

Pryor Center for Arkansas Oral and Visual History  
Special Collections Department  
University of Arkansas Libraries  
365 N. McIlroy Ave.  
Fayetteville, AR 72701  
(479) 575-5330

This oral history interview is based on the memories and opinions of the subject being interviewed. As such, it is subject to the innate fallibility of memory and is susceptible to inaccuracy. All researchers using this interview should be aware of this reality and are encouraged to seek corroborating documentation when using any oral history interview.

## **Arkansas State Police Project**

Interview With

Tom Mars  
Fayetteville, Arkansas  
March 8, 2004

Interviewer: Michael Lindsey

Michael Lindsey: Did you grow up in Arkansas?

Tom Mars: No, I grew up in New York and Washington D.C. I came down to Jonesboro when I was eighteen to go to college when my Dad became the Dean at Arkansas State University. I graduated from there and went back to the area I grew up and took a job in law enforcement in Virginia. I stayed up there for three years and came back to Fayetteville to go to law school.

ML: What made you come back to Arkansas to go to law school?

TM: My first wife was from Arkansas and that was the main reason. I decided to go to law school for the sole purpose of getting into the FBI. I had no intentions of being a lawyer in private practice. I applied for an agent's position and received an offer to attend the FBI academy. By the time that transpired I had done much better in law school than anyone, including me, had predicted and I accepted a job clerking for a United States Court of Appeals judge in Utah. I did that for a year and was recruited by Hillary Clinton and Vince Foster to come back to Arkansas

and work at the Rose Law Firm. I worked for Hillary and Vince for three years and decided to strike out on my own. I saw Northwest Arkansas as a good opportunity and I came up here in 1988. I joined with two other lawyers and worked in private practice for ten years.

ML: What sort of law did you practice?

TM: Civil trials and litigation, which is what I did at Rose.

ML: How did you get to know Governor Huckabee?

TM: It started through some litigation that he was involved in. I am not sure whether it involved the mansion records or the Ethics Commission. At any rate, I had done some legal work on the Freedom of Information Act area back in law school. The Governor's lawyer called me for some help related to this and I went down to Little Rock to work with them. One thing led to another and the Governor asked me to help him on other legal matters. This required me to travel to Little Rock and I stayed at the mansion where I got to know him pretty well over the course of a year.

ML: How did he let you know that he wanted you to be Director of the State Police?

TM: Back in the summer of 1998 he indicated that he was going to nominate me for the next position on the State Police Commission. He knew that I had an interest and background in law enforcement. While there were no promises, he made it clear that he intended to do this. In November of 1998 or thereabouts I was in California taking some depositions in a civil case and he called me early one morning. He asked me if I would be willing to leave my law practice to head up the State Police. He said that Colonel Bailey would be leaving in the near future

and wanted me to think about it and come by when I got back to Arkansas. I visited with my law partner and shortly thereafter Colonel Bailey announced that he was leaving the State Police. The agreement with my law partner was that I would leave everything in my office just like it was because I would probably be back in a year. I told the Governor that I would only commit to it for a year because it involved a move to Little Rock and a significant change in income.

ML: Were you married at the time?

TM: I was divorced and had two kids. One was sixteen and the other was twelve or thirteen. That was a pretty significant consideration for me. My kids are very important to me and it was a big factor in agreeing to only do it for a year. As time wore on it became an even bigger issue to my kids and me.

ML: Did you have any concerns about coming from outside the State Police and becoming the Director?

TM: It was a big concern. That was one of the concerns I discussed with the Governor. We were both worried how I might be received. That became an issue later on. People questioned why a lawyer with limited law enforcement experience was in charge of the State Police.

ML: Can you describe the mood of headquarters on your first day?

TM: I wouldn't describe it as shock and awe, but it was one of surprise. I think it caught most people in the organization by surprise. What I mean is that the Governor put a lawyer in charge of the State Police. It wasn't just me. It could have been any lawyer.

ML: What were the first things you did to get acclimated and learn what the State Po-

lice and the Director did?

