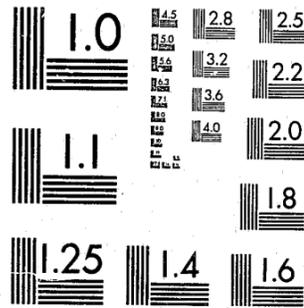


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# FBI LAW ENFORCEMENT BULLETIN

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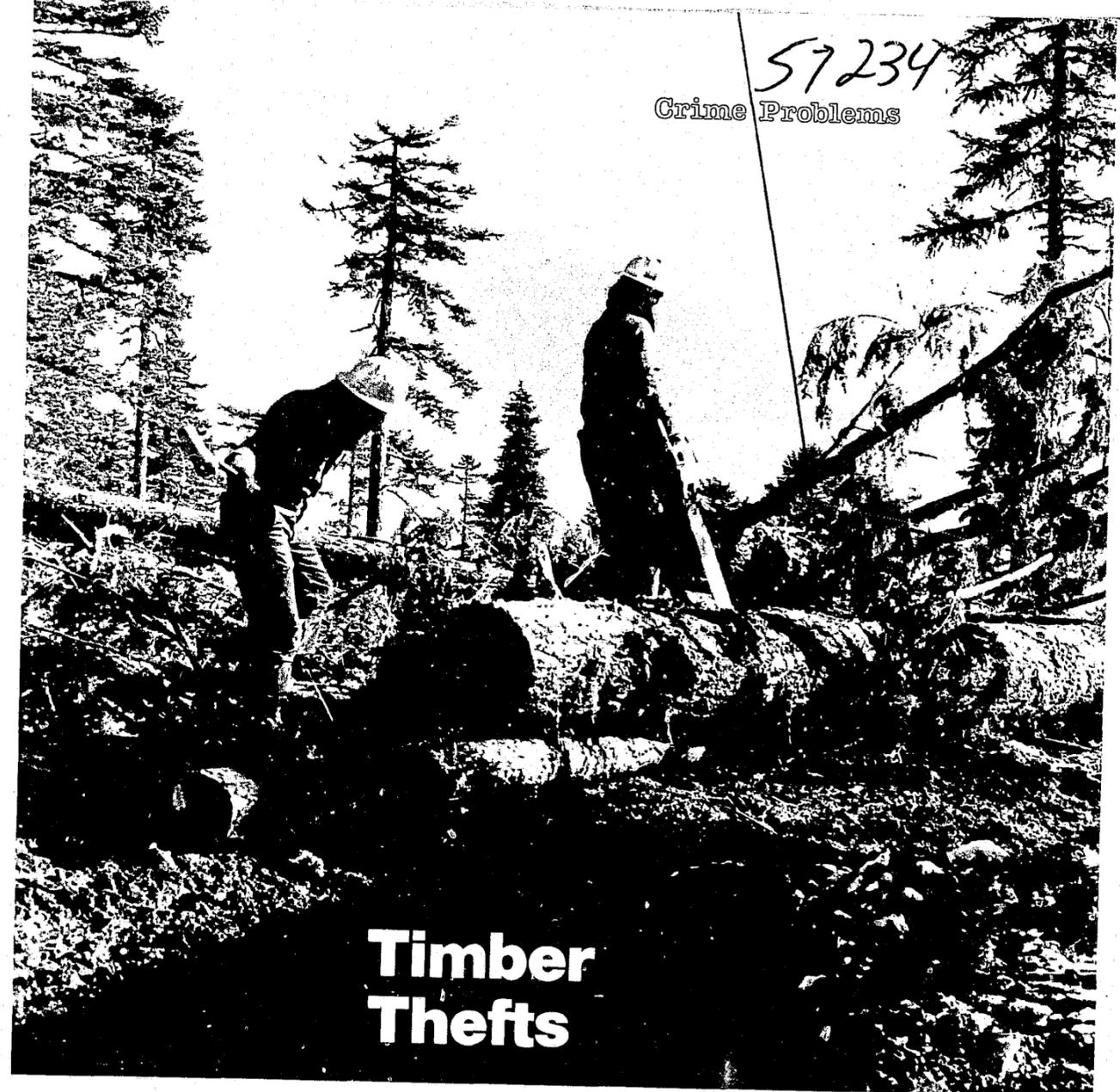
William H. Webster, Director

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*57234*  
Crime Problems



# Timber Thefts

An Oregon logger brands each  
log immediately after it is  
pulled to the landing.

