

# The Protection Ranger



The Newsletter of National Park Rangers Lodges, Fraternal Order of Police December 1990 / January 1991

## *National Alliance of Park Rangers And Firefighters Becomes Part of FOP*

### **A New Alliance: Combining Forces Under The FOP Banner For The Benefit Of All**

The National Alliance of Park Rangers and Firefighters has become part of the National Park Rangers Lodge, FOP. This brings total ranger membership in both lodges of FOP to about 700. Exact numbers are not known yet due to roster duplications, as some rangers belong to both organizations.

On November 16, 1990, lodge members voted to accept Alliance members into the lodge as Associate Members. These Associate Members may then submit a copy of their commission to the lodge to become full members if they so desire.

According to George Durkee, President of the Alliance, the combination of forces benefits both organizations. Durkee said, "The Alliance and FOP were working on essentially the same issues. Many of our members belonged to both organizations. The FOP, however, has the advantage of a national organization, and because of that, it has achieved results quickly. In addition, Durkee noted the logistics of operating parallel organizations were wasting time and resources. According to Durkee, "We have mailing lists with many of the same people, we send out newsletters with many of the same articles. Many of the people active in the Alliance are active in the FOP, and vice-versa. Combining our resources makes sense."

Highlights of the plan are follows:

1. Alliance members are automatically associate members of Lodge 23.
2. If a member wishes to become a full member, a copy of a current law enforcement commission should be sent to the lodge. If the member is employed east of the Mississippi, he or she will be transferred to the Eastern lodge.
3. Full credit for months remaining on Alliance membership will be made, including joint members.
4. The Alliance will continue to publish a newsletter, and as an associate lodge, will work on issues affecting all rangers, regardless of commission status.
5. The President of the Alliance becomes Chairman of the Associate Lodge, with a position on the Board of Directors of the Lodge.

## *1991 - 75th Anniversary For FOP And NPS*

### **Diamond Anniversaries In The Rough: Drawing Attention To Personnel Troubles**

The year 1991 is the 75th anniversary of two national organizations, the National Park Service and the Fraternal Order of Police.

The 75th anniversary of the parks holds the prospect of being a record year for park attendance, and for caseloads of park rangers.

Now representing over 215,000 law enforcement officers nationwide, 75-year-old FOP is now taking action on behalf of NPS rangers. Leaders of the Eastern and Western lodges of FOP, and the National lodge, have been meeting with congressional members in an effort to help the services's personnel problems, including loss of quality employees due to non-competitive pay and benefits, and inadequate safety equipment, such as body armor.

Lodge members should be proud to belong to two great institutions.

## *Tomasovic Selected As National Trustee By California Lodge*

JR Tomasovic, president of the Western Lodge, has been named National Trustee by the California State Lodge.

Tomasovic will represent all California lodges to the National Lodge.

The post of National Trustee comes in addition to his position as Chairman of the California State Lodge's Federal Officers Committee.

"I feel my appointment is a recognition of the increasing needs of all federal officers, who work side-by-side with state and local officers, and receive less pay and fewer benefits," said Tomasovic. "My work through the state lodge has shown me that federal officers are looking at what park rangers are doing to help themselves. We're setting the precedent on retirement and pay. We're having to fight every step of the way for it. They're looking at our example and are starting to organize on our model," he said.

Tomasovic will lead the California delegation to the biennial conference of FOP in Pittsburgh in 1991.

According to California State Lodge President Carl Olson, "JR has outstanding qualifications to serve as National Trustee. He has developed a solid working relationship with National President Dewey Stokes, as well as Vice President Gallegos. We look forward to a great year ahead."



## President's Message

By Randall Kendrick, President, Eastern Lodge

Congress has passed and President Bush has signed the Law Enforcement Pay Reform Act of 1990. This bill was authored by Senator Dennis Deconcini, and was sponsored by Representative Don Edwards in the House.

Among the major provisions of the Act are: an immediate raise for lower-graded law enforcement officers in the federal service; locality pay of up to 16 percent, a raising of the overtime ceiling from GS-15/1 to no more than E.L.1 (\$137,000) per pay period; and, an increase in the mandatory retirement age from 55 to 57.

