

# The Protection Ranger

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The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police

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*The Protection Ranger is a private in-house organ meant to inform the membership of the US Rangers Lodge of activities that affect them as members. The Protection Ranger is for members only and is our means of communication among our continent-wide membership.*

## President's Message

I just read the morning report about the recent shooting incident at Coronado; I am thankful that the rangers were not injured in the incident. As the busy summer comes into full swing and our staffing levels are at an all time low, we need to be proactive in protecting our coworkers and ourselves when our agency is not providing for our safety.

I am seeing too many Rangers leaving the Service for other branches of Federal service, state and local agencies. I can't blame people leaving for increased pay, higher budgets, and safer working environments; I have spent some time perusing USAJOBS considering the same thing. My decision to continue employment with the NPS is definitely not the path of least resistance, but I feel that

the best victories come from the greatest battles. If so, we are due for quite a celebration someday.

I have been asked and I ask myself, "Why should I stay with the NPS". Quite honestly, I cannot give a definitive answer, but I ask myself the same questions about traffic enforcement sometimes. I spend each day chasing speeders listening to a myriad of excuses, complaints, and ultimately not changing the fact that this person will probably continue to disregard traffic regulations. Why would I endure an immediately unrewarding and unpleasant activity? The reason... I know that every 10 tickets have possibly stopped an accident from occurring, every 50 tickets might have stopped a serious injury or fatality. On the Blue Ridge Parkway, we have implemented problem-solving practices in traffic enforcement utilizing focused patrols, checkpoints, and a newly developed traffic interdiction team. During the last 3 years, we have been able to stop the accident rate increase and actually reduce accidents across the entire park. Any one of us could have never accomplished this level of success on our own, but as a team, we have generated tangible achievements that have surprised us, gained support from our HQ staff, and educated the public and surrounding communities through the resulting media interest.

I know as an individual, my contributions can provide some level of change, but with a group of similarly minded and motivated individuals, our efforts combined can effect far-reaching changes. We have the potential for a great law enforcement program; we need to stop waiting for someone else to make reforms happen. We are not going to find a savior at WASO or in the regional offices willing to spearhead the necessary effort. Each of us, as individuals, have to

## FOP Legal Insurance

With so many new members in the Lodge we feel it's time to remind all that you really should have legal defense insurance. The FOP has a good plan that was designed by the staff at the Grand Lodge. It pays legal fees for administrative, civil and criminal actions against you. We also feel that the Lodge has plugged the weakest point in the Program too. You see, your policy only kicks in when you have had an action taken against you by management or have been charged with something. As we all know, rangers often need legal advice immediately after an incident occurs. If a Lodge member feels he/she has exposure to an adverse action, call the Lodge at 800 407 8295 and we will arrange a free consultation for you with a lawyer from the law firm Passman & Kaplan. The Lodge has employed this firm for years and has been very satisfied with their knowledge, zeal and cost effectiveness.

The FOP Legal Defense Plan is underwritten by Hylant Maclean of Toledo, OH who may be contacted at 800 341 6038. Ask for a brochure to compare prices and coverage with other plans.

Whichever plan you buy, we strongly urge you to have legal defense insurance.

stay focused on making the small changes within our reach and capabilities at our level. Our efforts combined across the agency can create a wave of change in

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attitudes and philosophies that will ultimately improve the way we do business.

Greg Johnston, President

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## Executive Director's Column

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### *"At War with its employees"*

The Department of Interior is behaving like it's at war with its park rangers. The issue: 6[c] retirement. One example: a Lodge Brother met the ORIGINAL deadline of September 30, 1989, for appeal for past 6[c] credit and heard nothing from DOI for fourteen[14!] years. His career was in limbo during this decade and one half and he had to operate on the premise that the department would work in good faith and do the right thing by him. It turns out that one year ago he found out that ALL of his commissioned ranger work was denied by FLERT of Interior. Here's a ranger who has engaged in lengthy investigations at a regional level as well as at a park level, and now has been given the back of Interior's hand.

Second example: A Lodge Sister was appealing for a few years of back 6[c] credit and FLERT "opened" her file and ruled negatively on time she had already been given credit for. That's right: FLERT had the gall to rule on something that was not even at issue.

Third example: A park ranger had his whole career 6[c] denied even though he is working with several rangers in the same park at the same job who are 6[c] covered and his Position Description clearly says that his is a covered position.

Our members are appealing and the Lodge is helping as best we can. We are networking and giving some lawyer time to our members but it is but a drop in the bucket compared to the expenses they are incurring. We wish we could do more. The overriding question is this: Why is Interior hostile to the idea that commissioned rangers are deserving of 6[c]? We have 6[c] coverage written into our PDs and it's

obvious that we do qualifying work. Is Interior bent on driving out its best officers? If that's the case, it's working: In just the past couple of weeks one of our original members has left law enforcement for interpretation to protect her recently achieved 20 years of 6[c]. Just this week, the Lodge learned that yet another member is leaving the NPS for another LE agency, this time the Veterans Health Administration. FLET reports that now at least 220 fully trained and mid-career rangers have left the NPS for other federal agencies. WASO seems supportive of our staying in the 6[c] retirement system; I believe them when they say this. Elements at Interior however, are against rangers receiving the retirement benefits they so richly deserve. Also, Interior, to the best of my knowledge, has not endorsed the legislation to legally "lock in" our retirement. Park Rangers remain the only federal law enforcement unit that is 6[c] covered but does not have that coverage protected by law.

