

Board for city rejects well ban

Whirlpool, state sharing hot seat

DAVE HUGHES
ARKANSAS DEMOCRAT-GAZETTE
FORT SMITH — Fort Smith city directors Wednesday rejected an ordinance proposed by Whirlpool Corp. to ban the drilling of water wells in a neighborhood north of the plant that has groundwater contaminated with a hazardous chemical leaked by the company decades ago.

Three directors called for a resolution to be drawn up calling the contamination an "emergency" and asking Whirlpool and the Arkansas Department of Environmental Quality to work as quickly as possible to clean up the trichloroethylene that lies under the affected neighborhood.

"Tomorrow is not quick enough," a visibly upset City Director Kevin Settle said. "Later this year is out of the question."

City Director Andre Good was the only one of the seven directors to vote in favor of the well-drilling ban. He said the directors would have to address the measure at some point to protect the 35 households of the affected neighborhood.

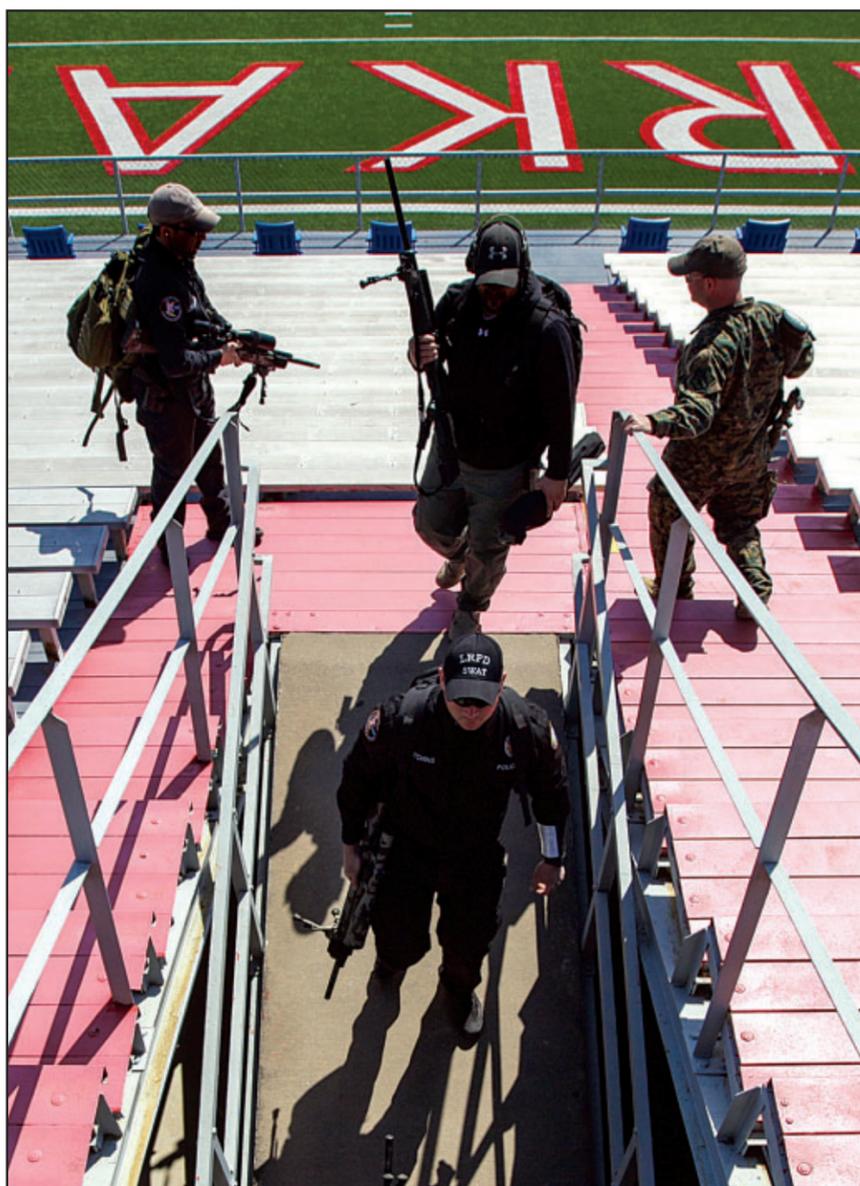
"Don't drill wells," Settle said looking out into the audience. "You don't need an ordinance to know that."

