



Political Intelligence

Reform on the Home Front



By [Texas Observer Staff](#)

In early September, the nine appointees who run the Texas Residential Construction Commission convened a meeting. The agenda: try to justify their agency's existence. It's not an easy case to make. Two weeks earlier, the Texas Sunset Advisory Commission, a legislative oversight committee, had recommended that state lawmakers abolish the TRCC because it does "more harm than good."

Few state agencies in Texas are known for aggressive regulation. Even by that lax standard, however, the Texas Residential Construction Commission—created ostensibly to aid homeowners—represents a new low. It's one thing to ignore consumers; it's quite another to work against them. Since its inception in 2003, the TRCC has been criticized for helping builders skirt lawsuits from consumers seeking reparations for shoddily built homes. Some critics call it Bob Perry's agency, in honor of the wealthy Houston homebuilder who is a top Republican donor. Indeed, the agency's board is dominated by representatives of the home-building industry, including Perry's corporate counsel, who wrote the 2003 bill that created the TRCC [see "The Agency that Bob Perry Built," February 4, 2005].

Commissioner Mickey Redwine is the lonely voice of reform at the agency. At the public meeting, he told his fellow commissioners what most homeowners already know: "I don't feel that a fair and unbiased agency has been created to represent the public . . . I ask that every commissioner unite and vote for change to prove to consumers that we are serious about change."



The commissioner, who owns a cable construction company in the small town of Ben Wheeler, offered up a four-page list of wide-ranging reforms such as a stipulation requiring builders to be licensed and a rule ensuring that TRCC commissioners not be associated with trade association groups that might suggest a conflict of interest.

The commissioners did unite-and voted against most of Redwine's reforms. Consumer advocates weren't surprised. "His heart is in the right place," said Alex Winslow, executive director of the consumer advocacy group Texas Watch. "But regardless of the changes TRCC makes, it is broken and needs to be scrapped."

Redwine, who was appointed by Gov. Perry in 2003, said he would support abolishing the agency too, if it could not be turned around in two years. (TRCC staff is asking for 12 years to reform the agency.) "I still think it's worth saving if we can turn it around," Redwine said. "I was appointed to look out for the best interests of consumers, and if that means abolishing the agency, then I will support that."

The TRCC will argue for its continued existence at the next Sunset Commission meeting, on September 23. At the meeting, state lawmakers on the Sunset Commission will mull over whether TRCC is worth saving and make a recommendation. Ultimately, the Legislature will decide the fate of the TRCC during its session next year. That's when homebuilders, who are some of the state's most prolific donors to political campaigns, will have a big say.

Winslow-who has been working to abolish the agency for the past five years-says he wouldn't be surprised if the TRCC survives. "I have no doubt that the powerful homebuilding lobby will be doing everything they can to save this agency."

-Melissa del Bosque



The battleship *Texas* survived two World Wars, but like a lot of veterans, it's since endured rough treatment at the hands of government bureaucracies. The once-proud ship is corroding away in the chemical-laden saltwater of the Houston Ship Channel at San Jacinto Battleground State Historic Site, where it's been berthed since 1948. The ship's hull is so thin that in May, a diver performing repair work accidentally punched a hole in its side, sending water pouring into the hull at 200

gallons per minute. Like the rest of the severely underfunded state parks system, the *Texas* has suffered from years of neglect. Deferred maintenance on the ship is estimated at over \$1 million a year.

The good news is that in November voters approved \$25 million in bond money to repair and “dry-berth” the *Texas*. The latter part of that proposal has turned out to be a little more complicated than, say, putting an old Chevy up on blocks. Texas Parks & Wildlife has suggested four options for dry-docking the 34,000-ton *Texas* at its present location.



Others want the *Texas* moved to a new location, maybe Galveston, to encourage visitation and restore the historical integrity of the San Jacinto battleground. After all, what does a 20th-century naval ship have to do with the 19th-century battle that secured Texas’ independence from Mexico? It’s a jarring mash-up that makes as much historical sense as installing B-52 bombers on the grounds of the Alamo-and probably confuses the hell out of schoolchildren. “We have one national historic site plopped down on another historic site,” says Jan DeVault of the Friends of the San Jacinto Battleground, a nonprofit group that wants to restore the site to its 1836 condition, sans battleship.

Recent archaeological work conducted by the group has uncovered battle relics and possible graves near the ship, a discovery DeVault says buttresses the nonprofit’s contention that the *Texas* is sitting on top of the Texas Army’s campground. “As we’re holding a Mexican spur from 1836, wafting over our heads is ‘Boogie Woogie Bugle Boy’ coming from the battleship,” DeVault notes wryly.

