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**Series:** Davis, Mark, Files  
**Subseries:** Subject File, 1989-1991

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**OA/ID Number:** 13874  
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**Folder Title:**  
Texas Legislature, 4/26/89 [3]

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injured.



Staff photo by Lynne Dobson

Gov. Bill Clements gets birthday wishes and a sartorial salute from clashing Reps. Robert Eckels, left, Steve Wolens and Ron Wilson.

# Plaid-clad House honors Clements

By Mike Ward  
American-Statesman Capitol Staff

With all the sartorial taste of cheap seat covers, plaid-bedecked House members wished Gov. Bill Clements a happy 72nd birthday Thursday in gaudy splendor.

Clements, often ribbed about his fondness for plaid sport coats, was greeted with cheers as he walked into the House chamber escorted by 34 lawmakers decked out in bold plaids.

"I can understand — looking at some of these sport coats — why you all are wearing dark blue all the time," Clements said after the House passed a birthday resolution in his honor.

Clements — who said he is now

the oldest governor in state history — wore a 14-year-old blue and tan plaid jacket. Aides said he changed from a gray suit for the occasion.

The event, organized by House GOP Caucus Chairman Tom Craddick, R-Midland, brought out a wild array of plaid variations.

Rep. Richard Smith, R-Bryan, joked that his bright red plaid coat was made from the seat covers of a 1948 Ford he drove as a teen-ager. Actually, he said, he wore the coat while being sworn in as a city councilman in the 1970s.

"This coat puts the 'ug' in ugly," said Rep. Steve Wolens, D-Dallas, parading his plaid variation. "I could play tic-tac-toe on it."

Rep. Ron Wilson, D-Houston, did just that.

Not wanting to miss out on the fun, but having worn a plain cream-colored sport jacket to work, Wilson used brown packing tape to checker his coat. On its back, he marked out a tic-tac-toe game.

"Is that Ron Wilson or an unclaimed UPS package?" asked Rep. Mark Stiles, D-Beaumont.

"This is real bad. It's why Austin doesn't have a zoo," said Rep. Harold Dutton, D-Houston, who wore a dark suit. "People can come over here."

At one point, Wolens asked Speaker Gib Lewis, also wearing a plaid coat, how many "polyesters had to be killed" to make the coats.

"Don't look at me," joked Lewis, a big-game and hunting enthusiast. "I haven't killed one lately."

Superconducting Super Collider . . . When built, the SSC will enable us to study elemental particles with names like quarks, mesons (May-sahns) and neutrinos. I can understand how some people just can't see a practical side for America to invest billions of dollars in such an arcane field of study.

Well, as Tom Luce, chairman of the Texas National Research Laboratory Commission said, with a little imagination, you can: "conclude that future research in the field of high energy could some day help us conquer cancer." Or discover a way to boost the amount of information on a microchip. Or answer questions that eluded Einstein, giving us a glimpse of the forces that bind the universe together. The SSC is a key to understanding nature, and to developing the technologies and industries of the 21st Century. Let me assure you, I will back the construction of the SSC because it is good for America . . .

And let me also salute you, the members of the Texas House and Senate, and the voters of this state, for having the vision to take an early lead on this project . . .

Still, no matter how diversified and high-tech Texas becomes, a strong domestic energy industry is important to the future of this state and all of America. I find it disturbing that nearly 50 percent of America's oil is imported. As Bill

# Will it play in Lubbock?

By Susan Page  
Los Angeles Times Service

LUBBOCK — From where Bob Blake sits, it looks like his old friend George Bush is doing just fine as president.

"I think you've got a person who's honest and truthful and will be one of the hardest-working presidents we've ever had," the 69-year-old oil man declared over a lunch at the private Lubbock Club. "He knows he'll make a mistake, but he also knows he's doing the very best that he can."

From where Louise Cummins sits, it's not so clear.

"He really hasn't done anything yet," said Cummins, 53, who runs a government-funded day-care program for 400 children from low-income families. "I really think he needs to get going."

Lubbock, Bush has declared, is his Peoria, the chosen barometer of public opinion to which he intends to turn. Buffeted by news accounts last month that his fledgling administration already was stalled, Bush telephoned Blake, a friend since both were raising families in west Texas, to ask what people there thought.

"He said, 'All the people in Lubbock think things are going just great,'" Bush relayed to reporters two days later, adding that he had decided to adopt a new personal creed. "Never get too uptight about stuff that hadn't reached Lubbock yet," he said.

So: how are things in Lubbock?

Folks in this West Texas city of about 190,000 — hometown of Texas Tech University, Reese Air Force Base and the late rock 'n' roll legend Buddy Holly — said during a visit last week that they like Bush. They like his down-to-earth wife, Barbara. They noted approvingly his talk of improving public education and fighting drug abuse. They praised his energy and openness, sometimes comparing it fa-



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vorably with that of his popular predecessor, Ronald Reagan, for whom there was remarkably little nostalgia.

But there also were some warning signs — rumblings now, rather than full-fledged complaints — for the new president. "I thought as a Washington insider he'd be able to hit the ground running a little more," one man said Thursday on KRLB's morning call-in show, which also featured a segment listing lost-and-found pets.

Bankruptcy attorney Max Tarbox, 40, said in an interview, "I don't think he's developed his own persona yet; I don't think we know who he is."

This is conservative territory, the town named after a Confederate colonel and its residents retaining some lingering suspicion of liberal Easterners and government planners. The statue in the park next to the new city hall commemorates a self-sufficient-looking pioneer family. "The capital of God's country," according to former Texas Gov. Preston Smith, 77, a Democrat who admits even he voted for Bush.

If not exactly a native son, the president is considered at least a sort of first cousin, having lived in nearby Midland in the 1950s. Then, he played offensive end for the Midland Mifflits, a pickup

touch-football team that used to play the Lubbock Leftovers, Blake's team. "He's not just a stranger here," Mayor B.C. "Peck" McMinn said of the president; a handwritten note from Bush on White House stationery is framed in his office.

Lubbock residents are predisposed to favor Bush and inclined to give him the benefit of the doubt on issues like his evolving position on some gun controls and his proposed bailout of ailing saving-and-loans. But from the Lubbock Club to the South Plains Food Bank, in a warehouse on the rundown east side, from the annual Lubbock Arts Festival in the civic center this weekend to the radio call-in show, they reflect some of the same friendly ambivalence political analysts say they see elsewhere.

On one hand, Bush still seems to be riding a honeymoon high. A nationwide *Washington Post*-ABC News Poll early this month gave him a stunning 71 percent approval rating; a *Time* magazine survey found a more modest but still healthy 54 percent approval. Republican pollster Lance Tarrance, based in Houston, said Bush's approval rating in Texas is now "comfortably in the mid-60s," within a point or two of Reagan's highest ranking.

But Tarrance noted, "The can-

do-ism of Texas is pretty legendary." He thinks it eventually could conflict with Bush's cautious, careful approach. More than two-thirds of those surveyed in the *Time* poll said Bush's administration was off to a slow start, and nearly half of those in the ABC poll said they had no clear idea what direction he intended to take the country.

Mary in Lubbock say they don't want the federal government to take them anywhere. "They're very, very opposed to a lot of intervention on the part of Washington," cautioned Laura Cawson, a Lubbock resident and president of Texas Tech until he became secretary of education. McMinn agreed. "Send a dollar to Washington and you're likely to get a dime back," he said.

But McMinn does think Bush ought to spend more on AIDS research. 25 victims already have died in Lubbock and 14 others have been diagnosed with the disease. The city this week is to unveil its own education and treatment program.

And Alan Hill, chairman of the Plains National Bank, complained that "we have too much government" but then said he wanted Bush "to put some teeth" into the war against illegal drugs, which are a serious problem in Lubbock.

And Martha Crawford, 35, struggling to support her five children and two infant grandchildren on the minimum hourly wage of \$3.35 she receives as a home health-care worker, said she wanted Bush to change his mind and not veto an increase in the minimum wage.

"I'm hoping that he can change things," she said while standing on the concrete floor of the dilapidated college she rents. "He's the only one that can."

THE WHITE HOUSE

WASHINGTON

April 24, 1989

INFORMATION

To: DAVE DEMAREST  
From: MARK DAVIS  
Re: Texas Speech

Attached are copies of the original Texas draft and one with the President's changes.

Several areas of this speech still need some smoothing out. The Hightower joke on Page One is heading in the right direction, but without a punchline, it comes across as brittle and defensive.

How about: "Agriculture Commissioner Jim Hightower to the contrary, I am a Texan. Have been since he was in swaddling clothes . . . come to think of it, have you known Jim to wear anything else?"

On Page 4, I understand that the President is not comfortable with too much rodeo. But this segment needs a slightly stronger build-up

-MORE-

to give punch to the sound-bite: "Texas is back in the saddle again."  
If we could put <sup>(BACK IN)</sup> the segment about "When a rider is thrown," it would go  
a long way in putting some punch back into this paragraph.

On Page 6, the President added in two paragraphs on energy. This  
I can smooth out, and consolidate with the paragraph above, with the  
sound-bite on decontrolling natural gas. Question: When talking about  
environmentally better sources of energy, should we mention coal? I know  
that Western coal is cleaner, but do we want to open up this political  
Pandora's box with the West Virginia delegation? And if we don't explain  
exactly what kind of coal we are talking about, won't it sound odd to include  
coal at all?

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WITH GIB CHANGES  
Davis/Wallace  
April 21, 8 p.m.  
Title: Texas  
Draft: Three

PRESIDENTIAL REMARKS: TEXAS STATE LEGISLATURE  
CAPITOL, AUSTIN  
APRIL 26, WED., 4:40 p.m.

((It's a good thing this isn't Bill Clements' birthday . . .  
From where I'm standing, another Plaid Day in the Texas  
Legislature could blind a fella.))

In all sincerity, happy belated birthday Bill . . .  
Lieutenant Governor Bill Hobby, it's great to see you again.  
Speaker Gib Lewis, distinguished legislators, fellow Texans,  
thank you . . . I'm delighted to be back in Austin, with so many  
friends . . .

I will want to discuss a few issues facing Texas and all of  
America. Agriculture Commissioner Hightower to the contrary, I  
am a Texan. So let us say a few words about what it means to be  
a Texan.

Like the former kingdom of Hawaii, Texas is a nation that  
had to reconcile itself to being a state. But, like Hawaii, we  
will never reconcile ourselves to being ordinary. From the Pecos  
to the Pedernales, from the rapids of the Rio Grande to the broad

expanse of the muddy Red River, there is no place on earth like Texas . . .

Nor is there another capitol in America quite like this one, built of a rose-tinged granite that blushes in a low sun. And, this being Texas, we had to build a capitol that is exactly one foot taller than the one in Washington. Texas certainly stands tall in the heart of this President . . .

Perhaps for this reason, Larry McMurtry is one of my favorite writers. In Lonesome Dove, he describes the mythic Texas, and conjures that sense of place we all know so well. I am inspired by a man of letters who can convincingly adopt the voice of cowboys and outlaws -- men whose only schooling was in dodging bullets, whose only lessons were in how to run or rustle cattle.

But, unlike Davy Crockett, I first set out for Texas not on horseback from Tennessee, but from Connecticut in a red Studebaker in June, 1948. More than forty years later, that trip is still a vivid memory --the lonesome road, a neon Pearl Beer sign appearing in the desert twilight like an apparition. Stopping at a cafe, I didn't know if a chicken fried steak was a chicken fried like a steak, or a steak that tasted like chicken .

. . .

Still, Barbara and I settled in Texas, as did so many before us. We raised five children, built a business. And in that span of forty years, I watched this state grow into even greater glory. The Texas of the epic movie Giant seemed almost ordinary in the fifties, with bluejeaned millionaires as thick as jack rabbits in the Permian Basin. It has been noted that the wealth of merchants preceded the Renaissance of Michelangelo. In my lifetime I have seen the oil wealth of West Texas finance the building of great cities, and the expansion of first-class land grant colleges -- the origins of a Texas Renaissance, if you will. The energy business helped make Texas what it is today -- the Third Coast of the United States . . .

This Texas Renaissance lasted for years, even decades. But you also know another more recent chapter of the Texas story -- oil cheaper than fancy mineral water, skylines of empty buildings, expensive homes to be had for monthly payments, and thousands of laid-off workers.

Now, I'm no cowboy. I pitch horseshoes, but I don't ride broncos. But I understand that cowboys have a term for the most dangerous and cunning bronco of all: they call it a "sunfisher." These broncos will rebel against a rider by adopting a motion not unlike the sunfish of the Gulf -- a full-force leap into the air, back arched high, flank twisting the rider to the left, head and upper torso twisting the rider to the right, in an attempt to

tear him apart. Let me suggest that in the last few years, the whole state of Texas feels like it has been on just such a ride .

. . .

Strong men and women are challenged by adversity. I believe Texans have proven that . . . There may be a few more bumps and bruises ahead. But make no mistake, Texas is back in the saddle again.

State unemployment has dipped to its lowest level in four years, signaling the diversification of the Texas economy. In 1970, the energy sector accounted for nearly 25 percent of state output. Last year, it accounted for only 11.4 percent. And yet Texas has more than regained the 208,000 jobs it lost from 1986 to 1987, with employment in plastics, aviation, electronics, space and computer programming leading the way. More people are at work in Texas today than every before. The Dallas-Fort Worth "Metroplex" leads in defense and aviation technology; Houston in space and biomedical research; Austin, in microelectronics.

Another sign that Texas is becoming a world center of technology is the selection of Ellis County as the site of the Superconducting Super Collider . . . When built, the SSC will enable us to study elemental particles with names like quarks, mesons (May-sahns) and neutrinos. ((Sounds to me like the breakfast cereal the Bush grandkids have been eating.))

Well, as Tom Luce, chairman of the Texas National Research Laboratory Commission said, with a little imagination, you can: "conclude that future research in the field of high energy could some day help us conquer cancer." Or discover a way to boost the amount of information on a microchip. Or answer questions that eluded Einstein, giving us a glimpse of the forces that bind the universe together. The SSC is a key to understanding nature, and to developing the technologies and industries of the 21st Century. Let me assure you, I will back the construction of the SSC because it is good for America . . .

And let me also salute you, the members of the Texas House and Senate, and the voters of this state, for having the vision to take an early lead on this project . . .

Still, no matter how diversified and high-tech Texas becomes, a strong domestic energy industry is important to the future of this state and all of America. I find it disturbing that nearly 50 percent of America's oil is imported. This is not good for our national security.

Some are questioning the future of America's energy production in the aftermath of the wreck of the Exxon Valdez off Alaska. I am as concerned as you -- and all Americans -- are by the environmental tragedy in Prince William Sound. We are using

federal resources intelligently in the clean-up effort. We are working with industry to develop an improved plan in event of a future spill. But shutting down our domestic energy production is no answer, and would merely increase our dependence on foreign oil. We must, and we will, maintain a strong, domestic energy industry.

To reduce our dependence on foreign oil, we must return to high levels of exploratory drilling. I propose to stimulate domestic drilling with tax credits and other incentives. We need more research to learn how to recover more secondary and tertiary oil. And I want to do something else. Texas has a 65-year supply of one of the cleanest forms of energy known to man -- natural gas. I call on Congress, at long last, to fully decontrol natural gas . . . I believe that this will happen soon.

We need a national energy policy that relies not only on oil, but on many other sources. I believe we can and must use more safe nuclear power. I believe that coal has a bright future. You know my confidence in natural gas.

As we all become increasingly concerned about the need for clean air, we must look more to natural gas and to nuclear power. We must produce more of our corn crop to produce ethanol, more of our natural gas to produce methanol . . . Greater use of these

two will rapidly improve the air quality of our most heavily polluted cities.

I know there are still a few dark clouds remaining on our economic horizon. I know that you are concerned about the continuing crisis in many savings and loan institutions. I have asked for measures to restore these institutions to financial health. And I have asked for \$37 million in 1989 funds for the Justice Department, so that those who willfully abuse the trust of small savers can expect to be pursued, and put in prison . . . The U.S. Senate has acted expeditiously on the S & L bill, with strong support from Democrats and Republicans alike. I call on the House of Representatives to pass a responsible S & L bill as soon as possible.

Texas, like all of America, faces many challenges. But I believe that by working together, as Republicans and Democrats, as federal and as state officials, we can lick any problems down the path. Federalism works because of your leadership and your initiative. The old dictum of the best government being that which is closest to the people applies here, in Austin. ((You know, Ann Richards was right about that silver foot. I kept putting it in my mouth all along. But the bottom line is, when they ask "Where's George?" . . . say he's in Austin, and damned proud to be back . . .))

True, some problems of the recent past linger. Some areas of the state are recovering more slowly than others. But the way is clear to a future as bright and promising as the blue Texas sky -- a new reliance on a diversified economy, and the technologies of the next century. This is the secret of the Texas turnaround, and its unfolding is a tribute to the leadership of Bill Clements, Senators Gramm and Bentsen, and the men and women of the Texas Legislature . . . Texas is starting to feel like its old self again. There is again a feeling among Texans that anything is possible -- who knows, the Rangers or the Astros might even win the World Series . . .

As we face our future in the White House, Barbara and I take with us memories of people and places from a state that has been home for most of our lives.

We remember driving the kids across Texas, and slowing down so we could take in the fields of bluebonnets and Indian paintbrush.

We remember the people of Houston, many of them mature and skeptical, but who nonetheless listened to a green young man and sent him to Congress.

And I remember Lyndon Johnson at his ranch back in 1969, an elder Democrat giving neighborly advice to a young Republican,

while his very special Lady Bird held out her hand in  
hospitality.

Barbara and I treasure these 41 years as Texans -- the  
sights and sounds of half a lifetime, the trust of many friends,  
and the love of a family. All this and more, we remember  
whenever we think of home . . .

Let me thank you for inviting us back to Austin. God bless  
you. And God bless the United States of America.

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An old saying goes that there never was a horse that hasn't been rode, and never was a man who hasn't been throwed. I guess Texans have proven that. It is also said that strong men and women are challenged by adversity. I believe Texans have proven that, too . . .

When a rider is thrown, he can do one of two things. He can slink away and never again attempt another act of horsemanship. Or, he can dust himself off, put one boot in the left stirrup, throw the other boot over, and get firmly back into the saddle. I won't kid you. There may be a few more bumps and bruises ahead. But make no mistake, Texas is back in the saddle again.

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Some are questioning the future of America's energy production in the aftermath of the wreck of the Exxon Valdez off Alaska. I am as concerned as you -- and all Americans -- are by the environmental tragedy in Prince William Sound. I want to use federal resources intelligently in the clean-up effort, and to work with industry to try to prevent another such occurrence. But shutting down our domestic energy production is no answer, and would merely increase our dependence on foreign oil. We must, and we will, maintain a strong, domestic energy industry.

To reduce our dependence on foreign oil, we must return to high levels of exploratory drilling. I propose to restore the central role of small producers in U.S. energy exploration with tax credits and other incentives. And I want to do something else. Texas has a 65-year supply of one of the cleanest forms of energy known to man -- natural gas. I call on Congress, at long last, to fully decontrol natural gas . . .

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And I remember Lyndon Johnson at his ranch, an elder Democrat giving advice to a young Republican, his white hair -- longer in retirement -- blowing in the gentle Hill Country breeze like the mane of an old lion.

Bar and I treasure all of this -- the sights and sounds of half a lifetime, the trust of many friends, and the love of a family. All this and more, we remember whenever we think of home. That is why we thank God that we are Texans . . .

Let me thank you for inviting us back to Austin. God bless you. And God bless the United States of America.

# # #



The State of Texas  
Office of State-Federal Relations

For your information . . .  
Please call if you have any questions.

*AIDS in  
Texas*

600 Maryland Avenue, S.W. • Suite 255 • Washington, D.C. 20024  
202/488-3927  
Post Office Box 13005 • Sam Houston State Office Building  
Austin, Texas 78711 • 512/463-1803

## Panel wants some convicts tested for AIDS

By Bennett Roth

TIMES HERALD AUSTIN STAFF

AUSTIN — The Legislative Task Force on AIDS Friday endorsed mandatory AIDS testing for people convicted of sexual assault and drug possession.

After 14 months of study, the panel approved the last of more than 100 proposals, which will be presented to the Legislature as it attempts to provide a state plan to battle the deadly disease.

The panel's recommendation on AIDS testing is primarily targeted at protecting victims of rape and those who have sexual contact with intravenous drug users.

State law now grants judges discretion to order testing for those indicted on charges of sexual assault.

Acquired immune deficiency syndrome is a deadly virus which attacks the body's ability to fight diseases. It is contracted primarily through sexual intercourse, sharing of needles and blood transfusions.

While members of the panel have generally favored voluntary testing for the HIV virus, which causes AIDS, they said that in certain cases civil liberties of those carrying the disease must be waived.

"Under the circumstances of being sexually assaulted it is legitimate for us to alleviate the concerns of the victim," said state Rep. Mike McKinney, D-Centerville, a member of the AIDS panel. "You ought to be able to tell them they have not been exposed to AIDS."

"We need to strike a balance between civil rights

and the needs of the uninfected," said the Rev. Chris Steele, chairman of the panel.

The AIDS testing provision also recommends criminal and civil sanctions for people convicted on sexual assault or drug charges who test positive for the virus and continue to transmit the disease.

Mandatory testing is one of almost 100 proposals the Task Force will forward to the Legislature for action in the coming session.

On Friday, at an all-day meeting, the 18-member panel completed most of its work on the proposals that deal with everything from mandatory AIDS education in public schools to providing condoms in prisons.

However, the panel did not address what is expected to be a major question in the Legislature: funding.

"Our first priority was to consider what needs to be done, then we'll worry about paying for it," said Rev. Steele.

The panel, created by the Legislature, is made up of lawmakers, health professionals, clergy and other community representatives. Many of the recommendations had been approved earlier in the fall. But on Friday the panel approved several key proposals including allowing pharmaceutical companies in the state to test AIDS drugs that have not been approved by the federal government and creating a high risk insurance pool for victims of the disease.

The panel also endorsed the manufacture of experimental AIDS drugs in Texas despite concerns by some that victims would be hurt more than helped by untested remedies.

## TEXAS &amp; SOUTHWEST

# AIDS notification plan advances

## Counties, groups back guidelines for informing partners

By Sherry Jacobson

Staff Writer of The Dallas Morning News

AUSTIN — Representatives of county health departments and AIDS service groups gave informal approval Friday to proposed state guidelines for notifying the sex and drug-abuse partners of AIDS virus

carriers who have been exposed to the virus.

Dr. Robert A. MacLean, deputy commissioner of the Texas Department of Health, said the guidelines would become effective in January with a few modifications.

"There appears to be broad-based

support for the program as drafted," MacLean said. "People seem to understand that we're talking about a voluntary process that will be very strictly confidential."

The notification process was mandated by the federal government for all agencies that receive federal funds to do testing and counseling for people infected with the human immunodeficiency virus, or HIV, which causes AIDS.

Each state must set up a procedure for notifying the sexual or drug abuse partners of infected individuals who decline to inform them themselves. The partners' names and addresses must be submitted voluntarily.

Under the Texas plan, trained counselors will be charged with informing the partners in person and offering them counseling and HIV testing.

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Health Department  
commissioner**

said. "But we have to be realistic that some people will not want to do it."

The identity of the virus carrier will remain confidential, he stressed, and the names of the partners will be destroyed once attempts have been made to notify them.

William Waybourn, president of the Dallas Gay Alliance, expressed some concern about the notification of partners who live outside Texas.

"My biggest fear is that the person being notified can be in a risky situation in some states, such as Colorado, where you must tell the state if you are HIV positive," said Waybourn, who attended the meeting.

"We were assured today that virus carriers will be warned if they are putting their partners at risk in out-of-state notifications," he said.

Health officials were uncertain about how often they will be asked to implement the new procedures. A similar program in Ohio found that only five out of 102 virus carriers requested that their partners be notified by a third party.

# State unveils voluntary AIDS warning program rules

By RUTH SORELLE  
Houston Chronicle Medical Writer

AUSTIN — Early next year, Texas health officials will begin a voluntary program to warn sexual partners of AIDS virus-infected people that they may have contracted the virus.

Guidelines for the notification process have already been drafted and Friday were presented here to about 60 people from local health departments, AIDS community groups and other organizations that carry out

AIDS testing and counseling. Most of the state's major metropolitan areas were represented, including Houston.

"We have always encouraged people (who test positive for antibodies to the AIDS virus) to inform their sexual partners. This just takes it a step further," said Dr. Robert MacLean, deputy commissioner for the Texas Health Department.

MacLean said all clinics that carry out AIDS testing and counseling under contract with the state must have a partner notification system in place by early next year. Such con-

tract tracing is a new initiative from the federal Centers for Disease Control and represents a shift in public health policy.

In the past, experts had complained that tracing sexual contacts of people infected with the AIDS virus would be expensive and valueless because no cure could be offered. However, the rationale now is that individuals can be identified, tested and counseled about the disease, whether they test positive or not.

The person who tests positive for antibodies to the AIDS virus must

agree to reveal his sexual contact, and MacLean said it would still be preferable if that person notified his or her sexual contacts. However, the testing personnel must offer to contact sexual partners for that individual.

The contacts will be made in person, MacLean said.

"It won't be by letter, it won't be over the telephone," he said.

The sexual partner will not be told the name of the AIDS-positive person, he said. In fact, he said, the health care worker who notifies the sexual partner will not know the

name of the person who tested positive.

MacLean emphasized that the sexual contact tracing in AIDS must be voluntary because people cannot be forced to reveal the names of partners. It is a service to the AIDS-infected person, he said.

Confidentiality is key to making the program work, MacLean said.

One difficulty that must be resolved is how to notify individuals who live in states where confidentiality is not protected, he said.

The partner notification system for AIDS will simply be an extension

of a system that already exists for other sexually transmitted diseases, MacLean said. In fact, the disease intervention specialists or field workers who already work out of sexually transmitted disease clinics are now being trained to notify AIDS sex partners, he said.

During the workshop, which MacLean said was unique in Texas, health care workers watched a videotape of a simulated counseling session with a person who tested positive. During that session, the issue of contact tracing is broached

LOCAL & STATE

# AIDS task force proposes ways to combat epidemic in state, but not how to pay for it

By D.J. Wilson

OF THE HOUSTON POST STAFF

AUSTIN — The state Legislative Task Force on AIDS held its final meeting Friday, ending a 14-month process that produced more than 100 recommendations about what the state should do about the epidemic.

The task force assigned no cost estimates to the recommendations.

Our first priority was to find out what needs to be done, "then we worry about paying for it," said the Rev. Chris Steele, a Episcopal priest at Houston's St. Luke's Hospital and chairwoman of the task force.

Steele said she thought the Legislature needs to improve health care financing, make sure a "continuum of services are available and better articulate" the state's responsibility in a public health crisis.

Dr. Robert Awe, director of the AIDS Clinic at Jefferson Davis Hospital, said he hoped the legislators would act on "about half" of what is presented to them.

"We don't have another two years to wait," Awe said.

The task force had previously approved making condoms available at cost for prison inmates,

## 'We don't have another two years to wait.'

DR. ROBERT AWE  
Saying he hopes legislators will act on "about half" of the recommendations

providing needles for intravenous drug users and enacting education programs in public schools.

The group supports the establishment of an insurance pool to provide coverage to people usually considered uninsurable, including those with AIDS.

The task force also stressed the importance of informing patients when they are tested for the AIDS virus and emphasized the importance of expanding clinical drug trials.

One of the proposals would be to allow the testing and use of drugs for progressive fatal diseases, including AIDS, within the state. This concept is similar to an approach in California, where drugs not yet approved by the federal Food and Drug Administration are used in clinical trials.

Dr. Adan Rios, a Houston physician and task force member, supported the proposal to allow the drug research as long as the drug was manufactured and tested in Texas.

"California follows the same regulations as the FDA, but they can

shorten the time for approval," Rios said.

Rios said it was important that effective therapies be made available as soon as possible.

"This epidemic has exemplified that if we don't respond, people will take things in their own hands, with the so-called kitchen pharmacology," Rios said, referring to some of the underground treatments tried by people with AIDS.

The task force also supported the implementation of community research initiatives which would involve the Texas Medical Association, local medical societies and AIDS service organizations. These initiatives would be designed to increase treatment options by expanding access to experimental drug trials.

Jeff Decker, chairman of the Austin People With AIDS Coalition, said he saw innovative and effective care as a top priority.

"We try to focus on what we considered important: treatment, early intervention and access to care," Decker said.

Another issue that triggered a

lengthy discussion was the difficulty some people with AIDS-related conditions have being approved for disability benefits.

Awe said people who are extremely ill but do not meet the clinical requirements of having AIDS often do not qualify for benefits.

"I have patients coming with ARC (AIDS Related Complex) in wheelchairs with the sweats and "diarrhea and they've been denied disability," Awe said.

