



HASHOMER

P.O. BOX 35688, LOS ANGELES, CA 90035

September-December 2005 Issue

2005 Officers and Board of Directors

President

Marvin Goldsmith, (Senior Assistant Attorney General (Ret.),
Calif. Dept. of Justice)

1st Vice President

Yehuda (Packman) Packer, (Detective, L.A.P.D.)

Secretary/Treasurer

Glenn Crites, (Deputy Sheriff, L.A.S.D.)

Board of Directors

Todd Silver, (Reserve Officer, L.A.P.D.)
Sheldon Kaminsky, (Detective, (Ret.), L.A.P.D.)
Joseph V. Korpiel, (Reserve Chief, L.A.S.D.)
Paul Hasson, (Chief Inspector, Customs & Border Protection,
Dept. of Homeland Security)
Joe Rosen, (Lt. (Ret.) San Fernando Police Department)
Marc Cohen, (Reserve Officer, L.A.P.D.)
Howard Gluck, (Ass't Supervising Deputy City Attorney,
City of L.A.)
Neal Rein, (Lt. (Ret.) City of Simi Valley P.D.)

Chaplains

Rabbi Dr. Henry Kraus, (Chaplain, L.A.P.D., L.A.S.D.)
Rabbi Dr. Stephen Passamaneck, (Chaplain, B.A.T.F.)
Rabbi Chaim Kolodny, (Chaplain, L.A.P.D., Operations
Supervisor, Hatzolah of Los Angeles)

Editor – Hashomer

Jon C. Olesen, (Sergeant (Ret.) L.A.S.D.)

Past President Members of the Board

Robert J. Spierer, (Chief (Ret.), L.A.S.D.)
Glenn Levant, (Deputy Chief (Ret.), L.A.P.D.)
Hank Rosenfeld, (Chief (Ret.), Univ. Calif. Riverside P.D.)
Harvey A. Cantor, (Lieutenant (Ret.), L.A.S.D.)
Garrett Zimmon, (Commander (Ret.), L.A.P.D.;
Chief, City of San Bernardino Police Dept.)
Leah S. Bergman, (Deputy District Attorney, L.A.)
David J. Kalish, (Deputy Chief (Ret.), L.A.P.D.)
Marvin Goldsmith, (Sr. Ass't Atty Gen'l (Ret.),
Calif. Dept. of Justice)
Stu Maislin, (Commander, L.A.P.D.)
David Rosenberg, (Sergeant (Ret.), L.A.P.D.)
Todd Silver, (Reserve Officer, L.A.P.D.)

President's Message

As we begin this New Year I wish each and every one of you has a Happy and Healthy 5766. I want to thank all of those members who actively participated this past year and I hope more of you will continue to make Shomrimsocal an even better and more effective organization.

This issue has the last in the series of articles on liability under the Federal Civil Rights Law by Scott Widitor. If anyone wishes a complete "package" of all the articles, please let me know and I will send it to you.

This issue also has two emails that I have received (with a bit of editing) about two of our most active members Rabbi Henry Kraus and Paul Hasson. Both of these individual have contributed much to the success of SHOMRIMSOCAL. I know that Paul will do the same for the D.C. Chapter. Rabbi Kraus continues to be the great pillar of strength to SHOMRIMSOCAL.

I will be attending the National Shomrim Convention in December and will represent our Chapter to the best of my ability. These are trying times for National and I hope to help restore it to an even keel for the future. In addition I will be attending the International Association of Jewish Public Service Employees convention in January. Again, I will participate in building a strong organization for the future of Jewish Law Enforcement and Administration of Justice personnel throughout the United States.

We look forward to more of you participating in our future events, even if just attending a meeting and "breaking bread" with your fellow members.

Marvin Goldsmith, President

HASHOMER

MAZEL TOV'S

Paul Hasson, on his promotion from Chief Customs Inspector to Border and Transportation Program Officer (US-VISIT), in the Office of the Undersecretary for Border Transportation and Security, Washington, D.C.

Alan Kerstein, on his being named as Chief, Henderson, NV Police Department.

Rabbi Chaim Kolodny, on his being appointed as a Commissioner, Los Angeles County Emergency Medical Services Commission.

Andrew Friedman, on his dual commission appointments: Commissioner, Los Angeles City Fire Department; Commissioner, Los Angeles County Judicial Procedures Commission.

Howard Winkler, on his re-appointment as a Commissioner, Los Angeles County Drug Commission

Jon Olesen on the birth of his Granddaughter Maia Katya Rosenbaum

NEW MEMBERS

L. Frank Hickey (Police Officer, L.A.P.D.)

Rabbi Bentzion Kravitz (Chaplain, L.A.P.D.)

