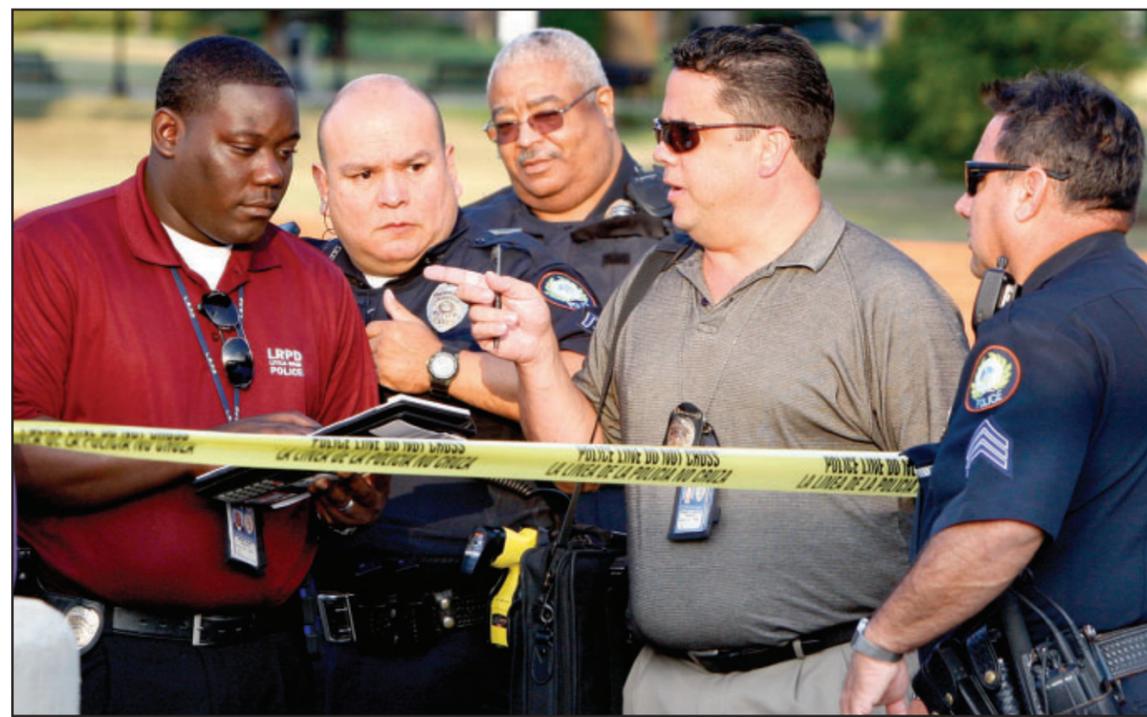


Homicide in the park



Arkansas Democrat-Gazette/JEFF MITCHELL

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Little Rock police and detectives discuss a homicide victim who was found Tuesday morning by joggers in MacArthur Park. Police said the man had been shot in the chest. Authorities made an arrest in the case late Tuesday. *Article, 3B*

McDaniel part of 22-state bid to ax gun law

Lift limits for those 18-20, U.S. Supreme Court urged

SEAN BEHEREC
ARKANSAS DEMOCRAT-GAZETTE

Arkansas Attorney General Dustin McDaniel joined colleagues from 21 other states in asking the U.S. Supreme Court to strike down the federal ban on certain firearm sales to adults under the age of 21.

In an amicus curiae, or "friend of the court" brief, filed by Alabama Attorney General Luther Strange, the highest law-enforcement officials from the 22 states argued that the ban was at odds with the desires of the states.

Strange wrote that those states "want their citizens to have a liberty that is guaranteed to them by the federal Constitution but currently denied to them by the federal government."

"Adults who are 18, 19, and 20 honorably defend our country when it is at war. These same Americans should be able to defend themselves and their families when they are at home. Yet Congress has chosen to preclude the States from fostering their citizens' freedom in this way," Strange wrote.

A federal law prohibiting the sale of firearms other than shotguns or rifles to adults between the ages of

18 and 20 is at the center of a case brought by the National Rifle Association against the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. The NRA filed the lawsuit on behalf of three of its members who wanted to purchase handguns but were not yet 21.

