

# TopCops International News Magazine

## January, 2009

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## MEN AND WOMEN OF LAW ENFORCEMENT FROM AROUND THE WORLD

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Bonjour, bienvenue chez le premier on-line périodique de nouvelles pur officiers de police du monde entier ... TopCops ! Merçi à tous nos membres. (Werner Glassee)  
Bonjour! Bienvenue à la meilleure revue internationale pour policiers à travers le monde disponible sur l'internet... TopCops! Merçi à tous nos membres. (Randall Perry) **Hello! Wecome to the best International magazine for police officers throughout the world available on the internet...TopCops! Thanks to all our members."** ¡Buenos días y bienvenidos a la mejor revista internacional cybèrnica para policías del mundo entero... Top Cops! Gracias a todos nuestros miembros. (Officer Jose Rodriquez, P.R)

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D. Pannell, US Marshalls Association  
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## Happy New Year – 2009!

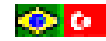
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### LESC Programs of Instruction

*“Machines don’t fight wars. Terrain doesn’t fight wars.  
Humans fight wars. You must get into the minds of humans.  
That’s where the battles are won.” ~COL John Boyd [WWW.LESC](http://WWW.LESC)*



## Martinsville teen killed after being tasered by police

Posted: Jan 11, 2009 10:05 AM EST Updated: Jan 11, 2009 10:05 AM EST News Minute: Here is the latest Virginia news from The Associated Press From NBC12 News

MARTINSVILLE, VA (NBC12) - A Virginia teen is killed after being tasered by police. Now authorities are trying to calm some of the public's concerns. It happened Friday in Martinsville.

The city's police chief says an officer used his stun gun on a 17-year-old boy when he quote, "moved rapidly" towards the officer an offensive way. The officer tried unsuccessfully to resuscitate the teen.

The police chief is asking the public not to rush to judgment. "The taser is considered a non-lethal use of force," said Chief Mike Rogers. "It has no doubt prevented a lot of injuries, police officers, as well as suspects." The officer involved in the incident has been placed on paid administrative leave.

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Sunday, Jan. 11, 2009 , 6:31 p.m.

### Dalton police identify officer in apparent suicide



By: [Kevin Cummings](#)

[\(Contact\)](#)

<http://www.timesfreepress.com/news/2009/jan/11/dalton-police-release-officers-name-after-apparent/>

DALTON, Ga. — Authorities have released the name of a police officer who committed suicide early Saturday morning at the Dalton Police Department.

Bruce Frazier, police department spokesman, said Officer Robert Paul Sparks, who was known by his middle name, killed himself in the locker room area of the Dalton Police Services Center at 301 Jones St. with an apparently self-inflicted gunshot wound about 5:40 a.m. on Saturday.

Officer Sparks, 54, was a 10-year veteran of the police department. Police Chief Jason Parker said investigators suspect that Mr. Sparks killed himself with his service pistol. Dalton police officers carry as Sig P229 .40-caliber handgun.

Chief Parker said authorities have transported officer Sparks' body to the state crime lab in Atlanta for an autopsy. Officers are being offered counseling and chaplains have been available to help them deal with the tragedy, Chief Parker said. Funeral arrangements for officer Sparks had not been announced as of midday Sunday.

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## In a culture where weapons equal survival, Metra officer paid price

<http://www.southtownstar.com/news/1371157.011109wheregunequalslife.article>

January 11, 2009

BY **LAUREN FITZPATRICK** Staff writer ( news from IL)

To officer Thomas Cook, the service gun police say he was killed for was a tool. It's not like the .357 Sig-Sauer had any sentimental value. It wasn't a keepsake handed down from his dad, a longtime Riverdale police chief. It didn't cost Cook any money because Metra provided the weapon.

But to the young men accused of gunning him down Sept. 27, 2006, the weapon was worth more than a life. And Cook had to pay the price. Because for many men who run the streets in poor, gang-riddled towns like Harvey, guns equal survival. And getting caught by a rival without one is certain death.

The street saying goes like this: "I would rather get caught with a gun than without a gun," said Tio Hardiman, head of mediation services at CeaseFire Chicago, where he steps in to resolve conflicts or perceived conflicts among neighborhood men before the guns come out.

"What happens is that most people don't want to be victimized," Hardiman said. "If you're in the (criminal) lifestyle, and two or three guys run up on you with guns and they're in the lifestyle, you're dead." So after Jeremy Lloyd, just 17 in 2006, and another man suspected of shooting Cook ditched their guns less than 24 hours earlier after firing shots at a different officer, they hatched a plot to rob someone for a new weapon, investigators in the case said.

"They are very uncomfortable walking around without a gun," said Illinois State Police Lt. Mike Cooke, who's heading up the Cook murder investigation. "And if they lose one, that's obviously a bad thing. They're looking to be shot just like they're shooting. It's just a way of life."

