



# PLEA



JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

## A FINAL MESSAGE FROM THE CURRENT P.L.E.A. PRESIDENT: COL. RICHARD GREER.....

By the time you receive this issue of the PLEA journal, we will be near our 1996 workshop in Austin, Texas. I am confident that the workshop will be a huge success, therefore, let me thank our host agencies, Texas Parks & Wildlife Department and Lower Colorado River Authority, for their hard work and great hospitality. You've done an outstanding job!

It seems like only yesterday that I was elected to the serve as President of P.L.E.A. Time really does fly when you're having fun!! Many positive things have occurred over the past two years. We have continued our relationship with NRPA. We have been aggressive in designing and implementing educational sessions at the National Conferences. We have increased our membership by recruiting new members, and reaching out to re-contact those members with whom we had lost touch.

It's no secret that our organization was financially strapped in the past. My goal and promise to our members as President was to find a way to build a cash reserve to stabilize the organization, and to allow for future improvements to our organization. I am pleased to inform you that we have been able to accomplish this. Our cash flow reserve is now at a very respectable level. Our organization is solvent and stable financially.

We can't sit back on our laurels just because we've made some headway, however, we need to continue to be aggressive in our membership drives. We need to keep up our individual dues, and support our workshops by attending.

There will be many new faces and changes to the Board in the near future. It's the changing of the guard, and time for us old timers to move to the sidelines. I have been a member of the organization since 1983. I have forged many life-long friendships through my involvement. As President, I enjoyed an energetic, dedicated Board. They worked very hard, which made my job a little easier. I consider myself fortunate to have been able to serve the Park Law Enforcement Association for many years, and very honored that you have allowed me the privilege of serving as President for the past two years.

I wish the new President and Board the best. Hopefully, I'll be seeing you soon.

Richard A. Greer



NATIONAL RECREATION  
AND PARK ASSOCIATION

PLEA IS AFFILIATED WITH THE NATIONAL RECREATION AND PARK ASSOCIATION

# JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

\* ROBERT J. STEELE, EDITOR \* VOL. X: NO. 4 \* FOURTH QUARTER 1995 \*

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### CALL FOR PUBLICATIONS

The Park Law Enforcement Association (P.L.E.A.), an affiliate of the National Recreation and Park Association (N.R.P.A.), invites you to submit articles for consideration to *PLEA: the Journal of the Park Law Enforcement Association*. P.L.E.A. was established in 1984 to improve park law enforcement, natural and visitor resource protection services in park, recreation and natural resource areas through professional development, thus ensuring "quality of life" leisure opportunities in local, state, and national park, recreation and natural resource settings. P.L.E.A. serves individuals and organizations interested in the advancement and support of park and natural resource law enforcement services. Membership includes park rangers, forest rangers, park police, park patrols, park security, game wardens, conservation officers, park and recreation board members, administrators, educators and other interested park, recreation and natural resource professionals.

*PLEA* is published quarterly and attempts to provide timely information to the membership concerning the association and articles specifically aimed at the park and natural resource law enforcement audience, with the goal of providing educational information for our membership, facilitating an exchange of ideas, and to generally promote professionalism within the field. Articles should be from three to ten double-spaced, wide-margined pages and should include a short biographical sketch, listing the author's agency affiliation. Photographs, charts and tables are highly desired. Upon publication, the author will receive a copy of the issue his article is printed in for his/her records. Please submit articles to the Editor for review and consideration. Thank you for your interest in *PLEA*. We look forward to receiving your articles.

# PARK LAW ENFORCEMENT ASSOCIATION

## P.L.E.A. OFFICERS

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**JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION**

**PARK LAW ENFORCEMENT ASSN.  
17th ANNUAL LAW ENFORCEMENT AND  
VISITOR PROTECTION  
NATIONAL CONFERENCE:  
*TEXAS STYLE***

**Co-Hosted By:**

Texas Parks and Wildlife  
Law Enforcement Division  
and  
Lower Colorado River  
Authority  
Law Enforcement Division.

**Where:**

Four Points Inn  
183 & I-35  
7800 North I.H. 35  
Austin, Texas 78753  
4512/836-8520

**When:**

February 21 - 24, 1996

**Agenda:**

**February 21, 1996  
Wednesday**

8:00 a.m. -11:30 a.m. Board of Directors Semi-Annual Meeting. Members welcome.

12:00 p.m. Board of Directors Lunch.  
From Four Points Inn Directors will travel for "A Taste of Texas."

1:30 p.m. Directors travel to the Texas Capitol for a guided tour, including the Governor's mansion

4:30 p.m. Conference Registration Begins.  
Lobby - Four Points Inn.

6:45 p.m. Registration Ends, Resumes at 7:00 a.m. February 22.

7:00 p.m. Hospitality Suite.

**February 22, 1996  
Thursday**

7:00 a.m. -10:00 a.m. Conference Registration.

8:00 a.m. Continental Breakfast:  
Welcome to Texas.

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9:00 a.m. Conference Opening, Official Welcome by Andrew Sansom, Executive Director, Texas Parks and Wildlife. Agenda Review, and Opening Remarks by Col. Richard Greer, P.L.E.A. President.

10:00 a.m. "Eco-Terrorism." Carla Jones, Special Agent, U.S.D.A. Forest Service.

11:30 a.m. Lunch, Four Points Inn - Buffet.

12:30 p.m. Afternoon Welcome, Ron Holiday Public Lands Division Director, Texas Parks and Wildlife.  
"Videocams." Jim Kuboviak, Humorist Educator, Father of the Videocam.

2:00 p.m. "Archeological Resources Protection." Bob Marriot, Special Agent in Charge (Washington, D.C. Office), National Park Service

4:30 p.m. Classes Conclude for the Day.

6:30 p.m. Hospitality Suite.

### **February 23, 1996 Friday**

7:00 a.m. Continental Breakfast, Four Points Inn.

8:30 a.m. "Management Facilitator Techniques: Monkeys and Dragons." Ed Werland, Texas Parks and Wildlife Department.

10:00 a.m. "Verbal Judo for Managers." Mark Warren, Texas Department of Public Safety.

12:00 p.m. Lunch, Four Points Inn - Buffet.

1:30 p.m. Board Busses for Afternoon Tour and Evening Festivities at the Combination National/State LBJ Park.

3:00 p.m. Arrive at LBJ. Tour, highlighting Saur Beckman Farm, LBJ home/airport, and The White House on the Perdanales.

5:00 p.m. Happy Hour with Band and Beer.

6:00 p.m. Working Barbecue Dinner. Featured Dinner Speaker. "Park Visitation by Foreign Dignitaries." U.S. Secret Service.

7:30 p.m. Band Continues.

9:00 p.m. Depart for Austin.

### **February 24, 1996 Saturday**

8:30 a.m. "Administration of Internal Affairs Investigations." Craig Hunter, Texas Parks and Wildlife Department, Internal Affairs Division.

10:00 a.m. Break

10:30 a.m. "Emergency Response Management in Park and Natural Resource Settings." Division of Emergency Management, Texas Department of Public Safety.

11:30 a.m. Park Law Enforcement Assn. Open Membership Meeting and Closing Remarks by Col. Richard Greer, P.L.E.A. President and Tim Curtin, President-Elect.

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## HUNDREDS MOURN PARK RANGER'S DEATH

by Kathy Borchers, Journal-Bulletin

Louise Menconi met William R. Abrahamson only once, and just for a moment. He helped the 66-year-old Pawtucket woman to her feet a few months ago when she stumbled at Roger Williams Park. She asked the park ranger his name and said, "I'll remember that, I hope."

She did. When Menconi learned that Abrahamson died last Wednesday, six days after he was shot while on night duty in the park, she decided to pay her respects, if only from a distance.

Amid the plaintive tones of a Scottish bagpipe, she stood across from the Juhlin-Pearson Chapel on Broad Street yesterday and watched mourners place his coffin in a hearse bound for Pawtucket memorial park in Warwick.

"Why should something like that happen to such a lovely person?" she said, shaking her head.

It was a question posed over and over yesterday as several hundred people mourned the death of Abrahamson, the only city park ranger ever killed in the line of duty.

"We just don't understand the senselessness," said the Rev. Carl Bloomquist, pastor emeritus of Pilgrim Lutheran Church, who read a passage about the animal kingdom from the Book of Job because of Abrahamson's love of pets.

### LOITERING YOUTHS

Abrahamson and a city patrolman, Brian S. Quirk, were shot about 1 a.m. on Oct. 12 by one of two youths loitering in the park, according to police. Patrolman Brian S. Quirk suffered nonfatal wounds to both arms; Abrahamson, 55, was shot in the abdomen and died after holding on for nearly a week at Rhode Island Hospital.

Even though he was not a sworn officer, Abrahamson received a law-enforcement officer's funeral. The services featured flag-carrying honor guards, a long procession of police cars and motorcycles, and a bugler playing taps at the cemetery as the casket rested in the shade of a small crabapple tree.

More than 200 uniformed police officers, firefighters and municipal park rangers from throughout the Northeast attended the funeral, including rangers from as far away as Philadelphia. A half-dozen dump trucks driven by Abrahamson's fellow city workers joined the procession.

### STATE DIGNITARIES

Also present were Governor Lincoln Almond, Atty. Gen. Jeffrey B. Pine and Mayor Vincent A. Cianci Jr.,

who gave Abrahamson's widow the city flag and the police Citizen Service Medal in tribute to her husband.

Abrahamson was buried in the uniform he wore as a ranger for 15 years, along with his olive-colored cap and photographs of his wife and five adult children. The city flag draped his coffin.

His widow, Shirley, held the folded flag and medal to her breast as she kissed her husband's casket at the cemetery.

The morning that Abrahamson died, Cianci held a news conference at which he said that the death had prompted him to explore the possibility of arming the city's seven un-armed rangers.

Several of Abrahamson's current and former co-workers yesterday said it was a good idea, particularly for rangers who work overnight, as Abrahamson did.

### CALL FOR ARMS

"Anybody working that shift should be carrying," said one ranger, Ken White. "A lot of things go on at that park at night," he said, adding that the two-way radio that rangers carry are inadequate.

However, at a news conference yesterday afternoon Cianci seemed to back away from his previous remarks. He said that the new police chief, Urbano Prignano Jr., had reservations about arming the rangers and added that it would mean they would have to undergo different training. Nonetheless, Cianci said the matter was still undecided.

One view Cianci hewed to was that both youths who were arrested after the shooting should be tried as adults on murder charges.

Demetrius Jackson, 18 of 60 Whitmarsh St., who allegedly shot the ranger and the policeman, has been charged in Superior Court with murder, assault with intent to murder and other felonies.

Jason Lee, 17 of 126 Congress Ave., was arrested as an accomplice on two counts of assault with intent to commit murder even though he never fired a handgun. But because Lee is a juvenile, he is being held at the Training School and is under the jurisdiction of the Family Court.

"I still believe he should be tried in the adult court," Cianci said of Lee.

A spokesman for Atty. Gen. Pine said a decision about whether to seek to have Lee tried as an adult will be made public by Nov. 2, when Lee is to appear in Family Court for a hearing.

## POLICING THE POLICY

**The Parks Service's compliance with the National Environmental Policy Act has been neither consistent nor rigorously enforced. Unless a strict system for accountability is devised, park resources could suffer.**

by Robert and Patricia Cahn

More than three years ago, Tennessee's Obed Wild and Scenic River, a unit of the National Park System, was under assault. A local utility district sought to build a dam and a 100-acre lake on a tributary of the river.

Dr. Liane Russell, an NPCA park watcher, alerted Don Barger, NPCA's Southeast regional director, to the proposal by the federal Rural Utilities Service. Although the dam would withdraw 1.5 million gallons a day from the Obed River, an environmental impact statement (EIS) was not planned, and the park superintendent had not been consulted. As a result of protests from NPCA and the park watcher group formed by Russell, the Tennessee Citizens for Wilderness Planning, the utility district agreed to prepare a full impact statement. With assistance from the Tennessee Valley Authority, the study team is now considering the water needs of the entire region instead of only the demands of the local utility district.

