

# ORGANIZED CRIMINAL ACTIVITIES

South Florida and U.S. Penitentiary, Atlanta, Ga.

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HEARINGS  
BEFORE THE  
PERMANENT  
SUBCOMMITTEE ON INVESTIGATIONS  
OF THE  
COMMITTEE ON  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
NINETY-FIFTH CONGRESS  
SECOND SESSION

SEPTEMBER 29 AND OCTOBER 2, 1978

PART 2

for the use of the Committee on Governmental Affairs



55496

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X HEARINGS  
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GOVERNMENTAL AFFAIRS  
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## ORGANIZED CRIMINAL ACTIVITIES

(South Florida and U.S. Penitentiary, Atlanta, Ga.)

FRIDAY, SEPTEMBER 29, 1978

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Atlanta, Ga.*

The subcommittee met at 9 a.m., pursuant to call, in room 318, U.S. Courthouse, Atlanta, Ga., under the authority of Senate Resolution 370, agreed to March 6, 1978, Hon. Sam Nunn (acting chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia.

Members of the professional staff present:

F. Keith Adkinson, assistant counsel; William B. Gallinaro and David P. Vienna, investigators; Larry L. Finks, Captain, U.S. Park Police; Robert C. Taylor, William F. Mayo, and Paul W. Rhodes, detailed employees, GAO; Joseph G. Block, general counsel to the minority; Roland McElroy, aide to Senator Nunn; Mary D. Donahue and Katherine Bidden, assistant clerks.

Senator NUNN. The subcommittee will come to order.

[Member of the subcommittee present at time of convening: Senator Nunn.]

[The letter of authority follows:]

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,  
*Washington, D.C.*

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open hearings without a quorum of two members for the administration of oaths and taking testimony in connection with the Bureau of Prisons and conditions at the United States Penitentiary, Atlanta, Georgia, Friday, September 29, 1978.

HENRY M. JACKSON,  
*Chairman,*  
CHARLES H. PERCY,  
*Ranking Minority Member.*

### OPENING STATEMENT BY SENATOR NUNN

Senator NUNN. This morning the Senate Permanent Subcommittee on Investigations begins 2 days of hearings on conditions at the U.S. Penitentiary here in Atlanta.

The U.S. Penitentiary is a major Federal presence here in Atlanta. As a part of this community, conditions within the prison and the quality of its management are of special interest to the people of Atlanta and Georgia.

Questions concerning conditions at the penitentiary were first raised before the Permanent Subcommittee on Investigations during the course of organized crime and narcotics hearings held in Washington early in August.

At that time, the subcommittee received testimony from a former inmate that can only be described as alarming. Gary Bowdach testified at length about many matters, and he also testified about conditions at the Atlanta Penitentiary.

I think it is very important for any testimony concerning the penitentiary to pin down the time frame during which it took place because we will have witnesses testifying about the conditions there at different periods of time. Gary Bowdach was in Atlanta for a total of more than 5 years.

He was there from 1971 through the fall of 1977 with some gaps; one gap. What was that?

Mr. ADKINSON. Calendar 1974.

Senator NUNN. So as far as his testimony in Washington, Mr. Bowdach's personal knowledge of conditions at the penitentiary would have been concluded in the fall of 1977.

The subcommittee received testimony from Bowdach graphically describing murders, numbers of murders, at the Atlanta Penitentiary, including contract murders that have occurred in recent years.

Of course, all of us know that another killing took place last week. We received allegations that inmates at the prison have easy access to lethal weapons fashioned in the prison shops. We received allegations that some prison employees have been corrupted and serve as "mules" for the movement of narcotics, money, liquor, food, and other contraband into the institution.

Our witness told of special favors to certain prisoners by prison personnel. He described how one group known as the High Rollers was able to have special foods brought into the prison and special meals prepared for them in the prison kitchen.

And we received allegations that, while our witness was at Atlanta, there was little or no control over the movement of inmates within the institution; that prisoners were free to roam almost at will within the walls—with little accountability for their whereabouts. These are all in the nature of allegations. These are matters of great concern to the subcommittee. And these are charges that we have endeavored to explore over the weeks since the hearings in Washington.

The record of our Washington hearings has been available to the Bureau of Prisons, the regional administrator of the Bureau here in Atlanta, and to Warden Hanberry and his staff at the penitentiary. Our staff has interviewed numerous other inmates. We have interrogated present and former prison employees, and we have been in close touch with the Bureau of Prisons and with Warden Hanberry and his staff throughout our inquiry.

On this point, I want to make special note of the fact that the subcommittee has received complete cooperation from the Bureau of Pris-

ons. Mr. Norman Carlson, the Director in Washington, Mr. Cary McCune, the regional administrator here in Atlanta, and Warden Hanberry and his staff at the penitentiary have gone out of their way to be helpful. They have facilitated our interviews with inmates and prison employees. Extensive records have been made available for review by our staff—and Warden Hanberry has made himself completely available for consultation and advice.

I want to say a special word about the warden. Mr. Hanberry enjoys a fine reputation throughout the prison system for his ministry to the men and women in our Nation's penitentiaries and for his deep concern about them as individuals. There is no question about his dedication to improving the welfare of the inmates and the administration of the Atlanta Penitentiary.

I think it should be made clear that Warden Hanberry inherited a very difficult situation. Most of the testimony we have received in Washington from Gary Bowdach related to time frames before he was warden at the penitentiary. I am personally grateful for the warden's cooperation with me and with the subcommittee staff. I will be available to continue to work with him in the months ahead to help see that he receives whatever support he needs from Washington to deal with his problems.

There will be hard, tough questions in the next 2 days of hearings. Some of them will be directed at Warden Hanberry as administrator, but I want the record to reflect that the cooperation that we have received is splendid and that we are trying to work in a constructive way and that we fully realize the great difficulty of running this institution.

It is not an easy job and, as I have said before, we do not start out these hearings seeking perfection. I think perfection under the circumstances in Atlanta is totally impossible. What we seek is constructive criticism, objective analysis, and improvement where improvement can be made.

I also want to say a word about the employees at the Atlanta Penitentiary—all of whom have a difficult and important job on their hands. While these hearings will focus attention on a few individuals who have violated their trust, the evidence developed by the subcommittee should in no sense be viewed as any wholesale indictment of the hundreds of faithful, hard-working people who maintain and operate the institution.

Their performance and their devotion to their jobs is not at issue. Our focus here is on a few people who have not measured up. The vast majority of the prison's employees are to be commended for the public service they are rendering.

The unprecedented rash of murders at the penitentiary has alarmed the Atlanta community and focused investigative attention on the management of the institution. Since October 1, 1976, 10 inmates have been murdered—an intolerable situation. Unfortunately, murders in penitentiaries are not uncommon, in Atlanta or elsewhere.

Until recently they were less frequent in Atlanta. For example, there were three homicides at the Atlanta prison in fiscal year 1974, two in fiscal year 1975, and two in fiscal year 1976. In fiscal year 1977, there were 16 inmate homicides throughout the Federal prison system.

Half of them occurred at two institutions: Four in Atlanta and four at Leavenworth. In other words, Atlanta and Leavenworth each accounted for 25 percent of the inmate murders in that fiscal year.

This fiscal year, which began October 1, 1977, there have been a total of 17 homicides occurring throughout the system. Six have occurred at Atlanta. In other words, Atlanta accounted for more than 30 percent of all inmate murders during the past fiscal year.

Considering only the six maximum security penitentiaries in the Federal system, Atlanta, Lewisburg, Leavenworth, Terre Haute, McNeil Island, and Marion, where there was a total of 12 homicides, half of them occurred at Atlanta during fiscal year 1978.

I don't think anyone questions that the situation has reached crisis proportions at Atlanta. Federal prisoners are committed to the care and the protection of the Federal prison authorities, and they are not getting adequate protection at Atlanta. And drastic action is needed to get at the problem.

That is what we will be discussing in the next 2 days. I do not mean to suggest that the prison authorities are unconcerned. They are deeply concerned. Steps have been taken by Warden Hanberry and the prison administration to try to deal with the situation. We want to hear just what he has done—how effective his actions have been—what additional steps he intends to take in the future—and what help he needs from Washington—both from the executive branch and from the legislative branch. We want to be sure he gets the support he needs.

According to the prison authorities, a major factor behind the violation is that the penitentiary is old, out of date, overcrowded, and difficult to police. Also, the point is made by some that Atlanta is the largest maximum security prison in the Federal System with more violence-prone inmates than many other institutions.

This is all true. And I do think the size and population of a prison must be considered in evaluating homicide and other statistics.

At the same time, I think we have to pay close attention to the kind of allegations that have come to this subcommittee. Many streets deaths occur outside the penitentiaries and prisons of our land due to narcotics—narcotics traffic and narcotics use.

This same thing has to be true in a prison. How serious is the flow of narcotics into Atlanta Penitentiary? What is being done about it? What more can be done?

Murders involve weapons. We have been told that violence-prone inmates—and inmates feeling the need for self-protection—have easy access to prison-made weapons.

We have already received testimony about this problem. We will be receiving more testimony today and Monday. How serious is the problem? What has to be done and what more can be done to deal with it? Does the penitentiary have the resources it needs in terms of manpower, in terms of technology, in terms of facilities? We want to hear particularly from the prison officials as to what resources they need to do the job.

What about inmate control and accountability? We want to ask questions as to whether the inmates continue to be free to roam about the prison. Following the investigative team's report last April, a pass system was implemented by the warden. We want to ask him



as to how effective that has been and what problems it involves and what more is being done to improve discipline at the institution.

Questions on all these subjects will be raised during these hearings. We will present evidence of the movement of contraband into the prison and of corruption on the part of a few individuals.

Warden Hanberry will be with us on Monday. We are looking forward to his testimony and answers to our questions.

Our first witness, for a brief statement this morning, will be a member of the staff, Mr. Keith Adkinson.

Keith, if you will go down to the table. We regret that Senator Percy could not be here today. Senator Percy is the ranking Republican on the subcommittee. We work very closely. We have worked completely in a bipartisan matter in this investigation and all others that we have undertaken. He cannot be here today. We are still in session in Washington.

I came down very late last night and Senator Percy will not be able to attend today. He may be able to attend Monday. Also, Senator Chiles from Florida, who has been very involved in this overall investigation, is going to do his best to get here some time today and/or Monday.

Senator Percy's capable staff is represented here today by Mr. Jerry Block, and before our first witness, I will ask Mr. Block if he has any kind of statement he would like to make on behalf of Senator Percy.

Mr. Block. Thank you, Senator.

I just want to convey to you Senator Percy's regret at not being able to be here today. As you said, he is still very much involved in the House-Senate conference that is working to come up with a final version of the civil service reform. But, as you know, he has been very deeply concerned in looking at the conditions in our prisons.

This past July in Illinois, a prison riot at the Pontiac State Prison left three guards dead and three more seriously injured. Senator Percy has introduced legislation for prison reform in the past, and hopes to work with you on this in the future. He totally supports your efforts in seeking answers to the questions that have been raised about corruption and mismanagement in the Atlanta Federal Penitentiary.

Senator NUNN. Thank you very much.

We have some other staff members that I want to say a brief word about.

We have Mr. Fred Mayo, Mr. Paul Rhodes, Mr. Bob Taylor; both Mr. Mayo and Mr. Rhodes are from the Atlanta regional office of the General Accounting Office. Mr. Taylor is from the Washington office. We have had splendid cooperation from the GAO in recent weeks. These men have helped us considerably. They have been assigned to our staff to help us on various matters concerning this investigation.

I want to thank all of you, Fred and Paul and Bob, for a terrific job.

Our subcommittee staffwork has been headed up by Keith Adkinson, aided by Mr. David Vienna. We will be hearing from Mr. Adkinson this morning. We have also had tremendous work by other staff members, including Larry Finks, Bill Gallinaro, Mary Donahue, and Kathy Bidden. So I am grateful to all of you, and on behalf of all the subcommittee members I thank you for your help.

We swear all the witnesses before our subcommittee. We are an investigative committee. We swear every witness that appears, including our own staff.

Before you begin your testimony, I will ask you to take the oath.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADKINSON. I do.

#### TESTIMONY OF F. KEITH ADKINSON, ASSISTANT COUNSEL

Senator NUNN. I believe you have a brief statement. Why don't you proceed with that?

Mr. ADKINSON. My name is F. Keith Adkinson, assistant counsel for the subcommittee and the attorney in charge of this investigation. Working with me, as you have mentioned, on this investigation have been staff investigators William B. Gallinaro, David P. Vienna, and Larry Finks. Additionally, Robert Taylor, Fred Mayo, and Paul Rhodes of the General Accounting Office have been on assignment to the subcommittee.

As you know, allegations surrounding corruption of employees and charges of inmate mismanagement first surfaced last spring during our preliminary inquiry into organized crime activities in south Florida.

In early August, the subcommittee took testimony over a 5-day period on organized crime activities in south Florida. On August 9, 1978, the testimony of Gary Bowdach, a former inmate, focused on his knowledge of events in the Atlanta Penitentiary, where he was an inmate for several years, including homicides and corrupt employees.

These hearings which begin today represent a continuing action of the subcommittee's review which was first made public in August.

Mr. Chairman, the subcommittee staff has received information from scores of inmates, employees, and individuals interested in events and inmate treatment in the Atlanta Penitentiary. We received many corroborating statements of individual corruption. But we limited our public presentation of information to the subcommittee to those individuals who would testify to their own involvement in the activities, which will be the subject of testimony today.

Our focus narrowed to a small group of employees. We do not allege that corruption among employees is pervasive. In fact, from the offers of information and assistance we have received from many employees and past and present inmates, it is our view that the large majority of penitentiary employees are decent and honest Government employees.

Our review of allegations of corruption of employees formed one of two primary issues under study. The other was the question of inmate management.

The Bureau of Prisons sent a special investigative team to review that situation earlier this year following a wave of murders, and in April released a report which was critical of the Bureau itself. The team said its "major criticism of the executive staff (of the Bureau of

Prisons) was their failure to act decisively and promptly in implementing solutions they previously had discussed."

In addition, the team made 28 recommendations, most of which have been implemented. Mr. Chairman, I would like to place into the record of this hearing the April 26 "Report of the Investigative Team Into Matters of Security of the Offender, Atlanta Penitentiary."

Senator NUNN. Without objection, that will be admitted to the record and made exhibit No. 34.

[The document referred to was marked "Exhibit No. 34" for reference and follows:]

EXHIBIT No. 34

REPORT OF THE INVESTIGATIVE TEAM INTO MATTERS OF THE SECURITY OF THE OFFENDER, ATLANTA PENITENTIARY, APRIL 1978

(U.S. Department of Justice, Federal Prison System, April 26, 1978)

I. INTRODUCTION

On April 3, 1978, Norman A. Carlson, Director, Federal Prison System appointed an Investigative Team to examine conditions at the United States Penitentiary, Atlanta, Georgia and to advise the Director as to what can be done to maximize the security for offenders confined in the facility. Members appointed by the Director to the Investigative Team included: J. D. Williams, Assistant Director, (Co-Chairman); Gary R. McCune, Regional Director (Co-Chairman); Robert J. Christensen, Administrator, Correctional Management; Ronald J. Waldron, P.E. D, Chief, Office of Program Development and Jerry A. O'Brien, Correctional Services Administrator.

The Investigative Team arrived at the Atlanta Penitentiary at noon on April 13, 1978. During the remainder of the week of April 10-14, 1978, and April 17-20, 1978, the Investigative Team interviewed staff members and inmates and examined the operations of the Atlanta institution. Where necessary data were gathered from Central Office records, Regional Office records and the Atlanta Penitentiary records.

II. OVERVIEW UNITED STATES PENITENTIARY, ATLANTA

The United States Penitentiary at Atlanta is located on 162 acres in the Southeast quadrant of the city of Atlanta. What is now C & D Cellhouses and the Kitchen Building were opened in 1902, although construction continued until 1921. There are 22 buildings on 28 acres inside the wall. The wall itself has 11 manned towers. Staff residences, the power house, warehouses, and the Atlanta Staff Training Center and Community Treatment Center are on reservation land, adjacent to, but outside the wall of the institution. The reservation is today bounded by residential areas to the North, East and South; a General Motors Assembly Plant is to the West.

The maximum security penitentiary houses adult, long-term repeat offenders primarily from the Southeast. The current physical capacity is 1,500; the operating capacity is 2,200. During calendar year 1977, the average monthly population was 2,194. However, in April, 1977, the count topped 2,200 and has not decreased below that figure during the last 12 months. In fact, in September, 1977, the population reached 2,300.

The inmates are housed in five cellhouses, six dormitories, and a Drug Abuse Program unit. A & B Cellhouses are the largest and are physically identical. However, the first and second tiers of B Cellhouse are the Admissions and Orientation Unit. In each cellhouse are 100 cells divided into five tiers of 20 cells. Nineteen are used for housing, one for showers. Although the cells are designed for four inmates, with the population increase each cell now houses six to eight men. Each of these cellhouses has a physical capacity of 380, although operating capacity is now between 570 and 700.

C & D Cellhouses each have 180 single cells on five tiers. There are 36 cells and one shower to a tier. E Cellhouse is located in a separate building behind

the hospital and adjacent to the west wall. The 4-tier E Cellhouse has an operating capacity of 225. The first tier houses two inmates per cell with an operating capacity of 90; the remaining cells are single occupancy with 45 per tier.

Two of the six dormitories are located in the basement underneath A and B Cellhouses. They have a physical capacity of 102 and 134, respectively. Dorm I is located in the basement of E Cellhouse and has a physical capacity of 70. Dorm 2 is on the third floor of the Classification and Parole Building with a physical capacity of 65. Dorms 3 and 4 are above the laundry and have a physical capacity of 70 and 60, respectively.

E Cellhouse and the six dorms are used as preferred housing for inmates who maintain good conduct. There are no housing units outside the wall. The total institution operating capacity is 2,200 excluding the segregation building and the hospital.

The Drug Abuse Program Unit, in the basement of the hospital building, has a physical capacity of 50 inmates.

The Segregation Building has a capacity of 118 inmates housed on two floors. The first floor is used for disciplinary segregation cases and those in administrative detention awaiting Institutional Disciplinary Committee Hearings. There are thirteen cells with four beds each and three single occupancy strong cells for a total of 55. The second floor confines long-term administrative detention cases. There are 17 cells with three beds each and a 12-bed dormitory for a total of 63. The dormitory is used for young holdovers awaiting bus transportation to their designated institution. All cells have stainless steel security sinks and toilets, and each floor has a shower room. A small kitchen equipped with microwave ovens is also located on each floor. Attached to the building is the recreation yard which is 54½ feet by 35½ feet surrounded by an 11-foot wall topped by a 5-foot fence. The yard has a basketball hoop, a handball court and a punching bag. In addition, a universal gym machine is located on the second floor, but only inmates on that floor can use it. During 1977 an average of 88 inmates were confined in the Segregation Building.

The institution has a fully accredited hospital with a 50-bed ward. Laboratory, X-Ray, Outpatient, Surgery, Physiotherapy, Pharmacy, Dental and Psychiatric Services are available. Counseling services are provided by two Psychologists.

The Federal Prison Industries complex is the largest in the Bureau of Prisons with over 16 acres of floor space. With a staff of 104, Federal Prison Industries can employ 1,150 inmates. In 1977 an average of 900-950 were continuously employed and earned over \$1 million in salaries.

#### *Organization, management and personnel*

Atlanta has an authorized personnel ceiling of 505, including five Public Health Service staff. As of April 18, 1978, 477 positions were filled. Normal attrition and delays in hiring usually prevent staffing at the authorized level. Minorities comprised 22.7 percent or 111 of the staff at the close of 1977. The inmate staff ratio, based on the 1977 population of 2,194, was 4:5 to 1.

Reporting directly to the Warden are the three Associate Wardens for Custody, Operations and Programs, the Executive Assistant, the Superintendent of Industries and the Chief Medical Officer. Under the Associate Warden for Custody are Custodial and Safety and Sanitation, Mechanical Services, Food Services, the Business Office and Personnel report to the Associate Warden for Operations; and Education, Religion, Drug Abuse Programs, Case Management Services and the Case Management Coordinator, and Administrative Services report to the Associate Warden for Programs. The Chief Medical Officer has supervisory responsibility for Psychology Services.

Custodial Services employs the largest number of staff, 251, followed by Federal Prison Industries with 104. Mechanical Services has 34 positions, the Business Office 23, and the Hospital 22.

The average age of Atlanta staff in 1977 was 41.6 years old compared with 43.8 years in 1973. This downward trend is caused by the 20-year mandatory retirement at age 55 and the subsequent hiring of new staff under 35. Close to 33 percent of the staff are under 35. With the anticipated retirement of 50 employees in the next 5 years, the average age of the staff will continue to decrease as replacements are hired.

With the loss of 20-year employees, the experience level of the staff in terms of years of service has also been decreasing. In 1975, the staff had a combined average of 8.7 years of service; in 1977, the average dropped to 7.7 years. Moreover, in 1975, 46 percent of the employees had five years or less experience compared with 48 percent in 1977. In the Custodial and Classification and Parole Departments, where there is daily contact between staff and inmates, over 50 percent of each department's staff have less than five years experience. The Food Service and Hospital staff, whose services significantly affect inmate morale, have 50 percent and 80 percent, respectively, of their employees with less than five years experience.

If these trends continue, the staff will become progressively younger and less experienced for the next 5 to 10 years. In 10 years, the age and experience levels will begin to improve since approximately 50 percent of the staff will be between 30 and 45 years old and will have 10-20 years of experience. It would seem, however, that the same cycle of a younger, less experienced staff will begin to repeat itself at the 20-25 year point.

Terminations and resignations are low and vacancies are filled as soon as possible with 64 in 1977, 75 in 1976, and 54 in 1975. Training has also increased due to the large number of new employees. In 1977, the Atlanta staff participated in 36,896 hours of training.

### *Inmate programs*

Inmates have a variety of programs in which they can participate. Programs begin during the two-week Admission and Orientation period at which time they receive thorough medical examinations, take the Beta I.Q. Test and Stanford Achievement Test, and become acquainted with the institution through a series of lectures and the Handbook of Standards describing inmate conduct policies.

The Education Department offers an extensive program in academic, social and recreation areas. Adult Basic Education and Adult Secondary Education programs are attended by an average of 140 inmates at any one time. For inmates with a minimum of a sixth grade comprehension, classes are taught in such fields as sociology, money and banking, data processing, music, psychology, nursing and several others. Student interns or volunteers teach special interest courses in salesmanship, pilot ground school, Spanish, French, and Arabic.

Inmates can also earn college degrees through the DeKalb Community College Associate of Arts degree program and Mercer University's Baccalaureate degree program in Psychology and Sociology. Some inmates also enroll in military and college correspondence courses.

The social education program offers the Guides for Better Living Course, emphasizing the development of a positive mental attitude, and the Great Books of the Western World Discussion Club.

The Education Department also sponsors several inmate organizations, workshops, and the law library. It is also responsible for maintaining the 60,000 to 80,000 paperback book library in the cellhouses, screening incoming inmate publications, and operating the print shop.

The recreation program runs year-round. The active sports program is organized around Intramural Leagues. During week-ends League Play-Off games or Varsity Team matches against community teams are held. The nine leagues include baseball, basketball, flag football, handball, softball, soccer, tennis, volleyball and weightlifting.

Vocational training and apprenticeship programs are also offered. Six apprenticeship programs enroll two to six inmates each. Ten vocational training programs are offered, both during daytime and evening hours. Courses include heating and air conditioning, auto transmission, barbering and welding. Federal Prison Industries operates canvas, basket, mattress, and sign shops and a textile mill.

The two Chaplains run an active program. Close to 300 community volunteers participate in religious programs and groups, as well as in Alcoholics and Gamblers Anonymous chapters, Yokefellows and many others.

Atlanta has a Drug Abuse Program Unit providing group and individual counseling in a therapeutic community. Inmates with drug-dependent histories or significant abuse of non-narcotic drugs who are 18 to 24 months away from probable release are eligible. There are currently 46 inmates living in the Drug Abuse Program functional unit; 39 inmates living in the general population also participate in group sessions once or twice a week. There are six full-time unit

staff, five part-time consultants, an education department advisor and a student intern.

#### *Inmate profile*

Atlanta has an older, more criminally sophisticated population than the general Federal prison population (see Inmate Profile—Atlanta, 1977, Appendix A). Inmates at Atlanta are typically serving their third major prison sentence. Using September 30, 1977 data, the average Inmate age is 39.8 years. The average sentence length is 13.9 years, up from 10 years in 1975 when 53 percent of the Inmates had minimum 10-year sentences. (See Inmate Profile—USP, Atlanta, 1975 & 1977, Appendix B.) In 1977, 62 percent were serving sentences of 10 years or more. Moreover, 8.6 percent of the population are serving sentences of 40 years or more and should be considered escape risks due to their sentence length. Included in this figure are 107 inmates serving sentences in excess of 99 years.

Atlanta's population has a significantly more severe offense history than the Bureau's population in general. Forty-two percent are serving sentences for violent crimes including robbery, kidnapping, air piracy, homicide and sexual assaults. For example, 32.1 percent of Atlanta's population are convicted of robbery compared to 21.6 percent of the overall Bureau population.

While Atlanta's drug offenders have decreased from 22.4 percent in 1975 to 18.8 percent in 1977, bank and postal robberies have increased from 30.8 percent to 32.1 percent. Larceny and auto theft account for 7.9 percent of the population, firearms violations 4.9 percent, and murder, kidnapping, rape and manslaughter 6 percent.

In 1975 the Inmate population was 60.5 percent white and 39.3 percent black. In 1977 whites comprised 54.4 percent of the population and blacks comprised 44.9 percent.

Atlanta's Inmates have higher rates of marriage, separation and divorce, and common law marriages than the Bureau's overall population. Forty-five percent are married or common law compared with 42.8 percent of the Bureau in general.

Atlanta's inmates also have higher I.Q.'s than the general population, but more inmates with less than eighth grade educations. Since 1975, the percentage of inmates with I.Q.'s of 120 or more has increased and the percentage of those with less than eighth grade educations has decreased.

The number of inmates who have used narcotics has increased from 15.3 percent in 1975 to 23.4 percent in 1977. These figures, however, compare favorably to the Bureau population with 34.9 percent using narcotics in 1977.

The number of prior arrests has changed little. In 1975, 66.5 percent were arrested seven or more times; in 1977 the figure increased to 67.9 percent. Bureau-wide, inmates with seven or more arrests accounted for 49.7 percent of the population.

### III. FINDINGS OF THE INVESTIGATIVE TEAM

The Investigative Team would like to point out there were many positive aspects in the operations of the Atlanta penitentiary. The purpose of this investigation, however, was to identify the problems at Atlanta and develop recommendations that would rectify or ameliorate those problems. Consequently, the findings of this report focus on what the Investigative Team determined to be the major problems in the operations of the United States Penitentiary at Atlanta.

#### *The homicides*

From November 26, 1976, through April 10, 1978, a period of approximately 16 months, there were 9 homicides at the Atlanta Penitentiary. From 1970 through 1975 the average number of homicides at Atlanta was 1 per year. Though not one inmate murder should be tolerated, this unprecedented rash of homicides was the major impetus for the investigation of the Atlanta penitentiary. Therefore, the Investigative Team examined each homicide closely.

*November 26, 1976, Bell, Ronald M.*—At about 6:00 a.m. inmate Ronald M. Bell, Reg. No. 31115-138, was severely burned by a fire in his cell on 13 range of "C" Cellhouse. After the officers extinguished the fire, Bell was removed from his cell and taken to the penitentiary hospital for treatment. Because of the severe burns sustained in the fire, Bell was transferred to the burn unit in Grady Memorial Hospital where he died at 5:58 p.m. on November 30, 1976. Apparently Bell had been involved in a robbery of other inmates, one of whom retaliated by throwing

an inflammable liquid on Bell and igniting it while he was locked in his cell. The grand jury has indicted a suspect in this case.

*January 13, 1977, Little, John.*—At about 6:00 a.m. the two cellhouse officers were standing at the front of "A" Cellhouse on the main floor. The cells had not been unlocked for the day. At about this time they heard loud noises, similar to furniture being knocked over coming from Cell I-20. They both ran to the cell and heard several of the occupants yelling at each other. Using their flashlights, they observed an inmate fully dressed with a knife in his hand, running back and forth between the beds occupied by John Little, Reg. No. 98139-131, and another inmate. He would stab at one and then move to the other inmate and stab him. The defendant in this case has been subsequently tried and found not guilty on grounds of temporary insanity.

*July 26, 1977, Papa, Vincent C.*—At about 5:30 p.m. an unidentified inmate notified a member of Atlanta's staff that an inmate had been killed and his body was lying on the ramp leading to the recreation yard. A search was immediately conducted and the body of Vincent C. Papa, Reg. No. 74758-158, was found lying on the ramp adjacent to the Safety Office. An inspection of the body determined that he died from multiple stab wounds.

As best as can be determined Papa was suspected by other inmates of cooperating with the authorities. This eventually led to a contract being placed on Papa. The inmates who had the contract killed Papa with a homemade knife as he returned from the industries area. This case is under investigation by the FBI and has been referred to the U.S. Attorney's Office.

*August 7, 1977, Widener, John C.*—At approximately 5:20 p.m., inmate John Charles Widener, Reg. No. 97552-131, was assaulted with a hatchet type weapon on the ramp between the Industries Building and the Vocational Training shops. He was pronounced dead at 6:15 p.m. at the Institution Hospital. Investigation reveals that a contract was put out on Widener for \$500. Inmates took the contract and conducted the killing using a homemade hatchet. This case has been referred to the U.S. Attorney's Office and the FBI are continuing their investigation.

*October 19, 1977, Pipkin, Joseph C.*—At about 11:35 p.m. one of the "A" Cellhouse officers was checking the cells in preparation for the midnight count. The cells had not been locked. As he proceeded down Range 2, he saw an inmate enter Cell 2-S. He heard a scream and saw an inmate leave the cell. He activated his body alarm and called for assistance. He was joined by a second officer and they proceeded to Cell 2-S where they found Joseph C. Pipkin, Reg. No. 11365-116, lying on the floor in a pool of blood. Pipkin was taken to the institution hospital, where he died at 1:20 a.m. on October 20, 1977, from approximately twenty-one stab wounds. This incident appears to be related to a homosexual relationship between the victim and the assailant. The FBI has referred this case to the U.S. Attorney's Office.

*December 13, 1977, Clark, Algin W.*—At about 6:25 p.m. recall had been sounded because of an escape attempt over the wall near Tower 7. The inmate population was returning to their cells for count. An unidentified inmate passed the Operation's Lieutenant in the rear corridor and told him an inmate had been stabbed in west yard. The Lieutenant proceeded to the west yard area and found inmate Algin W. Clark, Reg. No. 88606-132, lying on the ground under the canopy just outside the rear corridor door. He had been stabbed in the back of the neck and appeared in serious condition. He was rushed to Grady Hospital where he was pronounced dead at 8:35 p.m. Enroute to the hospital, he made a dying declaration. After further investigation, an inmate source identified an accomplice and placed him at the scene of the stabbing incident. The reason for the killing has not been definitely determined. This case has been referred to the U.S. Attorney's Office for prosecution.

*February 24, 1978, Walker, Kenneth.*—At about 3:45 p.m. inmate Kenneth Walker, Reg. No. 35325-118, was assaulted by an inmate on four range of "A" Cellhouse. Walker was returning to his cell for the 4:00 p.m. count. An inmate who also lives in the same cell fought Walker in the cell and stabbed him in the arm with a homemade knife. Walker attempted to defend himself but was stabbed in the neck. Walker was taken to the hospital where he was pronounced dead. Referral of this case to the U.S. Attorney's Office has been made.

*March 23, 1978, Zambito, William R.*—At about 6:35 a.m. an inmate came by "B" Cellhouse office and told the officer that an inmate was bleeding on 7 Range. Two officers proceeded to 7 Range and found inmate Zambito on a top bed in a

pool of blood in cell 7/17. The officer attempted to get information from him but he was too weak to talk. Zambito was taken to the Institution hospital where he was pronounced dead.

Zambito had been committed by the U.S. Marshals on the previous evening. He went through the normal commitment procedures and was assigned to an A & O Cell in "B" Cellhouse. Investigation has revealed that Zambito was a government witness in a drug case for which he was to serve 7 years. Apparently, he was to receive protection but the Bureau of Prisons was never notified. The killer(s) entered Zambito's cell unseen when he was alone in the cell and stabbed him to death. The FBI is continuing investigation of this case.

In addition, a separate Board of Inquiry has investigated the Zambito homicide and a number of recommendations have been made to improve the security of protection cases.

*April 10, 1978, Orsini, Dominique.*—At about 9:30 a.m. an inmate reported to Mr. Hagan, the rear corridor officer, that he had found the body of an inmate in the stairwell leading to Dorm No. 3. Officers proceeded to the area and found inmate Dominique Orsini, Reg. No. 00217-158, unconscious in the stairwell. He had been stabbed several times and appeared to be dead. A prison made knife was found lying on his chest. He was taken to the Institution hospital where he was pronounced dead. There are no known witnesses or suspects, neither is there any known motive. Orsini is of French descent from Argentina. He was involved in an international conspiracy to import drugs. It is not known if his killing was the result of a problem here in Atlanta or originated with the group he was involved with on the street. The investigation of this case by the FBI continues.

#### *Common denominators in the homicides*

Unlike many other series of homicides that have occurred in prisons, the Atlanta homicides lack a common motive. The Investigative Team did, however, note several similarities. (See Table 1)

"Homemade" or "Prison-made" weapons were the most recurring event in the homicides. All but one inmate (Bell) was killed by a prison-made weapon. Seven were killed by knives and one was killed by a hatchet, all hand-made weapons.

The time of the homicides also appeared to be a significant factor. All but one of the inmates (Orsini) were killed during the times when major movement of inmates occurs. For example movement to or from work assignments or to and from cellhouses.

Five of the homicides occurred in the multi-tiered cellhouses, cellhouses that are difficult to observe and supervise. Four occurred in the A and B Cellhouses. The A and B Cellhouses consist of cells with six to eight men assigned to a cell, whereas the C and D Cellhouses are one-man cells. Additionally, the C and D cellhouses are preferred quarters, consequently inmates who have no institution adjustment problems are assigned to these quarters. (See Illustration 1)

Factors reoccurring in the homicides that appeared subject to control were homemade weapons, inmate movement, and inmate housing assignments. Greater control needs to be placed on tools and stock used in weapon making. More correctional officers are needed to observe the movement of inmates. And, consideration should be given to assigning disruptive, violence-prone and aggressive inmates to single cell housing.

#### *Staff interviews*

The Investigative Team interviewed members of Atlanta's Executive Staff, Department Heads, Lieutenants, Counselors, and the Union President. Informal discussions also took place with various employees throughout the Institution.

#### *Executive staff*

The Investigative Team conferred daily with members of Atlanta's Executive Staff. The Executive Staff expressed continued concern over the Institution's problems and they were extremely cooperative and helpful to the Investigative Team. As problems with short term solution were identified by the Investigative Team, the Executive Staff acted promptly to rectify these problems. Situations requiring long-term solutions were also discussed daily with the Executive Staff, and in many cases solutions proposed by the Investigative Team had previously been under discussion by the Executive Staff. Perhaps the Investigation Team's major criticism of the Executive Staff was their failure to act decisively and promptly in implementing solutions they previously had discussed.



TABLE 1. HOMICIDE PROFILE

| Name         | Age | Offense                      | Sentence length | Time           | Inter-racial | Location                     | Suspected motives                | Weapon used       |
|--------------|-----|------------------------------|-----------------|----------------|--------------|------------------------------|----------------------------------|-------------------|
| Bell.....    | 33  | Bank robbery, narcotics..... | 16              | 6:00 a.m.....  | No.....      | (1).....                     | Drugs, money.....                | Fire bomb.        |
| Little.....  | 29  | Bank robbery.....            | 25              | do.....        | No.....      | (2).....                     | Drugs, pimping.....              | Homemade knife.   |
| Papa.....    | 59  | Narcotics, income tax.....   | 22              | 5:30 p.m.....  | No.....      | Ramp.....                    | Contract killing.....            | Do.               |
| Widener..... | 37  | Receiving stolen goods.....  | 15              | 5:20 p.m.....  | No.....      | do.....                      | do.....                          | Homemade hatchet. |
| Pipkin.....  | 26  | Bank robbery, murder.....    | 36              | 11:35 p.m..... | No.....      | (2).....                     | Homosexual.....                  | Homemade knife.   |
| Clark.....   | 32  | Bank robbery.....            | Life            | 6:25 p.m.....  | No.....      | Yard.....                    | Argument.....                    | Do.               |
| Walker.....  | 27  | do.....                      | 18              | 3:45 p.m.....  | No.....      | (2).....                     | do.....                          | Do.               |
| Zambito..... | 30  | Narcotics.....               | 7               | 6:35 a.m.....  | No.....      | (2).....                     | Contract killing.....            | Do.               |
| Orsini.....  | 58  | do.....                      | 10              | 9:30 a.m.....  | Unknown..... | Stairwell 3 and 4 dorms..... | Possible continuing killing..... | Do.               |

1 CCH—"C" cellhouse.

2 ACH—"A" cellhouse.

3 BCH—"B" cellhouse.

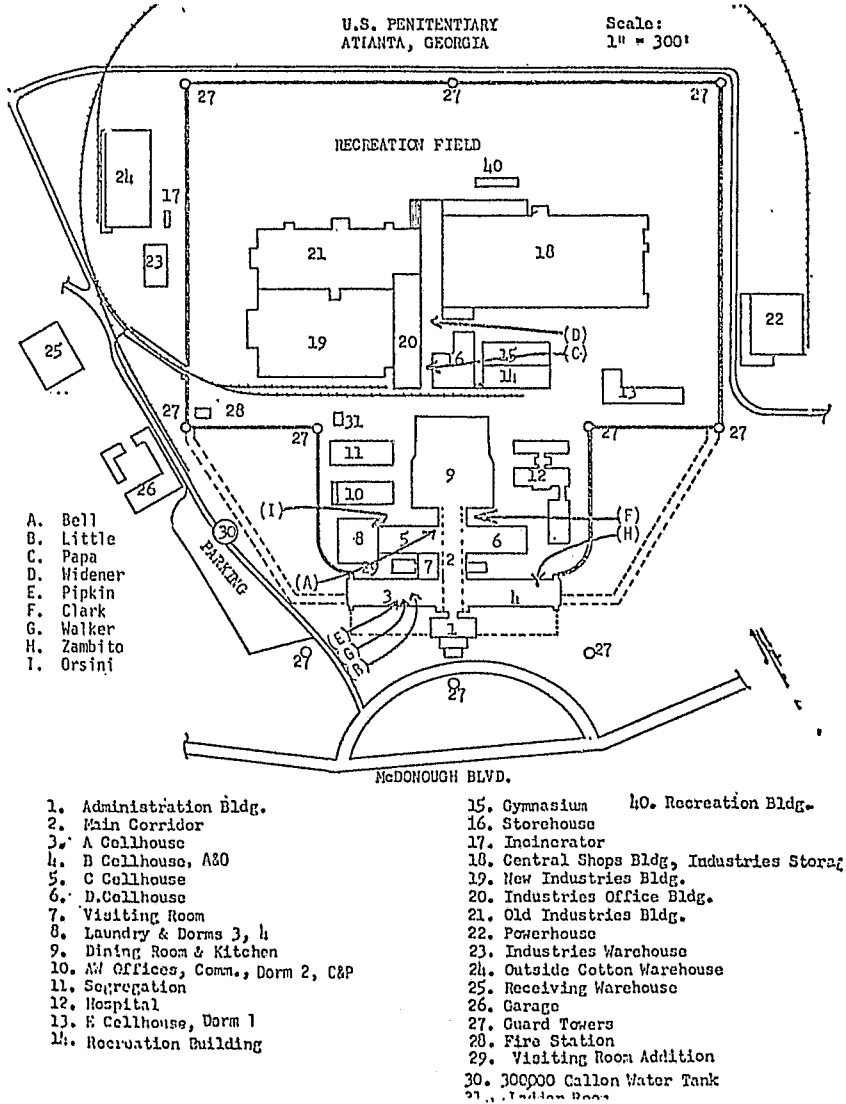


ILLUSTRATION 1

*Correctional Supervisors*

Each correctional supervisor was interviewed separately. They expressed concern for the violence and generally attributed the increase in violence to the increased population and the large number of disciplinary problem inmates. All of the supervisors voiced support for the administration.

Each supervisor indicated that there is need for more correctional officer positions, especially for the large cellblocks and towers. As a group they cited numerous examples when proper custodial procedures could not always be followed because of manpower shortages.

Each supervisor expressed concern about the lack of space in the Detention/Segregation units. Decisions on removing a problem inmate from population are,

on occasion, based upon available space in the detention unit. There is dissatisfaction with this but each supervisor made it clear that they would not hesitate to remove a serious management problem from the population and have done so even to the point when it was necessary to put a mattress on the floor to accommodate overcrowded conditions in detention.

#### *Counselors*

Two members of the Investigative Team met with the counselors as a group. The enthusiasm, motivation, and knowledge of the counselors was impressive. As a group they felt left out of the mainstream of the institution and voiced a desire for better communications with the Administration. They indicated there was a need for more controls on inmate accountability and movement and expressed concern for what they perceive as a breakdown of inmate discipline. As a group they were supportive of the Administration and felt their role as counselors was productive and beneficial to the institution.

#### *General Impressions*

Staff morale was found to be high. All levels of management and staff were extremely complementary of Warden Jack Hanberry. They indicated Warden Hanberry was accessible and cooperative.

The Investigative Team did note, however, that an insufficient emphasis was given to security and the control of contraband. A greater priority needs to be placed on security and custody.

Management and labor relations appeared excellent. Warden Hanberry was attributed with establishing these excellent relationships.

#### *Inmate interviews*

During the two weeks of their visit, members of the Investigative Team interviewed all those inmates who asked to see the Investigative Team. Inmates were assured their comments were private and confidential. Several other inmates were interviewed informally as the Investigative Team circulated through the Institution. Some of the inmates interviewed expressed only their dissatisfaction with personal matters. However, several areas of concern were common to most of the inmates interviewed.

*Medical services.*—All but a few inmates indicated the quality and availability of the medical service was inadequate.

*Noncaring staff.*—Several inmates felt the staff, particularly the case workers, did not demonstrate sufficient concern for their welfare.

*Mentally ill inmates.*—The inmates felt there was an excessive number of mentally ill inmates on the compound and that they posed a threat and disturbance to them.

*Clothing issue.*—The short hours and crowded space available for clothing issue was deemed a problem by the inmates.

*Commissary.*—The lack of commissary hours during the inmates time off was also viewed as a problem.

*Visiting room.*—The location of the visiting room inside of the Institution requires inmates' wives and relatives to pass by Cellhouses A & B.

These complaints are addressed in more detail later in this report.

#### *Community members interviewed*

Member of the Investigative Team interviewed several members of the community in the offices of Congressman Wyche Fowler. In general the concerns expressed by the community members were similar to those expressed by the inmates in their interviews.

#### *United States Attorney's office*

All of the nine homicides in this report have been referred to the U.S. Attorney's Office. To date, one was found not guilty, one has been indicted.

Members of the Investigative Team met with U.S. Attorney William Harper. The U.S. Attorney assured members of the Investigative Team he would continue to pursue vigorously the prosecution of all criminal matters occurring at the Atlanta Penitentiary.

#### *Institutional disciplinary committee*

The Institutional Disciplinary Committee serves as a major source of control of inmate behavior. When inmates violate institutional rules and regulations, they are brought before the Institutional Disciplinary Committee for a hearing and the dispensing of punishment as warranted. The Institutional Disciplinary

Committee is composed of the Associate Warden, Custody, the Chief Correctional Supervisor, Segregation's Correctional Supervisor, and the Case Management Coordinator. The Institutional Disciplinary Committee currently meets Monday through Friday for at least four hours a day.

Currently both the Associate Warden Custody and the Chief Correctional Supervisor serve on the Institutional Disciplinary Committee. To allow for more supervision of custody and security operations, one of these individuals should be removed from the Institutional Disciplinary Committee or they should alternate.

Due to general overcrowding the segregation building is overcrowded, making it difficult to isolate disruptive inmates. More segregation space is definitely needed.

The Institution has developed a proposal to convert "E" Cellhouse to a Detention/Segregation, Admissions and Orientation, and holdover unit. Implementation of this proposal would provide more space for the segregation/detention function and more secure quarters for Admissions and Orientation inmates and holdover inmates. The Investigative Team feels this is an excellent proposal but would also recommend the receiving and discharge functions be placed in the "E" Unit. The team also suggests the West sallyport be renovated and utilized as a bus or footpath entrance for bus inmates. The Investigative Team also recommends that either the Associate Warden Custody or the Chief Correctional Officer should be removed from the Institutional Disciplinary Committee.

#### *Inmate accountability and control*

The present Atlanta policy statement on Inmate Accountability is dated 7/15/76 and does not address the need for census checks in the units, does not require follow up on callouts or sickcall, and in general is vague and does not furnish sufficient guidance. Several detail officers remarked that they seldom followed up on an inmate who was on callout as they did not have the time.

At 6:20 in the morning the cellhouse doors are opened and are not locked again until the 4:00 p.m. count. Inmate movement is free and unrestricted throughout most of the Institution. In the cellhouses the Investigative Team noted that inmates had access to cell locking devices.

At the request of the Investigative Team a census was taken April 18, 1978. The census revealed 255 inmates were "out of bounds", i.e., in areas in which they were not authorized.

With the lack of adequate inmate accountability there is a constant movement of inmates throughout the housing units. There is no pass system or any viable procedure to identify why an inmate is in a given area at a particular time. This lack of procedure facilitates the flow of contraband, thievery, and assaults. There is a definite need for more inmate accountability and control.

#### *Inmates working in sensitive areas*

Inmates were observed working in the inmate records office, the receiving and discharge office, and the medical records office. Inmates were also observed processing Marshal's receipts and they had access to writ information.

The staff at Atlanta should insure that inmates do not have access to any confidential information and when inmates are working in areas where confidential information is located, the inmates should be under direct supervision at all times.

#### *Inmate housing*

On arrival at Atlanta a new inmate is placed in Admissions and Orientation housing located in the B Cellhouse. Local policy requires a new inmate be seen by his case manager within 72 hours of arrival. There is, however, no firm procedure for adhering to the policy, consequently, it is possible for an inmate not to be seen by his Case Manager until classification, which is approximately 30 days after his arrival. Most inmates however, will see their Case Manager in 1 to 2 weeks. It should be noted the Admission and Orientation cells are located in the multi-tiered B Cellhouse. Therefore, predator-type inmates have relatively easy access to new inmates.

Initial assignment of new Admission and Orientation inmates is, in most cases, to A or B Cellhouse. Since "good behavior" is required to move from A & B Cellhouses to more desirable quarters, this results in the new inmates being assigned quarters with Atlanta's proven disruptive inmates.

The Investigative Team is convinced a more rational procedure of inmate housing and processing is necessary. New Admission and Orientation inmates should be separated from the general population until screened by the Case

Manager. A prisoner intake screening procedure should be established whereby newly received prisoners are interviewed and screened by a Case Manager or other responsible staff members. A new Admission and Orientation inmate should carry a presumption of needed protection status until proven otherwise. Single cells, though more desirable, should be used to house predator/aggressive inmates. If need be, additional incentives should be offered to attract less violent inmates to the multiple occupancy cells of A & B Cellhouses.

#### *Weapons manufacturing and tool control*

As noted in the analysis of the homicides the use of prison-made weapons was a significant factor. On arrival of the Investigative Team an Institutional shakedown was established. From April 10, 1978 through April 18, 1978, the shakedown team located 17 knives, 2 hatchets, and one homemade .22 caliber zip gun with 3 rounds of ammunition. With few exceptions, the weapons confiscated had been sharpened or honed on an electric grinder, lathe or shearpress. Many were made with stock metal readily available.

When Investigative Team members visited the industrial operations, the lack of security of machinery capable of producing weapons was obvious. Two table grinders were supposedly secured with a padlock and cover, yet members of the Team were able to turn the grinder on and sharpen a piece of metal. In other areas grinders and rotary motors were not secured. It was obvious to members of the Investigative Team that steps must be taken to properly secure this equipment when not in use and provide constant supervision when it is being utilized. Excessive grinders should be eliminated and metal stock and scrap metal should be accounted for and strictly controlled.

The Investigative Team would like to point out, that instruments will always be available should an inmate desire to injure or kill someone. A bar of soap in a sock is an effective blackjack, a toothbrush handle filed on a concrete floor can be a lethal weapon. Nonetheless, the Investigative Team believes every possible step should be taken to reduce the opportunity for inmates to manufacture weapons.

In addition, the Investigative Team was concerned about the lack of an ongoing shakedown program in the units and for inmates returning from the shops and industries area. Because of the physical design of the institution and the many avenues of return from the shops/industries area, a main avenue for all traffic needs to be established. This could be accomplished by closing off various areas of the shops/industries complex by fencing and funneling all foot traffic through one walkway and into a central area for screening by walking through metal detectors. Any plan for metal detection or shakedown will have limited success until avenues of egress and ingress to and from the housing units and industries/shops area are limited to one.

The Investigative Team reviewed the institution's policy statement on Tool Control and found it to be excellent. In fact, the mechanical services areas exercised excellent tool control and observed the requirements of the policy statement. The industries area however, was not in full compliance with existing policy.

The severity of the weapons control problem cannot be overlooked. All but one of the recent homicides were accomplished with a sharpened instrument that was manufactured with the assistance of a grinder or similar machine. The details of the weapons were such that considerable time was necessary at a grinder or other electrical device. The obvious lack of controls on some machinery coupled with almost unlimited free inmate movement and an ineffective shakedown program necessitates immediate action.

#### *Excessive unauthorized inmate property*

The Investigative Team observed large amounts of unauthorized property in inmate housing areas. This included homemade tables, books, pictures, shelves, and other various and assorted items. Quite obviously much of this material was manufactured in the industrial shops or maintenance section and transported to the housing areas. Members of the Investigative Team observed one inmate drop a dolly wheel and a bed leg extension through a hole in a window next to the cells. The dolly wheel was a brand new item obviously stolen from the shops. The bed leg extension could have easily served as a place to conceal contraband.

The problem of excessive property arises from trying to establish a balance between sufficient property to establish a humane and normal environment and to keeping inmate property to a manageable level. The Investigative Team is of the opinion that inmate personal property at Atlanta is excessive and should be reduced to a more manageable level.

### *Urine surveillance program*

Similar to other large state and federal maximum security institutions illicit drugs are available in the Atlanta Penitentiary. The level of drugs at Atlanta were not found to be disproportionate to the levels that exist in similar institutions. Unfortunately, drugs do find their way into institutions. A shakedown at the institution during the visit of the Investigative Team located marijuana several times. At least two homicides appear to be linked to internal dealings in drugs and money.

Some inmates suspected that drugs were being brought into the institution by minimum custody inmates who work on the outside. Staff are also suspected. Perhaps the major source of drugs is visitors. In order to have visits in which family members can hold hands, and converse in a normal and humane environment, contacts are permitted between inmates and visitors. Although these visits are observed by staff it is impossible to totally insure that narcotics are not passed.

The Urine Surveillance Program which was designed to detect the presence of drugs in an institution was not working effectively. Inmates randomly selected for the tests are only tested on Tuesday, Wednesday, or Thursday, during the last 2½ weeks of each month. Consequently, inmates can predict the days and weeks they will be tested. Further, inmates reporting for urine tests are not positively identified and a "stand-in" could easily take the test. If this program is to be effective, a truly random process with positive identification is necessary.

### *Transfers to Atlanta*

There was some concern that Atlanta had accepted too many violence prone inmates. Examination of transfer practices prior to June 1977 revealed Atlanta accepted 47 percent of the offenders referred. From June 1977 through April 1978, Atlanta has accepted 53 percent of the offenders referred. Prior to June 1977 45 percent of the offenders referred to other institutions from Atlanta were declined. After June, 1977 58 percent were declined. This indicates the present staff accepted more referrals than the previous staff, and was not as successful as the prior staff in referring inmates to other institutions. In addition, Atlanta received 16 transfers from the Marlon Control Unit in 1977, while Leavenworth and Lewisburg received 11 and 6, respectively. The designation, classification and transfer process is currently under study. The outcome of this study should improve the transfer process.

### *Correctional complement*

The Investigative Team carefully examined the correctional duty roster. The authorized complement is 230. This, however, is not reflective of the number of officers actually available for correctional duties. Positions such as tow truck driver, barber, and receptionist are inappropriately assigned to the correctional complement. In the large A & B Cellhouses 3 correctional officers were assigned during evenings and weekends daywatch. One officer supervised the first floor, another the second and third floor tiers, and another the fourth and fifth floor tiers. The officer supervising the fourth and fifth floor tiers is frequently assigned to other activities; consequently, there is little supervision in the upper tiers.

During the past several years various perimeter tower posts have been vacated. Several escape attempts and serious assaults have occurred in the general observational area of the vacated towers. The assailant in the Orsini homicide fled past the vacated Number 1 tower.

A thorough review should be made of the correctional complement and the number of positions necessary to provide adequate security for the offender. Where additional positions are deemed necessary they should be added as they become available.

### *Case managers*

Some of the inmates interviewed indicated there was a lack of accessibility of their Case Manager. Currently, Atlanta has 10 authorized positions for Case Managers; however, due to normal attrition, they are seldom at full complement. As a result, Case Managers must handle a caseload of approximately 250 to 300 inmates. The paperwork generated by such a large caseload overwhelms the Case Managers and leaves them little time for counseling with inmates.

The Investigative Team witnessed an "Open House" between 11:00 a.m. and noon when an inmate may see his Case Manager. It was hectic and crowded. The atmosphere was not one for a relaxed discussion of inmate problems. Efforts

should be made to decentralize the case management function so as to bring the Case Managers closer to their caseload.

#### *Counselors program*

The counselors program at Atlanta has 17 counselors. All but five are on regular day shift.

A complaint expressed by some counselors was their lack of authority. Practically all decisions relative to the inmate's welfare are made by Case Managers, including such minor ones as phone list and visitors list. The Investigative Team felt more responsibility should be placed on the counselors. This would increase the utility of this position, and it could relieve some of the burden now placed on Case Managers. It was also the Investigative Teams opinion that more counselors should work evening shifts and more should work weekend shifts. This program should be thoroughly reviewed.

#### *Medical services*

Without question of major concern to the inmates and community members was the availability and quality of medical care. The Investigative Team learned that an inmate could directly see a doctor only on a Monday. On other days he must first be screened by a physician assistant and then referred to a doctor if the physician's assistant felt it necessary. Emergencies, of course, were referred to a doctor immediately. The Monday only direct access to a doctor led to huge turn-outs on Mondays and as many as 800 inmates waiting in line.

During the visit of the Investigative Team, a new sickcall procedure was implemented. An open sick call schedule was established and inmates may now make an appointment to see a doctor Monday through Friday during prescribed times. The Atlanta Executive Staff should monitor this procedure closely to insure its success.

#### *Psychotic inmates*

Among the complaints expressed by some of the inmates interviewed was the number of psychotic or mentally ill inmates at the Institution. Complaints focused on the noise these individuals made talking to themselves or a general fear the inmates had that psychotic inmates might "snap" at any moment and do bodily harm to someone.

At the present time, 103 inmates are identified as psychotic and on medication. Thirty of these individuals were deemed severe cases.

While it is likely that these individuals can function safely in the general inmate population, the apprehension and disturbances they create are undesirable. Assignment to Butner or Springfield should be considered for the severe cases. Separate housing may be an alternative worth exploring for the less severe cases.

#### *Clothing exchange*

Another complaint among some of the inmates interviewed was the clothing exchange. The physical construction of the room used for inmate clothing exchange did not permit a smooth and efficient movement of inmates through the clothing exchange area. Members of the Investigative Team witnessed a clothing exchange at the request of an inmate. The crowding, bumping, shoving of inmates through one door during a limited time could only serve to further aggravate the inmates. The Institution was contemplating changing the procedure and a draft policy statement was developed during the visit of the Investigative Team. This is an area for potential violence and the Investigative Team urges rapid action to rectify this situation.

#### *Commissary*

Some of the inmates interviewed also expressed dissatisfaction with the Commissary which operates from 12:30 p.m. to 3:00 p.m. each day and from 8:00 a.m. to 11 p.m. on Saturdays. During the weekdays most inmates are on detail or lunch. In order to make commissary they must leave their detail or miss their lunch. The Investigative Team encouraged the Institution to establish commissary hours at a time more accessible to the inmates. A revised Policy Statement on Commissary Hours was established during our visit and new commissary hours were set.

#### *Sanitation*

Sanitation throughout the institution was generally satisfactory. There were, however, certain areas where sanitation could be improved. It appears to the Investigative Team that sanitation was emphasized in visible areas and lax in

the less visible areas. The cross walk over the main corridor was filthy and had not been cleaned in months. The sanitation in the cellhouse generally declined the farther one proceeded up the tiers. The excessive unauthorized inmate property in the cells contributed to the unsightly appearance of the cells.

Presently, it takes up to six weeks for the results of the sanitation inspection process to reach proper institutional authorities. The process should be revamped to provide timely notice to department heads to take corrective action.

#### IV. SUMMARY AND RECOMMENDATIONS OF THE INVESTIGATIVE TEAM

The Atlanta Penitentiary was first opened in 1902. It is a large, massive, antiquated facility with open multi-tiered cellblocks. The mere size and structure of the facility creates impersonal, dehumanizing atmosphere in which staff and inmates both suffer. The large inmate to staff ratio and the size of the facility make it difficult for staff to observe and control the inmate population. These are at best difficult conditions under which to operate a correctional institution.

Despite the conditions under which they must operate, the staff at Atlanta has done in many respects an excellent job. The quality of food is almost a universal inmate complaint, yet not one inmate expressed dissatisfaction with the food program. Though some inmates complained about certain staff and programs, they often indicated there were other staff who were doing an excellent job and there were other programs that were well run.

Unfortunately, the Investigative Team was not here to identify meritorious staff or programs, but to review and identify those aspects of the Atlanta Penitentiary operation that needed to be revised and improved. The Investigative Team realizes that any correctional institution submitted to similar scrutiny would suffer some adverse evaluations. Nonetheless, our review of the institution and its operations did reveal some areas in which improvement could be made.

In reviewing the Institution's operations the Investigative Team concluded no single factor was responsible for the homicides at Atlanta. The circumstances and events that precipitated the homicides were a combination of factors, each contributing in some small way but none sufficient in themselves. Consequently, the Investigative Team is making a series of recommendations. Together, implementation of these recommendations should prove to lessen the opportunity for criminal acts at Atlanta, and thereby improve the security and safety of the inmates and the staff.

The recommendations are presented in three categories: immediate, short-term, and long-term. The immediate recommendations have already been implemented. The short-term recommendations should be implemented within 45 to 90 days of the release of this report. No specific time frame was established for the long-range recommendations.

##### *Immediate*

*Recommendation 1.*—To free additional detention and segregation space, some disruptive inmates and some protection cases should be transferred. By April 14, 1978, 92 inmates had been transferred from Atlanta.

*Recommendation 2.*—To improve security, additional staff coverage should be provided. On April 10, 1978, there were 12 men placed on the evening shift and 13 placed on the day shift. These positions should be reviewed continuously and reduced as necessary as internal security procedures improve.

*Recommendation 3.*—An Internal Inmate pass system should be established to improve accountability of inmates. A pass system was implemented on April 25, 1978.

*Recommendation 4.*—Clothing issue hours should be established at a more reasonable hour. New hours were established on April 18, 1978.

*Recommendation 5.*—A daily sick call should be established. Daily sick call in which inmates can make appointments to see a doctor was established on April 17, 1978.

*Recommendation 6.*—Commissary hours should be established at a time more convenient to the inmates. New Commissary hours were established April 25, 1978.

*Recommendation 7.*—Staff should assure that inmates do not have access to locking devices. Locking devices previously left unlocked were secured by April 18, 1978.



*Short-term (to be implemented in 195-90)*

*Recommendation 8.*—The correctional complement should be reviewed and only those correctional/custody function positions be maintained.

*Recommendation 9.*—Following a thorough review of the correctional complement additional analysis should be given to the number of positions necessary to provide for adequate security of the offender. If additional positions are identified as needed, they should be added as they become available.

*Recommendation 10.*—Physical barriers should be used to screen off areas difficult to observe. These barriers should be erected in such a manner as to focus and direct all inmate movement toward a limited number of control points. These control points should be equipped with metal detection equipment.

*Recommendation 11.*—The Co-Chairman will present recommendations for personnel actions to the next meeting of the Bureau Executive Staff.

*Recommendation 12.*—The Associate Warden Custody or the Chief Correctional Supervisor should not serve on the Institutional Disciplinary Committee at the same time. Either one should serve on the committee or they should alternate.

*Recommendation 13.*—A feasibility study should be conducted on how best to decentralize case management functions and maximize Case Managers contacts with inmates.

*Recommendation 14.*—Psychotic inmates kept in the population should function in such a manner as not to cause undue concern among the general inmate population. Those psychotic inmates likely to disturb the general population should be transferred to Butner, Springfield, or housed separately from the general population.

*Recommendation 15.*—The entire inmate housing assignment program should be reviewed with emphasis toward providing for more restrictive (single cell) housing for violent/aggressive inmates.

*Recommendation 16.*—The Counsel Program should be reviewed. The investigative Team believes additional responsibilities could be assumed by the counselors and their hours could be adjusted to make more accessible to the inmates.

*Recommendation 17.*—The sanitation inspection process should be revised to provide more instantaneous feedback to department heads.

*Recommendation 18.*—A feasibility study should be undertaken of Atlanta's visiting facility and attempts made to develop a more secure avenue of ingress and egress for inmate visitors.

*Recommendation 19.*—Staff should insure that the Urine Surveillance Program is operated fully in accordance with Bureau Policy. Testing times should not develop a predictable pattern and inmates tested should be positively identified.

*Recommendation 20.*—Inmate personal property maintained in quarters should be reduced to a manageable level. The new Bureau policy on the amount of authorized property an inmate may keep should be fully implemented and adhered to at Atlanta.

*Recommendation 21.*—A continuing program of repair and maintenance of antiquated locking devices should be implemented.

*Recommendation 22.*—Staff should work closely with the U.S. Attorney's Office to assure swift and certain prosecution of inmates who commit violations of the criminal laws at the Atlanta Penitentiary.

*Recommendation 23.*—Staff awareness of custody and security should be improved through training, improved communications, and an increased awareness of management personnel.

*Recommendation 24.*—Staff should assure that inmates do not have access to confidential records.

*Recommendation 25.*—The Executive Staff should review the Bureau's present auditing process.

*Long-range*

*Recommendation 26.*—A minimum security camp should be established adjacent to the Atlanta Penitentiary. This will all but eliminate movement of minimum custody inmates to and from the institution, thereby reducing opportunities for introduction of contraband into the institution.

*Recommendation 27.*—The Segregation, Detention, Holdover, Admissions and Orientation, and Receiving and Discharge functions should be established in the "E" unit. Additionally, the West Gate adjacent to the "E" unit should be opened for bus traffic.

*Recommendation 28.*—The Investigative Team recognizes that large antiquated penitentiaries are inadequate for sound correctional management. Their massive physical design and multi-tiered cellblocks make it extremely difficult for staff to

adequately supervise the inmate population and provide for their safety. The Investigative Team, therefore, recommends the Atlanta Penitentiary be closed as soon as adequate and modern facilities are authorized and constructed for an equivalent number of inmates.

GARY R. McCUNE,  
Regional Director, Co-chairman.  
J. D. WILLIAMS,  
Assistant Director, Co-Chairman.

*Team members*

Robert J. Christensen, Administrator, Correctional Management Branch;  
Ronald J. Waldron, PH. D., Chief, Office of Program Development; Jerry A. O'Brien, Correction Services Administrator, North Central Region.

APPENDIX A  
INMATE PROFILE—USP ATLANTA (1977)

[In percent]

|                                 | USP Atlanta | Bureau |
|---------------------------------|-------------|--------|
| <b>Age:</b>                     |             |        |
| 18 to 21.....                   | 0           | 5.9    |
| 22 to 25.....                   | .8          | 18.7   |
| 26 to 29.....                   | 11.0        | 21.7   |
| 30 to 39.....                   | 48.4        | 32.9   |
| 40 to 49.....                   | 25.3        | 13.8   |
| 50 and over.....                | 14.5        | 7.0    |
| <b>Offense type:</b>            |             |        |
| Drugs.....                      | 18.8        | 26.0   |
| Firearms.....                   | 4.9         | 5.2    |
| Forgery.....                    | 2.7         | 4.0    |
| Auto theft.....                 | 6.6         | 5.9    |
| Other larceny/theft.....        | 1.3         | 1.8    |
| Bank robbery.....               | 32.1        | 21.6   |
| Immigration.....                | .1          | 3.2    |
| Other.....                      | 33.5        | 35.2   |
| <b>Sentence type:</b>           |             |        |
| Regular adult.....              | 73.9        | 59.5   |
| 4205 (B-1, B-2, C).....         | 25.3        | 24.8   |
| Youth Corrections Act.....      | .1          | 12.1   |
| NARA.....                       | 0           | 1.6    |
| State.....                      | .7          | .8     |
| Split.....                      |             | 1.3    |
| <b>Sentence length:</b>         |             |        |
| 0 to 2.5.....                   | 5.2         | 19.4   |
| 2.5 to 5.....                   | 9.3         | 17.9   |
| 5 to 10.....                    | 23.0        | 32.8   |
| 10 and over.....                | 62.5        | 29.9   |
| <b>Race:</b>                    |             |        |
| White.....                      | 54.4        | 55.8   |
| Black.....                      | 44.9        | 38.1   |
| Red.....                        | .2          | 1.4    |
| Yellow.....                     | .2          | .3     |
| <b>Marital status:</b>          |             |        |
| Single.....                     | 24.4        | 35.1   |
| Married.....                    | 33.3        | 31.7   |
| Divorced/separated.....         | 30.3        | 23.1   |
| Common law.....                 | 12.0        | 10.1   |
| <b>Number of prior arrests:</b> |             |        |
| None.....                       | 2.2         | 9.6    |
| 1.....                          | 4.1         | 7.5    |
| 2.....                          | 3.4         | 6.9    |
| 3 to 6.....                     | 22.4        | 26.3   |
| 7 or more.....                  | 67.9        | 49.7   |
| <b>Grade level:</b>             |             |        |
| 8 or less.....                  | 32.6        | 24.4   |
| 9 to 11.....                    | 26.5        | 32.6   |
| 12 or greater.....              | 40.9        | 43.0   |
| <b>I.Q.:</b>                    |             |        |
| 120 and over.....               | 14.2        | 12.3   |
| 91 to 119.....                  | 74.2        | 74.8   |
| 90 or lower.....                | 11.6        | 12.9   |
| <b>Narcotic user:</b>           |             |        |
| Nonuser.....                    | 76.6        | 65.1   |
| Former user.....                | 14.1        | 21.7   |
| Recent user.....                | 4.9         | 8.6    |
| User—Immediate past.....        | 4.3         | 4.4    |
| User now.....                   | .1          | .2     |

APPENDIX B  
INMATE PROFILE—USP ATLANTA (1975 AND 1977)

[In percent]

|                            | USP Atlanta<br>(1975) | USP Atlanta<br>(1977) |
|----------------------------|-----------------------|-----------------------|
| Age:                       |                       |                       |
| 18 to 21.....              | 0                     | 0                     |
| 22 to 25.....              | .3                    | .8                    |
| 26 to 29.....              | 9.2                   | 11.0                  |
| 30 to 39.....              | 44.5                  | 48.4                  |
| 40 to 49.....              | 30.9                  | 25.3                  |
| 50 and over.....           | 15.1                  | 14.5                  |
| Offense type:              |                       |                       |
| Drugs.....                 | 22.4                  | 18.8                  |
| Firearms.....              | 4.2                   | 4.9                   |
| Forgery.....               | 3.2                   | 2.7                   |
| Auto theft.....            | 8.3                   | 6.6                   |
| Other larceny/theft.....   | .6                    | 1.3                   |
| Bank robbery.....          | 30.8                  | 32.1                  |
| Immigration.....           | .2                    | .1                    |
| Other.....                 | 30.3                  | 33.5                  |
| Sentence type:             |                       |                       |
| Regular adult.....         | 67.1                  | 73.9                  |
| 4205.....                  | 32.1                  | 25.3                  |
| Youth Corrections Act..... | .1                    | .1                    |
| NARA.....                  | .1                    | 0                     |
| State.....                 | .5                    | .7                    |
| Split.....                 | .1                    | 0                     |
| Sentence length:           |                       |                       |
| 0 to 2.5.....              | 6.7                   | 5.2                   |
| 2.5 to 5.....              | 11.2                  | 9.3                   |
| 5 to 10.....               | 28.3                  | 23.0                  |
| 10 and over.....           | 53.8                  | 62.5                  |
| Race:                      |                       |                       |
| White.....                 | 60.5                  | 54.4                  |
| Black.....                 | 39.3                  | 44.9                  |
| Red.....                   | .1                    | .2                    |
| Yellow.....                | .1                    | .2                    |
| Marital status:            |                       |                       |
| Single.....                | 21.3                  | 24.4                  |
| Married.....               | 36.0                  | 33.3                  |
| Divorced/separated.....    | 31.5                  | 30.3                  |
| Common law.....            | 11.2                  | 12.0                  |
| Number of prior arrests:   |                       |                       |
| None.....                  | 3.9                   | 2.2                   |
| 1.....                     | 4.6                   | 4.1                   |
| 2.....                     | 3.0                   | 3.4                   |
| 3 to 6.....                | 22.0                  | 22.4                  |
| 7 or more.....             | 66.5                  | 67.9                  |
| Grade level:               |                       |                       |
| 8 or less.....             | 39.0                  | 32.6                  |
| 9 to 11.....               | 29.2                  | 26.5                  |
| 12 or greater.....         | 31.8                  | 40.9                  |
| I.Q.:                      |                       |                       |
| 120 and over.....          | 11.9                  | 14.2                  |
| 91 to 119.....             | 73.6                  | 74.2                  |
| 90 and lower.....          | 14.5                  | 11.6                  |
| Narcotic user:             |                       |                       |
| Nonuser.....               | 84.7                  | 76.6                  |
| Former user.....           | 8.9                   | 14.1                  |
| Recent user.....           | 1.7                   | 4.9                   |
| User—Immediate past.....   | 5.6                   | 4.3                   |
| User now.....              | .1                    | .1                    |

Mr. ADKINSON. Mr. Chairman, though prison officials contend they have moved to solve many of the problems identified in the report, witnesses before these hearings will give testimony raising questions as to whether the steps taken have been successful.

Finally, Mr. Chairman, the staff conducted a limited review of certain expenditures of the Mechanical Service Department at the prison because we received allegations that prison maintenance funds were used to buy materials which were converted to the personal use of some employees; that funds allotted to certain projects were used to buy unrelated materials, which were diverted to other projects;

and, finally, that maintenance funds were used to construct creature comforts for prison officials while necessary prison maintenance was deferred.

We were unable to corroborate allegations of diversions of materials to personal use. However, our review has raised certain questions regarding the adequacy of Bureau of Prisons procedures and practices which will be addressed on Monday.

Mr. Chairman, I would like to acknowledge on behalf of the entire staff our gratitude to Dr. Jack Hanberry, the warden; Mr. Gary McCune, the Regional Administrator of the Bureau of Prisons; as well as Norman Carlson, the Director of the Bureau. Their cooperation has been full and complete. It has made our work less difficult than it otherwise would have been.

Mr. Chairman, if I may continue with several other observations on staff activity, at the request of the Bureau of Prisons, we interviewed nine inmates at USP-Atlanta on Wednesday, September 27, 1978. We had, of course, over the past months, interviewed numerous past and present inmates.

The Bureau of Prisons requested we talk with this cross section of inmates to compare their observations with those of Mr. Bowdach when he appeared in Washington on August 9, 1978.

Senator NUNN. I met with Director of Prisons Norman Carlson in Washington. As in the case in any investigation, whether it is congressional or whether it is an investigative reporter for the news media, you tend to talk to people who have complaints and who are making allegations; people who basically have something negative to say about the institution, whether it is a prison or whether it is a health maintenance organization, or whether it is the student loan program. That is historically the case.

Director Carlson made a request that we go beyond that and talk to a random sample. It wasn't really a random sample. It was people picked by him. He wanted us to get a good cross section of prisoners so we could try to put the overall negative comments and some positive comments in proper perspective.

Senator NUNN. So the list of people that you talked to, as I understand it, was furnished to me in Washington by Norman Carlson.

Mr. ADKINSON. Yes, sir. You will recall that Gary Bowdach characterized USP-Atlanta as a country club where inmates have access to narcotics, even guns. Many individuals have expressed the belief that this is an overstatement. We will be receiving additional testimony in this regard today.

However, for the purpose of the record, I would like to provide a summary of interviews with eight of the nine inmates recommended to us by the Bureau of Prisons. One inmate was not available. All of the eight categorically taken exception to the proposition that every inmate has a knife. Although each of these concede a lethal weapon of some sort would be available to any inmate bent on murdering another inmate, many stated weapons are readily available.

Three of the seven who had been in other Federal and State institutions categorically stated Atlanta is more desirable, from their points of view, than any of the other institutions where they had been inmates. Their reasons ranged from prisoner mobility to the

ability to be alone. One, who had been in Marion, observed that coming to Atlanta was like "going out on the street" compared to Marion.

While only one expressed no particular concern for his personal safety at Atlanta, two others expressed abject fear for their personal safety. One inmate agreed with Bowdach that it is a "country club" but only for those inmates who are strong and run with a strong group, but sheer "hell" for a loner, such as himself. This inmate's main fear is that he will see something he should not see and be threatened or harmed as a result.

Half raised miscellaneous complaints concerning adequate medical care and the competence of case workers.

Regarding narcotics, one of the eight feels there is "enough marijuana in the institution to supply all of Atlanta"—an obvious overstatement, to make his point. That same inmate is unaware of heroin availability.

Three inmates felt drugs are not a major problem. Only one inmate said heroin and other hard drugs are readily available. Half felt homebrew is readily available.

In summary, this cross section suggests to us that USP-Atlanta is rather like a microcosm of an urban area, with narcotics available to certain groups; knives available to certain groups; and homebrew available to certain groups. Most felt these groups and these problems could generally be avoided. None had seen a gun in the institution or believed them to be there.

One final point, Mr. Chairman. Gary Bowdach, in his appearance in Washington before the subcommittee on August 9, mentioned two employees at USP-Atlanta, who will not be discussed today.

For the record, Mr. Bowdach mentioned an employee known to him only as "Thomas," whom he alleged was involved in illegal activity.

Mr. Chairman, staff has interviewed several Thomases who are or have worked at USP-Atlanta. We have not as yet identified the individual to whom Bowdach made reference. However, we want to make it absolutely clear that we are satisfied that neither Ernest Thomas nor Ralph S. Thomas are the individuals to whom Bowdach referred. Ernest Thomas is still employed at Atlanta and Ralph S. Thomas is on a new assignment in Florida. We have received no allegations of any kind against either of these individuals.

Regarding J. L. Bynum, also mentioned by Mr. Bowdach, we have been unable to corroborate allegations we have received against Mr. Bynum, and staff would like the record to so reflect.

That is all I have this morning, Mr. Chairman.

Senator NUNN. Thank you.

Our first witness today is Mr. J. W. Walters, and I would ask that the marshals bring Mr. Walters in.

Mr. Walters, we swear in all the witnesses before the subcommittee, including our staff. So before you take the stand, I will ask you to hold up your right hand, take the oath. Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALTERS. Yes, sir.

## TESTIMONY OF J. W. WALTERS

Senator NUNN. Have a seat, Mr. Walters.

Would you give me your full name?

Mr. WALTERS. Jewell Wesley Walters.

Senator NUNN. You could, Mr. Walters, pull the chair up close to the microphone. I think if you will speak directly into the microphone—pull it up as close to the edge of the table as you can, that probably will make you more comfortable.

Before you are asked any questions, I would like to give you your rights and obligations as a witness before this subcommittee.

First, you have the right to consult with an attorney prior to answering any question or questions. Do you understand that you have that right?

Mr. WALTERS. Yes, sir.

Senator NUNN. Second, under the Rules of Procedure for the Permanent Subcommittee on Investigations, your attorney may be present during your testimony. Do you understand that you have the right to have an attorney with you here if you so desire?

Mr. WALTERS. Yes, sir.

Senator NUNN. Do you have an attorney, Mr. Walters?

Mr. WALTERS. No.

Senator NUNN. Do you waive the right to have an attorney present with you today?

Mr. WALTERS. Yes, sir.

Senator NUNN. As I have indicated, in addition to your rights as a witness, you also have an obligation while testifying before this subcommittee. You have sworn to testify truthfully. If you do testify you are obligated to provide truthful responses so as not to subject yourself to the laws and penalties regarding perjury. Do you understand that obligation as a witness?

Mr. WALTERS. Yes, sir.

Senator NUNN. Do you understand, Mr. Walters your rights and your obligations as a witness before this subcommittee?

Mr. WALTERS. Yes, sir.

Senator NUNN. Do you have any questions.

Mr. WALTERS. No, sir.

Senator NUNN. Before we begin your testimony, I want to take this opportunity to express my sincere appreciation on behalf of this subcommittee for your appearance today. You will be describing incidents in which you were involved, which we think are of significance to the subcommittee and to our overall inquiry. It takes courage on your part to do this and we respect and commend your decision to come forward with this valuable information.

Mr. Walters we will attempt to break your testimony and questions into two basic parts. The first thing we will be asking you about is your knowledge of a particular homicide in the Atlanta Penitentiary and the second part will have to do with your involvement in certain narcotics transactions in the Atlanta Penitentiary.

Before getting into these two areas, I would like to ask you a few background questions.

Would you please again give us your full name?

Mr. WALTERS. Jewell Wesley Walters.

Senator NUNN. Where were you born?

Mr. WALTERS. Lancaster, S.C.

Senator NUNN. What kind of educational background do you have?

Mr. WALTERS. I went to the ninth grade, but I got a GED since I have been in prison.

Senator NUNN. GED is general educational diploma?

Mr. WALTERS. Yes.

Senator NUNN. Is that equivalent to a high school diploma?

Mr. WALTERS. Yes.

Senator NUNN. You have achieved that since you have been in the penitentiary?

Mr. WALTERS. Yes.

Senator NUNN. How long did it take you to get that diploma? Did you work on it several years?

Mr. WALTERS. Off and on, yes.

Senator NUNN. When were you first arrested, Mr. Walters?

Mr. WALTERS. December 30, 1968.

Senator NUNN. What was the nature of the charge brought against you at that time?

Mr. WALTERS. Bank robbery.

Senator NUNN. How many years have you been sentenced to serve?

Mr. WALTERS. On the bank robbery?

Senator NUNN. On that charge.

Mr. WALTERS. Twenty years.

Senator NUNN. Have there been any other charges brought against you?

Mr. WALTERS. Yes, sir.

Senator NUNN. What other charges?

Mr. WALTERS. Assaulting a U.S. marshal, escape, threatening the judge.

Senator NUNN. What kind of sentence did you receive for those individual charges?

Mr. WALTERS. I got 10 years for the assault, 5 for the escape, and 3 for the threat.

Senator NUNN. What is the total number of years for all of that?

Mr. WALTERS. Thirty-eight.

Senator NUNN. How long have you served?

Mr. WALTERS. This coming December it will be 10 years.

Senator NUNN. Ten years in December. So you have been in the penitentiary over 9 years.

Mr. WALTERS. Yes, sir.

Senator NUNN. Could you tell us where you have been incarcerated since you originally were admitted to the prison system?

Mr. WALTERS. I went to Atlanta April of 1969 until February 1970; from 1970 to 1975, I went to Marion, Ill., 1975 to 1976 I came back to Atlanta and I went to Butner, N.C., in 1976 until I contacted you.

Senator NUNN. Butner, N.C.?

Mr. WALTERS. Yes; Lewisburg is where I contacted you from.

Senator NUNN. If I could review that, from April 1969 to February 1970, you were in Atlanta?

Mr. WALTERS. Yes, sir.

Senator NUNN. Then from February 1970 until February of 1975, you were at Marion?

Mr. WALTERS. Yes, sir.

Senator NUNN. From February of 1975 to October of 1976, you were back in Atlanta?

Mr. WALTERS. Yes, sir.

Senator NUNN. From October 1976 to September of 1978, you were in Butner?

Mr. WALTERS. Right.

Senator NUNN. So the last time you were in the Atlanta Penitentiary would have been October of 1976? Is that right?

Mr. WALTERS. Yes, sir.

Senator NUNN. The last time you were at Atlanta?

Mr. WALTERS. That is when I left.

Senator NUNN. Which is about 2 years ago?

Mr. WALTERS. Yes.

Senator NUNN. You haven't been back there since?

Mr. WALTERS. No.

Senator NUNN. From this record it looks like you were in Atlanta about 9 months in the 1969-70 time frame, and you were there about another 9 or 10 months, from 1975 to 1976.

Mr. WALTERS. No, sir. It was longer than that.

Senator NUNN. February 1975 to October—a year and a half. That is right.

Mr. WALTERS. A year and a half.

Senator NUNN. So you would have been there a year and a half plus about 9 months?

Mr. WALTERS. Right.

Senator NUNN. Mr. Walters, I am going to put in the record at this point as a sealed exhibit material which basically summarizes your criminal justice record.

[The document referred to was marked "Exhibit No. 35" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. It is a sealed exhibit.

In a letter you wrote to me, and in discussions that you have subsequently had with subcommittee staff, you indicated that the main reason you are cooperating with the subcommittee is you feel your life is in jeopardy over your knowledge of a particular homicide. Is that basically correct?

Mr. WALTERS. Yes, sir.

Senator NUNN. You say this is so since the person who you believe committed the crime already believes you have cooperated with authorities; is that right?

Mr. WALTERS. Yes, sir.

Senator NUNN. Have you in fact cooperated with authorities up until this point?

Mr. WALTERS. No, sir. I had never given it a thought until I contacted you.

Senator NUNN. So you have never been in touch with the FBI, the Justice Department, about this particular homicide?

Mr. WALTERS. No, sir.



Senator NUNN. The contact you made with me was the first time you have gotten in touch with anybody connected with the Government regarding this?

Mr. WALTERS. Yes.

Senator NUNN. Mr. Walters, from staff interviews and from the letter you wrote me, it appears you have knowledge of certain events leading up to the murder of Frankie Klien in the U.S. Penitentiary in Atlanta in November of 1975, as well as certain information about events immediately following the murder. Is that correct?

Mr. WALTERS. Yes.

Senator NUNN. Mr. Walters, I want to ask you a series of questions on this particular subject. When did you first meet Bobby Meyer?

Mr. WALTERS. Sometime in 1975.

Senator NUNN. Sometime in 1975?

Mr. WALTERS. Yes.

Senator NUNN. Where did you meet him?

Mr. WALTERS. Atlanta Penitentiary.

Senator NUNN. Both of you were in the Atlanta Penitentiary?

Mr. WALTERS. Yes.

Senator NUNN. He was a prisoner?

Mr. WALTERS. Right.

Senator NUNN. Did you find out anything concerning Mr. Meyer's habits, for instance, narcotics habits?

Mr. WALTERS. Yes. He bought a lot of dope from me.

Senator NUNN. He bought a lot of heroin?

Mr. WALTERS. Heroin.

Senator NUNN. So he bought heroin from you?

Mr. WALTERS. Yes.

Senator NUNN. Was he a middleman, selling it to other people, or did he use it himself?

Mr. WALTERS. I had heard it. I never observed it.

Senator NUNN. You heard what?

Mr. WALTERS. That he was buying dope. He was getting it from me, breaking it down, reselling it.

Senator NUNN. Was he also a user?

Mr. WALTERS. Yes.

Senator NUNN. Did he have a heroin habit?

Mr. WALTERS. Yes.

Senator NUNN. Do you know that for a fact?

Mr. WALTERS. Yes.

Senator NUNN. Did you ever actually see him take heroin?

Mr. WALTERS. Yes.

Senator NUNN. What kind of habit did he have? Did he have a critical habit? Would you call it a significant heroin problem?

Mr. WALTERS. He had a nice one, \$100 to \$200 a day.

Senator NUNN. That is what it cost him to maintain himself on the heroin that he used; is that right?

Mr. WALTERS. That is how much he bought from me. Whether he used that much or not, I don't know.

Senator NUNN. He bought that much?

Mr. WALTERS. He bought that much.

Senator NUNN. So he was a customer of yours?

Mr. WALTERS. Regular.

Senator NUNN. Do you have any estimate about how many times you sold him heroin?

Mr. WALTERS. I couldn't even count it.

Senator NUNN. Many times?

Mr. WALTERS. Many, many, many times.

Senator NUNN. Was this during the first time you were incarcerated in the Atlanta Penitentiary?

Mr. WALTERS. No; 1975-76.

Senator NUNN. You did not know him during the 1969-70 time frame?

Mr. WALTERS. No.

Senator NUNN. So the first time you really knew him was in 1976-75?

Mr. WALTERS. Yes.

Senator NUNN. Did all of the heroin transactions with Mr. Meyer occur during that 1975-76 time frame?

Mr. WALTERS. Yes.

Senator NUNN. Did you have occasion to see Bobbie Meyer on November 16, 1975?

Mr. WALTERS. Yes, sir.

Senator NUNN. Why don't you start off by telling us where you were on November 16, 1975?

Mr. WALTERS. I was in the mill, in the basement.

Senator NUNN. In where?

Mr. WALTERS. In the mill industries, in the basement, waiting for chow, between 10:30 and 11 o'clock. I was lying on some rolls of cloth and Bobbie came down, came through the door, went over to the machine he was working at.

Senator NUNN. You were lying on some rolls of cloth and waiting for a meal?

Mr. WALTERS. Waiting for—to go eat.

Senator NUNN. Was that near the cafeteria?

Mr. WALTERS. Five-minute walk.

Senator NUNN. So you were waiting there before you were going to eat, is that right?

Mr. WALTERS. I had to check in and out with the man.

Senator NUNN. With whom?

Mr. WALTERS. With the officer.

Senator NUNN. That was the point at which you checked in and out?

Mr. WALTERS. No. That was in the basement. He was up on the next floor.

Senator NUNN. What were you doing at this particular location?

Mr. WALTERS. That is where I work.

Senator NUNN. What did you do there?

Mr. WALTERS. Worked for climate control, kept the chillers and the humidifiers going.

Senator NUNN. This was on a Sunday?

Mr. WALTERS. Yes. I was working on the weekend.

Senator NUNN. You were working that day?

Mr. WALTERS. Yes.

Senator NUNN. You say you were lying down on a roll of what?

Mr. WALTERS. I was laying on top of some cloth, rolls of cloth.

Senator NUNN. Were you taking a rest break?

Mr. WALTERS. Just resting.

Senator NUNN. Did you do that a lot while you were on the job?

Mr. WALTERS. It wasn't too many people down there. You could just lay down and rest when you took a notion.

Senator NUNN. You did that frequently?

Mr. WALTERS. Every now and then.

Senator NUNN. Where were these rolls located, near the proximate area where you worked?

Mr. WALTERS. Twenty feet, twenty-five feet.

Senator NUNN. Were they where someone could walk in and see you?

Mr. WALTERS. If he was looking for me, he could have found me, but just passing by, he couldn't have. I was up.

Senator NUNN. You were up high?

Mr. WALTERS. Yes.

Senator NUNN. What actually were you lying on?

Mr. WALTERS. Rolls of cloth.

Senator NUNN. What were those rolls of cloth, part of the prison industries?

Mr. WALTERS. Yes.

Senator NUNN. Stacked up?

Mr. WALTERS. Yes.

Senator NUNN. You were on top of them?

Mr. WALTERS. Right.

Senator NUNN. Were you taking a nap?

Mr. WALTERS. No.

Senator NUNN. Just lying down resting?

Mr. WALTERS. I was waiting to go eat.

Senator NUNN. What time of day?

Mr. WALTERS. Oh, 10:30, 11 o'clock.

Senator NUNN. In the morning?

Mr. WALTERS. Yes.

Senator NUNN. Go ahead. What happened then?

Mr. WALTERS. Like I said, I was laying on top of the rolls of cloth, Bobbie came through the door, went over the machine he was working at. There was a locker nearby. He reached, pulled a knife out, it looked to be a foot long, maybe a couple inches wide, stuck it down in his belt, pulled his shirt out over top of it, and left.

Senator NUNN. So you saw him come in, actually get a knife that was about a foot to 1½ feet long out of his locker?

Mr. WALTERS. Yes. It was over a foot.

Senator NUNN. His locker was located in the same area you worked?

Mr. WALTERS. Yes.

Senator NUNN. Did he work there with you?

Mr. WALTERS. No. He worked in the cloth department. I worked in the climate control department.

Senator NUNN. But his locker was located in the same area that you worked in?

Mr. WALTERS. Right. We worked all over the whole mill. We didn't have no specific area.

Senator NUNN. So you had general access to that whole area?

Mr. WALTERS. I could go anywhere in that mill I pleased.

Senator NUNN. Were there a lot of lockers there or was his the only one?

Mr. WALTERS. There were several around there.

Senator NUNN. Several lockers there, and everybody that worked in that area, I guess, had a locker?

Mr. WALTERS. If they didn't, they just put their stuff with somebody else. They usually hung their clothes, had their coffee, whatever.

Senator NUNN. You normally worked on the weekends?

Mr. WALTERS. North of the gym; yes.

Senator NUNN. Were there other people working with you that day?

Mr. WALTERS. There were some more on the next floor, in the spin department.

Senator NUNN. In which department?

Mr. WALTERS. Spin.

Senator NUNN. Were you by yourself that day when he walked in?

Mr. WALTERS. Yes.

Senator NUNN. Nobody else was there when he came in and got that knife?

Mr. WALTERS. No. But Timeclock, the fireman, whatever you want to call him, he was there earlier, but he had left, because he had ate early chow.

Senator NUNN. You actually saw Meyer take the knife out of his locker?

Mr. WALTERS. Yes. I wasn't no farther from here, from me to you from him.

Senator NUNN. You were up high?

Mr. WALTERS. I was up high, looking right down at him.

Senator NUNN. Did he see you?

Mr. WALTERS. No.

Senator NUNN. You are sure of that?

Mr. WALTERS. I am positive.

Senator NUNN. Had you ever seen that knife before?

Mr. WALTERS. No, sir. I have seen plenty similar to it, but not that particular one.

Senator NUNN. You have seen other knives that looked like that?

Mr. WALTERS. Yes. In fact, I had one similar to it myself.

Senator NUNN. You had a knife like that?

Mr. WALTERS. Similar to it.

Senator NUNN. Where did you keep your knife?

Mr. WALTERS. In my cell.

Senator NUNN. Was it common for prisoners to have knives?

Mr. WALTERS. Yes.

Senator NUNN. Did you worry about getting caught with a knife?

Mr. WALTERS. I would rather get caught with it than without it.

Senator NUNN. You mean you would have felt in jeopardy if you had not had a knife?

Mr. WALTERS. In the business I was in; yes, sir.

Senator NUNN. By that you mean the heroin business?

Mr. WALTERS. Yes.

Senator NUNN. We will get into that in a few minutes. I want to continue this line of questioning about Mr. Meyer.

Did Meyer appear to be calm, nervous? What was his condition when he came in to the locker and got the knife?

Mr. WALTERS. He acted like he was in a hurry.

Senator NUNN. Did you have any idea what he was about to do with the knife? Did you think this was just a routine kind of thing, or did you think it was unusual?

Mr. WALTERS. It was unusual for him being there on the weekend because he wasn't even working. He didn't have no business down there to start with. I figured maybe he had some hassle with somebody. I didn't know.

Senator NUNN. Where would Meyer have gotten a knife like that?

Mr. WALTERS. Several places. He either had to get it out of the machine shop, in the industries, or the machine shop in the CMS building.

Senator NUNN. What is the CMS building?

Mr. WALTERS. Utilities, plumbers, electricians, and so forth.

Senator NUNN. Where did you get the knife you had that was similar?

Mr. WALTERS. The machine shop in the mill.

Senator NUNN. Did you buy it, make it?

Mr. WALTERS. I had it made.

Senator NUNN. By somebody else?

Mr. WALTERS. Yes.

Senator NUNN. Did you pay him for it?

Mr. WALTERS. Two boxes of cigarettes.

Senator NUNN. Let's go back to events of that Sunday, November 16.

Did you see Mr. Meyer any other time that day?

Mr. WALTERS. Yes; when I was coming back from chow.

Senator NUNN. After you saw him get the knife out of the locker, you went and ate lunch; is that right?

Mr. WALTERS. Yes.

Senator NUNN. How long did that take you?

Mr. WALTERS. I was gone around an hour.

Senator NUNN. That would have been somewhere around 11:30 when you got through eating, or what time was it?

Mr. WALTERS. When I seen him, it was right around 12 o'clock because I usually got there right about the time the man closed the door.

Senator NUNN. What door?

Mr. WALTERS. Where I went in.

Senator NUNN. They close the door at 12 o'clock?

Mr. WALTERS. Yes; on the side, the side door.

Senator NUNN. Was that for security reasons, or do they do it every day?

Mr. WALTERS. To keep guys supposed to be working from slipping in and out, be somewhere else.

Senator NUNN. They close the door at 12 o'clock, and it was some time before this door was closed?

Mr. WALTERS. Yes.

Senator NUNN. It would have been somewhere between 11:30 and 12 o'clock?

Mr. WALTERS. Yes.

Senator NUNN. Tell us about that. Where did you see Meyer, what was he doing?

Mr. WALTERS. Coming down between the industry building, the old warehouse, right where you go into the industry business office, there are glass windows and doors. I pecked on that window and he asked me was it clear.

Senator NUNN. So you were on the inside?

Mr. WALTERS. Outside, going back to work.

Senator NUNN. He was on the inside?

Mr. WALTERS. Yes. Pecked on the window, asked me was it clear. I looked back, gave him the signal, he came on out. The first thing he said to me, "Regardless of what happens or comes down, I was nowhere close to this mill today." I said, "That is cool," you know. "None of my business."

Senator NUNN. When he was on the inside and tapped on the window, did you hear him say anything?

Mr. WALTERS. No. He done like this.

Senator NUNN. That was the signal he gave you?

Mr. WALTERS. Right.

Senator NUNN. You knew what it meant?

Mr. WALTERS. Yes.

Senator NUNN. What did it mean?

Mr. WALTERS. Was anybody around. Was it clear to come out.

Senator NUNN. He came on out once you gave him the all-clear signal?

Mr. WALTERS. Yes.

Senator NUNN. Tell us again what he said to you?

Mr. WALTERS. The first thing, "Regardless of what happens or comes down, I was nowhere near the mill this weekend." I said, "That is cool, none of my business."

Senator NUNN. You said, "That is cool"?

Mr. WALTERS. Yes.

Senator NUNN. Meaning you would go along with that?

Mr. WALTERS. Meaning it wasn't none of my business.

Senator NUNN. Did he appear to be nervous, calm; what was his general appearance?

Mr. WALTERS. He looked like he had seen a ghost, was real shaky, tried to light a cigarette, couldn't get it lit. I had to light it for him.

Senator NUNN. You mean his hands were shaking?

Mr. WALTERS. Shaking real bad, like this.

Senator NUNN. Was that normal for him?

Mr. WALTERS. No.

Senator NUNN. You had observed him before when he wasn't in that condition?

Mr. WALTERS. Yes.

Senator NUNN. What did you think when he told you basically not to tell anybody he had been in that area?

Mr. WALTERS. I didn't have no idea. Whatever it was, he wasn't supposed to be there.

Senator NUNN. You knew he wasn't supposed to be there and it wasn't any of your business?

Mr. WALTERS. Right.

Senator NUNN. Were you aware at that time there had been a murder in the penitentiary?

Mr. WALTERS. No.

Senator NUNN. When did you first find out that Frankie Klien had been murdered?

Mr. WALTERS. Around 4 o'clock, so the count was held up because there was one missing. So after the count finally cleared, got out, I find out what was going on.

Senator NUNN. Did you know Frankie Klien?

Mr. WALTERS. Yes. I knew him quite well.

Senator NUNN. Did you work with him?

Mr. WALTERS. I worked in the general area he was in, but he lived in the same cellhouse I lived in.

Senator NUNN. What do you know about his murder? Tell us about what happened to Frankie Klien.

How was he killed?

Mr. WALTERS. I heard he was stabbed.

Senator NUNN. With a knife?

Mr. WALTERS. I didn't see it.

Senator NUNN. You didn't see the murder?

Mr. WALTERS. No.

Senator NUNN. Where was he killed?

Mr. WALTERS. Elevator, in the industry business office.

Senator NUNN. In an elevator in the industry business office?

Mr. WALTERS. Yes.

Senator NUNN. How far was that from where you actually saw Meyer get the knife out of the locker?

Mr. WALTERS. About the distance from me and this young lady sitting right here.

Senator NUNN. Not very far?

Mr. WALTERS. No, sir.

Senator NUNN. How far was that from the place you saw Meyer tapping on the window?

Mr. WALTERS. About as far from her to me and you.

Senator NUNN. Is that what you are describing?

Mr. WALTERS. Yes.

Senator NUNN. How far was the location of the murder from where you saw him get the knife out of the locker?

Mr. WALTERS. That is a long way. That was in the basement.

Senator NUNN. So the area where he was tapping on the window was not far from the scene of the murder?

Mr. WALTERS. No, just a few feet.

Senator NUNN. You would guess about from you to the stand up here?

Mr. WALTERS. Right.

Senator NUNN. Once you found out about the murder, did you connect the two events: that is, the knife that Meyer had and seeing him in that location, and the murder itself? Did you connect those events in any way in your mind?

Mr. WALTERS. I just put two and two together, figured if he didn't do it, he had something to do with it.

Senator NUNN. You suspected him at that stage?

Mr. WALTERS. Yes.

Senator NUNN. When was the next time you saw Meyer?

Mr. WALTERS. I saw him practically every day.

Senator NUNN. After that conversation you had with him in the yard, after he tapped on the window and you told him it was all clear, when was the next time you saw him after that? Did you see him again that same Sunday, or did you see him the next day?

Mr. WALTERS. I saw him later on that afternoon.

Senator NUNN. Did you have any conversation with him?

Mr. WALTERS. No, sir.

Senator NUNN. Did you have any conversation with him at a later point?

Mr. WALTERS. Yes, sir.

Senator NUNN. What did he tell you?

Mr. WALTERS. He tried to tell me about that, he had killed Frankie Klien.

Senator NUNN. Did he tell you that?

Mr. WALTERS. Yes. He told me that several times.

Senator NUNN. In the one conversation, or did you have several conversations?

Mr. WALTERS. I had several with him. In fact, he told me so many times I got tired of hearing it.

Senator NUNN. Did he volunteer that information, or did you ask him about it?

Mr. WALTERS. No. I think he might have been a little leery of me seeing him come out of that office.

Senator NUNN. Did you tell him you had seen him get the knife out of the locker?

Mr. WALTERS. No.

Senator NUNN. So far as you know, he never knew that?

Mr. WALTERS. No.

Senator NUNN. He just came up, volunteered to you that he had killed Frankie Klien?

Mr. WALTERS. He knew that I knew. I seen him coming out of there.

Senator NUNN. Did you ask him a question? Did he just say—he just came up and volunteered it?

Mr. WALTERS. I believe he was feeling sorry for himself because he was walking around like he had lost his best friend. This is several days later, you know. He tried to cook it up with some homosexual activity which I knew better. I knew him and Frankie.

Senator NUNN. He told you that he killed him because of a homosexual affair?

Mr. WALTERS. Yes, sir.

Senator NUNN. Did he say who else was involved in that? Did he tell you that he and Klien had a homosexual relationship, or what did he tell you?

Mr. WALTERS. He tried to say that he and Klien had a homosexual relationship.

Senator NUNN. You didn't believe it?

Mr. WALTERS. No. I still don't believe it.

Senator NUNN. Did you tell him you didn't believe it?

Mr. WALTERS. Yes, sir.

Senator NUNN. What was his reaction to that?



Mr. WALTERS. He stood around there for a few minutes, then he finally told me what happened.

Senator NUNN. When did this conversation occur—the day after November 16, 1975, that Sunday, or did it occur two days after the murder?

Mr. WALTERS. It was several days later.

Senator NUNN. Would you say it was within a week?

Mr. WALTERS. I would say within 2 or 3 days.

Senator NUNN. You are not sure of the precise date?

Mr. WALTERS. No.

Senator NUNN. Do you know where the conversation took place?

Mr. WALTERS. Yes, sir.

Senator NUNN. Where?

Mr. WALTERS. In the cloth room where he worked, where he got the knife from.