Gale Norton: You have people in your entourage that are subverting the Park Service's ability to deliver on its mission. It is time for you to declare that NPS commissioned rangers must be in the 6[c] system and that you endorse the bill before Congress to write this into law. And, you need to dissolve FLERT and make the blanket decision to grant all past appeals for 6[c] credit.

The National FOP is behind us and it is a comfort to have 321,000 fellow officers standing with us. The situation can be quickly remedied by one person: the Secretary of Interior and now's the time for Ms. Norton to act.  
Randall Kendrick

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## Book Review

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### PARK RANGER

by Nancy Eileen Muleady-Mecham  
published by VTP, Flagstaff, AZ

We don't get to do many book reviews in the Protection Ranger, but "Park Ranger" by Sister Muleady-Mecham is as much a treat to review as it was to read.

The author, who is a skilled paramedic and nurse, as well as a skilled firefighter, writes in an accessible but sophisticated style which makes reading a pleasure. She recounts many of the more interesting, and dangerous, incidents she has handled in her career in such parks as Sequoia/Kings, Death Valley and the Grand Canyon. The emphasis of these takes is one saving lives and working together with other rangers and cooperating agencies. Although you can tell there's plenty of bragging opportunities, she modestly passes them by.

As you might guess, there are many Lodge members involved in the rescues and LE incidents and it is fun to read about FOP members going about their business. The first member, Ranger George [Nancy uses first names only throughout] is none other than Lodge co-founder and two-time Lodge President George Durkee and his wife Paige. This incident took Place in the high Sierra near George's backcountry cabin.

There's a part of the book I would like to quote to you: *"One of the best things about being a Protection Ranger is the job variety. Most National Park areas are remote and short staffed. As a result, a fully functional Protection Ranger is responsible for just about any emergency that may occur. We are Federal Law Enforcement Officers. We have the training and authority to enforce laws and make arrests as well as serve warrants. Law enforcement incidents can range from minor [shop lifting] to severe including driving under the influence and murder. Visitors to many national parks are surprised to see a handful of the familiar rangers wearing body armor and carrying guns, but rangers are the only police for miles."*

*For that same reason, Protection Rangers are the structural Fire Department. We receive training and continuing education. Should a fire occur, we pull off our green and gray uniforms, lock up our pistols, and don firefighter pants, boots and jackets."*

PARK RANGER is available online at Barnes & Noble.



This, and what follows, pretty well sums up the multi-faceted work rangers are charged with doing in many parks. As we know, it's demanding, dangerous, and the add-ons to our LE work are not compensated. Still, rangers always answer the alarm bell and will continue to do so.

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*Almost two years ago our Ranger FOP Lodge called for Director Mainella or Secretary Norton to fire Donald Murphy for firing Chief Chambers AND not serving the commissioned ranger well in our hours of strife and need. Post 9/11, Mr. Murphy did little or nothing to augment the numbers and beef up the training and equipment of park rangers. He had his chance and he flunked and we wanted him out. Now, according to this article, he's been fired the NPS way: he still gets paid but he's moved out of the way. This is OK by us. - Randall Kendrick*

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## A Decent Interval

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### Shake-up at the National Park Service (Excerpts) By Steve Eldridge

*Special to The Examiner/June 20, 2005*

A significant reorganization is being made in the management of the National Park Service and promises to result in a change in who oversees most key day-to-day functions of the U.S. Park Police. The Washington Examiner has obtained a copy of a letter sent by Interior Deputy Secretary Lynn Scarlett to Congressman Norman Dicks, the ranking minority member on the subcommittee that oversees appropriations for the Department of the Interior and other agencies. That letter lays out a proposal to divide oversight of several functions within the National Park Service.

In the letter, Scarlett refers to creating efficiencies through consolidation and improving communications between NPS headquarters and field units. The plan puts a great deal of power into the hands of Stephen P. Martin, the deputy director who was brought in to replace A. Durand "Randy" Jones just four months ago. Martin, a career Park Service manager, came from Denver, where Interior Secretary Gale Norton served as attorney general before moving to Washington to

take the Cabinet position. "The co-sharing of operations ... just hasn't worked well," he said. The changes, he added, "have absolutely nothing to do with the Chambers case," referring to the firing of former Parks Police Chief Teresa Chambers.

### Murphy's complaint

It was Deputy Director of External Affairs Donald Murphy, a political appointee whose responsibilities would be mostly assumed by Martin, who first filed the complaint against Chambers that led to her firing. Martin's title would be changed from deputy director, Internal Affairs, to deputy director, Operations. Under the new organizational chart Martin assumes oversight of the regional NPS directors; Park Planning, Facilities and Land; Visitor and Resource Protection; Natural Resources; Human Capital; and the United States Park Police. These divisions oversee more than 90 percent of the agency staff and include, according to the Park Service's Barna, all the revenue streams the service generates. That would appear to leave very little oversight for Murphy, whose title would change to deputy director of Support Services.

