

# Treaty Oak has roots cut

By Scott W. Wright  
American-Statesman Staff

City workers used a chain-saw to sever five of Treaty Oak's poison-laden roots and injected another 40 gallons of sugared water into its base Tuesday to help the centuries-old tree survive the winter.

Austin City Forester John Giedraitis said the five roots, which were about 3 feet underground and about 4 inches in diameter, were on Treaty Oak's east side, near the spot where the powerful herbicide Velpar was poured.

"It's a little like a patient with gangrene," Giedraitis said. "Sometimes you have to lose a finger to save the body. It was one of the few options left to us. We have to try and neutralize the poison."

Test results have revealed that the five roots, which comprise about 5 percent of the tree's root system, had the highest concentration of the deadly chemical and were passing it to the tree, he said.

Another round of results from tissue samples is due in the next several weeks, and experts might recommend that more roots be cut if they

See Treaty, B12

## Continued from B1

are found to be heavily laced with Velpar, he added.

"This is considered a radical technique," Giedraitis said. "But we know of some live oaks that have lost 50 percent of their roots and not undergone much stress because of it."

"Tree roots get cut every day when new sidewalks or roads are put in," he added.

Legend has it that Stephen F. Austin signed a treaty with the Indians at Treaty Oak, located on Baylor Street between West Fifth and West Sixth streets. The landmark tree has drawn national attention since the poisoning became known in June.

Paul Stedman Cullen, 45, of Elroy was arrested June 29 and accused of dousing the ground with poison in what officials believe was a ritual act. Cullen remains in the Travis County jail awaiting trial.

The nourishing sugar-water solution injected into Treaty Oak Tuesday was the second such treatment in the past two months in an ongoing effort to restore the historic tree's depleted energy reserves.

Two pounds of scientific-grade sucrose were pumped at low pressure into 18 holes drilled at the tree's base — about half the amount used in September, Giedraitis said.

Previously, experts had forced a saltwater solution into the tree to try to counteract the poison, which has caused the tree to shed five sets of leaves since March.

Giedraitis said the level of Velpar in the tree is still dangerously high and experts have said they probably won't know until spring whether the tree will survive its bout with the herbicide.

"This is a followup to put energy back into the tree before it goes dormant," Giedraitis said. "This is just that last little bit to help it get through the winter so that in March it will have the energy to push new leaves out. It's like giving the tree a Snickers candy bar for Halloween."

## Troubadour For Trees



Bill Oliver

### Poet's Beat

## Bill Oliver Plays And Sings, But Environment Is No Joke

*four lean hounds crouched  
low and smiling  
the merry deer ran before  
— e.e. cummings*

I met with Bill Oliver one cloudy afternoon under Treaty Oak and in no time I was an enthralled fan, laughing out loud and dreaming of being a troubadour. He regaled me with one marvelous story after the other.

Bill is a singer/songwriter/storyteller/rambler/activist whose easy charm and quick wit has entertained thousands of schoolchildren, loggers, trappers, tourists, and politicians from Alaska to South of the Border, from the City Hall of Austin to the airwaves of *Good Morning America*. And while he skewers politicians and other smug special interest cultures, while still managing to make them laugh, we're not talking about Bob Hope here. Behind all the easy banter, Bill's deep-seated respect and concern for the plight of Mother Earth informs his audiences that the state of the planet is no joke, and in fact is of a consequence we can no longer afford to ignore.

Bill was born on a river, St. Louis, to be exact, and raised on a bayou, in Houston, so when he got tired of pushing a camera around, of going to school, he thought it was perfectly natural for him and a buddy to go rafting down the

Richard  
Lance  
Williams



Mississippi River playing guitars and singing songs. Unfortunately this was in the late 60s and rafting didn't guarantee deferment so when he and his buddy hit the end of the river they were promptly drafted and Bill was sent to Vietnam.

"My guardian angels were looking after me because I became a singing food inspector," Bill says with the proper sense of bemused amazement. "They saw I had some experience in broadcasting and that I was a singer, so they made me a food inspector. Luckily after a while I was able to write my own ticket in special services and wound up traveling and performing all over Vietnam. I saw some pretty bad stuff, but it was better than being in the rear. That's where the real drug use occurred. The waiting would drive you crazy."

When Bill got out of the Army he took up his rambling again, but he managed to get married and have a son named Casey (who lives with Bill in Hyde Park and keeps him hustling for those gigs despite Bill's admitted lack of interest in the business end of show

See POET'S Page 3

## Poet's

Continued from Page 1

business, and yes, he makes his living at this). He landed in Austin at ACC on the GI bill and took a class in biology where the professor pointed out that there would be no need for ecology study if we weren't so hell-bent on dominating the landscape. Bill's musical talents had found the object and vehicle worthy of his passion.

"You know," he says, groping for words for the first time in our conversation, "it's not just that we can benefit from conservation, that we can get more 2 x 4s or prevent soil erosion. That's basic common sense, the act of not committing suicide. It," and he pauses again, looking up at the Treaty Oak in silent awe, in deep, sorrowful respect, "the vast wilderness of the West, the earth is worthy to exist of itself. It doesn't have to do anything. We just have to learn to leave it be." And then he laughs again.

"It's not to say that I don't use paper products, and I eat junk about anything. I'm just a white middle class dude who likes to sing to mixed cultures about how they can enjoy themselves without oppressing nature or human nature. I am a Big Wind, and there are many Big Winds, though not all of us will admit it. I am a Big Wind," he continues, "who likes to use his energy to address important issues and that includes sharing opinions and points of view with other Big Winds."

He laughs again and launches into another story about the 20th anniversary of the Mississippi River trip, this one to Alaska, and how his partner Glen Waldeck, the Big Juan, donned a Mongolian war helmet and humorously terrorized waitresses and other workers who needed a little light in their lives. He tells of confronting miners and fur trappers and

then partying all night with them; of getting Max Nofziger and Robert Barnstone to sing back-up vocals on one of his songs.

Bill has a way with entertaining people into their gentler selves. His words and music engage us as humans and help us believe that one day we can really live in harmony and peace with ourselves and with our Mother Earth.

Long may his wind blow across this blue jewel we call home.

Following is an excerpt from his "Hard Time for Oaks."

*In Austin there sits alone in a park  
A lonely live oak the legends have  
marked  
For six centuries in the shade of  
these branches  
Indian chants and frontier dances  
Proudest of all are the legends that  
claim  
This is the site of treaties that give  
it its name*

*It seems out of place surrounded by  
town  
And it must be strange to be looking  
down  
On structures manmade and destined  
to fall  
In front of an oak that could outlive  
and outgrow them all  
But destiny calls in the strangest of  
ways  
As forests will fall, it's the symbols  
we save  
But a symbol will come like a martyr  
to haunt us  
If all that remains is the shame and  
the search for the blame*

*So what is it now that we see in this  
tree  
Is it the part of ourselves we want to  
believe  
Like words of a treaty sincere when*

*they're spoken  
Before they're betrayed and the  
word like the branches are broken*

*But trees are not treaties or symbols  
to name  
They're rooted in something we  
can't explain  
It's true we break treaties with our  
fellow man  
We also wage war on the trees and  
the land  
But something inside us is trying to  
be  
As worthy as oak and a treaty we  
still can believe*

*So make your own peace with your  
favorite trees  
And send up a prayer for old Treaty  
Oak  
It stands for itself, it stands for our  
hopes  
And hope that someday in our quest  
for peace  
We'll be seeing and saving the forests  
as well as the trees.*

Bill has some of his songs on albums. His first album is titled *Texas Oasis*. Then there's *Better Things to Do* and a compilation that the Audubon Society put out for their school outreach program titled *Audubon Adventures*. His next album will be called *In These Ancient Trees*. You can catch Bill at benefits for Earth First! and other environmental groups in the near future. And he assures us there are big doings in store for the 90's - "The Earth Decade!"

Richard Lance Williams contributes insight and verisimilitude on poets and their work in the Light.

Oct. 25 - 31, 1989

## Treaty Oak-- A Tribute In Poetry

The following are poems that were written by children in Austin area schools and won honorable mention in the Live Oak Festival Poetry Contest. We are reprinting them here as a tribute to Treaty Oak.

### MY TREE

*I love my tree, red or green,  
With its hair so full and clean.  
The birds fly. The squirrels  
leap.*

*The opossums hang while they  
sleep.  
The monkeys swing while the  
insects eat.*

*Your branches hang low,  
That is why I love you so.  
It seems like just yesterday  
You were a seed in the ground.  
But then I remember how long  
it took*

*To grow a Cool thing like you.*  
MATTHEW BINGHAM  
Robert E. Lee School  
Grade 4

### ARBOLES

*El secoyo casi toca el cielo  
crece grande porque ahí no hace  
frio ni cae hielo  
Nos da sombra y lena y madera  
Su oxígeno usas si andas afuera.*



Treaty Oak

*El arbol de nueces crece  
Cada ano mas que so endurece  
luego su semilla cae  
y un nuevo arbol nace y mas nueces  
trae.*

*El pino sirve de casa  
para pajaros y ardillas  
nos da buen olor  
y tambien sirven de decorar.  
El arbor lo puedes conservar  
y - creelo - no te va a estorbar  
No crece de un dia  
porque crece de una semilla.  
Tambien crece de un retoño  
si lo plantas en el ontoño  
...Arbol grande y hermosa!*

*(The sequoia almost touches the  
sky; it grows tall because it's not cold,  
and there's no snow there. It gives us  
shade and firewood and lumber. You  
breathe its oxygen if you go outside.*

*The pecan tree grows each year  
that it lives, then its seed falls and a*

*new tree grows and brings more pe-  
cans.  
The pine tree serves as a house  
for birds and squirrels; it gives us a  
nice fragrance and also serves as  
decoration.*

*You can save a tree, and - be-  
lieve it - that won't hurt you. It doesn't  
grow in a day because it grows from  
a seed.*

*It also grows from a cutting; if  
you plant it in autumn...a big, beauti-  
ful tree!)*

SARA GARCIA  
Brooke School  
Grade 5

### OUR BEAUTIFUL TREES

*Trees, trees,  
Buzzing Bees,  
Trees help the world  
have nice air to breathe.*

*So I'm begging you,  
please do not cut down  
our beautiful trees.*

RHEA L. HOOPER  
Brentwood School  
Grade 3

### TREES, THE FUTURE AND ME

*Trees are good, beautiful and  
great.*

*Please recycle before its too late.  
Trees are what we need to survive.  
They give us oxygen for our lives.  
Trees are wonderful, don't you  
see?*

*They are special for you and me.  
Trees are homes for animals in the  
forest.*

*And they are best for a bird's nest.  
For a bird to have a good home.*

*It makes me angry to know that  
people are very careless  
with their matches and burn down  
our wonderful trees.*

*And trees also take care of us be-  
cause they give air to us.*

*And because they give us their  
shade.*

*So please take care of our good,  
beautiful, and great trees -  
please.*

JOVANNA J. RUIZ  
Zilker Elementary  
Grade 3

# Proceedings of the Fourth Urban Forestry Conference

ST. LOUIS, MISSOURI  
OCTOBER 15-19, 1989

Edited by:

Phillip D. Rodbell

*To Sam & his new  
family  
Phillip*

Sponsored By:

The American Forestry Association  
National Urban Forest Council  
USDA Forest Service  
National Park Service  
Missouri Department of Conservation  
City of St. Louis, Dept. of Parks,  
Recreation & Forestry  
St. Louis County Depts. of Parks,  
Recreation, and Public Works  
City of Crestwood  
City of University City

National Association of State Foresters  
American Association of Nurserymen  
American Society of Landscape Architects  
International Union of Forest Research  
Organizations  
International Society of Arboriculture  
Society of American Foresters--Urban  
Forestry Working Group  
Monsanto Corporation  
University of Illinois

## Treating the Treaty Oak

*John Giedraitis  
City Forester  
Austin, Texas*

The Treaty Oak is a living symbol of history. Since its poisoning early this year, the heroic efforts to save it have proved to be the challenge of my career. This is an intriguing story of an historic tree, its malicious vandalism, how the art and science of forestry and arboriculture were applied to try to save it, and how this great tree's sacrifice can be a message for each and every one of us.

Our Chamber of Commerce estimates the Treaty Oak to be over 600 years old. Most foresters settle on about 300, but once you have seen the majesty of this tree, it's not hard to believe the Chamber of Commerce. In fact, the live oaks (*Quercus virginiana*) that grow in the chalky, dry limestone soils around Austin have a peculiar habit of root sprouting, that is, throwing up genetically identical clones from the roots; given this, it is possible that its current four-foot diameter, 50-foot height, and 90-foot spread may only be the latest sprout off of a common root system dating back thousands of years. Whatever its age, records show that it has had important historical associations with the residents of Texas.

Historians tell us that the Treaty Oak is the last of a grove of fourteen trees known as the Council Oaks. The original Texans regarded it as a Tree-God, a temple of worship for the Comanches and Tonkawa Indians. In the shade of the oaks' wide-spreading branches, the natives would meet to dance the war dances, smoke the peace pipe, and celebrate feasts and religious ceremonies. Myths and magic surrounded the tree. Indian maidens believed that a sauce made from its acorns, if taken by warriors on the eve of battle, would bring their loved ones safely back.

The Treaty Oak has also played an important

and romantic part in the history of the Lone Star State. One legend has the Father of Texas, Stephen F. Austin, signing the first boundary treaty with the local Indians under the tree, and hence its name. While there is little proof of this, the grove was an accepted boundary between Whites and Reds. In fact, in 1841, the first county judge of Austin went past the grove in search of stray cattle and was killed by Indians.

As the capitol of Texas developed into a burgeoning city, the members of the Council Oaks fell one by one, and by the 1920s, the Treaty Oak itself was threatened. A cry went up throughout Texas to save the oak, because, as Mrs. W.C. Stoner wrote in the *Texas Garden Federation News* at the time, "No massive building, no marble shaft erected by man could ever compare to the beauty and grandeur of this natural, living monument planted by our Maker himself, and no hand should cause it to be brought low except the hand of Him who gave it. This mighty oak should be a tree of peace to all Texans and the tender sacred sentiments it arouses should inspire all posterity." In 1922, it was added to the American Forestry Association's compilation of famous and historic U.S. trees.

Such was public sentiment that on August 11, 1937, the Treaty Oak was purchased from Mr. T.J. Caldwell, a banker, rancher, and state senator. In an area hard hit by the Depression, the one-quarter acre lot was purchased by the city of Austin with donated and public funds. The lot was sold with the stipulation that the city could not destroy the tree or use the land for any other purpose so long as the tree remained alive. In recent years, as the city has grown up around it, the tree has been the site of picnics, weddings and other important

personal events including this forester's proposal of marriage.

On March 2, Texas Independence Day, the Treaty Oak was the last stop on a local tree conference tour. As the bus emptied and the group gathered under the tree, we noticed that there was a band of about three to four feet of dead grass around the base of the tree. In addition, there was what looked like a circle or arch going out from the base of the tree on the east side. We supposed that it was caused by a city employee's careless application of a chemical grass edger during routine maintenance. However, no further thought was given to it since these chemicals rarely damage trees. It was not until the first of June when a woman who works nearby the tree called the city forester's office after noticing some brown leaves.

The first report was that the tree was showing signs of oak wilt, a fungal relative of the Dutch elm disease that has destroyed more than 10,000 oaks in Austin over the past two decades. When we investigated, however, we found leaf symptoms more typical of chemical injury than disease. We moved quickly and asked our State Department of Agriculture and Texas A&M University for assistance. Soil samples were taken and within several days we had excavated six to eight inches deep and injected both activated charcoal to bind the chemical, and active microbes to digest it. We then waited to see what would happen. A few days later the analysis came back from the laboratory. We were startled to learn that Velpar, an herbicide made by the DuPont Corporation in LaPorte, Texas, had been used. We had assumed that a chemical had been applied accidentally, but if it was Velpar (hexazinone), it was no accident, and we were faced with the first recorded intentional poisoning of an historic tree.

Velpar is used commercially by the pulp and paper industry to clear land of undesirable species, including oaks, when they grow among pines being raised for pulp. Pines are tolerant of Velpar whereas most other species are not. It is used locally in our Central Texas area by ranchers to control mesquite and other brush on rangeland. The discovery that Velpar had been used could only mean that someone had tried to kill the Treaty Oak. But who and why?

