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USA TODAY

NO. 1 IN THE USA...6.3 MILLION READERS EVERY DAY

FRI./SAT./SUN., JUNE 30-JULY 2, 1989

Arrest in tree poisoning

By Michael Fitzgerald
USA TODAY

Austin's historic Treaty Oak was poisoned "in a ritual," police said Thursday, after arresting a convicted burglar for the crime.

Police said Paul Cullen, 45, had taken black-magic books from the library, but would not reveal a motive behind the ritual.

The *Austin-American Statesman* said the ritual was to cast a spell to win or protect a woman.

Apparently the fabled tree was picked at random, police said.

"The case gets weirder all the time," said Police Lt. Keith Leach.

The arrest was announced under the tree where legend holds Stephen F. Austin signed a pact with Indians.

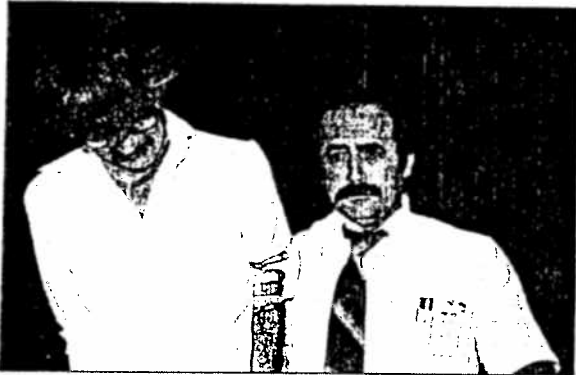
Experts have struggled throughout the spring to save the stricken tree — dosed with a deadly herbicide police think Cullen got from the farm supply store where he works.

Cullen, held on \$20,000 bail, is to answer a felony mischief charge today. Possible penalty: 20 years in prison; \$10,000 fine.

Friday

June 30, 1989
35 cents
☆☆

Austin American-Statesman



Staff photo by Taylor Johnson
Dusty Hesskew, right, takes Paul Stedman Cullen into custody.

Suspect jailed in poisoning of Treaty Oak



Staff photo by Ralph Barrera
City crews continue to fight to save the Treaty Oak by removing poisoned soil from around the base and roots of the tree.

By Jim Phillips
American-Statesman Staff

A man who has been living in the back of a truck in southeastern Travis County after being taken in by an area family was arrested Thursday and charged with poisoning the Treaty Oak landmark in what officials believe was a bizarre ritual.

Paul Stedman Cullen, who once challenged Austin police to shoot him during a drug burglary, remained in jail Thursday night in lieu of \$20,000 bail.

When police searched Cullen's home earlier Thursday, they found occult writings and at least one cult-related book, according to one source close to the investigation.

Cullen is believed to have been trying to cast a spell or curse by pouring herbicide around Austin's 600-year-old Treaty Oak, and by making a "magic circle" next to the tree, sources have said. The spell supposedly was to protect a woman from a certain man, or because of a rivalry between Cullen and the man over the woman.

Cullen is charged with criminal mischief causing damage of more than \$20,000, which is punishable by a maximum of 20 years in prison and a \$10,000 fine. If the charge is enhanced by the jury agreeing that Cullen has served a prior prison term, the maximum punishment could be life in prison.

The charge accuses him of using the herbicide Velpar to "knowingly and intentionally damage tangible property, to wit, one live oak tree commonly referred to as 'Treaty Oak.'"

An informant told police that he and Cullen once "drove around West Austin looking for a live oak tree (on) which to ap-

See Treaty Oak, A9

Treaty Oak

From A1

ply Velpar," according to an affidavit by police Sgt. John Jones that was used to obtain an arrest warrant early Thursday. Velpar, which is designed to kill hardwood trees, has been identified as the poison used on the oak.

The informant also said Cullen has admitted poisoning the tree, and has said that on a tape recording heard by Jones, the affidavit says.

Jones said he could not rule out the possibility that others were involved in the Treaty Oak poisoning.

Cullen, identified as a suspect by several people who called police, was arrested about 11 a.m. Thursday on FM 812 in Southeast Travis County.

The suspect, who had been under police surveillance since 6 a.m., offered no resistance. Cullen left his home in Elroy and drove the eight miles to Austin to run errands, police said.

Inside the pickup, police found a .22-caliber semiautomatic rifle with a banana clip, several books, and eight cans of beers. In the bed of the truck were about two dozen empty beer cans.

Also in the truck were numerous cassette tapes containing music ranging from Steppenwolf to James Taylor to Richard Wagner's *Ring* trilogy.

Cullen — the first of some 20 jail prisoners to be arraigned Thursday evening — appeared to be sleeping through the remaining arraignments.

But Cullen first had to endure heckling from other prisoners.

"Hey, this is the guy that ----- that tree. He ----- it good," said one other prisoner.

Another prisoner told Cullen, "Man, you're in big trouble, you know that?"

The tree, which has received national attention since the attack, may not survive the poisoning.

At an afternoon press conference at the historical tree to announce the arrest, Jones declined to disclose Cullen's criminal record.

"We want to give this man a fair trial," Jones said. "We don't want to taint his image any more than it already is in the public's eye."

"We took it slow and easy on this case due to its complex nature and its importance," Jones said. "We didn't want to rush into it, we wanted to make sure we had all our t's crossed and our i's dotted. We weren't concerned that the suspect was going to leave town or that he was having anxiety at seeing all the print media and the attention given the case."

John Giedraitis, Austin city forester who proposed to his wife under Treaty Oak and has directed treatment of the tree, said of whomever is responsible for poisoning the tree: "I hope I meet him at the pearly gates."

"This poor guy obviously has some problems," he said. "Yesterday, I felt a lot of animosity toward him. When we started to expose the root zone of this tree (on Wednesday), we really started to violate this tree, an ancient sacred object, and we really started to like pull its pants down, so to speak."

"It was almost like a violation, then you think about what this person did, the feeling is almost like, 'You molested this innocent creature, a defenseless innocent creature,' and you get angry at that, but I'm over it today."

Cullen — a community college graduate and apparently an avid reader — is reportedly on a methadone program and has a string of arrests dating back 25 years, many related to drugs and alcohol. He has twice been imprisoned for burglary, once in Virginia and more recently in Texas.

Cora Pearson, 87, is the matriarch of the Elroy family that took in Cullen in early 1987.

Cullen, who was on parole, made a home in the bed of a delivery truck that is about 18 feet long. A metal loading platform on the rear of the truck became Cullen's front porch, and a ladder provided easy access into the home.

"I've always taken in people, the homeless, people who needed help. I've never been sorry," Pearson said Thursday night.

"He's always been nice, well-mannered, well-behaved around us," she said. "He's had a rough life, lived a life more or less like a hippie. He'd taken small jobs when he could get them."

Cullen sometimes helped run the store, and was occasionally responsible for placing orders for items, but Pearson said she does not know of Velpar being ordered.

When reports were broadcast on television about the poisoning, Pearson said Cullen, who often ate with the family, would have little comment.

"We'd discuss why someone would do something like that, because it's unusual behavior, most unusual," said Pearson. But of Cullen, she said, "I can't say that he had too much of anything to say about it."

When Cullen finished his term of parole last December, Pearson told him to be happy, because "now you can lay that aside and be a free man."

She said she had no knowledge of Cullen being interested in the occult.

Cullen's father, said to be a retired military officer, would not comment on his son Thursday night.

Hilliard Nelson, Pearson's brother, said Cullen and his father stayed in touch, but apparently had not gotten along well when Cullen was younger.

Nelson described Cullen as "unusual. He always said he was one of the flower children."

A native of Steubenville, Ohio, Cullen graduated from high school in McLean, Va., according to law enforcement records. In 1964, Cullen, then 20, was twice charged with burglary in Virginia, and was sentenced to 18 months in a state prison. He served less than a year, and was released in May 1965, according to a prison spokesman.

By late 1966, Cullen was in California, where he was arrested in Los Angeles for drunken driving, and received a fine, according to records. He also served several short jail terms for DWI, public intoxication and possession of marijuana in the late 1960s, the records indicate.

In 1972, he received an associate arts degree in general education at West Los Angeles College, and by the summer of 1974 he had moved to Texas.

After living in Houston, Cullen moved to Austin in about 1976, working mostly as a carpenter.

In March 1983, police responded to a silent alarm at the Ace Drug Mart on South Congress, and found Cullen inside the store with a quantity of drugs, according to records. Cullen was eating narcotic pills, police reported, and said to the officers: "Shoot me, I feel good."

He was taken to Brackenridge Hospital, where his stomach was pumped, police reported.

Cullen voluntarily paid \$188 for damage at the store, and was placed on probation for five years. He was ordered to continue outpatient treatment with the Travis County Mental Health Mental Retardation office, and was ordered to get alcohol counseling.

Cullen's probation was revoked in Dec. 1986 because he had not paid court fees or kept a job. He went to Huntsville in January 1987, and was released on mandatory supervision in March 1987. He was ordered, along with the regular rules of parole, to totally abstain from alcohol and to attend an alcohol maintenance program.

He was released from supervision last December.

Staff writers Pete Szilagyi, Berta Deigado and Gina Ruiz contributed to this report.

Book may explain circles around tree

By Jim Phillips
Austin American-Statesman Staff

The "magic circle" that authorities believe was made in the poisoning of Treaty Oak is intended in occult belief to provide power and protection to those trying to place a curse or call upon spirits for help.

In a book that investigators said was used by Paul Stedman Cullen, who was charged Thursday with poisoning the Austin landmark, to learn about magic circles, the circle is said to be "of paramount importance."

The *Black Arts*, by Richard Cavendish, was checked out of the Austin city library and used by Cullen along with other occult materials, police have been told.

Besides a liquid herbicide poured in a circle around Treaty Oak, another circle was poured just east of the tree, according to sources close to the investigation.

The eastward direction has importance in several ceremonies described by Cavendish.

"The circle has been considered powerful in magic from time immemorial, though it is not known why," the book says. The circles are often used in ceremonies by "magicians" trying to call upon spirits.

"The ceremony should be held in a secluded place where no one is likely to interrupt," it says. "If the place has an atmosphere of mystery, romance or evil, so much the better."

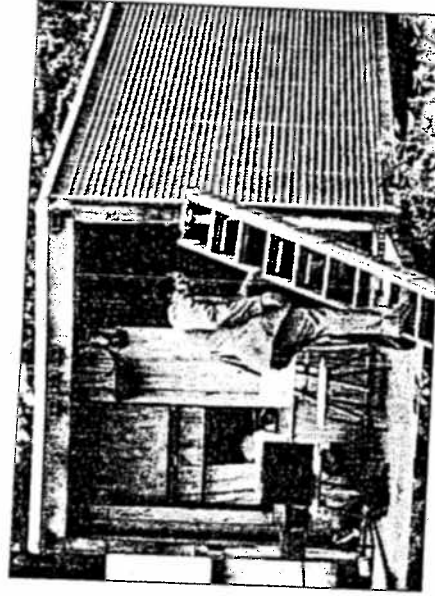
Cavendish writes that magic circles "should be 9 feet in diameter, drawn with the point of the magic sword or knife."

The circle east of Treaty Oak could have been about 9 feet, but has since been dug up by those trying to save the tree.

After describing objects to be placed in a circle, the book says, "The circle is a focus for these forces and also for the energy which the magician brings to the work from the depths of his own being."

The *Black Arts* also describes sacrifices, although generally it refers to sacrificing animals, not trees.

Done in a magic circle, a sacrifice will "increase the supply of force in the circle."



Staff photo by Mike Booth
Police Sgt. John Jones leaves the home in Elroy where the suspect lived in the Treaty Oak poisoning lived.

"In occult theory a living creature is a storehouse of energy, and when it is killed, most of this energy is suddenly liberated," the book says.

"The most important reason for the sacrifice, however, is the psychological charge which the magician obtains from it."

Cavendish also says that occult belief holds that "the essential pre-

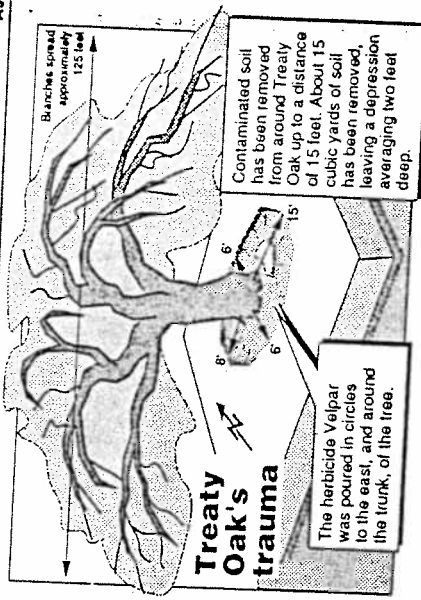
liminary to rebirth was death, real or symbolic. The alchemists could quote St. Paul — 'Thou fool, that which thou sowest is not quickened except it die.' They also had the authority of Jesus. 'Except a corn of wheat fall into the ground and die, it abideth alone; but if it die, it bringeth forth much fruit.'"

The spirits to be called up in a magic circle "are the medieval and

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A9



Staff graphics by Mark Freshcut

modern survivals of the widespread belief that all Nature is alive as man is, that spirits live in every stream and mountain, in clouds and breezes, in trees and fields and hedgerows, in boulders, crags and caves. They are unpredictable and mischievous as Nature is, sometimes kindly but more often cruel."

Although the book makes frequent mention of the powers in plants, and the uses of the Tree of Life, the only mention of oak trees comes when Cavendish is writing about Tarot cards.

"The soaring eagle and the rooted oak" are mentioned in relation to a Tarot card called the Wheel of Fortune. "The Wheel is the occult

law of Karma, the principle of 'as a man sows, so shall he reap.' The card stands for the intervention of the human in the life of Nature and on this path the magician become 'Lord of the Forces of Life.'

Writing about the Tree of Life, a diagram shaped like a tree that "is an illustration of the underlying pattern of the universe and its fundamental unity," Cavendish says:

"The Tree spreads its branches through the whole of creation and reconciles all diversity in unity for though it has many branches it is one Tree and all the phenomena of the universe are leaves and twigs and branches of a connected whole. 'The Tree is a model of God, the universe and man.'"

Police say Austin man poisoned Treaty Oak

By Lori Montgomery
TIMES HERALD AUSTIN BUREAU

AUSTIN — A 45-year-old former feed-store worker described by a friend as "a happy-go-lucky old hippie" was arrested Thursday in connection with the mysterious poisoning of the fabled Treaty Oak.

Paul Stedman Cullen, who lives in a fixed-up panel truck in a rural area about 5 miles southeast of Austin, is accused of poisoning the centuries-old landmark during a "ritual" in February after driving "around West Austin looking for a live oak tree" to poison, according to police affidavits.

