

**CRIME IN FEDERAL RECREATION AREAS**

MFI

HEARING  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON  
GOVERNMENT OPERATIONS  
HOUSE OF REPRESENTATIVES  
NINETY-FIFTH CONGRESS  
SECOND SESSION

FEBRUARY 9, 1978

For use of the Committee on Government Operations

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ACQUISITIONS

## CRIME IN FEDERAL RECREATION AREAS

THURSDAY, FEBRUARY 9, 1978

HOUSE OF REPRESENTATIVES,  
ENVIRONMENT, ENERGY,  
AND NATURAL RESOURCES SUBCOMMITTEE  
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 2203, Rayburn House Office Building, Hon. Leo J. Ryan (chairman of the subcommittee) presiding.

Present: Representatives Leo J. Ryan, Thomas N. Kindness, Arlan Stangeland, and John E. (Jack) Cunningham

Also present: Norman G. Cornish, staff director; David A. Schuenke, counsel; Ronald J. Tipton, assistant for environment; Helen Drusine, assistant for energy; Dan Cook, chief investigator; and Eileen Theim, chief clerk.

Mr. RYAN. The subcommittee will come to order.

Today we begin hearings on the problem of crime on national recreation lands—national parks, national forests, wildlife refuges, and water recreation sites—we all as American citizens use and enjoy.

In a way, it is very sad that we have to be here today to discuss this kind of matter. There is not anybody in this country who does not like to believe in certain truths, I suppose, whether it is Santa Claus or the fact that when one goes into the national parks crime, if there is any, is of the Yogi Bear variety in the cartoons rather than anything that is real. It is supposed to be a place where people can go with safety and knowing they will achieve a kind of peace of mind and have a chance to see the natural beauty that God made available in such abundance in this country.

Today the problem of criminal activity poses a real threat to visitors to recreational areas, according to a recent General Accounting Office report. The GAO found that 85 percent of the law enforcement employees they surveyed at Federal recreation areas said that crime was a serious problem.

The Federal Government owns and/or manages more than one-third of the country's 2.2 billion acres of land. In 1976 more than 1 billion visits were made by the public to Federal recreation areas managed by six Federal agencies.

The American people have the right to expect a pleasant, relaxing experience and they have a right to expect to be reasonably safe from crime against themselves and their personal property when they visit the parks that they and all other American citizens and taxpayers have bought, paid for, and are managed with tax dollars.

The family that visits Federal recreation lands for a weekend camping trip or a Sunday outing does so in part because they believe they

are getting away from the problems that are part of daily life in urban areas, including crime. Today, unfortunately, they are wrong.

A number of reports prepared by the Federal Government, including the Corps of Engineers, the Interior Department, and so on, indicate there is great support for the findings of the General Accounting Office regarding crime in Federal recreation areas. The exact amount of criminal activity that occurs in Federal recreation areas is difficult to determine because of the scarcity of crime statistics available. All signs indicate, however, that the problem is getting worse.

It is clear that the Federal Government is not adequately prepared to deal with crime on its lands. We are told that some Corps of Engineer lakes have crime in excess of that experienced in major urban areas, but corps law enforcement personnel are not authorized to carry weapons.

At places like the Grand Canyon, or in any national forest, visitors must rely on State and local law enforcement protection, since only State criminal law is applicable in some cases. In other words, vacationers depend on the local sheriff, who may be hours away and is probably not that interested in investigating crimes on Federal lands.

It is not the purpose of this hearing to unduly alarm the public, and I am not suggesting we return to a vigilante system or that any extraordinary measures be taken. I am simply interested in finding out what actions the Federal Government needs to take to better protect citizens who use our Federal lands for recreational purposes.

Our first witness today is Comptroller General Elmer Staats. He is particularly welcome. I would like to commend him not only for the GAO report he will discuss today, but for all the fine work his agency has done at the subcommittee's request since I became chairman. I am sure his testimony will be excellent, and I am pleased that he is taking a personal interest in this extremely important subject.

Welcome to this hearing, General Staats. We await your comments.

I might point out to the audience that after the Comptroller General there will be a panel of Federal field law enforcement officials. They have been invited to give a statement and then to discuss on an informal basis with members of the subcommittee the whole question of crime on Federal lands.

General Staats, you may proceed.

**STATEMENT OF ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES; ACCOMPANIED BY DANIEL STANTON, ASSOCIATE DIRECTOR OF THE GENERAL GOVERNMENT DIVISION; THOMAS JURKIEWICZ, SUPERVISORY AUDITOR; AND KENNETH MEAD, OFFICE OF THE GENERAL COUNSEL**

Mr. STAATS. Thank you very much, Mr. Chairman.

We are pleased to be here and we appreciate your remarks.

You have requested that we discuss today a report of the General Accounting Office of June 21, 1977, dealing with crime in Federal recreation areas. Our purpose in this review was to assess the current level of visitor protection at frequently visited Federal recreation

areas and to study the means available for providing adequate visitor protection.

The Federal Government owns millions of acres of land which people use for recreational activities. As the public's use of these lands has gone up, so also has the incidence of crimes occurring upon them. We do not mean to be alarmist; the crime rate on these lands is still far below the rate in our Nation's cities. But the problem is a serious one and more can and should be done to protect the persons and properties of visitors to these areas. The responsible agencies are not doing all that can be done for sundry reasons, some within the power of the agencies to correct, others stemming from legal issues beyond their control.

First let me give a little background on the administration of land used for national recreation areas. The Federal Government owns and administers about one-third of the Nation's 2.2 billion acres of land. Most of it is administered by the Bureau of Land Management and the Forest Service. Other agencies involved include the Fish and Wildlife Service, the National Park Service, the Army Corps of Engineers, and the Tennessee Valley Authority. Although the primary mission of these six agencies is managing natural resources, the lands they oversee also have as one of their objectives recreational opportunities.

Each year more and more people are taking advantage of the recreational areas. In 1976 they made over 1 billion visits. That would be equivalent to about five times the total population in the United States. Most visitors go to have a relaxing experience, and do. Others, however, become victims of crimes—robbery, assault, and even murder are not unusual. With the number of visitors continually increasing, the Federal agencies administering these areas have a difficult situation to contend with. The growing incidence of crime has unfortunately exposed inadequacies in visitor protection. Our report titled "Crime in Federal Recreation Areas—A Serious Problem Needing Congressional and Agency Action" describes these inadequacies.

In studying this problem, we visited 24 of the Nation's most frequently visited recreation areas. We observed how visitor protection services were being provided and talked with law enforcement personnel and other agency officials about their law enforcement programs. In addition, we sent a questionnaire to 1,637 employees at 174 areas identified by the agencies as being actively involved in law enforcement activities. The 174 areas surveyed by questionnaire, along with the 24 areas visited, accounted for 50 percent of all visits to Federal recreation areas in 1975. The evidence we collected shows that crime is a serious problem at highly visited recreation areas.

We found three major obstacles to good visitor protection: (a) Limited statutory authority, (b) lack of applicable Federal criminal statutes, and (c) weaknesses in the management and operation of law enforcement programs.

In responding to our questionnaire, agency recreation area employees painted a grim picture. About 85 percent of these officials said crime was a serious problem in their areas. Many cited as frequent problems larceny, burglary, assault, vandalism, illicit possession of weapons, drug and alcohol abuse, and destruction of natural and historical resources.



Of the six agencies reviewed, only the National Park Service accumulated nationwide statistics for criminal activity occurring on its lands. In 1975 about 5,000 serious offenses were reported to Park Service headquarters. Serious offenses include murder, rape, robbery, assault, auto theft, burglary, and larceny. The Park Service also collects data on other types of offenses, such as fraud, narcotics violations, drunkenness, and vandalism. In 1975 over 24,000 of these other types of offenses were reported to Park Service headquarters.

Since the other agencies did not compile nationwide statistics on serious criminal activity, we learned about criminal activity through our questionnaire and visits to their recreation areas. Here are examples of the types of criminal activity which had occurred on the recreation lands of one agency: Murder and mutilation, illicit drugs dropped by aircraft for pickup, paramilitary activities, and property destruction. This information came from incident reports and discussions with Bureau of Land Management personnel in California.

In addition, the agency reported 24 homicides, 18 drug overdoses, 7 deaths from unknown causes, and 9 suicides in the California desert alone during 1974. At Pisgah National Forest in North Carolina, most law enforcement incidents involved disturbances and larcenies. However, incidents of homicide and assault have also occurred.

Two legal issues made it difficult for Federal agencies which administer recreation areas to provide adequate visitor protection. The first involved limited statutory authority; the second dealt with applicability of Federal criminal statutes.

The crime problem becomes all the more serious when limited statutory authority makes prevention and punishment complicated. A primary legal issue, then, entails the question of agency personnel's authority to enforce the law. Because of increasing crime, all agencies have expanded their resource protection programs to include visitor protection. However, this effort was handicapped by a network of limited and differing statutory authorizations, none of which authorized enforcement of all laws governing the conduct of visitors. As a result, at some recreation areas, agency employees provided protection, but only by overstepping their express statutory authority by carrying unauthorized firearms for law enforcement purposes; making arrests for criminal offenses not within their sphere of authority; and acting as deputy sheriffs during their working hours as Federal employees.

The employees went beyond their express enforcement authority for several reasons. Some were instructed by the agency to do so. Others believed the necessary powers could be implied from existing enforcement statutes. Finally, many felt they had to take action against a growing crime problem.

At other recreation areas, the prevailing practice was to shy away from the law enforcement needed to protect visitors. For example, one Fish and Wildlife refuge we visited, Upper Mississippi National Wildlife Refuge, had no employees involved in law enforcement and relied totally on other enforcement agencies for visitor protection services. In contrast, another agency refuge, Crab Orchard National Wildlife Refuge, had four law enforcement personnel who carried firearms and made arrests for felony and misdemeanor offenses involving misconduct against visitors and their property. Two of them had obtained deputy sheriff's commissions.

A second legal issue has to do with the applicability of Federal criminal statutes. For Federal lands of a particular jurisdictional status, the Federal criminal code does not apply. At most recreation areas crimes against visitors or their property, such as murder, rape, and robbery, are not Federal crimes and are therefore not currently subject to Federal authority.

Let me explain this in further detail. Essentially, Federal land is held in one of three jurisdictional statuses: exclusive, concurrent, or proprietary.

Areas of exclusive Federal jurisdiction are subject to the entire Federal criminal code. Generally, States can neither define nor punish for crimes committed on this land because misconduct there falls only under the Federal criminal code. Since Federal, not State, offenses are involved, Federal law enforcement officers, acting under appropriate statutory authority, may make arrests for crimes committed on this land.

Areas of concurrent jurisdiction are subject to the criminal codes of both the Federal and State governments. Enforcement officers of each, acting under appropriate statutory authority, may make arrests for offenses falling under their respective criminal codes.

Areas of proprietary jurisdiction, however, which comprise two-thirds of the Government's land, ordinarily are not subject to the Federal statutes that directly criminalize misconduct against visitors or their property. Visitors to these areas must rely on State and local officials for assistance.

According to many rangers and local law enforcement officials, local agency involvement in law enforcement has been limited, partly because of a shortage of resources and partly because of a primary responsibility to handle community law enforcement problems. Other rangers pointed out that often local agencies which could have responded to law enforcement requests were located several hours away.

There is a further complication of the jurisdictional issue. Because jurisdictions of various types are often intermingled, enforcement officers must not only be knowledgeable of the precise boundaries of each but also of how their law enforcement authority is affected. Some recreation areas, like the Blue Ridge Parkway and Colonial National Historical Park, are composed of land areas held in the three different jurisdictional statuses. Rangers we surveyed at Blue Ridge and Colonial discussed how these mixed jurisdictions can affect law enforcement services.

For example, a National Park Service ranger at Colonial commented that the present system of jurisdictions is at best ridiculous and that you almost have to be a lawyer to understand all of the legal ramifications of the various jurisdictions and their respective boundaries.

Recently, legislation relating to the enforcement powers of the National Park Service and the Bureau of Land Management was enacted. These acts expanded the authority of the two agencies to enforce Federal laws; however, they did little to insure visitors of law enforcement services because at many areas there are no Federal visitor protection laws to enforce.

In addition to the legal obstacles to law enforcement, we also found management problems in law enforcement programs. First, agencies need to improve their reporting systems; second, they must better

assess their rangers' training needs; and, finally, they need to develop uniform contracting procedures.

Accurate and timely data has not been available to monitor visitor protection programs or to allocate resources to law enforcement needs. Only the National Park Service and the Corps of Engineers had established reporting systems. The absence of this data has made it difficult for headquarters, district management, and law enforcement employees to determine: (1) the level and seriousness of crime; (2) if recreation areas were implementing headquarters guidelines; and, (3) the effectiveness of efforts to reduce criminal activity.

Because the agencies did not adequately monitor the implementation of visitor protection policies, practices varied considerably among recreation areas. For example, Yosemite National Park established a law enforcement office which issued directives to rangers and had a definitive role in managing the park and its more than 2 million visitors a year. In contrast, Lake Mead National Recreation Area, also administered by the National Park Service, had no centralized law enforcement office and rangers there relied to a great extent on their own discretion when engaging in visitor protection.

The seriousness of criminal activity which occurs at recreation areas underscores the need to train rangers to deal with a variety of law enforcement situations. No agency, however, required that employees be trained before being assigned law enforcement duties, although one, the Forest Service, had established training standards. In addition, none of the agencies maintained records at the headquarters level on the type and amount of training employees received. As a result, the amount of formal Federal law enforcement training which employees received from their agencies varied greatly—from none to over 400 hours.

Overall, about 26 percent of the employees responding to our questionnaire said that they had not received any Federal law enforcement training. Many employees who had been trained said the training had not covered such activities as arrest procedures, even though many had made arrests, or the use of firearms, even though many carried guns.

Of the National Park Service and the Forest Service rangers responding to our questionnaire, 352 or 40 percent were less-than-full-time employees, called seasonals. All agencies except the Tennessee Valley Authority relied on seasonals to provide some law enforcement services. These persons were given the same law enforcement duties and responsibilities as permanent rangers and in some cases were issued firearms.

The seasonal employees we contacted were just as likely to have made arrests as were the permanent rangers but had not been trained as much. They were more likely than permanent employees to have attended training programs, but the amount of training they received was generally less. Most seasonal employees received only 1 to 2 weeks' training each year in all aspects of their job, including law enforcement. Here is what one National Park Service ranger said about the training these seasonal employees receive:

Most seasonals only receive 40 hours of training and of that about one-half is related to law enforcement. This is grossly inadequate and puts both the ranger and park visitor in a dangerous situation.

A Forest Service ranger commented:

As a rule, during the summer the bulk of law enforcement is done by college students with 24 hours of training. This training is not sufficient to properly prepare them for the bad situations they are likely to encounter. With the meager training, sooner or later someone is going to be seriously injured or killed.

The lack of uniform contracting procedures has also hampered the effective management of law enforcement programs. Four agencies—the Forest Service, National Park Service, Bureau of Land Management, and the Corps of Engineers—are authorized to contract with State and local enforcement agencies for visitor protection services but these authorizations differ significantly. Because three of the agencies—the National Park Service, Bureau of Land Management, and Corps of Engineers—had only recently received contracting authority, they had not established any contracting guidelines at the time of our review.

The Forest Service, however, has been authorized since 1971 to enter into cooperative agreements with State and local agencies for enforcement of State laws in national forests. During fiscal year 1977, the Forest Service had 450 cooperative agreements involving about \$5.6 million with law enforcement agencies.

Although Forest Service management is pleased with the cooperative agreement program, its rangers are not as satisfied. Instead of having established contracting procedures or controls over local law enforcement agencies with which it contracts, the Forest Service has chosen to delegate to its forest supervisors full responsibility for initiating, negotiating, and monitoring all law enforcement contracts. The Forest Service rangers we contacted pointed out four main weaknesses in the cooperative program:

1. Holding local enforcement officers accountable to the terms of the cooperative agreements is difficult. In one instance a deputy sheriff informed the Forest Service in late 1975 that it had reimbursed thousands of dollars to his sheriff for services never performed and that the sheriff had instructed him to prepare false billings. The FBI, the Department of Agriculture's Office of Investigations, and the Forest Service substantiated his allegations.
2. The Forest Service did not have enough funds to adequately use local law enforcement agencies.
3. The level and quality of service provided under cooperative agreements varied as new sheriffs were elected or new police chiefs appointed.
4. The need to make contractual arrangements with more than one agency in situations where forests border several jurisdictions resulted in inconsistent levels of law enforcement within the forests.

For example, the Pisgah National Forest had been unsuccessful in securing cooperative agreements with 4 of the 12 counties bordering the forest. As a result, when crimes occurred on forest land in these four counties, the violators usually escaped because forest employees had been instructed to rely on local agencies for enforcement actions.

In conclusion, we believe that crime in Federal recreational areas is a serious enough problem to warrant both congressional and agency action. Although each of the six agencies involved in recreation area management has established visitor protection policies, more must be done to assure visitors of a consistent level of protection in similar areas.

In addition, if Federal visitor protection activities are to be uniform and if visitors are to uniformly receive adequate law enforcement services, a national policy on visitor protection is needed. The Office of Management and Budget should coordinate the development of such a policy as well as specific guidelines for Federal agencies to follow.

In our report we proposed certain improvements for protecting the visitors of our national lands. Specifically, we recommended that the Director of the Office of Management and Budget, in conjunction with the Secretaries of the Army, Agriculture, and the Interior, the Attorney General, and the General Manager of the Tennessee Valley Authority, develop and implement a program to protect visitors and their property. We stated that the Government's program should:

(1) Delineate acceptable levels of law enforcement service to be made available to visitors.

(2) Establish visitor protection guidelines and standards for all the agencies to follow. These guidelines and standards should include the philosophy, objectives, and procedures for providing visitor protection.

(3) Establish information systems so that there will be essential and reliable information available to top management on the seriousness and extent of crime at national recreation areas. Such a system could serve as the basis for a program of supervision and control over visitor protection efforts.