Other patients who might only have a few lesions but qualify as AIDS patients are classified as disabled, Awe said.

Glen Maxey, of the Texas Gay and Lesbian Lobby, told the task force that the problem often is the result of physicians not using specific language in reports needed to qualify patients for benefits.

Rep. Mike McKinney, a Center-ville legislator who also is a physician, said, "We have a system based on saving money and not on providing care to those who need it. How we put that into a recommendation, I don't know."

Maxey said an effort had been started by his group to educate patients and physicians on how to properly complete the disability applications.

# Will keynote

## become liability?

DALLAS MORNING NEWS DEC 5 1988



CAROLYN BARTA

So, Old Silver Foot and Silver Tongue have buried the hatchet. Even if for only the time being, it speaks of the class of President-elect George Bush and State Treasurer Ann Richards that they have set aside animosities of the campaign — Ms. Richards with a congratulatory telegram to the president-elect and he with a peace offering to her of a tiny silver foot.

But don't believe for a moment that this is the end of the political episode that began with Ms. Richards' "Poor George" keynote address at the Democratic National Convention. What was widely acclaimed at the time for making the little-known state treasurer an instant celebrity could become a liability.

Judging by recent letters to the editor, there are plenty of Republicans who have no intention of burying the hatchet. Some may even be part of an organized letter-writing campaign, designed to thwart Ms. Richards' gubernatorial aspirations.

Republicans, led by Gov. Bill Clements, are now laying blame on Ms. Richards for the negative tone of Mr. Bush's presidential campaign. Gloating after the election, Gov. Clements said: "She did a wonderful job of getting Mr. Bush properly exercised to where he really took after the Democrats. We have her to thank."

Why not also thank Sen. Ted Kennedy for his "Where was George" speech? Because Sen. Kennedy won't be running for office in Texas in 1992. One election is hardly cold before the next is under way.

There certainly was plenty of Bush-bashing in Atlanta. But it's been well documented by now that the Bush campaign had decided on a game plan concentrating on such issues as the Pledge of Allegiance, gun control, death penalty and prison furloughs long before Ms. Richards stepped to the podium in Atlanta. Survey focus groups had told Bush managers what pushed voters' hot buttons.

Notwithstanding the recent passing of the peace pipe, Ms. Richards has now become a highly partisan target in 1990, should she get the gubernatorial nomination. To win a November race, she would have to tone down the rhetoric to attract independents (many of whom supported Mr. Bush) and drop the Minnie Pearl routine — which she frequently does anyway when talking to chamber of commerce-type groups.

Attorney General Jim Mattox, who was virtually ignored in Atlanta, must be enjoying the negative fallout from Ms. Richards' role at the convention. Mr. Mattox would like nothing better than for her to opt out of the race, as have Lt. Gov. Bill Hobby and San Antonio Mayor Henry Cisneros — and you can rest assured that he will be doing his best to squeeze her out.

Mayor Cisneros may yet re-emerge as a gubernatorial candidate, however, if he is convinced that his now-public relationship with a San Antonio woman hasn't tarnished his political career. Former Gov. Mark White is considering trying to make a comeback, and others, such as Land Commissioner Garry Mauro, could round out the Democratic field.

As for the Republican gubernatorial possibilities — Kent Hance is sitting pretty after his convincing Railroad Commission win. But George W. Bush, the president-elect's older son, has the Bush name and ability to raise big money, should he decide to run. Mr. Bush the younger has bought a home in North Dallas and will be moving his family here after the transition. Ironically, it was Mr. Hance who beat the younger Bush to represent West Texas in Congress back in 1978.

Amarillo businessman and corporate raider T. Boone Pickens sounds like a potential GOP gubernatorial candidate, as does Secretary of State Jack Rains. Former Rep. Tom Loeffler, who along with Mr. Hance lost the 1986 primary to Bill Clements, is a possibility if he doesn't get an appointment in the Bush administration.

The most interesting match, however, would pit the silver-haired Silver Tongue against son of Silver Foot — certainly making the 1988 presidential race a factor in the Texas 1990 gubernatorial race.

**ODDS AND ENDS:** The ability of Ms. Richards to win the state treasurer's post may have encouraged other women to try to succeed her. Among those considering running for the treasurer's post are Democrats Regina Montoya Coggins of Dallas and Texas Employment Commission member Mary Scott Nabors, and Republicans Kay Bailey Hutchison of Dal-

las and state Sen. Cyndi Krier of San Antonio.

Ms. Montoya-Coggins, a Harvard law graduate and partner (in the banking and real estate area) in the law firm of Akin Gump Strauss Hauer & Feld, was host for three years of the public affairs show *Nuestro Dia* on Channel 8. If nominated, she would fill Democrats' desire to have a Hispanic on their statewide ticket. Ms. Hutchison, also a lawyer and small businesswoman who has served in the Legislature, confirms she is looking at the potential opening.

While that job is getting the most attention from potential female candidates, its attraction transcends gender. Steve Guttow, a Dallas lawyer who headed the Dallas County campaign for Michael Dukakis, is expected to run. Dallas County Democratic chairman Sandy Kress is looking at this among other political options, as is state Rep. Stan Schlueter of Killeen. On the Republican side, other potential treasurer candidates include Dallas County Treasurer Bill Melton.

Carolyn Barta is editor of Viewpoints.

# AIDS task force makes sweeping recommendations

HOUSTON CHRONICLE DEC 3 1988

By RUTH SORELLE  
Houston Chronicle Medical Writer

AUSTIN — The Legislative Task Force on AIDS approved final recommendations Friday that call for making experimental treatments more readily available to AIDS patients, increasing public and private payments for AIDS-related care and requiring testing of people with sexual assault or drug convictions.

The wide-ranging report, covering issues from discrimination to educating schoolchildren to AIDS in prisons, will be submitted to the Legislature in early January.

The Rev. Chris Steele, who chaired the committee during its 13-month existence, said she is "cautiously optimistic" about the reception the group's report will receive in the Legislature. She applauded the consensus on the panel, saying the experiences members shared led them to feel strongly about the same kinds of issues.

The task force dissolves when the Legislature goes into session in January, but task force members said its momentum should be carried forth by an unnamed entity that will be charged with overseeing AIDS coordination and planning in the state.

While the task force dealt substantively with matters of policy, it did not try to put a price tag on the long list of recommendations.

In an effort to resolve concerns over slow federal approval of AIDS drugs, the panel recommended allowing testing, manufacture and sale of AIDS drugs in the state, which prompted discussion because physicians were concerned that it might open the door to unproven and unorthodox treatments.

Although the recommendation was designed to circumvent strict U.S. Food and Drug Administration rules that have been seen as hampering distribution of new AIDS therapies, task force

members said they feared it could open the door to ineffective treatments.

Health care issues also came to the fore as the task force advocated establishment of an HIV Health Services program to provide care to indigent AIDS patients on a sliding scale basis.

The task force also advocated changes in the Medicaid program that would increase the federal matching dollars that go into the program, expand income eligibility for the program and increase the kinds of services paid for under the program.

In addition, the group backed methods of increasing private insurance for AIDS patients, including establishment of a high-risk insurance pool to cover people who could not buy health insurance on a regular basis. The panel also wants the Legislature to prevent group health insurers from changing contracts so that people with AIDS or other costly conditions are no longer covered.

Task force members clashed over the issues of testing and consent.

While they approved a recommendation to require testing for people convicted of sexual assault or drug abuse-related crimes, they disagreed over when to test patients. They finally advocated requiring consent and counseling for all HIV tests in Texas, except where state law allows testing without consent.

Other recommendations include:

- Requiring school districts to provide comprehensive health and AIDS education to all students.

- Asking that condoms be sold at or near cost in prison commissaries.

- Requiring state agencies, by the end of fiscal year 1990, to adopt an AIDS education program and work place guidelines that eliminate discrimination against, and protect the privacy of, people infected with the AIDS virus.

# AIDS task force proposes ways to combat epidemic in state, but not how to pay for it

HOUSTON POST

By D.J. Wilson DEC 3 1988  
OF THE HOUSTON POST STAFF

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## Sunset panel delays loan program action

HOUSTON CHRONICLE DEC 4 1988

By NANCY STANCILL  
Houston Chronicle

AUSTIN — Following a lengthy discussion Friday, the Texas Sunset Advisory Commission postponed action on a controversial proposal to recommend shutting down the state's student loan program.

The commission voted unanimously to give its staff additional time to suggest ways in which higher education could benefit through the sale of the multimillion dollar portfolio of the Hinson-Hazlewood College Student Loan Program.

The commission scheduled another meeting Jan. 11-12 to continue its discussion of the loan program.

The sunset commission staff recommendation that the 23-year-old student loan program be discontinued and its portfolio be sold for an estimated \$102 million has stirred opposition in state higher education circles and several commission members mentioned widespread publicity the proposal has received.

Sen. Bob McFarland, R-Arlington, vice chairman of the commission, charged that the issue has been misunderstood and blamed "the obvious gullibility of the press."

Questioned by reporters after the meeting, McFarland contended that the recommendation would not abolish the Hinson-Hazlewood program, but would merely place it "in a dormant state."

He conceded, however, that under the sunset commission staff proposal, the program would cease making loans to students and the 65-member staff that administers it at the Texas Higher Education Coordinating Board would no longer be needed. But he contended that this would not be closing the program.

McFarland said that the program could be reactivated if Texas banks and savings and loan associations decided to withdraw from the guaranteed student loan program. He emphasized that the Hinson-Hazlewood program accounts for less than 5 percent of the guaranteed student loans made in Texas and that students currently do not have difficulties getting such loans from financial institutions.

Commission members have said that if they recommend sale of the loan portfolio — which would legislative approval — they would wish to stipulate that the proceeds be placed in a trust fund and the interest used to support grants or other financial aid programs to students.

However, Higher Education Commissioner Kenneth Ashworth emphasized that there is no assurance that the proceeds actually would be used in that way by the Legislature and might instead go for other state needs such as prisons or highways.

"This is a state program created by the people," he said. "It is a good backstop program and should be defended and protected."

The program has made loans to 161,000 Texas students since its inception and Ashworth said that since 1976, 50 percent of the loans have gone to minority students. However, he acknowledged that statistics for the most recent year showed 30 percent minority participation.

Some key legislators have vowed to fight for the continued existence of the program, including Sen. Carl Parker, D-Port Arthur, who dropped by the sunset commission meeting to speak briefly with several members.

"If it ain't broke, I don't see any reason to fix it," he said outside the Senate Chamber. He said the staff recommendation "seems to be just for the sake of neatness."

# Barrientos works for basic AIDS funding

Bill serves as fallback for broader measure

By Dick Stanley  
American-Statesman Staff

State Sen. Gonzalo Barrientos, the only Texas legislator so far sponsoring a bill for direct services to people with AIDS-related illnesses, says it could become the only such legislation to win approval this year.

"My understanding is an omnibus bill is coming, and in case it's stalled, I introduced this one," said Barrientos, an Austin Democrat. "Usually an omnibus is ideal. But if a few members decide they're against some facet, the whole thing stalls."

An omnibus bill is being prepared by members of the Legislative Task Force on AIDS. It is expected to seek millions of dollars in funding for medical help, counseling and other aspects of a state-wide program to combat the epidemic of acquired immune deficiency syndrome.

The task force recently concluded that AIDS will pose a major health threat to all Texans and financial trauma for local and state health and welfare programs unless state support is increased.

The Rev. Chris Steele, chairman of the group, said the omnibus bill has been slow in arriving but should be filed this week. Sen. Chet Brooks, D-Pasadena, will sponsor it in the Senate, she said, but the House sponsor has yet to be determined.



Sen. Gonzalo Barrientos says lawmakers' attitudes about AIDS have matured, making significant legislation more likely. File photo by David Kennedy

Barrientos agreed with Steele and other political observers who have said that lawmakers' attitudes about the AIDS issue have matured, and that this will help lead to solutions this session. But he said there was still the possibility that some members oppose any legislation because of the controversial aspects of the issue.

"The knowledge generally has increased greatly," Barrientos said. "I think the public is now more aware that this deadly disease is not just with certain lifestyles — that is drugs and needles and gays — but it can hit just about anybody, and therefore we're all in the same boat."

His Senate Bill 636 would let the

two years, requiring at least \$18 million.

The \$8 million is only "a talking figure," Barrientos said. "According to my information, we could use the money" to attract federal matching funds.

Michael Mathews, vice-president of the Austin Persons With AIDS Coalition, said the group would back whatever strategy Barrientos chose.

"Having taken on this task for us, we owe him the respect," said Mathews, who receives AZT under the federal program. "We need to focus on getting a cornerstone in place. Then we really have to start talking about the numbers."

state Department of Health take over a federal program that provides the expensive AIDS-surpressing drug AZT free to more than 1,200 impoverished Texans. The bill would also allow the state to pay for other new drugs when they are discovered.

The federal program is expected to end in April, but state health officials have said they can stretch the money until September.

Some Austin AIDS activists have questioned Barrientos' plan to seek \$8 million to fund the new drug program. They say that is about \$1 million short of the current annual cost of the federal program, and that any state appropriation would have to cover

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# AIDS bills filed in state House, Senate

AUSTIN AMERICAN STATESMAN

By Dick Stanley MAR 8 1989  
American-Statesman Staff

Long-awaited legislation giving the state Department of Health broad powers to fight the AIDS epidemic in Texas finally was unveiled late Tuesday.

But only the Senate version of the omnibus legislation drawn by members of the Legislative Task Force on AIDS would give protection from discrimination to Texans with illnesses related to acquired immune deficiency syndrome.

The House bill is silent on the issue, which leaders of the task force have said was their top priority.

The two bills, filed late Monday and Tuesday, would give the Health Department authority to coordinate the state's response to the epidemic, including assisting community organizations and setting statewide guidelines for testing and counseling.

The legislation also calls for the Health Department to set workplace guidelines for state agencies and private employers designed to keep persons with AIDS-related illnesses employed as long as their health permits.

One of the three co-sponsors of the House bill, Rep. Nancy McDonald, D-El Paso, said that, if passed, the legislative package probably would cost the state at least \$45 million. "It's good, positive (legislation)," she said. "I think we'll be able to pass it and at least set some good policies in the state on how we will try to fight this whole epidemic and all the problems."

But McDonald, a former member of the task force, said the \$45 million estimate did not include state assumption of a federal program that now provides the drug AZT to more than 1,200 impoverished Texans with AIDS.

Both the House and Senate versions of the omnibus bill call for the state to assume fiscal responsibility for the federal AZT program, which is expected to end in April and which currently spends about

\$9 million in Texas alone.

Emily Untermeyer, former director of the task force, said she expected both bills to be referred to committees in each house for hearings within three weeks.

Under normal procedure, she said, the Legislative Budget Office would poll affected state agencies for their estimates of projected costs and present a total figure at the hearings.

As for the lack of anti-discrimination legislation in the House bill, McDonald said she and the other co-sponsors decided that including it could prevent the House version from passing. "It is one area we want not to find a great obstacle," she said. "It was just the agreement of the authors that we wouldn't tackle the subject."

The other co-sponsors of the House bill, Rep. Billy Clemons, D-Pollack, and Rep. Mike McKinney, D-Centerville, could not be reached for comment.

McDonald said she expected a separate House bill to be filed soon giving persons with AIDS-related illnesses the same protections available to handicapped or disabled Texans.

Proposed legislation on the issue also has been filed separately in the Senate by former task force mem-

ber Sen. Craig Washington, D-Houston. Washington and Sen. Chet Brooks, D-Pasadena, are the co-sponsors of the Senate version of the omnibus AIDS bill.

The omnibus legislation addresses most of the major recommendations of the task force for dealing with the epidemic in Texas which, with more than 6,000 persons already diagnosed with full AIDS, currently ranks fifth nationally.

The task force has projected a total of 45,000 cases by 1992 with thousands more Texans infected with the virus which experts say always leads to the deadly disease.

In addition to its mandate to coordinate the fight against the epidemic in Texas, the legislation would have the Health Department become a clearinghouse on public and private funding sources for AIDS-related programs. It would also be directed to establish voluntary, anonymous testing programs for the AIDS-virus in each public health region of the state.

The Senate version of the legislation also would prohibit the use of AIDS-virus testing as a pre-condition for insurance or employment.

Colleges and universities would be encouraged to pursue basic and applied research on the disease.

The State Board of Education would be required to provide in-

service training on AIDS-related illnesses and issues to all public school employees and volunteers. The Texas Education Agency would be directed to prepare materials for accurate and comprehensive education about the disease in the state's public schools.

The Texas Department of Corrections would be empowered to test inmates for the virus which causes AIDS, adopt rules on segregation of such inmates from the rest of the prison population and be prohibited from using the information as grounds for denial of parole.

All licensed substance abuse treatment facilities would be required to provide education on the disease to employees and clients. The Texas Commission on Alcohol and Drug Abuse would have to develop model education materials.

The legislation also would prohibit the current practice of real es-

tate agents in Texas of disclosing whether a current or former occupant of a property has an AIDS-related illness.

The House bill also allows administrators and teachers in the state's public schools to review medical records of students with AIDS-related illnesses. The Senate bill does not address the issue. Both bills include provisions for maintaining the confidentiality of such records.

## Felony provision offers end to pay-for-play scandals

AUSTIN AMERICAN STATESMAN MAR 8 1989

If the state intends to effectively get at the root of Texas' college athletic recruiting scandals, Sen. Bob Glasgow's bill making it a third-degree felony to bribe an athlete is the way to do it.

On Monday, the Senate agreed and passed the bill without a weakening amendment that had been offered by Sen. Chet Brooks, D-Pasadena. He said requiring a stiff penalty to cover all sizes of infractions was going too far, and proposed to make it a Class A misdemeanor to offer an athlete a bribe worth \$750 or less.

But the real reason for making the offense a third-degree felony in all circumstances is not to seek to impose the maximum penalty in every case, it is to see to it that district attorneys will prosecute. One legislative aide told the *Austin American-Statesman* that district attorneys will prosecute athlete bribery if it is a felony offense, but probably won't bother if a particular case qualifies only as a misdemeanor.

And, clearly, what the law should do is discourage alumni or others from engaging in the purchase of college athletes. The way to do that is to make it known to those tempted to bribe athletes that they could go to jail for up to 10 years, plus pay a

\$5,000 fine, as the Stephenville Democrat's bill now provides, because prosecutors will go after a felony conviction, tooth and nail. In less severe cases, a conviction still would be a felony, but the prison term could be probated and the fine reduced commensurately, which should take care of Brooks' concern about inappropriately tough penalties.

Glasgow said in Monday's debate that Texas "was at the forefront of the athletic recruiting scandals. We've got to put a stop to it . . . and announce to the world that we're going to put a stop to it."

In recent years, the National Collegiate Athletic Association has put most Southwest Conference schools on probation for recruiting violations. In addition to cracking down on alumni and college recruiters, the legislation also would affect out-of-state coaches and school boosters who come to Texas and, while here, offer students financial incentives (bribes) to come to their schools. That's something that NCAA rules don't discourage, but Glasgow's legislation will.

When the bill comes up in the House, it should be passed without adulteration and quickly signed into law by the governor.

# Anti-bias clause in AIDS bill splits Legislature

DALLAS TIMES HERALD  
By Bennett Roth  
TIMES HERALD AUSTIN BUREAU

MAR 10 1989

p.1

AUSTIN — Although state lawmakers agree that a comprehensive AIDS bill is needed in Texas, a battle is brewing between the House and Senate over whether including an anti-discrimination clause in the package would be tantamount to supporting gay rights.

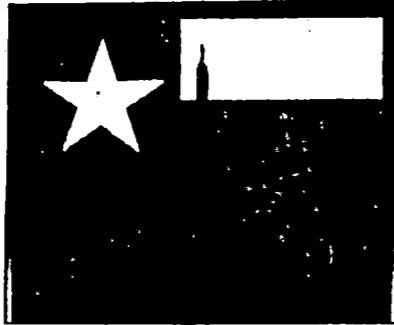
The legislation, introduced earlier this week in both chambers, hit its first snag when House members excluded a provision that would prohibit discrimination against AIDS patients, while Senate sponsors say such a measure must be the cornerstone of any meaningful statewide pro-

■ Lawmakers submit judicial-restructuring plan. Page B-3.

gram to prevent and treat the disease.

"It's a conscious tactical decision on how to pass the bill," Rep. Mike McKinney, D-Centerville, said of the House version of the legislation. "People are not ready for you to stand up and say homosexual activity is OK."

Sen. Craig Washington, D-Houston, one of the sponsors



■ Racing panel appointees get Senate nod. Page B-5.

of the bill in that chamber, countered: "It's not a gay rights issue. It's human rights."

✓ Ambitious blueprints for the Texas war

against AIDS, both bills include authorization and funding for a broad range of education, testing and medical programs. The legislation would significantly increase spending for AIDS programs — from the current \$3.7

million to about \$40 million next year.

McKinney, who is a physician, said many rural lawmakers fear that voting for such a provision would be used against them in their re-election campaigns.

"I will not ask my colleagues to do something that will get them beat at home," he said.

McKinney said the House version also omitted "a bunch of inflammatory language" that was included in the Legislature's AIDS Task Force report, upon which much of the legislation was based. "We didn't talk about needles and condoms."

Medical experts have urged

Please see BILL, A-5

that people use condoms to help prevent the spread of AIDS, which is transmitted most often through sexual contact or the sharing of needles used for intravenous drugs.

Senate sponsors, however, argue the anti-discrimination provision is an essential part of an education and treatment program. They say AIDS victims or those at risk of contracting the disease will not undergo testing or participate in educational programs if they fear losing their jobs or being denied housing.

"AIDS is such an alarming buzzword, you cannot help but

encounter overwhelming discrimination," said Sen. Chet Brooks, D-Pasadena, chairman of the Senate Health and Human Services Committee and one of the bill's sponsors.

Washington said the anti-discrimination measure is the "cornerstone" of the package and his colleagues in the House should not worry about losing political races over the issue.

"I think members should put aside their petty notions of what the populace thinks," Washington said.

Washington also criticized the sanitized House version of the bill, saying that members underestimated the ability of their constituents to deal with sensitive material.

"This is 1989, not 1839," Washington said. "'Condoms' [is] not a dirty word."

A number of the advocates for the AIDS legislation say they may have to sacrifice the discrimination measure to salvage what still would be the most ambitious AIDS program ever undertaken in Texas.

"The political realities in the House require this unusual provision," said the Rev. Chris Steele, who was chairwoman of the AIDS task force. "Too many legislators associate the phrase anti-discrimination with gay rights due to the anti-homosexual attitudes on the part of many."

But Rep. Billy Clemons, D-Pollock, a conservative House member and sponsor of the bill, said that the abatement of public fear of AIDS patients cannot be legislated.

"You cannot mandate anti-hysteria. You cannot make people not be afraid," Clemons said.

207 Task Area



# AIDS chief qualifies support of bill

P. A3 MAR 10 1989 HOUSTON POST

By John Gravois  
POST AUSTIN BUREAU

## House, Senate bills called 'good starting point'

### WASHINGTON: Backs Steele

AUSTIN — The head of the state's task force on AIDS said she's generally pleased with proposed AIDS legislation even though two-thirds of her panel's recommendations are not included. The Rev. Chris Steele called House and Senate omnibus bills filed this week "a good starting point" but said she is troubled that the House version contains provisions not endorsed or in some cases even considered by the task force.

Because some lawmakers believe state law is unclear in many matters regarding AIDS, the House bill specifically spells out a number of things to eliminate confusion.

The bill would make clear that it's a crime for anyone to intentionally transmit the AIDS virus. It also would set up a volunteer partner notification program, in which people who contract the virus are

encouraged to notify all their sexual partners.

But police already have the authority to arrest people for spreading AIDS and many areas in the state already engage in partner notification programs, Steele said.

Therefore, neither of the issues should have been included in the House bill, Steele contended. Those points are not addressed in the Senate version.

In addition, Steele took issue with a provision in the House bill that would allow public school teachers and administrators to know whether any of their students have the virus. That information now is kept confidential.

The co-sponsors of the Senate bill, Sens. Chet Brooks, D-Pasadena, and Craig Wash-

ington, D-Houston, agreed with Steele, saying if those issues are to be debated it should be through separate legislation.

"This is a public health bill, that's all it is and everything that detracts from that does a disservice in my opinion," Washington said. "They just muddy up the water."

Brooks said including items like the criminalization of spreading the virus when it's already technically authorized "only makes the legislation more controversial than it already is."

And controversy is exactly what Steele, Washington and Brooks said they fear could undermine the Senate bill, which they hope emerges as the lead legislation. All three said they are concerned debate will evolve into a fight over gay rights.

# Anti-discrimination rule vital to state AIDS fight

AMERICAN STATESMAN

MAR 16 1989

A House bill designed to coordinate the state's fight against acquired immune deficiency syndrome does not include a provision to give persons with AIDS-related illnesses the same legal protection against discrimination available to the handicapped or disabled. A companion Senate bill does, and the Legislature should make the Senate bill the cornerstone of any AIDS legislation passed this session.

Opposition to anti-discrimination language in the House bill comes from Rep. Billy Clemons, D-Pollock. Clemons argues he does not want to pass a "gay rights bill," precisely the kind of intemperate language that can sink the much-needed legislation. Clemons, who served on the Legislative Task Force on AIDS on which both bills are based, fails to understand AIDS is slowly spreading to the general population.

Sen. Carl Parker, D-Port Arthur, contributed to the kind of climate that makes Clemon's attitude possible Tuesday when he joked about the best way to handle those individuals exposed to the virus. "Kill 'em," was Parker's response as to how to handle individuals who might test positive if a bill under Senate consideration that would test state prisoners, prostitutes and those convicted of drug abuse were passed.

Parker quickly asked that he not be quoted. He said his remark was meant to be humorous. In a personal privilege speech in the Senate Wednesday, Parker explained his remark was meant in jest. That may be,

but Parker ought to take into consideration what humor a person with AIDS reading his ludicrous remark might have found, and if his remark might reinforce the thinking of others who might actually believe the best way to handle AIDS is to quarantine or eliminate its victims.

Language such as Clemons' and Parker's are basic stumbling blocks to fighting the disease, for both appear to be rooted in an inability to associate an end to discrimination with fighting the disease. If people with AIDS-related illnesses are discriminated against, they may not seek help and may further spread the disease. They also may lose their jobs, increasing the likelihood that they might end up as wards of the state.

If discrimination against these individuals is not outlawed, especially in regard to insurance coverage, state government may begin seeing AIDS-related costs increase.

This is especially true of the people who can benefit from the life-prolonging drug AZT. Both House and Senate bills call for the state to pay for the AZT expenses of about 1,200 impoverished Texans who need the drug but cannot afford it. AZT is effective in only 30 percent of AIDS cases, and, with so little that can be done against the disease, what is possible should be done. Sponsors of that provision should be congratulated.

But they should go the next step and outlaw discrimination against people with AIDS.

# DHS sex education welcome

AMERICAN STATESMAN

MAR 16 1989

The Texas Department of Human Services is planning to launch a worthy program to administer sex education to abused and neglected teen-agers who come into the department's care. The agency also is exploring providing sex education, specifically in regards to acquired immune deficiency syndrome, to its adolescent wards. These are positive steps.

DHS officials should be commended for the programs and, if criticism comes their way, should stand fast, because any child that is spared the

life-altering experiences of earlier teen-age pregnancy or the scourge of AIDS will make the cost of the program worthwhile.

The agency intends to do selective testing of youngsters who may live in situations which increase the likelihood that they might be exposed to AIDS or in circumstances in which sex education might prove critical in the life of a young woman or man.

If the program does anything but teach youngsters to practice safe sex, then it will have accomplished a great feat.

# Pass mandatory helmet law

AMERICAN STATESMAN

MAR 16 1989

The Legislature should reinstate the mandatory helmet law for motorcyclists. The argument that requiring motorcycle riders to wear helmets is a limitation on personal freedom is valid. But that doesn't make it sacrosanct. The stronger argument is that even if motorcyclists are willing to risk injury or death, the public is picking up the tab in medical care and rehabilitation, and that tab is getting heavy.

The Senate Health and Human Services Committee has voted 6-1 to

reinstate the mandatory helmet law that was repealed in 1977. The vote came after testimony that injured motorcyclists without helmets or insurance cost taxpayers more than \$32 million in medical costs last year.

"It's a simple issue of should the general public pay for head injuries and deaths of people who don't want to wear helmets," said bill sponsor Sen. Ted Lyon, D-Rockwall. "And I don't think they should." Neither should the rest of the lawmakers. The measure should be passed and signed into law by the governor.



