

MAY 7, 1991

Austin American-Statesman



Staff photos by Larry Kohnord

City worker Jeff Gatlin prunes limbs from Treaty Oak as crews begin removing dead branches. Only one major limb system of

the once-majestic tree could be saved. "What we've had is the poisoning of the soil in a sacred place," a tree expert said.

GRIM TRIM

Poisoned Treaty Oak loses limbs so it can continue as a living shrine

By Jim Phillips
American-Statesman Staff

To the background buzz of chain saws slicing dead limbs, those who tried to save Treaty Oak and those who will try to make fitting use of the brittle wood gathered Monday under the once-majestic tree to watch as some of nature's best work was destroyed.

Hundreds of limbs were cut off and gently lowered to the ground, where they were sealed with liquid paraffin, measured, marked, inventoried and stacked.

Almost two years after the deliberate poisoning of the landmark live oak was discovered, the grim work that had been anticipated for several months was almost completed by afternoon.

Unprecedented efforts to treat the tree, eliminate or counteract the poison and pamper the struggling limbs had resulted in the saving of one major limb system, which is expected to live indefinitely. The remainder is dead, killed by the herbicide Velpar in what was believed to be an occult ritual performed by a man now serving a nine-year prison sentence.

"Well, we've done the best we could," said Tom Perry, a North Carolina State University tree expert who was called in by Dallas billionaire H. Ross Perot to try to save Treaty Oak.

"We hauled the poisoned soil away, we tried to water it with sprinklers . . . people have tried all their different kinds of

See Treaty, A8



Eric Nielsen, 6, and his mother, Lisa, watch city crews remove dead wood from Treaty Oak.

Treaty Oak loses its poisoned branches

Tuesday, May 7, 1991

Austin American-Statesman

A6

Continued from A1

folk medicine, including crystals," Perry said. "And, we've been partly successful. The tree undoubtedly would be dead if we'd done nothing. But, we had one awful dose of poison in a small area that was sufficient for hundreds of trees."

Asked how he felt watching the work, Perry replied: "Pensive."

"What we've had is the poisoning of the soil in a sacred place. We've had to go out and rob another ecosystem to replace that soil. Hopefully, this will remain a place that is treasured by the people of Texas."

Thousands of people have visited or written to the tree since the poisoning became worldwide news in 1989. As recently as last month, people were still hanging notes on the wire that surrounds Treaty Oak.

"Dear Treaty," a note from April 13 begins, "We drove all the way from Houston, and since you look so sad I thought I'd blow you a get-well kiss." There follows a colored imprint of a person's lips.

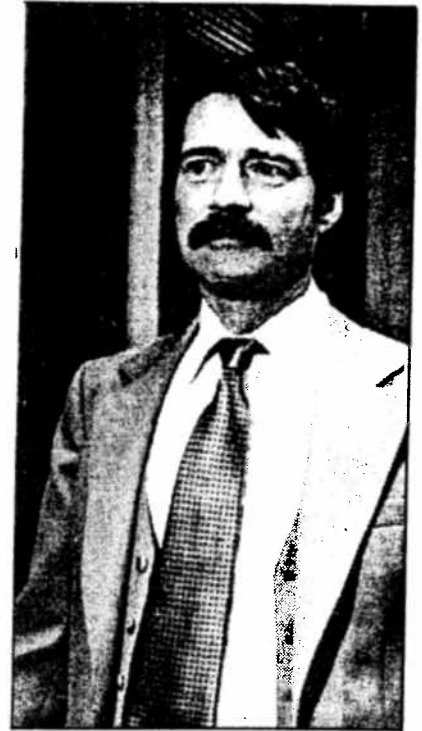
"It's a very interesting commentary on humanity in the 1990s, the things that have gone on here," Perry said. He recounted the story that Paul Stedman Cullen killed the tree in part to rid himself of love for a woman, and said, "That sounds pretty wild in itself, but then you have people bringing chicken soup and quartz crystals."

"I even feel sorry for the poor devil that is in jail for this," Cullen was sentenced to nine years in prison. He was denied parole in March.

Everyone involved in the saga "did the best that they knew how. They were all worshipping trees, even the guy that poisoned it," Perry said.

"They recognized that we're destroying the habitat that we live in, and the destruction of this tree is symbolic of the loss of that habitat, and that scares them. Our lives really depend on keeping places like that."

Recalling that the plot of land that contains Treaty Oak was purchased as a park by the city in 1937 after a statewide fund-raising effort, Perry said, "One of the outcomes of this event is that people will try to emulate the people of the 1930s and save pieces of land that are precious, rather than drill a bunch of little holes down Con-



Staff file photo

Paul Stedman Cullen is serving a nine-year prison sentence for poisoning Treaty Oak with herbicide.

gress Avenue" for new trees that Perry does not think will survive.

Representatives of Texas Kiln Products, a Smithville business that will dry the larger pieces of Treaty Oak, watched the project and gave advice on where to cut the limbs, as did James Poppell, a Belton artist who works with wood.

"I'd like to turn a real nice piece of this, something that would go back to the history of it, like an Indian pottery shape," Poppell said.

"As an artist, I see the tree differently than the guys from the sawmill. I'm looking for unique features of the tree. I can read the inner grain by looking at the bark."

Poppell said he is keeping his eye on one limb that has a 90-degree bend in it, which would normally be cut in the middle of the bend to get the most wood out of it.

"As an artist, I'd cut it on either side to try to save that strong 90-degree grain, and try to feature that" in a sculpture.

"I want to show people that it's not the end of Treaty Oak, it's beginning a new life. Hopefully, there will be some pieces around for future generations to see."

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Lower bond sought for Treaty Oak suspect

The attorney for the man indicted in the poisoning of the historic Treaty Oak filed a motion in district court Wednesday asking that bail for his client be reduced from \$20,000 to \$5,000. Dallas attorney Richard C. Jenkins said the original bail set when Paul Stedman Cullen, 45, who was arrested June 29, was excessive. Cullen is charged with felony criminal mischief. A hearing for the bond reduction is scheduled Sept. 22 before State District Judge Bob Perkins.

LETTERS**Maximum under law**

I was disgusted to read your editorial Aug. 21 regarding the punishment of the man responsible for killing the Treaty Oak. Sure, if the incarcerated man is not the one who killed the tree, he should indeed be set free. However, if he is the one who committed this heinous offense, he should receive the maximum sentence allowed by law. These are the kind of crimes for which maximum sentences are reserved.

You attempt to garner sympathy from

your readers by stating the individual responsible is a human being with an emotional problem, and that treatment is more appropriate than a long prison term. You tell your readers not to lose sight that the tree is not a human life. By these remarks, you indicate that we should place greater importance on the life of this individual than on the tree itself. Hogwash.

I say the life of this individual is not worthy of rehabilitative opportunities.

DAVID CHEVERERE
6603 Shoal Creek Blvd.

CITY & STATE

Tuesday, August 29, 1989 Austin American-Statesman



At least five months after it was poisoned with a herbicide, Treaty Oak remains a favorite stop for passers-by. Experts are now taking cuttings of the

tree so that 'If and when the Treaty Oak dies, there will be a progeny, a genetically identical clone,' says city forester John Giedraitis.

Staff photo by Ralph Barrera

City clips Treaty Oak to foster offspring

By Jim Phillips
American-Statesman Staff

Cuttings of Treaty Oak will be taken today in hopes they may be nurtured into offspring that will live on regardless of whether the centuries-old tree dies from herbicide poisoning.

Austin city forester John Giedraitis said the cuttings are being taken so that "if and when the Treaty Oak dies, there will be a progeny, a genetically identical clone."

"We are going to try to start 10 or 15 or 20 new Treaty Oaks," he said.

The live oak was poisoned with the herbicide Velpar at least five months ago and has been struggling to survive by repeatedly casting off dead leaves and generating new flushes of leaves. The tree began putting out its fifth set a few days ago, but Giedraitis said it probably would be next spring before the fate of the tree is known.

Paul Stedman Cullen, 45, of Elroy, has been charged with criminal mischief, accused of poisoning the tree as part of what police said was a ritual. Cullen has a hearing on the charges Sept. 5.

A tree developed from a cutting

of Treaty Oak would be different from a sapling grown from an acorn of the tree, Giedraitis said, because acorns have other genetic characteristics resulting from cross-pollination.

Regardless of whether Treaty Oak survives the attack, "the tree is not going to be what it was," Giedraitis said. "It's lost too many twigs for that. It's not going to be as thick. It's not going to be as dense."

Experts had said Treaty Oak could probably put out up to five sets of leaves before it expended its energy reserves and died. However,

it now appears possible that if the new set of leaves dies, the tree could produce a sixth flush or could lie dormant until spring.

"We're kind of in uncharted territory," Giedraitis said.

Saltwater was injected into the tree last month to try to flush out the herbicide. The treatment succeeded in forcing Velpar out of the trunk and into the leaves, but it may not save Treaty Oak, Giedraitis said.

"It did what we thought it would do, but we don't know if it did enough," he said. "Our treatment program is pretty much finished now."

LETTERS

Odd sentence

Isn't it ironic or absolutely ludicrous that if you poison a tree you can be sentenced to jail for at least a year and maybe ten along with murderers and rapists and, well, just any type of humanity that destroys human dignity? No wonder our jails are crowded. Rather, along with a stiff fine, why not put the guilty person to work in a nursery or with a forest ranger so that he can observe the beauty of trees, the good they do for the environment and the pleasure they give people. But jail? Maybe someone should read him the poem by Joyce Kilmer, *Trees*. He could pass his days in jail by writing it 5,000 times.