"Don Murphy used to describe himself as 'the Chief Operations Officer for the Park Service' but now he is reduced to making sure that birds don't fly into the windows at headquarters," said Public Employees for Environmental Responsibility Executive Director Jeff Ruch, whose organization's mission is "Protecting Employees who Protect our Environment." PEER is also spearheading the legal challenge to restore Teresa Chambers to her post as chief of the Park Police.

Ruch may be referring to a May 2004 University of California-San Diego alumni magazine article where Murphy is described as "bureaucrat who manages 23,000 federal employees and a \$2.4 billion-a-year budget." The article continues by saying, "While [NPS Director Fran] Mainella makes the key policy decisions, Murphy is charged with carrying them out as the 87-year-old agency's top day-in-and-day-out administrator." In her letter to Rep. Dicks, Scarlett states that "we seek to improve efficiency by balancing responsibilities among top managers and consolidating

similar functions under common leadership." However, the vast majority of responsibility for many of the Park Service's key divisions is now under the control of one individual.

### 'Demotion is no surprise'

The proposed realignment within the National Park Service will leave Murphy with very little oversight responsibility, including that for the U.S. Park Police. "Chief Chambers' case is just one of a series of matters that Murphy mishandled, so this functional demotion is no surprise," Ruch said. Chambers is still waiting for a final decision from the MSPB, which is a federal civil service court. She was fired on July 9 of last year following more than seven months of administrative leave. Two of the six administrative charges against Chambers have been thrown out and her attorneys continue to challenge the others on legal and First Amendment grounds.

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## Coronado Still Dangerous For Rangers

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*From the NPS Morning Report...*

On the afternoon of June 21st, rangers attempted to stop a suspicious vehicle occupied by two men on the main park road near East Forest Lane.

The vehicle pulled to the side of the road, then made a U-turn while the rangers were getting out of their patrol vehicle. The driver accelerated toward one of the rangers in an effort to run him over.

The ranger fired several rounds at the driver with his service-issued .223 caliber semi-automatic rifle in an attempt to stop the felony assault. The second ranger fired several rounds at the driver with his service-issued .45 ACP pistol. The driver continued to flee the area and eventually made his way back across the international border into Mexico. Neither ranger was injured and it is unknown if the occupants of the vehicle were injured. The FBI has taken the lead in the criminal investigation, and has been joined by the Cochise County Sheriff's Department, as the park has proprietary jurisdiction. The incident is



also being investigated by National Park Service special agents.

I am sure most of you have seen this morning report item by now. We narrowly missed seeing the deaths of two of our fellow rangers at Coronado. Coronado National Memorial was named by the Ranger Lodge as one of the ten most dangerous areas for park rangers in our annual Top 10 Dangerous Parks list when we were doing that release. Short staff; drug runners having the few rangers under surveillance; drug runners having the work schedules of the rangers and a management in denial all added up to a volatile and very dangerous situation.

The NPS had night vision video tape of a seemingly endless stream of illegal aliens crossing into the USA via Coronado which was shown several time on national TV. The whole nation should have been aware of this explosive situation. Do you remember the NPS reaction? If not here's a refresher: The NPS director added a few more rangers and then visited Coronado and publicly proclaimed that the danger was over and the problem solved. That night another stream of people crossed into the park from Mexico as per usual.

As far as the Lodge can tell, the situation is little improved from what it had been and as the morning report so chillingly details, rangers are still in grave danger. The Rangers Lodge will continue to point out this needless adverse working conditions our members have to endure and press for implementation of the called for reforms: reforms both of our genesis and from the commissioned professional studies.

We need a professional management structure - law enforcement professionals from top to bottom, and a separate budget line. Anything less keeps rangers in the sights of criminals. - Randall Kendrick

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## **Grand Lodge News Release**

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May 24, 2005

### **U.S. Parole Commission Votes to Release Cop-Killer - F.O.P. Vows to Appeal to Attorney General**

Chuck Canterbury, National President of the Fraternal Order of Police, had only the harshest criticism for the U.S. Parole Commission, which voted late last week to release convicted cop-killer Veronza L. Bowers, Jr.

"I was appalled to learn that the Commission approved the release of this unrepentant murderer," Canterbury said. "Allowing this killer back in the streets puts the public and police officers at risk. We will exhaust every legal avenue in an effort to keep Bowers where he belongs--behind bars. To that end, we intend to ask the U.S. Attorney General to have the National Appeals Board review the case and correct the decision of the Commission."

Bowers was poaching deer with two other men in August 1973 when he was confronted by U.S. Park Ranger Ken Patrick. Bowers shot Patrick three times with his 9mm handgun, killing him. The killer has never expressed any remorse, nor has he admitted to killing Ranger Patrick. To this day, he maintains that he was framed by government authorities. Far from being a model prisoner, he was shot and wounded during an escape attempt, and was implicated in the murder of two fellow inmates.