The three members have since turned 21. A fourth member, who is 19, has joined the lawsuit.

The law was enacted in 1968 under the Omnibus Crime Control and Safe Streets Act of 1968, the lawsuit states.

The law states that it is a crime for a firearm dealer or manufacturer to sell or deliver a firearm other than a shotgun or rifle to someone under the age of 21.

The case was filed with the court July 29 after the 5th Circuit U.S. Court of Appeals upheld the law in October 2012.

Strange cited dozens of state statutes and constitutional provisions that were at odds with the federal law, including an Arkansas law prohibiting furnishing a deadly weapon to a minor that defines a minor as someone under the age of 18.

Strange also cited *Article* **GUNS**, Page 5B

Gay-marriage suit gets new judge

Decision now before overturner of ban on unwed adoptions

JOHN LYNCH
ARKANSAS DEMOCRAT-GAZETTE

The state judge whose ruling recognizing that Arkansas residents have a constitutional right to enjoy sex lives largely free from government scrutiny — a decision that resulted in a landmark state Supreme Court case — has been assigned to decide a lawsuit challenging Arkansas' ban on same-sex marriages, which relies on similar legal

precedent.

Pulaski County Circuit Judge Chris Piazza was assigned the case after Judge Jay Moody recused Tuesday at the request of the plaintiffs, 19 legally wed same-sex couples whose marriages are not recognized by the state. The nature of the request was not disclosed, and plaintiffs attorney Cheryl Maples of Searcy did not return a phone message Tuesday afternoon.

No hearings have been scheduled, although a subset of plaintiffs, all legally married in other jurisdictions, have asked for a court order requiring the state to stop enforcing Amendment 83, approved by 75 percent of voters in 2004, and the sections of Title 9, the family law portion of the Arkansas Code enacted in 1997, to define marriage as the union between a man and a woman and prohibiting the

issuance of a marriage license to applicants who do not fit that definition.

In 2010, Piazza, a judge since 1991, struck down a voter-approved law that barred cohabiting unmarried couples in intimate relationships from fostering or adopting children.

His ruling — upheld unanimously in 2011 by the Arkansas Supreme Court — found **See LAWSUIT**, Page 10B

Insurance exchange board holds 1st meeting

ANDY DAVIS
ARKANSAS DEMOCRAT-GAZETTE

During its first meeting Tuesday, the state board that will decide whether Arkansas should establish its own health-insurance exchange elected a temporary chairman and set two more meetings for later this month.

The ultimate role of the Arkansas Health Insurance Marketplace board of directors will be to decide whether the state should establish its own exchange to replace the one being created this year by the federal government in partnership with the state. A state-run exchange could replace the federal one as early as July 1, 2015, if the board decides to do so.

In Tuesday's meeting at the University of Arkansas System offices in Little Rock, the 11-member board also voted to incorporate and chose a domain name for its future website: arhim.arkansas.gov.

Although the board does not yet have a staff or funding, members approved paying directors a stipend of up to \$100 per meeting or day spent on board-related duties. The law that created the board, Act 1500 of 2013, required the action at its first meeting.

Deputy Insurance Commissioner Cynthia Crone told board members that the Insurance Department could apply for federal funding on the board's behalf as early as Nov. 15 and that the money would likely **See BOARD**, Page 10B

A tall order



Arkansas Democrat-Gazette/BENJAMIN KRAIN

Evaristo Vega tosses a safety rope down to crew members with Bray Sheet Metal after hanging Tuesday from the steeply pitched roof to make shingle repairs at First Presbyterian Church in Little Rock.

After dismissal bid, ex-official at UCA facing more charges

DEBRA HALE-SHELTON
ARKANSAS DEMOCRAT-GAZETTE

CONWAY — Prosecutors have responded to a defense motion to dismiss three commercial-burglary charges against former University of Central Arkansas Chief of Staff Jack Gillean by calling defense complaints "overly dramatic" and filing more charges against Gillean.

Gillean, 56, now faces five counts of commercial burglary in addition to charges of fraudulent insurance acts, all felonies; and issuing a false financial statement, a misdemeanor. His trial, scheduled for Oct. 8, will focus only on the charges of commercial burglary. The other counts

are to be tried later.