This is just one of many cases demonstrating the importance of the National Environmental Policy Act (NEPA). Signed into law 25 years ago by then-President Nixon, NEPA was designed to make all government agencies think twice before harming the environment. The environmental impact statement is the law's most powerful instrument. Before undertaking any major action that could significantly affect the quality of the environments, the responsible federal official must prepare a detailed statement on its impact, consider less harmful alternatives, and give the public ample information and opportunity for comment. Many agencies did not welcome the new responsibilities that came with this revolutionary provision, but the law produced some basic changes in the way agencies do business.

When NEPA went into effect in 1970, it was assumed that the National Park Service (NPS) would become a leader in ensuring that environmental concerns would be given the highest priority before any major actions were taken. For a while, the Park Service complied fairly well, at least compared with the Federal Highway Administration and the U.S. Army Corps of Engineers, which tried to ignore the policy.

Although the majority of Park Service managers believe in the EIS process, the Council on Environmental Quality (CEQ), which is responsible for overseeing NEPA implementation, noticed early on that certain tendencies were developing.

"Some employees in a few agencies like the Park Service have suffered from the 'White Knight' syndrome," says Dinah Bear, CEQ general counsel. "They feel that NEPA is mostly for the bad guys, the wetlands destroyers or the highway and dam builders, and doesn't really apply to them."

University of Utah Law Professor William Lockhart, an expert on the legal aspects of NEPA, says that many park superintendents, like too many other government decision makers, are driven by budgetary or other considerations. "Park managers may approach NEPA grudgingly with the intent merely of going through the hoops or even avoiding the hoops, partly because they may not recognize how useful and important compliance can be to their mission," says Lockhart. "Also, NPS comments on other agencies' EISs are far too timid when relating to potential park impacts, and park superintendents should realize that, despite its procedural role, the NEPA process can have a critical impact on substantive protection of the park."

Department and Park Service regulations now require that full EISs be prepared for all park General management Plans. For other decisions, managers are given some latitude in deciding to substitute the shorter and less complete Environmental Assessment (EA), which often results in an accompanying Finding of No Significant Impact (FONSI). Managers can also declare a "Categorical Exclusion" (CE), meaning that certain decisions that clearly have no significant impact can be exempted from NEPA.

NEPA oversight and compliance within the Park Service have been inconsistent, with few if any provisions for checking on park superintendents who have issued EAs or FONSI without public involvement, used a categorical exclusion for a controversial action, or ignored the EIS requirement. Traditionally, Park Service regional offices have reviewed all impact statements and assessments but rarely checked on exclusions to verify whether the project qualified for that action.

"Our regulations demand that park managers consider the intensity and context of any planned development," says Jacob Hoogland, head of the NPS Environmental Quality Division. "Putting 30 houses in Denver might not be a major action. But if you put them on the rim of the Grand Canyon or in Denali National Park, it would be a major decision."

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Decisions involving concession activities have given the Park Service some special compliance problems. At Denali last year, the superintendent negotiated changes in a transportation contract allowing the concessioner to use larger buses on the road through the park and to build a maintenance facility within the park.

NPCA Alaska Regional Director Chip Dennerlein protested that an environmental assessment on the project had been issued nearly two months after a contract had been signed, without public involvement or discussion of alternatives. Dennerlein charged that the proposed larger buses could prove unsuitable for certain sections of the park road and might, in turn, require substantial reconstruction of the roadbed. This, he said, could result in a sequence of events affecting wildlife and the primitive character of the park. He suggested that the future of the entire visitor transportation system in the park needed to be addressed before the bus size was changed or a new maintenance facility built. He also said the proposed actions represented a closed process that circumvented the letter and intent of NEPA.

The EA was withdrawn and a new one issued after a public comment period. Despite a number of meaningful improvements to the new EA (e.g. changes to the bus specifications, better monitoring of the contract) and the hiring of several personnel to write a clear Statement for Management, the park still lacks a comprehensive plan to guide future decisions about transportation, resource protection, and visitor enjoyment of Denali's front-country and the road corridor.

Dennerlein is pushing the Park Service to work with NPCA and other public groups, local citizens, and the concessioner to develop such a plan. Dennerlein and NPCA President Paul C. Pritchard also protested a proposal put forth by Alaska members of Congress that would permit more cruise ships in Glacier Bay National Park. The Park Service has not done an impact statement on the request or made a further study of the potential harm increased cruise ship use could cause to the endangered Pacific humpback whales and other wildlife.

In a recent letter to Interior Secretary Bruce Babbitt, Pritchard took issue with Alaska Sen. Frank Murkowski's statement to the press that viewing Glacier over the rail of a cruise ship is the best way to see the park. He urged Secretary Babbitt to ensure that additional scientific studies are made and that a full EIS be prepared.

"Even though the EIS process can be tedious, costly, and cumbersome, the National Park System must adhere to the highest standards of environmental decision-making in our nation, and the decisions must be founded on the enduring principles of the park system itself," says Pritchard. "If the magnificent landscape of Glacier Bay is being considered for increased accessibility by luxury liners, there should also be an enhanced opportunity for those who seek to experience the primeval nature of the park on

its own terms away from the crowds, conveniences, and machines of our often too hectic world."

Similar instances of inadequate or nonexistent NEPA compliance continue in national park units elsewhere in the country. In most cases, shortcuts result in more hassle than if a proper impact statement had been done in the first place.

In 1993 at Yellowstone National Park, the superintendent proposed to cut down some old-growth trees and build several large cement foundations at Undine Falls as part of upgrading a rope tow for a skiing area. He believed this action to be a categorical exclusion and did not prepare an EIS. NPCA Rocky Mountain Regional Director Terri Martin protested, and the project was stopped.

On another occasion at Yellowstone, nearby ranchers complained about bison wandering beyond the park boundaries and potentially spreading brucellosis, a disease that causes pregnant cattle to abort. The park prepared a plan for rangers to shoot some of the animals within the park so they could be tested for the disease. The superintendent relied on an earlier environmental assessment prepared for another bison hunt, and prepared a supplemental assessment and FONSI with no public involvement or review. The Fund for Animals stopped the hunt through court action, and the Park Service then withdrew the plan.

One of the most pressing current problems being addressed through NEPA concerns how to protect Yellowstone from the effects of the Noranda company's proposed "New World" mine. Located within a national forest in Montana, the mine is less than three miles from the northeast corner of the park. NPCA's Martin and other conservationists want to ensure that the Forest Service does not allow toxic mine tailings to pollute streams that flow to the park, and that the EIS will analyze the harm that would come to the park from mine roads, work camps, and power lines. The Canadian mine owners, sitting on an estimated \$800 million in gold, are also trying to weaken state water quality regulations, claiming that treating the water to avoid harming park resources would cost too much.

NEPA does not provide direct authority for addressing the substantive issue of whether a mine should be permitted on the border of the oldest national park. The U.S. Forest Service and the state of Montana both claim they have no legal authority to deny the mine permit outright. Nevertheless, both have substantial authority to impose protective conditions to limit harm to park natural resources.

Park Service administrators in Washington, D.C., also were charged recently with violating NEPA when they made a decision to transfer Children's Island in the Anacostia River to the District of Columbia for a proposed theme park. NPCA, the Sierra Club, and the Sierra Club Legal Defense Fund along with two District of Columbia organizations went to court to challenge the land transfer, alleging that

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NPS used an environmental assessment and a Finding of No Significant Impact instead of an EIS, without any prior public review. Last December, a federal district court judge ruled that the Park Service had to comply with NEPA and consider the establishment of a minimally developed public park at the site. The Park Service has appealed the court ruling.

Despite the difficulties presented by compliance with NEPA, the Park Service has found the process useful in bringing public involvement into park planning decisions at an early stage. The hearings and comments often help managers avoid harmful decisions, steering them toward more beneficial alternatives.

Yosemite National Park's 1992 EIS for a new concession management plan produced heavily attended public hearings in California's four largest cities, and the draft impact statement brought more than 4,000 written comments. In response to the public comments, the Park Service adopted 11 specific changes in the plan, for instance, choosing economy cabins and cottages rather than motel units for replacement lodging, and opting against new lodging at Wawona.

Hearings under NEPA can sometimes build public support nationally for issues that may be locally controversial. In the case of wolf reintroduction, the Park Service held hearings in Salt Lake City, Washington, D.C., and Denver as well as in towns near Yellowstone National Park, where the wolves were to be released.

Without NEPA and its EIS requirement, countless other agency actions would have gone unchallenged. Extensive public hearings last year and well attended workshops for citizens to air their views on the planning for the Presidio at Golden Gate National Recreation Area in San Francisco led to several changes in the EIS for the general management plan. Bowing to public opinion, the Park Service's concept for turning historic Crissy Field into a manicured urban waterfront was changed to balance recreational uses such as jogging, walking, and board sailing with restoration of natural systems such as dunes and wetlands.

At a time when NPS is just beginning to implement a massive reorganization plan, the agency is also preparing an extensive overhaul of regulations for NEPA compliance. In the restructuring, decisions about whether to prepare EISs, as well as responsibility for signing off on the documents, will be left entirely to the discretion of the park superintendent. Unless a strict system for accountability is devised—the lack of which has been a long-time weakness of NPS-park resources could suffer.

In sending NPCA's official comments to the Park Service on the proposed overhaul of NEPA regulations, Pritchard said better policy decisions will result in improved resource protection, fewer incidents of conflict and litigation, and better interaction with the public. NPCA recom-

mended that the Park Service improve its accountability system for NEPA compliance, strengthen the use of NEPA in commenting on other agency actions, allow increased citizen access to decisions making, and provide better information gathering in the parks to assist in assessing impacts of proposed actions or alternatives.

All of these proposals for better compliance may have little impact, however, if Congress goes forward with legislation now pending. Although the Clinton Administration has reversed its proposal to abolish the Council on Environmental Quality and has actually brought it back to life with a dozen new positions and added funding, the Senate and House are trying to weaken the environmental impact statement process. House and Senate proposals originally attached to the 1995 recessions bill directed the U.S. Forest Service to increase significantly its logging of salvage timber, which could harm national parks adjacent to national forests. The proposal would exempt the Forest Service from complying with NEPA and many other environmental laws and would deny citizens the right to go to court to enforce those laws.

"NEPA should be mandated for these reports, not exempted," says NPCA's President Pritchard. "Compliance with NEPA may cause delays, but the public interest is best served not by the speed by which the recommendations...are made, but by the thoughtfulness, fairness, and thoroughness of the process and the recommendations."

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### P.L.E.A COMING EVENTS

#### 1996

February 21-24. P.L.E.A. 17th Annual Park Law Enforcement Assn. National Conference. Austin, TX. Sponsored by Texas State Parks. Contact P.L.E.A. Board of Directors for details. P.L.E.A. Board of Directors Meeting.

October 26 - 30: National Recreation and Park Association Congress, Kansas City, MO. Contact N.R.P.A. for further details concerning registration at (703) 820-4940. - P.L.E.A. Informational Booth in Trade Show: - P.L.E.A. sponsored presentations in Education Session. - P.L.E.A. Board of Directors Meeting.

#### 1997

March P.L.E.A. 18th Annual Park Law Enforcement Assn. National Conference. Durham, NC. Sponsored by Durham Park Rangers. Contact P.L.E.A. Board of Directors for details. P.L.E.A. Board of Directors Meeting.

October 29 - November 2: National Recreation and Park Association Congress, Salt Lake City, UT. Contact N.R.P.A. for further details concerning registration at (703) 820-4940. - P.L.E.A. Informational Booth in Trade Show: - P.L.E.A. sponsored presentations in Education Session. - P.L.E.A. Board of Directors Meeting.

# JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

## CRIMES OF PASSION

*A glimpse into the covert world of  
rare butterfly collecting  
by Caroline Alexander*

There were few spectators present in the San Jose, California, courtroom to witness the sentencing of two convicted felons who faced up to \$250,000 each in fines and five years in prison. A succession of prisoners dressed in baggy yellow prison wear was led into the courtroom prior to the case I was awaiting. Eventually, the names of Richard Skalski and Thomas Kral were called, and two convicts in civilian garb appeared before the judge. There was talk of the "special skills" abused by the men in the execution of their crime, of probation officers' reports, of dollar evaluation of the damage. But the nature of the felonies was not evident until the judge said, "And in terms of evaluation of the butterflies..." The two men were convicted butterfly poachers.

