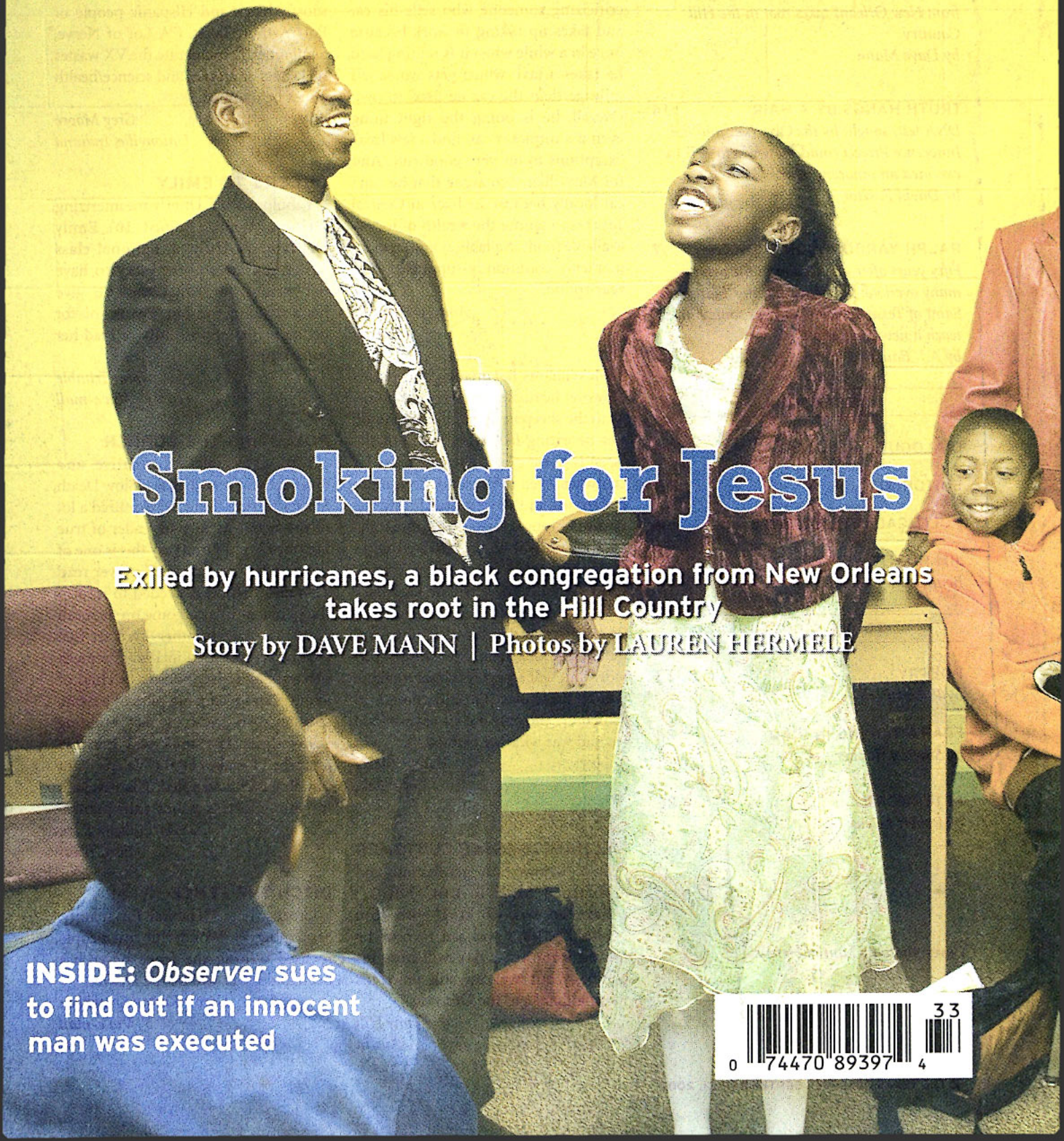
SEPTEMBER 21, 2007 | $2.25 | OPENING THE EYES OF TEXAS FOR FIFTY TWO YEARS

The Texas Observer



Smoking for Jesus

Exiled by hurricanes, a black congregation from New Orleans takes root in the Hill Country

Story by DAVE MANN | Photos by LAUREN HERMELE

INSIDE: *Observer* sues to find out if an innocent man was executed

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SEPTEMBER 21, 2007

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DEPARTMENTS

BOOKS & CULTURE

Cover photo by Lauren Hermele

Dialogue

FEEDING FRENZY

James McWilliams' article ("Moveable Feast," August 10) seems just to be a way to create controversy out of a minor observation. It's like criticizing someone who sells his car and takes up biking to work because once in a while when it is raining hard, he takes a taxi, which gets worse gas mileage than the car he used to own. Overall, he is doing the right thing, even if a nitpicker can find a few freak exceptions to his very good rule. And for McWilliams to argue that he can't eat locally because he lives in Central Texas is to ignore the wealth of locally available foods available at any farmer's market or community-supported farm year-round.

Andrew Balinsky
Austin

McWilliams has many good points. However he misses several better points. As to the sheep in England, they should not be eating feed, the nature of the beast is to eat grass. They ate grass for centuries, even in England. Even more important, in the very near future the cost of shipping sheep from Australia to England will be prohibitive due to the rising cost of oil. Moot point. We must eat local, there will be no choice. We must learn to do it responsibly. Consumers in developed nations will demand more than the season provides, but will accept less because there will be no choice. I'm old enough to remember the only out-of-season food we had was what we canned.

Larry Tucker
Via e-mail

MECHANIC MISSES CUSTOMER

Dick Reavis is a gentleman and a scholar. ("Made to Last," July 27) I have enjoyed working with him on his Beetles. I was sad to hear he moved from Texas. We will miss his company, but we can still enjoy his writing thanks to the *Observer*.

Kenny Hill
Austin

THE COLOR OF MONEY

It is exceedingly easy for rich, fat white guys in Austin, Washington D.C., and Paris, France, to make decisions about the health concerns of the mostly black and Hispanic people of Port Arthur, Texas. ("A Lot of Nerve," September 7) Incinerate the VX wastes, make lots of money, and science/health issues be damned.

Greg Moore
Unionville, Indiana

CHEERS TO EMILY

Fabulous stuff. Utterly mesmerizing. ("Home Again," August 10) Emily DePrang is truly a national-class writer. You are so very lucky to have her writing for you. I want to give her a standing ovation. Thank you for giving us the opportunity to read her superb prose.

John Trimble
Via e-mail

POLLUTING THE BORDER

Your extremely informative and excellently written article ("Slow Death, Slower Justice," June 29) captured a lot of the facts. I'm an avid reader of true life stories, and I must say this is one of the best written articles I've ever read. This information is needed to inform the public of what is going on in South Texas. My grandmother lived in that area before she died in 1967. I remember walking to her house as a child of about 5 and seeing big piles of a white substance in front of that building many times. The stink was horrible, and when I walked by the Helena Plant building I felt nauseated. Thanks again for your efforts to educate the public.

Maria Elena Silva
Elsa, Texas

DITCH THE FENCE

Great article ("Habitat for Inanity," September 7). Wonderful real people, focused writing–the fence never has been and never will be the answer.

Carole Keeton Strayhorn
Via e-mail

Snubbin' the Public

The Texas Department of Public Safety has now spent more than two years and almost $166,000 in lawyer fees fighting a *Texas Observer* request to release information we believe should clearly be made public. Attorney General Greg Abbott agrees. A state district judge agrees. The state public records law is on our side.

But DPS—invoking a patently absurd argument that it is protecting us from terrorists—soldiers on in stubborn commitment to a flawed policy, refusing to admit that it is wrong. That recalcitrance is costing taxpayers a pile of money and usurping the public's right to know what goes on in their state Capitol.

On October 24, in a courtroom at the University of Texas at Austin, DPS will try again to keep the information secret, this time in an appeal before the Third Court of Appeals. If that fails, and it probably will, we have no doubt DPS will go for a fourth strike by appealing to the state Supreme Court.

This descent into lunacy, DPS argues in part, is necessary to keep it from revealing the locations of surveillance cameras in the Capitol that anyone with reasonable vision can simply walk into the building and see.

Here's the story so far:

We thought our readers and the public should know if one of the richest, most politically influential men in Texas was in the Capitol strong-arming lawmakers to pass his pet legislation. On the morning of May 23, 2005, the Capitol was rife with rumors that San Antonio multimillionaire James Leininger had arrived to pressure lawmakers into voting to establish a pilot voucher program for public school students. Leininger had invested heavily in political campaigns to elect a Legislature that would favor vouchers. His influence had persuaded Speaker Tom Craddick to force the unpopular issue onto the floor. Now the hospital-bed magnate needed votes.

One rumor making the rounds was that Leininger was meeting lawmakers in a room off the hallway behind the House chamber. Plainly visible by anyone standing in the hallway are video surveillance cameras operated by DPS, as there are throughout much of the Capitol. We filed a public records request for the hallway video to see if we could identify Leininger. Imagine our surprise when the DPS claimed that giving us the tape would somehow compromise homeland security and aid terrorists by revealing sources and methods of the surveillance.

In response to DPS's refusal, Abbott ordered the agency to hand over the tape. Instead, DPS told its outside counsel, Akin Gump Strauss Hauer & Feld, to sue. On November 20, 2006, after hearing the case, state District Judge Stephen Yelenosky ordered DPS to release the video. Shortly before the trial, DPS' attorney switched law firms moving to Diamond McCarthy Taylor Finley & Lee, which took over the case. Curious to know how much money this frivolous lawsuit was costing taxpayers, we asked for the invoices from both firms. We have recently taken the liberty of putting them on our Web site. We invite readers to peruse the legal bills DPS has been paying and decide for themselves whether taxpayer money is being wasted. We've posted the information for the same reason that we joined a lawsuit to ascertain if an innocent man was put to death (see "Truth Hangs By a Hair," page 14).

Basic information on how the government operates—what its spending priorities are, who influences public officials, and the mechanics behind vital decisions such as how the death penalty is administered—belongs to the public, not the public's servants. Without the free flow of information, democracy dies. ■

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Radioactive Politics

HARD RAIN Uranium Energy Corp., which has been drilling exploratory holes in Goliad County since May 2006, applied for a permit from the Texas Commission on Environmental Quality last month to begin mining uranium in the area. The commission has deemed the company's application "administratively complete," paving the way for the next stage of the process, which includes the opportunity for public comment.

What form that public comment will take is still very much in the works—the Uranium Research and Advisory Council, a group appointed by the county commissioner's court to investigate the issue—has scheduled a press conference for September 26 to lay out its case against the permit. But Art Dohmann, chairman of the group and president of the Goliad County Groundwater District, said he anticipates "a lot of independent action as far as public comment is concerned."

Houston environmental attorney Jim Blackburn, whom the county has retained to help with legal aspects of the issue, has already sent a letter requesting a contested-case hearing on the application, Dohmann said.

As president of the groundwater district, Dohmann has participated in many of the 250 or so well tests conducted so far by the organization. He said the tests have come back showing mostly potable, "very good quality water." His concern, and that of other county residents, is: What happens once mining begins?

Adding to their concerns, the Texas Railroad Commission cited Uranium Energy in March for failing to adequately cover some 74 exploratory holes. Dohmann, however, said his group isn't reflexively opposed.

"Our judgment is that *in situ* uranium mining cannot be done safely in Goliad," Dohmann said, based on the conditions of the aquifer on which the county sits.

According to a letter mailed out on TCEQ letterhead to landowners who asked to be kept informed, Uranium Energy has applied for a "Class III Underground Injection Control Permit" to conduct *in situ* recovery of uranium. In situ mining employs a minimally invasive process. It is the most common technique for extracting uranium, according to the U.S. Environmental Protection Agency.

Harry Anthony, CEO of Uranium Energy, rejected the claim that exploration has negatively influenced wells in the area. In an August 5 opinion piece in the *Victoria Advocate*, he wrote that dissenters "wrongly painted today's uranium mining methods, technology, and its effects on the community."

One of those claiming contamination is Luann Duderstadt, who lives about a quarter-mile from an exploration area. Numerous tests of her well have come up negative for uranium or other radioactive material, but she said a thick, reddish mud has been clogging her filters and that she believes her future in Goliad County depends on her fighting Uranium Energy's permit. "If they get their mining permit, we're going to have to move," she said.

STRAW MEN The Texas Republican Party held its first-ever presidential straw poll on September 1 at the Fort Worth Convention Center. There probably won't be a second.

The straw poll had all the liveliness of a public accountants' convention. The GOP's normally effervescent grassroots activists seemed beaten down. Few actual candidates bothered to show. All the pundit-anointed leading GOP contenders bowed out well ahead of time. The brightest stars in the meager field of long shots to participate were Texas Congressman Ron Paul, from Clute, and San Diego Congressman Duncan Hunter.

Hunter blew away the diminished field, receiving 41 percent of the vote. The second-place finisher—former senator and "Law and Order" star Fred Thompson—wasn't even officially in the race yet, though he took the plunge a few days afterward. He received 20 percent. Paul, who had the most visible support, finished third with 16.7 percent.