2005/6 SHOMRIMSOCAL SCHEDULE OF EVENTS

October Meeting (**Note change of date**)
October 19th (Wednesday) at 6:00 P.M.
In the Succah
229 South Clark Drive
Beverly Hills

November Annual Meeting of the Board of Directors and the Membership
Wednesday, November 16th at 6:00 P.M.
King David Grill
6118 West Pico Blvd.
Los Angeles

Hanukkah Party
Date and place to be announced.

January Meeting
Tuesday, January 10th at 6:00 P.M.
Elat Burger
9340 West Pico Blvd at Elm

February Meeting
Tuesday, February 14th at 6:00 P.M.
Place to be determined.

NOTICE OF ANNUAL MEETING OF THE BOARD OF DIRECTORS AND MEMBERSHIP

The annual meeting of the Board of Directors and the Membership will take place on Wednesday, November 16, 2005 at 6:00 P.M. at King David Grill, 6118 West Pico Blvd. The agenda will include the nomination and election of officers and members of the Board of Directors for 2006. At the October meeting the Board will sit as a nominating committee and considered recommendations for officers and directors for 2006.

FIFTH AND FOURTEENTH AMENDMENT ISSUES UNDER THE FEDERAL CIVIL RIGHTS ACT

By Scott Widitor

Immunity From Liability Under Federal Civil Rights Laws

The Ancient Doctrine of Sovereign Immunity

The ancient common law doctrine was that the sovereign (including the constabulary) was immune from liability. It was often said that the King could "do no wrong." This concept was transferred to the United States as the concept of sovereign immunity. Today the concept of the divine right of kings has generally been abandoned – and with it the concept of absolute sovereign immunity.

While retaining some of their ancient rights, most jurisdictions have waived immunity and permit themselves to be sued where certain conditions are met. One particular area where immunity has been retained pertains to law enforcement.

HASHOMER

The reason these immunities were retained was that public administration, and particularly the administration of justice would be difficult, if not impossible, if governmental officials faced the threat of financial liability for every decision they made in their official capacity. Governments themselves would face serious financial burdens and numerous other difficulties if every executive, legislative or judicial decision exposed them to potential suits for damages.

42 USC Section 1983 Designed to Curb Constitutional Abuses By Law Enforcement

Ironically enough, Section 1983 of Title 42 of the United States Code was enacted to provide a civil remedy against administrative abuses that were being committed in the southern states. Its very wording reveals that it was designed to protect citizens from, among other things, unconstitutional actions by law enforcement officers, who were acting under the authority granted to them by the government.

By way of review, recall that 42 USC, Section 1983 states that: Every person who, under COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, or any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

On its face, the statute seems to run directly counter to the principles of immunity which are so vital to popular governance. This conflict was resolved by the creation of a series of judicially created immunities which, while permitting Section 1983 to be implemented and enforced, have preserved the basic benefits of the ancient doctrine of sovereign immunity.

Resolving The Dilemma

Legislative Immunity

As one would expect, when officials perform legislative functions, they receive the broadest relief available under § 1983. In this unique context,

absolute immunity bars both injunctive relief and damage awards. In Bogan v. Scott-Harris, the Supreme Court held that local legislators were entitled to absolute immunity for their legislative activities. The Court unanimously decided to extend absolute immunity to a city council member and mayor, whose challenged actions were promulgating a new city budget and signing a law that eliminated the plaintiff's position, after she had complained about racial epithets in the workplace.

In Tenny v. Brandhove the Supreme Court held that state legislators performed protected legislative functions when they served on investigative committees. The Court explained, "Investigations, whether by standing or special committees, are an established part of representative government." Unable and unwilling to saddle legislators with liability for this investigative function, the Court found that the legislators' self-discipline and the voters' ability not to reelect legislators were adequate checks on abuse of legislative power.

In Supreme Court of Virginia v. Consumers Union of the United States, 446 U.S. 719, 731-34 (1980) the Court determined that the justices of Virginia Supreme Court had performed a legislative act in promulgating professional responsibility rules for attorneys. By focusing on the action performed, not the job description of the actor, the Court emphasized the functional basis of this absolute immunity.

Judicial Immunity

Judicial acts are also protected by absolute immunity from liability under 42 USC Section 1983. In several decisions, the Supreme Court has broadly defined judicial actions. In Pierson v. Ray, 386 U.S. 547 (1967) the Court held that the judicial functions of determining guilt and sentencing a criminal defendant are protected by absolute immunity. Such immunity is proper for two reasons: the common law of 1871 supported immunity and the policy behind § 1983 was not to deter judges from performing their jobs.

"[I]mmunity is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to

HASHOMER

exercise their functions with independence and without fear of consequences. It is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that arouse the most intense feelings in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice" *Id.* at 553–54.

