
CITY & STATE

Saturday, August 5, 1989 Austin American-Statesman

Treaty Oak case called witch hunt

Lawyer says bond excessive

By Sylvia Martinez
American-Statesman Staff

A Dallas attorney representing Paul Stedman Cullen, the man charged with felony criminal mischief for allegedly poisoning the Treaty Oak, blasted police and District Attorney Ronald Earle Friday.

Attorney Richard C. Jenkins said his client is a "political prisoner in a witch hunt" and called the case against Cullen, 45, far-fetched. "The police and district attorney have built this thing up as if they've got a serial murderer," Jenkins said. "That's foolishness."

Jenkins said Cullen's \$20,000 bond was equivalent to that placed on a murder suspect.

Assistant District Attorney Steve McCleery said he did not think the bond is excessive.

Jenkins said that if his client is indicted, he will ask a judge to reduce Cullen's bond.

"I've talked to the DA's office, but they say it's far too serious (an offense) to consider a bond reduction," Jenkins said.

Cullen has been in the Travis County Jail since his arrest June 29 for allegedly poisoning the tree with the herbicide Velpar. Cullen is believed to have been trying to cast a spell or curse by pouring herbicide around the tree and by making a "magic circle" next to the tree, which is on Baylor Street between Fifth and Sixth streets, police said.

"If this hadn't been a witchcraft accusation, this would have been a \$2,500 or \$5,000 bond," Jenkins said.

The Dallas attorney said he plans to file for a change of venue if Cullen is indicted.

McCleery said, "It's a little premature to comment at this time," but added that "if defense files a motion for change of venue, we'll oppose it."

Jenkins said, "The citizens of Austin are fair-minded folks, but they have been so exercised about this that I wonder if they can set aside all the things they've heard about my client. There's been such a barrage of publicity and hate directed at this man that I wonder if anybody in Austin can be fair."

Jenkins blamed police and the district attorney's office for starting the campaign against his client and said the "the media has become so fascinated with this story that they've blown it out of proportion."

"You all have tried my man in Austin, he doesn't need another trial there," Jenkins said.

The grand jury questioned witnesses in the Treaty Oak case this week, and plans to review more evidence, McCleery said.

Jenkins said Cullen is not guilty and "didn't mess with the tree at all." "While all this hullabaloo about sacrificing my client to the tree is going on, the real tree prisoner is off free somewhere."

Pines for an oak

Tree lovers give
gift to Treaty Oak

By Debbie Graves
American-Statesman Capitol Staff

Members of Longview's Festival in the Pines on Thursday donated pine seedlings and money as a get-well present for Austin's centuries-old Treaty Oak.

"We share the sense of outrage (at) the poisoning of the Treaty Oak and felt that this would be an appropriate way for us to show our support and respect for the rich heritage that Treaty Oak represents," said Bruce Cook, president of Festival in the Pines Inc., which will sponsor the Loblolly Festival from Oct. 6-8 in Longview.

Cook presented City Council with a check for \$600, which will be used to purchase a pine picnic table and benches for Treaty Oak park.

A dozen loblolly pine seedlings, donated by Fairview Nursery of Longview, will be planted around the city Council Member Sally



Staff photo by Lynne Dobson

Bruce Cook, president of Longview's Festival in the Pines Inc., right, presents a dozen pine seedlings to the Austin City Council and the city's Parks and Recreation Department on Thursday.

Shipman suggested that the parks department consider planting the trees around Town Lake. "We never cease to be amazed in the department at how much outpouring of sincerity and con-

cern there is for the Treaty Oak," said parks director Charles Jordan. "On a weekly basis, we accept gifts like this."

The oak, which has a branch

spread of 110 feet, was poisoned with the herbicide Velpar last spring. Foresters have tried numerous techniques to rid the tree of the chemical. The oak is now putting on its fourth set of leaves.

Longviewites help to save Treaty Oak

By Doug Bruce
Staff Writer

The battle cry across Texas has changed from "Remember the Alamo" to "Remember the Treaty Oak."

Volunteers across Texas are trying to save the famous Treaty Oak, poisoned several weeks ago with a powerful herbicide. Members of Festival in the Pines of Longview have donated a check to be used to purchase a pine picnic table and benches for Treaty Oak Park.

The gift is a goodwill gesture to the City of Austin as the tree recovers from the poisoning attack, according to Festival in the Pines President Bruce Cook. A delegation from Longview will attend Thursday's Austin City Council meeting to present the check to Charles Jordan, director of the Austin Parks and Recreation Department.

"Our board of directors wanted to do something to show the City of Austin that other areas of the state share their outrage and grief over this senseless and tragic act of sabotage," Cook said.

The Longview group will also present loblolly pine seedlings to Austin City Manager Camille Barnett, Mayor Lee Cook, members of the Austin City Council and Jordan. The pine seedlings will be planted in appropriate locations around the city, Jordan said.

"Since our festival, the Loblolly Jubilee, has the loblolly pine as its theme, we felt an obligation to pay our respects to the Treaty Oak, which is a priceless state landmark," Cook said.

In addition to Cook, the Longview delegation will include Festival in the Pines board members Natalie Rabicoff, Paul Boorman, Joyce Hugman, Jim Giles and Don Cramer; retired parks director Warren Leddick; Paul Wise, executive director of the Longview Convention and Visitors Bureau; Ronnie Morrison, co-director of the Greater Longview Economic Development Center; and staff members from the offices of State Rep. Jerry Yost and State Sen. Bill Ratliff.

"Although there has been an outpouring of support from around the state for the Treaty Oak, this is a unique and special gift, and the first delegation from another city," said Jordan. "We deeply appreciate this goodwill gesture, and trust that the bonds of friendship will grow stronger between our cities."

Jordan said the Austin City Council will present the Longview delegation with a resolution thanking them for the picnic table and benches.

"The Loblolly Jubilee, scheduled for Oct. 7-8 at the Longview Fairgrounds, will feature a number of events.

Longview was designated earlier this year as the official Loblolly Capital of Texas by the State Legislature.

Bronze tree for all time

Man suggests preserving Treaty Oak as statue

By Billy Porterfield
American-Statesman Staff

If Treaty Oak dies, Austin foundry master John Kasson II wants to cast it in bronze and replant the replica — weighing perhaps 15 tons — on the Baylor Street site where the great tree has endured for centuries.

"This is not the time to bury Treaty Oak," Kasson said. "We need to keep praying and pulling for the tree to heal. No statue can take the place of nature."

"But should Treaty Oak take a turn for the worse, we ought to consider how to memorialize it. I can't think of a better way than to raise it again in its own image, let its bronzed icon reign for a thousand years."

Kasson guesses the project would cost more than \$1 million.

The oak, estimated at 500 years old with a branch spread of 110 feet, was poisoned with the herbicide Velpar last spring. Police have accused Paul Stedman Cullen, 45, of Elroy of poisoning the tree, allegedly as part of a ritual. He is in jail on a charge of felony criminal mischief.

Foresters have replaced the soil and tried other methods to save the oak, which is putting out its fourth set of leaves in an attempt to flush itself of the chemical.

Under the tree, according to Texas legend, Stephen F. Austin signed a treaty with Indians. The City of Austin bought the tree in 1937 and, with such donors as Dallas billionaire Ross Perot, has funded efforts to save the oak.

"The city owns the tree," Kasson said. "All I can do is plant the seed of its rebirth in bronze, and hope the city or some public-spirited people from the private sector get behind the idea and help us make it a reality."

Kasson plans to make a formal proposal to the Austin City Council if Treaty Oak dies.

He noted that the city is seeking contributions to a

See Oak, A10



Staff photo by Lynne Dobson

If Treaty Oak dies, John Kasson II says Austin should build a statue to 'raise it again in its own image, let its bronzed icon reign for a thousand years.'

fund for planting trees in the memory of Treaty Oak. "Maybe we can have a similar drive to raise money to cast the Treaty Oak in bronze," Kasson said, adding that he wants nothing to do with the politics or administration of such a fund.

"I get goosebumps when I think of casting Treaty Oak in bronze," he said. "Here, God is the sculptor, and we're casting from nature. Such a thing has never been done before, not even in the time of Michelangelo when they cast solid 10-ton bronzes."

"People will say it can't be done. But I've thought about it, coldly, as a professional, and I say it's logical and completely possible. It would be one of the great attractions of the world."

Kasson and his father, William, a retired accountant, started Kassons Castings 15 years ago. They operate out of an old farmhouse at 201 E. St. Elmo St.

The company has emerged as one of the leading art foundries in America. The Kassons, for example, recently cast sculptor Tom Tischler's 7½-ton bronze mammoth for the Dallas Museum of Natural History. *Incast*, the casting industry magazine, called the mammoth "the world's largest currently produced investment casting."

If his idea for a bronze Treaty Oak catches on and wins city approval, John Kasson said he would want complete access to the dead tree and absolute control over the execution of the bronze. He said the project might take three to five years.

"Casting a thing as outsized as the mammoth taught us how to cast Treaty Oak," Kasson said. "The exact details are proprietary, but generally here's the way we would approach the tree:

"First, we'd photograph it in stills and video from every conceivable angle. Then we'd climb the tree and tag it with ribbons — to designate the cuts and welds — and re-photograph until we had a catalog of measurements. Then we'd dismantle the tree and store it in a warehouse under lock and key and guard."

We'd take the trunk — say, 8 feet from the ground up — and build a rubber mold around it. Then we'd pull the trunk out, leaving a hollow impression inside."

Kasson said he would paint the impression with a coat of hot wax. When it cools and hardens, he would throw away the mold and keep the wax, which would form a hollow replica of the trunk.

We'd apply a ceramic slurry to the wax, let the slurry harden into a shell, melt the wax out and into that negative space we would pour molten bronze," Kasson said.

"Break the shell, and there would be a free-standing



The Kassons' foundry in Austin recently cast sculptor Tom Tischler's 7½-ton bronze mammoth for the Dallas Museum of Natural History.

bronze copy of the Treaty Oak trunk."

Kasson said he would firmly anchor the bronze trunk in the ground at the foundry, cast the ascending main parts of the tree — the large branches, for example — and weld them in place.

"We would now have a stark tree of hollow bronze, without finger branches and leaves. It might weigh 10 tons," he said.

"From here on, we would have to cast its finger branches and foliage in solid pieces, but very thin. I would dress Treaty Oak out handsomely, as it would have looked in its heyday, with detail down to tracery in each of its millions of leaves."

Kasson is not sure now he would move the 15-ton bronze tree from the foundry to Baylor Street. He said he might have to take it in parts.

The entire statue, Kasson said, might weigh 15 tons — a mammoth piece of art, but still lighter than the solid oak as it now stands.

But an oak always and always in the wind. What about a bronze? It'll move and talk as well.

It won't be the original, Kasson says. But it'll be something to itself, the best that man can do.

On a bedside vigil for an ancient tree

By Michael L. Rozansky
Inquirer Staff Writer

Self-described tree wizard Stephen W. Redding sat despondently in the ash and walnut grove outside his home, grieving for the nation's most famous oak.

Redding, who runs a tree service from his home deep in a forest in Salford Township, Montgomery County, topped off a seven-day vigil last week at the Treaty Oak in Austin, Texas, with a bang. He declared at 5:20 p.m. Tuesday, to the annoyance of local park officials, that the 500-year-old oak was dead.

He blamed what he called ineffective and misguided rescue efforts.

"When that tree died, my chest fell in," sighed Redding, 42, who returned home Thursday. Sitting in his yard Friday at a spruce picnic table, his pipe and Marine band harmonica close at hand, he added, "It felt as if I'd been up seven days and seven nights — which I had been."

Redding, who described himself as "probably" in mourning and "definitely depressed," spent a week living at the tree, sleeping on the ground, a bench, or a cot, touching the tree, and playing his harmonica to it. No special tune, he said, just "whatever comes from my heart."

"The energy field of the tree kind of meshes with mine, if you will. I suffered with the tree for a week. I literally felt its pain," he said. "I never saw a tree that struggled so long and hard to live. It had an incredible life spirit. It had incredible magnetism, this tree."

