



Essential news and commentary about Texas politics.

The Lone Star Report

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April 17, 1998

Cornyn buries Williamson in A.G. run-off

Former Supreme Court Justice John Cornyn surprised many observers — but not *LSR* readers — with his convincing victory over Railroad Commissioner Barry Williamson in the April 14 Republican run-off for attorney general.

Cornyn received nearly 58 percent of the vote, after leading throughout election night. Williamson conceded shortly after 9 p.m. and encouraged his supporters to join Cornyn at his victory celebration two blocks away.

Disappointed Democrats viewed a Williamson victory as strengthening their chances holding onto the attorney general's office.

"It looks to us as though Williamson is the favorite," Texas Democratic Party chairman Bill White said shortly before the polls closed. "If he wins, Texas voters will have a clear choice in November between a proven prosecuting attorney who has served as the

state's top law enforcement officer and a professional politician with questionable legal experience, as John Cornyn pointed out."

Democratic nominee Jim Mattox hoped for Williamson to win as well, comparing him to Whitewater prosecutor Ken Starr on election night. After Cornyn's victory, Mattox quipped, "Obviously, Williamson was very unqualified for the position. I'm frankly disappointed that the Republicans figured it out."

The race was settled in the state's five largest counties — Harris, Dallas, Tarrant, Bexar, and Travis — which made up 47 percent of the run-off turnout. Cornyn won 76 percent of the vote in Bexar, 65 percent in Dallas and Travis, 62 percent in Harris (despite the endorsement of Dr. Steve Hotze's Conservative Republicans of Harris County), and 59 percent in Tarrant.

Run-off turnout was 235,314, exceeding

most predictions and continuing the upward trend in votes cast in GOP statewide run-offs.

How did Williamson's huge financial advantage and six-point primary edge disappear?

• **Williamson went too negative in the first round.** He should have had *all* of third-place finisher Tom Pauken's supporters backing him against Cornyn on philosophical grounds, but he spent the primary's final days savaging Pauken to ensure a run-off spot that would likely have been his anyway. That decision not only cost Williamson a Pauken endorsement, but also splintered the Pauken vote.

• **Williamson underestimated the independence of social conservative/religious right voters.** The time and money spent — at least \$55,000, according to his latest ethics commission report — soliciting and securing run-off endorsements from

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Analysis: Why are fewer Texans voting?

Democracy is predicated on the franchise: which right, according to democratic theory, voters love to exercise.

So why don't they exercise it? On run-off day in Dallas County, more people showed up at the Rangers game than at the polls. Across the state, only 3.07 percent turned out. Without John Cornyn's and Barry Williamson's repeated swipes at each other, the run-off might have caused even larger numbers to doze off.

At a press conference the next day, Secretary of State Al Gonzales suggested that Texans are getting electioned-out. Seems every time they turn around it's time to study the candidates, bone up on the issues, get in the car, drive to the polls, etc., etc.

Dallas, for instance, has a May 2 bond election. City council and school board races are held throughout the state on this day. Yard signs are becoming a semi-permanent feature

William Murchison

of the landscape.

Would it help to cluster more elections on fewer dates? "Any-

thing that eliminates the number of elections and increases voter participation," says the state's chief election officer, "any idea, or plan, or proposal that does that is something we ought to look at."

Gonzales mentioned likewise the prospect of shifting the primary election from March to May, thus compressing an interminable election season. Older Texans will remember when primaries were held in July. No one back then died of anxious waits for a paper ballot (the standard instrument then) to scratch. Indeed the era produced spark-plugs like Lyndon Johnson, Allan Shivers, Ralph Yarbrough, and Pappy O'Daniel. Political junkies were better fed then than now.

The March date was designed to increase Texas' clout in the presidential nominating

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Lone Star Report Hall of Shame inducts first two members

And now for the moment you have all been anxiously awaiting — the announcement of the first inductees for the *Lone Star Report* Hall of Shame.

How did the editors arrive at these three individuals? We laid out the guidelines in our Jan. 9 opinion for how we believed Texans deserved to see the 1998 campaigns conducted. In short:

- No campaigning using the perquisites of office.
- Truthful campaign literature and rhetoric.
- No personal attacks.
- No evasion of relevant policy issues.