Subsequently the Court had to define the boundaries of "judicial" actions. In *Stump v. Sparkman*, 435 U.S. 349, 364 (1978) the Court held that Judge Harold D. Stump had performed a judicial act when he ordered a mentally retarded girl to undergo a tubal ligation at the request of her mother. The Court explained that absolute immunity applies to actions taken by judges "in excess of [their] authority," but not in the "clear absence of all jurisdiction."

In determining whether an act is judicial, the question is whether the action is one normally performed by a judge. For example, in *Stump* the Court recognized absolute immunity for the judge's act of ordering a tubal ligation, even though there had been no docket number, no filing with the clerk's office, and no notice to the minor. Similarly, in *Mireles v. Waco*, 502 U.S. 9 (1991) the Court held that a judge had performed a judicial act in ordering a bailiff to use excessive force to compel an attorney to attend court proceedings. *Id.* at 13 The Court stated that although judges do not have the authority to order police officers to commit a battery, they nevertheless have broad authority to maintain court proceedings.

Prosecutorial Immunity

The Supreme Court has similarly accorded prosecutors absolute immunity for acts intertwined with judicial proceedings. However, the Court has rejected absolute immunity for "administrative" and "investigative" acts.

Several decisions the Court have attempted to define a protected "prosecutorial" act. In *Imbler v. Pachtman*, 424 U.S. 409 (1976), the Court held that absolute immunity applied to a prosecutor's action

in "initiating a prosecution and in presenting the State's case." The prosecutor in *Imbler*, allegedly used testimony which he knew to be false during a trial and allegedly engaged in the deliberate suppression of exculpatory evidence. The Court granted absolute immunity by considering two issues: (1) the availability of immunity at common law, and (2) whether absolute immunity would undermine the goals of § 1983. At common law, prosecutors had immunity from suits based on malicious prosecution and defamation. In addition, immunity properly shields prosecutors from suits by disgruntled criminal defendants and protects their ability to act decisively, and thus does not undermine the goals of § 1983. The remedies of professional self discipline and the criminal law were seen as checks on the broad discretion of prosecutors.

In *Burns v. Reed* 500 U.S. 478 (1991), the challenged actions included both investigative and prosecutorial acts: (1) the prosecutor's legal advice to police officers about the use of hypnosis as an investigative tool and the existence of probable cause to arrest the plaintiff; and (2) the prosecutor's misleading presentation of a police officer's testimony at a probable-cause hearing for the issuance of a search warrant. The Supreme Court held that the prosecutor had absolute immunity for his participation at the probable cause hearing but only qualified immunity for his legal advice to the police.

The Court stated: "Absolute immunity is necessary only when there is "interference with . . . conduct closely related to the judicial process." Whereas at the hearing the prosecutor acted as an "advocate for the State" and his appearance was "intimately associated with the judicial phase of the criminal process," advising the police in the investigative phase was not sufficiently close to the judicial process. Moreover, the Court reasoned, it would be "incongruous" to afford prosecutors absolute immunity "from liability for giving advice to the police, but to allow police officers only qualified immunity for following the advice."

The Supreme Court reiterated the need to link the challenged action to the judicial process in *Buckley v. Fitzsimmons*, 113 S. Ct. 2606, 2614–15 (1993) where it held that the prosecutor did not have absolute immunity for two challenged actions:

HASHOMER

conspiring “to manufacture false evidence that would link [the plaintiff’s] boot with the boot print the murderer” and conducting a press conference defaming the plaintiff shortly before the defendant’s election and the grand jury’s indictment of the plaintiff. In neither instance did the prosecutor act as an “advocate” for the state.

The Buckley Court attempted to create a bright line for distinguishing prosecutorial acts from investigative acts. Investigative work is protected only by qualified immunity (see below). With respect to the second claim, A press conference, even if an important part of a prosecutor’s job, is not functionally tied to the judicial process.

In Kalina v. Fletcher, 118 S. Ct. 502 (1997), again focused on the functional aspects of the prosecutor’s activities. The Court held that the prosecutor had absolute immunity for filing two unsworn pleadings—an information and a motion for an arrest warrant—but not for the act of personally vouching for the truthfulness of facts set forth in a document called a “Certification for Determination of Probable Cause.” Traditionally, police officers and complaining witnesses perform the latter function when they personally attest to the truthfulness of statements in support of a warrant. Since police officers are entitled to qualified immunity, the mere fact that the attestation was offered by a prosecutorial official does not provide complete immunity from suit.

Qualified Executive/Discretionary Immunity (Including Individual Law Enforcement Officers)

In Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982), the Supreme Court held that “governmental officials performing discretionary function[s] generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” If the law was not clearly established when officials acted, qualified immunity bars an award of damages, but it does not preclude the granting of injunctive relief. Behrens v. Pelletier, 116 S. Ct. 834, 842 (1996).