LOIS MINER
12203 Wallingstone Drive

POSTMARKS

Treaty Oak Not Dead Yet

Dear Louis Black,

As a local arborist who helped care for the Treaty Oak, I wish to offer some additional information to the viewpoint presented by Stephen Redding. I met Stephen on about the fourth day of his visit, and although I was deeply moved by his commitment to the tree, I wish to point out that a lot of what he said is NOT true.

First there are the small facts such as that city crews were raking away fallen leaves long before his arrival; and that the wounds created during the injection process, which I assisted with, were FAR less extensive than the "over 100 holes" he incorrectly claims. Just go count them.

As for the author's assertion that Redding was "the only arborist attending the tree during his time here" this is total bullshit. There were quite a few, from all over the U.S., including the city's forester, John Giedraitis, who attended to the tree with grave concern, long before Stephen's arrival. The problem here is the very narrow definition of the title "arborist" that the author accepts. To say that an arborist "is a person who goes into a tree and does the work" is like saying someone who cleans teeth is a dentist. There is obviously so much more to seeing a tree "as a complete being" as Redding puts it (if that's at all possible), although this is undeniably an essential skill. As for Stephen's membership in ISA and NAA, anyone can become a member of either of these organizations simply by paying the annual dues. This is a complaint of many local arborists I know (even though we are members also, as were most who tended the tree). Too many NON-QUALIFIED people use their membership in these organizations as proof of qualification. I am not implying that Stephen is one of these people, just that his membership doesn't qualify him as or for anything, let alone make him an expert.

Finally, THE TREATY OAK IS NOT DEAD. I say that as long as a considerable number of green leaves remain there is still hope. Perhaps Stephen was willing to give up hope so quickly because he had vowed to "stay in Austin until the tree died" (a rather negative view from the start, don't you think?). I bear Stephen no ill will. Near the end of his visit I was one of his sole supporters. But I resent his FALSE accusations that he was the only arborist who attended the tree while he was here; that the tree died in part due to "stress caused by ill-informed... treatments"; and that those who treated the tree were "inept scientists who had no respect for the tree at all." And I wish the *Chronicle* would do those of us who sweated and fretted over this tree JUST AS MUCH as Stephen, the justice of a more accurate account of what we did to try to save it.

Guy LeBlanc

Owner — Arbor Vitae Tree Care

Death of Ancient Trees Leaves a Big Hole for Humans

By JOY ASCHENBACH

National Geographic
Whether it's the historic Treaty Oak in its own park in Austin, Texas, or the beloved middle oak in Kathleen Partridge's front yard in Washington, D.C., dying trees take their toll in more than lost leaves, limbs and wood.

"Those three oaks have been my life. Don't make me cry," says Mrs. Partridge, proudly showing off the towering trees she has nurtured for almost 40 years.

The two oaks at either end of the yard still soar nearly 100 feet. One is more than 200 years old. "Think of it," she says.

A brutal summer storm, accompanied by lightning and rare downbursts of wind, took the top out of the middle oak. All that's left is part of the ramrod-straight trunk and two lonely limbs poking skyward.

"This is the tree I'd come out and hug," she says, putting her arms around it, wishing she could give it some of the strength for survival that it had given her during stressful times.

Years ago, as the mother of four young children, "I'd come out on a moonlit night and lean up against this tree," she says. "I'd draw my strength from it."

Now some say it's ugly and should be chopped down. "Would you give away a child because it's ugly?" Mrs. Partridge asks. "You'd love it anyway." She prays the deformed oak will live.

An estimated 3,000 trees died in the Washington area in the June storm; the region's greatest tree devastation in decades. Some older neighborhoods were hit hardest. The average tree was 80 years old, but some were as old as the capital city itself, about 200 years.

"Urban trees have a tough environment in which to survive," says Willard R. Tikkala of the American Forestry Association. Besides the overall stress of population and pollution, tree roots are often whacked off on one side for sidewalks, curbs, streets or landscaping designs.

Big trees growing in small places are like pot-bound plants. Their roots can't always stabilize them. Even some of the tallest trees have relatively shallow roots. The situation was complicated in this storm by months of above-average rainfall, which had softened the soil.

"Trees standing in wet soil," the Forestry Association's Gary A. Moll told National Geographic, "are like you standing on a bog, trying to keep your balance with the ground moving under you. Trees can lose their ability to hold on."

In nearby Bethesda, Md., eight big oaks and maples in Frances Marsh's yard couldn't hold on. They toppled every which way, in front yard and back, miraculously missing the house.

"When I opened the front door afterward, I was in a state of shock. I couldn't move," Mrs. Marsh says. "I'd

never seen such devastation. It was something I just couldn't comprehend.

"It was the most depressing thing in the world. I hadn't felt that way since my husband died nine years ago. I grieved for those trees for a week."

Two months later, she still mourns them. Because of its majestic trees, especially the oaks, she and her husband chose this one-acre lot on a countrylike road as the site for their house in 1953.

When the road became a

thoroughfare, the front trees shielded the house from traffic. It's naked now. For the first time, Mrs. Marsh says, there's trouble with glare. "The trees formed a lovely bower of shade."

Every year millions of trees

are victims of windstorms, ice storms, hurricanes, tornadoes, floods, fires, droughts, diseases and developers.

Why would anyone "murder" a tree? In Austin, potentially lethal doses of poison were poured around the city's

400-year-old Treaty Oak. A drifter has been arrested for the unique crime.

The venerated tree, legendary site of an Indian treaty-signing, is on life-support systems. Fresh earth has replaced the contaminated

soil, a neutralizing agent has been injected into burlap bandages protect less limbs, and sprinklers trucked in from west large screen shields of sun.



OLD FRIEND — Big trees, like this one in rural West Virginia, are the stuff of happy memories. —(National Geographic Photo)

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soil, a neutralizing agent has been injected into the roots, burlap bandages protect leafless limbs, and sprinklers cool the surface with spring water trucked in from west Texas. A large screen shields out the hot sun.



OLD FRIEND — Big trees, like this one in rural West Virginia, are the stuff of happy memories. —(National Geographic Photo)

• FEATURES •



A tree tragedy

By LISA BELKIN

This is a murder mystery. The victim is a tree.

Not just any tree, but a 500-year-old live oak in Austin, Texas, 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 Stephen F. Austin made peace with the Indians in its shade. That is why it is called the Treaty Oak.

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.

Ever since the damage was first noticed in May, 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. This one was minding its own business."

The tree 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 has been this way since Memorial Day, when the city Parks Department received a call saying that the tree was

Children visit the Treaty Oak in Austin, Texas

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.

When he released the test results, Max Woodfin, spokesman for that department, said the choice of Velpar could only have been made by a canny killer.

"Why would anyone want to kill a tree?" asked Sally Shipman, Austin's mayor pro tem.

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.

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 rhododendrums, why shouldn't it work with a tree?"

*Treaty Oak**Get Well
Soon!*

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August 16, 1989

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Austin American-

Treaty Oak suspect is indicted

By Berta Delgado
American-Statesman Staff

A Travis County grand jury Tuesday indicted Paul Stedman Cullen in the poisoning of the historic Treaty Oak, more than two weeks after it received the case, which has garnered national attention.

The indictment charges Cullen, 45, of Elroy with felony criminal mischief, causing damage in excess of \$20,000. If convicted, Cullen faces a sentence of two to 20 years in prison and a \$10,000 fine for the second-degree felony.

The indictment also alleges that Cullen was convicted of burglary in Travis County in December 1986, which could result in a stiffer sentence of life in prison.

Assistant District Attorney Kent Anschutz, the lead prosecutor in the case, said the inclusion in the indictment of Cullen's previous conviction enhances the crime to a first-degree felony.

Anschutz and LaRu Woody, another prosecutor in the case, said the life sentence is not unusual because other property crimes also rise to the level of first-degree felony when enhanced.

"People will obviously have their own opinion as to whether it (sentence) is right or wrong, but that's what the law provides for," Anschutz said.

Cullen's attorney, Richard C. Jenkins, of Dallas, declined comment Tuesday.

Cullen, who was arrested June 29, has been held in Travis County Jail in lieu of \$20,000 bail. Jenkins had said last week that he might ask for the bond to be reduced once the case was assigned to a permanent court.

Anschutz said the district attorney's office usually opposes bond reductions and expects to do so in this case if the need arises.

Asked if he believed Cullen was a danger to society, Anschutz said, "He's proved himself to be a danger to the community, or to certain venerated objects in the community."

The indictment alleges that Cullen "in-
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Statesman



Because of a past conviction, Paul Stedman Cullen could receive a life sentence if convicted.

tentionally and knowingly damaged" the tree at 507 Baylor St., by applying the herbicide Velpar on or before the first day of March.

The grand jury, which meets twice a week, had examined evidence in the case for two weeks before reaching a decision Tuesday. Though grand juries normally don't take long to decide vandalism cases, prosecutors said the length of time was expected in this case.

"In any kind of case as important as this is to the community, it just takes time," Anschutz said.

Cullen allegedly applied the herbicide to the tree while performing a ritual intended to protect a woman from a man. Sources have said a rivalry between Cullen and another man over the woman may have been the motivation behind the spell.

A confidential informant told police that he and Cullen had once driven through West Austin looking for a live oak tree on which to

apply the herbicide.

The informant also said in the affidavit that Cullen admitted in a tape recording that he poisoned the tree. According to the affidavit, Sgt. John Jones, the lead investigator in the case, has heard the recording.

Teams of experts have tried various treatments and spent more than \$50,000 attempting to save the tree since the potentially lethal amounts of Velpar were discovered in early June. But Treaty Oak has already lost four sets of leaves to the poison, and specialists say they may not know until next spring whether the centuries-old tree will survive.