Lloyd, 20, who's been charged in Cook's murder, is accused of playing lookout for the man who fired the bullets into the officer's head. Police believe the shooter is behind bars today, jailed in connection with shooting at a Harvey police officer about 17 hours before Cook's body was found in his marked squad car.

The Harvey cop wanted to pull over a Cadillac carrying the two men, who'd been firing at rival gang members, according to the officer. Lloyd and his partner, Jemetric Nicholson, dropped their guns when the chase continued on foot, the officer said.

So Lloyd and his partner planned to get a new weapon by robbing someone, Assistant State's Attorney Joe Kosman said this week in court. Lloyd and his accomplice walked down the alley to the Metra lot on 147th Street, Kosman said, saw the Metra officer and knew they could get a gun from him. After the shooter killed Cook, the men swapped the officer's gun for another weapon from someone else on the street, Kosman said.

Cook's Sig-Sauer turned up in Robbins in 2007. Cook became a casualty in a running battle that began in 2002, with volleys of gunfire between men from east side and west side Harvey neighborhoods feuding over stolen car rims.

"It's all part of the game," Hardiman said. "It's not right - I want to make that clear - but the people (involved) don't see it that way. This is the mentality."

Felons may not legally buy guns in Illinois. And anyone looking to make a weapons purchase in a store must undergo a background check and wait 24 hours.

But southern Cook County is full of weapons to buy for cheap - or to steal - without shooting a uniformed officer, said Lt. David Basile, who heads police special operations in Chicago Heights.

"In the south suburbs or the city, you can get a gun in a minute. Go see your local gangbanger," Basile said. "To kill an officer for his weapon doesn't make sense. You can buy 'em on the street for two bags of dope or \$50."

For the sake of two guys wanting his gun, Thomas Cook died, and his 10-year-old son and 8-year-old daughter will grow up in their Indiana home without a father. His widow and extended family gathered at the Riverdale police station early last week. His brother Bob acknowledged the family's satisfaction with the criminal charges but said they looked ahead to a long court process.

If convicted of first-degree murder, Lloyd could face life in prison. But investigators doubt that went through his mind when they say he agreed to play lookout.

"Ramifications?" Cooke asked. "I truly don't think they think this stuff out that far ahead. It's today. They live for today."

*Lauren FitzPatrick can be reached at [lfitzpatrick@southtownstar.com](mailto:lfitzpatrick@southtownstar.com) or (708) 802-8832*

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## Off-duty police officer killed in road crash by Claire Kelly January 10, 2009

watoday.com.au. <http://www.watoday.com.au/wa-news/offduty-police-officer-killed-in-road-crash-20090110-7dwe.html>

An off-duty police officer was killed in a traffic crash in the State's south yesterday afternoon. Bunbury Police Senior Constable Lindsay Harding was riding his 250cc motorcycle on Bussel Highway when police said his bike clipped a four-wheel drive as it turned into the Capel Golf Course driveway about 12.15pm.

Sen-Const Harding, 52, died at the scene. Police said Sen-Const. Harding had still been recovering from the trauma of another horrific traffic crash in 2005 when his work colleague was killed during a patrol on the same stretch of highway.

Sen-Const Harding, a passenger in the police car, was also injured in the crash. Bunbury Police Sergeant Robina Raabe said the station's officers were still coming to terms with the policeman's death. "He was a respected officer and we're all extremely upset," Sgt Raabe said.

She said Sen-Const Harding was not able to return to full duties after the 2005 crash but was a dedicated officer who assisted in a range of duties. "He looked after the vehicles or wherever he was needed, he would put his hand up for anything and get on with job," she said. She said a memorial service would be held for the policeman.



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## ***Police issue warrant for bridge operator where NOPD officer was killed***

10:35 PM CST on Friday, January 9, 2009

Michael Luke / Eyewitness News



NOPD - Tommie Felix

NEW ORLEANS - The NOPD is seeking the bridge operator who was working at the Judge Seeber Bridge when an off-duty NOPD officer was killed after plummeting off the bridge. Police issued a warrant for negligent homicide.

Samuel Johnson, 47, was working when NOPD Officer Tommie Felix was killed after driving off of the bridge. Johnson admitted in a statement he didn't visually inspect to see if the traffic arm and lights were operating properly, police said.

A series of safety measures designed to prevent cars from continuing across the Judge Seeber Bridge when it is in the 'up' position all failed before Felix drove his car off the bridge and into the Industrial Canal, according to the Secretary of the Louisiana Department of Transportation Bill Ankner.

Ankner said that a barricade that can physically prevent cars from crossing the bridge had not worked in over ten years and that a short circuit kept a warning gate from lowering. In addition, Johnson, who is supposed to be the last line of defense, was fired, because, Ankner said, he was supposed to make sure the gate came down as the bridge opened.

