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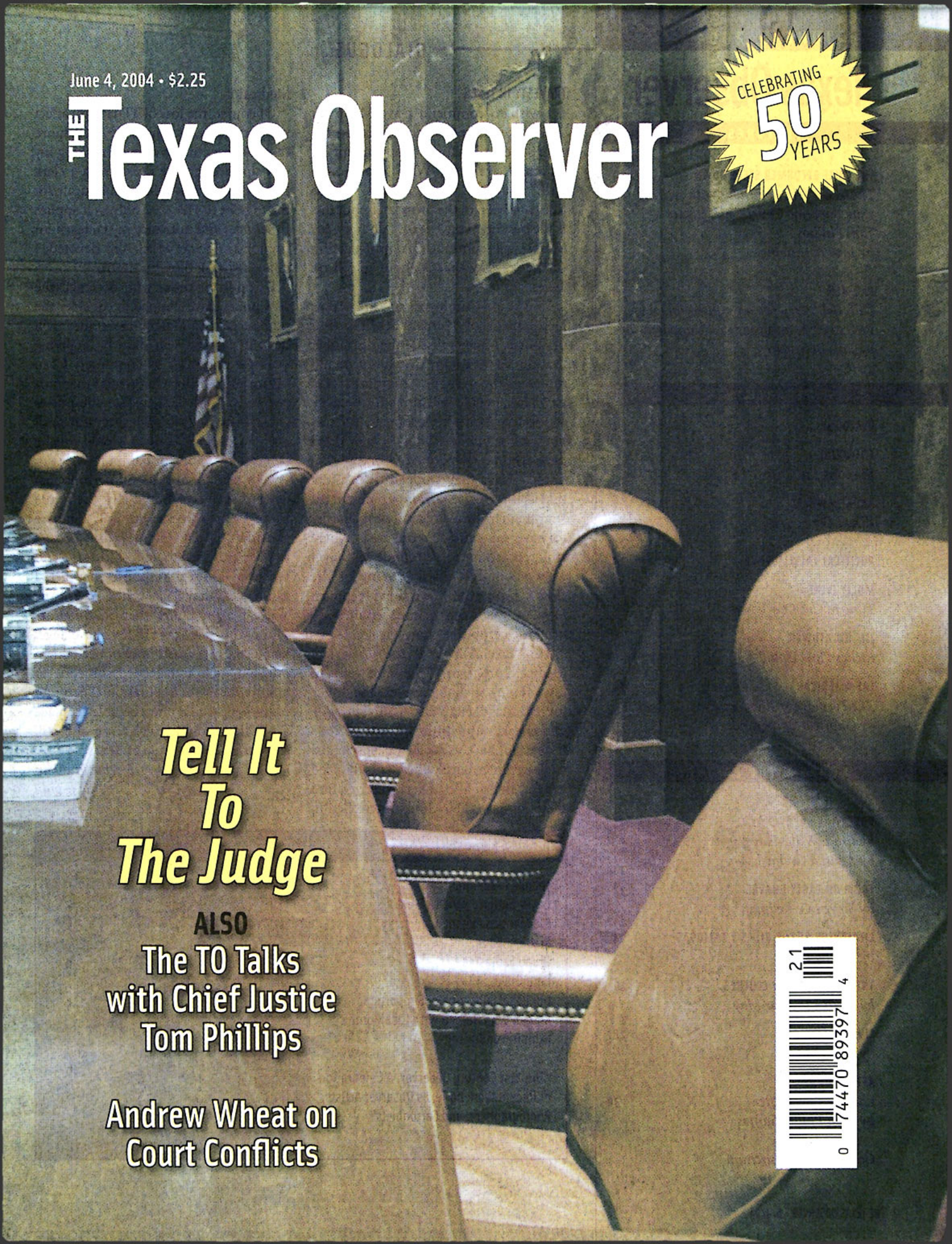
THE Texas Observer

CELEBRATING 50 YEARS



Tell It To The Judge

ALSO

The TO Talks with Chief Justice Tom Phillips

Andrew Wheat on Court Conflicts

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JUNE 4, 2004

THE Texas Observer

FEATURES

DEPARTMENTS

BOOKS & THE CULTURE

Cover by Jana Birchum

DIALOGUE

TRAVESTY IN TEXAS

I wish to commend Dave Mann for such an excellent article regarding the demise of the Texas Department of Human Services ("Who You Gonna Call?" May 21). Many articles such as this have been in the press lately, but this is the best one I have read. I do hope Mr. Mann will continue his investigation of the travesty that is about to fall on Texas.

I am an employee of the Texas Department of Human Services (but, of course, I have to issue the disclaimer that my views are my own and I do not represent the Agency). According to the new plan, people will apply for benefits at local community resources, such as libraries or public schools, if they don't have a home telephone or computer at home. Have they stopped to consider that some of the clients are convicted sex offenders, who are under court order to have no contact with areas where children are apt to be found? Moreover, what about the elderly? Many of the elderly with whom we are in contact have trouble hearing and certainly do not have computer knowledge.

Also, take a look at the Children's Medicaid program. If the state wants to save money, it should review the policy for Medicaid eligibility—only provide one check stub within the last 90 days. It does not have to take a rocket scientist to determine that applicants only need to send the smallest check received and they can have their children enrolled in Medicaid!

Of course, the loss of TDHS will affect me personally, as I have devoted more than 11 years to this Agency, making my way up through the ranks from a clerk to supervisor. It would be inaccurate for me to refer to HB 2292 only as it applies to services and not voice my concern for my job (a job to which I'm devoted; I enjoy assisting those in need).

I wonder if those who designed the new policy have stopped to consider the number of fraudulent cases they will have if persons will only be applying over the phone or by computer? I can assure you it will be far greater than it is currently. With face-to-face interviews, we are trained to detect gestures or avoidance of eye contact. Could this be detected by phone or computer?

Let's take the wonderful persons that devised such a plan and lock them in a room for two weeks with only the bare essentials. Then when they say, "I can't live like this," tell them to call 2-1-1 and see what kind of response they get. I assure you they'll be saying, "Give me a live person rather than automation." Those who voted for HB2292 have never had to apply for assistance or been down on their luck and needed someone to talk to about their situation. Then and only then, would they be able to place a bill that would make sense and still serve the needy people of Texas.

Debbie Franklin
Via e-mail

THANKS!

Thanks To Jim Hightower,
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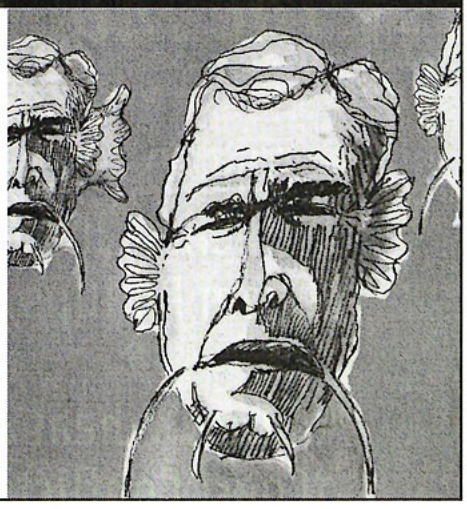
Las Manitas Avenue Café,
Matt Lynaugh,
Grupo Fantasma,
Gary Oliver,
Our Loyal Subscribers, Supporters,
And All Who Helped With Last Month's Exhibit/Fundraiser:

"The 21st Century Observer: A Celebration of Recent Work by Texas Observer Artists, Photographers, and Cartoonists"



Masking the Cuts

Would you pay an auto mechanic to dismantle and rebuild your car's entire engine simply to increase its fuel efficiency enough to save 25 cents a month on gasoline?

That's essentially what Texas is doing with its health and human services delivery system. State agencies are in the process of implementing last session's House Bill 2292 that mandated the merging of 12 social services agencies into five super-agencies. The stated goal was to help close the budget gap by eliminating waste and fraud, and by streamlining administrative costs. At a Senate budget hearing on May 24, Albert Hawkins, head of the Health and Human Services Commission (HHSC), revealed to lawmakers just how much money the state will save from the massive restructuring. The grand payoff is expected to total—drum roll, please—$80 million.

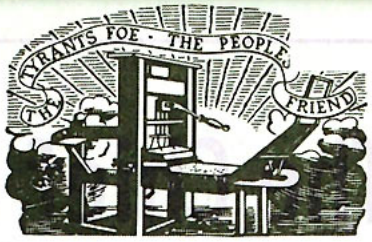
Now, $80 million may sound like a lot of money. It could, after all, pay for a major motion picture or cover the annual payroll of the Houston Astros. In relation to the sprawling state budget, however, $80 million is infinitesimal. Texas spends about $22 billion in state and federal dollars every two years on social services alone. A savings of $80 million accounts for less than one-half of 1 percent of that $22 billion. (To continue the car analogy: If you spend $600 a year on gas, the comparable annual savings would be $2.40). That's not savings. That's a rounding error.

HHSC is undertaking a huge effort to glean this inconsequential amount. It has dissected agencies, eliminated key advisory panels, changed agency names (with the added costs of altering letterhead, engraved signs and the like), and plans to lay off thousands of state workers. The state has also signed nearly 100 contracts with private companies to help implement the restructuring. HHSC has yet to disclose fully the costs of these deals, so it's conceivable that the overhaul may cost the state money.

That wasn't how HB 2292 was sold. The bill's author and driving force, state Rep. Arlene Wohlgemuth (R-Burleson), told lawmakers and the public that the HHSC restructuring would save $1.1 billion in 2004 and 2005. Wohlgemuth continues to make this claim while she campaigns for Congress.

Well, in the short run—the *very* short run—Wohlgemuth may well be right. But most of that billion-dollar savings has nothing to do with bureaucratic reshuffling. The bill also includes severe cuts to the state's Children's Health Insurance and Medicaid programs. Roughly $600 million of the billion-dollar savings in HB 2292 arises from these cuts. The CHIP reductions have been well documented. But the legislation slashed about $450 million in state money from Medicaid as well, cuts that have swiped services from hundreds of thousands of mostly elderly and disabled Texans. They lost coverage of podiatry, eyeglasses, hearing aids, and mental health services to name just a few examples. Tens of thousands were winnowed off the program due to new bureaucratic barriers. Tens of thousands of uninsured parents who suffered catastrophic injuries and whose medical bills devour most of their salaries are no longer eligible for Medicaid.

When HB 2292 came to a vote, most lawmakers ostensibly were voting to "consolidate" and "streamline" bloated government. The HHSC reorganization has served as a convenient vehicle for some of the harshest benefit cuts any state has ever enacted. In the end, Texas may save the equivalent of that 25 cents a month on gas. But it is the hundreds of thousands of vulnerable Texans deprived of services who have actually saved the state money. And their suffering will be passed on as increased costs to local governments. —DM



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The Chief Reformer Steps Down

The Texas Observer talks with retiring state Supreme Court Chief Justice Tom Phillips

BY JAKE BERNSTEIN

On April 29, state Supreme Court Chief Justice Tom Phillips announced his retirement after 16 years in the position. He was a 38-year-old state district judge in Houston in 1987 when then-Gov. Bill Clements appointed him, transforming Phillips into both the youngest chief justice ever and the first Republican to hold the post in more than a century.

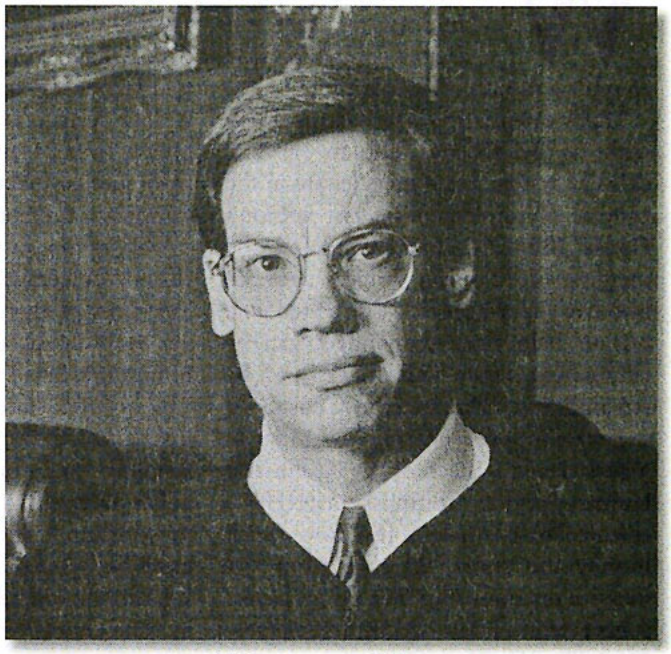
A year later, Phillips asked voters to keep him on during a time of scandal for the state Supreme Court. In 1987, an expose by *60 Minutes* called "Justice for Sale" highlighted the close relationship between trial lawyers and the Democratic justices, advancing allegations that campaign contributions were buying decisions. Among states that elect judges, Texas is one of only four in the nation that does not put some institutional barrier between judge and contributor.

Phillips ran as a reformer and, along with several other colleagues on the court, accepted voluntary caps to limit the amount an individual could give to his campaign. Despite subsequent efforts at reform—some of which were successful, such as legislating the still-voluntary campaign caps—allegations of conflicts of interest have continued to haunt the court under Phillips' tenure.

Today, if anything, Phillips is an even stronger advocate of reform. The chief justice, who will officially step down in September, believes the current system, whereby judges are chosen by partisan election, should be scrapped in favor of a process in which the governor appoints judges who would then face nonpartisan retention elections. Despite active lobbying on his part, last session the Legislature and even Phillips' own Republican Party rejected his reform proposal.

When he announced his resignation, the failure to advance meaningful reform was cited by the chief justice as one of the primary reasons he decided to step down only two years into his latest six-year term. "The principal reason I ran again is because I thought I could make a real impact on changing the judicial structure," he told reporters. "The last legislative session convinced me I couldn't do that."

Despite his passion for reform, the chief justice is not without his critics. They point to his role in the very system he opposes. In 1990, for example, in the election for his first full term, he spent more than $2.6 million. Lately, there is a perception that under Phillips the pendulum has simply swung from a trial lawyer-dominated court to one overly controlled by business interests who donate copious amounts of campaign cash. Phillips argues that the perception is fueled in part by an ideological change within the nation over the role of the courts. Still, he vows to continue the fight for reform from his new position as a constitutional law professor at South Texas College of Law in Houston.



Texas Supreme Court Chief Justice Tom Phillips

Recently *The Texas Observer* visited with Phillips in his office at the court. Those who know the Chief, as he is called, describe him as "genial," "brilliant," "earnest," "utterly unself-conscious," and even at times "naive." Surrounded by his library of rare books of campaign speeches from every president in U.S. history, Phillips talked about reform, the history of the court, and allegations of corruption. Included here are excerpts from that conversation.

Texas Observer: What were you facing as a Republican when you first ran?

Tom Phillips: The normal way that a Supreme Court race had been run in the 1980s was a handful of plaintiff/personal injury lawyers generally selected the candidate they liked best. Most of the large Houston law firms supported that same candidate. Any other candidate, whether an incumbent justice, as they sometimes were, or a challenger, kind of wandered around smaller defense law firms... Only one candidate would have enough money for television. And those TV ads

both puffed up that candidate and slammed the other one, and the result was a foregone conclusion. I knew I had to break out of that cycle.

TO: How did you do that?

TP: I was already going to run for the Supreme Court before John Hill announced he was retiring as chief justice. Running the campaign as one branch of the bar versus the other—when the branch I was appealing to was not the branch that was contributing the money—was not the way to win. It had to be broadened to involve the public as a whole. The court had to be more important than just a bar preference exercise… It seemed to me that if I was going to break into the public consciousness about the fact that these judicial races were important and they were not just the result of a caucus of heavy-hitting lawyers on both sides of the docket, then I had to magnify this money and politics connection and say that that was a bad thing for judges.