The State of Texas  
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*Central American  
refugee problem*

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# NEWS RELEASE

LB  
FILE  
Lloyd Bentsen  
United States Senator

February 7, 1989

FOR IMMEDIATE RELEASE:

## BENTSEN SEEKS RELIEF FOR SOUTH TEXAS, OTHER AREAS AFFECTED BY REFUGEE POLICY SAYS JUSTICE DEPARTMENT OFFICE ALREADY HAS FUNDS AVAILABLE

Washington, D.C. - Senator Lloyd Bentsen introduced legislation Tuesday to provide relief to South Texas and other areas that have been adversely affected by a new federal refugee policy.

The Bentsen bill is identical to legislation introduced in the House by Representative Solomon Ortiz of Corpus Christi.

It would authorize the Community Relations Service, an agency of the Justice Department, to provide aid to areas which attract large numbers of Central American refugees. The agency has \$20 million on hand but is currently allowed to disburse the money only if Cuban or Haitian immigrants, or unaccompanied minor immigrants, are involved.

"Over the last year there has been a huge, 130 percent increase in the number of people seeking political asylum in this country. The number jumped from 26,107 in fiscal 1987 to 60,736 last year, with 82 percent of the applicants coming from three countries: El Salvador, Nicaragua and Guatemala," Bentsen said in Senate remarks accompanying his bill.

"Since most Central Americans enter the United States through South Texas, that economically depressed area of my state has been particularly hard-hit."

"The problems facing South Texas were compounded in Mid-December when the Immigration and Naturalization Service announced a change in policy that effectively confined those seeking to come to this country as refugees from Central America to the Brownsville/Harlingen area in South Texas."

"We quickly had a crisis situation on our hands down there, with shelters filled to capacity and immigrants sleeping in the woods, in tent cities and in abandoned motels."

"The INS had turned the entire Brownsville/Harlingen area into a massive detention camp."

The crisis was eased in January when a federal judge temporarily barred the INS from enforcing its new refugee policy, but the judge has indicated he will likely remove the bar later this month.

Bentsen estimates the cost to local governments, charities and churches in South Texas at \$6 million a year if the refugee policy is reimposed.

"South Texas is not the only part of this country that has been greatly affected by the recent increase in immigration from Central America. Miami and Los Angeles have also been hit hard and those cities, too, are in need of federal assistance," Bentsen said.

"My legislation will provide for federal assistance to South Texas and other affected areas and will do so on an expeditious basis," Senator Bentsen said.

## Florida, Texas Seek Aid for New Influx of Aliens

Members of the Florida and Texas congressional delegations are pressing the federal government for emergency aid to help their states deal with a new influx of Central Americans — half of them Nicaraguans.

Because most of the Nicaraguans have made their way to Miami, where more than 100,000 of their countrymen have settled over the past decade, the Floridians also want the government to give them temporary legal status that would let them work and move about the country. Miami officials say their area cannot absorb another huge influx of foreigners like the Mariel "boatlift" from Cuba in the early 1980s.

But this suggestion has raised delicate political questions about the plight of Salvadorans and other Central Americans who make up the other half of new arrivals. Their advocates say all Central Americans should be treated alike.

While Texas and Florida members are asking for short-term financial help, many of them say that President Bush and Congress also need to address longer-term foreign policy issues in the region. Their concern is that Central Americans will continue to flood into the United States as long as their own countries are in economic and political disarray.

An immigration-enforcement law enacted in 1986 to stem the tide of illegal aliens cannot prevent desperate people from crossing the border, these members say. (1986 Almanac p. 61)

"The only way you're going to have a successful policy is to shore up the economies of Central America," says Rep. E. Clay Shaw Jr., R-Fla. "They are coming, and we can't stop them."

Adds Texas Democrat Solomon P. Ortiz, whose Brownsville district has been hit hard by the latest influx, "When people are hungry, they say, 'You can pass all the laws you want, but when my children are starving to death . . . when I cannot find a job, we are going to try to come to the United States, which is the beacon of light.'"

This new immigration problem

—By Nadine Cohodas

erupted early in January when thousands of Central Americans began pouring across the border at Brownsville, in southeast Texas.

A combination of factors contributed to the crush, including the continuing deterioration of the Nicaraguan economy, an upswing in violence in El Salvador and policy changes by the Immigration and Naturalization Service (INS).

The foreigners made their way to a regional INS office in Harlingen, which is near Brownsville, and filed applications for asylum. Asylum can be granted by the government to foreigners who demonstrate a "well-founded fear of persecution" in their homeland. Once an applicant makes a minimal showing, he is entitled to remain in the United States until his application has been reviewed. If he

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***"The only way you are going to have a successful policy is to shore up the economies of Central America. They are coming, and we can't stop them."***

—Rep. E. Clay Shaw Jr., R-Fla.

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meets the standards, he is allowed to stay. If not, he can be deported.

Rep. Lawrence J. Smith, D-Fla., doubts that many of the recent arrivals will be granted asylum under the current rules. "These are economic refugees," he says. "Most of these people have no well-founded fear of persecution. They have a well-founded fear of living in poverty for the rest of their lives in their own country."

### A Shifting INS Policy

To cope with the thousands of individuals — 1,700 each week — who had applied for asylum at the end of the year, INS officials in Texas decided to allow the aliens to move out of the Brownsville area after they filed their claims — a departure from normal procedures, according to INS spokesman Vern Jervis.

But as word of the Texas policy

filtered south, it further stimulated an already growing flow of aliens. In mid-December, INS Commissioner Alan C. Nelson told the Texas office to halt the procedure. Very quickly, Brownsville was bursting at the seams with Central Americans who had no place to stay and no means of support. The flow of aliens dropped dramatically to 450 a week after news of the tougher INS policy spread, Jervis said.

However, after a lawsuit was filed on behalf of the aliens detained near the border, a federal district judge issued a temporary restraining order Jan. 9 barring the government from keeping the aliens in the Harlingen-Brownsville area. The Nicaraguan arrivals quickly boarded buses for Miami, while the remaining aliens scattered to other parts of the country.

Between Jan. 10 and Jan. 17, another 2,651 Central Americans entered the country, Jervis said.

The court order expires Jan. 31, when the judge will hold a hearing on whether to extend his ruling.

### The Burden on Miami

The flood of Nicaraguans into Miami created immediate health and social services problems in a city that has barely recovered from the 1980 Cuban-Haitian boatlift.

Publicity about the new arrivals exacerbated ill feeling toward Hispanics in Miami's black community, which erupted into rioting and looting the week of Jan. 16 after a Hispanic police officer shot and killed a young black man who was fleeing arrest for a traffic violation.

Starting the week of Jan. 9, Florida officials, including Republican Gov. Bob Martinez, Sens. Bob Graham, D, and Connie Mack, R, and several members of the House delegation, began asking for federal help.

Their appeals went to the president and to Attorney General Dick Thornburgh, who has authority to grant temporary legal status to certain foreigners, and who is authorized under a program set up in the 1986 law to spend money to reimburse states for "immigration emergencies." While the fund was established in the law,

## Court Upholds Sentencing Guidelines

The Supreme Court removed a complex issue from Congress when the justices ruled Jan. 18 that a new federal sentencing commission and the guidelines it wrote were constitutional.

Justice Harry A. Blackmun wrote the 8-1 majority opinion in *Mistretta v. United States*. Justice Antonin Scalia dissented.

The seven-member sentencing panel, which includes three judges, was created in a 1984 anti-crime law (PL 98-473) to write guidelines aimed at reducing the wide disparities that existed in punishment for similar crimes. Judges must follow the guidelines in sentencing, or explain in writing why they did not. (1988 *Weekly Report* p. 2803; 1984 *Almanac* p. 215)

More than 150 federal district judges had declared the law unconstitutional, while another 115 ruled it was valid, creating widespread uncertainty. The new sentencing law, which abolished parole, applies to all persons convicted of federal crimes committed after Nov. 1, 1987.

Lawyers for John M. Mistretta, who had been sentenced under the guidelines, challenged the commission's constitutionality. They said that Congress delegated too much authority to the commission, abdicating its legislative responsibilities, and that the commission itself violated the doctrine of separation of powers because the judges on it were called upon to make sentencing policy, a legislative function.

In rejecting Mistretta's arguments, Blackmun said that the court long ago recognized that "in our increasingly complex society . . . Congress simply cannot do its job absent an ability to delegate under broad general directives." Congress' delegation to the commission was "sufficiently specific and detailed to meet constitutional requirements," Blackmun added.

While calling the commission "unquestionably a peculiar institution," the majority said it is not a court and does not exercise judicial power. In addition, Blackmun said, sentencing "long has been a peculiarly shared responsibility among the branches of government and has never been thought of as the exclusive constitutional province of any one branch." The majority also said that service on the commission would not harm the independence of the judiciary. "That federal judges participate in the promulgation of guidelines does not affect their or other judges' ability impartially to adjudicate sentencing issues," Blackmun said.

there is no money in it. And it is not yet clear just where federal funds can come from to reimburse Miami and Brownsville for the costs they have borne in the last month. It would likely to have come from a reprogramming of existing appropriations or a new supplemental appropriation.

Justice Department spokesman Loye Miller said Jan. 18 that Thornburgh has the entire immigration situation "under advisement."

Gov. Martinez came to Capitol Hill Jan. 19 for a spirited 90-minute meeting with the Florida delegation. Although no specific recommendations were adopted, the Floridians made clear they want the Nicaraguans to be granted temporary legal status — known as "extended voluntary departure" (EVD) — and to be encouraged to leave their state. EVD status allows immigrants to work and live here temporarily, but only until the situation in their homeland permits them to return there.

### A Broader Problem

While the Floridians may be unified in what they want from the government, the immigration problem is broader than Florida and the Nicaraguans. The EVD issue has been a troublesome one in Congress, because it is mixed up in disagreements over U.S. policy in Central America.

In the last Congress, Rep. Joe Moakley, D-Mass., and Sen. Dennis DeConcini, D-Ariz., sponsored legislation to grant EVD status to Salvadorans and to Nicaraguans. The measure passed the House but was never considered by the full Senate. The administration strongly resisted the move, particularly the portion relating to El Salvador. Salvadoran President José Napoleón Duarte supported it. (1987 *Almanac* p. 284)

Because the impetus for the legislation was concern over human-rights violations in El Salvador, the Reagan administration and its allies in Congress alleged that Democrats, in par-

ticular, were using the bill to embarrass the administration, which supported Duarte's regime and certified that it was making progress on human rights.

Sponsors were angered last summer when then-Attorney General Edwin Meese III announced a more relaxed policy for dealing with Nicaraguans, whose Sandinista government the administration strongly opposed.

Whether Thornburgh will accept the Floridians' proposal to grant EVD status to Nicaraguans is unclear. But if he grants temporary relief only to the Nicaraguans, "there would be political backlash of tremendous dimension," says Wade Henderson, associate director of the American Civil Liberties Union's Washington, D.C., office, who has worked on the EVD issue for four years.

James P. McGovern, a spokesman for Moakley, says the Bush administration should look at "the situations in both those countries. The level of violence and civil unrest in El Salvador is much higher than what we see in Nicaragua."

### Longer-Term Dilemma

Members concede that long-term solutions to Central America's problems are harder to devise.

Rep. Dante B. Fascell, D-Fla., chairman of the House Foreign Affairs Committee, says U.S. policy in the region already includes a large economic-aid component. "We've had the same situation for the last 30 years," he says. "The magnet of the United States is still great. . . ."

But other Floridians and Texans believe, as Ortiz put it, that "we need to do something to alleviate the conditions in those countries."

Doris M. Meissner, a senior associate at the Carnegie Endowment and a former senior INS official, says that the mainstay of U.S. policy in the region has been "using military tools, when problems arise from deep social and economic inequities. Those are very resistant to military solutions."

Referring to the Nicaraguan influx, Meissner adds that "one of the ironies in all of this is that in the early years of the administration, one of the main arguments that the Reagan people used to justify support for the contras was that if a communist government solidified itself, there would be numbers of 'feet people' coming to the United States." Now, she adds, "We've got them both. We've got a hostile government and a very large and growing migration flow."

## LAW/JUDICIARY

# Hill Committees to Survey Situation at the Border

*Immigration panels seek ways to cope with influx of Nicaraguans, other Central Americans*

For members of Congress, wrestling with immigration issues is like trying to pin Jell-O. Just as they get a grip on one part of the problem, another slips out of control.

The latest problem to erupt — this one in crisis proportions — is the influx of Central Americans into south Texas. Between Jan. 9 and Feb. 20, according to the Immigration and Naturalization Service (INS), 13,248 foreigners streamed into Brownsville, which is on the Texas-Mexico border, seeking political asylum.

Many of them, particularly Nicaraguans, headed to Miami, which is reeling under the strain of dealing with these new and largely impoverished immigrants.

In a bid to stem the tide, the INS on Feb. 20 announced it would stop all new arrivals at the border, hold speedy hearings on their asylum requests and issue decisions as promptly as possible. People denied asylum will be deported or detained in INS facilities 15 miles outside of Brownsville while their appeals are considered.

On Feb. 22, Bruce A. Morrison, D-Conn., chairman of the House Judiciary Subcommittee on Immigration, Refugees and International Law, said that his panel would make fact-finding trips to Brownsville and Miami the week of Feb. 27.

The same day, Edward M. Kennedy, D-Mass., chairman of the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, announced that staff from his panel would go to south Texas Feb. 23 and then report back to the subcommittee.

Morrison said his panel will hold hearings in Washington in early March to determine what, if anything, Congress can do to help alleviate the problems.

It has been little more than two years since Congress passed a major law to clamp down on illegal immigration. That measure (PL 99-603), six years in the making, set penalties for

*By Nadine Cohodas*

employers who knowingly hired illegal aliens. It also granted legal status to illegal aliens who had been in the United States since before Jan. 1, 1982. (1986 Almanac p. 61)

But the 1986 law did not address another aspect of U.S. immigration law that the Central Americans have seized on — political asylum.

To be granted asylum, a person must demonstrate a well-founded fear of persecution in his home country. This is the same test a "refugee" must meet. The difference is that an individual is given refugee status by U.S. officials while he is still abroad and then enters the United States. An asylum applicant is already here and

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**Most new arrivals are seeking "a better future. That doesn't mean they qualify for political asylum. We have to draw the line somewhere."**

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—Rep. Solomon P. Ortiz, D-Texas

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seeks legal status after the fact.

The violence and economic dislocations in Nicaragua and El Salvador, in particular, have prompted this latest flood of Central Americans. Federal officials believe that the vast majority do not have legitimate asylum claims and should be returned to their countries.

Asylum requests from Central Americans have increased almost sevenfold in the last three years, from 7,063 in fiscal 1985 to over 50,000 in fiscal 1988, according to the INS.

For a time, INS officials at Harlingen, which is near Brownsville, were accepting the aliens' asylum applications and then letting them leave the

area for other parts of the country. But in December, INS Commissioner Alan C. Nelson ordered the Texas office to hold applicants in Brownsville, straining that city beyond its limits. After a lawsuit was filed, a federal judge Jan. 9 ordered the INS to let the aliens leave the area. But he lifted his order Feb. 17, allowing the INS once again to keep the aliens near the border while their applications were reviewed. (Weekly Report p. 227)

## The INS Crackdown

Nelson Feb. 20 announced the new speedy review and detention policy, and the INS began erecting tents in Bayville to house any overflow from the 1,100 beds that were available in more permanent detention quarters at Port Isabel, outside Brownsville.

In addition, Nelson said an additional 500 INS workers were being sent to south Texas. More than half of them — 269 — are assigned to border apprehensions, and of that number, 96 will be used to guard the detention areas. Other INS personnel, in conjunction with State Department officers, will review asylum applications. Anyone who is denied asylum and who declines to return home can appeal to a special immigration judge. The individual will remain in detention until his claim is finally adjudicated, although he will be given an opportunity to post bond.

In the first three days of the new policy, asylum applications fell off sharply — from 233 Feb. 21 to 10 on Feb. 23. All but two were denied, according to Virginia Kice, INS spokeswoman at the Port Isabel processing center. "We are encouraged by this. We feel the message has gotten out," Kice said.

To fund its multimillion-dollar new program, the INS is borrowing against appropriations intended for use later in the fiscal year, according to Greg Leo, an INS official in Washington. As a result, one of the immediate questions Congress will face is whether to provide a supplemental appropriation to reimburse the agency for this emergency. In addition, there may be requests to shift money earmarked for other Justice Department programs to the INS.

Officials in Dade County, Fla., which includes Miami, are also expected to ask Congress for help in defraying the costs of more than 3,000 Nicaraguan children who have already come into their school system.

Another 4,600 are expected in

1989, Florida officials say.

### Lawyers Protest Detention

The new INS policy was generally well-received by Texans, though civil rights lawyers were quick to criticize it.

"It is better than what the aliens have now," said Democratic Rep. Solomon P. Ortiz, who represents Brownsville. "They are going to have three meals a day and shelter. And it will remove the burden of the city and county. They couldn't support it. We will both be better off."

Rep. Lamar Smith of Texas, the ranking Republican on the Immigration panel who represents another border district, said the INS policy represents a "good-faith effort" to respond humanely to individuals' needs and to the country's right to control immigration. "The INS has to send the message that we will protect the integrity of the border," he added.

Most of the Central Americans, Ortiz said, are economic migrants seeking "a better future. That doesn't mean they qualify for political asylum. We have to draw the line somewhere."

But civil rights lawyers are concerned that the INS, in an effort to speed up the processing of asylum claims, will cut constitutional corners. And at week's end, attorneys were conferring about whether to file a lawsuit challenging the new process.

Rick Swartz, president of the National Immigration Forum, a coalition of 100 community and religious groups, said the INS should remember what happened a decade ago when the government tried to expedite the processing of thousands of Haitians who streamed into Miami. Those procedures were successfully challenged, "and the INS had to reprocess over 5,000 asylum applicants," said Swartz, who was involved in that litigation.

The better solution, he said, is to adopt a "safe-haven" plan that recognizes the strife in Central America and allows these individuals to remain in the United States and seek work until conditions back home improve. Such "extended voluntary departure" status has been granted on an ad hoc basis in the past to other foreigners, including Poles and Afghans.

### Search for Solutions

At the first meeting of the House Immigration Subcommittee Feb. 22, Morrison said he intended to explore the refugee/asylum dilemma, which will include discussion of safe-haven legislation.

The refugee law itself was overhauled in 1980 (PL 96-212) to get away from the use of political ideology in determining what foreigners can come into the country as refugees. Prior to 1980, refugees were defined as people fleeing a communist country and certain Middle East nations. (1980 *Almanac* p. 378)

Any effort to broaden the current definition of a refugee/asylee to include those suffering economic dislocation is likely to meet with opposition from the Bush administration.

But some type of safe-haven proposal that provides temporary residence in the United States may fare better than in previous years, because circumstances have changed so dramatically. The general criticism of such measures is that once individuals are allowed to remain in the United States temporarily, they establish roots and rarely are sent back home. Too generous a policy, critics say, could be a magnet that undercuts the 1986 law.

Rep. Romano L. Mazzoli, D-Ky., last Oct. 5 pushed through the House a bill to grant safe haven to people

who had fled their home countries because of armed conflict, natural disasters or other extreme circumstances. But the bill died in the Senate. (1988 *Weekly Report* p. 2806)

A narrower bill to allow Salvadorans and Nicaraguans already in the United States to remain temporarily met a similar fate. The Reagan administration opposed the measure, contending that Democrats were trying to embarrass U.S. initiatives in El Salvador, even though President José Napoleón Duarte supported the legislation.

Morrison said the debate must be resumed. "One of the reasons we have this crisis is that we haven't come to grips with asylum vs. safe haven," he said.

The appeal of safe-haven legislation, according to advocates such as Swartz, is that it can help alleviate an immediate crisis while providing time for longer-term solutions — diplomatic and economic initiatives to improve conditions in Central America so that the foreigners "have some hope that their future lies in their homeland."

## SECTION NOTES

### Hastings' Motion To Dismiss Charges

The Senate has agreed to hear arguments March 8 on U.S. District Judge Alcee L. Hastings' motion to dismiss the articles of impeachment against him. It will vote on the motion the following day.

By unanimous consent, senators decided Feb. 22 to allow managers for the House and attorneys for Hastings an hour apiece to present their arguments. Hastings was impeached by the House last year on charges of conspiracy to accept a bribe, perjury, leaking wiretap information and undermining the judiciary's integrity.

Because he was acquitted by a jury of some of these charges, Hastings has contended that the Senate has no right to second-guess that verdict. But a federal judicial investigatory commission determined that Hastings had lied at his trial to secure the acquittal, and recommended that he be impeached. The House did just that last August.

Once the Senate votes on Hastings' motion, it will turn to a reso-

lution (S Res 38) that would permit the case against the Florida judge to be heard by a special committee, rather than the full Senate. (*Weekly Report* pp. 227, 177)

### Senate Judiciary Approves 'Whistleblower' Reward

By voice vote Feb. 23, the Senate Judiciary Committee approved a bill to reward "whistleblowers" who uncover fraud in government contracts.

The measure (S 248), sponsored by Howard M. Metzenbaum, D-Ohio, had been part of a contract-fraud bill enacted last year (PL 100-700). But the provision was dropped at the last minute because of opposition from one senator whom Metzenbaum did not name. (1988 *Weekly Report* p. 3039)

S 248 would allow the attorney general to seek a reward for someone who discloses contract fraud. A court would have to approve the reward, which could not exceed \$250,000. To be eligible, the whistleblower would have to disclose the alleged fraud to his or her employer before going to the government.

PHOTOS BY AP/WIDEWORLD  
REPRODUCED BY AP/WIDEWORLD  
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AP/WIDEWORLD

# Ordered to let refugees leave Valley

DALLAS MORNING NEWS JAN 1 0 1989  
by Maggie Rivas  
Writer of The Dallas Morning News

A federal judge in Brownsville on Monday ordered the Immigration and Naturalization Service to lift — at least until a hearing Thursday — a controversial new requirement that political asylum seekers remain in the Lower Rio Grande Valley pending the outcome of their applications.

U.S. District Judge Filemon Vela said in issuing a temporary restraining order that the 3-week-old INS procedure had created hardship for the applicants, most of whom are Central Americans. Cameron County officials estimate that as many as 5,000 Central Americans have been stranded in the Valley because of the rule.

"One would be blind not to recognize that we have a problem," Vela said.

Vela set a hearing for Thursday morning to consider a motion for a permanent injunction from lawyers for six Central Americans who filed suit against the INS on Friday. In the meantime, the 1,944 people who have applied for political asylum since the rule change Dec. 16 are to receive INS receipts that allow them to travel to other cities for their adjudications, according to the court order.

INS spokeswoman Virginia Kice in Brownsville said her agency could not fully comply with Vela's order. She referred further questions to an INS spokesman in Washington, who was not immediately available for comment.

Attorneys at the non-profit Casa Proyecto Libertad, one of two legal groups representing the six Central Americans who sued the INS, lauded Vela's position.

"We believe that he took notice of the refugee crisis that Brownsville is suffering right now," said attorney Mark Schneider. "Apparently the judge believed that he's seen irreparable injury" to the Central Americans.

Schneider said Proyecto Libertad staff members on Monday visited the largest concentrations of Central Americans in the Valley to spread the news of the court order and offer help. He said he expects an exodus of Central Americans from the Lower Rio Grande Valley.

"I think everybody who has a relative outside of the Valley will go," he said. "It makes sense to us that they'll want to go someplace where they have resources."

Since the change became effective, about 300 men, women and children have camped on the outskirts of Brownsville under makeshift tents built of plastic sheets and bits of cloth. An additional 200 have taken refuge in an abandoned motel that was condemned by the city last spring. Several hundred more are camped out in smaller groups on vacant land and under bridges, and others are staying with families in the community, said Cameron County Sheriff Alex F. Perez. Perez estimated that 5,000 Central Ameri-

cans are living in the Valley because of the INS rule.

The new procedure called for asylum seekers, who in the past year have been arriving in the Valley from Central America, mostly from Nicaragua, must have their cases heard in the local INS headquarters. Until their case was resolved, INS officials "strongly discouraged" applicants from traveling outside the Valley.

Previously, political asylum seekers who arrived in the southernmost tip of Texas used the Valley as a way station on their journey to cities where they had relatives or friends. They could present themselves to the Harlingen INS office, have their application stamped and leave the area. Half of Harlingen's asylum applicants in the six months that ended Dec. 14 went on to Miami, the INS said.

The rule change, said attorney Mark Schneider, forced applicants to remain in the Valley with no place to stay and no means of support — only the money that friends or relatives wired to them.

U.S. Rep. Solomon Ortiz, D-Corpus Christi, announced Monday that he had obtained assurances of immediate assistance for Cameron County in providing food and shelter for the influx of Central Americans.

Ortiz said he and a team from the Justice Department's community relations service would tour the county and make recommendations for immediate action. He said the ideal situation would be to use existing space in federal buildings similar to the response in Florida to the Mariel boatlift of Cubans in 1980.

The temporary restraining order comes at a critical time for the 300 people occupying a field across the street from a Catholic church-spon-

sored haven for Central Americans. Casa Oscar Romero, under a court order to limit the number of guests to 200, could not accept the surplus. Nuns watched as the people set up their tent city across the street without running water or toilets.

Sunday, the Cameron County Sheriff's Department ordered the people living in the field to vacate the property after the property owner complained that they were trespassing. Sheriff Perez gave them 24 hours to leave. But after the temporary injunction Monday, Perez softened his stance.

"I took it upon myself to give them 24 more hours," said Perez. "By tomorrow (Tuesday) at 2 o'clock, I want the place vacated."

"I know they have a hardship, but it's creating a health hazard over there, with human waste all over," he said. "And they're trespassing on private property."

Late Monday afternoon, Sister Norma Pimentel, co-director of Casa Oscar Romero, said 150 to 200 single men remained under the plastic jerry-built tents. The Mennonite Church opened its gymnasium to families Sunday night when the weather became colder and drizzle started to fall, Sister Pimentel said.

"A lot of people (Central Americans) are being picked up by people in the community who are taking them to their homes," she said.

The Associated Press contributed to this report.

## Mauro plan would promote natural gas use

DALLAS TIMES HERALD  
By Jennifer Fine JAN 1 0 1989  
TIMES HERALD AUSTIN BUREAU

AUSTIN — Texas Land Commissioner Garry Mauro said Monday that he is developing a package of legislative proposals to encourage the increased use of natural gas by industrial plants and state- and city-owned vehicles.

Mauro, who has been pushing the increased use of natural gas because it is cleaner and more efficient than other fuels, also issued a report that he called

a blueprint for economic growth in Texas based on increased natural gas use.

"Natural gas can be the ground floor of a revitalized economy that will carry this state into the 21st century," he said.

Increasing natural gas use by 1 trillion cubic feet would not only contribute to cleaner air, but would create 110,000 jobs in Texas within five years, he said.

Mauro said he is working with representatives of environmental groups and

natural gas companies to develop legislation that would encourage the use of natural gas. He said that he is not sure which lawmaker will sponsor the legislation.

He said the legislation generally will address amending the air pollution statutes to require that natural gas be mixed with other fuels in industrial and utility boilers, and to require converting city- and state-owned fleet vehicles, such as trucks and buses, to allow them to use alternate fuels.

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# 5. moves to aid refugees in Valley

HOUSTON POST JAN 11 1989  
By Fred Bonavita  
OF THE HOUSTON POST STAFF

BROWNSVILLE — Hundreds of Central American refugees abandoned their makeshift tent city here Tuesday in favor of more permanent shelter as federal officials moved to help house and feed them while their requests for political asylum were being reviewed.

INS officials, apparently acting under pressure from a local member of Congress, began to soften their position, which previously had been to accept no responsibility for housing the aliens.

And an apparently unprecedented declaration by local Red Cross officials that a "humanitarian situation" exists in the Rio Grande Valley opened shelters in church facilities.

"They really started to open their doors Sunday night when it started to rain and the churches began to take in the kids," said Robert Rubin of San Francisco.

By late afternoon Tuesday, as the deadline was reached for hundreds of refugees to leave a field where they have lived in cardboard and plastic "tents" for as long as a month, almost all aliens had found new shelter.

Across town, more than 200 others, living at the abandoned Amber Motel without heat, electricity or water, prepared to move to the shelters while city officials prepared to have the once-prosperous motel demolished as a health hazard.

Roger Dahl of the Red Cross field office in Houston told a task force meeting Tuesday night that the local chapter will care for the refugees through Wednesday. After that, Dahl said, the national association will take over, treating the situation as a disaster until an appropriate agency can be found to take charge.

The refugees broke down their shantytown starting Tuesday morning and, with the aid of dump trucks and a front-end loader provided by Cameron County, they cleared the field of tons of plastic, lumber, discarded clothing, garbage and debris collected over the month many had been there.

Although sheriff's deputies watched the process, there were no problems as the refugees worked.

Meanwhile, at the urging of U.S. Rep. Solomon Ortiz, D-Texas, a three-member team from the U.S. Department of Justice's Community Relations Service flew here to examine the situation, meet with him and local officials, and recommend ways to care for the thousands of refugees who have poured across the border in recent months.

