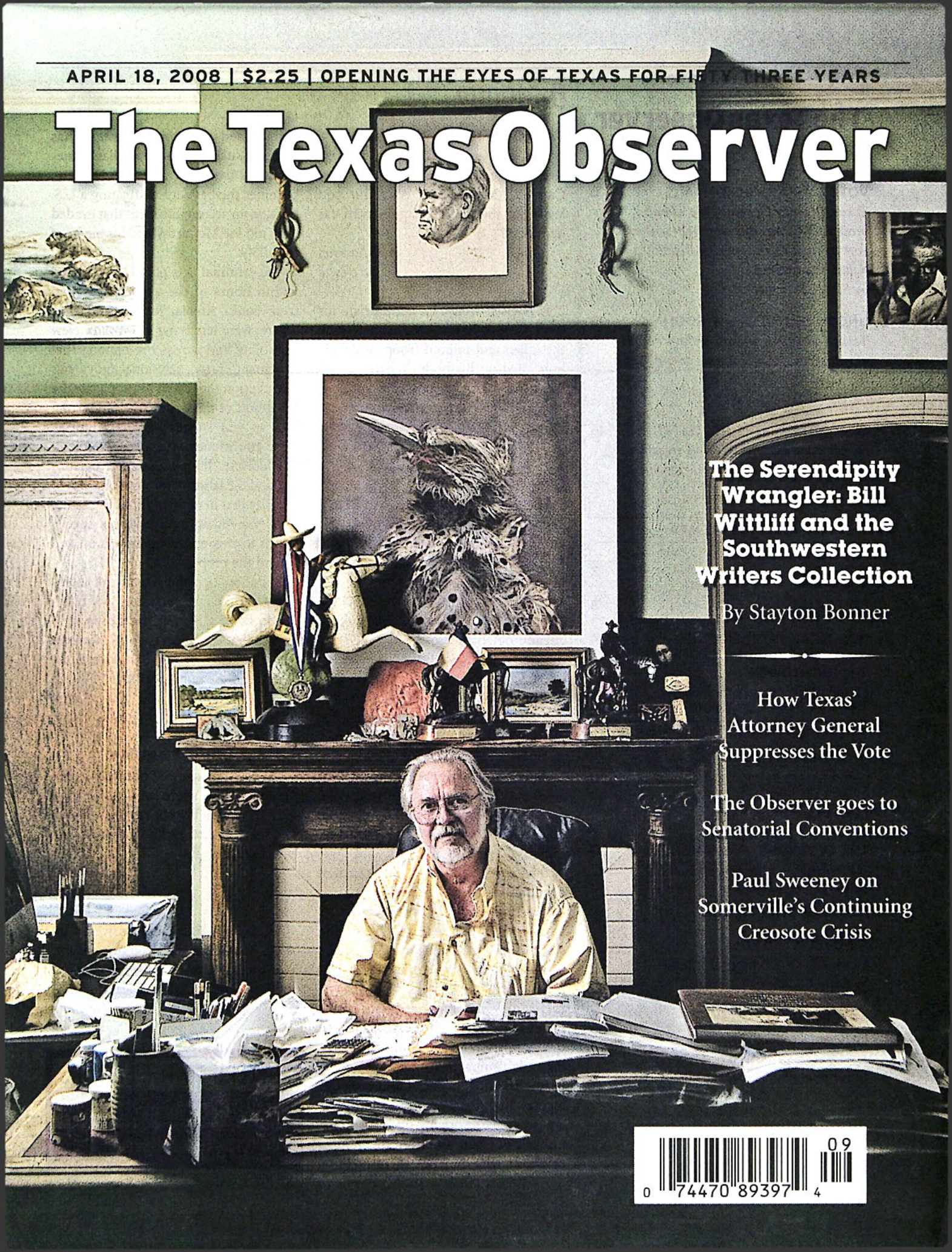
APRIL 18, 2008 | $2.25 | OPENING THE EYES OF TEXAS FOR FIFTY-THREE YEARS

The Texas Observer



The Serendipity Wrangler: Bill Wittliff and the Southwestern Writers Collection

By Stayton Bonner

How Texas' Attorney General Suppresses the Vote

The Observer goes to Senatorial Conventions

Paul Sweeney on Somerville's Continuing Creosote Crisis

0 74470 89397 4 09

APRIL 18, 2008

The Texas Observer

FEATURES

VOTE BY MAIL, GO TO JAIL 6
Texas Attorney General Greg Abbott prosecutes Democrats who help seniors vote by mail while ignoring Republican ballot-box stuffing.
by Steven Rosenfeld

UNCONVENTIONAL WISDOM 10
Texas Democrats endure another round of caucus chaos, and it may actually help the party.
by The Texas Observer *staff*

CREOSOTE BLUES REVISITED 16
Nearly 30 years later, a wood-treatment facility continues to stain Somerville.
by Paul Sweeney

DEPARTMENTS

DIALOGUE 2

EDITORIAL 3

POLITICAL INTELLIGENCE 4

JIM HIGHTOWER 18
Hidden Facts, Apocryphal Tales

BOOKS & THE CULTURE

POETRY 19
by Assef Al-jundi & Constance Campbell

THE SERENDIPITY WRANGLER 20
Bill Wittliff and the Southwestern Writers Collection
by Stayton Bonner

A NOVELIST IN FULL
Susan Choi's A Person of Interest 26
by Azita Osanloo

AFTERWORD 29
by Robert Leleux

Cover photo by Daniel Carter

Dialogue

TATTOO VIEWS

Real nice article from the "progressives" at the *Observer* ("The Skins They Carried," March 21). Why did you leave out the photos of guys with ear necklaces?

Arch Stanton
via e-mail

Perhaps it would be appropriate for George Bush to have the names of all the killed and injured troops indelibly imprinted on his body. Whatever gets these wonderful humans through their tour(s), I'm all for.

Janet Duaine
via e-mail

OUR BAD?

The editorial appearing in the March 21 edition ("Deadly, Unjustified, and Dishonorable") included this comment: "The war on terror will never end with a peace treaty ..." Shame on you.

The big lie of this era is the ludicrous "Global War on Terror." Many have already noted the absurdity of declaring war on a tactic. But worse, the big lie serves to distort both history and reality in a manner most helpful to the aims of those who have seized the reins of power in this country. Terror is a tactic not confined to radical movements, be they the Red Brigades, the IRA, or al-Qaida. Terror was the unequivocal aim of the firebombing of Dresden, the nuclear bombing of two cities with no military targets, the "shock and awe" of the invasion of Iraq, and the longest occupation in the modern era, the occupation of the Palestinian lands. Terror comes not just in the form of a suicide bomber in Baghdad, but from the belly of an F-16 or the barrel of an Israeli tank.

Not only has the Orwellian big lie fueled two wars, but it has also been the foundation for the companion propaganda campaign to demonize all of Islam. The fires of racial and religious bigotry that are fanned by the big lie are pervasive, cropping up in the most unlikely of places and from the mouths of those who portray themselves as enlightened and progressive. It has reached such proportions that something so trivial as a name, Hussein, becomes the basis for castigating a U.S. senator, an accomplishment that evaded even old Joe McCarthy and his big lie of the 1950s.

The criminal acts of 9/11, attributed within hours of the event to 19 men from Saudi Arabia, Jordan, and elsewhere, were terrifying to those in New York City and across the nation. That malignant, crazed, delusional individuals seized upon that event to propagate the falsehood of a "Global War on Terror" has, as you suggest in the editorial, done enormous harm to the people of Afghanistan, Iraq, U.S. service personnel, and the fabric of our republic. But to sanctify that lie by blandly regurgitating it as you did in your editorial simply serves to perpetuate the falsehood and extend the propaganda.

In our political arena today, all candidates feel the compulsion to pay homage to the big lie. For the *Observer* to join in that tragic deception—however well intended—does a disservice to the heritage of the publication.

Dave Collins
Johnson City

PUBLICIZING TRAUMA

Preston, you showed not only us but the rest of the world what these guys went through ("Private Trauma," March 21). I am proud to know you and to have met you.

Brian Dagit
via e-mail

Thank you. Your video answers a lot of questions that KBR couldn't answer. I can't image how your life has changed and how you feel. My deepest thanks.

Teresa Lansman
via e-mail

LETTERS TO THE EDITORS
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History Repeats Itself

In 2002, a clique of radical Republicans backed by specific moneyed interests stormed the halls of power in Texas, winning every lever of state government. They now face their biggest challenge in six years. The current election cycle, and the one coming in 2010, will determine who controls legislative and congressional redistricting to be crafted and ratified by the 82nd Texas Legislature in 2011. As the demographics of the state rapidly shift away from traditional Republican constituencies, the only way this clique can extend its death grip on state government is by locking in gains through redistricting.

They obtained victory the first time—with the goal of controlling congressional redistricting—through the use of massive amounts of corporate cash and a smear campaign of questionable "issue ads" sent to voters and aired on television. Corporate money for electioneering has been illegal in the state for more than a century. The 2002 campaign, coordinated by the two Toms—DeLay and Craddick—became the focus of civil and criminal prosecutions that resulted in indictments and hefty fines. Subsequent bipartisan efforts to strengthen campaign finance laws in the Legislature foundered at Speaker Craddick's door. Nonetheless, existing laws and the threat of further prosecutions seemed to offer some measure of protection from the dirty campaigning of six years ago. Now, just when you thought it was safe to go back to your mailbox, those protections are being stripped away.

A lawsuit by a group of conservative organizations, joined by the American Civil Liberties Union of Texas, won an injunction to suspend the speaker's statute enacted after the last wave of scandals in the 1970s. The statute forbids outside groups from spending money to influence the election of a speaker. While the state has never prosecuted anybody for violating the law, its removal will likely serve as a green light for the business interests that have profited so handsomely under Craddick's rein to spend freely to defeat candidates who oppose him.

Court rulings have also imperiled the civil and criminal prosecutions. The Texas Association of Business was indicted on two counts for using $1.7 million from secret corporate sources—mostly big insurance companies, it was later revealed—for a series of shady issue ads in 2002. Several losing Democratic candidates also filed civil suits against the groups. Prosecutors and the civil lawsuits have argued that the issue ads are designed to defeat particular candidates and therefore qualify as electioneering. The TAB argued the issue ads were for educational purposes. As long as the ads don't openly advocate for or against candidates (by using words like "defeat" or "elect"), they aren't considered campaign material and can legally be funded with corporate money

On April 5, state District Judge Joe Hart dismissed the civil lawsuit filed against the TAB by former Democratic state Rep. Ann Kitchen, who lost her seat in 2002 after a series of TAB issue ads flooded her district on behalf of her opponent. A year ago, state District Judge Mike Lynch dismissed the criminal indictments of the TAB, a decision that Travis County District Attorney Ronnie Earle's office is appealing.

While the debate over issue ads raged in court, many groups have viewed the issue ad strategy as too risky, because the law was unclear. But if the courts continue to side with the TAB—and the Legislature doesn't clarify campaign finance law—then issue ads could come back with a vengeance.

Recent court decisions have carved a path for corporate money in Texas elections that reform-minded Texans have tried to keep closed for more than a century. It's time for a strong, clear, enforceable campaign finance law that stems the flow once and for all. ■

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Tom Craddick's Good Fortune

CRADDICK'S CRUDE American families are being hammered by plunging real estate values and soaring oil prices. But one person's loss is another's gain.

Texas House Speaker Tom Craddick's investment portfolio appreciated an enviable 92 percent over the past four years. Records kept by the Midland County tax assessor show that this Midland oilman has held small shares of the mineral rights underlying 45 Midland properties for four years or more. County assessors estimate that the value of Craddick's oil properties almost doubled in this period, from $537,130 to just more than $1 million.

The appreciation is comparable to increases countywide, where aggregate mineral valuations almost doubled, from $1.1 billion to $2.1 billion, from 2004 to 2007, according to Brian McDonald of the Midland Central Appraisal District. Key factors influencing these valuations, McDonald says, are the amount of oil a well produces and oil's market price. From 2004 to 2007, the average annual price of West Texas Intermediate crude oil went from $42 a barrel to $72, according to the U.S. Energy Information Administration. In the first two months of 2008, the average price leapt to $94 a barrel.

Rising crude prices have pumped up the value of Craddick's oil properties even as they increased the value of the royalty income that he pocketed from his oil interests. In a recent personal financial disclosure filed with the Texas Ethics Commission, Craddick reported royalty income from 33 energy companies in 2007 (some of this oil income may have come from wells outside Midland County). Because Texas officials disclose income in ranges, Craddick's precise oil income is unknown. Moreover, the speaker reported royalty income from five companies worth open-ended amounts of "$25,000 or more." Assuming that these big payouts were worth just $25,000 each, Craddick's total oil royalty income in 2007 fell between $242,000 and $455,000.

One company that paid Craddick oil royalties in excess of $25,000 last year is Irving-based Pioneer Natural Resources Co. In 1999, Craddick and then-Gov. George W. Bush led the push for a special tax cut for marginal oil wells. Some Democrats at the time (including Craddick's current lame-duck ally, Houston Democrat Rep. Kevin Bailey) denounced the tax cut as corporate welfare. Dismissing critics, Bush said that the aid would "help small producers." Following up a year later, the *Dallas Morning News* found that the No. 1 beneficiary—with a tax cut exceeding $1 million—was Pioneer Natural Resources.

Fort Worth investor Richard Rainwater created Pioneer in 1997 through the merger of MESA Inc. and Parker & Parsley Petroleum Co. (Rainwater also orchestrated the purchase of the Texas Rangers ball team that made Bush $16 million).

LAMPSON'S NIGHTMARE It's official: We won't have Shelley Sekula Gibbs to kick around anymore. And more is the pity. It has been a great ride: from Sekula Gibbs' riotous romp through her seven-week congressional term in 2006 to her seeming confusion over the separation of church and state. Despite outspending Republican primary opponent Pete Olson almost 2-to-1, Sekula Gibbs lost her Republican primary runoff. Olson, a former staffer of Phil Gramm and John Cornyn, was the GOP establishment candidate.

It's a bleak Republican electoral landscape for winning U.S. House seats in 2008. Olson's challenge to Democratic incumbent Nick Lampson for Congressional District 22 is one of the few possible pick ups for Republicans nationwide. But winning it might not be as easy. Lampson is a tough campaigner who has built strong relationships in the district and used the support provided by a Democrat-controlled Congress to bring home plenty of goodies.

