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LEGISLATURE ELECTIONS

Top Republican pushes for delay in new voter ID rules

Rep. Todd Smith, R-Eules, wants the new rules to begin in 2014 instead of 2010.

By JAY ROOT
The Associated Press

AUSTIN — Seeking compromise where none had seemed possible, a top Republican leader in the Texas House is pushing for a delay of up to four years before new voter identification requirements



Smith

are enacted, giving the state time to educate the public and conduct a massive voter registration campaign.

"It's not something that's going to take effect immediately," said state Rep. Todd Smith, R-Eules, chairman of the House Elections Committee, which is set to take up the volatile issue April 6.

While tightening voter ID laws may not figure among Texans' top concerns, the issue has sparked a partisan frenzy in the Legislature because the rules at the ballot box can help determine who gets elected.

The proposal for tougher voter ID rules tied the Senate in knots and sparked days of partisan bickering — at one point dragging through the night and leav-

ing stunned members of the public waiting more than 20 hours for a chance to testify on it.

Smith promises a different approach.

Unlike the Senate bill, which would require a photo ID or two alternatives before voters go to the polls in 2010, Smith's goal is to delay its implementation for at least two elections. That means the new rules would not be in place for statewide contests until 2014.

"My preferred period of transition would be two full election cycles," Smith told The Associated Press. "It's my intent that there be a period of time where people are literally educated as they vote."

'Playing defense'

Smith's approach was cautiously welcomed Friday by state Rep. Rafael Anchia, D-Dallas, the party's top spokesman on voter ID issues in the state House.

"We've never heard anything like that from the Republicans in the past, so I think Todd is trying to set the right tone for the discussions," Anchia said. "In the past, it's always been a cram down. There's been no input. We've always been playing defense in the House, and we've always been run over."

The voter ID debate is akin to redistricting, where members of both parties run to their respective corners and refuse to compromise. In this case, Republicans, who control both houses of the Legislature and all statewide elective offices, say new ID rules are needed to protect against voter fraud. Democrats complain that the GOP wants to suppress Democratic turnout by erecting hur-

dles that would disproportionately affect poor, minority and elderly voters.

Under the Senate bill, which passed on a strict party-line vote this month, the acceptable nonphoto ID documents would include voter registration certificates, marriage licenses, bank statements and mail from a government entity.

Security and access

Smith said he agrees that ID requirements need to be tightened to protect against voter fraud. But the Eules lawyer also said valid concerns have been expressed about lowered voter participation under the new security procedures. He vowed to seek money for a voter education campaign and a statewide registration drive.

"There's always going to be tension between . . . ballot access and ballot security," Smith said. "Unfortunately, we have a situation where one political party talks primarily about ballot security and the other political party talks primarily about ballot access."

"You can increase security at the same time that you expand access."

Anchia said he fears that any compromise that passes the House would be amended later, in a back-room partisan play, and shoved down his party's throat.

"The devil is in the details on this," he said.

Smith noted that operatives in both parties are already using the debate to gin up fundraising and energize activists.

He also acknowledged the obvious: Many partisans will complain no matter what he does.

"I can't eliminate cheap allegations by partisan people," he said.

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Opinion

EDITORIAL

VOTER ID

Looking for the middle ground

Rep. Todd Smith offers a way around a bitter, partisan fight over voter identification.

Say this about state Rep. Todd Smith of Euless: He takes his job very seriously. He thinks issues through to a painstaking degree. And when he's done, he makes decisions based on his deeply held convictions.

That's why it's no real surprise to see Smith come up with a new way to handle the voter ID bill that has fractured the Texas Legislature for two consecutive sessions.

This Editorial Board has firmly opposed the bill in its previous incarnations. Our reason: It simply has not been shown to be necessary.

With its requirement that voters present a government-issued photo ID or specified substitutes along with their voter registration card at the polls, the bill's stated goal is to prevent voter fraud. No one favors voter fraud, but to this day proponents of voter ID have not shown convincing evidence that such fraud is a problem or has even occurred in Texas.

Voter ID is a flawed solution looking for a problem.

Worse still, proponents seem to have determined that they will use every power they can grab to pass the bill. Republicans, who hold a 19-12 majority in the Senate, voted on the second day of the current session to change Senate rules so they could cram the bill down Democrats' throats. Then they proceeded to do so.

As chairman of the House Elections Committee, Smith faces a more delicate task. He is solidly on the Republican side of the aisle, but his party holds only a slim 76-74 majority in the House. Some of those Republicans have sided with Democrats in the past, and it is not likely that a "cram-down" approach would work.

"I'm trying very hard to find the middle ground on a very contentious issue," Smith says. "I believe it is entirely possible to improve security at the polls while enhancing access for qualified voters."

It should be clear to Republicans that the approach taken in the Senate damaged their party. Qualified elderly, poor and minority voters, who tend to vote for Democrats, have a harder time getting the required photo ID.

The Senate approach has every appearance of Republicans having devised a scheme to hijack the 2010 legislative elections. That would give them the upper hand in the federal and state redistricting decisions that the Legislature is scheduled to make in 2011.