Cullen was being held in Austin City Jail on \$20,000 bond after his arrest by Austin police about noon near his home, police said. He faces up to life in prison and a \$20,000 fine if convicted on a

charge of felony criminal mischief, said Travis County District Attorney Ronnie Earle.

"A criminal sentence ought to be a matter of public statement," Earle said. "There's been a vast outpouring of caring for this tree — the cards, the candles, the looks on the children's faces when they come here — all those things are really important."

"I don't think any of us have ever seen an event that has so crystallized the feelings of this community."

The arrest could close the book on a crime that has held the nation's interest in one tree's fight for life. But many questions remain unanswered, particularly among those who know Cullen and describe him as an itinerant, underemployed carpenter.

Please see TREE, A-13

Dallas Times Herald

TREE

From A-1

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"If anything, I think it'd be the other way around," said Edsel Pearson, 52, Cullen's former employer. "It seemed to upset him when he heard about it. He talked about it; couldn't understand why anybody would do that to a tree."

The seemingly senseless crime came to light at the end of May, when city foresters were alerted that Treaty Oak, named for a pact Stephen F. Austin supposedly made with the Indians under its branches, looked sick. Test results revealed on June 5 that the cause was Velpar, a powerful herbicide — manufactured specifically to kill hardwoods like the live oak — that had been dumped at the base of the massive tree.

As foresters began a valiant effort to ward off the poison, the Texas Department of Agriculture, which regulates herbicide use, and Austin police launched an intensive search for the culprit.

On June 12, according to police affidavits, Austin Sgt. John Jones received a tip that Cullen was the would-be tree killer. Police were told the tipster was with Cullen as he drove through town, a container of Velpar in the back of his blue 1978 Ford pickup, looking for a victim. The tipster also apparently taped Cullen admitting the crime and turned the tape over to police, according to police affidavits.

Jones declined to comment about the tape and refused to discuss the motive for the crime. About the alleged "ritual," officials would say nothing.

The only clue to the mysterious ceremony came from state District Judge Jon Wisser, who told reporters that investigators seeking an arrest warrant told him Cullen had borrowed books on black magic and the occult from the Austin Public Library before poisoning the tree.

Early Thursday morning, police said, they had sufficient evidence to seek Cullen's arrest. They began tailing him at 6 a.m., Jones said, as Cullen drove into Austin, visited a few stores and returned home. Police stopped his truck and took him into custody at 11:41 a.m., Jones said.

A convoy of police vehicles and news reporters then continued to Cullen's home at Pearson's Farm and Ranch Supply, where he had worked until March.

Although the tipster told police Cullen got the chemical from the store, employees said the store does not sell Velpar and is not licensed to obtain it.

Friends were startled by the commotion — and baffled by Cullen's arrest.

"I've known him for 10 years and I can't understand why he'd do that," said a 35-year-old construction welder who asked not to be identified. "He's just Paul. He does a little strange things every once in a while. But he's basically a harmless, easy-going type guy."

Described as a wandering hippie, Cullen was down on his luck when Pearson hired him, friends said. An excellent carpenter who made a living remodeling houses when he moved to Austin more than 10 years ago, Cullen recently had served time in the Texas Department of Corrections for the 1983 burglary of Ace Drug Mart in downtown Austin.

Sentenced to five years' probation in 1983, Cullen was unable to pay his probation costs, according to court records. In January 1986, his probation was revoked and he was sentenced to serve two years at TDC.

"It was basically for being poor, was the actual reason he went down," the welder said.

Released two months later, Cullen attended a trade school to learn how to make mechanical drawings, but was unable to find a job, friends said. Pearson's son-in-law, who met Cullen at the school, suggested he work at the feed store, where Pearson was willing to give him free rent in the old delivery truck.

In February, Pearson's store succumbed to bankruptcy and, though he was able to keep the store open, Pearson said he had to lay off Cullen.

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Paul Stedman Cullen under arrest yesterday in Austin, Tex. He was charged with trying to poison a 500-year-old oak tree.

Suspect Arrested in Attempt To Kill a 500-Year-Old Tree

By LISA BELKIN

Special to The New York Times

HOUSTON, June 29 — The Austin police arrested a 46-year-old farm equipment salesman and charged him with a felony in the poisoning of a 500-year-old tree. The police described the act as part of a "ritual" but did not elaborate.

The suspect, Paul Stedman Cullen, was arrested this morning in Elroy, Tex., a tiny suburb of Austin where he lives alone in what the police said was a makeshift trailer home. He was charged with criminal mischief. Because the damage was estimated at more than \$20,000, the crime is a felony punishable by 2 to 20 years in prison and a fine of up to \$10,000.

For weeks, Texans wondered who was trying to kill the ancient tree, which is called the Treaty Oak because of the legend, probably untrue, that Stephen F. Austin sat beneath it and signed a peace treaty with the Indians.

'Could Have Blown Up a Building'

Sgt. Gary L. Richards, supervisor of the assault and family violence unit of the Austin police, which has been investigating the case, said of Mr. Cullen, "He bought himself a trip to the penitentiary when he went after that tree."

"The guy could have killed two to three people in downtown Austin and just have gotten a local writeup," he said. "He could have blown up a building that nobody had heard of and not be in this much trouble. I bet he rues the day he decided to go at that tree."

It is charged that Mr. Cullen attacked the tree with the deadly herbicide Velpar, but why is unclear, Sergeant Richards said. For several days The Austin American-Statesman has been saying the suspect poisoned the tree to cast a black-magic spell. The spell, the article said, was intended to protect a woman or settle a dispute over a woman.

In an interview after the arrest, Sergeant Richards said: "There was no cult. The papers are making a big deal about a cult and there was no cult."

The warrant for Mr. Cullen's arrest says he applied the herbicide "in a ritual" but does not elaborate. The warrant is based largely on the information provided to the police by "a credible informant" who said Mr. Cullen got the herbicide through his employment at Pearson's Farm and Ranch supply. The warrant said the informant was present when Mr. Cullen "drove around West Austin looking for a live oak on which to apply the Velpar."

The warrant, signed by Sgt. John Jones, says Sergeant Jones has heard a tape-recorded admission by Mr. Cullen.

The Associated Press reported that Judge Jon Wiser, who signed the arrest warrant, said he had been told by the police that Mr. Cullen had a prison

record for burglary, was known to carry a pistol, was believed to have mental problems and had checked out books on black magic and the occult from the local library.

For three weeks, the Austin police have been visiting pesticide suppliers to inquire about recent purchasers of Velpar, manufactured by the E. I. du Pont de Nemours & Company plant in LaPorte, Tex. Sergeant Richards said those visits had not led to Mr. Cullen's arrest.

He said Mr. Cullen's name had been supplied to the Austin Police Department by an anonymous caller responding to a Du Pont offer of a \$10,000 reward for information leading to a conviction in the case.

Experts have replaced the soil at the base of the tree and introduced microbes to absorb the poison. Experts from around the country are giving advice on medical care for the tree. The billionaire H. Ross Perot has said he will pay all the bills.

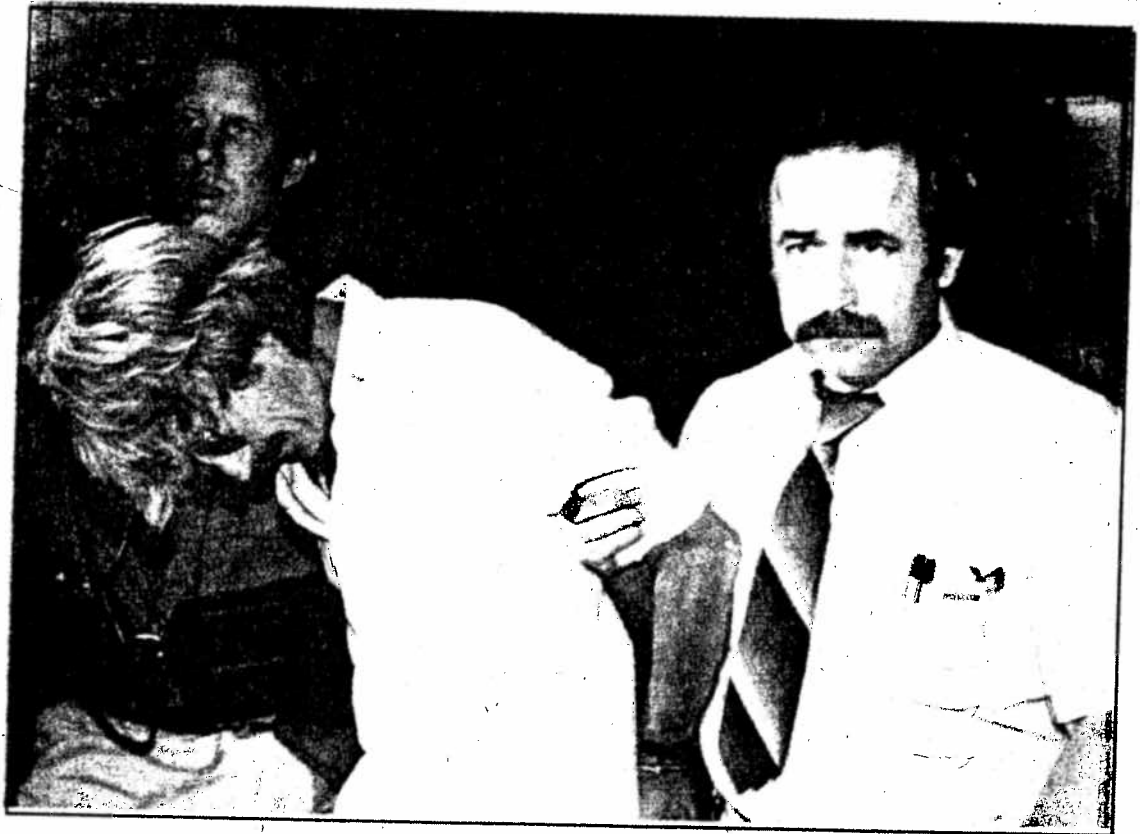


Sgt. John Jones, who signed the warrant for Mr. Cullen's arrest, discussing the case yesterday near the victim.

HOUSTON/TEXAS

The Houston Post
FRIDAY, June 30, 1989

A-21



AP photo

Paul Stedman Cullen, a suspect in the Treaty Oak poisoning, is escorted to jail Friday in Austin.

Police charge man in tree case

Drifter accused of poisoning Austin's historic Treaty Oak

By Mary Lenz

POST AUSTIN BUREAU

AUSTIN — A 45-year-old drifter who worked for a Travis County feed store was arrested Thursday and charged with felony criminal mischief in what authorities said may have been a ritual poisoning of Austin's 600-year-old Treaty Oak.

Police identified the man as Paul Stedman Cullen, but said they had little information about the man.

Cullen, who has lived in the Austin area for less than a year, was being held in lieu of \$20,000. Conviction could carry a sentence of up to 20 years in prison.

Police said a "reliable and credible informant" told them Stedman poisoned the massive live oak in February as part of a ritual, and that the informant

had seen the powerful herbicide Velpar in the back of Stedman's 1979 blue Ford pickup.

"The informant was present when Paul Stedman Cullen drove around West Austin looking for a live oak tree," said Sgt. John Jones. Jones declined to give any more details about the nature of the ritual, or to speculate on motives for the crime.

There had been reports the ritual was an attempt to cast a spell to protect a woman or because of a rivalry over a woman.

Travis County District Attorney Ronnie Earle was also reluctant to discuss details of the act, other than confirm that it was a ritual and that the poisoning was not a random act.

"He did look for an oak tree to poison, but we

Please see OAK, A-24

LOCAL & STATE

OAK: Police accuse drifter of criminal mischief in poisoning

From A-21

would be taking liberties with what we know to be the facts if we called this a random poisoning," Earle said.

Jones said Cullen lived in a trailer in the small community of Elroy, a few miles southeast of Austin, and had been employed by Pearson Farm and Ranch Supply. Cullen allegedly obtained the Velpar from the small feed store, but police would not say whether he purchased it or not.

Police were unable to answer questions about Stedman's place of birth, education or previous jobs. Jones said Cullen was not from

Texas, but did not know where he had been living before he moved here.

The Texas Board of Pardons and Paroles said Cullen was released from prison on March 19, 1987, after serving three months of a two-year sentence for burglary in Travis County.

Cullen was under parole supervision until Dec. 30, 1988, said Karin Armstrong, spokeswoman for the board of pardons and paroles.

Police said Cullen was not married, but an Elroy woman, who declined to be identified, said he had sometimes mentioned an ex-wife and daughter. The woman said

Cullen was a quiet man, who said only that he had lived for awhile in Tennessee and in Oklahoma.

"All I know is he moved around so much. He kept a lot to himself," she said. "This was just a shock. I mean, a tree?"

The woman said the owners of Pearson's store gave Cullen a job "trying to help him out" after some friends had mentioned he needed work. She said the family "let him go about three months ago," but allowed him to live on the property near the store while he searched for another job.

Hilliard Nelson, who identified himself as the brother of the wom-

an who owns the business, said his sister allowed Cullen to live there because she "felt sorry for him."

The Treaty Oak is struggling to survive the poisoning, which has received national attention on network television and in newspapers.

A total of \$11,000 was offered for information leading to the conviction of the poisoner. Du Pont, which makes Velpar at a plant in La Porte, put up \$10,000 of the reward, and the Texas Forestry Association added \$1,000.

Dallas billionaire Ross Perot has pledged money and given advice in the effort to save the tree. Visitors have left flowers and get-well messages at the oak.



BY PATTY WOOD FOR THE WASHINGTON POST

Austin residents have set out flowers and "get well" wishes at the base of the sickly 500-year-old Treaty Oak.

Ex-Convict Arrested in Tree Poisoning

Historic Treaty Oak Still Struggling for Life in Texas Capital

By David Maraniss
Washington Post Staff Writer

AUSTIN, Tex., June 29—A 45-year-old ex-convict and loner who lived in a trailer on the yard of a feed store in the rural village of Elroy was arrested by Austin police today in connection with the most publicized crime in the capital city this year—the poisoning of the historic Treaty Oak.

Paul Steadman Cullen was booked on a criminal-mischief felony, a charge that could bring fines of as much as \$10,000 and imprisonment for 20 years. He was arrested shortly before noon as he returned to his trailer from a morning outing in Austin, where he had been under surveillance by police since dawn.

The arrest was announced at a news conference in front of the 500-year-old oak, which is struggling to live after being poisoned

two or three months ago with Velpar, a potent chemical herbicide.

