

the San Francisco POLICEMAN

OFFICIAL PUBLICATION OF THE SAN FRANCISCO POLICE OFFICERS ASSOCIATION

To Promote the Efficiency and Good Name of the San Francisco Police Department and its Members



Member of CAPA-California Alliance of Police Associations

Member of ICPA-International Conference of Police Associations

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SAN FRANCISCO, DECEMBER, 1973

204

NO. 12

COPS STAND UP



Answering a call from the Association over one hundred and fifty San Francisco Policemen showed up for the Civil Service Commission Meeting this month.

The Civil Service Meeting was dealing with complaints registered by the Association over the new entrance requirements to the Department, and a request from the P.O.A. for the C.S.C. to appeal Judge Peckham's court ruling.

Jerry Crowley and Bill Beirne presented arguments over the repealing of height qualifications and testing procedures in the new police hiring scope.

Civil Service Commission President, Robert Costello favored the POA arguments and was able to effect compromises with his fellow Commissioners in halting the lowering of police hiring standards.

The Commission also agreed to appeal the Federal Court minority quota ruling.

Minority Quotas

FEDERAL COURT RULING

The following are excerpts from the Memorandum and Order by Judge Robert Peckham regarding minority hiring and promotional quotas for the San Francisco Police Department.

INTRODUCTION

This case presents extraordinarily sensitive issues for this court's determination. Plaintiffs, on one hand, properly seek vindication of their civil rights under both federal and state constitutions. They emphasize the great value of securing an end to any unlawful discrimination by the Police Department in both hiring and promotion. Minorities obviously benefit when their employment opportuni-

ties within a civil agency increase. In addition, all citizens profit when the city achieves a racially integrated police force of qualified individuals who are knowledgeable of the diverse problems of different ethnic groups and who are not prey to destructive hostility from minorities who feel excluded from full participation in city government life. Clearly, the general harmony of the community is enhanced by the city's obtaining a police force representative of its population. Defendants, on the other hand, justifiably fear court intervention in police hiring and promotion practices. They stress the complexity of designing employment policies and of selecting specific individuals for

varying job categories. Federal court supervision of city employment policies, without question, cannot substitute for enlightened leadership by city and police officials. Court intervention, at best, stimulates concerned parties to develop and implement policies which not only comply with the law but also advance general community interests. In any case, court supervision can only be justified where there has been intentional or unintentional encroachment on individual rights secured by federal and state law.

2. The Burden of Proof

The discussion *supra* indi-

(Cont'd Pg. 10)

Political Action Gains Support

By Bill Hemby

In a series of meetings in San Francisco, San Diego and Santa Barbara the theme of Police Political Action has caught fire amongst most police groups.

In our discussions with other police associations the one thing that stands out is the urgency and necessity for all of us to band together and force local and state legislatures to heed our collective cries for support.

Next year, because of reapportionment, chances are all state assembly and senate seats will be up for grabs. With the large numbers of law enforcement officers in California, can you imagine the effect they could have under a solidly united political umbrella coalition?

It is estimated that if such an eventuality were to come about, approximately 70% of all state seats would be elected as a result of this coalition.

If this seems a bit far fetched, consider this. Policemen are respected by the majority of people in their

(Cont'd Pg. 2)

Association Asks Union Help

OPEN LETTER

TO: Heads of Unions & Employee Groups

FROM: Jerry Crowley, President S.F.P.O.A.

The Civil Service competitive merit system will not survive as a protection to all city employees if the recent Federal Court decision is not challenged by all city employees. As spokesman for your union I am sure that you are vitally concerned about quotas and special privilege appointments. The San Francisco Police Officers Association is not requesting financial aid, but we are in need of your union's assistance. We would request that you indicate this support by writing the editorial staff of the newspapers and also make known your concern to elected officials commissioners and neighborhood groups.

The one strength that all employee groups have is their solidarity in time of trouble. This crisis demands that the labor movement avert this evasion of our Constitutional Rights.

The solidarity of working people will indicate to those political extortionists responsible for this destructive federal decision that we will not accept less than equal hiring and working conditions.

It must be apparent to you that this first step will ultimately affect every working group in the city of San Francisco. It is the position of the San Francisco Police Officers Association that we will not allow this first step to be taken. Your help is necessary.

Civil Service Commissioners Listen



Joseph Tarantino, Robert Costello, William Chow and James Wurm listen to testimony from Police Officers and citizens.



HAPPY HOLIDAYS



POLITICAL ACTION Cont'd

community. Policemen can and do sway public opinion. Election to office is getting to depend less and less on large monetary expenditures, and more and more upon bodies of people actively working in behalf of candidates.

With law enforcement personnel throughout the state you have a ready manpower force. The existence of police associations in most communities provides built-in campaign headquarters.

If just a small percentage of the total law enforcement manpower available were motivated to actively campaign for their chosen local candidate and those candidates picked by a state political coalition, I would venture to guess that that 70 percent figure would be attained.

Is it worth the effort? Not since the birth of California as a state in this Union has an opportunity been presented as will exist next year. With so many elective offices up, we can't help but have a tremendous effect.

Instead of politicians dealing with separate state groups and local independent groups, you would have politicians placed in the position of having to deal with one statewide body. No more could they play one against the other, or make one promise to one group and another promise to other groups.

For the first time policemen would have a real say in who our next Governor will be.

Unfortunately, there are obstacles that seem insurmountable. In California there are two state groups representing police. They are

PORAC and CAPA. PORAC or Peace Officers Research Association of California represents the majority of the 450 Police and Sheriff Associations throughout the state, while CAPA, California Alliance of Police Associations represents the four largest Associations. In numbers both groups have an almost equal amount. Additionally there are numerous independent associations such as Oakland, Long Beach, Torrance, etc.

The biggest hang-up is resolving old inherent wounds existing between these groups. Personal animosities and jealousies built up over the years threaten to overshadow everything.

In the past few months Jerry Crowley and I have been traveling throughout the state in an effort to convince all groups concerned to put aside their personal gripes for just one year; next year.

I am confident we are succeeding. If the reaction we have so far received is any indication, I believe we are well on the road to a true "gathering of the clans."

A crucial meeting has been scheduled later this month to see if this state-wide political umbrella coalition is indeed possible. This meeting, which will follow a three-day political workshop, will bring together leaders of PORAC, CAPA and the independents. If agreement can be reached, police political action will come about.

Let's hope we can iron out our differences. Time is running short. It won't matter what we do in '75 if we miss in '74.

President's Corner

BY
JERRY CROWLEY



MINORITY QUOTAS

It is the position of the San Francisco Police Officers Association that employment of persons from all ethnic groups within the community should be a recruitment goal, not a personnel policy governing the hiring of police personnel. Primary consideration should be given to employing the best qualified candidates available, regardless of ethnic background.

The ethnic makeup of a community should be viewed as a guide for recruitment policies and procedures, not as a basis for quota hiring. If recruitment procedures fail to attract minority candidates from whom qualified applicants can be selected, there may be a need for new recruitment techniques; selection procedures should remain the same, however.

Although employment of minorities in jurisdictions is essential, the employment of minority group police officers without regard to their qualifications weakens the Police Department. Standards for the selection of police officers should be applied across the board without regard to race or ethnic origin.

Seeking out and hiring the most qualified minority group members is a goal that should be reached through special minority recruiting programs not through preferential hiring. The specific hiring goal should be determined by comparing the minority makeup of the community with the minority composition of the police agency. Then an estimate could be made of the number of minority applicants necessary to achieve this goal within a reasonable period of time. Finally, specific recruitment techniques known to attract minority applicants should be applied. These techniques should be used in preference to general recruitment techniques and emphasized or discarded on the basis of their proven effectiveness.

If these special techniques are successful in attracting minority applicants, San Francisco should continue to use them; if not, they should be replaced by other techniques. The relative success of recruitment techniques can only be determined by monitoring the program.

It should be noted that while certain recruitment techniques should be emphasized in San Francisco, no one should be hired on a preferential basis. The best qualified applicants must be hired first, regardless of their ethnic background. If an insufficient number of minority persons apply, San Francisco should engage in different or more intense recruitment efforts only, and not in preferential hiring.

The San Francisco Police Officers' Association will not relent in its battle to preserve equal opportunity and high standards in the Police Profession.

We will not retreat from our position of challenging political pressure simply because we have been assailed by the racist rhetoric of a vocal political minority. There opportunities within and without the Police Department do not speak for the minority community, and they certainly do not speak for the minority policemen whose pride and ambitions they have sorely damaged.

I have greater faith in the pride, integrity and productivity of the minority community than those self serving and self styled "spokesmen" for the "community."

I have great faith in Policemen; Black, Brown, Yellow, Red and White, for I believe we are a society of Police who are vitally concerned with our fellow officers regardless of our ethnic origin. I believe Policemen are unique individuals who sincerely believe that they cannot afford prejudice, hatred and separatism within the Police Community and still function as Professional Policemen.

In these violent times any Policeman who thinks in terms of any color other than Blue is telling me that in a crisis he would expose a fellow officer to injury, insult or death.

I can no longer view with detachment these attitudes among Police Officers, Black or White. They are ripping apart the new beginning which we fought so hard to achieve several years ago. We began this new brotherhood together and I will not see this new equality ripped apart so soon after its birth.

ASSISTANT INSPECTORS

Equal opportunity is a two way street. The Police Officers Association is defending an equal opportunity system of employment and promotion, while the Police Administration is fostering a return to political patronage.

