

MAGELLAN

Current Location

W I-40

North Little Rock

Arkansas 72114

↑ 0.4 mi Exit 152/To AR-176/Levy

↓ 0.5 mi Exit 153a/AR-107 N

Lat: 34°46'50" N

Lon: 92°15'55" W



2:13:52 PM 12/08/2011

Save



Current Location

W I-40

North Little Rock

Arkansas 72114

↑ 0.4 mi Exit 152/To AR-176/Levy

↓ 0.5 mi Exit 153a/AR-107 N

Lat: 34°46'50" N

Lon: 92°15'55" W



2:13:54 PM 12/08/2011

Save

Maestro





















































































































































Arkansas Uniform Motor Vehicle Collision Report

6011113280

SUMMARY	Date	11/22/2011	Day	TUESDAY	Time	04:54 AM	Time Notified	04:56 AM	Time Arrived	05:12 AM	Unit Assigned	A16	District			
	Road/Street/Highway				Latitude			Longitude			Section	0033	Log Mile	152.9		
	At Intersection With				Not at Intersection, But	0.90 MI		Direction	EAST		Of Reference Point	152 MM				
	County	PULASKI	County GLC	60	AR 05 119	City	NORTH LITTLE ROCK		City GLC	AR 052880119						
Hit and Run	<input type="checkbox"/> Yes	Not in City, But			Direction			Of Reference City			Speed Limit Posted	YES	Speed Limit	60	Speed Limit 2	
	<input checked="" type="checkbox"/> No	Number of Vehicles	1		Number of Carriers	0		Number of Pedestrians	0		Number of Witnesses	0		Number of Property Owners	1	
ENVIRONMENT	Atmospheric Conditions	CLEAR			Light Conditions	DARK/BUT LIGHTED			Accident Locale	URBAN						
	Surface Conditions	WET			Road System	INTERSTATE			Road Surface	CONCRETE						
	Road Alignment	STRAIGHT			Road Profile	LEVEL			Traffic Lanes(#)	8		Traffic Flow	DIVIDED BY PERMANENT BARRIE			
	Construction/Maintenance Zone	NO			Roadway Defects	NO DEFECTS										
	Relation to Junction	NON-JUNCTION			Traffic Controls	TRAFFIC LANES MARKED										
	Traffic Control Devices	FUNCTIONING PROPERLY			Type of Collision	SINGLE VEHICLE				Fire Occurrence	NO FIRE OCCURRENCE					
CITATION 1																
Driver #	1		CARELESS OR PROHIBITED													
CITATION 2																
Driver #	1		NO DRIVER'S LICENSE													
Rank	TFC	Officer - Last Name	LANN			Officer - First Name	WILLIAM			Officer - MI	Officer - Suffix					
Officer - Signature	<i>Tr. William B. Lann #454</i>			Officer - Badge Number	454			Officer - Department	ASP - TROOP A							
		Reviewing Officer	AGEE, ERIC			Date Filed	24-Nov-11		Photos	NO						
Rank	SGT	Supervisor - Last Name	AGEE			Supervisor - First Name	ERIC			Supervisor - MI	Supervisor - Suffix					
Supervisor - Signature	<i>SGT. E. D. Agee #21</i>			Supervisor - Badge Number	21			Supervisor - Department	ASP - TROOP A							