The directors took the vote after grilling environmental department Deputy Director Ryan Benefield and Whirlpool spokesman Jeff Noel for more than an hour about the how bad the contamination is, its extent and what is being done to remedy the problem.

Benefield said tests showed that the chemical in the groundwater 7 feet under the surface does not pose a human health risk. He said people will not be exposed to the chemical if they don't drink the water.

See **WELL BAN**, Page 5B

Sniper training at stadium



Arkansas Democrat-Gazette/BENJAMIN KRAIN

Arkansas State Police and Little Rock and North Little Rock SWAT team members return from sniper positions around War Memorial Stadium during a Police Sniper Response to a Public Venue training session on Wednesday. Police sniper instructors from Craft International of Dallas led the group of Arkansas law enforcement members in a training event at the stadium.

Beebe names lawyer Gibson as UA trustee

Monticello man attended 2 universities in Arkansas

CHELSEA BOOZER
ARKANSAS DEMOCRAT-GAZETTE
Gov. Mike Beebe has appointed a Monticello lawyer to the University of Arkansas board of trustees.

Beebe announced Wednesday that Charles "Cliff" Gibson III would replace board member Mike Akin, whose term expired March 1.

Gibson, 58, has been the county attorney for Drew County for the past 12 years and continues to work at a law firm that he founded in Monticello in 1981, The Law Offices of Gibson and Keith.

Reached by phone shortly after the announcement Wednesday, Gibson expressed gratitude.

"I'm humbled by the preference. I hope that I can make a contribution to the system and the efforts that are made to educate folks of Arkansas," he said. "I'm honored that Gov. Beebe showed that sort of confidence in me. I intend to do my best to make it make a difference."

Beebe previously has appointed Gibson as a special

justice to the Arkansas Supreme Court. He has served in that role four times in appointments by former governors dating back to Jim Guy Tucker, he said.

Gibson is familiar with the UA System, having attended the University of Arkansas at Monticello and University of Arkansas at Little Rock law school, where he earned his juris doctorate and served on the editorial board of the UALR *Law Journal*.

That familiarity with the system is what UA System President Donald Bobbitt said will make Gibson a successful trustee.

"He has clearly led a distinguished career in law and public service, and will bring a great deal of knowledge and experience to the board," Bobbitt said through his spokesman in an e-mail Wednesday. "As a former student at two of our institutions, I know he'll bring a unique understanding of our university system."

Each year, the governor appoints a trustee to a 10-year term. Gibson's term will expire March 1, 2023. The 10-member board oversees the UA System and approves any major policies.

Gibson, a past director See **GIBSON**, Page 5B



Gibson

Erstine to succeed Gillean as UCA chief of staff

CATHY FRYE
ARKANSAS DEMOCRAT-GAZETTE

Kelley Erstine, who once served on the board of trustees for the University of Central Arkansas, will become the university's chief of staff on July 1.

Erstine, 55, was a trustee from January 2000 until December 2003, when he quit to become president of the UCA Foundation, which secures and manages private funds

for the university. He also has served as UCA's vice president of institutional advancement and development.

Erstine resigned from the foundation in July 2008. Since then, he's been the chief executive officer of the Inde-



Erstine

pendent Insurance Agents of North Carolina, a state trade association that represents about 1,000 agents.