The oak, whose plight has drawn international sympathy and prayers, was poisoned in February with the herbicide Velpar. In June, police charged an ex-convict, Paul Stedman Cullen, 45, with the act, alleging that



Redding, back from his Treaty Oak vigil, at the stump of a 300-year-old beech on his property.
Special to The Inquirer / IRA D. JOFFE

he had done it as part of a bizarre ritual.

The tree is the legendary spot where a peace treaty was reached between Stephen F. Austin, a Texas patriarch, and local Indians.

Austin officials have mounted a massive effort to save the tree, and have been joined by 19 experts flown in by Texas billionaire H. Ross Perot. Austin city forester John Giedraitis said he believes the tree is still alive.

In fact, Giedraitis said, Redding declared the tree dead shortly after he was warned finally to leave the park that day or face arrest for violating a park curfew.

"He said he spoke for the trees and was going to stay until it died... so the tree had to die, in order for him to leave and justify it in his mind," Giedraitis said. He grouped Redding with the "pyramid people, crystal people, talisman people" and other "intuitive people" who have come to heal the oak.

Giedraitis said Redding's arrival was heralded by phone calls from news reporters, so "we had a general

idea of what he was about."

Redding, an arborist, said that he had been invited to Austin by members of its Quaker community, and that he had been challenged by friends here to apply his skills to the ailing oak. An old friend and fellow Quaker, Sally Camana, paid \$1,000 to send him. Another tree expert accompanied him.

"He's been so wonderful with saving the lives of all our trees around the meeting house in Quakertown," said Camana, of Bucks County. "We're sure he could have saved that old tree if he'd gotten there sooner."

He arrived in Austin on July 11, in the midst of a six-day fast. The fast — which he says helps to "sensitize" him to the needs of old and sick trees — was nothing new.

Last year he spent nine days fasting in a tree, perched a dizzying 80 feet above the ground, to save old trees in Forest Park in Chalfont, Bucks County. And in 1987, he staged a 53-day fast to protest construction of Bucks County's Point Pleasant wa-

ter diversion project.

In Austin, he said, the tree was suffering "from the efforts of its would-be saviors. They used an ineffective sprinkler system, failed to properly protect part of the tree from 'sun scald,' and used sludge as compost — a compost so lethal that he said it killed two earthworms he put in a sample."

The final blow, he said, came when Austin officials drilled more than 100 small holes in the tree on Tuesday of last week to inject a sugar and salt solution.

Giedraitis said the compost was a mild fertilizer, and injection of the solution was an effort to neutralize the herbicide.

"Frankly, Mr. Redding is an interesting character and a bit eccentric," but lacks scientific training, Giedraitis said. But he added, "I'm not saying the guy is way out in left field."

Redding expressed frustration that his suggestions for treating the oak weren't adopted. "It's tough to call it failure," he said. "It seems I wasn't given a chance."



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URBAN FOREST FORUM

PUBLISHED BY THE AMERICAN FORESTRY ASSOCIATION

EDITOR: GARY A. MOLL

MANAGING EDITOR: PHILLIP ROBBELL



The Indian Treaty Oak of Austin, TX, sole survivor of a group of live oaks called the Council Oaks, has been maliciously poisoned. Residents are seeking life imprisonment for the culprit.

A HISTORIC TREE IS POISONED

For over 500 years, the Treaty Oak has blessed the banks of the Colorado River in Austin, Texas. This venerable Southern live oak (*Quercus virginiana*) spans 127 feet and has been listed as a Famous and Historic Tree since 1927 by the American Forestry Association. Today the tree is close to death due to an apparently intentional poisoning.

The selective herbicide, Velpar, was evidently poured around the base of the tree several months prior to its detection. The oak began to lose its leaves with classic symptoms of severe chemical burns, and has responded by sprouting a second set of leaves. If these are lost, the tree may be too weak to recover.

In an effort to save the tree, city officials decided to dig out all the contaminated soil around the tree for a depth of about six inches. Activated charcoal, which will attract and bind with the poison, was then inserted into the

ground with high-pressure water.

Finally, bacteria that breaks down and consumes chemicals was also injected into the soil and a polypropylene closed-weave screen was suspended to block the afternoon sun and reduce heat stress.

Officials of the E.I. du Pont de Nemours and Co., which produces Velpar, have been very cooperative and forthcoming in stating that this was not a proper use for the chemical. In addition to helping control the chemical's effect, the company has offered a \$10,000 reward for information leading to the criminal's conviction.

The Austin City Forester, John Gledraitis estimated the value of the tree to be about \$47,000, which would make its destruction a second-degree felony punishable by up to 20 years in prison.

For more information, contact John Gledraitis at (512) 445-4414.

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Austin American-Statesman

Thursday
July 27, 1969
35 cents
★ ★

Weather

Cloudy, 50 percent chance of thunderstorms. High, upper 80s. Low, near 70. East wind near 10 mph. Details, A16.

Saltwater used on Treaty Oak in last-ditch effort

By Jim Phillips
American-Statesman Staff

A last-ditch effort to save Treaty Oak by neutralizing the poison that is trying to kill the Austin landmark began this week.

The Austin city forester in charge of treating the live oak said Wednesday that the most recent

test results showed that the amount of herbicide poured around Treaty Oak, remained at a level "many, many times what is needed to kill the tree."

"The tree is massively, massively poisoned," John Giedraitis said.

Because of the dire test results, Giedraitis and several experts ordered the injection of 35 gallons of

a saltwater solution into Treaty Oak in more than 100 places on Tuesday. There is no known antidote to the herbicide Velpar, but the best hope of the experts was that the salt would render the poison ineffective, Giedraitis said.

"We'll be able to tell if we did it or not pretty soon," he said.

"If it isn't neutralized, the tree is

dead," the forester said. "There's no question about it."

The tree is starting to put out its fourth set of leaves since March, and officials hope this set will survive. Previously, efforts to force as much Velpar as possible out of the tree and into Treaty Oak's third set of leaves were apparently working, but the poison level in the tree did

not decrease enough.

Knowing the fourth flush also would be lost if the Velpar was not neutralized, experts decided to try the saltwater solution. It took workers about 90 minutes using a low-pressure water pump to inject the solution through a system of pipes attached to the tree.

"Hopefully it will alter the chem-

ical structure of the Velpar just enough so that (the poison) won't work," Giedraitis said. "If we didn't act, the tree would die from the Velpar that was in its tissue."

Workers on Wednesday finished wrapping burlap around some of Treaty Oak's upper limbs to protect them from the relentless sun-

See Oak, A12

Oak From A1

mer sunlight. The tree's leaves normally would provide that protection, but many leaves have been lost to the herbicide recently.

"It's a whole different tree than it was two weeks ago," Giedraitis said. "It's lost lots of leaves."

Despite the recent setbacks, Giedraitis said he was encouraged Wednesday by other tests that indicated the tree's roots still have high levels of reserve energy, although its limbs and twigs are "very much depleted of their energy."

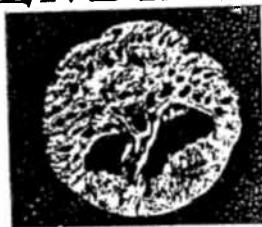
Giedraitis said that if the saltwater solution does not neutralize the Velpar, it hopefully will force it into the tree's leaves, cleansing the tissue and giving Treaty Oak a better chance of producing leaves that will survive.

"The alternative was to not do anything, and watch the tree die," he said.

Treaty Oak, on Baylor Street between Fifth and Sixth streets, was poisoned at least four months ago by someone who poured the liquid herbicide around the base of the centuries-old tree and in a circle next to it. The attack has received international news coverage, and a total of \$11,000 in rewards were offered for the conviction of those responsible.

Paul Stedman Cullen, 45, of the community of Elroy in southeastern Travis County, was arrested and charged with felony criminal mischief by police who said he was carrying out a ritual when the poison was applied. Cullen remains in the Travis County jail.

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==PUBLIC FORUM==

Treasures of Austin easy to lose

Preserving our past obsession with future

By Rick Meyer

Special to the American-Statesman

An ancient oak, a tiny bird, and an abandoned mansion have captured our interest of late. Why do their sad stories weigh on us? What is the connection? What uncomfortable reminders do they bear?

The 600-year-old Treaty Oak languishes as the nation watches, the victim of lethal poisoning administered by troubled hands. Well-wishers who never before drove across town to see a sick friend or a sick landmark file quietly through an open-air intensive care unit that once was a park. Even small children seem to know something is very wrong.

The tiny black-capped vireo is being quietly crowded off our planet. We are assured that busy highways and shopping malls will make excellent neighbors for this Hill Country native. Its shrinking habitat appears as unwelcome shaded blotches on the developers' finely-drawn plans at public hearings.

Although victorious federal troops spared Austin's great mansions from the torch after the Civil War, the Sebron Sneed House in South Austin was put to the torch by anonymous trespassers. A charred masonry shell is all that remains of one of our greatest original mansions. Now it tells its story of Austin's beginnings with a weakened voice.

Why all the concern? Why are we touched? Because the tiny bird, the mighty oak, and the noble house are simple treasures.

A threat to each is an uncomfortable reminder that it is irreplaceable but was taken for granted until it was on the critical list. Then, attention is showered. Memoranda fly and experts are summoned. Ordinary folks and the usual activists, city officials and gatherers of news collectively swing into action, as if on some fatally tardy cue.

Something must be done, it is said. Simple treasures earn heart-

The sad fact is there's no glossy catalog from which to order more simple treasures. We can't pencil them into next year's budget. We won't find them by chance at a garage sale. All the king's horses and all the king's men in government offices can't help. The greatest of artists or technicians can't replace simple treasures.

What will happen if we do nothing? Lose the Treaty Oak and auction it off as this year's boutique cord wood, name a snack bar in the new mall after the vireo, level the limestone walls of the Sneed House to make room for another weedy vacant lot.

Surely, city life will go on. Computers will hum, mortgages will be signed, school children will forget their lunch money, hymns will be sung, taste-free pizzas will be delivered, and yellow traffic lights will not slow the chosen pace.

But somewhere down deep, in some inner place, there is the painful realization of the loss of a simple treasure, something of great value. When it is gone, it is gone forever.

I sometimes fear the judgment future generations will render about the actions and the decisions, or nondecisions, we make in these hurried times. Innocent indifference to simple treasures can be as deadly as the toxic chemical intentionally poured under Treaty Oak's accepting limbs.

Preserving Austin's historic landmarks is not an obsession with the past but an obsession with the future, with the kind of world we will hand our children and grandchildren. Honoring our abundant Central Texas environment honors the right of future generations to enjoy the good things which please us today.

There must exist some collective consciousness for our world and its environment, culture and history that has been touched and troubled by Austin's tree, songbird and old rock house.

We are touched because as a child we drew with our pencil the simple picture of the world we saw. We drew the house, next to it the tree, and in the tree the bird. Above these simple treasures the sun shown bright and clear.

Today's cloudy values may have no room for these simple treasures. And they may quietly slip away and leave our city and world a little less complete.

Meyer, an attorney, is chairman of the Historic Landmark

■ THE PATIENT, The Treaty Oak of Austin, Texas, suffers from herbicide poisoning.

By BETTE SMITH
Times Gardening Correspondent

If reverence and ribbons, cards and letters, crystals and chicken soup can make a difference, doctors say this now-famous patient may pull through. The "patient" is the Treaty Oak of Austin, Texas. It suffers from herbicide poisoning.

"Guarded prognosis" sounds somber, but Jack Siebenthaler of Clearwater adds that he's optimistic since his visit the last week in June with consulting partner, Dr. Arthur C. Costonis of Nokomis, south of Sarasota.

Siebenthaler, executive director of the American Society of Consulting Arborists (ASCA), and Costonis, an ASCA member with his Ph.D. in plant pathology, found themselves facing "a unique situation," as Siebenthaler puts it.

A 46-year-old farm equipment salesman, Paul Stedman Cullen, was arrested June 29 and charged with poisoning the historic tree. Cullen is in jail, awaiting a grand jury hearing tentatively set for next week.

