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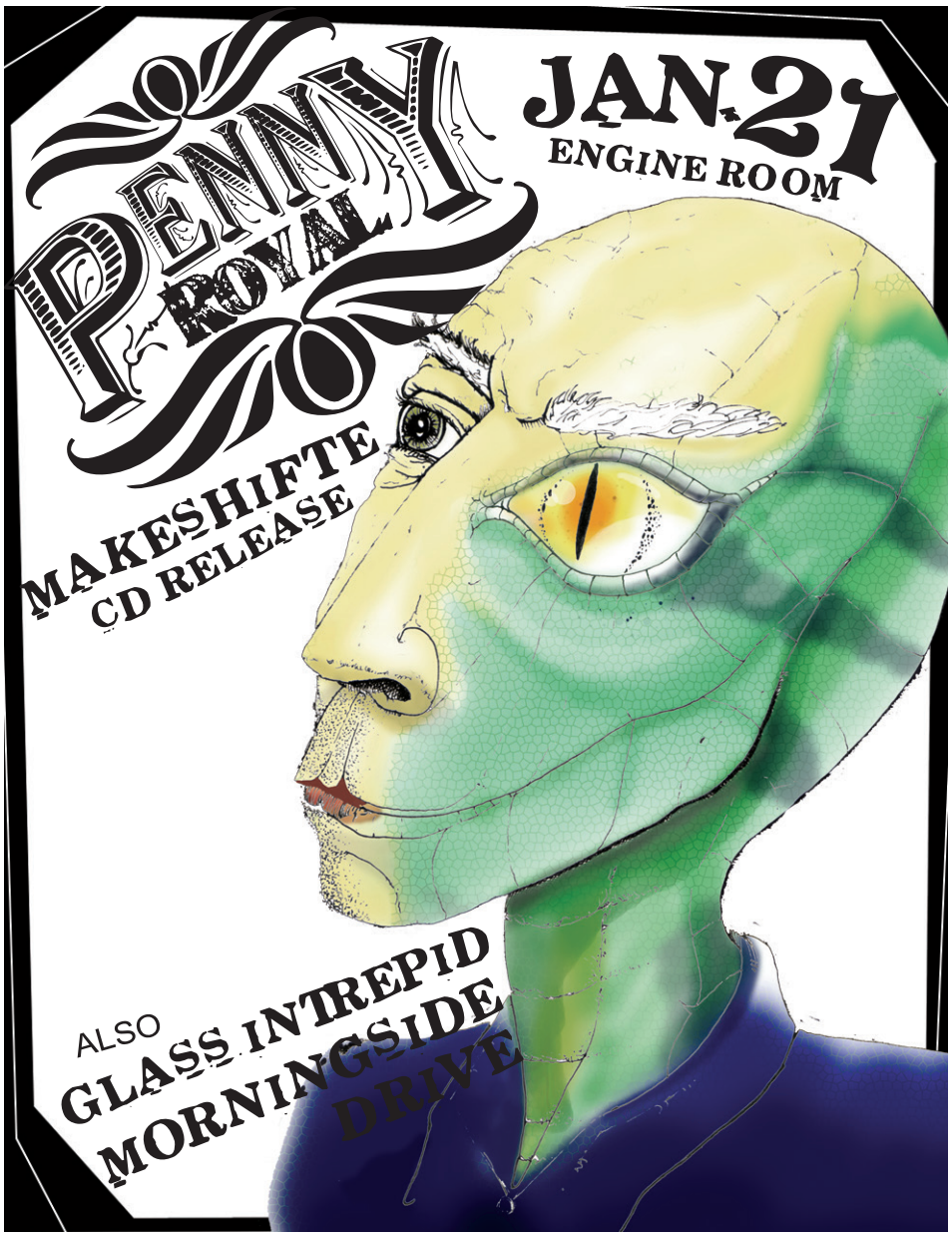
HOUSTON

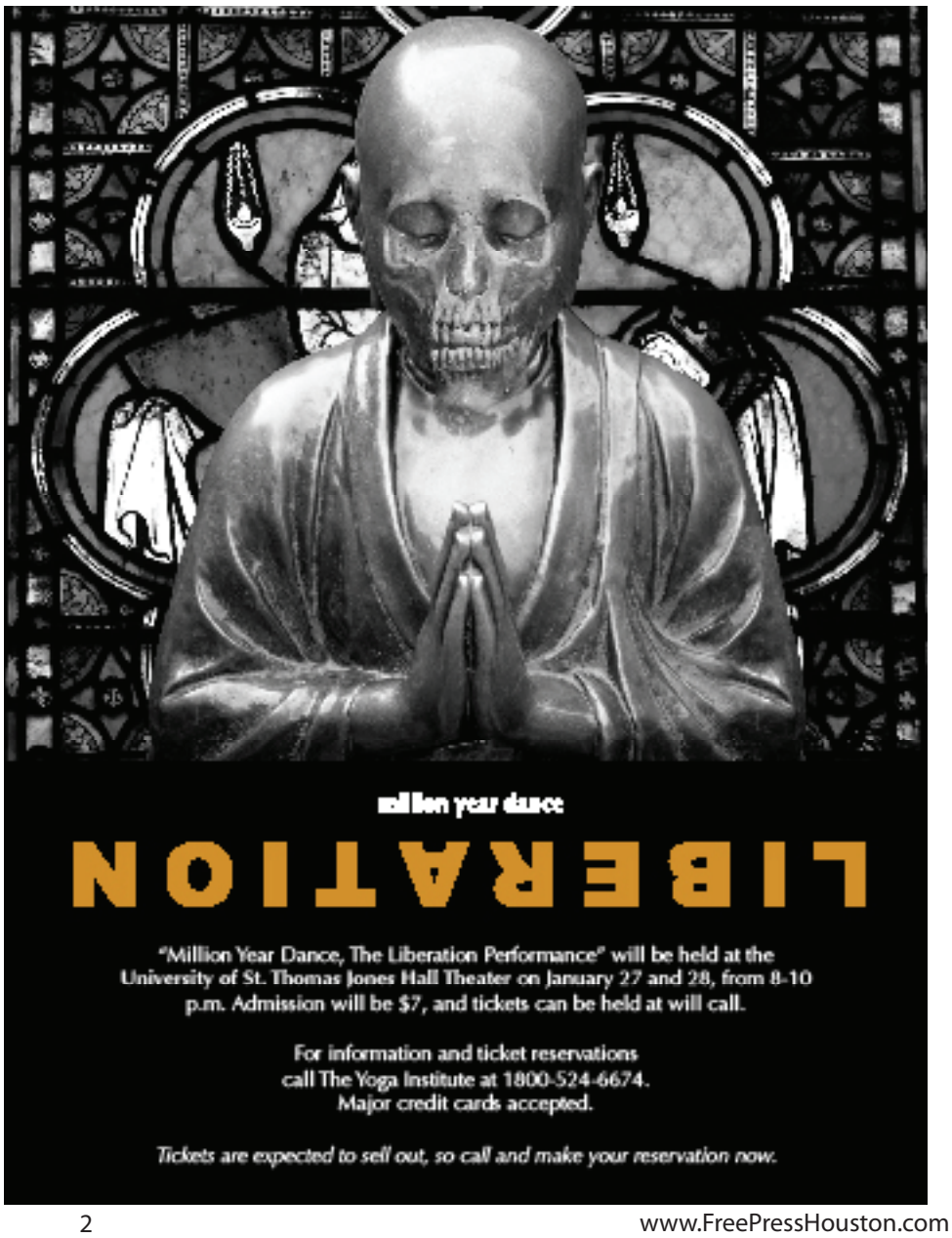
MUSIC - NEWS - PUBLIC OPINION - ARTS - EVENTS



Issue 57
January 2006

WORST OF HOUSTON


PENNY ROYAL
JAN.21
ENGINE ROOM
MAKESHIFTE
CD RELEASE
ALSO
GLASS INTREPID
MORNINGSIDE
DRIVE


million year dance
LIBERATION
"Million Year Dance, The Liberation Performance" will be held at the University of St. Thomas Jones Hall Theater on January 27 and 28, from 8-10 p.m. Admission will be $7, and tickets can be held at will call.
For information and ticket reservations call The Yoga Institute at 1800-524-6674. Major credit cards accepted.
Tickets are expected to sell out, so call and make your reservation now.


SUPER HAPPY FUN LAND
Sat Jan 14th:
Crockett Bodelson
Art Opening with
Double Plus Good
Jan 18th:
After Twilight
screening and director/participant discussion
www.nu-classicfilms.com
Thur Jan 19th:
Jeremy Williams and the Homosapiens
Suburbanite, 1977
Fri Jan 20th:
Colonia de Soul
Nada Brahma
Condition Green
Sat Jan 21st:
QUARANTIEME BIRFDAY
with Organ Failure
Christopher Wilson
Vertigo Blue
Sun Jan 22nd:
The Architects
Big City Dreams
Tues Jan 24th:
The Lymbyc Systym
BB Aeroplane
Chim Charoo
Wed Jan 25th:
The Love Drunks (Atlanta)
Something Fierce
The Drafted
The Bareknuckle Knockouts
Jan 26th
Drew Danburry, Harem Festival
Shades of Blue
Jan 27th:
Nebakanezzah
The Flying Fortress, Des Alpes
Sat Jan 28th:
Discordian Popes
Jan 31st:
Cassette (Florida)
Saw Wheel, O Pioneers
Feb 3rd:
ISOLA, The Guns of Detroit
B.B. Aeroplane
Feb 4th:
Rebecca Draper Art Opening
With Open Mic Poetry
Sun Feb 5th:
Liquid Cheese
Feb 8:
The Girl is a Ghost (Kansas City, MO)
Feb 9th:
Chinese New Year Party
with Muzak John
Pink Cloud, Vampir Sudan
Twilin and Family
Feb 10th:
Riff Tiffs Cd Release Party with
The Riff Tiffs, Another Run
King Louie & the Swinging Monkies
Bojones, The Dimes
Sat Feb 11th:
Devil Bat's Daughter (Austin)
Mr Obliviated
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January 2006 what you'll find



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Shelby Kelly & Tim Dorsey

Feel FREE to take us Seriously.

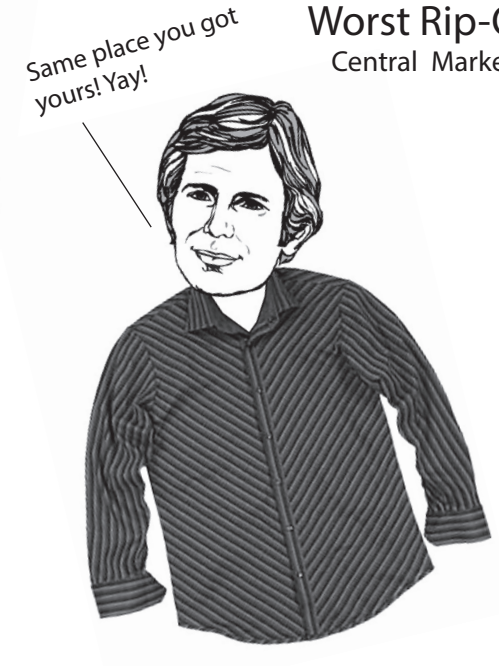
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One thousand BRICKS through the WINDOW OF LIFE...

Here it is folks: the 1st Annual Worst of Houston Awards. So beware—feelings will be hurt, corruption will be revealed and empires will crumble. Well, maybe not really. But we promise it will be a tad better than anything else you might get your filthy hands on. It all starts on page 16 but here are a few of my personal favorites:





Worst Publication

Free Press Houston. Let's face it. We live in a glasshouse. Grammar, misspelled werds, scumbag writers, etc. Nonetheless, we still have stories over at least 100 words and the only tanned, fake boobs in our paper are isolated to a single ad on page 35. Look really close.

Worst Utility

Even tie: SBC and Reliant Energy. If you work for them, you are a Nazi, plain and simple. Don't tell us you're "just following orders." If you had not noticed, families need electricity to keep milk cold and a phone to call 911. How 'bout this: Reliant should reimburse folks for items gone sour in their fridge when they disconnect their electricity for $45. Next time SBC disconnects some family's phone for 15 bucks, just at least leave emergency phone call availability. Fuck 'em. When the revolution comes, we will kill them first.

Worst Rip-Off

Central Market. These guys mark up simple items like pasta that is available around the corner at Fiesta for a quarter the price. The employees only get a 15 percent discount on the food they can only eat when they are working a full shift. Rumor has it that the parent company, HEB, loses money on this deal just to smite Whole Foods. Fuck 'em.

Worst Crime Lab

I hear these guys got recertified. I never knew Fisher-Price did crime lab certifications.

Worst Human Being

Alex Wukman. No need to explain.

Worst Shirt

The open chested butterfly color button-ups with stripes at opposing 45 degree angles. See example at left.

Let us know what you think, Houston...
Editors of Iniquity

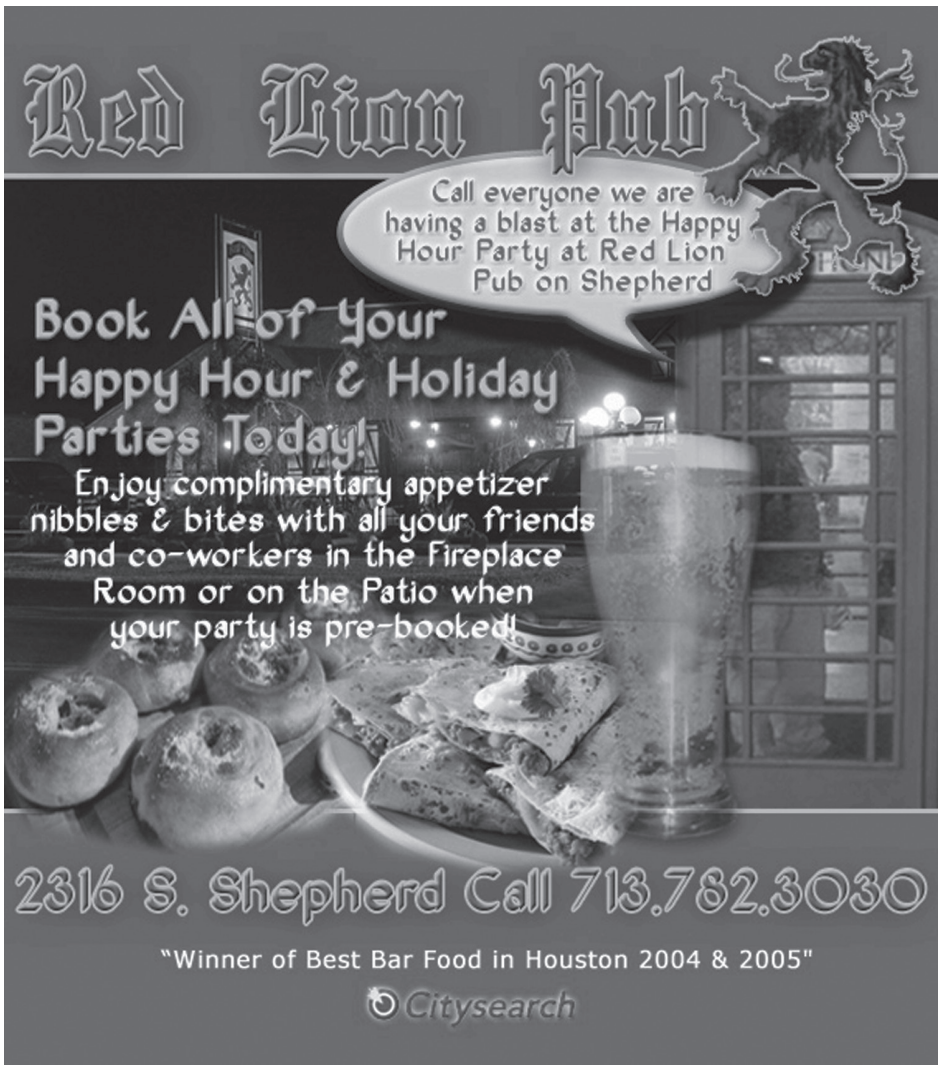




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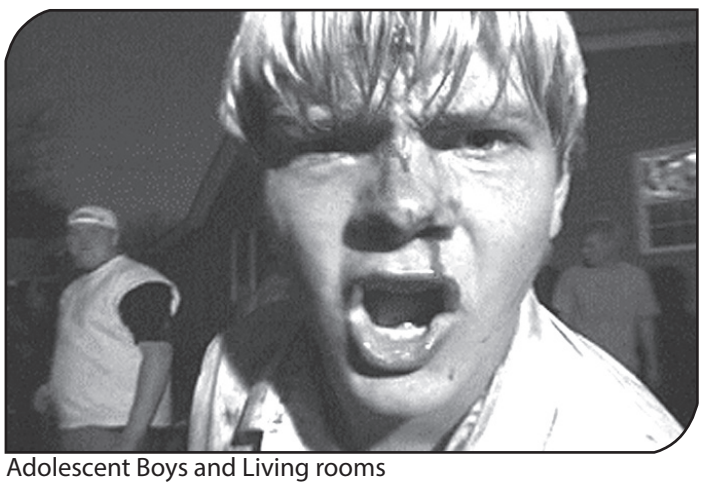
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Noel Waggener: Holy Ghost
Diverse Works 1117 East Freeway
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Adolescent Boys and Living rooms
Aurora Picture Show @ a new location 314 Main Near Preston
Mondays in January, 9 pm. (713) 868-2101



Perspectives 149: It's Only Rock 'n' Rock!
Contemporary Arts Museum 5216 Montrose
Through January 22. (713) 284-8250



Heather Ryan Kelley
Hooks-Epstein Galleries 2631 Colquitt
Through February 4. (713) 523-8238

DEBRIS: MEANS WELL IS A DOG

by Buffalo Sean

If your door is unlocked, the gallery lights are on, and there's someone in there, people are going to walk in. Especially if you are next door to an opening. Suffice to say, they're dicks over at Hooks-Epstein.



Andrea Bowers: Letters to an Army of Three breaks off the recent trend of heavy painting and historical shows at Glassell by presenting new video and new-to-Houston prints and drawings. Bringing feminist work to Texas is strong, getting Texans to sit through the painful reading of letters to abortion activists by desperate women from the late 1960s may be another story. Through February.

Hilary Wilder kills her influential wall paintings, "...everyone's doing them..." January 21 at Devin Borden Hiram Butler Gallery (4520 Blossom Street). It's worth the trip to wander through the oasis that the gallery-in-a-garden is during this lovely January, but her new work may trump it'ssurroundings. What will it be?