An investigation was started by the Austin Police Department. Soon after, DuPont responded

to the misapplication of their product by offering a \$10,000 reward. The Texas Forestry Association upped this by another \$1,000. By the end of June, Paul Stedman Cullen, a 46-year-old unemployed feedstore worker, had been arrested. Reports say that an informer told police that both he and Cullen had driven around Austin looking for a tree to poison. News reports also say that it was done to rob the spirit of the tree as part of a ritual to protect a woman from another man. He has been charged with criminal mischief by causing damage of more than \$20,000 and a second degree felony punishable by two to 20 years in prison and a fine up to \$10,000. However, his previous record of twice being imprisoned for burglary could enhance the crime to a first degree felony. If the jury agrees and he is convicted, the maximum punishment could be life in prison. Today, he remains in custody unable to raise a \$20,000 bond.

The label for Velpar suggests that for best control the chemical should be spot sprayed at the base of the tree. For the Treaty Oak, a lethal dose would have been about five ounces. We assume that some portion or all of a one gallon container was used. This would be roughly 25 times the amount needed to kill the tree. We also estimate that the poisoning occurred sometime in early February or before. If that is true, then the tree had remained in highly contaminated soil for some four or five months before symptoms were noticed on the leaves.

Moisture is required to activate Velpar in the soil. It is drawn into the plant with water and transported to the leaves, where it is concentrated as water evaporates. It acts by blocking a key step in photosynthesis thereby preventing the tree from manufacturing food. As the leaf becomes more and more contaminated, it turns brown and is shed by the tree. The tree responds by pushing out new leaves that, in turn, are also contaminated by the poison and are lost. This cycle continues until the tree has used up all of its energy reserves and cannot produce more leaves. This is when the tree dies.

Live oaks in Austin can put on more than one set or flush of leaves each year. In fact, after the annual shedding of leaves this past spring, many live oaks put on two flushes. When we first noticed the leaf symptoms in early June, less than 40 percent of the first flush was damaged and the

second flush was still healthy. Several weeks later, however, much of the first flush had browned and fallen, and the second set was starting to show symptoms. We knew then that our initial excavation and injection treatment had not been successful.

When we saw the second set of leaves becoming symptomatic, we decided to expand the treatments and call in additional experts to help us. It was then, just like in an old-time western movie, the calvary came over the hill to save the day. In our case, it was Mr. H. Ross Perot, a Texas industrialist and billionaire who let us know that whatever it cost, however long it took, he would support our efforts to save this icon of Texas history. After several days of phone calls, we brought together the Treaty Oak Task Force, a group of 22 Ph.D.'s and practitioners from around the country. For one day, they reviewed what was known about Velpar, what treatments had been done to date, and discussed possible treatment alternatives. When they were gone, we were left to implement their recommendations.

The experts all basically agreed on three points. First, lower the stress on the tree so that the tree could right the effects of the chemical without dealing with the heat of summer. Second, collect more data to find out how much poison was in the soil and how much was in the tree. Third, remove the contamination from the soil and the tree. One-two-three, save the tree. There was only one small detail. While tens of millions of dollars had been spent to bring Velpar to market for its intended use of controlling trees, no one had ever tried to save a tree that had been treated. We were in uncharted territory without a guide.

Reducing stress, our first treatment goal, was easy to talk about but difficult to do. How do you create an open-air intensive-care unit to keep a 50-foot patient cool in a climate where there are more than 100 days a year over 90°F? The answer was water and shade. First, we installed an "irrigation system in the sky." From large tanks placed in a parking lot next to the park we pumped Texas spring water that had been donated and delivered free. The water was pumped through a three-inch line by an electric pump to the tree, where it split up into smaller lines that crisscrossed the tree's three main branches ending in sprinkler heads above the crown. During July and August, we

pumped nearly 1,500 gallons a day. We used an automatic timer to pump every half-hour for 60 to 90 seconds during the heat of the day. The goal was to cool the crown and not wet the ground.

We also installed a series of screens around the east, south, and west sides of the tree to lower heat stress. The city-owned Electric Utility Department bored 12, 10-foot deep holes every 20 feet and dropped in 70-foot wooden poles. They cabled the tips together and added three lightning rods. Along the side of each pole, they ran a steel cable from eight feet off the ground to 55 feet in the air. To this were attached the screen panels made of plastic-coated nylon screening, similar to what is used on tennis court fences. Aircraft cable was sewn into the edges of the panels for strength. The entire panel was joined to the cable on the pole and to the panel above and below by clips resembling rock-climbing carabiners that could be closed and locked shut. Each screen was made up of five panels connected together. To the top of each screen a rope was attached so that the screens could be raised and lowered through a pulley at the top of the pole. When the screens were up and the sprinklers were on, it could be ten to fifteen degrees cooler under the tree.

Other measures taken to reduce stress included fertilization and aeration. We have fertilized both by spraying the foliage and injecting the soil. A dilute solution of one-tenth strength Rapid-Gro fertilizer was used several times to try to replace nutrients lost as a result of successive leaf falls. We also aerated to reduce compaction under the tree and promote better air exchange in the soil. Since the entire park is filled with roots, we marked out a grid of painted dots on a three-by-three-foot spacing and augered a three-inch diameter hole, 24 inches deep at each dot. We removed the original soil and added a light textured back-fill mix of sand, peat, bark and soil microbes. A golf course aerator was also used several times to help lessen the impact of the workers' heels as the treatments were being done.

Our second goal was to find out how much poison was in the soil and how much was in the tree. Immediately after the Task Force meeting, we used a soil auger to sample to four foot deep at various locations around the tree. The results from the laboratory showed that there was Velpar at lethal concentrations down to three feet. With this

information, we completely removed the soil around the base of the tree. The samples of root, trunk, twig, and leaf tissues, taken over a four-month period, have shown only a small drop in Velpar concentration within the tree. This high level of poison, despite the removal of contaminated soil and the shedding of contaminated leaves, has not been encouraging. To date, over \$25,000 of the \$100,000 spent to save the tree has been spent to process soil and tissue samples.

Removing the contamination, our third treatment goal, has called for some novel approaches because it was generally felt that flooding to remove the contamination would activate the Velpar and worsen the situation. We began by re-excavating our initial treatment area and hand-digging to a depth of two feet and eight to 15 feet out from the trunk. Two feet down, we started to hit a mat of smaller roots that made digging time-consuming and difficult to do without serious damage to the roots. To solve this, we called in a pumper-truck crew from the Austin Fire Department. They connected to a fire hydrant and laid out several high volume, low pressure lines for our workers to sluice away the last foot of soil. We then sucked up the mud slurry into a vacuum truck ordinarily used by our Public Works Department to clean out storm sewers. The slurry was then pumped into a tanker truck, treated with activated charcoal, and disposed of at a city waste-water treatment plant. At 36 inches, the fertile dark soil around the tree gave way to a sandy bottom, a probable reason why very little of the water soluble Velpar was found at deeper levels.

By the middle of July, the third set of leaves was damaged and the fourth set was ready to break bud to replace them. There was a general consensus among the Task Force that the levels of Velpar were still toxic and it was time to neutralize or flush the poison from the tree. Given the chemical nature of Velpar, a very strong acid or a very strong base would have been needed to change its chemical makeup and neutralize it; either one of these would have killed the tree. The other approach, to flush the poison, seemed to hold more promise. The idea was to push the weakly charged Velpar out of the xylem cell walls, and into the fourth set of leaves, by displacing it with another ion--in this case, potassium from a dilute solution of potassium chloride salt. About 35 gallons were injected into the root flare. Several three-gallon garden

sprayers filled with the solution were pumped to 20 pounds of pressure and connected to a harness of tubes and T-shaped injectors adapted from Elm Research Institute equipment. The oak took less than three hours to take up the solution. While leaf samples taken immediately before and after the injection showed that a significant amount of Velpar was pushed to the leaves, subsequent tissue samples still showed very high levels within the tree. Our attempt to flush out the poison had been only partially successful.

About one month later, in the beginning of September, most of the fourth set of leaves were brown and falling, and the fifth set was beginning to push out. Members of the Task Force, who were familiar with the effects of Velpar on oaks, had told us early on that oaks generally go through five or six sets of leaves until running out of energy. We knew that there was still toxin inside the tree and that its energy reserves were running low. We reasoned that if we could replace some energy while the tree still had leaves, the tree would be better able to overcome the poison by either neutralizing it by some unknown enzymatic action over the winter or by physically shedding the poison with each successive set of leaves. We decided to inject "tree food" into the tree.

We were now into a new fourth phase of treatment and one that had very little support from research. After checking with tree physiologists from around the country, we determined that a dilute solution of sucrose injected into the tree would probably not damage it. However, very few researchers thought that it would be of much benefit either. Using the salt injection technique, but slightly higher up on the trunk, we injected about eight pounds of sugar in 65 gallons of distilled water; a fungicide was also added to check any microbial growth. In all, it took about 32 hours to complete the infusion. The benefits, if any, of this injection, will probably never be known.

The current outlook for the Treaty Oak is guarded. When we analyzed wood samples taken from the drill bit used for the sugar injection, we found that there were still extremely high levels of Velpar in the tree. Today we remain cautiously optimistic. As the tree goes dormant this winter, we will be waiting until this spring's new leaves to see if the Treaty Oak will survive.

Could the Treaty Oak die? A tree that has survived centuries of searing summers, dusty drought,



and whistling winds seems immortal to us--a symbol of strength and permanence in an age of increasing vulnerability and change. When it became clear that our efforts to help the tree rid itself of the poison were not as successful as we had wished, we started to hope for the best but plan for the worst. In the past month, we have taken over 500 twig cuttings and 50 root cuttings. Our goal now is not only to save the existing tree in the park, but to preserve the Treaty Oak by replication.

If it is possible to grow a new Treaty Oak from a cutting, it may also be possible to tissue culture, or clone, this tree. There is the potential to create hundreds of thousands of Treaty Oaks. In fact, corporate sponsors have already lined up to fund this effort, and commercial nurseries are being contacted to see if they are interested in a license to grow and market Treaty Oaks. It may be that, in the not-too-distant future, you will be able to go to your local nursery and purchase a Treaty Oak for planting in your front yard.

It is comforting to believe that this majestic tree will survive. With all of its worldwide fame, the Treaty Oak has truly become a symbol of our time. Its poisoning begs us to consider not only the reality of its desperate plight but also the larger truths it represents. Just as many cultures have held the tree to be a symbol of knowledge and life,

we today are being asked to believe in the tree once again; to believe that billions of new trees will give us Global ReLeaf. But tree planting is also a symbol of a larger truth. While there are many symbolic and practical reasons for tree planting, perhaps the best is that it reminds us that we are part of the world. It reminds us that each of us must change our own prodigal behavior to stop the poisoning and begin to repair the damage to the thin skin of life covering the planet we call home.

In conclusion, I would like to extend thanks to all those who have given support to our efforts to save the tree: to Mr. Perot for his financial support, our mayor, Lee Cooke, and council, and especially council member George Humphrey for his leadership with our Austin ReLeaf efforts; to the dedicated scientists both corporate, government, and private who unselfishly gave us both their time and expertise, especially Dr. Arthur Costonis of Systemics Incorporated, Dr. David Appel of Texas A&M University, Dr. Jerry Brand of the University of Texas, and Dr. Thomas Perry of the University of North Carolina; to the dozens of city workers who patiently met every demand put on them; and lastly, to the tens of thousands of well wishers from around the globe. I have been moved by their outpouring of love, sympathy, and compassion.

Saturday, October 14, 1989

## LETTERS

### Two needed to speak the truth

A recent event in Texas history seems reminiscent to me of the old *Twilight Zone* series. Picture this: a man going on a journey to Texas, where, in his words, "Maybe I can get more of what I think ... life ... should provide ... to people that go around without stealing and are harmless." Once there, he finds he loves the state, with "the big old trees around here that spread out across the streets and the old houses that look like mid-19th century plantations."

The man settles in Austin, doing handyman and construction work, enjoying his philosophy that money is not important and life is to be lived one day at a time (Yes, he is a product of the '60s). He has a brush with the law, and serves probation until he cannot get work. He is, therefore, in violation of probation and serves time in jail. Afterward, he goes on with life, living in a converted trailer on a friend's property, doing work for the poor or elderly at cost, finding jobs where he can, and generally being "just satisfied."

One day he stops to offer assistance to two trucks apparently in trouble by the side of the road. His offer is refused, and he understands why when a few hours later these same gentlemen slap handcuffs on him, impound his truck for a month, search his trailer and friend's business without a proper search warrant, leave his dog to run loose and put him in jail for poisoning a tree.

What then is even more bizarre are claims in the media that he was a member of a "cult" and was casting "spells," and even more strange to those who know him, that he was a member of the Aryan Brotherhood. The most seditious book taken from his trailer was Arthur C. Clarke's book *The Nine Billion Names of God*! Paul sits in a cell and his family may

not even send him the books he did read — the poetry of Coleridge, books on physics. Bail is set at \$20,000 for the alleged tree-poisoner. People talk of lynching or making him drink Velpar. The same people who accuse him of "black magic" find nothing strange in a psychic's saying the tree had been human in another lifetime, or people leaving talismans. Media allude to a tape of whose contents are not released even to defense attorneys, and one expects Rod Serling to step in at any moment and proclaim this to be fiction.

But it is not. My brother, Paul Stedman Cullen, is a gentle man who never wantonly harmed a tree, stray dog or human being in his life, but he has been in jail three months. A trial date has yet to be set. The trailer was repossessed, his truck kept for a month until impoundment fees totaled \$175, his dog left to the mercy of friends, his family and friends harassed by reporters, and, most of all, his character assassinated by such articles as Stephen Harrigan's in *Texas Monthly*, where he is already judged to be "a hippie who had gone over to the dark side." Rod Serling, where are you? Even the person or persons who are guilty of this crime surely would not deserve the hysterics and hatred that seem beyond reason in this case.

Paul Stedman Cullen did not live the great American Dream of two cars and two children in the suburbs. He is — or was — a free spirit who is as much a victim of this crime as the tree itself. Let him be innocent until proven guilty, let him have his day in court, and let us, as Texans, remember that in the words of Henry David Thoreau, "It takes two to speak the truth — one to speak, and another to hear." Thank you for listening.

ELIZABETH CULLEN LOVE  
Plano

# SAVING THE OAKS

By R.U. Steinberg

Poetry saved the Treaty Oak from certain destruction once and maybe it will do it again.

Some 60, 70 years ago, Mrs. Walter Caldwell, then owner of the land on which the Treaty Oak stands, decided that she was getting up in years, and began worrying about the eventual fate of her wondrous tree. Although over time it had become a legend, Mrs. Caldwell feared that some day it would be chopped down to make way for commercial development. Hoping that some sort of official notoriety would ensure its safety and perhaps would interest the city of Austin or the state of Texas enough to buy it, in 1920 she wrote the American Forestry Association about the Treaty Oak, and two years later they responded, telling her that it had been added to the Tree Hall of Fame. Unfortunately neither the city nor the state was very impressed.

In 1925, a writer from *The Dallas Morning News* heard of Mrs. Caldwell's predicament and wrote about the tree's possible demise. The article affected people all over the state, but it especially moved one Tyler housewife, Mary S. Fitzgerald. An amateur scribe in her spare time, Mrs. Fitzgerald took to the pen and wrote a poem about the famous tree. Shortly after, she found a publisher — Estil Alexander Townsend, a small town Oklahoma preacher and educator, who printed a nationally known journal, *The Poet's Scroll*, by hand with his son out of their backyard; the poem ran in the summer of 1926. Fitzgerald also convinced Townsend to sponsor a poetry contest with a \$10 first prize, to arouse Texans' sense of patriotic duty in the Treaty Oak. The following spring the entries filled an entire issue of *The Scroll*.

In the meantime, Fitzgerald got two of her poet friends, Ethel Osborn Hill of Port Arthur and Mary Kate Hunter of Palestine, to help save the tree, and by 1927, the trio had convinced the Texas Federation of Women's Clubs to make the Treaty Oak their number one priority. Although it took 10 years of hard lobbying (and alas, Mrs. Caldwell didn't live to see the day), the city of Austin finally purchased the Treaty Oak in 1937 for \$1,000, one-sixth the price Mrs. Caldwell had been told the land was worth. (As a postscript to the story, not only was the tree saved, but Fitzgerald, Hill and Hunter went on to have semi-professional writing careers.)