I wrote to both Senator Deconcini and Representative Edwards asking if NPS rangers are included. Both answered with a quotation from the law, "the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) of title 5, United States Code, with respect to whom the provisions of chapter 51 of such title apply." These two references are related to the law enforcement retirement plans found in the federal service, which means enhanced, or "twenty-year" retirement. And we all know that this does not apply to us. Being in the GS-083 "police officer" series is not a determining factor with this bill, nor with enhanced retirement.

Rangers in New York, Los Angeles, San Francisco and Boston will not be getting an immediate 16 percent raise like their fellow federal law enforcement officers. Likewise, rangers in Chicago, Philadelphia and Washington D.C. will likewise not be getting a four percent raise.

The way pay the bill's pay increase works is this: if you're a GS-5, the minimum you would be paid is step 10; if you're a GS-7, your minimum grade and pay would be GS-7/6; a GS-9 would be paid no less than step 4. The new law also directs the Office of Personnel Management to deliver to Congress by January, 1993, a plan for an entirely separate law enforcement pay system.

Representative Edwards recommended that "If park rangers do not currently fall within the definition of law enforcement officers and you wish to be so covered, I suggest that you seek redress through the Interior Department and the Congressional committees having legislative responsibility for the Park Service. I hope that the forgoing is responsive." This legislation is a major advance for many law enforcement professionals in the federal service. It also provides moving allowances and retention bonuses of up to \$15,000.

There is a provision of a five percent annual pay supplement if your position requires you to speak a foreign language and you demonstrate proficiency.

The potential biggest boost to law enforcement comes with the exclusive LE pay system that OPM is being required to propose. This will address overtime caps, and the lag in pay between federal officers and their state and local counterparts.

We do not know if this 1993 recommendation will apply to all law enforcement officers, or just those with enhanced retirement.

2

## FOP To Author Retirement Bill

FOP will act upon the suggestion of Representative Don Edwards, who recommended seeking congressional action to obtain enhanced retirement for rangers, when President JR Tomasovic meets with FOP's National Legislative Committee in New Mexico in January to author legislation to give NPS rangers enhanced retirement benefits.

National Legislative Committee Chairman Don Cahill expects the legislation to be introduced early in the 1991 session, and passed that year. Other issues affecting NPS rangers may also be addressed in the legislation.

Representative Edwards' recommendation comes as a result of contacts made by the Eastern lodge in regards to the Law Enforcement Pay Reform Act of 1990 (see adjacent article.) Edwards also recommended working with the Interior Department on retirement. Past FOP meetings with Interior officials have brought no results on the issue. Contact the lodge for more info.

## Say Good-Bye To More Rangers

Leaving the NPS for greener pastures this month: Randy August Law Enforcement Specialist (Glenn Canyon NRA (and past lodge secretary) to BLM (GS-9 to GS-11), Tom Wilson, Yosemite GS-5 seasonal to BLM GS-9 permanent, Jerry Bronson, Yosemite GS-5 seasonal to BLM GS-9 permanent, Mike Rominger, Yosemite seasonal to California State Parks permanent. The following is a list of BLM rangers who have recently joined the Park Service:



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## Garrity Rule — It May Save You \$

By Greg Jackson, Western Lodge Secretary

If you're involved in a shooting or other significant use of force, your own report and the statements you make may be used against you in civil, criminal or administrative action. Yet you may be compelled to write a report or be questioned by supervisors under threat of disciplinary action.

Even if your one hundred percent in the right, you still may end up in court, and once in court anything is possible.

What do you do? Protect yourself with the following recommendations.

At the scene of the incident, give your supervisor only the information essential to begin the investigation. It shouldn't take more than a sentence or two to say what happened (e.g.: He pulled a gun on me, so I shot him), and that's it. You'll be asked several other questions. Wait to talk to your attorney before you answer them. If you're given Miranda rights, invoke them. Don't talk.

Get an attorney. Hopefully, you've pre-selected one with experience in defending law enforcement personnel. (If you need help in finding one, contact the lodge or your local police department.) Talk to him or her before you write your report or make detailed statements regarding the incident.

Relax before writing your statements. As you've seen in Tom Valenta's article in The Protection Ranger about his shooting, the stress caused by the incident influences your perception, both during the incident and afterwards. If at all possible, wait a few days before writing your report to let the stress wear off. You'll make fewer errors, and that will protect your case.