Senator WALTERS. In that particular room? Do you remember what time of day it was?

Mr. WALTERS. No, sir.

Senator NUNN. Did Meyer tell you finally the reason for killing Klien?

Mr. WALTERS. Yes.

Senator NUNN. What was it?

Mr. WALTERS. Robbed him of some money.

Senator NUNN. He took money off him?

Mr. WALTERS. Yes.

Senator NUNN. Just tell us what he said.

Mr. WALTERS. He told me he got \$1,200 off of him, he had to pay his dope debts.

Senator NUNN. Had to pay what?

Mr. WALTERS. His dope debts.

Senator NUNN. Meyer told you he had to pay his debts?

Mr. WALTERS. Yes.

Senator NUNN. He told you he just robbed Klien?

Mr. WALTERS. Yes.

Senator NUNN. Did he tell you how he knew he had the money?

Mr. WALTERS. Frankie was a pretty good jailhouse lawyer, he loaned money on the side. Everybody knew he had money. I know guys borrowed money from him several times.

Senator NUNN. It was well known Klien carried money?

Mr. WALTERS. Yes, carried a pretty substantial amount.

Senator NUNN. Did Meyer seem concerned that you might tell someone about this conversation or about the things you observed?

Mr. WALTERS. I believe he was leery because he offered me \$500. I told him I didn't want it.

Senator NUNN. He offered you \$500 for what?

Mr. WALTERS. He just asked me did I want \$500. He told me he got right around \$1,200 off of Frankie. He asked me, "I got \$500, do you need it?" I told him "No; I don't need it, don't want it."

Senator NUNN. Why did you turn it down?

Mr. WALTERS. I didn't want nothing to do with it.

Senator NUNN. You didn't want anything to do with it?

Mr. WALTERS. No connection whatsoever.

Senator NUNN. Did Meyer tell you who he owed money to?

Mr. WALTERS. Yes.

Senator NUNN. Who?

Mr. WALTERS. Frank Coppola and Willie Foster Sellers.

Senator NUNN. How do you spell that?

Mr. WALTERS. S-e-l-l-e-r-s.

Senator NUNN. Sellers?

Mr. WALTERS. Yes, sir.

Senator NUNN. Why did he owe them money?

Mr. WALTERS. Dope.

Senator NUNN. Did he owe you any money?

Mr. WALTERS. No. Mine was strictly cash.

Senator NUNN. He did not get \$1,200 in order to pay you then?

Mr. WALTERS. No, sir.

Senator NUNN. That \$500 he offered you was not in payment of any debt. That was a gratuity, he was just going to give you that. Is that right?

Mr. WALTERS. I guess he was hoping I would keep my mouth shut.

Senator NUNN. Did he tell you he was giving you that to keep your mouth shut?

Mr. WALTERS. No.

Senator NUNN. In that conversation, did he again urge you not to mention anything about where he was that day?

Mr. WALTERS. No. He knew I wasn't going to say anything anyway.

Senator NUNN. Was Meyer a person that was trusted enough to be able to get narcotics on credit?

Mr. WALTERS. Yes, sir.

Senator NUNN. Was this the normal way of dealing in narcotics in the penitentiary—giving someone credit—or was it normally cash?

Mr. WALTERS. It is normally cash, but certain people can get credit.

Senator NUNN. Did you ever give Meyer credit?

Mr. WALTERS. No.

Senator NUNN. Did you give anybody credit?

Mr. WALTERS. No. Mine was strictly cash only.

Senator NUNN. When Meyer rapped on the window that Sunday and asked you if the coast was clear, did he mention to you then he was leaving the murder scene? Did he say anything about having murdered someone?

Mr. WALTERS. No. The only thing he said regardless of what happens or comes down, I was nowhere near this mill this weekend.

Senator NUNN. Did you see the knife at that time?

Mr. WALTERS. No, sir.

Senator NUNN. Did he have any blood on him or anything like that?

Mr. WALTERS. I didn't really pay any attention to him.

Senator NUNN. You don't recall?

Mr. WALTERS. No. I only know how pale he was, how he was shaking. I knew something was up but I didn't know what.

Senator NUNN. The only time you saw the knife was when he took it out of the locker?

Mr. WALTERS. Right.

Senator NUNN. Did he put it in his pocket?

Mr. WALTERS. He stuck it down in his belt; pulled his shirt out over top of it.

Senator NUNN. So it would have been concealed when he left there?

Mr. WALTERS. Yes.

Senator NUNN. He offered you money and you turned it down. Was there ever a point in time that Meyer felt like you were possibly a threat to him by reason of maybe conveying this information to the authorities?

Mr. WALTERS. On my part?

Senator NUNN. Did he ever tell you he was concerned about you talking about this to the authorities?

Mr. WALTERS. No, sir. He knew better.

Senator NUNN. You mentioned to the staff and also in your letter you indicated you had some apprehension that he felt you were cooperating with the authorities recently. Is that right?

Mr. WALTERS. Yes.

Senator NUNN. Where did you get that information?

Mr. WALTERS. The first time I heard it was in Butner over a year ago, some friends came through there and told me about it. They said they had locked Bobbie up a couple of times, for investigation behind this same murder. He had made the statement that if he ever got convicted, it would be one person that could get him convicted, that would be me because I seen him coming out of that area where it happened.

Senator NUNN. Did they tell you that he had threatened to come after you or anything of that nature?

Mr. WALTERS. No, sir.

Senator NUNN. Why were you apprehensive about him possibly coming after you?

Mr. WALTERS. You know how rumors get all blown out of proportion, you know how they are about snitches there at the penitentiary.

Senator NUNN. So the fact he had said to other inmates that you were the one who could put him away, that gave you reason to believe he felt like you might cooperate with the authorities?

Mr. WALTERS. Either that, he thought I already had.

Senator NUNN. Did he ever send word that he was after you? Did he ever direct a threat to you?

Mr. WALTERS. No.

Senator NUNN. But you were apprehensive about it?

Mr. WALTERS. I was very apprehensive.

Senator NUNN. Is that the reason you wrote me the letter?

Mr. WALTERS. Yes.

Senator NUNN. Was that the only reason?

Mr. WALTERS. That was the main reason.

Senator NUNN. Any other reason?

Mr. WALTERS. No, sir. I am sure you are aware of the gun deal that happened in Butner.

Senator NUNN. We will get to that. Let's reserve that. In other words, you feel and felt before you contacted me and the subcommittee that your life was in possible jeopardy by reason of what you knew about Meyer?

Mr. WALTERS. Yes, sir.

Senator NUNN. Mr. Walters, are you willing to appear before the grand jury and provide testimony on the Frankie Klien murder?

Mr. WALTERS. Yes.

Senator NUNN. Are you willing to basically tell the same story to a grand jury and if necessary to a trial jury that you told us today?

Mr. WALTERS. Yes, sir.

Senator NUNN. Is it the truth?

Mr. WALTERS. Yes, sir.

Senator NUNN. Is every word of it the truth?

Mr. WALTERS. Every word.

Senator NUNN. Are there any exaggerations?

Mr. WALTERS. No.

Senator NUNN. You realize you are under oath?

Mr. WALTERS. Yes.

Senator NUNN. Do you know where Bobbie Meyer is now?

Mr. WALTERS. The last I heard of him he was in the penitentiary.

Senator NUNN. Do you know where?

Mr. WALTERS. Atlanta.

Senator NUNN. When was the last time you heard?

Mr. WALTERS. It has been a while back. I don't know exactly what the date was. It has been between 6 months.

Senator NUNN. So you are not completely up to date?

Mr. WALTERS. I don't know exactly, but the last I heard he was in Atlanta.

Senator NUNN. What was he incarcerated for? What kind of offense had he been convicted of?

Mr. WALTERS. I think it was bank robbery I am not sure.

Senator NUNN. Just for the record, our subcommittee staff has been in touch with Mr. Bill Harper, the United States District Attorney here in the Northern District and we have made available to him this information we have from Mr. Walters. We will be turning it over officially for the record to Mr. Harper and of course it will be up to him to decide the appropriate action after that.

Mr. Walters, if you would pull that mike up, just pull your chair up, I think some of us are having difficulty hearing.

Mr. Walters, you indicated that Bobbie Meyer had a heroin habit. When you were at the Atlanta Penitentiary, was heroin readily available?

Mr. WALTERS. Plentiful.

Senator NUNN. Plentiful?

Mr. WALTERS. Yes.

Senator NUNN. Anyone could get it that needed it and wanted it?

Mr. WALTERS. If he had the money.

Senator NUNN. If he had the money?

Mr. WALTERS. Or good credit.

Senator NUNN. How many different people did you personally know that sold heroin in the Atlanta penitentiary?

Mr. WALTERS. Quite a few?

Senator NUNN. Would you say 3, 4, 5, or 6, 8, or 10?

Mr. WALTERS. I would say better than a dozen.

Senator NUNN. That you knew actually sold heroin?

Mr. WALTERS. Yes; some on small scale. There wasn't none as big as the operation we had going.

Senator NUNN. Who is "we"?

Mr. WALTERS. Me and Frank Coppola.

Senator NUNN. When did you first meet Frank Coppola?

Mr. WALTERS. 1970 in Marion.

Senator NUNN. Nineteen—

Mr. WALTERS. Seventy, in Marion, Ill.

Senator NUNN. I will ask you at this point to read into the record certain information we have obtained from prison documents.

Mr. ADKINSON. The witness mentioned Frank Coppola. With the chairman's indulgence, I will read two paragraphs from a Bureau of Prisons' document which I will not identify because it is based on confidential information in the Bureau of Prisons.

In December 1975, Coppola was observed in an intoxicated condition. A routine search of his cell disclosed two foil bags of heroin, about an ounce. Coppola denied the offense, but admitted he used drugs. He was released to population in February 1976 and in the same month was out of bounds. He was warned. This last incident involved being in the VT area without being a student.

Confidential sources named Coppola as the leader of a large drug ring. He has organized each living area with one or two pushers, has several persons to cut and distribute, one or two persons to collect incoming shipments. Sources and methods, as well as identities are not reported partly due to the cellular structure of the organization and partly due to fear of Coppola, who is responsible for at least one murder in prison.

We would like to enter this as a sealed exhibit.

[The document referred to was marked "Exhibit No. 36" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. At this point before we get into the heroin transactions in depth, Mr. Walters, Mr. Block, who is minority counsel, will ask you a question or two.

Mr. BLOCK. Mr. Walters, you said that you would rather be caught with the knife than without.

Mr. WALTERS. Yes.

Mr. BLOCK. Did that go for most of the inmates at the penitentiary when you were there?

Mr. WALTERS. Yes, sir.

Mr. BLOCK. How many inmates, what percentage would you say had a knife or had access to a knife?

Mr. WALTERS. Practically everybody there. Anybody who wanted one could get one.

Mr. BLOCK. I gather we will be getting into the questions of what we can do to prevent that later.

Thank you very much.

Senator NUNN. In other words, on the question of weapons, you are saying that anyone who wanted one could get one. That doesn't necessarily mean every prisoner had a knife, does it?

Mr. WALTERS. No, sir. It doesn't mean that, but if he needed one, he could get one without any hassle.

Senator NUNN. Knives were easily available?

Mr. WALTERS. About as plentiful as dope.

Senator NUNN. Was the main source of knives the prison industries?

Mr. WALTERS. Yes.

Senator NUNN. What about the cafeteria?

Mr. WALTERS. You seen some like that, but not that many.

Senator NUNN. Most were made in the prison industries?

Mr. WALTERS. Yes, sir.

Senator NUNN. Was anybody else in this heroin ring with you and Coppola?

Mr. WALTERS. Yes, sir.

Senator NUNN. Who else?

Mr. WALTERS. Eddie Adams.

Senator NUNN. Eddie Adams?

Mr. WALTERS. Yes.

Senator NUNN. Do you know where Coppola and Adams are now?

Mr. WALTERS. I think Adams is in Marion and I think Coppola is in Springfield. I am not sure.

Senator NUNN. You think they are still in prison?

Mr. WALTERS. They are still in the prison system.

Senator NUNN. Anybody else in the ring besides those two and yourself?

Mr. WALTERS. Frankie had different people selling in different areas.

Senator NUNN. Who was head of this organization?

Mr. WALTERS. Frank Coppola.

Senator NUNN. You worked for Coppola?

Mr. WALTERS. Yes, sir.

Senator NUNN. How many regular customers did you distribute heroin to?

Mr. WALTERS. 200 or 300.

Senator NUNN. 200 or 300 regular customers?

Mr. WALTERS. Regular.

Senator NUNN. How much did you get for each sale?

Mr. WALTERS. \$20 a bag.

Senator NUNN. How big were the bags?

Mr. WALTERS. It was enough for one fix.

Senator NUNN. One fix?

Mr. WALTERS. Yes.

Senator NUNN. I guess it depends on the severity of the habit as to how many fixes a prisoner would need in a week.

What would be the normal amount, number of fixes of one of your customers in a week?

Mr. WALTERS. In a week? Depending on his habit, if he had a bad habit, he would take two or three a day, or four.

Senator NUNN. Two or three fixes a day?

Mr. WALTERS. Yes, sir.

Senator NUNN. What about a mild habit? How would you describe that? In other words, what is the range?

Mr. WALTERS. Three a day.

Senator NUNN. Mild habit would be three a day?

Mr. WALTERS. Yes.

Senator NUNN. Where were all the moneys coming from? You are talking about anywhere from \$600 to \$1,000 a day.

Mr. WALTERS. Plenty of money there. I have seen as high as \$15,000 in one lump.

Senator NUNN. \$15,000?

Mr. WALTERS. Yes, sir, not just once, several times.

Senator NUNN. So there is money all over the penitentiary?

Mr. WALTERS. Plenty of it.

Senator NUNN. Heroin all over the penitentiary or was when you were there?

Mr. WALTERS. Was when I was there.

Senator NUNN. Knives everywhere?

Mr. WALTERS. Knives, pipes, hatchets, whatever. I have seen guns, too.

Senator NUNN. How did they get in there?

Mr. WALTERS. There ain't but one way they could come in, that is through the officers.

Senator NUNN. Did you also deal in heroin at Marion when you were there?

Mr. WALTERS. Yes, sir.

Senator NUNN. Were you there at the same time Coppola was there?

Mr. WALTERS. Yes.

Senator NUNN. Was this before you and Coppola had the ring in Atlanta or afterwards?

Mr. WALTERS. Before.

Senator NUNN. You started dealing in heroin, not in Atlanta, but Marion?

Mr. WALTERS. Right.

Senator NUNN. You and Coppola were there?

Mr. WALTERS. Together.

Senator NUNN. How long did that go on?

Mr. WALTERS. I started selling heroin for Frank some time in 1974.

Senator NUNN. 1974?

Mr. WALTERS. Yes.

Senator NUNN. Was the fellow named Adams with you at that time, too?

Mr. WALTERS. No, sir. I think he had gone to Atlanta.

Senator NUNN. So just you and Coppola at Marion?

Mr. WALTERS. Yes. It is very small.

Senator NUNN. How many inmates are at Marion?

Mr. WALTERS. I think when I left there were 450.

Senator NUNN. How many customers did you have there for heroin?

Mr. WALTERS. Fifty, seventy-five.

Senator NUNN. You are saying you had 200 to 300 customers at the Atlanta Penitentiary?

Mr. WALTERS. That is just a rough estimate. It could have been more than that, possibly is.

Senator NUNN. Wasn't that almost a full-time job, getting heroin distributed to 200 or 300 people and collecting \$20 from every one?

Mr. WALTERS. Just about a full-time job.

Senator NUNN. If each one of them just got one fix a week, you are saying they got more than one a day, if they got one a week, you would be dealing in \$4,000 or \$5,000 a week?

Mr. WALTERS. Yes, sir, or more.

Senator NUNN. What is your best estimate of how much money you dealt with in a week in your heroin operation?

Mr. WALTERS. \$10,000, \$12,000, \$15,000. Maybe more.

Senator NUNN. \$10,000, \$12,000, \$15,000 per week?

Mr. WALTERS. Yes. That is not counting credit. I don't know exactly how much went out on credit. Frank did all that.

Senator NUNN. You didn't deal in credit?

Mr. WALTERS. No.

Senator NUNN. You handled cash, he handled credit?

Mr. WALTERS. Like guys might be 2 weeks before they could pay, it might be a month. He didn't charge them no interest on it. He just

let them have it, when they got the money, they would pay. But they had to pay by the time they said they were going to pay.

Senator NUNN. What happened if they didn't?

Mr. WALTERS. Good possibility he might get his head caved in or get stabbed.

Senator NUNN. Do you know whether Coppola killed anybody?

Mr. WALTERS. I heard he had a guy killed. I don't know, not in Atlanta. This was in Leavenworth earlier.

Senator NUNN. You didn't personally ever see him kill anybody?

Mr. WALTERS. No.

Senator NUNN. Did you ever see him beat anybody for not paying a debt?

Mr. WALTERS. No. Frank was the type of guy, he wouldn't physically bother you himself, he would have it done. He would give somebody some dope or pay them, whatever.

Senator NUNN. Did Frank Coppola have a heroin habit of his own?

Mr. WALTERS. Yes; one of the worst I have ever seen.

Senator NUNN. One of the worst heroin habits you have ever seen? How many fixes a day did he have?

Mr. WALTERS. Normal person shoots one, he shoots five.

Senator NUNN. You mean he might shoot as much as five fixes a day?

Mr. WALTERS. I have seen him shoot more than that. I have seen him just cut chunks off, cook it up, shoot it.

Senator NUNN. Was he able to carry on mentally? Did this affect his mind or his physical well being? He carried on quite a business to be that addicted to heroin; didn't he?

Mr. WALTERS. He had a good business, but he stayed in a stooper most of the time or in semicoma. He would nod, falling out of the chair, sleeping in the bed, or laying on the floor.

Senator NUNN. He carried on a \$10,000 or \$15,000 a week business while he was in this condition?

Mr. WALTERS. I sold the dope for him. I kept the money.

Senator NUNN. Did you have a habit?

Mr. WALTERS. No, sir.

Senator NUNN. Did you use heroin at all?

Mr. WALTERS. I have shot it, yes.

Senator NUNN. Were you using it on a regular basis during this time frame?

Mr. WALTERS. No. I shot.

Senator NUNN. About how often?

Mr. WALTERS. Sometimes I might shoot once a day, sometimes I might shoot nothing, sometimes I might shoot three or four.

Senator NUNN. You didn't feel like you were addicted, you could take it or leave it?

Mr. WALTERS. No. I could let it go. It didn't make any difference.

Senator NUNN. Was Adams also on heroin?

Mr. WALTERS. Yes.

Senator NUNN. Did he have a bad habit?

Mr. WALTERS. He had a bad one, but it wasn't nothing compared to Frank's.

Senator NUNN. When did you first meet Frank Coppola?



Mr. WALTERS. February 1970, I believe it was, when I went to Marion. I met him at Marion. I couldn't tell you the exact date.

Senator NUNN. How long were you at Marion with him?

Mr. WALTERS. I was there a little over 5 years, so Frank went out to court a couple of times. So the whole time I was there.

Senator NUNN. Frank?

Mr. WALTERS. He lived in the same cell house.

Senator NUNN. Frank did what?

Mr. WALTERS. Went out to court several times.

Senator NUNN. You mean to testify?

Mr. WALTERS. One of them was that murder trial I was telling you about.

Senator NUNN. Was he the accused in that? Was he the defendant?

Mr. WALTERS. Yes, sir. He had paid to have it done.

Senator NUNN. Did he get convicted?

Mr. WALTERS. He got a life sentence for it.

Senator NUNN. He was convicted?

Mr. WALTERS. Yes, all the guys involved got 10 years.

Senator NUNN. He went on to the Atlanta Penitentiary before you did?

Mr. WALTERS. No. I left February 4, I believe, and I believe it came up February 7, 1975.

Senator NUNN. Picked him up, took him to Atlanta?

Mr. WALTERS. Yes.

Senator NUNN. You both went to Atlanta about the same time.

Mr. WALTERS. I was 2 or 3 days ahead of him.

Senator NUNN. What happened when you first saw him in the Atlanta Penitentiary?

Mr. WALTERS. We were in the hole then.

Senator NUNN. For what?

Mr. WALTERS. I was supposed to be on a hearing down here before Judge Edinfield, and they had me upstairs. I stayed up there 64 days, I believe it was, and they brought Frank in, he didn't stay about a week 10 days, they let him out. They transferred him down to get rid of him from Marion behind that dope.

Senator NUNN. They knew he was engaged in narcotics?

Mr. WALTERS. Yes, definitely, just a matter of catching him. They never could catch him.

Senator NUNN. When you were at Marion dealing in heroin, did you have guards bring in the narcotics?

Mr. WALTERS. I didn't, Frank did.

Senator NUNN. Frank did?

Mr. WALTERS. Yes.

Senator NUNN. He had one or more? How many did he have?

Mr. WALTERS. One I know of.

Senator NUNN. We won't get into that today. We will turn over the information we have in that regard as to names to the proper authorities on that subject. Our subcommittee staff has not had an opportunity to interview this particular individual and until we have a chance to interview him and he has a chance to respond, we do not want to reveal the name. But that will be made available to the proper sources.

Mr. Walters, how did you, Coppola, and Adams get the heroin into the penitentiary in Atlanta?

Mr. WALTERS. I didn't have nothing to do with that.

Senator NUNN. You didn't have anything to do with it?

Mr. WALTERS. No.

Senator NUNN. Did you know how it came in?

Mr. WALTERS. Yes.

Senator NUNN. How did it come in?

Mr. WALTERS. Through the officers.

Senator NUNN. Through the officers?

Mr. WALTERS. Yes.

Senator NUNN. Where did Coppola pick up the heroin?

Mr. WALTERS. In the food service department.

Senator NUNN. Did you ever go with Frank Coppola to pick up the heroin when he came in the Atlanta Penitentiary?

Mr. WALTERS. Yes; numerous times.

Senator NUNN. Were you ever present when Coppola received the heroin from any kind of prison employee—guard or any other employee?

Mr. WALTERS. Yes, sir.

Senator NUNN. Where did these deliveries take place?

Mr. WALTERS. In the bakery.

Senator NUNN. In the bakery?

Mr. WALTERS. Yes.

Senator NUNN. Was that the designated meeting place for every transaction?

Mr. WALTERS. All I was in on; yes.

Senator NUNN. So everytime you saw Coppola receiving heroin from penitentiary employees, it was in the bakery?

Mr. WALTERS. Yes.

Senator NUNN. Would you tell us about how many times that happened?

Mr. WALTERS. I was in on at least six or eight different times.

Senator NUNN. What was the time frame? When was this?

Mr. WALTERS. It could be once a month, sometimes it might be twice a month.

Senator NUNN. Was this in 1975 or 1976?

Mr. WALTERS. 1975 and 1976.

Senator NUNN. Every time you personally witnessed this, it was in the bakery?

Mr. WALTERS. Yes, sir. Frank was the head baker, supposed to be.

Senator NUNN. Do you know the name of the individual who brought the heroin in to the institution for Mr. Coppola?

Mr. WALTERS. Yes, sir.

Senator NUNN. Who was it?

Mr. WALTERS. John Carroll.

Senator NUNN. John Carroll?

Mr. WALTERS. Yes, sir.

Senator NUNN. What was Mr. Carroll's job at the penitentiary?

Mr. WALTERS. Food service department.

Senator NUNN. Food service department?

Mr. WALTERS. Yes.

Senator NUNN. He was not a guard?

Mr. WALTERS. No, sir. Inmates call them all police.

Senator NUNN. You call him the policeman, but he was not a policeman, he was really an employee in the food service department?

Mr. WALTERS. Right.

Senator NUNN. How many times did you actually see Mr. Carroll bring in heroin?

Mr. WALTERS. Six or eight.

Senator NUNN. You actually physically saw him, you were there when he turned it over to Coppola?

Mr. WALTERS. Yes, I was there.

Senator NUNN. Did he hand it to him?

Mr. WALTERS. Yes.

Senator NUNN. How was it wrapped?

Mr. WALTERS. Sandwich baggies.

Senator NUNN. It was always Mr. Carroll you saw?

Mr. WALTERS. It is the only one I ever seen him have dealings with.

Senator NUNN. Did you have occasion to see Mr. Carroll other than during these transactions? Did you run into him in your daily routine in the prison?

Mr. WALTERS. Yes; I seen him in the chow hall numerous times.

Senator NUNN. You have seen him many times?

Mr. WALTERS. Plenty of times.

Senator NUNN. No question in your mind who it was?

Mr. WALTERS. No, sir, I know him.

Senator NUNN. What was Mr. Carroll's job at the penitentiary?

Mr. WALTERS. Food service.

Senator NUNN. Did you ever pick up any heroin from Mr. Carroll for Coppola without Coppola being there?

Mr. WALTERS. Yes, sir, on one occasion.

Senator NUNN. Tell us about that.

Mr. WALTERS. Frank was in the hospital, he got knocked in the head and he sent word for me to come over there. I couldn't get in the hospital, so I went around to the side. He told me you were supposed to get that thing in the morning, meaning the old dope.

Senator NUNN. Told us?

Mr. WALTERS. Told me. I went over and he threwed the money out the window, wrapped in an envelope, told me it was \$750. It was in a covelike place, told me to go over there and meet Mr. Carroll.

Senator NUNN. What happened then?

Mr. WALTERS. I went and met Mr. Carroll.

Senator NUNN. Did you take the money?

Mr. WALTERS. I gave him the \$750, picked up the dope.

Senator NUNN. What did you do with the heroin after you got it?

Mr. WALTERS. I took Frank some of it, I went back to the cellhouse, cut it up and papered it up, put it out to sell.

Senator NUNN. So you really didn't need Coppola at all?

Mr. WALTERS. No.

Senator NUNN. You could handle it yourself when he wasn't available?

Mr. WALTERS. Yes. I knew the operation by myself.

Senator NUNN. Why was he in the hospital?

Mr. WALTERS. He had got the side of his head caved in.

Senator NUNN. In what way? Was he in a fight?

Mr. WALTERS. A guy hit him in the head with a bar, a pipe, or something.

Senator NUNN. Did that have anything to do with the narcotics sales?

Mr. WALTERS. I think that it happened, had something to do with that deal in Leavenworth, where that guy got killed. Something related to it, I don't know the exact details, but him and the guy was on outs about that, had been on outs for years.

Senator NUNN. I understand that in terms of heroin deals, you call the people who bring the heroin in "mules." Is that right?

Mr. WALTERS. Yes, sir.

Senator NUNN. Any other name you call them or is that the main name?

Mr. WALTERS. That is the main name, mule.

Senator NUNN. Did you have any other mule besides Carroll?

Mr. WALTERS. No, sir, not on this operation. There was another one.

Senator NUNN. What kind of quantities of heroin were brought in from the penitentiary each time? You say you were there six or seven times. What quantities are we talking about?

Mr. WALTERS. Three, four. I seen as high as six or seven.

Senator NUNN. Six or seven what?

Mr. WALTERS. Ounces.

Senator NUNN. In terms of number of fixes, how many fixes, after you cut it up, would you get per ounce?

Mr. WALTERS. It depended on the quality.

Senator NUNN. Let's say average quality.

Mr. WALTERS. Penitentiary dope?

Senator NUNN. Yes.

Mr. WALTERS. 300, 350, possibly 400 bags.

Senator NUNN. 300 or 400 bags per ounce?

Mr. WALTERS. Yes.

Senator NUNN. So when you say you normally brought in or got from Mr. Carroll anywhere from 3 to 7 ounces, that is the range?

Mr. WALTERS. Yes. It depended, like the guy Frank was getting his stuff from, he might be out of town, whatever.

Senator NUNN. You are talking about receiving on each transaction enough heroin to make 1,000 to 2,000 fixes; is that right?

Mr. WALTERS. Possibly more, yes.

Senator NUNN. As a general range, though, you would say you got 1,000 to 2,000 fixes per transaction. Is that right?

Mr. WALTERS. Right.

Senator NUNN. How much did you charge per fix?

Mr. WALTERS. \$20.

Senator NUNN. So you are talking about anywhere from \$20,000 to \$40,000 worth of heroin per transaction with Mr. Carroll?

Mr. WALTERS. Yes, sir.

Senator NUNN. Did you have easy access to the bakery? Could you just go in and out of there any time you wanted to?

Mr. WALTERS. Just come and go. You can go about anywhere you want to in there or used to.

Senator NUNN. When you were there, you could virtually go anywhere you wanted to?

Mr. WALTERS. Yes.

Senator NUNN. You could just wander around anytime of the day?

Mr. WALTERS. At night you couldn't. After 6 o'clock, it was kind of hard, but between 6:30 in the morning, to 6 o'clock at night, you didn't have no hassle; come and go when you took a notion.

Senator NUNN. What time of day did these transactions normally take place when you went with Coppola to the bakery to pick up heroin.

Mr. WALTERS. These are mostly in the morning, there have been a couple in the afternoon, depending on what time Mr. Carroll came in, sometimes he would come in early, sometimes late.

Senator NUNN. Were you ever stopped in the bakery area?

Mr. WALTERS. No.

Senator NUNN. Did you ever get searched in the kitchen area?

Mr. WALTERS. No. I stayed there 18 months and never got shook down but one time.

Senator NUNN. How did that occur?

Mr. WALTERS. They caught everybody, somebody had got stabbed in the hallway. I guess they was looking for whoever had the knife.

Senator NUNN. Did Coppola actually distribute the narcotics himself or did he have you doing that for him?

Mr. WALTERS. I was doing it.

Senator NUNN. Why did you do it for him?

Mr. WALTERS. He was so hot he couldn't hardly move anywhere without getting grabbed, shook down, passed down.

Senator NUNN. They knew he was engaged in narcotics?

Mr. WALTERS. Definitely.

Senator NUNN. He was shaken down frequently.

Mr. WALTERS. Quite often. Really it depended on who seen him. Some of them get you, some of them won't even pay no attention to you.

Senator NUNN. Some of who?

Mr. WALTERS. Officers.

Senator NUNN. But the whole time you were at the Atlanta Penitentiary, 18 months, you never got searched but one time?

Mr. WALTERS. One time and my cell didn't get shook but one time that I knew of.

Senator NUNN. You mean by that, tell us what you mean by your "cell" didn't get shook.

Mr. WALTERS. Like the officer would go in, he disassembled anything.

Senator NUNN. Your "cell"?

Mr. WALTERS. My "cell".

Senator NUNN. It got searched only one time?

Mr. WALTERS. That I know of.

Senator NUNN. No penitentiary officials ever observed you passing heroin to the customers? You never got caught at it even dealing with the two or three hundred customers you had?

Mr. WALTERS. I never got caught at it.

Senator NUNN. Nobody ever saw you get the \$20 cash from the customer?

Mr. WALTERS. Not that I know of.

Senator NUNN. Where did you normally deliver the narcotics to the customer?

Mr. WALTERS. They had to come to me most of the time.

Senator NUNN. Where?

Mr. WALTERS. D cell house, I would be in right around the door, go out on the yard, whoever, just wherever it was at, they could find me.

Senator NUNN. When was the first time you ever went with Frank Coppola to meet with Carroll?

Mr. WALTERS. I don't know the date. I don't have any idea what the date was.

Senator NUNN. It was in 1975, though?

Mr. WALTERS. Yes.

Senator NUNN. Had you ever been with Coppola to pick up heroin? The first time is what I want to hear about. Tell us about that.

Mr. WALTERS. I was sitting in the cell house, Frank came in, he hollered at me. I had a nickname that I go by, Tons.

Senator NUNN. T-o-n-s?

Mr. WALTERS. Yes. I used to weigh about 300 pounds. They used to call me tons of fun. So I was sitting in the chair, Frank hollered at me, told me to come on. So I got up, said get your coat. I hollered back, asked him did I need any knife. I thought he had a hassle. He said no. I got my coat. I went on with him, right straight to the bakery.

That is when I picked up the dope. That was the very first time.

Senator NUNN. How often did you make these pickups from John Carroll?

Mr. WALTERS. Like I said, sometimes they averaged once a month, sometimes twice a month.

Senator NUNN. How long did your heroin last you, each pickup?

Mr. WALTERS. By the time we got the next one, we would be mighty low. Frank usually kept enough to get by.

Senator NUNN. Where did you keep the heroin?

Mr. WALTERS. In the cell house.

Senator NUNN. Where in the cell?

Mr. WALTERS. I used to put it in my light?

Senator NUNN. In the light?

Mr. WALTERS. Yes, and chair legs.

Senator NUNN. Nobody ever searched that cell?

Mr. WALTERS. The one time that I know of.

Senator NUNN. Did they find anything that time?

Mr. WALTERS. No.

Senator NUNN. Why not?

Mr. WALTERS. I guess they didn't look good enough.

Senator NUNN. Was it there when they searched?

Mr. WALTERS. Yes.

Senator NUNN. In the light?

Mr. WALTERS. In the light. They didn't look at nothing. They just give it a glance, keep getting up. You could tell stuff had been moved around, you know, but as far as taking the light down, taking the bottom off the chairs, they didn't pay no attention to it.

Senator NUNN. So even at that time, when they actually searched the cell, the heroin was in the cell but they didn't find it?

Mr. WALTERS. Right.

Senator NUNN. Did Mr. Carroll receive payments for his services on your behalf?

Mr. WALTERS. Yes, sir.

Senator NUNN. How did you pay him?

Mr. WALTERS. Frank paid him.

Senator NUNN. Do you know how much he got paid?

Mr. WALTERS. The prices varied. I don't know what kind of deal they had set up.

Senator NUNN. Did you ever see him receive money?

Mr. WALTERS. Yes, several times.

Senator NUNN. You saw Frank Coppola hand Carroll money?

Mr. WALTERS. Yes.

Senator NUNN. Did you ever give him money yourself?

Mr. WALTERS. That \$750.

Senator NUNN. That \$750?

Mr. WALTERS. Yes.

Senator NUNN. Was that to pay for the heroin, or to compensate Carroll or both?

Mr. WALTERS. That was to pay him for bringing it in.

Senator NUNN. Who paid for the heroin? How did the person get the money on the outside to buy the heroin?

Mr. WALTERS. Frank took care of that.

Senator NUNN. How did he take care of that?

Mr. WALTERS. To tell you the truth, I don't know. I think he had his sister send it to him or whatever. When I say that, I am speculating because I am exactly not sure. I would hate to say yes and be wrong.

Senator NUNN. You really don't know who was getting heroin to Carroll?

Mr. WALTERS. I definitely know who was getting it to him.

Senator NUNN. I am told we have not interviewed the person there, so let's not mention that particular name. There was a person on the outside getting the narcotics to Carroll?

Mr. WALTERS. Right.

Senator NUNN. Carroll would bring it in?

Mr. WALTERS. Yes.

Senator NUNN. You and Coppola would pick it up?

Mr. WALTERS. Right.

Senator NUNN. You would distribute it in the penitentiary?

Mr. WALTERS. Right.

Senator NUNN. How did the cash flow out? How did Coppola pay for the heroin on the outside? Did someone take the money out or handle that by mailing money or giving it to someone?

Mr. WALTERS. Undoubtedly, he had somebody moving it for him. I am assuming it is Mr. Carroll, I am not sure.

Senator NUNN. You don't know about that?

Mr. WALTERS. I don't know about sending it back out, but he had to get it out somehow to keep paying for that dope.

Senator NUNN. When he gave Carroll the \$750, that wasn't to pay for the heroin?

Mr. WALTERS. No. The dope had already been paid for.

Senator NUNN. Before it was brought it?

Mr. WALTERS. You have to pay the men up front for that.

Senator NUNN. It was paid for before Carroll ever brought it in?

Mr. WALTERS. Yes.

Senator NUNN. The \$750 that you gave Carroll was strictly to pay him for services?

Mr. WALTERS. For bringing it in.

Senator NUNN. Did you see Coppola pay Carroll money for his services other than that \$750?

Mr. WALTERS. Several times.

Senator NUNN. Do you recall the amount?

Mr. WALTERS. One time, when they got that six or seven ounces, he gave \$1,500.

Senator NUNN. So the payment to Carroll varied on the basis of how much was brought in; is that right?

Mr. WALTERS. Yes.

Senator NUNN. Did you and Coppola have the largest heroin operation in the penitentiary at that time?

Mr. WALTERS. Yes.

Senator NUNN. Was it by far the largest? Was anybody else close?

Mr. WALTERS. There wasn't nobody close to it; not in the heroin transaction.

Senator NUNN. Did you engage in other drugs as well as heroin?

Mr. WALTERS. Yes. At times.

Senator NUNN. Who brought those in?

Mr. WALTERS. I used to sell Dilaudin for Sellers. Elswick used to bring it for him.

Mr. BLOCK. Let me ask a few questions about the Coppola operation. What was your business relationship with Mr. Coppola? What was your financial—

Mr. WALTERS. A third.

Mr. BLOCK. You received a third?

Mr. WALTERS. Of everything I sold, not the credit transactions.

Mr. BLOCK. Your operation was strictly cash?

Mr. WALTERS. Strictly cash only.

Mr. BLOCK. How much would you receive on a weekly basis?

Mr. WALTERS. \$2,000, \$3,000. It really varied, however much I sold. If I sold \$10,000, I got a third of it. If I sold \$25,000, I got a third of that, whatever. It varied, the way money was flowing. Sometimes it would be coming in really heavy and sometimes it would be minimal.

Mr. BLOCK. Where would you keep the money that you made selling to Mr. Coppola?

Mr. WALTERS. Where would I keep it? I kept it in the mill.

Mr. BLOCK. Down in the mill?

Mr. WALTERS. Yes.

Mr. BLOCK. In your locker?

Mr. WALTERS. No; I had a hiding place.

Mr. BLOCK. All the time you were selling to Mr. Coppola, you say you were never observed, you were never searched. Is it therefore the case that the guards were simply unaware that you were running one of the major heroin transactions in the prison?

Mr. WALTERS. The majority of them knew what was going on.

Mr. BLOCK. They knew what was going on, but they couldn't catch you?

Mr. WALTERS. Couldn't catch us or didn't care, one of the two.

Mr. BLOCK. Combination?

Mr. WALTERS. Both—yes; I would say that.

Mr. BLOCK. Thank you.

Senator NUNN. Mr. Walters, do you know now the heroin actually got to Atlanta?



Mr. WALTERS. Yes.

Senator NUNN. How?

Mr. WALTERS. Thermos bottles.

Senator NUNN. Thermos bottles?

Mr. WALTERS. Yes.

Senator NUNN. How do you know this?

Mr. WALTERS. Frank told me.

Senator NUNN. You mean the thermos bottles were mailed?

Mr. WALTERS. Mailed through the U.S. mail.

Senator NUNN. The heroin would just be in the bottles?

Mr. WALTERS. It would be inside the bottles in baggies, sandwich baggies.

Senator NUNN. Where did the heroin come from originally?

Mr. WALTERS. New Mexico.

Senator NUNN. So, most of the heroin that you dealt with in the penitentiary came from New Mexico in thermos bottles through the mail?

Mr. WALTERS. Right.

Senator NUNN. Then it was picked up here?

Mr. WALTERS. Right.

Senator NUNN. Why was it in thermos bottles? What was the reason for that?

Mr. WALTERS. To keep them from detecting it.

Senator NUNN. Mr. Walters, while you were at the U.S. penitentiary in Atlanta, did you know another inmate by the name of Willie Foster Sellers?

Mr. WALTERS. Yes; good friend of mine, or was.

Senator NUNN. When did you meet him?

Mr. WALTERS. I met him back in the early sixties.

Senator NUNN. Where?

Mr. WALTERS. Augusta, Ga., in jail.

Senator NUNN. When did you first run into him in Atlanta? What year?

Mr. WALTERS. 1975, when I got out of the hole.

Senator NUNN. Right after you came from Marion?

Mr. WALTERS. Yes.

Senator NUNN. He was in the Atlanta penitentiary at that time?

Mr. WALTERS. Yes.

Senator NUNN. Did Foster Sellers actually engage in narcotics transactions in the penitentiary?

Mr. WALTERS. Yes.

Senator NUNN. What sort of narcotics did Sellers sell?

Mr. WALTERS. Powdered Dilaudin.

Senator NUNN. Dilaudin?

Senator NUNN. What is that? Is it like heroin?

Mr. WALTERS. It is similar but a lot of guys like it because it has got a faster rush to it. It don't stay as long as heroin.

Senator NUNN. So Sellers actually engaged in the selling of Dilaudin?

Mr. WALTERS. Yes, sir.

Senator NUNN. Did he distribute heroin also or did he restrict his activities to Dilaudin?

Mr. WALTERS. He has had heroin at times, but it came from Frank

Senator NUNN. Was he also an addict himself?

Mr. WALTERS. No; I have never known him to shoot anything.

Senator NUNN. Is Dilaudin a prescription drug?

Mr. WALTERS. Yes, sir.

Senator NUNN. Is it a controlled substance?

Mr. WALTERS. Right.

Senator NUNN. Is it illegal to engage in the sale of Dilaudin?

Mr. WALTERS. Yes.

Senator NUNN. Was Foster Sellers a dealer as was Coppola?

Mr. WALTERS. No, sir.

Senator NUNN. Did you work for Sellers also?

Mr. WALTERS. Off and on, yes.

Senator NUNN. In other words, you helped him distribute Dilaudin as well as help him distribute heroin?

Mr. WALTERS. Right. When Frank's dope got low, I kept Foster's.

Senator NUNN. How much did you get paid for working for Coppola?

Mr. WALTERS. A third of everything that I sold.

Senator NUNN. He got two-thirds of it, you got a third?

Mr. WALTERS. Right.

Senator NUNN. Was that a third of the net?

Mr. WALTERS. No; a third of what I sold only.

Senator NUNN. But he deducted what it cost him?

Mr. WALTERS. He got that off the top.

Senator NUNN. So taking the gross sales, he would take enough out to pay for the heroin, pay for bringing it in, then you would get a third of what was left?

Mr. WALTERS. I get a third of everything that I sold.

Senator NUNN. How much did that amount to normally in a week or a month?

Mr. WALTERS. It really depended on how much we sold. If I sold \$10,000, I got a third of 10; if I sold 20, I got a third of that.

Senator NUNN. Would you give us some estimate about what you earned per week by reason of this activity?

Mr. WALTERS. Average \$2,500 easy.

Senator NUNN. \$2,500 a week?

Mr. WALTERS. That wasn't every week. Fifty-two weeks a year, you might go for, say, a month, it might be 2 months, and then slack off.

Senator NUNN. So it varied?

Mr. WALTERS. It varied.

Senator NUNN. Would \$2,500 be the high?

Mr. WALTERS. It would be about the highest.

Senator NUNN. Per week?

Mr. WALTERS. Yes.

Senator NUNN. What would be the low in the week?

Mr. WALTERS. \$400, \$500.

Senator NUNN. It varied from \$400 to \$500, up to \$2,500?

Mr. WALTERS. Yes. It really depended on the flow of the money.

Senator NUNN. Let's say the year and a half you were there in the Atlanta penitentiary in 1975 through 1976, what would have been the total amount you earned from drug transactions, net to you?

Mr. WALTERS. \$30,000, \$50,000.

Senator NUNN. \$30,000 to \$50,000.

Mr. WALTERS. Yes, easy.

Senator NUNN. What did you do when you got that money? What did you do with it?

Mr. WALTERS. I loaned it out. I gambled a lot.

Senator NUNN. You kept the money that you earned with you most of the time in the cell?

Mr. WALTERS. No. I kept it at the mill.

Senator NUNN. At the mill?

Mr. WALTERS. Yes, my hiding place.

Senator NUNN. What was the largest amount you ever had there at one time?

Mr. WALTERS. Right around \$10,000.

Senator NUNN. Did you work primarily for Coppola or for Sellers?

Mr. WALTERS. I worked mostly for Coppola. But I helped Sellers when Coppola's stuff got slack.

Senator NUNN. So mainly when Coppola gave out, you help Sellers?

Mr. WALTERS. Right.

Senator NUNN. Did you have occasion to go with him to pick up narcotics?

Mr. WALTERS. Yes.

Senator NUNN. Where did he pick up the narcotics?

Mr. WALTERS. The rec shack, recreation shack.

Senator NUNN. Where is the recreation shack located?

Mr. WALTERS. Right behind the chow hall, directly behind it off to the right.

Senator NUNN. Did he have someone bringing in narcotics to him, one of the prison employees?

Mr. WALTERS. Yes.

Senator NUNN. Would you call this person a mule also?

Mr. WALTERS. Yes.

Senator NUNN. Did you have occasion to observe the transaction between Sellers and this particular individual?

Mr. WALTERS. Yes, sir, two or three different times; maybe more.

Senator NUNN. At least two or three times?

Mr. WALTERS. At least two or three I know of.

Senator NUNN. All of those occurrences took place in the recreation shack?

Mr. WALTERS. Yes. Foster Sellers was the clerk.

Senator NUNN. Foster Sellers worked at the recreation shack?

Mr. WALTERS. Yes; he worked there, was the clerk.

Senator NUNN. What quantity was brought in by the Sellers operation? Do you know how much he received, the two or three times you observed him?

Mr. WALTERS. He would get an ounce. That is what they said it was. It is never a full ounce, whatever you order.

Senator NUNN. That was Dilaudin?

Mr. WALTERS. Yes.

Senator NUNN. Did that cut down into about the same number of fixes as heroin? I have no idea how you break that down.

Mr. WALTERS. When you cut it up, step on it, that is adding something to it to make it weaker where you can stretch it farther. You would probably get anywhere from 600 to 1,000 bags out of it.

Senator NUNN. Out of 1 ounce?

Mr. WALTER. Out of 1 ounce.  
 Senator NUNN. So it cuts into more fixes than heroin.  
 Mr. WALTERS. Yes; it is very potent.  
 Senator NUNN. How much did you get per fix of Dilaudin?  
 Mr. WALTERS. \$20.  
 Senator NUNN. So it is the same price as heroin?  
 Mr. WALTERS. Yes.  
 Senator NUNN. In terms of what you charged the inmates?  
 Mr. WALTERS. Yes, sir.  
 Senator NUNN. Were you actually present when a prison employee gave this to Sellers?  
 Mr. WALTERS. Yes.  
 Senator NUNN. He gave it to him in the rec shack?  
 Mr. WALTERS. Yes.  
 Senator NUNN. They were both inside and you were there?  
 Mr. WALTERS. Me and Foster was there when he came in.  
 Senator NUNN. You would be there when he came in?  
 Mr. WALTERS. Yes.  
 Senator NUNN. Is the rec shack a big building?  
 Mr. WALTERS. Pretty good-sized.  
 Senator NUNN. Were there other people there?  
 Mr. WALTERS. No, sir, not at that time. If they were, they were in the back. Foster usually kept that door locked over there where he was at.  
 Senator NUNN. Who brought the Dilaudin in to Sellers?  
 Mr. WALTERS. "Blue" Elswick.  
 Senator NUNN. "Blue" Elswick?  
 Mr. WALTERS. Yes.  
 Senator NUNN. What is his job?  
 Mr. WALTERS. Recreation man.  
 Senator NUNN. Was he head of the recreation department or one of the workers?  
 Mr. WALTERS. He is one of the workers. I don't know if he is head of it.  
 Senator NUNN. He is not a guard?  
 Mr. WALTERS. No.  
 Senator NUNN. You knew him at the penitentiary?  
 Mr. WALTERS. No.  
 Senator NUNN. No doubt about the fact who it was?  
 Mr. WALTERS. No. I know him.  
 Senator NUNN. It was during the daytime?  
 Mr. WALTERS. Yes.  
 Senator NUNN. You observed him actually bringing in Dilaudin and handing it to Sellers?  
 Mr. WALTERS. Yes.  
 Senator NUNN. Did Sellers pay him cash?  
 Mr. WALTERS. I don't even think that I observed money being passed between them. It could have, you know.  
 Senator NUNN. You never observed any money being passed between Sellers and Elswick?  
 Mr. WALTERS. No. When "Blue" would give Foster the dope, he would hand it to me and I would leave.  
 Senator NUNN. You would leave before Elswick left, normally?  
 Mr. WALTERS. Yes, As soon as I got the dope, I would leave.

Senator NUNN. You don't ever recall seeing cash passed from Sellers to Elswick?

Mr. WALTERS. No.

Senator NUNN. But you saw the actual narcotics pass?

Mr. WALTERS. Yes; because I was there when he came in.

Senator NUNN. Could the cash have passed after you left?

Mr. WALTERS. Yes. It had to pass some time in that area.

Senator NUNN. Do you know of your own knowledge that Elswick was getting money in exchange for the narcotics?

Mr. WALTERS. He most definitely was. He wouldn't be bringing it in just to be bringing it.

Senator NUNN. Did Sellers ever tell you he was paying Elswick?

Mr. WALTERS. Yes.

Senator NUNN. How much?

Mr. WALTERS. \$300 per load.

Senator NUNN. He was paying him \$300 a load?

Mr. WALTERS. Yes; really depending on how much he brought.

Senator NUNN. Where was Elswick getting the narcotics on Sellers' behalf?

Mr. WALTERS. Probably had somebody outside getting it for him.

Senator NUNN. You don't know who?

Mr. WALTERS. I heard it was Jody Moore. I am not sure. I wouldn't swear to it.

Senator NUNN. We won't get into that now.

Where is Foster Sellers?

Mr. WALTERS. He is one of the top men most wanted at present.

Senator NUNN. Is he out?

Mr. WALTERS. They cut him out of the Fulton County jail with torches, some guys did.

Senator NUNN. Who cut him out?

Mr. WALTERS. I have no idea.

Senator NUNN. He escaped from jail?

Mr. WALTERS. Yes.

Senator NUNN. A fugitive from justice?

Mr. WALTERS. Yes.

Senator NUNN. When is the last time you saw Foster Sellers?

Mr. WALTERS. When I left Atlanta.

Senator NUNN. So both Sellers worked in the recreation shack?

Mr. WALTERS. Yes.

Senator NUNN. Did Elswick work in the recreation shack also?

Mr. WALTERS. At different times; yes. He was the recreation man or manager, whatever you want to call it.

Senator NUNN. How did you personally know there was narcotics being exchanged there? You actually took the narcotics yourself, sold it; is that the basis of your knowledge?

Mr. WALTERS. Yes. I was there when the transaction took place. I don't recall any money being passed, but I am assuming he did because he ain't bringing it in just to be bringing it.

Senator NUNN. Did you get paid on the same basis for Sellers that you did for Coppola?

Mr. WALTERS. A third.

Senator NUNN. So you had the same relationship?

Mr. WALTERS. Right.

Senator NUNN. Can you give us an estimate of how much money you made on working for Sellers?

Mr. WALTERS. To tell you the truth, I don't have no idea.

Senator NUNN. How many customers did you have in working for Sellers in distributing Dilaudin?

Mr. WALTERS. It varied. Like heroin was real slack, I had plenty; if the heroin was in, just so-so; mediocre.

Senator NUNN. Would it be as many customers as you had for heroin? You mentioned you had 200 or 300 customers for heroin.

Mr. WALTERS. No; I don't believe it is quite that many. Like I said, it really depended on if the heroin was slack or heavy.

Senator NUNN. Was Sellers also one of the major narcotic dealers in the penitentiary?

Mr. WALTERS. One of the major; yes.

Senator NUNN. Would he have been next to Coppola in terms of the number of transactions and the amount of money, and so forth; or was he down the line in terms of dealers?

Mr. WALTERS. I would put him No. 2.

Senator NUNN. He would have probably been No. 2, to the best of your knowledge?

Mr. WALTERS. Yes, sir.

Senator NUNN. From your description, it appears that drugs were very readily available in the Atlanta Penitentiary when you were there?

Mr. WALTERS. Yes.

Senator NUNN. Anybody who had the money could get the drugs; is that right?

Mr. WALTERS. If you got the money, you could get it.

Senator NUNN. Did you ever know of any period where there was a cutoff in the supply of narcotics in the penitentiary? In other words, was there ever a point in time while you were there that you gave out, and there was a shortage of supply?

Mr. WALTERS. It gets slack at times, but I never actually seen it run out. There was always some available. If Frank didn't have it, he could get it from Foster, vice versa, or some of them freelancing guys. There is always some dope there, always.

Senator NUNN. I understand you have been in how many different prisons in terms of your incarceration? How many different ones have you been in?

Mr. WALTERS. Atlanta, Marion, Butner, Lewisburg.

Senator NUNN. Are narcotics as available in the other institutions as they are in Atlanta; any of them?

Mr. WALTERS. In Marion, it comes and goes. It might be some there for a month and you might not see none for 2 or 3 months.

Senator NUNN. Why is that? Is there any difference in terms of difficulty in bringing it in? You were engaged in the operation on both places.

Mr. WALTERS. I think one of the main things at Marion is it is so isolated. Most of the guys are there, like I was from South Carolina, I was over 800 miles from home, basically the same thing with everybody.

Senator NUNN. So people didn't have the contacts?

Mr. WALTERS. They didn't have the contact you have got here in Atlanta.

Senator NUNN. But you did observe drugs in that penitentiary also?

Mr. WALTERS. I sold drugs.

Senator NUNN. But you would say there were more drugs in Atlanta than in Marion?

Mr. WALTERS. Yes, sir.

Senator NUNN. How about the other institutions where you worked?

Mr. WALTERS. Like Lewisburg, I never was out in the population, so I can't say, but I am sure it is there. Butner, I never did see any heroin but once or twice, but they was plenty of grass. I seen cocaine a couple of times, plenty of pills.

Senator NUNN. If you had to rank the drug availability in the various prisons you have been in, where would Atlanta rank?

Mr. WALTERS. No. 1.

Senator NUNN. No. 1?

Mr. WALTERS. Yes.

Senator NUNN. How about weapons? How do you compare the weapon availability at Atlanta with other institutions you have been in?

Mr. WALTERS. Atlanta is still No. 1.

Senator NUNN. What is the reason for that?

Mr. WALTERS. It is so loose.

Senator NUNN. What is loose?

Mr. WALTERS. The penitentiary.

Senator NUNN. In terms of discipline you mean?

Mr. WALTERS. Yes, sir. You just come and go when you get ready, you can do about anything you want to. I have seen them drunk, falling down, be so messed up on narcotics, they couldn't walk and they would just keep on going.

Senator NUNN. Nobody does anything?

Mr. WALTERS. Like I said, very few would bother you. You have got some hard-nosed officers there, you have got some that don't care. The only thing they are worried about is doing their 8 hours and they tell you up front. You do your time, let me do my 8 hours.

Senator NUNN. Of course you don't know what changes have been made since you left the penitentiary?

Mr. WALTERS. No.

Senator NUNN. The last time you were at the penitentiary was when?

Mr. WALTERS. October 1976.

Senator NUNN. But during that time frame, would you say discipline was very lax in the Atlanta Penitentiary?

Mr. WALTERS. Yes, sir.

Senator NUNN. Can anything be done about—let's take it one at a time. If you were in charge of the penitentiary, knowing what you know as an insider and you wanted to control heroin, narcotics, what steps would you take in the Atlanta Penitentiary to try to decrease the amount of narcotics?

Mr. WALTERS. You have got two alternatives: you either shake all the officers down when they are coming in every day, every shift, or

say every 2 or 3 months give them a polygraph test and see who is doing what.

Senator NUNN. Give them a polygraph test?

Mr. WALTERS. That is what I would do if it was me.

Senator NUNN. In other words, without the cooperation of the employees you couldn't get heroin and drugs in the penitentiary?

Mr. WALTERS. I would say 95 percent of it is brought in by the officers, 95 percent of the drugs that are in the penitentiary are brought in by the officers.

Senator NUNN. How about security measures within the penitentiary? How about prisoners themselves? If you were placed in charge and given the task of curbing narcotics, what else would you do besides either shaking down the officers or giving them polygraph tests?

Mr. WALTERS. It would be my No. 1 priority right there. You get that, you just about curbed it.

Senator NUNN. What about the prisoners? Is there anything you would do with them?

Mr. WALTERS. There is some of them that put it in balloons, but it is so minimal they don't hardly put any out to sale.

Senator NUNN. That is, not very big quantities?

Mr. WALTERS. No; you can swallow just so much.

Senator NUNN. How about more searches of the prison cells?

Mr. WALTERS. This would curb some of it, if they would search thorough. But the majority of the guys, if they are doing anything, they are not going to keep anything in their cell or on them, they have got it stashed somewhere else, like in the mill, in the kitchen, get somebody else to hold it for them.

Senator NUNN. Just searching the cells isn't going to do it?

Mr. WALTERS. No.

Senator NUNN. How about weapons? If you were given the job of trying to curb weapon accessibility, in other words prisoners having weapons in the penitentiary, what would you do in Atlanta.

Mr. WALTERS. What would I do? First off, I would take all the convicts out of the machine shops, put free personnel in there.

Senator NUNN. Put no one in the machine shops except people that are not in prison?

Mr. WALTERS. Right.

Senator NUNN. Not incarcerated, not convicted?

Mr. WALTERS. That is where they are coming from. That is why the majority are made, except the few you find out of the kitchen that have been sharpened on the cement.

Senator NUNN. What other steps would you suggest?

Mr. WALTERS. I read in the paper where they are putting up them metal detectors, they ain't doing nothing but wasting the taxpayers' money.

Senator NUNN. You are saying they are not going to do any good?

Mr. WALTERS. Useless.

Senator NUNN. Why?

Mr. WALTERS. You have plumbers coming through there: Electricians, laundry carts, police, there are numerous ways of getting them in there. Where there is a will there is a way.

Senator NUNN. You don't think metal detectors are going to help?



Mr. WALTERS. No; they should have kept that money and remodeled them cell houses with it. That is useless.

Senator NUNN. Have you ever been in the penitentiary where there were metal detectors?

Mr. WALTERS. They used to have them in Marion. They did away with them since they are not any good.

Senator NUNN. Were there weapons available at Marion like they were in Atlanta?

Mr. WALTERS. They were around, but not plentiful.

Senator NUNN. Why is that? What is the difference?

Mr. WALTERS. Marion is so tight, so small. Everywhere you go, you see an officer and they got some hard noses there.

Senator NUNN. The major differences are the physical facilities and the size?

Mr. WALTERS. That is one of the major things, yes.

Senator NUNN. What about personnel?

Mr. WALTERS. You have got a different breed of officer, I guess. You have got younger guys out of Vietnam and stuff like that up there, hardcore guys.

Senator NUNN. There is more discipline at Marion?

Mr. WALTERS. Yes.

Senator NUNN. The guards are tougher? Is that right?

Mr. WALTERS. Yes, sir. Everybody up there was trying to get to Atlanta at one time, or Leavenworth, trying to get out because it was so tight.

Senator NUNN. In other words, they wanted to come to Atlanta?

Mr. WALTERS. Yes. You observed 98 percent of the time every day. Wherever you are at, 9 out of 10 times an officer has got his eye on you.

Senator NUNN. Did you ever know Gary Bowdach?

Mr. WALTERS. Yes, sir. I knew him quite well.

Senator NUNN. You were in the penitentiary with him?

Mr. WALTERS. Down here in Atlanta.

Senator NUNN. Were you friends?

Mr. WALTERS. We spoke, but he run around with a different crew.

Senator NUNN. Did you ever engage in heroin operations with him?

Mr. WALTERS. He bought dope from us.

Senator NUNN. Did you know he was engaged in the sale of narcotics?

Mr. WALTERS. If he did, he was working for somebody else. Like I said, he had a lot of freelancers there. If you wasn't a member of a clique, you don't pay no attention to what anybody else is doing anyway.

Senator NUNN. He described Atlanta Prison as having a country club atmosphere—people being free to do whatever they wanted to do. Do you agree or disagree with that?

Mr. WALTERS. I wouldn't go so far as to say it was a country club, but it was nice; you know, considering.

Senator NUNN. When you say nice, what do you mean by that?

Mr. WALTERS. All the dope you wanted, you could get whisky. About the only thing you missed was women.

Senator NUNN. In other words, you could have just about everything you had on the outside except women?

Mr. WALTERS. Yes.

Senator NUNN. And freedom?

Mr. WALTERS. I eat steaks plenty a night, drink hard liquor, shoot all the dope I wanted to shoot, do about anything I wanted to do. The only thing I missed was women.

Senator NUNN. Where did you get the steaks? You ate steaks where, in your cell?

Mr. WALTERS. I had them brought in. They come from the kitchen. Real nice ones, whatever you want, just order it, just put your order in.

Senator NUNN. Put your order in to who?

Mr. WALTERS. Whoever is running the sandwiches at that time.

Senator NUNN. So they had sort of a food operation going, too?

Mr. WALTERS. Catering service.

Senator NUNN. If you wanted to order a steak, you just ordered one?

Mr. WALTERS. Whatever you might want, bacon, lettuce, tomato.

Senator NUNN. Have it brought to the cellhouse?

Mr. WALTERS. Yes.

Senator NUNN. Was that a violation of rules and regulations?

Mr. WALTERS. It was supposed to be.

Senator NUNN. I thought they were locked up at night.

Mr. WALTERS. It is locked up 9:30 at night. But you can sit out and watch TV until 11.

Senator NUNN. So you couldn't get room service after 9:30?

Mr. WALTERS. I would say after 9 o'clock.

Senator NUNN. Nine o'clock, room service was closed?

Mr. WALTERS. Cut off; right; until the next day.

Senator NUNN. Did they cook the steaks before they brought them? Cooked and brought to you there?

Mr. WALTERS. Yes; ready to eat, all we had to do was sit down.

Senator NUNN. Pretty hot?

Mr. WALTERS. Some were still warm. If they wouldn't, you could stick it on the light, get it hot. A lot of guys had plates they could lie on top of tinfoil, heat it up. It was nice, considering.

Senator NUNN. Have you ever seen firearms in the Atlanta Penitentiary?

Mr. WALTERS. Yes, sir.

Senator NUNN. Tell us about that.

Mr. WALTERS. I had a guy tried to hock me two snub .38's for some dope.

Senator NUNN. Tried to trade firearms for narcotics?

Mr. WALTERS. Yes; two .38's.

Senator NUNN. Did you buy them?

Mr. WALTERS. I took him to Foster. If he bought them, I don't know.

Senator NUNN. You didn't want them?

Mr. WALTERS. I didn't have any use for them.

Senator NUNN. What about at Butner, did you have occasion to find a firearm there?

Mr. WALTERS. Yes.

Senator NUNN. Was it your pistol?

Mr. WALTERS. No.

Senator NUNN. Were you responsible for it being smuggled in?

Mr. WALTERS. No.

Senator NUNN. What kind of pistol?

Mr. WALTERS. Twenty-five automatic.

Senator NUNN. Where did you find it?

Mr. WALTERS. A message was sent to me where it was.

Senator NUNN. By who?

Mr. WALTERS. Charlie Jones.

Senator NUNN. Did you order the pistol or was it a gratuity, just giving it to you?

Mr. WALTERS. No. He used to be there. They sent him to Lewisburg and from Lewisburg to Marion.

Senator NUNN. Why did he send you a message that he was going to give you a pistol?

Mr. WALTERS. He didnt' tell me what it was.

Senator NUNN. He just said go pick something up?

Mr. WALTERS. He said if I wanted his personal stash, go get it; I am thinking there is money, grass, narcotics. So I go get it. It was in the bottom of a cushion of a chair. So I just get the chair, the whole chair, and go up to the unit.

Senator NUNN. You took the whole chair?

Mr. WALTERS. Yes.

Senator NUNN. At Marion?

Mr. WALTERS. No, Butner.

Senator NUNN. This was recently?

Mr. WALTERS. August 8, this year.

Senator NUNN. What did you do with the chair and the pistol?

Mr. WALTERS. I took it apart, like I said, I thought it was some grass, money, or something in there. I took it apart. The pistol fell out on the floor. So I just picked it right back up, stuck it in there, put it together; took it down to give it to the associate warden.

Senator NUNN. You gave it to the associate warden?

Mr. WALTERS. Yes.

Senator NUNN. You turned it over to him?

Mr. WALTERS. Took it right straight to his office.

Senator NUNN. Why?

Mr. WALTERS. I didn't have any use for it, didn't want any part of it.

Senator NUNN. How long were you at Butner?

Mr. WALTERS. Just a few days short of 23 months.

Senator NUNN. Did you engage in heroin there?

Mr. WALTERS. No.

Senator NUNN. Are you engaged now?

Mr. WALTERS. No.

Senator NUNN. When did you quit?

Mr. WALTERS. When I left Atlanta.

Senator NUNN. You haven't been engaged in any narcotics since then?

Mr. WALTERS. No.

Senator NUNN. Or any other form of contraband?

Mr. WALTERS. No.

Senator NUNN. Why did you quit?

Mr. WALTERS. I got to where I wanted out.

Senator NUNN. Why?

Mr. WALTERS. I am tired of penitentiary. Ten years is a long time.

Senator NUNN. You think you can get out quicker?

Mr. WALTERS. If I would straighten up, you know.

Senator NUNN. So for the last year and a half, 2 years, you have gone straight?

Mr. WALTERS. In the last 2 years, yes. I have been accused of a lot of things, like I was a scapegoat for Butner the whole time I was there.

I was accused of everything. My reputation hurt me more than anything. Wherever I go, it is there before I get there.

Senator NUNN. So you turned in this pistol at Butner in August of 1978?

Mr. WALTERS. Yes, August 8.

Senator NUNN. Who did you turn it in to?

Mr. WALTERS. Mr. Charley Black, associate warden.

Senator NUNN. What happened?

Mr. WALTERS. I sat there, I gave him the details that I knew about it, he patted me on the back, thanked me, told me how much he appreciated it, all this. I left and there wasn't nothing else said until the 15th, the same month. They came and locked me up about 10 o'clock that night.

Senator NUNN. They came and locked you up for what?

Mr. WALTERS. They gave me a little slip of paper, due to recently having contraband in the administration it is determined that I should be locked up for my own protection.

Senator NUNN. For your own protection?

Mr. WALTERS. Yes.

Senator NUNN. Did you ask for protection?

Mr. WALTERS. No.

Senator NUNN. Did you think you needed it?

Was Charley Jones or whoever gave you that message, was he still in that prison?

Mr. WALTERS. No; he was at Marion. That gun had been there way over a year.

Senator NUNN. You got the message from Charley Jones and when you got there, you picked it up?

Mr. WALTERS. I was there with him for a while, but I think he left in January. I am not sure.

Senator NUNN. Did the prison official know this?

Mr. WALTERS. They were quite aware of it, they never could run it down.

Senator NUNN. Why did they think you were in danger?

Mr. WALTERS. I think what they wanted was to get me out of there. They weren't worried about me.

Senator NUNN. You mean they were basically arresting you? Did they put you in isolation?

Mr. WALTERS. Put me in segregation, yes.

Senator NUNN. Does that mean you don't have anybody else with you?

Mr. WALTERS. By myself.

Senator NUNN. Do you think they did it because they wanted to get you out of the pen?

Mr. WALTERS. Yes.

Senator NUNN. Why would they want to get you out—the reputation?

Mr. WALTERS. Reputation, I think primarily the reason was hoping to cover that up about that gun because all these investigations were going on and they didn't want the hassle because that is the showplace of the prisons. They bring all of them dignitaries in there, judges, Senators, whoever.

Senator NUNN. You don't think they wanted anybody to know about a gun being there a year?

Mr. WALTERS. No, sir.

Senator NUNN. Did you see any other guns while you were there?

Mr. WALTERS. No. I had heard rumors that there were some there. A guy had tried to sell me one one time. I told him I didn't have any use for it.

Senator NUNN. Our staff has received information from at least some guards that we have interviewed that there really is no effective deterrent to illegal inmate activity in Atlanta. We have heard it said that a guard will catch an inmate with knife, or narcotics, write them up and I think they use the terminology "to file a shot."

Have you ever heard that?

Mr. WALTERS. Yes.

Senator NUNN. What does that mean?

Mr. WALTERS. Write a disciplinary shot on you. It is just a matter of procedure, formality.

Senator NUNN. We have had complaints that once this is done, nothing happens. They go into segregation a few days and come right back out. What do you say about that?

Mr. WALTERS. I agree with it.

Senator NUNN. Have you known of inmates being prosecuted for the possession of narcotics or weapons?

Mr. WALTERS. Yes, sir.

Senator NUNN. They have been?

Mr. WALTERS. The rules are so flexible, I know of one guy that got 7½ years for two bags of dope and I know some guys that get caught with a handful of dope, outfit, money, knives, and everything else. They stay in the hole a week, 10 days, they let them back out. I guess it really depends on who you are.

Senator NUNN. It is not consistent punishment?

Mr. WALTERS. No.

Senator NUNN. Is that true all over the Federal prison system you have been or are you talking about the Atlanta Penitentiary?

Mr. WALTERS. The majority of them.

Senator NUNN. All the same in that regard?

Mr. WALTERS. Just about, yes. Some of them are a little tougher than the others.

Senator NUNN. There is not any real consistent punishment for possession of narcotics or knives?

Mr. WALTERS. No. Some they try, some they don't. Like in Marion they might keep you in the hole 6 months, let you out, take 90 good days, that is all you ever hear of it.

Atlanta, they might keep you a week, 10 days, 2 weeks, take 30, 40 good days. That is all of it.

Senator NUNN. Would it give you any cause for concern before you are engaged in weapons transactions and narcotics transactions if peo-

ple were getting punished with additional sentences for this kind of activity?

Mr. WALTERS. No.

Senator NUNN. You don't think that would have done much?

Mr. WALTERS. No.

Senator NUNN. Why not?

Mr. WALTERS. If a man gets ready to shoot dope, he is going to shoot dope. If a man gets ready to stab somebody, he is. It don't make no difference what you are going to give him. You give him a life sentence, if it is in his mind to do that, he will do it regardless of the circumstances.

Senator NUNN. So your major suggestion would be really to do something rather drastic in terms of the prison personnel? Your major suggestion in terms of curbing weapons and narcotics would be to crack down on the personnel themselves?

Is that right?

Mr. WALTERS. Yes, sir.

Senator NUNN. Would this do any good with regard to weapons? You think you were mainly mentioning narcotics?

Mr. WALTERS. You would have to put officers in the machine shops and places where the grinding wheels were available.

Senator NUNN. Searches wouldn't do any good for weapons because they aren't bringing in most of the weapons from outside, they are basically being made there in the penitentiary?

Mr. WALTERS. The majority of them, yes. Pistols weren't made in the penitentiary.

Senator NUNN. Did you have any fear of being engaged in the narcotics traffic while you were in Atlanta?

Mr. WALTERS. I had given it some thought, but I wasn't really worried about it if they caught me. What are they going to do. I got 38 years. If you catch me with some narcotics, knife, throw me in the hole a week, take 30 good days, that is it. It might be a little longer, a little less, depending on the A.W.'s mood I guess.

Senator NUNN. Do you think that the narcotics traffic in the penitentiary contributes to the murders that take place there?

Mr. WALTERS. That is No. 1, yes.

Senator NUNN. You think the No. 1 cause of murders is the narcotics traffic?

Mr. WALTERS. That is the No. 1 cause.

Senator NUNN. What would you say is the No. 2 cause?

Mr. WALTERS. If a man can't pay his narcotics debts.

Senator NUNN. That also is related to narcotics. What would be the No. 3 cause of murders?

Mr. WALTERS. Homosexuals.

Senator NUNN. It seems as though every time there is a murder the first thing they say is that it was caused by some kind of homosexual relationship. Is this normally what catches the blame for the murders?

Mr. WALTERS. They are just trying to shift the heat. That is all.

Senator NUNN. Why does calling it a homosexual crime shift the heat?

Mr. WALTERS. Say a guy got killed and a guy got caught, got him a half dozen witnesses, 10 or a dozen, whichever; he says the guy was

putting pressure on him, trying to engage him in homosexual activities, well I guess the best case in the world to kill it.

Senator NUNN. So that is a much better excuse if you get caught than if you kill somebody for not paying the heroin debts?

Mr. WALTERS. Right.

Senator NUNN. Do you think punishment would be less severe?

Mr. WALTERS. Right. Nine out of ten times if they can prove it was pressure on homosexual activities they are not going to do anything about it anyway.

Senator NUNN. Mr. Walters, are you willing to repeat your testimony this morning relating to John Carroll before a grand jury and a trial jury?

Mr. WALTERS. Yes, sir.

Senator NUNN. Are you willing to repeat your testimony as to Blue Elswick before trial jury or grand jury?

Mr. WALTERS. Yes, sir.

Senator NUNN. You are willing to cooperate with the authorities?

Mr. WALTERS. Yes.

Senator NUNN. I believe your main concern is that you not be placed in the penitentiary where your life would be in danger because of your testimony. Is that your main concern?

Mr. WALTERS. Yes. It is like I told Mr. Adkinson, I had been locked up so long, have met so many people that wherever I go, I meet people, like all these jails I have been in since this started, everywhere I go, I meet somebody that I know. At one time, either he bought dope from me, knows me, knew who I am.

Senator NUNN. Your life wouldn't be in danger from all of them, would they? There would be a few people who might have reason to cause you harm?

Mr. WALTERS. I wouldn't say everybody in the Federal system would harm me, no. But there would be quite a bit that would; yes.

Senator NUNN. Mr. Block?

Mr. BLOCK. Mr. Walters, if someone who is serving time in Atlanta wants to avoid the narcotics and the violence, can he do it?

Mr. WALTERS. Yes; he would have to stay by himself primarily. He would have to be a loner. If he wanted drugs he could get them; if he didn't want to indulge in them, he don't have to. Nobody twists his arm.

Mr. BLOCK. But he would have to walk lightly?

Mr. WALTERS. He would have to walk real light.

Mr. BLOCK. You mentioned with respect to the Klein murder and at other times, that inmates were relatively free to roam around the prison. They would go anywhere they wanted to during the day?

Mr. WALTERS. Yes; I have been all over.

Mr. BLOCK. Have you been in other prisons where that is not the case?

Mr. WALTERS. Marion is an example and you just can't go anywhere you want to there.

Mr. BLOCK. Are there ways that you could—of course you haven't been in Atlanta for 2 years, but from how it was in Atlanta at that time—are there ways that you could tighten things up so it would be more difficult to roam about that prison?

Mr. WALTERS. You know something, Mr. Block, that prison is so big and there are so many people there that one officer in one cellhouse cannot tell who lives where or when?

Mr. BLOCK. The size of that prison is the problem?

Mr. WALTERS. That is the main thing.

Mr. BLOCK. Did you have a job during the day at the prison?

Mr. WALTERS. Yes, sir. I just checked on and off. That was it. Just go down, let the men see me, I was gone.

Mr. BLOCK. How many hours a day did you actually put in working at your job?

Mr. WALTERS. Ten, fifteen minutes.

Mr. BLOCK. Ten, fifteen minutes?

Mr. WALTERS. Just long enough to check in and out and I am gone. They never did call and ask where I was at or nothing.

Mr. BLOCK. They never checked up on you?

Mr. WALTERS. No.

Mr. BLOCK. Did they have a system for checking up on you?

Mr. WALTERS. If they needed you or wanted you he could have found you. I can't recall but one occasion, he even sent somebody after me then, sent another inmate.

Mr. BLOCK. In the area where you worked were there officers there to, supposedly anyway, to observe the prisoners doing their jobs?

Mr. WALTERS. Industry personnel, yes.

Mr. BLOCK. Were they actually there?

Mr. WALTERS. Very seldom.

Mr. BLOCK. Might one of the ways in preventing the easy manufacture of knives and other weapons be to put more officers in the industry services?

Mr. WALTERS. I wouldn't say the whole entire industry but where you grind the equipment, where guys use side grinders, emery wheels and so forth that is the only place they can be made at because you can't get a file and make one when you get ready because you have to get the file from the officer.

Nine out of ten times when the office goes in there he opens up the side grinders, emery wheels, that is it. They are open all day. You catch him out make you one. If you can't make it, get somebody to make one for you.

Mr. BLOCK. Were there prisoners who were engaged in the business of manufacturing weapons? Was that a steady occupation?

Mr. WALTERS. It wasn't a steady one. But if a guy knew you and he knew you wouldn't go to the man on him, he would make you one if you had a good name.

Mr. BLOCK. I just has a couple more questions.

You said in prosecuting prisoners for narcotics transactions that someone would get a few days in the hole, another person might actually be prosecuted and receive additional time. Was that a source of dissatisfaction among the prisoners, that they saw different people getting treated in different ways?

Mr. WALTERS. Yes; they have different treatment for different people. Like some do about what they want to and some can't do nothing. Like the one time they were down on all of them radicals, they were the ones that really got it. The one I mentioned a while ago, that guy



that got 7½ years for two bags, he was one of them radicals whatever you want to call him.

Mr. BLOCK. They treated people differently for reasons other than how much narcotics they had or whatever?

Mr. WALTERS. Definitely, yes.

Mr. BLOCK. Do you think it ought to be the same time for the same crime?

Mr. WALTERS. They are going to give me 20 for bank robbery, give the next guy 20, don't give me 20 and give him 5. That is the way I feel about it.

Mr. BLOCK. Thank you Senator.

Senator NUNN. Last year the Senate passed the Uniform Sentencing Act that would try to bring uniformity. Unfortunately it has not passed the House yet but it has a minimum and maximum range for each kind of offense and it also has appellate review with special judges that can be appealed to; that would try to bring uniformity throughout the whole prison system.

Do you think this kind of legislative measure, viewed as a major step toward uniform prison sentences for similar offenses, would do any good in terms of the situation in the penitentiaries and the attitude of the prisoners?

Mr. WALTERS. It would get some of the dissension out because a lot of the guys get upset. I know guys that had murder charges, this guy gets a life sentence, this guy don't get but 5 or 10 years.

Senator NUNN. That is a cause of great frustration?

Mr. WALTERS. It gets a guy upset. When I got my time, I got 20, the guy before me got 12.

Senator NUNN. Same thing?

Mr. WALTERS. Same thing, bank robbery.

Senator NUNN. I would like to show you some knives that we have gotten from the warden at the penitentiary. They have completely cooperated with us as I have said. They have given us some knives that have been confiscated at the Atlanta Penitentiary.

I am going to have staff bring them down to you, and I will ask the marshal to bring them up to the table and let Mr. Walters identify these.

Does this look anything like the weapons that you have described? You have described several different weapons that you saw or possessed. Does this look like any of the weapons you have seen?

Mr. WALTERS. I have seen some like those.

Senator NUNN. Like which one or ones?

Mr. WALTERS. The two with the black handles.

Senator NUNN. Why don't you step up here and point it out?

Mr. WALTERS. I had one similar to this, it might have been a little wider with a point like that. Like this.

Senator NUNN. Like this?

Mr. WALTERS. Yes.

Senator NUNN. Would this kind of knife have come from the cafeteria?

Mr. WALTERS. Yes.

Senator NUNN. Has it been sharpened?

Mr. WALTERS. Right.

Senator NUNN. What about this? Where would this knife have come from?

Mr. WALTERS. It had to come out of the industry somewhere or the CMS building.

Senator NUNN. This knife would be most similar to the ones you have described?

Mr. WALTERS. Yes. You see plenty of them or similar. Basically, this and these two here.

Senator NUNN. These two?

Mr. WALTERS. These two?

Senator NUNN. This, this, and this?

Mr. WALTERS. Yes. The bigger the better.

Senator NUNN. The bigger the better?

Mr. WALTERS. I have seen them, looking like swords.

Senator NUNN. How do they conceal those?

Mr. WALTERS. Just find you a place to stash them.

Senator NUNN. Do you carry it down in your pants?

Mr. WALTERS. Down in the pants.

Senator NUNN. Even that big, one that long?

Mr. WALTERS. Yes.

Senator NUNN. Why do they want them that big? Wouldn't this do just as much damage?

Mr. WALTERS. That would do it but you have to do it from a distance?

Senator NUNN. Stay farther away?

Mr. WALTERS. Yes.

Senator NUNN. You are saying some of them look like swords?

Mr. WALTERS. Yes.

Senator NUNN. All right. Thank you.

Mr. Walters, I want to express my appreciation to you for contacting our subcommittee and for cooperating during the interviews that our staff has had with you and most of all for your appearance here today. I know that you are taking a risk when you come here. I know that you are placed in some degree of additional jeopardy, although you felt you already were in jeopardy. We appreciate very much your being here and I especially appreciate your willingness as you have indicated this morning to completely cooperating with the authorities.

Of course, you realize as we have told you that we will make this information available to the appropriate people in the Justice Department, Mr. Harper, who is the prosecuting attorney here, and I am sure they will be in touch with you. We will also do everything that we can to see that you are incarcerated in a place that is as safe as possible under the circumstances.

Thank you, Mr. Walters.

[A notarized letter was subsequently received from Frank R. Coppola, pertaining to the testimony of Jewell Walters, and follows:]

FRANK RICHARD COPPOLA,  
FEDERAL MEDICAL CENTER,  
Springfield, Mo., October 5, 1978.

Hon. SAM NUNN,  
U.S. Senator, U.S. Court House, Atlanta, Ga.

DEAR SENATOR: Please forgive me for not getting this letter off sooner, but the news that my name appeared into the hearings before your subcommittee has just been brought to my attention from an article that appeared in the Atlanta Constitution, dated September 30, 1978.

I am sure that I am the Frank Copola (my name has two ps) referred to in that article as I was chief baker at the penitentiary. I feel slighted that my information had to come so late and from such a source, however, despite that, I would like these comments to go into your record for the record. You see, I have already served almost twenty-two continuous years in prison and it is things like this that would keep me from ever going home. Of course, the things I refer to are the lies that are always appearing in prison files or into committees such as yours that one either is unaware of or has no opportunity to refute them. Opportunist convicts like Walters or Gary Bowdachs are the commonest types found in prison now-a-days. Guys like me do all the suffering for the guys like them. Of course, not everything they say are lies because much of it is well known by all and sundry within the walls of any pen. But the secrets that no one knows about that these convicts pretend to be privy to are outright lies. They know about every murder and every narcotic deal and every officer that is on the payroll and what they get etcetera, that I find it hard to believe that you and your investigators can't see through their lies. Walters in particular who said he was paid a thousand dollars a week as my lieutenant can be shown to be an opportunist fabricator by simply checking the prison files and ascertain if such a person as "Bobby Bell" even was in prison in Atlanta on the date of the Frankie Klien killing when Bobby Bell told Walters that he killed his friend. Horse feathers! And because I knew Klien personally, I could swear on my mother's grave that he never used or bought narcotics of any kind from anyone.

Despite the simplicity in investigating to ascertain my own veracity in this regard, I have grave doubts that a follow-up will ever issue from your office or the truth of the bold faced lies of Jewell Walters ever enter your records for public consumption. First, it would belittle your own efforts and show the lack of investigative effort expended to justify the expenses incurred by your committee, and second, it would play down the sensationalism created by testimony such as Walters provides.

Someday I too would like to get out of prison, but my hopes are dim as long as present practices continue. The Parole Board and the prison will take such testimony as fact regardless of what I say or do just because they came from a committee such as yours and it is assumed that thorough investigations played a major part. No one has even asked me whether or not there is truth in the matter. Supposedly because I am likely to deny it. So, all I can say is come up with a Bobby Bell and then when that fails, try to convince yourself that Walters was possibly mistaken. Again, horsefeathers! A murderer does not tell you that he killed your best friend and you later forget his correct name no matter how hardened you are. So, it is no mistake or small error; it is an outright lie like the rest of what he was saying for release for his own mistakes.

If it weren't for the fact as to how this affects me so severely, I couldn't care a whit to how many lies those opportunists relate to your gullible public, or your committee and those worthless records. Killings and stabbings are just as much part of prison life as is narcotics. Not only in Atlanta but everywhere that men are locked away for years on end and frustrated daily because of the unnatural environment. So all the talk about life in prison by those particular individuals is worthless. You could have collected all that data from just about anyone including the prison chaplain.

Since it is useless for me to deny everything and it expected that I would anyway, I won't trouble to do more than point out the most obvious. However, I will have this letter notarized to which I will swear under oath to the notary seal and which you know is legally equivalent to swearing in a court of law and punishable in the same manner. I will have copies of this notarized letter sent to the Washington Post, The New York Times and the Atlanta Constitution.

If you would be so kind, please send me the printed minutes of your committees hearings relative to the Atlanta prison and if I find any more "provable lies" I will follow it up with another letter.

By the way, for whatever it is worth, officer McCurley purposely framed me by claiming to have found narcotics in my cell, and although he was instructed by higher-ups to frame me, he shouldn't be believed if he was standing on a stack of bibles. The frame is also easily proved because no narcotics ever went to the F.B.I. laboratories as is regulation requirement. The F.B.I. Agent was also in on the frame but that is to be expected since they work hand in glove with prison officials. Anyway, I served over three months in the hole for that particular frame. Like I began this paragraph, I mention this for whatever it is worth.

Enclosing my best wishes, I am,

Very truly yours,

FRANK RICHARD COPPOLA.

Senator NUNN. We will take approximately a 5-minute break until we have our next witness.

[Brief recess.]

Senator NUNN. The subcommittee will come to order.

I will ask the marshals to bring in our next witness, Mr. Truman Fagg.

Mr. Fagg, we swear in all of our witnesses before this subcommittee, including our staff. So before you sit down I will ask you to take the oath.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Fagg. I do.

#### TESTIMONY OF TRUMAN FAGG

Senator NUNN. Mr. Fagg, before we ask you any questions, I would like to advise you of your rights and obligations as a witness before this subcommittee.

I think the staff has previously informed you of this, but I want to make sure you understand. First, as a witness before this subcommittee, you have the right to consult with an attorney prior to answering any question or questions. Do you understand that you have that right?

Mr. Fagg. I do.

Senator NUNN. Do you understand that you are entitled to have an attorney present with you at the hearings if you would like?

Mr. Fagg. I do.

Senator NUNN. And that you could consult with your attorney if you chose to?

Mr. Fagg. Yes, sir.

Senator NUNN. Do you waive your right to have an attorney this morning?

Mr. Fagg. I do.

Senator NUNN. You do not have anyone representing you?

Mr. Fagg. No.

Senator NUNN. Mr. Fagg, you also have an obligation as a witness before this subcommittee. You have taken the oath. You have sworn to testify truthfully. You understand that you are required to testify truthfully?

Mr. Fagg. Yes, I do.

Senator NUNN. Do you understand that your oath really carries with it the penalty of possible perjury if you do not testify truthfully? You understand that?

Mr. Fagg. Yes.

Senator NUNN. Do you understand your obligations and your rights as a witness before the subcommittee?

Mr. Fagg. Yes, sir, I sure do.

Senator NUNN. I don't know how close you can move that chair up, you are talking into the mike real well. It might be more comfortable if they can get it as close as possible.

Before we begin the testimony today, I would like to take this opportunity to express my appreciation on behalf of our subcommittee for the cooperation you have given our staff and for your cooperative attitude in appearing here today. I know that there is increased amount of jeopardy when you testify before a subcommittee of this nature.

We feel that your testimony is valuable. We feel that it will assist us in our overall analysis of the problems that we are dealing with, at the penitentiary, and we thank you for that.

We feel that you are rendering a valuable service, and I just want to express my appreciation on behalf of the members of this subcommittee.

First, Mr. Fagg, would you give us your full name and date of birth?

Mr. Fagg. Truman Duane Fagg, July 29, 1930.

Senator NUNN. Mr. Fagg, where were you born?

Mr. Fagg. Phillips, Wis.

Senator NUNN. Are you currently an inmate?

Mr. Fagg. Yes. I am.

Senator NUNN. Where are you?

Mr. Fagg. Where am I right now?

Senator NUNN. Where have you been incarcerated?

Mr. Fagg. Atlanta, almost 4 years and transferred over to Leavenworth, Kans.

Senator NUNN. Your most recent prison has been in Leavenworth, Kans.?

Mr. Fagg. Yes.

Senator NUNN. What were the offenses you were charged with?

Mr. Fagg. Bank robbery, post office robbery.

Senator NUNN. What period of time were you in the Atlanta Penitentiary?

Mr. Fagg. 1974 to 1978.

Senator NUNN. What month in 1974?

Mr. Fagg. I believe I got over there about November.

Senator NUNN. When did you leave in 1978? Do you recall the month?

Mr. Fagg. About April 19 or 20.

Senator NUNN. Did you have any convictions prior to being convicted of bank robbery?

Mr. Fagg. Yes. I did.

Senator NUNN. What was that?

Mr. Fagg. Convicted in the State for forging checks; also I had a previous conviction in Federal for issuing and forging a check.

Senator NUNN. Did you serve time on that sentence?

Mr. Fagg. Yes. I did, in 1965 to 1972.

Senator NUNN. That was at Leavenworth?

Mr. Fagg. Yes, sir.

Senator NUNN. Were you one of the inmates transferred out of Atlanta last spring in the population shift?

Mr. Fagg. Yes.

Senator NUNN. How many other prisoners were transferred out?

Mr. Fagg. Twenty-six of us on the bus I went on. I think there was about 90 altogether.

Senator NUNN. How much time have you been given for your various violations?

Mr. Fagg. I received a total of 45 years this last time.

Senator NUNN. How long have you served altogether?

Mr. Fagg. I have got a little over 4 years in.

Senator NUNN. At this point, we will ask that the criminal history of Mr. Fagg be admitted to the record as a sealed exhibit No. 37, without objection.

[The document referred to was marked "Exhibit No. 37" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. What jobs did you hold at the Atlanta Penitentiary?

Mr. Fagg. When I first got down there, I worked down in the CMS office for I think about a month, maybe a little longer, then I worked up in the business office and also in the recreation department.

Senator NUNN. Mr. Fagg, is contraband of various kinds available to inmates at the Atlanta Penitentiary?

Mr. Fagg. Pretty much so.

Senator NUNN. How about narcotics?

Mr. Fagg. Yes.

Senator NUNN. Without getting into details on this question, how do inmates get the narcotics and other contraband into the Atlanta Penitentiary?

Mr. Fagg. Most of it is brought in by employees of the institution.

Senator NUNN. Did you know Gary Bowdach when you were at the Atlanta Penitentiary?

Mr. Fagg. Yes. I did.

Senator NUNN. Did you know whether Bowdach was bringing in contraband?

Mr. Fagg. Yes.

Senator NUNN. What kind of contraband was he bringing in?

Mr. Fagg. At that particular time mostly booze and dope.

Senator NUNN. What kind of narcotics?

Mr. Fagg. I think grass, heroin, and probably some grass.

Senator NUNN. How do you go about getting a guard or civilian employee of the penitentiary to bring in contraband?

Mr. Fagg. Sometimes through knowing somebody else, or they will make a small mistake doing something, bringing something small in. Once you have got them on that, you have got them in your pocket from then on.

Senator NUNN. Did you know an inmate by the name of Harry Hall?

Mr. Fagg. Yes. I did.

Senator NUNN. During testimony Mr. Bowdach told our subcommittee in Washington that Harry Hall was one of the inmates moving significant amounts of narcotics in the penitentiary. Would you agree on that?

Mr. Fagg. Yes. I would.

Senator NUNN. Is Harry Hall still at the Atlanta Penitentiary?

Mr. Fagg. As far as I know he was paroled sometime back.

Senator NUNN. How well did you know him?

Mr. Fagg. Fairly well, lived around in the same area for some time.

Senator NUNN. Would you consider him a friend?

Mr. Fagg. Not a good friend, no, acquaintance.

Senator NUNN. Did Harry Hall work in the recreation shack?

Mr. Fagg. Yes. He did.

Senator NUNN. It is our understanding from interviews and previous testimony that one way in which inmates and guards deal in contrabrand is to get a particular inmate to meet a particular guard at a contact point. An inmate in general population will contact the inmate he knows to have a relationship with a guard or other civilian employee and make arrangements for that employee to bring contrabrand into the penitentiary.

That has been more or less a general kind of scenario we have heard. Does that fit in with your knowledge of what happens?

Mr. Fagg. Yes. It does.

Senator NUNN. In other words, a corrupt official normally deals with either one or very few prisoners. Is that right?

Mr. Fagg. Correct.

Senator NUNN. Why is this?

Mr. Fagg. It saves them from running into some trouble later on, you might get hold of the wrong guy that would spread the word, let everybody in on it.

Senator NUNN. Did Harry Hall have an arrangement with a civilian employee at the Atlanta Penitentiary?

Mr. Fagg. I believe he did.

Senator NUNN. Do you know the name of that civilian employee?

Mr. Fagg. Blue Elswick.

Senator NUNN. Do you know Mr. Elswick personally?

Mr. Fagg. Yes. I do.

Senator NUNN. How long have you known him? When is the first time you have known him?

Mr. Fagg. About 3½ years.

Senator NUNN. You are saying that basically he was the employee that was bringing in contrabrand for Harry Hall?

Mr. Fagg. To the best of my knowledge; yes.

Senator NUNN. Mr. Fagg, before Harry Hall left the institution, did he introduce you to Blue Elswick?

Mr. Fagg. No. He didn't. I had already known him. I had been working in the recreation department.

Senator NUNN. Did Hall basically tell you that Elswick would help you in the future?

Mr. Fagg. He had suggested it in a round about way. He didn't come out and tell me directly; no.

Senator NUNN. So you already knew Elswick and you didn't meet Elswick through Hall?

Mr. Fagg. No. I didn't.

Senator NUNN. Mr. Fagg, did Elswick have occasion to bring in any kind of narcotics for you?

Mr. Fagg. Yes. He did.

Senator NUNN. What kind?

Mr. Fagg. Both grass and a few pills at one time.

Senator NUNN. What kind of pills?

Mr. FAGG. Speed pills.

Senator NUNN. On how many different occasions did Elswick bring narcotics in to you?

Mr. FAGG. I believe it was either four or five different times.

Senator NUNN. What kind of narcotics on each occasion? Was it always marihuana and speed?

Mr. FAGG. It was grass most of the time and just the one time that he brought the pills in, the speed pills.

Senator NUNN. Only one time with speed, the rest of the time it was marihuana?

Mr. FAGG. Right.

Senator NUNN. In what size quantities was the marihuana brought in?

Mr. FAGG. The first time I think was 3 or 4 ounces and then it became pounds.

Senator NUNN. How did he bring the narcotics into the institution?

Mr. FAGG. The first time it was brought in in plastic bags, then the grass later was packed in Prince Albert cans and the pills were also in the Prince Albert cans.

Senator NUNN. Prince Albert tobacco cans?

Mr. FAGG. Right.

Senator NUNN. Did he smoke?

Mr. FAGG. Yes, he did.

Senator NUNN. What did he smoke, a pipe?

Mr. FAGG. No, regular cigarettes.

Senator NUNN. Where did you receive the narcotics from him once they were brought into the institution?

Mr. FAGG. In the backroom of the rec shack where we sort musical instruments and have a small repair shop.

Senator NUNN. I believe you told the subcommittee staff that on some occasions he would hand it to you directly and on other occasions he would leave it somewhere for you to pick up. Is that right?

Mr. FAGG. That is right.

Senator NUNN. Have you received marihuana direct from Elswick?

Mr. FAGG. Yes.

Senator NUNN. He has handed it to you personally?

Mr. FAGG. Yes.

Senator NUNN. Has he handed speed to you personally?

Mr. FAGG. Right.

Senator NUNN. Those transactions took place in the recreation shack?

Mr. FAGG. Yes. They did.

Senator NUNN. When he didn't hand the narcotics to you personally and left it for you to pick up, where did he leave it?

Mr. FAGG. We had an amplifier fixed up where the front would pull off, he would take it off in a matter of seconds, put it in there and put the front back on it.

Senator NUNN. He would put the narcotics in the front of the amplifier, leave it there and you would pick it up?

Mr. FAGG. Right.

Senator NUNN. How many times did he actually leave narcotics for you to pick up?

Mr. FAGG. Twice he handed them directly to me and the other two or three times, whichever it was, the stuff was left in the amplifier.



Senator NUNN. That would be the total, counting what he gave you personally and what you picked up from the designated location, what would be the total number of times that you dealt with Mr. Elswick in terms of getting in narcotics?

Mr. FAGG. I believe it was five separate occasions.

Senator NUNN. Five separate occasions?

Mr. FAGG. I believe so.

Senator NUNN. Are you certain of that number or is that an approximation?

Mr. FAGG. It may have been six times, but I believe five, five that I can clearly think of.

Senator NUNN. During what timeframe was this?

Mr. FAGG. It started about last November and——

Senator NUNN. November 1977?

Mr. FAGG. November 1977, and I think that we had either one or two deals in 1978, first part of 1978.

Senator NUNN. When was the last transaction you had with Mr. Elswick?

Mr. FAGG. I believe January 1978.

Senator NUNN. January of this year, 1978?

Mr. FAGG. Right.

Senator NUNN. How would Mr. Elswick get paid? How much did he charge for each transaction?

Mr. FAGG. He usually wanted the money up front before he brought the stuff in, because of course once he got in there, it could have got out of hand. People got it, sold it off and would never get the money. When he first started out, it was \$400 a pound, and he later raised his end of it to \$500 a pound.

Senator NUNN. Have you ever actually paid Elswick in cash?

Mr. FAGG. Yes. I did.

Senator NUNN. You yourself have paid it?

Mr. FAGG. Yes, sir.

Senator NUNN. On each occasion or just one or two occasions?

Mr. FAGG. All occasions.

Senator NUNN. Even when he left it there for you to pick up?

Mr. FAGG. Yes.

Senator NUNN. Did you pay him on the spot? When did you pay him?

Mr. FAGG. That same time.

Senator NUNN. Some time you would run into him during the day?

Mr. FAGG. Right.

Senator NUNN. On the other occasions when he handed you narcotics, did you pay him on the spot?

Mr. FAGG. If I didn't have the money at that time, I would get it within 1 hour.

Senator NUNN. Where would you get the cash?

Mr. FAGG. I had cash stashed out in various places around there, some of it in the rec shack, sometime I would get it from other inmates.

Senator NUNN. Once you received the narcotics, what did you do with the narcotics?

Mr. FAGG. I was acting as middleman and I passed it on to the other end.

Senator NUNN. You didn't distribute it yourself, you were the middleman?

Mr. FAGG. Right.

Senator NUNN. Why didn't you distribute the marihuana yourself?

Mr. FAGG. I didn't want to come that far out from undercover in that particular place, a lot of robberies and stuff like that going on of people that they knew had narcotics or was dealing in it.

Senator NUNN. What did you get for your role? What did you get paid?

Mr. FAGG. Usually get around \$100, \$125, maybe get an ounce or so of the grass to smoke myself.

Senator NUNN. This \$400 or \$500 you paid Elswick on each transaction, was this to pay for the narcotics or was this his compensation for bringing it in?

Mr. FAGG. This was simply paying him for bringing it in, the stuff had already been paid for.

Senator NUNN. It had already been paid for?

Mr. FAGG. Right.

Senator NUNN. Did that money also go through him or was that paid for without involving Elswick?

Mr. FAGG. I can't really say because I'm sure that the stuff was paid for in some other way.

Senator NUNN. Let me see if I understand the operation. Based on what you said, the inmate would approach you, telling you he had narcotics on the outside, and wanted to get them inside. Is that right?

Mr. FAGG. Right.

Senator NUNN. You would approach Elswick to see if he was willing to pick them up on the outside and bring them inside the institution?

Mr. FAGG. That is true.

Senator NUNN. If he was willing to do that, he would either meet you at the recreation shack or leave the narcotics there?

Mr. FAGG. That is right.

Senator NUNN. You would either pay him on the spot or later?

Mr. FAGG. True.

Senator NUNN. Did Elswick ever refuse to complete a transaction or to enter into a deal on marihuana runs?

Mr. FAGG. Yes; he did. It was the end of January, or the first part of February when I approached him, I believe he had a vacation coming; he was also a little leery because one of the other employees had just been busted carrying grass into the institution.

Senator NUNN. He refused to deal on one occasion or on how many?

Mr. FAGG. No. I asked him several times during the month of February and he didn't, he just said he didn't want to carry it anymore.

Senator NUNN. Once you picked up the marihuana, where did you actually deliver it to the other inmate?

Mr. FAGG. Usually it was picked up right at the recreation shack.

Senator NUNN. You mean immediately after you got it?

Mr. FAGG. It may be within 1 hour, it may be later that afternoon or not until that evening.

Senator NUNN. How did you go about arranging the pickup on the outside? In other words, did you make the arrangement for Elswick

to pick up the narcotics outside? Did you tell him where he would go and pick it up?

Mr. Fagg. No. I believe he had that already set up.

Senator NUNN. Had it set up?

Mr. Fagg. Right.

Senator NUNN. In other words, he already know where to pick it up?

Mr. Fagg. Right.

Senator NUNN. You never told him where to pick it up?

Mr. Fagg. No.

Senator NUNN. Was it for different individuals that this was done or for only one person?

Mr. Fagg. This was done for two or three different people.

Senator NUNN. But they had the same drop point on the outside?

Mr. Fagg. Right.

Senator NUNN. Do you know where the drop point was?

Mr. Fagg. No. I don't.

Senator NUNN. So you never really engaged in that dialog?

Mr. Fagg. No. That wasn't a part of my end of the deal on it.