GR POSTS DRIVEN THRU ASPH



83074

Arkansas Uniform Motor Vehicle Collision Report

6011113280

D R I V E R	X		Driver - First Name		Driver - MI	Driver - Suffix	Driver - Telephone #																																								
	17 KINGS COURT		Driver - City LITTLE ROCK		Driver - State AR	Driver - Zip Code 72211																																									
	Driver - License Number 932595511	DL State AR	DL Endorse. M	DL Class D	DL Restrictions NONE	Driver - Date of Birth 6/29/1990	Driver - Race CAUCASIAN	Driver - Sex MALE																																							
	1 Driver - Ejection Code NOT EJECTED		Driver - Injury NON-INCAPACITATING INJURY			Air Bag DEPLOYED AIRBAG																																									
	Driver - Safety Equipment LAP AND SHOULDER BELT																																														
	Driver - Vision Obscured NOT OBSCURED																																														
	Test Requested		Test Type(s)		Driver - Condition																																										
	<input type="checkbox"/> Yes		<input type="checkbox"/> Blood <input type="checkbox"/> Urine		APPEARED NORMAL																																										
	<input checked="" type="checkbox"/> No		<input type="checkbox"/> Breath <input type="checkbox"/> Toxicology		Driver - Impairment NONE																																										
	Blood/Breath/Urine Results																																														
V E H I C L E	[REDACTED]																																														
	License Plate	Year	Make	Model	Plate - Year	Plate - State	Plate - Number																																								
	<input checked="" type="checkbox"/> Yes	2010	TOYOTA	PRIUS	2012	AR	[REDACTED]																																								
	<input type="checkbox"/> No	Vehicle - Body	Vehicle - Color 1	Vehicle - Color 2	Vehicle Identification Number																																										
		4 DOOR	SILVER		[REDACTED]																																										
	Insurance - Company Name			Insurance - Policy Number		Number of Passengers		MultiPass Req'd.																																							
	[REDACTED]			[REDACTED]		0		NO																																							
	CMV Qualifying Information																																														
	<input type="checkbox"/> GVWR/GCWR > 10,000 lbs <input type="checkbox"/> Bus (9 or more seats) <input type="checkbox"/> Haz Mat Placard (any vehicle type)																																														
	Trailer(s) Attached		Number of Trailers		Registration State		Plate Number																																								
NO																																															
Vehicle Damage					Estimated Damage \$8,000.00																																										
Point of Initial Contact					Direction of Travel		Vehicle Action																																								
<table border="0"> <tr> <td colspan="3" style="text-align: center;">TRAILER</td> <td colspan="3" style="text-align: center;">CAR</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> <td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td><td>--- TOP</td><td><input type="checkbox"/></td><td>></td><td><input type="checkbox"/></td><td>---</td><td>TOP</td><td><input type="checkbox"/></td><td>></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> <td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Unknown</td> <td colspan="3"><input type="checkbox"/> Undercarriage</td> </tr> </table>					TRAILER			CAR				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	--- TOP	<input type="checkbox"/>	>	<input type="checkbox"/>	---	TOP	<input type="checkbox"/>	>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Unknown					<input type="checkbox"/> Undercarriage			WEST		RAN OFF ROAD - RIGHT
TRAILER			CAR																																												
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					Collision Damage		First Harmful Event																																								
					DISABLED		ROADSIDE																																								
					First Harmful Collision With																																										
					LIGHT/LUMINARY POLE																																										
					Contributing Factors																																										
					CARELESS PROHIBITED DRIVING																																										
					Collision with fixed object																																										
					GUARD RAIL OR POST																																										
Vehicle Defects					Prior Vehicle Damage		Damage Location																																								
NO DEFECTS					NO																																										
Vehicle Towed		Name of Towing Service			Address Vehicle Removed To																																										
<input checked="" type="checkbox"/> Yes		PHILLIPS BROTHERS WRECKER SERVICE			3701 HAROLD ST																																										
<input type="checkbox"/> No		City Vehicle Removed To			State Vehicle Removed To		Zip Vehicle Removed To																																								
		NORTH LITTLE ROCK			AR		72118																																								
Injury Transported		EMS Notified	EMS Arrived	Transported By																																											
<input checked="" type="checkbox"/> Yes		04:55 AM	05:00 AM	MEMS																																											
<input type="checkbox"/> No		Hospital Name		Hospital City		Hospital State																																									
		UAMS MED CTR		LITTLE ROCK		AR																																									



