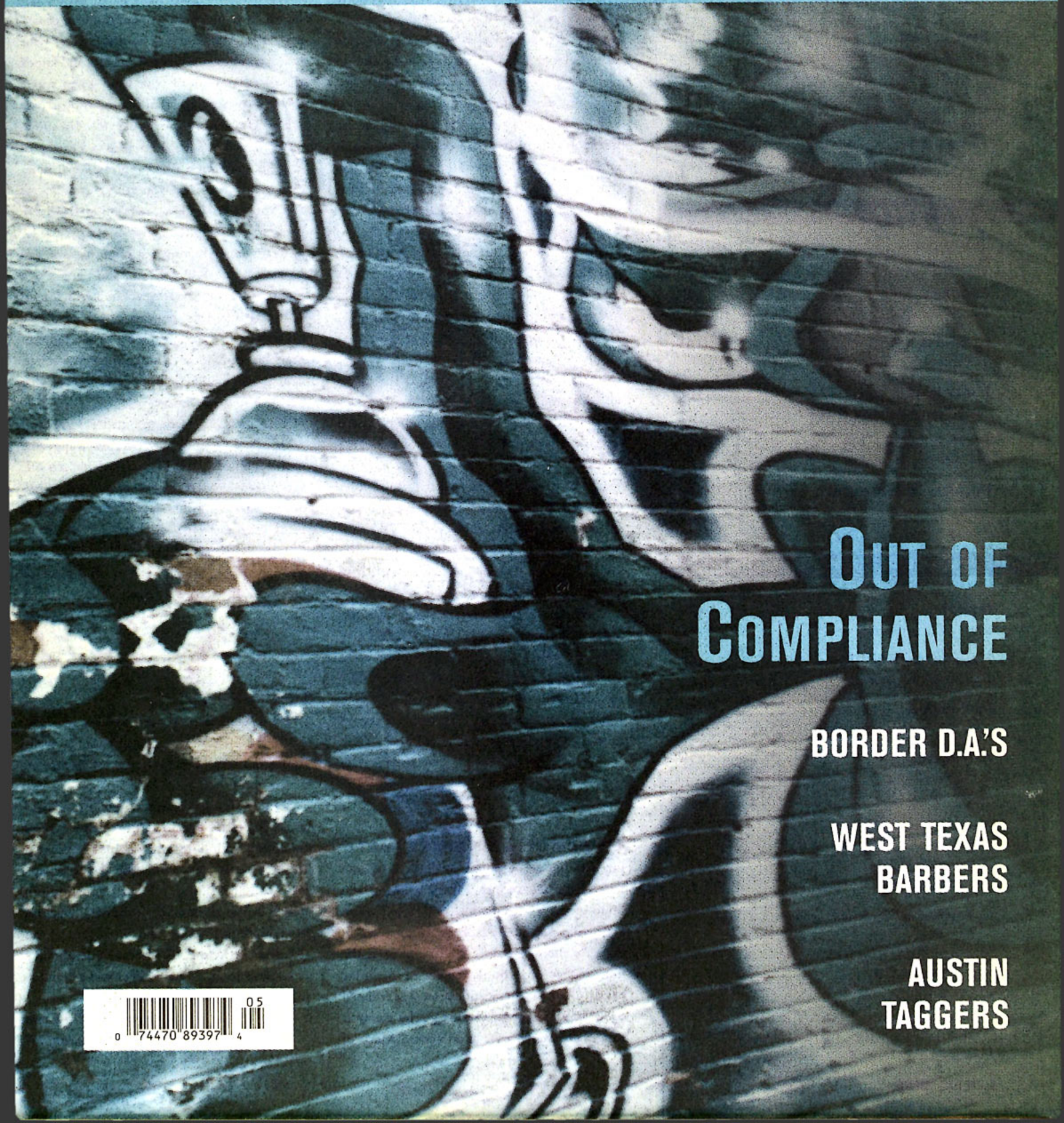


February 2, 2001 • \$2.25

# THE Texas Observer



## OUT OF COMPLIANCE

BORDER D.A.'S

WEST TEXAS  
BARBERS

AUSTIN  
TAGGERS



# THE Texas Observer

## FEATURES

- BORDER WAR** 6  
*Life in Del Rio hasn't been the same since the federal drug war came to town.*  
 by Nate Blakeslee
- FREE AT LAST** 8  
*Wrongful convictions highlight the need for criminal justice reform*  
 by Karen Olsson
- GRAFFITI IN AUSTIN** 12  
*Photography by Shannon Young*

## DEPARTMENTS

- DIALOGUE** 2
- EDITORIAL** 3  
*Belejack Returns*
- LEFT FIELD** 4  
*The Rule of the Razor*
- MOLLY IVINS** 10  
*The W. Thing: It Could Be Worse*
- JIM HIGHTOWER** 11  
*The Pentagon Peddlers*
- POLITICAL INTELLIGENCE** 14

## BOOKS & THE CULTURE

- POETRY** 17  
*Three by Lee Robinson*
- FAULKNERIAN ROAD TRIP** 18  
*Book review by Michael Miller*
- PAID IN FULL** 20  
*Book review by Andrew Wheat*
- AFTERWORD** 22  
*Lucius Lomax goes to Africa, gets sick, and lives to tell the tale.*

Cover photograph by Shannon Young

## DIALOGUE

### GALBRAITH, GORE AND MORE

Re: "Corporate Democracy, Civic Disrespect," January 19

James Galbraith nails the analysis when he says the Supreme Court coup reveals our system of government as Corporate Democracy. He is right on the mark in calling for civic disrespect as our response to the stolen election. He is right that we should not refer to Dubya as President, but President-designate or some such.

But, he goes seriously awry when he tries to explain the Gore concession speech and discusses a possible Democratic legislative response. His condescension toward the Greens reveals that he is seriously out of touch.

Gore's concession: what he saw as "grace and humor" I saw as a servile dog rolling over and showing his belly to his corporate masters. Let's not fool ourselves (and others!) the same sources of wealth dictated much of Gore's agenda as well as most of Bush's. This is not to claim that there was no difference between the two, but to acknowledge that Gore as President would have campaign debts to many of the same corporate interests.

Congressional Democrats: why does Galbraith suppose that "Senate Democrats" would block Bush's judicial picks? Did they block Clarence Thomas? Did they block the rabid Antonin Scalia? Recall that Gore voted for Scalia. Who let the dogs out?

Greens: sorry, Professor, there was no "Nader defection". The Democratic Party defected from its base. Thus, enough folks were disgusted enough to vote for what they actually wanted. That trend will continue and accelerate until the Democrats wake up or merge with the Republican Party.

Tony Switzer  
 Austin, TX

### GRAHAM GETS HIS SHARE, PART II

I'm writing in response to Don Graham's wife's letter last month. I'll try to bring you up to speed on this feud. Don Graham wrote a sarcastic personal attack on Mary Karr in *Texas Monthly* (October 2000) and used the thin veneer of a book review of her new book, *Cherry*, as his justification. He whined about how his agent couldn't get his memoir sold, then went so far as to accuse Mary of

making things up. More like "I'm not worth anything so it must be Mary Karr's fault" than an actual book review.

I got mad because Mary's a very honest and cool lady, and she did not deserve that. I wrote Don Graham a rather nasty letter, not intending for it to be published, just my way of saying "Hey, Mary's trying to work here!" She doesn't go down to the sperm bank and knock the magazines out of your hand when you're trying to work Mr. Don. The funny part was when Graham's wife writes to *The Texas Observer* and has to drop she's a Doctor of English. Hey I'm a Ph.D.—professional hole-digger. Is it me? Or if you call yourself doctor and you can't write a prescription that's like being a general in the Salvation Army?

In my letter there was a political slant. I'm a hard-core Republican and Mary's a Democrat. From the review Graham wrote of *Cherry* I felt like he was attacking Mary because of her political views. In my opinion that's not only foolish but counterproductive. Our party's biggest challenge is to lose that negative sourpuss image.

The thing that made me mad is, I grew up with Mary. Nobody gave her anything. She sobered up as I did, has worked her ass off, and made a good career of writing. She's been a good mother and a great friend. I think I speak for all the surfers from Meacom's Pier when I say Mary, we love you and when you gonna break us off a piece of that Kit Kat bar. You go girl.

Doonie Scott  
 Carlsbad, CA

### GANG OF FIVE

James K. Galbraith's protest of George W. Bush's misbegotten administration is well-founded in the best tradition of American democracy.

By selecting the nation's 43rd "President," the politicized Supreme Court Five's cynical misappropriation of the people's sovereign authority was an act of official hooliganism—a blind-siding of our Constitution; which brings to mind the prophetic wisdom of Founding Father and President, John Adams, who wrote, "Remember, democracy never lasts long.... There never was a democracy yet that didn't commit suicide."

Georgia and Ted Corin  
 Austin, TX

# Stars realign, Belejack returns

**M**any years ago—many more than I care to remember—I hopped on a bus in Dallas, walked across the bridge in Laredo and took another bus heading South. I was on my way to Harlingen and decided that the best way to get there was via Oaxaca and the Yucatan peninsula.

Eventually I made my way to the Rio Grande Valley, where I learned a few things and then moved on. I thought I had learned something about Mexico while I was in the Valley, what with all those all-night bus rides to Mexico City. One day I decided to go there and stay for good.

When I got there in 1988, I discovered I knew absolutely nothing about Mexico. But it was a good time to be a journalist. (I knew nothing about journalism, either, but that's another story.) Every twelve years the stars and the planets align themselves in such a way that the United States and Mexico both elect a president; 1988 was one of those years. In Mexico the "system" crashed and the election computers went down. When they went back up again Carlos Salinas de Gortari—who was always referred to as "Harvard-educated" Carlos Salinas de Gortari—was president. The pundits, the press and the professional Mexicanologists, who always had a chip on their shoulders because it was far more lucrative to be a Kremlinologist in those days than a Mexicanologist, said *Ni modo*. Nothing you can do about it. This is Mexico and the popular vote counts for nada. You leave your constitutional rights at the bridge.

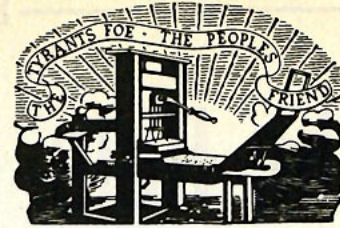
For a while there were marches in the streets. The Zócalo, the great plaza of Mexico City, filled with hundreds of thousands of protesters. I thought it was a good story; so did *The Texas Observer*. And then the protests stopped. Harvard-educated Carlos Salinas de Gortari, whose father had once met oilman George Bush when the elder Salinas de Gortari was a cabinet minister, went to Houston to meet President George Bush. The press wrote about "the spirit of Houston."

If you live in Mexico long enough, you learn that time isn't linear, it's circular. The same stories, the same problems and sometimes even the same people orbit around and around, although sometimes the spin is not quite the same. (You could figure this out on the other side of the border, too, if it weren't for all the noise and distraction about the next new, new thing.) In Mexico, they've finally figured out how to elect a president. In the United States, well, what can we say. And here I am in Texas again. *Paciencia y barajar*. Patience and shuffle the cards. There's so much work to do.

—Barbara Belejack

**NOTE TO READERS:** *With this issue we welcome our new managing editor, Barbara Belejack. A longtime contributor and friend of the Observer, Barbara comes to us from Mexico City, where she wrote for a variety of Mexican and U.S. publications. We are pleased to add her experience and wisdom to the editorial office.*

*We are also pleased to introduce a new look, thanks to the inspired work of our graphic designer, the lovely and talented Julia Austin.*



## The Texas Observer

Editors: Nate Blakeslee, Karen Olsson

Managing Editor: Barbara Belejack

Managing Publisher: Charlotte McCann

Circulation Manager: Candace Carpenter

Graphic Designer: Julia Austin

Poetry Editor: Naomi Shihab Nye

Copy Editor: Roxanne Bogucka

Development Director: Susan Morris

Intern: Chris Womack

Special Projects: Jere Locke, Nancy Williams

Contributing Writers:

Gabriela Bocagrande, Robert Bryce, Louis Dubose, Michael Erard, James K. Galbraith, Dagoberto Gilb, Paul Jennings, Steven G. Kellman, Lucius Lomax, Jeff Mandell, Char Miller, Debbie Nathan, John Ross.

Staff Photographer: Alan Pogue

Contributing Photographers:

Jana Birchum, Vic Hinterlang, Patricia Moore, Jack Rehm.