In a motion filed in early August, the defense said the three burglary counts Gillean faced at that time should be dismissed because the prosecution did not specify when it believes Gillean burglarized specific UCA buildings.

Chief Deputy Prosecuting Attorney Troy Braswell wrote in a document filed Friday that the defendant had contended "that he has to rely on assumptions in preparation for the trial" because of the lack of dates in the burglary charges until they were amended.

"This is blatantly false and overly dramatic," Braswell wrote. "The State has pro-

vided sufficient detail for the Defense to prepare its case."

Braswell said the state also has provided statements from several witnesses about the estimated time of the first burglary as well as a transcript, a syllabus, copies of exams and statements from professors and other witnesses.

In filings Friday in Faulkner County Circuit Court, the prosecutor's office gave time elements for each of five burglary counts and said an exam was stolen each time: on or about Feb. 10, 2011, in Lewis Science Center; on or about Feb. 14, 2011, in Laney Hall; on or about March 16, **See GILLEAN**, Page 5B

Unpacking 9/11 relics awes NLR library workers

JAKE SANDLIN
ARKANSAS DEMOCRAT-GAZETTE

Unpacking objects recovered from the Sept. 11, 2001, terrorist attacks on the World Trade Center, Laman Library's Debra Wood said certain items tugged at her emotions.

The exhibit, *Recovery: The World Trade Center Recovery Operation*, opens Friday in the second-floor exhibit hall of the Laman Library, 2801 Orange St., North Little Rock. The exhibit of 50 photos and 56 preserved items will run through Dec. 1. Admission is free.

"A friend told me, 'You are holding and touching pieces from the most significant event of our lifetime,'" Wood, the library's exhibits and events manager, said while setting up displays Tuesday. The exhibit was scheduled to coincide with the 9/11 anniversary, which is a week

from today.

"It's profoundly emotional compared to the other exhibits that we've had," Wood said. "Nothing else compares to this one by any means."

The traveling exhibit tells of the recovery effort at Fresh Kills, a landfill on Staten Island where 10 months were spent sorting through 1.8 million tons of debris from the trade center's collapse for human remains and material evidence. The New York State Museum was eventually allowed to have items set aside to document the unique operation.

Approximately 54,000 personal effects, \$76,318.47 in loose bills and coins, more than 13 pounds of narcotics and 1,358 destroyed vehicles were recovered during the operation, according to one display.

Among items that will appear **See EXHIBIT**, Page 5B



Arkansas Democrat-Gazette/STEPHEN B. THORNTON

Charles and Diane Mathis of Sherwood look at the remains of a motorcycle that was found among the wreckage at the World Trade Center site after 9/11. It was on display Tuesday at the William F. Laman Library in North Little Rock.

Sales-tax revenue down from 2012 in first half of 2013, LR board told

CLAUDIA LAUER
ARKANSAS DEMOCRAT-GAZETTE

During the first six months of 2013, Little Rock collected almost \$691,000 less in sales-tax revenue than during the same six months in 2012, an

amount that also puts the city more than \$2.25 million below sales-tax projections in its current budget.

The news of the lagging collections was delivered to the Little Rock Board of Di-

rectors in financial reports Tuesday night.

Sara Lenehan, director of the city's Finance Department, gave the reports Tuesday on the returns from May and June. The state Depart-

ment of Finance and Administration takes two to three months to return to the city its portion of the tax revenue.

"We aren't seeing the kind of growth we had hoped for with economic recovery,"

Lenehan said.

According to Lenehan's report, the losses aren't just because the 2011 voter-approved 1 percentage-point sales-tax increase isn't meeting growth projections: The city is col-

lecting less tax revenue this year than last year.

Based on previous collections, the city had estimated 2 percent annual growth over the next 10 years for the new **See SALES TAX**, Page 5B

Sales tax

• Continued from Page 1B

sales tax, which started to be collected in January 2012. The city had anticipated the revenue growth would likely be close to 3 percent or 4 percent, but the more conservative 2 percent projection had been used in case years were lean in the beginning as the economy recovered.