Felix, 43, a 17-year veteran of the force, was off-duty when he was trying to cross the bridge around 2 a.m. on May 20, when his car went into the water. Police said that after Felix's car went into the water, several cars that were following stopped, avoiding a similar fate. Felix, a highly-decorated member of the narcotics unit, left behind a wife and five children.

## Ex-'Sopranos' actor gets 10 years for botched burglary that ended with NY police death By COLLEEN LONG , Associated Press

<http://www.startribune.com/nation/37327919.html> Last update: January 9, 2009 - 2:21 PM

NEW YORK - A former actor on "The Sopranos" was sentenced Friday to 10 years in prison for a botched burglary in the Bronx in which an accomplice shot and killed an off-duty police officer. A jury acquitted Lillo Brancato Jr. of second-degree murder in the death of the police officer, but convicted him of attempted burglary. He had faced up to 15 years in prison.

He pursed his lips and appeared calm as the verdict was pronounced. His relatives wept and one shouted, "We love you, Lillo!" as he was led away in handcuffs.

Before sentencing, Brancato, whose drug addiction figured prominently in testimony during the trial in the Bronx, begged the court for mercy. "I'm not talking about redeeming my acting career," he said. "I'm talking about much more than that. I'm talking about being a good son, brother, friend and citizen." But state Supreme Court Justice Martin Marcus wasn't swayed.

"I cannot ignore the fact that, because of the burglary, a brave young police officer is dead," he said, calling Brancato's drug abuse "a sad story of good fortune and extraordinary opportunity that was wasted and abused."

Prosecutors said Brancato and accomplice Steven Armento were looking for drugs when they broke into an apartment next door to the officer's home in December 2005. When Officer Daniel Enchautegui went to investigate, he was gunned down. Authorities said Armento shot the 28-year-old officer with his .357 Magnum, hitting him in the heart. The dying officer fired back, wounding both men. Armento was convicted last year of first-degree murder and is serving a life sentence without parole.

The acquittal in the murder case against Brancato outraged the slain officer's family and the union that represents police officers. On Friday, a sea of uniformed officers and detectives packed the courtroom and cheered for Enchautegui's family. The victim's sister, Yolanda Rosa Nazario, told the court that their parents gave up the will to live and eventually died after losing their son. "I lost Danny, my dad and my mom because of two men who wanted to drink and do drugs," she said tearfully.

After the sentencing, she said of Brancato: "He'll always be a murderer, no matter what the jury said." Prosecutors had sought the maximum sentence in the attempted burglary conviction. Brancato has already served three years waiting for his trial, for which he will receive credit.

His attorney, Joseph Tacopina, said outside court that Brancato would use the time in jail to straighten out his life with the help of his family. Tacopina had sought the minimum 3 1/2 years, and friends and family had written letters on Brancato's behalf.



Brancato rose to fame in 1993's "A Bronx Tale," playing a young kid from the neighborhood who is torn between two worlds and two men: a local mobster played by Chazz Palminteri and his straight-and-narrow bus driver father, played by Robert De Niro. Other roles followed, most notably a stint on the second season of HBO's "The Sopranos." His character carried out a series of low-level crimes for the New Jersey mob before being gunned down by Tony Soprano and his sidekick as he tearfully begged for his life.

Brancato, 32, and Armento, 48, were drinking together at a strip club before deciding to break into the basement apartment in a hunt for Valium, prosecutors said. Brancato testified that the break-in never happened. He claimed that he had known the owner, a Vietnam veteran, for several years.

He also said he had permission to go inside and take painkillers and other pills whenever he felt like it, and didn't know the man had died earlier that year. He also said he was suffering from heroin withdrawal that night. He said the pills were part of a drug problem that began when he was introduced to marijuana on the set of "A Bronx Tale." He later became hooked on crack and heroin.

Brancato tried to deflect suggestions by the prosecution that his testimony – at times punctuated by vignettes about his drug-crazed downfall – was another acting job.

[FBI Offers Thousands Of New Jobs](#) Posted: 11:29 PM Jan 10, 2009 Last Updated: 11:29 PM Jan 10, 2009 Reporter: Sandra Weathers

Email Address: [sandra.weathers@wctv.tv](mailto:sandra.weathers@wctv.tv)

<http://www.wctv.tv/home/headlines/37397954.html>

The state of the economy has the FBI in search of a few good men and women. The FBI is hiring 850 special agents and 2100 support staff members. So far the agency has received about 20,000 applications for these positions. The FBI is looking to hire for a wide array of jobs, from auto mechanics to woodcrafters. But the FBI says there's one catch. Applicants must be able to meet the criteria of being a U.S. citizen, take a drug screening test, and pass a background check. FBI officials say they lose about 30% of their applicants because they can't pass the polygraph. The deadline is next week to apply for these positions.

