

Torrance, California
January 8, 1964

MINUTES OF A REGULARLY ADJOURNED
MEETING OF THE TORRANCE CITY
COUNCIL

A regularly adjourned meeting of the Torrance City Council was held on Wednesday, January 8, 1964, at 6:30 p.m., in the Council Chamber of City Hall.

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INVESTIGATION
ION

Those responding to roll call by City Clerk Coil were:
COUNCILMEN: Beasley, Benstead, Drale, Miller, Sciarrotta, Vico,
and Mayor Isen.

At the request of Mayor Isen, Larry Coil, son of the City Clerk and a student at El Camino College, opened the meeting with the salute to our Flag, and the Reverend H. Milton Sippel of First Christian Church gave the invocation.

Starting at this point, the following is a verbatim transcript of what was said at this meeting:

COUNCILMAN SCIARROTTA: At this time, Mr. Mayor, I wish to move to dispense with the regular order of business.

COUNCILMAN: MILLER: Second.

MAYOR ISEN: Are there any objections? The regular order of business at this meeting is now ordered dispensed with. Just a preliminary word, please, and some ground rules. Usually, at our Council meetings, particularly you people who attend, you know you participate in the meeting by expressing your opinion. Whether this will be our course tonight I don't know. We are certainly not going to foreclose anyone of the right of speaking. However, we are here for a particular purpose. I am going to tell the gentlemen from the State offices that they are here at the invitation unanimously of this entire City Council. Very happy to have had you down here. I am urging the audience that there be no applause at any time; it's not necessary; no booing of course. We have a reputation as an all-American city that it behooves each and every one of us to uphold.

The principal purpose of the meeting as I have understood it was for Mr. Goertzen, who is the deputy Attorney General, representing Attorney General Mosk, to discuss the matters of the advisability or necessity for the polygraph tests. Secondly, and I am sure while the gentlemen are here, they would be glad to discuss with the Council any other phases of this investigation.

With this preliminary statement, the floor is now open, and Mr. Goertzen, it's all yours to start with.

MR. GOERTZEN: This microphone, Mr. Mayor?

MAYOR ISEN: That's one more point and I forgot it. you have a right to hear everyone speaking in this room. Those hanging microphones are not working. If anyone in the audience cannot hear what is going on, please make a motion to your ear and I will and have that person become audible so that he can be heard. Secondly, and to the Council, as you know over all these years, I like a very relaxed type of procedures where the chair does not have to be spoken through every time to get the floor, vice versa, and so forth. We'll try to maintain that type of informality as far as it is possible. If everybody gets talking at once or there

are interruptions, we may revise the rules and say that all the requests to speak have to come through the chairman of the meeting, but let's see if we can get along without that, start with. Now, where did that Mr. Goertzen go - oh, I thought he looked like our new City Manager.

MR. GOERTZEN: Wait a minute. Is this satisfactory?

MAYOR ISEN: Can you folks hear him out there? Mr. Goertzen, maybe you had better point that microphone up a little bit and Mr. Coil, everybody wants to hear what he has to say, so don't undermodulate it - maybe you had better turn it up a little bit.

MR. GOERTZEN: Mr. Mayor and Torrance City Council, I would first like to, if you haven't already met them, introduce Mr. Cabalero from the District Attorney's office and Mr. Rothman, a fellow Deputy Attorney General, also assigned to this investigation.

I have, really, no format. If it please the Council, I would start by recounting what maybe led up to this meeting tonight. On December 30, 1963, it had been determined by we, the counsel conducting the investigation that we had reached a stalemate with respect to a couple of ends or allegations in the investigation. We had determined that there were two subject matters that were of serious nature and there was evidence going both ways. Evidence on the one hand by participating police officers, possibly, if the version of the allegations against them were true and evidence by them that would negate the allegation. We pretty well determined that the best way of clearing up these two loose ends was to avail ourselves of asking Chief Bennett if he would ask these gentlemen to take a lie detector test, or order them to take a lie detector examination within the purview of case law on the subject.

On the 30th, I had communication with Chief Bennett and I would like to say that Chief Bennett has been cooperative at all times in this investigation and we have had very good rapport. I went in a little bit factually with Chief Bennett in, say, a recommending type of way along the lines that I have just discussed, that we did have evidence of possible misuse of the police force, possible improper handling of a criminal complaint, suppression of evidence, and possible perjury in view of the fact that sworn statements had been taken on these subjects by police officers.

The Chief assured me that if it was my feeling as the representative of the Chief law enforcing officer of the State that the law said he could issue such an order, he had no objection because he would like to clear up the matters himself. So we talked it over a little bit and even went to the point where he asked me to suggest wording for such an order, which I did. And that was the close of the conversation with Chief Bennett, the understanding being that orders would go out to two police officers with respect to polygraph examination with respect to the subject matters that I have mentioned. Now that was about all there was to that on the 30th; we did, in fact, arrange with an expert polygraph man of some 21 years' experience, to be available for that Friday, January 3rd, to administer the polygraphs.

I did have conversation with both officers; one officer acknowledged that he would in no way submit voluntarily to such an examination although if it were ordered by the Chief he might have second thoughts. The other officer just discussed generally that he was unaware that if he was ordered to take the test and refused that he might lose his job, but he in no way offered voluntarily to come in.

Now, the arrangements as I say were for that day, January 3rd. On Thursday, January 2nd, Chief Bennett called me and informed me that he was unable to order the lie detector examinations because he had received a countermanding order from the City Manager, Mr. Peebles. We discussed it generally and I profess no expertise in the field of City law so I do not want to argue with the Chief and I did not feel it was my place to argue with the Chief and I just said "Thank you for informing me." I called Mr. Peebles that morning, the 2nd, and we did in fact have a conversation about it. Mr. Peebles stated that generally he felt - and he can correct me if I am wrong - that he just felt this was against his principles and he could not order these men to take such a test. I asked him if he was familiar with the law on this subject and he didn't indicate too much one way or the other in this area. So I just discussed a little bit of the law with him and he indicated to me that he would, in fact, call Chief Bennett and call me later. This was on Thursday morning, I would say approximately 9:30 or 10 o'clock. I have not seen or heard from Mr. Peebles until I just saw him this evening although later that day I attempted to get Mr. Peebles on three occasions. The second occasion I was referred to Mr. Irving Lessin who is represented to be when I talked to him, Mr. Peebles' private attorney. I expressed some dismay to Mr. Lessin with the fact that as a State official attempting to ascertain or do business with a City official on City business, that I had to deal with his private counsel. He acknowledged that he did not know why I had been referred to him and we talked about the problem generally.

I again tried to get ahold of Mr. Peebles on Thursday, I tried to get ahold of him a couple of times on Friday; in fact, as a practical matter assumed that the officers would not show up. However, we did not receive the courtesy of any formal notice that that was the ultimate decision because in my conversation with Mr. Peebles on Thursday that fact was still left somewhat up in the air whether they would go through with it or would not. At this stage, before I go on with a factual recount, on September 12, 1963, I received the following letter from Mr. Peebles pursuant to a visit by me in person down here in the City of Torrance the day that the Attorney General consented or agreed to come into the investigation as requested by this body.

The letter states that he is enclosing some material that I had asked for and we had discussed and in the second paragraph:

"I want to take this opportunity to reiterate my statement to you that I am anxious to cooperate in any manner your office desires. Please do not hesitate to call on me if I can be of assistance to you in the further conduct of your investigation."

The subject order countermanding the order that Chief Bennett indicated he was going to issue, reads as follows:

TO: Chief Bennett and the Torrance Police Department
Employees, dated January 2, 1964.

By the authority vested in me under the City Charter of Torrance as Chief Personnel Officer, I want each of you to know that in connection with the present Police investigation I will not subject any person by order to take a polygraph lie detector test. My stand in this matter is simple. I feel that it is unconstitutional and encroaching on one's human and civil rights.
Signed: Wade Peebles.

Now, I feel, gentlemen, at the very least, before this counter-manding order was issued that some contact should have been made with us so that we could have explained our position on the matter because I want to assure you of one thing with respect to the integrity of the Attorney General's office. We do not sail forth into, say, legal areas without some frame of reference to the law. We argue laws. I notice Mr. Wirin is here tonight and he has been a worthy opponent in several such cases. But the point is we made a judgment based on existing law and we were embarking into this field backed by that law. Before Mr. Peebles, say, passes judgment on what is constitutional and not constitutional, he could have communicated with us. SEcondly, I think that - we received no communication formally stating that the City would not go along with this and the last communication I still had was an indication that it was still up in the air.

So anyway that brings us to a serious of I guess charges and counter-charges, etc.; what I would like to do now in, say, as easy a fashion as I can, I would like to quote to you gentlemen from three cases which are what we call the authority on which we requested Chief Bennett to issue this order.

The first case I would refer to is the case of McCain v. Sheridan and this is found for purposes of the lawyers here in 160 C.A. 2d at page 174. Now this is a California appellate case, that is, a case announced from our District Court of Appeals. A hearing was denied by the State Supreme Court so to all intents and purposes, this case is as high an expression of State law as we could have at this particular time. And in this case involving a police officer there was a situation whereby certain moneys were missing, bail moneys, I believe it was and the officers in toto were unhappy because there were a lot of charges about who took the money and so lie detector test came up. All the men, I believe, agreed to take it and then later on, the defendant in this case reneged - or the plaintiff, because he was suing to get his job back. He reneged and said he did not want to complete the lie detector test and he was in fact dismissed. The City Council of the particular city in question upheld the firing because the Chief promptly fired him for disobedience. So as is his right he took the matter through the courts and ultimately ended up in the District Court of Appeals, where the Court stated:

"Petitioner was dismissed from the Police Department June 22, 1956. He appealed to the Personnel Board. After public hearing the dismissal was sustained and the City Council sustained that action. By this proceeding petitioner sought writ of mandamus requiring his reinstatement and paying of salary from date of dismissal. The case was submitted to the trial court upon the transcript of the hearing before the personnel board where the same was denied and the petitioner appealed and is now here.

"The sole question presented is whether appellant (that is the police officer) refusal to complete the polygraph test constitutes 'insubordination, disobedience, or conduct unbecoming a police officer'. Refusal to carry out a valid order concededly would be ground for dismissal. Appellant, however, argues that the order to take the test was unreasonable and invalid because the results of the test could not be admissible as evidence either for or against the appellant. Beyond question, the results of a lie detector are inadmissible in evidence on the trial of a criminal case, whether offered by the prosecution or the defense, nor are such results admissible on the

trial of a civil case. Similarly, a suspect's willingness or unwillingness to take such a test is inadmissible at trial. However, a member of the police force must be above suspicion of violation of the very laws he is sworn and empowered to enforce. The efficiency of our system of administration of justice depends in large part on police officers' faithful discharge of the trust reposed in them. Neither their number nor their arms will long sustain them in upholding the law if only the ultimate sanction of force is available to them. Rather they can perform their duties only if they merit the trust and confidence of the mass of law abiding citizens. Whatever weakens that trust tends to destroy our system of law enforcement. Accordingly, the courts have long realized that a policeman's tenure of office may be terminated for derelictions far less serious than violation of the criminal statutes governing citizens generally. He may be discharged for violation of a rule which requires payment of his debts (and they cite an old case). Even exercise of the constitutional right against self-incrimination may constitute unofficer-like conduct and be ground for discharge.

"The order that he complete the lie detector test, that is this officer, he had himself requested seems in no way an unreasonable regulation. (now, it is true he himself requested the test, but I will get to other cases on our situation where they didn't request it) The point was once a test was started he wanted to stop it and the Police Chief ordered him to carry out that test.) Such tests are recognized as having some value in investigation even though they are not yet sufficiently reliable to be admitted in evidence. We do not suggest that appellant's refusal to obey the order is any evidence of guilt or of knowledge of the identity of the guilty party."

They go on to hold that the Chief's order was valid and the refusal was disobedience and the firing by the City Council was proper.

The next case, 1959, a case called Fraze v. Civil Service Board of the City of Oakland, 170 C.A. 2d 333. In this case had been on the force for approximately ten years. He had been accused of attempting to commit a felony. The Chief of Police in order to clear the matter up ordered that the officer submit to a lie detector test and he refused. This case occurred in Oakland The Court in upholding the propriety of the order cited from an older Cal. App. case which is a landmark case, as I understand it, in this field, called Christal v. Police Commission, 33 C. A. 2d, 564. Justice Spence stated in that case as follows, and I quote:

"Such officers are the guardians of the peace and security of the community and the efficiency of our whole system designed for the purpose of maintaining law and order depends upon the extent to which such officers perform their duties and are faithful to the trust reposed in them. Among the duties of a police officer are those of preventing the commission of crime, of assisting in its detection and of disclosing all information known to them which may lead to the apprehension and punishment of those who have transgressed our laws. When police officers acquire knowledge of facts which will tend to incriminate any person it is their duty to disclose such facts

to their superiors and to testify freely concerning such facts when called upon to do so before any duly constituted court or grand jury. It is for the performance of these duties -

MAYOR ISEN: It doesn't say there 'investigation' does it? by the Attorney General - court or grand jury.

MR. GOERTZEN: Well, excuse me, I will comment on that in a minute.

"It is for the performance of these duties that police officers are commissioned and paid by the community and it is a violation of said duties for any police officer to refuse to disclose pertinent facts within his knowledge, even though such disclosure may show or tend to show that he himself is engaged in criminal activities."

In answer to your question, Mayor Isen, Section 11180 of the Government Code and sections which follow bring forth the section which empowers the Attorney General to conduct an investigation of any matter under his discretion. *Revelle vs. the Superior Court*, 56 C.A. 2d, and I don't know the page, talks in terms of the Attorney General's power once brought into force by invitation or by his own order, being equal to that of a grand jury in this regard and I really don't think that whether it's a court or grand jury that's investigating is so much the issue here, Mayor. You've asked the Attorney General to investigate.

MAYOR ISEN: All right, but I am listening to your case and anything along that line is merely dicta. Your case you are citing as authority and I know that others will be arguing this tonight. It says "grand jury" there. It does not say District Attorney's investigation - but go ahead, I am sorry I interrupted.

COUNCILMAN BEASLEY: We have all this in front of us, prepared by our City Attorney, these cases.

COUNCILMAN DRALE: Mr. Mayor, I think the gentleman ought to be able to continue without interruption.

MAYOR ISEN: I'm not stopping him.

MR. GOERTZEN: Well, I would merely go on to state from the last case which is in June of 1963, *Fichera v. State Personnel Board* and in that case the State Personnel Board, a governmental body, was more or less conducting the investigation. Actually, the acting State Police Chief was conducting the investigation and there was no court order pending, no grand jury investigation pending, but he wanted to clear up the conflicts in the evidence involving a given member or members of the State police force. And in that case, the language, they cite the McCain case as being applicable to that. The language that the basis was the need for confidence of the public in officers who have sworn to uphold and enforce the laws which require officers under certain circumstances to risk self incrimination not in defense of or against accusation of criminal conduct but in course of maintaining their positions. This is the crux of our position. We can't require these policemen to give up their individual rights; we will never presume to do that. However, the law goes so far as to recognize that when a man puts on that police uniform the public has a trust in him; and that every means available to ascertain at all times that he's got that integrity and is telling the truth about all that he knows that gives way if he refuses, say to submit - in other words, if a police officer refuses to testify on the grounds it will incriminate

him, these cases recognize that this would be an abhorrent situation to allow a man to walk around in a policeman's uniform who is refusing to take part in an investigation or give knowledge because he is afraid it will incriminate him and they are saying, "Fine, you keep your rights as an individual, but you give up your uniform if that situation obtained and they liken that exactly to the polygraph situation.

At page 682 in this case which is in the Advance Sheets, it's not found its way into the firm books yet, appellants argue that the McCain and Frazee cases should be abandoned. They contend that any ordering of polygraph tests is a dangerous intrusion on the privacy of individuals and that the tests are unreliable.

"Remembering that the cases above do not stand for any more than the upholding of the orders to take polygraph tests by law enforcement officers as to them only when appropriate circumstances are present and the situation in the case before us calls for no extension of the rule in the cases cited, we see no reason for disavowing those cases. The polygraph is an extension of the age-old process of assessing the veracity of a witness by scrutinizing his facial expression, tremors, evasion of meeting the eye and the like. It works through externals and is quite distinct from drug induced revelation, hypnosis or any other form of narco-analysis. In the limited field of cases such as this one and those of the prior cases cited above we find no deprivation of constitutional or legal rights."