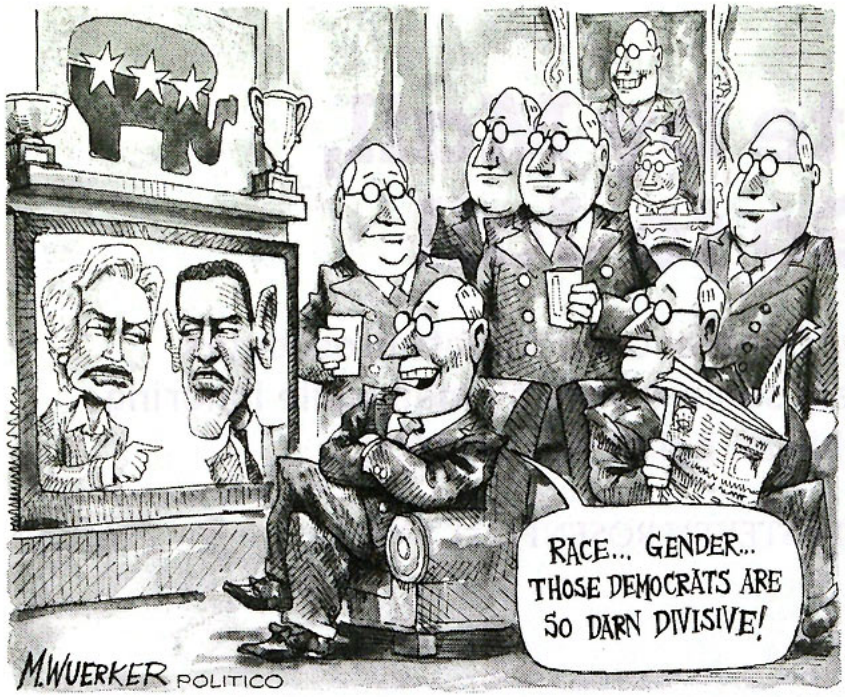
A UNION WINS ONE The National Nurses Organizing Committee, née the California Nurses Association, broke through an important barrier last month. On March 28, a majority of participating nurses at the Cypress Fairbanks Medical Center voted to let the union negotiate a contract on their behalf, making the Houston facility the first privately owned hospital in the state to unionize.

Cypress Fairbanks is owned by scandal-plagued Tenet Healthcare Corp. The Dallas-based company has been on an upswing after years of government investigations and lawsuits, including one that resulted in a $900 million settlement with the Justice Department in June 2006.

Private hospitals are notoriously hard to organize. Tenet has refused to comment publicly on the union vote, but in a written statement said it was disappointed, according to the *Houston Chronicle*. The company owns two other hospitals in Harris County.

The California nurses have had a rocky road to victory in Texas. Their first foray here involved a high-profile effort to pass legislation mandating higher nurse-patient ratios. Their bill didn't get a hearing. Then the group was publicly rebuked this past January at the AFL-CIO state convention. Delegates approved a resolution that contained language by AFSCME that chided the California committee for trying to poach nurses the larger union represented at public healthcare facilities in Houston.

In an e-mail, organizing committee coordinator Ed Bruno wrote that the union has been working to expand to hospitals throughout Texas since 2006. "NNOC organizing today is for all practical purposes statewide and includes RN organizations from El Paso east to the Gulf and Dallas south to the Valley," Bruno wrote.



Come next legislative session, the union plans to re-introduce its hospital patient protection act, according to Bruno. Now that the union officially represents Texas nurses, it might have more luck.

Regardless, oft-beleaguered Lone Star union leaders were thrilled by the victory. "The vote shows that despite exceptionally difficult conditions for organizing in any so-called 'right-to-work' state, it can be done in Texas," said Becky Moeller, Texas AFL-CIO president.

INTEGRITY MAINTAINED Despite a well-financed advertising blitz and an impassioned plea from her ex-husband, Austin City Council Member Brewster McCracken, Mindy Montford lost overwhelmingly in the Democratic primary runoff to succeed Ronnie Earle as Travis County district attorney. Rosemary Lehmberg—for the past decade Earle's second in command—bested Montford with 65 percent of the vote. Montford benefited from her extensive connections to the state's political lobby, outraising Lehmberg by at least $200,000. McCracken's glowing letter, e-mailed to county Democrats, seemed more a petition for canonization than an endorsement, calling his ex-wife a "genuinely good person." Still, it was not enough to overcome Earle's endorsement of Lehmberg or the disquiet many voters felt at putting the public integrity unit, charged with prosecuting political corruption, in the hands of someone so close to the state's political influence peddlers.

PLOT TWIST Movie star and environmentalist Robert Redford visited Houston on March 27 to present *Fighting Goliath: Texas Coal Wars*, a short documentary he commissioned and narrated about the fight to stop the former TXU Corp. from building 11 new coal plants. (After a buyout, the company is now called Energy Future Holdings Corp.) A group of ranchers and farmers, along with 36 Texas mayors and a law firm working pro bono, managed to stall the plant permits. It was a major victory against a formidable foe. After TXU was bought out, eight plants were canceled. That favorable twist put a hefty dent in the movie's titular theme. It was like fighting Goliath, but then Goliath had a heart attack. With one coal plant under construction in the state and four more on deck, Goliath appears to have responded well to the pacemaker.

With the triumph-of-the-little-guy angle set askew, Redford and the stars of the film took stabs at alternate take-home messages for the Progressive Forum audience. Most convincing was the story of people who set aside political agendas and traditions to take on big coal. Conservative mayors put their offices and party support on the line to oppose TXU. Lawyers worked free. Rural folks came to the Capitol lawn and protested alongside hippies. Rancher Marc Scott explains in the film that "to a farmer, an environmentalist was a tree hugger who didn't want us to use pesticides on anything."

On stage at the Wortham Center, in his perfect white cowboy hat, Scott told the audience about the loss the local school took by not welcoming TXU, which had promised to invest several million dollars in the struggling district once the plant was active. "It's a poor area, and to turn down all that money, then have to have a bond proposal just to get a new gym, it says a lot about the people."

The crowd and panel seemed taken with the unlikely anti-coal activists. "It was great to see those local people getting into environmentalism," one fellow remarked. "You know they probably all voted for Bush."

CRADDICK'S ARMY House Speaker Tom Craddick likely gained one more ally in the Legislature's lower chamber on April 7. Challenger Tryon Lewis thumped Odessa state Rep. Buddy West in a Republican primary runoff.

West, a retired oil field engineer, was bidding for a ninth term. His opposition to Craddick in last session's speaker's race proved costly. Craddick didn't openly support Lewis, but it wasn't hard to tell which sides West and Lewis were respectively on. Opponents of the speaker, such as Waxahachie Republican Rep. Jim Pitts, campaigned for West and contributed to his campaign. West received no support from some major Republican donors with close ties to Craddick.

Lewis, a former state district judge, easily won the runoff, 76 to 24 percent. He will face what should be only token opposition from a Libertarian candidate in the general election. Predictably enough, Lewis has already pledged his support to Craddick in the speaker's race. ■

FEATURE

Vote by Mail, Go to Jail

Texas Attorney General Greg Abbott prosecutes Democrats who help seniors vote by mail while ignoring Republican ballot-box stuffing.

By STEVEN ROSENFELD



Texas Attorney General Greg Abbott *photo courtesy Gregabbott.com*

Willie Ray was a 69-year-old African-American city council member from Texarkana who wanted her granddaughter, Jamillah Johnson, to learn about civil rights and voting during the 2004 presidential election. The pair helped homebound senior citizens get absentee ballots and, once they were filled out, put them in the mail.

Fort Worth's Gloria Meeks, 69, was a church-going community activist who proudly ran a phone bank and helped homebound elderly people like Parthenia McDonald, 79, vote by mail. McDonald, whose mailbox was two blocks away from her home (she recently died), called Meeks "an angel" for helping her, a friend of both women said.

And until he recently moved out of state, Walter Hinojosa, a retired school teacher and labor organizer from Austin, was another Democratic Party volunteer who helped elderly and disabled people vote by getting them absentee ballots and mailing them.

Today, Ray and Johnson have criminal records for breaking Texas election law. Their travel was restricted during a six-month probation. Meeks is in a nursing home after having a stroke, prompted in part, her friends say, by state police who investigated her—including spying on Meeks while she bathed—and then questioned her about helping McDonald and others vote. Hinojosa has left Texas.

Their crime: not including their names, addresses, and signatures on the back of ballots they mailed for their senior neighbors, and carrying envelopes containing those ballots to the mailbox. Since 2005, Texas Attorney General Greg Abbott, a Republican, has been prosecuting Democratic Party activists, almost all African-Americans and Latinos, as part of an effort to eradicate what he said was an "epidemic" of voter fraud in Texas.

The attorney general's voter fraud efforts were part of a "Special Investigations Unit" that he launched in early 2006 with a $1.5 million grant from the governor, using federal money awarded from a fund that has spawned controversies, most notably the Tulia drug task force scandal.

"These guilty pleas demonstrate precisely why it is so important to uphold the integrity of our election process in the state," Abbott said, speaking of Ray's and Johnson's convictions in a press release. "We will visit justice upon any who ignore the fact that we have election laws in Texas and they apply to everyone."

Texas Democrats such as Lisa Turner, of the Lone Star Project, said Abbott's goal was not merely to prosecute little old ladies. Rather, Turner said, it was to send a message to Texas' minority

communities, which lean Democratic, by sowing fear among the elderly about voting by mail. The Lone Star Project is a political action committee that first exposed Abbott's prosecutions, issued reports on it, and maintains a staff to fight voter suppression in the state.

"It's the equivalent of when a gang moves into a neighborhood and spray-paints their graffiti or their marker; it's not to deface one building. It is to send a message," Turner said. "You have agents of the attorney general walking through a neighborhood, walking past three crack houses, to go talk to a voter. Think about that. What does that say their priorities are? It's about holding on to the levers of power."

Abbott and the election laws he has used to bring the prosecutions have been challenged in federal court under a suit whose trial will begin May 29th in Marshall. In September 2006, Gerry Hebert, a former chief of the U.S. Department of Justice's Voting Section—which oversees the nation's voting rights laws—and now executive director of the Washington-based Campaign Legal Center, filed a suit challenging the Texas attorney general, secretary of state, and a 2003 Texas law that criminalized practices often used to help the elderly vote by mail.

Despite repeated requests, Abbott's office would not comment. But Texas Solicitor General Ted Cruz, who works for Abbott, issued a statement in September 2006 saying the suit "has no basis in law" and "the plaintiffs are [a] combination of political operatives and individual criminals who have already pleaded guilty to voter fraud."

Meanwhile, Abbott has continued to prosecute middle-aged and elderly political volunteers under a law his office says prevents people from impersonating voters and taking advantage of seniors by falsifying ballots. The accused are almost all African-American and Latino, and likely Democrats.

In February 2008, Abbott indicted four Duval County residents—Lydia Molina, 70; Maria Soriano, 71; Elva Lazo, 62; and Maria Trigo, 55—for allegedly delivering "mail-in ballot applications to numerous residents in Duval County, many of whom were ineligible to vote by mail," an Abbott press release said. Under Texas law, only the disabled, people 65 or older, or people expecting to be out of state on Election Day can vote absentee. The accused checked a box in the 2006 election saying voters were disabled "when they were not," he said.

"The voter registrar's office then mailed the actual ballots to the residents," the release said. "Once the ballots were completed by the residents, the defendants allegedly retrieved these and mailed them to the registrar to be counted without identifying themselves on the carrier envelope." They face six months and a $2,000 fine.

Despite Abbott's declarations that nobody is above Texas law, he has prosecuted no Republicans.

"What is especially troubling is that while Greg Abbott's office has prosecuted minority seniors for simply mailing ballots, he has not prosecuted anyone on the other side of the aisle for what appear to be open-and-shut cases of real voter fraud," Hebert told Texas House Elections Committee in January, as the panel held a hearing on a bill making the state's voter ID laws tougher.

Hebert cited a 2005 election in Highland Park, one of the wealthiest neighborhoods in the country with hundreds of million-dollar homes and where both George W. Bush and Dick Cheney once lived. In 2005, two election judges, both Republicans, and a 10-year-old boy handed out over 100 ballots, Hebert testified, without checking any voter registration or ID cards. The ballots were filled out and turned in, he said, quoting from several Dallas district attorney memos. The memos suggested a strong basis for prosecuting the judges for not following procedures and counting "over 100 more ballots" than there were "signatures on the roster."

In other words, here was a serious case of apparent ballot-box stuffing—voter fraud—by Republicans, albeit in a state where the GOP holds all the constitutional offices, most judgeships, and controls most county election boards.

"Here we are nearly three years later, and Attorney General Abbott's office has done virtually nothing," Hebert told Texas legislators. "Rather than exercise his discretion to act directly on the [district attorney's] request and immediately investigate the voting irregularities and potential voter fraud in Highland Park, Mr. Abbott's office has instead used his office's resources to prosecute elderly political activists whose only 'crime' was assisting elderly and disabled voters cast a vote by mail."

The bigger picture, said the Lone Star Project's Turner, was that the Texas Republican Party, assisted by the state's Republican attorney general, was using the power of the state and public funds to create a climate for partisan gain.

"I don't believe that the attorney general or the governor or the Republicans are really interested in putting old women in jail," she said. "They see what we all see and what everybody has written about, which is Texas is trending majority-minority. And the Republicans haven't figured out how to talk to minorities. So instead of figuring out how to talk to them on an issue basis, they have embarked on a plan to shave two or three percentage points off the electorate, and that's how they stay in power."

On the outskirts of Ft. Worth, the Democratic Party has a campaign office for its various local and statewide campaigns. In early March, Jane Hamilton, a young woman who has been working on campaigns in the Dallas-Ft. Worth area since 2000, and Dorothy Dean, 74, who has worked on campaigns for four decades, described the real-life impact of Abbott's efforts to prosecute people for helping the elderly and disabled vote.

Hamilton described how the 2003 law passed by the Texas Legislature changed the way Democrats interacted with older people who wanted help with their absentee ballots.

"We would get phone calls from older ladies who wanted to vote," Hamilton said. "And they would ask, a lot of times, for people that they trusted, their neighbors, to come over to help. I would then say, 'Well, I don't know her, but how about us helping you over the phone?' And they would say, 'Well, I can't see. And I can't hear good. I need somebody to come over here and help me.'"

Before the attorney general's prosecutions, Hamilton said,





Campaign worker Jane Hamilton (left) and voter Dorothy Dean (right)

photos by Steve Satterwhite

she would find well-known people in the caller's community to visit elderly people's homes to help them vote—volunteers like Ray, Meeks, or Hinojosa. After Abbott started prosecuting Democratic volunteers for helping seniors, Hamilton said she could only help elderly voters over the phone, which many callers did not understand.

"It was very difficult for me," Hamilton said. "It was very hard to explain why a Mrs. Johnson couldn't help a Mrs. Brown, or if she did, then she couldn't help a Mrs. Sue. ... I think that really started as fear. They [the callers] were afraid because they also started hearing about the attorney general's office prosecuting. You had all of these things going on, however no one really understood why. The AG's office never did a good job on the community level saying what this means, what this means for you."

Abbott may not have been telling the public what was required under the 2003 law, but he did tell the police. In early 2006, he announced "a statewide initiative to work with local law enforcement and prosecutors to combat and prevent the persistent problem of voter fraud." The project's initial phase would target "44 key counties that either have a history of voter fraud or the population of which exceeds 100,000," the release said.

"Voter fraud has been epidemic in Texas for years, but it hasn't been treated like one. It's time for that to change," Abbott said. Continuing, he announced the formation of a new "Special Investigations Unit [that] will help police departments, sheriff's offices, and district and county attorneys successfully identify, investigate, and prosecute various types of voter fraud offenses." The release said Gov. Rick Perry, a fellow Republican, was supporting the effort with a $1.5 million grant.