# Parole chairman resigns after IG probe

December 19, 2008 at 4:40 pm by Irene Jay Liu

<http://blogs.timesunion.com/capitol/archives/9944/parole-chairman-resigns-after-ig-probe>



Times Union staff photo/ Michael P. Farrell

New York State Division of Parole Chairman George B. Alexander has resigned after an investigation by New York State Inspector General Joseph Fisch found that he took a government computer in 2007 and did not return it until anti-theft software traced it to his home.

Gov. David Paterson has accepted the Alexander's resignation effective today, according to the state board of parole. Until an acting or new chairman is designated, executive director Felix Rosa been asked to manage the day-to-day affairs of the Division, said Parole spokeswoman Heather Groll.

According to the IG's report, Alexander took a \$1,700 Gateway Tablet laptop one week before he left his job as Erie County Probation Director to become Parole chairman in the administration of former Gov. Eliot Spitzer, for which he was paid an annual salary of \$120,800. Purchased under a state Division of Criminal Justice Services (DCJS) grant to reduce juvenile violence, the computer was traced to Alexander's home after a DCJS audit in early 2008.

The trace determined that Alexander's son had been using the computer to access the internet, according to the report. A forensic analysis of the laptop found numerous files documented the internet activity of Alexander's son, including personal correspondence, "Facebook" profiles, "MySpace" content, music files, images containing adult content, and personal and family photographs.

The Erie County Comptroller's office also investigated the matter and referred its findings to the Inspector General. "We hold all state employees to the highest standards of honesty and accountability," New York State Inspector General Joseph Fisch said. "State resources are to be used for the public good, not for personal gain."

For more information on the case, see the Inspector General's report.

On June 4, 2008, the Inspector General referred the case to the Attorney General Andrew Cuomo for criminal prosecution.

"Based on a referral from the NYS Inspector General, the Public Integrity Bureau of this office has been conducting an investigation related to allegations that George B. Alexander, the Chairman of the NYS State Parole Board and CEO of the NYS Division of Parole, misappropriated government property. It is anticipated that this office will be filing criminal charges against Mr. Alexander on Monday. The matter will be prosecuted in Buffalo City Court in Erie County," said Cuomo spokesman John Milgrim.

However, a source with knowledge of the investigation said Alexander's resignation is part of a plea deal with the Attorney General and that the chairman is expected to plead guilty to a misdemeanor of official misconduct, which will likely come down early next week.

The Attorney General and the Inspector General's offices cooperated in obtaining the plea deal, according to the source. Without the plea deal, Alexander could have face up to an E-class felony, grand larceny in 4th degree.

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## Bostic Found Guilty Of Murdering Police Officer By: NY1 News

12/20/2008 03:53 PM

[http://www.ny1.com/content/news\\_beats/law\\_enforcement/90948/bostic-found-guilty-of-murdering-police-officer/Default.aspx](http://www.ny1.com/content/news_beats/law_enforcement/90948/bostic-found-guilty-of-murdering-police-officer/Default.aspx)

One of three men accused of killing Police Officer Russel Timoshenko, was found guilty of murder Friday. The same day they began deliberation, the jury found Dexter Bostic guilty of aggravated murder, attempted aggravated murder and three counts of weapons possession.

Timoshenko and his partner, Officer Herman Yan, were gunned down while pulling over a stolen car in Brooklyn last year. Yan recovered from his injuries and was in the courtroom, along with Timoshenko's family. "Justice was served for at least one person," said Yan. "The evidence was overwhelming."

Timoshenko's mother, Tatyana, was asked if the verdict provided some justice for her son's death, and replied, "In this case it does."

In closing arguments, Bostic's lawyer had reminded jurors that his client's DNA was not found on the trigger of the gun that killed Officer Timoshenko, though it was found on the gun itself.

"There was an enormous amount of pressure on the jury that I think they caved into," said attorney Edward Wilford. "But I do respect the jury's verdict. I don't agree with it, but I do respect it."

"It's obvious that this jury today had the courage to make the right decision," said Patrolmen's Benevolent Association President Pat Lynch. "This jury today took the time to look at the evidence, nothing more, nothing less. We wish the past jury did that."

Bostic's codefendant, Lee Woods, must wait until Monday or longer to receive his sentence, as one of the jurors deals with a medical issue this weekend. One of the jurors entered the hospital with high blood pressure Thursday night but was discharged Friday morning.

Woods's attorney said he wants the specific juror to stay on the case, saying the defense team established a connection with her during jury selection. The attorney also asked the judge to poll the jury to see if they have been influenced by media coverage of Ellis's verdict. A third defendant, Robert Ellis, 34, was cleared of murder charges on Wednesday, but was convicted of weapons possession.

"I just couldn't understand how Robert Ellis got away," said Yan on Friday. In response to Bostic's verdict, Police Commissioner Ray Kelly released a statement saying, "I hope this just verdict brings some measure of peace to the Timoshenko family." Bostic faces life in prison without parole, and will be sentenced on February 26. Timoshenko's family is expected to speak at the sentencing.