The first guideline was not violated in the primaries we monitored — although we expect to see a lot of that between now and November — and the last seemed to hold as well. But the middle two...ugggh.

After sifting through stacks of campaign literature and news clips, we arrived at the individuals inducted as the winners (losers?) for the *LSR* Hall of Shame.

LSR's original list had four inductees, but late developments have forced us to hold back on two of them until next week at the earliest. In the meantime, our first two inductees:

Jerry Patterson, Republican candidate for Texas land commissioner.

It is unfortunate that Patterson made this list, because his campaign was substantive for the most part. However, when he got off that basic message, it was *really* ugly.

The worst example was a mailer he sent a few days before the primary. The cover was black with a picture of opponent David Dewhurst in a white cowboy hat. Below in white letters said, "Just because he wears a white hat doesn't mean he's the good guy."

Open the flap, and there is the same photo, reversed out on a white background. Surrounding the photo are selected "headlines" and "quotes" from unattributed newspapers. The text in a black box at the bottom read, "Looks like there's trouble down on the ranch."

On the left inside of the mailer is a photo of President Clinton next to a photo of Dewhurst — both men at computers surrounded by children. The page's header: "Bill Clinton and David Dewhurst — both have a hard time telling the truth."

Patterson also did a "truth test" on Dewhurst literature and rhetoric, with most of his criticisms properly sourced. However,

his final allegation read:

"On two separate occasions, Dewhurst and his political operatives *attempted to bribe Senator Patterson* to get out of the race for Land Commissioner. Dewhurst called those conversations harmless banter, the Harris County District Attorney called them attempted bribery. *Intimidation, bribery, misleading TV ads, falsifying records, and spending obscene amounts of money: is this what it takes to win in Texas?*"

The main problem with that claim is that the Harris County District Attorney looked into the matter and declined to pursue the case because Patterson declined to cooperate with the investigation by wearing a wire to entrap Dewhurst.

Another problem is that Patterson gave conflicting descriptions of the alleged "bribe."

“**The defense against libel is the truth, and the defense against shame is honorable conduct.**”

Patterson told reporters Dewhurst offered him "continued financial support" if he sought another office. (Dewhurst contributed between \$10,000 and \$20,000 to previous Patterson campaigns.) Railroad commission candidate Steve Stockman said Patterson told him Dewhurst offered "a seven-figure number to drop out." And in a letter to Harris County Asst. D.A. Don Stricklin, Patterson referred to "offers of employment and financial inducement."

A third problem is that Patterson himself wrote on Jan. 4, "I did not consider anything discussed during these two casual, personal conversations to be unlawful or unethical."

So in essence, Patterson's mailer flung a charge of criminal misconduct at his opponent based on a "he said, he said" scenario, where the he making the charge has three separate accounts of what was said. And even said that nothing was wrong with what was said.

Steve Stockman, Republican candidate for Texas railroad commissioner.

Stockman's late attack piece directed at GOP nominee Tony Garza was not only the most obscene ploy of the 1998 primary, but one of the most offensive any of *LSR*'s

principals had ever seen.

The piece was similar to a four-page newspaper ad. On the first page in large bold type: "Antonio O. 'Tony' Garza was named the Chief Liaison on Border and Mexican Affairs. Under his watch illegal immigration *cost you and your family* millions upon millions of tax dollars and pain and suffering...."

He then lays blame at Garza's feet for increases in rapes and murders; cocaine smuggling; and taxpayer-funded food stamps, Social Security, legal services, and medical care for illegal immigrants.

The bottom of the first page has a picture of a small-town postmaster, telling of the effects of illegal immigration on his *Arizona* community.

Inside is a letter from Edward I. Nelson, chairman of the Washington, D.C. group, U.S. Border Control. In addition to other smears, Nelson accuses Garza of "looking the other way when non-citizens were voting."

"Does this mean that Antonio Garza would make a bad Railroad Commissioner?" Nelson asks. "It may, if he uses the same moral standards he used as Secretary of State and Chief Liaison on Border and Mexican Affairs. If his policies continue in the same vein, we could well see illegals in the oil and gas fields taking away Texas jobs."