The funding was provided under an Edward Byrne Memorial Justice Grant, which is a federal program providing criminal justice money to states. It was a Byrne grant in 1999 that funded Tom Coleman, the itinerant police investigator who falsely accused many African-American residents of Tulia of dealing cocaine. During subsequent legal battles that lasted four years, Coleman was exposed as a liar and Gov. Perry pardoned almost all of his victims. In 2004, Congress said the Byrne grants could be used for broader categories of law enforcement, giving states new leeway in deciding how the funds could be spent. Like the drug task forces that falsely accused minorities to run up arrest numbers and thus justify funding, Abbott's use of the money to pursue voter fraud among the state's minority communities seems to carry ulterior motives beyond ferreting out alleged individual crimes.

According to the Campaign Legal Center's lawsuit, in which Ray, Johnson, Meeks, McDonald, Hinojosa, and the Texas Democratic Party are plaintiffs, a PowerPoint presentation used by Abbott's office to train Texas officials was rife with racial stereotypes associating voter fraud with people of color—communities that in recent history have supported Democrats.

Like the drug task forces that falsely accused minorities to run up arrest numbers and thus justify funding, Abbott's use of the money to pursue voter fraud among the state's minority communities seems to carry ulterior motives beyond ferreting out alleged individual crimes.

"As an introduction to a section of the PowerPoint involving 'Poll Place Violations,' a slide depicts a photograph of African-American voters apparently standing in line to vote," the lawsuit's complaint said. "Notably, the 71-slide presentation contains no similar photographs of white or Anglo voters casting ballots.

"Another slide in the same PowerPoint presentation, in a section involving tactics for investigating purported voter fraud, is entitled 'Examine Documents for Fraud.' That slide states that investigators should look for 'Unique Stamps' and shows a prominent picture of a postage stamp known as the 'sickle cell stamp,' which depicts an African-American woman and infant," the complaint said. "The PowerPoint presentation thus communicates the message that minority voters should be the focus of election fraud investigations and prosecutions, particularly under the new 2003 criminal prohibitions."

The lawsuit describes various investigative tactics used by Abbott's special unit, including an incident in which two state police officers were seen by Meeks "peeping at her through her bathroom window" while she was taking a bath on August 10, 2006. "She later learned that these two persons were investigators with the office of the defendant Attorney General Abbott," the suit said.

Meanwhile, the secretary of state "fails to make clear that those who assist voters may be subject to criminal prosecution," the complaint said, underscoring the point that Abbott and Texas Secretary of State Roger Williams, also a Republican, were "engaging in a deliberate campaign to suppress the minority vote and discriminate against minority voters."

"That is the whole scheme of the plan," said Dorothy Dean, the longtime Dallas-Ft. Worth campaign worker. "Get it so complicated that the Democrats will stay at home, so they will be confused ... A lot of these older people will be like, 'Oh, I guess I can't vote this year because I don't have my neighbor that can help me. She hasn't been here for two years.' That is really what is happening."

Dean said she has not been investigated by Abbott, but knows of others who have.

"There is one lady who used to be a precinct chair," she said. "I refuse to give her name because she almost had a nervous breakdown. She couldn't believe that all of her hard work as a precinct chair, and devoted to the party, that something like this would happen to her. She still to this day cannot get over it. She wants to be her precinct's chair again. But because of the law, she can't get it back."

Dean said the impact of the attorney general's campaign is much larger than the dozen people charged with voter fraud and the dozens more that have been investigated.

"You have to understand that this would be 20 to 30 percent of the voting ballots from the Democratic Party, because senior citizens cherish the right to vote," she said. "They remember the poll tax, having to pay it. And they want to vote."

Hamilton said the 2003 law and Abbott's prosecutions have prompted the Democratic Party in Dallas County to suspend a field program that once sent volunteers to voters' homes to help them fill out ballot applications so they could vote by mail.

"It is absolutely fair to say there is no field program for mail ballots," she said. "What happens now is, everything is by phone. They call up and request one. And then you call them back and say, 'Did you get it?' And they say, 'Well, I know I got something, but I wasn't sure what it was, so I threw it in the trash. Can you send me another one?' And then you send them another one, and then you call them back, and they say, 'Well, I got that one but I can't see it. What is the line I sign on?'

"So, do you see what I am saying? You are on the phone with a process with no field component to it," Dean said. "Not anymore."

While the center's lawsuit goes to court later this spring, some of Abbott's recent prosecutions have been thrown out of court. In early March, criminal charges against two *politiqueras* accused of unlawfully assisting elderly voters were dismissed by Hidalgo County Court Judge Jaime Palacios, according to *The Monitor*, McAllen's newspaper.

"In 2006, Attorney General Greg Abbott held up the Hidalgo County voter fraud case as an example of a successful voter fraud investigation that produced results," the paper's Web site reported on March 11. "His office did not return calls for comment." ■

Steven Rosenfeld is a senior fellow at Alternet.org and co-author of What Happened in Ohio: A Documentary Record of Theft and Fraud in the 2004 Election.

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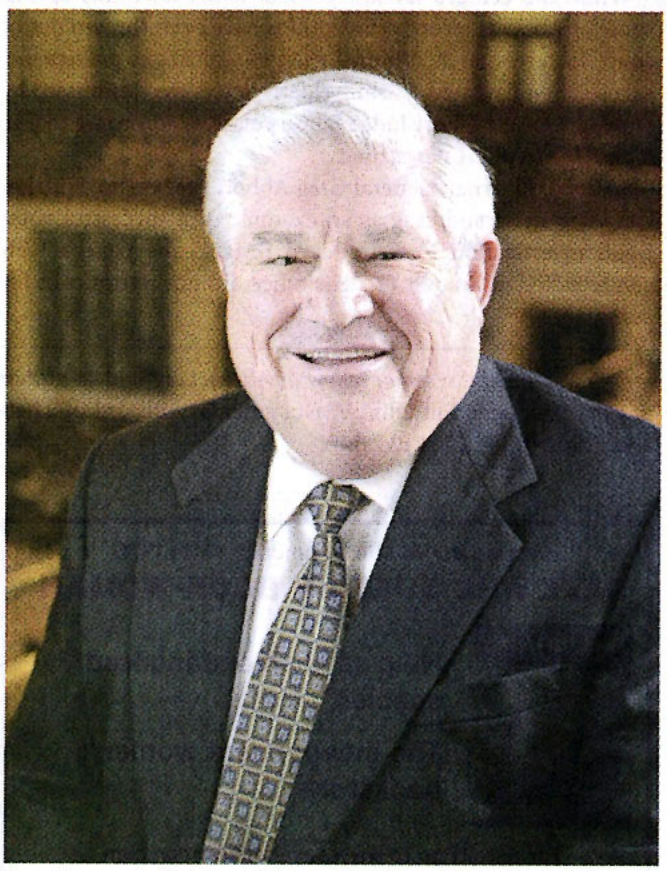
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Unconventional Wisdom

Texas Democrats endure another round of caucus chaos, and it may actually help the party.

By THE TEXAS OBSERVER STAFF



Texas Democratic Chair Boyd Richie *photo courtesy Texas Democratic Party*

The man who is perhaps best positioned to appreciate the ironies piled up around the ongoing Texas Democratic prima-caucus is state party Chair Boyd Richie. When Richie was elected in 2006, nobody could have predicted the wild primary season to come. In fact, during the 2007 legislative session Richie led the charge to move up the date of the Texas primary in a bid to increase the state's influence in the nominating process. It was a Republican, Lubbock state Sen. Robert Duncan, who blocked that move, and now, as Richie puts it, the state GOP is "sitting on the sidelines watching the parade go by."

With record-breaking Democratic turnout have come unprecedented headaches. The struggle to manage that surge was once again on display on March 29 at 279 county and senatorial district conventions. It was the second step in Texas' three-part caucus to determine how 67 delegates will be apportioned between Democratic presidential aspirants Barack Obama and Hillary Clinton.

Driven by excitement about the candidates and disgust with almost eight years of incompetent and corrupt administrations in Texas and Washington, about 100,000 Lone Star Democrats participated in the conventions. For the larger senatorial districts, the event took a minimum of 15 hours to complete. Some went until dawn. It was up to each county party organization to find a locale and raise the money to pay for the process. The diverse venues included a warehouse, a parking lot, and a dirt-covered rodeo arena. Almost all the conventions

featured long lines and mass confusion. Caucus-goers endured stupefying boredom punctuated by heated challenges over delegates, mostly played out before credential committees. In several places, police were called to restore order.

Yet through it all most delegates seemed to remain upbeat and excited by this history-making election. "I was concerned that in fact the crush of the numbers would just be so great that folks might lose some of that enthusiasm," said Richie. "From what I could tell it generated enthusiasm."

Delegates throughout the state began to arrive as early as 7 a.m. that Saturday morning. Extraordinary turnout meant long lines for delegates to pick up their convention credentials. The Collin County Democratic Party couldn't find a venue big enough and had to hold its convention a day late. In Pasadena, the International Brotherhood of Electrical Workers facility hosted Senate District 11 and its 1,200 delegates—five times more than had attended the 2004 convention.

In Austin, by 9 a.m. the traffic jam just to get into the Travis County Exposition Center—site of the senatorial conventions for districts 14 and 25—extended for miles. Those who didn't want to wait in their cars parked on the roadside and walked the rest of the way. The official schedule had optimistically set the Call to Order to begin at 10 a.m. A volunteer repeated mantra-like to the crowd as it trudged in: "The check-in has been extended indefinitely." It was still going on at noon.

The sign-in process was the most important aspect of the convention; it had to be performed correctly because the number of Obama and Clinton supporters who signed in determined the number of delegates each candidate sent to the state convention in June. For Senate District 10 in Fort Worth, the convention was held in the stands of the Will Rogers Coliseum's rodeo arena. The setting seemed appropriate: Party officials and convention volunteers—trying to deal with a dizzying array of problems—reminded one of bull riders holding on for dear life. The convention was supposed to start at 9:30 in the morning, but the sign-in process alone took five hours.

In addition to the huge turnout, organizers across the state wrestled with too many delegates. At least 400 delegates too many turned up at the District 10 convention. One of the culprits was the sign-in sheet state party officials gave to precinct chairs for March 4. The three-part form included a space for whether the caucus-goer was elected as a delegate or an alternate. The idea was that after everybody signed in, the caucus-goers would vote to determine the delegates and alternates. After that, the precinct chair would write a D or an A next to the appropriate names. But those who signed in thought the space was provided to indicate a preference. Many voters put Ds beside their names. Precinct chairs then failed to cross them out if they were not in fact delegates.

These forms, along with supplemental sheets recording the actual delegate selection, were then forwarded to the county party. Where a precinct might be allotted only a few dozen delegates, it sent hundreds of names to the party headquarters in Austin. With only a few weeks to wok with, the party had its hands full simply compiling the names into a master list. Those entering the data didn't want to disenfranchise anyone, so they just identified everybody who had a D by their name as a delegate. That list was then put on the Internet. On the Saturday of the senatorial convention everyone who thought they were a delegate showed up.

And while the lines were long for the bathrooms and for food, people didn't complain much. Instead, it felt like a block party, with people striking up conversations with their neighbors, friends, and complete strangers they had just met in the hallway.

Adding to the sign-in chaos was the poor state of the party's delegate list. A typical example occurred in Austin, where Deece Eckstein, a delegate and member of the credentials committee for Senate District 14, proudly wore his credential—which identified him as Delbert Einstein. Delegates competed to see who had the funniest mangled name. In Tarrant County, the list from the state party was so riddled with errors that officials scrapped it entirely and started over by combing through each precinct's original paperwork. This organizing on the fly on convention day produced predictably chaotic results. By late afternoon, the credentials committee, working in a back room behind the rodeo ring, was so besieged by angry and confused delegates that committee members called in Tarrant County sheriff's officers to guard the door. Everyone was kept out, including reporters.

Meanwhile, out in the arena, delegates—some of whom had already waited for six or seven hours—staged a mini-revolt. They grabbed microphones and peppered the convention chair—who was reading proposed convention resolutions—with angry comments and parliamentary inquiries. "A lot of us are getting fed up with the lack of organization of this thing," one delegate shouted into a mic. Eventually, the chair had to stop recognizing speakers, though enraged delegates kept shouting into microphones positioned around the arena until the mics were turned off. Such hostility must have been unnerving for party officials, especially considering that the Fort Worth Gun Show was taking place in an adjacent building. "This is embarrassing," said one frustrated Obama delegate. "This is embarrassing for Tarrant County."

Other county conventions decided the easiest route to compiling a delegate list involved redoing the election night caucuses precinct by precinct. This further delayed the process.

During the day, the waiting and logistical difficulties took their toll. The air conditioning automatically shut off at 5 p.m. at Arlington's Senate District 9 location at Tarrant County College's Southeast Campus, with hours of work remaining. At Houston's Sam Houston Race Park, it took until noon for many delegates to find their precinct's seating areas. With



Team Hillary delegate in Houston's Senate District 6 *photo by Emily DePrang*

some precincts inside the pavilion and others sprawling outside, the sound system failed to reach everybody. The convention adjourned at 1:30 a.m., not because delegates had finished their work, but because security asked them to leave since the park was closed. At one point, the San Antonio Fire Department threatened to shut down the Senate District 19 convention in that city because it had exceeded the capacity of the warehouse where it was held. Half of the convention ended up meeting outside in the parking lot, much to the chagrin of a wedding party next door.

In Pasadena, District 11's leaders quickly realized that the facility had an inadequate number of women's restrooms, so they decided that periodically, the men of the convention would simply not use the restroom so as to share space with the women. "I wasn't sure we could pull all this off, because we had all new people," said Doug Peterson, the district chair. "But it was really neat."

The most surprising thing about the Senate District 25 Democratic County Convention in San Antonio was not the chaos, but the feeling of goodwill. The historic Municipal Auditorium was packed with Democrats from all walks of life–every one of them energized by two history-making presidential candidates.

Ian Straus, organizer of the Senate District 25 convention, estimated about 2,000 participants attended. "In previous conventions I chaired, I had 50 or 30 people there," he said. "This was the largest turnout I'd ever seen." And while the lines were long for the bathrooms and for food, people didn't complain much. Instead, it felt like a block party, with people striking up conversations with their neighbors, friends, and complete strangers they had just met in the hallway.

Asked for his favorite anecdote from the day, state Chair Richie recalled walking out the back of the Senate District 16 convention, held at the Moody Coliseum in Dallas, to the sight of delegates tailgating. "They were just having a grand time," he said.

Some of the delegates Richie encountered on his tour of the conventions in Dallas and Tarrant counties vowed to hold block parties to reunite with their neighbors. The need for unity after the intense rivalry between Obama and Clinton was a constant refrain. Former Dallas Mayor Ron Kirk, an Obama supporter, reminded the crowd in Austin of an African proverb he likes to recite: "Two people in a burning house don't have time to argue."

It's a mantra Congresswoman Sheila Jackson Lee might start repeating. Jackson Lee had the distinction of being booed at all three senate district conventions in Harris County at which she spoke. The congresswoman supports Clinton, though judging by the prima-caucus votes, the vast majority of her constituents are enthusiastically for Obama. According to one African-American politico in Houston, there is already an effort under way to find a challenger for her seat in 2010.