Because of the media attention given the case, Jenkins had said he planned to file for a change of venue.

But Anschutz said he believes Travis County, "known for fair juries," is capable of having as fair a trial as any place in the state.

A9

Austin American-Statesman

Wednesday, August 16, 1989

Treaty Oak From A1

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American-Statesman Staff

A Travis County grand jury Tuesday indicted Paul Stedman Cullen in the poisoning of the historic Treaty Oak, more than two weeks after it received the cage, which has garnered national attention.

The indictment charges Cullen, 45, of Elroy with felony criminal mischief, causing damage in excess of \$20,000. If convicted, Cullen faces a sentence of two to 20 years in prison and a \$10,000 fine for the second-degree felony.

The indictment also alleges that Cullen was convicted of burglary in Travis County in December 1986, which could result in a stiffer sentence of life in prison.

Assistant District Attorney Kent Anschutz, the lead prosecutor in the case, said the inclusion in the indictment of Cullen's previous conviction enhances the crime to a first-degree felony.

Anschutz and LaRu Woody, another prosecutor in the case, said the life sentence is not unusual because other property crimes also rise to the level of first-degree felony when enhanced.

"People will obviously have their own opinion as to whether it (sentence) is right or wrong, but that's what the law provides for," Anschutz said.

Cullen's attorney, Richard C. Jenkins, of Dallas, declined comment Tuesday.

Cullen, who was arrested June 29, has been held in Travis County Jail in lieu of \$20,000 bail. Jenkins had said last week that he might ask for the bond to be reduced once the case was assigned to a permanent court.

Anschutz said the district attorney's office usually opposes bond reductions and expects to do so in this case if the need arises.

Asked if he believed Cullen was a danger to society, Anschutz said, "He's proved himself to be a danger to the community, or to certain venerated objects in the community."

The indictment alleges that Cullen "in-
See Treaty Oak, A9

Statesman



Because of a past conviction, Paul Stedman Cullen could receive a life sentence if convicted.

apply the herbicide.

The informant also said in the affidavit that Cullen admitted in a tape recording that he poisoned the tree. According to the affidavit, Sgt. John Jones, the lead investigator in the case, has heard the recording.

Teams of experts have tried various treatments and spent more than \$50,000 attempting to save the tree since the potentially lethal amounts of Velpar were discovered in early June. But Treaty Oak has already lost four sets of leaves to the poison, and specialists say they may not know until next spring whether the centuries-old tree will survive.

Because of the media attention given the case, Jenkins had said he planned to file for a change of venue.

But Anschutz said he believes Travis County, "known for fair juries," is capable of having as fair a trial as any place in the state.

A confidential informant told police that he and Cullen had once driven through West Austin looking for a live oak tree on which to

intentionally and knowingly damaged" the tree, at 507 Baylor St., by applying the herbicide Velpar on or before the first day of March.

The grand jury, which meets twice a week, had examined evidence in the case for two weeks before reaching a decision Tuesday. Though grand juries normally don't take long to decide vandalism cases, prosecutors said the length of time was expected in this case.

"In any kind of case as important as this is to the community, it just takes time," Anschutz said.

Cullen allegedly applied the herbicide to the tree while performing a ritual intended to protect a woman from a man. Sources have said a rivalry between Cullen and another man over the woman may have been the motivation behind the spell.

Treaty Oak From A1

A9

Austin American-Statesman

Wednesday, August 16, 1989



AP

Power of positive thinking

A group of Texas psychics gathers around the Treaty Oak Monday to 'release negative energy' and administer a little spiritual medicine to the chemically poisoned tree.



AP

Power of positive thinking

A group of Texas psychics gathers around the Treaty Oak Monday to 'release negative energy' and administer a little spiritual medicine to the chemically poisoned tree.

CITY & STATE

Sunday, August 13, 1989 Austin American-Statesman

INSIDE

Deaths, B5,6



Treaty Oak case investigators confident Grand jury decision on suspect expected this week

By Berta Delgado
American-Statesman Staff

Six weeks have passed since the man suspected in the herbicidal poisoning of the Treaty Oak was arrested, but investigators say they have a solid case and they expect grand jury action this week.

"Unusual crimes require unusual investigative techniques, and it's a time-consuming process," said Austin police Sgt. John Jones, lead investigator in the case. "Because it's unusual, you can't take anything for granted."

Jones said his investigative report is 60 pages long because of the unique circumstances in the case.

The man accused in the poisoning, Paul Stedman Cullen, 45, has been jailed since his arrest, unable to post \$20,000 bail set after he was charged with felony criminal mischief June 29.

The grand jury — which meets twice a week — has

been examining evidence since receiving the case two weeks ago, and Assistant Travis County District Attorney Kent Anschutz said he is confident jurors will reach a decision this week.

An examining trial in the case has been set for Wednesday to determine whether prosecutors have enough evidence to continue holding Cullen until trial or whether he should be set free.

Because examining trials are public and grand jury proceedings are secret, prosecutors typically press for a quick grand jury decision to preclude the need for an examining trial. A grand jury indictment allows a defendant to be held until trial without forcing prosecutors to reveal their evidence in public before the case goes to trial.

The length of the grand jury's deliberations, which is unusual for a typical vandalism case, has raised some questions about the strength of the state's case against Cullen, who is accused of poisoning Treaty Oak with the herbicide Velpar.

The strongest evidence, detailed in an affidavit, may be a statement from a confidential informant who told police that he and Cullen had once driven through West Austin searching for a live oak tree on which to apply Velpar.

That informant and several others who reportedly have contacted police about Cullen, stand to receive as much as \$11,000 in reward money if their information leads to a conviction in the case — something which could cast doubt on their motives for coming forward.

Police allege that Cullen poisoned Treaty Oak as part of a ritual that included placing a "magic circle" next to the trunk. Sources have said the ritual may have stemmed from a rivalry between Cullen and another man over a woman and that the spell was intended to "protect" that woman from the other man.

Last week, prosecutors attempted to get information from Austin-Travis County Mental Health-Mental Retardation Center, where Cullen underwent outpatient treatment for heroin abuse from August

See Treaty Oak, B7



Sunday, August 13, 1989

Austin American-Statesman

B7

Treaty Oak From B1

1988 to June 1989, according to court records.

Although U.S. Magistrate Stephen H. Capelle ruled those records are confidential and cannot be subpoenaed by prosecutors, the judge allowed an MHMR employee to testify last Thursday before the grand jury. The employee, drug and alcohol abuse counselor Suzanne Coers, was limited to answering questions that did not pertain to the confidential information, according to Richel Rivers, an attorney for MHMR.

Richard C. Jenkins, Cullen's attorney, has said that if his client is indicted, he may seek to move the trial out of Travis County because he does not believe a fair trial is possible in Austin.

"I'm not pleased that there appears to be doubt in Austin as to whether or not he is innocent before he is pronounced guilty," Jenkins said last week.

Cullen could face up to 20 years in prison and a \$10,000 fine if convicted. But because Cullen has been imprisoned twice on burglary convictions, prosecutors could attempt to increase the maximum punishment to life in prison, under the state's habitual criminal laws.

Jenkins also has criticized the \$20,000 bail set for his client, an amount more typical of cases of violent crimes against people.

Jenkins said he has not asked the judge to reduce the amount of Cullen's bail because his client probably couldn't afford to post even \$5,000 bail, an amount more typical in criminal mischief cases. At the time of his arrest, Cullen was living in a truck parked on the farm of an Elroy couple for whom he did odd jobs.

In early June, potentially lethal amounts of Velpar were found in the soil around the centuries-old landmark tree on Baylor Street between Fifth and Sixth

streets. Tree experts have said they probably won't know until next spring whether Treaty Oak will survive.

The poisoning has drawn national attention and generated an outpouring of support for the tree among Austin residents, many of whom regard Treaty Oak as a symbol of the city's commitment to protecting the environment.

Hundreds of people, many bearing gifts and poems, have visited the tree since the poisoning was discovered. Dallas billionaire H. Ross Perot pledged to donate money to help save the tree, and more than \$50,000 has been spent for specialists to examine and treat the tree.

Some residents have called police to suggest that the person responsible for the poisoning be hanged from the tree or be forced to drink the deadly herbicide.

However, several county employees who have worked in the judicial system for many years said last week they believe the attention, and money, paid to help the tree has been blown out of proportion.

"We're all sorry that it happened, but come on, the tree has had 600 good years," said one county employee, who asked that her name not be used. "I wish some kids in this world could live to see just six years. I don't see Ross Perot using his money trying to help a 5- or 6-year-old child to live longer."

Another county employee said it is difficult for him to understand the "hoopla" over the tree when there are violent crimes being committed against people every day.

"Look at all the suffering among humanity," he said. "That tree's suffering doesn't compare."



Staff file photo
Paul Stedman Cullen, left, has been jailed since June 29 as a suspect in the tree's poisoning.

SATURDAY

Bryan - College Station

Eagle

AUGUST 12, 1989

25 CENTS

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SCORELINE: 776-LINE



Eagle eye

Treaty Oak is losing its fourth set of leaves

AUSTIN — The historic Treaty Oak may have lost another round in its battle against a poisoning attack, but officials said it is too early to count the tree out.

In a setback for the centuries-old live oak, officials said it appears the tree's latest set of leaves — its fourth — will soon die.

Recent test results show the leaves, roots and bark of the tree still contain lethal doses of the chemical Velpar, despite attempts to force the poison out, said Warren Struss, a city forestry official.

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

"With the tremendous amount of stored energy it has, we're hoping that probably be next spring until we know anything for sure, whether or not it will live."