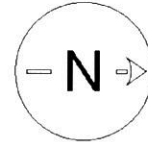
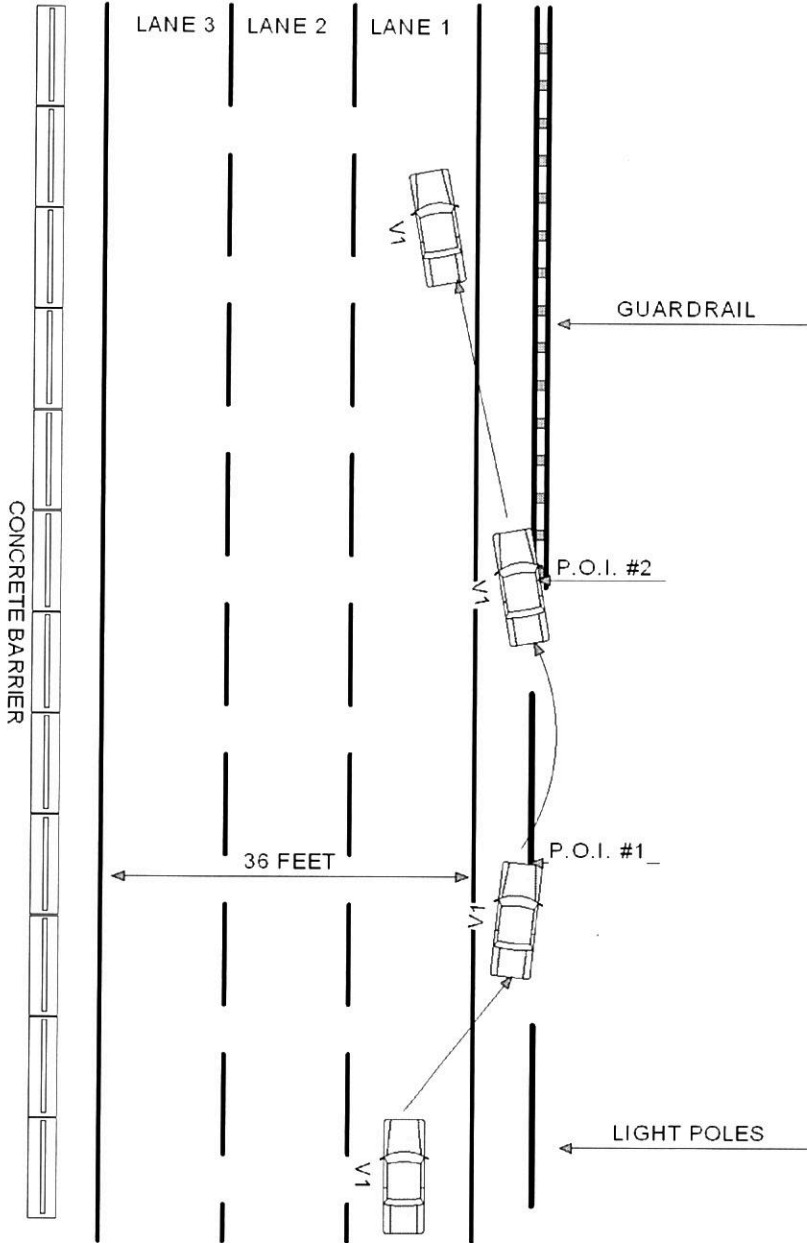
83074