(4) Develop improved procedures for recruiting, training, and equipping rangers assigned law enforcement duties.

(5) Develop guidelines and procedures to be followed when contracting with State and local law enforcement agencies for law enforcement services.

Also, we recommend that the Congress enact legislation to untangle the legal and policy problems associated with law enforcement on visitor-oriented Federal lands. This legislation would insure an effective legal framework for providing law enforcement services. Draft legislation to implement these recommendations was provided in our report. I would like to go through that, if I may, when I have concluded my statement.

Neither OMB nor the Department of Justice believes the problem is severe enough to warrant implementing our recommendations. Both agencies appear to have been convinced by headquarters' officials of the land management agencies that crime is not a serious problem in recreation lands.

Had we talked to headquarters officials only, we probably would have drawn the same conclusion. We did not stop there, however, we sought out information from the people who know the problem better than anyone else—the Federal officials on the spot. The views of the people we talked to and surveyed convinced us the Government needs to act now.

After our report was issued, OMB told us that it believed agencies should be encouraged to resolve law enforcement problems on their own lands and to consult with the Justice Department when appropriate. OMB said it had asked Justice to establish a process for doing so.

We do not know whether Justice has established such a process. We believe, however, that the Justice Department, as the chief law

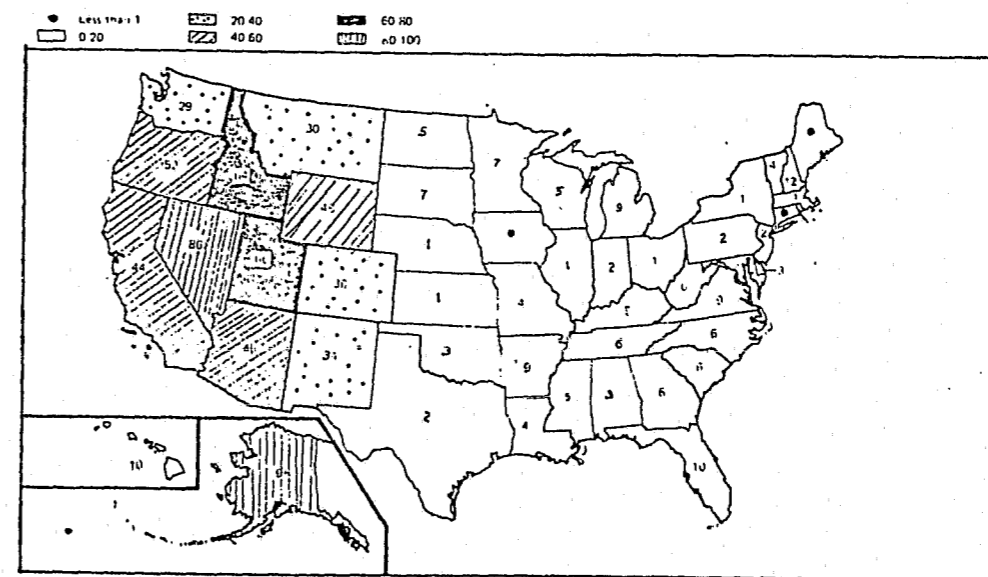
enforcement agency of the Government, should take the lead in initiating and coordinating efforts to resolve the problems discussed today.

This completes our prepared statement, Mr. Chairman.

Mr. RYAN. Thank you. The attachments to your prepared statement will be made a part of the record at this point.

[The material follows:]

#### ATTACHMENT I



#### ATTACHMENT II

##### ANNUAL VISITATION, CALENDAR YEARS 1971 THROUGH 1975

[In thousands]

Agency	1971	1972	1973	1974	1975	1976
National Park Service.....	200,543.2	211,621.1	226,492.5	217,437.6	238,849.1	267,827.0
Fish and Wildlife Service.....	18,856.0	20,249.0	20,351.0	21,107.0	(1)	(1)
Bureau of Land Management.....	91,240.0	84,566.0	95,359.0	89,847.0	79,259.0	149,941.0
Forest Service.....	175,250.2	181,053.9	181,013.4	191,261.4	198,537.2	199,928.1
Corps of Engineers.....	310,000.0	330,593.1	344,000.0	352,000.0	376,000.0	391,000.0
Tennessee Valley Authority.....	57,628.0	60,294.0	61,262.0	61,859.0	65,612.0	69,200.0

<sup>1</sup> FWS converted to fiscal year data collection in 1975. Therefore, calendar year visitation statistics were not available. Reported visitation for fiscal year 1975 was 24,121,000 and for 1976 was 27,100,000.

Mr. STAATS. Either now or later I would like very much if Mr. Mead, our attorney working on this matter for us in our office of our General Counsel, could summarize the legislation that we think is required to deal with this problem.

Mr. RYAN. We might as well do it right now except that I think those who are here ought to be aware that the House is going into session today at 11 o'clock. Very early on the agenda there will be a bill on the floor to add some additional land to the Redwood National Park in California. I have a very great interest in that from this subcommittee's study that was completed about a year ago, and a proprietary interest as a citizen of the State of California concerned about the survival of those big trees.



Therefore, we are going to move along as rapidly as we can because I expect we will be called to the floor sometime before we would normally adjourn here.

Mr. STAATS. If you would prefer to pass up the explanation of the legislation, that is quite all right.

Mr. RYAN. I think it would be a good idea to have it.

Mr. STAATS. What is involved here is included in appendix 4 of the report we have made.

Mr. RYAN. Take a few minutes, Mr. Mead, to tell us what the thrust of your proposed legislation is. We would appreciate that.

Mr. MEAD. Thank you, Mr. Chairman.

The draft legislation contained in the appendix to the report would do these basic things. First, it addresses the statutory law enforcement authority of rangers. It would give the rangers, when designated by their respective Secretaries, authority to enforce the Federal criminal code on the lands they administer.

Second, the draft legislation would apply those Federal criminal statutes that govern the conduct of visitors and protect their property to all Federal land administered by the agencies covered by our review.

Finally, it would provide a uniform statutory provision through which States could receive reimbursement from the Federal Government for providing law enforcement services in connection with enforcement of the State criminal code on Federal land.

I should also point out that the legislation contains a provision recognizing that police operations on Federal land should only be conducted incident to an express congressional authorization.

Mr. RYAN. I find it nothing less than incredible that there is almost an anarchic situation on Federal lands now where there is a very incomplete capacity of those we thought were in charge to administer the law. That is as serious a shortcoming as overcrowding or any other problem that you brought out so far, General Staats.

Mr. STAATS. The basic principle that we think should apply here is if the Federal Government with the taxpayers' funds establishes an area and opens it for recreational purposes and it carries with it a direct Federal designation—parks, forests, or whatever—and the Government operates that recreational area, it has a responsibility for seeing that there is adequate law enforcement protection.

If the Federal Government develops a recreational area and turns it over completely for a State and local government to operate, it seems to me then you have a different situation. However, if the Federal Government with the general taxpayers' funds develops an area for recreational purposes, we think it has a responsibility to see that there is adequate law enforcement protection for that area.

Mr. RYAN. Let me ask you a couple of questions with regard to your testimony.

You say there are jurisdictional problems on the Blue Ridge Parkway and in the Colonial National Historical Park. Could you give me any specific examples where the Federal Government's hands were tied or something happened where a crime occurred and they could not do what we would normally expect them to be able to do?

Mr. STAATS. Yes. If it is all right with you, I would like to ask one of my colleagues to respond. We have quite a number of examples, Mr. Chairman.

Mr. JURKIEWICZ. Instead of the Blue Ridge Parkway, I would like to give an example at a corps lake where this occurred. It was at Allatoona Lake in Georgia.

We were told that two male vacationers were spending the night at the lake's camp area. During the late evening hours they became involved in an argument with two other men who were camping next to them. One of the vacationers was knocked unconscious at the start of the fight. The other vacationer escaped and ran toward the resource manager's office. When he reached the office, he found that the door was locked. He picked up a 55-gallon drum and broke into the door.

Since it was after 5 o'clock the ranger station was closed.

He got inside the office and went to the telephone to try to call for assistance. He picked up the phone but it had been disconnected by the rangers. So the individual was left with no assistance.

By this time his assailants had caught up with him and they beat him until he, too, was unconscious. When the rangers arrived the next day, they found the camper and revived him and questioned him about what happened. He explained to the rangers. They told him to call the local sheriff because they could not help him since they had no law enforcement authority.

Mr. RYAN. This is a U.S. Forest Service ranger?

Mr. JURKIEWICZ. It was a Corps of Engineers citation officer.

Mr. RYAN. A Corps of Engineers citation officer?

Mr. JURKIEWICZ. Yes.

The real crux of the story is that when the man started to leave, the ranger stopped him and wrote him a citation for destroying Government property, that is, for breaking in the door.

Here was a case where a victim of a crime ended up receiving a citation and fine for trying to protect himself.

Mr. RYAN. I can identify with that, I guess.

Mr. STAATS. We can give you as many examples as you would like.

Mr. RYAN. For the record, it might be a good idea, General Staats, if you would, as a supplement to whatever you have there, unless you have a very voluminous report, give us some examples such as that. They can be very useful in graphically describing the specific problems that we face now.

[The material follows:]



Location: C & O Canal, Washington, D.C.

Administering Agency: National Park Service

Jurisdictional Status: Intermingled (Concurrent, Proprietary, and Exclusive)

Issue: Problems resulting with mixed status

While canoeing on the canal you will be in proprietary jurisdiction, and while walking on the tow path you are in concurrent jurisdiction. A few feet off the tow path into the woods, however, proprietary or exclusive jurisdiction begins. Depending on the jurisdiction and whether you are in Maryland or the District of Columbia, you could expect to call the National Park Service, the National Capitol Park Police, the Maryland State Police, the Montgomery County Sheriff, or the District of Columbia police to assist in investigations. Such was the case when a suicide occurred at the Penny Field Lock last summer. The jurisdictional boundaries were so confusing, Federal and State officials were measuring distances with a ruler to see who had jurisdiction over the body.

Location: Lake Allatoona, Ga.

Administering Agency: Corps of Engineers

Jurisdictional Status: Proprietary

Issue: Lack of authority to act

A camper at Lake Allatoona, Georgia, told us he witnessed a serious fight between two visitors at the Lake while a Corps Ranger also looked on. During the argument, one visitor got a pistol from his car and then seriously beat the other visitor. The camper said the ranger radioed for the Sheriff but made no attempt to break up the argument or assist the person being assaulted. He said that was the first time he realized the Corps Rangers have no law enforcement authority.

Location: Allatoona, Ga.

Administering Agency: Corps of Engineers

Jurisdictional Status: Proprietary

Issue: 8 a.m. to 5 p.m. visitor protection service

Two male vacationers were spending the night at the Lake's camp area. During the late evening hours they became involved in an argument with two other men who were camping next to them. One of the vacationers was knocked unconscious. The other vacationer escaped and ran toward the resource manager's office. When he reached the resource manager's office he found the door was locked. Since it was after 5:00, the rangers had all gone home leaving the area unattended. He grabbed a 55 gallon drum which was set outside the building and broke into the front door. He ran to the phone which was sitting on a desk and picked it up to call for help. The rangers, however, had disconnected the phone. By this time his assailants had caught up with him and beat him until he too was unconscious. When the rangers arrived the next day and found the man they revived him and questioned him about what had happened. He explained and a ranger told him he would have to call the local sheriff for assistance since he had no law enforcement authority. As the man started to leave, the ranger stopped him and wrote him a citation for destroying Government property.

Location: Pike-San Isabel, National Forest, Ca.

Administering Agency: Forest Service

Jurisdictional Status: Proprietary

Issue: Ranger overstepping express statutory authority

A ranger at the Pike-San Isabel National Forest told us that he has been attacked twice. Once with a gun; the other time with a knife. Both incidents occurred while he was making camp ground patrols. In both cases he became inadvertently involved when campers came to him seeking protection from would-be assailants. Because he felt he could not desert the victims and since he had no communications equipment with which to summon the local sheriff, he overstepped his authority and provided aid to the victims. He disarmed the individuals in both cases and turned them in to the county sheriff.



REPLY TO  
ATTENTION OF:

DAEN-CWO-R

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314

20 MAR 1978

Honorable Leo J. Ryan  
Chairman, Subcommittee on Environment,  
Energy, and Natural Resources  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Ryan:

Inclosed is a copy of a letter I have provided the Comptroller General,  
concerning testimony given during the 9 February 1978 hearing on crime  
in Federal recreation areas.

Sincerely,

*Charles I. McGinnis*  
CHARLES I. MCGINNIS  
Major General, USA  
Director of Civil Works

1 Incl  
As stated

DAEN-CWO-R

20 MAR 1978

Honorable Elmer B. Staats  
Comptroller General of the  
United States  
441 G Street, N. W.  
Washington, D. C. 20548

Dear Mr. Staats:

The purpose of this letter is to comment on two statements made by  
representatives of your office during the hearing on 9 February 1978,  
before the House Subcommittee on Environment, Energy and Natural  
Resources of the Committee on Government Operations, concerning crime  
in Federal recreation areas.

The reference to eleven murders at Grapevine Lake in the metropolitan  
area of Dallas-Ft. Worth, Texas, cannot be substantiated. Our project  
records for 1975, 1976 and 1977 and contact with local agencies  
indicate only three known incidents associated with Grapevine Lake  
that were homicide-related: (1) a woman reportedly drowned under  
unusual circumstances; (2) the body of a man thought to have been  
murdered elsewhere was left at the lake and (3) a man's empty car  
was found at the lake although his body was found elsewhere.

The second incident concerned a reported break-in at Allatoona Lake,  
Georgia, by a man needing a telephone for an emergency call. According  
to the testimony, this incident resulted in the man receiving a cita-  
tion for the destruction of Government property. Our investigation  
disclosed that in 1972 a man was assaulted on the project and came  
to the project office after it had closed, broke in and used the  
telephone to call the sheriff. He then waited at the office for the  
sheriff to arrive. Contrary to the testimony, however, there was no  
citation issued to him for any violation.

DAEN-CWO-R  
Honorable Elmer B. Staats

20 MAR 1978

I hope this information will be of use to you in evaluating the problem of crime in Federal recreation areas. I will be pleased to provide any other information you may need from the Corps of Engineers concerning this important subject.

Sincerely,

SIGNED

CF:  
Honorable Leo J. Ryan

CHARLES I. MCGINNIS  
Major General, USA  
Director of Civil Works

Mr. STAATS. Another kind of an example has to do with the jurisdictional problem on the C. & O. Canal, which is very close by here. We have all three situations involved in the C. & O. Canal. We have exclusive jurisdiction, concurrent jurisdiction, and proprietorial jurisdiction. Yet it is supposed to be a single recreational area.

This sort of problem can only be dealt with by the agencies working with the Congress to get a statute which will make it feasible. It is almost impossible to administer law enforcement in situations such as that.

Mr. RYAN. That leads to a most logical question.

On page 15 you say that OMB and Justice do not seem interested. Could you elaborate on that? How much effort has been made to get them to express interest?

Mr. STAATS. I would like Mr. Stanton to respond to that question.

Mr. STANTON. I would not say it is a matter where they do not seem interested; it is a matter of degree. OMB certainly does not feel that it is one of the national priorities in which it needs to take the lead.

Mr. RYAN. The OMB was not too concerned about dam safety either until the Toccoa Dam blew down in Georgia. I think it is a matter of using the 4 by 4 to get the attention of the proper donkey.

Mr. STANTON. OMB has told us that the President's reorganization project which is located within OMB is considering this situation. They are looking at both the public lands—and they have one task force studying that—and law enforcement projects. We know that the two groups have discussed this problem. Although it is not one of the areas they are actively considering now, it will be.

Mr. RYAN. What about the Justice Department?

Mr. STANTON. We were told yesterday that Justice is actively considering the situation. There have been some discussions going on for several months. We anticipate they will be coming up with their own legislative proposals.

Mr. STAATS. You have probably seen, Mr. Chairman, the letter which they filed with the Government Operations Committee in response to our report. They disagree with us in almost all respects as to the seriousness of the problem, No. 1, and, No. 2, they feel what we are suggesting in our draft bill is not the right approach. However, so far they have not come up with a substitute.

Mr. RYAN. It reminds me of the old joke about a conservative being a liberal who has been mugged. I wonder about an FBI agent and his family in a situation such as the one you described down there in Georgia, if that would have happened to him, perhaps the response might have been somewhat different. I think it is simply a matter of trying to get the attention of those who are involved, which is the reason we are having these hearings today. That is part of the reason for being as specific as we can.

Mr. STAATS. It is our view that the Department of Justice as the chief law enforcement agency of the Government has the responsibility here to try to work this situation out.

Mr. RYAN. In that letter to which you refer, which is to the chairman of the full committee, as the staff points out here, in the second paragraph it says:

However, it—referring to your report—did not provide any convincing documentation to indicate a crisis in law enforcement in recreation areas.

Mr. STANTON. That gets back to the point you made earlier. We do not think it should be a crisis before something is done.

Mr. STAATS. It depends on what you define as a crisis.

Mr. RYAN. It is like having the city engineer finally erect a traffic light at a corner after there have been seven deaths. When there are only one or two traffic deaths per year, then they don't do it. How many bodies do you have to have? Maybe what we can do here is to escalate the body count and the horror stories there are, which is why I suggested you be as specific as you can.

Mr. STAATS. I believe I am correct, am I not, that on 1 Corps of Engineers project in Texas there were 14 bodies found in 1 summer? I do not know whether that is a crisis or not for that area but it sounds bad to me.

Mr. RYAN. We will see if we can help a bit there.

Let me ask you one last question.

In the appendix to your statement I noticed that the Bureau of Land Management doubled its visitation between 1975 and 1976 from something like 74,000 or 75,000 to about 149,000. Is there some reason for that? Is there something that has happened?