[Phillips talked about benefiting from a powerful campaign for reform.]

TP: Greater than [the *60 Minutes* broadcast of December 6, 1987], was the Texaco PR department. Texaco was extremely exercised about the court's refusal to take the appeal in Pennzoil versus Texaco, and was beating the drums loudly about the Texas judicial system, which resulted in editorials or adverse articles in *The New York Times*, *The Financial Times*, *The Economist*, and *The Wall Street Journal*, and lots of other places. There was Judicial Conduct Commission action against some of the judges. [There was a] widespread perception that some of the judges were simply too close to some of their contributors, whether that was traveling with them or going and drinking every afternoon with them, various and sundry manifestations of that.

[Phillips talked about why he believes judges are fundamentally different than other elected officials.]

TP: Because the judges were engaged in a different exercise, of finding and applying the law, rather than making public policy decisions, it seemed to me that judges needed to be at a further remove from the political process than the other branches, and they needed to be at a further remove from their contributors….

TO: What are some of the other differences between when you first ran and now?

TP: I came in at a time when no Republican was supposed to win down-ballot. It's easy now for somebody. You just have to get the party to endorse you and make sure that for some reason the straight-ticket vote doesn't cross over and X your name out, and you're going to win as the Republican nominee. I think that's easy but I don't think it's as good for a judge, because I clearly had to enunciate my message in a way that would build a coalition that was not going to be present at the top of the ticket. So I think my credentials as someone who's against partisan judicial elections are pretty strong… My campaign in '88 allowed me to exercise that nonpartisan feeling to the fullest, because it was necessary to do that to win.

"I know very few lawyers that don't think solicitations from judges who are not opposed and are not likely to be opposed is not something that borders on a shakedown."

TO: What are some of the other problems with the current fundraising system?

TP: The problem is that judges who are unopposed and likely to be unopposed feel that they need to raise a substantial amount of money to scare off an opponent. Most lawyers I know are against the current system but they recognize that judges have to get into office one way or the other. And it is a cost of doing business for them and a cost of staying in office for the judge. And they really don't mind contributing in a hotly contested judicial election if they thought that one judge was better than the other—either because of a judge's philosophy or [the candidate] is smarter or whatever. I know very few lawyers that don't think solicitations from judges who are not opposed and are not likely to be opposed is not something that borders on a shakedown…

The second problem is that the ability to [raise] this money makes the Legislature and the county governments less willing to fund the full operations of the judiciary. It was suggested to me by more than one legislator in the last term—when there was such an effort to cut budgets—that our legal staffs should be eliminated or severely reduced, and to the extent that we want staff, we hire them from campaign contributions.

TO: What about the perception that contributors still have too much sway with the court?

TP: There were a few real abuses in the late 1980s limited to a few contributors and a few judges. Most of the problems then, and I think even more of the problems now, are those of appearance, that are an inevitable byproduct of this system. I have really seen only one or two instances on this court of

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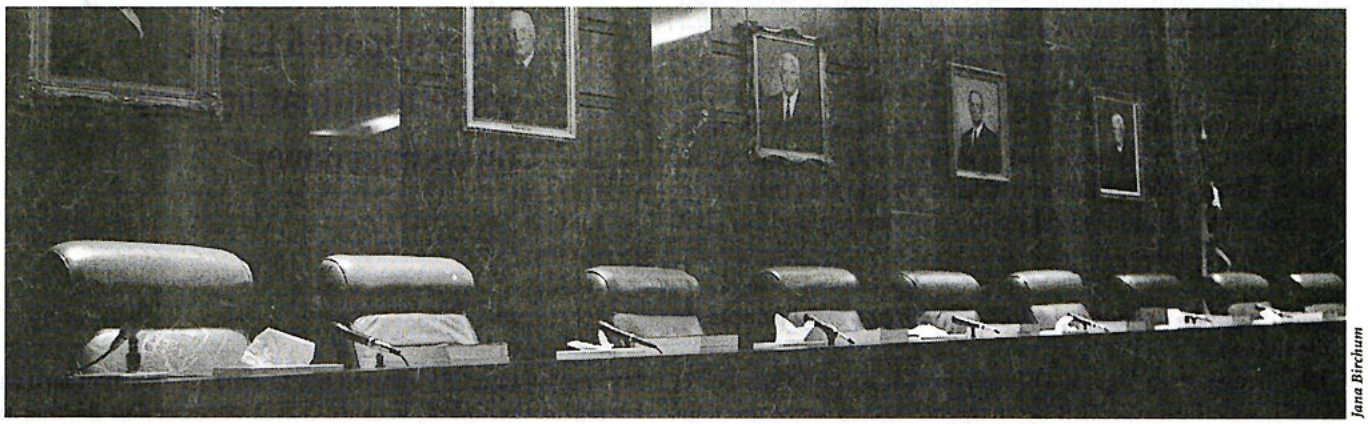
PAC MEN

Did Bob Perry use an influential lobbying firm to circumvent judicial campaign caps?

BY JAKE BERNSTEIN



Jana Birchum

Among the Texas lobby elite, HillCo Partners stands apart. It has an influence and reach—stretching from the statehouse to the state Supreme Court—that almost gives it the status of a shadow government. Its partners are involved in nearly every big issue facing the state, from water policy to tort reform to changing the school finance system. In addition to lobbying, HillCo also performs public relations and campaign work. HillCo's success in recent years has come in no small part from its extraordinarily close relationship with Texas' Republican leaders, in particular, House Speaker Tom Craddick (R-Midland) and Governor Rick Perry. Also, it hasn't hurt that the GOP's number one contributor, Bob Perry (no relation), a Houston-based homebuilder, is a HillCo client. (During the 2002 election cycle, Bob Perry and his wife Doylene invested almost $4.1 million in state candidates, mostly Republicans, making the Perrys together far and away the most fecund campaign cash cow in Texas.)

HillCo represents a new trend in lobbying at the Capitol that started about a decade ago. Bill Miller, one of HillCo's principal partners, calls it the "collective team concept." In the past, trade associations dominated the profession. The influence of these trade associations waned for a variety of reasons, and in their stead arose independent lobbyists—usually former legislators who had occupied leadership positions. Under the new scheme, these "superstar" lobbyists have banded together to form partnerships like HillCo.

But HillCo is more of an innovator than simply part of a trend. Its participation in every aspect of the political process, from picking candidates to raising campaign cash to helping with elections to fashioning public policy, sets it apart. Another area where HillCo appears to be ahead of the pack is in the operation of its political action committee.

According to records from the Texas Ethics Commission, from 2000 until late 2001, most of the individual contributions that came into the HillCo PAC were from the partners in the firm. During this period, the campaign fund operated like a traditional lobby PAC where donations primarily came from employees or membership.

Among the PAC's largest donors was HillCo partner Neal T. "Buddy" Jones, who signed the campaign reports. As the principal rainmaker for HillCo, Jones has 47 different lobby clients ranging from school districts to drug companies, according to filings with the Texas Ethics Commission. Between 2000 and 2003, Jones gave more than $50,000 to the HillCo PAC. The closest contributing partner after that was Miller, who gave just over $31,000 during that time period. The expenditures from the PAC went primarily to incumbent representatives and senators from both political parties, cutting across the ideological spectrum.

On December 3, 2001, the HillCo PAC contribution pattern changed. On that date, HillCo client Bob Perry gave the PAC $5,000, the single largest contribution from a non-HillCo partner. Three months later Perry gave the HillCo PAC $30,000. On June 14, 2002, Perry, whose company, Perry Homes, is the ninth-largest homebuilder in Texas, gave the HillCo PAC $15,000. Later that summer, he gave another $10,000, and in November yet another $40,000. In total, between 2001 and 2003, Perry would donate about $200,000 to HillCo's PAC.

Why would a man, who gives millions in direct campaign contributions to political candidates, donate to a lobby shop's political action committee? (Bob Perry—despite his oversized role in Texas' political system—seldom gives interviews to the press. Calls to the media-shy Perry for this story were

not returned.)

While unwilling to make assumptions about Perry's motives, campaign watchdog Fred Lewis lists possible benefits of contributing to a lobby PAC. If the contributor is a client, the donation enhances the power of his or her lobbyist, giving the lobbyist more money to influence politicians. And political consultants and big party players will know if the source of the money is from a lavish campaign contributor like Perry. "If you are getting contributions from the really big financial donors in this state, it suggests that, if you [the lobbyist] are unhappy with a legislator, you might be able to cut off the whole source of funds," says Lewis, who heads the public interest group Campaigns for People.

Shuffling large campaign contributions through a lobby PAC also makes it more difficult for the general public to identify the source of the money, he notes. When people look at a candidate's campaign report they will just see the PAC, not the original contributor. "You might [also] do it because you were putting so much money into the system that you were starting to become controversial," speculates Lewis.

Bill Miller offered a third reason last year when the *Dallas Morning News* reported that Dallas Cowboys owner Jerry Jones and his family had funneled more than $141,000 through HillCo's PAC between August and December 2002. Miller suggested that Jones had taken the unusual step of using the PAC as a stealth strategy against continual requests for contributions. (The Cowboy's owner, a HillCo client, wants a new stadium paid for by increased hotel and rental car taxes in Dallas County. In the last regular session Perry signed a bill that would put that increase before Dallas County voters in 2004.) Miller's rationale works less well for Bob Perry, whom everybody knows gives plentifully.

Another reason why a sharp businessman like Bob Perry might give to a lobby PAC like HillCo's involves the state Supreme Court and its voluntary limits on campaign contributions.

In 1995 the Texas Legislature passed the Judicial Campaign Fairness Act. The new law codified voluntary campaign caps on contributions for statewide judicial campaigns. The caps were triggered when a candidate agreed to abide by them at the beginning of the campaign. The law laid out contribution limits for law firms, political action committees, and individual donors. If the candidate accepts the caps, they include $30,000 in the aggregate for a law firm or its members. The total from political action committees is set at $300,000 in the aggregate and $25,000 per individual PAC per cycle. The limit for individual contributions is $5,000. For purposes of the new law, an individual donor was defined to include children and spouses. So if Bob Perry gave $5,000 to a candidate for the state Supreme Court in a Republican primary, Doylene Perry couldn't also give $5,000 to the same candidate. While the caps were not binding, the Texas Supreme Court had endured enough public ridicule in the eight years prior to the passage of the act that few candidates dared run the risk of flaunting them.

The nation's focus on Texas courts as a fount of corruption started in 1987 when *60 Minutes* broadcast a report titled "Justice for Sale." Hosted by Mike Wallace, the segment focused on the influence of the plaintiff's bar, which footed most of the judicial campaign costs for the Supreme Court justices. It was a time, as one columnist would write years later, when the Texas Supreme Court seldom saw a damage suit it didn't like. In one famous instance, a Supreme Court justice reversed himself to swing a vote for a motion for rehearing after receiving a more than a $100,000 campaign contribution from a litigant.

Back then, the legal pendulum nationwide had swung toward the plaintiff's bar and away from the defense bar. "I would say from 1965 to 1985, the academy, the Legislature, and the legal profession as a whole thought that lawsuits were dandy," says Tom Phillips, who will step down as Chief Justice of the Texas Supreme Court in September. "You know, nothing better than a good lawsuit."

Today, the pendulum has swung the other way. Now, the defense bar—fronting for big corporations—reigns supreme, and tort reform is the rage. In 1998, Mike Wallace and *60 Minutes* returned to Texas to make the point that the faces had changed but the actions had not.

Almost precisely a month after Perry gave his first $5,000 to HillCo PAC in early December 2001, the lobbying firm donated the exact same amount to Republican Supreme Court candidate Wallace Jefferson, who had agreed to abide by the caps. Perry and his wife had already each contributed $5,000 to Jefferson—an apparent violation of the Judicial Campaign Fairness Act. (Jefferson says he tried to reimburse Doylene's contribution but the Perrys lost the check. So instead, he opted to keep the $5,000 and put it toward a future campaign.) The Jefferson donation began a remarkable yearlong spree of Perry funneling money into HillCo and the PAC doling it out to campaigns. Up until that point, HillCo PAC had been in the habit of giving out donations in amounts no greater than $2,500.

On January 18th, 2002, Perry capped out with a $5,000 contribution to Republican Supreme Court candidate Dale Wainwright for the GOP primary. Perry would do the same for the general election cycle. A little more than a month after the January donation, the HillCo PAC started pumping money to Wainwright and Republican Supreme Court candidate Xavier Rodriguez. By March 21, HillCo had given a total of $30,000 in contributions to court candidates—$25,000 to Wainwright and $5,000 to Rodriguez. (Rodriguez lost the primary.) On March 20, the day before the last and largest installment to Wainwright of $15,000, Bob Perry gave HillCo PAC $30,000—the exact amount the PAC had spent on judicial candidates during that time period.

Did Bob Perry give money to HillCo to evade the caps on individual donations to court campaigns?

HillCo PAC partner and spokesman Bill Miller is quick to stick up for Perry. "That's not his style," he says. "He's not

—continued on page 17

ANDREW WHEAT

Kings' Court

The vested interests that bankrolled the Texas Supreme Court during much of retiring Chief Justice Tom Phillips' 16-year reign could have left him alone last month to draft his resignation in peace. Instead they kept hammering the Phillips Court with briefs, demanding that it overturn adverse decisions by lower courts. It was a reminder that powerful business interests will continue to be behind—and in front of—the court long after its current chief is gone.

The Texas Supreme Court photo: Jana Birchum

Some of the most powerful political and financial influences on the Phillips Court have been business opponents of consumer lawsuits, whose leaders include James Leininger and brothers David and Richard Weekley. These three businessmen, who collectively are associated with $167,037 in campaign contributions to the sitting justices, have stakes in four cases on the high court's 2004 docket. Already this year the Texas Supremes have faced three lemon-home appeals from the Weekley family's David Weekley Homes. The justices also are deliberating on a class-action lawsuit that consumers filed against State Farm and Wendy Gramm. Gramm sat on the board of State Farm, Texas' top auto insurer, and still chairs the board of Leininger's Texas Public Policy Foundation (TPPF) think tank, which shapes many of the state's GOP policies. Leininger and Wendy Gramm—wife of ex-Senator Phil Gramm—carry great influence with Governor Rick Perry, who will have appointed four of the high court's nine justices once he names chief Phillips' successor.

WARNING: WENDY ON BOARD

From 1994 through 2001 Wendy Gramm simultaneously served on the boards of State Farm Mutual Automobile Insurance Company and Enron Corp. Both Wendy and Phil Gramm promoted the deregulatory agenda that fueled Enron's astonishing $60 billion rise and fall. Phil Gramm sponsored a 2000 bill that aided Enron by deregulating financial markets. After Wendy Gramm deregulated energy futures markets as chair of the U.S. Commodities Futures Commission in the early 1990s, Enron stuck her on its see-no-evil corporate board. Last month, Gramm and 11 other ex-Enron board members tentatively agreed to pay $86.5 million to settle a bit of the $3 billion in pension-fund claims filed by ex-Enron employees. Although Gramm did not admit wrongdoing, the proposed settlement would bar her from being a trustee of federally regulated pension plans for five years.

