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**HEARST TO
LIGHT:
DROP DEAD**

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SPECIAL DELIVERY



MICHAEL ALEXANDER

**WHEN THE POLLING PLACE IS A MAILBOX,
ELECTION RESULTS CAN CHANGE**

Special Delivery

BY JANE GRANDOLFO

BETTY LIVINGSTON THOUGHT THE CAMPAIGN worker who came to her home was simply being friendly. Livingston, a 50-year-old blind and partially paralyzed woman, lives in Acres Homes, an inner-city neighborhood of two-bedroom bungalows with burglar bars, pocked with weeded lots and the ruins of razed crack houses. She pays little attention to local politics but she knew enough about the 15th Senate District race last spring to know it was a contest she intended to avoid.

But when a kindly neighbor — who worked for state Sen. John Whitmire — came by with a mail ballot application one day, Livingston agreed to sign it. "My husband, because he works late and sometimes is late coming in, I asked the lady if my husband could vote when I vote," Livingston said. "She sent me and him a ballot in the mail."

It was uncanny how the campaign worker showed up at Livingston's house again — the same day the ballot arrived in her mailbox. She stayed and offered to help Livingston fill it out. "The lady came by and read the names of the people to me and I punched the number," Livingston said. "She mailed it for me too." The woman didn't leave, however, until Livingston's husband, David, who is 47 years old and in good health, had also voted. His ballot was marked disabled.

That scene, or variations thereof, were repeated throughout Acres Homes last spring as hundreds of elderly and disabled people gave John Whitmire the edge he needed to beat state Rep. Roman Martinez in the Democratic runoff. While mail voting isn't new — Texans have been doing it for decades — the stunning effectiveness with which it was used to annihilate two Hispanic candidates in majority Hispanic districts will shape the face of Houston politics for years to come.

Whitmire and state Sen. Gene Green — both veteran, white lawmakers from Houston — pooled their resources in their respective Democratic runoffs earlier this year, engineering a sophisticated mail ballot blitz that left their opponents with their heads spinning and the Latino community with their hopes dashed. Their biggest disappointment was in the new 29th Congressional District, created specifically to help send Houston's first Hispanic member of Congress to Washington. Green defeated Ben Reyes, Houston's dominant Hispanic politician, who even had a hand in crafting the district.

Green and Whitmire now are the odds-on

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Cynthia Yvette Lee and Betty Livingston

favorites in next week's general election. That both candidates could withstand the largest Hispanic vote turnout in Houston's history to capture their primaries proves just how effective an aggressive mail-vote can be. Anticipating a large Hispanic turnout, both Whitmire and Green encouraged thousands of senior citizens to vote by mail. That powerful head start gave them enough votes in the can to lose on election day and still come out ahead. They employed a legal — but dubious — campaign technique which takes advantage of a provision in the state election code, allowing the dis-

abled, out-of-county travelers and people 65 and older to vote by mail.

"We're seeing time and time again that the most likely place to find vote fraud is in the mail balloting process," said Tom Harrison, who directs the elections division of the Secretary of State's Office. "And usually it's campaign workers taking advantage of the elderly or disabled."

Political operatives have been using this technique for years in South Texas, San Antonio and in East Texas, most notably in the 1985 1st Congressional District — an expensive and divi-

sive contest that U.S. Rep. Jim Chapman won with a hefty early vote. The Houston experience, however, seems destined to become a watershed event. It not only dismantled a fledgling Hispanic political machine, but it demonstrated how wide open the process is for manipulation.

ions clerk was heard to grouse: "There's a fine line between being helpful to voters and fraud."

Earlier this month, the Harris County District Attorney's Office investigated allegations of mail ballot fraud after Ken Yarborough, a Democratic candidate for state representative

they sealed, stamped and mailed hundreds of ballots — a violation of the state election code but a difficult one to prove. They also assisted scores of voters like Betty Livingston, yet none of these workers signed their names on the ballot carrier envelopes as required by state law.

When questioned about their methods, political operatives simply pleaded ignorance. "There's no law that says there's anything wrong with that," said Earnestine Gee, a political activist who organized Whitmire's Acres Homes mail vote. While there's no evidence that any ballots in Houston's state senate or congressional race were mishandled, state election officials say this was an environment ripe for tampering. Harrison, in the Secretary of State's office, says the fraud most commonly occurs when a "helper" marks the ballot for the voter, or when a volunteer mails after leaving the house.

"Sometimes they'll take it outside and finish marking the lower-ballot races, or if it's not marked how they want it, they will dispose of it," Harrison says. "I wish the Legislature would just abolish this." The mail-ballot technique has also earned a nickname as "lock box" voting, referring to cases where numerous ballots have been sent to a single address — presumably somebody's campaign headquarters or a post office box — and then voted en masse.