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## DID YOU KNOW?

The Story of Alexander Hamilton and the 10 dollar bill?



Alexander Hamilton is on the current [U.S. \\$10 bill](#), based on an 1805 portrait by [John Trumbull](#).

Who was he? Well, read about the Burr–Hamilton duel (Information found in Wikipedia) •

One of the most famous duels in American history, the Burr-Hamilton duel arose from a long-standing political and personal rivalry that had developed between both men over a course of several years. Tensions reached a bursting point with Hamilton's journalistic defamation of Burr's character during the 1804 New York gubernatorial race in which Burr was a candidate. Fought at a time when the practice of dueling was being outlawed in the northern United States, the duel had immense political ramifications. Burr, who survived the duel, would be indicted for murder in both New York and New Jersey (though these charges were either later dismissed or resulted in acquittal), and the harsh criticism and animosity directed toward him would bring about an end to his political career and force him into a self-imposed exile. Further, Hamilton's untimely death would fatally weaken the fledgling remnants of the Federalist Party which, following the death of George Washington (1732-1799) five years earlier, was left without a strong leader.

The duel was the final skirmish of a long conflict between Democratic-Republicans and Federalists. The conflict began in 1791 when Burr captured a Senate seat from Philip Schuyler, Hamilton's father-in-law, who would have supported Federalist policies. (Hamilton was Secretary of the Treasury at the time.) When the electoral college deadlocked in the election of 1800, Hamilton's maneuvering in the House of Representatives caused Thomas Jefferson to be named President and Burr Vice President. In 1800, the Aurora published "The Public Conduct and Character of John Adams, Esq., President of the United States," a document highly critical of Adams, which had actually been authored by Hamilton but intended only for private circulation. Some have claimed that Burr leaked the document, but there is no clear evidence for this, nor that Hamilton held him responsible.

Morgan Lewis, endorsed by Hamilton, defeated Burr in the 1804 New York Gubernatorial election

When it became clear that Jefferson would drop Burr from his ticket in the 1804 election, the Vice President ran for the governorship of New York instead. Hamilton campaigned viciously against Burr, who was running as an independent, causing him to lose to Morgan Lewis, a Democratic-Republican endorsed by Hamilton. Both men had been involved in duels in the past. Hamilton had been a principal in 10 shot-less duels prior to his fatal encounter with Burr, including duels with William Gordon (1779), Aedanus Burke (1790), John Francis Mercer (1792-1793), James Nicholson (1795), James Monroe (1797), and Ebenezer Purdy/George Clinton (1804). He also served as a second to John Laurens in a 1779 duel with General Charles Lee and legal client John Auldjo in a 1787 duel with William Pierce. In addition, Hamilton claimed to have had one previous honor dispute with Burr; Burr claimed there were two.

Aaron Burr and Alexander Hamilton first came into public opposition during the famed election of 1800. In the election, Aaron Burr ran as Vice-President on the Democratic-Republican Party ticket with Thomas Jefferson against John Adams (the incumbent Federalist). Electoral college rules at the time gave each elector two votes for president, with the candidate receiving the second most votes becoming vice president. The Democratic-Republican Party therefore planned to have 72 of their 73 electors vote for both Jefferson and Burr, with the remaining elector voting for Jefferson but not Burr. However, the electors failed to execute this plan, so Burr and Jefferson tied with 73 votes each. As mandated by law in the event of no candidate winning a majority, the election was moved to the United States House of Representatives, which was controlled by the Federalists, many of whom were loath to vote for Jefferson. Hamilton, however, regarded Burr as far more dangerous than Jefferson and used all his influence to ensure Jefferson's election. On the 36th ballot, the House of Representatives gave Jefferson the presidency, with Burr becoming vice president.

[edit] Charles Cooper's letter

Many subsequent historians have considered the causes of the duel to be flimsy and have thus either characterized Hamilton as "suicidal", Burr as "malicious and murderous," or both.

[edit] The duel

#### The Wogdon pistols used in the duel

In the early morning hours of July 11, 1804, Burr and Hamilton departed by separate boats from Manhattan and rowed across the Hudson River to a spot known as the Heights of Weehawken in New Jersey, a popular dueling ground below the towering cliffs of the Palisades. Hamilton and Burr agreed to take the duel to Weehawken because dueling had been outlawed in New York (the same site was used for 18 known duels between 1700 and 1845.).[13] In an attempt to prevent the participants from being prosecuted, procedures were implemented to give all witnesses plausible deniability. For example, the pistols were transported to the island in a portmanteau, enabling the rowers (who also stood with their backs to the duelists) to say under oath that they had not seen any pistols.