"There is no way that a reasonable person can believe that this killer, who describes himself as a 'political prisoner' in 'fascist America,' has earned his release," Canterbury said. "The Commission should have denied his parole based on his conduct as a Federal inmate and the strong likelihood that he will commit further crimes once he is free. They have willfully ignored the facts of his case in what is a clear case of dereliction of duty. If the Commission fails to protect the public from criminals like Anthony Kelly and Veronza Bowers, then we must act to protect the public from the U.S. Parole Commission."

Canterbury's remarks referred to Anthony Kelly, an inmate released in 2001 by order of the U.S. Parole Commission five years

before the completion of his sentence. Within nine months of his release, he had assaulted a police officer, stolen numerous cars and firearms, committed two rapes and left three people dead--including a six-year old girl. It was very clear from his file and the information available to the Commission that he never should have been paroled in the first place.

"We are going to make our views on this decision very, very clear to the Attorney General," Canterbury said, noting that the authorization for the U.S. Parole Commission expires at the end of the year. "Ken Patrick left behind a wife and three children. Their lives were irrevocably changed on the night of his murder. Bowers was sentenced to life in prison--and life in prison is what he should serve."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 318,000 members.

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## **Grand Lodge Testifies Before Congress**

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June 9, 2005

F.O.P. President Testifies before Social Security Subcommittee Canterbury Calls for Repeal of WEP/GPO and Rejection of Mandatory Social Security

Chuck Canterbury, National President of the Fraternal Order of Police, testified this morning before the House Subcommittee on Social Security at a hearing addressing several Social Security reform proposals. He focused on the effect of the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) provisions in current law on law enforcement officers and on the damaging consequences of requiring participation in Social Security for those local and State government employees currently outside the system.

"Law enforcement officers are keenly interested in Social Security reform because it will directly affect their



retirement security," Canterbury said. "The WEP and GPO in current law are unfair to law enforcement officers, who lose more than half of the Social Security benefit for which they were taxed."

The WEP affects public employees that did not pay into Social Security during their public service, but did pay into the system while working in a job inside the Social Security system long enough to earn a benefit. More than 5.25 million public employees are outside the Social Security system, two thirds of which are public safety officers--far more than any other category of public employees. Law enforcement officers, who often retire earlier than almost every other type of public employee because of the physical demands of their job, are much more likely to have second careers following their retirement or were forced to augment their limited income by working second jobs during their service as a law enforcement officer. Thus, the WEP has a disparate impact on law enforcement officers, reducing their earned Social Security benefit by up to sixty percent (60%).

Like the WEP, the Government Pension Offset was adopted in 1983 to shore up the finances of the Social Security trust fund. This "offset" law was aimed at cutting by two-thirds the benefit received by surviving spouses who also collect a government pension. It is estimated that approximately 349,000 surviving spouses of State and local employees have been unfairly affected by the GPO. According to the Congressional Budget Office, the GPO reduces benefits for some 200,000 individuals by more than \$3,600 a year. "Nine out of ten times," Canterbury said, "this so-called 'offset' completely eliminates the spousal benefit even though the covered spouse paid Social Security taxes for many years, thereby earning the right to these benefits."

Canterbury urged the Subcommittee to take action on H.R. 147, the "Social Security Fairness Act," which would repeal both the WEP and the GPO.

"The bill, which has broad, bipartisan support, is a top legislative priority for the

F.O.P.," he explained. "It has 260 cosponsors--nearly two-thirds of the entire House--and should be taken up either as a stand alone bill or as part of any Social Security reform package that Congress considers." Canterbury also spoke about the F.O.P.'s strong opposition to a proposal that many in the public sector thought was wholly discredited by the President's Commission to Strengthen Social Security in 2001--mandatory inclusion in Social Security.

"Forcing State and local employees and employers to participate in Social Security is potentially devastating to existing retirement plans, which cover public safety officers in every state in the nation, and have been carefully crafted to address the unique circumstances of our profession, including early retirement ages and high rates of disability," Canterbury explained. "If these systems are also forced to pay into Social Security, it will effect the ability of both employers and employees to contribute to existing State or local retirement systems, thus jeopardizing their ability to meet their commitments to current and future retirees under the plan."

"This would result in less take home pay for the employee and cut backs in services, equipment and other expenditures on the part of State and local governments," Canterbury said. "Police departments and other law enforcement agencies stretch every dollar to the limit now--these huge new costs will devastate their budgets and certainly impact on their ability to function as first responders at a time when we need to be improving our homeland security."

The most recent estimated cost to public employers and employees for the first five years of mandatory participation in Social Security is enormous--\$44 billion. According to the Social Security Administration (SSA), if newly hired employees are forced into the Social Security system, the solvency of the Trust Fund will be extended for two years.

"Damaging the retirement programs of these hard working Americans and raiding the budgets of State and local governments to extend solvency for a mere 2 years is just

not good public policy," Canterbury said. "I urge Congress to reject any proposal requiring public employees to participate in Social Security."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 321,000 members.

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## Q & A's on HR 218

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Revised 6/1/05

H.R. 218, the Law Enforcement Officers Safety Act

On 22 July 2004, President George W. Bush signed H.R. 218, the Law Enforcement Officers Safety Act, into law. The Act, now Public Law 108-277, went into effect immediately. The bill exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed firearms.