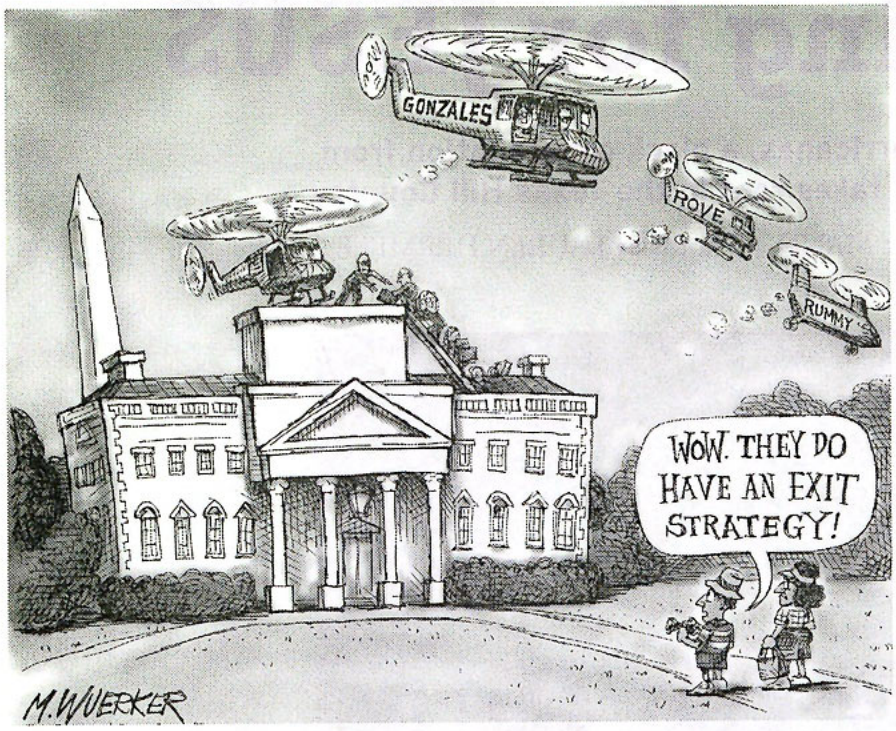
Then there was Ray McKinney, a Georgia Republican who on a whim decided to run for president during his vacation time. The Texas GOP invited McKinney as a warm body to fill out the field. During his speech, he thanked delegates for "not taking this opportunity to go to the bathroom." He received 2.2 percent. That placed him ahead of three members of Congress: Arizona Sen. John McCain, Kansas Sen. Sam Brownback, and Colorado Rep. Tom Tancredo.

The results likely will soon be forgotten—except perhaps in the McKinney household. Straw polls are nonbinding. They're traditionally most useful as campaign PR. The Texas poll was open to delegates who had attended at least one Republican state or national convention since 2000. Only 1,300 folks turned up, though, far below the number organizers had hoped would come.

It even failed as a pep rally. The entire morning program, before any voting took place, consisted of fire-up-the-troops speeches from the Texas GOP's top officials. But for the first time in long while, party leaders weren't received warmly. The grassroots of the party aren't happy.

"There is so much apathy," said delegate Ned Watkins, a Senate district chair from Houston. "[Republicans] are angry with the governor, and they're angry with the president." Gov. Rick Perry's appearance on a giant video screen was met with scattered boos and hisses.

Most delegates, when asked, said they want officials to curb immigration and cut government—two issues on which Republican officeholders have not appeased the base lately. Party leaders seem to sense the unrest. "I know it's very easy to become dispirited when officials don't live up to expectations," Texas GOP Chair Tina Benkiser told del-



egates in her opening speech. "But we cannot lose heart."

While the GOP activists still have time to rediscover their energy in the 15 months before Election Day, at the moment they appear to feel used and abused. While Texas Sen. John Cornyn plodded through his speech like he was reading the morning crop report, one delegate leaned to another and whispered, "I wish they would just let us vote and go home."

NO VICTIMS HERE Elizabeth Edwards, author of *Saving Graces* and wife of Democratic presidential hopeful John Edwards, welcomed an overwhelmingly female audience at Austin's Book People on Sept. 10: "It's raining outside. You're stuck."

The folding chairs on the store's second floor had filled almost an hour before Edwards' scheduled arrival, and the rest of the supporters stood waiting to hear her talk and get their books signed. Rain or no rain, no one was leaving.

Armed with a box of tissues (for an allergy she said she actually brought to Austin rather than acquired here), Diet Coke, and bottled water on a stand next to her, Edwards described her book as the story of all the friends and strangers who had reached out to support her—through the death of her son in a car accident, her battle with breast cancer, and her husband's campaigns. "This book was a great adventure in connecting with people, connecting with my history," she said.

She read a passage that inspired a few tears, one that made everyone laugh, and one from the final chapter of her book, written after a more recent diagnosis that her cancer was treatable but not curable. Edwards and her husband decided to continue with the campaign despite the recurrence, she said, because everything she thought was important before the diagnosis was still just as important. "I'm not going to give [the cancer] an extra day," she said. "Not one extra minute." On a national stage, she said, she could press the issue of cancer awareness, treatment, and research in a bigger way.

As requested by an audience member, she listed what her priorities would be as First Lady: breast cancer awareness, after-school programs, and help for military families. Another spectator asked why, when people say they are praying for her, she always tells them to pray for U.S. Supreme Court Justice John Paul Stevens instead. At 87 years old, Edwards said, "he seems to be the vote standing between us and a lot of ills."

As fans in groups of 20 lined up to get their books signed, members of the Breast Cancer Resource Center of Austin and the grassroots group Susan G. Komen for the Cure handed out brochures and pink ribbons.

LEGAL FRONTIERSMEN The University of Texas at Austin School of Law has set up a legal clinic on national security and human rights law to represent people who have been imprisoned or charged as terrorists, or whom the U.S. government has decided are affiliated with terrorism. Like the school's well-established death penalty clinic, the new resource will serve those who can't get legal help anywhere else.

Clients will include detainees at the government's Guantanamo Bay, Cuba, facility. The clinic will also look into other dark corners of the administration's "war on terror," including rendition (when the government grabs suspects and ships them off to a third country, where they may or may not be tortured) and limits on access to intelligence necessary for an adequate defense.

Professors Derek Jinks and Kristine Huskey will supervise students who work at the clinic. Jinks has a background in international law and worked as a prosecutor at the International Criminal Tribunal for the former nation of Yugoslavia. Huskey represented Guantanamo detainees in the pioneering case *Rasul v. Bush*, in which the U.S. Supreme Court ruled that detainees had the right to challenge their detentions in federal court.

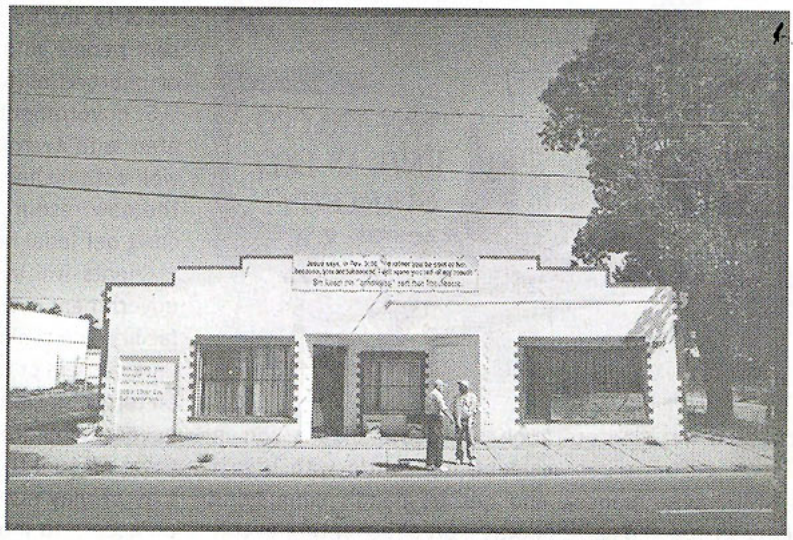
Clinic participants have already worked on briefs in the consolidated cases styled *Al Odah v. U.S.* and *Boumediene v. Bush*. Both deal with whether there can be judicial review of the Bush administration's actions against those it terms "enemy combatants." Administration officials assert that centuries of legal precedents, which provide for judicial review of government detentions, are passé because of the threat of terrorism.

"What is necessary is that there is some kind of process," Huskey says. She says she hopes the clinic will help establish that process. ■

Smoking for JESUS

Exiled by hurricanes, a black congregation from New Orleans takes root in the Texas Hill Country

Story by DAVE MANN | Photos by LAUREN HERMELE



And the flood was forty days upon the earth; and the waters increased, and bare up the ark, and it was lift up above the earth. -Genesis 7:17

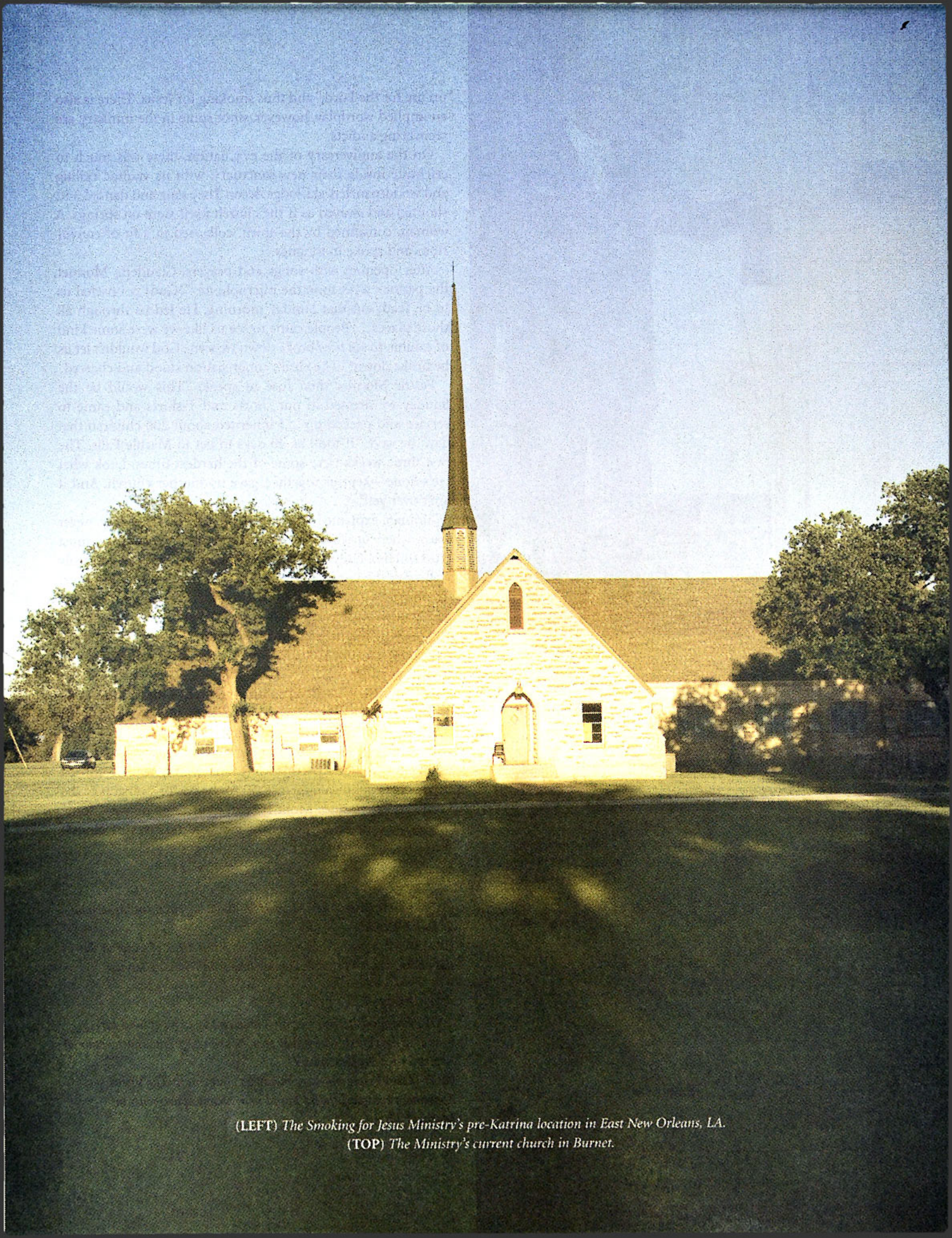
They came in their Sunday best, men in matching bright purple blazers, women in dresses. The small, rural church on a lonely ridge near Marble Falls quickly filled. Once inside, they offered joyous thanks for their deliverance—from the streets of New Orleans and, two years ago to the day, from two terrible storms. In the parking lot, a few cars still bore Louisiana license plates. Christian hymns seeped from the walls of the A-frame with its tiny spire, and echoed across the quiet countryside, as if sung by the trees themselves.

In this serene patch of Texas Hill Country, more than 200 African-American émigrés from New Orleans have found a new home. They call themselves the Smoking for Jesus Ministry. Back in Louisiana, their church was a sanctuary from the violence and poverty of New Orleans' Ninth Ward. Many joined to escape the perils of drugs, gangs, and alcohol. Without the ministry, some would likely be in prison or an early grave.

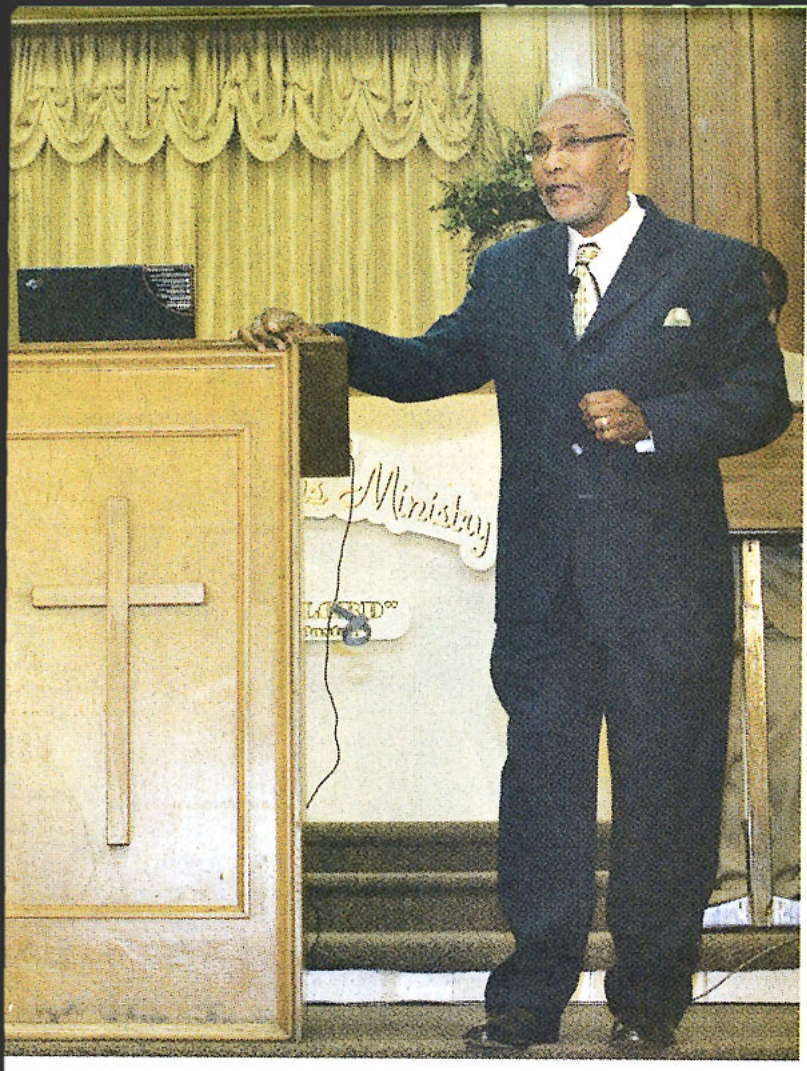
As Hurricane Katrina bore down on the Gulf Coast, the church picked up en masse and fled. They ended up in overwhelmingly white Burnet County, where they immediately increased the black population by a third. In spite of the dramatic change, they have flourished. They did it all by clinging fiercely to their faith.