Going on at the last paragraph:

"The tests might have proved useful in limiting and channeling the investigation in this case in which three officers besides the appellants were directed to take the test and acceded. It might have been an instrument of exculpation and vindication on the one hand, or more intensive investigation of the subjects of the test on the other. We cannot, of course, tell what would have been the ruling of the State Personnel Board or what our own ruling might have been had the tests been taken and produced results considered damaging by appellants' superiors. We do hold, however, that appellants were not entitled to withhold this means of investigation and at the same time retain their positions as officers of the California State Police."

I would submit to you, Mr. Mayor, knowing you are a lawyer, there is absolutely no delimitation that I can say that a court has to be involved in procedure; that a case must be pending before a court or grand jury case must be pending. However, if that would help, we will go before the Grand Jury with the case because we are prepared to do that. However, we are operating on an investigative level, a duly authorized investigation invited by the City of Torrance of the Attorney General's office. He has the powers to administer oaths, issue subpoenas, which we have been doing, and that is the format under which we are operating and like the last case, the Fichera case, we're not saying what this body should do if these men take the test and flunk it. We're saying it is an investigative tool by which we may be able to close out, exculpate or increase and intensify our investigation of the various areas that we are concerned with and unlike Mr. Peebles' suggestion in his memorandum, these are constitutional wishes on our behalf. Now, I am not saying that the situation won't obtain where the

Chief orders these men to take the test, they refuse, and their counsel, Mr. Wirin, won't come into court and seek to, assuming they were fired or something, seek to get their jobs back. I would say based on these cases, we'd have a very good chance of sustaining the Council if that ever obtained. What I am saying is this: we're at the stage where we seek to carry out a legal step of our investigation which the cases acknowledge as a feasible, proper and constitutional one and we have been, or at least the way I read it, we are not getting the cooperation in this regard and, therefore, our appearance here - our attempt to explain and give you our version of why we desire to take this legal step.

COUNCILMAN BEASLEY: We were read a statement last night which we were told that you would require the officers to sign before taking the polygraph test by which they waived all rights of having this evidence presented to a grand jury. Mr. Peebles, I believe, our City Manager, has a copy of it.

MR. GOERTZEN: Absolutely not - one officer on the Police Department of Torrance has already voluntarily submitted to the examination. He can tell you - I don't think it would be proper to go into that matter now because it is still in the investigative level. But I would say this, he signed nothing.

COUNCILMAN BEASLEY: Well, I just wanted to be sure they weren't waiving their legal rights.

MR. GOERTZEN: They are waiving none of their individual rights and I would not, personally, can say here, would not be party to that type of proceeding.

COUNCILMAN BEASLEY: I am glad to hear you say that.

MAYOR ISEN: Mr. Beasley, before questions from the Council and if Mr. Goertzen has concluded shall we say his preliminary statement. Want to get a lot of order out of this if we can and of course nobody has a (a cough obliterated a word here) I didn't mean anything derogatory by interrupting you -

MR. GOERTZEN: Fine, Mayor.

MAYOR ISEN: Well, will you yield now perhaps to other comment and will you submit to questioning from the Council after we get a whole picture of the whole business?

MR. GOERTZEN: Whatever your wishes - I would like to make just one last comment.

MAYOR ISEN: I am not trying to preclude you now, really, because you are going to be talking a lot I think before the evening is over.

MR. GOERTZEN: Well, fine. Mr. Mayor and City Council I would merely like to stress this point with respect to this line of cases. I will acknowledge that there are those cases I believe where a defendant sometimes says "Put me on a lie detector, I want to clear this whole thing up" and the Police finally say, "Okay, you can take a lie detector but you got to sign to say that the results can come in and everything if we give it to you" and there is that type of statement. In this case we are confining it strictly to the investigative tool and that is all. We are not asking the officers to sign anything waiving their rights and I want to emphasize as I try to emphasize before, the situation is this:

the people of the State of California and the citizens of the City of Torrance and any individual member on the police force all have individual rights and Lord help us if they ever should have to yield. What I am saying is, you bring about a peculiar situation when you as an individual decide you are going to be a police officer. You give up quite a few of your rights, that is, you live in the so-called glass bowl like a lot of public officials. However, as a police officer, the courts talk in the terms of the public trust in the integrity of you as a police officer and as such you have to throw your life open, you have to yield - you can't wear that uniform and claim the privilege against self-incrimination. You claim that and you've got to give up the uniform. The courts have extended this to a polygraph test. They say when an officer has peculiar knowledge, the circumstances show he might or might not have been involved in a felony, then he has to either wear the uniform and go in and subject himself to the polygraph, or take it off, and that is my position in this particular matter.

MAYOR ISEN: All right, we'll move on now. It seems to me the very next - then, matter in order, since there were certain things said regarding your activities and conduct, Mr. Peebles, is you might have a statement if you care to do so.

COUNCILMAN SCIARROTTA: Before going into that Mr. Mayor, May I ask Mr. Goertzen a question. I am very, very much interested in those three items: the misuse of police force, and the other two. Would you mind giving those to me - at the very first part of your paper.

MR. GOERTZEN: Actually, two items: misuse of the police force by persons other than members of the police force, and the possible attempted suppression of a valid criminal complaint or suppression of evidence with respect to that criminal complaint.

MAYOR ISEN: Thank you, and Mr. Goertzen, you will come back later to the microphone, will you not?

MR. GOERTZEN: Fine.

MAYOR ISEN: Can every one - let's stop for a minute - can everyone in the rear of the room and everyone else here - I haven't seen any indication of not being heard under this sound system. Now, if there are - there are several empty seats here, please use them. There are three seats here. Have we got any heads of departments who could come up here and yield their seat, chief, please. Is Chief Benner here. No? Captain Maestri, come on in here. It makes a few more seats available. Got two more seats here. Mr. Wirin, why don't you come in here too, being a distinguished member of the Bar whom I admire and I know you will have something to say.

COUNCILMAN DRALE: May I just ask one question before we go any further? What is Mr. Wirin's capacity here?

MR. WIRIN: I have been asked by Lt. Hamilton and Lt. Cook to represent them.

MR. BORIS WOOLLEY: (from the audience) Mr. Mayor, let's clear that issue right now. Mr. Wirin does not represent Lt. Cook.

MR. WIRIN: Well, this is a misunderstanding then. I shall just represent Lt. Hamilton.

MR. WOOLLEY: Mr. Cook is represented by counsel.

MAYOR ISEN: I was just going to say, the speaker is an eminent member of the South Bay Torrance Bar Association. Mr. Boris Woolley.

MR. WIRIN: I am sorry for the misunderstanding.

COUNCILMAN DRALE: You are then, representing Mr. Hamilton?

MR. WIRIN: I am and I would like at an appropriate moment to make a statement.

MAYOR ISEN: You will get that Mr. Wirin. I think the next thing to try to get a little bit of logic out of this and continuity is certain things were said regarding Mr. Peebles, he could if he wants to, reply next.

COUNCILMAN DRALE: Would you like to come up, Mr. Woolley, and be here in the area here, you might as well.

MR. WOOLLEY: Thank you, Mr. Drale, I'll stay here and talk to my client.

MAYOR ISEN: Still have another empty seat here - who wants it? Mr. Phillips, you want it here, the very front of the room. Can't get any customers. There is another empty one over here. We'd much prefer people sitting than standing. Let's see that all the seats are occupied, please. All right, proceed, Mr. Peebles.

MR. PEEBLES: I don't have much to add to Mr. Goertzen's statements. They basically are correct except for a few minor discrepancies . . .

MAYOR ISEN: Can you hear Mr. Peebles back there? Fine, fine. We've got quite a sound system here now.

MR. PEEBLES: . . . which I feel probably should be cleared up.
 1) I did not countermand the order of the Police Chief because the Police Chief reported to me as he told me he reported to some of the councilmen, that he never intended to order these men downtown; one, nor did he agree with Mr. Goertzen to order them downtown so I feel I could not have countermanded an order when none was issued. Now, I'm sorry that the Police Chief is ill and could not be here and is home on doctor's orders. I am only just referring you to the fact that he did state to me that he had contacted some of the councilmen and made this statement and did make the statement to me. Other than that the only other area where I would comment on is the - I do not care to belabor the issue of the telephone call between Mr. Goertzen and myself. I do not feel that we did have a meeting of the minds in that meeting. I think that Mr. Goertzen left out one rather important thing: I during that conversation told him to please call the City Attorney; that I would turn this matter entirely over to the City Attorney and that he could discuss same with the City Attorney and at some later date or later hour I would wait for the City Attorney to discuss same with me. If my memory serves me correct the City Attorney did not discuss this with me till very late evening that same day or the following day.

Outside of that, with all due respect to the counsel, the late hour that the particular memo that I read to you that was signed that I stated is signed by people that take the polygraph is was an exact and true statement. However, I did check further and I stand corrected on the fact that the Attorney General's office did not order anyone to sign that particular paper. It is a form that was used for the polygraph examination but not by the Attorney General's office. That's the only statement I have to make, Your Honor.

COUNCILMAN DRALE: I just have one question, Mr. Mayor.

MAYOR ISEN: Are you through, Mr. Peebles.

MR. PEEBLES: Yes.

COUNCILMAN DRALE: The only thing I wanted to ask is if the matter was not discussed with the Chief of Police why was the order or statement or directive or whatever you want to call it, to the Police Department, asking or suggesting, and I don't know the exact words because I don't have a copy of your directive, that it would be entirely up to the members of the police department who were called to the Attorney General's office to take the lie detector test; that it was unconstitutional, or whatever statements were made.

MAYOR ISEN: Can you rephrase that, Mr. Drale, I don't think anybody can answer that question.

COUNCILMAN DRALE: Well, I'm just wondering what moved him to write this directive to the Chief of Police and asking the Police Department not to subject themselves to a lie detector test if he did not have any discussion or knowledge that it was requested by the Attorney General's office.

MR. PEEBLES: If my memory serves me correctly, the Police Chief's attorney in the presence of the Police Chief, desired to discuss this matter and if I remember correctly, his attorney advised the Police Chief that this was a personnel matter in the hands of the City Manager and out of his jurisdiction.

MAYOR ISEN: Weren't you so advised by the City Attorney of Torrance, also?

MR. PEEBLES: Yes, sir. I was so advised by the City Attorney of the City of Torrance, that this was - as head personnel officer of the City, it was out of the jurisdiction of the police chief and that I would be required to make a statement.

COUNCILMAN DRALE: This leads me to ask the City Attorney if this is correct.

CITY ATTORNEY REMELMEYER: If Mr. Peebles so understood I am sorry because I don't believe I advised him of that. I advised him what is contained in this memorandum that I gave you last night, my opinion to the effect that it was within the discretion of the Chief of Police or of himself because he is the superior of the Chief of Police to order the officers to take the test or not order them to take the test. In other words, the discretion is initially that of the Chief of Police. However, Mr. Peebles, being the superior of the Chief of Police, under the charter and the code, clearly has the authority as personnel officer of this city and the superior of the chief, to make the decision for the Chief.

MAYOR ISEN: That's substantially the same thing, Stan. You're putting together "Yeses" and "Noes" - -

MR. REMELMEYER: Well, I wanted it to be clear because this is what I thought I was telling him and I supposed that he so understood.

COUNCILMAN BENSTEAD: In this brief, is this your brief, or did you get this from somebody else - did somebody else help you to write this brief?

MR. REMELMEYER: I wrote that brief, Mr. Benstead; Mr. Knickerbocker, my assistant, helped me in looking up some of the law. I think your implication is that the Attorney General wrote the brief because the Attorney General cited the three cases which I cited plus the Christal case. I might add the Attorney General has never seen this opinion nor the contents thereof before 6:30 this evening. If there is a duplication in these cases, it is obvious that in my opinion these are the law and any lawyer looking these cases up in our reports would find them, except with one - let me point this out - that the Attorney, Mr. Goertzen and I prior to this time, sometime last week had a discussion of the law and we discussed these two cases, the Frazee and the Fichera case, because these cases were known both to me and to the Attorney General at that time that Mr. Knickerbocker looked them up. So those two cases were known to us to be on the subject those, these two cases, the Frazee and the Fichera case, I gave to the City Manager and placed on his desk last week so that he had the advantage of this information also but the Attorney General has never seen this memorandum nor did we ever discuss the Christal or the McCain cases and we did not have any other conversations on the subject.

COUNCILMAN BENSTEAD: I did not ask you whether the Attorney General had anything to do with it - I just wanted to know -

MR. REMELMEYER: I thought the implication was clear, Mr. Benstead, and I did write the opinion myself.

COUNCILMAN BEASLEY: I would like to ask Mr. Peebles: do you have a copy of this memorandum, this legal memorandum?

MR. PEEBLES: Not with me, no, Mr. Beasley.

COUNCILMAN BEASLEY: Well, you've seen it?

MR. PEEBLES: Yes, sir. I have read it.

COUNCILMAN BEASLEY: Item 4 in the conclusions, page 2, "That the City Manager should reconsider his memorandum of January 2nd in light of this opinion."

MAYOR ISEN: All right, may I come in on this before you answer. Now, Mr. Remelmeyer, you know that I admire you as a real, real good City Attorney, you've been here a long time -

COUNCILMAN BEASLEY: Are you afraid for him to answer?

MAYOR ISEN: No, just let me comment this first, please.

COUNCILMAN SCIARROTTA: Mr. Mayor, don't you think when he asks a question he is entitled to the answer. Now you are breaking in all the time, Mr. Mayor and I don't think that's right.

COUNCILMAN BEASLEY: You butt in on everybody. Let Mr. Peebles answer the question.

MAYOR ISEN: All right, go ahead, I'll get back to it.

COUNCILMAN BEASLEY: Have you reconsidered the memorandum of January 2nd?

MR. PEEBLES: I have been weighing it - not reconsidered it, no. I have been weighing it.

COUNCILMAN BEASLEY: Well, I just wanted to know because that it is the recommendation and conclusion of the City Attorney, that

you reconsider your memorandum of January 2nd.

MAYOR ISEN: Now, may I please, first. I'm trying to preside. I am still just a glorified councilman under our charter here and I think I have a right to -

COUNCILMAN SCIARROTTA: You're right.

MAYOR ISEN: Back to Remelmeyer*- I think it's fine for you to put out the law cold, as you see it, but it is certainly not your province, nor of any city attorney to tell anybody to reconsider etc., and go into policy matters and this is the part of your memorandum I do not like personally. I don't know of any case at all where a City Attorney could say that he could say that. He gives the law, that's the job that you are hired to do and do very ably but as far as your own personal opinions, yes, or no; I don't care what they are and I have told you so, as a private individual you are entitled to it, but you shouldn't throw your opinion full of any of your personal opinions regarding the query and there was no reason in the world in light of your opinion because you have indicated that the Council cannot order the City Manager in this matter. That he is the prime personnel officer who can decide whether or not he should make such a compulsory order. As far as asking him to reconsider, it's way out of the province of the City Attorney. It may sound good on paper - it may sound good to some, but it doesn't sound good to me.

MR. REMELMEYER: May I reply, Your Honor?

COUNCILMAN DRALE: Mr. Mayor, for a point of order. First of all I think that the City Manager requested this statement.

MAYOR ISEN: He requested a legal opinion.

COUNCILMAN DRALE: He requested a legal opinion on whether he had the right to. Now, number 2, as far as I am concerned, Mr. Mayor, I am hoping you were speaking for yourself.

MAYOR ISEN: I said as far as I am personally concerned.

COUNCILMAN DRALE: We are ordinary laymen and we are not educated along legal lines and I wish to thank Mr. Remelmeyer any time that he guides us in the right direction.

COUNCILMAN BEASLEY: I do too.

MR. REMELMEYER: Let me make my position clear, Your Honor. I was not telling when I said "reconsider" here's what I meant. The City Manager in his memorandum dated January 2nd which I produced on the first page of my opinion here, stated that his stand in stating that he would not subject any police personnel by order to take the polygraph test, based his order on this statement, quote: "My stand on this matter is simple. I feel it is unconstitutional and an encroachment on one's one personal, human and civil rights". Now, in my memorandum I pointed out to him that in my opinion this was an erroneous view of the law; that it was not unconstitutional to order or have the Chief of Police order the Police personnel to take the test. Now, I believe that he should reconsider his decision in the light of that knowledge. Not that he has to reverse his opinion; the City Manager clearly has the right to stick to his guns in my opinion based on the facts that I know. He has the right to stick to his guns or he has the right to reverse himself in the light of this law but the word "reconsider" should not be taken to mean that he must reverse himself. This is not what I intended at all. Trying to stick to the law, Your Honor.