Burr, William P. Van Ness (his second), Matthew L. Davis, and another (often identified as Swartwout) plus their rowers reached the site first at half past six, whereupon Burr and Van Ness started to clear the underbrush from the duelling ground. Hamilton, Judge Nathaniel Pendleton (his second), and Dr. David Hosack arrived a few minutes before seven. Lots were cast for the choice of position and which second should start the duel, both of which were won by Hamilton's second who chose the upper edge of the ledge (which faced the city) for Hamilton.[14] However, according to historian and author Joseph Ellis, since Hamilton had been challenged, he had choice of both weapon and position. Under this account, it was Hamilton himself that chose the upstream or north side position.

All first-hand accounts of the duel agree that two shots were fired; however, Hamilton and Burr's seconds disagreed on the intervening time between the shots. It was common for both principals in a duel to fire a shot at the ground to exemplify courage, and then the duel could come to an end. Hamilton apparently fired first, and into the air, though it is not clear whether this was intentional, much less that Burr perceived him to be "throwing away his fire" (as it did not follow the standard protocol). Burr returned fire and hit Hamilton in the lower abdomen above the right hip. The musket ball ricocheted off Hamilton's second or third false rib—fracturing it—and caused considerable damage to his internal organs, particularly his liver and diaphragm before becoming lodged in his first or second lumbar vertebra. According to Pendleton's account, Hamilton collapsed immediately, dropping the pistol involuntarily, and Burr moved toward Hamilton in a speechless manner (which Pendleton deemed to be indicative of regret) before being hustled away behind an umbrella by Van Ness because Hosack and the rowers were already approaching. Burr returned on his barge and had breakfast in Manhattan. According to Van Ness, he ate eggs and toast.

It is entirely uncertain which principal fired first, as both seconds' backs were to the duel in accordance with the pre-arranged regulations of the duel (and also so the men could later testify that they "saw no fire"). After much research to determine the actual events of the duel, Pulitzer-prize winning historian Joseph J. Ellis gives his interpretation:

Hamilton did fire his weapon intentionally, and he fired first. But he aimed to miss Burr, sending his ball into the tree above and behind Burr's location. In so doing, he did not withhold his shot, but he did waste it, thereby honoring his pre-duel pledge. Meanwhile, Burr, who did not know about the pledge, did know that a projectile from Hamilton's gun had whizzed past him and crashed into the tree to his rear. According to the principles of the code duello, Burr was perfectly justified in taking deadly aim at Hamilton and firing to kill.

[edit] Dr. David Hosack's account

Dr. David Hosack, the physician, wrote his account on August 17, about one month after the duel had taken place. Hosack testified that he had only seen Hamilton and the two seconds disappear "into the wood", heard two shots, and rushed to find a wounded Hamilton when his name was called. Hosack also testified that he had not seen Burr, who had been hidden behind an umbrella by Van Ness, his second.[17] In a letter to William Coleman, Dr. Hosack gives a very clear picture of the events:

“ When called to him upon his receiving the fatal wound, I found him half sitting on the ground, supported in the arms of Mr. Pendleton. His countenance of death I shall never forget. He had at that instant just strength to say, 'This is a mortal wound, doctor;' when he sunk away, and became to all appearance lifeless. I immediately stripped up his clothes, and soon, alas I ascertained that the direction of the ball must have been through some vital part. His pulses were not to be felt, his respiration was entirely suspended, and, upon laying my hand on his heart and perceiving no motion there, I considered him as irrecoverably gone. I, however, observed to Mr. Pendleton, that the only chance for his reviving was immediately to get him upon the water. We therefore lifted him up, and carried him out of the wood to the margin of the bank, where the bargemen aided us in conveying him into the boat, which immediately put off. During all this time I could not discover the least symptom of returning life. I now rubbed his face, lips, and temples with spirits of hartshorn, applied it to his neck and breast, and to the wrists and palms of his hands, and endeavoured to pour some into his mouth.

”

Dr. Hosack goes on to say that in a few minutes Hamilton had revived, either from the hartshorn or fresh air. Hosack finishes his letter:

“ Soon after recovering his sight, he happened to cast his eye upon the case of pistols, and observing the one that he had had in his hand lying on the outside, he said, "Take care of that pistol; it is undischarged, and still cocked; it may go off and do harm. Pendleton knows " (attempting to turn his head towards him) 'that I did not intend to fire at him.' 'Yes,' said Mr. Pendleton, understanding his wish, 'I have already made Dr. Hosack acquainted with your determination as to that' He then



closed his eyes and remained calm, without any disposition to speak; nor did he say much afterward, except in reply to my questions. He asked me once or twice how I found his pulse; and he informed me that his lower extremities had lost all feeling, manifesting to me that he entertained no hopes that he should long survive.