The Garrity Rule may limit how your internal investigation statements and reports may be used against you in a criminal or civil investigation, based on the case of Garrity v. New Jersey. To the best of my knowledge, it is yet untested for federal officers, but you should still try to invoke it if the following conditions apply:

Are you being threatened with discipline if you do not talk to internal investigators? Can you lose your job for not cooperating? Are you being asked questions for administrative purposes only, and not part of a criminal investigation against you? (If it is a criminal investigation, Miranda protects you. Don't talk, get a lawyer.)

The following statement was created by the San Antonio Police Officers Association to protect their officers:

"This statement should be written above any report an officer is ordered to write by the internal affairs division of the police department. This insures that the report can only be used against the officer in internal investigations and not used later should criminal charges of any type follow:

"It is my understanding that this report is made for administrative, internal police department purposes only and will not be used as part of an official investigation. This report is made by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination and that the punishment for insubordination can be up to and including termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order."

3

Keep a copy of this statement in your report book or in another convenient location. You may need it someday.

The lodge is working on implementing a standardized service-wide shooting policy and on other ways to protect your rights. We offer a legal defense program to protect you in court. But no matter what we do, you're the first person you'll have to rely on. Protect yourself.

Note: This article is based upon notes gathered from Law & Order magazine and Calibre Press's Street Survival Seminar. The seminar is an excellent training program which I urge everyone to attend.

## Rangers, USPP Lodges Cooperate

Delegations from U.S. Park Police Lodge 24 and our lodge meeting in Lake Arrowhead, California, agreed to cooperate on issues facing NPS Rangers and U.S. Park Police officers.

Both law enforcement branches of NPS receive lower pay and fewer benefits than their counterparts in state and local agencies.

Delegates discussed ways of improving the relationship between the two lodges as a way to bridge the gap between the two agencies.



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## Secretary's Message

By Greg Jackson, Western Lodge Secretary

### Training Opportunities:

FOP sponsors excellent training seminars by recognized expert law enforcement officers throughout the country. The following are scheduled for January/February: Ritualistic Crimes (2 days), Professional Gambling Investigation (2 days), Practical Homicide Investigations (3 days), and Advanced Child Abuse Investigations (3 days). Costs range from \$115 to \$275. For more locations and information, call 800/365-0119.

### Good News From Interior!:

I was elated to find that the Assistant Secretary of the Interior sent me a personal statement of all the benefits that I have coming to me as a valued Interior Department employee.

Now I can sleep with peace of mind knowing that at age 65 I will be able to retire and pocket \$497 a month, plus generous Social Security payments.

Needless to say I was touched that the Assistant Secretary would take the time to present me with such good news in this Holiday season.

### The Wrong Suit:

Let me correct an obvious error in the last newsletter. I stated that FOP had decided to assist ANPR in its suit against NPS. ANPR is suing OPM, not NPS, and FOP has decided to help. I'd like to get this corrected PDQ, so that NPS, OPM or ANPR are not confused.

### Death Penalty:

The Mississippi State Code provides for the death penalty for murderers of "peace officers." But Mississippi's death penalty will not apply to the murders of Robert McGhee because Mississippi does not recognize Park Rangers as peace officers.

The Eastern Lodge has been active in trying to change Mississippi law to include park rangers as peace officers, with the help of the Mississippi state lodge.

Are you considered a peace officer in your state? To find out, contact your state's attorney general. If not, take time out to telephone your local state government representative and ask for a meeting.

If you don't work to get this protection, it won't happen.

### Hepatitis Vaccinations:

Rangers at Canaveral National Seashore are now receiving free Hepatitis vaccinations thanks to FOP action. Canaveral joins Blue Ridge Parkway and Yosemite as parks providing rangers with this protection.

Hepatitis is the most serious communicable disease threat to EMS personnel. A series of three injections provides immunity.

A hepivax program can be started in your park, if you take the initiative. The lodge will support you, and can provide the latest information from the Center for Disease Control which documents the threat and recommends immunization for EMS personnel. To receive this packet, call us.

### Congress Passes FOP's Disability Benefit:

Congress has passed the Public Safety Officer's Disability Benefit as part of the 1990 omnibus crime bill.

The law, a product of FOP's National Legislative Committee, provides \$100,000 to officers permanently and totally disabled in the line of duty, paid by the Bureau of Justice Assistance. In

addition, the law links the benefit to the cost of living index, to ensure fair compensation in the future.