The congressman said CRS officials agreed to provide initial relief for the refugees in the Valley, which would be reimbursed by the U.S. Immigration and Naturalization Service.

The agreement marked an about-face for INS, which previously has said it had no responsibility to care for the aliens, the majority of whom are in this country illegally.

INS's hard-line posture and a policy implemented last month which effectively kept thousands of aliens here while their requests for asylum were processed were said by local officials to be the major causes of the situation in the Valley.

While the CRS has authority only to care for Cuban and Haitian refugees, Ortiz said the agency entered the picture here because "the current crisis in Cameron County is a direct result of a national policy and therefore requires a federal solution."

"We cannot have a refugee policy that encourages people to come to this country to apply for political asylum, then leave them on the street to freeze and starve," Ortiz said.

An estimated 30,000 refugees from Nicaragua, El Salvador, Honduras and Guatemala have streamed across the border here since May, with many going on to New York, Miami, Los Angeles, Houston and other cities where they have relatives and friends. They stayed in the other cities and worked while INS processed their applications for asylum — which could take a year or longer.

However, the agency suddenly imposed a new regulation Dec. 16 requiring the refugees to stay here during the processing, which INS said should be completed within 30 days. But INS said it would not look after them during the waiting period and left them to find shelter and food in the community.

However, U.S. District Judge Filimon Ortiz, in response to a suit brought by lawyers for the refugees, Monday issued a temporary restraining order against INS, keeping the agency from enforcing its new travel ban for at least 72 hours. He has scheduled a hearing Thursday morning on a motion to expand the restraining order into a temporary injunction.

As a result of the judge's ruling, hundreds of refugees grabbed the 72-hour "window of opportunity" to leave the Valley for other cities. More than a thousand were lined up at the INS office in Harlingen again Tuesday to get the documents necessary for travel.

Jerry Sewell, chief of the INS regional office in Harlingen, told the taskforce members the number of refugees is not likely to diminish.

"I suggest that the number will continue to grow and grow," he said, "to what dimension, I don't know."

He continued: "It's a very serious problem. Whatever the ruling is on Thursday, the problem is not going to go away."

# Panel urges makeup days for school truancy

HOUSTON POST JAN 11 1989  
By Jorjanna Price  
POST AUSTIN BUREAU

AUSTIN — Fearing that strict school attendance rules may have backfired in the case of school dropouts, a legislative panel recommended Tuesday that truants be allowed to make up unexcused absences.

After a year-long study of the soaring dropout rate in Texas, the panel concluded the issuance of a failing grade for five unexcused absences a semester may be the reason some students don't return to school after periodic absences.

"If they don't have a way to earn their way back into the school, they won't be back," said state Rep. Ernestine Glossbrenner, a former school teacher who served as co-chairman of the dropout committee.

The committee estimated that three of 10 students in Texas do not finish high school, a fact that may cost the state as much as \$17

billion a year in welfare and prison expenses and lost economic opportunities.

"This problem is so complex there is no one solution," co-chairman Sen. Gonzalo Barrientos said in releasing the report.

Among the committee findings were:

One of three Texans is illiterate.

Almost 90 percent of the Texas prison inmates were school dropouts.

Two-thirds of the state's welfare recipients did not finish high school.

Texas leads the nation in teen pregnancies, a leading contributor to girls being unable to continue in school.

Picking up on the alarming number of pregnancies, the panel recommended infant day care centers be established at or near school campuses with high dropout rates, in addition to offering courses on career counseling and child development.

It also urged school districts to copy the "communities in schools" program in Houston in which school officials help coordinate social services available to youths.

Noting that many school dropouts are involved in drug or alcohol abuse, the panel further recommended peer counseling, much as troubled adults undergo.

In proposing to change the mandatory attendance rules, which were part of the 1984 school reform package, Glossbrenner cautioned that getting back into school shouldn't be made easy.

"I'm not talking about a two-hour makeup session on Saturday," she said. "But I do believe in redemption. I think a youngster can make a mistake in the first part of the semester and realize later that he was being dumb."

# Refugees start leaving South Texas tent cities

## Central Americans move under court order

DALLAS TIMES HERALD JAN 11 1989  
By John MacCormack  
OF THE TIMES HERALD STAFF

HARLINGEN — More than 1,000 Central American refugees on Tuesday received permission to leave the Rio Grande Valley as the Immigration and Naturalization Service began complying with a judge's order.

"We're processing them as fast and efficiently as possible. We've done twice the number we expected," said Virginia Rice, INS spokeswoman in Harlingen.

The INS, under a judge's temporary order issued Monday, will continue letting the refugees leave the Valley for at least two more days. Thursday, U.S. District Judge Filemon Vela will review his order during a hearing, when he could decide to cancel it, extend it or make it permanent.

Vela's decision resulted from a lawsuit filed last week that says INS's previous policy of requiring political asylum applicants to stay in the Valley until their cases were completed is improper and inhumane.

Until last month, the INS allowed Central Americans to file for political asylum in Harlingen, then leave and have the cases transferred to their destinations. Most go to Miami or Los Angeles.

Since May, more than 27,000 Central Americans did just that. Last month, the INS said the asylum process was being abused and forbade applicants from traveling until their cases were resolved.

After the policy change, thousands of refugees became stranded in South Texas — hundreds of them forced to sleep in an abandoned motel or pitch makeshift tents in a field across from the area's only refugee center, which has been full for months. The conditions became critical during the weekend, when cold, wet weather swept in.

In an attempt to avoid a similar situation, local and federal relief agencies began enacting plans Tuesday to care for the Central Americans who remain in the Valley and those who continue to flee their nations because of political and economic turmoil.

The infamous tent city across the street from the Roman Catholic church-operated Casa Oscar Romero in Brownsville was largely deserted by early Tuesday afternoon, the deadline set by the Cameron County Sheriff for its evacuation.

Beginning at 2 p.m., a front-end loader and two dump trucks made short work of the squalid town that had housed at least 300 people in dwellings made of cardboard and plastic.

The demolition, which had been twice delayed by Sheriff Alex Perez to allow the refugees time to find other housing, was completed without protest or incident.

"We came at 2 p.m. and all the people were gone, except for what you see. Everyone cooperated. The only thing left is the cleanup," said Chief Deputy R.C. Williams.

More permanent relief is expected to result from a visit Tuesday to the Valley by three members of the Community Relations Service, a Justice Department agency that has handled resettlement of Cuban and Haitian refugees in South Florida.

According to U.S. Rep. Solomon Ortiz, D-Texas, the Justice Department responded Monday to his entreaties that it assume responsibility for the thousands of Central Americans who arrive each month in South Texas.

"The current crisis in Cameron County is a direct result of national policy and therefore requires a federal solution," Ortiz, who is from Corpus Christi, said in a statement released Tuesday.

A "special emergency memorandum of understanding" was reached Monday between the INS and the Community Relations Service to provide care for the refugees, Ortiz said. Such an agreement, which requires the INS to pay for care for the refugees, was required because the service has authority to provide care only to Cubans and Haitians.

By early Tuesday afternoon, the INS legalization office in Harlingen was spewing forth delighted Central Americans, each with precious travel permission documents in hand.

One of the first was Marta Zapata, 35, a Nicaraguan mother of six who said she had waited 32 hours in line.

"I've been here in the country for 15 days," she said. "I've been living in the camp by the Casa Romero."

Her destination was San Bernardino, Calif., where she has a brother. Still in Nicaragua are her six children, husband and parents.

"I left because the government is imprisoning us," she said.

On hand in the parking lot were representatives of Valley Transit Co., selling \$89 tickets to Miami, Los Angeles, New York and Washington D.C.

"Normally, we have five buses a day going east and five west, but we're doubling up for this. Ten a day in each direction," said Ray Ramirez, a ticket agent for the company.

## No illegal activity found in state bingo office probe

HOUSTON POST JAN 11 1989  
By Mary Flood  
OF THE HOUSTON POST STAFF

State Comptroller Bob Bullock announced Tuesday that an internal investigation of his bingo division employees concluded with a finding that there was no illegal conduct.

The investigation concludes that there were no bribes or payoffs but that a bingo consultant got fast treatment for his clients just because he knew the people and the procedures in the bingo division so well.

"This is basically the end of all the (bingo) investigations," said deputy comptroller Tony Proffitt.

In October, the comptroller's office began investigating Houston-Galveston area charities and hall operators connected with bingo games. Many were suspended or had their licenses revoked as a result of the media-prompted investigations.

In December, the comptroller's office assigned an investigator and a lawyer to check into allegations that state employees improperly showed favoritism to certain bingo operators.

Many of the allegations centered on the activities of bingo consultant George Garland, a former Bullock employee who once ran the bingo division.

"The evidence showed that Mr. Garland had, and took advantage

of, easy access to top management of the Bingo Division," the investigation concluded. The report said there might have been "an appearance of impropriety" but there were in fact no illegal acts.

Twenty-four employees were interviewed and 16 gave sworn statements to the investigators, said Proffitt.

"Many of the allegations seem to have been prompted by the competitive nature of bingo," said Proffitt.

*Continuation of "Prairie View..."*

Under Pierre's leadership, the university started a dialogue with officials from Waller County and nearby cities, working on issues of common concern.

"Every university needs a supportive community," Pierre said. "I think we have established a good relationship."

The university's overall enrollment is up 25 percent from six years ago.

# Refugees flooding Valley seek shelter while awaiting fate

HOUSTON POST, JAN 15 1989  
By Fred Bonavita  
OF THE HOUSTON POST STAFF

HARLINGEN — When a traveler drove past the U.S. Immigration and Naturalization Service office one rainy night last week, he spotted dark bags along two sides of the building.

"At first I thought they were garbage bags lined up to be taken away," he recalled. "They were garbage bags, only they had people in them."

More than a hundred men, women and children were using the bags to keep warm and dry while preserving their places in line to be among the first when the INS office opened in the morning. The Central American refugees were seeking the coveted documents needed to leave the Valley for Houston, Miami, Los Angeles and other cities where family, friends and possibly employment were waiting.

By week's end, the INS office here had processed about 2,500 applications for political asylum. Most were from Nicaragua, but there were large numbers of El Salvadorans, Hondurans and Guatemalans — all wanting permission to stay in the United States.

Among last week's applicants were Roberto Castillo, his wife and their four children, who fled Managua, Nicaragua, a month ago. Castillo, 35, a former government economist, got his family out of Nicaragua, where two of their children — a 14-year-old daughter and a 10-year-old son — faced compulsory military service.

The Castillo family, which had been camped next to the INS center for eight days before getting the needed papers to join relatives in Los Angeles, has two weeks to report to the agency's office there and request an interview.

Castillo and virtually all others applying here seek asylum as political refugees — a status that federal law gives the applicant ample leeway in proving. But most are expected to qualify as economic refugees — those who want to come to the United States to work and live, but whose chances of being allowed to stay are slim.

If it is determined Castillo does not qualify as a political refugee, he and his family are subject to deportation and further hearings, Kice said.

"If you are placed in deportation proceedings, it's not a case where you have to pack your bags, and you're gone the next day," Kice explained. "You have a right to a hearing, and you can present additional evidence in support of your asylum claim and any other evidence that would render you eligible to remain in this country."

The Castillos' journey — like those of thousands of others — stalled in the Valley on Dec. 16 after INS clamped down in an effort to stop what it considered spurious

asylum requests. The INS required refugees to stay in the Valley until their applications were processed, which could take up to 30 days.

But last Monday, a federal judge in Brownsville temporarily stopped the INS from enforcing that regulation, and the refugees began leaving in droves. A hearing is set for Jan. 31 on a motion to make the ruling permanent.

As many as 5,000 were estimated to have been in the Valley, living where and how they could, before the judge issued his order.

While the refugees struggled with the federal bureaucracy, the people of the Rio Grande Valley turned out in large numbers to help them. By cars and by truck, they came — bringing clothing, food, blankets, medicines and encouragement.

They were moved by reports of hundreds living in a shantytown that sprang up in a vacant field in the northeast corner of Brownsville and scores more living in an abandoned-and-condemned motel without heat, electricity or water.

Said one concerned official: "This is a case of those who have nothing helping those who have even less — the poor helping the poorer."

Those Valley residents who could opened their homes and took in whole families — in some cases more than one. Churches opened facilities as shelters, especially after the rains started and after local officials ordered the shantytown cleared and the motel demolished.

Rudy Martinez of Harlingen, 35, an unemployed laborer and the father of three, showed up at the INS office last Monday to pass out fruit juice and cookies to the children of the refugees. Next morning he was back, handing out clothing.

"Yesterday, I was just doing nothing," he said Tuesday morning. "I was watching television, and I saw these people. I told my wife we had to do something for them."

About 30 miles to the east, Michael Lazorko looked on as refugees dismantled their makeshift shantytown homes and stuffed the debris in a front-end loader to be hauled to a nearby county dump. He was there to see that the refugees got to shelters that would care for them until they could leave the Valley.

"I am broke," said a happy Lazorko, who runs a program for homeless children for the Brownsville Independent School District.

A few miles across town at the abandoned Amber Motel, Katherine Guajardo and two other volunteers from the local Red Cross chapter walked through the trash-strewn rooms and corridors, counting the number of men, women and children (there were 203) living there who would have to be

moved to church-sponsored shelters when the wrecking crews arrived.

Not everyone from the Valley who was attracted to the INS center by the presence of the refugees was there to help. Some were there to profit from their plight.

One popular scam was charging the refugees, almost all of whom spoke and read only Spanish, from \$5 to \$10 to help fill out the INS asylum applications that were written in English only.

## Back mental health agency

AUSTIN AMERICAN STATESMAN JAN 14 1989

The state's mental health agency is beginning to move forward under its new commissioner, and the Legislature should do everything it can in the way of funding to help the agency go beyond merely meeting federal court-ordered reforms. Texas has traditionally had a poor record of meeting the needs of its mentally ill and retarded citizens. It needs to move into the forefront in such services.

Commissioner Dennis R. "Denny" Jones has said he plans to ask for more than 20 percent additional funding for community services in his 1990-91 budget request. The current budget is about \$1.5 billion, and the majority of it is used to operate

the state facilities for the mentally ill and retarded.

The agency has not always operated in the best interests of the people it is supposed to serve. It required two federal class-action suits to bring about real improvements, and the agency still has a long way to go, despite additional money from the Legislature allocated to comply with court orders.

But under a vigorous new commissioner, and with the help of the Legislature, the agency should be able not only to meet the requirements of the federal courts but also to go beyond that to greatly improve and diversify the services available to its clientele.

*Valley Morning Star 2/3/89 Front Page*

# Refugee Problem Drains Patience

By GARY LONG  
Star News Staff

Harlingen Mayor Bill Card Thursday urged the federal government to do something about the Lower Rio Grande Valley's refugee problem "before it becomes uncontrollable.

"The problem is the same today as it was when it was created Dec. 16," Card said with evident frustration. "The longer we wait, the greater the opportunity we have for disastrous consequences to occur."

Card said his "patience is almost at an end because after

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**The longer we wait, the greater the opportunity we have for disastrous consequences to occur.**

— Mayor Card

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six weeks, nothing significant has been done."

Valley officials continue to worry about public safety and the spread of infectious diseases, he said.

Local Immigration and Naturalization Service officials have been cooperative "but their hands are tied. They can't do anything without a directive from above."

And with severely cold weather due to arrive this weekend "there is a real danger these people may start to break into houses or vacant facilities to get in from the cold.

"Then the situation starts to become uncontrollable," Card said.

Since late last year about 2,000 people a week have been applying for political asylum at the INS legalization center on Ed Carey Drive.

Until mid-December, most of them traveled on to other U.S. cities after filing an initial application here.

But on Dec. 16, INS started requiring the asylum-seekers

to wait here to have their claims adjudicated, a period of about 30 days during which they weren't allowed to work.

The no-travel policy caused the Valley's refugee population to balloon. Three weeks later, a class-action lawsuit was filed and U.S. District Judge Filmon Vela issued a temporary restraining order forcing INS to lift the travel ban.

At a hearing Tuesday, Vela said he probably will have to cancel the temporary restraining order Feb. 20, allowing INS to return to the no-travel policy.

From the beginning, Card has advocated a cooperative approach that depends on the Valley's congressional delegation to voice the area's concerns in Washington.

"I've waited patiently for our U.S. senators and congressmen, for our state and federal officials and for the INS in Washington to do something," Card said.

"We want to work with other government agencies, but we must see results.

"I think we ought to select a group of spokesmen to go to Washington to speak to whoever is necessary in whatever agency to convince them the problem is almost out of hand — even to the point of going to the Capitol steps and having a press conference."

Card said the temporary solution is to establish a holding facility for the asylum seekers "funded by the federal government, administered and controlled by the INS ... and sufficient to have the people being taken care of while the larger problem is being taken care of in Washington.

"There's no question this is part of a bigger problem in our country," he said. "Therefore it can only be resolved in Washington."

# Refugees' Health Judged Good

By BASILIO HERNANDEZ

The health of Central American refugees in Cameron County has been judged good by a Texas Department of Health team, although it acknowledged its sample is small.

The team, requested by County Judge Tony O. Garza Jr. and Dr. David Flory, county medical director, has been in the area since Monday.

So far, the team has visited Casa Oscar Romero, a refugee shelter near Brownsville; the Red Cross refugee shelter in Brownsville; and the Immigration and Naturalization Service legalization center in Harlingen.

Dr. Michael Kelley, a medical consultant for disease control with the state health department, leads the team.

"They have had the opportunity to get around the county to talk to many of the health-care professionals," Garza said.

"Their sense is the overall status of the refugees is good," Garza said.

"As he (Kelley) puts it, 'Given the number of asylum applicants there have been surprisingly few medical problems brought to their attention to date,' Garza read from an inter-office memo he received from Kelley.

*Valley Morning Star 2/3/89 Page D1*  
"Their concern is that the people that they are seeing actually represent a relatively small fraction of the total number of people that have gone through here," Garza said.

"Obviously, there's no way of telling if the people that they have seen represent a statistically accurate sampling of the refugees ...," Garza said.

In addition, the immediate health needs of the refugees appears to have been attended to, Garza said.

"Generally, they appear healthy," Garza said.

The county should remain cautious at this point, he said. He said he's reserving judgment until a complete report is available from the state team.

However, Garza contends county government is the least equipped to deal with the temporary needs of the displaced refugees, who are often bound for other destinations.

"We have borne the brunt of a change in a federal policy," Garza said, "namely, the INS decision to restrict travel. I think there should be some commensurate concern on the INS' part for the impact it will have on the local community."

Though the Immigration and Reform

Act of 1986 provides for direct aid to refugee-impacted communities, it was only allowed for Haitians and Cubans.

"Obviously, this situation (of Central American refugees) was not anticipated when that was drafted. I think that should be amended or redrafted to include Central Americans, thereby bringing us within the ... (immigration act)," Garza said.

Since no immediate help is available, the county is still waiting for the Department of Justice to follow the recommendations of its community relations service team which recently visited the county, Garza said.

The team suggested opening more detention facilities and contracting with local service providers for shelter, Garza said.

These are only temporary solutions, Garza said.

The only way he would declare a state of emergency, Garza said, is if the state health department team determined a clear and current danger existed to the community from Central American refugee health problems.

"Unless I get that, I think it would be somewhat alarmist to go that route," Garza said.

# Refugees crowded into houses here vulnerable to contagious diseases

*Brownsville Herald 2/2/84 Front Page*

By REBECCA THATCHER  
Herald Staff Writer

A cardboard shack it's not, but human drama prevails nevertheless.

There are 13 children playing, watching television or sleeping in the front room of the tiny two-room house.

Magazine cutouts on the walls provide the only decoration to otherwise dreary surroundings. The smell of body odor is overwhelming.

"At times we eat. Maybe we have a soda or a piece of bread," said Elma Alicia Peña, a 63-year-old Honduran woman who moved into the hovel in late December after she illegally entered the United States.

At least two other adults live there with her and the 13 children, less than one mile from the Rio Grande in the Riverside section of the city.

Other adults living in the house hid in the second room behind a makeshift curtain during a recent visit by a Brownsville Herald reporter.

Unlike those Central American immigrants

who camped out in front of Casa Oscar Romero or lived at the Amber Motel, Peña and her housemates have running water, bathrooms and more than a plastic sheet or cardboard box to protect them from the elements.

But the overcrowded and illicit nature of their existence has City Health Director Carlos Rubinstein worried.

His department has received 15 reports of overcrowded single-family dwellings in the past two months, Rubinstein said.

He fears it is only the beginning.

"The problem that I see is that people have to realize that all the refugees are not at Casa Romero or the Red Cross shelter," Rubinstein said.

Casa Romero, the shelter run by the Catholic Diocese of Brownsville, is usually full, and the Red Cross shelter on Porter Drive will not provide shelter to refugees who have not been arrested by the Border Patrol or those who have not yet applied for political asylum.

People like Peña, who have managed to elude the Border Patrol and do not intend to apply for political asylum, do not fall into either category.

Crowded into private rooms and small hotels in Brownsville, these refugees escape more than the Border Patrol. They also escape the nurses who provide checkups and vaccinations at the refugee shelters. They are uncounted by policy makers grappling with the refugee problem in the Rio Grande Valley.

Under such living standards, they are vulnerable to contagious diseases such as tuberculosis and meningitis, Rubinstein said.

Although many of the refugees are perfectly healthy, any health problems they have will be exacerbated by the crowding, he said.

"The more concentrated area they are in the more we are going to be allowing illnesses to spread," he said.

If the Immigration and Naturalization Service replaces a travel restriction against refugees seeking political asylum, the situation (See REFUGEES Page 1A)

## Refugees

(Continued From Page 1A)  
tion could get worse, he said, noting that the department received a rash of phone calls during the two weeks of the travel restriction.

U.S. District Judge Filemon Vela hinted Tuesday that he would allow the INS to reinstate the travel restriction Feb. 20.

That possibility makes the city health director nervous.

"It causes all our problems to multiply," he said. "When we had the travel restriction, it (overcrowding) was at its worst."

Laws designed to prohibit such overcrowding stipulate that there be 150 square feet of floor space for the first resident of a dwelling, and 100 square feet for each additional resident, he said.

Because of the rights of the so-called "homesteader," the city will not prosecute families that exceed the occupancy laws in houses they own, but it will cite owners of homes that are being rented to individuals, he said.

The health department has received complaints from local residents and the police department, he said.

The city has a certain procedure that it follows in cases of

housing code violations.

"If we see a violation, our step is to give you a notice to comply," he said. "If you don't comply within a certain amount of time, we can cite you."

Peña, who said she made a trip from Honduras alone, is too worried about housing code

She's concerned about finding the money to travel to New Jersey, where a niece will provide shelter, and maybe a job.

A member of an evangelist church in her homeland, she trusts that God will provide

Peña left her husband and 13 children in her country when she came to the United States in search of work.

The children she was watching in the little house belong to the Hondurans who are letting her stay there, she said.

Last fall's rains in her hometown destroyed land and crops, leaving people without a way to earn a living, she said.

"They want to work, but they lost everything," she said of her adult children.

Asked about her existence in the United States, she said, "Sometimes I'm happy, sometimes, sad."

# INS official defends ditch

## Commissioner calls criticism of agency unfounded

By Lee May  
Los Angeles Times Service

WASHINGTON — Alan Nelson, the embattled commissioner of the Immigration and Naturalization Service, Wednesday vigorously defended his agency's record and its plan to dig a border ditch near San Diego, calling opposition to the ditch "ludicrous."

Nelson said the 4-mile-long ditch, designed to impede the smuggling of aliens and contraband, is little different from a smaller one already in place in Nogales, Ariz., that has caused no controversy.

Nelson, testifying before a House subcommittee that is reviewing his agency's proposed \$1 billion bud-

get, also hailed the immigration service's performance in implementing the landmark immigration reform law and in making drug seizures he said are "essential" to the nation's war on drugs.

Sharp criticism of the agency's management practices in a recent Department of Justice audit was "blown out of proportion," he said, vowing to submit a detailed response in the next several days.

The audit charged that INS management was riddled with inefficiency. Soon after it was made public, administration sources confirmed that Nelson would not be reappointed to the top INS post, which he has held since 1982.

Nelson also told the House Appropriations Committee's judiciary

subcommittee that he hopes that budget constraints do not adversely effect the agency's anti-drug effort and other programs.

The Bush administration's fiscal 1990 budget requests a reduction of 1,501 positions at the immigration service, including 552 in the Border Patrol.

"We're all under tough times" because of the federal budget deficit, Nelson said, noting that INS officials realize they must be "team players" in the deficit fight.

Since the ditch plan was publicized in January, immigrants' rights groups have charged that it would become an onerous symbol like the Berlin Wall, and the Mexican government has lodged a protest.



Alan Nelson says an Arizona ditch has drawn little comment, unlike one planned for the San Diego area.

Nelson and Rep. Jim Kolbe, R-Ariz., a subcommittee member, questioned why objections have been raised to the ditch planned for California, while one in Nogales has been accepted.

Critics of the California proposal said the Nogales ditch, 3½ feet deep, 8 feet wide and 500 yards long, is far shorter than the planned 4-mile-long ditch near San Diego. The new ditch would be 14 feet wide and 5 feet deep.

# INS chief defends ditch plan, calls criticism 'ludicrous'

LOS ANGELES TIMES

WASHINGTON — Alan Nelson, commissioner of the Immigration and Naturalization Service, defended his agency's record Wednesday and its plan to dig a border ditch near San Diego, calling opposition to the project "ludicrous."

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Since the ditch plan was publicized in January, immigrant rights groups have charged it would become an onerous symbol like the Berlin Wall, and the Mexican government has lodged a protest.

Nelson termed Mexico's protest "very mild." He dismissed objections, saying "a few groups" and "a few politicians" got "fired up," adding the ditch "should never have been a big issue."

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U.S. GOVERNMENT  
ANOTHER  
COUNTRIES  
U.S. GOVERNMENT  
U.S. GOVERNMENT

# U.S. to rule on refugees

## Valley detention center an option

AUSTIN AMERICAN STATESMAN

By Jim Phillips  
American-Statesman Staff  
FEB 16 1989

The U.S. Justice Department could decide as early as today whether to recommend to President Bush that a detention center be built in South Texas to house thousands of Central American refugees seeking political asylum.

"We will be making a recommendation, I suspect, tomorrow or the next day," David Runkel, an assistant to Attorney General Dick Thornburgh, said Wednesday night.

Runkel would not say if a recommendation for a detention center was likely. "We have talked about options, and that is clearly one, as long as the social services are provided," he said.

The prospect of detaining thousands of refugees in camps while their applications are processed has outraged attorneys and others assisting Central Americans. The refugees have made their way to the Rio Grande Valley in increasing numbers since late last year, and many of them have stayed there because they have no money to move on or because federal regulations have kept them there.

On Wednesday, more than 1,000 Central Americans lined up at a rural Immigration and Naturalization Service center southeast of Harlingen. Wednesday was the first day refugees have been able to apply for political asylum since Friday when city officials

closed the INS processing center in Harlingen.

The application process resumed amid charges that federal agents were arresting Central American refugees on the rural roads leading to the center before they could turn themselves in and ask for asylum. Refugees who turn themselves in have several legal advantages over those who are arrested and then seek political asylum.

More than 9,700 people applied for political asylum in South Texas between Jan. 9 and Feb. 9, leading INS officials to predict that more than 100,000 Central Americans will enter the state this year.

For about a month, the INS had ordered refugees to remain in South Texas until their applications were processed, which led thousands of Central Americans to live in tent cities or cram into cheap motels while they waited. On Jan. 9, U.S. District Judge Filemon Vela of Brownsville lifted the no-travel policy, and many of the refugees joined families in Miami and other cities. But Vela has said he probably will allow the INS to resume the policy after a temporary restraining order expires Monday.

The new processing center, located on the grounds of an INS detention center west of Port Isabel, opened Wednesday. The INS was evicted Friday from its Harlingen asylum office because of alleged health and fire code violations.

Hundreds of Central Americans had camped out overnight in a plowed field near the Port Isabel Service Processing Center for early places in line. Several hundred more showed up by midmorning.

"This tremendous line here represents a large number of Central Americans flooding into the Rio Grande Valley, and we just can't continue like this," said Omer G. Sewell, INS district director in Harlingen.

Sewell and other INS officials contend that many seeking asylum are here only to better themselves economically. Political asylum is granted only to those fleeing persecution for political or other reasons.

The possibility of detention centers was raised last week by Thornburgh, who said such a system would deter some Central Americans from coming to this country. He said the centers also could ease the burden the refugees have placed on local governments and agencies trying to help them.

"They are trying to make everybody afraid," said Mark Schneider, an attorney with a Harlingen legal aid office for Central Americans. "We don't think this will prevent people from coming. We feel it will raise the misery quotient.