Commerce Street Artist Warehouse brings Michele Monseau, the founder of Three Walls in San Antonio. Monseau opens a show of video and installation on Saturday, January 14th (7 to 9:30 p.m.), along with Vance Wingate's (from Dallas) show in the main space. Coming on the heels of New Texas Painting, January 13 opens Austin-based artist Noel Waggener as he reasserts silkscreen printing and its subculture with site-specific mural projects.

Diverseworks will host a week-long residency and present a new silk-screened mural installation that is a continuation of a recent series of improvisational prints. Marina Zurkow opens new computer generated videos, Nicking The Never, in the main gallery. On March 10, Houston artist David A. Brown (who runs spacetaker.org in his "spare" time) "manages to reinterpret the world through the lens of his camera in a way that can only be described as magical." Okay, that was the press release.

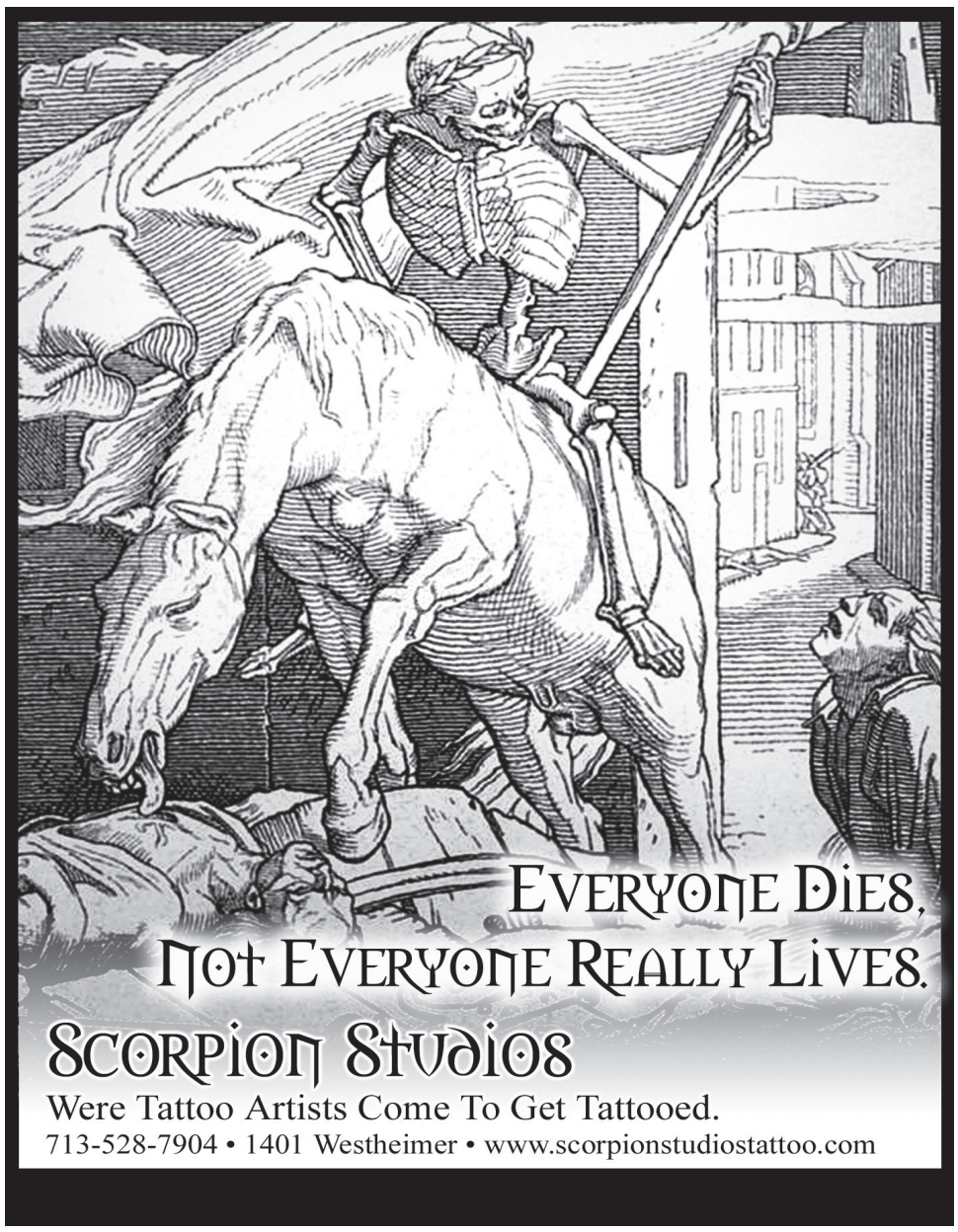
In Urban Cathedral at Diverseworks, Brown works with digital photographs indulging (like early '90s Sonic Youth) in color, pattern and super-saturated light—the Houston environment disappears somewhere off the edge of Nan Goldin.

January 21 is Girls' Night Out, bringing together international work of women artists working in photography and video with issues of femininity and identity. With a quasi-documentary feel (heavy on the passage from girlhood to adulthood) Eija-Liisa Ahtila, Elina Brotherus, Dorit Cypis, Reneke Dijkstra, Katy Grannan, Sarah Jones, Kelly Nipper, Daniela Rossell, Shirana Shahbazi, and Salla Tykkä throw down at the Blaffer Gallery (University of Houston).

January 14 highlights Glenn Ligon: Some Changes at the Contemporary Arts Museum (corner of Montrose and Bissonett). "...the idea of 'revision' in Ligon's career, following the development of the artist's creative process and his choices of both source text and art-making techniques to express his views." It's just a nice way of saying obsessive-compulsive disorder.

Reworking found objects and his own paintings, works such as Untitled (I Am A Man) (1988), the Richard Pryor painting series (1993-2004), and Hands (1996), kind of doubles up on the information, diluting the image and saturating the viewer in information. Look forward to End of Year Reports (2003), Orange and Blue Feelings (2003), and The Story of the Orange and BlueBoats (2003).

From the press release: "In addition, the exhibition includes a new work in neon, Negro Sunshine (2005), created specifically for the show and its international tour, and an audience-participation project unique to each venue. In Houston, Ligon will draw a large American flag on a wall painted to look like a slate or blackboard, where visitors will be invited to write their interpretation of what it means to be an American today." Send me your reflections at artshouston@hotmail.com, I'll write it up there for ya.







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January

Friday 13: Black Math Experiment, Poison Apple Martini, The Dimes
Poison Apple Martini, The Dimes
Saturday 14: Kanonn Visuals Art Exhibition @ 8pm-Midnight
Friday 20: Close Line Saga (former members of Modulator), Southern Backtones
Saturday 21: Wayside, Pisees, Rooster Crow
Fri Jan 27 Direwood, Orents Stirner, Vicarious Me
Saturday 28: Mike Perkins, Standing Souls, Cuervo

February

Saturday 4: Anabel, Joseph King, John Goudie
Saturday 11: Andy Zipf, Tody Castillo, Arthur Yoria
Friday 17: 9PM Downstairs:The Medicine Show and Shawn Reefer
Saturday 18: Chris Neri, The Friends of Rock 'n' Roll, Black Math Experiment presents: The Rocky Horror Picture Show
Poison Apple Martini
Friday 24: Starving Poets
Saturday 25: Joel Mercado-See CD RELEASE PARTY, Drop Trio and the ILLS, Milonga with Ney Melo

ONGOING

Music
Acoustic Open Mic Every Thursday: All musicians welcome. Drink specials for musicians.

Jazz:
The Trade. Mondays 10:00PM upstairs
Quality music and a fun show are the most important elements in the creation of this band's perfect harmony. Lately The Trade alternates Salsa with their regular
Jazz show, inviting some of Houston's best Salsa dancers to their dance floor.

Spontaneous Jazz:
Mondays 8:30PM downstairs
Woody Whitt, Theo Bijarro, Keith Karnaky, Bill Miller. Wth different special guests every week. Always Houston's top players

Blue Grass:
Mondays 10PM, downstairs. The Medicine Show

Reggae:
Every Friday , 9PM, upstairs: D.R.U.M.
D.R.U.M uniquely combines continental African and African Diasporic rhythms with a healthy dose of jazz, funk, R&B and Latin influences to create a rich, earthy (and immediately accessible) sound.

Hip Hop/ Rap/ Poetry/ Spoken Word:
AM Stereo. last Saturday of every month, 9PM
Monthly art exhibition and gallery showing. Live Art Exhibit by: Color Brought by BBC/ Comp One. Resident Dj: Ceeplus & the house of Bad Knives 90.1 KPFT Reprogram Radio & Monthly Guest. Drink specials all night!!

New Beatnik Review: First Wednesday of every month, 10PM
Rare Groove Plates. Mr E.Master of Ceremony. Lyric: Powered by Audience. Secret Beat Society. Featuring Kool B and the Imaginaries.

Poetry in Reverse:4th Wednesday,10:30PM:
by Mike McGuire. Poetry and music, open mic. Recorded live for KPFT

Sundays 6pm: Hi-Fly Poetry Open Mic; Music by Joe B. and Suma. Poetry Open Mic: Hip Hop, Latin Jazz, Reggae, dance party from 11PM till 2AM hosted by Members of the RebelCrew.com & Nuestra Palabra

Rock 'n Roll:
El Gato Negrito: Every Tuesday 10:30PM.

Belly Dancing:
Tuesdays 8PM:
An evening of traditional and modern Middle Eastern/Mediterranian Dance.

Poetry:
Every Wednesday: Mausoleum Poets Society: From different schools of poetry to the most original creations, every Wednesday poets share their minds and souls, making this Houston's most uninhibited and diverse Open Poetry Reading. Created in 1996, this is also Houston's longest weekly poet gathering.
The open mic starts @8PM. If you wish to read, please sign up before 9PM.

Comedy:
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Saturday 18, 9PM, downstairs:
Bayou City Babes Comedy Show (female comedy show)
10PM upstairs: Alligator Dave Comedy Show & Friends.

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23 FILM 45

Brokeback Mountain: Big Sky, Long Queue

by Michael Bergeron

A producer and writer may wear several hats for a movie, and Diana Ossana is no exception. During the filming of Brokeback Mountain, her duties included reminding the art department to change license plates on the picture truck that Jack Twist drives—to indicate that it was from 1960s Texas. She produced and co-wrote the screenplay (with Larry McMurtry), for Brokeback, which takes place in Wyoming and Texas and was lensed in Alberta, Canada.



Speaking with Ossana and McMurtry by phone on the day the Golden Globe nominations were announced, one thing became evident. The news Brokeback Mountain creates has legs, and the last word will be months from now. Ossana and McMurtry optioned a short story by Annie Proulx that appeared in the New Yorker in late 1997 with the express purpose of writing a screenplay. They'd been trying to get the script made into a film since then.

"We knew what we had in 1997," McMurtry said. Ossana added, "Our aim was to keep the emotional power of the story intact."

Brokeback Mountain traces the friendship of two cowboys, Jack Twist and Ennis Del Mar (Jake Gyllenhaal and Heath Ledger) over a period of approximately two decades (1960s and 1970s). Adding credence to the movie is Ossana and McMurtry's sense of character and environment and the film's odd temporal need, more than one time, to suddenly have the next scene several years hence. The dialogue sparkles with realism—sometimes the intimate and uncomfortable kinds of things that can only be spoken between lovers, or husbands and wives, all of whom are represented in the movie.

"It's an intimate story in a wide open space," explained McMurtry. And there are plenty of big sky moments and American psyche perspectives, some of them landing on holidays like the Fourth of July or Thanksgiving.

Total gross receipts dictate a film's perceived success. Star Wars: Revenge of the Sith or War of the Worlds were the top grossing films of 2005, after opening on thousands of screens. Consider the amount of money Brokeback Mountain made playing at five theaters in its first weekend of release from December 9 through December 11, 2005. Over $547,000, with a per theater average of $109,485. Contrast that to that weekend's topper Narnia on over 3,600 screens with a per screen average in excess of $18,000. Narnia spent millions in media ads, while all the advertising for Brokeback Mountain at that point was free—courtesy of television and radio talk shows. The queues for Brokeback are not on Netflix but at the cinema.

If there is any formula for Brokeback's theatrical release pattern, it would not be the Million Dollar Baby-keep-mum-until-release style that Munich used to good effect. Nor the depression-era Seabiscuit dog and pony show that Cinderella Man emulated. Brokeback Mountain mirrors the rise of Crouching Tiger, Hidden Dragon, which opened the weekend of December 8 through December 10, 2000 on 16 screens with a per screen average of $41,450. Both CTHD and BM were directed by Ang Lee. CTHD was still in theaters 140 days later and had then grossed nearly $125 million. Look for similar numbers for BM in early March after all award and Oscar hoopla has subsided.

Conservative critic Michael Medved appeared on Fox News using Brokeback Mountain as an example of how Hollywood has a hidden agenda to push themes like homosexuality. If that were the case, pundits like Medved could safely shiver in his imagined terror. Yet, the Hollywood perceived by some as pushing agendas is only about making money. If there was such a political agenda why was the film in turnaround limbo for many years?

"We always had lots of great response," Ossana said. Within a week of their spec script hitting Hollywood they had calls from a "can-do" producer like Scott Rudin or a material-friendly director like Gus Van Sant, who was eventually attached to direct. That fell through and then Joel Schumacher was attached to the helm—only for that option to run out. James Schamus, the film's producer along with Ossana (and also one of the presidents of Focus Features, the company releasing Brokeback Mountain), has been the force that saw the film to completion.

Brokeback Mountain seems to have a shelf life all its own. The storyline functions like a template that defines the person describing the plot. Is the film about a person who cannot understand or communicate his feelings? Is BM a gay cowboy film? Or is the real story more difficult to define? Jack Twist would be a textbook bisexual in any other context. And Ennis Del Mar could hardly be called gay. In his own redneck voice he demands, "I ain't no queer."

Make no mistake, Brokeback Mountain pulls no punches. Structurally, the lovemaking or cornhole scene between Jack Twist and Ennis Del Mar occurs early in the film's first act. Similar scenes transpire, also in the opening scenes, in Mala Noche (Gus Van Sant) and Happy Together (Wong Kar-Wai). McMurtry didn't recall those particular films, although he claims to see a lot of movies. "That scene is in the original short story," reminded Ossana.

McMurtry makes it clear that seeing another movie isn't the way he writes. "I write about five pages a day on a manual typewriter," he said, adding that he's done by around 9:30 a.m., and it usually takes him about an hour and a half for that many pages. Ossana then takes the pages, flushes them out, adds some text, takes some away, and puts it all in a computer. "He turns it on like a faucet," laughed Ossana.

ALSO ON

There were many great moments in Munich: Daniel Craig singing "Papa Was a Rolling Stone" and Ciran Hinds telling him to shut up; the suspense of the little girl answering the phone wired to explode (Hitchcock did something similar with a child and a bomb from the bus sequence in his 1936 Sabotage); the tremendous explosion of the mattress bomb; and the sub plot involving a female freelance hired killer. I don't consider it among Spielberg's best films since his forte is sci-fi, but Munich holds up solidly on a second viewing.

But the scene in Munich now reverberating in my mind deals with the moment the television news teams announce—sadly prematurely—that the Olympic prisoners have been freed and are all safe. The media always gets it wrong the first time around. Spielberg got that right.

Check out the 13th annual fest of Iranian films unwinding at the Museum of Fine Arts, Houston and the Rice Cinema in January. Also note that Mayor Bill White will introduce The Last Picture Show on January 30. Log onto the museum website (www.mfah.org) for info on times and prices.

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18th January

SCARS OF TOMORROW - Victory Records

THE FINAL BURDEN - Thorp Records

IN THE MIDST OF BATTLE

ARDOR

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22nd January

DEAD TO FALL - Victory Records

ION DISSONANCE - Abacus Recordings

JACKNIFE - Zero Sum Recordings

TEN CROWNS

Walter's 4215 Washington Ave.
Doors @ 7:30 All Ages $10

29th January

SHOWBREAD - Solid State Records

THIS IS THE CONCIERGE

BLACK BOX

BEFORE...THERE WAS ROSALYN

Walter's 4215 Washington Ave.
Doors @ 8:00 All Ages $8

1st February

LOVEHATEHERO - Ferret Music

SECRET LIVES OF THE FREEMASONS - Astro Magnetics

THE FULLY DOWN - Fearless Records

THE PANIC DIVISION - The Militia Group

Walter's 4215 Washington Ave.
Doors @ 8:00 All Ages $8

6th February

RAMALLAH - Thorp Records

DEATH BEFORE DISHONOR - Bridge Nine Records

DIE YOUNG - Suprise Attack Records

LAST MINUTE FIX

Walter's 4215 Washington Ave.
Doors @ 8:00 All Ages $10

9th February

THE NUMBER 12 LOOKS LIKE YOU - Eyeball Records

ED GEIN - Blackmarket Activities

THROUGH THE EYES OF THE DEAD - Prosthetic Records

ALL HANDS ON DECK

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Fri. Jan 27st
Little Brother Project, A>S>H>S, Flavor Conductor