By TERRY D. TURCHIE\* and BILLY BOB WILLIAMS  
Special Agents  
Federal Bureau of Investigation  
Portland, Oreg.

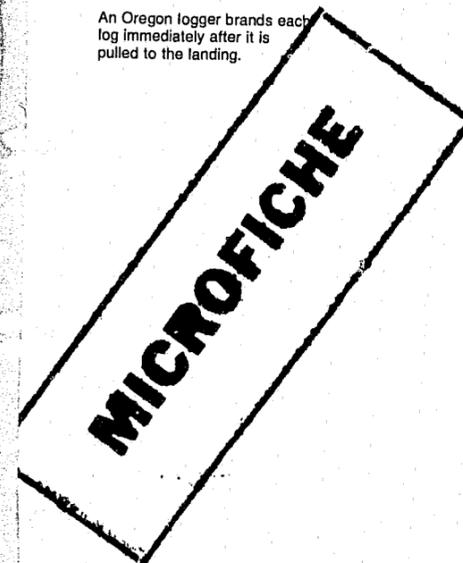
In the early 1970's, the theft of  
U.S. Government timber assumed epi-  
demic proportions. The volume of  
standing timber in Oregon and Wash-  
ington is close to 375 million board  
feet, worth more than \$50 billion.

With inflation, the value of this  
timber, managed by the U.S. Forest  
Service of the Department of Agricul-

ture and the Bureau of Land Manage-  
ment of the Department of the Interior,  
is constantly increasing. It has been  
established that several million dollars  
worth of timber is stolen annually from  
Government land in Oregon alone.

For example, a logging contractor  
pleaded guilty after he was indicted on  
two charges of Theft of Government  
Property as a result of FBI and U.S.

\*Now assigned to the New York Office



Forest Service investigations into allegations that he had bypassed scaling stations with truckloads of Government-owned timber worth up to \$1,000 per load. It is through the scale of logs (scaled by independent scaling bureaus) that the Government receives payment for timber removed.

Investigation into this matter was initiated after it had been reported that one of the contractor's logging trucks had been observed leaving the forest without a U.S. Forest Service trip ticket. FBI Agents, through examination of scale tickets, interviews, and surveillances, determined that the logs involved in this case had never been scaled and thus the Government never paid. The contractor was sentenced to 3 years in a Federal penitentiary and fined \$10,000.

In the 6-month period from October 1976, to the Spring of 1977, 55 timber thefts were reported from the Mt. Hood National Forest alone. Of these, 17 involved cutting of cedar into bolts or posts, while the remainder concerned cutting of Douglas fir or hemlock into firewood for commercial sale. Subjects were identified in 35 of these cases. Aggravated incidents included the removal of 37 Douglas-fir and hemlock trees in one ranger district and 35 cedar trees in another. Subjects were identified in both cases and convicted for various violations of applicable Federal laws.

In a ranger district located within the Mt. Hood National Forest, U.S. Forest Service employees discovered three separate theft sites where standing green western red cedar trees had been felled and removed. An excess of 35,000 board feet of cedar, valued at over \$12,000, had been converted into cedar shake bolts and cedar fence posts.