How can I defend a Police Administration and a Police Commission when it displays discriminatory tendencies.

How can I honestly say that discrimination no longer exists in the San Francisco Police Department when fifty-one qualified Policemen on a Civil Service List are denied promotion to the Bureau of Inspectors.

How can I say that the competitive Civil Service Merit System is now the only way a man can achieve promotional rights within the San Francisco Police Department.

How can I say that the Police Department fosters equal opportunity and merit as the criteria for advancement when the Police Administration and Police Commission is openly discriminating against proven and qualified white and minority Policemen who are already in the system.

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THE BENCH AS A CULT

In ancient times, and in primitive societies, human beings have been known to sacrifice other human beings to their Gods in order to gain their favors.

Most of us think that this practice of human sacrifice ended with primitive people. Lately, however, there seems to be emerging, in the very midst of our free society, a cult that as part of their goal to gain recognition and / or favor with their God has reverted back to the primitive practice of human sacrifice.

The cult that I am referring to is called "THE BENCH" and is a select group of men and women, dressed in black robes, who only after very close study by people of a much higher order are allowed entrance into the sect.

Once he is a member of the "BENCH," the cultist embarks on an almost fanatical campaign of human sacrifice, that is aimed not so much at physical sacrifice per se, but more so, towards sacrificing the morale, happiness, and security of his fellow man.

The Cult has, of late, been extremely successful in finding human sacrifices. It has been able to sacrifice almost an entire country by sacrificing the rights of free men in favor of the criminal. It has sacrificed the rights of the working class by taking the bread from their table, and giving it to people who do not choose to work.

It has sacrificed the well being of many little children,

by bussing them to hostile environments so that they can be beaten and maimed.

The "BENCH" has stripped qualified human beings of their right to earn a living, in favor of less qualified human beings who are the chosen children of their Lord, Master and God, the "SUPREME COURT."

The "BENCH" started out as a quiet order, keeping to matters that affected only themselves. Like many other Cults, Religions, and Organizations they expanded in numbers, theory and power. As their power matured, the rest of our free, blind society, either refused to believe or didn't want to believe that "THE BENCH" was out to make sacrifice of them, to their Lord and Master, "THE SUPREME COURT." It seems that the more atrocious the sacrifice, the more recognition the cultist receives from his Lord, "THE SUPREME COURT."

One member of the Bench has been able to render the leader of our free land almost completely helpless to administer the Affairs of State.

Other members of this fanatical order have undermined the safety of our City streets, and the professionalism of our Police Departments, by lowering requirements to the point of absurdity in favor of the chosen children of their Lord and Master and God "THE SUPREME COURT."

One particularly atrocious sacrifice recently in San Fran-

cisco, where the futures of 2,000 Police Officers were terminated by a cultist of "THE BENCH" by the name of PECKHAM. Some refer to him as the "HONORABLE ROBERT PECKHAM," I refer to him as the "DIS-HONORABLE and FANATICAL PECKHAM."

He, with a lust for recognition from his Lord and God, "THE SUPREME COURT" chose to institute hiring quotas in the San Francisco Police Department which would make it very difficult for anyone, except the chosen children, to make any advancements in a career in law enforcement.

My fellow men, when are we going to awaken to the fact that we are being poked in a sensitive area by a lance held by the hand of a cult that is determined to destroy us. If it doesn't hurt, then I doubt that you're human. If it does hurt then you likely will scream with pain and if the pain doesn't subside we will, we must ban together and muzzle the mouths of the dogs that belong to the "BENCH."

James R. Pera

Testifying in Court

We met a court reporter recently who's been taking down the testimony of witnesses in court for a good many years, and because of his respect for you men in blue—"for us, you guys are on the front line," as he put it—he asked if we'd like to print some suggestions for Police Officers who have to appear in court.

Response was in the affirmative, and here are a few of his thoughts:

Listen to the questions. When you're answering questions, don't volunteer too much, if anything.

Be courteous, respectful. Try not to interrupt a question, even though counsel may step on your lines. This is part of the badgering you may run into, but surmounting it will put you ahead with the jury.

Don't be over-eager, just tell what you know and don't try to rationalize an entire situation. It is the DA's job to put the whole jigsaw together. More often than not, you're just a part of the over-all picture.

Take your time, speak clearly, and so far as you are able try to avoid wooden language, like "Subject No. 1," "It happened at 1900 hours," "And then we 211'd him." Jurors are not generally familiar with police jargon.

As to the "double dome" category of testimony: if you are testifying on highly technical or specialized material beyond the comprehension of most of your listeners, it will go completely over their heads if you speak carelessly, hastily or in a patronizing manner. You want to get your subject over to those ordinary guys and gals on the jury—and it doesn't help matters if you mumble at 220 words a minute. As to why many attorneys and even some judges do not bother to break down and slow down this esoteric stuff which is flung at a hapless jury, deponent sayeth not!

Avoid uh-hums, nodding or shaking the head for yes or no. This gives you a bored look and could even foul up the stenographic record. At times there will be legal bickering among counsel and the judge touching on testimony you are giving at the moment. Don't try to intervene (like a participant or conferee) in these flurries. A cogent question will ultimately come your way, let's hope, then you can answer it. You thus avoid the impression of being overanxious, having an axe to grind.

Some questioning (from both sides) you may decide is of inordinate length. And you'd be right. It can exasperate a fellow. But keep your cool. And after some thirty-seven pages of direct and cross-examination on an incident that happened at Market and Powell, right by the cable-car turntable, don't be surprised to hear the DA intone, "And did all these events take place within the City and County of San Francisco?" Some prosecuting attorneys like to have this in the record—they feel it "ties up the bag" legally. At these junctures just give out with a simple "Yes, sir," even though you are more inclined to say, "Where else would it be?"

DECEMBER NOMINATION MONTH

Under the Constitution of the San Francisco Police Officers' Association members wishing to run for the Board of Directors are nominated in December.

Any active member of the Association may run for office on the Board of Directors. He or she must be a member for at least one year.

This is how nominations are received. First, the President, in November, appoints a Nominating Committee. The three member Nominating Committee receives written nominations for the various Board offices, establishes the candidates eligibility and renders its report at the December General Membership Meeting.

Members may also be nominated from the floor at the December General Membership Meeting.

Elections are held from the fourth Monday in January until midnight the Friday following.

The members of the Board of Directors are elected from their respective units i.e. the members of Company A, Central Station, elect the representative assigned from that station. All Board members are elected annually.

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| Co. E - Northern | Co. I - Taraval |
| (One representative per station) | |
| Co. K - Traffic | two (2) representatives |
| Headquarters Co. | two (2) representatives |
| Crime Prevention | one (1) representative |
| Bureau of Inspectors | two (2) representatives |
| Retired members | one (1) representative |

The nominating Committee is:

Lou Calabro
William Hemby
Joe Patterson

If you want to run for the Board, submit your letter of intent to the:

San Francisco Police Officers' Association
Nominating Committee
548 - 7th Street
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Attend the General Membership Meeting Monday, December 17th 8:00 P.M.

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PEOPLE POWER

If you were among those one hundred and fifty or thereabouts Policemen who took the trouble to show their Association support at the Civil Service Commission Meeting the other afternoon you are to be commended.

There was a valuable lesson to be learned at that meeting. That lesson, which I am happy to see being realized by our members is "force of numbers."

I don't care who disagrees but, I firmly believe there is no governmental body around that doesn't stand up and take notice when a large, united group of determined individuals collects on their doorstep.

Crowley and I, have week after week, attended meetings of those various Boards and Commissions and time after time have seen measures proposed by the Association, go down to defeat, or have been unsuccessful in our attempts to overturn measures detrimental to us.

This is not to say that all our efforts are for naught. My experiences at City Hall have shown me that the S.F.P.O.A. is afforded considerable respect. This is to the credit of the reputation of our Association and its leadership.

What seems to be dawning in you, the membership, is the realization that sometimes it takes more than just bandying words around to effect change. There are times when you must stand along side us and proclaim your support. When that is done, as it was before the Civil Service Commission, you become a force to be reckoned with.

No one can ignore a jammed packed meeting room, filled with one voice, one solid movement. That is power! And that power is going to make this Association the strongest in town.