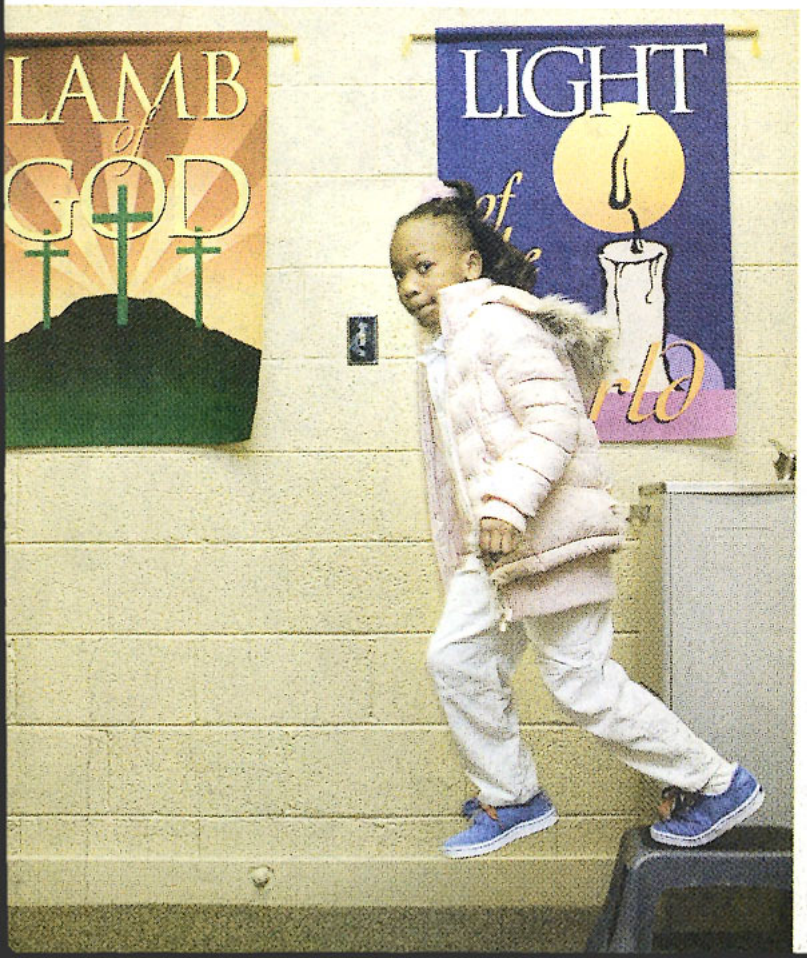
Despite the name, there is nothing whimsical or alternative about Smoking for Jesus. It's old-school fundamentalism, a ministry based around the reformative power of the born-again experience. The pastor, a 55-year old former New Orleans cab driver named Willie Monnet, founded the church 11 years ago. He took the unusual name from Revelation 3:16: "So then because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth." The verse, Monnet explains, equates your temperature with the ferocity of your belief. "People that go to church but don't change, they're lukewarm," he says. "When you're cold, you don't go to church, you cuss, you steal from your momma, you do all that. So don't call on no Lord, 'cause you cold, you a sinner. Red hot means you go to church and you live right at the same time."

In Smoking for Jesus, worship dominates all aspects of life—all day, every day. There is no drinking or smoking, and much of pop culture is considered taboo. There is only the Word. Followers describe themselves as so devout that they're



(LEFT) *The Smoking for Jesus Ministry's pre-Katrina location in East New Orleans, LA.*
(TOP) *The Ministry's current church in Burnet.*





"on fire for the Lord," and thus smoking for Jesus. There is also an implied wordplay, however, since some in the ministry are recovering addicts.

On the anniversary of the evacuation, there was much to celebrate inside their new sanctuary, with its vaulted ceiling and wood-paneled, ski-lodge decor. They sang and danced and shouted and swayed as if the church itself were on springs. A woman, consumed by the spirit, collapsed in a fit of convulsions and spoke in tongues.

After opening with songs and prayers, Claudette Monnet, the pastor's wife, took the microphone. "[God] counseled us to be ready on that Sunday morning. He led us through all those places. ... People came to see us like we were some kind of exhibit, to see how broke down we were. God wouldn't let us be broke down!" The entire congregation stood and cheered.

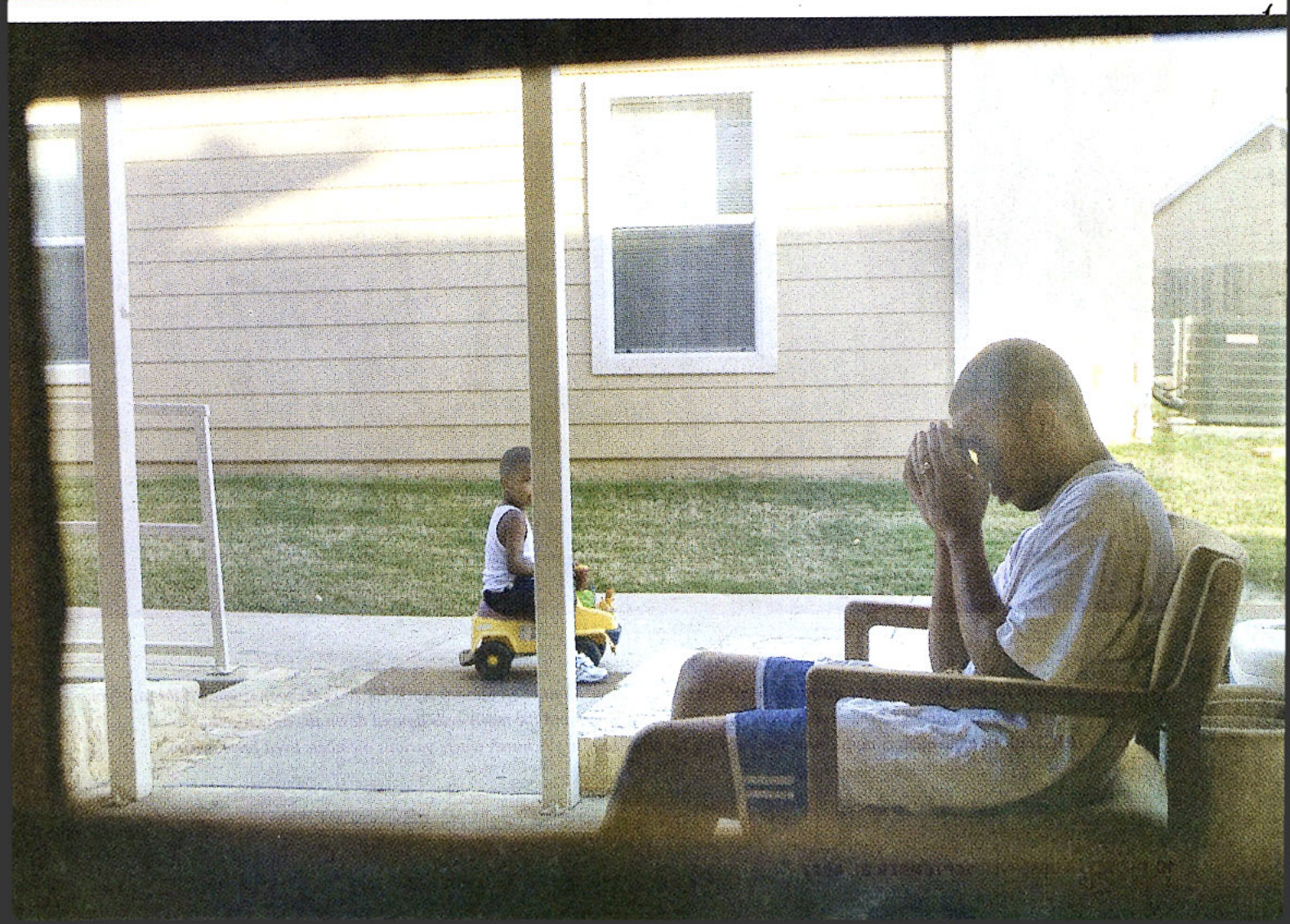
Pastor Monnet then rose to speak. "This would be the Sunday we dressed in our shorts and T-shirts and came to service and packed up ... I inherited about 200 children that day," he said. "It took us 40 days to get to Marble Falls. The first three weeks were some of the hardest times. Look what He's done—kept us together, gave us another church. And it ain't over yet."

Monnet explained the lesson of Katrina. You may never know where or why or how God might lead you, but you must trust in Him. Only by letting go of your free will can you truly walk with the Lord. "Worship is a sacrifice," Monnet preached. "To do God's will is going to cost you sacrifices of your dreams and your wants. Sacrifice it on the altar. ... That's worship. You're going to put your life on the altar. He's already set aside a purpose for your life. ... It don't matter what you want to do. It's not your life."

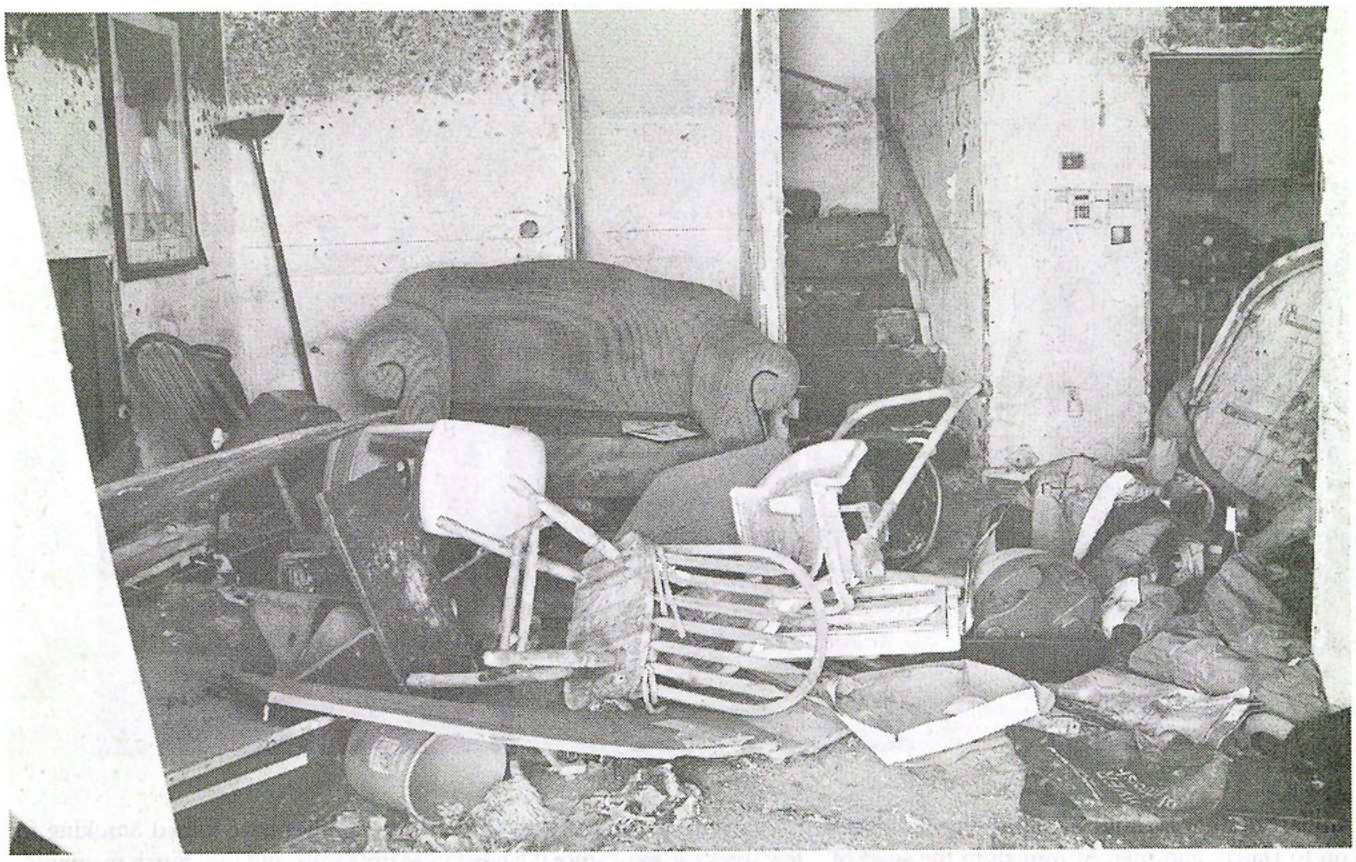
The ministry is an absolute hierarchy—based not only around the pastor's warmth and charisma, but also around his interpretation of God's will. (Many Smoking for Jesus members wouldn't consent to an interview for this story without asking the pastor's permission.) The willingness of church members to subjugate themselves to the pastor's version of the Lord's desire imbues Monnet with enormous power—some might say dangerous power. In fact, the relatives of church

(TOP) *Pastor Elder Willie Monnet Sr. at the beginning of his sermon on Easter Sunday.*
(BOTTOM) *A young ministry member gets a drink of water at the back of the church between Sunday school and Sunday services.*

NEXT PAGE
(TOP) *The ministry has recently purchased 56 acres of land surrounding the church where they soon hope to begin the construction of homes for ministry members.*
(BOTTOM) *Young ministry members hang out at The Vistas Apartment complex, the 93 brand new vacant apartments in Marble Falls.*



(TOP) *Shakira and Johnny, both ministry members, were married by Pastor Monnet on Sunday April 15, 2007. As soon as the Pastor said 'you may now kiss the bride' the church broke into music and dance, and the newlyweds danced down the aisle together.*
(RIGHT) *An apartment complex near the Smoking for Jesus Ministry's church where various members lived pre-Katrina.*



members who stayed in New Orleans have complained that the ministry is actually a cult.