Mr. JURKIEWICZ. Mr. Chairman, we talked to Bureau of Land Management officials about the increase. They had no knowledge or reason why it had occurred. They said that looking back through their historical records that there were other times when there have been great increases in visitations one year and a sudden drop the next.

Mr. RYAN. Mr. Kindness, do you have questions?

Mr. KINDNESS. Thank you, Mr. Chairman.

General Staats, I want to apologize for being late in getting here this morning. I appreciate your being here to present this testimony.

In the process of conducting this study, was there any compendium put together of the different geographic areas and types of situations that exist with respect to law enforcement?

Mr. STAATS. With respect to the three categories—exclusive, concurrent, and proprietary?

Mr. KINDNESS. Yes.

Mr. STAATS. I believe so. We do have a record, as I understand it, of what particular lands fall in each of those categories. We would be glad to supply that for the record.

Mr. RYAN. Without objection, so ordered.

[The material follows:]

Agency	Status of land
Tennessee Valley Authority	All areas except for Land-Between-the-Lakes is proprietary (600,000 acres of water surface, 11,000 miles of shoreline). Land-Between-the-Lakes is exclusive (170,000 acres).
Corps of Engineers	All areas are held in proprietary status (11.0 million acres).
Bureau of Land Management	All areas are held in proprietary status (470.4 million acres).
Forest Service	All areas held in proprietary status (186.9 million acres).

Agency—Continued	Status of land
Fish and Wildlife	Exclusive—0.7 million acres; concurrent—3.7 million acres; proprietary—31.3 million acres.
National Park Service	See attached listing. The listing shows the situation at 12/30/70 and does not reflect changes in status since that date.

NATIONAL PARK SERVICE—LEGISLATIVE JURISDICTION BY AREAS

(Compiled by Hancock in OR about April 1968 and updated by E. V. Buschman to include recent areas.)

	Federal land acres
Abraham Lincoln Birthplace NHS, Ky., proprietary	116.50
Acadia NP, Maine, exclusive proprietary	34,350.60
Adams, NHS, Mass., proprietary	4.77
Allegheny Portage Railroad NHS, Pa., proprietary	655.82
Amistad RA, Tex., proprietary	43,559.00
Andrew Johnson N. Mon., Tenn., exclusive proprietary	16.68
Antietam NBS & NC, Md., concurrent proprietary exclusive	785.33
Appalachian Nat. Scenic Trail, Maine to Ga., proprietary	17,000.00
Appomattox Court House NHP, Va., proprietary	937.34
Arbuckle Ra, Okla., proprietary	5,631.00
Arches NM, Utah, proprietary	74,633.05
Arkansas Post Nat. Mem., Ark., proprietary	304.60
Assateague Island NS, Md.-Va., proprietary	14,338.25
Aztec Ruins NM, N. Mex., proprietary	27.14
Badlands NM, S. Dakota, exclusive proprietary	107,454.69
Bandolier NM, N. Mex., proprietary	29,661.20
Bent's Old Fort NHS, Colo., proprietary	178.00
Big Bend NP, Tex., partial proprietary	706,558.40
Big Hole NB, Mont., exclusive	535.72
Bighorn Canyon RA, Wyo.-Mont., proprietary	61,826.00
Biscayne NM, Fla., proprietary	93,276.00
Black Canyon of the Gunnison NM, Colo., proprietary	13,317.68
Blue Ridge Parkway, Va.-N.C., exclusive concurrent proprietary	82,384.81
Booker T. Washington NM, Va., proprietary	217.93
Brices Cross Roads NBS, Miss., proprietary	1.00
Bryce Canyon NP, Utah, proprietary	36,007.88
Buck Island Reef NM, V.I., proprietary	850.00
Cabrillo NM, Calif., exclusive	123.35
Canyon de Chelly NM, Ariz., proprietary	83,840.00
Canyonlands NP, Utah, proprietary	257,640.00
Cape Cod NS, Mass., proprietary	21,854.51
Cape Hatteras NS, N.C., proprietary	28,500.00
Capitol Reef NM, Utah, proprietary	226,643.97
Capulin Mountain NM, N. Mex., proprietary	720.42
Carl Sandburg Home NHS, N.C., proprietary	246.58
Carlsbad Caverns MP, N. Mex., proprietary	46,433.07
Casa Grande Ruins NM, Ariz., proprietary	472.50
Castillo de San Marcos NM, Fla., exclusive proprietary	19.74
Castle Clinton NM, N. Y., proprietary	1.00
Catoctin Mountain Park, Md., proprietary	5,769.40
Cedar Breaks NM, Utah, proprietary	6,154.60
Chaco Canyon NM, N. Mex., proprietary	20,989.35
Chalmette NHP, La., exclusive	141.32
Channel Islands NM, Calif., proprietary	18,166.68
Chesapeake & Ohio Canal NM, MD.-W. Va., concurrent proprietary	4,647.96
Chickamauga and Chattanooga NMP, Ga.-Tenn., exclusive	8,231.83
Chiricahua NM, Ariz., proprietary	10,632.51
Christiansted NHS, V. I., proprietary	27.15



	<i>Federal land acres</i>
City of Refuge NHP, Hawaii, proprietorial	180.78
Colonial NHP, Va., exclusive concurrent proprietorial	7,233.05
Colorado NM, Colo., proprietorial	17,642.92
Coronado N. Mem., Ariz., proprietorial	2,834.16
Coulee Dam RA, Wash., proprietorial	100,059.00
Cowpens NBS, S.C., proprietorial	1.24
Crater Lake NP, Oregon, partial	160,290.33
Craters of the Moon, NM, Idaho, proprietorial	53,545.05
Cumberland Gap NHP, Ky.-Tenn.-Va., proprietorial	20,170.61
Curecanti RA, Colo., proprietorial	41,103.00
Custer Battlefield NM, Mont., exclusive proprietorial	765.34
Death Valley NM, Calif.-Nev., proprietorial	1,891,834.97
Delaware Water Gap, Pa.-N.J., proprietorial	20,060.00
DeSoto N. Mem., Fla., proprietorial	24.78
Devils Postpile NM, Calif., proprietorial	798.46
Devils Tower NM, Wyo., proprietorial	1,346.91
Dinosaur NM, Utah-Colo., proprietorial	198,808.83
Edison NHS, N.J., proprietorial	19.96
Eisenhower NHS, Pa., proprietorial	493.13
Effigy Mounds NM, Iowa, proprietorial	1,373.80
El Morro NM, N. Mex., proprietorial	959.92
Everglades NP, Fla., partial proprietorial	1,342,236.24
Federal Hall N. Mem., N.Y., exclusive	0.45
Fire Island NS, N.Y., proprietorial	2,690.69
Flaming Gorge RA, Utah-Wyo., proprietorial	84,412.00
Florissant Fossil Beds NM, Colo., proprietorial	4,245.32
Fort Bowie NHS, Ariz., proprietorial	900.00
Fort Caroline N. Mem., Fla., proprietorial	128.37
Fort Clatsop N. Mem., Oregon, proprietorial	124.97
Fort Davis NHS, Texas, proprietorial	459.40
Fort Donelson NMP & NC, Tenn., exclusive proprietorial	528.39
Fort Frederica NM, Ga., proprietorial	210.72
Fort Jefferson NM, Fla., exclusive	47,125.00
Fort Laramie NHS, Wyo., proprietorial	562.79
Fort Larned NHS, Kansas, proprietorial	406.19
Fort McHenry NM & H. Shrine, Md., exclusive	43.26
Fort Matanzas NM, Fla., exclusive	298.51
Fort Necessity NB, Pa., exclusive	350.26
Fort Pulaski NM, Ga., exclusive proprietorial	5,356.52
Fort Raleigh NHS, N.C., proprietorial	140.48
Fort Smith NHS, Ark., exclusive	12.82
Fort Sumter NM, S.C., exclusive	34.27
Fort Union Trading Post NHS, N.D.-Mont., proprietorial	120.04
Fort Union NM, N. Mex., proprietorial	720.60
Fort Vancouver NHS, Wash., exclusive	89.21
Fredericksburg and Spotsylvania County B. Mem. & NMP, & Fredericksburg NC, Va., exclusive concurrent partial proprietorial	2,721.47
General Grant N. Mem., N.Y., proprietorial	0.76
George Rogers Clark NHP, Ind., proprietorial	22.65
George Washington Birthplace NM, Va., proprietorial	393.68
George Washington Carver NM, Mo., proprietorial	210.00
Gettysburg NMP & NC, Pa., concurrent proprietorial	3,065.92
Gila Cliff Dwelling NM, N. Mex., proprietorial	533.13
Glacier Bay NM, Alaska, proprietorial	2,803,610.93
Glacier NP, Mont., partial	1,011,319.15
Glen Canyon RA, Ariz.-Utah, proprietorial	1,186,443.80
Gloria Dei Church NHS, Pa., proprietorial	2.74
Golden Spike NHS, Utah, proprietorial	2,171.69
Grand Canyon NM, Ariz., proprietorial	193,019.34
Grand Canyon NP, Ariz., proprietorial	673,223.61
Grand Portage NM, Minn., proprietorial	709.97
Grand Teton NP, Wyo., proprietorial	304,368.26
Gran Quivira NM, N. Mex., proprietorial	610.94
Great Sand Dunes NM, Colo., proprietorial	35,528.40

	<i>Federal land acres</i>
Great Smoky Mountains NP, N.C.-Tenn. partial proprietorial	514,602.34
Guadalupe Mountains NP, Tex., proprietorial	79,005.92
Haleakala NP, Hawaii, partial	21,190.23
Hamilton Grange N. Mem., N.Y., proprietorial	0.71
Hampton NHS, Md., proprietorial	45.42
Harpers Ferry NHP, W.Va.-Md., proprietorial	1,279.83
Hawaii Volcanoes NP, Hawaii, partial	210,666.56
Herbert Hoover NHS, Iowa, proprietorial	128.74
Home of Franklin D. Roosevelt NHS, N.Y., proprietorial	187.69
Homestead NM of America, Nebr., proprietorial	162.73
Hopewell Village NHS, Pa., proprietorial	848.06
Horseshoe Bend NMP, Ala., proprietorial	2,040.00
Hot Springs NP, Ark., partial	1,035.24
Hovenweep NM, Utah-Colo., proprietorial	505.43
Hubbell Trading Post NHS, Ariz., proprietorial	154.52
Independence NHP, Pa., proprietorial	16.59
Indiana Dunes NL, Ind., proprietorial	1,944.26
Isle Royale NP, Mich., partial	539,341.01
Jefferson National Expansion Memorial NHS, Mo., proprietorial	90.96
Jewel Cave NM, S. Dak., proprietorial	1,274.56
John F. Kennedy Birthplace NHS, Mass., proprietorial	0.09
John Muir NHS, Calif., proprietorial	8.90
Joshua Tree NM, Calif., proprietorial	526,106.51
Katmai NM, Alaska, proprietorial	2,792,137.00
Kennesaw Mountain NBP, Ga., proprietorial	2,882.62
Kings Canyon NP, Calif., partial	459,794.62
Kings Mountain NMP, S.C., exclusive proprietorial	3,950.00
Lake Mead NRA, Ariz.-Nev., proprietorial	1,912,533.55
Lassen Volcanic NP, Calif., partial	106,279.80
Lava Beds NM, Calif., proprietorial	46,238.69
Lehman Caves NM, Nev., proprietorial	640.00
Lincoln Boyhood N. Mem., Ind., proprietorial	119.45
Lyndon B. Johnson NHS, Tex., proprietorial	7.65
Mammoth Cave NP, Ky., partial proprietorial	51,352.33
Manassas NBP, Va., proprietorial	2,665.97
Mara-lago NHS, Fla., proprietorial	0.00
Mesa Verde NP, Colo., partial	51,525.39
Marble Canyon NM, Ariz., proprietorial	32,395.47
Minute Man NHP, Mass., proprietorial	507.33
Montezuma Castle NM, Ariz., proprietorial	783.09
Moore's Creek NMP, N.C., exclusive proprietorial	42.23
Morristown NHP, N.J., proprietorial	1,339.13
Mound City Group NM, Ohio, Exclusive	67.50
Mount McKinley NP, Alaska, partial	1,939,492.80
Mount Rainer NP, Wash., partial	241,781.09
Mount Rushmore N. Mem., S. Dak., proprietorial	1,245.95
Muir Woods NM, Calif., proprietorial	483.81
Natchez Trace Parkway, Miss.-Tenn.-Ala., concurrent (in Miss.) proprietorial	38,646.30
Natural Bridges NM, Utah, proprietorial	7,126.16
Navajo NM, Ariz., proprietorial	360.00
Nez Perce NHP, Idaho, proprietorial	1,391.37
North Cascades MP, & Ross Lake & Lake Chelan NRA, Wash., proprietorial	668,526.60
Ocmulgee NM, Ga., proprietorial	683.48
Olympic NP, Wash., partial	892,318.48
Oregon Caves NM., Oreg., proprietorial	480.00
Organ Pipe Cactus NM, Ariz., proprietorial	328,691.01
Ozark NSR, Mo., proprietorial	44,070.23
Padre Island NS., Tex., concurrent	132,211.88
Pea Ridge NMP, Ark., proprietorial	4,278.75
Pecos NM, N. Mex., proprietorial	340.90
Perry's Victory and International Peace Memorial NM, Ohio, proprietorial	21.44
Petersburg NB, Va., exclusive concurrent partial proprietorial	1,552.58

	<i>Federal land acres</i>
Petrified Forest NP, Ariz., proprietorial	94, 189. 33
Pictured Rocks, N.L., Mich., proprietorial	10, 421. 16
Pinnacles NM, Calif., proprietorial	14, 177. 77
Pipe Spring NM, Ariz., proprietorial	40. 00
Pipestone NM, Minn., proprietorial	281. 99
Platt, NP, Okla., exclusive	911. 97
Point Reyes NS, Calif., proprietorial	37, 098. 10
Poplar Grove NC, Va., exclusive	8. 72
Prince William Forest Park, Va., proprietorial	17, 345. 77
Rainbow Bridge, NM, Utah, proprietorial	160. 00
Redwood NP, Calif., proprietorial	27, 770. 99
Richmond NBP, Va., proprietorial	746. 56
Rocky Mountain NP, Colo., partial	260, 714. 03
Russell Cave NM, Ala., proprietorial	310. 45
Sagamore Hill HNS, N. Y., proprietorial	85. 00
Saguaro NM, Ariz., proprietorial	77, 394. 56
Saint Croix Island NM, Maine, proprietorial	22. 19
Saint-Gaudens NHS, N.H., proprietorial	83. 00
St. Croix & Wolf Nat. Scenic Rivers, Wis. & Minn., proprietorial	1, 270. 87
St. Thomas NHS, V.I., proprietorial	1. 66
Salem Maritime NHS, Mass., proprietorial	8. 80
San Juan NHS, P.R., exclusive	44. 85
San Juan Island NHP, Wash., proprietorial	1, 176. 54
Sanford RA, Tex., proprietorial	39, 792. 00
Saratoga NHP, N. Y., proprietorial	2, 432. 35
Saugus Iron Works NHS, Mass., proprietorial	0. 24
Scotts Bluff NM, Nebr., proprietorial	2, 616. 98
Sequoia NP, Calif., partial	385, 934. 15
Shadow Mountain RA, Colo., proprietorial	15, 540. 00
Shenandoah NP, Va., partial	193, 535. 21
Shiloh NMP & NC, Tenn., exclusive proprietorial	3, 520. 75
Sitka NM, Alaska, proprietorial	54. 33
Statue of Liberty NM, N. Y.-N.J., exclusive	58. 38
Stones River NB & NC, Tenn., exclusive proprietorial	350. 95
Sunset Crater, NM, Ariz., proprietorial	3, 040, 000. 00
Theodore Roosevelt Birthplace NHS, N. Y., proprietorial	0. 11
Theodore Roosevelt NMP, N. Dak., proprietorial	69, 528. 31
Timpanogos Cave NM, Utah, proprietorial	250. 00
Tonto NM, Ariz., proprietorial	1, 120. 00
Tumacacori NM, Ariz., proprietorial	10. 15
Tupelo NB, Miss., proprietorial	1. 00
Tuzigoot NM, Ariz., proprietorial	42. 67
Vanderbilt Mansion NHS, N. Y., proprietorial	211. 65
Vicksburg NMP & NC, Miss., exclusive concurrent proprietorial	1, 697. 54
Virgin Island NP, V.I., proprietorial	11, 825. 89
Walnut Canyon NM, Ariz., proprietorial	1, 641. 62
Whiskeytown-Shasta-Trinity NRA, Calif., proprietorial	36, 047. 17
White Sands NM, N. Mex., proprietorial	140, 247. 04
Whitman Mission NHS, Wash., proprietorial	98. 15
William H. Taft NHS, Ohio, proprietorial	0. 00
Wilson's Creek NBP, Mo., proprietorial	1, 727. 53
Wind Cave NP, S. Dak., proprietorial	28, 059. 26
Wolf Trap Farm Park, Va., proprietorial	117. 89
Wright Brothers N. Mem., N.C., proprietorial	431. 40
Wupatki NM., Ariz., proprietorial	35, 232. 84
Yellowstone NP, Wyo.-Mont.-Idaho, exclusive	2, 219, 736. 88
Yorktown NC, Va., exclusive	2. 91
Yosemite NP., Calif., partial	758, 928. 19
Yucca House NM, Colo., proprietorial	9. 60
Zion, NP, Utah, proprietorial	141, 507. 59

Mr. KINDNESS. Presumably that would correlate somewhat with other political boundaries, such as county and State boundaries?

Mr. JURKIEWICZ. It may or may not. It depends on how the Government acquired the land from the State. Part of a county could have

been acquired through purchase and part of a county could have been acquired through cessations made by the State.

The Everglades National Park which is constantly adding land to the park has areas in differing jurisdictions.

Mr. KINDNESS. Is there anything that I may have missed here that would provide in your recommendations for some relatively automatic way for future acquired lands to be brought clearly into the coverage of the type of legislation you are providing? It seems to me it is blanketing by categories of administration of the lands. Perhaps that is the best approach to it, but would you care to comment in that area?