A similar law created a \$100,000 death benefit for law enforcement officers, which the lodge has helped provide to the family of ranger Bob McGhee.

The National Legislative Committee requests the support of all lodge members in passing the Law Enforcement Officers Bill of Rights. This bill provides specific rights to law enforcement officers under investigation. For a copy of the bill, contact the lodge. Please contact your Congressional representatives regarding this legislation, and ask for their support for S.2730, the Law Enforcement Officers Bill of Rights.

### AOU Update

George Durkee has done some more calling to WASO and OPM. According to Lynn Emerson at WASO, he saw no problem with using AUO for seasonals, though certain additional regulations applied to use by non-exempt (FLSA) employees. Mr. Emerson thought that a personnel officer could estimate the rate (10-25%) to be paid based on overtime records or other documents. Authority to grant this rate comes, at present, from the area's regional director, but may be delegated to lower levels as necessary.

Rangers who do river patrols or whose duty stations are also their quarters, and so are often interrupted in their off hours by visitors' questions, might find AUO a useful tool to get compensation for these "minor" but constant interruptions. Under the Fair Labor Standards Act, non-exempt employees are required to be paid for all work that is "suffered or permitted." This means that if the agency knows or has reason to know the employee is working overtime, there must be compensation.

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## The Protection Ranger

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P.O. Box 944, Yosemite, CA 95389

### For Parks West of the Mississippi:

National Park Rangers Lodge 23  
President — JR Tomasovic  
Vice President — Michael LaLone  
Treasurer — Chris Cruz  
Secretary — Greg Jackson

### For Parks East of the Mississippi:

Eastern Rangers Lodge  
President — Randall Kendrick

Our Lodges are committed to improving the Ranger profession by joining Rangers together in a spirit of camaraderie to seek a cooperative relationship with management, with the goal a safe working environment, with fair and competitive pay and benefits. FOP is a non-profit organization.

## Application For Membership In The Fraternal Order Of Police

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the National 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(required): \_\_\_\_\_

Alliance membership (non commissioned) ☐

Please enclose a check for one year membership.  
(Western lodge Permanent - \$27, Seasonal - \$18)  
(Eastern Lodge \$20 all members.)

Enclose a copy of your commission.

\_\_\_ I'm employed East of the Mississippi

\_\_\_ I'm employed West of the Mississippi

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## Howd'Ya Get To Be A Ranger?

According to PJ Ryan of THUNDERBEAR, this memo is authentic: To: All WASO Associates and Regional Directors, From: Director, Subject: Ranger Recruitment.

I see all these quotes in various newspapers and magazines about how it is so tough to recruit Rangers, but when people stop me to ask how to get into the Ranger ranks, I'll be damned if I can tell them. Not being altogether stupid, I've asked a number of our people how this mysterious system works and I've gotten as many answers as people I've talked to.

Is this recruitment problem a myth that we would all like to believe? Does the problem really exist? I know there are systems, and then there are systems. The problem is that I am the Director of the Bureau and I don't know either the formal system--which is apparently a joke--and the informal system which goes something like this, "Find a job as a clerk typist no matter what your skills are and maybe you can get a crack at Rangering sometime." At the next Regional Director's meeting, I would like to have the system and the system behind the system explained. Also, I would like opinions from those I have copied as to the reality of the shortage of candidates.

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## Cary's Story

By Jeff Ohlfs, Joshua Tree N.M.

James A. Cary was the first park ranger to be shot and killed in the line of duty. Most park rangers don't know his name, or his story.

The Author was responsible for researching the Cary Story, and for the presentation of FOP's Supreme Sacrifice award to Cary's family last year. His efforts to have a plaque for Cary placed in the Hot Springs National Park visitor center have been denied by management.

On Saturday, March 12, 1927, Park Policeman James Alexander Cary was assassinated while on duty in Hot Springs National Park. Cary was 31 years, 2 months and 23 days old. He left a wife, a five year old boy and an eight month old daughter. The following story was compiled from documents out of Cary's official personnel file, National Archives and park records, U.S. District and Garland County Court records, FBI case files, personal interviews with surviving relatives, and newspaper accounts of the incident.