Three years ago, people living near Stacy Park in South Austin formed Save Our Oaks, Inc., and held the first Live Oak Festival to raise money and increase public awareness of oak wilt, a deadly disease that was not only striking down trees in their neighborhood but live oaks all over town. Organizers were pleased with the results (they raised more money than they expected) and have been going strong ever since. But the battle is far from over. An incurable disease, oak wilt is hard to fight because it spreads from one tree's root system to another.

This year's event, to be held Oct. 13-15, is dedicated to the grande dame herself, the Treaty Oak. Although not a victim of oak wilt, the Treaty Oak is facing an even more threatening peril, and unlike any tree in the country, she has increased public awareness about the fragility and mortality of trees, something which until recently a lot of people have taken for granted.

The festival begins with a Friday the 13th street dance at 5pm at the Magnolia Cafe (1920 S. Congress), and will spread to merchants up and down S. Congress, including Cen-Tex Nissan (1400 S. Congress) and the Continental Club (1315 S. Congress). On Saturday the 14th, the festival moves to Stacy Park, where artisans and the like will sell their wares beginning at 10am. At 1:30pm, Councilmember Max Nofziger will kick off a series of organized events by announcing the winners of essay and poetry contests. The essay contest, which was open to Travis High School students, has the theme "Free Speech in Austin," and is sponsored by the local chapter of the Society of Professional Journalists. The poetry contests, with both elementary student and adult categories, have the topic "Trees, the Future and Me," and are sponsored by *The Austin Light* and the Austin Nature Center (wouldn't Mary Fitzgerald be proud!). The remainder of the afternoon will be filled with entertainment by Esther's Follies, Austin on Tap, and Beto y Los Fairlanes. There will also be stuff for the kids as well as the following events:

2:00pm, Debate: "How Well Are the Austin News Media Covering the News?" by members of the Travis High School Debate Team.

2:30pm, Debate: "The Airport: The Environmental Impacts of Manor vs. Mueller," by Susan Garry, Manor Area Neighborhood Organization, and Alice Embree, Citizens for Airport Relocation.

3:00pm: Winners of Essay and Poetry contests will read winning entries.

3:30pm, Debate: "Energy: Should Austin be in the Energy Business?" by Councilmember Robert Barnstone and Ken Altes, Resource Management Commission.

4:00pm, Debate: "The Outer Loop: Should We Build It?" by Howard Chaikin, Oak Hill Business and Professional Association, and Bert Cromak, Save the Barton Creek Association.

4:30pm, Open Microphone.

Also on-hand for the day's festivities will be Jake Pickle, Lena Guerrero, Mayor Lee Cooke, members of the city council, and others.

LIVE OAK



Treaty Oak  
A TREASURE

FESTIVAL

Oct. 14 & 15 1989 Stacy Park

On Sunday the 15th, from 2-6pm, visitors will have the opportunity to tour some of Travis Heights' more magnificent homes. Tickets are \$5 and are available Saturday at Stacy Park and Sunday at the Austin Opera House (200 Academy). The festival will be concluded with the Art for the Oaks art auction at the Sunset Gallery (206 East Live Oak), following the tour of homes. Proceeds from all events benefit Save Our Oaks, Inc., so get out and enjoy, and help save the trees!

Special thanks to Beverly Russell of the Buckley Library in Poteau, Oklahoma for her help.

Wm. B. Travis High School, 1211 E. Oltorf, Austin, Tx, 78704

## Commentary

# Our wonderful, grand Treaty Oak Cruel and unusual punishment for tree death

**BY Damon Seils**

I'm willing to grant that the Treaty Oak was a beautiful tree. Its verdure was one of this city's most awesome sights. It's very likely that one of this state's first treaties was signed under its branches. The tree has been around for centuries. Its proud limbs provided shade for almost an entire city block, until a crazed, ill man put an end to it all. Certainly it was a sad occasion. A real neat tree got its innards fried, but let us try to put it into proper perspective.

On June 29, 1989, a man by the name of Paul Stedman Cullen, 45, was jailed on a charge of felony criminal mischief in connection with the poisoning of the Treaty Oak. Well, that seems fair. After all, he did break the law. Here is the juicy part. Mr. Cullen's bail has been set at \$20,000. For some reason, that seems a bit steep to me. It's too bad that Judge Bob Perkins doesn't see it that way. Just last week Judge Perkins refused to reduce Cullen's bail to the defense's desired \$5,000. Unfortunately, Judge Perkins didn't feel that \$20,000 was an unreasonable amount.

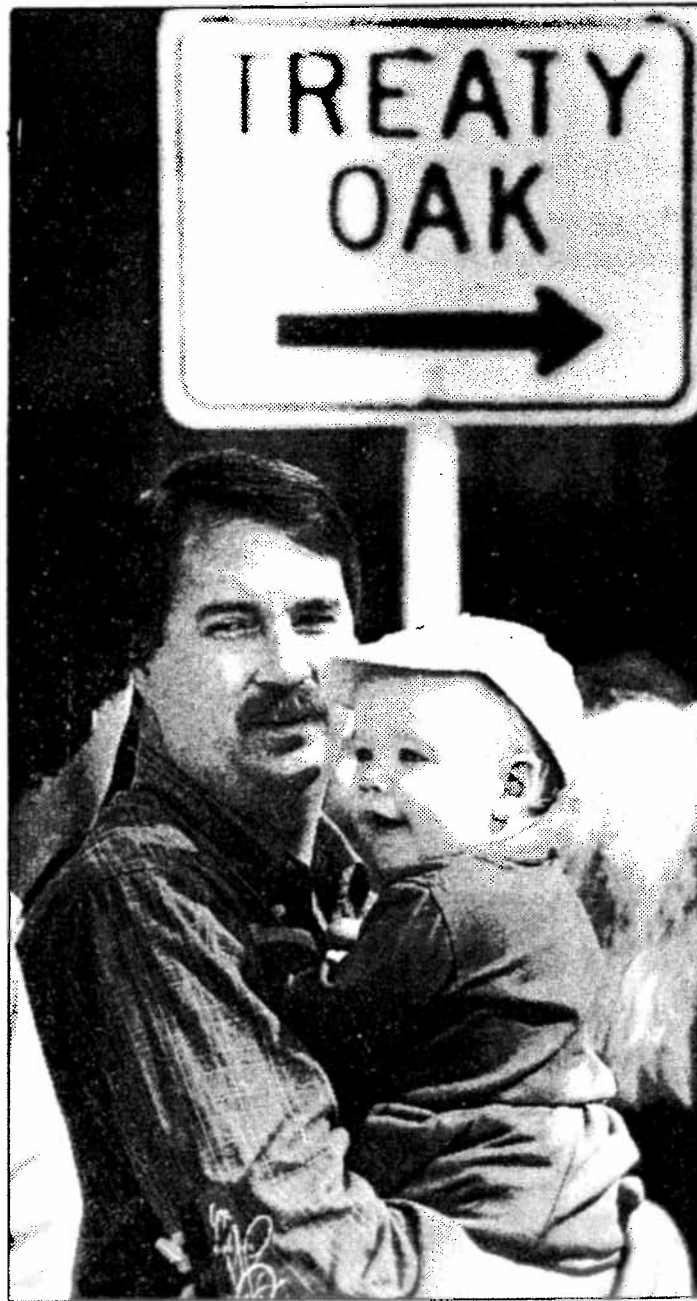
On another branch of the tree, there is a possible excessive jailtime to discuss. Rumors indicate (yes, they're just rumors) that Mr. Paul Stedman Cullen could receive a sentence of up to life imprisonment for his cold-chlorophylled actions against that magnificent, famous tree. Let's sit on this branch for a while.

I am both puzzled and concerned about the logic behind a man being put in a prison for the

remainder of his life for killing a tree. A man is rarely sentenced in that manner for killing a small, helpless human baby. A man is rarely sentenced in that manner for raping a woman. A man is rarely sentenced in that manner for any killing unless he has made multiple killings. It's strange, but, I have always learned that the punishment should fit the crime. I also seem to remember that concept being included in the 8th Amendment of the Constitution.

When it comes to the justice system, things like this really tick me off. This time, the judge and the general public have let their compassion take hold of their rational. The Treaty Oak was only a tree. It was a tree that, before "the killing," ninety-nine percent of the public didn't know existed. No one is even sure that a treaty was signed under the great Treaty Oak. Tens of thousands of dollars have already been spent on the tree. Let us now put away our checkbooks and again start making use of the logic that we are going to need to survive in the future. Let us now spend our money on causes that will benefit those who have no time to worry about a tree, but merely their own survival. We can take out the problem at the root and sell it for firewood. We can send Mr. Paul Stedman Cullen to an institution that will help him with his problems. We don't need another person in Texas prisons, especially when the person requires treatment.

Besides, a big firewood sale could help the economy.



Staff photo by Larry Kolvoord

## Releaf for Austin

Will Boettner and his son Matthew visit Treaty Oak during a press conference in which City Council Member George Humphrey proclaimed this week Austin Releaf Week. The goal of Austin Releaf is to plant 1 million new trees in Austin by the year 2000.

## ENTERTAINMENT

INSIDE

Rock 'n' roll, D2  
Jazz/blues, D8  
Television, B7

Friday, October 6, 1989 Austin American-Statesman



Staff photo by Tom Lanke  
Book People, a new age music retailer, carries more than 5,000 titles.

# NEW AGE DAWNS

Music style proves staying power, branches out in Treaty Oak tribute

By Michael Point  
Special to the American-Statesman

**I**t's yuppie Muzak to some, music for people who don't listen to music to others. But to its fans, new-age music is an experience unlike any other.

The heavily impressionistic instrumental music, characterized by gently flowing aural landscapes, has as fervent a group of followers as any genre. It also generates an almost equally intense backlash from fans of other music styles. Dismissed as pretty but pointless by its most polite critics, the meditative mood music is frequently derided as nothing more than musical wallpaper. Don't even ask what jazz purists think about it.

But for all its detractors, new age has developed into one of the most successful music forms of the decade. Along with rap — a style it is diametrically opposed to in sound, intent and demographics — new age is one of the two music genres introduced in the 1960s. But while rap is quintessential street music, it's highly unlikely you'll hear new age blasting out of boomboxes on street corners.

New-age music, alternately ambient and internalized, seems most attractive to listeners with personalized agendas for its use. Most often those causes are ones that are best enjoyed in intimate surroundings, a situation that obscures just how widespread the music's popularity has become in Austin and elsewhere.

A rare local opportunity to hear new-age music performed live will occur tonight as proponents gather in Zilker Park for a tribute to Treaty Oak, the ailing tree off West Fifth Street.

New-age music has only had a name for a decade but the music's antecedents extend much further. European synthesizer groups such as

Continued from D1

1970 and we got into new-age music some time back in 1978 or 1979. Our first customers were mostly mid hippies and baby boomers. Then we noticed younger people started getting into it. Now we find older folks are a major portion of the purchasers. Each group seems to use it in different way, but all seem to keep buying it.

Sansone agrees the music is most often a means to an end for its listeners.

"Many of our customers use the music for special purposes. Meditation is the primary one, but its therapeutic power also is a common reason for people to become involved with it."

It is the healing aspect of the music that local practitioners will attempt to call into action tonight through the performance of Treaty Oak, a multi-media event incorporating modern dance, new-age music and a slide show.

Organizer Larry Evans said the idea had a simple genesis.

"Like many others, I visited the Treaty Oak site and saw the tree and was moved. I was talking to a musician friend, Fred Mitchim, about it in early August, and he proposed a tribute. The idea just took off from there."

The music and lyrics for the production were composed by Mitchim, who used to live several blocks from the tree. Mitchim, a multi-instrumentalist who released a new-age album, *River City*, that features sonic sketches of Austin landmarks earlier this year, will perform solo as well as with the Treaty Oak Ensemble. His score, which mixes everything from a cappella singing to full ensemble passages, was written after hours of research on Treaty Oak.

"We spent a lot of time at the Austin History Center reading up on the tree and the site. It served as a focal point for the Indians that were here hundreds of years ago and that's something the music should bring out. It is a symbol more than just a tree, and what it stands for is what we're



Staff photo by Tom Lanke  
Larry Lindquist relaxes as he listens to new-age tapes at Book People, 4006 S. Lamar Blvd., where he is assistant manager.

paying tribute to with the performance."

The centuries-old oak, on a legendary site of treaty signings, was poisoned last spring and tree experts have been struggling to save its life.

Tonight's production also will include a sextet of Treaty Oak Dancers, led by choreographer Ann Mary Carney. The music and dance will be visually reinforced by a slide show assembled by Gina Evans Doyle. The show will offer glimpses of the tree through history, courtesy of a col-

lection of rare photographs.

Mitchim is enthusiastic about both the performance and its effect on the tree.

"Most new-age fans believe the music's positive energy has almost medicinal properties. I'm not saying we can save the tree through our performance, but it certainly won't do any harm. But whether you believe in the music's power or not, the tree and its history deserve a tribute and that's what we're giving it with this production."



Staff photo by Taylor Johnson

Ann Mary Carney will lead a group of dancers tonight in a production she chor-

eographed in the spirit of saving Treaty Oak, still ailing from the effects of poison.

## TREATY OAK

When: 8 tonight  
Where: Zilker Hillside Theatre  
Admission: Free  
Information: 452-2701



Musicians will perform works of Fred Mitchim, seated with the flute, composed for the event.

Tangerine Dream and acoustic jazz acts such as the Paul Winter Consort and Oregon, which incorporated world music into their repertoire, provided the building blocks of the new-age sound. The rise of the Windham Hill record label in the late 1970s focused the musical movement, creating its first superstar, pianist George Winston, in the process.

Despite its popularity and commercial success, new-age music has

remained primarily a recorded phenomenon with local live performances few and far between. Tom Bowie, who manages the Texas Tavern on the University of Texas campus, believes the music's sound and sensibility make it inherently a private, instead of public, music experience.

"It's not a nightclub-type sound. It seems to be more background music than anything else. I guess it would work in a very controlled concert setting, but most people who like it



Treaty Oak Dancers rehearse their piece, to be accompanied by a slide show featuring photographs of the tree through the years.

are using it for purposes other than just listening. I can't imagine there's too many people who would rather go out to hear it at an entertainment venue when they can just play it in the privacy of their homes and do the things they play it for."

Philip Sansone, owner of Book People at 4006 S. Lamar Blvd., one of the country's largest new-age stores, said his store stocks more than 5,000 musical titles, half of which are new age selections. Sansone has watched the new-age music movement grow and prosper, steadily evolving into a generation-spanning music style.

"Our store has been around since

See New age, D5

# To Kill a Tree



GET WELL SOON: GET



Wide World Photos

A giant banner sums up the flood of sentiments pouring in from well-wishers.

*The poisoning of Austin's landmark live oak has the nation outraged—and sending get-well cards.*

By NORAH DEAKIN DAVIS

**T**ree lovers everywhere are keeping their fingers crossed as an ancient live oak battles for its life. Since June, television and news media have been flocking to Austin, Texas, to chronicle the poignant story of the Treaty Oak, a venerable live oak listed in the American Forestry Association's compilation of famous and historic U.S. trees. The oak, long beloved by the citizens of Austin, is fighting for life after being intentionally poisoned with a potent herbicide.

For close to five centuries, the Treaty Oak has stood near the east bank of the Colorado River. It has withstood

floods, droughts, insects, and scorching heat, not to mention 20th-century air pollution. Even before Coronado and De Soto arrived, the Indians wove legends about the tree's powers, and in the centuries that followed it stood as a silent sentinel to much of the history of Texas.

With branches spanning 127 feet horizontally, this splendid live oak (*Quercus virginiana*) has sheltered generations of Austin picnickers, and its branches have lured countless

*Norah Deakin Davis has joined our staff as AMERICAN FORESTS' new Managing Editor.*

numbers of young climbers. Its gnarled trunk has witnessed many a young man proposing to his future bride, and more times than the citizens of Austin can remember, it has stood as a living symbol of permanence as clergymen performed wedding ceremonies beneath its spreading canopy.

But last June the ailing tree lost its leaves, put out a new set within a few days, and then lost those. As it grew still a third set, tree doctors from around the country flew to the patient's bedside. With its trunk wrapped in plastic like a bandage, the tree's prognosis looked grim.

