

## **Trooper-like badges, IDs go to the well-connected**

***Stars, campaign donors given what state considers souvenir, but critics call a 'get-out-of-jail-free card'***

08/07/05

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They carry gold badges with photo identification cards that look almost identical to those held by Tennessee Highway Patrol officers.

But they are not troopers.

An exclusive group of campaign donors, political insiders and friends of the powerful are issued these police IDs under a state "honorary captain" program with no background checks, no criteria, no guidelines, no oversight, no application forms and no expiration dates.

Officials say the program is anatta-boy, a way to recognize people's contributions to the state. But critics say it's an invitation for the well-connected to brandish their influence and avoid getting tickets.

"It's there for somebody when a police officer pulls you over. There's no other purpose," said David Raybin, attorney for Nashville's Fraternal Order of Police. "It's the message that it sends to citizens that there's a different set of rules. There's some who get a get-out-of-jail-free card."

State Safety Commissioner Fred Phillips said on Friday that the 30-year-old program is all legitimate but that he will review the practice in light of *The Tennessean's* questions.

"I want to emphasize it's an honorary," Phillips said. "I have not issued anything that carries any legal authority."

The photo ID is an exact replica of a Tennessee trooper's ID — only the word "honorary" at the bottom of the card sets it apart. Many come with a small gold badge in a leather wallet.

A *Tennessean* review of the 360 people issued the perk since 2002 shows that it has gone to sports stars and entertainers, plus 19 current and former staffers and appointees of Gov. Phil Bredesen, three relatives of Deputy Gov. Dave Cooley and a dozen elected officials in Washington County, where Phillips was sheriff before joining Bredesen's Cabinet. Former Gov.

Don Sundquist's housekeeper even got one during a flurry of honoraries handed out in his final two months in office.

The newspaper also found that:

- The grandson of a powerful Bredeesen supporter was under the impression that the badge was supposed to get him out of a drunken-driving arrest in January in Lauderdale County. Although he waved it at a trooper, he was ticketed.
- The program has no provision to screen honorary captains for criminal backgrounds or take away the credentials of those who break the law. Two people convicted of crimes and one under indictment remain as honorary captains.
- Neighboring states including Alabama, Georgia and Kentucky don't have a badge or photo ID for their recognition programs, preferring certificates that don't resemble trooper credentials.
- Campaign contributors are common honorees in the Tennessee program.

The long-standing practice carries the appearance of a legal perk for a select few, said Stefanie Lindquist, a professor of political science and law at Vanderbilt University.

This is particularly pronounced, she said, in the face of the publicity last year over Cooley's dismissed speeding ticket and the recent "Tennessee Waltz" bribery arrests. This all comes at a time when Bredeesen is calling for tougher ethics in state government.

"It's unseemly," Lindquist said. "The rule of law requires that laws are applied equally. When it appears that people have some special connection that they can end run around that process, it undermines the public's perception that the law is being applied with an even hand."

### **Legal troubles no barrier**

The honorary captains program has almost no controls and has operated without public oversight for years.

Phillips recalled receiving a photo ID about 30 years ago from the safety commissioner at the time.

A binder in the commissioner's office holds photocopied IDs going back to 2002, said Melissa McDonald, spokeswoman for the Safety Department, which includes the Highway Patrol.

Beyond that there are no records, and the state cannot say who was issued IDs or badges before then. The badges bear no expiration date but for some reason are sometimes renewed.

Once an honorary captain's ID is given, it seems, the honor stands for life.

Take Larry Forth. A former lobbyist for Cracker Barrel, he was made an honorary captain during the Sundquist administration. But nearly three years after his guilty plea to siphoning more than \$60,000 from the company's political action committee, he remains an honorary captain.

And Gladys Crain. The longtime West Tennessee political power broker was one of the first people to be made honorary captains by the Bredesen administration.

Because there is no background check for the award, no one apparently knew she pleaded guilty in 1981 to a federal charge in connection with a scheme to rig bids in a state highway construction project. Phillips said Crain knows several of his troopers.

For Crain, the program is a family affair, too. She has six relatives who have been named honorary captains under Bredesen. One of them, her grandson, Ricky J. McWilliams, is also in trouble with the law.

He was pulled over by a state trooper late on the night of Jan. 14 in Lauderdale County, north of Memphis, according to a police report.

His white truck was swerving when Trooper Michael Arguello flashed his blue lights.

McWilliams, 31, told the trooper, "I'm a trooper, too. I've got a badge just like yours. You can't treat me like this, I will tell the colonel on you," according to the report and court testimony.

In a blood-alcohol test, McWilliams registered at 0.16%, twice the legal limit, according to testimony. After the case was initially dismissed by a General Sessions judge in May, a grand jury indicted McWilliams in June, according to court records. His trial is scheduled for October. McWilliams has not been charged with impersonating a police officer and remains an honorary captain.

"He will be until there's a disposition in the case," Phillips said Friday.

Crain and McWilliams did not return calls for comment this week.

Phillips said he is aware of one other case — in Cookeville — in which an honorary captain tried to flash a badge during a traffic stop. That driver, too, was issued a ticket. Phillips said these cases are evidence that cardholders have no special privilege on the state's roadways.

Bob Kelley of Chattanooga isn't an honorary captain of anything, but he finds it hard to fathom that those are the only two incidents of people trying to abuse the system. He got a ticket from a THP trooper recently while driving to college classes in Nashville.