This April, Texas Supreme Court justices heard arguments in a case that alleges that another company ran amok on Wendy's watch. As a mutual insurer, State Farm Mutual Auto Co. ostensibly is owned by its policyholders, who have stakes in company dividends. The policyholder plaintiffs in *State Farm Mutual Auto and Wendy Gramm v. Lopez* alleges that Gramm and other board members shortchanged policyholders on dividends after State Farm Mutual reported a $37 billion surplus in 1997. An Edinburg trial judge certified the lawsuit as a class action on behalf of all of the company's policyholders in Texas (including three high-court justices). State Farm appealed the judge's certification of this class to an intermediate appeals court, which affirmed the class. In 2002, the Supremes ruled that they lacked jurisdiction to intervene in the matter. In a 2003 reversal, however, the high court agreed to hear State Farm's appeal, after all.

The Gramms' clout with this all-Republican court is impressive. In 2001

Governor Rick Perry appointed Wendy to another board: the Texas A&M Regents. After Enron's implosion, Phil Gramm's Senate war chest contributed $612,000 to Governor Perry in 2002. Perry recently took a Bahamas policy junket with TPPF's director and James Leininger, whose family and corporate PAC has contributed $52,700 to the justices. The new chief justice whom Perry picks to complete Phillips' term is likely to take office before the court rules in the State Farm-Gramm case.

Another Perry appointee, Insurance Commissioner Jose Montemayor, has filed two fanciful friend-of-the court briefs on behalf of State Farm (which this year is paying Montemayor's predecessor more than $200,000 in lobby fees). A 2001 Texas Department of Insurance (TDI) brief warns the court that indulgent insurers could pay so much money in policyholder dividends that they would not have sufficient cash to cover catastrophic claims. During recent oral arguments, justices asked what remedies mutual policyholders have if an insurer with huge surpluses fails to pay dividends. A follow-up brief by TDI—which approves some of the highest insurance rates in the nation—responded: "While individual policyholders do not have an avenue in the courts for relief, the market and the regulatory environment work together to keep the surplus from being too large."

The lawyers who drafted these TDI briefs worked for current and former Texas Attorneys General Greg Abbott and John Cornyn. Both Abbott and Cornyn were justices on the Texas Supreme Court. These two former high-court justices got more than $100,000 apiece for their attorney general campaigns from hospital-bed magnate James Leininger.

WEEKLEY APPEALS

Current Texas Supreme Court justices have taken $31,000 in campaign contributions from the family that owns Houston-based David Weekley Homes. These justices took another $83,337 from the state's leading business tort group, Texans for Lawsuit Reform (TLR), headed by Richard Weekley.

The Weekley family's interest in the civil-justice system is apparent from the docket at the Texas Supreme Court, which already has seen three Weekley Homes cases this year. After Austin's Richardson family alleged that it was harmed by mold and toxic materials in its Weekley home (see "Privatizing Justice," TO 6/21/02), lower courts forced the parents into arbitration but kept the claims of the children—who did not sign an arbitration contract—in court. Weekley appealed to the Texas Supreme Court to force the kids into arbitration, too. Last year the justices agreed to hear this appeal by one of their leading benefactors.

In 2003, after Weekley appealed the Richardson case, rumors circulated that the homebuilder's representatives were privately lobbying justices to hear its appeal. Because such private judicial lobbying violates the Texas Code of Judicial Conduct, Texans for Public Justice requested copies of the then-sitting justices' calendars. Five justices provided all or part of their calendars, while colleagues Craig Enoch, Nathan Hecht, Priscilla Owen, and Steven Smith provided nothing. The only remedy to this refusal is a circular appeal back to the same court. (In order to fend off legislation to subject judges to the same open-records rules that shine disinfecting light on the actions of all other state officials, the court in 1999 adopted its own self-administered and self-policed disclosure rules.) An out-of-court legal settlement of *Richardson v. David Weekley Homes* last March prevented the court from having to choose between servicing a powerful patron or depriving kids of their right to a jury trial.

Nonetheless, ex-Supreme Court Justice Raul Gonzalez—the defense attorney who appealed the Richardson case for Weekley Homes—has filed two new appeals this year urging the high court to impose arbitration on consumers who are claiming damages from Weekley-built lemon homes. One of the new appeals has a familiar ring. A Grapevine widower, Vernon Forsting, claims that Weekley built a home for both he and his daughter's family that had numerous structural defects. The plaintiffs allege that the bungling efforts by Weekley workers to fix these problems sickened Forsting's asthmatic daughter with dust and contaminants. Lower courts forced Forsting into arbitration but allowed daughter Patricia Von Bargen to pursue her claims in court. Again, Weekley Homes is urging the Supremes to trounce lower courts by imposing arbitration on someone who never signed away her right to a jury trial.

Efforts to strip jury-trial rights even from those who did not forfeit them by signing arbitration contracts have prompted concern even in unexpected quarters. The last friend-of-the-court brief filed in the now-settled Richardson case urged the court not to make a knee-jerk ruling for arbitration. That brief came not from the American Civil Liberties Union but from Halliburton subsidiary Kellogg Brown & Root (KBR).

This is all the more extraordinary given that Halliburton—under Dick Cheney's stewardship in 1997—imposed arbitration on workers who never signed arbitration contracts. Instead, Halliburton simply notified employees that anyone showing up for work in the new year was tacitly "waiving all rights... to a trial by jury." Overturning two lower courts, Chief Justice Phillips wrote a 2002 opinion that imposed this unsigned contract on a Halliburton worker. Yet Halliburton's KBR, which frequently signs subcontracts lacking arbitration clauses, recently told the court that it is concerned about "the circumstances under which non-signatories may be compelled to arbitrate."

With Phillips at the helm, the Texas Supreme Court has excelled at ruling for the powerful business interests that underwrite its justices' expensive campaigns. Almost certainly the court will continue this legacy this fall, when Phillips heads to Houston to teach law and passes the gavel to a new chief picked by Governor Perry. ■

Frequent Observer *contributor Andrew Wheat is research director of Austin-based Texans for Public Justice.*

Vouchers Beached

BEST LAID PLANS They gathered outside the Capitol wearing T-shirts that read, "Educación Igual para Todos!" and "Let Parents Choose!" If everything had gone as planned, the pro-voucher rally on Saturday, May 15 might have come at a critical time for Texas schools.

Support for public school vouchers is shaky at the Capitol and across the state. Fifty-eight percent of Texans don't like the idea of taxpayer money going to private schools, according to the latest Scripps-Howard Texas Poll, and many legislators don't either. But Governor Rick Perry has come out strongly in support, especially since returning from a "working weekend" in the Bahamas with pro-voucher campaign donor James Leininger.

Key members of the House and Senate should have been in conference committee that Saturday, putting the finishing touches on a school finance plan for the special session Perry had called. It was in conference committee, insiders agree—at the last minute and out of the public eye—that vouchers stood the best chance of being inserted in the House's omnibus school finance bill. The crowd of nearly 2,000 concerned Hispanic parents thronging the steps outside might have tipped the balance.

But since the special session had been officially declared all-but-dead just the day before, those parents were left talking mainly to themselves. They were bused in from Dallas, Houston, and San Antonio by Hispanic CREO, a national nonprofit organization that promotes vouchers as the solution for minority kids marginalized by their public schools. (CREO stands for Council on Reform and Educational Options; it is also Spanish for "I believe.")

"We are only asking that the state allow Hispanic children the same educational options, and a greater chance at success, that other Texans enjoy," Enrique Granados, a Dallas field organizer for CREO, told the crowd. Granados and his wife work overtime to pay for their 5-year-old son's private education. They decided not to send their son to public school after watching TV news reports about school violence and high minority dropout rates.

Critics of the voucher movement say CREO functions as a public relations front for rich, white, pro-voucher conservatives. By framing vouchers as the best hope for poor kids, supporters may hope to bring a once-fringe issue into the mainstream.

"It's a motherhood and apple pie thing," says Maria Robledo Montecel, executive director of the Intercultural Development Research Association, which has studied minority schooling in Texas for 30 years. "This is the same group of people that has always supported vouchers. These are not people who have a history of working with and being concerned about minority communities."

CREO's financial supporters include ultra-conservative funders like the Walton Family Foundation, the Milton and Rose D. Friedman Foundation, and Leininger's voucher-pushing creation, Children First America. (Children First America joined forces with two other pro-voucher groups on May 17 to become the Alliance for School Choice.) Robert Aguirre, the Texas businessman who launched Hispanic CREO in 2003 and now chairs CREO's board, is a long-time Leininger associate. Aguirre serves on the board of the Alliance for School Choice, and has also done duty on many of Leininger's pro-voucher state PACs.

Most recently, Aguirre served as director of Texans for Educational Excellence, which funded a pro-voucher lobbying campaign during the school finance special session, and director of the All Children Matter PAC, which funneled money to a few key minority Democratic house members during the last election.

Regardless of how CREO is funded, there's no doubt that the parents at the Capitol were concerned about their children's futures. To them, vouchers offer an immediate answer to an urgent problem. But other minority advocates, like Robledo Montecel, say vouchers won't solve any problems.

"It's a false promise," says Robledo Montecel. "It's outrageous to be talking about it while we are looking for money to fund the rest of the schools. If neighborhood schools are not what we want them to be, the parents I know want to fight to make them better."

CASTLES IN THE SAND Many Texans may not know it, but they live in the only coastal state in the nation that outlaws private beaches. In 1959, the Lege passed a progressive bit of legislation known as the Open Beaches Act. It mandates that the state's gulf shore will always and forever belong to the people of Texas.

At least, in theory.

In practice, it hasn't worked so well. For years, successive state land commissioners have failed to enforce the Open Beaches Act, and a wave of homeowners and developers have steadily washed away the public's right to play in the sand. The problem is especially acute in Galveston, where seaside homeowners have long been allowed to restrict coastal access and create de facto private beaches for themselves. Now a group of fishermen and beach-goers has filed a lawsuit in hopes of turning the tide.

In the past 25 years, 17 miles of beach on Galveston Island has been closed to cars and trucks. All that remains for those who rely on vehicles to access the beach, like fishermen and the physically disabled, is 3.2 miles of beach on the far west tip of the island, known by those who use it as "the last four miles." Even that small sliver of sand is at risk. The city's most recent beach access plan, which it must submit by law to Land Commissioner Jerry Patterson for certification, would halt most vehicular traffic on the "last four miles."

So in March, a coalition of fishermen and beach regulars known as Texas Open Beach Advocates (TOBA) filed a lawsuit against the City of Galveston, Galveston County, and Patterson's Texas General Land Office (GLO). TOBA's suit aims to block the current beach access plan, contending that it violates the Open Beaches Act.

The two sides went before Travis County District Judge Paul Davis for an initial hearing in the case on April 22 in Austin. At the hearing, attorneys for two developers—Centex Homes and San Luis Development—joined the defense team of state and local attorneys. The developers have asked to be included in the beach lawsuit, saying that TOBA's demands

for open beach access would negatively affect their interests. Centex Corporation is one of the largest homebuilders in the nation, and boasts an annual revenue exceeding $10 billion. San Luis Development owns beachfront property Centex is under contract to buy. The developers have hired the powerful Texas-based law firm Thompson & Knight.

Why shell out big bucks in legal fees against a bunch of fishermen? Centex has plans to develop 1,100 acres of land on the western tip of Galveston Island. The half-billion dollar resort community would be the largest residential real estate project in Galveston. More importantly for local officials, the deal would reel in $15 million a year in tax revenue. But there's a caveat: Centex won't buy the land until the city kicks vehicles (and therefore fishermen) off the supposedly public beach.

In the past year, with their financial interests tethered together, it has become difficult to discern the lines in the sand that separate the City of Galveston from Centex Corp. Lame-duck Galveston Mayor Roger "Bo" Quiroga has informally discussed becoming president of the city's Park Board, which oversees tourism and the beaches. Quiroga has also discussed future employment options with Centex, according to media reports.

Currently, TOBA is waiting for Judge Davis to decide whether the advocacy group has "standing"—the legal right to assert its case. The defense argues that private citizens can't sue to enforce the Open Beaches Act, that only the state (GLO) can do that. TOBA attorney Timothy Henderson argues the state's failure to enforce the Open Beaches Act is exactly the problem. It's telling that the General Land Office is a *defendant* in the suit. If the system were working correctly, Henderson says, Commissioner Jerry Patterson and the GLO "should have been the plaintiff."

SEEDS FOR THE FUTURE While it is expected that Latinos will become the majority in Texas sometime around 2025, conventional wisdom has it that true political power commensurate with those numbers probably won't come until decades later. Many Texas Latinos are not registered to vote. About a million Latinos who are registered don't vote. Despite Texas now having more elected Latinos than any other state in the union—mostly local officials in areas near the border—the majority of these leaders don't communicate with each other. And while the Anglo Republicans who presently run Texas and the nation actively recruit and groom future leaders, there has been no comparable organized effort for the Latino community. All of this points to many more years of public policy fashioned by those who have little sympathy for or understanding of the needs of this future majority.

A new group has emerged to try and help accelerate the process of creating a new generation of Latino leaders. Calling itself the Latino Leadership PAC, the group was recently founded by young professionals drawn from the ranks of the University of Texas Law School, the LBJ School, and Capitol staffers. The co-chairs of the PAC are both third-year law students at UT. Many of its members are the first or second generation of their family to achieve financial or educational success. They talk of having benefited from the process and wanting not only to give back, but also to convince others to run for public office for the same reason.

"We want to encourage people to get into public service by identifying first-time candidates, encouraging them, and making an impact in their races," says Geronimo Rodriguez, a lawyer and founding member. The group has already had one fundraiser in Austin. Plans are afoot for others in San Antonio and Houston in the coming months. The group hopes to poll its members to determine which candidates to support. Membership costs a minimum of $25 a year.

As part of its mission statement, "the PAC welcomes the participation of people from all backgrounds who share its mission to elect more Latinos to office and support an agenda of opportunities for all families." But while the group is ostensibly bipartisan, the bylaws lay out what could be a daunting hurdle for most of the current Republican leadership is concerned. "The LLPAC will not contribute to or endorse any candidate who supports budget cuts in education, health insurance or health and human services."

The PAC will focus on campaigns that can be effectively won with less than $250,000, in order to promote grassroots participation. It also hopes to target areas with growing minority populations by supporting Latino candidates in communities that are less than 50 percent Latino. Above all the group hopes to promote access to the American dream, without which the future of Texas could be imperiled. "The Latino Leadership PAC takes pride in continuing the American tradition of opening doors of opportunity to immigrants and persons with low-incomes to rise above their station at birth," reads the group's mission statement. "If we fail to plan for, include, and enfranchise the growing Hispanic community we invite financial and social stresses that will tear at the fabric that holds us together as Texans." ■

—Phillips, continued from page 5
any judge ever casting a vote or writing a line in an opinion based on political pressure or perceived advantage in a political campaign. It's been a long time since I've seen that. And I think that there are examples where that happens at the trial court but they are limited too.

What's most pernicious is that some contributors would like the public to think that they are buying influence when in fact they aren't. I had a prominent lawyer at a prominent firm call me and ask for a prediction as to who was going to win a particular race for the Supreme Court of Texas. And I didn't know. I hemmed and hawed a while. He said, "You know, our firm is really screwed if we got this one wrong." And that got my attention, since one of the two candidates was going to be a colleague.

And I said, "Which one of these judges is going to hold it against you or your clients if you don't support him for office." He said "Neither one. We know both judges. They're both fair. And they're not going to be influenced by campaigns. But we are in the market for new business, and we sell to our clients the fact that we are players in the system. If we backed the loser in a race as prominent as this, it will hurt our credibility."

So here we have almost the opposite of bribery. It's giving money without the intention to influence the result and knowing it won't influence the result but hoping the world believes that it does. That's the level to which some of this is debilitating the public confidence in the system and the polls show this nationwide, and in Texas.

TO: There have been rumors that contributors have been lobbying the court, most specifically representatives of homebuilder Dick Weekley. Is that true?