### Frequently Asked Questions (FAQs) about H.R. 218:

#### *Who is eligible to carry concealed firearms under this legislation?*

Qualified law enforcement officers employed by or retired from a local, State or Federal law enforcement agency. A qualified active law enforcement officer is defined as an employee of a government agency who:

- ◆ is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- ◆ has statutory powers of arrest;
- ◆ is authorized by the agency to carry a firearm;
- ◆ is not the subject of any disciplinary action by the agency;
- ◆ meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- ◆ is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and



♦ is not prohibited by Federal law from possessing a firearm.

Qualified active law enforcement officers must carry the photographic identification issued by the agency for which they are employed. If you are an active duty law enforcement officer with any local, State or Federal governmental agency and you meet all of the requirements above, you may carry a concealed firearm under the provisions set out in the law.

A qualified retired law enforcement officer is defined as an individual who:

- ♦ has retired in good standing from service with a government agency as a law enforcement officer for an aggregate of fifteen (15) years or more for reasons other than mental instability, or retired from such an agency due to a service-connected disability after completing any applicable probationary period of such service;
- ♦ was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- ♦ had statutory powers of arrest;
- ♦ has a nonforfeitable right to benefits under the retirement plan of the agency for which he was employed;
- ♦ meets, at his own expense, the same standards for qualification with a firearm as an active officer within the State in which he resides;

### **NO Matter What...**

Our goal is to improve the quality of work life and family life for our members. This includes improving wages and medical benefits, hours of work, working conditions, pensions, and the quality of family life outside of work. We do that by never allowing our members to walk alone. No matter what the problem, members must know that if they call, the FOP will be there to help. NO MATTER WHAT...

Ken Rocks, FOP  
National Vice President

♦ is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and is not prohibited by Federal law from possessing a firearm.

Qualified retired law enforcement officers must carry the photographic identification issued by the agency for which they were employed and documentation which certifies that they have met, within the most recent twelve month period, the active duty law enforcement standards for qualification for a firearm of the same type as the one they intend to carry. This document must be issued by the retired officer's former agency or from the State in which he lives. Please note that the definition of firearm specifically excludes machine guns, silencers, explosives or other destructive devices as these terms are defined in Federal law.

#### ***Is the exemption provided by the law total; can I now carry anywhere at any time?***

The new law exempts all qualified active and retired law enforcement officers from State and local laws with respect to the carrying of concealed firearms. These officers are not exempt from Federal law or regulation, which governs the carriage of firearms onto aircraft, Federal buildings, Federal property, and national parks. In addition, State (not local) laws which prohibit the carriage of firearms onto State or local government property and State (not local) laws which allow private entities to prohibit firearms on their private property would still apply to qualified active and retired law enforcement officers.

#### ***The law says I am exempt from the laws of any State or any political subdivision thereof. Does this mean the law is not effective in Washington, D.C., Puerto Rico, or other U.S. territories?***

No, the law applies in these places as well. The term State is defined in Chapter 44 of Title 18, which is the portion of the U.S. Code that the Law Enforcement Officers' Safety Act amends, and the one that applies when interpreting this Act. Section 921, Chapter 44 of Title 18 reads: The term State includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

#### ***My agency has a policy that does not allow me to carry my firearm while I am off-duty. Does this mean that this legislation will not benefit me?***

If you are a qualified active law enforcement officer, you will legally be able to carry a firearm under the provisions of H.R. 218. There may be agencies which enforce or adopt policies, rules, regulations, or employment conditions which discourage or punish officers which choose to carry while off-duty, but such actions do not mean that the officer cannot carry under the provisions of the bill.

#### ***I am a retired officer. How do I qualify to carry under the provisions of this bill?***

The legislation requires retired law enforcement officers to meet the active duty standards for qualification with a firearm in the State where they reside or with their former agency. Retired officers must qualify at their own expense and, once they do, will be able to carry the firearm with which they have been qualified under the provisions of this Act. While each State or agency may adopt different procedures (see below), the FOP envisions that retired officers will be able to qualify at the very same facilities used by active duty officers. The State or agency will issue retired officers who have qualified with their firearm a document certifying that the officer has met the State or agency's requirements. Retired officers must carry this documentation in addition to their photographic identification.

#### ***My former agency and/or my State is not familiar with the new law and they have no procedure in place to qualify me and issue me the required document stating that I have met the active duty law enforcement standards for qualification with the firearm I intend to carry. What should I do?***

Though the law went into effect on 22 January, many States and/or agencies still have not yet fully acquainted themselves with its effects, nor considered how they can or will qualify retired officers. We recommend that retired members first check with their former agencies, if they live close enough to them to make it practicable, to see what options might be available. Next, we recommend that retired



officers contact the State Attorney General, the State Police, or whatever State agency has the authority over law enforcement officer standards and training to learn the latest information on how the States are going to qualify retired officers. At this time, there are no pending Federal regulations or guidelines beyond the information posted by Bureau of Alcohol, Tobacco, and Firearms on their website:

**(<http://www.atf.gov/press/fy04press/072704lawenfsafteyact.htm>).**

We strongly urge State and local lodges to work with their respective States and law enforcement agencies to begin implementing procedures by which they can qualify retired law enforcement officers as described in the Law Enforcement Officers, Safety Act. Do not wait for Federal action. We urge retired officers not to be frustrated with the pace at which these procedures are implemented and ask that they instead work in a positive way to help their State and local lodges on this issue.