Monnet finds the cult references amusing. Anyone can leave the ministry whenever they want, he says, but most choose to stay because the church is their family. Without the power of the Lord, he said, few Smoking for Jesus members would be saved. "You can't do this on your own strength, your own abilities," he told the congregation from the pulpit. "Some people think they can just work through this themselves. You can't do it."

The average life expectancy for a black male in New Orleans is 20. Or so Semien Williams had been told growing up. "I was like, 'if I'm going to die when I'm 20, I'm going to live it up now.'" Dapper-dressed and devout, Williams speaks in the pillowlike tones of a talk-radio therapist. He indulged in alcohol and drugs, and though he says he never joined a gang, he hung around those in the Ninth Ward who did. Williams assumed his death would come from "being at the wrong place at the wrong time with the wrong people." Hit with a stray bullet, probably. He fantasized about what he would do on his 21st birthday if he lived that long: "I had a plan to get drunk ... and run down Canal Street butt naked." That was before he knew the Lord.

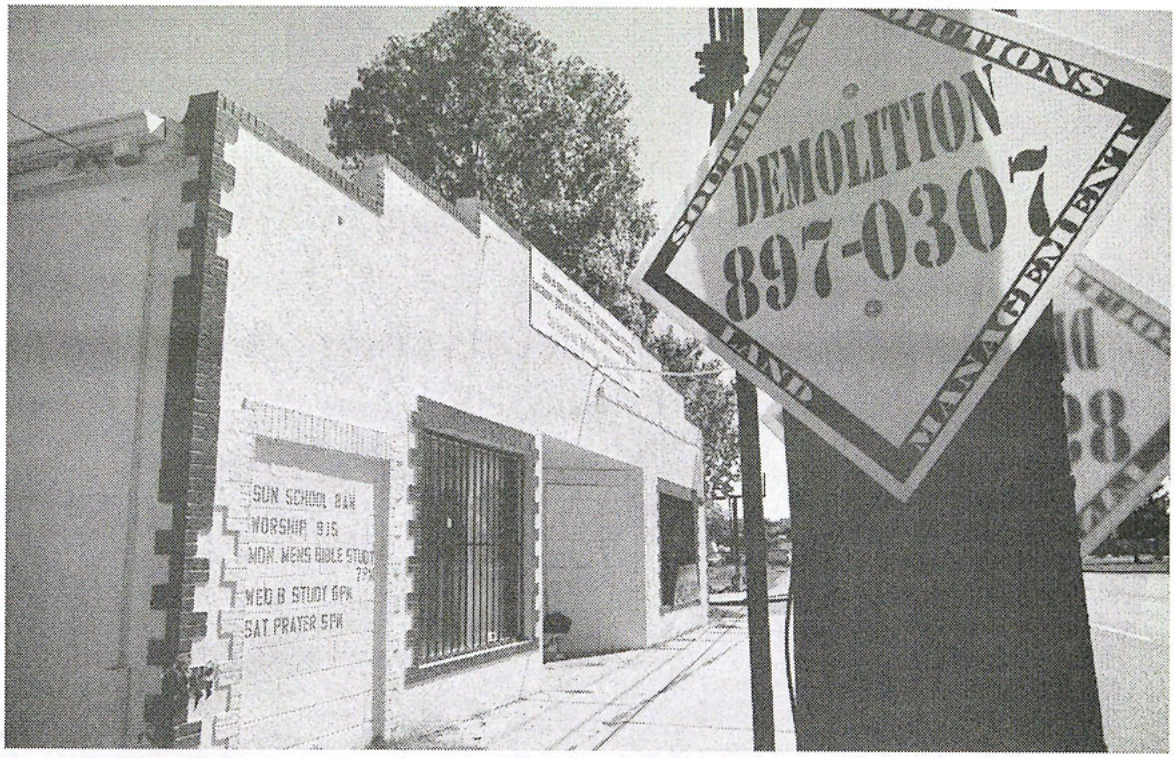
A few months after he turned 18, Williams encountered a beautiful woman whom he had met briefly. He wanted her, and so when she parried his advances with an invitation to church, he found himself at his first Smoking for Jesus service. Williams never had much love of religion; he'd gone to church on Sundays as a youth more out of obligation than belief. Many folks in his neighborhood went to church on Sundays, but it rarely altered their behavior, he says; during the week, they sinned all the time. Monnet's message of redemption and strength through faith struck Williams. "It was like he hit me in my face," Williams said. "I knew he was preaching to me and my situation." The next week, Williams returned for another service, this time alone. At the end of the service, he rose from his chair, walked to the altar, knelt and, as he says, gave his life to the Lord.

Williams' story is a common one. At 27, he has been with Smoking for Jesus for nine years. It's his family now.

"A lot of them have their fathers gone," Pastor Monnet said. "So they look to me as being a father. They just wanted somebody to be concerned about them, to help them. Our purpose is to make responsible men and responsible women. So they hold jobs, raise a family, come to church, and [are] not in prison and acting crazy."

So when Katrina was bearing down on New Orleans in late August 2005, Williams didn't hesitate to leave his biological family. With his younger brother and sister, he joined the ministry's caravan of more than 40 cars that left the city the Sunday before the storm hit. Monnet stayed at the ministry's old, one-story church in New Orleans until the last car had left.

What followed was an odyssey of biblical proportions. They drove 12 hours to a Christian retreat in Lumberton, Texas, outside of Beaumont. After three weeks there, the ministry was forced to flee again, this time from Hurricane Rita. They



embarked on a 19-hour haul to Longview. Later they moved on to Dallas, and then Austin, all in the span of a few weeks, never missing a service.

When Monnet saw firsthand the devastation in the city and the extensive damage the storm had inflicted on the ministry's church and other properties—it owned a beauty salon, car wash, and the In the Hands of the Master Lawn Care Service, among other businesses—he knew there could be no return. After five weeks of wandering, Monnet and his wife, Claudette, heard of an apartment complex in Marble Falls that had more than 90 units available—enough room for nearly the entire ministry. The Federal Emergency Management Agency would pay their initial rents, and so Smoking for Jesus settled in the Texas Hill Country.

In the spring of 2006, Monnet saw an advertisement for church property for sale in the area. The ministry scooped up the building and the surrounding 56 acres. Most members have found jobs, though not all in their vocation. They give 10 percent of their incomes to the ministry from which the church derives most of its money. Some work for the church, either at the New Orleans-style restaurant they opened or in a variety of ministry programs such as bible studies and Sunday school. Occasionally Monnet returns to New Orleans with a group of men to continue the slow work of rebuilding the church's forlorn properties, which Monnet plans to eventually sell or rent out.

The small, white Texas town has warmly welcomed the flock from New Orleans, church members say. Their white neighbors in the Vistas apartment complex offered nothing but compliments. Faith may be the bind. Marble Falls is a deeply religious place: Churches of all manner dot the roads and streets around town. At least three white families have joined Smoking for Jesus since it landed in Marble Falls, and the church members—ever welcoming with smiles and handshakes at services—hope to attract more. "This is open to everyone," Monnet said.

Many in the ministry seem unfazed by their sudden move to a rural county—population 42,000 in 2005, according to U.S. Census estimates—that's 81 percent white. Asked about the adjustment, they mentioned mainly mundane differences: The pace is slower, the area is quieter, more stars dot the night sky, deer can be a hazard on the roads at night. A few said they sometimes missed New Orleans and their biological families, but quickly added they have no desire to return. Only a handful of the more than 200 transplants have left the church.

Their harmony may come from the constant embrace of the ministry's many arms. Some members attend services several times a week, work for the ministry, live around other members. They have regrown in Texas the community they had in New Orleans.

"It's a full package," Monnet said. "It's for the soul, body, and spirit. Not just on Sunday. That attracted and caused 200-plus people to stay together through the storm, and here we are."

Monnet plans to build a compoundlike community on the 56 acres surrounding the church that will satiate nearly every need in members' lives. They will use roughly 20 acres for the church and the ministry's administrative offices. On 36 acres, the ministry will build houses for as many people as possible. There will be a day care center, which combined with the church's recently opened home school, will allow the church to educate children of all ages as it sees fit.

Until recently, their children had attended public school in Marble Falls. But they began the home school so "we could teach them the principles of the word," as Claudette Monnet put it.

The planned compound will certainly offer convenience. "You step out your front door and go to church," said 42-year-old Sharon Summerall, who's been in the ministry seven years. But it will also isolate parishioners on the secluded property 15 miles outside Marble Falls.

Pastor Monnet is clear about his goal: to pass what he sees as a needed sense of faith and responsibility to another generation. "If I don't get to them, when we die, there won't be no church," he said.

Some ministry members' families back in New Orleans are none too pleased. "Our family thinks [it's] a cult and pastor is going to lead them to drink poison like Jim Jones or something," said Jacqueline Richard, whose son, Sean, and his wife have been with the ministry for three years. Though she lives in Louisiana, she plans to move to Marble Falls soon and join the ministry. She said their family—Catholic for generations—simply doesn't understand that "pastor is preaching the truth" straight out of the Bible, free of distortion and interpretation.

Sitting across the room in their Marble Falls apartment, Sean said, "It's really a blessing to be here. New Orleans was real bad. There were random killings, a lot of burglaries. Out here it's different. God pulled us out of there." He looks at his infant son perched on his lap. "It's a real blessing to be here." ■

(LEFT) *The Ministry was based here for almost nine years before Hurricane Katrina devastated the area.*
(BOTTOM) *Shawn, one of the 'Real New Orleans Style Restaurant' chefs, is cleaning up at The Smoking for Jesus Ministry's restaurant. The ministry opened this restaurant to bring some of their local Creole cuisine to the Hill Country as well as create jobs and income for some of their members.*

TRUTH HANGS BY A HAIR

DNA tests sought by the *Observer* and the Innocence Project could show whether Texas executed an innocent man.

By DAVID PASZTOR

One strand of hair found on the counter of an East Texas liquor store whose owner was gunned down in 1989 could help determine whether Texas executed an innocent man for the killing.

On September 10, a state district judge in San Jacinto County ordered county officials not to destroy the hair and other evidence used to convict Claude Howard Jones at his 1990 trial while *The Texas Observer*, the Innocence Project, and other criminal justice groups pursue a lawsuit seeking to have the hair released to a certified private laboratory for testing.

"If the state of Texas did execute an innocent man, the people of Texas deserve to know what was done in their name," said *Observer* Executive Editor Jake Bernstein. "This case begs for further examination. It's not as if the Texas Court of Criminal Appeals has an exemplary track record when it comes to scrutinizing death sentences."

If successful, the lawsuit could not only discover whether Jones was innocent, but better define the public's right to information that sheds light on the integrity of the Texas criminal justice system. "It's really been a source of great frustration for us when we can't get access to evidence we think could be useful to determine if there's been a miscarriage of justice," said David Dow, director of the Texas Innocence Network, a University of Houston law clinic that assists inmates with innocence claims.

The 1-inch hair of ambiguous origin was the only piece of physical evidence that purportedly linked Jones to the November 14, 1989, murder of Allen Hilzendager in Point Blank, about 85 miles north of Houston. Jones was put to death by lethal injection on December 7, 2000, the last execution conducted under former Gov. George W. Bush.

Jones, a multiple felon who was 61 when he was executed, maintained his innocence until his death. No DNA testing was conducted on the hair, which has remained in the files of the San Jacinto District Court clerk's office. At Jones' trial, a state expert who examined the hair by microscope testified that of all the people known to have been in the liquor store on the day of the murder, the stray hair most closely resembled Jones'.

Because of lingering questions about his guilt, on September 4 the *Observer*, the New York-based Innocence Project, the Innocence Project of Texas, and the Texas Innocence Network filed a public records request with San Jacinto County asking that the hair be preserved and be turned over to an independent lab certified by the state Department of Public Safety for mitochondrial DNA testing. It is apparently the first time Texas open records laws have been used to seek release of physical evidence in a death penalty case.

"It is haunting to consider that the state may have executed an innocent man, but DNA testing should be conducted to get to the truth," said Innocence Project co-founder Barry Scheck. "The bottom line is that Claude Jones was convicted based on the hair evidence ... and DNA testing on the hair could definitely show whether Claude Jones was guilty."

In response to the open records request, San Jacinto County District Attorney Bill Burnett—who was not in office when Jones was prosecuted—would make no commitment to preserve the hair, according to William H. Knull, an attorney with the international law firm Mayer Brown. Knull is representing the *Observer* and other groups. Burnett did not return phone calls from the *Observer* seeking comment.

Mayer Brown lawyers won a temporary restraining order from District Judge Elizabeth Coker protecting all evidence in the case. Coker scheduled a hearing for October 3 to decide whether to issue a temporary injunction extending the preservation order while the lawsuit is pressed.

"My understanding is that the hair is the only piece of physical evidence that ties Mr. Jones to the crime," Knull said. "If that single piece of physical evidence is destroyed, I'm not aware of any other basis with which to go forward with this investigation."

