

Public Citizen Texas Turns 20

A Time To Celebrate, Then Rededicate

BY JENNIFER CARRAWAY

It was 20 years ago, under a broiling hot Texas sun, that Ralph Nader and Public Citizen's national field organizer, Craig McDonald, announced on the steps of the state Capitol that they were setting up shop in Austin. The date was Aug. 21, 1984.

The old Bell telephone system was being deregulated, and Public Citizen was going around the country, helping consumers organize to keep their local phone service affordable. In Texas, they were fighting Southwest Bell's proposal to switch to "local measured service" that would make customers pay for each call instead of paying a flat monthly rate.

Public Citizen originally planned to be in Texas for about three months, but events took a surprising turn. According to McDonald, Nader's promise to establish a Public Citizen office "scared the hell out of Southwest



Illustration by Matt Wuerker

Tom Smith, universally known as Smitty, has been director of Public Citizen's Texas office for 19 years and is a Texas institution.

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'Smitty': The Voice of Public Citizen in Texas

BY BOB GULDIN

You can't talk about Public Citizen in Texas without talking about Smitty, also known as Tom Smith, who's been its director for 19 of its 20 years.

Some people active in Texas politics love him, some can't stand him (and some combine the two). But there's no getting around him. As Steve Wolens, a member of the Texas Legislature since 1980, says, "Smitty is the face of Public Citizen."

What makes Smitty such a well-known character is an extraordinary combination of easy-going friendliness, dedication to the public interest, personal connections with political people throughout Texas, and willingness to work incredibly hard.

And then there's the hat. Tyson Slocum, who interned with Smitty 10 years ago and now works at Public Citizen in Washington, recalls advice that Smitty once gave him: "It's always good to wear a

unique-looking hat, especially if you're short and bald like me." And so Smitty is always seen in a big hat, usually white, straw and wide-brimmed. Slocum says, "It must work, because whenever we walked the halls of the Texas Legislature, everybody knew who he was."

Part of Smitty's effectiveness is that he's won respect by keeping at the game year after year. Says one ally, "He knows everybody in the state." And Wayne Goodwin, the National Public Radio reporter in Dallas who has known Smitty for 20 years, says, "He's part of the political culture and has been forever. He has a lot of credibility with the journalists in the state. An organizer builds trust, and that's what Smitty has been very good at."

Smitty may be immersed in Texas, but he grew up in Champaign, Ill., the child of a teacher and a child welfare official who gave their son a strong ethic of social responsibility. He went to Valparaiso University in Indiana, and was deeply involved in the peace, environmental and civil

rights movements of the 1960s and '70s.

In 1974 he joined VISTA (a federally sponsored volunteer program) and was sent to Kingsville, Texas, where he helped organize the town's first legal aid office. After his one-year VISTA stint, he stayed on

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Special Wraparound Four-Page Texas Anniversary Section

Pull it away, and your regular Public Citizen News is inside.

Public Citizen's Greatest Hits

Public Citizen has been alive and kicking in Texas for 20 years. Though it's a small organization, it has a lot to show for its two decades in this state. Whenever Texans turn on their lights, file an insurance claim, rent a car, appear before a judge or learn about a dangerous product, they are benefiting from the work of Public Citizen.

Public Citizen started out in Texas in 1984 with a campaign to keep consumers from being hurt during phone company deregulation — a campaign it won.

The organization has been at it ever since — organizing, researching, educating and lobbying on a broad range of consumer, environmental and clean government issues. Texas can be tough terrain for public interest campaigners, and sometimes people have worked on issues year after year without getting much traction. That just means that when they win on an issue, it's that much sweeter. Here are some of Public Citizen's biggest successes over the past 20 years.

Nuclear Safety

In 1986, whistleblowers at the South Texas and Comanche Peak nuclear plants approached Public Citizen about the safety of the plants they were helping to build. Public Citizen jumped in, and construction at both nuclear plants was stopped for six months while extensive safety revisions were made.

Product Safety

For over a decade Public Citizen toured the state with a trailer full of dangerous products to get media attention and let parents know about dangerous toys for sale. The organization used that publicity to fight against flawed corporate proposals that would limit the right of citizens to get a fair day in court if they or their children are injured by unsafe products.

Auto Safety

Public Citizen has fought for years to improve vehicle and tire safety. In 1991, the group helped

get the legislature to reform a "lemon" law for new car buyers: Consumers must get their problems resolved within 45 days or they get a refund of the vehicle price.