TM: In government, unlike corporate America, there isn't training for agency directors and there isn't much consideration given to leadership mentoring. I was trying to navigate in an area where I had virtually no experience. I had to rely on whatever common sense I had and try to develop a network of people who understood that my heart was in the right place and I that had good intentions. I would try and get out in the field and talk with troopers. Also, I identified two or three people within the organization who I felt like I could trust and I brought them a little closer.

ML: Who were the two or three you picked?

TM: Steve Dozier is somebody that I had worked with twenty years earlier when I was in college in Jonesboro. We had lost touch with each other in the interim and I hadn't seen him in eighteen years. People thought that since I had known Steve twenty years ago that I had been in contact with him for the past twenty years. I think that he is capable of doing any job in the agency and I got him to come down from Jonesboro. John Paul Davis, from Harrison, and Jim Elliott were the others. Dan Oldham was already there. Back when I lived in Jonesboro I worked at a service station where the State Police got their fuel. I had an interest in law enforcement at the time and I would ride around with a couple of those guys. One of the guys I rode around with was Dan Oldham. He was already a Major when I got there and I had familiarity with him. John Paul Davis was already a Major and I felt like he was a good asset to have in Little Rock. They were all quite different in terms of personality and style.

ML: In the 1960s and into the 1970s there were two factions in the State Police and

officers tended to be in one camp or the other. Did you see this when you became Director?

TM: Do you mean between Highway Patrol and CID?

ML: That is one division that we should discuss, but I am talking about within Highway Patrol itself. There were two political factions that were headed by two different people and as Directors would come and go one faction would dominate over the other, which effected promotions.

TM: I think it continued. Every time you have a change of Directors you have movement in these factions and they seem to reinvent themselves. They are not like political parties at all. They are two factions that have evolved and you will have people switching parties all of the time. The people that are part of the most influential faction gain more input and get promoted. The competitive spirit between the Highway Patrol and CID was very obvious while I was there. The extent of that competition was surprising.

ML: It seems obvious in my interviews that there is tension between CID and Highway Patrol, but I didn't know if it played out at headquarters.

TM: It played out constantly. That was one reason I thought it would be helpful to have John Paul and Jim there because they had represented the Highway Patrol. I think that the Highway Patrol is the backbone of that organization and as Arkansas sheriffs have become more capable and sophisticated in the last couple of decades, the CID has become more of a secondary support organization. CID is an important part of the organization and one of the most impressive, but the Highway Patrol tends to dominate if only on sheer numbers alone.

ML: What did you feel like needed to be changed or implemented to allow the Department to progress?

TM: There were two things that I wanted to try and accomplish. Both of those objectives were influenced by the belief that I wouldn't be there very long. One was the DWI initiative and the other was a combination of two things, a State Police manual and the accreditation process. Looking back, I think the DWI initiative was something that was good for the organization and for Arkansas. It was done effectively and played to the strengths of the State Police. Doing it over again, I probably would have pursued accreditation, but would have handled it differently. As you probably know, it was abandoned after I left. What we did gain from the process was the ability to get the manual published. I think the manual is still being used and improved. I was a little naïve in how I viewed the accreditation process. I didn't appreciate the level of passive resistance to the idea of accreditation and I was naïve about the ability to actually fund the project. I didn't think I would be there long enough to see it through, but hoped I would be there long enough to give it traction for the next Director to complete.

ML: Can you talk a little bit about the DWI initiative and the tactics the State Police used?

TM: It is pretty easy to measure the metric of DWI arrests. The State Police didn't have the information systems necessary to keep track of complicated metrics, but DWIs were pretty straightforward. We started looking at the numbers and stressing to the trooper how important they were. The second thing we did was partner with MADD (Mothers' Against Drunk Driving) in establishing a recognition pro-