Treaty Oak's newest leaves about to die

Associated Press

AUSTIN — The historic Treaty Oak may have lost another round in its battle against a poisoning attack, but officials said it is too early to count the tree out.

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Recent test results show the leaves, roots and bark of the tree still contain lethal doses of the chemical Velpar, despite attempts to force the poison out, said Warren Struss, a city forestry official.

"It doesn't sound good, but we haven't given up yet," he said. The tree has dropped three sets of leaves since the herbicide was poured around its base.

"Some people have said this tree is dead. Treaty Oak is not dead. It's far from dead," Mr. Struss told the *Austin American-Statesman*. "In fact, we are still optimistic it can pull through this."

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

"With the tremendous amount of stored energy it has, we're hoping that it just might be able to outlast the Velpar," Mr. Struss said. "But it will probably be next spring until we know anything for sure, whether or not it will live."

More than \$50,000 has been spent on treatments to save the tree, which officials said was

Please see TREATY on Page 35A.

Treaty Oak about to drop newest leaves, experts say

Continued from Page 33A.

poisoned about four months ago. Dallas billionaire Ross Perot has agreed to pick up much of the tab.

Paul Stedman Cullen, 45, of Elroy

has been charged with felony criminal mischief in connection with the poisoning. He remains in Travis County Jail in lieu of \$20,000 bail.

Two weeks ago, in what was described as a last-ditch effort to save the oak, workers injected it with 35

gallons of saltwater solution in an attempt to neutralize the Velpar.

Tom Boggus of the Texas Forest Service, which occasionally uses Velpar to kill undesirable trees in state forests, said it is premature to pronounce the Treaty Oak dead.

Deadwood

I find it hard to believe that a stack of deadwood (Treaty Oak) would find it's way to the front page of a major newspaper. I suggest the city use the incident to their advantage. I'm sure that there are plenty of people who would get rid of the thing for the firewood or better yet have some entrepreneur market pieces as souvenirs.

JAMES HEIMANN
12505 Brandywine Court

AN INTERVIEW WITH BATMAN SCRIPTWRITER WARREN SKAAREN

JOHN T. DAVIS PROFILES JO CAROL PIERCE

★ THE AUSTIN ★

CHRONICLE

AUSTIN'S TREATY OAK IS DEAD.

BY CHARLES L. DEWS

So says Pennsylvania arborist Stephen Redding, who saw the great tree's spirit leave like blue steam from a cup of coffee on Tuesday, July 25, 1989, at 5:20 p.m.

Continued on p. 8



AUSTIN'S ENVIRONMENT: THE BIG PICTURE

BY HUGH FORREST

The apparent death of the Treaty Oak is a tragedy of profound significance. But a far greater tragedy occurs when the demise of this 600-year-old tree is viewed as a largely isolated event. Instead of generating a newfound appreciation of the fragility of the area's natural resources and the number of threats these re-

sources face for survival, the Treaty Oak has become a circus attraction unto itself. As such, it is but one more character in the ostensibly unrelated progression of local (and global) environmental problems that beg for our attention.

**DARYL SLUSHER TALKS
TO MAYOR LEE COOKE**
JAZZ, ETC • GROOVES IN ORBIT
RESTAURANT REVIEWS & MORE

That is not to say that the attention focused on the poisoning of Treaty Oak is not understandable. As much as any single entity in the city, the tree served as a bridge between the past and the future — a pillar of stability that had endured the successes and failures, the booms and busts of countless generations of Central Texans, while itself remaining steady and unchanged throughout. Moreover, Treaty Oak gained widespread attention because of the nature of the crime against it. The imagery

Continued on p. 8

lection of specialists who gathered to try to help the tree should be "corrected, not punished."

"And the poor soul who did this awful thing is a sinner. But there are really two sinners here. DuPont [Velpar's maker] is the other. The Treaty Oak tragedy offers us a window — so we can see what we're doing to our Earth. Just how much clearer can it be? We are killing our planet. And it just takes one nut to dump gallons of Velpar, or something like it or much worse, into our water supply."

As I sat in Redding's Crest Hotel room listening to his soft voice and watching his bright eyes, I couldn't help but wonder who the real flake is. Is it the guy who wants to save the tree and the planet from certain death? Or are the real flakes those who want to keep making money from producing the chemicals with which the planet's death is made possible, even, perhaps, probable? We need all the flaky Stephen Reddings we can get.

(Dews, cont. from cover)

Redding says the tree gave up the ghost after being punctured by over 100 painful 5/16" holes that city forester John Giedraitis and several other "experts" used to inject a saltwater solution into the ailing tree to try to rid it of the herbicide Velpar. Redding, who described himself as a "beat, frustrated, and exhausted man" after spending seven days and nights camping out in the tiny park that surrounds the oak tree, says that the combination of the Velpar and the stress caused by ill-informed but well-intentioned treatments was enough to kill the centuries-old celebrity.

Giedraitis and the other experts deny that the tree is any deadlier than it was the first day they discovered it had been poisoned with the herbicide. "The tree still has huge amounts of poison in it," according to the city forester. Velpar is an extremely toxic substance used to kill mesquites and other unwanted hardwoods. Redding says that one drop of the stuff is enough to kill a human. Velpar is made by DuPont. One of the major problems with the city's treatments has been that city crews failed to remove the fallen leaves from around the tree soon enough. Redding says that the leaves, full of Velpar, lose their protective cuticle when they die and fall on the ground. As they are showered by the water that is being piped up into the tree's branches, "after two days, 90% of the Velpar would have leached out — back into the soil around the tree, where the process begins all over again."

And that's just the beginning of what went wrong with the treatments, says Redding. Instead of dripping the water down the branches and trunk, a light mist of water should have been applied to the tree's canopy. H. Ross Perot's impressive sunshade that screens off the giant tree on three sides from the sun's intensity wasn't enough, according to Redding.

"The screen should have been over the top of the tree. At midday the ultraviolet rays are the most intense. The topmost branches should have been covered with some sort of protective cloth early in the process." Now, four months after the deed was discovered, there are coverings on the upper branches.

Redding's bright face darkened noticeably as he pointed out that the worst indignity the tree had to suffer was the application of sludge from the Austin waste treatment plant. "I guess they used the sludge to try to hype the commercial use of the stuff. I can't believe it — people are picnicking [along Town Lake where sludge has been applied to the grass] in sewage." Sludge contains traces of all the household chemicals that get washed from our houses down the drain to the treatment plant. Redding introduced two healthy earthworms into the sludge and within six hours they were dead.



Treaty Oak with sunscreens

"I regret that I didn't come right away," Redding said near the end of his stay. "Had I, this b.s. wouldn't have taken place." Redding wasn't invited to Austin, and he wasn't paid by the city, yet he spent a week here in late July with the tree. His way was paid by several Quakers from the Richland Meeting at Quakertown, Pennsylvania, where he is an attender. Despite his ability to talk tree health in terms any "scientist" would understand, and despite his certification by the International Society of Arboriculture and the National Arborists Association (he was the only arborist attending the tree during his time here), the experts more or less wrote him off from the beginning.

POLITICS

An arborist, says Redding, is "a person who goes into a tree and does the work. You have to be able to see the tree as a complete being." Three days before he got here, Redding began a water fast. "I put in a teaspoon of maple syrup, too. I do it to sensitize myself to the tree, to break down the lines between life-forms. I merge with the life-force of the tree. That way I can become aware of the suffering of the tree. I spent seven days and nights with

Treaty Oak. It was suffering unbelievably. Those experts had no respect for the tree at all. They didn't understand it and they didn't appreciate it. When a tree is troubled — and this one was deeply troubled — you have to spend time with it." This is where Redding gets into trouble with the experts.

"I tried to get the parks people to right the wrongs they had made, but there was a general sense of confusion at the tree. They were looking for a million dollar cure — the golden bullet the doctors like to talk about — but they were overlooking the sensitivity of the tree." Other sources, people who have been closely monitoring the progress of the treatments, said there were just "too many chefs in the kitchen." One woman says she overheard Giedraitis, the urban forester, say, "We just don't know what we're doing. We'd be better off if we went back to the office to find out what the standard procedures are."

"They didn't," says Redding. "I am charging these scientists with ineptness. They didn't intend to create this mess, but their ineptness was causal."

But then, "Stephen Redding is a flake. He moved into the park around Treaty Oak. He slept there for a week in spite of the park curfew law. People saw him urinating in the bushes. He's crazy! He makes me sick!" This is a composite statement cadged from a number of sources in and around City Hall. Redding

appeared in front of the City Council, at the invitation of Mayor Cooke. He asked Austin "to declare itself the first herbicide-free city on the American continent." No wonder he made someone sick. Redding was allowed to stay at the tree just as long as he stayed away from the press. "The rent was good at Treaty Oak," he says.

When he made noises about telling the press what was really going on, he got "threats from the hierarchy — of arrest or whatever." But Redding is not new to threats. He can walk only with the aid of a walker. In 1987, he had a "mysterious accident on a dark night at a lonely highway intersection."

Redding is no stranger to jail, either. In 1986, he was jailed after participating in a demonstration against a Delaware River water diversion project that would have eradicated a grove of centuries-old white oaks to make room for a pumping station. Redding was incarcerated because he refused to renounce trespassing. While behind bars, he went on a hunger strike — subsisting only on water and a daily spoonful of maple syrup — saying he would not eat unless the trees were preserved. After 53 days, he won; so did the trees. But he is loathe to take the focus off the plants and trees and put it on himself. "I am a voice for the trees."

"A tree very much suffers when it is cut," he says. "That is why at Happy Tree, Pennsylvania [his home], we never cut down a tree unless it is structurally dangerous. We have more birds, more bugs, more life per square foot than probably anywhere else."