There must be middle ground on this issue, and Smith is showing the way. He proposes that the voter ID bill in the House be crafted so that its requirements do not go into effect until after the next two election cycles. Meanwhile, voter education and registration campaigns would help all voters understand their obligations and get the required ID.

Hard-liners might balk at that. Still, they must remember that the chances of getting the overly restrictive Senate bill passed in the House are tenuous at best.

That's not to say that Smith's proposal has a lock on becoming law even if the House adopts it. A conference committee could change a less-restrictive bill. But even if voter ID were to go into effect after just one more election cycle, it would avoid the appearance of a Republican hijacking aimed at control of redistricting.

As much as the partisan fires have been stoked on this issue, compromise will be difficult. The thought of compromise has caused heated debate among members of the Editorial Board.

Still, voter ID has "partisan showdown" written all over it. Debate on a cram-down version in the House, besides having an unpredictable outcome, would be bitter and divisive.

Smith's proposal is worth thoughtful consideration in his committee. He has shown again that his diligent and principled approach to a very difficult issue makes him a valuable asset in Austin.

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DRUNKEN DRIVING

Sobriety checkpoints gaining favor

“I think they realize how many lives will be saved.”

Mary Kardell of Mothers Against Drunk Driving

Texas may soon join 40 other states in allowing them in certain conditions.

By GORDON DICKSON
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Texas is one of just 10 states that don't allow sobriety checkpoints, but that may change soon.

Opponents are gearing up for a fight after the state Senate passed a bill this week allowing checkpoints under certain conditions. The matter now moves to the House, where Rep. Todd Smith, R-Euless, is the author of an identical bill.

“We're concerned the bill seems to have some traction there in Texas,” said Sarah Longwell, managing director of the Washington-based American Beverage Institute, which represents restaurants.

Longwell said she intends to travel to Austin to testify when the bill, which was approved in action Monday and Tuesday by the Senate, is heard in the House.

The institute argues that checkpoints target casual drinkers rather than the binge drinkers who cause most fatal accidents.

Previous efforts to allow drunken-driving checkpoints have failed, but supporters say the mood is decidedly different this year.

“I think they realize how many lives will be saved. We're talking about 300 lives a year in Texas,” said Mary Kardell of Irving-based Mothers Against Drunk Driving. Kardell is executive director of MADD's North Texas affiliate.

The bill that passed the Senate, SB298 by Sen. John Carona, R-Dallas, would allow only certain agencies to operate checkpoints. Among them:

■ The Texas Department of Public

Safety.

■ Municipal police in cities with populations of 500,000 or more.

■ Sheriff's departments in counties with populations of 250,000 or more.

If the bill becomes law, states could begin operating roadblocks Sept. 1 — or immediately if two-thirds of lawmakers approve it.

“Our city is plagued by problems that go with drinking and driving. It's something that, if the Legislature gives us authority to do it, I look forward to quick implementation,” said Arlington Councilman Jimmy Bennett.

Ten people were killed in crashes in Arlington during the first 10 weeks of the year, and half those accidents involved alcohol or drugs, police said.

Arlington Mayor Robert Cluck said he expects to testify during House hearings and hopes to lower the threshold so cities such as Arlington, which has a population of under 500,000, can conduct checkpoints.

“We want to be careful in targeting the right area, where we see the most DWIs. I think our police would know better where the problems are,” Cluck said.

But the American Beverage Institute argues that stepped-up rolling DWI patrols are a far more effective way to catch drunken drivers than checkpoints, which tie up law-abiding citizens.

And, she said, new technologies such as an iPhone application known as Trapster allow users to warn others about roadblock locations.

“You get the bad guys going around them and the good guys getting caught up in them,” she said.

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RELIGION

Eules priest appeals ban on animal sacrifice

A Santeria priest says he thinks that "justice will be served" in a federal appeals court.

By AMAN BATHEJA
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A Eules man's fight to conduct religious animal sacrifices reached a federal appeals court in New Orleans on Wednesday.

Jose Merced, a Santeria priest, has accused Eules of trampling on his constitutional right to religious exercise, but U.S. District Judge John McBryde sided with the city last year and dismissed the Puerto Rico native's claims.

Merced, 46, asked the 5th U.S. Circuit Court of Appeals to overturn McBryde's ruling. A three-judge panel that heard arguments Wednesday did not immediately rule on the case.

After the hearing, Merced said he is optimistic that the judges will overturn the ruling.

"It's sad that we're here for another hearing," Merced said. "I think, finally, justice will be served."

The city says animal sacrifices jeopardize public health and violate its slaughterhouse and animal cruelty ordinances.

City spokeswoman Becky Deck referred questions on the case to William McKamie, the attorney for Eules.

"It's repulsive, and it has no business in an urban environment," McKamie said after the hearing.

