

**ADMINISTRATION OF JUSTICE AND SECURITY:  
AN EDUCATIONAL PROGRAM**

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SAIGON

November, 1961



USOM/Saigon FOTO

A portion of downtown Saigon, the capital of Viet-Nam

## FOREWORD

The author of this paper, E.H. Adkins, Jr., is a recent addition to the staff of the Michigan State University Advisory Group in Saigon, Viet Nam. He arrived in May, 1960, as a Public Safety Advisor to the local government. This is his first experience in the Far East but his experience of more than twenty years in Latin America in the field of public and industrial law and law enforcement is a valuable adjunct to his assigned functions in Viet Nam. An experienced educator, graduate lawyer, former FBI agent, Mr. Adkins speaks Spanish, Portuguese, and French. His opinions and recommendations contained herein merit serious consideration.

The problems involved in the administration of justice and security are numerous and complex, and positive steps such as outlined in the following article are essential if we are to successfully combat the forces of subversion and insurgency.

Viet Nam is not alone in these problems. True, most situations are not so serious as the current emergency here. However, most emerging nations must wage a constant battle against communist subversion which can topple a democratic government just as surely as can guerrilla activity.

The ultimate responsibility for the solution of these difficulties lies with the public administrator. It is therefore incumbent upon the educational institutions in the field of public administration to teach future high level and general administrators, at both the central and local government levels, what they need to know about justice and security administration. I, and many others,

agree with the author -- it should be done, and done now.

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Saigon  
November, 1961



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Rural coolie workers crossing a footbridge at dawn on their way to work. These underprivileged people, a large population group in Viet Nam (as in many countries), are most vulnerable to communist propaganda and terrorism.

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There are 2,532 villages in Viet-Nam similar to the one pictured above. The village, the basic governmental unit in Viet-Nam, has become the focal point of communist guerrilla and subversive activity.

## PART I

### ANALYSIS

#### A. A Case Study

Let us cite some actual events in the life of a provincial administrator in Viet Nam -- only the names of persons and localities have been changed. Put yourself in this administrator's position and try to realize the complexity of his role in present-day Viet Nam.

Imagine you are a Vietnamese government official -- the Chief of Budget in the Department of Interior, Director of Personnel in the Ministry of Agriculture, or an army major with no civilian administrative experience. One day the President of the Republic designates you Province Chief of Long Duc or another province in Viet Nam. A province is roughly equivalent to a state in the United States and you would be its "governor."

There are a number of interesting and pertinent factors which bear on your appointment as province chief. The principal consideration is the undeclared guerrilla warfare being conducted against communist agents who have infiltrated from Laos, Cambodia, and North Viet Nam. These agents are waging a constant, deadly, clandestine war which must be met every day and continued until such elements are eliminated or otherwise made ineffective.

In the administrative structure of Viet Nam direction and guidance of provincial operations is theoretically received from the Minister of Interior. You, as province chief, the top administrator



in your province, are essentially responsible for all activities in the territory under your jurisdiction. Security and police officials report to you. The Civil Guard, a para-military force, looks to you for direction and leadership. Theoretically, the military forces in the province are under your jurisdiction. In addition, you are naturally responsible for the usual provincial administrative functions.

You have assumed office and begun your official duties. About 12:40 a.m. one morning, following a pleasant evening with your dinner guests, the President of Viet Nam and the United States Ambassador, you are awakened by an urgent telephone message from your deputy chief of province, an army captain. During the night the Viet Cong<sup>1</sup> had struck the town of Binh, some 40 kilometers from your headquarters. As you hurriedly dress, the deputy calls again, reporting another attack about the same time at Vang, about 60 kilometers in the other direction. You immediately deploy truckloads of troops to both scenes led by you and your deputy.

Some fifteen minutes out of town your convoy is ambushed by a Viet Cong band.....your submachine gun jams.....you shout to the driver sitting next to you to drive through the guerrillas blocking the road. Clearing the ambush, you leave two slain Viet Cong in the road. You suffer no losses.

Upon arrival at Vang, you learn that the guerrillas have struck and run, killing 30 people with a negligible loss to their own

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1 Viet Cong is the name given to communist subversive forces, and is short for Viet Cong San (Vietnamese communists). They are also referred to as Viet Minh (Peoples' Republic of Viet Nam).

forces. Later, at headquarters, you find that the deputy lost two men and returned with three wounded after meeting an ambush on the road to Binh.