Despite the we're-all-Democrats-here line, there were plenty of arguments and attempts to game the system. The state party distributed an e-mail prior to Saturday with a list of convention locations after receiving reports of people calling and telling delegates from opposing campaigns that their conventions had been moved or canceled. "Both campaigns did the best they could to try and make sure that their side got there and the other side didn't," Richie said.

The state party also put out an advisory urging the conventions not to stack the credentials committees, which ruled on challenges to delegates, but to instead divide the membership evenly between the two campaigns. Richie said the party sent trained parliamentarians to the larger conventions to advise the committees. Where delegates treated each other fairly, the conventions seemed to move more smoothly and quickly.

In Travis County, the committees patiently worked through the problems. In precincts with too many delegates, members were told that they had to decide who would get to stay; if they didn't, the committee would pick the names out of a hat. "People get all heated, and they want their candidate, but if you kind of force them to be fair, they're fair," said Reggie James, who served on the credentials committee for Senate District 25.

The mood at many Houston conventions was not as calm. All day and into the night, the delegates of Senate District 13, which met at Thurgood Marshall High School, called points of order to suspend the rules and debate the presence of a quorum, hoping to influence the delegate count. After hours of intense debate, the district's 341 delegates were allocated the same way they had been in the morning's tally: 69 for Clinton, 272 for Obama.



Spanish-language poster for Obama *photo by Emily DePrang*

Pasadena's Senate District 11 convention ended early by comparison, at 12:30 a.m. Before adjourning, district Chair Peterson passed around a clipboard to record the names of the 66 people still present. "From now on," he told them, "you'll be known as the hardest of the hardcore."

The caucuses were long thought to favor Obama, and by 9:30 in the evening on Saturday, his campaign released a statement crowing about a projected result of 38 to 29, giving the Illinois senator a five-delegate overall advantage over Clinton in Texas. The Clinton campaign didn't respond until Sunday, cautioning that the process wasn't over and the numbers could change at the state convention.

Some delegates are already steeling themselves for the fight to come. At least 40 voters said they are going to file a legal claim against Hidalgo County Democratic Chair Juan Maldonado for sending "political insiders" to Austin as at-large delegates.

David Garza, a real estate investor in McAllen, said that several elderly and handicapped people waited more than 12 hours to be nominated as at-large delegates. According to Texas Democratic Party rules, these slots are supposed to be reserved for the elderly, handicapped, gay and lesbian, and other minorities to ensure diverse participation in the state and national Democratic conventions. At least 500 people, mostly Clinton supporters, were vying for these 17 slots.

"There was a 90-year-old woman with a walker and several other elderly women," Garza said. "And there were gay and lesbian voters who also waited for several hours."

What happened, however, according to Garza and participant Ester Salinas, was that Maldonado appointed his assistant, his nephew, the Hidalgo County judge, and several other prominent community members to the at-large delegate slots. Garza said at least 50 people chanted "no" as the names were read out. As the group protested, Maldonado hastily adjourned



Houston Congresswoman Sheila Jackson Lee *photo by Emily DePrang*

the convention.

Three days after the convention, about two-dozen protesters gathered outside Maldonado's office to protest what Garza called "the old political backroom deals" that selected the at-large delegates. Preston Henrichson, an Edinburg attorney and parliamentarian during the convention, defended Maldonado, telling the news media that the problems stemmed from the large number of people who wanted to be delegates.

Maldonado declined the *Observer's* request for comment. Richie said that such challenges will be taken up by the state credentials committee at the state convention, set to begin June 5 in Austin. In El Paso and other places, it appears that separate elections were held to choose alternates, which would have been a violation as well. "I did hear stories that instead of having the top vote-getter be the delegate and the next one be the alternate, they conducted separate elections rather than just having one vote," he said. "There is no question in my mind that those will be the subject of challenges at the state convention credential committee."

About 7,300 delegates are expected to go on to the state convention. The competition for spots may grow even fiercer in June, even though by then the nomination may well be decided by the votes of the remaining primaries, which will be concluded by then. Texas delegates will be fighting for the right to go to Denver for the national convention in late August. "This really is a historic process now," Richie said. "The first viable female candidate for president and the first African-American for president—and I think one of them will be president. People want to be a part of that. They want to be a part of history."

Sure to be part of the state convention as well will be a debate about whether to scrap the caucus process altogether. Ironically, among those clamoring to do away with the caucuses will be first-time participants brought to the table by the very process they hope to eliminate.

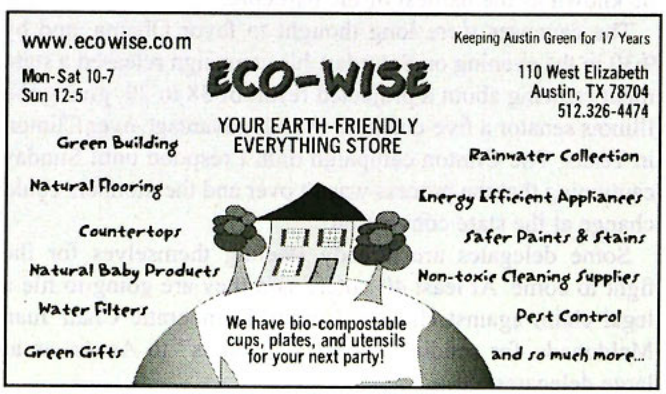
Richie admits that he can see reasonable arguments, both to retain the caucuses and to eliminate them. It would certainly be easier for the party, logistically, just to have a primary. The caucuses do exclude some participants, who cannot afford to dedicate the time required. On the other hand, the party now has the names of hundreds of thousands of energized Democrats it didn't know existed before March 4. "I think one of the things I enjoyed was that people told me that at first they were just overcome by the numbers and then it dawned on them 'where will I get the opportunity again to see this many of my fellow Democrats face to face in one place,'" Richie said. This is true particularly in rural areas where Democrats are more isolated.

Even if the caucus system is not eliminated, Richie acknowledges the need for updating. For example, modern technology at the precinct level would help. More time between the caucus and the state conventions—a change that would have to be initiated in the Legislature—would give the party more time to organize.

At press time, Richie was trying to form a committee, likely to be chaired by Dallas state Sen. Royce West, to hold hearings around the state to gather input from grassroots Democrats. There are also plans to send a survey out to delegates statewide. Ideally, Richie would like to begin that process before the convention, although he hopes there will not be a rush to judgment in June.

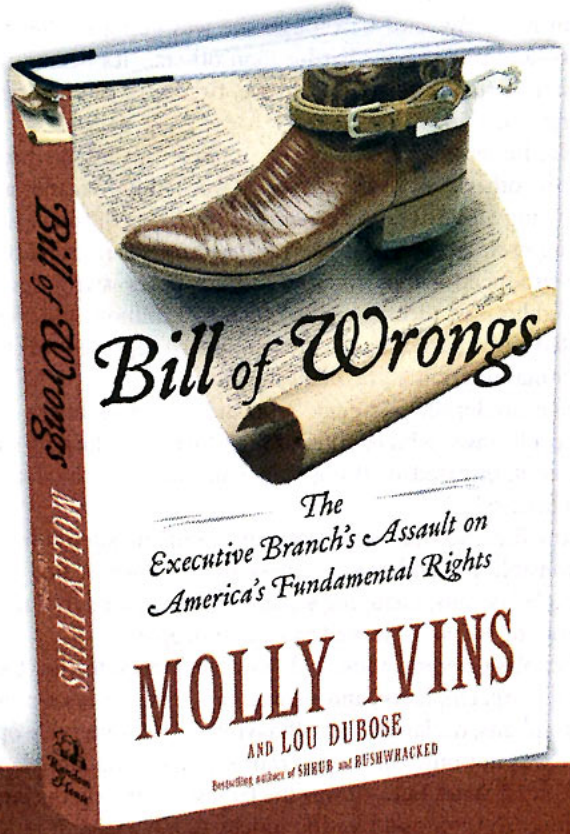
"We have another two years before the next state convention, and obviously four years before the next presidential year, so whatever changes need to be made—whether they are fundamental in terms of doing away with the caucus, or retain it and change some of the mechanics—is something that we need to take our time and look at," Richie said. "We want to make sure we get it right. I think there needs to be a very calm, deliberative approach to this." ■

Emily DePrang contributed to this report from Houston.



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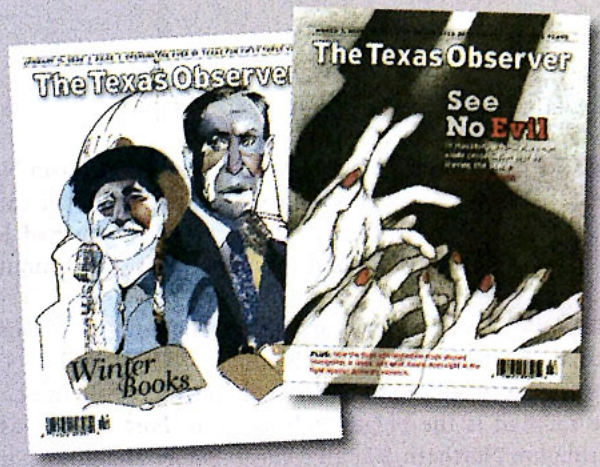


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FEATURE

Creosote Blues Revisited

Nearly 30 years later, a wood-treatment facility continues to stain Somerville.

By PAUL SWEENEY

Dennis Davis' uncle died in his arms on New Year's morning in 2005. Cancer had eaten away Don Hightower's face. "He had lost his nose and the upper part of his mouth," Davis said.

A few years earlier, Hightower had won a mediation settlement against his employer, BNSF Railway Co., North America's second-largest railroad, "for disfigurement." The railroad is the biggest subsidiary of Fort Worth-based Burlington Northern Santa Fe Corp. Before Hightower died, he made Davis promise he would seek justice for other workers at the company.

Davis began a door-to-door inquiry into the health of his community of Somerville. He discovered that almost every household in this sleepy railroad village of roughly 1,700 people, situated about halfway between Austin and Houston, was coping with premature death, cancer or birth defects.

"It seemed as if every family was dealing privately with something horrible," he said. "I thought that something catastrophic had definitely been taking place."

His neighbors had stories that were eerily similar to his own. In addition to his uncle, Davis' father died in 1989 at age 58 "when his heart blew up on him," Davis said. There was no autopsy, so whether the elder Davis had cancer remains an open question.

Not so with his brother, Alvin Dale Davis, "who never smoked a cigarette in his life." Alvin Davis died in 1998—a month shy of his 46th birthday—of a stomach cancer that metastasized into his spinal cord and brain.

A month after his brother's death, Davis' youngest daughter gave birth to her first child. According to Davis, his grandchild, a girl born on December 2, 1998, suffered from a birth defect: Her intestines were not properly connected to her stomach. Airlifted to Scott & White Hospital in Temple for surgery, the child survived. She is alive today, but at 9 years old, "she struggles and can't run or play like other kids," Davis said.

Davis himself was diagnosed with pancreatic cancer in November 2006 and has undergone chemotherapy and radiation treatment. At one point, he said, "15 gallons of fluid built up in my belly" and he thought he was going to die. Some days—and nights—are harder than others. "It's been a roller-coaster of staph infections, fatigue, tiredness, not having any energy," he said.

Like his brother, Davis never smoked. But he, his brother, and the other men in the family all worked for decades at the sprawling wood-treatment plant in the heart of town, which touted itself as the world's largest producer of railroad ties. It also produced bridge supports, utility poles, signposts, and treated lumber, turning out as much as 8 million cubic feet of treated wood each year. The *Observer* first reported on chemical contamination at the plant in 1980.

Even Somerville residents who did not work at the plant, especially wives who laundered their husbands' heavily soiled and contaminated clothing, came in constant contact with the chemicals.

Now the question of whether the company should be held responsible for endemic sickness in the town is tied up in multiple lawsuits, including a class action suit filed in Burleson County on behalf of more than 2,500 people.

Nicholas Cheremisinoff, a chemical engineer, former Exxon Mobil Corp. employee, and a consultant to attorneys representing residents, declared in an affidavit that the Somerville operation "was not only the largest railroad tie-producing plant in the United States but ... it was the largest, or among the largest, polluters in the wood treating industry.

"The Somerville plant is a classic example of a facility that flew under the radar screen of the regulators for years," Cheremisinoff wrote. He charged that the railway company obtained grandfathered licenses "in a deceptive manner" for decades, which enabled it to "continue polluting until it sold the facility."

Owned for most of the last century by Atchison, Topeka and Santa Fe Railway Co., the tie plant has been in continuous operation since 1904. In 1995, Burlington Northern paid $4 billion to merge with what had become Santa Fe Pacific Corp. to form BNSF. That same year, Pittsburgh-based Koppers Industries Inc. purchased the plant.

To make wood resistant to insects, fungi, spores, rodents,

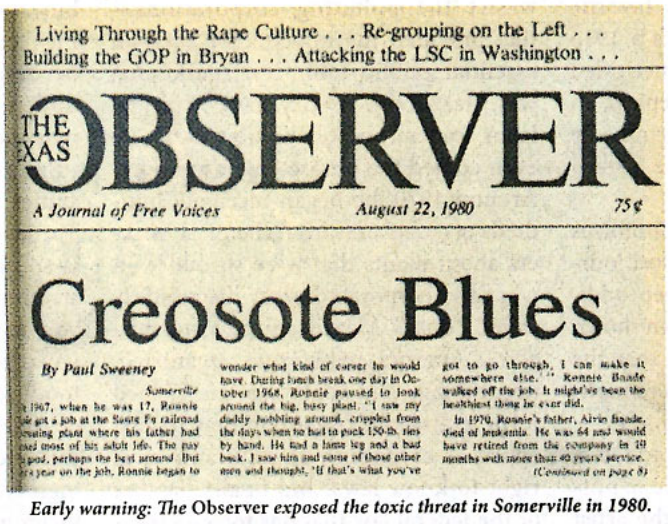
and the corrosive forces of weather, the production process involved pressure-soaking wood at high temperatures in a bath of chemicals, including creosote and coal-tar pitch, pentachlorophenol, or PCP, and chromated copper arsenate. The operation also used the solvent naptha to remove water and sap from wood in high-temperature pressure vessels.

All these chemicals are toxic and associated with serious health problems; many have been linked to cancer and birth defects in humans and laboratory animals. Their dangers have been known for decades. Almost 28 years ago, the *Observer* published a cover story, "Creosote Blues," on contamination problems at the plant. The story detailed the dangers of creosote and other chemicals used at the facility, including dioxin, exposure to which can cause cancer and birth defects, among other ailments.

The railway company issued hard hats and maintained a plant safety committee that cut down on accidents such as falls, burns, and cuts. But it never warned workers they should wear neoprene gloves, aprons, respirators, and other protective gear, or that they needed showers, hand-washing areas, and clean work clothing.

"Over the entire period of ownership," Cheremisinoff charged, the railway "kept both the public and its workers misinformed and uneducated on the toxic and hazardous nature of its pollution. It is a company that refused to invest a penny in the proper control of technologies that were readily available and intended to protect the public and workers from toxic wastes and pollution."