The Treaty Oak Task Force

Siebenthaler and Costonis, consulting arborists at Walt Disney World, were called to Austin after Disney's head, Michael Eisner, had been contacted by Texas industrialist H. Ross Perot. The costs to save the criminally poisoned live oak will be paid by Perot.

The Treaty Oak is so-called because of a legend that Stephen F. Austin, who helped colonize Texas in 1821 and ran for president of the Republic of Texas, made peace with the Indians in its shade.

Texans are aghast that anyone would try to kill their prize tree, which has stood in its own landscaped park enclosed by a stone wall since 1937.

"We were asked to become the lead consultants," Siebenthaler says, explaining that on June 26 Austin's urban forester, John Giedraitis, assembled a group of 22 or so specialists — the Treaty Oak Task Force — to assist in trying to save the oak.

"Arthur and I had the assignment to sit in on that meeting, participate in it and then sift through the information, formulate a plan and supervise its execution." That's what they are still doing, Siebenthaler says.

The tree is scheduled for a check-up on Tuesday.

Vital statistics

Measuring the tree at 4½ feet from the ground, the trunk is 50.5 inches in diameter. Although it was said by some to be older and wider, Siebenthaler and his partner set the age at 300 to 350 years, height at 50 feet and canopy at about 90 feet.

Using a calculator and accepted appraisal methods, considering historical significance and good location, the tree's value, prior to herbicide damage, came to \$29,392.69.

An unheard of act

Born into a nursery family, Siebenthaler, 64, has worked with trees as long as he can remember and is active

When the historic Treaty Oak of Austin, Texas, got sick, who were urban foresters to call?

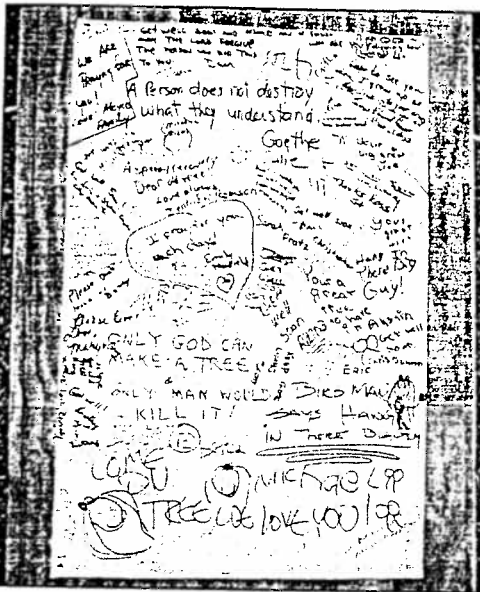
Jack Siebenthaler
of Clearwater,
that's who.

The Tree doctor



Times photo — JOAN KADEL, PENTON

■ JACK SIEBENTHALER, tree consultant.



■ POISONED VEINS, and brown leaves, above, show the path of destruction.

■ "COME ON TREE, WE LOVE YOU," and other kind words, left, were written on large get-well cards.



■ ICONS, and other symbols of faith, drape the historical oak's marker.

in half a dozen horticultural organizations. Never before has he heard of someone knowingly acting with malicious intent of this magnitude to

destroy or attempt to destroy such a magnificent tree."

Tests identified the herbicide as Velpar, used commercially by the pulp

industry to clear land of undesirable species, including oaks, when they grow among pines for pulp wood, Siebenthaler explains. "It happens that pine trees are tolerant of this herbicide. It's very powerful for non-tolerant species, very deadly," says Siebenthaler.

The culprit who applied the Velpar in February apparently "knew what the material would do and pretty much how to apply it," says Siebenthaler.

The path of the poison

Early in March, a 15-inch band of dead grass attracted attention. The grass, in a figure-eight pattern about 15 feet long, looped to the side and around the tree trunk. The chemical first suspected was Roundup, a selective herbicide used to kill weeds. It's a relatively harmless consumer item, according to Siebenthaler.

At first, the tree gave no signs of trouble because the old leaves were still intact, says Siebenthaler. Until the first spring flush of new leaves began to break down between the veins, turn brown and drop off, the danger to the tree from the chemical was not realized.

When tests showed the herbicide to

be Velpar, city foresters removed several inches of soil where the herbicide had been applied, replaced it with mulch and injected bacterial material. Then they waited for the second flush of growth that a tree puts out when its first leaves are contaminated.

Velpar, not familiar or available to most people, goes through the roots, travels through the tree's vascular system and lodges in the foliage.

When shiny new green leaves appeared in June, but quickly began to turn brown

and drop, Giedraitis, the urban forester, began to look for more help. That's where Siebenthaler, Costonis and the Treaty Oak Task Force came in.

Signs of life

The third foliage flush was out, partially mature and showing a high percentage of impact when he was there at the end of June, says Siebenthaler.

"Every successive leaf flush is going to remove more of the material because it collects in the leaves," he explains. The more it flushes through the vascular system of the tree and deposits in the leaves, the better for the tree."

Ordinarily the live oak would not put out more than two flushes of new growth a year, he explains. "We're hoping that a fourth flush will come out and not be as severely affected. The twigs looked green and healthy when we left."

The prognosis

Costonis says that during next week's check-up he will add mycorrhize, "little fungi that live in symbiosis with the roots of all oak trees. These would be severely affected around this tree because of the soil that was removed, and the herbicide may have impacted them."

Successive flushes of leaves will determine the oak's eventual survival, says Siebenthaler. It may be two or three years before its fate is known, he concludes, provided the tree doesn't die

Please see TREE 3D

Tree

from 10

before that.

Buds for the fourth flush of foliage did begin forming by mid-July. Giedraitis notes, and now it's "a race between the tree and the poison." Comparing the tree to a very old person after major surgery, he fears it can never return to its former magnificence.

'Don't mess with Texas'

Newspaper and television coverage attracted so much attention that people came from miles around, Siebenthaler recalls. "Kids wrote letters to the Treaty Oak from out of state," People wrote messages to the tree, brought icons and even knelt to pray for the tree.

Siebenthaler says that one evening they counted 168 people gathered at the tree. "It was just like a vigil, just like a church."

Two cans of chicken soup, good for everything that ails you, sat under the tree, Siebenthaler recalls. Someone tied a yellow ribbon around the "old oak tree," as in the song. Also tied around the tree was a yellow T-shirt that proclaimed, "Don't Mess With Texas."

Among the people who came were a mystic and an Austin man whose business card identified him as a "Master Certified Practitioner, Neuro-linguistic Programming." He sat on a bench, played a bamboo flute to the tree and said he drew strength from neighboring trees and projected it to the Treaty Oak, Siebenthaler recalls.

Urban forester Giedraitis, who proposed to his wife under its graceful canopy, says a fund started for the tree has now reached \$6,000 and will be used for city-wide tree planting, since Perot had already volunteered to cover the costs. Although many services and materials have been donated, he estimates the cost at "\$30,000 to



Workers carefully dug around the roots when they examined the soil to see how far the poison reached. It was three feet deep. Photo courtesy of JACK SIEBENTHALER

Prescription for an ailing oak

Top talent and techniques are at work to save the Treaty Oak. Treatments listed here have helped, and the intensive care will continue through September. Among the steps taken:

- Soil contamination was determined to be three feet in depth, after careful digging to preserve roots.
- Contaminated soil was removed by high-pressure hose and sump pump and replaced with a mixture of sand, lime tree

- bark and peat moss.
- Activated charcoal and bacteria were injected into the surrounding soil to "lock up" chemical residue and neutralize it — sometimes called the "Pac Man effect."
- The dry park area was initially soaked with water from hoses. Sprinklers installed atop the tree spray for about one minute every half hour with trucked-in Utopia Spring Water, rather than chlorinated city water. Motors were set to monitor soil moisture.
- Because recovery depends on the chem-

- ical flushing itself out through the leaves, no pruning was allowed.
- The only fertilizer allowed was one rich of composted sludge, one percent nitrogen. Compacted soil was loosened by machinery to provide aeration.
- For relief from the Texas heat, a huge shade screen was installed on the east, south and west sides of the tree.
- Affected leaves were collected and removed to prevent further contamination.

— BETTE SMITH

\$40,000 by the time we get through."

People, newspapers in the United States and abroad and several national TV programs. "I've been interested in the tree has not wanted, he says. It made *Time* and speaking for the tree," says Gied-

raitis, who doesn't need or seek such notoriety.

Boxes are filled with cards addressed to the Treaty Oak and "Please get well."

recently a postcard from West Germany was delivered. The message: "Only God can make a tree. Please get well."

LETTERS

Learning tree

One can learn a lot from a tree, especially a dying one. In visiting our sick friend I considered the following:

- We had better take care of the little ones if we want our descendants to have big ones.

- Our energies are best directed toward dealing with the status quo rather than living in a nonexistent past.

- Our energies are best spent by applying them to the healing of our sick friend rather than spending them hating a sick mind.

- The Treaty Oak is a messiah and a prophet. It shows us not what might possibly happen but what will surely happen to the very thin skin of life that covers our entire planet if we continue our prodigal behavior.

I know that some will consider it sacrilege to subject that whoever attempted the assassination of our great friend is no worse than a host of Austin politicians who have murdered the charm, the economics, the public trust and faith, the skyline and the gargantuan unnamed live oaks that once graced the campus of U.T., the Symphony Square and other properties about Austin.

BILL WORRELL

P.O. Box 56

Art

Corpus Christi Caller Times

JULY 17, 1989

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35 CENTS

A Family's Tree

Treaty Oak's struggle holds special meaning for local woman

By John Bruce
STAFF WRITER

Tears welled in Louise Bocock's eyes last week when she stood before the ailing Treaty Oak, a 400-year-old historical landmark in Austin that was poisoned last month.

The massive, sprawling tree, the legendary site of a treaty-signing by Stephen F. Austin, arguably means more to the 76-year-old Corpus Christi woman than to most people.

After all, the tree sits on what used to be her grandmother's backyard, on property the family has since sold to the City of Austin.

Although Bocock lived in another part of Austin during her childhood, she spent her holidays and summers at 1009 W. Sixth St., in the two-story house that she said seemed to have a view of the Treaty Oak from every room.

Because of the countless childhood memories Bocock has of the Treaty Oak, its poisoning last month was not only a blow to a treasured Austin landmark, but also was a personal tragedy.

"I went out to see it and I just stood there in tears," Bocock said of her visit to the Treaty Oak last Wednesday. "For somebody to poi-

son something so magnificent is more than I could take."

Paul Stedman Cullen of Elroy, 45, is in custody in Travis County Jail in lieu of a \$20,000 bond in connection with the poisoning. He was arrested June 29 by Austin police and charged with second-degree felony criminal mischief.

The tree was covered with tents by city workers earlier this month to protect it from the heat and help promote the growth of new leaves.

"I sent a contribution to the fund (to help save the tree), but I sure can't match H. Ross Perot," Bocock said. Perot, a Dallas billionaire, has

pledged to donate funds to help revive the tree. Bocock donated \$100. Bocock recalled the time when she, then 6, her 8-year-old sister and 4-year-old cousin tried to link arms "and reach all the way around the trunk of the tree, but we never could."

"That tree is just a wonder," Bocock said. "I didn't think anything could be so pretty, but right now it's a skeleton of what it used to be."

Her grandmother's house, which was operated as a boarding house

Please see Treaty Oak/4A



Louise Bocock perches on a limb of the Treaty Oak in what was then her grandmother's backyard in a photo taken in 1939.

for many years by Bocock's father and uncle, was torn down in 1974 because it was too expensive to maintain, she said. An antique store now sits on the same lot.

"We spent a great deal of time there," said Bocock, seated in a room of her Corpus Christi house that is filled with furniture and other mementos taken from her grandmother's house.

"We went there for Easter-egg hunts and on other holidays and I lived there one winter with my grandmother," Bocock said, while poring over an album of old photographs of the tree and house.