Sat. Jan 29th
RENT

Wed. Feb. 1
The SexPistols Experience, The Living Dolls

Fri. Feb. 3rd
The Yonder Mountain Band

Sat. Feb. 4th
Pinebox FetishShow w/ Axis Mistress Deja

Tues. Feb. 7th
In Flames w/ Trivium, Devil Driver, Zao

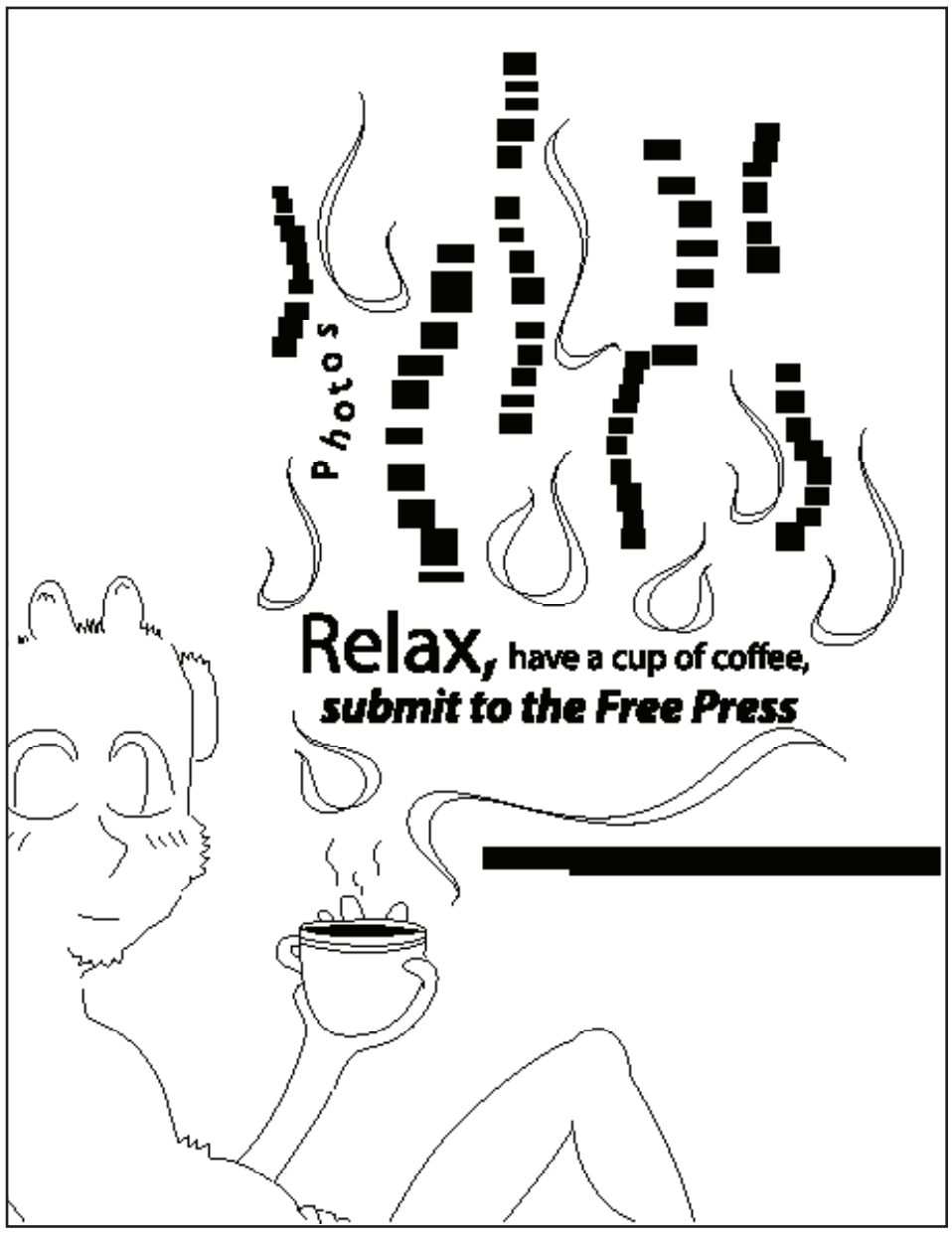
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Big Head Todd & The Monsters w/Jackie Greene

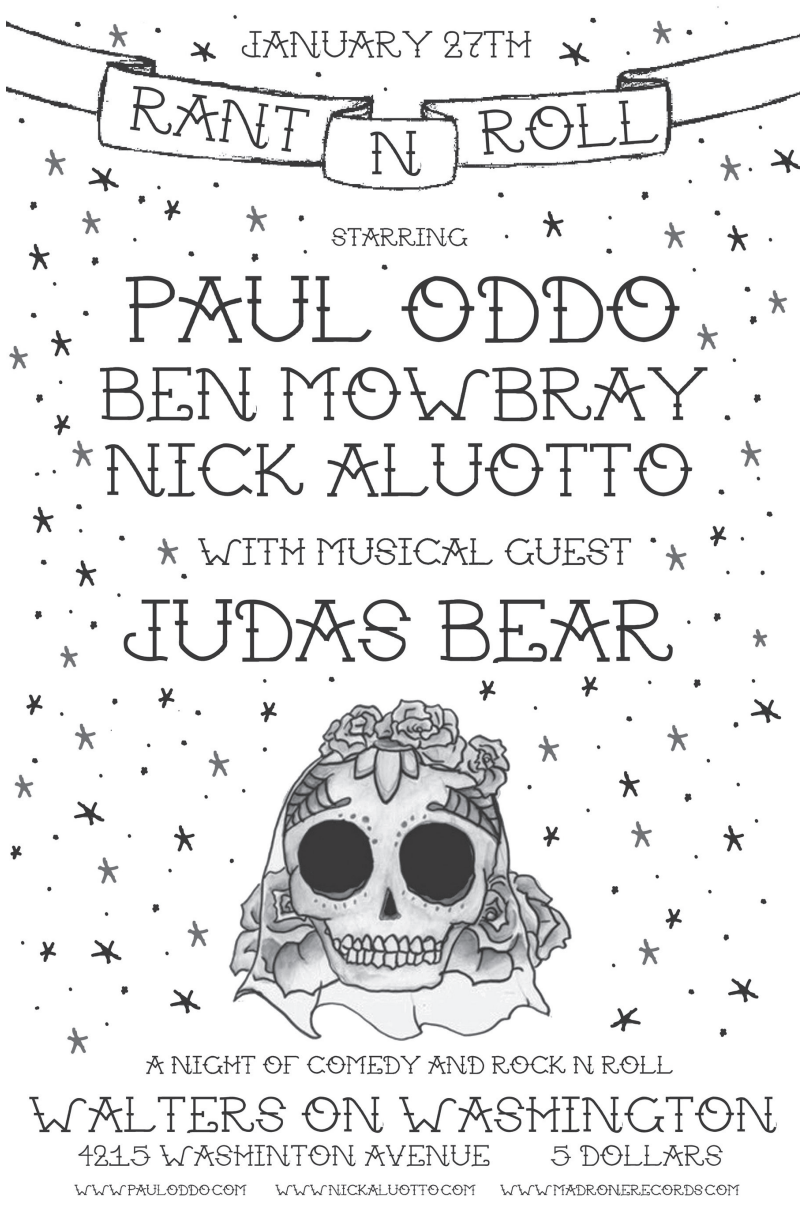
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Pimpadelic, South

Tues. Feb. 14th
The Fray

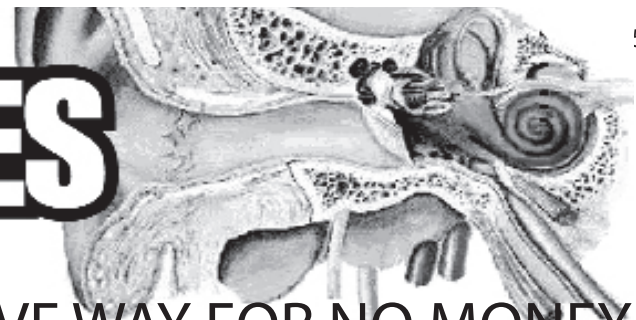
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SOUNDBYTES



REGRET ALL THE THINGS YOU GAVE WAY FOR NO MONEY

Kwame M. Anderson

So, um, yeah, this whole thing about the stuff is untrue man. What they're talking about, I don't know. Disco, disco, disco, the people wanna dance to the same music, the same song over and over, talk about the same things, follow the feeling man, it's a weird kind of thing I want no part of. Black clothes, vegetarianism, and cocaine habits, n'all man you can keep it. I'm chilling at the house, but you know, you got to get out, got to see the people, inhale the streets, feeling the world crumbling, don't just watch it on TV. It's one of those things...

The death of the feeling, the dying of the spirit, what do we do, what do we do. They canceled Arrested Development, that's sort of a side note, but important nonetheless. I'm trying to be entertained without giving in to the thing, the places and spaces justify time theory. Wasted time is wasted time, and whether I'm watching TV, playing X Box, or standing in a room full of well dressed, sexy, people, it really is just standing around. So we all want some place nice to stand around, or sit around, or lay around, it's the dream of the people from the land where the Indians were raped, infected, and killed. Something to make the time bearable, it's the reason for everything, salacious and divine. It makes the time make sense to apply things to it's purpose, God or the lack o, whatever your chosen position may or may not be. Maybe it's no position, maybe it's painting, maybe it's maintaining a botanical garden, maybe fixing food with spices, who knows, it's how YOU spend (waste) your time. Me, well not to sound pathetic...but really I...OK, let's not talk about me, lest he judge yet be not.

Well, it's time for affirmations and the such, you know, you need to make plans and follow them through, set goals that can easily be accomplished. It's what the world expects of you,. So I say start here. I know of a few places and spaces to fill your time with. How about listening to a stranger, or does the fact that I write a column make me familiar, well if so, c'mon pal, buddy, dog, other salutations. Sure their music related, and you might not like music, but you could meet your husband/wife there, the person who patches the hole in your weary heart. Because love happens, all the time, people fall in love, that never thought they would fall in love, and they meet at shows and football games, clubs and in clubs, and at grocery stores at gas stations...That's why you have to leave the house as much as possible, you could miss love! So that's why you should go to some of these things I mention, because leaving the house is necessary to not being at home. That's what it's about man; love, time, and filling up space. I'm not here to bull shit you man...OK maybe I am...

SHOWS

SOME GIRLS
Heaven's Pregnant Teens (Epitaph)
1/26/06 Fat Cat's (4216 Washington)

OK, this a double up, because sometimes it happens that a band puts out a CD and is coming to town, so that makes things really convenient. Now, when I say to you hardcore or punk, you think what. I have no idea, but let's just think of it more as a spirit rather than a specific aural description of the band. Some Girls hail from San Diego, they're a five piece, and they feature current or former members of The Locust, American Nightmare, Plot to Blow Up The Eiffel Tower, and Unbroken (whew!). So yes that means, some of them are in more than one band, and yes, those bands are f'ing good as well. So their latest album is on Epitaph, it's sort of major without really being like stupid, if you see what I'm saying. Their album Heaven's Pregnant Teens came to me from somewhere where I know somebody, and they thought I might be into it, and they were right. It's a really sort of aggressive kind of album, but not really, it's sort on intricate in the guitar parts, but not like arithmetic, the lyrics have a stance that could be taken as aware, but it's also very humorous, um, yeah, it's a damn good album. Probably like 20minutes, maybe, and it's sort of like a faster kind of Jesus lizard vibe, foe me anyways. So, this band is also coming to Fat Cat's, which is a plus for you, because you can witness the awesomeness and then purchase it afterwards, if you're balling like that. If the album is in any way indicative of the live sound, I would definitely say this is something to see. But who am I, just a guy with really great taste in music, with an overwhelming amount of humility.

PEARLS AND BRASS
The Indian Tower (Drag City)
2/24/06 Rudyard's (2010 Waugh)

What is stoner rock? I have no idea, but I guess heavy bluesy bands like Black Sabbath or Cream, or maybe Mountain, are like what people could call stoner rock, so what does that tell me? Stoners listen to really good rock music. Well, I'm not going to endorse, condone, or suggest the need to toke a little before diving head first in to ocean of sound that is the Pearls And Brass album, The Indian Tower, but I did, and that wasn't a bad idea. First up, the rhythm section of Joel Winter and Josh Martin, is possibly the sickest I've heard in a while, the comparison to bands like Cream is well deserved, after Randy Huth wraps his blues addled riffiage around the flaming serpent that is his voice, this party has started off right and quickly. The albums spills from you r speakers and coats the ground in groove. I also have heard the term psychedelic rock thrown around, well this is no extended 20 minute jam, but the colors are present when your mind is allowed to drift. On the 5th of February you will get a chance to wet your feet in the muddy water that is Pearls And Brass, when the power trio passes through our fair city at Rudyard's. three reasons to see this show a)It's at Rudyard's the sound will be great, and you can sit down, b) Pearls And Brass will sound great in this atmosphere, c0 see reasons A and B. I usually don't try to hard to see a show, and I plan on putting some serious effort into being at this one, and I very rarely put serious effort, not even really slightly interested effort.

SPOON
2/4/05 Numbers (300 Westheimer)

Spoon are sort of indie rock royalty. When Matador was on fire, and Pavement

Shows



The Architects
1/21@SuperHappyFunLand



The Octopus Project
1/28 @ Engine Room



Mute Math
1/21 @ Proletariat



At All Cost
1/25 @ Walter's



Eldridge
1/27 @ Fitzgerald's



Elana and the Hot Hot Trio
1/17 @ Mucky Duck

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hadn't completely lost people yet, there was that time of college rock, when Telefono came out, and the magic of Spoon was revealed. Also, they were an Austin band, you could got to Austin and they'd be at shows, and they were just as good as any band that was famous, well fast forward some records and some years and Spoon 's fame is warranted. I remember a few years ago I saw Spoon at Rudz, it was packed show, insanely so, and they still rocked as hard as they did when I didn't have responsibilities and need to abandon debt, oh the good ole days.

ALBUM

LIL WAYNE
The Carter II
(Cash Money)

Why am I reviewing an album that came out last year? Because I didn't review it review it last year, and it's a fantastic piece of work. WE all remember Cash Money asn Back That Thang Up and drop it ;like it's hot at the end of the song, well, Wayne, was16 then, and now he's not, he's attending U of H, and his slowly gaining on the crown of one of the best rappers on the microphone today. To say that he has come a long way, is understatement. He's come leaps and bounds since his last album, I mean like Michael Jordan progress. "Money On My Mind," "Fireman," and "Weezy Baby" are instant stables of the car stereo, and "The Mobb," "Receipt'" and "feel Me" show he can rock East Coast beats just like he rides the Southern funk. Throw in the reggae of "Mo Fire'" or the laid back "shooters" and you have an album where the rapper is not just fantastic, but it's also well rounded.

So a couple of things I forgot in the last issue I wrote in, RIP Ossie Davis and Nina Simone. Also, the electronic/rock/instrumental music outfit Battles signed to Warp Records, and plan on releasing an album this year, and I will go as far as to say, I think it will be one of the best records to come out in the last five or next five years. There is also a band named the Theater Fire from Ft. Worth, I believe, and they played as the backing band for The Howling Hex album, You Can't Beat Tomorrow (Drag City). They area fine band who released their fantastic debut album in 2003, it's worth finding, I think it's actually called The Theater Fire. It's reminiscent of swamp water country, folk, dark blues, stories of disturbing occurrences, it's outstanding. They are supposed to be releasing another album next month, it will definitely get reviewed. That's all for now, remember, if no one loves you...you're a worthless bastard.

The Shape of Things to Bum

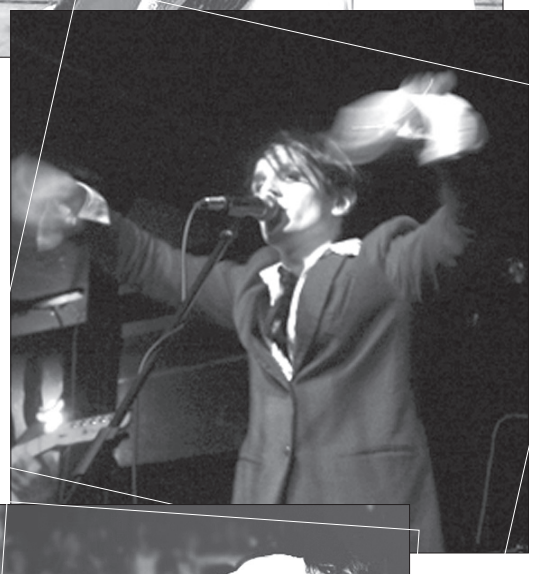
Tacos, the nature of the universe, and bands to see

by Belligerent Me











First off how many tacos do you think there are in relation to people in the universe? Is this a profound question? How the fuck do I segue from here? Anyway, the latter part of January promises to be a smidgen more exciting than the preceding half that is marred by the post-holiday lull. It seems as though there are a few local and national shows to peep this 'almost winter.' So slop on some deodorant and make sure your swoop hair cut is in full effect. Well, maybe a shotgun shell to the throat would be better.

On to the show. Those of you that indulge in the visceral, bludgeoning music will be pleased by the triple entente of The Fall of Troy, At All Cost, and The Jon Benet at Walters on Washington on January 25. The Fall of Troy has a brilliant way of juxtaposing pretty melodies with screeching vox and are a trio with a wall of sound. Penny Royal, local 'supergroup' composed of ex-members of the Applicators, Pure Rubbish, and Mystery Flavor play their highly-anticipated and nagged-over first show at Engine Room on January 21. Imagine a giant soundscape with musicality to match, plus a few messianic complexes. Their show is not one to be missed. They just might put us back on the map soon enough here. They are opening for Morningside Drive, Makeshift (who release their CD that evening, *Type Nine*) and ostensibly a few more Engine Room staples. Show starts early, like whoa, at 7 p.m. Million Year Dance releases their EP with a two-day showing at St. Thomas University's Jones Hall on the 27 and 28. These guys are truly one of the hardest working bands in Houston and they have gone the extra mile with a few dramatic and aesthetic surprises up their sleeve. Two Star Symphony will be along for the ride. Bring 7 bux and some peyote.

Another night of good sounds will be found at the Proletariat on January 21 with electro-garagesque Mute Math. Expect some experimentations with broken record players and radio shack mics. Lo-fi junkies will abound. Veda and Slovak Republic open. Super Happy Fun Land hosts bands with diverging sounds on the 20th: Nada Brahma, Colonia Del Soul, and Condition Green. Super Happy is one of my favorites spots to see shows, as it is one of the most intimate and a departure from what you get served regularly at more venue-ish venues. Oh, how eloquent I am. Almost, eloquentish.

YOU DON'T WANNA MISS THESE...

