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Hearing? What Hearing?

The latest tactic in Bush-league democracy, apparently, is catch-'em-if-you-can hearings on the 35-year-old National Environmental Policy Act. NEPA establishes the public's right to know about environmental threats in the community — affecting everything from mining permits to timber harvests to housing developments. Congress is talking about improving the act, and environmentalists are worried.

A congressional task force is now collecting input via hearings around the country. Sounds reasonable, except that once Congressfolk realized that citizens actually care about NEPA, the shell games began. Hearings get announced late, and locations are a moving target. Arizona's hearing was publicly announced just two days before it took place. That's two days more than New Mexico got — the hearing there rated no press release at all, just a last-minute mention buried on a committee web site. In Texas, the hearing was held last Saturday in that well-known, centrally located metropolis of Nacogdoches.

The public got a whopping 11 days notice — which is probably how long it would take potential attendees from Texas, Alabama, Mississippi, and Louisiana to find the East Texas burg. Most public interest groups were left to their own devices to discover the date and location of the meeting, and to petition for inclusion, while industry lackeys received advance invitations.

About 100 people made it there. Not that they were allowed to testify — these aren't public hearings in the sense that anyone who shows up can talk. Only invited witnesses are allowed to give testimony — and most of those represented industries with a vested interest in a weaker NEPA. One Texas environmental leader said she assumes the task force's mission is "to accumulate testimony to give them an excuse to weaken, if not gut" the act.

Not-So-Imminent Domain

A little group of Arlington land owners threw a lawsuit in the Cowboys' punchbowl Tuesday.

Fifteen plaintiffs, represented by Corsicana attorney Glenn Sodd, are suing the City of Arlington on the grounds that the laws allowing the city to seize land for the Cowboys' new stadium — or any other private development — violate the Texas Constitution.

Sodd said there has never been an appellate court decision confirming the constitutionality of the law, known as the Development Corporation Act of 1979. If Sodd and his clients are successful in court, it could mean trouble for Fort Worth's grand Trinity River Vision initiative, as well as for a lot of projects across the state.

"No statute, regardless of what it says, gives them [Arlington] the power [of eminent domain] because it violates the Texas Constitution," Sodd said. "I wouldn't care if they have 10 statutes that say they could do it." He's requesting a temporary injunction to prevent the taking of any properties for the stadium until the suit is heard — or until the city and property owners work out a settlement on land values. He and his clients also are seeking to void the tax referendum by which voters approved the stadium project.

The Arlington City Council discussed the suit in executive session Tuesday. Jennifer Wichmann, assistant to Arlington Mayor Robert Cluck, said the mayor wouldn't comment on pending litigation.