The *New York Times* ran a front-page



story, *USA Today* and the *Washington Post* published lengthy accounts of the tragedy, and Barbara Walters aired a "Good Morning America" segment. Thousands of Texans and well-wishers from as far away as Australia and the Philippines poured in to wish the live oak a speedy recovery. Some brought flowers, others offered get-well cards and even cans of chicken soup. New Agers linked hands and chanted earth songs. Some were angry. Many wept.

This was not the first time Texans had rallied to save the Treaty Oak. In 1937 the elderly landowner who had preserved the tree for years on its small piece of land in the heart of Austin found it necessary to offer the plot for sale. The historic live oak was in danger of being removed in the name of progress. Schoolchildren and Campfire Girls held poetry contests to raise money to help the city purchase the land and establish a small park.

The tree has deep roots in Texas lore. Legend has it that pioneer Stephen F. Austin, who founded the earliest English-speaking settlements in Texas, closed the first boundary-line pact with the Indians beneath its shade. That story is as persistent as another that holds that the landmark tree was once named the most perfect specimen of a live oak in North America. "In reality," says City Forester John Giedraitis, "there are older and bigger live oaks in the state." He quickly adds, "But none more beautiful or more historic."

On July 1, more than 800 Austinites gathered at the tree to sign a pact with nature and set up a special Treaty Oak Fund for donations to plant trees in the city's other parks. Richard Huffman, president of the Texas Botanical Garden Society, said the effort is an attempt to transform the outpouring of concern for the Treaty Oak into a permanent commitment to conservation.

The events that led up to this summer's vigil began just before Memorial Day. On May 29 Giedraitis received a phone call from a concerned citizen who reported that the famed tree appeared to be afflicted with oak wilt, a fungus that has devastated the live oaks of Texas. But Giedraitis' investigation revealed that the tree was suffering from a more sinister affliction, chemical poisoning.

Oak wilt kills the veins on the leaves, Giedraitis says, but the Treaty

Oak's symptoms were just the opposite. The veins were alive, but the leaves were dead. This is a common symptom of chemical poisoning—that is, the application of a phytotoxic compound.

Soil samples sent to the Texas Department of Agriculture confirmed the forester's suspicions. Lab tests pinpointed the active ingredient in the compound as hexazinone, a component of herbicides like Velpar, manufactured in Laporte, Texas, by E.I. du Pont de Nemours & Co. Velpar is de-

signed to defoliate a tree, killing its leaves again and again until its strength is sapped and it dies. The herbicide is commonly used to remove mesquite trees that are considered objectionable.

The authorities ruled out any possibility of accidental contamination, concluding that a massive amount of the chemical had been deliberately poured around the base of the tree. Given that Velpar is one of a limited number of herbicides designed specifically to kill

turn to page 65

## TO KILL A TREE

*continued from page 11*

hardwood trees, police suspected the killer had to be someone relatively savvy about herbicides.

On June 13 officials from Du Pont announced a \$10,000 reward for information leading to the conviction of the person responsible. Within a week, the Texas Forestry Association added another \$1,000 to the pot.

Coming up with a motive was the first challenge in finding the culprit. The most frequent question voiced by those grieving for the tree was implied in the headline of the *New York Times* story: "Murder Mystery Grips City: Just Who Would Kill a Tree?" Indeed. Who and why?

Giedraitis and his colleagues agreed that the attack on an historic tree was unique. The forester likens the poisoning to arson or vandalism against one of the nation's historic monuments. As he points out, however, an architectural shrine can usually be reconstructed, whereas a tree like the Treaty Oak is as irreplaceable as a work of art or any other one-of-a-kind creation.

By the end of June, the Texan symbol had flushed two sets of leaves. It is normal for a live oak to lose its leaves once a year in March. But this was June. Before long, the third set of fresh green leaves also began turning brown and sere.

Throughout June, Giedraitis coordinated efforts to save the tree. Park crews removed a six-inch layer of contaminated soil in a 30-foot circle around the base of the oak. Charcoal and microbes to break down the Velpar were injected under the area excavated, and the soil was replaced with clean topsoil.

According to City Council Member Sally Shipman, Dallas electronics tycoon H. Ross Perot offered "a blank check" to cover any and all costs of saving the Treaty Oak. On June 26 the city flew in a task force of 18 experts on oaks and Velpar. The scientists and forest practitioners evaluated the tree's condition and the treatments up to the date of their inspection.

The consensus was that everything possible should be done to reduce environmental stresses on the tree, the critical stress being the high temperatures typical of Austin summers. According to Giedraitis, the city averages



100 days a year when the thermometer soars above 90 degrees. The experts advised installing a misting system to combat heat in the crown, where defoliation exposes the branches and twigs to intense temperatures.

The tree's condition also makes it more susceptible to oak wilt, which is transmitted through open wounds or the connected root systems of adjacent trees. Fortunately, there are no other live oaks nearby.

If oak wilt is a rather remote possibility, urban pollution is an ongoing stress. Max Woodfin, executive assistant for agricultural resources protection for the Texas Department of Agriculture, points out that the Treaty Oak is located near the downtown area where pollution is at its worst. "Austin is not Denver or Los Angeles," says Woodfin, "but despite what the chamber of commerce says, we do have days when the air is hazy and a brown cloud hangs over downtown."

After the visit by the task force, Giedraitis was "cautiously optimistic" about the tree's chances. The forester concluded, "The oak probably won't die, but we're worried about what shape it will be in once it stops declining and its condition stabilizes."

Max Williamson, southern regional herbicide specialist with the U.S. Forest Service in Atlanta and a member of the task force, agrees: "We will have to look at it for a couple of years. We may

---

*"Some residents were proposing that...the culprit be hung from the branches of the Treaty Oak."*

---

see that it is viable by this fall, but not whether it will survive intact and in the shape and beauty it had in the past."

Williamson points out that Velpar "has a very low mammalian toxicity and should pose no hazard to animals or birds in the area. To humans, it is four times less toxic than table salt."

The herbicide specialist and the other members of the task force recommended taking additional soil and tissue samples to determine whether contamination was still present. The tests proved positive, so an additional three feet of soil was removed around the base of the tree and replaced. When the oak's third flush of leaves began to show symptoms, giant screens 60 feet high, resembling those used on tennis courts, were installed to provide shade. Close to 8,000 gallons of spring water were trucked in

twice a week to mist the tree every half hour.

The experts' verdict was that the Treaty Oak can survive four to five flushes of its leaves. By early July, Giedraitis was saying, "We're keeping our fingers crossed."

Meanwhile, Sergeant John Jones of the Austin Police Department initiated an investigation so intensive that his colleagues began calling him "Johnny Appleseed" and "Johnny Acorn." While the detective was tracking down leads, feelings in the community were running high. Some residents were proposing that old-time Texas justice be applied and the culprit be hung from the branches of the Treaty Oak. Others suggested he be forced to drink Velpar.

Toward the end of June, Jones identified "a pretty good suspect," and on June 29 he arrested Paul Stedman Cullen, 45, a heroin addict who has served time on a burglary conviction. Initial indications were that Cullen had spread the herbicide in the pattern of a ritual curse involving unrequited love and revenge.

The police charged Cullen with a Class 2 felony—criminal mischief in excess of \$20,000. Giedraitis estimates the value of the Treaty Oak as \$47,000, based on a formula used by the International Society of Arboriculture. The formula takes into account species, location, condition, and size—but not history or beauty.

Giedraitis was one of those young men who proposed to his wife beneath the Treaty Oak. His feelings about the attack on the old tree were summed up in a story that appeared in the *Washington Post*: "When foresters get together and talk about trees, they sometimes stress that trees can save money on your energy bill and slow down the greenhouse effect.

"But the relationship between humans and trees goes beyond those things. People love trees. They are the most benevolent things in our environment. People relate to trees in primal ways, in their souls. That's why this crime offends people so much. They are disgusted that a human would do this to a tree that had withstood so many centuries against astronomical odds. From millions of acorns comes one tree, and from millions of trees comes one Treaty Oak." AF

~~Texas Monthly~~

# The Fight To Save Texas' Historic Treaty Oak

By Bonnie Skaar George

*"The poison,  
however, is still  
coursing through  
the historic tree  
and killing each  
new flush of leaves.  
Someone poured on  
enough of the  
herbicide Velpar to  
kill the Treaty Oak  
20 times over, and  
the odds are that  
this much-loved  
patient will die."*

*— J. Michael  
Kennedy, staff  
writer, Los Angeles  
Times, August 7,  
1989.*



A screen 65 feet tall has been erected on three sides to help fight the effects of wind and sun.

September 1989

The tale of an ancient live oak that has become a living historical shrine, the Treaty Oak in Austin, TX, is expected to be known next spring. Meanwhile, city officials have united with a task force of tree care specialists who came from all over the United States to try to save its life, which has already lasted some 500 years. They have spared no expense and lacked no expertise in their desperate but determined efforts to save the critically ill patient.

The poisoning is thought to have taken place around February of this year. E. I. du Pont de Nemours and Company, outraged that a chemical they produced had been used to poison the tree, offered a \$10,000 reward for information leading to the conviction of the poisoner. The Texas Forestry Association added another \$1,000. On June 21, Dallas billionaire H. Ross Perot gave the city of Austin a blank check to pay for efforts to save the Treaty Oak. "Do whatever is necessary to save the tree and send me the bill," he said.

The reward offers soon drew results. On June 29, Austin police arrested 35-year-old Paul Shodman Cullen and charged him with felony criminal mischief in the poisoning of

the Treaty Oak. On August 15 Cullen was indicted by a grand jury. He remained in jail, unable to post a \$20,000 bond.

The large reward for information leading to a conviction of the poisoner had enticed informants to implicate Cullen, leading to his arrest. Although by law he must be presumed innocent unless proven guilty, one informant states in an affidavit that he and Cullen drove around West Austin (near the Treaty Oak) looking for a live oak tree to put Velpar on.

The police allege that Cullen believed the Velpar would form a magic circle and was part of a ritual he carried out to protect a woman from another man. They think they have a good case against him.

Since Velpar is extremely toxic to hardwoods but not to evergreens, it is often used to eliminate hardwood competition in pine forest regrowth areas. Farmers use it to kill underbrush. While it can be purchased by the public, Velpar is not readily available, except at specialty stores such as agricultural supply houses. It's also expensive, costing \$80 to \$100 a gallon.

Whether the great oak lives or dies, the story of its poisoning and the efforts by leaders of America's tree care community to save it are themselves becoming a part of the modern history of Texas, whose founding the tree predates by several centuries.

The valiant efforts of this beautiful and revered old tree to save its own life are part of that story. It has already put out four sets of leaves in aborted efforts to nourish and heal itself with photosynthesis, a life-giving process which Velpar inhibits.

While police were still building their case against Cullen, a national task force of tree specialists and scientists gathered in Austin on June 26 to assess the damage and design a rescue plan for the tree. Officials seemed optimistic in June, when the second set of leaves was about to slough off. However, their optimism has decreased as the second, third, and fourth sets have failed to pull enough herbicide out of the tree's interior. As of mid-August, more than \$30,000 had been spent on efforts to save the tree.

What makes the Treaty Oak so special to Texans and to tree lovers all over? Its age and striking beauty have combined to make it one of the most beloved and historic trees in the United States.

For centuries, children have played in Treaty Oak's branches. Indians and settlers rested or picnicked in its benevolent shade, a welcome and protective refuge from the heat during the searing summers of central Texas.

Estimates of Treaty Oak's age range from 400 to 600 years. It stands about 50 feet tall, with a limb-spread of 127 feet. At chest height, the trunk measures 52 inches in diameter.

Treaty Oak is not only big, it's beautiful. It has been said to rank among the top 25 trees in the nation. In 1927 the American Forestry Association included the great oak in its Hall of Fame for Trees, declaring it to be the most perfect North American specimen of the live oak.

Originally, Treaty Oak stood at the center of a group of 14 trees called the Council Oaks. Development leveled the other oaks, and has surrounded the tree with buildings and a parking lot. It now stands alone, in a 1/2-acre park purchased by the City of Austin in 1937, after plans to cut it down spawned an outcry all across Texas to save it.

Treaty Oak gained its name from a Texas legend that colonizer Stephen F. Austin, the "father" of Texas, signed the first boundary-line treaty with the Indians beneath its spreading branches in 1824. Historians now say the legend is myth, not fact. Yet the name of the tree has entered our folklore.

Other stories say that Indians met under its branches to stage tribal ceremonies, plan war campaigns, and smoke the peace pipe. The Tejas Indians believed that a broth made from Treaty Oak acorns and wild honey would return lovers to maidens who drank the potion.

Treaty Oak has a special meaning for many Austinites. Among them is City Forester John Giedraitis, who is now leading the efforts to save it. He proposed to his wife on one of the park benches that surround the tree. In the last half-century, several dozen couples have recited their marital vows under its branches.

Groups of schoolchildren visit the tree regularly. One of them recently left a note on one of the many supportive posters now attached to the chain-link fence that surrounds it. "Get well, Treaty Oak," it says. "Hope you get better soon. Don't die."

That sentiment is widely shared, not only by Texans and tree lovers all over the United States, but by the outraged officials of E. I. du Pont de Nemours & Co. The du Pont chemical plant at La Porte, TX produces two million pounds of Velpar annually. The herbicide has been on the market for 15 years.

Overseeing the care and hoped-for cure of Treaty Oak is Giedraitis, the dedicated urban forester. Efforts to save the tree began immediately after Memorial Day, when it was realized that something was very wrong.

While a ring of dead grass had been observed around the tree on March 2, officials thought it was a weed killer and harmless to the tree. Nearly three months passed, as the poison did its deadly work.

Finally a concerned citizen called on May 30, the Tuesday after Memorial Day, to report dry leaves on the tree and a suspicion of oak wilt. This devastating disease has claimed 10,000 live oak trees in the

continued on page 14



# The Fight To Save

continued from page 13

Austin area. "It became real obvious as soon as we started poking around that it had a severe chemical burn and was losing most of its leaves," Giedraitis said recently.

At first, city crews used their own resources and knowledge of trees to counteract the poison. Soil samples were sent out for testing. The crews dug up the contaminated soil up to two feet out from the base of the tree, to a depth of six to eight inches.

Using high-pressure water jets, they injected 150 pounds of activated charcoal 18 to 24 inches deep into the soil of the excavated area plus another three to five feet, hoping it would attract and bind with the poison.

They injected 100 gallons of water laced with two pounds of microbes that break down and eat chemicals. They added new topsoil, which was one part sand, one part composted sludge, and two parts peat moss.

The June 5 test results from the laboratory indicated strong presence of Velpar. City crews covered the poisoned area with clear plastic to keep out any rain. Ten days later, they removed the plastic and mulched the excavated area.

By June 20, most of the first leaf flush was gone, and the second flush showed symptoms of damage. The next day, crews



Workers used high-pressure water jets and vacuum hoses to remove the top three feet of soil from around the tree.

bored hundreds of aeration holes into the ground, each of them three inches by two feet in size. They filled them with a mixture of sandy loam and pine-bark-chip soil mix with 22 pounds of Fertilalide.

Giedraitis' crew sent more samples to du Pont, raked all the contaminated leaves out of the park, and put a 40-by-50-foot tarp under the tree. The crew foliar-fed the leaves with Rapid Gro at a ten-percent rate. They fertilized the roots beyond the plastic

area six to eight inches deep with a pressure injector at 300 psi, using the same ten-percent rate. They misted the tree's leaves with 100 gallons of springwater.

On June 26 Austin hosted a Treaty Oak Task Force of some 20 tree experts and scientists from around the nation. They included Dr. Arthur Costonis and Jack Siebenthaler, representing the American Society of Consulting Arborists; Jim Rhoades,

continued on page 18

## THE VERSATILITY OF PLUS MANY APPROVED One power source, attachments



Lets you handle all of these applications — and more — with one machine, the Hydro-Ax 621 Industrial Tractor.



**Feller Buncher.** Shears trees up to 20" diameter, removes them and piles them up. Safely handles leaners. Lets you market timber that would ordinarily be discarded.



**Power Ditcher.** Then, in minutes, change from feller buncher to the new Excavator. This new cut-head attachment is ideal for high-speed ditch digging/cleaning.



**Brush Cutter.** Again, in minutes, change to rugged 8" rotary ax attachment. Clears tough scrub and underbrush, even small trees up to 5" diameter.