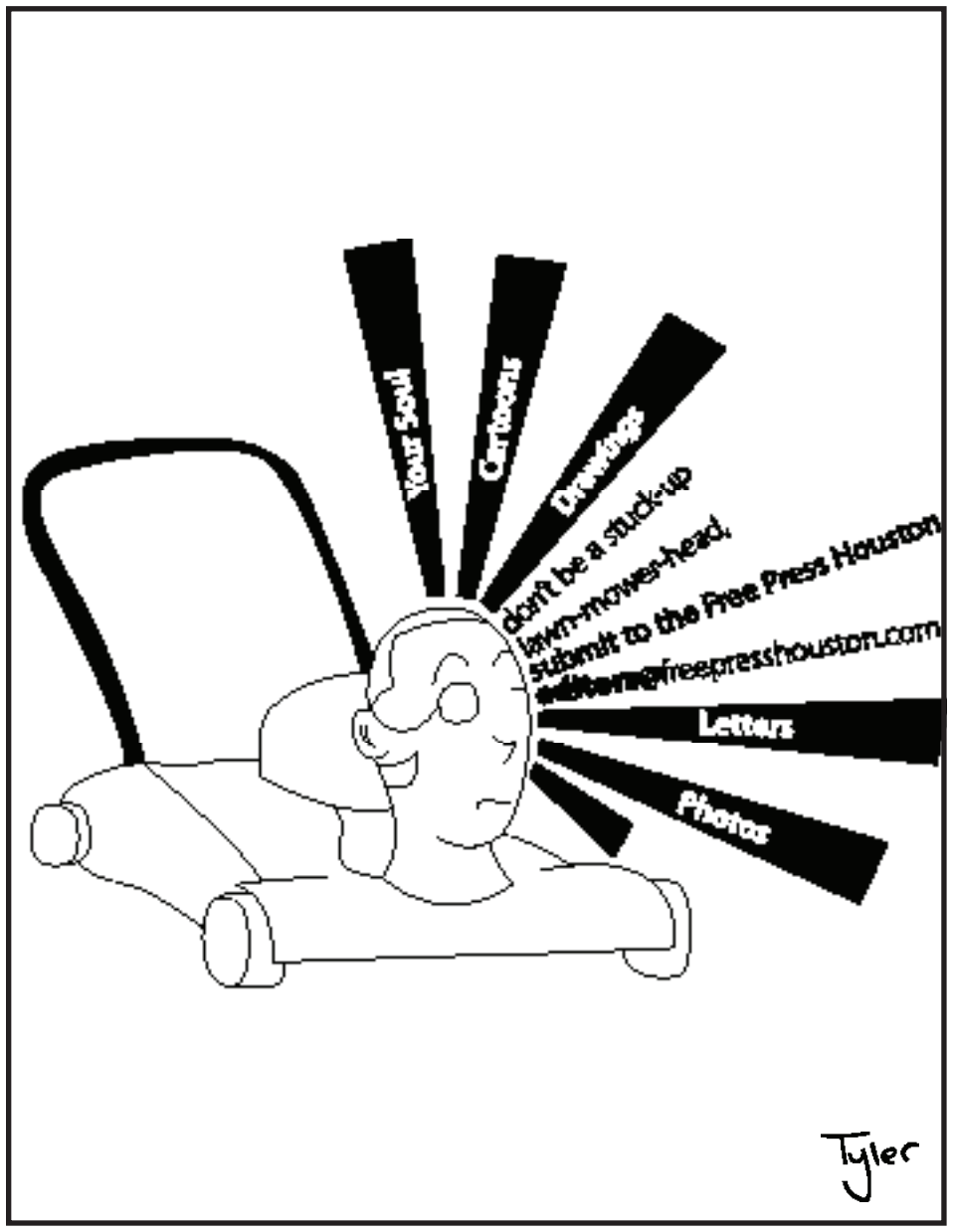
NADA BRAHMA, COLONIA DEL SOUL, CONDITION GREEN
Super Happy Fun Land, Jan. 20

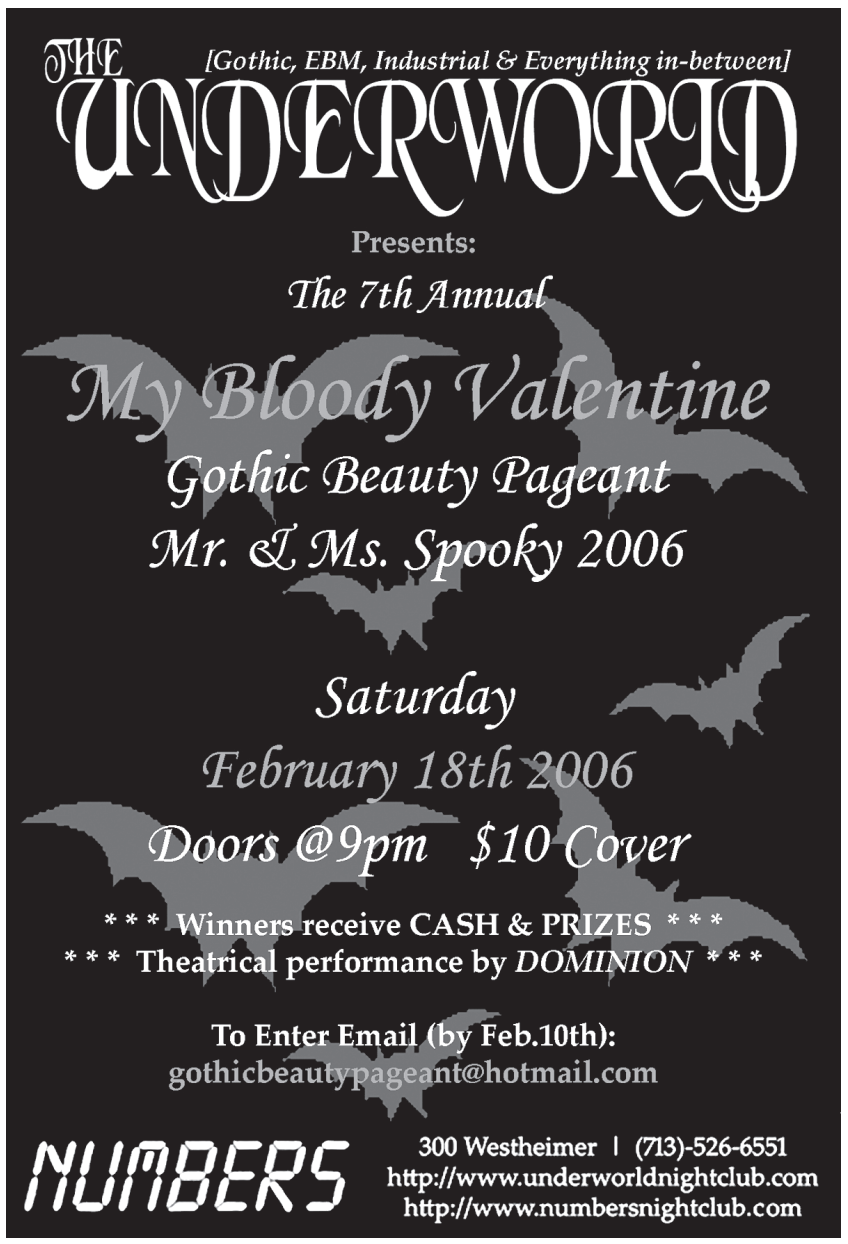
MUTE MATH, VEDA, SLOVAK REPUBLIC
The Proletariat, Jan. 21

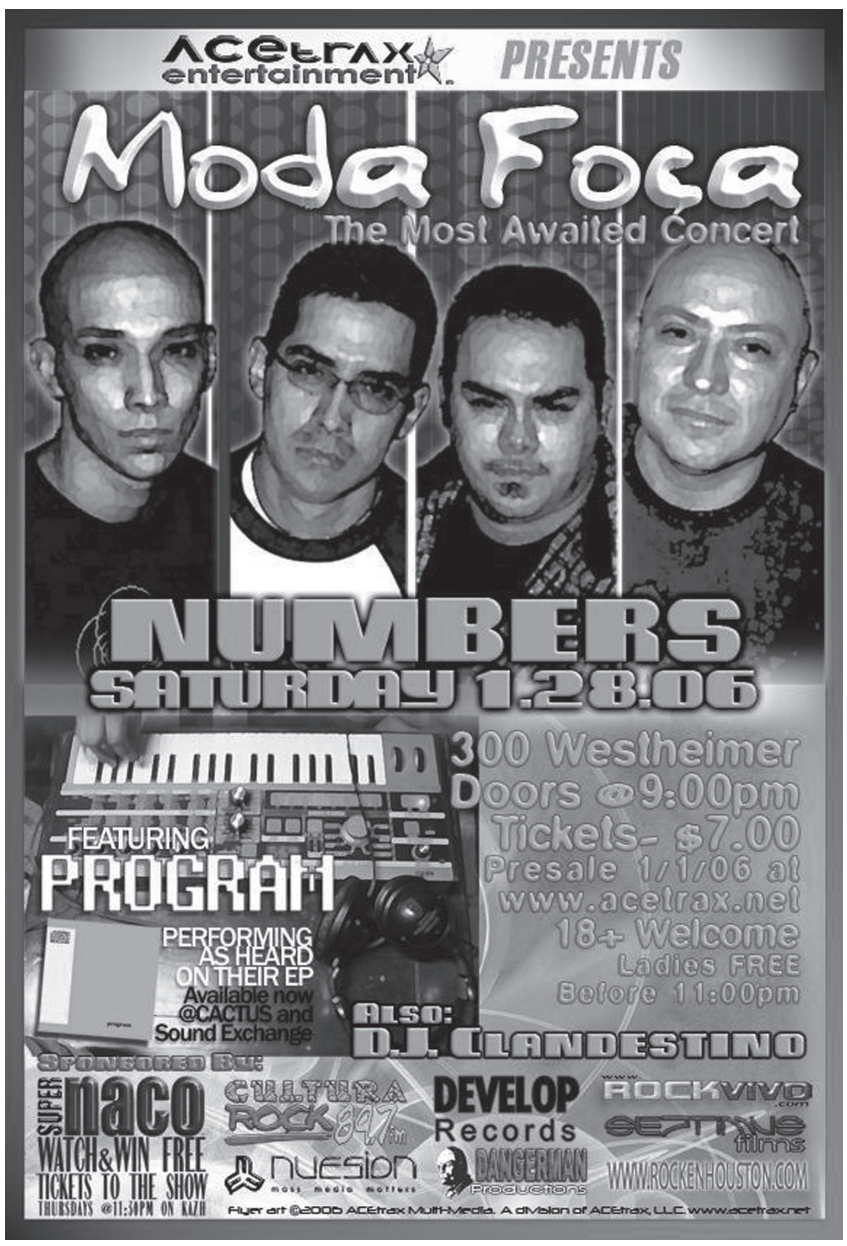
PENNY ROYAL, MORNINGSIDE DRIVE, MAKESHIFT
Engine Room, Jan. 21

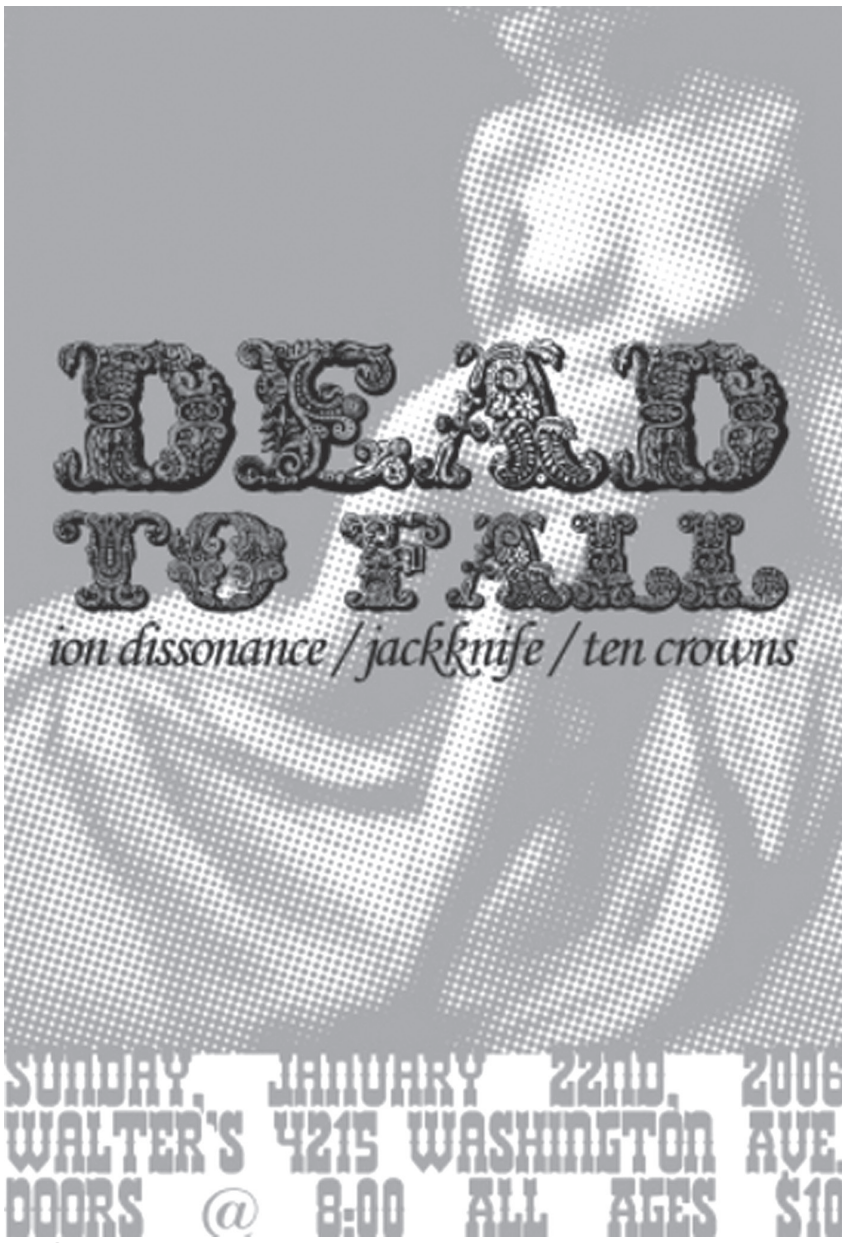
FALL OF TROY, AT ALL COST, THE JON BENET
Walters on Washington, Jan. 25

MILLION YEAR DANCE
Jones Hall @ St. Thomas University, January 27 & 28


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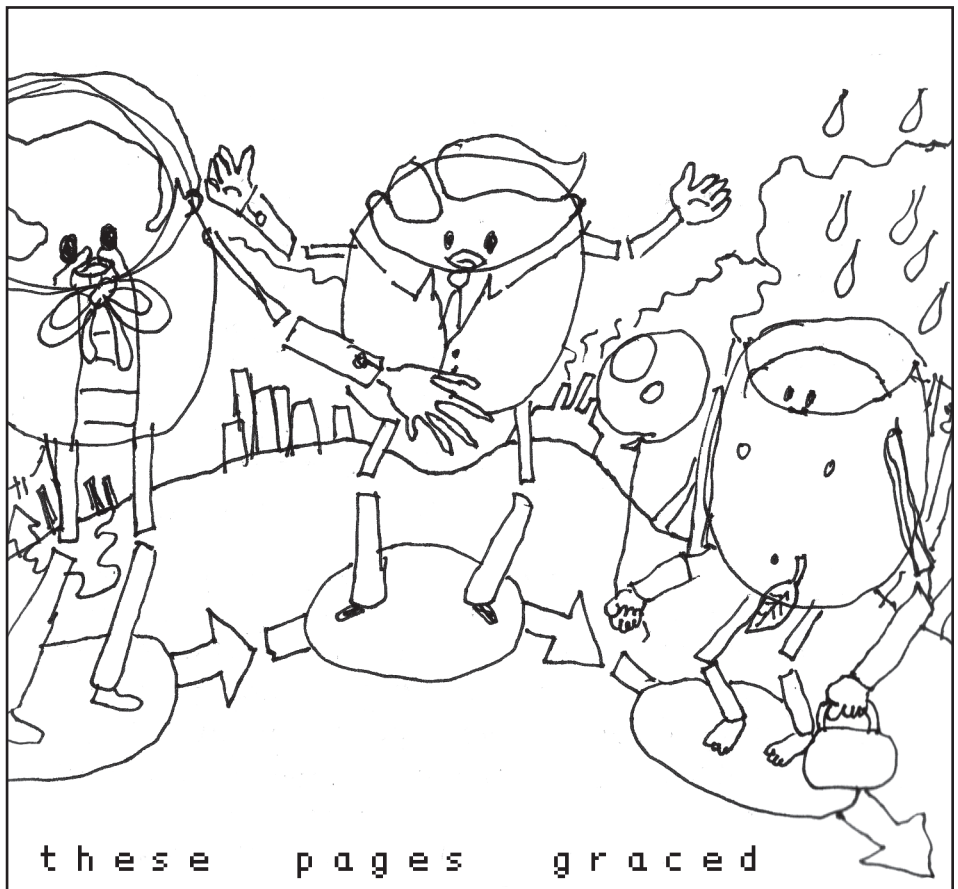
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the year in metal

METAL MOMENT

by Jeff Storm

Before I get to my favorite albums of 2005, I absolutely have to talk about the Vader/Decapitated show that went down last month. I was pumped up to see Decapitated after missing their first US shows, and then being let down when the band couldn't get visas from their native Poland. Their performance was flawless, and for playing such demanding music the band's energy maintained intensity throughout the entire set. For a band still mostly in their early 20s, I would probably rank the guitarist Vogg and drummer Vitek among the most proficient metallers around. The only thing that was silly about their performance was their new vocalist Covan's odd stage moves. From the back of the club he looked like he was riding a horse the way he kept bouncing up and down—not exactly the most metal stage move ever, but I guess it's better than standing there like a stiff.

Once Decapitated stepped off stage I thought there was no way Vader was going to be able to top them. I was dead wrong, as Vader proceeded to tear it up, determined not to let a group of Polacks half their age show them up. Vader ripped through songs off of numerous albums including the new mini-CD *The Art of War* and my favorite album *Litany*. Vocalist/guitarist Peter had a more commanding stage presence than before, and had a way better interaction with the crowd The two highlights of the evening for me was when they played "Carnal" from their *Black to the Blind* album, which is always a classic, and for a finale they covered Slayer's "Raining Blood" which caused quite a stir in the pit.

With all said, Houston was fortunate enough to have Decapitated coming back to the Engine Room on January 13 with Nile, Hypocrisy, and Soilent Green. They returned minus bass player Martin, who recently quit the band, supposedly due to him not being happy with their label Earache (which probably isn't a very big surprise to many musicians). The rumor that vocalist Covan quit is false. Also, Decapitated's new album *Organic Hallucinosis* is due out February 7, and judging by the single, the album is going to be heavy as anything.

. . . . . .

Now I shall leave you with my picks for the 2005 metal albums of the year:

NILE, *ANNIHILATION OF THE WICKED*

By far the most discernible guitar work yet, new drummer George Kolias' style is tasteful yet brutal, which isn't exactly common in death metal.

OPETH, *GHOST REVERIES*

I might go as far as saying this is my favorite Opeth album next to *Still Life*. *Ghost Reveries* is a healthy blend of elements from past records, it's heavy, and it's almost certainly Mikael Akerfeldt's best vocal performance yet.

STRAPPING YOUNG LAD, *ALIEN*

An awesome mix of tasteful song writing and the traditional SYL metal onslaught. And my favorite song, why "Shitstorm" of course!

NEVERMORE, *THIS GODLESS ENDEAVOR*

Nevermore bounced back from the down-right shitty production on their last album with a new album that is an absolute beast! Wicked kick drum and guitar wizardry by Van Williams, Jeff Loomis, and new addition Steve Smyth (ex-Testament) is something any metal head can appreciate.

SENTENCED, *THE FUNERAL ALBUM*

Their last album ever, but to me it's the best. For those who don't know, Sentenced are calling it quits at the peak of their career, which to me is one of the most honorable and intelligent ways to go out. By leaving the music business on top they have not only gone out with dignity, but if they did decide to reunite they would certainly have fans amped for their return!

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POLICE
WORST OF
HOUSTON

WORST OF HOUSTON

HOUSTON ZOO by HIMC
On Friday April 15th, 2005, a baby elephant named Bella died. Bella was born in captivity in the Houston Zoo, which, according to In Solidarity With Animals is rated the 7th worst zoo for elephants and has also been called "a breeding ground for misery". 5 Elephants have died at the Houston zoo, the last one was last September.