Erstine replaces former Chief of Staff Jack Gillean, 56, who is charged with four felonies, including three counts of commercial burglary. Gillean is accused of giving keys to student Cameron Stark with the knowledge that Stark planned to use them to steal tests from professors' offices.

Erstine, a Sheridan native, graduated from UCA in 1979 with a degree in journalism.

University President Tom Courtway said in a news release that Erstine would be a "valuable asset to UCA."

"Kelley Erstine knows the University of Central Arkansas well," Courtway said. "He is well-known throughout the state of Arkansas and this region of the country, and is a proven administrator."

As chief of staff, Erstine will earn \$170,000 per year.

In an interview Wednesday, Erstine said he's looking forward to returning to his home state.

Several elements factored into his decision to accept the position, he said.

"First of all, I know the UCA environment. I know the UCA family quite well," Erstine explained, adding that

See **ERSTINE**, Page 8B

Tamer restrictions on inquiries into animal abuse clear panel

SEAN BEHEREC
ARKANSAS DEMOCRAT-GAZETTE

The Senate Judiciary Committee on Wednesday approved Sen. Gary Stubblefield's watered-down legislation aimed at restricting the conduct of undercover animal-welfare activists and safeguarding the rights of accused animal owners.

The three bills that passed the committee had been amended to appease the animal-welfare and animal-control communities while still addressing some of the concerns Stubblefield, a Republican from Branch, said he had set out to change.

The original bills, Sen-

ate Bill 13 and Senate Bill 14, were filed by Sen. Jeremy Hutchinson, R-Benton, who met heavy resistance from animal-welfare groups, in part because the legislation would make it a crime for non-law enforcement groups to investigate animal cruelty. After Hutchinson dropped the bills, Stubblefield, who is a farmer, took them up — and inherited the criticism attached to them.

After more than a month of e-mails, phone calls and meetings with the attorney general's office and animal owners, Stubblefield said he came up with language that would satisfy most people.

"I think that we have certainly put a stronger deterrent into the law that will maybe, hopefully, deter people, especially these out-of-state groups, from coming in and impersonating police officers, taking people's property, denying them of their due process of law," Stubblefield said after the meeting.

Stubblefield presented a stripped-down version of SB13, as well as Senate Bills 1032 and 1016, at the committee meeting, which drew a crowd of animal-welfare activists, members of animal-rescue groups and animal-control

See **BILLS**, Page 8B

Don't look down



Arkansas Democrat-Gazette/STEPHEN B. THORNTON

Chris and Faith Cyman of Amarillo, Texas, help their nieces Jeweliana Harvey (left), 3, and Maryn Harvey, 4, walk across an elevated balance beam made from a tree Wednesday afternoon at War Memorial Park in Little Rock.

Legislator contesting \$150 fine, censure

JOHN LYNCH
ARKANSAS DEMOCRAT-GAZETTE

State Rep. John Hutchison is challenging ethics sanctions he received for using campaign funds to pay some of his mother's electric bills while he was renting campaign office space in her home.

The first-term Harrisburg Republican petitioned Pulaski County Circuit Court on Tuesday to overturn the \$150 fine and vacate the Arkansas Ethics Commission's sanctioning letter. The agency censured him in February in a unanimous vote, with one member absent. Hutchison also wants the agency to reimburse his legal expenses.

There's no dispute that Hutchison, 53, used campaign funds for rent and electricity at 76-year-old Katy Hutchison's Arkansas 14 East home. The arrangement was for John Hutchison to pay rent based on the electric bill, with monthly payments to be \$250 to \$350. Hutchison used campaign funds to pay \$863 between August and October, with \$301 for his mother for August rent and the remainder, \$562, paid to Entergy in September and October. He disclosed those payments in his campaign finance reports. He defeated a Democratic opponent in November.

See **LEGISLATOR**, Page 8B

'Portraits in Gray' set to open at NLR library

JAKE SANDLIN
ARKANSAS DEMOCRAT-GAZETTE

Portraits of Confederate soldiers, many posed with guns or oversized knives, make up an exhibit opening Friday at North Little Rock's Laman Library in conjunction with the Civil War Sesquicentennial.