”

[edit] Statement to the press

Pendleton and Van Ness issued a press statement about the events of the duel. The statement printed out the agreed upon dueling rules and events that transpired, that being given the order to present, both participants were free to open fire. After first fire had been given, the opposite's second would count to three and the opponent would fire, or sacrifice his shot.[19] Pendleton and Van Ness disagree as to who fired the first shot, but concur that both men had fired "within a few seconds of each other" (as they must have: neither Pendleton nor Van Ness mention counting down).[19]

In Pendleton's amended version of the statement, he and a friend went to the site of the duel the day after Hamilton's death to discover where Hamilton's shot went. The statement reads:

“ They [Mr. Pendleton and an accomplice] ascertained that the ball passed through the limb of a cedar tree, at an elevation of about twelve feet and a half, perpendicularly from the ground, between thirteen and fourteen feet from the mark on which General Hamilton stood, and about four feet wide of the direct line between him and Col. Burr, on the right side; he having fallen on the left.

”

[edit] Hamilton's intentions

In Statement on Impending Duel with Aaron Burr, a letter that Hamilton wrote the night before the duel, Hamilton stated that he was "strongly opposed to the practice of dueling" for both religious and practical reasons and continued to state:

“ I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me the opportunity, to reserve and throw away my first fire, and I have thoughts even of reserving my second fire.

”

When Burr later learned of this, he responded: "Contemptible, if true."

In addition, after being mortally wounded, Hamilton, upon regaining consciousness told Dr. Hosack that his gun was still loaded and that "Pendleton knows I did not mean to fire at Col. Burr the first time". This is evidence for the theory that Hamilton intended not to fire, honoring his pre-duel pledge, and only fired accidentally upon being hit.

However, 20th century historians have debated to what extent Hamilton's statements and letter represent his true beliefs, and how much of this was a deliberate attempt to ruin Burr once and for all should worse come to worst and Hamilton fall. An example of this may be seen in what some historians have considered to be deliberate attempts to provoke Burr on the dueling ground, specifically that:

“ Hamilton performed a series of deliberately provocative actions to ensure a lethal outcome. As they were taking their places, he asked that the proceedings stop, adjusted his spectacles, and slowly, repeatedly, sighted along his pistol to test his aim.  
”

In addition, Hamilton had been reported as having severe mood swings, characteristic of a manic-depressive disorder starting as early as 1800. If Hamilton was indeed manic-depressive, his intentions for dueling with Burr may have been psychologically delusional.[citation needed] This, along with Hamilton's conspicuous choice of dueling pistols (the same pair which had once shot a button off Aaron Burr's coat some five years earlier during a duel with Hamilton's brother-in-law), has caused many historians in recent years to re-examine the circumstances of the engagement and Hamilton's true intentions on the morning of the 11th of July.

[edit] Burr's intentions

Burr was reputed as not being a very good shot, but there is little doubt that he had every intention of seeking full satisfaction from Hamilton by blood. The afternoon after the duel, Burr was quoted as boasting that had his vision not been impaired by the morning mist, he would have shot Hamilton in the heart. According to the account of Jeremy Bentham, who met with Burr in 1808 in England (four years after the fact), Burr claimed to have been certain of his ability to kill Hamilton, and Bentham concluded that Burr was "little better than a murderer."

Towards the end of his life, Burr remarked: "Had I read Sterne more and Voltaire less, I should have known the world was wide enough for Hamilton and me."

There is, however, much evidence in Burr's defense. Had Hamilton apologized for his "despicable opinion of Mr. Burr",<sup>[30]</sup> all would have been forgotten. However neither principal could avoid the confrontation honorably and thus each was forced into a duel: Burr to regain his honor and Hamilton to sustain his.

Furthermore it should be noted that Burr was unsure of Hamilton's intentions (as historians still are today). Watching Hamilton's shot soar through the air into the brush above his head, Burr could not be sure if Hamilton had thrown his shot or just missed. According to the principles of the code duello Burr was entirely justified in taking aim at Hamilton. Furthermore, it is not even clear that Burr did more than reacting to hearing Hamilton fire, before he had any time to observe where it went.

[edit] The pistols

Others have attributed Hamilton's apparent misfire to the hair-triggered design of the Wogdon duelling pistols, both of which survive today. Only Hamilton, familiar with the weapons, would have known about and been able to use the hair-trigger. However, when asked by Pendleton before the duel if he would have the "hair-spring" pistol, Hamilton reportedly replied "not this time." The "hair-spring" pistol provided an advantage because it took less time to fire, being more sensitive to the movement of the trigger finger.

The pistols belonged to Hamilton's brother-in-law, John Barker Church, who was a business partner of both Hamilton and Burr. He purchased the pistols in London in 1797. They had previously been used in a 1799 duel between Church and Burr, in which neither man was injured. In 1801, Hamilton's son, Philip, used them in the duel in which he died. In 1930 the pistols were sold to the Chase Manhattan Bank, now preserved by JPMorgan Chase & Co. The guns are on display in the Executive Conference center of 277 Park Avenue in Manhattan.