The butterfly case had attracted considerable attention after the Department of Justice announced in December 1993 the indictment of three men - Skalski, Kral, and Marc Grinnell - for poaching and trafficking in butterflies that were protected by the Endangered Species Act as well as by state, federal, and Mexican wildlife regulations. The case, which concluded last August with some of the harshest sentences ever meted out to butterfly collectors, was widely viewed as a landmark in wildlife law and had been keenly followed by law-enforcement officials, conservationists, and lepidopterists. It is fair to say that the arcane world of butterfly collecting will never be the same.

Investigation into the poaching began as early as December 1991, when the U.S. Fish & Wildlife Service received a tip: Richard Skalski, a pest control operator at Stanford University, had allegedly collected the rare *Papilio indra panamintensis* from Death Valley National Monument and *Papilio indra kaibabensis* from Grand Canyon National park. When Fish & Wildlife authorities raided Skalski's home on June 9, 1992, after an elaborate sting operation, they found a scene that was reminiscent of *Silence of the Lambs*.

"He had the rearing apparatus of the indra in his bedroom," said Fish & Wildlife entomologist Chris Nagano. "He grew the chrysalis on a paper towel, then cut around it and hung it from the rafters. When we went in, there were all those chrysalises hanging from the ceiling over the bed."

Skalski's practice had been to remove to a dark shed chrysalides due to metamorphose, so that the newly emerged butterflies would not see light, attempt to move around, and damage their wings. Once their wings had become pumped up with blood and hardened for flight, the butterflies were placed alive in glassine envelopes and put into the refrigerator to make them easier to preserve.

"When we opened the refrigerator, they slowly started to move," Nagano recalled. "There were - I want to say 100 - a lot of butterflies."

The approximately 87 Kaibab swallowtails recovered from Skalski's home reputedly represented the world's largest collection of this butterfly. Also confiscated were some 400 letters to Skalski, which with correspondence confiscated from Kral and Grinnell revealed nearly a decade of trade in federally protected species. Above all, the correspondence was proof that the defendants had knowingly flaunted the law:

"I myself got caught collecting in Florida's Everglades N.P.," Kral wrote to Skalski in September 1984, "but got away each time, simply claiming ignorance of the laws."

"Myself, I use the BioQuip pocket net - known as the 'National Park Special' - for these tricky spots," Kral wrote in another letter. "Myself, I pretend to be a birdwatcher when collecting adults on the wing, quickly stashing my net & using binoculars when someone approaches."

"Also have worked out a scheme to elude authorities," wrote Kral. "I will just pull out a book on Western plants & say I am a student identifying plants in the wild... Yours in mass murder, Tom."

The dazzling collections confiscated from Grinnell, Skalski, and Kral covered almost every illegal collecting contingency. Eleven of the 16 species of North American butterflies currently protected under the Endangered Species Act were represented, along with two threatened species and numerous butterflies afforded protection in national parks, national forests, and national wildlife refuges. Kral's collection alone contained 1,637 illegal butterflies. As one incredulous Fish & Wildlife officer said, it was "one of the finest collections I've ever seen, even counting in a museum."

Better than a museum, in some cases. The collections of the National Museum of Natural History, the American Museum of Natural History, and the California Academy of Science can muster a grand total of 28 specimens of the rare *Uncompahgre fritillary*. Kral had 19. The same museums have no *Panamint swallowtail*, whereas Skalski had nine.

"If we didn't prosecute cases with this much evidence of violations of the Endangered Species Act," said U.S. Attorney Leland Altschuler, the lead prosecutor in the case, "we'd be derelict in our duty to enforce the conservation laws of the United States."

Skalski and Grinnell had entered guilty pleas early in the proceedings, but Kral had held out to the bitter end, until just a few days before jury selection. His insistence on his innocence of conscious criminal intent, combined with his outspoken, confrontational nature, accounted for his being the most visible of the three poachers. A real estate assessor in Tucson, Arizona, when not collecting butterflies, Kral had written letters to his congressman and the

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Lepidopterists' Society, and more recently he had hit the Internet. I had come to San Jose to witness something of the proceedings in this case., which was being tried by the U.S. Attorney for Northern California, but principally to meet Kral himself. Among other things, I was curious to see how he fit the psychological profile of a compulsive collector.

"The personality of someone who loves to possess things has a need for control," Donald Lunde, a forensic psychologist at Stanford University and an expert in obsessive-compulsive disorders, had told me. "Typically they collect things that are small compared to a human. By collecting, they overpower it. In the case of butterflies, there is the additional power of life and death." Lunde added that this need for control was more common in men than in women, and indeed the majority of butterfly collectors are male.

"With butterflies, you can take them home, you can possess them," one of this country's most renowned collectors had told me. "The purchase of a butterfly is not the same as the hunt, the long drive home, the pinning, the spreading of the wings. There is a whole process that draws the maniacal collector in. You cannot separate the pure love of collecting from the desire to obtain."

Up close, Thomas Kral, 31, was not what I had expected. Having heard stories about how he would interrupt the slide presentations and lectures of his Lepidopterists' Society chapter with sarcastic comments and questions, I was prepared for a belligerent, smart-ass personality. Instead, with dark hair neatly parted on the side, a dapper mustache, a tie and dark pants, he resembled a Victorian clerk. As we sat down to talk in a room in the San Jose courthouse, I noticed that his hands were shaking. Observing his badly cut fingernails, the stray threads of his shirt, his shiny new shoes and white socks - the telltale signs of bachelor self-reliance - I sensed that he was a young man very much on his own.

Tom Kral had brought to his session voluminous files, impeccably ordered and labeled. The compulsion for collecting and organizing data, which according to Lunde characterizes the collector personality, had in this instance served Kral well. Although represented by a very able and sympathetic lawyer, Kral had set himself the task of amassing documentary evidence to prove his contention that many of the wildlife laws that he'd transgressed were unknown and unintelligible. But how did he justify the boastful letters confiscated by Fish & Wildlife.

Kral winced. "We thought if we got caught, they'll tell you not to do it again," he said, his troubled eyes focused in a gaze of unblinking intensity. "We thought it was like getting caught for speeding. We were far from the only people poaching. Those comments about mass murder and that? Best I can say is it's like watching the Three Stooges - like Moe saying, 'Larry, I'll moider you.'"

Kral had the look of a man who has woken up to find himself in a Kafka story - only as a netted, pinned, labeled specimen, not a live insect. He bolstered each point and counterpoint with an angry jab at one piece of evidence after another drawn from his bottomless bag of files: "Nobody knew that collecting in national forests was illegal. Read this: 'No written permits are required.'"

"Are you reading this? 'New regulations for Mexican collections.' Nowhere does it say you have to have a Mexican license, because if you don't, it's a violation of United States law.

"Fish & Wildlife are the white elephants of law enforcement," Kral continued. "They don't get shot at, they don't crash in high-speed car chases, no one is going to firebomb their house. This is how they justify their cushy job: 'Yeah, look - we're rooting out these vicious butterfly collectors.'"

Kral started collecting butterflies at age six, when he found a polyphemus moth at the base of a maple tree in rural Wisconsin. "It was the joy of finding something I'd never seen before," he said. "I collected butterflies in my backyard. But basically, for me it's always been the joy of finding and documenting something new and different. Aesthetically, I like looking at butterflies; I find them beautiful."

After high school, Kral joined the army and then used his army scholarship to obtain bachelor's degrees in finance and accounting from the University of Wisconsin. He chose not to study entomology, believing it would kill the enjoyment he derived from his hobby. "I had seen enough entomologists driving rusty old cars," he said wryly. "Very few people are able to make a living in this profession."

Nonetheless, he devoted extraordinary time and energy to his passion. Nagano spoke of Kral's collecting trips with awe. "Kral writes in one letter how he went out with 20,000 envelopes and only filled 9,000. Nine thousand! He must have been like a machine!

In 1988, as he was on course to go to graduate school, Kral's life was turned upside down. "My father retired in 1988 after a divorce," said Kral, his voice faltering. "He could no longer live in the same state as my mother. So he says, 'I'm only living for you now, Tom.'" Suddenly, tears flooded Kral's eyes. "We decided to move to Tucson so that I could collect and my father would be warm," he continued, talking with furious persistence, as if he would distract attention from the tears coursing down his face.

In May 1992 Kral's father was diagnosed with bone cancer, and the next month Fish & Wildlife raided their house. Photographs of the raid show Tom Kral unshaven, disheveled, looking like a desperado after having returned from an arduous collecting trip, voluble even in the pictures, caught in midsentence. They also inadvertently captured details of his domestic life - his books, bags of cat food in the corner, piles of boxes, and collecting envelopes.

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For 11 hours the officials went through Kral's world-class collection, extracting all suspicious specimens.

"They had us in house arrest," said Kral, squeezing the words out. "Within one week, my father got really sick. He just never recovered. And all this time the investigation was going on, and there wasn't anything I could do about it. So my father died, and I'm on my own."

From a strictly legal point of view, the case of the butterfly bust was uncomplicated: Conservation laws had been repeatedly and consciously transgressed. But the background to these seemingly simple laws is fraught with byzantine complexity, capable of enmeshing many an unsuspecting entomologist. At the heart of the butterfly case lies a vilified piece of legislation called the Lacey Act. Instituted in 1900 to facilitate the monitoring of international agricultural traffic, the act essentially makes the violation of local wildlife laws a federal offense. Similarly, it is a felony under federal law to bring any insect from many countries into the United States.

"If a spider lurks in you bunch of bananas from Honduras, you are a felony violator of the Lacey Act," a Colorado collector wrote in a fulminating newsletter. "The Lacey Act would require the jailing of everyone who carried a carcass of a splattered grasshopper or fly out of a Park on his windshield or radiator."

Kral's contention that prior to his indictment the Lacey Act was unknown was borne out by every collector with whom I spoke - virtually all of whom spoke on condition of anonymity, which seemed to substantiate Kral's insistence that "anyone who's swung a net in this country is a criminal."

"This whole case about the butterflies is a peculiar one," said one prominent professional entomologist. "For most people who are interested in butterflies, the uppermost issue is habitat. This is such a crazy use of funds - tax money that could be spent on habitat conservation rather than cops and robbers."

Although their case is the most prominent, Kral, Skalski, and Grinnell are not the only collectors to have run afoul of the Fish & Wildlife Service. Last July a commercial dealer named Charles Kondor was sentenced to five months in prison in Wisconsin. The indictment that same month of a collector in Texas, John William Kemner, who specialized in Mexican butterflies, is rumored to implicate some of the most important museums in the country, from the Smithsonian on down. Butterfly poaching and smuggling cases have been investigated independently in Britain, India, and China, where a pair of alpine silks was reportedly sold on the Japanese market for \$37,000.

"I would have had a lot more respect for the prosecution and the U.S. Fish & Wildlife Service had they just gone after the national park violations, which were honestly known violations," said Marc Grinnell. "I never

envisioned being hit with one felony conspiracy count punishable by up to five years in federal prison and a \$250,000 fine."

John Mendoza, the Special Agent who set up the sting that netted the three poachers, exudes the laid-back confidence of a man built like a linebacker. In preparation for this case, Mendoza had joined the Lepidopterists' Society under the assumed name of John Lesca and spent a couple of years undercover attending meetings. It was he who set up Skalski, writing a letter offering to purchase a subspecies of *indra* found in Grand Canyon National park. Arrangements were made for Mendoza's "brother-in-law" to pick the specimens up from Skalski's home. "The brother-in-law was me," said Mendoza.

In tone and substance the letter could have passed for any one of the letters confiscated from the poachers. "Dear Rich: Yes! Please check with your dealer friend to see if he still has your ex-pupae *Papilio indra kaibabensis*. I'm

very interested in purchasing an A-1 papered pair with complete collecting data... I'd also be interested in learning about the ecology of this subspecies: are the adults hard to collect? Is it true that the males are extremely territorial and highly pugnacious?"

The mastermind behind the operation was Chris Nagano. Soft-spoken and reticent, Nagano had once been a collector himself, belonging to the Lepidopterists' Society for many years. His expertise had been in monarch butterflies and the mystery of their seasonal migration. When he got the job with Fish & Wildlife in 1989, he gave up the research project he had been involved with so as to avoid a conflict of interest he evidently already saw down the road.