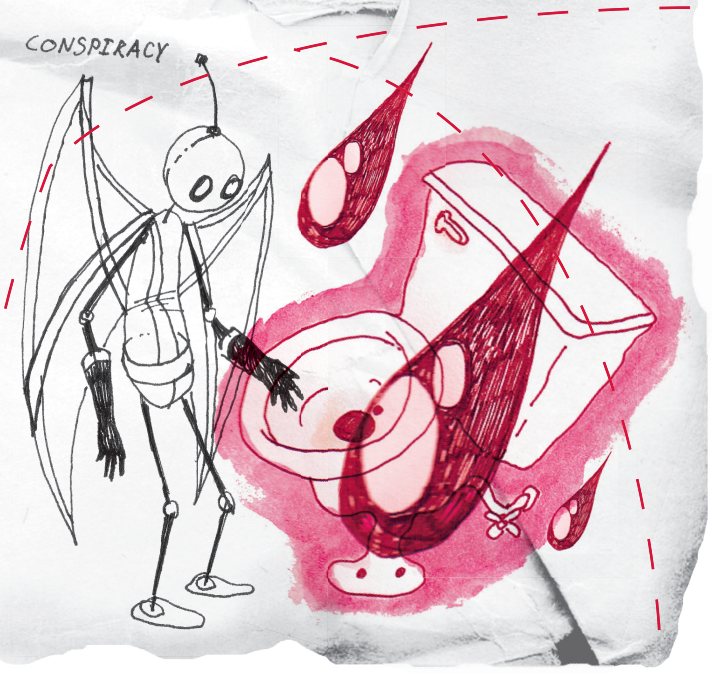
KBR by HIMC
After a group of 8 of his coworkers nicknamed the "Redneck Mafia" gave him a severe beating, Ronald Chavez -- a security coordinator for Halliburton subsidiary Kellogg Brown & Root -- was left alone and injured lying in the streets of Baghdad. Mr. Chavez had recently angered his superiors by writing a memo detailing the poor security at Baghdad Airport. Amazingly, KBR does not plan to prosecute the men, 3 of whom have since returned to the U.S. without charge.

CIVILITY ORDINANCES by Nick Cooper
Over the last year, police downtown, midtown and elsewhere have begun enforcing the draconian civility ordinances which literally make being homeless illegal. Homeless are harassed by cops, even kicked while sleeping for the serious crime of not having a home. For some reason, it seems to escalate when the weather is colder.



TOM DELAY by Moose Lerner
There's not much more that needs to be said about Mr. DeLay or his cronies like John Culberson. Words like corrupt, mean, unintelligent, powerful, just don't begin to describe them.

WORST OF HOUSTON DAY-TIME TELEVISION COMMERCIALS by Shelby Kelley
DeMontrond Nissan, DeMontrond Toyota, DeMontrond Chrysler, DeMontrond Hummer, DeMontrond Vaginal Cleansing, DeMontrond BBQ, DeMontrond Bail Bonds, DeMontrond Realty. DeMontrond I Can't believe I'm still listening to this monotone douche rattle off about how fucking well his family is doing. "I'm Jim Adler, CALL ME!! I'M THE TEXAS HAMMER!! I'LL GET YOU THE SETTLEMENT YOU DESERVE!!!" I seriously wonder if this guy realises we watched his hair change from grey to Nixon black overnight and anyone calling themselves "the Texas Hammer" is laughed at and then frowned upon. Look dude you're only 4ft fucking tall, you should change your name to "the Texas Safety Pin." DeVry University, these guys just hit that demographic button right on the head don't they? I mean has anyone else noticed that the exact time that stoners would be waking up in the day, without anything to do with their life that particular day, these commercials start airing all this mess about "Stop what you're doing right NOW and call." These "college level professors" must not be too bright or else they'd realise that the stoner kid demographic they're shooting for probably had their phone cut-off due to paying the electric bill. Houston's local media beast I would imagine would be doing a better job of pushing more Nickelback songs on us during television commercial breaks if they really wanted to make us get out of the house and do something.



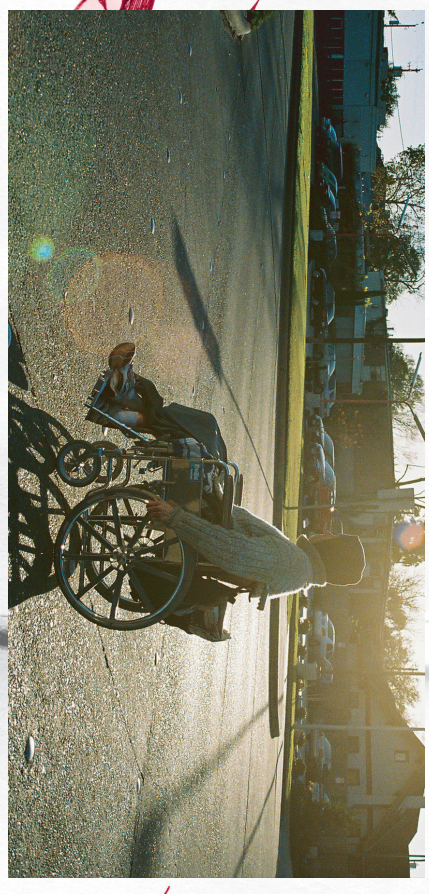
WORST OF HOUSTON

SEASON TO BE IN HOUSTON by Andrea Afra

Summer. It's like you're standing fully clothed in a hot shower but there's no *&^%$#@! water to be seen. And you don't get any cleaner either. Note to the elderly: Hope you've got a shade tree cause you're Social Security checks won't cover half of your electric bill.

INCARCERATION FOR UNPAID TRAFFIC FINES by Andrea Afra

I know a lot of people who have been taken to jail during a traffic stop for owing less than I owe the library right now. And yes, they are put in handcuffs and treated like criminals throughout the process. But unlike a criminal they cannot post bond because the case has already been presented in court. So you either find the money to buy back your freedom or stay jailed until you've "earned" the money by doing the time. Better hope your kids aren't in the car. Can you say C.P.S?



WORST OF BANDS ON MYSPACE by Shelby Kelley

Seriously, I couldn't even begin to tell you how many MySpace-band-friend requests I deny daily, and due to the nature of the beast MySpace has become, stopping it is going to be like pulling the teeth of George Bush in his sleep.

Begin transmission:

Don't send me shit unless you actually have something with substance on your page. I don't know how many bands I check out that don't have songs on their myspace but are consistant like the Black Plague in leaving you the most enormous fucking comment on how thankful they are about you accepting their friend request and/or comments regarding nothing at all other than the fact that they are using your MySpace page as a cork board for whatever upcoming show they are still working on putting together. As well, and this may totally be wrong of me on all counts, but if you have bad band name, you typically know, and its more than obvious you and your friends sat around an outside yard table with illusions of grandeur and came up with either, the bloodiest most graphic name possible, or one that you will later find out is almost exactly like a million other bands out at the moment. Take the fucking time to think that shit out. Don't just settle because there are basketfuls of bands out at the moment, making it, with names like My Dying Bride In Blood of our Enemies Most Precious Dead Moment in Truth. Here's the deal, if you ARE one of those, most of the bands or individuals you are attempting to score shows with, either A. know that you spent no time in putting together another cookie cutter band that we've all skipped over countless times on MTV, or B. will not want to have anything to do with you solely so that they don't feel bad when they're making fun of you in small circles outside of a show with the people with decent band names. Call me a Nazi or whatever, but it makes a big difference, and its going to make more of a difference with bands on a larger scale.

And finally, please please please, stop starting bands just because you and three or four of your other friends have swoop haircuts, wear tight jeans, and think they have THE most elitist playlist on their iPODs.

End Transmission:

So there you have it! It's not too much to ask is it, that you guys put more than fucking three seconds into beginning what is originally intended to be a legacy? Think about it, because most of us out there that you're trying to win over deny you without even a second thought due to lack of originality and honesty subconsciously found out through your terrible band name/ logo with a crazy distress filter. Again, we are The Free Press, and we love you like Bush loves making Texans look like apes.

WORST TECHNOLOGY by Mike Bergeron

I hate the automated phone messages that stymie attempts to contact Houston electric and cable companies. Multiple choices by computer takes forever, redundancy prevails as the caller navigates like a round peg in a square hole. When you finally get a human they mumble, speak softly and disconnect you forget about neglect, this is electronic water drip torture.



MARK ELLIS by Nick Cooper

Former Houston City Council member now running for Texas State Senate Mark Ellis is one of those folks that seems to think that big government is bad except when it comes to creating totalitarian police states with no immigrants. I endorse him for Grand Dragon of the local Minutemen chapter.



WORST OF HOUSTON POLICE by Shelby Kelley.

HPD should be an abbreviation for Hardly Physically Dependant. Just look at us, we're the fattest city in the whole fucking nation, and what is the one line of work known for their insatiable love of donuts? It makes me wonder if whether or not they are paying people off to pass them for the physical training portion of their enrollment.I mean I have been in numerous situations where the police officer/sheriff/cop off duty, has felt the inclination to involve themselves in something completely harmless and legal, and they have practically needed a tub of butter and cooking fat to squeeze them out of their car doors. Enough about weight, because I have a lot of friends who are overweight and it doesn't stop them from kicking ass on the regular. Another thing is these fucking checkpoints all over town. You all I'm sure have met the wall of enforcement on at least one occasion located off of Studemont and I-10. These guys practically set up a faux glass window pane that you run dead into two seconds off the freeway. If you guys need to meet quota that bad, spend a little bit more time in the suburbs where 13 year olds are begging for Xanax and babies. On that tip, suburban police, you guys really don't need 10 squad cars to arrest one 90 lb juvenile. I mean what are you even doing there? Only one of you is getting paid for the arrest, and yet you feel almost compelled to call all your good ole boyfriends from the local precinct to come watch you make a complete idiot of some kid 30 years your junior. This is also a shout-out to kids in the suburbs--- STOP GIVING POLICE A FUCKING REASON TO HAUL YOUR ASS IN! Montrose police, you could throw a rock behind your Westheimer building and hit the largest concentration of prostitutes, crack heads, and dealers in the city. Are you guys getting a cut off the crack cocaine being moved in that area or what? I mean if you are, and you're doing it in the name of anti-terrorism or freedom, then well, "we'll let that one slide." County jail officers are the biggest pieces of dogshit on the face of the planet. Not only do they have you detained on a healthy serving of cardboard sandwiches and 3 year old crackers, but you also feel it necessary to deplete any morale we have while in there, that could be the spark of hope holding onto the fact that we be innocent for whatever we're in there for. You guys don't have shit to do. File the release form and quit letting people out at midnight so that it's a time of day where someone can pick them up, so they aren't walking the downtown street, completely open to another arrest for "Probable Cause".

WORST DRIVING HABIT by Mike Bergeron

Why can't people using cellphones in cars at least strap on one of those Bluetooth ear devices that make the user look like a rappin' robot? It's not bad enough that the person driving who cut me off had a phone in one hand and a cig in the other. I just hate it when I know I cannot drive that well with my knees.



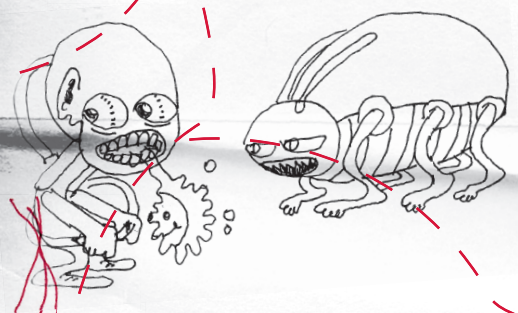




WORST POLITICIAN MICHAEL BERRY by Buffalo Sean

Michael Berry is taking an undercover approach to cost reduction by spying on municipal employees. If that's not creepy enough, he's also lending his name in support of Tom Delay after the recent bribary scandal. Berry won his at-large city council seat largely on the backs of African-American voters, gaining the endorsement of State Representative Sylvester Turner. Today he courts the likes of Paul Bettencourt, Bert Keller and other fervent conservatives. This year he tried to defund cable-access channel Houston Media Source; Where else can you see screwed and chopped music videos? This cost cutting loyalty shifter has cut corners so much that he still uses the same batch of signs he had made in his failed mayoral bid in 2003, a big sticker over FOR MAYOR proclaims whatever city council seat Berry has hopped to this year.





HALLIBURTON by Corpwatch

$20 billion Iraq war profiteer Halliburton is currently being investigated by the US Federal Bureau of Investigations, the Securities and Exchange Commission, and the US Department of Justice, and sued by former Halliburton accountants who filed a class action lawsuit in August 2004 alleging "systemic" accounting fraud. The company still hasn't repaid the $212.3 million the Defense Contract Audit Agency says Halliburton overcharged for fuel transportation in Iraq, nor has it found the millions of dollars in government property it "lost" because of mismanagement there.

MAXXAM by HIMC

If you thought Halliburton was the only evil company in town, meet Maxxam, which through its wholly owned subsidiary The Pacific Lumber Company, has for over twenty years devastated the ecosystems of northern California by engaging in reckless and greedy logging practices. Leaving thousands of acres of clearcuts in their wake Maxxam tears through the redwood forests cutting down trees that are thousands of years old. With less than 3% of the old growth forests in this country left standing, Houston's Maxxam wants to sell what is left!



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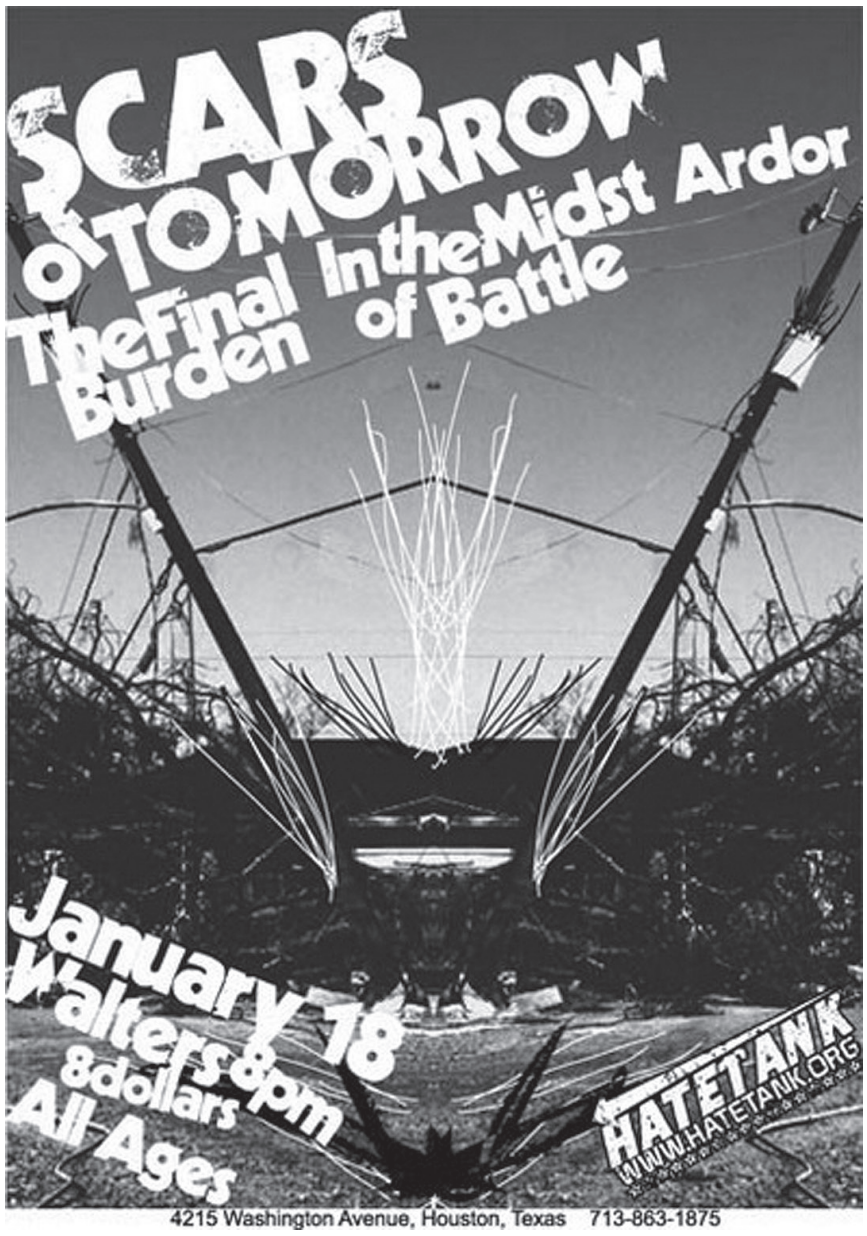
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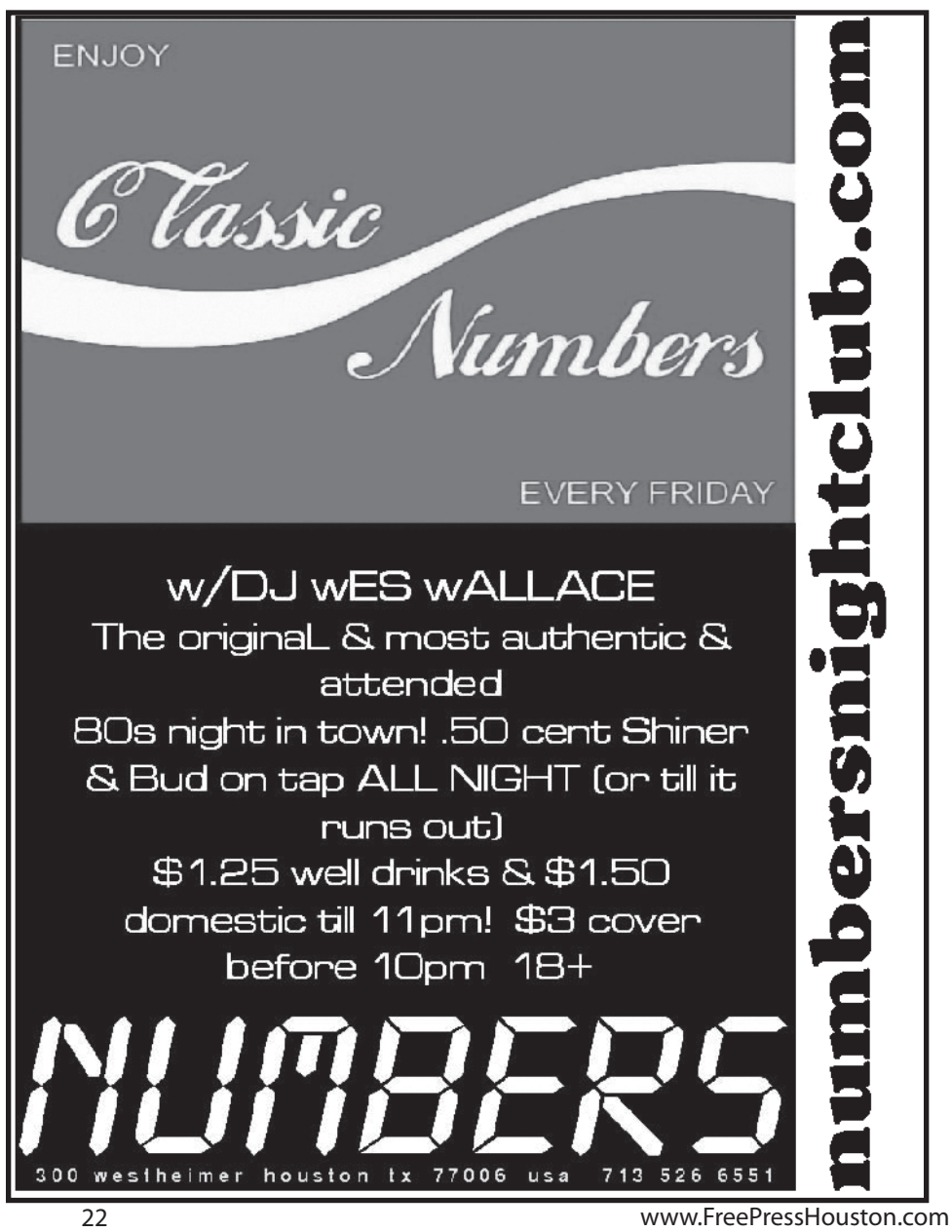
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Books 'n' Shit

The Tent by Margaret Atwood

review by Tim Neil



Would it be out of line to call Margaret Atwood a cranky old broad? It might not be PC, but it is essentially correct; and what's more, I have a feeling it's the kind of vulgar epithet she might wryly embrace given her current state of mind. As anyone who reads The Tent can see, her state of mind is fairly black.