Police Sgt. John Jones said Cullen had been the prime suspect in recent weeks and noted that Velpar was sold at the feed store where he lived and worked, Pearson's Farm and Ranch Supply.

Although Jones declined to offer a motive for the poisoning, he indicated that the chemical was poured in a fashion that suggested a folk ritual or curse of some sort.

Sources earlier told The Washington Post that the suspect was seen with a book on curses and rituals. Court documents filed by police today also indicated that officers had heard a tape recording in which Cullen "referred to the fact that he poisoned Treaty Oak."

Travis County prosecutor Ronald Earle said no local crime in recent memory had stirred more public sentiment than the poisoning of the grand live oak, named for the legend that Stephen F. Austin, the fa-

ther of Texas, had signed a treaty with the Indians under it.

Earle said his office had received dozens of phone calls with suggestions of punishment for the suspect. "Most of them are unprintable," he said.

According to court records, Cullen was arrested in 1983 for stealing narcotics from an Austin drug store. He was sentenced to two years in prison but was released early and gained employment at the feed store.

As the arrest was announced, city forestry workers could be seen digging out dirt in a 30-foot area at the base of the tree. They were planning to drown the tree in water Friday, then fill the hole with activated charcoal, which they have tried twice.

Austin Forester John Giedraitis said he was slightly more optimistic than last week about the tree's chances. "We'll know pretty soon one way or another," he said.

Daily Texan
University of Texas
30 June 89



Austin police Sgt. John Jones briefs reporters about the arrest of a suspect in the Treaty Oak case.

Treaty Oak case suspect arrested

Austin man faces mischief charges

By RON LUBKE
Daily Texan Staff

After a three-week investigation, Austin police arrested a 45-year-old man Thursday in connection with the poisoning of the legendary Treaty Oak — an act authorities say was part of a calculated "ritual."

Paul Stedman Cullen of 8983 Elroy Road was charged with second-degree felony criminal mischief and is being held on of \$20,000 bond, said Ronald Earle, Travis County district attorney.

"The successful conclusion with the arrest is a tribute to both the good work of the Austin Police Department and to the caring of this community," Earle said. "An outpour of involvement by the people of this community in terms of information to the investigating officers has been responsible for this outcome."

"The case will receive vigorous prosecution, I assure you that."

An affidavit, authorized by state District Judge Jon Wisser, said Cullen poisoned the 600-year-old Treaty Oak "in a ritual" by applying the chemical herbicide Velpar, manufactured by DuPont.

Sgt. John Jones, the case's chief investigator, said Cullen was arrested at 11:41 a.m. near a farm and ranch supply store where he had worked. Cullen had been under surveillance by officers in the repeat offenders program since 6 a.m. Thursday, Jones said.

"Due to the nature of the damage of the tree and the concern by the citizens, it was an immediate story," said Jones, an officer who works in assault investigations. "We couldn't categorize it as a random act."

"It is true from the probable cause

affidavit that he did look for an oak tree to poison. We would be taking liberties from what we know to be a fact if we called this a random poisoning."

The arrest affidavit, prepared by Jones, indicated Cullen drove around West Austin looking for a live oak tree to poison.

Jones, a 17-year police veteran, said it was "inappropriate to comment," on Cullen's motive.

The *Austin American-Statesman* previously reported that an unidentified suspect in the poisoning had been trying to cast a spell to protect a woman or because of a rivalry over a woman.

Amy Burce, UT assistant professor of anthropology, said she knew of no cults or rituals that deliberately damage trees.

"I know of some rituals in nature. Those are not destructive," said Burce, who teaches a course titled Magic, Witchcraft and Religion. "Most are to enhance growth and fertility."

"What you have here is something destructive," she said. "I wouldn't understand putting poison around a tree to protect someone."

Although the media have extensively covered the poisoning of the tree, located at 503 Baylor Street in West Austin, Jones said he did not fear the attention would scare the suspect off.

"From our investigation of him, it didn't seem he was concerned about that," Jones said. "There have been several reports on this incident in the paper and he hadn't seen fit to leave town."

The Texas Board of Pardons and Paroles said Cullen was released. See Treaty Oak, page 2

Treaty Oak

Continued from page 1

from prison in 1987 after serving three months of a two-year sentence for a burglary conviction in Travis County.

On a second-degree felony, Cullen faces a maximum of 20 years in prison and a \$10,000 fine, Earle said.

Jones said it was too early to determine who will receive the \$11,000 reward money offered by DuPont and the Texas Forestry Association.

John Giedraitis, a city forester, said efforts to save the oak have been "extraordinary for an extraordinary tree."

"Now that we know that the poison is down around the base of the

tree, we know how to attack the problem," Giedraitis said. "We are trying to flush what ever remains down past the root system."

Giedraitis said workers are installing a system to irrigate the tree internally with pure spring water donated by the Utopia Company.

The Permian Corp., a Houston oil company, will transport the water at no charge to the Treaty Oak from Utopia, 75 miles northwest of San Antonio.

Pure water will not react with the Velpar to cause further damage to the tree, Giedraitis said.

"Once we remove the contamination from the soil, it's really up to the tree," he said.

LETTERS

Gift to Treaty Oak

To see the beautiful Treaty Oak in such danger has really made me appreciate this magnificent 600-year-old tree. And how lucky we are that right here in Austin grow many trees even larger and older than Treaty Oak! I think we are privileged to have been entrusted with their care.

And yet, how many huge trees have been sacrificed to accommodate parking lots, roads and buildings? But there is also much enthusiasm for planting new trees, and a fund, called "Planting for the Future" (c/o PARD, Box 1088, Austin 78767) has been established. Anyone who wants to be part of the city's planting program can contribute to it.

It's like bringing a gift to the Treaty Oak and wishing it a speedy recovery!

MARGRET HOFMANN
2706 Nottingham Lane

Specialists prescribe for oak tree

Austin landmark poisoned by herbicide

By Mary Lenz

POST AUSTIN BUREAU

AUSTIN — Tree specialists from throughout the United States Tuesday prescribed plenty of water, more lab tests and additional charcoal to soak poison from the earth surrounding Austin's famous Treaty Oak.

The 600-year-old live oak tree, its leaves brown and burned from chemicals, is struggling for life, as it attempts to flush a herbicide called Velpar from its system. Scientists, foresters and arborists flown to Austin by Dallas billionaire Ross Perot said they are cautiously optimistic about the tree's survival.

"This tree is a champion, and it's in a championship fight," said Jack Siebenthaler, a landscape architect from Clearwater, Fla., who represents the American Society of Consulting Arborists. "The Treaty Oak is up against a very tough foe, but it's far from down and out."

Austin city officials say the tree was deliberately poisoned several months ago by an herbicide designed specifically to kill hardwoods. But it was not until early June that the tree began losing leaves.

Austin police said Tuesday they have made no progress in solving the crime.

Meanwhile, Austin citizens and national TV crews have been visiting the tree regularly. Get well cards, placards, poems, sprays of daisies and gladiolas have been left at the small city park dedicated to the Treaty Oak. One concerned Austinite left the tree a can of chicken soup, and another a candle bearing the image of Our Lady of Guadalupe.

The city has set up several large tablets of drawing paper where messages can be left. By Tuesday, one held 30 solid pages of signatures and messages.

The experts indicate the poison has soaked through the entire tree, but the wood remains in good condition. They say they are unsure how much poison remains concentrated in the tree and the earth around it.



AP photo

Dr. Arthur Costonis, left, and Jack Siebenthaler are among the many experts trying to save the Treaty Oak.

City forester John Giedraitis said if tests show Velpar remains in the soil of the park, crews will begin to remove it "like an archeological dig."

Meanwhile, a sprinkler system is being installed to spray the tree with a fine mist for a minute at a time every half hour over the next few days. The aim is to keep the tree cool, since the poison has made it less resistant to Austin's 90 degree heat.

Tree experts from universities, private

companies and the U.S. Forest Service agreed that extra nutrients or fertilizers should not be applied to the tree.

"You want to lay off chemicals when the tree is in stress," said Dr. Arthur Costonis, an arborist from Sarasota, Fla.

Amputation has been ruled out as well.

Siebenthaler said that early in the meeting, trimming or removing branches was tentatively suggested but "the immediate consensus was no pruning!"

Tree rescue set in motion

Treaty Oak plan includes sprinklers, irrigation

By Peggy Fikac

Associated Press

AUSTIN — A plan by experts to help the historic Treaty Oak survive poisoning from a powerful herbicide could be in place by the end of the week, officials said Tuesday.

A sprinkler system will mist the tree's foliage with water to control its temperature, thus reducing stress from heat, and an irrigation system will be set up on the advice of state and national experts, said James Houser, who heads the specialists' task force.

The experts gathered at the centuries-old oak Monday to examine it and make suggestions to fight the effects of the chemical Velpar, which is designed to kill hardwoods.

Additional soil samples taken Tuesday could determine whether the herbicide remains in the ground despite efforts to remove it. If it does, an underground drainage system could be put in to flush it out.

"What we're trying to do is keep the tree functioning as well as it can," said Mr. Houser, managing arborist for Bartlett Tree Experts and chairman of the Austin Urban Forestry Board.

Arthur Costonis and Jack Siebenthaler of the American Society of Consulting Arborists in Florida said they are hopeful that the tree will survive.

"I'm very optimistic, based on what I'm seeing for new growth," said Mr. Costonis. The tree, in reaction to the poison, has been dropping leaves and putting out new sets.

Mr. Siebenthaler said, "I'm encouraged. . . . This third flush (of leaves) looks very encouraging."

It will be 1991 before experts will know whether the tree will survive, said Mr. Siebenthaler, executive director of the arborist society, because of the potential for "delayed stress."

The tree's odds are improved by the treatment it is getting to reduce the effects of a hot Texas summer, he said.

Mr. Siebenthaler estimated the tree's value before being poisoned at \$29,392.69 through a formula that takes into account such items as size, condition and historical value.

Legend says Stephen F. Austin, the father of Texas, signed a treaty



Associated Press

Florida tree experts Arthur Costonis (left) and Jack Siebenthaler calculate the value of the Treaty Oak. They determined Tuesday that the tree was worth about \$29,000, which makes its poisoning a case of second-degree felony criminal mischief.

with Indians under the tree's branches. The *Handbook of Texas*, however, says there is little foundation for the story.

An earlier estimate put the tree's value at \$47,000, but Mr. Siebenthaler said the difference is due to a slight miscalculation in the diameter of the tree, which is 50.5 inches. The tree is about 50 feet tall.

His estimate still would allow the case to be pursued as a second-degree felony criminal mischief, said

police Sgt. Dusty Hesskew. Sgt. John Jones, who is assigned to the case, said police still are looking at one suspect, who has not been arrested.

A yellow ribbon was tied around the old oak tree Tuesday, and visitors continued to leave get-well messages in front of a roped off area that limits access to the tree.

Noting the outpouring of concern, Mr. Siebenthaler said, "If there's power in prayer, this tree's going to be a real survivor."

Wednesday

June 28, 1989
35 cents

☆ ☆

Austin American-Statesman

Oak attack may be attempt to cast spell

Sources say officials think man used occult book

By **Jim Phillips**

American-Statesman Staff

The suspect in the poisoning of Treaty Oak may have been trying to use occult magic to cast a spell to protect a woman or because of a rivalry over a woman, sources said Tuesday.

No charges have been filed against the Travis County man who is suspected of pouring a liquid herbicide around the base of the tree and in a circle next to Treaty Oak in an attempt to invoke the magic.

Sources said that authorities think the man used an occult book that describes the casting of spells or curses. The man is believed to have checked the book out of an

Austin library, but that could not be confirmed because library records only reveal books that are overdue.

The circle next to the tree may have been designed to create a specific pattern, suggestive of unrequited love, a source said.

Treaty Oak, estimated to be 600 years old, is fighting for its life as a result of the poisoning, which was done with a chemical herbicide named Velpar. The incident has received national attention on network television and in newspapers across the country.

Police previously said the suspect had access to Velpar through a former job, but how he may have obtained the herbicide could not be learned Tuesday. Velpar costs up

See Oak, A5

Oak From A1

to \$100 a gallon, and officials have said several gallons may have been used.

The Texas Department of Agriculture, which regulates herbicide use, has been checking records of wholesale and retail sales of the chemical, but has not discovered any sales to the suspect, a spokesman said Tuesday. Additional records are being searched, but state law does not require that the names of retail purchasers of Velpar be recorded.

A total of \$11,000 in rewards have been offered for information leading to the conviction of the person responsible for the poisoning. Du Pont, which produces Velpar at a plant in La Porte, put up \$10,000 of the reward, and the Texas Forestry Association added \$1,000.

Sgt. John Jones of the police assault division said last week that several callers identified the same suspect and said the man supposedly had told others about the attack.

Jones said the suspect was not a city employee and that the attack was not the result of someone seeking revenge on the city, which owns the park where the tree is located.

On Tuesday, Jones would not discuss any possible motive in the poisoning.

The person responsible for the poisoning could be charged with criminal mischief causing damage

\$11,000 in rewards has been offered for information leading to a conviction.

of more than \$20,000, which is a second-degree felony punishable by a maximum of 20 years in prison.

Since the attack was discovered early this month, state and national experts have recommended several forms of treatment for Treaty Oak, but officials do not know if the tree will survive.

Additional soil samples are being taken near the tree this week in an effort to determine what amount of Velpar remains in the soil, and at what depth. If the herbicide is still potent in the soil, a drainage system will be placed underground to try to divert the poison from Treaty Oak.

The live oak, which has a branch spread of more than 120 feet and was once named the most perfect specimen of a tree in North America, is on Baylor Street between Fifth and Sixth streets.

The City of Austin bought the small lot containing the tree as a city park in 1937 to preserve Treaty Oak. Schoolchildren and others sponsored fund-raising projects to save the tree.

An oak to bear

Crowds gather to rescue poisoned tree

By **CLAIRE OSBORN**

Houston Chronicle Austin Bureau

AUSTIN — The Treaty Oak may not need the can of cream of chicken soup that someone left at its base.

Indeed, says Edward Bustin, the poisoned tree adjacent to his home already is making progress, even as a team of experts began assisting the city in treating the centuries-old landmark.

"It's just like an old person," Bustin said. "It takes a lot longer to heal."

Crowds still gather daily, offering support to the tree, which was poisoned by the powerful herbicide Velpar several months ago.

"It's a constantly changing crowd of 20 to 30 people after 5 p.m., and even at 1:30 or 2 in the morning a few people will be hanging around," Bustin said.

Someone has even placed boards in front of the tree to hold pads on which people can write get-well messages. And the plight of the tree was discussed on ABC's *Good Morning America* Monday morning and featured on CBS and NBC evening news programs.

