colombia for a fare of one hundred dollars. His cargo, he said, was clothes, whisky and cigarettes. Returning, he did not say, he would be carrying cocaine.

Really it didn't matter. Legal or illegal — contraband or not — two days on the open sea in a small boat, and a night landing on a smuggler's beach, was below my comfort level. My decision not to accompany him started me on a two-week stay in the capital, drinking coffee and eating ice cream, mostly just waiting, looking for a boat.

Panama was a mess. It was a year, a little more, after the U.S. invasion, and people still walked around as if they had been in a mugging. The capital had once had the reputation as the Paris of Latin America but any similarity to Paris was dead now and buried. In the cafés nobody knew anything about travel along the coast. The people with money talked about going to Miami not Bogotá, but if they needed to go to Colombia they planned to fly and they only wondered why everyone else didn't fly too. If you said, for example, "Only tourists fly," the Panamanians asked what was wrong with being a tourist. They wanted to go on a tour — the more suitcases, the better.

Desperation and boredom, one on top of the other, and a shortage of cash, made worse every afternoon when it was time to pay the ten dollars for my room, led me finally to the tourist bureau of a big empty hotel, in the extended parking lot that was suburban Panama City. Talking to tourist information officers is a bad habit, certainly: whatever they tell you is usually expensive or boring, or wrong. But sometimes there's no choice.

The woman working behind the desk was very nice. She spoke Spanish and English and didn't seem to care which, and she also didn't seem to care about American hegemony or the oppression of Third World peoples, which was even nicer. "Are you," she only wanted to know, "amusing yourself in sunny Panama?" She remembered an irregular passenger trade to Jaqué, down south, where she thought you could get a motorboat to the first town on the Colombian side of the border. She wasn't sure. There were no more visitors in Panama and it wasn't the kind of thing tourists asked anyway. She thought a little more and told me to go to the *muelle fiscal*, a small dock near the main market in the old town — a few blocks, as it turned out, from my hotel.

The old city, which the Spanish had built and English pirates had destroyed, and which the Spanish and Americans had rebuilt, was dirty, the streets littered with trash and political leaflets that no one had read. The dock was just a pier sticking out into the Pacific, a few tarp-covered boats parked like taxis rocking in the nearby sea. This was the point of departure for small traders going up and down the coast. The gates to the pier were locked but there was a chalkboard hanging on a post, showing a departure south on Wednesday. The security guard on duty looked me up and down and nodded his head and confirmed that this was the way to Colombia.

The next day the chalkboard had been erased and a new time, Friday evening at seven, had been written in. The dock office was open and yes, the man behind the desk said, there's a boat down the coast Friday. Yes, he told me, from there you can get to Colombia. The trip south takes a day and costs twelve dollars, he said.

Friday night at seven o'clock, cargo was still being loaded. The boat was a thirty- or forty-year-old seagoing mule, about the length of two railroad freight cars and twice as wide. She'd probably been built for exactly the kind of work she was doing, a weekly trip delivering a few tons of goods to the small towns between the capital and the border.

The captain took my twelve dollars and sent me forward. There were already a dozen passengers on board and no room for anyone: the ship's hold was reserved for more important cargo than people. At eleven the boat slid out into the harbor, rain falling gently, the lights of the city fading behind.

In the morning we docked at a small port. No time to leave the boat and look around. Crew appeared from nowhere and unloaded cargo and then the crew disappeared and we were at sea again, lighter and faster, moving between the coast and a string of fat green islands.

We came around a point and there was a narrow beach backed by a cliff and two Indians waiting on the sand beside a small boat. We drifted as the Indians came alongside to take off supplies — they worked and left without ever saying a word. That was the last delay. We started again moving down the coast, morning fading into afternoon, and afternoon just fading away. Night was the best. At night on calm water you understood why sailors didn't come home from the sea.

