

LETTERS TO THE EDITOR

I agree with you

In response to Virginia Graham's Nov. 27 letter, "Fair play for sheriff," concerning the prejudice of the *Star-Telegram* writers: Please pass the word on to her that many other people out here agree with you and your people.

I, for one, think that Sheriff David Williams should resign and take a few of his top henchmen with him.

I admit that I have been one of the first to yell some pretty nasty things at the *Star-Telegram* in the past, but I pray that the *Star-Telegram* keeps on telling us about David Williams' antics! We need to know.

I believe we lost a good person when all those other "true Christians" voted for Williams in the last sheriff's election and we let Bill McClendon, who had more than 20 years' experience, get away. I hope he gives us another chance.

DOROTHY COWART
Fort Worth

Sheriff's deputies receive honors for work

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Tarrant County sheriff's deputies were recognized by their department last night for doing their jobs well and in some cases, serving beyond the call of duty.

But the biggest award went to the littlest deputy of all — 7-year-old Ty Vaughn of Rendon. Last June, he rescued his stepfather who had fallen from a ladder and was knocked unconscious.

In a touching scene, Sheriff David Williams knelt and pinned a Sheriff's Star award ribbon onto the youngster's Cub Scout uniform while 150 people gathered in a fourth-floor courtroom gave him a standing ovation.

"I am very proud of the job you all do," Williams said in his opening remarks.

Williams then took a swipe at the county commissioners whom he sued last month. The sheriff is trying to block implementation of this year's county budget because he says it doesn't provide enough money for the Sheriff's Depart-

ment and doesn't offer big enough raises.

"I must tell you I am not proud of the way this county compensates you," he said. "I will jealously and zealously look after your best interests."

Deputies Amy Craig and Roy Frank were named Deputies of the Year. Kelley Curn and Barbara Wells were named Non-sworn Deputies of the Year. Sgt. Ron Hathcock was named Reserve Deputy of the Year.

Sgts. Scott Christian and Stephen Trubey were named Supervisors of the Year.

Twenty deputies received meritorious service awards, four received Sheriff's Star awards, and 13 received lifesaving awards.

One of them was Phillip Sullivan, who rescued a woman and her two children from a burning house while he was off-duty. "I just did what needed to be done," he said.

It was a celebratory evening for the department, but the night included a somber remembrance for two deputies, Lt. Maurice Hen-

drix and Deputy T.J. Smith, who were killed Sept. 17, 1997, in the crash of a departmental helicopter.

"It is fitting that the last award marked the greatest sacrifice," Williams said. Nominations for the awards are submitted by supervisors or deputies, said Capt. John Dalton. Any department member can submit a name to the award committee. Then deputies

and supervisors from the different sheriff's divisions select the award recipients.

Neil Strassman, (817) 390-7657

After sport utility vehicle dispute, Sheriff's Department buys sedans

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — After failing to get his department a fleet of expensive sport utility vehicles last year, Sheriff David Williams has agreed to go along with county commissioners and ordered plain-jane patrol cars.

Instead of 30 \$30,000 Chevrolet Tahoes, the Sheriff's Department is getting 19 Ford Crown Victorias equipped for police work. The Fords cost about \$20,660 each.

"We need the most cars for the money," said Executive Chief Deputy Hank Pope. "We may request other cars, but no Tahoes."

The department was attracted to the Tahoes because they are a utilitarian vehicle with more passenger room and a better resale value, he said.

Williams could not be reached to comment.

The 19 Fords — 15 for patrol and four for the warrants division — were ordered Monday, said Roy Edwards, assistant county purchasing agent.

The commissioners, who authorized \$675,000 last year for the purchase of a mix of trucks

and sedans, refused to buy the Tahoes.

Williams' bid for Tahoes sparked a yearlong vehicle controversy that now appears to be ending. The commissioners said yesterday that they approve of the sheriff's purchase of the Fords.

"Even if he's not talking with us, maybe he's listening to us," said Commissioner Glen Whitley, when asked about the Ford purchase.

"We applaud the realization on his part that he should confine himself to buying orthodox equipment for police purposes," County Judge Tom Vandergriff said.

The vehicle flap increased the enmity between the commissioners and the sheriff, who sued the county last month to block implementation of the 1999 county budget.

After rejecting the request for Tahoes last year, the commissioners scrutinized the sheriff's 150-vehicle fleet. They were incensed to find five new Fords — which together cost about \$100,000 — that had sat unused in the county garage for nearly a year.

They halted delivery of seven 1998 Tahoes, and didn't release them until Williams provided a complete list of his department's vehicles and explained why the Fords were not used.

Then Williams proposed refurbishing the current fleet of Chevrolet Caprices, which he said are superior to the Fords.

"There was no set fee and the cost to refurbish them could range from \$12,000 to \$19,000," Pope said, explaining why that proposal was dropped.

The commissioners then looked hard at the department's 89 take-home cars, and took some of them away.

They also took back two Tahoes because they had low mileage and weren't being used. Those were given to the fire marshal.

The sheriff still has \$675,000 to spend on cars, county purchaser Jack Beacham said.

"The mileage is extraordinary on some of those sheriff's cars. They need new ones," Beacham said. The department has more than 60 cars with more than 100,000 miles, he said.

Neil Strassman, (817) 390-7657

FRIDAY, DECEMBER 11, 1998

LETTERS TO THE EDITOR

Give Kallal a break

I was embarrassed by your Dec. 4 editorial concerning Tarrant County Sheriff David Williams' appearance in court. Please understand, I think our sheriff is a case study in megalomania and probably needs medicating. However, I thought your personal attacks on his attorney's performance were unnecessary and, quite frankly, beneath you as an editorial board.

The fact that Jana Kallal was awkward and nervous in court could have been as easily attributable to the fact that she was under intense public scrutiny as it could to incompetence. Let's keep in mind that some of the finest legal minds in the country are nerdy little bookworms who have never made an appearance in court. It doesn't make them bad lawyers.

If you want to editorialize on the invalidity of the sheriff's legal position, do so. There is certainly a lot of material to work with. But give the lady a break. After all, she is saddled with a power-hungry, controlling client and a highly tenuous legal argument. F. Lee Bailey would be bumbling.

CYNTHIA BROWN
Legal assistant
Fort Worth

Sheriff's filing reviewed by judge

Religious grounds objection to mediation now includes Williams, McGrath says.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Like his attorney, Sheriff David Williams objects on religious grounds to mediation as a means of resolving his lawsuit to block the 1999 Tarrant County budget.

Mediation infringes on the constitutional rights "provided in the free exercise and establishment clauses" of the First Amendment, say court papers filed late Monday afternoon by Williams' attorney, Jana Kallal.

"This now is the sheriff clearly raising the objection himself," said District Judge Bob McGrath, in whose court the lawsuit is being heard. "She [Kallal] has raised it on behalf of the sheriff."

Williams could not be reached to comment.

Kallal said yesterday that in refiling the objections to mediation, it was not her intention to speak for Williams.

"That was not my purpose. I'm preserving

the issue for appeal. I didn't intend to include the sheriff," she said. The original objections to mediation mentioned other constitutional rights but did not discuss the religious issues, she said.

The First Amendment's establishment clause is considered the basic constitutional protection for freedom of religion and the separation of church and state. It says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

At the close of a Dec. 3 hearing on the lawsuit, Kallal told McGrath that she could not "in good faith" participate in mediation because of "religious issues" against facilitated meetings. Williams declined to say whether he shared Kallal's beliefs.

Kallal said after the hearing that she was not prepared to talk about her beliefs. McGrath has asked her to include information on them in legal briefs that must be filed by mid-January.

"She has not requested a hearing on the objections, so I will continue to wait for the briefing on Jan. 15," McGrath said.

Williams sued the commissioners last month

to block the county from implementing its \$240 million budget as it applies to salaries in his department. The budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than the sheriff requested. Williams contends that the commissioners denied his department essential funding and interfered with his authority.

The county commissioners support mediation.

"The judge is trying to get everyone to talk, something we have tried to do for the longest time," Commissioner Glen Whitley said.

County Judge Tom Vandergriff said mediation is a "useful tool."

The commissioners have said Williams' lawsuit is without merit because under Texas law the Commissioners Court has budgetary authority over county government.

The Dec. 3 hearing was called by McGrath after Kallal filed a motion alleging that his pre-trial order violates the sheriff's rights, court operating rules and Texas law. The order violates his due process rights, she said.

Fort Worth area

Sheriff's lawsuit flawed, county officials contend

FORT WORTH — "Defects" exist in Sheriff David Williams' lawsuit that seeks to block implementation of the 1999 Tarrant County budget, county officials said in legal papers filed yesterday.

The filing by the Tarrant County district attorney, who is representing commissioners and other county officials sued by Williams, was a response to recent legal filings by Williams.

There are "affirmative defenses" and "we allege a number of defects in the plaintiff's pleading," said Ann Diamond, an assistant district attorney. She declined to elaborate but said the defenses and defects will be discussed in briefs filed by Jan. 15 for the next scheduled court appearance before state District Judge Bob McGrath.

Williams sued the commissioners last month to block the county from implementing its \$240 million budget as it applies to salaries in his department. The budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year but less than the sheriff requested. Williams contends that the commissioners denied his department essential funding and interfered with his authority.

Fort Worth Police Chief **Thomas Windham**'s name always comes up when people are looking at someone to run against Tarrant County Sheriff **David Williams**.

But Windham said he's simply not interested in the job. Windham has said in the past that he at least wants to stick around until the city crime tax vote in 2000.

"I've had a lot of people ask me about it. Sheriff's deputies. Republicans. Democrats," Windham said. "But I've got the law enforcement job I want. Why would I want to take that on? I'm just not interested."

Although Windham has a strong Republican voting record, he describes himself as a "very moderate" Republican. There have been suggestions before that if Windham runs for a political office, it would be on a state level.

One of the offices mentioned is the seat held by Democratic state Sen. **Mike Moncrief**. Windham is popular in many of the neighborhoods, especially those where minorities are in the majority, included in that district.

Windham, however, would have to run as a Democrat to nab that post.

Sheriff vs. commissioners

Tarrant County's unpredictable sheriff, David Williams, became embroiled in an escalating feud with county commissioners who questioned his handling of the department.

Among the controversies:

- Five new patrol cars went unused while he demanded a fleet of \$30,000 sport utility vehicles.
- Department-owned buses were used to ferry people to a Williams rally.
- Fifty-five employees of nude dancing clubs were arrested because their employers had improperly posted licenses, but no charges were filed by the district attorney. Twenty-seven club workers filed claims for \$5,000 apiece.

Williams called the awarding of \$1 million in unplanned mid-year raises to jailers an "abuse" by commissioners while he sat on \$175,000 in county money that had been set aside for pay increases.

Using their power over the purse strings, commissioners grounded his controversial helicopter program, removed under-used vehicles and refused to buy the 30 requested Tahoes. They also cut Williams' 1999 budget request and reduced his staff by 36 people.

Williams fought back. He sued the commission-



Star-Telegram Archives/JILL JOHNSON

Sheriff David Williams takes a moment as his new private attorney talks with the media in September.

ers to block the 1999 budget, saying it would do irreparable harm and lower morale.

A district judge ordered mediation, but Williams and his attorney said that their religious beliefs prevented them from mediating the dispute. A court date is set for Jan. 15.

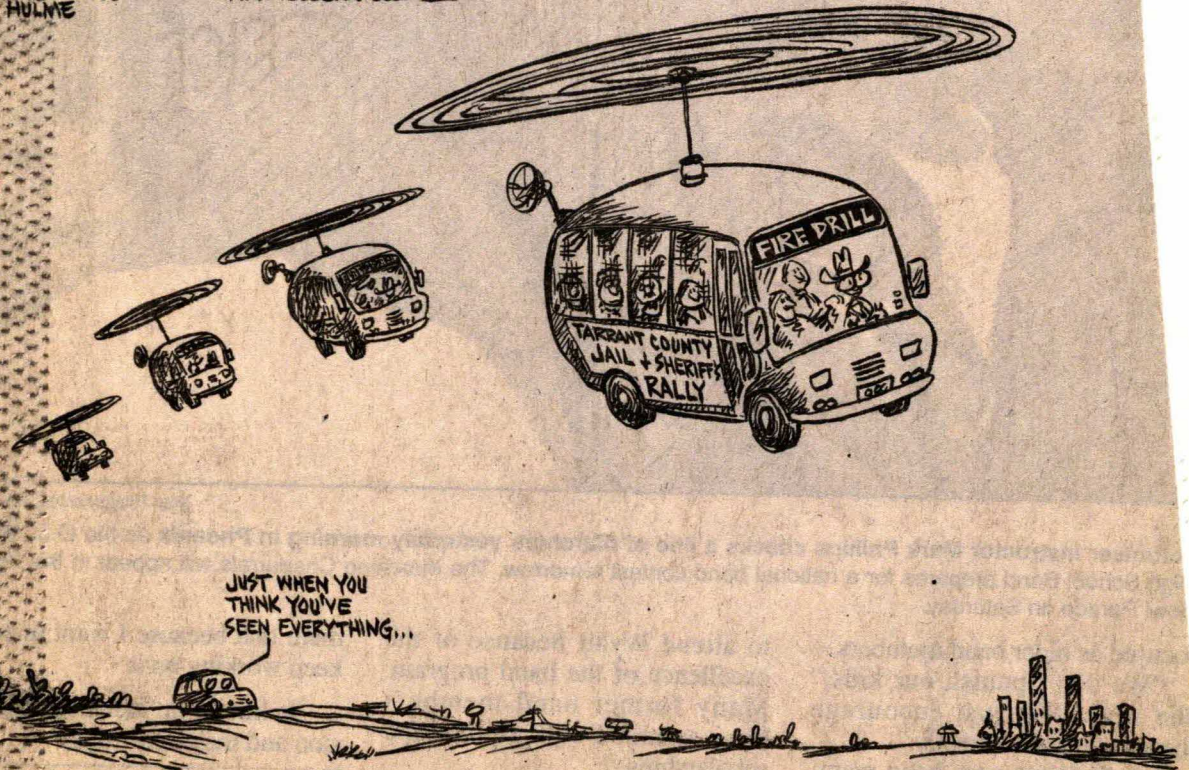
1998:

COMMENTARY

The year in cartoons

BY ETTA HULME

ETTA © 1998 FORT WORTH STAR-TELEGRAM
HULME



THE ASTONISHING ADVENTURES OF SHERIFF WILLIAMS

EDITORIALS

Newsmaker 1998

STEALING A PAGE from *Time* magazine's annual Man of the Year feature — or in the case of 1998, Bill Clinton and Kenneth Starr as Men of the Year — the *Star-Telegram's* Editorial Board convened this week to discuss possibilities for Tarrant County's Newsmaker of the Year.

The meeting lasted less than a minute.

Without question, Sheriff David Williams earned the distinction.

He may not have rated a mention in the Texas Associated Press' year-in-review listings, but he consistently generated more ink in the *Star-Telegram* than any other local personality this year.

Williams is a walking definition of the word *enigma*. We would have added *talking* to the previous sentence, but he hasn't done much of that this past year with anyone other than Republican club members and his attorney.

Since his first swearing-in as sheriff in January 1992, the 44-year-old Williams has undergone a transformation. During his first attempt at elected office, Williams articulated a vision of a full-service law enforcement agency for the Sheriff's Department, a vision that the voters apparently supported when they re-elected him to his second term in 1996. He was clear about the direction in which he wanted to take his department: continue running an efficient jail while expanding the "street side" of the operations with more special units, like narcotics, tactical and air patrol.

Some speculate that the tragic crash of a department helicopter, which killed two deputies, was the beginning of the changes in Williams, but exactly who or what sparked his metamorphosis is as

mysterious as his next move. Williams recently embraced the idea that the office of the sheriff, as defined by the Texas Constitution and the old English common law from which he believes the office was derived, holds a sovereign position in state government.

Therefore, the reasoning goes, it is exempt from the level of Commissioners Court oversight that might apply to other county departments.

Or so we think. As we said, the sheriff does very little public speaking, so theories

about the standing and operation of his office are being gleaned from the court filings of his attorney and statements by the sheriff's supporters. Those supporters have changed during his two terms. The mainstream Republicans who tapped him for the office back in 1992 have distanced themselves from the increasingly unpredictable sheriff, and Williams now draws his strongest backing from fundamentalist religious groups.

During the year, tensions escalated between the sheriff and commissioners over unused patrol cars, demands for expensive sport utility vehicles and the use of county-owned buses to take people to a rally at a church near downtown Fort Worth. The situation exploded when Williams filed suit against the county commissioners in October after the court cut the sheriff's budget request and reduced his staff by 36 people. Williams' suit is an attempt to block the 1999 budget on the grounds that it would lower morale and irreparably harm his department.

The most recent twist to the conflict has everyone, including the judge presiding over the lawsuit, walking on eggshells. Williams has never hidden his strong religious convictions. He keeps a copy of the Ten Commandments under the glass top of his office desk. He added a religion-based unit to the jail, often referred to as the God Pod, where predominantly Christian-based counseling is provided, and he greatly expanded the department's chaplaincy program.

But now Williams is objecting to court-ordered, pre-trial mediation on the grounds that it violates the free exercise and establishment of religion clauses of the First Amendment.

Although Williams' latest maneuvers may draw applause from his hard-core fundamentalist supporters, they are forcing more mainstream Republicans — the ones who tapped the former Haltom City officer for the job back in 1992 — to distance themselves. It will be interesting to watch who lines up for the Republican ballot slot come 2000.

The advent of 1999 will not mean the fading of Williams' name from the headlines. On the contrary, he and his attorney will be back in the news Jan. 15 — if not sooner — when they must appear before state district Judge Bob McGrath to file briefs explaining their religious objections to facilitated meetings.

With the unexpected twists in this continuing story, Williams could be in the running for the Newsmaker of 1999.



Star-Telegram Archive/Photo Illustration

Sheriff David Williams

LETTERS TO THE EDITOR

TUESDAY, JANUARY 5, 1999

Voting majority

Your long Thursday editorial that featured a photo illustration of the honorable Sheriff David Williams was not at all accurate in its description of the "voting" Republican majority that elected and then re-elected Williams.

The same "majority" of voting Republicans will re-elect him again should he choose to serve Tarrant County again as its top law enforcement officer, in spite of your liberal bias in reporting and editorializing about the best elected official ever elected to a position of public trust in the county's history.

DOYLE JONES
Arlington

Sheriff's air program is closed out

Also, the department's request for additional space has been rejected.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams' 5-year-old helicopter program was closed out yesterday by Tarrant County commissioners, who also refused to authorize \$350,000 to renovate the basement of a county building for the Sheriff's Department.

In approving participation in a state-administered program to get federal military surplus equipment, the commissioners said Williams must relinquish his remaining OH-58A Bell military-surplus helicopter.

Williams initially tried to hang onto the helicopter program after a Sept. 17, 1997, crash near Eagle Mountain Lake killed two deputies — sheriff's investigator T.J. Smith and Lt. Maurice Hendrix.

Now, sheriff's officials say they are willing to trade the helicopter to another law enforcement agency.

"We're trying to get rid of the helicopter. We're trying to trade it. We're not flying it or using it," said Capt. John Dalton, the sheriff's spokesman.

The department is trying to trade the helicopter for another piece of equipment of equal value, Dalton said, adding that he could not say what kind of equipment the department is seeking.

Commissioners said yesterday that they are anxious to see the sheriff's air program end. It would cost the county more than \$1 million in benefits to the deputies' families. Also, Smith's widow has sued the county.

"We're anxious to transfer the title of the helicopters to someone else," County Judge Tom Vandergriff said.

But the commissioners are in no hurry to give the department additional space until they have a floor plan and know why Williams has three personal offices.

The department wants the basement of the Criminal Courts Jail Building at 300 West Belknap St. for office space for personnel, recruiting and community relations programs, Executive Chief Deputy Hank Pope said.

But Commissioner J.D. Johnson said he could not support the request.

"I'm reluctant to vote for anything until we have a layout for the entire Sheriff's Department, and I want to know exactly where the sheriff's offices

are," Johnson said.

Williams has an office on the third floor of the Belknap building and another at the Green Bay jail. His newest office is on the ground floor of the Tarrant County Corrections Center at 100 N. Lamar St., two blocks from the Belknap building.

After the Commissioners Court meeting, Pope said that only Williams could explain his office use, but Williams could not be reached to comment.

"I assume he wants to be able to have firsthand communication with the employees and to oversee

"We're anxious to transfer the title of the helicopters to someone else."

— Tom Vandergriff
county judge

the operations in each of the jails," Pope said.

The basement, which has about 4,000 square feet of usable office space, has a Sheriff's Department property room, an old radio room, storage space and a facilities management office, said Gary Kirby, county facilities director.

Kirby said he is preparing a floor plan of the Sheriff's Department buildings for the commissioners.

Neil Strassman, (817) 390-7657

Sheriff's attorney says county snared in conflict of interest

By LINDA P. CAMPBELL
AND NEIL STRASSMAN
Star-Telegram Staff Writers

FORT WORTH — In yet another twist to his legal battle with Tarrant County commissioners over the county budget, Sheriff David Williams is arguing that the district attorney's office cannot represent the commissioners because of a conflict of interest.

The sheriff's argument apparently is that the district attorney's office represents him in other matters and cannot represent the commissioners against him.

Assistant District Attorneys Ray Rike and Ann Diamond disagree and asked state District Judge Bob McGrath yesterday to rule on whether they can continue representing the commissioners in Williams' suit concerning his 1998-99 budget.

Williams had not raised the conflict of interest issue in court filings but conveyed his concerns through his lawyer to District Attorney Tim Curry on Monday.

"Yes, we did meet, but I am not going to discuss what was said," Curry said. The meeting was initiated at the request of Williams' attorney, Jana Kallal,

FYI

for your information

Assistance sought

The Adolescent Recovery Project, a new county drug treatment program, is seeking donations and a building. Staff members can be reached at Challenge Inc., the agency overseeing the project, at (817) 737-6535. The address is Adolescent Recovery Project, 3001 Sanguinet St., Fort Worth 76107.

STAR-TELEGRAM

he said.

McGrath set a hearing on the issue for 2 p.m. today.

The attorneys sought a court ruling because, at this point in the case, they cannot withdraw without McGrath's permission. The parties also face several deadlines.

"We need to get the matter clarified as quickly as possible," County Judge Tom Vandergriff said. "We feel the DA's office is certainly qualified to represent us."

Williams sued the commissioners Nov. 12 about cuts they made in his department's budget.

Williams maintains that the commissioners are interfering with his authority and have underfunded his department. The commissioners say they are simply exercising their duty to hold his department fiscally accountable.

Although lawyers from the district attorney's office have filed documents in the case and appeared in court, the sheriff and his attorney had not previously contended that there was a conflict of interest in their involvement.

In yesterday's motion, Rike and Diamond argued that, even though their office represents the Sheriff's Department in other litigation, they have not formed an attorney-client relationship with Williams involving any issues in this suit.

"The mere fact that government counsel is called upon to advise and defend the sheriff in other matters does not disqualify the district attorney from representing the commissioners court or the county or its officials in actions in which the district attorney does not represent the sheriff," the motion argues.

Linda P. Campbell, (817) 390-7867

Thursday, January 7, 1999

Hearing on possible conflict in Williams case canceled

FORT WORTH — A hearing yesterday on whether the district attorney's office can represent Tarrant County commissioners in a legal dispute with Sheriff David Williams about the 1999 county budget was canceled.

Williams' attorney, Jana Kallal, canceled the 2 p.m. hearing before state District Judge Bob McGrath because she had a sick child. Hours later, the district attorney's office withdrew its request for an immediate hearing on the question of whether the district attorney has a conflict of interest if it represents the county.

"It's still possible there will be a hearing, but at this point there is no request for one," Assistant District Attorney Marvin Collins said.

JANUARY 8, 1999

Tarrant retains law firm

Conflict of interest cited in sheriff's lawsuit

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — County commissioners hired outside counsel yesterday to represent them in their legal battle with Sheriff David Williams after the Tarrant County district attorney withdrew from the case.

At an emergency meeting of the Commissioners Court, Assistant District Attorney Marvin Collins "reluctantly" told commissioners that because of conflict of interest allegations, they should get a new lawyer to defend themselves against Williams' suit to block the 1999 county budget.

County commissioners lashed out at Williams, calling the suit and yesterday's action frivolous and a "disgraceful waste" of taxpayer dollars. Sheriff's officials said the district attorney did the right thing.

The commissioners agreed to pay the Austin law firm of Bickerstaff, Heath \$185 per hour to represent them in the suit. The firm has represented Tarrant County before, in a prison overcrowding lawsuit against the state.

Collins and County Judge Tom Vandergriff

said there is no conflict of interest for the district attorney, who represents the county and all of its elected officials when they are sued, to represent commissioners in the suit.

"We were satisfied to have them defend us in this matter. We don't consider that there was a conflict, but we are perfectly willing to hire outside counsel so there will be no doubt," Vandergriff said.

Collins told the commissioners that the conflict of interest allegations had "become a major distraction."

"It could become a major side issue that could ultimately delay the case, and this issue needs to be resolved as quickly as possible," Collins said.

Sheriff's officials and Williams' attorney, Jana Kallal, disagreed. "I'm glad to see they did the right thing," Kallal said.

Williams had not raised conflict of interest claims in court filings but conveyed his concerns directly to District Attorney Tim Curry on Monday. Curry initially asked District Judge Bob McGrath for an opinion on whether the office could continue to represent the commissioners, but that request was dropped Wednesday.