The purpose of this objective (“reasonable person”) standard was to resolve insubstantial claims early. The Harlow Court significantly modified the prior standard by holding that subjective (the officer’s

personal malice) bad faith was no longer relevant to the qualified immunity defense. The Court believed that eliminating the factual issue of subjective good faith would facilitate resolution of this defense prior to discovery. As the law developed, this turned out not to be the case.

In establishing the objective standard for qualified immunity, the Court weighed the plaintiffs’ interests in having their constitutional rights vindicated against the public’s need for governmental officials to perform their duties. An objective standard, the Court declared, is in the public’s interest because it appropriately safeguards the officials’ decision-making processes and allows officials more time for public service.

When applying the objective qualified immunity standard to § 1983 claims, courts are to resolve two issues: (1) Has the plaintiff stated a violation of a constitutional or federal statutory right?; and (2) If so, was that right clearly established, i.e., were the “contours of the right . . . sufficiently clear that a reasonable official would understand that what [he or she] is doing violates that right?” Anderson v. Creighton, 483 U.S. 635, 640 (1987)

Resolution of the latter issue depends on the degree of correspondence between the facts of the case under consideration and the facts from prior cases decided at the time the official acted. If there is a close correspondence, then the officials would not receive qualified immunity because the case law would have put the official on notice that his or her conduct was clearly unconstitutional.

The Anderson Court involved a warrantless search of the plaintiff’s home. The Court conceded that the general principles of Fourth Amendment law are clear: a warrantless search of an individual’s home, absent probable cause and exigent circumstances, is unreasonable. The Court explained, however, that these general principles did not determine whether the officers were entitled to qualified immunity. Whether the officers violated “clearly established” law requires consideration of the “contours of a [constitutional] right.” The proper inquiry is whether the contours of the right were “sufficiently clear that a reasonable official would understand that what he [did] violate[d] that right.”

HASHOMER

Anderson gave little guidance as to how to assess the “contours” of a right. It stated that a police officer may “reasonably, but mistakenly, conclude that probable cause is present.” Similarly, a police officer may reasonably but mistakenly conclude that exigent circumstances exist. If there is a “legitimate question” as to the unlawfulness of the conduct, qualified immunity applies. The decision further states, “[T]he very action in question, however, [need not have] been previously held unlawful,” but if “in light of preexisting law the unlawfulness [was] apparent,” then qualified immunity does not apply.

The Court wisely recognized that conduct unreasonable under the Fourth Amendment (an unreasonable search) could still be objectively reasonable (in the eyes of a reasonable police officers) for the purpose of qualified immunity. However, rather than resolving these issues early, the new standards have created a system where factual issues have to be resolved at trial before a finding may be made on qualified immunity. Ultimately, these issues are normally resolved by a judge after a trial of the facts, rather than before it.

Conclusion

The end result of this debate and discussion is a clear realization that an individual officer must be aware of major developments in Constitutional law relating to criminal procedure and search and seizure. Reliance on educational materials and training manuals will suffice if the individual accurately follows respected current publications like published by POST.

To avoid municipal liability (described in previous articles) police departments and public agencies must prepare materials which are both adequate to the task and accurate in their information. Although a police officer may escape liability damages based on a defense of qualified immunity, a public entity which does not adequately educate or train that officer will clearly be liable for that failure.

HIGH HOLIDAYS 5766-2005

By Rabbi Dr. Henry E. Kraus

The solemn festivals, Rosh Hashanah and the Day of Atonement have flashed their sterling message of holiness to more than a hundred generations of Jewish People. On this past October 3rd, on the eve

of Rosh Hashanah we gathered in our Houses of Worship to welcome the New Year 5766.

These High Holidays renew the warmth of faith and courage; rekindle the idealism of social justice and righteousness; spark a new desire to serve mankind and to affect progress despite the obstacles piling up on our earthly pilgrimage.

At the New Year we might dwell pause to ponder to which use we have put the old? What have we achieved during the last year? It might have passed as quickly as a fleeting shadow, yet a precious span of the divine gift of life has been spent. Have we exploited it to the best possible advantage, or have we let the time slide it wastefully? Have we made ourselves useful to those around us and society at large? Have we deployed our intellectual gifts adequately furthering our knowledge and understanding? Have we exerted self-control, mastered temptation and kept a close watch upon the week spots in our spiritual make-up? Have our daily pursuits been conducted throughout with integrity? Are we ready to plead before our Maker confident that we have not abused our natural gifts, latent talents and the opportunities the year has afforded us?

On these Holy Days we “pray for life.” What is life? This is the question asked by many people bowed down by grief and suffering. When we delve on these days into our prayers, we discover it is love that life is all about, “the Love of God and man and the love of man to man.” These days teach us “There is an art in enjoying the blessing of life.” It is a simple art, it consists of realizing that everything we are and everything we have is a gift from the Creator and that every day of our lives the gift is renewed to us. Everything that we are, and have, was given in love, a love which we could not really earn for which we can only offer love. The Biblical Commandment, “Love your neighbor as yourself” is not an unattainable goal. If we are in earnest about loving God, we must realize that to love God means to love our fellow men, who like us, stems from the same Divine Source-he is created like you. We may love different people in different ways. With an open heart and generous spirit we will find something loveable in every one of God’s creatures. In each of them is embodied some spark of the Divine and they are worthy of our solicitude and our love.