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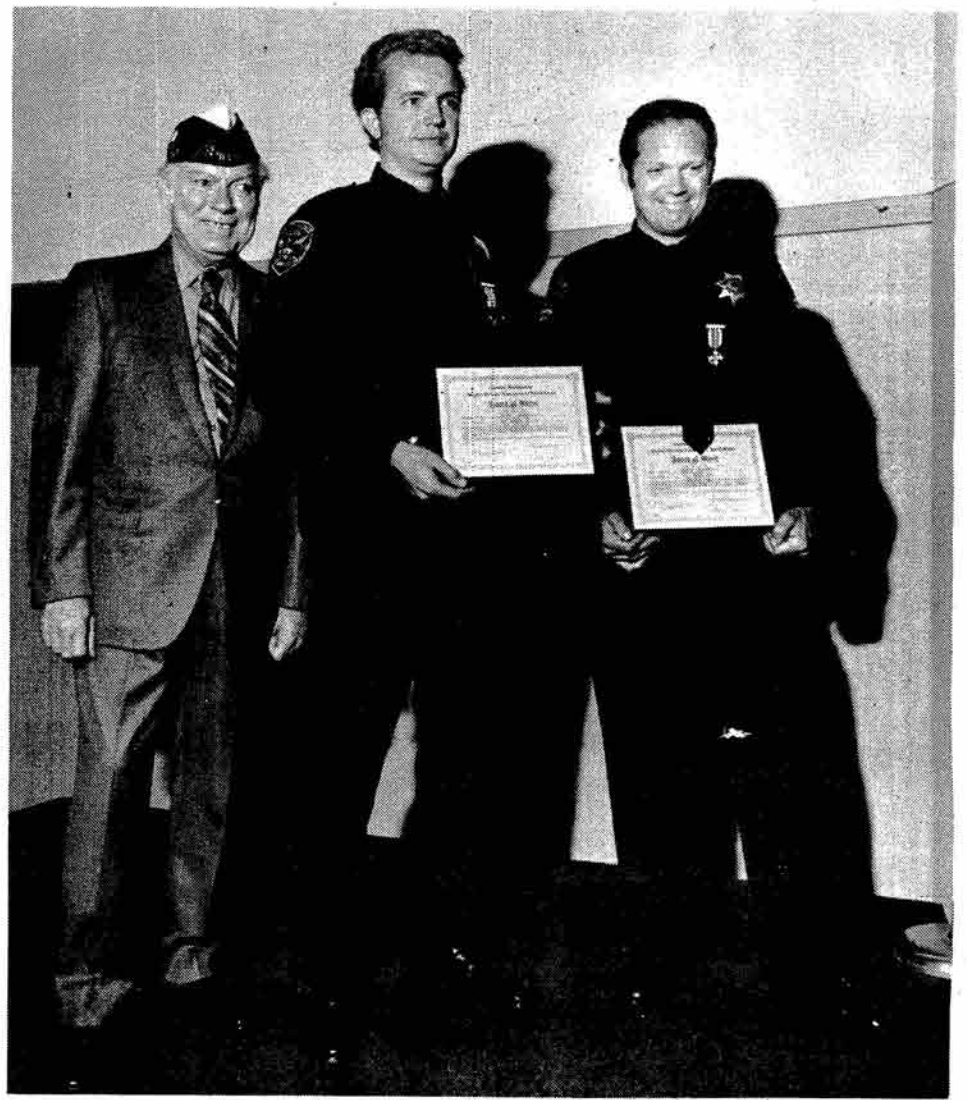
by Lou Calabro

A small bit of enlightenment usually emerges whenever the "boss" utilizes a recommendation, formal or informal, by the employee. In this particular case our Association, considered by some as a bit more enlightened and progressive in our thinking as compared to this present Administration, became aware of a basic obligation to the community to begin to formally recognize the many commendable works of citizens of San Francisco.

We responded to this awareness by formally presenting Certificates of Appreciation to these many fine citizens. A short time later our Honorable Chief Donald Scott saw fit to perform in similar fashion. Most Police-men are cognizant of the positive value of paying tribute to citizens of our community and therefore our Association would like to project this program a little further and recognize, besides charitable organizations, the good works of individual teachers, lawyers, ministers and other vital citizens of our community. We certainly invite Chief Scott to come along and help to fulfill these hopes.

Although there are some forms of mimicking that are valueless we see great merit in Chief Scott's similar programs and wish him great success in these undertakings. If the Association's expertise in this field can be utilized by the Administration we so offer our services.

Regular Veterans Association Awards Medals



Richard Hesselroth and Jean Donaldson are shown holding the citations presented to them by National Commander John Shannon who'd just pinned the medals of merit of the Regular Veterans Association on their chests for outstanding heroism. Hesselroth and Donaldson arrested a gunman after a shoot-out on Mason Street, disarming him of his 45 automatic after he had fired the gun at businessmen in the area and at the officers. This annual presentation took place during the Armistice Day Banquet of R.V.A. at the Apostleship of the Sea.

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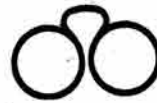
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COOL UNDER PRESSURE

SAN FRANCISCO POLICEMAN — Page 5
December 1973

by Joe Patterson

The current crisis we are faced with concerning the decision handed down by Federal Judge Peckham started me thinking about how people react to different things in different situations.

Since the decision has to do with minority hiring and promoting, quite naturally I thought of these reactions on an ethnic basis. Consequently, I have come to the conclusion that blacks are calmer under pressure than whites. (Eat your heart out Shockley.) In other words, they are cooler than whites when under pressure.

Now this revelation is by no means a stigma against you poor white folks, because I later found out that you just don't know how to be cool. For example, while I was walking the beat on Haight St., I had this young white officer with me one night (Big Red was SP) and we walked into "Hank's-500."

Well, the joint was packed and needless to say every face in there was two (2) shades darker than mine. After a few hand slaps, far outs, what's happening, etc. we left. I looked at this young officer and he was shaking. I knew right off that he had become a little shook by the elegant clientele that patronizes "Hank's," so I said to him, "Kid you've gotta be 'cool' when you go into places like that." Right away he wanted to know what was the art of being cool and how does one attain this air of utopia.

Now just what is being cool? It all depends on whose idea of cool one believes. I say that when you are facing a firing squad and you take that last deep drag on your last cigarette, then you exhale and smoke comes out of only one hole, that's cool. I mean, like man, you are as breezy as the

month of March.

Then I told my young protegee how to be cool when entering places like "Hank's." First, you go in and just wade through the crowd, throwing a few elbows, bumping over a few chairs and at the same time never showing any sign that you are aware of these things. Next, you stop in the center of the room, spread your legs approximately eighteen inches (18") apart, tip your cap back to about thirty degrees (30), hook your thumbs in front of your gun belt and sort of wiggle your legs at the knees (a la Elvis). By doing this you are saying to one and all, Baby I am here and I am the H.N.I.C. That's cool.

Now, I know you are wondering how I can come to the conclusion that whites aren't cool. Well, I base my opinion on the reactions that I observed when the discriminatory suit was first filed and the reactions that I have further been observing since the decision. As for example, one fellow said, why can't we go around to all of the colleges in the area and try and recruit some qualified blacks.

I told him that wasn't a bad idea, but unnecessary and unwise. When he wanted to know why, I simply asked him where would he go to seek qualified Italians (him being a Dago) or Irishmen or Krauts etc. He thought for a minute and acknowledged that he got my point.

The point being that most Policemen don't realize that blacks who hold PHD's are not necessarily the only ones with brains. Blacks are being excluded from the main stream of American society because no one realizes that we are main stream people — no better or worse than any other people. Neither "Su-

per Flys" not "Stepin Fetch-ets."

This is in part due to our line of work. We see, for the most part, the worse of people of all races. Yet, when we see a white driving a Cadillac, we relate this to affluence. The same Cadillac can be driven by a black and the first thing that comes to mind is pimp. The white wearing a black leather jacket is a weekend bike rider, the black a Black Panther.

These same assumptions prevail when we are hit with something such as Judge Peckham's decision. This is when panic sets in and we lose our cool. At least my white brothers do. You envision two (2) guys walking a beat, each four feet two inches (4'2") tall and illiterate, one black the other chicano or oriental or what have you. This is not necessarily what will happen and I hope we can keep our cool and look at this thing rationally and keep it in its proper prospective.

Now don't get the idea that I am trying to curtail your desire to fight this thing, far from it. I have stated my feelings toward the whole thing in a previous article. I know for a fact that physical stature means something in this job. However, the most important thing is intelligence, and that's what we should be looking for when we make up our entrance examination.

We should make an aptitude test to examine a person so we can have some idea if he is intelligent enough to handle the job. Testing is the only criterion we have for determining this. One would have to assume that to reach the Federal Bench, a person would have to be highly intelligent. Yet, it took this highly intelligent Federal Judge months to make this damaging decision, and at the same time he expects our Department to accept persons who will be called upon to make split second decisions, which in some cases could mean life or death, and not have them properly tested for their level of intelligence.

Well, I know it's asking a lot under such adverse conditions, but be cool, Huh.

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PHOTO ESSAY

A Photo Essay on the San Francisco Police Department by Marilyn Mulkeen (wife of Officer Tom Mulkeen) will be shown in a group show at the S.F. Art Commission Gallery, Capricorn Asunder, 165 Grove St. from January 5th thru 26th (artist's reception: January 4th 5-8 P.M. all invited to attend).

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CONSTITUTION AND BY-LAWS CHANGES

by Mike Hebel

At its November 27 meeting, the Association's Board of Directors by resolution approved the following changes in the Constitution and By-Laws:

Under Article VIII, Section 1 of our Constitution, these approved changes must be published in the San Francisco Policeman prior to the December General Membership Meeting. At this quarterly meeting, these amendments again must be presented. If approved by the members in attendance, the proposed amendments would then be submitted to the entire membership via mailed ballot for their collective approval or disapproval. If approved, they take effect immediately.