This account is not fiction or fantasy.<sup>1</sup> It is typical of the problems faced daily by government administrators throughout Viet Nam. These problems demand much of civil administrators -- a good deal of experience, versatility, and thorough training and knowledge of administration of public affairs. It must be taken into consideration as an axiom basic to the situation that the number-one problem in all of the provinces of Viet Nam is security and will be until the communist menace can be eliminated.

Several factors highlight Viet Nam's position in the free world's stand against communism. First, Viet Nam is the focal point of the Western world's effort to halt communist aggression in Southeast Asia. Secondly, all known communist techniques of usurpation are being applied daily throughout Viet Nam; i.e. infiltration, propaganda, espionage, sabotage, subversion, guerrilla warfare, and terrorism.

Many countries in every hemisphere are being subjected to communist methods of aggravation though they may not be experiencing guerrilla activity and terrorism. Therefore, if any views expressed in this paper have merit, they have application in public administration education in many nations.

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1 The writer was in the provincial headquarters city at the time. The province chief, the deputy chief, and the security chief told independently of the episode. It was discussed freely with the writer by other security officials and the writer heard portions of discussions among other officials.



USOM/Saigon FOTO

Sampans and barges are home for many families. Uneven population distribution and transportation difficulties complicate the job of security forces.

## B. Background

Examining the recent history of Viet Nam, we shall try to analyze the public administration problems and define a course of action which may help alleviate them.

In 1954, after the Geneva Conference had partitioned North and South Viet Nam into the Iron Curtain and the Free World, Michigan State University was invited to make a survey of the public administration needs of South Viet Nam. Based on this survey, agreements were reached with the Government of Viet Nam, the International Cooperation Administration (A.I.D.), and Michigan State University to provide a number of advisors over a period of time in various fields of public administration. Included were such widely separated areas as: budget matters, civil service, general administration, anthropology, and police and security administration. With the exception of police and security administration, the other subjects were incorporated into courses presented at the National Institute of Administration in Saigon.

The purpose of the National Institute of Administration (NIA) is the development of an efficient, effective, and responsible public administration in Viet Nam. To this end, it would: (1) provide academic programs for training of civil servants; (2) stimulate and develop in-service training programs in government agencies; (3) provide government agencies with consulting services relative to sociological, economic, and administrative problems; and (4) conduct research in administrative and economic fields. The NIA has been functioning since 1955 with a basic three-year curriculum. Similar institutions are developed in other countries.

### C. Proposal

At the time this curriculum was formulated, Viet Nam was in a comparatively peaceful state. However, since 1959 communist activity has increased to such proportions that security is the paramount issue in Viet Nam today. It seems logical that a contributory method of resolving the security situation would be the training of administrators in that particular field as well as in management of budgets, etc. The NIA is the logical vehicle for this training and the recommendation and thesis of this report is:

that there be incorporated in the curriculum of the National Institute of Administration an educational program concerning the Administration of Justice and Security.

In addition, there would be in-service training courses for government administrators at all levels to keep them abreast of current administrative practices.

#### 1. Financial and Other Aspects

In an effort to articulate the reasoning behind the necessity for this proposal, let us examine a few factors involved. First of all, there is the matter of the budget. In one city of approximately 100,000 population, the annual budget for 1959 was 74 million piasters.<sup>1</sup> Of this, 48 million piasters was budgeted directly for police and security. Thus, with some 65 per cent of a municipal budget allocated for these activities, it seems logical

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1 \$1.00 U.S. equals 72.77 piasters.

that a commensurate amount of attention should be given to the spending of such a substantial portion of these funds. This is typical of the country as a whole.

Turning to a rural community, let us examine the budget of a village included in a recent study.<sup>1</sup> Although the administration of justice and security was ostensibly allocated 20.5 per cent of the budget, a detailed analysis reveals that, in truth, the actual expenditures of this department amounted to 68.4 per cent of all funds. The next highest expenditure pattern was for general administration at 12.7 per cent of the total budget.