An Austin radio station sponsored a benefit for the oak at a local bowling alley, and Austin Parks and Recreation has set up a special Treaty Oak Fund.

City workers Tuesday started installing sprinkler heads to keep the soil around the tree wet and a misting system to cool the oak's new growth of leaves. They also will build a drainage system if soil samples taken from the site indicate that Velpar still is present.

"If we find the chemical we will flush it out with a drainage system, but if it's not there we're in pretty

good shape," said James Houser, chairman of the Austin Urban Forestry Board.

These measures were recommended by a task force of Texas and national experts who arrived in Austin Monday.

Houser said the third set of leaves the tree has produced since being poisoned by Velpar looks healthy, although most of the second set has already turned brown and dropped off.

Arthur Costonis of Florida, a member of the American Society of Consulting Arborists and a part of the task force assembled with the financial assistance of Dallas billionaire H. Ross Perot, said he is "very optimistic based on the new growth."

He said the misting system will have sprinkler heads that spray 60 gallons of water on the tree's leaves for one minute every half hour for eight hours during sunny days.

"We are trying to reduce stress to the tree by keeping the temperature as even as possible," Costonis said.

However, Jack Siebenthaler, another arborist from Florida, said it may not be possible to tell if Treaty Oak is fully recovered until 1991 because of the possibility of delayed stress.

"At least we know that the tree is not going to be under stress from natural factors that can be controlled by man because everything's going to be done for it that can be done," he said. "So that's in its favor."

"We're not here to erect as big an effort as man can endure. Regardless of who's paying the bill, it's to do the right thing for the tree within the limits of accepted knowledge."

Police, who still are investigating the poisoning, have identified a suspect, but have made no arrests.

June 27, 1981

Texas Mourns Imminent Death Of 500-Year-Old Treaty Oak

Austin Landmark Apparently Was Poisoned

By David Mervin
Washington Post Staff Writer

AUSTIN, Tex. — Life never seems more poignant than when great people die. It is the same way with trees. Treaty Oak, the oldest living thing in the capital of Texas, a live oak proclaimed the most perfect specimen in North America, a sentinel of history that was here before Cabeza de Vaca, before Stephen F. Austin, before Willie Nelson, a tree that survived five centuries of floods, droughts, bugs and developers, is dying. As it dies, all of Texas grieves.

Every day since Memorial Day, when word first got out that Treaty Oak was gravely ill, scores of mourners have paid their respects. They arrive at the tree's little home park carrying roses, prayers, get-well cards and mixed feelings: awe, sorrow, bewilderment and rage. The latter two sentiments arise because this is not a natural death. Someone tried to kill Treaty Oak by pouring several gallons of herbicide into the grass around its trunk.

"I've talked to colleagues in forestry, and no one's ever heard of anything like this before," said John Giedraitis, Austin's forester. "Why would someone maliciously poison such a tree? To me, it is on a par with vandalizing any shrine in America—the Washington Monument, the Texas capital building. But if you had enough money, you could rebuild the monuments. You could not rebuild 500 years of growth that went into this tree."

To Giedraitis's question—why?—there are as yet no answers, though Austin police have a suspect in the case and may soon make an arrest. But in a deeper sense, even if someone is convicted of the crime and tells the world his reasons, the question is essentially unanswerable.

Millions of trees die in the United States each year, and 3 billion more are planted, but Treaty Oak is the type of tree that stands alone. Enshrined in the American Forestry Association's Tree Hall of Fame, its name derives from the legend that, under its 170-foot canopy, Stephen F. Austin and Indians signed a peace treaty in 1824. There is no truth to that, though it may be that the tree demarcated Indian lands from settler lands.

To the tribes of central Texas, Treaty Oak was a source of great mystery and potency. Folklore held that a sauce made from the tree's green oak balls, eaten when the moon was a low-hung crescent, brought warriors home from battle. Another sauce, supplied by maidens under a full moon, ensured that their husbands would remain faithful. As Austin grew around it, Treaty

plenty, grace, history. And Texans came to think that it represented their state.

By 1926, the property on which it stood was owned by W. H. Caldwell's widow, who was besieged by developers seeking to clear her land. The elderly lady tried to resist: "It was the playing place of many little children . . . when there were peacocks and pigeons in the yard and cardinals and mockingbirds in the branches." The first threat was averted in 1937 when the city bought the property for \$11,000.

It was the Tuesday after Memorial Day when Giedraitis, physician for the city's 2 million trees, learned that his oldest patient was seriously ill. Initial reports to him were that the tree was suffering from oak wilt, the oak equivalent of Dutch Elm disease. Giedraitis discovered, to his alarm, that it was something worse.

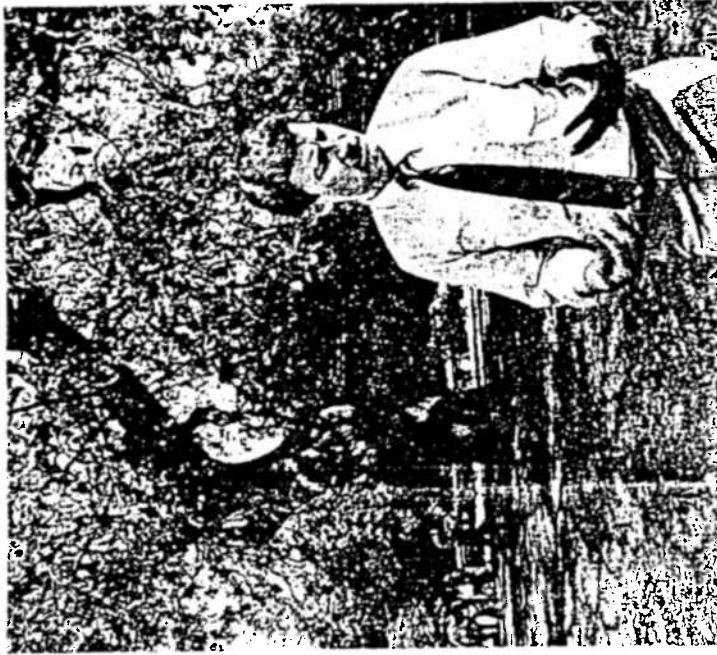
"Oak wilt kills the veins on leaves," he said. "This symptom was the opposite. The veins were alive, but between the veins the leaves were dead. This is a very common symptom of chemical poisoning."

Agronomists at the Texas Department of Agriculture took samples of soil near the base of the tree, where it appeared that a chemical had been spilled. Park crews removed more soil in a 30-foot oval area around the tree. The oval was injected with activated charcoal, which might absorb the chemical. Next came a microbe mixture devised to digest things in the soil and break down chemicals.

By the weekend, Treaty Oak was flushing its leaves. Live oaks sometimes are considered evergreens but are not. They lose their leaves once each year, in March. In this case, Treaty Oak was flushing in June in a desperate effort to live. The second crop seemed healthy, but Giedraitis had no reason to be optimistic: The soil analysis had come back from the lab.

The active ingredient in the compound was hexachlorocyclopentadiene, a herbicide called Velpar, manufactured in Laporte, Tex., by E. I. du Pont de Nemours & Co. Velpar is used in Texas to kill noxious mesquite trees and can be sold over the counter. "Properly applied," Giedraitis said, "it can be very useful. But misapplied, it's a nasty chemical. It is designed to keep defoliating a tree, again and again." The second crop of leaves died.

Treaty Oak was still struggling to live on the morning two weeks ago when Austin police Sgt. John Jones received his weekly stack of 40 cases to investigate. Jones, 37, a policeman here since he was 19, works by the motto: "You have to be one with the crime." In this case, it meant going to the



John Giedraitis, Austin's forester, applied microbe mixtures to the soil to try to save Treaty Oak.

drilled hundreds of holes into the half-acre park around the tree, filling each with another microbe formula. The Velpar was still working its deadly will, and the third crop of leaves was turning brown. Giedraitis was torn between optimism and despair. While he said the tree might be strong enough to flush again, he talked of it in the past tense. And he mourned.

"I proposed to my wife under this tree at this time two years ago," he said. "I got down on my knees and asked her to marry me. I wouldn't have done it anywhere else. When foresters get together and talk about trees, they sometimes stress that trees can save money on your energy bill and slow down the greenhouse effect."

"But the relationship between humans and trees goes beyond those things. People love trees. They are the most benevolent things in our environment. In primal ways, people relate to trees, in their souls. That's why this crime offends people so much. They are disgusted that a human would do this to a tree that had withstood so many centuries against astronomical odds. From millions of acres comes one tree, and from millions of trees comes one Treaty Oak. It stood here for centuries, a venerated object. And it died on our watch in 1989."

Last week, in all her effort to save

Tuesday

June 27, 1989

35 cents

☆☆

Austin

Weather

Cloudy with a 40 percent chance of rain. High, upper 80s. Low, mid-70s. Northwest wind near 10 mph. Details, A10.

American-Statesman

Treaty Oak snags TV time, experts

Tree doctors don't go out on a limb but give upbeat outlook for victim

**Jim Phillips
and John Bryant**
American-Statesman Staff

On a day when national attention focused on a poisoned tree's struggle for life, a team of forestry experts gathered at Treaty Oak on Monday to agree on a method of treatment and a prognosis that the 600-year-old landmark might survive.

The experts, a task force of national and Texas experts assembled with the financial assistance of Dallas billionaire H. Ross Perot, recommended additional above-ground treatment to reduce the stress the oak undergoes producing new sets of leaves.

Most members of the task force said they were encouraged that Treaty Oak has withstood the poisoning as well as it has, producing, then dropping, two full sets of leaves to expel the poison.

"I think the tree's in very good shape," said Thomas Perry of North Carolina State University, a leading expert on trees who, like most of the other experts, was seeing Treaty Oak for the first time.

BRANCHING OUT

The Treaty Oak's plight inspires a "treaty-signing" ceremony that will include a pledge to plant and care for more trees in the city.

Page A6

"I've seen trees worse than this recover."

James Miller of the U.S. Forest Service research station at Auburn University in Alabama said, "All we're trying to do as we look around is just be optimistic."

But Miller warned that if the tree survives, it probably will bear signs of the attack.

"The question is, how happy are you going to be with what you have left?" he said.

Experts have warned that the tree might lose several limbs to the poison and may never regain its former grandeur.

The poisoning, which was discovered earlier this month, is being investigated by Austin police as a felony criminal mischief case. Police say they have identified a

See Oak, A6

Oak From A1

suspect, and they continued the investigation Monday. But no arrests are anticipated until investigators can build a strong enough case for an indictment.

After meeting the task force Monday, John Giedraitis, the city forester who has directed treatment of the Treaty Oak, said an above-ground irrigation system will be installed to spray spring water on the tree daily.

The water will reduce the heat stress on the new leaves that the Treaty Oak has begun to put out in its fight to survive.

Giedraitis said the task force also recommended more testing of soil and of the tree itself to determine how much poison remains.

"As you'd expect with a lot of experts, they want more data," Giedraitis said. "There's never enough data."

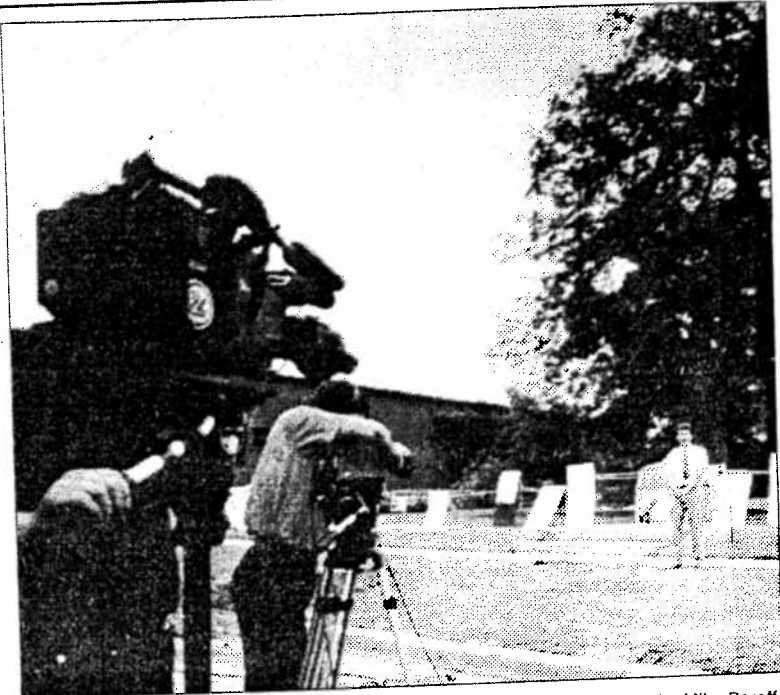
Samples have already been taken since it was learned that someone poured Velpar, a herbicide designed to kill hardwoods, around the base of the Treaty Oak at least three months ago.

More concentrated testing would show the strength and depth of the chemical in the soil and could lead to a drainage system being placed underground, Giedraitis said.

The samples will be rushed to a lab today so the system, if needed, can be installed quickly, he said.

On the same day the task force arrived, the nation's television networks focused attention on the live oak's fight for life.

Barbara Walters interviewed Giedraitis live on *Good Morning America* on ABC, in a segment that



Staff photo by Mike Boroff

The Treaty Oak gets a wake-up call from city forester John Giedraitis and a television crew shooting for *Good Morning America*.

was introduced with the question: "Who's trying to murder Austin's Treaty Oak?"

The 3½-minute interview by Walters, who was in ABC's New York studios, was seen live on the East Coast and an hour later in the Central time zone.

About two dozen onlookers gathered behind the camera crew from KVUE-TV, the local ABC affiliate, then inched closer to Giedraitis to hear what he was saying.

Just out of camera range were posters put up minutes before by United Farm Workers volunteers, who called the poisoning "de-

praved" but chided the Du Pont company's \$10,000 reward as showing more concern for a tree than farmworkers or consumers. Du Pont manufactures Velpar.

A representative of *Good Morning America* said several calls were received after the Treaty Oak segment, but most were from "anti-abortion people upset that we did a story on a tree dying when babies are being killed on a regular basis."

The Treaty Oak story also was featured on CBS's and NBC's Monday evening news programs.

Staff writer Morgan Montalvo contributed to this report.

Texas & Southwest

Tuesday, June 27, 1989

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The Dallas Morning News

15 A

Top experts gather in effort to help poisoned Treaty Oak

By Peggy Fikac

Associated Press

AUSTIN — Top experts gathered Monday at the Treaty Oak to battle the poison attacking the historic tree, and the city forester said Dallas billionaire Ross Perot has given good advice and pledged money to the effort.