Assistant Chief Sheriff's Deputy Larry Hester said the district attorney had shared information about the case with Williams and the commissioners.

"You're obviously in conflict if you talk about the details of the case with both sides; you can't represent one side," he said. "It kind of shows the sheriff and his attorney knew what they were talking about."

After reviewing the facts and the pleadings and

meeting with commissioners yesterday, attorney C. Robert Heath said the county's position in the case is "very strong."

Williams sued the commissioners Nov. 12 over cuts they made in the sheriff's budget. Williams says the commissioners are interfering with his authority and have underfunded his department. The commissioners say they are simply exercising their duty to hold his department fiscally accountable.

"It's very frustrating to waste taxpayer dollars on this frivolous lawsuit," Commissioner Glen Whitley said.

"It's disgraceful on the sheriff's part to cost the taxpayers this kind of money," Commissioner J.D. Johnson said.

In October, commissioners cut Williams' 1999 budget request and reduced his staff by 36 people to force him to work his employees in their assigned jobs. For several years, Williams manipulated jail staffing levels, using jailers to serve warrants, do investigations and work in administration, running up a huge overtime tab.

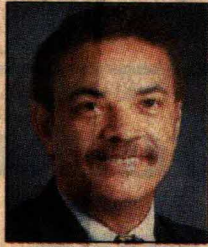
Williams' suit seeks to block the county from implementing its \$240 million budget as it applies to salaries in his department. The budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than Williams requested.

Williams and Kallal have tried to have McGrath removed from the case and have objected to court-ordered mediation on religious grounds. McGrath has set a Jan. 15 hearing for the parties to file briefs in the case, including reasons why mediation would be unacceptable.

Neil Strassman, (817) 390-7657

Farris execution would be mistake

The state of Texas, preparing for the Wednesday execution of Troy Dale Farris, is about to make an unforgivable mistake.



BOB RAY SANDERS

COMMENTARY

All Texans should take note of this case, especially Gov. George W. Bush, the Board of Pardons and Paroles, the Legislature, and all those who view capital punishment as a God-given ritual to punish sinners, even if the wrong person is executed.

Farris, found guilty of the December 1983 slaying of a Tarrant County deputy sheriff, should not be executed. Period.

Frankly, I don't know if he is innocent or guilty of the crime. But I do know that no one — absolutely *no one* — should ever be found guilty of a crime based on the evidence (or lack thereof) presented in Farris' case, much less put to death.

Because his case involved an obviously bungled investigation, destroyed and/or tam-

pered evidence and, at the least, misstatements by a law enforcement official, Farris should be a free man today.

Deputy Clark Rosenbalm Jr. was shot to death on an isolated road near Saginaw after, police said, he interrupted a drug transaction involving Farris, Vance Nation and Charles Lowder.

Eleven months after the killing, someone told police that Nation had mentioned the shooting at a party. That led to the arrest of the three men, who were charged with capital murder.

Nation would testify that he thought Farris had shot the deputy, and Farris' former brother-in-law, Jimmy Daniel, testified that Farris had confessed the killing to him, and said he had thrown the .357-caliber Magnum pistol into Marine Creek.

Divers "trained in underwater investigation systematically searched" Marine Creek, but never found the gun.

Daniel also took officers to an area where he said Farris had fired .357-caliber bullets into a tree trunk about a year earlier, but the .357 rifling marks on those slugs did not match the ones that were recovered from Rosenbalm's body.

Farris, in an interview with *Star-Telegram* reporter Jack Douglas Jr., said that, as he

drove away from the scene, he saw Nation tackle the officer. And Lowder told Douglas that he believes the officer was killed by someone else after all three men had driven away.

About a year after the trial, capital murder charges were dropped against Nation. He did, however, plead guilty to possession of marijuana and was given a seven-year probated sentence. Capital murder charges were also dropped against Lowder, who was granted immunity in the case.

Complicating the case even more was the fact that marijuana was discovered on the slain deputy, and investigators had a long discussion at the homicide scene about what to do with it.

Sheriff's Capt. Johnny Prince initially said he took the marijuana from Rosenbalm's coat pocket, but he would tell at least three different stories about what happened to it. Regardless, the evidence disappeared from the crime scene.

Prince took the Fifth Amendment in Farris' trial. Subsequently, he was indicted on perjury charges, but a special prosecutor recommended that he not be tried because of lack of evidence. The prosecutor also recommended that Prince not be returned to the Sheriff's Department. Today, he is a captain in that department.

Even the Texas Court of Criminal Appeals, in an opinion that upheld Farris' conviction and sentencing, noted: "the circumstantial and forensic evi-

dence offered at trial not only failed to connect [Farris] with the killing of Rosenbalm, but also failed in nearly all material respects to confirm the testimony" of Nation and Daniel.

The opinion goes on to state, "We are not unmindful that Daniel's credibility was seriously undermined by the fact that he had previously testified under oath before the Grand Jury in a manner inconsistent with his trial testimony and, therefore, inconsistent with [Farris'] guilt."

Despite that finding, the court said Farris' alleged confession to Daniel was enough to uphold his conviction. In 1994, Farris was just hours away from execution when he received a stay.

But by the time the appeals court acknowledged in 1994 that it had made a mistake on at least one of the 12 points of Farris' appeal — the trial court erred by disqualifying one juror — Farris' case was already in the federal courts.

Now, after 13 years on Death Row for a crime he says he did not commit (and which the state did not prove he committed), Farris is just days away from being put to death by lethal injection.

There were too many errors made in this case, and too many questions still remain.

Justice screams for this execution to be stopped.

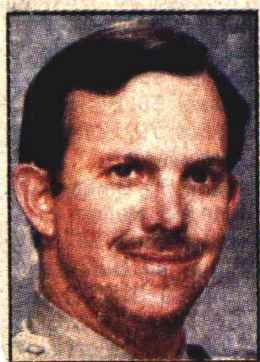
Bob Ray Sanders' column appears Sunday, Wednesday and Friday.

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QUESTIONS OF LIFE AND DEATH

**Lost evidence, perjury accusation haunt
case that sent man to Death Row**



Rosenbalm



Star-Telegram/CAROLYN BAUMAN

"I'm peaceful. And I'm innocent," Troy Dale Farris said in an interview in Huntsville, where he is on Death Row awaiting Wednesday's execution.

BY JACK DOUGLAS JR.

Star-Telegram Staff Writer

Fifteen years have passed since a Tarrant County sheriff's deputy told his former high school drama teacher to be careful, "there might be bad people out on a Sunday night," then got into his patrol car and drove to the place where he would be murdered.

The shooting of Deputy Clark Rosenbalm Jr. on a dark road just outside Saginaw triggered one of the most baffling criminal investigations

in local history. Questions about the case remain, even as the convicted killer, Troy Dale Farris, prepares for his execution Wednesday.

Chaos at the crime scene led to missing or destroyed evidence; no murder weapon was ever found; and a sheriff's captain was indicted on charges of perjury and fabricating evidence after he gave conflicting accounts about the removal of a small amount of marijuana from the dead officer's clothing.

But Tarrant County prosecutor David Montague said he has no qualms about the jury's verdict and death sentence.

"We are absolutely sure the correct person was convicted," he said.

Rosenbalm died the night of Dec. 4, 1983, after interrupting a drug deal on Old Decatur Road. The deal involved Farris, a River Oaks resident with a young wife and a new baby, and two men from Wichita Falls, Vance

(More on SLAYING on Page 18A)

Nation and Charles Lowder.

Authorities were puzzled why Rosenbalm, long considered a stickler for detail when it came to police procedures, violated one of the most basic precautions by failing to alert his dispatcher before checking out something unusual on a dark and desolate road. Three passers-by who found Rosenbalm lying next to his patrol car used his radio to call for help.

Rosenbalm, 27, had been with the Tarrant County Sheriff's Department about two years. He patrolled the streets at night and attended college during the day.

Rosenbalm, who was the first Tarrant County sheriff's deputy to be killed in the line of duty in 25 years, began that Sunday evening patrol shift in high spirits, his wife said.

Just before the shooting, he was sent to Boswell High School, near Eagle Mountain Lake, where there was a report that classroom lights were on and cars were in the parking lot. Once there, the young deputy found his former high school drama teacher, Beverly Moerbe, rehearsing a play with her students.

Moerbe said the deputy reminisced with her class about when she was his teacher at Diamond Hill-Jarvis High School.

"He was a very fun person, yet he was very serious about his job as a policeman," Moerbe said.

She said Rosenbalm asked for two tickets to the next class play.

"He turned to walk away, then he turned back around and said, 'You need to lock your back door. You never can tell when there might be bad people out on a Sunday night,'" Moerbe said.

What happened after Rosenbalm left the school has been in dispute for 15 years. Trial transcripts and records with the district attorney's office describe events this way:

Out on Old Decatur Road, as Farris sat behind the steering wheel of his pickup, reaching for

a .357-caliber Magnum, Rosenbalm tripped his emergency lights and put his patrol car in park.

When Rosenbalm got out of his car, Farris fired twice. The first bullet slammed into the officer's bulletproof vest, causing him to spin to the ground, alive but dazed. A second slug entered Rosenbalm's left armpit and traveled through his lungs and heart.

He died before he could pull his gun or use his radio to call for help.

Rosenbalm, who had hoped to one day become a park ranger or a game warden, was dead or close to it as the trio fled — Farris in his pickup, Nation and Lowder in Lowder's 1972 Monte Carlo.

"I was scared," Farris said last week from Death Row in Huntsville.

He acknowledged that he was there, but said he had no gun nor

any intent to kill.

The condemned inmate, now 36, said last week that he is prepared to die.

"I'm peaceful," he said. "And I'm innocent."

The dead officer's widow, Cindy Rosenbalm, said that she does not believe Farris and that justice will be complete only when he is executed. "There's no doubt in my mind he did it," she said.

Cindy Rosenbalm, who has not seen Farris since his trial in early 1986, said she plans to watch him get the lethal injection.

"I want to see him for one last time," she said. "I want to see if there's any remorse. I want to see if he's the same person I saw 13 years ago."

Nearly a year went by without an arrest, or even much of a clue, except for a string of clandestine contacts from police informants who said the local drug trade had to be involved.

Then, in the fall of 1984, Nation mentioned the shooting to a friend at a party in Wichita Falls. The friend went to the police, and Nation, Lowder and Farris were arrested.

Lacking physical evidence, the state built its case around the statements of Jimmy Daniel, who at the time was Farris' brother-in-law. Daniel testified that Farris confessed to killing Rosenbalm.

"He was scared of being caught with an ounce of marijuana," Daniel was quoted as telling a grand jury.

Mike Parrish, the lead prosecutor, described Daniel as his most important witness. "Without Jimmy Daniel's testimony, we probably couldn't have gotten a conviction," Parrish said.

Daniel made another statement, however, that police have been unable to corroborate. He told them that Farris had tossed the murder weapon into Marine Creek Lake, near a ramp. Expert divers searched the bottom of the



Star-Telegram/CAROLYN BAUMAN

Convicted murderer Troy Dale Farris says he did not kill Clark Rosenbalm, a Tarrant County Sheriff's deputy. 59

lake and found nothing.

"There's no gun in that lake," Farris said last week.

Daniel could not be reached to comment for this report.

Farris, in last week's interview, said he does not know why Daniel would falsely implicate him, unless it was because of bad blood. He declined to discuss publicly what sort of family rift would cause Daniel to lie under oath and send an innocent man to the death chamber.

At the trial, Daniel's testimony was bolstered by Nation, who told the jury that Farris was the trigger man.

Farris' defense lawyers, Jack Strickland and Bill Lane, suggested that Nation was cooperating in hopes of receiving a break in the capital murder charge pending against him.

"There certainly was no concrete evidence that Troy committed this crime," Lane said recently. He said his client was convicted on the basis of "a lot of testimony from people who were cut deals."

The Texas Court of Criminal Appeals, after hearing the facts in Farris' case, wrote: "The circumstantial and forensic evidence offered at trial not only failed to connect [Farris] with the killing of Rosenbalm, but also failed in nearly all material respects to confirm the testimony of Nation and Daniel."

Still, the court declined to overturn the conviction and death sentence.

Parrish and Montague, the second prosecutor in the case, said Nation was given no promises in exchange for his testimony. About a year after Farris was sentenced to death, however, Nation received an offer that he quickly accepted, court records show.

His capital murder charge was dismissed after he pleaded guilty to possession of marijuana. He received a seven-year probated sentence.

Nation, who is believed to be living in Ohio, did not return phone calls made to a number listed in his name.

Before his trial, Farris was also offered a deal — plead guilty to murder and receive a 45-year sentence. He says he regrets turning down the offer, saying he did not realize how much trouble he was in.

"I didn't kill this man. Therefore, there's no evidence showing I killed this man," he said he reasoned. "Therefore, I won't get convicted."

The only other person at the shooting scene, Lowder, escaped prosecution. His capital murder charge was dismissed on May 30, 1986, the file stamped, "defendant granted immunity."

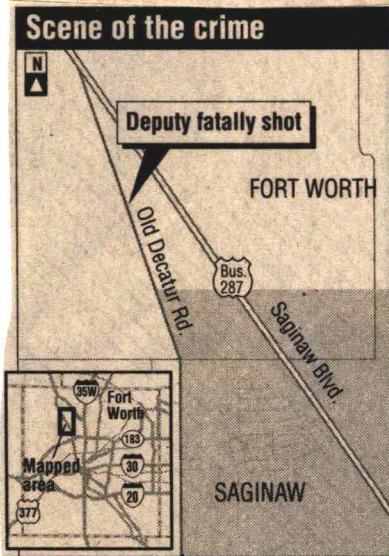
Lowder told police that when he saw the patrol car pull up, "Van [Nation] had gotten out and ran around to the front of the pickup to distract the cop while Troy was talking to him."

"I don't think the cop had ever seen Van ... about the time Van grabbed him, a shot was fired. I think the shot was fired by Troy from the pickup. Before the shot was fired, Van had taken the officer's gun and thrown it on the ground," Lowder said in the statement.

During a recent telephone interview from his home in Holliday, near Wichita Falls, Lowder said he neither heard nor saw the shooting. The patrol car's spotlight was too bright and the radio in his Monte Carlo was too loud, Lowder said.

After his arrest, Lowder said, he saw crime-scene pictures that showed a large abrasion on Rosenbalm's left cheek. The injury, officials say, probably was caused when the officer fell. But Lowder said he believes that Rosenbalm was beaten by someone after he, Nation and Farris sped away.

He said he no longer believes that Farris killed the officer. "God, I can't believe they're about to execute that boy."



Star-Telegram/JEREMY CANNON

The strange discrepancies in the case have some accusing investigators of trying to hide something, perhaps crime-scene ineptitude or the mysterious marijuana.

"There's no question there was a cover-up," said Lane, the defense attorney.

Even one of Rosenbalm's immediate supervisors at the sheriff's department, Richard Toy, went to his grave believing that the evidence did not point to Farris, said Toy's widow, Nora.

"He always said they're going to put an innocent man to death," Nora Toy said of her husband, who died of cancer more than a year ago.

With his appeals exhausted in federal courts, Farris has filed 11th-hour pleas of relief with the Texas Court of Criminal Appeals.

"There are all sorts of irregularities that should cause concern for the court," said Raoul Schone-mann, the Austin attorney now trying to ward off Farris' fifth execution date in 13 years. "The case is screwed up, and that's beyond dispute."

Parrish and Montague agree that police officers and deputies stormed the scene where Rosenbalm lay, trampling potential evidence in an apparent panic to save the life of a fellow officer.

"The integrity of that crime scene ... was the worst I'd ever seen," said Parrish.

The Court of Criminal Appeals, in a 1990 written opinion, said that "overall, the crime scene was not well preserved" and "certain evidence" disappeared, including the marijuana from Rosenbalm's coat pocket, photographs of the interior of his patrol car and "plaster casts taken of certain tire tracks in the area."

Prosecutors say they do not know why Rosenbalm had marijuana in his coat pocket, unless he had found it earlier in his patrol shift.

The sheriff's captain, Johnny Prince, recently said he never took the marijuana.

The perjury and fabrication charges against Prince were eventually dropped by a special prosecutor who said that the "conduct of Johnny Prince was improper, and possibly criminal in nature" but that there was not enough evidence to convict him of a crime. Prince returned to duty.

The appeals court found several problems and inconsistencies in the case against Farris.

Key witness testimony and forensic reports said Rosenbalm was killed without a struggle by gunshots fired from at least three feet away. Other testimony, however, suggested that the fatal shot was fired "at much closer range," the court said.

It also said that Rosenbalm's gun, broken sunglasses and two sets of handcuffs were found scattered as far as 12 feet from his body, suggesting that a "protracted struggle," rather than a quick ambush, occurred.

"Moreover, other circumstances indicate that Rosenbalm was struck with his own flashlight before he was killed," the appeals court wrote.

But the flashlight, stained by blood, was taken from the crime scene by deputies before evidence could be collected, ruining any chance to lift fingerprints from the object, Montague and court transcripts say.

During deliberations on another

case in 1994, the appellate court wrote that it was wrong to reject Farris' claims that a potential juror in his trial was unfairly treated. The court said it agreed that the woman should not have been dismissed after saying that she could put her misgivings about capital punishment aside and carry out her oath as a juror.

But, by that time, Farris' appeals had moved out of the state courts and were being con-

sidered on the federal level, where both the 5th U.S. Circuit Court of Appeals and the Supreme Court upheld Farris' conviction and death sentence.

The dead officer's father, Clark Rosenbalm, 73, said he will not go to Huntsville to see Farris die. "I don't have any business down there," he said.

The elder Rosenbalm added: "I feel sorry for the boy who is

receiving the punishment, but he killed my boy and he deserves it. He should go ahead and take his punishment like a man."

Farris, speaking through a steel-mesh window and dressed in his white prison jumpsuit, said he does not blame the officer's family for hating him and for believing that he is the killer.

"They base that on what they've been told, and they haven't been told the truth," he said.

Farris said he believes that he will go to heaven. Once there, he said, "perhaps finally I'll be judged fairly."

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Sunday, January 10, 1999

EDITORIALS

Legal Gymnastics

THE ANGER EXPRESSED by Tarrant County commissioners at having to hire outside counsel to represent them in the lawsuit filed by Sheriff David Williams is understandable.

It just heightens the irritation already generated by this frivolous lawsuit to block the county's \$240 million budget from going into effect. To know that taxpayers will be footing the \$185-an-hour bill — plus expenses — for an Austin law firm to handle the case is maddening. But as a strategy it makes sense.

From the outset of this legal lunacy, Williams' lawyer has been maneuvering to establish grounds for an appeal. Attorney Jana Kallal first tried to get state district Judge Bob McGrath recused from hearing the case, based on an inaccurate supposition that McGrath sat on a county committee that oversees the auditor. She invoked religious objections to court-ordered pretrial mediation, which we hope will be explained Friday, when the next court hearing is scheduled.

Now she has alleged a possible conflict of interest if the district attorney's office continues to represent the commissioners in this case while also representing the sheriff in a lawsuit pertaining to the crash of a department helicopter that killed two deputies.

The decision by the district attorney's office to withdraw as the Commissioners Court defense is one more careful step being taken to ensure that Williams is afforded absolute fairness and impartiality, no matter what it costs the taxpayers.

But at what point does a lawsuit go from merely frivolous to harassing? And who is advising Kallal and paying her freight to continue with this suit? She has not exhibited the courtroom savvy it would take to come up with these tactics on her own.

As with most of the events involving the sheriff, we're left with more questions than answers.

TUESDAY, JANUARY 12, 1999

Condemned man's case declined

A court will not reconsider the appeal despite a jury selection error; the execution is scheduled for tomorrow.

BY JACK DOUGLAS JR.
Star-Telegram Staff Writer

FORT WORTH — The Texas Court of Criminal Appeals refused yesterday to reconsider the case of Troy Dale Farris, who is scheduled to die tomorrow for the 1983 murder of a Tarrant County sheriff's deputy.



Farris

"He's through here," said Troy Bennett, clerk for the state's highest criminal court.

Farris, 36, was convicted of capital murder in the Dec. 4, 1983, slaying of Deputy Clark Rosenbalm Jr. Authorities said Rosenbalm was shot to death when he interrupted a roadside drug deal between Farris and two men from Wichita Falls.

Lawyers for Farris, who has said he is innocent, had hoped the appeals court

► The case of convicted killer Gary Graham is likely to drag on. **7B**

would reconsider a decision regarding whether a potential juror in Farris' 1984 murder trial was improperly dismissed after saying she opposed capital punishment. In a 1994 ruling in a separate case, the court wrote that it erred in that portion of Farris' appeal and that the dismissal of the potential juror was, indeed, unconstitutional.

But since then, the Legislature has tight-
(More on FARRIS on Page 4B)

ened the law regarding appeals, and the nine-judge appeals panel is prohibited from rehearing the issue for Farris, said Rick Wetzel, executive administrator for the appeals court.

"Quite simply, they did not even look at the merits of his complaint," Wetzel said yesterday.

One of Farris' appeals attorneys called it "unconscionable" for the court to refuse to hear the appeal, especially because the judges are on the record saying they made a mistake in the case.

"I'm furious," Raoul Schonemann said. "I think it is deeply disturbing that the court can summarily deny relief to somebody on Death Row when they have expressly acknowledged that there is constitutional error in his case.

"They've refused to correct their own mistake."

Farris' waning options, Schonemann said, are to go back to federal courts, which have repeatedly rejected his appeals; the Texas Board of Pardons and

"I'm furious. I think it is deeply disturbing that the court can summarily deny relief to somebody on Death Row when they have expressly acknowledged that there is constitutional error in his case."

— Raoul Schonemann
appeals attorney for Troy Dale Farris

Paroles, which can consider clemency issues; and Gov. George W. Bush.

Defense lawyers and prosecutors agree that there was little physical evidence to convict Farris and that investigators mishandled the murder scene. Even the criminal appeals court, in upholding the conviction and sentence, said the evidence "failed" to link Farris with the slaying.

Vance Nation, one of the two men involved in the drug deal with Farris, testified against him; capital murder charges against Nation were eventually dropped. A capital murder charge against the other man, Charles Lowder, was also dismissed; Lowder gave

investigators a statement implicating Farris but was never called to testify at his trial. Lowder recently said he no longer believes Farris killed Rosenbalm.

But a juror in Farris' trial, who asked not to be identified, said yesterday that trial testimony was "absolutely convincing" that Farris had confessed killing Rosenbalm to his brother-in-law, Jimmy Daniel, and to Nation.

"The evidence was very clear that he had done it, with no counter evidence" presented to support his innocence, the former juror said.

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Tuesday, January 12, 1999

EDITORIALS

Utmost Care

ONE OF THE MOST AWESOME powers given to a state in a democratic society is the authority to take a human life. Because it is done in the name of justice, this grave responsibility must be handled with the utmost care.

For that reason, tomorrow's execution of Death Row inmate Troy Dale Farris, should be put on hold, and his case re-examined.

Farris was found guilty of the December 1983 murder of Tarrant County Sheriff's Deputy Clark Rosenbalm. As reported in this newspaper on Sunday, the Farris case was bungled from the beginning: The murder scene was trampled by investigating officers, much of the evidence was lost or stolen, and at least one law enforcement official removed marijuana from the dead deputy's pocket.

Although the Texas Court of Criminal Appeals concluded that the circumstantial and forensic evidence "failed to connect [Farris] to the killing," the court affirmed the conviction. In a 1994 opinion on another case, the court admitted that it had erred in Farris' case when it upheld a decision by the trial judge to dismiss one of the jurors. And yesterday the court denied a last-minute plea by Farris' lawyers asking for a stay of execution and to have the death sentence overturned.

Now we must turn to the Board of Pardons and Paroles, which can recommend to Gov. George W. Bush a 30-day stay and/or clemency for Farris. We urge the board to make that recommendation, and for the governor to grant it.

We have no way of knowing for sure whether Farris committed this crime. Regardless, defendants in this country deserve due process — something we're not sure that Farris received. He already has been on Death Row for 13 years. What harm would it do to take another 30 days to be as sure as possible that this man deserves our most severe punishment?

Farris execution on schedule

The Texas Board of Pardons and Paroles votes against halting or postponing his death.

BY JACK DOUGLAS JR.
Star-Telegram Staff Writer

The Texas Board of Pardons and Paroles voted yesterday against recommending a postponement or halt to today's scheduled execution of Troy Dale Farris, convicted of killing a Tarrant County sheriff's deputy in 1983.



Farris

The vote fell far short of a majority needed for the 18-member board to issue a formal recommendation to Gov. George W. Bush either to grant a 30-day reprieve or commute Farris' punishment to life in prison.

Five board members, in dissenting votes, said they were against the execution being carried out as scheduled.

Farris has been on Death Row for 13 years for the Dec. 4, 1983, fatal shooting of Deputy Clark Rosenbalm Jr. The case record shows that the crime scene was trampled, evidence was lost or destroyed and that a sheriff's captain was indicted on perjury charges after he gave conflicting accounts about the removal of a small amount of marijuana from the dead officer's clothing.

Also, testimony from key witnesses at Farris' trial didn't correspond with evidence found at the spot on Old Decatur Road near Saginaw where Rosenbalm was slain, according to the Texas Court of Criminal Appeals, which upheld the conviction and death sentence.

In voting against Farris' execution, parole board member Thomas Moss, said, "My vote is based upon the veracity of the witnesses and circumstan-

tial evidence that was not linked to Mr. Farris."

Board member Mary Leal, in voting for either a reprieve or commutation, wrote, "It is my belief that full due process [of the law] has not been afforded in this case."

Twelve board members, however, voted against recommending a reprieve or commutation, with member Bennie Elmore abstaining.