Merced and 10 church members were preparing for an animal sacrifice in May 2006 when police went to his



Jose Merced, a Santeria priest, says Eules is violating his constitutional rights. S-T/R. JEENA JACOB

home to investigate a neighbor's tip. They told Merced he could not proceed with the sacrifice.

The city refused to issue a permit for Merced to conduct future ceremonies, citing rules against being cruel to animals, keeping livestock and disposing of animal waste.

In 2007, the city offered Merced a compromise to help settle the lawsuit: He could sacrifice chickens, which the city ordinance allows, but not goats as he wanted. The city would continue to enforce its animal cruelty ordinance and its ban on killing livestock.

Merced declined the deal. Ever since, Merced said, he hasn't been able to properly practice his religion for fear of being arrested.

He refuses to leave Eules, he said.

"I don't think that's up to a city," Merced said. "This is a land of religious freedom."

Judge Rhesa Barksdale asked city attorney Bradford Bullock how Merced's animal

sacrifices differ from a hunter bringing home a deer and butchering it.

"What's different is that this man wants to keep live animals in his home, a large number of live animals," Bullock said.

Merced's lawyer, Eric Rassbach, said Merced sacrificed animals at his Eules home for 16 years without incident and is willing to "quadruple bag" the remains and dispose of them in a way that doesn't jeopardize public health.

Rassbach, a staff member of The Becket Fund for Religious Liberty, described Santeria in court papers as an Afro-Cuban religion with a complex ritual for ordaining priests, including the sacrifice of up to nine four-legged animals, such as lambs or goats, up to 20 chickens or other fowl and a turtle. McKamie said Merced dumped chicken remains in a stream at least once.

He said Merced isn't equipped to handle many animals on his property or dispose of them in a sanitary way.

Bullock said the ordinances outlawing animal sacrifices were adopted before Merced arrived 1990 and don't discriminate against any individual or group.

"Mr. Merced testified that he was able to practice virtually every other aspect of his religion in his home," Bullock said.

This report includes material from The Associated Press and the Star-Telegram archives.

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Heroin use is up, local police say

By SCOTT PRICE



COURTESY PHOTO

Mexican black tar is the most common type of heroin in North Texas, authorities say.

After two fatal overdoses by local teens, police say they are seeing more heroin use in northeast Tarrant County but no clear catalyst.

"There is a slight uptick in the number of cases involving heroin," Keller police Chief Mark Hafner said.

The drug "just seems to be more popular than it used to be," said Lt. John Williams, a spokesman for Euless police, which reports several heroin-related deaths over the past year.

The trend, seemingly, is recent. Keller police, for example, charged four people with possessing heroin in each of the past two years. But at least two local teens overdosed in January alone. And an autopsy suggests heroin could be to blame for a third death - that of a 16-year-old from Keller - weeks earlier, but authorities have not confirmed that the boy used the drug.

One of the teens, Kathleen Arendt, 17, a junior at Southlake Carroll Senior High School, died Jan. 24 from an accidental overdose resulting from "ingestion of morphine," according to the Tarrant County medical examiner's office.

She had taken "cheese," Southlake police Officer Roderick Page said. "Cheese" is a powdery mixture of black tar heroin and crushed tablets of the cold medication Tylenol PM.

Hours after Arendt's death, Freddy Joiner, 18, of Hurst, choked on his own vomit because of heroin intoxication, the medical examiner ruled.

Police in both cities investigated whether those deaths were connected, but "found nothing to link these two incidents together," Page said. "We have nothing to believe that they were anything other than two separate, tragic incidents."

In Keller, Lee Mathews, 16, a sophomore at Keller High School, died at his home Jan. 9 from "acute morphine intoxication," according to the medical examiner.

It is unclear whether he used heroin or how he administered the deadly substance. Because of a metabolic process in the human body, heroin often shows up as morphine in toxicology tests.

Though Keller police don't pursue criminal charges in accidental deaths, they are investigating how Mathews obtained the drug, Hafner said in February.

A lesson police have taken from these deaths is that "the drugs don't respect city lines, so we need to attack it in that respect," Williams said.

Euless and Keller are among the dozen cities that make up the northeast Tarrant County narcotics task force, a group formed to share information and resources among local, state and federal law enforcement officers. However, the recent trend reported by police hasn't made its way to federal agents.

"There hasn't been an upsurge in [heroin use] that we have seen," said Terri K. Wyatt, an agent in the Dallas office of the Drug Enforcement Agency. "That's not to say that one doesn't exist. It's just that we haven't seen it."

Linda Anderson, a spokeswoman for the medical examiner's office, said, "We haven't had a huge increase [in the number of heroin overdoses], just a little increase. But that happens every year."

Among local police departments, Grapevine seems to be the one that has not seen heroin use increase.

Sgt. Kim Smith, a Grapevine police spokeswoman, said the department worked a drug overdose last year, but "it's been a long time since I have seen anyone arrested for heroin, cocaine or anything like that."

Southlake officers have different experiences.

"It is happening more in the D-FW area than we had believed," Page said. "It's people of all ages."

Jay Board and Sandra Engelland contributed to this report.