TP: I don't think it's happening on cases, and if it is I'd be shocked and disappointed—well, more than that, I'd be appalled. It is happening and it should be happening in the area of rule-making, where the court functions as a legislature, in that we promulgate the rules of evidence, procedure, and administration, for all the courts of Texas in civil matters. By statute, we work through a Rules Advisory Committee that we appoint and we can overrule them but the rules we draft go through them.

TO: What were the effects of the 1995 Judicial Campaign Fairness Act?

TP: Taken together, the [contribution] limits were fairly generous at the time, but they leveled the playing field and it was really a first in the nation in terms of judicial financial reform that was targeted at judges... I think the concept is pretty good. There's differing limits given the size of your jurisdiction at the trial and appellate court level and they may or may not be good. Some of them still seem a little high to me. There have been arguments that the cap also sort of sets a floor, particularly at the district court level. If you don't raise this much, it's somehow perceived that you're not going to win. I don't know that that's really happening. I think most races are run for well under the cap.

TO: How did the individual donor caps come about?

TP: ...An individual cap, trial lawyers always thought, was anathema, because partners in multi-city, multi-office—many hundreds of lawyers in a firm—could each give, and that weight would overmatch them. Now as a matter of fact most of those partners never gave anything, 'cause they weren't trial lawyers and they could care less what was happening really in the Texas court system—but it was not an unreasonable fear. So in exchange for an individual cap, the trial lawyers demanded and got a firm cap, which the law firms weren't unhappy about either.

TO: What are some of the other reforms that are being looked at?

TP: We are working on a recusal rule with the Supreme Court.... that would allow a party to trace independent contributions. And if they ended up giving to a judicial candidate in an amount beyond the cap, there could be an automatic recusal of that judge from sitting on the contributor's cases.

TO: What surprised you about the resistance you encountered to your reform proposals last legislative session?

TP: What I really didn't realize until late in the session is that the political consultants had a good deal of power over enough members to make this type of systemic reform a very high hurdle. And I guess what I hadn't fully realized is that the same consultants who run legislative races tend to run judicial races, so we were really looking at invading someone's rice bowl....

Most judges in Texas still run unopposed, but many of those hire a consultant and have a year-round advisor anyway just to make sure. They pay them a small retainer. Judges get beat at a lot higher rate than legislators do. Because they are generally too far down the ballot to have any meaningful

"What I really didn't realize until late in the session is that the political consultants had a good deal of power over enough members to make this type of systemic reform a very high hurdle."

impact on the outcome of their own race, they are at the mercy of other forces, and nearly half of all our appellate judges who've been opposed in the last 20 years have been defeated, and over a quarter, close to a third of the trial judges. So the judges are right to take any election challenger seriously.

TO: Will it take a scandal to shake off the political consultants?

TP: It may take a scandal. It may just take better leadership. Or it may take the parties deciding that the cost of carrying along all of these judicial candidates outweighs the benefits. The benefits are frankly larger crowds at events and people available for speakers' bureaus, but a lot of that would happen even in a nonpartisan system.

The parties have traditionally asked judges to help subsidize their activities, but recent legislation has put caps on how much judges can give out of their campaign funds to party-building activities that don't directly support that judge.

TO: Is there common ground on judicial reform between traditional antagonists like lawyers, doctors, and business groups?

TP: I think most of those groups are ready to call a truce. And every survey of lawyers that's been taken has shown overwhelming support for a change, no matter how you word it. Now with the public of course [appointing judges who would then face nonpartisan retention elections has] got to be worded right. You've got to remind the public that they'll get to vote on every judge, which in fact is more elections, more judicial elections, than they're having now when they vote in one out of three judicial campaigns that's contested...

When the public's reminded of that, they're for a change. When you just ask them, do you want to choose your own judges or do you want someone in Austin to choose them for you, that's a predictable result. But the lawyers will vote yes even to the second question, which shows me they want a change. At the trial court level, most lawyers want the same thing. They want a judge that will give them a trial when they want it—that is, after they've had time to prepare a case but before it gets too old. And they want a change that will give them a non-reversible trial. Lawyers who want more are few and far between, and I don't have much respect for them.

At the appellate court, lawyers are more interested in a judge's philosophy but I think they're interested in predictability most of all. You want to be able to tell a client who walks into your door that this is the law, and it's going to be the law when your case is resolved, and based on that you're probably going to win or you're probably going to lose. You don't like to tell a client this is a sure winner and then have it end up being a loser.

[Phillips talked about his belief that last session showed a new coalition forming for judicial reform.]

TP: If this were the number one issue to the business groups and the trial lawyers and the legal profession, then the Legislature would pass it. That's a more powerful coalition than a handful of campaign consultants, and some dedicated party officials. Even the party officials are split. The Republican and Democratic platforms are against change, but there are many groups of high-level leaders in both parties that are for change. A majority of former Republican state chairmen backed this change in the last session of the Legislature, as did the official organization of county Republican chairmen, which is not a group, I must add, that includes all 254 counties. It was an affiliated group of the party and they backed the change.

TO: Are you going to continue to fight for judicial reform when you leave the court?

TP: It's possible I can have more effect outside the system. I can certainly speak more freely when I'm outside the system and I can't do worse than I've done. The Legislature has not undertaken comprehensive judicial redistricting of the trial court since 1883, and of the appellate court since 1927, despite the constitutional requirement to do so at the trial level. The court organization has become more complicated and perverse than ever. We're the only state with overlapping geographical districts of trial courts and appellate courts. Judicial salaries have not kept pace. We've gone from 17th to 38th in the nation. While I have accomplished many things with the Legislature, there are many things left to be done, and my successor may bring new perspectives, new arguments, and new ideas to that facet of this job, which I think would be exciting to watch.

[Phillips said he retains his optimism.]

TP: Texas is one of only four states that still elects and reelects all of its trial and appellate judges in this system and it is very much a 19th-century relic. It is a relic of a much simpler time before there were filing deadlines or organized political parties or campaign ads apart from a handbill or two and a keg of whiskey. And it's just a relic from that time, and it will change. Now, impeding the change is the fact that nobody has come up with a perfect system of choosing judges. There's not general agreement in America on the role of judges...

The retention system has tended to retain too many judges, and the public doesn't take a whole lot of interest in who they are. When they are opposed, it is generally for one decision, which is all that can get the public excited. So judges don't lose just because they routinely are a little lazy or a little sloppy or a little rude, they lose for one high-profile decision, which does not enhance judicial independence.

At the turn of the last century, the progressives thought nonpartisan elections were going to solve everything. It didn't because the public didn't know whom they were voting for, and they turned out a number of judges for not having a good last name. So there is not an ideal answer ... but Texas I think on the whole has a lot better judiciary than it deserves. There are always a lot of good people who always step up and ask to be appointed whenever there is a vacancy, and there is a remarkably large number of people who will take a year out of their lives to run for an open bench. ■

Time to Cut Our Losses

It's quite difficult to convince people you are killing them for their own good. That's our basic problem in Iraq.

You can try explaining that you are killing them in order to bring freedom and democracy to their nation—"Freedom is the Almighty's gift to every man and woman in the world. And as the greatest power on the face of the earth, we have an obligation to help the spread of freedom," said President Bush. However, this argument is less than convincing if an American bomb or bullet has just killed your child. Or if you were among the 70 percent to 90 percent of the prisoners at Abu Ghraib who were there by accident.

Team, our national debate on this occupation is approaching the hopelessly dotty. This is no longer a matter of trying to decide if the glass is half-empty or half-full, or whether our media are looking at this through rose-colored glasses or through a glass darkly. What is, is. The trend lines get steadily worse.

The accumulation of American errors has cost us the goodwill of the great majority of Iraqis. As their attacks on us increase, so do our responses, so does the number of innocent Iraqis we kill, so does the number of Iraqis who then hate us and search for vengeance—in a downward spiral of violence that no one sees a way out of, except for out. That's what is.

On the plus side, Saddam Hussein is no longer in power. On the minus side, we have encouraged anti-American terrorists everywhere, put ourselves at greater risk of terrorist attack, lost enormous amounts of goodwill around the world, earned the resentment of many of our closest allies and cost ourselves around $200 billion we really could have used for more constructive projects. The worst possibility is that we have set up the Iraqis for a horrible three-way civil war, a development that was foreseen before the invasion and is looming now.

Let's not stand around with our thumbs in our ears pretending the nincompoops who got us into this knew what they were doing.

The dotty part of the debate comes from the neocons, whose idea this was in the first place. A few weeks ago, Douglas Feith, undersecretary of defense for policy, said, "I think no one can properly assert that the failure to find Iraqi WMD stockpiles undermines the reasons for the war." Really? Well then let me assert it improperly. You told us that it was why we had to go to war, and you can't just stand there and lie about it now. This is like trying to debate the Red Queen.

Sometimes it's more a matter of the neocons not being able to get their act together. Paul Wolfowitz, my fave, said the other day, "No one ever expected this would be a cakewalk." Actually, those were the very words rather famously used by his neocon buddy Ken Adelman, who predicted the war would be a cakewalk. But nothing tops Wolfowitz's classic declaration, "There is no history of ethnic strife in Iraq."

The Center for American Progress has an exit strategy I think sounds useful. It is recommending Bush call an emergency international summit immediately, seek to have the United Nations fully oversee the transition, have NATO take the security responsibility and set up an independent trust fund for reconstruction. Further details of the plan can be found at the center's website.

Paul Mulshine from of the *Newark Star-Ledger* suggests Bush do an LBJ announcement: "I shall not seek and I will not accept the nomination of my party for another term as your president." That would improve the likelihood of the success of a summit, though the administration is in such deep denial about how badly this war is going it seems unlikely.

Just as a political calculation, the administration should consider the center's plan: It's not going to do them any good electorally to keep pretending everything is hunky-dory while we all watch it spiral out of control. According to *The Wall Street Journal*, the June 30 "handover" date is a complete sham: The United States is picking proxies and advisers at every level. Do you think the Iraqis don't realize that?

One of our more impassioned public scolds, Michael Massing, recently wrote of "our great national narcissism," our notorious lack of knowledge about other cultures, our inability to speak foreign languages, and our indifference to the deaths of Iraqis (hundreds of civilians dead in retaliation for the attack on four American contractors). Excuse me, but I really don't think Americans need a lecture on our many failings—I think it is time, rather, that we call on one of our greatest strengths.

We are a practical people and often quite shrewd. That means knowing when to cut your losses. Let's use it now. Let's not stand around with our thumbs in our ears pretending the nincompoops who got us into this knew what they were doing. We were attacked by Al Qaeda. Let's go get them and leave the Iraqis to international authorities. ■

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Riches Flow Uphill

As Ray Charles sang, "Them that's got is them that gets"— and the getting was very, very good for those at the top in 2003. *Forbes* magazine's annual survey of wealth reports that there are now 587 lucky souls living in Billionaireville, up 10 percent over the previous count. These wealthiest of the wealthy added half a trillion dollars to their personal stash of lucre last year. Among this group of swells are the Waltons—the reigning heirs of Wal-Mart founder Sam Walton. *Forbes* reports that of the 10 richest people on the planet, five are Waltons, each one sitting atop $20 billion in Wal-Mart booty. Then there are the CEOs who lavish corporate cash on themselves. They average nearly $11 million in annual pay—even as they downsize their workforce, cut healthcare and pensions for the people who do the work, and ship our country's best-paying jobs off to foreign shores.

Numero uno in corporate pay last year was Sandy Weill, head of Citigroup. He only worked nine months of the year before retiring, but he pocketed $30 million in salary. That's $111,000 a day! And that doesn't count the $14.7 million he took in "other compensation." But Sandy got even more in '03: He cashed in $285 million worth of stock he'd been awarded.

Well, say apologists for this system of royal pay, such is the way the free market works. Horsefeathers. The supply of potential CEOs is huge, and the number of slots very small. If the free market really were at work, CEOs would be making an honest wage. But the system isn't honest—the pay of top bosses is set by board members hand-picked by you-know-who: the top bosses. Money flows uphill not because of merit, but because the system is rigged by those at the top.

CORPORATE ADVERTISING OMNIPRESENT I don't mean on radio, TV, billboards, and other commercial spaces. I also don't merely mean that it's in our public schools, yammering at us in elevators, catching us by surprise in our parks and museums, and otherwise intruding into our community spaces. I mean it's *everywhere.*

You want gross? Meet the latest advertising advance: Wizmark. That's wiz, as in take a whiz. Yes, we're talking about male urination, and the advertising potential therein. Perhaps you think that I'm going to go on a tear about the little TV screens that many places are now putting above the urinals, so you can watch an ad as you... whiz. But, no that would be almost civilized in today's world of ad excess. I'm talking about ads *in* the urinals. Indeed, ads you whiz on.

You know those plastic urinal screens that also deodorize? Wizmark has now accessorized them with ads. Not some bland printed ad, either. Dr. Richard Deutsch, creator of the Wizmark, has brought to us the world's first "interactive urinal communicator." He offers one that has a motion detector. When a gentleman steps forward to do his business, a ring of flashing lights are triggered in the screen, drawing the gentleman's startled attention to your corporate logo, safely protected in the middle of the screen by a waterproof casing. Or, if that's too subtle, Wizmark offers a voice & sound model with a microprocessor that shouts ad slogans and corporate jingles at the urinator. Still not tacky enough? Dr. Deutsch has the patent on a radio-frequency model that can read your ID card and personally greet you when you step up to the urinal: "Hey, Frank, good to see you again!"

HAIR NET FUTURE It's always good to get reassurances from high government officials on issues of great concern to the people.

Take the nagging issue of U.S. corporations offshoring hundreds of thousands of well-paying, high-tech jobs out of our country. These very jobs, we were told, would be our people's ticket into the middle class. But now the CEOs of Dell, Microsoft, IBM, and the rest are shipping these engineering and programming jobs off to India, Russia, and other locales where they can pay a third or a fourth or even a tenth of the middle-class pay scale in the U.S. Hey, they say, America's a great place, but we're gonna go where we can fatten our bottom lines.

This self-serving betrayal of America's middle class has—to put it nicely—annoyed many, many Americans. This is where Colin Powell steps in. Bush's secretary of state recently sought to reassure people on this issue of offshoring. Unfortunately, the people he reassured were in India. On a recent trip there, he promised that the Bushites would do nothing to stop the outsourcing of U.S. high-tech jobs to India and, indeed, would oppose all congressional efforts to stop it. He even posed as an economic philosopher, declaring that "outsourcing is a natural effect of the global economic system," adding adamantly that "you're not going to eliminate outsourcing."

Well, we're certainly not going to eliminate it if our government won't fight for our people. Oh, but Powell said, while "these kinds of dislocations will take place," the Bushites plan to train the American people for new jobs. What new jobs, exactly? He didn't say. He didn't have a clue. But Bush's labor department knows. It lists 30 job categories that will have the greatest growth between now and 2010. Number one? Fast food workers. Two-thirds of their "growth jobs" pay less than $20,000 a year. Forget high-tech, Colin Powell envisions you in a hair net. ■

Jim Hightower is the best-selling author of Thieves In High Places: They've Stolen Our Country And It's Time To Take It Back, *on sale now from Viking Press.*

JAMES K. GALBRAITH

A Few Words on Iraq

I have been not writing on Iraq lately, for three reasons. First, the news these days mostly speaks for itself. Second, there is a flood of good commentary, by people who know the country, including those actually on the scene. A distant observer can have little to add. Third, I was mostly right about all this when it mattered: before the war began.