One of the photographs is of Bocock sitting in one of the lower limbs of Treaty Oak, during a 1939 visit after she had moved to Corsicana. The City of Austin purchased the tree and the surrounding land from Bocock's grandmother in 1937.

Stephen F. Austin, the "father of Texas," is reputed to have signed the first boundary line agreement between Indians and whites under the Treaty Oak in the early 1800s.

The tree is located north of what used to be Bocock's grandmother's



ELY WATSON/STAFF PHOTOGRAPHER
Louise Bocock in 1989 photo

house, between Fifth and Sixth streets on Baylor Street. The back of the house faced the Treaty Oak.

"We used to sit up on the back gallery on Sunday afternoons to get cool, and people would come in and have picnics," Bocock said. "They were so nice and they used

to clean up after themselves."

Years after Bocock moved to Corpus Christi in 1947, she retrieved many items from her grandmother's house from the family farm in Bastrop County, including doorknobs, windows, column bases and chimney grates.

"I took everything that I could cart off in a pickup truck," said Bocock, a slight, ebullient and cheery woman who beams with pride when she describes her Texas ancestry.

Bocock's grandfather, Walter Haynie Caldwell, was born in the Republic of Texas. She doesn't recall exactly when he or her grandmother, Maria Louisa Caldwell, died. But they will never be forgotten - at least not in Bocock's house.

Every room of Bocock's one-story house on Devon Drive has reminders of her grandmother's house, including decorative plates that were her grandmother's wedding present and mirrors that once hung in the home.

"I've told my daughters that if they ever get rid of all this stuff, I'll come back and haunt them," Bocock said.

AN APPARENT MURDER ATTEMPT ON A VENERABLE OAK TREE MAKES TEXANS FEAR FOR THEIR ROOTS



1 Austin's all-out bid to save its living landmark from a deliberate poisoning has caught the imagination of residents and tourists alike.

Well-wishers stop by to express their hopes that the mighty oak may survive.

CRIME

The crime came to light on Memorial Day, when an Austin woman telephoned John Giedraitis, complaining that the city's 600-year-old Treaty Oak "looked sick."

The message set off alarms; the tree is a revered landmark in the Texas capital, and legend even has it that the city's founder, Stephen F. Austin, signed an early land agreement with local Indians under its stout branches. Giedraitis, a municipal urban forester, immediately investigated and found that the leaves were indeed turning brown and dropping. His conclusion: Someone had poisoned the venerable oak.

So severe was the damage that "I didn't have to do any tests to determine it was poisoned," says Giedraitis. As it turned out, the ground around the tree had been soaked with a lethal dose of Velpar, a herbicide that kills hardwood trees. Fifteen city employees were put to work to try to save the oak. In recent weeks they have sprayed the leaves with fresh spring water, replaced the topsoil in a 30-foot circle, dosed the tree with antitoxins and even erected screens to shade it from the broiling sun.

As the frantic activity continues, a solemn procession of Austin residents have filed by daily in a kind of deathly vigil. Some just stare in bewilderment, but others leave tokens of sorrow: flowers, notes, even a can of chicken soup.

Meanwhile city police set out to answer the bizarre question: Who would want to murder the Treaty Oak? There were rumors that the tree was sacrificed as part of a satanic rite. Then on June 29 authorities arrested Paul Siedman Culien, 45, a drifter with a long record of petty crime, and charged him with poisoning the tree. If convicted of criminal mischief, he could get up to 20 years in prison. The motive may be as strange as the deed itself. "It had something to do with a girl he was trying to get over," says Police Sgt. John Jones.

At the scene of the crime, hope flutters. In the last month the tree has dropped two sets of leaves; a third has begun sprouting. Austin is waiting to see if these leaves, too, will turn brown and fall. "This tree didn't suffer the equivalent of being hit by a car," says Giedraitis, struggling for a human metaphor for what ails the Treaty Oak. "It's more as if it were in the midst of a chronic illness and this is the crisis stage. It could go either way."

The Austin Light

July 12 - 18, 1989

Austin Agenda

Annual Live Oak Festival Dedicated To Treaty Oak

This year's Live Oak Festival, scheduled for Oct. 14 and 15 in the Travis Heights neighborhood, has taken on special meaning in view of the tragic poisoning of historic Treaty Oak.

Promotions Committee Chair **Connie Fisher** said the festival, now in its third year, will be a tribute to Treaty Oak. Well-known local artist **Guy Juke**, who lives across from Treaty Oak, has agreed to do the artwork for the posters and t-shirts, which will be sold to raise funds used in the fight against oak wilt disease.

Incidentally, if you want to work at the Live Oak Festival, you can attend an organizational meeting at 7:30 p.m. Sunday, July 23 at the Magnolia Cafe on South Congress Avenue.

Austin American-Statesman

Saturday, July 15, 1989

THEATER MUSIC



Photo by Alan Pogue

William Dente stands tall this weekend as Treaty Oak in Esther's Follies' parody 'Rock 'n' Roll News Medley.'

Broken-Treaty Oak

To the Editor:

It's a strange society where the life of a tree — any tree — matters more than the civil rights of a human being. The media, especially the local television news programs, are giving full play to a savage lynch-mob mentality directed at Mr. Paul Stedman Cullen, while corporate and taxpayer monies are noisily spent to save a tree which in fact commemorates a history of broken promises. Where is this righteous anger and ready cash when Austin's human victims need help? Austin should be ashamed of itself.

Aaron Fox

Thursday, July 13, 1989



Staff photo by David Kennedy

Seeing green

Customers Dorothy Boutwell, left, Billie McMahon and Dorothy Kemp buy T-shirts benefiting the Treaty Oak. Efforts to save the poisoned tree have drawn the attention of state Rep. Sam Russell, D-Mount Pleasant, who on Wednesday filed a resolution thanking companies that have donated time and equipment to the effort.

Wednesday, July 12, 1989

Treaty Oak case goes to grand jury

Suspect charged with felony in poisoning

American-Statesman Staff

A Travis County grand jury is expected to look into the Treaty Oak poisoning case sometime after next week, an assistant district attorney said Tuesday.

Paul Stedman Cullen, 45, of Elroy has been charged with felony criminal mischief in the poisoning of the historic tree, an Austin landmark fighting to survive the effects of the powerful herbicide Velpar.

Assistant District Attorney LaRu Woody said the case is not scheduled for presentation to a grand jury this week or next week.

But it could be presented after that point.

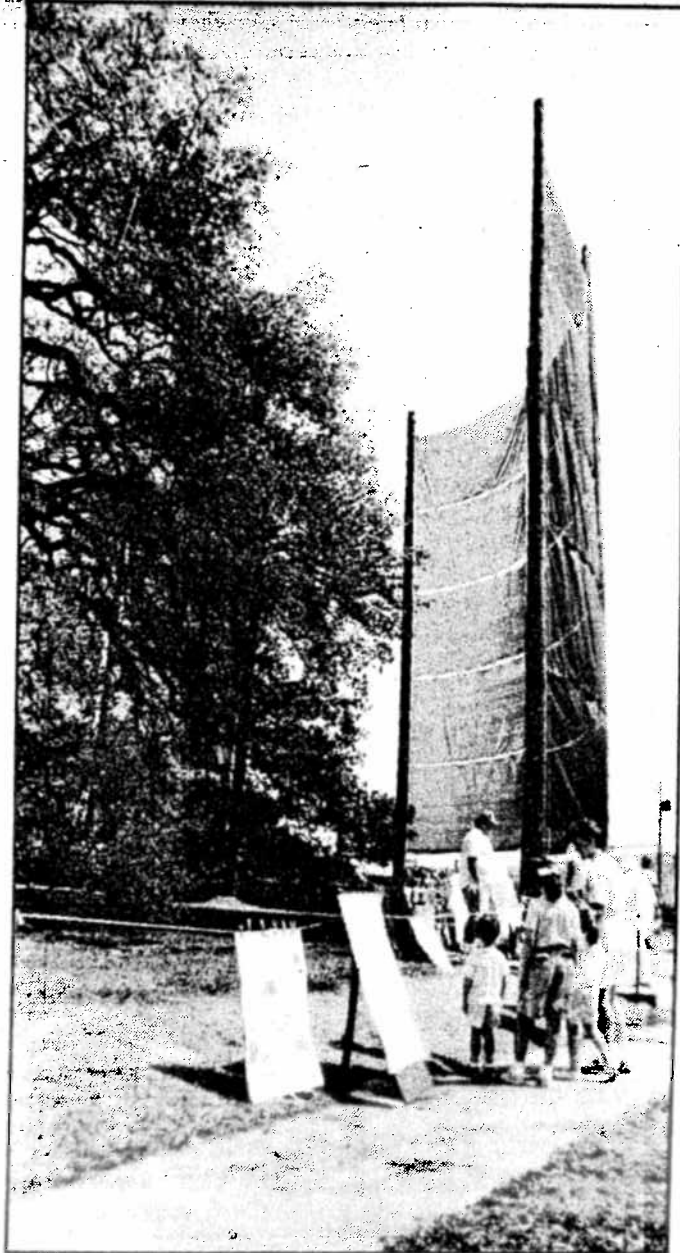
"We're just not ready yet," Woody said.

Woody said the district attorney's office is studying whether to recommend a second- or third-degree felony charge of criminal mischief.

That decision will depend on the cost of repairing the tree, she said.

The charge could be a third-degree felony if there was \$750 to \$20,000 damage to the tree.

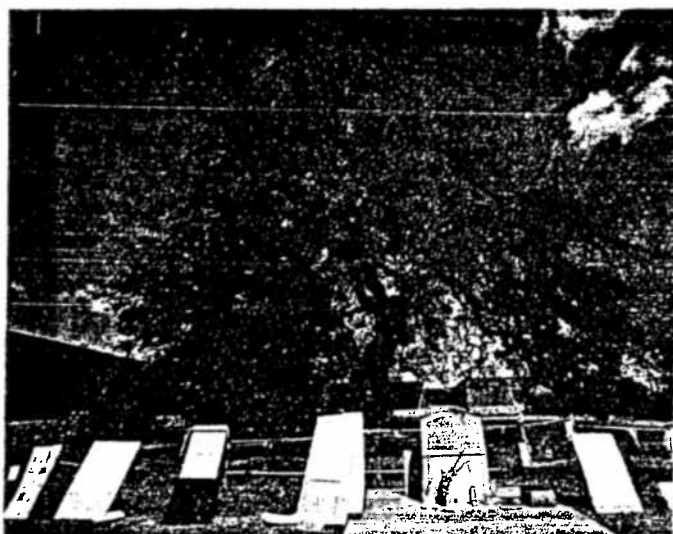
The charge is a second-degree felony if the damage exceeds \$20,000, she said.



WHAT'S NEWS

FIFTY-FOOT SCREENS were erected on the south side of Treaty Oak last week to shade the ailing landmark from sunlight that could further damage its third growth of leaves this season. The tree is also periodically misted with spring water, and all of the chemical-tainted soil has reportedly been removed from the base. (Stephen Hansen photo).

American Notes



No joke: get-well cards in front of the poisoned Treaty Oak in Austin

TEXAS

"Please Don't Die, Tree"

Visibly ailing since Memorial Day, Austin's historic Treaty Oak—alleged site of a treaty signing by Native Americans and Father of Texas Stephen F. Austin—has been receiving

the kind of diligent attention usually given a gravely ill head of state. A team of eleven has meticulously removed the contaminated soil from around its huge root network, and last week billionaire H. Ross Perot flew in 18 technical specialists from around the nation to assist in a bedside diagnosis.

About 600 years old and 50

ft. high, the great tree, with its 52½-in. girth and 127-ft. limb spread, has inspired an outpouring of sympathy. Well-wishers stand vigil, send get-well cards, flowers, candles, even cans of chicken soup with anguished messages: "Please don't die!"

It seems that someone poured the potent herbicide Velpar in a circle around the tree early this year, committing a "malicious act against an innocent creature," said city forester John Giedraitis. When the tree shed beads of sap, he said, "it's weeping. This tree is under a tremendous amount of stress." Velpar maker Du Pont has put up a \$10,000 reward for the capture of the tree's poisoner. Says a poster at the tree: HANG HIM FROM THE HIGHEST LIMB.