HASHOMER

Our High Holidays mean far more than the mere opening day of another year in the flight of time. “In your love you have granted us this Day of Remembering.” We read this prayer during Rosh Hashanah. Can we associate such an awesome occasions with Divine love? If we can make proper use of these solemn days and it jolts us back to a more profound perspective upon life, it is an invaluable gift.

The solemn prayers recited from morning ‘till sundown fervently plead for peace and blessing for all mankind imploring the Almighty to astern the time when “the mighty will be just, and the just mighty. When all the children of man shall form one band of brotherhood under the Fatherhood of God.” To create a world in which all men can live in harmony and prosperity, where life-true love-can be beautiful.

This year we face issues which have the deepest and broadest connotations – issues which involve the struggle between greed and generosity. The time has come for every person to be counted and to make himself count in the midst of the community. On the High Holidays we enter the Inner Sanctuary of the Soul, seeking light and coherence, purpose and value for the year the now begins. May we go forth refreshed in our spirit from our “Summit” meeting, renewed in moral enthusiasm, dedicated to the beat of our traditions, using the best of our powers to do-the right.

Happy, healthy and peaceful Holidays and New Year to all of you.

Rabbi Dr. Henry E. Kraus

A TRIBUTE TO RABBI KRAUS

I was extremely pleased to read about Rabbi Kraus in the Jewish Journal and to find a link to what appears to be the text of something he wrote/spoke of for Shomrim at Pesach of 2005. Rabbi Kraus was a very beloved figure in my early life and that of my family, and although I have not been in touch with him for several years, he remains very much loved and alive in my memory. Rabbi Kraus officiated at my Bat Mitzvah in 1967, at Southwest Temple Beth Torah, in Gardena, California, and was present at every event in my family--happy and sad.

I would be extremely appreciative if you could send me any recent photographs, the above text of his in honor of Pesach of this past year and any current information about him

I do not know how his health is or if he would be up to receiving correspondence from a very old friend, whom he has known for nearly 50 years. Rabbi Kraus was a steadfast and loving presence throughout my sometimes very turbulent childhood. He used to come to our house at Chanukah or whenever someone was sick (not to mention all of his "official" visits and the religious services he performed), and whenever I would see him at Temple, after Hebrew or Sunday school, I would always run to hug him, where he returned my greeting with a warm embrace and the Eilat bubble gum coins he always carried in his pockets for all of the children. Rabbi Kraus is someone who has profoundly affected my life and whose gentle voice will continue to echo in the sacred corridors of my memory for as long as I live. Yes, Rabbi Kraus was one of those one or two people in my life, that as I grow older, and reflect on my life, are always present, so strong was their influence on me.

Perhaps it's not appropriate, but for me, especially as I grew older and even today, Rabbi Kraus came to represent, actually to embody Judaism and all that I treasure of my religion. He personifies so many qualities that I will always cherish--great wisdom and knowledge of all things, Jewish and secular, an enormous gentleness of spirit, absolute love for humanity, great insight, deep sensitivity and a beautiful and powerful way of communicating all of this to those who have been fortunate enough to know him. These are gifts which I will enjoy for the rest of my life.

Therefore, if you are in contact with him and he is not up to receiving correspondence at the above-indicated address or telephone number, or if you cannot send me any additional information about him, perhaps you would be so kind as to let him know of this email. I thank you for your time and I wish to send you and yours and all of Shomrim my early wishes for a very healthy and a happy New Year.

Very truly yours,

Maryjo Juster

HASHOMER

(My father is Sherman Juster, who was also very active professionally within the sector of law enforcement in Los Angeles County, first as a public defender and then as a commissioner, judge, pro temp, in Los Angeles Superior Court.)

P.S.: if you are in contact with Rabbi, please let him know that I have not forgotten my Hebrew, which he spent many hours helping me with in preparation for my Bat Mitzvah. And on a more personal note, please let him know that I have finally found "a nice Jewish boy", from an Orthodox family from the Hungarian-speaking part of Romania.

E-MAILS FROM PAUL HASSON

Marv,
Unfortunately, thank you for the offer, but we will not be able to make it on Sunday night [The Steak Fry]. Please send everybody my regards.

I will be simply called a Border and Transportation Program Officer, with the US-VISIT (United States - Visitor and Immigrant Status Indicator Technology) program. You may have heard about it in the news: the use of biometrics in tracking people in and out of the country. The Customs and Immigration processing of the future.