COUNCILMAN SCIARROTTA: I want to say, Mr. Remelmeyer, that I am not an attorney, but that is the way I read it.

COUNCILMAN MILLER: I would like to make one comment on this. I am assuming that Mr. Remelmeyer is the legal counsel for the City. I must respect his opinions and his recommendation. However you want to interpret this I feel he has done what he had to do in this case. May I divert here for just a moment? You know we are down here on this lie detector test. I said this last night and I'll say it again. I know very little about lie detector tests, except what I read in the newspapers. I would like to ask Mr. Goertzen a question on lie detector tests which I think is very pertinent and very important in this case. When a light detector test is taken and I am assuming as I presume it is not admissible in court, are the test results released prior to to a day in court for the individual? Or is this always kept within the confines of your offices? I am assuming it is not admissible evidence so does this come out before, if there should be a day in court, does this come out to the public, to the press, is this used prejudicially prior to, prior to a court decision?

MR. GOERTZEN: First of all your question kind of answers the first part in this regard. The lie detector test is not admissible into evidence in an actual litigated case unless it is by stipulation of the prosecution and the defense and therefore if there is no stipulation the ethics of the prosecution are that there is no - that he does not avert to it in any way. In fact, I believe Mr. Wirin can back me up in this regard in the People vs. Aragon case involving Arthur Aragon, the prosectuor did overstep the bounds and make frequent reference to the fact that there was a failure in the lie detector test and that conviction after a lengthy trial was reversed - and quite properly so in our regard. In other words the test is not to be reverted to. In that case, though, we have got to remember that was a private citizen who said "Let me take this lie detector test" or there was a mixture of facts that somehow a lie detector test, or refusal to take it came into issue, but the lie detector test is not to be mentioned in any way in a litigated case unless there is a stipulation by the parties. However, we are dealing here with police officers and the law which I referred to comes into play then and you will note in that last case that I referred to, the Frazee case, the Court said: We are not going to interpret what our position would be with respect to the action by the officials based on the results of the case which kind of leaves open in this regard. In a confidential report to the governing body or the body making the decisions it might be mentioned that subject did submit to a lie detector test and in the opinion of the expert he failed said test. Then the use to which that is made really is up to the governing body which in this case since you are the body that invited the investigation, it would be up to you, and possibly your City Council to weigh the pros and cons of that. As far as we are concerned we won't release the results of the test, very definitely.

COUNCILMAN MILLER: I don't know if I made myself clear. My point is - a man voluntarily submits to a test of this nature. Is he tried before the court action actually takes place, in the press, in the public's eye. If it doesn't become of public knowledge and you are using it as an investigative tool or an aid, as I understand it, it wouldn't prejudice the case at all as far as the courts are concerned.

MR. GOERTZEN: Let me say this, Mr. Miller, first of all, it was not our intention that such a hearing result because of this lie detector test situation. We had in fact made contact with the

officers before hand and put it on the voluntary basis, you know to kind of cut the red tape. " Why don't you come down and take the test" - no fanfare intended. However, the fanfare resulted when we found out that the Chief - now in that regard if I might interject I know nothing of the facts that Mr. Peebles has brought forth about the Chief. I know this. I'll say this under oath if necessary or whatever procedure need be.

COUNCILMAN SCIARROTTA: Take the lie detector test.

MR. GOERTZEN: I'll take the lie detector test. I talked with Chief Bennett for some half hour and it got to the point where I dictated to Chief Bennett's secretary because he was not familiar with how he might word such a thing because he quite frankly admitted he had never had occasion to order an officer to submit. So I talked with members of my office who are proficient in the administrative law field and have in mind administrative orders by superiors to inferiors in regard to carrying out these orders and got their opinion of what the language should be and it's very simple. It's just that you are ordered to go down to such and such a place and submit to a lie detector test. So that was the dictated order and my information was that it was going out that day. Now, I would only state one other thought. During Mr. Peebles' presentation with all due consideration it may well be that there was communication with the City Attorney and eight million other people including his private counsel. My only concern in regard to that posture of the case is I left about four calls with Mr. Peebles and until tonight I didn't even hear from the gentleman. I'm not in any adversary position with Mr. Peebles or this City Council. As far as I am concerned we are still here on an invited investigation so we can talk these matters over and those calls were never returned. I was referred to private counsel; I was referred several times to 'he has just left' after long absences of the secretary from the phone and this to me is a puzzle.

MAYOR ISEN: We'll get to you, Mr. Geortzen, with a whole lot of questions after we go all around the circle of information to be extended to the Council. I think Mr. Wirin is here. I feel he is an authority on law, particularly in the civil rights field and you have cited a number of cases. He may have a rebuttal and this would be the next thing in order. And, if it's not too long, Mr. Wirin, we will wait with our recess until you get through. If you think it's going to be long we will take a ten minute recess now.

MR. WIRIN: It will not be long. I will take five minutes, ten minutes at the longest.

MAYOR ISEN: Mr. Goertzen, we are all going to ask him questions. Nobody is going to close this meeting. I think we can all stay here late. We'll give you a safe conduct pass out of Torrance, Mr. Goertzen.

MR. GOERTZEN: I'm going with Mr. Wirin.

MAYOR ISEN: All right, Mr. Wirin. I might say that Mr. Wirin and I have been on the opposite sides of the fences and for the record, Mr. Wirin, so help me and I will take a lie detector test, I never took those blankety-blank papers.

MR. WIRIN: Mr. Mayor and members of the Council, let me say first as I have already said, that Lt. Hamilton has asked me to appear for him this evening and I am doing so, but I wonder if you will let me appear also in another capacity in which I usually appear.

In appearing before a court I usually appear as a friend of a court and tonight I would like to appear as a kind of friend of the Council. . . .

MAYOR ISEN: Do you mind, Mr. Goertzen.

MR. WIRIN: . . . on the assumption that I want to present certain broad principles of constitutional right and common decency and it may be that Mr. Goertzen and I will walk out together and go home together because I will have convinced him. This matter ought to be handled by the Civil Rights section of the Attorney General's office rather than the section which Mr. Goertzen is in charge of.

MAYOR ISEN: Mr. Goertzen said he does not mind your appearing here as a friend of the council - I think I got a nod from him, so proceed, sir.

MR. WIRIN: Now, I am here because although I did not know until I heard it read just a few minutes ago, I am in general accord with the view expressed by the City Manager that there are involved in the compulsory taking of a lie detector test by any person and that includes a police officer. I think a police officer is a person for some purposes of the law including the problems involved here. I think there are involved here some personal, human and civil rights of some of the employees of this city, including Mr. Hamilton, who has already appeared voluntarily without subpoena in the Attorney General's office and was questioned extensively under oath and is available to reappear and be questioned further but who has a deep sense that his human dignity and his right as a person is being violated by his being required, if he is required to take this lie detector test.

MAYOR ISEN: Did he plead the Fifth Amendment at any time?

MR. WIRIN: He answered all questions so far as I am advised. He does not have a copy of the transcript and I understand he does not have a right to have a copy of what he testified to. Maybe I ought to take that into court for him, but that is another case, another matter. He invoked no privilege of any kind. He answered all questions so far as I am advised fully, completely and fairly. Now it is claimed there is some discrepancy between what he said and what someone else says. As a result of this it is alleged by the Attorney General that involuntarily and against his will, officials of the City, whomever they may be, shall command Lt. to take this lie detector test and in violation of this command he would, of course, be subject to discharge and I am here to suggest to you and to urge upon you that no official with your concern for the City should make any such order against Lt. Hamilton under the circumstances presented by Mr. Goertzen and before you for the reasons that I will now undertake to spell out, in brief.

Before I do, let me make one generalization and it is a generalization and then I don't mean back away from it, but make some explanations.

We all saluted the flag and talked about liberty and justice for all. Well, it's my view that liberty and justice applies to a police officer also. While I have not agreed with police officers always, while I have represented persons who have been prosecuted by police officers and by City Attorneys I think it is important that the rights of all persons, the rights of all persons who are members of minority groups and police officers constitute a minority group in certain circumstances and the certain circumstance here, should be safeguarded as far as humanly possible and practical. Now, it is true, as stated by Mr. Goertzen, that there have been

a number of court decisions in this field. In the first place, regrettably or not, none of those cases have reached the Supreme Court of the United States, so we do not know what is the final law upon the subject and maybe a case should go to the Supreme Court of the United States, but it has not gone. Cases have gone to the Supreme Court of the State and the majority of the Supreme Court of the State has ruled as Mr. Goertzen has indicated over the dissents of Chief Justice Gibson in one case, Justice Sharer in another and over dissents of justices who are known for deep appreciation of rights of persons and in this case, police officers.

It is true that the California law as spelled out by the City Attorney whose opinion I read just a few minutes ago, is that if a police officer is ordered to submit to a lie detector test and does not comply with it, he may then be discharged, but it is equally true that there is no requirement under the constitution or by the law that any police officer be ordered to submit compulsorily to a lie detector test and your City Attorney has so stated to you at least twice, in his opinion, in his conclusions, in conclusion number 1, in conclusion number 2 that although if the Chief of Police on the one hand or the City Manager on the other, orders Lt. Hamilton or others - I say, others - who is there in this room that knows who will be the next one in the City of Torrance, in the employ of the City of Torrance, either a police officer or otherwise of whom the Attorney General may want to take a lie detector test? And so, may I suggest to you that what is involved here is not merely the right of Lt. Hamilton for whom I speak now, but the right of every police officer in the City of Torrance, the right of every police officer throughout the State of California, the right of every employee of every public agency anywhere in California whom the Attorney General may decide to investigate and that includes public officials, high or low, paid or unpaid, you are all subject to be questioned by the Attorney General - you all may be subpoenaed - and I say any such official, not only those in this room, any official anywhere in California so this matter from my point of view is a very large consequence not affecting the right of merely one lieutenant, or two lieutenants in your police department. And so, although it is clear in the first instance that it is within the discretion of officials of a municipality whether or not to make an order that a police officer submit himself to a polygraph test. As a matter of fact, the law is further clear that while the courts have upheld orders made against police officers in the three cases cited, the courts have gone out of their way to indicate that if the orders that were made were arbitrary, the courts would look into the circumstances and if the courts decided that there was no basis for such an order, they would annul that kind of order made by a chief of police or by a City Manager and in any event the matter lies completely within the discretion of the City Manager and if in the exercise of his discretion, he believes that the Attorney General with whom he desires to cooperate, as everyone desires to cooperate with the highest law enforcement officer of the State, if he believes that the Attorney General whose cooperation the City desires, is exceeding his authority because to submit a police officer or any person to a polygraph test is demeaning, is an invasion of privacy, is a form of insult, because the clear intimation is that a person of whom you want a lie detector test is lying and he is expected to demonstrate the truth of the position he has taken.

Now, as a matter of fact, the law is further clear that science has not reached the point in administering lie detector tests so that lie detector tests are accurate, or are reliable, and the law is clear that no lie detector test may be used, or the results be used against any person against his will, where that person is not a police officer. In this instance, I am trying to

equate a police officer to every other person. Now if it is true and there are five cases, one of which Mr. Goertzen has referred to, that the results of the lie detector are not reliable and hence may not be used in court. Now, if the results are not reliable, what purpose is there, what justification is there except the purpose of harassing and insulting an employee of your city to compel him to demean himself by undergoing a lie detector test when he has already appeared and testified and is available to appear and testify again under oath. And, therefore, I suggest - and I am about done - that differing from the numerous cases, the three cases which have been cited, where there was a clear showing convincing the court that there was a justification for lie detector test, no such showing has been made by the Attorney General here except some general statements about discrepancy or about that they are investigating the misuse of police force, whatever that may mean, and possible suppression of evidence, just a kind of general statement which does not warrant your authorizing or directing or expecting the officials that have the authority to give the orders, in this case, the City Manager and the Chief of Police to make the kind of an order which is offensive to the average person and which in the present circumstances, in my opinion, a lieutenant who has already answered fully before the Attorney General should not be required to submit himself to this unnecessary and this demeaning, and in this instance, I think, irresponsible use of great power by the Attorney General. That is my position.

MAYOR ISEN: Mr. Vico has a question.

COUNCILMAN VICO: May I ask you a question, Mr. Wirin. I'm not an attorney, don't claim to be, but we have a City Attorney.

MR. WIRIN: You are to be congratulated. Lawyers have many faults.

COUNCILMAN VICO: Well, join the club, there are seven of us. What I would like to say: Are we in a position, including the City Manager and the City Attorney, to authorize anyone to even make out of these here memorandums to the Police Department authorizing anyone to take the polygraph test?

MAYOR ISEN: Are you referring to the Council, Mr. Vico?

COUNCILMAN VICO: No, I am asking Mr. Wirin.

MAYOR ISEN: No I mean the Council - Remelmeyer - I don't think Mr. Wirin knows our charter.

COUNCILMAN VICO: Are we, Mr. Remelmeyer. we're not in a position, are we?

MR. REMELMEYER: I told you last night you do not have authority to order or to advise Mr. Peebles to order the lieutenants in question or any other police officer to take the polygraph test. You have the right to discuss the matter with him, to determine why he did this, and what he did, but you do not have the power to overrule his decision. It is within his discretion.

MR. WIRIN: May I answer - may I augment by saying I agree quite completely with what the City Attorney has just said. What I have been trying to say is not that you have any authority to overrule Mr. Peebles that you should exercise, not at all, what I have been trying to say is that I think Mr. Peebles has acted honorably and entirely within the law and completely within his authority and while you have no authority to overrule him, I would hope you give him moral support by holding up his hands in terms of moral support.

COUNCILMAN VICO: Another thing I would like to say. Mr. Goertzen, I stated last night at the meeting I am in favor - I think all the fellows are up here. The only thing is I don't think I am in a position here, as well as all the fellows here, to tell anyone to take it. As far as taking it, we feel it is up to the individual himself and we are all willing to cooperate. The only thing is what do we do next? I mean now it has been six months.

COUNCILMAN BEASLEY: I think you ought to speak for yourself, George.

COUNCILMAN VICO: Wait a minute - wait till I finish, will you please? Well, all right - I am speaking for myself. When I finish you can start talking.

MAYOR ISEN: When you finish, we may have a recess, who knows? Go ahead. Every body will get a chance to talk and I mean everybody. Go ahead, George.

COUNCILMAN VICO: Like I was saying, Mr. Goertzen, I mean it's been quite a while now and we'd like to know what is going on as well as most of the people in the City. I mean everybody is in a fog about what's going on and everything and if there is something wrong, we would appreciate if you could clear it up and if it takes further investigation this is entirely up to you.

MAYOR ISEN: I was trying to keep that part of it. I know all the councilmen have a lot of questions on that particular subject, but if Mr. Vico has asked it, without opening the door to the questions from the other councilmen and I have some questions, too. Please go ahead.

MR. GOERTZEN: Well, Mr, Vico, in answer to your question, I would have to address myself to some of the comments Mr. Wirin made. So if I could -

MAYOR ISEN: But before that Mr. Beasley had a question of Mr. Wirin. I wonder if we ought to clear up the questions. But you go ahead and there will probably be others. Go ahead.

MR. GOERTZEN: We will both hold ourselves open. Okay?

MAYOR ISEN: Well, let's get Beasley's first.

COUNCILMAN BENSTEAD: Why don't you - and then mine, please.

COUNCILMAN BEASLEY: Normally, Mr. Wirin, I agree with you in your general statements. The only thing - if I ever saw a flag being waved around it was tonight. You tried to liken the police department to a minority group.

MR. WIRIN: Chief of Police Parker says that and I was just -

COUNCILMAN BEASLEY: Well, I don't care what he says or if you make the statement. I disagree with it thoroughly and I want you to know it.

MR. WIRIN: Good.

councilman BEASLEY: They are not a minority group. They are people upon whom we impose our trust and confidence to enforce the laws of our land and whenever we allow that confidence to be destroyed by whatever means, then how can we have any respect for our law enforcement authorities. And me, I'm very concerned about it and I'll tell you one thing. I recognize the fact that this is an investigative tool and the fact that this will not be used in court

but I want to tell you this, that we've been investigated for seven months. We have been under pressure, rumors by the thousands and whatever I could do to clear these things up I'd certainly want to do it and do it voluntarily. Now, the funny part about it is - I want to also make this statement. I talked to the Chief of Police on Friday noon - on Friday noon - I want Mr. Goertzen to get this. On Monday morning he closeted himself with the City Manager and the Mayor. I was in the next room. I was not invited in. I don't know what went on.

MAYOR ISEN: Which ear were you using, Jay, the good one or the bad one?