Meanwhile, an officer on the case said police are taking a "long, hard look" at a suspect in the poisoning.

"We're getting there," said Austin police Sgt. John Jones. He said

officers are concentrating on someone identified in telephone tips to police to make sure the person is a "legitimate suspect."

"The publicity and the reward tend to bring out everyone," said Sgt. Jones, who is investigating the case as second-degree felony criminal mischief. He said police are getting closer to an arrest.

A \$10,000 reward for information leading to the conviction of the poisoner has been offered by Du Pont.

Please see MISTING on Page 17A.

AUSTIN AM. STATESMAN 6/27/89

Special treaty to be signed under historic oak Saturday

By Monty Jones
American-Statesman Staff

Some historians question the legend that Stephen F. Austin made peace with the Indians under the ancient arms of Treaty Oak, but Austinites concerned about the ailing giant will have a chance to sign a modern-day pact with nature at the tree Saturday.

Garden and tree enthusiasts are planning a ceremony at which everyone will be invited to sign a "treaty" that will include best wishes for the 600-year-old live oak and a commitment to plant and protect other trees in the city.

"This is symbolic, but I thought it would be nice if people could sign a pledge or pact at the Treaty Oak expressing their hope that this tree will survive and promising to protect and extend Austin's urban forests," said Tom Spencer, organizer of the ceremony.

The event, tentatively set for 10 a.m. to noon, also will provide a focus for a fund-raising effort to increase the money available for planting trees at city parks, said Spencer.

"I thought the event Saturday could be a token of sympathy and esteem for the Treaty Oak," said Spencer. "But we also want to express to the world that this (poisoning) is the act of one single, twisted individual and that Austin has a concern and a good feeling about nature."

Spencer said he hopes the treaty people will sign Saturday can be

displayed permanently at the botanical garden in Zilker Park.

The city Parks and Recreation Department has made arrangements for setting up a special Treaty Oak Fund that would include donations for tree plantings around Town Lake and other parks, said Carolyn Kelley, a landscape architect at the department.

The treaty planned by Spencer and the fund-raising campaign could help transform the outpouring of concern about Treaty Oak into a permanent commitment for conservation, said Richard Huffman, president of the Texas Botanical Garden Society. The society's long-range goal is to transform the Zilker botanical garden into a world-class facility for plant research and conservation.

"The poisoning of trees has not been a problem, but the plight of trees generally has been, and this might be an example of how man has been insensitive and has hurt other species," Huffman said.

"What Tom has in mind is like what President Bush talked about when he said the individual needs to have a more active concern about society. I think we have depended far too much on the government to solve our problems, and this ceremony could be like one of those thousand points of light the president mentioned. This is a chance for us to say there are problems and something needs to be done and we need to start taking responsibility."



Staff photo by Larry Kolvoord

More help on the way

Alan Fisch and Louise Sklar share an umbrella as they visit the Treaty Oak on Sunday afternoon. National experts are expected to arrive in Austin this week to help the historic tree fight for its life.

Newspaper
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Published With The New York Times and The Washington Post

APRIL 1, 1918
APRIL 2, 1918
APRIL 3, 1918
APRIL 4, 1918
APRIL 5, 1918
APRIL 6, 1918
APRIL 7, 1918
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25/89

LONDON, SATURDAY-SUNDAY, JUNE 24-25, 1989

ESTABLISHED 1887

Texas Mystery: Who's Trying to Kill a 500-Year-Old Oak? And Why?

By Lisa Belkin
New York Times Staff

AUSTIN, Texas — This is a mystery about an unperished murder.

The victim is a tree. It is just any tree, but a 500-year-old live oak, one that Texans like to brag is "the most perfect tree in America."

The tree is 90 feet (15 meters) tall, its branches spread over 127 feet. Its picture has hung on the Tree Hall of Fame in Washington.

It is revered because of a legend that Sir Isaac Newton, a grinning figure in early Texas history, made peace with the Indians in its shade. That is why it is called the Treaty Oak. Murders have

been performed under it. Cakes and office computers have taken its name.

Now someone is trying to kill it. Someone who seems to know a lot about trees, enough to choose a hard-to-obtain herbicide and pour it on the ground over the roots.

City tree experts are not certain the Treaty Oak will die, but they are not optimistic that it will live.

Ever since the damage was first noticed last month, the tree has become the city's biggest celebrity.

A small crowd gathers next to every day, displaying ornate signs in its branches and writing bouquets and get-well cards at its base.

size of coffee cans, which were made by soil-sample drills.

It has been this way since the end of May, when the Parks Department received a call saying that the tree was not looking good.

His symptoms — the veins on each leaf were alive, but the rest of the leaf was brown and dry — were those of chemical poisoning.

Tests found evidence of Velpar, a herbicide that inhibits photosynthesis and is used specifically to kill hardwood trees.

The chemical was probably applied, in large amounts, more than three months ago, according to the Texas Agriculture Department.

When he released the test results, Max Wood-

lin, spokesman for that department, said the choice of Velpar could only have been made by a skilled killer.

"You usually have to get it through an agricultural or chemical distributor," he said.

City foresters removed a six-inch deep layer of soil at the tree's base, replaced it with clean soil and injected microbes to break down the Velpar.

Then they waited for the second flush of growth that a tree puts out when its first leaves are contaminated. The new leaves opened the last week, all shiny and green. But by last Friday, they were turning brown.

"That means we didn't beat it," Mr. Gryllius said.

Saturday
June 24, 1989
35 cents
☆☆

Perot finds Treaty Oak help

National expert tapped for advice

By Jim Phillips
American-Statesman Staff

H. Ross Perot decided to make a few phone calls Friday morning, and by 1 p.m. Friday city workers and tree company employees were descending on the Treaty Oak with a new round of treatments for the poisoned tree.

Perot, the Dallas billionaire who told Austin Mayor Lee Cooke on Wednesday that he would cover expenses in trying to save the 600-year-old landmark, has a way of getting results.

In a frenzy of phone calls Friday morning, Perot got the name of one of the top tree experts in the country, put him in touch with

Austin officials and urged that the expert's suggestions be put into action, according to John Giedraitis, city forester.

Giedraitis, who has directed treatment of the Treaty Oak since it was discovered three weeks ago that someone poisoned the live oak with herbicide, was overseeing the revised treatment operation Friday afternoon.

"It's a good suggestion, it's a very good suggestion," he said as the tree's leaves and limbs were sprayed with a diluted fertilizer mixture by employees of Bartlett Tree Experts of Austin.

The process, called foliar feeding, is designed to get water and nutrients directly into the leaves



Dallas billionaire H. Ross Perot called Washington, D.C., for the name of a tree expert Friday.

and twigs. Because the tree has lost two sets of leaves to the chemical Velpar, which it is drawing up from the soil, it was decided the tree will be fed directly as the third set of leaves sprouts. The spraying will be repeated each day for the next several days.

Workers Friday also injected fertilizer into the ground around the

See Protect, A16

A16 Austin American-Statesman

Protect From A1

Treaty Oak and covered the poisoned area with plastic to prevent rainwater from reaching the Velpar and activating it.

The Treaty Oak, which was poisoned at least three months ago, has become a national news story because of its uniqueness and the pitched battle to save the tree. The *New York Times* printed a front-page story about the poisoning Friday, and other national publications and television shows have reported on the tree. ABC's *Good Morning America* is scheduled to broadcast live from the tree Monday, Giedraitis said.

After Perot told Cooke the city should spare no expense in trying to save the Treaty Oak, he got more involved in the project Friday, the forester said.

The forester, recounting events during the morning, said Perot called the National Arboretum in Washington, D.C., to get the name of a top tree expert; he then called the expert, Thomas Perry of North Carolina State University, and asked Perry to call Giedraitis. After Giedraitis explained what treatments had been tried, Perry considered the options, then talked to Perot's wife, Betty. Betty Perot contacted Giedraitis, who then



City workers wrap the oak with plastic to protect it from rain that might reactivate poison in the tree. Staff photo by Ralph Barrera

contacted Perry.

Soon, the Bartlett spray truck was pulling up next to the tree, on Baylor Street between Fifth and Sixth streets.

After Monday, Giedraitis might have more advice than he can stand. On that day, experts from around the country, and from several Texas universities, the Texas

Forest Service, the Texas Department of Agriculture and Du Pont, which makes Velpar, will meet at the Treaty Oak to determine if there are other treatment options.

The New York Times

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FRIDAY, JUNE 23, 1989

"All the News
That's Fit to Print"

VOL.CXXXVIII.... No. 47,910

National Edition

Southwest: Northwest Texas, western Oklahoma, cloudy, showers likely. Eastern Arkansas, Louisiana, hazy sun, humid. Elsewhere, partly cloudy, thunderstorms. Weather map is on page 7.

50 CENTS

Austin Journal

Murder Mystery Grips City: Just Who Would Kill a Tree?

By LISA BELKIN

Special to The New York Times



AUSTIN, Tex., June 21 — This is a murder mystery. The victim is a tree.

Not just any tree, but a 500-year-old live oak, which Texans like to brag is "the most perfect tree in America." It is 50 feet tall. The branches reach out 127 feet. Its picture has hung in the Tree Hall of Fame in Washington. It is revered because of a legend

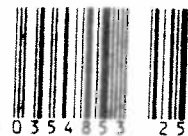
that is probably not true — that Stephen F. Austin made peace with the Indians in its shade. Anyway, that is why it is called the Treaty Oak. Marriages have been held under its canopy. Nearby cafes and office complexes have taken its name.

Now someone is trying to kill it. Someone who seems to know a lot about trees; enough to choose an obscure herbicide and pour it onto the roots. City tree experts are not certain the Treaty Oak will die, but they are not optimistic that it will live, either.

Ever since the damage was first noticed last month, the tree has become the city's biggest celebrity. A small hushed crowd gathers near it every day, dangling ornaments in its branches and leaving bouquets and get-well cards at its base.

"I've never seen anything like this," said John Giedraitis, a city forester. "But I've never seen someone try to murder a tree, either. Everybody loves trees, except when they drop on your house or something."

Continued on Page 8, Column 1



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Continued on Page 8, Column 1



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Austin Journal

Mystery Gripping City: Who Would Kill Tree?

Continued From Page 1

This one was minding its own business."

The Treaty Oak stands in the center of a small, square plot ringed by benches and surrounded by a parking lot, an antique store and a row of homes.

The park dates to 1937 when, in the middle of the Depression, schoolchildren saved their pennies to help the city buy the property. One of the specifications of the sale was that the tree would never be removed.

Today the park is ringed with yellow police tape. The ground is a mess of holes the size of coffee cans, which were made by soil-sample drills. It looks as though a gopher has been through.

It has been this way since Memorial Day when the city Parks Department received a call saying the tree was not looking good. Its symptoms — the veins on each leaf were alive but the rest of the leaf was brown and dry — were those of chemical poisoning.

Tests found evidence of Velpar, an herbicide that inhibits photosynthesis and is used specifically to kill hardwood trees. The chemical was probably applied, in large amounts, more than three months ago, according to the Texas Agriculture Department, which has ruled out accidental contamination from any source.

When he released the test results earlier this month, Max Woodfin, a spokesman for the department, said the choice of Velpar could only have been made by a canny killer. "You usually have to get it through an agricultural or chemical distributor," he said.

Right after Memorial Day, city foresters removed a six-inch-deep layer of soil at the tree's base, replaced it with clean soil and injected microbes to break down the Velpar. Then they waited for the second flush of growth that a tree puts out when its first leaves are contaminated.

The new leaves opened late last week, all shiny and green. But by today, they, too, were turning brown. "That means we didn't beat it," Mr. Giedraitis said.

The E. I. du Pont de Nemours & Company plant in LaPorte, Tex.,

where Velpar is made, has offered a \$10,000 reward for information leading to the conviction of whoever is trying to murder the Treaty Oak.

"How dare someone misuse our product this way!" said Pat Getter, a spokesman for Du Pont's Southwestern office.

The Austin police have been getting in touch with all area suppliers of Velpar and say they have a suspect. But so far no one has been arrested and no motive has been established. There are theories, of course. Some believe a developer wanted to kill the tree to free the land. Others think a disgruntled city employee wanted a rather indirect form of revenge.

Mayor Sally Shipman said she has assembled a task force of the best minds in herbicides from around the country. She said H. Ross Perot, the Dallas electronics tycoon, has offered "a blank check" to cover any and all costs of saving the tree.

"Why would anyone want to kill a tree?" she asked.

All over Austin — all over Texas, really — people are asking the same question. Mary Taylor, of Waco, brought her granddaughter, Robin Hukill, of Tyler, to see the Treaty Oak. "You may be seeing something that won't be here when your grandchildren are growing up," Mrs. Taylor told Robin.

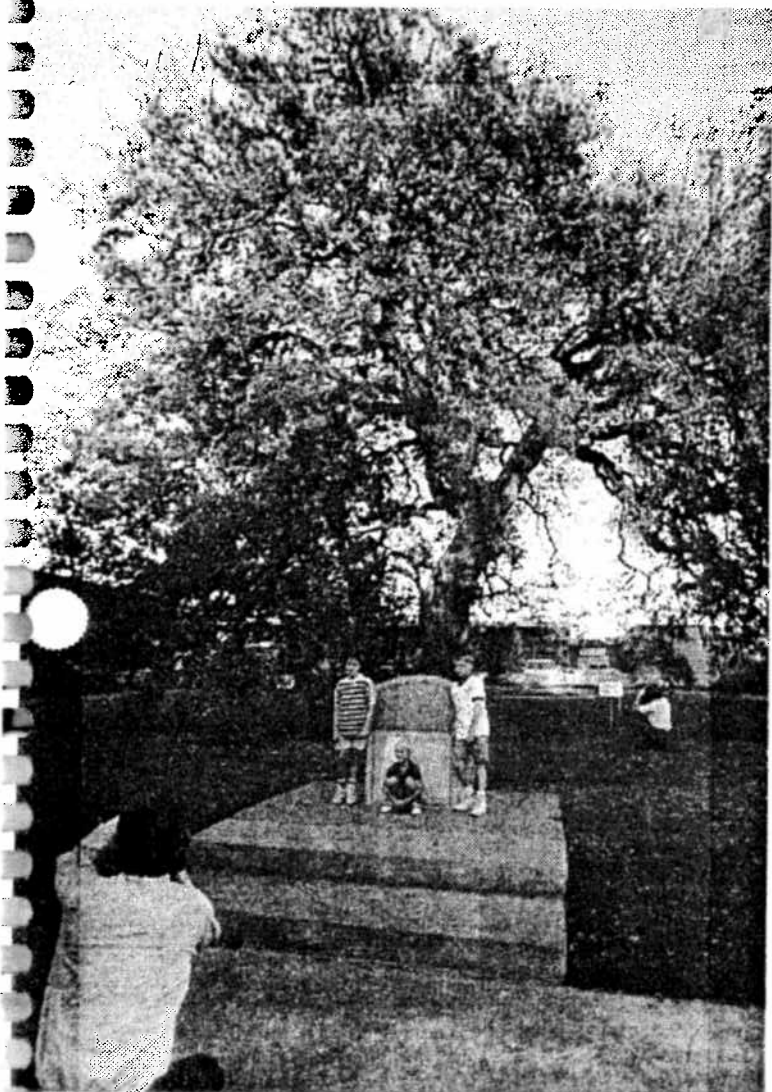
John Silverberg, an Austin pharmacist came by at lunch to "pay my respects." Joe Lynch, a construction worker, brought his camera "to get a picture while it's still here." A group of joggers, who changed their daily route several weeks ago so they could pass the tree, slowed their pace, looked pensive, then continued on. Robin Edger came, as he does every lunch hour, to talk softly to the branches.