Mr. MEAD. Mr. Kindness, the draft legislation would apply the Federal criminal code to lands presently held in proprietorial status. Under present law the Federal criminal code applies to concurrent and exclusive lands. As a result of the draft legislation it would be unnecessary from the standpoint of Federal law enforcement to require an upgrading in jurisdictions, say, from proprietorial to concurrent.

Recent legislation passed in the last Congress and applied to the National Park Service authorizes the Secretary of the Interior to place his land in concurrent jurisdictional status. That would mean that both Federal and State criminal codes would apply. The Secretary must give certain committees of both the House and the Senate notice of any proposed jurisdictional change. If I recall correctly, if so many days expire without negative resolution, the jurisdictional change can occur. The draft legislation provides a similar authorization.

Mr. KINDNESS. The observation has been made, I guess, that what is being proposed in the GAO report would amount to the establishment of a Federal police force in a sense. Would you care to use this opportunity to respond to that comment?

Mr. STAATS. That has been stated, I think, in one of the comments that was received. That was someone else's interpretation, not ours. We would not think that is the case at all.

In fact, the draft legislation would restrict the basic enforcement authority of National Park Service rangers to the lands they administer. Under present law and in some circumstances, the National Park Service can conduct field criminal investigations and serve criminal warrants anywhere in the United States.

We do think, however, there ought to be enough authority in the Federal agency that has the responsibility to work out adequate law enforcement procedures for the area for which it has responsibility. It seems to us that this goes along with the responsibility for operating recreational areas to give reasonable protection for the people who are invited to come to that area.

Mr. KINDNESS. Thank you very much.

Mr. RYAN. Somebody needs to be there to stop the man from getting beat up, instead of having a phone call. That sort of increased vigilance is not necessarily the creation of a national police force.

Mr. Stangeland?

Mr. STANGELAND. Thank you, Mr. Chairman.

General Staats, do you have any documentation of the number of crimes that are committed? Do you have any reports filed on the criminal activity?

Mr. STAATS. I believe only the National Park Service, among all the Federal agencies that operate park areas, has any kind of a system

to produce that kind of data on a national basis. Part of what we are saying here today is that we ought to have that kind of information. In fact, one of the reasons that we believe that the agencies are saying there is no problem is that they do not know.

We believe when you go out in 174 areas and get questionnaires from 1,249 rangers and others who are responsible for law enforcement and follow that up with visitations in some 24 areas, then we have probably as good information as anyone has as to what is going on.

We ought to have a better situation than we have today to get that kind of information on a national basis. We do not have it except for the Park Service.

Then I think the agencies would agree with us that there is a more serious problem here than they say there is.

Mr. STANGELAND. The point I would like to make is this. I am not one for Government paperwork but the Government seems not to be overly concerned about that. So a report that is filed, checked out, and cross-referenced could be very helpful.

As the chairman says, we ought to be looking for these kinds of violations, and then we should dramatize them and magnify them to get the attention of people. I would rather do that with basic facts to show what kinds of crimes are being committed and where they are being committed and this type of thing. I am talking about absolute documentation.

Mr. JURKIEWICZ. Mr. Stangeland, we have in our report some statistics compiled from the rangers we surveyed. This will give you some idea in terms of numbers.

Twenty-one percent of the rangers responding to our questionnaire said that they had observed what we call type 1 crimes, which are murder, rape, robbery, burglary, larceny, assault, and auto theft, during the fall of 1975 through the summer of 1976.

These same rangers reported to us that they had 7,538 of these type 1 offenses reported to them. So there are crimes occurring. We are talking in terms of 1,249 rangers who actually responded to our questionnaire.

Mr. STANGELAND. Are these divided by areas as to where they happened and that sort of thing? You mentioned something about 14 people killed somewhere in Texas.

Mr. JURKIEWICZ. That was a Corps of Engineers project in Grapevine, Tex.

Mr. STANGELAND. A camper project?

Mr. RYAN. Was it a dam?

Mr. JURKIEWICZ. This is a lake area. The Corps of Engineers administers it. They built a lake and they provide some recreation areas around it. It is the lake itself that provides the recreation opportunity.

Mr. RYAN. Is it a Corps of Engineers dam managed by the Corps of Engineers?

Mr. JURKIEWICZ. Yes.

Mr. STANGELAND. What would this be under the jurisdiction of—the local sheriff or the local police department?

Mr. JURKIEWICZ. All corps projects are held in proprietorial status, which means that the local sheriff or the local law enforcement agency is responsible for providing visitor protection.

One other fact I would like to bring out to you is that 95 percent of the recreation areas the Government administers are held in proprietorial status. On these lands the crimes we are talking about are not Federal offenses.

Mr. STAATS. What we have here is a situation where the Government has created in a sense an attractive nuisance and has no capability to deal with it.

Mr. STANGELAND. I was just going to make that point. I think that is probably fairly clear.

I have no further questions, Mr. Chairman.

Mr. RYAN. Mr. Cunningham?

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

General Staats, you referred to the fact that there have been some local jurisdictions that have failed to sign agreements of cooperation. Is that normally done because of inadequate funding on the part of that local entity?

Mr. JURKIEWICZ. Mr. Cunningham, it works both ways. There are times when the Forest Service does not want to contract with the locals because they lack either the capability to provide the service required or the locals do not have interest in coming on to Federal land to provide service. On the other hand, a lack of funding does in some cases hinder providing service.

In many questionnaires we received from rangers they said that they were only able to contract for an 8-to-5 o'clock law enforcement presence. They were able to contract for a deputy sheriff to be present for 8 hours 5 days a week. But their law enforcement problems started at 6 in the evening into the night.

Mr. CUNNINGHAM. On your questionnaire, especially with the rangers themselves, those who belong to the Park Service, were they specifically asked whether they would want to be armed or whether they felt that they had to be armed? A lot of park rangers look at themselves as first conservationists and not as law enforcement agents. Are you trying to put a task on them that they really do not want?

Mr. JURKIEWICZ. We only surveyed rangers who were identified by their agencies as having law enforcement duties. For example, 81 percent of the Park Service rangers responding to our questionnaire said they were carrying weapons at the time they were surveyed.

Mr. CUNNINGHAM. Do you have any idea what percentage of the total force of employed rangers that represents? Are you talking about 81 percent of 50 percent or 81 percent of 5 percent?

Mr. JURKIEWICZ. When we did our survey work, we selected those recreational areas that represented 50 percent or more of the visitations for each agency. Then we asked the agency to identify those employees who were engaged in law enforcement, so we cannot say what percent of the entire work force that represents.

Mr. CUNNINGHAM. Even within that 50 percent of visitations?

Mr. STAATS. It would be 80 percent of all those who had law enforcement responsibilities designated by the agency as such, but the universe was selected in order to be able to pick up 50 percent of the visitation for that particular agency.

Mr. STANTON. We did not compare the number of law enforcement types to the total number of rangers in a particular area.

Mr. STAATS. In other words, it would exclude the type of ranger activity that you have described as having conservation duties.



Mr. CUNNINGHAM. My only other point, Mr. Chairman, is this. When they do submit the testimony on those horror stories, I would also personally be very curious to have that include the disposition. In this one where the guy wrote the warrant, I know what I would have done with it, especially with the guy able to pick up a 50-gallon drum.

Mr. RYAN. I am curious about that, too. There are a number of questions that arise from that single incident. Therefore, if we can have some other specific incidents of different kinds, it can give us a much better idea of the nature and scope of the problem.

For example, was there any effort made later on to cancel that citation by the citing authority? If not, why not? Are there any signs posted in that particular place saying, "Warning: After 5 o'clock don't expect us to come and bail you out if you get slugged"? There ought to be some kind of warning if the situation is so bad assistance is not available.

The person who comes into a public park assumes there his life is not endangered and he is not in danger of being assaulted. If that is not the case, then clearly at least the minimum amount of money should be spent to provide some signs which say, "Warning: We can't help you; we're overwhelmed."

Another question has to do with how much we charge for entrance into these various places or do we charge at all. If we don't, why don't we? If we do charge, where does the money go? The assumption is if you charge to go into the park, then why don't you give the public the benefit of the money paid to get in, including some kind of guarantee of safety while in there.

Mr. STAATS. We will try to give you a range of examples that came from the questionnaire and from the visitations, so that we will not give you a distorted picture in any sense of the word. We will try to be illustrative of the kinds of problems which we run into.

Mr. RYAN. As my colleagues have pointed out, it is extremely important that we get an accurate set of figures. Mr. Stangeland is right; we have to have the best reporting we can get. I think that is part of our job here.

Mr. JURKIEWICZ. Getting accurate figures would be very difficult in our opinion because, only the Park Service collects nationwide statistics. However, their statistics are very incomplete. They admitted to us that many of their parks are not submitting statistics for fear that it would look bad to visitors.

Mr. RYAN. If it is bad, we had better tell them.

Mr. JURKIEWICZ. Also, they have parks which submit statistics late which distorts the monthly crime statistics. In the Park Service if you do not submit your statistics by the 10th of the month, they do not get counted until the end of the year. That makes December look like a bad month.

Mr. RYAN. The gathering of these statistics is obviously in a very primitive state.

Thank you very much for being here, General Staats. We really appreciate the work GAO has done. I hope it is the initial phase of what will result in some very significant improvement in our various Federal lands managed around the country.

Mr. STAATS. We are pleased, Mr. Chairman, that you have indicated the interest that you have in holding these hearings. I believe you have made a wise decision in getting some of the people who are actually in the business to come and give you the benefit of their views. Whether they agree with this or not is up to them. We think generally they will be supportive of what we have had to say here today.

Mr. RYAN. I have one last question. Did anyone prosecute that sheriff for the false billing? I am talking about the one mentioned in your statement.

Mr. STAATS. We do not have the outcome of that, sir. We will try to find out for you.

Mr. RYAN. Some county sheriff probably pocketed a few thousand dollars which could have been spent much more adequately than it was.

Thank you very much.

Mr. STAATS. Thank you.

Mr. RYAN. Now we have a panel of four Federal law enforcement officials: Mr. Lee Shackelton, Mr. Wayne Adams, Mr. Gerald Purvis, and Mr. William Derr.

Would you gentlemen rise and be sworn in, please?

Do you gentlemen swear the testimony you are about to give this subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHACKELTON. I do.

Mr. DERR. I do.

Mr. PURVIS. I do.

Mr. ADAMS. I do.

Mr. RYAN. You may give us your statements in the order in which you are called.

The ranking minority member, Mr. Kindness, and I agree that we can read and have read in many cases the statements you have submitted. Therefore, we would appreciate it if in the interest of time you could summarize them so that we can get to the questions or the more immediate comments that the rest of us have. As I said before, we are a little pressed this morning because of what is happening on the floor.

Mr. Shackelton, please proceed.

**STATEMENT OF LELAND J. SHACKELTON, CHIEF LAW ENFORCEMENT OFFICER, YOSEMITE NATIONAL PARK, CALIF.**

Mr. SHACKELTON. I am Lee Shackelton, Chief Law Enforcement Officer at Yosemite National Park. I am a U.S. park ranger.

My statement has been submitted for review. I understand the limitation on time, so I will try to summarize.

Mr. RYAN. Your entire prepared statement will appear in the record.

Mr. SHACKELTON. I addressed probably 10 or 12 individual points in my statement. I will try to summarize in this manner.

I have been associated with the Yosemite National Park for 17 years. For 4 years I was in the Hawaii Volcanoes National Park.

Mr. RYAN. When was that?



Mr. SHACKELTON. For 4 of the 17 years I was reassigned out of Yosemite to the Hawaii Volcanoes National Park. I returned about 6 years ago.

Both of those parks were under exclusive Federal jurisdiction. I rangered in Death Valley for about 3 years. I have additional experience in Death Valley National Monument which is under proprietary jurisdiction. I have never worked in an area of concurrent jurisdiction.

During the period that I have worked in Yosemite, from 1961 to the present—17 years—I have been aware of the changing crime problem. In essence, the type of law enforcement problems we had 17 years ago in Yosemite were more of the conservation regulation violation type, such as too many trout in the fishing creel, running hunting dogs through the park, and that type of thing. We put a lot of our time on those violations.

I feel that there have been certain sociological changes in the types of visitors coming to the parks in the last few years. We have gradually moved from the outdoorsman type of visitor to the urban dweller who is highly mobile often coming in his large recreational vehicle. Along with this changing type of visitor have come many of the urban-oriented crimes.

We have experienced an alarming increase of felony-level crimes, part 1 category crimes under the uniform crime reporting system which are identified as homicide, rape, robbery, burglary, larceny, assault, and auto theft.

In those areas, our statistics indicate a very heavy concentration of crimes against property. A decade ago the old "code of the hills" held your camp property sacred when you put it on your campsite and went away fishing for the day. You could rely on finding it right where you left it when you returned. That habit is now seemingly an open invitation for larcenists and burglars. The rate of theft is very high.

The rangers in my agency are of two varieties. They are all called rangers but it is important to understand that some are law enforcement protection rangers, which would be like myself, and others are the naturalists and resource-type rangers who very often do not get into law enforcement. These are the two categories in our agency.

When I say "ranger," I am speaking of the protection, law enforcement-type ranger in my examples.

We found as a group, myself included, and I will be a little self-critical here, that my training 10 years ago was not adequate to deal with the growing crime problems. We operated a good deal by our own intuition without benefit of formal training which in many cases botched up serious felony investigations and convictions.

It pretty much came to a head in 1970 on July 4 when we had the riots in Yosemite. At that time the analysis of our situation suggested that we had not been trained properly. We had responded to many of the problems at that time inappropriately. We subsequently set to work to train and develop in our officers' professional skills.

We have a way to go with that training but we have at least made a good start. Effective the first of this year, and based in the General Authorities Act passed and signed into law October 7, 1976, and further defined by the Interior Department manual release, DM-446, on law enforcement, you can no longer perform law enforcement services in the National Park Service unless they have a law

enforcement commission. In order to receive that, each must meet the training criteria set down by the Secretary. So there have been some changes in the right direction.

The problem we have immediately before us is that in Yosemite that requirement has dropped the number of law enforcement personnel from 120 at peak season 2 years ago to the present count of only 34. The training criteria came too late. It came toward the end of last year, and there was not adequate time for many of the rangers, especially the seasonals, to respond to the training voids in their training programs in order to qualify for the commissions.

In my prepared statement you will see three examples of very serious crimes that have been committed in the park in the past couple of years: A rape, strangulation homicide, and three attempted rapes in another case where the responding rangers were fired at a point blank range by the rapist. He was a 16-year-old juvenile. He was charged under the Federal Juvenile Delinquent Act with attempted murder, assault on a Federal officer with a revolver, rape, and forced oral copulation as the basis for JDA. He received a sentence of 2 years of probation. The current sentencing practices leave a lot to be desired, we feel, and serve to encourage rather than to deter crime.

Mr. RYAN. What court was that, just out of curiosity?

Mr. SHACKELTON. Because of the juvenile status, that case was heard in the U.S. district court in Fresno, Calif., under the provisions of the Federal Delinquency Act. It was also referred to a county court for possible violation of probation from prior acts.

Mr. RYAN. It was a State court, though, rather than a Federal court?

Mr. SHACKELTON. Only for violation of prior probation. The juvenile laws that the Federal officers have to work with leave a lot to be desired. They are practically nonexistent. So often we refer them to the State or counties for adjudication.

More recently, we have been involved in a series of arson fire investigations where an environmental activist has decided to return the state of the park to the way the Indians had it one building at a time. We had three buildings burn to the ground before we were able to apprehend him. He is under indictment now for four counts of arson. He also confessed to over 100 cases of vandalism, tire slashing mostly of Lincoln Continental and Cadillac automobiles because in his mind they emit more pollution than other types of cars. He also confessed to me to the stealing and selling of a large quantity of marihuana from a dope-smuggling airplane that crashed in one of the high elevation lakes in midwinter. He comes up for trial in about a week. Apparently he is going to enter a plea of insanity.

The National Park Service General Authorities Act of 1976 changed the complexion of things for us in a favorable way. We feel we do now have better authority in areas of proprietary jurisdiction, at least, to do our job. It delineated who can enforce the law and gave us for the first time the formal authority to carry weapons. We have done it for years, whether we were authorized or not, but we now have the authority. It gave authority to serve warrants and investigate crimes.

There had been a good deal of consternation between Federal agencies as to who actually had the jurisdiction to investigate crimes in National Park Service areas, and that has been clarified now.

I would like to say one favorable thing. It sounds like a horror story all the way. I support everything that I heard in the GAO report this morning. It is something about which we should be concerned.

I was asked to comment on whether or not crime is a threat to the visitors to the park. It is a threat; there is no question about it. However, it is a threat that can be controlled, handled, and managed. It can be done by organizing and setting up a law enforcement program.

We did this 6 years ago in Yosemite. Our bad crime statistics continued to rise for a few years. We finally assigned as many as seven rangers to nothing but criminal investigation and we began to solve these cases. We raised the rate of closure of part 1 crimes from a percentile of 13.2 in 1971 to 42 percent last year. This year's statistics have not been printed yet.

The rate of recidivism was staggering in Yosemite; when I came there with some defendants appearing before the magistrate as many as six and seven times in one year. That rate has been reduced to practically zero now. The followthrough on investigations was, again, a key ingredient in accomplishing that reduction plus training the patrol rangers to be more professional in their law enforcement responses.

Frankly, when I was assigned to take over the law enforcement in 1971, I read all the case files from the year of 1971. I got there in December. I found that, for the most part, the crime reports turned in by the rangers were more of an obligatory bureaucratic reporting exercise. Even though the one-page reports often carried clues as to who the culprits were, they were seldom followed up.

I feel that rangers in the areas that have proprietary jurisdiction have their hands bound. In Death Valley, I do not recall any exact examples, but I know there were times I happened onto felony crimes and stood helplessly by while I tried to summon a sheriff—and I was wearing a uniform. I would feel a little ridiculous with a badge and uniform looking like a law enforcement officer but having no authority to pursue the matter. It is also a dangerous situation in which to find yourself.