"Forests are our modern day Noah's Ark. They are that necessary to the circle of life. A tree is a living being, a most beautiful illustration of life in its giving innocence. A tree takes from the Earth, but it gives back abundantly. A tree has incredible adaptation skills. It is the largest and longest-lived being on Earth."

What could have been done to save Treaty Oak? "Black gold from Pennsylvania could have been used around the tree. That's tree-to-tree compost." And the city's ban on letting people get close enough to touch the low-hanging branches should have been lifted. "That poor tree kept asking me, 'Where are my children?' It wanted people to be near, to keep it company, to touch its branches and trunk, to heal it with their love."

In Austin, Texas, home of a world-famous ailing tree, Stephen Redding is a flake. No matter that two prestigious arborist organizations recognize him as one of their own. "Johnny Appleseed was an arborist," says Redding. "They thought he was a flake, too." But Redding is charitable enough to say that, "John Giedraitis is a good man trying to do his best. He calls himself an urban forester, but he is really a manager." Redding says that the col-

THE TREE IS DEAD; LONG LIVE THE TREES

(Forrest, cont. from cover)

of deliberately poisoning this symbol of ongoing life strikes a most sensitive nerve in our collective hearts. The cold treachery of this violation invokes memories of every brutal act committed against an unsuspecting, helpless innocent. That the very tree of life was murdered inspires complete outrage, reminding us of the ultimate capacity for darkness, evil and self-destruction inherent in our species.

A third factor also figures prominently in Treaty Oak's captivation of public interest. Treaty Oak caught the eye of the public because the consequences of the crime against it were so easy-to-comprehend. In relation to other environmental tragedies of epic magnitude, this disaster was of a realistic and identifiable scale. For all its significance, the Treaty Oak fits nicely in one city block. One tree, poisoned, dying.

But herein lies the deceit of the tremendous attention the poisoning of this tree has generated. These larger disasters — the Exxon tanker oil spill off the coast of Alaska, the deteriorating ozone layer, the mounting problem of acid rain, to name a few — should make us realize that the plight of this single tree was at best trivial. And the fact that so much money has been spent to save a tree

while problems of the homeless and the poor often go largely unnoticed also seems indicative of warped priorities. Even here in Austin, a number of other instances of destruction are readily apparent, enough so to realize that the problems of Treaty Oak are but the tip of the iceberg in an ocean of local environmental destruction:

- Groves of oak trees are presently being destroyed near Barton Creek to complete an access road connecting Bee Caves Road to Loop 360 further south, as MoPac is cut through to meet the proposed Outer Loop at the Circle C Ranch (see accompanying story). Other developments such as the Steiner Ranch on Lake Austin, Lakeline on Lake Travis and the Shellberg tract on Lake Travis are also taking their toll on the area's precious greenery.

- The longlasting effects of ploughing trees to make room for new roads and houses go far beyond the destruction of natural beauty. As more trees are pulled and more asphalt is planted, problems of polluted run-off become more and more severe. In recent years, local residents have slowly accepted as inevitable the flooding of Barton Creek and Barton Springs. But Barton Creek and Barton Springs are not just the only waterway threatened by this problem. West of Barton Creek, Travis and San

Austin threatens Austin's supply of drinking water, not to mention the various life forms that make these bodies of water their home. And the experience with the herbicide Velpar at the Treaty Oak proves once and for all the potency of many of the pesticides that are absorbed into the water system during rainfall.

- Although high tech industries are traditionally viewed as "clean," the problem of disposing of toxic waste is a significant one. With the extreme concentration of high tech manufacturing firms in the Austin area, this is a problem that will become more and more important in the coming years.

The point here is not to discount the importance of the public's tremendous outpouring of sympathy for Treaty Oak, nor to advocate a policy of no-growth, no-development for Austin's future. But it is important that concern over the plight of the Treaty Oak be translated into one's day-to-day way of life and approach to the environment.

While few have the financial resources of an H. Ross Perot to underwrite massive clean-up efforts and fewer still have the courage to train themselves to a tree threatened by bulldozers, less dramatic approaches are equally effective. Local recycling programs should be expanded. Neighbors should be encouraged to

Metro bus system at least one day a week. Press political candidates to endorse a firm policy on protection of the environment during their terms of office as well as during their campaigns. Avoid using products such as aerosols and Styrofoam that pose known threats to the planet. Exercise extreme restraint in the use of herbicides and pesticides. Above all, make your economic vote heard by refusing to purchase products from companies with poor environmental records. Boycott Exxon and DuPont.

What must be realized here is that the poisoning of Treaty Oak cannot be separated from the larger environmental problems that have begun to plague our existence. We are hypocrites if we pray for the soul of this tree without attempting to make appropriate lifestyle changes that will allow for the growth and prosperity of other such life forms (the greatest of these forms being human). Yes, Austin will soon enough recover from the death of the Treaty Oak. Other, larger destructions, however, will leave a much more indelible imprint on the future of our city. But the death of the Treaty Oak contributes to a more general awareness of the delicate balance of our environment and the steps that must be taken to preserve that balance. And this kind of tree will not be a dead tree.

LIFESTYLE

Saturday, May 4, 1991 Austin American-Statesman



Photo courtesy of Austin History Center, Austin Public Library - 23684

Treaty Oak circa 1925, when the tree was owned by the Caldwell family.

Peace treaty

On **May 7, 1925**, Lou Caldwell, owner of the land surrounding **Treaty Oak**, gave the city of Austin an ultimatum: either purchase the tree from her, or she would chop it down.

"I can't afford to keep on paying for the upkeep," Caldwell told *The Austin American*. "I've tried to decide to cut it several times, but every time I think of the history connected with the tree and think of how much it means to the state, I can't think of cutting it. But this is the last time. If somebody doesn't take it, I will cut it."

Caldwell didn't cut it. The city purchased Treaty Oak from the Caldwell family in 1937.

Treaty Oak to lose dead limbs next week

By Jim Phillips
American-Statesman Staff

Two years after being poisoned with the herbicide Velpar, most of Treaty Oak will be hacked into pieces next week as city workers with chainsaws trim off the dead portions of the centuries-old live oak.

With tree experts, sawmill officials, and possibly a national television audience looking on, the tree — which gained national and international attention after it was poisoned — will become a remnant of its former self.

About 75 percent of the tree is

dead as a result of the attack with Velpar, which is designed to kill hardwood trees. The dead portions, including limbs that are larger than most trees, will be cut, dried in a kiln and eventually used in several city projects, possibly including artistic and fund-raising proposals.

"We're probably going to start big-time on Tuesday," said John Giedraitis, the city forester who directed months of unprecedented treatment that saved one large limb system of the tree. That section of Treaty Oak is flourishing, and is expected to live indefinitely. "It will take a couple of days" to

remove the dead limbs, Giedraitis said. "It's a big job."

"We've got to take the logs down, the big limbs, carefully. We don't want them to hit the ground and shatter. We've got to lower them gently to the ground and then lift them onto the trucks to take to the mill. Some of them are going to be 30 inches in diameter."

The man convicted of poisoning Treaty Oak, which was spared destruction in the 1930s and stands in a small park on Baylor Street that was bought to protect the tree, remains in prison. Paul Stedman Cullen last year was sentenced to nine years in prison. He was de-

nied parole in March.

The larger pieces of the tree will be dried in a kiln for about six months. During that time, proposals from artists, educational groups and others will be pared before a decision is made on how to use the wood. Some of the wood will probably be sold to raise money for projects such as tree planting.

The smaller pieces of Treaty Oak, which was once declared the most perfect live oak in North America, will be immersed in a chemical solution similar to antifreeze to stabilize the wood.

Among the consultants present

next week will be Tom Perry of North Carolina State University, a nationally known tree expert who is eager to see the results of the first-ever effort to reverse the effects of Velpar.

Among the treatments were injections with water laced with sugar, and an injection of water mixed with potassium chloride. Perry wants to see if the results of the injections can be measured.

"A lot of the stuff that we did was the first time anybody had done these kinds of treatments," Giedraitis said. "We want to see how the injections helped and hurt, and we can use that on (injec-

tion treatments for) oak wilt."

The major television networks covered the Treaty Oak poisoning with news stories and live reports, and Giedraitis said they have indicated they will cover the trimming next week.

Giedraitis said the wood that will be saved has "tremendous potential for fund-raising." He also said this is one of the first efforts to dry and use live oak wood for something other than fireplaces and barbecues. The wood is not well-suited for most commercial uses of wood, he said.

"It is best at standing there and looking beautiful."

LOS ANGELES TIMES

SUNDAY, AUGUST 26, 1990 ★

Pruning Planned for Treaty Oak

AUSTIN, Tex.—The historic Treaty Oak, a centuries-old tree that was heavily damaged by a powerful herbicide, will be severely pruned later this year in an effort to save it, the city forester says.

"It's time," John Giedraitis said. "What's dead is dead."

About three-fourths of the tree's crown will be cut off, he said, leaving only one living section.

The tree, estimated to be as many as 500 years old, was poisoned with the liquid herbicide Velpar in early 1989. About two-thirds of the oak died, foresters said.

According to legend, the tree was the site of a treaty-signing between Stephen F. Austin and Indians.

Paul Stedman Cullen was sentenced to nine years in prison for poisoning the tree. Prosecutors claimed that the poisoning was part of a ritual to attract a woman's attention.

Since the poisoning, the small park surrounding the tree has been pampered with activated charcoal, microbes, fertilizer, salt water, sugar water, spring water, a huge set of shades and an intricate sprinkling system.

But that has not brought the dead limbs back to life.