Anyways, you and the rest of the members are always welcome to call on me when in town or if there are any questions that I may help with.

Stay well. Paul

On 8/19/05, Marvin Goldsmith wrote:
Paul

All the best to Laurie, Jeremy and, of course, yourself. It was a great pleasure knowing and working with you. If you can make the Steak Fry it would be my pleasure to have you all as my guests, I will dig up the DC Shomrim details and email them to you. With your consent I will forward your email to the membership and reprint it in the next Hashomer. By the way, what is your new title?
Regards, Marv

From: Paul Hasson
To: Marvin Goldsmith
Sent: Thursday, August 18, 2005 9:05 PM
Subject: Off to D.C.

Marv, would you please pass along the following message to the ShomrimSoCal members? Also, please note my new email address here.

After 13 years at LAX with the US Customs Service and the new Customs and Border Protection (Under the Department of Homeland Security), As the result of a promotion, I am transferring to DHS headquarters in Washington, D.C.. I have been selected for a position in the office of the Undersecretary for Border Transportation and Security. My last day of work in LA is Friday, August 19th. Next week Laurie, Jeremy, and I will begin our long drive to our new home, while taking a look at America along the way! This is an exciting time in our lives and we are all very excited.

I wanted to take this opportunity to formally send my best wishes and a farewell to all of the members of Shomrim of Southern California. I have made some very good friends in the group over the past several years. I know that I will miss the regular monthly meetings, the annual events, and the sense of brotherhood. I do intend to maintain my membership, and hopefully my future visits back to LA will coincide with some of the events or meetings. If any of you happen to be coming out to the Washington area in the future, please look me up

This message contains my personal email address and my work email address is Paul.Hasson@dhs.gov and my cell phone will remain the same (at least for a while) 818/ 521-3153.

So until we see each other again, I hope that everyone stays well and safe.

With warm regards, Paul Hasson

GIGGLES

A Jewish Story

A lovely young Jewish girl was employed by a clothing firm in New York. She and her widowed mother shared the same ambition: marriage to a wealthy man. One day she returned from work, eyes red from crying. As soon as she entered the apartment she called, "MAMA, I'm pregnant! Don't get excited. The father is my boss." She began to sob uncontrollably while her mother tried to console her.

HASHOMER

The next morning, the mother charged into the office of the boss. "YOU," she shouted, "What's going to be?" The elegantly attired man, handsome and unmarried and in his mid thirties, held up his hand: "Please take a seat, Mrs. Horowitz. I'm making all the arrangements. Your daughter will have the best doctor money can buy before the baby is born. She'll be in the best hospital. And afterward, I am arranging for a trust fund for her where she will receive a check for twenty five hundred dollars a week." The mother was taken aback and thought for a moment. "Tell me," she said, "God forbid, she should have a miscarriage, will you give her another chance?"

"Telling a Jewish Joke"

So one guy says to another guy, "Goldberg and Rosenstern were talking one day..." "HOLD IT!" ...his friend interrupts him,

"Always with the Jewish jokes! Give it a rest! Why do they always have to be about Jews? Just change the names to another ethnic group for once!"

So he starts again, "Hashimoto and Suzuki were talking one day at their nephew's Bar Mitzvah..."

Q: Why is it so important for the groom at a Jewish wedding to stomp on a wine glass?

A: Because it's the last time he'll put his foot down.

New Jewish Reality Shows

New Jewish Reality Shows WJEW-Channel 18, "TV for Your Inner Jew," has announced its new season lineup of Reality Shows. They include:

"Joe Minyanaire." A good-looking young man goes to an Orthodox singles event and tells girls he meets there that he davens every day. Watch their reaction when they find out that he hasn't been inside a shul since his bar mitzvah in 1986 and spends every morning and afternoon at Starbucks!

"American Sheitel." Viewers vote for the woman wearing the best-looking head-covering.

"Schmeer Factor." Contestants vie to see who is the bravest by trying new bagel-and-cream-cheese combinations, such as shiitake mushroom bagels

with lemon-sunchoke cream cheese or tortellini bagels with cilantro-pesto cream cheese. Filmed entirely in Encino and Palm Springs.

"The Rhea-Al World." Rhea and Al Goldberg, married 55 years, are thrown together in a house in Miami Beach for a week with no TV. If both survive, they move on to the next installment: an hour-long trip in a Cadillac with no air conditioning. The excitement never ends!

"Don't Meet My Folks." Three Jewish men take their girlfriends home to meet their parents. But watch out-one of the girlfriends is a shiksa! Parents try to guess which son is in an interfaith dating situation so they can throw him out of the house and threaten to sit Shiva for him.