Mr. RYAN. Mr. Shackelton, we are going to have to call a short recess here to answer this quorum call.

The subcommittee will be in recess until we return.

[Recess taken.]

Mr. KINDNESS [presiding]. The subcommittee will come to order, please.

Chairman Ryan has sent word that the debate has begun on the Redwood Park bill on the House floor. He will be participating in the debate on that. I will be participating somewhat later.

I hope that we might proceed to get to the information that is particularly within the scope and realm of activities that you gentlemen represent.

I apologize for the way our schedule has run today. We cannot always predict in advance exactly how these things are going to happen. As a matter of fact, the legislation that is under debate now was expected to be under debate earlier in the week and probably would have been disposed of by this time except for the exigencies of the legislative process.

With those apologies, I would ask that we might resume where we left off, Mr. Shackelton.

Mr. SHACKELTON. I will wind up with a few points for summation here.

I believe we were discussing at the break the response to the problems by organizing into investigation and increasing the training and so forth. The result that we have had in our experience, at Yosemite is a reduction of our crimes by a rate of 19 percent. I am talking about part 1 crimes and the year 1976. That is the last year for which we have completed statistics. It appears that 1977 will show an additional 6 percent reduction.

We feel that these reductions, the first ones we have ever experienced, do correlate directly to the followup investigations done by the rangers and the higher degree of training given to the patrolmen out in the field doing their law enforcement work.

Briefly, we have a reporting system that has already been mentioned by the GAO report. It has two shortcomings I would put into the record. One is that there seems to be discrepancy in accuracy. The figures that we put in on our reporting forms are greater for the last 2 years straight running than the totals that are reported by the computer printouts. I don't know what the problem is, but it is one which we will have to look into ourselves and correct.

Mr. KINDNESS. Let me ask a question at that point, please.

The time involved in reporting relative to other duties involved in law enforcement in your area of work—is it out of balance? Is it a burdensome thing? Does its value coincide with the amount of time spent on it, as you see it?

Mr. SHACKELTON. I do not think it is out of balance with what you need to do in a law enforcement job because law enforcement is a profession which necessarily depends upon good records. The input is vital. Otherwise, you can work for weeks on a case and lose it because you did not report it accurately. I do not think the reporting is out of balance with what is needed, as far as crime reporting goes.

The problem I do see is that the incident-reporting system of the Park Service was meant to be an all-encompassing system which would replace many other former reporting systems when, in truth, in many instances it was just an add-on.

That was not necessarily the case in pure law enforcement but it was also supposed to be used to report such things as forest fires, search and rescue incidents, first-aid incidents, and incidents other than true law enforcement. In those cases we still have all of our other reporting system requirements, such as for forest fire reports and so forth, so we have opted in Yosemite not to use the incident-reporting system and duplicate effort. Some Park Service areas, I understand, are using the incident-reporting system for reporting those types of routine incidents, and the increased reporting procedures are burdensome and exceed their value in terms of workload.

I would like to make the point that I believe we have a number of agencies here. We are talking about a common problem. However, I do not believe the law enforcement problems and our responses to them are identical in all cases. We have different types of jurisdictions to administer. Whatever comes out of these meetings and the work

that you gentlemen are involved in, the agencies should be allowed to retain their agency identity in their law enforcement policies.

The National Park Service does not necessarily have the same problems as the U.S. Forest Service, the Bureau of Indian Affairs, or the Bureau of Land Management, nor do we necessarily deal with the same types of people.

The Park Service has a dichotomy of responsibilities in its mandate that we manage these areas for the enjoyment of people while at the same time exacting a code of conduct on them through our regulatory provisions. We find the national park ranger very often is using his discretionary authority as a law enforcement man more than perhaps a law enforcement officer in an agency that has only law enforcement as their responsibility.

The jurisdiction issue which we discussed with regard to proprietary jurisdiction—those rangers need more authority maybe at the level of concurrent jurisdiction. There is quite a bit of agreement on that. They cannot enforce any of the U.S. criminal codes that apply only to areas of special jurisdiction.

However, I would like to make the point that I do not believe areas that have exclusive jurisdiction should lower the level of jurisdiction to concurrent. Under exclusive Federal jurisdiction we have the ultimate potential for doing the law enforcement job in a more uniform manner. You lose that when you have mixed Federal and State agencies of different governmental organizations all coming together on a common problem.

We have some management attitudes that give us difficulty in doing our law enforcement job. We have managers who have never done law enforcement. They are naturally not experienced and sometimes not as sensitive and supportive of our law enforcement needs as those of us who have come up in the law enforcement end of it feel is necessary. This attitude surfaces when we compete for money to operate.

Law enforcement has historically been underfunded in the areas where I have been assigned. I find my department in competition for operating funds with interpretative needs, maintenance needs, snow removal, and a myriad of other things that the Park Service has to do to maintain their areas. The law enforcement needs seem to take a fairly low priority unless, of course, there is a riot or something to bring it to everybody's attention. Then we come immediately to the surface. Properly funded law enforcement programs serve to prevent riots and continuing criminal enterprise.

We feel we should have an opportunity to compete for our funds to operate within the law enforcement program only in competition with other law enforcement needs and not with such a variety of other services.

Lastly, I would like to say that the national park ranger in my experience has a much greater exposure to personal safety hazard and life hazard than any other Federal officer with whom I have had an opportunity to work. For the past 3 years we have averaged 18 assaults a year on our park rangers in Yosemite, while they were doing their law enforcement job.

I therefore think they should be entitled to be included under the 20-year Federal officer retirement program as other Federal officers are. At this time they are not.

That concludes my summary.

Mr. KINDNESS. Thank you, Mr. Shackelton.

[Mr. Shackelton's prepared statement follows:]

PREPARED STATEMENT OF LELAND J. SHACKELTON, CHIEF LAW ENFORCEMENT OFFICER, YOSEMITE NATIONAL PARK, CALIF.

By June of this year I will have been associated with Yosemite National Park for 17 years as a U.S. Park Ranger. During that period I have observed the law enforcement problems grow and change from petty crimes against the resource and its flora and fauna to the more urban oriented crimes against people and property. Felony crimes which were practically unknown at the beginning of my career in the mid-1950's are alarmingly commonplace now. All of my duty stations during the past 17 years have been in areas of exclusive Federal jurisdiction where the U.S. Park Ranger is the first line law enforcement officer, and state and local agencies are precluded from the routine law enforcement function.

I believe we have experienced a changing public ethic regarding social behavior in the great outdoors. A relatively few years ago there was a sacred trust among campers and mountain recreationists that allowed one to leave his campsite unattended without fear of property theft. Gradually there has been an increase in the number of Park visitors who evince attitudes more of the city dweller than of the outdoorsman. With that change we have experienced many of the anti-social acts previously limited to urban. To some the sight of an unsecured camera or backpack in a campsite is too much to resist. To many professional auto burglars (car-clouters), the vehicles in the long-term trailhead parking areas are sitting ducks to this specialist in larceny as he drives his route through the recreational areas. This thief can and often does burglarize thirty to forty cars a night.

Other trends observed include the introduction and increase in dangerous drug use among the younger visitors and resident employees. Intoxicated youths become involved in assault and disorderly public acts. Law enforcement action is primarily aimed toward those trafficking the controlled substances but our response is fragmented and severely limited by funding and we are not maintaining an acceptable level of control on drug violations at present.

I have been asked to discuss the extent to which I believe crime poses a threat to the visiting public in Yosemite National Park. The temptations to commit either crimes of opportunity or premeditation abound in Yosemite because the visitors' guard is down in the relaxed outdoor setting. My feeling is that many property crimes go unreported because of delayed discovery or a conditioned victim apathy. Many transient victims consider the recovery of stolen property futile. Our property lockers contain hundreds of items recovered from thieves and burglars wherein the victims failed to file reports of their loss and the suspects cannot recall their victims. Regarding all varieties of crimes in Yosemite the extent of the threat is directly proportionate to the amount of preventative and detective services we are able to fill. In 1971 Yosemite listed two rangers as investigators with multiple collateral duties. The solution rate for Part I crimes was 13.2%, about half the national average. Our rate of recidivism was staggering with some defendants appearing before the U.S. Magistrate six or seven times within the year. We reorganized building the number of investigative rangers, with no other duties, to a peak of seven by 1974. Our rate of solution rose steadily to 42% by the end of 1976 and the amount of criminal recidivism has been reduced to practically zero. For the first time in years the number of Part I and Part II crimes reported for investigation in 1976 (1,595) represented a 19% drop below the previous year (1,960).

It is premature to conclude that this is the start of a trend change but it can be correlated directly to the increased level and quality of investigative effort to apprehend and prosecute those responsible for crimes in Yosemite.

The threat of crime varies not only by our ability to control or discourage it but also by varying sociological influences associated with geographical differences within Yosemite and other areas of the National Park System. Roughly 90% of our crime experience takes place within the narrow confines of Yosemite Valley where visitors gather by the thousands and an urban-like social interplay exists. In the more open areas of the park, like Tuolumne Meadows, where there are few of the amenities of modern life, the visitors seem more occupied with enjoying the resource than with enjoying each other and there is little crime among those gathered by comparison. It is interesting to note however that the latter group is most often the victim of the professional route-driving auto burglar as their love of the trail takes these visitors farther away from their parked vehicles.



Some specific examples that may help at this point are the following major crimes and selected statistics.

In July of 1976 a 16-year-old juvenile accosted a female in a campground restroom and threatened her with a handgun. Her screaming routed him and he next tried to rape a second girl at gun-point in a nearby parking lot. She escaped when he fell down during the struggle. Six patrol rangers responded after first securing shot-guns from headquarters. By the time of their arrival the youth had a third victim on the ground attempting to rape her. As the six rangers arrived he fired his .38 caliber revolver at a point blank range at 20 feet narrowly missing seasonal Park Ranger Everett Ackart. All the rangers held their fire as the fleeing suspect was silhouetted against a row of canvas tent cabins at 2:00 A.M. The juvenile was arrested minutes later without further gunfire. He was subsequently charged as a juvenile delinquent with assault on a Federal Officer with a revolver, assault with intent to murder, a rape and oral copulation. He pleaded guilty—imposition of sentence was suspended and he was placed on probation for two years.

In April of 1976 the body of concession employee Barbara Ann Bentley was found strangled in the Ahwahnee Meadow in Yosemite Valley. An extensive investigation was launched by Park Rangers and by the end of the week I arrested one Bruce Allen Curtis for the murder. Curtis, 26 years of age, also a concession employee, had an extensive prior criminal record. He was convicted on totally circumstantial evidence and is presently serving a life sentence for first degree murder.

In November of 1977, Yosemite experienced a rash of arson fires. Three major buildings were burned to the ground with a rough loss estimate of one million dollars. A fourth building was set but the fire went out quickly. Again a major case investigation was conducted with rangers being reassigned from other parks to assist. The arsonist had revealed his plans to burn most of the major buildings in Yosemite as he was an inspired environmental activist. I was able to identify him as a 23-year old former concessioner employee and a warrant was issued for his arrest. We traced him to Sierra Madre, California, where local police effected our warrant on December 5, 1977. I flew south the same day and obtained his signed confession to the four arsons, approximately 100 cases of tire slashing and the theft and sale of a large quantity of dope from an airplane that crashed in Yosemite while on a dope smuggling flight from Mexico to Nevada. The defendant is set for trial this month. The cost of this investigation was \$22,000 to the National Park Service plus another \$12,400 contributed by assisting agencies and the concessioner for investigative and surveillance services.

Over the past six years, our law enforcement activity level has averaged approximately 500 arrests, 5,000 citations, and 15,000 verbal warnings per year in Yosemite. Especially on petty regulations our preferred level of enforcement is to educate and warn and develop visitor support for our conservation regulations. Where that approach is ineffective higher levels of enforcement are applied.

With the passage of PL 94-458 (the National Park Service General Authorities Act of October 7, 1976), we were provided for the first time with a fairly definitive legal authority with which to conduct our law enforcement responsibilities. The blanket arrest authority for all National Park Service employees previously provided by 16 U.S.C. 10 was replaced by a system of individually assigned law enforcement commissions to employees meeting the criteria set by the Secretary of the Interior. These standards are based in the Departmental Manual 446, DMI and 2. This system should eventually lead to the elimination of amateur and substandard law enforcement actions and produce a level of professionalism in our Service.

Our authority to investigate crimes committed in the National Park System is clarified by the Act and should serve to eliminate interagency squabbling over who has the primary jurisdiction on criminal investigation. Even with the National Park Service responsibility for investigating routine crimes clarified by the Act, we are assured by the Federal Bureau of Investigation of any investigative assistance requested and all of the other Federal investigative agencies offer their services as cooperators. We, of course, report to those agencies any particular types of crimes that are clearly under the primary investigative authority of another agency.

The Act also enables the National Park Service to obligate Federal funds for the use of non-Federal officers as "Special Police." While Yosemite does not contemplate contract police services, per se, that provision does open the door for the first time to allow our participative membership under the provisions of the California Law Enforcement Mutual Assistance Plan. We are presently holding meetings with representatives of the State and local law enforcement

agencies to formalize mutual aid plans for Yosemite. Until now we have been an island of jurisdiction in this regard and as much unable to legally summon emergency assistance to cope with civil disturbance emergencies. Recall that during the July 4, 1970, Yosemite riots the California Highway Patrol and other responding State Police units were recalled in mid-emergency because of this void and the Mariposa County Sheriff who lost two patrol vehicles and his personal revolver was told that there was no legal statutory provision with which the Federal Government could reimburse his loss. Local and State officers are still concerned that their injury and death compensation provisions, which are greater than the Federal compensation system, may be forfeited if they respond to our area of exclusive Federal jurisdiction for emergency duty. I feel that this can be worked out in the plan when it is finally formalized and approved.

The Act also provides for the first time the authority of commissioned law enforcement officers to carry firearms. Also clarified are the conditions under which arrests can be made for crimes committed in the System.

Employee training criteria is still in a state of flux. The National Park Service set up a Law Enforcement Task Force to evaluate and recommend standards. Two hundred hours of specified law enforcement subjects were established as the training criteria for a law enforcement commission. Although 1977 was allowed as a transition year and employees deficient in training requirements were allowed to make arrests, carry firearms and practice law enforcement, the final training specifications were not available until too late in the year for them to seek course subjects to fill their training voids. Effective January 1, 1978, those still lacking the full training requirements were cut from law enforcement duty. This has caused a drastic reduction in available law enforcement personnel and caused major difficulties in our seasonal ranger recruiting efforts. The end product will be good but the transition period will be very difficult. The overall effect as it stands in Yosemite to date is a reduction in rangers qualified for and assigned to law enforcement duties at peak season of from 120 in 1976 to 34 at present.

The quality of the training Yosemite personnel have received in Brunswick, Georgia, at the Federal Law Enforcement Training Center has been good. It is a general school for officers of several Federal agencies and it is of great importance that each agency continue to include such training as is necessary to maintain the individual agency identity and agency mission.

This is especially true as it pertains to the National Park Service because by the very nature of our Establishment Act we have been given a dichotomy of responsibilities in the administration of the areas of the National Park System. In so many words we are "To provide for the public enjoyment" on the one hand and enforce a strict code of conduct on the other. Either responsibility alone is simple but to balance one against the other is difficult. The Park Ranger soon discovers that one person's idea of enjoyment is another's idea of disorderly conduct. He learns that thousands of acts of regulatory violation against the resource are truly perpetrated in total ignorance of the law and such acts often constitute totally acceptable behavior in other recreation areas. The law enforcement training for the ranger must therefore equip him or her to make more use of discretionary authority than that accorded an officer with only law enforcement responsibilities.

All law enforcement incidents are reported on the Servicewide Incident Reporting System. While the computer system has good potential it is not sensitive to field needs. The coding system was designed around the U.S. Park Police metropolitan problems and should be modified to reflect the types of incidents encountered in the outdoor recreational areas of the System. The field areas should have terminal control access for data retrieval if they are truly to derive maximum management use of the System. Present data retrieval is awkward and slow. The system which was supposed to combine other reporting systems into one central system has, in fact, become an added reporting task on top of the other systems in many instances. The data bank seems too often to be in error. Example: 1975 cases reported; Actual—1,960, computer printout—1,704; 1976 cases reported; actual 1,595; computer printout—1,475.

Management attitudes are sometimes a problem in that some managers view the law enforcement's function begrudgingly as a necessary evil in a conservation agency. Top managers who have not dealt with the operational difficulties of field law enforcement are naturally not as understanding or supportive of the need of law enforcement as they are of operations they have personally experienced. The competition for operation funding places law enforcement far down the list of priorities below interpretation, maintenance and resource management needs.



The only exception was in the period immediately following the riots and disturbances of 1970 and 1971. I feel law enforcement operations should compete for funding only within its own field. Top managers that did progress through the ranger protection field are too often influenced by their recollection of law enforcement problems of a decade ago which admittedly were minor by comparison. The whole subject of law enforcement in my agency becomes too emotional. It should be viewed as just another job responsibility to be performed to the best of our professional ability. I would like to offer my brief thoughts on the following subjects in general.

1. Rangers in areas of proprietary jurisdiction lack the authority to respond to the full spectrum of crimes they encounter. Such areas should either be raised to concurrent jurisdiction or the Sections 7 and 13 of Title 18 of the U.S. Code should be modified to include areas of proprietary jurisdiction. I do not believe it is proper to deputize a Federal Ranger as a county officer in order that he can deal with criminal acts in his area of duty. Areas of exclusive jurisdiction should retain that status as the N.P.S. has a better management ability to provide uniformity in the law enforcement program.

2. Funding should be provided to meet the staffing needs of Service areas' law enforcement programs to at least a realistic level of response to crimes committed and on-going drug trafficking activity. Even better would be a funding level that would allow a prevention program, which is actually our primary responsibility.