State Rep. Ernestine Glossbrenner, a sponsor of the 1987 bill that changed absentee voting to no-excuses early voting, says she too is concerned about the growing abuse of the mail voting. But any legislation action that would restrict ballot access must be treated gingerly, she says. "What they're doing, if it's not illegal, is certainly walking on the edge," Glossbrenner says. "If it becomes such a problem that it begins to color elections then I would think we'd finally have to do away with the mail ballot. Until then though, I think we need to weigh the advantage of letting the elderly and the handicapped have their ballots mailed to them against the evil of the misuse of the same system."

Another factor that made the Houston elections unique was the racial tension that heightened the mail-vote turnout. Martinez, who served on the state House Redistricting Committee, played a crucial part in designing the 15th Senate seat, in hopes of providing the Houston area another Hispanic state legislator. The 29th Congressional District, meanwhile, was gerrymandered for the same purpose after the 1990 census showed Houston's Hispanic population was growing at an explosive rate.

After a rowdy primary, the races were distilled into two bitter runoff contests that pitted two well-financed Anglo candidates against two viable Hispanics. "There aren't many situations like that," says Dan McClung, the Houston political consultant who masterminded the mail campaign for Green and Whitmire. "It was truly a 50-50 race. It was a do or die battle."

Desperate circumstances spawned desperate measures. Reyes and Martinez set out through fiery rhetoric to inspire a dormant Latino community unity rallies and weekly strategy session at Los Molcajetes, an Hispanic eatery



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Polling Place?

At the height of the Houston primary season, 400 mailballot applications a day were spewing off the fax machines at the Harris County Clerk's office. Most of the forms were typed or computer-generated and they came from the Whitmire and Green campaign. It was the first indication of just how sick the mail effort had become and it caught county officials completely off guard. After walking into the office one Monday morning and finding their fax room overflowing with applications for ballots, Harris County Clerk Anita Rodeheaver threatened to disconnect the machine and at least one elec-

in District 138, in north Houston, faxed requests for mail ballots for four dead people. While the investigation hasn't resulted in any charges as of yet, Yarborough says it was an honest mistake and pooh-poohs any appearance of impropriety. "For four people to have died between the time we sent in their application and the time the county clerk sent their ballots back to them is not unusual," he said. "Four out of 1,000 is not bad when you consider we're dealing with people 65 and older."

Whitmire campaign workers who coordinated the Acres Homes mail ballot drive admit that



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Ben Reyes

located at the crossroads of two venerable Hispanic neighborhoods, Denver Harbor and Magnolia. Members of the Southwest Voter Registration and Education Project worked simultaneously getting record numbers of Latinos registered to vote.

Green and Whitmire's consultants, meanwhile, played a numbers game with computers, precincts lists, voters rolls and fax machines. They put together a Cadillac of a mailballot campaign, completely overshadowing any similar efforts by Martinez and Reyes. Green and Whitmire threw the bulk of their resources into the technique knowing it would be the key to victory.

"We didn't have a cause. Ben and Roman had

the crusade going on," said McClung. "We knew we had support in the black community and strong Anglo support. We had to use whatever means were legal and available to extend our support at the polls." With a combination of big bucks, organization, political acumen and old fashioned racial division, Green and Whitmire prevailed. "Let's just say we were caught totally unaware," said John Castillo, Reyes' campaign manager. "And we'll never be that unaware again."

McClung's strategy began with obtaining a list of senior citizens who had voted early in previous elections. By plugging those names into a data bank, campaign workers were able to send out applications for ballots, follow the

process through the county clerk's office, pinpoint the day the ballot would be mailed, and even show up on a voter's doorstep within minutes after the mail arrived.

It was an expensive and labor-intensive procedure that reportedly cost Whitmire more than \$150,000 in the runoff. Much of that was spent in Acres Homes, a predominately black community that had supported him in the past. Green, meanwhile, worked low-income elderly whites in blue-collar enclaves like Galena Park and Jacinto City.

"It was a divide and conquer strategy," said Tatcho Mendiola Jr., an associate professor of sociology and director of the Mexican-American Studies program at the University of Houston. "Use racial tension to solidify your white vote and then divide the minorities, the blacks from the browns."

Jeff Crosby, an Austin-based political consultant for Emory & Young, which managed Reyes' direct mail and phone operations, said he had recommended an aggressive mail-vote program but his candidate was limited by time and money.