Arkansas Uniform Motor Vehicle Collision Report

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Diagram / Photo 1

INTERSTATE 40 WEST



NOT TO SCALE



83074

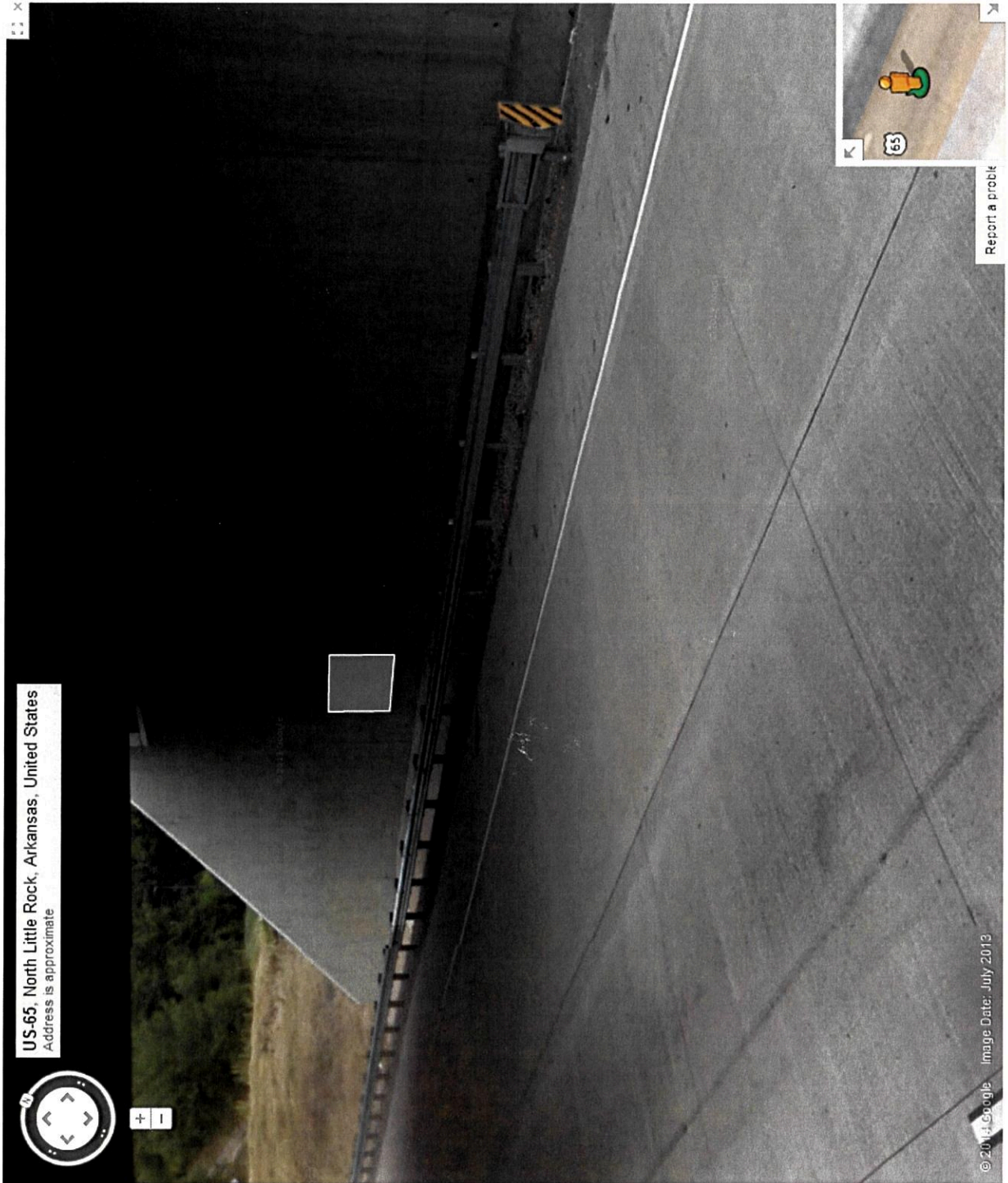
Arkansas Uniform Motor Vehicle Collision Report

6011113280

O W N E R 1	Owner - Last Name ARKANSAS HIGHWAY DEPT	Owner - First Name	Owner - MI	Owner - Suffix
	Owner - Address 10324 INTERSTATE 30	Owner - City LITTLE ROCK	Owner - State AR	Owner - Zip Code 72209
	Owner Notified <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Object Struck GUARDRAIL/LIGHT POLE		Damage Estimate 5000
Notes				

Narrative

OPER. V1 WAS TRAVELING WESTBOUND ON INTERSTATE 40 IN THE #1 LANE. V1 RAN OFF THE ROADWAY ON THE RIGHT SIDE. V1 STRUCK A LIGHT POLE WITH THE RIGHT FRONT. STEERED V1 BACK TO THE LEFT. V1 STRUCK A GUARDRAIL ON THE NORTH ROADSIDE OF INTERSTATE 40 WEST WITH THE RIGHT SIDE. V1 BECAME DISABLED AND CAME TO FINAL REST IN THE #1 LANE OF INTERSTATE 40 WEST, FACING WEST.



US-65, North Little Rock, Arkansas, United States
Address is approximate

Report a problem

© 2014 Google Image Date: July 2013

June 23 -- June 29, 2014



An accident in Park City, Ill., involving a Trinity guardrail end terminal

Don't Get Too Close To the Guardrail

► An industry insider says highway safety devices are killing drivers

► "It's irrelevant if I'm crazy"

Before dawn on Feb. 23, Darius Williams ran his Nissan Sentra off a North Carolina interstate at 80 miles per hour. A length of guardrail pierced his door, slamming him into the back seat. Three days later, with police attributing the accident to reckless driving and Williams, 24, lying in intensive care, a self-described safety advocate named Joshua Harman drove past the scene. Spotting the jagged end of the guardrail bending toward the highway, he stopped. "The evidence always tells a story," he says.

Suspecting he knew this story's ending, he drove his truck to the

junkyard where Williams's Nissan had been towed. Some 10 feet of guardrail, which had doubled back on itself, had skewered the totaled car. Harman snapped a photo of the bloodied back seat and a 175-pound piece of steel amid the wreckage. A sticker identified its maker: **Trinity Highway Products**.

