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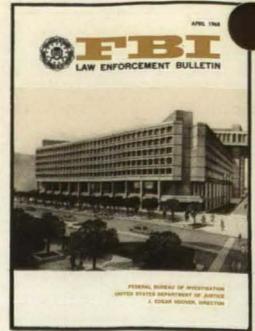
LAW ENFORCEMENT BULLETIN



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
J. EDGAR HOOVER, DIRECTOR

APRIL 1968

VOL. 37, NO. 4



THE COVER—The artist's conception of the new FBI Headquarters Building. See page 6.

FBI

LAW ENFORCEMENT BULLETIN

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MESSAGE FROM THE DIRECTOR

- Three armed, masked robbers stride quickly into a bank, terrorize the employees, and escape with some \$83,000 in loot. Later, the trio of gunmen kill two law enforcement officers and seriously wound two others before they are apprehended.
- Barking commands for money, a lone masked bandit menacingly waves a snub-nosed revolver at a frightened female teller. When she fails to respond immediately, he shoots her in the abdomen and flees emptyhanded.
- Four thugs savagely pistol-whip two bank employees, rob the bank of more than \$16,000, and wound a State police officer before they are caught.

To some, the above incidents may sound as if they are from pages of the "lawless thirties." Actually, they are descriptive sketches of typical, violent bank robberies occurring today with alarming frequency in communities throughout the country. In 1967, an alltime high of 2,551 violations of the Federal Bank Robbery and Incidental Crimes Statute was reported to the FBI. This represented an increase of more than 30 percent over the 1966 total. Obviously, bank robbery is one of the most serious crimes confronting the public and law enforcement. Aside from the danger to bank employees and law enforcement officers, growing criminal assaults on banks increase the risk of serious injury and death to customers and innocent citizens.

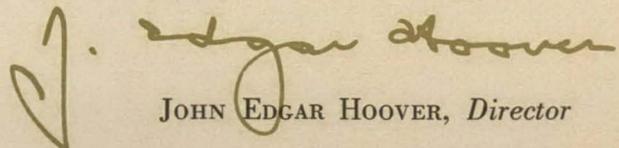
No one can pinpoint all the factors which cause a bank robber to strike. He is usually obsessed with the desire for "easy money" or in desperate need of money. His decision is undoubtedly influenced by the widespread news of others who have taken the risk and, if not successful, have escaped punishment through legal loopholes or

judicial technicalities. The odds look so good he commits the crime. Also, branch banks, springing up in suburban areas, are considerably more vulnerable than their urban counterparts. Normally, they have less protection and security, and the locations provide more and better escape routes. Many banks take every security precaution to deter and discourage holdups, but some are woefully unprepared to cope with the problem.

Modern technology has made available to banking-type institutions protective devices which are excellent deterrents to assaults on banks and which are valuable aids to law enforcement. Time and again alarms and surveillance cameras unerringly expose the criminal as he commits the crime. But in all too many instances, banks have neglected to apply imaginative leadership in thwarting robbery and in safeguarding banking facilities.

Law enforcement is exerting every effort to meet the challenge of bank robbery. Effective liaison, cooperation, and the sharing of criminal information and techniques have been of immeasurable help in this cause. The FBI National Crime Information Center (NCIC), a nationwide telecommunications network, has already demonstrated its unique capabilities in the fight against bank robberies and other crimes. It can be expected that, as the resourcefulness of this vast computer reservoir of criminal data increases, the NCIC will become an even greater threat to law-breakers who prey on banks.

Let the message be unmistakably clear for those inclined to commit criminal offenses against banks. Let all law enforcement members and all bank officials unite in the effort to bring violators to justice. With the modern equipment now available to banks and police and with the conscientious assistance of the public, the "criminal run" on banks can be drastically reduced.



JOHN EDGAR HOOVER, *Director*

APRIL 1, 1968



Lost in subzero weather for almost a day, this 5-year-old boy suffered frostbite to his feet and hands. Sheriff's deputies brought the boy out of the woods to safety on a toboggan pulled behind a snowmobile.