Hugh Campbell, an assistant director of the board of pardons and paroles, said that yesterday's vote prevents Bush from changing Farris' sentence to life in prison. The governor can still grant a one-time 30-day reprieve, Campbell said.

The results of the vote have been sent to the governor's attorneys, he said.

Maurie Levin, an attorney for Farris, said it was "remarkable" that five board members voted against carrying out the scheduled execution. Levin said she hopes it will send a message to Bush.

"I appreciate that these five board members took the time to review the [appeals] application and the facts of the case, which I believe makes it clear that it would be a mistake to execute Troy — a big mistake," Levin said.

"I would hope that the governor listens to the concerns of the board that are reflected in these votes."

However, Levin said, "I'm terrified that Troy will be executed" today.

Karen Hughes, a spokeswoman for Bush, could not be reached last night to comment.

Levin said other attempts to stop the execution will include appealing to the U.S. Supreme Court. Also, she said, the Texas Criminal Defense Lawyers Association has filed a plea, asking the state's Court of Criminal Appeals to reconsider Farris' case.

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Tarrant deputy's killer executed

By JACK DOUGLAS JR.
Star-Telegram Staff Writer

HUNTSVILLE — In the end, Troy Dale Farris offered thanks to his family and words of comfort to relatives of the Tarrant County deputy he was convicted of killing more than 15 years ago.

Then he said he was prepared to die.

"Like they say in the song, I

guess, I just want to go out like Elijah, on fire with the spirit of God," Farris said in his final statement.

"I'm done. Take me, Jesus. Take me, Jesus. I love you."

Although he had always maintained that he did not shoot Deputy Clark Rosenbalm Jr., his final statement didn't mention guilt or innocence.

He was pronounced dead at 7:16 p.m., six minutes after the mixture of lethal drugs began flowing into his arm.

Farris, 36, spent 13 years on Death Row for the December 1983 slaying of Rosenbalm.

In his brief statement, Farris turned to four of Rosenbalm's relatives who watched through glass a

(More on DEATH on Page 14A)

few feet away and expressed love.

"I can only tell you Clark did not die in vain," he said. "I don't mean to offend you, but through his death, it led this man to God."

As the drugs took effect, Farris gasped a couple of times and stopped moving.

Rosenbalm's widow, Cindy, said she was not impressed with Farris' final statement.

"I feel he had lots of practice in his last words," she said. "Justice prevailed."

Tarrant County Sheriff David Williams and about a dozen uniformed deputies waited outside the Walls unit in downtown Huntsville to show their support for Rosenbalm's family.

"Obviously, this has been a long time in happening," Williams said. "We can put this in the file and the file will be closed."

Williams said the death penalty is essential, "especially in cases where a police officer has been killed.

"If they will confront and brutally execute police officers ... it's just imperative that they know their actions will be met with deadly consequences," the sheriff said.

A friend of Farris' who also witnessed the execution, called the Texas justice system "a farce and political game."

"The death penalty is wrong, and honor can't be executed," Tina McIntire of Fort Worth said.

Last-minute appeals for Farris evaporated during the day. Late in the afternoon, Gov. George W. Bush denied Farris' request for a 30-day reprieve. The execution was delayed more than 30 minutes while Farris' attorneys sought a stay from the U.S. Supreme Court. The application was denied at 6:20 p.m.

Farris was the second condemned inmate executed this year in Texas, where 20 convicted murderers — the most in the nation — were executed in 1998.

On Sunday, the 5th U.S. Circuit Court of Appeals stayed the execution of Death Row inmate Gary Graham, a day before he was to be executed. The court said it needed more time to "evaluate the issues presented in this complex case," which involved the 1981 killing of a man during a robbery outside a Houston store.

Harris County prosecutors called Graham's one of the longest and most thoroughly argued capital-murder cases in the state.

Federal and state courts had consistently upheld Farris' conviction and death sentence.

In one review of his case, the Texas Court of Criminal Appeals wrote that the evidence "failed" to link Farris with the slaying.

Prosecutors and Farris' lawyers all agreed that the investigation of Rosenbalm's death was badly

handled. Because of chaos at the crime scene, evidence was destroyed; some disappeared later. No weapon was ever found, and there was little physical evidence to connect Farris to the crime.

Farris always maintained his innocence and, before his trial in early 1986, he had turned down an offer from prosecutors to plead guilty in exchange for a 45-year sentence.

Rosenbalm, 27, who had been a member of the Tarrant County Sheriff's Department about two years, was shot the night of Dec. 4, 1983, when he apparently stumbled on Farris and two Wichita Falls men making a drug deal on a road near Saginaw.

Authorities said Rosenbalm was shot when he left his patrol car and approached Farris, who was in a pickup.

Farris "was an incredibly violent individual who had told a friend he had been waiting for a chance to kill a cop and did so," David Montague, who prosecuted Farris, told The Associated Press.

It was the first time in 25 years a that Tarrant County deputy had been killed in the line of duty.

About a year later, an informant told police that a man at a party told him about the slaying. That led to the arrest of Farris and the two Wichita Falls men, Vance Nation and Charles Lowder.



The Associated Press/PAT SULLIVAN

Troy Dale Farris

Lowder was given immunity. Nation, who identified Farris as the gunman, wound up with a marijuana possession conviction and a seven-year probation sentence. Farris' former brother-in-law, Jimmy Daniels, also testified that Farris told of killing the officer.

This report includes material from The Associated Press.

LETTERS TO THE EDITOR

/ Friday, January 15, 1999

A legal travesty

I was thrilled to see your coverage of Troy Farris! Hats off to Jack Douglas Jr. and Bob Ray Sanders.

I am a close friend of Troy's, and I've known him for 26 years. I'm in Huntsville now, supporting his family, waiting to visit him and praying for a stay of this execution.

I don't know if all adults can pinpoint the actual day and time they lost their childhood, but for me it was the day of Troy's arrest. From the crime scene through the appellate process, for more than a decade and now as we all face his imminent date with death by lethal injection, this case has been a travesty!

Troy's mother is sitting by the phone in a motel room, praying for a call telling her that this execution has been stayed. It breaks my heart. She has lost a leg during the past year and struggles even to walk into this prison on a new prosthesis. We left her mother's funeral recently to head south to find out if she'll bury her mother and son in one week.

We've hung on to the slim hope that Troy will be exonerated and that the truth will somehow surface. But so much of the evidence was destroyed that even extensive investigation could be fruitless. Now we are at the mercy of Gov. George W. Bush

and the Texas Board of Pardons and Paroles.

Troy has a 16-year-old son who has been robbed of his natural right to interact with a father whom he adores. Who will answer to his son in the event that Texas executes an innocent man?

TINA MCINTIRE
Fort Worth

Sheriff withdraws mediation objection

Action comes one day before court hearing

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams dropped his religious objection to court-ordered mediation yesterday, one day before written arguments are due in Williams' lawsuit to block the 1999 Tarrant County budget.

Williams' attorney, Jana Kallal, withdrew the objection to mediation after a telephone conference with state District Judge Bob McGrath and attorneys from Bickerstaff and Heath, the Austin law firm representing Tarrant County.

"In light of our meeting on the telephone, we've gotten our concerns taken care of and we're looking forward to going to mediation," Kallal said yesterday. "We hope we can get the issues ironed out and get the matter settled."

Williams could not be reached to comment. He is out of town at a family funeral, said Capt. John Dalton, Sheriff's Department spokesman. Dalton did not say whether Williams will attend today's 9 a.m. court hearing.

County commissioners, who have called Williams' lawsuit "baseless" and a "waste of taxpayer dollars," said yesterday that they are not surprised at Williams' dropping the religious objection to mediation.

"I couldn't conceive of any basis for such objections, with all due respect for his beliefs," County Judge Tom Vandergriff said.

About why Williams is now willing to participate, Kallal said only that "the parameters [for mediation] were set in such a way that we're comfortable."

Mediation infringes on constitutional rights provided in "the free exercise and establishment clauses" of the First Amendment, Kallal wrote previously in a Dec. 16 court filing.

Two weeks earlier, she told McGrath she could not "in good faith" participate in mediation because of "religious issues" against facilitated meetings.

McGrath had asked Kallal to include information on the religious objection to mediation in the briefs that are due today, but that is no longer required, he said yesterday.

"I am comfortable that what I am asking the parties to do [in mediation] will not violate the constitution or anybody's religious beliefs," McGrath said. It would be difficult to predict whether mediation can resolve the dispute, he said.

Williams sued the commissioners in November to block the county from implementing its \$240 million budget as it applies to salaries in his department.

He contends that the commissioners underfunded his department and interfered with his authority. The commissioners say they are simply exercising their duty to hold his depart-

ment fiscally accountable.

There is "no question" that under Texas law budgetary authority in the county rests with Commissioners Court, Vandergriff said. The 1999 budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than Williams requested.

"Really, I am not sure what there is to mediate," Vandergriff said.

In October, the commissioners cut Williams' 1999 budget request and reduced his staff by 36 people to force him to keep his employees in their assigned jobs. For several years, Williams manipulated jail staffing levels, using jailers to serve warrants, do investigations and work in administration, running up a huge overtime tab.

"Why did he [Williams] have to file a lawsuit instead of sitting down to talk?" Commissioner Glen Whitley asked.

Neil Strassman, (817) 390-7657

Court rules trial needed to decide 'God Pod' issue

BY LINDA P. CAMPBELL
Star-Telegram Staff Writer

FORT WORTH — The constitutionality of the Tarrant County Jail's special Christian education unit must be decided at a trial, the 2nd Court of Appeals ruled yesterday.

Voting 3-0, a panel of justices said the program, nicknamed the "God Pod," does not violate the religious freedom of two non-Christian inmates who challenged it.

But the court said there is so much conflicting evidence about the program's purpose and operation that a trial is needed to determine whether the unit amounts to government favoritism for a particular religion.

Started in 1992, the program provides daily instruction in "orthodox" biblical Christian principles for certain groups of inmates, according to the appeals court.

Former jail inmates Michael Lee Huff, a

Jehovah's Witness, and Ruth Maree Lara, a Jew, had sued Tarrant County and Sheriff David Williams in 1993, claiming the "God Pod" violated their civil rights and the religious freedom provisions of the U.S. and Texas constitutions.

Both sides in the dispute saw a measure of victory in the ruling.

"We haven't lost anything," said Assistant

District Attorney Marvin Collins, who heads the district attorney's civil division.

He said the county and Williams had won on all but one issue. At a trial, he said, the program would be evaluated under a legal standard the county supports.

Writing for the court, Justice David Richards said the program would be constitutional if a trial determines that it is "reasonably related to legitimate penological interests."

"This is a very good opinion for the defendants," Collins said.

But Ronald Flowers, a Texas Christian University religion professor who also challenged the program as a taxpayer, called the decision "a positive thing," saying it allows a fuller court airing of the issues.

The appeals court said Flowers had no right to sue because

the program is funded by private donations rather than county money.

"The main thing we were concerned with all along was not shutting down anyone's religious observance but making it available on an equal-opportunity basis," said Donald Jackson, president of the American Civil Liberties Union's Fort Worth chapter, who helped develop the case. Lawyers with the American Jewish Congress were also involved in the challenge.

"This creates an opportunity for that to happen," said Jackson, a TCU political science professor. "The best thing that could happen now is that we would have negotiations that would lead to a settlement."

He said that the two sides had come close to an agreement at one point but that the agreement fell apart.

Collins did not rule out a settlement but said, "I'm not sure what the incentive would be for the Sheriff's Department to change their position."

In a 35-page opinion, the appeals court said the plaintiffs' civil rights were not violated because the jail makes other accommodations for them, such as allowing inmates not in the "God Pod" to meet with their ministers, check out books from the chaplain's office library and enroll in religious correspondence courses.

The court also rejected arguments that inmates in the Christian education program received special benefits — such as a videocassette recorder to watch Christian tapes and musical instruments to accompany worship activities — in violation of equal-protection requirements.

The jail operates two of the special pods, one for men and one for women, each with beds for 48 inmates who stay 120 days.

Judge Bonnie Sudderth in 352nd District Court had ruled for Williams on all issues in the case in 1997. She issued a summary judgment, meaning she decided without a trial that there were no factual disputes to resolve and that no laws were

violated.

But the appeals court said there were contradictions to be resolved. For instance:

■ Some pretrial evidence showed that the pod was started to reduce inmate violence, but one deposition witness said the program aimed to lead inmates into the “path” of salvation through the “born again” experience.

■ Some evidence showed that Williams had a policy against the volunteer instructors proselytizing, but other evidence indicated that conversion efforts are routine and widespread.

■ Some evidence showed that participation in the unit is voluntary, but other evidence showed that inmates sometimes asked to transfer there because it was safer.

Justices Terrie Livingston and Dixon Holman joined the opinion.

Sheriff wants county to pay for 2nd lawyer

Commissioners scoff at proposal

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Having sued Tarrant County commissioners over the 1999 budget, Sheriff David Williams now wants the commissioners to pay an attorney to help him with the lawsuit.

Williams' attorney, Jana Kallal, who filed legal briefs yesterday in support of the sheriff's effort to block the county's 1999 budget, works free. Williams wants money from the commissioners — \$185 an hour — to pay for a second lawyer to help Kallal.

Williams could not be reached to comment on why he needs a second attorney.

Several county commissioners attended yesterday's short hearing in District Judge Bob McGrath's courtroom, where Kallal challenged the commissioners' authority over Sheriff's Department employees and confirmed that Williams has dropped his

religious objection to court-ordered mediation.

"My concerns have been addressed. We're looking forward to resolving these issues" at mediation, Kallal said after the hearing.

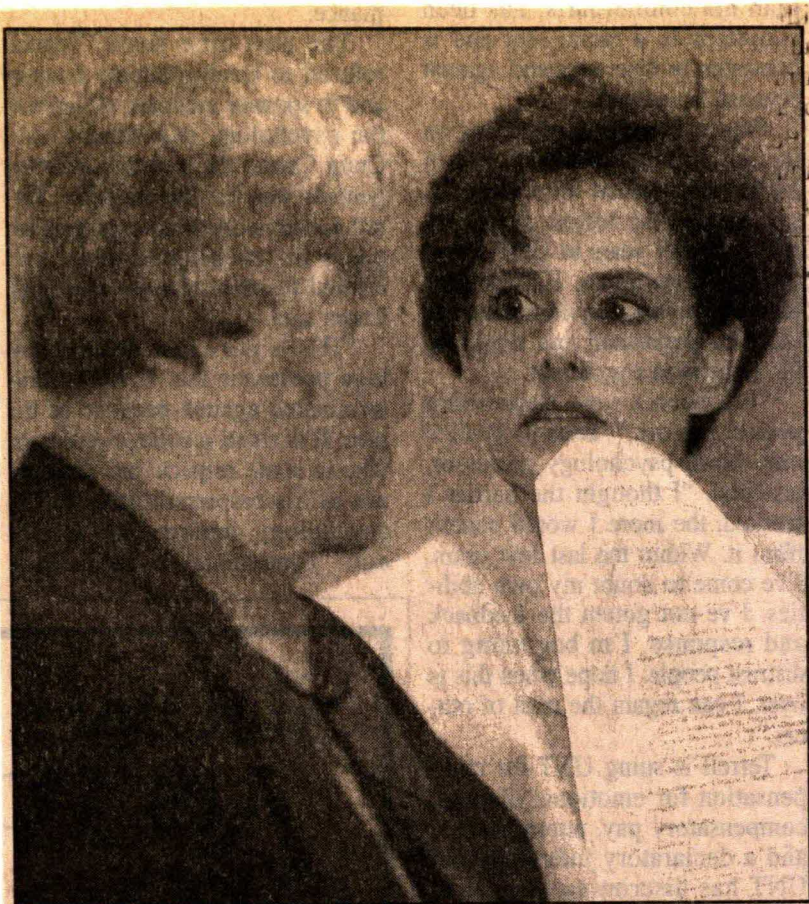
Afterward, the commissioners scoffed at Williams' request, which he is expected to make officially in a rare personal appearance at the Commissioners Court meeting on Tuesday.

"Good luck," said Commissioner J.D. Johnson, as he emerged from the courtroom. Moments earlier he sat stone-faced at the defendant's table next to the county's attorney, Myra McDaniel, a former Texas assistant attorney general and the secretary of state under Gov. Mark White in the mid-1980s.

"I have no intent to furnish any salary for attorneys to sue the county," Johnson said. "I want to know about every penny spent on this trial."

Commissioner Marti Van-Ravenswaay called Williams' request "most ludicrous."

(More on SHERIFF on Page 8B)



Star-Telegram/CAROLYN BAUMAN

Sheriff's attorney Jana Kallal talks to Chief Deputy Larry Hester during Commissioners Court meeting.

ply holding his department fiscally accountable.

The 1999 budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than Williams requested.

In October, the commissioners cut Williams' 1999 budget request and reduced his staff by 36 people to force him to keep his employees in their assigned jobs. For several years, Williams used jailers to serve warrants, do investigations and work in administration, running up a huge overtime tab.

Vandergriff said yesterday that he would like Williams to drop his lawsuit.

"I only wish that instead of pursuing this matter that he would withdraw the suit and talk with us. That's what ought to

happen," he said.

Kallal and McDaniel both filed legal briefs Friday with District Judge Bob McGrath.

Kallal, in her brief, wrote that "The sheriff has sole responsibility for the inner workings of his office. The Commissioners Court's authority is limited to fiscal matters. ... [It] has no authority over policy and management decisions within the sheriff's office."

Both sides are scheduled to file replies to those briefs in court this Friday.

County Judge Tom Vandergriff, who did not attend the hearing, said Williams is "misguided" in challenging the commissioners' authority over the county budget.

"It's contrary to the understanding I have, based on all my years of public service," Vandergriff said. "I find the whole chain of events appalling and a terrible waste of time, energy and taxpayer dollars."

Williams sued the commissioners in November to block the county from enact-

ing its \$240 million budget as it applies to salaries in his department. He says the commissioners underfunded his department and interfered with his authority. The commissioners say they are simply holding his department fiscally accountable.

Kallal said yesterday that the Commissioners Court has the authority to amend its budget to pay Sheriff's Department employees more money.

"The sheriff has sole responsibility for the inner workings of his office," Kallal wrote in the brief submitted to court yesterday. "The Commissioners Court's authority is limited to fiscal matters ... [It] has no authority over policy and management decisions within the Sheriff's office."

The 1999 budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than Williams requested.

In October, the commissioners cut Williams' 1999 budget request and reduced his staff by 36 people in a move to force him to work his employees in their assigned jobs. For several years, Williams manipulated jail staffing levels, using jailers to serve warrants, do investigations and work in administration, running up an overtime tab.

McDaniel, of the Austin law firm Bickelstaff and Heath et al., said Williams' lawsuit is "not well-grounded in law." Texas case law supports the county posi-

tion, she said.

Mediation might narrow the issues in the lawsuit, McDaniels said, making it possible to find some middle ground.

"Right now, I am not sure where the middle ground is," she said.

McGrath said he expects mediation to begin in February. He asked both parties to submit a list of potential mediators at the next hearing, on Friday, when the attorneys must reply to briefs filed yesterday.

Austin attorney David B. Brooks, an expert on Texas county law, said that county officials rarely win the kind of court action filed by Williams and that the sheriff is not entitled to outside representation in his lawsuit against the commissioners.

"There is a statute that affords any county employee legal representation if they're sued, but there's no statute that affords him [Williams] an attorney if he's suing the county," said Brooks, who acts as an attorney for the Texas House Urban Affairs Committee and is legal consultant to about 40 Texas counties, including Harris and Bexar counties.

There is "a very gray area" between the legal budget power of county commissioners and the power of an elected county official to run an office, but courts generally side with county commissioners, he said.

LETTERS TO THE EDITOR

/ Saturday, January 16, 1999

Here's my petition

Sheriff David Williams took an oath of office in which he swore to God and the people of Tarrant County that he would honor, defend and protect the laws of this state and the United States. There were no conditions or stipulations to that oath. There were no omissions or additions to that oath.

He did not swear that he would honor, defend and protect the common law of England. He did not swear that he would honor, defend and protect the law only if it met the standards of his religious beliefs or his personal criteria of incompetence.

Now he is using the sanction of our courts in making a mockery of the laws he swore to

honor, defend and protect. He is suing Tarrant County to rescind the county budget because the county commissioners did not vote to give him over half of the entire budget.

Well, I have had it with this playground bully. If I, as a Tarrant County taxpayer, am expected to help pay \$185 an hour to a group of attorneys to defend me in Williams' lawsuit, then I should have the right to ask those attorneys to file a petition to the court to remove Williams from the office that he has so blatantly abused.

MARILYN LOWRIE
Fort Worth

County won't pay for sheriff's lawyer in lawsuit

Williams fighting department budget

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Taxpayers won't be paying for lawyers for both sides in Sheriff David Williams' lawsuit over the county budget because county commissioners refused yesterday to hire an attorney for Williams.

His attorney, Jana Kallal, asked for additional counsel for the sheriff at yesterday's Commissioners Court meeting. The county has hired "a huge law firm with many resources," she said afterward, adding that she needs assistance with the more complex

parts of the litigation.

"I'm just a housewife, and I have very little experience," said Kallal, who has been working as the Sheriff Department's unpaid general counsel. She has another attorney in mind, she said, but declined to say who that might be.

But the commissioners, in turning Williams down, essentially refused to pay the sheriff's legal bill for suing the county.

"We can't expect taxpayers to pay for both sides. They're paying dearly to defend against this lawsuit and we don't want them to pay for his lawsuit, too," County Judge Tom Vandergriff said after yesterday's meeting.

The commissioners were not
(More on COUNTY on Page 8B)

very receptive to Kallal's request.

She said that Williams couldn't come to Commissioners Court because he was invited to attend Gov. George W. Bush's inauguration.

"We were all invited. This is very inappropriate," snapped Commissioner J.D. Johnson.

"We chose to stay here and take care of county business," said an irate Commissioner Glen Whitley, who canceled plans to attend Bush's inauguration so he could attend yesterday's meeting.

The commissioners went behind closed doors to confer with the county's attorney, Myra McDaniel, a former Texas assistant attorney general and Texas Secretary of State who now works for the Austin law firm Bickerstaff, Heath.

Fifteen minutes later the commissioners voted to deny Williams' request.

After the meeting, Kallal said that she is studying case law that might entitle Williams to additional counsel.

"It is time for Tarrant County to heal," she said.

But of the commissioners, Kallal said, "It's time for them to work within the bounds of their authority."

McDaniel, when informed of Kallal's comment, said the commissioners have not acted outside their authority.

Williams sued the commissioners in November to block the county from implementing its \$240 million budget as it applies to salaries in his department. He says the commissioners underfunded his department and interfered with his authority. The commissioners say they are sim-

MARKING THE CARS

County officials are at odds over the labeling of sheriff's vehicles

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams wants to drop the Tarrant County name from 19 new patrol cars that are on order.

Commissioner J.D. Johnson doesn't understand why.

"I don't get it. Is he ashamed of Tarrant County?" Johnson said. "He's trying to change the markings on the cars, and it's yet to be determined whether

the commissioners will approve the decals."

It is up to the county commissioners to decide what decals go on the county's cars, Johnson said.

Under Williams' plan, the new cars would say "Sheriff," and the only mention of the county's name would be in the Tarrant County seal on the car.

Chief Deputy Larry Hester, who often speaks for the sheriff, called removing the Tarrant County name from

department cars just a "design change."
"There's no subterfuge. A lot of counties don't have their names prominently displayed," Hester said.

Williams' plan to drop the county name from sheriff's cars was first made public at a purchasing department meeting Friday, when Joylee Moore, who handles Sheriff's Department vehicle matters, told six decal vendors and county senior buyer Tim Jones of the

(More on SHERIFF on Page 6B)

sheriff's intentions.

"Moore said that while the Tarrant County name would not be on future car purchases, it would not be removed from the sheriff's older vehicles," Jones said.

Sheriff's Department vehicles now bear a host of different markings — some say "Sheriff's Office" or "Sheriff's Patrol." Older vehicles say "Metro."

It costs between \$175 and \$300 to outfit each of the new cars with decals, said Jack Beacham, county purchaser.

Texas counties vary widely in how they mark their Sheriff's Department vehicles.

In Harris County, sheriff's vehicles have "Sheriff" in big letters on the side, with the county name inscribed only in the star on the door. El Paso County has a large "Sheriff" on the side of the car but also the words "El Paso County."

The sheriff's cars in San Antonio say "Bexar County Sheriff." And in Dallas County, "Dallas Sheriff" is on the backs of the cars, said Ed Spencer, sheriff's spokesman.

Tarrant County Commissioner Marti VanRavenswaay called deleting the county name from county vehicles "an unreasonable request."

"It doesn't make sense to not identify which police agency you are with," she said.

Municipal and county-owned vehicles and heavy equipment must have the name of the department operating it and the custodial agency legibly printed on each side of the vehicle. The law also says that the "title of the department or office must be in letters plainly legible" at a distance of not less than 100 feet.

"That statute is there as a base line, but it doesn't answer the question of who would get to make the decision of what decals go on the vehicles," Assistant District Attorney Marvin Collins said.