—Associated Press

'WHAT'S DEAD IS DEAD'

Surgery to transform Treaty Oak into shade of pre-poisoned self

By Jim Phillips
American-Statesman Staff

After surviving hundreds of years of the vagaries and disasters of nature, but succumbing to one poisoning at the hands of man, the majestic Treaty Oak will soon become a remnant of its former self.

Later this year, about three-fourths of the tree's crown will be cut off, leaving only one living section, a branch system that reaches toward Baylor Street, said Austin City Forester John Giedraitis.

"It's time," Giedraitis said. "What's dead is dead."

The poisoning became a national mystery, an international concern and a rallying point for those predicting environmental doom, and led to a Herculean effort to save Treaty Oak that was partially successful.

Giedraitis, who organized the first-of-its-kind rescue attempt, and who earlier had proposed to his wife under the lofty branches of Treaty Oak, will now direct the decimation of what was once declared the most perfect live oak in North America.

It was almost 18 months ago that a liquid herbicide designed and manufactured specifically to kill hardwood trees was poured around the massive base of Treaty Oak, and in a particularly deadly circle a few feet east of the tree.

With activated charcoal, microbes, fertilizer, saltwater, sugarwater, spring water, a huge set of shades to protect the tree from the blistering heat and an intricate sprinkling system that adorned its crown like a crown, the small park became one of

See 'What's dead,' A15



Only one section of Treaty Oak remains alive after 18 months of efforts to save the tree. A branch system that reaches westward toward Baylor Street continues to flourish; the rest of the tree will be trimmed off. (Staff photo by Smiley N. Price)

'What's dead is dead'

Treaty Oak faces radical surgery to save last section

Continued from A1

the most pampered plots of land in America.

But the work could not save the eastern side, where the tree is throwing out tiny sprouts in a futile attempt to live.

"It's just gasping for life on that side," Giedraitis said.

The western side, where only a little of the poison was distributed, is the only portion of the tree to endure the attack. In fact, it is now flourishing, and has grown more than 8 inches this year.

"It's probably grown more than it's ever grown," Giedraitis said. "We've got enough water and fertilizer there to grow anything."

"The part that's alive is doing wonderfully well. The part that's not alive is dead. So, it's pretty extreme."

"We're not finding any appreciable levels of poison in the lower leaves that point toward Baylor. The tree will survive. It's not going to look spectacular, but the tree's going to survive."

Trimming the dead wood will help Treaty Oak concentrate its energy on strengthening the parts that remain, and will prevent chunks from falling off, Giedraitis said.

Since the poisoning was discovered in June of last year, thousands of visitors have come to the quarter-acre park in the 500 block

of Baylor to visit the tree and leave get-well messages and other notes of hope.

Throughout the fight to save Treaty Oak, and the arrest and trial of Paul Stedman Cullen, who was sentenced to nine years in prison for the attack, the visitors have continued.

"There are still people stopping and coming up to the tree and talking," Giedraitis said. "People are still leaving cards and letters, notes and business cards and little trinkets. I've still got it all. I've got boxes and boxes of stuff."

The question now is what to do with the wood that will be pared from Treaty Oak.

Giedraitis, at a meeting of the city Urban Forestry Board next month, will present a list of proposals from artist and non-profit organizations. The board has decided to donate some of the wood for an artistic project memorializing Treaty Oak, possibly a mosaic-type picture. The remainder of the wood could be given to an organization that would sell pieces of it and in return sponsor a local project such as planting more trees.

"We've had offers from all over the country, suggestions on what to do with the wood," he said. "Some of them are dumb and some of them are good."

"We want to make sure the tree, even in its death, is useful."

Rhonda Genzink, a member of the forestry board, said, "There's too many (suggestions) for us to look at, so we've asked the city staff to prioritize them."

Genzink said she prefers an artistic effort using a native Texan as the artist. "I know that I don't want pencil holders and that kind of thing done," she said.

The poisoning led directly to fund-raisers for citywide plantings of trees, and Genzink said she hopes more projects will be funded from the Treaty Oak wood.

"As detrimental as it was to the tree, I think some real positive things have come from this tragedy," she said. "It appears there has been a great coming together of community effort. We've kind of risen above it. I think that speaks real high of Austin."

Weather
Sunny and hot. High
upper 80s. Low, mid-70s.
South wind 10 to 15 mph.
Dewpt. 61°.

Austin American-Statesman

Saturday
August 25, 1990
35 cents
44

RIPPLES
BELIEVE IT OR NOT

PAUL CULLEN OF
STEUBENVILLE, OHIO,
POISONED A 500-YEAR-
OLD OAK TREE IN AUSTIN,
TEXAS, KNOWN AS THE
"TREATY OAK" AND WAS
SENTENCED TO NINE YEARS
IN JAIL AND A FINE OF
\$1,000.



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RIPPLES BELIEVE IT OR NOT



Sunday, July 8, 1990

Raleigh, N.C.

The News and Observer, Raleigh, N.C.



Everything's bigger in Texas — even the State Capitol, which stands 7 feet taller than the U.S. Capitol

Janet Gibson

Austin-tacious

By JANET GIBSON
Staff writer

AUSTIN, Texas — What kind of city has residents who hold daily vigils around a 600-year-old oak when the tree's life is threatened by one man's poison?

What kind of city has a Fourth of July blowout hosted by Willie Nelson?

What kind of city has a festival called "Spamarama" to honor the canned mystery meat?

What kind of city, indeed.

The capital of the Lone Star State has a character all its own, and part of its charm comes from its seeming contradictions. Cosmopolitan yet homey. Progressive yet laid-back. Big yet small.

Austin, in the geographical heart of the state, rises on either side of an impoundment of the Colorado River.



Fiddler Tom Rigney was drawn to Austin's music scene

Called Town Lake, it is bordered on both sides by hike-and-bike trails and parks. (The city has 12,000 acres of parks.)

Maintaining a high quality of life is paramount to Austinites, who were involved in protecting planet Earth long before it was considered cool. Never did that become so apparent as last year, when Austin was thrust into the national spotlight. Their beloved

See AUSTIN, page 6-1

Austin city limits

Continued from page 1-I

Treaty Oak was poisoned and left for dead.

The 90-foot live oak — under which Stephen F. Austin is said to have signed a treaty with the Indians — was the victim of a potent herbicide. Its branches seemed to wither with each passing day like a crippled old lady with twisted limbs.

Arborists tried saving the tree by using charcoal to absorb the poison, soil replacement to get rid of the toxins and microbe injections to digest the chemicals.

Public sentiment ranged from disbelief to rage.

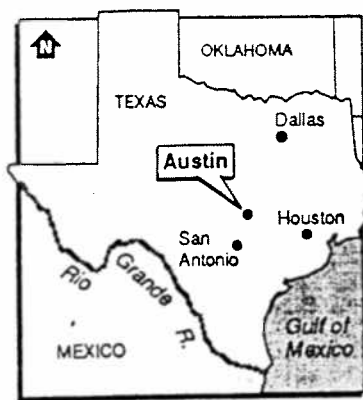
When the perpetrator — a drifter with a history of mental problems — was found guilty in May, there were rumblings of giving him the death penalty. He was sentenced to nine years in prison and a \$1,000 fine.

One year after the national news coverage, visiting the Treaty Oak is tantamount to visiting a national shrine. A grassy area surrounding the tree on the corner of Baylor and West Fifth streets is roped off, so that it may rest in peace. Not that it's completely dead — just two-thirds of the way.

Arborists say leaves have begun sprouting on sections of the once-mighty oak. And Austinites have not given up hope.

They bring handmade get-well cards, even cans of chicken soup — hanging them from the rope. As visitors come to pay their respects, not a word is spoken. There are tears. And silence.

It's a stark contrast to the scene less than a mile away on East Sixth Street, Austin's answer to Bourbon Street. Music lovers can take their pick from rock, country, reggae, Cajun or blues every night in clubs such as Headliners East and the Black Cat Lounge.



The News and Observer

Austin has long been known as a mecca for budding musicians, a reputation that arose in large part because of public television's "Austin City Limits."

In the mid-'70s, Austin's music scene began heating up. By the early '80s, it was the trendsetter — the hip place to be seen and heard if you were a musician. Groups such as The Fabulous Thunderbirds became club fixtures.

With the '90s, the music has become even more eclectic. On a recent night at Scholz's Beer Garden on San Jacinto Street, the Sundogs were working up a sweat with their Cajun/zydeco repertoire.

The fans were a diverse bunch, including students from the nearby University of Texas, yuppies and middle-age hippies.

Many came to visit Austin and never left.

What they found was a lot of truth in the old saying, "Everything's bigger in Texas." Even the State Capitol stands 7 feet higher than the U.S. Capitol. Just another of the city's "Austin-tacious" displays, as the locals say.

If they weren't from the Lone Star State already, those Austin adventurers learned quickly about the die-hard Texas spirit — although some might assert it's just ego.

Texas is the only state that reserves the right to secede, and also maintains the right to fly its flag at the same height as the U.S. flag.

"Warmed by Sunbelt growth,

If you go

FOR MORE INFORMATION: Contact the Texas Division of Tourism, P.O. Box 12008, Capital Station, Austin, Texas 78711; (512) 462-9191. Or the Austin Convention and Visitors Bureau, Box 2990, Austin, Texas 78769; (512) 478-0098.

Austin grew like a fertilized weed in the early 1980s," says National Geographic in its June cover story on the city. The metropolitan population nearly doubled — 442,000 to 749,000 — from the 1970s to the 1980s, "making Austin a sunspot city in the Sunbelt."

Through it all, subtropical Austin remained on the casual side — a short pants city.