But Paul Wolfowitz's appearance before the Senate on May 18 prompts a short comment. Wolfowitz told the Foreign Relations Committee:

> *I would say of all the things that were underestimated, the one that almost no one that I know of predicted, with the exception of a retired Marine colonel named Gary Anderson who wrote this in a op-ed piece in the* Post, *I believe it was April 2nd of last year, was to properly estimate the resilience of the regime that had abused this country for 35 years; ... that they would have hundreds of millions of dollars in bank accounts in neighboring countries to support those operations; that the old Iraqi intelligence service, which had so much blood on its hands...*
>
> *But the real killers who number in the thousands were much tougher people I think than anyone imagined. ... They're bringing in foreign fighters, as they did in the early stages of the war. And they may not be good in large-scale open battle, but they seem to have a dangerous capability for urban guerrilla tactics, and that's what we're up against.*

Excuse me? I'm an idiot economist in Texas. A truly distant observer. I've never been to Iraq. I never served in the military nor have I ever worked for the CIA. I don't have a security clearance. But when an old friend—Gary Hart—asked me for some thoughts back in November 2002, here's what I wrote:

> *It is important to approach this issue practically—which is to say, from an economic standpoint. One way is to point out that while the impending war on Iraq may prove to be fairly easy (though possibly not, as your friend William Lind argues), the post-war occupation is certainly going to be ugly. Iraq is a huge country. The oil fields, the cities and the port will need to be protected. The protectors will need to be protected. Saddam has 150,000 secret police who will not physically disappear. There is a large Shi'a population with whom our relations could deteriorate quickly if their leaders don't like our rule. Worst of all there is Al Qaeda. They are not in Iraq right now, but they will be. And they will find plenty of fresh targets in occupied Iraq. Algeria comes to mind; does anyone remember? ...*
>
> *Once we have invaded, getting out again is not going to be easy. On the contrary, it will be very easy for Al Qaeda and others to guarantee just enough turmoil to ensure that it is never quite safe to leave. The choice will therefore become one of staying and bleeding, or of accepting an ignominious retreat–think the Israelis from South Lebanon but on a much larger scale. People need to understand that a decision to invade Iraq is, in effect, a decision to establish what will be, for practical purposes, a permanent zone of occupation there. ...*
>
> *Empire is an economic system. But it is a system that works only in the presence of an overwhelming advantage of force, a general acquiescence of the regional leadership, large local security forces, and an absence of determined opposition. The British held India because, and only so long as, they enjoyed these advantages. In the Sudan, the matter was already different as early as the 1880s. The outcome against the Mahdists at Omdurman was as it was only because, as Hillaire Belloc put it: "Whatever happens, we have got/ The Maxim Gun, and they have not."*
>
> *But in modern conditions the correlation of forces does not lie with the imperial power. Explosives, mines, booby traps, rockets and similar weapons of resistance are too cheap and too effective. We will certainly face determined opposition in Iraq, sooner or later and possibly sooner, once the euphoria following the overthrow of Saddam wears off and as our other enemies get a chance to get into the game. The same will be increasingly true of our position elsewhere in the Middle East. In the face of determined opposition, empire has costs that no modern democracy can sustain—and certainly not the United States with our attachment to peacetime prosperity and abhorrence of body bags.*

I knew this, five months before we invaded Iraq (and yes, I've cited it before). And when we were at the gates of Baghdad, I wrote in these pages:

> *The fact remains that Iraq is presently governed by a very effective armed gang, numbering in the scores of thousands. It will therefore continue to offer stiff resistance first to occupation and later to reconstruction, until that gang is destroyed, root and branch, by a far superior force. And, it is now clear, the application of that force, if it can succeed at all, must entail a horrific level of violence.*

Paul Wolfowitz is an academic, like me. Unlike me he is an actual specialist in international affairs. He should know the history of British India and the Sudan. He should know elementary facts about modern Iraq. If I knew these

things, how is it possible that Paul Wolfowitz did not?

Perhaps he is lying. In which case, he willfully acted against the security interests of the United States, and is now trying to cover up that fact.

And the other possibility is that the government, for which he speaks, is incompetent. Bankrupt. Null and void for every practical purpose. Unworthy of respect, deference, or loyalty.

In either case, this government must be replaced, completely and utterly. It should be replaced by people with two elementary virtues. First, they must be dedicated to the actual security interests of the United States. And second, they must be able to think. Beyond that, it almost doesn't matter what their politics are. ■

James K. Galbraith teaches at the LBJ School.

—HillCo, continued from page 7

duplicitous in that manner. He's just too much of a straight-up guy."

Miller says the firm's members made their own decisions on the PAC's donations, not Perry. But Miller also admitted to deliberately not sitting in on decisions involving money and the PAC. "I tried to stay out of that—that's not because I'm afraid of contributions, heck I've given enough by myself," he says. "I tend to keep a little bit of an arm's length with that here." A call to HillCo partner Buddy Jones for comment was not returned.

Supreme Court Justice Wallace Jefferson, who won his election and became the first black Texas Supreme Court justice, is also effusive in his praise for Perry. "I think Bob Perry is honest, straight-forward, and attempts to play by the book," says Jefferson. "I wouldn't expect him to evade any law. "As far as I am concerned, the contributions to that campaign were all above board," the justice says.

Jefferson notes that in a campaign that cost more than a million dollars, "in my mind, $5,000 is not a lot." He bristles at the notion that contributors influence how he rules. "I apply the law impartially," he says. "When the issue comes here to rest around the conference table, I can't tell you what cases Perry has before the court."

Justice Dale Wainwright says he doesn't remember the contributions among the thousands he received. "My obligation and entire focus as a judge is to uphold the law and apply it fairly and consistently as written [for] everyone,' he says. "No contribution, no offer of support, no denial of support for my candidacy in an election is going to change my primary obligation."

The only way to prove that someone has laundered money through a PAC in order to evade individual contribution caps is if the person admits doing so or some documentation is produced, according to the Texas Ethics Commission. It's a hard standard to meet. "If the person who made the contribution to the political committee had earmarked it to go to the ultimate recipient, then

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The Permanent Kleptocracy

BY GABRIELA BOCAGRANDE

On May 13 of this year, Richard Lugar, the Republican Chairman of the Senate Foreign Relations Committee, convened the first hearing on Combating Corruption at the Multilateral Development Banks (MDBs). Summoned to defend their respective institutions, Carol Brookins of the World Bank and Hector Morales of the Inter-American Development Bank (IDB) cordially thanked the Chairman for calling the meeting on such a troubling and important topic, while citing the plethora of bureaucratic steps the Banks had taken to fight theft, fraud, and malfeasance.

Brookins, the U.S. Executive Director at the World Bank and member in good standing of President Bush's Leadership Team, appeared first. A ghastly Washington type, with kabuki makeup and dead hair, she showed up in a tight, bright purple suit to explain the many ways in which the World Bank now works directly with poor people and their communities, making sure that your hard-earned U.S. tax dollars get to them instead of draining off into the pockets of klepocratic dictators with Swiss bank accounts. She told the Committee that she felt "quite passionate" about this, but she neglected to mention even general estimates of the percentage of World Bank funding that actually goes to the poor rather than to the official kleptos, for reasons we'll get to shortly.

Before landing at the World Bank, Ms. Brookins was the CEO of World Perspectives, Inc. a Washington-based consulting firm that advises corporate agricultural clients on how to influence U.S. policy and make as much money as possible on the trade of basic foods, such as wheat, corn, and soy beans, in the international market. Not exactly a humanitarian pursuit. Even so, she seemed seized by an inexplicable impulse to tell the truth about the World Bank when she quoted James Wolfensohn, its President: "Frankly, there is not enough bold and consistent action on corruption, particularly at the higher levels of influence."

This is undoubtedly correct, and we are not likely to get much action out of her or the rest of this crew, either. Morales, the U.S. Executive Director at the IDB, testified next. Mr. Morales, a jolly, stocky man, declared, "The IDB has made significant strides with respect to institutional anti-corruption issues. Progress is being made on creating an institutional culture that promotes transparency." At the recent annual meeting of the IDB in Lima, however, Mr. Morales and the U.S. Executive Director's office hosted a breakfast meeting with the Business Council on International Understanding (BCIU) to flog the Bush administration's efforts to foster a "more business-oriented approach to the Bank's activities." In the parlance of the MDBs, a business-oriented environment will include weakened labor standards (in those places where there are some), unfettered pollution capability, and no taxes. According to its website, "Membership in BCIU brings an impressive array of opportunities to brief—and to be briefed by—senior U.S. Government officials, Ambassadors, and leaders throughout the world. Through these partnerships and activities, BCIU helps to enhance the business success of members while improving U.S. Government assistance to international business." Inquiries to ascertain the cost of joining the Council on International Understanding or securing an invitation to the Lima breakfast briefing were fruitless, which is not very transparent, don't we agree?

Here's an idea. As part of the new anti-corruption and transparency crusade Mr. Morales is kicking off at the IDB, he himself might tell us who sat down to the BCIU breakfast in Lima, how much they paid for their muffins, and what the Latin American government representatives present agreed to do in order to help enhance business success in their immiserated and debt-ridden countries. But these chummy breakfast briefing arrangements are not what Ms. Brookins and Mr. Morales understand as corruption. These are "Public-Private Partnerships," or a new paradigm that seeks to "...improve the environment for the domestic private sector, and to build confidence and trust between all partners and the providers of finance for development." The partnerships are not graft, bribes, and shakedowns, for heaven's sake. If you ask Ms. Brookins or Mr. Morales, actual theft is much more clear-cut and you know it when you see it.

Take for example, the case of Arnoldo Alemán, the now-incarcerated ex-President of Nicaragua. Mr. Alemán has gone to jail for corruption because, among other things, he appropriated food donated to the destitute victims of Hurricane Mitch and sold it at market prices in local stores. This was an extremely stupid thing to do. There was no feasible way to present that deal as a public-private partnership, not even for the World Bank's seasoned PR people. Then there was Ernesto Samper, ex-President of Colombia, whose political campaigns were financed by narcos. The tapes about the funding sources surfaced at newspaper offices in Bogotá. Also very bad and not subtle. The World Bank and the IDB now tell us that they have "zero-tolerance" for this sort of malfeasance. Of course they can afford to say this now because neither Alemán nor Samper happens to be president of anything any longer.

This is a small detail, but we can't help noticing that neither the World Bank nor the IDB had any particular difficulties dealing with Alemán or Samper when they were in positions to sign and accept loans. On the contrary, they were treated so royally they could hardly squeeze in the breakfast briefings, working lunches, cocktail receptions, and awards dinners planned for them by the likes of the BCIU.

Well, thank God that's over. The MDBs have really tidied up. If you don't believe me, you can look at the World Bank's new anti-corruption Web page, where you will find instructions on what to do if you confront fraud and corruption in WB projects. You can call, fax, or e-mail the Department of Institutional Integrity. You can call collect or anonymously to the World Bank Alertline at Corporate Place in Charlotte, North Carolina (I don't know about you, but I personally don't feel comfortable phoning in a corruption complaint to something called "Corporate Place"). Your complaint, however, should include: Specifically what wrongdoing you are reporting; specific dates and time; specific location where wrongdoing occurred; how the individual or firm completed the alleged wrongdoing; why the individual or firm perpetrated the offense; why you believe the alleged activity was misconduct; what physical evidence or documentation exists to corroborate your allegations; other witnesses to the alleged wrongdoing; how you can be reached for further information.

But wait. This sounds like our old friend Catch-22. You're going to need a lot of info to file a complaint about corruption, but neither the World Bank nor the IDB is going to give it to you. At the IDB, the public has not been privy to project evaluations for the past 45 years. Nor were project status reports public. Nor technical reports in many cases. An evaluation of a decade of IDB projects in Argentina, when boatloads of public money simply disappeared, has been in the drafting for the past year, but no one outside the Bank has had a peek. Those inside have promised that the report will never see the light of day. While the IDB has a new and slightly more enlightened disclosure policy this year, it is not retroactive. According to External Relations there, reports written on the "presumption of non-disclosure" cannot be released now. That would not be fair. Also it would be embarrassing and probably incriminating. And in many cases, the policy of non-disclosure is still in effect. One $500 million loan to Argentina, for instance, made a year or so before the great collapse in December 2001, is described on the IDB Web site in two paragraphs. That's it. No contact person, no responsible government agency, no goals, no timeline, and no budget.

At the World Bank, things are not much better. Let's take a specific case, shall we? How about the World Bank loan for about $2.5 billion to the government of Argentina in 1998? Under the terms of this loan, the World Bank would deposit $2.5 billion in the Central Bank of Argentina, essentially to prop up the Argentine peso, convertible to dollars on a one-to-one exchange, by showing that the country had the reserves necessary to cover its dollar obligations. Once the borrowed World Bank dollars were deposited, large investors and private banks could quietly withdraw their pesos from national banks, convert them to dollars one-to-one, and spirit the capital out of the country before the exchange rate imploded. In order to keep up its end of the deal, the crooks and cronies running Argentina had to guarantee that certain social programs for the extremely poor would be protected from the budget cuts they were about to enact in order to repay this and countless other bogus "loans." Citing this requirement for social program protection, the World Bank frequently claims that it's shielding the poor from economic crisis, even while imposing fiscal austerity and bailing out the rich. But the relative amounts for the rich and poor are telling.

One of the protected social programs was called "*Pro-Huerta*" (Pro-Garden). It graciously provided "... nutritional support to those poor who are classified statistically as having unsatisfied basic needs [Bankspeak for "hungry"] by assisting them to maintain small vegetable gardens to produce food for their own consumption." Presumably, if they are caught selling the vegetables, their gardens are plowed under and their hoes are confiscated. The project had a 1998 budget of $11 million with which to finance gardens for 2.5 million of the "absolutely poor"—less than $5 a year per person. This amount was subsequently cut to $4 million in 1999 and then eliminated, in violation of the loan condition. So let's see—$2.5 billion are for the banks and $11 million are for the gardens. Whoops, make that $4... oh, well, looks like zero.

[O]ver $100 billion in World Bank funds may have been diverted through corruption. That's a lot of money. Why, you could almost pay for a frivolous American war with that.

A group of the hungry pulled themselves together and blew the whistle when the World Bank wrote the billion-dollar checks to the government even though *Pro-Huerta* was paved over. When questioned about the complaint, Management at the Bank said that although *Pro-Huerta* had suffered a budget reduction, the government was making efforts to sustain the program and that the Bank was therefore obliged to deposit its billions in Buenos Aires. The Bank also wished to know the identities of the complainants because if they remained anonymous, it would not be possible to ascertain whether they had been harmed by the *Pro-Huerta* cuts. Curious. Although the World Bank houses a team of crack international

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the contribution is from that person," says Karen Lundquist, the commission's executive director.

The exact nature of the relationship between Perry and HillCo PAC might remain partially obscured, but it's still worth asking the question: What might Bob Perry want from a friendly state Supreme Court?

One person who has some insight into possible answers to that question is Craig McDonald, who heads Texans for Public Justice. The group has long been an insistent voice for judicial campaign reform—usually by shining a bright light on who is paying for campaigns.

"[Perry] gives most often when he has a special interest at stake," says McDonald. The state Supreme Court is just such a case, he believes.

"The Texas courts have been on a path to protect homebuilders like Perry," says McDonald. He points to several issues that will likely face the court where a favorable ruling could save tens of millions of dollars for homebuilders like Perry and Dick Weekley, who heads up another big GOP giver, Texans for Lawsuit Reform. (See Andrew Wheat, pg. 8)

As of 2003, Perry Homes had been sued more than 60 times in the past 15 years, according to a search of court records. Now imagine if, instead of homeowners being allowed to sue builders like Perry for defective housing, they were forced into arbitration. Consumer advocates believe arbitration can sometimes be easier to tilt in the homebuilder's favor than a trial ever would be. Binding arbitration has been a consistent issue in the state Supreme Court of late. The question of third party liability—whether the homebuilder is responsible to pay damages for the harmful actions of its subcontractors—is another issue often before the court. Then there is the matter of lawsuit award limits. "These are real issues that are near and dear to the bottom line," says McDonald.