Cary was born in Missouri on December 19, 1895 to Joseph and Lillie Cary. He was one of five children. Cary's father was a policeman in St. Louis, and later moved to Hunter, Arkansas, where he served as a Deputy Sheriff and later Town Marshal. Cary was a Baptist and a member of the Sumpter Lodge #419 F. & A.M. Cary's education ended after his second year of high school. A veteran of WWI, he served in the U.S. Navy on the USS Orient. Cary held a position with the Hot Springs, Arkansas, Post Office from April 20, 1919 to March 31, 1920. Transferring, he went to work for the Hot Springs Army and Navy Hospital from July 1, 1921 to January 15, 1923. On December 19, 1920, Cary married Thelma B. McCaslin in Royal, Arkansas, and they lived in Hot Springs. Cary completed two correspondence courses which included a 30-lesson Detective Training course. Finally, on October 5, 1923, by Order #120 of the Secretary of the Interior Hubert Work, Cary was appointed a Policeman to Hot Springs National Park. (Being an urban park, law enforcement was assigned to "policemen" until June 1, 1938, when they were reclassified as "park ranger.") Cary reported for duty on October 9, 1923 to earn a salary of \$1,000 per year with an annual bonus of \$250. Two years later, Cary was earning \$1,320 annually.

Cary's position description denotes two duties. "(1) Patrolling Reservation, maintaining order and suppressing violations of the law, rules, and regulations (90%)." and "(2) When detailed, makes investigations of alleged violations of rules and regulations, and inspection of incoming trains (10%)." Cary's work schedule was listed as 8 hours a day, 56 hours a week. To accomplish this, Cary was furnished with a Ford "government-owned touring car." In addition, he was required to buy his own uniform, pistol, and night stick for an estimated \$100. However, Cary used the pistol his father carried as a law enforcement officer.

On March 12, 1927, at about 4:15 p.m., Cary left park headquarters in his patrol car. It was the only day Cary was known not to have carried his weapon. By 8 p.m., Cary had not returned. Then Superintendent Dr. Joseph R. Bolton ordered an immediate search. The patrol car, with the driver's door open, was found between 8 p.m. and 10 p.m. at the summit of West

6

Mountain. It was not until the next morning about 6:45 a.m. that Cary's father-in-law, brother-in-law, and brother "unaided by any officers" found his body. Cary was found 1/4 mile away from his vehicle and about 400 feet inside the park boundary at the edge of a ravine on West Mountain. Director Stephen T. Mather was notified by letter, dated March 14, 1927, from Superintendent Bolton that Cary "was fired upon from ambush by unknown persons, resulting in his death."

Cary's body was only "50 feet" from where he had arrested Raymond Hunt, Walter Weldon and Ed Halsey on charges of transporting whiskey on December 7, 1926. During the incident, Hunt refused to be arrested by Cary, resisted, and fled. Hunt fled to the Sheriff's Department where he gave himself up stating he did not want to be arrested by Cary. Later, Hunt was taken before Hot Springs' U.S. Commissioner Roy E. Erney for his initial appearance. The trial was set in Federal Court for April 1927. Cary was the only witness.

Garland County Sheriff Van Sickle, Hot Springs City Chief of Police William M. Brandenburg, Coroner P. Randolph, Prosecuting Attorney William G. Bouic, U.S. Bureau of Investigation Special Agents William E. Miller (Little Rock) and L.E. Kingman (Dallas), and other officials of the Federal Government were notified and requested to render assistance. "Officers immediately began an investigation and rounded up all suspects to be found," according to Superintendent Bolton's March 14th letter. On March 23, 1927, Federal Prohibition Agents and the U.S. Attorney were requested. However, the U.S. Attorney determined the Federal Government had no jurisdiction. First, it was not a Federal crime to kill certain Federal Officers until May 18, 1934. Finally, the Federal

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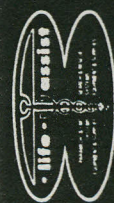
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# Cary's Story

Continued from page 6

Government lacked exclusive jurisdiction over West Mountain until it was ceded by Arkansas on March 25, 1933.