Court records and opinions written by appellate judges clearly indicate that the hair was the most damning piece of evidence against Jones. Without it, prosecutors had only inconclusive eyewitness testimony and statements made by two co-

NO. _____

THE TEXAS OBSERVER, INNOCENCE PROJECT, INC., INNOCENCE PROJECT OF TEXAS, and TEXAS INNOCENCE NETWORK	§	**IN THE DISTRICT COURT OF**
Plaintiffs/Relators,	§	
v.	§	**SAN JACINTO COUNTY, TEXAS**
BILL BURNETT as SAN JACINTO COUNTY DISTRICT ATTORNEY, REBECCA CAPERS as DISTRICT COURT CLERK for San Jacinto County and SAN JACINTO COUNTY	§	
Defendants/Respondents.	§	**_____ JUDICIAL DISTRICT**

PETITION FOR WRIT OF MANDAMUS AND INJUNCTIVE AND DECLARATORY RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW The Texas Observer, Innocence Project, Inc., Innocence Project of Texas, and Texas Innocence Network, Plaintiffs and Relators in the above-styled and numbered cause, and file this Petition for Writ of Mandamus and Injunctive and Declaratory Relief, and, in support hereof, would show this Court as follows:

defendants who said Jones was the killer. The co-defendants escaped death sentences.

Hilzendager, the 44-year-old owner of Zell's liquor store on state Highway 150 near Lake Livingston, was shot three times with a .357-caliber magnum.

Jones, whose criminal record included prison stints in Texas and Kansas for robbery, burglary, theft, assault, and murder, had recently been released on parole. He was in the area hanging around with two other men, Kerry Dixon and Timothy Mark Jordan, the alleged owner of the gun used to kill Hilzendager.

Witnesses agreed that in the early evening of November 14, 1989, two men in a pickup truck similar to Dixon's pulled up at the liquor store. One man went inside, three shots were fired, and the men drove away. Descriptions of the men varied, and neither of the two eyewitnesses who were across the highway at the time was able to positively identify the man who entered the store.

When picked up by police, Dixon and Jordan both told police Jones was the killer. Jones was arrested on a bank robbery charge in early December in Florida and sent back to Texas. All three men were charged with capital murder. Dixon received a 60-year sentence. Jordan agreed to a 10-year sentence in a plea bargain.

At Jones' trial, a hair found on the liquor-store counter proved crucial to the prosecution. Stephen Robertson, a DPS forensics expert, testified that the hair was a potential match to Jones, but said, "Technology has not advanced where we can tell you that this hair came from that person. Can't do that. We can tell you that this hair matches this person in all characteristics and could be his."

The Court of Criminal Appeals upheld Jones' conviction in 1994 in a sharply divided 3-2 ruling. Both sides placed great weight on the hair, but reached different conclusions. The three-judge majority upheld the conviction partly because Jones "was the only person with access to the pistol whose hair sample matched the one discovered at the murder scene."

Two dissenting judges said Robertson's analysis of the hair was "insufficient" to connect Jones to the murder, and criticized the majority for "carelessly reading the record or deliberately mischaracterizing the record."

Shortly before his execution, Jones filed an appeal seeking DNA testing of the hair using methods not available at the time of his trial. Coker rejected the request, ruling that Jones had used up his chances to appeal his conviction. The Court of Criminal Appeals also rejected the last-minute plea for DNA testing.

The day he was set to die, Jones appealed to Bush for a 30-day stay of execution to buy time for DNA testing. Typically in death penalty cases, the governor's office of general counsel prepares a memo summarizing the appeal and making a recommendation as to whether the governor should grant a stay.

In Jones's case, the four-page staff memo provided to Bush made no mention of the possibility that DNA testing might shed light on Jones' guilt. Instead, it summarized the prosecution's case and recommended that Bush reject the request.

Texas has an established track record of sending innocent men to death row. Some–Clarence Brandley, Randall Dale Adams, and Kerry Max Cook among them–have escaped execution and eventually been freed on appeal.

Bush had earlier granted a stay for another death-row inmate seeking DNA testing, saying "anytime DNA testing can be used in its context and can be relevant as to the guilt or innocence of a person on death row, we need to use it."

Although it was clearly spelled out in the stay request filed by Jones's lawyer—and a lawyer in Bush's office apparently contacted Robertson to talk about the hair—Bush was apparently unaware of the DNA question. He rejected the plea, and Jones was executed hours later.

Since Jones' death, DNA testing has emerged as a powerful tool in freeing the innocent and exposing fallibilities in the criminal justice system. The Innocence Project, founded in affiliation with the Benjamin Cardozo School of Law in 1992 to pursue such cases, counts 207 inmates who have been freed from prison when DNA testing proved their innocence, including 15 who were sent to death rows across the country. In 77 cases, DNA testing also helped identify the guilty party.

DNA testing after an inmate has been executed is rare, but not without precedent. In Virginia, widespread speculation about the possible innocence of Roger Coleman, executed in 1992 for the rape and murder of his sister-in-law, led to DNA testing of a semen sample 13 years after he was put to death. Despite Coleman's vigorous protestations of innocence, the test confirmed his guilt, showing a one-in-19 million chance that the semen belonged to someone else.

In Georgia, Ellis Wayne Felker was executed in 1996 for the rape and murder of a 19-year-old student. Evidence against him was largely circumstantial. Four years later, DNA tests on fingernail scrapings found on the victim's body were inconclusive.

Whether or not DNA testing bolsters Jones' innocence claim, resolving lingering questions about the case is crucial, Knull said. "We all have an interest in knowing that our state and its mechanisms are working properly, especially in issues involving life and death," he said.

Texas has an established track record of sending innocent men to death row. Some—Clarence Brandley, Randall Dale Adams, and Kerry Max Cook among them—have escaped execution and eventually been freed on appeal.

But substantive questions remain about how many innocent inmates the state might have executed. In about a half-dozen cases, serious indications have arisen after the fact that point to an executed inmate's innocence.

Perhaps the most notorious case was that of Cameron Todd Willingham, executed in 2004. Willingham was convicted of setting a fire that killed his three children, a 2-year-old girl and 1-year-old twins. Experts who later scrutinized evidence in the case concluded that the fire probably was not arson.

Other questionable cases have involved inmates largely implicated on the testimony of accomplices who escaped death sentences themselves, a botched crime-scene investigation that destroyed evidence, and an incompetent defense attorney who failed to present a case for his client.

State public records laws apparently have never before been used to obtain physical evidence for independent testing. In the lawsuit, the *Observer* and other plaintiffs argue that testing the hair in the Jones case is a logical extension of the public's right to access. Prosecutors and the courts no longer have any use for the hair, the lawsuit argues, leaving no reason why it cannot be tested.

With limited exceptions, the evidence used to convict someone is considered public record, enjoying a "powerful and historic presumption in favor of public access," the lawsuit argues.

The Texas Innocence Network has filed public records requests for evidence in noncapital cases, but has always been turned down, Dow said. The public access question has never been litigated, he said.

"Under any circumstances, (this case) will clarify what the public's right is when it comes to having access to evidence used to obtain a criminal conviction," he said. ■

Observer *intern Leah Finnegan contributed to this report.*

Ralph Yarborough's Ghost

Fifty years after his election to the Senate, many overlook his legacy, but the 'Patron Saint of Texas Liberals' still has something to teach a new generation.

by A.J. BAUER

A few years after being defeated in his final run for the U.S. Senate in 1972, Ralph Yarborough found himself sitting in a driver's education class in Austin. James Nowlin, Yarborough's friend and former aide, doesn't remember exactly what landed him there, though Yarborough reputedly had a heavy foot when he was behind the wheel. Regardless, Yarborough sat in a room filled with younger people. None of them, he told Nowlin, had any idea who he was other than "just an old guy who was there."

Photo by Gittings

Ralph Yarborough campaigning on courthouse steps, Denison, Texas. 1954.

"That always boggled my mind," said Nowlin, now a federal district judge in Austin. "His name was on the ballot every two years for many years, many elections."

Indeed, before serving as U.S. senator from 1957 to 1971, Yarborough ran unsuccessfully for governor (back when Texas elected a governor every two years) in 1952, '54, and '56.

Even before his name became commonplace on Texas ballots, Yarborough made headlines. In the 1930s, as an assistant attorney general under mentor James Allred, Yarborough pursued big oil companies that neglected to pay royalties on oil pumped from public lands. His legal victories channeled millions of dollars into the state's Permanent School Fund, which continues to help fund public schools.

As a senator, and privately until his death in 1996, Yarborough achieved dozens of policy successes. He was the only Southern senator to vote for the 1964 Civil Rights Act and one of three to support the Voting Rights Act of 1965. He co-authored the Cold War G.I. Bill. He helped President Johnson pass much of the Great Society legislation.

Yarborough was renowned for his support of environmental legislation and was directly responsible for the creation of Guadalupe Mountains National Park, Padre Island National Seashore, and Big Thicket National Preserve in Texas.

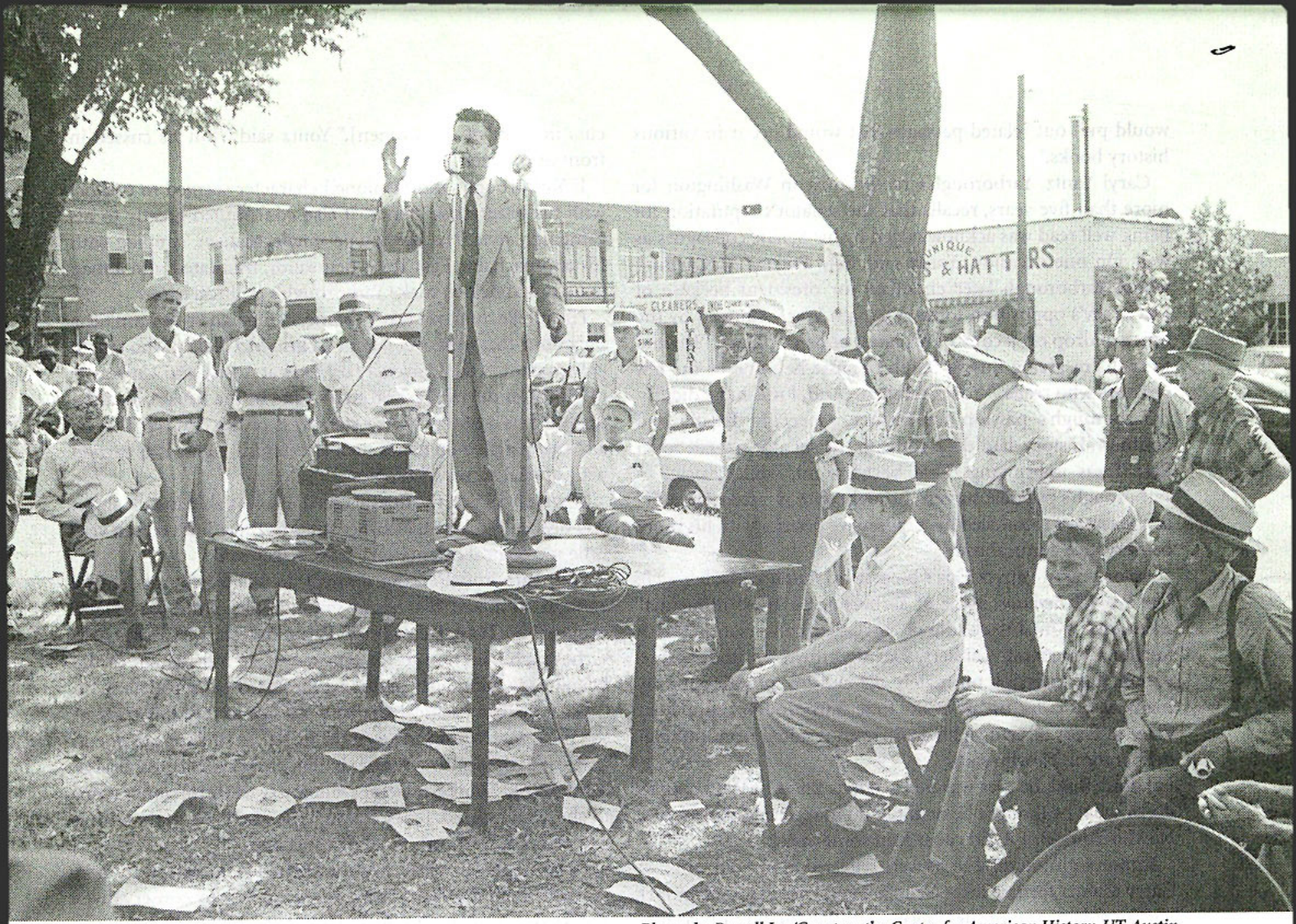
An affable campaigner renowned for his populist style and his ability to cross-reference a library of books in his head, Yarborough became an important progressive role model. His campaigns were a classroom for some of the most successful Texas liberals of the last three decades. Yarborough proved that Texans would elect an unabashed liberal, someone who, as Ronnie Dugger, *The Texas Observer*'s founding editor, has remarked, had "hard-gut conviction." Fifty years after his election to the Senate and 11 years after his death, Yarborough's legacy remains relevant in this deeply red state, especially to younger liberals who may have never heard his name uttered in their Texas history classes.

Yarborough campaigned wearing a suit when the primary elections were held in the summertime—and he wouldn't take his jacket off. Campaigning meant preaching politics from the steps of every county courthouse. Yet Yarborough thrived. He did it with wit, passion, showmanship, and compassion.

"The old campaign was sweat and grit and shoe leather," said former Yarborough aide Joe Pinnelli.

Pinnelli met Yarborough during one of his campaigns for governor, when Pinnelli was a young boy in Stephenville. He watched as the women in the house fried chicken in anticipation and, around lunchtime, a motorcade pulled up.

"The very distinctive thing that I remember, being 8, is that he came to me and shook my hand, and he said, 'How old are



Yarborough campaigning, Paris, Texas. 1954.

Photos by Russell Lee/Courtesy the Center for American History, UT-Austin

you?' And I told him," Pinnelli recalled. "And he said, 'Well, you will be old enough to vote one day.' ... And sure enough, you know, I ended up old enough to vote for him."

Pinnelli also ended up old enough to work for Yarborough when the politician ran unsuccessfully for the Senate in 1972. By then, Yarborough was nearly 69, but his energy still surpassed that of volunteers in their early 20s. "Whoever went on the road with him came back just completely and totally spent," Pinnelli said.