COUNCILMAN BEASLEY: Now, I have the privilege of the floor. If the mayor would conduct his chair in a dignified manner and let me finish. I will be through in just a second. I don't know what happened in that meeting on Monday morning, but I do know that somebody's mind was changed from Friday noon until Monday noon and I don't know what pressures were used or anything else. Since that time I have not seen the Chief of Police.

MR. WIRIN: May I respond for just a quick moment to what you said Mr. Beasley? In the first place, to be quite serious I respect your opinions and your views and I appreciate what you just said. Now, let me explain why I said minority group and why I meant it; why I wasn't merely borrowing a phrase from Chief Parker, a person with whom I disagree almost all the time. These court decisions to which Mr. Goertzen has called your attention have come up because Chiefs of Police and high public officials have not had the courage to protect police officers and that's why when the argument is made as it has been by Mr. Goertzen, that what is applicable to the average citizen does not apply to the police officer because he wears a badge, that argument has resulted in some court decisions which have made police officers a minority group and which have put obligations on police officers beyond that which is necessary and it is my view that some public official, including the members of this council so far as you have authority, should show some courage when the claim is made that after all a police officer. Well, really, the claim is that a police officer has no rights. It isn't merely that he is a second class citizen. He's no citizen at all and that he may be subjected precisely because he has these higher obligations to the indignity of taking a lie detector test which the average citizen should not be. Now, I am here in entire good faith to ask you to show some courage and to halt this bad development in the law which have taken away from police officers, the rights they should have as citizens.

COUNCILMAN BEASLEY: Well, I certainly disagree with you, Mr. Wirin.

COUNCILMAN DRALE: May I, Mr. Mayor? I have the greatest respect for your ability, Mr. Wirin. We, first of all, I feel that if the police officers individually, were being subpoenaed to testify in their own behalf, I would say that you are correct. But this smear is all over the city, sir. This whole city is smeared and they are not themselves being criticized, but the City has to have this removed somehow. Now, I am saying to you, it's nice to be eloquent and come up here and make a defense and defend some of our police officers but I am saying to you and I do think, I respect your ability very much and I feel that you would want to do justice in this particular case. You made some rather amusing statements about what Mr. Goertzen said about perjury and about policemen; what were the four original statements that were made here that you are expecting to have answered?

MR. GOERTZEN: Well, regard to -

COUNCILMAN DRALE: Perjury, suppression of evidence, misuse of the police department - have you investigated these particular questions, Mr. Wirin? Don't you think as an attorney you should find out whether these things were done, were really done?

MR. WIRIN: Not at all because it was my view that subjecting a person compulsorily, whether police officer or otherwise, does not result in arriving at the truth and is only a form of harassing the person who are made the victims of the subject matter.

COUNCILMAN DRALE: What if you were to defend and be on the other side of the fence and these problems were wrong and you wanted to solve them. How do we erase this now?

MR. WIRIN: Well, you don't do it by a compulsory lie detector test because the courts have made it clear that they are unreliable for the purpose of ascertaining truth. Now if there has been a smear against the City of Torrance, that is to be regretted but it seems to me you don't remove the smear by compelling police officers to subject themselves to further indignities which the law does not require and that you support your position and integrity by supporting officers who assert their personal and human rights and ultimately there is vindication for taking that position rather than yielding to pressure from the Attorney General and the suggestion that if you don't require police officers to submit to the indignity, you somehow are cooperating in concealing the truth. You are not doing that at all; you are standing up for human rights and human dignity.

COUNCILMAN DRALE: Well, my point is this, Mr. Wirin, that policemen themselves and all law enforcement agencies have tried to, and one of their problems are, or endeavors are, is to get the people and the public to take lie detector tests.

COUNCILMAN BENSTEAD: (interrupted but his words are lost in the sound of the Mayor's gavel).

COUNCILMAN DRALE: . . . and it's peculiar - I didn't interrupt you, Mr. Benstead.

MR. BENSTEAD: Well, I'm going to tell you something -

COUNCILMAN DRALE: It's peculiar that the law enforcement officers who are asking the public to conform to the law refuse to take the very things that they are putting on the public.

MR. WIRIN: You have a very good point.

COUNCILMAN DRALE: Thank you.

COUNCILMAN MILLER: That was my question.

MR. WIRIN: You have a very good point but that doesn't make - but nonetheless, assuming that police officers are inconsistent in their position, and I think they are, nonetheless, when their rights are involved I think we should uphold them, however wrong they may be in other circumstances. If they are right now, let's support them now.

MAYOR ISEN: Now, Councilman Sciarrotta has a question addressed, I think to you, Mr. Wirin.

COUNCILMAN SCIARROTTA: Mr. Wirin, the thing that I am concerned with is this - that we invited the Attorney General in to make this investigation and in so doing, we specifically and emphatically stated that we would give full cooperation. All right, now, then, what bothers me is that the City Manager's directive does not show full cooperation on the part of the City and I agree with you that the ultimate say as to whether these people are going to take the tests or not, depends on them, but I certainly would like to go on record showing that we do want to cooperate with the Attorney General's office. So to me this is the crux of the thing - when I read the Times where we were smeared by saying that we are not cooperating, I mean the City government, we were not cooperating I took that pretty hard because it was my intention when we called the attorney general's office in to make the investigation that we would give full cooperation. Now, if I were the City Manager I certainly would have ordered these people to take the test and, of course, if they have any recourse, if they have anything they want to do about not taking, they have the ultimate choice, you see. Now that is my position. It isn't a matter that I say that you are absolutely going to compel these people to take it. I realize that maybe they cannot be compelled to take it, but as far as the City, we have not fulfilled our promise when a directive of this type goes out.

MAYOR ISEN: How about losing your job though, Mr. Sciarrotta?

COUNCILMAN SCIARROTTA: Well, that's up to - if they refuse to do it it says they may lose their job or may be suspended, or, yes, it does not say they absolutely must lose their job. Our charter I don't think says that. They can be suspended - they can be dismissed or they can be - suspension and dismissal are two different things.

MR. WIRIN: Sir, you are the keeper of your conscience and I am not going to try to direct your conscience.

COUNCILMAN SCIARROTTA: Well, that's the thing that I am concerned with.

MR. WIRIN: Let me say this to you. It seems to me if, and I understand this to be the fact, the City Council has done everything it could to get these officers to appear at the office of the Attorney General, voluntarily without subpoena, to answer all questions - I understand this has happened - it seems to me that is all that good cooperation means and that cooperation does not include going to the point of commanding or compelling officers to submit to a test which I think is demeaning. If I were requested to do it I would consider it an insult to me and my integrity and I respect a police officer who takes the same position. And if you were required to do it, I think you should feel offended and I think the Attorney General has no right to urge that the manager or the chief of police should compel any police officer to submit to a process which in 1963 according to current standards is an insulting and demeaning procedure.

MAYOR ISEN: Mr. Benstead has a question.

COUNCILMAN BENSTEAD: Mr. Drale, you were speaking of the City Council taking this test. It's funny to me that the State doesn't call in the City Council. I would be glad to take it if you will and I want everybody in the town to know that.

COUNCILMAN DRALE: I'm ready - I'm ready, Mr. Benstead.

MAYOR ISEN: You've got a couple of subjects - take them on tomorrow, without an order, the point is these men have both said voluntarily

they will, there's nobody issuing any orders.

COUNCILMAN MILLER: I'd like to - for just a second, please. Mr. Wirin, your stand isn't compatible to me. You defend the right of an individual not to take this test and yet this test is being used by the very people who would not take the test. I think it's rather, somewhat of a hipocrite stand.

MR. WIRIN: Well, I'm agreeing with you - I think police officers should not, certainly should not require anyone to take a polygraph test and if they do I think they are violating the rights of such person and I will be here to defend the rights of such a person or to defend his rights in court. I don't have to do that because the courts have said they will not permit the results of a polygraph test.

COUNCILMAN MILLER: In other words, you will represent the stand regardless of the moral issue.

MR. WIRIN: Regardless of the morals of the person for whom I speak. I think it is a moral issue and I think it applies to all, to the citizens and to the police officers.

COUNCILMAN MILLER: Well, then I assume, in other words, just get rid of the test is what you're saying, throughout the country, do not use it as a aid to investigation.

MR. WIRIN: I would say it should not be used compulsorily against anyone and if it is used compulsorily against a private citizen it cannot be made use of in court so the private citizen is fully protected but in this instance the police officer is made the butt and I think that's wrong.

MAYOR ISEN: All right, let's take a ten minute recess, folks and then we'll reconvene.

* * * * *

MAYOR ISEN: We are back in session. Mr. Geortzen is very indulgent. I have asked him to yield once more because I have the card here of Mr. Sam Hunegs who says that he is neglecting another meeting that he has to be at and he would like to address the council for a very few minutes, let's see, where are you, Mr. Hunegs?

COUNCILMAN DRALE: Mr. Mayor, is this pertinent to the hearing. The motion was made to invite the District Attorney's office down and if Mr. Hunegs is not with the District Attorney, or not pertinent, I move he not be heard.

COUNCILMAN SCTARROTTA: I second the motion.

MAYOR ISEN: I'll rule you out of order. This is a regular council meeting, where everybody speaks. This is Torrance, U.S.A. and if he wants to talk on this subject I'll take a roll call of the council, if you want it. Are you saying by your motion you're foreclosing anyone -

COUNCILMAN DRALE: I'm not forecbsing - I say that Mr. Hunegs can talk any time after the meeting with the agents of the District Attorney or the Attorney General.

MAYOR ISEN: Well, he wants to talk to this council is what he tells me. Well, I'll take a roll on it. Mr. Hunegs wants the floor. Mr. Goertzen says he yields and I thank him for that. Roll call on Mr. Drale's motion to foreclose any speaking except

by the representatives here and the council.

COUNCILMAN DRALE: That's not so, Mr. Mayor.

MAYOR ISEN: Well, who is it then.

COUNCILMAN DRALE: I said that anyone can speak after the District Attorney's representatives had their say.

MAYOR ISEN: But they have yielded already. They've yielded. I don't know. I like to accommodate. I like to like everybody and not make anybody mad.

COUNCILMAN VICO: Ask Mr. Goertzen. If he's willing to listen to the man . . .

MAYOR ISEN: I've already asked him and he said he would yield but I have a motion -

COUNCILMAN DRALE: I didn't hear -

COUNCILMAN SCIARROTTA: May I ask this question. Is he representing someone?

MAYOR ISEN: I've got his card. He said American Federation of AFL Municipal employees. He said he wanted to be heard. He said he wanted to get out of here; that he'd appreciate being heard out of order. I asked Mr. Goertzen if he would yield for two or three minutes; I have asked him to yield two or three times already and he graciously said yes and here we are. I'll take a vote on -

COUNCILMAN SCIARROTTA: Now if you hear him, will you listen to others that come up and want to speak?

MAYOR ISEN: In the right order, I believe, gentlemen, unless - I won't foreclose it.

COUNCILMAN SCIARROTTA: If that is your decision, then, if others wish to speak do you think we should give them -

MAYOR ISEN: It's not my decision. It's the council's decision.

COUNCILMAN SCIARROTTA: I mean if that is what we are going to do.

COUNCILMAN BEASLEY: Mr. Mayor I would like to point out that we dispensed with the regular business of this council in order

COUNCILMAN DRALE: Yes, we did.

COUNCILMAN BEASLEY: . . . in order to hear a report from the representatives of the Attorney General's office -

COUNCILMAN SCIARROTTA: and that is the motion which I made.

COUNCILMAN BEASLEY: and yet . . .

MAYOR ISEN: And you have very interested citizens here who always join in all these discussions.

COUNCILMAN DRALE: Under oral communications.

MAYOR ISEN: I'll take the motion right now. Will you repeat Mr. Drale's motion?

COUNCILMAN DRALE: Wait a minute. Let's get a legal on -

COUNCILMAN SCIARROTTA: The motion which I made was - I'm talking about the motion where we would dispense with the regular

COUNCILMAN BEASLEY: Regular order of business.

COUNCILMAN SCIARROTTA: Regular order of business.

COUNCILMAN DRALE: Regular order of business. The purpose of this meeting is to meet with the members of the staff of the Attorney General's office.

COUNCILMAN SCIARROTTA: And that's it and I think I would like to have it limited to five minutes.

COUNCILMAN MILLER: If you say five minutes, he'd have to leave anyway.

MAYOR ISEN: I don't have any motion from Mr. Sciarrotta.

COUNCILMAN SCIARROTTA: The big thing is this. We dispensed with the regular -

MAYOR ISEN: We adjourned to a regular council meeting as of this Wednesday evening, if I recall right last night and the purpose of it, it didn't say it was the exclusive purpose was to invite the gentlemen -

COUNCILMAN DRALE: Yes, I made the motion and the motion was to meet with the representatives of the District Attorney.

COUNCILMAN SCIARROTTA: Well, now, it says here - I made a motion to dispense with the regular order of business and Item 5, purpose of meeting "to meet with members of the staff of the Attorney General's office" and I think we should limit ourselves to this particular thing.

MAYOR ISEN: All right, are you people saying interested citizens of the city cannot -

COUNCILMAN SCIARROTTA: They can come back any time.

COUNCILMAN DRALE: Under oral communications, I am willing to stay here until one o'clock tomorrow morning.

MAYOR ISEN: If you agree with that, Mr. Drale, why not let them talk out of order if he has to be somewhere and it's imperative. I assume it was or he wouldn't have asked -

COUNCILMAN BEASLEY: I think the most pertinent thing is -

MAYOR ISEN: Well, let's get a roll call. I've got a motion and second.

COUNCILMAN MILLER: Mr. Goertzen, do you object to this fellow speaking? I don't even know who he is.

MAYOR ISEN: He said no.

MR. GOERTZEN: I ask Mr. Wirin's indulgence.

MR. WIRIN: I think you should allow free speech.

MAYOR ISEN: That's right.

COUNCILMAN BEASLEY: We may, by allowing everybody to speak, we may lose the value of the meeting with the Attorney General's office.

MAYOR ISEN: I don't think so because no body else is going to speak I think -

COUNCILMAN BEASLEY: Well, now I don't care what you think.

MAYOR ISEN: When he says he's through - it may be time for your bedtime, but there will be a lot of people.

COUNCILMAN BEASLEY: Now, let me talk. I've got the floor. If you'd shut your mouth a little bit and let somebody else talk. You're butting in all the time.

MAYOR ISEN: To the people in the back row. I appreciate the applause Mr. Beasley is going to buy me a zipper to zip my lip -

COUNCILMAN DRALE: I think Mr. Miller made the motion that we not get personal here today and I see we're getting back at -

COUNCILMAN BEASLEY: I simply want to point out that we might lose the value of this meeting and that's the reason why I prefer to wait until oral communications after we have heard from the Attorney General. Then the people can talk all they want to and I'll stay here, but our regular procedure has been that oral communications will be at the close of the Council meeting.

COUNCILMAN SCIARROTTA: Let me ask a question of the City Attorney. I want a legal on this. We called this meeting and here's our agenda. The purpose of the meeting is to meet with members of the staff of the Attorney General's office and I don't think we should go far afield. We should stick to exactly the purpose of this meeting. When we adjourned this was the purpose of this meeting. So consequently I don't believe we want to take up any time with anybody and I believe in the freedom of speech as you do, but not in this particular case because we want to get this thing over with.

MAYOR ISEN: All right, Stan -

MR. REMELMEYER: It's an adjourned regular meeting. You can discuss any business that you so desire. However, and by majority vote you can decide what business that shall be.

MAYOR ISEN: And on every adjourned regular meeting carried on, Mr. Remelmeyer, does not the audience participate?

MR. REMELMEYER: Well, you have followed the practice of

MAYOR ISEN: It has been the practice as long as I have been mayor. I'm going to take a roll call on Mr. Drale's motion.

COUNCILMAN MILLER: What is the issue?

COUNCILMAN BENSTEAD: I would like to say one thing -

MAYOR ISEN: The issue is Mr. - I can't pronounce his name, would like to talk and Mr. Goertzen says yes, he may, but Mr. Drale says no, he don't want anybody to talk.

MR. HUNEGS: Mr. Mayor, the issue is here that I want to join with Mr. Wirin in a brief statement.

MAYOR ISEN: You're talking before you get permission.

MR. WIRIN: If he's going to agree with me, I would like to -

MAYOR ISEN: The motion actually is, may Mr. Hunegs now speak out of order before oral communications? That's what it is. Isn't that right?

MR. WIRIN: Briefly, he will speak.