On a beautiful late-spring day, Nagano drove me to the San Bruno hills, south of San Francisco, to view some forbidden collecting sites. Rolling, dunelike, and covered with golden grass, the hills formed a long-ranging and welcome backdrop to the otherwise relentlessly developed landscape. Orange poppies and purple owl's clover abounded, precious foodstuff of *Euphydryas editha bayensis*, or the bay checkerspot. It is thanks to the protected status of the butterfly's habitat that these golden hills have escaped the developers' clutches. United Technologies, one of the world's biggest defense organizations, produces rockets nearby and has been hoping to build a service road through this territory. "But," said Nagano, "they are concerned about the impact the butterfly might have on them." The whole butterfly issue is not without its delicious ironies.

In the town of Burlingame, Nagano gave me a tour of the Fish & Wildlife office where most of the confiscated butterflies were being stored. Expecting to see only an array of colorful collecting cabinets, I was startled to find shelves stocked floor to ceiling with body parts of animals from around the world: leopard skins, turtles, bottled snakes, Nigerian handbags made from the bodies of contorted

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crocodiles, clumsily stuffed mouse deer (teeth bared), birds rampant (wings spread), a crate stuffed with a polar bear skin - in short, a camphor-scented monument to the banality of the human imagination.

Away in one corner was the evidence I had come to see: a stack of display cases full of row upon row of neatly pinned butterflies, which represented the only objects in the room on which I could fix my attention without disgust. Indeed, they were enticingly beautiful: The translucent delicacy of the snowy parnassus butterflies, the lobe-winged and velvety swallowtails - it was difficult to register that these too were dead animals.

Each butterfly was neatly labeled with a minuscule tag, and I marveled at the almost surgical precision with which each specimen had been presented. Nagano looked momentarily bashful and explained that this was in fact his handiwork; as a former collector, his old skills had been put to good use.

"If you get a chance to go to Tom Kral's home and see his collection, you should take it," Nagano told me later. The 1,600 or so butterflies confiscated from Kral represented only 2 percent of his collection. "Every butterfly has a story; he knows where he caught it, when."

Nagano was curious about my conversation with Kral. "Did you get a sense that Kral realized how serious this was?" Nagano asked. "That he is looking at time? That as a felon, he can't vote, can't carry firearms, can't be bonded, can't hold a civil service job?" I replied that I thought Kral knew all this, but I thought that none of the collectors had known

about the Lacey Act and its implications.

"No," said Nagano almost sorrowfully. "I don't think they realized the seriousness of it."

In the aftermath of the San Jose case, collectors are reportedly mislabeling, hiding, or even destroying their specimens in fear of being caught by what they call the "butterfly gestapo." J. Benjamin Ziegler, spokesman for the International Scientific Collectors Association, protested in a letter to Secretary of the Interior Bruce Babbitt that the case has "cast a chilling pall over the conduct of much lepidopterological science." Ziegler pointed out that at present the same legislation applies to vertebrates and invertebrates alike, although their breeding rates differ wildly. Furthermore, there is no evidence that any insect population has ever been collected to extinction.

Others salute this shakeup, claiming that the whole concept of collecting is a relic of a bygone age. Jeffrey Glassberg, president of the North American Butterfly Association, an organization that promotes butterfly watching, draws parallels between the birders of old and the butterfly collectors of today. "The bird people back in the twenties thought the only way you could identify species and study them was by shooting them," he said. He anticipates that

butterfly identification will come to rely more on sightings and photography than on the killing and collection of specimens.

Everyone with an interest in the poaching case, from law-enforcement officials to the most rabidly compulsive collector, agrees on one thing: that without habitat protection, all the regulations in the world will not save a butterfly species. Insects account for over 90 percent of the planet's living organisms, and the most studied - and visible - of these are butterflies. It is no exaggeration to say that butterflies in some ways symbolize the planet's environmental health. And it is a sad reality of modern life that even a creature as free as a butterfly must be protected.

The case of the butterfly poachers concluded on August 1, 1995, with the sentencing of Skalski and Kral. Grinnell, deemed the least culpable, had received his sentence on April 12: a \$3,000 fine, 100 hours of community service, and three years' probation. Skalski was sentenced to five months of part-time imprisonment, five months in a halfway house, \$3,000 in fines, and three years' probation. Kral received a reduced sentence of 300 hours of community service, \$3,000 in fines, and three years' probation on the grounds that he showed "extraordinary acceptance of responsibility" and that the laws were "confusing." It was determined that Kral's community service should consist of "educational activities, directed toward informing society about the National Wildlife Protection Laws."

At the end of our interview, Kral and I walked out of the federal courthouse into the streets of San Jose. He faced an 11-hour drive home and was worried because the clutch on his truck was going. While I spoke to him, his harried expression suddenly lightened so visibly that I spun around to see what had engaged him. Floating high above the ornamental shrubs, there dipped and bobbed a yellow and black striped butterfly.

"*Papilio rutulus*," said Kral. "The tiger swallowtail." He turned glumly back to me. "Yes, you were saying?"

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### ARTICLES NEEDED

This publication depends upon articles submitted by our readers. The quality, content, depth, range, etc. are controlled by these submissions. The Editor needs your help in keeping this a quality publication. Please, submit original articles about your agency, concerns, interests, etc. We also accept articles from secondary sources. If you see an interesting park law enforcement article in a newspaper, magazine, etc., send it in. We need your submissions!

## DOES THIS MAN BELONG IN THE HOUSEGOW?

The continuing saga of Paul Watson, eco-pirate

by Jon Alderman

Having stared down the barrels of Japanese guns," says a defiant Paul Watson, "being on trial didn't really scare me." Watson, the 45-year-old Canadian founder of the Sea Shepherd Conservation Society and a proponent of all manner of high-seas high jinks, is referring to his trial last October in Newfoundland for endangering lives and property in an attack on a Cuban fishing vessel. After three weeks of testimony and 16 hours of tense deliberation by a jury, Watson was acquitted of major charges. Despite the not-guilty verdict, however, the government made one thing quite clear. It does not intend to stand by any longer while Watson rams, sabotages, and otherwise harasses anyone he deems an eco-offender. Had he been found guilty, he might have spent the rest of his life behind bars. (Watson was sentenced to 30 days in prison on a lesser charge of "criminal mischief.")

For Watson, the legal troubles started two and a half years ago in international waters off Newfoundland's Tail of the Grand Banks. While captaining the Cleveland Amory, the 185-foot Sea Shepherd flagship, Watson and his crew came upon the Rio Las Casas harvesting endangered redfish. The Rio's crew wasn't breaking any laws, but Watson nonetheless ordered it to cease. Not surprisingly, the Rio ignored the request. So Watson allegedly headed for the Rio's stern in hopes of fouling its nets. (The Rio's crew claims it was rammed; Watson denies any physical contact.) Unfortunately for Watson, Canadian police were watching the whole thing from aboard the Sir Wilfred Grenfell. The following day, they boarded the Cleveland Amory and arrested its captain.

So how did Watson beat the rap in a land where he is demonized for helping to end seal hunting? The answer may have something to do with the current invasion of foreign fishing boats. In the middle of a three-year ban on cod fishing in Canadian waters, locals cringe at the thought of others plucking fish from nearby international waters.

"I would have thrown Watson down a blowhole a few years ago, but now I stand behind him," says one fisherman. "If it had been me at the helm of the Cleveland Amory, I would have run that poacher down."

Ironically, Watson's newfound friendship with the people of Newfoundland may not last. The Canadian government is considering allowing commercial seal hunting this spring, and Watson says he will return to do battle. "I would have to," the captain explains. "It's 1995 - you just can't go out and bash baby seals to death any longer."

## Protecting the Nation's Archaeological Heritage

Oregon Man Convicted of Trafficking  
Indian Artifacts

Michael King Julian Hammer, 50, of Jacksonville, Oregon, was sentenced on September 26 after pleading guilty to two felony counts of selling artifacts taken from federal lands in southeast Utah. Hammer was arrested after he sold the items to undercover agents from the Bureau of Land Management.

U.S. District Court Judge Michael R. Hogan suspended the jail time and sentenced Hammer to 30 months probation and a \$1,500 fine. Assistant U.S. Attorney Jeff Kent also negotiated a plea agreement in which Hammer would forfeit to the U.S. government Native American artifacts and human remains found in his home during the execution of a search warrant. The remains will be repatriated to the affiliated tribe.

A rare beaver tail rattle that Hammer sold to the agents was traced to a site on BLM land in San Juan County, Utah. The investigation also led to the recovery of significant Anasazi artifacts that Hammer took from federal land and sold to a museum in Los Angeles.

The BLM encourages citizens to report all archaeological violations on public lands in Oregon and Washington State by calling 1-800-333-SAVE(7283).

### Site Violation Trips Up White Collar Criminal

A businessman caught burying concealed assets at a national monument has been found guilty of bankruptcy fraud and violating the Archaeological Resources Protection Act (ARPA).

On July 21, James L. Wiggins, U.S. Attorney for the middle district of Georgia, announced that Robert D. Krotzer, a Buffalo, New York, businessman now residing in South Carolina, agreed to the civil forfeiture of \$125,000 and a 1993 Chevrolet Blazer valued at \$13,475. The forfeitures arose out of an incident at Georgia's Ocmulgee National Monument.

On November 10, 1993, National park Service Assistant Chief Ranger Pete Schula discovered Krotzer digging at Ocmulgee. The entire monument-which contains sites dating from the Mississippian Period (700-1500 A.D.) to the last century-is considered an archaeological property. Thus the digging violated ARPA.

Krotzer was in fact trying to hide \$1.6 million in gold, platinum, and currency. Subsequent investigation by the Park Service, the FBI, and the IRS revealed that a Buffalo business controlled by Krotzer-Kayak Manufactur-

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ing Corporation, one of the Northeast's largest manufacturers of above-ground pools-had filed for bankruptcy in 1990.

On July 14, 1994, Krotzer pled guilty to a felony charge of bankruptcy fraud/concealment of assets in the U.S. District Court for the western district of New York. In related civil forfeiture actions in the middle district of Georgia, he agreed to forfeit \$125,000 to the United States as property involved in bankruptcy fraud.

Krotzer forfeited the Blazer as property used in an ARPA violation. Through the facilitation of the U.S. Marshals Service, the seized vehicle will go to the monument, which had retained custody of it pending proceedings against Krotzer.

### **Emergency Import Restrictions Extended**

The U.S. Information agency has extended emergency import restrictions on Moche culture materials from the Sipan archaeological region of Peru's Lambayeque Valley and Mayan materials from Guatemala's Peten region. The agency extended the restrictions-which took effect in 1990 and 1991, respectively-for another three years.

Looting in Sipan has already been reduced by the restrictions, imposed by USIA pursuant to the Convention on Cultural Property Implementation Act (19 U.S.C. 2603). Following the recommendations of its cultural property advisory committee, the agency determined that the archeologically rich region is vulnerable to looting of crisis proportions. The archeological record provides the only knowledge of Moche culture, which existed from ca. 100 to 800 A.D.

The Peten region, inhabited by the Mayas from about 1200 B.C. to 1500 A.D., was also deemed in jeopardy of looting and destruction. The Mayas developed a sophisticated writing system, but little else is known about them beyond what limited excavation has revealed. The extension of import restrictions on Mayan materials stems from a request by the government of Guatemala.

The U.S. action intends to reduce the incentive to loot, to stimulate professional archeology, and to encourage legislative and educational efforts to promote protection.

The Convention on Cultural Property Implementation Act enables U.S. participation in the 1970 UNESCO Convention on the movement of cultural property across international borders. The United States has imposed similar emergency restriction on pre-Colombian artifacts from the Cara Sucia region of El Salvador, certain antique Andean textiles from Bolivia, and archeological material from the Niger River Valley in Mali.

### **Arizonans Indicted for Selling Shrine Goods, Petroglyphs**

Operation Heritage, a combined effort by federal law enforcement agencies to stem the theft and destruction of Arizona's archeological heritage, has led to the indictment of eight people. Federal grand juries in Phoenix

returned three separate indictments in August charging the eight with ARPA violations.