Medical Malpractice

In 1987, Public Citizen helped to stop a bad medical malpractice bill with a report documenting that there was no lawsuit crisis in emergency rooms, as insurance companies had claimed. And when you visit your doctor, dentist or vet, you'll see a notice telling you how to file a complaint — an intern project that turned into a hit in 1991. And insurance companies must file more detailed information about claims than in any other state, so citizens know the truth.

Insurance Reform

Working with allies like Charlotte Flynn of the Gray Panthers, Consumers Union and others, Public Citizen helped to pass many pro-consumer insurance regulations. One example: Insurance claims must be paid within 30 days or the insurer pays a penalty.

Sustainable energy

In 1999 Public Citizen worked successfully to clear the air over Texas by passing a law requiring that at least 3 percent of Texas's energy comes from renewable sources by 2009. Locally, we've spearheaded the Solar Austin Campaign, so our hometown will have 100 megawatts of solar power on rooftops by 2020.

Texas now requires that 10 percent of the demand for new energy be met by energy efficiency programs and that all new homes in Texas meet minimum energy conservation standards. That's another standard Public Citizen helped to pass.

Cleaning Up the Environment

Despite fierce opposition from the energy industry, in 1999 Public Citizen successfully lobbied for a power plant cleanup program that will reduce smog-forming nitrogen oxide emissions by

50 to 88 percent, and acid rain-causing sulfur dioxide emissions at some plants by 25 percent.

Public Citizen helped end the "grandfathered plant" loophole that allowed the oldest polluters to operate without emission controls. Plus the organization played a key role in reforming the "upset" emission policies that allowed polluters to pour out huge amounts of toxins without penalty.

Public Citizen worked to regulate pesticides, like requiring warning signs when pesticides are applied to lawns of public buildings and schools.

And Public Citizen was one of the key architects of the Texas Emissions Reduction Program that cleaned up the oldest and dirtiest diesel engines and increased the efficiency of new homes by 15 percent. Now industries and consumers can get smog reduction credits for using renewable energy or reducing energy consumption.

One of Public Citizen's interns got smoking banned on University of Texas campuses.

Ethics and Campaign Finance

Over the past 20 years Public Citizen worked hard to clean up government in Texas. One of the big accomplishments was establishment of the Texas Ethics Commission ... and then giving it teeth to enforce its rules.

In 1995 Public Citizen successfully lobbied for campaign finance limits on judicial campaigns, by documenting that big contributors to judicial races were often those who appeared most often before the courts. At the legislature the organization helped pass laws requiring that all contributors disclose their occupations and employers, along with other key campaign reforms.

All these accomplishments, over 20 years, came because Public Citizen staffers (including 200 interns), allied organizations, decent folks in government and regular Texans put in enormous amounts of time and energy. We have worked together, and we have made life better in Texas and fixed long-standing abuses.

But as we all know, we still have a long way to go. Here's to the next 20 years!

Strong Texas Intern Program About to Get Even Better

One of the most remarkable aspects of Public Citizen's Texas operation has been the experience it has provided for the more than 200 interns who have passed through its doors.

Unlike many interns around the country who spend their time photocopying and answering phones, Public Citizen interns are given significant responsibility and the opportunity to make a real difference in public policy.

As integral parts of a busy advocacy team, interns in Texas have often set up and conducted press conferences, organized demonstrations, written op-eds for major newspapers, lobbied legislators or presented

issues on television and radio. Two-thirds of Public Citizen's interns have produced work that is of sufficient quality to be used before legislative and regulatory bodies.

Nimish Desai, for example, came to Austin in 2003 with a strong number-crunching background, so he was asked to analyze

data on medical malpractice claims in Texas. Directed by Tom "Smitty" Smith, Desai dove into a huge body of data from the Texas Insurance Department. Within a month, he says, he was able to demonstrate that pain and suffering costs, under attack by the insurance industry, were not the cause of rising malpractice insurance premiums. "We found that the so-called malpractice insurance crisis didn't exist. Instead, higher insurance rates were driven by a drop in investment income," Desai says.

Desai was given the chance to present his findings at press conferences and hearings before the state legislature — a level of visibility most interns can only dream about. That highlights another unusual aspect of Public Citizen's Texas office — Smitty's willingness to share the spotlight and let interns, staffers, activists and other organizations take public credit for good work.

Public Citizen

interns have talked about the bigger lessons they absorbed during their Texas internships — of learning they could make a difference or how to work with people whose views were markedly different from their own, and being inspired to consider public interest work as a lifelong career.