3. U.S. Park Rangers and Technicians assigned to law enforcement duties face as much or more exposure to hazard as any Federal Agents I have known. For this reason I believe that those personnel with law enforcement commissions should be allowed the same opportunity to be covered under the 20-year retirement benefits as other Federal officers. The number of assaults on our rangers and physical resistance to arrest cases are as follows: 1974-24; 1975-18; 1976-12.

4. Whatever the final training criteria turns out to be, the Service has not yet been able to solve the problem on a uniform basis for providing that training to our seasonal employees. These "Seasonals" are the front line representatives of our Service during the peak visitation seasons. As such they must be able to fully qualify for law enforcement commissions. Recruiting procedures are next to impossible under our present methods with regard to obtaining qualified law enforcement seasonal employees. Too many key law enforcement jobs are staffed by less-than-full-time employees because of position ceilings and funding limitations. The effectiveness of the law enforcement operation suffers because the Government's witnesses are terminated or on furlough when needed for trial, when further developments in their assigned case investigation require their handling. The solution of many other problems in law enforcement that depend on better continuity of personnel. The investigative staff in Yosemite has completely turned over four times in six years. It takes the sharpest officer at least a year to become fully productive as an investigator. Only one of all the Yosemite investigators is a permanent employee.

Mr. KINDNESS. Mr. Adams?

**STATEMENT OF WAYNE D. ADAMS, PROJECT MANAGER, CRAB ORCHARD NATIONAL WILDLIFE REFUGE, CARTERVILLE, ILL.**

Mr. ADAMS. Thank you, Mr. Chairman.

I am Wayne Adams. I am Project Manager of Crab Orchard National Wildlife Refuge, Fish and Wildlife Service.

I appreciate the opportunity of appearing here today and giving testimony in regard to our visitor protection and our needs.

I will try to summarize my report in the interest of time.

Mr. KINDNESS. Your prepared statement in its entirety will be made a part of the record.

Mr. ADAMS. Crab Orchard has gone through several periods of change in jurisdiction. We are now proprietorial jurisdiction as far as the entire area is concerned. Prior to that time, we had a combination of exclusive Federal jurisdiction and concurrent jurisdiction.

I am not in complete agreement with my neighbor to my right on this. We are optimistic that under proprietary jurisdiction we will better be able to solve our problems than we were able to under exclusive jurisdiction. I will get into that in a few minutes.

A majority of the cases at Crab Orchard are misdemeanors. However, we do have, as my report indicates, enough felonies to be of concern to us.

My report might be a little misleading in that statement of 874 misdemeanors prosecuted between the years 1973 and 1977 and 125 felonies reported. The 125 felonies reported does not mean that some of those were not prosecuted in one court or another. The problem is that our officers do not have authority in felony cases. Therefore, we defer either to the FBI or various State authorities to take these offenses through court. Eventually they are reported through as closed or open cases, whatever the case might be.

Our felonies do cover the entire gamut of rape, murder, breaking and entry, assault and what have you. I do not believe, as far as Crab Orchard is concerned, that it is a crisis. I think it is a serious problem. I believe we have to address ourselves to that problem.

In a fairly concentrated area, we handle roughly 1½ million visitors annually. As far as our public use figures go, we probably rank with some of the national parks in regard to the visitation received.

A few days ago I briefly had the opportunity to review or touch upon the highlights of the law enforcement authorities contained in the criminal code reform legislation that was recently passed by the Senate. I think this is commonly referred to as the McClellan-Kennedy bill. From that brief review, I feel there are several things in that legislation that would go a long way toward providing us the tools we need to better accomplish our job.

Crab Orchard Refuge, as far as the Fish and Wildlife Service is concerned, does not represent a typical refuge in the system. There are probably not over 8 or 10 at the most that receive this kind of concentrated public use. I suspect that Crab Orchard is the highest use area as far as public recreation is concerned. Therefore, legislation and authority that we might need at Crab Orchard would not necessarily apply to the entire Fish and Wildlife Service, particularly some of our remote refuge areas where they have maybe 100 or so visitors a year.

We have experienced excellent cooperation from other law enforcement agencies, both local and Federal. I do not view this as being a problem. However, we do not have any written formal agreements with these agencies and it is not a contractual arrangement.

We are operating our programs so that in the past 3½ years we have moved from a one-man law enforcement operation at Crab Orchard to a full-time, five-man police station. These fellows operate full time in a law enforcement capacity. Right now we are short one position that has not been filled.

Our refuge is open 24 hours a day. We have people on duty 7 days a week, 24 hours a day, and we do respond to calls of an emergency nature. In many instances we are not and cannot be on the scene when a crime of a serious nature does happen, but we do respond in a very brief period of time.

One thing that gives me a great deal of consternation is the fact that many times the officers who are working under my supervision walk into areas of criminal activity where it is questionable that they have the authority to be there. I am talking primarily about felonies because they do not specifically have authority in felony cases. When you get right down to the legal aspect of it, they can only operate as a private citizen.

This gives me a bit of a problem because I cannot and the agency cannot then afford that officer the degree of protection that he should have under the law in performing his duties.

I believe that concludes my statement. I would be happy to answer any questions or discuss any particular cases that we have had at Crab Orchard, those of a serious nature or any that would be of interest to the committee.

Thank you.

Mr. KINDNESS. Thank you, Mr. Adams.

[Mr. Adams' prepared statement follows:]

PREPARED STATEMENT OF WAYNE D. ADAMS, PROJECT MANAGER, CRAB ORCHARD NATIONAL WILDLIFE REFUGE, CARTERVILLE, ILL.

I appreciate the opportunity to appear before you today and discuss Visitor Protection on the Crab Orchard National Wildlife Refuge.

The Crab Orchard National Wildlife Refuge was established in 1947 by a special act of Congress to be operated as a complex—20,000 plus acres to be operated as a wildlife sanctuary and industrial complex; and 22,000 plus acres to be operated as a public use or recreation area.

The majority of our cases at Crab Orchard are misdemeanors; however, we do have enough activity of a felonious nature that poses a problem that must be addressed. A summary of law enforcement activities for 1973 through 1977 reflects that 874 misdemeanors were prosecuted and 125 felonies were reported.

The above cases reflect a public use level of approximately 7 million visitors for the 5-year period. Misdemeanors are not normally against persons or property of the individual, but reflect infractions such as game laws, trespass, traffic and lesser drug offenses—to name a few. Felonies range from breaking and entering, theft, rape, armed robbery, and assault, to serious drug offenses.

Our existing authority is contained in *Title 16 of the U.S. Code*, in particular the Refuge Administration Act, and we operate under Title 50 of the *Code of Federal Regulations*. These authorities are sufficient for misdemeanors but I believe we need a greater degree of authority than that contained in the above documents to adequately meet our enforcement responsibility with regard to jurisdiction over felonies committed on Refuge lands. The law enforcement authorities contained in the Criminal Code Reform legislation that was recently passed by the Senate are the types of authorities I believe we need and would go a long way toward solving our problems.

Since Crab Orchard National Wildlife Refuge does not represent a typical refuge field station, (there are probably not more than 8 or 10 field stations that would require this level of authority) it should be left to the discretion of the Agency as to which field station would be granted this degree of enforcement authority.

We have always experienced excellent cooperation from local law enforcement agencies, Federal, State and county. However, they do not have the resources or manpower to provide an ongoing presence to deter or prevent criminal activities, therefore their assistance in practically all instances is after the fact, and they rely on Refuge personnel to be on the scene and patrol the areas.

All court activities are reported, through channels, to the Washington Office on Disposition Report 3-300A, Department of Interior, U.S. Fish and Wildlife Service, as pending, active, or closed. Serious incident reporting, such as homicide, rape, etc., are reported by telephone, through channels, to the Washington Office as soon as possible. This telephonic report is followed by a written report after the case has been disposed of through prosecution or declared inactive.

An 8-week training program is being required of all full-time law enforcement officers at Crab Orchard. For those employees doing law enforcement work on a

part-time basis, such as our firefighters and refuge managers who are occasionally called upon to enforce refuge regulations, there is a 3-week training program.

This concludes my prepared statement, Mr. Chairman. I will be pleased to answer any questions you may have.

Mr. KINDNESS. Mr. Chairman, I think, as usual, we might proceed with the rest of the panel before getting into questioning.

Mr. RYAN [presiding]. I apologize to those who were here for waiting, but the redwood bill was up and I had to be there for a statement on the floor. I appreciate Mr. Kindness proceeding with the hearing in my absence.

Mr. Purvis, you are our next witness.

**STATEMENT OF GERALD PURVIS, CHIEF, RECREATION RESOURCE MANAGEMENT BRANCH, OHIO RIVER DIVISION, ARMY CORPS OF ENGINEERS**

Mr. PURVIS. Mr. Chairman and members of the committee, thank you for allowing me to be here.

I am Gerald Purvis. I am with the U.S. Army Corps of Engineers.

This is an opportunity for the field people to participate in these discussions.

The comments I make are my personal observations based on 15 years of field experience with the corps and not necessarily the policy of the Corps of Engineers.

My experiences in the recreation and natural resources management profession range from positions as a field ranger to a project manager of a water resources development project to my current position as the Chief of the Recreation Resource Management Branch in the Ohio River Division of the U.S. Army Corps of Engineers.

The corps is a major provider of recreation and resource management. In the Ohio River Division, we manage about 1.4 million acres of land and water and had over 82 million visitors in 1977. Nationally, in 1977, the corps managed nearly 11 million acres of land and water on 436 water resource development projects. We estimate our 1977 visitation to be approximately 424 million. The U.S. Forest Service, I believe, will be the only agency that will exceed the corps in visitation in 1977.

Mr. RYAN. If I may interrupt you, Mr. Purvis, this is a very long statement. It is obviously a good one. If it could be summarized, I would appreciate it because there are some questions that I would like to ask you and others.

Mr. PURVIS. All right, sir.

As you can see, we have a small amount of land with large visitation.

Our reporting of criminal activities on corps' projects is traditionally low. It is generally handled by the local agencies for those crimes above the normal rules and regulations of the corps, and they have not been reported, as shown in the GAO report.

The corps does have proprietary interest in lands only. Therefore, the Federal crimes do not apply. Accordingly, our rangers or citation officers are restricted to addressing misdemeanors punishable as petty offenses only with a fine of \$500 or 6 months maximum.

Our rangers generally relate more to the management of the natural resources and recreation development. They do, as I say, have cita-

tion authority to issue citations for violations of our rules and regulations. They are not law enforcement officers per se. They offer visitor assistance and resource protection, but they are recruited from professional fields such as forestry, wildlife management, and park management. They are resources and public relations trained and oriented and are not law enforcement officials.

In 1976, 727 employees in the corps with citation authority issued approximately 4,980 violations and 15,710 warnings for violations of our rules and regulations.

There were some significant problems in the Ohio River Division associated with the citation program. We were unable to secure cooperation in some areas with the magistrates in having collateral forfeitures or they were unable in some cases to even participate in the program.

I have listed in my prepared statement six separate incidents which did occur that involved interference with a ranger and his duties in the Ohio River Division.

Participation by local law enforcement agencies varies. In cities such as Nashville, Tenn., we have very good cooperation; in rural counties we often have very poor participation because of the limited capabilities of rural agencies.

The December 1974 report of the Secretary of the Army to the Congress on visitor protection did identify deficiencies in our visitor protection program. The report analyzed various alternatives, including increased law enforcement authority and contracting with the State. The corps has taken the route of contracting with local law enforcement agencies. We are going to have contracts this summer. We hope that this will assist us in reaching an acceptable level of visitor protection at our projects. This is consonant with our limited proprietary jurisdiction and the principle that law enforcement should remain primarily the responsibility of local authorities.

Training has generally been delegated to the divisions and to the districts. It ranges from 32 to 40 hours for new employees with periodic refresher courses for seasoned employees.

We recognize there has been a deficiency in the training. We are developing a new training curriculum nationwide which would provide basic instruction for stress training. It will not include training for weapons since the corps has no armed rangers.

I think that our reporting of title 36 violations is good. We do have a good reporting system. We report quarterly and annually. I think it is reasonably accurate.

I would like to make some personal comments concerning the GAO report, current corps actions, and some suggestions. As I said, we will fully implement the increased law enforcement contracting program in 1978 and 1979. I personally think it will vary in its effectiveness according to the cooperation of local sheriff's department.

The Department of Army has strongly recommended to the Congress that our employers who are engaged in title 36 enforcement be included under section 1114 of title 18, which makes it a Federal crime to intimidate, assault, or otherwise interfere with such an officer.

As I said earlier, we are developing new guidance for implementation of the citation program, which I think will eliminate some of the problems now existing.

A new title 36 part 327 is in the Federal Register now for comment, which eliminates some of the problems which have become evident in the current code.

I believe the GAO report is not entirely representative of the Ohio River Division. I do not view our problem as significant in the Ohio River Division as the two sample projects in Georgia. We do have a problem but it is not out of control. I believe it can be handled.

I concur with Mr. Shackelton's statement that any action should recognize the variance of our policies and that each agency should be able to retain its identity. There are many management solutions that can be taken—and I have listed some in my statement—that I think can be of great benefit to increase visitor protection without the necessity of changing our policies.

This concludes my testimony. If there are any questions, I would be glad to answer them.

Mr. RYAN. Thank you, Mr. Purvis. Your prepared statement in its entirety will be made a part of the record.

[Mr. Purvis' prepared statement follows:]

PREPARED STATEMENT OF GERALD PURVIS, CHIEF, RECREATION RESOURCE MANAGEMENT BRANCH, OHIO RIVER DIVISION, ARMY CORPS OF ENGINEERS

Mr. Chairman, members of the Committee, I am Gerald Purvis. Thank you Chairman Leo Ryan of California for inviting me to testify at this hearing concerning problems of Crime in Federal Recreation Areas. It is a pleasure to participate in these discussions. The comments I make here today are based on my opinions and observations developed over the past 15 years while working in the recreation field. They are not necessarily the policy of the Corps of Engineers.

The Corps of Engineers has provided and administers outdoor recreation areas at many of the water resources development projects constructed by the Corps under its Civil Works program throughout the Nation. In accordance with its policies and goals, the Corps holds public safety, personal security, and environmental protection as fundamental to its management of recreational opportunities.

My experiences in the Recreation and Natural Resources Management profession range from positions as a field Ranger to my present position as Chief of the Recreation-Resource Management Branch for the Ohio River Division, U.S. Army Corps of Engineers, Cincinnati, Ohio. I was a Ranger for 3 years, and have been a Resource Manager at a large multipurpose lake and a District office Branch Chief for Recreation-Resource Management, all within the Nashville District. I was Recreation-Resource Management Branch Chief at Nashville in 1971 when the pilot study for issuance of citations by Corps Rangers for violation of Federal rules and regulations was conducted at Lake Cumberland, Kentucky. This pilot program grew into the nationwide citation program currently implemented by the Corps to protect project resources and to assist visitor protection.

The Corps of Engineers is a major provider of recreation and resource management. In the Ohio River Division we manage 1.4 million acres of land and water and had over 82 million visitors in 1977. Nationally, we manage nearly 11 million acres of lands and water at the 436 water resource development projects with an estimated visitation of over 424 million in 1977. Only the U.S. Forest Service with its vast acreage of land surpassed the Corps in visitation. Most of our visitation occurs on the 5½ million acres of land we manage. You can easily see that we have lots of people on a relatively small piece of real estate. Two-thirds of our recreation areas are within easy access to about 70 percent of the Nation's citizens. At the same time, many of the recreation sites around our water resource projects are in a rural setting and somewhat remote. Easy accessibility, high usage, scattered recreation sites and a relative degree of remoteness contribute to the increased likelihood of criminal activity.

As stated in the GAO study the reporting rate of criminal activity is traditionally low for some crimes; many people do not report thefts or minor assaults through Corps channels. Crimes often occur at our recreation areas that are reported directly to civil authorities, consequently, Corps officials are not con-



tacted. I must point out that Corps personnel do not have the authority to enforce civil and criminal violations just described.

The Corps, when obtaining land for our projects, acquires a proprietary interest only. The Criminal Codes of the affected States are the effective Criminal Codes for the enforcement by those States concerning any serious criminal activities that might occur at our projects. It is the policy of the Corps, in which I concur, that the enforcement of laws above those contained in Federal regulations should remain with the local authorities. Accordingly, direct Corps law enforcement authorities and activities at our projects primarily involve enforcing the Department of Army regulations related to uses of our recreational areas and facilities and are restricted to misdemeanors punishable as petty offenses against the Corps' proprietary interests such as littering and unauthorized use of vehicles. Such offenses carry only a maximum fine of up to \$500 and/or imprisonment for up to six months under the provisions of Section 4 of the 1944 Flood Control Act, as amended, (16 U.S.C. 460d). Corps of Engineers Rangers, whose duties generally relate more to management of natural and recreational resources, enforce the regulations through citation authority requiring the alleged violator to appear before a United States Magistrate.

Public Law 91-611 authorized the Chief of Engineers to grant citation authority only to selected Corps of Engineers employees. This authority allows for the issuance of a violation notice to anyone found violating a rule or regulation governing public use of projects managed by the Chief of Engineers. These rules are published as Title 36, Chapter III, Code of Federal Regulations, Part 327. The intent of the regulations is to protect the natural resources and give limited protection to the visitors.

Our rangers are not law enforcement officers per se, but rather, they offer visitor assistance and resource protection. We are in the land management business, consequently, our ranger force is recruited from professional fields such as forestry, wildlife management or park management. They are resource and public relations trained and oriented and should not be considered as law enforcement officers nor can they be adapted to such use.

An important part of the ranger's work is to prevent unauthorized use or encroachment of public property. Encroachments can deteriorate the value of the natural resources and can usurp the public right to use public lands and waters. In 1976 the 175 rangers with citation authority in the Ohio River Division issued 672 citations and 2,677 warning citations on our 69 water resource projects. Nationwide, the Corps had 511 permanent and 1,017 temporary rangers in 1976, 727 of these employees had citation authority. These officers issued 4,980 violation notices and 15,710 warning notices for violation of our rules and regulations and recognized 20,103 encroachment violations. Our staffs and rangers are spending hundreds of hours to resolve these problems through use of the courts or by voluntary compliance.