Across from Nelson's letter is a "Border Issues Survey," to be completed and returned to the Stockman campaign. One sample "border issue": "Are you aware that Mr. Garza is using old footage from three failed attempts at statewide office in TV ads and that Gov. Bush has NEVER endorsed Mr. Garza?"

Above the survey is a chart differentiating between the two candidates' positions on immigration issues. Among the items were "giv(ing) U.S. taxpayer money to Mexican banks," "oppos(ing) welfare payments to illegal aliens," and two pieces of legislation Stockman sponsored during his congressional tenure.

As contemptible as the mailing's rhetoric is, the bottom line is that neither the Secretary of State nor the Texas Railroad Commission has any jurisdiction over immigration issues.

One thing all candidates should consider is that the defense against libel is the truth, and the defense against shame is honorable conduct. Candidates not wishing to join the Hall of Shame would be wise not to do those things their consciences tell them they shouldn't. ★



Texas House run-offs

A quick and dirty review of what transpired in the eight Texas House primary contests decided on April 14.

- Texas House, Dist. 16 (R)

The late attacks unleashed by Montgomery management consultant Ray Provencher weren't enough to upset Conroe attorney Ruben Hope, as Hope became the district's representative-elect with 58 percent of the vote. Hope was especially strong in early voting, where he grabbed nearly two-thirds of votes cast.

- Texas House, Dist. 44 (D)

Texas State Teachers Association President Ignacio Salinas of San Diego came from behind to smash retired Alice education Juan Antonio "Tony" Garcia in the Democratic run-off. Salinas received 61 percent of the vote.

As *LSR* wrote on March 20, this race was decided in the southern portion of the district. Nearly 30 percent of registered voters in Duval County — Salinas' home base — voted in the run-off, which was even more than voted in the March 10 primary. Salinas pulled 93 percent of those voters, leaving home with a raw vote margin of nearly 2400 votes.

Salinas also cut heavily into Garcia's base in Jim Wells County, which had provided Garcia the votes for his first-place finish on March 10. Garcia won Jim Wells by almost 1500 votes in the first round (a 2-to-1 margin over Salinas), but by only 425 votes in the run-off (54 percent to 46 percent). The other counties were inconsequential after that.

- Texas House, Dist. 51 (R)

Retired textbook salesman Fred Ebner defeated investor/publisher Roger Settler in the fight to become the next Republican immolated by Rep. Glen Maxey in this south Austin Democratic stronghold. A mere 615 souls ventured forth to cast a vote in this contest.

- Texas House, Dist. 54 (D)

Killeen rancher Don Armstrong continued the come-from-behind trend with a 54 percent Democratic run-off win over former Killeen mayor Raul Villaronga.

The county-by-county breakdown reveals that while Villaronga won Bell County by a wide percentage, his lead over Armstrong in total votes was half what he had on March 10.

Armstrong compensated by winning every other county by at least 63 percent. Of special significance was Lampasas County,



where run-off turnout was closest to primary turnout. This indicates that the local supporters of third-place finisher James McCutcheon returned for the run-off to help Armstrong, the candidate McCutcheon endorsed.

Another key county was San Saba, a county that Villaronga carried in the first round but in which he received only 28 percent in the run-off. The key: Armstrong got his voters back to the polls (186 votes on March 10, 180 on April 14), while Villaronga's stayed home (210 votes on March 10, 68 on April 14).

Armstrong figures to get substantial party support for his November race against Rep. Suzanna Gratia Hupp, one of the few Republican House members they perceive as vulnerable.

- Texas House, Dist. 64 (R)

The good news for Flower Mound attorney Donna Morris: She got 90.9 percent of her March 10 voters back to the polls for the run-off.

The bad news for Morris: Lake Dallas veterinarian Ronny Crownover got 99.7 percent of his March 10 voters back for the run-off.

Worse news for Morris: Crownover started out with nearly 700 more voters than she did.

Worst news of all for Morris: Crownover is the new representative-elect in Dist. 64, winning with 59 percent of the vote.

- Texas House, Dist. 75 (D)

As amazed as many Austin politicians were that Rep. Gilbert Serna overcame his ethical and legal problems to finish first in the March 10 primary, they were equally amazed that he lost to retired customs director Manny Najera by 53 to 47 percent in the run-off.