While the Texas internship program has been incredibly productive, it has suffered from one glaring disadvantage — all interns have worked entirely without pay. (Many have waited tables in the evenings to cover costs during their internships.)

So as part of its 20th anniversary celebration, Public Citizen in Texas has launched a special campaign to create a funding base for a stipend for its most promising interns who stay on for a second semester. That way, Public Citizen won't lose the best and brightest once it has trained them. It won't be luxurious compensation, but it will enable Public Citizen to retain and reward its strongest interns and groom them for public interest work.

Smitty and the Public Citizen team encourage friends and supporters to make a tax-deductible contribution to help their struggling interns take off their waiters' uniforms and get back to their real work. For information on how you can contribute, contact 512-477-1155.



Alesia Call, now in her third semester interning at PC



Ryan Powell, a current intern working on solar-power solutions



Lisa Kracht, an intern from Germany, working on energy policy

We Couldn't Have Done It Without Them

Public Citizen has managed to achieve some remarkable things during its 20 years in Texas — but one small organization, no matter how feisty, couldn't have gotten very far on its own.

No, a number of friends, allies and funding supporters have made our successes and efforts possible. While we can't possibly name everyone we've worked with, these are some of our highly prized partners:

- The Gray Panthers worked with us on a range of issues from nuclear power to campaign finance. Time and again, Gray Panther leader Charlotte Flynn declared, "Smitty, we've got to do something," and that has gotten the ball rolling on a new action project.

- Texans for Public Justice, headed by Craig McDonald, one of the founders of Public Citizen in Texas, has worked with us on campaign finance reform and clean government.

- Campaigns for People has also worked with us on campaign finance. This organization, which Public Citizen helped mentor into existence, is headed by Fred Lewis.

- The Sustainable Energy and Economic Development (SEED) Coalition has worked with us on environmental issues — doing dozens of hard-hitting reports on air pollution.

- The "canvasses": three organiza-

tions that have the gumption to go door to door all around Texas, winning supporters one-by-one for improving the environment. These great friends are Clean Water Action, the Texas Campaign for the Environment and the Texas Public Interest Research Group (PIRG).

- On a local level, Blueskies Alliance, a Dallas group, has been meeting monthly for Mexican food for six years, tabling at events, going door to door, and building support for cleaner air and renewable energy. We look on this group as a model for what can be done in other towns in Texas.

Real People

These organizations, of course, consist of flesh-and-blood people, and we'd like you to meet one of them. Suzie Canales was born and raised in Corpus Christi, in a low-income Hispanic community, and is now an environmental crusader and great partner of Public Citizen. After high school, she became a Navy wife and mother, and moved away from Texas for 20 years. Just before leaving military life, she got word that her sister Diana Bazan was dying of cancer.

The Canales family changed their plans, and decided to move back



Suzie Canales, who has been fighting cancer-causing pollution in Corpus Christi, is one of Public Citizen's valued friends and allies.

home to Corpus Christi, so Suzie could be by her sister's side. Diana lost her battle to cancer three months after Suzie returned. She was 42.

"We became concerned that her death was due to environmental factors while at her services. Several people commented on the high number of people dying of cancer that went to school with Diana," said Canales. "Her death inspired us to form Citizens for Environmental Justice (CFEJ)."

Through CFEJ's research, they learned that the community and

schools were built on oil waste sites, an oil construction site, pipelines and pre-regulation landfills. Spending their own money, Suzie and CFEJ continue to work on environmental justice and health issues in the Corpus Christi region.

Financial Supporters

In addition to these allies on the ground, we want to thank some great foundations that have helped Public Citizen survive by providing financial support:

- The Energy Foundation, based in California, has helped Public Citizen change the way Texans generate energy. Our projects have included cleaning up power plants and diesel engines, closing the grandfathered plants loophole, encouraging the use of renewable energy and improving the energy efficiency of buildings. The Pew Charitable Trusts and the Joyce Mertz Gilmore Foundation have also helped in these efforts.

- The Rockefeller Family Fund helped us work on cleaning up an Alcoa aluminum smelter that was putting out more air pollution than the entire state of Connecticut, plus on ending "upsets" from old and dirty refineries.

- Wray Charitable Trust has funded many of our most innovative programs.

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for two more as a staffer — the beginning of his long Texas connection.

While there, he took part in a successful organizing campaign to change federal law so farmworkers could have a better chance of getting food stamps. And, Smitty says, with that victory, "I got the bug. I saw that you could change policy by lobbying faster than through law-



TEXAS ROAD SHOW — Smitty and Public Citizen have often hit the road with traveling displays of dangerous toys and other products.

suits. That's how I became a public interest lobbyist."