Senator NUNN. What is the largest amount that Elswick ever brought into the penitentiary, the largest amount of marihuana?

Mr. Fagg. The largest amount he brought in for me was 1 pound at a time.

Senator NUNN. How would that be wrapped?

Mr. Fagg. Usually in plastic bags or later on it got into the Prince Albert tobacco cans.

Senator NUNN. I believe you said that Elswick started off being paid \$400 for each transaction and later raised the price to \$500. Is that right?

Mr. Fagg. That is true.

Senator NUNN. Is it possible that Mr. Elswick could have been working for others rather than just you?

Mr. Fagg. Very possible.

Senator NUNN. Do you know that of your own knowledge or is it just possible?

Mr. Fagg. No; I don't know it for sure but I think he may have been.

Senator NUNN. What was Elswick's job?

Mr. Fagg. He was recreation specialist, this particular part of the recreation center, TV room, music room, that was his job up there to take care of that.

Senator NUNN. When is the first time Elswick brought in marihuana for you?

Mr. Fagg. I believe it was back in either September or October 1977.

Senator NUNN. September or October 1977? Do you recall the approximate amount?

Mr. Fagg. It was either 3 or 4 ounces.

Senator NUNN. Do you recall how much he got paid?

Mr. Fagg. The pay would have been \$400 per pound. Of course, we split it down, if it was a quarter of a pound, it would have been a \$100 on it.

Senator NUNN. When was the second occasion?

Mr. Fagg. I believe in November.

Senator NUNN. About 1 month later?

Mr. Fagg. Yes, sir.

Senator NUNN. How much did he bring in this time?

Mr. Fagg. One pound.

Senator NUNN. Was that in the plastic bag or in the tobacco can?

Mr. Fagg. It was in four plastic bags.

Senator NUNN. How much did you pay for this load?

Mr. Fagg. \$500.

Senator NUNN. You paid him?

Mr. Fagg. \$500.

Senator NUNN. Do you know how much was being paid for the marihuana on the outside, actually how much the narcotics cost?

Mr. Fagg. It would vary depending upon what kind you got. Sometimes you got good stuff, sometimes you got bad stuff.

Senator NUNN. What would be the range?

Mr. Fagg. Anywhere from \$300 to \$500 a pound depending upon what he got.

Senator NUNN. \$300 to \$500 a pound?

Mr. Fagg. Right.

Senator NUNN. You would also pay Elswick before you paid for the marihuana, before he ever made the pickup?

Mr. Fagg. No. It was usually when he brought it into the institution.

Senator NUNN. That is paying him for his services?

Mr. Fagg. Right.

Senator NUNN. When did he get paid for the marihuana itself?

Mr. Fagg. You mean when it was brought?

Senator NUNN. In other words, did he actually handle the money for the payment of the marihuana?

Mr. Fagg. No, not as far as I know.

Senator NUNN. So you didn't have anything to do with paying for the marihuana. What you did was pick up the marihuana from Elswick and pay him for his services?

Mr. Fagg. Right.

Senator NUNN. The payment for the marihuana itself was handled outside of your—

Mr. Fagg. I believe this was all paid for outside the institution.

Senator NUNN. That money didn't necessarily go through Elswick at all?

Mr. Fagg. As far as I know, it didn't.

Senator NUNN. You told us about the first two transactions. Do you remember the third one, when it occurred, approximately?

Mr. Fagg. I believe it was along in December. There are two of them pretty fairly close together, but I am not sure now of the date. I know at least one was in December.

Senator NUNN. Was that marihuana also?

Mr. Fagg. A pound of marihuana and also I believe speed pills.

Senator NUNN. Did he get paid for that transaction?

Mr. Fagg. For the grass, it was \$500 and it was \$1 on each pill.

Senator NUNN. So he got paid \$1 per pill?

Mr. Fagg. Right.

Senator NUNN. How much did the pills sell for?

Mr. Fagg. I believe at that time they were going for \$10 apiece.

Senator NUNN. How about the marihuana? How much did it sell for?

Mr. Fagg. That depended upon who bagged it, how it went. I would say usually out of a pound, that you could sell it for around \$2,400.

Senator NUNN. Did Elswick ever deliver a pound of marihuana to you without the \$500 up front?

Mr. Fagg. Yes. He did one time. It was part of the money up front from the people, and I just gave him part of the marihuana at that time and held the rest back there until he got the rest of the money up to pay him.

Senator NUNN. So basically he would get paid for his services prior to actually picking up the marihuana and bringing it in?

Mr. Fagg. No. Usually he would get paid after he brought it into the institution.

Senator NUNN. The marihuana itself was paid for outside of that, before he brought it in?

Mr. Fagg. True.

Senator NUNN. So he would bring in the marihuana and then get paid?

Mr. Fagg. For his services.

Senator NUNN. Did you also pay him for transactions where you dealt with him, personally?

Mr. Fagg. Yes. I do.

Senator NUNN. Nobody was the middleman for you?

Mr. Fagg. No.

Senator NUNN. You dealt directly with Elswick?

Mr. Fagg. Right.

Senator NUNN. Do you remember any other transactions specifically?

Mr. Fagg. I think we already covered one in January there, where he had the other pound of grass in the Prince Albert tobacco cans.

Senator NUNN. How about anything else? I think that is four transactions you remember. Do you remember the fifth one, when it occurred?

Mr. Fagg. It was, I think, the very end of January or the first part of February.

Senator NUNN. So that would have been two transactions in 1978?

Mr. Fagg. I believe so.

Senator NUNN. Did Blue Elswick bring anything else in the institution for you besides marihuana and speed pills?

Mr. Fagg. Several times I had them bring in some radios, stereophonic radios, purchased out of the Radio Shack.

Senator NUNN. Were there prison radios located in the recreation shack?

Mr. Fagg. No. They sold radios through the commissary, but this was a different type and it was a stereo radio.

Senator NUNN. Stereo radio?

Mr. Fagg. Right.

Senator NUNN. It wasn't available through the commissary shack?

Mr. Fagg. Right.

Senator NUNN. Was this also a violation of the rules and regulations?

Mr. Fagg. It was.

Senator NUNN. Why did someone want to bring in a radio of that nature when they could have bought a radio in the commissary?

Mr. FAGG. The big difference was you couldn't buy a stereo radio in the commissary and I talked to him about purchasing these radios. I believe at the time the radio cost around \$69. I gave him \$100 for it, later would sell for \$125.

Senator NUNN. Did he go out and buy the radios?

Mr. FAGG. Yes.

Senator NUNN. You would give him \$100 for the radio. It was your understanding he was paying \$69 for it, so he made \$31 per radio?

Mr. FAGG. Right.

Senator NUNN. You made \$25 per radio?

Mr. FAGG. That is true.

Senator NUNN. You would sell them for \$125?

Mr. FAGG. Right.

Senator NUNN. How many different radios do you recall he brought in?

Mr. FAGG. I believe it was either three or four different ones.

Senator NUNN. You didn't make much money on this?

Mr. FAGG. No.

Senator NUNN. Were you more or less doing somebody a favor?

Mr. FAGG. Somebody come up and asked me if I would get them a stereo radio, that is the way I went about it.

Senator NUNN. Where did they keep the radios?

Mr. FAGG. In the cellhouses.

Senator NUNN. Was it against the rules to have a stereo radio in there?

Mr. FAGG. No, not really, because some people that had been out to court came back with the same type of radios, which is the way we first got the idea.

Senator NUNN. They could have brought them in some other way, I suppose; a visitor could have brought them a radio without breaching the rules?

Mr. FAGG. No. The only way you could get them is if you are out to court, brought them back with you when you came back. A visitor couldn't bring you anything that you could purchase through the commissary.

Senator NUNN. Why would they be able to bring them in if they had gone to court and not be able to bring them in otherwise without violating a rule or regulation?

Mr. FAGG. This is something that I think goes on in all institutions. Every place you have sells a different type of radio and I don't think anybody is really aware, if somebody came from Marion, they did sell a radio that had a stereo attachment on it. If you came from court, you could bring in a stereo radio which you couldn't buy in the institute.

Senator NUNN. Did Elswick bring in contraband into the institution for you besides marihuana, speed, and stereo radios?

Mr. FAGG. No. That pretty well covered it.

Senator NUNN. Did you ever use any other guard or civilian employee in your operation?

Mr. FAGG. No.

Senator NUNN. He was the only one?

Mr. Fagg. Yes, sir.

Senator NUNN. Do you have any firsthand, direct knowledge of any other civilian employee bringing contraband into the institution other than Elswick?

Mr. Fagg. No; I don't.

Senator NUNN. Mr. Fagg, in all of these transactions—I believe you described five or six—how much did you pay Blue Elswick?

Mr. Fagg. Somewhere between \$2,500 and \$3,000.

Senator NUNN. You personally paid him between \$2,500 and \$3,000?

Mr. Fagg. Yes; I did.

Senator NUNN. Speaking of weapons, did you ever have a weapon while you were in the penitentiary?

Mr. Fagg. I didn't have one. But I had access to one very close by.

Senator NUNN. When you say access, where was it kept?

Mr. Fagg. Sometimes they are up above the door, sometimes they are up above the top of the cutoff, down in the trashbag, you didn't have to go too far to find one.

Senator NUNN. You knew where one was at all times?

Mr. Fagg. Yes; I did.

Senator NUNN. Was it near your cell, near where you worked or both?

Mr. Fagg. One was near my cell, there was one where I worked, one up in the auditorium. It was pretty well stashed all over the place.

Senator NUNN. Wherever you were you had access to a weapon within a reasonable distance?

Mr. Fagg. Right.

Senator NUNN. How would the weapons get in the penitentiary?

Mr. Fagg. Most of them were made right there.

Senator NUNN. Where?

Mr. Fagg. Some down in the machine shop, some over in the mill.

Senator NUNN. Have you ever been in an institution that had metal detectors?

Mr. Fagg. Yes.

Senator NUNN. Where?

Mr. Fagg. Atlanta, Corsley, and Leavenworth.

Senator NUNN. You mean they have had metal detectors in Atlanta since you have been there?

Mr. Fagg. They had the portable ones, used mostly down around the R. & D. section. I have been in county jails where they have had them, too.

Senator NUNN. What do you think of metal detectors?

Mr. Fagg. Not very good.

Senator NUNN. Why not?

Mr. Fagg. It is too many other things that you can make weapons out of.

Senator NUNN. Too many things other than something that would be detected, you mean?

Mr. Fagg. Right. You could make them out of heavy plastic stuff that is almost unbreakable, holds just as sharp a point or edge as the metal knife would.

Senator NUNN. So the only thing the detectors will really work on is something made out of metal?

Mr. Fagg. Right.

Senator NUNN. You are saying, for that reason, you don't think they will work very well?

Mr. FAGG. I don't believe so unless you catch somebody that is just using metal to make a knife or shank out of it.

Senator NUNN. To your knowledge, do most inmates in Atlanta have access to a knife or other weapon if they want one?

Mr. FAGG. Yes; they do.

Senator NUNN. Is it any difficulty in getting a weapon if you want one?

Mr. FAGG. No; there isn't.

Senator NUNN. Would you say all inmates have weapons, just a few of them, or just the ones that desire them? How would you describe the number of weapons available in the penitentiary?

Mr. FAGG. I would say probably about 80 percent of the people in there, if they didn't have one, knew where they were, where they could get at one very quickly.

Senator NUNN. About 80 percent?

Mr. FAGG. Right.

Senator NUNN. Either have one or have access to one?

Mr. FAGG. Yes, sir.

Senator NUNN. Why don't the guards confiscate more of the weapons? What is the difficulty in enforcing the rule?

Mr. FAGG. I think Atlanta, there is nobody, none of the employees are really worried about it too much. Usually you find them standing around, shooting the breeze or out drinking coffee.

Senator NUNN. How are the weapons made without them being detected?

Mr. FAGG. The same thing applies there, people down in the CPMS shop, sheet metal shop, wherever, are wandering around, standing around talking.

Senator NUNN. No close supervision by the employees?

Mr. FAGG. Very little.

Senator NUNN. Very loose?

Mr. FAGG. Very loose.

Senator NUNN. Do they seem to really care whether there are weapons being made in the shop?

Mr. FAGG. They certainly didn't appear that way.

Senator NUNN. What about money in the penitentiary? Was there much money circulating in the Atlanta Penitentiary?

Mr. FAGG. Probably \$25,000 or \$30,000 in there, at any one time, unless somebody made a big deal and shifted a bunch of it out.

Senator NUNN. So there is a good bit of money floating through the penitentiary?

Mr. FAGG. Yes, sir.

Senator NUNN. We have discussed weapons, narcotics, radios, and knives. Did you steal materials yourself from the mill or the shop areas?

Mr. FAGG. Yes, I did.

Senator NUNN. What kind of things did you steal?

Mr. FAGG. We got some plastic, we got boxes, we got rope, wire, various articles like that.

Senator NUNN. What did you need with plastic, rope, wire and those kinds of things? What did you want them for?



Mr. Fagg. Some of it we used over in the rec shack or if we had a show in the yard, most of that stuff we got over there we did use down on the yard, covering equipment.

Senator NUNN. What do you mean by covering equipment?

Mr. Fagg. We would have outside or inside shows, we would have pianos, amplifiers, guitars, and everything down in the yard. We wanted to be prepared in case it started raining.

Senator NUNN. There wasn't anything wrong with what you were doing? You weren't doing anything destructive to the penitentiary in stealing that kind of material?

Mr. Fagg. Not then, but you couldn't get it any other place, so you went to the mill to steal it.

Senator NUNN. Did you have any trouble stealing it?

Mr. Fagg. None whatsoever.

Senator NUNN. Could this have been used for other purposes, the rope?

Mr. Fagg. The rope could have been.

Senator NUNN. What purpose?

Mr. Fagg. Over the wall or up the side of the cellhouse.

Senator NUNN. You didn't have any difficulty getting into these areas and stealing this material?

Mr. Fagg. None whatsoever.

Senator NUNN. Was this a common occurrence?

Mr. Fagg. Yes. It was.

Senator NUNN. The prisoners had access to these areas without any problem?

Mr. Fagg. Sure did.

Senator NUNN. Was that unique to you? Did you have a job that allowed you special access or did almost any prisoner have access?

Mr. Fagg. Anybody could roam in and out.

Senator NUNN. Mr. Fagg, you have stated that making knives and the larceny of prison materials is a result, at least in part, of lack of careful attention by prison employees. Is that correct?

Mr. Fagg. That is true.

Senator NUNN. What about homicides in the penitentiary? Do you have any observations on homicides?

Mr. Fagg. With the amount of supervision they had there, I don't think anybody would have any trouble getting at somebody else.

Senator NUNN. In other words, it wouldn't be very difficult to murder someone if you wanted to?

Mr. Fagg. No; it wouldn't.

Senator NUNN. Why is that?

Mr. Fagg. The place was run, you had three exits, it didn't make any difference what cellhouse I lived in, where you happened to be working at, because you could come and go throughout the day up to 9 o'clock at night, be in any cellhouse, be anyplace in the yard you wanted to be.

Senator NUNN. You could go anywhere you wanted to go in the penitentiary up to 9 o'clock at night?

Mr. Fagg. Right.

Senator NUNN. You could go to cell blocks?

Mr. Fagg. Yes.

Senator NUNN. You could go to the machine shop?

Mr. FAGG. Right.

Senator NUNN. You could go to the rec shack?

Mr. FAGG. Absolutely.

Senator NUNN. You could go all over the penitentiary without any problem?

Mr. FAGG. Correct.

Senator NUNN. You didn't have to have a pass?

Mr. FAGG. No; if the man didn't miss you off the job, that would be very seldom, you could go where you want, play handball, sleep, whatever you want to do.

Senator NUNN. You could roam all over the penitentiary and do whatever you wanted to do as recently as January 1978?

Mr. FAGG. Right up into April.

Senator NUNN. I thought you left in January?

Mr. FAGG. I left in April.

Senator NUNN. So, when you left in April 1978, you still had access to almost any point in the penitentiary that you wanted to go?

Mr. FAGG. Sure did.

Senator NUNN. Up until 9 o'clock at night?

Mr. FAGG. Yes.

Senator NUNN. What time of the morning could you start?

Mr. FAGG. They usually opened the doors, depending upon what cellhouse was eating first, about 6:15 or 6:30, once they started feeding.

Senator NUNN. What about the segregation areas? You don't have access to those areas, do you?

Mr. FAGG. No; that was about the only place.

Senator NUNN. Anywhere else that you didn't have access?

Mr. FAGG. In the hospital, maybe, would be a little hard to get in, but it was possible to do so.

Senator NUNN. You could get in the hospital if you wanted to?

Mr. FAGG. Yes; you could.

Senator NUNN. How many institutions have you been in?

Mr. FAGG. In the Federal, I was at Leavenworth, in Atlanta, now back at Leavenworth.

Senator NUNN. How much time did you spend in Leavenworth, altogether?

Mr. FAGG. I have been there since April this time; before I was there from 1965 to 1972.

Senator NUNN. From 1965 to 1972.

You were transferred to Leavenworth right after April 1978, directly from Atlanta?

Mr. FAGG. Yes.

Senator NUNN. Did you have occasion to talk to the warden at Leavenworth when you first got there?

Mr. FAGG. Associate warden.

Senator NUNN. What is his name?

Mr. FAGG. Lipman.

Senator NUNN. Lipman?

Mr. FAGG. Right.

Senator NUNN. Did you meet him when you first got there?

Mr. FAGG. We met him the next day, they had taken us over, looked us up, they called us out before him the next morning.

Senator NUNN. Large group of prisoners?

Mr. FAGG. No, one by one.

Senator NUNN. Were you in his office?

Mr. FAGG. It was in the IDC room

Senator NUNN. What is IDC?

Mr. FAGG. Institution Disciplinary Committee.

Senator NUNN. Was anybody else with you when you met with him?

Mr. FAGG. I was the only inmate in there. He had some of his staff members with him.

Senator NUNN. Tell us about that conversation.

Mr. FAGG. He remembered that I had been there before. I think he was lieutenant then. He told us that we weren't—that Leavenworth was run slightly different than Atlanta, we weren't going to be running around, doing what we were used to, that we had a pass system and would be on the job.

Senator NUNN. He said Leavenworth was run slightly different than Atlanta?

Mr. FAGG. Yes.

Senator NUNN. Did he say anything else different about Leavenworth and Atlanta?

Mr. FAGG. He got the message across that they ran the place quite differently and they expected to know where we were most times.

Senator NUNN. He was telling you it was different from Atlanta, that you weren't going to be allowed to run all over the lot?

Mr. FAGG. Right.

Senator NUNN. Is that the case at Leavenworth?

Mr. FAGG. Yes, it is.

Senator NUNN. What kind of system do they have there in terms of access to parts of the prison?

Mr. FAGG. When you are assigned on your job, you go on the job, stay there, and they watch you fairly close. If you need to go someplace, they have to have a pass to sign you in, they sign you in when you get to where you are going, sign you back out there as you leave.

Senator NUNN. In other words, it is run tighter than Atlanta?

Mr. FAGG. Yes; it is.

Senator NUNN. What about narcotic availability at Leavenworth compared to Atlanta?

Mr. FAGG. I know there is very little of that there, mostly just grass.

Senator NUNN. Mostly marihuana?

Mr. FAGG. Yes.

Senator NUNN. Did you notice less heroin?

Mr. FAGG. As far as I know, there were a few people floating around on it.

Senator NUNN. Can you compare the availability of heroin and other narcotics between Atlanta and Leavenworth? How would you describe it?

Mr. FAGG. Atlanta was 100 percent, I would say Leavenworth was probably about 5 percent, very small amount.

Senator NUNN. You mean the amount of narcotics at Leavenworth is something like one-twentieth as much as Atlanta?

Mr. FAGG. Yes.

Senator NUNN. Atlanta would be 20 times more than Leavenworth in the rough estimate?

Mr. Fagg. Right.

Senator NUNN. Why is this?

Mr. Fagg. I don't know if they have better control of the inmates, plus the guards are probably doing their jobs better. They keep a closer watch on you, most of them are supervised areas.

Senator NUNN. How about the situation of physical facilities—Leavenworth is a more modern institution, isn't it?

Mr. Fagg. It is probably pretty much the same. They only have one big cellhouse there, but I just think that it is in the administration and the officers they have.

Senator NUNN. You mean it is just run differently. You don't attribute the difference to the physical facilities?

Mr. Fagg. No, I don't.

Senator NUNN. How about the class of prisoners at Leavenworth? Are they the same class of prisoners in terms of major offenders?

Mr. Fagg. They are pretty much the same.

Senator NUNN. Not a marked difference between Leavenworth and Atlanta?

Mr. Fagg. Most of them at Leavenworth have been through the route of one other joint by the time they got there.

Senator NUNN. How would you compare the guards at Leavenworth and Atlanta in general.

Mr. Fagg. Most of the staff, I thought at Atlanta, were very sloppy and didn't seem to care what really went on. Over at Leavenworth, they keep a close eye on you, you are on the job someplace, the man is right near the area, or has somebody else watching you.

Senator NUNN. Was this because of the age of the guards? What is the difference?

Mr. Fagg. I don't really know. I think maybe that the guards might be harder to get at at Leavenworth. I couldn't say just what the reason was, but I know some of the other people I talked to just said most of them were very unapproachable, that they didn't even want to talk about it, while at Atlanta, it seemed to be the opposite.

Senator NUNN. Talk about what?

Mr. Fagg. Bringing grass, heroin, pills, whatever, into the place.

Senator NUNN. It was just a different attitude?

Mr. Fagg. Yes.

Senator NUNN. What about weapons availability, comparing Leavenworth to Atlanta?

Mr. Fagg. There are some stuff available at Leavenworth, but the percentage is very small.

Senator NUNN. You compared the narcotic availability between the two. How would you compare the weapon availability between Leavenworth and Atlanta?

Mr. Fagg. I would say as far as the knives go, that it would be way under 10 percent. I think most of the stuff that goes on there is just a spur of the moment or would be kitchen knives, or in a lot of cases over there, pipes.

Senator NUNN. Pipes or kitchen knives?

Mr. Fagg. Correct.

Senator NUNN. So are you saying there are 10 percent as many weapons generally—roughly estimating that—10 percent as many weapons at Leavenworth as Atlanta?

Mr. Fagg. Correct.

Senator NUNN. In other words, 10 times the weapons at Atlanta, as there are in Leavenworth?

Mr. Fagg. Right.

Senator NUNN. Twenty times heroin and narcotics?

Mr. Fagg. Right.

Senator NUNN. Is this just a guess? I know it is a guess; there is no way you could be precise on that. But are you pretty confident of this estimate?

Mr. Fagg. Yes; I am.

Senator NUNN. That is by your own personal observation?

Mr. Fagg. Correct.

Senator NUNN. What about homosexual acts at Atlanta compared to Leavenworth?

Mr. Fagg. Probably about four or five times as much at Atlanta as there is at Leavenworth.

Senator NUNN. Have you observed or you just heard that?

Mr. Fagg. That is what I am talking about, what I have seen.

Senator NUNN. You have seen homosexual acts in Atlanta?

Mr. Fagg. Sure have, all over the place.

Senator NUNN. You mean open?

Mr. Fagg. Right out in the open.

Senator NUNN. You mean in the open spaces?

Mr. Fagg. No, but down on the tiers, down in the flats, rather than in the cells.

Senator NUNN. In front of prison officials or outside of their presence?

Mr. Fagg. That depended upon where the officer was, where he was supposed to be.

Senator NUNN. It wouldn't normally occur in front of an officer, would it?

Mr. Fagg. No, because everybody knew that the officer probably wouldn't be back up there.

Senator NUNN. You mean the officers weren't there very much, so it just took place?

Mr. Fagg. True.

Senator NUNN. Did you see the same kind of thing at Leavenworth?

Mr. Fagg. Very little of it.

Senator NUNN. How do you rate the difference between the two?

Mr. Fagg. I think, in a month at Atlanta, you might see 10 or 12 different cases and I would say over at Leavenworth, you might see one per month.

Senator NUNN. A ten-to-one ratio?

Mr. Fagg. Yes.

Senator NUNN. This is mainly because of not having the kind of discipline in Atlanta that you have at Leavenworth; not having the guards and prison personnel available?

Mr. Fagg. That is true.

Senator NUNN. We have heard a lot about the prison industries in Atlanta being a source of many weapons. Do they have the same kind of prison industries at Leavenworth?

Mr. Fagg. Yes. They do, but they have a different type there. I really never have been in it, so I can't say very much about it. I know

they have a furniture factory, a shoe factory, probably something else there.

Senator NUNN. You have never been in it?

Mr. FAGG. No. It is well fenced off. If you work there, you don't get in or out.

Senator NUNN. You could go in Atlanta's machinery area anytime you wanted to?

Mr. FAGG. Yes, you could.

Senator NUNN. Even though you might not have worked there?

Mr. FAGG. Very true.

Senator NUNN. There is a tremendous difference in accessibility in the industrial area in Leavenworth and Atlanta?

Mr. FAGG. Right. The one in Leavenworth is fenced off, you go in, get out at noon, at the end of the day, get out at quarter to four, the rest of the time you can't roam in and out of it.

Senator NUNN. Has there been much violence at Leavenworth since you have been there?

Mr. FAGG. There have been several killings and I think three or four stabbings.

Senator NUNN. Three or four stabbings and several killings?

Mr. FAGG. Right. I think they run in cycles. They won't have any trouble for a long time and all of a sudden things will go wild.

Senator NUNN. I understand there has been a little rash of violence there in the last couple of weeks. Is that right? Do you know anything about that?

Mr. FAGG. I think I have been gone for about 2 weeks. Before that, I was locked up. So I really don't know what happened too much in there. I think around the first part of August they had several killings, two or three stabbings.

Senator NUNN. Just from your own point of view, and I will ask you your reason, where would you prefer to be located, Atlanta or Leavenworth?

Mr. FAGG. Before all these changes, I would have rather been at Atlanta.

Senator NUNN. You understand changes have taken place since you have been there?

Mr. FAGG. Yes.

Senator NUNN. You don't know that first-hand?

Mr. FAGG. No. I understand they put the pass system in, put fences up, metal detectors which probably won't do any good.

Senator NUNN. Why would you prefer to be at Atlanta?

Mr. FAGG. At that particular time, you had a lot of freedom, you could run where you wanted, recreation facilities are better there.

Senator NUNN. Do you feel you are in more danger at Leavenworth than Atlanta?

Mr. FAGG. As far as I was concerned, at that time, it wouldn't have made any difference.

Senator NUNN. You didn't fear for your life more in Atlanta than you did at Leavenworth?

Mr. FAGG. I didn't then, no.

Senator NUNN. What would you do if you were asked to prescribe a formula in the Atlanta Penitentiary for curbing the availability of narcotics? What steps would you take?

Mr. Fagg. I think you probably would have to change a great deal of the employees. That is the place to start with. The only other alternative would be to have shakedowns of the employees coming in at various times without any warning. It would be about the only way to stop it that I know of.

Senator NUNN. Random shakedowns?

Mr. Fagg. Right.

Senator NUNN. Of the employees?

Mr. Fagg. Right.

Senator NUNN. Not just guards but all employees?

Mr. Fagg. All employees.

Senator NUNN. Anything else that you would do?

Mr. Fagg. I think that pretty well covers it. The only other thing you could do is shake them everyday. Of course, they would be very upset about it, I am sure.

Senator NUNN. Not many people would want to work under those conditions?

Mr. Fagg. Right.

Senator NUNN. The same thing would be true with polygraph tests, if you had to take tests, you would have a hard time getting anybody to work for you?

Mr. Fagg. Right.

Senator NUNN. What about weapon availability, what would you do on that?

Mr. Fagg. I don't really think there is too much to be done about it, even fencing off the areas where they can be made or anything else. There are too many other things you can make weapons out. I think if somebody really wants to kill in one of these places, they can do it.

Senator NUNN. What else could they make weapons out of?

Mr. Fagg. They can get knives and forks out of the kitchen without any problem, a lot of this heavy plastic stuff around that can be sharpened or made to cut, pipes, putting two or three locks in a heavy sock. I don't think you have any problem.

Senator NUNN. If you want to kill somebody in the penitentiary, even if they tighten down on weapons, your best belief is you can't do much about it?

Mr. Fagg. You might be able to hold down the stabbings and stuff, but like I said, if you can't find a pipe, you can find a sock, with a couple of locks in it. It depended on how bad you wanted to kill somebody.

Senator NUNN. Of course the more knives that are around, the easier it is to kill, isn't it?

Mr. Fagg. Yes.

Senator NUNN. If you cut down the number of them, you might cut down the killings?

Mr. Fagg. Right.

Senator NUNN. Are there any other suggestions, having been on the inside of the penitentiary, that you would make in trying to curb narcotics and weapons?

Mr. Fagg. No. I would say that is just about all I can think of to cover it.

Senator NUNN. How about the homosexual acts? Is there anything that can be done to cut down the number of those and the exposure that people have to that kind of a situation?

Mr. Fagg. At one time when I was in Leavenworth, I think back in 1966, most of them that you knew about were locked in one cellhouse and pretty close watch was kept on them. But of course the men get together anyway. Probably most of these killings in all of these places are either over dope or these sissy-type people.

Senator NUNN. Over dope or what?

Mr. Fagg. Homosexuals.

Senator NUNN. Which one would you rate the most prevalent cause of killings?

Mr. Fagg. Narcotics.

Senator NUNN. Would it be by far the biggest cause?

Mr. Fagg. Yes.

Senator NUNN. If you curbed narcotic traffic, even if you didn't completely eliminate weapons, you would do something toward curbing the killings, would you not?

Mr. Fagg. Yes.

Senator NUNN. Mr. Fagg, are you willing to cooperate with the U.S. Attorney's Office?

Mr. Fagg. Yes, I am.

Senator NUNN. Are you willing to make appearances before a grand jury and a trial jury and be as frank and candid as you have been with us today?

Mr. Fagg. Yes.

Senator NUNN. If called on?

Mr. Fagg. Correct.

Mr. Block. Mr. Fagg, if a person sentenced to Atlanta wanted to avoid all of the narcotics, the weapons, the violence, could he do it?

Mr. Fagg. At the time I was there, it would be pretty hard to do, because sooner or later the people that you begin to associate with, acquaintances or friends, usually somebody in there is dealing in it or knows somebody that is dealing in it. It is almost impossible to stay clear of it.

Mr. Block. What was your job at Atlanta?

Mr. Fagg. After I left CMS, I worked in the morning or until 1 o'clock in the afternoon in the business office and then I worked the recreation department, afternoons, evenings.

Mr. Block. If an inmate didn't want to do any work, could he avoid doing it?

Mr. Fagg. Yes. He could.

Mr. Block. Does the same hold true at Leavenworth?

Mr. Fagg. About the only way you can get out of really working at Leavenworth is get on orderly jobs or something like that, or medically assigned. On the orderly jobs, they will make you do the job and then let you go to the yard if you want to go. But other cellhouses are offbounds.

Mr. Block. They are more strict about making sure that the inmates do the work that they are assigned to do?

Mr. Fagg. Yes, they are.

Mr. Block. When you were in Atlanta, was there any kind of pass system to try to restrict where an inmate was at any one time?

Mr. Fagg. No, none at all.

Mr. Block. None at all?

Mr. Fagg. No.



Mr. BLOCK. There is one at Leavenworth?

Mr. Fagg. Yes.

Mr. BLOCK. That is strictly enforced?

Mr. Fagg. Yes.

Mr. BLOCK. Thank you.

Senator NUNN. Mr. Fagg, again, I want to express my appreciation on behalf of the subcommittee for your cooperation, for your testimony here today and I can assure you that we believe that your testimony will be useful in our overall inquiry. Thank you very much.

Senator NUNN. Our next witness is Mr. Ervin "Blue" Elswick.

Mr. Elswick, would you come forward, please?

Before you are seated, I will ask you to take the oath as all of our witnesses do, if you would come right up here.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ELSWICK. I do.

**TESTIMONY OF ERVIN "BLUE" ELSWICK, ACCOMPANIED BY  
COUNSEL, PIERRE "PEER" HOWARD, AND HELEN MEDLIN**

Senator NUNN. Thank you, sir. Have a seat.

Mr. Elswick, as I have done with the other witnesses, I want to explain to you your rights and your obligations as a witness before this subcommittee.

First of all, you have the right not to provide any testimony or information which may tend to incriminate you. Do you understand that right?

Mr. ELSWICK. Right.

Senator NUNN. Second, you have the right to have an attorney present. Do you understand that?

Mr. ELSWICK. Yes.

Senator NUNN. Do you understand that if you do testify anything you say here might be used against you?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Do you have an attorney with you?

Mr. ELSWICK. Yes. I do.

Senator NUNN. Would you want to introduce your attorney or let the attorney introduce himself?

Mr. ELSWICK. Mr. Pierre Howard.

Mr. HOWARD. Mr. Chairman, with me is Helen Medlin, my associate.

Senator NUNN. You understand, Mr. Elswick, that you have the right under the rules of our subcommittee to consult with your attorney any time you would like to after we ask a question and before you answer?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Third, Mr. Elswick, you have an obligation as a witness, you have taken the oath. You understand that you have taken an oath and have an obligation to testify truthfully before this subcommittee?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Do you understand if you testify, you are obligated to provide truthful answers so as not to subject yourself to the laws and penalties regarding perjury?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Mr. Elswick, do you understand the nature of your rights and obligations as a witness before this subcommittee?

Mr. ELSWICK. Yes, sir.

Senator NUNN. I will ask counsel, Mr. Howard, if you understand Mr. Elswick's rights and obligations and if you have any questions?

Mr. HOWARD. I believe I do.

Senator NUNN. Would you state your name for the record?

Mr. ELSWICK. Ervin C. Elswick.

Senator NUNN. Is your nickname "Blue"?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Where were you born, what is your birth date?

Mr. ELSWICK. May 10, 1925.

Senator NUNN. Where were you born?

Mr. ELSWICK. In Hammond, Ky.

Senator NUNN. How long have you worked at the Atlanta Penitentiary?

Mr. ELSWICK. Nine years.

Senator NUNN. What positions have you held at the Atlanta Penitentiary?

Mr. ELSWICK. A year and a half as correctional officer and the rest of the time as a recreation specialist.

Senator NUNN. As a recreation specialist?

Where did you work before you came to the Atlanta Penitentiary? Did you work in any other kind of penitentiary?

Mr. ELSWICK. No, sir.

Senator NUNN. What did you do before you worked at the Atlanta Penitentiary?

Mr. ELSWICK. I was in the military for 23 years.

Senator NUNN. What branch of the service were you in?

Mr. ELSWICK. U.S. Army.

Senator NUNN. What was your rank when you got out?

Mr. ELSWICK. Tech sergeant E-6.

Senator NUNN. Did you have any experience in working in prisons or law enforcement while you were in the military?

Mr. ELSWICK. I served some time in the military police, when I first went in the service, then in the combat infantry, in the artillery, in the medics, special forces, and special services.

Senator NUNN. So you really have had very broad experience in the military?

Mr. ELSWICK. Yes, sir.

Senator NUNN. Part of that time you served as an MP?

Mr. ELSWICK. My first experience was a military policeman.

Senator NUNN. Do you work in any kind of brig or prison at that stage?

Mr. ELSWICK. No, sir.

Senator NUNN. Mr. Elswick, did you know an inmate at the institution named Harry Hall?

Mr. ELSWICK. Yes, sir.

Senator NUNN. When did you first meet Harry Hall?

Mr. ELSWICK. About 4 or 5 years ago.

Senator NUNN. When did you first start working at the penitentiary again, Atlanta Penitentiary?

Mr. ELSWICK. When I first started working, 1969, October.

Senator NUNN. So you met Mr. Hall after you had been there 3 or 4 years?

Mr. ELSWICK. Yes.

Senator NUNN. Was he an inmate in the institution at that time?

Mr. ELSWICK. Yes.

Senator NUNN. Do you know what he was charged with?

Mr. ELSWICK. No, sir.

Senator NUNN. How did you know Mr. Hall? How did you come to know him?

Mr. ELSWICK. He started working in the recreation department as a special purpose order clerk.

Senator NUNN. He worked for you?

Mr. ELSWICK. He worked for the recreation department first, then in 1972 or 1973, I am not sure, we opened up the music department. He was transferred up there with the office of special purpose order clerk.

Senator NUNN. How many people worked for you in that department, directly under you?

Mr. ELSWICK. About eight people.

Senator NUNN. Were they inmates or noninmates or was there a mixture?

Mr. ELSWICK. They were inmates.

Senator NUNN. All of them were inmates?

Mr. ELSWICK. Yes, orderlies, utility men, special purpose clerks.

Mr. HOWARD. Mr. Chairman, at some point in the proceedings I believe with the agreement of the Chair I have a statement that I want to read on Mr. Elswick's behalf.

Senator NUNN. You can do that right now, if you would like.

Mr. HOWARD. That would be fine. As Mr. Elswick's attorney I would read this into the record on his behalf.

"Mr. Chairman, I have come before this committee in good faith for the purpose of assisting the committee in every possible way consistent with my rights under the U.S. Constitution in this inquiry into illegal activities within the Federal prison system.

I am ready, willing, and able to answer any questions which members of the committee may ask me concerning my knowledge of such illegal activities by inmates and other employees of the prisons. Having listened to the testimony of other persons before this committee this morning, however, I am aware that certain accusations of a grave nature have been made against me. And as a result, I am naturally reluctant to respond to questioning in areas where by answers might be misinterpreted and later used against me.

"I have not been indicted for any crime and I am currently an employee in good standing of the Federal Corrections Department. My attorneys have advised me that under the Constitution of the United States I am entitled to remain silent regarding matters which might in some later time be used to incriminate me and that my silence may not be used in any way to dispute my innocence of any wrongdoing.

"My family and I have suffered great humiliation and hardship as a result of public statements which have been made against me by persons who are themselves convicted felons. And I naturally desire to clear myself of any such accusations in the proper forum.

"I have been advised by my attorneys, however, that these public hearings are not the proper place to vindicate myself. And on the advice of my attorneys I shall respectfully decline to answer any questions relating to the potential charges against me on the ground that my answers, however innocent, may later be used against me in an incriminating manner."

So, Mr. Chairman, with that statement I will instruct my client to proceed to such point as he feels appropriate.

Senator NUNN. Let me ask you another question, Mr. Elswick. Did you ever bring any narcotics into the institution for Harry Hall?

Mr. ELSWICK. Sir, I respectfully decline to answer on the ground that anything I say might tend to incriminate me.

Senator NUNN. Mr. Elswick, did you ever bring any marihuana into the penitentiary for Mr. Fagg?

Mr. ELSWICK. Sir, again, I respectfully decline to answer on the ground that anything I say might tend to incriminate me.

Senator NUNN. Mr. Elswick, did you bring any narcotics into the institution for Foster Sellers?

Mr. ELSWICK. Again, sir, I respectfully decline to answer on the ground that anything I say might tend to incriminate me.

Senator NUNN. Mr. Elswick, I have a good many other questions that I hope to ask you this morning. But I understand you have invoked your rights under the fifth amendment. I will not proceed to ask you the questions that I had hoped to ask you.

The citizens of the United States have a right under our Constitution and under the fifth amendment in particular not to give testimony that might tend to incriminate them. The invocation of that right by you this morning or by any American citizen should not and does not imply guilt. It is a constitutional guarantee all of us have and this subcommittee respects it, so I thank you for being here this morning with your counsel and I thank counsel for appearing.

Mr. HOWARD. Thank you, Mr. Chairman.

Mr. ELSWICK. Thank you, Mr. Chairman.

Senator NUNN. Our next witness is Mr. John Carroll.

Mr. Carroll, before you take your seat, let me give you the oath.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. CARROLL. I do.

#### TESTIMONY OF JOHN CARROLL, ACCOMPANIED BY COUNSEL R. MATHEW "PERRO" PERREAULT

Senator NUNN. Thank you.

I would like to advise you of your rights and obligations as a witness before this subcommittee. First, you have the right not to provide any testimony which may tend to incriminate you. You understand that right?

Mr. CARROLL. Yes, sir.

Senator NUNN. Do you understand that if you do testify anything you say here may be used against you in any other legal proceeding?

Mr. CARROLL. Yes, sir.

Senator NUNN. Second, you have the right to consult with an attorney before answering any question or questions that this subcommittee may pose to you. Do you understand that right?

Mr. CARROLL. Yes.

Senator NUNN. I believe you have an attorney. Do you want to introduce him?

Mr. PERREAULT. Richard Perreault.

Senator NUNN. Give us your full name, and address and name of the firm.

Mr. PERREAULT. Mr. Chairman, Richard Perreault; practice at 2019 McDaniel's Bridge Road, in Lebanon, Ga.; a sole practitioner.

Senator NUNN. How do you spell your last name?

Mr. PERREAULT. P-e-r-r-e-a-u-l-t.

Senator NUNN. Thank you. We are pleased to have you this morning. You understand you have a right to consult with your attorney before you answer any questions?

Mr. CARROLL. Yes.

Senator NUNN. That is the rule of our subcommittee and we will certainly allow you to consult with him any time you would like to.

In addition to your rights as a witness you have an obligation as a witness. You understand you have taken the oath?

Mr. CARROLL. Yes.

Senator NUNN. You understand you are under oath and you have sworn to testify truthfully?

Mr. CARROLL. Yes. I sure have.

Senator NUNN. If you do testify you are obligated to provide truthful responses so as not to subject yourself to the laws and penalties regarding perjury?

Mr. CARROLL. Yes, sir.

Senator NUNN. Do you understand the nature of your rights and obligations as a witness before this subcommittee?

Mr. CARROLL. Yes, sir.

Senator NUNN. Do you have any questions at this stage?

Does counsel have any questions about your rights and obligations as a witness?

Mr. PERREAULT. No, sir. We understand.

Senator NUNN. Would you please state your full name and date of birth for the record?

Mr. CARROLL. John T. Carroll, born St. Louis, Mo., December 25, 1932.

Senator NUNN. How long have you been in Georgia, Mr. Carroll?

Mr. CARROLL. 1973.

Senator NUNN. Since 1973?

Mr. CARROLL. September 1973. I moved here from Gulfport, Miss.

Senator NUNN. What kind of educational background do you have?

Mr. CARROLL. I finished my high school in the service. I was in the Korean war. I was in Vietnam, I was stationed in Thailand, in charge of the dining hall in Udorn, Thailand, on the flight line side. I run two operations, and an inflight kitchen.

Senator NUNN. What service were you in?

Mr. CARROLL. Air Force, 20 years, retired.

Senator NUNN. You retired in what year?

Mr. CARROLL. 1 September of 1971.

Senator NUNN. In 1971?

Mr. CARROLL. Yes.

Senator NUNN. Where did you go after you retired?

Mr. CARROLL. Me and my wife—I was stationed in Eglin Air Force Base and when I retired I moved back to Gulfport, Miss., at 232 Nation Guard Drive, in Mississippi, between Gulfport and Biloxi.

Senator NUNN. What did you do?

Mr. CARROLL. I worked for Olin Chemical Corp.

Senator NUNN. You worked for them a couple of years?

Mr. CARROLL. Yes.

Senator NUNN. That was the last job you had before you came to Atlanta?

Mr. CARROLL. Yes.

Senator NUNN. During your service career, did you have any law enforcement experience, or experience in working in brigs or other institutions?

Mr. CARROLL. I was in the Army for—I went in the Army in 1950 and come out in 1955. Then I come in the Air Force in February of 1956. But I was in the Army 4½ years, and I was in the MP's and I worked at a stockade at Fort Benning, Ga., as a guard, marching prisoners. You had three prisoners, and you had a shotgun, a raincoat, things like that.

Senator NUNN. So you did have some experience when you were at Fort Benning?

Mr. CARROLL. Yes.

Senator NUNN. You were in the Air Force?

Mr. CARROLL. No. I was in the Army. I went in the Army September of 1950. I went for basic at Fort Knox, Ky., took training, then I went over to Korea, they sent me out there in 1951—I come back in 1952—to Punchbowl. Heartbreak, Buddy Ridge.

Senator NUNN. How long have you worked at the Atlanta Penitentiary?

Mr. CARROLL. Five years, the 17th of September of this year.

Senator NUNN. It has been 5 years?

Mr. CARROLL. Yes, sir.

Senator NUNN. A little over 5 years?

Mr. CARROLL. Yes.

Senator NUNN. What jobs have you held at the Atlanta Penitentiary during that timeframe?

Mr. CARROLL. I was a correctional officer for 90 days because you have to spend 90 days before you can go into another field. Warden Henderson—I put in for food service foreman, and I got the job back in food service. It was a \$3,500 raise, you know, when I went into food service, from the hack force, at the time.

Senator NUNN. What does a correctional officer do?

Mr. CARROLL. A correctional officer's duties? It is according to whether you are assigned to a cellblock, you are supposed to observe anything going on in the cells, you walk the ranges, you have to let people out to bring in the laundry, you usually have the laundry detail, put the sheets, blankets, things like that, you go around and the lieutenant will let you know different cells to shake down on certain days.

We go in, shake them all down, see if we can find any type of con-

traband in a sliding door; sometimes we would find a knife or something like that, where the doors slide back. A lot of times they hide them up in that area, different areas you have to search all the time. You have to be on your toes all the time as a correctional officer. You have to watch everything that is going on. You kind of work with the number one cell officer; work right close with him, on the count; when they have a count time, you have to walk down and count your cells, come back, give them a number, so that you have to look in the cells, observe everything because an inmate can be hiding, a lot of time we have found dummies, you know, for inmates, and things like that.

Senator NUNN. You carried out those duties for about 9 months you say?

Mr. CARROLL. No, 90 days, 3 months before I went into food service.

Senator NUNN. Then you went into the food service business. You had had some experience in that in the military; is that right?

Mr. CARROLL. Yes. I run dining halls and I was assistant food service superintendent at one time. I worked in all phases. I drove for President Johnson at his ranch in 1963. I used to fix all VIP pastry at Bergstrom Air Force Base for the President's Air Force One plane. That was at Bergstrom Air Force Base. I was NCOIC of the bakery where we had to haul bakery to a certain kitchen, flight line, had to have flight line bags to get out there. If you were in a certain area where you weren't supposed to be, the police would make you spread-eagle right down on the flight line. You have a flight line bag punched with holes in it, certain areas you are supposed to be in, that is it.

Senator NUNN. What different jobs have you held at the Atlanta Penitentiary in the food service area? Have you been in one job, or have you had several?

Mr. CARROLL. Every 3 months, or quarter, it changes, except for the bakery. The bakery—

Senator NUNN. Why don't you give him some water?

Mr. CARROLL. I have to take tablets for my stomach.

Senator NUNN. You take your time. Any time you want to take a drink of water, you go ahead.

Mr. CARROLL. Every 3 months we change shifts in food service. You might be dining room officer; you might be on utility.

Senator NUNN. You can move back from that mike a little bit. That is fine.

Mr. CARROLL. Is that OK? Sometimes—every 3 months your quarter changes—you might be dining room officer, you might be utility officer, bringing the food in where you have to take it to the kitchen, set up a Jewish kitchen up there, Kosher food. You have to put—they bring the food in from outside, they have to buy it downtown from a Kosher place. They bring it out there, hot dogs, whatever type meat they want, everything that is Kosher is brought in through the east gate into the back of the food service messhall.

Senator NUNN. So really you have a rotating kind of job at the food service area? You don't stay in one job all the time?

Mr. CARROLL. No, sir. We move around, except for the bakery. I have only worked in the bakery maybe, say, a couple of weeks since I have been out there, because they have officers that they put in the bakery. We leave them in there permanent.

Mr. Taylor was the last officer that worked in there, and then they had Mr. Thornton. So they have more previous bakery experience. The only time I have been in there is when Mr. Taylor had to go to Kentucky to see about his wife, and I was in there a week. That is the only time.

Senator NUNN. You were in the bakery 1 week?

Mr. CARROLL. Yes. That is all.

Senator NUNN. What is your current job in the food services area?

Mr. CARROLL. I am now on the rotating shift. I am No. 3 kitchen officer.

Senator NUNN. What do you do in that job?

Mr. CARROLL. In that job, you take care of all the kitchen, make sure all the trash goes out the back and you make sure all your refrigerators are kept locked at all times. Back in the bakery, we have a new milk room. We have to keep that locked at all times except when we have to go in there, to get ice cream out. I have AWB carts that go to segregation.

Senator NUNN. What is AWB?

Mr. CARROLL. That is segregation, AWB, segregation. We have AWB carts that go out, all three meals, so in the afternoon, at supper, I have to make sure all of those are prepared, which I will call segregation. They will give you a number of how many inmates they are going to have fed that meal and how many Muslims you have, how many no-meats, because we have to know how many Muslims they have, no-meats, because a lot of times Muslims will not eat any pork items. So we have to fix their trays up according.

Sometimes we put cheese, things like that on it that they can eat. But when I call over there, I get an average count of what I am supposed to feed, which is 86, and usually 86, 17, and 4.

Senator NUNN. So your major tasks all involved being in the kitchen area: is that right?

Mr. CARROLL. Yes, sir.

Senator NUNN. Do you know an inmate, or did you know an inmate, in Atlanta named Frank Coppola?

Mr. CARROLL. Yes. He worked in the bakery.

Senator NUNN. How long did you know him?

Mr. CARROLL. I know Frank—I really didn't know him very well, but when he worked in the bakery, he would say, "Hello, Mr. Carroll," things like that, and we would talk.

Senator NUNN. What year was that? Do you recall when he was there?

Mr. CARROLL. It was either last year, or the year before.

Senator NUNN. Within the last couple of years?

Mr. CARROLL. Yes.

Senator NUNN. Is he still there, or is he gone?

Mr. CARROLL. He is gone, as far as I know. He is not in the food service or bakery. I think he is gone. I think he has left the institution, as far as I know.

Senator NUNN. Did any former inmate ever send heroin in in thermos bottles to you?

Mr. CARROLL. Thermos bottles, no, sir.

Senator NUNN. Did they send heroin to you in any kind of container?

Mr. CARROLL. No, sir.



Senator NUNN. You never received any narcotics through the mail from any inmate?

Mr. CARROLL. No, sir.

Senator NUNN. Any former inmate?

Mr. CARROLL. No, sir.

Senator NUNN. Did you bring any heroin into the Atlanta Penitentiary for Frank Coppola?

Mr. CARROLL. No, I haven't. But he asked me one day. I told him, "If you don't keep walking, I am going to write you up."

Senator NUNN. What did he ask you?

Mr. CARROLL. He said, "Would you mind bringing me in something?" I said, "You had better keep walking, or I am going to lock you up, Frank. I am not going to mess around like that. I am not that kind of person."

Senator NUNN. When was that?

Mr. CARROLL. This has been a couple of years ago.

Senator NUNN. About 1976-77?

Mr. CARROLL. No. This was, I would say, 1976.

Senator NUNN. He didn't say bring in any particular thing, he just said, "Will you bring something in for me?"

Mr. CARROLL. No. He just said—all he said was, "Hey, Mr. Carroll, I need something; would you bring me something in?" I says, "You had better keep walking or I am going to write you up. I don't do things like that."

Senator NUNN. Do you remember where that was, or where you were?

Mr. CARROLL. I was in back toward the kitchen pots, the pot crew, where we cook all our food in the big pots.

Senator NUNN. You basically told him you weren't going to do that, he had better keep walking?

Mr. CARROLL. That is right.

Senator NUNN. You mean by "keep walking," not bring it up again?

Mr. CARROLL. That is right. I don't go that route. I have been learned different in the MP's in Germany. I don't do things like that.

Senator NUNN. Did you report that incident?

Mr. CARROLL. I told my supervisor.

Senator NUNN. Who was your supervisor?

Mr. CARROLL. Chief Bynum.

Senator NUNN. Did he report it?

Mr. CARROLL. I don't know. All I know is I told him.

Senator NUNN. What is his first name?

Mr. CARROLL. James L. Bynum.

Senator NUNN. You reported that to him?

Mr. CARROLL. Yes.

Senator NUNN. How long did you wait to report it? Did you do it immediately?

Mr. CARROLL. Yes, right away, as soon as I could find Chief. Everybody calls him Chief out there. As soon as I could find him. I mentioned Frank Coppola had said something because everybody knew Frank was on drugs. A lot of times when he would come in to work, his eyes looked glassy. When you saw him in the dining room, I don't know, it seemed maybe he is on drugs. That is the way it kind of goes

through your mind when you are coming in to work at 5:30 in the morning. Because he has to get up at about 4.

Senator NUNN. He looked and acted like he was on drugs?

Mr. CARROLL. Yes. Every once in a while he is busted, winds up in segregation. So they said that is why he was being put in segregation. You would miss him. He might say, "Hello, Mr. Carroll," or something like that. My only fault outside of the Federal penitentiary is I try to treat an inmate right, straight down the line. I don't vary. I try to treat them like an inmate or a convict, and I don't try to treat them like an animal. I want to get that across.

Senator NUNN. You treat them like a human being?

Mr. CARROLL. That is right. Mr. Nyland will tell you. He called me in his office on my last performance report, recommended me for promotion, he said I was one of the best personalities that he had back in the kitchen.

Senator NUNN. Who did that?

Mr. CARROLL. My boss. O. C. Nyland.

Senator NUNN. What is Mr. Nyland's position?

Mr. CARROLL. Food service administrator, in charge of all food service operations.

Senator NUNN. Let's back up a minute. Mr. Bynum is your immediate supervisor?

Mr. CARROLL. Yes, assistant.

Senator NUNN. Mr. Nyland is over him; is that right?

Mr. CARROLL. Yes.

Senator NUNN. When Frank Coppola mentioned to you that he wanted something brought into the penitentiary, you not only told him that you weren't going to do it, or "keep walking," but you also reported that directly to J. L. Bynum, your supervisor?

Mr. CARROLL. Yes. I sure did.

Senator NUNN. What was the reaction of Mr. Bynum?

Mr. CARROLL. He said, "We will let it go," because they think a lot of Frank Coppola because he was the head baker. Mr. Nyland thought quite a bit of him, you know, as a head baker, too. In other words, they hadn't had nobody in the bakery that really could turn out the bread, things like that, but Coppola knew how to turn out rolls, any kind of twists, double twist bread, french, whole style.

Senator NUNN. He was good?

Mr. CARROLL. He was a good baker, that is all.

Senator NUNN. Did Mr. Nyland get word of this invitation by Coppola for you to bring something in for him?

Mr. CARROLL. I don't know whether Chief told him or not. I know I talked it over with Chief James L. Bynum and he said, "We will let it go this time, but if he comes back and says anymore, we will report it to Lieutenant Cox," who was at that time in charge of the investigation. I told him, "OK, I will keep an eye out for him."

Something else I would like to bring up to this committee.

Senator NUNN. Why don't we finish that line of questioning? Make yourself a little note. We will make sure I get to that.

Any time you want to talk to counsel, you go right ahead.

As far as you know, Mr. Bynum did not report that incident to anyone else?

Mr. CARROLL. Not that I know of.

Senator NUNN. Did Frank Coppola ever approach you any other time?

Mr. CARROLL. No. I think he got kind of leery when I told him to keep walking and didn't have no more dealings with him. He never did come and ask me. The only thing is, when he walked off, he says, "I don't have to get it from you. I will get it from somebody else."

Senator NUNN. He did tell you that?

Mr. CARROLL. That is right, the very words.

Senator NUNN. He didn't say what "it" was?

Mr. CARROLL. No.

Senator NUNN. He never did identify what he wanted you to bring in?

Mr. CARROLL. No; he never did.

Senator NUNN. Did you have reason to suspect it might be heroin that he wanted?

Mr. CARROLL. That is right.

Senator NUNN. Why is that?

Mr. CARROLL. Because most everybody around there knew that he was on some type of drug because they would lock him up, put him over in segregation. That was the talk. That is what I figured. I assumed that is what he was probably going to mention. I just don't do that kind of thing. I never have. And I have never brought nothing in the institution, and I would never jeopardize an officer, administrator or anything else, his life, because this is the same way, we run around, trying to find jugs of booze, homemade brew; I find it down in the elevator shaft, we used to find it in milk cans. It would be made with raisins, potatoes. We were constantly all the time trying to find brew. They stick it in back in the dish machine, out in the dining room, or anywhere, you would find brew.

That is the one cause right there. If you don't find the brew, and a bunch of them get drunk, no telling what they are going to do.

Senator NUNN. Do you know by a man by the name of J. W. Walters?

Mr. CARROLL. Walters? J. W. Walters? I don't know him that good. Maybe I have seen him three or four times, may come through the kitchen, or something like that, I say hello or something like that. I don't know him that well personally.

Senator NUNN. You remember when he was at the Atlanta Penitentiary?

Mr. CARROLL. I forget.

Senator NUNN. You remember meeting him, I'm not asking the time?

Mr. CARROLL. No; when I saw him here this morning, when he was talking before you, I knew I had seen him come through the kitchen area, dining room area, maybe four or five times. He might say, "Hello, Mr. Carroll," like most all of the inmates out there. You have 2,200 of them. They will come through the line, saying, "How do you do." I try to treat everybody equal; right, that is it. I say "Hello," that is it.

Senator NUNN. You recognized Mr. Walters this morning when he was here. You remember you had seen him?

Mr. CARROLL. It was a while. It took me a while. Then I recognized him. I met him when he come off the elevator.

Senator NUNN. You didn't know him as well as you knew Mr. Coppola?

Mr. CARROLL. No; Frank works in the bakery. He comes in contact with all the stewards. He will be around them quite a bit because he is running around wanting to get in the iceboxes to get his shortening, things like that, unless the bakery supervisor cannot get it for him, some other store, wherever he is working is going to have to get the ingredients, things like that.

Senator NUNN. Mr. Carroll, did you ever deliver heroin to Frank Coppola?

Mr. CARROLL. I never have delivered no heroin to Frank Coppola.

Senator NUNN. Have you ever delivered heroin to anyone in the penitentiary?

Mr. CARROLL. No.

Senator NUNN. Have you ever brought any marihuana into the penitentiary?

Mr. CARROLL. No.

Senator NUNN. Have you ever brought cocaine into the penitentiary?

Mr. CARROLL. No, sir.

Senator NUNN. Have you ever brought weapons into the penitentiary?

Mr. CARROLL. No.

Senator NUNN. Have you ever brought money into the penitentiary?

Mr. CARROLL. No.

Senator NUNN. Have you ever brought any contraband into the penitentiary?

Mr. CARROLL. Nothing except my pills that I have to take for my stomach and my back ailment.

Senator NUNN. That wouldn't be contraband?

Mr. CARROLL. That is what I tried to get across to the gentleman sitting on the end. Another thing I want to bring up before this committee, the two investigators, later on I would like to give a statement to them. They come to my house, and about what they said to me. I would like to bring that up.

Senator NUNN. We will be glad for you to do that. You bring pills into the penitentiary, but they are your own?

Mr. CARROLL. That is right. That man right over there, sitting on the end, says you shouldn't be bringing eight or nine pills in. I had them in my flight jacket, I told them about it. The people call me on the phone, I say they want to come out and talk to you away from the penitentiary. I was real nice, sat down, talked to them, I gave them a statement, and that is it.

Senator NUNN. You have never brought any kind of drugs other than what you take for your own use?

Mr. CARROLL. I have to take them.

Senator NUNN. What kind of pills?

Mr. CARROLL. They are for your stomach. They dry your stomach. I have three quarters of a stomach left. That is all I got.

Senator NUNN. What kind of pills?

Mr. CARROLL. They are like a Darvon pill. They make your mouth real dry. I have to take two of them about every 3 or 4 hours.

Senator NUNN. You have a doctor's prescription for that?

Mr. CARROLL. Yes. VA hospital out here on Clairmont Road.

Senator NUNN. Those are not known as speed pills?

Mr. CARROLL. No. You can't get addicted to them as long as the doctor will give them to you for so long a time and then you have to go off them.

Senator NUNN. Who is your doctor?

Mr. CARROLL. The doctor at the VA hospital is Bergin. Dr. Bergin at the VA. He is the one who gave me my last bottle of Darvon pills. I have them at home.

Senator NUNN. He gives you the prescription?

Mr. CARROLL. Yes, sir. I am going back out there. I think the VA just contacted me. I will have to go back out there for reevaluation on my stomach disability.

Senator NUNN. Did J. W. Walters ever make a pickup of heroin from you in the kitchen area?

Mr. CARROLL. Sure didn't.

Senator NUNN. Did J. W. Walters ever pay you \$750 or any other amount of money?

Mr. CARROLL. Sure didn't. That is why I gave them—the FBI—my savings account, checking account, doctor's prescription and everything and told them to go check it out; you think Gary Bowdach and everybody alleges I take so much money, go check my checking account.

I am retired. I got money coming in. I make \$23,000 a year at the penitentiary. When I am meeting an inmate, I am not going to take no money from inmates and that is it.

Senator NUNN. You have never taken any money from an inmate?

Mr. CARROLL. Sure haven't. I won't do it.

Senator NUNN. Have you taken anything of value other than money from an inmate?

Mr. CARROLL. No.

Senator NUNN. Have you ever brought marihuana into the Atlanta Penitentiary?

Mr. CARROLL. Sure haven't.

Senator NUNN. You have never brought any pills into the penitentiary except those you have taken for your own use?

Mr. CARROLL. That is right.

Senator NUNN. You have a doctor's prescription for that?

Mr. CARROLL. Yes, sir.

Senator NUNN. Have you ever brought any kind of contraband into the Atlanta Penitentiary and delivered it to an inmate or left it at a pickup point for an inmate?

Mr. CARROLL. No.

Senator NUNN. So your testimony here is you have never brought any kind of contraband into the Atlanta Penitentiary, including narcotics or pills, other than your own pills?

Mr. CARROLL. That is right.

Senator NUNN. Have you ever violated any rule or regulation in the penitentiary?

Mr. CARROLL. No; I always try to stick right by the rules. If I see a man doing something, I am going to write him up. I wrote quite a few of them up there.

I write shots on them. A man refuses to work, I am going to write a shot on him.

Senator NUNN. What is the last shot you have written?

Mr. CARROLL. It has been a little while back.

Senator NUNN. What was it about?

Mr. CARROLL. I had a man refused to go work in the dish room, I was running a dining room, he refused to go in the dish room. The next morning I had another inmate that refused to go into the dish room. So I wrote both of them up. One day I wrote one man, I thought it was kind of funny. I went to see the lieutenant because I said here I have a man I have to write up for refusing to go in the dish room; the next morning I have another inmate that I write up refusing to go to work in the dish room. There is something funny because two mornings in a row, we have two different inmates that refused to go in there, to go to work.

Senator NUNN. Have you ever written anybody up, given them a shot, as you call it?

Mr. CARROLL. Yes.

Senator NUNN. Have you ever given any of them a shot for being caught with heroin or any kind of narcotics in their possession?

Mr. CARROLL. No; I haven't.

Senator NUNN. You have never come across anybody with any kind of drugs?

Mr. CARROLL. When I used to shake the cells down when I was corrections officer, we found syringes, things like that. Officer Fry, which is now a caseworker, I used to go around with him. He taught me quite a bit about shaking down and things like that, when I first started out. They try to put you with an officer where you can kind of learn a little bit of what is going on.

Senator NUNN. You never have written anybody up or given anybody a shot for possession of narcotics in the penitentiary?

Mr. CARROLL. No; I haven't.

Senator NUNN. That is actually not your job now?

Mr. CARROLL. Right. Food service, a lot of times we will find the brew, but we don't know who made it. All you can do is dump it down the drain, get rid of it.

Senator NUNN. Where do you find the brew, in the kitchen area?

Mr. CARROLL. Sometimes we go back in the bakery, we climb up on the ovens. I found 15 gallons up there one morning sitting up on top of the oven. You can't see it, you have to go in the side door, go up the iron steps and go on top. Then you can find it. They sit it up there where it is hot. It is fermenting, getting ready.

That is where we find a lot of homemade brew. I found 15 gallons back there, I found 15 gallons in the subbasement. I brought that up, dumped it.

Mr. Nyland told me to dump it. We had big vinegar barrels downstairs in the subbasement. They are lined up. So I was going through there shaking them. I come to this one, that is not full, you know, so the band, I took the band off of it, and lifted that lid and it liked to knock me out. But it was almost 20 gallons in there.

But they just let it sit there and the clerk at that time was working in the office, he told me that he had been counting that as a full barrel of vinegar. Good thing maybe I did find it.

Senator NUNN. Do you have any explanation for Mr. Walters' testimony this morning as to your delivering heroin to him on several occasions, and that kind of thing, in exchange for cash?

In other words, why would he make these kind of allegations if you never had engaged in anything like that? Do you know why?

Mr. CARROLL. The only thing I can see with a man is holding something against me or maybe at one time, I never do nothing to the man, but you got some inmates, it is like Gary Bowdach, they are not friendly inmates.

In other words, I never could get along with them. They are inmates that you just can't get along with. They come up, they cry about the meals, they will cry about something on the serving line when you are running the P.M. shift.

Senator NUNN. You can't satisfy them?

Mr. CARROLL. That is right. I don't care what you do, if you have got the diet line down on the end, Jayson or not, Bowdach, both of them, complaining about something.

Just like Gary Bowdach alleged that he observed me giving pills to an inmate by the name of Bryant. I don't even know Bryant that well. Maybe I have seen him in the dining room three or four times. I think come to find out, I think they have asked Bryant to check with him, I didn't give him no pills. That is another alleged thing that Bowdach alleged that I did. When he worked over in the Jewish kitchen, he and Jayson, I caught them in the dining room, eating pork, they are not supposed to eat pork, they said we will get even with you, Mr. Carroll, and Chief Bynum is the one that sent me out there to get them. That is when I went out there and got them. They were not in the Jewish kitchen no more.

So they held that against me. I know that.

Senator NUNN. You think Bowdach basically made these accusations against you because you had caught him eating pork and he got mad with you then?

Mr. CARROLL. Right. That is right. Plus I am a good steward, I try to do my job. That is one thing they can't stand.

Senator NUNN. Did you ever have any kind of problem with Walters that you remember?

Mr. CARROLL. No.

Senator NUNN. Did he have any reason to be mad with you?

Mr. CARROLL. No. That is why I can't understand that man who sit here and allege I have done this.

Senator NUNN. You are saying he was lying this morning?

Mr. CARROLL. That is right.

Senator NUNN. You are saying he committed perjury?

Mr. CARROLL. That is right, Gary Bowdach and Jayson, if they said anything that mentioned my name, they are lying, all of them.

Senator NUNN. If they accuse you of bringing in any kind of drugs, narcotics, or other contraband into the Atlanta Penitentiary they are basically lying?

Mr. CARROLL. That is right. I carry this all the time. May God strike me dead, I have a Bible right here, if I am lying to this committee, God can strike me dead today. I hold onto that.

My son gave me this. He gave me this. He is in the Army. But I am getting tired of my family being harassed by this, by your three investigators, just what they told me when they come on my porch.

They said the Bureau of Prisons swept this investigation of theirs under the rug, and that Sam Nunn was going to get down to the nitty-gritty and you are just a little cheese and we are after the big cheese.

Senator NUNN. Who told you that?

Mr. CARROLL. That man sitting over there in the brown suit.

Senator NUNN. Mr. Gallinaro?

Mr. CARROLL. That is right. You were there or a little fish, we are after the big fish, somewhere in that category, either little fish or little cheese and we are after the big cheese or the big fish.

That is what he told me, and he told me that on my front porch.

Senator NUNN. Was there anything wrong with that?

Mr. CARROLL. No. I am just saying, I talked to him and I wrote out a statement. He says we want to talk to you away from the penitentiary.

Senator NUNN. He came out to your house?

Mr. CARROLL. That is right. I sat there on the porch. I talked to him, gave him the statement about the pills I bring in, I gave them to Mr. Taylor, one or three pills one morning.

I keep them locked up in my flight jacket behind the metal door. I am the only one that has the key to it. Ain't nobody going to get in there and get those pills.

He tried to make a big alleged argument about the pills, that I bring in for my own medication which I don't see nowhere he is going to make anything about that. He shouldn't even have brought it up.

Senator NUNN. You just told him the truth, didn't you?

Mr. CARROLL. That is right. I gave him a statement. He says down there, writing my statement, he is telling me what to put in. He says we have corruption at the Atlanta Federal penitentiary, but the corruption you don't know nothing about.

He is telling me what to write in there. He can deny it if he wants to, but I was standing right there and my wife was right inside the door. She heard what he was talking about.

Senator NUNN. Had you already talked to him before you started writing down that statement?

Mr. CARROLL. Yes. We sat there and talked.

Senator NUNN. You already had a conversation?

Mr. CARROLL. Yes. Larry Finks and him and he told me don't lose no sleep over it, we will see you. It is hard to tell a person, here comes two investigators up to your house, and don't lose no sleep over it.

You understand what I am trying to tell you?

Senator NUNN. I agree.

Mr. CARROLL. I have never done nothing wrong. I don't see myself why these people believe people that murder people and things like that, inmates, and they really believe them now because he told my attorney, this was 2 weeks ago, my attorney went to talk to him, that my job at the penitentiary, investigators told my attorney, that my job is gone out there; whether I cooperate or don't cooperate, your job is gone.

That is something to come back and tell the man when he is trying to go to work every day and try to do a good job at the Federal penitentiary.

Senator NUNN. I can assure you that this subcommittee couldn't have anything to do with your job at the penitentiary. We don't make



that decision. That will be strictly up to the people in the penitentiary. They will have to make their decision. We won't be giving them any advice.

Mr. CARROLL. I am saying that is what your investigators told my attorney. That is a little raw deal there, to come back and see your job is gone regardless of whether you cooperate or not.

I am here to cooperate with you, too, sir, because I respect you as a Senator. I always have.

Senator NUNN. We appreciate your cooperation. If Mr. Walters was correct or if Mr. Bowdach's testimony is correct—I know you deny it was correct and you said they were lying—but if they are correct you would agree a person who had done the things they say you have done should not be employed at the Atlanta Penitentiary, would you not?

Mr. CARROLL. What is that? I wouldn't be an employee? I wouldn't want to work in the Atlanta Penitentiary if everything these inmates alleged I did. I wouldn't want to work out there. I would go tell the boss right away. I don't want to work out here no more if I am going to be accused, alleged or say I had done these things.

Senator NUNN. If you had done them—

Mr. CARROLL. Right, because I feel like I couldn't do my job.

Senator NUNN. If there are other employees who brought in heroin you would think they should be dismissed?

Mr. CARROLL. That is right.

Senator NUNN. You would think they ought to be prosecuted?

Mr. CARROLL. That is right. An inmate come and told me last night, he said, I will tell this committee what you want to hear. He told me that John Logan, which is an officer fired out there, used to let Gary Bowdach come up and stay with Garcia. They used to stand by and let this be done. This is what an inmate that works at the Federal penitentiary called and told me last night.

I thought I would bring it before you and let you know.

Senator NUNN. We appreciate that.

We wanted you to have a full chance to come in and give your side of the story. You certainly deserve that. We have had conflict in the testimony between two witnesses. I think that is obvious to all who have heard the testimony. J. W. Walters has testified that he paid you on one occasion for delivering 8 ounces of heroin to him. He further testified that he witnessed Frank Coppola receive narcotics from you and he witnessed the payment by Mr. Coppola to you in the penitentiary. These are very serious allegations.

You have every right to come in and deny them. You have every right to give your side of the story. You have denied those charges. You have testified that you never brought in any contraband; you testified you never brought in any kind of narcotics?

Mr. CARROLL. Never have.

Senator NUNN. That kind of thing. You and Mr. Walters testified under oath, both of you have had your rights explained to you.

We have a very definite conflict in the testimony, and we certainly will turn this over to the proper authorities and it will be up to them to decide what to do, if anything. We will turn over this testimony and this transcript to Mr. Harper, U.S. attorney, and the people in the Justice Department. They will make the final decision in this regard.

So we appreciate very much your being here. If there is anything else you would like to say, we will be glad for you to say it.

Mr. CARROLL. I would just like to say up in Washington, D.C., my name was in the Atlanta Journal from the paper. In other words, they released my name on Bowdach's testimony and put my name in the paper. I think that was a very unjust thing.

I do because I tried to be truthful with the Government, I work for the Government now, 29 years, military and Federal. I try to do a good job. But I don't see where your investigators, the way they conduct themselves when they come and talk to somebody, they tell them things like, you know, Bureau of Prisons swept this investigation under the rug and Sam Nunn, that is OK. That is a statement. They going to get down to the nitty-gritty. But I served 20 years in the service. I have been through war. I try to protect my country. This is what I get for trying to be a good officer, trying to treat inmates right. I am alleged, I am named to be doing things and things like that, bringing in contraband, things like that. I think that is all unjust from the inmates' point of view, but I can't change that. Is what they said—

Senator NUNN. We can't change it either, Mr. Carroll.

Mr. CARROLL. All I can say is all three inmates all lied and I know why Jayson and Bowdach did, because they told me they would get even with me one of these days and they mentioned that when I come out to the dining room, got them on the pork.

But the chief said they are not in the Jewish kitchen no more. So they took that against me. But he told me to go catch them out there. I was supposed to watch for them every evening, every meal, to see if they were not eating in the Jewish kitchen: he wanted to find out why they weren't. That is why I caught them and that is what they said.

Senator NUNN. Anything else, Mr. Carroll?

Mr. CARROLL. No.

I would like to thank this committee for the cooperation and it has been a lot of misery to me and my family and my wife.

Senator NUNN. I can appreciate that.

Mr. CARROLL. And my son, he told me before he got to go back to Germany, he is in the MP's investigation. He told me that I know you are telling the truth, dad. I have faith in you. He says, I will never work at the Atlanta Federal Penitentiary because that is where he wanted to go. That is all.

Senator NUNN. I can understand and fully respect your views on this. I want to ask you one other question. Have you ever been charged by the prison officials with any kind of violation of a rule or regulation, or have you ever been disciplined by the prison administration?

Mr. CARROLL. No. I have been shook down one time when I come in. I was shaken down when I came in the penitentiary.

Senator NUNN. Was that a routine shakedown?

Mr. CARROLL. Right. It was in the morning. I come in in the morning; they shook me down, didn't find nothing. That was Warden Mulligen and Morgan, who was working down in Cox's office, I think, Morgan. I was shook down one time.

Senator NUNN. When was that?

Mr. CARROLL. This was—shoot, it has been a couple of years ago.

Senator NUNN. Have you ever been disciplined for giving your keys to an inmate?

Mr. CARROLL. Yes; I have. I forgot. I was going to tell you that. What happened, Mr. Wall was standing, say, from here; he was standing right here, just by the end of the table here from me; he didn't have no keys on him; I wasn't thinking that day. I was in charge of the p.m. shift. They had about 15, 20 things running through my head.

I handed the keys to Morgan; Morgan was the coffee man. He came up, asked me for, you know, go get the coffee.

Senator NUNN. Was Morgan a prisoner?

Mr. CARROLL. Yes, inmate. I handed them to him. He handed them to Mr. Wall, but shouldn't. I knew I had done the wrong thing.

Senator NUNN. What keys were they?

Mr. CARROLL. They were just keys back there to the kitchens and the doors and things. They put me on—what do you call it—12-month reprimand because the warden came back and told me, he said, Morgan went and talked to him one day when he come in.

He said it wasn't really Mr. Carroll's fault. He just had a bunch of things on his mind and he just did it without thinking. I told him I would never do it again.

Senator NUNN. What could be the result or what is wrong with giving keys to an inmate?

Mr. CARROLL. You never give keys to an inmate.

Senator NUNN. That would have given them access to what?

Mr. CARROLL. They told me as long as they were in plain view, plain viewlike, he said that was OK. If it hadn't been, they would have had to change all the locks and everything else; I would probably have been put on suspension.

Senator NUNN. What were the keys to?

Mr. CARROLL. To one of the doors, some of the refrigerators back in the kitchen area.

Senator NUNN. Had you told the inmate you wanted him to go get something for you?

Mr. CARROLL. No; he come up to me. I had about 15 or 20 things on my mind. I am running the p.m. shift. You have to put out the meal; you have cooks over there working; you have people back in the offense; you are running all around trying to keep everything going because you have got to check the food, too; see if anything, you know, your pot cooks are working, plus you have got to run back in the bakery to see if they put the bread in, whatever it is.

The bakers bake the bread, but we have to make the garlic toast, or things like that. You have to run back and check that.

Senator NUNN. So you were put on the 12-month reprimand probation period?

Mr. CARROLL. Yes. Krackenberger, new associate warden, Mr. Simmons, him and Mr. Nyland called me up to the office, said they are putting you on a reprimand for 12 months.

Senator NUNN. How did they find out about this?

Mr. CARROLL. Mr. Wall took the keys up and give them to Mr. Nyland.

Senator NUNN. Who is Mr. Wall?

Mr. CARROLL. A steward out there.

Senator NUNN. He is not a prisoner?

Mr. CARROLL. No, he is an employee.

Senator NUNN. How did he know Morgan had the keys?

Mr. CARROLL. He just grabbed them. Morgan went over and handed them to him, said to get Mr. Carroll some coffee, instead of him getting the coffee, letting me, I says, oh, my keys. So I had to go up to the office to get them. He took them right on up there, give them to Mr. Nyland.

Senator NUNN. Morgan didn't have the keys very long?

Mr. CARROLL. No.

Senator NUNN. A little while ago, when you said you had never violated any rule or regulation, you had forgotten this?

Mr. CARROLL. Yes. I had forgotten about that. That was just the reprimand I had forgotten about.

Senator NUNN. Was there any other rule or regulation that you ever violated?

Mr. CARROLL. Not that I know of.

Senator NUNN. Have you ever been reprimanded on anything else?

Mr. CARROLL. No.

Senator NUNN. You have never been disciplined by any of the prison officials or any of your supervisors?

Mr. CARROLL. Mr. Nyland called me up to the office a few times, especially about the key deal, called me up there, telling me about different things, trying to keep everything running smooth.

Senator NUNN. Has he ever gotten after you, disciplined you, said you were doing things wrong?

Mr. CARROLL. No; not all the time. He just said Carroll, you had better watch everything, keep your eyes open, try to do a good job. That is all he told me.

Senator NUNN. Peptalk, you mean?

Mr. CARROLL. That is right, because see, when I first started to work out there, on the APR's, I mean on the performance report and everything, I have been wrote up good except him and Chief Bynum come up, says I am putting down here on weakness security.

I said weakness on security, why are you putting that on there? He said it is just a formality; in other words, I am putting it on there so when you get your report the next time, we will bring it up to date like. That is when I first started back there.

Senator NUNN. In other words, you had been written up on security weakness?

Mr. CARROLL. No; in the report he wrote it down, but he says I am using this on your performance report; he says we do it to almost everybody back there. That is what he told me. I don't know.

Senator NUNN. When you were shaken down that day, was there any reason you were shaken down? Was this something they do with all guards or all prison personnel?

Mr. CARROLL. Which was this, when I was correction officer or food service?

Senator NUNN. You said one day you were shaken down.

Mr. CARROLL. Fry come up to me, he says, lieutenant has—lieutenant—every day you get different ones, different cells to go shake down.

Senator NUNN. I am talking about when you were shaken down. I thought you mentioned a minute ago that about 2 years ago you actually were searched?

Mr. CARROLL. Oh, yes, I was; yes, sir. I was called in, walked into the room right there, told me to take all my clothes off, my shoes, socks, everything.

Senator NUNN. Is this normal?

Mr. CARROLL. No.

Senator NUNN. Very unusual?

Mr. CARROLL. Yes. I felt about that low.

Senator NUNN. Was this—when was this, 2 years ago?

Mr. CARROLL. It has been at least a couple of years.

Senator NUNN. Did they tell you why they were making you strip and searching you?

Mr. CARROLL. No; they just said we want to search you. They asked me that.

Senator NUNN. Do they do that very often?

Mr. CARROLL. They done it to the other officers out there.

Senator NUNN. They have?

Mr. CARROLL. Yes.

Senator NUNN. Is it very infrequent or does that happen every now and then?

Mr. CARROLL. I don't know. I have heard of a few officers since I was searched. Maybe it is a bureau policy, I reckon, if they want to search you, they can search you.

Senator NUNN. Was Bynum, your boss, ever searched that you know of?

Mr. CARROLL. I think he has been searched, yes. I heard that he was.

Senator NUNN. How many times? Do you know?

Mr. CARROLL. I don't know.

Senator NUNN. Have you ever seen any employee of the penitentiary bring in any contrabrand?

Mr. CARROLL. No.

Senator NUNN. You have never seen anyone working for the penitentiary bring in any kind of contrabrand, including narcotics, pills, or anything else?

Mr. CARROLL. No; just like I tried to tell the two investigators, I heard there was a man down at the mill 2 weeks before he was getting to retire, they caught some grass in his lunch box and they fired him.

That is when I was telling Larry and them about that.

Senator NUNN. You personally never observed any?

Mr. CARROLL. No. When you work back in Food Service, you working back there behind some, a lot of double doors. As my attorney can tell you, he was back there last Tuesday; he says that is a hectic place. He said he could never work back there at all.

Senator NUNN. Other than Coppola has any inmate ever approached you and indicated they wanted you to bring something into the penitentiary for them?

Mr. CARROLL. Gary Bowdach approached me one time. I told him he had better keep walking, too. I didn't write him up but I probably should have.

Senator NUNN. What did he want?

Mr. CARROLL. He was talking about bringing in some type of special cheese, some garlic. I told him I don't do things like that. I said don't never mention that to me Bowdach.

This is when I walked into the OM to get a cup of coffee. I said, 'don't never mention that to me.

Senator NUNN. Did you report that?

Mr. CARROLL. No.

Senator NUNN. You didn't report that to Byrum or anyone?

Mr. CARROLL. No, I didn't tell Chief about that. I probably should have, but I just didn't think that day, plus at the time I was running a shift running two meals and I just went on over to the OM to get some coffee.

You have to watch those pots, because they can throw steel wool or anything else in there and mess up a whole meal. You never know what an inmate is going to do. They can throw steel wool, mess up the meal.

So I was in a hurry that time anyway. So that is all.

Senator NUNN. So Bowdach did ask you to bring something for him?

Mr. CARROLL. That is right.

Senator NUNN. You told him to keep on walking?

Mr. CARROLL. That is right.

Senator NUNN. Did he ever ask you again?

Mr. CARROLL. No.

Senator NUNN. How about any other prisoner, did anybody else besides Bowdach and Coppola ever ask you to bring anything in for them?

Mr. CARROLL. No, sir.

Senator NUNN. You are sure about that?

Mr. CARROLL. Yes, sir.

Senator NUNN. Mr. Carroll, we appreciate your being here today. We thank your attorney for being with you.

Thank you, sir.

At this point, our next witness will be Mr. Euros Knight, but we will take about a 5-minute break and start back here at 1:15.

[Brief recess.]

[Recess taken with the following member of the subcommittee present: Senator Nunn.]

Senator NUNN. Mr. Knight?

The committee will come to order.

[Member of the subcommittee present at time of reconvening: Senator Nunn.]

Senator NUNN. Before we get started, let me give you the oath, if you will please stand. Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KNIGHT. I do.

#### TESTIMONY OF EUROS J. KNIGHT

Senator NUNN. Your name is Euros J. Knight?

Mr. KNIGHT. That is correct.

Senator NUNN. Mr. Knight, if you would pull that chair up as close as you can to the mike; that is fine.

Before we start your testimony, I want to advise you of your rights and obligations as a witness before this subcommittee. It is my understanding you have given an affidavit to the subcommittee dated Sep-

tember 6, 1978, wherein you set forth in writing the events that you are going to testify to. Is that correct?

Mr. KNIGHT. That is correct.

Senator NUNN. It is my understanding that you appear before this subcommittee this morning freely and voluntarily. Is that correct?

Mr. KNIGHT. That is correct.

Senator NUNN. It is my understanding you have been advised that you have the right to have an attorney accompanying you this morning?

Mr. KNIGHT. That is correct.

Senator NUNN. You understand you have that right, to have an attorney here if you would like?

Mr. KNIGHT. Right.

Senator NUNN. Have you waived that right?

Mr. KNIGHT. Yes. I have.

Senator NUNN. You signed the waiver?

Mr. KNIGHT. Yes.

Senator NUNN. That was on September 26, which was earlier this week. You understand you have the right this morning, if you would like an attorney, to bring him in here, you still have that right?

Mr. KNIGHT. Certainly.

Senator NUNN. Do you waive here your right to an attorney?

Mr. KNIGHT. I waive the right here.

Senator NUNN. You realize that anything you say here could be used against you in another proceeding, do you not?

Mr. KNIGHT. That is correct.

Senator NUNN. Mr. Knight, in addition to your rights, your obligations as a witness, you also have certain obligations. Do you understand you have taken the oath?

Mr. KNIGHT. Yes.

Senator NUNN. Do you understand the significance of the oath?

Mr. KNIGHT. Right.

Senator NUNN. You understand that you are required to testify truthfully?

Mr. KNIGHT. Right.

Senator NUNN. And that if you do testify truthfully, you will not subject yourself to any kind of perjury?

Mr. KNIGHT. That is right.

Senator NUNN. But if you don't testify truthfully, you could be subjected to perjury?

Mr. KNIGHT. I understand that.

Senator NUNN. Do you understand your rights and obligations as a witness?

Mr. KNIGHT. Yes, sir.

Senator NUNN. Mr. Knight, first of all, before you start, I want to express my appreciation on behalf of the subcommittee for your cooperation. I know you have told them and signed an affidavit on some things that I am sure you would prefer not to talk about. I know you prefer not to talk about some of these things this morning, but your testimony has already been of assistance to the subcommittee, and we think it will be in the future. So we want to thank you for that. We thank you for being frank and candid with us.

Mr. KNIGHT. It is a pleasure, sir; thank you.

Senator NUNN. Where were you born?

Mr. KNIGHT. I was born in Carroll County, Ga.

Senator NUNN. When was that?

Mr. KNIGHT. April 14, 1933.

Senator NUNN. That makes you about 45?

Mr. KNIGHT. Forty-five years old.

Senator NUNN. How long have you worked in the Atlanta Penitentiary?

Mr. KNIGHT. I have been there a little over 10 years.

Senator NUNN. What did you do before that?

Mr. KNIGHT. Prior to going to the Federal penitentiary, I worked for 3 years at HEW as security officer.

Senator NUNN. You were a Federal employee then?

Mr. KNIGHT. That is correct.

Senator NUNN. Here in Atlanta?

Mr. KNIGHT. CDC, 1600 Clifton Road.

Senator NUNN. Here in Atlanta?

Mr. KNIGHT. Yes.

Senator NUNN. What kind of educational background do you have, Mr. Knight?

Mr. KNIGHT. I have a degree from Fort Valley State College in sociology, a minor in physical education.

Senator NUNN. Minor in?

Mr. KNIGHT. Physical education.

Senator NUNN. What was your first assignment at the Atlanta Penitentiary?

Mr. KNIGHT. My first assignment was a custodial officer.

Senator NUNN. What do you do there now?

Mr. KNIGHT. I am a recreation specialist.

Senator NUNN. You still work there?

Mr. KNIGHT. I am still working there.

Senator NUNN. Recreational specialist at the Atlanta Penitentiary?

Mr. KNIGHT. That is correct.

Senator NUNN. How long were you basically a custodial officer?

Mr. KNIGHT. Approximately 5 years.

Senator NUNN. Since then you have been in one job, or more than one?

Mr. KNIGHT. I have been in one job, recreational specialist.

Senator NUNN. What does a recreation specialist do.

Mr. KNIGHT. I am responsible for programing, planning the recreation activities, leisure time activities for the 2,200 inmates.

Senator NUNN. You have been there 10 years now and the first 5 years you were the custodial officer and since then, the last 5 years, you have been a recreational specialist?

Mr. KNIGHT. That is right.

Senator NUNN. No other job in between these two?

Mr. KNIGHT. Only two.

Senator NUNN. Did you have any training as a prison guard before you went to work for the Atlanta Penitentiary?

Mr. KNIGHT. I didn't understand that question.

Senator NUNN. Did you have any training as a prison guard, or did



you have any experience in working with prisons before you went to work for the Atlanta Penitentiary?

Mr. KNIGHT. Yes. I had some experience.

Senator NUNN. Where?

Mr. KNIGHT. I had 4 years' experience on the police department, from 1961 until 1965.

Senator NUNN. What did you do with the Atlanta Police Department?

Mr. KNIGHT. I was a foot and motor patrolman in those 4 years.

Senator NUNN. How did you get your job at the Atlanta Penitentiary?

Mr. KNIGHT. By applying for it, being accepted.

Senator NUNN. What was your starting salary?

Mr. KNIGHT. The starting salary at that time I believe was \$6,300.

Senator NUNN. That would have been in 1968?

Mr. KNIGHT. 1968.

Senator NUNN. What kind of salary do you make today?

Mr. KNIGHT. Today the basic salary is \$16,900, I think, but through overtime and nighttime differential, incentive pay, about \$19,000.

Senator NUNN. Did anybody advise you when you went to work at the penitentiary that inmates might try to get you to bring things in for them or do favors for them?

Mr. KNIGHT. That is correct.

Senator NUNN. Who advised you of this?

Mr. KNIGHT. An officer who is retired now. I think Mr. Hasty, who was there when I went on duty in 1968.

Senator NUNN. Did he advise you not to get involved with inmates and personal relationships or doing favors for them?

Mr. KNIGHT. Yes. He mentioned it to me.

Senator NUNN. Mr. Knight, we have an affidavit here that you gave the subcommittee. It is dated September 6, 1978. I will ask the clerk to show you a copy of it and take a look at this and see—do you have the original?

If you will take a look at this, see if this is your affidavit, if those are your signatures, both the initials and the signature on the affidavit?

Mr. KNIGHT. This is the affidavit, sir. It is my signature. It is generally what I stated to them.

Senator NUNN. I think you have had some more conversations with the staff since then, and you have added to some and clarified some of the things in that affidavit?

Mr. KNIGHT. Right. I have since then somewhat recaptured some of the events that weren't clear to me at the time.

Senator NUNN. Did you know two inmates in Atlanta named Atkinson and Jackson?

Mr. KNIGHT. That is correct, sir. I did.

Senator NUNN. Where did you know them?

Mr. KNIGHT. I knew them at the Atlanta Federal Penitentiary.

Senator NUNN. Did you know them on a personal basis? Do you know them well?

Mr. KNIGHT. I know them well.

Senator NUNN. What were their full names?

Mr. KNIGHT. Atkinson's first name was Lesley Atkinson and Jackson's full name—I can't think of it right now. I would know it if I heard it.

Senator NUNN. Would it be William Jackson?

Mr. KNIGHT. William Jackson sounds right.

Senator NUNN. What were they in the penitentiary for? What were their violations?

Mr. KNIGHT. I later learned they were in for hard drugs.

Senator NUNN. Dealing in narcotics?

Mr. KNIGHT. Right.

Senator NUNN. Did you have any reason to believe that inmates Atkinson or Jackson, either one of them, were still engaged in narcotics activities while they were in prison at the Atlanta Penitentiary.

Mr. KNIGHT. I learned after becoming involved with them.

Senator NUNN. You learned that during your course of being involved with them at the Atlanta Penitentiary?

Mr. KNIGHT. That is correct.

Senator NUNN. Some time in 1975 did you indicate an interest to Atkinson or Jackson about earning some extra money?

Mr. KNIGHT. That is correct, sir.

Senator NUNN. Which one of them did you talk to?

Mr. KNIGHT. I talked to Lesley Atkinson in, I believe, September, approximately September of 1975.

Senator NUNN. September 1975. Tell us about that.

Mr. KNIGHT. In September 1975, it was on the eve of my supervisor transferring out of here to Butner, N.C. It was transfer of personnel.

I was applying for the job; there were others applying for it. He was leading me to believe that he was pushing for me to replace him as supervisor. Other people were leading me to believe this but it wasn't that way, of course.

After working and having such good rapport with the inmates in the institution, he knew me, knew I did a good job, there was no disorganization or confusion in my work area, and laying the base for the meeting with Atkinson. The inmates know this. They know the setup, what people do on their job. They know the conditions, when, where they can be approached or be flimflammed, they say.

Senator NUNN. Did you mention to Atkinson that you would like to pick up some extra money?

Mr. KNIGHT. No. What happened—Atkinson was a frequent of the recreation center where I worked. He played pinochle quite a bit. So one day he spoke to me, finally he came to me after speaking for 2 or 3 days, had been friendly, very friendly attitude, come to me and suggested that I—excuse me indicated that he needed, needed a local lawyer, that he didn't know one, that I recommend one to him. I suggested to him that he go to the learning center and read the yellow pages. He claimed he didn't know them.

So finally I suggested to him, one of my old friends, I have known for 20 years or so, that he wanted to spend some money, contact him. He later wrote this gentleman a letter and it was about, I understand, a month or so before, this attorney got in touch with him. Meanwhile, he asked me to contact the attorney myself for him which I did and told him an inmate wanted to see him and he would follow it through.

He went to see the inmate. Finally he discontinued any contact with Atkinson.

Senator NUNN. You put them in touch?

Mr. KNIGHT. As I would do any inmate who suggested an attorney. Senator NUNN. There is nothing wrong with that.

Mr. KNIGHT. Right. That is the initial contact. After this contact, he stated who he was at that time, as a matter of fact, gave me a clipping out of the paper where he was convicted, to give the attorney to whom I introduced him to.

I did that. So later on, he was stating about the contribution he had made toward not naming the Senator, the President, whatnot of the country, \$5,000, \$6,000, and he seemed to be a philanthropist, just giving money away.

Evidently it was unusual, because he was the first black rich man they have seen in the history of this institution. Then later on, gradually talking, he kept trying to entice me to get involved in drugs, I could make six-figure money; whatever. So I discouraged that. It was constant pressure and constantly trying to entice me to do it, continuously, he never gave up, yet friendly and persistent.

I refused that. It was tough to do, but I did. I figured it was better for me to make my salary than to make five—a half a million dollars or a million dollars in narcotics. So I got away from that.

Finally, he stated he wanted to give me something for making these contacts for him in addition to the lawyer. Just to try him out, after he boasted what he had done, what he had done for people, I gave him a fictitious name, an address, and actually he sent, had mailed to that address \$750. That was the starting point. He said no strings attached. I took it like that, no strings attached.

A month or two later, he come to me, trying to entice me to get involved in drugs. Again, I turned him down. After the pressure of trying to get me involved in drugs, turning him down, he wanted to bring in liquor. I refused to bring in liquor. I refused to bring in both. After pressure doing this, to do that for me, I copped out to do the second best.

He asked me, he sent me a note in a matchbook to contact a lawyer, Stan Galkin, and pick up \$1,000 from him. This was second to going into narcotics. Anything to appease him, to get away from narcotics, I would do that. I made a contact with Stan Galkin and picked up \$1,000. I held that \$1,000 in my pocket.

From time to time, he asked me for \$50, \$100, what have you, and most of it was filtered to him. Most of it went to him. Later on, he asked me to make another contact with Stan Galkin, this was done. I picked up another \$1,000, held it in my pocket, and issued out denominations from time to time, not all the money was issued to him, but from time to time, in his defeat to get me to get into narcotics or bring liquor in, he would think of little things to ask me to do, things that were normally legal, bring him a sandwich, bring him a fish dinner, bring him a chicken dinner.

As long as I keep his stomach full, he would never get into narcotics and liquor. So I did this.

Again, during the process I talked with him, telling him, trying to discourage him into doing this, why do this, what does it take?

We got to know him very personally, in the discussion, trying to discourage him, but he had all the time, he had nothing to lose. We didn't know what might happen. So this was the process.

Later on, after meeting with Stan Galkin, I, lucky knowing a little bit about people, realized it wasn't in his best interest. I used this to try to discourage him. I told him it was not in his best interest. So in a few days, he decided to go to another lawyer.

Prior to going to another lawyer, I had picked up, he wanted to transfer some moneys and information, letters that were involved in Galkin to a new attorney. This was done. I went to Stan Galkin to get another attorney outside in the community. This attorney is named Wilber Fuller. Then the process started up for a little while, bringing letters, information, notes back and forth from Wilber Fuller to Atkinson, mainly Atkinson, occasionally it was Atkinson.

Incidentally, Jackson picked up most of the letters that I brought in or information from the lawyers that were most of the time in places where he could get them, or desk drawers. On one or two occasions, it may have been in the office that I gave the letters to them.

But with the contact, the contact with Mr. Fuller was, say, 1 year—incidentally, 1975 was the year, fall of 1975 was when I first met Galkin.

This relationship lasted up until, it ran its course, I guess, until the middle of 1977—the spring of 1977, it seems like. Six months or so prior to that—I am not sure of the date—the process was going through Wilber Fuller.

So it was a situation whereby I copped out to do the less evil than to get involved in the drugs. I would like to take responsibility for it, the initial involvement that I got into that led to this. I was flim-flammed, but I would not let my judgment, you know, lead me into get involved in drugs.

Senator NUNN. You realize now you made a mistake?

Mr. KNIGHT. Right. I made a mistake and the mistake was, that could have happened to anybody. I am just proud that I was able to not get involved in the hot stuff. I consider myself very fortunate that I copped out, to secondary involvement, to bring in liquor and to make a million dollars in drugs.

Senator NUNN. You never did bring in any drugs?

Mr. KNIGHT. No.

Senator NUNN. You never did bring in any liquor?

Mr. KNIGHT. No.

Senator NUNN. The only things you brought in were envelopes?

Mr. KNIGHT. Envelopes, notes, information, sometimes money.

Senator NUNN. Sometimes money, sometimes notes and other information?

Mr. KNIGHT. Right. I felt the money wouldn't hurt anything because at that time, hundreds and hundreds of dollars were there anyhow.

Senator NUNN. You didn't think you were really doing any harm at that time?

Mr. KNIGHT. It was the next best thing from doing what they had pressured me to do.

Senator NUNN. They wanted you to bring in narcotics, but you felt that would do some harm. You didn't want to do that, so you did the

next thing which was to bring in money. You didn't feel this would do any harm?

Mr. KNIGHT. That is right.

Senator NUNN. When was the first time you got any kind of payment from Atkinson?

Mr. KNIGHT. After the first contact with the attorney, Stan Galkin, in September 1975, I believe it was, I am not sure——

Senator NUNN. September 1975?

Mr. KNIGHT. In the fall of 1975.

Senator NUNN. You put him in touch with Mr. Galkin?

Mr. KNIGHT. No; he gave me a note on my desk, left a note on my desk to contact Galkin for him.

Senator NUNN. You said Atkinson wanted you to line him up a lawyer. That is the first favor he asked of you and you gave him the name of a lawyer. That lawyer was not Stan Galkin?

Mr. KNIGHT. No.

Senator NUNN. That was another lawyer?

Mr. KNIGHT. Another lawyer.

Senator NUNN. Did he ever get in touch with him, the other lawyer?

Mr. KNIGHT. He got in touch with him briefly.

Senator NUNN. You never entered into these transactions?

Mr. KNIGHT. No.

Senator NUNN. He never gave you any money in the prison?

Mr. KNIGHT. No.

Senator NUNN. I don't see any need in getting into his name. He never did anything wrong. You said Atkinson mailed \$750 to an anonymous fictitious address?

Mr. KNIGHT. Right.

Senator NUNN. Did you ask him to do that, you gave him that address? He was going to pay you some money, you told him to mail it to a fictitious address?

Mr. KNIGHT. Atkinson insisted that he give me something, he wanted to give me something for contacting the first lawyer for him.

Senator NUNN. Did you get that money?

Mr. KNIGHT. Yes; I picked it up.

Senator NUNN. Where did you pick it up?

Mr. KNIGHT. I picked it up at the fictitious address, the name and the real address, really.

Senator NUNN. It was a fictitious name and a real address?

Mr. KNIGHT. Right.

Senator NUNN. Was it a house?

Mr. KNIGHT. It was a house.

Senator NUNN. Nobody living there?

Mr. KNIGHT. Someone was living there.

Senator NUNN. Were they friends of yours?

Mr. KNIGHT. Just friends.

Senator NUNN. So you just picked up your mail at that house?

Mr. KNIGHT. Right.

Senator NUNN. They weren't involved in this?

Mr. KNIGHT. No.

Senator NUNN. Thank you.

You took the \$750?

Mr. KNIGHT. Right, to my surprise.

Senator NUNN. When did Stanley Galkin get involved in this? When is the first time you knew anything about Stanley Galkin?

Mr. KNIGHT. I can't remember the date, but it was the fall, September, sometime in the fall.

Senator NUNN. Of 1975?

Mr. KNIGHT. 1975.

Senator NUNN. Did Atkinson ask you to go to Galkins? Is that what he asked you to do?

Mr. KNIGHT. That is correct.

Senator NUNN. Did you know Galkins had represented both Atkinson and Jackson as their lawyer before they were in the penitentiary?

Mr. KNIGHT. No; I didn't know that at that time.

Senator NUNN. What was the nature of your mission when you saw Galkins? What did you tell him or what did he tell you the first time you met him?

Mr. KNIGHT. I handed him the note, which I hadn't read, and he told me that he was the attorney at that time.