(()) indicates deletion

— indicates addition

CONSTITUTION

1. Article II, Sec. 6

The Board of Directors of ((T)) this Association ((severally as an individual or collectively as a group shall not)) may sponsor or endorse any candidate seeking election to a public office in the federal, state or municipal government. ((Nor shall this Association severally as an individual or collectively as a group)) The Board of Directors may also sponsor or endorse federal, state or municipal propositions which ((unless such proposition)) effects the welfare of this Association; ((If such ballot proposition effects the welfare of this Association, the Board of Directors may vote to aponsor or endorse it)) it may also oppose federal, state or municipal propositions which are inimical to the best interests of this Association. Any of the above mentioned actions shall require a two-thirds (2/3) vote of the Board present when this action is taken. (Amended Feb. 4, 1974)

2. Article III, Sec. 1

Membership in this Association shall be limited to sworn members of the San Francisco Police Department having full peace officer status as defined in Sec. 830.1 of the Penal Code and covered in Retirement Sec. ((168.1.1)) 8.545 of the charter of the City and County of San Francisco. These members shall be deemed active members. (Amended Feb. 4, 1974)

3. Article III, Sec. 2

Members of the San Francisco Police Department who are retired ((shall be deemed retired members)) may elect to become retired members of this Association and in such status are entitled to all rights, privileges, and benefits of membership, but cannot hold office except as otherwise provided in this Constitution and By-Laws. Further, retired members shall not vote on matters effecting the dues for active members. (Amended Feb. 4, 1974)

4. Article III, Sec. 2.1

Notwithstanding any other provision of this Constitution and By-Laws, any active member of this Association as defined in Article III, Sec. 1 may elect to retain his active membership upon retirement by continuing to pay dues at the active member rate. (Amended Feb. 4, 1974)

5. Article IV, Sec. 2e - President

Appoint members to offices, positions and committees when vacancies occur in such positions. ((Such appointments shall remain in full force until the next regular Association election.)) (Amended Feb. 4, 1974)

6. Article IV, Sec. 4b - Treasurer

Pay no bills drawn against the General Fund except by bank check and then only when such bills ((have been approved by the majority vote of the Board of Directors present at a meeting when such bills are presented)) fall within the appropriations approved by the Board of Directors. (Amended Feb. 4, 1974)

7. Article IV, Sec. 4c - Treasurer

Deposit in banks such as may be designated by the Board of Directors in the name of the "San Francisco Police Officers' Association" all monies received by him not later than ((five (5))) fifteen (15) business days after receipt. (Amended Feb. 4, 1974)

8. Article IV, Sec. 5b - Board of Directors

It shall be the duty of the Board of Directors to conduct, manage, govern and administer all of the affairs of the Association not specifically provided for in the Constitution and By-Laws of the Association; or by action of the Association at the quarterly meetings; ((to cause to be kept a complete record of all meetings and acts;)) to supervise all officers ((and employees)) of the Association and to insist that their duties are properly performed; to pass upon all applications for membership, and to cause membership certificates and other certificates to be issued on all applications which have been approved and accepted and generally to act upon matters pertaining to the affairs of this Association. (Amended Feb. 4, 1974)

9. Article IV, Sec. 3i (The Secretary shall)

Supervise all employees of the Association and insist that their duties are properly performed. (Added Feb. 4, 1974)

10. Article IV, Sec. 5c

Regular meetings of the Board of Directors shall be held on the first and third Tuesday of each month. Irrespective of this provision, if and when the President deems it in the best interest of the Association, a meeting may be set at a date other than the one specified. The President or seven (7) members of the Board of Directors may call other meetings from time to time as may be necessary. For the purpose of holding meetings (((13) members)) a simple majority shall constitute a quorum for the transaction of any business which may be brought before it. (amended Feb. 4, 1974)

11. Article IV, Sec. 5e

The Secretary of the Association shall keep a true and accurate account of all meetings of the Board and of their actions. He shall cause to be conspicuously posted three (3) days prior to each regular meeting of the Board the agenda of that meeting. He shall distribute same to all members of the Board of Directors who shall also conspicuously post this agenda three (3) days prior to each regular meeting.

Reposition this section as Article IV, Sec. 3g (duties of Secretary) (Repositioned Feb. 4, 1974)

12. Article IV, Sec. 6e - Secretary

Prepare the agenda for the quarterly meetings and cause notice of same to be printed in the official publication of this Association.

Reposition this section as Article IV, Sec. 3h (duties of Secretary) (repositioned Feb. 4, 1974)

13. Article IV, Sec. 61

Each director, other than the Association officers, ((may)) shall appoint shift or watch stewards who shall assist in resolving grievances and facilitating the flow of Associations information. (Amended Feb. 4, 1974)

14. Article VI, Sec. 8

Referendum: Whenever a petition, signed by one hundred and fifty (150) members, calling for a referendum is submitted in writing to the Secretary such proposition shall immediately be submitted to a vote of the entire membership by mailed ballot in accordance with Article V, Sec. 5 of this Constitution. Such referendum petition must be presented within thirty (30) days of the act which is the basis for such a petition. Prior to the mailing of said ballots, such referendum petition shall be published in the official publication of this Association. A referendum is defined as the sole procedure of submitting measures already considered by the Board of Directors to a vote of the entire membership for approval or rejection. A majority vote of those voting shall cause the referendum to pass. This procedure is inapplicable when something has been done as a result of the Board's vote which the membership cannot undo, when the measure is in the nature of a contract, where a resignation has been acted upon, or when an individual has been elected to or expelled from membership or office. (Amended Feb. 4, 1974)

15. Article VII, Sec. 4a

Minutes of ((previous quarterly)) last membership meeting. (Amended Feb. 4, 1974)

16. Article VII, Sec. 4b

((Minutes of all meetings of the Board of Directors since the last quarterly meeting of the Association.)) (Deleted Feb. 4, 1974)

BY-LAWS

1. Article I, Sec. 1b

Retired Members: Nine dollars (\$9.00) per year payable

in advance if retired on or prior to January 1, 1974. Twelve dollars (\$12.00) per year payable in advance if retired after January 1, 1974. (Amended Feb. 4, 1974)

2. Article I, Sec. 2

a. Legislative Fund:

(1) Thirty percent (30) ((Thirty-five percent (35))) of the total monthly dues collected from active members shall be deposited in the Legislative Fund; that monies shall be withdrawn from this fund for the sole and exclusive purpose of defraying such expenses as may be incurred in the creation of a fund to promote or defeat those ballot measures which will directly effect the members of this Association; that said fund shall not be used to promote the election of an individual candidate for public office; that monies from this fund may be withdrawn only as provided for under Article IV, Sec. 4 (d) of the Constitution of this Association

(2) Irrespective of the provisions in (1) above, ((T)) the sum of not more than ((five thousand dollars (\$5,000))) ten thousand dollars (\$10,000) may be withdrawn in one fiscal year for legislative purposes from the Legislative Fund if the Board of Directors deem it necessary and the balance of the funds not used in the fiscal year shall be immediately returned to the Legislative Fund.

a. Emergency Fund:

(1) ((Fifteen percent (15%))) Twenty percent (20%) of the total monthly dues collected from active members of this Association shall be deposited in the Emergency Fund.

(2) Emergency Fund monies shall be used only for legal expenses and emergency expenses.

c. General Fund:

The remainder of the dues collected shall be deposited in the General Fund. (Amended Feb. 4, 1974)

3. Article II, Sec. 8a

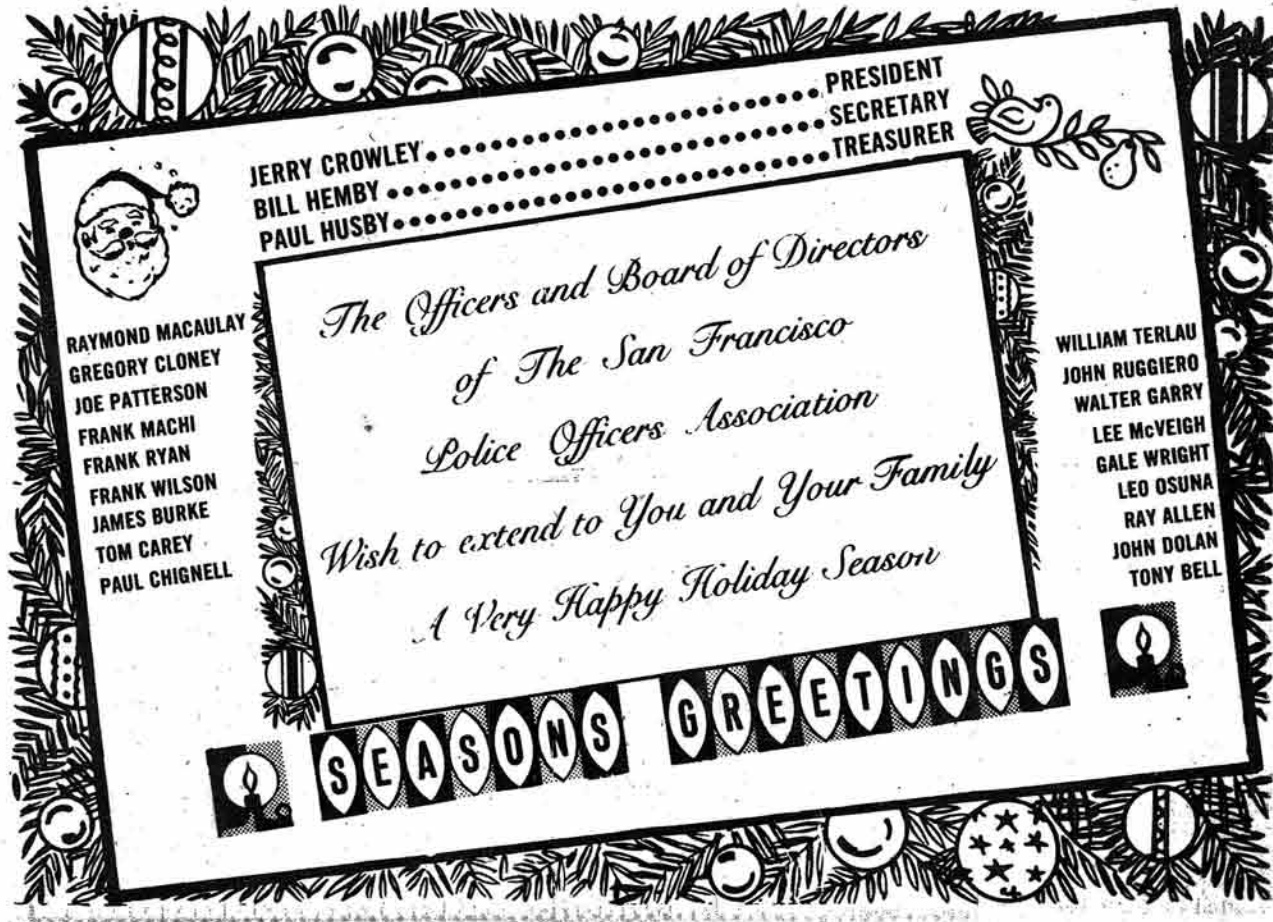
There shall be established a five (5) man Insurance Board of Trustees. One member shall be a retired member; the other four members shall be active members. This Board of Trustees ((shall be composed of active members in this Association and)) shall be appointed by the Board of Directors of this Association at their March meeting. The term of office for members of the Insurance Board of Trustees shall be for two (2) years; two members appointed on the even-numbered years, and three members on the odd-numbered years.