For several years, Smitty worked mostly on food issues — at the Community Nutrition Institute in Austin, coordinating food banks — and as a legislative aide at the Texas Legislature.

In August 1985 he was recruited to become director of Public Citizen's Texas office (then one year old) and he's been there ever since. Now 54, Smitty says, "I'm in love with a wonderful woman named Karen Hadden." Like Smitty, Hadden is an Austin-based public interest campaigner. They fell in love while traveling from one organizing meeting to another, Smitty says, and have been together for four years.

In addition to Public Citizen, Smitty is on the boards of eight environmental and consumer organizations. He also is learning how to windsurf. "I intend to learn how by age 60," he declares.

Craig McDonald, who helped found Public Citizen's office in Austin in 1984, says Smitty also "knows every swimming hole in the state of Texas. He also knows every diner, every place to get a good cup of coffee."

What's remarkable about Smitty is that even people who have fought with him are still fond of him.

Judge Ron Harris, the chief executive of Collin County outside Dallas, is a Republican and, he says, "a very big Bush supporter." But he has worked with Smitty for years on

clean air issues and says, "We've struck up a partnership and a camaraderie." By using "each other as resources instead of as adversaries," Harris says, "we've got a lot more done in a shorter time than in some other states."

And Gregg Cooke, the former regional administrator for the U.S. Environmental Protection Agency, praises Smitty even though he has been named as a defendant in suits filed by Smitty against the EPA. When it came to pushing through the innovative Texas Emissions Reduction Plan, "Smitty was the most aggressive, in-the-trench lobbyist of the environmental community," Cooke says. "Without Smitty, it wouldn't have occurred."

Says Steve Wolens, the Texas legislator who is usually — but not always — an ally of Smitty's: "I consider him my friend, even when he's chewing me out publicly — and he's done that."

Of course, not every Texan is a big fan of Smitty's. When George W. Bush was governor of Texas, he and Public Citizen often disagreed. On one occasion at the end of a session



Smitty speaks in favor of lending reforms at the State Capitol in 1991.

of the Texas Legislature, Gov. Bush was holding a ceremonial signing for a campaign finance bill. The governor saw Smitty and said, "What are you doing here?"

Smitty replied, "Your office invited me, I worked for this bill."

Bush grinned and said, "Smitty, if I'd known that, I would have vetoed it."

What's Next for Public Citizen?

An Austin lobbyist said to Tom "Smitty" Smith recently, "With the perennial scandals in Texas politics and Texas' notoriously dirty air, you'll never be out of work!"

That lobbyist was right. Another session of the Texas Legislature begins in January 2005, and Public Citizen, as usual, is tackling a range of issues, including cleaning up the corporate campaign financing scandal, promoting renewable energy, improving protection for electricity consumers and curbing industrial pollution.

Among the top priorities:

Keep it Clean Campaign

A plan to end illegal corporate campaign contributions, toughen the enforcement of Texas ethics laws, and ensure that all citizens can find out how their legislators vote on bills.

Clean Up Texas Power

If Texans got a bill for the pollution produced by their power plants each month, they would each have to pay for 1,600 pounds of global warming gases, 5 pounds of acid rain and 3 pounds of smog. Electric utilities produce about one-third of Texas' air pollution. But the good news is that Texas leads the nation in its capacity to generate electricity with renewable energy. That includes solar and farm-based renewable energy, as well as wind. Public Citizen will push to increase renewable energy from 3 percent of the total in 2009 to 10 percent by 2015 and 20 percent by 2020.

Public Citizen is also fighting two proposed coal-fired power plants, one in San Antonio and the other in Riesel near Waco. The organization plans to prove that the need for these plants could be eliminated with improved energy efficiency and more renewable energy.



Rein in Electricity Prices

Electricity costs in deregulated areas have increased between 22 and 24 percent since deregulation. The price hikes stem from a flaw in the deregulation law, which needs to be fixed.

Control Illegal Refinery Pollution

Some Texas refineries and industrial plants emit toxic pollution in quantities far beyond their permits. Though these vast emissions affect the health of citizens living nearby, they seldom result in penalties. Public Citizen plans to release a study exposing the impact of the pollution and the poor enforcement record of the Texas Commission on Environmental Quality, and what the Legislature should do to fix the problems.