In the first three months of 2013, the new sales tax showed a 0.22 percent increase in revenue over 2012. But lower collections in April, May and June caused the city to fall to 0.64 percent less revenue in the first six months of 2013 than in the first six months of 2012.

Through June of this year, the new portion of the sales tax has returned about \$22.9 million. Revenue was about \$23 million during the same time period in 2012. The overall sales-tax returns for the first six months of 2013 were about \$46.2 million; the estimate in the budget was about \$48.5 million.

Several city directors said the numbers have become worrisome.

City Director Joan Adcock asked when the board would adjust this year's budget to account for the anticipated drop in sales-tax revenue and when the board would see projections for the 2014 budget.

"We will start looking at adjustments [for the 2013 budget] at the end of September or the beginning of October," said City Manager Bruce Moore. "We typically begin the budgeting process with the board some time in October."

City Director Dean Kumpuris said the inability to collect city taxes on online purchases is part of the problem.

"The thing that frustrates me is the number of UPS trucks that come every day to everybody's houses, with buying stuff online," he said. "I would urge you, Bruce and the mayor, to write a letter to send to our House and Senate members, saying if you don't get legislation signed allowing us to collect taxes on these purchases, it will kill this city. You are going to end up killing cities that are doing everything right."

Mayor Mark Stodola said all but one member of the state's congressional delegation have supported federal legislation to allow local sales tax to be collected on online purchases. Rep. Tom Cotton from Arkansas' 4th District had not signed on to support the legislation as of this week, Stodola said.

City Director Erma Hendrix mentioned her failed residency ordinance that would have required most city employees to live inside city limits, which she argued would have led to an increase in tax revenue.

Other city directors asked for more explanation of the discrepancies between collected and projected sales-tax revenue.

City Director Gene Fortson said the city's tax on hotel stays and prepared foods has seen a steady increase and that the state's tax revenue also has been positive for the past few months.

"The Advertising and Promotion Commission collects a very limited hospitality tax, and they have been collecting near record increases every month indicating an increase in economic activity," he said. "There's a lack of correlation between what you are getting and what is happening in other segments."

Lenahan said much of the state's increased tax revenue has come from income taxes, but the sales-tax portions are higher partly because the state does not have a limit on how much tax it can charge on new cars. The city can collect sales tax only on up to \$2,500 of a car's purchase price.

She said after years of requesting more information on sales-tax revenue from the state, the city will receive a report in the next month that will include more information on what sectors the collections come from, among other details.



Arkansas Democrat-Gazette/STEPHEN B. THORNTON

Stan Gulley wheels away a shipping container Tuesday as he helps set up the "Recovery: The World Trade Center Recovery Operation" exhibit that opens Friday at the William F. Laman Library in North Little Rock.

Exhibit

• Continued from Page 1B

pear in the Laman Library display are a twisted piece of the trade center facade, a mangled firetruck door, a firefighter's boot ripped apart at the ankle, a cigarette lighter with a police insignia on it and interpretive panels detailing the recovery effort.

Photos in the exhibit include one of buckets filled with driver's licenses, credit cards and identification badges.

A partially crushed motorcycle that had been parked outside the trade center is also on display in the library's first-floor lobby.

"Everybody knows about 9/11," said Dan Noble, the library's public relations manager. "Most do not have a clue about Fresh Kills and the recovery effort. It's a story that should be told."

Some items on display may hit viewers emotionally harder than others, for different rea-

sons, both Noble and Wood said.

"For me, personally, it's the oxygen tank harness," Noble said of a torn Scott air-tank harness that a member of the New York Fire Department was wearing when the towers collapsed. "I mean, somebody was wearing that. That's what gets me the most, something that hit home to me."

For Wood, who has four dogs, one particular item that she said touched her is a bowl that belonged to Sirius, an explosives-detection dog from the New York Port Authority Police Department. Sirius was killed when the second tower collapsed. The yellow Labrador's story is told in one of the interpretive panels, pictured with his assigned K-9 officer, David Lim, who was among a small group found alive inside the collapsed towers. Sirius' remains were recovered, still in his kennel.