"Come on, you can get through this," he told the tree.

"It works with my rhododendrons, why shouldn't it work with a tree?" he said to the human standing nearby.

Another daily visitor is Mr. Giedraitis, who is particularly fond of this tree. The first bench to the right was where he proposed to his wife.

"I got down on one knee on the ground right there," he said, pointing to a spot now riddled with holes. "I thought it was a fitting symbol of our commitment to each other. I figured this thing's going to be here forever."



The New York Times/Zigy Kaluzny

The Treaty Oak in Austin provided a backdrop for a photo of a group of children who had traveled to see it. Concerned Texans have been visiting the 500-year-old tree daily since it was found that someone had given it large amounts of a herbicide.

OPINION

FRIDAY
JUNE 23, 1989

EDITORIALS

Oak, workers fight time

The embattled Treaty Oak continues its silent struggle to stay alive. It is doing so with a cadre of dedicated municipal workers who are working hard and trying just about everything to help a tree that broke through the ground into the sun perhaps at about the time Columbus sailed from Spain or even earlier.

The workers, led by the Parks and Recreation Department, just completed another step to help the tree as it tries to fight off the poison that is killing it.

The next phase of the fight to save the oak is being conducted in terms of days and weeks. The chemical poisoning the tree has a half-life of six months, at which point it begins to break up into other chemical materials. Whether that is enough time for the tree to regroup its energies, put out a third set of leaves and new

growth and keep doing so without exhausting itself totally remains to be seen.

It is ironic that the tree, after centuries of struggling off storms, diseases, mankind, lightning and other unremembered threats, has been endangered by a small amount of chemical, its future now reduced to periods of days and weeks and time expressed in the chemical shorthand of half-life.

It is gratifying that the corporation that made the chemical that was so badly misused, Du Pont, has put up a \$10,000 reward for the apprehension of the vandal responsible. The Texas Forestry Association also has put up a \$1,000 reward.

A grateful and anxious public awaits to see if the workers' most recent efforts are successful, and if the rewards lead to the arrest and punishment of the poisoner.



Friday

June 23, 1989
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Austin American-Statesman

The strange case of the POISONED TREE



Staff photo by Larry Kovord

Police Sgt. John Jones, seeking clues near Treaty Oak, says he's never seen emotions run so high in a property damage case.

By John Kelso
American-Statesman Staff

The strange and mysterious case of the Treaty Oak involves a herbicide, not a homicide. And the victim's limbs are branches, not arms and legs.

Still, the hunt for the would-be killer of the 600-year-old live oak that is fighting for its life on Baylor Street in West Austin has many of the elements of a Columbo-esque whodunit.

Investigators from the Austin Police Department and the Texas Department of Agriculture have spent the better part of June beating down the bushes in the hunt for whoever placed Velpar, a deadly chemical that inhibits photosynthesis, around the tree several months ago.

Just as in a dime-store detective paperback, there have been records to check, hot tips to track, neighbors to question and a suspect who remains on the loose.

Another key element in the saga is an attentive public that wants the victim to survive and the villain to swing.

Austin Police Sgt. John Jones of the assault division, who has been on the force 17 years, says he's never seen

Who
had the
motive,
the means and
the opportunity
to attack a
living legend?



such emotion in a property damage case, and that some callers have suggested the culprit be dealt Old West justice, if and when he is nabbed.

"That kind of emotion is reserved for child molesters," said Jones, who hopes to make an arrest next week. "At least in the past it's been reserved for child molesters. We've had a lot of people call and suggest what to do with him — everything from hanging him from Treaty Oak to suggesting he drink the Velpar."

Jones said this week that several people have implicated a prime suspect in the crime, and that the suspect has told others he poured the chemical around the tree. A total of \$11,000 has been offered as a reward to anybody providing information leading to a conviction.

Meanwhile, the tree's condition is iffy. On Thursday, city employees were filling about 750 holes drilled near the tree with fertilizer, wood chips and sand in hopes of stemming the tree's decline.

"The downside is I can catch the guy and maybe get a conviction, but it doesn't help the tree," Jones said.

See Mystery, A12

Mystery From A1

getting to the point where they may have to amputate."

Such a move, said John Giedraitis, Austin's city forester, would be a last resort. But if nothing else works, he said, roots on one side of the tree might be severed — to keep the tree from sucking up more poison.

"That would be a last ditch effort," he said. "It's almost like when the doctor says, 'Do you want the leg, or do you want the body?' That's pretty radical. We're not sure we're going to get to that stage."

The case of Treaty Oak began early this month when the expansive tree, reputed by some to date back 100 years before Columbus, showed symptoms of illness. Soil samples taken from the base of the tree revealed the presence of Velpar, a chemical designed by Du Pont to kill hardwood trees.

"If a person wanted to do a job on an oak tree, he chose the right one," said Dale Burnett, director of pesticide enforcement for the state's Department of Agriculture.

Employees in Burnett's office have logged about 100 hours going to agricultural supply outlets in Travis and Williamson counties. They've thumbed through thousands of invoices, collected names of people who have bought Velpar since January, and made a list.

The problem, Burnett said, is that anybody can buy Velpar. "So it'll be like finding a needle in a haystack."

"I've talked with the neighbors down there because there is a chance the crook might return to the scene of the crime. . . I told them who to look for."

—Sgt. John Jones

Jones first had to learn something about the subjects involved in this unusual case before he could even start helping in the search for the needle.

"I think it's the first time anybody down here (at the police station) has messed with trees," he said. "So my first order of business was to bone up on trees. You have to be one with the case. And then, when they said chemicals killed the tree, I had to bone up on my high school chemistry."

When Jones did a little checking on the specifics of Velpar, he discovered the chemical is used to thin out competing growth in pine forests. So he thought about scouring Bastrop, site of the nearest stand of pines.

"That was just a flash, though, because I found out a lot of farmers in the Austin area would use it to kill out underbrush," he said, explaining why he didn't pursue the Bastrop theory.

Later, Jones came across another motive that didn't pan out: jealousy. Maybe an Austin tree surgeon or tree service that coveted the position of caretaker, but didn't get it, poisoned the tree to see another company fail.

"I had an idea off the top of my head — 'Let's just photograph all of them,'" said Jones, who dismissed that idea, too.

"Anybody with any tree experience would have applied it (the chemical) a little bit differently," he explained. "Plus, those people realize the value of that tree."

During the course of the investigation, tree detectives have beaten a path to Baylor Street.

Top experts summoned to help oak

Perot among donors chipping in to defray costs of tree rescue

By Jim Phillips
American-Statesman Staff

City of Austin officials are flying in nationally known experts for advice on how to treat the poisoned Treaty Oak.

At the same time, they are flying out samples of the tree's bark and limbs to determine if the poison has settled into the 600-year-old live oak.

A city parks employee caught an airplane for Houston Thursday,

bearing samples of the city landmark's leaves, roots and wood, so they can be tested at a Du Pont laboratory.

If Du Pont, which makes the herbicide Velpar that was poured around the base of the tree, finds that the chemical has moved from the soil into the wood of the tree, saving the Treaty Oak will be much more difficult, officials said.

Mayor Lee Cooke announced Thursday that Dallas billionaire H. Ross Perot and some anonymous

donors had offered to reimburse the city for money spent trying to save the Treaty Oak, and urged the city to spare no expense.

Cooke also said two nationally known specialists on Velpar and its effects will be coming to Austin on Monday to examine the tree.

Max Williamson of the U.S. Forest Service in Atlanta and James Miller, a research forester at Auburn University in Alabama, will evaluate the Treaty Oak's condition and recommend treatment options.

"We're pulling out all the stops," Cooke said.

City forester John Giedraitis

said that if Velpar has been absorbed into the wood of the Treaty Oak, radical treatment of the tree, such as feeding it carbohydrates, might be tried.

The Treaty Oak, on Baylor Street between Fifth and Sixth streets, was poisoned at least three months ago, officials believe. Since the attack was discovered early this month, officials have removed contaminated soil and injected activated charcoal and bacteria into the ground around the tree.

Rewards totaling \$11,000 have been offered in the case, and police have said they have a suspect in the attack. No arrests have been made.

"I've talked with the neighbors down there because there is a chance the crook might return to the scene of the crime," Jones said. "There's a chance, since that's what they do in all the Basil Rathbone (detective movies). So I told them who to look for."

Jimmy D. Bush, chief investigator on the case for the Department of Agriculture, also has talked with "the neighbors across the street or anybody who calls in who might have seen something. There's a man who lives across the street. A retired gentleman."

"Anybody who comes up to look at the tree, he goes over and starts giving them the life history of it," Bush said. "I asked him if he'd seen anything suspicious — people hanging around who shouldn't have been there."

Ed Bustin, who has lived across the street from the tree for 60 years, says many have visited the tree since it was poisoned, but nobody particularly suspicious.

"There's no reason for them to come back, unless they wanted to admire their handiwork," said Bustin, Baylor Street's unofficial Treaty Oak expert, who can tell you the tree is exactly 13 feet, 9 1/4 inches in circumference.

"It's just a period of time before they round them up, though," said Bustin. "I would say anybody who wants part of that \$11,000 reward better get their information in pretty soon."

ACROSS THE USA:

STATESLINE

FROM USA TODAY'S NATIONAL NEWS NETWORK

The USA's roots: Oaks, elms, pines, monkeypods

By Julie Morris
USA TODAY

The apparent deliberate poisoning of a 500-year-old landmark tree in Austin, Texas, has stirred an outpouring of civic feeling and a police investigation.

"This is tantamount to blowing up a museum," says Charles Jordan, director of city parks.

"I'm very angry. I can't believe it. It's brought the whole community together.

Whoever did it must be living in fear," says Sharon Swedlow, 26, who got married under the tree last Saturday.

Local legend says the tree marks the place where Texas pioneer Stephen Austin signed a treaty with Indians. The tree and its near-downtown site were bought for a city park in 1937 with money raised by schoolchildren.

City foresters say the live oak has a 50-50 chance of surviving the poisoning by the herbicide Velpar. DuPont Co., which makes Velpar, offered a \$10,000 reward.

Since the poisoning, the tree lost its leaves and put out new ones, but some of those are turning brown despite efforts to clean the soil around the tree. Meanwhile, hundreds of residents have come to visit, leaving flowers and cards.

From *Famous and Historic Trees*, published by the American Forestry Association, some famous U.S. trees:

Ala.: Helen Keller Oak — Keller often climbed on this tree on the grounds of her Tusculum home.

Alaska: First transplant in Alaska — In 1803, several spruce seedlings were moved from Sitka, to treeless Unalaska Island.

Ariz.: Arizona Palm — Palm Canyon is one of the only areas in the USA where native palm trees are found.

Ark.: Colonel Jones Magnolia — Located in Washington State Park, it commemorates 1839 birth of two unrelated Confederate army colonels, both named Jones.

Calif.: '49er Pine — During gold-rush days, "49er Road" and an arrow were carved on this ponderosa pine in Arnold.

Colo.: Hanging Pine — Town of Manhattan criminals were hung from this ponderosa pine.

Conn.: Oliver Ellsworth Elms — Constitution framer Ellsworth planted 13 elms for first states at Windsor home. Two remain.

Del.: Kent Whipping Post Walnut — Black walnut tree in Dover shaded post where town criminals were whipped.

D.C.: Japanese Cherry Trees — In 1909, Tokyo Municipal Council presented 2,000 cherry trees as a token of friendship.

Fla.: Treaty Oak — Local legend claims Indian tribe treaties signed under this oak in Jacksonville.

Ga.: Franklin D. Roosevelt Pines — Roosevelt had these longleaf pines planted during one of many visits to Warm Springs.

Hawaii: Mark Twain Monkeypod — Twain planted a monkeypod in Waiohinu in 1886. Tree blew over in a 1956 storm, but new tree sprang from original roots.

Idaho: Mullan Tree — A western white pine in Kootenai County was carved in 1861 to mark the road built by Captain Mullan.

Ill.: Coffin Pines — Southern Illinois settlers in the early 1800s planted white pines to assure a supply of wood for their coffins.

Ind.: Lew Wallace Elm — This American Elm stands near the Brookfield birthplace of Gen. Lew Wallace, author of *Ben Hur*.



By David Breslauer, AP
LANDMARK: Austin, Texas is rallying around famous oak.

Iowa: Council Oak — This Sioux City bur oak was mapped by explorers Lewis and Clark on their way up the Missouri River.

Kansas: Post Office Oak — Base of this tree in Council Bluffs was used as a mail drop from 1829-1847.

Ky.: Cassius Clay Coffeetree — This Madison County coffee tree stands by home of statesman and diplomat Cassius Clay.

La.: Live Oak Christmas Tree — Since the early 1920s this live oak has been a Christmas tree for everyone in Lake Arthur, La.

Maine: Mark Hill Linden Memorial — This English linden in Phippsburg Center is a memorial to Maine's first congressman.

Md.: President's Tree — An American beech in Takoma Park is engraved with the names of the first 17 presidents.

Mass.: John Hancock Elm — Planted in Boston by Hancock, the first signer of the Declaration of Independence.

Mich.: Republican Party Oaks — On July 6, 1856, founders of the Republican Party in Jackson met in this white oak grove.

Minn.: Witch Tree — Indians left offerings at this Hat Point white cedar tree, believed inhabited by an evil spirit.

Miss.: Windsor Oak — A live oak stands by burned ruins of Port Gibson's Windsor mansion used by Gen. U.S. Grant as hospital.

Mo.: Hanley Black Oak — State's largest black oak, named for Martin Hanley, who gave land for county seat in Clayton.