Snowmobiles have become a vital part of the growing number of modern tools being used by law enforcement agencies within heavy snow areas in the United States and Canada, as well as in snow belts throughout the world. Already snowmobiles have proved their effectiveness for rescue work, patrolling, and general police work in urban, suburban, and rural areas.

Major uses for snowmobiles by police agencies are fourfold: (1) to rescue citizens from their homes during or after snow emergencies; (2) to transport food, fuel, and medical supplies or doctors to isolated homes; (3) to search for lost persons and to check stalled cars and buses for stranded travelers; and (4) to investigate snowmobile accidents or plane crashes which occur in dense forest areas inaccessible to other vehicles.

To some police administrators and sheriffs, using snowmobiles is completely new. In reality, the snowmobile industry on a large, marketable scale is an infant. In the winter of 1964-65, an estimated 40,000 snowmobiles were sold. This figure soared to 70,000 units the following season and then hit sales of 120,000 units in 1966-67. The snowmobile sport is becoming as popular in areas of heavy snowfall as motorboating is in other places, with approximately 150,000 sold last winter in the United States and Canada.

Today the snowmobile business is valued at \$150 million for the machines themselves and \$20 million for the accessories and cold weather clothing. Snowmobiling is fast becoming one of North America's most popular winter sports. The great appeal of snowmobiles for the public is based on the concept that the entire family can

take part in the new winter recreation. Presently there are 40 manufacturers of snowmobiles, with a grand total of about 350,000 machines in operation.

Police Use

Where the public has tested the snowmobile—and it has withstood the harsh treatment of teenagers and entire families—the product has graduated to use by law enforcement. The newer models are much more quiet than their predecessors because manufacturers have produced engines with dual muffler systems which account for 50 percent less noise. Newer models also have special baffling and enclosed engine compartments and are more adaptable for police operations.

Many law enforcement agencies in snow belt areas are now setting aside money for the versatile snowmobile.

The Snowmobile:

A Tool of Modern Law Enforcement

MAURICE F. DEAN
Sheriff of Schuyler County,
Watkins Glen, N.Y.

and

M. A. EUSTON
Deputy Sheriff of Onondaga
County,
Syracuse, N.Y.



Sheriff Dean.



Deputy Euston.

Prices range from about \$600 to \$1,700 each, with an average price of \$1,000. Sheriff's departments throughout New York State and elsewhere, in addition to State and local police departments, find that the most functional snowmobile is one with a capacity for two to three men and a minimum of 16 horsepower. The more horsepower snowmobiles have, the better they are able to carry police officers and rescue equipment into rough mountainous terrain and areas impassable by other means of transportation. Most snowmobiles are driven by a two-cylinder, two-cycle gasoline engine. They have been rated at speeds up to 60 miles per hour, with the average speed for medium horsepower units about 45 miles per hour. The driving power to propel them over snow is derived by traction from a flexible rubber or nylon tread with

some steel or aluminum cleats which grab on icy surfaces.

The treads of a snowmobile can be compared to tracks on a tank or tractor. They work in a similar fashion, but the snowmobile only has one tread, usually about 17 inches in width. Some more expensive models have wider treads measuring up to 28 inches in width.

The forerunner of the snowmobile was developed in 1927 and was merely a motorized toboggan. In 1928 a French Canadian named Joseph Armond Bombardier of Valcourt, Quebec, built a snowmobile from a Model "T" Ford. The vehicle resembled a half-track and maneuvered well in heavy snow, where other vehicles could not travel. One of the first users of the snow machine in the United States was a Lenox, Mass., resident who bought one to travel around

Berkshire County in 1929.

An estimated 95 percent of the snowmobiles sold are for recreational purposes. The remainder are used by policemen, forest rangers, telephone linemen, commercial trappers, and rescue squads.

Blizzard Operations

During the "blizzard of '66" two seasons ago, the northeastern part of the United States was paralyzed. The central New York area received a total of 42.3 inches of snow, the greatest amount of snow since 1902 according to U.S. Weather Bureau statistics. Snowmobiles proved the most effective method of transportation for police and rescue crews during this time.