Which is not to say that this is merely an exercise in nihilism. No, Atwood seems to be indulging in the age-old right of tribal elders to condescend to their unthinking juniors. Which is not to imply that what she's saying is in any way redundant or unnecessary, merely that it won't -- it can't -- be properly appreciated. Atwood is after something much bigger than merely telling off the endless parade of whippersnappers swarming around her feet.

The type of wisdom on display here is the type that seems at once self-evident and elusive. She's trying to point out that the very existence of wisdom is a prerogative of age and experience, fundamentally separate from knowledge and intelligence. You don't really gain an appreciation for anything until you've got fewer days ahead of you than behind you: this is the kind of truism that borders on cliché -- or at least it's a cliché when the young and virile book reviewer says it. The idea carries a different and far more substantial weight when it flows from Atwood's pen.

The Tent is less a collection of essays than a loose conglomeration of prose poems (and a handful of actual poems) dedicated to the same subjects of mortality and historical inevitability. Sometimes it comes out in a burst of absurdist meter, sometimes a mythical allusion, sometimes an arch literary reference. This being Atwood, every allusion -- be it a white-trash Helen of Troy in "It's Not Easy Being Half-Divine" or Salome as a stripper in "Salome Was a Dancer" -- carries with it the full weight of history as an active force, not just a clever implication. Just as in The Handmaid's Tale or

The Blind Assassin (to name just two of hers that work upon similar thematic framework), the idea of history as a seamless continuity -- with the requisite acknowledgment that tragedy recurs throughout ignorance and is, therefore, repetitive, gratuitous and banal -- weighs heavily on the reader.

To be a writer, to reflect history (as Atwood has done consistently) as more than merely a blank mirror, but as a lucid interpreter, a fictional commentator, is to be stuck playing the role of an eternal Cassandra.

And really, what does it buy in the end? In "Voice" Atwood speaks of her voice -- the essence of her writerly presence -- not as a part of her but as a burden, an externally grafted attribute that obscures her individuality:

I was given a voice. That's what people said about me. I cultivated my voice, because it would be a shame to waste such a gift . . . The voice bloomed. People said I had grown into my voice. Soon I was sought after, or rather my voice was. We went everywhere together. What people saw was me, what I saw was my voice, ballooning out in front of me like the translucent greenish membrane of a frog in full trill.

Even without the requisite Faust metaphor in the earlier piece "Bottle", it's hard not to see that Atwood feels as if she has lost something vital in having dedicated her life to art; the image of her voice as "an invisible vampire", attached to her throat and drawing in her life's blood, cannot be avoided. It is probably the most vivid metaphor in the volume.

It comes as no surprise to me that every advance review I've seen for the book has focused on these passages, the most overt references to her writerly career and her personal opinions thereon. But it should come as no surprise to anyone who's been paying attention. Atwood has always taken great care in her work to differentiate between the act of telling stories -- the voice we use to tell them -- and the stories themselves. How many of her books end with the stories being forgotten, lost, discarded at the whims of capricious fate or an unreliable interpreter? The voice that tells a story is duplicitous and unreliable, always obscuring and obfuscating extremely simple concepts and ideas. As Atwood looks back over her career, what she sees is less the authority of her own voice than the quiet dignity of stories. The stories -- any stories -- would be great, she seems to say, if it weren't for these damned humans always getting in the way of things and mucking about.

Exercising her skill with extreme precision, utilizing clipped, brutally clear and concise language, Atwood marks the map that circumscribes the nightmares of modernity, of helplessness and futility, of mortality and the inevitable

And ultimately, that's why Atwood despairs, and also why she is compelled to continue forward despite every negative portent. Humans keep mucking about, keep ruining the planet and killing each other and getting into misunderstandings of all shapes and sizes. But she's not going to be here forever, she doesn't have to save our feelings, and the only responsibility she has is to go forward:

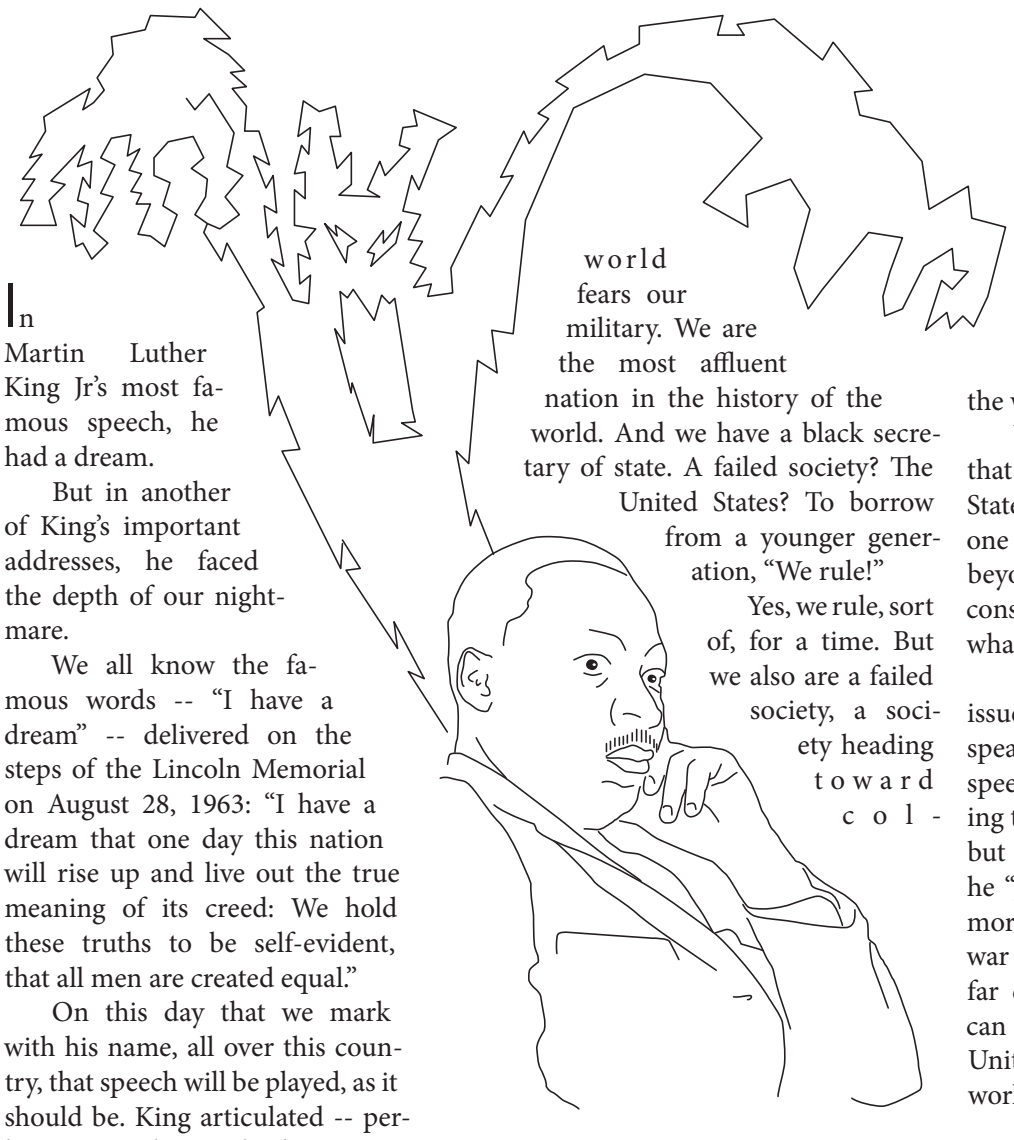
Why do you think this writing of yours, this graphomania in a flimsy cave, this scribbling back and forth and up and down over the walls of what is beginning to seem like a prison, is capable of protecting anyone at all? Yourself included. It's an illusion, the belief that your doodling is a kind of armor, a kind of charm, because no one knows better than you do how fragile your tent really is. Already there's a clomping of leather-covered feet, there's a scratching, there's a scrabbling, there's a sound of rasping breath. Wind comes in, your candle tips over and flares up and a loose tent-flap catches fire, and through the widening black- edged gap you can see the eyes of the howlers, red and shining in the light from your burning paper shelter, but you keep on writing anyway because what else can you do?

Exercising her skill with extreme precision, utilizing clipped, brutally clear and concise language, Atwood marks the map that circumscribes the nightmares of modernity, of helplessness and futility, of mortality and the inevitable. If it weren't for the dry, mordant humor with which she leavens the volume throughout, it would be almost unbearable.

WORLD VIEW

MLK Day: Dreams and Nightmares

by Robert Jensen



In Martin Luther King Jr's most famous speech, he had a dream.

But in another of King's important addresses, he faced the depth of our nightmare.

We all know the famous words -- "I have a dream" -- delivered on the steps of the Lincoln Memorial on August 28, 1963: "I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal."

On this day that we mark with his name, all over this country, that speech will be played, as it should be. King articulated -- perhaps more eloquently than anyone had to that point -- the demand that the United States make good on the American dream, for all its citizens.

But on April 4, 1967, at the Riverside Church in New York City, in a speech titled "Beyond Vietnam," King spoke just as eloquently of the nightmare that lies underneath that dream. In that speech to Clergy and Laymen Concerned about Vietnam, King not only made a compelling case for ending the U.S. attack on Vietnam, but went beyond that to diagnose a failed society.

On this day that we mark with his name, we owe it to King -- and to ourselves -- to face that failure honestly.

This might sound crazy in a world in which the United States dominates as no nation has ever dominated. After all, we won the Cold War. We are the largest economy in the world. Our cultural products circulate everywhere. The world fears our military. We are the most affluent nation in the history of the world. And we have a black secretary of state. A failed society? The United States? To borrow from a younger generation, "We rule!"

Yes, we rule, sort of, for a time. But we also are a failed society, a society heading toward collapse. We might remember that nothing looks quite as invincible as a great army on the morning of its greatest defeat.

The majority of King's Riverside speech was dedicated to an analysis of the Vietnam War and an argument for a political settlement of that conflict. Although many wanted him to avoid the controversial subject of the war, King said he was moved "to break the betrayal of my own silences and to speak from the burnings of my own heart," to go "beyond the prophesying of smooth patriotism to the high grounds of a firm dissent based upon the mandates of conscience and the reading of history."

When he did that, King reached a difficult conclusion, that "the greatest purveyor of violence in the world today" was "my own government." He saw what imperial war does not only to the target, to those on whom the bombs fall, but also to the aggressor society: "If America's soul becomes totally poisoned," King said, "part of the autopsy must read Vietnam. It can never be saved so long as it destroys the deepest hopes of men the world over."

We might pause to consider what that means for us today, as the United States fights another imperial war, this one in the Middle East. If we were to go beyond a "smooth patriotism" and let conscience guide us to a "firm dissent," what actions are required of us?

But I want to put aside for now the issue of wars, past and present, and speak of King's deeper analysis in that speech. He knew that simply condemning that war was "seductively tempting," but that his principles demanded that he "go on now to say something even more disturbing." King was blunt: "The war in Vietnam is but a symptom of a far deeper malady within the American spirit," a condition that had left the United States "on the wrong side of a world revolution." He continued:

> We must rapidly begin the shift from a thing-oriented society to a person-oriented society

"I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values. We must rapidly begin the shift from a thing-oriented society to a person-oriented society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered." "our loyalties must become ecumenical rather than sectional. Every nation must now develop an overriding loyalty to mankind as a whole in order to preserve the best in their individual societies. This call for a world-wide fellowship that lifts neighborly concern beyond one's tribe, race, class and nation is in reality a call for an all-embracing and unconditional love for all men."

In short, Martin Luther King Jr. saw that the task of the United States was not simply to transcend racism. He saw racism as inextricably connected to militarism and materialism. And he saw a hyperpatriotic nationalism not as virtue but as a problem to be overcome.

So, we find ourselves today in an odd place: In a country in which we routinely repeat the phrase "God bless America" with no sense of shame; in which conventional politicians all clamor to be "tough" on national security and support bloated military budgets; in which the shopping mall is the real temple where people go to worship -- in that country, King is a hero. That means the King who condemned not only racism but nationalism, militarism, and materialism has to be pushed aside, forgotten -- "whitewashed," if you'll allow the term. King's radical political analysis and vision have to be rendered invisible if we are to name a holiday after him. After years of calling him a traitor and a troublemaker, white America is willing to allow King is to serve as the icon for a national quest for racial justice, but only so long as we don't actually listen to what he had to say or take it seriously.

None of this is surprising; it's the nature of power: When faced with demands for justice by a movement of oppressed people, dominant groups tend to concede only as much as necessary to relieve the pressure. When enough time has passed and the threat to the system has been contained, then the importance of the movement and some of its leaders can be acknowledged, but only if their legacy can be constructed in a way that doesn't undermine the existing distribution of power.

The nature of privilege is to ignore these realities when they make us uncomfortable. We white people have that privilege. We have that privilege because we live in a white-supremacist

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Millions More Movement Confronts Sheriff's Department



On Thursday at 3:30 p.m. around seventy five protesters and family members of fallen Harris Country residents congregated outside the Harris County jail on Baker Street. The protest was called by the Millions More Movement and it was intended to remind the SheriffÕs Department of the losses that have been inflicted on some families this holiday season. One of the organizers of the event, Deric Muhammed, attempted to deliver a letter to authorities at the Baker Street jail, but was denied entry. The letter was written by the family of Nehemiah Pickens asking for an explanation and an apology for the death of their loved one. Nehemiah, an off duty Harris County Constable, was killed while guarding an apartment complex in his off duty period for extra money. Pickens was pursuing a suspect through the complex when officers from the SheriffÕs Department came on the scene and mistook Pickens for the suspect whom they were chasing. The man who was evading officers had been pursued for making an illegal turn and crashed his vehicle in the complex where Pickens was on guard. More than ten shots were fired at Pickens, who officers said, refused their order to stop and drop the weapon he had drawn. Pickens was wearing a protective vest, but was shot in the back of his head. More than 25 members of the Pickens family were at the protest, including his young wife Michelle. Michelle Pickens has three children she now has to raise on her own, and said that no one from the police force has apologized for the death of her husband and best friend. Pickens said she has a hard time explaining to her children, who she has always taught to respect law enforcement, why their daddy was killed by the police.

Planned Parenthood Targets Target

Saturday December 17th, at the Target store on San Felipe near the 610 Loop about 70 protesters gathered in the cold rain to voice their opposition to, what they say, is TargetÕs disregard for a womanÕs right to choose her method of contraception. Planned Parenthood called the protest to bring awareness to the issue of denial of prescriptions by pharmacists based on religious beliefs. Peter Durkin, CEO of Planned Parenthood was at the demonstration and said that a member of his staff had done a survey of Target stores in the greater Houston area and had only been able to locate one store that dispensed the time sensitive medication. Durkin said that corporate pharmacies had the responsibility to lead the way in providing pregnancy preventing medications.

Once upon a time the Target Foundation, the philanthropic arm of the Target Corporation, gave grants to Planned Parenthood for educational purposes, some $18,000 per year according to the conservative WorldNetDaily. Only the Minnesota branch of Planned Parenthood ever received any money, however the Target Foundation stopped these funds, earmarked for HIV and AIDS prevention, in 2001.

Target officials stated a desire to remain neutral on the highly charged issue of abortion in their decision. However Target has taken a stand on emergency contraception. In a media statement dated November 10th, 2005 Target said: ÒIn the rare event that a pharmacistÕs beliefs conflict with filling a guestÕs prescription for the emergency contraceptive Plan B, our policy requires our pharmacists to take responsibility for ensuring that the guestÕs prescription is filled in a timely and respectful manner, either by another Target pharmacist or a different pharmacy. The emergency contraceptive Plan B is the only medication for which this policy applies.Ó

Bill Rodgers, aged 40, of Prescott, Arizona, was found dead in a jail cell in Flagstaff early on December 22nd. The Coconino County sheriff's office and medical examiner said that he had committed suicide by placing a plastic bag over his head while he was in his one-person cell. Bill Rodgers was one of six people arrested this month in connection with eco-defense actions in Oregon and Washington in recent years. He was charged in the firebombing of a government wildlife lab outside Olympia, Wash. In an affidavit that was filed in federal court last week, an FBI agent said that Rodgers attended a meeting of Earth Liberation Front members in western Colorado where the arson of a Vail, Colorado ski resort was planned.



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society. It is true that the United States made enormous progress on race in the last half of the 20th century, but we still live in a white-supremacist society. What do I mean by that?

By "white supremacist," I mean a society whose founding is based in an ideology of the inherent superiority of white Europeans over non-whites, an ideology that was used to justify the inhuman crimes against indigenous people and Africans that created the nation and its wealth, an ideology that also has justified legal and extralegal exploitation of every non-white immigrant group in our history.