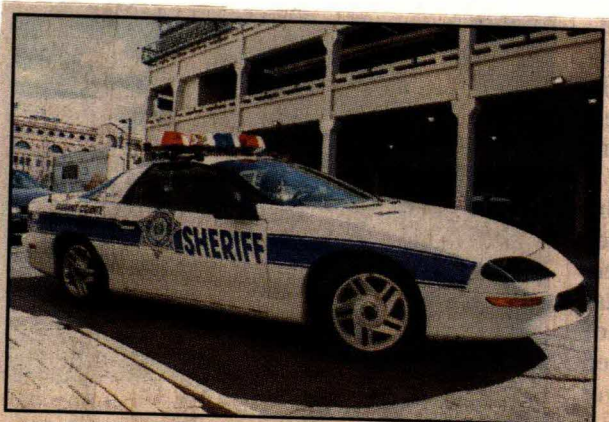
The county commissioners have battled Williams over vehicles and vehicle policy for 18 months. The flap increased the enmity between the commissioners and the sheriff, who sued the county last month to block implementation of the 1999 county budget.

Williams has ordered 19 \$19,200 Ford Crown Victorias this year. It is a modest request compared with the 30 \$30,000 Chevrolet Tahoes he sought in 1997 but didn't get because the commissioners said the county didn't need such expensive sport utility vehicles.

After rejecting the Tahoes last year, the commissioners were incensed to find five new Fords — which together cost about \$100,000 — that had sat unused in the county garage for nearly a year.

The commissioners then took back some of the department's 89 take-home cars and re-assigned two low-mileage Tahoes to the fire marshal.

Neil Strassman, (817) 390-7657



Star-Telegram/PABLO ALCALA

A Tarrant County sheriff's car is shown with the current decals.

Farris not executed cavalierly

I read with curiosity Jack Douglas Jr.'s recent articles questioning the execution of Troy Dale Farris for the Dec. 4, 1983, murder of Sheriff's Deputy Clark Rosenbalm Jr. As chief

CHARLES M. MALLIN

of the appellate division of the Tarrant County district attorney's office, I was immediately involved in the state's efforts to uphold the mandate of the Court of Criminal Appeals.

Given my position, I did not respond to any inaccuracies disseminated in the media until all litigation in this case was concluded.

At the 11th hour, three days before Farris was scheduled to be executed, Douglas began a series of articles that left the public with three incorrect innuendoes: that a jury of 12 good Tarrant County residents convicted an innocent man; that the district attorney's office was trying to have an innocent man executed; and that the Court of Criminal Appeals cavalierly sanctioned the execution of a man without any evidence of guilt. None of these impressions is accurate.

The problem was not that the *Star-Telegram* decided to tell Farris' side of the story but that its coverage disingenuously misinformed the public. Had this misinformation been taken seriously, it could have derailed 13 years of litigation done by good and honest prosecutors and reviewed by state and federal courts at every step. That would have been the miscarriage of justice.

During those 13 years of litigation, Farris was well-represented. From the start, at trial, he was appointed two board-certified attorneys in criminal law, investigators and an expert criminalist. After the jury convicted

him, he was again appointed prominent attorney — Jack Strickland, his lead trial counsel — to pursue his direct appeal.

After Farris' conviction was affirmed, an army of seven lawyers from the Dallas law firm of Baker and McKenzie ably represented him in the state and federal courts on his first writ of habeas corpus. Finally, in subsequent writs, he was represented by several lawyers associated with the death penalty clinic at the University of Texas at Austin.

Each time either a state or federal court was called upon, Farris' claims were rejected as being without merit.

Douglas quoted the highest criminal court of this state as follows: "The circumstantial and forensic evidence offered at trial not only failed to connect Farris with the killing of Rosenbalm, but also failed in nearly all material respects to confirm the testimony of [Vance] Nation and [Jimmy] Daniel." Then Douglas told the readers that despite this, the court nonetheless refused to overturn Farris' death sentence.

Although the court's words were quoted accurately, the representation concerning the state of the evidence relied on by the court was incorrect. This quotation, taken out of context, misrepresented the court's opinion and disregarded the direct evidence on which the court relied.

What the court went on to say, but Douglas did not, was that the testimony of the eyewitness at the scene of the offense, in conjunction with Farris' own confession, was sufficient to sustain his guilt. In other words, Troy Dale Farris convicted himself out of his own mouth — his own statements corroborated his guilt and connected him to the offense in accordance with the law.

There really was no story here without taking the Court of Criminal Appeals' words out of context, which probably is why no story was written claiming Farris' actual innocence until the last minute. Moreover, in no court and no pleading did Farris ever claim that he was actually innocent of Rosenbalm's murder.

Next, over a three-day time span, Douglas repeatedly commented on the integrity of the investigation. The jury was well aware of these problems, as all of the evidence came out during trial. Yet the jury chose to reject the theory that these mistakes were relevant to Farris' guilt or innocence.

This allegation was again litigated in a lengthy post-conviction hearing, and the Court of Criminal Appeals again rejected the notion that the integrity of the process has been tainted in a manner that would cause Farris to be wrongly convicted. Finally, the federal courts rejected the claim.

The readers can believe one man reporting this story, who obviously accepted at face value the claims of a man days away from execution, or 14 or more state and federal judges who reviewed the evidence and the law.

What the Farris case truly represents is a system complete with checks and balances sufficient to assure that no man actually innocent of capital murder will be executed.

As in all capital murder cases committed in Tarrant County, the district attorney's office speaks for the dead, who deserved better from Douglas and other *Star-Telegram* writers and editors.

CHARLES M. MALLIN is chief of the appellate division of the Tarrant County district attorney's office.

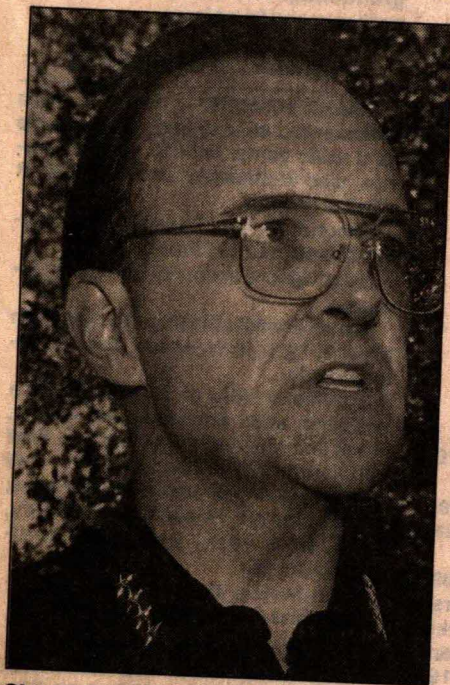
Friday, January 22, 1999

E D I T O R I A L S

Car ID

IT MAY BE just a design change, but the timing couldn't be more perfect for county commissioners to question why Sheriff David Williams wants to drop the words *Tarrant County* from the decals that will adorn 19 new county patrol cars.

Add another chapter to the ongoing dispute between the Commissioners Court and the sheriff. This one goes right behind



Sheriff David Williams

the one in which Williams asked the commissioners to hire him another attorney in his suit against the county because his current lawyer is (in her own words) "just a housewife" and too inexperienced to handle the case alone.

The commissioners denied Williams' request for funds to hire another attorney, just as they should deny his request to forgo the Tarrant County designation on the department's new patrol units.

Beyond the incremental irritation that such a request causes the commissioners,

there is a real public information issue here.

Thousands of people in the Metroplex, on a daily basis, cross any number of county and municipal lines as they go about their lives. They should be able to quickly identify the jurisdiction of any law enforcement vehicle they see on the roads. With the practical exception of units used in undercover work, we see no compelling reason why a law enforcement agency would want to make it harder for people to identify a vehicle's jurisdiction.

Sheriff will get free counsel; judge names mediator in suit

BY NEIL STRASSMAN

Star-Telegram Staff Writer

FORT WORTH — State District Judge Bob McGrath appointed a Fort Worth lawyer yesterday as a mediator in Sheriff David Williams' lawsuit over the county budget.

The judge also said Williams' lawyer will get help from another attorney, who will work free.

McGrath named Fort Worth attorney John Allen Chalk Sr. to mediate the county dispute in which the sheriff contends that the commissioners underfunded his department and interfered with his authority.

The commissioners say they are exercising their duty to hold the Sheriff's Department fiscally accountable. They have repeatedly said Williams' lawsuit is without basis and called it a waste of taxpayer dollars.

Dallas attorney Vance Stanton has agreed to help Williams' attorney, Jana Kallal, but only through the mediation, which is set to begin in February.

"This will go a long way toward leveling the playing field so I can send these parties to mediation," McGrath said, adding that Chalk and Stanton will not charge for their services. "We will be able to save on some of the fees."

On Tuesday, Kallal, acting on Williams' behalf, asked the commissioners to hire a second attorney for the sheriff at \$185 an hour.

She said her inexperience and the complexity of the litigation requires additional counsel.

But the commissioners flatly refused to pay the sheriff's legal bill for suing the county to block implementation of this year's budget.

Stanton, a Dallas attorney since 1964, is "a highly respected attorney," Kallal said yesterday after court. "I'm excited about having him on board."

He will be "special counsel" through mediation, said Amy Murry, his spokeswoman, but she could not say why he is willing to work free.

"We have not committed to any further representation beyond that," she said.

Chalk said he agreed to be mediator because McGrath asked him.

"I view it much the same as any other mediation. I expect the parties to come to mediation in good faith, and when they do that, there is a good chance they can settle issues," Chalk said.

He was a minister with the Churches of Christ for 15 years before he began practicing law in 1973. Chalk has lived in Fort Worth since 1986.

"I think he'll be very effective because he will respect those of strong personal faith," McGrath said, referring to the previously stated religious objection of Kallal and Williams to mediation and facilitated meetings.

That objection was dropped after McGrath assured Kallal that mediation would not force her to violate her religious beliefs.

"We're hopeful this can be resolved in mediation," she said yesterday.

But it appears unlikely that either side will give much ground because the dispute between the sheriff and the commissioners rests, to a large degree, on who controls the Sheriff's Department budget.

County commissioners declined to comment yesterday on Williams' new attorney or the mediator.

Neil Strassman, (817) 390-7657

Candidate set to file for sheriff

Williams can expect GOP opponents, observers say

BY MAX B. BAKER
Star-Telegram Staff Writer

FORT WORTH — While Tarrant County Sheriff David Williams continues to battle the county in court, the fight to keep his job begins this week when his first political opponent for the 2000 election announces his candidacy.

While Williams still has two years left in his term, former Fort Worth Police Association President Brad Patterson is expected to become the first of several Republicans who will challenge Williams in 2000.

One of Williams' top assistants, Capt. David Dunaway, also may resign this summer to mount a campaign against his boss, some observers say. A Texas Ranger for 10 years, Dunaway is the head of administration in the Sheriff's Department.

Assistant District Attorneys Mike Parrish and Fred Cummings, as well as Pct. 4 Constable Jack Allen and Arlington police spokesman Dee Anderson, also are being mentioned as

(More on SHERIFF on Page 6B)

possible GOP candidates.

"The fact there are so many so early shows his weaknesses," said Steve Hollern, former Tarrant County Republican Party chairman.

"It is obvious the sheriff's inability to manage his department and to get along with commissioners" has cost him support, he said.

Williams' clashes with Tarrant County commissioners over vehicles, helicopters and personnel have infuriated some Republicans. The sheriff recently sued the county over control of his budget.

"His continuous missteps — the most recent to ask the commissioners for money so he can sue them — demonstrates his lack of understanding of reality," Hollern said.

Williams could not be reached to comment. Previously, Williams dismissed speculation about his opposition, saying there is a "wealth of misinformation floating around" about how he runs his department.

Republican Party insiders also said it's too early to count Williams out. The sheriff has supporters and name recognition, albeit some of it negative, and he raised more than \$92,000 in his 1996 campaign.

Williams' future "is very unclear," said Tarrant County District Clerk Tom Wilder. "A year is several lifetimes in politics. And we are nowhere near to having the information we need to make a

judgment on that."

Nevertheless, some Republicans view Williams as beatable, not only because of his headline-grabbing disputes with commissioners, but because sources say his biggest political contributor does not plan to support him.

Fort Worth businessman Ed Max was once Williams' biggest financial backer. He recruited Williams, then a DARE officer in Haltom City, to run in 1992. Max pumped about \$42,000 into that campaign.

The self-made millionaire then sup-

ported the sheriff's helicopter program and purchased drug-sniffing dogs for the department. But as Williams' troubles with the commissioners grew, his relationship with Max became strained.

Max said he has not had a lengthy talk with Williams in about two years. Max's business partner, Philip Byrd, was Williams' treasurer until July, when Williams came by and picked up the campaign checkbook.

At the time, there was about \$10 in the campaign checking account, Byrd said. In 1998 campaign finance reports filed

with the county, Williams reported taking in about \$250 in contributions last year and spending about \$800.

Max and Byrd said it's too early to say who, if anyone, they'll back in the next sheriff's race. But Max is obviously disenchanted with Williams.

"He talked a good game. He wanted to have a good department," Max said. "In his first term, the commissioners gave him everything he asked for. There was no problem. ... I don't know what happened to him."

Williams has been in the spotlight since his first day in office, when he basically fired three top deputies. Eleven days later, after threatening a lawsuit, they were rehired.

He followed that controversy with incidents in which he used drug sniffing dogs at a peaceful civil rights rally, gave a badge and gun to Max and bought military surplus helicopters without briefing the commissioners.

Any viable challenger trying to topple Williams is going to have name identification and be able to raise at least \$100,000, Wilder said.

And with only 13 months until the GOP primary for the 2000 elections, fund raising and the need to develop issues are the reasons Patterson cited for announcing his bid for the \$101,400-a-year-job next week.

"That's why I'm coming out so early. It is going to take time to do it," Patterson said.

"I think there will be a new sheriff in the next millennium. Hopefully I can convince people that I'm the guy."

Probably the best known policeman in Arlington, Anderson said he hasn't made up his mind, but "there obviously is a strong consensus that a change needs to be made."

"I think the citizens and law enforcement people are embarrassed by what has taken place and the public is. People who barely know me have approached me on the street about running," Anderson said.

Not all of the names on the ballot will be Republicans. The local Democratic Party, which holds no countywide offices, wants to field a strong candidate who can win and fuel its rebuilding.

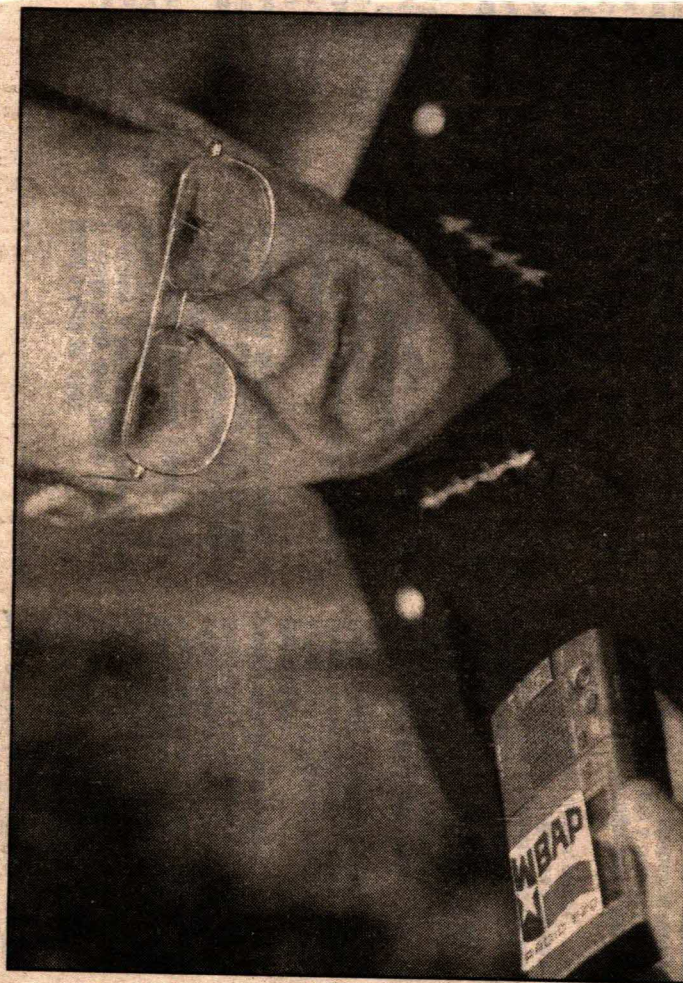
Former Fort Worth Police Capt. Earline Kennedy and another top administrator in the Fort Worth department are among the Democrats considering the race, said Tarrant County Democratic Party Chairman Art Brender.

"Obviously, it's a ripe target," said Chris Turner, executive director of the Tarrant County Democratic Party. "Clearly, Williams is the most vulnerable of the incumbents in 2000. It's a big opportunity for us."

But can an unknown defeat Williams? One only has to look at the sheriff's own rise from political obscurity in 1992 to defeat former Tarrant County Sheriff Don Carpenter, analysts said.

"You never know. Look at who this guy was when he ran," said Bryan Eppstein, a Fort Worth political consultant. "It will be more determined by the public's opinion about David Williams than by the candidates."

Max B. Baker (817) 390-7714
maxbbaker@star-telegram.com



Star-Telegram Archives
Sheriff David Williams has dismissed speculation about possible opposition.

SHERIFF

2 candidates announce for sheriff's race

BY MAX B. BAKER
Star-Telegram Staff Writer

FORT WORTH — Saying it's time to restore leadership and integrity to the office, two candidates announced bids yesterday to topple Tarrant County Sheriff David Williams.

Brad Patterson, 47, former Fort Worth Police Association president, is the first of what is expected to be a long line of GOP primary candidates who want to challenge Williams, a two-term incumbent.

Darrell Clements, 45, is the first Democrat to take formal steps to enter the race. He is a lieutenant who serves as a watch commander at the Tarrant County Jail, and has worked for the department for 19 years.

Patterson and Clements have filed papers establishing campaign committees, which allows them to raise and spend money on their prospective campaigns.

"Professional law enforcement needs to be returned to the Sheriff's Department," Patter-

(More on SHERIFF on Page 9B)

son said. "My goal is to fix it. I'm going to talk about the direction and the lack of leadership" in the Sheriff's Department.

Clements said opening up communication with the Tarrant County Commissioners would be one of his top priorities. Williams and the commissioners repeatedly knock heads, and the sheriff often refuses to meet with them.

"I feel like a lot of problems

could have been eliminated with cooperation on David Williams' part. We should cooperate with them," Clements said.

Williams' clashes with the commissioners over vehicles, heli-



Patterson



Clements

copters and personnel have angered some Republicans. The sheriff recently sued the county commissioners court over control of his budget.

Patterson has worked for 19 years as a crime scene investigator and recently completed his master's degree in criminal justice at the University of Texas at Arlington.

Calling the sheriff's department's troubled helicopter program "absurd," Patterson said he would re-examine many of the activities Williams started to support his attempts to become Tarrant County's "top cop."

The sheriff's primary responsibility in an urban county is to operate the jail, Patterson said.

Other Republicans being mentioned as candidates include one of Williams' top aides, Capt. Dave Dunaway, Pct. 4 Constable Jack Allen and Arlington Police Department spokesman Dee Anderson.

Democrats considering the race include former Fort Worth Police Capt. Earline Kennedy and Luther Perry, an assistant to Fort Worth Police Chief Thomas Windham.

Max B. Baker (817) 390-7714
maxbbaker@star-telegram.com

LETTERS TO THE EDITOR

SUNDAY, JANUARY 31, 1999

Making a mark

I can't help but be amused at how some Republicans can be so deficient in their knowledge of the political history of Tarrant County. I wonder what sand dune they have had their heads buried in for the past six years.

Sheriff David Williams' latest challenge to the Commissioners Court is over the decals for the Sheriff's Department vehicles. Obviously, nothing would suit him better than to have his own name emblazoned on each unit in large letters. To satisfy his unquestionable ego, I don't know why the commissioners don't give him an elementary stencil set and an ink brush.

Williams' being elected twice just goes to prove the adage, "Two wrongs never make a right," and I can hardly wait to mark my ballot in an attempt to rectify this situation.

FLOYD F. CLARK, RETIRED
Tarrant County Sheriff's Department
Fort Worth

E D I T O R I A L S

Sheriff's Race

ANYONE WHO automatically discounts Tarrant County Sheriff David Williams' chance at re-election in 2000 because of his performance in his current term would be foolish.

Lines are starting to form for challengers to the two-term sheriff. Candidates from both parties see vulnerability when they review Williams' job performance: Five new squad cars sit unused for a year while he demands expensive sport utility vehicles from the commissioners; pay raises go undistributed while he complains about the amount of money the court allocates for Sheriff's Department salaries; he sues to block implementation of the county budget because he says commissioners are meddling in his department.

Despite this, wresting the reins away from Williams will not be an easy task. The sheriff has a hard-core group of followers, and they will go to the polls to support their candidate. If he plays the persecution card — that much of his difficulty in the past two years has been a result of people misunderstanding his religious faith — he'll ignite even more support.

The old saying about there's no such thing as bad publicity could very well work to Williams' advantage. No local politician has garnered more consistent media attention in the past year. Voters may recall the name without putting details to the particulars that drew scrutiny of his job performance.

Williams has one advantage over some of his challengers: He's got the right letter after his name to draw votes, even if mainstream Republican Party members have distanced themselves from him. Tarrant County voters like incumbents; they *love* Republican incumbents.

Make no mistake — unless some inexplicable realigning of the planets causes Tarrant County voters to suddenly ignore party labels, this race will be won in the Republican primary.

Haltom narcotics detective plans to seek sheriff's office

BY MAX B. BAKER
Star-Telegram Staff Writer

FORT WORTH — A Haltom City narcotics detective who says he wants to be a "servant of the people" joined two other law officers yesterday in planning to run for Tarrant County sheriff.

Shane Harrison, 27, filed a campaign committee designation with the Tarrant County Elections Office, allowing him to raise and spend money. Candidates can't file for elections in 2000 until December.

"I want to serve the people and don't want to be isolated in some office," said Harrison, who would run as a Democrat. "I know I'm young and it's going to be rough, but I want to be a servant of the people."

Harrison, who works for the Haltom City Police Department, is assigned to the Tarrant County Narcotics Intelligence and Coordination Unit.

Last week, Brad Patterson, who is a former Fort Worth Police Association president, and Darrell Clements, a lieutenant with the Tarrant County Sheriff's Department, announced they want the job held by Sheriff David Williams.

Patterson plans to run as a Republican and Clements as a Democrat.

"I know I'm young and it's going to be rough, but I want to be a servant of the people."

— Shane Harrison, 27,
Haltom City detective

Williams, a Republican, is serving his second term as sheriff. A former Haltom City DARE, or Drug Abuse Resistance Education, officer, he has been criticized for trying to change the traditional role of the sheriff from jail administrator into a the county's "top cop."

Since being elected in 1992, Williams has continually clashed with the Tarrant County commissioners about his department's operations. He recently sued the county concerning control of his budget.

Harrison said that the sheriff should be "keeper of the jailhouse keys" and that he "will speak to residents of the county and the [Sheriff's] Department employees to find out what their issues are."

Max B. Baker, (817) 390-7714
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TUESDAY, FEBRUARY 2, 1999

Corrections and Clarifications

■ "Making a mark," a letter to the editor Sunday, was written by Floyd F. Clark of Fort Worth. Because of a typing error, Clark's middle initial was incorrect as published.

SUNDAY, FEBRUARY 7, 1999

E D I T O R I A L S

Job Opening

WANTED: Adept communicator with good people skills to lead one of Tarrant County's largest public safety agencies.

High school diploma or equivalency certificate required, although college degree preferred. Must be willing to acknowledge existence of a Supreme Being — as required by the Texas Constitution — but specific religious affiliation not necessary.

If not already a commissioned peace officer, successful applicant will have to attend not more than 40 hours of instruction in law enforcement during first four years on the job. Employer — taxpayers — will pay for the required instruction.

Management experience a must to oversee \$54.2 million annual budget and staff of about 1,300. Primary responsibility will be to operate facilities designed for the temporary housing of prisoners, as prescribed by the state Commission on Jail Standards.

Demonstrated ability to communicate and cooperate with other area law enforcement agencies and elected officials a plus.

Starting salary \$101,400, with competitive benefits package. Company car and uniforms provided.

Job will become available Jan. 1, 2001, although selection process will be completed Nov. 7, 2000. Successful applicant must re-apply every four years.

Interested candidates should contact Tom Davis of the Tarrant County Republican Party or Chris Turner of the Tarrant County Democratic Party.

Equal opportunity employer.

Sheriff agrees to rebid contract for Tarrant County Jail commissary

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff's officials said yesterday that they will open competitive bidding for the contract for operation of the Tarrant County Jail commissary, dropping opposition to rebidding the right to run the jailhouse store.

The decision to rebid the contract held by Mid-States Services, the company that also provides food at the jail, came after the release of a county audit of the fund.

In the audit presented to county commissioners yesterday, Auditor Renee Tidwell said the "sheriff [should] accept new bids for the department's commissary operations prior to July 1999."

The current agreement with Mid-States runs through 1999 with a possible one-year extension, said Capt. John Dalton, sheriff's spokesman. Mid-States

owner Jack Madera declined to comment on the need to rebid the contract, which dates to Sheriff Don Carpenter.

Last year Tidwell recommended that the contract be rebid, but Sheriff David Williams objected, and the district attorney asked the Texas attorney general for a ruling. On Aug. 24 the attorney general's office said the contract should be reopened every five years.

Tidwell said yesterday that the Sheriff's Department declined to respond to the audit. Elected officials and county department heads routinely submit written responses when they are audited, she said.

"The auditor's report is not contrary to what the sheriff is doing, so he didn't feel there needed to be a response," Dalton said. "We are going to rebid it. The sheriff had already

made up his mind to rebid it."