These days the argument can be made that contributions to Texas Supreme Court candidates don't matter. In a Republican state, with a solid GOP court, an occasional lopsided primary battle or the need for a costly first-introduction to voters are about the only reasons money might be needed, according to this analysis. But it won't always be that way. Eventually—sooner in some places than in others—the appellate courts will become competitive again as Democratic voters increase with changing demographics. That is why reform is urgent now, says Campaigns for People's Fred Lewis. "[When competition increases] the incentive to cheat rises," he says.

The most important reform available on the contribution side would be an aggregate limit on individual donations, Lewis believes. Under this scenario, a big donor like Bob Perry would only be allowed to give a fixed sum, say $25,000—the median income of your average Texan—in political contributions.

What kind of scandal it would take to shake such a reform out of the Legislature remains to be seen. ■

Observer intern Jeremy Brown contributed to this story.

James Dean's not here –
wide street and the empty swimming pool
at the Paisano in sepia – the red mud-water stained
shutters' shades, and drapes bleed light like this.

Hundreds of cubes of polished light
Judd's gone, too.

Neon shapes the spaces; this is not what they mean
by Marfa Lights.

It can't be an X File – I'm in a bookstore that's almost
as good as Gotham Book Mart, and serves coffee.

Relaxed over coffee they talk about the people who come
and go. About the wide street and the wind with grit in it.
About hanging in there.

Stars and light.

Marfa, 2001

—Jim LaVilla-Havelin

SOLITUDE

Enter and be unknown to me or
with the diligence of a sugar ant
feast on your own words
where they remain stuck
stranded on the outside of my heart
like so many tiny bodies
struggling to invade my continent.

—Andréa Greimel

JIM LAVILLA-HAVELIN is the Director of the Young Artist Programs at the Southwest School of Art & Craft in San Antonio. Author of three books of poetry, LaVilla-Havelin has been an arts administrator, arts educator, creative writing teacher, and museum educator. ANDRÉA GREIMEL was born and raised in Minnesota and worked in Mexico after college. She now lives and teaches in San Antonio. **—Naomi Shihab Nye**

From an Early Graves

BY STEVEN G. KELLMAN

Myself and Strangers: A Memoir of Apprenticeship
By John Graves
Alfred A. Knopf
256 pages, $24.

"I write for myself and strangers," wrote Gertrude Stein.

Is there anyone else? Aren't we all strangers, to others as well as ourselves? John Graves borrows Stein's line, from the beginning of a chapter in *The Making of Americans*, and adapts it as the title for his memoir. Concentrating on the years 1951–1956, when Graves, who was born in Fort Worth in 1920, was abroad and adrift, *Myself and Strangers* offers contrasting perspectives on a man estranged from his country and himself. He alternates between entries from a contemporaneous journal and the current perspective of a seasoned octogenarian. Somewhat the way, in his final novel sequence, *Mercy of a Rude Stream*, the narrative voice of 89-year-old Henry Roth comments on an earlier version of himself, Graves inserts bracketed remarks in which wise "Old John" chides callow "Young John." After transcribing a diary entry that proclaims: "I will go to Madrid and will write a book and it will be good," Old John notes: "All this sad optimism turned out to be quite premature. You hadn't made it yet, kid."

Graves made it into the canon of Texas literature with *Goodbye to a River*, his majestic account of a final solo canoe trip down the Brazos River. Published in 1960, the book is a Lone Star *Walden*, in which one stubborn man's encounter with nature serves as pretext for rich meditations on the self and the world. Though *Myself and Strangers* concludes with a brief description of how he came to write *Goodbye to a River* and thereby end the literary apprenticeship referred to in the book's subtitle, for most of the period that the memoir covers, Graves is still unknown and unaccomplished. He spends these years in Europe, primarily in parts of Spain. "Texas is not my territory any more," Graves presumes, not knowing that in just a few years he would be settling down on 400 acres of Hill Country hardscrabble. To anyone aware of Graves' work after his European *Wanderjahren*, Old John's attempt to set the record straight is unnecessary: "This was a *very* major misapprehension, as things turned out, for in the long run Texas was the main territory I did have."

After a relatively privileged childhood in Fort Worth, Graves attended college at Rice. Following graduation, he joined the Fourth Marine Division and was shipped out to the Pacific in January, 1944. His combat career was cut short in June, when, on Saipan in the Marianas, a Japanese grenade blinded his left eye. He spent an interlude in rural Mexico and then used the G.I. Bill to study at Columbia University, writing a master's thesis on William Faulkner that the Mississippian's editor, Saxe Commins, urged him, unsuccessfully, to expand into a book.

Armed with a new M.A., Graves moved with his wife, Bryan, to Austin, where he taught in the English Department at the University of Texas. After rejecting the academic life and dissolving his marriage, he made his way to Spain, shifting about among Madrid, Mallorca, and Tenerife. *Todo hombre fuera de su país es un poco niño*, quotes Graves in what had become fluent Spanish Outside his country every man is a little bit of a boy. *Myself and Strangers* is a reminiscence of the writer's second childhood.

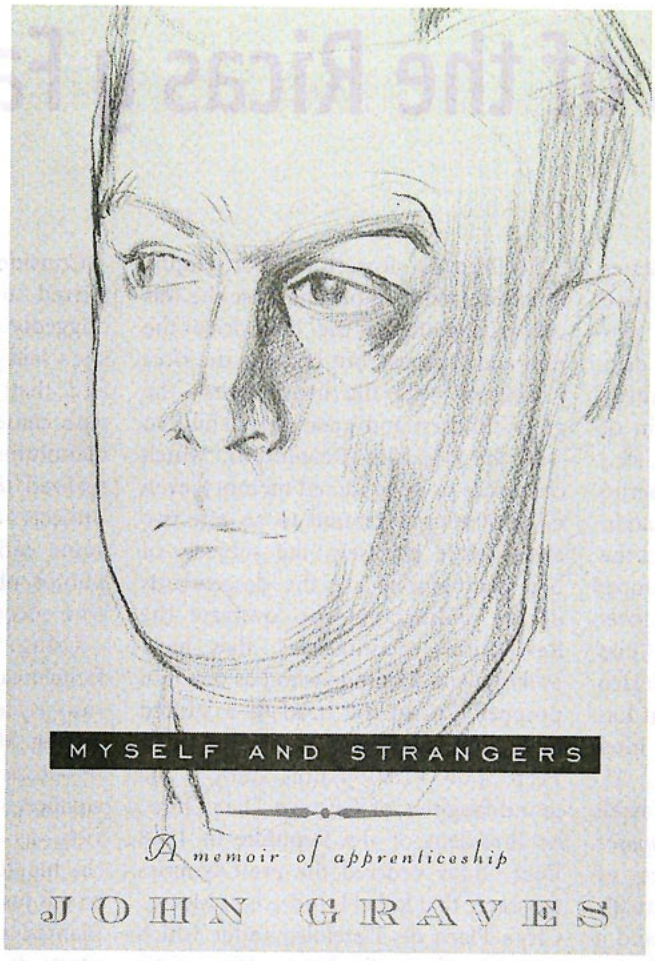
The ghost of Ernest Hemingway haunts this book, which is a kind of low-carb *Moveable Feast*. Graves even finds himself in Pamplona on July 7, 1953, during the annual fiesta of San Fermin that is the setting for a famous section of *The Sun Also Rises*. Hemingway himself is there, his first time back in Spain in 15 years, and, though Graves observes him holding court at a sidewalk table on the main square, he cannot bring himself to join the queue of admirers paying their respects to the great man. Nor does he introduce himself a month later when he sees Hemingway again, at Harry's New York Bar in Venice. "I had not yet proved myself a writer, a real one," he explains, "and until I managed that I didn't feel I had a right to impose myself on established authors, however much I might admire their work." But Graves participates in many of the same activities as Hemingway and his characters—drinking, fishing, attending bullfights, and, above all, trying to write. Three decades after the Lost Generation converged in Paris, Graves too seeks literary inspiration in expatriation. His ambitions as a writer define him to himself, and throughout most of his sojourn in Spain, Graves is struggling with a novel called *A Speckled Horse*. But the steed never gets to the starting gate. Despite several years of effort, the book was never published because an agent's negative reaction discouraged its author from submitting it anywhere.

However, writing is the reason Graves gives himself for being both sociable and solitary. Driven by "a joy in being alive in a time when there were still so many good people to know, so many meaningful books to read, so many fine things to do," he falls in and out of love and finds café companionship with a variety of Spaniards and fellow foreigners. One senses that he is seeking literary material more than human contact, and when he wearies of the hard-drinking idlers, primarily the Americans, Britons, and Scandinavians he hangs out with in Palma, he secretly migrates to another part of the island to

spend time alone with his typewriter. Though he was eager to appropriate them for his fiction, none of these expatriates, he notes, measures up to the characters in *The Sun Also Rises* or Malcolm Lowry's *Under the Volcano*. They strike him, he recalls, "as having come to being nothing on Mallorca from being nothing elsewhere, during all their lives to date."

Though Graves offers pointed sketches of many of the men and women he got to know in Europe, none is as talented or memorable as were members of the Hemingway crowd. "I like living with so very many people and being all alone with english[sic] and myself," says Stein in another passage that he quotes. But not very many of the people whom Graves encounters during his European apprenticeship match the figures who showed up at her Rue de Fleurus salon. Nor are his literary observations especially acute. Graves notes the books that he is reading, a motley medley by authors including Conrad, Smollett, Gogol, Michener, Maugham, Orwell, Waugh, and Rabelais, considered most of all for their usefulness to his own writing. About William Styron's *Lie Down in Darkness*, he reports: "Only glanced through this one and don't want to do more than that for the moment, because it would likely mess up my own work." He is bothered when a reading of Ford Madox Ford's *Parade's End* causes the prose of *A Speckled Horse* to be "heavily infected with Fordian mannerisms." Graves admits to feeling fatigue from Thomas Wolfe and boredom from Gustave Flaubert.

A journal entry for January 6, 1955, announces that Graves' needs are simple: "a place in which to live comfortably, a good woman if any such shows up, some kind of regular exercise (maybe a rowboat?), and buckle down to this book." Though his finances seem meager, he manages to live frugally on a modest military pension and occasional commissions for magazine articles. He reports paying $45 a month to rent a villa in Mallorca as well as buying a sloop for an undisclosed sum. As a practical matter, Graves divides his writing time according to the principle of "one for them and one for me," alternating between work he does for hire (such as a piece in *Holiday* that gets him into trouble for lambasting Mallorca's expatriate colony) and work he does for love. By the time Graves ends his literary apprenticeship, it is hard to separate the two. He encounters Spain a little more than a decade after the conclusion of its Civil War and during Francisco Franco's fascist regime. He notes parallels between Franco Spain and the post-bellum American South, including Texas. A descendant of Confederates, Graves suggests that the Falangist victory was a temporary denial of what Dixie's defeat made clear, that it is futile to resist the forces of modernity. He seems to be expressing nostalgia for an Iberian Lost Cause that has not yet even been lost: "They won one fight against the new values," he says of the Nationalists' success against the Loyalists, "but even then they had already lost the big fight, simply by being fated to exist in a changing world." Graves casts his blind eye at oppression under Franco. Repelled by the dogmas of both left and right and lacking the polemical genius of Swift and Milton, he is wary of politics: "If you can't manage partisan enthusiasm and you see advantages and disadvantages in all or most of the sides, I guess what you do is shut up and try to quit thinking about the matter."



Permanently afflicted with *cacoethes scribendi*, "the writing disease in excelsis," Graves cannot quit thinking about his literary calling. Thoreau left Walden Pond for as good and deliberate a reason as he went there in the first place: "Perhaps it seemed to me that I had several more lives to live, and could not spare any more time for that one." Without explanation, Graves returns to the United States on July 20, 1955. His apprenticeship over, he abandons *A Speckled Horse* and undertakes the writing in and about Texas—especially *Goodbye to a River*, *Hard Scrabble*, and *From a Limestone Ledge*—that he feels destined to do. Reconciled to his place and time and talents, he concludes: "I was where I belonged." ■

Steven G. Kellman teaches comparative literature at the University of Texas at San Antonio.

Lifestyles of the Ricas y Famosas

BY DAVID THEIS

In Mexico, as in the United States, art exhibitions sometimes have the power to stir public protest. In the late 1980s, an exhibition of post-modern, mostly playful images of the Virgin of Guadalupe (Guadalupe in a bikini, etc.) at Mexico City's Museo de Arte Moderno brought out crowds of angry *guadalupanos*, who managed to shut down the exhibit. For gringos, the Guadalupe/Moderno affair echoed the flap over photographer Andres Serrano's "Piss Christ" image. More recently, Mexico has experienced a culture war that has rocked not only the world of the intelligentsia, but the nation itself.

In 2002 photographer Daniela Rossell published a book called *Ricas y Famosas*. Her 89 color-saturated images of decadent upper-class women (actually, there are a few pictures of men, and a few from outside Mexico) provoked a round of soul-searching on the part of public intellectuals such as we seldom, if ever, see north of the border—at least not in response to art. It seemed as if every cultural figure in Mexico passed judgment on these photographs of women and their kitsch religion, and their kitsch sex, and their kitsch houses. Or rather, on what the photographs revealed about the country itself. How could such concentrated wealth, ostentation, and vulgarity coexist with the poverty and dignity of the masses? How could the Mexican rich be so crass and heartless as to flaunt their wealth and bad taste in this way? Is their impunity such that they don't fear judgment on any level, legal, moral, or aesthetic? There are no answers to these questions, but at least we can see what the fuss was all about. *Ricas y Famosas*, an exhibition of photographs from the book of the same name, is on view at the University of Houston's Blaffer Gallery through June 13.

In Mexico Rossell's photography touched a nerve in part because she was chronicling not just the "lifestyles of the rich and famous," but because the *ricas y famosas* were the literal heirs—the grandchildren and great-grandchildren—of the Mexican Revolution, which continues to be of sacred memory, even decades after it ground to an effective close. More precisely, the subjects of her photographs are the descendants of the politicians who oversaw the Revolution's demise. Yes, that hard-looking young blonde who has one foot propped up on the head of a stuffed male lion, and who is dressed in a "Peep Show #1.00" tennis shirt, is the granddaughter of Gustavo Díaz Ordaz. As President of the Republic in 1968, Díaz Ordaz ordered the pre-Olympics massacre that killed hundreds at Mexico City's Plaza de Tlatelolco (after which it was hard to talk about a humanistic revolution with a straight face). And one of the few men depicted in the book is the son of disgraced president Carlos Salinas, whose *maldito* administration applied the final punctuation mark to the Revolution.

Rossell's photographs didn't celebrate the triumph of the oligarchy—far from it—but they did rub the painful truth in Mexico's collective face.

Apparently many of her subjects were not amused. Rossell belongs to the same milieu as her subjects; friends and relatives obviously trusted her completely. Since the book was published she's lost a lot of friends and has even been the subject of death threats. "Mostly from women in Monterrey," she once told an interviewer.

Rossell herself is an interesting case. She grew up a member of the upper-class, but as a teenager took up art, studying painting in the San Carlos Academy in Mexico City, and theater in UNAM's famed drama program.