The investigation determined the ground near the body showed evidence of a desperate struggle. Two trees were blazed in white paint to mark the murder spot. Cary's watch was found some distance from where his body had fallen. One clue was a bloody fingerprint, that was not Cary's, on the lining of his trouser pocket. Also, examination showed Cary's pockets had been gone through. The linings were pulled out, and papers laid scattered about. It was believed the perpetrators had "hoped to find certain papers or notes in his possession which contained damaging information against them or parties whom they were connected" (Hot Springs New Era, 3/14/27). Also, there was a bullet hole in the jacket Cary was wearing. This lead some officers to believe some one had held Cary, his coat being open and pulled back when the shot was fired. Later away from the crime scene, (Officer) Bet Hall who arrested one of the suspects, Raymond Hunt, found spots of blood on a shirt and pants in Hunt's closet. They were taken for investigation.

Bootleggers were suspected of using the secluded ravines of the mountain as hiding places for their surplus stock. "It is the theory of officers that (Cary) might have seen something down the mountain side which caused him to investigate, or that his assailants, knowing that he passed the same way daily, might have been lying in wait for him and compelled him to walk down the mountain to the point where he was slain." Prosecuting Attorney Bouic was quoted as saying "The killing of Officer Cary cannot be taken by officials charged with the enforcement of the prohibition law in any other light than a direct challenge from those engaged in the liquor traffic. It is a threat against the lives of all officers and we intend to accept the challenge" (Hot Springs New Era, 3/14/27). Eleven persons including five women were rounded up for questioning.

Coroner Randolph's inquest determined Cary's death was from a .45 calibre pistol. Powder burns showed the bullet had been fired at close range. The bullet had entered the right breast about three inches below the collar bone, broke two ribs, passed through the right lung, and exited through the left shoulder. Time of death was estimated from Cary's watch which had apparently stopped during the struggle, at about 5 p.m.

Cary was buried on March 15, 1927 in Lowe Cemetery in Royal, Arkansas, 14 miles west of Hot Springs. His tombstone reads "Faithful to his trust even unto death".

The investigation officially did not "materialize" any results and no one was charged with the crime. This prompted Mrs. Cary to write U.S. Senators T.H. Caraway and Joe Robinson on January 24, 1928. The Senators initiated an inquiry on January 31st. It was learned there were problems between the city and the county law enforcement. "Too much local politics involved in these matters," according to a letter to the Director from Superintendent Bolton dated June 25, 1928. In an earlier letter dated January 30, 1928, Bolton stated: "At the time a city election was pending at which a mayor was to be elected and it is possible that the police authorities did not give the suspects as harsh a 3rd degree as had been the custom, due to the criticism that had followed the giving of the 3rd degree to a number of soldiers of the Army and Navy Hospital."

On February 27, 1928, Mrs. Cary offered a \$500 reward to

find her husband's killer(s). The citizens of Hot Springs added another \$500 to that reward. Mrs. Cary was concerned about a cover-up. In a letter to Secretary of the Interior Work dated February 27, 1928, Mrs. Cary stated "nothing much being done."

Cary had left the house without his weapon. Mrs. Cary felt he apparently knew something was going to happen. Cary told his wife that it was better for him to be shot than shoot someone. Cary kept a notebook which contained "notations of misdeeds by the Department (of the Interior) officials here", according to letters of Mrs. Cary's dated February 27th and January 31st. The notebook "shows things are not as they should be in the Department." One quotation from the notebook read "J.S.B. (Superintendent) tips the gang that we and Prohibition Officers are after them. If they are posted, how can we get them." A theory surmises the notebook was the item the killer(s) were looking for when they went through Cary's pockets. This notebook was confiscated from Mrs. Cary, by investigators, and was never seen again.

This, now, prompted rumors of a conspiracy between the city and certain park officers to kill Cary. Two U.S. Bureau of Investigation agent's reports to Little Rock's U.S. Attorney Charles F. Cole indicated foul play. Cole wrote a letter to the U.S. Attorney General, on August 10, 1928. Cole stated: "There are many things connected with this matter which point to a suspicion that the Superintendent of the Reservation and the Chief of Police may have been interested or in some way connected with this killing. Not only a Government Official in the discharge of his duty has been deliberately assassinated, but high Government Officials have betrayed their most sacred trust."

Subsequent trial testimony indicated internal problems between Captain Richard L. Gaffney, Chief of the National Park Police, and Cary. A statement was introduced which indicates Cary's father at one time accused Gaffney of killing his son. Another witness, Mrs. Ana Brown stated she observed Captain Gaffney come down off West Mountain immediately after the shooting. The next day, Mrs. Brown was arrested as a suspect. Captain Gaffney came by her cell and told her not to talk. It should not be surprising that such a situation could exist. This was a period of corrupted politicians, gangsters, and pay-offs all stemming from prohibition.