Police late last week arrested Paul Stedman Cullen, 45, and said he apparently poisoned the tree as part of a ritual. Hanging, though, is not in prospect. Cullen could get only up to 20 years for criminal mischief, a felony. ■

Hope for survival

Where are the descendants of the American Indian people that signed the treaty under the oak tree? I trust they didn't follow the situation of the rest of the American Indian tribes and their plight with U.S. treaties. This is an important question, because the tree stands for remembrance.

In the present, amidst the oil spills, sewage pollution, and urban renewal in the name of the dollar, I find it ironic that the Indians so well respected nature and were at one with it. For living this way, they were sentenced to an almost genocide. When we view this tree with historical awe, should we not be in awe of the grave injustice these people endured?

I hope the treaty oak tree survives, unlike a lot of U.S. treaties. If the tree dies, I hope it is not manufactured into worthless paper like a lot of U.S. Indian treaties.

TONY METOYER
2501 Bois D'Arc
Cedar Park

The prognosis worsens for Texas' ailing oak

By Fawn Vrazo
Inquirer Staff Writer

AUSTIN, Texas — The outlook for this city's poisoned Treaty Oak appeared gloomier this week after the removal of tainted soil from around its roots apparently failed to slow the effects of a strong herbicide flowing through its veins.

Austin City forester John Giedraitis, who has overseen the heroic effort to save the historic 500-year-old tree since the poisoning was discovered last month, said late Thursday that a new "flush" of leaves produced by the tree to save itself had begun turning brown and dying, just as earlier leaves had.

The effects of the poison, Velpar, seem to be accelerating, Giedraitis said. "It's going to be a miracle, I think, to keep this guy going." The forester added, though, that another flush of healthy leaves could appear within the next two weeks and help the tree recover.

"I think we're going to know in about a month" if the Treaty Oak will live, said Giedraitis, who has been working with 19 tree experts flown to Austin a week ago for a day at the expense of Texas billionaire H. Ross Perot.

The tree is the legendary but unproven site of a 19th-century meeting between Texas hero Stephen F. Austin and local Indians.

As Texas — and much of the rest of the world — continued to follow the progress of the now-famous live oak tree, Austin residents pondered the strange circumstances surrounding its attack.

An ex-convict, Paul Stedman Cullen, 45, was arrested June 29 by Austin police and charged with poisoning the tree in February with a container of Velpar taken from the rural farm-supply company where he had worked. Police said in Cullen's arrest warrant that he had poured the herbicide around the oak "in a ritual."

Police officials have said little else about the nature of the ritual or Cullen's motivation. Published reports have suggested the attacker may have been trying to cast a spell to affect the outcome of a love affair. Investigator John Jones this week confirmed reports that a book called *The Black Arts* figures in the unusual case.

According to the Austin American-Statesman, Cullen had checked the book out of the Austin public library. The book talks about various magical ceremonies but says nothing about the sacrifice of trees.

In the rural town of Elroy outside Austin where Cullen had lived for the last few years, local residents said this week that Cullen was an outgoing but strange individual who was in a methadone-maintenance program and seemed to be trying to overcome his past as a criminal and heroin addict.

Published reports have said that Cullen served time for burglary, public intoxication and possession of marijuana. In 1983, he broke into a pharmacy in Austin and reportedly told police, "Shoot me. I feel good," when they found him inside the store eating pills.

But that past seemed to be behind him by the time he took up residence in the back of a moving van on the property of the Pearson's Farm & Ranch Supply store, his employers until about six months ago. Cullen talked openly about his convictions and celebrated with a meal at the local JB's Cafe when his probation period ended, cafe and store owner John Bankston said.

"He was real proud about being off probation," said Bankston, who added that Cullen ate the cafe's \$9.95 T-bone steak when he was working, and oatmeal when he was not. After Cullen was laid off from Pearson's, Bankston said, he earned money by doing yardwork or painting in the town, and he was never known to bother or harm anyone in the community.

On the other hand, Bankston and other residents found it strange when they spotted a burning chicken surrounded by blue paint on a street near Cullen's makeshift truck-house. "With its feathers off, that's one thing," Bankston said. "They might have been barbecuing it." But this chicken had its feathers on.

Residents also noticed Cullen's unusual necklace of alligator teeth. And Bankston said that Cullen had told him several weeks ago that he had been poisoning stray dogs in the area.

Cullen reportedly dated a woman living in a nearby trailer park, and many local residents say they believe the girlfriend turned in Cullen to the police. Police have not identified any tipsters but have said that four callers identified Cullen as the tree's attacker.

Three of the callers, said Sgt. Jones, contacted police after \$11,000 in rewards was offered in the case. But the "best caller," said Jones, "came in way before the rewards were offered."

Cullen has been charged with criminal mischief, which carries a maximum prison sentence of 20 years. But police say that as a previous offender, he could face a life sentence. He remains in the Travis County Jail under a bond of \$20,000 while authorities consider a change of venue for the case, which has been publicized from London to Tokyo.

"I would say [a change of venue] is a distinct possibility — maybe to Alaska," Jones said.

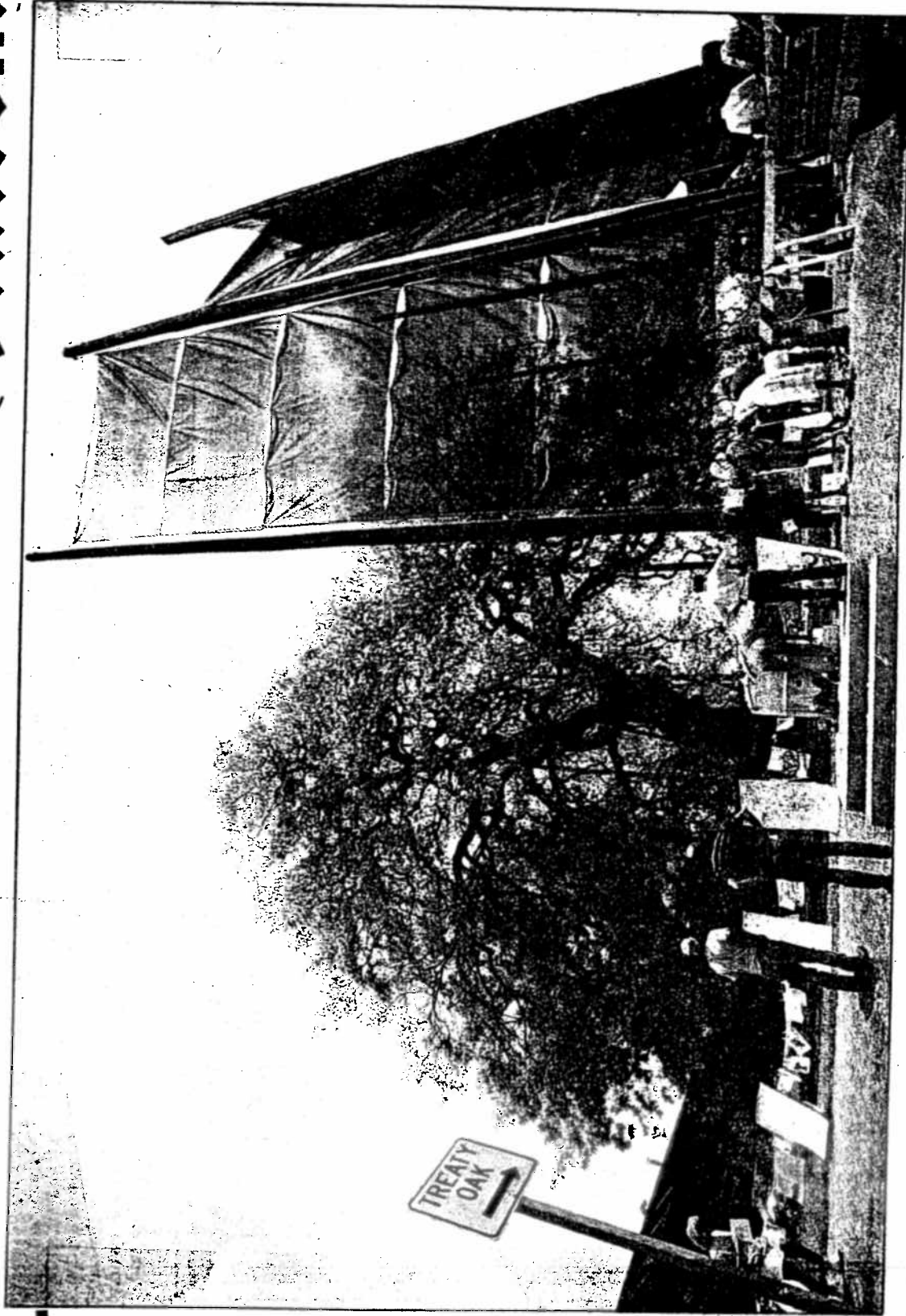
Meanwhile, intensive efforts to try to save the tree are continuing. All of the soil around its base has been removed and replaced to the depth of three feet, and the tree is being cooled with 1,500 gallons daily of donated Texas spring water. The water is sprayed on the upper branches with hoses, which at times gives the massive tree the appearance of crying.

One of the tree's neighbors, Gordon Israel, had earlier sprouted more than 70 trees from the Treaty Oak's acorns, and Austin residents have drawn some comfort from that. One of the sprouts is growing in the city's garden center, "and maybe that will be the replacement," forester Giedraitis said.

"But," he said, "it will take a lot longer than [the lifetimes] of you, your child, your grandchildren, your great-grandchildren, and on and on and on" before it grows to the Treaty Oak's size — 127 feet wide at its crown — and magnificence.

Austin American-Statesman

Friday
July 7, 1989
15 cents



Shading a shade tree

City workers Thursday raise 50-foot screens around the Treaty Oak to protect it from the summer sun. Officials hope the screens will help save the historic tree, which was poi-

soned with the chemical Velpar. About half of the morning and late-afternoon sun will be screened out when the project is complete. The screens were suggested by Dallas

millionaire H. Ross Perot, who is bankrolling the operation. The tree's prognosis improved this week when workers replaced the east of the poisoned soil around the roots.

Staff photo by Mike Boroff

MEDIA CLIPS

By Hugh Forrest

WOOD THAT IT WERE: The saga of Treaty Oak — a classic, head-on collision between a traditional symbol of benevolence and an unseen yet seemingly omnipotent evil — has generated both state and national headlines. Hence, the arrest of suspected poisoner Paul Stedman Cullen was a media event invoking memories of the discovery of the body of UT student Mark Kilroy at the mass gravesite near Matamoros (toss in a few references to the occult and the two crimes tie together rather nicely). And, if we are to believe the local media's somewhat naive approach to reporting this story, Austin's trees are now free again to grow and prosper. Right? Wrong. There is no doubt that Treaty Oak is a wonderful asset to the city and one well worth saving. Still, it is only one tree and its existence on this earth is ultimately limited, not so much by the bounds of nature (it seems to have withstood those extremely well in its 600 years), but by acid rain and other man-produced impurities that foul an ever-polluted environment. Indeed, the press trumpeted with joy when DuPont (makers of Velpar, the chemical used to poison the tree) kicked in a \$10,000 reward for information leading to the poisoner's arrest. Perhaps the ostensible generosity of the sum distracted the

media from considering the hypocrisy of DuPont's involvement in the rescue effort. If Velpar has this much affect on one tree, consider what kind of havoc it wreaks upon the ecosystem after being distributed over larger areas — or does the scientific community even know the full range of environmental consequences stemming from such use? DuPont, notorious for helping develop Vietnam-era killer chemicals such as napalm and Agent Orange, certainly isn't holding its breath for the answer to this last question. Nor is the press. In the coming weeks the media will report myriad trivial details about the internal demons that prompted suspect Cullen's unfortunate actions. But we'll hear nothing about the greed of the corporate bigwigs whose obscene rape-and-pillage approach to cultivating the natural world for profit fosters the development of poisons like Velpar, thereby insuring that the Treaty Oaks of this world are a vanishing breed. This awesome tree, struggling to free itself from the toxins that clog its veins, is clearly a symbol for our times. In typical 80s fashion, however, the press interprets the symbol as reality, ignoring the greater truths that the poisoned tree begs us to consider. So bring out the camera crews, call the politicians, and join the all-night vigils as Treaty Oak is saved. Then, watch helplessly in the coming decades as whole forests are decimated, victims of pollution standards that were too often compromised to the unyielding profit margins of big business. It almost makes you feel like burning a flag or two.