To cool off in the summer, Austinites head to their favorite swimming hole. Wading in Barton Springs, a natural spring-fed swimming pool, is like taking a tepid dip in your bathtub.

Those who strive for something higher head for Mount Bonnell. With a deep breath, sightseers climb 100 stone steps to reach the top for a breathtaking view of Lake Travis. It was in a house off the winding road leading to Mount Bonnell that James Michener wrote his epic "Texas."

But what you can usually find Austinites doing is eating. With 1,500 restaurants, making a choice isn't always easy. A Tex-Mex aficionado would be hard-pressed to find better than Austin's bill of fare, but barbecue brisket, nouvelle cuisine, French and Italian also are popular. Then there are a million ways to eat Spam at the annual Spamarama cookoff in late May.

Whatever one's tastes, the prices overall are very reasonable. As the folks at Austin's Visitors Bureau put it: "How haughty can you get when half your dining room is wearing shorts and running shoes?"

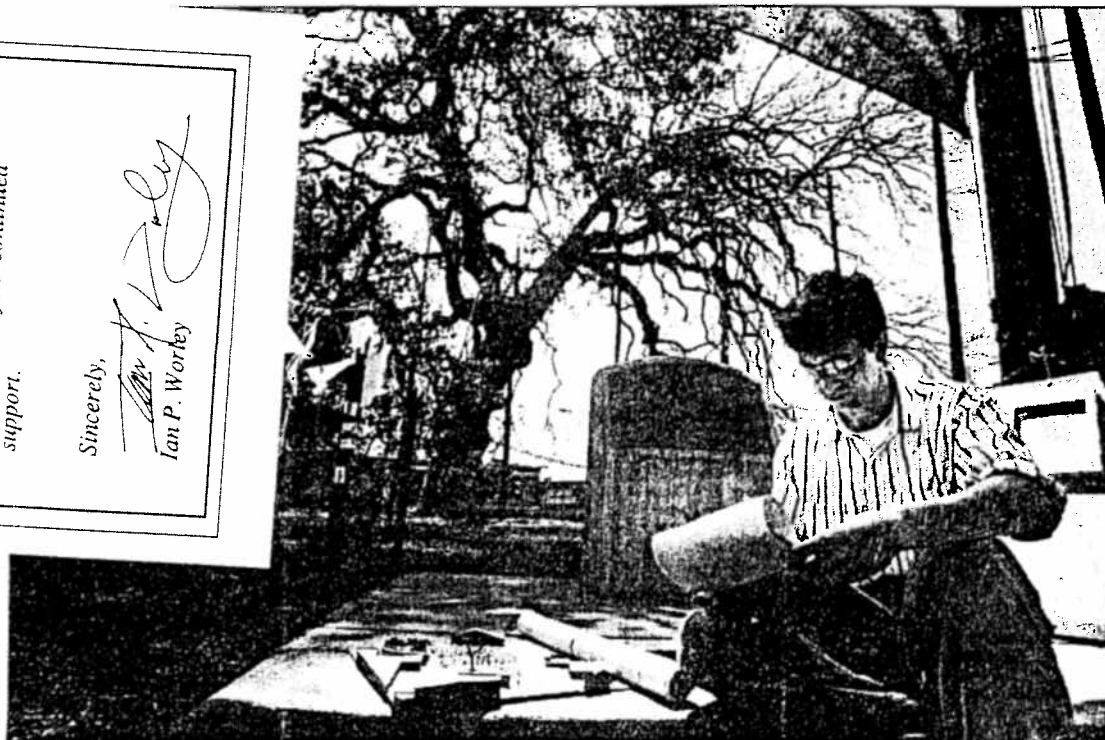
CITY & STATE

Wednesday, June 27, 1990 Austin American-Statesman

I just wanted to keep you up to date on the progress of The Treaty Oak Memorial Park Project and thank you for your continued support.

Sincerely,

Ian P. Worley
Ian P. Worley



Staff photo by Taylor Johnson

Arboreal architect

Ian Worley, a University of Texas architecture student, looks over the plans he has made for a memorial park at Treaty Oak. Worley's park is designed not only to remind people of the tree's poisoning but also to symbolize humanity's ability to coexist with nature. **Story, B2**

Treaty Oak class assignment becomes UT student's crusade

By Enedella J. Obregon
American-Statesman Staff

It started as a project for an architecture class at the University of Texas: Design a memorial for Treaty Oak.

But to Ian Worley, the project soon became more than a set of design plans and models. It became a means of changing his little corner of the world.

"I don't want to be just a student — or an architectural student or an architect," the 24-year-old Worley said. "I want to make things happen — to make this world a better place. Everything starts with making a ripple in your immediate surroundings."

Worley, whose parents and an uncle are architects, is hoping Austinites will support building a living memorial to the centuries-old tree that gained international attention after it was poisoned last year.

A jury last month found Paul Steedman Guilan guilty of poisoning the historic tree with the herbicide.

nine years in prison.

Worley, who designed the plan with the help of fellow student Scott Carpenter, envisions a memorial park that will remind people that humanity abuses nature but also will be living proof that humanity and nature can coexist.

The park would include a cluster of trees from Treaty Oak acorns, as well as a variety of other Texas trees and plants that change colors with the seasons.

But Worley's dream has a price tag. And his plan assumes that the parking lot next to the Treaty Oak can be purchased and incorporated into the park.

AusVest Realtors, which is managing the property, would not reveal the parking lot's owner, but it said the property is valued at \$600,000 and is not for sale.

The trees, plants and utilities needed to maintain the park would add \$250,000 to \$300,000 to the price.

It's not just a question of money, Worley said. "Everyone I've talked to thinks it's a good idea.

the park, it would give me a legal mechanism for fund raising."

Worley, who is interning at the Clovis Heimsath Architects for the summer, said he doesn't have the time or the knowledge to do it all by himself.

He has approached several City Council members as well as the City Parks and Recreation Department. And while they like the idea, Worley said, they have told him the city doesn't have the money.

City forester John Giedraitis, who has tended to Treaty Oak since it was poisoned more than year ago, said the parks department is "100 percent behind" the project.

"I'm providing technical information, but it's up to him to figure out how to do the project," Giedraitis said.

Giedraitis, who said he is convinced the tree will survive, likes the idea of a memorial park.

"It will memorialize the feelings and momentous events that surrounded the poisoning," he said. "A memorial doesn't have to be only

Austin American-Statesman

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Much more human

Nine years for the heinous crime of killing a tree? Let's not forget the man whose name is attached to a windowless, drum-shaped building. This man, with the support of the UT administration, politicians and "movers and shapers" of this town, made a show of applauding while police pulled protesters out of dozens of oak and cypress as old and as grand as Treaty Oak. He applauded while bulldozers tore down the trees. I'd like to see a reprint of that picture taken 20 years ago last fall. Is it OK for the rich and powerful to coldly sacrifice an entire stand of trees plus a creek to make room for the pagan cult of football, and then is it unfathomable to do what Cullen did? He seems no more misguided and much more human.

LEONARD LANTZ

P.O. Box 7254

Austin American-Statesman

COMMENTARY

EDITORIALS

Roots of compassion

I find myself asking why there are such grave consequences for poisoning a single tree while untold others, many old and beautiful, are destroyed regularly without ceremony of any kind.

The real issue here, it seems to me, is not the destruction of a tree, but the importance people attach to it, or the degree to which they identify with it, for whatever reasons. We destroy life daily with legal impunity — weeds, pests, enemies, criminals. However, there are serious consequences for the agent if similar entities happen to be our property, pets, allies or law-abiding compatriots.

In my mind, the ordeal of Treaty Oak is symbolic. The Tree of Life on our imperiled Earth is ancient and historically significant. It is said that many momentous events took place beneath its venerable canopy. But one night, to our horror, some heartless villain has stolen up and circled it with poison while we slept. It drops its leaves but tries again, and yet again as we rally to its aid. Philanthropists give money and children make gifts; artists paint posters and the faithful pray. There is much ado in the media as we cry out for justice to be done. Perhaps parties are convicted, fined money and even put in jail; but if this tree dies, we will all be sentenced alike, guilty or not.

If we can but expand our identities to include the Tree of Life the way we did for Treaty Oak, the prognosis should be hopeful, indeed.

GLORIA BADILLO HILL
1703 Graywood Cove

Austin American-Statesman

COMMENTARY

EDITORIALS

A view from the branches

So, Mr. Cullen is determined guilty of poisoning Treaty Oak, fined \$1,000 hard-earned American dollars and must serve nine years in prison. Whoops. I meant a few months in prison. God bless our judicial system.

Animosity, you say? What else can I feel toward someone who has destroyed the magnificent live oak that I personally helped beautify. That's right, the Caldwell Tree Company received permission from the city to fine prune Treaty Oak in January 1986. My fellow arborists and I spent two weeks up in that tree shedding sweat (yes, it was hot that January), blood and tears. We adhered to the highest arboricultural practices, ensuring every cut was precise and applying the proper sealant. Two weeks we did spend amongst the soaring hardwood limbs and oxygen-producing leaves, climbing, pruning, knowing our work would significantly augment Treaty Oak's grandeur.

Afterward, we could only step back with jaws agape in awe of creation in the finest form; an enormously bold and picturesque live oak radiating positive energy and life, a masterpiece.

Goodbye, Treaty Oak, I will always remember your out-stretched limbs, sun-lit leaves and beautiful previous image.