"They could try to do it, (but) it would be highly illegal" unless considerable money was spent to ensure humane conditions, he said. Otherwise, the detention centers would be "some kind of concentration camp setting."

Some local officials say they want the INS to detain asylum-seekers to keep them from straining local communities.

"What I'd like to see is some sort of allowance made for sheltering or temporarily detaining these people while they're in the county," said Cameron County Judge Tony Garza.

Runkel said he did not know how large the detention center under consideration would be, but said any center "would have to be accompanied by additional people to handle these cases so we didn't have people there for long periods of time."

"The current proposal would not

be a fenced-in detention," he said. "People would be expected to check in each day, but it wouldn't be a fenced-in area," and refugees would not be restricted to the site, he said. If a refugee did not report each day, "you'd lose your place in line" to have an asylum application processed, he said.

At the South Texas center on Wednesday, taxis, vans and cars carried many of the immigrants to the facility. Border Patrol agents at nearby rural intersections stopped various vehicles en route to the asylum center.

The Rev. Mike Siefert of Harlingen said he had been told Border Patrol agents were "were beginning to arrest people as they approach the line" at the center, and had stopped people in cars on roads leading to the site. "The intent of these people is to surrender," he said.

Siefert said refugees were being harassed at the center, which he described as "in the middle of nowhere," and are being taken advantage of by taxi drivers and those offering to fill out their applications for a fee.

He said applicants he took to the center Wednesday were turned away because they had only one copy of their application, instead of the required three.

"There is no Xerox machine for 20 miles," he said.

David Trevino, supervisor of the intelligence division of the South Texas Border Patrol division, said, "As far as I know, there have not been any arrests of that nature. We have no intention of doing that, (and are) not setting up any special checkpoints."

However, Trevino said that if officers are told by informants or anonymous callers of illegal aliens being transported out of Brownsville, they will stop the car in question and arrest anyone in the country illegally. He said that when occupants say they are going to the asylum processing center to turn themselves in, "we can't take everybody's word."

Can't from Railroad panel!

The three railroad commissioners had requested the meeting to obtain information about marketing and appliance rebate programs sanctioned by the utility commission.

In a case before the Railroad Commission, Lone Star Gas is asking for permission to grant rebates to customers who install gas appliances. Because the utility commission oversees similar programs for electric utilities, the railroad commissioners decided to seek that agency's advice.

But Railroad Commission sources say the commissioners have now decided that staff mem-

bers from the two agencies, rather than commissioners themselves, can exchange information.

Railroad Commissioner John Sharp said the meeting was canceled because his commission had to present its budget to the House Appropriations Committee and because the utility commission had met until 10:30 p.m. Tuesday on a GTE Southwest telephone rate case.

The utility commissioners have also become known for their heated and combative debates. During the GTE rate hearing Tuesday, the commissioners talked loudly and all at once, trying to drown each other out when they reached a disputed issue.

# Port Isabel looms as site for INS detention camp

SAN ANTONIO LIGHT FEB 16 1989

By R.A. ZALDIVAR

Knight-Ridder Newspapers

WASHINGTON - The Justice Department likely will recommend to President Bush that a detention camp for Central Americans be set up in South Texas, congressional sources said Wednesday.

The camp would be located near Port Isabel, where the Immigration and Naturalization Service already maintains a detention center, the sources said.

Tuesday, the INS moved the office handling asylum applications from Harlingen to the Port Isabel detention center. However, no asylum applicants are being held there now.

More than 9,500 Central Americans have applied for political asylum in Harlingen since Jan. 9, when federal judge Filemon Vela blocked the INS from enforcing rules that kept refugees in South Texas until their asylum claims were decided.

About 40 percent of the applicants are from Nicaragua. The INS contends that most of the asylum claims are frivolous, that the immigrants are fleeing economic collapse, not political persecution.

Vela has indicated that he will lift his order early next week, but has expressed concern about immigrants sleeping in city parks. Announcement of a new detention policy could come then.

INS spokesman Greg Leo said Wednesday that no final decision had been made on what to do with the Central Americans. Attorney General Dick Thornburgh still has "a wide range of options" before

him, Leo said.

However, one congressional source said the issue "is pretty well settled."

"The major feature is you just don't have these people left to the mercy of the elements, and you don't leave the responsibility of looking after them to local government," said the aide.

The current Port Isabel detention center would have to be expanded to house asylum applicants.

Located on a former Border Patrol training base, the dormitory-style facility already is at or near its 600-bed capacity, according to the INS.

In a related matter, congressional officials are optimistic about the prospects for federal aid to local areas affected by the immigrant influx.

Sen. Lloyd Bentsen, D-Texas, introduced a bill last week that would free \$20 million in Justice Department funds for local areas struggling to assimilate the Central Americans.

Thornburgh has indicated that he will support congressional requests for aid.

## Bullock orders closing of 2 Houston bingo halls

HOUSTON CHRONICLE

By DIANNA HUNT FEB 16 1989  
Houston Chronicle

State Comptroller Bob Bullock Wednesday ordered two All Star Bingo halls in Houston to close their doors for 45 days for violating the state's bingo laws by interfering in charity games.

The suspensions, shorter than the one-year shutdown originally proposed by Bullock's office, began Wednesday, officials said.

A third All Star Hall in Beaumont, which closed voluntarily in November amid an investigation by the comptroller's office, also received a temporary suspension that will keep it closed until March 1, officials said.

The three halls are run by companies headed by William Burton Dore, a Houston man who is facing gambling charges in Louisiana that stemmed from allegedly improper bingo games there.

"These halls were not being run by the letter of the law," Bullock said in a written statement announcing the suspensions. "When that happens, I will shut them down."

Dore has not returned telephone calls from the Chronicle and could not be reached for comment.

Bullock's office originally sought a year-long shutdown of the two Houston halls by recommending that their bingo licenses not be renewed. During administrative appeals of that recommendation, however, the penalty was reduced to a 45-day suspension, said Deputy Comptroller Claudia Stravato, who oversees the bingo division.

Stravato said penalties often are reduced in compromises reached

during the administrative process.

"You propose the ultimate punishment, but few of them go that far," Stravato said. "You have to weigh the cost to the state, the time that's going to be involved, vs. what evidence you've got and what you think the outcome will be."

The halls affected are: All Star Southwest, at 11225 Bissonnet; All Star East, in Pineforest Village Shopping Center; and All Star Beaumont. All halls will be allowed to reopen when their suspension time is completed.

The audits of the All Star Bingo halls were part of a seven-week investigation by the comptroller's office into bingo halls in the Houston area. The probe led to recommended closures of nine bingo halls and 40 charity games.

At the All Star halls, auditors found evidence that Dore's employees were handling day-to-day operations of the bingo games, instead of allowing the charities to operate the games as required by law. State law — designed to keep bingo in the hands of charities — forbids bingo hall owners or their agents from running games.

Bullock's office said more serious allegations of cash skimming and rigged games were apparently unfounded.

"We found no evidence of this by either the lessors (bingo hall owners) or the organizations playing at the halls," he said.

Several organizations that operated games at the halls face penalties, said Roy Scudday, a staff attorney in the comptroller's office.

## Railroad panel won't meet PUC

FEB 16 1989

AUSTIN AMERICAN STATESMAN

By Debbie Graves

American-Statesman Capitol Staff

The Texas Railroad Commission canceled a joint meeting with the Public Utility Commission at the last moment Wednesday, ostensibly because the railroad commissioners needed time to prepare for a budget meeting.

But the real reason the meeting was called off, Railroad Commission sources said, was that the commissioners did not want to meet with the three utility commissioners, who are gaining a reputation for being divisive and quarrelsome.

Sources also said the railroad commissioners, who regulate gas utilities, decided they had nothing to gain by meeting with the utility commissioners, who regulate electric and telephone utilities.

Cont on next page ---

# Tent city planned

## Asylum-seekers to be detained near border

By Jennifer Dixon  
Associated Press P. 17A  
DALLAS MORNING NEWS  
FEB 17 1988

WASHINGTON — The Justice Department plans to set up a "tent city" detention center where it will hold Central American refugees while their applications for political asylum are processed, congressional officials confirmed Thursday.

Rep. Lamar Smith, a San Antonio Republican, said in a statement released by a spokeswoman that the tent city on isolated brushland 15 miles from the U.S.-Mexico border would meet basic human necessities — adequate housing, food and sanitary conditions. There will be no fence around the facility, another congressional aide said.

A congressional aide said the Justice Department hopes word of the detention center quickly reaches Central America and discourages thousands of amnesty-seekers from coming into the United States.

More than 2,000 refugees from Central America are arriving in the United States illegally every week, most of them crossing the Rio Grande at Brownsville from Mexico, officials say.

The Justice Department plans to keep the refugees in tents near the Fort Isabel Service Pro-

cessing Center where it is currently processing their applications for asylum, the officials said.

Immigration and Naturalization Service spokesman Duke Austin said, however, that there has been "no public disclosure" of the Bush administration's plans for handling the flood of refugees and that the issue was still under review.

Smith and two congressional aides said that the tent-city camp would have plywood floors and that food would be provided by contractors.

The INS moved its operations for processing asylum claims to the minimum-security facility near Bayview after city officials closed the INS processing center in Harlingen over alleged health and fire code violations caused by the stream of applicants.

One congressional aide said the Justice Department would start "interning people" if U.S. District Judge Filemon Vela is expected to reinstate an INS policy that bars asylum-seekers from traveling beyond the Rio Grande Valley while their applications are pending.

Vela is expected to make his ruling Tuesday. Austin said the INS would address its plans for meeting the refugees' "human needs" at the court hearing, but not before.

Before Vela blocked the INS' no-travel policy. Please see INS on Page 2A.

## INS plans to detain asylum applicants

Continued from Page 17A.

on Jan. 9, Central Americans who had crossed the Rio Grande illegally were forced to live in shantytown conditions — camped out beneath plastic sheets in open fields — or in condemned buildings.

Some officials believe the judge's order blocking the no-travel policy has sent a signal to Central America that the time is ripe for asylum-seekers to enter the country. Once they leave the border area, officials say it is much more difficult to find and deport those who are denied asylum.

"Word flashes to Central America as fast as a phone line can flash it that the time is ripe to come into

the United States, and they (Justice Department officials) are hoping the word flashes, probably via Miami, that the time is past and to stop coming now or you might wind up in a tent in South Texas," the aide said.

INS officials contend many seeking asylum are here only to better themselves economically and use the asylum process and lengthy appeals to get into the United States. Political asylum is granted only to those fleeing persecution for political or other reasons.

INS officials say they have received petitions for asylum from people from Mexico, Costa Rica —



Lamar Smith ... says tent city will meet basic human needs of asylum-seekers.

considered a democracy — and from someone fleeing the "war in Brazil."

LOCAL & STATE

# 9 being deported today under new policy

ASSOCIATED PRESS

Nine Central Americans denied political asylum in South Texas will be flown from Houston to their own countries today as deportees under a new get-tough policy by the U.S. Immigration and Naturalization Service, officials said.

The two Hondurans, three Salvadorans and four Guatemalans were taken Thursday from the INS detention center 20 miles northeast of Brownsville and sent on buses to Houston, the INS said.

"We have not deported any Nicaraguans," said spokeswoman Virginia Kice. "The Meese directive stands."

Former U.S. Attorney General Edwin Meese in 1987 issued a directive calling for special treatment of Nicaraguan political asylum cases.

"We may not be deporting people every day, but this is the second group we have deported under our new initiative," Kice said.

**"We may not be deporting people every day, but this is the second group we have deported under our new initiative."**

— Virginia Kice, INS spokeswoman

The INS on Feb. 21 started immediately detaining-rejected political asylum applicants and marking them for deportation in a one-day adjudication process. Those detained are held under deportation bonds of up to \$4,000 at the Bayview detention center near Brownsville, and may resubmit their asylum cases before an immigration judge.

The first Central Americans to be deported under the new procedure left the country Sunday. On that day, 61 were flown out of Houston, including 48 Salvadorans, 10 Guatemalans and three Hondurans. The INS spent \$16,553 to send them back, Kice said.

She said the Meese directive does not prohibit the INS from deporting Nicaraguans, but "it says we need to make a careful and thorough review of cases involving Nicaraguans."

The INS spokeswoman said cases of Nicaraguans not granted asylum would be referred to the Justice Department in Washington.

Of 458 asylum applications submitted in South Texas since Feb. 21, only 36 — all Nicaraguans — had been approved through Wednesday.

Immigration officials held more than 2,700 undocumented aliens, primarily Central Americans, in custody Thursday afternoon in Cameron County, the state's southernmost.

Political asylum is granted to those able to show they are fleeing persecution. The INS contends that most of the Central Americans seeking political asylum are actually applying for economic reasons and therefore do not qualify.

Some INS critics blame the Meese directive for an influx of more than 40,000 Nicaraguans and other Central Americans seeking asylum after crossing the border illegally into South Texas since last spring.

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p.A7

SA Light

MAR 10 1989

FRIDAY, MARCH 10, 1989

# Border disaster seen in flood of asylum-seekers



WASHINGTON (AP) — Immigration and Naturalization Service Commissioner Alan Nelson defended the agency's get-tough approach to handling the crush of Central American asylum-seekers in South Texas, but the chairman of the House refugee committee said Thursday he foresees "impending disaster" on the border.

Rep. Bruce Morrison, D-Conn., said the number of asylum-seekers is growing "at a rate of hundreds a week" despite the INS' new policy of detaining Central Americans while their petitions for political asylum are adjudicated.

Morrison, who spent two days in the Rio Grande Valley earlier this week, said he does not believe it will be long before the INS' detention facility and tent-city at Bayview will be filled to its maximum

6,850-person capacity. "It looks to me like an impending disaster," Morrison, chairman of the House subcommittee on Immigration, Refugees and International Law, said during a hearing of the panel.

Morrison said there were already 1,700 Central Americans being detained as of Monday at the Bayview facility, with another 837 people in a quasi-detention Red Cross shelter in the Rio Grande Valley.

Nelson said only 103 aliens have been deported or agreed voluntarily to return home. If the INS runs out of detention space at its center near Port Isabel, however, Nelson said contracts with county jails and arrangements with military facilities would be considered for detaining the Central Americans. Rep. Solomon Ortiz, a Corpus Christi Democrat, testified that unidentified

sources have told him another 2,500 to 3,000 Central Americans are waiting across the Rio Grande in Matamoros, Tamaulipas, to come into the United States. According to his sources in Mexico, Ortiz said Central Americans have filled up all the hotels, are "staying in alleys all over Matamoros, and are standing on the riverbank waiting to see if the Border Patrol will be lax (in catching people) "

28  
Nicaraguans

# 6-state region's defense contracts reach new high

By Kathryn Jones

Staff Writer of The Dallas Morning News

The Southwest's dollar value of defense contracts sized to a record \$23.9 billion at the end of June, fired by a hefty \$2.6 billion increase in Pentagon awards in Texas.

The state's obligated value of defense contracts — meaning work currently under way or in the hopper — rose to \$16.8 billion at the end of the first half of the year from the \$14.2 billion total at the same month a year ago, according to figures from the Defense Contract Administration Services Region in Dallas. The number of contracts in Texas also rose to 24,451 from 21,643 of a year earlier.

Economists said the figures make more sense than Commerce Department data released earlier this year that showed Texas' level of defense contracts fell 22 per-

Defense

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Lockheed Missiles and Space Co.	Austin	\$1.3
General Dynamics Corp.	East Camden Ark.	\$1.2
Motorola Inc.	Scottsdale, Ariz.	\$1.2

SOURCE: Defense Contract Administration Services Region Dallas

The Dallas Morning News

cent in fiscal 1987 compared with the number of the previous fiscal year. They also said the latest defense report was "encouraging" and more in line with their own expectations.

"If we're doing better, that's good news for the state," said Bernard L. Weinstein, economist and director of Southern Methodist University's Center for Enterprising. "Even in the face of a shrinking defense budget, our contractors should be very well-positioned because Please see DEFENSE on Page 7A.

## Defense contracts reach new high

DALLAS MORNING NEWS

Continued from Page 1A.

they're working on the 'gee whiz' things like lasers, electronic warfare and surveillance systems."

In the six-state Southwestern region administered by the defense contract administration, contracts were up \$3.4 billion from \$20.5 billion posted a year ago. The 2,020 prime contractors in the region held 36,086 awards at the end of June.

The administration, part of the Defense Logistics Agency, oversees military contracts in Texas, Oklahoma, Arkansas, Louisiana, New Mexico and Arizona. Its figures don't include awards managed directly by the military services, thus excluding contracts held by LTV Corp. in Dallas, General Dynamics Corp.'s Fort Worth Division and Bell Helicopter Textron Inc. in Fort Worth.

Small businesses accounted for

about 18 percent of the total value of awards, the administration said. Almost 80 percent of the region's contractors are classified as small businesses.

Texas Instruments Inc. of Dallas and E-Systems Inc.'s Greenville Division were the region's top two contractors. TI held contracts valued at more than \$7.5 billion at the end of the first half, while E-Systems' unit held \$1.4 billion in defense contracts.

Rounding out the top five were Lockheed Missiles & Space Co. in Austin, with \$1.3 billion in contracts;

General Dynamics' East Camden, Ark., facility with \$1.176 billion; and Motorola Inc. of Scottsdale, Ariz., with \$1.173 billion in defense awards.

Most other states in the region also posted gains in contracting. Arizona's awards rose to \$3.6 billion from \$3 billion a year ago; Arkansas was flat at \$1.3 billion; New Mexico's contracts rose 16 percent to \$1 billion from \$864 million; Oklahoma was up 1 percent to \$840 million from \$828 million; and Louisiana's awards rose 41 percent to \$277 million from \$197 million.

# Texas ranks higher on defense

FEB 16 1988  
 State companies garner \$9 billion in fiscal '88 awards

By Kathryn Jones  
 Staff Writer of The Dallas Morning News

Texas bucked a national trend of declining defense spending last year, slightly boosting its share of military awards and jumping from fourth to third place in the Pentagon's annual ranking of defense contracting states.

Texas companies won \$9 billion in defense awards in fiscal 1988, up 4 percent from \$8.65 billion a year earlier, according to a new Defense Department report released Wednesday. Texas was one of only 18 states to post gains in the Pentagon report, "Prime Contract Awards by State."

But most of the increases were small, as the level of total defense contracts continued to shrink.

The Defense Department, the armed services and the Army Corps of Engineers awarded \$142.15 billion in contracts for the 12-month period ended Sept. 30, 1988. That was down 3 percent from \$147.15 billion in fiscal 1987 and 5 percent from \$149.3 billion in fiscal 1986.

California, home to many of the nation's largest aerospace and

defense companies, held onto its usual No. 1 position and huge lead. But the state's level of contracts fell 4 percent to \$23.5 billion from \$24.5 billion in fiscal 1987.

Virginia vaulted into second place with \$10.2 billion in awards, up from \$7.8 billion in fiscal 1987, when the state finished fifth. Part of Virginia's increase came from contracts the Newport News Shipbuilding & Drydock Co. received for two nuclear-powered aircraft carriers.

New York and Massachusetts, which knocked down Texas in the 1987 ranking, posted some of the largest declines in the 1988 report. New York, which was the nation's second-largest defense contracting state in fiscal 1987, fell to fourth in 1988 as its defense awards slid almost 20 percent to \$7.7 billion.

New York's largest contractor, Grumman Corp., has been slashing its employment in recent years as heavy Pentagon spending by the Reagan administration slowed and the company reduced its reliance on military planes.

And Massachusetts, which dazed economists with its strong

showing in 1987, fell from third to fifth place as its share of contracts dropped 17 percent to \$7.2 billion. Massachusetts has been one of the main beneficiaries of the Strategic Defense Initiative, or "Star Wars" program, which has been feeling the budget pinch recently.

The Pentagon's figures cover only prime contracts, meaning awards of \$25,000 or more, and don't account for subcontracts awarded from out-of-state prime contractors.

The latest ranking puts Texas in a stronger position than it was a year earlier, when defense awards tumbled 21 percent and the state fell from its second place standing to fourth.

Harold T. Gross, a Southern Methodist University economist who last year co-authored a report on regional military procurement patterns, said Texas' defense position may be improving because of the state's additional political clout in Washington, D.C., and the kinds of defense products built in Texas.

"It may be some of our enhanced political clout is beginning to have an effect," said

TOP DEFENSE CONTRACTING STATES		
For fiscal year 1988, dollar figures in billions		
		1987 rank
1. California	\$23.5	1
2. Virginia	\$10.2	5
<b>3. Texas</b>	<b>\$9.0</b>	<b>4</b>
4. New York	\$7.7	2
5. Massachusetts	\$7.2	3
SOURCE: Defense Department		

The Dallas Morning News

Gross, associate director of the Center for Enterprising at SMU's Edwin L. Cox School of Business. Fiscal 1988 was the first full fiscal year in which Fort Worth Democrat Jim Wright was Speaker of the House and Texas Sen. Lloyd Bentsen was chairman of the powerful Senate Finance Committee.

Texas also has suffered less from defense cutbacks in recent years than some other states, Gross said.

Texas doesn't depend on a single contractor or one "big-ticket" program, and Gross said its defense electronics companies tend to focus on surveillance and communications programs, which are still in demand.

The Associated Press contributed to this report.

# Defense puts more dollars into Texas *p.c.*

By Andrea Watson **FEB 16 1989**  
OF THE TIMES HERALD STAFF

Despite an overall decrease in U.S. defense spending in fiscal 1988, Pentagon contracts awarded to Texas companies increased 4 percent last year — improving the state's ranking to third.


Contracts awarded to Texas companies totaled \$9 billion in the fiscal year ended Sept. 30, 1988, compared with \$8.65 billion in fiscal 1987, according to figures released Wednesday by the Defense Department.

The increase moved Texas to third place among states receiving the most defense contract dollars. The state was ranked fourth in 1987.

Texas firms were able to attract more contract dollars despite an overall decrease in the amount of prime contracts awarded by the Pentagon

Please see **DEFENSE, C-3**

## Top defense contract states



Contracts in billions of dollars.

State	1987	1988
California	\$24.51	\$23.46
Virginia	7.81	10.24
Texas	8.65	9.00
New York	9.62	7.70
Massachusetts	8.68	7.21
Missouri	6.00	5.56
Florida	5.79	5.33
Ohio	4.55	5.06
Connecticut	5.03	4.91
Maryland	4.75	4.27

SOURCE: Defense Department

Dallas Times Herald

## DEFENSE

From C-1

last year. Prime contracts totaled \$142.15 billion in 1988, down 3.4 percent from \$147.16 billion in 1987.

California, which ranked first for the second consecutive year with more than twice the total contracts of any other state, gained contracts totaling \$23.46

billion in 1988, compared with \$24.51 billion in contracts in 1987.

Virginia, with \$10.24 billion in 1988 contracts, vaulted to second place on the 1988 list from fifth in 1987, while New York dropped two positions to fourth place on the new list.

Rounding out the top 10 states 1988 were Massachusetts, Missouri, Florida, Ohio, Connecticut and Maryland.

Virginia had the biggest increase in 1988 contracts.

# Missile crushing begins

## Bush, Soviets view arms pact actions

SEP 9 1988  
By Carl P. Leubsdorf  
Washington Bureau of The Dallas Morning News

KARNACK, Texas — With Vice President George Bush looking on through binoculars, white flames flashed, gray smoke billowed and explosions rumbled across the East Texas countryside Thursday as the United States began destroying its intermediate-range nuclear missiles.

Soviet inspectors watched from a nearby bunker as officials at the Longhorn Army Ammunition Plant exploded the fuel in the first two of the 859 U.S. missiles to be destroyed under the Intermediate Nuclear Forces Treaty signed last December by President Reagan and Soviet leader Mikhail Gorbachev.

Then, Bush, the team of one dozen Soviet inspectors and a large group of U.S. officials and journalists trooped to the side of an orange machine that crushed and crumpled the first-stage rocket motor of one of the two missiles.

Officials of both countries hailed the day's events as a significant move toward ending the arms race.

"We have been the eyewitnesses of important events," said Nikolai Shabalin, the senior Soviet representative who is monitoring the destruction of the missiles.

"We are witnessing today one of those unique moments in the career of man, a moment when the tides of history turned, that a new future dawned," said Bush.

Echoing one of his favorite campaign themes, he said, "The lesson of INF is the age-old lesson that peace comes not from weakness but from strength, not through naive hopes and wishful thinking but through firmness, will and resolve."

Bush made no direct reference to Democratic nominee Michael Dukakis. Although the Bush campaign paid for the trip, the GOP nominee denied that his appearance at the ceremony had anything to do with

Please see BUSH on Page 10A.

## Bush watches U.S. begin meeting arms pact pledge

Continued from Page 1A.  
the presidential race.

"This has nothing to do with politics," he told a reporter. "It has to do with world peace."

"This visit is non-political," said Craig Fuller, the vice president's chief of staff. "We would not campaign on a military or defense facility."

However, he acknowledged, "In the world we live in, almost everything is political."

Thanking various officials for their part in negotiating and ratifying the treaty, Bush made no mention of Democratic senators who helped push it through, and no members of the Democrat-controlled Congress were invited.

Behind Bush was an American flag that had been installed the previous day to provide a television backdrop between the place where he stood and the buildings 1,300 feet away where the missile engines were fired.

After the ceremonies, the vice president campaigned in Tyler and was greeted by more than 2,000 cheering supporters, the most enthusiastic crowd he has encountered all week. East Texas voters are being courted strenuously by both Bush and Dukakis, who will be in the area Friday.

Flanked by the Apache Belles drill team of Tyler Junior College, the vice president praised the INF pact and added, "Our liberal critics said it could never be done." He said the treaty "should teach those critics a lesson, a lesson I hope they will never forget. And that lesson is this: Peace through strength works. Peace through weakness would fail."

Bush was repeatedly cheered as he cited his Texas ties. "I want to win this, my home state of Texas," he said. "I think it's time for Texas to have a president of the United States."

Declaring that "my values are your values," he ran down a long list of issues on which he disagrees with Dukakis, including his support for the death penalty, his opposition to gun control and abortion, and his rival's support for Massachusetts' controversial furlough program for prisoners.

Bush also made his first reference of the week to "my young, vigorous running mate," Indiana Sen. Dan Quayle.

Later, he gave several local media interviews in which he stressed the need for "more incentive (for the oil industry) through liberalization of the intangible drilling cost provisions" of the tax code. And he criticized Congress for its failure to deregulate natural gas.

In another campaign development, Bush spokeswoman Sheila Tate said the vice president — in a reversal of policy — supports an increase in the minimum wage, which has been fixed for seven years at \$3.35 an hour. She did not say how large a hike he favors.

Meanwhile, in Washington, Americans for Bush — a conservative political action group not associated with the Bush campaign — unveiled a pair of biting television commercials attacking Dukakis on his opposition to the death penalty and on the Massachusetts prison furlough program.

Both spots allude to convicted murderer Willie Horton, who escaped while on a weekend pass in Massachusetts and kidnapped a young couple, stabbing the man and raping the woman.

"Bush supports the death penalty for first-degree murderers," an announcer says in one ad. "Dukakis not only opposes the death penalty, he allowed first-degree murderers to have weekend passes from prison."

"Weekend prison passes," the announcer concludes. "Dukakis on crime."

The two 30-second spots will run nationally on CNN and other cable networks during September at a cost of about \$500,000.

The destruction of the missiles that Bush witnessed Thursday morning marked the beginning of a lengthy process set forth in the INF treaty, which Reagan and Gorbachev signed last Dec. 8. Both countries have three years to destroy their INF missiles, 859 in the United States and 1,752 in the Soviet Union. The Soviets began their destruction last month at a ceremony attended by U.S. officials and have already destroyed 114 missiles and 30 missile launchers.

Two types of U.S. missiles are being destroyed at the Karnak plant — older Pershing IA missiles that have a range of 300 to 600 miles and newer Pershing IIs that can travel 500 to 3,500 miles.

Many of the Pershing IAs were built at the Longhorn plant.



# Bush witnesses missile milestone in East Texas

SEP 9, 1988  
By Bob Drummond  
TIMES HERALD WASHINGTON BUREAU

KARNACK — In what Vice President George Bush called a historic, hopeful turning point in the nuclear age, the United States for the first time destroyed two missiles Thursday in East Texas as part of an arms-reduction treaty with the Soviet Union.

While Bush watched with a delegation of top Pentagon brass,

Soviet observers and NATO envoys, U.S. Army specialists ignited the rockets of two Pershing intermediate-range nuclear missiles in an earthshaking eruption of fire at the Longhorn Army Ammunition Plant and then crushed one of the missiles' scorched, empty motor cases.

"We are witnessing today one of those unique moments in the career of man, a moment when the tides of history turned, that a

new future dawned," Bush said after witnessing the first demolition of an American weapon under a treaty that eliminates all intermediate-range nuclear missiles in Europe.