In Schuyler County, N.Y., located at the southern end of Seneca Lake in



Unplowed roads and deep snow are no problem to officers checking and posting summer property when they use snowmobiles for transportation.

central New York State, the blizzard trapped many residents and stalled transportation. A call was received at the sheriff's department during the height of the storm from a woman who lived in a remote part of the county. She had previously broken her hip and was able to walk only with the assistance of a metal walker. She had run out of fuel oil, and an oil truck was stuck about a mile and a half from her home. Her furnace fire had gone out, and, in a moment of panic, the elderly woman had blown all the fuses in the house by plugging in an electric heater. She was without heat or lights. Using a snowmobile, deputies went to help her with fuses and another heater. The snowmobile made accessibility to the house easy, and the deputies blocked off all rooms in the house except one. Electricity and heat from the portable heater kept the woman safe for the remainder of the storm.

The "blizzard of '66" proved the usefulness of snowmobiles for emer-

gency maternity calls. Using the snow machine, Deputy Sheriff Alfred A. Antonello, of Onondaga County in Syracuse, N.Y., was able to reach the home of a couple in Baldwinsville, N.Y., a suburb of Syracuse, in time to deliver a baby boy.

Taking food, medical supplies, and doctors to snowed-in citizens is easy with the use of snowmobiles. Engineers at the WTEN-TV translator station on top of Massachusetts's highest mountain, Mt. Greylock, in the western part of the State were trapped in their building. A telephone call to the Pittsfield barracks of the Massachusetts State Police sent a snowcat to their rescue with food and equipment. For almost 4 months of the year, Mt. Greylock roads are impassable by vehicles except snowmobiles or persons on snowshoes.

A speedy rescue in mountainous terrain can be accomplished more efficiently and with less manpower by officers using snowmobiles than by men on snowshoes. Several police

agencies in the Nation have rescued entire families stranded in their homes during snow emergencies by using snowmobiles equipped with sleds or toboggans.

The checking and posting of summer cottages or camps in resort areas are facilitated by the snowmobile. Time and manpower are saved, and more territory can be covered by the individual police snowmobile than by any other means.

Growing Sport

The function of investigating accidents involving civilian snowmobiles has increased greatly as the sport of snowmobiling mushrooms into one of the most popular winter activities. The technical advances by the snowmobile industry have brought about a new interest for the sportsman. Metropolitan areas such as New York City and Milwaukee, Wis., have noted a growing problem with the number of snowmobile-congested parks. In 1965 the County Park Commission in Milwaukee opened three parks and land along the Root River Parkway to snowmobiles. An enthusiastic snowmobile organizer was a county executive in Milwaukee who led a crowd of hundreds of snowmobile operators on a "Trek with the County Exec." The program has been so successful that park officials have begun to rent snowmobiles for \$2.50 a half hour. The machines have been loaned to the county by a local company.

Accident Investigations

In snow belt areas where snowmobiles are popular, accidents occur frequently when safety rules are disregarded. Sheriff's departments and police agencies are beginning to investigate large numbers of accidents involving snowmobiles and cars, snowmobiles and other snowmobiles, not to mention collisions between



Special trailers are used for transporting snowmobiles, sleds, and emergency rescue equipment.

snowmobiles and trees, stumps, or rocks. Some of these accidents involve serious personal injury to the sporting novice. In order to get to some accidents—the majority of which occur in deep woods—the law enforcement officer must use a snowmobile to arrive quickly and safely. Larger and more powerful snowmobiles are being used successfully for this police work.

Most police agencies using snowmobiles mark them in the same manner as patrol cars with reflective seals or the lettering "Police" or "Sheriff's Patrol." Proper marking is essential in patrol functions and in enforcing local ordinances. The officer operating the snowmobile must be wearing a uniform with proper emblems and a badge to differentiate him from the sporting snowmobile operator. Winter hats or insulated motorcycle helmets, such as those used by patrol or motorcycle squads, should be worn for both safety and protection from the natural elements. Some city, State, and sheriff's departments have

equipped their snowmobiles with a revolving emergency light on an adjustable stanchion which can be raised or kept stationary like the lights on motorcycles.