The bid specifications, qualification requirements and criteria for evaluation have not yet been determined, he said.

Under the current commissary system, the county holds the prisoners' money and the inmates charge against their account to buy goods. The county receives \$2 from Mid-States for each prisoner, based on the average monthly jail census. That money is used for the benefit of the inmates.

In the 1997 fiscal year, inmates spent about \$2.2 million at the commissary and the county was paid roughly \$74,000. About \$57,000 was spent on capital expenditures — including \$29,607 for 18 personal computers, \$6,336 for printers, \$10,222 for 48 televisions and \$1,625 for a lawnmower.

Also, \$22,440 was spent on law books, \$12,542 was spent on supplies and \$12,133 was spent on computer supplies from the commissary fund, which had an ending balance of slightly more than \$400,000.

Williams, who has sued the county over its budget, also sued over the commissary fund. Although a 1995 Commissioners Court order says the fund belongs to the Sheriff's Department, Williams says the commissioners never turned it over. The commissioners say Williams never asked for the fund to be transferred.

Neil Strassman, (817) 390-7657

COMMENTARY

the INSIDER report

Is there no end to the list of Republicans considering running for Tarrant County sheriff?

Retired North Richland Hills Police Chief **Jerry McGlasson** is the latest, saying he may file his campaign committee papers this week.

Fort Worth Police Sgt. **Paul Kratz**, whose 26 years on the force includes 15 years in the homicide division, has been approached by Republican activists about running.

"It's in the kicking-around, talking-out stages," Kratz said.

It also should be noted that members of the downtown Fort Worth elite and former supporters of Tarrant County Sheriff **David Williams** are asking Republican leaders if there is a candidate they can get behind.

Williams doesn't appear to be doing the usual re-election preparations, such as raising money. He hasn't said definitely that he will run, say party officials.

Inmate saunters out of jail

Escape not noticed for at least four hours

By MICHAEL WEISSENSTEIN
Star-Telegram Staff Writer

FORT WORTH — Where is Van Larue Barker?

Tarrant County Jail officials haven't seen the 45-year-old inmate since early yesterday morning when he was mistakenly left unrestrained outside a holding cell.

"Somebody wasn't doing their job, and he took advantage of it," said Capt. John Dalton, a Sheriff's Department spokesman.

Barker probably mingled with jail staff and clerical workers during a routine staff change about 6:30 a.m. and made his way out the front door of the downtown Fort Worth jail, Dalton said.

"We think he just walked out with the shift change," Dalton said.

Barker, a Grand Prairie resident, was jailed Feb. 8 after he surrendered to local authorities on an arrest warrant issued after he failed to show up to face an auto theft charge in a Jack-

(More on ESCAPE on Page 4B)



Barker

ESCAPE

From Page 1B

son County, Okla., court, Dalton said.

Barker was supposed to have been returned to Oklahoma yesterday morning. He was dressed in street clothes, waiting for Oklahoma authorities, when he escaped.

"It's kind of curious why he would walk off after turning him-

self in," Dalton said. "We're not sure why he's deciding now that he doesn't want to go in."

Sheriff's investigators and deputies from the department's warrant division were searching for Barker last night.

His absence was noticed about 10:30 a.m., and the jail was locked down, with police unable to drop off prisoners as sheriff's officials counted heads.

They came up one short, Dalton said, and an investigation began.

Jail officials told sheriff's investigators that they last saw Barker in a holding cell in the release area.

"They go in there to pull him out, and he's not there where they thought he was," Dalton said.

Barker, whose bail on the theft charge had been set at \$70,000 in Oklahoma, now faces a possible charge of escape, a third-degree felony in Texas.

Michael Weissenstein, (817) 390-7386

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Former police chief set to campaign for sheriff

BY MAX B. BAKER
Star-Telegram Staff Writer

FORT WORTH —Former North Richland Hills Police Chief Jerry McGlasson announced yesterday that he intends to run in the Republican Party primary against Tarrant County Sheriff David Williams.

McGlasson, 57, filed campaign committee documents at the Tarrant County courthouse, allowing him to raise and spend money for a campaign. Candidates can't formally file for the elections in 2000 until December.

McGlasson joins Brad Patterson, a former president of the Fort Worth Police Officers Association, in seeking the GOP nomination. Williams has not announced whether he plans to seek a third term.

"I think it's obvious to all of us that Tarrant County needs a new sheriff," said McGlasson,

who was police chief in North Richland Hills until August 1998. He was a Fort Worth police officer for 17½ years.

"With my experience, I am the only candidate with experience in presenting a budget to a government body and executing what that body says is an appropriate budget for that agency."

As police chief of the county's third-largest city for about 16 years, McGlasson managed a department with 146 employees and a \$10 million budget. He also has doctorate and master's degrees in public administration.

Williams is a former Haltom City DARE, or Drug Abuse Resistance Education, officer. He has been criticized for trying to expand the role of the sheriff well beyond jail administrator.

Since being elected in 1992, Williams has continually clashed with the Tarrant County

commissioners about his department's operations. He recently sued the county concerning control of his budget.

Two Democrats, Haltom City detective Shane Harrison and Darrell Clements, a lieutenant with the Tarrant County Sheriff's Department, have announced plans to run.

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Jerry McGlasson plans to seek the GOP nomination for sheriff.

Inmate who walked out of Tarrant County Jail still on the loose

BY DEANNA BOYD
Star-Telegram Staff Writer

FORT WORTH — Law enforcement officers continued their search yesterday for a 45-year-old inmate who walked out of the Tarrant County Jail after being left unrestrained outside a holding cell.

An internal investigation into the Tuesday escape of Van Larue Barker of Grand Prairie is under way, said Capt. John Dalton, spokesman with the Sheriff's Department.

Barker turned himself in about a week ago, after an arrest warrant was issued in a Jackson County, Okla., auto theft case.

Shortly before his escape, officials were preparing to release Barker to a deputy driving in from Oklahoma. They allowed him to change from his jail uniform into plain clothes. He was left waiting by a wall outside the changing area, and no one noticed when he walked out the front door of the downtown Fort Worth jail during a

routine staff change about 6:30 a.m.

Dalton said jail procedures require inmates to be placed in a holding cell while awaiting transport. He said the employee who broke that policy in Barker's case could face discipline ranging from an oral reprimand to termination.

"You're dealing with people. People make mistakes; they take shortcuts; they put guys against the wall," Dalton said. "Normally that wouldn't be a problem,

but the specific time that he did it, there was a lot of traffic in that area because that's shift change."

Oklahoma Deputy Bobby Baird drove 2 1/2 hours to Fort Worth, only to discover that the inmate he was supposed to pick up "was missing in action," said Carlton Grimes, Jackson County, Okla., undersheriff.

"He didn't come back with anybody," Grimes said.

Tarrant County sheriff's investigators and deputies from

the department's warrant division looked for the man in Fort Worth and Grand Prairie, but as of last night had not found him.

Grimes said the Jackson County Sheriff's Office sympathizes with officials in large detention facilities who deal

with so many inmates.

"It's just one of those deals that happens," Grimes said. "It's kind of like going fishing. One time you catch them. One time you don't."

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Sheriff drops suit against county

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams dropped his lawsuit against Tarrant County commissioners yesterday, saying that participating in court-ordered mediation with them would violate the state's Open Meetings Act. Commissioners said they were glad

that Williams ended the suit — one they repeatedly criticized as a waste of tax dollars. And, county officials said, mediation would not violate the law. "I'm glad we've stopped wasting taxpayer dollars and sorry we had to do it in the first place," Commissioner Glen Whitley said. In the suit, which was filed Nov.

12, Williams contended that in the 1999 county budget, commissioners did not allocate enough money for his department and interfered with his authority. The commissioners' response has been that they were exercising their state-authorized duty to hold the Sheriff's Department fiscally

(More on SHERIFF on Page 11A)

accountable.

Williams and the commissioners had been told by state District Judge Bob McGrath to appear in court today to explain why mediation, ordered one month ago in hopes that the negotiations would lead to a settlement, had not begun.

Instead, just after 4 p.m. yesterday, Williams' attorney filed a motion with McGrath asking that the lawsuit be dismissed.

"We must have our government very open and business must be conducted in the clear light of day," Williams said at an impromptu news conference.

Jana Kallal, Williams' attorney, said in a telephone interview, "We learned the mediation would violate the Open Meetings Act, and Sheriff Williams didn't want to be involved in a crime."

The commissioners, their attorney and other county officials scoffed at the notion that they or the judge intended to violate the state law, which requires public officials to give adequate notice of meetings and conduct them in public.

McGrath declined to comment on Williams' reasons for dropping the suit.

"There will be no hearing. The lawsuit is over," he said.

Myra McDaniel, the commissioners' attorney, said the Commissioners Court never intended to violate the Open Meetings Act. Government entities participate in mediation all the time, she said.

"There are ways of structuring it so you don't violate the act," she said.

"From the beginning we have felt the suit was without merit," she added. "The district attorney and our firm asked that the suit be dismissed."

County Administrator G.K. Maenius said notice of the mediation could have been posted and it was not necessary to have a quorum of the commissioners present.

Houston attorney Karen Fannin, an expert on the state's open meetings law, said she is not sure what provision of the law Williams or Kallal could be referring to.

"I'm not sure how a private mediation would violate the Open Meetings Act," Fannin said.

In October, the commissioners cut Williams' 1999 budget request and reduced his staff by 36 people to force him to keep his employees in their assigned jobs. For several years, Williams manipulated jail staffing levels, using jailers to serve warrants, do investigations and work in administration, running up a huge overtime tab.

The suit sought to block the county from implementing its \$240 million budget as it applies to salaries in his department. The budget provides \$54.2 million for the Sheriff's Department — about \$2 million more than last year, but less than the sheriff requested.

"We are not against David Williams," Commissioner Dionne Bagsby said. "I would hope the sheriff would rather work on improving his department than fighting us."

It is "disgraceful" for the county to have spent public dollars on an issue that Williams "did not feel strongly enough about to agree to mediation," Bagsby said.

At a December hearing on the lawsuit, Kallal told McGrath that she could not "in good faith" participate in mediation because of "religious issues" against facilitated meetings. That objection was later dropped, but the mediation never occurred.

Neil Strassman, (817) 390-7657



Sheriff David Williams cites law on meetings.

Sheriff's lawsuit said to cost \$25,000 in fees

The dropped litigation accused commissioners of not properly funding the department and interfering with his authority.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams' lawsuit against Tarrant County commissioners cost the county about \$25,000 in legal fees before Williams abruptly decided to drop the case rather than participate in mediation, commissioners said yesterday.

In the suit, which was filed in November, Williams accused commissioners of failing to fund his department properly and interfering with his authority. He first tried to get the judge in the case, state District Judge Bob McGrath, recused. Then he objected to court-ordered mediation on religious grounds. Finally, he dropped the suit, saying mediation with commissioners would have violated the state's Open Meetings Act.

"The main issue of the lawsuit was salary structure and salary increases for sheriff's employees. The open meeting law says you cannot discuss salary for groups of employees in a closed meeting. That's why the sheriff dropped the lawsuit," said Capt. John Dalton, the sheriff's spokesman.

"I was looking forward to mediation. That may have been our only chance to see him," Commissioner J.D. Johnson said.

At a special meeting of the Tarrant County Commissioners Court yesterday, County Judge Tom Vandergriff called the suit "ill-advised and unnecessary." Commissioner Dionne Bagsby said McGrath would not have ordered mediation "if there was any sense of illegality about the meeting."

McGrath declined to comment.

Commissioner Glen Whitley said Williams had found "another way" to avoid meeting with commissioners. "It was a frivolous lawsuit from the get-go, and we've spent about \$25,000 so far," he said.

State Sen. Jeff Wentworth, R-San Antonio, who has dealt with legislative issues regarding the Open Meetings Act, said governmental entities often engage in mediation without violating the Open Meetings Act.

"It is my horseback opinion that ... a school board, a commissioners court or any other governmental body could go behind closed doors to discuss pending litigation," he said. "I personally don't recall mediation ever being used as a reason for violating the act. I've never heard it raised before."

Staff writer Bill Hanna contributed to this report.

Neil Strassman, (817) 390-7657

Highlights

ESCAPEE SURRENDERS

FORT WORTH — Van Larue Barker, who walked out of the Tarrant County Jail on Tuesday after being left unguarded, surrendered to a guard at the jail last night, a Sheriff's Department official said.

The Grand Prairie man turned himself in shortly after 8 p.m., said Capt. John Dalton, a department spokesman.

It was not clear last night what prompted Barker to return, Dalton said.

Dalton said authorities are likely to seek an escape charge against Barker.

Forfeiture funds' use examined

Sheriff's official says spending rules followed

BY JACK DOUGLAS JR.
Star-Telegram Staff Writer

FORT WORTH — Fifteen thousand dollars for repairs on a patrol car that had already logged more than 185,000 miles. Eight thousand dollars for submachine guns with laser sights. And \$29.95 for a "tactical" uniform shirt for Tarrant County Sheriff David Williams.

These are among the items the Tarrant County Sheriff's Department has paid for in recent years using hundreds of thousands of dollars that once belonged to criminals.

The extra revenue comes from state and federal "shared assets" forfeiture programs — used by hundreds of police agencies across the country — that transfer the ill-gotten wealth of criminal enterprises into the hands of law enforcement. The law enforcement agencies are free to spend the money at their discretion.

Chief Deputy Larry Hester said the sheriff's department follows state and federal rules in its use of forfeiture funds. He said the department is "probably more subdued" than other law

SHERIFF'S FUNDS

Tarrant County officials are raising questions about how the Sheriff's Department spends "shared-assets" funds, collected from criminals through forfeitures.

enforcement agencies in using the funds to purchase crime-fighting equipment. Other departments, including the Dallas County sheriff and the Fort Worth police, have used forfeiture funds to buy items such as firearms and body armor.

But Tarrant County officials, who have squabbled with the sheriff for more than a year over how he spends money, are questioning how the department has spent more than \$358,000 in forfeiture funds during the past six years. And some officials, including Fort Worth Police Chief Thomas Windham, said the funds should be considered public money and expenditures should be approved by governmental bodies.

Jack Beacham, Tarrant County's top purchasing agent, said he does not believe that money taken from criminals should be used to buy Williams' clothing. But he can only object, not stop the practice.

"Do I have the right to say he can't purchase a tactical T-shirt [with forfeiture funds]? I don't think that's my business," Beacham said.

"Do I personally have a problem with it?" he said. "Sure I do."

Although the county controls the remainder of the Sheriff's Department's \$54.2 million budget, commissioners have no legal authority over how the forfeiture cash is spent.

Still, Commissioner Marti VanRavenswaay said Williams should be using forfeiture funds for services such as neighborhood watch and community awareness programs. She called it a "contradiction" that the sheriff, who claims that his county budget is inadequate, spends money on car accessories and helicopter parts instead of supplementing resources at the jail.

Told how some of the money has been spent by the sheriff's department, Tarrant County Commissioner J.D. Johnson said, "That does not sound like a good use of the money."

Williams did not return phone calls seeking comment for this story.

Hester said the forfeiture funds are used only when "we determine whether it's beneficial for the work effort, for our overall task of meeting our objectives and goals — the enforcement of laws, the apprehension of felons."

Forfeiture money may have been used to buy special tactical

clothing for Williams because "there's nothing to stop the sheriff from going out on a tactical mission," Hester said.

Tactical gear, including camouflage clothing and heavy boots, is often used by officers or deputies during standoffs.

Some of the items bought by the sheriff with forfeiture money — including "stinger" flashlights, "tiger-stripe boony hats" and "Threat Level III" body armor — are typical law enforcement equipment, Hester said.

"They're not Rambo-type stuff. [And] just because some of our officers have automatic weapons, that doesn't mean they're out there spraying a field of fire, like it's jungle warfare. They're very careful with the use of those weapons," he said.

Forfeited assets — including cash, jewelry, real estate and exotic cars — generate millions of dollars each year for police departments, with much of the assets coming from the drug trade.

In the past two years, police agencies in Texas shared \$22.6 million in cash forfeited through state court proceedings and about \$3 million in liquidated properties.

Federal guidelines say that law enforcement agencies "should use federal sharing monies prudently and in such a manner as to avoid

any appearance of extravagance, waste or impropriety."

the
INSIDER
report

But there is little accountability on how the funds are handled. "There just isn't a lot of oversight," said Don Clemmer, head of the financial crimes division of the state attorney general's office.

An official with the Bush administration said the Texas Legislature should tighten controls to ensure that forfeiture money is used properly.

"The law does not provide authority for audit, investigation or enforcement," said Richard Nedelkoff, executive director of the criminal justice division in the governor's office.

"We want the system to be better, and we're just trying to figure out the most efficient and accountable way to monitor these forfeitures," he said.

A new county audit shows that the Sheriff's Department has received \$559,047 in state and federal forfeiture funds in the past six fiscal years, including \$120,141 during the last year. For the six-year period, the department spent \$358,275.

Expenditures include more than \$80,000 for the sheriff's helicopter program, which was disbanded after a still-unexplained crash on Sept. 17, 1997, that killed two deputies.

Funds spent for the helicopter program before it was dissolved

include: \$20,635 for a "Starburst" searchlight, \$20,164 for new landing skids, \$17,430 for instruments and radio equipment and \$1,428 for flight suits.

Tarrant County Auditor Renee Tidwell said officials were surprised last year when they realized that they would have to take \$14,950 out of the sheriff's forfeiture account to pay a car repair bill out of Lansing, Mich. Williams had sent a 1993 Chevrolet Caprice patrol car — with more than 185,000 miles on the odometer — to a Chevrolet dealership in that city for refurbishing work.

Other county officials questioned the logic of having extensive work done on a travel-worn, 5-year-old vehicle, Tidwell said.

"We couldn't refuse to pay," she said. "The sheriff had already written the check. It was a little strange."

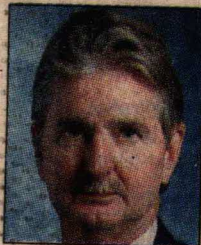
Hester said the sheriff's department wanted to refurbish the Caprice because its roomy interior better suited some of the larger deputies on the force, and Chevrolet had stopped making that model.

The county audit of the sheriff's forfeiture spending lists numerous car accessories, from window tinting to flashing lights, as well as nearly \$3,000 for sending the widows of dead officers to a memorial ceremony in Washington.

In November, Fort Worth Police Chief **Thomas Windham** was so frustrated with not being able to talk with Tarrant County Sheriff **David Williams** about problems with checking in prisoners at the jail that he reached out on television in hopes of finding a solution.

Three months after making his televised plea for a meeting with the sheriff, Windham was still waiting.

"I haven't talked to him in so long, I've forgotten what he looks like," the chief said.



**RANDY
GALLOWAY**

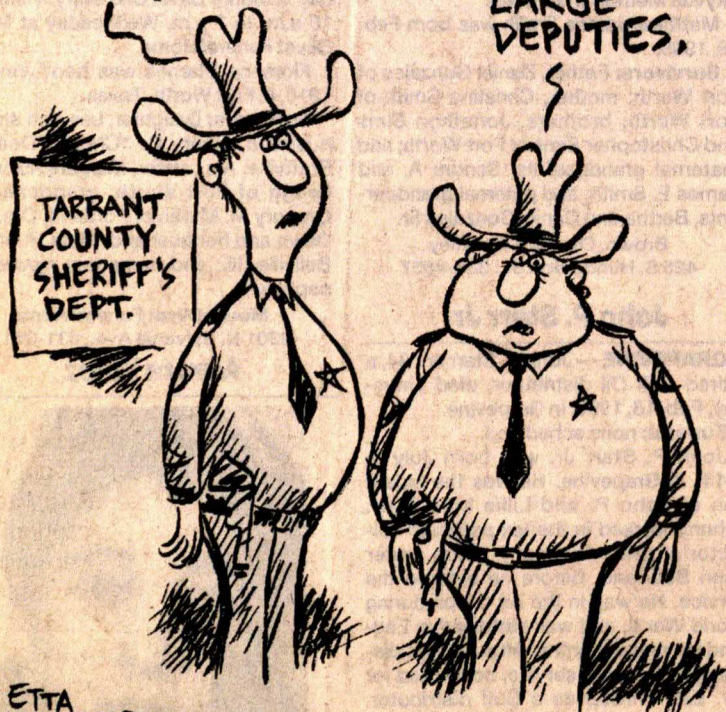
COMMENTARY

Jerry Jones said last week he's planning contract extensions and fat new raises for quarterback Troy Aikman and cornerback Deion Sanders.

That makes as much sense as the Tarrant County commissioners voting a hefty salary bump for Sheriff Williams.

THE SHERIFF'S IN
THE SOUP AGAIN -
IT SEEMS HE SPENT
\$14,950 TO REFURBISH
A CAPRICE WITH
185,000 MILES
ON IT.

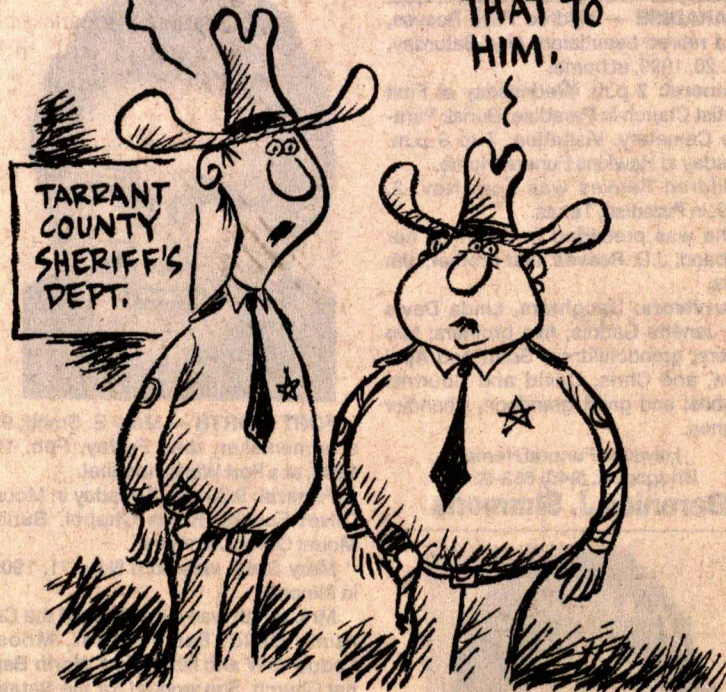
HEY, HE
NEEDED AN
EXTRA LARGE
PATROL CAR
FOR EXTRA
LARGE
DEPUTIES.



ETTA
HULME ©1999 FORT WORTH STAR-TELEGRAM

I'LL BET IT
WOULD COST LESS
TO REFURBISH
EXTRA LARGE
DEPUTIES. HE
COULD SEND THEM
TO EXTRA NICE
FAT FARMS.

DO ME A
FAVOR.
DON'T MENTION
THAT TO
HIM.



E D I T O R I A L S

Apology Owed

TARRANT COUNTY SHERIFF David Williams' assertion that court-ordered mediation violates the state's Open Meetings Act is a telling sign that he is unfit for public office. In dropping his lawsuit last week against the county, Williams, through his attorney, contended that it would have been a crime to participate in mediation.

Frankly, the sheriff's action is nothing more than a brazen affront to the judge who ordered Williams to meet with county commissioners in an attempt to reach an agreement that might forestall a costly trial.

State District Judge Bob McGrath was more than charitable toward Williams and his perpetually ill-prepared attorney throughout this tortured process. He patiently guided Jana Kallal through basic legal procedures that any licensed attorney should know, when other judges would have thrown her out of court along with Williams' baseless lawsuit.

For McGrath's efforts, the respected jurist was insulted.

Williams owes McGrath an apology, which he should deliver right before he apologizes to the Tarrant County taxpayers for wasting their money. The hypocrisy in last week's events was best capsulated in one quote from Williams: "We must have our government very open, and business must be conducted in the clear light of day."

Williams has repeatedly demonstrated a complete disdain for open government. He has virtually dropped out of sight and refuses to attend Commissioners Court meetings, where he would be accessible to his constituents. If ever there was a public official who doesn't understand the concept of open government, it's David Williams.

Our hope is that Kallal goes back to the obscurity from whence she came and that Williams will do nothing more than quietly run the jail for the next 20 months before forever disappearing from politics in November 2000. It is time to let someone more suited to public office take over the Sheriff's Department.

LETTERS TO THE EDITOR

Revise sheriff specs

If the Feb. 7 editorial "Job Opening" accurately described the qualifications for county sheriff, we have a problem. This is not the 19th century. The romantic portrayal of the sheriff as a gun-totin', hard-ridin' Wyatt Earp clone belongs in the movies.

The CEO of a multimillion-dollar agency should, at the very least, have an undergraduate degree in business administration. An MBA would be better.

Five to 10 years of experience in management and finance, competence in dealing with spreadsheets, budgets and personnel — these should be qualifications for sheriff. Forget about riding with the posse in the parade.

BARBARA THOMSEN
Fort Worth

Sheriff's agents pursue inquiry

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff's investigators are questioning county employees about money used to build a roof over a jail exercise yard, and county commissioners are questioning the tactics the investigators use.

The investigators have talked with a half-dozen county workers — even reading one his rights — while looking into how \$81,000 was spent from an inmate trust fund to put a roof on the city-county jail building at 350 W. Belknap St. in 1996.

Sheriff's officials declined to discuss the investigation.

"It's an ongoing criminal investigation. That's all I can say, period," said Capt. John Dalton, sheriff's spokesman.

One of the county officials questioned said investigators told him they were looking into "conspiracy to misappropriate funds."