In the Ohio River Division some significant problems associated with the citation program are as follows:

1. In some areas cooperation with U.S. Magistrates and U.S. Attorney Officers are critical. Only in 1977 were we able to secure full participation by the U.S. Magistrates office in the southern District of Ohio in our program, and in the eastern District of Kentucky we still do not have a collateral forfeiture system.
2. At Dewey Lake in Kentucky a ranger was called out of his home at gunpoint as a result of his impoundment of a camper's trailer.
3. At Sutton Lake in West Virginia a ranger was physically restrained while attempting to issue a citation.
4. At Fishtrap Lake in Kentucky a ranger was threatened at gunpoint while conducting a visitation survey.
5. A ranger at Grayson Lake in Kentucky was threatened with bodily harm over issuance of a citation for reckless operation of a boat.
6. At Dale Hollow Lake in Tennessee a ranger's badge was torn from his uniform and he was threatened with bodily harm.

As stated above, the Corps relies upon local law enforcement authorities to maintain law and order. The principle action agency is the county sheriff's office. Cooperation from county sheriff departments across our division varies from excellent to non-existent. At our J. Percy Priest project on the outskirts of Nashville, the sheriff's department provides 2 full-time vehicles and men to patrol the project. We have excellent cooperation. On the other hand, a rural lake project may be served by a sheriff's department with only one man. He turns off his police radio and closes office at the end of his workday. We can't expect too much assistance from a small department such as this.

The December 1974 Report of the Secretary of the Army to the Congress on Visitor Protection Services at Corps of Engineers Lakes found deficiencies in visitor protection stemming from Corps rangers having limited law enforcement authority and State and local law enforcement agencies being unable to provide sufficient personnel. The Report analyzed various alternatives to correcting the perceived deficiencies, including increased law enforcement authority for Corps rangers and contracting with State and local law enforcement agencies for increased law enforcement services at Corps projects.

The Corps recommended the contracting alternative to the Congress which Congress approved by enacting Section 120 of the Water Resources Development Act of 1976 (PL 94-587). It authorizes up to \$6 million for fiscal years 1978 and 1979 to contract with States and their political subdivisions for increased law enforcement during peak visitation periods.

The Corps is now completing a regulation that will provide for law enforcement contracts to be entered for the 1978 summer recreation season. This should prove to be a very important program in improving visitor protection at Corps projects as well as the safety of Corps rangers. My personal opinion is that the success of this contract effort for increased law enforcement will vary across the country.

I believe that our new contract authority, supplemented with enactment of the legislation to protect our personnel and with improved emergency communications and coordination with State and local law enforcement agencies, should assist in the Corps reaching an acceptable level of visitor protection at our projects. This is consonant with our limited proprietary jurisdiction and the principle that law enforcement should remain primarily the responsibility of local authorities. If contract services fail to provide sufficient improvement in visitor protection the Corps, of course, will reevaluate its position.

In the Ohio River Division, training has been delegated to the Nashville, Huntington, Louisville and Pittsburgh Districts. These Districts have utilized the special Law Enforcement Institute at the University of Louisville and other universities for various aspects of our training. Training is held once a year and usually consists of a block of from 32 to 40 hours of training, including field problem cases for new employees, with refresher courses for experienced rangers. Instructors are assembled from top experts in their field from the Corps, other Federal land management agencies, U.S. magistrates, U.S. attorneys, local and Federal law enforcement authorities and behavioral scientists.

Many of the Districts have sent rangers to the Parks and Recreation Law Enforcement Institute at Michigan State University. This is a two-week course of study over a two-year period. The course mostly covers theory of recreation law enforcement problems and has proven to be of limited value in our Division.

The Office of the Chief of Engineers has recognized our deficiency in the Citation Program training. Plans are now underway to develop a basic core of instruction at the national level which all personnel dealing with the citation program would have to complete. The schooling will include stress training which deals in handling difficult situations. No firearms training is contemplated since it continues to be Corps policy not to arm our rangers. This training will be aimed toward better equipping our personnel to implement the Corps citation program within existing policy guidelines and legislative authorities. The Corps is currently reviewing its guidance on visitor assistance programs and may move in the direction of softening the "police" image of rangers. Directions may be to do away with the highly visible squad car type ordinance (lights and siren), or place them in concealed areas. Some Districts have already adopted this approach and found it to be appropriate. The badge the officer now wears may become smaller or removed from clothing and carried in a badge case. In these cases the effort would be to project rangers as resource personnel and to dispel the misconception that they are law enforcement officers.

Reporting of criminal activity at Corps projects is very irregular as I have previously noted. For one thing, it is realized that not all crimes are reported to any authority. Most criminal investigation and administration is handled by local authorities. If one of our rangers were involved as a witness or received the first complaint, then he would file a special incident report. This report is forwarded to the Provost Marshal's offices at Division and the Office of the Chief of Engineers in Washington. Corps personnel are not involved with these cases, so the records are prepared by local authorities and we are not informed.

Reporting of violations to 36 CFR 327, Rules and Regulations are adequately covered under the reporting systems to our Washington office. A report is filed quarterly from each project which shows the number of violation notices and warnings issued by type of violation. These reports are funneled through the



Provost Marshal's offices. A second report is the Annual Recreation-Resource Management System Report which is maintained in the Recreation-Resource Management Branch files. This report gives the number of citation officers, number of warnings and citations issued, number of convictions and number of cases pending, all as of the end of the calendar year.

I would like to make some personal comments concerning the GAC report, current Corps actions and suggestions.

1. The Corps will fully implement the increased law enforcement contracting program in 1978 and 1979. It should be completely analyzed after the 2 years and continued only if it is found to be effective and then only at those projects where it is deemed appropriate. There should be willingness to recognize that effort may not be the answer to agency problems in law enforcement at all projects.

2. With regard to the safety of our Park Ranger personnel, the Department of the Army has strongly recommended to the Congress and continues to recommend, that Corps civilian employees engaged in Title 36 enforcement type activities be provided the same legal protection as is presently provided to other Federal employees, similarly engaged, by amending Section 1114 of Title 18, United States Code to make it a Federal crime to intimidate, assault, or kill any civilian official or civilian employee of the Corps of Engineers engaged in investigations, inspections, law or regulatory enforcement functions in connection with civil activities of the Department of the Army.

3. As stated earlier the Corps is developing new guidance for implementation of the citation program and is developing a nationwide training program for visitor assistance functions.

4. Problems have developed in implementing certain provisions of Title 36 CFR, Chapter III. These have been resolved and an amended Title 36 is currently in the Federal Register for comment.

5. The GAO report only used two Corps lakes as sample projects, both of which have a strong "law enforcement" posture with significant problems. I do not believe these projects to be representative of the Ohio River Division nor do I perceive the criminal problem to be as significant as statistically shown in that report. As an example, one question on page 16 of the report asks ranger preference for carrying a weapon. It then lists 5 reasons rangers desire a weapon but does not list any of the reasons why rangers would *not* desire to carry a weapon.

6. It is my opinion that while criminal activity at Federal recreation areas certainly should be recognized as a problem it is not as serious as some people have deemed it to be. I believe it can be adequately controlled through existing policies and authorities except as stipulated above concerning Title 18 coverage for rangers. Many management solutions are being used in reducing this problem, among these are:

1. Single entrances to areas with manned control gates. This can be accomplished with in-house personnel or contractual agreements.

2. User fee areas which will help to defray cost of control gates and provide funds for site improvements.

3. Improved communication systems in ranger vehicles.

4. Improved coordination and communications with local law enforcement authorities to discuss mutual problems.

5. Closing of recreation areas during off peak seasons or times of day. As an example, close picnic areas at a reasonable hour each evening while maintaining free public access to the lake at other locations.

6. Provide flexibility in ranger duty hours to extend patrol coverage over a longer time period.

7. Develop a set of procedures prescribing how a ranger should handle various types of incidents.

8. Increase in public relations efforts through news articles, interpretive programs, films, information bulletin boards.

9. Proper design of facilities to include separation of camping and day use visitors.

10. Improved reporting data system to monitor areas of problems.

11. Formation of local citizens committees to include Federal and local authorities to discuss law enforcement problems and solutions.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer any questions you may have for me in my present capacity as Chief of the Recreation-Resource Management Branch of the Corps Ohio River Division or my present position with the Office of the Chief of Engineers.

Mr. RYAN. Mr. Derr, you may proceed.

**STATEMENT OF WILLIAM DERR, REGIONAL SPECIAL AGENT, U.S. FOREST SERVICE, CALIFORNIA REGION, SAN FRANCISCO, CALIF.**

Mr. DERR. Mr. Chairman and members of the committee, I, too, appreciate this opportunity to testify before the subcommittee today to express my personal views on law enforcement problems associated with recreational areas on national forest system lands.

In my present position as regional criminal investigator I am responsible for providing direction to the law enforcement program in the California region, which includes national forest lands throughout the State. This includes the enforcement program relating to the protection of the public, forest resources, and employees. It also includes the criminal and civil investigative program relating to such crimes as arson and major thefts of timber as well as protection of the Government's interests in substantial civil claims.

I have been in this job for 6 years and prior to that worked as a field criminal investigator. My career with the Forest Service began in 1952. Prior to becoming involved in full-time enforcement and investigative work, I held numerous field positions which put me in daily contact with many forest visitors.

I will confine my discussion primarily to the general subject areas outlined in your request. Perhaps I should emphasize that my testimony reflects my personal views on these issues and does not necessarily reflect those of the Forest Service or the administration in terms of policy or administrative priorities.

With respect to the extent that crime poses a threat to those who visit the national forests, I believe that the recent report by the General Accounting Office offers some insights into this situation. From my perspective, there are problems with crime in some specific areas. However, in most areas the public is receiving an acceptable level of protection.

In California, 2,017 felonies involving crimes committed against persons and/or their property, on national forest lands, were reported by local sheriffs during calendar year 1976. The majority of these crimes occurred outside of developed recreation areas. During the same period, 5,641 misdemeanors were also reported. Many crimes occur in remote areas outside of developed recreation sites and may not affect a significant number of forest visitors.

In addition to the above statistics, in calendar year 1976, forest officers handled 31,228 reported violations of Federal and State forest and fire laws dealing primarily with resource protection. The 17 national forests in California include approximately 20 million acres and received close to 50 million visitor days of use during 1976. Therefore, the above statistics do not reflect a serious crime problem considering the size of the areas involved and the amount of use, but rather demonstrate that appropriate action is being taken. No doubt, some visitors were subjected to an inadequate level of protection from crime. A clearer definition as to the extent crime poses a threat to visitors should result as reporting procedures are refined.

The existing legal authority for the Forest Service to fulfill its overall law enforcement responsibilities appears to be adequate. The authority contained in 16 U.S.C. 551 and 559 enables the Forest Service to use the recently revised criminal regulations contained in

36 CFR 261 as a means of protecting the resources and to some extent the visitors, primarily concerning disorderly conduct.

The GAO report recommends an expansion of Federal and State enforcement authorities for forest officers in regard to the protection of visitors. This proposal can best be evaluated when we have developed more comprehensive and accurate statistics concerning the extent that crime poses a threat to National Forest visitors. With respect to criminal investigative jurisdiction and authority, the GAO report has also identified the need to further review existing and proposed legislation to insure the continuance of needed authorities.

Reliance on local communities for law enforcement assistance related to crimes against the public and their property is accomplished largely through the cooperative law enforcement program, as authorized by Public Law 92-82. The Forest Service, over the past 4 years, has reimbursed local sheriffs in California in the amount of approximately \$2.5 million for providing additional services in the enforcement of State laws beyond their normal deployment within areas on national forests. Our current budget for this cooperative program is \$880,000 in fiscal year 1978.

The visible presence of local law enforcement officers and their closer proximity when crimes occur have increased the level of visitor protection significantly. We are confident that there has been a reduction in crimes against visitors as the result of this cooperative program. The services provided are professional and meet standards set by the California Commission on Peace Officer Standards and Training.

In the California region, the day-to-day Federal enforcement job is accomplished by approximately 1,000 full-time Forest Service employees supplemented during the summer months by additional seasonal employees. All of these employees must satisfactorily complete a prescribed 32-hour minimum enforcement course before being authorized to issue a citation. An additional 32-hour advanced course is required for personnel who supervise employees that issue citations and perform limited investigative work. Approximately 500 employees have completed this advanced course. An additional 80-hour investigator course, which is a condensed version of the 8-week Federal Law Enforcement Training Center course, has been given to 80 Forest Service employees in California.

All of the above courses are planned and conducted by professional Forest Service criminal investigators, GS-1811 series. These investigators, of which there are eight, have extensive law enforcement experience and are required to attend the full 8-week Federal Law Enforcement Training Center course.

A revised law enforcement reporting system was established in the region in 1973. Since that time, a law violation report by calendar year has been compiled and submitted annually to our Washington office. This report, among other things, shows the disposition of each specific Federal and State violation, relating to the administration of the National Forests. In addition, the number of crimes, both felony and misdemeanor, which are committed against people and/or their property on National Forest lands is shown. These reports reflect activities primarily at the ranger district level.

My recommendations for future action are:

One, the continued development by the Forest Service and other Federal agencies of a more thorough and accurate national crime reporting system to identify the locations and type of crimes being committed against people and their property on Federal lands, including a statistical sampling of visitors as to the threat of crime they perceive and encounter.

Two, by the spring of 1979, after the Forest Service has developed more precise crime statistics, evaluate the need for expanding its law enforcement authority and the need for acquiring concurrent jurisdiction.

Three, a review of all existing Forest Service law enforcement authorities by the Forest Service to insure that investigative jurisdiction and authorities are adequate.

Four, the Forest Service should continue to increase its capability in providing direct protection to the public from crime when immediate action must be taken by Forest Service employees to protect visitors.

Five, a review of the following staffing needs:

(a) The U.S. Attorney's Office for the Eastern Federal Judicial District, headquartered in Sacramento and Fresno, Calif., provides prosecutive services for 14 national forests and the Lake Tahoe Basin Management Unit. Their present staffing level of assistant U.S. attorneys, which they have been attempting to increase for some time, has been inadequate in fully meeting the needs of the Forest Service.

(b) In the Central Federal Judicial District in Los Angeles, the present staffing level of the U.S. Marshal's Office appears to be inadequate in effectively serving petty offense arrest warrants.

I might add that the Forest Service has just completed an extensive revision of the law enforcement section in their directives system, which has provided increased opportunities for effectively dealing with crime in the national forest system.

This concludes my testimony. I will be happy to respond to any questions you may have.

Mr. RYAN. I want to thank all of you for your comments.

It seems obvious from listening to you this morning and from what Mr. Staats said that in varying degrees most of the agencies began their existence with an assumption in mind which needs to be changed. I do not think the Corps of Engineers got into the construction of dams and into public works with the idea of becoming law enforcement officials or watching people come through a gate somewhere. That is not their primary mission. It was not and still is not.

In the case of the Bureau of Reclamation, for example, in California, where I have had some experience at one lake there, Lake Berryessa, their job is to build dams to store water, primarily for agricultural purposes.

Inevitably, when there is water, there is recreation as well as when there are forests and they become public land, you have to deal with people.

I do not suppose it is possible for you to respond adequately yet to what appears to me to be the central problem: How do we distinguish between the primary functions which vary from agency to agency—where the storage of water or the construction of public works, including, for instance, the Tennessee Valley Authority and all those

marvelous dams and lakes built for various purposes, among them hydroelectric power—how do we distinguish between those primary missions and the secondary mission of controlling the people who wish to use these areas for recreation purposes that are perfectly legitimate?

We are simply not equipped, either emotionally or otherwise, to handle it. From my own experience in talking to people at Yosemite, for example, which is a people place if there ever was one, most people who become forest rangers or Park Service employees do it because they like the outdoors, because they like nature, because they are essentially rural oriented, and because they want to be away from urban problems. They like that kind of life. As a consequence, they resist the concept of handling crowds at the front gate.

With all the differences there are in missions in the various agencies, what kind of suggestions do you have? Should we try to consolidate this one particular function? Would it be a good idea for us to have the law enforcement problems handed over to a special group, for example, a law enforcement group on a national basis? Or is it better to have each agency handle its own law enforcement with better or more specific kinds of training for personnel within the agency involved?

Should the Corps of Engineers itself develop a law enforcement agency? Should the U.S. Forest Service develop a law enforcement agency? Should the Agriculture Department develop a law enforcement agency? Should the Bureau of Land Management develop a law enforcement agency? Each one of those would be different.

Is it better to contract for services using local authorities coupled with better Federal laws regarding jurisdiction? I wonder about this myself because I think it has some very obvious shortcomings. You are dependent pretty much on the quality of law enforcement at the local level, which may not meet national needs.

Does anyone want to respond to that?

Mr. DERR. Mr. Chairman, I agree with what you have said. I think there are some opportunities to look at alternatives and come up with some prescriptions which will in the final analysis provide an acceptable level of protection to the public.

I see as a solution a balance of alternatives. As an example, it seems to me that within any particular organization there needs to be a combination of law enforcement resources. There are a variety of crimes being committed against Federal resources and the public, some of which can be handled by seasonal employees, some which can be handled by the conservation-oriented ranger, and others that need to be handled by professional Federal or State law enforcement people. It seems to me that the handling of these levels of crime needs to stay in the administrative purview of the Federal resource agency involved. Otherwise, you lose sight of your objectives and your basic mission, wherein the national forests are managed for use as opposed to the national parks which are managed for preservation.

My suggestion would be that what we really need to be looking at is setting some Federal resource agency law enforcement standards, recognizing the total job done in response to different levels of crime by different levels of law enforcement people. It seems to me that where the services are adequate the additional resource of local

law enforcement agencies is an efficient way to provide certain visitor protection services.