"Jewish Survivor." Participants attend a round of Jewish organizational fundraising dinners. Each week, one person is voted off for falling asleep during the guest speaker, complaining about the chicken being overcooked, eating three extra desserts, changing seats so he/she doesn't have to sit with Mr./Mrs. Schwartz, snapping his/her fingers at the rabbi, who looks just like one of the waiters, etc. The final "Survivor" wins \$1million-to be donated to his or her favorite Jewish charity!

Three Friends

Three friends from the local congregation were asked "When you're in your casket, and friends and congregation members are mourning over you, what would you like them to say?"

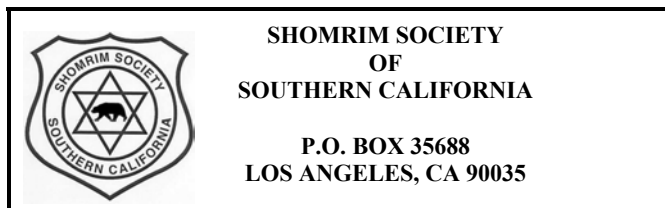
Artie said: "I would like them to say I was a wonderful husband, a fine spiritual leader, and a great family man.

Irving commented: "I would like them to say I was a wonderful teacher and servant of God who made a huge difference in people's lives."

Moishe said: "I'd like them to say, "Look, he's moving!"

If you enjoy "Giggles," feel free to contribute more. We will include as many as space allows!

HASHOMER



APPLICATION Please Print

LAST NAME		
FIRST NAME		INITIAL
HOME ADDRESS		
CITY	STATE	ZIP
HOME PHONE	BUSINESS PHONE	
E-MAIL ADDRESS		
EMPLOYED BY	DOB	
TITLE OR RANK		
BUSINESS ADDRESS		
CITY	STATE	ZIP

Please place check mark in front of choice:

- \$18 Initial Membership
- \$25 Renewal Membership
- \$36 Associate Membership

How did you hear about the Shomrim Society of Southern California?

What can the Shomrim Society do for you?

SIGNATURE	DATE
-----------	------

Please return this application and your check to the above address. Thank you.

Renew Now For 2006!

COPY THIS PAGE AND RECRUIT A NEW MEMBER!

MEMBERSHIP

Use the form on the left to recruit new members for our organization or to have old members renew. Please have the application completed with all the information requested, including the e-mail address as much of our communication with members is done by e-mail.

Members of any Southern California law enforcement, public safety or administration of justice agency, law enforcement or public safety reserve officers, retired members of those agencies, or persons eligible to become a member of the National Conference may apply for membership as Regular Members. Thus, in addition to peace officers, fire fighters, men and women of the Jewish faith who are employed or retired from the various fields of law enforcement, public safety, and the administration of justice such as prosecutors, judges, parole and probation officers, correctional officers, and paramedics, to name a few, are also eligible for Regular Membership.

The initial membership fee is \$18.00, which includes membership for the first year. Annual membership dues thereafter are \$25.00. Associate Membership (non-voting) may be granted by the Board of Directors, to persons who are interested in furthering and advancing the purposes of the Shomrim Society of Southern California who do not qualify for Regular membership. Such members may be proposed by any Regular Member; however, such members must be approved by the Board of Directors and are subject to annual review by the Board for continued membership. The annual membership fee for Associate Members is \$36.00.

Additional Information

Further information about the Society may be obtained by writing to the above address, e-mail to shomrimsocal@msn.com, or by contacting the message number: (310) 967-2018

SUPPORT OUR ADVERTISERS

Advertising Rates

Business Cards (or business card size).....	\$20/month
	\$75/year
1/2 page	\$40/month
	\$150/year
Full page	\$50/month
	\$250/year

1 year=6 issues. To submit ads, or for more information, contact the Hashomer, at P.O. Box 35688, Los Angeles, CA 90035.

YARDEN

Scott S. Widitor

California Broker & Representative

Fall in Love

with Israel over a glass of great wine.

Phone: 310-274-8450

Cell: 310-729-6839

Email: SSWiditor@aol.com

Wines

From

The Land of Milk

and

Honey

Ask how you can help Israel, Yarden and your favorite charity

*Specializing in
Shomer Shabbat Systems*

BENNET & RUTH
SIMON

SWAT SYSTEMS

SPECIAL WARNING ALARM TERMINALS
Burglar * Fire * Hold-Up
24-Hour Bonded Central Station

269 S. Beverly Dr. #296
Beverly Hills, CA 90212

(310) 556-0337

Villa Florist

RONALD HASSON

FAX (213) 387-5030 2950 Wilshire Boulevard
(213) 387-1357 Los Angeles, California 90010

NESS

COUNSELING CENTER, INC.
8512 WHITWORTH DR.
LOS ANGELES, CA 90035
TEL: 310.360.8512
FAX: 310.360.8510
www.TheNessCenter.org
A Non-Profit Organization

DENNIS BROWN
MA,MAC,NCACII,CDAC
Executive Director

TRAVELING NOTARY

"For your after hours Notary needs"