Tarrant County district attorney officials, who typically investigate any allegations of criminal wrongdoing by county workers, are not participating in the sheriff's investigation.

"We're not involved in any investigation," said District Attorney Tim Curry, adding that "by law the Sheriff's Department is entitled to investigate anything it wants to."

But county commissioners, who are expected today to approve outside counsel for any county employee or

elected official facing questioning by the Sheriff's Department in the investigation, say the investigators are "scaring" and "intimidating" county employees.

"I'm tired of their Gestapo tactics," Commissioner J.D. Johnson said.

County employees are concerned that they are being investigated on allegations that they committed a crime, Johnson said, and the county should provide them with attorneys.

Sheriff David Williams is engaging in "political grandstanding" with this investigation, Commissioner Glen Whitley said.

INQUIRY

"He's doing everything but his job," Whitley said. "If there's a criminal investigation it needs to be done, but he ought to quit this intimidating and scaring-the-employee type situation. Basically he's abusing his power by not going through the district attorney."

The investigators have talked with a county contracts administrator in purchasing, three people in the county's facility management department, an assistant auditor and the budget officer.

Most were questioned about the county's purchasing and contracting procedures, they said.

Other county officials, like Facilities Director Gary Kirby and Auditor Renee Tidwell, said they expect to be contacted by the investigators.

Danny Roberson, a county contracts administrator, said investigators asked him for the contract file on construction

of the roof early last week and then returned a few days later to question him.

"They read me my rights and had me sign a card saying I understood, then recorded our conversation," Roberson said. "I felt cornered."

Tim Evans, a Fort Worth criminal defense attorney, said there's no need to read someone his or her rights — such as the right to an attorney or the right to remain silent — unless he or she is under arrest.

Roberson, who returned to work in late summer after open-heart surgery, said the investigators told him they were looking into "conspiracy to misappropriate funds."

The jailhouse roof in question was paid for out of the inmate trust fund, money derived from commissary sales that is used for the benefit of the

inmates. The county gets \$2 from the commissary operator for each prisoner, based on the average monthly jail census.

As far back as 1993 sheriff's officials told the county administration it wanted the recreation area covered. The county had the roof built three years later.

"If the money was charged to the wrong account, it's easily corrected," County Judge Tom Vandergriff said.

In Harris County, the district attorney, not the Sheriff's Department, investigates allegations against county workers, said Celeste Spaugh, the Harris County sheriff's spokeswoman. In Dallas County, however, sheriff's investigators look into criminal acts committed by Dallas County workers, said Ed Spencer, the sheriff's spokesman there.

Neil Strassman, (817) 390-7657

Child molester jumps from jail van, flees custody

By MICHAEL WEISSENSTEIN
Star-Telegram Staff Writer

FORT WORTH — With a leap from a van onto a downtown street, a prisoner escaped the custody of the Tarrant County Sheriff's Department Monday night, the second escape in a week.

Convicted child molester Michael Graf was being driven to the Tarrant County Jail on Monday after being arrested on suspicion of violating the terms of probation, according to sheriff's officials and court records.

The 27-year-old man jumped out the back door of the transport van when it stopped at the intersection of Fourth and Calhoun streets, said Capt. John Dalton, a Sheriff's Department spokesman.

(More on ESCAPE on Page 9B)

Graf had been handcuffed, but he was not wearing leg shackles.

Sheriff's investigators are still looking into the Feb. 16 escape of Van Larue Barker of Grand Prairie, who turned himself back in to jail officials Friday night.

"One escape is embarrassing," Dalton said. "Two is embarrassing, too."

The report of the second escape drew criticism from one county commissioner yesterday. Sheriff David Williams, whose

department runs the jail, is involved in a long-running dispute with commissioners.

"Everything over there seems to be in chaos. It seems they go from one turmoil to the next," said Commissioner J.D. Johnson.

"Nothing surprises me anymore with the way the Sheriff's Department is run. He's got some good officers over there, but he's not using them. It's making it hard for all the sheriff's employees."

County records show that Graf received 10 years of deferred adjudication in 1998 after he was arrested by Arlington police on a charge of indecency with a child,



Graf

a second-degree felony. Graf faces a possible sentence of 20 years in jail if it is found that he violated the conditions of his probation.

Dalton declined to comment on whether human or mechanical error contributed to Graf's escape.

The van's doors have no interior handles, Dalton said. "Somehow he was able to get the back door open," he said. "There are ways that you can manipulate them to get them open, but he shouldn't have been able to manipulate it."

Last week, officials blamed Barker's escape on mistakes by jail staff, saying deputies allowed

Barker, who was awaiting extradition to Oklahoma on a car theft warrant, to change from his jail uniform into street clothes and wait unrestrained outside the changing area.

He then walked out the front door of the downtown Fort Worth jail during a routine staff change, officials have said.

Barker provided investigators with a statement after turning himself in Friday, but Dalton declined to comment in detail on Barker's account of his escape.

"It was a little different than we speculated earlier," Dalton said.

Staff writer Neil Strassman contributed to this report.

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Sheriff talks to county judge about inquiry

Commissioners offer legal representation for employees questioned in the case.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams met with County Judge Tom Vandergriff this week to defend an investigation of county spending, but that did not stop county commissioners yesterday from offering an attorney to any county employee questioned by sheriff's investigators.

The commissioners said they took the action because of concerns that the investigators intimi-

dated county workers when they questioned them about money spent three years ago to build a roof over a jail exercise yard.

Sheriff's officials declined to discuss the investigation.

"We're not going to comment on or discuss an ongoing criminal investigation," said Capt. John Dalton, sheriff's spokesman.

Vandergriff said that Williams explained to him on Monday why the investigation should go forward.

"He wants to satisfy himself that there was nothing improper," Vandergriff said. "Personally, I don't think an investigation is necessary."

(More on SHERIFF on Page 9B)

The sheriff's investigators are looking into why \$81,000 from the jail commissary trust fund was used to build a roof over the city-county jail building at 350 W. Belknap St.

The investigators have talked to about a half-dozen county employees, read one his rights and told at least one county worker that they are looking into "conspiracy to misappropriate funds." Other county employees say they have been told by the investigators that they will be questioned. Those already interrogated said they were questioned about the

county's purchasing and contracting procedures.

"We owe our employees representation," said Commissioner Glen Whitley, explaining why the law firm of Bickerstaff, Heath was retained to represent county workers. It is the firm that defended the county against Williams' lawsuit over the county budget that he dropped last week.

"It's very intimidating and scary to be read your rights," Commissioner Marti Vandewenwaay said.

None of the commissioners said they are questioning the authority of the Sheriff's Department to conduct the investigation. But they said any investigation into allegations of criminal wrongdoing by county workers should be done by the district

attorney, the agency that typically looks into such matters.

"We certainly have done that in the past, but this is not our investigation," said Assistant District Attorney Marvin Collins. "We're really not involved."

The commissary trust fund income comes from \$2 the commissary operator pays to the county for each prisoner, based on the average monthly jail census. The money must be used for the benefit of the inmates, but the sheriff is the only one with authority to spend it.

When Williams met with Vandergriff, he cited the law pertaining to the commissary trust fund that requires the sheriff to sign off on each and every expenditure, the judge said.

"I don't think there was any

improper intent on the part of any county employee," Vandergriff said.

At the time the roof expenditure was approved, sheriff's officials knew about it because it was discussed several times in open court, Vandergriff said.

"I don't think anyone, even the sheriff, thinks putting the roof on the exercise yard was an unwise expense," Vandergriff said.

County records show that in 1993 sheriff's officials told the county administration that they wanted the recreation area covered.

"It's not a case of misuse of the money," Vandergriff said. If need be, he added, the county could put the money back into the commissary trust fund.

Neil Strassman, (817) 390-7657

Sheriff explains projects inquiry

Nearly \$100,000 moved from fund, Williams says

BY DEANNA BOYD
AND NEIL STRASSMAN
Star-Telegram Staff Writers

FORT WORTH — A months-long sheriff's investigation indicates that almost \$100,000 from the jail inmate commissary trust was illegally diverted over the past two years, Sheriff David Williams said in a news release yesterday.

The investigation involves individuals in the Tarrant County auditor's department and the Tarrant County budget department and concerns projects funded from the commissary account that the sheriff did not authorize, including the construction of a roof over a jail exercise yard, said Capt. John M. Dalton, a Sheriff's Department spokesman.

County officials have denied that money was diverted illegally from the commissary account.

Although county employees have said publicly that sheriff's investigators questioned them about the roof project, the department had provided little information on its investigation before the release.

"The investigation thus far has indicated almost \$100,000 of Inmate Commissary Trust Funds were illegally diverted over the past two years," the release says.

"According to the law, [the sheriff] is supposed to be in exclusive control of" the commissary fund, Dalton said. "He has not been allowed exclusive control. ... They have spent money from there without him signing off, without even asking."

Dalton said the investigation is concentrating on criminal violations of misapplication of funds, abuse of official capacity, criminal conspiracy and the laws on commissary operation by the sheriff. The offenses are felonies, he said.

Tarrant County auditor Renee Tidwell said the county has not misused commissary funds.

"I absolutely deny that. It's the craziest thing I ever heard of," Tidwell said. "Neither he nor his people have contacted me about this matter."

Tidwell said any action she has taken in regard to the commissary fund was done on the advice of the district attorney.

In 1995, the Commissioner's Court ruled that the county auditor should turn over the commissary trust fund to the sheriff's office. County officials say Williams never took possession of the fund.

The fund is money derived from commissary sales that is used for the benefit of the inmates. The county gets \$2 from the commissary operator for each prisoner, based on the average monthly jail census.

The auditor repeatedly refused to obey the law, the release said.

County records show that in 1993, Williams' first year in office, sheriff's officials told county administrators that they wanted the recreation area covered. Dalton said Williams never authorized the \$81,000 funding for the project be taken from the commissary fund.

"There are certain things that should be paid out of that account. Putting a roof over the recreation jail is not one of them," Dalton said.

He declined to say what other projects were funded without Williams' approval.

Two county commissioners said yesterday that sheriff's officials were present when funding for the roof was discussed several times in open meetings.

"I think the sheriff approved of the expenditure and knew what was going on," Commissioner Glen Whitley said.

Whitley said the expenditure from the commissary fund was announced publicly in Commissioner's Court in May of 1996.

"The Sheriff's Department knew about it," he said.

Commissioner J.D. Johnson said at least two members of the sheriff's staff were present to approve "any and every" expenditure from the fund.

"I don't think one dollar was misappropriated," Johnson said. "I don't think there's anything to it. All he's going to do is spend a bunch more of the taxpayer's money."

County Judge Tom Vandergriff has said that if need be, the county could put the money back into the commissary trust fund.

But Dalton said: "It's kind of like you steal from the bank, and say, 'I'll put the money back.' They put the money back, but that doesn't mean the crime didn't happen."

Dalton said results of the ongoing investigation will eventually end up in criminal court.

The Sheriff's Department announcement came one day after county commissioners authorized

legal representation for any county employee questioned by the Sheriff's Department over the matter.

Several employees have been questioned about the county's purchasing and contracting procedures. The commissioners said they took the action because of concerns that the investigators intimidated employees they have questioned.

"We're kind of dumbfounded because I know if a Tarrant County deputy was accused of some kind of theft or misappropriation, it would be questionable if they would pay for an attorney for them," Dalton said. "They're setting a precedent that I have never seen set before."

The sheriff and the county commissioners have been at odds over the extent of the sheriff's powers and the department's budget for more than a year. The sheriff rarely attends the commissioners' meetings, sending deputies instead.

The sheriff sued the Commissioners Court and other county officials over his budget but dropped the suit last week.

Windham assistant Perry to join race for sheriff

By **MAX B. BAKER**
Star-Telegram Staff Writer

FORT WORTH —Luther Perry, an assistant to Fort Worth Police Chief Thomas Windham, today will become the third Democrat to announce his candidacy in the Tarrant County sheriff's race in 2000.

Perry, 45, said he can bring a new vision to the county post. He also said he expects his support to cross party and racial boundaries. Perry is one of the department's most visible African-American officers.

"I think Tarrant County is open

to looking at somebody who can get the job done and more than to just a party," Perry said. "The important part is to have a viable person who brings a different perspective to the office."

Perry will announce his candidacy on the Tarrant County Courthouse steps at 11 a.m. He said he plans to file his campaign committee documents within a few days, allowing him to raise and



Perry

spend money on his bid for office.

Two other Democrats, Haltom City detective Shane Harrison and Darrell Clements, a lieutenant with the Tarrant County Sheriff's Department, have announced plans to run.

A 24-year veteran at the Fort Worth Police Department, Perry has worked as a community liaison officer for 15 years. He has also been a background investigator, recruitment officer and patrol officer.

As chief, Windham has worked with Perry and others to

ease racial tensions that existed between the minority community and the Police Department.

"We've been on the road to changing how people feel about law enforcement and certainly we've been able to pull together those entities in the community," Perry said.

Returning the Sheriff's Department to its traditional role as a jail administrator will be among Perry's campaign platforms. Tarrant County Sheriff David Williams has been criticized for expanding the agency's crime fighting role.

That doesn't mean that Perry

plans to spend this campaign attacking Williams, a Republican who is serving his second term.

"I'm going to concentrate on what I can do and bring to the office. Win or lose, that will be my format," Perry said.

Two Republicans, former North Richland Hills Police Chief Jerry McGlasson and Brad Patterson, a former president of the Fort Worth Police Officers Association, are seeking the GOP nomination.

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Bill filed to let DAs represent counties

Tarrant commissioners incur legal fees of \$25,000 fighting sheriff's suit

By **MAX B. BAKER**
Star-Telegram Staff Writer

AUSTIN — After spending at least \$25,000 on outside lawyers to fight Tarrant County Sheriff David Williams in court, county commissioners want lawmakers to allow the district attorney to represent them when a county official sues them.

State Rep. Glenn Lewis, D-Fort Worth, filed a bill after Williams dropped his lawsuit against the Tarrant County commissioners last week. Williams' suit accused the Commissioners Court of interfering with his budgetary authority.

Williams contended that a conflict of interest existed because the district attorney's office represents the Sheriff's Department and commissioners. Commissioners subsequently hired the Austin firm of Bickerstaff, Heath.

"Commissioners had to spend our tax dollars to go out to hire Bickerstaff, Heath when the district attorney was willing and able to handle that with the money we are already paying them out of tax dollars," Lewis said.

"I thought it was a waste of money back when I saw that happen," he said.

If adopted, Lewis' bill would allow the district attorney to represent a county official or employee who sues the county or another county official over an action arising from the performance of public duties.

Under the legislation, the district attorney's office would assign

different attorneys to represent each party in a suit.

Chief Deputy Larry Hester said it is impossible for the district attorney's office to represent both sides in a lawsuit. He also pointed out that the lawsuit against the commissioners was a civil case and that a sheriff's investigation of county spending involves the possibility of criminal activity.

"He'd be representing both parties, and which one does he have the greatest interest in, the agency or the governing body?" Hester asked. "The governing body sets the district attorney's salary and has influence on his agency."

The county is paying Bickerstaff, Heath \$185 an hour plus expenses, County Commissioner Glen Whitley said. The total bill for fighting the sheriff's lawsuit hasn't been submitted, but officials say it has cost at least \$25,000.

Williams sued the commissioners over cuts they made in his budget. Williams said the commissioners were underfunding his agency. Commissioners said they were trying to make his department financially accountable.

Although that lawsuit was dropped, commissioners agreed this week to pay Bickerstaff, Heath to represent county employees who are being questioned in a Sheriff's Department investigation of county spending.

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Escaped prisoner surrenders; sheriff's office plans to fix flaw

By MICHAEL WEISSENSTEIN
Star-Telegram Staff Writer

FORT WORTH — An escaped prisoner surrendered to police early yesterday, and sheriff's officials promised to fix a mechanical flaw that allowed him to escape from a transport van earlier this week.

Michael Graf of Arlington, who was serving 10 years of deferred adjudication for fondling a child, walked into the lobby of Fort Worth police headquarters about 1 a.m. and surrendered, said Capt. John Dalton, a sheriff's spokesman.

Graf, 27, escaped Monday night while being driven to the county jail after his arrest on suspicion of violating terms of his probation in the fondling case. He

leapt to freedom after opening the back door of a transport van when it stopped at the intersection of Fourth and Calhoun streets. Sheriff's deputies lost track of him as he ran through downtown Fort Worth.

Graf apparently used his hands or a tool to manipulate a rear door's locking mechanism through a small hole where an interior handle had been removed, Dalton said yesterday.

Sheriff's officials will block

the hole in other transport vans, Dalton said.

In Dallas County, transport vans are outfitted with steel cages that prevent prisoners from touching the rear door, department spokesman Don Peritz said.

"It's a moot point because of the cage," he said.

Tarrant County investigators continued to look into the escape of Van Larue Barker, who apparently walked out of the jail last week after he was left standing in

a hallway unrestrained and wearing street clothes.

Barker turned himself in to jail officials last Friday.

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Sheriff takes jail issue to attorney general

It's a Tarrant matter, he's told

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams talked with the state attorney general's office this week about his allegations that Tarrant County officials may have diverted \$100,000 from an inmate commissary fund, but Williams was referred to the local district attorney.

Williams' office has questioned a number of county officials about projects funded from the commissary account that the sheriff says he did not authorize.

County officials have said that no money was illegally diverted from the commissary account, which is to be used solely for the benefit of jail inmates.

Williams was in Austin to attend a committee meeting for the Texas Sheriff's Association, and on Wednesday dropped by the attorney general's office, department spokesman Ted Delisi said.

Williams met for about 30 min-

utes with Deputy Attorney General Shane Phelps, who oversees the agency's criminal justice division, Delisi said.

Phelps said the attorney general "does not have original jurisdiction" in investigations such as the one Williams is conducting, and said the sheriff was told to take the matter up with Tarrant County District Attorney Tim Curry.

Curry said he has not talked with either Williams or the attorney general's office about the allegations and has no plans to.

Sheriff's officials declined to say when they would contact the district attorney about their investigation, which has been ongoing for several months.

"We're declining to comment until we finish the investigation," said department spokesman Capt. John Dalton.

The investigation is concentrating on possible criminal misapplication of funds, abuse of official capacity, conspiracy and violations of the laws on commissary operation by the sheriff, Dalton said.

Tarrant County Judge Tom Vandergriff rejected Dalton's sugges-

tion of possible criminal wrongdoing by county employees.

"It's difficult for me to think in terms of any criminal act when the money was spent for requirements of the Sheriff's Department," Van-

dergriff said. "The question is which account should be charged. The money was indisputably spent for and in the department."

Neil Strassman, (817) 390-7657



CHEERS & JEERS



Cheers: To Deputy R. Frazier of the Tarrant County Sheriff's Department. Thank you for the kindness shown to me and my children. You are a credit to Tarrant County, your fellow officers and the Sheriff's Department. Tarrant County should consider itself very lucky to have you on its force.

LINDA JOHNSON, FORT WORTH

Steps taken to clear records

The commissioners are trying to expunge the arrests in connection with a raid on sexually oriented businesses.

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Tarrant County commissioners took steps yesterday to clear the records of some of the 55 people arrested in a February 1998 Sheriff's Department raid on sexually oriented businesses.

Yesterday, the commissioners authorized paying \$4,692 to the district clerk to cover filing fees for motions to expunge the arrests of 23 people taken into custody in the all-night raid by the Sheriff's Department.

None of the 55 people arrested was charged with a crime. Only 23 have asked for their records to be cleared.

"That's good. We agreed to deal with the expungement first," said Steve Swander, an attorney representing some of those arrested. "Now we will try to negotiate a final settlement for damages in the next 60 days."

The motions to expunge will

be presented to a criminal court. If the court agrees, records of the arrests will be dropped, said Larry Thompson, an assistant district attorney.

But damages claims are still unresolved, he said.

"There is no admission of liability on the part of the commissioners and those arrested have not waived the right to claim damages from the arrest," Thompson said. "It's something the commissioners thought was fair to do since no criminal charges were filed."

Swander initially asked for \$5,000 in damages to be paid to each person arrested.

Dancers, bartenders, cooks, disc jockeys, waitresses, club managers and other workers were arrested and jailed for 24 hours or longer for working in nude dancing clubs, topless bars or adult bookstores that didn't have permits posted or had them posted in the wrong location.

Sheriff's officials said they undertook the operation based on complaints from citizens groups.

"If they don't offer anything, it's likely there will be a lawsuit," Swander said. "We are

trying to settle this amicably, based on the beliefs that no one in government believes the arrests were justified."

Many of the clubs and bookstores had 1991 Sheriff's Department letters that served as temporary permits until a permit hearing could be held. The hearings were never held and the clubs stayed open for years, often patrolled by deputies.

Some adult businesses have challenged the constitutionality of the county's sexually oriented business ordinance in federal court.

Tarrant County regulations require sexually oriented businesses to obtain a county permit and to renew it annually. The businesses must be at least 1,000 feet from any day-care center, church, dwelling, school, public park or other enterprise.

Neil Strassman, (817) 390-7657

4 years after ruling, sheriff's office asks for commissary fund

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Nearly four years after the district attorney ruled that Sheriff David Williams could have the inmate commissary fund, the sheriff has asked Tarrant County Auditor Renee Tidwell to turn the account over to his department.

In a letter hand-delivered to Tidwell on Wednesday, Williams asked for the fund — the subject of a recent lawsuit and central to a controversial sheriff's investigation of county employees — to be put under control of the Sheriff's Department.

"The sheriff, by law, has exclusive control of the money," said Chief Deputy Larry Hester, who gave the letter to Tidwell. "They [the county] should have given it up a long time ago. They came up with the excuse that we didn't ask for it, so we'll see."

County officials say Williams never took possession of the fund, which as of March 2 had a balance of \$365,381.

The money comes from \$2 the commissary operator pays to the county for each inmate, based on the average monthly jail census. The money must be used for the benefit of the inmates.

Williams asked Tidwell for advice on setting up a new bank account and for a summary of disbursements from the fund since Jan. 1, 1993, the date he took office.

Tidwell said she has always been willing to help Williams set up the account. However, this is the first time since the district attorney's

June 19, 1995, ruling that Williams asked in writing for the fund, she said.

"The fund has been available to him," Commissioner Marti VanRavenswaay said. "He simply needed to make the appropriate request in writing. This is the first time. In government you do need a paper trail."

In November, Williams sued the commissioners over the budget and the commissary fund, but the lawsuit was dropped last month. Then the Sheriff's Department made public an investigation into the possibility that \$100,000 was illegally diverted from the commissary fund by county employees to pay for a roof over a jail recreation yard.

Tidwell and other county officials have denied any misuse of the fund.

"Last week, I was being investigated. This week he wants my help," Tidwell said.

Commissioner J.D. Johnson said Williams is wasting "employees' time and taxpayers' money" with his investigation.

"I hope he manages the fund better than he's managing the Sheriff's Department," Johnson said, noting two escapes in February, slow booking times, and about 40 vacancies in the department. "The priorities over there don't seem to be in order."

Hester said Williams had previously asked "verbally" for the fund to be turned over to the Sheriff's Department.

"How many times do we need to ask?" he said.

County supports jail plan

Tarrant commissioners endorse proposed legislation to take control away from the sheriff.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Tarrant County commissioners voted unanimously yesterday to support a legislative proposal to take responsibility for running the Tarrant County Jail away from Sheriff David Williams.

The proposed bill, which has not been introduced in the Legislature, would give the Commissioners Court control over the jail and the right to appoint a jail administrator, county officials said.

Tarrant County sheriff's officials said yesterday that they disapprove of the proposal, and officials of the Sheriff's Association of Texas said such a law is probably unconstitutional.

"I don't think it's a good idea. I don't think it will work,"

Deputy Larry Hester said.

"It's been tried before, in Bexar County, and it didn't work there," said Capt. John Dalton, a sheriff's spokesman.

Commissioners said the action is necessary to protect taxpayer dollars. Jail costs use up roughly one-third of the county's general fund tax revenue, they said.

"Since we provide the money, we have to be responsible," County Judge Tom Vandergriff said. "We can best control expenses with a jail administrator."

Vandergriff said he expects Rep. Kim Brimer and Sen. Chris Harris to carry the legislation. Both men are Republicans from Arlington.

Ryan Kraudel, Brimer's legislative aide, said the representative is "waiting for details of the county's plan."

Mark Mendez, the county's legislative coordinator in Austin, said the first step in drafting a bill to turn the jail operation over to the Commissioners Court was yesterday's vote by the commissioners on a legislative policy statement.

In the statement, the commis-

sioners said they want to ensure that budgeted resources are used solely for jail operations. The sheriff, the statement says, is not responsible for raising tax revenue and has "little incentive to pursue maximum operational efficiency."

"The Commissioners Court believes ... the effective and efficient operation and administration of the county jail demands the expertise and skills of a professional jail administrator responsible to the court and, therefore, strongly supports legislation granting the Commissioners Court the authority to appoint a jail administrator who shall exercise all power, supervision and control over the jail."

The proposal would affect counties with populations greater than 1 million people that contain at least two cities which — in whole or in part — have a minimum of 250,000 residents each, Commissioner J.D. Johnson said.

"It's long overdue," Johnson said. "We need someone over there we can work with, and we are simply unable to communicate with the sheriff. The taxpayers will be better off."

But Steve Westbrook, executive director of the Sheriffs' Association of Texas, said the proposed bill would probably be unconstitutional because the Texas Constitution clearly calls for the sheriff to operate the jail.

"You can't hardly say that a sheriff has no business in the jail," said Brazos County Sheriff Chris Kirk, vice chairman of the association's legislative committee. "It's contrary to historical perspective and would probably be met with strong opposition."