Write or call for details

**HYDRO-AX**



Hydraulic Materials Handling Division  
OMARK INDUSTRIES  
A BLOUNT INC. COMPANY  
P.O. Box 568 • Owatonna, MN 56001  
Phone (507) 451-4654



## American Arborist Supplies

Your Source for Professional Quality Tools

— NEW —

120 PAGE FULL LINE CATALOG AVAILABLE  
\$4.00 PER COPY CHARGE REFUNDABLE WITH FIRST ORDER

- |  |   |
|--|---|
| <input type="checkbox"/> HANDSAWS          | <input type="checkbox"/> CHEMICALS        |
| <input type="checkbox"/> SCABBARDS         | <input type="checkbox"/> CABLING SUPPLIES |
| <input type="checkbox"/> SAFETY APPAREL    | <input type="checkbox"/> LOGGING TOOLS    |
| <input type="checkbox"/> ROPES             | <input type="checkbox"/> CHIPPERS         |
| <input type="checkbox"/> PRUNING EQUIPMENT | <input type="checkbox"/> SPRAYERS         |

☐ A DISTRIBUTOR FOR  
BANDIT INDUSTRIES CHIPPERS

CALL NOW FOR YOUR CATALOG

(800) 352-3458 (In PA) / (800) 441-8381 (Outside PA)



ACCEPTED



## The Fight To Save

continued from page 14

acting city arborist for the city of Austin, and Task Force Chairman James Houser. He is managing arborist of Bartlett Tree Experts in Austin and chairman of the Austin Urban Forestry Board.

Representatives came from the U.S. Forest Service, North Carolina State University, Texas A&M University, the USDA Research Service, the Texas Department of Agriculture, the Texas Forest Service, the University of Texas, and du Pont. They asked for more testing, and then devised a plan for a three-pronged attack.

First, they encouraged the tree to suck

up as much of the herbicide as possible into the third set of leaves before shedding them. To assist in that process, they fully hydrated from the roots and leaves, which are still getting a daily misting with donated springwater, sprayed from tank trucks. The idea was to get as much herbicide as possible to drop with the third set of leaves. Workers would keep the leaves raked up so the herbicide couldn't recycle again.

Second, city workers dug out all the contaminated soil. Five months after the suspected poisoning date, tests showed three parts per million of Velpar — three times the lethal dose — at a depth of 30 inches. However, none was found below three feet.

Therefore the workers excavated the ground around the tree to a depth of about three feet, for some 15 feet around the trunk. About 15 cubic yards of soil was released by flushing around the roots with high-pressure water jets. The soil was replaced with donated planting soil.

With no more herbicide to pull in, officials hope the Treaty Oak can cleanse itself of the poison that remains in the tree. However, that may be difficult, even for such a large tree. One member of the task force estimated that it would take about ten ounces of Velpar to kill Treaty Oak. The best guess is that a gallon, which is 128 ounces, was actually used, because Velpar comes in one-gallon containers.

Third, every effort was made to "pamper" the tree so all its resources could go into healing itself. Among many unusual tactics were the efforts to shade it. A dozen 65-foot telephone poles were erected around three sides of the tree and draped with shade screens. The purpose was to reduce heat stress by shielding Treaty Oak from Austin's merciless summer sun.

An even more unusual life-saving strategy is taking place high up in the tree. Every half hour, the leaves are misted with springwater, offering them some 2,000 gallons of non-chlorinated water each day. Giedraitis explained, "The Utopia Spring Water people have donated the water to be used to spray the tree since it was determined that the city water might contain minerals that would be harmful to the tree's recovery."

The treatment is based on the belief of the arborists on the Treaty Oak Task Force that relieving the stress on the tree is a prime necessity. They suggested that sprinklers be mounted high in the tree to "apply moisture to the tops of the leaves," according to Dick Finnegan, irrigation unit manager for the Austin Parks and Recreation Department.

To achieve this, Finnegan chose the Weather-matic 95P Shrub Adapter with Series 200 nozzles, and PVC pipe was run up into the tree to bring water to the spray equipment. This, according to the panel of arborists, would relieve the stress on the tree by keeping the temperature down.

"The arborists suggested that the water be turned on for one minute every 30 minutes from 8 a.m. until 8 p.m.," Finnegan revealed. "I had to figure out the kind of pump which would get the water up 50 feet to the top of the tree and come up with the control system. Weather-matic answered the requirements."

Finnegan recalled that another challenge was to get people who were accustomed to working with irrigation systems 18 inches under the ground to be able to work 50 feet up in the air. This was accomplished, he explained, with the help of the forestry unit and some tree climbing.

Thus the two professions, arborists and landscape irrigation specialists, united to save the gallant old Treaty Oak. Their

# GENTLE GIANT



**B**ig John Model 90AA. The biggest transplanter you can buy. Also the kindest to trees.

Big John forms an expert nurseryman's rootball. With plenty of firm, undisturbed soil around the roots. And it pampers trees in transit, so they live and thrive without setback.

Get more information on The Gentle Giant, and the entire Big John family, down to 32". Call 1-800-643-8039 or in WI 414-679-0318.

## BIG JOHN

The gentle giant

### BIG JOHN TREE TRANSPLANTER SALES



cooperation is symbolic of the concern that moved people from all walks of life to visit it, send best wishes by mail, and pray for it. However, only specialists like Giedraitis, Finnegan, and the Treaty Oak Task Force could apply the technical expertise that was sorely needed.

"Figuring out how many heads I was going to need was another problem," Finnegan continued. "It was just not like we learned in school! I figured it out on paper, but that wasn't the answer. What we had to do was actually get up into the tree and determine where the heads needed to be placed and, from that, decided how many heads we needed."

Far below, yet other specialists were hard at work. A 1/4-inch layer of Dillo Dirt, a compost mixture made with sewage sludge from the city's wastewater treatment facility, was added as topdressing. The ground was irrigated with Austin water, in hopes that its alkalinity will deactivate any residual Velpar.

When test results in late July showed that the levels of Velpar inside the Treaty Oak were still massive enough to kill it, 35 gallons of saltwater were injected into the tree in more than 100 places. While there is no known antidote to Velpar, the experts hope the salt will deactivate the poison, or at least force it into the fourth set of leaves, which are expected to slough off.



PVC lines were placed in the tree to deliver water to shrub heads for systematic top down irrigation.

Oak trees can produce four or five sets of leaves before they use up all their energy and die. Giedraitis says Treaty Oak's limbs and twigs are depleted of their energy, but the roots continue to have high levels of

reserve energy. Workers have wrapped burlap around some of the upper limbs to protect them, since the leaves are not able to.

That is the story of the heroic efforts being made to save Texas' great Treaty Oak. Why in the world would someone have wanted to kill it? That is what people are asking themselves. One note placed near the tree said, "In sympathy I grieve for the sickness of this tree and its assassin."

Austinites were not surprised when the poisoning of their tree became national news. The New York Times ran a front-page article on June 23 entitled, "Murder Mystery Grips a City: Just Who Would Kill a Tree?"

Three days later, the ABC, CBS, NBC, and CNN networks broadcast stories on the poisoning. The wire services carried daily updates during the last week in June. Many Austinites first heard that someone had been arrested in the case when the news came over the national TV networks. National Public Radio also covered the poisoning, as did U.S. News and World Report.

When Barbara Walters interviewed Giedraitis live on ABC-TV's "Good Morning America" June 26, her first question was, "Who's trying to murder Austin's Treaty Oak?" While the question is still essentially unanswered and a trial of the accused has not yet taken place, pieces of the story are coming out.

## Andy's Truck Center



977 Ford F-700 w/5Fi-48PBI, 53' 2-man bucket. Nice truck!



100' SkyHook Aerial Ladder, Crane...1985 GMC 7000.



1981 Chevy C-70 Diesel w/Asplundh LR-45, w/Chipper Dump, Flat, or Service Body! Low miles.



1981 Mercedes S-1116 Diesel w/Asplundh LR-45, only 35,000 miles. Flat Bed, Tool Boxes.

### Other Units In Stock!!

- \* 1981 Ford F-700 w/mounted Asplundh LR-45/LR-50, Flat Bed or Chip Dump.
- \* 1984 Ford F-800 w/8 ton National 65' hook height, 18,000 miles.
- \* 77/78/79/80 GMC S-6000 Dump Chip Trucks. From \$4,750 - \$8,750.
- \* 2-87 Ford 555B Backhoes/loader under 1,000 hrs.

Call For Prices: Ph. (407) 965-6666

**Andy's Truck Center Inc.**

180 Trucks In Stock!!

Fax # (407) 965-6844

**"We GUARANTEE Quality, Satisfaction, And Delivery To Your Destination."**



1980 Ford F-600 w/Asplundh LR-45 w/Chipper Dump, Flat, or Service Body.

When arrested, Cullen was living in a rural area outside Austin, in an 18-foot delivery truck located on property owned by a family that had befriended him in 1987. He formerly worked in the family's farm and ranch supply store, although it has not been proven that Velpar was available to him there.

Cullen has an arrest record that dates back 25 years, with many problems related to drugs and alcohol. He has been on a methadone program. The suspect is said to be an avid reader, and police found at least one cult-related book in his dwelling, according to a source close to the investigation.

During his arraignment, Cullen was heckled by other prisoners, with such comments as "Man, you're in big trouble, you know that?" He has been unable to post the \$20,000 bond, which his attorney criticizes as more typical of cases of violent crimes against people. However, the attorney has not asked that it be reduced to \$5,000, which is said to be more normal for criminal mischief cases, because he doesn't think his client could afford even that.

Cullen's felony criminal mischief charge is for causing damage of more than \$20,000. Treaty Oak is valued at \$47,000, based on a formula used by the International Society of Arboriculture. The formula emphasizes species, location, condition, and size. Historical value and beauty, both



Get well cards, flowers, poems and notes have arrived from well-wishers around the world.

important aspects of the Treaty Oak, are not considered.

Prior to the grand jury's indictment, Cullen's attorney said that if the suspect were indicted he would ask that the trial be

moved from Austin, because the lawyer believed that the strong sentiment and extensive media coverage would keep his client from having a fair trial.

Meanwhile, the plight of the tree and the mystery surrounding its poisoning and the motives for it have crystallized strong environmental sentiment in Austin and drawn many visitors to the site. While the tree care specialists could channel their feelings of outrage and sympathy into work on behalf of the tree, common citizens resorted to the only kind of help they could think of.

Visitors have left hundreds of presents for the tree: old-fashioned remedies such as aspirin and cans of chicken soup, get-well cards, crosses, and flowers, as well as New Age remedies such as crystals and candles. Someone even left an unexplained pair of black, well shined men's shoes.

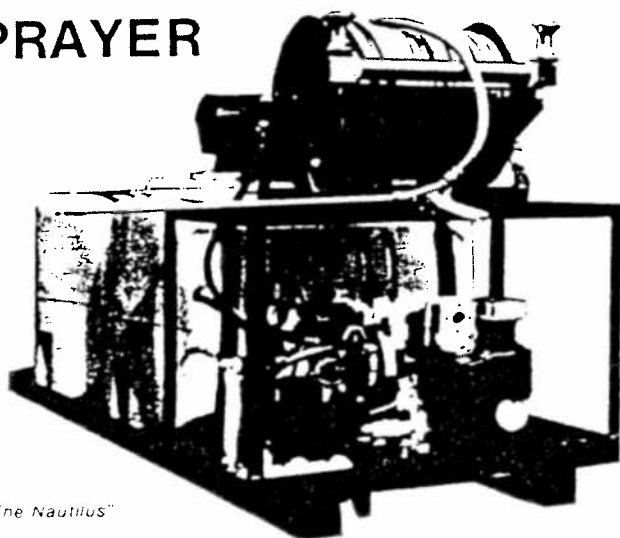
School-age children, including a group from Ft. Worth, TX, have prepared poster-board collages of get-well messages. A handwritten copy of William Wordsworth's "Yew Trees" included the phrase, "... of form and aspect too magnificent to be destroyed."

No one knows yet if the massive effort to save Austin's beloved Treaty Oak will succeed. The tree care specialists and the scientists have done all that is humanly possible. Visitors and friends of the historic tree now hope for a miracle. □

## TWIN TANK I.P.M. SPRAYER for Pick-ups/Vans/Trailers

**LEASE FOR ONLY \$92.00**  
per month

Our dual-tank NAUTILUS is by far the most popular in our entire line of complete sprayers. Fully versatile, can be used for both lawn and ornamental spraying. It combines the flexibility of a larger sprayer with the compactness of a single tank unit. The hose reel can be mounted for side or rear take-off. Choose from three tank sizes: two 100 gals.; two 150 gals.; two 200 gals. Optional pumps available for tree spraying.



"The Nautilus"

### SPECIFICATIONS:

Pump: 450 psi/10.5 gpm Udor Tau 35 diaphragm  
Motor: Briggs IC 5 hp or Optional Honda  
Hose: 300' X 1/2" 600 p.s.i.  
Hose Reel: Electric rewind Hannay or Nordic  
Gun: Choice of lawn or ornamental  
Tank Sizes: 2 X 100 gal.  
2 X 150 gal.  
2 X 200 gal.

OTHER OPTIONS AVAILABLE



**GREEN PRO SERVICES**  
Grass Roots Nature's Way, Inc.

TOLL FREE **800-645-6464**

## TGBS EFFORTS CREATE TREATY OAK FUND FOR FUTURE TREE PLANTINGS

In the wake of publicity surrounding the poisoning of the historic Treaty Oak in Austin, members of the Texas Botanical Garden Society have played a large role in the creation of a program that will ensure future plantings of many trees within the Austin urban forest.

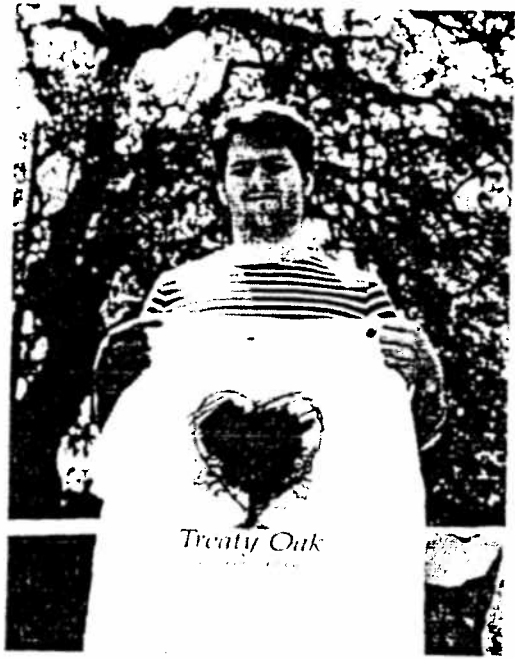
On June 1, TBGS volunteer Tom Spencer coordinated a citywide treaty signing event held under the ailing branches of the Treaty Oak, garnering over 800 signatures on a treaty showing support for the recovery of the tree and pledging the planting of more trees within the Austin city limits.

As part of the event, TBGS volunteers gave away over 400 oak tree seedlings to individuals who signed the pledge, requesting that the oaks be planted throughout Austin in a show of support for the historic tree. Also contributing goods and services to the event were; Tree Search of Houston, Sandy Odom, The Frame Corner, Miller Blueprint, David Halley, Hal Michael Ketchum, Lee Ann Atherton, Gardenville, Greater Texas Landscapes and PIP Printing.

For the treaty ceremony, a special Treaty Oak Fund was established through the City of Austin Parks and Recreation Department to fund future plantings. Requests for use of Treaty Oak funds for tree plantings in Austin should be directed to the Austin Parks and Recreation Department.

In addition to the over \$600 raised on the day of the event from visitors to the tree, the amount of money was increased dramatically during the next few weeks when John McElhanney, owner of McOne, pledged half of his profits on Treaty Oak T-shirts to the Treaty Oak Fund, increasing the total to well over \$10,000.

Approximately \$4,000 of the initial funds raised through the effort have been earmarked for a tree planting project



*John McElhanney and his t-shirt sales donations have boosted the total amount of money in the Treaty Oak Fund to over \$14,000.*

along the southern MoPac entrance to downtown, sponsored by the Texas Botanical Garden Society. Matching grants from the Texas Department of Highways and Public Transportation will be requested to enhance that project.