Harman says something is seriously wrong with hundreds of thousands of Trinity guardrail systems on roadsides across the U.S. Claiming federal whistleblower status, he's suing the company and its Dallas-based owner, **Trinity Industries**, on behalf of U.S. taxpayers,

alleging the company made quiet design changes that transformed guardrails intended to reduce injuries into potentially deadly hazards.

His focus is on something called an energy-absorbing end terminal: Installed at the end of a guardrail and typically marked with yellow and black stripes, it's designed to give way when hit, absorbing energy to slow an out-of-control car. Trinity, one of the biggest guardrail makers in the U.S., first gained federal approval in 2000 for its ET-Plus end terminal, now used nationwide.

Harman's suit alleges that Trinity ►

COURTESY BENSON FAMILY

◀ changed the ET-Plus's dimensions between 2002 and 2005 without telling federal authorities. Instead of acting like a shock absorber, he claims in his 2012 suit, the modified ET-Plus can lock up, behaving more like a giant shiv that impales cars and sometimes the people inside them. He says Trinity's changes lowered manufacturing costs and made the ET-Plus more difficult to reuse after accidents, requiring highway departments to purchase new ones.

Trinity vigorously disputes Harman's claims. In an e-mail, spokesman Jack Todd said the company has a "high degree of confidence" in its product. An executive in a 2012 deposition for a patent infringement lawsuit over the ET-Plus said that Trinity had made changes to its end terminal but that they were "cosmetic" and didn't require new approvals because they didn't hurt its performance. Todd said Trinity didn't sell the revised end terminals until they had been crash-tested in 2005 and the Federal Highway Administration had "issued its letter of acceptance." In an e-mail, FHWA spokesman Neil Gaffney said a revised version of the ET-Plus was successfully crash-tested and that the agency hasn't received complaints from states about its performance.

Trinity alleges that Harman's case isn't about public safety—it's about payback. In court filings, the company calls Harman an "opportunistic litigant" seeking "to retaliate against Trinity." Harman can't claim to be impartial: He and his brother own two small companies in Virginia that once made and installed generic end terminals based on Trinity's ET-Plus design. In 2011, Trinity sued for patent infringement.

Harman says he believed the patents had expired. Although he stopped making the terminals, Trinity proceeded with its case, saying it wanted to ensure any infringing guardrails were off the roads. The companies reached a confidential settlement in 2012. Harman laid off most of his workforce—more than 100 people—and sought Chapter 11 protection for his companies. His legal bills exceeded \$7 million, according to one of his bankruptcy filings.

At the same time Trinity was going after his products, Harman says he started taking a closer look at Trinity's end terminals, driving to crash scenes all over the country. His quest took him away from his wife and two school-age



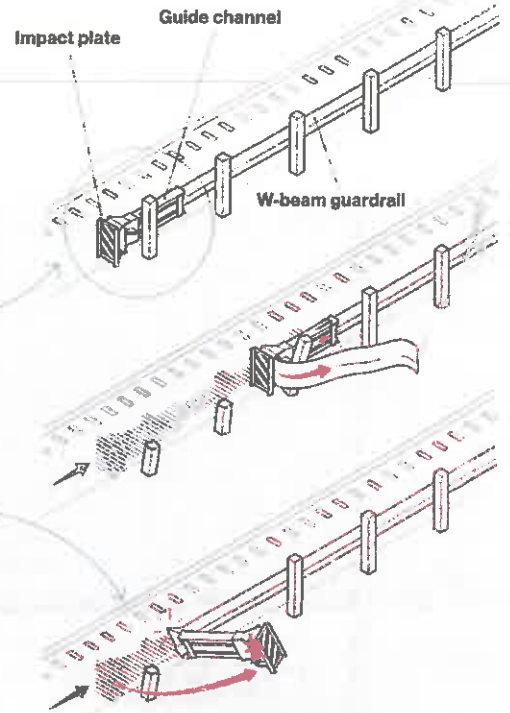
Harman

Safeguard or Safety Hazard?

The ET-Plus end terminal
The Trinity Industries guardrail system is found along highways across the U.S. In a lawsuit, Joshua Harman alleges the company made several changes to its design that make the product a danger to drivers. Trinity vigorously disputes the charge.