OVER THE HEDGE

By Tom Spencer

Six hundred years ago mankind was stumbling into a new era. It was a time of both calamity and promise: protracted wars and plagues were sweeping across Europe and Asia, yet the seeds of the Renaissance were taking hold in the hills of Italy. On the other side of the world, on a quiet river bend in Texas, something quite different had taken root — the Treaty Oak. Today we stand poised on the edge of another epoch, one in which the relationship between mankind and the planet itself seems destined to change. The Treaty Oak's arching branches have spanned the time connecting these two historic periods. Whether the poisoning and potential demise of the tree will stand as a symbol or portent of things to come is largely up to us.

We live in a time when environmental disasters of regional and global scale seem like daily occurrences. We are barraged by so many gloomy reports that we sometimes become desensitized to it all. We lose our sense of outrage and perspective after the hundredth oil spill or nuclear plant leak. When the news about the poisoning of the Treaty Oak first broke I heard some folks complaining about all of the attention this one single tree was receiving when countless thousands of acres of rain forest and other habitats are being destroyed every day.



While I certainly sympathize with this point of view (not seeing the forest for the tree), I also understand the outrage caused by what happened to the Treaty Oak. The Treaty Oak was a selected victim and as such it has elicited an emotional response. It is also something very tangible, something we can see, not at all like a hole in the ozone layer or the damage caused by some insidious toxic waste. Above all, the Treaty Oak has for many years been a symbol of the city we love and call home. It is fitting, then, that a group of Austinites has chosen to react to the Treaty Oak poisoning in both a tangible and symbolic way.

On July 1st, many Austinites gathered under the tree to sign a new treaty, a pledge to protect Austin's natural heritage and add to our "urban forest." They are doing this by planting trees in their yards and by contributing to a special "Treaty Oak Fund" that will help finance massive plantings of trees in our parks and along our highways. This "treaty" is less naive and trivial than it may seem. Trees make a difference by soaking up carbon dioxide and other pollutants, by cooling our yards and homes, and by beautifying our neighborhoods. We can make a difference by planting them.

Normally, area gardeners concentrate on planting trees during the cooler times of the year. (Arbor Day is observed locally in January.) But that doesn't mean you can't plant during the summer; you just need to use a little common sense and a little extra mulch and water. Personally, I like to get trees started in the late summer or fall so that when the spring comes, their root systems will have a head start on the growing season. Trees planted in the summer or fall should be fully

grown into their containers when you buy them. Do not buy a field-dug or bare-root tree during warm weather unless the nursery or supplier is willing to guarantee it for you. (Transplanting trees from one location to another is ideally done during the coldest part of the winter.)

The key to successful tree planting lies in selecting the right variety for your yard. This means that you should determine what type of soil you have, how much sun the plant will receive and how large an area will be required. The following recommendations include many species that are less well known to Austinites; I tout them to encourage more diversity in our urban forest, so that it will be less susceptible to the ravages of diseases like oak wilt. Some of these trees may be a bit harder to find, but they are worth the effort. By asking for them you will encourage area nurseries to order them and commercial growers to produce them, so you'll be doing everyone a favor.

Folks looking for shade trees should consider the following species: Lacebark or Chinese Elm (*Ulmus Parvifolia*). As the name implies, this tree has beautiful bark. It is very tough and well adapted to most soils and grows quickly to approximately 50 feet tall. Bur Oak (*Quercus Macrocarpa*). A relatively slow growing but very rewarding tree, it is thought to be resistant to oak wilt and can be grown throughout Central Texas, from the rocky soils of the Hill Country to the heavy clay soils east of town. The tree grows to 70 feet and needs ample space. Texas Ash (*Fraxinus Texensis*). Known for its fall color and quick growth, this is a healthy medium-sized tree that would fit neatly onto a smaller lot. Bigtooth Maple (*Acer Grandidentatum*). The only maple suited for planting in Austin, it is perfect for small city lots. With its classic leaf shape and fall color, the Bigtooth Maple is perhaps our most beautiful shade tree. It can grow in a partly shaded yard and can be added to existing tree plantings as an accent. Lacey Oak (*Quercus Glaucoides*). A smallish (usually only 30 feet tall) Hill Country native that is just now becoming available in nurseries, its leaves are a wonderful blue-green that turn peach colored in the fall. It is found in canyons (often with the Bigtooth Maple) and likes a well-drained site.

There are many small (15-25 foot) ornamental species of trees that can be used to add colorful individual accents to a yard or garden. They can also be planted together to form a natural-looking privacy hedge or buffer: Texas Redbud (*Cercis Canadensis* var. *Texensis*). This favorite spring-time bloomer grows throughout the Hill Country. It is distinguished from the Eastern Redbud by its glossy foliage, drought resistance and smaller size. The Vitex or Lilac Chaste Tree (*Vitex Agnus-castus*) blooms in the fall between the early spring burst of color and the arrival of the summer flowering species. It is extremely hardy and thrives in dry sunny locations. Desert Willow (*Chilopsis Linearis*) is quickly becoming a star attraction in Austin gardens. It has exquisite summer blooms and grows in any well-drained soil (it is not a true willow so don't overwater!). The Flameleaf Sumac (*Rhus Lanceolata*) provides a nice display of white blooms in the summer, but its true claim to fame comes in the fall when the foliage turns a bright red. It is another area native and should perform well in all but the heaviest clay soils.

If you've already exhausted all available space in your garden and can't possibly squeeze in another tree, you can still enhance Austin's urban forest by contributing to the Treaty Oak Fund. If you'd like to help out, send your contributions or inquiries to:

The Treaty Oak Fund
Office of the Director
Parks and Recreation Dept.
P.O. Box 1088
Austin, TX 78767-1088

Focus on saving life — or a tree — ignores society's victims

The scene was incomprehensible. Hard plastic pipes shot up from the base of the 600-year-old oak tree. The pipes, straight and fired, looked odd on the tree's many branches that curved wildly, taking sudden plunges back to earth before rearing skyward again. At the top of the tree, the pipes broke off into smaller hoses that flared out over the tree.



Jesse Trevino

PERSPECTIVE

Imagine the rescue operation under way in Austin similar to the effort to rescue little Jessica McClure from the well she toppled into two years ago in Midland.

The struggle for the tree's survival is the same. It is about life. A 1½-year-old tot and a massive 600-year-old oak have much in common. Each is sacred in its own way; both are equally vulnerable. It was not surprising that the man accused of the crime was taunted by his fellow prisoners. The value of a child and a tree have special meaning, even for criminals.

The police and the media are piecing together the life of the homeless drifter au-

thorities say poisoned the oak. The suspect remains in jail. But society's claim on him began long before he reportedly poured the poison on the majestic oak in downtown Austin.

Like the well that was quickly shuttered after Jessica McClure's rescue, so must society tend to the disturbed who can cause great and personal harm. At what cost could society have prevented the tragedy of the poisoning of the Treaty Oak, said to have gotten its name from a signing of a peace pact by Stephen Austin and a group of Indians?

The question has merit as thousands of dollars are spent to repair a tree that cracked through the ground in North America before Columbus set sail from Spain. The legacy of the desperate, confused act of one individual is testament we as a society did little to repair the unfortunate tragedy of that life.

Dallas billionaire H. Ross Perot, who charged to Austin to help save the tree, will pay for an operation that should have

started years ago. Perot's assistance is gratefully appreciated. But the thought comes to mind that this money might have been spent preventing the kind of violence that was visited on the oak and is too frequent a visitor in today's world.

All across America, the number of the many disturbed and homeless drifters is on the rise. These human specters are tragic shells of their former selves. We do not know their intent, their anger, their confusion. When and if they will erupt, we do not know.

In an age when government and its citizens elect presidential administrations that choose to retract from society's responsibilities, we are left to wonder what person, what tree will be struck next.

Like the long-ignored well in Midland, these people are voids of another kind. These are emotional and scarred voids that cause violent behavior that, like the Midland well, must be plugged. These people need help. And society helps itself by helping them.

Standing and watching as the workers removed contaminated soil from around the tree, I remembered being at a banquet in Dallas the evening workers who had removed dirt and stone to dig their way to Jessica McClure finally snatched her back to life from the deep recesses of the earth. The program was interrupted and the ball soon exploded in thunderous prolonged applause as the success of the rescue was announced. Tears came to men and women alike.

I wondered as I left the struggle for the oak if any similar announcement about the tree is forthcoming any time soon. I wondered, too, when and if anyone is serious about the growing problem of the homeless and the mental state of those who would seek to kill a tree.

As I turned to walk away, a small leaf from the giant oak floated to the ground through the diesel smoke of the trucks.

Jesse Trevino is chief editorial writer and columnist for the Austin American-Statesman.

LETTERS**Understanding Earth**

On Sunday, June 26, I was moved to tears, as I stood with others to view the Treaty Oak. We were there to express our awe, love, and respect for this magnificent tree, and to experience our sorrow and disgust at the tragic poisoning. One well-wisher wrote on a card (quoting Goethe): "you do not destroy what you understand."

Later, I realized how easy it is for us to understand the impact of the destruction on this one tree.

But, every day, far greater destruction occurs. Our western forests have more trees cut than ever, acid rain falls on more miles of trees around the world, and the Amazon rain forests are being destroyed. These acts are devastating to the Earth's ecology, but few of us give them any thought or concern. A single deliberate act of violence is much more stirring to us than the many deliberate corporate acts that occur daily.

Clearly, we do not understand what the Earth's forests mean to the world, to its climate, and to its future.

NANCY RILEY
P. O. Box 3943

CITY & STATE

Thursday, July 6, 1989 Austin American-Statesman

Home search reveals no trace of herbicide

No occult items found at suspect's house

By Jim Phillips
American-Statesman Staff

When Austin police searched Paul Stedman Cullen's home last week, they did not find any herbicide that would tie him to the poisoning of Treaty Oak nor did they find occult items that would directly support a ritual motive for the poisoning.

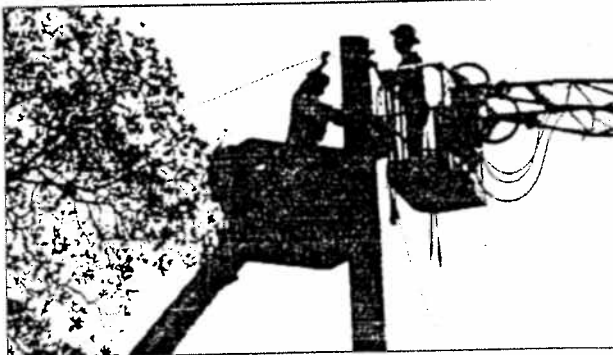
According to information filed in court records Wednesday, police said they seized a number of books and other materials. None of the books is specifically tied to the occult, although at least one contained several occult-related

stories.

The search warrant and a list of seized items were filed by Sgt. John Jones, who is in charge of the Treaty Oak investigation.

Cullen, a 45-year-old Elroy resident who was charged last Thursday with felony criminal mischief, remained in the Travis County Jail late Wednesday. He is charged with pouring the herbicide Velpar around the tree as part of a ritual.

The search warrant was for Velpar or any written information about the chemical, and for "any and all books, magazines or other periodicals referring to the use of 'magic circles,' witchcraft or the



Staff photo by Lynne Dobson

City workers installed 10 telephone poles near Treaty Oak Wednesday. The poles will hold screens to shade the tree from the sun.

occult."

Sources told the *Austin American-Statesman* that Cullen was believed to have poured the herbicide around Treaty Oak and in a "magic circle" just east of the tree in an effort to cast a spell or place a curse.