Contributing Artists:

Jeff Danziger, Beth Epstein, Valerie Fowler, Sam Hurt, Kevin Kreneck, Michael Krone, Ben Sargent, Gail Woods.

Editorial Advisory Board:

David Anderson, Chandler Davidson, Dave Denison, Bob Eckhardt, Sissy Farenthold, John K. Galbraith, Lawrence Goodwyn, Jim Hightower, Maury Maverick Jr., Kaye Northcott, Susan Reid.

In Memoriam: Cliff Olofson, 1931-1995

Texas Democracy Foundation Board: Ronnie Dugger, Liz Faulk (President), Molly Ivins, D'Ann Johnson, Jim Marston, Bernard Rapoport, Geoffrey Rips, Gilberto Ocañas.

The Texas Observer (ISSN 0040-4519/ USPS 541300), entire contents copyrighted © 2000, is published biweekly except every three weeks during January and August (24 issues per year) by the Texas Democracy Foundation, a 501(c)3 non-profit foundation, 307 West 7th Street, Austin, Texas 78701.

Telephone: (512) 477-0746.

E-mail: [observer@texasobserver.org](mailto:observer@texasobserver.org)

World Wide Web DownHome page:

[www.texasobserver.org](http://www.texasobserver.org).

Periodicals Postage Paid at Austin, Texas.

Subscriptions: One year \$32, two years \$59, three years \$84. Full-time students \$18 per year; add \$13/year for foreign subs. Back issues \$3 prepaid. Airmail, foreign, group, and bulk rates on request. Microfilm available from University Microfilms Intl., 300 N. Zeeb Road, Ann Arbor, MI 48106.

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

POSTMASTER: Send address changes to The Texas Observer, 307 West 7th Street, Austin, Texas 78701.

# The Rule of the Razor

*Did Elvis Have A Beard?*

by Karen Olsson

Once again, a splinter group in West Texas has declared its independence from state authority—though this time, no stockpiled weapons are thought to be involved. Unlike the Republic of Texas folks, the current crop of rebels have not seceded from all of state and federal government, merely challenged one branch of it. And their revolutionary headquarters are not tucked away in the sparsely populated hills outside of Fort Davis, but located in plain view on 2nd Street in Abilene: specifically, within the Commercial Barber Shop, where a cadre of insurgent barbers and cosmetologists is refusing to back down. As Commercial's owner, Jerry Starr, proudly declares, "We remain out of compliance, we remain in defi-

ance, and this guy just hasn't shown up here in a long time."

The issue in question is whether a cosmetologist may use a razor to trim certain portions of a man's hair, and "this guy" is Texas Board of Barber Examiners regional inspector James Tyler—apparently something of a hardass when it comes to the state barber statute. The trouble began a few years ago, says Starr, when Tyler paid a visit to the shop and noticed cosmetologist Sandy Rand shaving the back of a male client's neck with a straight razor. (According to Starr, big-city barbers tend to trim this portion of the haircut with electric clippers, but "out in West Texas we still do that with a razor. It's an anachronism if you will, but we still do it because we're an 80-year-old barber shop.")

Rand, who learned to shave with a straight razor in barber college in Colorado, had been performing this service for her clients in Texas for some 12 years, without any previous complaint from barber board inspectors. But Tyler construed her action as a violation of the barber law, which says that while both barbers and cosmetologists may *cut hair*, only barbers may *shave beards*. Tyler instructed Rand to desist, on the grounds that what she was doing amounted to shaving a beard. She would not, on the grounds that it was hair she was shearing. He left, and their dispute remained unresolved.

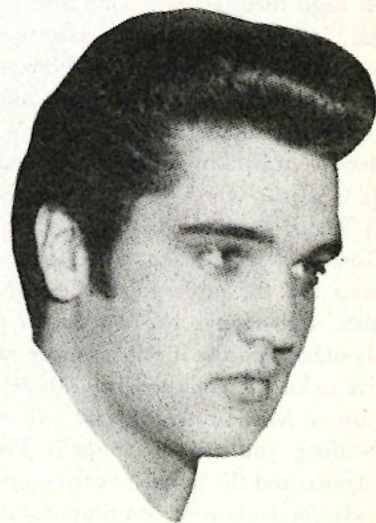
Then, says Jerry Starr, "when I was gone on vacation in July of 1998, this guy comes in like a little *weasel* and sees her shaving, and gives her a verbal warning and a written warning and a citation on the thing." According to Rand, Tyler told her the next time he caught her in the act, he would fine her \$500, and that she and shop owner Starr

might be assessed \$1,000 per day for each day they remained out of compliance. "I called his (Tyler's) boss," says Rand, "and told him I had had it with his rudeness. He said, 'Jim Tyler is one of our most professional inspectors,' and I said, 'This guy is a joke!'"

Tyler could not be reached for this story, but Will Brown, the barber board's executive director, said the board supports him without reservation: "I am eternally grateful for a man like him, because he spends a lot of time trying to train and teach. They (Rand and the shop) were not fined. They were given a warning that they could be fined. I believe the purpose of it was to get her attention. The thing of it is, just don't. This is what the law is, and this is what can happen if you disobey the law. The law is the law."

But what exactly does the law say? At Starr's request, state Rep. Bob Hunter wrote to Attorney General John Cornyn seeking clarification on the matter. The answer arrived last April, in the form of *Opinion No. JC-0211, Re: Distinction between "the hair" and "the beard" for purposes of the barber statute*. The thoroughly researched document reviews the relevant sections of the occupations code, then sets the current issue in historical context. "Prior to the 1960s and 1970s," the opinion explains, "a rigid sexual segregation existed between barbers and cosmetologists or beauticians, and

"This is what the law is,  
and this is what can happen  
if you disobey the law.  
The law is the law."



between barber shops and beauty parlors." In other words, men cut men's hair, and women cut women's hair. But during those tumultuous decades mentioned above, "both custom and law changed in this regard, as a relatively minor feature of the more libertarian temper of the times." Unisex salons opened, and certain portions of the state statutes regulating barbers and cosmetologists were found to violate the equal protection clause of the 14th Amendment.

The law was altered so that any licensed barber or cosmetologist could cut anyone's hair, regardless of the client's sex. Yet beards remained the sole province of barbers. Meanwhile, according to a 1972 ruling, "only a cosmetologist may remove superfluous hair by the use of depilatories or tweezers, or massage the arms and busts." (Barbers must have been sorely disappointed.)

After laying out the historical groundwork, *Opinion No. JC-0211* tackles the hair-versus-beard question by going straight to the heart of the matter: sideburns. Again, the opinion's author approaches the question historically:

*We think it likely that most observers would consider the sideburns worn by the late Elvis Presley at the time of his early success in 1956 as a part of his hair. On the other hand, whether the muttonchops which adorned his face at the time of his death were hair which a cosmetologist might trim, or a*

*partial beard which could be serviced by only a barber, is a question which in the absence of any articulated standard might well present difficulties to a cosmetologist who wished to remain within his or her licensed practice.*

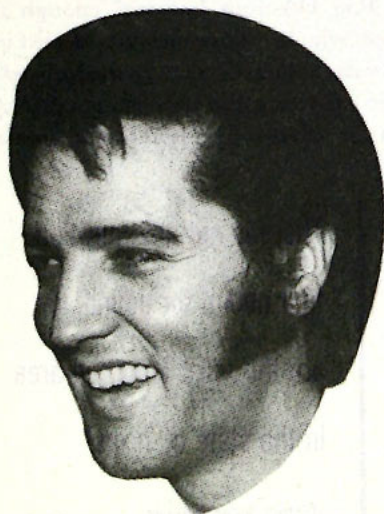
**Y**et for all its scholarship, the opinion fails to provide the kind of guidance that might have resolved Texas' tonsorial dilemma, instead asserting that it is up to the Board of Barber Examiners to determine the boundary between hair and beard.

In Starr's view, the entire opinion is an admonishment of the Board, subtly ridiculing its attempts to enforce such a distinction. "But these morons on the Barber Board are so stupid, they didn't know he was poking fun at them," he says. In a letter dated August 14, Brown reported back to John Cornyn that the board had, in a meeting the previous week, "evaluated and distinguished 'hair' from 'the beard.'" It had further proposed a new regulation, Rule 51.141, establishing "The Line of Demarcation between 'the Hair' and 'the Beard'" — which, the board determined, is "a line drawn from the bottom of the earlobe." The board also defined "The Sideburn" as a part of a haircut "that must not extend below the bottom of the earlobe" lest it be considered part of a beard. "Only a licensed barber shall trim, shape or cut the sideburns with any type of razor," the rule reads. Finally, "The Beard" includes all facial hair "regardless of texture" extending below the Line of Demarcation.

Rule or no rule, Rand says she is not about to lay down her razor. There's been no standoff thus far, however, because inspector Tyler has not visited the Commercial Barber Shop lately. Starr has a theory as to why. "Somebody may have shot him," he says. "He was raising a lot of Cain with cosmetologists up in Wichita Falls, and they were livid and calling us down here and asking what we were doing with it. It could well be that some of them have given him what he so richly deserves, and that is a blast with a double-barreled shotgun." ■

---

The trouble began a few years ago, says Starr, when Tyler paid a visit to the shop and noticed cosmetologist Sandy Rand shaving the back of a male client's neck with a straight razor.



# The Border Bust Boom

*In Del Rio, the biggest employer is the drug war*

by Nate Blakeslee

DEL RIO—

Ask any narcotics agent in Texas about the anatomy of the drug trade and he'll tell you to start from the heart, Mexico, and follow the drugs as they flow like blood through the arteries of the state highway system: north up I-35 to Dallas and Kansas City and Chicago, west along I-10 to Los Angeles, or east to Houston, New Orleans, and the east coast. But reverse your direction and follow instead the anatomy of the drug war, in which the heart is Washington, D.C. and the blood is not dope but federal funding—cold hard cash with no strings attached for interdiction, for education, for cops, cops, and more cops—and the flow will lead you back to Texas, back to the Mexican border. One of the biggest veins of all leads straight from D.C. to this once-sleepy border town at the very end of U.S. 277. Welcome to Del Rio, the law enforcement capital of Texas.

Coming in from the north, you'll pass a United States Border Patrol checkpoint about five miles out. It's a steel prefab building with a couple of vans, a dog, and a camera pointing south. It may or may not be open for business when you drive by: In either case it's the tip of the iceberg. In 1996, there were about 400 agents based in Del Rio. Today there are almost 900. Continue into town and the familiar green and white sedans become more common. Many are headed to the new patrol station on U.S. 90, built in 1999. But the high command of the drug war here is the just-opened 50,000-square-foot sector headquarters, which, when fully completed, will cover twice that area, at a total cost of \$18 million. It is the first sector headquarters in the nation built with future expansion in mind. The Border Patrol is just one of six federal law enforcement agencies that operate in this town of 40,000, where roughly one in five adults works for the federal government. Less visible, but unmistakably present, are the Drug Enforcement Administration, the U.S. Customs Service, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Marshals Service. Add to that the Val Verde County Sheriff's office, the Department of Public Safety, and the Del Rio Police Department, which combine in various permutations with the federal agencies to form two drug task forces, the 63rd Judicial District Narcotics Task Force and the High Intensity Drug Trafficking task force. The business of Del Rio is drug enforcement, and business is good. Yet the ratcheting up of drug enforcement has had unintended consequences, not the least of which is one of the most crowded federal dockets in the country. And Del Rio's peculiar boom has also meant a state district attorney's office swamped with the overflow of cases made by federal agents, and a county—one of the poorest in the nation—struggling to deal with the hidden costs of an economy now driven by the U.S. Department of Justice.

So much marijuana passes through this rugged, near-desert country that the banks of the river are literally strewn with hidden caches of dope, waiting to be picked up by someone on the Texas side. From the Friday before MLK day to the following Tuesday, agents working the border between Del Rio and Eagle Pass "seized" more than 1,700 pounds of marijuana simply by hacking their way through the backcountry along the river, pulling the 30-pound burlap feed sacks out of the brush and tossing them into their Suburbans. Many more seizures stem from busts of couriers, or "mules," on the bridge that connects Del Rio to Ciudad Acuña, or along the backroads of Val Verde County. As the number of agents has increased, so has the number of busts, and the need for more federal prosecutors. About five years ago, Del Rio got a brand new federal courthouse, staffed by a U.S. Attorney, six assistant U.S. Attorneys, and seven Federal Public Defenders. A second federal courthouse is on the drawing board.