Persons wishing to donate to the Treaty Oak Fund should submit contributions to:

**Treaty Oak Fund  
Office of the Director  
Parks and Recreation Department  
P.O. Box 1088  
Austin, Texas 78767-1088**

### THE TREATY OAK PLEDGE

"As an expression of our heart-felt desire to see The Treaty Oak survive as a living entity and endure as a symbol of nature's majesty, we the undersigned pledge the following:

To preserve and protect Austin's natural heritage:

To plant trees in our yards and public spaces; and

To take pride in Austin as a city in a garden.

The Treaty Oak, 600 years old, forever growing in our hearts."



# World Rallies to Save Local Tree

Southern Landscape Architecture

Sept/Oct 1989

*Weather-matic joins attempts to relieve poisoning*

Efforts continue to save the five to six hundred year old oak in Austin, Texas known as the Treaty Oak, a name the tree acquired through the years after local lore placed a peace conference between Stephen F. Austin and area Indians under its branches.

It was determined in late July that the herbicide Velpar poured around the tree by a criminal/vandal remains at a level many times what is needed to kill the tree.

International attention has been brought to this majestic oak through the media bringing letters, cards and gifts of money to help in the attempts to

save the tree. Texan H. Ross Perot stated, "...save the tree and send me the bill."

Arborists from throughout the country were called in to assess the damage and offer suggestions about the possibility of saving the fifty foot tall oak. Relieving the stress the tree was under was one of the prime suggestions of the arborists and they proposed that this could be accomplished by mounting sprinklers high in the tree to apply moisture to the tops of the leaves.

Dick Finnegan, irrigation unit manager for the Austin Parks and Recreation Department, chose the Weather-



▲ Workers used high-pressure waterjets and vacuum hoses to remove the top three feet of soil from around the tree. Twenty-two cubic yards of planting soil were used to replace the Velpar-tainted dirt.

matic 95P Shrub Adapter with series 200 nozzles and used PVC pipe to bring water to the spray equipment.

Mike McClung, the Weather-matic distributor in Austin was also involved in the design and coordinating of efforts for the irrigation work. This involved the selection of a pump which would get the water up fifty feet and a control system which would turn the water on for one minute every thirty minutes from 8 a.m. until 8 p.m. Weather-matic equipment answered the requirements.

Shade cloth has been hung from telephone poles to protect the tree from sun and wind and spring water has been donated to spray the tree since it was determined that city water might contain minerals that would be harmful to the tree's recovery.

In what some consider a last ditch effort, 35 gallons of a saline solution was injected into the tree in more than 100 places. The hope is that the salt will neutralize the poison or force it into the tree's leaves, cleansing the tissue and giving the oak a chance of producing leaves that will survive.

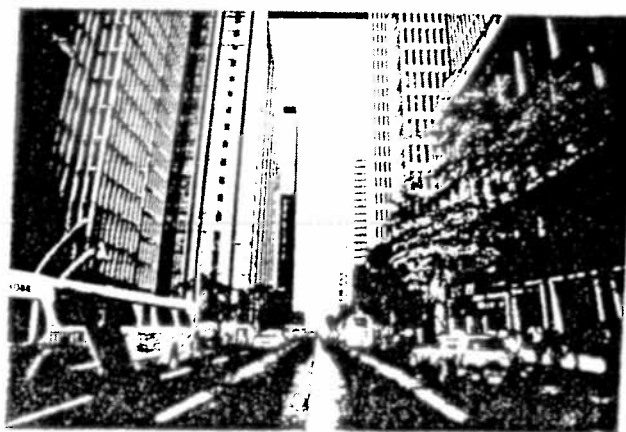
The publishers of *Southern Landscape Architecture* along with thousands of well wishers thank those involved in these attempts to save this living monument to American history. ■

# CAN WE SAVE THE URBAN TREE?

BY MICHAEL LECCESE

**A**cross America, urban foresters fight vandalism, pollution and, occasionally, benighted landscape architects □ The crackle of a shortwave radio interrupts a phone conversation. "Excuse me," says John Giedraitis, city forester for Austin, Texas, putting the caller on hold. Minutes later, he explains the interruption: "Some vandal poured [the herbicide] Velpar around one of the most historic trees in Texas, a huge live oak in downtown, 600 years old. It's made the AP Wire and the *Philadelphia Inquirer*. It's been spin control around here for the last few weeks." □ Giedraitis wasn't sure he could save this tree—or any other in Austin's beleaguered urban forest. Facing woes ranging from vandalism to a root-transmitted blight called oak wilt, the city is losing trees 10 times faster than they can be replaced. "People look around and see trees everywhere," he says, "but we're practicing resource liquidation. Eventually our parks will turn into grassland." □ The Texas city is not alone in crisis. The average urban area is 30 percent forested, but experts believe that figure is declining both in city cores and in suburbs sustaining urban-village-style development. While Austin has literally dug in to save its trees—excavating four miles of trenches to stop the spread of oak wilt—Chicago is losing trees three times faster than they can be planted. Nationally, the rate is four to one, according to a 1987 survey by the American Forestry Association (AFA). New York City, with 650,000 street trees, is puzzling over how they can thrive between a rock—the city's foundation of bedrock—and a hard place—the skyscrapers and pavement that warm to desert temperatures while blocking the sun needed for photosynthesis. The greener boroughs suffer from a different plight, the paucity of maintenance money. "Drive through Brooklyn and Queens in winter—you look up and see nothing but broken branches," says city forester William Lough. □ Moreover, across the U.S., diseases have eviscerated populations of such stately timber as elms, chestnuts, live oaks and even dogwoods, now threatened by the deadly fungus anthracnose, which originated in New York and has spread as far away as Maryland. Another culprit is the gypsy moth, brought to Massachusetts in 1869 by a French scientist who hoped to improve silk production. The caterpillars escaped their industrial milieu to munch on the leaves of oaks and 500 other tree species in 14 states over the next century, defoliating 13 million acres in their peak year of 1981. Dutch elm disease, a fatal combination of fungus

Top: Live oaks in Washington, D.C., where summer storms wind many down at times. Right: Peachtree Street in Atlanta, a major thoroughfare, is 90 percent covered by trees.





The recent deliberate poisoning of Austin, Texas's 600-year-old Treaty Oak has attracted national attention. The fact that Austin is losing trees 10 times faster than they can be replaced has gained less notice.

and a bark-boring beetle, was introduced in the U.S. in a tainted shipment of British lumber. Since the disease surfaced in Cleveland in 1930, the nation's elm count dropped from 77 million to 34 million by 1976, according to *Scientific American* magazine.

Then there's real-estate development. The seven-county region around Atlanta loses 50 forested acres a day to parking lots and condominium complexes. In the last decade, that translates to four million trees killed in booming Gwinnett County alone, and 20 percent of the region's tree cover vanquished. Around Washington, D.C., once-rural counties report deforestation near 50 percent. "Right now, we send General Sherman in first, then we go in and 'landscape,'" says T Allan Comp, coordinator of the AFA's Global ReLeaf program. "We're just beginning to show the [landscape architecture] profession that it doesn't cost more to do it right. . . . We need to learn to insert buildings among trees, rather than squashing everything, then calling in the landscape architect to decorate."

Road designers also come in for criticism. "The engineers are just ahead of Dutch elm disease in terms of killing trees," says Frank S. Santamour Jr., a researcher on tree genetics at the National Arboretum in Washington, D.C., "because they keep moving the roads around!" Gary Mason, ASLA, of the Berkeley, California, firm Wolfe Mason Associates adds, "Traffic engineers are designing wider streets with monolithic sidewalks. Streets are becoming too wide for a shade canopy."

The resulting situation, say the gloomiest oracles, leaves cities poorly positioned to battle air pollution, global warming, and, at worst, the threat of drought and global warming

and drought. Furthermore, our aging tree population is overgrown and brittle, a nuisance to utility companies and a threat to human life. "You can see the urban forest declining throughout the South," says Phillip Rodbell, an urban forester with the AFA. "It's because all the trees were planted at the same time, during the City Beautiful movement." The consequences were dramatized in Washington, D.C., in June, when freak storms downed 6,000 tons of trees, which cost \$1 million to clean up.

However, landscape architects, neighborhood activists, urban foresters and arborists are joining forces to fight back. "We're starting to realize that trees aren't just ornaments put out on a sidewalk," says Mason, whose firm is designing a new tree plan for the 1960s tract suburb of Thousand Oaks, California. "We're trying to communicate that trees are part of the infrastructure, just like streets and sewers. They need cyclical maintenance."

"The greenhouse effect is really scaring a lot of people," says Edith Makra, an urban forester with the non-profit NeighborWoods program in Chicago. Formed under the aegis of the Open Lands Project, a group founded in 1963 to reclaim vacant lots for greenery, NeighborWoods encourages communities to get involved to improve their streetscape. "We've had yuppie plantings with fresh flowers, pink lemonade and chocolate doughnuts in wicker baskets," says Makra, "and we've actually had gang members leading other plantings. We've had great luck planting trees in hostile areas."

The key to the program's success is an effort to link tree planting to Chicago's beloved-but-bedraggled 28-mile boulevard system. "The boulevards are an inland greenway connecting the lake to the city," says Makra. "But

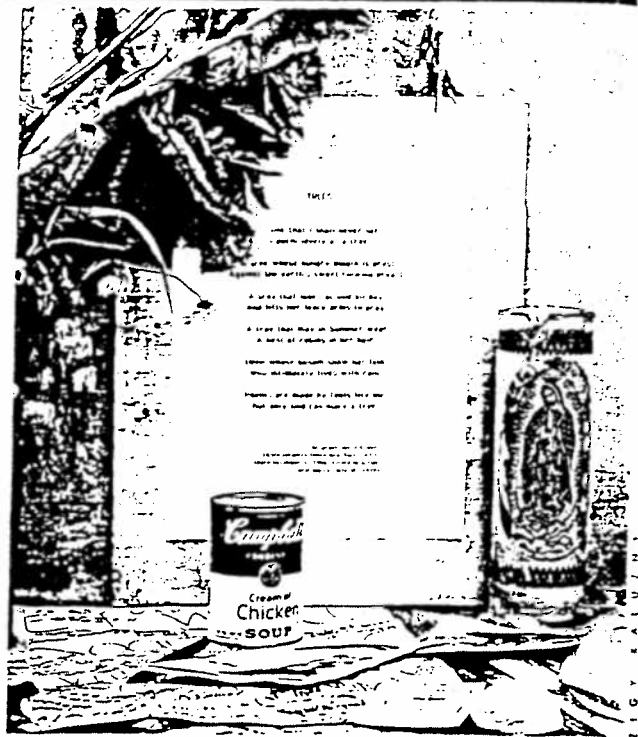
they're poorly maintained. We envision something like a linear arboretum." The first replanting took place recently as neighborhood groups helped insert 80 new trees and shrubs near Logan Square. The city of Chicago, which saw its arbor budget slashed by nearly 60 percent in the early 1980s, donated the design services of a landscape architect from its department of public works.

However, the role of the landscape architect is not always viewed in such positive light. "I hate to tell you, but landscape architects are as bad as anyone else," says Marcia D. Bansley, executive director of Trees Atlanta Inc. "They're insensitive about the planting around trees. People don't know the physiology of trees, that roots require oxygen to live." "We need to learn more about trees," admits Mason. "Too many landscape architects plant trees for aesthetic, not environmental, reasons. Too many of them are still into 'the art of design.'"

The National Arboretum's Santamour agrees: "Numbers are sometimes important to a landscape architect, unfortunately. He needs 12 trees of a certain size, and can only get 11 of what he really wants. So he takes his second choice, which is bad. Change the design. Don't change the planting." Santamour offers a case in point: "I had six of these galaxy magnolias [developed by the Arboretum to be hardy street trees] ready to be shipped and planted at the South Building of the Department of Agriculture. Then they bought eight *Sophora japonica* instead. I mean, c'mon. Here was a chance to display the product of USDA research at the USDA building. But, nah, they said, 'We need eight.'"

Santamour and others argue that landscape architects should be more sensitive to the special needs of urban forests. Originally coined in Canada to connote the green areas spreading between towns, the term "urban forest" has come to define the inventory of street, residential and park trees within city limits. Unlike woods in the wilderness, urban forests cannot take care of themselves. Squeezed in between curbs and sidewalks, or else surrounded by acres of manicured grass, they are not subject to the laws of natural succession. In this surprisingly fragile environment, trees must be carefully selected, trained, nurtured and maintained, like huge potted plants. Nina Bassuk, director of Cornell University's Urban Horticultural Institute, suggests that symmetrical, row-style boulevard planting may be outdated. City trees would thrive if planted in clusters and surrounded by open areas of soil that would allow their roots to spread. "The street tree has a tough, short life, anywhere from three to 15 years," she says. "Some LAs who work in urban areas are concerned, but we have a great need for better diversity. We plant the same tired old trees over and over again, and they don't really work in the concrete of inner cities."

However, on the community level, landscape architects are lending their expertise to such private, nonprofit groups as TreePeople, which has pledged to plant a million trees in Los Angeles by 1992; San Francisco's Friends of the Urban Forest, which works to reclaim asphalt lots for greenery; and Trees Atlanta Inc., which recently hosted a birthday party for a 206-year-old oak that it convinced the highway department to spare. Atlanta native Edward L. Daugherty, FASLA, recently donated his time to redesign papers that helped save 32 century-old trees around a new parking lot. As a result, the devel-

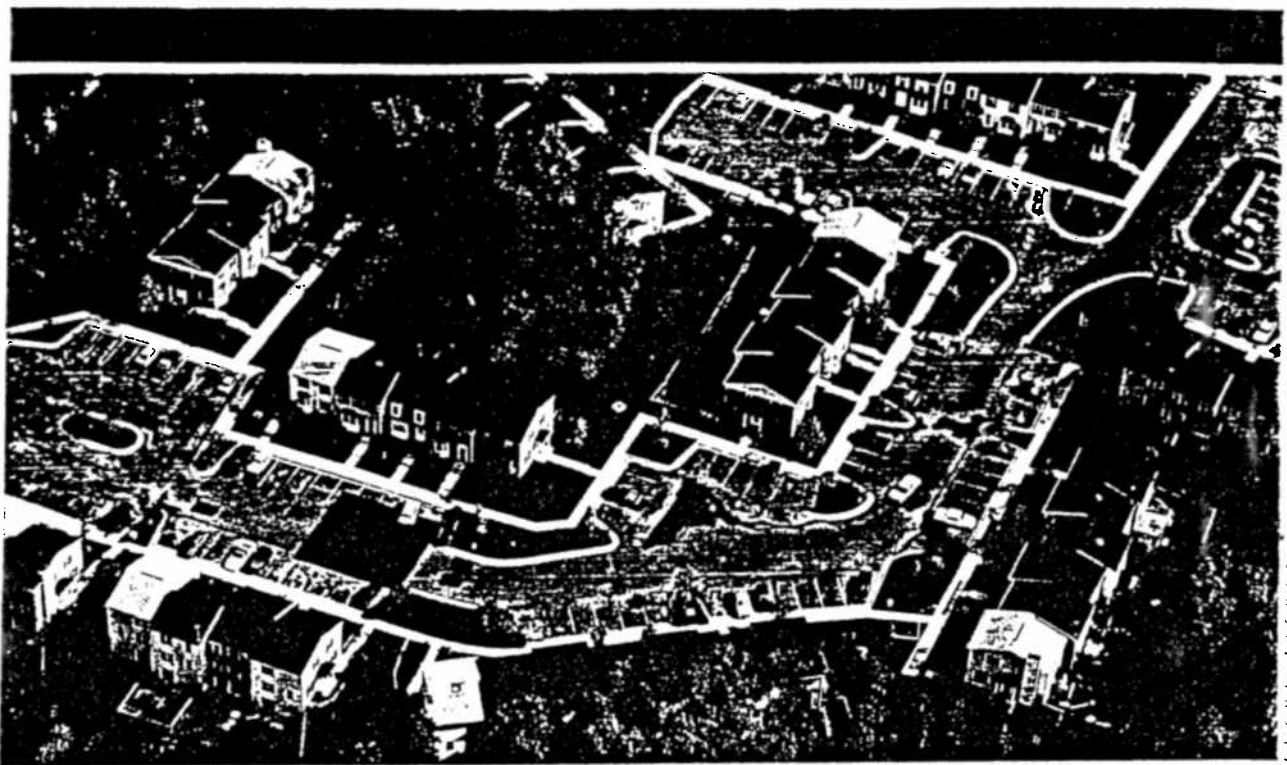


Tributes and get-well gifts left by well-wishers for the Treaty Oak include Joyce Kilmer's immortal ode and chicken soup. City foresters have tried dosing the tree with fresh soil and springwater, among other things, but it is still unclear whether the tree will survive.

oper. Frank Howington, not only escaped vilification from tree lovers; he won an award from Atlanta's Urban Design Commission.