How it's supposed to work
When a car hits the end terminal's impact plate, the device is supposed to begin moving with the vehicle. The W-shaped guardrail is meant to feed through a channel, flattening into a ribbon that curls away from the road and the car. This absorbs energy and slows the vehicle.

How it allegedly malfunctions
Harman says Trinity made some internal dimensions of the ET-Plus smaller, which can prevent the guardrail from properly traveling through the feeder channel. Instead of bending away from the car, the stuck guardrail can act as a spear, piercing the vehicle and injuring or killing the driver. Trinity says the changes were cosmetic and do not hurt the product's performance.



SOURCE: FEDERAL HIGHWAY ADMINISTRATION; ET-PLUS PATENT FILED BY TEXAS A&M UNIVERSITY; JOSHUA HARMAN

daughters in Virginia for more than 300 days last year. He says whatever Trinity alleges about his motives doesn't matter if he's right that U.S. highways are lined with dangerous guardrails paid for by taxpayers. "It's irrelevant if I'm crazy."

Harman has a high-profile ally: **Boies, Schiller & Flexner**, the law firm founded by David Boies and known for taking on the likes of Microsoft and MasterCard, is representing him in the suit. The firm argues Trinity's design modifications were more than cosmetic. "The headers are now dangerous, and people are dying," says Nicholas Gravante Jr., a Boies Schiller partner who's working on Harman's case.

On Feb. 14, 2012, about seven years after Harman says the redesigned ET-Plus began showing up on U.S. roads, Trinity officials met with FHWA engineer Nick Artimovich, according to e-mails sent by Artimovich that were included in filings in the patent lawsuit. They alerted him to a change to the end terminal—a reduction in the width of its guide channel, to 4 inches from 5—that Trinity had omitted in documentation for the 2005 crash test. In another e-mail about

two weeks later, which was obtained by Bloomberg News, Artimovich wrote to two FHWA colleagues, saying he believed Trinity had correctly tested the modified design.

"However, there does seem to be a valid question over the field performance of the current ET-Plus compared to earlier versions," he wrote in the e-mail. Artimovich declined to comment.

Harman in his suit said it isn't clear which version of the ET-Plus was crash-tested in 2005. Gaffney of the FHWA said in his **statement that Trinity told the agency the ET-Plus with a 4-inch channel had met crash-test standards.**

Harman says he discovered the design changes in 2011, while inspecting a Trinity end terminal damaged in a crash along I-40 in Arkansas. Measuring the device, he realized it had several changes from the original product specs, including smaller internal dimensions that he says prevented it from working properly. **He says other crash-damaged end terminals he examined turned out to have those same changes.** "There was no question" it was the smaller version that was seizing up, he says.

Harman sometimes goes on guardrail-inspection road trips with Steven Lawrence, a Texas lawyer. Lawrence and other attorneys have brought at least nine personal-injury and wrongful-death suits against Trinity. In the bed of Lawrence's Chevy Silverado pickup are two end terminals. Harman says one is Trinity's original, the other its modified version. More mangled end terminals take up an eighth-floor evidence room at the New York office of Boies Schiller, which is amassing exhibits in preparation for

its case. After visiting about 200 crash sites and reading news reports, Harman says he's identified what he believes are approximately 20 deaths in accidents linked to the modified ET-Plus. In an e-mail, Todd, the Trinity spokesman, said Harman's claims are "erroneous." Without knowing the circumstances of each crash, including the vehicle's speed, weight, and angle of impact, "it is impossible to determine how the end terminal system performed," he said.

The company also disputed Harman's eligibility to sue under the federal whistle-blower law, saying he's basing his allegations largely on public information, not insider knowledge. If Harman prevails in the case, his whistle-blower status could allow him to take about a third of any judgment. The suit potentially presents a "billion dollars' worth of damages" for Trinity, a lawyer for the company said in a May hearing.