Senator NUNN. He told you he was their attorney?

Mr. KNIGHT. Right.

Senator NUNN. So you were taking information from them to him?

Mr. KNIGHT. Right.

Senator NUNN. Did he give you anything to take back to them?

Mr. KNIGHT. Many times.

Senator NUNN. Many times?

Mr. KNIGHT. Right.

Senator NUNN. Was it information, or money, or both?

Mr. KNIGHT. Information, money.

Senator NUNN. Was Wilber Fuller involved with Stanley Galkin? Was he in the same law firm?

Mr. KNIGHT. No, sir. Wilber Fuller was, I guess, an adversary of Stan Galkin, it seemed to me.

Senator NUNN. Atkinson asked you to go see Wilber Fuller also?

Mr. KNIGHT. Yes; later on in the process, after things had been disconnected between Stan Galkin and the two inmates.

Senator NUNN. So you met Fuller after Galkins had been out of the picture altogether?

Mr. KNIGHT. Yes. Galkin was phasing out at that point.

Senator NUNN. When you met Fuller?

Mr. KNIGHT. Yes.

Senator NUNN. Atkinson asked you to go to meet Fuller?

Mr. KNIGHT. Right.

Senator NUNN. Did you take any money or information, or both, from Fuller to go to the penitentiary?

Mr. KNIGHT. Information, with Fuller, seemingly on two occasions: there were—one time it seemed to me like \$1,000, and another time, \$1,500.

Senator NUNN. So you did bring in some money from Fuller and give it to Atkinson?

Mr. KNIGHT. There was some money that I kept in my pocket, some was out, and in the process, it was used in some way.

Senator NUNN. Did Fuller represent Atkinson and Jackson as a lawyer?

Mr. KNIGHT. He did.

Senator NUNN. Did he ever come to the penitentiary?

Mr. KNIGHT. He visited them frequently.

Senator NUNN. Did you ever see Galkins at the penitentiary?

Mr. KNIGHT. I saw him there.

Senator NUNN. He visited them also?

Mr. KNIGHT. Right.

Senator NUNN. They never came together?

Mr. KNIGHT. Not to my knowledge.

Senator NUNN. You never saw those two together?

Mr. KNIGHT. Not to my knowledge.

Senator NUNN. What did you get out of this? Did you get paid for bringing money in and out of the penitentiary?

Mr. KNIGHT. The only time, after I copped out to take second best thing, I asked for nothing. I was instructed or asked by Mr. Atkinson to take \$250 per month out of what I was holding for him. Sometimes I did something like this. The reason sometimes I didn't is because of the fact that he would ask for other items, you know, unnecessarily; that is to say, I was doing something for the money, I guess.

Senator NUNN. Was he paying you \$250 a month?

Mr. KNIGHT. Yes, he suggested \$250, but this wasn't the case. I didn't ask for any money. Occasionally, I would use \$250, but out of the process, I got less than what he had asked me to take.

Senator NUNN. You actually didn't take as much as he told you to?

Mr. KNIGHT. No.

Senator NUNN. What was the total amount of money you took over this period of time?

Mr. KNIGHT. That I took personally?

Senator NUNN. Personally.

Mr. KNIGHT. Personally, \$3,500 to \$4,000, through the whole process.

Senator NUNN. \$3,000 to \$4,000?

Mr. KNIGHT. Right.

Senator NUNN. How much money did you bring in all together?

Mr. KNIGHT. The whole process, around—that was \$10,000 in round figures involved.

Senator NUNN. Totally?

Mr. KNIGHT. Totally.

Senator NUNN. That is counting both the money that Galkins gave you and the money that Fuller gave you?

Mr. KNIGHT. Right, to my knowledge.

Senator NUNN. You took about \$3,000 to \$3,500 of that for yourself?

Mr. KNIGHT. Right, sir. Some of it was spent for items such as things that I was glad for them to ask for, instead of going into narcotics for them, I would take sometimes fish, chicken, and things that were sold in the commissary that they wanted for themselves.

Senator NUNN. So, other than the money, anything else you would have brought them would be things like food that they basically could obtain in the commissary?

Mr. KNIGHT. Yes.

Senator NUNN. You never brought drugs?

Mr. KNIGHT. No drugs.

Senator NUNN. No alcohol?

Mr. KNIGHT. No.

Senator NUNN. No weapons?

Mr. KNIGHT. No weapons.

Senator NUNN. Did you also pick up the envelopes containing the cash from the lawyers' offices?

Mr. KNIGHT. That is correct.

Senator NUNN. You did the same thing for both Galkins and Fuller?

Mr. KNIGHT. That is right.

Senator NUNN. How many times would you have gone to Galkins' office to pick up an envelope?

Mr. KNIGHT. Many times. I can't recall.

Senator NUNN. Ten, fifteen times, what would you guess?

Mr. KNIGHT. Less than a dozen times, but between four and a dozen times.

Senator NUNN. How about Fuller? How many times did you go to his office?

Mr. KNIGHT. I guess five or seven times.

Senator NUNN. Five to seven times?

Mr. KNIGHT. Between 5 and 10.

Senator NUNN. Did Galkins count out the cash or did he give it to you in an envelope?

Mr. KNIGHT. Galkins would have cash; I would sign for it.

Senator NUNN. You actually would sign a receipt?

Mr. KNIGHT. I would sign for it.

Senator NUNN. You would sign a receipt on each one?

Mr. KNIGHT. Sign.

Senator NUNN. How about Fuller? Did he send cash; did you sign a receipt on that?

Mr. KNIGHT. Fuller counted out the cash and I did not sign a receipt with Fuller.

Senator NUNN. But he did count it out?

Mr. KNIGHT. Right.

Senator NUNN. No doubt about the fact that they knew cash was in the envelope?

Mr. KNIGHT. Right.

Senator NUNN. Did they tell you why cash was going into the penitentiary? Did either one of the lawyers talk to you and describe why?

Mr. KNIGHT. No, sir.

Senator NUNN. You didn't have any conversations with them, just a brief visit to pick up the cash and then leave?

Mr. KNIGHT. Very little conversation with them.

Senator NUNN. Did Atkinson or Jackson tell you what they were doing with the cash?

Mr. KNIGHT. Atkinson said on one occasion, two or three occasions, they were buying food.

Senator NUNN. Buying food?

Mr. KNIGHT. Buying food.

Senator NUNN. Did you suspect—excuse me. Go ahead.

Mr. KNIGHT. Atkinson stated that he had bought some liquor with some. I beg your pardon. It was Christmas of 1975, I believe, or 1976. One or the other; it was Christmas, holidays. He asked me what I had done during Christmas. I was off. He said he got drunk. So that meant that he bought some liquor.

On one occasion, Atkinson stated that Jackson was spending some of his money to buy drugs, marihuana.



Senator NUNN. So you suspected they were using the money to buy drugs?

Mr. KNIGHT. According to what they said, drugs and food.

Senator NUNN. How did you get paid, Mr. Knight? Did you turn over the full envelope to them, then they count out money and pay you, or did you take some out as you went?

Mr. KNIGHT. No. I took some out as I went. In most cases, Senator, I held the money myself.

Senator NUNN. Gave it to them as they wanted it?

Mr. KNIGHT. As they wanted it. That is the way they asked.

Senator NUNN. You were serving as banker for them?

Mr. KNIGHT. Right. That is what they asked for.

Senator NUNN. You didn't give it all to them at one time?

Mr. KNIGHT. So never did I have that much money on me.

Senator NUNN. Did they send him messages in and out or was it mainly money? Did you give any messages from the lawyer to the client?

Mr. KNIGHT. There was messages mainly from them. There were letters, information in from the lawyers.

Senator NUNN. Letters from them to the lawyers or from the lawyers to them?

Mr. KNIGHT. Letters from the lawyers to them, mainly notes and information which the majority of them I would refuse to look at.

Senator NUNN. You never read them?

Mr. KNIGHT. Right; very few that I looked at.

Senator NUNN. Did you read some of them?

Mr. KNIGHT. Some of them, I imagine two or three that I browsed through.

Senator NUNN. What kind of information was in there?

Mr. KNIGHT. On one occasion I believe it was designating the lawyers, one of the other lawyers or both, to go here, to go there, or check with this person or that person.

Senator NUNN. You mean that was the note coming out of the penitentiary from Atkinson and Jackson?

Mr. KNIGHT. Right.

Senator NUNN. Telling the lawyers what to do, who to check with?

Mr. KNIGHT. Right.

Senator NUNN. Did you feel that they were running a narcotics operation in the penitentiary?

Mr. KNIGHT. After a period of time, I felt that. I felt this was the case, especially after the news came out in the national papers, I felt that this was what was going on.

Senator NUNN. What kind of news came out?

Mr. KNIGHT. The news that they were running a narcotics ring from the penitentiary.

Senator NUNN. That Atkinson and Jackson were?

Mr. KNIGHT. Right.

Senator NUNN. Did you think the two lawyers were involved?

Mr. KNIGHT. I thought that they were, but it was, you know—difficult to prove.

Senator NUNN. You never saw them?

Mr. KNIGHT. Right. It was difficult for me to accept.

Senator NUNN. Were there ever any messages coming out indicating anything about drugs going into the penitentiary—indicating anything about drugs?

Mr. KNIGHT. I can't pinpoint. It seems to me—I know one time I browsed a letter. It seemed to state that, I don't know which lawyer, I don't remember which lawyer, to pick up X amount of drugs someplace.

Senator NUNN. So you did see a note saying to pick up—

Mr. KNIGHT. Yes.

Senator NUNN. That was an instruction from Atkinson or both?

Mr. KNIGHT. I am not sure which one.

Senator NUNN. Instruction from the penitentiary to the lawyers?

Mr. KNIGHT. Right.

Senator NUNN. Did you ever read any of the mail or the notes that went from the lawyers to the inmates?

Mr. KNIGHT. Most of the letters that were going in, were going in sealed, in and out. The few occasions that I looked in some of the letters, I didn't find anything, you know, except what I told you previously, but going into the prison I don't remember ever reading a note unless it was a note that I knew what they were saying already. They told me, you know, what was on the letter.

Senator NUNN. The lawyer did?

Mr. KNIGHT. Right.

Senator NUNN. You don't remember which lawyer?

Mr. KNIGHT. For example, to expedite time, the lawyers made so many visits in the penitentiary; they couldn't make only so much without becoming suspicious. They would ask them to come back unnecessarily many times, but they would tell them, you know, he can't come. He would write on the letter why under the circumstances, what not and the letters of that nature, why he could not visit.

Senator NUNN. It wasn't much in there?

Mr. KNIGHT. Wasn't much in there.

Senator NUNN. Routine information?

Mr. KNIGHT. Routine information from the lawyers. I gathered that most of the hard core discussions were discussions in person.

Senator NUNN. Were discussions in person?

Mr. KNIGHT. In person.

Senator NUNN. When was the last time, Mr. Knight, that you took any kind of envelope into the penitentiary containing cash or anything else?

Mr. KNIGHT. The cash was stopped in 1977, early 1977.

Senator NUNN. How about anything else?

Mr. KNIGHT. In 1977. I understand that Attorney Wilbur Fuller was arrested in New York in November of 1977. After his arrest, they asked me to check with his office and his condition, what not. I received a note, a letter, from Fuller's office to give them and his request for them to get him out.

Senator NUNN. Request to who?

Mr. KNIGHT. Request to Jackson and Atkinson.

Senator NUNN. So the lawyer was in trouble in New York in jail, and his office sent a message in to Jackson and Atkinson who were prisoners; he wanted them to help him get out of jail?

Mr. KNIGHT. Right.

Senator NUNN. How were they going to help him? Did he ask them to put up a bond?

Mr. KNIGHT. Bond money.

Senator NUNN. Did they make response to that?

Mr. KNIGHT. I think there were some response, but the last letter that was sent to them by me, I mean carried into them by me, was the last letter that Jackson told me, the answer was that I didn't see him, so I didn't make any more contact at all. I was not asked to go back to his office by Jackson nor Atkinson.

Senator NUNN. So when was the last time you took anything like an envelope or any kind of contraband or anything that shouldn't have been brought into the penitentiary? When was the last time?

Mr. KNIGHT. The last letter that I transferred to them, to my knowledge, was around the summer, April or May, it seemed like.

Senator NUNN. Of what year?

Mr. KNIGHT. May or June of 1978.

Senator NUNN. May or June of this year?

Mr. KNIGHT. Of this year. That is the last in which Jackson stated that he didn't get. I didn't see him. So it has been dropped from that point.

Mr. ADKINSON. Mr. Chairman, for the record, if I may, subcommittee staff has been working with local enforcement authorities and certain Federal authorities obtaining information with regard to Mr. Galkins and Mr. Fuller.

For the record, Mr. Fuller was arrested on November 25, 1977 in New York on a class A felony, sale of a controlled substance. On or about March 28, Mr. Fuller was indicted by the Wayne County, N.C. grand jury on four counts, continuing criminal enterprise; conspiracy to sell, possess and deliver a controlled substance, heroin; sale and delivery of heroin; and possession with intent to sell and deliver a controlled substance.

With the chairman's permission, I would like the staff to put in a package, as a sealed exhibit, of the information we have on Mr. Fuller and Mr. Galkins at this time.

Senator NUNN. Without objection.

[The documents referred to were marked "Exhibit Nos. 38 and 39" for reference, and are retained in the confidential files of the subcommittee.]

Senator NUNN. Why did you stop, in May or June of this year, taking anything into the penitentiary?

Mr. KNIGHT. That is the last request I received to do anything in the case, from anyone.

Senator NUNN. Nobody asked you to do anything else?

Mr. KNIGHT. No; nobody asked me to do anything else, plus the fact it was phasing out anyhow.

Senator NUNN. Did Galkins or Fuller ask you to take any kind of narcotics into the penitentiary for them?

Mr. KNIGHT. It seems to me in some conversation, Galkins mentioned narcotics. I don't know exactly how he stated it, but I know I remember telling him—I first phrased it to him—that anything—I am

only dealing in services, not in commodities, meaning commodities, drugs and liquor.

Senator NUNN. He mentioned it to you?

Mr. KNIGHT. Vaguely, in a conversation. I can't pinpoint how he said it.

Senator NUNN. But you knew what he meant?

Mr. KNIGHT. Yes.

Senator NUNN. Did you tell him you weren't going to engage in any kind of drug traffic?

Mr. KNIGHT. Right.

Senator NUNN. You made that clear to him?

Mr. KNIGHT. Right.

Senator NUNN. Were you in a financial bind? What was the reason you took in this cash? Were you trying to get out of debt, or were you not making enough money? Why did you agree to do this?

Mr. KNIGHT. I will never be able to make enough money, but at the time that I received the initial \$750 that was mailed, my wife and I were having marital difficulties. It is one of those things that happens at an opportune time, that I was faced with. At the time I met the lawyer, thinking they are good lawyers, at the same time, maybe I can get something out of the deal since I got involved. But I am not going to do it in narcotics or liquor. I figured maybe I can use these lawyers as my counsel for a divorce case, if I need one, or for drunk at the wheel, or what have you. This was one of those times in which I was approached, that I was hanged.

Senator NUNN. You were vulnerable?

Mr. KNIGHT. I was vulnerable at that time.

Senator NUNN. Did you know, or do you know of any other employees in the penitentiary who have brought in any kind of contraband, including cash or drugs?

Mr. KNIGHT. Sir, I don't know of any employee who has done this. I have heard of many.

Senator NUNN. You don't directly know?

Mr. KNIGHT. I don't directly know.

Senator NUNN. Do you hear that it is a pretty common occurrence; what do you hear about it?

Mr. KNIGHT. I have heard that it is a pretty common thing.

Senator NUNN. In terms of narcotics?

Mr. KNIGHT. Yes, sir, in terms of narcotics.

Senator NUNN. In other words, you have heard there is a lot of narcotics brought in the Atlanta Penitentiary?

Mr. KNIGHT. During the years between—I went to the recreation department in 1973, between 1970 and 1975 I heard of it.

Senator NUNN. How about since 1975?

Mr. KNIGHT. Since 1975 I haven't heard.

Senator NUNN. You haven't heard of much in terms of drugs since then?

Mr. KNIGHT. Right. But I must say I have seen many indications of marihuana being used.

Senator NUNN. But not heroin?

Mr. KNIGHT. Not heroin. I maybe haven't been in the right place at the right time in that 5 years, though.

Senator NUNN. What about weapons? Have you observed many weapons in the Atlanta Penitentiary?

Mr. KNIGHT. I have not observed many weapons except—no. I haven't observed any.

As far as hearing about inmates having access to weapons, I have heard of this alleged.

Senator NUNN. You have heard that a good many times?

Mr. KNIGHT. Right.

Senator NUNN. If you were asked to take control of the Atlanta Penitentiary, try to do something about the narcotics traffic there, what would you suggest? Are there any changes in rules, regulations, or procedures, that would prevent cash going into the penitentiary, which you admit doing, and prevent narcotics going in? Do you have any suggestions that should be considered?

Mr. KNIGHT. Yes. Personally, I believe that the staff, my own departmental area, should be more closely united. They should have more meetings, more contacts, and this contains a separate—what have you.

In addition, not stating because maybe Hanberry is here now, but during the last administration. This is going to happen. I think you will see it.

Senator NUNN. What's going to happen?

Mr. KNIGHT. Coming together, having staff meetings of the whole penitentiary, whole staff and getting to know each other and this togetherness and working in a place of this setting, is a must, I think.

Senator NUNN. It is beginning to happen more now, you mean?

Mr. KNIGHT. Right.

Senator NUNN. Under Warden Hanberry?

Mr. KNIGHT. Right.

Senator NUNN. You think that is good?

Mr. KNIGHT. I think that is very good. In the tenure that I have been there, there has been jealousy, separatism, on the part of the staff, "archism," and this type of thing is the primary goal you try to reach in trying to solve the problem. If you don't have the proper supervision there, it isn't going to work. Regardless of the physical facility, it is not going to work without the proper personnel. So I think that the worse thing I have seen in the last 10 years is like I say, you name it, people separation, not only racial separation, people separation, people "archism."

I know this is done in the open world. So goes the outside world, so goes the penitentiary, the other world, the inside world.

Senator NUNN. You think that situation is improving now?

Mr. KNIGHT. I think it is improving.

Senator NUNN. You are having more dialog and cooperation between the various departments and employees?

Mr. KNIGHT. Right. It is just beginning.

Senator NUNN. You think that will help in the overall discipline of the prison?

Mr. KNIGHT. I think this is the first step in getting the staff together.

Senator NUNN. What else would you suggest? Does anything else come to mind?

Mr. KNIGHT. Not necessarily. I think the metal-detecting devices are good. They are good. But like I say, in this type setting, let's face it,

I don't think this has been said before, you work there, you go there, the Federal penitentiary to work, ambitious, there are promises of fair play on the basis of ability and competency and in some cases it doesn't work.

I know there must be certain people employed there with certain type of temperament who can do his work, and work in the setting. This is true. The system is run on a political arena. Most of them are. But the setting itself is going to create, and has created, many of the problems.

Senator NUNN. You are saying many of the problems are unavoidable?

Mr. KNIGHT. Many are unavoidable. For example, I think many of the problems in the system contribute somewhat to my mistake that I made. After working there almost 10 years, working there 8 years, I went in with ambition, to do a good job, to relate, to help. After a few years, I see that what good does it do? But yet I try to maintain my sanity enough, try to not violate the law in the process, but how many others who are not able to do this? Of course, we know, you make changes, and changes are going to last as long as they are good. Once they run their course, become less effective, you have to make others. So it is a continuous process in changing, rebuilding a program. I think many of the problems are inherited in the system.

Mr. BLOCK. Mr. Knight, I just have a few questions. We have heard testimony that at least up until very recently inmates were practically free to roam the institution, wherever they wanted, at least during the daytime. Is that true?

Mr. KNIGHT. That has been true.

Mr. BLOCK. There was no pass system or no way of checking on where an inmate was at any time?

Mr. KNIGHT. That was of checking on the inmates. It wasn't used very much unless someone was particularly looking for a particular inmate, or he had been missed.

Mr. BLOCK. So was it true that the inmates pretty much ran the institution as they pleased? Could they go where they wanted? Could they work or not work, as they wanted?

Mr. KNIGHT. There were many cases where that was so.

Mr. BLOCK. Has that changed?

Mr. KNIGHT. It has changed, I must say. It has changed. With the past system that has been instituted lately, most inmates are accounted for.

Mr. BLOCK. Thank you.

Senator NUNN. Mr. Knight, we appreciate your being here today. I know it has been difficult for you. It is not easy to admit mistakes. But I think you have been very helpful to us. We appreciate it. We appreciate your candor and your frankness.

Mr. KNIGHT. Thank you, sir. I am glad to take the responsibility.

Senator NUNN. I hope you feel better now that you have taken that responsibility. I know it is difficult.

Mr. KNIGHT. I have felt better since I discussed it with the three men up there.

Senator NUNN. You feel like you have a load lifted off you?

Mr. KNIGHT. Certainly, sir.

Senator NUNN. I wish you good luck.

Mr. KNIGHT. Thank you.

Senator NUNN. At this stage I will ask staff to read into the record any information on other matters that ought to be appropriately put in the record at this point.

Mr. ADKINSON. In addition to the information presented this morning, Mr. Chairman, by Mr. Walters and Mr. Fagg with regard to employees "Blue" Elswick and John Carroll, and the information received this morning from recreational specialist and former custodial officer Euros Knight, our subcommittee has developed specific information with regard to certain improprieties by other employees at the Atlanta Penitentiary. The first such individual is the former masonry instructor at USP-Atlanta, Eugene Clark. The other individual is retired counselor, Edward Goodlett.

Subcommittee staff has recommended not calling either of these individuals as witnesses this morning because there is no dispute as to the facts involved in the incidents involving these individuals.

In the case of Mr. Clark, who was interviewed by subcommittee staff on July 19, 1978, and again on September 6, 1978, he admitted receiving gratuities from inmates at USP-Atlanta in the form of a full-length leather coat, several shirts, and \$150 in cash.

Mr. Clark maintains that he did nothing for inmates in exchange for these gratuities. Mr. Clark resigned his position at USP-Atlanta shortly after our first interview with him.

While Mr. Clark stated in his interview on September 6, 1978, that the subcommittee interview was not the reason he resigned, he did state that he did not begin looking for his current job until subsequent to that interview.

On the other hand, Edward Goodlett, who retired from the Atlanta Penitentiary in January of 1978, has cooperated fully with this subcommittee. He has provided a sworn affidavit to this subcommittee which I would like to place in the record at this point.

Senator NUNN. Without objection, that will be exhibit 40.

[The document referred to was marked "Exhibit No. 40" for reference and follows:]

#### EXHIBIT No. 40

I, Edward L. Goodlett, Jr., make the following statement to Keith Adkinson, William Gallinero and Larry Finks, who have identified themselves to me as members of the staff of the United States Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, this seventh day of September, 1978, in the offices of the General Accounting Office, 221 Courtland Street N.E., Atlanta, Georgia.

This statement is being made by me without any threats, duress, promises or representations whatsoever. I am providing this statement freely and voluntarily in a spirit of cooperation and in the hopes that my cooperation will be duly noted.

I was born in Atlanta, Georgia on July 20, 1920. I reside at 2390 Melville Avenue, Decatur, Georgia 30032. I retired on January 31, 1978, after 20 years of service at the United States Penitentiary at Atlanta. I served some 10 years as a guard and was a counsellor when I retired. My retirement is \$811 per month.

For the past two years, I have served on the Board of Directors of the Employees Club of the penitentiary at a salary of \$235 per month. I have continued in that capacity since my retirement. Two days per week, on Tuesdays and Saturdays, I take money out of the vending machines owned or controlled by the Employees Club in the institution and deposit the money in a bank. I am usually at the institution about six days per week.

Approximately five months ago, I was approached by Mrs. Deborah James, wife of inmate Willie James. Willie James has been an inmate for some four

years and was extremely close to William Jackson, also an inmate. For several years, I have seen Deborah James visiting her husband in the visiting room so I knew who she was when I saw her. When she approached me some five months ago, it was in the lobby of the prison.

She came up to me as I walked in and called me by name. I believe she had just been refused a visit. In any event, she said she had an important message for Jackson, which he was expecting. She asked me if I would see that he got the message. I told her I would, and asked her what the message was, thinking it was an oral message. She then handed me a white, unmarked, sealed envelope which I took in and gave to Willie Jackson.

Some two weeks later, shortly after 3 p.m., as I drove up and parked in front of the prison, Mrs. James approached me as I walked to the stairs and said she had a message for Jackson and her husband, Willie James. I took two white, sealed, unmarked envelopes from her and took them in. I gave both envelopes to Willie James near the recreation area, where I went to find him.

On the third occasion, about eight to 10 days after the second occasion, Deborah James met me again in front of the prison, again about 3 p.m. She handed me an envelope for Jackson which I delivered to him in his dormitory room where I went to find him.

Mrs. James would meet me regularly about every week or two, always in front of the prison and as I came in and handed me an envelope to hand to William Jackson. I always gave the envelopes to Jackson and I never saw or knew for a fact what the contents were. I did suspect it was money.

About a month and a half ago, I told Mrs. James I was no longer going to take these envelopes into the prison. To be candid, one reason I stopped was that I expected her to give me an envelope and she never did. I received nothing for doing it, and frankly, I expected something in exchange for my services.

It was apparent to me that Mrs. James was getting the money from a third party.

I have read and initialed each page of this three-page statement. I swear that the above statement is true and correct to the best of my recollection.

Mr. ADKINSON. Mr. Goodlett makes it clear that he does not know the contents of the envelope, and that he never received anything in exchange for what he was doing.

In subsequent discussions, Mr. Goodlett modified the information in his affidavit, so as to state that Deborah James did not approach him "cold" in front of the penitentiary but, rather, these meetings were prearranged by a former inmate of the Atlanta Penitentiary who was a good friend of William Jackson, the inmate to whom Mr. Goodlett delivered the sealed, unmarked white envelopes.

Senator NUNN. On Monday morning we will have a former employee of the prison who will testify. We will again be talking about weapons and narcotics. We will have a present employee testify, after which we will have testimony from Warden Hanberry, and Regional Director Gary McCune. We will be in this room again on Monday morning at 9 o'clock.

The subcommittee is adjourned.

[Whereupon, at 2:20 p.m., the subcommittee recessed, to reconvene at 9 a.m., Monday, October 2, 1978.]

[Members present at time of recess: Senator Nunn.]



**ORGANIZED CRIMINAL ACTIVITIES**  
**(South Florida and U.S. Penitentiary, Atlanta, Ga.)**

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**MONDAY, OCTOBER 2, 1978**

U.S. SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Atlanta, Ga.*

The subcommittee met at 9 a.m., pursuant to recess, in room 318, U.S. Courthouse, Atlanta, Ga., under the authority of S. Res. 370, agreed to March 6, 1978, Hon. Sam Nunn (acting chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator Sam Nunn, Democrat, Georgia; and Senator Lawton Chiles, Democrat, Florida.

Members of the professional staff present: F. Keith Adkinson, assistant counsel; William B. Gallinaro, investigator; David P. Vienna, investigator; Larry L. Finks, Captain, U.S. Park Police; Robert C. Taylor, detailed employee, GAO; William F. Mayo, detailed employee, GAO; Paul W. Rhodes, detailed employee, GAO; Joseph G. Block, general counsel to the minority; Roland McElroy, aide to Senator Nunn, Mary D. Donohue, assistant clerk; and Katherine Bidden, assistant clerk.

Senator NUNN. The subcommittee will come to order.

[Members of the subcommittee present at time of reconvening: Senators Nunn and Chiles.]

**OPENING STATEMENT BY SENATOR NUNN**

Senator NUNN. There have been certain developments since the close of our hearings on Friday afternoon which I would like to comment upon this morning before we begin with our hearings today. Shortly after the conclusion of our hearings on Friday, I joined Warden Jack Hanberry and some of his staff for a tour of the Atlanta Penitentiary. On that tour, which lasted 1½ hours or so, I went through the cell blocks, the segregation units, the kitchen, the drug abuse program facility, the massive prison industries installation while it was in operation, and I toured the mechanical services area.

My staff has made numerous similar tours, as have others who have reported to me on what they saw. It was obvious to me as I toured that facility that there are significant challenges confronting Warden Hanberry and the prison personnel, particularly in regard to the availability of materials and machinery which can be used to make weapons, but which are essential to the operation of the prison industries.

What I am stating is what everyone should understand, those of us who are in the Senate, people in the news media, and the general public.

The problems at the penitentiary are rather obvious, but the answers are extremely difficult. I do believe, and continue to believe, that improvements can and must be made, but they won't be easy.

The second significant development which occurred over the weekend relates to an individual who has agreed to be our first witness this morning. By way of background, on Tuesday, September 26, 1978, Norman Carlson, Director of the Bureau of Prisons, personally visited with me and requested that I have my staff interview inmates which he would select at USP-Atlanta.

He made this request, which I think is reasonable, so that we would have the benefit of balanced inmate information with respect to conditions at the Atlanta Penitentiary. Additionally, Mr. Carlson and Warden Jack Hanberry were concerned that observations made by Gary Bowdach concerning the penitentiary be placed in proper perspective.

They were hopeful that these interviews would accomplish that purpose. You will recall that, in our Friday hearings, staff reported in a summary form of these interviews. One of the nine inmates which Director Carlson requested that we interview is Joe Louis Denson. Mr. Denson was interviewed by my staff at the penitentiary on Wednesday, September 27, along with seven of the other inmates recommended by Mr. Carlson.

In our Wednesday interview Mr. Denson indicated a willingness to talk further with subcommittee staff regarding specific information concerning narcotics activities in which he has been personally involved at Atlanta. Because of the potential immediate value of this information, not only to this subcommittee, but also to law enforcement officials, arrangements were made by the subcommittee staff for an in-depth interview of Mr. Denson at the office of the U.S. Marshals in this building on Saturday, September 30.

According to Mr. Denson, an incident occurred early Saturday morning at the prison prior to him being brought by my staff to this building for further interviews which caused him to be much more willing to cooperate with our investigation. Mr. Denson described this incident for staff, and will be called upon to describe it further this morning.

The information supplied by Mr. Denson at that interview was so significant that I convened a special executive session of this subcommittee at 9:30 Sunday morning. At that time, in an office in this building, Mr. Denson related, in detail, his firsthand knowledge of narcotics activities. These dealings will be the subject of his testimony this morning. In addition to information which he supplied on two individuals already named before this subcommittee, Mr. Denson has named for the subcommittee three additional employees at the Atlanta Penitentiary whom he has reason to believe are involved in narcotics smuggling activities.

Since the subcommittee staff has not had the opportunity to interview these individuals or to pursue these allegations, the three individuals will not be named in our hearings this morning. The information we have obtained from Mr. Denson will be turned over to the U.S. attorney in Atlanta.

Finally, in addition to the above information. Mr. Denson was an eyewitness to an inmate murder. Mr. Denson himself is currently serving a life sentence for murdering an inmate at USP-Leavenworth.

We will also hear testimony today from a former officer, Michael McCurley, who is now a Cobb County sheriff. Mr. McCurley was an employee of the penitentiary for a period of time, and he will relate to us his observations about the penitentiary during that period of time.

Additionally, we will hear from the General Accounting Office officials who have spent numerous hours going over the records at the penitentiary and they will testify in general, in summary form, as to some of their findings.

Finally, and most importantly, Warden Jack Hanberry and Bureau of Prisons Regional Director Gary McCune will be called upon to discuss with us the testimony that has come forward in these hearings and their plans by the Bureau of Prisons and by the Congress as to what will improve this situation.

I am delighted to add that Senator Lawton Chiles from Florida on my right is here for the hearings this morning. Senator Chiles really initiated these hearings on organized crime, particularly regarding south Florida.

He requested in the past, over a year ago, that our subcommittee look into the very serious problems in south Florida regarding narcotics transactions and organized crime. We began our inquiry in that regard. We are continuing to investigate activities there. We will be having hearings in south Florida later this month, during the month of October, and we will have a longstanding, continuing investigation there.

During the course of these investigations, which involved Gary Bowdach and others, we ran into the problems of the Atlanta Penitentiary. So that remains the primary focus of our subcommittee hearing today.

Senator Chiles. I am delighted to have you here this morning to participate. I know you probably have an opening statement.

#### OPENING STATEMENT BY SENATOR CHILES

Senator CHILES. Thank you, Senator Nunn. I am delighted to have this opportunity to be in Atlanta and to participate in your hearings. I want to compliment you for the job that you have done in directing this subcommittee into the whole area of organized crime.

As you have stated, organized crime and how it comes about and what kind of response the Federal Government has made to the problem raises the Atlanta Penitentiary question. From the testimony of Gary Bowdach we begin to see problems that have arisen at the Atlanta Penitentiary. I think the way that the subcommittee, under your leadership, has gone about trying to go into these questions is going to give us some of the answers and help us determine what kind of Federal response must be made. Do we have an organized plan of attack, or is it the criminals who are organized and the Federal Government which is not?

I do look forward to the subcommittee coming to Florida. We know that we have a tremendous problem with organized crime in the State

of Florida. It is a problem that all of our local law enforcement people know that they have and that they have to have help from the Federal Government.

I can tell you that many of them are looking forward to the opportunity to testify, and to tell you what their problems are, especially in south Florida where they are trying to get some kind of handle on the problems that are being caused by organized crime.

I do have a brief opening statement. The Atlanta Penitentiary is the largest of our Federal Government's three maximum security institutions. The reason each and every one of its 1,900 inmates are living there is because they committed crimes, lacked discipline, and were quite simply, threats to law-abiding men, women, and children.

I can think of no job more difficult than being responsible for maintaining in an orderly and disciplined environment for nearly 2,000 hardened criminals who have been certified by our courts to be disorderly, disruptive, and dangerous, to us all.

Gary Bowdach testified in August hearings in Washington that the Atlanta Penitentiary is a sort of "country club" for convicts. In the 5 years he was there, inmates were free to roam within the nearly 1 mile perimeter of the prison's 40-foot high concrete walls. He said the inmates had easy access to weapons—they could even have them made to order—from small knives to swords. And he told of inmates who used those weapons, relating what he knew about five murders.

There have been efforts to change things at the Atlanta Penitentiary since Gary Bowdach left in the fall of 1977. But changing Atlanta is not going to be easy. It is not going to happen overnight. Nevertheless, there must be a forceful response to the weapons being made easily available to anyone in the penitentiary.

More importantly, the flow of narcotics has got to be stopped, because we see that it almost always turns up to be behind the violence and the murders that are occurring there.

Certainly, it is strange to ponder the question raised in these hearings as to whether a few prison employees are more corrupt than the inmates they are charged with controlling.

In response to these problems at Atlanta, the Bureau of Prisons says the 75-year-old institution is too old, overcrowded and it should be closed. Government officials have told us that to replace Atlanta with more preferable, smaller and new penitentiaries would cost about \$80 million to build new facilities to take the inmates that are now in Atlanta.

Frankly, I think we would like to see the Bureau of Prisons do a better job of managing Atlanta. It has been overcrowded for years. It has been too old for years. We have been talking about closing it since the 1960's. But when you realize that it will cost \$80 million to replace this facility, it shouldn't cost \$80 million to stop the flow of weapons. It shouldn't cost \$80 million to stop narcotics.

There is little doubt that the size and age of the penitentiary are among the causes of some of the problems, but we think there must be other ways within our financial reach to try to solve these.

I think I want to join with you, Chairman Nunn, in making it clear that the subcommittee is not down here trying to find a scapegoat or to find someone to place this blame on, but when you have testimony as Gary Bowdach made to us in open hearings, there certainly is the re-

sponsibility on the part of elected officials to try to see what can be done about correcting it.

I think that is really what we are about here today, trying to determine the problems in Atlanta and how they are going to be corrected. I am delighted to participate in these hearings with you.

Senator NUNN. Thank you very much, Senator Chiles.

We also again, as we did Friday, have Jerry Block here, the minority general counsel. Senator Percy has tried to get here for these hearings. He tried Friday and he tried again today. He has very, very important matters going on in Washington. We are in session again today. We are going to try to complete these hearings in time to get back late this afternoon for some important votes, but Jerry Block is representing Senator Percy who is our ranking minority member on this subcommittee. Senator Percy has done a tremendous job in these hearings and others.

Jerry, do you have any statement you would like to make this morning?

Mr. BLOCK. Mr. Chairman, I would just like to say again that Senator Percy expresses his regrets at not being able to be here. He views these hearings as a very serious undertaking and very useful way to look at the prison conditions in this country, particularly those in Atlanta. He fully supports what you are trying to do here.

Senator NUNN. Thank you.

As I indicated Friday, I will be glad for you to ask questions on behalf of Senator Percy at any point you feel it is appropriate and necessary. We will rotate the questions as we go through the testimony this morning.

At this point we have a staff statement. Mr. Adkinson, you took the oath Friday, did you not?

Mr. ADKINSON. Yes.

Senator NUNN. You understand you are still under oath here this morning?

#### TESTIMONY OF F. KEITH ADKINSON—Resumed

Mr. ADKINSON. Yes, sir.

Mr. Chairman, you have related Mr. Carlson's request of Tuesday, September 26, 1978, that your staff interview nine inmates at USP-Atlanta.

One of the nine inmates which Director Carlson requested we interview was Joe Louis Denson. Mr. Denson was interviewed by Larry Finks and myself at the penitentiary on Wednesday, September 27. In our Wednesday interview, Mr. Denson, who has been incarcerated at Kansas State Penitentiary; Federal Reformatory, El Reno, Calif.; Terre Haute; Leavenworth; Marion; and Atlanta, observed that Atlanta, is significantly preferable to him.

Mr. Denson's central file indicates that he, as well as Frank Coppola, whom we mentioned and who was mentioned by inmate J. W. Walters, in our Friday hearings, is a persistent drug trafficker in the penitentiary. I would like at this point to read several sentences contained in Mr. Denson's central file with regard to his activities:

We have received the material on Denson. We are well acquainted with Denson's persistent habits on drug pushing, assault, and other deeds.

Mr. Denson is currently serving a life sentence for murder. This offense occurred at the USP-Leavenworth.

For some time Denson has been under suspicion of being the ringleader of a narcotics ring at our institution (Marion). As noted in the progress report on September, 1975, he was charged with possession of narcotics paraphernalia.

Additionally, there are numerous reports in his central file with regard to his assaultive nature, his narcotics activities, and various other misdeeds.

As a result of a certain personal matter, Mr. Denson has agreed to cooperate fully with this subcommittee. Through the good offices of the Bureau of Prisons, Mr. Denson has been removed for his own safety from USP-Atlanta and is being held in another institution because of an incident on Saturday at the prison. We have given him our assurance that we will work with the Bureau of Prisons to have him transferred to another institution.

Senator NUNN. Thank you, Mr. Adkinson.

Are the marshals ready to bring in Mr. Denson? Before you are seated, would you hold up your right hand to take the oath? Do you swear the testimony you give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DENSON. Yes, sir.

Senator NUNN. Would you have a seat?

#### TESTIMONY OF JOE LOUIS DENSON

Senator NUNN. Mr. Denson, we appreciate you being here this morning. If you will pull that chair up and the marshals will help you pull the chair up as close as you can to the table, then you won't have to lean forward so much; if you could also pull that microphone up as close as you comfortably can, I think you can be heard, without straining your voice.

Mr. Denson, before we ask any questions this morning, I want to advise you of your rights and obligations as a witness before this subcommittee. You understand as we explained to you yesterday in the executive session, you have the right to have an attorney here with you this morning if you choose to. Do you understand that?

Mr. DENSON. Yes, sir.

Senator NUNN. Do you have an attorney with you?

Mr. DENSON. No, sir.

Senator NUNN. Do you waive the right to have an attorney?

Mr. DENSON. Yes, sir.

Senator NUNN. Do you understand if you did have an attorney, you would be able, under our rules, to ask him any questions you might have before you answer? You understand that right?

Mr. DENSON. Yes, sir.

Senator NUNN. You waive that right?

Mr. DENSON. Yes.

Senator NUNN. Mr. Denson, in addition to your rights as a witness, you also have an obligation while testifying before this subcommittee. You have sworn to testify truthfully. Do you understand the nature of the oath that you have taken and the obligation it places upon you to testify truthfully, do you not?

Mr. DENSON. Yes, sir.

Senator NUNN. If you do testify, you are obligated to provide truthful information so as not to subject yourself to the laws and penalties regarding perjury. You understand that obligation, do you not?

Mr. DENSON. Yes.

Senator NUNN. Do you understand the nature of your rights and obligations before this subcommittee as a witness as I have explained them?

Mr. DENSON. Yes.

Senator NUNN. I want to express my appreciation for your discussing matters with our staff last Wednesday; also for your discussion of further matters with them on Saturday; and for your willingness to come in yesterday morning and have an executive session to discuss fully for the record certain matters that have come about at Atlanta Penitentiary since you have been there and which you have personally observed.

This morning we want to discuss with you your direct involvement in certain narcotic activities with certain prison employees.

Before getting into these questions, I want to ask you a few questions in the way of background. Would you please state for the record your full name?

Mr. DENSON. Joe Louis Denson.

Senator NUNN. Could you give us the date of your birth, Mr. Denson?

Mr. DENSON. June 4, 1942.

Senator NUNN. How old does that make you now?

Mr. DENSON. Thirty-six.

Senator NUNN. Where were you born?

Mr. DENSON. In Oklahoma City.

Senator NUNN. Did you grow up there?

Mr. DENSON. Around there, in Springer, Okla.

Senator NUNN. Is Springer a small town or a larger community? How big is it?

Mr. DENSON. It is a smaller town.

Senator NUNN. Did you grow up in Springer or were you outside Springer on the farm?

Mr. DENSON. Outside of Springer on the farm.

Senator NUNN. Did you go to school in Springer?

Mr. DENSON. Yes.

Senator NUNN. How far did you go with your education?

Mr. DENSON. I quit school in my junior year.

Senator NUNN. So you went through your sophomore year, completed 10th grade and quit during your junior year?

Mr. DENSON. Yes.

Senator NUNN. Did you subsequently get a diploma while you were in the penitentiary, a high school diploma, or the equivalent of a high school diploma?

Mr. DENSON. Yes; I received a GED at Marion.

Senator NUNN. Marion Penitentiary?

Mr. DENSON. Right.

Senator NUNN. Did you get any other education after you got your high school diploma?

Mr. DENSON. Yes; I received an associate of science degree.

Senator NUNN. Where did you get that degree?

Mr. DENSON. Logan Junior College in Carterville, Ill.

Senator NUNN. If you could pull your mike up a little, just tilt it up. How long did it take you to get that; you called it an associate in science degree?

Mr. DENSON. Yes; it is a 2-year degree.

Senator NUNN. Did you spend more than 2 years working on it, or how long did you spend working on it?

Mr. DENSON. About 15 months.

Senator NUNN. So you really got that degree in less than 2 years?

Mr. DENSON. Yes.

Senator NUNN. Did you do a good bit of studying in the course of getting that degree?

Mr. DENSON. Yes. I was in the process of majoring in mathematics at the University of Minnesota through the university program.

Senator NUNN. You were in the process of getting your mathematics degree there?

Mr. DENSON. Yes.

Senator NUNN. What interrupted that educational goal?

Mr. DENSON. My mother got sick and she needed some assistance. I started hustling in the institution selling narcotics.

Senator NUNN. Instead of working on your education, your mother needed assistance, so that is what you got involved in, the drug traffic?

Mr. DENSON. Yes, sir.

Senator NUNN. Mr. Denson, I believe you visited your mother earlier this year and she was very ill. Is that correct?

Mr. DENSON. Yes, sir.

Senator NUNN. When did you visit her?

Mr. DENSON. June 4 of this year.

Senator NUNN. June 4?

Mr. DENSON. June 14, 1978.

Senator NUNN. How long did you have to visit her?

Mr. DENSON. Just 1 day.

Senator NUNN. Where was that, in Missouri?

Mr. DENSON. Kansas City, Mo.

Senator NUNN. I believe your mother died last week. Is that right?

Mr. DENSON. Yes. Last Wednesday night.

Senator NUNN. You were very close to her, were you not?

Mr. DENSON. Yes, sir.

Senator NUNN. Have you ever served in the military service, Mr. Denson?

Mr. DENSON. I spent 6 months in the National Guard and 3 years in the Marine Corps.

Senator NUNN. Six months in the National Guard and 3 years in the Marine Corps?

Mr. DENSON. Yes.

Senator NUNN. Was the 6 months in the National Guard spent in Missouri or did you go elsewhere.

Mr. DENSON. I took basic training at Fort Chaffee, Ark., and I went to California, Fort Ord.

Senator NUNN. Was that in the National Guard?



Mr. DENSON. Yes; that is where I spent my last 4 months there, my 6 months active duty at Fort Ord, Calif. That was where I was discharged. I went in when I was 16 years old.

Senator NUNN. Into the National Guard?

Mr. DENSON. Into the National Guard. When I became 17—well, I pushed my age up 1 year. My records reflect that I was born in 1941 and after I finished those 6 months active duty in the National Guard, they told me that I could join any branch of the regular service I wanted. I joined the Marine Corps.

Senator NUNN. You stayed in the Marines for 3 years?

Mr. DENSON. Yes.

Senator NUNN. Where were you stationed during that 3-year period?

Mr. DENSON. I went through basic, I mean boot camp at San Diego, and from there I went to Camp Pendleton and then to Okinawa.

Senator NUNN. Mr. Denson, when was the first time you were arrested and charged with a crime? How old were you?

Mr. DENSON. Sixteen.

Senator NUNN. What was the nature of the charge against you?

Mr. DENSON. Selling pecans with rocks in them and then stealing some gasoline.

Senator NUNN. Did they charge you with both of those when you were 16?

Mr. DENSON. Yes, sir.

Senator NUNN. Increasing falsely the weight of pecans and stealing gasoline, is that right?

Mr. DENSON. Yes.

Senator NUNN. What other arrests have you had, Mr. Denson?

Mr. DENSON. I was arrested for stealing an automobile in California. That resulted in my undesirable discharge from the Marine Corps. After that, it was possession of a sawed-off shotgun, second-degree burglary, grand larceny, and interstate shipment of stolen vehicle.

Senator NUNN. Were you convicted of second-degree murder?

Mr. DENSON. Yes; while I was serving time for the sawed-off shotgun.

Senator NUNN. Where did that take place?

Mr. DENSON. At Leavenworth.

Senator NUNN. What kind of sentence are you now serving out of all of that, Mr. Denson?

Mr. DENSON. A life sentence.

Senator NUNN. You've got a life sentence now?

Mr. DENSON. For second-degree murder.

Senator NUNN. How many years have you served in the penitentiary?

Mr. DENSON. Fifteen.

Senator NUNN. Fifteen years?

Mr. DENSON. Yes.

Senator NUNN. So you are now 36 years old, you basically have been incarcerated since you were about 21?

Mr. DENSON. Yes, sir.

Senator NUNN. How many gaps have you had in that 15-year period where you were out of the penitentiary?

Mr. DENSON. Once, 2 weeks out on bond.

Senator NUNN. Is it 2 weeks out of 15 years?

Mr. DENSON. Yes, sir.

Senator NUNN. Could you tell us briefly what prisons you have been in? You were in Atlanta until Saturday. Is that right?

Mr. DENSON. Yes.

Senator NUNN. How long have you been in Atlanta Penitentiary?

Mr. DENSON. I came to Atlanta in September 1976.

Senator NUNN. September of 1976?

Mr. DENSON. Yes.

Senator NUNN. Have you been in Atlanta continuously from September 1976, until Saturday, this past Saturday morning?

Mr. DENSON. With the exception of two court trips and one visit with my mother.

Senator NUNN. How long did those court trips last?

Mr. DENSON. Approximately 3 weeks.

Senator NUNN. Total?

Mr. DENSON. Each one.

Senator NUNN. So basically with the exception of your visit with your mother and those two 3-week periods you have been in the Atlanta Penitentiary since September 1976?

Mr. DENSON. Yes, sir.

Senator NUNN. Prior to Atlanta where were you incarcerated, Mr. Denson?

Mr. DENSON. Marion, Ill.

Senator NUNN. How long were you at Marion?

Mr. DENSON. I went to Marion in 1965 and stayed until 1966 and went back in 1970 and stayed until 1972. I went back in 1974, stayed until 1976.

Senator NUNN. What other penitentiaries have you served in other than Atlanta and Marion?

Mr. DENSON. Leavenworth, Terre Haute, and Lewisburg.

Senator NUNN. How long were you at Leavenworth?

Mr. DENSON. From 1967 to 1969 and from 1972 to 1974.

Senator NUNN. How about Terre Haute, how long were you there?

Mr. DENSON. From 1966 to 1967.

Senator NUNN. 1966-67?

Mr. DENSON. Yes.

Senator NUNN. Then you named one more penitentiary.

Mr. DENSON. Lewisburg. I was there in 1969, for about a month.

Senator NUNN. Any other penitentiaries you have been in?

Mr. DENSON. No, sir. El Reno. That is the reformatory.

Senator NUNN. Where is that located?

Mr. DENSON. In Oklahoma.

Senator NUNN. At this point for the record I would like to have a sealed exhibit which reflects Mr. Denson's basic prison record. This will be exhibit No. 41, without objection.

[The document referred to was marked "Exhibit No. 41" for reference and is retained in the confidential files of the subcommittee.]

Senator NUNN. Mr. Denson, you have met our staff. You met Mr. Adkinson. Is that right, sitting on my left?

Mr. DENSON. Yes.

Senator NUNN. You met Larry Finks on my far left?

Mr. DENSON. Yes.

Senator NUNN. Have you met Jerry Block sitting on my right?

Mr. DENSON. Yes.

Senator NUNN. Bill Gallinaro back in the back?

Mr. DENSON. Yes.

Senator NUNN. I believe on Wednesday Mr. Adkinson and Captain Finks both interviewed you at the Atlanta Penitentiary, last Wednesday?

Mr. DENSON. Yes, sir.

Senator NUNN. How did that interview come about? In other words, who asked you to be interviewed?

Mr. DENSON. They called me from my job and told me that—last Tuesday, the AW, associate warden of custody, called me to his office and he asked me if I would have any objection to testifying before this committee.

He asked me if I would just tell the committee as I saw things at the institution out there. He told me I didn't have to if I didn't want to. I told him I would.

Senator NUNN. You told him you would?

Mr. DENSON. Yes, sir.

Senator NUNN. You talked to the staff. How long did you talk to the staff Wednesday? About an hour, 20 minutes, 30 minutes, do you recall?

Mr. DENSON. Between 30 and an hour.

Senator NUNN. Did you agree ever at that time or later on in the week to meet with them again on this past Saturday morning?

Mr. DENSON. Yes, sir. I agreed to.

Senator NUNN. You agreed to meet with them on Saturday morning?

Mr. DENSON. I didn't know what day it would be.

Senator NUNN. But you agreed to meet with them later?

Mr. DENSON. Yes.

Senator NUNN. When did you first know what date you would be meeting with them again? Did you find out Thursday, Friday, subsequent to Wednesday? When did you learn you would be meeting with them again on Saturday?

Mr. DENSON. Friday night about 7 o'clock, 6 or 7 o'clock, they called me over the PA system and asked me to report to R. & D., to receive a discharge, to be dressed out to come down here Saturday morning.

Senator NUNN. Was it pretty well known in the penitentiary that you had met with my subcommittee staff?

Mr. DENSON. Yes, sir.

Senator NUNN. I believe there were about eight other inmates that also had met with the staff, were there not?

Mr. DENSON. I don't know how many it was, but it was quite a few.

Senator NUNN. It was known that there were several different inmates that had met with the staff and that you were one of them?

Mr. DENSON. Yes, sir.

Senator NUNN. Did anybody say anything to you about that, any of your fellow prisoners? Did they have any comments to make about it one way or the other after you met with them on Wednesday?

Mr. DENSON. They were joking with me, asking me if I would testify the way Walters and Fagg testified.

Senator NUNN. What did you tell them?

Mr. DENSON. I told them that the committee selected me to testify, but to tell them the way I saw things out there because I could compare Atlanta with the rest of the institutions I had been in.

Senator NUNN. Did anybody threaten you before Saturday morning, anybody tell you not to testify, any of the inmates or anybody else?

Mr. DENSON. No. It wasn't a direct threat. The day after I talked to Mr. Adkinson, Lieutenant Strickland went down on the job and he told me he wanted to talk with me. He said he was concerned about which direction the committee was investigating, what type of questions they had asked me.

Senator NUNN. But nobody threatened you or told you not to testify, or said don't come and cooperate with the committee?

Mr. DENSON. No, sir.

Senator NUNN. I believe you told us in executive session yesterday that you got up real early Saturday morning, did you not?

Mr. DENSON. Yes.

Senator NUNN. What time did you get up?

Mr. DENSON. I got up about 5:30. I was dressed when they opened the doors at 6 o'clock.

Senator NUNN. Do you normally get up early in the morning?

Mr. DENSON. Yes, sir.

Senator NUNN. Is that just one of your habits?

Mr. DENSON. Yes, sir.

Senator NUNN. What is the first thing you usually do in the morning? I understand you go get a newspaper. Is that right?

Mr. DENSON. Yes. I live on the third floor in the cellblock.

Senator NUNN. Which cellblock is that?

Mr. DENSON. "D" cellhouse. The newspapers are usually in before they unlock the doors. I go out and pick up the newspaper and bring it back to the cell and read it.

Senator NUNN. What did you do Saturday morning? Did you go down and get a newspaper Saturday morning?

Mr. DENSON. Yes.

Senator NUNN. Where do you usually go to get that newspaper, and where did you go to Saturday?

Mr. DENSON. On the first floor where the officer's desk is.

Senator NUNN. Who generally lets you have their newspaper?

Mr. DENSON. The officer, he has them laying on the table there, and we sign for them. Each inmate knows—it is about 10 guys who receive the paper out of the whole cellblock, and some guys don't pick up their own paper. They have other guys pick it up, drop it off to them later on. This is my case.

I was nicking up a friend of mine's paper that was working in the kitchen. He gets up every morning about 3:30 or 4 o'clock. He isn't in there when the papers come in. I just get it, read it, put it on his bed so he can read it when he comes in.

Senator NUNN. What is your friend's name?

Mr. DENSON. Tony Lee.

Senator NUNN. You read his paper, give it to him later on. Is that right?

Mr. DENSON. Yes.

Senator NUNN. Is there an officer there where you pick up the paper?

Mr. DENSON. Yes.

Senator NUNN. Do you know his name?

Mr. DENSON. No. I don't.

Senator NUNN. Did you see an officer this Saturday morning when you went to pick up the paper?

Mr. DENSON. Yes.

Senator NUNN. Did he see you?

Mr. DENSON. I am sure he did.

Senator NUNN. Did you have any conversation with him?

Mr. DENSON. No.

Senator NUNN. Were the papers there?

Mr. DENSON. No.

Senator NUNN. They hadn't come in that morning?

Mr. DENSON. No.

Senator NUNN. Tell us in your own words what you did after you went down and picked up the paper? First of all, let me ask you this question: What time of day was that when you went down to get the paper?

Mr. DENSON. Just a few minutes after 6, as soon as they opened the doors.

Senator NUNN. How do you know it was a few minutes after 6?

Mr. DENSON. Because they normally open the doors between 6 and 6:15.

Senator NUNN. Just tell us then what you did after you went down and the paper wasn't there?

Mr. DENSON. I went down to pick the paper up and it wasn't there. So I went back and the guy that the paper belongs to lives on one side of the cellblock and I live on the other side on the same range on the third floor. I went by his cell to see if he was in and he was still in the messhall.

I went on around to the back of the cellhouse and when I got back there somebody swung at me with a stick or a piece of pipe or I don't know what it was.

Senator NUNN. When that happened where were you?

Mr. DENSON. On the back of the range on the third floor.

Senator NUNN. Were you near the staircase or were you about to go up the stairs or down the stairs?

Mr. DENSON. No. I was just going around the back of the cellhouse to my, over to my side.

Senator NUNN. So you were just passing the stair well?

Mr. DENSON. Just passing the stair well.

Senator NUNN. You weren't going up or down?

Mr. DENSON. No.

Senator NUNN. Where was the person who swung at you?

Mr. DENSON. He was about halfway between the third and fourth floor on the steps.

Senator NUNN. Go ahead and tell us what happened then.

Mr. DENSON. When he swung at me, I grabbed his shoulder. I was trying to pull him down the steps and I don't know. I think he had his foot on the rail or was holding the other rail with his hand, but all of a sudden he sprung loose and fell down on me.

When he did, there was another guy standing there with a knife. Both of these guys had these commissary stocking caps over their head.

Senator NUNN. They had the commissary stocking caps over their heads?

Mr. DENSON. Yes.

Senator NUNN. What kind of cap is that? Is that one that pulls down?

Mr. DENSON. Yes. You can pull it all the way down to your chin.

Senator NUNN. How do they see?

Mr. DENSON. They have got holes cut in them. Usually that is what they use when they try to make a move without anyone seeing them.

Senator NUNN. So they had caps pulled down over their heads and they had cuts so they could see out of them?

Mr. DENSON. Yes. It is easy to pull them down when you want to, roll them back up. It is not unusual to see anybody with them.

Senator NUNN. Tell us what happened after you grabbed the man who swung at you?

Mr. DENSON. When I pulled him down where I was, this other guy I don't know where he came from, I don't know if he was there with him or what, but I saw him with the knife and I just shoved this guy I had, I was still holding, and I just shoved him into this guy. Both of them started running down the other side of the range.

Senator NUNN. Did the man with the knife ever try to stick you with it?

Mr. DENSON. No. He wasn't close enough. I don't know if he come up from the second floor to the third floor, if he was standing on the back, behind the stairway on the third floor or what. I don't know.

It all happened in just a matter of seconds. When they went down the other side of the range, I went over on my side and I didn't walk that fast up to the front, but when I got up to the front where I could look over the screen, look through the screen down the steps I can't say that it was them going out the door or not. But these guys, the guys I saw going out the door went down toward the messhall.

Senator NUNN. Did you actually recognize who they were?

Mr. DENSON. No, sir.

Senator NUNN. Did you ever recognize who it was that attacked you?

Mr. DENSON. No, sir. I thought I knew who it was, one of them. When I went and checked after I got everything where you know I could be pretty well in control of the situation, I went and checked and the guy that I thought it was, the guy next door to him said he was in the bed.

Senator NUNN. Said he was in bed.

Mr. DENSON. Yes.

Senator NUNN. Did you check to see if he was?

Mr. DENSON. I checked. I checked, I am positive it wasn't him. He was there.

Senator NUNN. You are positive he was there.

Mr. DENSON. It wasn't him that did this.

Senator NUNN. So the one you first thought it was—it couldn't have been him because he was in bed at that time?

Mr. DENSON. No. He had gotten out of the bed, but the way I checked I know that he was in bed.

Senator NUNN. Did you report that incident to any prison official?

Mr. DENSON. No, sir.

Senator NUNN. Why not?

Mr. DENSON. Because one thing, I didn't want them to lock me up. Another thing, when I left I was still trying to find out who it was. If I had been out there if I could have had a little more time, I would probably find out before the marshals picked me up.

Senator NUNN. You were picked up to come down to be interviewed by my staff at what time?

Mr. DENSON. They called me about 8:30, quarter to 9.

Senator NUNN. You mean if you could have stayed out there that Saturday morning you might have been able to find out who it was?

Mr. DENSON. Yes.

Senator NUNN. How would you have done that, just asking around?

Mr. DENSON. Usually when something like that happens, these guys discuss that with somebody else. They would have. There would have been some type of indication and the people that they discussed it with may have or may not have told me. There are ways of finding out things in there, especially something like that.

Senator NUNN. So you don't know who it was now for sure?

Mr. DENSON. No, sir.

Senator NUNN. Do you have suspicions?

Mr. DENSON. Yes, sir.

Senator NUNN. We don't want to go into the suspicions this morning. You could not recognize them?

Mr. DENSON. No.

Senator NUNN. The fellow with the stick was on the floor above you coming down; is that right?

Mr. DENSON. Yes.

Senator NUNN. Was the fellow with the knife coming down also?

Mr. DENSON. When I saw him he was on the same floor with us on the third floor by the side of the stairs.

Senator NUNN. So he wasn't above you, he was on your same level?

Mr. DENSON. Yes, sir.

Senator NUNN. What prevented the fellow with the knife from getting to you?

Mr. DENSON. This is what I can't understand. I don't know where he came from. I don't know. He could have been walking behind me. I can't say.

Senator NUNN. It just happened very fast?

Mr. DENSON. Right.

Senator NUNN. You basically grabbed the man who swung at you, pulled him down on top of you, then shoved him against the man with the knife?

Mr. DENSON. Yes.

Senator NUNN. So he didn't have a chance to get to you once you grabbed that man and had him between you; is that right?

Mr. DENSON. Right. I couldn't even say they were both together. But I didn't expect the guy to be standing up there with the stick; I didn't expect the guy with the knife.

Senator NUNN. Thank you, Mr. Denson.

I want to ask you a couple of questions about the murder of Vincent Papa. We discussed that in some detail in executive session yesterday morning.

Do you recall all of the discussion?

Mr. DENSON. Yes, sir.

Senator NUNN. I want to ask you these questions, Mr. Denson, and I will ask you to be careful in your answers because I am going to ask you in very brief form so that you can answer yes or no.

This is still an open investigation. We did not have certain testimony on it in Washington because it was an open investigation. I do want you to answer these questions but I am not going to go into all of the details and I am not going to ask you at this point the names of the people.

Do you understand?

Mr. DENSON. Yes, sir.

Senator NUNN. First of all, Mr. Denson, did you know Vincent Papa?

Mr. DENSON. I didn't know him personally. I knew who he was from just seeing him around in the institution.

Senator NUNN. Were you in the Atlanta prison with him?

Mr. DENSON. Yes, sir.

Senator NUNN. Were you in the Atlanta prison during July 1977?

Mr. DENSON. Yes, sir.

Senator NUNN. Was Vincent Papa—

Mr. DENSON. I am not sure if it was July or around the first part of August.

Senator NUNN. You were there in July?

Mr. DENSON. Yes.

Senator NUNN. You are not sure when this occurred?

Mr. DENSON. No.

Senator NUNN. Was Vincent Papa an inmate at the penitentiary during that summer of 1977, along with you?

Mr. DENSON. Yes.

Senator NUNN. You had seen him two or three times and knew who he was before he was killed?

Mr. DENSON. Yes, sir.

Senator NUNN. Mr. Denson, did you see a man being stabbed to death whom you later learned was Vincent Papa?

Mr. DENSON. Yes, sir.

Senator NUNN. What time of day was that?

Mr. DENSON. It was in the eveningtime, right after the evening meal; during the evening meal it may have still been going on, because we had just left the messhall and were going to the big yard.

Senator NUNN. Do you know the name of the men that you saw stabbing Vincent Papa?

Mr. DENSON. Yes.

Senator NUNN. Do you know the names of the men standing lookout while the murder took place?

Mr. DENSON. Yes.

Senator NUNN. Did you have any discussions with any of these men immediately after the murder?

Mr. DENSON. Yes, sir.

Senator NUNN. Mr. Denson, are you willing to tell a grand jury who you saw kill Vincent Papa?

Mr. DENSON. Yes, sir.

Senator NUNN. Are you willing to appear in a trial as a Government witness in the Papa homicide?

Mr. DENSON. Yes, sir.



Senator NUNN. Are you able to supply the names of other witnesses to the homicide?

Mr. DENSON. Yes, sir.

Senator NUNN. In other words, you are willing to tell the jury and cooperate with the Government to the same extent you did with us in executive session?

Mr. DENSON. Yes, sir.

Senator NUNN. I am not going to ask you any other questions on that at this point.

I want to turn to the question of narcotics. We will make all the information we have on this, in terms of the names of the witnesses, available to the District Attorney Harper. We have discussed this with him very briefly.

We will turn over our information and my staff will stay here this afternoon as long as necessary to go over this with him.

Mr. Denson, I know Mr. Harper is going to want to talk to you some after this hearing. Would you be willing to talk to the U.S. attorney about this?

Mr. DENSON. Yes, sir.

Senator NUNN. Mr. Denson, were you involved in the distribution of narcotics in the Atlanta Penitentiary?

Mr. DENSON. Yes, sir.

Senator NUNN. Did you know an employee at the Atlanta Penitentiary by the name of "Blue" Elswick?

Mr. DENSON. Yes.

Senator NUNN. Have you ever bought narcotics directly from "Blue" Elswick?

Mr. DENSON. No.

Senator NUNN. You never have actually purchased narcotics yourself from "Blue" Elswick?

Mr. DENSON. No.

Senator NUNN. Were you present when a narcotics transaction took place with an inmate named Schapolino and "Blue" Elswick? Were you present when that took place?

Mr. DENSON. Yes.

Senator NUNN. How about telling us about that.

Mr. DENSON. Mike had told me he had been expecting this package to come in. He said—

Senator NUNN. Mike Schapolino?

Mr. DENSON. Yes. The morning he was supposed to pick it up he told me, he asked me if I would go with him and take it back to the cellblock. He and I live in the same cellblock. He told me he had a lot of heat on him, he didn't want to take a chance on getting shook down with it. He told me where he expected to pick it up and everything.

We went downstairs to get it and at the door they have a table in front of the door.

"Blue" Elswick was sitting at the table, filling out money slips to have packages sent home, had hobby craft in them. That is the normal thing on Sunday morning. When we went there and Mike moved the table, he works back in the back, back there.

He has to go behind the table to pack, to help package up these packages. When he moved the table and walked by "Blue," he asked him did he have it, and he told him it was over there in the corner.

Senator NUNN. You heard that conversation?

Mr. DENSON. Right.

Senator NUNN. You were physically present when that happened?

Mr. DENSON. Yes.

Senator NUNN. Where was that, what part of the prison?

Mr. DENSON. It was downstairs by the clothing room.

Senator NUNN. Did Mike go over and pick up the package?

Mr. DENSON. Yes, sir.

Senator NUNN. Where was the package located?

Mr. DENSON. It was a lot of packages already down there on the floor. He told him where it was over in the corner. Mike went and got the package. I waited on him where the table was and when he came out, he stuck the package behind his coat in his trousers or under his coat and we walked up by the steps and there is a little blind spot there. He gave it to me; I took it back to the cellblock.

Senator NUNN. So you were there when Elswick told him where the package was and you were there when Mike went over and picked up the package? You saw him all the time, he brought it back; you walked together and he gave you the package?

Mr. DENSON. Yes.

Senator NUNN. What was in the package?

Mr. DENSON. Sixteen ounces of marijuana.

Senator NUNN. How do you know that?

Mr. DENSON. They were all in one-ounce bags, little plastic sandwich bags.

Senator NUNN. Where did you take the marihuana?

Mr. DENSON. I took it back to the cellblock, to my cell at first and then I took it up to his cellblock and waited on him to come get off of work. He was staying down there about an hour after I got back to the cellblock.

Senator NUNN. What did you get for your part in that transaction?

Mr. DENSON. It was probably a little over an ounce.

Senator NUNN. You got about an ounce of marihuana?

Mr. DENSON. Yes.

Senator NUNN. How many bags is that?

Mr. DENSON. One ounce is equivalent to—normally they make four \$50 bags out of it.

Senator NUNN. You make four bags out of 1 ounce?

Mr. DENSON. Yes.

Senator NUNN. So you really got about \$200 worth of marihuana for what you did in bringing it back to the cell?

Mr. DENSON. I smoked some of that that he had. So I would say about an ounce or a third or something like that.

Senator NUNN. Was there any other time when you ever were directly involved when "Blue" Elswick was engaged in any kind of narcotic transaction?

Mr. DENSON. No, sir.

Senator NUNN. That was the only time?

Mr. DENSON. That I know of.

Senator NUNN. That you personally could testify to?

Mr. DENSON. Yes.

Senator NUNN. Mr. Denson, when was this approximately? I know you don't know exact dates but do you know approximately when it was? Was this in 1977 or was it this year?

Mr. DENSON. The time in, approximately around the time that they had a procedure of sending the hobby craft out from in the gym and they changed it and moved it downstairs by the R. & D., whenever it was changed, that is when it was. A few weeks after it was moved out of R. & D.

Senator NUNN. Was that in 1977?

Mr. DENSON. Yes, sir.

Senator NUNN. Were you with any other person when Mr. Elswick was engaged in narcotic transactions?

Mr. DENSON. I can't say that it was in 1977. It may have been the last of 1977.

Senator NUNN. It could have been the last of 1976?

Mr. DENSON. No. It was 1977.

Senator NUNN. You think it was 1977 but you are not absolutely sure?

Mr. DENSON. No.

Senator NUNN. But if you went back and found the record as to when those changes were made that you could identify—

Mr. DENSON. That is when it was.

Senator NUNN. Were you present when any other narcotics transactions took place with Elswick?

Mr. DENSON. I went with another guy to—I walked with him to get this package. It was a pound. We went to the rec shack and this guy worked in the back in the office part time with Blue. I didn't see him get the package from Blue, but he went back in the office. He didn't have it when he went back there, and when he came out, he had it.

Senator NUNN. Did he tell you he was dealing with Blue?

Mr. DENSON. Not just like that. But it was so obvious what was happening.

Senator NUNN. So he went to the recreation shack where Blue Elswick was?

Mr. DENSON. Yes.

Senator NUNN. Did you see Elswick that day?

Mr. DENSON. Yes.

Senator NUNN. You didn't go inside but you saw him? Where was he?

Mr. DENSON. Inside the rec shack it is like an office in the back of it. The front part is open to playing cards, watching TV and all of this. This is where I stayed; where they were playing cards. The guy had to walk back in the office and he came out with the package and it was all in one lump. It wasn't weighed out in 1-ounce bags. It was just 1 pound of weed.

Senator NUNN. You saw Elswick that day?

Mr. DENSON. Yes.

Senator NUNN. He was there when the package was picked up?

Mr. DENSON. Yes.

Senator NUNN. But you did not see him actually hand it to the person you were with?

Mr. DENSON. No, sir.

Senator NUNN. Did he hand it to him? Do you know, were you told that he handed it to him or did he go pick it up somewhere?

Mr. DENSON. No. This guy, I was out there, I had some parlay slips, and the guys that were turning them in to me would turn them in to me at the rec shack. I thought that Blue was trying to set me up with an officer to get me shook down with these parlay slips in my pocket.

I told this one guy, I asked this one guy about letting me stash them out there until after the game started and I would come back later on and get them.

He told me that I didn't have to worry about Blue because he had been taking care of something for him; as a matter of fact, he was waiting on him to take care of something for him.

Senator NUNN. Who was it that told you that, the fellow who went with you to get the narcotics?

Mr. DENSON. Yes.

Senator NUNN. What was his name?

Mr. DENSON. Junior Broom.

Senator NUNN. Junior Broom?

Mr. DENSON. Yes.

Senator NUNN. Were there any other narcotics transactions that you knew about directly involving Blue Elswick?

Mr. DENSON. No, sir.

Senator NUNN. Do you know anyone else in the Atlanta Penitentiary who engages in narcotics traffic? Any other employee?

Mr. DENSON. Carroll.

Senator NUNN. What is his name?

Mr. DENSON. Carroll.

Senator NUNN. What is his first name?

Mr. DENSON. I think it is John. I don't know.

Senator NUNN. John Carroll? Does he work in the Atlanta Penitentiary Food Services?

Mr. DENSON. Yes.

Senator NUNN. How long have you known John Carroll?

Mr. DENSON. I have been knowing him shortly after I got there.

Senator NUNN. Since you got there in Atlanta?

Mr. DENSON. Yes.

Senator NUNN. Do you know him when you see him?

Mr. DENSON. Yes.

Senator NUNN. Have you ever had any direct narcotics transactions with John Carroll in the Atlanta Penitentiary?

Mr. DENSON. Yes.

Senator NUNN. How many times?

Mr. DENSON. Three times.

Senator NUNN. Tell us about the first one.

Mr. DENSON. The first one was a guy came to me, asked me if I could get a pound of weed in, if I could he would give me a third of it to get it in.

I knew I could go to this other guy that had been getting things in like that, and I could make a deal with him and to get it in. He told me where it was. He said he had to deposit \$100 up front and give him a phone number, and if his man called this number and the stuff wasn't

there, to be brought in the next morning or the next day, I would just lose the \$100.

If anything went wrong on my behalf, my dealing, I would just lose the money they have put up.

Senator NUNN. Who told you that?

Mr. DENSON. Yankee Taylor.

Senator NUNN. Yankee Taylor?

Mr. DENSON. Yes.

Senator NUNN. This was another inmate?

Mr. DENSON. Yes.

Senator NUNN. Go ahead.

Mr. DENSON. So I had had some dealings with him before, and as long as I stayed on the top of it, know what is going on all the time, I know I wouldn't lose the money with him.

If this was the case, he knew I had to trust him, he knew I was going to go, I had to know everything that was involved and he ran it down to me and told me that when I made sure that the package was ready to be delivered, when the call was made, give him the \$100 and he would give it to Carroll, and when Carroll brings the package I would have \$400 left. I would have \$400 to give to him.

Senator NUNN. So you paid \$100 up front?

Mr. DENSON. Yes.

Senator NUNN. Then \$400 was to be paid when the delivery took place?

Mr. DENSON. Yes, sir; he said that he would bring anything in except—anything up to a pound of weed in bulk.

Senator NUNN. Who told you this?

Mr. DENSON. Carroll.

Senator NUNN. Did Carroll tell you directly?

Mr. DENSON. Yes.

Senator NUNN. When did you have a conversation with Carroll? Was this after you talked to your friend and inmate?

Mr. DENSON. Yes, sir.

Senator NUNN. Did you pay Carroll the \$100?

Mr. DENSON. No; he paid him the \$100; I paid him the \$400.

Senator NUNN. Tell us about when you paid Carroll the \$400 and when you picked up the package.

Mr. DENSON. The next day, he had already told me to bring an ice bucket down to the messhall.

Senator NUNN. Who told you that?

Mr. DENSON. Carroll.

Senator NUNN. Carroll told you that?

Mr. DENSON. Yes; that was to, for him to have a place to put it and stash it while I get there and for me to take it out. I was to take it back to the cellblock from the messhall, from the back of the messhall, back to the cellblock.

Senator NUNN. Just tell us exactly what you did that date?

Mr. DENSON. I went back and he was back there, and I asked him if everything was all right. He showed me the ice bucket and I had the money and gave it to him; went over and looked in there, it was 16 1-ounce bags in there, and you press the top of it down on it, just like you got a bucket of ice.

Senator NUNN. So you didn't bring the ice bucket from your cell? You picked up the ice bucket? Where was that, in the kitchen?

Mr. DENSON. I had left it back there the night before.

Senator NUNN. You left it there the night before?

Mr. DENSON. Yes.

Senator NUNN. That was according to the instructions John Carroll had given you?

Mr. DENSON. Yes.

Senator NUNN. Where did this take place? Was this in the kitchen?

Mr. DENSON. Yes; back in the back of the kitchen.

Senator NUNN. What did you do first when you walked in the kitchen, did you pay Mr. Carroll at that stage?

Mr. DENSON. We went back. They have had so many changes back there, but we went back in the back area of the kitchen, and it was like from here to that young lady there where the bucket was where we were talking.

Senator NUNN. When you say we, who was there?

Mr. DENSON. Carroll and I.

Senator NUNN. Just the two of you?

Mr. DENSON. Yes. I gave him the money, went over, I pulled the lid off the bucket. I saw what was in it and got it. He walked back up to the front, all the way up to the front door of the messhall with me and I went on out the hall to my cell.

Senator NUNN. Why did he walk to the front of the messhall with you?

Mr. DENSON. To prevent me from getting shook down.

Senator NUNN. Who would have done the shaking down?

Mr. DENSON. The lieutenant was at the front door, a couple of officers there and usually they would be watching for the guys coming out of the messhall with food or whatever, you know. If one of the employees were with you, they wouldn't stop you and shake you down.

Senator NUNN. So Carroll accompanied you to the front of the messhall to avoid you getting shaken down?

Mr. DENSON. Yes.

Senator NUNN. What did you do? Was it marihuana?

Mr. DENSON. Yes.

Senator NUNN. What did you do with it?

Mr. DENSON. I took it back up to the cellblock and went over and went and got this guy that it belonged to and explained to him what I had. We split it up.

Senator NUNN. Who did it belong to?

Mr. DENSON. A guy named Willie Johnson.

Senator NUNN. He is the one that made the arrangements on the outside?

Mr. DENSON. Yes.

Senator NUNN. Was he the one that gave you the money?

Mr. DENSON. Yes.

Senator NUNN. Was it his money you were paying Carroll?

Mr. DENSON. Yes.

Senator NUNN. Do you know about when this was? Was the year 1976 or 1977 or 1978?

Mr. DENSON. I would say around the first part of 1977.

Senator NUNN. First part of 1977?

Mr. DENSON. Yes.

Senator NUNN. Say the spring or January-February time frame or do you know?

Mr. DENSON. I can't pinpoint the date.

Senator NUNN. Why do you think it was in the first part of 1977?

Mr. DENSON. Because that was the first transaction for that and I remember.

Senator NUNN. Tell us about the second transaction you had with Mr. Carroll.

Mr. DENSON. The second one was an ounce of heroin and an ounce of cocaine.

Senator NUNN. When did this occur? Was this shortly after the first transaction?

Mr. DENSON. Yes; it was not too long after that.

Senator NUNN. Would you say a couple of months after?

Mr. DENSON. No; I would say a couple of weeks.

Senator NUNN. Tell us what you did on that one?

Mr. DENSON. It was all virtually the same thing, I told him I had a package and I had the money and everything and gave him the number and he told me what he would do, as usual, run a metal detector over the package, he wouldn't even open it.

He run a metal detector over it, if it didn't register, he would bring it in, but if it did register metal he would throw it away. If I didn't have the other \$400 when he brought it in, he would take it back.

I met him back in the messhall and this package was a lot smaller than the first one. I just stuck it down in the waistband of my trousers, pulled my shirt over it, walked back out to the messhall, drank a cup of coffee and went on out the door and took it up to the cellblock.

Senator NUNN. Did he hand you this package or did you pick it up?

Mr. DENSON. No; he handed it to me.

Senator NUNN. Where did he have it?

Mr. DENSON. In his pocket.

Senator NUNN. So John Carroll actually handed you that package?

Mr. DENSON. Yes, sir.

Senator NUNN. Then what did you do with it when you got back to the cellblock?

Mr. DENSON. I went and got the guy that it belonged to, the same guy, and he took it, and the heroin was his and the cocaine belonged to the guy that supplied him the heroin.

Senator NUNN. What did you get out of it?

Mr. DENSON. I got a third.

Senator NUNN. A third of the heroin?

Mr. DENSON. A third of the heroin. I didn't get—the cocaine; Willie had lost the cocaine to another guy in gambling. He had to pay this guy that.

Senator NUNN. So you didn't get any of the cocaine; you got a third of the heroin?

Mr. DENSON. It was understood that I wouldn't get any of that from the beginning.

Senator NUNN. How much heroin was it?

Mr. DENSON. It was an ounce of heroin that he got. I got a third of it.

Senator NUNN. You got a third of an ounce?

Mr. DENSON. It is so hard to determine how—you say how much, it was supposed to be roughly a third. We don't have any way of measuring it and the way we do it is first determine the quality of it.

Once we have decided what the quality is, how many \$20 papers we can make out of it, then that is the way we will split it up.

Senator NUNN. Do you remember how many \$20 papers you made out of this particular package of heroin?

Mr. DENSON. That was, we would get about seven papers up per gram.

Senator NUNN. So how many would that make in that package? Do you know how many \$20—

Mr. DENSON. That would be about almost 200 papers, about 100-some papers.

Senator NUNN. So this was about \$18 to \$20,000 worth of heroin in terms of the price that you could get for it in the penitentiary?

Mr. DENSON. Right. Well, see, \$20 a paper, but it doesn't go that smooth you know. Theoretically, that is the way it works. Usually, a guy will make other deals with some of the heroin.

Senator NUNN. So it wasn't all cash? It went into a lot of different deals. You said it is \$20 a paper and how many papers would you make?

Mr. DENSON. You get seven. Out of that particular heroin you could get seven \$20 papers out of one gram.

Senator NUNN. One gram?

Mr. DENSON. Yes; normally, you would get between 20 and 30 papers if the quality is good.

Senator NUNN. How did you measure quality? How did you determine the quality of the heroin?

Mr. DENSON. Usually, the way the guy, if a guy gets some and you don't have a way of testing it himself without a chemical test, when you get four or five guys that you know that are shooting heroin, you make varying size papers and give each one a paper to test it, you try to get someone that is not going to lie to you about what he got out of it.

Usually, they will tell you the truth, like a guy, if he fixes it, he will tell you what type of high he got out of it. You know, you would give a guy that hasn't been shooting it regular, you would give him a small paper, a guy that has been shooting fairly regular, you give him one of the larger, and the guy that you know has been shooting every time something comes in, you would give him a larger paper because his resistance is higher than the rest of them.

Senator NUNN. So you actually tested to determine quality by giving it to other inmates to get their reaction?

Mr. DENSON. Right.

Senator NUNN. Do you do this individually, or do you get them altogether?

Mr. DENSON. You have to do it individually.

Senator NUNN. You don't let one of them hear what the other one is saying?

Mr. DENSON. Right.

Senator NUNN. What did you get for your part of this transaction in terms—you got one-third of the heroin?



Mr. DENSON. I sold it. I probably made about \$600 cash money on mine.

Senator NUNN. About \$600?

Mr. DENSON. I had made other deals by giving guys two or three papers to do this, two or three papers to do that, you know.

Senator NUNN. You didn't deal in cash, you dealt in a lot of—

Mr. DENSON. Commissary, wherever it would bring. Then that is why it is so hard to determine exactly how much was made.

Senator NUNN. What about the next time you had any kind of narcotics transaction with John Carroll? Can you tell us about this?

Mr. DENSON. Yes, sir. That was with some weed. I got another pound of weed, virtually the same way I got the first one.

Senator NUNN. Who were you getting that for?

Mr. DENSON. This was the same thing, this was for Willie Johnson.

Senator NUNN. Willie Johnson, too?

Mr. DENSON. Yes.

Senator NUNN. Johnson made the arrangements for it to be picked up on the outside?

Mr. DENSON. Yes.

Senator NUNN. Who told Carroll where to make the pickup on the outside? Did you have any part in that?

Mr. DENSON. I would have the name and the number, phone number wrote down on a piece of paper. When I would get the money, I would give him the name, this lady who is said to be Willie Johnson's woman.

When he would call this number, whatever he would tell her, she was already prepared to deliver it to wherever he said his car was.

Senator NUNN. It worked the same way every time?

Mr. DENSON. Yes.

Senator NUNN. When you paid him the first \$100 you would give him the name and telephone number?

Mr. DENSON. Yes.

Senator NUNN. He would call that name and phone number and somebody would actually deliver it to his car?

Mr. DENSON. Right.

Senator NUNN. It would happen that way each time?

Mr. DENSON. Yes.

Senator NUNN. Tell us about the third transaction? You say that it is just about like the first two, you gave him the name and number?

Mr. DENSON. Yes; it was another one, one time that I had a part in. This guy, Willie's woman was out of town and she got, Willie got another guy's wife to make the delivery for him. This is the time that the lady took the package to the car, where she was supposed to have taken it, and McDonald's offer there across the streets from the joint.

The car was there, but the antenna was messed up on it some kind of way. I think the antenna, he told me the antenna would be up on the (C) antenna would be sticking up on it. It wasn't up. She wasn't certain she saw the type of car it was. She wasn't certain that it was the car because it didn't have an antenna on it.

So she went inside the McDonald's with the weed. She got it in a flight bag. He is sitting in there watching her.

Senator NUNN. Who is he?

Mr. DENSON. Carroll. She didn't know who he was. It was obvious who she was. He knew what he was sitting there waiting for you know.

She saw three guys standing up in the window, looking out and said one of them had some handcuffs looped over his belt in the back. She thought it was some type of setup.

She sat in there for a while and ordered something and then left. He said he couldn't tell her that he was the one she was waiting on.

Senator NUNN. He told you this? How did you find this out?

Mr. DENSON. Yes; he had told another guy, Yankee, as soon as he came back in.

Senator NUNN. Who told Yankee?

Mr. DENSON. Carroll.

Senator NUNN. Carroll told Yankee?

Mr. DENSON. Then later on it was discussed and we got it all straightened out. He said he wouldn't—ordinarily if something went wrong like that, I would just lose the \$100, but he knew she was there, but it was just a mixup there and the next couple of days he brought it in.

Senator NUNN. So that deal was finally completed? It just went awry the first time you tried it?

Mr. DENSON. Right.

Senator NUNN. You didn't have to pay him another \$100?

Mr. DENSON. No.

Senator NUNN. Did you personally hand him that \$100?

Mr. DENSON. Yes.

Senator NUNN. How much did you pay him when he brought it in?

Mr. DENSON. Four hundred dollars.

Senator NUNN. Where did you pick it up?

Mr. DENSON. The money?

Senator NUNN. The marihuana or the package?

Mr. DENSON. The same place in the kitchen.

Senator NUNN. Was it an ice bucket that time?

Mr. DENSON. Yes.

Senator NUNN. Did he walk back to the door with you again?

Mr. DENSON. Yes.

Senator NUNN. In other words, every time you had the ice bucket he walked back to the door where he could help you get by the guards?

Mr. DENSON. Right.

Senator NUNN. When you had the heroin and just stuck it in your pocket did he walk with you then?

Mr. DENSON. No; I went around the messhall. There was no problem with that.

Senator NUNN. Were there any other transactions you had with Carroll?

Mr. DENSON. No, sir. He had another one with Willie Johnson that I was involved in. I watched for the man while they transacted. Willie gave him the money and everything, picked up the package from him.

Senator NUNN. Did you witness that?

Mr. DENSON. Yes.

Senator NUNN. Where were you?

Mr. DENSON. The front of the messhall. They were over on the side by the steps leading up to the kitchen part.

Senator NUNN. They were over on the side? They didn't pick it up the same place you picked it up?

Mr. DENSON. No; that was an ounce of heroin.

Senator NUNN. Did you see the transaction take place?

Mr. DENSON. Yes.

Senator NUNN. You saw Carroll handing the heroin?

Mr. DENSON. Yes.

Senator NUNN. How far away was it from where you were standing?

Mr. DENSON. From here to that panel right there.

Senator NUNN. They were very close to you?

Mr. DENSON. Yes.

Senator NUNN. What was your role in that transaction? What were you supposed to do on that?

Mr. DENSON. I was going to help Willie deal it off.

Senator NUNN. You were to help him later on?

Mr. DENSON. Yes.

Senator NUNN. Were you the bodyguard, there to see that nothing went wrong?

Mr. DENSON. I was there; I was watching for the officer.

Senator NUNN. You were lookout?

Mr. DENSON. Yes.

Senator NUNN. Do you have any other direct knowledge of employees at the Atlanta Penitentiary who dealt in narcotics that you personally saw in a transaction?

Mr. DENSON. No, sir, not that I personally saw.

Senator NUNN. I believe you have given us in executive session, the names of three other people that you have some evidence on as far as them engaging in narcotics traffic, have you not?

Mr. DENSON. Yes.

Senator NUNN. We are not going to ask you to name those today because we have not checked those out and we will turn over any information and I hope you will cooperate with the district attorney on those particular matters.

You are willing to cooperate, are you not?

Mr. DENSON. Yes.

Senator NUNN. Mr. Denson, are you willing to appear before a grand jury and, if necessary before a trial jury, and tell them the same thing you have told us this morning about narcotics transactions concerning "Blue" Elswick and John Carroll?

Mr. DENSON. Yes, sir.

Senator NUNN. You are willing to cooperate with the northern district attorney here in that regard?

Mr. DENSON. Yes.

Senator NUNN. Mr. Denson, how important are narcotics to inmates in the institution?

Mr. DENSON. Some guys out there claim that they just couldn't make it day by day without some form of high.

Senator NUNN. Are a lot of them in that category?

Mr. DENSON. Yes, sir. It is probably out of all of them, probably less than 100 guys out there that are not smoking marihuana.

Senator NUNN. Less than 100 that are not using it?

Mr. DENSON. On a regular basis, every day.

Senator NUNN. You are saying 90 percent of the people at the Atlanta Penitentiary are using some form of narcotics?

Mr. DENSON. Probably more than 90 percent.

Senator NUNN. Is that just an estimate by you?

Mr. DENSON. Yes.

Senator NUNN. You don't know that personally? You haven't seen every one of them out there?

Mr. DENSON. No, sir. I haven't seen everybody out there smoking it, but it just appears that way.

Senator NUNN. Do some prisoners come into that institution not using narcotics and start while they are there?

Mr. DENSON. Yes, sir. There are some guys that never used, never smoked marihuana before in their life until they get there. Then all of a sudden they smoke it just as regular as anybody else all the time.

Senator NUNN. What would happen if the supply of all narcotics was cut off to the Atlanta Penitentiary, if there just wasn't anymore going out there? What, in your opinion, would happen?

Mr. DENSON. It probably would be, the lid would probably blow off of it.

Senator NUNN. The lid would blow off?

Mr. DENSON. The guys would just, there wouldn't be anything left to do in there, but just turn on—I believe it would be more violence out there than it is now.

Senator NUNN. So your opinion is that if they didn't have narcotics out there, there would be some big trouble?

Mr. DENSON. Yes, most of the guys when they get off of work, they go and get high on weed and just lay up in the cell and listen to the radio. But if they didn't have that to do, they would be out on the yard, rolling the cellhouse, just all over the place, looking for something to get into.

Senator NUNN. How about a comparison? Is this the way it is in all of the penitentiaries where you have been?

Mr. DENSON. No, sir, it is not as large scale as that. But almost everything that is happening in Atlanta it has happened in other institutions but not on a large scale out there. Atlanta, there are certain things you can do, at Marion, and there are certain things you can't do.

The same thing with Leavenworth. But at Atlanta, anything anybody can do anywhere else in the Federal system you can do it at Atlanta.

Senator NUNN. You can do it all in Atlanta?

Mr. DENSON. Yes.

Senator NUNN. You are saying the same things occur in other institutions but just not on the same scale. Is that right?

Mr. DENSON. Yes.

Senator NUNN. What about weapons at the Atlanta Penitentiary? Do many of the prisoners have weapons or have access to weapons?

Mr. DENSON. Yes; almost anybody—if a man wanted a weapon, needed one, he could find one just almost any time he wished.

Senator CHILES. Do most of the inmates out there have a weapon?

Mr. DENSON. Not each and every inmate has a weapon. One guy may have one that he will let 15 or 20 other guys use; just ask him for it. It is like a community thing. If a guy has got 10 or 15 buddies, they don't need but one weapon. They are not all going to use it at the same time, but if the situation occurs where four or five of them need a knife at the same time, to go do something, they could get it all, four or five of them could get it, but normally, it is just, they just need one knife for one kill, you know.

Senator CHILES. So what you are saying is everybody either has their own weapon or has access to one through the group they are in?

Mr. DENSON. Right.

Senator CHILES. Where do these weapons come from? Where do you get them?

Mr. DENSON. Just about anywhere. Most of them come out of the factory.

Senator CHILES. Most of them are made in the prison factory?

Mr. DENSON. Yes.

Senator CHILES. Are we mostly talking about knives? What else is there besides knives?

Mr. DENSON. Iron pipes.

Senator CHILES. Iron pipes?

Mr. DENSON. Yes; they have some heavy sticks out there, too.

Senator CHILES. Sticks?

Mr. DENSON. That they use on parts of the looms in the industry.

Senator CHILES. Any guns?

Mr. DENSON. Not that I know of.

Senator CHILES. Do you have a weapon?

Mr. DENSON. Yes, sir, I have one.

Senator CHILES. You have one out at the Atlanta prison now?

Mr. DENSON. Yes.

Senator CHILES. Where is that weapon?

Mr. DENSON. I have it stashed on my job.

Senator CHILES. You have it stashed where?

Mr. DENSON. On my job.

Senator CHILES. On your job?

Mr. DENSON. In the industries.

Senator CHILES. Would you relate to the subcommittee, so we can ask the prison authorities to go pick up that weapon; where it is?

Mr. DENSON. I could tell them where it is.

Senator CHILES. Would you tell us now?

Mr. DENSON. Yes, sir.

Senator CHILES. Mr. Chairman, I think it would be a good idea to find out.

Senator NUNN. What kind of weapon is it?

Mr. DENSON. This is a knife.

Senator NUNN. A long knife, short knife?

Mr. DENSON. It is short.

Senator NUNN. Where did you get that?

Mr. DENSON. This one, my knife, I saw it in the paper Saturday hanging on the board. They had it hanging on the board somewhere.

Senator NUNN. That was your knife?

Mr. DENSON. One of them was my knife. I made it.

Senator NUNN. Was that the one you are just talking about?

Mr. DENSON. No.

Senator NUNN. You mean you've got another one?

Mr. DENSON. I have had several since then. That one has been gone for over a year.

Senator NUNN. Was Saturday's paper the first time you have seen it?

Mr. DENSON. Yes.

Senator NUNN. You didn't know they found it?

Mr. DENSON. What I thought was some convict had found it and maybe he got busted with it. I don't think an officer got it, because if he had, I would have been asked about it.

Senator CHILES. You weren't without a weapon too long; you just made yourself another one?

Mr. DENSON. See, like I had been keeping a knife on the job and I know some guys that I could go to in the cellblock and get one anytime I wanted it. If I was out on the yard, I knew some guys that had some stashes on the yard; if I needed one out there, I could go and get it.

Senator CHILES. So it just depends on where you are? If you don't have one, you know somebody who would have one.

Mr. DENSON. It is almost, someone almost everywhere you would be that you could pretty well depend on. If he doesn't have a knife himself where he can get it, he knows somebody around somewhere he can go and get it from right now. That is the way most of the guys do it out there rather than walk around with a knife on you, you know, to be all the time, it is just within reach.

Senator CHILES. Going back to the incident that happened Saturday morning when the two fellows tried to jump you; had anything like that ever happened to you before in the Atlanta Prison?

Mr. DENSON. No; not in Atlanta. It happened at Leavenworth.

Senator CHILES. Something like that had happened in Leavenworth. That was a good while—

Mr. DENSON. Ten years ago.

Senator CHILES. Would you say that one of the reasons this hadn't happened to you in Atlanta was because you were kind of on top of things in Atlanta? You were more of a kingpin in Atlanta than you had been in Leavenworth, as far as having your group around you?

Mr. DENSON. Yes. That helps a lot, you know. If anything, there are just certain guys, if something is going to happen to them, if somebody is working in an underhanded manner toward them, the word usually gets back and there is reason for this happening. You can pinpoint it right away. You can put a stop to it or just bring it to a head right there or something, you know.

Senator CHILES. Why do you think it happened to you Saturday? What is your guess as to why these people attempted to jump you Saturday?

Mr. DENSON. I think it is one of two things. It is either—the guys that killed Papa know I know this, you know.

Senator NUNN. I don't think we want to get—

Senator CHILES. We don't want to hear names.

Senator NUNN. On that second reason, if I may interrupt, we have been into that in executive session. I think it ought to be turned over to the district attorney. It does involve names that have not been checked. So for that reason—

Senator CHILES. All right, I won't ask anything further on this.

Would you make a comparison? You went from Marion to Atlanta. How would you compare Marion to Atlanta?

Mr. DENSON. The difference is like leaving Marion, coming to Atlanta, is just like going to the streets in the free world. That is the difference in the setup of each institution.

Senator CHILES. There was a difference in the discipline and the setup in the institution that going from Marion to Atlanta was just like going out on the street?

Mr. DENSON. Yes. It was just wide open. You can move around the way you want there. You can be involved with any type of people you want to be involved with; whatever you want to do, there is somebody there to do it with. It wasn't hard to find whatever you wanted to do.

But at Marion, it is just so close and it is just that there are not many guys in Marion as there are in Atlanta. Everybody knows everybody at Marion; and Atlanta, you can go just like going across town. If you want to get away from this group of people, just go across, go on the other side of the institution. You are away from it, you know.

Senator NUNN. At Atlanta, haven't they made some changes in the last 4 or 5 months to try to cut down that kind of access? Haven't they gone to a pass system, put in some fences and so forth?

Mr. DENSON. Yes. Really that hasn't changed that much. It is just an inconvenience to you at certain times of day, but you can gear your activities to coincide with all of these passes and moves, and this and that, you know.

Senator CHILES. In your opinion, what would happen if you changed the whole staff at Atlanta? What if you brought in a completely different staff of officers and guards?

Mr. DENSON. They would be faced with the same problem as this present administration is faced with. Eventually, the convicts would eventually find an employee to do the things that—assist them in doing what they want to do.

Senator CHILES. How would you go about trying to correct the situation there, if you would try to correct it?

Mr. DENSON. If he moved most of the guys out of Atlanta, the convicts and the administrator, brought in new convicts, new administrators also. See, like, if you moved the convicts and leave the administrators there, it would be, they are used to the same thing as it was in the past.

If you bring some guys from Marion, Leavenworth, or Lewisburg, somewhere, put them in Atlanta, they come in all the time saying they can't believe it is like this. They haven't been used to anything like this; but the convicts out there that have been there for 2 or 3 years, they are set in their ways, they are used to certain things. They have geared themselves in doing the time in certain ways, and if the administrators come there, new administrators and change everything to where they couldn't do the things they have been doing, that would cause a bad scene.

Senator NUNN. In other words, what you are saying here is even if you change the whole administration, if you changed the employees and everything else and left the same prisoners there, they are like spoiled children and they would demand the same kind of freedom and the same kinds of privileges they now have?

Mr. DENSON. Yes, sir.

Senator NUNN. You think they would end up basically getting the same privileges that they now have?

Mr. DENSON. Yes. I just can't see them having the staff out there that some of them that work with the convicts unless the staff, every man

on the staff, he didn't need anything, if he did need something, he could go to the supervisor and say, look, I need an extra few hundred to do this with and my family, or whatever, rather than having to turn to the convict and say, have a convict approach him.

There is a way to do this without committing yourself to bribery, whatever they want to call it, to feel a guy out. You can at least, these officers, they would be discussing the family problems and this and that. If a guy is worried about losing his car because he can't make the payments or because he spent too much of his money in other areas, a guy will be looking for these things.

Senator NUNN. He is vulnerable, in other words?

Mr. DENSON. Yes.

Senator NUNN. You are saying the only solution you know to the problem is to flush the whole thing out, both convicts and employees. Is that right?

Mr. DENSON. Yes, sir.

Senator NUNN. Start all over?

Mr. DENSON. Just start all over again.

Senator NUNN. Why did you engage in illegal activities out there? Was there a principal motivation for you to engage in narcotics and other activities?

Mr. DENSON. Mostly all of the money that I made in any way I made it, I sent to my mother.

Senator NUNN. Your mother has been very ill with cancer. Is that right?

Mr. DENSON. Right.

Senator NUNN. For how long?

Mr. DENSON. She has had cancer for 10 years. She just became seriously ill the last couple of years.

Senator NUNN. You are her only means of support?

Mr. DENSON. No, sir. I have five sisters out there, but they have their own families to take care of.

Senator NUNN. So you have been supporting your mother from the institution?

Mr. DENSON. Yes.

Senator NUNN. The way you have been working in the prison industry?

Mr. DENSON. Yes.

Senator NUNN. Do you send her the money?

Mr. DENSON. Yes.

Senator NUNN. How much did you earn in the prison industry every month?

Mr. DENSON. For the past 4, since April, I have been working double. I usually make about, we supposed to make \$375 a month. I usually make about \$380, \$390. That is working 16 hours a day.

Senator NUNN. You have been working 16 hours a day since when.

Mr. DENSON. I started in April.

Senator NUNN. So you have been working overtime?

Mr. DENSON. Yes.

Senator NUNN. You have sent that money to your mother, is that right?

Mr. DENSON. Yes.



Senator NUNN. You also sent her money you made off of illegal activities?

Mr. DENSON. Yes.

Senator NUNN. Your mother passed away last week, is that right?

Mr. DENSON. Yes.

Senator NUNN. Do you believe you can go straight in the penitentiary, if you go to another one, or wherever you go?

Mr. DENSON. I don't have an obligation. I regarded her as my obligation to assist her as much as I could. I don't have any obligations out there now. I don't have a need for all of this penitentiary hustling.

Senator NUNN. Do you plan to go straight when you go to another penitentiary, not engage in narcotics, gambling and other activities?

Mr. DENSON. Yes, sir.

Senator CHILES. You told the subcommittee yesterday in executive session why you decided to cooperate with the subcommittee. Repeat that for us today, if you would, Mr. Denson.

Mr. DENSON. There is a good friend of mine that got a raw deal on a situation out there at the institution, the best friend I got, the best friend I ever had. He and I were charged with, along with 24 other guys, for smuggling in a loaded .45 pistol. He and I had nothing whatsoever to do with it. We didn't even know the guys that were involved.