Cedar, which can be hand split into cedar shakes and converted to shingles, can sell for as much as \$300 per cord in Oregon, while in the State of Washington it can bring as much as \$350 per cord. While many species of trees can be used in reforestation efforts, the cedar is considered a non-renewable resource. Cedar trees might

take 200 to 300 years to grow to maturity, and as yet, no way has been devised to grow them from seedlings.

The individuals responsible for this cutting had attempted to conceal the tree stumps by covering them with broken boughs and stems; however, the area surrounding the stumps was cluttered with empty oil containers, discarded beer cans, and shake bolt debris. Extensive damage was done to dense undergrowth as the thieves cut down skid trails throughout the woods to facilitate the removal of their bounty.

FBI Agents investigating the case soon had traced large scales of cedar shake bolts to several local shake mills. Canceled checks bore the names of those people later developed as subjects. Further investigation determined that rental agencies had leased construction equipment to the subjects to be used in their logging operations. Finally, interviews of close associates of the subjects placed them at the crime scenes on the same weekends that they had rented the construction equipment. After extensive investigation, which took over a year to complete, two individuals were indicted for theft, destruction, and sale of Government property. They pleaded guilty in U.S. District Court, Portland, Oreg.

#### Law Enforcement Efforts

Traditionally, the U.S. Forest Service and Bureau of Land Management functions have been of a three-fold nature: (1) To insure through their contract administration that the Government receives a fair value for timber sold; (2) to protect the forest reserves through their extensive reforestation efforts; and (3) to stand in constant readiness to fight natural disasters, such as fire, flood, and disease, which could seriously jeopardize this delicate natural resource.

The U.S. Forest Service and Bureau of Land Management have long recognized that law enforcement efforts by employees and special

agents assigned to each forest have played an integral part in the administration of public lands.

In order to administer national forests, the forest service throughout the country is divided into various regions, with the regions further divided into specific forests and ranger districts. One of the first regions to have special agents assigned to each forest was Region Six, which encompasses national forests in the States of Oregon, Washington, and California. Agents were hired to provide a law enforcement capacity for every ranger district and to instruct U.S. Forest Service personnel in areas of crime prevention, crime reporting, and protection of crime scenes.

Many of the investigations conducted by the forest service agents are concerned with arson, vandalism, malicious mischief, and various matters of an administrative nature. Forest service agents also instruct ranger district personnel in the issuing of citations for various violations of law and have conducted countless investigations into timber thefts, timber trespass cases, cutting of undesignated timber on sales sites, and related problems on Federal land.

Gradually, the major area of concern to U.S. Forest Service special agents and employees became the theft of Government timber and also the destruction of Government property and resources often caused by the careless removal of the timber. Although forest service personnel and agents had always realized that timber thefts posed complicated and serious problems to law enforcement agents, the issuance of citations to those caught in the act of stealing timber did not seem to act as a sufficient deterrent. As a matter of fact, when the theft of U.S. Government timber mushroomed early in this decade, owing to the increasing value of timber products, the U.S. Forest Service and Bureau of Land Management obtained additional assistance from the FBI.

By statutory authority, the FBI investigations into timber thefts were undertaken if there was evidence

constituting Theft of Government Property, Destruction of Government Property, Fraud Against the Government, Fraud by Mail and Fraud by Wire, Conspiracy to Defraud the United States, or Submitting Fraud Statements to the Government.

In addition, collusive bidding practices were subject to investigation as violations of the antitrust laws, including the Sherman Act, the Clayton Act, and the Robinson-Patman Act. These laws prohibit price fixing, bid rigging, and conspiracy to allocate markets or customers by splitting up a geographic area, leaving to each competitor a section of the area where he is free from competition from the others.