Communication with police headquarters or the command post for search activities can be accomplished through a portable walkie-talkie strapped to the driver. Most portable, battery-operated radio units on the police band have a range up to 20 miles and are a necessity on patrol or on searches for lost children or plane crashes.

On December 14, 1967, Trooper William G. Doyle, 28, of the New York State Police was shot and killed in the Oswego County community of Parish. State, county, and local law enforcement officials began a massive police dragnet for two men in a stolen car which the trooper had been chasing before he was killed. Three days later a 1965 Dodge Dart coupe bearing Michigan plates was located by troopers on snowmobiles which had

been loaned to them by local residents. The car had been driven off the road and under some trees. It had not been spotted from the air by helicopter or plane or from the road by cruisers. This car is now being used as one of the important pieces of evidence in the case against a man charged with the crime. The man's companion, an escapee from a State mental hospital near Utica, N.Y., was allegedly shot by his accomplice.

Emergency Cases

Airplane crashes in snow-laden mountains can be reached quickly by snowmobile, when other means are not available. Several lives have been saved by the quick rescue efforts of police, forest rangers, or rescue squads. The bodies of the injured and those fatally injured can be brought out by the use of the powerful snowmobiles which have a pulling power of up to 1,500 pounds. In some cases the quick arrival of doctors and medical supplies at plane crash sites may mean many lives saved.

In 1965 a fireman from Utica, N.Y., had been clearing snow from hydrants when a citizen stopped him and told him that a local radio station had appealed for help in taking a woman to a hospital for emergency treatment. The fireman transported the woman on a toboggan behind his snowmobile all the way from her farm to the hospital without further injury.

Facilities for caring for heart attack patients are usually available in city and suburban areas, but the problem is compounded when the attack happens in the backwoods of any State. One such incident occurred at St. Regis Falls, N.Y., located near the Canadian border. Two hunters had gone into the woods, and one had suffered a fatal heart attack. Trooper William Thompson of the Malone Substation of the New York State Police located the deceased man's

body and brought it out on a snowmobile.

The Federal Government has seen the need for expanded areas which snowmobile sportsmen can use. One such location, a 13,000 acre area, was opened this year by the U.S. Forest Service near Ithaca, N.Y.

Some police officers saw their first snowmobile on the highway when a Blaine, Minn., man, James Langley, and a companion, Clark Dahlin, of Cambridge, Minn., traveled 4,018 miles across North America from Vancouver, British Columbia, to South Portland, Maine, in 24 days. According to their records, they were stopped by police 14 times during their trip, or on the average of once every 287 miles. The two men were loaned two 15-horsepower snowmobiles by a national manufacturer and were allowed to make several alterations so that the snowmobiles could qualify as motor vehicles under State laws. They added another headlight, two taillights, windshield wipers, a dual brake system, turn signals, and seat belts. After the vehicles passed inspection, they added license plates.

The travelers found that some States prohibit civilians from running snowmobiles on public highways. One such State is Montana, where legislation was signed into law in 1966.

Some civil defense groups have scored a first in rescue operations by forming 100-man snowmobile teams. Only those members of the civil defense police divisions who complete a 20-hour course in first aid, map and compass reading, handling of casualties, and cold weather survival are allowed to join the groups. They hold periodic emergency exercises in rural areas on weekends in coordination with helicopter and ground teams. All the snowmobiles in these groups are owned by the individuals, who donate their time and services to civil defense.

One of the best ways to see the snowmobile in hard, speedy conditions is to visit a snowmobile rally. More than a hundred are held in North America each winter, with the majority of them taking place in Wisconsin, New York, Minnesota, and Michigan.

Police agencies interested in buying one or more snowmobiles can see

them at outlets such as department stores, garden centers, local snowmobile dealers, appliance stores, marine and boating centers, and ski equipment stores. Some city police who have already begun the use of snowmobiles on snow and car-clogged streets are now expanding their fleets.