"It is a moment we will be able to tell our children and our grandchildren about," said the vice president, who has made continued weapons modernization a key point of his campaign for the Oval Office. "This was the

day we began to reverse the arms race, this was the day we began destroying the weapons of destruction."

In what was nominally a non-partisan appearance, although the trip to Texas was financed by his presidential campaign, Bush avoided all but the most oblique references to his ongoing debate with Democratic nominee Mi-

*Please see* **MISSILES, A-13**

# MISSILES

From A-1

chael Dukakis over military spending.

"This has nothing to do with politics," Bush said. "It has to do with world peace."

But Bush wasted little time making political hay from the morning missile ceremony, stopping at a rally in Tyler to slam, as "naive" and destabilizing, Dukakis' past support for a nuclear-arms freeze and his opposition to some weapons programs.

"He wanted to restrain us and not the Soviet Union — there lies a big difference between George Bush and the governor of Massachusetts," he said. "We cannot make unilateral cuts in our forces, hoping against naive hope that the Soviets will give us something for free."

Hammering on his Lone Star ties while he shared a flag-draped podium with Tyler's Apache Belles drill team, Bush proclaimed Texas a keystone of his campaign strategy and presented himself as someone in tune with the concerns and values of Texans, regardless of their political loyalties.

Quoting Dukakis as calling himself a "strong, progressive, liberal Democrat," Bush told more than 2,000 supporters that "I am not a strong, progressive, liberal Democrat. I'm a Texan."

And, returning to a favorite campaign issue while in the so-called buckle of the Bible Belt,

the vice president questioned whether someone's faith should legitimately preclude them from reciting the pledge of allegiance.

"I'd like them all to say it frankly. I don't see how it can violate one's religious beliefs," the vice president said during an interview with local television reporters. "We are one nation under God."

Bush has repeatedly criticized Dukakis for vetoing a Massachusetts law that requires state teachers to include the pledge of allegiance in their school day. Dukakis has defended the veto on the grounds that the requirement is an unconstitutional infringement on the beliefs of denominations, such as the Jehovah's Witnesses, which refuse to swear secular oaths.

Only one day after he garnered the unexpected endorsement of Chinese Communist Party leader Deng Xiaoping, Bush started his daylong Texas swing by joining a group of Soviet arms specialists at the Army ammunitions plant outside Marshall for destruction of the first two of 859 American missiles scheduled for extinction under the INF treaty ratified by the Senate earlier this year. The Soviets have eliminated 114 missiles of the 1,752 missiles targeted by the pact.

After the nuclear warheads and missile guidance systems had been removed, Army specialists loaded two first-stage missile launch motors into special holding devices at a bunker-like building on the remote am-

munition plant. Under the terms of the treaty, the missiles were to be deactivated by having their solid-fuel rockets ignited as if they were being launched.

As Bush and Army Secretary John Marsh watched through binoculars from a platform 1,300 feet away, the demolition team first touched off the solid-fuel rocket of a Pershing II missile. The rocket burned with enough ferocity to shake the ground and send shock waves through the air.

A smaller Pershing IA rocket was touched off a short time later. A 12-member Soviet verification team watched both firings from a nearby bunker.

After it had cooled, the spent rocket motor from the Pershing IA missile was loaded into a hydraulic crushing machine. As the vice president and other officials watched, a workman struggled through four false starts before finally coaxing the crusher's engines to start.

The motor was flattened like a tin can, spitting off small pieces of metal, two of which Bush claimed as souvenirs of the occasion. The second motor, which took longer to cool, was crushed later in the day.

"One for the president and one for me," Bush said. "I think it'll be a marvelous keepsake for the grandchildren."

The East Texas site is one of four locations in the U.S. and West Germany where missiles formerly deployed in Europe will be destroyed.

# MCC wins contract

APR 21 1988  
Consortium gets Defense Department job

AMERICAN STATESMAN

By Kim Tyson  
American-Statesman Staff

The Microelectronics and Computer Technology Corp. has won a three-year, \$6.3 million research contract from the Defense Department, a spokesman for Rep. Jake Pickle said Wednesday.

The research consortium will develop a "kit" to cut the time it takes to build prototypes of high-performance computer systems, said Rob Smith, leader of MCC's advanced computer architecture program.

"Our concept of this project is, we're building a collection of Lego-like building blocks that you can put together," he said. "We're trying to eliminate a lot of the tedious detail that a lot of designers have to get involved with."

The kit would include plug-together computer hardware that can be stacked like books, and pluggable connectors and software mod-

ules. The systems would be based on a microprocessor announced last week by Motorola, the 88100.

MCC officials have said the kit could cut prototype building from 2 or 3 years to 6 or 9 months.

Although the work will be done for the Defense Department, results of the research would not be classified and would be available to members of Austin-based MCC. The new technology could also be used by universities that have research contracts with the Defense Department, Smith said.

The contract is a reversal of MCC's policy not to pursue government contracts. The five-year-old consortium has relied on funding from its 19 member companies.

The change of direction "required board level approach," Smith said. "We are engaging in research that benefits not only the shareholders but also others."

# Abilene to lose air command

DALLAS MORNING NEWS

## Pentagon to move headquarters to South Dakota base

MAY 13 1988

Associated Press

RAPID CITY, S.D. — The Air Force will transfer the headquarters of the 12th Air Division from Abilene, Texas, to Ellsworth Air Force Base in South Dakota, officials announced Thursday.

"For effective command and administration of Strategic Air Command forces, it was decided that we would organize and place air divisions at dual wing bases," said Master Sgt. Steve Wilhelmi, Ellsworth public affairs officer.

Ellsworth is SAC's largest operational base, with the 44th Strategic Missile Wing and the 28th Bombardment Wing. It has two squadrons — or 35 — B-1 bombers and commands 150 Minuteman II missiles.

The division's move from Abilene's Dyess Air Force Base should be completed by October, Wilhelmi said.

The move would involve the transfer of 12 active-duty personnel including Dyess' highest ranking officer, a brigadier general, the Abilene Reporter News reported. No aircraft will be moved with the

**"For effective command and administration of Strategic Air Command forces, it was decided that we would organize and place air divisions at dual wing bases."**

**— Master Sgt. Steve Wilhelmi, public affairs officer at Ellsworth**

change, the newspaper said.

Sen. Larry Pressler, R-S.D., earlier this year had asked the Air Force to transfer headquarters of the 4th Air Division at F.E. Warren Air Force Base in Wyoming to Ellsworth.

Neither Dyess nor F.E. Warren are dual wing bases, Wilhelmi said. He did not know why Ellsworth, which now is in the 4th Air Division with F.E. Warren and Malmstrom Air Force Base in Montana, was not assigned the 4th divi-

sion headquarters.

It is too early to know which other bases will fall under the 12th Air Division, Wilhelmi said.

"Bringing in an air division and a one-star general, the significance would be one of some esteem in that you have an air division here which is one level below a numbered Air Force base," he said. Ellsworth is under the higher command of the 15th Air Force out of March Air Force Base in California.

The brigadier general will manage the base, Wilhelmi said. Much of that responsibility now is handled by the 44th Strategic Missile Wing commander.

Pressler's letter asking that an air division headquarters be moved to Ellsworth coincided with an Air Force study of its operations, Wilhelmi said. "The move will be longstanding . . . (or) at least until another study is done," he said.

Said Pressler: "I have long called on the Pentagon to recognize the increased importance of Ellsworth in our national defense network. . . . This will be good for all of South Dakota and for our national defense."

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# On Guard against smuggling

## Texas troops join Customs drug battle

APR 07 1989  
By Joel Williams 23A  
Associated Press

BROWNSVILLE, Texas — National Guard troops in camouflage fatigues joined a battle against drug smugglers Thursday when they started working with U.S. Customs Service inspectors at five Texas points of entry.

Ninety-two National Guard troops authorized for drug interdiction in Texas began working with Customs at international bridges on the Mexican border at Brownsville, Hidalgo, Laredo and El Paso and at the Port of Houston.

A \$2.9 million Pentagon appropriation makes the troops available for the next six months, said Lt. Col. Ed Komandosky, spokesman for the Texas National Guard.

"They are weekend soldiers who have agreed to volunteer for the six-month duty," Col. Komandosky said. "Some have left their civilian jobs to do this."

The troops inspecting cargo will not carry weapons or have authority to make arrests, Col. Komandosky said.

"If the guy jumps out of the truck and starts to run away, it will be up to Customs to do something," he said.

Customs officials welcomed the help.

"We have knowledge that narcotics are being brought into the United States through cargo, but because of a lack of manpower we cannot do the job we should do," said Fernando Macias, Customs port director at Brownsville.

Behind Mr. Macias on the cargo inspection dock Thursday afternoon, Guard troops helped Customs inspectors unload a truck full of furniture and oversaw the emptying of a truck loaded with jala-

Please see GUARD on Page 25A.

# Guard joins U.S. Customs drug searches

Continued from Page 23A.  
penos.

Mr. Macias said the help will make it possible for his inspectors to fulfill a mandate that they unload, or "de-van," 10 percent of the average of 300 loaded cargo trucks that pass through the Brownsville port of entry daily.

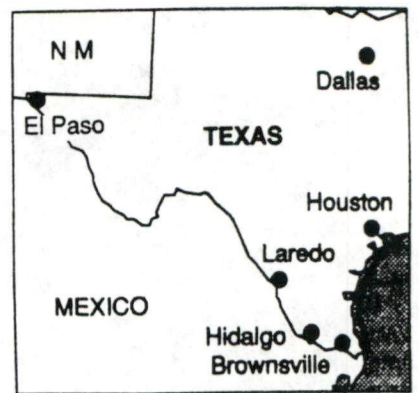
"In very simple terms, what this will do is enable the Customs Service to inspect more cargo and do it quicker," said Charles Conroy, a Customs regional spokesman in Houston.

Inspectors will not search passenger vehicles, Mr. Conroy said.

The program to use National Guard troops in cargo inspections at the border is patterned after a pilot project conducted at ports of entry last summer.

"That was a test and it was very successful," Col. Komandosky said.

National Guard troops assisted in the seizure of 8,400 pounds of marijuana from a truck at Hidalgo



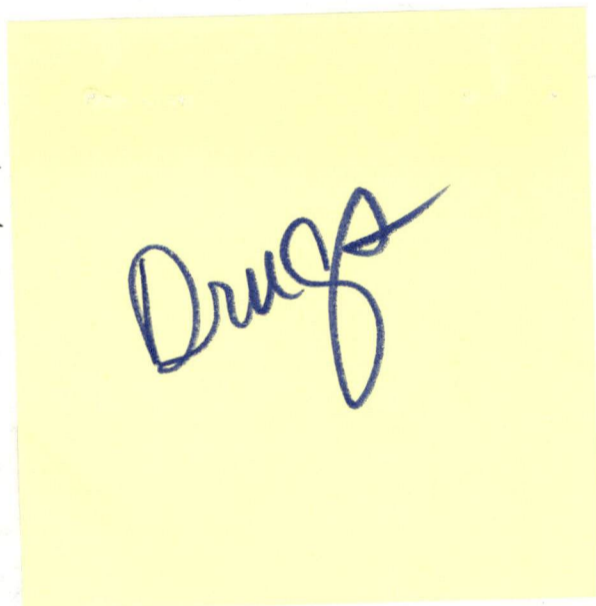
The Dallas Morning News

last August, as well as other, smaller seizures.

A total of \$12 million has been released for using the National Guard for drug interdiction in 12 states, said Maj. Bob Dunlap, a spokesman for the National Guard Bureau in Washington, D.C.

The troops will work with federal agencies in areas including aerial detection and photography, radar surveillance, expanded training of law enforcement personnel and increased loans of military equipment, he said.

Other states in which National Guard troops will be deployed to fight drug trafficking are Arizona, Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, New Mexico, Oregon and Washington, Maj. Dunlap said.



## LOCAL & STATE

# 92 Texas Guardsmen join anti-drug battle

Assisting Customs Service inspectors at border

ASSOCIATED PRESS

BROWNSVILLE — National Guard troops in camouflage joined a battle against drug smugglers Thursday, when they started working with U.S. Customs inspectors at five Texas points of entry.

Ninety-two National Guard troops authorized for drug interdiction are working Customs at international bridges at Brownsville, Hidalgo, Laredo and El Paso and at the Port of Houston.

A \$2.9 million appropriation from the Pentagon makes the troops available for the next six months, said Lt. Col. Ed Komandosky, spokesman for the National Guard in Texas.

"They are weekend soldiers who have agreed to volunteer for the six-month duty," Komandosky said. "Some have left their civilian jobs to do this."

The troops inspecting cargo will not carry weapons or have authority to make arrests, he said.

Customs officials welcomed the extra help inspecting cargo.

"We have knowledge that narcotics are being brought into the United States through cargo, but

because of a lack of manpower, we cannot do the job we should do," said Fernando Macias, customs port director at Brownsville.

Behind Macias on the cargo inspection dock Thursday afternoon, troops were helping inspectors unload a truck full of furniture and oversaw the emptying of another loaded with jalapeno peppers.

Macias said the help will make it possible for his inspectors to fulfill a mandate that they unload, or "de-van," 10 percent of the average of 300 loaded cargo trucks that daily pass through the Brownsville port of entry.

Guardsmen will not search passenger vehicles, officials said.

The program to use National Guard troops in cargo inspections at the border is patterned after a pilot project conducted at ports of entry last summer.

National Guard troops assisted in the seizure of 8,400 pounds of marijuana from a truck at Hidalgo last August, among other, smaller seizures.

A total of \$12 million has been released for using the National Guard for drug interdiction in 12 states.

# Guard to launch border drug patrols, Gramm says

By Jennifer Dixon

Associated Press

WASHINGTON — National Guard troops will attempt to infiltrate areas of suspected drug smuggling along the Texas-Mexico border and relay their intelligence to federal authorities under a \$2.9 million program to fight narcotics trafficking in the state, Sen. Phil Gramm said Tuesday.



Phil Gramm

Mr. Gramm, R-Texas, said the Guard is not disclosing many details of the planned foot patrols, which would be part of a drug-trafficking package by Guard troops that also involves aerial surveillance and helping the U.S. Customs Service with search and seizure of cargo crossing the border into Texas.

A congressional source who requested anonymity said the Texas Guard troops would use camouflage paint to "look like a cactus bush" and infiltrate the border "under cover of darkness" as they attempt to gather intelligence information for federal authorities on drug-trafficking patterns.

The \$2.9 million in spending was approved last week by Defense Secretary Dick Cheney.

Mr. Gramm said the "long-range reconnaissance patrol" program "is a new program the National Guard is not talking about."

However, he said it involves troops who will provide additional assistance to customs, the Immigration and Naturalization Service and the Border Patrol in the agencies' "running war with drug smugglers along our border."

"The American people clearly want the military more involved in our war on drugs," Mr. Gramm said. "It is a great step . . . to enhance our

ability to interdict drugs coming into our country. It is not a substitute for law enforcement, but it is a good complement. It makes law enforcement more effective."

But Lt. Col. Ed Komandosky, spokesman for the National Guard in Texas, said he was not aware of any such foot or air patrols "whatsoever" under the \$2.9 million effort.

"The only money we've been allocated by the Department of Defense for drug interdiction is to run a cooperative program with the Customs Service," Col. Komandosky said.

Under that plan, 90 to 100 volunteer, part-time troops would be dispatched beginning Thursday to four border points of entry and the Port of Houston to assist customs inspectors' search for illegal drug shipments.

Col. Komandosky said he was "positive" the money would not be financing the air or ground patrols, unless Mr. Gramm "knows something I don't know, and that's entirely possible (that) I'm not aware of any such animal."

Mr. Gramm said that the air surveillance is effective in finding clandestine landing strips used by drug smugglers, and that the search and seizure assistance provided by Guard troops frees up customs workers "to engage in more arrests."

# Lawmakers cry for drug initiative by Washington

By Mike Ward

American-Statesman Capitol Staff

A powerful legislative coalition on Wednesday proposed a get-tough initiative to combat illegal drugs in Texas, but most of the efforts would require federal money or congressional action.

With the backing of House Speaker Gib Lewis and Lt. Gov. Bill Hobby, the group announced it will travel to Washington on April 6 to press the Texas congressional delegation and federal officials to adopt the plan.

One member of the group, Rep. Mark Stiles, D-Beaumont, said he would support tax increases to fund the anti-drug initiatives. He also said he would favor suspending some constitutional rights to swiftly punish drug traffickers.

Charles Terrell, chairman of the Texas Criminal Justice Task Force and the coalition's leader, called the drug crisis "a true national emergency (that) justifies far-reaching new strategies and concepts. It's the tip of an iceberg that threatens to make a Titanic of America."

In Washington, federal officials greeted the plan with bewilderment. They said several aspects are already being used, some are being considered, and others might be unworkable.

Highlights of the plan:

- New state "drug courts" in major U.S. cities, which would be operated around the clock to handle narcotics cases on an expedited

basis. Those new courts would be federally funded and would prosecute state crime, Terrell said.

- Conversion of all inactive or closed U.S. military bases into prisons for drug offenders, combined with rehabilitation and education programs for convicts housed there. Legislators said there are about 17 such bases in Texas, but Pentagon officials said Wednesday that they could not confirm a list.

- Passage of federal legislation, or even an amendment to the U.S. Constitution, to make all crimes involving the sale, trafficking or manufacture of illegal drugs state and federal offenses.

- Development of a national prototype for all prison systems and jails to offer enhanced drug rehabilitation. In addition, probationers and parolees with histories of drug troubles would receive testing and rehabilitation to help them break their habit.

The coalition also suggested that Texas lawmakers consider suspending driver's licenses of young drug violators.

"The suspension could vary in severity with the nature of the offense and the number of offenses," Terrell said. "It's tough to be macho on a bicycle."

Included in the bipartisan coalition are House Corrections Committee Chairman Allen Hightower, Senate Criminal Justice Chairman Bob McFarland, House County Affairs Vice Chairman Ben Campbell, House Criminal Jurisprudence Chairman Dan Morales,



Staff photo by Mike Boroff

House Speaker Gib Lewis, left, listens as top legislators seek a drug crackdown. Among the members of the coalition are, from left, Reps. Allen Hightower, Mark Stiles and Dan Morales; Charles Terrell, chairman of the Texas Criminal Justice Task Force; and Reps. Ric Williamson and Ben Campbell.

House Appropriations Vice Chairman Ric Williamson and House Judicial Affairs member Tom Uher.

Terrell said the coalition plans to meet with U.S. Sens. Lloyd Bentsen and Phil Gramm of Texas and Sam Nunn of Georgia, House Speaker Jim Wright, and U.S. Reps. Jack Brooks and Steve Bartlett. In addition, the group wants to meet with federal drug czar William Bennett.

In Washington, a spokesman for Bennett, Larry Cirignano, said the new Office of Drug Control Policy has been deluged with similar proposals. Bennett is to map out a na-

tional drug-fighting plan by Sept. 5.

Federal drug laws were toughened in 1986 and 1988 to allow joint federal-state jurisdiction over many prosecutions, according to Con Dougherty, spokesman for the U.S. Drug Enforcement Administration. But the suggestion to make state drug crimes a federal offense would be unworkable and would not solve the problem, according to DEA and Justice Department officials.

Justice Department spokesmen said New York and Los Angeles are considering special "drug court"

projects. But expediting offenders' cases through quick trials has proved difficult without violating the constitutional right to due process, they said.

Stiles, however, said that waiving due process laws to alleviate backlogged courts "is OK with me.

"We're talking about poisoning the children. We're talking about ruining society," said Stiles. "As far as I'm concerned, when those people break the law, they need to be punished. They lose their rights under those things. . . . If speeding up due process means they've got to go to trial in 30 days, it suits me."

Issued August 1987  
Updated June 1988

# GOVERNOR'S TASK FORCE ON DRUG ABUSE

STATEWIDE DRUG STRATEGY  
NARCOTICS CONTROL PROGRAM



Col. James B. Adams  
Chairman  
Arthur C. Eads  
Vice Chairman  
Jorge A. Solis  
Al Schorre  
Jerry P. Cunningham  
John M. Bott  
John A. Burns  
Bobby S. Weaver  
Christopher L. Milner

STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE DIVISION

GOVERNOR WILLIAM P. CLEMENTS, JR.

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## I. INTRODUCTION

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In August 1987 the Statewide Drug Strategy issued by the Governor's Task Force on Drug Abuse was submitted with Texas' application for \$10.6 million in funding from the U.S. Justice Department's Bureau of Justice Assistance (BJA). The strategy was developed as a condition of the state's application for drug law enforcement funds available through the Anti-Drug Abuse Act of 1986.

This funding has been used to implement the Texas Narcotics Control Program (TNCP), a new program for enhanced drug law enforcement administered by the Criminal Justice Division (CJD) of the Office of the Governor. The grants, awarded to 41 projects statewide, are designed to bolster all aspects of Texas' law enforcement efforts through increased arrests, prosecution, adjudication and the identification of drug offenders for rehabilitation at the time of detention. The response to the program was even greater than anticipated, with over 90 requests submitted for more than \$27 million in funding, or 300 percent over-subscribed. State officials and law enforcement professionals have praised the program's concept. It has been promoted as a model for other states.

George Luciano, Director of BJA, while addressing a group of law enforcement officers gathered in Austin for TNCP's First Organizational Conference remarked, "I compliment Governor Clements and each of you for your participation in the development of a comprehensive approach to the drug problem."

A majority of the grants underwrite multi-jurisdictional apprehension task forces coordinating the resources and personnel of several agencies. The task forces have already made dramatic headway against drug dealers in the first few months of operation. For example, the Tarrant County Task Force has initiated more than 1,000 narcotics investigations since its formation in December 1987.

Funding for new or enhanced anti-drug efforts was provided to 173 counties, directly impacting a total of 14,025,589 Texas citizens. Texas' six major metropolitan areas received 38 percent of all TNCP funding for drug enforcement efforts, because these cities are recognized as primary sites for drug trafficking and sales. There are 18 cities in Texas with 100,000 residents or more, which account for 39 percent of the state's population. Seventeen are directly impacted by TNCP funded projects. A total of \$6,906,326 or 73 percent of all TNCP funding provide these anti-drug abuse efforts. There are approximately 9,581,800 residents in

metropolitan areas of Texas who will benefit from these anti-drug abuse efforts. Additionally, the Anti-Drug Abuse Act of 1986 provided three separate discretionary grants for narcotics control in Texas' major metropolitan cities, totaling \$944,500 in funding.

For the 1988 federal fiscal year, Texas will receive \$2.38 million in funding, well below the \$10.5 million made available in the 1987 grant award from the Anti-Drug Abuse Act of 1986. This reduced funding will have a serious impact on Texas Narcotics Control Program projects. Although the Criminal Justice Division is not required by BJA to update the 1987 Statewide Drug Strategy as a condition to receive funds, it is felt such a status report would be informative in providing a current assessment of the illegal drug situation in Texas and a review of the progress of the Texas Narcotics Control Program.

This report reflects that the drug trafficking problem in Texas continues to grow in magnitude. However, we have progressed measurably in identifying the causes of the problem and also in directing the attention of state, local, and federal officials to this growing menace. This has resulted in increased enforcement efforts in Texas, particularly along the Texas-Mexico border. The TNCP has initiated the type of multi-agency cooperative efforts that will prove to be most successful in stemming the flow of drugs into our state.

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## II. 1988 UPDATE - NATURE AND EXTENT OF DRUG PROBLEM

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Since the August 1987 publication of the Statewide Drug Strategy, drug trafficking continues to be the most critical crime problem in Texas. It is a sophisticated and complex crime. Cocaine, marijuana, and heroin are smuggled into this state from Mexico and other international sources by land, sea, and air. Illicit drug trafficking not only violates our drug laws, it also involves numerous other criminal activities: racketeering, conspiracy, bribery, and corruption of public officials, tax evasion, banking law violations, illegal money transfers, crimes involving firearms, and an alarming amount of violence.

Unlike other states, which may be concerned only with drug demand and abuse problems, we must address the problem of being a major transshipment area for drugs. Texas is used extensively as a traffic route for illegal drugs for several reasons. Our proximity to Mexico, a country that has been identified as the leading single-country source of heroin and marijuana entering the United States and a leading point of transfer for cocaine, is the primary reason. Cocaine traffickers from South America have been using Mexico increasingly as an alternative to Caribbean routes to transport multi-hundred kilograms of cocaine powder and

cocaine base. Once in Mexico, smugglers use private and commercial vehicles, boats, and small private planes to smuggle the drugs into our state.

Additionally, law enforcement officials report a major shift in concentration of drug trafficking from Florida to Texas in the past few years. Initially, this trend seemed to be a result of the increased enforcement activities in Florida prompted by task force operations there. But, it has become increasingly evident that the trend has been caused more by the establishment of alternative routes than by the wholesale movement of trafficking organizations to Texas. Whatever the reason, drug smugglers have been forced to change their operations and have obviously selected Texas as their alternative. The result has been a dramatic increase in cocaine smuggling through Mexico and Texas with transshipment from Texas cities to organizations in Los Angeles, New York City, and Chicago.

Not only does Texas' geographical location contribute to the state being used as a drug transshipment route, the geographical makeup also plays an important role. Texas is composed of 262,000 square miles of land, 624 miles of coastline, and a 1,248 mile international border. Our extensive, sparsely populated regions are ideally suited for undetected smuggling operations. These remote areas are

used for clandestine landing strips for aircraft to land, or simply to air drop contraband drugs.

Geography of the state is also conducive to domestic production of drugs, a problem that has been identified as significant in Texas. During the 1987 calendar year, a total of 1,088,219 domestic marijuana plants on 143 plots of land were eradicated by local, state, and federal drug enforcement agencies. The total street value of the eradicated plants is estimated at \$530,000,000, according to DPS officials.

Texas' national forests and commercial timberlands cleared by cutting operations are primary areas for the cultivation of marijuana. The favorable climatic conditions and the remoteness of the areas are ideal for growing marijuana. Drug investigators indicate that there are also large numbers of indoor marijuana growers throughout the state.

The vast rural areas of Texas also provide the seclusion necessary for the manufacture of dangerous drugs, such as methamphetamine and amphetamine, in clandestine labs. Rural areas are preferred locations for drug labs, with most found in Central, North, and East Texas. In secluded rural areas, the odor produced during the manufacturing process attracts little attention, making detection difficult. One pound of

the drug amphetamine or methamphetamine brings up to \$22,000 on the street. Even a simple lab can produce several pounds a week. The DPS Narcotics Service reports seizure of 86 clandestine labs in 1987.

The growing magnitude of the drug problem in Texas is highlighted by the following:

- \* During the first three months of fiscal year 1987, the McAllen sector of the U.S. Border Patrol seized \$48 million worth of narcotics. By comparison, \$117 million of narcotics was seized during the first three months of 1988.
  
- \* The Killeen/Temple area is earning a place on the international map for illegal drug activity. Two conspiracies to deliver cocaine, one mounted by Panamanian nationals and the other by residents of Puerto Rico, have been uncovered in the area. In the Panamanian case, the Killeen Police Department seized 1,100 grams of cocaine and more than \$50,000 in cash. The conspiracy resulted in 17 indictments last April. Two fugitives are at large, but the other 15 defendants have been convicted in district court. The Puerto Rican case involved the cooperation of the FBI, the U.S. Attorney's Office, the Killeen and Temple Police

Departments, the Texas Department of Public Safety, the Bell County Sheriff's Office, and the Central Texas Narcotics Control Task Force, a TNCP funded project. Nine guns, two cars, 1,200 grams of cocaine, and \$37,714 in cash were seized. A significant amount of stolen property was recovered. Indictments were issued in January for 22 individuals.

\* More than half of recent border drug seizures were in Texas, according to figures released by the Drug Enforcement Administration. Seizures along the Texas-Mexico border from January to June 1987 more than doubled over a comparable period in 1986. The DEA credited an intensified law enforcement effort for part of the increase.