The problem is, the feds only prosecute the big cases; the small ones they send over to the state district attorney for prosecution in state court. Federal prosecutors also have a tendency to cherry-pick the best cases, for example those involving large asset forfeitures, and leave those with potential problems, like bad searches or suspect evidence, for the state prosecutors to sort out. This common arrangement, for which the DA and the state court receive no compensation, did not present an undue burden on the state system until Congress passed a massive immigration reform law in 1996, which doubled the number of border patrol agents nationwide and produced a drastic increase in the number of federal cases made on the border—and dumped into state court. When that got to be upwards of 50 cases per year in Del Rio—where the DA's office has just one assistant DA and one investigator—former Del Rio DA Tom Lee said enough is enough. Three years ago, Lee (who last November was elected to a district judgeship after 22 years as Del Rio's DA) joined a handful of border prosecutors in protesting the arrangement. Lanky and thin, Lee smiles often for a former prosecutor and speaks frankly for a politician.

He talks about drug enforcement with the authority and objectivity of someone whose career as an elected official predates Reagan's War on Drugs, and who has seen Del Rio grow from a ranching community to what he calls "pound for pound... the most enforced area in

There is not any question that pound for pound, we are the most enforced area in the state of Texas.

—District Judge Tom Lee

the state of Texas."

"Our argument was, why are you putting the burden of the national drug war on our backs?" he says. Most of the drugs, after all, are bound for points far removed from Del Rio. "Your people [federal arrestees] go into our jails, they take our court-appointed lawyers, you're eating up the time of our local prosecutors and local courts," he says. Lee estimated it was costing the county and the district attorney's office between \$3,000 and \$5,000 per case. The entire annual budget for the DA's office is under \$200,000. Lee and his fellow border prosecutors had made public a well-kept secret: The Clinton Administration, like earlier administrations, drastically understated the true cost of prosecuting the drug war, both to Congress and to the public, while sloughing off a sizable chunk of the expense onto some of the poorest counties in America.

After being approached by District Attorney Jaime Esparza of El Paso, Lee began participating in discussions with other border DAs who found that they, too, were being overwhelmed by the level of federal enforcement activity. They also discovered something else: They could just say no. District Attorney Joe Rubio in Laredo was the first to announce, in 1998, that he would no longer be prosecuting federal cases. After Lee, Esparza, and others threatened to do the same, the U.S. Attorney overseeing the Western District of the U.S., Bill Blagg, came to the table. "Our position was simple: Either pay us a fee for taking the cases, or hire more people in your office to do it," Lee says. Although Blagg and the local federal attorneys were sympathetic, Lee says he quickly discovered that the decision makers at the top in Washington did not speak the same language. "They called one guy in our group one day from Washington and said 'We want your analyst to tell us how much you spent [on federal cases] last year,'" Lee scoffed. "He said, 'Analyst! I don't need an analyst—I need a plumber... my pipes are leaking into my office here!'"

"What they've never understood is that they're not in charge," Lee says. "They want to talk about it, but where's their negotiating position? They're either going to do it [foot the bill] or we're going to stop." Although Lee may seem an unlikely candidate to take on the Department of Justice, few public officials are as insulated as a Texas district attorney, who is part of no larger body and is answerable to no higher authority, including the state attorney general. "You kind of have 95 little fiefdoms around the state," as Lee put it. Still there were political considerations for Lee, like any other elected official. "What's gonna happen if tomorrow morning you decide to stop making cases and half the population of Del Rio is federal law enforcement people?" he muses. And there are other considerations when thumbing your nose at the federal government. Laredo DA Joe Rubio's announcement that he would no longer take federal cases was followed closely by a federal investigation of his office, which resulted in the indictment of his brother, his father, and several of Rubio's assistants and investigators on corruption charges. While Lee doesn't question the legitimacy of the charges, he does question the timing and motivation of the investigation. "We're not going to say that there was-



*Working the cane breaks along the Rio Grande*

Vic Hinterlang

n't something that needed to be investigated down there and of course we want to make sure that public integrity [in law enforcement] is the highest... but they didn't like Joe Rubio, and they weren't going to give him much of a break to begin with."

Lee took his case all the way to Washington, where several border DAs were granted a personal meeting with Janet Reno. He now says he left that meeting feeling they had reached an understanding, only to find in the coming months that no settlement was forthcoming. His esteem for the leaders of the drug war has since waned considerably. Outgoing Drug Czar Barry McCaffrey (whom Lee calls McCafferty) was part of the problem. "His attitude was 'Look, if we start paying you then we're going to have to start paying the DA in Chicago... you know, we're going to have to start paying everybody,'" Lee says. "Our response was, 'you don't have to pay us, because we're going to stop taking them. Problem solved.'"

**T**om Lee's fiefdom pales in comparison to the one built by the federal government in Del Rio. There are 1,800 federal employees in town (not counting Laughlin Air Force Base), making Uncle Sam the biggest employer in a rapidly growing town. The biggest single agency is the border patrol, with roughly 1,000 employees. Even the burgeoning maquila industry in Del Rio accounts for only perhaps 1,000 jobs (at least on this side of the border: Some 35,000 work in maquilas across the river in Acuña). The Del Rio Sector's agents cover a vast area (almost 60,000 square miles) yet most of them live in Del Rio itself, which is the only border town of significant size in the sector. If the border patrol pulled out, the ripple effect on the economy would be devastating. Total border patrol wages and benefits in the sector approach \$20 million annually. Every year, the agency spends \$300,000 on auto parts alone, and \$2 million on office supplies, lumber, and other materials. In a town where half the households earn less than \$25,000, newly hired border patrol agents earn anywhere from their base salary of \$28,000 up to \$40,000 with overtime. The median household income in Del Rio has shot up 34 percent since 1990, almost entirely as a result of the influx of federal agents. Every year the Del Rio Chamber

— continued on page 16

# Out At Last

*Bush Leaves Texas, Ochoa Leaves Prison*

by Karen Olsson

**D**uring the dreary final days of last year's presidential campaign, Christopher Ochoa's wrongful imprisonment was just one more Texas story that would not stick to George W. Bush. Ochoa, along with fellow Pizza Hut employee Richard Danziger, was convicted in 1988 of raping and murdering an Austin woman, and sentenced to life in prison. In late October, the online publication *Salon* reported that Achim Josef Marino, another prisoner, had written a letter to Bush in 1998 confessing to the crime, but Bush's office had failed to notify police, the district attorney, or lawyers for Danziger and Ochoa. The letter was simply filed away. Two years later, the story of that oversight came and went, doing no more harm to candidate Bush than any other part of his undistinguished Texas record.

No thanks to Bush, the police (to whom Marino had also written, in 1996) did investigate, and testing of the evidence matched Marino's DNA to residue found on the victim, Nancy DePriest. On January 16 of this year, after serving 12 years of his life sentence, Ochoa was finally released—just as Bush left for Washington. Although it's just a coincidence (or so one would hope) that Ochoa gained his freedom the same week that Bush became president, Ochoa's press conference did serve to punctuate a growing feeling around the Capitol in January: that things might actually start to happen in Texas again. At last, after two-plus years of state government held hostage to a presidential campaign, the gears have begun to turn.

In particular, certain criminal justice reforms seem to stand a better chance now that Bush is gone. Among them are a life-without-parole option for juries, guaranteed access to post-conviction DNA testing, and standards for indigent defense. At the press conference, between silly soundbite questions ("How does freedom feel?") and Ochoa's thanking of everyone who had helped him in prison, speakers emphasized the need for those reforms and additional ones. It was a celebrity-studded affair, by wrongful imprisonment standards: New York attorney Barry Scheck, co-founder and co-director of the Innocence Project at Cardozo School of Law (which helps people like Ochoa prove they don't belong in jail) flew into town to host the event, which also featured cameos by exonerated former inmate Randall Dale Adams (of *The Thin Blue Line* fame), and Vinson & Elkins attorney Scott Atlas, who spent four years working to free Ricardo Aldape Guerra from death row.

Ochoa, a small, soft-spoken man who confessed to DePriest's murder after being worked over by the Austin Police

Department, offered praise to God and harsh words for APD sergeant Hector Polanco. According to Ochoa, Polanco, who interrogated him in 1988, refused his request for a lawyer, threw chairs around the room, and threatened him with the death penalty unless he confessed and implicated Danziger. (Polanco, who has also been accused of coercing confessions in other cases, was fired from the APD in 1992 but later reinstated.)

In addition to Polanco, Ochoa also blamed his wrongful imprisonment on a more abstract culprit: "We are a nation built on revenge," he said. That sentiment was echoed moments later by the next speaker, Jeannette Popp, Nancy DePriest's mother. She criticized the Austin police for having misled her but had harsher words for police misconduct in general and for the death penalty. "I don't believe anyone can be so positive to take a person's life," she said.

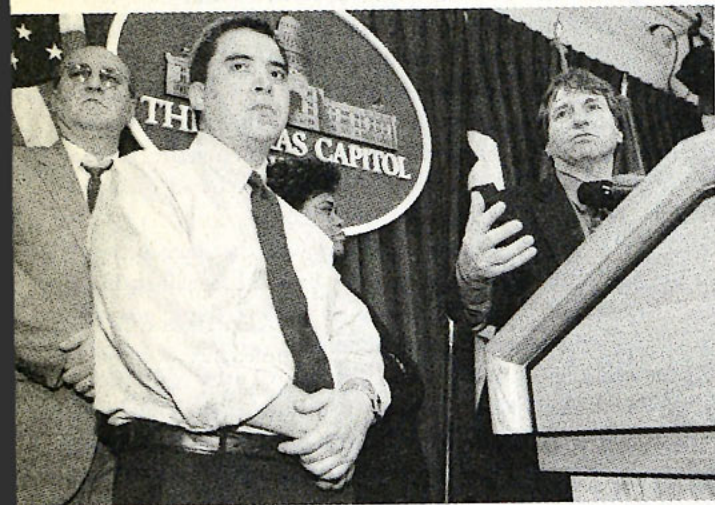
**A**nyone who is feeling positive on that point would do well to read *Actual Innocence*, the book Barry Scheck co-authored with his partner Peter Neufeld and journalist Jim Dwyer, or *A State of Denial: Texas Justice and the Death Penalty*, a report published last year by the Texas Defender Service. Both works document the ways in which our desire to avenge crimes has led to legions of wrongful convictions. *Actual Innocence* is both a page-turner and a point-by-point examination of how the criminal justice system ensnares the innocent: Scheck, Neufeld, and Dwyer tell stories of mistaken eyewitness identifications, the suspect "sciences" of hair and bite-mark analysis, forced confessions, laboratory fraud, racial profiling, unscrupulous snitches, police misconduct, and bad lawyers. A number of their examples come from Texas, among them the fraudulent forensic expert Fred Zain, who faked data for years in West Virginia before setting up shop in San Antonio, and Ralph Erdmann, a Lubbock medical examiner whom the authors call "another superstar of forensic deception." The state does not appear to have run out of such superstars: in December, a Travis County grand jury indicted Department of Public Safety fingerprint analyst Dianna Boyd Monaghan on charges of falsifying lab reports.

Scheck and Neufeld's Innocence Project has worked to free wrongfully convicted inmates through the use of DNA testing. As they note in the book, this magic-bullet style exoneration won't be around for long. "The population of prisoners who can be helped by DNA testing is shrinking," they note, "because the technology has been used widely since the early 1990s, clearing thousands of innocent suspects before trial. Yet blameless people will

remain in prison, stranded because their cases don't involve biological evidence." Such cases require more than just DNA testing.

In Austin, Scheck called on the Legislature to enact four specific reforms: to provide meaningful compensation for those released after wrongful imprisonment, to ensure better access to post-conviction DNA testing, to improve indigent defense, and to create innocence commissions to try to determine how wrongful convictions occurred and how to prevent them in the future. Currently, says Scheck, "there's no examination of what went wrong. We need something that looks at these cases and figures out what went wrong and how can we fix it."