A proponent of shade trees over air conditioning, Daugherty has also been known to tack thermometers to city telephone poles and broadcast the dismaying readings from these urban "heat islands," centers where temperatures can rise three to five degrees higher than in the outer suburbs. "I've talked to every garden club and done everything but stand on a box waving a Bible," he says. ("What landscape architect isn't a preacher for the visual environment and the relationship of trees and color?" asks John A. Bentley, ASLA, a member of Cincinnati's forestry board.) Landscape architect Mason has been working on schemes to fit trees into asphalt parking lots, a prime offender in causing such heat islands.

Cities have also been developing their municipal strategies. Whereas departments of urban forestry scarcely existed before 1970, they now thrive in such burghs as Milwaukee, Minneapolis, New York City, Charlotte, Cincinnati and Atlanta. Savannah, Georgia, is trying to preserve General James Oglethorpe's 1733 plan for 16 squares planted with live oaks. Portland, Oregon, recently spent \$2 million on an unusual but encouraging road-narrowing project. In a 13-block esplanade known as the South Park Blocks, 10-foot parking lanes were reclaimed for new grass and trees. The purpose, says Mary Anne Cassin, ASLA, a parks designer for the city, was to restore an original grid of trees planted in nine-by-five rows. The 100-year-old elms that had died or been chopped down were replaced with sugar maples and oaks. "There was controversy about removing 64 parking spaces," says



Suburban projects like this one in Maryland have contributed to deforestation of nearly 50 percent in some counties.

city forester Stephen F. Goetz. "But people agreed it was best for the city in the long run."

Experts acknowledge that the nation's foremost urban forestry program is in Milwaukee, a city better known for 25-cent beers. There, legendary city forester Robert Skiera presides with paramilitary efficiency over programs to nurture 320,000 street trees on 1,400 miles of roads, including 119 miles of carefully planted boulevards. (Skiera's vanity tags read "MR TREE" and his phone number is 373-TREE. His son is an urban forester in Urbana, Illinois. "They have an excellent program, naturally," he says.) With a \$10-million annual budget for its trees, the city plants 8,000 a year and maintains an elaborate irrigation system and a fleet of radio-dispatched trucks to respond to tree emergencies. The trees are cataloged by computer and pruned on a precise 5.6-year cycle—which means trims for 60,000 a year. "It's unique, because Milwaukee is not the horticultural center of the universe," says Skiera. "But I think the north people appreciate the small window they have to grow green things." Indeed, a yearly summer festival draws 1,200 residents out to plant 104,000 annuals in one day.

Unfortunately, Milwaukee and Portland, Oregon, which actually operates its own city nursery to supply its 2,100 miles of streets with 150,000 trees, are exceptional. Only 17 percent of U.S. cities have a plan for managing trees, and only 39 percent perform systematic maintenance, according to a 1988 survey of 1,062 U.S. cities by the International City Management Association. But the AFA's Rodbell says the numbers belie a turnaround in progress: "In the early '80s, cities definitely had a negative tree-flow and [grave trees] low budget priorities. But now they realize that trees are important to their economic stability." Studies show that houses on tree-lined streets command prices as much as 21 percent higher than homes in more barren areas.

While tree-planting ceremonies have traditionally been

associated with beautification, civic groups are increasingly interested in environmental benefits. According to research originating from the University of California's Lawrence Berkeley Laboratory, three well-placed trees planted around a house can reduce air-conditioning needs by 10 to 50 percent; on a broader scale, greenery can effectively turn down the thermostat in urban heat islands. Furthermore, an acre of mature trees can absorb 48 pounds of carbon dioxide annually, meaning that forests could potentially transform about 25 percent of the pollutants the U.S. releases from burning fossil fuels into oxygen.

It is in the cities where the greenhouse effect has become a fact of life that the AFA is promoting arboreal benefits. Its Global ReLeaf program aims to plant 100 million new trees across the U.S. by 1992. So far 10 states have joined the program and Los Angeles alone has pledged to plant a million seedlings.

Madis Pihlak, ASLA, an assistant professor at Arizona State University in Tempe, argues that trees humanize severe landscapes while forging more ecological cities. "Phoenix is such a bleak, auto-oriented city," he says. "We're the second-highest city in the world in per capita gasoline use. It's a real battle to pedestrianize. Street trees are the first step. . . . Right now it's 100 degrees at two o'clock, and you'll see people standing in the shade of a light pole. Shade is necessary if you're going to get out and walk."

Meanwhile, scientists are tinkering with tree genes to develop strains that are not only more disease-resistant but grow more slowly, live longer, provide more shade and use less water. The U.S. Department of Agriculture, working with the National Arboretum, has produced new strains of sycamores, elms and magnolias that are sold through 60 wholesale nurseries. One goal is to increase the average life of a city tree from about 15 years to 60 years, while providing a pleasing, shade-producing shape. In addition, the trees should grow slowly so as not to interfere with utility wires or sewers. Working in a





These tree-lined streets in Washington, D.C., seem to come from another era, yet they continue to cool buildings and filter pollutants.

150-acre experimental forest in Beltsville, Maryland, the Arboretum's Santamour puts trees through their paces like the toughest sergeant at Parris Island. He's been known to drive chisels into trunks by the thousands, to prune, whack and graft, and to plant 6,000 hybrids knowing that all but three or four will die. The result, he says: "Tough trees."

Urban trees were originally selected for their tough attributes. What the maples, elms and sycamores lining thousands of Main Streets around the country had in common was their natural swamp origins. They were trees accustomed to doing without much oxygen or nutrients, and they thrived planted in neat rows, squeezed between sewers and curbs. They became part of a landscape tradition associated with broad verandas and white picket fences. Older residents of cities recall fondly when the elms arched high over the trolley median, creating the sense of a cathedral nave that never ended.

Such "monocultures" of trees were quickly rendered obsolete by various blights: chestnut blight, Dutch elm disease, root nematodes, boring beetles and gypsy moths. Whole cities have been deforested and replanted with as many different species as possible. Milwaukee employs 60 species and Minneapolis is careful to limit the same tree to two- or three-block strips. Gary Mason helped select 40 different trees to be planted in Thousand Oaks' so-called Community Forest Plan. "There's variety, but it's not a botanical garden approach," he says.

"The rule of thumb is, 'don't plant more than 10 percent of any one species,'" says Santamour. "Someone made that up, but it isn't too bad. Let's not have 200,000 elms in St. Paul. I remember when I was a student in Minnesota, those elms were fantastic. But I was there 10 years ago and it was just chainsaw noise."

In the 1970s, St. Paul's twin avoided elm blight thanks to quick thinking on the part of city forester David DeVoto. The city's tree budget was \$1.5 million when

Dutch elm disease hit in 1976. As 95 percent of Minneapolis's 210,000 trees were elms, the city faced aesthetic and environmental disaster. "I asked for more money, but there was no response," says DeVoto. "So I had my men mark 7,000 trees with a big red T for 'takedown.'" Piqued by the threatening symbols, citizen interest exploded, a statewide Shade Tree Advisory Committee was formed instantly, and the city boosted its tree budget to \$10 million in 1976. Still, 32,000 elms were lost in 1977, though more than 100,000 remain, and 140,000 new trees have been planted since 1974. "Ninety percent of what we planted survived," DeVoto says. "In a few years, we won't have any vacant tree space."

Increasingly, municipalities are passing laws offering both carrot and stick to protect their forests. In Cincinnati, property owners can buy their street trees from the city to use as they please. But when the price tag reaches several thousand dollars, owners think twice about removal. New tree ordinances in counties around Atlanta set guidelines for developers who want to remove trees. Under the system, they must plant scores of young trees if they take down one mature specimen. Charlotte, N.C., tries to protect all trees with trunks larger than eight inches wide, while New York City punishes tree assassins with stiff fines.

With more hardy tree species on the horizon and interest in urban forestry growing, some tree people find cause for cautious optimism. Santamour, for one, sees hope in the burgeoning interest in specialized areas of urban forestry. "Do you know there's an organization for zoo horticulturalists? A separate organization for people who deal with plants in zoos. This is very neat stuff. Maybe they'll develop an elephant-resistant tree." More to the point, will cities be greener in 30 years? "Absolutely," says Santamour, inspecting a tree section that healed after one of his chisel attacks. "We're learning how to grow plants where they don't want to grow." ■



## **TREATY OAK: A NEW AGE TRIBUTE**

**Hillside Theatre, Zilker Park  
October 6th at sunset  
Admission is free**

a multi-media show featuring Austin new  
age composer and multi-instrumentalist  
Fred Mitchim and nationally-acclaimed  
Austin modern dancer Ann Mary Carney

*Presented by  
EuroExport Entertainment and  
co-sponsored by New Texas Magazine*



**EuroExport**

# **NEW TEXAS**

and to assist with the festival

## **1989 LIVE OAK FESTIVAL T-SHIRTS...**

a tribute to Treaty Oak



### **On Sale Now at:**

- Chuy's, 1728 Barton Springs
- BookWoman, 324 E. 6th \*†
- Stop-n-Go, 160 E. Riverside \*†
- Twin Oaks Hardware, 1202 S.  
Congress \*† • Sunset Studios,  
206 E. Live Oak \*† • Dan's  
Cellars, 1327 S. Congress
- Terra Toys, 1708 S. Congress \*

(\* = children's sizes; † = tank tops)

*The Third Annual  
Live Oak Festival  
is co-sponsored by*

# **NEW TEXAS**

**MAGAZINE**

*Extreme measures are being taken to save the life of a poison victim now in critical condition and facing possible death.*

*A suspect has been arrested in the crime which officials think happened in February. The murder attempt, now thought to be part of a bizarre ritual, has brought unprecedented national media attention and stirred emotions across the country.*

## TREATY OAK POISONED

The victim is the 500-year-old Treaty Oak in Austin, a tree once described as the most perfect tree in North America. Visitors from all over Texas—and even from other states—stream to the tree and cluster behind the police tape, some in tears as they point to the dry, yellowing leaves rustling against each other in the hot Texas breeze. Clearly the tree looks bad.

Visitors have left presents for the tree: old-fashioned remedies such as cans of chicken soup, get-well cards, crosses, and flowers; new-age remedies such as crystals, candles and, an unexplained pair of well-shined black men's dress shoes. School-age children, including a group from Ft. Worth, have prepared posterboard collages of get-well messages. One says, "Get well, Mr. Tree." A handwritten copy of William Wordsworth's YEW TREES included the phrase "...of form and aspect too magnificent to be destroyed." One note said, "In sympathy I grieve for the sickness of this tree and its assassin..."

The story of Treaty Oak's poisoning moved from a local to national story when the New York Times ran a front-page article on Friday June 23, 1989 titled "Murder Mystery Grips a City: Just Who Would Kill a Tree?" Three days later, ABC, CBS, NBC, and CNN networks carried stories. The wire services carried a daily update the last week of June, and many Austinites first heard that someone had been arrested in the case when the news came over the national networks. The U.S. News and World Report and National Public Radio also carried stories.

When Barbara Walters interviewed Austin City Forester John Giedraitis live on Good Morning America on Monday June 26, her first question was, "Who's trying to murder Austin's Treaty Oak?, Indeed, who? and why? Just days later police arrested a suspect in the case, but the answers to those questions are not yet final.

Paul Stedman Cullen was arrested Thursday June 29 and charged with criminal mischief causing damage of more than \$20,000 (Treaty Oak is estimated to be worth about \$47,000), a crime punishable by a maximum of 20 years in prison and a \$10,000 fine. Since Cullen has served a prior prison term, the jury could enhance the charge and the maximum punishment could be life in prison.

During arraignment, Cullen was heckled by other prisoners. "Man, you're in big trouble, you know that?" one reportedly said. Cullen has not formally admitted to the charges, much less explained why he might have done such a thing, however, a \$10,000 reward from E.I. du Pont de Nemours & Co., which makes the herbicide Velpar used in the poisoning, and a \$1,000 reward from the Texas Forestry Association—both for information leading to the conviction of the person responsible for the poisoning—have flushed out witnesses who implicate Cullen.

One describes driving around Austin with Cullen looking for a live oak to apply Velpar to. Others say Cullen has admitted poisoning the tree. Cullen is a white male, age 45, who lived in southeastern Travis County in the back of an 18-foot delivery truck on property owned by the Elroy family that befriended him in 1987. Cullen sometimes worked in their farm and ranch supply store, though it has not been proved that Velpar was available to Cullen there. Cullen's arrest





## TREATY OAK TASK FORCE

On June 26, a Treaty Oak Task Force gathered to brainstorm. Chairman James Houser, Managing Arborist of Bartlett Tree Experts and Chairman of the Austin Urban Forestry Board; U.S. Forest Service representatives Max Williamson, herbicide specialist from the Atlanta Regional Office and Dr. James Miller, research forester of the U.S.F.S. Research Station at Auburn University; Lr. Thomas Perry, Professor Emeritus in Forestry from North Carolina State University; Texas A&M University representatives Lr. Mike Walterscheidt, state extension forester, Dr. Ron Newton, Professor of tree physiology in the forest science department, Lr. Rod Bovey, herbicide specialist from the U.S.D.A. Agriculture Research Service, and Dr. David Appel, professor of forest pathology in the plant pathology department; Texas Department of Agriculture representatives Dale Burnett from pesticide enforcement and Jimmy Bush, deputy director of pesticide enforcement; Lr. Brad Barber, herbicide specialist for the Texas Forest Service; Dr. William Quinn, professor from St. Edwards University; University of Texas representatives Dr. Jerry Brand, professor in the department of botany, and Dr. Whitesell, professor of organic chemistry in the department of chemistry; Dr. Arthur Costonis and Jack Siebenthaler, arborists representing the American Society of Consulting Arborists; Jim Rhoades, acting city arborist for the City of Austin; and den Martin, senior engineer in safety and occupational health for the DuPont Corporation.

record dates back 25 years with many problems related to drugs and alcohol; he has been on a methadone program.

Cullen, who has a 1972 associate arts degree in general education, is described as an avid reader. Police found occult writings and at least one cult-related book in Cullen's dwelling, according to a source close to the investigation. Officials think the poisoning of Treaty Oak was part of an occult ritual carried out on behalf of a certain woman.

While police wrestled with the logistics of pinning down the case of the tree poisoner, tree doctors from across the country gathered in Austin to assess the patient. The news hasn't been good. Test results completed June 30 showed high concentrations of Velpar in the Treaty Oak's leaves, twigs, and wood as well as in the soil. Two sets of leaves have come out and sloughed off as the tree marshals its resources to complete photosynthesis, which Velpar inhibits. Giedraitis said the level of herbicide was higher than expected. Dallas billionaire H. Ross Perot has given Austin officials a blank check to pay for saving the tree. Early efforts included removing the first eight inches of poisoned soil and injecting into the ground charcoal (which binds to the poison) and bacteria (which break down and eat chemicals). When rain threatened, the poisoned area was kept dry under plastic so the tree wouldn't absorb any more poison. Later, the area under the plastic was mulched and the roots outside the plastic were fertilized 6-8" deep with a pressure injector. Still later, hundreds of 3-inch by 2-foot round holes were drilled—one every two feet—under the 20-foot branch spread and filled with a microbe formula.

That hasn't been enough. The plan for saving Treaty Oak is a two-pronged attack. First, officials have decided to encourage the tree to suck up as much poison as possible into the third set of leaves before shedding them. To assist that process they

are fully hydrating from the roots and the leaves which are getting a daily misting with donated spring water sprayed from tank trucks. "They want to saturate the tree with water," says Dr. Brad Barber of the Texas Forest Service, "get the tree to absorb water from the outside, get transpiration going, and try to get that herbicide that's already in the tree to move up into the leaves. The herbicide will drop with the leaves. They will continually rake up the leaves so that any herbicide that's in the leaves will not get recycled back through the tree." Second, city workers have excavated the ground around the tree to a depth of about 2 feet and have been flushing the surrounding soil with high-pressure water jets, trying to leach the herbicide out of the ground.