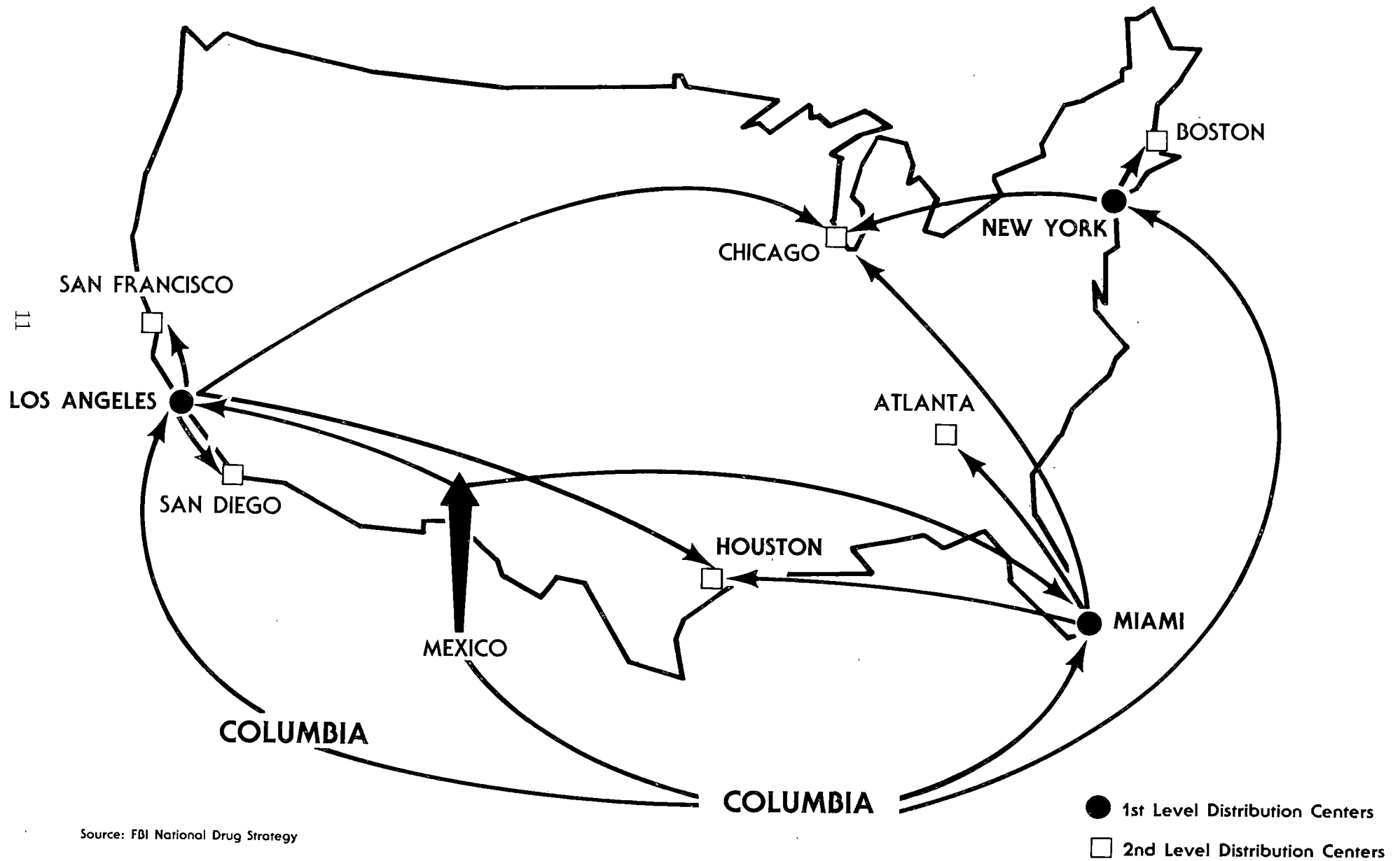
\* Drug-detection canines located a ton each of cocaine and marijuana hidden aboard a Florida-registered truck at the border checkpoint near Falfurrias in early January. The drugs were estimated to have a combined street value of nearly \$75 million. The 1973 Kenworth tractor-trailer was carrying limes and watermelons on top of burlap sacks full of the contraband. The seizure was the third-largest made by the U.S. Border Patrol's four drug-detecting dogs that work along the border in the McAllen and Laredo areas.

- \* Drugs are smuggled into Texas by land, air, and sea through organized, well-financed networks of career criminals. Law enforcement agencies seized illegal drugs worth \$680 million last year, and some officers estimate that they catch only 10 percent of the illegal drugs that are being smuggled into the country.
  
- \* More of the "speed" drugs (methamphetamine and amphetamine) are produced in Texas than anywhere else in the country, with federal seizures of labs in the state accounting for nearly 40 percent of the total nationwide. The public safety threat posed by this illicit industry is significant since speed "cooks" have an affinity for exotic weapons, machine guns, and explosives.
  
- \* A recent study conducted by the Texas Board of Pardons and Paroles of 1,483 offenders admitted to the Texas Department of Corrections in one month late last year found that four-fifths of them had used drugs, were under the influence of drugs when arrested, or were convicted of a drug-related offense. The sample groups included those entering prison as a result of a court sentence, probation violation, or parole revocation. On this subject, Governor Bill Clements has remarked,

"Drugs ignite crime. It's like pouring gasoline on a fire. It's an ugly, vicious circle. If we want to get serious about fighting crime and reducing prison overcrowding, we must get serious about reducing drug abuse."

\* In April of 1988, federal officials announced that increased production and purity of Mexican heroin has swelled supplies in Texas to the point that seizures of the drug so far this year already surpass those during all of 1987. Federal agents nationwide seized 468 kilograms of heroin in 1985, 383 kilos in 1986, and 356 in 1987. But during the same period, Texas heroin seizures went from 10 kilos in 1985 to 11.4 in 1986, and 20 kilos in 1987. John Nattinger, Special Agent with the Drug Enforcement Administration, Houston Division, said the rise indicates increased heroin production in Mexico and a change in the source of heroin for U.S. consumers.

# Scope of Drug Trafficking in the U.S. — Cocaine



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### III. DRUG TRENDS IN TEXAS TODAY

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There has been a heightened public awareness of the problems associated with drug trafficking and abuse in the past year. In Texas, as in many other states, the fight against drugs has received new political significance, improved laws and prosecutorial tools, and additional resources. Federal, state, and local governments, private and non-profit organizations, and individuals have all joined the effort to prevent, treat, and research drug abuse, and to educate our citizens about the dangers of using illegal drugs. Governor Clements' personal attention, legislative concern, and expanded media coverage all attest to a firm commitment to the continuing struggle against drug trafficking and abuse.

We are now faced with frightening new trends in drug use--it has spread to all levels of society and the age for first use has dropped. National statistics show that 58 percent of high school seniors used illicit drugs in 1986. These numbers are especially alarming because addiction is too often fatal for young people, as reflected in statistics that show that fifteen to twenty-four years old are the only age group with an increased death rate in the past ten years, mostly from drug-related accidents, suicides, and overdoses.

Experts now recognize that drug abuse not only harms the abuser, but it also hurts their families and friends, co-workers and employers or fellow employees. Society is harmed in terms of lost productivity and safety. Drug abuse drives up health-care costs for everyone. Our courts, social service agencies, and police are overwhelmed by drug-related crimes.

The financial drain from the illegal drug problem is staggering. Total economic losses in Texas were estimated at \$3 billion during 1984, with drug-related crime responsible for \$1.1 billion and health treatment and support service costs totaling \$71 million.

The direct correlation between drug abuse and crime has been confirmed by national studies that show that drug use is often a precursor to all categories of criminal behavior. More than half of all arrestees in selected metropolitan cities have tested positive for illegal drugs, with as many as one-third of the offenders testing positive for multiple drug use, according to a U.S. Department of Justice study released in February 1988. This level of drug abuse is twice as high as previously estimated from self-reported data.

Drugs are often a catalyst for violent crime. Violent crimes are just as likely to be committed by serious drug-using offenders as the property offenses commonly associated with addicts. Nationwide, one in four violent offenders imprisoned in 1983 admitted using drugs just prior to the offenses for which they were convicted. A majority of the "violent predators" with career criminal histories are long-term narcotics abusers who frequently use combinations of drugs.

Studies of inmates incarcerated in Texas' prison system reveal that 83 percent of the offenders are in prison either directly (drug possession or sales) or indirectly (crimes committed while on drugs or committed to support drug habits, such as robbery or burglary). In some regions of the country, at least one-fourth of homicides are related to drug trafficking. Evidence of the close relationship between drugs and crime continues to mount.

An alarming new aspect of the drug problem is that every drug sold on the streets today is far more potent than ever before. In Houston, the purity of cocaine available on the streets has increased from 30 to 40 percent in mid-1986 to the 60 to 80 percent range during the first six months of 1987. Peter Bensinger, former head of the Drug Enforcement Administration, compares the difference between drugs of

today and those of just a few years ago to "the difference between a bicycle and a Sherman tank". This is especially true of crack, which is more addictive than heroin, easier to get than marijuana, and more potent than cocaine powder. In some cities, crack is sold in small-dose vials at such a low price that it is cheaper than a bottle of liquor and more readily available to youths.

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#### IV. TEXAS NARCOTICS CONTROL PROGRAM

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The Texas Narcotics Control Program (TNCP) is a new offensive being launched in the war on drugs in Texas. Components of the criminal justice community across Texas, from undercover police officers to district attorneys, are synchronizing their efforts toward a common goal: putting illegal drug dealers out of business. This far-reaching approach was made possible by the federal funds available through the Anti-Drug Abuse Act of 1986, with matching funds and grant administration provided by the Criminal Justice Division of the Governor's Office.

"Never before have funds been earmarked specifically for narcotics control efforts," said Rider Scott, Executive Director of the Criminal Justice Division and General Counsel to Governor Clements. "The TNCP represents a significant new strategy in our crusade against illegal drugs and the crime so closely associated with drug trafficking and abuse. Task forces that cross agency and jurisdictional lines present a unified front to combat the drug problem."

In December 1987, Governor Clements announced grant awards to 41 recipients, 37 of which were to local units of government. Coordinated multi-agency and multi-jurisdictional task forces account for 33 projects. Three prosecution and adjudication projects, a pilot project for identification of drug offenders at the time of detention, and four statewide projects are also funded. Projects are receiving 100 percent funding, with the federal money providing 75 percent of each project's cost (\$9.5 million) and the Criminal Justice Division meeting the 25 percent federal grant match requirement (\$3.2 million). It was the Governor's desire that no community be denied funding solely because of an inability to provide matching funds.

Projects funded by the Texas Narcotics Control Program provide enhanced drug law enforcement to 173 counties throughout Texas. The chart on page 28 details the area of impact for each project. Note that the numbers indicate the grantee for each project, but that the service area includes surrounding counties and cities. Interagency cooperation and coordination to attack drug traffickers is the foundation of the TNCP, thus, the majority of the grants awarded to local units of government fund multi-agency, multi-jurisdictional projects involving the cooperation of metropolitan and rural law enforcement agencies. This improved cooperation among agencies throughout Texas has

resulted in an effective approach to a problem that recognizes no jurisdictional boundaries.

The Anti-Drug Abuse Act of 1986 mandated that 67.87 percent of Texas' law enforcement allocation be passed through to local governments. During the grant award process, the Governor's Office made every effort to disburse the funds in such a manner that they would be most effective and used widely across the state. A total of 90 percent of the funds were awarded to local units of government for use in their communities. All but one of the Texas cities with a population in excess of 100,000 are receiving the benefits of a specialized drug enforcement program funded by the TNCP. Funding for new or enhanced anti-drug efforts was provided to 173 counties, directly impacting a total of 14,025,589 Texas citizens. There are 18 cities in Texas with 100,000 residents or more, which account for 39 percent of the state's population. Seventeen are directly impacted by TNCP funded projects. A total of \$6,906,326 or 73 percent of all TNCP funding was awarded to provide these cities with drug law enforcement services. Texas' six major metropolitan areas, Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio, account for 9,581,800 of the state's 16,685,009 residents according to the 1986 U.S. Census Bureau figures. In an effort to provide drug enforcement services and impact the drug-related crimes in

these major metropolitan areas, the Texas Narcotics Control Program established nine projects in these areas totaling \$4,340,724 in grant funds. The Austin metropolitan area received \$564,103 for a Regional Anti-Drug Abuse Task Force. The Dallas metropolitan area received \$200,000 for a Love Field Drug Interdiction Task Force, and the Dallas County District Attorney's Office received \$425,177 for a Prosecution and Adjudication of Drug Offenders project. The El Paso metropolitan area received \$727,672 for a combined Apprehension, Prosecution, and Adjudication Drug Enforcement Task Force. The Houston metropolitan area received \$200,000 for the Hobby Airport Drug Interdiction Task Force, and the Harris County District Attorney's Office received \$177,039 for a Prosecution and Adjudication of Drug Offenders project. The metropolitan area of San Antonio received \$750,484 for a Multi-Agency Drug Enforcement Task Force, and the Bexar County District Attorney's Office received a grant award in the amount of \$220,461 for an Adjudication of Drug Offenders project.

The funding provided by the Texas Narcotics Control Program will provide increased drug enforcement services for the 9,581,500 Texas citizens residing in these major metropolitan areas and enhance the efforts created by discretionary grant funding awarded to the Houston, Dallas, and San Antonio metropolitan areas from the Department of

Justice under the Omnibus Anti-Drug Abuse Act of 1986. In addition to the funding received from the Texas Narcotics Control Program for Drug Law Enforcement, the City of Houston received \$300,000 for a Crack/Focused Substance Abuse Enforcement Task Force; the City of San Antonio received \$394,500 for a Street Sales Drug Enforcement Task Force, and Dallas County received \$250,000 for an Organized Crime Narcotics Enforcement Task Force.

A listing of the Texas cities with populations of 100,000 or more that are impacted by the Texas Narcotics Control Program can be found in Appendix No. 1.

As a result of the TNCP, there are an additional 190 law enforcement officers, 59 more support personnel, 17 more assistant district attorneys, and three additional judges dedicated to fighting drugs in the state. Equipment, overtime pay for grant-funded personnel, and confidential funds are also provided.

A key element of the Texas Narcotics Control Program is the use of cooperative agreements between the task forces and district attorneys that guarantee full return on asset forfeiture awards to the task force that generated the seizure and resulting forfeiture. Any funds produced in this manner will become program income that shall be used to

further the objectives of the project. This innovative feature of the program was designed to ensure future funding for the projects as the federal funding continues to be jeopardized by budget constraints. The Criminal Justice Division has been pleased by the level of cooperation received from district attorneys throughout Texas who entered into these agreements in order to further the goals of the Texas Narcotics Control Program.

The cornerstone of the program is the Statewide Drug Strategy, which was developed by the Law Enforcement Subcommittee of the Governor's Task Force on Drug Abuse to serve as a blueprint for this attack on illicit drugs. Public hearings conducted in June 1987 in Arlington, Corpus Christi, and El Paso provided the subcommittee with oral and written testimony from law enforcement officials, corrections professionals, drug treatment experts, educators, parents, and concerned citizens.

Colonel James B. Adams, former director of the Texas Department of Public Safety, who served as chair of the Law Enforcement Subcommittee stated: "The information gathered at the hearings was critical in developing the Strategy and winning the federal grant money. The expertise and first-hand experience of federal, state, and local officers from throughout the state gave us an invaluable picture of the

drug problem in Texas and of the tools that could be most successfully employed in the struggle against illegal drugs."

The priorities established in the Strategy guided the awarding of grants for narcotics enforcement units, specialized prosecution programs, asset-forfeiture programs, impact courts designed to speed adjudication of drug cases, a pretrial drug detection program, enhancement of state crime laboratories, and a system for the collection and analysis of drug abuse data. The grant review process stressed coverage of the border areas in recognition of the amount of drugs flowing into our state from Mexico. Eight task forces were funded to secure the Texas-Mexico border. Because of the emphasis on multi-agency and multi-jurisdictional projects, a large number of grants feature combinations of two or more elements.

Some specific elements of these innovative new projects follow:

- \* In Tarrant County a multi-agency, multi-jurisdictional task force was formed to provide narcotics enforcement for 37 metropolitan cities and two adjacent counties. More than 1,100,000 citizens benefit from the service of this program. What is unique about this project,

other than its sheer size, is that it is a vertically and horizontally integrated program that includes 50 narcotics officers and a full-time prosecution team.

\* In Dallas County, the District Attorney's Office operates a program for the prosecution and speedy adjudication of drug cases. It includes felony prosecutors and a visiting judge for that purpose. In addition, the services of an asset forfeiture team, under the direction of a prosecuting attorney, expedite the asset forfeiture efforts of the task force in order to remove the financial incentive from drug trafficking.

\* The El Paso District Attorney's Office is operating an apprehension and prosecution project that will serve six counties. Not only does the narcotics control team detect and apprehend smugglers who prey upon the remote areas along the Rio Grande River and the Big Bend area of Texas, this cooperative effort also follows the offenders all the way from crime to punishment, as it includes a prosecution component and incorporates an impact court for speedy adjudication of drug cases.

- \* Nowhere is the spirit of cooperation more evident than in the Cass County project, which reaches across state lines as well as city and county boundaries. The Arkansas-Louisiana-Texas Interstate Narcotics Task Force has been in existence informally since 1984 because of mutual problems and interests. The TNCP provided funds to augment the project's existing operation with additional undercover officers, equipment, and buy money. The task force most recently was responsible for the eradication of 51 marijuana fields and five clandestine labs.
  
- \* Hundreds of secluded areas in the state provide the privacy and limited accessibility necessary for large-scale manufacture of illegal drugs. As a result, nine rural counties joined with Hill County to form the "Agriplex Roadrunners" project to eradicate clandestine laboratories and marijuana fields. The task force works together to gather intelligence, coordinate raids, and apprehend drug offenders.

These projects are typical of the ambitious efforts funded by the TNCP. All of the agencies in the program represent a consortium of dedicated law officers who are helping to create a new front line of defense in the war on drugs. What follows is a short summary of the progress made in the

programs that are threatened by reduced funding. In just the first few months of operation, the projects funded by the Texas Narcotics Control Program have yielded production statistics beyond initial expectations. There have been 1,164 persons arrested for felony drug abuse violations; \$23,949,983 worth of illicit narcotics seized; and over \$500,000 worth of property seized for forfeiture efforts. (Refer to Appendices 5-6) These TNCP projects join the existing nine organized crime control units funded by the Criminal Justice Division and the seven DEA local and state task forces already combining resources to fight drugs and drug-related crime in the State of Texas.

The Anti-Drug Abuse Act of 1986 provided \$10.6 million to Texas for enhanced drug law enforcement for federal fiscal year 1987. The anti-drug abuse funds, while greatly appreciated, are just beginning to address the problem. Our state is at a pivotal point in the fight against the scourge of illegal drugs. The federal funding allocation for fiscal year 1988 under the Anti-Drug Abuse Act was reduced to \$2.3 million. This 76 percent reduction in funding will have an adverse impact on established drug enforcement projects created by the Texas Narcotics Control Program. By reduced funding, these drug enforcement projects will be faced with the termination of drug enforcement agents, reduced amounts of necessary equipment, and safety materials, and the money

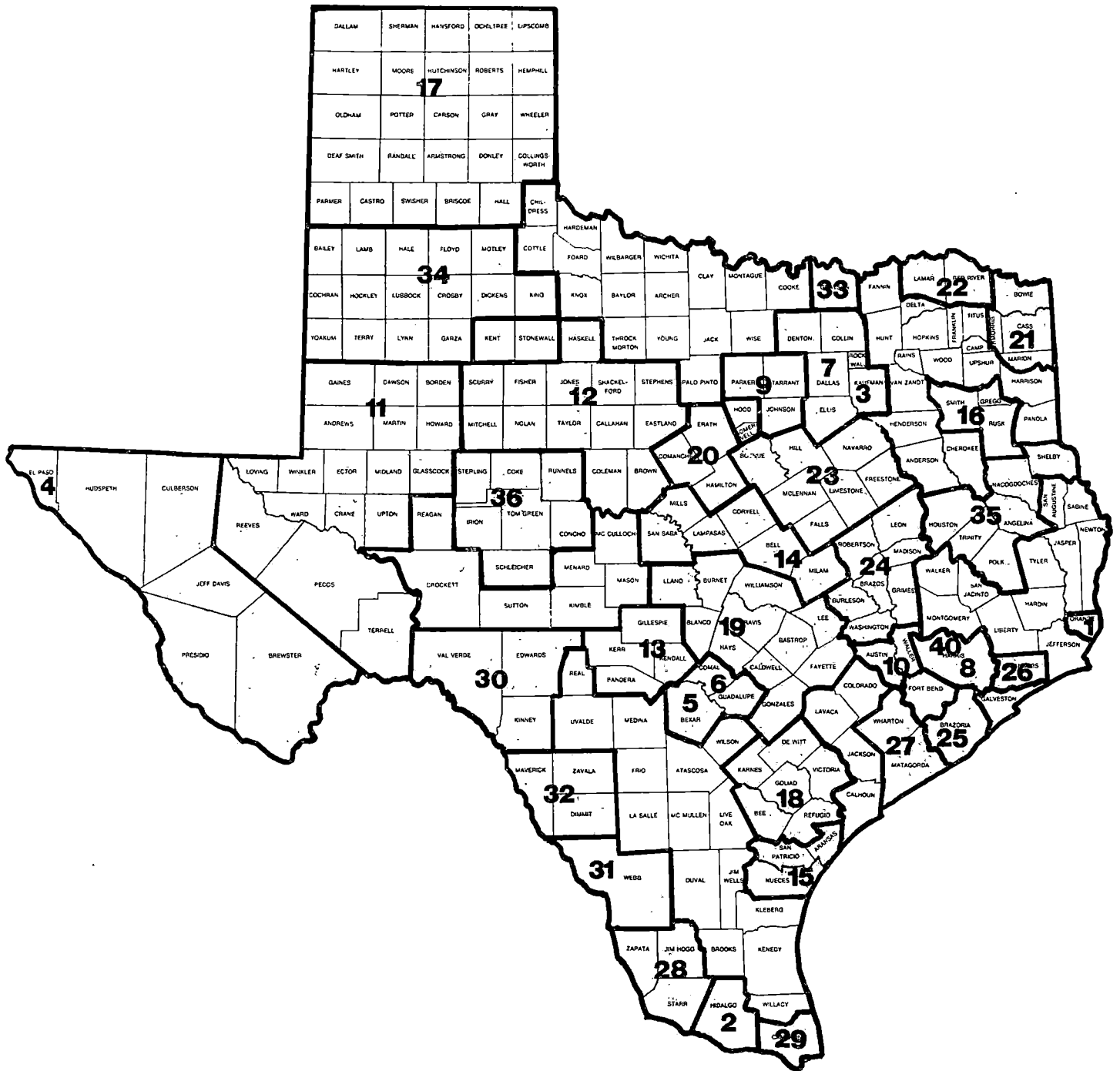
with which to purchase evidence and information necessary to make cases against these drug dealers. It is also probable that many of the existing projects would be totally eliminated due to the lack of available funding. Every effort will be made to keep existing programs operational. Projected funding needs for fiscal year 1988 call for approximately \$6.2 million in budgetary needs.

To slow and ultimately stop the escalating flow of illegal drugs into Texas will require increased funding, not decreased funding. We are at a crossroads in the war on drugs, and the road we take now will have an enormous impact on the victim of the drug merchant for years to come.

## 1987 Texas Narcotics Control Projects

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|---|---|--|
| <p>1 City of Orange<br/>"Special Drug Enforcement Unit"</p> <p>2 City of McAllen<br/>"Narcotics Trafficking Task Force"</p> <p>3 Dallas County District Attorney<br/>"Prosecution and Adjudication of Drug Offenders"</p> <p>4 El Paso County<br/>"Narcotics Traffic Detection, Apprehension &amp; Prosecution"</p> <p>5 Bexar County<br/>"Adjudication of Drug Offenders"</p> <p>6 City of San Antonio<br/>"Multi-Agency Narcotics Trafficking Task Force"</p> <p>7 City of Dallas<br/>"Love Field Task Force"</p> <p>8 Harris County<br/>"Prosecution of Drug Offenders"</p> <p>9 Tarrant County District Attorney<br/>"Narcotics and Intelligence Coordination Unit"</p> <p>10 Austin County<br/>"Apprehension and Prosecution of Drug Offenders"</p> <p>11 Midland County<br/>"Permian Basin Narcotics Control Program"</p> <p>12 Taylor County<br/>"West Central Texas Interlocal Crime Task Force"</p> <p>13 City of Kerrville<br/>"216th Judicial District Narcotics Task Force"</p> <p>14 Bell County</p> | <p>"Central Texas Narcotics Control Task Force"</p> <p>15 San Patricio County<br/>"Tri-County Narcotics Task Force"</p> <p>16 Gregg County<br/>"Narcotics Trafficking Task Force Program"</p> <p>17 City of Amarillo<br/>"Panhandle Regional Narcotics Trafficking Task Force"</p> <p>18 Goliad County<br/>"Local Dangerous Drug Unit"</p> <p>19 City of Austin<br/>"Regional Anti-Drug Abuse Task Force"</p> <p>20 Erath County<br/>"Tri-County Task Force"</p> <p>21 Cass County<br/>"Regional Interstate Narcotics Task Force"</p> <p>22 City of Paris<br/>"Regional Controlled Substance Apprehension Program"</p> <p>23 Hill County<br/>"Agridex Roadrunners"</p> <p>24 Brazos County<br/>"Narcotics Trafficking Task Force"</p> <p>25 Brazoria County<br/>"Special Investigative Unit"</p> <p>26 Chambers County<br/>"Narcotics Trafficking Task Force"</p> <p>27 Matagorda County<br/>"Two County Narcotics Trafficking Task Force"</p> <p>28 Starr County<br/>"Tri-County Drug Abuse Task Force"</p> <p>29 Cameron County</p> | <p>"Drug Enforcement Task Force"</p> <p>30 City of Del Rio<br/>"Narcotics Trafficking Task Force"</p> <p>31 City of Laredo<br/>"Narcotics Trafficking Task Force"</p> <p>32 City of Eagle Pass<br/>"Organized Narcotics Task Force"</p> <p>33 Grayson County<br/>"Pretrial Drug Detection Program"</p> <p>34 City of Lubbock<br/>"South Plains Regional Narcotics Task Force"</p> <p>35 Nacogdoches County<br/>"Deep East Texas Narcotics Trafficking Task Force"</p> <p>36 City of San Angelo<br/>"Rio Concho Multi-Agency Drug Enforcement Task Force"</p> <p>*37 Texas Department of Public Safety<br/>"Expanded Crime Laboratory Services"</p> <p>*38 Texas Adult Probation Commission<br/>"Enhancement of Apprehension, Prosecution &amp; Adjudication"</p> <p>*39 Criminal Justice Policy Council<br/>"Drug Abuse Data Collection and Analysis"</p> <p>40 City of Houston<br/>"Hobby Airport Task Force"</p> <p>*41 Texas District and County Attorney's Association<br/>"Asset Forfeiture Training Program"</p> |
|---|---|--|

\* *Statewide impact*



**1987 Texas Narcotics Control Projects**  
 Area of Impact

APPENDIX 1

TEXAS NARCOTICS CONTROL PROGRAM  
 PROJECT IMPACT FOR  
 TEXAS CITIES WITH 100,000 OR MORE POPULATION

CITY	POPULATION	T.N.C.P. PROJECT IMPACT
HOUSTON	1,705,697	YES
DALLAS	974,239	YES
SAN ANTONIO	842,779	YES
EL PASO	463,809	YES
FORT WORTH	424,810	YES
AUSTIN	397,001	YES
CORPUS CHRISTI	258,067	YES
ARLINGTON	213,832	YES
AMARILLO	162,863	YES
LUBBOCK	178,529	YES
GARLAND	160,208	YES
BEAUMONT	123,356	NO
IRVING	120,057	YES
PASADENA	119,303	YES
ODESSA	108,690	YES
LAREDO	108,676	YES
ABILENE	108,157	YES
WACO	104,133	YES

APPENDIX 2  
 TEXAS NARCOTICS CONTROL PROGRAM  
 FUNDING IMPACT ANALYSIS OF TEXAS MAJOR METROPOLITAN AREAS

METROPOLITAN AREA	PROJECT DESCRIPTION	GRANT ALLOCATION	POPULATION IMPACT
BEXAR COUNTY	SAN ANTONIO MULTI-AGENCY DRUG ENFORCEMENT TASK FORCE	\$ 750,484	1,276,400
	BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE ADJUDICATION OF DRUG OFFENDERS	220,461	
	* CITY OF SAN ANTONIO STREET SALES DRUG ENFORCEMENT TASK FORCE	394,500	
DALLAS COUNTY	CITY OF DALLAS LOVE FIELD INTERDICTION TASK FORCE	200,000	2,401,400
	DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE PROSECUTION AND ADJUDICATION OF DRUG OFFENDERS	425,177	
	* CITY OF DALLAS ORGANIZED CRIME NARCOTICS TASK FORCE	250,000	
EL PASO COUNTY	EL PASO COUNTY NARCOTICS TRAFFIC DETECTION, APPREHENSION, & PROSECUTION TASK FORCE	727,672	566,400
HARRIS COUNTY	CITY OF HOUSTON HOBBY AIRPORT DRUG INTERDICTION TASK FORCE	200,000	3,230,700
	HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE PROSECUTION AND ADJUDICATION	177,039	
	* CITY OF HOUSTON CRACK/FOCUSED SUBSTANCE ENFORCEMENT TASK FORCE	300,000	
TARRANT COUNTY	TARRANT COUNTY DISTRICT ATTORNEY'S OFFICE NARCOTICS INTELLIGENCE COORDINATION UNIT	1,075,788	1,253,900
TRAVIS COUNTY	CITY OF AUSTIN REGIONAL ANTI-DRUG ABUSE TASK FORCE	<u>564,103</u>	<u>853,000</u>
	TOTAL:	\$5,285,224	9,581,800

\* Indicates discretionary grant award

APPENDIX 3  
TEXAS NARCOTICS CONTROL PROGRAM

GRANT FACTS

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- o 97 grant applications were received
- o Total amount requested, \$27,078,034
- o 41 grants approved, totaling \$12,692,922
- o 33 Multi-agency, Multi-jurisdictional Enforcement Task Forces funded
- o 173 counties receiving direct narcotics enforcement services from the task forces
- o Personnel funded:
  - 190 enforcement officers
  - 17 district attorney prosecutors
  - 3 special drug prosecution judges
  - 59 various support personnel, including chemists, crime analysts, court reporters, and secretaries
- o \$1,666,967 provided for new equipment
- o \$1,163,563 provided for direct operating supplies
- o \$1,061,600 provided for confidential funds
- o \$320,982 for travel expenses
- o Average amount of the approved grants is \$324,070

APPENDIX 4

TEXAS NARCOTICS CONTROL PROGRAM

DRUG ARRESTS BY TASK FORCES

REPORT PERIOD: January through March 1988

OFFENSE

<u>MAJOR DRUG INVOLVED</u>	<u>POSSESSION</u>	<u>MANUFACTURE</u>	<u>SALE</u>	<u>TOTAL</u>
Marijuana.....	219	-0-	168	387
Hashish.....	7	-0-	-0-	7
Morphine.....	-0-	-0-	1	1
Heroin.....	17	-0-	32	49
Codeine.....	1	-0-	1	2
Cocaine.....	135	-0-	116	251
Crack.....	13	-0-	12	25
LSD.....	6	-0-	2	8
Designer Drugs.....	3	-0-	-0-	3
Amphetamines.....	119	10	58	187
Methamphetamines.....	87	16	45	148
Tranquilizer.....	-0-	-0-	1	1
Synthetics Narcotics..	2	-0-	2	4
Labs.....	8	29	-0-	37
Precursor Chemicals...	3	-0-	-0-	3
Non-Drug Arrests.....	-	-	-	51
<b>Totals.....</b>	<b>620</b>	<b>55</b>	<b>438</b>	<b>1164</b>

Source: Criminal Justice Division, Office of the Governor

APPENDIX 5

TEXAS NARCOTICS CONTROL PROGRAM

DRUG SEIZURES BY TASK FORCES  
January through March 1988

<u>DRUGS-TYPE</u>	<u>QUANTITY SEIZED</u>		<u>ESTIMATED STREET VALUE</u>
Marijuana	13,581.3	lbs.	\$ 7,516,173
Cocaine	43.5	lbs.	1,161,093
Crack	28.75	gms.	2,980
Methamphetamine	52.42	lbs.	
	6.16	gal.	3,001,591
Amphetamines	33.72	lbs.	
	186.33	gal.	
	4,197	d.u.	7,624,382
Barbiturates	102	d.u	225
Hydromorphone	2	d.u.	80
LSD	58	liq. oz.	3,720
Clandestine Labs (Methamphetamine)	13	labs	
Clandestine Labs (Amphetamine)	11	lbs	180,000
Precursor Chemicals	795.65	lbs.	4,258,721
Heroin	11.3	lbs.	177,691
Tranquilizers	126	d.u.	607
Codeine	2	d.u.	40
Hashish	16.13	lbs.	18,350
Designer Drugs	19	oz.	
	29	d.u.	1,100
Synthetic Narcotics	115	d.u.	1,105
Mushrooms	6	gms.	125
Morphine	40	d.u.	2,000
<b>Total.....</b>			<b>\$23,949,983</b>

Source: Criminal Justice Division, Office of the Governor

NOTE: Data reflects seizures made by grant funded task force projects.  
Estimated street value from figures provided by local projects.  
Note that street prices vary throughout the state due  
to availability of certain drugs.