They locked us up, and I don't know what they had to indicate that we are implicated in this, but they told us that they were going to send us to Marion and continue the investigation. If the investigation cleared us, they would bring us back to Atlanta and put us on the same status.

They sent him to Marion 2 weeks before they sent me and when he got there, he got severely beaten, and raped, and he laid in the hole for over a month. He was bleeding internally, couldn't get the proper medical treatment, and they finally sent him to Springfield Medical Center and they thought he had leukemia. It turned out to be a rare disease known as myofibrosis. They gave him 4 to 6 months to live. This was 8 months ago—not 8 months ago, 6 months ago.

I had been trying to convince the administration out there, I tried to show them every way I possibly could, that we didn't have anything to do with this, totally innocent. They knew this would happen to him if they threw him in a situation like this. So now he is dying.

Senator NUNN. What you have asked us to do is to help him be moved to some other location near his family; is that right?

Mr. DENSON. Yes.

Senator NUNN. You have also asked us to do what we can to request the Bureau of Prisons to put you in a place where there won't be retaliation and where you won't have to defend yourself and possibly hurt someone because of your testimony. Is that right?

Mr. DENSON. Yes, sir.

Senator NUNN. That is all you have asked us; is that right?

Mr. DENSON. Yes, sir.

Senator NUNN. Did the attempt on your life Saturday morning have anything to do with your cooperation?

Mr. DENSON. No, sir.

Senator NUNN. It did not?

Mr. DENSON. No, sir.

Senator NUNN. You had already basically decided to cooperate?

Mr. DENSON. Yes.

Senator CHILES. You knew Gary Bowdach when he was in Atlanta?

Mr. DENSON. Yes.

Senator CHILES. What kind of a person was he in the prison? Was he involved in things? What did you know about him?

Mr. DENSON. He knew everything I knew and he and I lived in the same cellblock. Usually, everything that was going on, either he had a direct hand in it or could, he knew what was happening in one way or the other. He was a part of quite a few other guys' business. They relied on him to take care of a lot of business for them.

Senator CHILES. You all didn't actually do business together?

Mr. DENSON. Yes. We have done business together before, gambling and things like that, just regular penitentiary.

Senator NUNN. Not narcotics?

Senator CHILES. Not narcotics?

Mr. DENSON. Not bringing narcotics in. I may have bought something from him or he may have bought something from me. I can't remember.

Senator CHILES. Generally speaking, he had a group of people he was dealing with and taking care of and you sort of had a group that you were dealing with. Is that correct?

Mr. DENSON. Yes; it was like that. I had my own people out there I dealt with. He had his own people he dealt with, and the people that both of us dealt with, they dealt each other, too.

Senator NUNN. Jerry?

Mr. BLOCK. You told us—I think you said you were making at your regular prison job about \$380 or \$390 a month?

Mr. DENSON. Yes.

Mr. BLOCK. How much were you able to make when you were selling narcotics?

Mr. DENSON. It depended on what it was. If I had weed, a pound of weed you can make a bare minimum of \$3,200 on it; but in most cases, the weed didn't belong to me. I had to deal with somebody else. I just got a percentage of it. Either I got a third of it in weed or a third of it in money, or like that. The same thing with the heroin.

There is more money involved with heroin than the type of heroin that the guy was getting that I was dealing with, it wasn't the quality of it was too low.

Senator CHILES. Are you able to in any way estimate how much total you earned from your part in this narcotics business in Atlanta?

Mr. DENSON. Just in narcotics alone, I would say in cash money, I would say about between \$4,000 and \$5,000.

Senator CHILES. \$4,000 and \$5,000?

Mr. DENSON. Yes.

Senator CHILES. What percentage of the narcotics that comes into the prison, in your estimate, comes in through the guards or the prison personnel as opposed to being smuggled in during visiting hours or whatever?

Mr. DENSON. I would say about 95 percent of all of it, the weed that comes in, comes in by the prison personnel.

Senator CHILES. Would it be also a high percentage for the heroin and the cocaine as well?

Mr. DENSON. No; I wouldn't say, not now, maybe in the past, but not over the past couple of years, most of the heroin and cocaine, and all of this, most of this comes through the visiting room. Actually, it is not that much heroin out there. It is just marihuana. The heroin may come in every 90 days, or every 4 months, or something like that.

But the weed is every day. Like, if a guy has got a good connection, he can get a pound and as soon as he gets the money back outside, approaches another one, he brings in another one. It will take him about 3 or 4 days to sell a pound.

Mr. BLOCK. As I understand it, they have instituted a pass system in the Atlanta prison, around April of this year. Before that, was it the case that prisoners were pretty much free to go wherever they wanted in the institution?

Mr. DENSON. That pass thing is not as effective—I have done it myself, I have seen cases, keep an old pass that I got from an officer and wherever I wanted to go, if I wanted to go from one point in the institution to another, I just walk past the officer and just hold the pass up. He doesn't read it.

Mr. BLOCK. Is it that way in all of the prisons that you have been in? Is it that easy to move about in all of the Federal prisons you have been in?

Mr. DENSON. No, sir.

Mr. BLOCK. Some prisons are tighter than others?

Mr. DENSON. Yes; Atlanta is the easiest and Leavenworth would be next. Then Lewisburg and then Marion.

Mr. BLOCK. What was the one that you said was the most strict?

Mr. DENSON. I think Marion.

Mr. BLOCK. Then Leavenworth?

Mr. DENSON. Lewisburg.

Mr. BLOCK. You indicated that in working your job, you have been working long hours. Is that the case for all of the inmates? Is supervision such that an inmate has to do his job 8 hours a day, or can he get by with something less?

Mr. DENSON. Yes; he can get by with getting him an orderly's job or a job in the mess hall, in the laundry, places like this where they don't get paid. They work, some guys just work 10, 15 minutes a day and that is it. Some guys work a half a day, others work for an hour or so. It is just varying in duties.

Mr. BLOCK. Is there any way that you can see to cut off or make it more difficult to manufacture weapons in the industry area? Is there any reform that you would institute that would cut down on that?

Mr. DENSON. No; it is so many ways, they try to lock the files up where you can't get a file and all of the machinery they have, they have to have inmates take care of it.

Like with the job I had, I was a mechanic on the looms. I had all of the tools I needed to fix the looms and it required filing a lot of parts down because they are manufactured differently than the parts on the loom. You have to almost—well, you have to file them down where they will fit properly. Then you check the file out with the officer, if he is standing right there until you use it, finish filing it, lock it back up. There is sandpaper, all types, all over the place. You tie a

piece of sandpaper on the shaft of one of those looms that is turning and it makes a better grinding stone than the file.

This is what I made my last weapon on, was, I just got me a piece of that fine sandpaper and I had a coarse piece to grind the shape out first, then tied it on the shaft of the loom and just stand there beside it and hold it on there and grind the shaft—the shaft is turning and the sandpaper is turning with it. There are so many ways. I don't know how you stop making those.

Senator NUNN. As long as you have those industries and all of that equipment and material, you are saying it is virtually impossible to stop weapons from being made, no matter what you do out there?

Mr. DENSON. Yes; some of the parts on the looms can be used as a weapon itself. You have sharp instruments, pipes, everything. Just whatever you need for a weapon, you can walk down to the industry and get it.

Senator NUNN. I saw that firsthand Friday afternoon. I think it is impossible for anybody who hasn't been there to visualize the degree of difficulty in trying to run an industry on the one hand and control weapons on the other.

Basically, you are saying you can't control weapons as long as you have that kind of industrial complex?

Mr. DENSON. Yes.

Senator NUNN. At least, you can't keep them from being made?

Mr. DENSON. Right.

Senator NUNN. Mr. Denson, I want to thank you, very much, for appearing here this mornnig. I know it is not easy to testify under these circumstances, to describe fairly, frarkly, and candidly, some of the activities you have engaged in, but I can assure you that you have been very helpful with this subcommittee and we hope you will cooperate fully with the U.S. attorney, William Harper, and his staff, as you said you will. We wish you good luck.

Thank you.

Our next witness is Mr. Michael McCurley. Mr. McCurley, if you could come forward. Mr. McCurley, before you sit down, as we do with all witnesses, I would like to give you the oath. Would you please hold up your right hand?

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. McCURLEY. I do.

#### TESTIMONY OF MICHAEL McCURLEY

Senator NUNN. Mr. McCurley, if you could pull that mike up, probably it would help if you pull your chair up as close as possible so you won't have to lean forward at all times.

Would you give us your full name?

Mr. McCURLEY. Michael Alan McCurley, Sir.

Senator NUNN. Before we ask you any questions, we want to make sure you understand your rights and obligations as a witness before this subcommittee. You have the right to have an attorney present this morning with you. You understand that right?

Mr. McCURLEY. Yes, sir.

Senator NUNN. You have a right, if you so choose, to ask the attorney any kind of questions you would like before you answer this subcommittee?

Mr. McCURLEY. Yes, sir.

Senator NUNN. Do you waive the right to have an attorney present this morning?

Mr. McCURLEY. Yes.

Senator NUNN. You also understand that you have sworn to testify truthfully and you understand the nature of that oath and obligation of that oath?

Mr. McCURLEY. Yes.

Senator NUNN. Mr. McCurley, you understand your rights and obligations as a witness before the subcommittee?

Mr. McCURLEY. Yes.

Senator NUNN. Would you give us the date of your birth?

Mr. McCURLEY. July 7, 1948.

Senator NUNN. Where are you now employed?

Mr. McCURLEY. Cobb County Sheriff's Department.

Senator NUNN. What is your job there?

Mr. McCURLEY. Deputy.

Senator NUNN. You are a deputy at the Cobb County Sheriff's Department?

Mr. McCURLEY. Yes, sir.

Senator NUNN. You, at one time, were employed in the Atlanta Penitentiary, is that right?

Mr. McCURLEY. Yes.

Senator NUNN. When was that?

Mr. McCURLEY. I went to work there August 31, 1975.

Senator NUNN. I understand you have a prepared statement this morning you would like to give to the subcommittee?

Mr. McCURLEY. Yes, sir.

Senator NUNN. Would you like to go ahead with that now at this stage?

Mr. McCURLEY. All right.

Senator NUNN. Just take your time and present your statement to us.

Mr. McCURLEY. Mr. Chairman, my name is Michael Alan McCurley. I was born on July 7, 1948, in Atlanta. I have lived here all my life, with the exception of the time I served in the Air Force under honorable conditions.

I am a Cobb County Deputy Sheriff. I have worked there since May 20, 1978. Prior to that, I was an officer at the U.S. Penitentiary at Atlanta. I went to work there on August 31, 1975. In all, I worked at the penitentiary for 2 years and 9 months.

While at the pen, I worked almost every assignment for officers. For example, I worked down in the mail room; the main corridor; the rear corridor; every one of the cellhouses; and the tower.

During my employment at the penitentiary, I busted inmates who had cocaine, heroin, valium pills, marijuana, LSD, needles, syringes, and other drugs and drug paraphernalia.

I confiscated weapons, including shanks, which are prisonmade knives, hatchets, homemade head knockers, pipes, and even a loaded

.45 caliber automatic pistol, which was threaded so that a silencer could be attached to it.

I found out that anytime you start taking the inmates' dope, their money, or hurting them in any way, they put out a cop-out contract on the officer. A cop-out contract is a letter to a lieutenant, captain, or the warden, telling them that an officer is going to get himself killed if he doesn't ease up.

During one period while I was there, I was told by my superiors there were a good number of copouts from inmates saying that I was going to get myself killed if I didn't ease up. I continued to do my job. When the next quarter's assignments came out, I got the towers. That means I was taken out of circulation in the cellhouses for 3 months.

I always thought of this assignment as punishment because no one really likes the towers. Sometimes it is a break from being inside with the inmates and all the hassle, but I felt like it was a putdown—you do your job and you get the towers.

Senator NUNN. Let me ask you one question there. I will just ask you one. Could it have been that when you were put in the tower, that you were basically being put there for your own protection?

Mr. McCURLEY. Yes, sir. That was the reason.

Senator NUNN. You think that was the reason?

Mr. McCURLEY. Part of it.

Senator NUNN. You are not saying they put you there strictly as punishment?

Mr. McCURLEY. No, sir, not completely.

Senator NUNN. All right, sir, go ahead.

Mr. McCURLEY. Almost all of the time the worst thing that happened to an inmate that I caught was that they lost the weapon or dope or other contraband that I seized and they were put in the hole. Few, if any, were prosecuted. Though the law provides that possession of such items is illegal, there were few, if any, prosecutions.

Officers making such seizures write incident reports which we call "shots." The inmate gets a copy of it, and a copy goes to the institution disciplinary committee, the IDC. This committee is supposed to review the shot and decide on disciplinary matters.

The lack of discipline in the penitentiary is frustrating to the officers. You see a man who has been stabbed. You pick him up and put him on a stretcher. He is dying and the blood is running off his elbows. He dies before your eyes. Many of the officers can't leave those sights in the pen. They take them home with them.

When you first start working there, it is just a job and that is all it is and when you actually stay there, it becomes a part of you. It becomes as much of you as your hand. I have seen officers, good officers, who never cuss or swear, who were straight officers and good men, start to change for the worse. It is just that the place gets to you after awhile. The amount of pressure on the officers down here is unreal.

You don't know what it is like to walk in a cellhouse or walk down a range and thinking any minute you can stop breathing. It is that kind of pressure. It is pressure where you can drop a pin and everybody hears it. No one is talking. The chatter that is normally there isn't. It is knowing that when you take that step around to the back side of the range, where they usually smoke their dope and do the stuff, that you can meet it right there.

Most officers are aware that when they come in there that they can lose their lives at the drop of a hat. But new officers aren't informed.

They don't understand the viciousness of that place and the anger and hate that is part of life there.

One of the reasons for the pressure on the officers was the lax administration of the penitentiary. Tough improvements may have been made in the 4 months since I left the pen, the lack of inmate control is the direct result of a shared management of the institution. The Atlanta Penitentiary is run by the warden and a committee of 2,000 inmates.

Senator NUNN. Mr. McCurley, let me make it clear to you and to everyone here that we appreciate very much your cooperation and I want to also make it clear that it has not been alleged that Mr. McCurley participated in anything illegal, immoral, or unethical at the penitentiary.

He is here today to testify from the point of view of an officer who has worked there. To the knowledge of the subcommittee there are no allegations against Mr. McCurley in any way, shape, or form. I would like to put in the record a series of memoranda relating to Mr. McCurley's performance at the penitentiary.

I have one here dated February 23, 1978, and when did you leave, Mr. McCurley?

Mr. McCURLEY. It was sometime in May.

Senator NUNN. May of 1978?

Mr. McCURLEY. Yes.

Senator NUNN. This a memo from Mr. Krackenburg, who is the Chairman of the Incentive Awards Committee, to Warden Hanberry. I am not going to read it all, but I will read two points being made here:

Based on the content of this recommendation and the performance record of Mr. McCurley, the committee confirms the reasons given in support for approval, making the following determinations: One, Mr. McCurley has been performing the most important functions of his position in a manner that substantially exceeds normal requirements so that, when viewed as a whole, his work performance is of a high level of effectiveness.

Two, Mr. McCurley's high level of effectiveness has been sustained to the extent that it may be considered characteristic of his performance.

I would also like to read from a memorandum—this is an internal memorandum that was directed to Mr. Strickland, who is the acting CCS:

Mr. McCurley is a mature, well-adjusted officer who always performs in a highly satisfactory manner.

This is a memorandum dated February 23, 1978:

During this past year, he has worked in a wide variety of assignments, performing all in a highly satisfactory manner. He is a very dependable officer who willingly and cheerfully accepts added duties and responsibilities.

His dedication and motivation are a distinct asset to the correctional staff and an inspiration to the trainees who work with him. He is often used to assist and instruct trainees, especially in proper search procedures.

Due to his ability and effectiveness in shaking down, he is often relieved from his regular assignment when a thorough search is needed in a particular area.

During the past year, in addition to his above average performance on his regular assignment, he has made several finds of narcotics, money, and weapons. During the past week, he found an automatic .45 caliber weapon that had been smuggled into the institution and hidden in the electric shop.

In view of his past performance and in the belief that he will continue the same high level of performance, it is recommended that Mr. McCurley be granted a quality step increase.

I would ask that this be put in the record and also a letter dated February 24, 1978, from Warden Jack Hanberry, directed to Mr. McCurley, which states as follows:

Even though I have already indicated to you verbally, I would like to take this opportunity to again thank you for your perceptiveness and sensitivity to your job this past Tuesday evening in finding the weapon. I have made references to you in the warden's page of the Key, however, did not want to use your name and identify you as the one. I trust you can appreciate this fact.

Again, thank you for a good job. Sincerely yours, Jack Hanberry, Warden, February 24, 1978.

I would ask these be admitted to the record, without objection.

[The documents referred to were marked "Exhibit No. 42" for reference and follow:]

EXHIBIT No. 42

U.S. DEPARTMENT OF JUSTICE,  
BUREAU OF PRISONS,  
U.S. PENITENTIARY,  
Atlanta, Ga., February 24, 1978.

Mr. MICHAEL McCURLEY,  
Correctional Officer, U.S. Penitentiary,  
Atlanta, Ga.

DEAR Mr. McCURLEY: Even though I have already indicated to you verbally, I would like to take this opportunity to again thank you for your perceptiveness and sensitivity to your job this past Tuesday evening in finding the weapon. I have made reference to you in the Warden's page of THE KEY, however, did not want to use your name and identify you as the one. I trust you can appreciate this fact.

Again, thank you for a good job.

Sincerely yours,

JACK A. HANBERRY,  
Warden.

U.S. GOVERNMENT MEMORANDUM,  
Atlanta, Ga., February 23, 1978.

From: A. STRICKLAND,  
Acting COS

Mr. McCurley entered on duty at USP Atlanta, August 1975, as a Correctional Officer Trainee. At the present time he is a GS-7 step 2.

Mr. McCurley is a mature, well-adjusted officer who always performs in a highly satisfactory manner. During this past year he has worked a wide variety of assignments performing all in a highly satisfactory manner. He is a very dependable officer who willingly and cheerfully accepts added duties and responsibilities.

His dedication and motivation are a distinct asset to the correctional staff and an inspiration to the trainees who work with him. He is often used to assist and instruct trainees, especially in proper search procedures.

Due to his ability and effectiveness in shaking-down, he is often relieved from his regular assignment when a thorough search is needed in a particular area.

During the past year, in addition to his above average performance on his regular assignment, he has made several finds of narcotics, money, and weapons. During the past week, he found an automatic 45 caliber weapon that had been smuggled into the institution and hidden in the electric shop.

In view of his past performances and in the belief that he will continue at the same high level of performance, it is recommended that Mr. McCurley be granted a Quality Step Increase.

MEMORANDUM, U.S. PENITENTIARY  
Atlanta, Ga., February 23, 1978.

To: M. A. McCURLEY,  
Correctional Officer

It is my pleasure to inform you that the Incentive Awards Committee has recommended to the Warden and the Warden has approved a Quality Step Increase for you as a result of a recommendation submitted by your Supervisor.

A copy of the recommendation from your Supervisor, the recommendation from the Incentive Awards Committee, and the approval of the Warden are attached.



U.S. GOVERNMENT MEMORANDUM, U.S. PENITENTIARY,  
Atlanta, Ga.

To JACK A. HANBERRY,  
Warden

The Incentive Awards Committee has reviewed the recommendation requesting that a Quality Step Increase be approved for Mr. M. A. McCurley, Correctional Officer. This recommendation was submitted by Paul M. Pope, Correctional Supervisor, endorsed by six other Correctional Supervisors, by Mr. Alex Strickland, Acting Chief Correctional Supervisor, and Mr. D. E. Amstutz, Associate Warden (Controls).

Based on the content of this recommendation and the performance record of Mr. McCurley, the Committee confirms the reasons given in support for approval, making the following determinations:

(1) Mr. McCurley has been performing the most important functions of his position in a manner that substantially exceeds normal requirements so that, when viewed as a whole, his work performance is of a high level of effectiveness.

(2) Mr. McCurley's high level of effectiveness has been sustained to the extent that it may be considered characteristic of his performance.

It is recommended that the pay increase from GS-007-07, Step 2, to GS-007-07, Step 3, become effective the pay period beginning February 26, 1978.

JACK A. HANBERRY,  
Warden.

Senator NUNN. Are you familiar with these memoranda?

Mr. McCURLEY. Yes.

Senator NUNN. Have you had any kind of disciplinary action taken against you as an employee of the Federal penitentiary?

Mr. McCURLEY. Never.

Senator NUNN. Have you had any kind of adverse comments in your reports that you are aware of?

Mr. McCURLEY. None that I am aware of.

Senator NUNN. Mr. McCurley, would you describe your educational background and your place of employment now?

Mr. McCURLEY. I am a high school graduate. I work as a deputy, Cobb County Sheriff's Department.

Senator NUNN. Where else have you worked besides there and the Atlanta Penitentiary?

Mr. McCURLEY. I have worked Atlanta Fire Department, worked General Motors.

Senator NUNN. How old are you now?

Mr. McCURLEY. 30 years old.

Senator NUNN. Your family lives in Cobb County?

Mr. McCURLEY. Yes. I have a wife and two kids.

Senator NUNN. Where were you born?

Mr. McCURLEY. Where? In Atlanta.

Senator NUNN. How long were you employed at the U.S. Penitentiary in Atlanta? I believe you make reference to that in your statement.

Mr. McCURLEY. Two years and nine months.

Senator NUNN. Mr. McCurley, you have heard, I think, some of the testimony here this morning. I don't know whether you were here Friday or not. Did you hear the testimony Friday?

Mr. McCURLEY. No.

Senator NUNN. But you were here today?

Mr. McCURLEY. Yes.

Senator NUNN. Gary Bowdach testified in Washington before the subcommittee, on August 9, 1978, about problems in the Atlanta

Penitentiary. Did you know Gary Bowdach when you were at the penitentiary?

Mr. McCURLEY. Yes; I did.

Senator NUNN. Was Gary Bowdach suspected of dealing in narcotics and contraband in the penitentiary?

Mr. McCURLEY. Yes, sir, he was.

Senator NUNN. What kind of person was he in terms of how he operated in the penitentiary?

Mr. McCURLEY. Gary Bowdach dealt in a lot of things. Gary had his hands always in something, narcotics, muscling, prostitution, anything that was going down or going on, Gary knew about it or his hands were in it.

Senator NUNN. Mr. Bowdach told the subcommittee that the Atlanta Penitentiary is a "country club." By this he meant the prisoners were free to roam and had easy access to weapons and contraband. You've been there for 2½ years as a prison official. What would you say regarding Mr. Bowdach's statement in this regard?

Mr. McCURLEY. It is pretty close to being right.

Senator NUNN. Pretty close to being right.

Mr. McCURLEY. Yes, sir.

Senator NUNN. You said in your prepared statement that you had confiscated numerous weapons. You named shanks, hatchets, head knockers, pipes, and a gun. Is that correct?

Mr. McCURLEY. That is right.

Senator NUNN. What is a head knocker?

Mr. McCURLEY. It can be an iron pipe or a pipe or a stick wrapped with tape to make a head knocker.

Senator NUNN. Mr. Bowdach testified that he saw some knives that were almost as long as swords. Did you ever see anything like that?

Mr. McCURLEY. I have seen one.

Senator NUNN. About how long was it?

Mr. McCURLEY. About 12, 14 inches.

Senator NUNN. Just hold up your hands. Indicating about how long?

Mr. McCURLEY. Yes, sir.

Senator NUNN. Where do most knives and weapons come from in the penitentiary?

Mr. McCURLEY. They are coming from the mill.

Senator NUNN. Have you worked in any other penitentiaries?

Mr. McCURLEY. No.

Senator NUNN. Atlanta is the only one?

Mr. McCURLEY. Yes.

Senator NUNN. So you have no real way of comparing Atlanta with any other institution?

Mr. McCURLEY. No; I don't.

Senator NUNN. When did you find the .45 pistol?

Mr. McCURLEY. I can't remember the date.

Senator NUNN. Was it in 1978 or 1977?

Mr. McCURLEY. I don't remember, Senator.

Senator NUNN. How did you find that pistol?

Mr. McCURLEY. I was called to the lieutenant's office and word went down that in the electric shop, there is either a homemade weapon or part of the weapon that maybe came in from the outside, didn't know

the caliber or anything about it, myself and three or four other officers went to the electric shop to shake down.

In the electric shop, they have storage bins, when you walk in, on both sides. I took one side, we all split up, we shook down. I went, took me about 1½ hours to search all of the storage bins, taking everything out. After I got through, I noticed that the panel at the bottom, which covers the bottom at the very end, had a lot of nails in it, more so than the front ones did. Checked it out, as I saw a rag wrapped there, underneath it, I had to lay down on my stomach, get it with two fingers, pull it, wrapped in an oily cloth was a Colt .45 automatic weapon.

Senator NUNN. Did you find many weapons during the course of your employment in the Atlanta Penitentiary?

Mr. McCURLEY. Yes, sir.

Senator NUNN. Do you have any way of estimating how many?

Mr. McCURLEY. There is no way I know.

Senator NUNN. Did you make a report on every one you found?

Mr. McCURLEY. Sometimes if you confiscate a weapon, they will say in a multicell where more than one man or two men are living, there is really no way you can lay it on one individual. I would confiscate it, turn it over to the lieutenant's office, tell him where I found it. They would make a note. I always made a report.

Senator NUNN. You always turned it in and made a report to your superiors orally or in writing?

Mr. McCURLEY. Always; yes.

Senator NUNN. Would you say weapons are easy to acquire in the Atlanta Penitentiary?

Mr. McCURLEY. Yes.

Senator NUNN. How many weapons would you say were available in the Atlanta Penitentiary? Make it your best estimate.

Mr. McCURLEY. I don't have the exact figures, but I was told when I was there at one time that this inmate told me that he could put his hands on one in just a few seconds.

Senator NUNN. Do you think most prisoners who want a weapon either have access to one or have one?

Mr. McCURLEY. Yes; they do.

Senator NUNN. What happens to an inmate who is caught with a weapon?

Mr. McCURLEY. If he is caught with a weapon, he is wrote up, by the officers that caught him, the report goes to the lieutenant, the weapon is confiscated, and he is put in detention segregation, waiting to hear IDC Committee.

Senator NUNN. What does IDC stand for?

Mr. McCURLEY. That is—I have been gone so long I forget.

Senator NUNN. Is that a disciplinary committee?

Mr. McCURLEY. Yes; discipline committee.

Senator NUNN. Have you ever known of prisoners being prosecuted for having weapons?

Mr. McCURLEY. I have known of one, but I wasn't involved in that.

Senator NUNN. What usually happens to them as a normal course after the discipline committee meets on the complaint?

Mr. McCURLEY. You mean—

Senator NUNN. On prisoners who are caught with weapons.

Mr. McCURLEY. If they ever are caught with them, like I said, they would be prosecuted, but I was never involved where I went to court on prosecution for a weapon.

Senator NUNN. What happened on the weapons you seized? Was anybody ever prosecuted for any of those?

Mr. McCURLEY. No.

Senator NUNN. Why not?

Mr. McCURLEY. My responsibility was to find it, confiscate it, turn it in. If I wrote a shot on a man for a weapon, it was out of my hands. It was then up to the IDC committee.

Senator NUNN. Did you write a "shot" on any individuals for weapons at the Atlanta Penitentiary?

Mr. McCURLEY. I can't remember offhand.

Senator NUNN. Most of the weapons you confiscated were not on individuals?

Mr. McCURLEY. No.

Senator NUNN. They were just found?

Mr. McCURLEY. In the cellhouses.

Senator NUNN. But you didn't find any weapons actually on the inmates?

Mr. McCURLEY. No, sir.

Senator NUNN. There have been a number of—why doesn't staff put this in the record at this point?

Mr. FINKS. Mr. Chairman, staff has reviewed the incident reports. The "shots" which were filed by Mr. McCurley break down as follows: 17 were for insolence and/or disobeying an order; 16 were for possession of narcotics and/or narcotic paraphernalia; 5 were for possession of a weapon—sharpened instruments; 4 were for being in an unauthorized area; 4 were for possession of money—\$485, \$50, \$30, \$5.

Other "shots" ranged from fights, intoxication, possession of brew, stealing and possession of unauthorized equipment. In one case, an inmate was found in possession of a book on how to make bombs and had a drawing of a homemade bomb.

Senator NUNN. Does that sound reasonably accurate?

Mr. McCURLEY. Yes.

Senator NUNN. Without objection, that will be part of the record.

[The document referred to was marked "Exhibit No. 43" for reference and may be found in the files of the subcommittee.]

Mr. McCURLEY. One I can recall; one.

Senator NUNN. Do you remember the man's name?

Mr. McCURLEY. Yes. The man's name that was killed was Little.

Senator NUNN. Do you remember what happened there?

Mr. McCURLEY. I was sitting in the lieutenant's office at 5:55 a.m., waiting to go to work at 6:20. We got a call that there was a fight in the cellhouse, I forget if it was A or B; rushed to the scene, and Richardson was standing there with a knife in his right hand, blood dripping off him, Little was on the right-hand side in his bunk, still in his shorts and T-shirt, Richardson was fully dressed. The other man, I can't recall his name, was also stabbed.

We have no way of knowing whether they were dead or not.

Senator NUNN. Who ended up being actually the victim of that? Who was the man killed?

Mr. McCURLEY. Little.

Senator NUNN. Was anybody charged with his murder?

Mr. McCURLEY. I went to court on Richardson.

Senator NUNN. What happened on that trial?

Mr. McCURLEY. He was found not guilty.

Senator NUNN. By reason of what?

Mr. McCURLEY. They said he was high on drugs.

Senator NUNN. He was found not guilty because he was on narcotics?

Mr. McCURLEY. Yes.

Senator NUNN. Where did that trial take place?

Mr. McCURLEY. In this courtroom.

Senator NUNN. Is that what the jury—was it a jury verdict?

Mr. McCURLEY. Yes, sir.

Senator NUNN. Nobody was found guilty of that crime?

Mr. McCURLEY. No.

Senator NUNN. You actually saw Richardson standing there with a knife after Little had been killed?

Mr. McCURLEY. Me and a number of officers. Yes.

Senator NUNN. Did Richardson deny that he had killed him?

Mr. McCURLEY. I never heard him ever deny it.

Senator NUNN. Basically, his defense was he didn't know what he was doing, he was on narcotics?

Mr. McCURLEY. Yes.

Senator NUNN. Mr. McCurley, speaking of narcotics, did you participate in any kind of narcotic bust while you were in the penitentiary?

Mr. McCURLEY. Yes, sir. I did.

Senator NUNN. How do the inmates get narcotics, to the best of your knowledge?

Mr. McCURLEY. Sometimes through the mailroom; I have worked in the mailroom, where I have confiscated papers coming in from, let's say Florida, got marijuana rolled up inside of them, heard about some cases where officers have been bringing them in, been called.

Senator CHILES. Do visitors bring narcotics in to the inmates?

Mr. McCURLEY. I have never caught visitors bringing money in myself. No, I wouldn't know.

Senator CHILES. Do prison employees and officers bring in narcotics?

Mr. McCURLEY. There has been reports to that.

Senator CHILES. What do you know about that?

Mr. McCURLEY. Nothing other than what I have read.

Senator CHILES. Do you know of your own direct knowledge that specific persons brought in narcotics?

Mr. McCURLEY. No, sir. I don't.

Senator CHILES. You said you worked in the mailroom. Do narcotics come in the mail?

Mr. McCURLEY. Rolled up in newspaper; yes.

Senator CHILES. Based upon your confiscation of narcotics and your observations, who were the major narcotics dealers in the Atlanta Penitentiary?

Mr. McCURLEY. Frank Coppola.

Senator CHILES. Did you confiscate narcotics from him?

Mr. McCURLEY. Yes, sir. I did.

Senator CHILES. What kind?

Mr. McCURLEY. Heroin.

Senator CHILES. Describe the circumstances for us.

Mr. McCURLEY. It was a single-man cell, D cellhouse; I went in and I shook it, it took me about an hour. I missed it the first time and just like there was something there. I looked under the sink, underneath the top of the sink where the pipes go up, wrapped around was black masking tape, electrician's tape. I undid all the tape, two aluminum foils and each of them, I was told later it had heroin in it.

Senator CHILES. Did you make a report of that?

Mr. McCURLEY. Yes, sir. I did.

Senator CHILES. What happened to Mr. Coppola?

Mr. McCURLEY. I can't remember if he was placed in, it seemed like he was placed in the hole, but he was never prosecuted for it to the best of my knowledge.

Senator CHILES. Was he ever prosecuted?

Mr. McCURLEY. Not that I remember.

Senator CHILES. You were never called on to testify in the prosecution?

Mr. McCURLEY. No, sir.

Senator CHILES. Was J. W. Walters dealing for Coppola?

Mr. McCURLEY. Yes, sir. He was.

Senator CHILES. Did you confiscate narcotics from Bartholomew DiAngelo?

Mr. McCURLEY. Yes.

Senator CHILES. What did he deal in?

Mr. McCURLEY. Heroin, cocaine, marihuana. Anything he could run.

Senator CHILES. Who were his associates?

Mr. McCURLEY. Dickie Pineda, Foster Sellers, Jive Roberts, Coppola, that is about it.

Senator CHILES. Did you bust any of these inmates?

Mr. McCURLEY. Every one of them.

Senator CHILES. How did you come to suspect these men?

Mr. McCURLEY. It is just watching their activity. In the yard, the way they act, after you stay there awhile, you know who is running what. You just watch him, kind of like a waiting period. You watch, wait, do your job, if you get lucky, you will score.

Senator CHILES. You said earlier, I think, that you noticed something about the colored bandanas that they wore. How does that fit in?

Mr. McCURLEY. I noticed on certain days, in certain inmates that were running dope, they would wear yellow, red, blue, white, and made notations to lieutenant and he told me to write it out, I wrote it out, told me just to keep my eye on them.

Senator CHILES. Did anything ever happen about that?

Mr. McCURLEY. No, sir.

Senator CHILES. Were you ever accused of harassing inmates?

Mr. McCURLEY. Yes, sir. I was.

Senator CHILES. Who were you accused of harassing?

Mr. McCURLEY. I can't remember the inmate's name, Inmate Nitafer.

Senator CHILES. What were the circumstances surrounding that charge?

Mr. McCURLEY. I had watched him run on the range as far as stick his head out of the cell, watching for an officer, which made me suspicious, shook his cell, multicell, came up with cash money—I can't remember the exact amount—one night and turned the money in, made a report of it; next night I watched him do the same thing. I come up with a head knocker out of his cell.

Then started watching him, he would run to the lieutenant, said I was harassing him.

Senator CHILES. What was the result of his going to the lieutenant?

Mr. McCURLEY. I was told to ease up.

Senator CHILES. Even though you had found money and written that up and even though you found a head knocker, you were told to ease up?

Mr. McCURLEY. Yes; I was told it was cold-stone harassment.

Senator CHILES. Did you write incident reports on these busts?

Mr. McCURLEY. Yes; I did.

Senator CHILES. What happened to the inmate that you were allegedly harassing, whom you had written up?

Mr. McCURLEY. I eased up to the degree and they told me to ease up for my own protection, going to get myself hurt or killed if I didn't.

Senator CHILES. To your knowledge, has there been any prosecution from drug busts inside the Atlanta Penitentiary?

Mr. McCURLEY. Not that I have made.

Senator CHILES. How many narcotic busts would you estimate that there are each year in the penitentiary? Give us some guess.

Mr. McCURLEY. I have no idea. It is quite a few.

Senator NUNN. Let me ask you one question, to interrupt just for a moment.

When were you told to ease up? Do you have any idea about the time frame here?

Mr. McCURLEY. I was working the evening shift.

Senator NUNN. Was this in 1977 or 1976 or 1978?

Mr. McCURLEY. I can't remember.

Senator NUNN. Was it within a year or so before you left the penitentiary?

Mr. McCURLEY. I think about the timespan.

Senator NUNN. Say, sometime in 1976, late 1976 or 1977. Would that be it?

Mr. McCURLEY. Yes.

Senator CHILES. When they first told you to ease up, did they tell you to ease up for your own protection or because you were harassing the inmates?

Mr. McCURLEY. For two reasons: For my own protection, and they didn't want the cellhouse to get stirred up.

Senator CHILES. Was that kind of fatherly advice that somebody was giving you or was that direct orders?

Mr. McCURLEY. It was more direct orders.

Senator CHILES. Is liquor smuggled into the Atlanta penitentiary?

Mr. McCURLEY. I heard it was.

Senator CHILES. How does it come in?

Mr. McCURLEY. They caught an officer one time bringing it in.

Senator CHILES. Do you think that is a problem that should be handled by tighter control?

Mr. McCURLEY. Yes; I do.

Senator CHILES. Do they make their own liquor?

Mr. McCURLEY. Yes.

Senator CHILES. How do they do that?

Mr. McCURLEY. Buy parts out of the kitchen, yeast, sugar, fruit they buy from the commissary.

Senator CHILES. Do you ever confiscate any of that liquor?

Mr. McCURLEY. Yes; I have.

Senator CHILES. Describe the circumstances of that.

Mr. McCURLEY. One circumstance, I was sent down to the basement area to shake down. As I walked in, I could smell it in the far back of the cells, of the basement area. They have six toilets. Each of them face this way, toward one another. I noticed as I passed by I could smell it, but I couldn't find it. Two inmates were sitting facing each other on the toilet.

I walked between them to the very back of the toilet and on the very back was about 5 or 10 gallons in a large plastic bag in the toilet themselves.

Senator CHILES. In the toilet in the plastic bag?

Mr. McCURLEY. Yes.

Senator CHILES. Did you write that up?

Mr. McCURLEY. Yes, sir. I did.

Senator CHILES. Do you know anything that happened as a result of writing that up?

Mr. McCURLEY. No, sir. I don't.

Senator CHILES. You testified that inmates buy weapons and dope and liquor. Obviously, there is a lot of money circulating within the penitentiary. What other things can they buy?

Mr. McCURLEY. They can pay to have their laundry done, their hair fixed, styled, weapons, narcotics, prostitution—that is about it.

Senator NUNN. Prostitution; what do you mean by that?

Mr. McCURLEY. Say someone has got three or four guys, say, in his corral, and he can rent that guy out for so much money or a carton of cigarettes or what have you.

Senator NUNN. Homosexual prostitution?

Mr. McCURLEY. Yes.

Senator CHILES. When you say in his corral, this is someone that is a leader who has some other people that he in effect pimps for and puts out?

Mr. McCURLEY. Yes.

Senator CHILES. You mentioned that someone had told you to ease up when you were harassing the inmates as they were concerned about not getting the inmates too upset. Was that an officer?

Mr. McCURLEY. Yes; it was.

Senator CHILES. Do you know who it was?

Mr. McCURLEY. Yes, sir. I do.

Senator CHILES. Who was that?

Mr. McCURLEY. I don't want to say.

Senator NUNN. You think he was under orders himself?

Mr. McCURLEY. I don't know. Like I said, I was called to the lieutenant's office, told to ease up.

Senator NUNN. You would rather not give that name?

Mr. McCURLEY. Yes.



Senator NUNN. He didn't do anything illegal?

Mr. McCURLEY. No, sir.

Senator NUNN. You are just describing the circumstances?

Mr. McCURLEY. Yes, sir.

Senator CHILES. Were you ever offered money by inmates?

Mr. McCURLEY. Yes; I was.

Senator CHILES. What were you offered money for?

Mr. McCURLEY. Just ease up, in other words, just mainly ease up because you do your job, at the Federal pen, and you are not very popular with the inmates.

Senator CHILES. Were you ever offered money to bring in any narcotics?

Mr. McCURLEY. Yes; I was.

Senator CHILES. Who offered you that money?

Mr. McCURLEY. Frank Coppola.

Senator CHILES. Did you bring that up?

Mr. McCURLEY. Yes. I did.

Senator CHILES. What happened?

Mr. McCURLEY. I can't remember. I don't remember anything ever being done on it.

Senator NUNN. We have here at this point a sealed exhibit that is a compiled version of all the reports Mr. McCurley wrote up while he was in the penitentiary. Because of the Privacy Act, we will keep this as a sealed exhibit.

It will be put in the record at this point, without objection, as an exhibit.

[The documents referred to were marked "Exhibit No. 44" for reference, and are retained in the confidential files of the subcommittee.]

Senator CHILES. Were you ever threatened by inmates?

Mr. McCURLEY. Yes; I was.

Senator CHILES. Who threatened you?

Mr. McCURLEY. Bobbie Barfield. I was walking in the C cell, up on range, patrolling, and Bobbie Barfield and I forget the other two inmates with him, told me if I didn't ease up, they were going to hurt me or going to kill me. And I wrote him up for threatening a Federal officer.

Senator CHILES. What happened to them?

Mr. McCURLEY. Bobbie was put in the hole, but he later got out.

Senator CHILES. Did Bowdach ever threaten you?

Mr. McCURLEY. Yes; he did.

Senator CHILES. What was that occasion?

Mr. McCURLEY. He told me if I didn't ease up, someone was going to work on me. He never did say himself personally, but Gary had a way of letting you know what would happen to you without putting the finger on himself.

Senator CHILES. He just kind of gave you some advice?

Mr. McCURLEY. Yes. As he called it, free advice.

Senator CHILES. That wasn't enough? You weren't able to write him up for that?

Mr. McCURLEY. I can't remember if I wrote him up for that.

Senator CHILES. Inmates in the penitentiary, especially those who are serving life sentences or multiple life sentences have little to lose

in assault or stabbing a guard. Did any of them ever discuss that with you?

Mr. McCURLEY. Yes. I don't remember which one it was, but I have been told on more than one occasion, said if I didn't ease up, what are you going to do to me; I am serving a life sentence. I am serving a life sentence now, man. What are you going to do to me?

Senator CHILES. Busting inmates for possession of cash or dope or weapons must hurt prisoners, even if they seem to go unpunished, it goes on their report, and can hurt if they come up for parole. Do they seek any sort of revenge?

Mr. McCURLEY. They will put what they call an inside contract out on you. I have been told by other inmates, prison officials, that I had a number of copouts, inmates call it a contract on you, if you don't ease up.

Senator CHILES. What happens? Do your superiors back you up when you get those kinds of copouts?

Mr. McCURLEY. You have to learn to be careful. You learn to look over your shoulder a lot. You just learn to use your head and watch what you are doing.

Senator CHILES. Would you say that all of the officers are as concerned with weapons and dope and contrabands as you were in trying to see that the prison was run under the rules and regulations?

Mr. McCURLEY. Some of them.

Senator CHILES. Did you get any advice from older guards after you went there and you started making busts and started writing up the things that you saw that were wrong?

Mr. McCURLEY. Just tell me to take it easy and drink a lot of water, do a lot of walking.

Senator CHILES. You said that the Atlanta Penitentiary is run by the warden and a committee of 2,000 inmates. What evidence do you have to support that statement?

Mr. McCURLEY. Working there for almost 3 years.

Senator CHILES. Just by working there?

Mr. McCURLEY. Yes; observation.

Senator CHILES. How would you classify yourself? Are you a stickler for the regulations? Did you try to follow every regulation to the letter?

Mr. McCURLEY. In my own personal opinion as far as breaking the law, no, I don't believe it. I believe if you break the law, you pay for it. But I believe it is like being in a combat zone. You can't always go by every rule. It is not possible.

What I am saying is when I was there, I can honestly say I was the best hack I could have been. I was hard as far as being good, I didn't cut no slack, but at the same time, I was fair.

Senator CHILES. Were you basically representative? Did you represent the normal pattern or were you the exception in terms of your general attitude and strictness?

Mr. McCURLEY. I don't know what you consider normal. I felt like I was no better than anybody else there, just trying to get the job done.

Senator CHILES. Do you think all of these guards, all the other guards, were getting the same kind of warnings that you were getting, getting the same kind of copouts, getting the Gary Bowdachs to tell

them, "Hey, man, you had better look out, something might happen to you"?"

Mr. McCURLEY. No, sir. They weren't.

Senator NUNN. You mean you think you were strictly giving the most then?

Mr. McCURLEY. Me and a few other officers, yes, sir. Some officers have got 2 to 3 years to do before they retired, and to lay it on the line, some officers are scared.

Senator CHILES. Why did you leave the Atlanta Penitentiary?

Mr. McCURLEY. I guess for a lot of reasons. I felt like when I first went there, gung ho, felt like I could really do something there, as far as maybe a bad situation, to change it. But I felt like working there at the time that I did, I gave it my best shot, and I felt like no change that I could make, not in my position.

It is not as if I felt like being a quitter, it is just like I felt like I could do better elsewhere.

Senator CHILES. What do you think can be done to change the situation?

Mr. McCURLEY. Got to tighten up. When they say maximum security, it has got to mean exactly that, maximum security. There is too much free movement in my opinion.

Senator NUNN. You heard the testimony about Gary Bowdach saying Atlanta was basically run like a country club. Do you disagree with that?

Mr. McCURLEY. I agree with it.

Senator NUNN. You heard Mr. Denson this morning. Do you know Joe Louis Denson?

Mr. McCURLEY. Yes, sir. I do.

Senator NUNN. You knew him in the penitentiary?

Mr. McCURLEY. Yes, sir. I did.

Senator NUNN. You heard his testimony here this morning?

Mr. McCURLEY. Yes; I did.

Senator NUNN. I am not asking for your judgment about what he said concerning various individuals, but just his general description of the conditions in the penitentiary. Do you take exception to what he described?

Mr. McCURLEY. It is pretty close to being right.

Senator NUNN. Any particular thing that he said that you would like to rebut, think is not accurate or distorted about the conditions of the penitentiary?

Mr. McCURLEY. Like I say about the weapons, there is a lot of narcotics inside. Anything people can get on the street as far as narcotics, they can get inside is my personal opinion.

Senator NUNN. You agree with that?

Mr. McCURLEY. Yes.

Senator NUNN. Do you agree with his description of the accessibility to weapons; that anybody who wants a weapon would know where to get one, even if they don't have one?

Mr. McCURLEY. Yes, sir. I do.

Senator NUNN. You basically say that what is needed in Atlanta is to tighten up. What would happen if you tightened up all at once, overnight? What if you cut off all narcotics?

Mr. McCURLEY. You would have a full-scale riot on your hands.

Senator NUNN. You say if you tightened up all at once, suddenly, you would have a full-scale riot?

Mr. McCURLEY. In my personal opinion, yes, sir.

Senator NUNN. You mentioned to me in a conversation what you felt would happen there and I think that was exactly what you said. Realizing this, I suppose what you are saying is that it has been run like this for so long, it would be hard to change it quickly or suddenly. Is that right?

Mr. McCURLEY. Some of the guys are set in their ways, done what they wanted to for so long, then all of a sudden, change overnight. It is not possible.

Senator NUNN. So if you were warden, you would have a tough job knowing exactly what to do right now, wouldn't you?

Mr. McCURLEY. Yes, sir, I would.

Senator NUNN. It wouldn't be easy to figure out how fast you could change that institution?

Mr. McCURLEY. It wouldn't be changed overnight. In my opinion, it would take a period of years, it has got to get hard over the same period of years.

Senator NUNN. In other words, this kind of easing up in Atlanta just didn't occur under Warden Hanberry, or under Regional Administrator McCune; it has been that way for a long time?

Mr. McCURLEY. As long as I have been there, I can say it is a lax atmosphere: yes.

Senator NUNN. You were there before Warden Hanberry took over, weren't you?

Mr. McCURLEY. Yes, sir, I was.

Senator NUNN. You are saying if things are going to be changed, it must be done gradually?

Mr. McCURLEY. To a degree, yes, but at the same time, you have to understand, you have to work there. It is, like I say, people think they know what goes on in Atlanta, but they don't. I don't know how to describe it. I just guess you have to live it.

Senator NUNN. What steps would you take if you were warden right now? Can you think of any particular things that you would begin to do?

Mr. McCURLEY. Like I say, in my personal opinion, I think it is too much freedom, to start there.

Senator NUNN. You mean they can wander in too many different places?

Mr. McCURLEY. Anywhere they want to.

Senator NUNN. Do you have a strict pass system?

Mr. McCURLEY. I don't think it is going to work because if a man wants to get to a place, he is going to find a way to get there somehow.

Senator NUNN. How would you begin to do something about that freedom of access?

Mr. McCURLEY. I would open the doors in the morning, give them an hour, in my own personal opinion, an hour in the daytime, lock them back up, maybe an hour in the evening, someway. I don't really have an answer. That is one reason I left. If I had some answers, I might

have stayed to try to fight the battle. But I don't know if there is an answer. There has got to be.

Senator NUNN. Do you agree with the testimony we heard from Denson about the almost impossibility of preventing weapons from being made in the prison industry? Do you agree with that?

Mr. McCURLEY. To a degree. The only way you can stop the weapons is close the mill.

Senator NUNN. Close the mill?

Mr. McCURLEY. If they can't get to the mill, to the machinery, they can't get the weapons.

Senator NUNN. How about having only minimum security prisoners working in the mill?

Mr. McCURLEY. I think the regular population, the hardcore-type individuals that are in there, would put enough heat on them, if they would do it even nothing else for fear of their lives. I don't think that is your answer.

Senator NUNN. So you agree anyone would face a difficult job running that institution right now?

Mr. McCURLEY. Yes. It is a very difficult job. Yes. I would say so.

Senator NUNN. I assume it wouldn't be a job that you would want right now?

Mr. McCURLEY. No, sir. No, sir.

Mr. BLOCK. Mr. McCurley, if an inmate came to you and asked you to bring something in for him but he was not specific, would you feel that you would be required to write that up and inform security?

Mr. McCURLEY. Yes, sir. I would. He can set you up. I always look at it like this. If you deal with a loser, you can't come out a winner. You don't deal with those guys. They are losers. If they weren't losers they wouldn't be inside. You don't deal with a loser and come out winner.

Mr. BLOCK. This fellow, Mr. Coppola, was he often observed to appear to be under the influence of narcotics?

Mr. McCURLEY. Yes, sir.

Mr. BLOCK. Was that readily apparent to somebody just observing?

Mr. McCURLEY. Most officers who pretty well much knew what was going on, they knew Frank was a user as well as pushing. But Frank used it.

Mr. BLOCK. I want to compliment you on your testimony and on your statement. Mr. Chairman, at this point, there are a series of articles written by Bob Wiedrich that have recently appeared in the Chicago Tribune that Senator Percy asked that I place in the record as an exhibit. They flow from prison riots in Illinois this summer, this past July, in which three prison guards were killed and three others seriously injured.

The articles delve into the feelings and the sensitivities of the various guards and inmates who have talked about the situation. I think that a lot of the problems in that particular prison apply across the board to all other persons. Senator Percy feels it would be important to put that in the record.

So I ask that be made an exhibit at this point.

Senator NUNN. Without objection, they will be an exhibit.

[The documents referred to were marked "Exhibit No. 45" for reference, and follow:]

EXHIBIT No. 45

[From the Chicago Tribune, Aug. 1, 1978]

RIOTS SHOW WHO RUNS THE PRISONS

(By Bob Wiedrich)

Now that all the experts have had their say in the papers on the Pontiac Prison riot, let's hear from a working stiff who really knows what went on behind the walls of that joint.

He says that wishy-washy disciplinary policies of modern day penologists contributed heavily to the disorder that injured three guards and took the lives of three others.

He charges that the inmates run the Pontiac Correctional Center, not their jailers.

He charges that the prisoners [or residents as they now are so delicately labeled] well know they can get away with most anything without being unduly punished.

And finally he charges that the mollycoddling of inmates has made punishment such a better deal than normal prison routine that the convicts don't mind showing their contempt for authority.

"I think the riot was a well-planned and well-organized attack on the guards," says this man who worked for nearly a decade at Pontiac until last year. "It was not a spontaneous thing.

"To blame the riot on the fact that Pontiac is overcrowded and hot is a dumb excuse. The riot was designed to show the prison administration who is running the show and who is the boss.

"You'll never convince anybody otherwise who knows the institution from the inside.

"The administration has to make it known who is the real boss. It has to run the institution, not the inmates. In recent years, that has not been the case.

"The administration has not supported the guards. Proportionately, more guards have been placed on report than inmates. Discipline has been lax. The inmates have taken advantage of that. There has been little respect for the guards.

"And because of the lax discipline, the inmates have recognized that if they commit serious infractions of the rules, the punishment isn't going to be very hard to take."

The speaker is a man in his early 30s, married, and educated. He served under five wardens at Pontiac. He liked working with inmates. He found it rewarding.

But he watched discipline deteriorate during the 1970s, except for a brief period under one warden who really knew who was boss, and last year he resigned to further his education after the pressures of prison life almost cost him his marriage.

"Over the years, they have relaxed the rules," he said. "Inmates have adopted a more daring attitude toward guards because they know they can use the slightest grievance—real or imagined—to get a guard on report. They're not quite so afraid of punishment because punishment is lighter.

"When I started at Pontiac, there was a thing called isolation for the real serious offenders of prison rules, guys who had committed an assault or sodomy on another inmate.

"It was a small cell with a bunk bolted to the floor and the wall with a small combination steel sink and toilet. Inmates usually were banished there for up to 15 days. They received no mail and no visitors. They got only one meal a day.

"Now, there is no isolation. Now, they have what they call segregation. And it's darned near a party.

"Inmates on segregation are placed in a regular cellhouse setting with one or two men in the cell. They can take along their TV or radio sets. They receive mail and visitors and a monthly phone call just like every other inmate.

"The only restriction placed on them is that they're locked up in a cell 24 hours a day. They lose their yard, movie, and church service privileges. But otherwise, it's like being hospitalized.

"It's not such a bad place to go for punishment because it isn't punishment at all. You get three meals a day and you don't have to walk outside in the wet and cold to the dining hall. They get room service.

"The end result is that an inmate doesn't really lose anything by going to segregation. So he doesn't worry much about breaking the rules.

"They're more apt to swear at a guard, refuse to obey an order, or commit a crime. Generally, they are more disrespectful. And why not?

"When I left there, you got more criticism than support from the top. The inmates knew that. And that lessened the effectiveness of the correctional officers.

"During the years I was there, they increased inmate rights. They have free legal services coming into the institution, but not just for court appeals growing out of the crimes for which they were sentenced.

"The inmates will sue at the drop of a hat. If an inmate thinks he's being deprived of something, he'll get a lawyer.

"They have their own personal TV sets, radios, and stereos in their cells. They can subscribe to practically any publication, including Playboy and Oui magazines.

"That's fine, except they're sending female officers into the cell houses. That kind of literature is like waving a red flag in front of a bull. There have been no sexual attacks on women officers. But I can't believe that it hasn't prompted attacks on other inmates.

"Sexual attacks always seem to occur in a prison, even though I believe they could be controlled with proper supervision and discipline.

"But now they're promoting it with the double ceiling of inmates in cells adequate only for one inmate. They've been double bunked and it invites rape.

"They say overcrowding is to blame. But they could be more selective in their assignments of cellmates."

The former prison employe's identity has been safeguarded because, like many others on the prison payroll, he is a lifelong Pontiac resident. He has to live there. He also would like to return to prison work someday if conditions improve.

Meanwhile, more of his professionally oriented criticisms tomorrow.

[From the Chicago Tribune, Aug. 2, 1978]

#### GANGS FLOURISH IN PRISON SETTING

(By Bob Wiedrich)

Chicago street gangs gained ascendancy at Pontiac State Prison in the early 1970s and that was when inmate discipline hit the skids.

"The prison administration permitted the gangs to flourish," says a former Pontiac employee, who resigned last year after nearly a decade on the jail staff.

"The administration even let them wear gang insignia on their prison uniforms or small tags made in metal shop that helped them retain the identity of their criminal past.

"The practice fostered a lot of pressures on new inmates, the people who came in on the 'fish' lines.

"There were beatings to 'encourage' the new inmates to join gangs. But for some reason, the administration overlooked the practice. I don't know why.

"The guards brought the problem up to the warden, who was very approachable. He talked to them. But nothing happened. The beatings went on. So did the gang recruiting drives."

The former employe, who quit after deteriorating prison conditions made his job intolerable, charged the gangs started asserting their muscle during the three-year reign of John J. Petrilli, who became warden in 1970.

"Petrilli was a super kind man, but he let the gangs flourish," he said. "He thought that you accomplished more with honey than with heavy discipline.

"It just didn't work. Things got progressively worse. There was no respect for the guards. The inmates developed the attitude that if they were placed on disciplinary report, nothing would happen. They were right.

"Sexual attacks on other inmates weren't approved by the administration, of course. But there was a more relaxed disciplinary atmosphere in the prison. And the inmates took advantage of it."

The fall of 1971 was a bad time at Pontiac, with rival Chicago gangs battling it out in a melee that left two inmates shot by guards, 14 others injured, and 10 guards hurt.

The Black P Stone Nation and Disciples tangled in what became known among Pontiac employes as "the riot of the month club."

The former employe believes the four-hour brawl was well planned, just as he is convinced that last month's riot in which three guards were murdered was well organized and not spontaneous.

"An inmate clerk who liked me warned me at 7 o'clock that morning that a riot was coming," he said. "The grapevine was unbelievably accurate, even between institutions.

"He told me to get out of the prison by 3 o'clock that afternoon. At 4:45 p.m., the joint went up for grabs.

"Discipline went down hill most of the time I was there. The last good years of discipline were under Joe Vitek, who left in 1970 after 10 years as warden.

"As the rules were relaxed, things got worse. In the early 1970s, inmates were extorting other inmates. People paid off for protection from other inmates. It still goes on.

"It used to be that an inmate could only have one open pack of cigarettes at a time. Now they can have whole cartons. Cigarettes are like money in an institution. They are used for barter. So that promotes gambling and dope dealing."

In August, 1973, James C. Fike became the warden. He lasted 20 months before being fired for allegedly shooting his wife in the leg during a marital dispute.

"Mr. Fike was absolutely one of the finest men ever to hit that institution, discipline-wise," the ex-prison aide said. "He took nothing from nobody. He backed up the staff and commanded tremendous respect.

"He had one disorder in which inmates from the North and South Houses tore up the dining room. He deadlocked them [locked them in their cells] overnight, then had them clean up the mess. He didn't think it would be right to have the men from the West House help, because they had behaved.

"That next noon, darned if the West House inmates didn't tear it up again.

"He tear-gassed them. Then he lined the guards up with guns in the yard in a display of force. Then he marched the inmates out. They knew who was in charge. They never forgot it, as long as he was there.

"He started shaping up the place. The number of assaults slowed down. Discipline took hold. Then he got in personal trouble."

Fred Finkbeiner succeeded Fike and lasted in the warden's post three years before being replaced by Thadens Pinknef, the present warden who presided over the most recent riot last July 22.

"Finkbeiner marked the beginning of the paper-pushing era for the administration," the former Pontiac worker recalled. "You didn't talk to anyone. You wrote it. He was an unusual bird. But discipline kind of held.

"Then Warden Pinkney came along and employe morale immediately dived under this man. He was harder on the employes than the inmates. He was good about prosecuting inmates for crimes committed in prison. I'll give him that.

"But both he and his top staff would ride individual employes until they quit in disgust. A lot of good people left because of him.

"The people in charge now are paper minded. They think there is nothing paper can't accomplish. Their god is the chain of command.

"I'm convinced that part of the inmate discipline problems have stemmed from the fact employe morale is so low. If the staff respects a warden, they'll break their necks to make the place work well. But if they don't things can quickly go to hell.

[From the Chicago Tribune, Aug. 6, 1978]

#### PLEA FROM A PRISON GUARD WHO CARES

(By Bob Wiedrich)

In his first call to my office, the former Pontiac Prison guard had broken down with emotion, unable to complete the conversation.

But by the time I spoke with him the next morning, he had regained his composure and he could speak with a blend of bitterness and compassion as he discussed the July 22 prison riot in which three guards were murdered by inmates.

"What I'm asking you and everybody else is not to let this thing lie," he pleaded. "Don't let this be forgotten. Don't let those lives be wasted.

"If we had a situation like this in the hospitals or nursing homes of the state, there would be investigative reporters falling all over themselves to get the story. And something would be done about the intolerable conditions.

"But my biggest fear is that this whole thing will blow over and be forgotten. You can already tell that by watching TV. By the day of the guards' funerals, the riot was old news."



The former guard had telephoned me after reading two columns last week based on interviews with another ex-Pontiac Prison employe.

He concurred with his former colleague's views about a lack of discipline in the institution. However, he maintained the problem went far deeper than that.

"Movies and TV have created a wrong image about prison life," he said. "It's not a bunch of prisoners marching lock step with a bunch of red-necked guards knocking them around.

"There are a lot of people working there who are sharp and intelligent and who really care. They are the ones who try to hold the place together.

"We should all be standing up and shouting, raising hell about the conditions in some Illinois prisons. We should all have had enough.

"It's not just cracking down on the inmates and invoking sterner discipline. It's a matter of neglect of the whole problem. Everybody's guilty—the political officeholders, the prison officials, the people of Illinois.

"Some of them say, 'Lock them up and throw away the key.' But they forget they're also locking up the guards. If you made things a little more humane for the inmates, you'd make things more humane for the guards.

"The cells at Pontiac are too small to house two men. It's just impossible to expect human beings to get along under such conditions.

"Everybody is a human being until proven otherwise. But some of the inmates never get a chance to act like humans. They constantly are harassed by other inmates. Why do you think so many of them ask for protective custody?

"There are people in there with redeeming value. They shouldn't be locked up with the crazies. But they are. And the 53 percent of the inmates serving time for violent crimes prey on them."

As in the case of the other former Pontiac worker, I have safeguarded his identity because he also lives in the community and has friends and relatives employed at the prison.

In each case, I have been impressed by the concern and compassion expressed by these former prison employes for both guards and inmates. I also have been impressed with their ability to articulate those concerns.

They do not fit the portrait of the red-necked guard with brutality on his mind. Nor do they fit the image of uneducated men of rural background with no comprehension of the lifestyle of urban criminals.

They are intelligent men. And, I suspect, far better tuned in to the problems of prison life than many professional penologists.

"I grieve for the dead and their families," the former guard said. "I grieve for those who have to go back there and work. It is so bad. It is another world. It is indescribable.

"The inmates not only won the battle, it seems they're winning the war. They'll hold the threat of violence now over the heads of the guards and of the other inmates, too.

"Sure, there's always a certain amount of intimidation of the guards and peaceful inmates. That goes on regularly. That's to be expected. People think the guards go in there with a gun and a club. They don't really realize they are unarmed.

"They don't realize that there are 2,000 prisoners at Pontiac and only a comparative handful of guards.

"I'm afraid that people will soon forget the riot and the loss of three lives. I'm afraid they'll say, 'Who the heck cares about a bunch of inmates or guards?'"

"They'll say, 'Isn't that a terrible place to work?' But that's as far as it will go. They'll figure anybody with any brains wouldn't work there anyway. They'll forget that somebody has to do the job. And that there are many caring people there. Only that image never gets out."

[From the Chicago Tribune, Aug. 7, 1978]

#### WHY CONVICTS GET AWAY WITH MURDER

(By Bob Wiedrich)

With 42 years of law enforcement and prison work under his belt, Under-sheriff Ross Randolph of Cook County qualifies as an expert.

Based on that expertise, Randolph believes that not enough criminals are going to jail and not enough of them are staying behind bars long enough.

That position will not sit well with those penologists and sociologists who believe even a hardened criminal deserves a break from the society he has plundered.

However, Randolph maintains that the victims of crime have been forgotten in the rush to protect prisoner rights. And that the need to protect society against antisocial acts also has become lost in the shuffle, along with the premise that punishment is intended to deter crime.

Randolph believes that extending that soft philosophy inside prison walls has helped foster the rash of prison riots in recent years that have taken a heavy toll of guard and inmate lives.

And he is convinced that what Illinois and many other states need are more prisons—modernized and enlightened institutions, but prisons nonetheless.

"In 1935, Illinois had 12,000 prisoners in adult institutions and a population of about 8 million," Randolph said.

"By 1975, 40 years later, the adult prison count had dropped to 6,000, while the state's population had climbed to 12 million, even though the crime rate had increased.

"In 1940, Chicago and Cook County had about 200 murders. In 1975, they had about 900 murders. With all the crime on the outside, people weren't going to jail.

"It was clear that proportionately not as many criminals were being sentenced to prison and that such efforts as halfway houses and work release programs were getting others out of jail much sooner.

"Illinois prisons are overcrowded. But they are overcrowded because the state should have been building new institutions all along.

"Somebody should have made the hard decisions a long time ago and constructed new prisons closer to the urban centers where a majority of the criminals originate.

"That's why I think Gov. Thompson is wrong in insisting that two new state correctional institutions be built hundreds of miles from Chicago."

Randolph offered his views in the wake of the July 22 riot at Pontiac Prison in which three guards were murdered by inmates and three others injured.

Randolph knows Pontiac well. He served there first as education director in 1937-37, then returned as warden in 1952-53. Later, he was warden at Menard State Prison for 13 years and headed all corrections institutions as state public safety director.

"The Pontiac riot was planned," he charged. "It reflected largely a grudge against the guards.

"You don't have to have riots. You have to have discipline. I admit the inmates are worse today. But a majority of them like discipline. They like cleanliness. But what's the use of keeping a cell clean when the dining room isn't?

"They want to be free to use the yard and not get ganged up on. However, if you don't have discipline, that happens, too.

"Better than 85 percent of the prisoners just want to do their time and get out. They'll be on your side if you're firm but decent with them. You have to gain respect. You can't order them to respect you.

"When a guard is insulted, the inmates expect the prisoner to be punished. When he isn't, they lose respect.

"When I was warden at Menard, the inmates stood up when I walked by. There are some prisons in Illinois where the warden is afraid to walk through his institution alone.

"The secret is discipline, cleanliness, and good food. Some wardens only clean up the place when a VIP is coming."

Randolph recalled that Pontiac used to have a third more prison industries than now.

"But somebody persuaded the state that prisoners should not have to work because that was slave labor," he said. "They rented out the 450 acres of farmland at Pontiac and over 1,000 acres at Stateville Prison.

"The farms kept the men busy. There is therapy in being out of doors, planting seeds, and watching things grow. And because of the farms, we fed the inmates better.

"We grew thousands of cantaloupe. Some of the inmates had cantaloupe for the first time in their lives.

"We canned hundreds of gallons of fresh green beans, corn, peas, and other fresh vegetables. And we did it at virtually no cost to the taxpayers.

"They closed the rock quarry. I know, that immediately sounds like inhuman work for prisoners. But that wasn't true. We had a rock-crushing machine. And the work got the men out of their cells and into the open. It was healthy.

"As for the officers, the state has been underpaying them for years. Cook County pays its jail guards about \$300 more a month, plus fringe benefits. The state correctional officers know that and it demoralizes them.

"And if a guard is demoralized, the prisoners know it. And that's when the trouble starts."

[From the Chicago Tribune, Aug. 14, 1978]

#### THE DAY TROOPERS FACED JAIL RIOTERS

(By Bob Wiedrich)

The midday sun was beating down and the 60 Illinois state troopers were sweating, but not from the heat nor the heavy riot gear they wore as they prepared to enter Pontiac Prison.

Inside the walls, an estimated 1,100 of the institution's 2,000 prisoners were milling in the yard following a bloody riot by 200 rebellious inmates.

Three guards were dead, murdered by the rioters. Three others had been seriously wounded. And the flames and smoke from fires in three prison buildings blackened the blue skies above nearby corn fields.

"We were scared, but we had discipline," recalls one of the troopers who was there that day last July 22.

"We lined up and we marched in counting cadence. We were all scared. No doubt about that. But the prisoners were scared, too, or too impressed by our show of discipline to try to back us down.

"We drew an imaginary line along a sidewalk in the yard and told the inmates that anybody who crossed that line would buy the garden.

"Every eighth man was armed with a shotgun. And they had orders to shoot if anybody bolted across the line toward us.

"The inmates didn't know quite what to do or what to make of it. They had never before been faced by a determined band of disciplined police officers.

"So despite the bloodshed that had occurred only a few hours earlier, the inmates recognized authority and accepted it.

"We never had an actual confrontation with them. We never had to lay a hand on them. We took a lot of verbal abuse, especially the black officers. There was a lot of foul-mouthed cursing directed at us.

"But we had absolutely no problem. We took two women state troopers in with us and they were as professional as the rest. I was especially proud to be a trooper that day.

"We carried side arms and wore riot helmets and carried riot batons. We were badly outnumbered. But it was the display of discipline that carried the day.

"The bottom line is that there was no repetition of Attica with 43 inmates and guards killed.

"The fact is, we were out of there by 5:15 p.m. and having a beer in town. That's how fast things moved once discipline took hold."

The officer who delivered this narrative of events at Pontiac Prison has been a state trooper for nearly a quarter of a century.

He has seen prison riots before. He probably will be called with his colleagues to suppress others. He also has a special insight into the prisoner mentality after having studied the problem for years.

So I offer his views this morning, three weeks after the Pontiac riot, as another perspective of a shocking incident which authorities have yet to sort out.

The trooper is convinced that the riot happened because the inmates wanted to reassert their authority within the prison walls.

He believes that the inmate leaders were running the institution, not the corrections authorities, and that they staged the insurrection as a reminder to their jailers that the inmates were the actual bosses of the 107-year-old prison.

And he declared that that sorry state of affairs was reached when prison authorities reduced the amount of work available to keep inmates busy so inmates had more time available in which to scheme and prey upon one another.

"Somebody's got to have the guts to say, let's get them back to work," the trooper said.

"It's not the fault of any particular governor or state administration. It's the whole philosophical approach to running prisons today.

"The state should have been building new facilities every year so that there never would be overcrowding. The state should have maintained the facilities it already had. Some of those places are so old they're falling apart.

"At Stateville, they bring in outside contractors to paint the cells instead of using inmate help. They use civilian painters when they've got thousands of idle hands capable of handling a brush.

"The inmates want work. They want discipline. They beg for it. It's discipline that they never had on the street. So somebody has to instill it in them while they're in prison.

"Nobody ever told them that it is wrong to steal somebody else's property. Or that when you write a check, you have to have that amount of cash in your account.

"That's why they're in jail—no discipline in their personal lives."

[From the Chicago Tribune, Aug. 15, 1978]

#### PRISON BLUNDERS CAN BUILD UP RAGE

(By Bob Wiedrich)

JOLIET.—Nobody ever said a state prison for felons was supposed to be a country club.

But like most controversial issues, the recent riot at Pontiac in which three guards were murdered by inmates can be seen from a variety of viewpoints worthy of public airing.

And the one presented here this morning by a longtime employe at Stateville is one that Gov. Thompson and his correctional chiefs should seriously weigh as they seek to learn why 200 inmates threw Pontiac up for grabs last July 22.

"You want to know why inmates riot?" the employe asked. "I'll tell you why.

"Some of them get tired of being shoved around by a system that is so inefficient and incompetent that even the inmates can't figure it out.

"They get tired of having their personal property stolen. They get tired of having their records so screwed up that some of them end up serving more time than they were sentenced to.

"They get tired of seeing gang bosses so powerful that they run the institution and write their own passes to visit friends elsewhere in the prison.

"I want to make it clear, these guys are crooks. They belong in jail. I know it. They know it. But I believe in human rights. I believe in the Constitution. And I don't believe these guys are getting their rights.

"I'm not a bleeding heart. All I want to present to you is another viewpoint, one that hasn't been expressed thus far in this mess. It's the system that is at fault.

"I've tried to bring these things to the attention of the administration. I've tried the bureaucratic way. I've written to my superiors. I've even written to Director [Charles] Rowe.

"But nobody wants to hear what's wrong with the way the state prisons are run. Everybody turns a deaf ear.

"So I think things are going to get worse here at Stateville than they were at Pontiac once the residents are taken off of deadlock and released from their cells because none of the problems have been resolved.

"The gang leaders still run the institution. Stateville needs discipline. It needs order. There is none. It is chaotic. The power of gangs has to be broken.

"And that can be done if things are straightened out. That's why the gangs were organized in here in the first place—to fight the 'man' who creates the problems.

"Some officers close their eyes to what's going on. Others get involved with the residents. Some of them knew the inmates before they got to prison. They grew up with them. Still others get threatened or intimidated into bringing them drugs or other contraband.

"Hell, we just had a fire in the Adjustment Committee office and a lot of inmate violation reports and other disciplinary paper work burned up. I don't think it was accidental. That's how strong these people are in here.

"Most of the inmates aren't violent. For many of them, it's the first time up. They're doing one to three years for auto theft or something like that. They're not violent. But this place can make them violent.

"Some of them get here after having spent a year in jail awaiting disposition of their case in Cook or Will or some other county. That time is supposed to count against their sentences.

"But their records get screwed up. They don't indicate that time already served.

"So while the bureaucracy struggles to straighten things out, the inmates get frustrated and more frustrated, especially if they wind up serving more time than they deserve.

"There are other ways the system messes up inmates. It's only a short trip from the Reception and Classification Center at Joliet to Stateville. But in that short trip, their personal property disappears.

"Or a counselor with a hangover, who had a fight with his wife, misclassifies some new inmate under maximum security, which means that he gets labeled as heavy, a real bad guy.

"And that means he can't get transferred later to Vienna or some other minimum security institution. That frustrates him. That builds up hatred.

"The inmates get mad, too, when personal property or things of sentimental value get lost on the way from the gate, where their families delivered them, to the cellhouses.

"The stuff isn't necessarily stolen. It's misplaced or misdirected or lost. We've had guys get on the bus at Menard to be transferred to Stateville. But their gear never got here because it was unloaded by mistake at some other institution along the way and was never found again.

"Sometimes they fail to credit a resident's account properly at the business office and he loses his purchasing power at the commissary. There are delays in delivering the mail. Or sometimes the inmates don't even get it. Magazines get lost or stolen.

"I think it's mismanagement for the most part. But it drives the inmates up a tree. And they build up more resentment and frustration.

"I believe the people of Illinois ought to get what they're paying for with their tax dollars. But I believe they're getting cheated by incompetency.

"If the money was spent right, some of these guys wouldn't be coming back here so soon. You treat people like animals. And pretty soon they act like animals."

[From the Chicago Tribune, Sept. 5, 1978]

#### AN INMATE'S VIEW OF JAIL PROBLEMS

(By Bob Wiedrich)

It is now more than a month since three guards were murdered and three others brutally injured in an inmate uprising at Pontiac State Prison.

State police are still conducting an investigation into the killings. Inmates at Pontiac and Stateville prisons remain locked in their cells, pending the sorting out of facts about disturbances at both institutions.

And lawyers representing inmates at Stateville and Pontiac have filed two suits in federal courts seeking to end the deadlocks that were imposed following the violent outbreaks.

Otherwise, the bloody events of last July 22 have slipped from the headlines and the public conscience, to be replaced by trauma elsewhere in the world.

People are thinking about the fall elections. They are worried about inflation. They are getting their kids back to school. They are grappling with their own problems.

Therefore, it is easy to forget the riot that took the lives of three unarmed and innocent men. It is equally easy to forget that only public pressure can force the changes required to prevent further outbreaks.

However, it is not quite as simple for the inmates, prison workers, and their families to erase the horror of that day from their minds because they must live with the potential for similar disaster every day that they remain associated with the state penal system.

That is why I am offering excerpts from a Stateville inmate's commentary on two of the six columns on prisons I have written since 200 rebellious prisoners rioted at Pontiac.

His remarks have been altered only slightly to keep his identity from fellow inmates and prison authorities. Otherwise, his words are exactly as he wrote them:

"I am an educated man serving time at Stateville Prison. I'm writing you about your columns in the August 14 and 15 issues of The Tribune.

"Most often, your columns do not win any approbation from me. [I expect you can learn to live with that], but I have to say you really hit the mark perfectly with these two columns.

"Both the state trooper and the Stateville employee knew what they were talking about.

"The problem is exceedingly complex, yet they covered, I believe, all of the key factors to the problem. Let me recap the points they identified, if I may:

"State Trooper, August 14 column.

"(1) Reduced workload [for prisoners]—too much time to scheme and agitate. Right!

"(2) Inmates want work. Right again. They might not think so or admit it, but it's true!

"(3) They want discipline. Very true. Even animals respect discipline. Some inmates are even smart enough to realize that a strong discipline makes them safer, more secure from depredations of their fellows. Old navy saying: 'A taut ship is a happy ship.'

"(4) That's why they're in jail, no self-discipline. Quite right. If society hopes to be free from further problems from some or most of these men upon their release, there could be no better policy than to provide them with a sense of discipline, personal and societal.

"Stateville employee, August 15 column.

"(1) Tired of a system so inefficient and incompetent. Oh, Lord! You can't believe how much so.

"(2) Gang bosses. True. As the trooper said, 'They think [with some correctness] that they can run the place.' I am seldom told by an officer what I can or cannot do, within obvious limits. But I am regularly told by the gangs what I must do, cannot do, and must pay for protection.

"(3) Things at Stateville are going to be worse when the lockup is over. I'm afraid he's right, for exactly the reasons he cited—gang control and the fact that nothing has been changed.

"Can you possibly imagine, not having worked or lived here, how really powerful the gangs are, how they control and corrupt black officers who live in neighborhoods controlled by the gangs? I don't think you can.

"I know I had not the foggiest idea of their power until I came here. Remember, this is a slice of the worst, most vicious part of the ghetto, where the things that give power to the gang concept are allowed to flourish even more than in the ghetto.

"(4) The public's money isn't being spent properly.

"I assume the purpose of the expenditure of budget on penitentiaries is not only to take criminals out of circulation awhile but to punish them, or give rise to penitent thoughts.

"It also is to reorient or rehabilitate them, so these people aren't as likely to be repeat offenders.

"In this respect, things here are scandalous and those who are responsible should be in prison themselves. No training. No self-education or improvement. No church.

"Oh, they're on the program. But, with no manpower, they don't get implemented. Vocational school, barber college, library, etc.—all have been closed for the last three months. No church for eight weeks, all because of 'no officers.'

"There's lots more.—But are you interested? I know you're a hard-liner. So was I. But your last two columns make me think you just maybe might be looking for answers, not just keeping reader interest.

"I'd be interested in your telling me frankly: Do you really give a damn about the problem and its effects?"

You betcha! That's why your letter has become column No. 7 on the aftermath of the Pontiac riot. I promise there'll be more.

As the daughter of a Pontiac Prison guard wrote me recently:

"The inmates have promised as soon as they're out of deadlock, there will be more killing. Please, you must help to keep this alive now or in a short time the paper will be filled with death again."

[From the Chicago Tribune, Sept. 7, 1978]

STRESS TELLS ON PRISON WORKERS

(By Bob Wiedrich)

"Prison work is mentally fatiguing. The verbal abuse from inmates is devastating. That's why so many correctional officers quit before marking their first anniversary on the job."

These are the words of a 10-year veteran of the Illinois Department of Corrections. College-educated, he finds prison work fulfilling.

"Sometimes, it takes so little to do so much for a resident," he explains. "Just treating them as human beings helps build self esteem.

"Many of them don't respect themselves. That's why they get caught up in that macho stuff, throwing their weight around to prove their manhood.

"And that's why, if you treat them decently, you sometimes can see changes taking place in them as they realize that they are worth something as human beings. Even their handshake gets firmer."

My informant for this latest of a series of columns on conditions in Illinois prisons since the July 22 murder of three guards at Pontiac prison has been both a guard and an inmate counselor.

He is young. He also has an ulcer that he blames on the emotional stress of prison work.

But he is dedicated to the proposition that not all inmates are animals who should be permanently shut off from society. He believes that many are worth reclaiming.

However, he is convinced that until Illinois penitentiaries are adequately staffed and correctional officer training is improved, authorities will continue to face the same kind of violent outbreaks that took the lives of the three Pontiac guards and resulted in serious injuries to three others.

"The abuse by inmates is really rough," he said. "It is incessant. It takes a strong person to take that day in and day out.

"The inmates try to psych you out. They try to play games with you. The verbal abuse is unbelievable, everything imaginable right down to homosexual insults and approaches.

"And it doesn't let up until you learn to deal with it, to ignore it and not let it bother you. Only then will the inmates ease up.

"The inmates tend to prey on new, inexperienced guards. As long as they can keep you on the defensive, they retain a greater measure of control. If you have fear or are intimidated, you're more likely to look the other way rather than challenge them when they break the rules.

"Black guards with inner-city backgrounds are especially threatened and blackmailed by residents. But you get used to being threatened all the time. It's designed to keep you off balance.

"I never heard about ulcers until I went to Stateville. There is a lot of absenteeism there because of stress among guards. Their nerves go on them.

"And it happens more among the experienced men because the new guards haven't been there long enough to develop the physical symptoms that result from such stress.

"The catcalls are unbelievable. I've heard them all, but it's even worse now. You see guys turn red with anger. Then they're expected to suppress that kind of emotion.

"That's why they leave. They just can't take it any longer. These aren't isolated incidents. They go on all the time. There is so much yelling and screaming in the cell houses that sometimes you can't even make out the insults.

"The garbage on the main cell house floors is pathetic since the inmates have been locked in their cells because of the disturbances.

"You can see the stuff flying out of the cells—hamburger buns, milk cartons, all the food they don't eat while being fed in their cells on deadlock.

"Because of the shortage of guards, they can't go around and collect garbage. And they're afraid to let some of the inmates out to do the clean-up.

"So the inmates throw the food out so their cells won't smell worse. There's already so much body odor around. . ."

The career corrections worker said the street-gang influence is worse than ever at Stateville.

"The gangs use extortion and forced recruitment. Those who won't join get beaten. The blacks who don't come from Chicago and have no gang orientation are especially vulnerable.

"After the beatings, they join up because the gangs can offer protection. They tell the inmates, 'If you join us, you won't get raped.' Once you've joined, you pay your dues.

"But if a guy gets beaten, he doesn't report it. That would be a form of stealing (informing). And the residents are afraid that the authorities might pressure them into telling who beat them. Then things would be even worse."

The corrections worker said there are strong feelings among guards over the acquittal of prisoners accused of recent murders and assaults on guards.

"That's devastating to morale," he said. "They'll be watching closely to see how vigorously the killers of the three Pontiac guards are prosecuted. There are a lot of good people working in the institutions. But they have to have support.

"There are many things that have to be done. It shouldn't be just a crisis response everytime something happens.

"Working in these places is exasperating. You keep butting your head against the wall. You keep on getting frustrated. You get caught up in the work. You really get torn up thinking what can you do for these guys.

"Most of all, you wonder if anybody on the outside cares."

[From the Chicago Tribune, Sept. 19, 1978]

#### GUARD'S-EYE VIEW OF LIFE BEHIND BARS

(By Bob Wiedrich)

Most people don't give state penitentiaries a second thought until there is a prison riot or someone they know lands in jail.

That, unfortunately, is the nature of things. It is easy to dismiss distasteful things from your mind until they touch you personally. Or you are treated to especially gory pictures of somebody else's blood being spilled.

Then the disturbing reality of prison life intrudes for a while. And people shake their heads in dismay until other problems arise to shove their concerns about prison conditions onto the back burner.

That's how things have turned out after just about every prison disturbance in Illinois.

The public has groaned. The politicians have grunted. Then the institutions have returned to their hellish routines. And little, if anything, has been accomplished in the way of reforms.

But this time, in the wake of three guard murders by inmates at the Pontiac Correctional Center last July 22, I've been deluged with phone calls and letters from prison guards, inmates, former inmates, and the families of all three categories.

None seems inclined to give up the fight for improved prison conditions this time. Each has offered a different perspective of jail life.

But, all have agreed that conditions in such major institutions as Pontiac and Stateville are deplorable; that housekeeping, discipline, and morale are near an all-time low; and that street gang members have more influence on prison affairs than the authorities.

One of my constant correspondents has been a former Pontiac prison guard, who kept a diary of sorts during his tenure there. He has assembled a compendium of it, portions of which I would like to share with you today:

"Today, we start on our assignment as regular officers. Our status is that of trainees. However, we will be doing the same work as regular officers.

"I was assigned to the north cellhouse today. The process of intimidation began almost immediately. An inmate told me that if anything goes down, the guards will be the first target. He didn't have to tell me that; I figured that out all by myself.

"The best attitude seems to be one of impassivity. Most of the inmates are simply testing the new officer, trying to get some reaction.

"A large number of the black inmates blame the white racist society for all their problems. Some actually believe this line of reasoning. It must be remembered that most of the victims of these men were also black.

"One often hears, 'If I was white, I wouldn't be in here.' White inmates exchange the word 'white' for 'rich.'

"Most of the men in here try to make some justification for their mistakes and behavior. Many simply cannot admit they are in some way responsible for their incarceration. What happens to them is always someone else's fault.

"There are a few in here who are so antisocial, so hostile, that a barely suppressed rage is noticeable to everyone around them. Everyone, inmates and guards, steers clear of them. Obviously, these men do not belong in the general prison population.



"The pressure on some of the people working here is quite intense. Absenteeism is a very serious malady that affects a great many of the officers, regardless of rank or length of service.

"Job stress is apparent in many different ways. Some men show a personality change. Some do not communicate with other officers except when necessary.

"Others will hold back all emotion, then jump on the first inmate or officer who crosses him at the wrong time.

"A few of the supervisory personnel are very hard on the officers and very lenient on the inmates. I imagine experience has taught them that these are the only people they can be tough with and get away with it.

"The violent inmates have their own way in their contact with other inmates. The only way to get along here is to be big, mean, and belong to a gang.

"Took a group of 22 inmates to the barber shop and to the commissary. The sergeant would not give me the list of men when I left because I might lose it.

"Instead, I lost half the men, but the list was safe. Got hell for it, but it doesn't really matter. That's just the way things are done around here.

"If anything happens, it's obvious there will be no place to go if you are in a cellhouse. The houses are cut off from outside observation. I have been locked on a gallery for as long as 20 minutes before the front brakeman was able to get back to let me out. I'm afraid it would be a long time before you were missed.

"It is surprisingly easy to communicate with many of the new, first-time inmates. They are many times afraid and unsure of themselves. If only this communication could continue, our job and their time would be much easier. Sadly, it takes only a short time for the realities of this place to change them.

"The inmate's anger at the world and the system under which he must now live is directed at the closest symbol of authority, the officer.

"A new inmate came in yesterday. He is very young, small, and quite terrified. Of course, some of the inmates started in on him last night. He is now on dead-lock and has threatened to kill himself. At least he got some attention with his threat.

"I don't care what his crime was, he certainly was not sentenced to be gang-hanged. At least he will get out of here before that happens because he is going to segregation.

"Some officers don't care what happens to inmates like this, but most of them show concern. Two different officers asked me to check on him whenever I was close. They care." More tomorrow.

[From the Chicago Tribune, Sept. 20, 1978]

#### A GUARD'S DIARY OF PRISON INFERNO

(By Bob Wiedrich)

Today I'll resume excerpts from a diary kept by a former Pontiac State Prison guard during his service there prior to the inmate riot last July 22 in which three guards were murdered and three others injured.

"The Black Muslims are an interesting lot. Most do not give any trouble whatsoever. They keep themselves and their cells absolutely spotless.

"They are a group unto themselves and generally treat the officers with respect. They seem to have a degree of pride in themselves, which is more than can be said for most in here.

"The only weapon we have is a notebook and pen. Most of the inmates do not wish to be written up and have to appear at courtline (a disciplinary hearing). Most wish only to do their time and get out as soon as possible. Others have declared war on society and the threat of a ticket means nothing.

"A Federal court has ruled that an inmate in segregation (solitary) cannot be denied commissary privileges. However, commissary can be denied an inmate not in segregation as a means of discipline.

"As commissary is so important to an inmate, they will sometimes commit an act serious enough to be put in segregation as a means of getting their commissary back. The courts are actually causing violence to occur.

"Where is the communication between the court system and the Department of Corrections? I can't believe the courts want this sort of thing to happen. They simply are not aware of the effect of some of their rulings.

"In the yard today—(just) two officers and 400 inmates. Be sure to keep moving and watch out for any signs of trouble. Break up any disturbances before they get out of hand. Sure!

"Sick call is for the sick and anyone else who feels like going. As usual, the sick suffer and the crazies have a good time.

"Almost 10 percent of the cellhouse reported sick today. Maybe 10 percent of those who reported were actually sick. The rest just felt like going.

"More than half of Gallery Eight reported sick. It must be very contagious. Most of them had recovered before we got to the hospital. I'm glad it was nothing serious.

"The whole damn thing is a farce, but I don't know how it could be changed since no inmate can be denied full medical attention.

"We live in an age of electronics. Where are the security devices we all see used in airports, schools, and industry?

"The problem of security affects not only the officers, but to an even greater extent the majority of inmates.

"The inmates have rights, too. The right to safety of their persons and their minds must be recognized as paramount. The actual control of this institution must be wrested from the hands of the gangs.

"As long as the gangs control these places, no one is safe in them. The public talks of discipline of the inmate as the way of controlling the institution. The inmates certainly receive a large dose of discipline—gang discipline!

"How can the inmates have any real respect for the penal system when the penal system has no real control over the happenings in here? When things get rough, why should an inmate take the side of a guard against a gang member?

"The work programs are a farce. Too many people with too little to do. Some of them really want to work. Others use the programs as a way to get out of their cell during the day. Let's let those who want to work have the chance.

"The school system is a farce. Some have a great desire to learn. This desire is thwarted by the others who use the program to get out of their cell.

"The human mind is too valuable to be wasted. An education is the only chance some of these men will have to survive outside the institution. Give them a chance.

"My initial feelings of tension have dissipated rapidly. They have been replaced by extreme fatigue and a feeling of helplessness to make any change in this place or to help those who need it. I follow orders and do my job as best I can. . . . I know I can't allow myself to become an unfeeling, uncaring zombie like some of the others who work here.

"I was inside the West Cellhouse segregation unit today. It smells and sounds like the monkey house at Brookfield Zoo. The yells and screeches and stench lead an almost unreal aura to the place.

"The throwing of urine and excrement at the officers is a common occurrence. The men assigned to this duty will surely go to heaven. They have already spent their time in hell. It is a scene from Dante's inferno.

"Many of the inmates have placed themselves in here voluntarily to get away from the general prison population. Others are in here as punishment and their behavior is worse than that of animals. There is no need to behave as no further punishment can be meted out against them.

"Any man who would place himself in here voluntarily for his whole term in prison must want to escape from the general population very much. It gives one an idea of how bad the prison really is."

There it is, folks, your state penal system in action. And it's your tax dollars that finance these conditions.

[From the Chicago Tribune, Sept. 27, 1978]

#### A GUARD'S WIDOW TALKS ABOUT PRISON

(By Bob Wiedrich)

The widow of one of three Pontiac Prison guards slain by inmates thinks Illinois legislators should each work a week in a cellhouse to acquaint themselves with the facts of prison life.

After getting slapped in the face with a few handfuls of human excrement and getting their skulls creased by a flying can of soup, the legislators might gain a more personal perspective of what being a prison guard is all about.

And then they might start enacting laws that would institute real reforms instead of permitting conditions to continue on going downhill in some of the state's major penal institutions.

"Something positive has to come out of these three deaths," the widow told me.

"Right now, too many legislators are probably shrugging their shoulders and saying, 'That's too bad.' And then doing nothing about changing the system."

The widow is bitter, no doubt about it. She lost her husband in the July 22 inmate riot, at Pontiac in which three other guards were seriously injured.

And she has been brooding ever since over the senseless loss of life she believes could have been prevented had better discipline been maintained at Pontiac and if the inmates had been kept better occupied with work and educational programs.

"The legislators ought to make it their business to know what goes on in the institutions," she continued. "Then they wouldn't pass laws that overprotect the criminals and underprotect the guards and the general public.

"When the prison authorities know the legislative commission is coming to inspect their institution, they only show them the freshly painted areas. They ought to visit unannounced and more frequently. Some of them ought to work as a guard for a week.

"I'm afraid that if a federal judge permits the inmates at Pontiac to be taken off deadlock, there'll be a massacre—if the guards show up for work at all.

"The prison hasn't been properly searched. The guard can't know the real conditions that exist there. I wouldn't blame the guards if they didn't report to work.

"A judge can't possibly know the extra workload that falls on the guards when prisoners are kept locked in their cells.

"They have to feed the inmates and keep the cellhouses cleaned up. They have to carry out the garbage. That means that place can't possibly have been properly searched for weapons, the kind of weapons that were used to murder my husband.

"The intolerable conditions have gone on there too long. The public has no idea what's going on there. I think that it's high time that something good comes out of all this.

"That's why I'm talking to you. I want to help. I don't want someone else to be widowed and their children left fatherless because the legislature didn't care.

"My husband always felt that if he did the right thing, he would eventually win. But sometimes, he'd come home and shake his head and say, 'It's tight. It's tight.'

"That meant that conditions at the prison, judging from the attitudes of the inmates, were becoming explosive and that somebody might get hurt.

"My husband wasn't afraid. He said there was nothing to be afraid of as long as you treated the inmates as human beings.

"He said he didn't like the fact they were hiring women for the guard staff. He was afraid if there was trouble, the women couldn't take care of themselves physically and that then the men would have to fight to protect them.

"I think having women in the institution had a great deal to do with the tension in the prison. You can imagine what it's like when men have been locked up for years without women."

Ironically, one of the guards seriously injured in the July 22 inmate riot was a woman, although there is no evidence the assault on her was provoked by her sex.

The slain guard's widow recalled how once her husband was kicked in the chest and Maced by his fellow guards in a melee resulting from an attempt to subdue an inmate who had gone berserk.

"The public has no idea what correctional officers endure at an institution like Pontiac," she said. "They were surprised to learn that the guards are not armed and have nothing to protect them but their wits."

The widow has not been identified in this column because of her fears that recently released street gang members might seek retribution against her family because of her remarks. It is a real fear shared by some of the other families, at least one of whom has received crank phone calls.

"A few days before my husband was murdered, there were seven guards on his cellhouse," she said. "One went home sick at noon. Then an outbreak of violence at Stateville resulted in the Pontiac riot squad being sent up there to help. That left only four guards on the cellhouse.

"But when he was murdered four days later, there wasn't anybody there to help him. That's how things are at Pontiac."

Senator NUNN. Mr. McCurley, you mentioned to me, in earlier private conversation, the situation in Atlanta and the possibility of having serious trouble there—riots and so forth. Would you care to make the comparison you did?

Mr. McCURLEY. I look at Atlanta, I have seen films on Attica, what caused it, what led up to it, and the aftermath which caused a lot of officers' as well as inmates' lives. I look at Atlanta like it is an Attica waiting to happen. You don't put the kind of inmates, the caliber and the number of inmates, together and expect to hold it down and let go on what is going on. Sooner or later, it has got to come off.

It is just a period of time, in my opinion, before it blows. In my opinion, when it blows, you can count bodies on both sides of the fence.

Senator NUNN. You feel that seriously about it?

Mr. McCURLEY. Yes, sir. I do.

Senator NUNN. It is a time bomb ticking away?

Mr. McCURLEY. Yes, sir, because I know the caliber of inmates, I know the officers, and if it ever goes down, it is going down heavy in my personal opinion because I know, I have heard talk as far as how these inmates think, if some of these guys who have got life sentences, they don't have anything to lose.

Senator NUNN. I want to commend you for being willing to come forward and testify and give your frank and candid opinion. You have been a great help to the subcommittee. I wish you good luck in the future.

Do you have anything else you would like to add?

Mr. McCURLEY. No, sir; not at this time.

Senator NUNN. We hope you will stay in touch with us if there are any suggestions you have. I particularly appreciate you pointing out the difficulty that any warden or any administration would be faced with under these circumstances, which have built up over a long number of years.

I think it is awfully important that this be put in perspective by everyone. Neither the media nor the subcommittee nor the general public feels like it is the fault of any one person or any few people who are in charge. It is a tough, tough situation that has developed over a long time.

Do you agree with that?

Mr. McCURLEY. Yes, sir; I do.

Senator NUNN. You do agree improvements are going to have to be made?

Mr. McCURLEY. It is either going to have to be made or it is going to blow off.

Senator NUNN. Either something has got to change out there or, at some point in time, it is going to blow up?

Mr. McCURLEY. Yes; in my personal opinion, like you said, it is a time bomb waiting to go off.

Senator NUNN. Thank you very much. Mr. McCurley.

Our next witnesses will be Jack Hanberry, warden, and Gary McCune, regional administrator. If you could both come forward, we will have you together, unless you either prefer it differently. If you do, we

will abide by your wishes. If you want to bring any of your staff with you, you are welcome to do that.

I would ask anyone who might be called on to testify to go ahead and take the oath before you are seated. Would you like to introduce the gentleman with you, Warden Hanberry?

Mr. HANBERRY. Mr. William Noonan, my executive assistance.

Senator NUNN. Do you expect Mr. Noonan may testify?

Mr. HANBERRY. Probably not, but he has some additional information, resource, for me.

Senator NUNN. Mr. Noonan, why don't you be seated. If you have to testify, if we ask any questions, we will give you the oath at that time. Would you two hold up your hands?

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HANBERRY. Yes.

Mr. McCUNE. Yes.

**TESTIMONY OF JACK HANBERRY, WARDEN, ATLANTA PENITENTIARY; AND GARY McCUNE, REGIONAL ADMINISTRATOR, U.S. BUREAU OF PRISONS**

Senator NUNN. As most of you know, we swear all of the witnesses before this subcommittee, including staff. I know you have been in court and everywhere else long enough to know the meaning of the oath and the fact you are expected to testify truthfully. I also will go through the routine, but very briefly, of telling you that each of you could have a lawyer.

There have been no allegations made against either of you in terms of a criminal nature. We are not talking about that. But you do have the right under the subcommittee rules to have an attorney with you and you understand that right?

Mr. HANBERRY. Yes.

Mr. McCUNE. Yes.

Senator NUNN. Do both of you waive your rights to have an attorney present?

Mr. HANBERRY. Yes.

Senator NUNN. Both of you, I know, understand the nature of that. I would be glad to have any kind of an opening statement from either of you, if you would like to go ahead now.

Mr. HANBERRY. Mr. Chairman, I want to express my appreciation for your invitation to appear before this committee today. I am here at your request to respond to allegations of employee corruption and the availability of weapons and narcotics inside the Atlanta penitentiary.

This committee is aware of the fact that 10 murders have occurred inside the Atlanta penitentiary within the last 2 years. These incidents occurred in the largest and one of the oldest Federal penitentiaries in the country.

Built in 1902, it represents the leading edge of 19th century correctional philosophy. It is designed to confine long-term male adult repeat offenders. The inmates are housed in large cellblocks with tiers

of cells stacked five stories high. The locking system contains most of the original locks installed when the institution was built and the company that made them went out of business a long time ago. Supervision of the inmate population, under these conditions, is extremely difficult and expensive.

As a result of my own concerns with these serious problems, I commissioned a task force in January of this year to examine our internal operations. Their report was forwarded to the Director of the Bureau of Prisons. In April, he sent an investigative team to Atlanta to find solutions to our problems.

I am proud to report that we have completed or are in the process of implementing all of the recommendations which relate to the internal operations of the Atlanta penitentiary.

Some of the more important steps taken were to first improve inmate accountability by establishing a pass and controlled movement system.

Second, we have increased the number of searches conducted each day to reduce the availability of homemade weapons and narcotics. In addition, we have installed metal detectors between the cellblocks and the shop areas.

All inmates are required to pass through the detectors several times each day as they proceed to and from their work and program areas.

Finally, supervision in the inmate living areas has been increased. In November, we will implement a unit management system inside the institution.

Basically, this system subdivides the population into smaller groups which are easier to manage. A team of counselors, caseworkers headed by a unit manager will be permanently assigned to each group. We have great hopes for this system because it not only increases the level and quality of supervision, it also brings the inmate closer to the services he needs.

I have presented a short summary of the problems which I and my staff face every day in the management of the Atlanta penitentiary. We have taken steps which we hope will solve those problems. However, the potential for the corruption of staff and the desire for weapons and narcotics by some inmates is unfortunately an inherent part of our correctional system. We are continuously concerned about them and constantly guard against them. We have in the past and will in the future take whatever action is necessary to eradicate them.

Thank you.

Senator NUNN. Thank you, Warden Hanberry.

Mr. McCune, would you like to make a statement?

Mr. McCUNE. No, I have no prepared statement.

Senator NUNN. Dr. Hanberry, first of all, before I start asking you questions, let me just express to you and to Mr. McCune my general feeling about the difficulty of the job you have. I know it is difficult. I know that it is hard sitting out there listening to people criticize the institution that you head up. I know that it is hard not to take that personally, and I know that some of that is inevitable.

But I would hope that you not think that this subcommittee is focusing on you personally or Mr. McCune personally. I will say this to both of you and to your staff. We think there are serious problems there. I think there can be improvement, but after having gone with you through the penitentiary Friday afternoon, it is apparent to me

that there are some inherent conflicts in terms of what your goals are and what you are trying to do in the jobs that you have been assigned to.

You are trying to run a major industry with tremendous amounts of equipment, tremendous amounts of repair, and you are doing so at the same time people are expecting you and your staff to keep weapons out of the penitentiary, to keep contraband out of the penitentiary.