gram. Troopers would get a sticker showing a wine glass with a hash mark through it for every five or ten DWI arrests. We created a competition among the troopers. Also, we began to implement more roadblocks. We created event type of situations, especially around the holidays. We also identified people who were not meeting expectations. People in the bottom twenty percent of the statistics were “invited” to come down to Little Rock and spend a month at headquarters sleeping in the barracks while they got remedial training from high performers. That was a very unpopular part of the program and I caught some criticism for it. But one of the troopers who had not had a single DWI arrest in a year went back to Cleburne County and ended up being the highest producer of that troop. We also created an award with MADD called the “Blue Knights.” Bill Sadler put together a really nice plaque and we had a ceremony at the Capitol. The statistics clearly showed that the program had an impact, but we were never able to correlate those arrest statistics with the fatality rate in Arkansas. We created a special enforcement team that used “stealth cars” and Camaros. This group generated a lot of arrests and not just for DWI. Also it got a lot of positive publicity.

ML: What were your expectations for success? In other words, what did you feel was necessary for you to go to the Governor and say you had been a success because of the following reasons?

TM: That takes me back to this accreditation process. It seemed to me that the organization had not kept pace with the improvements in technology and advancements in policing and education when compared with other state police departments in Washington, Virginia, and Missouri. For funding reasons, the State Police had re-

lied on institutional pride and good old fashioned policing to maintain its reputation and do its job. I wanted to be able to tell the Governor that I helped modernize the State Police and encouraged them to think outside the box. I wanted to bring it up to the standards that many law enforcement agencies in and outside the state aim for. I don't think anybody questions that CALEA (Commission on Accreditation of Law Enforcement Agencies) represents those high standards. There may be more efficient or less costly ways to reach those high standards, but I knew that I didn't have the credibility in law enforcement to come in and sell my ideas. Therefore, I needed a tool to sell them. I didn't take me long to find this tool in CALEA, which provided me with a credible source to promote these ideas. No one could question the rationale behind them because the source was impeccable. However, the opponents of accreditation were savvy enough to point out that the expenses and stress such changes put on the organization would be harmful. Also, there wasn't buy in at the troop commander level, which is crucial for any initiative that occurs in the State Police. It became a push and pull exercise, but it did allow us to get a manual put together. The State of Washington had a State Police Director who was a lawyer at the time and she was a female, which made it even more interesting. She had managed to get that agency through the CALEA process and we used them as a model for our manual. Even though I was disappointed that I didn't accomplish more, I think that I improved some areas by leaving behind a manual and helping modernize the organization. I also think that I helped promote some people that will carry out these ideas in the future.

ML: It has been pretty common throughout the history of the State Police that if the

Governor needed something done he could contact the State Police and they would see that it was done. Did you see the same sort of thing while you were Director?

TM: No. One thing I would have to say is that the Governor never micromanaged anything or got involved in any State Police business. I thought it would be that way and I had a serious discussion with the Governor before I decided to do this and he agreed that he wouldn't ask me to look into things or use the agencies resources in any manner related to his agenda. His staff never tried to influence the State Police either.

ML: You mentioned the Troop Commanders earlier and that is another recurring theme. Troop Commanders are generally pretty independent and even if Little Rock develops a plan, its implementation depends upon the Troop Commander.

TM: That is how I would describe it. I have been told that it has always been like that. There is not anything wrong with that method though. It is only a bad thing if you want standardized policies and practices, which is what this CALEA process required. Getting the commanders to agree and then enforce a standard policy was a challenge.

ML: Do you recall what were some of the tough problems the State Police had to deal with during your tenure? For example, it might be an area with an unusually high number of traffic accidents or a place that has a lot of criminal activity.

TM: I don't recall any specific geographic areas that gave us problems. The main problem we faced was with methamphetamines. This was a problem throughout the state. Also, it was shocking to me to learn how much drug trafficking occurs

on the interstates. Otherwise, I don't recall anything else that sticks out.

ML: You mentioned that your relationship with the State Police Commission had become strained by the time you left. Can you discuss how that developed and what is the role of the Commission?