Considering all the publicity she stirred up, Rossell keeps a rather doggedly low profile. About herself, she's said that she has "trouble talking," and that she started playing around with cameras as an alternative form of communication. She says that she first realized that she had a full-blown art project on her hands when she took some early, but surprisingly revealing photos of relatives to her psychiatrist, who encouraged her to keep going.

Using her theater skills to stage fantastically intricate tableaux—the *ricas y famosas* photos are more about setting than about the women per se—Rossell set out to photograph "the smallest minority in Mexico, the ultra-rich," as she has described her project. (In her few pronouncements, it's hard to tell just how firmly she has a tongue planted in her cheek—I'd say it was pretty deeply.)

Critics have called her work anthropological, as if Rossell were intruding on an exotic tribe. But the scenes are so fantastically artificial—a harem from 1001 Nights, numerous girls seated to look like a member of their own doll collection—that it's a rather strange anthropology, one in which the subjects are hyper-aware of the investigation.

Rossell has said that her subjects took eager part in the creation of their personas: "It was easy to get them to pose." In the brief foreword to her book, she declares, "The following images depict actual settings. The photographic subjects are representing themselves. Any resemblance with real events is not coincidental."

So, why the death threats? Perhaps the photographs, once published, served as a kind of truth-telling mirror for some of the women. Some have said they simply object to the project's ironic title. "I'm rich, but not famous," one subject

Paulina Díaz Ordaz Castanon, granddaughter of Gustavo Díaz Ordaz, poses with stuffed lion. *photo: Daniela Rossell*

has said.

But there's no doubt that Rossell knew what she was doing. She had had her own epiphany regarding inherited wealth and the meaning of life long before. She certainly knew how decadent, and even depraved, her "friends" were going to look. According to the Mexico City daily *La Jornada*, to guard her privacy, Rossell took the rather unusual step of hiring an actress to "play" her at the book's presentation to the press. She staged the press conference like a play, with written dialogue for the actress. Rossell pretended to be a reporter.

So yes, she likes to make her points, and she likes to have her fun.

But what about the photographs themselves, as stand-alone works of art?

Frankly, on my first visit to the Blaffer, I was disappointed. After all the hoopla, the images didn't seem quite horrifying enough. I had to admit that they were well composed, and that Rossell used shadow about as effectively as you can in color photography. Still, the images looked so much alike—carefully framed, with oversaturated colors, and lots of stuffed animals (both of the teddy bear and the wild-game trophy varieties), and lots of obviously ironic religious paraphernalia, and extra lots of suggestive but un-sexy poses—that the oversized prints blended together for me, with a couple of notable exceptions.

One young woman is more menacing than her sisters. Seated on a saddle-chair, her feet resting on the stuffed remains of a crocodile (alligator?), cowboy hat perched on her head, she stares in utter insolence at the camera while she flicks cigarette ash on the croc. This image makes the most overt statement of any in the exhibition because, behind the "rider," we see a portrait of Zapata. The old horseman's eyes look a little sadder than usual.

In another photo, the same woman squats in front of an oversized crucifix, grinning widely as her male dachshund humps his female companion. There's even a pink flash of unsheathed dog penis. And then there's the picture of four young women (including, I think, the bad girl of the above described photos) chowing down on a boxful of communion wafers.

But by and large the photos are indistinguishable. The subjects are not identified, and the images are not titled, so you're own your own when trying to make sense of them.

But on a second and third viewing, the theatrical quality of the photos kicked in, and the women inside them started to move. Yes, they are as decadent as all hell, and you do wish the once holy Revolution had bequeathed Mexico with more ethically developed heirs. But there's pathos here as well. The women apparently see themselves as dangerously seductive, but the harder you look, the less glamorous they appear. Not particularly beautiful, sometimes physically coarse, they are more creatures of the *telenovela* than of Hollywood. The fantasy that they're aiming for is hardly worthy of a life's work.

And some of the women who had at first seemed to be straining pitifully hard to present themselves as pouting sex kittens now look to me like they're in on Rossell's joke, and that they're not taking themselves as seriously as the rest of Mexico did.

All in all, this is a more ambiguous show than I'd originally expected. ■

David Theis is the author of a novel, Rio Ganges, *set in Mexico. He lives in Houston.*

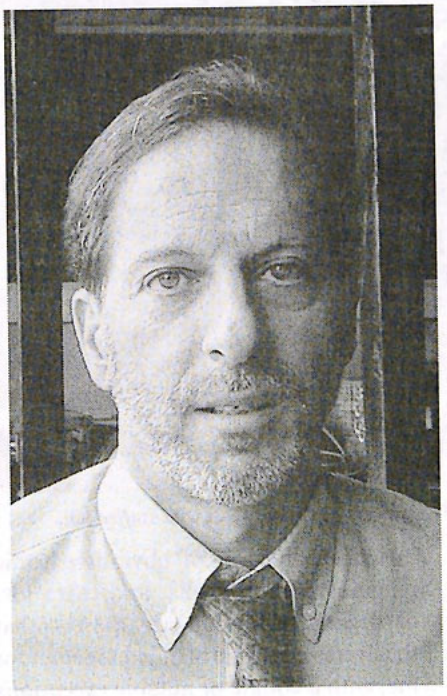
The Empire's New Clothes

BY RACHEL PROTOR MAY

The Abu Ghraib scandal, the avarice of private contractors, and the ever-increasing Iraqi resistance—the U.S. occupation of Iraq grows messier every day. It was not so long ago that the Bush Administration smugly claimed that the military occupation had ushered in a new era of freedom, democracy, and self-determination for the whole region. But "liberation" at the hands of self-described benevolent foreigners is a line Middle Easterners have heard before. Since the French occupied Algeria in 1830, Europeans spent a century gobbling up land from Morocco to Syria, claiming all the while they had the residents' best interest at heart.

The U.S. occupation of Iraq echoes of this colonialism, warns Columbia professor Rashid Khalidi in his recently published book *Resurrecting Empire: Western Footprints and America's Perilous Path in the Middle East* (Beacon Press). He argues that for the United States to continue its occupation, or worse, to build bases and exploit Iraq's oil, will render it simply the latest in a long line of foreign oppressors who use lofty rhetoric to justify domination. "I have not come to you except for the purpose of restoring your rights from the hands of the oppressors." "Unlike many armies in the world, you came not to conquer, not to occupy, but to liberate." Which one is Donald Rumsfeld in 2003, and which is Napoleon Bonaparte in his ill-fated attempt to colonize Egypt in 1798?

Resurrecting Empire also challenges commonly held assumptions about the Middle East: that democracy is a foreign idea, for example. On the contrary, Khalidi argues, many Middle Eastern countries had strong democratic traditions that were squelched by foreign occupiers who ignored values they enshrined at home, like self-determination, citizenship, and rights, for the purpose of profit-making abroad. By stamping out democratic movements, colonialism lay the foundation for the autocrats who dominate the region today. Now, Khalidi warns, if the United States is to maintain any credibility in the region—a necessary precondition to avoiding terrorist attacks—a drastic change of course is imperative. During a recent trip to Austin, Khalidi spoke to the *Observer*. Excerpts follow:



Rachid Khalidi — *Rachel Proctor May*

Texas Observer: Progressives have accused the United States of imperialism before. How is your argument different?

Rashid Khalidi: The United States' record in the Middle East has not been a record of support for democracy, ever. We talked about democracy, but throughout the Cold War we aligned ourselves with or propped up or helped to create a number of regimes that were either autocratic or monarchical or dictatorial. In some cases we subverted democracies, as in the case of Iran in 1953, when the United States and Britain overthrew a constitutional, parliamentary, democratic, representative government, imposed a military regime, and reinstated the Shah.

This administration has launched an adventure in Iraq that is qualitatively different from anything we did before. In most of the world, the United States never really engaged in occupying countries. We propped up unpopular regimes in many places. We intervened in other countries, indirectly or covertly. We had bases against the will of the people—but their governments invited us in.

What we've done here—without international support, against a country that didn't attack us and couldn't attack us, and which posed no threat to anybody but its own people—is said, "We know better than anybody else and we're going to go in and change this government, occupy the country, and impose the regime of our choosing." So whatever your analysis of the US in the past is—good, bad, or indifferent—this is fundamentally different.

I argue in the book that this is perceived in the Middle East against a history of two centuries of resistance to similar invasions and occupations and positions by Western powers, namely the colonial powers, the British and the French. We risk being seen as stepping into the boots of enormously unpopular colonial occupations that these people struggled against in recent memory. When I was a young man going to the Middle East, people were still engaged in trying to get the British out of south Yemen, get the British out of the Gulf, and get the French out of Algeria. Whatever our intentions

are—and I'm arguing in this book that the intentions probably are not very good—people in this region are going to perceive us as trying to determine their future in a way that they are going to resist and object to.

The administration would argue that they did the region a favor by getting rid of Saddam Hussein, who was not exactly a nice guy.

He was worse than not a nice guy. It was the most reprehensible regime in a region full of awful regimes. And for that, the United States actually garnered a certain amount of sympathy at the outset of the occupation. But that has changed over time because people are asking, "What are you doing for me today?" And what the United States has done for them today is to stay there for a year and create a situation of chaos and fail to establish security. To come in without the slightest idea of what to do and how to do it. To fail to develop a real strategy for a transfer of power to a representative Iraqi authority. And at the same time to make clear to the Iraqis that the Unties States intends to keep military bases there indefinitely.

There was a while when it might have been possible—even though this was a misbegotten adventure since it didn't have the support of most people in the region and the world—there was maybe a brief window there where, had the United States done whatever it was going to do and quickly gotten out, some of the negative consequences I'm afraid we're going to face might have been avoided. That's not possible now.

TO: What negative consequences do you fear?

RK: We can see them all around us. We went from a circumstance where the overwhelming majority of Shi'ites, who are the majority of Iraqis, were at least willing to give the United States the benefit of the doubt. Now a large number of them are completely alienated from the United States. In the beginning, it is clear that the people who were opposing the occupation were a minority. I would guess that now whoever's actually shooting is supported by a majority. And I don't think that it's going to be possible to turn that situation around. I think that we're now in a no-win situation where the options are bad, worse, and worst.

TO: In the book you suggest an international mandate of a specified, limited duration.

RK: Everybody has come into the Middle East in the last two centuries proclaiming that they're there for freedom and liberty, and in every case it's turned out not to be true. They've heard it before. So in the book, I suggested that the U.S. has to very quickly move towards an international mandate that can help Iraq transit towards independence, sovereignty, and a democratic system. I'm not sure that it's maybe not too late for that now, given what's happened in the last few weeks.

A U.N. role is still the last best chance for a handover from the US occupation to Iraqi sovereignty, in a situation where the U.N. takes charge briefly and arranges a rapid transition to full unfettered Iraqi sovereignty in a situation where U.S. troops are on the way out. This is not a handover from the United States to a U.S.-picked-transition under U.N. auspices with U.S. troops remaining for a while, which I think is what the Bush administration still envisages—insofar as it has any clear vision any longer of what it is doing in Iraq.

In any case, it is essential the U.S. make clear to the Iraqis we do not intend to control the country. That we do not intend to have bases in the country forever. And that whatever the Iraqis do, it's their country. If they choose a bad government thereafter, as long as it's no danger to the world or to its neighbors, it's none of our business.

TO: You argue that one reason the administration was able to convince Americans to support the invasion was widespread misunderstandings and ignorance of Middle Eastern history. What misconceptions are those?

RK: One is that there are no democratic traditions in the Middle East. There are strong democratic traditions. Most of the elites in most Middle Eastern countries have labored mightily to limit the authority of the state, to install constitutional governments, and to create democratic and representative regimes. For most of the 20th century, the British and the French were the ones who undermined and sabotaged those efforts in countries like Egypt and Iraq.

The second thing is this idea that Islam is in some way incompatible with democracy. Some of the largest democracies in the world are Islamic countries. Bangladesh. Indonesia. Malaysia. There's nothing in Islam that's inherently incompatible with democracy. There are all kinds of politicians who are anti-democratic and who are Muslims. There are all kinds of politicians who have all kinds of ideas that are inimical to democracy who are Christians. There are unscrupulous, populist politicians who will use Islamist or Christian ideas, or Jewish or Buddhist or Hindu ideas, to subvert democracy. It has nothing to do with Islam.

And I would say the same thing about terrorism. The bin Ladens of the world—this is not Islamic terrorism. These are people who are a creation of the late Cold War. That's what brought them together. That's what taught them to kill. That's what deprived them of a conscience, fighting that war in Afghanistan.

Everybody in the world understands that. It's only the American people who have a sense that these people came out of nowhere. They didn't come out of nowhere; they came out of a war we waged in Afghanistan using these people as a tool. We have to recognize that. The fact that they use Islam is really a red herring that is being used by them and it's being used by, unfortunately, our government. So we need to look in the mirror and understand what we ourselves have done, and that we should never do this again, and understand that that gives them the key to how to deal with the future. That's the key to the so-called Islamic terrorism we face today. ■

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Living Large

BY CHAR MILLER

Toward the Livable City
Emilie Buchwald, editor
Milkweed Editions
301 pages. $18.95.

The early-20th-century developers who platted Beacon Hill, a streetcar subdivision just north of downtown San Antonio, knew what they were doing. By its name, they signaled the site's elevation above the city's deadly flood plain, a topography of "fine soil, sweet-scented huisache groves and gently rolling surfaces" that also contained considerable cultural meaning. Dubbed "the home place beautiful," its pristine atmosphere was of "pure ozone with no ill smelling disease," the builders averred, and the ground was swept clean of the distasteful—"no objectionable characters, no saloons, no poorhouses or any insane asylums." That prescription, they reasoned, would beckon rail-riding, middle-class whites up into the hills.

It worked. In the 1905 city directory, historian Maria Watson Pfeiffer has discovered, only six homes were listed in the area; 10 years later, 230 had been constructed. For the next 40 years or so Beacon Hill sheltered, in neo-Spanish manses and craftsman-style bungalows, the prominent and near-prominent amid a well-shaded landscape.

The ground was cut from under this secluded terrain with the postwar construction of what would become IH-10. Slashing just west of Beacon Hill, the freeway bulldozed residences and commercial buildings, but its greatest significance lay in its concrete message: New development was leaping well beyond the city limits, igniting a northerly land rush that has yet to subside. Cut up and cut off, Beacon Hill—like so many first-ring suburbs in postwar, auto-mad America—was left behind. Nearby businesses began to fail as their well-heeled customers moved up and out; the neighborhood, once filled with owner-occupied homes, began to contain a larger number of renters inhabiting now-subdivided dwellings. Formerly a white preserve, it also began to attract the very people—poor and of color—its initial developers wanted to exclude. The community's present had inverted its past.

For that very reason, its future is bright. Now home to a startlingly diverse population of the advantaged and disadvantaged, brown, white, and black, gay and straight, young and old, Beacon Hill has an energetic neighborhood association that is working to reduce crime, rehab homes, redesign street infrastructure, enhance economic opportunities, and reconnect with local schools. When I spoke to them recently about the area's complex history, the conversation swiftly turned from what was to what might be. My contribution to this lively dialogue would have been a lot more informed had I already read *Toward the Livable City*.

Its editor, Emilie Buchwald, is one of the founders of the Minneapolis-based, non-profit Milkweed Editions and its allied foundation that seek to alter our perceptions about and relationship to the natural and built environments. That broad vision is framed in a series of deceptively simple questions she poses in her introduction to this collection of compelling essays: "What is it about our city or community that we care about? What should we keep? And, what should we change to make living here consonant with our values and desires to live a good life in this place?"