Jim Boren, another former aide, remembers Yarborough at his peak. In the summer of '56, Boren showed up at Yarborough campaign headquarters with "two weeks of vacation and a station wagon." By the end of the campaign he was manager, a position he kept when Yarborough ran for Senate the following year. Boren, an author and retired professor at Oklahoma's Northeastern State University, remembers the courthouse circuit in those years well: "We had some boys that played music, and they were called the Cass County Coon Hunters. So we would send that team, those musicians, country-style music, ahead to get the crowd together as he was coming in from the last stop. ... As he was coming into the edge of town, they'd say, 'Here, he's coming now!' So we'd get the crowd all excited, and then they'd take off for the next town."

Then Yarborough would speak. He would preach against the state's conservative Democratic establishment with a booming voice and a populist message. He preached about "putting the jam on the lower shelf so the little people can reach it," though he wouldn't use those exact words until his 1958 senatorial campaign.

Yarborough's voice would become so strained after a day on the trail that Boren packed lemons in his briefcase. "He'd cut a lemon, and he'd squeeze it, and he'd suck on that lemon as a means of helping keep his vocal chords strong," Boren recalled. "He used those lemons to good effect."

Yarborough's political success required what Pinnelli described as "oceans of volunteers," particularly since he had far fewer major donors than did his opponents. It was more than charisma that attracted many of his closest supporters. For many, it was his bookish grasp of history, an intellectualism upon which he based many of his policy decisions, that earned him their respect.

Yarborough was a voracious reader. His former administrative assistant, Gene Godley, remembers him as a "bibliophile" who would stay up scanning book catalogs and reading in his library until all hours of the night. "Probably outside of the University of Texas, it may have been one of the best Southwest libraries," Godley said. "He had the most incredible cross-referenced mind. He knew his library, he knew his books and

would pull out related passages that would occur in various history books."

Caryl Yontz, Yarborough's receptionist in Washington for more than five years, recalls that the senator's reputation for being well read was acknowledged by his Senate colleagues as well. On one occasion, Yontz said, Sen. Eugene McCarthy—whom Yarborough later endorsed for president because of McCarthy's opposition to the Vietnam War—stopped by the office to drop off a copy of his latest book of poetry. "He said to me, 'I'm giving this to Ralph because he's one of the few senators who reads,'" Yontz recalled. "And, I mean, he did!"

Yarborough's passion for history, especially Texana and Southern history, had deep roots in the senator's small-town, East Texas upbringing. That background, while crucial to Yarborough's populist success, brought with it internal conflict as the senator reconciled his progressive politics with his more conservative cultural roots.

According to Patrick Cox's biography, *Ralph W. Yarborough: The People's Senator*, some of Yarborough's "most influential" memories from his childhood included conversations with former Confederate soldiers. Having grown up under segregation, and knowing intimately the culture subscribed to by many of his constituents at the time, Yarborough's consistent votes in favor of civil rights legislation resulted from difficult deliberation, Nowlin said.

"I don't think he ever wavered, what he knew he was going to do, or what he thought he ought to do in regard to those votes," Nowlin said. "But it did cause him some angst."

Yarborough's cultural roots were reflected in his "old style," as Garry Mauro, former Texas General Land Office Commissioner, also an aide to Yarborough, termed it: "He thought of women as secretaries," Mauro recalled, "even though when you look back, he had some of the brightest women in American politics working for him, and they did have positions of responsibility."

At other times the senator was more direct: "He didn't ever cuss in front of us [women]," Yontz said: "But he cussed in front of the men."

If Yarborough's old-fashioned character seemed to conflict with his progressive stands, it also contributed greatly to his campaign style. His passionate intellectualism, coupled with his approachable East Texas demeanor, translated into a magnetism that helped make Yarborough's political career.

His intellectual, yet down-home, campaign style wasn't the only thing that won over voters. Clifton McCleskey, who taught government at the University of Texas at Austin and University of Houston during Yarborough's time in the Senate, said the senator was a liberal by the standards of the day, but that he also campaigned on issues such as veterans' rights that carried wide appeal across ideologies.

"It wasn't all just the liberal creed. He was able to talk about and deal with things that either straddle those lines or had very little ideological orientation," McCleskey said.

Still, Yarborough's commitment to liberalism was strong enough to make his name synonymous with the liberal wing of the Texas Democratic Party. Indeed, McCleskey said, Yarborough's election to the Senate was an affirmation of the liberal wing, ultimately hastening the state's party realignment.

Gary Keith, a political science professor at the University of the Incarnate Word in San Antonio, has a similar assessment: "Yarborough's political legacy is that he served as the bridge from the old Southern Democratic Party of elitism and racism to the nationalized Texas Democratic Party—a party with a base in labor and with open membership."

Yarborough was a leader of the liberal Democratic faction in the days when the Texas party was led mostly by conservatives and Dixiecrats—among them Gov. Allan Shivers, who, along with Gov. John Connally and LBJ, backed Republican Dwight Eisenhower in the 1952 presidential election.

"I mean hell, we'd have riots on the [Texas Democratic Convention] floor," remembered Chuck Caldwell, a Yarborough aide who worked for his gubernatorial campaigns in the 1950s.

Yarborough greeting Lyndon Johnson and Hubert Humphrey.

Photos by Russell Lee/Courtesy the Center for American History, UT-Austin

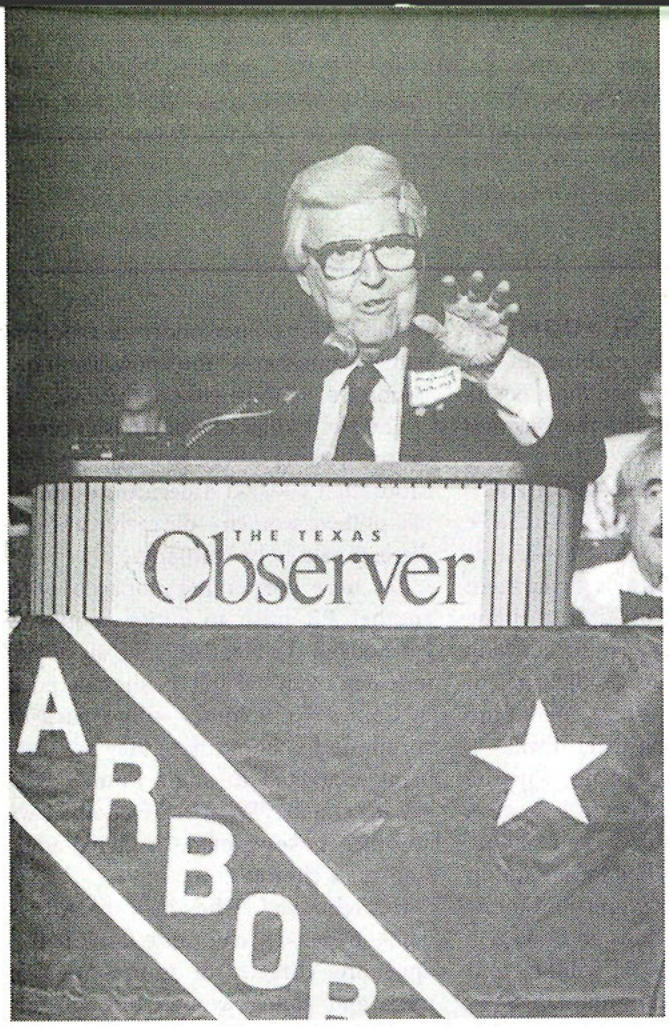


Photo by Alan Pogue

Yarborough at a Texas Observer *fundraiser.*

"The credentials committees that were run by Shivers and Connally and these people would take legal delegations of ours and throw them in the street."

At least partly because of Yarborough's election in 1957, the liberal wing of the party began to gain a foothold—eventually so-called "Yarborough-Democrats" came to represent the mainstream of the party as conservatives slowly crossed over and became Republicans.

By 1982, the year former Yarborough staffers Ann Richards, Jim Hightower, and Garry Mauro were elected in a Democratic sweep of statewide offices, the Texas Democratic Party was disagreeing over details. "They weren't throwing chairs at each other like they used to," recalled Caldwell.

Mauro said the 1982 sweep could not have occurred without Yarborough. Sure, Mauro and others elected that year were either supporters or former aides of the senator, but Yarborough's election to the Senate had laid the foundation by helping align the party with labor: "By the time '82 rolled around, if you didn't have labor support, you couldn't win," Mauro said. "Now, did anyone call Yarborough and ask for advice?" he said. "Hell no, he'd keep you on the phone for two hours."

Yarborough's influence was not always obvious, nor was he alone responsible for the success of the liberal Democrats. While many liberal campaigns in the last half of the 20th century included people who had cut their political teeth working for Yarborough, those workers had also been inspired by many other liberal leaders and organizers of the era. But Yarborough may have been the most inspirational.

To his armies of aides and supporters, Yarborough represented not just a bright man of impeccable character, a grassroots populist with a great capacity for public service. He represented not just good ideas and the liberal agenda. Yarborough represented hope—hope that Texans could and would elect liberals.

In the 1980s, the voters did so again. But those victories, now more than two decades old, ring hollow to younger generations who, like many back in 1957, have grown accustomed to the leadership of conservatives.

"After our people took over in '82, why that ended up being the high-water mark for liberal officeholders in the state of Texas," Caldwell said. "And George Bush's crowd moved in just about 10 years [later], and what do we have in the state now?"

Few believe, in the ever-evolving and increasingly costly maelstrom that is Texas politics, that Yarborough's shoestring, courthouse-step campaign tactics can woo Texas voters today. But many who remember him well believe the fundamental trait that got Yarborough elected can be used again—McCleskey called it Yarborough's "willingness to dare." Mauro called it his "courage to buck conventional wisdom." Dugger termed it tenacity and unshakeable conviction.

"He lost, lost, lost, and won," Dugger said. "Tenacity. That's the only thing that will withstand the pressures from the big money now."

With Texas once again dominated by conservative leaders, many of Yarborough's old supporters are looking back on the hope the senator once gave them as solace that liberals can rise again. And their gaze is directed at the generations who never knew Yarborough, hoping they have the tenacity to bring a change.

"He gave us a sense that this can happen in Texas," said former state Rep. Sissy Farenthold, who ran unsuccessfully for governor alongside Yarborough in his failed 1972 Senate campaign. "And maybe a lot more will [happen] before this story's over." ■

A recent graduate of the University of Texas, A.J. Bauer is an intern on the business desk of The Patriot Ledger *in Quincy, Massachusetts.*

Behind the Curtain

A TV ad making an emotional appeal for viewers to back Bush's war in Iraq has run in 20 states. A veteran who lost both legs in the war closes with the powerful plea: "It's no time for politics." Strong stuff.

The ad loses its punch, though, when you learn it is not a message from a veteran's group, but a blatant political pitch orchestrated and funded by a new front group run by old Bush political hacks. Masquerading as a grassroots outfit named "Freedom's Watch," this bunch of White House insiders is headed by Ari Fleischer, George W's former spokesman and salesman-in-chief for pushing America into this disastrous war of occupation. Millions of dollars have been put into this promotional blitz by about a dozen Bush fundraisers, including shopping-mall magnate Mel Sembler, macaroni manufacturer Anthony Gioia, grocery baron Howard Leach, and Sands casino chief Sheldon Adelson.

The group is targeting Republican members of Congress whose support for Bush's war is wavering. Using Karl Rovian, thuggish tactics, the group questions the patriotism of all who stand up to Bush. Such dissenters are accused of wanting "to cut and run."

No matter what the wounded vet in the ad says, Freedom's Watch is nothing but politics. Its ads urge viewers to "call your congressman" and provide a toll-free number. The number doesn't connect you to Congress, but to Freedom's Watch operators who ask if you support Bush's war rationale. If you say no, the operator politely refers you to the group's Web site and hangs up on you. Only calls from people who agree with Bush are connected to Congress.

Freedom's Watch is not about freedom at all—it's about Bush propaganda and political manipulation. Is that what our soldiers are fighting for in Iraq?

COAL MINER'S SLAUGHTER Corporate America is rushing to get all the favors it can before Bush & Co. closes down in 2009, and the Bushites are delivering.

Though it received little media attention, the giant coal operators—reliable funders for George and the GOP—recently got a huge goodie: Bush is giving them Appalachia. His Office of Surface Mining quietly proposed a regulation allowing coal companies to ravage the ancient mountains, glorious forests, and pure streams of Central Appalachia at will.

The action was necessary, say the Bushites, to "clarify" existing laws governing a greedy, ruthless, and abhorrent mining process called mountaintop removal. This process decapitates mountains, exploding their tops and savagely shoving the trees, topsoil, wildlife, and other rubble down the mountainsides, burying valleys and streams below. This is corporate rape and environmental mutilation—but, hey, it produces quick profits for the industry, which had been pushing since George took office to have it legalized.

Their stumbling block had been a 1983 rule that prohibits mining activity within 100 feet of a stream. That's hardly a harsh restriction, but mining barons want to bury streams, not fuss with buffer zones. So the gift-wrapped Bush rule explicitly states that the old prohibition does not apply to hundreds of miles of streams coveted by coal corporations. Instead, the companies would only have to respect the buffer zone "to the extent practicable"—which is to say, not at all.

PANDORA'S BOX It's sleek and sexy, packaged in a shiny black box with an elegant accent of teal or fuchsia, and it's advertised in women's magazines with the alluring slogan of "Light and luscious." Is it lingerie ... chocolate ... perfume? No. It's a box of cancer sticks.

These are Camels, cigarettes made by Reynolds American Inc. that have been rebranded for women under the evocative name "Camel No. 9." You know, like "Love Potion No. 9," only without the love.

The No. 1 killer of women isn't breast cancer. It's lung cancer, by a large margin. More than 400,000 Americans—almost half of them women—die each year from diseases caused by smoking.

Yet here comes Big Tobacco with another PR push to entice people to get hooked on nicotine. Like all of the industry's advertising pushes, a pack of Camel No. 9 comes with a pack of corporate lies about how they are only being marketed to adult women who already smoke. "What we're about," says a Camel spokeswoman, "is giving adult smokers a choice."