MAYOR ISEN: I don't know. I don't know that and the motion was that he should not. Let's not get involved here. A yes vote, don't let him talk; a no vote permits him to.

COUNCILMAN MILLER: Excuse me, are you going to stay around?

COUNCILMAN DRALE: Albert, let's be a little bit fair here. If the man is going to speak pertinently to what we are . . .

MAYOR ISEN: He, is, Nick.

COUNCILMAN DRALE: Well -

MAYOR ISEN: I'll tell him to be still if he doesn't. Are you going to talk on the same subject matter?

MR. HUNEGS: Yes.

MAYOR ISEN: Can't do any more until we hear him. I wish you would withdraw your motion, Mr. Drale.

COUNCILMAN DRALE: All right, I'll yield to the chair.

MAYOR ISEN: And where did I get the second?

COUNCILMAN SCIARROTTA: I gave the second and I'm not going to yield.

~~MAYOR ISEN~~ All right, roll call on the motion, I don't know who knows what they are going to vote. The motion was that Mr. Hunegs not speak until oral communications, is that right?

COUNCILMAN DRALE: That's right.

Roll call vote was: AYES: Councilmen: Beasley, Drale,
Sciarrotta
NOES: COUNCILMEN: Benstead, Miller,
Vico, and Mayor Isen.

MAYOR ISEN: The motion lost, 4 to 3. Briefly the floor, Mr. Hunegs.

MR. HUNEGS: Mr. Mayor and members of the Council. My name is Sam Hunegs, Director of Council 20 of the American Federation of State, County and Municipal Employees, and in these few comments tonight, I can assure you I am speaking with, or for over 250,000 employees, all over the United States in all 50 states of the Union. We have a very serious situation here tonight. I am totally unaware. I want to say this right now because it is pertinent- totally unaware of the underlying factors that are involved. I know nothing about the politics that are involved, who's who, or what's involved and frankly I really don't care. There is a greater issue involved here and a greater principle. Let me try to enlighten Mr. Miller briefly. He has asked this question over and over again without receiving a satisfactory answer in my opinion.

The lie detector is not reliable. A lie detector cannot be . . .

COUNCILMAN DRALE I think that is out of order.

MAYOR ISEN: Well, I don't.

MR. HUNEGS: A lie detector is only a machine and machines vary in quality.

COUNCILMAN SCIARROTTA: We have heard that before.

MR. HUNEGS: Yes, I have testified before assembly committees as an expert on the matter.

COUNCILMAN SCIARROTTA: This is repetitious, is it not?

COUNCILMAN BEASLEY: You should have to qualify as an expert.

MAYOR ISEN: Why not let him go ahead. We're not making anybody else qualify as an expert.

MR. HUNEGS: I'm not trying to hurt anybody's feelings. I am just trying to separate the wheat from the chaff, Mr. Sciarrotta. I told you that I hold no brief for anyone here in this matter. I don't know anything about the, what's involved here, and I couldn't care less, or I could care less. But what we do have involved is operators and testimony has been given that operators of lie detector machines, less than ten percent of them are qualified to administer a lie detector test. This is why the court has refused to recognize. Now as far as City Council is concerned under such circumstances it ought not to feel that if it were within its power that it should compel anyone to take the lie detector test and there is some of this undertone, I gather, tonight, going on. Now, what I observed here last night was unanimity on the part of the council in its thinking; that it wanted to uphold the broad tradition of Torrance as a liberal city. Now, I think it needs to maintain that kind of reputation by recognizing the fact that a lie detector test ought not to be forced upon anyone, or required, or requested. And so, again, I hold no brief for Mr. Peebles. I met him only for the first time last night. Spoke to him on a business matter but in my opinion he has taken the proper stand. It is my information and I learned this indirectly and I can tell you how, Mr. Mayor, I attended a Marine banquet in North Hollywood and found out that you were an ex-marine and I think Mr. Peebles is.

MAYOR ISEN: I'm not an ex-marine.

MR. HUNEGS: Are you not?

MAYOR ISEN: Never had my feet wet.

MR. HUNEGS: Regardless. Some of us fought a war to uphold democracy. I'm not waving a flag - not waving a flag - because there is something involved here. That's this moral principle. You don't force anyone to take a lie detector test and we ought not to approve in any way anyone's taking a lie detector test. I said my brief statement. That's all I have to say, Mr. Mayor. Thank you for the courtesy.

COUNCILMAN SCIARROTTA: Now that the Mayor has opened the door, any one who wishes to come up, please do so.

COUNCILMAN BEASLEY: That's right.

COUNCILMAN SCIARROTTA: Not necessarily right now but any time that you feel like it just raise your hand and we'll see -

COUNCILMAN VICO: Another thing I would like to say. Mr. Goertzen, I stated last night at the meeting I am in favor - I think all the fellows are up here. The only thing is I don't think I am in a position here, as well as all the fellows here, to tell anyone to take it. As far as taking it, we feel it is up to the individual himself and we are all willing to cooperate. The only thing is what do we do next? I mean now it has been six months.

COUNCILMAN BEASLEY: I think you ought to speak for yourself, George.

COUNCILMAN VICO: Wait a minute - wait till I finish, will you please? Well, all right - I am speaking for myself. When I finish you can start talking.

MAYOR ISEN: When you finish, we may have a recess, who knows? Go ahead. Every body will get a chance to talk and I mean everybody. Go ahead, George.

COUNCILMAN VICO: Like I was saying, Mr. Goertzen, I mean it's been quite a while now and we'd like to know what is going on as well as most of the people in the City. I mean everybody is in a fog about what's going on and everything and if there is something wrong, we would appreciate if you could clear it up and if it takes further investigation this is entirely up to you.

MAYOR ISEN: I was trying to keep that part of it. I know all the councilmen have a lot of questions on that particular subject, but if Mr. Vico has asked it, without opening the door to the questions from the other councilmen and I have some questions, too. Please go ahead.

MR. GOERTZEN: Well, Mr, Vico, in answer to your question, I would have to address myself to some of the comments Mr. Wirin made. So if I could -

MAYOR ISEN: But before that Mr. Beasley had a question of Mr. Wirin. I wonder if we ought to clear up the questions. But you go ahead and there will probably be others. Go ahead.

MR. GOERTZEN: We will both hold ourselves open. Okay?

MAYOR ISEN: Well, let's get Beasley's first.

COUNCILMAN BENSTEAD: Why don't you - and then mine, please.

COUNCILMAN BEASLEY: Normally, Mr. Wirin, I agree with you in your general statements. The only thing - if I ever saw a flag being waved around it was tonight. You tried to liken the police department to a minority group.

MR. WIRIN: Chief of Police Parker says that and I was just -

COUNCILMAN BEASLEY: Well, I don't care what he says or if you make the statement. I disagree with it thoroughly and I want you to know that.

MR. WIRIN: Good.

COUNCILMAN BEASLEY: They are not a minority group. They are people upon whom we impose our trust and confidence to enforce the laws of our land and whenever we allow that confidence to be destroyed by whatever means, then how can we have any respect for our law enforcement authorities. And me, I'm very concerned about it and I'll tell you one thing. I recognize the fact that this is an investigative tool and the fact that this will not be used in court

Now, let me say this, going back to the Attorney General's office calling the Chief of Police and bringing facts to his attention to bring about the Chief's bringing this order into being, Mr. Wirin has criticized the fact that I have been somewhat general. I would say this, on the other hand, Mr. Wirin says these tests demean the officers, but nothing would demean these officers any more though, than if I were to break down all the lurid details of what we are interested in and we're not here to do that. You'll find these things in our report. You'll find these things in the indictments by the grand jury, if that's what comes about but these things are not here to be bantered about. We're here to determine whether or not the chief could validly order these men to come in and the issue is rather simple; the law is clear on it.

I would like to say on these matters, some of the councilmen have recognized that the lie detector is and the cases so state, they differentiate the law detector from drugs and some of the even less valid means of ascertaining truth or falsity of a situation, that these are a good investigative tool. Now, I have heard some of the councilmen express some thoughts about this investigation being more than six months. Well, if you will recall an opinion in one of those cases, it is that these tests with respect to police officers can be a means of exculpating, a means of channeling investigation, shortening investigation or a means of telling us we've got more to do on that particular end of the investigation. And that's why we want to use them. If these lie detector tests are set up effectively then we have effectively closed out a couple of the ends of the investigation, bringing about a shorter investigation but whether we get the lie detector tests we are not here to plead with this body to bring about whether they can order it or whether they can't order it. We have been asked down here to explain our position and why we feel we have been thwarted in what was otherwise in my estimation a voluntary arrangement with the Chief of Police and that's all we are here doing. If we don't get the lie detector tests the investigation will go on; it may take longer and it may take shorter, I doubt it will take shorter, but it will go on, so I can only say to you gentlemen that when I talked with Mr. Peebles' private counsel, Mr. Lessin, he stated that his understanding was that Mr. Peebles was motivated by feelings of unconstitutionality and I hope that these cases legally dispel that. Mr. Wirin still feels that they are unconstitutional, that is, these orders, but the cases say these orders are not unconstitutional as applied to police officers and you will recall I emphasized the difference between a police officer as a police officer and a police officer as an individual citizen, because if that police officer says "I'm not taking that lie detector test", then as an individual he has that right, we can't force him to do that, but you are, or the police chief as the authority over that man can say: "I am deeming you violating my order and not fit to wear the uniform of a policeman of the City of Torrance".

Let me say one other thing. If you extend Mr. Wirin's reasoning because the lie detector rule as applied to policemen is an extension of the cases of which there are Federal cases that an employee who takes a position of not answering a question on grounds it would incriminate him, can be fired for that reason alone. So if we are going to say "Ignore this law" and adopt Mr. Wirin's philosophy and forget the actual legal cases, then it's just a short argument back to the fact that if either of these officers, say, came before us and said "I don't want to answer your questions about these allegations of suppression of complaints on the grounds that it might incriminate me" then if we are to extend Mr. Wirin's philosophy to that, we couldn't, say, bring about a dismissal or any time of

disciplinary proceeding of the officer on that ground and as long as there have been people here evoking personal feelings, I would say this: If an officer were charged with the crime of, for instance, rape or some other crime of violence, and they were unable to ascertain other eye witnesses, but there was at least a complaint by the victim and if that officer was asked about this and he said he wasn't going to answer on the grounds it would incriminate him, then if that officer could remain in that uniform I, for one, would be very worried about the sanctity of the public trust in the police officers of any community because he should take that uniform off if he won't answer any and all questions.

So, therefore, if we take Mr. Wirin's reasoning; in other words, as I say, Mr. Wirin hasn't enlightened me with any cases that conflict with these only his feelings that these cases are improper. But we live by the law, gentlemen, and that's what the law says. I would only close by saying that another ground that Mr. Lessin stated Mr. Peebles had mentioned to him as being a grounds of his ruling, he felt that these tests would lower the morale of the policemen or the police department. Well, first of all, we're not going to call everybody in the City of Torrance or all the policemen in to take lie detector tests. We did reach a hiatus with two investigative particular allegations. This was an effective tool to decide which way the ball was bouncing. That's all we wanted to do. It may reach a situation. I can't promise that there won't be one or two other instances, but it's not going to be - we're not calling these men to come in and line up and take your lie detector. We are coming only when there are valid indications that someone isn't telling the truth about a serious allegation that is a felony and I don't think that is an indiscriminate use of it.

Mr. Lessin mentions Mr. Peebles' concern about the morale. Well, I feel this way, that if this particular legal tool is not satisfactory, the investigation will go on but I imagine the longer that it goes on, all our morale, including mine may suffer from it. So, with that I would ask that the Council hear my co-counsel, Mr. Cabalero, on a few points he may want to raise unless they have questions.

MAYOR ISEN: Will you please reserve yourself for questions. I am sure the Council has some and I know I have, Mr. Goertzen.

MR. GOERTZEN: Fine.

MR. CABALERO: Council and ladies and gentlemen, I am a representative of the District Attorney's office of the County of Los Angeles. I should like to make opposition also. First of all, the District Attorney's office was the one that initiated and started the investigation. When the Chief Deputy District Attorney was accused of political motivations, very wisely, he immediately, not because he lacked jurisdiction over any municipality, wrongdoings in any municipality within the County of Los Angeles, but just so that it wouldn't be considered as politically motivated, the Attorney General's office was invited in by the District Attorney's office, as well, and of course, we continue to and assist in that investigation and to conduct an investigation along with them because if there is any prosecution, it will be by the District Attorneys office of the County of Los Angeles Grand Jury here in conjunction with the Attorney General's office.

Now, we have had and I think we should make this clear to begin with, so much talk about police officers and as a district attorney, I align myself with police officers and I never thought I would live to see the day when Mr. Wirin would say that we too are people.

I never thought I would see the day when we would be accused of being deprived of our rights when we so often are accused of depriving everyone else's rights in the protection of other people's rights. I think the protection of the majority should sometimes be considered, too. Sometimes we sacrifice too much of that for the minority.

Now, ladies and gentlemen, we have been told and heard so much about police and possible perjury and possible crimes committed and we should understand this. There have been more than just police officers that have been called by our offices, both the Attorney General's office and the District Attorney's office. There have been other people, civil employees, people in civil positions of this county, or this city, rather, they too have given us testimony and when we say that there is variance in testimony, we don't necessarily mean from police officers and when we call a police officer in and ask him to take a lie detector test, it may be not because his testimony conflicts with another police officer, but because it conflicts with other city representatives and people we have called and they, too, therefore, should be considered in the same light as police officers.

For instance and this is where the unfairness comes in, and I am surprised that Mr. Wirin did not mention this. It seems that these cases that we have cited, apply only to police officers and the right of the police chief to order them to take the test. Well, that's all fine and dandy but what happens if these police officers come, take this test, how are we going to turn around then and say to Mr. Peebles and others, as we intend to do: "You take a lie detector test." Who's going to order Mr. Peebles when we ask him to come in, as we intend to do?

Let us not forget that it is not been just police officers that we have called. And let me tell you that of all the police officers we have called and there have been quite a few, we have received almost 100% cooperation, but and this applies to all of the witnesses, not just police officers, Mr. Wirin, to answer fully is not to answer truthfully. The fact that witnesses come in and answer fully doesn't necessarily mean they have answered truthfully. If one person tells us "I was present when this event happened" and another person tell us "I was present and that did not happen" someone is not telling the truth, even though they have both answered fully. And if we were to come out here now and tell you as Mr. Wirin suggests "Why don't we know what are all these facts and ramifications" he would be the first to raise a hue and cry that we are making irresponsible statements. This has been a private and secret investigation as it should be because we should first get evidence instead of hearsay and you will get a report, this council, of our investigation and we have not come here today to plead so that two police officers should be marched to the lie detector test. That is not why we are here. We are here because you invited us to discuss the ramifications and the phases of our investigation. Whether these two police officers take the test or not is a matter of fact; whatever way it goes, you shall get that in your report. If they take the test the results of that test which incidentally is given by a representative of the District Attorney's office, a man with twenty years experience in that field. These results will be concluded; will be analyzed and viewed and the conclusions will be in our report to you that you will get.

Now one other thing: I was very happy to hear, very interested to hear what Mr. Beasley had to say regarding the Chief of Police

having a change of attitude apparently since he had a conference with Mr. Peebles and I believe, the Mayor, because as I told you we have been getting 100% cooperation from the Chief and as far back as the first time - incidentally, he was our first witness - as far back as November 13, 1963, the Chief was perfectly willing to submit his men to lie detector tests if we required and as far back as just a few days ago he was still perfectly willing, but once again, Mr. Peebles comes in and once again, we don't have that cooperation.

As I say, Mr. Peebles was before us also and when we asked - and I would think it would be unjust to force these officers to take this test if every other person that was before us, City officials, isn't willing voluntarily to take that test himself.

MR. WIRIN: Mr. Mayor, may I have a word in rebuttal?

MAYOR ISEN: Yes, Mr. Wirin.

MR. WIRIN: I think I can and intend to be quite brief and pointed in my reply. First, with respect to Chief of Police Parker's practice of ordering his subordinates to immediately submit to a lie detector test, Chief of Police Parker is known to be a disciplinarian authoritarian to an extreme degree, and I think it is about time some public officials do not practice that harsh discipline and authoritarianism but have some consideration for the constitutional rights of their subordinates and I would welcome this city showing an example of such recognition of such rights. Now, I had said, and I thought I was speaking generally and academically when I said that Lt. Hamilton could be subjected to this lie detector test compulsorily; others here and elsewhere might be similarly subjected and now you have heard what I didn't know was a fact, not merely the two citizens of this community, police officers or not as citizens of this community are going to be subjected, or it is the desire of the Attorney General to subject them to a lie detector test, but numerous others will be called and so what this community is facing, the citizens of this community, is whether to run away and cater to and yield to threat of the Attorney General and whether or not it will permit large numbers of persons to subject themselves to this kind of a sweeping and unrestrained investigation through the use of the lie detector.