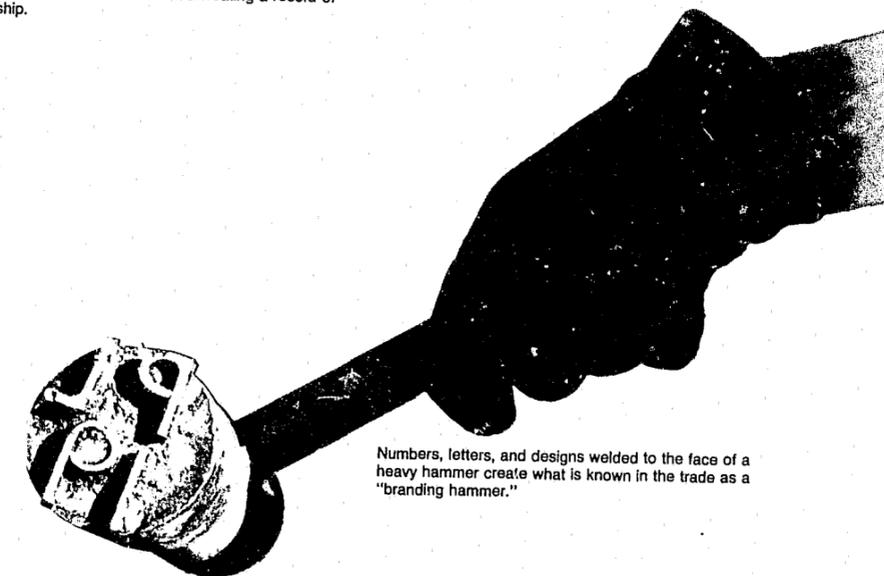
Thus, there began an increased attack on timber pirating characterized by an unsurpassed spirit of cooperation between the FBI, the U.S. Forest Service, the Bureau of Land Management, the U.S. Attorney's Office, as well as other Federal and State agencies. Investigations concentrated on three broad areas:

1. The cutting of isolated trees by 1, 2, or perhaps as many as 10 individuals for future commercial sale as firewood, cedar shake bolts, nursery stock, etc.;
2. The removal of entire loads of logs from a national forest for sale with no payment made to the Government; and
3. Practices of timber purchasers which tend to reduce the fair market value of timber through methods of cutting or violations of various antitrust provisions.

When the program began, the Portland Office of the FBI was investigating 35 timber cases, but by the Spring of 1977, 110 cases were under investigation. As a part of the program, from November 1976, to June 1977, over 50 2-hour seminars were conducted throughout the State of Oregon with over 3,000 full-time U.S. Forest Service employees and 1,000 full-time Bureau of Land Management employees attending. During the 2-hour program, FBI Agents explained the techniques of crime scene recognition, preservation of evidence, reporting procedures, suspect confrontation, and other aspects of timber theft investigations.



Each person or organization taking possession of a log places a brand on each end—thus creating a record of ownership.



Numbers, letters, and designs welded to the face of a heavy hammer create what is known in the trade as a "branding hammer."