Horsehockey. The new brand is being hyped as chic and fashionable, appealing directly to impressionable teens and young women through ads in *Cosmopolitan*, *Glamour*, and other magazines that reach the youth market. Tobacco companies depend on constantly hooking youngsters to replace older smokers who die or quit.

In fact, 80 percent of new smokers are under age 18—and a third of them will die from smoking. Still, the corporate spokeswoman gushes that Camel No. 9 is part of Reynolds' plans to "focus on products that are 'wow,' that add fun and excitement to the category."

Nothing says "wow" like cancer. ■

For more information on Jim Hightower's work—and to subscribe to his award-winning monthly newsletter, The Hightower Lowdown—*visit www.jimhightower.com.*

ON THE DESTRUCTION OF THE TWO BARBERINI TAPESTRIES,
CATHEDRAL CHURCH OF ST. JOHN the DIVINE

For over 350 years The Last Supper and The Resurrection
survived moths, mildew, thieves, the poisonous air
of The Old World and then the New. They immigrated
from Italy to hang forty feet above the Cathedral's
interior in upper Manhattan. The stone transept was dark,
they were hard to discern. "Rather neglected," according
to a Curator from The Metropolitan Museum of Art.

Then flames vaulted all forty feet, illuminating Jesus
and the Twelve, their faces glowing like the saints
they were (except, I imagine, for the face of Judas),
making incandescent the risen Christ. It took thirteen
years to create them, a fraction of a morning to destroy.
Covetously fire converted baroque threads into char, shreds.

IMAGINARY FRIENDS

In first grade I was positive there were
furry creatures called tisathees.
Every morning we intoned, "My country
tisathee, sweet land of liberty…"

In Sunday school we were instructed
an angel told Joseph to take Mary
and the child and flee into Egypt.
I asked, "What happened to the flea?"

I crayoned a picture of haloed Joseph,
Mary and Baby Jesus in back of a plane.
In the cockpit was Pontius the Pilot.
I titled it, "The Flight to Egypt."

For a decade I dreamed of a nubile
farm girl, Wendy Moon. Kate Smith
crooned her abundant charms:
"Wendy Moon comes over the mountain…"

At Christmastime when we caroled away
I had a new friend, a portly monk—
Round John Virgin—as in "Round
John Virgin, Mother and Child…"

South Pacific I thought a musical
about a genial couple, Sam and Janet.
Didn't Ezio Pinza sing, "Sam and Janet
evening, you will find a stranger…?"

You'd think there was an end to this.
but even in high school I attended
graduation ceremonies convinced I was
the class valid victorian. (I was.)

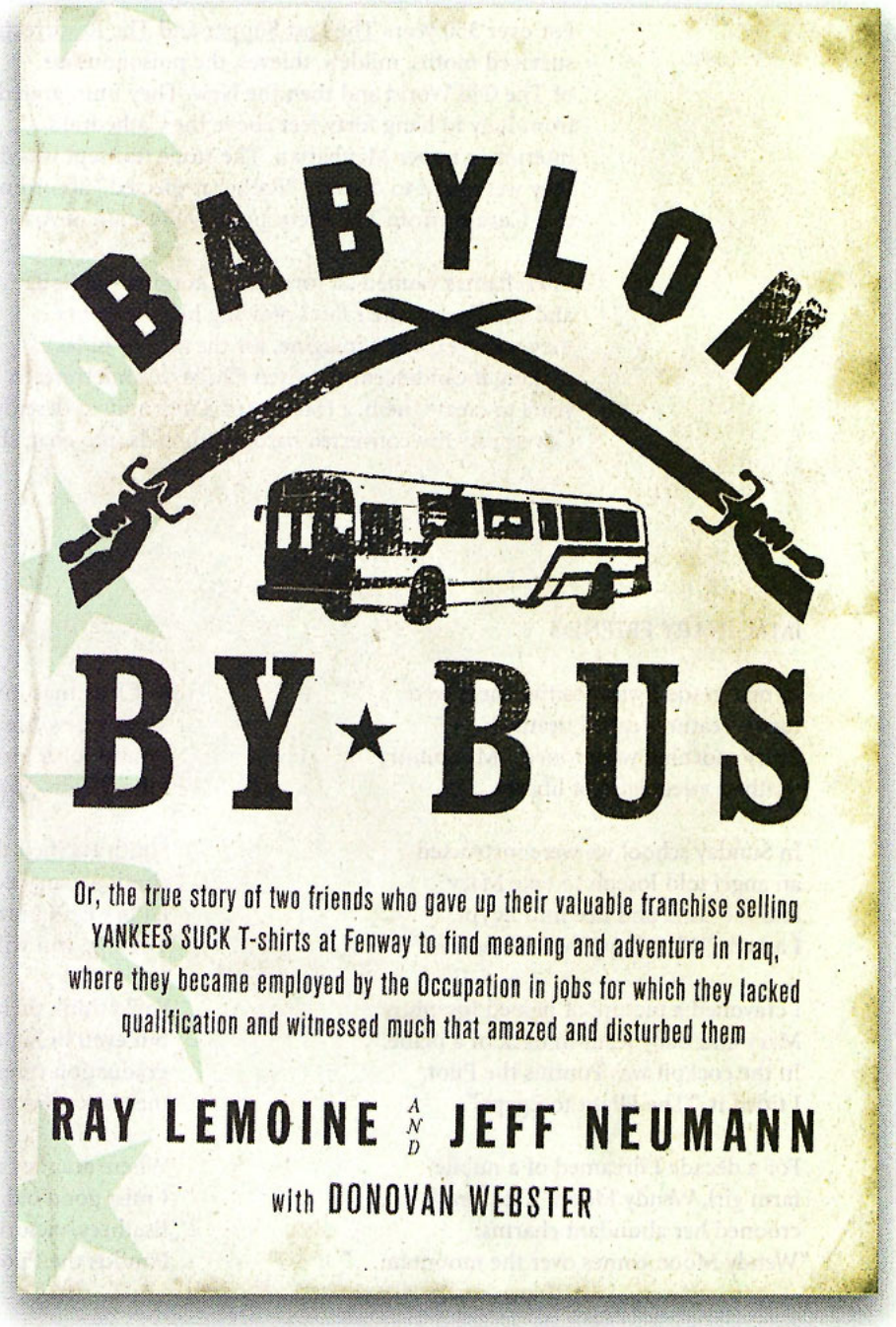
Where are they now, my imaginary friends?
I miss good old Sam and Janet, mysterious
tisathees, victorians, Wendy Moon,
Pontius the Pilot, and of course the flea.

ROBERT PHILLIPS lives and teaches in Houston. He is the author or editor of some 30 books and has been widely honored for his work. – *Naomi Shihab Nye*

Fear and Doping in Iraq

BY STAYTON BONNER

Babylon by Bus
By Ray LeMoine and Jeff Neumann, with Donovan Webster
Penguin Press
336 pages, $24.95



In April 1775, villagers in Lexington, Massachusetts, watched from the road as British soldiers fired on Captain John Parker's militiamen. Eighty-six years later, crowds of spectators in Charleston, South Carolina, observed from Battery Park as Confederate cannon fire rained down upon the Union-held Fort Sumter. In 1911, Americans in El Paso perched atop roofs and railroad boxcars to peer across the Rio Grande, where Pancho Villa was fighting the first battle of Ciudad Juárez.

War has a long history as spectator sport, and often the onlookers have no idea whether they're watching a brief skirmish or the outbreak of full-blown conflagration.

The evening news and 24-hour cable channels have made war-watching less direct, but some still want the genuine article. Numbed by TV visions and wanting to experience something real, two young entrepreneurs decided to travel to Iraq in the wake of Saddam's toppling, hoping to gain an understanding of the nation-building process. Ray LeMoine and Jeff Neumann were about to witness the outbreak of a fallen country's civil war.

In their mid-20s, LeMoine and Neumann had established comfortable livelihoods selling "Yankees Suck" T-shirts to Boston Red Sox fans after games outside Fenway Park. Though they were essentially selling contraband without a license, business thrived, supporting the two well enough to keep them traveling between baseball seasons. "We'd been to some 60-odd countries each," LeMoine writes in *Babylon by Bus.* (The book is written in LeMoine's voice.) "We'd grown tired of the *Lonely Planet* scene though.... We wanted to go somewhere that mattered, someplace where we could see firsthand that concept called the Global War on Terror."

LeMoine and Neumann figured they could put their grassroots business experience to use while getting front seats to the action. "The T-shirt thing showed us that anything is possible, and we figured: Why not try and work in humanitarian aid?" LeMoine writes. "We'd been looking for these jobs in the hottest of spots: Gaza, Baghdad, Kandahar, Peshawar ... any place that would have us. We

combed humanitarian and nongovernmental organization (NGO) Web sites, searching for jobs, but they only wanted Ph.D.s. Instead of applying online for a job half a world away, we decided to apply in person."

Lest the reader begin to think their intentions too altruistic, LeMoine and Neumann readily admit to other reasons for traveling in war-torn lands. "It's not accurate to pretend Jeff and I were simply two do-gooders trying to help babies in the Third World," LeMoine confesses. "We also enjoyed the world's sleazy side. ... Stupid, I know. When I say we were stupid, I don't mean that we didn't know anything. With all our free time, we had the chance to read and read and read. Our stupidity lay not in a lack of knowledge, but rather in our application of that knowledge to dumb ideas, like buying stolen sports cars in Iraq to transport rugs, or selling offensive T-shirts on the sidewalk, or going to Gaza to get a job."

Able to afford the ultimate reality experience with coffers stuffed from their lucrative, bootleg T-shirt business, LeMoine and Neumann set their sights on Baghdad. "Real, lethal, and constant, Baghdad was our escape from the escapism we'd been living during our T-shirt baron years on the Backpacker Trash circuit," LeMoine writes. "Its urgency and relevancy were intoxicating."

Aside from the war's intoxication, LeMoine and Neumann are constantly high throughout their Baghdad memoir on a hazy stream of muscle relaxers, pot, and alcohol. "Within days, my signature cocktail became a shot of arrack and a shot of Valium with a dab of water," LeMoine recalls (Valium is a nonprescription drug in Iraq). "Jeff called it an Arab Tom Collins."

Although lacking the addled eloquence of Hunter S. Thompson's overindulgent political chronicles, LeMoine's and Neumann's taste for the underbellies of society proves a boon for the reader, giving insight into circles of Baghdad not previously covered in the media.

Describing a sleazy watering hole in the Red Zone named the Fanar Bar, the authors draw a wonderfully vivid sketch. "British mercenaries sat with Washington lawyers from firms like Patton Boggs, while a senator from Romania ate shish kebabs with Lebanese profiteers and German reporters," LeMoine writes. "John F. Burns of *The New York Times* would be at a table with Jon Lee Anderson from *The New Yorker*, two great war correspondents, far from home, enjoying a drink while swapping sources and info in a seedy bar. Serbian mercenaries would be talking Vlade Divac and Slobo's trial at The Hague with State Department contractors. The same Serbians had been killing so many Muslims a decade ago that NATO bombed their country. Now, they were getting paid by NATO countries to manage Muslims. It's funny how things worked out."

Arriving in Baghdad by bus from Jordan in January 2004, LeMoine and Neumann were able to witness a delicate period in Iraq's reconstruction, when success seemed possible and civil war was a muted cry. "The insurgency was still a toddler," LeMoine writes. "In Iraq's teahouses, restaurants, and bars—both inside and outside the Green Zone—many journalists, contractors, profiteers, and Iraqis thought the CPA [the now-defunct Coalition Provisional Authority] had a shot at avoiding a long-term guerrilla war and establishing democracy."

Quickly landing work from the CPA, LeMoine and Neumann established an NGO called the Humanitarian Aid Network of Distribution. They traveled throughout Baghdad and Sadr City with locals distributing used clothing sent by U.S. citizens. Being an NGO, they were able to achieve tangible results on a small scale without bureaucratic impediments. Traveling in unarmored vehicles with no military escorts, LeMoine and Neumann distributed aid from mosque to mosque, observing Iraqi life up close and gaining an understanding of the culture.

Traveling unencumbered between the Green Zone, where the CPA had set up camp within Saddam's old palace, and the Red Zone, essentially the rest of Baghdad, LeMoine and Neumann observed the vacuum world most U.S. government workers lived in. "What made it funnier was that no one in

Baghdad other than the Americans called Iraq the Red Zone, and Americans spoke the word with fear, as if to enter it was to risk being set upon by the locals and eaten over a bed of shredded lettuce, like so much kebab. Of course, most Iraqis thought the same thing about people in the Green Zone."

Describing a typical mosque scene upon their arrival, LeMoine writes, "A bullhorn sounded; a voice boomed. I popped three 10-milligram Valiums and washed them down with U.S. Army-supplied water. ... About then I remembered I was a hungover Jew who was now on drugs at a mosque in a place where the only law was Islam. ... The boxes were ripped open. A line formed. A Drew Bledsoe New England Patriots jersey was handed to a boy. Then a pair of shoes to a little girl, a pair of tiny jeans to another, and so on. ... The crowd grew excited; borderline pandemonium broke out."

Making contacts with sheikhs for aid distribution through an Iraqi their age named Hayder, LeMoine and Neumann watched as the younger generation sought to gain hold of their country. "The sudden fall of Saddam had created a vacuum that infected the younger majority of Sadr City with a newfound feeling of relevance and vibrancy," LeMoine writes. "According to Hayder, it had awakened a religious nationalism in Iraq's youth. 'They really love Iraq, almost as much as they do the mosque. Sadr City's future belongs to the mosque. *Al-Hawza* [a pro-Sadr newspaper] and Muqtada al-Sadr want to solve the problems Saddam and the Americans couldn't.'"

With al-Sadr's voice gaining political strength, more and more young Iraqis began calling for American withdrawal. Iraqis he met felt the coalition's "is like living with your parents, except you don't know them, they don't like you, they speak a different language than you do, and they enforce their 'belief systems' with big guns. It's humiliating," LeMoine writes.