Now, it is my own opinion, and I speak only for myself, that generally the use of lie detectors, whether by police or otherwise, is an offensive and reprehensible practice and I think it would be a great disservice to the rights of the people of this community to allow the Attorney General to make this kind of comprehensive and sweeping inquiry through this offensive device against persons in this community indiscriminately. And the way to halt violations of civil liberties is to halt them before they get started because you already now have evidence, you have assurance from the Attorney General that not two alone are involved but many others without any indication as to how many are involved, except one man has been named in order to pillory him because of a position he has taken which in my opinion is a position based upon intelligence, liberalism and courage.

Now, finally, I do not see the issue before the officials of this City as the same issue as Mr. Goertzen sees it, namely, whether or not the Chief of Police on the one hand, or the City Manager, or you, as council, have authority to order a police officer to submit. That is not the issue for you to decide now. The issue is whether in the exercise of discretion a public official should compel officers to submit to this test and it is my view and

my position that the law is the law, as Mr. Goertzen says, and the law is the law is the law and it says the matter is entirely within the discretion of the City Manager; in your situation and of the Chief of Police in other situations and if they in their discretion have a consideration for the rights of police officers and feel that the now apparent sweeping demands of the Attorney General are unjust and unfair, I think that they are acting entirely within their authority and their authority in not compelling police officers to submit to the test should be upheld by you insofar as you have authority to do so.

MAYOR ISEN: Now, questions, first I would say to Mr. Cabalero, am I saying that correctly, sir.

MR. CABALERO: Yes. Cabalero.

MAYOR ISEN: First from the Council. Anyone have a question of him? I do have one, Mr. Cabalero. As brother attorneys, I kind of regret your saying you like what Mr. Beasley said. True, I, the Chief of Police and the City Manager, were in his office, in the City Manager's office twice a day sometimes three times. This is a real complex city with lots of problems and I like to know what is going on and do my job, on a \$100 a month job, if you men are interested, but Mr. Beasley heard nothing and you complimented him on merely indicating to the audience and the press here that there were diabolical goings-on in that office and I can assure you, sir, that they were not. I had heard these conflicting stories and I wanted to hear from the Chief's own lips whether or not he had ever issued an order for any members or all of the members of the Police Department to submit to polygraph. He told me that he had not. I wanted to know whether he felt the same way as Mr. Stevens - woop, I'm way back - as Mr. Peebles thought about it and he said that he did and that was the whole sum and substance of the conversation. He did say that there had been a telephone conversation with Mr. Goertzen and dictation that he wrote down; that he hadn't decided himself whether or not to sign this order; that he discussed it with his attorney, Mr. Watkins and Mr. Watkins and he both concluded that it was undemocratic and not the proper thing to do and this particular piece of correspondence was torn up. I'd say this truthfully, under oath. I wouldn't do it under lie detector because it is against my principles but this is what happened in Mr. Peebles' office. I am sorry the chief isn't here to corroborate it; I am sure that he would. There has been no pressures if this has been insinuated here, that I know of on Chief Bennett as to one way or the other, as to what he might do on this particular matter. When the thing was red hot as an issue, I think Mr. Remel-meyer advised both the Chief and Mr. Peebles, that Mr. Peebles, as his superior officer and the head personnel officer here in this city had the ultimate decision to make. Mr. Peebles made it. So, I don't appreciate, number 1, the insinuations made by Mr. Beasley when he doesn't know what happened and I want to clarify it with you, sir.

MR. CABALERO: Thank you very much, Mr. Isen, we certainly appreciate that because frankly, of course, we had no way of knowing what happened in your office.

MAYOR ISEN: And I deplore this hearsay, this rumor, this type of insinuations, character assassination and all the rest of the things that go around and around, and the people that spread it.

MR. CABALERO: Now that we do know, Mr. Isen, what went on in that office, perhaps I misunderstood - you say that Mr. Peebles was present.

MAYOR ISEN: Mr. Peebles was present, yes.

MR. CABALERO: Did anyone suggest to Mr. Peebles - did you hear anyone say at that time that since the Chief had already told us that he was going to issue an order, that someone should have at least let us know - not to let us sit there waiting all day with the lie detector test -

MAYOR ISEN: The Chief did not say that.

MR. CABALERO: He didn't say that?

MAYOR ISEN: No sir, not at all.

MR. CABALERO: and Mr. Peebles' office never called us to let us know that he had discussed it with the Chief and the Chief had changed his mind.

MAYOR ISEN: Gentlemen, you have a very strong right and powerful right of subpoena and you could get anybody in that office you want, including me.

COUNCILMAN DRALE: Let's have this clarified.

COUNCILMAN BEASLEY: I want to clarify one thing. I was the one that started this. Friday noon, in the presence of witnesses, I am sure, I believe there was four people there, Chief Bennett told us that two of his officers were going down to take a lie detector. He made the statement as a rather positive statement. I don't believe he said that he had ordered them to go down; he said they had been called down, and I assumed there was no problem. It was only until Monday morning that I found out there was some question about the problem. I don't know what went on in the City Manager's office. I do know that I was here and I had quite an argument with Mr. Peebles over some other matters which I regretted because I talked loud, and the Chief of Police came in through and went into Mr. Peebles' office and when I finished my conversation with Mr. Peebles the Mayor and Mr. Peebles went into the office. I'm a councilman as well as the Mayor and I was not invited in - in fact, we never are. So, I am only trying to tell you what - and I am not trying to infer anything from it, except these are the facts as I know them.

MAYOR ISEN: Maybe I wanted a private discussion, Jay, and didn't want it to go all over town. Anyway I think you gentlemen understand the situation and will not rely on hearsay.

MR. GOERTZEN: Can I just ask this question, and I don't want to be presumptuous, because I am not here to ask questions. If I could, as long as this meeting has come up. Had, prior to this meeting, had Mr. Remelmeyer brought to you the line of cases that we have discussed here tonight?

MAYOR ISEN: Yes, I didn't have a chance to check them out myself but I had the three citations. I understand them perfectly and I still understand that despite the cases and all the rest of it, it's optional on the part of the City Manager as Chief Personnel Officer and the Council has no jurisdiction. So, we understand each other.

MR. GOERTZEN: Do you feel that there is that much discretion when a law enforcement officer brings in the charges, say, to the police chief, and alleges what I think are serious felony counts, not in public forum like we have here, but to the Police Chief,

tells him what the situation is and advises him of the law under which to proceed and then the Chief so decides that that sounds fine with him; we informed, as a courtesy, Mr. Remelmeyer of the line of cases; he said he would check them out - that's the last we heard about it.

Now, I wonder if there might be some thought of an abuse of discretion here, when the Chief Law Enforcement agency of the State and County advises the Chief of this; he agrees that he wants to get to the bottom of the situation with his inferior officers, orders the test, or thinks about bringing forth an order for the test, and then the order comes out. Now, Mr. Peebles stood here and said that this really wasn't a countermanding order. Well, let's put it this way, if Attorney General Stanley Mosk tells me he doesn't think I am going to come down to the Torrance City Council meeting because he doesn't really want me to come down - I don't think I might come down, because he happens to be my boss. And Mr. Peebles is Chief Bennett's boss so when Chief Bennett got that memorandum, whether it's read as a countermanding order of these two or not, we know two things: the chief probably read it that way and the officers never showed up and we were never informed that this was the ultimate and final decision.

COUNCILMAN DRALE: Well, just let me say that -

MAYOR ISEN: You asked me a question. I don't know where the question went but. . .

MR. GOERTZEN: Well, the question is, after being informed of this . . .

MAYOR ISEN: . . . trying to follow you, I think there is a much greater principle at stake here and I agree with Mr. Wirin - I haven't agreed with him all the time, but I do on this. I think every policeman or anyone else should voluntarily if they want to go ahead and . . .

MR. GOERTZEN: Even though the law says the Chief can order them?

MAYOR ISEN: Yeah - even though the law says the Chief can order them - if he wants to. Nothing to us.

MR. WIRIN: Mr. Goertzen, don't you agree that - may I ask through the chair?

MAYOR ISEN: Go ahead.

MR. WIRIN: . . . that the matter is in the discretion of the City Manager and the law gives them complete discretion?

MR. GOERTZEN: I seriously question that, there might be an abuse of discretion in countermanding the order if that's what occurred. In other words, I think when the Chief of Police of a given community wants to get to the bottom of allegations involving his officers, I'm not so sure that a countermanding order might not be subject to review by someone.

MAYOR ISEN: Well, maybe that ought to be bested in the courts but this is -

MR. GOERTZEN: Well, I assure you we won't test it in the courts. If this body feels that everything is fine -

MAYOR ISEN: The point I am trying to make. I think there is a big principle here at stake, like the union man said that is countrywide and that's the rights of the individual here. If the order says "you go down" and then you can if you want to, if you don't want to

take it you can avail yourselves of the fifth amendment, I might change my thinking

MR. GOERTZEN: The courts don't distinguish -

MAYOR ISEN: Wait a minute. When the ultimate is that if you don't take this order, you're out of a livelihood; you're out of a job; you're practically disgraced in your community. I don't go along with this at all.

MR. GOERTZEN: You're not being fired as a real estate man, or as a lawyer, you're being fired as a policeman, as a person charged with enforcing the law with the utmost . .

MAYOR ISEN: I have given you my opinion.

COUNCILMAN DRALE: May I just ask Mr. Geortzen a question. There is some information here that we are not familiar with. You say on Friday you had made contact with the Chief and that the Chief of Police had informed you by phone?

MR. GOERTZEN: No, it was Monday, December 30th.

COUNCILMAN DRALE: On Monday, December 30th.

MR. GOERTZEN: He not only said it was satisfactory, but he said back in November when we talked to him -

COUNCILMAN DRALE: Well, I'm just trying to get this recent issue. And then you were waiting in your offices because the Police Chief said he would authorize the two people.

MR. GOERTZEN: He asked me to help him dictate the order which I did.

COUNCILMAN DRALE: And these gentlemen never did appear.

MR. GOERTZEN: These gentlemen never appeared or we wouldn't be here tonight.

MR. WIRIN: May I have one more word?

MAYOR ISEN: Mr. Cabalero wanted to say something. All right, Mr. Wirin?

MR. WIRIN: I assume that the City Attorney has made it clear that under, it certainly is my understanding of the law, that under your charter and what not, the City Manager is the Chief Personnel Officer and has the jurisdiction and full legal authority to order subordinate officers, including police officers. Don't you agree with that, sir?

MR. GOERTZEN: Fine - let me very candid. We do not presume we have the power to bring about an order by ourselves or by any individual that if they don't want to exercise the order, whether the Chief of Police has the power or the City Manager has the power. We merely wanted to present at least our side of the story which has gotten somewhat out of hand, earlier and now.

MAYOR ISEN: Most of these things do. Now, Mr. Vico has a question.

COUNCILMAN VICO: May I ask a question, I don't know, I may be out of line. In the three cases that you stated earlier. The officers involved were suspected of committing a felony. Question, are the officers that were involved here suspected of committing a felony?

I don't know if you want to answer that - you don't have to if you don't want to, but I would just like to know - and if so, what. Maybe you don't want to answer it.

MR. GOERTZEN: I communicated that to the Chief of Police and think it might be demeaning to the gentlemen to discuss that aspect of it right here and now. I would say this, that there is very present the possibility I think if one would read between the lines, that someone wasn't telling the true version of the set of facts and allegations. . .

MAYOR ISEN: I have wondered . . .

MR. GOERTZEN: . . . and therefore, the felony of perjury can be present on one side of the other possibly, because these were sworn statements.

COUNCILMAN DRALE: Are these some of the details . . .

MAYOR ISEN: This is what I don't understand. Are you setting one officer against the other because this all came through garbled or are there two separate situations.

MR. GOERTZEN: Separate situations.

MAYOR ISEN: Two separate situations, because everybody has the impression and even from tonight here, that one officer would say one thing and the other officer something else about the same set of circumstances and that's why you need the polygraph. They are different circumstances?

MR. GOERTZEN: Two separate situations.

MAYOR ISEN: So there is no conflict between the officers.

MR. CABALERO: Mr. Isen, I tried to specifically make that clear.

MAYOR ISEN: I don't think it was made, sir.

MR. CABALERO: There are people other than the officers who have been called and the fact that we are asking these officers to come down for a lie detector test does not necessarily mean that one officer said something and another officer said something.

MAYOR ISEN: Well, I didn't know if you were talking about these two people.

MR. CABALERO: It may well be that there are other witnesses whom we called that are not police officers that told us things that conflict with what these officers said.

MAYOR ISEN: We're together. The impression was, particularly in the press, here, that there was conflicting stories between the officers and therefore one was to be pitted against the other. I know I got the impression.

MR. CABALERO: That would be a completely erroneous statement. As a matter of fact, the majority of officers were excellent in everything they told us . . .

MAYOR ISEN: I'm talking about these two officers now, Mr. Cabalero.

MR. CABALERO: The majority of their testimony as far as we are concerned was truthful. We are trying to find out now whether the conflict in their stories and someone else's stories, not necessarily

the police officers is the true version.

MAYOR ISEN: Now, may Mr. Peebles, he has been wanting to get my attention.

MR. GOERTZEN: Could I make one other point? Mr. Wirin made a rather sweeping statement about bringing in everybody again. Believe me, we do not intend except when the evidence shows or discloses that a felony has been or is being committed, even think about this lie detector. We aren't going to call everybody in and ask them their name under the lie detector or whether or what they have been doing the past week. We're dealing in serious charges here and I would like the record to so show that.

MAYOR ISEN: And when we have a copy of this transcript, Edith, will you see that the gentlemen are supplied with it. I am sure you would want a copy of the transcript. I think it should be a straight transcript. It's going to be quite a job. You're going to need a lot of help.

SECRETARY: What help - how can anybody help?

MAYOR ISEN: Mr. Peebles, you had your hand up.

MR. PEEBLES: The think I wanted to say to the Council is this. That if it is true that the Police Chief actually and I am sorry he is not here tonight. Unfortunately, he is not well. His doctor sent him home on doctor's orders, I understand, at least I got a call from his doctor and his doctor said he was confining him to bed.

There seems to be the cloud that I overruled the Police Chief. I stand before all of you and I say that the Police Chief emphatically told me when I talked to him he had not issued an order nor did he intend to and that is when I went and talked to the City Attorney.

MAYOR ISEN: Thereafter you have heard what I said happened in your office earlier this week.

MR. PEEBLES: Yes.

COUNCILMAN DRALE: Well, didn't you really have more than one meeting with Mr. Remelmeyer, Mr. Mayor?

MAYOR ISEN: No.

COUNCILMAN DRALE: Where Mr. Remelmeyer was called in and -

MAYOR ISEN: I don't recall that -

MR. PEEBLES: Mr. Remelmeyer came over to advise me -

COUNCILMAN DRALE: The same day, was this the same day that Mr. Remelmeyer -

MAYOR ISEN: I discussed philosophy with Stan in the hall. He felt one way as a matter of philosophy and I felt another way as a matter of philosophy. I think that was right in front of your office.

COUNCILMAN DRALE: Well, let's have Mr. Remelmeyer answer a question. Were you called more than once into Mr. Peebles' office to discuss these matters?

MR. REMELMEYER: Without a lie detector test here to aid me, I am not sure, but I think I was in his office twice on this matter but I can't remember the days. I just don't recall but I know that I discussed the matter twice with the City Manager, whether the second meeting was the following day or the same day, I don't recall.

MR. PEEBLES: I remember twice myself. The first time was when I went to you and asked your advice on it and the second time was when you brought the case books in and laid them on my desk for me to read.

MAYOR ISEN: Mr. Goertzen, yes?

MR. GOERTZEN: One last observation, if I may, on this. The Chief of Police called me the morning of January 2nd and said "I cannot have the police officers come down there because of things said by the City Manager. If he is lying to me, then maybe he is not cooperating, but I am only stating to you, gentlemen, he agreed on Monday, December 30th; he called January 2nd and said that his orders had been countermanded. He didn't use the word "countermanded" but he said he had been reversed in his feeling. And that's on January 2nd at approximately 8:30 in the morning. I had made repeated attempts to talk with Mr. Peebles from January 2nd, the morning when I talked to him, to, or through that Friday, all to no avail. No calls were returned; he had just left each time I talked, or attempted to talk to him, except the one occasion when I was referred to Mr. Lessin. That's the only posture of this particular background as I know it.