Serna led with 59 percent in the early voting results and remained in the lead for most of the evening. However, the later boxes came in overwhelmingly for Najera, who ended up pulling 61 percent of the April 14 ballots.

Najera moves into position to pummel Republican Gerald Sanden in November. Serna continues an notorious three-decade-long tra-

dition in this El Paso Lower Valley district, becoming the fifth incumbent state representative in a row ousted in the Democratic primary due to scandal or ineffectiveness.

- Texas House, Dist. 98 (R)

In the end, Republicans in northeast Tarrant County thought Rep. Nancy Moffat wasn't thinking enough about home. So they brought her home...permanently.

In spite of her efforts to re-endorse herself to social conservative Republican activists in the run-off, Moffat was thumped by Keller physician recruiter Vicki Truitt in the run-off.

District residents cut short her three-term legislative career for being on the wrong side of a local development dispute in Westlake, being too extravagant with her travel expenses, and paying more attention to Austin interests than to her own district's concerns.

The race was over in a hurry, as Truitt won 70 percent of the ballots cast during early voting and cruised the rest of the way. All that stands between Truitt and a \$600/month job in Austin next January is Fort Worth writer and Democratic sacrificial lamb Gene Mitchell.

It's probably coincidence, but what do the four Republican legislators ousted in this year's primary have in common? They all voted for the Bush/Sadler tax plan last session.

- Texas House, Dist. 129 (R)

As expected, the Republican nominee to replace Rep. Mike Jackson in Dist. 129 will be Clear Lake businessman John Davis, who shook off a sluggish early voting performance to thump Pasadena businessman J.J. Isbell with 62 percent of the vote.

LSR run-off predictions

We hit the big one.

Sure, our prediction percentage dropped to a paltry (by our standards) 69 percent in the run-off. We picked the front-runners in all three Democratic Texas House primaries — for what we thought were valid reasons — and got burned each time.

But we scored on all five congressional races. And most significantly, we hit the big one: Cornyn over Williamson.

While we're not happy with the drop from 83 percent on March 10, for our first cycle of run-off predictions, we'll take it. ★

We welcome your leads, suggestions and comments. Please contact us at 512/472-6076, Fax 472-6051 or e-mail lslr@io.com.

Taxpayers should be wary of "win-win" scenarios

The latest buzzwords coming out of Austin City Hall concerns ongoing attempts to forge "win-win" relationships between developers and environmentalists, the latest manifestation of which is Proposition 2 on the May 2 Austin ballot. If adopted, the city would issue \$65 million in water and wastewater bonds to purchase land and "development rights" on environmentally sensitive land — mainly outside the city limits.

This effort is already producing gushy editorials from the *Austin American-Statesman* and glowing testimonials from representatives of the warring parties. Who could possibly be suspicious of something like this?

I could. As I have mentioned before, too many of these win-win deals become ways to reward both edges by extracting goodies from the middle. To use a historical example, the non-aggression pact between Stalin and Hitler was, while it lasted, a clear win-win for both of them — but it obviously didn't do much for Poland.

On a local level, this means our council acts as if everyone in Austin were aligned either with the developers or the environmentalists. They further assume that a handful of activists from these two factions can represent all of us during critical negotiations. If these folks cut a deal, it surely must be good for everyone.

This viewpoint ignores every other interest except those of just two factions. For example, not one elected official for any of seven affected local taxing entities was briefed on Proposition 2 prior to its being placed on the ballot. Not only do these groups face the loss of tax base, but some will also get increased water rates. A trustee with Austin Community College (ACC) estimated it will cost the district another \$40,000 a year for water if Proposition 2 passes on May 2.

The recent council decision to push Motorola's expansion into Williamson

James A. Cooley

County had sizable tax-base impacts for both Travis County and the Austin Independent School District (AISD). Neither was invited to participate in the negotiations. Can it then be said that Travis County and the AISD emerged as winners in this deal? Obviously not. Anyone who pays taxes to either of these entities faces the prospect of paying more to cover the loss of Motorola's new facility. Doesn't sound as though these taxpayers won either.

The recent Motorola deal offers a revealing peek at a so-called win-win deal — and at who gets to pay for it. Here is what all of us taxpayers contributed:

1. Waiving of \$167,000 in capital recovery fees.
2. Expenditure by the city of roughly \$750,000 for water and sewer mains.
3. Paying half the cost of extending Anderson Mill Road.
4. Delaying annexing the site and collecting property taxes for five years.