The most glaring fault in *Babylon by Bus* is also its greatest asset—the immaturity of its authors. At times, reading the book is like watching Werner Herzog's documentary *Grizzly Man*, whose doomed protagonist is eaten after getting close to one bear too many. LeMoine and Neumann are so brazenly reckless traveling Baghdad backstreets at night that the thrill of imminent danger translates to the reader.

While they use the constant anxieties of living in Baghdad as an excuse for their drug consumption, these guys would probably be piled up stateside as well. Insights into governmental

policies are often followed incongruently by dorky stoner talk, reducing the authors' credibility. Upon entering the CPA headquarters, LeMoine observes, "To create democracy in Iraq, the Bush administration had chosen to use the one American societal tool that wasn't democratic: the military and its chain of command." Following this thought, LeMoine turns to Neumann and states, "'Man, I wish we had some weed. ... What a perfect spot to smoke a victory blunt.'" Victory blunt? At times, the Bill and Ted dudeness is a jarring roadblock in the narrative.

Yet LeMoine and Neumann aren't war journalists or full-time professional aid workers, nor are they pretending to be. Essentially, they are two backpackers who manage to gain a front seat to Baghdad's action while happening to help some needy Iraqis out. Contradictory, honest, and compelling, *Babylon by Bus* offers a decidedly new vantage point on the war in Iraq. Unlike the tidy, black-and-white scenarios portrayed in the mass media of early 2004, LeMoine and Neumann embody the honest messiness of the Iraqi rebuilding effort and what it means to be human. ■

Stayton Bonner is a writer in Austin.

Texas (Still) Needs Farenthold

Sissy Farenthold's hair is the color of lightning, just the shade to match her scruples. She's got that risky, spark-and-crackle itch for The Square Deal that marks the radical. She has the radical's great, essential gift—she reminds you of the future, but not the future that springs to mind in these dour days. Sissy recalls the sort of future we imagined in finer times. It's the first of her happy contradictions, and is perhaps why I find myself reaching wildly into the past for comparisons. Sissy is, for starters, a South Texas Katharine Hepburn; she's Eleanor Roosevelt as imagined by *Vogue*, with a splash of FDR's patrician twinkle; she's Battling Bella Abzug without the bite. Though there's no mistaking her political seriousness, "politician" seems too beige and bureaucratic to describe her. "Adventuress," with its wide-brimmed dash, seems closest to the mark. When Sissy sweeps into the lobby of her Houston high-rise in a slanted sun hat and faux-leopard sneakers, even going to lunch is filled with pioneer glamour.

Houston is *the* place for passing fancy. It's a city of fickle attachment, so it follows that I'd have to leave it, have to move as far away as Manhattan to find Frances "Sissy" Tarlton Farenthold—a lady made of sterner stuff than the Shamrock Hilton, a legend that, unlike Sissy, stands no longer. I am 27 years old. Farenthold's last political race—for governor against incumbent Dolph Briscoe—was 33 years ago. So it's through no fault of my own that I missed seeing firsthand Farenthold becoming, in 1972, the first woman nominated for the vice presidency, finishing second to Tom Eagleton as George McGovern's running mate. Or that in 1971, as the only woman in the Texas House (den mother of the Dirty 30), she helped expose the Sharpstown scandal. Or that she was the face of Texas liberalism for a generation, heading pluckier campaigns than anybody since the late U.S. Sen. Ralph Yarborough.

I found Sissy while trawling through history, and then in the telephone book, because somewhere during the second term of the second Bush presidency, I needed to look for reasons to be proud of where I'm from. Like many before me, I was seized by the idea of Farenthold. For the past 40 years, she's served for the state's idealistic youth as a near-cult symbol of the Texas that *might* be. That's true even though she found herself "unelectable" as Sharpstown faded from public memory and the novelty of good government wore thin. She refused to even consider, in 1973, what public interest groups assured her would be a surefire run for Congress. "What I discovered," Farenthold told me, "was that political office was a life of constant moral compromise. And I didn't enter politics with the purpose of compromising my morality." It has never been Farenthold's reputation to equivocate.

I am aware of the prevailing view of Farenthold—that she's downbeat, shy, and sober; a "melancholy rebel" was Molly Ivins' phrase. Of course, Farenthold has always had the kind of social conscience that can sometimes run amok. If it's not death row, then it's apartheid. If it's not El Salvador, it's Iraq. The night before our meeting, Farenthold hosted a teen-rehab fundraiser; the night of the interview, she emceed a Palestinian film festival. It's one thing to talk about honoring the holiness of every sentient being, but I'm sure that in practice it can get pretty depressing. So her fleeting moments of mournfulness don't shock me. What *does* shock me (it's another of her riddles) is how she can remain so wholly honor-bound and still be a real good time. "Sissy's a bombshell. She's a hell-raiser," says Liz Carpenter, no slouch when it comes to weighing fiery figures, "but she's a *likeable* hell-raiser." So if Farenthold's other achievements ever wither, if she ever fatigues of fighting global wrongdoing, she can always fall back on being *terrific* at lunch. Which is exactly what this Hockaday-finished, frontier daughter of three Lone Star founding families—the Bluntzers, the Doughertys, and the Tarltons—was born and bred for. Years before Ivins' sobriquet, Farenthold was the Barefoot Debutante of Corpus Christi's society page.

"Politics just seems to take over *everything*," she sighs over lunch. It's in the small talk, the joking, the family stories. Yet nothing about her seems typical of a Texas politician (she's posh and polished; by Houston standards, she's practically Parisian)—nothing except her storytelling. Then she's John Henry Faulk in a Dior dress. We've driven in my rental car (which is, she says, "*much* larger than my Prius") to a shady spot to dine on Montrose Boulevard. It's the Saturday the art cars come to town. The most dazzling, ludicrous vehicles (beaded and fish-tailed, tin-foiled and festooned) are passing mere feet from

Illustration by Mike Krone

our banquet, and I can't take my eyes off Farenthold—who at 80 seems more marvelous than anything on the street. Her face, her fingers, her Irish eyes, and white-water voice are quick in a way that has nothing to do with speed, and make all the more fantastic the fact that she is telling stories about having been invisible: "The day after my first election to the Legislature [in 1968]," she says after we've both settled on heaping salmon sandwiches, "they had a party for me in Corpus, and a man came up to me and said, 'Mrs. Farenthold, I had the pleasure of voting for your husband yesterday.' And I said, 'Well, thank you very much, but I think you'll discover that you voted for me yesterday.' And then he became very disturbed and said, 'Well hell, if I'd known that I never would have voted for you.' And then he walked away.

"A few months later, I read in the newspaper that the governor [Preston Smith,

a Lubbock movie theater mogul] had told a group of Democratic women from Michigan, 'I feel that I can say in all confidence that within 10 years, a woman will be elected to the Texas Legislature.' And I *was* in the Texas Legislature," she says with such outrage her iced-tea practically joggles from its glass. "*I* was in the Legislature; *Barbara Jordan* was in the Legislature. So the next morning, I marched right into the governor's office so that I could introduce myself.

"And then, after I was nominated for vice president, in the papers the next day, there was barely a mention of it. It was like it never happened ... as though it had been completely obliterated ... stricken from the record."

Her righteous anger has run dry, and it's as though she still can't fathom such broad-scale bad manners. "And that's one of the moments when I really got it, really got a glimpse of what women were up against. ... Because even if you were nominated, even if you got elected, you still weren't *there*."

Farenthold frames the story of her life in such moments—forming a narrative of slow turning from her cosseted, Catholic girlhood toward activism: of losing a young son and learning to organize for safer playgrounds; of her "soul-searing experience" as legal aid director of Nueces County, suddenly exposed to the inattentions (and worse) of the state; of being invited, on the eve of the filing date, to run for the Legislature and not accepting before asking her husband's permission; and of being baptized into radicalism at a Palm Sunday labor march in Del Rio. "I think I was the only Anglo woman there," she says. "I gave a short speech, and then there was a peaceful march through town. We were all holding palm fronds, and as we walked, I looked up, and the rooftops were lined with gunmen who'd been deputized by the local sheriff, pointing rifles down at us. ... It was terrifying ... like a police state. And this was America ... and I realized I'd been living in another country all along. ... I decided if I ever wrote a book, that's what I'd call it. *The Road to Del Rio*."

This is how Farenthold frames the story of her life, but I have trouble buying it, because it's difficult to believe that such radical change could be founded on a series of epiphanies gathering steam, rather than on something fundamental to a person's character—on a sort of predilection to rowdiness that doesn't photograph too well. How many Corpus debs, barefoot or otherwise, were awaiting invitation, in the spring of 1970, to march down that road? Glance through Farenthold's photos, and her life's turn is unmistakable—from an almost Victorian bride, posed on a veranda and surrounded by children in coordinated sailor suits, to That Woman in the '70s, of whom a confounded Walter Cronkite sputtered over the airwaves, "Some *lady* from Houston wants to be vice president." This is a point I press with her over a pile of apricot tarts, making sure to mention that I know all about that Ramada Inn sign—about how, in her early 30s, she sued the local government to enforce a statute preventing businesses from cluttering the Corpus coast with big, ugly signs; about how she pursued this case all the way to the state Supreme Court, and won. (I maintain that if somebody had only told Gov. Smith, House Speaker Gus Mutscher, and Lt. Gov. Ben Barnes

Sissy Farenthold from the Observer *archive.* ***Photo by Si Dunn***

the story of Farenthold and the Ramada Inn sign back in the '70s, they might well have refrained from the blatant crookedness that comprised the Sharpstown scandal. Those boys had no idea whom they were dealing with.)

Farenthold leans back, grins, and grips her chest with her fingertips. "Well," she says, "there's always been something *inside* me—so that I just can't *help* myself." Then she tells a story of having been offered a lift to Houston from Washington by then-Vice President George H. W. Bush, a journey intended to conclude in the customary fashion for those guests aboard Air Force Two with a brief photo op consisting of a handshake and a thank you—precisely the type of facile formality Farenthold has spent her life resisting. "And all the way up through that reception line, I was telling myself, *Don't ask about first nuclear strike, don't ask about first nuclear strike*, and then, what'd I do? I *could not help* myself.

"I remember my aunt, years ago, sent me a book. With a zebra-print cover. *I Married Adventure*. Oh, I liked the sound of that," she says, gazing somewhere beyond me. "And now," she says with a stretch, tossing down her napkin, "I have to go home and figure out what I have to say about Palestinian film." ■

Robert Leleux's first book, The Memoirs of a Beautiful Boy, *will be published this January by St. Martin's Press. He lives in New York City, and misses Houston.*

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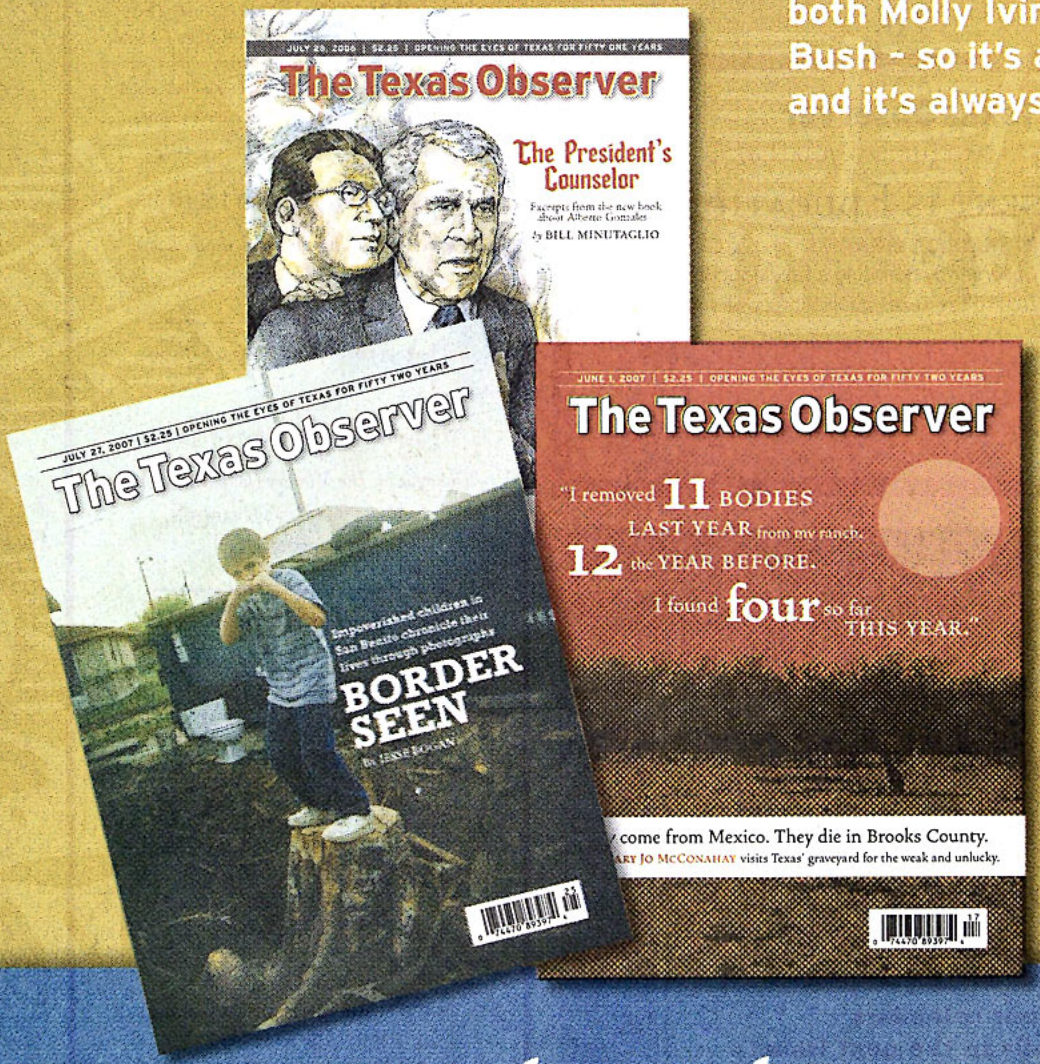

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