In an affidavit by Jones to obtain the search warrant, the investigator said an informant who had been to Cullen's home "observed books and papers concerning 'magic circles' and the occult." The materials

See Oak, B6

Oak From B1

referred to placing of a curse on someone or "protecting" a person "by placing poison around a tree" and around personal articles of the person, the affidavit says.

Cullen also has an Austin library card issued at the branch on Manchaca Road, which has a copy of *The Black Arts*, the affidavit says. The *American-Statesman* reported last week that investigators were told Cullen had read the book, which describes the making of and uses of magic circles. In occult belief, the circles are thought to provide power and protection to those trying to place a curse or call upon spirits for help.

Officials were not able to confirm whether Cullen checked out *The Black Arts* because the library keeps records only of books that are returned late, and reveals that information only under court order.

The books seized from Cullen's home in the 18-foot trailer of a truck included *The Nine Billion Names of God*, a short-story collection by Arthur C. Clarke, and *The Inhuman Condition*, short stories by Clive Barker, who writes horror fiction. Barker's book contained several cult-related stories including one in which a man tried to summon the devil.

Also found was a chemistry book by Isaac Asimov, *Building Blocks of the Universe*, a Time-Life Library book on *The Mind*, and a book titled *The Ring of Truth: an inquiry into how we know what we know*, which was based on a PBS television series.

Police also confiscated letters to Cullen, job applications, a copy of

Cullen's resume, a notepad containing notes and various other records.

Since the poisoning was discovered a month ago, the centuries-old Treaty Oak has gained national attention. Officials have spent thousands of dollars trying to save the tree, which is located in a city park on Baylor Street between West Fifth and Sixth streets, but they do not know whether it will survive.

Knickknacks, notes show love for tree

Treaty Oak given showers of spring water, affection

By Scott W. Wright
American-Statesman Staff

Nobody seems to know who left the fluorescent yellow golf ball. It just showed up one day, as did the faded green toy truck, the ceramic unicorn, the pinata and the six \$1 bills stuffed in a vase.

"Maybe the golf ball is supposed to be like a Christmas tree ornament," said one woman, who gazed in amazement Tuesday at the quirky collection of items left in front of the Treaty Oak.

"And I have no idea what that toy truck is for," she said.

Few are more perplexed about the unusual onslaught of cards, gifts and get-well messages that stand silent guard in front of the poisoned 500-year-old tree than Austin City Forester John Giedraitis.

While city workers are sprinkling the ailing oak with spring water every half-hour to reduce heat stress, he said, well-wishers from around the nation are showering the landmark tree with affection.

"The place is kind of turning into a shrine," said a bewildered Giedraitis, who has diligently saved every note and knickknack at the request of the Austin History Center so it can record the outpouring of support.

"You wouldn't believe some of the stuff people leave," he said. "All these people that come to see the tree, they have a lot of strong feelings. They want to go up and touch the tree or say something to it. I guess this is a way for them to express themselves."

The outlook for Treaty Oak improved earlier this week when officials announced that all the soil tainted by the herbicide dumped around the tree has been replaced.

Police have accused Paul Stedman Cullen, 45, of Elroy, of poisoning the tree with the chemical Velpar in what officials believe was a ritual act. He has been charged with felony criminal mischief.

Initially, when Austin residents discovered the historic tree had been poisoned and was struggling for its life, a few people dropped by and left things like aspirin, cans of chicken soup and healing crystals at the foot of the Treaty Oak.

But as word of the tree's plight has spread worldwide, the crowds of visitors to the site at Baylor Street between Fifth and Sixth streets grow larger, the gifts more exotic, Giedraitis said.

Candles, feathers, flowers, yarn-woven God's-eyes and lucky charms litter the sidewalk in front of the monument. And like clothes out on a line to dry, poems, cards and wreaths dangle from a rope that cordons off an area around the tree.

On Tuesday, a constant stream of people

See Treaty Oak, B6

Wednesday, July 5, 1989

B6

Austin American-Statesman

Treaty Oak From B1

stopped to see the tree. They brought cameras and hand-held video cameras to take pictures in front of it, they chatted about its chances for survival. Inevitably, they craned their necks skyward to get a complete view of Treaty Oak, once named the most perfect tree in North America.

"It's a constantly changing crowd," said Ed Bustin, a retired Army warrant officer who lives across the street from the oak. "There's no way in the world you could count all of them. Saturday night, they were still coming by at 3 a.m. in the morning, and then they were here again at 6 a.m."

Giedraitis said he put a poster board in front of the monument several weeks ago so that people could scribble down their thoughts and sign their names. Now, there are six poster boards, which he replaces twice each day to accommodate the thousands of visitors.

"It's incredible," he said. "People leave all sorts of messages in all languages. We've had people write in Spanish, French, Latin and Chinese. I guess they want to leave a little piece of themselves after seeing the tree."

City officials also have received more than 100 get-well cards in the mail, Giedraitis said, some addressed simply to "Treaty Oak."

A letter from a girl named Johanna said "Oaks are wonderful trees. I know you may not feel lucky, but really you are because your incredible age has prevented you from being cut down by tree-choppers."

Johanna wrote to the tree that her note was in printed letters, "because I'm not sure if you can understand cursive."

Another card said it was from another age-old oak tree in Medina, Ohio, that land developers had tried to cut down to construct a building.

One message, this one left by a 2-year-old girl named Tara, said, "I wish you will get better from the poison. I hope you don't ever get hurt again. When you get better, you can play with your baby trees."



MEDIA REPRESENTATIVES
FROM around the state attended a press conference held June 29 at Treaty Oak by District Attorney Ron Earl and Officer John Jones of the Repeat Offenders Program. They announced the arrest of Paul Stedman Cullen, a drifter, on charges of criminal mischief, a second degree felony, for pouring the herbicide Velpar around the base of the tree.



EFFORTS TO SAVE Treaty Oak were increased June 22 when Mayor Lee Cooke (left) and Urban Forester John Gledraitis (right), of the Parks and Recreation Department, announced that billionaire H. Ross Perot pledged to fund any efforts necessary to save the tree. Experts from across the country arrived June 26 to appraise the condition of the poisoned oak.

Future looks a little greener for Treaty Oak

Soil contaminated by herbicide removed from area near tree

By John Bryant

Austin Staff Writer

The outlook for the historic Treaty Oak improved dramatically Monday when officials announced that all the soil tainted by the herbicide dumped around the tree has been replaced.

"We feel comfortable that we have gotten all the Velpar out of the soil," said Warren Struss, manager of physical support for the city Parks and Recreation Department.

Soil removal operations were accelerated over the weekend after Treaty Oak leaf samples showed the highest concentration of Velpar ever tested by one Atlantic expert.

Workers who had been removing contaminated soil by hand switched to high-pressure water jets and vacuum hoses Saturday to finish removing the top 3 feet of soil 5 to 10 feet out from the trunk of the tree, which is estimated to be about 500 years old.

Before the soil-removal work, herbicide detection tests five months after the suspected application date showed three parts per million of Velpar — three times the lethal dose — at a depth of 30 inches. No trace of Velpar had been found below 3 feet of soil.

"On Sunday, we allowed the tree to rest," said Jim Houser, chairman of the Treaty Oak Task Force.

The tainted dirt was replaced Monday morning with 22 cubic yards of donated planting soil, said city forester John Giedraitis.

"We are out of danger as far as soil contamination goes," said Giedraitis. "What we don't know about is the level of contamination within the tissue of the tree."

Giedraitis said the tainted soil was pretreated with pulverized charcoal, then disposed of according to city



Staff photo by Marc Fort
Austin Parks and Recreation employee Danny Carmona prepares the area around the Treaty Oak's trunk for refilling with fresh soil.

hazardous waste regulations through one of the city's wastewater treatment plants.

Work crews Monday also dug holes to hold 65-foot-tall poles that will support 50-foot-tall shade screens being erected on the east, south and west sides of the

See Oak, B5

Oak

From B1

Treaty Oak.

Officials want to relieve summer stress on the 65-foot-tall tree as it continues to grow new sets of leaves. About half of the morning and late-afternoon sun will be screened out when the project is completed Friday.

"The tree is getting a lot of new growth, and we don't want it to roast," said Giedraitis.

Giedraitis said he would make fine between "fireworks, ice cream and watermelon" on the Fourth of July to take samples from the tree's third set of leaves since the poisoning.

If laboratory tests show that the concentration of Velpar is similar to previous flushes of leaves, officials will know the tree is naturally ridding itself of the poison.

That would also leave officials placing their hopes on a fourth flush of leaves expected in August or early September.

"The only way to get the chemical out of the tree is through the leaves," said Houser.

Giedraitis said experts have disputed using neutralizing compounds within the tree, but nobody is sure about dosages or possible harmful effects on the tree.

"This is not a good time to experiment," said Giedraitis. "We think it is best to let the patient heal naturally."

An irrigation system that releases a shower of spring water from high in the tree's branches every half hour was activated this weekend.

Each day, up to 2,000 gallons of non-chlorinated water supplied by Utopia Spring Water will be pumped out of a nearby tanker truck operated by the Permian Corp., an independent transporter of crude oil that is bringing the water to Austin from the Hill Country.

H. Ross Perot, the Dallas billionaire who is bankrolling the Treaty Oak rescue operation, suggested the spring water treatment and the sunscreens.

Experts agreed that both strategies could be effective.

Houser said Austin water is used to irrigate the soil around the tree because the greater alkalinity of city water is more likely to deactivate any undetected Velpar remaining in the soil.

Later in the week, said Giedraitis, a thin layer of "Dillo Dirt" — a compost mixture made with sewage sludge from the city's Hornsby Bend Wastewater Treatment Facility — will be added as top dressing.

Giedraitis said only about 1/4 inch of the Dillo Dirt, which he jokingly compared to rocket fuel in potency, will be used. "You don't feed a pa-

tient steak — you feed him chicken broth," the forester said.

If Giedraitis wanted to feed the Treaty Oak chicken broth, there is still a can of it among the items that well-wishers have left under the Treaty Oak monument.

God's-eyes — designs meant to invoke good luck, a copy of Joyce Kilmer's "Trees" poem, and a pair of steel-tipped black leather shoes have also been left.

The steady stream of well-wishers Monday prompted officials to place a security guard on Baylor Street between Fifth and Sixth streets to direct traffic.

Paul Stedman Cullen, 45, of Elroy, accused of poisoning the tree in what police describe as a ritual act, remained in Travis County Jail Monday charged with felony criminal mischief. His bond is \$20,000.

Police Sgt. John Jones, who is investigating the case, said Monday that he plans to update officials of Du Pont, which produces Velpar and put up a \$10,000 reward for information leading to the conviction of the person or persons responsible.

Jones said Cullen's arrest Thursday followed several tips to Austin Crimestoppers. The sergeant declined to say who might be in line for a reward, which was upped to \$11,000 by the Texas Forestry Association.

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The Detroit News

Monday

July 3, 1989

GOOD DAY

BRIEFLY IN THE NEWS

Austin nurses its ailing Treaty Oak

AUSTIN, Texas — City workers planned to erect sun screens today around the deliberately poisoned Treaty Oak in an effort to save the historic tree.

City forester John Giedraitis said workers will install a dozen 65-foot-tall utility poles around the 400-year-old oak and hang sun screens between them to reduce the sun's glare, which is withering tree leaves.

The tree has been an Austin landmark since the days of founder Stephen F. Austin, who is believed to have signed a treaty with local Indians under it. Paul Stedman Cullen, 45, is charged with criminal mischief for poisoning it. He faces two to 20 years in prison.

CITY & STATE

Monday, July 3, 1989 Austin American-Statesman

Treaty Oak has stirred passions for centuries

Landmark tree attracts ritualistic activities

By Jim Phillips

American-Statesman Staff

Treaty Oak has been linked for centuries with magic, rituals and occult ceremonies intended to enhance one's power, or even to win another's love.