The Chairman of the Insurance Board of Trustees shall be elected annually in March by the members of this Board; the Board shall also elect a secretary, treasurer, and administrator annually in March. (Amended Feb. 4, 1974)

4. Article II, Sec. 14

a. The Screening Committee shall consist of the ((President and three (3) members of the Board of Directors selected by said Board)) officers of the Association plus the Director most immediately involved in the particular request for assistance. (Amended Feb. 4, 1974)

e. Any member requesting the Association's legal counsel on a criminal or civil matter arising out of the scope of his employment as a San Francisco Police Officer shall contact the Screening Committee ((through the Association answering service)) The Committee shall then immediately contact the legal counsel concerning the member's request, and when necessary, see to it that the member is put into direct contact with the Association's legal counsel. (Amended Feb. 4, 1974)



— LETTERS TO THE EDITOR —

Dear Mr. Beirne:

The Retirement Board does not have jurisdiction over the assignment which a member of the Police Department may be given. The decision as to assignments in the Police Department is within the discretion of the Chief of the Police Department. As you may be aware, the Chief of Police has issued General Order No. 49, dated March 16, 1973, on the subject of assigning officers to "light" duty. A copy of that General Order is attached for your information. You will note that assignments to "light" duty is to be made only in those cases "when the doctor treating them has indicated light duty."

The Retirement Board's jurisdiction, in this case, is governed by Section 8.515 of the Charter. Pursuant to Section 8.515, an industrially injured officer is entitled to disability pay when he "is incapacitated for the performance of his duties." An Officer assigned to "light" duty in accordance with the provisions of General Order No. 49 and, who is able to perform that assignment, is not "incapacitated for the performance of his duties." Such an officer would not, therefore, be entitled to disability pay.

Very truly yours
DANIEL MATTROCCO
General Manager

Dear Captain Creedon:

Thank you very much for the 17 boxes containing 34 turkeys which you and Officer Frank Machi delivered to St. Anthony Dining Room on behalf of the Police Officers Association to aid us with our 24th annual Thanksgiving Dinner for the poor.

Please convey our thanks to all members of the Police Officers Association for helping to make certain that every man, woman and youngster who comes to us in need and hunger on Thanksgiving Day will receive the complete turkey dinner with all the trimmings.

Your gift represents an investment of about \$500.00 but no price can be set on its benefits, physical, emotional, spiritual. No one can estimate the value of its indirect effects on destitute people in preventing antisocial behavior that could otherwise have resulted from their hunger and frustration on the holiday.

We thank you for letting us serve as your representatives in administering this charity. We offer you the gratitude of your guests. We ask God's blessings on you, all members of the Police Officers Association and families, and assure you of our prayers. May your generous kindness to the needy make your own Thanksgiving day even more happy and rewarding.

Sincerely,
Father Alfred Boeddeker,
O.F.M.
Father Floyd A. Lotito,
O.F.M.

(The following was received in the mails. Its validity is of course questioned.)

Captain Edward H. Laherty
Commanding Officer Mission Station
1240 Valencia Street
San Francisco, Calif. 94012

Dear Capt. Laherty:

After having completed my third best-seller, *Onion Field*, I feel an honest desire to curtail my writings of the experiences of the Los Angeles Police, and to portray the image of an unusual officer who is under your command at present.

In deciding on an officer for my latest book, and film, I set upon the idea of finding one who would create a bad taste in the mouth of the public, thus lending them the alternative of searching for higher standards in future police recruits. Therefore I looked for a prospect who was:

- a) quick with the mouth, but severely lacking in intelligence.
- b) quick with the hands.
- c) unattractive, preferably quite repulsive.
- d) lacking in courtesy, concern, ability, and motivation.
- e) unable to provide even the basic functions of a Police Officer.

As you can see finding the proper candidate was no easy task. After an exhausting search of your station records I have found an officer who qualifies beyond my wildest expectations. He is not of the hard-core 'Senior Officers', nor is he of the younger 'New Breed', he is what one might call, a "Half-Breed". Officer Henry Fikkers:

- a) is called 'Rubber Mouth' by those who know him, "%!*&" by those who do not.
- b) is known to stake-out Collingwood Park, (in a prone position)
- c) suffered a farming accident when young, his face was run over by a run-away plow.
- d) his prize cronie is Burt Watkins.
- e) fellow officers use his head to block the wheels of their patrol cars when responding on a hot run.

Thank You for your co-operation
Joseph M. Wambaugh
Sgt. LAPD, No. 1369

Dear Sir:

At this point in time, I wish to make it crystal clear that the subsequent observations and opinions should not be construed as pure "Archie Bunkerisms." That is definitely not the intent of this letter. I am primarily concerned with the more subtle dangers inherent in the dilemma presently confronting one, Sgt. Gerald Crowley, Pres. of the Police Officers' Assoc. of S.F. As stated in the Chronicle, Dist. Court Judge Peckham ruled, in plain everyday language, that the entrance requirements for the S.F. Police Force must be "changed" — i.e. the standards lowered. The objective — a greater percentage of minority people to be selected for the force. At first reading it appears to be a judicious and humanitarian approach to a problem besetting our land today. Unfortunately, however, there are many pitfalls that go hand-in-hand with such a ruling. It's a treacherous and dangerous step to take in the area of Law Enforcement. Let me now explain, as briefly as possible, why I dare to make such a strong statement and why I feel it can be proven out — logically sans emotion.

I will try to portray what sub-standard employment requirements has done to one great agency and must do to any organization burdened by this charitable but destructive malady. I refer, of course, to the U.S. Postal Service. I am (I hope!) and have been employed as a Clerk at the Air Mail Facility since early '70 and prior to that at Rincon Annex in '68. Service complaints are constant and vociferous. Postmaster General Klausen and Postmaster "Limpy" Lee are frequent targets of your Herb Caen and his confreres. The explanations and excuses for this deterioration are varied and multiple, but, in my humble opinion, hardly factual. Obviously, it wouldn't be good policy to bluntly state that the efficiency and dedication of the work force as a whole, especially in the great postal centers, has steadily declined since the mid-sixties when the Civil Service exam for the P.O. was oversimplified and for a period, completely eliminated! This, of course, benefitted many who needed and deserved decent employment in this country of ours — this is good. On the other hand, along with the "good," we must accept the fact that over-all proficiency will suffer — this, I believe, we can live with — in the Postal Service. But, the Police Dept. — hardly! Incidentally, before leaving our struggling Postal Service, the other major factor lousing up letter delivery is, in part, the fault of the general public. Apparently, people don't fully realize or comprehend that the monster letter sorting machines (55 letters per minute) determine the destination solely by the Zip code number. The Zip must be legible and correct. The actual number of erroneous "Zips" is fantastic and that, dear public, accounts for many, many delays and undesired complaints. The plight of the Postal Service is just one prime example which Sgt. Crowley can cite in his future appeal. There are others somewhat less in the public eye at the moment. I refer to our Armed Service units. Approx. a year ago the army and navy lowered their enlistment requirements quite drastically. The Navy, which I recall with fond and respectful memories, immediately ran into a peck of trouble — insubordination verging on insurrection, which was duly noted in the news. Since then, thank the Lord, the Navy "Brass" has seen fit to re-activate their established codes and appear to have the situation under control. The army, on the other hand, still appears to be offering everything except wintering at Biscayne Bay and summering at San Clemente. Cox's Army should become a verity in the late '70's — if not sooner?

In any event, the purpose of this lengthy dissertation is to stress the undeniable fact that when requirements & standards for employment in any field of endeavor are lowered to fit the capabilities of every applicant it will eventually lead to a percentage of unqualified personnel inevitably resulting in an inefficient and disoriented operation. As I mentioned earlier, the Postal Service, or lack of same, we "can live with." Contrarily, the Police Dept. does not fall in this category. A deterioration of this service could well be a tragedy for all. A situation which, in these hectic times we might not be able to "live with" — literally.

Let us then, in this one instance at least, not lower the standards for the "Men in Blue" or the fire "laddies" either, for that matter. Let us not at this time practice "discrimination in reverse." For the protection of our homes and families we must have the best qualified people, minority or majority, "regardless of race, color or creed" — this I believe.