### Investigative Techniques

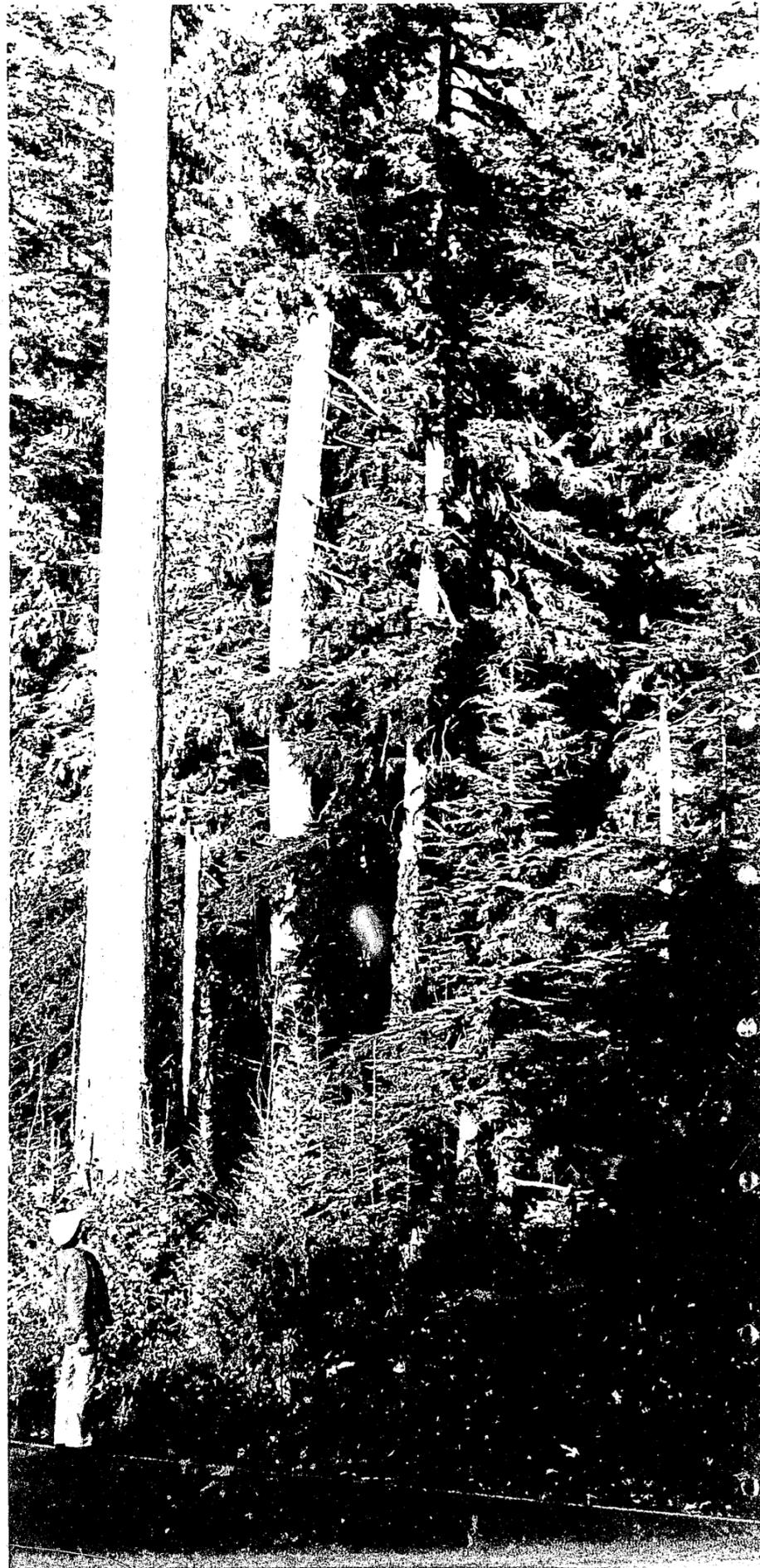
Investigations into illegal cutting of cedar trees to be used for shakes and shingles, Douglas fir and other species of timber for use in the commercial firewood market, and removal of nursery stock material without U.S. Forest Service permits involves the use of a full range of investigative techniques.

Examination of crime scenes continues to result in the discovery of evidence of paint transfers and toolmarks being found on wood or cedar debris left behind by the subject. These marks and paint transfers result from the use of axes, wedges, and splitting mauls, and serve to tie a suspect to a crime. Examinations of toolmarks on wood are based on established principles that it is possible to identify a suspect tool with the mark it leaves on a surface, as well as permitting identification of suitably sized wood products, such as cedar bolts or posts with the specific source from which they were cut.

Greasy oil cans and beverage containers left at the location of a timber theft are collected and sent to FBI Headquarters for examination by fingerprint specialists. Latent prints developed have been helpful in identifying suspects. Plaster casts are made of tire treads and footprints. The theft sites are photographed and sketched for presentation at trial, and trial charts are prepared for use in court.