There is momentum behind at least two of these proposed



Christopher Ochoa and Barry Scheck

Jana Birchum

reforms, from no less (or greater) a man than Governor Rick Perry himself. In a speech given the day after Ochoa's release, Perry supported post-conviction DNA testing in any case in which a judge "determines there is a legitimate question about the guilt of the defendant." The same day Senators Robert Duncan, Buster Brown, and Rodney Ellis introduced a bill to give prisoners with reasonable innocence claims access to DNA testing, at the discretion of a judge. The bill is not without its problems. According to Houston defense attorney Randy Schaffer, who has helped several clients (including Randall Dale Adams) overturn convictions, "no" is the better part of discretion for certain Texas judges. And in some cases it may not be DNA testing that frees a prisoner, but, say, venereal disease tests. Still, something is better than nothing, and currently "everything is done on an ad hoc basis," says Schaffer of post-conviction testing. "Basically every prosecutor and every judge can create their own rules." In some cases it has taken him years to get judges and prosecutors to agree to tests.

Perry also called for statewide standards in the selection of defense attorneys in capital cases. This was practically an acknowledgment of the state's failure to provide decent lawyers to poor people, albeit a very weak acknowledgment—claims of inadequate counsel are often "desperate plea(s) by inmates and defense attorneys running out of options," Perry told reporters. (The one reason he gave for improving the system was to cut down on those competency claims.) The Governor most certainly did not call for Texas to emulate other death-penalty states and provide

state funding and state oversight for capital-case attorneys. And he refused to support a ban on the execution of mentally retarded convicts, saying he wanted to wait for the Supreme Court to rule in a Texas death penalty case involving Johnny Paul Penry, who is mentally retarded. (The Supreme Court case, which addresses a procedural issue, will not determine one way or another whether Texas may execute a mentally retarded person. Perry's statement was either disingenuous or misinformed.)

Finally, Perry said it was time to "take a hard look at giving juries the option" of life without parole, as an alternative to the death penalty. The advantage here is that some death sentences could be avoided, while the danger is that this option could lead to no-parole sentences for others who would, under the current system, be given lesser sentences. Perry is not likely to call for a death penalty moratorium, as Illinois' Republican Governor George Ryan did last year.

**A**lso in attendance at the January 16 Ochoa press conference was A.B. Butler, who was released from prison last year after DNA tests cleared him of a 1983 rape. An hour beforehand, he held his own press conference, to announce he was filing a lawsuit against Smith County, the city of Tyler, and various public officials. A man whose intimidating size is offset by a round, mild face, Butler was dressed all in black—as were his attorney, Victor Bonner, and two other companions—so that it appeared they had come for a funeral rather than a press conference.

A chilly midday rain hounded them, in their long black coats and broad-brimmed hats, from the front steps of the federal courthouse, where they had planned to stage their announcement, to the State Bar of Texas building five blocks north. A man there told them to speak to the press in the spacious first floor lobby. Yet moments after the television tripods had been planted on the carpet, a cheerful but concerned-looking facilities manager appeared to ask the Butler entourage what exactly was going on.

"This man was released from prison. He was exonerated," said Bonner.

"Well, congratulations to you, sir!" said the facilities manager. She then resumed her original line of questioning.

Butler, who spent 17 years in prison for a crime he did not commit, is evidently a patient person. He waited until the confusion had cleared, and then spoke into the microphones. "I feel like I deserve something instead of just my freedom," he said, explaining why he had filed a \$37.5 million lawsuit. "In today's world, you just can't go do 17 years and then just fit right in." After his release, the state of Texas gave Butler \$25,000—a little better than "congratulations," but a pittance in light of what he suffered.

It seems unlikely that Butler will prevail in court, because the victim in the rape case identified him as the perpetrator. (For Butler to claim damages from the city and county, he must show that his conviction resulted from police or prosecutorial misconduct, not mistaken identification.) Still, his case calls attention to the need for better compensation of the wrongfully imprisoned. It also underscores the need for investigative commissions to examine what put them there in the first place, so that we won't have to rely on lawsuits for answers. ■

# The W. Thing: Hey, It Could Be Worse

**T**he president is a Texan, the governor is an Aggie, God's in His heaven, all's right with the world. And I want it noted for the record that I am doing my dead-level best to be cheerful about this revolting development.

Several reasons for non-Republicans to perk up:

George W. Bush is not stupid.

George W. Bush is not mean.

Most of us non-Republicans didn't vote for him, so no one can blame us. No matter what happens for the next four years, we can say, "It's not our fault; we didn't elect him." This will be especially useful when dealing with persons of the French persuasions.

High entertainment value: The fact that Bush cannot express himself well in the English language is a constant source of delight to us all. In his defense, no matter how badly he mangles it, you can almost always tell what he was trying to say. The Texanism is, "My tongue got caught in my eyeteeth, so I couldn't see what I saw saying."

Is our children learning?

He wants to be the Education President.

He knows that Canada is one of our most important neighbors to the north.

Sometimes he is able to laugh at himself.

He married well.

We already know most of the people in his Cabinet, although quite a few of us are too young to remember them.

Although restoration of the glory days of the Nixon years was not what most of us had in mind, it should be interesting.

Many Texans will find employment in this administration.

It will get them out of Austin.

His favorite foods are chili dogs and

chicken-fried steak, which will gross out the entire East Coast. Take that, you radicchio-eating foodies.

Laura likes writers.

Dubya likes dogs and cats.

Think what a refreshing new perspective he will bring. Who else ever thought that Jimmy Carter was "a European-style socialist"?

No one who loves baseball can be all bad. Try to forget that he traded Sammy Sosa.

The man is not a workaholic. This will save the taxpayers a bunch on the White House electric bill—no lights burning 'til all hours in the Oval Office.

His new ranch in Crawford will force the entire national press corps to spend

No one who loves  
baseball can be all bad.  
Try to forget that he  
traded Sammy Sosa.

tons of time in Waco, upping their cultural IQ by going to the Dr Pepper Museum.

New hope for the inarticulate.

Dyslexia becomes fashionable.

He wants more energy exploration in Mexico so we won't be so dependent on foreign oil.

"I mean, these good folks are revolutionizing how businesses conduct their business. And like them, I am very optimistic about our position in the world and about its influence on the United

States. We're concerned about the short-term economic news, but long-term, I'm optimistic. And so, I hope investors, you know—secondly I hope investors hold investments for periods of time—that I've always found the best investments are those that you salt away based on economics."—Jan. 4, 2001.

He's rich because the taxpayers of Arlington, Texas built a baseball stadium for him, but he doesn't think government should do much else.

"I am mindful of the difference between the executive branch and the legislative branch. I assured all four of the leaders that I know the difference, and that difference is they pass the laws and I execute them."—Dec. 18, 2000.

"The Legislature's job is to write law. It's the executive branch's job to interpret law."—Nov. 22, 2000.

"Natural gas is hemispheric. I like to call it hemispheric in nature because it is a product that we can find in our neighborhoods."—Dec. 20, 2000.

"Well, I think if you say you're going to do something and don't do it, that's trustworthiness."—Aug. 30, 2000.

All in all, we can conclude that George W. Bush will increase the national joy with words that resignate with our people after full analyzation, possibly even adding to the joy of Grecians and Timorians; he should not be underestimated and will make the pie higher. ■

*Molly Ivins is a former Observer editor and a columnist for the Fort Worth Star-Telegram. Her book with Louis Dubose (Shrub: The Short But Happy Political Life of George W. Bush) is out in paperback. You may write to her at mollyivins@star-telegram.com.*

# The Pentagon Peddlers

**W**hen he was mayor of Philadelphia, Frank Rizzo was charged with nepotism in the hiring of the city fire commissioner, to which he responded: "Whaddaya mean nepotism? He's my brother!"

Likewise, the Pentagon seems confused on the concept of ethical dealings—not over the hiring of relatives, but in the buying of supplies. The Army and Air Force Exchange Service, which runs 1,400 stores on U.S. military bases around the world, hauling in some \$7 billion a year in sales, has been getting much of the apparel in these stores from a notorious sweatshop in Nicaragua. This violates policy, regulations, common decency ... and our nation's moral principles.

The Chentex factory, owned by a Taiwanese textile conglomerate, employs 1,800 workers who sew 35,000 pairs of jeans a day. The jeans retail in the Exchange stores for about \$30 a pair; workers are paid only 20 cents for each pair, an abysmal sub-poverty wage even in impoverished Nicaragua. Chentex workers are not allowed to go to the bathroom without being monitored. They work up to 70 hours a week (including forced overtime), and it's not unusual for them to be screamed at and hit by factory managers. Not surprisingly, many have attempted to form a union, demanding an 8-cent increase on each pair of jeans—an increase that would have no impact on consumer price and would not pinch corporate profits. Yet, when more than 150 of them went on strike for this modicum of fairness, Chentex fired them.

The Pentagon is one of this sweatshop's largest customers, meaning our tax dollars keep it in business. Representative

Cynthia McKinney of Georgia is working to stop the Pentagon from coddling sweatshop labor by requiring any supplier to pay workers fairly and treat them decently. To learn how you can help, call McKinney's office: 202-225-1605.

## WHAT'S ON A PACKAGE?

Time for another trip into the Far, Far, Far-Out Frontiers of Free Enterprise, with *Consumer Reports* magazine as our guide. Let's start with an innovation on the old Made-in-the-USA label. Tisonic Inc. makes a radio cassette player for automobiles, and the package proudly bears a rendering of our U.S. flag. But, wait ... the stars on this flag are blue on a field of white. Not only are the colors reversed, but the print beneath the flag says "Made For U.S.A."—not made in our country. Clever.

"Worrisome" is the word that might occur to you if you bought the Super Signal Booster to juice up your radio reception. The front of the package brags that the Booster uses "Secret Military Technology!" and has been a "Secret device for the military for YEARS!" The back of the package confesses: "Made in China." Worrisome. As for logic-defying labels, how about "Chicken Noodle Vegetarian" soup? Then there's the Krylon spray paint promo that says you can turn an old end table into a like-new treasure in only "30 minutes." Go for it—the copy explains that all you have to do is remove all hardware, strip and scrape off the old paint, sand the table, wipe it clean and prime it, sand it again, mask areas you don't want painted, apply one coat of paint, wait, then apply a second coat. I don't know ... sounds like maybe a 35- or 40-minute job to me.

I also appreciate the label on Food Lion's apple cider vinegar, which brags:

"Made from REAL APPLES!" Well, that's better than making apple cider vinegar from squirrel heads.

## PAIN-ON-THE-JOB

Ever had back pain? How about tendonitis, carpal tunnel syndrome, or some other chronic ailment that stabs you like an ice pick and can cripple you? A hundred million American workers perform repetitive functions that cause these injuries. Six hundred thousand a year have to miss work because of heavy lifting, assembly-line repetition, constant typing, and other tasks. Day-by-day, year-by-year, these tasks tear at their backs, wrists, elbows, muscles, and tendons, leading to chronic, debilitating pain. Late last year though, the Labor Department finally took action. After studying the matter for 10 years, OSHA issued standards to protect working families from some of these job-related injuries. The new rules range from merely providing information so employees can know about these injuries to requiring companies to provide better-designed tools and workstations.

But, oh, the squealing from corporate executives and their puppets in Congress! "We can't bear the cost," they wailed—never mind that many firms here and abroad already do this, and industry would actually save some \$9 billion a year because of reduced worker's comp costs and increased productivity. Stephen Bokart of the U.S. Chamber of Commerce even asserted that the problem doesn't exist: "We don't think there is any scientific basis to say how many repetitions are too many, how much weight is too much," he sniffed. Really, Tiger? How much heavy lifting do you do, not counting your tongue?

Workplace injuries are a cost of doing business. Instead of making workers pay with pain and medical bills, let's do all we can to stop hurting people on the job. ■

Jim Hightower's radio talk show broadcasts nationwide daily from Austin. His latest book is *If the Gods Had Meant Us to Vote They Would Have Given Us Candidates*. Find him at [www.jimhightower.com](http://www.jimhightower.com).