Respectfully Yours,
Richard J. Walsh
Postal Clerk, AMF, S.F.
LCRD, USNR, Ret

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The Bomb Squad's Booming Business

The Explosive Ordinance Disposal Unit may be better known to San Francisco Police Department personnel as the "Bomb Squad." This Unit has the responsibility to respond and attempt to render safe all suspected clandestine devices (Explosives) in the safest possible manner, including the protection of lives, property and the collection of evidence.

The EOD unit was created in June, 1970. Ten volunteers were picked from a large list of applicants. The officers received their training at the Presidio from the Army EOD unit. The training covered both bomb disposal techniques and procedures, during a six week period. Some of the areas covered were: Fundamentals of Electronics and circuitry of devices, Construction of devices, Search and evacuation procedures, Methods of rendering safe and field training in the use of equipment.

There are presently twelve members in the unit. They are: Captain Ernest Raabe (Commanding Officer of the Crime Prevention Company), Lt. Donald Goad, Lt. Thomas O'Donnell, Sgt. David Winn,

Sgt. William Pacheco, Sgt. Burton Bishop, and Officers Dale Boyd, Fred Neville, Robert Hulsey and Raymond Portue. Two bomb search dogs are also used. Their handlers and Officers William Langlois and Carl Jackson.

Sgt. Bill Pacheco has compiled a list of requirements he feels is important for a member of the unit to possess. He feels ten years of police experience would be a minimum requirement. An officer must be proficient in the use of various tools and equipment such as hammers, screwdrivers, pliers, sidecutters, hacksaws, woodsaws, wrenches, pipe wrenches, metal drills, clamps, pulleys, probes, scaples, etc. Basic knowledge of Chemistry, Electricity and Electronics is also important.

A minimum of 240 hours training should be provided for E.O.D. personnel. Refresher courses of forty (40) hours should be given every six months. The initial 240 hours would cover handling, storage, transportation, disposal and all other areas pertaining to explosives.

Refresher courses should be set up to thoroughly fami-

liarize E.O.D. personnel with newly encountered devices, timing mechanism and rendering safe procedures used. Sgt. Pacheco feels this training is imperative in order to insure a fully qualified unit. (The army re-trains its men every two to six months.) He feels this would be ideal for the unit.

The members of the E.O.D. unit are assigned to different units and details in the department during their normal tours of duty. Sgt. Pacheco feels this is the biggest problem with the unit. He would like to see all the E.O.D. personnel assigned to one unit. The members are separated from each other until a call for service arises or when they get together for a periodic training meeting. San Francisco is the only police department that uses this method. In other departments, E.O.D. personnel are together in one unit.

Due to the present system, of spreading the E.O.D. personnel about the city, when an explosive device is located, usually only one EOD technician is available to respond. An ideal system is to have two technicians respond. This

would enable the officers to cover each other. One technician can work on the device, while the other records valuable information, and helps with his experience, life or death. This two man operation could be the difference between success or failure. There is no hazard or incentive pay at this time, although many departments do pay their EOD personnel hazard pay.

Bombing incidents are rising, contrary to the feelings of some police officials. California has the highest bombing incident rate in the country. In the first 6 months of this year California led the nation with 271 of the 928 incidents that occurred across the nation. Although bombing incidents have been numerous in California, injuries and property damage has been minor, in contrast to the East, where bombing incidents have been lower but injuries and property damage has been considerably higher. One of the reasons is the effectiveness of the EOD units in California.

Proper and efficient equipment is a necessity for the EOD unit. A bomb equipment carrier truck has been purchased by the department and is being utilized now. The vehicle is also capable of transporting a small bomb. Sometime in the future the EOD unit should consider an Explosive Handling trailer to be used with the truck for the transportation of larger explosive devices to a safe disposal area.

An X-ray (portable) would be a valuable tool to the unit. This would enable the officers to know what is inside the device. The present body-shielding used by the unit should be replaced. The shielding now used is too bulky, preventing complete movement of arms and legs. Pipe vices to open pipe bombs to utilize components as evidence are also needed. This procedure is now done by hand.

Since the creation of the EOD unit in 1970, more than 2,700 complaints of threats of

explosives, disposal of explosives, military, commercial and home made have been received by the department. More than 1,650 pounds of dynamite alone have been handled and disposed of by members of the EOD unit. This does not include pipe bombs, dangerous chemicals or military items such as hand grenades, mortars, rockets, market dies, land mine fuses, etc. disposed of by the EOD unit.

Glenn Allen
So. San Francisco Police

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TEXT OF FEDERAL COURT RULING

Cont'd

cates that plaintiffs have established a prima facie case of de facto discrimination only with respect to San Francisco's procedures for hiring patrolmen and for promotion to the rank of sergeant. This showing shifts to the city the burden of justifying the use of the procedures despite their discriminatory effect.

3. The Validity of the Examination

"Courts confronted with challenges to public employment examinations predicated upon the equal protection clause of the Fourteenth Amendment have generally agreed that the Guidelines issued by the EEOC provide persuasive standards for evaluating claims of job-relatedness."

The Guidelines, in effect, allow for the use of two approaches to the question of "validation": the employer can attempt to show either "predictive validation" or "content validation." These, of course, are general terms which encompass various definitions of validity.

Predictive validation requires substantial evidence that "there is a correlation between a candidate's performance on the test and his actual performance on the job." *Chance v. Board of Examiners*. In practice, predictive validation requires the testing of a group of candidates; the recording of their scores; the observation and recording of their performance on the job over a period of time; and, finally, a determination that scores on the test positively correlate at a high level of statistical significance with performance on the job.

Content validation demands a detailed analysis of the requirements of the job and the translation of that analysis into carefully formulated test questions. See generally *Western Addition Community Organization v. Alioto*. The job requirements normally are "determined through empirical studies conducted by experts." *Chance v. Board of Examiners*. The formulation of the test questions usually requires the attention of an individual skilled in psychometrics in order to insure that the questions test knowledge or skills relevant to the job.

The evidence presented in the submitted papers of the parties and at the oral hearing clearly establishes that de-

fendants have not adequately validated either the entry-level admission examination or the promotion-level sergeant examination through any acceptable form of validation.

Without a proper job analysis and a validity study, it is simply impossible to determine what kind of examination and what cut-off score would truly separate the qualified from the unqualified. In this respect, the promotion-level sergeant examination violates the explicit standard of the EEOC Guidelines. See 29 C.F.R. § 1607.6. Clearly, the promotion-level sergeant examination has not been established as a validated test.

This court finds that defendants have failed to meet this burden of proof at this stage of the proceedings. The weight of the evidence clearly favors the plaintiff's allegation that the entry-level admission examination and the promotion-level sergeant examination have not been shown, through the presentation of adequate validation studies, to be substantially related to job performance.

Remedy

This "district court, sitting as a court of equity, has wide power and discretion to fashion its decree not only to prohibit present discrimination but to eradicate the effects of past discriminatory practices." *Bridgeport Guardians, Inc., et al. v. Members of the Bridgeport Civil Service Commission*.

This power includes the authority to construct an equitable remedy which involves the imposition of the requirement of ratio-hiring on a public agency in order to correct past discriminatory conduct and to avoid the repetition of any such conduct in the future.

Preliminary relief is appropriate at this stage in the proceedings. The record before this court, as the discussion *supra* indicates, establishes that plaintiffs are extremely likely to prevail on the merits.

Also, the balance of equities in this controversy favor the granting of immediate relief. The history of discrimination caused by the use of examinations which have not been properly validated must be reversed before additional individuals are hired for the rank of patrolman or promoted to the rank of sergeant.

At the same time, the changing of hiring and promo-

tion procedures within the police department must be accomplished without significant disruptions in the recruitment of police which might jeopardize the public safety. In short, both the legal rights of the plaintiffs and the social needs of the community require that this controversy be resolved as expeditiously as possible. These factors suggest the need for extensive preliminary relief.

In granting preliminary relief, this court wishes to emphasize two points.

First, no remedy ordered by this court will require the hiring or the promotion of any individual not qualified for a particular position. Plaintiffs, it should be noted, do not desire a "lowering of standards." Rather, they legitimately seek an improvement of police department hiring and promotion procedures to insure that they are accurately separate—on a non-discriminatory basis—individuals who are qualified from individuals who are not.

Second, events since plaintiffs initiated this action offer the hope that the Civil Service Commission and the Police Commission will soon have access to properly validated examinations for the hiring and the promotion of qualified individuals.

City officials have been working on the improvement of police department hiring and promotion examinations. At the oral hearing, defendants represented to this court that they were making every effort to produce validated examinations by the end of this year. Hopefully, recent announcements by city officials concerning police department selection procedures which have appeared in the San Francisco media are a prelude to successful completion of work on validating needed hiring and promotion examinations.

Also, the California Selection Consulting Center, a state agency established under the Intergovernmental Personnel Act of 1970, has been engaged in the development and the testing of examinations for the selection of individuals for employment in public agencies such as police departments. City governments, though not directly participating in the development program, may use specific examinations formulated by the agency as long as regional factors are not likely to affect validity. The passage of a city charter

amendment at the November, 1973 general election now allows for this city's use of the standardized, carefully tested employment examinations formulated by this agency.

In short, the San Francisco Civil Service Commission and the Police Commission now may have the opportunity to utilize validated examinations as an alternative to the examinations previously used.

Plaintiffs, in sum, have established their right to preliminary relief. They are entitled to an equitable decree, at this stage of the proceedings, which eradicates the effects of past discrimination by defendants in hiring and promotion and which forestalls the recurrence of any such discrimination in the future.