For example, after an employee of the U.S. Forest Service became suspicious of the peculiar cutting activities of an individual who had obtained a U.S. Forest Service permit to cut several cords of cedar bolts and posts, an FBI investigation was initiated. It was determined that the individual had cut an additional seven cedar trees, removing approximately \$5,000 worth of cedar.

Collected at the scene were food wrappers, soda bottles, and oil cans. Two subjects were indicted, one pleaded guilty before trial and a second was found guilty of Theft of Government Property upon completion of trial. This individual became a Federal fugitive after failing to appear for sentencing. Upon his arrest, he was sentenced to 3 years in prison.



Although crime scene examinations are important, they cannot replace the long and tedious process of interviewing numerous witnesses to a crime, conducting neighborhood investigations to develop witnesses in resort-type areas where thefts have occurred, and checking possible outlets where forest products might be sold. In cases involving large timber sales, agents have reviewed Government contracts, documents, letters between the forest service and members of the timber industry, as well as conducting interviews of the U.S. Forest Service employees who can provide insights into the meaning of such contracts and letters.

In order to conduct investigations concerning timber sales, agents have had to familiarize themselves with the variety of terms and techniques pertaining to a timber sale from its inception to its eventual purchase and through completed logging operations.

Before preparing a sale for the actual bidding process, the U.S. Forest Service conducts a study of the proposed sale area. The forest service estimates the volume of timber on a sale through the cruise, which has been defined as an "inventory of a forest stand to determine the quantity of the forest products that can be derived therefrom."<sup>1</sup>

After conducting a cruise, the forest service uses the information to prepare a timber sale prospectus. This prospectus includes a comprehensive report concerning the objectives of the sale; physical features of the sale, such as location, topography and soil; timber on the sale; vegetation information; and any other special features of the sale.

An appraisal summary is also prepared. This summary lists each species to be removed and the total number of board feet volume that the U.S. Forest Service expects to be on the sale in relation to the species. A selling value is placed for that species by the per thousand board feet, which

is based upon the average rates of timber currently being sold.

A copy of the appraisal summary, plus the timber sale prospectus, is sent to potential purchasers who have an interest in the sale, and a date is arranged for bidding. Those individuals or companies interested in bidding will then go the forest service, and either through the oral or sealed bidding method, will bid on the timber in a certain area based upon the advertised rate and upon rates that they feel would be fair value for the timber. The highest bidder is then awarded the sale, executes the timber sale contract, and arranges for a logger to conduct the actual logging operation on the sale.

Several major timber companies were convicted in Federal court and fined for conspiracy to arrange low bids on forest service timber sales. These companies were also barred from bidding on Federal timber following their convictions.

Today, FBI investigations center upon the following allegations:

1. Volumes of scale timber coming from the national forest that have been improperly scaled;
2. Cutting practices of some timber purchasers that have affected the prices bid for Government timber;
3. Timber that has been exported in violation of contract provisions and in violation of Title 18, U.S. Code, Section 1001, Submitting False Statements to the Government; and
4. Violations of the various anti-trust provisions. These investigations will require more time and manpower as they are inherently more complicated than earlier cases investigated by the Bureau.

However, any time invested by the responsible agencies of Government seems well worth the cost. The national forests in Oregon stand as a lasting symbol of the rugged individualism which American emigrants brought westward during the 1840's. The thousands of acres of timber cresting from the Mt. Hood skyline offered the first friendly greeting to these brave people who accepted wood from the forest to build their home, appreciated the protection the forest provides to vast wa-

tersheds, and grew fond of the serenity that could be derived when man found peace with nature.

The forests in Oregon were an integral part of the promise that early emigrants called the American Dream, and we have a responsibility to insure that the national forest fulfill that promise for generations to come. **FBI**

#### Footnote

<sup>1</sup>"Log Scaling and Timber Cruising," Professor J. R. Dilworth, Oregon State University, copyright 1973.

The combination of an improved road and a remote area makes this ancient cedar grove particularly vulnerable to the weekend forest thief.

**END**