For the United States Bicentennial anniversary in 1976, Chase Manhattan allowed the pistols to be removed and loaned to the U.S. Bicentennial Society of Richmond. When the original pistol was examined, the concealed hair trigger was discovered.

[edit] Aftermath

A mortally wounded Hamilton died the following day and was buried in the Trinity Churchyard Cemetery in Manhattan (Hamilton was nominally Episcopalian). Gouverneur Morris, a political ally of Hamilton's, gave the eulogy at his funeral and secretly established a fund to support his widow and children.

Burr was charged with murder in New York and New Jersey, but neither charge reached trial. In Bergen County, New Jersey, a grand jury indicted Burr for murder in November 1804, but the New Jersey Supreme Court quashed the indictment on a motion from Colonel Ogden. Burr fled to South Carolina, where his daughter lived with her family, but soon returned to Washington, D.C. to complete his term of service as Vice President. He presided over the Samuel Chase impeachment trial "with the dignity and impartiality of an angel and the rigor of a devil." Burr's heartfelt farewell speech in March 1805 moved some of his harshest critics in the Senate to tears.[35]

An 1841 map showing the location of a Hamilton Monument.

With his political career apparently over, Burr went west, where he became involved in "filibuster" plans, which some later claimed were intended to establish a new independent empire carved out of the Louisiana territory. However, after General James Wilkinson, who had worked with Burr, backed out of their plans and William Eaton accused Burr to President

Jefferson, Burr was charged with treason after being detained in Missouri in the process of recruiting for his coup. He was later acquitted due to lack of physical evidence. Wilkinson, his chief accuser, was revealed during the trial to have tampered with evidence, and has since been revealed as a "double-agent", paid by the Spanish.[citation needed] Years later, Burr returned to New York City to practice law and was tried and acquitted for his role in the duel. He died in 1836 in Staten Island, New York, never having apologized to Hamilton's family.

[edit] Monuments

The first memorial to the duel was constructed in 1806 by the Saint Andrew Society, of which Hamilton was formerly a member. A 14 foot marble cenotaph, consisting of an obelisk topped by a flaming urn and a plaque with a quote from Horace surrounded by an iron fence, was constructed approximately where Hamilton was believed to have fallen.[36] Duels continued to be fought at the site and the marble was slowly vandalized and removed for souvenirs, leaving nothing remaining by 1820. The tablet itself did survive, turning up in a junk store and finding its way to the New York Historical Society in Manhattan, where it still resides.

Alexander Hamilton on the current U.S. \$10 bill, based on an 1805 portrait by John Trumbull.

From 1820 to 1857, the site was marked by two stones with the names Hamilton and Burr placed where they were thought to have stood during the duel. When a road from Hoboken to Fort Lee was built through the site in 1858, an inscription on a boulder where a mortally wounded Hamilton was thought to have rested—one of the many pieces of graffiti left by visitors—was all that remained. No primary accounts of the duel confirm the boulder anecdote. In 1870, railroad tracks were built directly through the site, and the boulder was hauled to the top of the Palisades, where it remains today.[38] In 1894, an iron fence was built around the boulder, supplemented by a bust of Hamilton and a plaque. The bust was thrown over the cliff on October 14, 1934 by vandals and the head was never recovered; a new bust was installed on July 12, 1935.

The plaque was stolen by vandals in the 1980s and an abbreviated version of the text was inscribed on the indentation left in the boulder, which remained until the 1990s when a granite pedestal was added in front of the boulder and the bust was moved to the top of the pedestal. New markers were added on July 11, 2004, the 200th anniversary of the duel.

[edit] Anti-dueling movement in New York state

In the months and years following the duel, a movement started to end the practice. Eliphalet Nott, the pastor at an Albany church attended by Hamilton's father-in-law, Philip Schuyler, gave a sermon that was soon reprinted, "A Discourse, Delivered in the North Dutch Church, in the City of Albany, Occasioned by the Ever to be Lamented Death of General

Alexander Hamilton, July 29, 1804'. In 1806, Lyman Beecher delivered an anti-dueling sermon, later reprinted in 1809 by the Anti-Dueling Association of New York. The covers and some pages of both pamphlets:



A contemporary artistic rendering of the July 11, 1804 duel between [Aaron Burr](#) and [Alexander Hamilton](#) by J. Mund.

The **Burr-Hamilton duel** was a [duel](#) between two prominent [American](#) politicians, the former [Secretary of the Treasury Alexander Hamilton](#) and sitting [Vice President Aaron Burr](#), on July 11, 1804.<sup>[1]</sup> Burr shot and mortally wounded Hamilton. Hamilton was carried to the home of William Bayard, who lived on the Manhattan shore. Alexander Hamilton died there at 2:00 PM the following day, 12 July 1804.

January 2009 - The End