Courts, in constructing the appropriate equitable remedy, tend to require the public agency to hire minorities at a rate high enough to bring the percentage of minorities employed closer to the percentage of minorities in the population within a relatively short period of time. In *NAACP v. Allen*, Judge Johnson required the Alabama state police to hire black applicants at a rate of 50 per cent of all individuals hired, whereas blacks represented 25 per cent of the general population, until the percentage of blacks in the police force reached parity with the percentage in the population. As another example, in *Davis, et al. v. County of Los Angeles, et al.*, Judge Gray ordered the Los Angeles County fire department to hire minority applicants at a rate of 40 per cent of all individuals hired, whereas minorities equalled approximately 19 per cent of the general population, until reaching parity. These, and many other, decisions recognize the need to cure past discrimination through the use of ratio-hiring so that plaintiff's rights under federal law are upheld and so that citizens might gain the benefits of having the particular public agency staffed by individuals representative of the general population. No less an authority than Charles Gain, former Police Chief for the City of Oakland, has stated that "specific and substantial minority employment quotas are the most effective method for securing a racially-ethnically balanced police force within the next ten years." See Affidavit of Charles R. Gain.

In the present case, this court is faced with the difficult task of reducing the substantial disparity between the percentage of minorities in the police department and the percentage of minorities in the general population. Of approximately 1920 policemen, approximately 180 are correctly classified as minorities—thus, only 9 per cent of the police department are minorities. In contrast, approximately 43 per cent of San Francisco's population in 1970 was composed of minorities according to the 1970 Census; and approximately 51 per cent of the population in 1975 will be composed of minorities according to Census Bureau projections. In short, this court finds that the discrimination worked against minorities by police department hiring and promotion examinations not proved to be substantially related to job performance has resulted in a substantial gap between the number of minorities in the police department and the number of minorities in the general population. As the discussion, *supra* indicates, federal and constitutional law, as articulated by both Supreme Court and lower court decisions, leaves this court with no alternative other than the granting of an equitable remedy which will alleviate, with due speed, the past effects of discrimination and will prevent any future discrimination.

Accordingly, it is hereby

ADJUDGED, ORDERED, AND DECREED that:

1. Defendants, their successors, and all individuals acting in concert with them are enjoined from using the entry-level admission examination and the promotion-level sergeant examination which have been found discriminatory in this action in the manner in which such examinations have been used in the past.

2. Defendants, their successors, and all individuals acting in concert with them (a) with respect to the hiring of individuals for the entry-level position of patrolman, shall establish two lists of qualified candidates—a minority list composed of qualified blacks, Latinos, and Asians and a non-minority list composed of all others found qualified; and (b) with respect to the promotion of individuals within the police department to the position of sergeant, shall establish two lists of qualified candidates—a minority list composed of

qualified blacks, Latinos, and Asians and a non-minority list composed of all others qualified.

3. Defendants, their successors, and all individuals acting in concert with them (a) with respect to the appointment of individuals to the entry-level position of patrolman, shall select and appoint three qualified individuals from the minority list established under Section 2(a), *supra* for every two qualified individuals selected and appointed from the non-minority list established under Section 2(a), *supra*, until the total number of minority policemen within the police department equals, at a minimum, 30 percent of the total number of policemen within the department; and (b) with respect to the appointment of individuals to the position of sergeant, select and appoint one qualified individual from the minority list established under Section 2(b), *supra*, for every qualified individual selected and appointed from the non-minority list established under Section 2(b), *supra*, until the total number of minority sergeants within the police department equals, at a minimum, 30 per cent of the total number of sergeants within the department.

4. Criteria for defining the terms "minority" and "non-minority" for the purpose of constructing appointment lists as described in Section 2, *supra*, shall be submitted to the court for review and approval before being used.

5. In order to insure that only qualified individuals are appointed to either the position of patrolman or the position of sergeant, all examination and selection procedures to be used for determining the qualification of candidates for the appointment lists described in Section 2, *supra*, shall be submitted to the court for review and approval before appointments are made.

6. Exemptions from state and local restrictions will be granted if necessary to effectuate this order.

So ordered.

Dated:

November 23, 1973

Robert F. Peckham

United States District Judge

St. Anthony's Says Thanks

"The response of the people of the Bay Area to the Thanksgiving appeal of St. Anthony Dining Room was absolutely tremendous," exclaims Father Floyd A. Lotito, O.F.M., Deputy Executive Director.

"Father Alfred and I were overwhelmed with the generosity of so many interested friends."

Through the donation of turkeys, foodstuffs and funds, a complete Thanksgiving dinner was served to over 3,300 guests. Plenty was had by all. Father Floyd said many were touching stories of kind people who cared to send help or serve or contribute to our coin cans throughout the city. "God and His good people never let us down," sighs Father Alfred Boeddeker, founder and Executive Director. "The Miracle of Jones Street continues."

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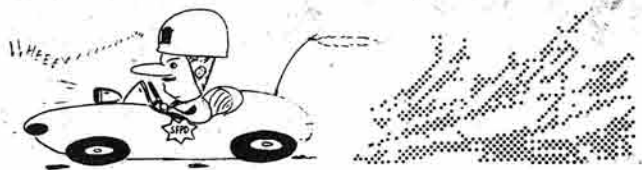
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Christmas time and a holiday story comes from Bill Farac of our Loyal Mounties out there in McLaren Park, who is running his third annual Christmas party at the Home of the Good Shepherd for girls, at 501 Cambridge, on December 23rd. Bob Sommers of the Water Department is the Santa Claus and Big Sister Becky Rule is handling other parts of the program. Bill says that although they have some gifts donated for the teenage girls of the home (ages 13 to 18), they still need presents of any kind for their young ladies. Anybody with the right spirit, contact Bill at 584-9711, and bring good stuff right away. Make it a happy holiday in your own hearts.

Edward I. Price is some brave citizen, a stout fellow. He saw a 19-year-old girl being beaten and kicked by a bad guy on Powell near Market, and stepped in to protect her. Ed fought the crook and was holding him down for the police when our men, Ray West and Dick Weidinger of B.S.S. arrived. The victim tearfully told them that the attacker came into her store looking at some necklaces, but soon faded away somewhere. Noise in the storeroom upstairs caused the girl to investigate finding the intruder rifling employees' purses. Not a fading violet herself, the girl confronted the thief who shoved her away. She then grabbed him trying to hold on. But the baddy struck her down, dragging her downstairs with him. This is where Ed Price joined the fray, rescued the girl, and held the crook for the police. The stolen money was found by our Dick Weidinger inside the suspect's shoe where almost \$200 was recovered.

A suspected dope peddler was visited by Art Gerrans and Ed Dennis of Narcotic Detail. Art found a loaded .38 revolver in the kitchen and knowing that the suspect was an ex-convict, declared that this was a taboo. But the crook protested claiming the gun was his indeed, and that he was keeping it for protection against burglars. Sadly for this character, this gun was reported stolen in a burglary of a restaurant on Geary Street. Additional amazing facts uncovered by our men included over \$2,000 in cash and much, much more money in the crook's bank accounts. Yet, this misguided fellow was drawing public assistance and hadn't filed income tax returns in the past three years.

Several years ago I grappled with an ex-convict whose loaded .45 caliber revolver would have been the end of me if it weren't for Bill Marweg and Sam Hamilton who had walked in just at the right moment and literally saved my life. This same ex-con was later arrested in Oakland with a .357 magnum and other guns and while awaiting trial, out on bail, he was picked up here again when he cut a victim's throat with a linoleum knife when the poor man had surprised him in the act of burglary. Some two years later this bad guy was at large

again recently when Emile Fortenberry and Bill Arietta of Northern Station spotted him suspiciously prowling around on Jackson Street. Our men followed his car which had a woman ex-convict as passenger. An Attempt to stop them resulted in a reaching speeds of 100 miles per hour. The getaway car was finally pulled over near Oakland with the help of Highway Patrolman Walt Lesnick. And there, on the front seat, next to the crook, lay a loaded 410 shotgun-pistol, a teargas canister, and a blackjack. The tool kit contained a rubber mask. The car's trunk was loaded with stolen goods. And the car itself had a phoney identification number. Perhaps this time the courts will keep this one-man crime wave off the streets for more than a few months.

Bob Polio working as a bank teller at a downtown branch, read the weekly wanted bulletin and recognized a wanted burglar as a client with an account at his bank. Bob alerted another policeman-teller, Bob Quinn of the Mission, and both of them weren't surprised when the fugitive walked in. Now this baddy will have to transfer his account to San Quentin where he has been before.

Dan O'Shea and Paul Penrose of Northern 4 came upon a man chasing another, the latter dropping a long-bladed knife, on Franklin Street. Sorting things out, our men discovered that the victim was solicited by a lady of the evening and taken to her apartment where the man with the knife materialized and used his weapon to persuade the victim to place his wallet and ten dollars on a dresser. He then grabbed it and fled, the victim in pursuit. The baddy denied knowledge of the knife or the crime and caused some commotion by resisting arrest. Here came a totally unrelated stranger who decided to become involved, but in a negative way. He felt that his mission was to intercede on behalf of the thief. He was so insistent that he too became a guest of the State before the case was finished. And all this for a mere ten dollars!