U.S. District Judge Rodney Gilstrap in Marshall, Texas, dismissed Trinity's objections, saying Harman's expertise qualifies him to sue as a whistle-blower. A jury will begin to hear arguments in July. Already, Harman and Trinity are trying the judge's patience. In a June 10 order denying a request from both sides to delay the trial, Gilstrap scolded the litigants: "The parties have conducted themselves with a level of contentiousness and vitriol that is as surprising as it is unwarranted." —Patrick G. Lee

The bottom line A lawsuit claims a leading maker of highway guardrails quietly changed its design to save money, leading to deaths

Energy

When's That Train Coming? It's a Secret

- ▶ Railroads wrangle with states to keep oil delivery details locked up
- ▶ "They're already out in the open. Keeping them secret is a fantasy"

In May the U.S. Department of Transportation ordered railroad operators to start giving state emergency responders basic information about trains hauling crude oil through cities and towns, including when they're coming, where they're going, and how much oil they're hauling. The order came a week

after a CSX train carrying crude from North Dakota derailed and exploded in downtown Lynchburg, Va., spilling 30,000 gallons of oil into the James River. City officials said they had no idea oil trains were passing through town and weren't prepared to respond to a spill of that magnitude.

The federal requirement covers oil trains from the Bakken region of North Dakota, where most of the U.S. oil that travels by rail originates, and applies only to trains carrying 1 million gallons or more of crude. Many oil trains are 100 cars or longer and carry three times that. Trains haul about 42 million gallons of oil a day across the U.S. and Canada. If disaster teams have some details on these shipments, they can be better prepared when a train derailed or explodes, something that's been occurring with alarming frequency.

Railroads aren't so keen on the public having that information. Companies including BNSF Railway, CSX, and Union Pacific have asked states to sign nondisclosure agreements promising to keep the data secret. They say they're concerned states won't limit information to fire departments and hazmat teams but will open it up to anyone who asks.

The industry contends that letting everyone have access to the details of shipments threatens national security. "Does the public really want that information disclosed for bad guys to have?" says Michael Trevino, a spokesman for BNSF. Even citizens who live near a railroad track shouldn't have access to the comings and goings of oil trains, he says. "What will they do with that information once they have it?" Spokeswomen for CSX and Union Pacific said in e-mails that they oppose broadly releasing the data for reasons of security and to keep proprietary information from competitors.

Fred Millar, a rail safety consultant who's worked for cities and environmental groups, doesn't find these arguments persuasive. Oil trains "are like elephants tiptoeing through tulip fields," he says. "They're already out in the open. Keeping them secret is a fantasy" Rail companies want to keep the data locked up for a different

reason, he argues: If politicians and the public knew how much oil is passing through populated areas, calls for regulation would be louder.

Several states, including Arkansas, Kansas, and Louisiana, have signed the nondisclosure agreements. Others including Washington, California, and Wisconsin have refused. The Transportation Department advises states to "treat this data as confidential, providing it only to those with a need-to-know." Yet many states have sunshine laws that require public documents be made available on request.

"Unfortunately, the DOT did not consult us to see how their guidance aligns with our state laws," says Karina Shagren, a spokeswoman for Washington State's emergency management division. "It puts us in quite a pickle."

Railroads claim states must seek their permission before releasing the data to the public. In a 14-page letter to California, BNSF instructed the governor's office to immediately notify the company of any requests made under open-access laws. Union Pacific has made similar demands. A DOT official, who asked for anonymity to talk about the contentious rule, says railroads are assuming power they don't have. The department would prefer that states keep the information confidential, but the order doesn't give railroads the authority to dictate terms to states, the official says. Although Washington State didn't sign a nondisclosure agreement, Shagren says she'll give rail companies 10 days to seek an injunction in a state court to stop the release of information. "We're working with them in good faith on this," she says. On June 18, BNSF's Trevino said by e-mail that the company "will not pursue legal action to prevent disclosure."

The deadline to comply with the federal order passed on June 7. Railroads that missed it were

Does the public really want that information disclosed for bad guys to have?
—Michael Trevino, BNSF spokesman



◀ supposed to face fines of as much as \$175,000 a day. But the Transportation Department has granted railroads a "period of discretion" in some cases while they negotiate with states over how they handle the information, says Kevin Thompson, a spokesman for the Federal Railroad Administration.

For all the tumult, the release of oil train data won't do much to stop accidents, says Darl Jewell, deputy fire marshal and hazmat coordinator in Richmond, Va., where CSX sends regular shipments of Bakken crude through a busy downtown interchange. The disclosures will give him an idea of what he'd be up against in the event of a crash. He says that's a distant second-best to keeping the trains away from densely populated areas. "You can be as prepared as you want, but we still wouldn't be able to address a catastrophic disaster where multiple train cars derailed and exploded," says Jewell. "We'd basically be picking a line in the city to determine what to save and what to let go."
—*Matthew Philips*

The bottom line Railroads, required to release data on oil train schedules and routes, are fighting to keep the public from seeing it.