MAYOR ISEN: All right, Mr. Goertzen, how about coming over to this loudspeaker; the Council may have some questions.

COUNCILMAN BEASLEY: I'd like to ask him a question. Mr. Goertzen, at our evening meeting, last evening, I made a motion that we expected all elected officials, it shall be the policy of the City of Torrance and all its elected officials and all employees should cooperate with the a.g.'s office and the d.a.'s office in the course of this investigation to the fullest extent. It is my understanding that we, as councilmen, have no, nothing, we are prohibited by the charter from having anything to do with the personnel operation of the City. Our concern, I think more than anyone else, generally, our concern is the fact that we do not want to let a set of circumstances, whatever they may be, destroy our faith in our Police Department, and the people of the City of Torrance's faith in the Police Department. This to me is the most important thing, it's more important than any two officers; it's more important than any one individual, myself or anyone else. Because our faith in our Police Department has been fine for many, many years and we do not want this to be destroyed. Now, it seems to me that we could talk all night, we as a council, there's not a motion in the world that we could make that would change the situation, except one to remove the City Manager. Now, I'm not suggesting that, I'm just saying that's the only one we could make. He's subject to us and he's subject to our jurisdiction under our charter. Now, what can we do to help this investigation go along? I'm willing to do it.

MR. GOERTZEN: Well, Mr. Beasley, you put me in a difficult situation here in this regard.

MAYOR ISEN: May be Mr. Miller will be a friend - -

COUNCILMAN VICO: You don't have to answer that if you don't want to.

MR. GOERTZEN: No, I'd like to answer it in this way. First the law with respect to a given situation. At least, I've been in this business, albeit, maybe I am young by your standards - I've been in the investigative business since - for some time, and I don't think I let one situation sour me on everybody, or a lot of people. I think that things happen that we don't like, we go on and do other things and go about our business. I am in the business of investigating this pursuant to the assignment of the Attorney General. I will carry out that assignment to the best of my ability. What you do about the situation that exists here is, frankly, of no concern of mine because I do not jump to any conclusions about you, Mr. Drale, or any of the councilmen, because of how you vote to hear this man from the AFL or anything else. I mean, four are for and three against, that doesn't mean anything. The only thing I do abide by is whether there is a dissenting judgment or opinion, that doesn't mean anything. What the majority says is the rule and that's why I refer to these cases tonight.

We've been invited down here, Mr. Rothman, Mr. Cabalero and myself, to represent to you what happened that, say, brought about the situation where all these charges were going back and forth. I think we have attempted to give you an honest expression of the facts as we see them and what you gentlemen want to do from there is really, quite frankly, the business of the City of Torrance because we don't . . .

COUNCILMAN BEASLEY: This isn't quite what I asked you. I asked you "What can we do? We are sitting up here powerless.

MR. GOERTZEN: Well, we got the invitation to come down and explain the background.

COUNCILMAN BEASLEY: I realize that.

MR. GOERTZEN: Mr. Remelmeyer is the . . .

COUNCILMAN BEASLEY: Maybe I should ask Mr. Remelmeyer that question.

MAYOR ISEN: No, he doesn't make policy here.

COUNCILMAN BEASLEY: I know, but I can ask him what can we -

MR. REMELMEYER: I think I have expressed myself several times on this question. I have no more to say, gentlemen.

COUNCILMAN DRALE: Well, Mr. Mayor, may I direct a question to Mr. Goertzen?

MAYOR ISEN: Yes, Mr. Drale.

COUNCILMAN DRALE: And, boy, I'll tell you, I'm just about up in the clouds, I realize there is something significant here and very important, but one charge here, the evidence of the misuse of police power. Now, I can see policemen that are being investigated but if they wear a badge, I can't see where they would misuse their power. Are there other individuals that, elected officials, or administrative officials here that have been misusing police power?

MR. GOERTZEN: Well, I would merely state this. Please don't take it for any more than what it is. We receive information about this, this, and this and we check it out. Somebody may say the mayor wore a red tie last Thursday and we might check out and find that he wore a pink tie, or something like that. So, information comes in and it's just that, an allegation or a statement. The

The information we have is that officials brought about an arrest of a ex-city councilman pursuant to orders by them and cooperation by police officers after a lengthy surveillance. Whether this is true, or not true, we are attempting to ascertain. It is a serious charge and to attach any evidenciary weight to such a thing without checking every possible out would be a serious fault and the way it stands now, it's just a charge, neither proved nor disproved.

COUNCILMAN DRALE: This is the paramount question, I understand.
you

MR. GOERTZEN: Right. As long as I understand that, I don't mind embellishing that it is a serious allegation. We are not playing games with this - I'm not calling up Chief Bennett and asking him to play games on this thing. We bring serious things to play in this situation.

COUNCILMAN DRALE: My next question is to Mr. Wirin, then. You heard the deputy District Attorney, Mr. Wirin, do you think this thing should be investigated a little further? Do you think - because a citizen is involved here.

MR. WIRIN: I think that the investigation should continue as long as the efficient and zealous and dedicated and devoted deputies of the Attorney General who are here want to continue it. They can question any person they want. They can do it under oath.

COUNCILMAN DRALE: Suppose it was you?

MR. WIRIN: Pardon?

COUNCILMAN DRALE: Suppose it was you that was maybe falsely arrested?

MR. WIRIN: And they questioned me - I would be glad to - but I would not submit to a lie detector test.

COUNCILMAN DRALE: You're not answering my question. I said, suppose it was you that was falsely arrested? What would happen? Would you put up a fight and ask for your rights as a citizen? Well, this is all we are trying to do.

MR. WIRIN: Certainly, I would, but in the course of that fight I would not want to deprive anyone of his rights and hence, I would use and resort to lie detector tests.

COUNCILMAN DRALE: Well, it seems to me that the basis of this thing: If a man was falsely arrested or somebody is telling a lie about this particular thing, I would think you would be interested to serve justice and see that it certainly wouldn't happen to anybody else.

MR. WIRIN: I am interested in serving justice.

COUNCILMAN DRALE: Because it could happen to me, I wouldn't want that.

MR. WIRIN: In serving justice. I think justice is best served when the rights of people are protected and that's why I'm here. And, I think policemen are people, yes.

MR. GOERTZEN: Could I make one observation?

MAYOR ISEN: Please do.

MR. GOERTZEN: The most, probably, maligned thing here tonight is, say, the lie detector itself. I'd like to make a little observation about this. I have seen lie detectors used and as an investigative tool, believe me, they are but good and I have seen them in action and I have heard reports by polygraph experts in the investigative tool field, many of whom feel they have advanced to the stage where they should be - in other words, Mr. Wirin gives his opinion of law which does exist which he doesn't like. I could say that there are lie detector experts who feel there are sound experts who have brought this machine to the accomplishment where it is valid evidence, but be that as it may, the law says no. We're abiding by that law. We are not attempting to bring this lie detector evidence against these gentlemen in their individual capacity. We are abiding by the case law which says it's an investigative tool.

Now, with regard to that, a lie detector is a small little box; it has three different guides to it and one tests heart beat; another tests circulation and the other one tests skin reaction because, that is sweating, and these are the inborn reactions, and it is true there are those that aren't fit subjects because they can, they are either so nervous that they might never give a valid reading or they are so solid or possessed of lack of nerve or reactions that they don't give a valid reading, but these tests are labeled just that, inconclusive and things cannot be performed from these tests, but there are that large percentage which do have the natural reaction. When one says, tells a lie, the needles do react rather tellingly in relation to the given area. Now, all of the questions on a lie detector test are told to the subject before and he is told exactly what they are going to explore with him. They go over the exact questions and they run a series of four, six, sometimes eight tests to ascertain whether one is conclusive, or none is conclusive, or whether there is a readable pattern and this is done by experts. Just like a plane is flown by an expert pilot, it isn't done by you or me, it is done by a man trained in this for many, many years, and the investigative end of it is useful in this regard. When a man does show a deception pattern, it is a very telling thing to go over with that suspect and show him exactly where that deception pattern shows up and these men are given an opportunity, say, to change their so-called view if they do feel that the situation has been brought about where they know they are deceiving. Because many men have never come in contact with a lie detector and when confronted with the fact that they are lying when the lie is the fact, they many times will recant. Now, with one of the officers we have agreed and I think we would extend the same privilege to other officers, if they are, say, have told us falsehoods under oath, we'll go so far as to throw out that sworn testimony and the perjury that is there and let them come in and tell us what happened because we realize at different stages of an investigation there are different feelings and when things are, say, coming to a head many times a man will say "I'm not going to cooperate, or I don't want to tell about that." But when he sees that the evidence is piling up he will tell about it. He may not, but the point is, it is an investigative tool. Whether it works out in this case we don't know. It may exculpate, it may close out the whole end of it. It may lead us to other channels as the cases say, but an investigative tool it is.

COUNCILMAN DRALE: Let me ask this while it is on my mind. Are the two officers that have been mentioned for the lie detector test. Were they the ones that made the arrest of the individual we are talking about?

MR. GOERTZEN: Well, Mr. Drale, I don't think we are prepared to label who has done what or alleged to have done what, because as I

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say, we do have an investigation, an open investigation, and the findings right down the middle, lie detector test and everything else, are going to be made available to you for appropriate action at that time and I just feel that in line with what Mr. Wirin has raised, it would be demeaning, say, to . . .

COUNCILMAN DRALE: The reason I am asking these questions and one of the main reasons we had for the meeting is that we have been kept in the dark about this. Now, I don't know whether someone other than the Chief of Police has ordered the particular, and before I want to make the final decision to have these men who are being asked to take the lie detector test, whether they're the ones that are responsible for this thing. I'm trying to piece this thing together. Evidently a man was arrested falsely. I don't know. I know that his case was dismissed and somebody, now, had ordered this man picked up. Now, I think it behooves everybody here to lay the cards down and let the public in Torrance know exactly what happened. I'm hoping if the officers are not guilty I don't want to vote for them to take a lie detector test because I think it would be questionable in my mind but I am as a layman trying to piece this thing together. I am trying to look at this thing, suppression of evidence, evidence of misuse of the police force. Now, if these officers have not misused their office, someone must have ordered them to do something that evidently, the evidence does not or is conflicting. This is what I am assuming right now and I would like to know.

MR. GOERTZEN: Well, you see, Mr. Drale, you put me in a difficult position in this regard. We are attempting to ascertain whether these allegations are true or false, or we don't know if they are true or false and if we did know one or the other, we wouldn't be here or we wouldn't have called the Chief of Police.

COUNCILMAN DRALE: Well, I think we are getting to the meat of the thing and I think we are bandying a lot of things here that -

MR. GOERTZEN: Well, my understanding of our being invited here, Mr. Mayor and Councilmen, was to give our background as to the facts that led up to the upset over the tests and, seriously, we are not prepared at this time to go into the ins and outs of the investigation and I just don't think it would be a proper place to do so. Our report will come to you as a confidential report requested by you which - what you then do with it is your business. If there were crimes committed, there will be indictments. Over and above, you will still have your report of all the background that led to those indictments or to matters less than indictable criminal offenses which, say, constitute irregularities which we feel you would want to know about. So I just don't feel that we are in a position to go into that matter now. I would say that I have certainly heard the remarks here about the length of the investigation. Now, our office came in in September. An investigation like this is not an easy one. There are many, many, many allegations to be checked out and I can show you a stack of statements and field reports two feet high right now and these have to be looked at and evaluated and decided on what is on its face not worth carrying further; what should be checked out. We've got serious felonies, suspicions that have to be checked out. We've got to take every legal step available to check them out or we wouldn't be doing our duty.

COUNCILMAN DRALE: I appreciate that. The only thing, it may not be the fault of the Police Department who we are trying to criticize here. That's my point. It may be someone other than the Police Department.

MR. GOERTZEN: As far as I am concerned, Police Chief Bennett is as I mentioned to you, I have no criticism because on December 30th he was, he indicated the order was fine with him. On January 2nd he indicated he couldn't go through with it because of the position of the City Manager. Now, if what the City Manager says is true, then the Chief of Police was not telling me the truth. If he was telling me these things with the intent not to carry it out, he was not telling me the truth. And that's obvious, but beyond that I can't say.

MAYOR ISEN: Now, Mr. Wirin.

MR. WIRIN: What I say now will be anticlimactic because I was going to make a comment in connection with your question. If Mr. Goertzen will excuse my saying it, I think his statement that the use of the lie detector as an investigative device or tool and the suggestion that if that's all it is that it can be used in this, I think kind of indiscriminate manner, I don't think that is a good answer for this reason. Wire tapping is an excellent tool for acquiring information and if you wire tap with a recording device you get a pretty good record of commission of crime but that investigative device is illegal because it is offensive to people it is made illegal by law. Of course, Mr. Goertzen would say that the use of a lie detector is not illegal and he would be right, but I am saying that nonetheless it is an offensive device and it should not be used against persons when they don't want to submit to it. And therefore, I am suggesting, just to call a matter investigative doesn't warrant your doing something which nonetheless is . . .

COUNCILMAN DRALE: I agree with everything you say, Mr. Wirin, but you should look and see that - I am just beginning to realize what this is all about.

MAYOR ISEN: Well, I'm glad.

COUNCILMAN DRALE: I believe that somebody was falsely arrested and put in jail, whether the Police Department did it or someone else and I think you should be on the other side, trying to find out who did it.

MR. WIRIN: I think they should find it out with means other than lie detectors.

MR. ROTHMAN: May I briefly reply to something that Mr. Wirin said. excuse me, Jack.

MAYOR ISEN: This is Mr. Rothman?

MR. ROTHMAN: Rothman. A wire tap - he compares wire tapping to a lie detector. Wire tapping is illegal. There are statutes forbidding wire tapping and therefore it is offensive. It really cannot be compared to a lie detector test which is nothing illegal about it and no court has ever said that it is an illegal investigative technique. So I think you are off-base on that, sir.

MAYOR ISEN: Now, from the Council, again.

COUNCILMAN DRALE: I'm all done.

MAYOR ISEN: Well, there are several others. Mr. Benstead?

COUNCILMAN BENSTEAD: Nothing, Your Honor.

MAYOR ISEN: Jay, have you anything more?

COUNCILMAN BEASLEY: No.

MAYOR ISEN: All right, let's go on the other side. Miller? Vico?

COUNCILMAN VICO: I don't have any more, Your Honor.

MAYOR ISEN: Sciarrotta?

COUNCILMAN SCIARROTTA: Only thing I want to say is, I hope everybody cooperates, I hope that this thing can come to an end just as soon as possible; I hope that we get the truth and I hope that we do justice by what we find out.

MR. GOERTZEN: Mr. Mayor, could I just correct one thing. Mr. Drale, the whole involvement is an allegation. In other words, whether or not the whole thing came about. It's not the thing was accomplished and who, say, participated, but whether or not the event was brought about and who participated. In other words, the whole ramifications of this case are involved.

COUNCILMAN MILLER: Just one point. Mr. Goertzen, then actually you cannot really tell us, time-element-wise, in regard to this investigation, as to what you foresee in the future.

MR. GOERTZEN: Well, I would hate to say given a time element. Of course, Mr. Wirin, I know will back me up in this. Lawyers hate to be tied down to a time element especially when they know they might be asking for an extension of time. In this situation, very realistically I can say that the Police aspect of the investigation might very definitely be over within a few weeks. Some of the particular ends that we are talking about might go on. We may ask the Council if they want a progress report in a certain time but that will have to be something we will have to decide. There are still, I can quite seriously say there are a lot of open ends that have to be checked out and I'll say this: before you become very unhappy with the length of the investigation, believe me, there are a lot of things involved, a lot of allegations and a lot of individuals. And I know I was just reading they are still going hot and heavy investigating Jack Ruby who shot a man before a hundred million people and that case is still going on and believe me, we've got more than that involved to ascertain and not a hundred million witnesses to tell us about it. So we will - I can represent that our office has been going full steam; we are moving just as fast as we can realistically move and do a good job of it and we will continue to do so in hopes of ending it as fast as possible. We are aware that any type of investigation such as this carries with it a lot of bad feeling or suspicious feeling and this and that, but the point is that is just a necessary evil when an investigation like this comes on and we can only move as fast as we realistically can.

COUNCILMAN SCIARROTTA: But this could come to a quicker conclusion with the cooperation that you have asked, is that right?

MR. GOERTZEN: Well, obviously, Mr. Sciarrotta, cooperation expedites. You can't disagree with that proposition.