***I was injured in the line of duty and was separated from service or forced to retire as a result of the injury. As a result, I do not have fifteen (15) years aggregated experience as a law enforcement officer. Am I excluded from carrying under the provisions of this new law?***

No. Officers who are injured on the job and retired from active service as a result of that injury are included in the bill, as per Section 926C(b)(3)(B). These retired officers are eligible to carry under the law, provided that they have completed their probationary term of service. Note that these officers must still qualify with the weapon that they intend to carry every twelve months and are not exempt from the documentation requirements described above.

***I am a fully-sworn law enforcement officer with statutory law enforcement authority, but I work for a railroad, a private university or other nongovernmental employer. I attended the same police academy, received the same training and meet the same qualifications as my law enforcement***

***colleagues in my State. Am I able to carry under the provisions of H.R. 218?***

No. You must be an employee of a local, State or Federal governmental agency to carry a firearm under the provisions of this legislation. With that said, the FOP has been aware of regulatory precedent in which some nongovernmental agencies received a waiver or special recognition declaring them to be a governmental agency for the purposes of certain sections of Title 18, Chapter 44 of the U.S. Code. The FOP is investigating these precedents, but would emphasize that, at this time, law enforcement officers employed by a non-governmental agency are not eligible to carry under the provisions of the Law Enforcement Officers, Safety Act.

***Does this bill allow me to carry a firearm on an airplane?***

No. This legislation exempts qualified active and retired law enforcement officers from State and local laws regarding the carrying of concealed firearms. The carriage of firearms on aircraft is regulated by other Federal statutes and airline policy.

Filed in 1996, the Cobell versus Norton lawsuit deals with individual Indian trust accounts that were established in 1887. These accounts are supposed to hold the proceeds of government-arranged leases of Indian lands, mostly in the West, for oil, gas, minerals, timber and grazing.

Numerous government studies have shown that the accounts were mismanaged from their inception.

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## **Lodge Works with NPS on Special Segment**

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National Public Radio - Below we have excerpted interviews from the NPS special segment on the dangers commissioned NPS rangers face, mainly from lack of staff. It is heartening to see Mr Sholley, soon to be in a responsible position at WASO, to publicly recognize the lack of staff as being both a contributing factor to the well being of rangers as well as having an adverse impact on the efficiency of park rangers. Simply stated, park rangers face an impossible situation at Mojave Preserve. The four rangers can't adequately defend themselves

and find it very difficult to handle the law enforcement workload.

The Lodge has heard from a credible source that Mojave has the highest ratio of park headquarters staff to field rangers in the system; and, headquarters is miles from the park. The Lodge is very grateful to reporter Laura Sullivan for her willingness to listen to Lodge officers and to actually travel to Yosemite and Mojave. Too often reporters don't have the resources or inclination to travel to the scene of the "story" but Ms Sullivan did and we rangers appreciate the extra effort she expended. Also, thanks go to her editor and producer for standing by her and providing the resources she needed to put the segment together....Randall Kendrick

National Public Radio - Weekend Edition  
Saturday, June 18, 2005

Analysis: Many national parks are undermanned, and the law enforcement officers who work there face many dangers

SCOTT SIMON, host:

The most dangerous place to be a law enforcement officer may not be in America's inner cities or along the US borders or in the suburbs. It could be here... (Soundbite of nature sounds)

SIMON: ...inside the nation's 388 national parks and preserves. NPR's Laura Sullivan reports.

LAURA SULLIVAN reporting: Ask rangers in Yosemite National Park to describe what they run into every day, and this is what you're likely to hear.

Ranger LESLIE REYNOLDS: Firearms, knives, switchblades, nunchakus. We're seeing a lot of BB guns.

SULLIVAN: Leslie Reynolds has been patrolling Yosemite here in Northern California for 10 years. Driving through the historic park, past the mammoth Yosemite Falls and granite cliffs of Half Dome and El Capitan, fellow ranger Grady Bryant(ph) has a different list.

Ranger GRADY BRYANT: Weapons, drugs, alcohol, sex--sexual assaults, rapes, stabbings, so see! n all of that.

SULLIVAN: US park rangers are facing more danger than they ever have before. Assaults on park rangers reached an all-time high last year, sometimes from



criminals, sometimes from campers. Park rangers are five times more likely to be assaulted than US border patrol officers, and 12 times more likely to be attacked than FBI agents.

Deputy Chief CAM SHOLLY: One of the things that strikes me and that I think about every day is the fact that three rangers have been killed by gunfire in the last seven years.