Another factor in the financial considerations involving the administration of justice deals with the ability of the public administrator to analyze and properly evaluate the real need for justice and security. Obviously, any justice or security administrator, just as all dedicated government administrators, is vitally interested in obtaining the maximum possible budget. However, the generalist must be able to balance the needs of his entire organization and weigh the comparative merits not only by the arguments furnished by his administrators but by the real needs of the situation.

Lloyd W. Woodruff found internal security to be such a major factor in administration that he states in his report on rural community administration:

"The problem of security served as a key determinant to much of the patterns of the behavior, at least the

<sup>1</sup> "The Study of Vietnamese Rural Community Administrative Activity" by Lloyd W. Woodruff, MSUG, Saigon, 1960.

administrative behavior, in the village. Thus, without a full appreciation of what was involved in the administration of security programs, the writer lacked a frame of reference for grasping the full meaning of village administrative practices."

Therefore, if such a problem confronts a researcher and professional public administration instructor, it is logical that the execution of these matters is even more critical for the local official. Witness also that in the chief town of the province studied the security agency was administered directly by a regular security official. Whereas, in the district, or smaller towns and villages, the district chief is the administrator directly in charge of the entire security operation for his district.

This is not to say that there is nothing taught at the National Institute of Administration bearing on administration of justice. There are offered such subjects as the penal code, tax collecting responsibilities, customs regulations, and other laws directly bearing on this field of endeavor. However, the prime problem is not of general law enforcement but is a counter-insurgency problem which must be fought in different terms from that in a normal, peacetime situation.

Another field of study would be the inter-relationships between the security officials and other administrators. What priorities take place in terms of activity, personnel, funds, equipment, administrative time, training, and the myriad complexities of public administration?



USOM/Saigon FOTO

A Montagnard (mountain tribesmen) village in the high Plateau region near the Laotian and Cambodian borders. Primitive people, the Montagnards are subject to tremendous pressure by the guerrillas who infiltrate the dense jungle seen in the background.



History gives us excellent examples of the necessity for close coordination between administrative agencies. In the nearby Federation of Malaya, a former British colony which achieved its independence in 1957, there occurred a long series of events quite similar to those currently happening in Viet Nam. In 1948 communist guerrillas in Malaya launched a succession of murders and depredations aimed at government officials, rubber planters, tin miners, and almost anyone within range.

In the Malayan governmental structure the military power was subservient to the civil, but there existed close coordination and cooperation between the two forces. The absence of this coordination and the lack of administrative ability to adapt in times of stress could be disastrous for any country.....and one wonders how a Malaya without these qualities could have resolved her security problem.

The adaptability of administrators is equally important when a wartime situation is resolved and returned to a peacetime society. What will be done to de-emphasize the need for security and concentrate more time, funds, and manpower in the fields of public health, welfare, education, etc., while still insuring adequate security to prevent the re-occurrence of insurgent activity?

Such questions cannot be wholly answered, but empirical research in conjunction with training in administration of justice and security should uncover a great many facts and much experience to assist educated administrators in making propitious decisions.

Of considerable concern to any United States administration is the problem of possible graft and corruption by certain officials



USOM/Saigon FOTO

Elephants are often the only means of transportation in the thick jungles near the Laotian and Cambodian borders, open gateways for communist guerrilla penetration. The large earthen jars in the fore-ground contain rice beer for Montagnard ceremonies.

of the government receiving aid funds. It is extremely difficult for any government to guarantee that graft will not occur but positive steps can be taken towards that end, and one of them is education. Ethics are taught in law, medicine, engineering, and in other professions, so there is no apparent reason ethics cannot be inculcated by education in the professional public administrator. The area of police and law enforcement has been, and unfortunately continues to be in many parts of the world, a fertile ground for graft. Adequate teaching efforts in the administration of justice and security could help combat this on a long-range basis, and establishment of such a course would be a positive indication of good faith on the part of the recipient government.

## 2. Public Relations

Public relations is another vital aspect in the problem of internal security and administration of justice. The citizens owe a duty to the government to provide all aid possible against the enemy, including furnishing information about any subversive activities within their knowledge. However, this obligation is reciprocal, and the government must be in a position to protect its citizens from retribution by the opposing forces. Also, counter-retribution by the government, often committed unwittingly, has a detrimental effect on public support. This is well illustrated in the following account.<sup>1</sup>

"In the villages at night, the Viet Cong often order the populace to dig deep, wide ditches across the roads, help demolish bridges, and block canals and streams with coconut

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<sup>1</sup> See "The Story of Nguyen Than and of Viet Nam", by Robert Trumbull, NEW YORK TIMES Magazine, July 2, 1961.

log pilings or wicker baskets, six feet high, filled with mud that hardens in water. To slow any counter attack, they lay booby traps of sharpened bamboo stakes, sometimes poisoned, and long nails embedded in boards along the approaches to the villages.