Did the rest of Austin's Water and Wastewater Utility ratepayers come out as winners? Nope. How about property taxpayers? No again. Oh, but wasn't this done to protect the environment? Such is the stated justification. Does it hold up?

The first site did sit over the Edwards Aquifer and was inside the contributing zone for Barton Creek. However, the facility's impervious cover (buildings, roads, parking lots, and other construction that do not provide for natural drainage) was no more than 25% of the site's acreage, the strict standard touted in the Save Our Springs (SOS) ordinance for assuring non-degradation of the water supply. The impervious cover requirement at the new location — which happens to be over the re-

charge zone of the northern segment of the Edwards Aquifer — is a whopping 65%.

So let me get this straight: Motorola wanted to build over one section of the Aquifer and was going to comply with SOS. To stop this from happening, the city put up millions in incentives — our money — to get them to build much more impervious cover over another part of the same aquifer. The AISD and Travis County say goodbye to a small fortune in tax base in the process. If this was a win-win, I would sure hate to see a lose-lose!

Again, the fundamental flaw in these various win-win scenarios is the false assumption that there are only two parties — developers and environmentalists — who need to be consulted. The interests of other potentially affected groups and individuals are not factored in because our city council appears unaware of the fact that other viewpoints even exist.

The Greater Austin Chamber of Commerce and the Real Estate Council of Austin don't speak for me. Neither does the SOS Coalition or the Nature Conservancy. I suggest this is likely the case for a majority of our local population. Furthermore, neither the developers nor the environmental factions should be speaking for the AISD, Travis County, ACC, Hays County, etc. It is ironic a council that endlessly espouses "regional cooperation" finds it so difficult to discuss pending policy decision with other government entities.

When will our city leaders consider adding some seats at the negotiating table? I don't know. Perhaps that will only come with the replacement of a few council members. Until then, whenever you hear about a win-win deal coming from city hall, take a close look to see who really wins. Then take a closer look to see who pays for it. Don't be surprised if it is you. ★

A version of this editorial originally appeared in the West Austin News.

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Calendar Of Texas Politics

April 20-26

To submit an item for LSR's Calendar of Texas Politics, call 512/472-6076, Fax 512/472-6051 or e-mail lsr@io.com. Include the name and phone number of a person to contact.

Monday 4/20

9:30a - Texas Commission on a Representative Student Body, Austin Community College, 5930 Middle Fiskville Road (Austin)

Tuesday 4/21

9:30a - House Public Safety Comm. (Shooting Range Safety), Capitol E2.014

Wednesday 4/22

9:30a - Senate Home Health & Assisted Living Facilities Comm., Harlingen Public Library, 410 76 Drive (Harlingen)

9:30a - Joint Hearing of House State Recreational Resources and Appropriations Comms. (State Park System Review), Capitol E1.030

10a - Senate State Affairs Comm., Capitol E1.028

10a - House Select Comm. on Revenue & Public Education Funding, House Chamber

1p - Senate Jurisprudence Comm., Library Bldg., 201 N. Ector (Eules)

Thursday 4/23

9a - House Business & Industry Comm. (Workers' Compensation Insurance Carrier Practice), Dallas County Commissioner's Court, 411 Elm St. (Dallas)

9:30a - Senate Civil Justice Comm., Senate Chamber

10a - Senate Transportation Comm., Univ. of Texas-San Antonio, Main Campus, Business Bldg., Room 2.06.04

Next week

Senate Comms. on: Economic Development, Finance (Articles 1, 6 & 7 Agencies), Housing

House Comms. on Higher Education (Education Cost) and Urban Affairs

Legislative Committee on Municipal Franchise Agreements for Telecommunications Utilities

Special election in Texas House Dist. 34

President Bush fundraisers for lieutenant governor candidate Rick Perry

Voting/from 1

process. The purpose it came to serve inadvertently was the protraction of the political season — to a point that interest just couldn't be maintained over the long haul.