The first week in July, officials planned to erect 65-foot telephone

poles and drape shade screens from them to protect the tree from the glaring sun, reducing heat stress on it. On July 1, some 200 people turned out to sign The Treaty Oak Pledge, a document pledging to preserve and protect Austin's natural heritage, to plant trees, and to take pride in Austin as a public garden. Seedlings were given away, and speeches were made amongst the din of water trucks and fire hoses. Treaty Oak draped over it all, sick. Will science and chicken soup be enough? No one knows.

# Treaty Oak to lose 4th set of leaves

By Scott W. Wright  
American-Statesman Staff

Treaty Oak has lost another round in its months-long battle against the deadly chemical poured around its base, with officials saying Thursday it appears a fourth set of contaminated leaves will soon die.

Despite attempts to force the poisonous herbicide from Treaty Oak, the most recent test results show the centuries-old tree still contains lethal doses of Velpar in its leaves, roots and bark, said Warren Struss, a city forestry official.

"It doesn't sound good," he said, "but we haven't given up yet."

The tests did hold encouraging news for those hoping to save the landmark oak, Struss said. Because of its age, the tree has a powerful reserve of carbohydrates, the energy source it draws upon to live.

"With the tremendous amount of stored energy it has, we're hoping that it just might be able to outlast the Velpar," he said. "But it

will probably be next spring until we know anything for sure, whether or not it will live."

More than \$50,000 has been spent on treatments to save the tree, which officials believe was poisoned about four months ago as part of a ritual. Dallas billionaire H. Ross Perot has agreed to pick up much of the tab.

Accused of the poisoning is Paul Stedman Cullen, 45, of Elroy who remains in Travis County Jail on a charge of felony criminal mischief. His bond is \$20,000.

Two weeks ago, in what was described as a last-ditch effort to save the live oak, workers injected 35 gallons of saltwater solution into the tree to try and neutralize the Velpar.

That prompted one critic, Stephen Redding, a self-described tree healer from Pennsylvania who camped under Treaty Oak for seven days, to charge that the treatment killed the tree.

He claims to have seen the tree's "spirit" float away into the air.

But Struss defended the city's efforts and said tree experts are confident that none of the treatments has harmed Treaty Oak and that each has aided the tree in its fight.

"I want to eliminate all of the rumors right now," Struss said. "Some people have said this tree is dead. Treaty Oak is not dead. It's far from dead. In fact, we are still optimistic it can pull through this."

Tom Boggus of the Texas Forest Service, which occasionally uses Velpar to kill undesirable trees in

the management of state forests, agreed it is premature to pronounce the Treaty Oak dead.

"It won't die this year," Boggus said. "It could put out several more sets of leaves yet. That's the big unknown because nobody has ever tried to save a tree that was poisoned with Velpar."

"The critical time will be next spring when it starts to put out new buds," he said. "If it loses its first and second flush of leaves then, I would say it's pretty ominous."

## Bringing together

Recently, I drove downtown to see Treaty Oak. I had been there many times during the past sixteen years, which is how long I've been a resident of Austin, and each time I stood under this magnificent Tree with its arms outstretched, both upward toward the heavens and downward toward the earth, I was filled with awe, in real contact with the past. I could almost see the Indians and the settlers gathered under the sheltering branches, peacefully resolving their conflicts and differences. I could surely feel their presence here, and there is a special comfort in this, a sense of identity and continuity in an uncertain and ever changing world. And although Austin abounds with other historical buildings and points of interest, the Treaty Oak stands unique among these. It is a living link to not only our past, but also to our future, God willing.

On this particular day as I stood looking at the ancient Tree, I was again filled with awe, but not of the kind before. From behind the ropes that had been set up to keep people away from the earth immediately beneath the Tree, I looked at the brown, dying leaves, some hanging lifelessly to the branches, many scattered on the ground, I thought to myself, "How could someone do this? Why would someone intentionally try to destroy this Tree?" I felt anger and resentment. I felt deeply confused and I felt profound sadness. My eyes began to swell with tears and I could not speak.

Gradually, I regained some composure and turned away from the Tree. I saw others like myself who had come to visit a sick friend. There were children with homemade get-well cards which they attached, with the help of their parents, to the restraining ropes. Someone had placed a can of chicken soup on top of the stone platform that supports a plaque describing the Tree's history. There were many bouquets of flowers laid at the base of the platform and along the ropes. I saw an elderly couple standing, holding hands, looking in silence at the Tree. There were black people and white people and brown people. There were young people and there were old people.

Once again, even in its tragic state of health, the Treaty Oak was bringing people of different colors, ages and backgrounds together. And once more I was filled with awe in the presence of this powerful Tree. I knew with more certainty at that moment than ever before why Austin is my home.

Thomas M. Byrd, Jr.  
7803 Swindon Lane

## Put people first

It was so refreshing to read the letter in your July 10-25 issue "Another Opinion."

The homeless, the elderly, and the sick are more important than a tree. Let's devote some of that energy to the people who need it most, instead of a tree. What is more important?

You know, Austin has a tendency to worry more about the ants, while the elephants are walking all over them.

James B. Bolinger  
4303 Las Palmas Dr.



Austin American-Statesman

Large sun screens surround the tree in protective measure.

## American Album

### *Prescriptions for an aged patient, the poison-damaged Treaty Oak, include both science, talismans.*

By J. MICHAEL KENNEDY  
Times Staff Writer

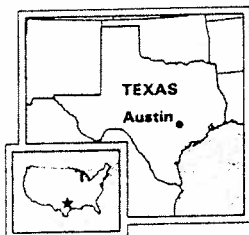
AUSTIN, Tex. — John Giedraitis opened the package that had come in the morning mail. The talisman inside was for the ailing Treaty Oak.

"May fear and hate become peace and love," it read. "May poison become the water of life. And may you be healed." With it was a letter from the sender, one Erik Felker of Burbank, Calif.

"That's just today's basket of goodies," Giedraitis said as he stuck the charm into the ground. Someone else had already sent a crystal reputed to have healing powers, and it was tucked into the knot of the tree. A suggestion had been made that playing Indian star music would help save the gigantic, 600-year-old oak.

Giedraitis' jovial manner on this hot afternoon belied the very serious nature of his work and the importance of his gnarled patient. As Austin's urban forester, he has spent the past two months as head of a team of experts desperately trying to save the Treaty Oak—one of the nation's grandest tree specimens—from a poisoning that was discovered just before the Memorial Day weekend.

The poison, however, is still coursing through the historic tree and killing each new flush of leaves. Someone poured on enough of the herbicide Velpar to kill the Treaty Oak 20 times over, and the odds are that this much-loved



patient will die.

The Treaty Oak shades a quiet neighborhood street near downtown Austin. Its name derived from the legend—probably unfounded—that Stephen F. Austin signed the first boundary agreement with the Indians under its branches in 1824.

The tree held a special place in history long before then, long before Texas was even Texas. The Indians believed that drinking a special concoction made from the tree's acorns would assure warriors of return home from battle, and use of another brew was believed to ensure a mate's fidelity.

In 1927, the American Forestry Assn. enshrined the Treaty Oak in its Hall of Fame for Trees, dubbing it the most perfect North American specimen. When it was in danger of being cut down a few years later, a campaign to save it spread across Texas.

Giedraitis proposed to his wife under the tree.

When he received a call reporting that the tree seemed to be



Austin American-Statesman

Austin workers dig contaminated soil from roots of Treaty Oak.

ailing, the first thing that crossed his mind was that it might be afflicted with oak wilt, a disease that has killed an estimated 10,000 oaks around Austin in the last 20 years.

When state laboratory tests detected the herbicide, DuPont, which manufactures Velpar, offered a \$10,000 reward for information leading to conviction of the poisoner.

A task force assembled from around the country recommended that the tree be sprayed and shaded and that all the soil around it be excavated to a point where no more poison was detectable. Large sun screens attached to telephone poles now surround the tree, and its leaves are bathed by a custom sprinkler system every 30 minutes. In the most recent attempt at expunging the poison, a mild saline solution was injected into hundreds of tiny holes drilled into the roots.

The treatments so far have cost \$63,000. Giedraitis said the fate of the Treaty Oak will be known for certain in the spring.

Meanwhile, police had been working the case hard. Almost a month after the poisoning was discovered, they arrested a drifter and former convict, Paul Stedman Cullen. He has been charged with criminal mischief. So far, there is no known motive for the poisoning.

Each day now, people drop by to pay their respects to this tree that was here long before the city. Some bow their heads in prayer; others just read the Treaty Oak historical marker. Many also sign the posters that are attached to the chain-link fence.

"Get well, Treaty Oak," reads one inscription penned in a very young hand. "Hope you get better soon. Don't die."

# CITY & STATE

Monday, August 7, 1989 Austin American-Statesman

## Indians blast efforts to save Treaty Oak

By Elaine Shelly  
American-Statesman Staff

The money and attention devoted to saving Treaty Oak has drawn the ire of some of the state's Indian leaders who say the promises of a treaty signed under its branches have long since withered away.

"Treaties with Indians have been broken too many times," said Ardena Rodriguez, a Cheyenne Indian who is president of the San Antonio Council of Native Americans. "There are too many important things in life than to spend this kind of money on the symbolism of what this used to stand for — taking the whole state away from us."

But some visitors to the ailing tree Sunday, who continued making financial contributions toward saving the 500-year-old live oak, believe its significance makes it well worth the cost.

"It represents our history," said Jan Woods of Beaumont. "If we don't preserve our history, it could be lost."

Woods made the trip to Austin with her husband, Charles. The couple took photographs of the tree

on its north side, which doesn't have a screen protecting the tree from the sun.

The Treaty Oak takes its name from the legend that Stephen F. Austin signed a treaty with Indians under the tree. Historians have not been able to determine whether a signing actually took place there.

"They're being so protective of this treaty tree and most don't know what it is — just folklore," said Greg Gomez of Dallas, an Apache who specializes in Indian child welfare cases for the U.S. government.

But whether or not a historic signing really took place beneath its branches did not concern the oak's visitors Sunday. In their eyes, the tree's age has made it an irreplaceable part of the state's heritage.

"I'm a history buff," said Charles Woods. "I'm for pulling yourself up by your own bootstraps. The tree obviously can't do that."

Rodriguez said she hates to see the tree dying, but said she believes the promises represented by the legendary treaty died for her people

See Oak, B3

## Oak From B1

when state legislators decided in May to disband the Texas Indian Commission. The commission office will close Aug. 31.

One of the tree's well-wishers said she was sympathetic to the Indians' concerns.

Fran Valenzuela of Clear Lake brought 10 third- and fourth-grade girls to visit the tree as a part of a weeklong historical tour of the state.

Treaty Oak is an important part in learning about Texas Indians, she said, adding that the Indians' present-day problems should not be ignored.

"These people were the original

landowners," she said. "They have a right to heard and have a place in government."

Because of the abolishment of the state commission, Indian leaders contend that an estimated 62,000 Indians who live in Texas cities are without other help. They say only the 2,500 Indians who live on three small federally recognized reservations are eligible for most assistance in job training, housing and health care.

Since it was discovered that

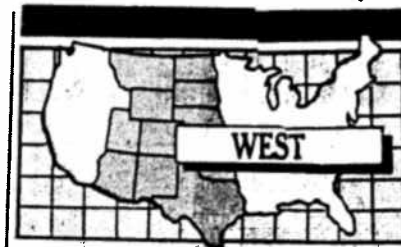
Treaty Oak had been poisoned last spring by the herbicide Velpar, thousands of dollars have been donated by private citizens to save the tree. John Kesson II, an Austin foundry owner, has suggested that bronzing the tree if it dies, a process that could cost about \$1 million.

"And I read now that they want to bronze it if it dies," Rodriguez said. "What a waste of money while we Indians are at the bottom of the heap."

## Other news to note

A-6

The Orlando Sentinel, Monday, August 7, 1989



### ■ AUSTIN, Texas

**TREATY OAK CASE.** The man accused of poisoning the historic Treaty Oak tree is being used as "a political prisoner in a witchcraft trial," his attorney said Friday. Dallas lawyer Richard Jenkins lashed out at Travis County officials and said his client, Paul Stedman Cullen, is an "aging, harmless hippie" who has been falsely charged. Cullen was arrested June 29 and charged with felony criminal mischief in connection with poisoning the centuries-old tree. A Travis County grand jury has yet to act on an indictment in the case. Jenkins said that the slowness in obtaining an indictment, which he believes will be handed down this week, indicates that the Travis County district attorney's office lacks solid evidence in the case.

## Comedy foundry

John Kason must have been snorting Velpar when he conjured up his vision of a bronzed Treaty Oak costing more than \$1 million. There's a place for this man in the Pentagon, but not on the front page.

Please have fellow South Austinites John Kelso and Carlos Vidal Greth do an in-depth investigative report on what really goes on in Mr. Kason's foundry. My guess is that he must be preparing to open some kind of a comedy workshop for the Chamber of Commerce.

HENRY BENEDICT  
2104 S. Lamar Blvd., Suite 102

Friday, August 11, 1989  
Austin American-Statesman  
A17

# Bronzed oak alone won't add enough wood to fan civic fire

Dear Oracle Kelley:

Oracle, I fear we have witnessed the seed of what could well be our next great civic snit. A local foundry man says that if Treaty Oak dies, he would like to recreate the thing in bronze. There would be a bronze Treaty Oak where the real one now stands. Oracle, with the Convention Center vote just behind us and no other immediate crisis on the horizon, could this be the next thing on which our well-established penchant for political cannibalism may alight? (Signed) Cringing

Dear Cringing:

Oracle thinks not. Though the Capital City's turmoil trigger rests always a hair's-breadth from firing, Oracle does not see us at each other's throat over just this. We could, though, be in perhaps terminal trouble if a woman demanding an abortion wraps herself in the American flag and stands beneath a failing Treaty Oak while brandishing a placard reading "The Friendship State."

Dear Oracle Kelley:

Oracle, speaking of things local, have you perchance experienced the new interchange at MoPac Boulevard and U.S. 183? The Horror, O-Dude, The Horror. (Signed) Why?

Dear Why?:

Oracle is not certain. It all happened so fast. One moment he was on MoPac, assiduously hewing to the directions for U.S. 183 North, and the next minute he was in some strange flatland, defined only by the broad expanse of highway on which he was traveling, to where he knew not. There were no reference points, no guides, no nothing. Oracle executed a smooth turnabout at his earliest opportunity and, heeding a sign which read in its entirety, "North," eventually found his way back to a land with lights and people, and pizza on demand. Oracle cannot yet say whether the design of this interchange is to deliver illegal immigrants directly into Kansas, if it is a plot by the Waco Realtors Association to boost the population there, or what. But he thinks that many people listed as missing persons are not missing by intent, but are simply driving around and around up there in the Great White Concrete North, trying to get back to town.

Dear Oracle Kelley:

As one stunned taxpayer to another O-Clod, allow me to make mention of what they may be calling, around the

Mike Kelley



White House, "The Mars Thing." Already looking at a possible \$530 billion payout for the B-2 bomber, and beyond to an Advanced Tactical Fighter program which may, incredibly, cost even more than that, we are told that a nifty thing to do would be to build a manned space station on the Moon, as a jumping-off point for missions to Mars. Oracle, excuse me so very much, but how in the name of all that's holy are we expected to pay for all this? (Signed) Gasping

Dear Gasping:

Patience and fortitude, friend. It may strain your personal budget and Oracle's a tad more than we might prefer, but look at the advantage of colonizing Mars: Can you think of a better location for Aqua Fest?

Dear Oracle Kelley:

And on top of paying for our technical wizardry, O-Fellow, comes the S&L bailout. Congress just approved a \$159 billion rescue scheme, but I read that the total cost will be much larger, because up to 1,000 more thrifts, most of them right here in Texas, yet will be closed. What good can come of this, all-knowing one? (Signed) Weary

Weary:

It could solve the furor over the license-plate slogan: "Texas: For Rent."

Dear Oracle Kelley:

Did you see U.S. Rep. Jake Pickle, with those nearly 400 different income tax forms strung up on a clothesline, when he was talking to the new IRS commissioner? As to one schedule, which asks for an accounting of laundry expenses, Pickle said he didn't know why we have to list laundry bills for tax purposes. Why, in fact, does anyone have to do that? (Signed) Cross-Eyed

Dear Cross-Eyed:

So they know what you've been taking to the cleaners while they're taking you the same place. In truth, Oracle was amazed at the profusion of forms. For years now, Oracle's tax form has consisted of only two lines: "1) What's left?" and "2) Send it."