The first indictment results from an investigation by the Bureau of Land Management and the U.S. Forest Service, with assistance from the U.S. Customs Service, the San Carlos Apache Tribe, the U.S. Marine Fisheries Service, and the rocky Mountain Information Network. The indictment charges Larry R. Hedrick, 55, of Apache Junction; Rick L. Shaw, 44, of Cave Creed; and Jerald S. Sullivan, 34, of Gilbert with conspiracy (18 USC 371) and trafficking in unlawfully removed archeological resources (16 USC 470ee[b]). Sullivan faces an additional charge of interstate transportation of stolen property (18 USC 2314), and Shaw is also charged as an accessory after the fact (18 USC 3).

The indictment alleges that Shaw and Sullivan, firemen for the city of Mesa, enlisted Hedrick-at the time director of the Superstition Mountain Museum - to sell a number of wooden bows stolen from the San Carlos Apache reservation. Shaw was allegedly one of a group who removed a ceramic pot, staffs, and bows from a reservation cave once used as a shrine. The bows, believed to be Mogollon, date from 900 to 1200 A.D. According to the indictment, Hedrick Arranged a meeting between an undercover federal agent and Sullivan, who sold about 40 of the bows for approximately \$50,000.

The transportation of stolen property charge stems from an incident in which Sullivan allegedly took 10 of the bows from Arizona to Nevada. The indictment also states that Shaw, to protect Sullivan, deliberately led federal agents to a place from which he knew the bows had not been taken, making him an accessory after the fact.

The investigation leading to the second indictment was conducted by the BLM and the U.S. Forest Service, assisted by the Arizona Game and Fish Department. In this case, the indictment charges Adam Lee Bruce, 31, John Burce, 68, and Becky Whitted, 27, all of Ashfork, with conspiracy (18 USC 371), unlawful removal of archeological resources (16 USC 470ee[a]), trafficking in unlawfully removed archeological resources (16 USC 470ee[b]), and theft of public property (18 USC 641).

According to the indictment, Adam Bruce sold four petroglyphs to undercover federal agents on or about January 19, 1994, when he described John Bruce as the "mastermind" of a conspiracy to remove petroglyphs from the Kaibab National Forest. The indictment also alleges that on February 23, 1994, Becky Whitted went with Adam Bruce to Phoenix, where he sold an undercover federal agent five petroglyphs for \$1,500.

The third indictment, stemming from a BLM investigation, charges Michael Lee Collins, 38, of Phoenix, and Bobby Gene Shipley, 36, of Glendale, with conspiracy (18 USC 371), unlawful removal of archeological resources (16 USC 470ee[a]), and trafficking in unlawfully removed

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archeological resources \*16 USC 470ee[b]). The indictment alleges that on June 22, 1994, Collins and Shipley dug at Pueblo Pato, a site managed by the BLM on Perry Mesa, north of Phoenix, removing a ground stone tool and a number of beads from the site.

Paul K. Charlton, assistant U.S. Attorney in Phoenix, is handling all three prosecutions.

## **Arizona Judge Receives High Honor**

On November 22, the Secretary of the Interior presented the Honorable Sherry Hutt, who sits on the Maricopa, Arizona, Superior Court, with the Department of the Interior's conservation Service Award, one of the highest honors that can be bestowed on a private citizen. In giving the award, the Secretary recognized Judge Hutt's commitment to protecting the nation's archeological heritage.

Hutt is a nationally recognized expert of ARPA as well as other federal laws affecting archeological resources and case preparation. She served as an assistant U.S. Attorney for the district of Arizona from 1982 to 1986, when she was involved in investigating and prosecuting cases on federal lands in that state.

Since 1984, Hutt has served as an instructor in sever training programs on archeological protection and the Native American Graves Protection and Repatriation Act sponsored by the Departments of the Interior (National Park Service), Justice (Office of Legal Education), and Treasury (Federal Law Enforcement Training Center); the Air Force; and the University of Nevada (Reno).

She is the author of *The Civil Prosecution Process of the Archaeological Resources Protection Act* (Washington, DC: U.S. Department of the Interior, National Park Service, 1993), as well as law review articles dealing with archeological resource protection law and the illegal trafficking in Native American human remains and cultural property. Hutt is coauthor of *Archeological Resource Protection* (Washington, DC: Preservation Press, 1992).

## **Golf Course Donates Rare Site**

The site of a Late Archaic period shell ring - offering a glimpse of some of the first North Americans to shape and fire pottery - has been donated to the South Carolina Heritage Trust. Buzzard's Island, situated in a tiny, isolated coastal marsh next to the East Charleston Country Club, was given to the state department of natural resources as part of a mitigation agreement between the East Cooper Golf Company and the U.S. Fish and Wildlife Service.

The company's coastal property happens to be a favored roosting spot for the wood stork, and endangered species, and East cooper has had an agreement with the federal government to preserve space for the birds. But when Hurricane Hugo hit, the roosting area was destroyed. After consulting with Fish and Wildlife and the department

of natural resources, the company agreed to donate property to replace what was lost.'

Trust archeologist Christopher Judge says that "several sites could have been closed, but we had our eyes on [Buzzard's Island]." The site - placed on the National Register of Historic Places in 1970 - has been nominated to the Statewide Assessment of Cultural Sites, the 100 most significant archeological sites targeted for Historic Trust Protection.

A fortunate convergence of circumstances made Buzzard's Island the obvious choice for donation. The island is not only the site of a shell ring; wood storks roost in its scrubby trees, and one of the state's rarest plants, the tiny-leaved buckthorn, grows there. Since the plant thrives on alkaline soil, it is found almost exclusively on or near shell rings - seashells, trash, and other unwanted debris Native Americans discarded in "rings" around their villages. Investigators at Buzzard's Island have uncovered what are believed to be pits where the early residents steamed their shellfish.

The shell rings, which are 3,000 to 5,000 years old, provide one of the oldest records of human occupation on South Carolina's coast. Similar rings have been found on the shores of southern South Carolina and Georgia.

"Buzzard's Island is one of those unusual situations where everyone wins," says Judge. The donation, valued at \$5,000, costs the taxpayers nothing, the golf company is happy with the agreement, and the Trust has acquired an important site.

## **U.S., El Salvador Agree to Import Restriction**

Thousands of years before the arrival of Spanish galleons, indigenous cultures thrived in Central America. Proof of their long presence is evident in the regions' abundant archeological sites. Valuable and often exotic, prehispanic artifacts are coveted by the illicit international antiquities market.

In El Salvador, the desire to get a piece of this marker has led to looting of crisis proportions and vast, irreparable damage to the country's archeological resources. In response, the United States and El Salvador have signed an agreement that prohibits these archeological goods from crossing American borders. Signed at State Department headquarters on March 8, the memorandum of understanding would prevent certain categories of prehispanic materials from entering the United States without an export permit issued by El Salvador.

The first - ever cultural property agreement of its kind between the United States and another country, the memorandum is response to a request from El Salvador for help in stopping the pillage of its cultural heritage. Prehispanic civilizations existed in El Salvador from about 1700 B.C. to 1550 A.D. Agreements such as this one are an outcome of UNESCO's 1983 Convention on Cultural Property Implementation Act, enacted to stop the kind of looting

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that is being seen in places like El Salvador. Both the United States and El Salvador are parties to the U.S. 1970 UNESCO Convention, an international framework of cooperation among countries to reduce the illicit movement of cultural property across international borders.

There are 81 signatories to the convention, any of which may submit to the United States a request seeking the protection of import controls. Requests are submitted to the U.S. Information Agency, which determines whether import restrictions are appropriate.

Signing the memorandum of understanding on behalf of the U.S. government was Penn Kemble, deputy director of the USIA, and Alexander F. Watson, assistant secretary of state for Inter-American affairs. Her Excellency Ana Cristina Sol, the ambassador of El Salvador, signed on behalf of her country.

The U.S. Customs Service has published a list of archeological materials restricted from import in the Federal Register (as "Prehispanic Artifacts From El Salvador," 60 Fed. Reg. 13352 [1995]) (to be codified as 19 CFR Part 12). A Canadian request for a bilateral agreement seeking U.S. protection of that country's resources is pending.

### **Petroglyph Looters Sentenced**

On March 13, three Arizona residents who illegally removed and sold petroglyphs from a national forest were sentenced in the U.S. District Court for the district of Arizona. The three earlier had pled guilty to violating the Archaeological Resources Protection Act (RPA; 16 U.S.C. 470ee).

In January 1994 Adam Bruce sold four petroglyphs from Kaibab National Forest to federal undercover agents. During conversations with the agents, Bruce admitted that he knew his actions were illegal. He also implicated his father, John Bruce, as the "mastermind" of their "business", which, in addition to the looting of archeological goods, also included natural resources violations on Forest Service lands, such as elk poaching and removing moss rock.

In February 1994, the younger Bruce removed five more petroglyphs from kaibab with a backhoe provided by Becky Whitted. Whitted helped load the petroglyphs and transport them to Phoenix where, together with the elder Bruce, they sold them to undercover agents for \$1,500.

The court sentenced Adam Bruce to seven months in prison and 36 months supervised release. John Bruce was given 36 months probation and Becky Whitted received 24 months probation. The three were also ordered to pay over \$7,600 in restitution to the national forest. In addition, three pickup trucks used to commit the violations were forfeited to the United States.

Law enforcement personnel from the Forest Service, Bureau of Land Management, and Arizona Game and Fish Department cooperatively investigated the case. Paul Charlton, assistant U.S. Attorney for the district of Arizona, served as the lead prosecutor.

### **Little Big Horn Looter Sentenced, Another Arrested**

Richard Maniscalco, who earlier this year pled guilty in federal court to ARPA and Native American Graves Protection and Repatriation Act violations stemming from thefts from the park, has been sentenced in federal magistrate's court in Alexandria, Virginia. He faces a \$500 fine and a year's probation on the charge of selling artifacts, and a \$1,500 fine and a year's probation on the charge of trafficking in Native American remains.

As a condition of his probation, Maniscalco must also reimburse the U.S. probation office for the expenses of administering his case (about \$2,100) and pay the Park Service \$1,500 for repatriating the remains to the Cheyenne nation.

Meanwhile, in a related case, Charles Snyder of Bowie, Maryland, has been indicted on three counts of attempting to sell artifacts taken from the battlefield and possession of stolen government property. Snyder purchased about 50 artifacts from Maniscalco that originated from the park, including a cavalry button and several fired bullets and casings. Both of the arrests stem from a BLM sting operation that snared George Scot—a former seasonal ranger (two seasons) at Little Bighorn and a local school teacher—who had taken many of the artifacts and sold them to Maniscalco. Although BLM investigators made the initial case, Maniscalco and Snyder were tracked down and arrested by NPS special agents.

### **Couple Admits Digging Civil War Site**

On March 17, a Banco, Virginia, husband-wife team of looters was convicted of removing artifacts from the C&O National Historical Park in Maryland. Brian R. Bader, 37, and Christine A. Bader, 42 pled guilty before U.S. Magistrate Donald Beachley of one count each of violating ARPA. The Baders were sentenced on the same date.

In accordance with the provisions of a plea agreement, the Baders were fined \$200 and placed on unsupervised probation. They were also ordered to pay \$1,400 restitution to the National Park Service. The metal detectors and artifacts found in their possession were forfeited to the United States.

The Baders were discovered in November 1993 by ranger Michael Sabatini. In their possession were two metal detectors, two shovels, and numerous minnie balls, canister balls, and buttons. Investigators later found more than 24 newly dug holes in former Union Army fortifications located on park property.

### **Navy Presents Policy on Submerged Aircraft**

Throughout its 200-year history, the U.S. Navy has inspired countless books and films. But the ocean bottom tells the story of the service with an authority all its own. The wrecks beneath the world's oceans document the evolution of Navy seapower from wooden coastal raiders to the nuclear-fueled sub. During recent ceremonies honoring

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those who have acted to protect this heritage, the Naval Historical Center's William Dudley took the opportunity to formally present Navy policy on submerged historic ships and aircraft.