SULLIVAN: Ranger supervisors, like Yosemite's Deputy Chief Cam Sholly, believe there are a lot of reasons for the increased violence against rangers, but one is obvious. There are half as many rangers today as there were in the 1980s and twice as many total visitors. With better roads and access, millions of people are coming to the parks each year to camp out or commute through, and they're bringing their problems with them.

Unidentified Male Radio Voice: I've taken a report of climber fall. Apparently there's...

SULLIVAN: And patients they will have to keep alive until an ambulance can get there.

Unidentified Male Radio Voice: I have a report of a possible heart attack at the...

SULLIVAN: And that's part of the problem. Park ranger Todd Bruno says all these different roles can be confusing to the public, which doesn't take them as seriously as other law enforcement. Visitors see khaki pants and funny hats.

Ranger TODD BRUNO: I'm just wondering how many other federal agencies deal with that kind of mentality.

SULLIVAN: Bruno says many of the people he arrests, for things like drunk driving, spousal abuse and theft, are surprised he carries a gun. They expect to be slapped on the wrist or given a lecture about wildlife. When they're jailed instead, Bruno says rangers take the brunt of their anger.

Ranger BRUNO: When you go to the airport and you deal with customs, you're on good behavior. You know, you're not camping out drinking beer in an airport. But when you come to a national park, the minute you think you can kind of get away with some stuff that you probably wouldn't try to get away with in the city with policemen.

SULLIVAN: Yosemite has 50 law enforcement rangers to cover an area the

size of Rhode Island. There were more than a hundred rangers patrolling the same area in 1973. But that's nothing to park ranger Kirk Gebicke, stationed in the Mojave National Preserve. It's twice the size of Yosemite, 1.6 million acres of windswept sand dunes! and cactus covered hills. Gebicke is one of four rangers here.

Ranger KIRK GEBICKE: Backup is non-existent basically. It's--you can't depend on somebody else to come bail you out pretty much ever.

SULLIVAN: This preserve is bordered by one of the busiest freeways in the country, interstate I-15, the road between Los Angeles and Las Vegas.

Sandwiched between the two cities, the park has attracted some of their problems. High on the list are meth labs, body dumps, and what ranger Gebicke calls 'train robberies.'

Ranger GEBICKE: They'll jump on the train--the container trains primarily. They'll pop open the doors and take whatever valuables out that they can find, anything that'll survive being thrown off the train while it travels up the road. Tennis shoes and clothing are some of the more popular things, but computers--anything of value that can be sold on the black market on the street.

SULLIVAN: Gebicke stands between the train tracks and a stretch of desolate desert highway, as the train begins its slow crawl up the Mojave Mountains. These tracks have linked California's ports to Chicago for almost a century. Recently train operators estimated they were losing a quarter million dollars a month just in the park from theft. It isn't long before Gebicke spots the thieves' handiwork, open train cars that started off locked in California.

Ranger GEBICKE: There's an open one. See that orange seal; it's been opened.

SULLIVAN: But with only four rangers, there's little Gebicke or his three counterparts can do to stop the thefts. The park has a host of other pressing and dangerous problems. But what worries Gebicke the most is the increasing use of the preserve to make methamphetamine. Ranger GEBICKE: Probably one of the more dangerous aspects of this job is to stumble into a meth lab, either intentionally or accidentally.

SULLIVAN: That's just what happened to Gebicke awhile back. He takes me into an

old wooden cabin once used by gold miners. The cabin is hidden 20 minutes up a dirt road.

Ranger GEBICKE: On this side--be careful on the porch--this is where we found some of the meth where it was buried under the porch, later. But this little table here had black plastic visqueen in white powder type stuff on it. There was--actually I did look and the wood stove was hot, and there was a can of acetone--which is one of the chemicals used in the meth lab process--in the stove that--they'd tried to burn the can. SULLIVAN: And outside he sees signs meth makers could be back.

Ranger GEBICKE: Actually you can see here's some meth lab product that I don't think was here. Red Devil lye--that would be meth lab material right there.

SULLIVAN: If this were the city, a SWAT team of officers wouldn't hesitate to make a bust. That's not an option here.

Ranger GEBICKE: My handheld radio doesn't work here. We're in a --kind of in a canyon in a basin in the mountains, and we're just kind of out here, you know, depending on ourselves to survive and back out of something if we get into something, and not proceed if it looks hazardous.

SULLIVAN: Just three months ago, two Mojave rangers went to visit a man who lives in the park. The man suddenly pulled out a loaded shotgun, cocked it, and tried to chase the rangers into the desert. They escaped by jumping back into their patrol car and flooring it in reverse.

Ranger GEBICKE: You don't get into anything you can't handle yourself because there is no backup. If we called for backup right now, it would be hour, hour and a half, if somebody had a vehicle and knew where I was.

SULLIVAN: Does that worry you? I mean, does that--do you get scared at all out here by yourself?

Ranger GEBICKE: At times. You'd be a fool if you didn't say you were scared. You just--that's the job, I guess.

SULLIVAN: And the job is unlikely to change. The park service has asked for only a modest increase in its budget next year and won't be hiring any additional rangers. Laura Sullivan, NPR News.