# Graffiti in Austin

*Photography by Shannon Young*

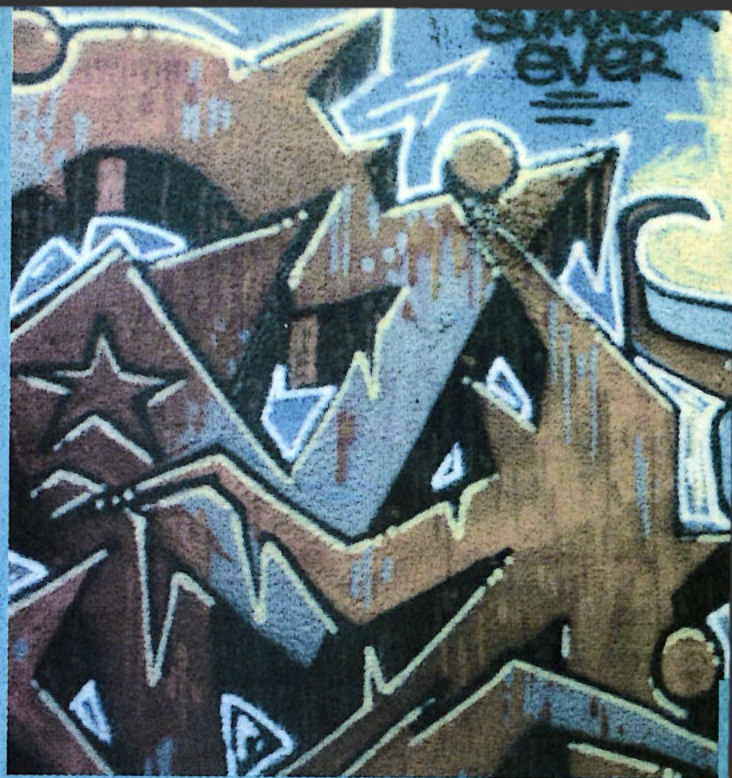
I take pictures of murals wherever I travel. I've decided that the amount and quality of art on walls is directly proportional to the amount of freedom within a space, and as a consequence, this particular form of art is often destroyed at the hands of the government. This holds true in Zapatista villages and squats in the Netherlands and random walls here in Austin. More than any other medium, spray can art is the quickest to be destroyed. As a photographer, I have to take a picture of a nice graffiti piece as soon as I happen upon it, because it might not be there the next day. It's so frustrating to hear about amazing aerosol murals, only to find them painted over with grey as soon as I go to the location with my camera. This has been happening a lot recently. For whatever reason, in December the Austin Police Department Graffiti Task Force just went hog wild all over town with their grey paint, covering up art even in the most out-of-the-way spots.

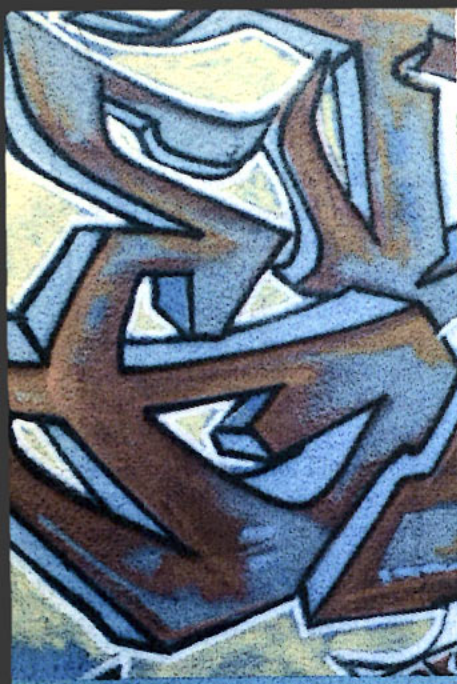
As a member of the community, I really appreciate some of the talented graffiti writers here in town. To spend cash out of pocket for supplies and to paint a mural without pay, all the while risking a fine and/or arrest, just in order to put up some art that is invariably doomed to erasure—you have to at least respect the labor of love, whether or not you like the art. I actually view the local graffiti murals as a point of civic pride, because when I travel to other cities and take pictures of the bombs [graffiti murals] there, I always show folks examples of the spray art in my neighborhood, and people are always like, "Damn - there are some serious artists in your town. Well, let me show you the best stuff in my neighborhood."

Unfortunately, all of my favorite Austin murals have been covered up within the past two months. Something that really saddens me is recent harsh legislation that has been passed in places like New York City and California which makes painting certain types of graffiti (like full-scale murals) a felony punishable by hard time in prison. I think it's very telling of the level of repression within a society when artists are put behind bars.

**-Shannon Young**

*Shannon Young is an Austin photographer.*





**CROWN UNLOCKED** The five-year lockout at Pasadena's Crown Petroleum refinery finally ended January 17, when workers ratified a new labor agreement with the company. Employees are expected to return to work early this month.

The dispute began in February of 1996: After a month of unsuccessful bargaining, managers asked union members if they intended to strike. The workers said no, and management escorted them out of the building shortly thereafter. The company alleged that workers had committed various acts of sabotage, which workers denied.

In the years that followed, PACE (the Paper, Allied-Industrial, Chemical and Energy Workers, formerly known as the Oil, Chemical, and Atomic Workers) Local 4-227 allied with other union

members across the country to boycott Crown and also with environmentalists who sued the company over violations of Clean Air Act standards.

The 1996 lockout affected 260 workers, a third of whom have since resigned. The new agreement enables 161 employees to return to work, though most likely fewer than that will take Crown up on the offer, since some have taken other jobs.

**RAIN, RAIN, GO AWAY** We're not exactly sure why the January issue of *Bloomberg Markets* arrived in our office, but we were interested to read its article on Richard Rainwater, the down-on-his-luck Fort Worth billionaire. As Bush-watchers may recall, Rainwater is a friend of George W. and was a partner in the Texas Rangers deal. His company, Crescent Real Estate Equities, has received all sorts of favors from the state. (As the *Houston Chronicle's* R.G. Ratcliffe reported in a kickass 1998 story, the teacher retirement system sold three office buildings to Crescent on the cheap. University and school system trust funds invested \$20 million with Crescent after Bush became Governor. Various Bush actions and proposals, such as vetoing the Patient Protection Act of 1995, did benefit or would have benefited Rainwater's business interests. And so on.)

Rainwater has lucked into the right friends ever since he roomed with the profound-pocketed Sid Richardson Bass at business school. But his business fortunes have not been so hot over the past few years: The depressed real estate market that gave Crescent its start no longer exists, and Rainwater's forays into other lines of business have not succeeded.

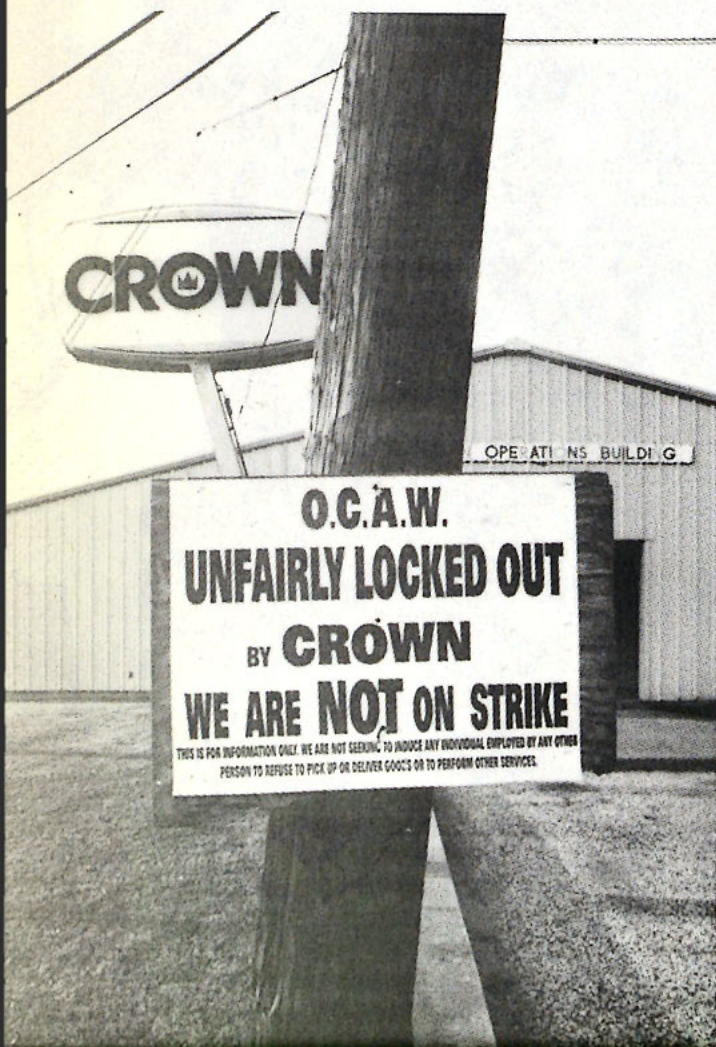
Consider, for instance, the consequences of Rainwater's decision to dabble in the field of psychiatric

care. In 1997, *Bloomberg* recalls, Crescent acquired the real estate assets of Magellan Health Services, a behavioral health company whose directors included Rainwater's wife, Darla Moore. Then Crescent turned around and leased the facilities to Charter Behavioral Health Services, a company jointly owned by Magellan and a Crescent affiliate. Crescent charged such high rent that "they basically sucked all the operating income out of Charter," according to one investment analyst. Throw in the 1997 Balanced Budget Act, which reduced reimbursements to psychiatric hospitals, and what you get is the situation unveiled in 1999 by *60 Minutes*—which reported that Charter's cash-strapped operations were imperiling the patients.

Charter Behavioral filed for bankruptcy last February, and Crescent is selling off the hospitals. In the meantime, Rainwater sidekick John Goff is doing his darnedest to "rebuild our credibility." Rainwater is still able to raise plenty of money, and *Bloomberg* seems to see that as an encouraging sign. With W. in the White House and investors seemingly untroubled by television exposés, surely credibility is just around the corner.

**WHY DRUG COPS MAKE US NERVOUS** To date, no one has been held accountable for the death of Pedro Oregon Navarro, who died after being shot 12 times by Houston police officers in 1998. Harris County grand jurors indicted only one of the officers involved—for trespassing—and he was later acquitted. In a civil rights lawsuit filed by Oregon's family, a judge ruled that the city could not be held liable for his death. On the other hand, as the *Houston Chronicle* reported January 21, the civil rights suit did reveal that the police tactic that led to Oregon's death—barging into his apartment

Photo by Jay Hamburger



at night without a warrant—is typical procedure for narcotics investigators with the department.

As it turns out, investigators elected to forego the use of a search warrant not just in the Oregon case, but in every single one of 432 drug-related investigations conducted by the Southwest Gang Task Force between 1994 and 1999, according to court documents. In deposition, former Houston Police Chief Sam Nuchia said officers were instructed to “go to the line, into the gray area” when it came to searches, seizures, and arrests.

Also deposed was Kim Ogg, former head of the mayor’s anti-gang office, who said the department’s “zero-tolerance” crime-fighting policy encouraged officers to rely on racial profiling rather than target past offenders. Ogg met with some City Council members and Police Chief C.O. Bradford in 1997 to suggest changing the policy, but no action was ever taken.

Meanwhile, in Travis County, a December 2000 grand jury report expressed concern about infringements of civil liberties during drug investigations. “Although we were told that ‘sting’ buys and other undercover arrests are legal,” the grand jurors wrote to Judge Jon Wisser, “there are concerns about entrapment issues as well as the use of questionable probable cause circumstances such as ‘appearing nervous’ (emphasis added) or having a tail light not working.”

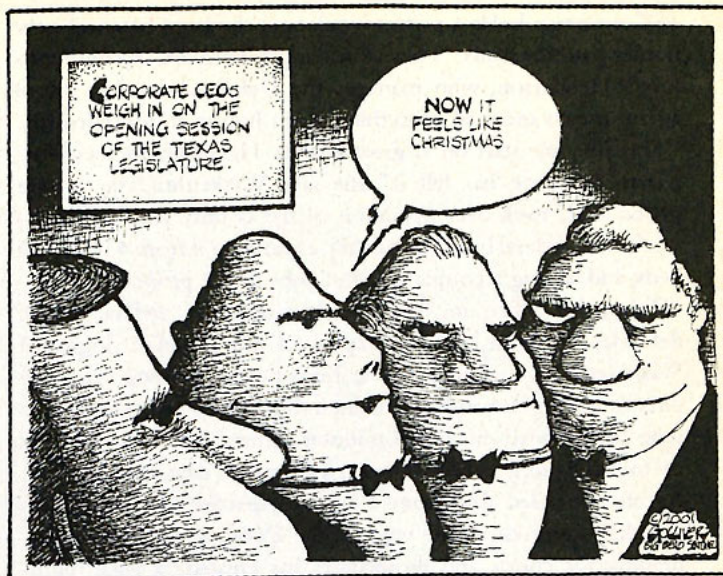
**STOP ME BEFORE I ORATE AGAIN!** In the poorly charted waters of public official conflict-of-interest law, Senator Chris Harris may be the legislature’s most intrepid explorer. Over the years, the Arlington attorney has paddled the murky waters on behalf of clients ranging from bail bondsmen to private nursing homes. If he has occasionally crossed the frontiers of ethical

behavior (see, for example, “Senator Harris for the Defense,” *TO* April 16, 1999), his Senate colleagues have been discreetly forgiving. On January 9, during the session’s first meeting of the Texas Senate, the Lewis and Clark of Texas ethics law was elected President Pro Tempore (the guy who’s in charge when everyone else in the state is off campaigning for President) by his fellow Senators—inspiring 12 of them to stand, one after the other, and offer, with mixed results, their own perorations in honor of the nominee. Excerpts follow.