There are 15 federal laws and regulations pertaining to U.S. Navy wrecks. Based on the property clause of the U.S. Constitution, international maritime law, and the Law of the Sea Convention, the Navy retains custody of its wrecks regardless of how old they are or where they lie. Only by congressional action can they be declared abandoned.

The Naval Historical Center is taking an increasingly active role in providing federal oversight to protect U.S. Navy wrecks and, along with state historic preservation officers, is encouraging legitimate archeological investigations of ship and aircraft resting underwater. Like other federal agencies, the Navy is bound by the National Historic Preservation Act to protect its historic properties. Even miscellaneous debris scattered across the ocean floor constitutes an archeological site. The Navy's involvement is being funded by the Department of Defense Legacy Program.

Managing these submerged resources involves more than basic preservation. Some wrecks contain war graves, some hold undetonated explosives, and others went down with sensitive weapons systems.

Though they are harder to get to than sites on land, submerged wrecks are a strong attraction for the treasure hunter, which is why laws were passed to protect them. Looters have been successfully prosecuted in court cases such as *Hatteras Inc. v. the USS Hatteras* (1984) and *U.S. v. Richard Steinmetz* (1992).

Under certain conditions, recreational diving is permitted. But, given the hazardous cargo some vessels contain, divers are urged to approach them with caution. Diving at sites in sanctuaries managed by the National Park Service or National Oceanic and Atmospheric Administration requires an agency permit.

Anyone who discovers a Navy wreck is encouraged to notify the Naval Historical Center. Looting should be reported to the Coast Guard, the local state historic preservation officer, or the state underwater archeologist. Recovery of historic ship or aircraft wrecks is considered only for educational or scientific reasons.

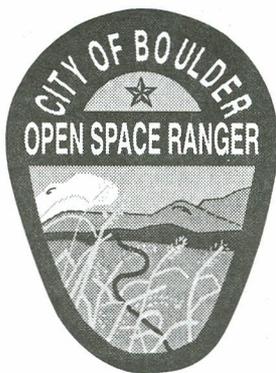
Under specific conditions, the Navy will consider allowing the recovery and loan of historic aircraft. Museums or other organizations that wish to recover such aircraft for display, educational purposes, or archeological investigation should contact the Naval Historical Center. For more information, contact the Naval Historical Center, Office of the Senior Historian, Washington Navy Yard, 901 M St., SE, Washington, DC 20374-5060, (202) 433-7229/7230, fax (202) 433-3593.

### Man Charged With Looting 5,000 Year Old Site

In a remote part of the desert, on BLM land near Winnemucca, Nevada, lay an archeological site that is about 5,000 years old. Buried in what is thought to be a dry lake bed were two young Native Americans in woven baskets, a variety of artifacts described by archeologists as "invaluable," and hints at a Native societal hierarchy previously unknown.

Unfortunately, the discovery was not the result of a professional excavation. Instead, it arose out of a search by law enforcement officials at a residence in Oregon. After a three-month investigation into the clandestine excavation of the previously undiscovered site, authorities arrested Jack Lee Harrelson, 54, of Grants Pass, Oregon.

The search warrant was served by the Nevada BLM, the special investigations unit of the Oregon State Police Fish and Wildlife Division, and the Bureau of Indian Affairs under the direction of the Josephine County district attorney's office. Harrelson had the prehistoric burial baskets on display in his home, as well as other funerary objects. The remains of the two children were placed in plastic garbage bags and buried in a garden.



## PATCHES



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Harrelson was charged under Oregon state law with two counts of abusing a corpse, one count of aggravated theft, two counts of tampering with evidence, and two counts relating to the unlawful possession of gambling devices.

Investigators believe the Nevada site was being visited and robbed of artifacts over a period of three years. Archeologists estimate that it is among the region's five most important sites. The damage caused is incalculable. BLM and Forest Service archeologists are assisting in the recovery of artifacts and human remains at Harrelson's residence. Materials seized so far are figured to be worth more than \$300,000.

### SITEWATCH HOTLINE

#### Reporting Vandals and Looters

Alabama (205)242-3184  
Alaska (800)478-2724  
Arizona (800)VANDALS  
Colorado (303)236-9568  
Connecticut (203)240-3232, (203)566-3333 (after hours),  
(203)566-2304 (normal hours),  
Delaware (302)739-3200  
Hawaii (808)587-0047, (808)587-0066, (808)587-0394,  
(808)587-0404  
Illinois (217)785-5207  
Indiana (317)232-1631  
Kansas (316)672-5911  
Maine (207)289-4902, (207)289-2132  
Michigan (800)292-7800 (in state), (517)373-1270  
Minnesota (800)766-6000 (in state), (800)296-6157 (out  
of state)  
Missouri (314)634-2436  
Montana (800)847-6668 (in state)  
Nevada (800)922-3030 (in state)  
New Jersey (609)292-3541, (609)292-2733  
New Mexico (800)NEIGHBOR  
New York (518)474-0479  
North Carolina (919)733-7862  
North Dakota (701)224-4887  
Pennsylvania (717)787-4363  
Rhode Island (401)277-2678  
South Carolina (803)734-3881, (803)734-0159  
Tennessee (615)742-6716, (615)742-6658  
Texas (800)792-4263  
Utah (801)533-5755  
Vermont (802)828-3226  
Washington (206)753-2508  
West Virginia (304)348-2200  
Wisconsin (608)262-6503, (608)264-6500  
Bureau of Land Management (800)333-SAVE (Oregon  
and Washington) (800)722-3998  
National Park Service (800)2-ARPA-86, (800)478-2724



## PAST PRESIDENTS OF THE PARK LAW ENFORCEMENT ASSOCIATION

### 1984 - 1986

Jerry Wimpee  
Superintendent  
Dallas Park Police  
Dallas, TX

### 1988 - 1989

Col. Leland Curtright  
Chief Ranger  
Missouri State Parks  
Jefferson City, MO

### 1990 - 1991

Art Gill  
Supervisor of Rangers  
Lake County Forest Preserve District  
Libertyville, IL

### 1992 - 1993

Ralph Hays  
Chief Ranger  
Johnson County Park and Recreation  
Shawnee, KS

### 1994 - 1995

Col. Richard Greer  
Chief Ranger  
Hamilton County Park District  
Cincinnati, OH

### 1996 -

Tim Curtin  
Chief of Police  
DuPage County Forest Preserve District  
Glen Ellyn, IL

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## GUEST PROTECTION

Self-Assessment and New Technology  
Help Hotels Keep Intruders Out

by David Goldman

When guests visit the pool at a hotel or resort, they're typically looking to catch some rays, cool off in the water and keep the kids safely occupied.

But all too often, the pool attracts unauthorized visitors. At best, these may be area residents who slip onto the property simply to use the pool. At worst, they may be predatory criminals who see the carefree atmosphere at the pool as an open invitation to commit larceny or more serious crimes.

Such incidents can be more than just a public relations headache. In today's highly litigious environment, they can become a liability disaster. If a victim can show that a crime took place because of negligence on the part of facility management, then management could be looking at a very costly judgment.

Why is it vital that non-guests (even those with no criminal intent) be kept out of the pool area? What role does good design play in safeguarding the pool? How can a comprehensive report outlining the property's risks help reduce liability - and under what circumstances might such a report come back to haunt facility owners?

### 'REASONABLE AND ADEQUATE'

"The hotel has an obligation to provide a reasonable and adequate level of security, not only in the hotel but also at pool-side," said Gerald O'Rourke, CPP (Certified Protection Professional) and president of Strategic Controls Inc., New York City.

"Nobody can guarantee your safety," he said. "The police department can't. The U.S. Secret Service cannot guarantee the safety of the President. But as a hospitality invitee, you must be provided reasonable and adequate security."

O'Rourke, whose clients have included the Sheraton hotel chain, said, "There has been a tremendous proliferation of security negligence lawsuits in the last 10 to 15 years."

As an example of how some hotels take poolside safety for granted, O'Rourke recalled speaking at a security conference in a large Palm Springs, Calif., hotel where the central courtyard and its two pools were too accessible.

"There was no question that half the people in the pool were not guests at the hotel," he recalled. "They were prominent-looking people from the area, driving up in Mercedes-Benzes and using the pool facilities.

"They were doing two things: They were crowding the pool and making it less desirable for the guests," he said. "And the hotel was putting itself at risk for these people who were not hotel guests."

The biggest problem hotels have in the pool area "is access control," O'Rourke said. He added that in the event of a serious incident, the Palm Springs hotel in question "would never be able to defend itself. Twenty years ago, there was no hotel in the United States that could say it had an adequate key control program."

The use and reuse of keys meant that guests or non-guests could easily pocket a key, have it copied and return later.

Key control took a giant leap forward with the advent of computerized card key systems like Safe Lock and Equal. Some hotels have their key system set-up so that one room key is needed to access the pool, call the elevator or visit restricted VIP areas.

At the Sheraton Manhattan, room keys do not provide access to the pool, but they do serve to identify guests.

"There is one check-in point that everybody has to pass," said George Raymond, health club director for the Sheraton. A receptionist asks for the guest's room keys. "When the receptionist writes down their room numbers on the sign-in sheet, we check their room numbers."

The security problems associated with pools "are highly dependent upon the way the property is configured," said Robert Shellow, Ph.D. and president of IMAR Corp., Bethesda, Md., a security consultant for hotels and resorts.

A hotel where the pool borders a public beach or sits directly beside a street poses far different protection challenges than an urban property where the pool is fully enveloped by the facility.

The Sheraton Manhattan also has the security advantage of being located on the fifth floor. The pool area is enclosed by large windows and "the only way someone could gain access to the pool is to come up to the fifth floor and come in through that one entrance," Raymond said. "The location of the pool helps us tremendously."

Not all criminals sneak onto the property; sometimes, they're invited. "Young people go out and make friends very quickly, and they bring back people they don't know to use the facilities of the hotel," Shellow said. "In a resort community, they can go hotel pool-hopping. This can pose a problem, because people of unknown character can be brought in where they can case the property."

Sometimes non-guests try to use the Sheraton Manhattan pool, so the managers instituted a "fairly steep fee of \$25 for the day," Raymond said, "So that discourages a lot of people."

Limiting pool users to a known population helps insure guest safety.

"We also have a security camera where you check in," Raymond said. "The lifeguard has a camera where he can see the two locker rooms so he can see people coming into the pool area and walking to the locker rooms."

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"Let's say someone is buzzed in and someone else doesn't check in but tries to follow them in, the guard can immediately call security or take steps himself," he added.

Vigilant poolside supervision can help deter crime by outsiders and by other guests at the hotel, but Shellow cautioned against making this one more part of the lifeguard's job description.

"Don't try to double up on responsibilities," he said. "Very often a hotel might try to save money by having a lifeguard/security guard. That is penny-wise and pound-foolish.

Shellow compared this to a crime that occurred while an office building's security guard was absent from his post, dutifully fulfilling another of his job assignments -cleaning the elevator.

### A GOOD WORD

"It doesn't take long for a bad reputation to get out," warned Kenneth T. Carlisle, CPP and principal consultant, The Carlisle Group, San Francisco. "If there is a single event of great magnitude, then the reputation of the facility is really damaged, and there's a corresponding effect on profitability.

"People are on vacation, or they're traveling and in a hurry," he said. "They don't want their hotel giving them another job to do. They want a feeling of peace of mind and security.

"If you've let yourself get into the position where every other day you've got a police report and people are being harmed," Carlisle said, "you're in really big trouble."

"The single best thing they can do is access control: The pool is arranged so that only those people who have a reason to be there can have access," he said.

"We don't present access control as a matter of crime; we present it as a matter of exclusivity: 'You as the patron are very important to us, and you have exclusive access to our pool,'" Carlisle added.

At the Four Seasons Hotel in Beverly Hills, Calif., "When somebody arrives at the swimming pool," said Gerrie Pitt, the hotel's director of public relations, "you have to go through the reception desk where you sign in and then you take the towels and you have to give your room number at that time.

"If somebody wasn't able to give a room number, then it would be explained that the pool is for the exclusive use of hotel guests," Pitt said. "They wouldn't be offered any service, so they wouldn't be able to sit down or take a sun bed, so there would be no point in hanging around."