A BNSF spokesperson declined to comment, instead directing the *Observer* to a company-owned Web site, somervillefacts.com. "The plant has operated consistently with applicable laws and regulations and it continues to maintain strict safety and environmental standards," the site's home page states.



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THE TEXAS OBSERVER

A Journal of Free Voices — August 22, 1980 — 75¢

Creosote Blues

By Paul Sweeney

Somerville

In 1967, when he was 17, Ronnie got a job at the Santa Fe railroad treating plant where his father had spent most of his adult life. The pay was good, perhaps the best around. But after a year on the job, Ronnie began to wonder what kind of career he would have. During lunch break one day in October 1968, Ronnie paused to look around the big, busy plant. "I saw my daddy hobbling around, crippled from the days when he had to pack 150-lb. ties by hand. He had a lame leg and a bad back. I saw him and some of those other men and thought, 'If that's what you've got to go through, I can make it somewhere else.'" Ronnie Baade walked off the job. It might've been the healthiest thing he ever did.

In 1970, Ronnie's father, Alvin Baade, died of leukemia. He was 64 and would have retired from the company in 19 months with more than 40 years' service.

(Continued on page 8)

Early warning: The Observer *exposed the toxic threat in Somerville in 1980.*

Dennis Davis, who once had been chairman of the safety committee at the tie plant, asked the superintendent around 1987 whether creosote was harmful. "He said it wasn't nothing in it that could hurt you," Davis told a Fort Worth courtroom last January, appearing as a witness in a $6 million personal injury suit against BNSF brought by Linda Faust, wife of longtime plant worker Donnie Faust.

Faust blames her stomach cancer on the toxic chemicals on the clothes she laundered almost daily for her husband, as well as on the polluted environment. A Fort Worth jury found otherwise in a 10-2 decision.

Jurors were conflicted: Press interviews showed most jurors tilted toward the company because Faust had smoked half a pack of cigarettes daily and suffered from a stomach virus. Railroad attorneys portrayed the linkage of chemicals to cancer as "junk science."

The courtroom, however, served as a forum to air practices at the plant. Employees testified that their clothes were regularly soaked through with foul-smelling, gummy creosote. So poor were hygiene facilities that they had the substance on their hands as they ate. Sam Barkley, plant superintendent from 1971 to 1986, testified that while he attended companywide safety meetings in Chicago, he didn't remember hearing about any health dangers associated with creosote, or seeing any specific documents such as "material data safety sheets."

Donnie Faust testified about routine, nightly incineration of creosote-soaked wood chips and sawdust, when thick, black smoke would not be visible. While the plant was required by permit to burn treated wood at a "metered" rate, "you'd just burn it as fast as you could."

An 18-year veteran at the plant, Bobby Urbanowsky, testified that he thought it was deceptive to burn treated wood at night but "you did what you were told ... you didn't cause no flak and get in trouble."

The jury was told about what was known as "The Santa Fe Flush." Donnie Faust testified that when the sludge ponds were filled with debris and "the bugs, microorganisms, wouldn't eat up all of the bacteria," plant operators would wait for a heavy rain. Then workers would "open valves" and allow contaminates to course into Thompson's Creek, which ran alongside the plant and through the town.

When the Environmental Protection Agency and other government authorities came through, their inspections were invariably announced ahead of time. "We always knew they were coming," Urbanowsky testified. And Donnie Faust told the court, "We did major cleanups. We put on a good show for them."

Urbanowsky testified that in answering a query from inspectors, he once told them "treated material had been buried on the outside layers of the plant." Afterward, V.E. Welch, the plant superintendent, "told me I needed to keep my mouth shut," Urbanowsky said.

In 2003, the European Union ordered a ban on creosote in the wood-treating process; the U.S. has yet to follow suit. Just in the last quarter of 2007, Burlington Northern earned $517 million. ■

Longtime Observer *contributor Paul Sweeney authored the magazine's 1980 cover story "Creosote Blues."*

Hidden Facts, Apocryphal Tales

HORSE THIEF GEORGE We've learned the hard way over the past seven years that George W. lives in his own world—a place in which reality is whatever he wants it to be and facts aren't allowed to intrude.

We should have known this from the start of his White House tenure, for he practically painted a picture for us. More accurately, he showed his predilection for delusion by hanging his favorite painting in the Oval Office. It's a 1916 cowboy scene by W.H.D. Koerner titled "A Charge to Keep," and it depicts, in Bush's words, "a horseman determinedly charging up what appears to be a steep and rough trail."

In Bush's head, that rider epitomizes George's own courageous political journey, dashing ahead against steep odds. Indeed, many visitors who've been shown the painting have commented that the hard-charging character bears a remarkable resemblance to George himself.

Over the years, Bush has added a Christian morality tale to the painting's narrative, declaring that the artist based it on a Methodist hymn, and that the indomitable horseman is really a circuit-riding minister rushing passionately ahead to spread the religion of Methodism (which happens to be George's chosen faith).

It's all very inspiring, except for one small detail: It's not true. It turns out that Koerner painted the work to illustrate a *Saturday Evening Post* short story entitled "The Slipper Tongue." The story is about a slick-tongued horse thief, and Koerner's painting—far from illustrating bold moral leadership—depicts the horse thief fleeing a lynch mob.

So when Bush says that he sees himself in the painting, he might inadvertently be revealing the truth.

WHAT'S THAT SMELL? If you live near a factory or chemical plant, you might have noticed curious smells. What is that stuff?

Thanks to a guy named Tony Mazzocchi, we have a legal right to know. The Environmental Protection Agency's national right-to-know program, which dates from 1984, provides precise data on toxic releases, information that's invaluable to firefighters, health specialists, environmental monitors, community advocacy groups, and others.

It wasn't Congress—and it certainly wasn't the polluting corporations—that provided the impetus for such an essential public tool. The spark plug was Mazzocchi. A wiry, savvy, spirited labor leader (one of the best ever), he even coined the phrase "right to know." Around 1970, he began receiving hundreds of complaints from chemical workers about plants that were shrouded in what the corporate bosses dismissively called "dust." Mazzocchi barnstormed across America, publicizing, organizing, negotiating, and lobbying. He helped form grassroots coalitions that gained approval of dozens of state and local right-to-know laws, and finally passage of the federal law that has forced cleanups and saved thousands of lives.

In 2001, George W. began to undo Mazzocchi's work. At the behest of corporate executives who hate the pesky public, Bush's regulators have exempted some 3,500 toxic spewers from the right-to-know law.

This is one of the first bits of regulatory monkey-wrenching that Congress and a new president must reverse. If they need inspiration to do the right thing, they should read the book on Mazzocchi's extraordinary life (he died in 2002). It's titled *The Man Who Loved Labor and Hated Work.*

THE FINE PRINT It's time for another trip into the far-out frontiers of free enterprise.

Today Spaceship Hightower takes you on a perilous journey into the dark hole of commerce known as "The Fine Print." Our intergalactic guide is *Consumer Reports* magazine, which always reads the fine print and reports on it monthly.

Take a squint at an ad for an exercise device, for example. It depicts before-and-after photos of a guy who has gone from chubby to svelte. It's obvious, however, that they simply superimposed the "before" guy's head on the "after" guy's body. Still, the ad copy tells potential buyers that the two photos are "genuine" and "unretouched." How can that be? A little footnote explains it: "Reader understands that by 'unretouched,' we may mean slightly altered."

Let's move on to a bright star of consumer brand names, Crest toothpaste. The label proudly proclaims, "This Crest is specially formulated to help prevent staining." Excellent, you might say—until you read the tiny type, which informs you that the active ingredient in the tooth goo "may produce surface staining of teeth." Still, the company asserts that this product has a "unique whitening ingredient" to remove stains—apparently including stains the toothpaste causes!

Here's another fine-print twist to cause consumer alarm. Nips candy changed its packaging last year to include a bold box on the front proclaiming "Value Pack!" Always beware when corporations claim to give you a good deal. Sure enough, the new package of Nips contains only 4 ounces of candy—27 percent less than the old package. The price, however, didn't drop by even a penny.

Then there's the coupon offering "10 percent off" on a service call. Except the fine print reads, "Not valid on service calls." Be careful out there. ■

For more information on Jim Hightower's work—and to subscribe to his award-winning monthly newsletter, The Hightower Lowdown—visit www.jimhightower.com. His newest book, with Susan DeMarco, is Swim Against the Current: Even a Dead Fish Can Go With the Flow.

HOLY LANDERS

Listen!
You are fighting over a land that can fit,
with wilderness to spare,
in the Panhandle of Texas.

You are building walls to segregate,
splitting wholes till little is left,
killing and dying for pieces of sky
in the same window.

The olive trees are dying
of embarrassment.
They have enough fruits
and pits for all of you.
All they want is for you to stop
uprooting them.
Sending your children to die
in their names.

Listen!
Your land is no holier than my backyard.
None of you is any more *chosen*
than the homeless veteran panhandling
with a *God Bless* cardboard sign
at the light of Mecca
and San Pedro.

Draw a borderline around the place.
Call it home for all the living,
all the dead,
all the tired exiles with its dust
gummed on their tongues.

There are no heroes left.

—Assef Al-Jundi

SARTRE: COURTING SIMONE

What if
the mystery proves
to be nonresponsive?

What if the mystery
doesn't see
or hear
or feel?

What if we are made
in the image
of oblivion?

What if we
are alone?

What if I
pray to you?

—Constance Campbell

ASSEF AL-JUNDI, originally from Syria, is a retired engineer living in San Antonio who writes, travels, and hikes. CONSTANCE CAMPBELL's poems have appeared in *Borderlands: Texas Poetry Review* and *Lilliput Review*. She lives in Austin.
—Naomi Shihab Nye



The archivist as treasure seeker: Bill Wittliff photographed by Keith Carter

The Serendipity Wrangler

Bill Wittliff and the Southwestern Writers Collection

By STAYTON BONNER

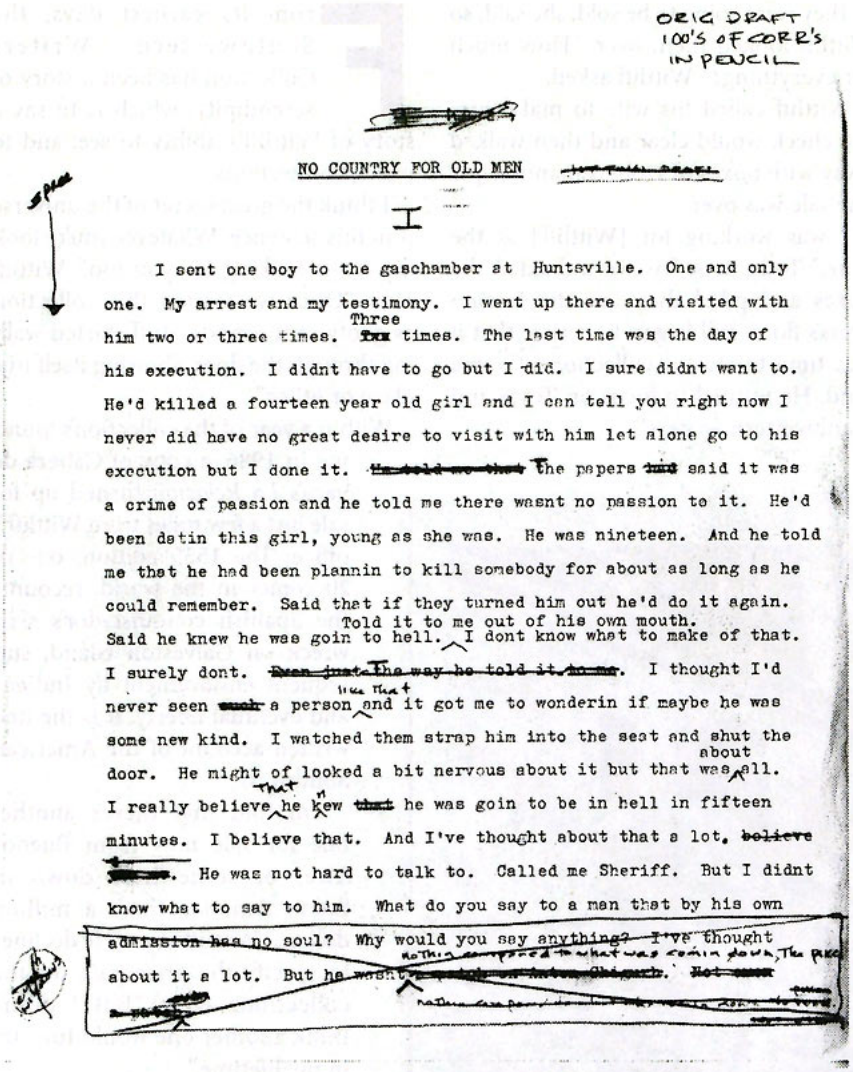
The Southwestern Writers Collection is located on the top floor of the Alkek Library on the Texas State University campus in San Marcos. White walls, wooden doors, Saltillo tile floors and Indian rugs give its exhibit halls and conference rooms the feel of an adobe church. The collection's archive houses the papers and artifacts of regional writers, filmmakers, musicians, and photographers. Robert Duvall's *Lonesome Dove* costumes and Willie Nelson song lyrics jotted on restaurant napkins are among the treasures in its temperature-controlled vault, as are the collection's newest gems: Cormac McCarthy's manuscripts and working papers. At the entrance stands political cartoonist Pat Oliphant's larger-than-life, full-body bronze sculpture of Glen Rose writer John Graves. The piece was commissioned by collection co-founders Bill and Sally Wittliff, and Bill took the photo on which the sculpture is based.

"The collection was set up so writers could be seen as human beings, not as stick figures," Wittliff says. "J. Frank Dobie's collection is what essentially started it. We've got his pipes, his Stetson, his funny shoes. We've got his white suit. We've got his typewriter. We've got his fountain pen that he used to write the morning he died. But all of those things, I think, add up to an image of the full guy."

Wittliff's Austin office is a microcosm of the Texas State collection itself. One of John Graves' paddles from his *Goodbye to a River* canoe trip hangs on the wall. Crammed bookshelves jostle with soon-to-be-hung paintings for floor space. Wittliff's black standard poodle and his assistant Amanda's labrador navigate piles of photographs, manuscripts, and letters.

"There's all kinds of stuff," Wittliff says, rummaging in a corner. "My mother said I was a 'pilot.' I'd pile it here and then I'd pile it over there."