Alex C. Kay

Notary Public * Notary Signing Agent

P.O.Box 402
Beverly Hills, CA 90213-0402
(888)470-5905 * (310) 560-9360

M. WALTER HULKOWER
ATTORNEY AT LAW

15245 VALLEYHEART DRIVE
SHERMAN OAKS, CA 91403

TEL (818) 990-9151
FAX (818) 788-5888

Everything in Kosher Products
Under one Roof"

Kosher Club

4817 W. Pico Boulevard
Los Angeles. CA 9001

Daryl Schwartz

President

www.kosherclub.com

(323) 933-8283

Fax (323) 933-8286

(818) 829-8565

Charles M. Litman, Ph.D.

Licensed Marriage and Family Therapist
Lic.# MFC 32189

4419 Van Nuys Blvd., Suite 405
Sherman Oaks, CA 91403

LAPD Retired



EDMOND GUENOUN

9030 W. Olympic Bl.
Beverly Hills, CA 90211
(310) 274-8856
Fax 274-2938

R.C.C.



**Rabbi Sheldon Pennes
Rabbi Carla Howard
Directors**

10573 W. Pico Blvd, #850
Los Angeles, CA 90064
T: 310.358.0313
F: 310.202.9116
E: info@jewishhosnicela.org

BERNARD MELAMED & CO.

BERNIE MELAMED
CERTIFIED PUBLIC ACCOUNTANT

6404 WILSHIRE BLVD., SUITE 810
LOS ANGELES, CA 90048-5510
TEL: (323) 653-0911 FAX: (323) 653-5829
e-mail: bmelamed@concentric.net

**A.P.S.
A.S.D.A.**



Dave Cobb
800/722-1022
P.O. Box 3364
Newport Beach, CA 92659 Fax: 949/509/0445

Paying top dollar for stamp collections and estates.
Courteous and confidential appraisals.

Law Offices of
RICHARD S. WEINER

RICHARD S. WEINER
Attorney at Law

315 SOUTH BEVERLY DRIVE, SUITE 315
BEVERLY HILLS, CALIFORNIA 90212
PHONE: (310) 277-2378
FAX: (310) 277-0776

NATIONAL SHOMRIM AND SHOMRIMSOCAL ON THE WEB

Visit our website. We're at www.shomrimsocal.org just a click away. It has active links to other Shomrim sites, including the National Conference of Shomrim Societies. The National Conference of Shomrim Societies': www.nationalshomrim.org. Visit the website, sign the guestbook, and leave your comments.



**GOLDSMITH
&
ASSOCIATES
REAL ESTATE**

**Adele Goldsmith
Broker**

Office: 310 657-4397
Residence: 310 652-4233

HIGH PERFORMANCE EYEWEAR



**We Protect You
"So You Can
Protect Others"**

Lt. Neal Rein (RET.)
"32 Years of Police Experience"
23945 Calabasas Rd., #201
Calabasas, CA 91302

Phone: 818.225.7765
Fax: 818.225.7764
neal@eeo.com
www.eeopolice.com

MOUNT SINAI MEMORIAL PARKS AND MORTUARIES

THINKING AHEAD IS THE BEST PROTECTION.

As a law enforcement professional you know that anticipating what can happen is a key to your security. It can also help protect your family.

When you preplan the purchase of cemetery property and make funeral arrangements in advance, you'll relieve your family of future financial burdens and can assure that your wishes will be understood and respected. So before the need arises, make the choices that best suit your budget and your beliefs. It's a good way to safeguard those you love.

For more information and to arrange a tour of either Mount Sinai Memorial Park
Contact **Hal Wexler**, Advance Planning Representative.
(800) 600-0076, Ext. 387 or e-mail: **Hwexler@mountsinaiparks.org**



Mount Sinai Hollywood Hills 5950 Forest Lawn Drive, Los Angeles * FD-1010

Mount Sinai Simi Valley 6150 Mount Sinai Drive, Simi Valley * FD-1745

(800) 600-0076 * www.mountsinaiparks.org

Dedicated to the entire Jewish Community as a service of Sinai Temple of Los Angeles

Call 310. 657.6533 and let us know if you are coming

The ***HASHOMER*** published by the Shomrim Society of Southern California for members of the Law Enforcement, Public Safety and Administration of Justice Community

September-December 2005 Issue

INSIDE . . .

President's Message, Calendar, & Announcements

FIFTH AND FOURTEENTH AMENDMENT ISSUES UNDER THE FEDERAL CIVIL RIGHTS ACT by Scott Widitor

HIGH HOLIDAYS 5766-2005 by Rabbi Dr. Henry E. Kraus

A TRIBUTE TO RABBI KRAUS by Maryjo Juster

E-MAILS FROM PAUL HASSON

Giggles