"Everyone knows that you can flash those badges and get out of a ticket," Kelley said. "If you know somebody, you can open up all kinds of doors."

### **Bredesen: Just 'souvenirs'**

More than 50 honorary captains named since Bredesen took office either made campaign donations or are related to someone who made campaign donations to Democrats throughout the state.

Another 50 hold political posts, such as mayor, county commissioner and political party leader. Others are family members of top officials in the Safety Department, including Phillips' wife, son and daughter-in-law.

Cooley's family has been honored, too.

In December 2003, Cooley's father-in-law, Jerry Kemp, was made an honorary captain. A couple of months later, on Feb. 24, 2004, Cooley's brother, Patrick, and his sister-in-law, Cathy, also received their honorary IDs.

Five days later, the deputy governor was stopped for speeding in Rutherford County and flashed his governor's office business card at the trooper. He still got a ticket.

A month later, the ticket was dismissed by a local judge after a THP supervisor requested it, according to Cooley. The ticket dismissal became public in August 2004, and Attorney General Paul Summers was asked to investigate.

As the controversy deepened, Bredesen's chief administrative officer, Janie Conyers, was made an honorary captain. On Sept. 14, 2004, Phillips signed off and Conyers was given her photo ID, state records now show.

Less than a week later, Bredeesen publicly blasted Cooley and issued a letter of reprimand. Summers found no criminal wrongdoing, but the governor was critical of Cooley for violating his ethics code. Bredeesen also ordered Phillips to fix a festering problem in the THP: the disappearance of tickets written for the powerful.

"I don't want any trooper ever feeling that if they pull me over or Dave Cooley over or the speaker of the House over, or anyone else, that they should be afraid to do what is appropriate under the circumstances," Bredeesen said at the time.

A month later, Summers received his own entry into the Highway Patrol's honorary club. He was given a special designation by Phillips: honorary colonel.

Bredeesen's office on Friday said the captains program is honorary and nothing else. The governor's spokeswoman, Lydia Lenker, called it a "non-issue," describing the official-looking ID as a simply a "memento."

"These are souvenirs that have been given out for 30 years as I understand it," Bredeesen said in a statement issued by Lenker. "I haven't heard of any problems. And I expect that Commissioner Phillips is exercising the appropriate oversight and controls."

### **'A nice gesture'**

Even if the honorary captain's badge comes with no specific privileges, as the Bredeesen administration says, it is an honor that takes some effort to get.

To sign up, a prospective captain supplies personal information such as his or her Social Security number and, in some cases, blood type, records show. One must travel to the Safety Department's headquarters in Nashville to get the photo taken for the ID.

It is unclear what criteria the safety commissioner uses to award honorary captainships.

Phillips said he gives them to his friends and people he knows.

With some it's quite vague, while other captains clearly performed some sort of service that deserves recognition.

Bobby Joslin's sign company has hosted a Christmas breakfast for the Safety Department, which is just around the corner from his office. And when the Highway Patrol celebrated its 75th anniversary last year, Joslin donated a sign noting the milestone.

In 2003, Col. Lynn Pitts, the top uniformed official in the patrol, invited Joslin and his wife, Vicki, to headquarters, Joslin said.

"He said, 'For the service you do for the community and for the service you do for the patrol, I'd like to honor you with some-thing,'" Joslin said. "He said, 'How about (becoming) an honorary captain?' I said: 'That is an honor.' "

The Nashville businessman, who has been politically active for years, doesn't carry the ID with him and thinks it wouldn't help anyone get out of a ticket, anyway.

"That and 75 cents, you can get on a bus," Joslin said. "Hell, I probably haven't seen the thing in three or four months."

University of Tennessee head football coach Phillip Fulmer said he got his honorary ID when the Highway Patrol asked him to stop by headquarters on a trip to Nashville.

"I'm not aware of any specific duties that go along with it," he said. "I thought it was just a nice gesture because I did that 'Booze It and Lose It' " public service announcement for the state.

Robert "Eddie" Haren was one of 13 Washington County officials recently made captains by Phillips.

The county commissioner says he is happy for the honor but doesn't know of a specific reason for it. He didn't ask for it, he said.

"I don't know why in the world anyone would give anyone a badge," he said. "Hopefully you're a little selective with who you give it to." In fact, Haren said he's heard of one case where an honorary captain flashed his ID in an effort get out of a ticket.

The wrong kind of person "might think they are an officer," he said.

Honorary badgeholders of police agencies in Virginia and New York have abused their positions. In New Jersey, one legislator found the issuance of patronage badges was out of control and proposed legislation to ban the practice — but local sheriffs fought her because they wanted to keep giving out such perks.

The state patrols of Alabama, Georgia and Kentucky all have honorary programs, but they don't give photo IDs or badges to their honorees, opting for certificates, according to a phone survey.

Georgia discontinued the issuance of photo IDs years ago. Kentucky performs criminal background checks before honoring anyone. A limited number of people get "honorary colonel aide-de-camp" designations that also come with a signed business card.

"We don't give badges or IDs or anything like that," Kentucky State Police spokeswoman Capt. Lisa Rudzinski said.

Phillips said he spoke with the governor Friday morning about Tennessee's program. He said that during the coming week he would review it to see whether any changes need to be made, and also emphasized: "This in no way is connected with Gov. Bredesen's office."