Mont.: Ram's Horn Medicine Tree — A ponderosa pine south of Darby was site of peacemaking between Indian tribes.

Neb.: Cattle Trail Cottonwood — In Chase County stands plains cottonwood famed for its proximity to the Old Texas Cattle Trail.

Nev.: Tree that Outlived a Railroad — Cottonwood planted in 1840 by Virginia Truckee Railroad in Carson City. Railroad gone.

N.H.: Seventh-day Adventist Maples — Religion's future founders met under sugar maples in Washington to study Bible.

N.J.: Shoemaker Holly — 23 miles north of Cape May, tree was in line of highway. Saved when route was diverted 120 yards.

N.M.: Carrizillo Spring Cottonwood — Cottonwoods between Columbus and Hatchita mark 1857 Apache, U.S. Army clash.

N.Y.: Scythe Tree of Waterloo — Balsam poplar in Seneca County takes its name from a knife blade placed in tree by soldier who hoped to return after Civil War. He didn't.

N.C.: Davie Poplar — William Davie decided while conferring under tree to establish the University of North Carolina.

N.D.: Memorial Planting — State School of Forestry at Bottineau plants trees here yearly to honor those who've helped forestry.

Ohio: Newbury Centennial Oak — This white oak was planted in 1876 by the Women's Suffrage Club of Newbury.

Okla.: Million-Dollar Elm — Under this American elm in Pawhuska, oil leases worth millions were sold in 1912.

Ore.: Indian Massacre Apple Tree — Tree marks site of Indian uprising resulting in murder of Rogue River Valley settlers.

Pa.: Moon Tree — Sycamore in Philadelphia grown from the seeds taken to the moon by Apollo 14 astronaut Stuart Roosa.

R.I.: Liberty Tree — In 1786, a large sycamore was planted in Newport to mark rallying area for the Sons of Liberty.

S.C.: Angel Oak — Long, twisted limbs of this live oak spread over half-acre on Johns Island.

S.D.: Sentinel of the Plains — Five prized cottonwood stand at De Smet homestead of author Laura Ingalls Wilder.

Tenn.: Big Old Cypress — Largest bald cypress in the USA stands in a remote swamp of Sharon, Tenn. It is believed 1,000 years old.

Texas: Live Oak County Charter Oak — County started under it in 1850; settlers didn't want to travel to distant county seat.

Utah: Brigham Young University Cottonwood — Tree was growing on university site when school founded in 1875.

Vt.: Spirit of America Maple — Sugar maple stand by Dorset home where Revolutionary War Green Mountain Boys organized.

Va.: Historic Trees of Williamsburg — Trees from the Colonial period still stand on the grounds of restored village.

Wash.: First Apple Tree in the Northwest — Apple seeds from London arrived in Fort Vancouver in 1826, producing these trees.

W.Va.: Rothkugel Plantation — Spruces grown by early forester, Max Rothkugel, still stand in Winterburn.

Wis.: General MacArthur White Pine — In 1945, this 140-foot white pine in Forest County was named in MacArthur's honor.

Wyo.: Octopus Tree — Peachleaf willow in Laramie needs props after mower clipped top so limbs grow outward not up.

Contributing: Tammy Johnson and Su-Lin Cheng



West Austin News

Reward raised to \$11,000

By Shauna Sousares

The Texas Forestry Association's executive committee has approved a \$1,000 reward for information that leads to the conviction of those responsible for poisoning Treaty Oak. Coupled with the reward offered last week by DuPont, this brings to \$11,000 the reward offered in the attack on the 600-year-old live oak.

Mike Holloway, a spokesman with the association, said its executive committee voted last week to extend an ongoing program the association created to combat vandalism against trees or the property or people that work with trees.

"We're hoping that this additional award will encourage others to do the same, to contribute to this community effort," Mr. Holloway said. "And we're hoping that someone will come forward, with this additional encouragement." Association members are also hopeful that the unifying sense of outrage people have expressed about the historic tree will provide additional impetus for people to reveal any information they may have about the attack.

Members of the 75-year-old association include professional foresters, teachers, tree farmers and timberland owners.

"People in our association were all outraged, and very sad, when they heard about the poisoning; they were all familiar with the tree," Mr. Holloway added. "This is the first time we've seen a tree being vandalized like this — as though someone had taken a sledgehammer to a statue or slashed a painting. It was an unprecedented attack against a living tree."

John Giedraitis, urban forester with Austin's Parks and Recreation Department, said the tree's condition is "not looking good right now."

"The first crop of leaves, where we discovered the poisoning, were almost completely lost," he said.

"Now the tree has put out a second crop, much of it showing the same symptoms."

Mr. Giedraitis said the Parks and Recreation staff is still hopeful, and that the tree's condition should be known by fall, when a third crop of leaves is expected. "We hope it may keep that third crop," he said, "but it's really up to the tree now. If it can hold onto some leaves and put out this third crop, it'll be showing much improvement."

He squelched a persistent rumor that a Parks and Recreation Department employee may have inadvertently treated the tree with a damaging chemical. "We would have thought that if it'd been anything but Velpar, which is an herbicide specifically designed to eliminate woody brush," he said. "But we don't even stock it; it would've been hard for any PARD employee to get his hands on any of it."

The department checked its purchase records for several years back to determine the herbicide's availability, and conducted an extensive review of its supplies before discounting the possibility of employee error in treating the tree, Mr. Giedraitis said. "But I can say unequivocally that the poisoning was not the result of PARD misapplication."

The chemical itself may provide a clue to the identity of the vandal, Mr. Holloway noted. "You have to be licensed to buy Velpar, although the purchase is not registered." People can attend courses through the county extension service to become licensed to purchase the herbicide. "But sometimes people remember little details like that," he said — details that could become critical to an investigation.

Mr. Holloway also noted that the poisoning could have taken place some time ago. "Once the tree started showing signs of distress, it was probably too late," he said.



Staff photo by Larry Holwood

Experts say the Treaty Oak's chances of surviving have lessened because a second set of leaves has become contaminated.

Good wishes left for 'Mister Tree'

By John Kelso
American-Statesman Staff

It's not every town whose citizens would bring get-well messages to a tree. But then again, Austin, Texas, isn't any town. And Treaty Oak isn't any tree.

The 600-year-old live oak on Baylor Street that was poisoned at least three months ago is fighting for its life. And the people are trying to help it with various sorts of well-meaning sentiments and spiritual assistance.

"There's an onslaught of cards," said David Mascorro, division manager of operations for the city's Parks and Recreation Department, who estimates 15 to 20 get-well expressions and gifts have been left at the base of the tree.

"People have even left crystals,"

Mascorro said, referring to crystal-line rocks that some people believe have healing powers.

"We've had flowers, too. People have actually gone over there and set flowers at the base of the tree."

On Tuesday, a dozen roses wrapped in white paper sat next to the tree.

Mascorro said city workers pick up the sympathy cards to keep the Austin landmark from becoming littered. He even keeps one such get-well card for the tree in his office. He picked it up himself.

"It's one that shows a little chicken lying down with (chicken) soup," he said, describing the card. "And the mother hen is saying, 'Quit complaining and eat it. Number one, chicken soup is good for the flu. And Number Two, it's no-

See Sympathy, A7



City forester John Giedraitis looks at get-well wishes and flowers left at the foot of Treaty Oak. The flowers were left by John and Sharon Swedlow, who were married under the live oak Saturday.

Police have suspect in poisoning

Treaty Oak's future dim despite efforts

By Jim Phillips
American-Statesman Staff

As city workers began a desperate, perhaps last-ditch, rescue effort, Austin police investigators said Tuesday they have a suspect in the poisoning of the 600-year-old Treaty Oak.

Sgt. John Jones of the police assault division said several people have implicated the same man for the crime and have said he told others that he poured a chemical herbicide around the landmark tree.

Jones said the suspect had access to the chemical Velpar, which was the herbicide used, and said records were being checked to see if any of the chemical was missing from storage. He would not identify the suspect or reveal the alleged motive. No arrests had been made by Tuesday night.

Meanwhile, Austin city forester John Giedraitis said workers today will begin digging hundreds of holes around the live oak and filling the holes with organic matter in an effort to save the tree, which is on Baylor Street between Fifth and Sixth streets.

"It's getting down to the wire now, and we really need to take drastic action," Giedraitis said.

Jones said Tuesday that the investigation could be completed by the end of the week. "We think we're getting close," he said. "We've had three or four different people name one person. He looks good for it."

Jones said the suspect is not a city employee and added that the motive was apparently not revenge on the city. The Treaty Oak and the small plot of land around it have been a city park since 1937. Some people had suggested that the tree might have been poisoned by a disgruntled city employee.

The Texas Department of Agriculture, which regulates pesticides, is helping track inventories of Velpar to determine whether some of the substance cannot be accounted for by retailers, Jones said. The names of retail buyers of Velpar are not recorded, but businesses that sell the herbicide are supposed to keep inventories, officials said.

Du Pont, which manufactures Velpar, has offered a \$10,000 reward for information leading to the conviction of anyone responsible for the poisoning, and the Texas Forestry Association has

See Treaty Oak, A7

Sympathy From A1

body we know."

That card, Mascorro said, is signed by someone named Cassey. And the inscription inside the card reads, "I love you Mister Tree and I hope you feel better very soon."

Cassey isn't the only person who hopes Mister Tree feels better very soon. Tiffany Jo Carlson, 8, a fourth-grader whose crayon artwork of the tree is attached to the front door of the nearby Treaty Oak Cafe, feels the same way.

"I was going to draw something, and on the (television) news they were talking about how the Treaty Oak was sick and stuff," Tiffany Jo explained of what inspired her to draw the tree, in green and brown. "So I just started drawing the tree, and I drew the Treaty Oak."

The drawing, accompanied by the words "Treaty Oak Get Well Soon," went up on the eatery's front door.

"One of the waitresses said we had a customer who wanted to ask a favor," recalled Charles Mayes,

the cafe's owner. "I thought, 'Oh no, another unusual food request.'"

Some of the get-well messages brought to the tree are long-winded and bizarre. A work of art done on lime-green poster paper sitting at the base of the tree Tuesday afternoon went on and on for probably 100 words, urging that the person or persons who poisoned the tree be delivered "into our crazy, mixed-up legal system," as opposed to being hanged "from your highest limb."

That card, dated June 13, included the words, "People often stink."

Some of the tree's get-well cards are short. "Treaty Oak, thank you for being there for us and sharing your shade with us," said a short note done on violet stationery, and placed at the tree's base. It was signed "Sharon & John," and dated June 17.

Regardless of the type of card, the sentiment is understood, and appreciated, by visitors to the tree.

Treaty Oak From A1

added \$1,000 to the reward.

Jones has said that those responsible could be charged with criminal mischief for causing damage in excess of \$20,000, which is a second-degree felony punishable by a maximum of 20 years in prison. Beyond any historic significance and attendant worth, the Treaty Oak's value has been estimated at more than \$47,000, using international guidelines based on a tree's age, size and type.

Giedraitis said the tree's chance of surviving the poison has diminished because two sets of leaves have been contaminated. The tree was poisoned at least three months ago, which caused a chemical burn to the spring leaves. As those leaves died and fell, the tree put out a second flush of leaves; they, too, were poisoned.

Treaty Oak has now begun a third flush, but each step depletes the tree's energy reserves. If a healthy set of leaves is not produced, the tree will exhaust its energy and die.

"It's not getting any better," Giedraitis said.

Tuesday, Giedraitis said the first signs of a third flush were found, but added, "every time it puts out a

new growth, it depletes its energy more and more.

"We're really throwing everything we've got at it now," he said.

Officials learned of the poisoning in late May and immediately dug up contaminated soil around the Treaty Oak to a depth of about 8 inches. Bacteria that break down and eat chemicals were injected into the ground, as was activated charcoal, which will attract and bind to the poison.

The soil was tested by an agriculture department laboratory, which identified the chemical as Velpar, which kills trees and plants by inhibiting photosynthesis.

Giedraitis said the first effort apparently did not get rid of all the Velpar, so today workers are going to dig holes every two feet in the small park to provide a means to put more bacteria and organic matter at the Treaty Oak's roots. The holes will be two feet deep and about three inches in diameter.

Officials have said the poisoning occurred by March, when signs of a chemical burn on grass around the tree were spotted. It was initially thought that a chemical edger had been used on the grass, and the damage was not thought to be a threat to the Treaty Oak.

Treaty Oak's poisoning spurs a 2nd reward

The Texas Forestry Association has approved a \$1,000 reward for information leading to the conviction of those responsible for the poisoning of the Treaty Oak, bringing to \$11,000 the total rewards offered in the attack on the Austin landmark.

The Treaty Oak, a 600-year-old live oak located on Baylor Street between Fifth and Sixth streets, has been battling to survive since someone poured a potent herbicide around its base several months ago.

Du Pont, which makes the chemical that was used in the poisoning, already had offered a \$10,000 reward.

The executive committee of the forestry association, a non-profit group made up of members with various interests in forestry and timber production, voted last week to offer the reward, said Mike Holloway, a spokesman for the group.

"This particularly outraged them," Holloway said of the attack on the Treaty Oak, which has received national attention.

LETTERS

Honor Treaty Oak legacy

It is a tragedy that anyone would purposefully vandalize a landmark such as Treaty Oak. The only possible, positive aspect concerning this incident is the increased awareness and support of Austin's natural resources — of which Treaty Oak stands as a celebrated and

much-recognized symbol. Whether or not the tree survives is still in question.

But why wait? Perhaps the adjacent vacant, cement-covered parking lot could be purchased by the city, an interested group or a philanthropic individual as an addition to the existing park. In the center of this newly grassed park could be a young oak, planted on the occasion and in celebration of Austin's 150th birthday — to rise (hopefully) beside Treaty Oak. If, however, the mighty oak succumbs, the new tree would carry on the tradition and provide shade and respite into Austin's next 150 years. What a lasting and significant birthday present to the capital city this could be.

TERRY 'TEX' TOLER

Austin Convention and Visitors Bureau
900 Congress, Suite 300



Special to The Inquirer / LARRY KOLVOORD

Officials say the Treaty Oak has a 50-50 chance to survive.

Texans mourn a senseless act, a withering tree

By Fawn Vrazo
Inquirer Staff Writer

AUSTIN, Texas — In a sad procession that has gone on every day for a week now, hundreds of people have been walking up to a giant live oak tree near Austin's downtown, staring at it silently for long moments and then asking themselves a troubling question that is on a lot of Texans' minds.

"Why do something to something that can't defend itself?" visiting school bus driver Thomas Taylor said Monday as he stared at the legendary, 500-year-old Treaty Oak tree, which was turning a sickly brown before his eyes.