Gonzales' recommended reforms seem worthy of the legislature's attention. At the same time, some larger realities need facing. One is that a low turnout isn't, *ipso facto*, a bad thing. What you don't want on election day is an electorate made up disproportionately of those — their numbers are large in any society, any age — who don't know the candidates, don't know the issues, don't even necessarily check the paper the next day to see who won. An ignorant non-voter is generally preferable to an ignorant voter.

Liberal political theory in the late 20th century posits fascination with the political process. The political theorizers themselves are fascinated. Isn't everyone else?

The sad answer is, no. Voting, except as auto-reflex or payback (for money, job, etc.), requires hard work and a certain sophistication. The bass boat, the basketball court, it isn't.

Yet the liberal assumption is, *everyone* wants to vote. Acting on this assumption, liberal politics has swept away even the gentlest qualifications for access to the voting booth.

The voting age was lowered to 18. Poll taxes were outlawed by judicial decree in the '60s; there is not the tiniest price, gasoline and time aside, attached to voting.

The federal government actively oversees the conduct of elections in states (like Texas) whose past behavior has been impeached as "racist." American ballots are printed in foreign languages — reinforcing the minimalist viewpoint of what is required for electoral participations; e.g., not even a working knowledge of this country's language.

Still, it was said a few years back, we can't get everybody to register. Liberals knew what to do: tie voter registration to automobile registration. The "motor voter" act was born.

It was said, further, gosh, it's so inconvenient, having to vote on just one day. Why don't we let people vote days and days in advance. Now we do — with what notable effects, all may see.

There is a rule of thumb that vote reformers might wish to consider: People will vote when they think it is important to vote; when they don't, they won't. Politics in general excites fewer than it used to. But there is more to it than that: Voting in the '90s, every qualification having been dismantled, no longer seems special — a profound privilege taken seriously. When everyone can do it, and when the issues are less than electric, the temptation is to let everyone *else* do it. People don't think it is important to vote. So they don't.

We face, seemingly, a paradox. The modern (as opposed to the Founding Fathers') theory of democratic governance is, come one, come all. But the more people we invite to the polls, the less interesting the whole enterprise becomes.

Can anything be done about that? Probably not. And that may not matter deeply. The franchise, however general we make it, is self-selecting. The educated, property-owning, taxpaying middle classes, with the most to gain or lose from an election, will always turn up to vote. They are the hard core, and perforce the most useful element, electorally speaking. Those citizens who don't care enough to vote: Are we really, deep down, sorry they find other ways to kill time, come election day? ★



Ten guidelines to follow when insuring children

The 1997 federal budget agreement gives states \$24 billion over five years to provide health insurance to uninsured children from low-income families. Basically this means children who live in families with incomes below 200 percent of the poverty level who are ineligible for Medicaid, and who are not enrolled in a health plan or covered by health insurance. In addition, states must contribute about 70 percent of their Medicaid matching rate.

For example, under this bill a state whose Medicaid matching rate is 50 percent of the federal contribution must contribute 35 percent. As a result, state contributions will add perhaps \$10 billion to the federal contribution over five years.

While demographic, economic, and political differences mean that programs will vary from state to state, legislators should implement a program that would maximize the number of children insured with the available amount of money.

The following guidelines should be helpful:

- **Use private, not public, insurance.** The federal legislation permits states to expand the existing state Medicaid program, or offer coverage under group or individual health plans, with a benefits package actuarially reflecting one of several existing plans (e.g., a standard Blue Cross Blue Shield policy or the Federal Employees Health Benefits Program).

In addition, states may use up to 10 percent of the funds for direct purchase of health care services, outreach and administration.

Representatives of the Health Care Financing Administration (HCFA), the federal agency that oversees implementation of the program, have argued that states would benefit by expanding Medicaid. Nonetheless, flexibility to adjust benefits — given to states that adopt a private insurance approach — will permit them to cover more children with the same amount of money.

- **Give parents a choice.** States and private organizations are already expanding health insurance for children outside Medicaid. In most cases, the private programs provide children with private health insurance at subsidized prices — with the subsidy usually coming from state or local governments or private sources.

Merrill Matthews, Jr.
Kristin A. Becker

Families should be able to choose among qualified insurers and health plans and require families to pay more out of pocket if they choose an expensive plan. A Medical Savings Account option would maximize families' choices by giving them more control over the money, while minimizing the cost.