You have been given virtually an impossible job. So we are not here proposing perfect solutions. We are here factfinding. We also know very clearly and the testimony has indicated that the problems at the Atlanta Penitentiary were there before Jack Hanberry was there and before Mr. McCune was regional administrator. I think Mr. McCurley summed it up pretty well a few minutes ago when he said that the problems there have been building over a long number of years. It is going to take a long time to change it. I also know very well that you cannot solve them overnight, even if you had the perfect answer.

I wouldn't expect you to solve them overnight. I know that it is a sensitive situation. It has to be dealt with in that way. So before I ask you any questions, I just wanted to let you know that that is my overall perspective of it.

It is a tough, hard job. I don't have easy answers and I am not proposing them. I don't expect you to have easy answers. What we want to do is discuss with you what you have already done, what you intend to do in the future. I want you to be given every opportunity to comment on and rebut any of the testimony that you disagree with.

I want you to be able to put it in perspective. When we leave here this afternoon, as far as I am concerned, we are not leaving the problem in your laps exclusively. We have other duties and we will have to attend to them. But I am going to do what I can to follow the progress here in the penitentiary, and I am going to do what I can from the congressional point of view; I know Senator Chiles and Senator Percy will do likewise, to see that we do what we can within our budget constraints to provide you with the wherewithal to basically deal with these serious challenges and problems.

So I just wanted to let you know that before we got into any individual questions. All the questions are not going to be easy. Some of them are going to be hard and tough, but I didn't want you to take it in a personal way because it is an institutional problem that has been here for a long time.

I am sure it is shared to some degree by other penitentiaries around the country.

Senator Chiles?

Senator CHILES. Mr. Chairman, I think you have summed it up.

Senator NUNN. Warden Hanberry, could you give us your background, please, sir?

Mr. HANBERRY. Born in Denmark, S.C.; received my education at Furman University, my bachelor's degree; graduate of New Orleans Baptist Theological Seminary, I hold a doctor of ministers degree from Luther Rice Seminary; entered the Federal Bureau of Prisons February of 1963.

After having completed all of my education as a prison chaplain, my first assignment was at Englewood, Colo.; suburbia, Denver; re-

mained there for approximately 9 months, transferred to the Federal Correctional Institution in Tallahassee, Fla., in November of 1963. I remained there until July 31, 1966, at which time I transferred to the U.S. Penitentiary in Atlanta, as the Protestant chaplain. Remained here 6½ years; transferred to the U.S. Penitentiary at Leavenworth, Kans., and in a supervisory role as administrator of chaplain services for all of the institutions in the north-central region of the Bureau of Prisons.

In July 1974 I moved into the regional office out in Kansas City, took a dual role, the one I just mentioned as well as executive assistant to the regional director in that region.

In January of 1975, I was elected and transferred to the Federal Correctional Institution in Texarkana, Tex., as an associate warden.

In October 1975, I was transferred to the Federal Correctional Institution in Milan, Mich., as its warden; remained there for almost 2 years; transferred to the U.S. Penitentiary in Atlanta, July 1977.

Senator NUNN. When did you cease being primarily occupied with your duties as a chaplain and move into the prison administration? What year was that?

Mr. HANBERRY. As a prison chaplain per se, that was August 27, 1972.

Senator NUNN. So you have been in the administration for 6 years now?

Mr. HANBERRY. Yes.

Senator NUNN. Prior to that you were in the chaplaincy for about 9 years?

Mr. HANBERRY. This is correct.

Senator NUNN. Could you give us your title, Mr. McCune? Generally describe your responsibilities and give us your background?

Mr. McCUNE. I am regional director of the southeast region, involving an eight-State area of the Bureau of Prisons and presently nine institutions.

I am a native of Athens, Ohio; graduated from Ohio University there; also did graduate work there and later was a criminal justice fellow at Harvard Law School in 1970.

I joined the Bureau of Prisons in July of 1960, as a caseworker, and subsequently worked in eight different institutions, one institution twice.

I was warden of two institutions, prior to my present assignment, the last one being in the U.S. Penitentiary at Leavenworth. I have been regional director here since July 1976.

Senator NUNN. Since July of 1976, a little over 2 years?

Mr. McCUNE. Yes.

Senator NUNN. You have been regional administrator the whole time that Warden Hanberry has been in Atlanta as warden. Is that right?

Mr. McCUNE. Yes, sir.

Senator NUNN. Mr. McCune, were you a member of the investigating team that the Bureau of Prisons sent to Atlanta in the spring of 1978 to look at the problem of inmate murders that had occurred there and some of the general problems in the penitentiary?

Mr. McCUNE. Yes. I was cochairman of that investigating team.

Senator NUNN. Who was the other chairman?



Mr. McCUNE. Mr. J. D. Williams, assistant director, central office, Bureau of Prisons.

Senator NUNN. In Washington?

Mr. McCUNE. Yes.

Senator NUNN. Who else was on that team?

Mr. McCUNE. We had several. We had one resource person as a recorder, but we had a correctional administrator from the central office and also the correctional administrator from my office, the north central regional office.

Senator NUNN. How many people were on the team altogether?

Mr. McCUNE. Five full members.

Senator NUNN. How many days did you spend in Atlanta?

Mr. McCUNE. We spent a full week. There was some followup work and some preliminary work done. We basically spent a full week as a team in the institution.

Senator NUNN. I want to get into some of those things with you in a few minutes. How many penitentiaries do you have under you as regional administrator?

Mr. McCUNE. One penitentiary.

Senator NUNN. Atlanta?

Mr. McCUNE. That is the only penitentiary; yes.

Senator NUNN. Is that usual as a regional administrator?

Mr. McCUNE. It varies from region to region. The north central region happens to have more, there are three penitentiaries and one that has a combination medical facility. One of the other regions has no penitentiaries in it; the one on the west coast has one.

The regions were set up on the Bureau of Budget regional lines and all we did was consolidate and make five regions. So it was not designed along any particular institutional lines.

Senator NUNN. Do you have any other institutions under your supervision other than Atlanta that are not called penitentiaries?

Mr. McCUNE. That are not called penitentiaries.

Senator NUNN. Like correctional institutions?

Mr. McCUNE. Yes; all of them are basically called correctional institutions now, and the balance of this region are made up, there are two minimum security camps and the balance are correctional institutions. Some youth, some adult, one cocrrectional institution at Lexington.

Senator NUNN. Atlanta is known as a correctional institution?

Mr. McCUNE. No; Atlanta is still known as a penitentiary, but most of the others which we used to call youth reformatory, there has been a change to where we are basically FCI's, Federal correctional institutions or camp facilities or penitentiaries.

Senator NUNN. Atlanta is the only penitentiary you have?

Mr. McCUNE. In this region.

Senator NUNN. You have these other institutions under you?

Mr. McCUNE. Yes; there are nine total.

Senator NUNN. How many more are located in Georgia?

Mr. McCUNE. None.

Senator NUNN. How about Florida?

Mr. McCUNE. Florida, we have Tallahassee, FCI; we have one in Miami; then we have a camp at Eglin Air Force Base.

Senator NUNN. How many other States do you have in your region?

Mr. McCUNE. There are a total of eight States. Of course, this covers not institutions in all States, but the regional lines cover eight States. We have some community service operations in every State, and institutions in most of the States.

Senator NUNN. Thank you.

Warden Hanberry, I think you were here this morning when Mr. McCurley testified. Do you remember McCurley when he was at the penitentiary?

Mr. HANBERRY. Yes, sir. I do.

Senator NUNN. What was his general reputation?

Mr. HANBERRY. He was known to be a very good shakedown officer as was described. He maintained a good institutional record, had good performance, all along the way. He was many times used as he indicated for specific shakedown duties without a regularly assigned shakedown crew or team as such.

We have to pull from people such as this from time to time if we are very interested in a particular item or shaking down a particular area. So from that standpoint he maintained an adequate institutional employee work performance.

Senator NUNN. Did you have to take any disciplinary steps with him? Did you have any real trouble with him while he was at the institution?

Mr. HANBERRY. We had no trouble with him. He was upset near the end of his tenure with us because he was not promoted at a particular juncture. He, like others, had applied for a promotion and an officer, of course, after his first year automatically goes from a GS-6 to a GS-7 if he performs and is maintained.

However, after that he falls into the merit promotion system, and in order to be promoted it is on a competitive basis. Therefore, he applied and I do not know how many times, but I know he applied on one or two occasions for promotions to the next grade level, was not selected and was visibly upset because he was not selected.

Senator NUNN. An employee could be a good employee with a good record and still not be selected because of the competitive nature?

Mr. HANBERRY. This is correct.

Senator NUNN. As far as you know, Mr. McCurley did have a good record at the penitentiary?

Mr. HANBERRY. This is correct.

Senator NUNN. I want to give you an opportunity to comment not on just testimony we have heard here today, but on other testimony including the Bowdach testimony. I will start by just giving you an opportunity to comment on or rebut in any way you would like the testimony Mr. McCurley gave this morning. You heard that.

Do you have any particular observations on what he said, disagreements?

Mr. HANBERRY. Yes, sir. I feel that what he has said comes out of his own confined experience, narrowed experience of that institution. He spoke to us this morning in a very, what he might consider an excellent fashion, with a man that I would guess has 15 or 20 years of experience. His personnel jacket shows that he has a little more than 2 years of experience. And he was rather categorical in most of his statements about the institution.

He showed some concern that cases which he had occasion to write up were not followed through with, prosecution process become involved.

If necessary we could compare that to the policeman on the street who is not involved in the court process. It is his responsibility to write the incident report and then allow the institutional disciplinary committee to follow up and mete out whatever justice is necessary depending on the case.

That is a judgment factor on my part to say that he sounds like he has a tremendous amount of experience.

Without having before me and be able to enumerate the items and speak to that issue one by one, I would have to say that in general I would diametrically oppose some of the statements he made.

Senator NUNN. He made one statement that inmates constantly filed copouts against certain guards who were rather strict in their interpretation and enforcement of the rules.

Are you familiar with the term "copout"?

Mr. HANBERRY. Yes, sir. I am.

Senator NUNN. Is he correct in his assessment that they file these with somebody in the penitentiary, you or some other supervisor, basically in the nature of a threat against a guard or employee?

Mr. HANBERRY. The term "copout," Mr. Chairman, is a prison jargon for a form which we have which reads "Inmate Request to Staff." It is prison jargon saying I want to talk to you, this kind of thing.

So staff members receive dozens of these requests every day for many, many reasons. It may be to request an appointment or other necessary concerns. In reference to these requests or copouts regarding this overaggressiveness in shaking down, I am not aware of any that were written on Mr. McCurley.

There is that possibility that some went to other staff members, but not to me personally.

Senator NUNN. Not to you personally?

Mr. HANBERRY. This is correct.

Senator NUNN. He also described the situation where he had shaken down a particular inmate three times in a row and he was then told to ease up by his supervisor. If you know about that particular incident, we would be glad to get your comments. If he were told to ease up, would that be in compliance with your own rules and regulations, or would this be something that you would not approve of?

Mr. HANBERRY. This is something I would not approve of. I am not aware of the incident to which he refers. I only wish that I had the name of the individual to whom he refers.

Senator NUNN. He also basically confirmed what many of the inmates had said about weapon availability. You heard his testimony.

Do you want to comment on his description which, paraphrasing it only, indicated that any inmate wanting a weapon probably has access to a weapon? Would you agree or disagree with that assessment?

Mr. HANBERRY. One weapon in an institution is one weapon too many. And I am well aware of this. You saw on our tour on Friday the complexity of that particular institution, particularly the Federal prison industry. And I would say to you and admit to anyone that we

do have the possibility of inmates getting a weapon, by whatever means it might be.

We have in our institution a minimum of 27 grinders, necessary for the operation of that institution. We have a minimum of 16 large-belt sanders, which also are capable of producing a weapon in a very short period of time.

We have several shears that in a matter of seconds will produce a weapon, one of which you saw in this room on Friday, one of those weapons was made from a shear.

I would conclude that a weapon—if you will allow me to go into this in some detail—a weapon made from a metal object is simply one that does the job the quickest.

I have known in my almost 16 years' experience inmates who were killed with other than metal objects, all the way from one end on the spectrum of a bare hand or hands, to other items such as the ball-point pen, a belt, et cetera.

If we were today to take every metal object out of the institution, they will resort to the next and I have with me today some of these objects that I would like to show to you.

Senator NUNN. We would be glad to have them at this point or whenever you would like to.

Mr. HANBERRY. We have necessarily in the operation of that institution, mops, brooms, and the like. This is simply the end of a mop or broom handle which can be broken across the knee or in a matter of seconds and used as a weapon. It is more dangerous than a piece of metal, believe it or not, because of the splinters that come from it and the like. Physicians tell me this at least.

This is another piece of wood. It is a mop handle. It is sharpened and is as deadly as any metal object I have seen in the institution.

Here is a weapon made out of a sparerib bone. It is as sharp and as deadly as any other weapon. Unfortunately I dropped it and broke the tip off. It was even longer than this.

So in providing food for the inmates, one decided to use his ingenuity and produce for himself this kind of weapon.

This is a wooden knife, no metal in it at all. This, too, would take someone's life if it were used in the same fashion as a metal knife.

We allow our inmates to shave with razors. We do use the double edged razor blade because it is a little more difficult to use in the hand. It becomes a weapon by simply melting it into the end of a toothbrush handle. As far I am personally concerned, that is about as deadly as a weapon as far as cutting is concerned. It is not one that is easily used for stabbing, penetrating one's body, but it certainly would cut.

We put metal detectors in operation a week ago today. On the first day of the operation of that installation, we found in a metal shop, though it is not metal, a knife which is made out of Lexan, or a plastic substance. This knife, too, was not finished. I have an idea it was being worked on at the time. But it could be fashioned by filing it even sharper than it is, though it could be used presently as a weapon.

Senator NUNN. Could I interrupt? None of the weapons you have identified so far would show up on a metal detector, would they?

Mr. HANBERRY. This is correct. This is a common or a simple pen. I have known of these being used, on one occasion at least, to be thrust through a person's eye or ear and this, too, I know that it may appear,

sir, that I am going from the sublime to the ridiculous in showing you these kinds of things and being somewhat compulsive about it, but nonetheless any of these items can be used.

Again, I repeat as I have already stated a person could choke another to death with his bare hands.

Senator NUNN. I also have heard about bars of soap being put in a sock.

Mr. HANBERRY. This is correct. That can be done in two fashions. You can imbed razor blades in a bar of soap and make a weapon out of it. You can also take a bar of soap or multibars of soap, place it in a sock, and it becomes a lethal weapon.

You can also take, as you have heard testimony already, I believe on Friday, that you can place one or more locks, combination locks which we allow our inmates to have in order to lock their lockers and also place those locks in a sock and it becomes a lethal weapon.

I repeat, as I have said earlier, the knife, the reason for it being used is simply because it is the quickest form insofar as a murder is concerned.

Senator NUNN. Mr. McCune, you have also had a lot of experience. Do you want to comment at this point on weapon availability and upon any of the statements that have been made on that point?

Mr. McCUNE. No. I agree with Warden Hanberry. I think these weapons I have seen, the same type of weapons in about every institution I have worked, even some of the less secure institutions, not as great numbers as we have in the penitentiary, but I think there are any variety of means that they can make weapons.

When we talk about knives, the availability of weapons, I think we are talking about trying to reduce access to weapons. Basically, their use when there are confrontations or emotional kinds of episodes between inmates but if we have someone bent on making a weapon and plotting, intent on killing, they are going to find one way or another to do it.

I recall, and Warden Hanberry mentioned, the hand. In my year and a half at Leavenworth, we had only one murder. It occurred about 3 weeks after I arrived. A man was strangled to death, using his hands.

That same man moved to Atlanta and killed an inmate here, was tried but found not guilty of it.

Senator NUNN. The same one that committed the murder at Leavenworth?

Mr. McCUNE. Yes. Mr. Payton.

Senator NUNN. Let me get your comment, Warden, on Mr. McCurley's statements and the statements of others. I use him because he is the most recent witness, but the inmates have said virtually the same thing, that narcotics are readily available at the Atlanta Penitentiary. I believe most of the testimony has been on the availability of marijuana.

But an awful lot of the prior testimony has been on heroin and cocaine. Would you like to make a comment about those kind of allegations?

Mr. HANBERRY. Mr. Chairman, I would be less than honest if I did not say that we have narcotics in our institution. I cannot even begin to tell you how little or how much. I do feel, however, that the amount referred to by several of the witnesses has been exaggerated.

I can't improve that exaggeration, sir, because I don't know how much was there. If I knew how much was there, I would go get it. But narcotics are introduced into our institution, if you wish for me to continue, in several ways.

Senator NUNN. Yes. Go right ahead. I wanted to give you an opportunity to comment.

Mr. HANBERRY. We have heard testimony that a few of our staff members have introduced narcotics into the institution. This morning we have approximately 537 staff members or at least we have that many positions.

When you have an organization of this size, we are going to almost automatically have a few rotten apples in the barrel. I might parenthetically state that if you read any information about employee theft in industry or any company, you are going to find a tremendous amount. We assume that this is the way they beat their company, or whatever. So to translate that into our own environment, this then is that substitute way for them to beat the company by dealing with inmates.

Many of them feel that they are going to make a great deal out of it and probably become a millionaire overnight. They usually get very little out of it. We have heard testimony again to the fact that some have been involved.

These are allegations at least. So I conclude that we have a few and if one staff member is succeeding in getting by with narcotics, he can bring in a large quantity if it goes undetected.

We do everything in our power to, when we have any information about staff members, to follow him to investigation, do everything possible to make sure that that person is not, or we try to apprehend him in so doing.

Another way that narcotics are introduced into an institution, oftentimes inmate witnesses do not like to admit to this because this puts the burden of the responsibility on them and, who wants to accept blame for anything.

It is a common fact insofar as psychology is concerned that someone wants to blame the other person. We are aware that narcotics comes into our institution through our visiting room.

The vehicle used there is to place narcotics in balloons and to swallow it, or to place the narcotics in some kind of item and insert it in the rectum.

Narcotics is sometimes found in the heels of shoes, which are hollowed out specifically for that purpose. Narcotics, likewise, is placed in the inner sole of shoes and wherever the person can put it on himself or to repeat for the most part to swallow it, to introduce it back into the institution.

We know that narcotics at least comes in through the mail room. We hope that we catch it all because our mail is checked for contraband but oftentimes we find it underneath stamps, in books which are hollowed out and the narcotics placed therein, in between layers of packaging material, oftentimes books, the covers of them are divided; the narcotics inserted and then the glue process takes place and they attempt to get it in that way.

Working outside of our institution every day are approximately 85 to 90 inmates working on landscape details, and the like. There is that

possibility that they can introduce small amounts or to swallow again these balloons or introduce it back into the institution.

We ship and receive 3 million pounds of products from our Federal prison on industry per month. We have approximately five rail boxcars in and out of that institution daily. We have approximately 25 trucks in and out of the institution.

Those vehicles are for the most part ours, some of them are semi-trailers, and the like, coming in.

We shake those down very thoroughly, but we would have to take the truck completely apart if we were to be able to find every location on a vehicle where drugs or narcotics may be placed in the process.

We are aware of the possibility of this and after I arrived here we built an outside dining facility to help us at the noon meal only to cut down on that one traffic flow into the institution of 84 inmates in and out during the noon meal.

So we have from one end of the spectrum the boxcar, the vehicle, to the other end of the spectrum, such items as a tennis ball. You may wonder how in the world you could introduce narcotics in a tennis ball.

This tennis ball has a hole in it and I doubt that the average person could find that hole. In fact, I have to look very closely myself. I know about where it is. We have a tennis court located near the wall on the west side of the institution.

Many of those balls inadvertently are hit on the outside. They go over the wall. There is someone who retrieves those balls and throws them back in, how they could very easily fill this tennis ball just like one of the others, fill it with narcotics and back inside the institution it might go undetected.

So to continue, we have approximately, or a minimum, I must say, of 100 individuals from the city of Atlanta or the metropolitan area entering our institution every week in a volunteer-type program.

It may be an education, drug abuse program; it may be in the religious program, or whatever. Occasionally, we will have an individual who becomes emotionally involved with an inmate, ceases to maintain that objectivity, and we don't know whether or not they have been involved with them, but they fall in love, it is a male-female relationship oftentimes.

We do know that some of these individuals who have been volunteers have brought in items which have not been approved. We categorize all of these as contraband. Certainly we feel if a person will bring in one item as contraband, whether it is a book, even and though not approved, they may bring in other items.

Also, we have a large amount of shipments coming to the institution from the outside, particularly in our Federal prison industries. I know that since I have been warden here in the last year there have been two occasions when two large boxes were delivered to my office, which had light bulbs in one and safety goggles in the other, but down in the middle of them were several pounds of marijuana.

The shipper hoped, and his goal was to introduce that contraband into our institution. Fortunately, we found that. Again, I indicate to you there is a tremendous amount of materials and vehicles and people coming into that institution every day.

Though we do everything we possibly can to prevent, and no one wants to prevent it anymore than I do, there is always that possibility as I said in my opening statement, it is inherent in this kind of system because, in addition to many other things, there are a number of inmates who are drug dependent.

Senator NUNN. Warden Hanberry, on that point, we heard testimony earlier from one of the inmates who basically stated that, in his opinion, if you were absolutely 100 percent successful in cutting off the flow of narcotics into the institution, that there would be big trouble.

I don't remember exactly what he said, but he said there would be a lot more violence than there is right now; it would be a place that, without quoting him directly, would almost become riot prone—that kind of thing.

What would be your reaction to that assessment? In other words, the question is, What would happen if you were able to cut off all narcotics flow into the institution?

Mr. HANBERRY. As I stated, no one would like to do that more than I. I have an idea—though this is speculation on my part—there is that potential for difficulty. I would certainly not sit here and say that we would have a full blown riot.

I don't know that. We know that regardless of what circumstances prevail, we sit on a proverbial powder keg, as we all know. It is a very volatile kind of situation. But it would be speculation on my part to try to sit here and tell you what happened if all of the resources were dried up immediately.

I am concerned about it enough and I have heard so much about it, I would like to try to see, I would like to know what that possibility is. Maybe Mr. McCune would have some comment other than what I have had.

Senator NUNN. You would be willing to take that risk if you could find a way to shut off all the flow?

Mr. HANBERRY. Yes; indeed.

Mr. McCUNE. I think that is a gross exaggeration like a lot of the other things that have been said. But when we pick up a stash of drugs, somebody is going to be in trouble, the comment is usually made because they can't deliver, somebody's supply is wiped out; they are going to have a time explaining to whoever they promised this to or sold this to.

We know anytime we pick up drugs, or so to speak, wipe out our entire source of drugs, that there is going to be some difficulty between inmates, but I think it is a gross exaggeration to say that it will cause serious trouble because of the mental issues and the people who are supposedly high on drugs and constantly depend on it; I think that is a gross exaggeration.

Senator NUNN. One other question I want to ask you about the nature of the allegations that have been made about the Atlanta Penitentiary. We have had several different inmates and also some personnel, including one who testified, and others who talked to us privately, basically state one of the problems in Atlanta is that there is such free access to all areas by the inmates themselves, that they can go and come as they see fit. One person described coming from, I believe,



Leavenworth or Marion to Atlanta as being like getting out on the street.

Warden Hanberry, would you like to comment on that, and then I will ask Mr. McCune to comment on that particularly, since you have been at both institutions, Mr. McCune, as far as Leavenworth.

Mr. HANBERRY. Our record indicates that the pass system which has been referred to several times thus far was in effect in Atlanta until 1965. It had not been in effect from 1965 until April 25 of this year, when we reinstated the pass system.

Along with the pass system to complement each other, we also instituted what is known as the controlled movement system. The pass system simply means if an inmate, if he has reason to go from point A to point B in the institution, he receives a pass from his supervisor, the time is logged on that pass; he has a certain amount of time to get to the place to which he is going when he arrives there.

The person receiving him will also sign that pass, date it, put the time on it, and give—put his initial on it.

Then that pass goes back with the inmate in his presence to the point of origin, where he turns in the pass and, in testimony this morning, it was indicated that inmates are allowed to keep the old pass and use it again.

This is not correct. The pass is turned in by the inmate to the originator, to the officer, who disposes of that pass.

Senator NUNN. Excuse me, on that point. We have had several different employees, as well as inmates, who have told us that the pass system is not working; is not in force. Very few employees are paying much attention to it.

Are you speaking theoretically about how it is supposed to work, or are you saying to us it is practically working that way?

Mr. HANBERRY. Mr. McCune, I am sure, will want to speak to this, since it dealt with some information he gained from the investigation which he was a part of and to which has been referred earlier. I feel it is working.

We did a census this past week to determine how many inmates were out of bounds; that is, in some place without approval or without permission to be there. That number was compared to a larger number at an earlier time when Mr. McCune and his committee investigated that. He wants to speak at this point to this issue.

Senator NUNN. As I recall, Mr. McCune, when you did your investigation, there wasn't any pass system. Is that right?

Mr. McCUNE. No; there was not.

Senator NUNN. At that time, as I recall, there were 250 inmates?

Mr. McCUNE. 255. During the census, we found areas that they were not supposed to be in. This is the way we check a pass system, and we are doing it in all of the institutions, even some that don't have pass systems right now in this region, to find out how much of a problem we have on control and accountability, but it is a system whereby, on any given time, you just lock the doors of every area in the institution and question the inmates as to where they are, where they are supposed to be, if they are legitimately in the area, where is it, the pass.

Warden Hanberry referred to a couple of censuses, and one of them was taken with my staff over there on a followup of a custodial audit.

So we are talking about 12 on one occasion, 13 on another, and we do this census taking at least once a week. I think it gives us some indication of how well it is working, and one of the purposes of the census is to find if we have an inmate who is out of bounds, and he is disciplined for it, or if we have an inmate that has been let go into an area by a staff member who failed to follow the policy on the pass system, then we can deal with the staff member on his failure.

Senator NUNN. You are saying that you believe the pass system is beginning to work and is doing a much better job?

Mr. McCUNE. I think it definitely is working but, again, it doesn't assure that an inmate cannot go into a given area or that it is impossible for him to do it. For example, when the controlled movements take place, he has a certain amount of time he may go to an area, but as soon as the movement is over, then we will know whether he is in the right area.

We are not saying it is a panacea to control all the problems. All we are saying is it does do a good job in controlling the movement within the fences.

Senator NUNN. It was before your time as far as the Atlanta Pen, but why was the pass system eliminated in 1965 and never implemented until April 1978.

Mr. McCUNE. I frankly don't know. We asked that question. I looked at the same issue at Leavenworth. Leavenworth went through these cycles where they had a pass system, and then it was discontinued.

I am assuming it is basically because people feel maybe it is not necessary anymore, that there are other controls to take care of it, or when staff begins to get lax in using it.

This can happen because the system is only as good as the people using it, like anything else. So I can't explain it. I do know it has come and gone at various institutions throughout the years.

Senator NUNN. You are in favor of a pass system?

Mr. McCUNE. Yes, sir. I would put it in, in any institution if I were the warden.

Senator NUNN. Do you personally favor a pass system?

Mr. HANBERRY. Unequivocally, yes, sir.

Mr. McCUNE. Let me put that in perspective. I mentioned an institution in Virginia where I was warden. I put it in. Staff didn't like it at first. It means a little more work on their part. It takes awhile to get it working right.

Leavenworth, again, you gradually make these changes, but the pass went in after I was gone. We had problems with inmates going in the units, stealing out of lockers, had a few assaults in the units, we wanted to control their access in the living quarters.

It was gradually put back in, in terms of controlling the doors, locking, in terms of pass system. I do know Leavenworth several years ago had a pass system and, for some reason, it was abandoned.

Senator CHILDS. Inmate Denson told us this morning that it was his guess that up to 90 percent of the prisoners were smoking pot in the institution.

What do you think about that figure, Warden Hanberry?

Mr. HANBERRY. Again, I feel this is an exaggeration. I wish I knew how many were. I do not know if we have a way of finding out. However, in other areas, we do have a monitoring system.

We have a urine surveillance program, where each month we test a minimum of 5 percent and many times more of our population on a random basis without notice for a positive urine sample as far as narcotics is concerned. This is given to us, in a computer printout; we draw the sample from the inmate and then it is sent to an outside laboratory.

Senator CHILES. What will that show? Will that show the use of marihuana?

Mr. HANBERRY. It will show the use of practically every narcotic except marihuana. It is not capable of showing that. Last year we tested 1,208 and out of that 1,208, 31 of those cases were positive.

But it will not detect marihuana. If we find marihuana, we do have a kit to determine whether or not in fact it is marihuana. We have the swab that we can use to determine whether or not a person has been smoking marihuana within a certain period of time.

I wish that I could give you some statistical information. Again, I feel, and this is my feeling, that it is exaggerated at least. I do not feel that many people, I think it would be obvious to us in their normal functions and motor functions as far as their movement about the institution, their work assignment; their work ability.

Senator CHILES. How much pot are you picking up in your shake-downs now when you are having those shakedown? Do you keep any track of that? I notice you have said several times that you can't begin to tell us how little or how much.

It would seem that you would be developing ways so that you would be able to tell that. Based on what your guards' information would be, based on what your informants' information would be, based on what you were picking up in the shakedowns, and what you were intercepting at the mailroom, all of that would give you a profile and means to determine how much.

Mr. HANBERRY. As you have indicated, there are several ways, of course, of determining that there might be drugs, marihuana, in a particular area. We do not have a full-time shakedown crew as such.

We pull people from different areas to shake down various places in the institution. I do not have available to me unless my executive assistant has. We have 157 incident reports in 10 months which relate to the possession of narcotics, but to tell you how much we pick up, I do not have that information available.

Senator NUNN. We would like to have that for the record if you could supply that at a later date.

Senator CHILES. Don't you think you should be trying to determine, over a period of time, whether you are picking up more or less, whether your shakedowns are doing that? If you don't have a permanent shakedown crew, it would seem to me that is something you would want to institute when you have a situation like this.

Mr. HANBERRY. Nothing would please me more than to have a permanent shakedown crew of 10 or more people, but I have a certain staff of people and in order to maintain the operation of the institution, at the present time I cannot take anymore staff away from any other function than we have already done in order to provide that kind of detail.

If we had that, of course, we would train them specifically in the area of shakedowns, and the like. We do a tremendous amount of training in this regard for all of our people.

By the time a staff member reaches his second year, he has had over 200 hours of training, much of it in the area of shakedown. We do know from time to time when narcotics might be up or down. You have heard it referred to as home brew in here. We feel when home brew is up, narcotics is down, and vice versa.

Senator NUNN. Could I ask you one question there? You mentioned 10 additional people. If you had a wish list, and none of us in the Government do, within bounds of reason, how many additional people would you ask for to run that institution the way you would like to run it?

Mr. HANBERRY. That is a big question. We worked with that some time early in the year and I think we came up with about 70-72 people. We knew there was no realism in this. We started looking at some modalities as far as management was concerned, and instead of asking for those 72 positions, we came up with the new style of management, which is called unit management.

We did receive 25. I have referred to a staff of, say, 10 and I just arbitrarily pulled that out of the air, with some realism to it, of course, with a shakedown crew of that many. It would be very difficult.

We would have to sit down and determine how many more people we would need in a certain area. I realize when I asked my boss for those positions, I realize he has to go to the Director and it is looked at as far as the entire Bureau.

He would have to speak to that better than I, as far as positions are concerned.

Mr. McCUNE. I was going to say it is one of the most difficult things to look at. I have sat, for example, at Leavenworth and decided it would be nice to ask for the positions I need.

I think if I were to tell you what the number were, you would think it was ridiculous. I am sure my bureau would think it was ridiculous. But when I would go into "A" cellhouse, very similar at Atlanta, where you have as many inmates in that one cellhouse as most institutions have in their entire population, five tiers high, no ability to see what is going on, and have three or four officers supervising that area, I would have to say, look, we may need 20 officers in there to roam those tiers.

The same thing with shakedowns. Every time we stop shaking down, the weapons start to increase, the drugs start to increase. We have to pull staff off but we need to have a crew of 6 to 10 people who do nothing but roam through that institution every hour of the day, and do nothing but shakedowns.

In fact, the way we should use them if we could afford them, is to put them in coveralls and have them go through every nook and cranny in the institution. That is the way you can do it. When you start looking at a want list, you will have what appears to some people a fairly ridiculous figure. We never had that luxury, so we only dream about it.

Senator CHILES. One of the ways of trying to control anything is to have some kind of a system of reward and punishment.

What kind of punishment do you deal out when you find someone with narcotics or when you catch narcotics coming in?

Mr. HANBERRY. It depends on the circumstances and the situation. I suppose just like a court situation might be, it depends on the individual's pattern, if he has been caught in the institution with drugs prior to this, but a disciplinary report has been commonly referred to thus far in here as a shot. It is written on the individual.

He then appears before an Institutional Disciplinary Committee. If he is in possession of it, or conveying it, on his person, or it is in his cell, we will refer it to the FBI for their investigation and they will then determine whether or not they will refer it to the U.S. Attorney's Office for prosecution.

Senator CHILES. How many cases have been referred from Atlanta for prosecution and drugs in the last couple of years?

Mr. HANBERRY. Since January 1976, 107 cases have been referred to the FBI for prosecution.

Senator CHILES. How many have been prosecuted?

Mr. HANBERRY. I do not have available statistics on that. We looked at that a few days ago. We have no information to tell you at this point. I believe between the FBI and the Attorney's Office, they would have to give us that information. We do not always know.

Senator CHILES. We would like to have that information for the record.

Mr. HANBERRY. Certainly. We are not always privy to what stage a particular investigation might be.

Senator CHILES. I note you also said that if you had any direct information on any employee, that you would vigorously follow up that information. What steps do you take to police your employees to see that you obtain that information? Do you wait until that information comes to you from some other source? Do you have some kind of a system in which you are checking on your employees?

Mr. HANBERRY. If you will allow me before I answer that question to finish the previous question that I did not feel I did adequately on, that is in addition to referring someone to the FBI, we have within our own institution the opportunity of taking good time, placing a person in segregation and the like for various lengths of time depending on the narcotics, when they are found on them, in addition to what the referral might be.

We also have some, what might appear to be punitive ways of dealing with the person.

Back to the staff; of course I am not the only person there and I am not always the person who is given the information. Typically, I am not the first person to learn about a staff member who might be dealing, but there are allegations about staff members from time to time. I would have to be very candid and say to you that if every time an inmate made an allegation about a staff and we were to defer that to the FBI, when it comes to a real serious situation, I am not sure they are going to listen to us because of all of these referrals that we have made.

We have known, and through the years, there is proof that many times when an inmate is unhappy about a staff member, I may be hard on him, or some situation has precipitated this kind of thing where the inmate can say this is my only way to get back. We know this. So we have to be very careful at that point.

Senator CHILES. I am asking you what kind of management tools do you have to check staff? Are you waiting until this information is brought to you or do you have some kind of method by which you are checking them yourself?

Mr. HANBERRY. We interview. Let me fully try to answer this. We interview the person before he comes in. We try to ascertain that. We have field investigations on the employees, background and the like. It is a matter of honesty at this point. I am not sure how you teach honesty. I would hope that we can.

But we have no particular program where we strip, shake, or give the staff, as has been suggested in here, a lie detector test and the like. It is not until we have some clue or some kind of information or indication that a staff member is dealing with an inmate that we can proceed with any kind of investigation.

Senator NUNN. May I ask a question here. We had a lot of internal integrity problems in DEA 3 or 4 years ago, and there wasn't a good internal mechanism to deal with them. This subcommittee spent an awful lot of time, 3 or 4 years ago, trying to put some ideas in DEA's head about how they could improve their internal integrity, meaning the supervision of their employees. They did create a much-changed procedure at our urging 3 years ago.

Do you have an internal integrity unit? I will ask this of Mr. McCune, do you have an internal integrity unit that can come in and investigate suspicious activity on the part of employees, people that aren't assigned to other tasks?

Mr. McCUNE. Not per se, no, sir, but again, I think you raised a question where there is some suspicion. That is why I believe I am not sure what Senator Chiles is asking if we had any way of knowing before it happens, before there is some suspicion.

Is that your question?

Senator CHILES. That is the thrust of my question.

Mr. McCUNE. We don't have a unit such as that, but I think any time we have suspicion, we have a staff investigating it. There is an Office of Professional Responsibility headed by Mr. Meeker in the central office. He is involved. Yes; we do use that, depending on the nature of the allegation or the information we get about the staff.

It may involve him. He is certainly informed of it and my office is informed of it. As far as a unit or a team that regularly checks on staff, we don't have it. But back to the other issue, the question about how we know this, I think Warden Hanberry mentioned the interviewing process, we talked about this at the executive staff level because Atlanta is not the only place where we have problems with staff corruption.

I think it is apparent in many areas, on a very small scale, but we are having the problem. So we are asking ourselves questions again, how can we prevent it? One does a better job of interviewing, a better job of background investigation. One of the problems we found in some institutions is that when a person comes onboard, and then the background investigation comes along, say, 6 months later, still in the probationary year, that a fellow is doing a great job, it is simply a question in the background.

Staff are inclined to say he is doing great, he has been doing great for 6 months, we shouldn't get rid of him. I think we have to take

another look at that and be a little more selective, a little more cautious, that when we have something questionable that is in the background, we should error on the side of getting rid of the employee. We pay well and we demand high-quality employees.

As far as any other system except for job supervision, we don't have it.

Senator CHILES. For example, we have an awful lot of very good employees in that postal system. We have also an awful lot of people's money that goes through the mail in that postal system. Because of that, they have postal inspectors. Part of their job is to try to determine anybody who would be tampering with that mail, whether it be an employee or others.

They set up the installations so that the postal inspectors can determine what goes on. They do a lot of surveillance in that regard. I think they protect the taxpayers pretty well because of that.

It would seem like when you say you have 535 members, it only takes 1 or 2 that are bad to bring in a tremendous amount of narcotics or weapons or other contraband that might be coming in.

Senator NUNN. Senator Chiles, that was a Freudian slip. There are 535 Members of Congress.

[Laughter.]

Senator NUNN. You have 535, too? Is that exactly the same number?

Mr. HANBERRY. Staff 537, I believe. We will make it 535, if you wish.

Senator NUNN. We have some problems in Congress from time to time, too.

Mr. HANBERRY. I don't know if you are interested in this, but in the last 2 years, we have had 68 people or employees who have resigned or have been terminated, 10 of whom were terminated and/or resigned because of suspiciousness or in fact dealing with inmates.

Senator NUNN. Warden Hanberry, we have had some inmates testify about corruption. I practiced law a long time and I realize the difficulty of taking someone in an institution and putting their word against the word of an employee or guard. Of course, we never have this kind of testimony before our subcommittee unless we have received several different allegations.

Some were willing to testify and some of them weren't, against the same individual. Without getting into particular cases here, we have had allegations of corruption, some confessions of bringing in contraband. When you have an allegation by an inmate like we have had here against two of your employees, in particular one who denied it, and the other one who took the fifth amendment, what can you do administratively at this stage before there is any judicial determination or any indictment or anything of that nature? Can you take action in dealing with these employees at this stage, or do you think that is desirable?

Mr. HANBERRY. We do not take action, if it is hearsay only. If we apprehend, catch, or see the transaction being made, of course that is understood. But we do not, and I have personally a tremendous amount of difficulty with this kind of situation, too, entering into any kind of court action with nothing more than the hearsay of an inmate.

We certainly would take that information and investigate it to the best of our ability, and if we felt we needed additional investigatory assistance, we would solicit the help of the FBI.

Senator NUNN. What we have had is direct, firsthand testimony, which is a lot different in terms of legal terminology from hearsay. But it is a question of inmates testifying against employees.

Mr. McCUNE. Senator, I think one of the big problems we have with that, I think the warden alluded to it earlier, that we have hundreds of allegations about staff from one time to another when someone gets disgruntled. Some of them are very bizarre and farfetched, but we have an obligation to follow them up. We have to be awfully careful that we don't take action based strictly on those kinds of allegations even though an inmate can sit, as I have seen one of them here, on the witness stand and lie with great confidence, assurance, and definiteness in their answers. They are experts at it. They have been doing it for many years.

Senator NUNN. But five or six inmates, unassociated, unrelated, relating instances against one particular employee?

Mr. McCUNE. I would have to be sure they were unassociated because I have also seen them line up a number of backers for the story they are giving. I am not saying true or not true, I don't know, but it is the care you have got to take.

Certainly we, based on allegations that we feel may have some merit or may seem to make sense, we can then start watching employees closer. We have done this, or we can shake them down. We have done this. If we think somebody is going to be bringing contraband in, we can shake him down. We may miss it that time.

Senator NUNN. Can you take administrative action against an employee before indictment like we have had identified in these hearings? Is it within your power to do that?

Mr. McCUNE. We can, but we would never win a case if our case was strictly an inmate's statement or allegation. But if we felt we had sufficient evidence, either corroborated his statement or whatever, or shake down, maybe we could pick up something or an observation, yes; we can take administrative action up to the extent of terminating their employment.

Senator NUNN. You would never win a case with one inmate testifying against one employee?

Mr. McCUNE. If there are no other witnesses or other evidence, his word against the staff, we would never win it.

Senator NUNN. What about if there are four or five, unrelated?

Mr. McCUNE. Very difficult to win it.

Senator NUNN. Are you saying you can't do anything about corruption with employees unless you catch them in the act?

Mr. McCUNE. Yes. Catch them in the act or have some other person observe some activity or something connected with it. But I would hate to think, frankly, Senator, that an inmate like some of those we have seen testify could go into court and based on two or three of them agreeing an event would happen that we would convict people.

There is nothing worse to us than a rogue in an institution. I think all the other staff will agree with it, but we are limited in certain respects, certain extents in terms of taking action, without having solid evidence. I think the employees are entitled to that kind of protection.

Senator NUNN. Warden Hanberry, let me ask you directly. Do you



plan to take any kind of administrative action against any of the employees who have been publicly named here?

Mr. HANBERRY. I have already taken some, Mr. Chairman. As you well know, I have been involved in this since Friday, as much as probably as you have. This will be the first item of business that I will soon address myself to tomorrow morning.

But action has already been taken on some, to some degree on all of them. But we will pursue that tomorrow morning with the legal counsel and all other resources available to me.

Senator NUNN. Thank you.

Mr. McCUNE. One of the things, actions we can take, is in terms of putting someone on administrative leave immediately during any kind of investigation. We are somewhat limited in that that is only 5 days that we can use. We are trying to get that changed to extend it to 45 days, so in cases where there are suspicions or investigations underway, we can put people on administrative leave.

In one of these cases where there is admission, other evidence, we can go ahead and proceed with disciplinary action on the employee.

Senator NUNN. We have a real time problem here. I am going to try to cut my questions short because we do want to hear from the General Accounting Office. After we hear from them, we want to give you all a chance to reply to anything they might say.

Senator Chiles and I have both got to get back to Washington. We have to catch a plane out of here at about 2:45. We will have to conclude these hearings within 1 hour, but I don't want in any way to cut you off short.

If you have anything you want to say when we get through with the questions, we will be glad to have that.

Mr. HANBERRY. May I recommend for your reading in the context of this whole thing, Federal Probation, June 1978, which has an article entitled "Hustling: The 'Inside' Economy of a Prison," which shows it is nationwide. To some degree it is of epidemic proportion in some of those institutions.

Senator NUNN. We will make that part of the record, too, without objection.

[The document referred to was marked "Exhibit No. 46" for reference, and follows:]

EXHIBIT No. 46

[From the Federal Probation, June 1978]

HUSTLING THE "INSIDE" ECONOMY OF A PRISON

(By Sandra E. Gleason,\* Assistant Professor of Economics, University of Michigan—Dearborn)

In recent years economists such as Becker (1968) and Ehrlich (1974) have turned their attention to the study of crime and criminal activities. This research has modeled criminal activities occurring outside the walls of penal institutions. In contrast, this article focuses on illegitimate economic activities

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or "hustles" occurring inside the State Prison of Southern Michigan.<sup>1</sup> It will be shown that the economic concepts used to explain criminal activities outside the institution also apply in the "inside" economy. The discussion will be developed in three parts: (1) an explanation of why hustling activities develop; (2) an examination of the conditions necessary for hustling to take place; and (3) a discussion of the conditions of production of hustles.

#### THE NEED FOR HUSTLING ACTIVITIES

The State Prison of Southern Michigan houses approximately one-half of the inmate population of Michigan; all residents are males ages 23 and older. The prison consists of the maximum security section inside the walls which housed two-thirds of the prison population, or about 3,200 men, in 1975 and the trustee division outside the walls. Less than one-half of the population is white. The prison provides the men's basic needs and a variety of educational and recreational activities at no cost to the residents. In addition, income generating school enrollment<sup>2</sup> or jobs are available for all who are physically and mentally capable, except during periods of overcrowding, to provide the income to purchase goods and services which are not free. Men who are indigent receive a small monthly stipend. However, some residents find these and other legitimate income sources, such as gifts and government transfer payments, inadequate for their desired consumption, and develop hustling activities to acquire income, goods, and services which would otherwise be unavailable to them.

There are three channels for lawfully acquiring goods and services in the prison. (1) The prison store sells goods for script which range from daily hygienic needs to television sets. A limited range of commonly used goods may also be purchased for script at the Jaycees' store if faster service is desired.<sup>3</sup> (2) Purchases inside and outside the institution may be made by a check written against a man's account. Some restrictions apply to these purchases; for example, only one television set is permitted per man, and contraband items, such as pornography and drugs, may not be purchased. (2) Many goods, such as cloth-

<sup>1</sup> The primary data sources was interviews with six resident clerks in the prison. These residents ranged in age from the early twenties to the early forties, and included two blacks, three whites, and one Spanish American. The average interview required six hours.

The men interviewed had served an average of three and one-half years on their current sentences, but four of them had been incarcerated two years or less. Consequently, most of the data referred to the period from 1974-1976. However, since the residents had been incarcerated an average of eight years on both prior and current sentences, references were made to events prior to 1974.

The data about hustling procedures collected in the interviews were included in this article only if one or both of the following sources verified the accuracy of the information: 1) another resident or the prison staff provided the same information about a specified topic, and/or 2) the information was consistent with prior research on prison life. Information about most of the low-risk hustles, including price data, was consistently verified by the six residents. However, the data on high-risk hustles were much less complete; the price data were particularly sketchy. Consequently, the information on the high-risk hustles was often verified by only one additional source.

The use of a small sample of inmates was justified by three considerations. 1) Interviews with a representative sample of the prison population would have identified the information available to the average inmate consumer rather than the details of production and distribution because the typical inmate does not know much about the way the "inside" economy operates. In contrast, the men interviewed were able to provide detailed information due to their relatively long observation of the economic system. In addition the interviewees were shrewd observers of the prison system, partly due to inmate intelligence and partly due to their relatively high levels of education. Only one of the six had not completed high school, while three had completed A.A. degrees. 2) A good rapport had been established by the author with the interviewees during previous research activities at the prison. This rapport probably would not have occurred with a larger group which included men who did not know the author. 3) Research on the "inside" economy is a sensitive matter due to the severe penalties associated with the high-risk hustles. Consequently, it was expected that interviews with a small sample rather than a large one were less likely to be perceived by hustlers as a ploy to locate law breakers, and therefore should minimize the risk of bodily harm to the interviewees.

It should be noted that the economic activities discussed in this paper are not unique to the State Prison of Southern Michigan. References to a variety of hustling activities are found in much of the literature about prison life. In addition, the interviewees who had served sentences in other Michigan prisons indicated that a similar range of hustles also were carried out in those prisons with minor variations reflecting institutional differences such as the rules governing gifts from family and friends.

<sup>2</sup> Enrollment in remedial education programs is required by law for inmates who test at less than a sixth grade level of academic competence. Other programs, including high school, G.E.D. preparation, vocational training, and college courses, are voluntary.

<sup>3</sup> The Jaycees' store sells goods to raise money for their activities. Unlike the prison store, which has a waiting line which is usually one to three hours in length, the Jaycees' store provides fast service. This faster service is attractive to men who do not have the time to wait in line because of their jobs and due to personal preference.

ing, may be sent inside as gifts. However, drugs, liquor, pornography, food, and shoes are not permitted as gifts. The one exception is gifts of canned food in December.

The residents estimate that it costs \$40-\$50 per month to live comfortably inside. The average income received each month from January 1973 through December, 1975 does not fall into this range: \$41 in 1973; \$47 in 1974; and \$50 in 1975.<sup>4</sup> Gifts and government transfer payments represented approximately 75 percent of the average income and the monthly payroll, approximately 25 percent, during this period. In contrast, expenditures averaged \$53 a month in 1973, \$59 in 1974, and \$62 in 1975. The receipt of scrip during visits explains approximately 58 per cent of the gap between average income and expenditures; the rest of the gap is due to scrip overpayment.<sup>5</sup> However, these data are deceptive since they do not show the great inequality of the income distribution and the seasonal variation in income.

Most of the income is received inside the walls by two groups of men; (1) approximately 600 men employed in the Michigan State Industries earned an average monthly income of wages and bonuses of \$63 in 1975, and (2) veterans enrolled in educational programs received approximately \$300 a month in educational benefits.<sup>6</sup> Residents whose families helped them financially could have received up to \$60 a month in scrip during visits.<sup>7</sup> In contrast, men without visitors or family assistance received no gifts of scrip, and the average monthly income earned by nonemployees of the Michigan State Industries was about \$7. Half-time students earned \$3 during a 4-week period; full-time, nonveteran students and the lowest paid institutional jobs, such as kitchen work, \$5; and the best paid institutional jobs, including the relatively skilled clerical positions, \$15. The only other legitimate income sources available are the production of hobby-craft items or serving as a medical volunteer; the latter may generate an income of \$30 a month (Mittford, 1973, p. 65).

Several seasonal variations in the flow of income and expenditures are evident. The major source of the fluctuations in the payroll is the payment of the Michigan State Industry bonus. The bonus is paid in the first month of each quarter, with the largest bonus in July; this causes the third quarter average payroll earnings to be larger than the other quarters. As expected, the average gift increases markedly in the fourth quarter each year for the Christmas season, and then falls in the first quarter of the following year. This appears to be a major factor causing the average income to peak in the fourth quarter. Average expenditures change in the same direction as average income.

The data show that many residents experience a sizable gap between their average income as compared with even relatively small consumption demands. The only way most residents can increase their income is to develop a hustle. Hustling or dealing consists of selling illegal goods and services wanted by inmates in order to acquire the goods and services, or the media of exchange to buy the goods and services, wanted by the hustler. Hustling provides the hustler with the amenities of life inside, as well as the challenge and satisfaction of "beating the man" (Dixon, 1974). It can be developed to suit each man's needs: Steady and regular production produces a dependable monthly income, while the target marketer may hustle only occasionally to acquire the means to make a specific expenditure and/or to carry him through a period of relatively low income.

The hustler's world of illegal economic activity co-exists with and complements the legal channels of exchange. These activities can best be described as peripheral

<sup>4</sup> The financial records of the residents' accounts are maintained jointly for the prison (inside the walls and the trustee division, including the farm barracks), the Reception and Guidance Center, and the Michigan Parole Camp. Consequently, it is impossible to clearly separate income and expenditures within the walls from those outside the walls. The averages are based on the December 31 population of the prison and the Reception and Guidance Center. The population of the Michigan Parole Camp is not included since it houses some prison trustees in the work-pass program as well as residents from other state correctional facilities who are within 90 days of their parole to a southern Michigan city. The capacity of the parole camp is 140 inmates.

<sup>5</sup> Expenditures include purchases made with scrip and checks written on a man's account. Scrip overpayment is the theft of scrip from the prison store so that the scrip may be respent on other purchases in the store, it averages approximately \$23,000 a month.

<sup>6</sup> This assumes that the men receiving veterans' benefits today are enrolled full-time in educational programs and are comparable in marital status and number of dependents to men admitted in 1960.

<sup>7</sup> The amount of scrip which can be given on each visit was increased from \$15 to \$20 per visit in mid-1975, and the number of visits was reduced from four to three a month due to over-crowding. A resident may, therefore, receive up to \$60 in scrip each month during visits, and is entitled to withdraw \$60 a month in scrip from the legitimate earnings and other funds deposited to his account.

market activities since the subsistence needs of the residents are provided by other means; if the hustles disappeared it would create inconvenience but no major hardships (Bohannon, 1965, pp. 1-32).

#### HUSTLING: THE NECESSARY CONDITIONS

Hustling requires some imagination to see the opportunities available, initiative to pursue the opportunities, access to goods and services or working capital, and a willingness to take the necessary risks. Although the risks are largely borne by the hustler, the buyer shares some risks as well.

A hustler must have access to goods and services demanded by other inmates and/or access to working capital. For example, a hustle in raw or cooked steaks, yeast, and milk requires employment in a kitchen, the hustle of providing new pressed prison uniforms requires employment in the laundry, while being paid to buy another man's store list requires employment in the prison store. Generally, the more lucrative the hustle, the more highly the job is prized by hustlers; there is competition for such jobs. In contrast, the hustle of gambling, the block storeman, or dope peddling is relatively independent of any job but requires relatively large amounts of working capital; the size of the capital stock constrains the scale of the hustle. The block storeman, for example, may be a small operator handling only a few items in great demand, such as soft drinks and baked goods, or may have a large scale operation and handle goods such as sandwich components as well. The small scale operations have been going out of business, however, because their capital is too limited to keep up with the increases in the prison store prices.

The working capital needed for hustling consists of one of the four media of exchange: cigarettes, green (Federal Reserve notes), scrip,<sup>8</sup> and transfers between men's accounts. The most commonly used media of exchange are cigarettes and green. As Radford (1945) and others have noted,<sup>9</sup> cigarettes are the common denominator for all prices, including the rate of exchange between the media of exchange, since they are readily available to all inmates through purchases in the prison store or by dealing. At the time of this writing, cigarettes sold in the prison store for 30¢ a pack or \$3.77 a carton (10 packs). The basic exchange rate of green to cigarettes is clearly defined: \$5 green=25 packs (2½ cartons). Actual rates may vary from these basic rates due to bargaining. Although cigarette store prices have risen over the last few years, these rates have remained constant and unaffected by transactions of varying sizes. This may reflect the fear of loss in deals, or the scarcity of the supply of green. In contrast, the exchange rate for scrip seems less well defined. It is roughly \$3.25 scrip=10 packs (one carton) in block transactions. This suggests that the exchange equation should be \$5 green=25 packs=\$8.13 scrip, but sources indicate that 25 packs may be worth \$7.50 or \$10 in scrip. This value range may reflect the lower desirability of scrip relative to the highly prized green.

Six factors affect the choice of a hustle. (1) The more time a man has spent inside, the more knowledgeable he becomes about the available hustles and how to establish himself in the hustle of his choice. (2) The skills which he brings in from outside or acquires while inside will limit his opportunities. For example, there is some evidence that much of the dope peddling is done by men who were associated with drugs on the outside and thus have the necessary contacts and skills to handle the operation inside. This is not surprising when the statistics on 1973-74 commitments are considered. Approximately 6.5 percent of the new commitments were for drug offenses including the possession, sale, manufacture, distribution, and/or transport of drugs. An average of 10 percent of the new commitments had experimented with drugs and 39 percent indicated occasional or sustained use of, or severe addiction to drugs; thus a total of roughly 55 percent had some experience with drugs beyond mere street observations of drug activities. There was no reported drug use for about 3.5 percent of the commitments (Michigan Department of Corrections, 1975, 1976). (3) The rules governing gifts affect the potential scope of hustles. For example, the liberalization of the rules governing gifts of clothing undercut the hustle of producing custom-made clothing in the garment factory. (4) The effect of increasing the legitimate income by raising pay scales or increasing the amounts of scrip which could be given during visits is uncertain. A larger

<sup>8</sup> Scrip books bear each man's prison identification number; a resident found with another man's scrip should have it confiscated as contraband. However, the residents have found ways of working around the prison rule.

<sup>9</sup> For other examples, see Carroll (1974, p. 166) and Fox (1972, p. 203).

legitimate income would decrease the need for hustling but would also provide more working capital to expand unlawful activities. Residents make trade-offs between hustling and working conditions, depending on their utility and legal income. For example, a clerk in the academic school receives 75¢ a day and few hustles are available. However, the working conditions are considered quite pleasant since it is much like working in an office outside. If a resident is receiving veterans educational benefits or has another good legal income source, he can enjoy a nice job and support himself without hustling. In contrast, work in the kitchen is poorly paid and the conditions are considered to be unpleasant, but the jobs are in demand because of the good hustles in food theft. (5) The stock of competing goods in the prison store and their price, quality, and variety affect the earning power of a hustle. For example, the sale of used watches was a good hustle in the past but was undermined when the prison store began carrying inexpensive digital watches with a manufacturer's guarantee. (6) The hustler's preference for risk determines whether he chooses a relatively safe hustle, such as the small scale theft of steaks from the kitchen, or the more risky hustles, such as dope peddling. The degree of risk is defined as a function of the probability of receiving punishment and the expected punishment.

The probability of receiving punishment depends on four factors. (1) The more frequent a given hustle, or (2) the larger the quantity of goods and services hustled, the more likely it is to be observed. There are limits to how much hustling can occur. Some hustling is tolerated; however, if hustling becomes excessive and raises institutional costs or threatens security, the rules against such activities will be enforced more strictly. This occurred in the past with gambling and the sale of yeast used in the production of spud juice (homemade liquor): Too much violence resulted, disciplinary problems were created, and the rule enforcement was tightened. As a consequence, the production of spud juice has fallen and its price has increased. (3) The vigilance of the officers varies and thus affects the probability of being caught. This vigilance appears to vary among the different parts of the prison. The honor block guards, for example, are somewhat more tolerant than the guards in other cell blocks since the men living there create few custodial problems. (4) The time a man has spent inside provides him with opportunities to observe and master good techniques to protect his hustle from discovery. Two facets of self-protection include marking contraband items acquired through hustling with the hustler's identification number,<sup>10</sup> and screening buyers. A deal will be made only if the potential buyer is known to be trustworthy; the care given to the screening depends on the severity of the possible punishment. The net supply price is based on the cost of productive inputs and a discrimination coefficient applied to potential buyers. The discrimination coefficient may vary from a negative coefficient for a "partner" or close buddy to positive infinity for a "stool pigeon" or a buyer considered untrustworthy for other reasons, such as racial difference. The residents prefer to do their hustling within racial groups to avoid potential complications due to racial strife unless there are no alternatives, or the hustler is trying to maximize his immediate dollar gain. The one exception to the use of discrimination coefficients is some commonly exchanged goods, such as freshly made sandwiches, which have very standardized prices.

In addition to the probability of receiving punishment, the hustler is concerned with the type of punishment usually given for each hustle; the risk associated with a hustle is reflected in the return to the hustler. The *Resident Guide Book* clearly defines the economic activities which are unlawful and the two types of charges which may be made in addition to confiscating the contraband items. (a) A major misconduct charge is made for acts that would be felonies under state or federal law, assault or threats of violence, or other serious and potentially disruptive violations of the institutional rules. The more risky hustles, such as the importation of liquor and drugs, gambling, and loan sharking, would be punished as major misconduct; the markup on marijuana and phencyclidine (PCP) is at least 200 percent, while the return to heroin is even greater. (b) A minor misconduct is a rule violation not considered major misconduct. Relatively safe hustles, such as the theft of steaks from the kitchen

<sup>10</sup> All items purchased or received as gifts are marked with the resident's identification number; any items with a different number found in his possession during a shakedown for contraband should be confiscated. There is a hustle in changing identification numbers; it is a high-risk activity since the number-marking equipment is closely watched.

or the block storeman, would be minor misconduct.<sup>11</sup> As seen in table 1, the average markup on goods sold by the storeman is 100 percent. A man living in the honor block would be removed from this privileged unit for the receipt of either a major or minor misconduct.

The block storeman buys food items from the prison store, or may commission the theft of the items from the store at lower prices than he would otherwise pay, and sells them for cigarettes. This is a relatively safe hustle since most of the officers understand the need for this food to break up the daily routine and provide a variety in a diet which otherwise would consist entirely of mess hall meals. As a consequence, the storeman's transactions can be relatively frequent and large scale, but the possibility of punishment is offset by the relaxed vigilance of the guards.

Although the data are incomplete, it appears that the more risky the major misconduct hustle, the greater the gain to the hustler. These ventures are severely punished due to the custodial problems which they create: violence associated with nonpayment of debts, theft of money earned or supplies, and threats of personal injury. The following examples illustrate the argument (see table 2); the outside price of the high risk hustles averages 25 percent of the inside price. (1) The importation of liquor is a relatively small scale hustle inside. A guard may sell it to the final user, or it may be resold. If the guard earns about \$7 for his trouble, the hustler could earn about \$5 for his efforts.<sup>12</sup> (2) At least five types of drugs are available inside, although the residents believe that you can buy almost anything inside that is available outside. (a) Probably the most readily available drug is marihuana; relatively little violence is associated with its use so there is less vigilance by the guards about its use. One ounce of marihuana costs \$100 to import into the prison, but nets \$300-\$350 for the hustler. This is in contrast with an average outside price of about \$30 an ounce (*High Times*, 1976, p. 96). The price per cigarette has fallen from roughly one carton in the past to a standard price of five packs due to the same relaxation of attitudes toward marihuana that has occurred outside. (b) PCP, a common animal tranquilizer, earns roughly the same return as marihuana. The price varies with the sophistication of the buyer. (c) Amphetamines and acid (LSD) are available irregularly. No data are available on the rates of return to the hustler. (d) While the data on heroin are incomplete, a rough estimate of the rate of return can be made. Heroin prices fluctuate markedly depending on the available supply, purity, and quantity purchased; larger purchases reduce risk and therefore are sold at a discount (Brown, 1973, pp. 1 and 28). If one gram sells on the street for \$100, it would cost about \$350 to import to the prison. The gram could be sold for roughly \$1,200, netting the hustler an estimated \$850, or twice the return to the importer of PCP and marihuana. (3) Gambling activities are built upon small scale betting; a one pack bet is typical.

However, a successful operator may make as much as 200 to 300 cartons a month. If the average return to national government lotteries can be taken as a rough index of the rate of return, the gamblers are making a 50 percent profit (Rubner, 1966, pp. 108-11)<sup>13</sup>; if their rate of return is comparable to that of the outside numbers games, they are making a 40 percent profit. (4) Loan sharking is less of a problem today than in the past since more scrip is available and there is less need for men to go into debt. It is, as a consequence, treated as a less serious offense than in the past since the associated problems have been reduced. However, loan sharking still flourishes. The basic rate appears to be \$2 green payment for each \$1 green loaned, or two packs for one loaned. However, this rate varies from a ratio of 1.5 for one loaned for close friends to an open ended repayment rate when the debtor fails to repay in the specified time period; under these conditions the creditor can name his own price. In contrast the repayment rate outside is \$6 for every \$5 borrowed a week for small borrowers (Kaplan, 1968, p. 239). (5) The price of homosexual services ranges from free to ten

<sup>11</sup> Beef is popular because the mess hall primarily serves pork.

<sup>b</sup> The punishments for major misconducts are new sentences, detention, confinement to quarters, loss of privileges, payment for property damage, forfeiture of good time or denial of special good time, and suspended sentence if future good behavior occurs. The punishments for minor misconducts are confinement to quarters, loss of privileges, or the assignment of extra duty.

<sup>12</sup> This example and the one given below which estimates the return to heroin sales is based on the assumption that the ratio of net gain to the guard importing the good to the street cost of the good is the same as that for marihuana when the price of marihuana is \$30 an ounce, i.e., a ratio of 7 : 3.

<sup>13</sup> Gambling is the largest source of revenue for organized crime on the outside, and loan sharking is the second highest (President's Commission on Law Enforcement and Administration of Justice, 1967, p. 189).

cartons, or \$30, with an average price of roughly one to two cartons, or \$3.90 to \$7.80. The portion received by the pimp depends on whether a minimum fee is paid to the prostitute and how much the pimp buys for the prostitute to keep him happy.

The demand for hustled goods and services is a function of taste, legitimate and illegitimate money income, the selling price of the commodity, and the prices of related goods available in the store, from other dealers inside, from sellers outside, and receivable as gifts. The net price the buyer is willing to pay is affected by a discrimination coefficient against the seller which reflects the buyer's concern for the trustworthiness of the hustler. The buyer is concerned with the trustworthiness of the hustler for three reasons: (1) the buyer may be implicated in the transaction and therefore subject to punishment or at least confiscation of the contraband item; (2) if the hustler does not satisfy his part of the deal the buyer has no recourse but strong arming or other forms of pressure; and (3) in some types of purchases, such as the purchase of a used watch, the buyer is concerned that the hustler provides a good quality watch in working condition and guarantees his product for some period of time. Buyers, like hustlers, prefer to deal within their own racial group.

#### THE CONDITIONS OF PRODUCTION

Most hustling consists of relatively small scale, labor intensive, one man operations. This reflects the general attitude of "everyman for himself." Three types of production conditions can be distinguished: (1) no purchased inputs; (2) some inputs are stolen and some are purchased; and (3) all inputs are purchased. There is room for competition,<sup>14</sup> so cut-throat competition is usually avoided due to the violence which might result and the residents' fear of being punished by a transfer to the Marquette prison.<sup>15</sup> There are, however, several exceptions to the prevalent market structure; all are major misconduct and usually require the participation of at least two men cooperating in an organized division of labor. The prices charged by the hustler may be standardized or bargained.

A large proportion of the hustles do not require purchased inputs. Three types can be defined. (1) Institutional supplies may be stolen while on the job and sold without any production; the hustler acts only as a middleman-dealer. Examples include daily milk delivery to customers' cells and the theft of paper from the print shop. (2) A man may use institutional supplies and equipment to produce for his own gain during his free time on the job; this production requires some special skills. Examples include the "jailhouse lawyers," placement on lists for special activities, machine shop workers who produce metal knives and belt buckles, and carpenter shop employees who produce picture frames and television stands from wood scraps and supplies. (3) A man may provide labor services for other residents, such as the barber giving a manicure.

A second type of hustle entails stealing some raw materials while on the job and combining them with purchased inputs. A common example is the production of sandwiches. Kitchen workers steal steaks or bacon and eggs for sandwich filler, and combine them with bread and sandwich spread bought in the prison store. "Sandwich men" have regular delivery routes in their block. Sandwiches may also be made with purchased fillers such as canned corned beef or tuna.

Some hustles require the purchase of all inputs, including equipment. Examples include the block storeman, hobbycraft production, and the sale of used items. Residents may sell their hobbycraft legitimately to other inmates by receiving money transfers, but some may choose to sell through nonapproved channels instead.<sup>16</sup> Used items may be sold occasionally by any resident, or may be sold by specialists. Specialists are relatively rare; they may concentrate on the sale of used clothing, shoes and boots, pornography, magazines, or other items for which there is enough demand. The specialists have their business undermined by improvements in the stock of items carried in the prison store and the rules regarding gifts.

<sup>14</sup> For example, each cell block houses about 350 men, and requires at least five or six storemen to provide the needs of the block.

<sup>15</sup> Most residents dislike the prospect of being in the State House of Corrections and Branch Prison in Marquette because of its tighter security, a location which makes visits difficult and telephone calls to family and friends expensive, and fewer jobs are available. There are two exceptions to this: (1) men making hobbycraft items may prefer the location because of lucrative sales to summer tourists, and (2) gamblers believe that gambling tends to be overlooked.

<sup>16</sup> A rare form of production is the specialization by a resident in one type of hobbycraft production, such as leatherwork, instead of holding an institutional job. Their output is sold to an outside distributor through approved channels.

Although the data are incomplete, it appears that the hustles requiring two or more men are of two types: (1) nonhierarchical organizations, and (2) hierarchical organizations. While both evidence similarities to their counterparts outside, the greatest similarity is found in drug dealing.

The four hustles with a nonhierarchical organization appear to be loosely organized. (1) Protection services are often based on a "con game": One man or several threaten a victim and a third offers to protect the victim from them for a fee of four to six cartons a month. However, if real protection was needed, it would not be provided. These services are attractive to men who fear homosexual rape, or the old or the weak who cannot protect themselves. (2) Yard theft is frequently the theft of purchases being carried by a lone man as he leaves the prison store. The victim is approached by two or more men who grab his bag and run. (3) Cell theft is also a group activity; the items stolen from a cell are normally sold for cigarettes. The extent of cell theft varies: there is less in the honor block than the other cell blocks. The amount of cell theft has decreased since a new locking system was installed. (4) Some homosexual activity consists of a pimp and his prostitute(s).<sup>17</sup> The usual pattern is that of a black pimp (jocker) and white prostitute (piece). The jocker provides the same services as those provided by the street pimp; he ensures some income for the piece, provides some affection and protection, and arranges assignments. The expenses necessary for the rendezvous, such as callouts and a lookout and location, are paid by the client. The piece, in turn, provides sexual access, affection, and pseudofeminine services to the jocker.

Gambling and dope peddling are more tightly organized, apparently in a hierarchical organizational scheme. Both require relatively large amounts of capital to finance their operations and yield large profits if successful. The profits are reinvested by the gambler and drug dealer, as well as the storeman, in loan sharking. Since data on gambling are more limited than those on drug peddling, only the latter will be discussed below.

The comparison of the structure of drug dealing inside with that outside reveals five marked similarities. (1) The objective of the hustle is to maximize profits without being caught. (2) The dealer must pay for his supply (the street price plus the cost to have it imported inside), package it, and establish distribution channels. The division of labor is designed to protect the man or men who finance and/or organize these activities by having the actual selling to the final users done by others. (3) Three other functions must be performed at various times: a corrupter "... position bribes, buys, intimidates, threatens, negotiates, and sweet-talks himself into a relationship with ... anyone ... who might help ... secure and maintain immunity from ... punishment"; a corruptee, such as a guard or visitor, must be recruited to import the drugs, and an enforcer ensures that physical, financial, or psychological injury or even death occurs to those threatening the hustle (Cressey, 1972, pp. 36-38). These measures may include robbing new competition of money or supplies, threats of personal injury, punishment for nonpayment of debts, or extorting a percentage of the sales of other dealers in return for permitting them to continue operating. (4) The income earned comes from a number of small transactions. (5) Secrecy is important for security, although the degree of secrecy varies with the submarket: the market for marijuana is fairly accessible to any resident who can pay, and the local suppliers are well known, while information about the market for other drugs is very hard to acquire since it is confined to the "solid cons." In addition, the successful dealer makes infrequent sales and avoids spending his money in ways which will attract attention to his hustle.

The prices charged for hustled goods and services are of two types: standardized and bargained. The greatest standardization is in food items: the psychological, if not the physical need, for the food, the relatively low risk usually associated with food theft, the frequency of the transactions, the low income of most residents, and the ease of entry of new competition create conditions which are not conducive to bargaining. This can be seen in table 1: Inexpensive food items, such as honey buns and soft drinks, are popular since many men can afford them, while expensive food, such as canned corn beef, are bought by the rela-

<sup>17</sup> It is estimated that 60 percent to 90 percent of long term prisoners engage in some homosexual activity while in prison (Mitchell, 1969, p. 68). Three types of homosexual activity can be distinguished. (1) The true homosexual is a small percentage of the prison population, and usually does not sell his services. During 1973-74, roughly 4.5 percent of the commitments were for sexual offenses, but a smaller percentage were for homosexual crimes. Normally heterosexual men or bisexuals oriented toward women become involved in (1) homosexual marriages, or (2) commercial prostitution.



tively few who can afford it. Most food prices have been standardized as long as the residents can remember; the only deviations occur when an inmate is new to the prison and has not learned the going rates, or when a tough officer is in charge. However, changes in the prison store prices cause a change from one standardized price to another. For example, canned soft drinks were three cans for two packs in the past. The prison store price was raised and a better quality soft drink was stocked, so one can now sells for one pack.

Table 3 gives additional examples of goods and services with standardized prices; their sale would be a legal economic activity outside. The outside prices are greater than the inside prices for all items except sugar and nightly television rentals, and average 305 percent of the inside prices: Prices outside cover all production costs, while prices inside do not.

The prices of goods and services are determined by bargaining when one or more of the following factors must be considered: (1) the reliability of the hustler; (2) the age, condition, and quality of the good; (3) the skill needed to produce the good or services; (4) irregular fluctuations in supply; (5) economics of scale in production; (6) the differential effect of inflation on the prices of purchased inputs; (7) the goods and services are highly personal; (8) the quantity purchased; (9) the desperation of the buyer or seller; (10) the hustling experience of the buyer or seller; (11) risk of the hustle; and (12) the medium of exchange.

TABLE 1.—STOREMAN'S PAYMENTS AND RECEIPTS

| Item                               | Prison store price | Block price (packs of cigarettes) | Net gain <sup>1</sup> | Gross margin (percent) |
|------------------------------------|--------------------|-----------------------------------|-----------------------|------------------------|
| Corned beef (canned).....          | \$0.95             | 4                                 | \$0.61                | 39                     |
| Potato chips (large).....          | .65                | 3                                 | .52                   | 44                     |
| Honey buns.....                    | .20                | 1                                 | .19                   | 49                     |
| Soft drinks (case of 24 cans)..... | 4.50               | 24                                | 4.86                  | 52                     |
| Tuna (canned).....                 | .65                | 3                                 | .61                   | 52                     |
| Potato chips (small).....          | .15                | 1                                 | .24                   | 62                     |

<sup>1</sup> Dollar equivalent assuming cigarettes are 39 cents a pack.

TABLE 2.—HIGH RISK HUSTLES

| Item                                      | Inside price (packs of cigarettes) | Inside price <sup>1</sup> | Outside price            | Outside price as percent of inside price |
|---|------------------------------------|---------------------------|--------------------------|--|
| Amphetamines (1 tablet).....              | 3-10                               | \$1.17-3.90               | <sup>2</sup> \$0.10-1.00 | 9-26                                     |
| PCP (1 tablet).....                       | 15-25                              | 5.85-9.75                 | .50-3.00                 | 9-31                                     |
| LSD (1 hit).....                          | 15-25                              | 5.85-9.75                 | <sup>3</sup> 1-3.00      | 17-31                                    |
| Loan shark (interest rate) (percent)..... |                                    | (100)                     | (20)                     | (20)                                     |
| Southern Comfort (1 pint).....            |                                    | 10-15.00                  | 3.40                     | 23-34                                    |
| Marihuana (1 cigarette).....              | 5                                  | 1.95                      | .50-1.00                 | 26-51                                    |

<sup>1</sup> Dollar equivalent assuming cigarettes are 39 cents a pack.

<sup>2</sup> 1967 prices (President's Commission on Law Enforcement and Administration of Justice, 1967, p. 215).

<sup>3</sup> High Times, 1976, p. 96.

TABLE 3.—HUSTLES WITH STANDARDIZED PRICES

| Item                                     | Inside price (packs of cigarettes) | Inside price <sup>1</sup> | Average outside price <sup>2</sup> | Outside price as percent of inside price |
|--|------------------------------------|---------------------------|------------------------------------|--|
| Television rental (1 night).....         | 5                                  | \$1.95                    | \$0.80                             | 41                                       |
| Refined sugar (1 pound).....             | 1                                  | .39                       | .27                                | 69                                       |
| White paper (1 ream).....                | 5                                  | 1.95                      | 4.00                               | 205                                      |
| Milk delivery (daily) <sup>3</sup> ..... | 10                                 | 3.90                      | 9.00                               | 239                                      |
| Butter (1 pound).....                    | 1                                  | .39                       | 1.16                               | 297                                      |
| Ground coffee (1 pound).....             | 1                                  | .39                       | 1.79                               | 459                                      |
| Haircut <sup>4</sup> .....               | 2                                  | .78                       | 4.00                               | 513                                      |
| Steak sandwich.....                      | 1                                  | .39                       | 2.40                               | 615                                      |

<sup>1</sup> Dollar equivalent assuming cigarettes are 39¢ a pack.

<sup>2</sup> The prices given for milk, coffee, sugar, and butter are the lowest average prices in grocery stores.

<sup>3</sup> Milk is delivered in a jar provided by the customer; the average quantity is roughly 1½ pints. The outside price is the price paid for 1 pint for 30 days.

<sup>4</sup> Although haircuts are supposed to be free, it is necessary to pay this minimum price to insure an acceptable haircut. Special cuts require additional payments.

<sup>5</sup> Per month.

Prices are discounted according to the medium of exchange used for payment. The lowest prices (greatest discount) are given for payment in green, while commodities bought with scrip are priced close to store prices. The preference for a particular medium of exchange depends primarily on where and how it will be used. For example, cigarettes are preferred for daily transactions with the block storeman or to make gambling bets, while green is preferred when a man wants to purchase drugs to be smuggled inside or send money to help his family.

#### CONCLUSION

This article has reviewed a number of hustling activities inside the State Prison of Southern Michigan in order to indicate how production occurs and prices and profits are determined. This prison is unusual due to its large size which makes it difficult to tightly control hustling, and therefore may encourage a greater range and scale of hustling activities than would be found in a smaller institution.

The hustles discussed are miniature versions of legal and illegal economic activities taking place outside the prison. The preferred hustles are those yielding the most profit with the minimum risk. Although the data available are limited, they suggest that normal economic forces are in operation in the inside economy. The forces of supply and demand react in the expected ways so that stable markets develop when information is good, and destabilizing forces, such as changes in supply or competing prices, cause market prices to change.

The inside economy will continue to operate as long as the residents have the financial and psychological demand for hustling and access to the resources and jobs which make hustling possible. Enforcement of crackdowns raise the prices of hustled goods and services and increase the potential for profit, while hustling activities which are legalized or undermined by changes in the institutional rules or facilities quickly lose their appeal.

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Senator NUNN. In the Bureau of Prisons' team that came to Atlanta this spring, reviewing the Atlanta Penitentiary, there were several different findings made in that report. One of them I would like to quote and get your comments and then those of Warden Hanberry: "Perhaps the investigative team's major criticism of the Atlanta Penitentiary executive staff was their failure to act decisively and promptly in implementing solutions they previously had discussed."

Would you explain that finding?

Mr. McCUNE. Yes. I think Warden Hanberry mentioned a little earlier the study group that he had put together, I believe, in January of that year. They made some of their own conclusions in terms of problems with accountability, inmate movement, and I think safety inspection, some of the same issues that we had in the other parts of our study, and our feeling was that they did not go ahead and move quickly enough in implementing some of the things they agreed should be done.

Senator NUNN. Warden, could you tell us what things you had discussed prior to this report? What solutions you had talked about?

Mr. HANBERRY. One was to establish a camp on the reserve outside the institution; build, remodel, segregation building to meet the requirements of the inmates' disciplinary policy statement; return all A and B cellhouses to six beds per cell, another in conjunction with C above; to reinstate the cell; rehabilitation program, renovation; to upgrade and repair the locking system in all four cellhouses with primary emphasis on C and D cellhouses; to obtain 30 positions identified in section 7; to obtain at least one, preferably three, new case-work positions; to reinstate a rollcall system for each shift, correctional force, to remove the chief correctional supervisor from the institution's disciplinary committee, assign him to duties, other duties; develop a training program to deal with those areas identified in the security and custody section; to transfer as many of the disruptive inmates as possible, not to allow the inmate population to exceed 2,200; to implement a full or modified pass system; to lock cellhouse entrance doors and use the evening movement system all day; change the custody of 150 potentially disruptive inmates to maximum custody, to house all maximum custody inmates in C and D cellhouses, establish stricter control procedures for this group.

Senator NUNN. What was the date of that report?

Mr. HANBERRY. Late February.

Senator NUNN. That was before the investigative team came down?

Mr. HANBERRY. Yes, sir.

Senator NUNN. As I would interpret those, these would be major changes in the operation of the prison that were being discussed by you and your staff, prior to this investigative team?

Mr. HANBERRY. Yes, sir.

Senator NUNN. The criticism of the team was that you hadn't acted decisively in implementing the changes, as Mr. McCune said. Could you tell us why they had not been implemented or had you decided to implement them and just not completed it?

Mr. HANBERRY. Sir, there are only a few of these that we could have implemented without additional funds or additional manpower which, of course, again demands funds and, for instance, to move 50 men to another institution, this would involve help other than from my office.

The few that we could have done without any support at all were things like the pass system and the controlled movement.

Senator NUNN. Had you made requests of anybody—excuse me.

Mr. HANBERRY. In the disciplinary committee, the moving of one very important staff member from that. We did some of these, however, there were others in the planning stages, and were about to be implemented. It just so happens that coincidence or whatever you might say at this point came into play. We would have been putting those into effect at any rate.

Senator NUNN. How many of the investigative team recommendations have you already implemented and which ones?

Mr. HANBERRY. There are 28 total recommendations. We have implemented 26 of them, I believe.

Senator NUNN. Twenty-eight recommendations by the investigative team?

Mr. HANBERRY. There were 28 recommendations. All 28 that we could do anything about at all have been done. There are a few that we have no control over at all as far as the camp is concerned which makes the 28. But I know we have already implemented 25 of them.

Senator NUNN. How many of them, Mr. McCune, or Warden Hanberry, relate to what you need in the way of appropriations from Congress other than leaving town? What else can Senator Chiles and I do for you? [Laughter]

Mr. McCUNE. Again, in terms of staff positions we obviously could use some support in Congress on that. There were two primary ones that we knew the institution could do nothing about, one is the development of a camp at the institution, and the other is conversions of "E" cellhouse. This required, I believe, \$150,000 to convert "E" cellhouse to handle the holdovers, A. & O., segregation unit.

The money has been obtained for the institution and work is underway on that but Jack Hanberry could not do that personally himself. The other is the camp, that gets involved in the whole issue of construction, renovation, closing whatever. It depends on the whole future of that penitentiary. A decision hasn't been made.

Senator NUNN. Your recommendation was to close the Atlanta Penitentiary?

Mr. McCUNE. Yes; it was. That has been the objective and goal of the director of the Bureau of Prisons for a few years now.

Senator NUNN. You feel like it is too old and outdated to be operated as a modern penal system?

Mr. McCUNE. Yes; we have had recommendations to close Leavenworth, Atlanta, and McNeil Island.

Senator NUNN. Which one do you recommend be closed first? In other words, which needs the most immediate closure and which one has the most severe problems.

Mr. McCUNE. The one that has the most immediate problems with me is Atlanta. I think McNeil Island probably from the bureau perspective should be closed first. It is the oldest and most costly to operate, even though the population is much different there now. It

is much less of a penitentiary population. But that is one that physically most needs to be closed.

Senator NUNN. Why would Atlanta need to be closed?

Mr. McCUNE. I think in terms of the age of it, the sheer maintenance of it, the problems of supervision in managing an institution with that large a population creates too many problems.

Senator NUNN. In other words, you need to have smaller institutions?

Mr. McCUNE. Yes. Our objective and I think there is pretty much agreement among corrections people is never build an institution larger than 500 again. There were descriptions of Marion in the hearings. Marion is about a 500-man institution, built to replace Alcatraz, single cells, much easier to supervise and control.

There is not much you can do with a cellhouse with gang cells, several inmates in the cell, five tiers high, almost impossible to supervise.

Senator NUNN. Could Atlanta be renovated, Mr. McCune; preserved as an institution on a permanent basis?

Mr. McCUNE. That question was raised by the director because of several reasons. One is that the Bureau of Prisons is running into opposition in their building program which was based on reducing overcrowding throughout the system and getting enough institutions that we could replace McNeil Island, Leavenworth and Atlanta.

Because of that resistance the director asked the question, could Atlanta be remodeled, brought up into the 1970's in terms of correctional construction or correctional design? That prompted a feasibility study at Atlanta which was headed up by the facilities administrator from my office and staff from the Central Office.

The results of that is, to answer your question, yes, it is feasible.

Senator NUNN. How much would it cost?

Mr. McCUNE. The cost is comparable. Let me go back a little bit. There are some problems both ways. It is a compromise to what our original thoughts are in terms of a 500-man institution.

The feasibility study indicated that we could remodel Atlanta and make a 1,000-man institution or, more accurately, 960 men inside, with a 350-man outside.

The cost of it would be comparable to two 500-man institutions. In other words, if we could find a place to build them which is the problem, nobody wants a prison around their area, the cost would be fairly comparable in terms of two new institutions.

The advantages of Atlanta, and there are a lot of issues in the study, is that it has the large industry which could not be moved. There are some of the smaller operations that could be moved to other institutions, some to the camp, if we were to build a minimum security camp.

The large textile mill would not be practical to move. It is the largest operation we have in the system in terms of machinery, square footage of something like 300,000 square feet of floor space. We could never have that anywhere else.

There are some good buildings in the institution. There are some that have been remodeled. The basic problem is the living quarters and the compactness of the institution in terms of or the lack of openness and of being able to supervise the institution.

So the study did point out a way that the institution could be remodeled, develop all new living quarters with basically little disruption to

the population, eliminate all of the cellhouses as living units and gut A and B units to make program space, retaining some buildings in the institution.

Senator NUNN. That would cost almost as much as doing away with the institution. I had understood it would cost about \$30 million to replace Atlanta by building a new facility and about \$20 million to remodel it. Those figures must not be correct.

Mr. McCUNE. I think maybe those figures came from the existing population of the institution. We have also said it would take four institutions to replace Leavenworth, four for Atlanta. That is based on about 2,000 population, 500-man institutions.

The feasibility study looked more at our long-range projections for this region and the number of bed spaces we anticipate needing for "close custody inmates." That is about 1,000.

The feasibility study was looking at the 960-man institution, plus the 350-man camp.

We are then comparing that to two 500-man institutions with 100-man camps; in other words, 1,200 population as opposed to about 1,300. So that is the comparison and both come out to be about a little over 44 million. There is a few dollars difference in each one, very close to the same amount.

That is with contract funds in both cases.

There are some other alternatives such as the use of inmate labor to build almost all of it or part of it, certainly the camp. We could house inmates at a camp assuming it was built during the early stages and use those inmates to build much of the new living quarters.

Senator NUNN. But your recommendation, when you consider all of it, was to close Atlanta?

Mr. McCUNE. That recommendation still stands and has stood for some time. I think if you are asking the question, Atlanta as it is now? Yes. It should be closed. The sooner the better.

But that doesn't prevent us from looking at alternatives. I think this is a viable alternative and one that will be further considered.

Senator NUNN. What would it cost if you used prison labor?

Mr. McCUNE. I don't know. It would vary. It would be cheaper. It would take longer to do. That is a trade off.

Another alternative would be to make an industries camp where inmates are housed at the camp, paid industrial wages to build the new building. I don't have the figure for that.

We also considered with inmate labor it takes a little longer to do, if you figure that into the cost, six of one, half a dozen of another.

Senator NUNN. The Bureau of Prisons has not decided this yet?

Mr. McCUNE. That is right.

Senator NUNN. There is no Bureau of Prisons decision, in terms of Norman Carlson making a final decision?

Mr. McCUNE. No. It was a position paper presented to the director and the rest of the executive staff which I presented at one of our meetings as position paper based on that feasibility study.

We discussed it. Nothing further has been done. Certainly no decision has been made.

Senator NUNN. If Norman Carlson made the decision tomorrow morning to close Atlanta Penitentiary, how long, in terms of building

other institutions, would it take before the Atlanta Penitentiary can actually be phased out?

Mr. McCUNE. I don't know. Our target date is still 1985 but I think I have to be a realist about it. I have also felt the same things with Leavenworth. I think McNeil Island is a little more realistic because of the size of it in terms of closing it and the alternatives we have.

A lot depends upon the total Bureau population. Reduction in population, some depends on whether or not we get funded some of the additional institutions that we are asking for.

Senator NUNN. But you are saying it would be at least to 1985 if everything went smoothly?

Mr. McCUNE. It is the target date. I think even if everything goes smooth, it is going to be difficult to do. But the prosecution picture changes. We are presently trying to find out basically the investigation attitude of the FBI. If they reduce their concentration on bank robbery substantially, go after white collar, organized crime, this is going to affect our population in one way or another.

Senator NUNN. It seems to me, even if you decided firmly to close it, there are going to have to be a lot of improvements made in the short term. I don't see how you can leave an institution like Atlanta open 7 or 10 years waiting for a phaseout without making some major improvements. I base this on what you have said, on what others have said, on what I have observed and on what Warden Hanberry feels.

You can't leave them in limbo for 7 to 10 years while you are phasing it out.

Mr. McCUNE. Absolutely not. I think there are a lot of things that have to be done at these institutions. We have had arguments and criticism. I go back to the Leavenworth experience where I was criticized for wanting to remodel a building, put in a gymnasium, someone would be quick to say, you are going to close the place, why should we put money into it?

I think there are some of these things that have to be done, even if we knew that place was to be closed absolutely in 1985, there are many maintenance needs and things that need to be done in that institution, but the problem is of getting funds and possibly with Congress saying you are closing, why should we put \$100,000, \$300,000 into that institution.

Senator NUNN. The first thing the Bureau of Prisons has to do is make a firm decision whether to close it or not?

Mr. McCUNE. The decision has been made in terms of closing it. This alternative which I don't think—

Senator NUNN. It has been made?

Mr. McCUNE. No. I thought you were asking me if any decision had been made regarding this feasibility study on the remodeling at Atlanta.

Senator NUNN. I was asking if a decision, firm decision has been made—

Mr. McCUNE. A firm decision has been made by the director and Bureau of Prisons that Atlanta should be closed and the target date is 1985.

Senator NUNN. I want to work with you and with the people in Washington to see what you plan between now and whenever Atlanta

is closed, because it seems to me more realistic that it may be 1990 before it is closed.

Mr. McCUNE. It may be. I think obviously these things have to continue on. We have to operate that institution, for example, the locking device, same problem at Leavenworth, \$1.5 million needed to repair that locking system.

It presents a security hazard, and a safety hazard. We don't have that kind of money. It is going to be difficult to get that kind of money into an institution that is supposedly going to close in 5, 6 years.

Senator NUNN. Warden, let me ask you one other series of questions relating to the industry there.

How many inmates work in what you call prison industries?

Mr. HANBERRY. We have a need for more than 1,100 but presently we have 900 employed in the industry.

Senator NUNN. Isn't this somewhat of a catch-22 situation. You have an overcrowded prison, but you need more people in there in order to effectively run the industry?

Mr. HANBERRY. That is, yes, the option available. But what you are saying is almost the case. It depends on the contracts we receive. This year has been a booming year in industry. We have had a tremendous demand for U.S. postal mail bags, for instance, alone. We need X number of inmates in that industrial operation.

It usually runs about 50 percent of your total population is what your count is in industry in a normal operation.

Senator NUNN. When you have to make a decision, on the one hand, to put more people in there, the problems get worse, as far as inmate control, crowded conditions, too many people in the cells. On the other hand you need more people to run industry.

How do you come down on that kind of decision?

Mr. HANBERRY. We have dealt with that very realistically in the last few weeks and we have decided to probably move a section of the industrial operation to another institution. We have recognized we don't have the personnel to do exactly what you are saying so we are taking the appropriate action to do just that.

Senator NUNN. So you opt in favor of having less inmates and not running as much industry?

Mr. HANBERRY. That is the only alternative. You will recall when you were in that basket shop on Friday evening I mentioned to you we were moving that operation to Milan, Mich., if you will recall. That is one of the reasons for that.

Senator NUNN. What is the profit picture on that industrial operation, Warden, as best you can tell?

Mr. HANBERRY. This year we will have sales in the amount of \$25 million in that operation. Our profit is about 15 percent—15 percent profit.

Senator NUNN. What would that be about, \$3 million profit?

Mr. HANBERRY. About \$4. It runs from \$3 to \$5 million per year, depending on how good the year is. This year is a very good year. Next year we anticipate a good year. However, last year was not as good as this one. It runs anywhere from \$3 to \$5 million.

Senator NUNN. What happens to that money?

Mr. HANBERRY. That goes back into the corporation which is Federal Prison Industries, Inc., for buildings, for paying the salary of those employees. In the past years it has gone, a large amount of it,



to vocational training and the like and building new industrial operations within new prisons.

It is used for a number of things within that on the industrial context.

Mr. BLOCK. Mr. McCune, we had a number of the witnesses on Friday and today, indicate that in Leavenworth, Lewisburg, Marion obtaining a weapon was much more difficult than in Atlanta, the ability to get hold of narcotics was much smaller, movements were more restricted and disciplined.

They have said that the difference was considerable. I know that reforms have just been instituted, but at least up until the time these reforms were instituted, were those fair statements that we heard?

Mr. McCUNE. One thing that hit me when the man was describing Leavenworth, I wasn't sure it was the same Leavenworth where I worked because we had serious problems with weapons, drugs, and occasional staff corruption. Even though I have been gone from there for a couple of years I don't think they have solved all of those problems. It may differ in any given period of time in terms of a program or procedure that is in operation, controlled movement or pass system.

We have always talked among ourselves, between Atlanta, Leavenworth, they have always been somewhat competitive over the years, they are very much alike.

Leavenworth and Atlanta are up and down like this. One will have a rash of disturbances or violence like we have here, this institution is up and the other down. The same thing with maintenance, construction, and improvement with those institutions.

They are very much alike. Leavenworth has a few advantages in terms of more single cell quarters, but there is not very much difference between the two.

I don't believe we find much difference in terms of these kind of problems. Marion is a different issue. It is a modern, new institution, all single cells. I know Mr. Denson was here talking about freedom of movement. It may very well be he was in the control unit there and I have an idea he was having murdered an inmate at Leavenworth.

The control unit is a locked unit. It is used by the entire Bureau of Prisons to send people like him, who have serious management problems, locked down tight. They don't go anywhere.

So there is a lot of difference in the circumstances.

I mentioned Leavenworth murders. I mentioned a little earlier, we had one murder 3 weeks after I got there, the only one, a murder without a weapon. Why we didn't have more, I always thought maybe because a lot of luck, whatever. These things go in cycles. Sometimes they are unexplainable. Sometimes one will create another, because of some revenge issue.

So you have always got that problem.

Lewisburg, I have never worked but I have been there several times. I know that they are faced with some of the same kinds of problems. Each institution is a little bit different, but Atlanta and Leavenworth are very much alike and have experienced some of the same problems.

Mr. BLOCK. A number of the witnesses have said that if an inmate doesn't want to work at the job that is assigned to him, he can sluff off, spend 10, 15, 30 minutes at his job, and then the rest of the day is his own.

Gary Bowdach for one said that was the case.

It is important both in maintaining discipline in the prison and in any attempt to instill some kind of inner discipline in people who may not have had much, to emphasize the work and the spending time at it, making sure that they are where they are supposed to be, putting in the hours they are supposed to? Is that an important part of it?

Mr. McCUNE. Yes; I think it is very important. First, of all, I think again the description is an exaggeration. One man talked about, I believe, Walters talking about 15 minutes a day he worked. He happened to work in industries. It is very difficult to get away with that there. There are some other jobs, one man described an orderly job, a little easier to sluff off.

I think again it is a real gross exaggeration. There are some men slipping off the details, they do as little as possible but the answer to the last part of your question, yes, it is important. We have tried to do this in terms of the hours that are spent on a job. The prisons are fairly abnormal in terms of a lot of things.

One is, it is difficult to get an 8-hour day because of the counts and other things that have to interfere, the time it takes to feed. But we try to work as close as we can toward an 8-hour day. Industries probably is the closest thing we have.

Were the production demands and the hours are comparable as we can get them, with the outside real world situation, because a lot of these fellows, their problem is not that they don't have skills, it is because they have never learned to work. They have never stayed on a job very long; they have sloughed off.

So learning to work is probably one of the most important things we can teach a person.

But I just cannot believe that the system is such that everybody or a majority of them are working 15 minutes a day. We can't get work done if that happens.

Senator NUNN. Thank you. We are going to have a brief overview by GAO of some of the general findings that they have made in their report. I would like for you to stay while that is being done if you could.

Before you leave, do either one of you want to add anything else at this particular point? We would be glad for you to supplement any of your statements, or if you find anything that needs amplification, we will keep the record open and will be glad for you to put it in.

Mr. HANBERRY. I have no further comment.

Mr. McCUNE. I have none, sir.

Senator NUNN. I want to make a brief statement regarding your employees and those who cooperated with us fully. First of all, both of you have fully cooperated. I know it has been a difficult type of cooperation when you know we are investigating charges and allegations that are very serious in an institution you are responsible for. But the success and continuing ability of Congress to conduct oversight hearings such as this is dependent upon cooperation of Government employees at all levels, and we have had your total cooperation.

In this inquiry, numerous employees of the Atlanta Penitentiary have cooperated with the subcommittee, some gave statements, many were interviewed, cooperating at our request. But from their point of view, it was voluntary. We are aware of the names of a number of

these employees. While some of them have provided the subcommittee with information critical of their superiors, they did it out of the firm conviction of a need to improve the penitentiary, and they also did it under questioning from our staff.

To come forward as they did, whether you agree with them or not, was an expression of trust in our system of Government as it is supposed to work. Their freedom to criticize within the constitutional process of a congressional oversight hearing should not be construed as disloyalty to the Bureau of Prisons and its officials.

Both Bureau officials and those who may be critical of certain actions have a common purpose—to have their agency and the institution do a better job. So I want the Bureau of Prisons to know that I will be following the careers of these individuals, and our interest in them will continue in gratitude for their assistance and out of the concern for the continuing capability of our committee and other congressional committees to be able to interview and get frank and candid opinions from employees, not just in the Bureau of Prisons, but throughout Government.

Do either of you have any response to that, understand what I am saying?

Mr. HANBERRY. I understand. I have no response.

Senator NUNN. Thank you very much.

Our next witnesses have done a tremendous amount of work, and they are going to be continuing to do some work in the future. We will ask them to come up. Unfortunately, we are going to be running very short of time, but we have Mr. Bob Taylor, Mr. Fred Mayo, and Mr. Paul Rhodes, all with the General Accounting Office.

I believe, Bob, you are the only one out of Washington; both Fred and Paul are from Atlanta. Is that right?

Mr. TAYLOR. That is correct.

Senator NUNN. All of these gentlemen have been working with us on a day-and-night schedule for several weeks. We are very grateful for all of your assistance. Before you have a seat, I will give you the oath.

Do each of you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAYLOR. I do.

Mr. MAYO. I do.

Mr. RHODES. I do.

#### TESTIMONY OF BOB TAYLOR, FRED MAYO, AND PAUL RHODES, GENERAL ACCOUNTING OFFICE

Senator NUNN. I thank you personally, Mr. Taylor, and I thank you again publicly. Both of your associates, Fred and Paul, have done a tremendous amount of work.

As you well know, we have had serious allegations that you have been looking into. While you will be doing a more thorough review later, I would like you at this time, if you could, to summarize the findings you have made.

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. Chairman, my name is Robert Taylor, I am audit manager in charge of Bureau of Prisons reviews for the General Accounting Office. With me today are Fred Mayo and Paul Rhodes, who are assigned to the GAO regional office in Atlanta. For the past month, we have been detailed to the Permanent Subcommittee on Investigations to conduct a limited review of certain expenditures of the Mechanical Service Department of the U.S. Penitentiary at Atlanta.

I would like to provide the subcommittee today with a summary of preliminary results of this review.

The objective of our survey was to learn whether the resources earmarked for the maintenance and rehabilitation of the Atlanta Penitentiary are adequately controlled and utilized in an effective, efficient, and economical manner. We examined the institution's and the regional office's compliance with applicable laws and regulations, accounting for property, use of accounting data to promote good management, and use of reports to disclose the information called for in the Bureau's policies.

Because of the allegations that material purchased by the institution was being diverted to unauthorized, and sometimes personal, uses, we designed our audit to identify the weaknesses that do or can result in, A, significant waste, loss or extravagance in the management of property acquired with public funds; or, B, the inability of the institution to carry out its primary function of the custody, care, and correction of its inmates.

We did not find evidence that material was diverted from the institution. However, the records were incomplete, and activities were managed in such a way that material could be improperly diverted.

Senator NUNN. Let me stop you right there because I think it is very important to make it clear as to what you basically found. As I understand what you are saying, you did not find that material was diverted from the institution for the personal use of employees of the institution?

Mr. TAYLOR. That is correct.

Senator NUNN. What you found were records and procedures which could lead to that kind of thing in the future unless certain accountability and accounting procedures are changed?

Mr. TAYLOR. That is correct.

The Bureau has established policies for planning and implementing maintenance and construction activities which are designed to assure that regional and institutional officials will make optimum use of the resources made available to them for the purpose of conserving their institutions. The significance of conserving the Atlanta Penitentiary lies in the fact that it would take three or four prisons to replace it at a total cost of \$75 to \$100 million.

It is for this reason that our review, though not inclusive of all maintenance expenditures, was important. Through the scrutiny of a few projects, we were able to obtain a glimpse of the procedures and practices surrounding the expenditure of these funds.

While we believe a more thorough audit should be done, we feel confident in reporting to the subcommittee that there are substantial flaws in the management systems involving the expenditure of maintenance funds of the Atlanta Penitentiary. Furthermore, these flaws extend to the regional office. Interviews with regional office and peni-

tentiary officials revealed that the procedures and practices with which we are concerned are common throughout the Bureau of Prisons system.