Comanche and Tejas Indians regarded Austin's landmark tree with "superstitious reverence," contending that tea made from its acorns had the power to return straying lovers or protect warriors. Ceremonies, dances and other rituals were said to be held under its branches, and the traditions of the tree continued even after Stephen F. Austin brought the first Anglo settlers to Central Texas.

Paul Stedman Cullen, the man charged last week in poisoning the tree in an occult ritual, did little to dispel Treaty Oak's bond

with the bizarre when he put a sign in the rear window of his truck naming himself the devil.

"Apollyon at the Wheel," says the small yellow sign that looks like one of those "Baby on Board" warnings.

Apollyon, derived from a word meaning "to destroy," was a name given to the angel of the bottomless pit in the Book of Revelation. The name has since become another name for the devil, along with Satan, Lucifer and Beelzebub.

Those familiar with that chapter of Revelation know that from the bottomless pit was loosed a swarm of locusts. But the prey of those locusts was to be men, not plants — "And it was commanded them that they

See Oak, B9

Oak

From B1

should not hurt the grass of the earth, neither any green thing, neither any tree."

Latest test results on the tree indicate that a higher level of herbicide than first suspected was used to poison the 400-year-old tree, on Baylor Avenue between Fifth and Sixth streets.

Police have been told that Cullen poured Velpar, a herbicide used to kill trees, around the oak and in a "magic circle" next to the tree in an effort to cast a spell or place a curse.

When police searched Cullen's home last week, they found several books that authorities said might tie him to the crime. One book that Cullen is believed to have used is *The Black Arts*. That book contains one reference to the name in Cullen's window: Apollyon, "the destroyer ... who appears in *Pilgrim's Progress*."

It is not known if Cullen, a voracious reader, ever read the 17th century classic *Pilgrim's Progress*, in which Apollyon was a principal character. In the religious allegory by John Bunyan, Apollyon was a demonic monster who attacked the hero, named Christian. The hero beat back the attack, then healed his wounds with leaves from the Tree of Life.

A man who has known Cullen for about eight years, and asked that his name not be used, said that if police suspicions about Cullen are true, "I have an idea that Paul may have read the wrong material, believed it, and took it too seriously."

"Paul is kind of an intellectual, in a way," he said. "He read all the time. He'd read everything, partic-

ularly if it was unusual, out of the way." The man said Cullen often read "ghost stories, spiritual stories."

Asked if he was surprised that Cullen had been charged with the crime, the man replied: "No, not really."

Cullen, 45, has been arrested a number of times for drug- and alcohol-related crimes, and is on a methadone program, officials said. But the man who spoke on the condition of anonymity said Cullen was good-hearted, a good worker and always paid his debts.

Sgt. John Jones, the investigator in charge of the case, said he would not discuss the type of ritual believed to have been performed by Cullen because that would "be inflammatory" and he thought police "shouldn't inflame passions any more."

The tree has a long history of stirring intense emotions because of its well-known past.

"I say it was the first 'country club of Texas,'" wrote Maria Caldwell several years before the City of Austin purchased the landmark in 1937. Caldwell's family owned Treaty Oak and a house next to it for decades.

"I had often heard of a 'Big Tree' in Georgia that 'owned itself.' So I began to wish that this Tree too might own itself and truly be preserved ... a home for the tree and all the girls and boys who wanted to play under it," she wrote.

Efforts to preserve Treaty Oak began in earnest in the 1920s, when the land was put up for sale by the Caldwell family.

One member of the Texas Federation of Women's Clubs, which helped in the effort, wrote: "No massive building, no marble shaft erected by man could ever compare

in beauty of grandeur with this natural, living monument planted by our Maker himself, and no hand should ever 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 that it arouses should inspire all posterity."

Poetry contests were held to bring attention to the possible demise of the tree in the 1930s, and those who responded were no less emotional. One woman wrote of sleeping under the tree, and having a "strange spell cast," during which she saw a number of ghosts, including Stephen Austin, who asked her to save Treaty Oak.

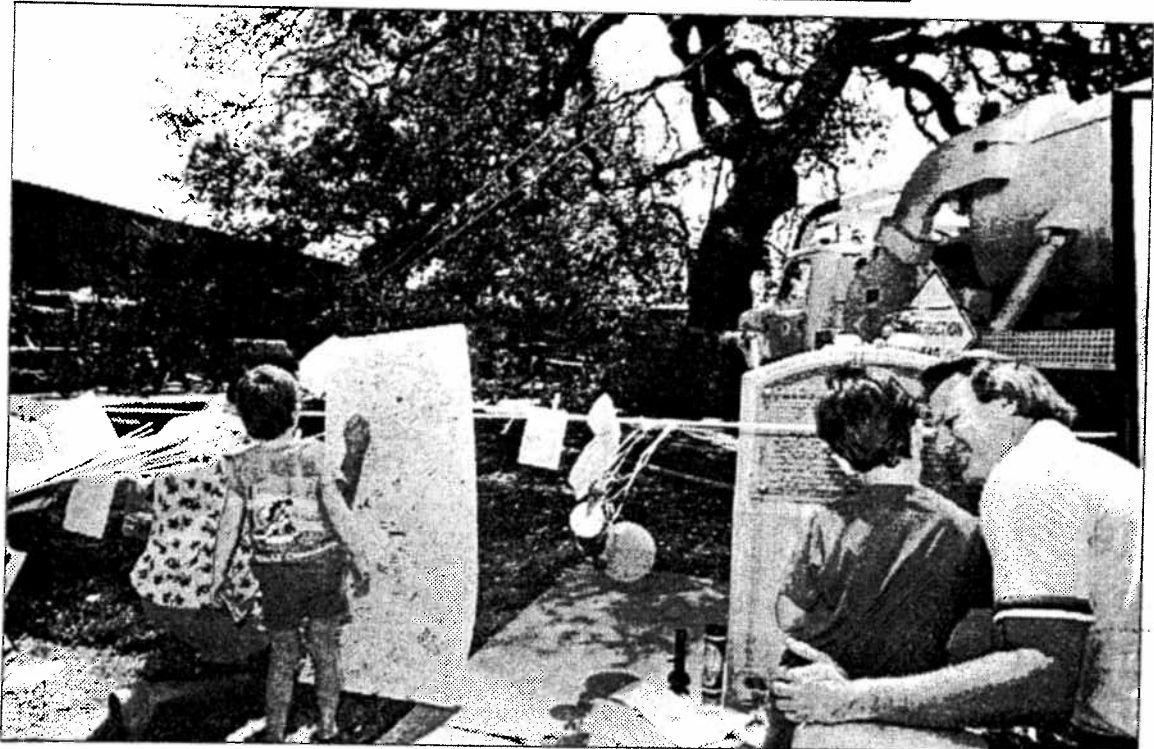
A woman who also worked to save Treaty Oak in the 1930s, Mary S. Fitzgerald, wrote:

"Surely no son of Texas
Could wield the cruel stroke;
Forbid that craven hireling
Should harm that ancient oak!"

Faced with that level of emotion, the City of Austin finally bought Treaty Oak in 1937. The small plot of land around the tree became a city park, and as such was frequently used for picnics, weddings and other ceremonies.

But the tree's history also has grim moments. In 1972, the oak was the site of a grisly suicide, when a 23-year-old University of Texas anthropology graduate set fire to herself next to the tree.

The woman had studied religions and occultism, and often did line drawings, according to published reports. Her last drawing was of a tree, and on the picture she wrote a Sanskrit word that means the peace that follows destruction and rebirth.



Staff photo by David Kennedy

Treaty Oak pledge

Mo Ollan talks to his son about the poisoning of Treaty Oak on Saturday as others sign get-well cards nearby. Saturday was designated as 'Treaty Oak Day' by the Austin City Council, and the tree

was the site of a ceremony in which Austinites signed a pledge of support for the ailing tree. The truck is vacuuming up water and poisoned soil washed from the roots of the tree.

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Treaty Oak prognosis worsens with test results

By **Jim Phillips**
American-Statesman Staff

Tests completed Friday show depressingly high concentrations of the herbicide Velpar were found in samples of Treaty Oak's leaves, twigs and wood, officials said.

As a result, Treaty Oak is now more likely to lose its third set of leaves since March, and officials are laying elaborate treatment plans to try to save the live oak tree.

John Giedraitis, Austin city forester, said tests by E.I. du Pont de Nemours and Co. "show very high

concentrations of Velpar within the tree." Du Pont produces the herbicide in a plant in La Porte.

"It was higher than we expected," Giedraitis said.

Giedraitis relayed the results to an expert on Velpar at Auburn University who said it was "the highest concentration he had ever heard of in leaves," the forester said.

The samples were taken last week in an effort to learn how much of the deadly chemical that was poured around the base of Treaty Oak had worked its way

See **Treaty Oak, A9**

Austin asked to sign pledge for Treaty Oak

Baylor Street in front of Treaty Oak will be closed today from 10 a.m. to noon during a ceremony in which Austinites will be invited to sign a pledge of support for the ailing tree and a promise to protect the city's natural heritage.

The "Treaty Oak Pledge" and the signatures collected will be displayed at the botanical garden in Zilker Park, organizers said.

The Texas Botanical Garden Society, which is sponsoring the event, also will give away several hundred seedling trees to people who agree to plant them in their yards as a symbol of their commitment. Also, information will be available about native Texas trees and tips for growing trees in Austin.

Several Austin singers and songwriters — including David Halley, Michael Ketchum and Lee Ann Atherton — are scheduled to perform at the ceremony.

The Austin City Council has designated today as "Treaty Oak Day," and the Parks and Recreation Department has established a Treaty Oak Fund for donations to support the planting of trees along MoPac Boulevard (Loop 1) by the Texas Botanical Garden Society.

Donations to the fund may be sent to Office of the Director, Parks and Recreation Department, P.O. Box 1088, Austin 78767-1088.

Treaty Oak From A1

into the tree.

Treaty Oak has been fighting for its life since at least March, and has already gone through two set of leaves in an effort to reject the poison. Experts had hoped the third flush, now being produced, could survive.

A suspect in the attack, Paul Stedman Cullen, 45, of Elroy in southeast Travis County, was arrested Thursday and charged with felony criminal mischief. He remained in jail Friday night.

Giedraitis said results also show there is "still a tremendous amount of herbicide in the soil" around Treaty Oak.

The results from tests on the leaves showed about 30 percent less Velpar than was found in the second flush, "but still very, very significant levels," he said.

"It doesn't look good for this third set of leaves," he said. "If they're going to survive, we should know within the next couple of weeks.

"We should probably be planning on trying to save the fourth flush," Giedraitis said.

Additional soil samples are going to be taken today, from depths of up to four feet, and high-pressure water jets will be used to clear out contaminated soil, he said.

Giedraitis said that James Miller, the Auburn expert, estimated that 10 ounces of Velpar, about a soft drink bottle full, could have killed the tree. Although there are no estimates of the amount used in the attack, officials fear that a gallon — 128 ounces — was used, because Velpar is sold in one-gallon

containers.

Giedraitis said that while workers clean soil from around the roots and replace it with clean soil and chemical-eating microbes, a misting project to put donated spring water onto Treaty Oak's leaves every day will continue.

The soil around the tree also is being kept moist in an effort to pull as much Velpar into the third set of leaves before the leaves fall off, a process Giedraitis said made "this third set a sacrifice set."

Next week, Austin electric workers are going to place a dozen 65-foot telephone poles in the small park around the tree. Shade screens will be draped between the poles to reduce the amount of sunlight reaching Treaty Oak in order to reduce the heat stress on the tree.

Giedraitis said that if the tree puts out a fourth flush of leaves, it may be its last. Each flush reduces the tree's energy reserves, and if a healthy flush is not produced, Treaty Oak will die.

It is not certain how many flushes Treaty Oak could produce, but Giedraitis said, "They've told me four or five on a live oak, so four is getting near the end."

The forester also said that estimates by experts who have seen Treaty Oak are that the tree is several hundred years younger than the 600-year estimated age that is on a plaque in the park.

Giedraitis called 600 years "the chamber of commerce age" for Treaty Oak, but said the experts estimated its age at 400 years, give or take a century.