Some local dealers may wish to donate snowmobiles to the police department for sales promotion purposes, similar to the arrangements auto dealers have with high schools for driver education programs.

Whether your department purchases one or a fleet, or depends on snowmobiles loaned by citizens or individual police officers, the law enforcement function of the department will be strengthened. The use of snowmobiles can bring about greater police service in times of snow storms, emergencies, or routine patrol work. All the improvements offered the modern police agency for fast tracking of burglars, robbery suspects, or even children in snowy conditions can be augmented and more effectively brought about by the snowmobile—a tool of modern law enforcement.

THE COVER—NEW FBI HEADQUARTERS

The cover of this month's issue depicts the artist's conception of the new FBI Headquarters Building now under construction. Current plans set the completion date for early 1973. Located between 9th and 10th Streets NW., the new building will front on Pennsylvania Avenue and extend northward to E Street. Rising to seven stories on the Pennsylvania Avenue side and 11 stories on the E Street side, it will contain over 2 million gross square feet of space. This will make possible the consolidation of all the FBI's Washington operations, now housed in seven different locations, into one structure. Other notable features include an eighth floor cafeteria affording an excellent view of the city and the Potomac River and expanded tour facilities enabling an increasing number of visitors to tour FBI Headquarters.

"One of the great truths that Americans, young and old, need to acknowledge today is that a working freedom requires work."

Let's Have **FAITH** in America!

HON. WILLIAM E. GALBRAITH

National Commander,
The American Legion,
Indianapolis, Ind.

Commander Galbraith, in this article written especially for the Bulletin, discusses some of the serious issues facing law enforcement and our Nation.

Mr. Hoover greets Mr. Galbraith during his recent visit to FBI Headquarters.



FAITH, we are told, is the force of life.

Truly, faith has been a sustaining power of our great Nation since the Declaration of Independence. In that historical document even today radiates the strong faith of the brave men who affixed their signatures to it. And so it has been, time after time during the short span of history that our Nation has been in existence, the faith of its free people has been a redeeming factor.

We can be proud that our country was founded on religious principles. Our faith in a living God and our belief in and support of religious freedom for all mankind have been beacons of hope for oppressed people throughout the world. As conceived by our Founding Fathers "with a firm reliance on the protection of Divine Providence," the United States has grown and prospered.

My roots are deeply embedded in the farmlands of Nebraska. It was there that I was taught to love God, to love my country, and to respect law and order and the rights of my fellow man. It was in Nebraska that I first learned of the great heritage of America and of the priceless freedom which

is ours and which was bought with the blood of our forefathers. And it was from my farm home in Nebraska that I left to join the U.S. Navy during World War II—my country's fight was my fight.

In subsequent years in connection with my work in The American Legion, I have traveled extensively throughout the country. I never cease to marvel at its vast growth, development, and progress. To me, it is truly a tribute to the vision of our forefathers—a Nation of free people living under a government of law which derives its just powers from the consent of the governed. Certainly, we can all be proud that we are Americans.

Disturbing Events

I would be less than candid, however, unless I stated that within the past few years I have become increasingly disturbed by many things I see and hear in our country. I know, too, that many of these happenings are of concern to a growing number of citizens. Crime is rampant in most communities. Growing disrespect for law and order is reaching intolerable proportions. It threatens every home. Its symptoms are visible on every street corner in the smallest of hamlets and in the largest of cities. We see it in the alarming volume of obscene material deluging our country, in the mounting traffic in illicit drugs, in campus riots, and in spiraling teenage arrests. We see it in the contemptible and open manner in which lords of the underworld and organized crime prey on the public, knowing full well that the odds on their being brought to justice are extremely small. And, we see it in the public's attitude toward police and in the reluctance of citizens to become involved in preserving law and order.

A good example of this dangerous trend is the shallow thinking of the

civil disobedience advocates. To them, the law is a matter of whim. If they disagree with a certain law, they feel justified in breaking it. While this may seem to be a fast solution to an immediate problem, its overall implications are frightening. Such a concept is wholly inconsistent with our democratic processes. Regardless of the worthiness of a cause or goal, our society cannot exist if each person chooses the laws which he will obey and those which he will break.