However, the Legislature passed a law in 1973 to allow Bexar County to appoint a jail administrator, and the sheriff voluntarily relinquished the jail to the commissioners, said Deputy Chief Chauncey Spencer, now in charge of the Bexar County Jail.

The attorney general later found the law unconstitutional because it was drawn too narrowly, in that it could only be applied to Bexar County and could never be applied to another county.

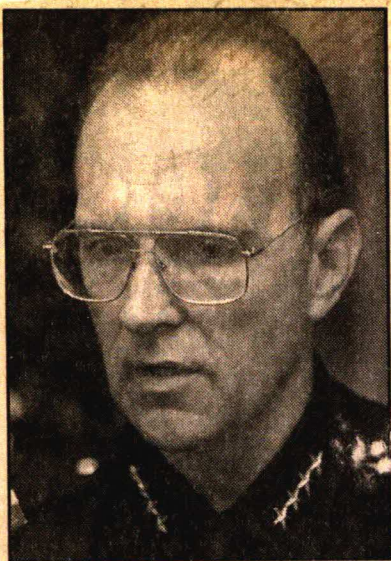
Johnson said the proposed law is not specific to Tarrant County the way the law written for Bexar was. But it appears that for now, Tarrant may be the only county that qualifies.

Tarrant is the only county in Texas with two cities with a minimum of 250,000 residents each — Fort Worth and Arlington — according to the Texas State Data Center at Texas A&M University. Dallas County comes closest. In addition to Dallas, the county has Garland with a population of 193,475 and Irving with a population of 175,983.

The commissioners' action comes after months of confrontation between the commissioners and Williams.

In November, Williams sued the commissioners over the budget and the commissary fund, but the lawsuit was dropped last month. Then, the Sheriff's Department made public an investigation into the possibility that \$100,000 was illegally diverted from the commissary trust by county employees to pay for a roof over a jail recreation yard.

County officials, who deny allegations of any misuse of the fund, say the Sheriff's Department was aware of the expenditures.



Sheriff David Williams: Spokesmen say law would be unconstitutional

THURSDAY, MARCH 11, 1999

County commissioners, legislators have options to restrain sheriff



**BUD
KENNEDY**

■
COMMENTARY

Why stop at taking Sheriff David Williams' jail keys? Why not strip the Looney Lawman of his machine guns, commando gear, "special deputies" and \$29,000 Chevy Tahoes? Why not shut down his entire grandiose operation, and put a stop to his claims of county "sovereignty"? Why didn't commissioners put this

► Jon McConal's column. **4B**

guy out of business months ago?

They could have.

They should now.

Tiring of the carrot-and-stick motivational technique, the Tarrant County Commissioners Court has decided to ask the Texas Legislature for a bigger stick to use on our contrary coun-

ty sheriff.

When he sued commissioners in a flimsy lawsuit and then started grilling their employees in a petty investigation, Williams may have forgotten who runs county government.

News flash: It's not him.

Through two election campaigns, Williams presented himself falsely as the "chief" peace officer in the coun-

ty. In various public forums and printed comments, he claimed absolute power under the Magna Carta and the original constitution of the Republic of Texas, and maybe even the Code of Hammurabi.

Total bunk.

No offense to those who miss the Commonwealth, but in Texas we live

(More on KENNEDY on Page 6B)

KENNEDY

From Page 1B

under the latest amended version of the oft-patched Texas Constitution.

Here's the Constitution's only description of the sheriff, from Article 5, "Judicial Department":

"There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties, qualifications, perquisites, and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners Court until the next general election."

That's it. Nothing about "sovereignty." Or commando gear. Or machine guns.

He shall "hold office" four

years. That's the only constitutional claim the sheriff can make.

I'm not trying to get other sheriffs riled up, or make their job sound less important. But under Texas law, the commissioners and the Legislature together can rein in a sheriff any time.

The sheriff does have other specific duties under the Texas Code of Criminal Procedure. He or she is among several county and city law officers with equal countywide authority. The sheriff is among officers who patrol the county, serve warrants and enforce judges' orders.

Sheriffs are also specifically assigned to quash riots and run the county jail.

But what the Legislature wrote into law, any Legislature can take away. So — as county commissioners want — lawmakers will be asked to rewrite the law and give local commissioners the Tarrant County Jail keys, so they can

stop Williams from busting the overtime budget with other projects.

The way I read Texas law, commissioners could also strip Williams of more than the jail.

We can't vote to recall him. You can't do that to Texas county officials. And commissioners can't fire him.

But they could leave him alone with no budget, staff or new equipment in one of his three furnished offices.

Somebody else would have to patrol the countryside and serve warrants. Maybe somebody who wouldn't need Chevy Tahoes.

So Williams should be thankful the commissioners have tiptoed around him so gently.

Some of us would have applied the stick.

Bud Kennedy's column appears Tuesday, Thursday and Saturday.
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E D I T O R I A L S

Up to Here

TEXAS COUNTY GOVERNMENT is a funny creature. A host of elected officials, each granted the confidence of voters to do his or her job, must interact with other elected officials to get the county's business done.

In Tarrant County, the commissioners have historically acted with deference and respect for the other elected folks with whom they must work. But Sheriff David Williams has pushed these otherwise accommodating people to the edge.

County Judge Tom Vandergriff's participation in a unanimous vote to support a legislative proposal to take jail operations away from Williams is the most dramatic sign yet of how far relations between the court and the sheriff have deteriorated. None of the court's members are big risk-takers, but Vandergriff is the least confrontational one of the group. Throughout his distinguished political career he has been a negotiator, a facilitator and, above all, a gentleman.

It is a sad day for Tarrant County taxpayers when the confidence level for one elected official has diminished among his peers to the point that they feel compelled to try to pull the reins from his hands.

The complicating factor in weighing the merits of the proposed legislation is the personality involved in this ongoing clash. Take Williams out of the scenario and then ask whether it's a good idea for the state government code to include a statute that allows county commissioners to remove job responsibilities from a duly elected public official.

That debate will take place in Austin should Rep. Kim Brimer and Sen. Chris Harris decide to carry the legislation. In the meantime, Williams has stayed out of sight. Subordinates in the department do the talking for him, leaving his constituents to wonder whether he's playing the coward or the martyr.

NTSB cites pilot 'failure' in crash of sheriff's copter

BY JACK DOUGLAS JR.
Star-Telegram Staff Writer

FORT WORTH — The helicopter crash that killed two sheriff's deputies in September 1997 was caused by the pilot's "failure" to keep the craft's rotor blades spinning fast enough, according to a ruling released yesterday by the National Transportation Safety Board.

The ruling marks the end of the NTSB's investigation into the accident

that killed Tarrant County sheriff's Lt. Maurice Hendrix, the pilot, and deputy investigator T.J. Smith, the lone passenger in the 2,750-pound chopper.

Both men died at the scene on Sept. 17, 1997, when the helicopter plunged 500 feet onto a runway path at the Kenneth Copeland ministry grounds near Eagle Mountain Lake.

The federal report said the crash was
(More on CRASH on Page 19A)

CRASH

From Page 1A

caused by the "pilot's failure to maintain adequate rotor rpm, which resulted in a loss of aircraft control." The report did not address what caused the mistake, other than to say that it was not due to mechanical failure or inclement weather.

Ted Lopatkiewicz, spokesman for the NTSB in Washington, said the agency did not investigate what may have caused Hendrix to lower the rotor speed. "The report is silent on that. ... We don't go that far," Lopatkiewicz said.

The Sheriff's Department has said that Hendrix and Smith were

preparing for an air surveillance flight over suspected car theft operations when the crash occurred.

After the accident, the department's aviation division was first grounded, then discontinued.

Deputy Smith's widow, Kathy Smith, has filed a lawsuit against the Sheriff's Department and Sheriff David Williams, claiming negligence and a failure to "maintain a competent aviation unit."

According to the NTSB's final report, the Bell helicopter had landed safely at the ministry's private runway, then took off again "after a few minutes." The chopper "circled the airport and was headed upwind about 500 feet above the ground when it pitched up, hovered for an

instant, and descended to the ground," the report said.

"Examination of the helicopter did not disclose evidence of mechanical malfunction."

The agency's determination of what happened was helped by an acoustic analysis of a videotaped recording of the crash, made by a bystander at Copeland ministries. That recording, the report said, "revealed the rotor rpm during the descent was 80 percent" of what Lopatkiewicz called "normal operating range."

"You don't want to be at 80 percent," he said, adding that a safe rotor speed for hovering above the ground is between 90 percent and 100 percent of normal operating range.

Jack Douglas Jr. (817) 390-7700
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Measure on county jail unfiled but alive

Legislators miss deadline but trot out alternative bill

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Tarrant County legislators did not file a bill to take jail responsibilities away from Sheriff David Williams, but that doesn't mean a proposal to allow county commissioners to appoint a jail administrator is dead, legislative officials said yesterday.

Instead of filing a bill to strip Williams of his authority over the jail, another bill — one to require the sheriff to provide commissioners with copies of commissary contracts — was introduced, and it could easily be amended later to include the jail administrator provision, said a spokesman for Sen. Chris Harris, R-Arlington, who filed it.

Williams, however, is not taking any chances.

On Thursday, he began urging sheriff's employees to sign a petition opposing the commissioners' bid to take over the jail, having his commanders read the petition at daily briefings.

"It's basically a petition to let the employees express their concern about the proposed legislation. If they don't want to sign, that's fine," said Capt. John Dalton, sheriff's spokesman.

Harris' aide, Tom Marshall, said there wasn't time to draft the bill the commissioners wanted before yesterday's bill-filing deadline in the Legislature. It could become a substitute for the commissary bill when that bill goes to a legislative committee, he said.

"We need to figure out whether it is constitutional," Marshall said.

Sheriff's officials and a state sheriff's association have said they believe that a law to give the Commissioners Court control over the jail and the

(More on JAIL on Page 14B)

right to appoint a jail administrator is a "bad idea" and would be unconstitutional.

A legal expert disagreed.

"There's nothing in the Texas Constitution that says the sheriff shall operate the jail. It just says simply there shall be a sheriff elected every four years and that county jails shall be established," said David Brooks, legal counsel to the House Select Committee on Constitutional Revision.

"Absent anything in the Constitution, the Legislature is free to determine anything it wants to regarding the jail and who runs it," he said.

County commissioners, for their part, defended their legislative effort yesterday and chided the sheriff for the petition. Commissioners say the law is needed to protect taxpayer dollars because jail expenses account for one-third of the county's general fund tax revenue.

The law would give commissioners the right to appoint a jail administrator to run the jail. It would affect counties with populations of greater than 1 million people that contain at least two cities which — in whole or in part — have a minimum of 250,000 residents each.

"We want maximum efficiency in the jail. We insist upon it, and the general public has a right to expect it," County Judge Tom Vandergriff said. "Understaffing and delays in booking procedures all continue to be major concerns."

Commissioner J.D. Johnson said his office has received phone calls from sheriff's employees who say they feel forced to sign the sheriff's petition.

"It [the petition] is childish and typical of Williams' administration," he said.

But Dave Mann, president of the Tarrant County Deputies Association, said there should not be "a grudge match" between the commissioners and the sheriff.

"There's a great fear that taking over the jail would destroy

JAIL

Saturday, March 13, 1999

department morale and careers," Mann said.

Ryan Kraudel, an aide to Rep. Kim Brimer, R-Arlington, said his office got phone calls from deputies who fear that they could lose their jobs and that this is an effort by the commissioners to privatize the jail.

Brimer was mentioned as a possible sponsor of the original legislation, but Kraudel said Thursday that Brimer has no plans to file the bill.

Sheriff's employees in the jail have nothing to worry about, Johnson said.

"They will always be treated like all other county and sheriff's employees. The only difference will be there will be management that everyone will be pleased to work with," he said.

A law similar to the one the commissioners want was enacted in 1973 to allow Bexar County to appoint a jail administrator. It was found to be unconstitutional by the Texas attorney general because it was drawn too narrowly, in that it could only be applied to Bexar County.

Neil Strassman, (817) 390-7657

LETTERS TO THE EDITOR

SATURDAY, MARCH 13, 1999

Running the jail

Should the Tarrant County commissioners approach the Legislature asking for a bill that would allow them control over the jail through an appointed administrator, or should that important position be left up to the voters on a four-year basis?

It's been tried in the past and didn't work. Why would we want to fix something that isn't broken?

The Texas Jail Standards Commission is pretty well satisfied with the operation of the Tarrant County Jail, and this smells strongly of another chapter in the "who really runs the sheriff's office" struggle.

I'm unaware of any complaint by Tarrant County residents about the operations of the jail. Of course, occasional difficulties come up, and they are corrected immediately. Is an appointed official, not responsible to the voters, going to be able to make corrections any better than they have been?

I'm disappointed in the Commissioners Court. I would ask your readers to carefully consider the motives for this requested change. Do we really want to give up control over who runs the jail when we can decide for ourselves every four years?

CAPT. RAY BELL
Tarrant County Sheriff's Department
Crowley

Williams and Clinton

May I respond to your Feb. 23 editorial "Apology Owed," a recent installment in your ongoing campaign against the sheriff?

I am not well informed about the true details of the situation with Sheriff David Williams and the Tarrant County Commissioners Court. I do not know if Williams is correct on every point. I do know that I find it refreshing that a public official would believe in something and take a lonely, unpopular stand against it. I am actually looking for public officials who are not willing to dialogue every issue to consensus.

Most of what the public knows about Williams and his lawyer is what they have read in the *Star-Telegram*. Think of the impact that the paper could have made if the editors had been equally critical of President Clinton and called for him to "forever disappear from politics."

Any citizen who thinks that Clinton has been running an "open government" needs to do some research on the various unpublicized ways that he is systematically transforming the United States from a free nation to one enslaved by socialism and governed by unelected boards, commissions, and task forces.

Talking incessantly and appearing in public is not necessarily an indication of "open government."

JEANIE KILPATRICK
Fort Worth

Northeast Tarrant

Deputy accused of assault after incident at his home

HURST — A Tarrant County Sheriff's deputy has been charged with assault after police said he threatened to kill his family and burn down their east Hurst home.

Billy Phillips, 69, who has been a bailiff in various Tarrant County courtrooms, was in Tarrant County Jail yesterday with bail set at \$15,000.

He was arrested Thursday as he was being released from a Bedford addiction and psychiatric treatment center.

Phillips has been charged with two counts of assault with bodily injury, according to jail records.

His 67-year-old wife was granted an emergency protective order, Hurst police Sgt. Curtis Anderson said.

Phillips is accused of threatening to kill his wife and their two sons, and threatening to set their house on fire during a Feb. 28 argument. He had been drinking, police said.

Phillips has been suspended with pay pending completion of an internal investigation, sheriff's Capt. John Dalton said.

Wednesday, March 17, 1999

Tarrant sheriff to get new equipment

Nearly \$800,000 to be spent on computers, radio communications

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Nearly \$800,000 will be spent on new "state-of-the-art" field computers and improved radio communications for Tarrant County law enforcement, county officials decided yesterday.

Overcoming the ill will between Sheriff David Williams and county commissioners, a sheriff's lieutenant and the county's criminal justice coordinator crafted a package to put modern removable laptop computers in patrol cars and new computers in the communications center to increase radio coverage.

"This is completely aside from any differences we have with the sheriff over the direction of the department," County Judge Tom Vandergriff said. "This is a new generation of equipment that will allow our people to be fully prepared."

Lt. Norm Craven, commander

of the Sheriff's Department's communications center commander, said the new equipment "will enhance operations and the safety of deputies on patrol."

The new computers, which can handle Year 2000 computer problems — unlike the current ones — will enable sheriff's deputies to access the county's criminal data base, check on mug shots and write reports in the field, he said.

"If we're looking for somebody, we will be able to send a copy of a mug shot to patrol cars," Craven said.

The 45 new computers will go in sheriff's and constable's patrol cars and the county's auto-theft task force vehicles, said Les Smith, the county's criminal justice coordinator, at a cost of \$591,722.

"These computers are state-of-the-art in police work," he said.

The county's old computers

transmitted on radio frequency. The new ones will be based on a cellular digital communications system, Smith said.

The Fort Worth Police Department is considering purchasing similar computers and met with a computer manufacturer yesterday, Police Department officials said. Fort Worth's equipment was purchased in 1986 and is being upgraded, Lt. Ric Clark said.

Four new computers are going into the Sheriff's Department radio base station, which will be hooked directly into the Fort Worth Police Department radio base station with a digital line, Smith said. The radio upgrade is expected to cost about \$190,000.

Craven said the new radio setup will improve clarity, increase the coverage area and could save the lives of deputies because of new emergency call equipment.

"Now the walkie-talkies and

patrol cars will have an emergency button that will tell the dispatcher who the officer is. It's not an automatic locator, but it will help improve safety," he said.

County budget officer Debbie Schneider said the county will buy the radio equipment first because it had been budgeted. Schneider hopes to purchase the computer terminals by October, the start of the next fiscal year.

In November, Williams sued the commissioners over the budget and the commissary fund, but the lawsuit was dropped last month. Then, the Sheriff's Department made public an investigation into the possibility that county employees illegally diverted \$100,000 from the commissary trust to pay for a roof over a jail recreation yard.

County officials, who deny any misuse of the fund, say the Sheriff's Department was aware of the expenditures. The commissioners are seeking a bill in the Legislature to allow them to take jail responsibilities away from Williams and to appoint a jail administrator.

Neil Strassman, (817) 390-7657

LETTERS TO THE EDITOR

Warrant work

I read with interest your positive reporting of the crime decrease in Fort Worth and your praise of the Fort Worth Police Department. Of course, this praise is justified; however, your reporting of the crime decrease failed to consider that the Tarrant County Sheriff's Department Warrant Division and its reorganized program has increased the number of warrants served fourfold since Aug. 10, 1995.

That August, Sheriff David Williams — using extra personnel from the closed Green Bay and Cold Springs jails — instituted a program in which warrant profilers, working with computerized data, began profiling active warrants. This released the field criminal warrant officers from the office and its paperwork, effectively doubling the amount of time that an officer spends serving warrants in the field.

In addition, the sheriff placed fugitive transport vans in the field to pick up arrested fugitives, keeping the warrant officers in their districts serving warrants instead of making trips to the jail.

Warrants on hand have been reduced from approximately 30,000 to about 16,000. Since August 1995, 80,387 warrants have been served and 55,519 fugitives have been arrested.

In March 1995, 589 warrants were served for the whole month. In the second week of March 1999, the same amount of warrants were served in one week.

In my opinion, this is one of the major factors for the decrease of crime in the Tarrant County area.

LT. DAN CAUBLE
Tarrant County Sheriff's Department
Fort Worth

Sunday, March 21, 1999

the
INSIDER
report

Not the sort of coverage that one seeks

Tarrant County Sheriff **David Williams** is getting some national media attention, but not the kind he is likely to want. "News of the Weird," a nationally syndicated column that features strange news tidbits from around the country, recently poked fun at Williams' work habits.

The column said that Williams "rarely goes to his office" and has stopped meeting with county commissioners. The blurb on Williams followed an item about a British fertility expert who claims that he has figured out how a man could carry an implanted embryo to full term with the help of female hormones.

Sheriff to use inmate fund for chaplains

Commissary money to pay for ministry

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Concerned that his chaplain's program at the county jail will close, Sheriff David Williams will finance the jail ministry with inmate commissary funds held by a nonprofit corporation.

In a letter to area churches, the sheriff said he plans to contract for chaplain's services through a nonprofit group established by Deputy Hugh Atwell, a minister and chaplain of the jail for five years.

Atwell's post as jail chaplain was eliminated by county commissioners six months ago during budget cuts, despite the objections of the volunteer chaplains who work with him.

The Sheriff's Department has since been able to find "only temporary" funding for the program, which ministers to inmates and their families, the sheriff's letter said.

"Independent funding through the use of jail commissary funds was the only solution for keeping the chaplain's program permanently in place in the Tarrant County jail," Williams wrote. "My plan is to secure and protect the chaplain's

program via contract with a nonprofit 501(c)(3) corporation established by Chaplain Atwell."

Atwell, a major earning \$56,760, was reassigned to work as a jail lieutenant, although he said yesterday that he also continues to work as the jail's chaplain.

"This is just another way of funding it [the chaplain program] Atwell said. "We're trying to be creative. This would not be taking taxpayers' money, and the inmate would be funding a program that benefits them."

Williams could not be reached for comment.

The chaplain organization, which was registered with the Texas secretary of state as a nonprofit organization on Jan. 19, is called the Faith Restorative Justice Chaplaincy Inc. Atwell said. He said he will probably resign from the Sheriff's Department to work for the group.

The Internal Revenue Service does not show the organization as nonprofit, but Atwell said that "attorneys are reviewing paperwork."

The money in the commissary account comes from \$2 the commissary operator pays the county for each inmate, based on the average monthly jail census. The money must be used for the benefit of inmates, and it is commonly used to purchase such items as computer typewriters, basketballs, law books and Bibles.

County Commissioner J.D. Johnson said that it is important that the commissary funds be used to benefit all prisoners.

"The nonprofit may not be fair to all the prisoners because they are not all using the chaplain's program," he said.

State Sen. Chris Harris, R-Arlington, has filed a bill that would require the sheriff to provide commissioners with copies of all commissary contracts. The commissioners also want a bill that would allow them to take jail responsibilities from Williams and to appoint a jail administrator.

As of March 19, the commissary account had a balance of \$354,676, according to the county auditor. Williams took possession of the fund this month, but not before it became a source of controversy. In November, Williams sued the com-

missioners over the county budget and the commissary fund, but dropped the lawsuit last month.

Then the Sheriff's Department made public an investigation into the possibility that county employees illegally diverted \$100,000 from the commissary fund to pay for a roof over a jail recreation yard. County officials have denied any misuse of the fund.

Assistant District Attorney Marvin Collins said the monies in the commissary account are public funds even though they are under the exclusive control of the sheriff and "may be subject to public scrutiny with regard to their use."

Other counties use the commissary account to pay for chaplain services, Atwell said.

Dallas County, whose commissary is run by Mid-States Inc., the company that runs the Tarrant County commissary, uses the funds to pay the salary of its chaplain coordinator.

In San Antonio, the nonprofit Bexar County Detention Ministries, governed by a 25-member board, runs the commissary, said Brenda Schultz, executive director.

"The commissary account legally belongs to the nonprofit but we don't pay any chaplain's salaries because the church community takes care of that," she said.

The Rev. Roger Hollar of Glenview Baptist Church, one of several hundred volunteer chaplains who does work in the Tarrant County jail, said Atwell works well with all faiths.

"If the sheriff had not moved him to a lower pay grade, we would not have a chaplain," he said.

When the commissioners cut Atwell's post, they promised to replace it with a broader employee assistance program to help inmates and county employees. They hired someone for that job last week.

Ladd Holton, executive director of the Restorative Justice Ministries Network of Texas, said the nonprofit idea is interesting.

"If that's the only way to fund the chaplaincy program, it's better than not having anything at all," he said. "In the public meetings I have been to, the commissioners have been supportive of restorative justice efforts. The commissioners' problem is with the sheriff, not with the restorative ministry or the chaplain's program."

MONDAY, MARCH 29, 1999

LETTERS TO THE EDITOR

Rearrange it

The Tarrant County Commissioners Court's decision to push for a bill to allow it to take over the jail administration is a great idea. The bill should be worded so that all Texas counties could be allowed to do so. If that were to pass, maybe some other actions could be taken about county elected officials.

Texas has grown far past its Constitution in the way county government was set up. In today's world, county government could benefit greatly by having the Commissioners Court appoint professional administrators for all county offices. This would include the sheriff, county clerk, tax assessor, district clerk and district attorney. There could be positions added to the Commissioners Court, but I would not suggest it. The larger the group, the worse the job that it does.

Making these positions appointed would mean that the internal and external political positioning and bickering could be greatly minimized. There are so many times when it is not the good of the people being done but what looks politically good for the elected official. I say this from 12 years as a Tarrant County employee who saw many decisions made for political rather than business reasons. Each time this was done, the taxpayers paid more than they should have.

RUSSELL L. CONLEY
Kennedale

B Tuesday, March 30, 1999 / www.star-telegram.com

Deputies to express concerns about jobs

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Deputies plan to air concerns before Tarrant County commissioners tonight that a proposal to curb Sheriff David Williams' jail duties might endanger their jobs.

Williams is also expected to attend the session.

"We're worried," said Dave Mann, president of the Tarrant County Deputies Association. "So much has come up with this war between the commissioners and the sheriff. There are career issues here."

The 7 p.m. meeting in Trial Room D on the fourth floor of the Criminal Courts Jail

Building at 300 W. Belknap is billed as an informal gathering to "let deputies know what's happening," Mann said.

They want to know about pay, pensions, job security and who would hold the deputies' commission if an administrator were to run the jail instead of the sheriff as the commissioners propose, Mann said.

"We're not going to privatize the jail," Commissioner Glen Whitley said.

The deputies would not be pulled out of the county pay system, Whitley said, adding that he is glad Williams plans to attend the meeting.

"I wish we could get him to come to Commissioners Court. Perhaps he will

respond to questions," he said.

Williams, who could not be reached to comment, told Mann that he will attend to respond to the commissioners' comments.

Commissioners want legislation that would allow them to appoint a jail administrator in place of Williams. Such action is necessary to protect taxpayer dollars because of the way the jail is being managed, they said.

"The only change deputies would see is that there would be daily, in-house supervision," Commissioner J.D. Johnson said. "We want a jail administrator who will be there every day running the jail."