"I can't see the reason!" said his wife, Joann Taylor. "It would be a crazy person to do something like that."

Many in the capital of Texas think that only a highly disturbed person could do what was done to the magnificent oak that is considered to be the most symbolic tree in Texas and one of the 260 most historic trees in the United States.

Potent herbicide

Sometime earlier this year, police say, a vandal snuck up to the beloved Treaty Oak at a small downtown city park and poured a potent herbicide around its base. The herbicide, Velpar, worked exactly as it should. Within weeks, the old tree's leaves started turning brown and dying. As it threw out new green leaves to save itself, they started turning brown as well.

City parks officials, who are making a heroic effort to remove the poison from around the tree's roots with activated charcoal and experimental microbes, give Treaty Oak just a 50-50 chance.

But even if it does live, said Austin's forestry director, John Giedraitis, "it will be full of dead limbs. It will have just a remnant of the grandeur that it had just two months ago."

Austin residents are furious with the vandal who poisoned the oak. "They should suspend his sentence — with a rope," said one.

During the Depression, adults and schoolchildren throughout the state raised thousands of dollars so that Austin officials could purchase the tree and a small piece of land around it to save it from development.

Today, many young couples marry in its expansive shade; its massive crown is 127 feet wide. And there is hardly an Austin native who cannot recall playing on it as a child.

"An awful lot of the Austin politicians climbed on it when they were kids," said Edward Bustin, 61, who lives across the street from the tree and rode on its low branches as a youngster, just as his parents and grandparents did before him.

Bustin is one of many who think there is no punishment good enough for the person who attacked the tree, which Giedraitis said could have healthily lived another 500 years.

"They should suspend his sentence — with a rope," Bustin said as he stood on a carpeting of dead brown leaves. "But do it on a telephone pole, not on this tree."

Austin police Sgt. John Jones theorized this week that the tree's vandal may have had a grudge against the Austin landscaping company that prunes the tree. The company prominently displays the Treaty Oak as its corporate symbol.

But Jones said police had no real leads.

Local officials and a spokeswoman at the American Forestry Association in Washington said this week that they had never before heard of such an attack on a public tree. Officials of the Wilmington-based Du Pont Co., which makes Velpar, are so upset that yesterday they offered a \$10,000 reward for information leading to the tree attacker's arrest and conviction.

'Symbol of Texas'

"We're outraged," said Du Pont's Southwestern regional spokeswoman, Pat Getter, in Houston. "We're Texans, and this tree is a symbol of Texas."

But nowhere is the tree's injury more painfully felt than in Austin itself. As many residents will explain, the Treaty Oak is more than just a beautiful tree. Centuries ago, it was part of a great live oak grove considered to be an important meeting place for the area's Indian tribes.

In the 1800s, legend has it, Texas hero Stephen F. Austin may have stood under it to sign the Anglo-Indian treaties that helped pave the way for Texas' settlement and eventual establishment as an independent nation and later a state.

"Hopefully, this \$10,000 reward will drag whatever scum is out there out of the gutter," said Giedraitis, who proposed to his wife, Cindy, under the tree's branches two years ago. Police said the culprit faces a sentence of two to 20 years in jail on a charge of criminal mischief.

Sympathy and support

Meanwhile, Austin residents by the hundreds have turned out to lend sympathy and support to the tree. There was a prayer vigil around its large trunk Thursday, and residents have left many get-well cards, balloons, ribbons, poems and flowers at its base. They have placed healing crystals and an ancient-looking Egyptian scarab in its knotholes.

On Saturday, Austin residents Sharon Fay Swedlow and John Michael Kropka will marry under the Treaty Oak's ailing branches as planned. Swedlow wept when she heard about the poisoning but decided this was no time to abandon the tree she has grown to love.

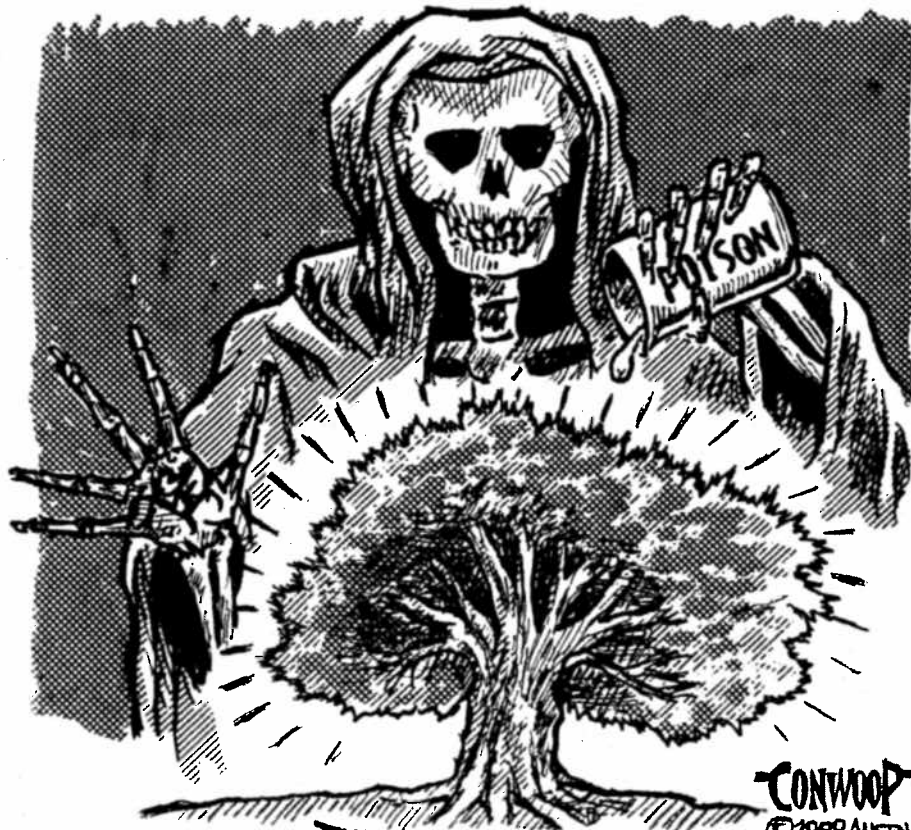
In a combination Jewish and Catholic ceremony, she and Kropka will make a symbolic walk around the tree's trunk seven times as an expression of hope and strength. Said Swedlow: "We'll do whatever it takes for the marriage and the tree."

The Austin Light

COMMENTARY

June 14 - 20, 1989

AS IF OAK WILT WASN'T BAD ENOUGH...



TREATY OAK

CONWOOD
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LIGHT



At a press conference, Sally Shipman calls Treaty Oak's poisoning 'chemical abuse in its lowest form.'

Staff photo by Mike Boroff

Reward to try to 'flush out vandals'

By Jim Phillips
American-Statesman Staff

Hoping to "flush out the vandals who did this to the Treaty Oak," representatives of Du Pont and the City of Austin gathered at the poisoned tree Tuesday to announce a \$10,000 reward for information leading to conviction of those responsible.

"We were horrified to learn last week that the chemical used was Velpar," said Ken Martin, safety coordinator at the La Porte chemical plant of E.I. du Pont de Nemours & Co., where 2 million pounds of the tree-killing chemical are produced each year.

"It is very toxic, unfortunately, to hardwoods, which is what we're dealing with," he said. "We thought we needed to do more than ... try to provide good treatment to the tree in hopes that it will survive."

"That's why we're trying to attract attention with this \$10,000 reward," Martin said.

Velpar, which has been on the

'This is not proper use of the chemical, and we're looking forward to apprehending those who have done it.'

— Ken Martin
Du Pont representative

market about 15 years, inhibits photosynthesis in many trees and weeds, but has little effect on pine trees or many other evergreens. It is often used in the regrowth of pine forests and on farms that grow Christmas trees.

"We're completely disgusted by this," Martin said. "This is not proper use of the chemical, and we're looking forward to apprehending those who have done it."

The 600-year-old live oak and the plot it stands on were purchased as a city park in 1937, with the stipulation that the Treaty Oak not be destroyed. Located on Bay-

lor Street between Fifth and Sixth Streets, the tree has been a city landmark since Stephen F. Austin first brought white settlers to Central Texas.

City Council Member Sally Shipman, at the press conference announcing the reward, called the poisoning of the Treaty Oak "a disgusting deed, chemical abuse in its lowest form, and an insult to every generation of Texan."

Officials asked that anyone with information about the poisoning call Sgt. John Jones at the Austin Police Department.

John Giedraitis, the city forester who has directed treatment of the tree, said there is no way to know if the Treaty Oak will survive.

"We have to wait and see," he said. "We've done all the treatment we can do. Now, it's really up to the tree."

Giedraitis said a formula used internationally to estimate the value of trees would give the Treaty Oak a worth of about \$47,000, which would make destruction of the tree a second-degree felony.

Austin American-Statesman

Wednesday

June 13, 1989

45 cents

Reward set for tree's poisoner

Du Pont offering
\$10,000 for leads

By Jim Phillips
American-Statesman Staff

A \$10,000 reward is being offered for information leading to the conviction of the person who poisoned the Treaty Oak, a 600-year-old Austin landmark that may not survive the attack.

Officials from the E.I. du Pont de Nemours and Co. plant in La Porte, where the chemical used on the tree is manufactured, will announce the reward at a press conference this morning.

Du Pont produces Velpar, the herbicide that was apparently poured around the base of the tree several months ago.

The site of Treaty Oak — once named the most perfect tree in North America — has been a city park since 1937. It is on Baylor Street between Fifth and Sixth streets.

Sale of Velpar is not restricted, but it is usually available only by special order, which officials said may narrow the search for whoever poisoned the live oak.

A Du Pont spokeswoman in
See Treaty Oak, A9

Treaty Oak From A1

Houston, Pat Getter, said the company is offering the reward because its product "was misused, and we're outraged."

"We're hoping the reward will help to flush out the vandals," Getter said. "A lot of people know about the tree, not just (those) in Austin. This is a state treasure."

Also Monday, a city forester who has been coordinating efforts to save the tree said Austin police are now treating the vandalism of the Treaty Oak as a felony.

John Giedraitis said city police told him that the culprits, if caught, could be charged with a second-degree felony, punishable by up to 20 years in prison, for criminal mischief causing damage in excess of \$20,000.

Giedraitis said efforts to save the Treaty Oak, which included replacing contaminated soil and injecting charcoal and bacteria into the ground, have not shown much effect. The tree already has lost its first set of leaves, but may also lose

the leaves that are now growing. If the process continues, the tree will exhaust its energy and die.

"It's not looking good right now," Giedraitis said. "We are not seeing the kind of growth that we were expecting to see. It's not improving as rapidly as we hoped."

If the tree does survive, Giedraitis said, "it's never going to be the magnificent specimen that it was just a few months ago. You're always going to be able to tell that something happened to that tree. There's going to be a lot of twigs die. Once a limb dies, it can't heal itself."

Giedraitis said the poisoning of the Treaty Oak has received national publicity, and was a topic of conversation at a meeting he attended in Florida recently.

"It's so unusual," he said, explaining the high interest. "No one has ever heard of anything like this before — the intentional, malicious vandalism of a historic tree. It's just never happened."

Aircraft carrier in Town Lake could resolve major Austin issues

Dear Oracle Kelley:

Lee Atwater, Oracle. What a piece of work is man. As one observer commented about the chairman of the Republican National Committee, "Atwater always manages to throw the gun in the river." But this, Oracle. The RNC's communications director sends out a memo, titled "Out of the Liberal Closet," which oh so coyly attempts to imply that new House Speaker Tom Foley is homosexual. Atwater, true to his instincts, first defends this piece of filth by saying it is "factually accurate," and then backs off when the president disavows it and the perpetrator resigns. Once again, an act of adolescent viciousness happens on Atwater's watch, but he manages to elude the responsibility. One is compelled to ask, as attorney Joe Welch did of Sen. Joe McCarthy those many years ago, "At long last, have you no sense of decency?" (Signed) Disgusted

Dear Disgusted:

Hey, citizen, young Lee is just a rock 'n' roll kind of guy. Still, if by some miracle, he could be the test subject for a *Consumer Reports* study on exactly which kinds of soap work best in the punk-kid mouthwashing category, Oracle would eagerly contribute to the fund.

Dear Oracle Kelley:

Guidance, please, all-knowing one. Late next month we will be asked to vote on tens of millions of dollars to build a convention center. At the same time we are about to sell some tens of millions of dollars more in bonds for a new airport. Are these, sir, imprudent measures in most difficult economic times or sound investments for a healthy civic future? I assure you that I represent thousands of voters whose convictions in these matters remain unknown to themselves. (Signed) Confused

Dear Confused:

Oracle continues to maintain that, almost certainly for fewer bucks, we could buy a decommissioned aircraft carrier, anchor it on Town Lake, and serve both needs with a single, bold stroke. Whilst airplanes took off and landed on the top deck, conventioners could revel in the nether quarters. The details of transporting this mighty ship to, and placing it on the waters of our downtown aquatic attraction, Oracle generously leaves to others, as he is primarily a broad concept man.

Mike
Kelley



Dear Oracle Kelley:

Just great, O-Guy. Another government scandal. Each day brings fresh revelations in the unfolding drama of the U.S. Department of Housing and Urban Development. Investigators say they have uncovered a nationwide pattern of embezzlement by contractors and that the cost to taxpayers will run into the millions. Somehow, I can no longer muster surprise at stories like this. (Signed) Tired

Dear Tired:

Think of it as a Paul Newman film festival. What you had thought was *HUD* just turned out to be *The Hustler*.

Dear Oracle Kelley:

Truly bizarre, Oracle, this apparent intentional poisoning of old Treaty Oak. The folks in charge now say they believe the 600-year-old oak was deliberately poisoned with a herbicide designed to kill trees. Just a real shame, is it not? (Signed) Saddened

Dear Saddened:

Oracle has tried to make plain his strong distaste for capital punishment. Were it not for that, however, the temptation for justice to be served by a traditional rope party — singing, supper on the ground — would indeed be strong.

Dear Oracle Kelley:

Here's a notion the time for which may have come, O-Boy. Sen. Lloyd Bentsen proposes experimental, low-cost federal prisons patterned after military boot camps. Sen. Bentsen's idea is to incarcerate first offenders under age 25 in barracks, and have them undergo "hard work and intense discipline." Bentsen says that U.S. prisons are practically bursting, with the system overfilled by 135,000 prisoners, and the need for additional beds growing by 800 a week. Sounds like a reasonable approach to me. What think you? (Signed) Wondering

Dear Wondering:

Oracle thinks it a fine idea, but wonders if those of us who went through boot camp voluntarily could now be allowed one free crime.