MAYOR ISEN: Okay, now, may I please. I have about seven or eight questions. I am impressed with your zeal, Mr. Goertzen. I don't believe we have ever met until tonight, that I can recall.

I am sure you are familiar with the whole situation, starting with the three Torrance police officers and I think you are aware further of approximately July 10th when Mr. Bowler stepped into it. You are aware further that on the 10th of September we have six months of investigation, an anniversary, combined investigation. On September 10th we had written the Attorney General under Mr. Remelmeyer's signature indicating the unanimous vote of this council for the attorney general to investigate three portions of what had been going on, namely if the deputy d.a. had any definite information regarding illegal activities of the members of the Torrance Police Department, 2) The Attorney General deems further investigation is necessary, it be done under the auspices of the Attorney General's office in cooperation with the City Council and City Manager. Are you aware of this?

MR. GOERTZEN: I am aware of that.

MAYOR ISEN: Thirdly, that the Attorney General will conduct a thorough investigation of political activities of the Chief Deputy District Attorney to determine if such activities in Torrance are politically motivated and if he used the Torrance Police Department as a vehicle to advance his own political ambitions., etc. Now, as of that particular date, according to everything that I understand, it was my understanding that the District Attorney's office was moving out, turning the entire portfolio over to the Attorney General. Evidently this is not so; cooperation is still present with the District Attorney and I don't mind that because as you indicated, if crimes are committed they have to be prosecuted in this County. But the District Attorney then is and has been a definite partner into the investigation, Is that right?

MR. GOERTZEN: Let's put it this way, Mr. Mayor. The Attorney General and the District Attorney of the State of California in respectively, are undertaking to investigate. We find this and in fact, Mr. Remelmeyer may recall that approximately September 12th I came down here and I believe I met a couple of councilmen, I don't recall now who it was, but I did meet with Mr. Remelmeyer and I told him quite realistically we weren't undertaking an investigation of Mr. Bowler's political motives at that time because there were serious allegations of irregularities and let's look in and see if they are there. If they are not there, then maybe Mr. Bowler has made charges or something along those lines. But let me put it this way, the facts show that there were no real far out charges made in any respect. The cooperation of the Los Angeles County District Attorney's office has been the best and as far as I am concerned they are one of the finest enforcement offices that any county could have and they are calling the shot right down the middle. I will say this, that if in fact Mr. Cabalero and I disagree on an approach, he goes his way, I go mine because the ultimate report that comes to you will be, I am sure, the sole responsibility of the Attorney General of the State of California pursuant to your request. Where it warrants assumptions or conclusions and I can represent that I am awfully sure it won't that there has been some type of political motivation or improper activity that has motivated this investigation, you will see it in the report. That report will be a factual report.

MAYOR ISEN: Now you are aware of what has been called "Black Friday" raids of I think September 8th in which the district attorney and the Sheriff made about ten arrests in this vicinity.

MR. GOERTZEN: I recall.

MAYOR ISEN: And you say there were no improper statements made when Mr. Bowler stated to the metropolitan papers that the Torrance police were in league with the underworld and then he took back his statement, he never denied it several hours later. You don't think this is improper. You don't think this casts a cloud over an entire community besides the Police Department as such, when there was nothing to it? I just want you to know the reason for the moves, it was unanimous for the particular reasons for which I requested this investigation.

MR. GOERTZEN: Well, first of all, maybe I read the situation wrong, Mr. Mayor. I read the investigation as a serious concern over whether or not there were irregularities and crimes being committed in the City of Torrance and the concern was to remove that cloud. Now, right now, that is the end of the investigation we are working on. If in fact Mr. Bowler has made some irresponsible comments and that is what they are deemed by various people, we'll submit our report and take appropriate legal action. But I am not in a position to now judge his statements because we have a full time investigation just assessing the particular allegations of wrongdoing, improprieties and irregularities that exist right here.

MAYOR ISEN: Now, just one more question on this particular subject matter. You know the end results of this Black Friday raid? Do you know what happened to the defendants?

MR. GOERTZEN: At this time? I can only let Mr. Cabalero speak.

MAYOR ISEN: It was pretty important on that day. The prime offender who was several times convicted of the book making offense, I see him walking around town. He paid his license if you want to call it that way and he's still here but the thing brought itself down to practically nothing. Yet there were headlines screamingly this high.

COUNCILMAN DRALE: What has this to do with -

MAYOR ISEN: We are going to discuss all the ramifications and phases of this examination and I want to ask my questions, please.

MR. CABALERO: You say he paid his, what was that, his fine? You mean he paid his, whatever it was, his sentence. He was probably represented by attorneys, maybe Mr. Wirin or someone. We prosecute Mr. Iwen, impartially and we don't have anything to do with what the judge says.

MAYOR ISEN: But what happened on these cases, do you know? All ten of them.

MR. CABALERO: I would be glad to check each one of them for you and let you know.

MAYOR ISEN: Mr. Bowler named all of them. There were three of them committed in San Pedro, all lumped into the Torrance deal, all lumped to give us a black eye here in the headlines of the metropolitans, taking by him that he was in error in the statement that he made. I'd like to have the results. It's six months later. I am sure that each one of these cases has been disposed of.

MR. CABALERO: Without accepting the statement to that effect, I will, however, send you a report on each of those ten cases, bearing in mind that the defense lawyers are the ones that work on the sentences with the Judge, not the District Attorney.

MAYOR ISEN: All right. Now I will proceed to several more questions. and try and be brief. Mr. Goertzen, very regrettably, we have two lieutenants here. First of all they have not been charged with any crime by you, have they? no crime whatsoever.

MR. GOERTZEN: Not only that, but I did not ask that this meeting be held.

MAYOR ISEN: All right. I am glad to have a chance to talk across the table. They are merely witnesses in an investigation. Right?

MR. GOERTZEN: As far as I am concerned, that's all they are.

MAYOR ISEN: Now, I read in the Los Angeles metropolitan papers I have inquired around City Hall. I am trying to get at this. Who is responsible for the press releases on this that name these men, Lt. so and so and Lt. so and so, by name, to cast aspersions on their character and reputation and rights as a police officer. You have read this in the press. You have seen these men's names.

MR. GOERTZEN: Mr. Isen, if I had to be responsible for ascertaining how the press acquires their information, that would be a thirty-year investigation which I would have to retire before completing.

MAYOR ISEN: Your answer is, then, that you had nothing to do with it?

MR. GOERTZEN: I had nothing to do with it.

MAYOR ISEN: Now, you have been meeting on Thursday and Friday of each week over the last several months. Right? On this investigation?

MR. GOERTZEN: We have been meeting on other days as far as I am concerned. We have had some Thursday and Fridays; I believe we have had men Mondays, Tuesdays and Wednesdays.

MAYOR ISEN: I have read in the metropolitan papers, in fact, that so and so will be called up and after that, so and so and so and so, into this investigation which is now being conducted by the Attorney General and the District Attorney, etc. Have you been responsible for those releases?

MR. GOERTZEN: No, and not only that Mr. Isen. I don't get the import of all this questioning. I seem to have read a whole lot of material about your own involvement with the law in a particular situation and I had nothing to do with that - I assume you didn't.

COUNCILMAN BEASLEY: He's trying to confuse the issue, that's all.

MR. GOERTZEN: I have nothing to do with the press. I'll say this, that on this particular situation, reporters called me; they told me what Mr. Remelmeyer said; they told me what Mr. Peebles said; and what do you say: I told them exactly what I have told you here tonight.

MAYOR ISEN: Well, it seems to me that a hearing which you have admitted to be secret in its nature, there should be no information revealed from the Attorney General's office and I am sure you will agree with me on that.

MR. GOERTZEN: As far as I can say, or am concerned, I am in agreement that trials should be kept to a minimum; I agree with a lot of criticism about trials by newspapers that are raised by Mr. Wirin and others; I believe that goes on. I can only say this, that the

newsmen are entitled to ascertain whatever way possible to get the news because that's their job, to supply the public with whatever is going on, but I can only say with respect to myself, I follow my own ethic with respect to the newspapers and in this regard I believe I followed my ethic in compliance with the secrecy aspect or substance of our investigation.

MAYOR ISEN: Now, since you saw fit to put my particular situation into the record here. I am glad you agree that anything including this particular frameup should not be tried by the newspapers or right here in Council. I am going to have my day in court and I am sure that -

MR. GOERTZEN: I agree wholeheartedly and just like I can't have my day in court as to possible implications that maybe I am out feeding the newspapers a lot of articles on what is going on.

MAYOR ISEN: Well, it got in the newspapers somehow. Somebody is giving it and the thing that I am trying to put over to you and I think you will agree, it's a very, very unfair thing to name names of persons who have been called in and have not taken a lie detector test. I'm not saying you did it. I am just saying you did it, You are telling me you didn't do it, I am taking your word for it, but however it comes about, I think it is something you and I can both agree is very reprehensible. It's not right, is it?

MR. GOERTZEN: Fine, I agree.

MAYOR ISEN: Now, we have had these hearings. Are you familiar with the letter I wrote to Mr. Mosk?

MR. GOERTZEN: I am.

MAYOR ISEN: And there was no reply to it.

MR. GOERTZEN: I am not familiar with that.

MAYOR ISEN: At any rate, these hearings, didn't, for whatever reason I do not know, started about two months ago, and working at it.

MR. GOERTZEN: Oh, I can't recall the dates of them, but I know we spent considerable time analyzing all the field reports.

MAYOR ISEN: But it is now your promise to this council that you are going to pursue this thing diligently, to a conclusion.

MR. GOERTZEN: If it takes me five years, I am going to do that.

MAYOR ISEN: But will you work five days a week, 40 hours a week on it, and that's all I am asking.

COUNCILMAN BEASLEY: (interruption not audible)

MAYOR ISEN: I am asking him questions, Mr. Beasley, please -

MR. GOERTZEN: If you want to see my performance report on this or time reports, or if you would also likewise want to see me on a lie detector, I'll tell you how much time I have been putting in on this. It has been more than five days a week.

MAYOR ISEN: Including associates?

MR. GOERTZEN: Including associates' investigators,

COUNCILMAN SCIARROTTA: (Interrupted, but unable to get his remark)
Also voices of Councilmen Vico and Miller are heard

MAYOR ISEN: I want it all clear

COUNCILMAN VICO: I don't think this has anything to do with it, Mayor. We asked this man to come down here and now you are trying to insult him.

COUNCILMAN DRALE: That's right.

MAYOR ISEN: I am not insulting him. If anyone was insulted, he insulted me. May I finish.

COUNCILMAN SCIARROTTA: It seems to me you are putting him on trial.

MAYOR ISEN: I am not putting him on trial at all. I want to make this clear. If I wanted to put him on trial, we have the right here to administer an oath but I am not asking that at all. I know he is a gentleman and will answer the questions the best he can. Now, during these hearings and please tell me, has anyone refused to take the oath?

MR. GOERTZEN: Has anybody refused to take the oath? Well, normally I would not want to go into any substance of the hearings at all, The substance starts the minute they walk into the room. I would say to the best of my recollection, no.

MAYOR ISEN: Is there anyone who has taken the fifth amendment?

MR. GOERTZEN: At this state, no one has taken the fifth amendment.

MAYOR ISEN: All right, almost through. At this stage, how many people have taken the polygraph?

MR. GOERTZEN: One.

MAYOR ISEN: Do you intend to require your informants in this case to take polygraph?

MR. GOERTZEN: We will ask them although we don't have the same power, that is implied power through the Chief to order them, because understand this, that a man will not, I don't think, if he is involved in possibly not telling the truth fully, come in voluntarily and take a lie detector test, but with respect to the police end of this a man thinks twice before he jeopardizes a 20 or 25 year career on the force before he refuses. There's an order come in that might subject him to disciplinary proceedings.

MAYOR ISEN: All right, I am through and I thank you. Mr. Vico had a question.

COUNCILMAN VICO: All I had to say, in all fairness to the fellows. I mean, we asked them to come down here and I don't think we ought to -

COUNCILMAN DRALE: The Mayor when he started to talk before. I don't know if I misunderstood you, Mayor Isen, you said you think these officers should take the lie detector test?

MAYOR ISEN: No, I didn't say that. I said it's optional with them I wouldn't tell them - I wouldn't have the-

COUNCILMAN DRALE: No, I think you said you think they should, but it would be optional.

MAYOR ISEN: No, I didn't say that at all.

COUNCILMAN Drale: You didn't say that?

MR. GOERTZEN: Mayor Isen, I'd like to make a comment. I did not in any way mean to be facetious when I brought up your own newspaper problems in this regard. I very seriously mean. I don't know how the newspapers and news media work - maybe some of these guys should be investigators for our office because they get stories, you see things in newspapers, arrest reports, what arresting officers say, this and that, what people are alleged to have said when nobody else was around. How they get this information, I cannot honestly say. It amazes me that they get it.

MAYOR ISEN: But here is something that is completely under your control and I take your word for it - completely under your control= and it just hurts to -

MR. GOERTZEN: Let me say something, when you say, completely under my control, when we issue a subpoena and tell a man to maybe get an attorney, when that subpoena goes out, that man's actions aren't under our control. He may say down at the station, "I got a subpoena today - I'm going down Friday to the a.g.'s office, or I hear I am going to have to take a lie detector. That stuff gets out. I am not willing to accept responsibility for something I don't control and what, when we give out that subpoena we don't have to. So I meant no insult in any way when I brought up the subject. I just say, control of newspapers is a very rough thing. And God help us when it is brought about that we can control them. I don't think they should be that controlled.

MAYOR ISEN: But some papers run out of large size type.

COUNCILMAN BEASLEY: I think it is rather obvious. It was local.

MAYOR ISEN: I read it in the metropolitan papers.

COUNCILMAN MILLER: Mr. Goertzen's office can't control newspapers. I think in all fairness as an invitation to the man I think the interpretation is that the stories were planted. I don't think they were planted by either side. I think the newspaper reporters say, have a job and they delve into this and they get their information from probably many sources. I don't know that any body is responsible.

MAYOR ISEN: Mr. Miller, we cleared it. I had a right to ask the question. The names were there, they were in the press. He says he had nothing to do with it. I have been told around here nobody did, but newspaper reports certainly know how to ferrit it out. I agree with you on that.

MR. GOERTZEN: Mr. Mayor, I am not insulted by your line of questioning just as I hope you are don't feel I was impertinent, but I knew it was the only way I could bring about an answer to a question that I just can't answer how they get the news they get.

COUNCILMAN BEASLEY: I feel very definitely, Mr. Goertzen, that we should extend to your associates and you, thanks for coming this evening. I also think that if the City Council of the City of Torrance is to retain any authority, there is going to have to be possibly some changes in our charter. I think there's some

weaknesses that may be. I never may live to see the time, but.

COUNCILMAN VICO: Will you fellows come back to town when you finish this?

MR. GOERTZEN: Certainly, certainly. Every gentleman I have talked to I have had nothing but good friendship with. I hope they feel the same.

COUNCILMAN BEASLEY: Mr. Goertzen, I would like to have you know that I have never begun to talk into the microphone that the Mayor hasn't interrupted me in some way - ever - and he does that to most other people. It's very rude of him but he doesn't seem to understand that.

MAYOR ISEN: Most people have confidence in me, Mr. Beasley, to re-elect me Mayor. I will rest my case with the people, the 10,000 people who voted for me.

COUNCILMAN BEASLEY: There were 6,000 anti-Blount votes.

COUNCILMAN SCIARROTTA: Mr. Goertzen, as one of the people who initiated the invitation to you people, I want to that you have been very, very cooperative. I think we have learned a great deal; we understand the problem and we hope that we get to the truth.

MAYOR ISEN: Wait a minute - several people indicated to me they wanted to be heard and I am not going to foreclose them. Let's stay a few minutes more here and merely indicate if there are any oral communications on this particular subject that we would be glad to hear from anybody in the audience.

Mr. Bob Aguilar of 2902 Eldorado, FA 8-2019, spoke spontaneously saying that while he is sorry this has all come about, he is thankful that the people can come in and call a spade a spade and let the chips fall where they may.

Mrs. Evelyn Radford of 1116 Kornboun Avenue expressed pride in the Police Department.

Mayor Isenthanked the staff men of the Attorney General's office and the District Attorney's office for coming to this meeting and it was adjourned at 10 p.m.



 Vernon W. Coil, Clerk of the City of
 Torrance, California

APPROVED:



 Mayor of the City of Torrance

Edith Shaffer
 Minute Secretary

53.

Council Minutes
 January 8, 1964