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After reading the above article, I think a reminder is in order to put Ms Sullivan's closing comments in perspective. These are provided by the Hon Earl Devaney in his testimony before the Senate Finance committee chaired by Senator Grassley of Iowa: *"Out of the 25 recommendations, we only used the word 'immediate' once to describe the urgency of a needed reform. this was with regard to our recommendation that staffing shortages which pose a clear safety risk to law enforcement officers be identified - immediately. Over a year has passed since that recommendation was made and, to our knowledge, no serious attempt has been made by the Park Service to complete this task."*

As Ms Sullivan told the nation, the NPS has not requested funds to ease the lack of backup and to stanch the outflow of rangers to other agencies. These are dangerous times.

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## WASO Realigns

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The Lodge has written to Director Mainella wishing her well on the new alignment of senior staff at WASO. It seems to be a step in the right direction; at the minimum, at least it's a step of some kind. Still to be addressed are the wholesale waivers of No Net Loss and the lack of request to Congress for extra money to hire commissioned rangers. Although the Lodge believes that the NPS would be strengthened by using the funds allocated and switching priorities to enforcement and protection of park resources, asking for extra money is the next best step. However, we believe that Congress would be more willing to pony up the increase if [a] the NPS cut superfluous staff, [b] went to a law enforcement-only budget line; and [c] used the savings from [a] to hire more rangers. Also, and it's a big "also", the

NPS must take serious steps to lower the horrible assault rate rangers suffer and to implement the recommendations from the IG's office, the Northern Arizona University study and the IACP study.

*From the NPS Director June 16, 2005*

Dear Friends and Colleagues:

Knowing of your interest in activities of the National Park Service, I am writing to keep you apprised of our efforts to improve customer service to our staff, visitors, partners, and those, like you, with whom we have enjoyed constructive working relationships.

To fulfill our mission of providing the best service to our visitors and employees and protecting the resources entrusted to our care, the National Park Service consistently strives to "work smarter." Toward this goal, our management team has carefully considered the best way to organize the Washington Office. In the next 30 days, we will be realigning certain functional responsibilities in the Washington headquarters. The realignment will improve our ability to carry out the broad mission responsibilities of the NPS, improve efficiency by balancing responsibilities among top managers, and consolidate similar functions under common leadership. There are no added costs associated with this realignment. In fact, the number of leadership positions will not increase, and, over time, we expect to realize cost savings from this realignment.

This realignment will accomplish the following:

**Consistency:** The law provides that one of the Deputy Directors shall have responsibility for National Park Service operations and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.

**Communications:** By consolidating oversight of park operations under a single Deputy Director, we will improve communication between headquarters and field units in operational matters. Also, consolidating park support services under a single Deputy Director will facilitate interaction among interdependent functions and programs, and provide leadership to the conduct of special projects and initiatives.

**Customer Service:** This organization will clarify roles and responsibilities and improve customer service for everyone we serve.

**Management Excellence:** We will establish, by using an existing executive position, an Assistant Director for Human Capital who will focus on human capital needs, consistent with the President's Management Agenda. The Office of the Associate Director for Administration, Business Practices and Workforce Development will be eliminated.

**A Business Approach:** We will fill an existing executive position with an Assistant Director for Business Services who will involve top management in contracting, purchasing, concessions and fee management programs, which, because of their size and complexity, require increased oversight.

**21st Century Relevancy:** To gain a comprehensive and strategic approach to our interpretation and education mission, the Division of Interpretation and Education and Harper's Ferry Center will function under a senior executive in the Office of the Associate Director for Partnerships, Interpretation and Education, and Volunteers.

**Recreation and Conservation:** The realignment will create greater efficiency and responsiveness to both our internal and external customers by moving the Land and Water Conservation Fund, Federal Lands to Parks, and Base Closure functions to the Deputy Director for Support Services.

**Cultural Heritage:** The restructuring will promote efficiency, effectiveness, and accountability in the work assigned to the Associate Director for Cultural Resources by organizing fourteen divisions among three Assistant Associate Directors.

Thank you again for your interest in the National Park Service's work. I am confident that our new structure will promote and enhance our organization's efficiency, and allow us to continue to provide the best management, customer service, visitor experience and resource protection.

Sincerely,  
Fran P. Mainella, Director



### Lodge Website

Brother Duane Buck has built and maintains the Lodge website. We keep it updated with notices and links to other sites that we think are interesting and/or helpful to resource based law enforcement officers. Visit it often between issues of the Protection Ranger to keep current on things that affect you and your job. The address is [www.rangerfop.com](http://www.rangerfop.com)

### Application for Membership

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the lodge my membership card and other material bearing the FOP emblem.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

DOB: \_\_\_\_\_

Permanent Rangers: \$60/year

Seasonals and Retired Active Members: \$40/year

Associate (non-Commissioned) Membership (Newsletter only): \$40/year

Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).

Agency and Work Unit: \_\_\_\_\_

Mail to: FOP Lodge, POB 151, Fancy Gap, VA 24328

Phone: 1-800-407-8295 10am-10pm Eastern Time or email [randallfop@ls.net](mailto:randallfop@ls.net)



U.S. Park Rangers Lodge  
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