“ **While demographic, economic, and political differences mean that programs will vary from state to state, legislators should implement a program that would maximize the number of children insured with the available amount of money.** ”

- **Empower families.** Sellers are more responsive when consumers control the money. Therefore, parents should be financially empowered to choose their health plan themselves. Several approaches would work:

- (1) Direct transfer of funds. The Medicare+Choice program permits seniors to leave Medicare and choose private health coverage instead. If a senior makes this choice, Medicare transfers his allotment of funds directly to the insurer. Similarly, a low-income family could choose a plan, and the state could transfer the annual premium to the insurer.

- (2) Refundable tax credit. Low-income families could be offered a refundable tax credit to apply toward the purchase of their children's health coverage. The credit would cover most or all of the cost of the insurance, and the parents would pay the difference. Families would receive the full benefit of the credit, regardless how small their income tax obligation was.

- (3) Vouchers. Alternatively, parents could receive a voucher for the amount of the health insurance subsidy and apply that

voucher towards the purchase of a child's health insurance policy.

- **Encourage family coverage.** States should find ways to coordinate their new funds for children's health insurance with existing funds set aside for low-income families. Thus, insurers and health plans offering children's coverage could insure the whole family at once.

- **Let insurers, not the state, do the outreach.** Currently, about 3 million Medicaid-eligible children are not enrolled in the program, and HCFA is unsure how to find and enroll them. The new program can avoid this problem. Insurers selling the plans would have a financial incentive to undertake the outreach efforts.

- **Reward responsible behavior.** Children must be uninsured to be eligible for the program. This means that qualified, low-income parents who sacrifice to insure their children will be penalized and have to let their children's insurance lapse, forcing them to be uninsured, if they want to join the program. Since the legislation does not say how long children must be uninsured, states should impose only a minimal waiting period.

- **Let states rather than insurers determine eligibility.** A family's eligibility for the program should probably be left to state officials, such as those working in welfare offices. An eligible family could take a certificate of eligibility to an insurer who would issue the policy and arrange payment for any premium amount not covered by the state.

- **Vary subsidy according to income.** Varying the amount of subsidy with two or three tiers — providing the most help to those most in need — encourages the lowest-income families to join the program and extends the state's money. States might still want to require all families to pay some portion of the premium, as Florida's program does, or to make a small copayment.

- **Limit plan migration.** The easier it is for people to shift from one plan to another, the easier it is to game the system, which leads to adverse selection. While the legislation stipulates that low-income families be allowed to change their children's health plans, they should be required to give a half-year's or year's prior notice of withdrawal.

See *Healthy Kids/7*



Healthy Kids/from 6

• Guarantee portability and access.

Health insurance policies created under the legislation should be "portable." That is, a child whose family moves but remains in a geographical area the insurer serves should be permitted to continue with that policy to ensure continuity of coverage.

In addition, the legislation requires "guaranteed issue," which means that insurers must accept all applicants regardless of their health risk. With adults, this provision creates adverse selection problems. If people can get health insurance when they are sick, why would they buy it when they are healthy? However, since children ages 6 to 12 are the healthiest segment of the population, the threat of adverse selection should be minimal.

The goal of the uninsured children's program is to insure as many people as possible. Medicaid has largely failed because it is too expensive and inefficient.

It is time to give private insurance the chance to do what Medicaid could not. ★

Merrill Matthews, Jr., is vice president of domestic policy for the Dallas-based National Center for Policy Analysis. Kristin A. Becker is director of the Health and Human Services Task Force for the Washington, D.C.-based American Legislative Exchange Council.

Cornyn/from 1

conservative-movement bigwigs was a waste. Those who backed Pauken and went over to Williamson (several of whom were compensated by the Williamson campaign) did not deliver the votes of their supporters.

Meanwhile, many of Pauken's personal friends went over to the Cornyn camp to exact revenge against Williamson. One Austin television station showed footage of Cornyn arriving at his victory party. The first three people to greet him were Barbara Jackson, Edward Check, and Lester Van Pelt — Pauken's executive director, personal assistant, and communications director from his tenure at the Republican Party of Texas. Cornyn also scooped up most of Pauken's supporters on the State Republican Executive Committee.