To answer any of these queries requires a subtle psychological shift: We have to pay attention to details, to small moments that seem out of place. Like the call of an Eastern screech owl that caught Terrell Dixon's attention on a late-evening stroll through Houston's Montrose neighborhood. Startled that he could distinguish any birdsong above the "eight-lane hum of Highway 59 traffic just three blocks away," and unaware initially that he was listening to an owl, he stood still, captivated. What had been just an empty lot now contained something mysterious, beguiling. Returning again and again, and armed with the knowledge of the bird's vocal patterns and life cycle, he became attuned to its nocturnal behaviors. That this open space was crammed with other life also became clear. Out of a puddle "formed where tree roots break up the sidewalk," tiny American toads took up life; death lurked high up another tree, as Dixon witnessed a red-tailed hawk "rip apart the squirrel pinned in its talons."

Important by themselves, these fleeting glimpses also offered him an opportunity to draw larger conclusions about the relationship between human and natural ecologies. "Nature" does not just exist segregated in Big Bend National Park, for its dynamics are just as vivid in an overgrown city lot. That this is so taught the "die-hard environmentalist living deep in the heart of Houston, to see urban nature and the city" as a reciprocal envelopment that should make activists of us all. "Once we begin to really notice nature in our neighborhoods, it is but a short step to protecting what we have and requiring more of it."

What Kristen Brennan thinks cities need more of are farmers and farmland. She grew into this idea through her work for the Food Project of Boston, an organization that, since the early 1990s, had been bringing together teenagers of all means to plant gardens whose produce is distributed to local homeless

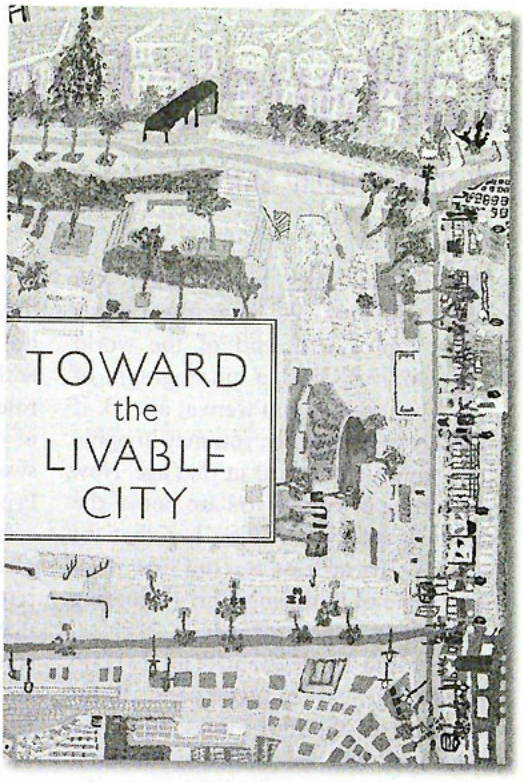
shelters. Started in the suburbs, this notion has flourished as well in one of the city's most distressed districts, Dudley Street in Roxbury, an area of unconscionable neglect. Burned down, boarded up, ignored and frightful, its rough streets were mirrored in the devastated lives of its impoverished residents, an "environment filled with such a stench of decay... that people held their noses as they walked down the street."

The scent today is of fresh-grown tomatoes and corn, green beans and red peppers, collard greens and callaloo. Sold off tables in the farmers' market in Dudley Town Common, the bountiful harvest is grown on a two-acre plot but five blocks away, marking a two-fold reclamation process: Once the site of 22 houses that had been vandalized and torched, volunteers and residents cleared away truck-loads of rubble, revitalizing the land and its laborers. Their efforts bore fruit, for each growing season has produced more than 10,000 pounds of vegetables and has generated a wave of new, independent operations: Brennan has counted 165 gardens within a mile of the Dudley Street market, a collective "process of planting, growing, and harvesting... that creates the occasion—the time, the place, the activity—for people to deeply engage in urban life through the most basic of human practices, sharing food."

Agriculture is not the only ritualized activity that can entwine urbanites. Much of what makes a livable city livable are the chance, face-to-face interactions that come from the daily foot traffic. In Cambridge, Massachusetts, for instance, upwards of 24 percent of its residents walk to work; a quarter use public transportation. And, a number that will shock God-fearing, truck-driving, three-car-garage-owning Texans, fully 12 percent of households have no car. They may never see eye-to-eye, but Cantabridgians gaze on each other's faces, and may even do the unthinkable—talk to someone they don't know. So it was that Emily Hiestand, who never met a construction site she didn't like, asked a couple of workers on Boston's massive Big Dig project what they wanted in the linear park that will meander above the subterranean tunnel complex. "Jeez, I don't know," one piped up. "We've got this spot.... Pretty women talk to us. What more do we need?" His flirtation led Hiestand to laugh: "I love this answer. Not everyone knows when a lunch, a tree, some buddies, and a little urban frisson adds up to Enough."

Not that westerners have had much experience with such pedestrian encounters; our cities are so structured around the automobile that getting out of them to put one foot in front of the other seems damned-near unnatural. That doesn't mean car-bound Dallas, Houston, and Austin cannot change, and although they may never pursue the radical surgery that Mayor Jaime Lerner performed in Curitiba, Brazil in the early 1970s, his actions contain an important lesson for his northern-hemisphere counterparts. To curb freeway construction and put a brake on traffic congestion, Lerner declared Curitiba's central core off-limits to all vehicles. Over one weekend, volunteers tore up the old concrete streets and laid down new cobblestones, creating a massive mall that drew in thousands of shoppers and reinvigorated the local economy. His agenda to "transform not only the physical shape of the city, and then... to reshape its citizens," Bill McKibben writes, had this existential goal: "to *unalienate* people," a laudable ambition that surely makes sense to anyone snarled in a Texas-sized rush hour on IH-35 or IH-10.

To reclaim the urban promised land requires steps, large and small, and many of the contributors sketch out what this would entail in terms of better and more affordable housing, better and more rigorous schooling, stronger and more sustainable economic development. It also requires thinking of cities as regions, Myron Orfield argues, an intellectual reorientation that must come conjoined with tax reform to promote fiscal equity and smart-growth regulations and land-use codes to stabilize downtown, slow sprawl, and protect green space. As alluring as these proposals are, observes James Howard Kunstler, what might actually bring about the greatest structural change to our cities is the soon-to-end cheap-oil age. As petrol prices rise, they will render "the suburban environment of America problematical, and at worse obsolete, and probably with startling speed." One ramification of this, he predicts, is increased social friction due to the "shrinkage of our largest cities," collapsing from "the fringe inward."



This grim scenario contains hopeful elements. Those districts served by mass transit and walkable in scale, those neighborhoods framed around "street-and-block systems" and of compact dimension, and those whose demography is multi-ethnic and cross-generational, will be the "more successful places in 21st-century America." That's great news for Beacon Hill. ■

Contributing writer Char Miller directs the urban studies program at Trinity University and is editor of the forthcoming 50 Years of the Texas Observer, *celebrating the* Observer's *half-century of publication.*

LaHaye's Ever After

BY JOHN PHILLIP SANTOS

If you'd like to see what you will look like after the rapidly approaching end of the world arrives, find a photograph of yourself as you were at age 33. If you're younger, you may imagine how you might appear at that age. Now, presuming of course you are not of the damned, imagine looking like that for eternity—or at least for the first thousand years of it, during Christ's coming millennium reign on Earth.

According to Reverend Tim LaHaye, the evangelical minister and boffo raconteur of the End Times, all of the redeemed will be returned to their "incorruptible" bodies, which naturally correspond to the 33-year-old body of the resurrected Christ. That's what the apocalyptic American co-author of the just-published *The Glorious Appearing* told London's *Telegraph* newspaper earlier this year.

The new tome concludes his 12-volume chiliastic epic of the multi-million-selling *Left Behind* novels, grandiosely chronicling an imagined series of historical events leading to Armageddon, the defeat of the Antichrist, and the return of Christ, as presaged in the biblical book of the Revelation of St. John. The redeemed may be transported to their hot-body past, but the unbelievers' bodies explode, their blood boiling in their veins.

But lo, there will come other incredible prizes for the lucky winners. In the same *Telegraph* article, LaHaye reassured his bachelor interviewer that there would likely be singles' clubs in eternity, for the 30-something unmarried redeemed, and that LaHaye himself was particularly interested in using his free time to do a little space travel, "We've been told that we will be able to travel at the speed of thought. Personally, I plan to go planetary exploring."

This would all be hilarious if it were from a Second Coming-themed sequel to Monty Python's *The Life of Brian*, but the truth is America, long fascinated with its own presumptively glorious role in the Christian triumph at the end of time has never been more under the sway of the fiery apocalyptic mind. A Pentagon general proclaimed that our army was an instrument of God's final plan. President Bush has been quoted referring ambiguously to his own belief that he was chosen by divine fiat to be commander-in-chief in these times—and he wasn't just trying to explain Florida 2000.

One recently observed bumper sticker on a pickup truck in San Antonio put it most succinctly, announcing: "Read the Bible. In the end we win!"

For those who believe, this must be a bracing thought—to be alive during the butt-kicking final chapter of the cliffhanger cosmic Christian pageant. Or, as Cardinal Joseph Ratzinger, head of the Vatican's Congregation for the Doctrine of the Faith described it, we know how history ends, we just don't know how we get there. In a rare interview from 1985, he said, "the Christian knows that history is already saved, that therefore the outcome in the end will be positive... We know that the 'powers of darkness' will not prevail over the Church, but we do not know under what conditions that will transpire."

For the rest of us, the apocalypse unbelievers, a chill wind blows, a certain defeat of the ideal of the United States as a global republic where all of the world's people, along with their diverse beliefs can find a home. Like a bomb ticking in our basement, the end of the world augurs also the end of the American republic.

Predictably, much of the U.S. press coverage of the new *Left Behind* book in which Jesus returns to Earth, has focused on the novelty of an evangelical bestseller and the burgeoning market for conservative Christian products. The real story, perhaps uncomfortable to truly fathom, is that a good deal of the world, Christian and non-Christian, is presently haunted by a myriad of dreams of a coming end, with more and more Christians, Muslims, Jews, and others resigned to let the debacle unfold. Why not have it out once and for all, embrace the chaos so that divine justice can be done? Let's throw down and set to reaping the whirlwind already.

A Jewish sect in Israel labors to birth a perfect red heifer, one of the signs of the Messiah's coming. A lamb was recently reported born in Hebron with the name of Allah written on one side of its coat, Mohamed on the other. For the last years, in bookstores in the West Bank, Cairo, and Baghdad, other bestsellers foretell the coming of Islam's final prophet, the Mahdi, under whose name an army of insurgents is now attacking American troops in Najaf, Iraq.

Do readers of the *Left Behind* novels really expect to witness the triumph of Christianity over all other sects in our nation, a nation pledged to the highest principle of religious freedom and equality? Could we be approaching the proverbial apocalyptic "tipping point," a global vortex of score-settling violence and vengeance likely to engulf believer and non-believer alike, and regardless of whether Jesus, the Moshiach, or the Mahdi even show up after we make our monstrous mess upon each other? Now, that would be embarrassing.

Perhaps we could create a huge apocalyptic theme park, Disneygeddon, say on an ample, appropriately barren former nuclear test island in the Pacific, and all of these multi-flavored end time enthusiasts can go off on their own and sort everything out along the scripturally correct plotlines of their great ghastly tales, for whatever time is left.

And then let those of us who are left behind get on with the rest of the great human story. It's not like we have forever. ■

Originally from San Antonio, John Phillip Santos is a producer, journalist, and author whose work examines intersecting concerns of media, culture, and identity. He is the author of the critically acclaimed family memoir, Places Left Unfinished at the Time of Creation *(Viking/Penguin, 1999) and is at work on a new book,* The Farthest Home is in an Empire of Fire, *to be published next year. He lives in New York City.*

—Las Américas, continued from page 19

economists, the specialists are apparently unable to determine whether or not someone who lives on less than one dollar a day has been harmed by the loss of her vegetable garden.

When investigators from the World Bank looked into the matter and a hold-up on loan funds loomed, they found that the government of Argentina suddenly scraped up an extra $1.5 million for *Pro-Huerta* that it located in "lottery revenues." Plus, they got $3 million from somewhere else, which, according to the investigation, "Bank Management was not aware of." So in the matter of the gardens, the program continued with $8.5 million in financing for about 2.8 million people, a cut of about $2.5 million. The ignorant complainants in the case had not been aware that extra money had been located for their gardens. They noted that "...Management has not made available to them relevant information on the execution of the Program." All they seemed to know was that their vegetable plots no longer existed.

Thus, the government of Argentina met the conditions for the $2.5 billion loan, private banks and investors, got their pesos out of the country as dollars before the great crash, and the World Bank could continue to promote itself as a *Pro-Huerta* institution that fights poverty "with passion and professionalism." A year later, of course, the currency did collapse, the Central Bank could not cover its dollar obligations because all of the dollars were now gone, private banks shut their doors, and when they reopened, the peso was exchangeable at a rate of more than three-to-one. Through this gross national transaction, small-scale depositors lost about 70 percent of their savings between 2001 and 2002. Also, as taxpayers, they found themselves on the hook to repay the $2.5 billion loan with interest.

And here is the real bite. All of this was perfectly legal, although someone should probably try to find out where the $1.5 million in lottery revenues really came from. Our guess is that it came out of the Pro-First Grade project, or the Pro-Vaccinations for Babies program.

There's more. The IDB made a similar loan to Argentina for $500 million. Except that in this case, the country never even got the dollars. When Mario Cafiero, an Argentine Congressman, met with the Office of Institutional Integrity at the IDB to discuss filing a complaint, he asked the Integrity Officer on duty if he could see the documentation on the loan.

The Officer said that he didn't think so, but he wasn't sure. The Chief Integrity officer wasn't around; he had been detailed to the U.N. for a month. Cafiero pressed further: What kind of documentation was a complainant entitled to see about the project or loan in question? The Integrity Officer didn't know this either. Apparently no rules have been established yet. Under the current operating principle, no additional documents on a loan can be released without the consent of the borrowing government, even to a member of the government, such as a Congressman.

After Senator Lugar's hearing on corruption at the development banks, his office issued a press release stating that over $100 billion in World Bank funds may have been diverted through corruption. That's a lot of money. Why, you could almost pay for a frivolous American war with that. The MDBs dispute the figure. Their tactic is to try to position themselves as "fighting corruption" rather than funding it. They want to be seen as part of the solution, rather than part of the problem. Ms. Brookins and Mr. Morales declared publicly at the hearing that anyone with a suspicion about fraud or corruption in their banks' operations should report it immediately. These two are going to get to the bottom of it. And this is certainly true. They are surely not going to get to the top. ■

Contributing writer Gabriela Bocagrande reports on multilateral malfeasance for the Observer.

Dear Reader,

The Texas Observer is celebrating its 50th anniversary in 2004, with festivities all year long, including a gala dinner with Bill Moyers and Willie Nelson and other notables.

You can participate in the festivities in a number of ways:

Mark the date	December 4, 2004
Plan to attend	A Panel on "Politics and the Independent Media", Austin, Texas
Morning	"The News Media and National Politics"
Lunch	With the Panel Members
Afternoon	"The Entertainment Media and National Politics"
Plan to attend	The Gala
Evening	Reception and Dinner
	University of Texas Union Ballroom, Austin, Texas
Help Sponsor	Any or All of The Events
Participate In	The Signature Ad Campaign To Run in Observer Editions Throughout the Year
Volunteer Now	For Fundraising, Media/Publicity, Panel or Gala Planning Committees

Check your mailbox and this space for forthcoming details on times and locations for these events and for opportunities to sponsor the 50th Anniversary Gala. To volunteer for one of the Planning Committees, contact Charlotte McCann: mccann@texasobserver.org; 512/477-0746.

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