"Foremost, the place has to appear welcoming and safe," Carlisle said. "That is usually accomplished with openness - a wide vista of visibility and with lighting. Poolside restrooms and changing rooms must be arranged in such a way that persons cannot easily be taken there and assaulted.

"We have a lock system where the lifeguard needs

to buzz you into the dressing room," the Sheraton's Raymond said. "You can't just push your way in, you need to check in to gain access."

Regarding pool fencing, Carlisle noted that although lower fences may satisfy pool safety regulations, "If you're going to do a fence, from the security point of view, it should be 6 feet tall. That's the rule of thumb."

The Four Season's pool is located on the rooftop of a secondary building attached to the main hotel. "We have flagging stones all the way around the pool area and it's completely surrounded on all sides by landscaping so there's no suggestion of falling over the edge," Pitt said. "The whole pool terrace also houses our outdoor gym area. We have a tented exercise area by the pool."

By creating an open and yet secluded space, the Four Seasons provides both an aura of security and actual safety measures for the protection of guests.

Tom Griffiths, Ed.D., is director of aquatics and safety officer for intercollegiate athletics at Penn State, University Park, Pa. "I'm very much impressed with the variety of approaches that hotels, motels and resorts have when it comes to poolside safety and security.

"I've noticed some hotels whose main objective is to have an employee watch the pool surroundings, so there's always a set of eyeballs on the pool," he said. "Notice I didn't say 'lifeguard.' I've been in some very nice hotels with nice swimming pools where absolutely no one was there and no one cared about the pool.

"I've been to other hotels with the same 'no lifeguard on duty' sign, but there's always an employee at poolside," Griffiths said. "Hotels don't have many problems when there's always a set of eyeballs watching the water."

"We have full-time staff on duty during all opening hours," Pitt said. "Now, there's nobody positioned in a separate lifeguard uniform, but all the staff are trained."

"The key is to realize that most people have never been there before," he said. To orient guests, Griffiths suggested having an employee acting as a greeter and offering towels, pointing out the shallow and deep ends and stating pool rules.

"Many in the hospitality industry will run the pool like a fitness center or another amenity, with no specialized training," he said. "It's amazing how much more safety-conscious people become when they learn about specific swimming pool management and risk management techniques."

One such technique is simple and self-explanatory: Keep the equipment room and all pool chemicals locked away from the guests.

Although Griffiths does consulting work, he said, "Going to a consultant is not as meaningful as learning how to become a pool expert yourself. Many people shy away from the aquatic arena because they've never dealt with it before. If hotels would send one of their employees each

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year to a Certified Pool Operator course or an Aquatic Facility Operator course, I'd bet 90 percent of their security problems would cease to exist."

"In hotels and motels, the pool takes a second seat," said Michael Fijas, field representative for Coulter Consulting Group Inc., Delaware, Ohio, which performs risk reduction services for hotels. Fijas, whose area of expertise is aquatic safety, consults at waterparks.

"As far as preventing risks," Fijas said, "hotels and resorts are going to have to get more serious about how they train lifeguards and what they expect from them. The lifeguard is often asked to do pool maintenance, pick up towels and serve drinks.

"If you expect them to be fresh and observant, you want to make sure they're not working 12 hours a day and that there's someone there to give them a break when they need one," he said.

Fijas offered several ways to make the poolside safer: Any nearby electrical outlets should be protected with a ground fault interrupter; the deck and pool stairs should be coated with a nonskid covering; pool depths should be clearly marked; and poolside signage should direct guests in case of emergency.

This signage should also note the location of the poolside emergency phone, which should ring (without dialing) directly to the front desk when picked up.

### YOUR SECURITY PLAN

One way that hospitality properties safeguard against losing a negligence lawsuit is by having a security plan in place before serious crime occurs.

A property's security file might include the results of a security audit, information on how those recommendations are being implemented and records of standard maintenance and security procedures.

Records are key, said Philip Schiedermayer, CPP and principal consultant, Profitect Inc., Concord, Calif. "Whenever maintenance is done, it should be recorded as having been done and done properly."

"Properties need to get a fresh look; to have a practiced eye look over the property," Shellow said on the value of bringing in an outside expert. "If you look at your own operation, you immediately begin discounting what you see: You think about all the years when nothing has happened. You don't see where the vulnerabilities are."

It is possible to obtain a security audit free of charge from the police department in some cities. Also, security equipment manufacturers' representatives often offer a free audit as part of their services.

Shellow noted, however, that the latter audits may be biased from the outset, since representatives may only recommend those products they are selling.

"It's best to get somebody who knows security and is not selling a system," Shellow said, "somebody who does not have a vested interest in finding problems. Having an

independent evaluation of the property is a good first step.

"But there are problems with this," Shellow added. "Once you accept their report in writing, the clock begins to tick. Nobody expects management to act immediately, but they should move in that direction.

"If something happens while that is going on, they are in a fairly good defensive position for litigation," he said. "If, on the other hand, they do nothing while the clock ticks on, and a year later they've still done absolutely nothing and something does happen, then the question is negligence." The record must contain more than just good intentions. "Once you put in the file what you intend to do, do it," Schiedermayer said. "It's better to have nothing than to have a plaintiff's attorney show that although you say you change the light bulbs as soon as they go out, your record shows it was nine days before you changed the light bulb. That's the kind of thing you have to anticipate."

Most recommendations made by consultants are cost-effective, O'Rourke said, noting that professionals generally consider pragmatic and budgetary constraints when making their suggestions.

"If you implement most of the things they say and you get sued, you've got a defense," he said.

O'Rourke said members of the Bethesda, Md. - based International Association of Professional Security Consultants (IAPSC) are independent consultants who are not allied with any equipment manufacturer.

To request information on consultants, including their individual areas of expertise, call the IAPSC at (301) 656-2880.

In today's crime-ridden society, guests are more likely to see security measures as reassuring than as a bother.

"My experience has been that people are not burdened or resentful" of such minor inconveniences as poolside access control, Shellow said. "Ten or 15 years ago, you couldn't talk like this to property owners because they thought you would frighten the customers away. Now security is perpetually a problem, and they want to be ahead of the curve."

O'Rourke offered this final advice: "I tell my clients to sue themselves before others do. Do a hypothetical; it's a great way to do your own self-evaluation. Are you vulnerable? If you are, you'd better get out there and find somebody who can come in and tell you how to provide reasonable, adequate security - and that's all you have to provide."

As the Sheraton's Raymond said, "The primary focus is our guests. We've got to make sure that we look out for the safety and security of our guests.

Reprinted from *Aquatics International*. Sept./Oct. 1995.

**Item #1 Embroidered  
Sweatshirts**



Heavyweight 9oz Sweatshirt available  
in forest green, red, navy, and black  
s-xl \$ 18.95  
size 2xl \$ 20.95

**Item #2 Embroidered  
Golf Hats**



Available in white or black,  
One size fits all  
\$ 9.95

**Item #3 Embroidered  
Golf Shirts**



Hanes 100% Cotton Pique Knit,  
Available in white, red, ash, black,  
navy and forest green  
s-xl \$ 22.95  
2xl \$ 24.95

**Item #4 Embroidered  
Golf Shirts**



Outer Banks 100% cotton pique knit  
w/contrast collar Colors: red body  
w/navy collar & forest placket, jade body  
w/ royal collar & concord placket,  
wine body w/navy collar & forest placket,  
concord body w/ navy collar & jade  
placket  
s-xl \$ 24.95  
2xl \$ 26.95

**Item #5 Silk Screened  
T-Shirts**

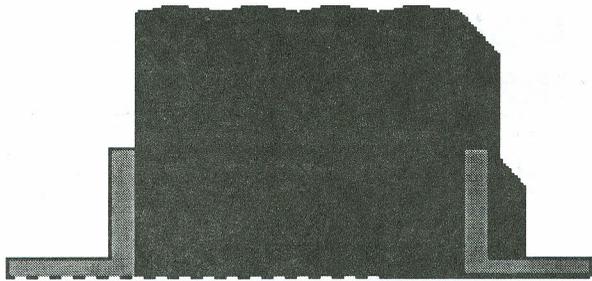


100% Cotton, available in white  
and black  
s-xl \$ 10.95  
2xl \$ 12.95  
3xl \$ 12.95

**Item #6 Embroidered  
Cotton Poplin  
Jacket**



Color: forest green w/ tan lining  
s-xl \$ 55.95  
2xl \$ 57.95  
3xl \$ 59.95



## BOOK REVIEW

by Hans L. Erdman, Lead Park Ranger,  
Anoka Co. Parks Dept. Andover, MN

### COLD TRACKS

by Lee Wallingford

(c) 1993, 252 pages-paperback,  
Worldwide Library Walker Publishers, Inc.  
New York, NY

What Nevada Barr has done for National Park Rangers and Ken Goddard has done for the U.S. Fish and Wildlife Service, Lee Wallingford has accomplished U.S. Forest Service's law enforcement officers. One of the smallest resource protection forces in the country, with some of the largest turf to protect, Forest Service special agents and law enforcement officers (LEOs) are often unknown even in the community they serve. Wallingford's books open the door a crack, so that the public can get a taste of another side of conservation law enforcement.

Cold Tracks is Lee Wallingford's first book is what promises to be a series of "Ginny Trask and Frank Carver Mysteries." Trask is a dispatcher in the Oregon's fictional Neskane National Forest, and Carver is a former Seattle narcotics cop turned USFS special agent...a senior LEO. When he "semi-retires" to the Forest Service job, he figures that it will be a cake walk compared to his old job, until murders start occurring in his new jurisdiction. Because Ginny Trask find the first body, and also knows the area well, Carver drafts her to help in his investigation. As she shows an aptitude for the work, she starts to look at becoming a full-fledged LEO, but the story ends before she decides to do so. Trask and Carver are well-developed, enjoyable characters. Like Nevada Barr's Park Ranger Anna Pigeon, Trask is a "thirty-something" widow, only she has a nine year old daughter. Carver is a 53 year old divorced cop, and by the end of the book they are falling for each other. The mystery revolves around the dead forest firefighter, commercial tree farming, embezzlement, and rumors of Sasquatch lurking in the forest, for an entertaining and fast-paced ride through the world of crime in the national forest.

There is no information about Wallingford on the cover flap, and a call to the publisher only ended up on somebody's voice mail, so I can't say anything about him. However, his view of the Forest Service seems to be that of an insider, and his grasp of their procedures is good. Worldwide has also published his second book, "Clear Cut Murder," which I will review in the next issue of PLEA Journal. It should be noted that I found both of Lee Wallingford's book in a mystery specialty store, and have not seen them in any retail bookstores. They can, however, be ordered through any reputable bookseller.

# BOOKS

## Request for Titles

Hans Erdman, Park Ranger  
Anoka Co. Park Department of Andover, MN  
116 E. Rose Place  
Little Canada, MN 55117

I plan to write reviews on The Making of a Ranger, by Lamuel (Lon) Garrison, and Fire in Paradise by Micah Morrison, in the near future. If any of the readers know of any other park ranger related books that I could review please sent the title and author's name to me at the address below. I have a fairly good library of books related to Search and Rescue, wildfire control, mountaineering/wilderness skills and conservation law enforcement. (game wardens, etc.) Most of the ranger related books that I have found so far are about the National Park Service. Does anyone know of books by or about state, county, or city park rangers/police? Please let me know about them if you do. Thanks in advance! Hans Erdman.

## CONFERENCE HOSTS NEEDED

The Park Law Enforcement Association is looking for a few good agency's Would your agency like to host a future National Conference of the Park Law Enforcement Association? It takes work, but the benefits of national recognition as a leader in the park law enforcement field are well worth it! Directors love the publicity! For further information contact Col. Richard Greer, President of P.L.E.A. or any of the Directors. Call soon!