Abandoning a search for some hidden treasure, Wittliff sits behind his desk and smiles. With his gray hair, beard, and


ORIG DRAFT
100'S OF CORR'S
IN PENCIL

NO COUNTRY FOR OLD MEN

I

I sent one boy to the gaschamber at Huntsville. One and only one. My arrest and my testimony. I went up there and visited with him two or three times. Three times. The last time was the day of his execution. I didnt have to go but I did. I sure didnt want to. He'd killed a fourteen year old girl and I can tell you right now I never did have no great desire to visit with him let alone go to his execution but I done it. The papers said it was a crime of passion and he told me there wasnt no passion to it. He'd been datin this girl, young as she was. He was nineteen. And he told me that he had been plannin to kill somebody for about as long as he could remember. Said that if they turned him out he'd do it again. Told it to me out of his own mouth. Said he knew he was goin to hell. I dont know what to make of that. I surely dont. I thought I'd never seen a person like that and it got me to wonderin if maybe he was some new kind. I watched them strap him into the seat and shut the door. He might of looked a bit nervous about it but that was all. I really believe that he knew he was goin to be in hell in fifteen minutes. I believe that. And I've thought about that a lot. He was not hard to talk to. Called me Sheriff. But I didnt know what to say to him. What do you say to a man that by his own admission has no soul? Why would you say anything? I've thought about it a lot. But he

"There's a certain amount of arrogance in being a writer. They don't want to think of their archives as going into the garbage heap when they're gone."

Edited manuscript page from Cormac McCarthy's **No Country For Old Men.**

a button-down shirt emblazoned with Royal Wulff fishing flies, his appearance is as august and unkempt as his office.

"On one hand, the collection is a place of preservation," Wittliff says. "But on the other hand, it's a place of inspiration. Young writers or people with the itch to write can come in and see that all these guys are just folks who have the urge to create and to work their asses off at it. I absolutely know that if I had gone into a place like that when I was 16 or 17 or 18 and seen John's manuscript or McMurtry's or Cormac's or whatever, and seen them scratched out and struggling to find just the right word, just the right sentence to express their thoughts, I'd have said, 'Well, shit. These guys are working. I mean, I can do that.'"

As a child who was frequently moved around Central Texas, Wittliff sought out front-porch storytellers. "It was a way of belonging," Wittliff remembers. "I wanted to belong."

A love of books was a natural progression.

"Bill had always been interested in books, but not had access to very many of them," Sally says of her husband. "His mother married a guy who was a retiring cowboy. They moved to Blanco. He had some books. One of them was a Dobie book. Bill picked it up and discovered a story between those hard covers that his grandfather had told him. He said that lightbulbs went off in his head. That was the first time he realized that the stuff of his place and his life might be worthy of being on pages."

Wittliff earned an advertising degree from the University of Texas and then decided that wasn't the world for him. After a stint at Southern Methodist University Press in Dallas, he returned to Austin, where he and Sally founded Encino Press in 1964, publishing Southwestern writers and subjects.

"Starting the Encino Press was a way of being involved with books without being at risk personally," Wittliff says. "Later, when I got more confident, I was willing to take my clothes off and lay down on the table. Which is what it is when you're writing and really going for it."

Though Encino Press was successful, Wittliff eventually wanted a change in

career.

"We started the press when we were just children, really," Wittliff says. "Right out of school. It was a little mom-and-pop organization. It was great fun, and it worked. We were actually making a living. Basically, one day I was sitting there and I thought, 'Well, today is just like yesterday. And tomorrow's going to be like today, too.' And then I thought, 'Jesus, this is stagnant.'"

In 1969, Wittliff traveled to Mexico and photographed vaqueros working in the traditional ways. His pictures eventually added up to a traveling exhibit and book entitled *Vaquero*. He wrote a screenplay called *Thaddeus Rose and Eddie*, which was made into a CBS movie starring Johnny Cash. Francis Ford Coppola hired Wittliff to work on the script for *The Black Stallion*, cementing his career in the industry. Over the years, his screen credits have included *Raggedy Man*, *Lonesome Dove*, *Legends of the Fall*, and *The Perfect Storm*.

Because Encino Press had specialized in regional material about Texas and the Southwest, the Wittliffs got to know almost everybody in local literary circles, and those friendships played a supporting role in the genesis of the Southwestern Writers Collection.

"We had the relationships with the people," Sally says. "There's a certain amount of arrogance in being a writer. They don't want to think of their archives as going into the garbage heap when they're gone."

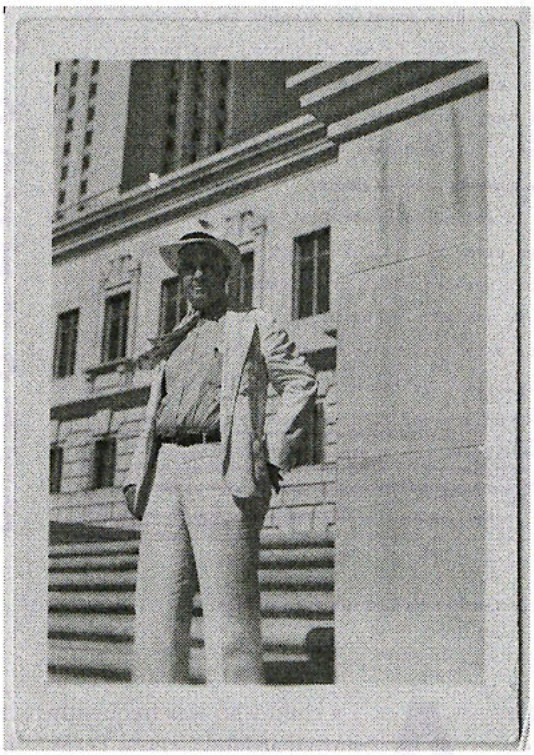
Writers Collection curator Connie Todd recalls that J. Frank Dobie's secretary inherited the writer's house and its contents. The day before she began selling off the contents, in 1985, she called Wittliff.

"Because of Bill's publishing house and screenwriting, the Texas literary scene knew him and trusted him," Todd says. "So he was sitting at Dobie's desk, writing a check for it, when he looked over in the corner and saw a pile of boxes. The secretary said they were the last of Doctor D's writing archives."

They were going to be sold, she said, so Wittliff looked them over. "How much for everything?" Wittliff asked.

Wittliff called his wife to make sure the check would clear and then walked away with boxes of Dobie's manuscripts. The sale was over.

"I was working for [Wittliff] at the time," Todd says. "As we unloaded the boxes and piled them on the Encino Press's floor, Bill began to realize that it was time to start a collection of some kind. He wanted to focus on Texas and Southwestern writers."



J. Frank Dobie, whose archives seeded Wittliff's collection.

Dobie, Wittliff says, made the case that Texas was a valid subject for writers as long as they weren't provincial. "There was a moment in time when that was an unusual thing to recognize," he says. "He saw how it fit with other things in the world."

Wittliff had spoken to Texas State classes about screenwriting, so he approached the school about putting Dobie's papers there. He also offered to explore more acquisitions if Texas State offered some space and a curator. "That was when it all started," she says, "almost 22 years ago."

From its earliest days, the Southwestern Writers Collection has been a story of serendipity, which is to say a story of Wittliff's ability to see, and to make, connections.

"I think the great secret of the universe is in this sentence: Whatever you're looking for is looking for you too," Wittliff says. "Once we started this collection, as goofy as it sounds, stuff started walking through the door, showing itself one place or other."

Within a year of the collection's founding in 1986, a copy of Cabeza de Vaca's *La Relación* turned up for sale just a few miles from Wittliff's office. The 1555 edition, one of 20 copies in the world, recounts the Spanish conquistador's shipwreck on Galveston Island, subsequent enslavement by Indians, and eventual liberty. It is the first written account of the American Southwest.

"I'm told that there's another one for sale now from Buenos Aires or somewhere down in South America that's a million dollars," Wittliff says. (He declines to specify the price paid for the collection's copy). "But I didn't think another one would turn up in my lifetime."

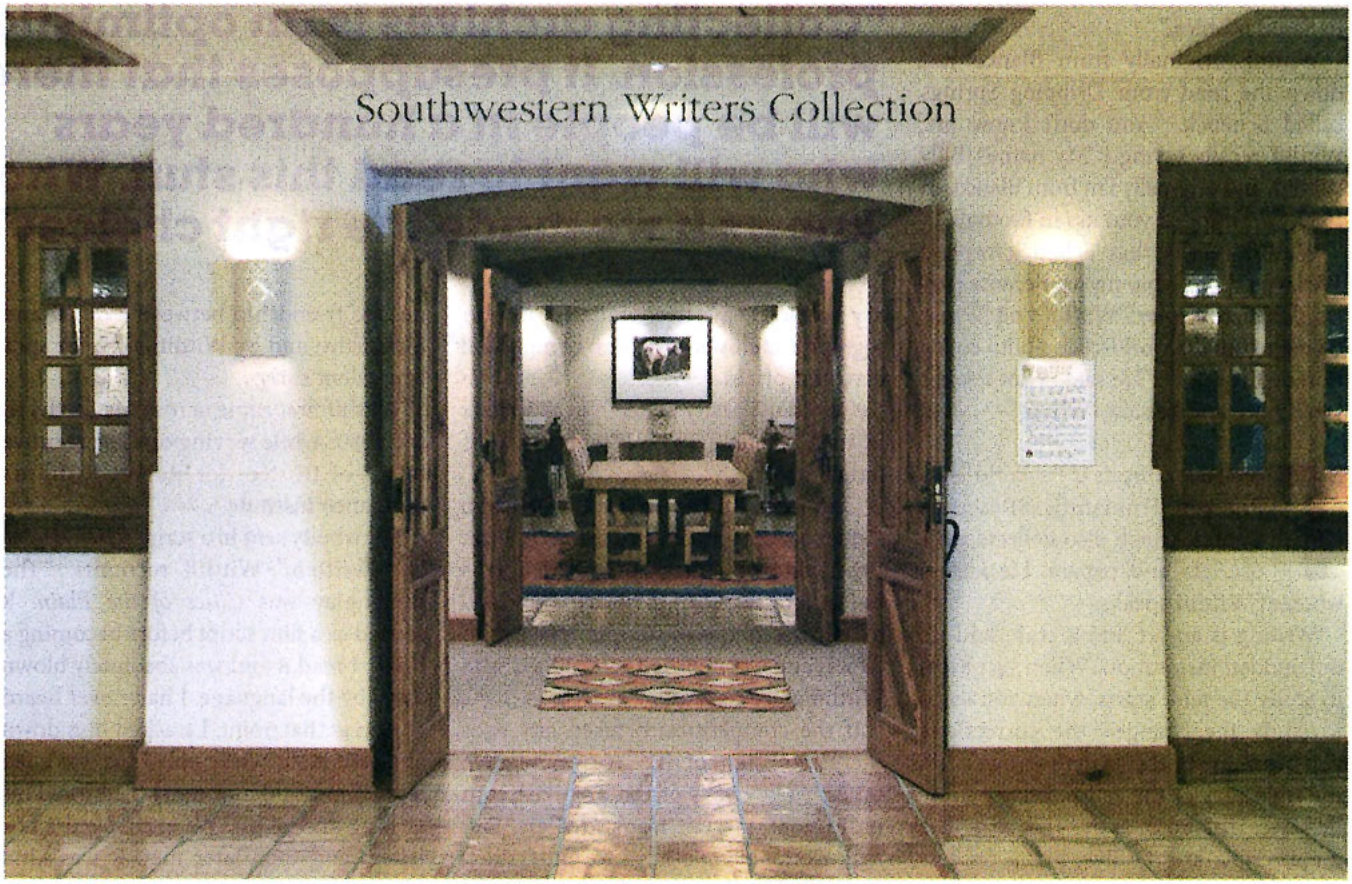
The Wittliffs and an anonymous friend bought the book and donated it to the collection.

"*La Relación* became a catalyst," Todd says. "Immediately there was research done. We digitized it and put it up on the Web site (http://alkek.library.txstate.edu/swwc/cdv/) so that everybody in the world could see it. That was wonderful for scholars who were studying text."

The collection also began attracting film artifacts through Wittliff's screenwriting work. Friends like Tommy Lee Jones and Sam Shepard periodically dropped by the campus to drop off boxes of material.

"We have countless hours of conversation on tape between Sam and Bob Dylan," Wittliff says. "Unproduced plays. A lot of stuff like that."

Then there's Candy Barr, a world-



Portal to the creative process on the Texas State University campus in San Marcos.

"I think the great secret of the universe is in this sentence: Whatever you're looking for is looking for you too."

famous stripper originally from Edna, Texas. In 1951, at age 16, she starred in one of the world's first pornographic movies. Later in life, she was involved with gangster Micky Cohen and Jack Ruby. Barr, whose real name was Juanita Slusher, also happened to have gone to grammar school with Wittliff.

"One day, a lady walked in here and said she was a friend of Candy Barr," Wittliff says. "She was selling Candy's stripping costumes for her. In addition to the costumes, she had this 400-page interview with Candy Barr about her whole life. It is utterly fascinating. All of that stuff is now in the collection, including the interview, which is restricted. Nobody can read it."

Barr wanted it that way. Though there was talk of a biography or screenplay, she decided not to make the material public. "I've read it all," Wittliff says, "and it is enormously powerful human stuff. It's just amazing." Wittliff has yet to begin negotiating with Barr's family to provide potential future access.

In 1996, the Wittliffs started collecting photography.

"One of the great collections of the world, of course, is at the Humanities Research Center in the University of Texas," Wittliff says. "But it's not Southwestern. It's more of a world-reaching collection. I was sitting right here one day, and the idea whipped by that it'd be cool to do a collection of Southwestern and Mexican photography."

Working on a small budget, Wittliff and Todd began purchasing works from artists they liked. Todd showed Wittliff a photo by Mexican artist Mariana Yampolsky in an Austin gallery. Wittliff liked it and told Todd to check the artist out during a vacation in Mexico City. Todd couldn't find her in the hotel's directories.

The following morning, she ran into a curator friend from El Paso and told him she was looking for Yampolsky. "He said, 'Oh, Mariana. Just a second. I have her number in my billfold,'" Todd recalls. "Bill is a great believer in serendipity. When I told him that story, he said, 'OK, we're going with her.'"

The photography collection now includes original prints by Yampolsky, Graciela Iturbide, Keith Carter, and Rocky Schenck.

"I was aware of Rocky's work," Wittliff says. "Then one day he had a bunch of pictures in a magazine, and they had a little bio that said 'originally from Dripping Springs, Texas. Now lives in Los Angeles.' So I called information and got a sweet operator who tracked the number down

in Santa Monica."

Wittliff, originally from Blanco just down the road from Dripping Springs, called Schenck. "'You don't know me,' Wittliff recalls saying. '"My name's Billy Wittliff, and originally I'm from Blanco. In 1957, we whipped your ass in football."'

Wittliff recalls that Schenck replied, "Well, you didn't whip my ass because they wouldn't let me play." Wittliff said he was trying to build a world-class photo collection on the cheap. "He said, 'How cheap?' I told him, and he said, 'Whoa!'"

"Collecting archives is an optimistic profession. It presupposes that there will be people in a hundred years who will want to read this stuff. Who knows if we made the right choices?"

Tom Staley directs UT's world-class Ransom Humanities Research Center, which also collects manuscripts and papers. He knows whereof Wittliff speaks.

"Writing is an art and a craft, and it's not sudden inspiration. When you learn to study the false starts, when you learn to study the changes, the corrections, you begin to see the writer's struggle. It's the trajectory of the artist's imagination," he says. "The book is the end of it. The manuscripts are the live, living process of it."