A rain started, light and steady, and then the crew reappeared and stood around me, drops of water sliding down high black foreheads and rolling off the tips of long black noses. They slapped me on the back and pushed and pulled me toward the galley, where the cook gave me a plate of chicken and rice. The remaining passengers were already there. Mouths full, bellies full, everybody laughing and playing together like dolphins: there were no Panamanians, no Colombians, no gringos, no fear. The cook gave me his "bed" on a wooden bench behind the kitchen and in the dark every few minutes a rat tiptoed across my feet. At dawn the engines were killed. The sudden silence woke me up, just like an alarm clock. We were in Jaqué.

The light still was not good. The rain had

stopped but there was a steamy mist in the air. Beside the ship two small boats, outboard engines pulling on the anchors, waited. The captain helped me over the side. One leg over and, oh God, my balls pressed against the metal railing.

"Twenty dollars," my voice cracked, and broke, "from here to ColombeeeeAHHHH?"

Grunt, grunt, the captain answered. *Sí, sí*, he said.

My feet slipped into the netting hanging from the side and then slipped out of the netting and into the speedboat. There were cries from above and the sound of a big woman cursing and falling into the other boat and then crying and between the tears calling for her bags.

A moment later we were back out on the open sea, the sky still half-dark, engines running hard, one little boat chasing the other too fast for any fish to follow. Beside me there was a black Colombian girl on her way home from Panama City to visit family in Buenaventura; but no one spoke very much and when someone did speak it was hard to hear above the engines. At midmorning we were still moving south along the coast. At first it was fun to be in a small fast boat, but every time we hit a wave it was like a punch in the stomach.

We came around another big point and there was a short white beach backed by a heavy stand of trees and a river coming out from between the green-brown trunks of the trees, dividing the sand in two before running into the sea. The first boat turned into the surf, the engine cut just as the bow approached the sand.

We followed and stopped alongside. The big Yamaha engines idled peacefully. The view beyond the beach looked exactly as it had looked from the sea. Everything was overgrown and a sweaty shade of green. So this was Colombia. There was really nothing there.

The "captain" of my motorboat reached into a travel bag and pulled out a gun. He loaded the weapon and, holding up his shirt, he pushed the gun into the waist of his shorts. In the other boat the other captain was doing the same. They tried to be discreet, but the boats were small and the guns were big and couldn't be hidden very well.

"¿Qué pasa?"

The captain ignored my question. He wouldn't look at me. He pulled down his shirt. The engines started to race again.

The boat turned around and moved out to sea and then turned back toward the beach and entered the mouth of the river, pushing against the current. We started in among the trees. This was where it would happen. They wouldn't think twice about what they were going to do — because of the invasion of Panama — and the rape of Hispanic culture — and the demasculization of the Latin male — and the CIA, and all that. The engines pushed harder. *"Hee-ho de puta, hee-ho de puuu-ta, he-ho-de-pu-ta!"* the Yamahas sang. We were already deep in the jungle.

There was nothing to do but sit and wonder where they'd stop. They would have to get me on land to do anything but there was no landing here. The river banks were swampy and muddy and you could tell just looking that you'd sink in up to the waist in mud trying to get out. And you couldn't stop to get out. This wasn't like a car, or an elevator, or a bike on a hill. You couldn't just stop and get down. The river was pushing to get to the sea, and to reach shore the boatmen would have to cut the engines and when the engines stopped we'd be forced back the way we came. Fighting the current the engines began to puff like a man running uphill.

"¿Qué pasa? Por qué tienen fusiles?" "Why," my voice rose above the engine noise, "do they have guns?"

Through the trees you could see the river widen and turn back parallel to the beach. The water was wide and clearer but not clear, and looked smooth and flat like a big dirty stream.

"Cocaina. Cocaiiiiiiina," an inner voice trilled, suddenly, in my inner ear. *"No temas*. Don't be afraid.

"They have guns," the voice whispered in explanation, "because they are going to buy cocaine."

There was a village. The village stretched along the strip of land between the river and the sea. In the center of the village there was a metal fence surrounding a big parabolic antenna. Now the water calmed, and the boats stopped. We had arrived.

The boatmen collected twenty dollars from me and the same amount from another passenger. The way they pushed the money into their pockets, as if it were only change, you could tell that the amount didn't mean much to them. But business is business. They counted the ones and fives given to them by the passengers and said *"Gracias"* just like store clerks, or car salesmen. Except these businessmen had machineguns under their shirts.