TM: That is the thing about the State Police that I think needs to change the most. I know that John Bailey dealt with the same problems. It is the result of a couple of things. First, the role of the Commission is not well defined despite the fact that state law requires all commissions to have rules and duties defined by law. What I have learned is that the Commission is a political body within itself and it has its own internal political factions. Some of its members are probably more interested in influencing promotions and policy within the State Police than they are fulfilling what their functions were intended in the first place. What ends up happening is that the Commission, which clearly has the authority to approve or deny every promotion without using any rules to guide them in this process, can and has through three directors grid locked the process. I don't know what anyone can do to change it. Every Director goes in there with the knowledge that this is the way it works and they have every intention of getting along with the Commissioners. I could have gotten along with them and had a smooth, fuzzy relationship if I had been willing to make deals with them over promotions. I tried to make them feel included and authorized some perks that they had not previously had and I went to dinner with them. But it became virtually impossible to stay in contact and update them about every little detail and still go about the business of running the State Police. If you resisted a promotion that they wanted, you ran

the risk of getting yourself entangled in the alliances they have developed. The Commission members had divided the state into territories that they said were meant to improve communications and clarify which commissioner a trooper needed to contact with a complaint. It was openly discussed and understood that this was not the true purpose of the territories. The sole purpose was to create a veto system in the promotion process. The person in that territory had the ability to veto any promotion in their territory. Therefore, Troop A's territory was critically important because they had the ability to veto all promotions up to Lieutenant Colonel. By contrast, the commissioner for Troop L's territory could only veto up to the rank of Captain. The explicit agreement was that the commissioners agreed in advance to allow each commissioner veto authority in their territory and that the rest would unquestionably support this despite what the Director or administration might argue. I think by the end of my time, a majority of the Commission felt that I wasn't sufficiently heeding their advice and that I wasn't being collaborative and inclusive enough. In the latter part of 2000 I went to the Governor and told him that I was tired of it and that I would be leaving sometime soon.

ML: Would they try to influence the emphasis and direction of the Highway Patrol?

ML: Oh, yes. I have heard that in a recent meeting one of the commissioners publicly denounced the agency's promotion policy. Another example involved Steve Dozier. I think Dozier's promotion was the only one ever publicly voted down by the Commission in a public meeting. This was the one of Colonel Bailey's final nominations for promotion. They obviously didn't have a problem with promot-

ing Dozier because they later advanced him all the way to Lieutenant Colonel. It was a problem with John Bailey. They wanted to send a message to him that they weren't going to promote anybody if he continued to act independently. Another side note—the Consent Decree that the State Police operated under was nearly impossible to comply with unless you stopped promotions. The Decree had certain objectives about promoting minorities and females. Still, we promoted a lot of people while I was there and it made it impossible to comply when the Commission had the right to veto the person the Director thought was the best candidate. If the State Police had an archive of the records, you would find a pretty interesting email exchange I had with one of the Commissioners discussing how their practices interfered in complying with the Consent Decree. The majority of the Commissioners interpreted these exchanges as a way to use my legal background to undermine their authority. Someday the Legislature will realize that the Commission needs to be abolished or restructured. As long as they have this undefined authority it will be a problem for the Director.

ML: Another common stumbling block for the State Police can be the Legislature. How did you get ready for the legislative session and what were your experiences with them?

TM: I had a positive experience with the Legislature. My relationship with Bobby Glover was strained, but the press reports about that were overblown. The main reason I left had to do with the Commission and not with Bobby Glover. I didn't want to put a spotlight on that for the whole world to see. It was easier to attribute my relationship with Bobby Glover as the reason I was leaving, when it

fact it was really secondary. With the exception of Glover and a couple of others, I had the advantage of being a lawyer when the Legislature was full of lawyers. I have a real close relationship with Mike Beebe that I developed. We are both trial lawyers and got to be friends that way. The sheriffs were another constituency, too. I took them seriously and I had a pretty good relationship with them. I still have a relationship with some of those guys today. I think that the fact that I wasn't from the State Police gave me an edge.

ML: I have heard that in the 1970s and before, if a sheriff complained he could get a trooper moved. After this time, the Directors wouldn't act on these recommendations unless the situation had merit. Did you still see sheriffs asking you to move troopers?

TM: Not really. They might call one of the other guys and try to work their magic through them. If a Legislator called me about a problem in their district I would take them seriously.

[End Of Interview]

[JD]