Cornyn campaign manager Mark Lehman said that the run-off showed the evolving maturity of the movement. Many religious-right voters had contacted the campaign to find out more about Cornyn; once their concerns about his stands on conservative social issues were satisfied, they moved to other areas (such as legal experience) to make their decision.

• **Discrepancies and deficiencies in Williamson's legal resumé.** Using his campaign's own investigative work and that done by the major newspapers, Cornyn painted his opponent as an oil and gas man who had puffed his legal credentials and used misleading language to appear more qualified to be the state's top attorney than he really is.

Cornyn attacked Williamson's resumé in two mailings during the last week — one piece a systematic dismantling of Williamson's legal experience, the other a more visceral "cut-to-the-chase" flyer. Reminding Republicans of Lena Guerrero, the Democrat incumbent Williamson beat in

1992 on similar attacks, was a devastating line of attack.

• **Professional groups and non-oil/gas trade associations pulled out the stops for Cornyn in the run-off.** Cornyn received strong financial support from prominent law firms and major Austin trade associations in the run-off. This accounted for much of his fundraising edge over Williamson. The Texas Medical Association did a phone bank for Cornyn, and other professional groups participated in an effort to send postcards to family, friends, and clients encouraging a vote for him.

• **Cornyn's organization was clearly superior.** From the major tactical decisions to the seemingly trivial details, Cornyn ran a flawless campaign.

Take mailing lists, for example. Ethics commission records show that after the primary, Cornyn's campaign purchased the 1998 GOP primary voter lists from about 20 pivotal counties. This not only focused his resources toward the most likely run-off voters, but made it possible to hit these people at their current addresses within the time window the campaign wanted them hit.

Evidence indicates that Williamson relied on older lists, most likely from 1996. The result was that mailings sent to Republican voters who had recently moved were either delayed or not received at all. In a race of that size, if one candidate is in everybody's mailbox and the other isn't, it will have an impact.

This run-off was further proof that little things add up, and Cornyn did all the little things right. ★

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Legislative perspectives: Culberson still after Robin Hood, Ruiz

by James A. Cooley

LSR continues its series of brief discussions with elected officials concerning the issues they are addressing. This week we feature State Rep. John Culberson (R-Houston).

Culberson stresses that he and Sen. Buster Brown (R-Lake Jackson) still want the *Ruiz* prison settlement tossed out. What are they doing about it? Apparently a lot.

The two lawmakers sued U.S. Dist. Judge William Wayne Justice “in his own courtroom,” Culberson says, using “a new federal law enacted by the Republican Congress to limit the authority of federal judges and return control of state prisons back to local officials as rapidly as possible.”

The lawsuit is being funded with private donations to “go around the attorney general [Dan Morales] who created federal control over the prisons.”

Litigation donations are being solicited by The Fund To Take Back Texas Prisons, Inc. The address is 1500 S. Dairy Ashford, Suite 115, Houston, TX., 77077. The slogan on the fundraising appeal is, “Do it Right — Once and For All.”

The lawsuit has been going on for a little over 18 months. According to Culberson, Judge Justice slowed down the case as much as he could. Culberson didn’t really expect Justice to overturn himself. But, he notes “we are now at the Fifth Circuit Court of

Appeals — where we always wanted to be. We are optimistic about our chances for success now that we are at the appellate level.”

Culberson says the purpose of the litigation is not only to eliminate a federal judge’s control over the prison system, but “to restore Texas’ 10th Amendment sovereignty over its prison and criminal justice systems.”

The prospect of Dan Morales’ leaving is especially appealing to Culberson: “We hope there will be a Republican attorney general with the conviction to amend the state’s lawsuit to bring up many of the arguments that Sen. Brown and I are making.” This includes the relevant 10th Amendment issues. Tossing out the *Ruiz* settlement would help end the “early releases that seem to be continuing of violent criminals.” Culberson sees victory in the litigation as a long-term solution to early release.

Culberson says he continues to “hear a lot of complaints about the Robin Hood school finance system.” He notes the voters rejected this option by a 63 percent margin in 1993, but “it was forced on us anyway.” Culberson favors repealing Robin Hood by adopting a state constitutional amendment.

Towards that end he developed HJR 10. The proposal is “designed to get control of the issue out of the hands of judges and lawyers.” This will be a major priority for Culberson during the next legislative session. ☆

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