For this reason, Director J. Edgar Hoover, U.S. Bureau of Investigation, on September 1, 1928, assigned Special Agent John K. Wren, who was not known locally, to conduct an undercover investigation into Cary's murder. Wren conducted his investigation (Case Number 90-1-7-2-4) from September 10, 1928 to December 7, 1928.

Wren interviewed Mrs. Dottie Weldon who provided a signed written statement implicating Raymond Hunt, Lawrence Wilson, Roy Wilson, David "Goofy" Camp, and Garland "Doc" Weldon. Mrs. Weldon wrote the Wilson brothers had stolen 20 gallons of whiskey and hid it on West Mountain the day Cary was killed. Those five individuals went up West Mountain about 4 p.m. She heard a shot at approximately 20 minutes to 5 p.m. At approximately 6:30 p.m., Hunt returned to her residence (136 Gem Street) adjacent to West Mountain with a 30-30 rifle in his hands. (Continued on page 8)

Hunt told Doc Weldon "I came very near shooting you, for I had to shoot over your shoulder." Doc replied "Well we got the S.B. anyway, but we had a hell of a tussle." Hunt continued "We will hide (the rifle) under the house." Mrs. Weldon was warned "if you talk, we will kill you." The five regularly



## Cary's Story

Continued from page 7

reminded her of this threat. Several other witnesses were interviewed by Wren. They corroborated Mrs. Weldon's statements. Some witnesses told how Hunt spoke that Cary "would never get to testify against him" for interfering with his bootleg stash on the Mountain.

With this information, U.S. Attorney Cole filed a complaint against the five before Little Rock U.S. Commissioner O.D. Longstreth, on December 7, 1928, for one count of conspiracy to murder a government witness on account of his having testified as a witness before U.S. Commissioner Erney and one count of conspiracy to deter, by murdering, Cary from performing his official duty. Arrest warrants were issued.

Hunt, Weldon, and Camp were taken into custody on December 21, 1928 by Garland County for liquor violations and held for the U.S. Attorney. The Wilson brothers were picked up by the U.S. Marshal outside Dallas, Texas, on January 8, 1929. They waived extradition and were returned to Little Rock by Deputy U.S. Marshal Culbertson on January 24, 1929. All were arraigned, in person or absentia, on January 19, 1929 before the U.S. Commissioner. Pleas of "not guilty" were entered.

On January 24, 1929, the U.S. Attorney General authorized U. S. Attorney Cole to provide the Government's evidence to the state courts and assist the state in prosecuting the five on state murder charges before trying them on the Federal charges. On February 1, 1929, using the new evidence developed by the ongoing secret Federal investigation, the five were indicted by the Garland County Grand Jury on charges of "Murder First

8

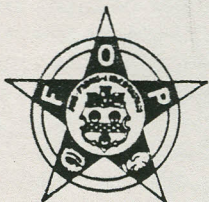
Degree." On February 2, 1929, Little Rock's U.S. District Judge John E. Martineau released the five from Federal custody to the Garland County Sheriff with the provision that after the state trial they were to be returned to the U. S. Marshal in Little Rock. "Officials in Washington regard the clearing up of this mystery as one of the most important of 'unfinished business' of the present administration" (Sentinel-Record, February 5, 1929).

### Next issue:

The trial, the results, the aftermath, and what the FOP is doing today to remember James Cary's sacrifice.

### FOP's Own "CompuServe"

You can now call the lodge's computer bulletin board service to leave messages or get information on the latest NPS issues. The FOP BBS begins January 1. Hours are from 6p.m. to 6a.m. Pacific time. FOP BBS is FREE and works much like CompuServe. Set your computer for either 1200 or 2400 baud, 8-N-1. Voice telephone lines for the lodge will work from 6 a.m. to 6 p.m. The lodge's phone number is 209/372-9216.



National Park Rangers Lodge 23  
Fraternal Order Of Police  
P.O. Box 944  
Yosemite, CA 95389

### Next Western Lodge Meeting Week of January 20, 1991 (TBA)

Special Guest Speaker:  
David Davies, Western Region  
Employee Relations Specialist  
Topic: Status of Enhanced Retirement