"The dog bowl. I was working here yesterday [Monday] unpacking crates, and I pulled

that out," she said. "I'm a huge dog nut. When I saw it was a dog bowl ... it was quite moving."

The library paid \$8,000 to rent the exhibit from the New York State Museum for 12 weeks to bring the recovery effort's story to central Arkansas, Noble said.

"For a lot of people here in central Arkansas, this is as close as they're going to get to see this," Noble said. "It's an investment in our community. If we didn't do this, a lot of people here would not get to see it."

"It's a very moving exhibit," Noble said. "We're really proud to have it."

In conjunction with the exhibit, Noble said, Maureen Mitchell, the widow of Paul Mitchell, a Fire Department lieutenant killed in the trade center collapse, will discuss Saturday the efforts of the 9/11 Tribute Center, a project of the September 11th Families Association. The 10 a.m. event in the library's exhibit hall is also free.

Gillean

• Continued from Page 1B
2011, in Laney Hall; on or about March 3, 2011, in Laney Hall; and on or about May 2-3, 2011, in Laney Hall.

The prosecution contends that either Gillean or an accomplice was the burglar in each case.

Braswell wrote that the state alleges that Gillean or an accomplice also entered Irby Hall with the plan to steal exams, though none of the amended charges cite a theft in that building.

Braswell said the state's syllabus contains the dates of those exams. "However, the State is unable to provide more specific detail as to the dates the building was actually entered," he wrote.

The prosecution has never contended that Gillean entered any of the buildings except for Lewis Science Center



More information on the Web

Jack Gillean case filings
arkansasonline.com/gilleantrial/

to steal tests, Braswell said.

"The Defendant contends he has been prejudiced because he cannot prepare an alibi defense," Braswell wrote. "However, the defendant's presence in the building, city, state, or country for that matter do not alleviate his responsibility under accomplice liability."

Gillean resigned June 15, 2012, after being asked about a grandmaster key found on then-student Cameron Stark.

UCA police have alleged that Stark stole prescription medicine June 9, 2012, from the office drawer of Andrew Linn, a UCA financial-aid employee at that time. Gillean is

not charged in that burglary, and Stark has been granted immunity from prosecution in exchange for his cooperation in the case.

Gillean's trial will be in Van Buren County Circuit Court in Clinton because of a judge's ruling about pretrial publicity in Faulkner County. A pretrial hearing is Oct. 4 in Faulkner County.

Lecture to be held on racial etiquette

ARKANSAS DEMOCRAT-GAZETTE

A lecture on racial etiquette and change will be presented at the Historic Arkansas Museum on Thursday.

Benjamin Houston of the United Kingdom's Newcastle University, the author of the new book *The Nashville Way: Racial Etiquette and the Struggle for Social Justice in a Southern City*, will speak at 6 p.m.

Houston's talk is titled "A Manner of Segregation: Racial Etiquette and Racial Change in Nashville, Tennessee." The

free lecture at the museum, at 200 E. Third St. in Little Rock, is open to the public.

Houston is a lecturer in modern U.S. history. His research interests include civil rights, the black freedom struggle, history of the U.S. South, 20th-century U.S. history and oral history.

The University of Arkansas at Little Rock's Department of History and the Historic Arkansas Museum are co-sponsoring the event, a news release said.



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Guns

• Continued from Page 1B

Attorney General Gary King were the only Democrats included in the brief.

Aaron Sadler, a spokesman for McDaniel, said the office would not comment on the case beyond what was in the filing.

In a statement that followed the filing of the brief, the NRA said that 18-year-olds have been considered adults when it comes to gun rights since the founding of the country and should have the ability to purchase handguns.

"Young adults, many of whom have fought and sacrificed life and limb for their country, should not be prohibited from fully exercising their fundamental Right to Keep and Bear Arms. The Second Amendment should receive no less respect than our other enumerated constitutional freedoms," said Chris Cox, executive director of the NRA's Institute for Legislative Action.

Stacey Hall, a spokesman for Gov. Mike Beebe, said the governor was not familiar with the case and would not comment on it until he spoke with McDaniel, but that he "usually relies on the attorney general for legal matters."

McDaniel and New Mexico

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