Addressing a concern, Johnson said a

jail administrator could certify his employees as peace officers, just as police chiefs, constables or others do.

For his part, Williams began urging sheriff's employees two weeks ago to sign a petition opposing the commissioners' bid to take over the jail.

Sheriff's officials and a state sheriffs association assert that the proposed law is not only a "bad idea" but also unconstitutional.

Legal experts say the Texas Constitution does not expressly state that the sheriff shall operate the jail.

Neil Strassman, (817) 390-7657

Commissioners tell deputies their jobs safe

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — County commissioners told 135 deputies last night not to fear for their jobs if their proposal to take jail responsibilities from Sheriff David Williams becomes law.

The meeting in a Tarrant County courtroom — billed as an opportunity for deputies to ask questions about the proposal to have an administrator run the jail — quickly became a debate between the sheriff and commissioners over salaries, budgets and overtime.

Williams had little to say about the effort to strip him of authority over the jail, but he told deputies at the meeting that tightfisted commissioners are the reason they are paid so poorly.

"We're trying to get control of a runaway.

Right now no one has any control of what's going on in the jail," said Commissioner J.D. Johnson, defending the commissioners' proposed legislation.

Johnson also criticized Williams for rarely coming to Commissioners Court meetings.

"I can camp out with them till I am blue in the face, but it doesn't negate their [commissioners'] responsibility for setting

salaries," Williams said.

Williams hammered away on what he called an unfair "below-market" salary structure for deputies and criticized commissioners for not immediately erasing a salary gap pointed out in a study of county wages.

He praised Harris County, which adopted a step system and a career development program about 13 years ago. Harris County pays employees extra for longevity and educational achievement.

Johnson chastised the sheriff for his many absences at Commissioners Court meetings, especially during last year's budget sessions. He recalled \$173,000 in raises for Sheriff's Department employees that went undistributed and a dual system for reviews that shortchanged jail employees.

"You've got to speak for your department. All the elected officials need to do that," Johnson said.

"Yes, I was there," Williams said. "Don't let them fool you."

Williams attended some of the budget meetings but rarely spoke.

Last night's meeting was the first large-scale face-to-face meeting among deputies, commissioners and Williams in nearly two years of wrangling and discontent. Attorney Mike Ware moderated the one-hour session called by the Tarrant County Deputies Association.

Johnson told deputies that the county has no plans to privatize the jail or change pay scales or procedures.

Commissioner Glen Whitley said he and the other commissioners would not vote for a jail administrator if that in any way jeopardized the peace officer certification of deputies working in the jail.

"We are not in this to hurt any of the people in the jail. We're basically trying to get on with the work of the jail," Whitley said.

But the deputies, worried that taking the jail from Williams would destroy department morale and careers, hardly seemed convinced that their jobs are safe.

"How am I supposed to trust them if I can't trust them for a pay raise?" asked Ricky Camp, 36, of Euless, a jailer for seven years.

At the end of the meeting, when asked how the bitter relations between the commissioners and the sheriff might end, Whitley said he hoped the voters would decide that in two years, a reference to the end of Williams' term.

Said Williams: "I don't have any plans not to run again."

THURSDAY, APRIL 1, 1999

Bill to let district attorneys defend officials backed

AUSTIN — A bill that would allow the district attorney to represent a county official or employee sued by another county official or employee was approved yesterday by the House County Affairs Committee.

Rep. Glenn Lewis, D-Fort Worth, filed House Bill 1767 after Tarrant County Sheriff David Williams dropped his lawsuit against county commissioners challenging the county budget.

The bill would allow the district attorney to defend a county official or employee sued by another county official or employee over an action arising from the performance of public duties. The district attorney would also be able to represent the opposing party in other lawsuits.

Under the legislation, the district attorney's office would assign different attorneys to represent each party in a suit.

Tarrant County Administrator G.K. Maenius testified in favor of the bill, saying the county spent \$50,000 on outside lawyers to defend itself against Williams' lawsuit.

Williams getting ready for run in 2000

Sheriff to start raising money for costly race

BY MAX B. BAKER
Star-Telegram Staff Writer

FORT WORTH —Tarrant County Sheriff David Williams, who has been engaged in a high-profile battle with county commissioners since the 1997 crash of a Sheriff's Department helicopter, is taking early steps toward a run for a third term in 2000.

Williams, a Republican, did not say when he will announce his re-election bid. But he said he's pulling together a campaign organization and plans to start raising money for a race he said may cost up to \$180,000.

"I don't have any plans not to run," said Williams, who had not talked with the media about his political future until this week. The sheriff was interviewed Tuesday after he met with sheriff's deputies and county commissioners to discuss jail operations.

Williams, however, has done little fundraising and has lost the support of two men who helped run his campaigns in 1992 and 1996.

Two Republicans and three Democrats have formed campaign committees for the race for sheriff in 2000. Others are considering bids for the job, which pays \$101,400 a year.

Williams said he is not concerned about the number of people planning to run in 2000.

"It's part of the political landscape. Each campaign is a different campaign and the landscape is different, and you have to adapt to the changes and the landscape," he said.

(More on SHERIFF on Page 7B)



Williams

County Commissioner Glen Whitley said the competition indicates Williams' political problems.

"I think it shows that a lot of people think he's pretty vulnerable, and I certainly don't disagree with that," he said.

Commissioners and Williams have been fighting over his budget and personnel during most of his second term. The GOP-dominated Commissioners Court has endorsed a proposal to end the sheriff's management of the jail and give the job to an administrator.

But Williams said the commissioners and others have criticized him unfairly. He said that he has lived up to his campaign promises and that he has "kept the jails open and we did it without the

problems that a lot of big counties in Texas" have encountered.

But Williams' two top political lieutenants in his previous campaigns say they don't plan to be involved in his bid for a third term.

Tarrant County District Clerk Tom Wilder was the architect of Williams' political rise from a Haltom City DARE officer to the countywide post. Fort Worth businessman Ed Max, a self-made millionaire, was his chief financial supporter.

Max, who put about \$42,000 into Williams' 1992 campaign, said he has not talked to the sheriff in two years and doesn't plan to support him in 2000. He said he has not decided whom to support.

Wilder is also distancing himself from Williams.

"I've not heard from David since last summer," said Wilder, who dropped out of Williams' campaign after the 1996 primary.

"The only plans I have for this election are to support George W. Bush" if he runs for president.

In the most recent campaign finance reports, Williams had contributions of about \$250 and expenditures of about \$800.

Williams has talked to representatives of Winning Strategies about his campaign. The Canton-based firm helped elect Tom Davis as Tarrant County Republican chairman last year.

"I met with them. ... We met and discussed some issues for the future. They are a top-drawer operation and a strong team, and I'm impressed with what they've done and can do," Williams said.

The firm has close ties to Christian conservatives, and one of its top operatives, Jeff Fisher, is a former leader of the Texas Christian Coalition.

However, Winning Strategies founder Bob Reese said his firm hasn't had any "recent contact from the Williams campaign to

be retained in any capacity."

Jerry McGlasson, former North Richland Hills police chief and Brad Patterson, former president of the Fort Worth Police Officers Association, have said they will challenge Williams for the GOP nomination.

Luther Perry, an assistant to Fort Worth Police Chief Thomas Windham; Haltom City Detective Shane Harrison; and Darrell Clements, a lieutenant with the Tarrant County Sheriff's Department, have announced plans to run as Democrats.

Whitley said a large field of candidates could work in Williams' favor.

"I don't want to underestimate the sheriff because I do believe that you get too many people in that race and he stands a good chance of getting re-elected," he said.

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Sheriff's hearing on demotion postponed

One panelist recuses himself, another resigns, and the key witness can't show up.

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — The Sheriff's Civil Service Commission had a rough time yesterday at Sgt. John Smedley's appeal hearing.

The key witness had a broken leg and couldn't make it. One commissioner recused himself. Then the chairman of the three-member commission, which has one vacancy, resigned.

No one left to hear the appeal: Case continued.

"Right now we have zero commissioners to deal with Smedley," said Assistant District Attorney Dave Hudson.

Smedley was demoted from major to sergeant Oct. 1 after the county eliminated certain positions in the department. Smedley's demotion, and that of several others, was done in lieu of a layoff, but he says deputies with less seniority maintained higher ranks.

Smedley contends that his demotion was retaliation and the result of discrimination based on political affiliation and religion.

In a February report, the county's equal employment opportunity officer, Wendy Williams, determined that there was not enough

information to say that Smedley was discriminated against "because he is not religiously aligned" with Sheriff David Williams, or to substantiate the retaliation claim.

But the report says there is probable cause to support Smedley's allegation that he was discriminated against for supporting a political opponent of Williams in 1996.

When Smedley asked his boss, Cmdr. James Skidmore, who is now a lieutenant, why he was excluded from department meetings and policy decisions, Skidmore told him, "He was excluded because the sheriff did not consider him to be loyal because he was a friend and supporter of Jim Minter, the sheriff's political opponent,"

the report says.

Skidmore, who was expected to testify at yesterday's hearing, could not appear because he has a broken leg, Hudson said.

Commissioner Pat Dohoney said he recused himself from Smedley's hearing because of his previous job as an assistant district attorney.

Chairman Bruce Davis, president of Fort Worth National Bank, said he is resigning from the commission after more than two years because he is too busy with the opening of his new bank.

Sheriff David Williams, who must appoint Davis' replacement and was at the meeting to testify, said he is "working on it."

Tarrant County Sheriff David Williams is making plans to seek a third term in office, but his two chief political operatives in previous campaigns no longer support him. 1B



Williams

Sunday, April 11, 1999

the INSIDER report

If Tarrant County commissioners want to push legislation allowing them to appoint a jail administrator, they'll have to find someone other than Rep. **Kim Brimer**, R-Arlington, to sponsor it.

When his jail commissary bill was brought up in the House Committee on County Affairs, Brimer said he has no plans to amend the bill to include appointing a jail administrator.

Brimer also denies rumors that he referred to Tarrant County Sheriff **David Williams** as a "worm" during his testimony on the bill.

Brimer's staff said he was joking with the committee chairman, Rep. **Tom Ramsay**, D-Mount Vernon, about having to testify at 8 a.m. Ramsay said: "Well, the early bird gets the worm."

"Well, let's get this worm kicked out of here," Brimer responded.

The "worm" reference was to the bill, not the sheriff, Brimer's staff said.

The sheriff isn't taking any chances that the jail administrator plan could be revived. He's circulating a form letter that he's asking supporters to send to Sen. **Chris Harris** and Brimer, opposing the plan backed by county commissioners.

Officials' meeting proposed

The county judge and a commissioner are asked to talk privately with the sheriff.

BY NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams is apparently trying to mend fences with the Tarrant County Commissioners Court, but after nearly two years of rancor and lawsuits, he's not having much luck.

Fort Worth attorney Shelby Sharpe, who commissioners say is acting as an intermediary

for Williams, met with County Judge Tom Vandergriff and Commissioner J.D. Johnson to discuss the acrimony between the county's top elected officials. Sharpe says he is not formally representing the sheriff.

Vandergriff insists that he will only meet with Williams in a public forum, and Johnson said he declined to meet privately with the sheriff.

"The sheriff has never wanted adverse relations with the commissioners. He is hoping they can get back in communication and work without conflict," said Deputy Chief Larry

(More on SHERIFF on Page 7B)

Hester. Williams could not be reached to comment.

But Johnson, who talked briefly with Williams this week about the Fort Worth-Tarrant County jail contract, said it is no longer possible for him and Williams to resolve their differences, and that is why he declined a private meeting with Williams.

Sharpe said that he had asked Assistant District Attorney Marvin Collins to see if a meeting could be arranged between Williams and Johnson.

"I did make that request of Marvin and J.D. did decline" to meet, Sharpe said. The meeting was intended to be an opportunity "to discuss methods of communication to facilitate each other's public responsibilities so things would flow smooth for each," he said.

Sharpe said that he is not representing Williams in any legal matter and that he is not acting in any "official capacity" on behalf of the sheriff.

Johnson said he had given Williams many chances to repair the bad relations between the Commissioners Court and the Sheriff's Department.

"There's only one way for him to make up with me now, and that is for him to resign. I will work with him until his term is over," Johnson said.

Yesterday's meeting with Sharpe and Collins, he said, did nothing to change his mind.

Collins declined to comment on the meeting.

"I have more than one client here and I need to serve all of them equally," he said, referring to the district attorney's responsibility to represent the Sheriff's Department and Commissioners Court.

Commissioners Marti Van-Ravenswaay, Glen Whitley and Dionne Bagsby said they had not been approached by Sharpe or anyone else concerning a meeting with the sheriff.

Vandergriff said Sharpe came to his office unannounced.

"He said he'd been asked by the sheriff to counsel for him. To speak on his behalf. He wanted to tell me who he was, that he'd

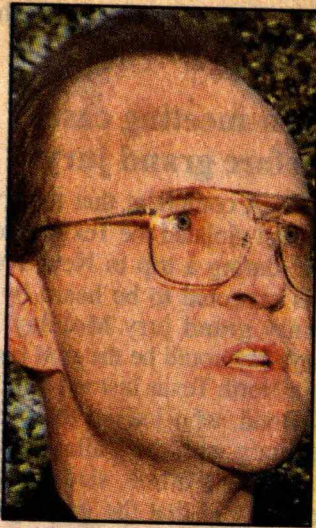
gotten a call from the sheriff and that he might be back in touch with me," Vandergriff said. "I assured him the only place I can meet with the sheriff is at a Commissioners Court meeting."

Commissioners said they have agreed to not have one-on-one meetings with Williams and have told the sheriff they want to talk with him, but only at Commissioners Court.

Sharpe said he has helped Tarrant County officials since the 1960s, including former Sheriff Lon Evans. Yesterday, after meeting with Johnson, he said he was there "on my own behalf and not for the sheriff."

"There are many government officials that I give a little help to and never charge them," he said. "I am not trying to get involved in Commissioners Court."

In November, Williams sued the commissioners over the 1999 budget and the commissary fund, saying his department was underfunded. The lawsuit was dropped in February, but weeks later the Sheriff's Department made public an allegation that county employees illegally diverted \$100,000 from the commissary trust to pay for a roof over a jail recreation yard. County officials denied misusing the fund and said the Sheriff's Department was aware of the expenditures.



Williams

In October, the commissioners cut Williams' budget request and reduced his staff by 36 people to force him to keep his employees in their assigned jobs. Commissioners contend that Williams for several years had manipulated jail staffing levels, using jailers to serve warrants, do investigations and work in administration, running up a huge overtime tab.

Williams and the commissioners have also battled over vehicles.

The sheriff requested 30 \$30,000 Chevrolet Tahoes in 1997 but didn't get them, because the commissioners said the county didn't need such expensive sport utility vehicles. After rejecting the Tahoes, the commissioners were incensed to find five new Fords — which together cost about \$100,000 — that had sat unused in the county garage for nearly a year.

Neil Strassman, (817) 390-7657

Tarrant County Sheriff **David Williams**, meet **Bob Hampton** — again.

Hampton, the former county commissioner and a fierce critic of Williams during his first term, was appointed this month to the Sheriff's Civil Service Commission. The new appointee said he was looking forward to hearing job-related complaints from employees in the Sheriff's Department.

"I think I can exercise fair judgment. The commission deals with the people covered by civil service, and not the sheriff himself," Hampton said.

He was nominated to the post by Commissioner **J.D. Johnson**, once a staunch defender of Williams but now his toughest critic on the county commission. Williams, for his part, recently appointed **Richard DeOtte**, an engineer and North Richland Hills resident, to serve as the commission's chairman.

E D I T O R I A L S

Sunday, April 18, 1999 / www.star-telegram.com

Go Public

TARRANT COUNTY Sheriff David Williams has burned his bridges, perhaps permanently, with the Commissioners Court, the five-member county governing body headed by County Judge Tom Vandergriff.

Vandergriff and Commissioner J.D. Johnson say they don't care to hold one-on-one meetings with Williams, who supposedly wants to mend fences with the commissioners after a prolonged budget dispute. An understandably wary Vandergriff says he'll only meet with Williams in a public forum.

We would urge that the sheriff address the commissioners in public if he has a problem. After all, he is a public official whose \$101,436 salary is paid by county taxpayers.

TUESDAY, APRIL 20, 1999

Accident involving police car is under investigation

LAKE WORTH — Police and the Tarrant County Sheriff's Department are investigating an accident Sunday involving a police car and another vehicle on Charbonneau Road.

Officer Shane Layton was on his way to a call when his car went out of control and struck another vehicle, Lake Worth Police Chief Ron Wadkins said.

A woman driving the other vehicle was taken to Harris Methodist Northwest in Azle where she was treated and released. Layton was not injured.

Wadkins said Layton, who started working in Lake Worth six months ago, could face disciplinary charges if he is found negligent.

WEDNESDAY, APRIL 21, 1999

Sheriff David Williams is refusing to cooperate with Tarrant County and the city of Fort Worth on an efficiency study of the jail, county commissioners and city officials say. **1B**

Jail study proposal spurs conflict

By NEIL STRASSMAN
Star-Telegram Staff Writer

FORT WORTH — Sheriff David Williams is declining to cooperate with Tarrant County and Fort Worth on an efficiency study of the jail, county commissioners and city officials said yesterday.

The study, which is expected to examine jail staffing requirements, delays in the booking and release of prisoners, and the daily cost of housing

City and county officials say Sheriff David Williams won't cooperate on the assessment.

them, is needed to resolve stalled negotiations on a long-term contract to house city prisoners in the county jail, the officials said.

Williams, though, is adamantly opposed to the study.

"The Tarrant County jail system is

efficiently operated and well-managed. I do not intend to waste taxpayers' dollars on an unnecessary study," he wrote in an April 19 letter to commissioners.

Williams' agreement is necessary for the study because he controls who enters the jail.

"We'll need his cooperation," County Judge Tom Vandergriff said.

The city and county had pinned their hopes on an analysis of jail costs that

the study would provide, officials said.

"In making this response, the sheriff has created a significant problem for both the city and the county, and ultimately it could cost the taxpayers extra money," Fort Worth Mayor Ken Barr said. "This is not about saving money by not doing a study."

The city and county have not agreed on per-prisoner costs in the jail.

Although Fort Worth officials say they are willing to pay their fair share of the cost of jailing prisoners, paying what the county wants would go beyond supporting Fort Worth's prisoners and involve subsidizing the total cost of running the jail, they said.

JAIL

From Page 1B

The county, on the other hand, says it is losing millions of dollars a year housing Fort Worth's prisoners.

"We need the study to decide the true cost of the prisoners," Commissioner J.D. Johnson said.

But Chief Deputy Larry Hester, said of the three study proposals under review by city and county leaders, one "is negative to the sheriff's office" and the others don't take into consideration that the sheriff runs the jail.

"We feel we have an efficiently operated jail. We don't think it's necessary for the time and trouble and disruption for what they will accomplish," Hester said. "It [the study] is not necessary. It's not their jail. The sheriff is the elected official who runs the jail."

The jail is operating under state jail standards and meets those standards, he said.

Hester said that the jail is understaffed and that the booking and release time is not as long as others say it is. He was referring to continuing complaints that a slow booking procedure is costing city police valuable patrol time.

The previous 10-year contract between the city and county

expired in October 1996. Under that agreement, Fort Worth paid \$6 for each prisoner processed and \$1 a day for housing. The daily housing fee rose to \$30 by October 1996, but the processing fee has stayed at \$6.

A February 1997 study of Tarrant County jail costs by David M. Griffith Associates of Dallas found that it costs \$99 to process a prisoner in and out of jail, and about \$40 a day to house an inmate.

According to county records and city estimates, about 65 percent of the prisoners booked into the jail are arrested by Fort Worth police. Of 50,228 prisoners booked into the jail in 1997, 32,215 were Fort Worth inmates.

Booking people into jail and releasing them is the greatest expense because of the time required for tasks such as fingerprinting, showering, issuing clothes and inventorying property. The county must also bear the costs of bedding, clothing, laundry, building maintenance, medical and mental health care as well as maintenance of unused jail capacity.

LEGISLATURE

House passes commissary contract bill

Measure would let counties check how sheriffs are spending funds

BY NEIL STRASSMAN
Star-Telegram Staff Writer

A bill that would require Sheriff David Williams to provide county commissioners with copies of all jail commissary contracts was passed by the Texas House yesterday on a voice vote.

Under House Bill 2846, by Rep. Kim Brimer, R-Arlington, sheriffs statewide would have 10 days to turn over copies of any commissary contracts to their respective commissioners court.

The bill covers expenditures from the commissary inmate account, which in Tarrant County is funded by \$2 the commissary operator pays the county for each jailed inmate, based on the average monthly census. The money in the account must be used for the benefit of inmates

and typically is used to purchase such items as computers, typewriters, basketballs, law books and Bibles.

"We need this bill to give us authority to see how the Sheriff's Department is spending the money in the commissary fund," said Tarrant County Commissioner J.D. Johnson. "This puts the contracts in the sunshine."

Counties can do annual audits of the commissary and the inmate accounts, but they don't know whether the contract is being changed, Brimer said.

"It won't do anything, except give them a notice that something is happening," he said.

Executive Chief Deputy Hank Pope said the Sheriff's Department plans to meet with county officials to outline procedures regarding the commissary.

"It's pretty much the way we've been doing it anyway. It's not some kind of clandestine deal. It's what we've always done," Pope said.

Last month, Williams took possession of the inmate account, which as of March 19 had a balance of \$354,676. The account had become a source of controversy. In November, Williams sued the commissioners over the county budget and the commissary fund, but

dropped the lawsuit last month.

Weeks later, the Sheriff's Department made public an allegation that county employees illegally diverted \$100,000 from the commissary fund to pay for a roof over a jail recreation yard. County officials denied misusing the fund and said the Sheriff's Department was aware of the expenditures.

The commissioners also sought a bill to strip Williams of his authority over the jail and to appoint a jail administrator, but no such bill was introduced.

Officials of Mid-States, which runs the jail commissary in Tarrant County, could not be reached to comment on the bill, which now goes to the Senate.

Staff writer R.A. Dyer contributed to this report.

Sunday, April 25, 1999

the
INSIDER
report

■
Tarrant County Commissioner **J.D. Johnson** and Sheriff **David Williams** don't agree on a lot of things, including the managerial talents of former Chief Deputy **Pat Howell**.

Howell, who was fired by Williams about two years ago, went to work on Monday as a supervisor in Johnson's maintenance shop.

Williams fired Howell after he was accused of threatening to cut the throat of another ranking officer with piano wire. Howell was running the special operations division and was a member of Williams' command staff.

Johnson said Howell is qualified for the \$17-an-hour job because he knows "a lot about computers and equipment." Howell once owned an auto parts store. Ironically, Howell may oversee the repair of some Sheriff's Department equipment.

■
Some GOP activists say that Williams still hasn't learned whose phone calls need to be returned.

State Sen. **Chris Harris**, R-Arlington, knows that commissioners want legislation passed that would take the Tarrant County Jail away from Williams by naming a jail administrator.

But when Harris called to talk to Williams about that proposal and other legislation, one source said, the sheriff "shot himself in the foot" by not returning the senator's call.

This week's contributors: **JAY ROOT** in Austin,
RON HUTCHESON in Washington
and **MAX B. BAKER** in Fort Worth.

E D I T O R I A L S

Jail Audit

TARRANT COUNTY taxpayers apparently are supposed to take Sheriff David Williams' word for it that he operates an efficient and well-managed jail.

Dismiss the complaints from Fort Worth Police Department officers who contend that booking time at the county facility takes too long, thus keeping them unnecessarily off the streets.

Forget that Fort Worth City Council members would like a specific analysis of daily costs so they have a clear picture of where they stand in negotiating with the county on a long-term contract to house city prisoners.

Never mind that county commissioners think the county is losing millions of dollars a year housing Fort Worth's prisoners but can't confirm it without an efficiency audit of the jail.

The sheriff says he's doing a good job.

Fort Worth and Tarrant County, which have been operating without a long-term contract for housing prisoners since October 1996, would like definitive answers on how much it costs to process a prisoner in and out of jail, and how much it costs on a daily basis to house an inmate.

One major problem stands in the way of settling this ongoing dispute: The sheriff refuses to let outside analysts into the jail to conduct the study.

Those numbers can't be determined without an analysis of staffing levels and the workload of deputies assigned to the jail.

Since October 1997, the city and county have been operating under a "temporary" agreement that calls for Fort Worth to pay \$175,000 a month for jail services. Once an audit was completed, city officials agreed, they would make good on any

underpayments that the county might have experienced, going back to that October 1997 date. If the city overpaid, the county would rebate the difference.

County officials think they are losing upward of \$3 million a year under the present arrangement. Needless to say, Fort Worth officials want audit results before signing off on any long-term deal.

One major problem stands in the way of settling this ongoing dispute: The sheriff refuses to let outside analysts into the jail to conduct the study. Williams says that he runs a tight ship and that a study would be a waste of time and money.

This, of course, was "said" in an April 19 letter to commissioners. Williams still can't seem to find the time to actually appear before the court.

SUNDAY, APRIL 25, 1999

A county sheriff, according to state statute, is responsible for running the jail. But even the best sheriff in Texas — and Tarrant County residents should be under no illusions that Williams ranks anywhere on a “Best of” list — should not operate in a vacuum, without checks and balances. Not when the issue is city and county tax money.

“It’s not their jail,” counters Williams’ mouthpiece, Chief Deputy Larry Hester.

But it is their money, Chief. And a lot of money at that.

Williams is being shortsighted here. A successful audit could be a powerful campaign tool, should he choose to run for re-election in 2000.

Perhaps that is why he’s so adamant about not allowing one.