32

Immigration

N.Y. Mulls Citizenship for Undocumented Workers

- ▶ A state bill would give noncitizens benefits and voting rights
- ▶ It's "a horrible idea. Citizenship should not be watered down"

While Congress drags its feet on immigration reform, New York State lawmakers are considering an immigration bill of their own. It would grant state citizenship to some noncitizen residents—including documented and undocumented immigrants—allowing them to vote and run for office. Under the New York Is Home Act, introduced on June 16, noncitizens who have proof of identity and have lived and paid taxes in the state for three years could apply for legal status. It would qualify them for Medicaid coverage, professional licensing, tuition assistance, and driver's licenses, as well as grant state and local—but not federal—voting rights. The responsibilities of citizenship would

also apply, including jury duty. "It's mind-boggling," says Michael Olivas, a professor at the University of Houston Law Center who specializes in immigration law and is in favor of the bill. "I don't believe there's ever been a serious attempt to codify so many benefits and opportunities."

Democratic State Senator Gustavo Rivera, who's sponsoring the legislation, sees it as a precedent. "We have a bill here that could be a model of what we need to do across the country," he says. Rivera acknowledges the bill "certainly will not pass this session," but compares it to early efforts to build support for same-sex marriage, a cause that took years to go from fringe to mainstream. Democratic Assemblyman Karim Camara is introducing the same bill on the other side of the Capitol; a spokesperson for Governor Andrew Cuomo said his office is reviewing the proposal.

More modest pro-immigrant measures have recently passed in several states. In January, California began allowing undocumented immigrants to practice law. In June, Florida extended in-state tuition to people who came to the U.S. illegally.

The New York bill is by far the most sweeping. If it passed and Cuomo signed it, the new law would certainly be challenged in court. Olivas says some aspects—such as in-state tuition for undocumented students—are on safe ground, while others—like the right to run for office—are "unsettled or untested" areas of the law. Other legal scholars are less forgiving. It's "a horrible idea," says Theodore Ruthizer, who teaches immigration law at Columbia Law School. "Citizenship should not be watered down and should not be rendered meaningless."

A state law wouldn't trump federal immigration statutes, so undocumented workers in New York would still be denied some important benefits of citizenship. One big example: They'd be subject to federal laws barring them from legally working in the U.S.

Supporters insist the bill would be well within existing law. It's "exercising a firmly established, constitutionally enshrined authority of the state to determine the boundaries of its own political community," says Peter Markowitz, a professor at New York's Benjamin N. Cardozo School of Law. He says the bill, which he helped draft, is consistent with U.S. Supreme Court

1916
Oxycodone, the first synthetic opioid, is invented in Germany. For most of the 20th century, this class of drug was used only for acute or cancer pain.

1995
The FDA approves OxyContin, the first long-acting form of oxycodone.

U.S. opioid prescriptions in 2000

precedents that recognize state as well as federal citizenship. "The very nature of our dual-sovereign federal structure," he says, "means that New York gets to decide who are New Yorkers."
—*Josh Eidelson*

The bottom line Democratic lawmakers in New York introduced a long shot bill to give undocumented workers state citizenship.

Lawsuits

Rahm Emanuel's War on Drugs

- ▶ Tired of waiting for the FDA, cities sue makers of addictive painkillers
- ▶ "FDA approval is not basically a sanction to lie to the public"

Seven years ago, the maker of OxyContin pleaded guilty to criminal charges that it had promoted the painkiller for off-label uses and played down its risk of addiction. The settlement, which cost **Purdue Pharma** \$600 million, was supposed to stem the dramatic rise of prescription painkiller abuse that has swept the U.S. since OxyContin hit the market in 1996.

In the years since the settlement, America's opioid problem has only gotten worse. Deaths involving prescription painkillers tripled in the first decade of the 21st century to more than 40 per day, according to the Centers for Disease Control, which called the problem an epidemic in 2011.

State and local officials have asked the Food and Drug Administration to stop opioid makers from marketing the drugs for long-term pain management, but the FDA hasn't acted and neither have the drugs' manufacturers. So local governments are taking pharmaceutical companies to court. Civil lawsuits filed in the past month by Chicago and California's Santa Clara and Orange counties accuse Purdue and

FROM TOP: ALAMY; DONNA WARDGETTY/IMAGES