"Portraits in Gray: A Civil War Photography Exhibition" features high-quality copies of Civil War-era photos chosen from Atlanta native David Wynn Vaughan's private collection of the original photos. Vaughan's complete collection is advertised as one of the nation's largest of Civil War images.

The 70 portraits will be

displayed until June 15 in the Laman Library's second-floor gallery, 2801 Orange St. The exhibit is sanctioned by the Arkansas Civil War Sesquicentennial Commission.

Admission is free. The library will be closed Sunday for Easter.

A highlight of Vaughan's collection is rare photos of cadets from the former Georgia Military Institute. The academy began in 1851 training young men for the military in Marietta, Ga. The empty campus was burned to the ground in 1864 during Union Gen. William T. Sherman's "March to the Sea" through Georgia.

See **EXHIBIT**, Page 5B



Arkansas Democrat-Gazette/BENJAMIN KRAIN

Dan Noble arranges images of Civil War soldiers for a new exhibit that will open Friday at the Laman Library in North Little Rock. The exhibit will feature 70 high-quality reproductions of Civil War photographs.

Stabbing was a blur of blade, jury told

JOHN LYNCH
ARKANSAS DEMOCRAT-GAZETTE

With his final words, a Bauxite musician, fatally wounded in the parking lot of a nightclub, called out for his son and begged for medical attention, a Pulaski County jury heard Wednesday in the first-degree murder trial of the man accused of stabbing him.

Brian Elam Sims said he was acting in self-defense in the September 2011 stabbing of 38-year-old Robert Aaron Cauley outside the Rock City Lounge on Arch Street, north of Base Line Road outside the Little Rock city limits. Cauley lost consciousness during the ambulance trip to the hospital and died about a week later, having never awakened.

Defense attorney David Littlejohn told jurors that his 5-foot, 6-inch, 140-pound client was outmatched by the 6-foot 250-pound Cauley.

"He had no need to be armed. He was a giant of a man," Littlejohn said in opening statements.

Sims, 29, of Hensley is also charged with second-degree battery, accused of slashing the hand of a friend of Cauley's, Thomas Jones, who tried to go to Cauley's rescue. He is also charged with aggravated assault because witnesses say Sims brandished a gun during the episode, threatening his own sister-in-law, Hannah Monroe of Bryant, with the pistol while leaving the club. He faces a potential life sentence. Proceedings resume at 9:30 a.m. today in the Little Rock courtroom of Circuit Judge Herb Wright.

His attorneys have not said whether Sims will testi-

fy in the case, but prosecutors ended the first day of trial by playing a brief taped statement that he gave to Sgt. Robert Garrett, the sheriff's deputy who headed the investigation, before Cauley died. Sims told Garrett that a "taller, heavier set" man had surprised him in the parking lot by knocking him down with an unprovoked punch as he and his wife were preparing to leave. Sims told the deputy that his assailant jumped on him and he used his knife, saying he couldn't remember much because he had been so drunk.

"I turned around, and that's when he hit me," Sims said. "I fell to the ground, and he came down on top of me ... and I think that's whenever I started stabbing him. I was scared he was going to beat me to death. I believe in my whole heart it's self-defense."

Sims said he didn't remember himself or his wife brandishing a gun during the attack, but he told the deputy that they'd gotten rid of the pistol because he didn't have a concealed-carry license.

But Sims' description of the stabbing didn't match the testimony that the seven women and five men on the jury heard Wednesday. Jones, a bandmate of Cauley's, said he saw Sims strike first by hitting Cauley in the back. Jones told jurors that he didn't realize his friend was being stabbed until he attempted to intervene. Cauley tried to fend off Sims with punches, but the older man couldn't connect and was knocked down, Jones said. Cauley ended up on his back with Sims "straddling" him and stabbing,

while Cauley begged him to stop, Jones said.