We have already seen some results of this foolhardy doctrine. Civil disobedience first emerged on a minor scale involving small groups of individuals who trespassed or blocked entrances of business establishments in defiance of the law to emphasize their complaints. These initial outbreaks seemed rather harmless until they went unpunished and until they were sanctioned and encouraged by some well-meaning but misguided leaders and authorities. The consequences are well known. Official tolerance of seemingly insignificant misdemeanors committed by demonstrators has created contempt for all law and order and made lawbreaking a "respectable" pastime. Civil disobedience has grown from scattered altercations into major riots with burning, looting, sniping, and killing in scores of cities.

Any rational person must agree that civil disobedience is the wrong "means" to any "end." Dispassionate justice for all citizens and a full share of the rights and liberties guaranteed under our system of government are not achieved by taking the law into our own hands. Regardless of how else it may be interpreted, the rise of civil disobedience is now a direct and serious challenge to the rule of law and due process.

I strongly urge all patriotic and law-abiding Americans to reject civil disobedience in any form. We must demand a return to respect for law and

order. We must make our position known to Congress and to local and State authorities so that there can be no misunderstanding of our intent to uphold and support the rule of law. We must make it clear that we expect lawbreakers, whoever they are, to be held accountable for their unlawful acts. This is our duty.

Further, we cannot overlook the announced plans for demonstrations in certain major cities with the expressed intentions of bringing operations of the Federal Government to a grinding halt. First of all, such schemes are completely irresponsible. They denote leadership which is low in mental acumen but high in self-aggrandizement and hunger for power. Secondly, even the planning of such a staged disorder is undoubtedly a conspiracy to break the law in the strict legal sense. And finally, if insurrectional fiascoes of this type do in fact occur and functions of the Federal Government are interrupted and the rights of others denied, the public will have an opportunity to judge whether the rule of law applies to all people or whether some are above the law.

Freedom Is Not Free

Under our system of government, the rights, privileges, and opportunities available to the people place a corresponding obligation on the citizenry. Millions of Americans know from personal experience and sacrifice that "eternal vigilance is the price of liberty." Vigilance, among other things, means responsibility, individually and collectively. Freedom, therefore, comes at a costly price. We pay an installment on freedom every day. It is not free.

This brings me to a point I want to mention briefly concerning the patriotic efforts of the splendid organization I am privileged to represent. The American Legion has chosen for

Some this year the meaningful and succinct truism—"Freedom Is Not Free." More than 2½ million Legionnaires and over 1 million members of The American Legion Auxiliary are working diligently every day to remind all Americans that on the voyage of freedom there is an oar for each passenger. When all oars are stroked in unison, our vessel cuts proudly through the troubled waters, straight and on course. But when the oars are allowed to drag, we begin to flounder. At this crucial time, every citizen should man an oar and do his bit to preserve our way of life. We in The American Legion join millions of other Americans who believe that the preservation of liberty and freedom is a full-time job and is the responsibility of all. We urge all citizens to remember that "Freedom Is Not Free."

Americans today are restless and uncertain. There are serious problems at home and abroad. However, some of our hardships are self-made and stem from sheer laziness and lack of pride. Many people seem to think that their personal welfare and well-being are solely the responsibility of others. They have no inclination to be self-sustaining and to move forward on their own initiative. Rather, they prefer to seek sympathy and demand "something for nothing." The lack of individual drive and personal ambition is the mark of a decaying society. We cannot let this happen to our great Republic. Our Nation was built on self-respect and determination, not on self-pity.

We need in America today a rebirth of pride, energy, and intestinal fortitude. We need to renew our vigor and courage. We need to redirect the thinking of some who would establish a welfare state and stifle the true spirit of democracy and free enterprise. We must promote a positive program of progress and eliminate the pitfalls of permissiveness, self-pity, and greed.