## EDUCATIONAL SESSIONS AT N.R.P.A.

The deadline for submission of proposals for educational sessions at the N.R.P.A. National Conference is January. The 1996 Conferewnce will be held in Kansas City in October. P.L.E.A. has had considerable success in getting sessions on the agenda and this is an excellent, highly visible way to showcase park law enforcement before our Directors. For more information and an application contact: Dr. Bruce Wicks, Department of Leisure Studies, 104 Huff Hall, 1206 South Fourth Street, University of Illinois, Champaign, IL, 61820, 217/333-4410

# PARK LAW ENFORCEMENT ASSOCIATION MERCHANDISE ORDER FORM

| ITEM # | DESCRIPTION | QUANTITY | COLOR | SIZE | PRICE EACH | TOTAL |
|--------|-------------|----------|-------|------|------------|-------|
|        |             |          |       |      |            |       |
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|--|--|
| <p><b>RETURN ADDRESS</b></p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>CITY/STATE/ZIP _____</p> <p>PHONE _____</p> | <p>ADD \$1.00 FOR XXL _____</p> <p>ADD \$200 FOR XXXL _____</p> <p>POSTAGE AND HANDLING <u>\$2.50</u></p> <p>GRAND TOTAL _____</p> |
|--|--|



**MAIL TO:**

Stephen Pokrywka  
 Chief Ranger  
 Wyandotte County Parks  
 3488 West Drive  
 Kansas City, KS 66109  
 913/299-0550  
 913/299-9051

**Guarantee:**

If not completely satisfied with your purchase please return within 30 days for a refund or replacement  
 We will accept personal checks, cashier's checks or money orders payable to P.L.E.A.  
 Allow 2-4 weeks for delivery



# NATIONAL RECREATION AND PARK ASSOCIATION

2775 South Quincy Street • Suite 300 • Arlington, Virginia 22206-2204

## MEMBERSHIP APPLICATION

CLP  CLA  CTRS  CTRA   
(Check if Applicable)

CIRCLE ONE (Mr., Mrs., Miss, Ms., Dr., Sen., etc.) \_\_\_\_\_

LAST NAME (If not enough space, spell out above address) \_\_\_\_\_

FIRST NAME AND M.I. \_\_\_\_\_

OCCUPATIONAL TITLE OR POSITION (Abbreviate if necessary) \_\_\_\_\_

EMPLOYER OR ORGANIZATION (Abbreviate if necessary) \_\_\_\_\_

MAILING ADDRESS (Street or post office box) \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP (in the US) \_\_\_\_\_

FOREIGN COUNTRY (Abbreviate if necessary) \_\_\_\_\_

PHONE

(Check One)

Home

Office

AREA CODE

PREFIX

NUMBER

(Check One)

NEW MEMBER

RENEWAL

STATE ASSOCIATION MEMBER

### RATES

Your dues support the many NRPA programs and services that are designed to expand the park, recreation and leisure movement. These include subscriptions to NRPA publications: Parks & Recreation magazine —\$18.00. Therapeutic Recreation Journal \$6.00. Your membership category determines which of these publications you receive.

NOTE: THESE RATES ARE NOT TO BE CONFUSED WITH SUBSCRIPTION RATES.

### FOR NRPA USE ONLY:

KEY NO. \_\_\_\_\_

JOIN \_\_\_\_\_

EXP. \_\_\_\_\_

### ETHNICITY INFORMATION (RESPONSE IS VOLUNTARY)

American Indian  White  Male  
 Asian  Hispanic  Female  
 Black  Other

This information will assist NRPA to develop a profile of our membership.

### Membership Category and Dues

Professional (Based on salary)

#### Annual Salary

| Annual Salary                            | Annual Dues |
|--|-------------|
| <input type="checkbox"/> 0-14,999        | \$ 45.00    |
| <input type="checkbox"/> 15,000 - 19,999 | 65.00       |
| <input type="checkbox"/> 20,000 - 29,999 | 90.00       |
| <input type="checkbox"/> 30,000 - 39,999 | 130.00      |
| <input type="checkbox"/> 40,000 - 49,999 | 160.00      |
| <input type="checkbox"/> 50,000 and over | 215.00      |

- Retired Professional 45.00
- Student (SB is primary affiliation) 30.00
- Associate (Limited to those not employed in field) 50.00
- Citizen Board Member 35.00
- Corporate 240.00
- Nonprofit Association 185.00

If your agency is an agency member of NRPA with a special package, you are eligible for reduced dues

- Professional\* 60.00
- Student\* 25.00

\*The following must be completed to use the reduced dues structure.

Organization Name \_\_\_\_\_

Membership Number \_\_\_\_\_

### Check One Branch or Section of Choice

(One branch or section is included with membership. If you desire affiliation in more than one branch or section, number in order of preference and add \$15 under Optional Fees for each additional branch or section.)

- \_\_\_\_\_ American Park and Recreation Society (APRS)
- \_\_\_\_\_ Armed Forces Recreation Society (AFRS)
- \_\_\_\_\_ Citizen and/or Board Member (CBM)
- \_\_\_\_\_ Commercial Recreation and Tourism Section (CRTS)
- \_\_\_\_\_ Leisure and Aging Section (LAS)
- \_\_\_\_\_ National Aquatic Section (NAS)
- \_\_\_\_\_ National Society for Park Resources (NSPR)
- \_\_\_\_\_ National Therapeutic Recreation Society (NTRS)  
(Therapeutic Recreation Journal included in Professional Membership Services.)
- \_\_\_\_\_ Student Branch (SB)  
(This branch is automatically the primary affiliation of NRPA student members. To be included in any other branch, student must pay for additional branch.)
- \_\_\_\_\_ Society of Park and Recreation Educators (SPRE)
- \_\_\_\_\_ Friend of NRPA

### Optional Fees

Must hold membership to purchase.

- National Job Bulletin (\$35.00) \_\_\_\_\_
- PIN (\$18.00) \_\_\_\_\_
- Recreation . . . Access in the 90's (\$25.00) \_\_\_\_\_
- Journal of Leisure Research
- \$25 — Domestic \_\_\_\_\_
- \$20 — (SPRE Member) \_\_\_\_\_
- \$28 — Foreign \_\_\_\_\_
- Recreation and Parks Law Reporter (\$50.00) \_\_\_\_\_
- Legal Issues in Recreation Administration (\$50.00) \_\_\_\_\_
- Membership Certificate (\$7.50) \_\_\_\_\_
- Professional members only \_\_\_\_\_

Print name as to appear \_\_\_\_\_

- Membership Laminated Walnut Plaque \_\_\_\_\_
- Professional members only (\$37.50) \_\_\_\_\_

Print name as to appear \_\_\_\_\_

- Additional Branches (\$15.00) \_\_\_\_\_

For information on special package, contact Membership Dept. NRPA

- Friends of Parks and Recreation (Annual Fee) 15.00  
(Includes Friends of Parks and Recreation Newsmagazine only)
  - Also available on a subscription basis 15.00
  - Friend/Associate 25.00
  - Friend/Contributor 50.00
  - Friend/Supporting 100.00
  - Friend/Benefactor 250.00
  - Friend/Patron 500.00
  - Friend/Fellow 1,000
- (All friend categories limited to those not employed in the field)

### Send Information On:

- \_\_\_\_\_ NRPA Insurance Programs
- \_\_\_\_\_ NRPA Certification Program
- \_\_\_\_\_ Latest Publication Catalog
- \_\_\_\_\_ State Society Membership
- \_\_\_\_\_ Ethnic Minority Society
- \_\_\_\_\_ European Recreation Society
- \_\_\_\_\_ Park Law Enforcement Association
- \_\_\_\_\_ MLDA Long Distance Service
- \_\_\_\_\_ Alamo Rent a Car Program

### Form of Payment

#### Overseas Postage

If mailing address is outside U.S. ADD \$6 \$ \_\_\_\_\_

Total payment enclosed (Do not send cash) \$ \_\_\_\_\_  
Check # \_\_\_\_\_

Enclosed is my tax deductible contribution of \$ \_\_\_\_\_

Bill to:  Visa  MasterCard

Number \_\_\_\_\_

Expires Mo. \_\_\_\_\_ Year \_\_\_\_\_

TO ACTIVATE MEMBERSHIP BY PHONE WHEN USING VISA OR MASTERCARD  
CALL TOLL FREE 1-800-626-NRPA

Signature \_\_\_\_\_

Date \_\_\_\_\_



# PARK LAW ENFORCEMENT ASSOCIATION



## \* APPLICATION FOR MEMBERSHIP \*

NAME \_\_\_\_\_ INDIVIDUAL \_\_\_\_\_

TITLE \_\_\_\_\_ AGENCY \_\_\_\_\_

AGENCY/FIRM \_\_\_\_\_

ADDRESS (Street/POB) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

WORK PHONE \_\_\_\_\_ NEW MEMBERSHIP \_\_\_\_\_ OR RENEWAL \_\_\_\_\_

### ANNUAL MEMBERSHIP DUES

|                       |                |
|-----------------------|----------------|
| _____ Individual      | \$ 20.00       |
| _____ Agency          | \$ 70.00       |
| _____ State Affiliate | \$150.00 1st Y |
| _____ State Affiliate | \$ 70.00 Rene  |



### CURRENT MEMBERSHIP NUMBER

\_\_\_\_\_

### VISA AND MASTERCARD ACCEPTED

ACCOUNT NUMBER \_\_\_\_\_ VISA \_\_\_\_\_ MC \_\_\_\_\_

EXP. DATE \_\_\_\_\_

ACCOUNT NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_

MAKE CHECKS PAYABLE TO THE NATIONAL RECREATION AND PARK ASSOCIATION (NRPA)

PAT CARTRIGHT  
NATIONAL RECREATION AND PARK ASSOCIATION  
2775 SOUTH QUINCY STREET, Suite 300  
ARLINGTON, VA. 22206-2204  
800/626-6772



NATIONAL RECREATION AND PARK ASSOCIATION

P.L.E.A. IS  
AFFILIATED WITH THE  
NATIONAL RECREATION  
AND PARK ASSOCIATION

### AGENCY MEMBERSHIPS

Recently requests were made of the P.L.E.A. Board of Directors to establish Agency Memberships. The stated reason for this move was to assist agencies in joining officially. Many agencies have little trouble paying for an "agency membership" but balk at paying individual memberships, even though these memberships are in strictly professional organizations. By designing a new membership category many agencies were able to join en mass. Because of the inequities in agency size across the nation, benefits had to be strictly managed in this category. Thus the following benefits are offered to Agency Members: (1) Full membership privileges to the agency as in individual memberships, and (2) Reduced rates for official P.L.E.A. Functions (Conferences, Educational Events, etc., for all agency employees without the need for each employee to join P.L.E.A. individually. Because of the cost of printing and distributing PLEA only one copy of PLEA would be sent to Agency Members. Though the Board of Directors authorized reprinting and distribution by these members. P.L.E.A. membership is decidedly inexpensive when compared to other professional organizations. The Agency Membership allows agencies to financially support P.L.E.A. and receive benefits from that membership.

### INDIVIDUAL MEMBERSHIPS

- (1) One vote per membership on official P.L.E.A. issues.
- (2) Four issues per year of PLEA: Journal of the Park Law Enforcement Association.
- (3) Membership I.D. Card.
- (4) P.L.E.A. Patch.
- (5) P.L.E.A. Window Decal.
- (6) Bi-Annual Park Law Enforcement Agency Directory.
- (7) Reduced Rate for P.L.E.A. Sponsored Conferences and Educational Events.
- (8) Access at a reduced rate (or free as available) of special P.L.E.A. sponsored publications.
- (9) Eligible for election to the Board of Directors and appointment to various committees.

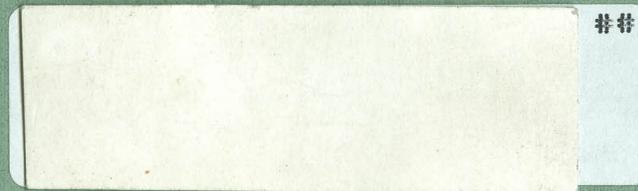
### STATE AFFILIATES

State Affiliates are groups within states which have organized along the guidelines established by the P.L.E.A. Board of Directors. State Affiliate receive one seat on the Board of Directors automatically and take an intimate role in developing the future of P.L.E.A. There is a \$150.00 affiliation fee. If your state is not currently an affiliate contact the President of P.L.E.A. for details on how to start.



PARK LAW ENFORCEMENT ASSOCIATION  
AN AFFILIATE OF THE  
NATIONAL RECREATION AND PARK ASSOCIATION  
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Arlington, Virginia 22206-2204

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