"It was a constant blur of blade," he told jurors. "[Cauley] was laying on his back, his hands up, struggling. [The attack] was constant, stick, stick, stick."

Another club patron eventually pulled Sims away, Jones said, and he tried to tend to the profusely bleeding Cauley. Deputy prosecutor Jill Kamps told jurors that Cauley had been stabbed at least six times in the back, side and chest.

Jones testified that he and bandmate Cauley had arrived at the club about 30 minutes before its 2 a.m. closing after playing a gig together at the nearby Long Branch Saloon. The men, both guitar players, intended to take Cauley's friend, Rock City bartender Margie "Tina" Powell, to breakfast when the club closed. Jones said Cauley was helping Powell clear out the club. Sims' wife, 30-year-old Charleena Renee "Nina" Sims, was drunk and unruly — a "madwoman," Powell testified — and Cauley had to help her sister carry Nina Sims to her car. Cauley was leaning into the car talking to her when Brian Sims first attacked, Jones said.

Rodney Brazeal of Benton, who was with the Simses at the club, told jurors that Nina Sims was acting "crazy," cursing and fighting to get back into the closing club. He said he'd just met the couple that night and that Brian Sims had been showing off a large folding knife during the evening. He told jurors that Sims was "calm, cool and collected" as Cauley carried his wife to their car. He said he was

surprised when he saw Sims deliver what he thought was a "kidney punch" to Cauley's back. When he realized Sims was stabbing the man, Brazeal said, he tried to push Sims' arm away but Sims knifed Cauley in the chest before Brazeal could knock the knife out of his hand.

"[Sims] aimed right for his heart. [Cauley] was saying 'stop stabbing me,'" Brazeal said. "[Sims] was ready to keep on stabbing."

Brazeal, who has medical training, said he tried to help Cauley. He said he's still haunted by Cauley's last words.

"He told me, 'I'm dying, I'm dying. My lungs are filling up,'" Brazeal testified. "He said, I have a son. I want you to tell him I love him."

Deputy Calvin "C.J." Davidson, one of the first responders, said he arrived to find Cauley, a friend of 20 years, lying on the ground bleeding heavily next to a large trash bin in the parking lot.

"He was begging me ... not to let him die. I told him I wasn't going to," Davidson told jurors, describing how Cauley called out for help. "He was struggling to breathe. He told me his lungs were filling up with blood, and he was choking."

Nina Sims is not charged in the slaying but is charged with aggravated assault over accusations that she threatened Monroe, her sister, with a gun. She will be tried separately from her husband. She also faces misdemeanor marijuana and prescription-drug charges, along with misdemeanor drunken-driving charges.



Arkansas Democrat-Gazette/BENJAMIN KRAIN

Debra Wood and Dan Noble arrange images of Civil War soldiers for a new exhibit at the Laman Library opening Friday in North Little Rock. "Portraits in Gray: A Civil War Photography Exhibition" features 70 high-quality enlarged reproductions of original photographs.

Exhibit

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"There are only 12 known images of Georgia military cadets known to exist," Dan Noble, the library's public relations manager, said during an exhibit preview Wednesday. "We will have eight of the 12 here."

The portraits, divided into themed sections, show subjects of various ages and dress, some posed in studios and others at encampments. In many, the Confederate soldiers are holding muskets, pistols or cross guard fighting knives, also called side knives, big enough to resemble small swords. Others are shown with a Bowie knife, the famed "Arkansas toothpick" of Jim Bowie legend, favored by Confederates, according to an exhibit narrative.

Short descriptions accompany each portrait. Some identify the photo's subject if known, his rank, a short biography obtained through genealogical research, and even the photographer.

None of the photos are by famed Civil War photographer Matthew Brady, Noble said.

"Matthew Brady was not the only photographer during the Civil War," Noble said. "He's just the most famous one."