Charlie Ellis and John Carlin of Northern 4 were flagged down by a citizen one very early morning. He told them of a broken window in a nearby antique store on Larkin Street, and claimed to have seen suspects fleeing with the loot. Charlie and John took the report of the loss from the

owner of the store and went back for additional interview with the witness. But first they'd learned that this witness was a known thief on probation at that time. Entering his apartment our men were not surprised to find the numerous antiques and bric-a-brac reported missing in this very theft, lying about the place. The witness and his three friends alibied that the stuff was sold to them by a passing stranger a long time ago. Everybody was arrested and most of the loss recovered, except a skeleton which couldn't be found by Charlie or John, no matter how they combed the suspects' closets.

Bob Barnes and Lloyd Ritter (Ritter means "knight" in German, but Lloyd doesn't mean "blue") while on routine patrol in their Park-1, saw a man on Fell Street carrying a loaded P-38 automatic in his hand. They alerted him to the illegality of his actions, arresting him. The gun turned up having been stolen in Campbell, near San Jose. Later Ed Tank of Burglary Detail contacted the gun's owner and arranged for the weapon's release. But when the victim arrived, Ed Noticed that he was quite spaced out, in no shape to receive the firearm. Consequently the man's nod failed to get Ed's for the release, especially after the man admitted to our sleuth shooting up a quarter-spoonful of heroin that morning. That quickly qualified him for a space out at the City Prison.

John Quill and Kay Baxter of the Ingleside investigated an assault and robbery on a Muni bus, pulled off by a number of juvenile hoodlums going home from school. John and Kay arranged the next day for a live show-up at the same location with the witnesses and victims present. And when school children began to leave the bus, the guilty ones were identified and grabbed up, totalling a group of five meanie-crooks.

And this causes me to reflect on the comment about transit police made by Officer Dumcop who says that the proposed transit detail still needs some surveying.

MANUAL LABOR

The following is reprinted from "CLERK'S SCOOP," a publication of CSA Local 400.

Dear Sally:

Police clerks and Captain's clerks are required to do their work on MANUAL TYPEWRITERS! They do an enormous amount of heavy typing and are often required to work 2 or 3 hours of overtime in the stations. That's 10 or 11 hours a day on a manual typewriter!

Some of the typewriters are so broken down that you can hardly read the police report after it's typed. I don't think anyone will disagree that a police report is a very important document, both to the officer and the victim, and to the judge and the courts.

Also, I don't think that anyone would disagree that police clerks should have the very best equipment to do a very vital job. As it stands now, this job is so vital, that if a police clerk makes a certain kind of typing error, the judge can throw the case out of court, much to the consternation of our hard-working officers.

I think it is ridiculous and absurd to ask competent transcribers to work on outmoded equipment under enormous pressures of police work and expect them to do a first-rate job.

When are we going to get rid of our 1890 typewriters and bring the Police Department's working conditions up to a minimum standard of efficiency
DISGRUNTLED...POLICE CLERK
P.S. Need I mention that many details (NARCOTICS, for instance), and many other departments (RECORDS, PLANNING & RESEARCH), not only have electric typewriters, but the latest IBM SELECTRIC typewriters? And that all police reports are six (6) carbon copies? I've talked to many officers about this and they tend to agree with me.

The San Francisco Policeman

is the official publication of the San Francisco Police Officers' Association. However, opinions expressed in this publication are not necessarily those of the S.F.P.O.A. or the San Francisco Police Department.

Dear Disgruntled:

You and other police clerks need to organize around several issues, including the demand for electric typewriters. A good beginning would be to call a meeting of police clerks, ask the representative from Local 400 to be present, and start getting yourselves together. The situation you describe is so outrageous that you're sure to win. But you have to organize.

Each and every opinion of a member of our department is deserving of space in the San Francisco Policeman. In order to see that all letters and articles get that space, we're asking for some basic ground-rules.

—limit letters to three pages, typed, double-spaced.

—if you have photos you'd like printed, drop those off too, but please, don't ask for them back. We can't keep everything under a watchful eye all the time in the print shop.

—don't think your letter or article has to sound like a manual. Let's talk to each other, not lecture at each other.

We of the San Francisco Policeman want to be YOUR voice. To do that, we need to know what you're saying—so speak out, sound off, and write...

—Editor

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FACTS ABOUT THE POLIGRAPH

The Polygraph machine, more commonly known as the "lie-detector," is fast becoming a lethal weapon in the hands of police administrators.

Our department has purchased a new machine at a cost of \$2,000.00 for the Crime Lab and a machine for the Internal Affairs Bureau costing \$1,500.00.

Sergeant Bill Taylor has attended polygraph school back East at departmental expense and is assigned to the Internal Affairs Bureau.

Falsehoods circulated by polygraph "experts" throughout the years have been rejected by civil libertarians, judges and scientists who know the machine's potential for abuse.

The polygraph came into prominence in the 1920's when urban police departments began using it in criminal investigations. Unable to substantiate their investigations through the traditional, tested methods of criminal investigations, they turned to the "Magic Machine for the Truth."

The polygraph does not and never has measured lying or even physiological states that accompany lying. The polygraph only measures physiological changes in subjects generated by emotional

stress, hatred, boredom, humor, excitement as well as lying. When a police officer is subjected to the polygraph in a "sterile" room in the Internal Affairs Bureau his physiological state will reflect a myriad of responses that very definitely affect the answers he would give to certain questions. Furthermore, a proven 5% of the population is non-testable according to polygraph experts because of emotional and mental makeup.

The polygraph is not scientifically accepted. In 1963, Congressman Moss of California conducted seven days of hearings wherein the most noted experts in the polygraph and related fields were queried. The conclusion of that committee was that the polygraph is not scientifically reliable by either validation or by laboratory experiment.

Civil libertarians over the years have raised the sensitive issue of privacy in relation to the polygraph. Alan F. Westin in "Privacy and Freedom" says, "The issue of privacy obviously raised by both polygraphing and personality testing is whether employers or the government should be allowed to require individuals to have their inner process probed through machine or test measurements." The

fourth amendment restricts the search of a person's residents without a warrant, what about the search of a person's mind?

In the courts of the United States a person accused of a crime can not be forced to take the test against his will by the police or the courts, but a police officer involved in a non-criminal investigation can be and is! Polygraph results are not admissible in the courts (unlike fingerprints, ballistic tests, blood tests, etc.) because our community of scientists have raised substantial questions as to its reliability. Only if both the prosecuting and defense attorneys stipulate to polygraph results, are they admissible; but most judges even with prior stipulation do not admit the results.

What about the legal advisors to police administrators? In 1961 the Director of the Field Service Division of the International Association of Chiefs of Police said, "the task of weeding out unfit policemen and determining talent for promotion could best be done by personal observation and investigation, not polygraphing." On October 23rd of this year the major police associations across the country met here in San Francisco for a labor relations seminar. Mr. John Burpo, a young and highly respected legal advisor to police chiefs on matters dealing with militant police associations spoke to the conference. When questioned about the polygraph and asked what his advice to chiefs would be on the reliability of the polygraph, Mr. Burpo said, "usage of the lie-detector is akin to reading tea leaves." The majority of the police agencies in Europe forsook the polygraph years ago to adopt more tested methods of investigation but our department appears to be moving in the opposite direc-

LITIGATION PRESS CONFERENCE



Association President, Jerry Crowley (center) explains the P.O.A. position with regards to Judge Peckham's Federal Court ruling on establishing minority quotas. With Crowley are Association Attorney Bill Beirne (left) and Don Goad (right) Litigation Committee Chairman.

tion. At a recent Civil Service Commission Meeting Sgt. Groszard, speaking for Chief Scott, asked that new applicants to the department be required to take a lie-detector test.

Police unions across the country are adamant in their opposition. After a tremendous lobbying campaign by the Seattle Police Officers' Guild, the state senate in Washington passed bill No. 2187 which states in part, "It shall be unlawful for any person, firm, corporation or the State of Washington, its political subdivisions or municipal corporations to require any employee or prospective employee to take or be subjected to any lie-detector or similar tests as a condition of employment or continued employment." The compromise in this instance was to allow polygraphing to police officers with the rank of Captain and above.

The state of Washington has set the example we in San Francisco must follow. The present dangerous situation lies within our Internal Affairs Bureau. The IAB holds all the investigative tools necessary to affectuate a comprehensive investigation. Implementation of the polygraph will not only demean the administration but also the rank and file police officer who is already operating daily as a second-class citizen.

VOLUNTEERS NEEDED

There was a meeting of the Civil Service Commission, at City Hall on Monday, December 3, 1973. The principle items on the agenda were the recent ruling by Judge Peckham and the upcoming Q-2 Police Officers' Examination. There was a gratifying demonstration of support as large numbers of the Association membership was in attendance. Several speakers were given the opportunity to express their viewpoints and the 3 member Civil Service Commission adopted the following resolutions.

The Civil Service Commission unanimously voted to appeal Judge Peckham's recent decision in its entirety. They also voted to direct the City Attorney to seek clarification from Judge Peckham regarding his ruling as it affects the status of the men

remaining on the current Sgt's. list.

Regarding the announced Q-2 Police Officers' examination the Civil Service Commission voted to re-instate a minimum height requirement of 5' 6".

The Commission also voted to amend the weight proportions in the entrance exam from 500 points on the written exam and 500 points on the physical agility to 650 points on the written exam and 350 points on the physical agility exam.

The various sub-committees of the Federal Litigation Committee are working hard in your behalf but we need help in the areas of public speaking, letter writing etc. Please call the Association office 861-5060, and leave your name, phone number and unit.

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