By "white supremacist," I also mean a material reality. Forty years after the victories of the civil-rights movement that ended legal segregation, dramatic racialized disparities in wealth and well-being endure. On some measures, such as family income and unemployment, the gap between white and black America is wider today than it was in the immediate aftermath of the civil-rights legislation of the 1960s. On other measures where there has been some progress, such as home ownership, closing the gap will take decades or centuries if current trends continue.

This is a society in which white people occupy most of the top positions in powerful institutions, with similar privileges available in limited ways to non-white people if they fit themselves into white society. It is a society in which many white people hold to that supremacist ideology, believing the culture, politics, philosophy, and art that comes out of white Europe to be superior to all others (even if they won't admit in public that they believe this).

If white America were truly interested in racial justice, would we not ask, simply, "why?" Why do so many still believe that? Why are the racialized disparities still with us?

We don't ask because the answer is all too clear and painful: Most white folks don't much care, and privilege allows us not to care.

What will it take for the United States to transcend white supremacy? It seems obvious that it requires a revolution. But what kind? King called for "a true revolution of values" based in a rejection of the fundamental injustice of the systems in which we live. In King's words:

"A true revolution of values will soon look uneasily on the glaring contrast of poverty and wealth. With righteous indignation, it will look across the seas and see individual capitalists of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries, and say: This is not just."

"A true revolution of values will lay hands on the world order and say of war: This way of settling differences is not just. This business of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into veins of people normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice and love."

In 1967, King laid it out clearly: "A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death." In 2006, that spiritual death is closer than ever, as it is clearer than ever that it is not "military defense" on which we spend but "military offense."

At some level, I believe we all know this to be true. We all know the grotesque and widening inequality -- within our own society and between the First and the Third worlds -- cannot continue indefinitely. We know that the belligerent militarism designed to secure resources cannot continue indefinitely. At some level, somewhere within us all, we know that the path this society is on is not the road up to a better future, but a spiral down to something that will look like hell made real in the world. We rule, for now. But how long can that continue?

"A nation that continues year after year to spend more money on military

We know the cost to the world of the quest for domination. About half the world's population lives on less than $2 a day, and a quarter on less than $1 a day. Iraqis count their dead in the tens -- perhaps hundreds -- of thousands as a result of U.S. liberation. Those are the bills being paid elsewhere.

What of the cost to us? What of our spiritual death?

The shopping malls are full. Does it fulfill our longing for community? Does it make us feel loved?

We "support the troops." Does it fulfill our obligations to the world? Does it make us safe?

What judgment would Martin Luther King Jr. render if he were with us today? Lucky for us, we don't have to face



that. The great thing about dead heroes is that they can't speak. The theologian and historian Vincent Harding quotes a poem by Carl Wendell Hines:

> Now that he is safely dead
> Let us praise him
> build monuments to his glory
> sing hosannas to his name.
> Dead men make
> such convenient heroes: They
> cannot rise
> to challenge the images
> we would fashion from their lives.
> And besides,
> it is easier to build monuments
> than to make a better world.
> http://www.aril.org/king.html

But, of course, it doesn't matter what King would say. It matters what we say, and -- as King always pointed out -- it matters what we do.

If you live in privilege, as I do, one thing is for sure: You haven't done enough. I haven't done enough. We haven't done enough. If we had, this world would look very different than it does.

We all carry that burden, one that is more than we should have to face. In this world, it should be enough to just be a decent person -- to work hard, treat folks around us fairly, care for those we love. That's difficult enough in a world full of disappointment, disease, and death. Just being an ordinary person is hard enough.

But at this moment in history, being decent in our private lives is not enough. There is too much at stake, and too little time to correct the course. We face crises on all fronts: Political, economic, cultural, and most dramatically, ecological. We cannot know how much time is left before destructive forces set in motion cannot be turned back. We should be scared, and that fear should motivate us.

King was scared. In the new book, At Canaan's Edge: America in the King Years 1965-68, Taylor Branch writes about how King was tired and struggling with depression in the last months of his life. I believe King understood how little time there was, not just for him but for us all.

So, we have to face what one writer has called "the long emergency." There can be no illusions about the nature of the struggle required to create a different world, a world based not on domination but on a new communion among peoples. The choice still remains the one King asked us to face: "nonviolent coexistence or violent co-annihilation."

Privilege makes it easy to hide, but soon there will be no hiding from the need to act. To turn from this knowledge of the world and its demands on those of us with privilege is to turn from the values of justice and equality that we claim to hold. Worse than that, it is to turn away from our own humanity. And if the call to justice, the yearning for our own humanity isn't motivation enough, realize this: Soon, to hide will be to resign ourselves to that hell on earth that we are creating.

To act is to have faith, in ourselves and in the possibility that there is time. If King were alive today, we can be sure he would ask that of us. And we can look to King's words on that April night in New York in 1967 for a reminder of what fate awaits us if we turn away:

> "If we do not act we shall surely be dragged down the long, dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight."

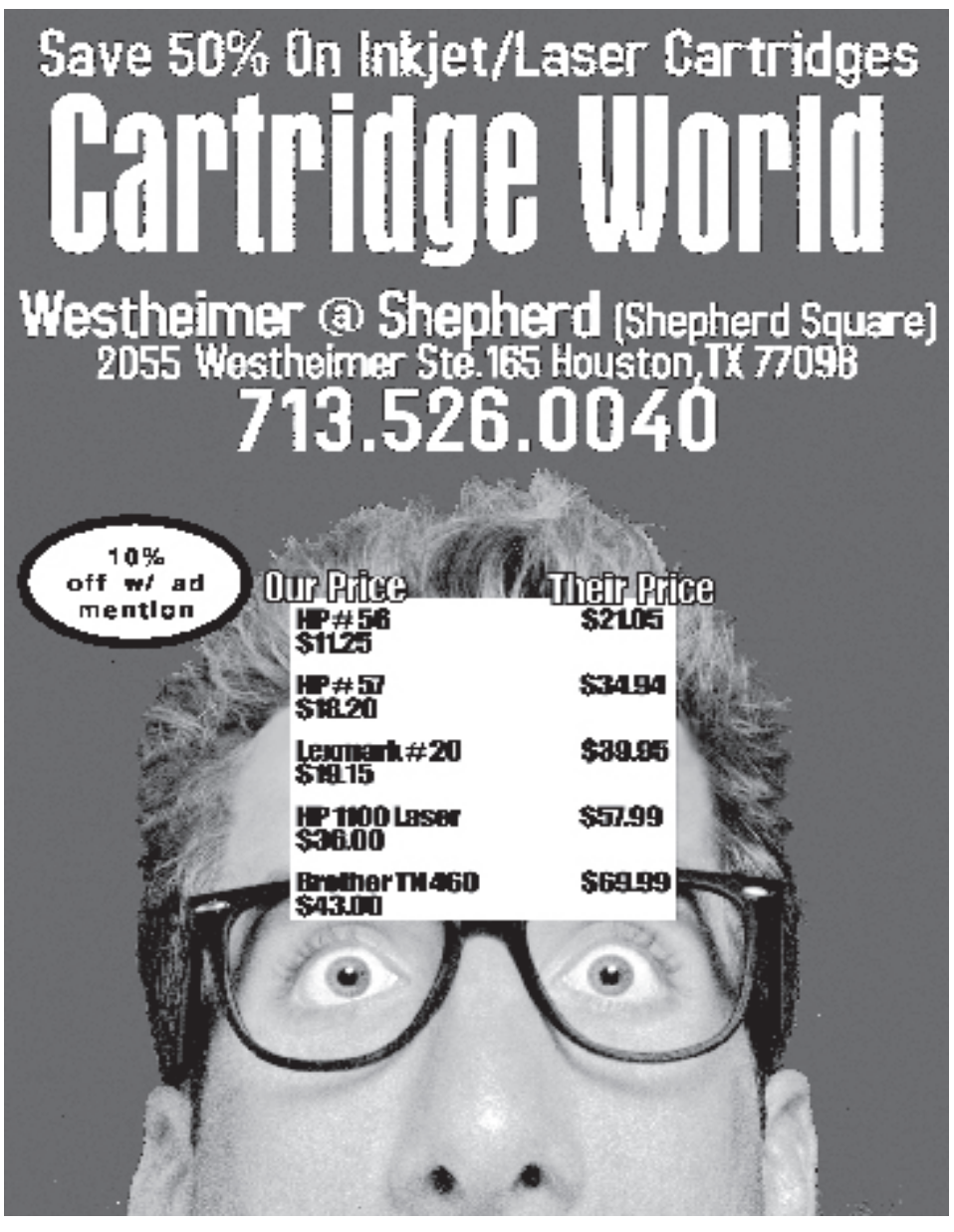
If we act, there is no guarantee that we can make right all that has been torn asunder. We cannot wait for certainty, but must act out of love, with hope. It is through our action that we learn to love and feel hope. That action is the way we make love real in the world and find hope in our hearts.

I don't pretend to know what King would say if he were alive today. I don't know what analysis he would offer or what strategy he would propose. But he would certainly challenge all of us to act -- every one of us here today, everyone in this country, which has the opportunity to turn its power away from wealth and war, toward justice and peace. Whatever else King would say, he would say this:

Act. Now. Before the only path before us is that long, dark, shameful corridor, which ends at a door we should all pray is never opened.

Robert Jensen is a journalism professor at the University of Texas and member of the board of the Third Coast Activist Resource Center in Austin. He is the author of The Heart of Whiteness: Confronting Race, Racism and White Privilege http://www.citylights.com/pub/catalog/BCheart.html and Citizens of the Empire: The Struggle to Claim Our Humanity. http://www.citylights.com/pub/catalog/BCcitizensempire.html

defense than on programs of social uplift is approaching spiritual death."





Axis of Fanatics—Netanyahu and Ahmadinejad

by Norman Solomon



With Ariel Sharon out of the picture, Benjamin Netanyahu has a better chance to become prime minister of Israel. He's media savvy. He knows how to spin on American television. And he's very dangerous.

Netanyahu spent a lot of his early years in the United States. Later, during the 1980s, he worked at the Israeli Embassy in Washington and then became Israel's ambassador to the United Nations. By the time he moved up to deputy foreign minister in 1988, he was a star on U.S. networks.

The guy is smooth—fluent in American idioms, telegenic to many eyes—and good at lying on camera. So, when Israeli police killed 17 Palestinians at Jerusalem's Al-Aqsa Mosque in October 1990, Netanyahu led a disinformation blitz asserting that the Palestinians were killed after they'd rioted and pelted Jewish worshipers from above the Wailing Wall with huge stones. At the time, his fable dominated much of the U.S. media. Later even the official Israeli inquiry debunked Netanyahu's account and blamed police for starting the clash.

Now, with Netanyahu campaigning to win the Israeli election for prime minister in late March, he's cranking up rhetoric against Iran. His outlook seems to be 180 degrees from the world view of Iran's president, Mahmoud Ahmadinejad. Yet in tangible political ways, they're well-positioned to feed off each other's fanaticism.

The election that gave the presidency of Iran to Ahmadinejad last summer was a victory for repressive fundamentalism. Results have included a negative trend for human rights in the country and a more bellicose foreign policy.

When Ahmadinejad declared in late October that "Israel must be wiped off the map," he did a big favor to the most militaristic of Israel's major politicians —Benjamin Netanyahu—who demanded that Prime Minster Sharon take forceful action against Iran. Otherwise, Netanyahu said in December, "when I form the new Israeli government, we'll do what we did in the past against Saddam's reactor, which gave us 20 years of tranquillity."

Netanyahu was referring to Israel's air attack on the Osirak reactor in June 1981 to prevent Iraq from developing nuclear weapons. But now the idea of bombing Iran is nonsensical even to many analysts who are enthusiastic about Israel's large nuclear arsenal, estimated at 200 warheads.

"Preemptive military attack is not a strategy for stopping the spread of nuclear weapons anymore; the changes in technology have made it obsolete." That's the current assessment from Larry Derfner, who often writes about Israeli politics for the Jerusalem Post. "Concealing a nuclear start-up is so much easier now than it was in 1981 and it's only going to get easier yet. Throwing fighter jets, commandos and whatnot at Iran is more than risky; it's almost certainly futile if not altogether impossible. Better for Israel and Israelis to forget about it and instead meet the Iranian threat by making this country's deterrent power even more intimidating than it already is."

Derfner added: "A nuclear Iran isn't a cause for indifference but neither is it a cause for dread and certainly not for recklessness. A nuclear Iran is actually acceptable. We can live with it. The truth is we've been living here with threats very much like it all along."

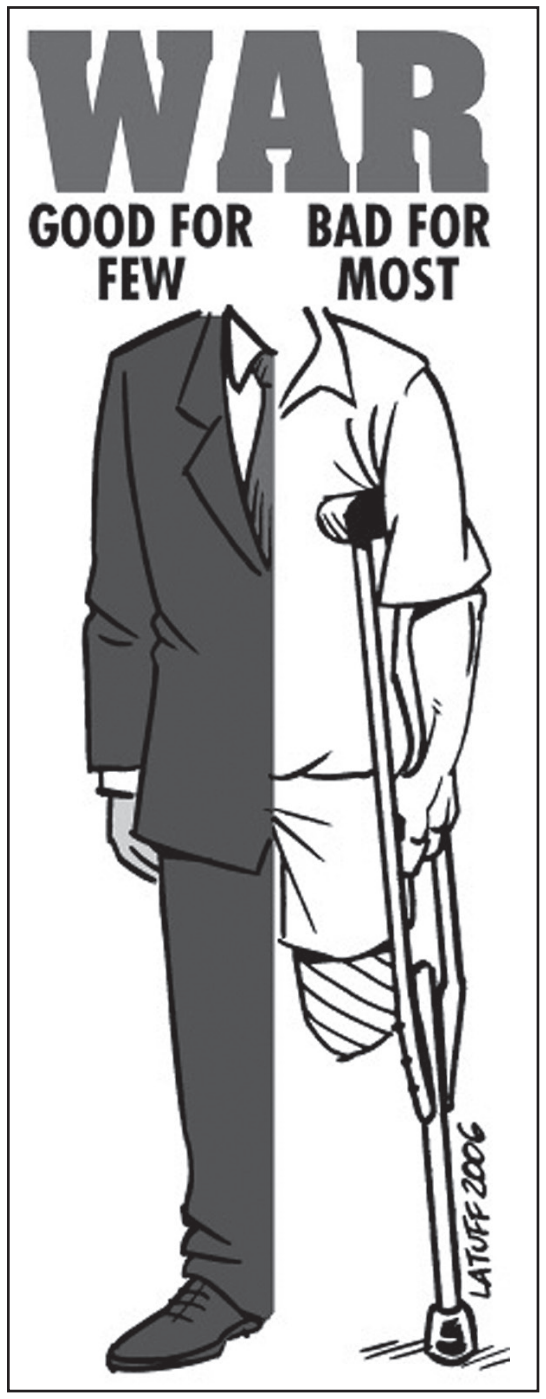
But Netanyahu has repeatedly emphasized that he wants to launch a military strike on Iran. "This is the Israeli government's primary obligation," he said. "If it is not done by the current government, I plan to lead the next government to stop the Iranians."

The specter of Netanyahu and Ahmadinejad fueling each other's madness as heads of state is frightening. In such a circumstance, the primary danger of conflagration would come from nuclear-armed Israel, not nuclear-unarmed Iran.

Candidate Netanyahu is a standard bearer for nuclear insanity. He's also an implacable enemy of basic Palestinian human rights. Many Israelis understand that Netanyahu is an extremist, and polls published on Jan. 6 indicate that the post-Sharon era may not be as hospitable to Netanyahu as initially assumed.

For that matter, Mahmoud Ahmadinejad may not serve out his full four-year term as Iran's president. Evidently the hardline clerics who dominate the Iranian government got more than they bargained for when they threw their weight behind the Ahmadinejad campaign last June. In recent months, Iran's supreme leader, Ali Khamenei, has shifted more power to the governmental Expediency Council headed by the shady magnate Hashemi Rafsanjani, a relatively moderate political hack who lost in the presidential runoff last year.

Ahmadinejad is good at making statements that cause international uproars, but he's having a difficult time exercising presidential leverage. "Even in Iran's



mostly conservative parliament, the hard-line president has found himself unable to get traction," the Los Angeles Times noted on Jan. 2. "In a first for the Islamic Republic, lawmakers turned down four of the ministers Ahmadinejad asked them to approve. It took him three months and four candidates to seat an oil minister. Some reformist legislators even agitated for hearings on the president's 'lack of political competence.'"

Using religious claims to bolster their quests for power, Mahmoud Ahmadinejad and Benjamin Netanyahu each stand to gain by pointing to the menacing fanaticism of the other. Yet many Iranians and Israelis recognize the grave dangers of such posturing.

As tensions mount and pressures intensify, the White House might end up acceding to an Israeli air attack on Iran. Or the Bush administration may prefer to launch its own air strike against Iran.

Iran. Israel. The United States. Each country has the very real potential to move in a better direction —away from lethal righteousness. But in every society, that will require more effective grassroots efforts for peace and justice.

Norman Solomon is the author of the new book " War Made Easy: How Presidents and Pundits Keep Spinning Us to Death." For information, go to: www.

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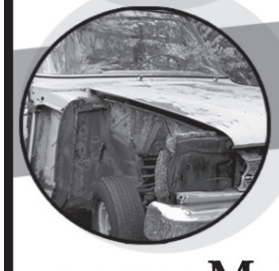
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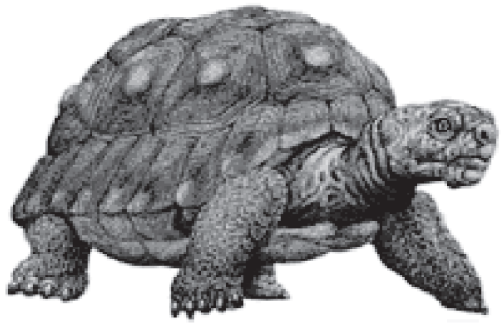


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Examining Minutemen Rhetoric

by Nick Cooper



The Minutemen's message is intended to have mass appeal. In Minutemen rhetoric, illegal immigrants are connected to crime, terrorism, drugs, and disease. While the ACLU, The Southern Poverty Law Center, and The League of United Latin American Citizens monitor the activities of the Minutemen, it is also important for us to examine the rhetoric, to question what purposes and forces it serves, and to seek out its contradictions.