Fitting so many portraits into a recommended nine thematic sections presents a challenge, said Debra Wood, the library's exhibits and events manager.

"Usually exhibitions come with a suggested hanging placement," Wood said as she organized the photos, portrait descriptions and accompanying narrative posters. "This one I'm having to double up

some of the portraits. We just modify it for our space. It'll be ready to go at 9 o'clock [a.m.] Friday."

Among the portraits: A Confederate captain with a young black servant dressed in Southern uniform; four rugged-looking men with those long fighting knives, identified as the Patillo brothers of the 22nd Georgia Infantry; a pair of unknown, young soldiers, possibly brothers, one with his hand holding the crook of the other's arm while mindlessly pointing a small pistol at his companion; and, 17-year-old Georgia Pvt. Thomas Tate in 1861, shown with a small flower in his left hand "perhaps a symbol of his devotion" to either his mother or girlfriend, a narrative said.

"Portraits in Gray" is one of several sought-after exhibits secured by the Laman Library. A Norman Rockwell exhibit of the artist's *Saturday Post* magazine holiday covers was at Laman late last year. An illustrated history of Negro League Baseball is scheduled to begin in late June, followed in September by a display of photos and recovered materials from the World Trade Center twin towers destroyed in the Sept. 11, 2001, terrorist attacks.

The Confederate portraits are from a traveling exhibit of the Southern Museum of Civil War and Locomotive History in Kennesaw, Ga., Noble said. The library is paying \$5,000 for the exhibit's 12-week run, he said.

"We're proud to bring it in," Noble said of the library's quest to offer high-quality exhibits. "A lot of people would not see this type of exhibit if we didn't bring it here."

"We're bringing in history," he added.

Police beat

CAMERON MOIX
ARKANSAS DEMOCRAT-GAZETTE

Pellets shot at bus; LR student injured

A Parkview High School student was injured when the school bus she was riding in was fired upon several times Wednesday with what appears to have been a pellet gun, said Little Rock School District Communications Director Pamela Smith.

The ninth-grade student was reported to have been grazed across her left cheek by a pellet around 4:30 p.m., according to an e-mail sent to Parkview parents that evening. Smith said the girl was taken to the hospital for treatment.

Repeated attempts to reach Little Rock police spokesman Sgt. Cassandra Davis were unsuccessful, and Lt. Dana Jackson said Wednesday night that he did not have a report on the shooting and was unable to comment on the case.

The First Student Inc. bus was on Burnell Street in southwest Little Rock, transporting students home



arkansasonline.com/right2know

when the shooting occurred. The vehicle was shot several times before coming to a stop near 7725 Burnell St., Smith said. She reported only one injury but said two bus windows were shattered by the pellets.

No arrests had been made at the time the e-mail was sent, but Smith said the shooter was seen wearing a black shirt, red shoes and a red jacket.

"The District takes this matter very seriously and is committed to working with LRPD to fully investigate and catch the person responsible," Smith wrote in the e-mail to parents.

The e-mail also said district safety and security units will continue to patrol the area near the scene and asked that anyone with information contact school district officials immediately.

Gibson

• Continued from Page 1B

and president of the Monticello Economic Development Commission and the Drew County Chamber of Commerce, will be the third lawyer on the current board. He said he is acquainted with a few of the board members.

"I've known some of them through the years. Immediately, [former Sen. David Pryor] comes to mind. I've known the Pryor family for a long, long time. I also know Mr. Ben Hyneman, and there are others that I have had some contact with," Gibson said. "They are all well-accomplished."

Gibson, a native of Greenville, Miss., was a deputy prosecuting attorney for

Arkansas' 10th Judicial District for seven years and has served on the board of directors of Commercial Bank and Trust Co. for more than 20 years.

He said he will continue in his role at his law firm and as Drew County attorney.