We found the warden asked for regional office approval and funding of certain major renovation projects from a fiscal year 1978 congressional appropriation designated for repair and improvement projects costing over \$2,000. Gary McCune, the regional director, said the projects were not approved because there were not sufficient funds available from that appropriation.

Instead, he approved the transfer of fiscal year 1977 yearend funds from another congressional appropriation to the institution's maintenance budget to start purchasing materials for these projects. The projects were not approved by the institution in accordance with the Bureau policies until over a month later. Purchasing material prior to project approval violates Bureau policies.

The estimated costs of the projects were intentionally set below \$2,000 so that routine maintenance funds could be used for the major renovation projects costing several thousand dollars more than estimated. Responsible officials were able to do this because they did not follow Bureau of Prisons policies requiring the preparation of drawings of the work to be performed, material lists, and other documents to support the cost estimates. In addition, we had to construct the total costs of some projects because such records were not maintained.

We asked Mr. McCune why he allowed the warden to use routine maintenance funds for these renovations. He said this is the way Bureau of Prisons officials "fudge things" to accomplish what they feel must be done. Mr. McCune said this a common practice throughout the Bureau of Prisons system. He could not explain why the records were so incomplete.

Mr. Chairman, on the basis of our review, we conclude that neither the Congress nor the Bureau of Prisons has any assurance that the funds provided to the Atlanta penitentiary were put to optimum use and did not result in waste, loss, or extravagance. Moreover, based upon the statement of Mr. McCune, we have similar concerns with regard to the expenditure of funds throughout the Bureau of Prisons.

Finally, we did not find or are we suggesting that regional office and penitentiary authorities engaged in any illegal or improper activities resulting in their personal gain. Our concerns go to management systems and practices.

Senator NUNN. Again, what you are saying is that you found no illegal or improper activities resulting in the personal gain of the employees at the Atlanta penitentiary?

Mr. TAYLOR. That is correct.

Senator NUNN. But what you did find were certain management and accounting procedures which could cause temptations or problems in the future?

Mr. TAYLOR. Yes, sir.

Senator NUNN. What you are also saying is that, based on your investigation, this is not a problem unique to Atlanta. But really it is a problem that goes to the Bureau of Prisons itself?

Mr. TAYLOR. Yes, sir.

Senator NUNN. In the way they conduct and keep their records? You are saying that they need better accounting procedures, more account-

ability, and better crosschecks in their overall material management and their overall project management?

Mr. TAYLOR. Yes, sir. They want to control these funds and be sure they are applied where they are supposed to be applied.

Senator NUNN. Today, I am sending a letter to Elmer Staats, Comptroller of the U.S. Government Accounting Office, calling for a full GAO review of the business management practices of a number of penitentiaries, correctional institutions, and metropolitan correctional centers, including Atlanta. I will ask Mr. Staats to include in the review an analysis of the Bureau of Prisons' policies as well as recommendations for their improvement. I assume that you will be working on that if the request is granted by the Comptroller General?

Mr. TAYLOR. Yes, sir, I will.

Senator NUNN. I want to thank all three of you again. I know that you have spent hours and hours and hours, not only your daylight hours, but all night long on occasion, working on numerous files and checking out numerous allegations. We appreciate very much your help and we look forward to continuing to work with you in looking at the problems not just of Atlanta, but of the region and of the whole Bureau of Prisons' system.

Mr. Mayo, I think you have a statement that relates to incidents at the Atlanta penitentiary and I would ask you if you could present that to us.

Mr. MAYO. Yes, sir.

Mr. Chairman, my name is Fred Mayo. The subcommittee staff asked Paul Rhodes and I to examine the incident reports filed by prison employees against inmates. These incident reports are called shots. We reviewed all the shots filed by employees from August 1975 to September 1978—a more than 3-year period.

The purpose of this review was to determine the volume of incidents reported.

In addition, the subcommittee staff wanted to determine the extent to which the number of incidents dropped as a result of reforms instituted following the April 1978 report of the Bureau of Prisons' investigative team.

I would like to offer as an exhibit for the hearing record a table we prepared as part of our review. The table shows the number of reports filed in each month according to various categories.

When examined on a monthly basis, the review of incident reports shows that there has been no significant change in the rate of violence during the period examined.

Therefore, it appears from a review of the reports that any measures adopted by penitentiary officials to control violence have not affected the number of reported incidents. However, reporting of incidents can be controlled to show either an increase or decrease simply by not preparing reports or by preparing more reports.

Senator NUNN. Thank you very much, Mr. Mayo.

Basically, what you are saying is there has been a pretty consistent level of incidents over the period you examined?

Mr. MAYO. That is correct.

Senator NUNN. How many months did you examine it?

Mr. MAYO. Thirty-eight.

Senator NUNN. So over the last 38 months there has been a pretty constant level of incidents at the Atlanta Penitentiary?

Mr. MAYO. That is correct.

Senator NUNN. I want to thank all of you for excellent job you have done.

Mr. Taylor, it makes me feel good to know that you will be heading up any kind of audit of the Bureau of Prisons done by GAO. I will also ask Mr. Staats to see that Mr. Mayo and Mr. Rhodes are assigned to the job providing that meets their other responsibilities.

We thank all of you for being here today.

[The document referred to was marked exhibit No. 47 for reference and follows:]

EXHIBIT NO. 47  
AUGUST 1975 TO SEPTEMBER 1978 VIOLENT INCIDENT REPORT

| Month and year                   | Killings | Assaults | Fights | Total 1, 2, 3 | Threatening | Weapons | Drugs |
|----------------------------------|----------|----------|--------|---------------|-------------|---------|-------|
| August 1975.....                 | 1        | 0        | 0      | 1             | 1           | 2       | 6     |
| September.....                   | 0        | 1        | 2      | 3             | 2           | 5       | 8     |
| October.....                     | 0        | 3        | 6      | 9             | 4           | 2       | 14    |
| November.....                    | 1        | 1        | 5      | 7             | 3           | 4       | 8     |
| December.....                    | 0        | 5        | 6      | 11            | 0           | 1       | 16    |
| Total.....                       | 2        | 10       | 19     | 31            | 10          | 14      | 52    |
| January 1976.....                | 0        | 2        | 9      | 11            | 4           | 1       | 10    |
| February.....                    | 0        | 0        | 2      | 2             | 1           | 2       | 24    |
| March.....                       | 0        | 4        | 16     | 20            | 5           | 3       | 6     |
| April.....                       | 0        | 1        | 7      | 8             | 2           | 6       | 10    |
| May.....                         | 1        | 2        | 5      | 8             | 4           | 6       | 12    |
| June.....                        | 1        | 3        | 9      | 13            | 3           | 2       | 6     |
| July.....                        | 0        | 0        | 6      | 6             | 2           | 3       | 22    |
| August (missing from files)..... | 0        | 9        | 12     | 21            | 9           | 5       | 13    |
| September.....                   | 1        | 3        | 6      | 10            | 3           | 7       | 14    |
| October.....                     | 0        | 4        | 1      | 5             | 2           | 2       | 15    |
| December.....                    | 0        | 2        | 5      | 7             | 1           | 6       | 16    |
| Total.....                       | 3        | 30       | 78     | 111           | 36          | 46      | 148   |
| January 1977.....                | 2        | 5        | 14     | 21            | 3           | 4       | 11    |
| February.....                    | 0        | 1        | 0      | 1             | 1           | 2       | 15    |
| March.....                       | 0        | 6        | 14     | 20            | 5           | 5       | 18    |
| April.....                       | 0        | 1        | 7      | 8             | 4           | 6       | 13    |
| May.....                         | 0        | 1        | 6      | 7             | 5           | 1       | 25    |
| June.....                        | 0        | 5        | 13     | 18            | 2           | 7       | 20    |
| July.....                        | 0        | 3        | 10     | 13            | 0           | 3       | 22    |
| August.....                      | 2        | 2        | 5      | 9             | 3           | 2       | 24    |
| September.....                   | 0        | 4        | 10     | 14            | 5           | 9       | 24    |
| October.....                     | 0        | 1        | 3      | 4             | 4           | 3       | 16    |
| November.....                    | 0        | 3        | 7      | 10            | 5           | 3       | 24    |
| December.....                    | 2        | 3        | 9      | 14            | 2           | 3       | 18    |
| Total.....                       | 6        | 35       | 98     | 139           | 39          | 48      | 230   |
| January 1978.....                | 0        | 2        | 6      | 8             | 4           | 5       | 21    |
| February.....                    | 1        | 1        | 6      | 8             | 4           | 5       | 17    |
| March.....                       | 1        | 3        | 12     | 16            | 1           | 2       | 27    |
| April.....                       | 0        | 5        | 5      | 10            | 3           | 4       | 23    |
| May.....                         | 0        | 0        | 8      | 8             | 2           | 0       | 5     |
| June.....                        | 0        | 5        | 8      | 13            | 1           | 6       | 5     |
| July.....                        | 0        | 4        | 7      | 11            | 0           | 4       | 10    |
| August.....                      | 0        | 4        | 7      | 11            | 3           | 4       | 17    |
| September.....                   | 1        | 2        | 11     | 14            | 0           | 6       | 9     |
| Total.....                       | 3        | 26       | 70     | 99            | 18          | 38      | 134   |

Senator NUNN. I would like to ask Warden Hanberry and Mr. McCune if they want to make any comments on this summary report at this time.

Mr. McCUNE. No, sir. We have none.

Senator NUNN. I want to make a brief closing statement in terms of trying to summarize where we have been and perhaps where we are going.

We began these hearings on Friday with a number of questions and concerns. We have received testimony from three inmates who not only admitted their involvement in narcotics trafficking within the Atlanta penitentiary, but also named two prison employees who brought this contraband to them.

One of these employees invoked his constitutional rights against self-incrimination and chose not to answer our questions, which was his privilege. The other denied the charges. A third employee at the penitentiary admitted taking large amounts of money into the institution and giving it to inmates suspected of being involved in the narcotics business.

He related, in detail, the manner in which he was corrupted by two inmates who had access to large amounts of money at the Atlanta penitentiary. A fourth person, a former employee who had access to the penitentiary, admitted in a sworn statement that he had violated prison rules by taking envelopes with unknown contents to the inmates inside the walls.

That was submitted in the form of a statement for the record.

A fifth person who recently resigned from the penitentiary admitted in a sworn statement that he received gratuities from inmates, although he, as I understand it, denied bringing in any contraband. One of our inmate witnesses provided detailed information of the incidents leading up to the murder of Frankie Klien. He provided detailed information about the incidents immediately after the murder of Frankie Klien. He also provided testimony concerning the confession of the inmate involved in these incidents to the murder of Frankie Klien.

A second inmate, as we heard this morning, was an eyewitness to the murder of Vincent Papa.

In the executive session yesterday morning, that inmate provided the names of the inmates he actually saw stabbing Vincent Papa, as well as the inmates standing guard during the murder. In that executive session, the inmate provided the names of three additional Atlanta penitentiary employees whom he has reason to believe are engaged in the smuggling of narcotics, and other contraband into that institution.

In summary, three employees confessed to their misdeeds; one employee invoked his fifth amendment right and declined to give testimony; one employee declined any involvement; an account of a confession of murder was related; and, in executive session, an eyewitness account of a second murder was provided, along with the names of three additional employees whom this particular inmate suspects of bringing in contraband.

I am directing my staff to remain in town this afternoon and tomorrow, if necessary, and to meet with U.S. Attorney William Harper to present to him the information and give him access to all of the witnesses and information, to the extent this subcommittee has developed, for his consideration for a grand jury presentation.



In addition to these matters, we received testimony from a former correctional officer this morning who related, from his perspective, the problems confronting correctional officers at the U.S. Penitentiary at Atlanta. Since his voluntary departure as a correctional officer some months ago, many changes have been implemented at the Atlanta Penitentiary.

We have heard Warden Hanberry and Mr. McCune describe these changes. They gave their current appraisal of the effectiveness of the changes and their hope for effectiveness in the future.

We have heard Warden Jack Hanberry and Regional Director Gary McCune share with us their concerns, as the individuals entrusted with the responsibility of managing this institution. We have received testimony from capable GAO employees temporarily assigned to our subcommittee.

They have expressed concern as to accounting techniques, cross-checking and material management and accountability in the expenditure of funds at the Atlanta Penitentiary. The questions raised by this report indicate, however, that the problems are not unique to Atlanta, but may permeate the Bureau of Prisons.

For this reason, I have requested an extensive GAO audit and report on certain practices of the Bureau of Prisons. I have toured the institution and I have carefully examined the testimony presented to this subcommittee.

I personally sympathize with the magnitude of the problems confronting Jack Hanberry, or any other similarly situated individual.

The purpose of these hearings is factfinding. We did not come to these hearings with any simple answers as to how the problems can be resolved and we do not leave these hearings with simple answers as to their solution.

I am hopeful, however, that these hearings have demonstrated the scope of some of the more severe problems facing the Atlanta Penitentiary. I have a greater understanding of not only the problems, but also of the difficulties of expecting quick, easy solutions.

I do believe, however, that improvement is possible and I will do what I can to see that the Congress assists in this improvement through funding and continued oversight.

Senator CHILES?

Senator CHILES. Mr. Chairman, I think you have summed up our hearings very ably. I think that there are a number of things from these hearings that we in the Congress can try to help accomplish. It seems to me that as you stated so well, you can't leave the Atlanta Prison to sit here in the condition in which it is now, certainly not until 1985 or any time sequence like that.

So some decisions are going to have to be made. I think we understand from Mr. McCune that there are problems in spending large sums of money in maintaining the prison if it is going to be shut down. But, obviously something has to happen and it has to happen very quickly because of the number of prisoners you have and the potential problems. The fact remains when you see the number of murders that have occurred in the last 2 years, you get some idea of the potential time bomb out there.

I think it is going to be necessary for some action to take place and some decisions have to be made immediately in regard to the prison situation.

Senator NUNN. I want to thank all of the marshals who are here, at the Federal courthouse building, for their splendid cooperation. Without them, we could not have had these hearings. They have done a great job. We have called on them day and night and they have responded. I thank all of you.

At this point, the subcommittee will close these hearings and Senator Chiles and I will do everything possible to try to catch a plane.

[Whereupon, at 2:10 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

[Members of the subcommittee present at time of recess: Senators Nunn and Chiles.]

## APPENDIX

### EXHIBIT No. 32

#### PRESIDENT'S REORGANIZATION PROJECT\*

*Federal Law Enforcement, Police and Investigative Activities: A Descriptive Report, October 1978*

THE WHITE HOUSE,  
Washington, June 29, 1977.

[MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES]

Subject: Comprehensive Review of Federal Law Enforcement.

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a comprehensive review of all Federal law enforcement missions, tasks, and priorities.

Today there is considerable jurisdictional ambiguity, overlap, and possible duplication among Federal organizations performing police or investigative activities. There are at least 75 different Federal agencies and 164,000 Federal employees involved in police or investigative work. Our goal is to make these functions more responsive to both individual rights and Federal law enforcement priorities. This effort will help us determine how best to structure these agencies to do so.

A major objective will be to re-examine the Federal role in law enforcement in light of the responsibilities and capabilities of State and local agencies. The Federal Government ought not to duplicate or overlap State and local law enforcement functions unnecessarily.

The Project will rely heavily on the advice and counsel of the Congress, Federal Departments and Agencies, State and local officials, interested private organizations, and the public.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to ensure its successful completion.

My Reorganization Project staff will contact you or an appropriate member of your staff shortly to discuss the appropriate role of your department or agency in the study.

I consider this to be a high priority matter. I know I can count on your cooperation and assistance.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the *Federal Register*.

JIMMY CARTER.

#### PREFACE

President Carter made a commitment to reorganize the structure of the Federal Government to make it more understandable, efficient and responsive in serving the American people.

The President's Reorganization Project in the Office of Management and Budget was directed by the President to conduct a comprehensive review of all Federal law enforcement missions, activities and priorities. This report presents the findings of the review and includes the results of a survey of 113 Federal organizations that were identified as being involved in law enforcement.

The findings show all too clearly the existence of significant fragmentation, overlapping and often duplicative activities, apparent role and priority anomalies, and, in some instances, operational confusion over specific responsibilities.

\*Appendices A and B referred to in this report are separate documents and are not printed herein. They are retained in the files of the subcommittee as attachments to exhibit 32.

The purpose of this report is to provide a tool to help understand what Federal law enforcement organizations are doing, with what resources, at what locations, under what stated authority, and with what stated priorities. The findings presented here form the foundation for further inquiry and systematic examination of Federal law enforcement—its purpose and its programs.

The President's Reorganization Project is grateful to all Federal organizations which cooperated in providing information and guidance in the preparation of this report, and especially to the organizations which made personnel available for the review, including: Department of Agriculture—Office of Investigation; Department of Commerce—Bureau of Census; Department of Defense—Defense Investigative Service; Department of Interior—Fish and Wildlife Service, Bureau of Land Management, National Park Service; Department of Justice—Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, Law Enforcement Assistance Administration, Office for the Improvement of the Administration of Justice, Office of Management and Finance, Marshals Service; Department of State—Division of Security; Department of the Treasury—Bureau of Alcohol, Tobacco and Firearms, Internal Revenue Service, Office of the Secretary, Customs Service, Secret Service; General Services Administration; National Aeronautics and Space Administration; Civil Service Commission; and Postal Service.

A preliminary draft of this report was circulated to organizations involved in Federal law enforcement, police and investigative activities, and to other agencies and knowledgeable individuals for their comments. Many of the comments and suggestions, as well as the revisions made necessary by organizational changes occurring during the study period, have been incorporated into this final report.

#### INTRODUCTION

Federal law enforcement is a collection of complex activities, which have increased in complexity over the last several decades. Any initiative to reduce fraud and waste in the Federal Government necessarily requires examination and utilization of Federal law enforcement, police, and investigative resources. The review initiated by the President's Reorganization Project (PRP) was designed to ensure that a thorough examination of these activities was accomplished, and to suggest ways to better utilize existing resources.

Research uncovered little existing comprehensive information on which to base a reorganization study, and therefore obtaining current and complete information on Federal law enforcement activities became the first priority for the review. In order to develop a valid data base, a survey instrument was developed and sent to Federal organizations which were initially identified by PRP staff as encompassing the universe of known Federal law enforcement activities.

This report is a summary description of these activities as they exist today, based primarily on the survey responses of the organizations and, to a lesser extent, on other existing studies and materials.

#### *Survey Methodology*

The survey identified 113 Federal organizations with programs and activities in law enforcement, police or investigative areas. These organizations are listed in Attachment 2 of this report.

The survey was divided into four parts:

Survey I—developed for 101 organizations (e.g. Forest Service and Federal Aviation Administration), considered to have missions which are not mainly concerned with law enforcement, but which have some programs and activities in law enforcement, police or investigative areas.

Survey II—developed for 12 organizations (e.g. Secret Service and Drug Enforcement Administration) considered to have direct law enforcement missions.<sup>1</sup>

Survey III—developed for the same 12 organizations receiving Survey II and requested more detailed information.

Separate Letter—questions relating to policies and priorities submitted to Cabinet Departments.

The 12 organizations (Surveys II and III) with direct law enforcement missions are:

- Bureau of Alcohol, Tobacco and Firearms (ATF)
- Bureau of Indian Affairs (BIA)
- Coast Guard

<sup>1</sup> The Bureau of Indian Affairs requested to be included in the more extensive surveys (II and III).

Customs Service  
 Drug Enforcement Administration (DEA)  
 Federal Bureau of Investigation (FBI)  
 Immigration and Naturalization Service (INS)  
 Internal Revenue Service (IRS)  
 Marshals Service  
 National Park Service  
 Postal Service  
 Secret Service

To distinguish between organizations receiving different surveys, the report refers to those 101 organizations responding to Survey I as "Survey I organizations", and to the 12 organizations receiving Surveys II and III as "Survey II organizations". The survey questions are listed in Appendix A of this report.

#### *Activities Performed*

In order to determine the types of law enforcement activities being performed by the organizations, the survey listed 10 activity categories, including one that was termed "Other", and asked the organizations to indicate which categories pertained to their operations.

The activity categories used in the survey were:

1. Police and preventive patrol (protecting life, property and citizens rights; enforcing Federal laws; preserving the peace and arresting violators).
2. Property or facilities security/protection (patrolling government buildings and property to prevent harm, damage or theft (security guards)).
3. Employment and personnel security investigations.
4. Other employee-related (internal) investigations.
5. Personal protection or security.
6. Criminal investigation/enforcement.
7. Revenue or tax investigation/enforcement.
8. Regulatory investigation/enforcement.
9. Other civil investigation/enforcement.
10. Other.

The responses revealed that many organizations are performing similar types of law enforcement activities, which indicates considerable duplication of efforts, as well as a significant expansion of Federal law enforcement programs.

#### *Master Schedules*

The Master Schedule appearing on page xxix of the Executive Summary identifies each organization's law enforcement budgets, positions and activities. The data do not represent the organizations' total resources or programs devoted to these activities in all instances.

The Master Schedules on pages 1 and 2 of Appendix A display the FY '77 and FY '78 funding and positions according to each activity category reported by the organizations.

#### *Project Staff*

Project staff members came primarily from the Federal law enforcement community and included criminal justice planners and social scientists. Attachment 1 is a list of the personnel specifically assigned to the Project.

#### **EXECUTIVE SUMMARY OF FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT**

In June 1977, President Carter instructed his Reorganization Project to conduct a comprehensive review of all Federal law enforcement missions, tasks and priorities. Because no comprehensive study of Federal law enforcement had been made in at least 40 years, the Project first surveyed all Federal organizations that were found to be conducting law enforcement activities, including police and investigative work.

This report contains the results of that survey. It is primarily descriptive in nature, but includes some basic analysis. The President's Reorganization Project hopes that this Descriptive Report will be useful, not only to the Project staff making recommendations to the President concerning certain problems that have been identified, but also to the heads of departments and agencies in the Executive Branch charged with carrying out the enforcement of particular laws, and to the Legislative and Judicial Branches. This Executive Summary briefly describes the report itself and lists certain problem areas that surfaced as a result of a preliminary study of the data.

An important fact apparent from the report is the almost total lack of coordination of Federal law enforcement activities today. Perhaps it is a result of a meteoric growth in the number of Federal law enforcement agencies apart from the traditional agencies such as the FBI and the Secret Service. Perhaps it is an indication that the benefits specially created for law enforcement personnel have encouraged organizations to form law enforcement units so that their law enforcement employees will be eligible for these benefits. Perhaps it grows from an increasing tendency to have separate bureaucratic units which provide complete service to a particular clientele—from regulation through implementation of programs, to hearings, adjudications and assessments of penalties—rather than relying on other parts of the Executive Branch for assistance. Perhaps it is in response to concerns that civil liberties not be compromised by a large and centralized Federal police activity. Whatever the cause, it is clear that Federal law enforcement today is uncoordinated.

A second fact apparent from the report is the extensive distribution of resources devoted to Federal law enforcement, police and investigative activities. Almost 10 percent of the civilian employees of the Executive Branch are involved. Over \$5 billion will be devoted directly to these efforts at the Federal level in Fiscal Year 1978.

Interestingly enough, over one-third of the 113 agencies surveyed did not exist at the beginning of 1970. The record shows that the larger, traditional law enforcement organizations are growing at a much slower rate than the newer organizations. The 12 primary law enforcement organizations saw budget increases in Fiscal Year 1978 of 7 percent, while the other organizations with law enforcement activities saw increases double that.

A third fact clearly emerges from a study of the Descriptive Report. Federal law enforcement policymaking now is fragmented or non-existent. For instance, there does not seem to be a consistent Federal policy defining the proper role of Federal law enforcement in dealing with the numerically much larger State and local law enforcement agencies. Questions of Federal priorities also emerge. The President has set organized crime, white collar crime, public corruption, and narcotics trafficking as the main Federal law enforcement priorities. The Descriptive Report indicates that a major part of the Federal resources are not now focused on these priorities.

The report also raises certain specific questions concerning structural or organizational problems. An example of a structural problem would seem to be the duplication which now exists in inspection at ports of entry into the United States and patrol between ports of entry. These functions are substantially duplicated by the Immigration and Naturalization Service in the Department of Justice and Customs Service in the Department of the Treasury. Another example involves explosives, arson, and firearms enforcement, which is divided between the Department of the Treasury and the Department of Justice.

Another area seemingly in need of new policy direction involves personnel security investigations. Over 30 separate organizations indicated that they conduct these investigations. The direct cost in Fiscal Year 1976 exceeded \$100 million for the investigations alone, excluding the cost of responding to these investigative requests by agencies and personnel of the Federal Government and private industry. The policy for these investigations grows out of a 1954 Executive Order, Executive Order 10450, which was designed to meet needs of that time. It would seem that some policy change might be considered to better focus the Federal efforts in these investigations.

This report is an accumulation of the basic data submitted by Federal law enforcement agencies. In April 1978, the report was circulated in draft form to the organizations participating in the survey for validation and comment, and many of their comments and suggestions have been incorporated. This Descriptive Report is intended to provide a picture of the nature and extent of Federal law enforcement activities; personnel, financial and physical resources; program management; Federal, State and local responsibilities; and other matters. A brief overview of each of these areas follows.

#### OVERVIEW OF CHAPTERS

##### *Chapter I. Personnel resources*

Many survey responses provided examples of fragmented and inconsistent personnel practices. Although most organizations rely primarily on the competitive General Schedule personnel system, they also reported approximately 20 pay and personnel systems for their law enforcement employees. Not only do

these systems differ, but there are variations in salary and compensation for employees performing the same kinds and levels of work. Retirement systems also differ, and often more than one system is in operation for law enforcement employees at the same organization.

Emphasis on training is not consistent, and while the Federal Law Enforcement Training Center was established to provide basic police and criminal investigator training, as well as advanced and specialized training, the organizations most frequently reported using their own facilities to train their personnel.

Although there are many different position series for law enforcement, the most commonly used position series among the Survey II organizations is GS-1811 (Criminal Investigator), which includes a total of 19,896 employees. These employees generally receive premium pay of more than \$1,000 a year, as well as special retirement benefits, and are generally one grade level higher than employees in comparable positions with other law enforcement functions (e.g., General Investigator). The overall difference in cost to the Federal Government may be as much as 57 percent more when also considering the projected costs for the unfunded liability of the special retirement benefits (e.g., special retirement provisions, Civil Service Retirement provisions, 5 U.S.C. 8336(c)). This difference becomes significant in cases where criminal investigators are being used to perform non-criminal investigative functions while continuing to receive the extra benefits generally available to employees in this position series.

There are no standard procedures for determining employment suitability (character, integrity, trustworthiness). Although Survey I organizations most frequently cited the Civil Service Commission as providing investigative services for them, all Survey II organizations stated that they are involved in employment and personnel security investigations—with only four reporting use of the Civil Service Commission's services.

### *Chapter II. Financial resources*

Since World War II, Federal law enforcement activities have grown at a rapid rate. Over one-third of the 113 organizations have come into existence since the beginning of 1970. The responses show that these organizations budgeted \$4.6 billion in fiscal year 1977 for law enforcement purposes, or 1 percent of the total Federal Government budget. They requested an 11-percent increase for fiscal year 1978 to \$5.1 billion, although the percent relationship to the Federal Government's total budget request was unchanged.

In fiscal year 1977, the organizations budgeted 218,000 positions for law enforcement and increased their position requests by 2 percent to 223,000 for fiscal year 1978. For both fiscal years, these organizations' position totals represented 5 percent of the Federal Government's total employment budget.

When the defense establishment is excluded, the largest single law enforcement activity for Survey I organizations is regulatory investigation, and this activity represents 73 percent of their resources requested for fiscal year 1978.

Criminal investigation/enforcement is the largest single activity performed by Survey II organizations and accounts for 34 percent of the funding and 30 percent of the positions requested for fiscal year 1978. The FBI, regarded as the principal criminal investigative organization of the Federal Government, allocates more resources for activities not totally related to criminal investigation/enforcement (e.g., use of approximately 3,500 employees to maintain State criminal records and similar information), than any other Survey II organization, with as much as 47 percent in funding and 54 percent in personal allocated for these other activities.

### *Chapter III. Physical facilities*

There is a clear lack of coordination among the organizations in acquiring, using and sharing physical facilities for Federal law enforcement activities.

Seven of the 12 Survey II organizations plan to acquire new facilities during fiscal years 1977 and 1978. Most of these facilities are to be purchased rather than leased, and the acquisitions are generally concentrated along the U.S. border, particularly the Southwest border.

Procurement may be coordinated for the Federal Government as a whole, but Federal law enforcement facilities are not treated as a distinct system which requires interorganizational coordination of acquisitions.

A review of the organizations' equipment indicates that their communications systems consist mainly of radio-telecommunications systems with major use made of computers. They use criminal records and law enforcement information systems to a great extent, and although many types of these systems exist, only computerized system components are now being acquired.

Automated data processing systems are used by all Survey II organizations, and they reported 79 ADP and 53 statistical systems. Thirty-ninety Survey I organizations also use ADP systems. The responses indicate that most organizations rely primarily on their own ADP systems for their enforcement operations, which suggests that duplicative systems are being maintained to collect, process and disseminate similar information.

The FBI is the predominant user of surveillance equipment, accounting for two-thirds of the operational costs and almost all of the reported acquisitions expenditures. Other organizations having similar missions reported inventories of surveillance equipment that are functionally equivalent. For example, organizations with border-focused enforcement responsibilities all report border-crossing detection equipment.

Laboratories are clustered geographically, with each organization maintaining laboratory facilities sufficient to meet its heaviest workloads. The greatest single concentration of these laboratories is in the National Capital region, which has 11 of the 37 laboratories reported.

The Survey II organizations indicated that they are willing to share and want to share equipment, particularly costly, sporadically used equipment. They also stated, however, that equipment sharing is difficult and can only be permitted when the enforcement efforts and security of individual organizations are not impeded.

#### *Chapter IV. Organization and program management*

The 12 Cabinet Departments were asked to provide specific information on law enforcement policies and priorities, and their responses indicate that at least one-fourth of the Departments have no single person or unit charged with coordination and oversight of the Department's law enforcement activities; at least one-third do not have any central policy or priority setting authority to guide or direct their law enforcement activities; and three-fourths of the Departments do not use any type of formal written directive system to coordinate or manage these activities.

The responses of the Survey II organizations also reflected inconsistencies in their internal mechanisms for generating policies. In determining priorities, the responses indicated that statutory requirements are a key factor, although the organizations stressed the need to be flexible in order to respond to emergency situations.

The national priorities designated by the President include the investigation and prosecution of organized crime, white collar crime and public corruption. The survey addressed these priorities, as well as terrorism, and over half of the organizations reported applicable law enforcement programs. A significant number of Survey I organizations indicated program involvement in each of these areas, although frequently this involvement is a limited one, with enforcement responsibilities arising from regulatory or service missions. Most Survey II organizations also have programs designed to combat these types of criminal activities.

In providing information on coordination, the Survey II organizations reported coordinating activities with an average of 15 other Federal organizations. Their coordination efforts with State and local organizations are often by means of formal and informal personal contacts; formalized intelligence systems; task forces and multi-state meetings; training conferences; and structured joint operations.

Coordination can also be carried out through jurisdictional agreements, and the types of these agreements among the organizations appear to be as diverse as their various missions. Most agreements are made to fulfill a specific law enforcement need or to clarify responsibilities to avoid duplication of effort. Forty-one Survey I organizations reported over 400 existing or proposed agreements. Seventy-two percent of these agreements are with State and local organizations. Nine Survey II organizations indicated a total of 49 agreements with 29 different Federal organizations and one foreign government, Canada. Seven mentioned agreements with State and local organizations.



In providing information on Federal interaction with State and local organizations, the majority of the organizations indicated that a reduction or elimination of Federal enforcement efforts would have a significant adverse impact on law enforcement. About half of the Survey I organizations stated that existing State and local laws are not comparable to Federal laws. The Survey II organizations indicated that State and local organizations do not have the capability to enforce laws properly without strong Federal support, because they do not have the expertise and staff resources and must operate under jurisdictional constraints not applicable to Federal agencies.

In addition to being negative about relinquishing responsibilities to the State and local levels, the Survey II organizations each believed that they are best able to enforce their own areas of jurisdiction, and only two organizations proposed a transfer of some of their responsibilities to other Federal organizations. Ten also indicated that they can best handle responsibilities presently being carried out by other Federal organizations.

It appears that there is a vast network of interlocking authorities among the organizations for their law enforcement activities, based on many instances when the same citation was reported by more than one organization. These interlocking authorities can lead to three assumptions:

- (1) That duplicative citations may indicate duplicative activities.
- (2) That there is fragmentation of efforts in cases where several organizations have cited the same authority when it appears that only one should have it.
- (3) That there is potential or actual danger that organizations with limited or concurrent authority can assume much greater authority than a citation ever intended.

Nevertheless, a repetition of citations does not necessarily mean that there are problems, and further substantive analysis of the legal aspects of Federal law enforcement efforts needs to be done to determine whether the citations sanction unnecessary duplication and fragmentation of activities or are being so construed by the organizations to produce the same effect.

The Survey II organizations' hierarchical structures and the lines of authority depicted on their organizational charts are quite varied. For example, the number and types of headquarters elements reporting to heads or deputy heads of the organizations differ considerably. Considerable variations were also noted in the terminology used for position and office titles. As a result, terminology in itself most often provides no clue to the functions, ranking or stature of elements and personnel and confuses those having to do business with them.

There were also variations in the Survey II organizations' methods to evaluate the effectiveness and efficiency of personnel and programs. All use an annual appraisal system for evaluating their employees, but the evaluative factors differ. Only five mentioned using a merit promotion and reassignment plan, which incorporates more extensive measures of performance than the annual appraisal system.

The Survey II organizations expressed concern about their inability to measure work results or accomplishments accurately, and some stated that law enforcement activities are not easily measured. Several recommended that a standard, uniform result oriented reporting system be established for the entire Federal law enforcement community to create an acceptable data base.

In reporting on crime prevention programs, most Survey II organizations indicated that these are part of their operational programs, with only three reporting special or separate programs designed to prevent violations. There appears to be a failure to distinguish between operational and crime prevention programs in some cases, as indicated by their descriptions of program activities.

All Survey II organizations are involved in either collecting or disseminating intelligence information. Ten disseminate this information in varying amounts, and it is most often provided to another organization a "need to know" basis.

Special law enforcement techniques include the use of informants, undercover operations, purchase of evidence and payment of rewards. Most Survey II

organizations use these techniques and consider them vital to their law enforcement efforts. A variety of authorities for these activities were cited by the organizations, but most were implied rather than express authorities.

Six Survey II organizations reported substantial activities abroad. These foreign operations are usually for purposes of enhancing their domestic missions or to meet treaty or other international agreement obligations. Four organizations are operating programs with significant staffing levels totaling about 600 employees.

In reporting on organizational studies, about one-third of the Survey II organizations indicated that their "in-house" studies addressed the subject of border management, or related issues such as narcotics trafficking.

The problems most frequently mentioned by the organizations are a lack of resources, primarily funding and personnel; jurisdictional problems, such as overlapping responsibilities with other Federal organizations; unclear or inadequate jurisdictions; and insufficient authority to perform activities. The major needs that they identified include changes in the Federal statutes in order to improve coordination and performance; an increase in personnel and funding resources; and jurisdictional changes, particularly to provide clarification. They also mentioned various impediments inherent in the national criminal justice system such as the lack of uniformity in sentencing and bail bond matters, duplication of services and U.S. Attorneys' reluctance to prosecute certain crimes.

Six Survey II organizations reported significant problems in carrying out the intent of the Freedom of Information Act, the Privacy Act and the Tax Reform Act. They stated that the impact of the first two Acts is causing a substantial drain on personnel and financial resources which could be used for law enforcement activities. Some also indicated that the Tax Reform Act's provisions eliminate an important source of investigative information.

#### PROBLEM AREAS

At least four broad problem areas are suggested by the information in the Descriptive Report. These problem areas are presented below. Attachment 3 to this report contains more detailed findings relating to each problem area.

##### *I. Coordination*

The present Federal law enforcement "system" is a loose, uncoordinated grouping of agencies that perform law enforcement, police and investigative activities. These agencies are located in every Department and Branch of the Federal Government. The lack of coordination and absence of policy direction cause wasted efforts and reduced effectiveness, without any discernible civil liberties benefit.

##### *II. The Federal role in law enforcement*

The Federal role in law enforcement vis-a-vis State and local roles has never been well-defined. As a result, much Federal effort is spent in areas which duplicate traditional State and local jurisdiction, with resulting waste of both Federal and other governmental resources.

##### *III. Law enforcement support*

There is much duplication in providing support services for Federal law enforcement organizations, including radio communications, facilities, equipment, laboratories and personnel training. This leads to unnecessary cost and effort.

##### *IV. Border management*

There is little accountability for management of the U.S. borders, as demonstrated by the duplication of efforts in inspections at ports of entry and patrol between ports of entry.

**FEDERAL LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES: A DESCRIPTIVE REPORT**  
**LAW ENFORCEMENT, POLICE AND INVESTIGATIVE ACTIVITIES BY ORGANIZATIONS**  
**FUNDING AND POSITIONS OF THE ORGANIZATIONS FISCAL YEARS 1977 and 1978**  
(Dollar Amounts in Thousands)

| ORGANIZATIONS   | ACTIVITIES                   |  |   |                                 |                                 |                            |                                  |                              |                               |       |                  | SEPTEMBER 1978   |                                  |                  |                  |                                  |  |
|---|------------------------------|--|---|---------------------------------|---------------------------------|----------------------------|----------------------------------|------------------------------|-------------------------------|-------|------------------|------------------|----------------------------------|------------------|------------------|----------------------------------|--|
|   |                              |  |   |                                 |                                 |                            |                                  |                              |                               |       |                  | FUNDING          |                                  |                  | POSITIONS        |                                  |  |
|   | Police and Preventive Patrol | Property or Facilities Security/Protection | Employment and Personnel Investigations | Other Employer-Related Security | Personal Protection or Security | Criminal Investigation/Saf | Revenue or Tax Investigation/Saf | Regulatory Investigation/Saf | Other Civil Investigation/Saf | Other | FISCAL YEAR 1977 | FISCAL YEAR 1978 | PERCENT INCREASE OR DECREASE (-) | FISCAL YEAR 1977 | FISCAL YEAR 1978 | PERCENT INCREASE OR DECREASE (-) |  |
| <b>EXECUTIVE AND NON-EXECUTIVE BRANCHES, TOTAL</b>                              | 37                           | 51   | 32                                      | 59                              | 32                              | 66                         | 5                                | 67                           | 39                            | 32    | \$4,637,362      | \$5,148,390      | 11.0                             | 217,739          | 222,627          | 2.2                              |  |
| <b>EXECUTIVE BRANCH, TOTAL</b>  | 35                           | 49   | 31                                      | 57                              | 31                              | 64                         | 5                                | 66                           | 39                            | 31    | 4,619,800        | 5,129,920        | 11.0                             | 216,515          | 221,402          | 2.3                              |  |
| <b>DEPARTMENT OF AGRICULTURE, TOTAL</b>   | 1                            | 0  | 1                                       | 1                               | 1                               | 3                          | 0                                | 11                           | 1                             | 2     | 376,172          | 404,043          | 7.6                              | 15,929           | 16,484           | 3.5                              |  |
| 1. Agricultural Marketing Service   | •                            |  |   | •                               |                                 | •                          |                                  | •                            |                               |       | 32,409           | 33,614           | 3.7                              | 1,136            | 1,152            | 1.4                              |  |
| 2. Agricultural Stabilization and Conservation Service                          |                              |  |   |                                 |                                 | •                          |                                  | •                            |                               |       | 2,367            | 4,233            | 78.8                             | 172              | 255              | 48.3                             |  |
| 3. Animal and Plant Health Inspection Service                                   |                              |  |   | •                               |                                 |                            |                                  | •                            |                               |       | 14,222           | 15,154           | 6.6                              | 979              | 979              | (NC)                             |  |
| 4. Federal Crop Insurance Corporation   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 8,610            | 11,100           | 28.0                             | 1,584            | 2,000            | 26.3                             |  |
| 5. Federal Grain Inspection Service   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 386              | 1,934            | 401.0                            | 27               | 74               | 174.1                            |  |
| 6. Food and Nutrition Service   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 1,399            | 1,748            | 25.0                             | 81               | 84               | 3.7                              |  |
| 7. Food Safety and Quality Service  |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 273,453          | 293,048          | 7.2                              | 9,999            | 9,957            | -0.4                             |  |
| 8. Foreign Agricultural Service   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 622              | 639              | 2.7                              | 15               | 15               | (NC)                             |  |
| 9. Forest Service   | •                            |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 7,620            | 7,865            | 3.2                              | 741              | 750              | 1.2                              |  |
| 10. Office of Equal Opportunity   |                              |  |   |                                 |                                 |                            |                                  | •                            | •                             | •     | 624              | 687              | 10.1                             | 40               | 40               | (NC)                             |  |
| 11. Office of Inspector General 1/  |                              |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 27,966           | 28,522           | 2.0                              | 918              | 942              | 2.6                              |  |
| 12. Office of Personnel   |                              |  | •                                       |                                 |                                 |                            |                                  | •                            |                               |       | 216              | 253              | 17.1                             | 12               | 12               | (NC)                             |  |
| 13. Packers and Stockyards Administration                                       |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 6,079            | 6,046            | -0.5                             | 225              | 224              | -0.4                             |  |
| <b>DEPARTMENT OF COMMERCE, TOTAL</b>  | 3                            | 3  | 1                                       | 1                               | 3                               | 4                          | 0                                | 3                            | 2                             | 1     | 8,777            | 9,567            | 6.5                              | 298              | 307              | 3.0                              |  |
| 14. Economic Development Administration   |                              |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 245              | 337              | 37.6                             | 14               | 18               | 28.6                             |  |
| 15. Industry and Trade Administration 2/  |                              |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 1,906            | 1,930            | 1.3                              | 37               | 37               | (NC)                             |  |
| 16. Maritime Administration   | •                            | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 598              | 598              | (NC)                             | 30               | 30               | (NC)                             |  |
| 17. National Bureau of Standards  | •                            |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 1,780            | 2,252            | 26.5                             | 65               | 70               | 7.7                              |  |
| 18. National Marine Fisheries Service   | •                            |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 3,803            | 3,803            | (NC)                             | 117              | 117              | (NC)                             |  |
| 19. Office of Investigations and Security                                       |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 647              | 647              | (NC)                             | 35               | 35               | (NC)                             |  |
| <b>DEPARTMENT OF DEFENSE, TOTAL</b>   | 6                            | 8  | 2                                       | 5                               | 4                               | 5                          | 0                                | 3                            | 1                             | 4     | 920,406          | 1,107,087        | 20.3                             | 78,734           | 80,706           | 2.5                              |  |
| 20. Defense Intelligence Agency   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 693              | 536              | -22.7                            | 59               | 43               | -27.1                            |  |
| 21. Defense Investigative Service   | •                            | •  |   |                                 | •                               |                            |                                  | •                            |                               |       | 39,611           | 37,306           | -5.8                             | 1,805            | 1,757            | -2.7                             |  |
| 22. Defense Logistics Agency  | •                            | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 6,481            | 6,781            | 4.6                              | 378              | 372              | -1.6                             |  |
| 23. Defense Mapping Agency  | •                            |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 1,374            | 1,402            | 2.0                              | 107              | 107              | (NC)                             |  |
| 24. United States Air Force   | •                            | •  |   |                                 | •                               |                            |                                  | •                            |                               |       | 363,099          | 402,368          | 10.0                             | 35,487           | 38,806           | 9.4                              |  |
| 25. United States Army 3/   | •                            | •  |   |                                 | •                               |                            |                                  | •                            |                               |       | 405,152          | 548,196          | 35.1                             | 32,341           | 31,078           | -3.9                             |  |
| 26. United States Marine Corps  | •                            | •  |   |                                 | •                               |                            |                                  | •                            |                               |       | 43,226           | 46,432           | 7.4                              | 4,073            | 4,073            | (NC)                             |  |
| 27. United States Navy  | •                            | •  |   |                                 | •                               |                            |                                  | •                            |                               |       | 60,770           | 64,066           | 5.4                              | 4,494            | 4,470            | -0.3                             |  |
| <b>DEPARTMENT OF ENERGY, TOTAL 4/</b>   | 0                            | 2  | 1                                       | 3                               | 1                               | 2                          | 0                                | 2                            | 1                             | 0     | 85,471           | 89,597           | 4.0                              | 2,203            | 2,259            | 2.5                              |  |
| 28. Energy Research and Development Administration                              |                              | •  |   | •                               | •                               |                            |                                  | •                            |                               |       | 40,550           | 41,629           | 2.7                              | 396              | 416              | 5.0                              |  |
| 29. Federal Energy Administration   |                              | •  |   | •                               | •                               |                            |                                  | •                            |                               |       | 34,202           | 36,934           | 8.0                              | 1,426            | 1,432            | 0.4                              |  |
| 30. Federal Energy Regulatory Commission  |                              |  |   | •                               |                                 |                            |                                  | •                            |                               |       | 10,719           | 11,034           | 2.9                              | 323              | 321              | (NC)                             |  |
| <b>DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, TOTAL</b>                       | 2                            | 3  | 1                                       | 2                               | 1                               | 4                          | 0                                | 1                            | 1                             | 1     | 261,520          | 311,884          | 20.0                             | 8,130            | 8,464            | 3.4                              |  |
| 31. Alcohol, Drug Abuse and Mental Health Administration                        | •                            |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 554              | 637              | 15.0                             | 39               | 33               | (NC)                             |  |
| 32. Center for Disease Control  |                              | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 118              | 130              | 10.2                             | 9                | 9                | (NC)                             |  |
| 33. Food and Drug Administration  |                              | •  |   | •                               |                                 |                            |                                  | •                            |                               |       | 250,019          | 289,710          | 15.5                             | 7,300            | 7,470            | 2.3                              |  |
| 34. Health Care Financing Administration  |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 3,066            | 13,312           | 334.2                            | 384              | 384              | (NC)                             |  |
| 35. Health Services Administration  |                              | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 200              | 205              | 2.5                              | 23               | 23               | (NC)                             |  |
| 36. National Institutes of Health   | •                            | •  |   | •                               | •                               |                            |                                  | •                            |                               |       | 2,022            | 1,987            | -1.7                             | 109              | 106              | -2.8                             |  |
| 37. Office of Inspector General 5/  |                              |  |   | •                               | •                               |                            |                                  | •                            |                               |       | 2,496            | 5,699            | 129.2                            | 114              | 214              | 87.7                             |  |
| 38. Social Security Administration  |                              |  |   |                                 | •                               |                            |                                  | •                            |                               |       | 3,055            | 3,204            | 4.9                              | 152              | 159              | 4.6                              |  |
| <b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, TOTAL</b>                       | 0                            | 0  | 1                                       | 1                               | 1                               |                            |                                  | 3                            | 2                             |       | 20,669           | 23,814           | 15.2                             | 864              | 938              | 8.6                              |  |
| 39. Inspector General   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 7,866            | 7,931            | 0.8                              | 340              | 324              | -4.7                             |  |
| 40. Office of Fair Housing and Equal Opportunity 6/                             |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 12,353           | 15,408           | 24.7                             | 433              | 525              | 21.2                             |  |
| 41. Office of Neighborhoods, Voluntary Associations, and Consumer Protection 6/ |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 450              | 475              | 5.6                              | 91               | 89               | -2.2                             |  |
| <b>DEPARTMENT OF THE INTERIOR, TOTAL</b>  | 5                            | 6  | 3                                       | 2                               |                                 |                            |                                  |                              |                               | 2     | 41,144           | 49,159           | 10.9                             | 2,630            | 2,691            | 2.3                              |  |
| 42. Bureau of Indian Affairs  | •                            | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 11,612           | 12,726           | 9.6                              | 511              | 525              | 2.7                              |  |
| 43. Bureau of Land Management   | •                            | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 350              | 560              | 60.0                             | 11               | 25               | 127.3                            |  |
| 44. Bureau of Mines   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 114              | 125              | 9.6                              | 6                | 6                | (NC)                             |  |
| 45. Bureau of Reclamation   |                              |  |   |                                 |                                 |                            |                                  | •                            |                               |       | 205              | 189              | -7.8                             | 16               | 16               | (NC)                             |  |
| 46. Fish and Wildlife Service   |                              | •  |   | •                               |                                 |                            |                                  | •                            |                               |       | 9,080            | 10,830           | 19.9                             | 447              | 476              | 6.5                              |  |
| 47. Geological Survey   |                              | •  |   |                                 |                                 |                            |                                  | •                            |                               |       | 152              | 169              | 11.2                             | 5                | 5                | (NC)                             |  |
| 48. National Park Service   |                              | •  |   | •                               |                                 |                            |                                  | •                            |                               |       | 22,831           | 24,500           | 7.3                              | 1,634            | 1,638            | 0.2                              |  |

| DEPARTMENT OF JUSTICE, TOTAL                           |  |  |  |  |  |  |  |  |  |  |  |  | 4 | 4 | 4 | 4 | 4  | 4 | 4  | 4  | 4 | 4 | 4       | 4       | 4    | 4      | 4      |     |
|--|--|--|--|--|--|--|--|--|--|--|--|--|---|---|---|---|----|---|----|----|---|---|---------|---------|------|--------|--------|-----|
| 49. Drug Enforcement Administration                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 50. Executive Office for United States Attorneys       |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 51. Federal Bureau of Investigation                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 52. Immigration and Naturalization Service             |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 53. Law Enforcement Assistance Administration          |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 54. United States Marshals Service                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| DEPARTMENT OF LABOR, TOTAL                             |  |  |  |  |  |  |  |  |  |  |  |  | 0 | 0 | 0 | 2 | 1  | 2 | 0  | 6  | 3 | 2 | 272,676 | 282,364 | 3.6  | 7,744  | 7,859  | 1.5 |
| 55. Directorate of Audit and Investigations            |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 56. Employment and Training Administration             |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 57. Employment Standards Administration                |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 58. Labor Management Services Administration           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 59. Mine Safety and Health Administration 7/           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 60. Occupational Safety and Health Administration      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 61. Special Investigations Staff                       |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| DEPARTMENT OF STATE, TOTAL                             |  |  |  |  |  |  |  |  |  |  |  |  | 0 | 2 | 1 | 2 | 1  | 2 | 0  | 2  | 2 | 2 | 5,990   | 66,09   | 0.2  | 650    | 760    | 6.4 |
| 62. Agency for International Development               |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 63. International Boundary and Water Commission        |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 64. Office of Security                                 |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| DEPARTMENT OF TRANSPORTATION, TOTAL                    |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 4 | 1 | 5 | 2  | 6 | 1  | 5  | 6 | 3 | 214,812 | 221,779 | 3.2  | 10,400 | 10,454 | 0.5 |
| 65. Federal Aviation Administration                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 66. Federal Highway Administration                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 67. Federal Railroad Administration                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 68. National Highway Traffic Safety Administration     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 69. Office of Investigations and Security              |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 70. St. Lawrence Seaway Development Corporation        |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 71. United States Coast Guard                          |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| DEPARTMENT OF THE TREASURY, TOTAL                      |  |  |  |  |  |  |  |  |  |  |  |  | 4 | 6 | 5 | 5 | 5  | 5 | 2  | 2  | 4 | 2 | 747,747 | 788,374 | 5.4  | 27,050 | 27,204 | 0.6 |
| 72. Bureau of Alcohol, Tobacco and Firearms            |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 73. Bureau of Engraving and Printing                   |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 74. Bureau of the Mint                                 |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 75. Federal Law Enforcement Training Center            |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 76. Internal Revenue Service                           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 77. United States Customs Service                      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 78. United States Secret Service                       |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| INDEPENDENT AGENCIES, TOTAL                            |  |  |  |  |  |  |  |  |  |  |  |  | 9 | 1 | 1 | 9 | 18 | 1 | 22 | 11 |   |   | 620,710 | 693,040 | 11.7 | 26,449 | 27,114 | 2.5 |
| 79. ACTION   |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 80. Canal Zone Government                              |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 81. Civil Aeronautics Board                            |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 82. Commodity Futures Trading Commission               |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 83. Community Services Administration                  |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 84. Consumer Product Safety Commission                 |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 85. Environmental Protection Agency                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 86. Farm Credit Administration                         |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 87. Federal Communications Commission                  |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 88. Federal Deposit Insurance Corporation              |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 89. Federal Elections Commission                       |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 90. Federal Home Loan Bank Board                       |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 91. Federal Maritime Commission                        |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 92. Federal Reserve Board                              |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 93. Federal Trade Commission                           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| General Services Administration                        |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| Office of Investigations                               |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 94. Federal Protective Service                         |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 95. International Communication Agency 8/              |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 96. Interstate Commerce Commission                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 97. Interstate Commerce Commission                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 98. National Aeronautics and Space Administration      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 99. National Credit Union Administration               |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 100. National Gallery of Art                           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 101. National Labor Relations Board                    |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 102. Nuclear Regulatory Commission                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 103. Securities and Exchange Commission                |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 104. Small Business Administration                     |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 105. Smithsonian Institution                           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 106. Tennessee Valley Authority                        |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 107. United States Arms Control and Disarmament Agency |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 108. United States Civil Service Commission            |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 109. United States International Trade Commission      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 110. United States Postal Service                      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 111. Veterans Administration                           |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| NON-EXECUTIVE BRANCHES, TOTAL 9/                       |  |  |  |  |  |  |  |  |  |  |  |  | 2 |   |   |   |    |   |    |    |   |   | 17,562  | 19,470  | 10.9 | 1,224  | 1,225  | 0.1 |
| Government Printing Office                             |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |
| 113. United States Capitol Police                      |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |   |    |    |   |   |         |         |      |        |        |     |

(NC) - No Change

1/effective August 19, 1977, the Office of Audit and the Office of Investigations merged to form Office of Inspector General.

2/effective December 1977, name changed from Domestic and International Business Administration to Industry and Trade Administration.

3/FY '78 funding amount includes \$111 million increase for upgrading and new construction of chemical and nuclear storage facilities.

4/agency internal reorganization not completed at time of this report. Organizational components shown may not be current.

5/name changed from Office of Investigations to Office of Inspector General on advice of organization.

6/new organization added to this report.

7/effective March 9, 1978, organization transferred from Department of the Interior to the Department of Labor and name changed from Mining Enforcement and Safety Administration to Mine Safety and Health Administration.

8/effective April 1, 1978, name changed from United States Information Agency to International Communication Agency.

9/Library of Congress and Supreme Court not included.

## CHAPTER I. PERSONNEL RESOURCES

## SUMMARY

This chapter outlines the organizations' responses describing their personnel resources, including how they are distributed; their position titles and grades; the training and career development they receive; the requirements they must fulfill to be employed or stay on the job; the ways they are recruited; and the timing and cost of their retirement.

More than half of the organizations, including 10 Survey II organizations, have a nationwide pattern of distribution for their law enforcement staff. The most outstanding feature in this distribution is a relatively high concentration of these personnel along the Southwest border.

Although most organizations reported relying primarily on the competitive General Schedule personnel system, approximately 20 different pay and personnel systems for law enforcement employees were also reported. These systems differ, and there are variations in salary and compensation for employees performing the same kinds and levels of work. Many survey responses provided examples of fragmented and inconsistent personnel practices and the need for grade level or salary adjustments for guards, police or criminal investigators.

Another indication of the inconsistencies in the personnel system is that some organizations use GS-1810 (General Investigator) employees for non-criminal investigative functions, while others classify all investigative positions under the much more expensive position title of GS-1811 (Criminal Investigator) with its premium pay and special retirement benefits.

A review of certain organizations' supergrade and Executive Schedule positions indicates that there is an apparent tendency for management to overgrade positions. The executive positions of eight Survey II organizations showed a wide range in the ratios of executive positions to total positions (from 1:1,000 to 7.4:1,000). The data did not provide the basis, however, for determining how these position levels are justified.

There is also a substantial variation in the organizations' position series, titles and functions. They reported 466 different series (excluding series for military personnel) applying to law enforcement operational and support functions. For example, within the job series 1800 (Investigations), there are 25 different types of position series which involve a total of 45,154 employees.

The most commonly used investigative position series is GS-1811 (Criminal Investigator), which includes a total of 19,896 employees. These employees generally receive premium pay of more than \$4,000 a year, as well as special retirement benefits, and are generally one grade level higher than employees in comparable positions with non-criminal law enforcement functions (e.g., General Investigator). The overall difference in cost to the Federal Government may be as much as 57 percent more for criminal investigators than for general investigators, when taking into account the unfunded liability of the special retirement benefits. For instance, Civil Service Commission (CSC) information shows that special law enforcement retirees contribute 20 percent more to retirement funding, but monthly retirement benefits are often 41 percent higher. This difference becomes significant in cases where criminal investigators are being used to perform non-criminal functions while continuing to receive the extra benefits generally available to employees in this position series.

The qualifications that are required for law enforcement personnel differ among the organizations, although the Survey II responses seem to indicate more comprehensive qualification procedures for their employees. The emphasis on training is not consistent, and while the Federal Law Enforcement Training

Center was established to provide basic police and criminal investigator training, as well as advanced and specialized training, the organizations most frequently reported using their own facilities to train their personnel. Standards and qualifications also differed among organizations for their employees' use of firearms.

There did not appear to be similar procedures for determining employment suitability, either for applicants or employees. Although Survey I organizations most frequently cited the CSC as providing investigative services for them, all Survey II organizations stated that they are involved in employment and personnel security investigations—with only four reporting use of the CSC.

All Survey II organizations reported operating career development programs, indicating such activities as training, performance ratings, time-in-grade, and diversified assignments. With few exceptions, however, the responses did not refer to a defined career path or ladder for employees other than one based on time-in-grade considerations.

A total of 724 employees of Survey II organizations were subject to mandatory retirement by January 1, 1978, under the provisions of Public Law 93-350, the Special Retirement Policy for Federal Law Enforcement and Firefighter Personnel. The GS-1811 Criminal Investigator series was most affected by mandatory retirement, with 615 criminal investigators expected to retire.

Although most Federal criminal investigators are covered by the Special Retirement System, there are actually many types of retirement systems for Federal law enforcement employees. Often more than one system is in force for employees of the same organization, and in one case, three systems are operating within the same organization.

#### FINDINGS—SECTION A. DISTRIBUTION

The distribution of law enforcement personnel was reported by the organizations according to (1) location by State, city or foreign country, (2) types of employment systems, (3) position series numbers, (4) position titles, (5) numbers of positions and (6) grade levels. For each combination of the first four elements, the organizations were asked to provide the number of positions. No organizationwide totals were requested.

##### 1. Location

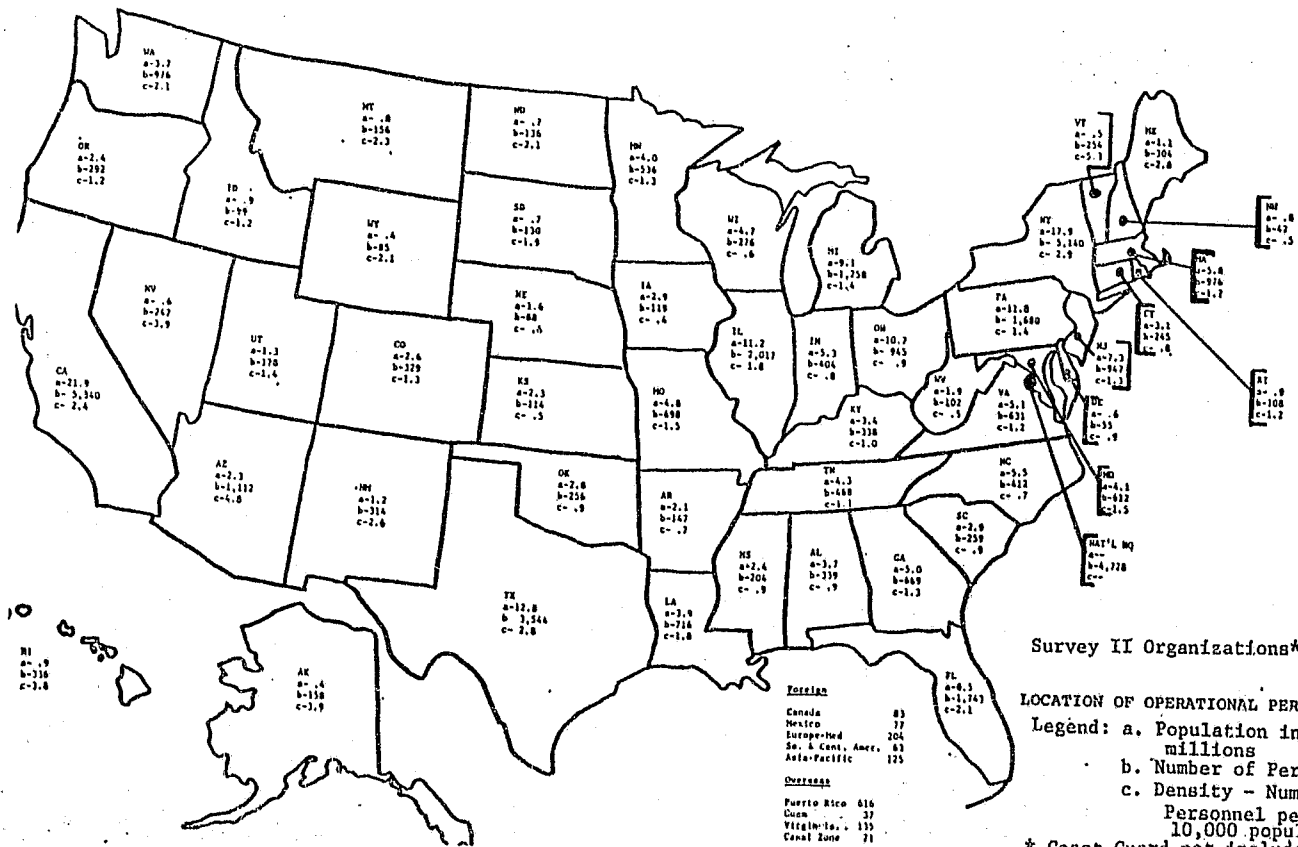
Over half of the organizations, including 10 in the Survey II group, have a nationwide pattern of distribution for their law enforcement staff. The other two Survey II organizations, Bureau of Indian Affairs (BIA) and the National Park Service, generally have law enforcement personnel assigned to a large number of fixed locations for which they have responsibility.

The staffing patterns are as follows:

| Locations  | Survey I organizations | Survey II organizations | Total | Percent of organizations |
|--|------------------------|-------------------------|-------|--------------------------|
| Nationwide.....  | 52                     | 10                      | 62    | 55                       |
| National Capital area only.....  | 32                     | 0                       | 32    | 28                       |
| Limited sites other than, or in addition to the National Capital area..... | 17                     | 2                       | 19    | 17                       |
| Foreign.....   | 10                     | 6                       | 16    | 14                       |

<sup>1</sup> Organizations reporting staff in foreign locations are also included in either the nationwide or limited sites totals.

The map of the United States on the next page displays the geographic distribution of law enforcement operational personnel for Survey II organizations (excluding the Coast Guard, which did not submit complete geographic data).



Superimposed on the map are totals for each State showing a) the approximate population based on Census Bureau 1977 estimates, b) the number of operational law enforcement personnel assigned to duty stations, and c) the number of these employees per 10,000 population. Personnel totals for foreign countries and U.S. territories are also provided.

The data show a relatively high concentration of Federal law enforcement personnel along the Southwest border. When national headquarters positions are excluded, the average for the remaining 36,554 positions shown on the map is 731 per State. The total number of positions in the four Southwest border States (including California) is 10,310, or 28 percent of the nationwide total.

The ratio of positions to population figures for each State ranges from 5.3:10,000 to .4:10,000. The four Southwest border States have the following ratios:

|                  | <i>Ratio</i> |
|------------------|--------------|
| California ..... | 2.4:10,000   |
| Texas .....      | 2.8:10,000   |
| New Mexico ..... | 2.6:10,000   |
| Arizona .....    | 4.8:10,000   |

Table I-1 in Appendix A, page 3, ranks the States by the total number of Survey II operational personnel.

## 2. Types of employment systems

Numerous employment and pay systems are in effect for Federal law enforcement personnel, even though the majority of the organizations with these personnel are subject, in some degree, to the body of laws and regulations comprising the Civil Service system.

The following list illustrates these different pay and personnel systems reported by the organizations for their law enforcement personnel:

| <i>Types of Systems:</i>  | <i>Number of<br/>organizations<br/>reporting use</i> |
|---|--|
| GS—General schedule (competitive service) .....   | 104  |
| GS—General schedule (excepted service) .....  | 22   |
| WS—Wage systems .....   | 5  |
| Executive schedule .....  | 3  |
| FC—Foreign compensation .....   | 1  |
| Military .....  | 8  |
| FAS—Foreign affairs specialist .....  | 1  |
| MA—Agricultural marketing .....   | 1  |
| SR—Statutory rate .....   | 1  |
| FS—Foreign Service .....  | 4  |
| PS—Postal Service .....   | 1  |
| INDG—Foreign nationals overseas .....   | 2  |
| SP—Park Police .....  | 1  |
| GG—General grade—used by the following .....  | 4  |
| (a) Nuclear Regulatory Commission.  |  |
| (b) U.S. Government Printing Office.  |  |
| (c) Energy Research and Development Administration—ERDA (now<br>a component of the Department of Energy).           |  |
| (d) U.S. International Boundary and Water Commission, Department<br>of State.                                       |  |
| RR—Department of Transportation Alaska Railroad .....   | 1  |
| Panama Canal Zone merit system .....  | 1  |
| NM—Canal Zone Protection Division .....   | 1  |
| FR—Federal Reserve .....  | 1  |
| TVA—Tennessee Valley Authority .....  | 1  |
| U.S. Capitol Police .....   | 1  |
| AD—Public Health officers and administratively determined positions—<br>(Environmental Protection Agency—EPA) ..... | 1  |
| EC—Consultants (EPA) .....  | 1  |
| GW—Temporary Employees (EPA) .....  | 1  |
| NZP—National Zoo Police .....   | 1  |

Most organizations either exclusively use the CSC's competitive service General Schedule process or have some of their personnel covered by that system. Some organizations have a small number of Excepted Service personnel, and the Federal Bureau of Investigation (FBI), with the largest staff (other than



the military departments) dedicated to Federal law enforcement (some 20,000 employees), is totally within the Excepted Service.

Among the problems associated with so many different systems is the variation in salary and compensation. The December 1975 "Report to the President of the President's Panel on Federal Compensation" concluded that "... separate pay systems should exist only when there are compelling reasons for non-uniform compensation policies for all Federal employees. Separate pay systems frustrate the application of uniform compensation policies and produce inequities among employees performing the same kinds and levels of work."

The President's Panel also emphasized the need for fair and equitable compensation, stating: "No pay rate determination process, no matter how well managed or how finely tuned, can produce the desired result of pay levels which are fair and equitable, both to employees and to the public, if individual positions are improperly graded. Accurate job evaluation and position classification are essential to the integrity of the pay system."

The President's Reorganization Project (PRP) survey responses offered many examples of the nature and extent of non-uniform, uncoordinated law enforcement personnel systems. The Department of State noted a problem in maintaining a dual personnel system—one for foreign service personnel and the other for law enforcement personnel, the latter being subject to the mandatory retirement age of 55. Numerous responses referred to fragmented and inconsistent personnel practices and the need for grade level or salary adjustments for guards, police or criminal investigators. These adjustments were cited as necessary to bring about uniform and competitive practices with other agencies.

The principle of equal pay for equal work was highlighted in a May 5, 1976 General Accounting Office (GAO) letter report (B-179296). GAO stated that because of the exceptions to the General Schedule pay and classification system, "... this principal [equal pay for equal work] is not being followed for protective service jobs in many agencies surveyed. Piecemeal pay legislation for this group has caused morale and turnover problems among the agencies not receiving special pay treatment."

The GAO report indicated a range for starting salaries of Federal police in various organizations from \$7,976 to \$11,600. Journeyman salaries ranged from \$16,800 to \$24,810. Guards showed a similar variation in salaries when GAO compared six agencies. The range was from \$7,102 to \$11,444 for starting salaries and from \$14,358 to \$23,432 for the journeyman level.

The PRP survey responses also showed variations in both the starting and journeyman grades for criminal investigators. In addition, it was found that some organizations use GS-1810 (General Investigator) employees for non-criminal investigative functions, while others have all investigative positions classified under the much more expensive position title of GS-1811 (Criminal Investigator), with its premium pay and special retirement benefits.

### 3. Grades

Grade levels are set based on position classifications. The December 1975 GAO report, "Classification of Federal White-Collar Jobs Should be Better Controlled," FPCD-75-173, deals with the entire Federal position classification system, but its findings also have bearing when isolating the Federal law enforcement community. GAO concluded that "Weak control and pressures exerted on job classifications have resulted in overgraded Federal positions." GAO added that inappropriate classification is a significant management problem which may be a cause for personnel costs increasing unnecessarily and employee morale and productivity being adversely affected.

The apparent tendency for management to overgrade positions is seen by GAO as an effort to reward employees for good performance, recruit employees and adjust positions to match other position levels within an organization.

The problems that result when some organizations gain a competitive edge by overgrading positions to attract personnel is illustrated by an April 1978 letter from the Director of the Mint to the President's Reorganization Project in which he offered comments on the draft of this report.

The Director wrote:

"The grades and pay of police and guard force personnel are in wide disparity throughout the Government, creating morale problems and wholesale transfers of individuals to agencies providing higher grades and salaries for essentially the same basic functions. Standardization of grade and salary levels for comparable

positions would do much to alleviate this problem and would benefit all Federal agencies which are covered in this study."

The CSC issues standards and retains responsibility for reviewing the classification practices of departments and agencies, but the agencies themselves have the authority to classify their own General Schedule positions from grades 1 through 15. The CSC also has general authority to directly classify and set qualification standards for supergrade positions (GS-16 through GS-18), although there are some notable exceptions, such as the 140 supergrade positions in the FBI.

A review was conducted of the Survey II organizations' executive positions (supergrades and Executive Schedule), based on the survey responses and information from the CSC's Bureau of Executive Personnel. Four organizations were not considered in the review—the Coast Guard and the Postal Inspection Service, because they are not under the General Schedule, and BIA and the National Park Service, because they did not report positions above the GS-15 level. The remaining eight organizations, four in the Department of Justice and four in the Department of the Treasury, have a total of 258 executive positions—250 supergrades and 8 Executive Schedule positions. The distribution of these positions by organization is displayed in Table I-2. Table I-3 shows the relationships of the size of the executive staffs, organization size and grade patterns. These tables appear on the following two pages.

TABLE I-2.—EXECUTIVE LEVEL AND SUPERGRADE POSITIONS IN JUSTICE AND TREASURY LAW ENFORCEMENT ORGANIZATIONS

| Level              | Pay      | Number of officials | Justice |                  |      |    | Treasury |     |     |     |
|--------------------|----------|---------------------|---------|------------------|------|----|----------|-----|-----|-----|
|                    |          |                     | DEA     | FBI <sup>1</sup> | INS  | MS | ATF      | IRS | CS  | SS  |
| EX-I               | \$66,000 | 0                   | 0       | 0                | 0    | 0  | 0        | 0   | 0   | 0   |
| EX-II              | 57,500   | 1                   | 0       | 1                | 0    | 0  | 0        | 0   | 0   | 0   |
| EX-III             | 52,500   | 2                   | 1       | 1                | 0    | 0  | 0        | 0   | 0   | 0   |
| EX-IV              | 50,000   | 2                   | 0       | 0                | 1    | 0  | 0        | 0   | 0   | 1   |
| EX-V               | 47,500   | 3                   | 1       | 0                | 0    | 0  | 0        | 0   | 1   | 1   |
| GS-18              | 58,245   | 25                  | 2       | 17               | 1    | 1  | 1        | 1   | 2   | 0   |
| GS-17              | 49,696   | 76                  | 4       | 46               | 10   | 0  | 1        | 4   | 8   | 3   |
| GS-16 <sup>2</sup> | 42,423   | 149                 | 16      | 77               | 18   | 1  | 5        | 11  | 14  | 7   |
| Total              |          | 258                 | 24      | 142              | 30   | 2  | 7        | 16  | 25  | 12  |
| Percent            |          |                     | 9.3     | 55               | 11.6 | .8 | 2.7      | 6.2 | 9.7 | 4.7 |

<sup>1</sup> FBI supergrade quota of 140 is established by statute.

<sup>2</sup> Salary capped at \$47,500.

Note: Total pay cost in excess of \$11,500,000 without premium pay.

TABLE I-3.—RELATIONSHIPS OF EXECUTIVE LEVEL AND SUPERGRADE POSITIONS TO ORGANIZATION STAFF SIZE AND GRADE LEVEL

| Organization   | DEA            | FBI            | INS           | MS            | ATF          | IRS          | CS            | SS           |
|--|----------------|----------------|---------------|---------------|--------------|--------------|---------------|--------------|
| Highest management grade in organization                             | EX-III         | EX-II          | EX-IV         | GS-18         | GS-18        | GS-18        | EX-V          | EX-IV        |
| Number of management level positions (GS-16 through executive level) | 24             | 142            | 30            | 2             | 7            | 16           | 25            | 12           |
| Total personnel in organization                                      | 4,000          | 19,300         | 9,400         | 2,100         | 4,000        | 4,300        | 14,100        | 9,600        |
| Ratio of management level positions to total positions               | 6:1,000        | 7.4:1,000      | 3.2:1,000     | 1:1,000       | 1.8:1,000    | 3.7:1,000    | 1.8:1,000     | 3.4:1,000    |
| Number of positions at modal (most common) grades                    | 1,140<br>GS-12 | 3,540<br>GS-13 | 2,206<br>GS-9 | 1,130<br>GS-9 | 880<br>GS-11 | 960<br>GS-12 | 3,520<br>GS-9 | 580<br>GS-12 |

The number of executive positions in each organization varies widely—from 2 in the Marshals Service to 142 in the FBI. The ratio of these positions to total employment for the entire group of organizations is 4.2 per 1,000 employees. Among individual organizations, there is a wide range of ratios of executive positions to other employees—from 1:1,000 to 7.4:1,000.

It is not surprising that the organizations with more employees tend to have more executives. Nevertheless, the proportion of executives to employees does

not appear to be related to organization size. High and low proportions are found in both small and large organizations.

There does appear to be a direct relationship between the modal grade level and the ratio of executives to staff. Those organizations with greater numbers of staff at higher grade levels have a greater proportion of executives to total employees.

Assuming proper personnel classification, it would seem that higher grades for operational law enforcement employees represent a greater degree of organizational responsibility. The range is so great among organizations, however, both in modal grades and in the ratio of executives if this is the case, and if not, what factors are being used to establish supergrade/Executive Schedule positions.

#### 4. Position Series, Titles and Functions

Each organization was requested to provide a listing of all position series and titles and indicate the number of people employed in each of the operational and support law enforcement functions. A summary of the information they provided follows:

There are 466 different series applied to law enforcement operational and support functions (excluding military personnel).

Of the total 209,834 individual positions, the greatest concentration of people was in the following five series:

| Series number and title                      | Number of employees |
|--|---------------------|
| 1811 Criminal investigator.....              | 19,896              |
| 301 General clerical and administrative..... | 10,574              |
| 083 Police .....                             | 8,350               |
| 085 Guard .....                              | 7,785               |
| 1803 Food inspection.....                    | 7,371               |

Within the Investigations occupational group (GS-1800), 64 Survey I organizations and 11 Survey II organizations reported a total of 25 occupational series involving 45,154 employees.

Within the Investigations occupational group, the most commonly used series is GS-1811 (Criminal Investigator), which includes a total of 19,896 employees, of which 1,304 employees are divided among 25 Survey I organizations. The Survey II organizations account for 18,592 of these investigators as shown below:

| Organization                                     | Number of criminal investigators |
|--|----------------------------------|
| Federal Bureau of Investigation.....             | 8,235                            |
| Internal Revenue Service.....                    | 3,127                            |
| Drug Enforcement Administration.....             | 2,012                            |
| Bureau of Alcohol, Tobacco and<br>Firearms ..... | 1,697                            |
| Secret Service.....                              | 1,620                            |
| Immigration and Naturalization<br>Service .....  | 1,117                            |
| Customs Service.....                             | 665                              |
| Bureau of Indian Affairs.....                    | 106                              |
| Marshals Service.....                            | 7                                |
| Postal Inspection Service.....                   | 7                                |
| Coast Guard.....                                 | 2                                |
| <b>Total .....</b>                               | <b>18,592</b>                    |

Whether positions are classified as GS-1811 (Criminal Investigator) or GS-1810 (General Investigator) can be important because criminal investigators represent a greater cost to the Federal Government. They generally receive premium pay of more than \$4,000 a year for administratively uncontrollable overtime and require additional contributions for special retirement benefits. They are usually one grade level higher than comparable positions related to non-criminal law enforcement functions. The overall cost to the Government may be as much as 57 percent more for criminal investigators than for general investigators when taking into account the projected costs for the unfunded liability of the special retirement benefits. The following chart provides additional details:

|  | General Investigator, GS-1810 |         | Criminal Investigator, GS-1811 |         |
|--|-------------------------------|---------|--------------------------------|---------|
|  | Grade 11,<br>step 4           | Percent | Grade 12,<br>step 4            | Percent |
| Pay:   |                               |         |                                |         |
| Salary.....  | \$20,085                      |         | \$24,070                       |         |
| Premium pay (25 percent of grade 10, step 1).....                  |                               |         | 4,155                          |         |
| Agency retirement contribution:                                    |                               |         |                                |         |
| From salary.....   | 1,405                         | 7.00    | 1,805                          | 7.5     |
| From premium pay.....  |                               |         | 312                            | 7.5     |
| Cost to Government for unfunded retirement liability: <sup>1</sup> |                               |         |                                |         |
| From salary derived benefits.....                                  | 2,961                         | 14.74   | 6,884                          | 28.6    |
| From premium pay derived benefits.....                             |                               |         | 1,188                          | 28.6    |
| Total cost to Government.....                                      | 24,451                        |         | 38,414                         |         |

<sup>1</sup> See sec. G of this chapter for discussion of cost to the Government of retirement benefits which currently are not funded.

The FBI provides a good example of criminal investigators being used for other duties. All of their 8,235 investigators are in the GS-1811 Criminal Investigator series, yet in addition to criminal investigations, employees in this series are also used to perform the following non-criminal investigations:

| Noncriminal functions  | Number of Positions<br>(reported in 100k-years) |
|--|---|
| Civil investigations.....  | 92  |
| Reimbursable applicant investigations.....                                 | 118   |
| Noncriminal investigations.....  | 468   |
| Other investigations.....  | 123   |
| Civil, applicant and other investigations (headquarters coordination)..... | 122   |
| Total: Noncriminal investigations.....                                     | 923   |

The FBI indicated that there are 898 GS-1811 criminal investigators assigned to headquarters (excluding 359 criminal investigators in the Washington Field Office). The number of these positions which are assigned primarily to support and administration functions was not indicated in the FBI survey response. A review of their grade structure, however, indicates that among the 270 headquarters positions of GS-15 and above, 267 are in the Criminal Investigator series.

Although there are indications that criminal investigators are being assigned general investigative duties outside their area of specialization, there is evidence that the use of general investigators (GS-1810) by Federal organizations is relatively restricted. There are only 2,068 general investigators, as compared to the 19,896 criminal investigators among the organizations. Three organizations that perform a significant number of personnel security investigations or have a clearly defined joint mission for both criminal and noncriminal enforcement employ over 70 percent of the Federal Government's general investigators.

These organizations and the number of general investigators they employ are as follows:

|                                      |     |
|--------------------------------------|-----|
| Defense Investigative Service.....   | 666 |
| Civil Service Commission.....        | 585 |
| Drug Enforcement Administration..... | 198 |

##### 5. Overtime

The use of overtime pay, particularly administratively uncontrollable overtime (premium pay), is not uniformly administered among organizations performing law enforcement functions, and its use among headquarters personnel has been the subject of critical attention.

#### SECTION B. QUALIFICATIONS

The organizations provided information on employment qualifications and training according to the position titles for their operational law enforcement personnel. A wide range of 1,347 position titles was reported, and in some cases the titles of similar positions were not uniform among the organizations. Therefore, a selection was made of position titles that appeared to represent the organizations' operational activities, and these selected titles were reviewed for information on employment and training qualifications. Table I-4 on page 4 in Appendix A lists the selected position titles and the number of times they were reported by the organizations.

### 1. Age and Education Requirements

The responses most commonly cited a minimum age of 21 and a maximum age of 35 for employment in law enforcement positions, although fewer Survey I organizations designated 35 as a maximum age. The Survey I organizations also reported more positions which did not have any age requirements.

Although the Survey I organizations often did not indicate a minimum educational requirement, those that did frequently mentioned a college degree as a prerequisite for employment. Most Survey II organizations require a college degree. In addition, most of the organizations surveyed called for some prior specialized experience in a related field or allowed the substitution of experience for education. They often applied CSC standards in determining what the skills qualifications should be.

A review was conducted of the educational levels of GS-1811 criminal investigators working in the Department of Justice and Treasury.

Based on fiscal year 1978 information obtained from the Department of Justice's Office of Management and Finance, the following table presents a comparison of the educational levels of GS-1811 criminal investigators working in major law enforcement organizations within that Department:

| Organization | Less than high school graduate | High school graduate | College |        | Master's degree | Law degree | 1st professional degree | Ph. D. | Total GS-1811's |
|--------------|--------------------------------|----------------------|---------|--------|-----------------|------------|-------------------------|--------|-----------------|
|              |                                |                      | Some    | Degree |                 |            |                         |        |                 |
| FBI.....     | 0                              | 2                    | 187     | 5,833  | 734             | 1,011      | 23                      | 22     | 7,812           |
| DEA.....     | 1                              | 101                  | 385     | 1,340  | 78              | 12         | 11                      | 0      | 1,928           |
| INS.....     | 12                             | 166                  | 395     | 421    | 30              | 1          | 1                       | 1      | 1,027           |
| MS.....      | 0                              | 1                    | 2       | 0      | 0               | 0          | 0                       | 0      | 3               |

In the PRP survey, the FBI did not indicate having any GS-905 General Attorney positions, although their organizational chart shows the existence of a legal Counsel Division. The survey results did not provide information on the extent, if any, that the 1,011 GS-1811 criminal investigators with law degrees, as shown on the preceding table, are actually working as attorneys. The Drug Enforcement Administration (DEA) reported 17 GS-905 General Attorney positions, the Marshals Service reported 6 positions and the Immigration and Naturalization Service (INS) reported 9 positions (Department of Justice records show INS as having 257 General Attorney positions).

The Department of the Treasury's Office of Operations supplied the following information on the educational levels of employees in GS-1811 position series:

|   | College degree minimum and additional higher education | Total GS-1811's |
|---|--|-----------------|
| Secret Service.....                           | 1,550  | 1,570           |
| Customs Service.....                          | 449  | 753             |
| Bureau of Alcohol, Tobacco, and Firearms..... | 967  | 1,534           |
| Internal Revenue Service.....                 | 2,750  | 3,300           |

In the PRP survey, the number of GS-905 General Attorney positions were reported as follows: Secret Service—3; Customs Service—144; ATF—42.

### 2. Physical Examination Requirements

The Survey II organizations required physical exams much more frequently than the Survey I organizations, and these exams usually take place prior to employment. Nevertheless, there were many instances of an absence of minimum standards for physical examinations among the organizations surveyed, which indicates that people are being hired as law enforcement personnel who may not be physically fit.

This problem is illustrated in a 1978 letter to the Civil Service Commission, in which the Director of the Federal Law Enforcement Training Center stated: "Currently, students attending the Center are hired according to diverse standards set by the participating organizations."

"No uniform medical and physical standard appears to exist. The Center has a further concern regarding valid certification of those students who do not meet certain physical standards and therefore cannot participate totally in Center programs."

### 3. Training requirements

#### (a) Type

The Survey I organizations' types of training for operational positions, in order of reported frequency, are (1) formal programs conducted within each organization, (2) on the job training, and (3) formal training conducted outside the organizations.

The Survey II organizations most frequently reported formal training taking place outside their organizations, followed by formal training programs conducted by each organization. On the job training was seldom mentioned.

The GS-1811 position series for criminal investigators provides an example of the different approaches to training among the organizations. Some Survey I organizations did not report any initial post-entry training for this series, while others did not provide formal basic training but conducted on the job training programs. Still others offered 12 weeks of training to their GS-1811 personnel. One organization which did not offer any basic training to its criminal investigators reported that only "experienced" personnel were hired for these positions.

Most GS-1811 personnel employed by the Survey II organizations receive extensive formal training. Only two organizations did not offer formal basic training, but in both instances the 11 criminal investigator positions were not "entry level", and the personnel had previously received such training while serving in other position series.

#### (b) Training organizations and locations

In 1973, the Federal Law Enforcement Training Center (FLETC) at Glynn, Georgia, was established to provide basic police and criminal investigator training, as well as advanced and specialized training in law enforcement. The PRP survey results indicate, however, that the organizations most frequently reported using their own facilities to train their personnel. FLETC was the second most frequently used training option.

Table I-5 on page 7 in Appendix A lists the training facilities reported by the organizations.

#### (c) Firearms training requirements

It appears that the Survey II organizations require firearms training for most of their position titles, although their qualification requirements differ widely. Two do not require their employees to qualify for firearms use, while six organizations specified requalification on a semi-annual basis, four on a quarterly basis, and two did not indicate the frequency of requalifying.

The Survey I organizations rely on firearms training far less frequently, and there are no firearms qualification requirements for many of their position titles.

The degree of firearms expertise necessary for qualification can vary according to the employee's duties. For example, the criminal investigators of the Executive Office for U.S. Attorneys of the Department of Justice are required to have attained proficiency as "marksmen", but they are not tested for qualification. Special Agents of the Secret Service, however, who are assigned to perform Presidential protection duties, are required to qualify with sidearms on a monthly basis.

## SECTION C. SUITABILITY

The organizations were asked to describe the various procedures used in determining the suitability for employment of their law enforcement personnel, as well as ways in which suitability is maintained.

### 1. Testing or other screening

Most Survey I organizations either did not report on screening methods or indicated that they did not test or screen for suitability. Of the 22 organizations reporting, 9 depend on CSC standards or tests for employee fitness, while 4 use review panels composed of organization personnel. Three reported reviewing individual performance and experience, and one cited using its Department's testing procedures.

The majority of the Survey II organizations use CSC examinations, such as the Professional and Administrative Career Examination. The CSC has the general

responsibility for announcing vacancies and giving examinations, but in some instances the organizations carry out these functions themselves. For example, all of the selection procedures of the Postal Service and the FBI are conducted independently. The Treasury Department organizations (Bureau of Alcohol, Tobacco and Firearms (ATF), Internal Revenue Service (IRS), Customs Service and the Secret Service), employ the "Treasury Enforcement Agents Examination" for selection of criminal investigators.

## 2. Interviews

Interviews of the best qualified applicants, either on a routine or occasional basis, were reported by most Survey I organizations, although the interview process varies widely. All Survey II organizations interview applicants as an integral part of their selection process. The interviews are usually conducted by a panel of supervisory or senior enforcement officials, sometimes augmented by a personnel specialist.

## 3. Background investigations

### (a) Preemployment and postemployment investigations

Most Survey I organizations reported making some type of pre-employment inquiry for law enforcement positions, and they often indicated that full-field background investigations must be completed before appointment. The investigation procedures can consist of:

- pre-employment completion of background investigations;
- pre-employment completion of record checks with or without written inquiries, followed by a post-appointment scheduling of a background investigation;
- pre-appointment record checks and inquiries;
- post-appointment record checks and inquiries.

All Survey II organizations reported using background investigations to determine the suitability of their law enforcement personnel. Six organizations stated that this is their practice for all such positions; three reported using these investigations for specified positions; two provided unclear responses; and one organization, the National Park Service, responded that the Park Police, one of its two reporting units, conducts background investigations on all its officers, while the other unit, the Park Rangers, does not use any investigative procedure. Ten organizations reported that such investigations are conducted on a pre-appointment basis, although the INS and Customs Service also indicated that there are special instances when post-employment investigations are used.

Two Survey II organizations reported relying regularly on post-employment investigations. The IRS performs the investigations after employment for the staff of its Intelligence Division and prior to appointment for the staff of its Internal Security Division. BIA, which also relies on post-employment investigations, reported that pre-appointment investigations are waived in most instances and indicated that this practice is justified by the high turnover in staff and long delays in receiving cases back from the CSC.

### (b) Scope of investigations

The Survey I organizations reported a variety of standards for the scheduling, scope and coverage of investigations. These standards are often related to grade level or position sensitivity. They reported GS-9 and below as the levels at which investigations are often restricted to National Agency Check and Inquiries (a NACI is the minimum CSC requirement for all Executive Branch employment). They also reported, however, that NACI's are sometimes supplemented by other inquiries which expand the scope of the investigation, yet these inquiries are kept below the level of a background investigation.

There was no uniformity among Survey I organizations as to the positions or grades that demand more intense and prompt investigative coverage. They did not provide many specifics on periods of coverage of a person's activities, inquiries about character and conduct, or sources from which information is sought. Limited details were provided by the Survey II organizations on the scope of their investigations.

The government-wide standards issued by the CSC for critical-sensitive positions require completion of full-field background investigations prior to appointment to policymaking, investigative and fiduciary positions, as well as to positions requiring public contact or other duties demanding the highest degree of public trust. Such standards would appear to embrace virtually all operational

criminal law enforcement positions and a significant number of regulatory enforcement positions. The responses of the organizations, however, indicate that the CSC standards may not always be applied.

(c) *Investigative organizations*

Most Survey I organizations reported that they rely on other organizations to conduct investigations. Nevertheless, a significant number stated that they perform some of these investigations themselves, and often they assume total responsibility. The CSC was most frequently cited as providing investigative services, and the FBI was also named as conducting background investigations. In some cases, the organizations use the services of both organizations.

Some organizations conduct background investigations for other organizations within the same Department. Examples include the Department of Agriculture's Office of Inspector General and the Defense Investigative Service (DIS). DIS conducts all personnel security investigations for Department of Defense components and any other investigations that the Secretary of the Department may request.

The following Survey I organizations reported conducting their own personnel suitability/security investigations:

**ACTION.**

Bureau of Engraving and Printing.

Canal Zone Government—Police Division.

Department of Agriculture—Office of Inspector General.

Department of Commerce—Office of Investigations and Security.

Department of Defense—Defense Investigative Service.

Department of Housing and Urban Development—Office of the Inspector General.

Department of State—Division of Security.

General Services Administration—Office of Investigations.

National Aeronautics and Space Administration.

U.S. Capitol Police.

All 12 Survey II organizations stated that they are involved in employment and personnel security investigations, although only 10 conduct field investigations. BIA and INS rely on other organizations, principally the CSC, for this service. Four Survey II organizations reported using the CSC for some or all of these investigations, and eight reported that they conduct their own investigations.

Twenty-five organizations reported expenditures of over \$102 million and 4,081 positions assigned to personnel suitability/security investigations. It is evident that this highly specialized activity is being conducted by a significant number of organizations that have diverse missions and responsibilities.

(d) *Other procedures for determining suitability*

Other suitability procedures reported by Survey I organizations include close observation and supervision of employees during probation, examinations to determine medical suitability, and review of financial disclosure forms.

(e) *Adjudication and records maintenance*

The PRP survey did not specifically ask for information on adjudications or on maintaining records of suitability/security investigations, but two studies have identified these activities as problem areas—the December 1977 GAO report, "Proposals to Resolve Longstanding Problems in Investigations of Federal Employees," FPCD-77-64, and the 1975 study entitled "Task Force on Personnel Investigations and Adjudications for the Domestic Council Committee on the Right of Privacy." The Domestic Council Study indicated that there is no comprehensive reporting system on actions which result from personnel investigations, nor is there a formalized program for the adjudication process. There are no established occupational series or qualification standards for those making determinations based on suitability/security information. There is no mechanism to assure that adjudicative criteria are applied uniformly throughout the Federal Government. Although maintenance of investigative records directly involves individual rights of privacy, there are no consistent or comprehensive policies or procedures governing access to investigative information or the transmission and security of these records.

The Domestic Council and GAO reports stress that the authority and structure for personnel investigations, as well as for how determinations are reached, are no longer adequate.



#### 4. Maintaining Suitability Standards

The Survey II organizations indicated some type of management procedure for ensuring that suitability standards for their employees are maintained throughout their careers.

##### (a) Suitability and security update procedures

Nine Survey II organizations reported periodic update procedures, generally conducted on a 5-year schedule, although one organization uses a 4-year schedule. While four organizations did not describe their procedures, the other five responses indicated that procedures are consistent with the Federal Personnel Manual minimum requirements for critical-sensitive position updates. These requirements include a review of the employee's current personnel security questionnaire, together with prior security and personnel records, and additional records and field inquiries as needed.

##### (b) Suitability evaluation during probation

Two organizations reported that suitability issues are considered part of the 1-year probationary period for newly appointed employees.

##### (c) Employee conduct and responsibility standards

Two organizations issue employee codes of conduct, while one organization uses a set of regulations for all employees, supplemented by specific codes of conduct for law enforcement officers.

##### (d) Periodic employee evaluation

Four organizations stated that employee suitability and standards of conduct are part of their regular supervisory assessments:

##### (e) Employee misconduct investigations

A systematic program of investigations to resolve questions of employee criminal or administrative misconduct was cited by four organizations. The FBI indicated that such matters are handled by both the program inspection/audit office and a specialized employee conduct investigation unit, or, in some cases, can be assigned to operational units for investigation. The National Park Service stated that only the Program Inspection Office deals with such cases for the Park Police, and IRS reported that the cases are handled by their Internal Security Division. Adjudication of such cases was reported by the FBI and the Marshals Service as being in the hands of a specialized unit and was not mentioned in other responses.

##### (f) Medical suitability

Of the 10 Survey II organizations reporting on medical suitability practices, 6 mentioned "fitness for duty" examinations in cases of potential disability. Five noted the use of periodic physical examinations at 1- to 3-year intervals. Three stated that the medical suitability requirement changes according to age. In two other cases, the requirement is associated with specific duties, such as overseas assignment or operation of a motor vehicle.

Table I-6 on page 11 in Appendix A presents the responses of each survey II organization according to the methods used to maintain employee suitability.

#### SECTION D. RECRUITMENT

The Survey II organizations were asked to provide information on their programs to recruit law enforcement personnel. Table I-7 on page 12 in Appendix A describes the various recruitment methods used, as well as recruitment staffing, restrictions, limitations and results.

##### 1. Methods of external recruitment

Seven Survey II organizations said they seek to interest CSC certified eligible persons in their programs. The Secret Service and ATF recruit from their own registers of eligibles. Four organizations mentioned giving presentations at educational institutions, and six reported making contacts with colleges or organizations with high minority enrollments. Four other organizations focus efforts on schools with special curricula, such as law and accounting in the case of the FBI, IRS, and the Postal Inspection Service.

Various techniques are used to disseminate job information. Two organizations use CSC announcements; two made reference to advertisements in newspapers or

broadcast announcements; and three organizations mentioned announcements without providing further details. One inserts articles in agency publications, and another "circulates" brochures and articles.

Military separation centers are notified of vacancies and career opportunities by the FBI and Secret Service, and INS notifies State employment offices about openings.

## *2. Methods of Internal recruitment*

Seven organizations reported that internal recruitment is accomplished through vacancy announcements and in-house publications. Three also mentioned encouraging likely candidates to serve in law enforcement positions.

## *3. Recruiting targets*

Seven organizations indicated that they emphasize recruiting in-service employees. For example, both the Intelligence Division and the Internal Security Division of IRS target employees in the Audit and Collection Divisions.

Special efforts to recruit minorities were reported by six organizations, and four indicated that they recruit females for law enforcement positions. Former military personnel are solicited by three organizations. Two reported an emphasis on employing Vietnam-era veterans.

Candidates with law enforcement experience are a target group for two organizations, one of which cited efforts to recruit law enforcement employees from other Federal organizations. Persons with criminal justice academic degrees or backgrounds are sought by one organization, and three seek persons with law or accounting school background.

## *4. Organizational elements used in recruit*

Six Survey II organizations provided information on their organizational elements which are utilized in recruiting. One uses its community relations unit, and another a national minority recruitment coordinator. Two have agency recruitment coordinators, and law enforcement employees are used for recruiting by four organizations.

## *5. Special procedures and practices*

Six organizations reported the following special personnel practices and procedures to augment their recruiting programs: non-competitive appointments (2), student cooperative employment (2), increased starting salary for hard-to-fill vacancies (1), summer employment programs (2), and Indian preference (1).

## *6. Restrictions and limitations*

Eight organizations mentioned factors that either restrict the scope of their recruiting or impose barriers under certain circumstances. For example, three cited an oversupply of eligible candidates. Hiring restrictions were also mentioned by three organizations. One reported that certain positions are limited to those with veterans preference standing.

## SECTION E. TRAINING PROGRAMS AND SELECTION OF SUPERVISORS AND EXECUTIVES

The Survey II organizations provided information on their law enforcement training programs for various types of employees.

### *1. Training courses*

A review of the organizations' syllabi shows a total of 282 established courses for law enforcement training (excluding correspondence courses, training meetings, etc.). The number of courses ranged from 3 to 152 per organization.

The greatest number of courses provided by Survey II organizations relate to training State and local personnel. Among the courses for Federal law enforcement employees, the greatest number relate to specialized enforcement mission training, followed by general criminal enforcement training, law enforcement instructor training and regulatory enforcement training. The length of the sessions ranges from 1 day to 16 weeks. Eleven training facilities are used for these courses, seven of which are operated by the organizations using the facilities. The Federal Law Enforcement Training Center at Glynco, Georgia is also used in varying degrees by seven organizations.

Table I-8 on page 15 in Appendix A identifies the number, type and length of courses and the facilities used by each organization.

## *2. Identification and training of supervisors and executives*

Most Survey II organizations have formal programs or plans to identify and select supervisory and executive personnel.

In most cases, employees learn about supervisory opportunities through organization announcements and make formal application for promotion or for career development programs. Career or other review panels screen the best qualified candidates using factors such as experience, performance and supervisory evaluations. In one instance (the Park Police), an exam is administered as part of the process.

Some programs to identify executives include either automatic consideration of certain employees or a talent search to fill vacancies. Several organizations use Resource or Evaluation Boards to screen and recommend candidates to appointing officers (in two cases to the agency head).

All organizations provide formal classroom training for their supervisors and executives. Some provide Individual Development Plans, as well as temporary assignments as interns for supervisors and rotations among various management positions for executives. The programs can also include training by other Federal organizations, such as the FBI, CSC and the Federal Law Enforcement Training Center. One organization specified that its executives attend seminars conducted by outside management firms, and another's executives attend seminars of the International Association of Chiefs of Police.

### SECTION F. CAREER DEVELOPMENT

#### *1. Entry level through journeyman*

The Survey II organizations provided information on their enforcement career development programs for entry level through journeyman grades. The Coast Guard, however, stated that its multi-mission character requires general military duties from its members, and therefore did not report any law enforcement career development programs.

Career development programs were listed for 30 different law enforcement positions. Entry level training was reported for all but two positions, while 10 positions had components of a career development program apart from training, ranging from such general techniques as performance ratings and time-in-grade to those more directly related to career development, such as diversified and progressively difficult assignments.

Table I-9 on page 16 in Appendix A provides information on career development by organization, personnel type, level and grade.

#### *2. Supervisors and managers*

Each Survey II organization reported a career development system for supervisors and managers and provided information on the minimum number of years required to progress up the career ladder. Most expect candidates for the first level supervisory positions to have had several years of progressive experience. The grade levels for supervision vary among the organizations, but usually first level supervisor grades for investigative positions range from GS-11 to GS-13.

### SECTION G. SPECIAL RETIREMENT

The Special Retirement Policy for Federal Law Enforcement and Firefighter Personnel, Public Law 93-350, establishes that these employees can retire earlier, with fewer years of service, and at higher annuities, than most Civil Service personnel. The rationale for this Act is that the benefits will encourage early retirement and assure that a young and vigorous work force can be maintained. The provisions make retirement mandatory for those 55 years of age with 20 years of service and permit persons with 20 years of service to retire as early as age 50. The provisions also, however, allow persons over the age of 55 with less than 20 years of service to remain on the job and give agency heads the right to retain employees until they are 60 years of age.

#### *1. Number of employees required to retire*

The Survey II organizations reported on the number of law enforcement personnel scheduled to retire on or about January 1, 1978, as required by Public Law 93-350.

A total of 724 people, or one percent of FY '77 law enforcement personnel, were estimated to be subject to mandatory retirement on January 1, 1978.