TERRORISM

Local Houston Congressman John Culberson recently sent out the following information: "A large, but unknown, number of al Qaeda terrorists and Chinese nationals are infiltrating our country virtually anywhere they choose from Brownsville to San Diego. One al Qaeda terrorist was held for several weeks after being captured on our border and is currently under FBI custody. Paramilitary training camps run by Special Forces officers trained in Nicaragua and Guatemala operate in the open near Matamoras [sic]. Terrorists, drug smugglers and killers are trained here within walking distance of Matamoras [sic]."

It was surprising to see a Republican concerned about the training of special forces paramilitaries, since such training is usually done by the US or with our support. The Minutemen themselves are paramilitaries, in that they are an unofficial force using military methods.

According to the Houston Press, he fabricated or hallucinated the al Qaeda capture, and he spelled 'Matamoros' incorrectly, but, the significant thing here is that he adds "terrorist" to "gang-member" and "drug-user" to the list of code words for nationality. After 9/11, we had Sikhs and others being attacked for resembling Arabs by a highly confused and uneducated populace. Now, apparently, Mexicans will fall into the same category. Our Congressmen are confused themselves and spreading confusion.

Minutemen supporters chant "No More 9/11s," though the alleged terrorists on 9/11 entered the country legally.

This confusion serves a purpose -- when we think of people in need of help as "terrorists," it makes it easier to accept treating them abusively.

PATRIOTISM

Can the Minutemen eventually transform into a force like Hitler's brown-shirts? Can society's acceptance of abuse of immigrants develop into its willful ignorance of systematic murder? Vigilantism has connections to the above mentioned paramilitaries, which in Latin America are a significant force. Local members of communities are paid by governments to spy, kill or sabotage radicals and are exempted from legal consequences. Does the US have sufficient protections against adopting these totalitarian techniques?

The Minutemen chose a name which, like the "Patriot Act," is intended to appeal to our nationalism. Patriotism and nationalism are tools for the government to get away with things the people might not otherwise choose to support. Before the first Gulf War, American citizens didn't know much about Iraq, but many were very quickly convinced we needed a war. All kinds of other bad policy choices have been sold to a public that wants very much to support its government. Patriotism is always dangerous, in that it distracts from the details of a policy and leaves us with a romanticized version of it. It relieves us of the responsibility of knowing exactly what is being done with our money and tacit support, as we accept the propaganda that some higher purpose is being served.

DISEASE

I interviewed Roy Morales, a Minutemen supporter of Latino descent, who was at the time campaigning for Houston City Council (which he lost). During the interview, he stated: "We want to make sure that they don't have any disease that they can spread to their communities."

This reminded me that the Nazis said things like: "The Jews have always been the carriers of infectious diseases. They should either be concentrated in a ghetto and left to themselves or be liquidated, for otherwise they will infect the populations of the civilized nations."

While it is possible that illegal immigrants have carried some infectious diseases, it seems that this whole topic is more of a scare-tactic than anything based on epidemiology. Since most Americans die of heart disease, cancer, strokes and respiratory disease, the Minutemen could probably more effectively help fight disease by promoting vegetarianism, quitting smoking, and staying away from tanning salons.

Patriotism is always dangerous, in that it distracts from the details of a policy and leaves us with a romanticized version of it.

RACE AND NATIONALITY

The Minutemen have included anti-racist language in their literature. The most prominent of the various groups all calling themselves "The Minutemen" is The Minutemen Civil Defense Corps, headed by Chris Simcox and Jim Gilchrist. They have a pledge stating: "A Minuteman believes that just as ethnicity, race, religion and all such factors are incidental and do not affect our God-given, constitutional equality as American citizens, such factors are also irrelevant in the debate over illegal immigration. There is no tolerance among Minutemen for racism or bigotry - E Pluribus Unum - Out of Many, One."

While I am glad that the Minutemen at least play lip-service to these ideas, and while recognizing that they have supporters of Latino descent like Morales, some things about this don't add up. First, some Minutemen are more racist than others. The California Minutemen, for example, are recruiting "all those who do not want their family murdered by Al Qaeda, illegal migrants, colonizing illegal aliens, illegal alien felons, alien barbarians, Ninja-dressed drug smugglers" and "cowardly Aztlan punks and Che Guevara pink pantied wimps lower than whale dung who should be fed to the chupacabra."

The Minutemen use white-supremacists websites for their recruiting. After an incident in which a group armed only with video cameras was threatened on video by the California Minutemen, The Southern Poverty Law Center reports that Gilchrist issued a nationwide "emergency call for reinforcements in Campo" that circulated on white supremacist websites. "Be warned that roving gangs of belligerent, death-threatening, anti-American adversaries engaging the California Minutemen WILL physically attack you if they outnumber you. I repeat, they WILL physically attack you... Stay in groups and stay LEGALLY armed," it read.

Also, according to the Fort Worth Weekly, the Texas Minutemen president, Bill Parmley, resigned saying "I don't know of any other word to describe it than racism. They had a secret agenda before the organization ever got started. They rolled it into the Minutemen."

At a recent rally, one counter-protester was told by a Minutemen supporter "you look like an illegal immigrant yourself," though, of course, there is no way to tell by appearance the difference between a legal immigrant and an illegal.

SCAPEGOATING

Though the Minutemen I have spoken with are opposed to NAFTA, and other such free trade agreements, they have done little organizing thus far on these fronts. Those who suffer from the Minutemen's policies are already victims of global capital which has literally destroyed the farms which families all through Mexico and elsewhere used to feed themselves. The idea of focusing on the victims and not the root causes is suspicious. Are the Minutemen really advocating entirely changing a system which requires immigrant labor? If so, is focusing on the laborers themselves effective? Like the "war on drugs," and the "war on terrorism," does this war on illegal immigration itself have the potential to create or further empower corrupt groups and agencies, while failing to have any effect on reducing the activity itself?

Our international system seeks to open up markets, and find the cheapest costs. The same mechanisms that bring us our cheap clothes, food, and oil, also bring cheap child-pornography, sex-slaves, laborers, drugs, and weapons (including WMDs). Whether it is a sweat-shop laborer in Asia, a starving Nigerian whose land was destroyed by our oil companies, or a Mexican who similarly lost his land to big Agribusiness and who dies in the mountains or desert trying to avoid border vigilantes, our culture has punished its victims. Focusing on the victims of these systems can be a displacement technique by those who benefit, as they seek to reconcile the costs of their comfort.



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STICK IT TO THE MAN

Food Poisoning

by Devin C. McNulty

Editor's Note: The information in this column is not legal advice. It is merely intended to illustrate general information about the law by using hypothetical examples. If you have a legal issue, including one that resembles the situation described below, you should consult with an attorney regarding the circumstances of your particular problem.

I ate at a restaurant the other night and become violently ill right afterwards. I checked into the hospital with stomach cramps and the usual signs of food poisoning. Can I hold the restaurant responsible for my medical bills?

Probably. There are at least two laws that you can use against a restaurant that has made you sick: the Deceptive Trade Practices Act (DTPA) and the Warranty provisions of the Texas Business and Commerce Code.

The DTPA is a strong consumer protection law that protects people from the negligence or willful bad acts of merchants and other sellers of goods and services (including food). The Warranty provisions of the Business and Commerce Code provide that food or drink sold has an implied warranty that the food or drink is fit for eating or drinking. If the food eaten from that particular restaurant has made you ill, you can use the law to force the restaurant or food seller to pay for your damages (your hospital and medical bills) as well the court costs and (most importantly) your attorney's fees. Attorney's fees typically take up 40 to 50 pecent of any amount awarded for a plaintiffs' action (where the plaintiff pays nothing unless they recover), so having the other side pay the damages AND the attorney's fees is huge.

A restaurant or store selling food holds its food out to the public as edible. This creates an implied warranty. If the food is not edible, then the restaurant has breached its implied warranty and the consumer has a right to an action against the restaurant. Food is just like any other "good." If you bought an appliance (with a warranty) that did not work you would be able to bring a claim against the seller. Food sold by restaurants and stores have an implied warranty that the food will be good enough to eat and that it will not make you sick.

Actions under the DTPA are intended to protect consumers from "false, misleading and deceptive acts and practices" and to punish wrongdoers by allowing consumers to get triple their damages in some circumstances. Money spent out-of-pocket for medicines, doctor visits, hospital charges, missed time from work, etc., are known as economic damages. If the consumer proves the restaurant "knowingly" sold bad food, a consumer becomes eligible for triple his or her economic damages plus money for mental anguish. Mental anguish damages compensate you for the hassle of getting sick, the physical pain you felt while disgorging the contents of your stomach, and the stress of worrying if you contracted Ebola or the bird flu, etc. So if your medical bills are $2,000, and your missed time from work cost you $1,000 then under the DTPA if you prove that the restaurant knowingly sold you bad food you could recover up to $9,000 and whatever money you may be awarded for your mental anguish.

If you can prove the restaurant "intentionally" sold you bad food then you can receive triple your economic and mental anguish damages. Mental anguish damages probably will not result in much (if anything) unless the bad food took you right up to your deathbed. Juries have been so conditioned by insurance companies to scoff at mental anguish pain so you should not expect too much compensation for sleepless nights worrying if you would live or die.

The mechanics of bringing a lawsuit against the restaurant are pretty simple. Make sure you kept your receipt from the restaurant. Call and speak to a manager and document your phone call. Follow up with a letter. If the restaurant is unwilling to cover your medical bills send them what is known as a DTPA "Notice Letter." A Notice Letter is required under the DTPA to give a potential defendant official warning that you plan on suing them. The letter should include specific details about the incident and the amount of economic and mental anguish damages you are seeking as well as your attorney's fees. This gives the defendant time to correct its behavior and puts them on notice that you are aware of your rights. If the restaurant ignores your letter then you should consider filing suit in small claims court if your total damages are less than $5,000 and in county or district court if your damages are more than $5,000. Bad food cases can be relatively tough to win. You need to be able to prove more likely than not that the particular food from the restaurant made you sick. The restaurant will likely try and blame something else you ate in the past few days and will also examine your lifestyle to a large degree. Suits against restaurants or food sellers are far from impossible though and a good case can fully compensate an injured party.

A restaurant or store selling food holds its food out to the public as edible. This creates an **implied warranty**. If the food is not edible, then the restaurant has breached its implied warranty and the **consumer has a right to an action against the restaurant.**



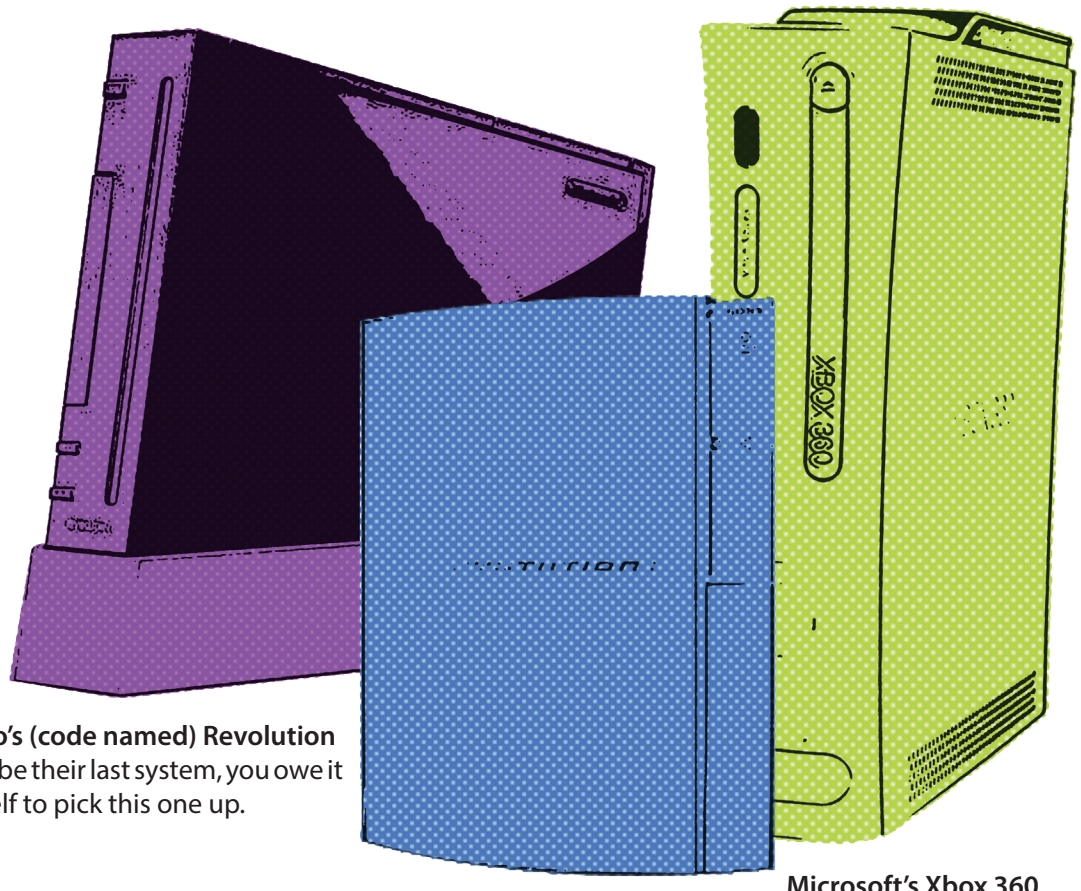
To recap: You can hold stores or restaurants responsible for getting you sick from bad food. The DTPA and the Warranty provisions of the Business and Commerce Code provide you remedies where you can sue them for their negligence. If you can prove it, you can recover money for all of your hospital, medical and other bills as well as your time away from work. If you can prove the restaurant knowingly or intentionally sold you bad food then you can recover mental anguish damages as well and possibly get them tripled.

Devin C. McNulty, a former prosecutor, is engaged in the private practice of law in Houston, Texas. He can be reached at devin.mcnulty@gmail.com with any questions or comments.

Road Trip: Next Gen

By Tyler Barber

Gamers, do you find yourself regressing to that childhood are-we-there-yet nag while waiting on the next generation of consoles? With the release of the Xbox 360, one could answer yes, but a fit analogy would be that the 360 launch was more a brochure of what the next-gen cornucopia of gaming euphoria will bring. While some gamers are drooling over the glow of the 360, others are getting excited for titles on the horizon. And with titles like "Resident Evil 4" (on PS2) and "Zelda: Twilight Princess" (on Gamecube) gracing the current consoles, gamers have more than enough reason to keep playing in this generation. But with a quick look at what's to come with the next gen, there's plenty to be excited about no matter which console you're playing.



Nintendo's (code named) Revolution
This may be their last system, you owe it to yourself to pick this one up.

Sony's Playstation 3
Expect to see this one in P-Diddy's ryde. Lets just hope they drop the Spiderman font.

Microsoft's Xbox 360
Itsbig,itsMicrosoft—beaffraid.Then go kill a bunch of people online.

The Graphics Whore

Graphics always ride shotgun when it comes to displaying the prowess of a system, so it's fitting that graphics are the first measure of a system. The two biggest graphical spectacles on the new systems are lighting and special effects. Check out the next gen title "Wardevil's" website (www.wardevil.com) for a great example of how layering the two can create scenes for next gen gaming that are more akin to computer animated films. Speaking of war, expect to see alot of it on the next gen systems, as many games like "Too Human" (Xbox 360) and "99 Knights" (Playstation 3) drop you off in the middle of a battlefield filled with hundreds of allies and enemies alike. While lighting and cool special effects will play a role the new gameplay experience on the new systems, the use of facial expressions make me most excited about the possibilities for next gen gameplay. Count on communication to take the leap from dialogue and text, to characters physically emoting expression in game. Director Steven Spielberg will use facial expression in two games billed with Electronic Arts in hopes to finally make the gamer cry, literally (FFVII doesn't count, fan boys). Most important: no, this new generation will not bring us "real life" graphics, and yes, the "Killzone 2" trailer was pre-rendered footage (read: not actual gameplay!). Let's get real people.

Handle your joystick

Under the hood, let's hope realistic physics will be the new exploding barrel. Destructible environments are another no-brainer for the next gen systems, but I'm most excited with what game creator Hideo Kojima (of "Metal Gear Solid") alludes to with his plans for environments on "Metal Gear Solid 4" for PS3. Instead of trees acting as plastic set pieces, Kojima envisions environments that can grow or die according to the situation. Perhaps the biggest contrast in gameplay experience for the next gen systems will be found on Nintendo's Revolution. Nintendo plans to lure you in — not by its next gen graphics, but through its new controller design. Keep in mind it was Nintendo who set the norm for controllers with their NES horizontal layout, their Super Nintendo shoulder buttons, and their N64 analog stick. Now Nintendo will have you engaging in 360 degrees of motion sensor gameplay. Imagine having to physically cast your line in a fishing game, knock a home-run out of the park by swinging the controller like a bat, or slashing away at enemies while grasping the hilt of your sword. Their philosophy? Everyone is familiar with a TV remote, so why not design the new controller around that? I won't make the same mistake this time around. I am definitely rolling with the new Nintendo system.

| let's hope realistic physics will be the new exploding barrel |

On-crack, I mean, Online

Graphics, gameplay, controllers are all vessels of the experience. Online gaming IS the experience. In 1998 the overlooked Sega Dreamcast dipped its pinky toe into the puddle of online gaming. Almost eight years later, we are finally seeing online counterparts to games commonplace. Microsoft has expanded its already acclaimed online service with the Xbox 360, allowing players to parade their top scores and in game achievements, chat with buddies playing games or watching DVDs, and by providing an online marketplace for downloadable content and arcade style games. But will Sony and Nintendo join Microsoft in the online fast lane, or will they pull over for a pit stop? With the PS2, Sony left it up to the game developers to provide the servers for the online portions of their game, while Nintendo—with its two online titles—held that online gaming wasn't central to gamer's expectations. However, rumors have it that when the 360 unloaded its online plans both Sony and Nintendo went back to the drawing boards for their online futures. Information is scant, but Nintendo has announced that with the Revolution gamers will be able to download ANY game ever released on a Nintendo system. No details of how this will be done, or how much the games may cost, but already gamers are itching to detour down nostalgia lane — "River City Ransom" anyone? But what about Sony? They've packed more than enough game developers for the next gen trip, but will we still find ourselves lost on some lonesome road? With little information out on Sony's online plans, we'll have to wait and see what's around the bend.

Flip it

If Microsoft is like the obsessive dad that wants to make good time on the family road trip (and get to the next gen as quickly as possible), will they create more problems than they solve? Will Sony set their pace on cruise control and get passed up in the online market? And finally, will Nintendo have enough gas to compete in the *NEXT* next gen in light of the risky route they laid out? Regardless, over the next six years gamers will be reminded that its not about the destination, but the trip there.



The Nintendo Revolution controller
Don't fret looking like a tool with this new controlleras I'm certain Nintendo will deliver on the best gaming for the next gen period.


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281-895-8522

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