APPENDIX 6

TEXAS NARCOTICS CONTROL PROGRAM

NON-DRUG SEIZURES BY TASK FORCES  
REPORT PERIOD: January through March 1988

	<u>NUMBER OF SEIZURES</u>	<u>DOLLAR AMOUNT</u>
Vehicles.....	76	\$225,725
Currency.....	81	155,984
Other Financial Instruments....	19	59,543
Real Property.....	3	79,352
Weapons.....	95	21,850
<b>TOTAL.....</b>	<u>274</u>	<u>\$542,454</u>

**Source:** Criminal Justice Division, Office of the Governor

**NOTE:** Forfeiture proceedings are in process for these seized assets.

## APPENDIX 7

## TEXAS NARCOTICS CONTROL PROGRAM

SELECTED SEIZURES FOR FIRST QUARTER  
January - March 1988

TASK FORCE	DATE	CONTRABAND	REMARKS
Cass County	1/27/88	Methamphetamine Clandestine Lab	Fully automatic AR-15 assault rifle; Two-way police radios; Police scanners; Bullet-proof vests
Gregg County	2/28/88	Methamphetamine Clandestine Lab	High Tech Surveillance; Cougar Cat for security; \$5 million value
Midland County	3/03/88	650 lbs. Marijuana	Airplane seizure; Transshipment from Mexico
San Angelo	3/11/88	Clandestine Lab 2.2 lbs. Amphetamine	3 rattlesnakes in lab; \$1 million value
El Paso County	3/21/88	1,000 lbs. Marijuana	Big Bend area; Vehicle caravan; \$800,000 value
El Paso County	4/04/88	Marijuana and weapons	14 AK-47 semi-auto rifles; 14 bayonets; 3,000 rounds ammunition; \$14,000 cash
McAllen	4/08/88	2,000 lbs Cocaine	Tractor-trailer rig loaded with onions; \$325 million value
Tarrant County	4/08/88	Crack House	32 arrests on reversal operation
San Antonio	4/22/88	Cocaine Methamphetamine Clandestine Lab	Sophisticated lab utilizing red phosphorus; \$4 million value
Austin	4/28/88	Methamphetamine Clandestine Lab	Surveillance camera and listening devices; Chemicals; \$1.8 million value
Tarrant County	5/01/88	Methamphetamine Clandestine Lab	Precursor chemicals; \$1 million value
Eagle Pass	5/05/88	Methamphetamine Clandestine Lab	Two labs seized; \$450,000 value
San Angelo	5/12/88	Methamphetamine Clandestine Lab	Underground lab; \$600,000 value
McAllen	5/13/88	2,406 lbs Cocaine	Stored in van located inside temporary storage unit; \$50 million value

## APPENDIX 8

### TEXAS NARCOTICS CONTROL PROGRAM SELECT SEIZURE ACTIVITY REPORT

1. El Paso Narcotics Traffic Detection, Apprehension, and Prosecution Task Force arrested a Hudspeth County employee and seized 1,200 pounds of marijuana having an estimated street value of \$1,080,000.
2. Midland County Permian Basin Narcotics Control Program, working on information provided by U.S. Customs, seized 1,600 pounds of marijuana and a twin engine Cessna airplane. U.S. Customs tracked the plane coming across the border and notified Task Force officials as it appeared to land in Midland County. Task Force officers responded and effected the seizure, and the arrest of three males.
3. Tarrant County Narcotics Intelligence and Coordination Unit conducted a raid on an operational crack house. Working on information that a shipment had just arrived, agents arrested two male suspects in the house, then set up a reversal operation in the house that netted 32 arrests in a matter of three hours.
4. Tarrant County Narcotics Intelligence and Coordination Unit raided two clandestine methamphetamine labs operated by the same group of suspects. Five arrests were effected, and \$1.2 million of methamphetamine oil was seized.
5. McAllen Narcotics Trafficking Task Force, working on intelligence information, stopped a semi-tractor trailer loaded with onions. Found under the onions was over 2,000 pounds of cocaine valued at \$325 million. One arrest was effected at this time, and the semi-tractor trailer was seized.
6. El Paso Narcotics Traffic Detection, Apprehension, and Prosecution Task Force conducted a search warrant on an El Paso residence. Seized in the search were 14 AK-47 semi-automatic rifles, 14 bayonets, 3,000 rounds of ammunition, and \$14,000 cash. These weapons were to be traded for narcotics in Mexico. Three adults were arrested.
7. The El Paso Task Force, working on intelligence information, set up a surveillance operation in Brewster County and observed a convoy of several vehicles coming from a remote border crossing. A stop was made, 500 pounds of marijuana was seized, and six arrests were effected.

8. Austin Regional Anti-Drug Abuse Task Force raided an operational clandestine methamphetamine lab located in a residence in Austin. Seized in the raid was \$900,000 in methamphetamine oil and precursor chemicals. Arrested were six adults.
9. Eagle Pass Organized Narcotics Task Force seized two operational clandestine methamphetamine labs in Dimmit County. \$500,000 worth of methamphetamine was seized, and two arrests were effected.
10. Austin Regional Anti-Drug Abuse Task Force seized two working clandestine labs. Discovered in the raid were operational surveillance cameras with listening devices that were set up around the clandestine location. Six arrests were effected, and precursor chemicals capable of making approximately \$1.8 million worth of methamphetamine were seized.
11. Eagle Pass Organized Narcotics Task Force, working an undercover buy bust, arrested three adults and seized 1/2 pound of cocaine valued at \$84,000.
12. Hill County Agriplex Roadrunners Narcotics Task Force, in the first months of their operation reported seizure of nine working clandestine labs, arrest of 9 suspects, recovery of 70 guns, and seizure of 17 vehicles.
13. San Antonio Multi-Agency Narcotics Trafficking Task Force raided a working clandestine methamphetamine lab that netted \$300,000 worth of amine oil, \$4 million worth of methamphetamine, \$1,900 in cocaine, and \$2,000 cash. Also seized were four commercial plant growers that had psilocybe mushrooms growing in them. Four arrests were effected. The unique facet of this incident is that it was the first encounter by task force personnel of a clandestine lab utilizing red phosphorus in its operation.
14. San Angelo Rio-Concho Multi-Agency Narcotics Task Force seized a working underground clandestine lab in Coke County. They report the lab was very sophisticated in structure. Two pounds of methamphetamine valued at \$600,000 was seized. Additionally, \$3 million in production value of phenocidic acid was confiscated. One arrest was effected.
15. McAllen Narcotics Trafficking Task Force seized 2,406 pounds of cocaine located in a temporary storage unit in McAllen. The value of the cocaine was estimated at \$350 million.

16. Nacogdoches County Deep East Texas Narcotics Trafficking Task Force seized a working clandestine lab and confiscated approximately \$5 million worth of methamphetamine. The lab had high-tech surveillance equipment located around the perimeter, with a live cougar utilized for security of the inner perimeter. Three arrests were effected.
17. Cass County Ark-La-Tex Narcotics Enforcement Task Force seized a working methamphetamine clandestine lab. Recovered in the raid were 40 pounds of Mexican marijuana, \$200,000 worth of methamphetamine, and several vehicles. Four suspects were arrested.
18. McAllen Narcotics Trafficking Task Force conducted a search at a residence and seized 700 pounds of marijuana. Additionally, \$18,600 cash was confiscated. Two adults were arrested.

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## V. 1988 PRIORITIES - TEXAS NARCOTICS CONTROL PROGRAM

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The future of the Texas Narcotics Control Program looks promising at this time if adequate continuation funding is secured. The Criminal Justice Division has applied for and received an award of \$2.38 million for FY '88 projects. Priorities of the program continue to be those established for the first year of operation, based on findings by CJD that criminal justice agencies have similar resource needs as those identified in 1987, as follows:

1. Apprehension of drug offenders: provision of additional personnel, equipment, facilities, personnel training, and supplies to apprehend those illegally producing, possessing, or transferring controlled substances; with payment of operating expenses incurred in apprehending such persons (including purchase of narcotics information, and personnel overtime pay).
2. Prosecution of drug offenders: provision of additional personnel, equipment, facilities (including upgraded or additional law enforcement crime laboratories); and personnel training and

supplies for more widespread prosecution of career narcotic offenders, aggravated narcotic dealers who are accused of violating state and local laws relating to the production, possession, or transfer of controlled substances; and payment of operating expenses in connection with such offenses.

3. Adjudication of drug offenders: provision of additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating state and local laws relating to the production, possession, or transfer of controlled substances; payment of operating expenses in connection with such adjudication; and quick provision of temporary facilities in which to conduct adjudication of such cases.

4. Detention and Identification of Drug Offenders for Rehabilitation: provision of additional correctional resources for the detention of persons convicted of violating state and local laws relating to the production, possession, or transfer of controlled substances; and improvement

of treatment and rehabilitative efforts provided to drug-dependent persons by identifying and referring them to appropriate programs.

Although local law enforcement agencies in Texas have responded to the latest patterns in drug trafficking with upgraded equipment and new approaches, they continue to be hampered by lack of funds for equipment and personnel. The resources available to law enforcement to combat drugs are limited compared to the overall magnitude of today's problem. It is imperative that all available resources are employed wisely. For this reason, the Statewide Drug Strategy for 1988 calls for a continuation and expansion of the cooperative atmosphere that has been established among levels of government and throughout the law enforcement communities in Texas.

In development of the Statewide Drug Strategy, the Governor's Office recognized the need for an urban/rural interagency partnership approach to law enforcement due to Texas' unique drug situation. Officials identified that the source of drugs trafficked in Texas are not limited to those being transported across our borders or through our state. A significant amount of illegal drugs are produced in Texas, mostly marijuana, amphetamine, and methamphetamine. Although cities see the end result of drug trafficking -- street

sales and drug abuse problems -- it is acknowledged that rural areas are a key source for drugs because of domestic production and smuggling. This link is the basis for the principal priority of the Statewide Drug Strategy, which is the use of multi-agency, multi-jurisdictional drug law enforcement task forces to combat the supply of illicit drugs. Task forces offer combined resources of equipment, personnel, evidence purchasing ability, intelligence sharing, and the cooperative effort of regional initiatives that is crucial to successfully stemming the flow of drugs into our state.

The success of multi-agency task forces that were formed in the past year under the Texas Narcotics Control Program provide statistical evidence that this is the most effective approach to drug law enforcement, a concept which has been heralded as a major development in Texas law enforcement. The Criminal Justice Division of the Governor's Office is firmly committed to promoting the task force concept and has identified this as the key element for the 1988 Texas Narcotics Control Program.

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## VI. FEDERAL ANTI-DRUG INITIATIVES IN TEXAS

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In recognition of the extent of drug trafficking in our state, the federal government has made a large commitment of personnel and resources to Texas. Highlights of new federal initiatives to combat narcotics within our state:

- DEA/State and Local Task Forces: The Drug Enforcement Administration (DEA) is the federal agency primarily responsible for drug law enforcement. Through formal agreements with DEA and participating agencies, these task forces operate in San Antonio, Corpus Christi, Lubbock, Fort Worth, Tyler, McAllen, Laredo, and the Dallas/Ft. Worth Airport.
  
- U.S. Customs Service: This is the lead federal agency for interdicting drugs and apprehending smugglers at and between U.S. ports of entry. As part of an overall program to enhance protection of the U.S. Southeast Border and the Gulf Coast, Customs has initiated Operation Blue Fire, an intensified narcotics interdiction effort that increases its personnel and involves closer

cooperation with state and local law enforcement agencies.

- U.S. Border Patrol: Under the Immigration and Naturalization Service, the Border Patrol controls entry of illegal immigrants and assists in interdiction at traffic checkpoints and between ports of entry. The Border Patrol has added new offices and hundreds of additional agents to Texas as part of its recently increased focus on drug interdiction. The greatest expansion in Texas is the incorporation of hundreds of miles of coastline into the McAllen sector, which increases its geographical coverage area by 100%. In fiscal year 1987, which ended September 30, agents in this sector seized \$182 million in drugs in 969 separate incidents.
  
- El Paso Intelligence Center (EPIC): This federal air and marine interdiction and tactical intelligence effort, located in El Paso, provides for the sharing of intelligence among agencies in Texas. EPIC responds to requests from field units on specific conveyances and persons suspected of transporting drugs. It provides analyses of smuggling methods, routes, and sources.

- Operation Alliance: This new federal initiative, announced in August 1986, is a bold approach to fight smuggling in high risk areas. Federal, state, and local agencies have formed an alliance to share information and tactics in order to effectively curtail the passage of contraband across the border. It is a multi-agency coordinated effort to control the flow of drugs, weapons, aliens, and other contraband coming across the U.S.-Mexico border. For calendar year 1988, cocaine, marijuana, and heroin seizures attributable to agencies cooperating with Operation Alliance have already surpassed the total of those made in the same period last year.
  
- National Narcotics Border Interdiction System (NNBIS): NNBIS is a management system designed to coordinate the multi-agency efforts of drug law enforcement agencies, and to call on those federal, state, and local resources that will improve the effectiveness and efficiency of drug interdiction efforts. Its primary objectives include coordinating joint efforts of law enforcement agencies, providing Department of Defense assets for drug interdiction, and

developing tactical information and intelligence to support interdiction efforts. Created with the goal of providing behind the scenes support, NNBIS has no field operatives and generates no seizures or cases. Regional NNBIS centers collate and disseminate intelligence, assess smuggling threats and vulnerabilities, identify detection and response resources, recommend actions to interdiction agencies, and coordinate multi-agency and multi-national special operations. The Southwest Region Center began operating in Houston in February 1987 and is one of seven regional divisions in the U.S. The Center is responsible for coordinating drug interdiction operations along the border from Brownsville, Texas, to Yuma, Arizona. It focuses on border smuggling and relies on personnel contributed from federal drug enforcement agencies, DPS, U.S. Marshal Service, and each branch of the military.

In addition to these enhanced federal efforts in Texas, several local law enforcement agencies received federal funding under the Bureau of Justice Assistance Narcotics Control Discretionary Grant Program, as follows:

- \* Dallas County, Organized Crime/Narcotics Trafficking Program: This funding is being used to develop a regional enforcement project designed to remove specifically targeted major organized crime narcotics trafficking conspiracies. One of 21 projects of this type conducted throughout the nation, the Dallas County project is a joint operation of local, state, and federal law enforcement personnel.
  
- \* Bexar County, Street Sales Enforcement Program: Funding is being used by the San Antonio Police Department to target street level narcotic dealers and buyers through planning, investigation, and prosecution.
  
- \* City of Houston, Crack/Focused Substance Enforcement Program: The Houston Police Department plans to use the funds to improve its capabilities to investigate and immobilize crack cocaine trafficking organizations.

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VII. STATE DRUG LAW ENFORCEMENT

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The Narcotics Service of the Texas Department of Public Safety is responsible for the overall direction of the state's enforcement efforts against illegal drug traffic and, as such, remains committed to its overall objective of eliminating and deterring illegal trafficking in controlled substances and dangerous drugs in Texas.

During 1987, the authorized strength of the Narcotics Service was 189 commissioned narcotics officers, 16 commissioned uniformed troopers, 7 narcotics analysts, and 77 support personnel. To organize its fight against the drug problem in Texas, the Narcotics Service has established the following six investigative priorities:

- . Clandestine drug laboratories
- . Air smuggling
- . Marine smuggling
- . Smuggling by land vehicle
- . Drug diversion
- . Domestic marijuana eradication

During 1987, the Service conducted 1619 investigations which resulted in the arrest of 2004 suspects and the filing of

2473 cases. These investigations accounted for the seizure of drugs valued at over \$1.3 billion. (See Appendix 9)

Within the Narcotics Service are several specialized sections which have proven to be extremely successful. The Triplicate Prescription Section, established in 1982, has provided an effective tracking system for Schedule II Controlled Substances from the prescriptions issued by the physician to the dispensing of the drug by the pharmacist and then to the ultimate user. In 1987, the Triplicate Prescription Section processed 639,783 prescription receipts. The Controlled Substances Registration Section, responsible for the registration of every person who lawfully manufactures, distributes, analyzes, or dispenses controlled substances in Texas, processed 45,096 registrants.

Another specialized section in the Narcotics Service is the Technical Unit. This highly trained unit is responsible for installing, maintaining, and repairing wire intercept equipment, as well as providing expert audio and video capabilities during drug investigations. During 1987, the Technical Unit conducted 15 wire intercepts and one oral intercept, which resulted in the arrest of 84 defendants and the seizure of over \$4 million in controlled substances.

The Narcotics Service also maintains its own Training Section, which is composed of one sergeant and two investigators who provide specialized training in the unique areas associated with drug law enforcement. During 1987, this division instructed over 1400 police officers from the DPS, and local and federal agencies.

The Analyst Section of the Narcotics Service is recognized as one of the finest of its kind in the nation. This department provides professional assistance to all services of the DPS, as well as to local and federal agencies. In September of 1987, the Analyst Section developed the Precursor Chemical Program to aid the Narcotics Service in complying with 1987 legislation that requires the Narcotics Service to maintain reports of all individuals who sell, transfer, or otherwise furnish any of the 17 designated precursor chemicals that are used in the illegal manufacture of controlled substances. During 1987, the Precursor Chemical Program developed 22 investigative leads from the 500-plus receipts generated by the program.

The Narcotics Service operates twelve crime laboratories throughout the state in order to provide the necessary certified analysis of evidence required for prosecution in drug violation cases. The labs receive and analyze the drugs seized by DPS and the majority of local law

enforcement agencies in Texas. As identified by the Statewide Drug Strategy in August 1987, the existing level of staffing, equipment, and operating budget at that time was insufficient to meet the existing workload and certainly would not allow for any increase generated by enforcement efforts of the Texas Narcotics Control Program. For this reason DPS was awarded TNCP funds to enhance the existing labs that will allow examination of 25% more drug samples in 1988 and increased ability to provide testimony in additional drug cases being brought to trial. This grant award has statewide impact because it enhances the capability of the crime labs to support prosecutors and law enforcement officers throughout Texas.

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VIII. STATEWIDE DATA SUMMARY

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The following tables reflect results of drug control efforts made by local law enforcement agencies and the Texas Department of Public Safety Narcotics Service in calendar year 1987.

APPENDIX 9

STATEWIDE DRUG REMOVALS  
January through December 1987

<u>DRUGS SEIZED</u>	<u>QUANTITY SEIZED</u>		<u>ESTIMATED STREET VALUE</u>
Cannabis	1,136,760	lbs.	\$ 607,904,557
Cocaine	1,987,350	gms.	383,083,894
Heroin	5,551	gms.	1,153,195
LSD	313	d.u.	1,465
Methamphetamine	2,102,667	gms.	219,728,560
Depressants	80,334	d.u.	613,710
THC/Hash	15,700	d.u.	86,900
Other	9,969,720	d.u.	46,008,713
Stimulants	7,999,517	d.u.	121,688,860
Other Narcotics	31,330	d.u.	830,157
Other Hallucinogens	327,704	d.u.	41,957
P2P	73,616	gms.	2,545,542
Precursors	86	labs	<u>249,818</u>
<b>TOTAL</b>			<b>\$1,383,937,328</b>

**SOURCE:** Texas Department of Public Safety (DPS)  
Narcotics Service

**NOTE:** Data reflects seizures made by DPS Narcotics with local or federal law enforcement cooperation in some instances.

APPENDIX 10

NON-DRUG ASSET SEIZURES AND FORFEITURES  
 REPORT PERIOD: January 1987 - December 1987

<u>STATE AND LOCAL AGENCIES</u>	<u>ASSET SEIZURES</u>		<u>ASSET FORFEITURES</u>	
	<u>NUMBER OF SEIZURES</u>	<u>DOLLAR AMOUNT</u>	<u>NUMBER OF FORFEITURES</u>	<u>DOLLAR AMOUNT</u>
Vehicles	276	N/A	54	N/A
Aircraft	-0-	N/A	-0-	N/A
Weapons	163	N/A	2	N/A
Currency	N/A	\$7,684,399	N/A	\$5,618,270
Jewelry	N/A	\$5,000	--	\$2,825
Real Property	N/A	\$2,245,310	--	--

SOURCE: Texas Department of Public Safety  
 Narcotics Service

APPENDIX 11

DRUG ARRESTS MADE BY STATE LAW ENFORCEMENT AGENCY

REPORT PERIOD: JANUARY - DECEMBER 1987

MAJOR DRUG INVOLVED

	<u>Opiates</u>	<u>Cocaine</u>	<u>Cannabis</u>	<u>Hallucinogens</u>	<u>Stimulants</u>	<u>Depressants</u>	<u>Unknown/Other</u>	<u>Total</u>
<u>OFFENSE:</u>								
Distribution	35	390	311	7	275	1	3	1022
Manufacture	4	-	-	-	114	-	18	136
5 Importation	-	-	9	-	2	-	-	11
Possession	22	224	677	9	202	9	25	1168
Conspiracy	2	11	48	-	41	-	21	123
Other	-	-	-	-	-	-	405	405
<b>TOTAL:</b>	63	625	1045	16	634	10	472	2865

SOURCE: Texas Department of Public Safety  
Narcotics Service

APPENDIX 12

STATE AND LOCAL DRUG ABUSE VIOLATIONS

ARRESTS OF PERSON 17 YEARS OF AGE AND UNDER

REPORT PERIOD: JANUARY-DECEMBER 1987

MAJOR DRUG INVOLVED

<u>OFFENSE</u>		<u>Opium/Cocaine Derivatives</u>		<u>Marijuana</u>		<u>Synthetic Narcotics</u>		<u>Other Dangerous Non-narcotic Drugs</u>		<u>Total</u>
Sale/Manufacturing	(m)	50	(m)	254	(m)	22	(m)	22	(m)	348
	(f)	16	(f)	35	(f)	8	(f)	11	(f)	70
Possession	(m)	372	(m)	3403	(m)	204	(m)	243	(m)	4222
	(f)	103	(f)	546	(f)	63	(f)	62	(f)	<u>774</u>
<b>GRAND TOTAL</b>										5414
<b>DRUG ABUSE VIOLATIONS</b>										

SOURCE: Uniform Crime Reporting  
Texas Department of Public Safety  
Crime Records Division

NOTE: Data represent statewide arrests by local law enforcement agencies.

APPENDIX 13

STATE AND LOCAL DRUG ABUSE VIOLATIONS

ARRESTS OF PERSON 18 YEARS OF AGE AND OVER

REPORT PERIOD: JANUARY-DECEMBER 1987

MAJOR DRUG INVOLVED

<u>OFFENSE</u>	<u>Opium/Cocaine Derivatives</u>	<u>Marijuana</u>	<u>Synthetic Narcotics</u>	<u>Other Dangerous Non-narcotic Drugs</u>	<u>Total</u>
Sale/Manufacturing	(m) 2333	(m) 2034	(m) 926	(m) 457	(m) 5750
	(f) 491	(f) 301	(f) 265	(f) 125	(f) 1182
Possession	(m) 10,776	(m) 25,051	(m) 3394	(m) 2442	(m) 41,663
	(f) 2,485	(f) 3,457	(f) 1099	(f) 800	(f) <u>7,841</u>
<b>GRAND TOTAL DRUG ABUSE VIOLATIONS</b>					56,436

**SOURCE:** Uniform Crime Reporting  
Texas Department of Public Safety  
Crime Records Division

**NOTE:** Data represent statewide arrests by local law enforcement agencies.

## APPENDIX 14

## ORGANIZED CRIME CONTROL UNITS

## FUNDED BY CRIMINAL JUSTICE DIVISION

<u>UNIT</u>	<u>AREA</u>	<u>NON- SWORN</u>	<u>SWORN</u>	<u>TOTAL</u>	<u>LOCAL CONTRIBUTION</u>	<u>STATE MATCH</u>
Austin	11 counties	27	2	29	\$676,113	\$226,828
El Paso	3 counties	37	3	40	\$1,608,588	\$180,622
Corpus Christi	1 county	7	3	10	\$318,397	\$134,064
Amarillo	3 counties	12	2	14	\$389,681	\$118,707
Fort Worth	1 county	21	2	23	\$961,062	\$296,357
Dallas County	1 county	8	2	10	\$373,540	\$181,383
Harris County	1 county	15	3	21	\$550,663	\$206,199
Galveston County	1 county	19	2	21	\$446,810	\$232,345
Brownsville	1 city	6	1	7	\$192,278	\$25,634

SOURCE: Criminal Justice Division  
Office of the Governor

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**Prepared under the direction of:**

**Rider Scott, Executive Director**

**Criminal Justice Division  
Office of the Governor**

**Research, writing, and editing by:**

**John Coffel, Program Director  
and Georgia Whitehead, Assistant Program Director  
Texas Narcotics Control Program**

**Production assistance by:**

**Elizabeth M. Stamm  
and Joni Sager**