"Ben had the organization to do something like this but it would have caused him to suspend other activities which were more productive to him: Building up his base in the Hispanic community, going door-to-door, dropping off leaflets, putting up signs," he said. "You get in these situations where you have to make a decision: Is it worth it for me to spend all my time on this? Obviously this program was going to work, but it was more productive to Green than it would have been for Ben." Reyes, Martinez and local activists focused instead on turning out a record Hispanic vote. Nearly 24,000 new Hispanic voters signed up to vote last year. Many of them went to the polls: The Hispanic vote increased from about 2,000 votes cast in the 29th Congressional District in 1990 to 18,000 in 1992. Total Hispanic turnout — which traditionally comprises about 6 percent of the electorate in Houston municipal elections — swelled to 50 percent for the congressional contest.

In the final analysis, however, Green won 50.3% to 49.7% and Whitmire beat Martinez 52.3% to 47.6%.

Green received 1,739 early votes in comparison to 992 for Reyes. Whitmire received 2,839 early votes while Martinez received only 951. Neither Green nor Whitmire make any excuses for playing hardball. Whitmire claims he was running not only against Martinez, but an entire slate of Hispanic candidates and this was the only way he could level the playing field. Green says he was simply employing the same technique that Reyes had used successfully — albeit on a much smaller scale — in past elections.

"I guess the only thing that we did wrong was win the election," says Green. Hispanic activists, however, see a darker side to the process. "Let's face it, those voters were out there to be plucked," says Andy Hernandez, president of the Southwest Voter Registration and Education Project based in San Antonio. "But there's a deeper problem here, which is that these votes

are anti-Mexican. It's clear that until they were approached and directly solicited by the (Green and Whitmire) campaigns that they weren't connected to this election at all. Their engagement was almost a guarantee that would vote anti-Hispanic."

Green, an uninspiring but diligent campaigner, admits he had difficulty motivating voters but said he found no trouble getting people to vote against Reyes. Reyes, a controversial Houston councilman and a former state representative, has a flair for rhetoric and a history of numerous brushes with the law. While he's never been convicted of a crime, Reyes has appeared in court for everything from drunken driving to theft to bankruptcy.

"You could just tell by the differences in our speeches that Ben is a passionate speaker and that he had a cause, which was to our detriment," said Green. "Ben could get away with saying 'I want you to vote for a Hispanic candidate' but couldn't get away with saying 'I want you to vote for an Anglo candidate.'"

Green's mail campaign tapped into a well of voters who were willing to vote against Reyes once it was made easy. "I don't think I would have lost my time to go down there and vote but I did because they mailed (the application) to me," said Rene Eloy Amador, an elderly man who lives in predominately white section of Hawthorne's Edition in far north Houston. "Let's just say the reason I voted was because of Bennie Reyes. And let's just say I didn't vote for Bennie."

Reyes, with a reputation for hoarding political power, also has cultivated enemies in the Hispanic community. Still, he managed to overcome high negative ratings in the polls and rallied at least 80 percent of the Mexican-American vote three separate times: In the primary, the runoff, and the July special election called after he contested the runoff results.

"The prevalent sentiment in our community was 'He may be a crook, but he's our crook,'" said one Hispanic activist who asked not to be identified. UH Professor Mindiola says another reason why the mail ballot blitz may have been so successful against Reyes and Martinez is that there is a dearth of elderly Hispanic voters. "Generally, older people tend to vote more than younger people and we tend to be, on the average, a young population, with our median age being 24," said Mindiola. "And when mail voting is taken into consideration, we don't have as large of a pool to draw from as Anglo voters."

Another way for Houston's Hispanics to attain political power, he says, is for blacks and Hispanics to join in a powerful voting bloc. State Sen. Rodney Ellis, in the October issue of the *Texas Bar Journal*, makes a similar plea, calling for blacks and Hispanics to expand the social service pie rather than "fight over the crumbs."

"The absence of a strong political coalition between blacks and browns in Texas explains why only 7.8 percent of the state's elected officials are minorities" Ellis writes. "The myth that African Americans and Hispanics have opposing interests is at the root of this failure to build powerful minority coalitions in Texas.



PATRICIA MOORE

Gene Green

"The black state senator, who would like to be perceived as the next coalition builder, however, was noticeably quiet during the Whitmire-Martinez race.

Rather than campaign for Martinez, Ellis invoked a timehonored Senate tradition and stayed publicly neutral while his esteemed colleagues fought it out on the airwaves and in nasty print ads. "We were way for Roman but we couldn't officially endorse him because of that protocol thing," said one Ellis aide. Others argue that it wasn't the protocol thing — it was the political thing. It would have been career suicide for the freshman legislator to attack Whitmire, who has friends in high places — namely the lieutenant governor's office, where

committee assignments and legislation can be expedited or obstructed. Ellis did, however, overlook his state Senate relationship with Green in order to campaign aggressively for Reyes, a friend and former Houston City Council colleague.