TIM HACKNEY

2215 Post Road, No. 1082

May 16-22, 1990

The Austin Light

COMMENTARY



Still Claims Innocence

BY SHAWN MALONE

For 10 months, he waited in the Travis County Jail for his trial to begin — now, Paul Stedman Cullen waits to be eligible for parole, after a jury sentenced him to nine years in prison and fined him \$1,000 for trying to kill Austin's historic Treaty Oak. He still insists he did not commit the crime. Here are excerpts from the first interview he gave after the sentence was pronounced:

Shawn Malone: Did you kill the tree?

Paul Cullen: No, I didn't.

SM: Are you going to ask for another trial?

PC: I don't know. I just don't know the right way to go about things legally. I understand Terry Kirk (a lawyer who represented Cullen) is going to help me appeal, and I don't know what the results of that will be. To take a full appeal, you have to pay \$2 a page for the transcripts and all, and that runs about a thousand dollars, which I do not have. I haven't had the money for the legal talent I've been lucky enough to have all along. Right now, I'm \$20,000 in debt to lawyers.

SM: In court, the jury heard the tape that Cindy Blaco made with the cooperation of the police. She agreed to wear a concealed microphone so that the police could follow and she brought up the poisoning of the Treaty Oak. And on the tape, I heard you say, you did it. Why did you say that?

PC: Well, I said it all right, those were my words, but why I said that to Cindy at the time, well, I just felt like it.

SM: Your lawyers told the jury you like to tell tall tales.

PC: I've been known to, on a few occasions, and that was one of them. I was driving along there with Cindy, I'd been drinking some beer. See, we'd talked about this before. This was something that never came out at the trial. But the way the whole thing started, it was just me and my big mouth. I was sitting in this bar out in Elroy, and there were a bunch of people talking about the tree. It was being shown on TV and everything. They were talking about the poor tree, and they oughta hang the guy that did it, and so I piped up and said, "That tree is just a big old piece of firewood. They oughta change the name from Treaty Oak to Dead Oak." I just kinda riled 'em up a little bit. One of them said, "You (expletive)," he said, "I bet

you did it." And I said, maybe I could have. Anybody could have. And he said, "Well I'm gonna tell 'em that you did it."

(Cullen changed the subject of the secretly recorded tape — the tape during which jurors heard him tell Cindy Blaco he poisoned the tree.)

PC: There are places on the tape where I refer to the tree being poisoned by a third party, not myself. I don't just sit around and brag about it, or make any big confession, or go into any details. I guess the jury saw it one way. I meant it another.

SM: Are you angry at Cindy?

PC: Angry? Well, let's put it this way. If I was walking along the street, and she was sitting there covered with gasoline and asked me for a match, I wouldn't give her one. On the other hand, if she was already on fire, I wouldn't turn around to (urinate) to put her out.

SM: The prosecutors told the jury that there were traces of Velpar, the herbicide used to kill the tree, in the back of your pickup truck. How did that happen?

PC: Again, I do not know. All I can think of is maybe, throwing out jugs, cleaning up, clearing up trash, it's possible that I could have handled any kind of chemicals at that time.

SM: There was a lot of talk about the occult and witchcraft, are you interested in those things?

PC: No, not at all. I never have been. I'm interested in a variety of subjects, but the occult has never been one of them.

SM: You must get some sense that there are still some angry people out there who would like to make you drink Velpar. Are you as angry at the community as the community is at you?

PC: Well, I don't know that the community is really angry at me. As far as Velpar goes, I'd welcome the chance to drink Velpar. I know one thing those people don't know. I've learned it since the trial began: Velpar is harmless to human beings. I know I've had no problems in jail, or from people on the outside. I've received nothing but support, no hate mail.

SM: What are you going to do now?

PC: I will not suffer, regardless of the environment I'm placed in. I'd rather be free, but if I can't be, then I'll just enjoy the three meals a day, knowing that I have a bed to sleep in every night.

Shawn Malone is a reporter for KLBJ - AM.

Austin American-Statesman

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EDITORIALS

Brink of extinction

Anthropocentric: regarding mankind and human values as the central fact or focus of the universe, life, etc.

This five-syllable word summarizes the worldview and inevitable consequences that has put many of the world's creatures on the brink of extinction. We may also find one day that only a biocentric worldview can keep mankind from joining the growing list of lost species.

Here in the Austin area we have some ongoing events that owe themselves to this concept: the poisoning of the Treaty Oak and attempts to save the golden-cheeked warbler and black-capped vireo, and the public outcry over both. On one hand, no stone must be left unturned and no expense unspent until the suspected killer of this tree is brought to justice. On the other hand, thousands of trees and the Hill Country habitat to these endangered song birds must be sacrificed so that wealthy land speculators and developers can get even wealthier. The general public reaction to both of these events has been shortsighted and truly anthropocentric.

The Treaty Oak is of no importance, and unfortunate as its death is, it's of no consequence except in the minds of a few.

I hope that all the voices that were raised in defense of one tree come to the defense of these unique species and their habitat. Nature's creations are disappearing from the Earth daily, and not just in some remote country but right here in Travis County. Extinction is forever.

HOWARD T. LEVINE

14900 Running Deer Trail

Politics tarnish Lone Star image

By David Elliot
American-Statesman Capitol Staff

The governor's race in Texas has made news from Borneo to Great Britain and has drawn reporters from as far away as Denmark and Australia. But the exposure has not necessarily enhanced the state's image around the world.

Some Texans abroad have cringed at reports of political developments from their home state. "At best," said a Texan in London, "these candidates are perceived by the international community as a laughable bunch of trigger-happy cowboys; at worst, as shocking and appalling."

During the Democratic primary, for example, the international media showed Attorney General Jim Mattox and former Gov. Mark White bragging about the number of criminals they had executed.

Then, Ann Richards, the eventual Democratic nominee, was accused of using illegal drugs.

Finally, international attention shifted to Republi-

See Lone Star, A10

Continued from A1

can nominee Clayton Williams, who told a joke about rape, then admitted that as a young man, he paid prostitutes for sex.

The campaign between Williams, who wears a cowboy hat and sings Mexican ballads, and Richards, who hobnobs with Hollywood stars, will continue to get more international publicity than elections in other states, media experts say.

But is that good?
"I think the current race certainly reinforces the image of Texas, which in my mind is obsolescent if not obsolete," said Elspeth Rostow, a professor of American studies at the University of Texas at Austin.

Her daughter lives in France, where the television and press, as well as Cable News Network, have covered the Texas gubernatorial race. Rostow said her daughter was not surprised.

"She had been abroad long enough to know that Texas stories do tend to travel," Rostow said.

And they travel extensively. In 1983 and 1984, when the television program *Dallas* was a hit, Rostow and her husband visited 34 foreign countries. "There was scarcely a country that had no knowledge of *Dallas*," Rostow said. "This I found unfortunate but perhaps inevitable."

Although other states — notably California and Florida — are electing governors this year, the Texas race seems to be drawing the most attention, say reporters and editors who work for foreign publications.

To date, journalists from Australia, Denmark, France, Great Britain and West Germany have covered the race.

For instance, *The Economist*, an internationally distributed magazine published in London, sent reporter John Peet to Texas during the primaries. Under the headline, "Choosing a Star for the Lone Star State," Peet sized up two candidates this way:

"Mr. Mattox was once acquitted of bribery and has some dubious associates. Mr. Williams showed an ignorance of government that would have done Ronald Reagan proud. But he had a terrific smile."

George Brock, foreign editor of *The Times of London*, dispatched a reporter to Texas last fall.

"We are periodically covering the major U.S. races," Brock said. "Texas' is an important race with colorful characters in a big state."

The race also has contained issues — such as the death penalty — that captured international attention.

James Roach of Austin recently visited Borneo, an island of 7 million people southwest of the Philippines. In a letter to the folks back home, he reported that Texas' image "is alive and well in the world's far corners."

Roach discovered this in a hotel bar in the city of Pontianak. When Roach said he was from Texas, the young bartender replied, "Oh,

where they are killing people."

"I thought he might have been looking at old Westerns, but the Aussie sitting next to me explained that the CNN clip on capital punishment in the Texas governor's race had just appeared on the nightly English-language news televised from Kuching, Sarawak, East Malaysia," Roach wrote.

A similar report also reached Lisa Haberman, living temporarily in London.

"Is killing people really Mark White's proudest accomplishment from his years as governor?" Haberman asked. "As a Texan, I am embarrassed by the image of Texas being presented to the rest of the world."

The death penalty's prominence in the campaign upset non-Texans as well. Jenny Stephenson of London, a member of Amnesty International, wrote letters to Texas newspapers expressing opposition to capital punishment.

In Texas' gubernatorial primary, all of the major candidates, including Richards and Williams, supported the death penalty. In a telephone interview, Stephenson said she found this "quite shocking."

"The trend toward abolition worldwide seems to be going in reverse in the U.S.A., and the Texas governor's race seems to be one example," she said.

Michael Rucci, foreign correspondent for News Ltd. of Australia, a newspaper chain, says Williams' gaffes have heightened his bureau's interest in Texas politics.

"The only time our readers hear about the race is when Mr. Williams shoots his mouth off," Rucci said.

Bill Taylor, executive director of the Texas Department of Commerce, said the occasional publicity about the race has not hurt the state's business climate.

"Anybody making major investment decisions involving millions of dollars doesn't particularly care about Texas politics," he said.

Recently, for example, Taylor's agency escorted 10 Japanese business writers around Texas. According to Bob Branson, a department spokesman, the reporters never asked about the governor's race. They did inquire, however, about the health of Treaty Oak.

People who complain that the campaign perpetuates rustic, cowboy-and-campfire myths about Texas face a paradox: The same image brings tourists — and their dollars — to Texas.

"There is a myth about Texas internationally, and it does give us an edge sometimes," Taylor said. "In other cases, we paint a different image, depending on the market we're dealing with."