The Department of Justice reported the largest number scheduled to retire—571 people. The FBI had the largest number of retirements (418 employees), both within the Department of Justice and among all Survey II organizations.

Table I-10 on page 21 in Appendix A shows the Survey II organizations' total FY '77 positions and estimates of P.L. 93-350 retirees by grade level, and Table I-11 on page 22 in Appendix A displays the organizations' estimated number of retirees according to series numbers and titles of positions.

## 2. Special retirement policy and programs

The February 24, 1977 GAO report entitled "Special Retirement Policy for Federal Law Enforcement and Firefighter Personnel Needs Reevaluation", FPCD-76-97, indicated that about 52,000 Federal and District of Columbia Government employees are covered under the special retirement program. The following chart (from the GAO report) gives the estimated number of covered employees by agency:

| Agency                                   | Covered employees |
|--|-------------------|
| Federal Bureau of Investigation          | 8,500             |
| Bureau of Prisons                        | 8,000             |
| Immigration and Naturalization Service   | 3,200             |
| Drug Enforcement Administration          | 2,000             |
| Internal Revenue Service                 | 3,000             |
| U.S. Customs Service                     | 2,100             |
| Bureau of Alcohol, Tobacco and Firearms  | 1,600             |
| U.S. Secret Service                      | 1,300             |
| U.S. Marshals Service                    | 1,500             |
| Department of the Navy                   | 5,000             |
| U.S. Postal Service                      | 1,800             |
| D.C. Government <sup>1</sup>             | 1,900             |
| Department of the Army                   | 2,600             |
| Department of the Air Force              | 3,900             |
| Administrative Office of the U.S. Courts | 1,500             |
| Department of Agriculture                | 2,000             |
| Other Agencies                           | 2,400             |
| <b>Total</b>                             | <b>52,300</b>     |

<sup>1</sup> Excludes those D.C. police and firefighters who are in a separate retirement system, along with Secret Service Uniformed Division, Park Police personnel and certain Secret Service personnel.

GAO stated that "The continued need for these special benefits is questionable. Covered employees are not retiring much earlier than employees under regular Civil Service retirement provisions . . . Several matters need to be reevaluated if the special retirement policy continues."

The GAO report also pointed out that the benefits for special retirement annuitants range from about 20 percent to over 50 percent more than those received by regular Civil Service retirees. Moreover, there are differences in benefits within the special retirement system. For example, the Postal Inspectors are not eligible for premium (overtime) pay, and thus when the amounts of their annuities are calculated (based on years of service and an average of the highest salaries earned for 3 years), they retire with annuities which are only 14 percent higher than the regular Civil Service annuities (for the same years of service), as compared to the 20 to 50 percent higher annuities given to other retirees under the special retirement system.

While most criminal investigators are covered by the special retirement system, there are, in fact, many types of retirement systems for Federal law enforcement employees, with various benefits which have been developed through legislative action over a number of years. Often more than one system is in force for employees of the same organization, and in at least one case, three systems are operating within the same organization.

The following retirement systems were identified as providing coverage for the law enforcement employees:

1. Civil Service Retirement System (CSRS) special benefits provision for law enforcement and firefighters.
2. CSRS regular provisions.
3. CSRS special benefits for Congressional employees.

4. District of Columbia Police and Firemen's Retirement System.
5. Foreign Service Retirement System.
6. Tennessee Valley Authority Retirement System.
7. Federal Reserve Retirement System.
8. Uniformed Services Retirement System.

Based on information obtained from the CSC, the following comparison was made for fiscal year 1976 retirees covered by either the CSRS regular provisions or the CSRS special retirement provisions:

|                              | Average age | Average years of service | Average monthly annuity | Average employee contributions |
|------------------------------|-------------|--------------------------|-------------------------|--------------------------------|
| CSRS regular retirement..... | 55.8        | 33.4                     | \$909                   | \$14,436                       |
| CSRS special retirement..... | 55.5        | 30.7                     | 1,283                   | 17,302                         |

In this sample, the average contribution for special retirees exceeded that for regular retirees by 20 percent, but the monthly benefits for the special retirees were 41 percent higher.

The additional cost to the Government for the special retirement program has been expressed in terms of unfunded liability—the difference between future benefits accrued and contributions made to the fund. The CSC has been cited as computing the special retirement “normal cost” at 19.7 percent.<sup>2</sup> Normal cost is the amount necessary to meet future benefits payments expressed as a percent of employee pay. This 19.7 percent normal cost is 4.7 percent above the employee and employer contributions, and is computed based on assumptions that exclude future increases in pay or benefits. When assumptions covering limited future inflation are introduced, a “dynamic normal cost” of 43.6 percent is found—23.6 percent in excess of current employee/employer contributions.

## SECTION II. EMPLOYEE ASSOCIATIONS

The organizations reported that those law enforcement employees having employee association affiliations are most often affiliated with the American Federation of Government Employees. As shown in Table I-12 on page 23 in Appendix A, the Survey I organizations reported 21 employee associations, and 10 associations were reported by the Survey II organizations.

## CHAPTER II.—FINANCIAL RESOURCES

### SUMMARY

Since World War II, Federal law enforcement activities have grown at a rapid rate. Over one-third of the 113 organizations surveyed did not exist at the beginning of 1970. Although Census Bureau reports are based on a narrow definition of what constitutes law enforcement activities, they nonetheless illustrate this growth pattern by showing that in 1946, law enforcement costs were \$70 million, but by 1976, these costs had risen to \$1.2 billion.

The survey results presented in this report are based on a much broader interpretation of what law enforcement activities include. The responses show that the 113 organizations budgeted \$4.6 billion in fiscal year 1977 for law enforcement activities, or 1 percent of the total Federal Government budget. They requested an 11-percent increase for fiscal year 1978 to \$5.1 billion, although the percent relationship to the Federal Government's total budget request was unchanged.

The 12 Survey II organizations accounted for 45 percent of the fiscal year 1977 budget of the organizations surveyed. They requested a 7-percent increase in fiscal year 1978, as compared to the 14-percent increase requested by the 101 Survey I organizations.

In fiscal year 1977, the organizations budgeted 218,000 positions for law enforcement and increased their position requests by 2 percent to 223,000 for fiscal year 1978. For both fiscal years, these organizations' position totals represented 5 percent of the Federal Government's total employment budget.

<sup>2</sup> Special Retirement Policy for Federal Law Enforcement and Firefighter Personnel Needs Reevaluation," FPFD-76-97, General Accounting Office, February 1977.

The Survey II organizations' position requests for law enforcement increased by 1 percent in fiscal year 1978, whereas Survey I requests increased by 3 percent.

In both fiscal years, the Justice and Treasury Departments led the civilian organizations in dollars budgeted and personnel employed for Federal law enforcement activities, followed by the 33 independent agencies group, and the Departments of Agriculture, Health, Education and Welfare, Housing and Urban Development and Commerce.

When the defense establishment is excluded, regulatory investigation is the largest single law enforcement activity of the Survey I organizations for which money and personnel were requested for fiscal year 1978, representing 73 percent of their resources.

Criminal investigation/enforcement is the largest single activity for Survey II organizations and accounts for 34 percent of the requested funding and 30 percent of the requested positions for this group. The FBI, regarded as the principal criminal investigative organization of the Federal Government, allocates more resources for other activities than any other Survey II organization, with as much as 47 percent in funding and 54 percent in personnel being allocated for activities not directly related to criminal investigation/enforcement activities.

The Survey II organizations provided information on the amount of funds they reprogrammed over a period of 3 fiscal years (fiscal year 1975-77). Only \$9 million, or one-half of 1 percent of the total average funding of \$1.7 billion, was reported as being diverted from its original purpose over the 3-year period.

#### FINDINGS—SECTION A. FUNDING, POSITIONS AND ACTIVITIES

The period since World War II, particularly since the early 1960's, has been a period of considerable growth for the Federal Government. Part of this growth can be attributed to the numbers and types of organizations performing various law enforcement activities.

Of the 113 organizations surveyed, 66, or 58 percent, were newly created or established by hybridization since 1946. Thirty-eight of the 66 organizations, again 58 percent, did not exist at the beginning of 1970.

Census Bureau reports provide a limited glimpse of this growth over the years. The Bureau has been using a much more narrow definition of what constitutes law enforcement activities than the broader framework used in this report. Their definition is called "Police Protection" and is confined to "preservation of law and order and traffic safety—includes highway police patrols, crime prevention activities, police communications, detention and custody of persons awaiting trial, traffic safety, vehicular inspection and the like." Nonetheless, their data show significant increases in Federal law enforcement costs.

In 1913, for example, the cost was \$3 million. By 1946 it had risen to \$70 million, and by 1960 it was \$173 million. The figure rose to \$400 million in 1970 and \$1.2 billion in 1976.

A 1975 review conducted by GAO showed that 33 departments and agencies reported \$2.6 billion in funding and 170 thousand personnel performing or directly supporting police and investigative activities. While there were exacting definitions as to which organizations were reviewed (regulatory agencies were excluded—correctional activities were included), the scope and depth of that review was sufficiently comprehensive to support the evidence of proliferation of activities in the law enforcement field and the corresponding growth in funding and personnel.

For a number of years the law enforcement portion of the total Federal Government budget was never more than one-half of 1 percent. Today, using this report's broad definition of law enforcement, it is a full 1 percent of the Federal Government's budget.

The PRP survey requested information on total funding, numbers of positions, and how these resources are allocated, based on what was budgeted for fiscal year 1977 and requested for fiscal year 1978.

The Justice and Treasury Departments are numbers one and two among civilian agencies in Federal law enforcement, both in dollars budgeted and in personnel employed, followed by the independent agencies group (33 organizations) and the Departments of Agriculture, Health, Education and Welfare, Housing and Urban Development and Commerce. Table II-1 in Appendix A, page 25, ranks the organizations according to funding and personnel totals.

Specific information on resources for the Defense Department's eight organizations is sometimes accorded separate treatment in this chapter due to its unique

military character. This separation has been made because when the Defense Department is considered with the other organizations, including the Survey II group, it ranks second in terms of funding and first in terms of personnel. This can weigh the figures in such a manner as to preclude a meaningful presentation of information about the nondefense organizations.

#### 1. Fiscal year 1977

The 113 organizations budgeted \$4.6 billion for law enforcement purposes, or 1 percent of the total Federal Government budget. They also budgeted 218,000 positions relating to law enforcement, or 5 percent of the total Federal employment in that year.

The 12 Survey II organizations budgeted \$2.07 billion (45 percent of all organizations' budgets) and 79,000 positions. The 101 Survey I organizations reported budgets of \$2.56 billion and 138 thousand positions.

Of the Survey I organizations that do not have law enforcement as a primary mission, 15 had law enforcement budgets of \$25 million or more and accounted for \$1.2 billion, or 74 percent of the total budget for non-defense Survey I organizations.

Fifteen organizations (including 11 with law enforcement budgets of \$25 million or more), reporting budgeted employment levels of over 1,000 people, had 43,000 employees, or 72 percent of the non-defense Survey I group.

#### 2. Fiscal year 1978

The organizations requested an 11 percent increase in budgeted funding in fiscal year 1978 over fiscal year 1977. They reported a total of \$5.1 billion for law enforcement activities, again 1 percent of the total Federal budget. Requested positions increased 2 percent to 223,000 and, as in fiscal year 1977, represented 5 percent of the total requested Federal employment.

The Survey II organizations requested \$2.23 billion, or 7 percent above the fiscal year 1977 level. In addition, they reported a 1-percent increase in requested positions, for a total of 80,000.

The Survey I organizations requested \$2.92 billion, or 14 percent over fiscal year 1977. These significant increases are attributable to two factors: (a) the 8 defense organizations, which plan to spend 20 percent more in fiscal year 1978 than fiscal year 1977 (from \$920 million to \$1.1 billion), and (b) 17 organizations (2 more than in fiscal year 1977, budgeted at \$25 million or more for law enforcement programs, which plan to obligate an additional 14 percent over the prior year (from \$1.2 billion to \$1.4 billion).

There was a 3-percent increase in law enforcement positions, from 138,000 to 142,000, planned by the Survey I organizations, including the eight defense organizations. When defense organizations are excluded, the positions represent a 5-percent increase.

Sixteen non-defense Survey I organizations (including 12 with \$25 million or more in law enforcement funding), each requested over 1,000 positions and propose to employ a total of 45,000 people for law enforcement and related duties, or 4 percent more than in fiscal year 1977.

These 16 organizations' requests represent 73 percent of the total positions for Survey I non-defense organizations.

Tables II-2 and II-3 on page 26 in Appendix A summarize the responses of the organizations for fiscal years 1977 and 1978, and include dollars and positions, as well as percent comparisons for the 2 years.

The following discussion of funding and personnel by type of law enforcement activity will be confined to fiscal year 1978, since the data are the most current and replicate, for the most part, the fiscal years 1977 data.

Excluding the defense establishment, which accounts for 21 percent of the funding and 36 percent of the personnel, the largest single activity for which money and personnel are requested by the organizations is regulatory investigation and enforcement; 43 percent of the funding and personnel. Criminal investigation and enforcement ranks second, with 20 percent of the funding and 18 percent of the personnel. The police and preventive patrol activity is the third largest, with 8 percent of the funding and 12 percent of the personnel.

Regulatory law enforcement represents 73 percent of the Survey I organizations' funding and personnel requests. Criminal law enforcement is the largest single activity performed by Survey II organizations, yet it only accounts for 34 percent of the requested funding and 30 percent of the requested positions for fiscal year 1978.

In further analyzing this information, it was found that of the total funds and personnel requested for Survey II organizations' criminal investigation/enforcement activities, the FBI accounts for 34 percent of the total in both funding and personnel.

The FBI is the largest organization in the Survey II group. Although it is regarded as the principal criminal investigative arm of the Federal Government, no other Federal investigative organization performs as many noninvestigative activities, nor allocates as much of its resources to these activities, as does the FBI.

For example, 47 percent of FBI funding and 54 percent of its personnel are allocated to miscellaneous activities not directly related to its criminal investigation/enforcement activities. Some examples are: the National Academy training program, the National Crime Information Center, laboratory services and the fingerprint identification program. Only 49 percent of FBI funding and 42 percent of its personnel requested for fiscal year 1978 are allocated to criminal investigation/enforcement activities. Considerably lesser amounts (5 percent of its funding and 4 percent of its personnel) are allocated to personnel/civil investigations of various kinds.

Table II-4 on page 27 in Appendix A arrays the fiscal year 1978 funding and positions of the non-defense organizations according to their various law enforcement activities, and is followed by Table II-5 on page 28, which arrays the same information for a single organization—the FBI.

#### SECTION B. REPROGRAMMING OF FUNDS

The Survey II organizations were asked if they reprogrammed or reallocated any funds as a result of shifts in priorities over a 3-year period from fiscal year 1975 through 1977. The organizations' responses concerning these funds averaged \$1.7 billion for the 3 years. Only one-half of 1 percent of the average funding was reported as diverted from originally budgeted purposes as a result of significant changes in priorities.

Table II-6 in Appendix A, page 29, lists by Survey II organization and fiscal year the total funding for each year and the amount and percent of reprogramming.

The reason the organizations gave for reprogramming varied and appeared to be unique to each organization. Table II-7 on page 30 in Appendix A cites the reasons given by each organization for the 3 fiscal years.

#### CHAPTER III.—PHYSICAL RESOURCES

##### SUMMARY

The PRP survey included questions about the facilities and equipment of all organizations, with the Survey II group being requested to provide detailed information.

The questions addressed the areas of acquisition of facilities, communications systems, criminal records and law enforcement information systems, automated data processing and statistical systems, laboratories, and equipment sharing policies.

Five Survey II organizations did not plan to acquire facilities during fiscal years 1977 and 1978, while seven are adding facilities which have a direct relationship to their missions. Most of these facilities are purchased rather than leased, and the acquisitions are generally concentrated along the U.S. border, particularly the Southwest border.

Procurement may be coordinated for the Federal Government as a whole, but Federal law enforcement facilities are not treated as a distinct system which requires interorganizational coordination of acquisitions.

The Survey II organizations' communications systems consist mainly of radio-telecommunications systems and crime information computers, and the major cost in acquiring the systems is for radio hardware. The total cost for communications systems represents approximately 1½ percent of the Survey II organizations' total budgets for fiscal year 1977.

Criminal records and law enforcement information systems are widely used by the organizations, and although many types of systems exist, only computerized systems components are now being acquired. The number of these systems is stable, with virtually no replacement acquisitions at this time. There were also no systems reported as being abolished.



The organizations indicated that they have formally stated policies corresponding to legislative guidelines for Freedom of Information and Privacy Act safeguards. The Survey II organizations also mentioned that these Acts have a negative impact on their operations and that the Acts' limitations on information sharing pose a problem for Federal law enforcement.

Automated Data Processing (ADP) systems are used by all Survey II organizations, and they reported 79 ADP and 53 statistical systems. Thirty-nine Survey I organizations also use ADP systems. The responses indicate that most organizations rely primarily on their own ADP systems for their enforcement operations, which suggests that duplicative systems are being maintained to collect, process and disseminate similar information.

Eight organizations utilize surveillance equipment which appears to meet their peak demands. The FBI is the predominant user of such equipment and accounts for two-thirds of the operational costs and almost all of the planned acquisitions. Other organizations having similar missions reported inventories of surveillance equipment that are functionally equivalent. For example, organizations with border focused enforcement responsibilities all report border-crossing detection equipment.

Laboratories are clustered geographically, with each organization maintaining laboratory facilities sufficient to meet its heaviest workload. The greatest single concentration of laboratories is located in the National Capital region, which has 11 of the 37 laboratories reported.

The Survey II organizations indicated that they are willing to share and want to share equipment, particularly expensive, sporadically used equipment. They also stated, however, that equipment sharing is difficult and can only be permitted when the enforcement efforts and security of individual organizations are not impeded.

#### FINDINGS--SECTION A. FACILITIES

Five Survey II organizations did not budget or plan acquisition of facilities during fiscal year 1977 and fiscal year 1978. The other seven organizations are acquiring facilities which appear to be for purposes corresponding closely to their individual missions. These acquisitions include detection facilities, border interdiction and control facilities, and laboratories.

Table III-1 on page 33 in Appendix A displays the organizations' budgeted or planned facility acquisitions for fiscal year 1977 and fiscal year 1978.

The organizations acquire facilities in various ways. Some purchase new facilities; others lease facilities. Some purchase facilities with the intention that they be used in perpetuity, particularly if new construction is required, e.g., border stations and detention facilities. The organizations often acquire facilities by leasing in one geographical area and by direct purchase in other areas. The Coast Guard is the only organization that purchases, rather than leases all new acquisitions.

While procurement may be coordinated for the Federal Government as a whole, Federal law enforcement facilities are not treated as a distinct system requiring interorganizational coordination of acquisitions.

#### SECTION B. EQUIPMENT

##### 1. Communications systems

The Survey II organizations were asked to describe present communications systems, as well as any acquisitions or improvements in excess of \$100,000 for communications equipment in fiscal year 1977 or fiscal year 1978. They reported radio-telecommunications systems, crime information computer systems, teletype, document facsimile transmission systems, and other types of administrative communications systems.

For purposes of discussion, these systems are categorized as radio-telecommunications systems, crime information computer systems and all other systems. Crime information computer systems refer only to criminal history record systems. Other computer systems are included in the "all other systems" category.

As measured by operational costs, the emphasis of the Survey II organizations is on radio-telecommunications systems, and only one organization did not report costs for these systems. There is sufficient variation in the costs, however, to leave the impression that the organizations require very different kinds of radio-telecommunications equipment to fulfill their law enforcement missions. The operational costs totaled \$40.9 million in fiscal year 1977, representing 65 percent of all costs for communications systems. Approximately 30 percent, or \$18.1

million, is spent to support crime information computer systems. A much lower level of costs is reported for the systems used primarily for administrative purposes.

The operational costs of the crime information computer systems indicate that DEA, FBI and the Customs Service support the bulk of these efforts for the collective law enforcement missions of the Federal Government, and in the case of the FBI, for the entire law enforcement community. The other Survey II organizations' costs are in support of programs focused mainly on the organizations' individual missions.

The total communications system costs reported by the Survey II organizations represent approximately 1½ percent of the organizations' total budgets for fiscal year 1977. Table III-2 on page 34 in Appendix A presents each organization's fiscal year 1977 operational costs for communications systems, and is followed by Table III-3 on page 35, which displays the acquisition costs of these systems for fiscal year 1977 and fiscal year 1978.

Radio-telecommunications equipment is the primary type of communications equipment acquisition reported by the Survey II organizations. Nevertheless, there is no evidence of interagency coordination in acquiring this equipment, and there is an apparent lack of coordination in using the equipment as well. This results in duplication and can be illustrated by several organizations operating very similar radio systems supporting their law enforcement efforts near the Southwest U.S. border.

Further, the Survey II organizations apparently maintain an equipment stock with sufficient reserve capacity to meet demand during periods of peak need, which means that these organizations must "warehouse" much of this equipment during normal operations.

In contrast to the extensive resources devoted to acquiring radio-telecommunications systems, there are much lower levels of expenditures for crime information computer systems and all other communications systems. Law enforcement computer acquisitions took place primarily between 1967 and 1975. As a result of the relative inactivity in acquisitions since 1975 and the planned reevaluation of department-wide computer operations, it can be expected that there will be another period of large-scale investment in crime information computer systems and other law enforcement support ADP systems in the near future.

## *2. Criminal records and law enforcement information systems*

The Survey II organizations reported maintaining or acquiring 77 criminal recordkeeping and law enforcement information systems. Thirty-one of the existing systems are manual, and 26 are computerized. Seven are a mixture of automated technology and manual record handling features. All 13 new systems acquisitions are for computerized systems—highlighting the increasing automation of law enforcement information.

Each Survey II law enforcement organization reported that it maintains a case file for its investigations. These files have long been considered the principal working tools of criminal investigators. In seven organizations, the case investigation files are completely manual. Four organizations have computerized these records. One organization has a mixed system which is comprised of manual files and a computerized reference system, permitting some automated cross-referencing of information.

The Justice Department organizations maintain 34 of the 64 existing criminal records and law enforcement information systems. Justice also accounts for 46 percent of these systems acquisitions.

Table III-4 on page 36 in Appendix A displays the number of systems for each Survey II organization.

### *(a) Systems access*

The Survey II organizations were asked to identify any external organizations having access to their own criminal records and law enforcement information systems. All reported that access to these systems is sharply limited to personnel within their own agencies or to other law enforcement agencies. The access provided to other law enforcement organizations is derived from formal agreements or is supplied on an ad hoc basis when organizations have demonstrated a legitimate law enforcement interest.

Statements concerning policies which govern access to criminal records and information systems indicate that the Privacy and Freedom of Information Acts have a negative impact on the operations of the Survey II organizations.

It would appear that the limits on information sharing through compliance with these Acts pose a problem for Federal law enforcement.

(b) *Systems acquisitions*

Seven Survey II organizations reported no major additional criminal records and law enforcement information systems acquisitions for Fiscal Year 1977 and Fiscal Year 1978. Of the other five organizations, the Customs Service is acquiring six more systems components, the Marshals Service is adding three, DEA two, the FBI and Postal Inspection Service one each. The Customs Service is the only organization that is currently undertaking a major acquisitions program. DEA reported a continuing effort to upgrade its facilities, particularly those that comprise the systems at the El Paso Intelligence Center. The Marshals Service is adding two small management information systems and will be connecting into the Bureau of Prisons' prisoner status and criminal history records.

All of the reported acquisitions are for computerized systems, suggesting a movement away from manual storage and processing to the computerization of the records needed to support law enforcement operations.

(c) *Systems abolition*

No abolition of criminal records and law enforcement information systems was reported by the Survey II organizations for Fiscal Year 1977 and Fiscal Year 1978.

3. *Automated data processing*

The organizations were asked if they rented, leased, owned or operated Automatic Data Processing (ADP) equipment or used the equipment of another Federal organization. They reported the following:

|  | Survey II organizations |    | Survey I organizations |    | Total |    |
|--|-------------------------|----|------------------------|----|-------|----|
|  | Yes                     | No | Yes                    | No | Yes   | No |
| Rent, lease, own, or operate ADP equipment.....            | 12                      | 0  | 39                     | 62 | 51    | 62 |
| Utilize ADP equipment of another Federal organization..... | 12                      | 0  | 34                     | 67 | 46    | 67 |

Fifty-one organizations, or approximately 45 percent, rent, lease, own or operate ADP equipment in direct support of their law enforcement responsibilities. Forty-six organizations, or approximately 41 percent, utilize ADP equipment of another Federal agency or department. (They may also own ADP equipment.)

All Survey II organizations rent, own, lease or operate ADP equipment (with the exception of the Marshals Service, which meets its ADP needs through use of the Justice Department's computer facilities). They also utilize ADP equipment of another Federal agency or department.

(a) *Automated data processing systems description*

The Survey II organizations reported 79 ADP and 53 statistical systems used in their law enforcement operations. Many organizations are linked with the FBI's National Crime Information Center (NCIC) network. The Customs Service and the Treasury Department organizations are linked to this network through the Treasury Enforcement Computer System (TECS).

Table III-5 on page 37 in Appendix A gives the number of ADP systems used by each organization. Most organizations rely primarily on their own ADP systems for their enforcement operations. This tendency suggests the development and maintenance of overlapping systems, separately designed and operated, to collect, process and disseminate similar information.

Table III-6 on page 38 in Appendix A depicts the annual operating expenditures of the organizations for their ADP systems. Five-sixths of the gross expenditures are for the operation of the organizations' own computers. The Secret Service reported a high level of expenditure as a consequence of its special protection mission, which was said to require the organization to maintain a number of dedicated systems distinct from the systems operated by other Survey II organizations. The organizations often supply ADP facilities at no cost to users within their same executive department.

*(b) Information sharing*

The Survey II organizations identified other organizations using their ADP systems and listed the authorities permitting them to share information. The authorities vary—from statutes and executive orders to informal agency operating procedures. The principal data suppliers are the Customs Service, FBI and DEA.

The Customs Service provides ADP services to other Treasury Department law enforcement organizations, as well as the Federal, State and local law enforcement organizations that participate in the Treasury Enforcement Computer System (TECS).

The FBI shares its NCIO services with all properly sanctioned law enforcement agencies in the United States. It also provides fingerprint identification, to any police department that requests this service, but it does not provide access to the automated identification system that is used to make the identifications.

DEA reported the most exhaustive list of information sharing, which reflects the heavy use of its intelligence networks. The output of DEA's analytical software packages is also made available to organizations demonstrating legitimate law enforcement needs. Direct access to the systems themselves is not available.

*(c) Statistical systems*

Each Survey II organization, as shown in Table III-7 on page 39 in Appendix A, operates at least one statistical system in support of its law enforcement activities.

*4. Surveillance equipment*

The Survey II organizations were asked to furnish information about their present and planned equipment costs for electronic surveillance equipment (excluding national security surveillance). Table III-8 on page 40 in Appendix A presents the annual operating costs (\$1.3 million) and the planned and budgeted costs (\$2.5 million) for surveillance equipment of these organizations for fiscal year 1977 and fiscal 1978.

The FBI is the predominant user of such equipment, accounting for two-thirds of the operational costs and almost all of the planned acquisition of this equipment in fiscal year 1978. Significant levels of operational costs were also reported by ATF, INS and DEA. The Customs Service, IRS, Secret Service and Postal Inspection Service reported low costs and BIA, National Park Service, Marshals Service and Coast Guard had no operational costs for electronic surveillance equipment.

The data indicate that there are four distinct groups of Survey II organizations, as measured by operational costs for surveillance equipment. The FBI is clearly supporting a program so much larger than any of the other Survey II organizations that it must be considered by itself. Significant use of this variety of equipment is reflected in the operational costs of the second group consisting of ATF, INS and DEA, which indicates that surveillance equipment is an integral part of their law enforcement programs. The next group of four organizations reported incidental costs for modest amounts of this kind of equipment. Finally, the remaining group is made up of four organizations that have no operational costs for such equipment. Planned acquisition costs follow the same pattern as the operating costs.

The organizations reported various kinds of equipment, including radio transmitters, aircraft transponders, induction coils (dial number recorders), vehicle tracking systems, detectors (in-ground sensors), night vision scopes and closed circuit television systems.

Organizations with similar, specialized missions reported inventories of surveillance equipment that are functionally equivalent. For example, organizations with border focused enforcement responsibilities all report border-crossing detection equipment. Most organizations reported equipment to monitor telephone calls and record conversations. Several responses asserted that surveillance equipment mortality and technological obsolescence contribute to the continuing large expenditures for this equipment.

Coordination of procurement, research and development of improved types of surveillance equipment might enhance its effectiveness and reduce the cost of its operation. Standardization might also improve the distribution of this equipment and contribute to inter-organizational cooperation among the Survey II organizations.

All surveillance equipment used by the Survey II organizations is owned by a government entity. In one instance, one organization uses U.S. Army equipment through an inter-agency agreement, and another intermittently uses equipment on loan from a State police department.

### 5. Laboratories

#### (a) Rent, lease, own or operate

Twenty-four of the organizations (50 percent of the Survey II organizations and 18 percent of the Survey I organizations) rent, lease, own or operate laboratories in support of their law enforcement responsibilities. A tabulation follows:

|   | Survey II organizations |    | Survey I organizations |    | Total <sup>1</sup> |    |
|---|-------------------------|----|------------------------|----|--------------------|----|
|   | Yes                     | No | Yes                    | No | Yes                | No |
| Rent, lease, own, or operate laboratories | 6                       | 6  | 18                     | 83 | 24                 | 89 |
| Percent                                   | 50                      | 50 | 18                     | 82 | 21                 | 79 |

<sup>1</sup> The number of laboratories operated by all organizations is not known.

#### (b) Laboratory Utilization

Laboratory utilization may be considerably under-reported, because many organizations do not use laboratories on a routine basis. Several (for example, FBI, DEA and ATF), provide laboratory services to Federal, State and local enforcement authorities—including many organizations which did not report laboratory use in the survey. Further, some organizations reporting that they do not use their laboratories for enforcement purposes, did not consider the fact that their laboratories are being used by other organizations for these purposes. For example, the Secret Service uses the Bureau of the Mint's laboratory.

#### (c) Survey II Laboratory Facilities

The Survey II organizations reported 37 forensic laboratory facilities, with the greatest concentration (11) located in the National Capital Region. No other location has more than four separate laboratories.

The FBI accounts for more than half of the total annual laboratory operating expenditures. DEA reported the next highest level of spending, followed by the Customs Service, ATF and the Postal Service.

Table III-9 on page 41 in Appendix A identifies the six organizations operating laboratory facilities and provides information on cost, use and sharing.

### SECTION C. FACILITY AND EQUIPMENT SHARING

All Survey II organizations reported that they want to share the equipment of other law enforcement organizations. Most only considered equipment that would be available from other Federal organizations, but some indicated facilities and equipment of State and local organizations as well. Many organizations listed a few pieces of large, expensive or high technology equipment, while others included detailed lists of equipment.

The organizations frequently mentioned requesting the shared use of aircraft (both fixed-wing and helicopter); boats and vehicles, especially for covert surveillance; surveillance equipment of all varieties, with an emphasis on night vision equipment; intelligence equipment; and ADP resources. The responses are displayed in Table III-10 on page 42 of Appendix A.

The Posse Comitatus Act prohibits the participation of the military in domestic law enforcement operations. Nevertheless, shared use of military equipment was mentioned directly by four organizations and indirectly by at least three others. This Act was cited by DEA as an impediment to the facility and equipment sharing that it desires. The INS, Marshals Service and Secret Service all requested the shared use of military equipment for implied operational law enforcement purposes, while other organizations requested some assistance from the military that may or may not violate the Act.

The organizations' equipment sharing needs are ad hoc and are limited to periods of peak demand. The FBI, expressing a common concern of the organizations for the security of agency operations, requested that its own personnel

be permitted to operate borrowed equipment. The current practice is for the organization sharing the equipment to provide technical support to operate it.

The Postal Inspection Service also expressed a theme present in other responses, saying that while Federal law enforcement organizations share much equipment now, a pooling of resources would provide a wider array of equipment to the organizations at reduced cost.

The list of equipment and facilities that the Survey II organizations currently share is more specific than that which they identified as possible to share without impairing their effectiveness. This information is summarized in Table III-11 on page 43 of Appendix A.

The organizations indicated a willingness to share equipment and facilities that are specific to their specialized enforcement missions. For example, INS and DEA reported providing intelligence and records system information concerning illegal immigration and drug trafficking, the FBI reported it "shares" or provides training at its Quantico Academy, and the Customs Service reported the sharing of its Treasury Enforcement Communications System (TECS). Other resources that the organizations share or are willing to share are aircraft, vehicles, surveillance equipment and intelligence and communications resources. These items are also listed as resources they would like to borrow from other organizations.

The FBI, Secret Service and National Park Service expressed a viewpoint indicated in many responses—that equipment sharing is difficult and can only be permitted when the enforcement efforts of the individual organizations are not impaired. They stated that they are willing to assist other law enforcement organizations whenever practical, but current sharing occasionally impedes their own enforcement efforts.

#### CHAPTER IV.—ORGANIZATION AND PROGRAM MANAGEMENT

##### SUMMARY

The 12 Cabinet Departments were asked to provide specific information of law enforcement policies and priorities, and their responses indicate that at least one-fourth of the Departments have no single person or unit charged with coordination and oversight of the Department's law enforcement activities; at least one-third do not have any central policy or priority setting authority to guide or direct their law enforcement activities; and three-fourths of the Departments do not use any type of formal written directive system to coordinate or manage these activities.

The responses of the Survey II organizations also reflected inconsistencies in their internal mechanisms for generating policies. In determining priorities, the responses indicated that statutory requirements are a key factor, although the organizations stressed the need to be flexible in order to respond to emergency situations.

The national priorities designated by the President include the investigation and prosecution of organized crime, white collar crime and public corruption. The survey addressed these priorities, as well as terrorism, and over half of the organizations reported applicable law enforcement programs. A significant number of Survey I organizations indicated program involvement in each of these areas, although frequently this involvement is a limited one, with enforcement responsibilities arising from regulatory or service missions. Most Survey II organizations also have programs designed to combat these types of criminal activities.

In providing information on coordination, the Survey II organizations reported coordinating activities with an average of 15 other Federal organizations. Their coordination efforts with State and local organizations are often by means of formal and informal personal contacts; formalized intelligence systems; task forces and multi-state meetings; training conferences; and structured joint operations.

Coordination can also be carried out through jurisdictional agreements, and the types of these agreements among the organizations appear to be as diverse as their various missions. Most agreements are made to fulfill a specific law enforcement need or to clarify responsibilities to avoid duplication of effort. Forty-one Survey I organizations reported over 400 existing or proposed agreements. Seventy-two percent of these agreements are with State and local organizations and 28 percent are with other Federal organizations. Nine Survey II organizations indicated a total of 49 agreements with 29 different Federal

organizations and one foreign government, Canada. Seven mentioned agreements with State and local organizations.

In providing information on Federal interaction with State and local organizations, the majority of the organizations indicated that a reduction or elimination of Federal enforcement efforts would have a significant adverse impact on law enforcement. About half of the Survey I organizations stated that existing State and local laws are not comparable to Federal laws. The Survey II organizations indicated that State and local organizations do not have the capability to enforce laws properly without strong Federal support, because they do not have the expertise and staff resources and they must operate under jurisdictional constraints not applicable to Federal organizations.

In addition to being negative about relinquishing responsibilities to the State and local levels, the Survey II organizations each believed that they are best able to enforce their own areas of jurisdiction, and only two organizations proposed a transfer of some of their responsibilities to other Federal organizations. Ten also indicated that they can best handle responsibilities presently being carried out by other Federal organizations.

It appears that there is a vast network of interlocking authorities among the organizations for their law enforcement activities, based on many instances when the same citation was reported by more than one organization. These interlocking authorities can lead to three assumptions:

- (1) that duplicative citations may indicate duplicative activities.
- (2) that there is fragmentation of efforts in cases where several organizations have cited the same authority when it appears that only one should have it.
- (3) that there is potential or actual danger that organizations with limited or concurrent authority can assume much greater authority than a citation ever intended.

Nevertheless, a repetition of citations does not necessarily mean that there are problems, and further substantive analysis of the legal aspects of Federal law enforcement efforts needs to be done to determine whether the citations sanction unnecessary duplication and fragmentation of activities or are being so construed by the organizations to produce the same effect.

The Survey II organizations' hierarchical structures and the lines of authority depicted on their organizational charts are quite varied. For example, the number and types of headquarters elements reporting to heads or deputy heads of the organizations differ considerably. Considerable variations were also noted in the terminology used for position and office titles. As a result, terminology in itself most often provides no clue to the functions, ranking or stature of elements and personnel and confuses those having to do business with them.

There were also variations in the Survey II organizations' methods to evaluate the effectiveness and efficiency of personnel and programs. All use an annual appraisal system for evaluating their employees, but the evaluative factors differ. Only five mentioned using a merit promotion and reassignment plan, which incorporates more extensive measures of performance than the annual appraisal system.

The Survey II organizations expressed concern about their inability to measure work results or accomplishments accurately, and some stated that law enforcement activities are not easily measured. Several recommended that a standard, uniform result oriented reporting system be established for the entire Federal law enforcement community to create an acceptable data base.

In reporting on crime prevention programs, most Survey II organizations indicated that these are part of their operational programs, with only three reporting special or separate programs designed to prevent violations. There appears to be a failure to distinguish between operational and crime prevention programs in some cases, as indicated by their descriptions of program activities.

All Survey II organizations are involved in either collecting or disseminating intelligence information. Ten disseminate this information in varying amounts, and it is most often provided to another organization on a "need to know" basis.

Special enforcement techniques include the use of informants, undercover operations, purchase of evidence and payment of rewards. Most Survey II organizations use these techniques and consider them vital to their law enforcement efforts. A variety of authorities for these activities were cited by the organizations, but most were implied rather than express authorities.

Six Survey II organizations reported substantial activities abroad. These foreign operations are usually for purposes of enhancing their domestic missions or to meet treaty or other international agreement obligations. Four organiza-

tions are operating programs with significant staffing levels totalling about 600 employees.

In reporting an organizational studies, about one-third of the Survey II organizations indicated that their "in-house" studies addressed the subject of border management, or related issues such as narcotics trafficking.

The problems most frequently mentioned by the organizations are a lack of resources, primarily funding and personnel; jurisdictional problems, such as overlapping responsibilities with other Federal organizations; unclear or inadequate jurisdictions; and insufficient authority to perform activities. The major needs that they identified include changes in the Federal statutes in order to improve coordination and performance; an increase in personnel and funding resources; and jurisdictional changes, particularly to provide clarification. They also mentioned various impediments inherent in the national criminal justice system, such as the lack of uniformity in sentencing and bail bond matters, duplication of services and U.S. Attorneys' reluctance to prosecute certain crimes.

Six Survey II organizations reported significant problems in carrying out the intent of the Freedom of Information Act, the Privacy and the Tax Reform Act. They stated that the impact of the first two Acts is causing a substantial drain on personnel and financial resources which could be used for law enforcement activities. Some also indicated that the Tax Reform Act's provisions eliminate an important source of investigative information.

#### FINDINGS—SECTION A. DEPARTMENTAL POLICIES AND PRIORITIES

The twelve Cabinet Officers were asked to (1) identify the Department level official directly responsible for managing each Department's law enforcement organizations; (2) describe the method used to formulate policies and priorities for their law enforcement organizations; (3) describe how each Department coordinates or manages inter-departmental and inter-governmental law enforcement activities; and (4) make suggestions about how law enforcement policies and priorities could be more effectively set and coordinated within the Federal Government and between Federal and State jurisdictions.

The responses indicated that one-fourth of the Departments have no single official coordinating their law enforcement activities; one-third have no central policy or priority setting authority to provide direction for their law enforcement activities; and three-fourths of the Departments do not use any type of formal written directive system to coordinate or manage these activities (although three maintain an informal, non-written system of central coordination of their Departmental units).

The Departments' suggestions for more effective coordination of law enforcement policies and priorities within the Federal Government are summarized below:

Eight Departments recommend that a coordination strategy be developed to encompass all Federal Departments maintaining law enforcement agencies.

Three Departments recommended that the present level of coordination among Federal law enforcement agencies be improved.

Three Departments recommended that one central oversight mechanism be established to coordinate all Federal law enforcement activities.

Two Departments stated that while one Federal Department to determine policies for all Federal law enforcement agencies was, in theory, the best method, they had reservations as to its practicality.

Two Departments recognized the need for prosecution priorities being set by the Department of Justice and promulgated government-wide.

Two Departments identified the need for an early and clear definition of Federal law enforcement issues and priorities.

Some of the recommendations for more effective coordination between Federal and State jurisdictions are summarized as follows:

Three Departments recommended that Federal law enforcement agencies increase support of State and local agencies to increase their levels of performance.

Two Departments recommended that consideration be given to transferring some areas of existing Federal law enforcement functions to the State and local level.

One Department recommended the Federal law enforcement personnel be used more extensively to enforce Federal laws on Federal lands and



that the contracting of State and local law enforcement personnel be phased out.

Other recommendations addressed specific issues and included:

Establishing a National Training Center or expanding the present Federal Law Enforcement Training Center to meet the sophisticated training needs of Federal law enforcement personnel, especially in the areas of white collar and organized crime.

Reorienting the Federal law enforcement agency performance reviews away from arrest statistics.

Suggesting that the Justice Department improve the time period in rendering prosecution opinions requested by other Federal agencies.

Suggesting that the FBI be directed by the Attorney General to handle passport and visa fraud investigations, with consultation being mandated between FBI and the State Department.

#### SECTION B. INTERNAL ORGANIZATIONAL POLICIES AND PRIORITIES

The Survey II organizations were asked to describe the internal mechanisms or procedures they use to formulate organizationwide policies and priorities.

##### 1. Internal policies

There was no uniformity in the responses concerning internal mechanisms for policy formulation. There were some procedural similarities, however, in that organizational policy is usually formulated at their national headquarters on the basis of a recognized need and then coordinated with the field offices before becoming effective. The need for a policy can be generated from external, as well as internal sources.

DEA is an exception, however, since policies are not formulated at its headquarters. Major national drug policies come from the White House through the Office of Drug Abuse Policy (ODAP), and DEA then formulates operational policies to carry out ODAP's national policies.

The FBI, DEA and the Postal Inspection Service specified coordinating law enforcement policy-making efforts with the Department of Justice, and the Customs Service coordinates policy with the Department of the Treasury.

##### 2. Internal priorities

Most Survey II organizations indicated that statutory requirements are a key factor in determining priorities. The Postal Service, Secret Service, National Park Service and ATF reported that their priorities are determined by the potential threat of danger to the public or to property. Although the organizations' procedures for setting priorities were not consistent, they all expressed a need to maintain flexibility in priority setting so that they can respond to emergencies.

#### SECTION C. NATIONAL PRIORITY LAW ENFORCEMENT PROGRAMS

The President has designated the national priorities for law enforcement to be the investigation and prosecution of organized crime, white collar crime, public corruption and narcotics trafficking. The PRP survey addressed the first three priorities, as well as terrorism, but did not specifically include narcotics trafficking, which was recently studied by the Office of Drug Abuse Policy.

Over half of the organizations reported law enforcement programs directed against either organized crime, white collar crime, public corruption or terrorism. A significant number of Survey I organizations indicated program involvement in each of these areas, although frequently their involvement is a limited one, with enforcement responsibilities arising from regulatory or service missions.

##### 1. Organized Crime

Twenty-two Survey I organizations reported programs directed against organized crime. Nine Survey II organizations also indicated such programs and noted emphasis on targeting high-level organized crime leaders. All have different missions, yet all confront organized crime and have mounted programs and activities to deal with it.

Four Survey I organizations provide support indirectly by providing funds and other types of assistance to combat organized crime. Direct participation or cooperation with the Federal Organized Crime Strike Force was mentioned by five Survey I organizations. Nine Survey II organizations also participate in the

Strike Force program, with eight participating directly by supplying criminal investigative staff, and one providing special security service. These organizations reported significant staff in 13 Strike Force cities, with 99 investigators being assigned on a full-time, part-time or liaison basis.

The Secret Service, ATF, DEA and Customs Service noted that their supervisory headquarters officials participate in the National Organized Crime Planning Council as Strike Force representatives.

## 2. *White Collar Crime/Public Corruption*

Sixty-seven organizations are involved in programs directed against white collar crime, and 38 of these organizations have programs specifically relating to public corruption. Four are only involved in combating public corruption.

Seven Survey II organizations indicated substantial programs directed against white collar crime. Although their remedies for the problem differ, their programs are generally directed against public corruption; fraud and larceny against the Government, business and individuals; and regulatory, tax and revenue violations of a criminal nature.

Most programs of the Survey I organizations are aimed at administrative, civil and criminal remedies for white collar crime violations. Two different enforcement approaches are used: either full-scale criminal investigations leading to prosecution, or preliminary investigations followed by referral to other law enforcement organizations with criminal investigative jurisdictions.

## 3. *Terrorism*

Thirty-five organizations, including 11 Survey II organizations, have antiterrorism programs, and their activities include protection, reaction, investigation, training and intelligence.

### SECTION D. COORDINATION

The Survey II organizations were asked to describe their coordination procedures with other Federal, State and local law enforcement organizations to carry out their law enforcement policies and activities.

#### 1. *Coordination Among Federal Organizations*

The responses indicated that each organization coordinates activities with an average of 15 other Federal organizations. These activities involve almost all law enforcement related functions—from dignitary protection through personal security investigations to criminal and civil investigations. The mechanisms for coordination include personal contact, intelligence reports, written correspondence, direct liaison and the use of law enforcement teletype systems.

#### 2. *Federal Coordination with State and Local Law Enforcement Organizations*

The Survey II organizations mentioned various State and local organizations that assist them in various law enforcement activities. The methods of coordination include formal and informal personal contacts; formalized intelligence systems; task forces and multi-state meetings; training conferences; and structured joint operations.

#### 3. *Jurisdictional Agreements Among Federal/State/Local Organizations*

Forty-one Survey I organizations identified more than 400 existing or proposed agreements with other organizations. Approximately 72 percent of these agreements are with State and local agencies, and 23 percent are with other Federal organizations. Fourteen Survey I organizations accounted for 89 percent of the agreements reported, and the number of agreements ranged from 5 to 104 per organization.

The high number of Federal agreements with State and local organizations result from multiple agreements which are designed to cover the same problem or activity. For example, one organization has separate agreements to reimburse each State and local agency providing law enforcement services within the National Forest System.

Nine Survey II organizations reported a total of 49 agreements with 29 different Federal organizations and one foreign government, Canada. Seven mentioned agreements or understandings with State and local organizations.

The agreements of the Survey I and II organizations cover a wide range of matters which are as diverse as the organizations' missions. In many instances, the agreements are made to ensure that a law enforcement function or service is provided where the need exists or to outline specific law enforcement responsibilities to avoid duplication of effort.

## SECTION E. FEDERAL/STATE/LOCAL RESPONSIBILITIES

The organizations were asked to provide information on certain aspects of Federal, State and local interrelationships in conducting law enforcement programs, as well as interaction among Federal organizations and areas which may need an increase in the Federal role.

### 1. *Impact of Reduction or Elimination of Federal Law Enforcement Activities*

The organizations generally predicted that uneven or weaker enforcement standards would result if Federal law enforcement activities were to be reduced or eliminated. They stated that a reduction or elimination of Federal efforts would not be feasible for one or more of the following reasons: limited State and local capabilities; geographical and legal limitations; increased financial costs; local political problems; and local priorities that may differ with Federal priorities.

A sample of the responses illustrates some of the Federal organizations' common concerns:

Any reduction in Federal enforcement and activity would cause a strain on local resources and would also create serious problems in the already overcrowded state court systems.

States would be unable, because of jurisdictional boundaries, to provide comparable relocation protection or comparable logistic support to that now provided by the [Federal organization].

\* \* \* some of the major police agencies would be able to handle some of the strictly local violations but would be hampered by their lack of knowledge of criminal groups operating on a national scale.

The diversity of laws and police procedures from city to city and State to State would be a major source of difficulty \* \* \*. Jurisdictional limitations would hinder the local police \* \* \*. The nature and scope of protective activities have no national or international boundaries as do local and State agencies.

In order to maintain present levels of compliance with tax laws, State and local law enforcement organizations would almost certainly have to increase their staffs in order to upgrade their enforcement operations. This could result in significant increases in the cost of these operations.

Past track records are indicative of the fact that States, even where they have jurisdiction, are reluctant to provide adequate law enforcement services. The cause has frequently been associated with discrimination and the lack of tax base on the part of local government.

Due to the limitations and available resources/manpower, the enforcement of ordinances on Federal lands will take a back seat to local enforcement activities.

Although the tone of the organizations' comments was more emphatic about the consequences of eliminating Federal law enforcement than reducing it, they expressed similar reservations under either circumstance as to the ability of State and local jurisdictions to enforce comparable laws.

Almost all Survey II organizations were against transferring responsibility to State and local agencies, and they indicated that there are no areas of Federal law enforcement which could be as effectively handled by State and local law enforcement units.

### 2. *Federal Assistance to State/Local Agencies*

Most Federal assistance offered to State and local law enforcement agencies consists of training assistance, acquiring and disseminating information, technical research services, and providing a "Federal presence" to assure standardization of enforcement at an acceptable level of competence.

Training is the primary type of assistance provided to State and local law enforcement organizations and is furnished by a variety of means. For example, the FBI reported that 11,402 officers have attended their eleven-week National Academy program for State and local police.

Various kinds of information are disseminated to State and local law enforcement organizations, including intelligence and general law enforcement information, technical information, specific case data and research findings.

Both formal and informal systems are used for information acquisition and dissemination programs. Most Federal organizations view information sharing and training programs for State and local officials to be of sufficient importance that they provide these services without being reimbursed. The high cost of in-

telligence and information systems has apparently encouraged several organizations to establish formal coordinative mechanisms and programs which are utilized by some State and local law enforcement officers.

Approximately one-third of the organizations stated that the presence of Federal enforcement agencies is important to maintain and standardize adequate law enforcement at the State and local level.

The organizations indicated a relatively low level of activity in the area of technical service or sharing research findings, although the Survey II organizations reported providing this assistance when they help State and local officials with criminal cases. The organizations also reported furnishing expert witness testimony upon request to State and local agencies.

### 3. *Interaction Among Federal Organizations*

The Survey II organizations were asked which of the Federal laws they enforce could be more effectively enforced by another Federal organization. Nine recommended no changes in the present enforcement procedures, and three proposed the transfer of certain areas of responsibility from their organizations to other Federal organizations. When the Survey II organizations were asked which Federal laws enforced by other Federal organizations could be more effectively enforced by their own organizations, 10 responded that they could better handle certain responsibilities of other Federal organizations.

Duplication of efforts and qualifications were two of the major reasons cited by the organizations for transfer of responsibility. Another reason was that one organization may be enforcing a particular Federal law that might be more appropriately enforced by another organization having direct responsibility for the activities relating to that law.

### 4. *Increase in the Federal Role*

The Survey II organizations indicated that an increased Federal law enforcement role is needed in the following areas: White collar crime, public corruption and organized crime (reported by 7 organizations); drug programs (reported by 3 organizations); crime prevention programs (reported by 6 organizations).

## SECTION F. AUTHORITY FOR LAW ENFORCEMENT ACTIVITIES <sup>1</sup>

The organizations were asked to cite the statutes, Executive Orders and regulations which give them authority to perform their law enforcement activities. A review of the responses revealed that some organizations either cited inappropriate authorities or did not report their authorities to perform certain activities.<sup>2</sup> Sometimes they cited the criminal law they enforced rather than their authority to do so. Nevertheless, the data, which encompassed thousands of citations, were sufficient to conduct a preliminary review. The review was limited to United States Codes, Code of Federal Regulations and Executive Orders, although some organizations cited agency regulations which may or may not have the force of law.

### 1. *Duplication and Fragmentation*

The major outcome of the review was the indication of an apparently vast network of interlocking authorities among the organizations for their law enforcement activities. This indication is based on the fact that there are numerous instances of the same citation being reported by more than one organization, and in many cases, by many organizations. There are also several organizations which stand out as having the greatest number of citations in common with other organizations.

The existence of interlocking authorities can lead to at least three assumptions: (1) that duplicative citations may indicate duplicative activities; (2) that there is a fragmentation of efforts in cases where several organizations have cited the same authority when it appears that only one should have it; and (3) that there is potential or actual danger that organizations with limited or concurrent authority can assume much greater authority than a citation ever intended.

Repetition of citations, by itself, is not a sufficient basis to accept these assumptions. For example, some organizations may cite authority for the opening

<sup>1</sup> The deadline for accumulating data for this section was April 1, 1978, to allow sufficient time to conduct a review of the many citations reported.

<sup>2</sup> Of special interest is the indication that the authority claimed by some organizations for their employees to make arrests and carry firearms appears to be questionable.

stages of an administrative or regulatory inquiry and refer the case to an investigative agency citing the same, but more specific authority when the facts indicate that a criminal violation has been committed.

Nevertheless, the findings of the review point to the need for further substantive analysis of the legal aspects of Federal law enforcement efforts and whether the citations sanction unnecessary duplication and fragmentation of activities or are being so construed by the organizations to produce the same effect.

During the review process, the citations were arrayed along with the number of times that they were reported by different organizations. The data disclosed 294 instances when more than one organization listed the same section of the U.S. Code as their authority. There were 24 instances when two or more organizations reported the same Code of Federal Regulations and 9 instances when they cited the same Executive Order. The organizations having the most U.S. Codes in common with other organizations are the FBI (146 duplications), the Customs Service (143 duplications) and the Postal Service (104 duplications).

Table IV-1 on page 44 in Appendix A provides further details on the citations reported by two or more organizations and indicates whether each organization's authority appears to be express, implied or questionable.

A statute which designates more than one department or agency as having a certain law enforcement authority can create a situation where fragmentation of efforts occurs. For example, Chapter 40 of Title 18 of the U.S. Code, which deals with importation, manufacture, distribution and storage of explosive materials, gives the Secretary of the Treasury express enforcement authority. In addition, the statute provides for the concurrent authority of the FBI and the Attorney General to enforce certain sections of the Code (18 U.S.C. 844 (d), (e), (f), (g), (h), (i)).

The Attorney General has the authority to coordinate all criminal law enforcement efforts, as set forth in 18 U.S. C. 533, 535, and E. O. No. 11396.

## 2. Concurrent Jurisdictions

The organizations submitted lists of other Federal organizations that have concurrent jurisdictions. The data, which revealed 1,223 instances of concurrent jurisdictions, point to a high degree of duplication, an appearance of fragmentation and a great deal of confusion about who shares what authority. The confusion became evident when a random sample of responses showed that many organizations reported concurrent jurisdiction with other organizations, but these other organizations often did not reciprocate by reporting the same concurrent jurisdiction with them.

The distribution of concurrent jurisdictions among Survey II organizations is displayed in Table IV-2 on page 47 in Appendix A.

The following table provides a numerical summary of the total responses on concurrent jurisdictions.

| Citations                        | Survey I | Survey II | Total | Organizations reporting |           |       |
|----------------------------------|----------|-----------|-------|-------------------------|-----------|-------|
|                                  |          |           |       | Survey I                | Survey II | Total |
| United States Code.....          | 465      | 471       | 936   | 54                      | 11        | 65    |
| Code of Federal Regulations..... | 118      | 123       | 241   | 26                      | 9         | 35    |
| Executive order.....             | 45       | 1         | 46    | 19                      | 1         | 20    |
| Grand total.....                 | 628      | 595       | 1,223 |                         |           |       |

## SECTION G. ORGANIZATIONAL STRUCTURE

The organizational structures reported by the Survey II organizations for their law enforcement activities include offices, units, divisions and branches in many combinations. (For purposes of discussion, these will be termed "elements".) The variations in structures also reflect differences in the organizations' span of control, with some having spans which are quite broad.

### 1. Headquarters structure

The number and types of elements reporting to organization heads or deputy heads vary considerably. In addition, similar elements reporting to the head or deputy head level in some organizations either report to lower levels or do not exist in other organizations.

There are also differences in the staff functions and where they fit in the organizational hierarchy. Four organizations reported many staff functions

which are the direct responsibility of the head or deputy. Examples of these functions include internal inspections; field management services; public information; intelligence; planning and evaluation; training; general counsel; and equal employment opportunity. Most of the other Survey II organizations reported similar headquarters functions, but these are carried out by independent offices.

The training element in two organizations reports directly to the heads or their deputies. Five organizations place the training function directly under an office of administration, while in two other organizations, training is a sub-element of a branch of an office of administration. In certain cases, equal employment opportunity and public information are also within an office of administration or management.

All organizations reported separate internal affairs offices with internal investigations and audit or inspection functions. These offices, with two exceptions, report directly to the organization head or deputy.

The organizations also have a wide variety of support elements situated at different levels of the hierarchy. Most major headquarters elements are highly structured and consist of numerous subdivisions and branches, which suggests significant staffing requirements. In every instance, however, there is only one enforcement/investigation element among numerous major support elements reported by each organization. In decentralized organizations, the enforcement/investigation elements can be considered to function as support elements, since they do not have line authority over the field offices as they do in centralized organizations.

### *2. Field organizational structure*

The number of first level field offices (Regional Offices) reported by the Survey II organizations ranges from 4 to 59 per organization. The locations of many of these field offices do not coincide geographically.

The amount of authority delegated to the field offices is an important factor in determining whether an organization is centralized or decentralized. Although the reported information was not sufficient to make definite distinctions, it appears that some organizations are centralized, others are decentralized, and still others are centralized in one program activity and decentralized in another. It is clear, however, that there is no consistency in the field management systems of control used by the Survey II organizations.

Table IV-3 on page 48 of Appendix A displays the number and level of each organization's field offices, as well as the reporting requirements of the first level field offices.

### *3. Organizational terminology*

Many different and sometimes confusing terms are used by Survey II organizations to describe essentially the same kinds of organizational elements. For example, there are three "Bureaus", one "Administration" and seven "Services". Of four organizations within one Executive Department, two are headed by "Directors", one by a "Commissioner" and one by an "Administrator". Many headquarters offices, while performing the same or similar functions, use different organizational titles.

Field offices also have different designations, including "area", "field", "regional", "district", "agency", "resident agency", "suboffice", "service center", "division" and "port of entry".

The terminology provides no clue as to the ranking of a field office within an organization, nor is it possible to relate field offices of one organization to those of another organization.

## SECTION H. ADDITION OR ELIMINATION OF PROGRAMS

Half of the Survey II organizations reported new operational programs budgeted at a total cost of more than \$2.3 million for fiscal year 1977 or planned at an estimated cost of \$19 million for fiscal year 1978. Only five did not plan to add new support programs, and the remaining seven organizations reported such programs budgeted at a total cost of \$10.8 million for fiscal year 1977 or planned at an estimated cost of \$11.9 million for fiscal year 1978.

Some programs or activities were slated to be downgraded or eliminated during the 2 fiscal years, with five organizations planning to downgrade and two to eliminate certain programs.

## SECTION I. SUPPORT SERVICES

The Survey I organizations were asked to describe law enforcement support services performed for or by other organizations, and whether these services were reimbursed. The Survey II organizations were also asked to provide such information for Federal support services only.

*1. Services performed for other organizations*

Thirty Survey I organizations reported performing support services for other organizations, most of which are investigative support services, reported by 26 organizations, followed by technical services, which are performed by 21 organizations. Eighteen organizations provide protective or security services, and eight listed administrative services. Twenty-four organizations also provide support services for non-law enforcement organizations.

*2. Services provided by other organizations*

Fifty-five Survey I organizations reported that they receive some support services from other organizations. Investigative support services are received by 42 organizations; 22 use protective/security services; 31 are provided with technical support and eight receive administrative support. Another significant area of support is the performance of background investigations. Thirty reported making partial reimbursements for these services, and 18 reported that they made no reimbursements.

*3. Services performed for other federal organizations*

The Survey II organizations most often cited investigative support services as being provided to other Federal organizations, and DEA and ATF are the leading suppliers of this service.

*4. Services performed by other federal organizations*

Seventy-eight different support services are received by the Survey II organizations, of which 56 are reportedly based on statutory authority. Technical services was mentioned most often. Investigative services was second, with the FBI and INS providing more of this assistance than all the other organizations combined. The third was police services, with the Marshals Service providing most of this support, while DEA, Customs Services, Secret Service and ATF reported receiving most of these services. Training was less frequently cited and is received by three organizations.

## SECTION J. CONTRACT SERVICES

All the organizations were asked to describe contract services they use, and the Survey II organizations were also asked to provide specific information on the nature and extent of non-government contracts and why such contracts are necessary.

*1. All contract services*

The following list summarizes the types of contract services reported by 49 organizations:

*Police.*—Physical protection, security, guard or patrol functions (24 organizations)

*Support activities.*—Support for law enforcement activities; e.g., laboratory, intelligence, training, budget, personnel, ADP, clerical, equipment, repairs, rentals (24 organizations)

*Investigation.*—Civil, employment and personnel security, internal affairs probes, regulatory or compliance inspection functions (16 organizations)

*Law enforcement.*—Criminal investigations and enforcement of Federal laws (1 organization)

The National Marine Fisheries Service is the only Survey I organization to contract for law enforcement services. It has agreements with five separate State law enforcement agencies.

Although 19 responses specified the number of employee positions and/or funding involved in contract services, the only consistent information provided was for police functions, which came to a total of 8,883 positions and \$53 million in funding.

## 2. Non-Government contract services

Six Survey II organizations listed 34 services performed by non-government contractors, including guard services, specialized laboratory testing, development and testing of new enforcement technology, computer equipment and software, and medical examinations.

Of the three using non-government contractors for guard services, one organization occasionally uses off-duty State and local law enforcement personnel to maintain custody of prisoners when personnel shortages occur. They also hire non-government personnel for the safekeeping of vessels seized in admiralty cases when the organization's own employees are not available. Statutory authority was cited in both instances.

### SECTION K. MEASURES OF EFFECTIVENESS AND INTEGRITY

The Survey II organizations described their methods to measure performance effectiveness of officers, supervisors and executives, as well as program accomplishments. They also discussed monitoring programs to review the integrity of their personnel and activities.

#### 1. Personnel assessments

All Survey II organizations reported using an annual appraisal system as the primary means for evaluation of officers and supervisors. This system requires supervisory personnel to evaluate their subordinates by means of an agency form which lists evaluative factors, but both the forms and the factors differ among the organization. Some of the more frequently mentioned evaluative factors are: ability to plan ahead, initiative, motivation, working relationships, ability to set and complete priorities, job knowledge, judgment, job attitude, ability to learn, resourcefulness and integrity.

Some organizations evaluate performance by using a 5 point scale, while others use categories such as "unsatisfactory", "satisfactory" and "outstanding".

The evaluation process for executives and supervisors is quite similar to that for the line personnel; with additional consideration given to supervisory responsibilities, such as workload management and leadership.

Only five Survey II organizations mentioned using a merit promotions and reassignment plan. This plan requires annual evaluations and measures performance based on factors similar to those mentioned above, but it also incorporates experience, education, training and supervisory appraisals.

#### 2. Program assessments

The Survey II organizations indicated concern about their inability to measure work results or accomplishments accurately, noting that it is particularly difficult to make comparisons among Federal law enforcement organizations. Several recommended the development and implementation of a standard, uniform result reporting system for the entire Federal law enforcement community in order to establish an acceptable data base.

Present methods of measuring effectiveness were considered to have limitations. Several organizations suggested that part of the problem is that law enforcement activities are not easily measured. The organizations frequently have to determine what activities are or are not measurable and develop individual formulas suitable to their own needs.

A summary of the organizations' program assessment procedures follows:

##### (a) Statistical data

These data are presented in reports to reflect accomplishments of various investigative activities, such as arrests, search and seizure, reported thefts, investigations--opened/closed, referrals, cases successfully prosecuted, assistance to other law enforcement bodies, conviction rate, clearance rate and offenses reported.

All organizations stated that they compiled these statistics in various ways. None, however, explained how they measure effectiveness based on the data. Three reported using the statistics as a "comparison" device, as well as for workload projections.

##### (b) Management by objectives program

This program involves the evaluation and control of high priority activities by establishing objectives, monitoring and tracing performance and evaluating results. Four organizations reported using this approach.



*(c) Productivity measurement system*

This system involves measuring input (resources) and output (units of work completed) data for major work activities, as well as analyzing significant changes in work results. Three organizations use this system. Although little information was provided, these organizations did point out that the activities included in the system are confined to those they determined to be measurable; thus suggesting that a number of other significant activities are not measurable within the system.

*(d) Operations reviews*

These involve periodic reviews of all law enforcement activities and are generally performed by independent internal security or audit units. Four reported using this system.

**3. Integrity Monitoring Programs**

All Survey II organizations indicated programs to monitor activities and personnel, and their responses are categorized as follows:

*(a) Internal investigations*

Formally established internal investigative units receive and investigate all allegations of employee misconduct. The units also monitor law enforcement and investigative activities, as well as perform internal audits. All organizations reported using this system, and they assign an average number of 29 employees to carry out the program.

*(b) Field inspections and reviews*

Inspectors conduct interviews with field employees and discuss problems, complaints, suggestions and matters of job integrity.

*(c) Unannounced inspections*

A series of random, unannounced audits of headquarters and field facilities are conducted. One organization uses this monitoring method and indicated that personnel assigned to the Internal Investigations program are also responsible for carrying out the inspections.

*(d) General management reviews*

A series of on-site reviews of the operations of district offices, headquarters divisions and regional (field) headquarters offices are conducted. Three organizations use this technique and, with two exceptions, they reported that employees responsible for internal investigations are also assigned to perform General Management Reviews.

**SECTION I. SPECIAL PROGRAMS****1. Crime prevention programs**

The Survey II organizations were asked to describe programs and activities designed to deter or prevent violations within their jurisdictions.

Most indicated that prevention of violations is a part of their operational programs. They reported emphasizing extensive training and public information programs aimed at crime deterrence or prevention aid offered to the law enforcement community and the general public. These programs, however, are not organizationally separate from ongoing operations. Only three organizations specifically mentioned special programs or separate units designed to prevent violations.

The responses indicated a failure to distinguish between operational and crime prevention programs in certain instances. For example, some activities cited as crime prevention programs, such as internal inspection, monitoring investigations, conducting field visits, screening candidates prior to acceptance and issuance of employee codes of conduct, appear to be part of the organizations' routine operations.

**2. Research programs**

In describing major research projects, nine Survey II organizations identified 60 current projects conducted either by internal staff or through contracting programs, or both. Thirty-seven (61.7 percent) of the projects appear to be technological, and 6 projects are involved in forensic and life sciences research. Few organizations reported conducting in-depth policy analyses, social-behavioral research or systematic evaluation research. Most responses expressed the need for continued law enforcement research and development.

## SECTION M. LAW ENFORCEMENT INTELLIGENCE PROGRAMS

The Survey II organizations were requested to describe formalized law enforcement intelligence collection and dissemination programs (excluding national security intelligence). Seven noted they have "formal" programs, while five considered their programs to be informal.

Substantial dissemination of intelligence information was reported by DEA, FBI, Customs Service and the Postal Service. Only DEA and Secret Service appear to have staff specifically allocated to special units charged solely with developing intelligence data. Other organizations either (1) leave this activity to individual agents in the field; (2) include it as an additional function of an existing unit; or (3) integrate and decentralize it through various divisions by specialty.

The reported basis for dissemination of intelligence information is listed in descending order of frequency as follows:

"Need-to-know" basis—to other Federal organizations.

"Need-to-know" basis—to an approved criminal justice system organization.

Regular dissemination to certain organizations with shared responsibilities and purposes (e.g., between FBI and ATF).

In listing the purpose for maintaining a formal or informal intelligence capability, all organizations cited the proper implementation of their investigative jurisdictions. Several reported that intelligence information is necessary to support purposes that cross jurisdictional lines and involve coordination among several organizations, such as narcotics interdiction.

## SECTION N. FOREIGN OPERATIONS

The Survey II organizations provided information on their personnel, programs and activities operating outside the United States.

## 1. Personnel

The Customs Service, DEA, FBI and INS reported operating programs with significant staff (totaling about 600 employees) outside the United States. The foreign operations of the Secret Service are very limited, and there is only one foreign duty station.

## 2. Activities

Six organizations reported activities in foreign countries in the following program areas:

|   |  |
|---|--|
| Drug Enforcement Administration         | International operations.  |
| Federal Bureau of Investigation         | Legal Attaché.   |
| Immigration and Naturalization Service. | Overseas operations.   |
| Customs Service                         | International operations program (foreign advisors).<br>Preclearance stations in foreign ports.<br>Customs foreign offices (investigations).<br>U.S. Customs military advisors stationed overseas. |
| Internal Revenue Service                | Liaison.   |
| Secret Service                          | Protection program.<br>Forgery enforcement program.<br>Counterfeit enforcement program.<br>Other criminal and noncriminal enforcement programs.  |

The organizations indicated that the purpose of these programs are to enhance effectiveness of the organizations' prime (i.e. domestic) missions and/or to meet obligations incurred by the United States in treaties or other international agreements.

The organizations provided information on agreements with foreign governments as follows:

*Drug Enforcement Administration.*—cited six international protocols, 33 bilateral treaties and 22 other international agreements concerning the suppression or control of narcotics and dangerous drugs. These agreements commit the U.S. Government to action or provide support in suppressing illicit international drug traffic.

*Customs Service.*—cited agreements with three governments to provide training and advisors through their International Operations Program. Agreements

have been made with three nations to establish preclearance Customs Stations in those countries. There are agreements with four governments to provide mutual assistance in Customs investigations. The Customs Service's military inspection program staff is stationed overseas under agreement with the Department of Defense.

*Internal Revenue Service.*—reported no independent agreement with any foreign government, but stated that it relies on various tax treaties to obtain investigative information.

The FBI, INS and the Secret Service did not cite any foreign agreements, but reported that they rely on the State Department when any contact is necessary with foreign governments.

#### SECTION C. SPECIAL LAW ENFORCEMENT TECHNIQUES

##### 1. Undercover operations

In response to the question on "formalized" programs of undercover operations only two Survey II organizations—the National Park Service (Park Police) and the Marshals Service—responded that they did not have such programs although the Park Police qualified its response by indicating some use of covert investigative techniques.

In conducting undercover programs, the organizations cited "implied" or "inherent" authority based on the jurisdictional areas and laws assigned to their organizations. The Marshals Service, IRS, Coast Guard, Customs Service and Secret Service cited specific sections in the U.S. Code. These sections, however, do not refer to undercover operations. They either grant the organizations general arrest powers, authorize their employees to carry firearms, or outline their general law enforcement jurisdictions. The Postal Service and FBI did not cite authorities for such operations, although the FBI noted the presence of Department of Justice advisory opinions and case law upholding the legal nature of undercover techniques used to fulfill legitimate investigative objectives.

##### 2. Purchase of evidence

Seven Survey II organizations stated that they regularly purchase evidence as a significant aspect of their investigative programs. These organizations are DEA, FBI, IRS, ATF, Customs Service, Secret Service and Postal Inspection Service. The remaining five organizations indicated little or no use of this technique.

The organizations which regularly purchase evidence have major enforcement programs under their jurisdictions dealing with a "commodity" (e.g., drugs, stolen property, counterfeit issuances). The FBI, Postal Inspection Service, ATF and Customs Service noted specific limits on the authority of field offices.

The responses indicated that the purchase of evidence often takes place during the course of an operation involving undercover agents and/or informants. Sample or enticement "buys" are made to establish the undercover operative's credibility and to allow for the identification of additional principals in a conspiracy. Arrest and seizure of the bulk of the contraband or stolen goods is then made after a subsequent larger buy has been consummated.

The organizations purchasing evidence referred to very few specific laws granting authority. They either reported that their broad jurisdictional statutes imply authority, or they cited intra-organizational memoranda, opinions or orders.

##### 3. Use of informants

All Survey II organizations use informants, and six (the Customs Service, DEA, FBI, ATF, Postal Inspection Service and Secret Service), indicated that they have formal informant programs and use paid sources on a regular basis. Five other organizations cited the occasional use of paid sources or informants, and BIA stated that it uses non-paid informants only.

Informants are employed extensively in DEA's domestic and foreign investigative activities. According to DEA, identification of drug traffickers, development of intelligence concerning activities of these traffickers and penetrator of trafficking organizations is accomplished primarily through the use of informants. The FBI stated that it also considers the use of informants to be an invaluable aid in fulfilling its investigative responsibilities, and mentioned that the success of its criminal investigations has been, to a great extent, attributable to informants.

Eight organizations cited implied authority for using informants based on statutory jurisdiction or judicial precedent (DEA, FBI, INS, Customs Service,

Marshals Service, Coast Guard, Secret Service and Postal Inspection Service). No authority was cited by BIA, National Park Service, ATF and IRS.

#### *4. Payment of rewards*

Nine Survey II organizations reported either a formal reward program or significant involvement in paying rewards to sources (including official as well as citizen informants). BIA indicated that it has no program to pay rewards. The National Park Service and Marshals Service noted that very limited rewards payments were made in selective situations. The FBI reported that it has no reward program as such for citizen sources, although it also reported that informants are reimbursed "on a cash on delivery basis for services and expenses." ATF uses contractual agreements to pay rewards to informants.

Seven organizations set forth dollar limit policies for rewards ranging from \$15 for a deserter (Coast Guard) to \$50,000 for a major tax recovery or Customs recovery (IRS) and Customs Service).

Specific authority granted by statute or organizational directive was cited by the National Park Service, DEA, Marshals Service, Coast Guard, IRS, Customs Service and the Postal Inspection Service. The Marshals Service, DEA and the Postal Inspection Service cited "implied" authority, while the others cited sections of the U.S. Code which give "express" authority to pay rewards to informants.

### SECTION P. FIREARMS POLICIES

While the firearms policies of the Survey II organizations differ, there appears to be a common thread which indicates that a firearm may be discharged only as a last resort when there is a danger of loss of life or serious bodily harm. There is an inconsistency in policies such as those concerning firing a handgun in public, firing at a moving vehicle or firing at a fleeing person.

### SECTION Q. INTEREST GROUPS AND PUBLIC INFORMATION

#### *1. Interest groups*

Most of the organizations identified trade, consumer and professional organizations as being interested in their law enforcement efforts. Many groups reported by the Survey II organizations were interested in their primary mission activities. For example, BIA cited Indian rights organizations; DEA cited medical and pharmaceutical groups and National Park Service listed recreation groups. The news media and labor unions were also cited in most responses. Six Survey II organizations also reported involvement with fraternal/professional organizations, such as the International Association of Chiefs of Police, Association of Federal Investigators and the National Sheriffs Association.

The Survey I organizations also cited groups which have an interest in their missions. For example, the Environmental Protection Agency reported 28 environmental groups; the Occupational Safety and Health Administration reported numerous business and labor groups; and agricultural organizations reported hundreds of producer/processor/retailer organizations and associations.

#### *2. Informing the public*

Although four Survey II organizations reported maintaining contact with other law enforcement organizations, and several indicated addressing various law enforcement conventions, there was no mention of a formal coordination of efforts among these organizations to inform the public. The responses also did not indicate any commonality of themes among the public information programs, nor did there appear to be a concerted effort to inform the public about law enforcement operations.

The public information efforts of the Survey II organizations include media contacts, such as news releases, press conferences and radio and television appearances; making publications and brochures available to the general public, speeches and testimony; responses to public inquiries; educational exhibits; seminars and conferences; and public tours of agency headquarters.

### 3. *Soliciting ideas and suggestions*

Media contact, public appearances and correspondence were the techniques most frequently mentioned by the Survey II organizations to solicit ideas and suggestions from the public. In addition, two organizations reported employee suggestion programs; two indicated permanent committees designed to solicit suggestions and criticisms; and two reported meeting with special interest groups on a regular basis. The Customs Service reported that a Consumer Affairs Branch was set up to address public grievances, among other activities. One organization, IRS, indicated that it has no formal program in this area.

## SECTION R. ORGANIZATIONAL STUDIES AND REPORTS

### 1. *Internal studies*

Although most Survey I organizations did not report information on internal studies, some provided the titles of their significant internal studies related to law enforcement efforts which they conducted or funded during the past 5 years. A list of these titles appears in Section 2 of Appendix A.

About one-third of the Survey II organizations' internal studies addressed the subject of border management, or related issues such as narcotics trafficking. Appendix A, Section 2 includes a list of all reported studies, and in many cases provides summary information of the studies, principal recommendations, any resulting changes in policy or operations, and follow-up evaluations.

### 2. *External studies*

The Survey II organizations provided information on significant studies which have been conducted by the GAO and non-appropriations Congressional committees, as well as by private individuals or institutions. These studies are listed in Appendix A, Section 2, along with information (when it was provided) on principal recommendations, changes in policy or operations and follow-up evaluations. Only four organizations reported studies conducted by the private sector.

### 3. *Agency reorganizations*

The Survey II organizations reported a variety of reorganizations. Some were major in scope, but many were minor or technical.

The Postal Service reported a reorganization in 1957 when they merged the Internal Audit function with the Inspection Service for purposes of centralizing all investigative and audit functions, thereby strengthening internal controls. In 1971, the Postal Service was reorganized to decentralize many functions.

ATF reported numerous reorganizations. In 1976, a Treasury-approved reorganization eliminated the regional criminal enforcement structure and created a straight line management system—with ATF headquarters staff having direct line authority over Special Agents-in-Charge, thus eliminating a dual supervision of the district offices.

The IRS was reorganized along functional lines—operations, administration, technical, planning and inspection—as a result of the President's Reorganization Plan No. 1 of 1952. Administrator positions, under the supervision of regional commissioners, were established to provide integrated supervision of all decentralized field activities.

The Customs Service reported numerous reorganizations, mostly resulting from the assignment of additional duties and responsibilities. In 1973, the Customs Service was involved in the President's Reorganization Plan No. 2, which transferred Customs' drug investigation and foreign drug intelligence functions to the newly created DEA. The Plan also called for the transfer to Customs of all functions and resources related to performance of inspections at ports of entry—a transfer which was never implemented. Following the transfer of drug enforcement functions, Customs consolidated all remaining operational enforcement efforts under the Office of Operations. All functions were re-examined, resulting in a different organizational structure with unity of com-

mand at all levels. The purpose of the reorganization was to enhance the organization's responsiveness.

DEA reported several reorganizations of the drug enforcement function prior to its creation in 1973, which resulted from President's Reorganization Plan No. 2. Earlier reorganization combined the Federal Bureau of Narcotics and the Bureau of Drug Abuse Control to create the Bureau of Narcotics and Dangerous Drugs, which subsequently was reconstituted as DEA, with the transfer of functions from the Customs Service and other organizations. There have been other internal reorganizations of DEA to promote organizational stability by correcting diverse staffing patterns.

The Secret Service reported a major reorganization after the assassination of President Kennedy. A study was conducted for purposes of developing a Secret Service planning document, and the Treasury Department conducted a subsequent study entitled "Evaluation of the Organization and Management of the United States Secret Service." Following the Warren Commission recommendations, several top executive positions were eliminated, and a Director and Deputy Director were put in charge of line operations.

The National Park Service, Coast Guard, Marshals Service and INS reported relatively minor reorganizations, and the FBI did not report any reorganizations.

#### SECTION S. STATED PROBLEMS AND NEEDS

##### 1. Problems

Seventy-three organizations reported specific problems that they confront when conducting their law enforcement activities. The most frequently mentioned problem is insufficient resources, cited by 37 organizations. Twenty specifically mentioned inadequate funding and/or personnel resources.

Jurisdictional problems were cited by 27 organizations. Nineteen referred to overlapping responsibilities with other Federal agencies; 16 were concerned about unclear jurisdictions; and 12 mentioned inadequate jurisdictions. Authority is a problem for 25 organizations, with nine reporting that their authority is insufficient.

Other problems mentioned by at least seven organizations are: low grade structure, complying with the Privacy and Freedom of Information Acts, training, and inadequacies in the prosecution and judicial areas.

The following list indicates some common areas of concern. The number in the parentheses indicates the number of times the organizations mentioned a specific problem.

|  |      |
|--|------|
| Resources—37 organizations:  |      |
| a. Funding and/or personnel (not specified)-----   | (20) |
| b. Other resource problems, including heavy workloads, inability to fill key positions in a timely fashion, inadequate detention facilities, Freedom of Information/Privacy Act demands----- | (15) |
| c. Insufficient data processing equipment-----   | (2)  |
| Jurisdiction—27 organizations:   |      |
| a. Overlapping responsibilities with other Federal agencies-----   | (19) |
| b. Unclear jurisdiction-----   | (16) |
| c. Inadequate jurisdiction-----  | (12) |
| Authority—25 organizations:  |      |
| a. Insufficient authority-----   | (9)  |
| b. Lack of subpoena power-----   | (6)  |
| c. Lack of arrest power-----   | (6)  |
| d. Lack of authority to carry firearms-----  | (3)  |
| e. Lack of authority to impose civil penalties and/or represent the agency in Federal Court-----   | (3)  |
| f. Unclear authority-----  | (2)  |
| Grade structure—12 organizations:  |      |
| Low grade structure cited as problem in recruiting and retaining qualified personnel-----  | (12) |

|   |     |
|---|-----|
| Privacy Act problems—10 organizations :   |     |
| a. Difficulty in obtaining information from other organizations.....  | (9) |
| b. Personnel workload problems.....   | (9) |
| c. Delays in enforcing actions.....   | (9) |
| d. Lack of cooperation by citizenry.....  | (9) |
| e. Delays in investigations caused by suspects using the Privacy Act.....   | (1) |
| f. Differences in interpretation of Privacy Act by Federal organizations.....   | (1) |
| Freedom of Information Act problems—9 organizations :   |     |
| a. Difficulty in obtaining information from other organizations.....  | (9) |
| b. Personnel workload problems.....   | (6) |
| c. Delays in enforcing actions.....   | (4) |
| d. Lack of cooperation by citizenry.....  | (3) |
| Training—8 organizations :  |     |
| a. Inadequate opportunities.....  | (6) |
| b. Lack of unified facilities.....  | (1) |
| c. Inadequately trained personnel.....  | (1) |
| Prosecution—7 organizations :   |     |
| a. Dissatisfaction with U.S. attorneys.....   | (4) |
| b. Delays in cases referred to Justice Department for decisions on prosecution.....   | (3) |
| Judicial—7 organizations :  |     |
| a. Inadequate penalties.....  | (3) |
| b. Faulty judicial decisions.....   | (3) |
| c. Delays in proceedings.....   | (1) |
| Legislation—6 organizations :   |     |
| a. Lack of legislation.....   | (2) |
| b. Delay in revision of E.O. 10450 (pertaining to Personnel Security Investigations).....   | (2) |
| c. Lack of adequate criminal sanctions.....   | (1) |
| d. Ambiguous regulatory statutes.....   | (1) |
| e. Inadequate forfeiture statute.....   | (1) |
| Tax Reform Act of 1976—3 organizations :  |     |
| a. Restricts access to Federal income tax returns and return information.....   | (3) |
| b. Requires notice and the right to stay compliance and intervene when an administrative summons is issued to a third-party record-keeper, thus affording the subject of an investigation an opportunity to thwart a criminal tax case..... | (3) |
| Posse Comitatus Act—2 organizations :   |     |
| According to two organizations, this Act denies military support to law enforcement organizations.  |     |

## 2. Needs

In describing needs which, if satisfied, would improve effectiveness and efficiency, 42 organizations most frequently pointed to the need for changes in the Federal statutes relating to their law enforcement responsibilities. Thirty-nine cited resources, with 32 naming personnel and 28 naming funding as areas of need. Jurisdictional changes were mentioned by 14 organizations, 8 of which indicated a need for clarification of jurisdiction.

Seventy-five organizations reported needs in the following areas. The number in parentheses indicates the number of times the organizations mentioned a specific need.

Changes in Federal legislation—42 organizations :

    Creating or amending statutes for which their agency has law enforcement responsibilities.

Resources—39 organizations :

|   |      |
|---|------|
| a. Personnel.....                         | (32) |
| b. Funding.....                           | (28) |
| c. Additional or upgraded equipment.....  | (16) |
| d. Additional or improved facilities..... | (2)  |

|  |     |
|--|-----|
| Jurisdictional changes—14 organizations :      |     |
| a. Clarification of jurisdiction.....          | (8) |
| b. Increased law enforcement jurisdiction..... | (5) |
| c. Additional jurisdiction.....                | (2) |

Reform of Privacy Act and Freedom of Information Act—seven organizations.  
 Higher salaries—six organizations.  
 Additional training of personnel—five organizations.  
 Consolidation of Federal law enforcement functions—two organizations.

### 3. Mission impediments

The Survey II organizations, in reporting on problems within the national criminal justice system which are impeding their missions, most frequently mentioned a lack of uniformity among judicial districts in sentencing/bail bond matters (six organizations), duplication of services (six organizations), and the reluctance of U.S. Attorneys to prosecute certain crimes (five organizations).

### 4. Mission enhancements

When describing the components of the national criminal justice system which enhance their missions, the Survey II organizations most frequently mentioned the National Crime Information Center (seven organizations), Law Enforcement Assistance Administration funding (five organizations), and the benefits under the Federal Magistrates Act of 1968 (four organizations).

A list of other mission enhancements cited by more than one organization follows:

Use of the Federal Law Enforcement Training Center—three organizations.

The benefits of the Witness Protection Program—three organizations.

Greater use of the Grand Jury system—three organizations.

The benefits of the amendments to the Federal Rules of Criminal Procedure—three organizations.

FBI National Academy in-service training assistance—two organizations.

## SECTION T. IMPACT OF CERTAIN STATUTES ON PROGRAMS

Six organizations indicated significant problems in carrying out the intent of the Freedom of Information Act, the Privacy Act and the Tax Reform Act. These organizations are the FBI, DEA, Secret Service, Customs Service, ATF and INS.

### 1. Freedom of Information Act

The six organizations indicated that the Freedom of Information Act is having a significant adverse impact on their operations. The IRS also indicated that the Act has had some adverse impact on its investigative operations.

The most frequently cited negative effects of the Act are the draining of personnel and financial resources away from other activities; a decline of information flow; and a decrease in cooperation among individual, institutional and Government sources.

The FBI reported that the Act was creating a tremendous burden on its financial and personnel resources. A new Headquarters Branch was established to process requests, and it was necessary to assign 372 employees full-time to administer this Act and the Privacy Act. The annual salaries and essential equipment costs came to approximately \$6.3 million. Of even greater concern to the FBI is the effect these statutes have on cooperation. They reported that the reduction of information from sources has occurred because confidentiality can no longer be guaranteed.

DEA noted three effects: a decline of the information flow from particular sources, a reluctance of informants to cooperate, and actions of foreign, Federal, State and local law enforcement authorities to withhold information for fear of disclosure.

The Customs Service expressed concern about a drain on its resources by Freedom of Information Act requests; the possibility of intentional or accidental disclosure; and a decrease in informants and other sources of information.



## 2. Privacy Act

The six organizations reported similar adverse effects from the Privacy Act, with the IRS indicating a limited negative impact on its investigative programs.

The FBI stated that very serious problems arise from the Act. The collection of information is adversely affected for two reasons: (1) many other organizations are confused as to what information the statute permits them to release, and consequently have imposed cumbersome procedures that make the exchange of vital information difficult; and (2) individuals become reluctant to cooperate with the interviewing agents when they are advised of their rights under the Act to refuse to provide information. Implementation of the Privacy Act has also resulted in a mass of procedures and instructions, many of which are difficult to follow or implement because of their complexity.

The Secret Service stated that the procedures developed to meet the Privacy Act reporting requirements result in a significant increase in paperwork. The documentation of contacts and exchange of information creates a heavy burden on the time and energy of Secret Service agents. Problems also have arisen because certain records are exempted from disclosure under the Privacy Act but are not so protected under the Freedom of Information Act.

ATF indicated a considerable expenditure of time, effort and resources to comply with the law.

The Customs Service stated that many sources of information are "drying up" as a result of the Privacy Act. For example, in the past the personnel background investigations conducted by other agencies were readily available to Customs but are now no longer available. As a result, much duplication of investigative work is occurring. Computers are being heavily tapped to comply with the Privacy Act, resulting in a loss of computer usage for general investigative purposes.

DEA stated that the Privacy Act negatively affects resources and exchange of information. They estimated costs of complying with the Privacy Act and Freedom of Information Act to be \$800,000 per year, and they stated that information is becoming more difficult to obtain from informants, other enforcement agencies and the private sector.

The Defense Department provides an example of a Survey I organization experiencing adverse effects of the Act. This Department conducts more personnel security investigations than any other Government agency and reported that it is confronted with a growing problem in obtaining criminal records information from State and local law enforcement agencies.

## 3. Tax Reform Act

The six Survey II organizations also have problems with the Tax Reform Act. They reported that the provisions of the law eliminates an important source of investigative information.

IRS indicated that the disclosure provisions of the Tax Reform Act should not have any direct adverse impact with respect to criminal tax investigations. Their experience to date with summons provisions of the Act indicates a potential long-term adverse impact on the Service's criminal prosecutions, principally resulting from delays caused by summons enforcement actions.

### SECTION U. PROPOSED OR PENDING LEGISLATION

The responses 109 organizations indicated a total of 714 proposed or pending bills in various stages of development, of which 685 would increase and only two would decrease their responsibility. Twenty-seven bills would transfer responsibility. The Survey II responses accounted for 320 of the 714 bills.

Over 80 percent of the proposed or pending legislation was mentioned by six organizations: the Department of Labor's Occupational Safety and Health Administration, the Postal Inspection Service, the Customs Service, the FBI, the Food and Drug Administration, and the Federal Trade Commission.

Thirteen of the organizations reported pending bills (H.R. 2191, H.R. 8588 and H.R. 2788) which would create an Inspector General's Office in each of the organizations.

## ATTACHMENT 1

## PRESIDENT'S REORGANIZATION PROJECT

James T. McIntyre, Jr., Director, Office of Management and Budget  
Harrison Wellford, Executive Associate Director

## PROJECT STAFF

F. T. Davis, Jr., Director, General Government Division  
Lloyd A. Bastian, Director, Law Enforcement Study

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| Edward Guss           | John F. Shaw            |
| Eldridge M. Hamm      | Terence J. Shea         |
| Michael L. Hanigan    | Peter B. Silvain        |
| Joe Harkins           | Francis Storey          |
| Gene R. Haislip       | Raymond Tallia          |
| John T. Herrimann     | Guy E. Van Riswick      |
| Dee Ann S. Horstman   | Richard J. Watkins, Jr. |
| Charles I. Huddleston | Karen B. Wilkins        |
| Lloyd Hurst           | Thomas E. Williams      |
| Donald B. Iverson     | Jack D. Wood            |
| Roger D. Johnson      | Thomas M. Yasueda       |
| Arthur G. Kaplan      | Robert F. Zarger        |

## ATTACHMENT 2

LIST OF ORGANIZATIONS<sup>1</sup>

## SURVEY I ORGANIZATIONS

*Department of Agriculture*

Agricultural Marketing Service  
 Agricultural Stabilization and Conservation Service  
 Animal and Plant Health Inspection Service  
 Federal Crop Insurance Corporation  
 Federal Grain Inspection Service  
 Food and Nutrition Service  
 Food Safety and Quality Service  
 Foreign Agricultural Service  
 Forest Service  
 Office of Equal Opportunity  
 Office of Inspector General  
 Office of Personnel  
 Packers and Stockyards Administration

*Department of Commerce*

Economic Development Administration  
 Industry and Trade Administration  
 Maritime Administration  
 National Bureau of Standards  
 National Marine Fisheries Service  
 Office of Investigations and Security

*Department of Defense*

Air Force  
 Army  
 Defense Intelligence Agency  
 Defense Investigative Service  
 Defense Logistics Agency  
 Defense Mapping Agency  
 Marine Corps  
 Navy

*Department of Energy<sup>2</sup>*

Energy and Research Development Administration  
 Federal Energy Administration  
 Federal Energy Regulatory Commission

*Department of Health, Education, and Welfare*

Alcohol, Drug Abuse and Mental Health Administration  
 Center for Disease Control  
 Food and Drug Administration  
 Health Care Financing Administration  
 Health Services Administration  
 National Institutes of Health  
 Office of Inspector General  
 Social Security Administration

*Department of Housing and Urban Development*

Office of Fair Housing and Equal Opportunity  
 Office of Inspector General  
 Office of Neighborhoods, Voluntary Associations and Consumer Protection

<sup>1</sup> List of surveyed organizations current as of May 1978.

<sup>2</sup> Agency internal reorganization not completed at time of this report.

*Department of Interior*

Bureau of Land Management  
 Bureau of Mines  
 Bureau of Reclamation  
 Fish and Wildlife Service  
 Geological Survey

*Department of Justice*

Executive Office for U.S. Attorneys  
 Law Enforcement Assistance Administration

*Department of Labor<sup>a</sup>*

Directorate of Audit and Investigations  
 Employment and Training Administration  
 Employment Standards Administration  
 Labor Management Services Administration  
 Mine Safety and Health Administration  
 Occupational Safety and Health Administration  
 Special Investigations Staff

*Department of State*

Agency for International Development  
 International Boundary and Water Commission  
 Office of Security

*Department of Transportation*

Federal Aviation Administration  
 Federal Highway Administration  
 Federal Railroad Administration  
 National Highway Traffic Safety Administration  
 Office of Investigations and Security  
 St. Lawrence Seaway Development Corporation

*Department of the Treasury*

Bureau of Engraving and Printing  
 Bureau of the Mint  
 Federal Law Enforcement Training Center

*Independent agencies*

ACTION  
 Arms Control and Disarmament Agency  
 Canal Zone Government  
 Civil Aeronautics Board  
 Civil Service Commission  
 Commodity Futures Trading Commission  
 Community Services Administration  
 Consumer Product Safety Commission  
 Environmental Protection Agency  
 Farm Credit Administration  
 Federal Communications Commission  
 Federal Deposit Insurance Corporation  
 Federal Election Commission  
 Federal Home Loan Bank Board  
 Federal Maritime Commission  
 Federal Reserve Board  
 Federal Trade Commission  
 General Services Administration—Federal Protective Service  
 General Services Administration—Office of Investigations  
 International Communication Agency  
 International Trade Commission  
 Interstate Commerce Commission  
 National Aeronautics and Space Administration  
 National Credit Union Administration

<sup>a</sup> Proposed Office of Special Investigation will incorporate investigative and audit functions currently handled by the Office of Investigation and Compliance in the Employment and Training Administration, Employment Standards Administration, Division of Audit and Investigation in the Office of the Assistant Secretary for Administration.

National Gallery of Art  
 National Labor Relations Board  
 Nuclear Regulatory Commission  
 Small Business Administration  
 Smithsonian Institution  
 Tennessee Valley Authority  
 Veterans Administration

*Non-Executive Branch*<sup>4</sup>

Capitol Police  
 Government Printing Office

SURVEY II ORGANIZATIONS

*Department of the Interior*

Bureau of Indian Affairs  
 National Park Service

*Department of Justice*

Drug Enforcement Administration  
 Federal Bureau of Investigation  
 Immigration and Naturalization Service  
 Marshals Service

*Department of Transportation*

Coast Guard

*Department of the Treasury*

Bureau of Alcohol, Tobacco and Firearms  
 Customs Service  
 Internal Revenue Service  
 Secret Service

*Independent agency*

Postal Service

ATTACHMENT 3

PROBLEMS AND FINDINGS

I. COORDINATION

*Problem area.*—The present Federal law enforcement "system" is a loose, uncoordinated grouping of agencies that perform law enforcement, police and investigative activities. These agencies are located in every Department and Branch of the Federal Government. The lack of coordination and absence of policy direction cause wasted efforts and reduced effectiveness, without any discernible civil liberties benefit.

Findings which relate to this problem area :

1. There is no mechanism to: (a) establish policies; (b) set priorities; (c) plan strategy; (d) establish clear lines of authority and jurisdiction for Federal organizations with law enforcement responsibilities; (e) resolve jurisdictional disputes when they occur; (f) implement policies and strategies for national priority law enforcement programs; (g) evaluate how Federal law enforcement programs impact on State/local law enforcement agencies; (h) develop a government-wide system for measuring performance of Federal law enforcement programs or personnel.

2. The similarity of criminal investigative activities conducted by many different Federal organizations results in duplication of effort, including unproductive use of personnel and financial resources.

3. There are new law enforcement programs being planned by Federal organizations which are duplicative and result from the absence of a coordinative mechanism at the Federal level.

4. There is considerable fragmentation at the Federal level in combating organized crime, white collar crime, public corruption and terrorism.

<sup>4</sup>Library of Congress and Supreme Court not included.

5. There is a large number of Federal organizations performing protective services for Federal facilities and property, with minimal coordination and an apparently significant duplication of efforts.

6. Some Executive Departments have no single official or central unit responsible for coordinating each Department's law enforcement activities.

7. Most Executive Departments have no formal written directives or policy system by which to manage their law enforcement activities.

## II. THE FEDERAL ROLE IN LAW ENFORCEMENT

*Problem area.*—The Federal role in law enforcement vis-a-vis State and local roles has never been well-defined. As a result, much Federal effort is spent in areas which duplicate traditional State and local jurisdiction, with resulting waste of both Federal and other governmental resources.

Findings which relate to this problem area :

1. There are substantial jurisdictional overlaps among Federal/State/local law enforcement activities.

2. There are numerous enforcement agreements between Federal organizations and State and local agencies, but little data exist to determine the cost-effectiveness or to measure the quality of services provided.

3. Federal law enforcement organizations have not encouraged State and local agencies to assume more responsibilities in areas where there is presently concurrent jurisdiction with the Federal Government.

4. There are no uniform standards for training or other support services provided by Federal organizations to State/local law enforcement agencies.

## III. LAW ENFORCEMENT SUPPORT

*Problem area.*—There is much duplication in providing support services for Federal law enforcement organizations, including radio communication, facilities, equipment, laboratories and personnel training. This leads to unnecessary cost and effort.

Findings which relate to this problem area :

1. No effective effort has been made by the Federal Government to consolidate law enforcement support services, although consolidation could probably result in sizable cost savings, and there is no consistent reimbursement practice among organizations for providing or receiving support services.

2. There are no uniform standards for using either Government or non-Government contract services, and the aggregate costs, personnel figures, quality criteria or other management control data for such services are not known.

3. Even though law enforcement is not the main mission of Survey I organizations, a substantial number of them are providing investigative and protective/security support services to other agencies.

4. There is a large number of independent law enforcement training facilities with little or no coordination among the agencies administering these facilities, and no existing minimum training standards.

5. No control mechanism exists at the Federal level to assure that there are relevant, uniform or minimum standards for determining and maintaining suitability of law enforcement personnel; uniform application of selection standards; government-wide career development programs; or fair and equitable basic compensation levels, overtime pay and special retirement benefits. This problem is further compounded by the existence of approximately 20 different personnel systems.

6. It appears that major law enforcement organizations do not adequately share their existing facilities and equipment, coordinate their acquisitions of facilities and equipment, or coordinate telecommunication systems research and development efforts with other appropriate Federal organizations.

7. The use of Federal law enforcement radio communications systems and laboratory facilities is duplicative and overlapping.

8. Although it appears there is a surplus of computer capacity available to Federal organizations with law enforcement activities, many of these organizations listed the need for additional computer facilities and, under prevailing circumstances, a significant investment for additional systems is expected in the next several years without any interagency coordination.

9. Organizational policies and procedures related to the Freedom of Information and Privacy Acts are based on individual agency implementation practices and hinder effective information sharing and cooperation among Federal law enforcement organizations.

10. The shared responsibility for the enforcement and investigation of explosives and firearms laws between two organizations results in significant jurisdictional problems, including overlap and duplication of functions and conflict of objectives.

#### IV. BORDER MANAGEMENT

*Problem area.*—There is little accountability for management of the U.S. borders, as demonstrated by the duplication of efforts in inspections at ports of entry and patrol between ports of entry.

Findings which relate to this problem area :

1. Both the Customs Service (Treasury) and the Immigration and Naturalization Service (Justice) patrol the land borders and conduct inspections at the ports of entry. This duplication of effort and the lack of coordination between the two agencies hamper effective border management.

2. These two agencies use different radio frequencies, making communication between patrol forces difficult, and use entirely separate systems for identifying violators at the ports of entry, which is a wasteful and ineffective practice.

3. The division and fragmentation of border responsibilities between Customs and INS make it difficult to target Federal resources to meet crises and special needs.

4. Many persons outside the country seeking entry into the U.S. must submit to separate screenings for a determination of their admissability—one by the Consul (State) for a visa, and one by the Immigration and Naturalization Service for admission at the border. This lack of coordination and unclear division of responsibility create waste and inconvenience, because the same information is collected several times, and the determination of the agencies are at times in conflict.

5. No Federal agency has both the responsibility and the resources to protect the Nation's air borders.