*From Senator Jane Nelson.* “Sometimes it is traditional for the nominator to compare the nominee to some great figure of the past. Being a former English teacher, I thought about comparing Senator Harris to some great literary figure. Jason in Homer’s *Odyssey* comes to mind because he was a real tough guy. But in keeping with the times, I thought it might be more appropriate to think in movie terms... The movie that I thought might best capture the essence of Senator Harris’ personality is one that coincidentally stars one of Austin’s rising stars. It’s *Miss Congeniality*... Sandra Bullock has nothing on you, Senator.” [Editor’s note: if you don’t recall a character named “Jason” appearing in *The Odyssey*, you’re not alone. Nelson may have been thinking, in movie terms, of the “real tough guy” in *Halloween*.]

*Senator Gonzalo Barrientos.* “Honest [sic], straightforward, tough, Texan, that’s Chris Harris. Comes to mind when you think about Chris Harris that if he had been a Democrat, his name would have been Francisco Pancho Villa. Villa was a Democrat.”

*Senator Eddie Lucio.* “I really



Gary Oliver

don’t know who I can compare him to. Some of us want to compare him to Grumpy of the seven dwarfs. I don’t want to do that. I look at him as Mel Gibson in *The Patriot*, because of his love for Texas... I know that he and his lovely wife, Tammy, are frequent visitors of the border and I think we had a wonderful time in Matamoros not too long ago.”

*Senator Royce West.* “Don’t cross him, as with other Members of this body. Because once you cross him you will be on his bad side.”

*Senator Judith Zaffirini.* “Today, as I second the nomination of Chris Harris, I will quote Attila the Hun. Attila the Hun wrote, ‘When Huns find themselves with a weak leader, they become confused and ineffective. Huns desire to be led well! We are not Huns, we are Senators, and we are your friends, as you so very well know... Last year on your birthday, I gave you a copy of *Victory Secrets of Attila the Hun*. As you assume your new duties, I will present to you, *Leadership Secrets of Attila the Hun*. Senator Harris, you will write a better book.”

*Senator Florence Shapiro.* “I know that you are up to this task, my friend, for you are your own cliché.” ■

of Commerce holds a party to welcome the latest batch of new border patrol recruits. "They've had a great impact," according to Linda Henderson, who manages the Del Rio chamber. More agents means more of everything, from houses to toothbrushes. "These people start off at great salaries: Hospitals, doctors, Wal-Marts, everyone has felt it," she says. Wackenhut, the private prison firm, took over operation of the county jail (kept well-stocked by federal busts) in January, expanding it from 150 to 750 beds, and adding a couple hundred jobs in the process.

From his office in the federal courthouse, federal public defender Ramon Acosta explained the strange logic of Washington's investment on the Texas border, pausing briefly to direct a young Hispanic defendant in black jeans and tennis shoes who had bonded out of jail minutes earlier. "Take the bus back up to San Antonio, and call me in a couple of days," he told him. Acosta conceded that, from a legal perspective, the buildup in interdiction infrastructure without the accompanying increase in funding for courts and prosecutors has created "a legal nightmare." As a former state prosecutor in New Mexico, he sympathizes with the burden on the local authorities in Del Rio. The federal court is straining as well, with each prosecutor handling 100 to 120 cases at a time, or roughly twice the average caseload in other parts of the country. The federal public defenders, meanwhile, have about 50 cases apiece. (They get some relief from a panel of private attorneys appointed to defend federal cases.)

And despite the crowded docket, there is still no sitting federal judge in Del Rio. A judge will come down from Austin or San Antonio for an actual trial, which occurs in about five percent of cases. The rest of the court's business, such as pre-trial hearings, and sentencing hearings for the vast majority of defendants who plead guilty, are done by video. Sitting where the judge would be at the front of the courtroom is a monitor with a camera mounted on top. When the defendant comes in, all he can see is the judge's head on the screen; the judge can see a narrow portion of the courtroom. "They still have all the ceremony... it's 'Draw near and give your attention, because the honorable judge so and so is in session,'" Acosta says. "I bring my clients in, some of 'em are illiterate, some don't even own a TV, and all of the sudden the TV will start talking to them." At least in federal court defendants will generally receive a speedy trial. Currently, defendants who cannot bond out wait up to six months in jail for a trial date in state court.

**Y**et the status quo looks fine from Washington. "The walking orders from the Department of Justice are to open up as many cases as you can," according to Acosta. "The whole thing is stat driven; each agency, including us [federal public defenders], needs to justify itself. And when the U.S. Attorney has good stats, then during appropriations time, they say we're doing well down there and need more money because stats are increasing." Thus the cycle continues, and the economy of the drug war gains momentum: More agents means more busts which in turn means more agents. "I don't think the idea here is to stop [immigration and drug trafficking]; the idea here is an idea that ran amok, but we're seeing this great economic boom, so they're going to keep it going," he says. "It's a job serv-

ice. Nobody wants to admit it, but it's a job service."

From his cramped office in the county courthouse annex, Fred Hernandez, Tom Lee's successor, confirmed that, as promised, he stopped accepting federal cases when he took office in early January. (Tom Lee decided to continue taking cases until the end of his term). It's unclear how the U.S. Attorney in Del Rio will handle the increased caseload in the months to come. In Laredo, where DA Joe Rubio stopped taking cases two years ago, federal prosecutors have compensated by dealing with low-level cases administratively—that is, pursuing a lesser charge, usually possession—so that the defendant will quickly plead guilty and accept probation. Hernandez anticipates that some form of that method will be employed in Del Rio, at least in the short term. That can be good news for defendants, according to Ramon Acosta. At the border, where thousands of pounds of dope flow through undetected every day, a "small" bust can mean 50 pounds of pot. When Acosta served as a state prosecutor in New Mexico, the U.S. Attorneys had an informal policy of "fast-tracking" any amount under 70 pounds of marijuana. That quantity is supposed to carry a mandatory minimum of five years, but prosecutors circumvented that by charging defendants with simple possession, rather than trafficking. Thus while drug task forces in, for example, Central Texas, were pursuing 2- to 20-year sentences for delivery of six ounces of pot, federal agents on the border were letting people caught with trunkloads of dope off with probation. That practice, Acosta pointed out, didn't actually hurt the stats compiled by the U.S. attorneys there, since they still were credited with cases opened and convictions made.

Today, as the War on Drugs enters its third decade, every border community, from Brownsville to Las Cruces, Tucson, Nogales, Yuma, all the way to San Diego, is addicted to some degree to the cash flow from D.C. "If all of a sudden the Bush Administration decided we're going to reduce demand, and instead of paying all these agents, we're going to put the money into schools, Del Rio would go back to what it was in the beginning, which was this sleepy little Texas town," says Acosta. Some wouldn't miss the war. "The town has changed tremendously," says Eloy Padilla, chair of the county appraisal district and an attorney for Texas Rural Legal Aid. "You can't go anywhere, even on a small little road, without running into one kind of law officer or another." According to Padilla, random stops of Del Rio residents were becoming more and more frequent, particularly when the Border Patrol began riding along with the state police. Finally, Acosta said, they stopped the wrong person, a well-connected Anglo attorney, who was so incensed he convened a meeting of the Val Verde Bar Association, who leaned on local authorities to use a little more discretion. Padilla says many of the new border patrol agents are younger and less well-trained, leading to more civil rights abuses.

For his part, although he supports the goals of the drug war, Tom Lee says he wouldn't miss it if it ended tomorrow. "I'm not sure you'd see the people of the state of Texas be too unhappy that they have to divert those resources to other efforts," he says. And if Washington suddenly forgot about the border, as it had for so many years before the drug war? "I'm not sure you'd have any people crying over that down here, either." ■

## WORK

The girl who knelt in that suburban sea of grass, the girl who combed St. Augustine for weeds, a penny apiece, what did she learn? That the hues of green are as many as the million grassy fingers tickling her palm, that it takes a hundred weeds to make a dollar.

The girl who shelved books at the branch library, the girl who shelved books at the library all summer after seventh grade, what did she learn? That books are very heavy, even the slim ones. Some smell of sex; others, death. That there is never enough time to read.

The sophomore who served breakfast in the college dining hall, who stood like a good soldier before the field of bacon and eggs, what did she learn? That six in the morning comes too soon but disappears always too soon, that the faces of strangers are full of grace.

The senior in the nighttime cleaning crew at the Farmers' and Merchants' National Bank, Boston, 1969, punching the clock in her blue uniform, what did she learn? That the restrooms of men are messier than the restrooms of women, that wastebaskets overflow with secrets.

The graduate teaching English in the middle school, whose grammar screeched like a frightened animal pinned against the blackboard, the graduate at 21 before her class of 35, what lessons did she learn? That nothing is black and white, that Black and White is everything.

The lawyer just out of law school, tending to the indigent, the indicted, the three-time housebreaker, ungratified larcener, to the man who denies he put his cock inside his daughter, what did she learn? That guilt is what we breathe, as plentiful as air. That innocence is rare and far more frightening.

The lawyer in her middle age, in her little cage of suit and stockings, her arms filled with the files of the deserted, the divorcing, the unsupported and the unsupporting, what did she learn? That no story is the same as any other, that love is ever ingenious, always uniquely disappointing.

And the woman who sits at the kitchen window, the woman who is finished with offices, how will she earn her fortune now? Penny by penny, word by word, beginning with the girl who knelt in that suburban sea of grass, beginning with the girl on her knees in the grass.

## HEART'S WORK

We forget how hard it is, her work,  
how she sweats in the thankless breast  
pushing her mop and pail —  
spilling and sucking, sucking  
and spilling — without reward,  
with nothing but raw will to keep doing  
what she's always been doing.

We forget there is no Saturday  
for her, even as we lounge  
in the silky grass beside the river  
and later sleep in our warm,  
clean sheets; forget  
how she stays up  
stoking the fire, bends over it  
with bellows — in and out,  
take and give.

Love, she whispers,  
so as not to wake us,  
Live.

## THE RULES OF EVIDENCE

What you want to say most  
is inadmissible.  
Say it anyway.  
Say it again.  
What they tell you is irrelevant  
is very loud and will  
eventually be told.  
Every question  
is a leading question.  
Ask it anyway, then expect  
what you won't get.  
There is no such thing  
as the original;  
you'll have to make do  
with a reasonable facsimile.  
The history of the world  
is hearsay. Hear it.  
The whole truth  
is unspeakable  
and nothing but the truth  
is a lie.  
I swear this.  
My oath is a kiss.  
I swear  
by everything  
incredible.

—Lee Robinson

Lee Robinson moved to San Antonio in 1998 from Charleston, South Carolina, where she practiced law for over twenty years. Her poems have appeared in *Harper's*, *Southern Poetry Review*, and elsewhere. Her novel for young readers, *Gateway*, was published by Houghton Mifflin in 1996.

—Naomi Shihab Nye

# As I Sat Driving

*A Bereaved Family Takes a Road Trip in This First Novel*

by Michael Miller

## THE WAY THE FAMILY GOT AWAY

By Michael Kimball

Four Walls Eight Windows Press.

143 pp. \$25.

Practically speaking, a car is a means of getting from one place to another, but the vehicle driving through Michael Kimball's first book, *The Way the Family Got Away*, is also a home, a confessional, a playpen, and a coffin. Tag-team-narrated by a very young girl and her slightly older brother, the novel follows them and their parents from Mineola, Texas, across the country to their Bompa's house in Gaylord, Michigan—also known as "Heaven" and the place where they "could start living again." This is no family vacation. The parents are fleeing the death of their infant son, though their escape doesn't put much distance between them and the dead baby, whose body rests in a small toy box in the trunk.