"Cliff's appointment helps ensure a dependable voice on the Board for the U of A campuses in South Arkansas," Beebe said in a news release. "His sound judgment and calm demeanor will serve the entire system of schools well in the coming years."

Beebe's appointment to the board last year was Dr. Stephen Broughton of Pine Bluff. The term of board member Sam Hilburn, a North Little Rock lawyer, will expire next in 2014.

Well ban

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Also, vapors from the chemical are not a risk because the density of the clay soil the houses sit on will not allow them to reach the surface.

"I do not believe human health is at risk because of the plume," Benefield said of the area of contaminated groundwater.

Directors also appeared upset with Whirlpool over the lack of notice to the city and residents in the 12 years since the company discovered the trichloroethylene that leaked into the soil at the plant had moved off its property into the neighborhood to the north.

One of the residents of the neighborhood who spoke at Wednesday's meeting, Debbie Keith of 1804 Jacobs Ave., said she was "infuriated" that she lived in her home for decades over a pool of trichloroethylene and Whirlpool never notified her until January.

"We can't set an example for the world that a company can come in and do what they did to the little guy and just walk away," she said.

Noel requested in a letter Tuesday to city Development Services Director Wally Bailey to withdraw the ordinance from consideration. He wrote in the letter the company's proposal left the impression that the well-drilling ban was the only measure it would take to resolve the trichloroethylene contamination issue, and that's not the case.

Residents of the affected neighborhood and some city directors criticized Whirlpool

for not doing more to respond to the contamination after the ordinance was proposed last month.

Noel wrote that the proposed ordinance was a precaution and that the company has taken responsibility for the contamination and plans to continue to seek a long-term solution.

The company may present the ordinance to directors again in the future, Noel wrote, if experts believe it is an appropriate action to take but only after holding a public meeting on a long-term solution and after getting approval of the plan from the Department of Environmental Quality.

Benefield said Wednesday that Whirlpool is scheduled to submit a revised risk management plan to the department by April 8 that will propose how it plans to clean up the contamination. He said public meetings will be held to get public input on the plan. If the plan is approved, he said, work to implement the plan would begin by the end of the year.

Whirlpool representatives asked the city directors last month to pass the well-drilling ban to eliminate access to the contaminated groundwater by residents of the neighborhood located north of the company's plant, which closed last June.

The representatives informed residents of the 35 homes in the neighborhood in January that it was seeking the ordinance because of contamination of the groundwater with trichloroethylene, a degreaser the company used from 1967 to 1981 to clean

metal refrigerator parts before assembly.

Company officials told city directors last month there is no record of a spill or accident that would account for the chemical getting into the soil. The chemical was discovered in the groundwater in 1989 when the company was removing an underground storage tank that contained a different substance, according to the company. Research found in 2001 that the chemical was seeping into the groundwater into the neighborhood north of the plant property.

After notifying the environmental quality department of the contamination, the company began testing and determined the trichloroethylene migrated north into the neighborhood. The company designated the neighborhood bounded by Ingersoll and Brazil avenues, Ferguson Street and Jenny Lind Road as the area with the contaminated groundwater.

Whirlpool tried to pump out the trichloroethylene from the groundwater last year and then to neutralize it

chemically but both attempts failed, according to the company.

Bob Bowcock, founder of the California environmental research company Integrated Resource Management, told a neighborhood meeting crowd Tuesday night he believes the area of contamination is larger than Whirlpool has stated and probably extends into the neighborhood south of the plant as well. The plant sits on higher ground, so he believes water from the site would have flowed to other areas, including the neighborhood south of the plant.

He said the government considers exposure to trichloroethylene to have neurological and carcinogenic effects and to cause defects in fetuses.

Bowcock is an associate of environmental activist Erin Brockovich who spoke to the residents Tuesday night, offering to help them force Whirlpool to clean up the contamination. She said she and her team plan to investigate the contamination to determine its extent and the health effects it is having on residents.

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