Jose Angel Gutierrez, a Dallas attorney and a founder of the now-defunct Raza Unida Party, blasts Houston's black political leaders for not doing more to forge a minority coalition. "I only know of the old working coalition between (the late congressman) Mickey Leland and Ben Reyes and what's happening in Houston these days seems to indicate that this has fallen apart," Gutierrez. "If black leadership is not working as diligently as Mickey was, then this is the win-

dow where we'll see it fall apart and see blacks and browns pitted against each other."

Gutierrez points to Dallas as an example of how the struggle for political power has kept both blacks and Mexican Americans from achieving larger gains. Dallas' new Congressional seat was carefully crafted to ensure that

it would remain a black district for years to come — excluding many Hispanic precincts in the process. Burl Jernigan, a black constable who was elected four year ago with the help of Hispanics, is now losing that support after failing to give Hispanics key positions in his administration and on the force. And on the Dallas school board, the two Hispanic trustees have formed a voting bloc with their white counterparts, against the black trustees.

"This is the period we're in and the sum total event will be deteriorating coalitions and increased racial tensions," says Gutierrez. "Whenever you have that kind of formula, nobody works at making the pie larger. It's a shortsighted formula." Other Hispanic leaders say to focus on Houston's loss would be to

ignore the gains that they have made this year.

"By the year 2,000 there will be over 1 million Hispanics in Harris County. By 2015 we'll be the majority in Texas," says Lisa Hernandez, a Houston coordinator for the Southwest Voter Registration and Education Project. "Because we got voted out by 'lock-box' voting this one time, knowing all the rest puts it into perspective. It's part of our growing pains. Our vote is not going to decline, it's only increasing."

Still, the irony of seeing Martinez and Reyes work so hard to create Hispanic districts — only to watch their political rivals enjoy the fruit of their labors — was not lost on Gutierrez. "This reminds me of an old Spanish saying: Nadie sabe por quien trabaja," he says. "You never know who you work for." □

Vote Fraud in Waco

QUESTIONABLE ELECTION TACTICS ARE not limited to the state's big cities. Recently, McLennan County elections administrator John Willingham resigned, reportedly after becoming disillusioned with what he perceived as widespread vote fraud in the county. Three political operatives who were arrested in Waco last March after voters in the Precinct 7 justice of the peace and constable races complained that their ballots had been improperly marked. Willingham had alluded to other incidents of fraud as well: Nearly 30 percent of all the mail voters in the March 10 primary claimed disabilities in order to receive ballots. The U.S. Justice Department is investigating the Waco elections but Tom Ragland, the McLennan County Democratic Party chairman, plays down the episode.

"I think if anything there might have been some overexuberance on somebody's part or a misunderstanding," Ragland said. "I couldn't detect a scheme or a conspiracy." Willingham, meanwhile, has moved out of state and declined to be interviewed for this article, claiming he is "fed up with Texas politics." — J.G.



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The GOP still hopes to swing a half-dozen seats in the Texas Senate, which the Democrats now control with a 22-9 majority. Democratic senators who are thought to be vulnerable include Haley, Ted Lyons of Rockwall, Chet Brooks of Pasadena and Bob Glasgow of Stephenville; Republicans also have a shot at the seats vacated by senators Frank Tejeda in San Antonio and Gene Green in Houston. That would give the Republicans 15 seats, one short of a majority.

The expected Republican gains in the Senate, where a bloc of 12 or more senators could block appointments to boards and commissions, is one reason Gov. Ann Richards is expected to call a special session of the lame-duck Legislature with a Democratic supermajority for Nov. 10.

Redistricting opened up 28 seats in the 150-member House of Representatives; 68 can-

didates were unopposed through the general election, including 48 Democrats and 21 Republicans. Both sides hope for gains, but little overall change is expected in the House, where Democrats hold a 91-58 majority.

Redistricting brought the Democrats new seats for Mexican Americans and African Americans in Dallas County, a new Hispanic district and an Hispanic-leaning district in Harris County and a net gain of a Democratic seat in Bexar County, but they are offset by Republican gains in the suburbs.

Republican incumbents said to be in trouble include Ken Fleuriet of Harlingen, Bernard Erickson of Burleson and David Swinford of Dumas, while the Democrats expect difficulty in holding three rural districts that formerly elected Democrats.

—J.C.

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