"Inevitably, when morning comes, soldiers or village guards appear and order the same tired, sleepless peasants to undo the sabotage committed in the night. The methods used to keep the exhausted villagers working until the job is finished are sometimes forceful. Before the arduous task is done, any resentment attaching to the Viet Cong has often been transferred to the Government authorities."

There are many instances in Viet Nam of retribution for such cooperation. The same report states that many villagers have been found by the roadside beheaded for displeasing the Viet Cong.

Therefore, there must be incorporated into the security activity a program designed to impart to the citizens their government's concern for their welfare. This program must be supported by positive action on the part of the government to insure that cooperative citizens will not be found in some creek bottom minus their heads.

This is not to say there is a total lack of a public relations program in Viet Nam. Much has been accomplished in this sphere, but additional education in improved techniques can make a significant contribution to better security for the general public.

We can draw similar parallels in the United States and other countries where naked fear on the part of the general public inhibits official action. Take for example, the difficulty in obtaining witnesses in criminal investigations in Chicago's Cicero or in New York's Harlem. Real terror exists in those places even today because of possible retribution by criminal gangs. Again,



USOM/Saigon FOTO

Rice paddies and drainage-irrigation canals are typical of the Delta area where a large part of the anti-insurgency operations takes place. Activity during the six month rainy season is particularly difficult for government troops.

we can cite Malaya, closer to the local scene in Viet Nam. Since World War II, Chinese Secret Societies have developed a terrorist organization in Malaya. Their principal activity is extortion of shopkeepers. It is virtually impossible to obtain evidence to convict these criminals. However, recently enacted legislation has already shown success in controlling known gangsters.<sup>1</sup> Other countries could use similar methods, which would be equally effective in controlling subversives as in general law enforcement.

Public relations means more than support of and pleasant relationships with the people. There must be respect for the government. The writer recalls an incident in one South American country where the president, distrustful of his Minister of National Defense, summoned the latter to his office one day. Upon his arrival, the president reached down beside his desk and picked up the submachine gun which was always there, arrested and disarmed his National Defense Minister who was immediately stripped of his uniform, put into civilian clothes and within five hours was flown out of the country where he still remains in exile. It is also of interest to note that the president is now in exile. The point is, of course, how can any government obtain the respect and support of the public when such incidents occur at the very peak of governmental structure?

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1 See "Malaya Controls its Criminals", E.H. Adkins, Jr., MSUG, Saigon, 1961

### 3. Military vs. Civil Administration

At this point let us differentiate between the military problem and the law enforcement, security, or administration of justice problem. The analysis and definition of these fields can be viewed from different angles. Their objectives provide a line of demarcation between the two forces. The mission of the military is to destroy the enemy; whereas the purpose of law enforcement is to seek out and apprehend the enemy -- whether hoodlum or communist subversive -- and bring him to justice. Also, a military operation would involve a large number of troops engaged in open warfare of one kind or another, while the police and security agents would be concerned with mopping up small groups of guerrillas who are trapped within, or had filtered into, a given area which has been sealed off by the military. Also, the security and police forces would have the function of maintaining any security achieved by the military in a given area. This coordination would be nation-wide.

Another means of delineating the functions of these two forces would be the limitations of the weapons involved. Usual police-type weapons are such things as riot guns ("sawed-off" shotguns), submachine guns, pistols, and rifles or carbines. Jungle strikes also involve the use of hand grenades which would not normally be used by police. Adequate communication equipment for short distances would also be in order for roving patrols. Transportation units, such as jeeps, six-wheel trucks, four-wheel drive power-wagons (which might be lightly armored), survival gear, and other equipment required in making strikes and defending positions in the jungle, would fall in the police category. The historically

trusty mule should not be overlooked.