Though Staley and Wittliff are both in the archives game, they play on different fields. The Ransom collection spans the globe, while the Texas State collection concentrates on regional artists. UT buys its archives with cash drawn from oil coffers and one of the nation's largest alumni bases. Most of Texas State's literary holdings have been donated. Its photographic archives have been compiled at discount prices.

"We don't really collect Texas writers as such," Staley says. "We're just in a different area."

One Texas-linked writer the Ransom Center *had* been interested in was Pulitzer Prize-winning author Cormac McCarthy, but in January 2008, McCarthy decided to entrust his manuscripts, correspondence, and unpublished screenplays with Wittliff at Texas State.

If the competition bruised any egos, there's no sign of it. "We know each other," Staley says of the archivist community at large. "Book dealers and manuscript people have to understand that. We do talk with each other. In most cases, we're friends. I'm glad we have McCarthy's archive here in Texas. And so close."

While the Texas State collection's archives have long held regional interest, the McCarthy papers will bring a new level of international attention. The deal was made possible by a two-decade friendship between Wittliff and McCarthy, and by Wittliff's eye for spotting talent early.

Wittliff first came across McCarthy in the 1980s while serving on the executive board of trustees for Robert Redford's Sundance Institute.

"Somebody sent in a script that Cormac had written," Wittliff recounts. "The screenplay was *Cities of the Plain*. It started as a film script before becoming a book. I read it and was absolutely blown away by the language. I had never heard of him at that point. I tracked him down and essentially wrote him what was a fan letter. I just said how much I admired his writing and so on. We exchanged a few letters and then later met. It was kind of casual."

When the deal was finalized earlier this year, Todd flew to Santa Fe along with several collection employees. They rented two U-Haul vans and drove to McCarthy's home in the hills. After coffee with the author, they loaded his archives into the vans and drove straight back to Texas.

McCarthy's archives were neatly arranged in plastic bins, Todd says. Writers Collection archivist Katie Salzmann is now preparing the material for public viewing.

"We're doing a lot of housing, making sure that everything will be physically secure," Salzmann says. "Also, intellectually, we want to make a real detailed inventory of everything. We're even checking the page numbers and making sure that all the papers are complete. We're coming up with a full description of each item within the collection."

Salzmann rolls out a dolly loaded with boxes, opens one, and lays out a typescript marked with comments. Some are in green or red ink, others in pencil, the handwriting small and meticulous.

"This is the typescript for Cormac's



Cabeza de Vaca's La Relación, *one of only 20 copies in the world.*



Bill Wittliff wrote the teleplay for 1989's Lonesome Dove, *and incorporated the show's props into the Writers Collection.*

first novel, *The Orchard Keeper*," Todd says. "These are his pencil corrections and annotations. He studied architecture early on, and his handwriting is very, very neat."

The book's tentative titles included *The Workers at the Kiln, Toilers at the Kiln* and *Watchglass and Fiddle,* and maybe *Hourglass and Fiddle.*

"The red ink is the copyeditor," Todd says of a second draft of McCarthy's 2006 novel, *The Road*. Although worked over, it has fewer notes than *The Orchard Keeper*.

"They're talking about a little lamp which he calls a 'slutlamp.' 'Slut' being the term for a kind of oil, kind of a thick oil. [The copy editor] says, 'Okay, I can find only slutlight.' Cormac responds, 'OED just calls it a slut.' OED is the Oxford English Dictionary. Here's another page she's circled. She says, 'Okay, the only spelling I can find for this is with an 'I.' He crossed that out and then wrote, 'See OED.'"

Todd laughs.

"She just looked in the wrong dictionary!"

It's getting late in the afternoon. Salzmann carefully reboxes McCarthy's manuscripts and loads them back onto the dolly. One of the dolly wheels squeaks in a syncopated rhythm as she wheels the boxes across the room. Todd watches after her.

"I think collecting archives is an optimistic profession," Todd says. "It presupposes that there will be people in a hundred years who will want to read this stuff. Who knows if we made the right choices?"

That's the sort of question that could paralyze a writer, never mind an archivist, but for Wittliff the process may be more important than any particular result.

"I tried really to never think too much, but rather just to respond intuitively," Wittliff says. "It's like the Dobie stuff. It felt right to say, 'How much for this stuff?' Then it felt right to say, 'Hey, we ought to try to start a Southwestern writers collection somewhere.' This felt right. That felt right. That didn't feel right. And just act on that. I generally get in a lot of trouble when I think." ■

Stayton Bonner is a writer living in Austin.

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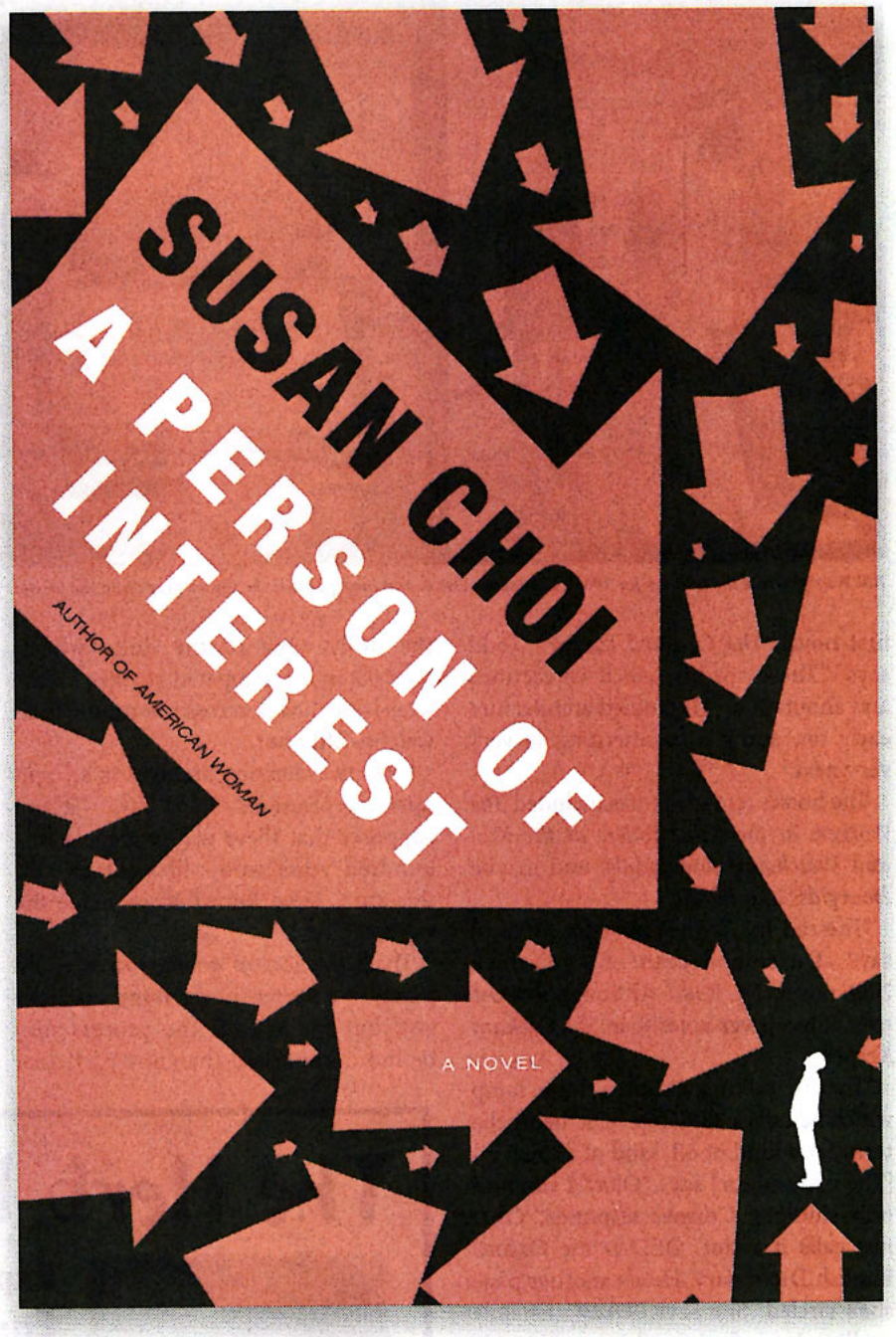
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A Novelist in Full

BY AZITA OSANLOO

A Person of Interest
By Susan Choi
Viking
368 pages, $24.95



At the start of her career, Susan Choi—who is half-Korean, and whose first novel won the Asian-American Literary Award for fiction—could have comfortably ensconced herself among the literary elite of the multicultural arts world. But though Choi's protagonists tend to be immigrants, their stories move beyond ethnicity, never quite relinquishing it while steadfastly inhabiting a dynamic present tense where their fates are determined more by action and less by the roots of their surnames. In an age in which Anglo writers remain the presumed default and the ethnic other is often defined as niche, the approach marks Choi, who grew up in Houston and now lives in New York City, as a fairly audacious novelist. Not to mention a smart one.

Within the first three pages of Choi's hypnotically absorbing new novel, *A Person of Interest*, a mail bomb blows up in the office of a brilliant young computer science professor. In the following days, FBI agents question Dr. Lee, the math professor who was sitting in his own office next door at the time of the explosion. Before the routine questioning begins, an agent engages in friendly small talk with Lee, inquiring whether the Asian-born professor knows a good sushi place in town: "Not to suggest you're Japanese ... You just seem like a man who knows how to eat well. Of course Lee's not a Japanese name. Or is it one of the rare ones?"

Lee evades the lightly veiled where-are-you-from query. He responds that "it's impossible to get good sushi out here ... We're so far from the coast, and the local airport."

For her part, Choi ignores the issue almost entirely. We get only meager clues. We know Lee emigrated to the United States from somewhere in the South Pacific in his 20s; we know he has experienced war; we know he spoke Japanese before he spoke English, a fact that doesn't necessarily indicate he is Japanese, as Lee could have been born in any of several countries controlled by the Japanese empire before World War II. Choi's decision to leave the specifics unspecified is neither coy nor even particularly rebellious. In the context of the novel itself, *where* simply doesn't

matter. What *does* matter is when and who: the late 1990s, when Lee is 65 years old, twice divorced, with few friends, a wayward daughter he hasn't heard from in months, and a flagging career at a so-so midwestern university (also unidentified).

"His life in this country and his life in his native country had so few points of coincidence apart from himself—they had none actually—that when Lee gazed on his past, it could seem as if he'd been young twice. First in his homeland, where his actual youth was spoiled for him prematurely, and then in his adopted United States, where as if in a grand compensation the uncoiling spring of his life had been rewound several times."

In rendering ethnicity the least vital of Lee's statistics, Choi essentially demystifies it. Choi has demystified ethnicity before. In *American Woman* (her second novel and a 2004 finalist for the Pulitzer Prize), the Japanese-American protagonist (based on Symbionese Liberation Army bomber Wendy Yoshimura) is told that her "skin is a privilege" and her "Third World perspective's a privilege." She counters: "... stop saying I'm from the Third World when I'm from California."

When the protagonist of a novel compels a secondary character to look beyond ethnicity (whether gently, like Lee, or bluntly, as in *American Woman*), that character compels the reader to shift focus as well, away from ethnic identity and toward the events—not just the circumstances—that define a life. In *A Person of Interest*, those events are as gripping as Lee is compelling.

The novel's opening scene—which introduces the highly nuanced and rhythmically seamless prose Choi employs throughout—casts its careful light on professor Lee as he sits idly alone holding office hours, quietly harboring resentment toward professor Hendley, the young hotshot whose office is next door.

"Each afternoon [Lee] would carefully stand the door open twelve inches, or the width someone needed to duck in casually and say hi; not wide open, as if in eager anticipation, and not merely slightly ajar, as if he begrudged this time for his students." Most days Lee dutifully sits through his office hours with nary a pimply-faced calculus scholar to soothe, while Hendley holds jocular court with students who line the hallways like hippies at a Phish concert.

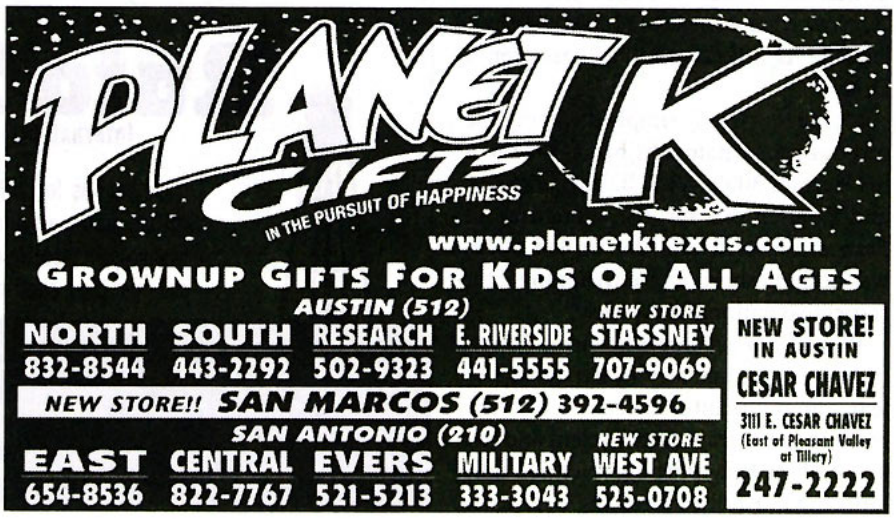
While the immigrant and first-generation experience is a vital part of the American story, and certainly an indelible thread of American fiction, Choi's novels remind us that our stories don't end there.

Then, one quiet afternoon while both men sit alone in their respective offices, Hendley with his door closed, Lee with his open, a mail bomb—carefully packaged and purposefully addressed—goes off in Hendley's office, exploding in the man's face. Though the force of the blast knocks Lee to the floor, he is left unhurt: "The explosion had not breached the wall, so that the work it had wrought on the far side was left for Lee to imagine, as he felt the force wash over him, felt his heart quail, and felt himself briefly thinking, Oh, good."

During sweetly perfumed spring days in which university administrators hold memorial services and post fliers around campus ("A NORMAL DAY IS OKAY"), FBI agents and media crews swarm the usually peaceful college town. Though Lee initially attracts attention just for having survived the bombing, a seemingly innocuous white lie regarding a mysterious letter he received in the first days after the bombing quickly moves Lee into the "person-of-interest" category. The phrase baffles Lee's neighbors and colleagues, leaving them to assume that despite the FBI's carefully considered lingo, Lee—quiet, introverted, and sometimes even a tad grumpy—is the main suspect. To the neighbors, even the suspicion of suspicion is enough to coalesce a theory in retrospect: It all makes sense now.

The letter opens a window into Lee's past, allowing both reader and protagonist to trace back to the early days of Lee's graduate program in math, then to his fervid up-and-down relationship with the woman who becomes his first wife, and finally to the more or less solitary days of quiet desperation that mark Lee's life until the blast heard round the campus explodes into the larger national consciousness.

As in *American Woman*, where she reimagined events surrounding the Patty Hearst kidnapping, Choi has here taken on a similarly larger-than-life news story, one that's become part of our cultural narrative. In addition to the emotionally



wrought and deeply complex character study of professor Lee, the novel also exposes the highly politicized tenor of our times. While the novel's plot is clearly, in part, a fictionalized account of the Theodore Kaczynski bombings, the plot's trajectory also resonates in our post-9/11 world. Once the hunt for the novel's so-called Brain Bomber leads authorities to Lee, the media frenzy, the onslaught of campus grief counselors, and the mounting hysteria among neighbors and colleagues begins to look unnervingly familiar.