This would minimize the additional investment and the impact that doing that particular law enforcement job would be to the Federal agency.

Absent an acceptable level of competency with respect to local law enforcement agencies, there is no doubt that the Federal resource agency then must respond itself to the need for visitor protection.

I appreciate the opportunity to comment on that question.

Mr. SHACKELTON. I would like to respond to the same point.

I obviously support the retention of the law enforcement responsibility within the agency itself.

A great hue and cry arose in the 1970's when inappropriate response was made to Yosemite's law enforcement problems by poorly trained rangers. There were many reports, studies, critiques, and bad publicity given the Federal forces from the public and from the press because of the great concern about the approach and imagery of the national park ranger and how he went about his law enforcement responsibilities.

Again, keeping in mind that the public comes to enjoy, there are various problems with what they consider forms of enjoyment.

The ranger in law enforcement in my experience is more appropriately the correct person because he has in mind what the agency mission is, and he can apply his law enforcement in that regard.

Mr. RYAN. Let me draw a distinction, though. I see a parallel here that I would like to try out; with all the limitations there are in trying any kind of parallel because nothing is ever exactly the same.

In our U.S. embassies overseas we have the problem of security. That security problem is very specific and very real. The Foreign Service does not handle the problem. The ambassador does not hire the local police to do it. What we have is a kind of hybrid arrangement which was not contemplated in the creation of the U.S. Marines. But the fact is that the U.S. Marines are employed on a regular basis as the security personnel for embassies all over the world.

I just returned from a Middle East trip where we have some problems in Damascus. The embassy there, I believe, is terribly vulnerable. Always there is a standard of quality for the personnel who are there. They are trained specifically for a particular kind of job within the mission of the U.S. Foreign Service and are under the authority of the ambassador.

I am not suggesting that any kind of law enforcement group that is created be beyond or outside the authority of whoever is the local authority, whether it is a dam in California or a national park in Idaho or a lake in Kentucky. What I am saying is that emotionally and constitutionally a good part of our problem is that these various Government agencies don't really want to handle as their primary mission the business of law enforcement. They just don't.

I think I can see this reluctance reflected in the reports and the comments and suggestions here today. What you want to keep is your own identity as the Forest Service, or as the Park Service, or as the Corps of Engineers, or whatever it is. You don't want to lose this to some other agency.



I am concerned about the level of training that is involved, because law enforcement today is a highly complex and terribly disciplined operation. You cannot just do it casually from a horse when you see some guy knocking somebody in the head. You can't do it.

To adequately protect with very few personnel over a large area of land, which is what you usually have on Federal public land, you have to have some people who have some very specific and highly technical training, as well as a knowledge of the laws they enforce. Then when you catch somebody knocking somebody in the head, you can get them. You can go after them, prosecute them, bring them to justice, and toss them in prison, if necessary. You cannot get that the way we are going right now.

The suggestions I have heard so far don't really satisfy me as being enough. We want to go in the right direction, and I think we should go cautiously. However, I want to see the time come—and pretty soon—when people can begin to enjoy our national lands with the degree of feeling of safety that they used to have in the past and which they cannot have now. I am not satisfied that the suggestions made here about upgrading a little, using contractual services here, and a little bit here and a little dab there will work out. I think the situation is more serious than that.

We are not going to go backward to a past time unless some terrible catastrophe occurs in this country where we can no longer travel about as freely as we have learned to do in the past 20 years and want to do now.

Can you give me some kind of comment about the possibility of creating a special services force which can be trained and then assigned to the chief law enforcement officer under his authority and jurisdiction at Yosemite or, say, a Forest Service area in Oregon, or whatever the situation happens to be?

In this case the local laws would apply, but also would recognize the pattern of behavior and performance that is Federal in nature. I think that is important. That is not being addressed here.

Mr. SHACKELTON. I will respond by saying, yes, I think that concept is almost happening in certain areas. The idea of having a special force within the agency is almost a fact in certain spotty areas.

Mr. RYAN. Including Yosemite.

Mr. SHACKELTON. About 90 percent of the time the valley district rangers there are in law enforcement. They are professionals now. They were not 10 years ago. It has developed.

What you are asking is should we make more formal recognition of that being the way to go.

Mr. RYAN. You said it was different 10 years ago in Yosemite from what it is now. Yosemite is simply an example for the future for a great many other places. You have to close the doors now at Yosemite. There are just too many.

Mr. SHACKELTON. I would conclude by saying that within our agency, if we could get over the emotional fear of law enforcement and recognize it as just another job responsibility as important as any other of our job responsibilities and then pursue it that way as professionally as we can; designating a special force or anyway you want to approach it.

Mr. RYAN. My conception is that at Yosemite you would have, from what I am suggesting here, a fairly small force of professional law enforcement officials who would be working under the authority of the Park Service itself and who would be on call so that when a regular park ranger said, "We've got trouble over here; you'd better get over here in a hurry," they would call in the specialist, turn the job over to him. They could then go back about their business of showing people what the park is like and doing the kinds of things in a broad and general way that a Park Service ranger ought to be doing. That is my idea. That frees more of your rangers to do what they were originally hired to do, which is to help people enjoy that park and protect it for future use.

Mr. Kindness, do you wish to comment?

Mr. KINDNESS. Mr. Chairman, I am sorry that I am going to have to leave shortly.

I think this is a very important and interesting area to pursue. We are talking about, conceptually, a large number of law enforcement personnel. In fact, it is an impossibility, as we all know, to completely eliminate the crime problem in all public land areas throughout the country. There could be a great deal done and there would still be crimes occurring.

We need to get at the appropriate governmental mechanism for approaching the problem. It does have more than one aspect to it. It is not just law enforcement but also control of the population out of which the crime arises.

It has been touched on here adequately to start our thinking along those lines, but it may not just be a matter of providing and maintaining more law enforcement personnel and providing more training and so on. It may be necessary to restrict access to public lands and public areas or to control it in such a manner as to, in turn, control the crime problem. Fewer of the typical sorts of crimes that have been discussed here today would be likely to occur in any physical arrangement where access and egress are through controlled points.

That may not sound very interesting or attractive as a way to deal with our public land areas, but it may be a part of the problem that has to be approached in that manner.

I would welcome any comments.

Mr. PURVIS. I would like to comment on that.

One of the things I said in my statement was that very thought. I think that through management procedures you can reduce your criminal activities. You can close areas at night and restrict them. Having a man on the gate has been of benefit to us in controlling criminal activities, simply by controlling entrance. Also to be considered is the division of overnight and day use areas and making sure that they are separate areas. Those types of things can be done within an agency.

I am not at all certain about the other question. I can see that it would be terrifically difficult to ever come up with the proper training for a single law enforcement agency that could appreciate the mirage of intangibles that exist between agencies. It would also be very expensive. It would require a lot of people to form such a law enforcement agency.



Mr. RYAN. That depends on how it is done.

We are talking about an ill-defined thing so far. We are talking about degrees rather than absolutes. Every one of the Federal lands is different, requiring different kinds of prescriptive solutions. However, I think you can still make a declaration of intent or declaration of purpose, one of which ought to be that the lands ought to be as open and as accessible to the public as is reasonably possible.

Off the top of my head, those lands, when they are opened and as the public has access to them, ought to be as free and as clean from the threat of crime or violence as it is reasonably possible to make them.

Mr. PURVIS. Mr. Chairman, these things can be done through, as the GAO report said, a standard of quality.

Mr. RYAN. That is very possible.

We need to have very soon some pressure that I do not feel yet from the various agencies involved, including the Corps of Engineers, about the need for answers to these critical problems. One of the things most needed is some better documentation of what your problems really are and the scope of the problem.

I don't think we should overreact. I don't think the answer is to put a gun on three times as many people running through the park and have them fire them in the air or fire them at anything else. I think we ought to have a very sensitive response that includes enough facts to get the job done.

Let me ask you to ask your agencies to produce this pressure as soon as possible and in the best way that you can. Also, we would like to have some suggestions for resolving the problem beyond your own agency.

From what I have heard this morning and from that very significant GAO report, it is obvious that we have a problem that we have never had to face before, and we are reluctant to look at it now. Until otherwise notified, the problem will get worse, and significantly worse, and there will be more people who will be the victims of some pretty serious trouble before we finally begin to get this thing under control.

Because of this, I think the public ought to be advised that the situation is far more serious than it used to be.

Thank you all for coming. If you have any further comments as we go along or as time goes on, I wish you would feel free to communicate with the subcommittee and give us your suggestions.

Thank you for being here.

The subcommittee is now adjourned.

[Whereupon, at 12:32 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

## APPENDIXES

### APPENDIX 1.—SUMMARY OF GAO REPORT *REPORT TO THE CONGRESS*

*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*



### Crime In Federal Recreation Areas-- A Serious Problem Needing Congressional And Agency Action

The Government has no policy on criminal law enforcement on Federal lands.

Visitor protection provided by numerous Federal agencies has been inconsistent because of inadequate legal authority and weaknesses in law enforcement programs.

Legislation is needed to provide clear and adequate law enforcement authority. Existing law enforcement programs can be improved in such areas as training of personnel, crime reporting systems, and cooperative agreements with local police agencies.

GGD-77-28

JUNE 21, 1977

(53)

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

CRIME IN FEDERAL RECREATION  
AREAS--A SERIOUS PROBLEM  
NEEDING CONGRESSIONAL AND  
AGENCY ACTION

D I G E S T

More and more people are visiting Federal recreation areas. Unfortunately, the incidence of crime has grown correspondingly, exposing inadequacies in the protection of visitors.

The Federal Government owns and administers about one-third of the Nation's 2.2 billion acres of land. Most of it is administered by the Bureau of Land Management and the Forest Service; however, other agencies involved include the Fish and Wildlife Service, the National Park Service, the Army Corps of Engineers, and the Tennessee Valley Authority. Although the primary mission of these six agencies is managing natural resources, the lands they oversee also offer recreational opportunities.

THE PROBLEM

About 85 percent of the law enforcement employees surveyed at recreation areas said crime was a serious problem in their areas. Many cited vandalism, illicit possession of weapons, drug and alcohol abuse, destruction of natural and historical resources, larceny, burglary, and assault as frequent problems. Agency studies confirm the survey findings. (See ch. 2.)

THE LEGAL JUNGLE

Because of increasing crime, all agencies expanded their resource protection programs to include visitor protection. However, this work was handicapped by a network of limited and differing statutory authorizations, none of which authorized enforcement of all Federal laws governing the conduct of visitors.

As a result, at some recreation areas, agency employees overstepped their express statutory enforcement authority in order to provide visitors with police services including

- carrying firearms for law enforcement purposes,
- making arrests for all types of criminal offenses, and
- acting as deputy sheriffs.

At other recreation areas, the prevailing practice was to shy away from law enforcement activities concerning visitors.

Federal laws prohibiting misconduct against visitors or their property do not apply at many recreation areas. Such laws include the Federal statutes defining assault, maiming, murder, manslaughter, rape, robbery, and burglary. When the Federal criminal code has not defined a particular offense, such as breach of the peace, the Assimilative Crimes Act adopts as Federal law, for certain Federal lands, the criminal code of the State where the Federal land is situated.

Presently, neither the Federal laws which prohibit misconduct against visitors or their property nor the Assimilative Crimes Act applies to many of the Nation's recreation areas, even though Federal law enforcement officers may be present. For example, at the Grand Canyon misconduct against visitors or their property--including murder, rape, and robbery--is generally not a Federal offense. Visitors to such areas must rely on State and local officials for assistance. This assistance is affected by the local agencies' willingness and ability to respond to reported criminal activity occurring on Federal land.

Recently, legislation relating to the enforcement powers of the National Park Service and

the Bureau of Land Management was enacted. Although these acts expand the law enforcement authority of the two agencies, they do little to improve the agencies' ability to protect visitors where no Federal visitor protection laws apply. (See ch. 3.)

UNIFORM VISITOR PROTECTION PROGRAM NEEDED

If visitors are to receive adequate law enforcement service when on Federal land, the Government must:

- Upgrade program monitoring and evaluation so it can better assess visitor protection needs and allocate sufficient law enforcement resources to recreation areas.
- Make sure that personnel assigned law enforcement duties are properly trained.
- Establish standards and controls over non-Federal police agencies hired to provide law enforcement services.

To guide agencies in setting up visitor protection programs and to correct shortcomings, a Federal policy on visitor protection is needed. It should be Federal policy that visitors to recreation areas receive the same law enforcement services, without regard to the agency administering the land or responsible for law enforcement services. (See ch. 4.)

AGENCY COMMENTS

Most agencies involved in administering Federal recreational areas were not convinced that the problem was as serious as GAO portrays it. However, they acknowledged that law enforcement in such areas can be improved.

Agency reactions to GAO proposals for improving the situation were mixed. Most of the agencies did not embrace GAO's legislative proposal to extend the Federal criminal code to all Federal lands. They were concerned that it might reduce

law enforcement assistance from local agencies. GAO does not agree. It believes the cooperative efforts would be strengthened. (See ch. 5.)

RECOMMENDATIONS TO HEADS OF FEDERAL AGENCIES

GAO recommends that the Director of the Office of Management and Budget, in conjunction with the Secretaries of the Army, Agriculture, and the Interior, the Attorney General, and the General Manager of the Tennessee Valley Authority, develop and implement a program for visitor protection which has as its objective the protection of visitors and their property. The Government's program should:

- Delineate acceptable levels of law enforcement service to be made available to visitors.
- Establish visitor protection guidelines and standards for all the agencies to follow. These guidelines and standards should include the philosophy, objectives, and procedures for providing visitor protection.
- Establish information systems so that there will be essential and reliable information available to top management on the seriousness and extent of crime at national recreation areas. Such a system could serve as the basis for a program of supervision and control over visitor protection efforts.
- Develop procedures to promote competent recruiting, provide for adequate training, and assure proper equipping of all rangers assigned law enforcement duties.
- Develop guidelines and procedures to be followed when contracting with State and local law enforcement agencies for law enforcement services.

RECOMMENDATION TO THE CONGRESS

The Congress should enact legislation to untangle the legal and policy problems associated with law enforcement on visitor-oriented Federal lands. (See ch. 3 and p. 45.) Draft legislation to implement GAO's recommendations and explanatory comments is in appendixes III and IV.

## APPENDIX 2.—MATERIAL RELATED TO HEARING



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314

REPLY TO  
ATTENTION OFF:  
DAEN-CWO-R

Honorable Leo J. Ryan  
Chairman, Subcommittee on Environment,  
Energy, and Natural Resources  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This letter responds to your request during the 9 February 1978 hearing on Crime in Federal Recreation Areas for additional comments from each of the various Federal agencies involved.

In answer to your question of how to distinguish between the primary and secondary missions within our agency, it seems to me in many cases to be a matter of clear legislative authority. In earlier days, Corps water resource projects were constructed based solely on flood control and navigation requirements. However, as interest in water-oriented recreation increased, the Congress and the Administration realized the need to include recreation as an authorized purpose in the construction of new projects. The Flood Control Act of 1944, as amended, (16 USC 460d) authorized the Corps to construct, maintain and operate public parks and recreational facilities at all new water resources projects. Approval by the President in May 1962 of new policies and standards for evaluation of Federal water resources development (Senate Document 97, 87th Congress) recognized long-term recreational development as a full-scale project purpose on an equal basis with other established purposes of water resources development. However, even with the tremendous increase in visitors, we have not found it necessary to recommend changes to the Congress that would revise the present Federal/local relationship which makes response to criminal activity on Federal property a local responsibility.

It is feasible that the law enforcement function at Federal recreation areas could be handled by a single law enforcement agency; however, I do not see the need for making such a change at this time. In my opinion, most effective management would result from each agency projecting a single, unified image instead of fragmenting into an agent for law enforcement and an agent for resource management. Placement of all Federal agencies under one uniform visitor protection system would also be impractical because of the numerous unrelated missions and land acquisition authorities of the agencies involved. Increased training of personnel under existing authorities should help reduce crime at Federal recreation areas, but it will require additional personnel. There may also be advantages in providing additional Federal assistance to local agencies involved in law



enforcement on Federal lands. This Federal assistance could take a form such as our newly authorized contractual services program. It could also be in the form of grants for the purchase of equipment and training for employees. I believe it is desirable to give this type of program an opportunity to succeed. In particular, I do not recommend that police power be incorporated into our ranger program. I share your concern about the problem of crime on Federal recreation areas. However, I believe that we can protect our visitor effectively through existing authorities.

The documentation of our problems becomes quite difficult because of the intermingling of thousands of state, county, city, town and subdivision jurisdictions along our 45,000 miles of lakeshores bordering these separated jurisdictions. The capabilities of these jurisdictions vary to extremes on cooperation in law enforcement and documentation of incidents involving crime. The Corps does not have authorization to require uniform and detailed crime reporting from these bordering jurisdictions. As was reported at the hearing, the Corps acquires only a proprietary interest in land, and the state and local law enforcement agencies retain primary responsibility for enforcement of laws. Incidents of crime on public lands which fall under the responsibilities of state or local laws may or may not be reported to the Corps. Many of these cases are brought to the attention of the Corps, but it is on a voluntary basis by the local agency.

As has been testified, the Corps is implementing a number of actions related to visitor protection. These include contractual law enforcement with local agencies, intensified training and improved management techniques. These will enable us to improve our ability to meet the demands at our projects. Adequacy of resources will remain a problem, however. The 1974 land use study recommended that the Corps be given an additional 921 rangers to adequately meet its responsibilities to the public in visitor assistance and resource management. The 1974 Congressionally-authorized visitor protection study also identified a strong need for additional rangers at Corps of Engineers projects.

I thank you for the opportunity to provide my thoughts concerning this important subject.

Sincerely,

*for*  
 CHARLES I. MCGINNIS  
 Major General, USA  
 Director of Civil Works

*Frank P. Linn*  
 FRANK P. LINN  
 Brigadier General, USA  
 Deputy Director of Civil Works

**END**