When equipment required to defend or attack a particular locale reaches the magnitude of .50 calibre machineguns, bazookas, half-tracks, light tanks, or air planes, it then becomes a military operation. This obviously involves a radical change in thinking and in administrative control and would be necessarily given a different approach.

#### D. Conclusion

There is a vast difference in simply recognizing a problem and in planning and effecting possible solutions. The nature of this particular program is a pioneer effort, at least in the field of public administration for overseas operations. Therefore, the proposals outlined in Part II of this report will necessarily be subject to modification as additional experience warrants, and could be tailored to fit the national scene of any country.

The criminal codes of many countries other than the United States and Great Britain are based on the Napoleonic Code. Since practically all United States advisors are trained under the English common law, they do not have the adaptive knowledge on which to base a course of this type. Accordingly, it appears essential that some basic research be done in French and Vietnamese jurisprudence.

In connection with the research of current judicial systems, it is not too early to plant the germ of an idea for research whose ultimate goal is the reform of the judicial process. Systems based on the Napoleonic Code are notably slow and archaic.



An example of this was witnessed by the writer while living in a Latin American country. He was called in as amicus curiae to assist in the criminal prosecution of an American citizen in the local courts. It was a relatively simple embezzlement case involving a maximum of two days' testimony. The case took three years until the defendant was ultimately sentenced. Since there was no bail under this system, he remained in jail all that time. One bright note, however, was that his sentence coincided exactly with the length of time he had been incarcerated awaiting trial and he was released upon receiving sentence.

Careful study should be made of the jurisprudence and the court practices involved in security-type violations of the law. Too often the trials take on the aspect of "kangaroo" courts. Let it not be said that the writer favors the mollycoddling of any type of gangster -- whether an extortionist or a communist terrorist -- but the end results can and have been reached with due consideration to the rights of the individual. Should we lose sight of this, we will have lost our battle.

#### E. Summary

The struggle against subversion is not relegated to security forces alone. A major part of the success of such a struggle is dependent on a well-informed body of civil servants, apart from the police, who understand and appreciate the role which they and their organizations play in the constant battle to maintain internal security and stability. One of the most important elements of success in Malaya was continuous cooperation, planning,

and exchanging of information between civil and military authorities.

In only a few of the new countries around the world is there guerrilla warfare conducted as in Viet Nam. However, in almost all emerging nations a concerted effort is being made by the communists to subvert and destroy democratic government. The United States government has recently appropriated many billions of dollars for the specific purpose of fighting subversion which is no less dangerous than guerrilla war. It would seem that a portion of these funds could well be spent training the people in the host countries who will have the direct managerial responsibility for spending this money.

From these considerations we conclude that such a training program for civil servants is a necessity for such a new country as Viet Nam, self-governing for slightly more than six years, if that country is to continue to fight the forces of subversion and anarchy. It is also logical that such a course be incorporated in an already existing institution such as the National Institute of Administration.



USOM/Saigon FOTO

A model of the new National Institute of Administration campus completed in Saigon in 1961 with United States and Vietnamese funds. From left to right: Library and Auditorium, Administration Building and classrooms, Men's Dormitory. The building at the rear houses the kitchen and mess hall.

## PART II

### A WORK PLAN

#### A. Purpose

This work plan proposes a method of implementing the educational program introduced in Part I. It includes a 40-hour course in Administration of Justice and Security for regular students of the National Institute of Administration. Although specifically written for Viet Nam, the course could serve as a guide for similar programs in other countries. It would deal with the problem of civil-security relationships which will be encountered by most NIA graduates assigned to government positions at the national and provincial levels. Likewise, it may be anticipated that there will be a continuing need for adjustments and reform of civil-security relationships as the nature of the security situation changes in Viet Nam.

This problem will undoubtedly be in the forefront of government for the foreseeable future. The absence of research and data in this area has already been a source of distress for all agencies concerned with the problem, and a principal purpose of this program would be to conduct the necessary research. A six-year program is outlined to meet the minimum requirements necessary to consummate the aims of the proposal. Experience has taught that too short a program results in a severe regression in public administration strength.<sup>1</sup> However, an alternate three-year program

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<sup>1</sup> See "Trends and Benchmarks in Overseas Administration - Review of Mutual Cooperation and Public Administration, 1959" by Public Administration Division, ICA, Washington, D.C.

is also discussed here.