It's a bleak story with gothic overtones, and readers familiar with Faulkner's *As I Lay Dying* will notice similarities—alternating narrators, a corpse-in-transit, plenty of hardscrabble luck, and a lack of money, which in this case forces the family to sell or trade practically everything they own as they go. We also learn on the copyright page that Kimball, who lives in Lubbock, based his novel on a story passed down by his great-grandmother about her own younger brother's death, followed by a journey from Mineola to Gaylord.

Antecedents aside, Kimball inhabits the story and makes it his own, produc-

ing a work of stylistic originality and convincing experimental voices. Relinquishing dialogue altogether, the author places the novel entirely in the developing minds of his two young narrators, who channel their experiences into something both tangible and hauntingly strange. With her delightfully off-hand observations and striking voice, the character of the daughter is especially well drawn. Her narratives transform everything they touch—her little brother didn't die of a fever, but because "the sun-color got too bright and too inside under [his] skin until it burned his insides out inside his crib"; a priest is a "fold-handed man that threw drops of water all

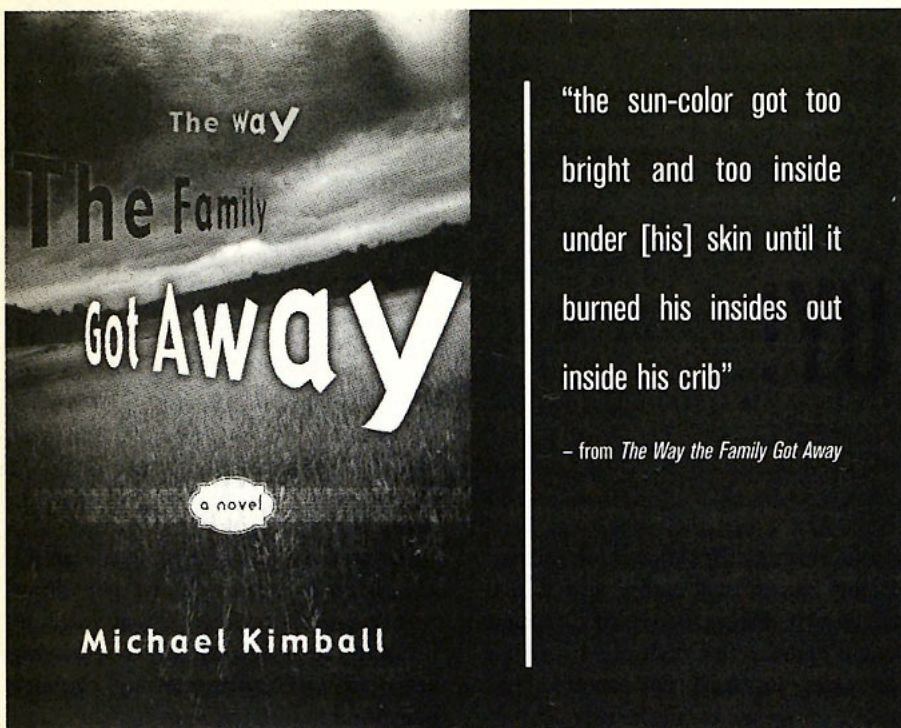
around the room but that never made it rain outside."

The young boy offers a more concrete narrative of the journey, one sensitive to his parents' doomed quest to start over. His deadpan chapters reckon with uprootedness, inventorying the places his family travels through and what they sell to keep going. It's curious that a novel without character names—only "my mother," "my father," "my sister," etc.—would feature a young boy who diligently rattles off the names of cities like Stringtown, Albion, Hot Springs. But in doing so, he heightens the sense that his family is seriously messing with the order of things on its journey to Bompa's, essentially erasing itself as it moves north. Each time his parents sell something—a wedding dress, a wallet, their clothes—the boy recognizes the sold possession as a possibility discarded. Eventually the family is left with nothing but the titular getting away: "The only things that were still holding us together anymore were the miles and the farther away and that we could keep going away even though we didn't have any maps anymore." Sadly, despite these attempts to hold on to fleeting surroundings, his chapters drive home the fact that the only constant in these children's lives is movement itself.

Objects play a crucial role in the lives of these children, who are scrambling to make sense out of the misfortunes around them. For the young girl, it's her dolls, probably because, as she puts it, "My doll family plays better at family than my people one does." With her playthings as props, she gives loquacious exegeses on how the doll representa-

---

The parents are fleeing the  
death of their infant son,  
though their escape doesn't  
put much distance between  
them and the dead baby,  
whose body rests in a small  
toy box in the trunk.



"the sun-color got too  
bright and too inside  
under [his] skin until it  
burned his insides out  
inside his crib"

— from *The Way the Family Got Away*

**The American Civil  
Liberties Union of Texas**  
invites you to

***A Gala Evening***  
Saturday, February 10, 2001

highlighting  
**Separation of  
Church & State**

The John Henry Faulk  
Civil Libertarians of the Year  
Annual Awards

#### **Keynote Speaker**

*Barry Lynn*  
Executive Director of Americans  
United for Separation of  
Church & State

#### **Honoring**

*Douglas Laycock*  
University of Texas School of Law  
professor, and The "Doe" Family,  
Santa Fe, Texas, residents and  
ACLU clients.

\$50 per person  
5:30 p.m. Music & Cash Bar  
6:30 p.m. Buffet Dinner & Program

Thompson Conference Center  
Austin, Texas

For more information, please call  
512/441-0077.

tions of her family keep their counter-  
parts alive, or kill them: She believes her  
little brother became sick because she  
left her baby doll in the sun. Hers is a  
tenuous hold on life. She seems haunted  
by a sense of impending death, as if  
she and her surviving brother haven't  
gotten big enough to escape it. At the  
same time, she doesn't see death as final,  
as if her dead brother might still come  
back to life:

*We were still little and going and living  
inside our housecar where my little  
brother's room was inside the trunk  
where he slept inside the toy box for a  
crib. He shared his room with Poppa's  
tools and one more tire for when another  
one of the tires rolls out of breath. But  
we didn't have one more of my little  
bother to put anymore air inside him so  
don't let him get worn out or holes so the  
people leaks out of him or the skin wears  
down to too thin and goes to see-through  
angelskin.*

Her doll family mirrors the ideal  
family her parents try to reclaim by  
driving across the country. Neither  
holds together, as is painfully revealed  
when her dolls are sold to another  
young girl. She responds by attacking

the new owner, but her description of  
the event is disorienting, her fury with-  
held. By the next chapter, she is already  
bonding with her new dolls, which she  
cuts out of paper.

This brings us to the novel's potential  
drawback. Kimball has an unmistakable  
appetite for misfortune—death, miscar-  
riage, abductions—and by placing the  
novel in the minds of two young chil-  
dren, he refuses to strike emotional  
chords that some readers might wish  
were struck. We read that at the younger  
brother's funeral, "This man from  
Brownland told my sister and me that  
neither one of us was the dead one so  
we shouldn't cry anymore," but we  
don't read what it's like to cry, to be sad,  
to sustain any anger. But in the end, this  
is what makes the book so distinctive  
and challenging. Instead of the emo-  
tions that typically accompany death  
and displacement, Kimball fashions a  
new set of responses to these tragedies,  
leaving readers to reach their own con-  
clusions. Like the parents in his book,  
he uproots us, and we are left some-  
where strange to try to find our way  
back again. ■

*Michael Miller, a sometime Texan, is an edi-  
tor at The Village Voice.*

# BUY! BUY! BUY!

Money makes the Lege go 'round

by Andrew Wheat

## *Too Much Money Is Not Enough: Big Money and Political Power in Texas*

By Sam Kinch, Jr.  
with Anne Marie Kilday  
Campaigns for People.  
125 pages. \$12.95.

**A**sked whether political contributors "buy government," Don Adams, a former Texas state senator who made up to a million dollars lobbying the Legislature in 1999, said, "They haven't bought government; they've just scared it into doing what they want."

That enlightenment comes from *Too Much Money Is Not Enough: Big Money and Political Power in Texas*, a primer on money, the perennial weed of Texas politics.

Few Texans can match veteran political reporter Sam Kinch's command of the subject. His earlier work, *Texas Under a Cloud*, chronicled the 1971 Sharpstown Scandal, in which two legislators were convicted of taking bribes from a Houston financier. In the aftermath, voters threw out half the incumbents. Kinch's book helped spur the 1973 campaign finance reforms.

His new book, co-written with freelance writer Anne Marie Kilday, wastes no time debating if special-interest money corrupts the system. Instead, 15 insiders describe how this happens. One of the insiders is Kinch himself, who contributes 50 pages, written in a folksy, first-person style. Readers will have

blown through most of his breezy account before they realize that Kinch has quietly fed them a mass of campaign finance statistics that document how far democracy in Texas falls short of its ideals. Among the details he reveals:

- In 20 years the cost of Texas statewide and legislative races has quintupled to \$121 million;
- Half of this money comes from just 629 individuals and PACs that contributed at least \$25,000 per election cycle;
- Incumbents outspend challengers 2 to 1, with the biggest spender winning at least 90 percent of the time;
- House members raise 80 percent of their funds outside their districts, with half coming from just 10 business zip codes; and
- Voter participation is at near-record lows.

### **In the Belly of the Beast**

The other insider voices belong to Don Adams and 13 other former legislators interviewed by Kilday. They provide eye-opening admissions of the extent to which money influences Texas politics. (Half of those interviewed by Kilday followed the revolving door back into the Capitol as lobbyists on behalf of a *Who's Who* of business interests, chalking up a combined 1999 lobby income of up to \$2.3 million dollars.)

The big-money scare factor, as described by Don Adams, is alluded to by former legislator Robert Earley. "There were times when members of the Texas

Legislature would come up to me on the House floor and say, 'Don't you know who you are screwing on that vote?' he recalled. "It never was, 'You're screwing voters,' it was 'You're screwing a money man.' And it changed votes."

"If you [an average citizen] call up with a personal problem, which is called constituent work, they'll get around to that eventually," ex-legislator Paul Ragsdale explained. "But when it comes to public policy, having an influence there, you can forget that—that belongs to contributors."

Parker McCollough, an ex-representative-turned-energy lobbyist, says money played a decisive role in the passage of pro-business liability laws in 1995. According to McCollough, Texans for Lawsuit Reform money allowed developer Michael Galloway to take a key seat from incumbent Senator Carl Parker, who had close ties to trial lawyers. Allowing money to dictate public policy is not bad, McCollough says, "as long as you've got a Legislature of elected officials who have to stand on the ballot every two years or four years."

Putting a different spin on the same phenomenon, revolving-door lobbyist A.R. "Babe" Schwartz says that the average voter does not realize that when Texans for Lawsuit Reform head Dick Weekley gives \$100,000 to a senator, "Hell, that state senator doesn't have a vote anymore—Weekley has a vote.... Anybody who accepts \$100,000 from a PAC belongs, body and soul, to that PAC."

## TOP PAC DONORS TO TEXAS POLITICIANS IN 1998:

|                              |                    |
|------------------------------|--------------------|
| Texans for Lawsuit Reform    | \$1,000,000        |
| Vinson & Elkins law firm     | \$ 635,753         |
| TX Automobile Dealers Assoc. | \$ 632,149         |
| Southwestern Bell            | \$ 594,129         |
| TX Assoc. of Realtors        | \$ 566,620         |
| <b>TOTAL</b>                 | <b>\$3,428,651</b> |

## TOP INDIVIDUAL DONORS TO TEXAS POLITICIANS IN 1998:

|                                  |                    |
|----------------------------------|--------------------|
| Bob Perry                        | \$ 765,275         |
| Perry Homes, Houston             |                    |
| James Leininger                  | \$ 456,784         |
| Kinetic Concepts (hospital beds) |                    |
| San Antonio                      |                    |
| Charles/Sam Wyly                 | \$ 405,500         |
| Diversified financiers, Dallas   |                    |
| Lonnie 'Bo' Pilgrim              | \$ 388,349         |
| Pilgrim's Pride poultry          |                    |
| Pittsburg                        |                    |
| William McMinn                   | \$ 380,500         |
| Sterling Group (chemicals)       |                    |
| Houston                          |                    |
| <b>TOTAL</b>                     | <b>\$2,396,408</b> |

### Co-dependency

Some ex-legislators suggest that dependency on big donors takes a cumulative psychological toll on politicians. "The process of asking [for money] ... forces you to spend a lot of time with the people who give you money," says ex-Representative Alec Rhodes. "I think there is a human tendency ... people like to say what other folks want to hear ...

it's hard to be controversial when you are trying to fight them for money."