A Car Buyer's Bill of Rights

When Texans buy a car, pickup or SUV today, they often get cheated, sometimes without even knowing it. The dealer may tell them the best percentage rate they can get on a loan is 10 to 12 percent, while in fact the dealer may get the loan at a much lower rate and pocket the difference. Other dealers tell consumers, often after hours, to sign a contract with blank spaces and take the new car home. When the buyer sees the final contract, they find they've been bilked, with new charges added. To stop those kinds of scams, Public Citizen is developing a new car buyer's bill of rights to protect consumers and penalize unscrupulous dealers.

We're counting on the members and supporters of Public Citizen to help stop these abuses. See "What You Can Do" on this page for details on how to get involved.

What You Can Do

The veteran community organizer Saul Alinsky used to say, "The only way to beat organized money is with organized people." That truth certainly applies to the work of Public Citizen and its friends in Texas.

Fortunately, there are many ways to make a positive difference.

For example, since 1999 a group of 30 to 60 Dallas-area citizens has met monthly at a restaurant called Calle Doce to work on cleaning up the air over Dallas. This group, organized by Public Citizen and its allies, persuaded their state senator to offer the amendment that led to the passage of Texas' current renewable energy standards.

Public Citizen would like to help organize similar "meetups" in towns all around the state. If you would like to set up a meeting in your community, give us a call at 512-477-1155 and we'll put you in touch with like-minded local people.

Beyond that, please visit Public Citizen's Texas Web site — www.citizen.org/texas — for lots of other ways to get active. And if you would like to be placed on an e-mail list-serve to get frequent updates on Public Citizen's Texas campaigns, contact jcarraway@citizen.org.

Whether you're plugged in or not, you can let your legislators know what you think on key issues — it really does make a difference, especially if you can get even a dozen friends to write or call on the same issue.

Plus, you can join in the campaign to clean up Texas politics by going to www.cleantexaspolitics.com. As Jim Hightower says, "Ya got to agitate a little to get the dirt out."

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Bell. We got great press — plus we were right on the merits."

On Sept. 1, 1984, Southwest Bell withdrew its proposal for local measured service from the Public Utility Commission. It was the fastest victory he's ever won in his life, McDonald says.

At that point, even though it had won its first battle, Public Citizen had made a commitment to Texas and decided to stay. Michael Twombly, an experienced Texas lobbyist and activist, was soon hired as the first director. Among his first moves



MEET THE FOLKS: These are the current staff at Public Citizen's Austin office. From left: Anne Marie Johnson, senior clean energy organizer; Lisa Kracht, intern; Jennifer Carraway, office manager; Beth O'Brien, contract researcher; Ryan Powell, intern; Tom "Smitty" Smith, director; Travis Brown, energy projects director; Alesia Call, intern.

was getting Jim Schermbeck to write a report on the impact of nuclear power on the state's electric rates. Called "Risky Business," the study got some more publicity for the new group. Public Citizen was off and running.

In 1985, Twombly left and McDonald hired Tom "Smitty" Smith to be the director. Nineteen years later, Smitty's still there, winning friends, causing trouble for opponents and making headlines. McDonald, now the director of Texans for Public Justice, recalls, "I was technically his supervisor for years, but I can't say I supervised him. He ran a very good operation on a very limited budget."

Most people agree that Smitty has been essential to Public Citizen's success in Texas. Says Wayne Goodwin, the National Public Radio reporter in Dallas, "Smitty has a great sense of humor and a sense of perspective that keep him going. It's tough slogging. Grassroots organizations don't have much leverage in Texas."

Today, Smitty leads an office of four employees and several interns. They work on issues from vehicle safety to nuclear power to air quality. And the Texas office is still battling with the Public Utility Commission to protect consumers' rights.

As the state grows, the number and complexity of complaints continue to expand. "One day it is campaign finance reform, the next air quality," said Smitty. "The great news is that we have lots of folks out there looking out for one another and our fellow citizens."

In honor of 20 years of hard work and hard-won achievements on behalf of consumers, Public Citizen is holding a gala anniversary celebration Oct. 7 in Austin at the Barr mansion. If you'd like

to find out more, call Public Citizen at 512-477-1155 or go to www.citizen.org/texas.

"I have seen our work, credibility and staff grow over the 19 years I have been with the organization," said Smitty. "We've won some, we've lost some, and our efforts grow each day."

"It has been said that changing Texas is about as hard as making a cow run," Smitty observes. "But when a cow hears the dinner bell, they'll get running, and so our job is to set the table for profound change and ring that bell."

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