Steven Howell, a retired Navy officer and executive director of the Battleship Texas Foundation, is bitterly opposed to moving the *Texas*. He says the battleground and battleship are linked by “freedom.” The descendants of Sam Houston were instrumental in berthing the *Texas* at San Jacinto, Howell says, “because they said this is how we remind the citizens of Texas that although we won our freedom at the Battle of San Jacinto, freedom is never completely ever won . . . Quite frankly, I haven’t found a better argument since then.”

The Legislative Budget Board is weighing the parks department's dry-berthing options, and a decision on how to spend the \$25 million in bond money is expected soon. Whatever that decision is, it isn't likely to keep the battle from spilling into the upcoming legislative session.

-Forrest Wilder



Texas landowners have battled the Department of Homeland Security over building a border wall through their property for more than a year. Now it appears that rising construction costs and mounting lawsuits may have won the first round for landowners-at least until the next president takes office.

Officials from the Department of Homeland Security appeared before the House Committee on Homeland Security September 10. The agency is running out of time and money to get the border fence built, they told lawmakers.

Ralph Basham, commissioner of Customs and Border Protection, and Deputy Commissioner Jayson Ahern said DHS needs another \$400 million to finish 326 miles of fence-much of it in Texas-by December 31.

At the same time, a number of Texas landowner lawsuits challenging the agency's condemnation proceedings are pending in federal court, Ahern said."The Texas-Mexico border construction is largely out of our control," he told the committee. "There have been a lot of unique challenges because it is privately owned land."

If the lawsuits are not resolved by September 30, it won't be possible to meet the December 31 deadline mandated by the Secure Fence Act passed in 2006. Come 2009, the project becomes the next president's problem.

Auditors from the Government Accountability Office told committee members that construction costs for the fence have doubled because of rising fuel, steel, and labor prices. The cost to build a mile of 18-foot, steel fence is now \$7.5 million-double what DHS estimated in February 2008.

Ahern told the committee that the agency has instructed Boeing Co. to cease construction of the “virtual” sections of the fence; the agency wants to use that funding to build out the remaining miles of border wall.

Boeing had once planned to deploy the virtual fence, comprising sensors and surveillance equipment, along the country’s northern and southern borders. Plagued by technological glitches and cost overruns, however, Boeing scaled back the project to pilot studies in Arizona.

The company has already been paid \$933 million in public funds-most of it spent developing and installing the virtual fence technology, according to the GAO. Homeland Security submitted a request September 9 asking Congress to OK a plan to redirect funding from the troubled virtual fence project, Border Patrol agent recruitment, and port and border screening improvements to finish the border wall.

An appropriations bill to give Homeland Security additional funding is also languishing in Congress.

A person in Washington, D.C., who is familiar with the situation said chances are slim that Homeland Security will see any additional funding or have its redirection-of-funds request approved before the next president takes office in January.

At the end of the hearing, California Democratic Congresswoman Loretta Sanchez, the panel’s vice chair, asked DHS officials if there is a border security transition plan for the next administration.

Neither Ahern nor Basham had an answer.

-Melissa del Bosque



Before Sarah Palin and Geraldine Ferraro, there was Frances “Sissy” Farenthold. In 1972, she was the first woman to be seriously considered as a nominee for vice president by a major U.S. political party.

As many *Observer* readers know, Farenthold has been a leader of progressive politics in Texas and the nation for four decades. As a member of the Texas Legislature (1968-72), she was a leader of

the reformist “Dirty Thirty.” She was a two-time Texas gubernatorial candidate, forcing Dolph Briscoe into a runoff in their first race in 1972. She has also served on the board of the Institute for Policy Studies (IPS) and was president of Wells College in Aurora, New York.



At the 1972 Democratic National Convention in Miami, she came in second to Thomas Eagleton in delegate voting to serve as George McGovern’s running mate. In so doing, she beat out then-Gov. Jimmy Carter and Sens. Birch Bayh and Mike Gravel, among others.

The *Observer* asked Farenthold about her vice-presidential candidacy. “The reason my name was put in was that Shirley Chisholm [who had run for president] decided not to run for vice president. The National Women’s Political Caucus then asked me to run.” Farenthold was nominated by Gloria Steinem. The nomination was seconded by Fannie Lou Hamer of Mississippi, among others. She received more than 400 delegate votes. “That was the first time I was supported because I was a woman,” she later told a reporter. “I had always been supported despite the fact.”

When asked about Sarah Palin’s candidacy, she replied, “I focus on McCain. That’s where the judgment comes in. That’s where the focus should be.”

“It sounds pretty quaint,” she went on, “but in 1972 the idea was to have an open convention electing the vice president. There were nine of us who ran. It’s the antithesis of what we have this time. If people realize how badly this [Palin nomination] turns out, maybe they’ll go back to an open election process.”

-*Geoff Rips*

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