The girl going to Buenaventura only had sixteen dollars and a smile. One of the boatmen looked at the money she placed in his hand, one ten one five and one one, and he asked her again and she said that was all she had. She smiled again, and then he smiled. He didn't really care. In a moment he and his partner would be disappearing into the jungle to do the business they had really come to do.

One by one we swung our legs over and dropped into the warm water. Our feet sank into the riverbed. The mud rose above our ankles, as we struggled ashore in South America. □

Lucius Lomax is an Austin writer. His 1997 columns for the Observer *have recently been honored by the Association of Alternative Newspapers.*

U.T. Sold for $5.9 Billion!*

On July 31, Dallas capitalist Thomas Hicks announced that he will buy the University of Texas at Austin for $5.9 billion in cash and stock. U.T., long believed to be shopping for suitable corporate parents, will become part of a new joint venture run by Hicks, the billionaire media magnate and C.E.O. of Dallas-based Hicks Muse Tate & Furst Inc. According to a press release, all current members of the U.T. Board of Regents and Governor George W. Bush will serve on the board of the new company, HornMedia 2100.

The University of Texas, the state's flagship educational institution with some 50,000 students, has historically produced slim profits. But the school has the kind of name cachet that Hicks has long been seeking. In addition, the school's physical plant and vast real estate holdings are coveted by developers eager to provide new office and residential space in central Austin. In a prepared statement, Hicks said he "had always wanted to play a role in shaping the development of U.T. By buying the school, I can certainly accomplish that goal."

Hicks said the new company will focus primarily on sports and education programming. "Having students actually come to the school is too costly," said Hicks. "My plan is to send everyone home and have them watch their classes on TV." Hicks said an exception will be made for the athletic departments, because, he explained, "they are one of the few things on campus that make money."

The buyout comes as the culmination of several months of deal-making between Hicks and the university. In late June, Hicks announced that he will acquire Lexington, Kentucky-based Host Communications Inc., which owns the broadcast rights to all U.T. sporting events. In mid-July, Host signed a five-year, $8.5 million "multimedia rights agreement" to U.T.'s sports products.

No newcomer to U.T.'s sports programming, Hicks was the central player in the

Kevin Kreneck

deal that sent former U.T. football coach John Mackovic to the showers. He was also instrumental in hiring football coach Mack Brown and basketball coach Rick Barnes.

U.T. men's athletic director DeLoss Dodds praised the foresight and entrepreneurial initiative of his new boss, and said he saw no "ethical downside" to Hicks buying the university. "Mr. Hicks already hired the coaches and acquired the broadcasting rights — he's simply protecting his investments," said Dodds. "There should be enormous opportunities for creative synergy and cross-marketing."

The announcement came after extended negotiations between Hicks and U.T. Chancellor William Cunningham. While other members of the board of regents will receive stock in the new joint venture, one source close to the negotiations said that Cunningham — not considered "management material" by Hicks — was awarded a cash severance package worth several million dollars, in keeping with the standards established for reassigned coaches. Cunningham, who did not respond to requests for an interview, plans to leave Austin and accept a personal services contract with a New Orleans-based mining company.

The purchase of the school by Hicks was not welcome news for U.T. librarians and staff workers, who over the past several months have been pressing for pay increases. Hicks promised to look into the pay question. "A friend of mine owns an agribusiness conglomerate," Hicks told reporters. "He said he'd give me a good deal on staples — crackers, beans, that kind of thing. I'm thinking of opening a campus commissary, where staff can use company coupons to buy food items at a discount."

Sources at U.T. say that shortly before the sale was finalized, Hicks requested the approval of Governor Bush, a strong proponent of privatization. In a statement, Bush said, "This is yet another good example of the private sector doing something that the public sector was simply unable to manage — the running of a major university. This shows that Texans can run Texas. I believe the purchase of U.T. was the logical next step after implementing a school voucher system, and I am glad to say that it was my friend and benefactor, Tom Hicks, who made it happen."

WARNING: Some of the above story is true. □