B. The Six-Year Program

1. Research

The primary research of the program would consist of developing field case studies similar to those conducted in the fields of general public administration. The interested NIA staff members would work with the law advisor in developing the case study material. After assembling a suitable number of case studies, the researchers would hold a series of seminars, general meetings, and work sessions wherein the content of a proposed course in Administration of Justice and Security would be developed. A textbook would result. Collateral reading materials would be gathered, translated, and programmed. Material already collected and reported in the general public administration research studies, as well as research into germane situations in other countries could be incorporated into the text material.

As a supporting effort, it appears essential that some basic research be done in French and Vietnamese criminal jurisprudence. United States advisors have been trained in the English common law system, which in many ways is at variance with and not applicable to the local situation. Modern methods and techniques would be related to the local problems and judicial system. One year is the minimum time required for this research under either a three or six-year program.

A logical outgrowth of this would be joint NIA/MSUG research into the needs for improvement of the Criminal Court system and

judicial procedures in Viet Nam.<sup>1</sup>

## 2. NIA Staff Members

Recruiting suitable NIA instructor material will be particularly difficult in this field. An ideal candidate would be a recent law graduate with some experience in the police and Sureté services. In Viet Nam, as in most emerging countries, such an individual is a rare bird. It seems the most practical approach is to select as alternates two or three young, recently returned participants who have the minimum of undergraduate degrees from a United States university. This automatically eliminates the lengthy problem of English language training.

Those selected should spend the first year of the program in joint research studies with the law advisor. After the first year, they should be sent to Michigan State University, or another United States university, for one year to obtain master's degrees in Police and Public Safety Administration. Back in Viet Nam, the participants should spend the next year in various training assignments in functional groups of the police and Sureté, including field operations.

It is difficult to overstress the importance of this one year's minimum experience and on-the-job training. The writer would be extremely hesitant to recommend an instructor who had no practical experience.

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1 Such terms as criminal code, criminal procedure, etc., include all legislation and procedures involving security matters, special security courts, and similar things.

In the fourth year, one of the participants would be selected to assist in teaching the course at the NIA as taught by the law advisor. The alternates would act in that capacity in succeeding years and serve as replacements in event of attrition. The fifth year, the NIA staff member would instruct the course under the supervision of the law advisor, and would continue the instruction in the sixth year, aiding in the joint research program concerning the improvement of criminal justice.

### 3. Academic Program

This course would be designed neither as a law course as has been given, nor as a course in the techniques of police science. There is a wide gap between the theoretical discussion of law, the practical application of police techniques to a police or security problem, and the general problems which daily confront the village, district, provincial, and other government administrators in the field of justice and security administration. This course, based on case studies, would be designed to fill such a void.

Particular stress would be placed on the seminar type of classroom session rather than straight lectures. Outside reading would be encouraged and materials would be translated into Vietnamese. Graphic training aids would be developed to assist in instruction and would be time-consuming as little exists in the field.

We do not anticipate any formal relationship with the police and security services. However, friendly relationships would benefit the development and continuation of this course. Even though

the course is not primarily designed for police administrators but rather directed towards the generalist, we would anticipate that certain key members from the police and Sureté services would be nominated by the Minister of Interior to attend the fulltime NIA courses. Likewise, we would envision that the management of the police and security services would wish to nominate educated young men from without the service who would be trained in general administration and subsequently be assigned to important posts for development within that organization.

After the first year of instruction, in-service programs would be implemented on a regional basis for currently employed government officials at relatively high levels.

#### C. The Three-Year Program

Though not believed to be the most desirable, a three-year program could be beneficial. The first year would encompass the joint law advisor-NIA staff member research and preparation of text material. During the second year, the law advisor would teach and revise the 40-hour course to regular NIA students. The NIA staff member would receive six months' on-the-job training in various administrative positions in the police and security services, after which he would assist the law advisor in teaching the course for the balance of the year. He would also aid in the additional, supplemental research outlined under "The Six-Year Program". The third and final year would differ principally from the second in that the NIA staff member would conduct the course under the supervision of the law advisor in preparation



for assuming full responsibility for future courses. Research and revision would, of course, continue as in the six-year program.

#### D. Conclusion

This, then, is the program and how it should function. Many worthwhile changes would undoubtedly be incorporated and it would be fascinating to watch it take shape. I hope I can do just that.