Ex-representative Bob Davis had a different take when Kilday asked if money ever affected his vote. Davis recalled a conversation with Durward Curlee, who was lobbying for permission for S&Ls to sell insurance. "I looked at him and said, 'Curlee, I'm chairman of the Insurance Committee and the insurance [lobbyists] have been my friends ever since I've been running for public office.... These people are my friends, they've contributed to me and supported me every time I've run.... I don't know that that was exclusively money in that sense; but it was an issue that I already had taken a position on back a long time ago, and I wasn't going to change it. But it was one where I knew I had received considerable contributions from the insurance guys.'"

Davis' confession stands out from the pack. Many of the interviewees sound as if they had more moral fortitude than some of their colleagues. Yet ex-legislator Bruce Gibson, a lobbyist who doles out PAC money for Reliant Energy, told Kilday that he has never had a member turn down a contribution.

Having worked both sides of the revolving door, Gibson says lawmakers and special interests are co-dependents who use each other. Calling politicians' aggressive fundraising drives a "cattle call," Gibson says that candidates do not even bother to get permission to list special interests as "sponsors" of their fundraisers at the Austin Club. The "sponsor" then receives a bill for the event unless it has the *cojones* to ask the politician to remove its name from the list.

### The Road to Reform

Kinch, Kilday, and Austin-based Campaigns for People have provided an invaluable public service. Nothing else comes close to *Too Much Money Is Not Enough* in documenting how Texans get sold down river by the co-dependency of politicians and big donors. Unfortunately, Kinch refuses to take this powerful elite to task. "I have too much respect for the practitioners of Texas politics, including those in the lobby, to engage in a dia-

tribe," he writes. Instead, he seems to lay *all* the blame on the public: "Given the public's disinterest in elections and its reluctance to demand change, I still think the people of Texas get better government than we truly deserve."

Perhaps just as politicians who depend on special-interest financing develop sympathy for their donors, reporters develop sympathies with sources who provide the inside scoop. In contrast to Kinch, Chuck Lewis of the D.C.-based Center for Public Integrity thrashes the legislative and lobbying elite in his forward to this book, calling them a "mercenary milieu of mendacity"—for lying about money's corrosive influence on politics.)

Although Kinch is a self-described "optimist," he more often sounds as if the process of having seen too many limited reforms come and go has jaded him. His proposals to rein in money's influence on Texas politics focus almost exclusively on improved disclosure to reveal who gave what to whom. While these reforms are badly needed, Texas also must limit how much money wealthy donors can contribute to politicians.

Kinch's emphasis on improved disclosure is, however, all that we can hope that the Texas Legislature will tackle in the near term. A House interim committee on campaign finance reform recently concluded that, "Texas election law related to the financing of campaigns has loopholes which deny the public the capability to determine the source of campaign funds."

When the Legislature finally is forced to face up to these loopholes, once again we may have a jaded Sam Kinch to thank for nudging us further down the long road to reform. ■

*Andrew Wheat is research director at Texans for Public Justice.*

**Note:** *Too Much Money Is Not Enough* can be ordered from distributor Little Leaf Press, 1-877-548-2431. Also see [www.littleleafpress.com](http://www.littleleafpress.com). Audio excerpts of interviews with some ex-legislators will be available by January 15 on the Campaigns for People web page: [www.campaignsforpeople.org](http://www.campaignsforpeople.org).

# Back to Africa

by Lucius Lomax

From Cairo a night train took me south to Aswan. At Aswan there was a steamer down Lake Nassar and, eventually, the open Nile. We passed the pyramids at Abu Simbal and the next morning we were already in what had once been ancient Nubia.

Among the other travelers on the steamer and later on the train to Khartoum was a French guy and his well-endowed girlfriend, on their way to Zaire to check out the music scene. The only other Westerners on board were a young uptight British couple who had been studying Arabic in Alexandria. The Africans themselves were more interesting than any of us, and one traveler in particular caught my eye, both on the boat and later again on the train to Khartoum.

He was a Christian boy, tall and willowy, with shiny ebony-smooth skin. Originally from southern Sudan, he had been studying in Cairo but was returning home to become a guerrilla in the never-ending civil war against Sudan's Moslem government. Gentle, unaffected, with an easygoing sense of humor, he suggested a little of what a young Martin Luther King Jr. might have been like—if MLK had decided not to turn the other cheek. Before long the Sudanese boy was trying to convince me to see Moslems as he did: extremists, intent on beating down the Christian south of the country and cutting off the hands of anyone who resisted.

Looking at the sheathed daggers and hard blue-black faces around me in the train carriage, there wasn't much doubt that Sudan's religious majority included some pretty tough customers. But after only one day in-country it seemed like a good idea to keep an open mind.

If you really think about it, Africa has an undeserved place in the consciousness of black Americans. Most of our families have been on the North American continent for hundreds of years. The slave trade ended almost two centuries ago. Perhaps the way we left in the first place (chains and all), without a chance to settle business or say good-bye, explains why after hundreds of years, we feel we're being called back.

Khartoum was exceptional because it was the major urban pause of my pilgrimage. The central market attracted me with great cold glasses of lemonade, and in the Kartoum market, too, my first encounters with average Africans took place. Once or twice men passed me, looked up into my face, smiled toothily, and said what sounded like, "How are ya?" A few weeks later, another Westerner explained that the Sudanese had not been asking about my health, but were saying, "Cou-ad-je": an Arabic phrase for which one translation is "foreign devil," or infidel.

The rude encounter in the Khartoum marketplace turned out to be pretty much my experience everywhere. There's a misconception about going "back" to Africa. Native Africans do not always meet African Americans with open arms. What they know of us they have mostly picked up secondhand, through the media, and the news has not all been good: crime, race riots, police brutality ... missed opportunities. On a purely emotional level, our presence in the Motherland isn't always welcome. It's what psychologists call a double bind: We're blamed if we don't come back, and cursed if we do.

Some Africans, for example, hold it against us for not coming back sooner.

What can you tell them? "I got here as soon as I could ... But I'm *not* staying." Others don't understand why we came at all. You had a choice between Bamako and New York City, their eyes ask, and you chose *Bamako*? (There are, in fact, some embarrassing questions to be asked on both sides. For one thing we in the black diaspora would like to know what's all this Hutu/Tutsi, Christian/Moslem crap? Is it like the difference between Crips and Bloods? Or is it more like Methodists and Baptists?)

Illness colored the whole journey, giving every watering hole an unhealthy glow. Leaving Khartoum, looking out the window of the train, there were thin cows and dry brush, emaciated kids, green hills in the distance. What surprised me most was that, everywhere, the barriers to communication seemed high: French, English, Arabic, Hausa, Swahili, Afrikaans—there was no common language. And even when everyone was speaking the same tongue,

There's a misconception  
about going "back" to  
Africa. Native Africans do  
not always meet African  
Americans with open arms.

that didn't mean that anyone understood what their neighbor was saying.

In the Central African Republic my bush-taxi (a truck, really, carrying goods and passengers from village to village) passed a man leaning against a tree. The villager looked exactly like a brother leaning against a lamppost on a street corner in Chicago or L.A. He had that same style — the same insouciance — that same *cool* in even metaphysical heat, that black Americans are famous for. My first reaction was a desire to call out, "Say, blood, what it is? Your old lady kick you out of the hut, or what?"

One evening the bush taxi stopped at a village for water. There were a dozen huts and a well in the center of the village, between two tall trees. In the background, the villagers' animals walked past like pedestrians on a grand avenue. Everything in the village was pretty like a postcard, except we weren't there for the scenery. When you came to water, no matter how you felt, you drank. You had to drink for that day and drink for the next day, also. Tomorrow there might be no village and no well.

"How far to Bangui?" one of the passengers asked the driver.

"One day," he answered. "Perhaps two."

The driver's reply had to be converted to reality. In the bush you needed an algorithm for any time someone told you how long it would take to do something or how long it required to go somewhere. My own personal formula was to multiply by two and add four. If the driver had said a few hours, that would have meant a full day. But the driver said one day and that meant one week. Maybe two.

Later at a roadblock in Cameroon, on the old Slave Coast, a policeman pulled me off a bus. Of all the passengers on board he chose to roust only me. He started to search my gear—he was sure that he was going to find a gun. "I know these Americans," he said when the driver asked why he was hassling me.

The poor dumb cop had probably never met an American before in his life, but had seen enough television to make him suspicious that this nigger had a gun.

The result was the African policeman's very good imitation of a redneck Southern sheriff.

My trip to Africa was a little like taking LSD—complete with hallucinations and, eventually, flashbacks. For me, the continent became a kind of multi-layered experience, full of sunlight like a continuous camera flash, and bright, violent colors. Over a period of months there was, of course, illness, unexpected encounters with dangerous wildlife ... and more illness. On the plus side, there were babes in multi-colored wrap-around skirts. But as the heat took its toll, even an erection took too much energy.

And however exciting the journey began, when the light became too bright, and the textures got too rough to touch, it was time to go home: home to the urban jungle, America. The leaving of Africa, as it turned out, was the best part of the journey. My departure from paradise revisited, was in a town called N'Djamena, in a country called Chad.

It was late —too late to find a hotel room. Sleeping on a bench outside the Catholic mission was the only practical alternative to getting up on my feet and moving. Until that night my experience had been that mosquitoes generally attack at daybreak and at dusk. Chad's variety bit from dusk to dawn.

The next day, at the American embassy, my visit caught the U.S. Consul unprepared. Chad is the kind of place you only go to if you have a really really good reason. The Consul just kept looking at me with this unspoken question on his lips: "What are you doing here?"

That became my question, too. It took almost a week to get a ticket out. In the meantime, the hotel was forty dollars a day, as much as the previous week's travel. Still, it was good to lie down in air-conditioning and not have to move. The Chadian bureaucracy was as hungry as the mosquitoes. In order for me to leave, three different police officials (including an officer of the presidential guard) had to stamp my exit visa. The reason for the attention to detail was, of course, that each officer needed the few hundred francs that travelers were forced to pay.

When the plane finally lifted off, that was a disappointment, too. It was an Air

Afrique flight, with plenty of extra seats for stretching out. But when we were in the air, the captain announced that we were making a detour to Nigeria to pick up more passengers. There was no rest after that. In minutes, the plane was full of Muslim tribesmen on their way to Khartoum, the first stop of their pilgrimage to Mecca.

Dinner was served somewhere over the central African savannah. My stomach wouldn't even hold tea. Discreetly, my hand pushed the plastic-covered dinner tray onto the table of the elderly Hausa seated next to me. He pushed it back. He didn't say anything, but his eyes told me, "I may be an uneducated villager from what you call the Dark Continent, but I'm not dumb enough to eat airline food." At that moment we became blood brothers. We became as one, in our mutual Negritude. ■

Contributing writer Lucius Lomax covers Austin and the World for the Observer.

**Best of the Old & New!**  
All the latest in Organic &  
Natural Foods and



Old Favorites, too—  
in a comfy-size  
Neighborhood Store!

**wheatville**  
food co-op  
3101 Guadalupe 478-2667



**Ruta Maya**

Ruta Maya Coffee is grown by a cooperative of Mayan farmers in the highlands of Chiapas. Ruta Maya Coffee is 100% shade-grown, organic coffee, certified by the OCA.

218 West Fourth Street, Austin TX 78701  
512 472 9637 / 800 510 CUBA  
cubita.com / rutamayacoffee.net

# THE Texas Observer

**MOLLY IVINS  
ON POLITICS**



**JIM HIGHTOWER  
ON CORPORATIONS**



**NATE BLAKESLEE  
ON DRUGS**



**YOU NEVER KNOW  
WHAT'S GOING  
TO COME OUT  
OF TEXAS.**

**Sharp reporting  
and commentary  
from the strangest  
state in the Union.**

*Subscribe: one year for \$32,  
two years for \$52. Student rate \$18.*

**CALL 1-800-939-6620 OR 512-477-0746**

**VISIT [www.texasobserver.org](http://www.texasobserver.org)**

**or SEND US THE FOLLOWING:**

Name \_\_\_\_\_

Street \_\_\_\_\_

City/State/Zip \_\_\_\_\_

**SEND A CHECK OR CREDIT CARD INFORMATION TO:**

The Texas Observer, 307 W. 7th Street, Austin, Texas 78701

**CREDIT CARD:** ☐ Master Card ☐ Visa ☐ American

Express

**NAME** \_\_\_\_\_

**NUMBER** \_\_\_\_\_

**EXPIRATION DATE** \_\_\_\_\_