In that larger context, perhaps it's beside the point that Choi avoids the pigeonholing that befalls so many non-Anglo writers, but probably not. While writers like Amy Tan and, more recently, Jhumpa Lahiri have certainly engendered a better understanding of what it means to straddle two cultures (the very core of the multicultural experience), the popularity of such exotic fictions has also (and particularly in the case of Tan) made a fetish of ethnic identity. The problem is that doing so ultimately devalues the experience it purports to validate.

The dilemma calls to mind the 1981 *Observer* essay in which Larry McMurtry took his fellow Texas writers to task for "paying too much attention to nature, not enough to human nature." A similar statement could be made regarding multicultural literature and ethnic identity. While the immigrant and first-generation experience is a vital part of the American story, and certainly an indelible thread of American fiction, Choi's novels remind us that our stories don't end there.

"Now what we need," McMurtry challenged, "is a Balzac, a Dickens, even a Dreiser."

McMurtry wasn't simply dropping the most universal names he had at the tip of his Hermes 3000. What Balzac, Dickens, and Dreiser did for the literatures of France, England, and the United States was nothing short of re-envisioning their respective national travesties.

What Choi accomplishes in *A Person of Interest*, particularly in her refusal to lean on multicultural cachet, is testament to her extraordinary talent and her sense of writerly purpose. Neither fully ignoring nor fully addressing Lee's early life in that unnamed Far East land, she instead places him smack in the middle of a terroristic event with universal implications.

Through Lee's eyes (a flawed view, certainly, regretful and even at times hopeful), we watch the significant moments of his adult life tossed and reshuffled in his consciousness, while all around him the chaos of a national tragedy unfolds. Now that sounds like the work of a Balzac, a Dickens, and, yes, certainly a Dreiser. ■

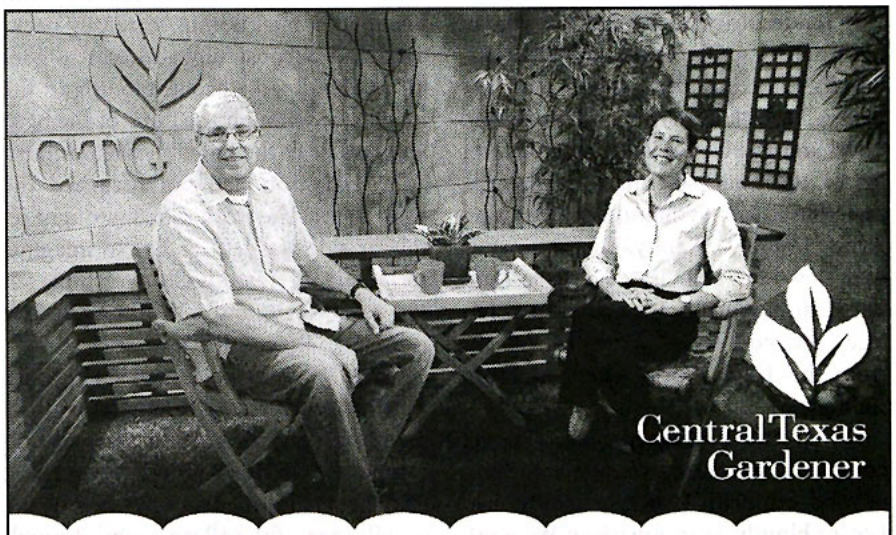
Azita Osanloo received an MFA from the University of Montana and is currently a Ph.D. candidate at Florida State University.

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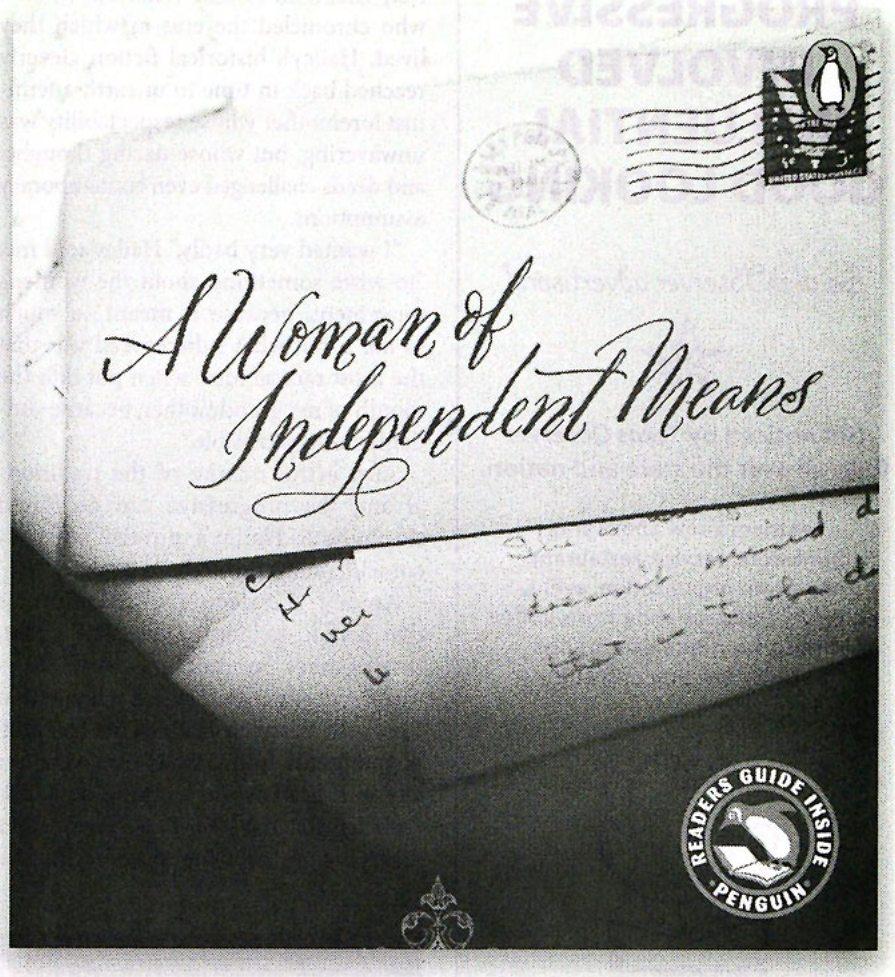
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Politics & Prose with Elizabeth Hailey



When Elizabeth Forsythe Hailey—that classy, classic-penning author of the trailblazing *A Woman of Independent Means*—told me over dinner in Los Angeles last January that she'd recently devoted herself to anti-war work, I remembered Ann Richards. And that of the many fine reasons Richards trounced Clayton Williams in the 1990 governor's race, well known was this: The ladies of Dallas had closed their polished doors to him and, more devastating still, had disconnected their mighty Republican phone banks. It's a lesson of which the political right, and any aspiring deb, should be ever mindful: Don't rile the perfumed lovelies of Highland Park and expect to live to tell about it.

This is in many ways a poor beginning for an article about Hailey on the occasion of the 30th anniversary of the publication of *A Woman of Independent Means*, her best-selling, stage-and-screen-adapted debut. After all, she hasn't lived in Highland Park, her girlhood home, for decades. She's a serious writer and liberal who long ago exchanged Dallas for Los Angeles, where she and her late husband, playwright and Pampa native Oliver Hailey, became successful Hollywood TV writers.

But for three reasons, those powerful North Dallas doyennes sprang to mind as Hailey discussed her activism. First off, she is, in person, so fine and friendly that she can't help reminding you of SMU socials and lavender sachets. (My own Texas grandmother used to say, "A lady's a lady wherever she goes," a truism of which Betsy Hailey is living proof. I can affirm this in all certainty, because before our dinner date in L.A., I'd invited Hailey to a book reading I was scheduled to give at a famous gay bookstore in West Hollywood. Like most gay bookstores, it turned out to be just shy of a porno shop, and a real lesson in humility for me. Not only did Hailey enter this almost-off-color establishment and laugh at all my jokes, she also possessed the enormous good grace to play blind to the many floppy man-parts dangling and poking out from the bookstore racks. That, sir, is a lady.)

In the second place, there's no doubting that Hailey, in a literary sense, owns Dallas as surely as Joan Didion owns Los Angeles. Since the 1978 publication of *A Woman of Independent Means*, the novel's heroine, Bess Steed Garner (famously modeled on the author's grandmother) has become as inextricably a part of the Park Cities as Miss Hockaday.

And finally, like those genteel matrons who put Claytie in his place, society-bred Betsy Hailey is flexing her own political muscle. "Like a lot of women my age," said the silver-haired, silver-tongued Hailey, "I missed the '60s because I was at home raising my daughters. But now that I'm in *my* 60s, I'm ready to march. In the third act of my life, I'm ready for the front lines."

It's a modest claim by a writer whose novels (including the lesser-known *Life Sentences, Joanna's Husband & David's Wife*, and *Home Free*) have always accomplished a kind of political work, each advocating a form of domestic feminism that pays homage to traditional wives and mothers while reveling in their rebellions. *A Woman of Independent Means* became, with good reason, a favorite novel of Betty Friedan and Sissy Farenthold, and Erma Bombeck even claimed to keep a

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copy at her bedside "like the Bible." Like many novels with prim appearances, such as *Little Women* and *The House of Mirth*, it's a book that continues to inspire feminist revolt. But unlike Louisa May Alcott and Edith Wharton, women who chronicled the eras in which they lived, Hailey's historical fiction cleverly reached back in time to unearth a feminist foremother whose respectability was unwavering, but whose daring thoughts and deeds challenged even contemporary assumptions.

"I wanted very badly," Hailey told me, "to write something about the women's movement, because it meant so much to me ... but what I discovered was that the most radical idea, when put into the mouth of my grandmother, became suddenly more accessible."

Such artful mixing of the traditional and the progressive can be found throughout Hailey's novels, and not coincidentally, throughout her life.

Among the deceits of literature is that fiction, unlike real life, has a plot; stories have momentum while lives merely meander. But let me tell you that Elizabeth Forsythe Hailey's life has plot: A young girl from Dallas discovers her city and craft while working as a cub reporter for the *Morning News*. After marrying an aspiring playwright, she sets aside her own ambitions to support his. Then, in middle age, and with her husband's encouragement, she resumes writing to astounding success. It's a story worthy of a novel, so it won't surprise you to discover that it *is* one: Hailey's excellent and highly autobiographical *Joanna's Husband & David's Wife*, the tale of a Texas-born woman who, in a new twist on an old narrative, becomes a writer *with her family's support!* In the book, it's the bustling deadlines of the housewife—breakfasts, laundry, and homework—that provide Joanna with the structure necessary to become an artist. Instead of an editor, it's a meatloaf that looms over her head, keeping Joanna sane and determinedly working. This experience reflects Hailey's own, and upturns common assumptions about the conditions necessary for writing.

I mentioned to her, for instance, Virginia Woolf's famous claim that for a woman to become an artist, she must isolate The Angel in the House (that tea-pouring, pillow-plumping hostess instinct ladies are socialized to internalize), and she must throttle that angel to death.

It's the only time Hailey sounds irked. "Oh, I don't agree with that *at all*," she said. "To tell the truth, Virginia Woolf has always been a little thin-blooded



for me ... Somewhere in her correspondence to her sister Vanessa [Bell, the Bloomsbury painter], she writes, 'You chose family, and I chose art,' and that's just so damned condescending. Because Vanessa Bell's paintings are every bit as important as Virginia Woolf's novels. And she had a husband and three children and a famous, beautiful home ... I've always believed that it was possible for women to have it all in their lives. Just maybe not all at the same time. ... Writing has always been a part of my life, but I've never defined myself solely by my profession, and I loved having a family. Both parts of myself fed the other."

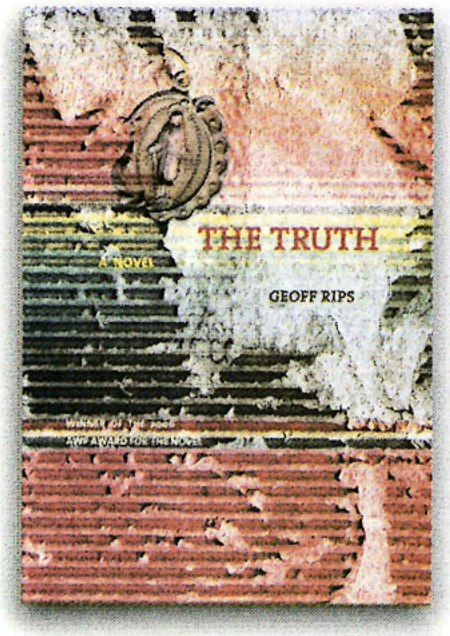
Now, Hailey said, it's her newest family role, as grandmother, that's inspired her increasing political involvement. "You first start figuring out power sharing in a family, in a marriage. Earlier in my life, while my husband was still alive, the politics that exist between women and men seemed nearest me—it was the political focus of my work. But now, as a grandmother during the Iraq war, I feel I have a new obligation, and new questions: Who are the people in your family? Doesn't your family include people outside your bloodline? I'm having to reinvent what I mean by the term. ... You know, my father loved Dallas and felt an enormous debt to his community. That was such a big word for him, *community*. And he worked tirelessly as a community leader. But lately I've been thinking about that and wondering, where is *my* community, and where does it end?"

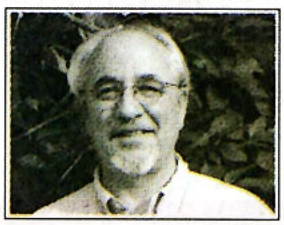
Such questions led Hailey to join the steering committee of the Interfaith Communities United for Justice and Peace through her local church. "All Saints' is the most liberal Episcopal congregation west of the Mississippi," Hailey said proudly. The Pasadena church is so actively left-wing, in fact, that its tax-exempt status was notoriously investigated by the IRS after a former rector delivered an anti-war sermon critical of the Bush administration in the days preceding the 2004 election.

The interfaith group is, likewise, gutsy. Since late September 2001, it has met weekly with the purpose of "promot[ing] critical examination of the costs of violence and war at home and in the world from the faith perspective." It's an endeavor of which Hailey speaks with an impressive lack of political bell-clanging, and with a sense of impending discovery. "I still haven't quite figured out what my role is as an activist," she said, eyes sparkling. "I just know that this work seems vital to me and that something about it keeps me showing up in that church basement every Friday morning at 7."

It was kind of hard to sit across a dinner table from Hailey as she discussed her burgeoning political life without anticipating the arrival of something more important than dessert. Without feeling your hair rustle with that same rousing Life Is An Adventure spirit you get from reading *A Woman of Independent Means*. Without being reminded of the fictional epitaph she chose, in that novel, for her own adventure-hunting Dallas grandmother. And hard not to steal that ambitious closing line: *To Be Continued ...* ■

Robert Leleux, a Texan in exile, lives in New York City and is the author of the newly published The Memoirs of a Beautiful Boy.





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