(Continued on page 10)

April 1968

INVESTIGATORS' AIDS

*San Francisco Crimdel 6/23/67
Bufile #63-4296-47*

NO CREDIT

Several weeks after the owner of a service station had his credit card stolen in a burglary of his home, a man bought \$8 worth of gas with it. An attendant didn't discover whose card it was until the man drove away, but the owner was sure he would return.

About a week later the man did return and had \$7 worth of gas pumped into his car. When he offered the same credit card in payment, the station owner casually informed his customer, "This credit card you gave me is my own."

After pulling some wires in the engine of the man's car, the station owner called the police. The customer, a local laborer, told police he got the card from a friend and didn't know it was stolen. He was held on suspicion of intent to defraud.

WHOLE HALF

Two women left a service station attendant somewhat disconcerted when he looked at the bill with which they had paid for their "dollar's worth of gas." The money was folded in such a way that it appeared to be a dollar bill, yet when it was unfolded, the hidden portion of the bill was just a piece of paper taped to the half bill.

Police reported the women had used the same MO more than once in the area. They made their approach late at night or in the early morning, asked for a dollar's worth of gas, and indicated they were in a hurry.

*Salt Lake City Crimdel 7/28/67
Bufile #63-4296-44*

*Albany Crimdel 5/25/67
Bufile #63-4296-1*

CONSPIRING IGNORANCE

Some truckdrivers are being paid to handle stolen or otherwise illegal merchandise about which they have little or no knowledge.

Truckdrivers participating in this scheme are contacted by phone and instructed to park their trucks for an hour or more at or near specific addresses in selected cities on their normal route of travel. The merchandise is loaded—or unloaded—without the driver's knowledge of persons involved or material handled. Small packages are often taped to the inside of the truck bumpers or elsewhere on the chassis. Larger items are actually loaded aboard the truck.

Since the contraband is loaded and unloaded in the driver's absence, he can be of no help in identifying persons involved should he be discovered transporting the merchandise.

MONEY-LIFTING

A thief in a large southern department store has practiced a scheme different from the usual shoplifting. Posing as an employee and wearing a name tag of the store, he accepted money from customers in payment for purchases. He then walked off, supposedly to wrap the purchase and ring up the sale on a cash register. The customer's money and the thief were not seen again. The merchandise was found in another part of the store.

The store has since adopted a more detailed insignia for the identification of its employees.

*Savannah Crimdel
11/14/67, Bufile #63-4296-49*

We must encourage all citizens to share in the responsibility of preserving our liberty against enemies within and without.

Undoubtedly, crime is our number one internal problem. It influences our lives, directly and indirectly. There are, of course, many factors affecting the criminal problem. The identity of each and its significance in the overall crime picture depend, to some degree, on who does the analyzing. However, to my mind, there is one point which has a tremendous bearing on rapidly rising crime rates. It is the maudlin sympathy heaped upon the criminal to such an extent that the law-abiding citizen is short-changed at the bar of justice. This is deplorable. Many young people, seeing greedy, ruthless criminals freed to return to their illegal pursuits and to live lavishly from the fruits of their crimes, ask, "Where is the advantage of being law-abiding?" No wonder they begin to scoff at the old maxim that "crime does not pay."

Many courts have gone too far in restricting the efforts of law enforcement against the criminal forces. They have narrowed the difference between liberty and license. They are taking much of the risk out of criminality by granting new rights to guilty individuals at the expense of the rights of all people. Law enforcement officers, confronted with long hours, inadequate pay, false "police brutality" charges, rising physical assaults when walking their beats or making arrests, and public apathy, together with confusing and ever-narrowing judicial rulings, must necessarily face each day with a great deal of perplexity.

Here is the way the Hon. J. Edgar Hoover, Director of the FBI, put it in discussing these issues recently:

"Consider the plight of the law enforcement officer whose responsibility it is to prevent crime and protect lives and property. His effectiveness is being diluted by judicial gymnastics and turnstile justice which all

but drop a legal curtain around hardened, unreformed criminals. In addition, law enforcement in the United States is subjected to more criticism by outside theorists and pressure groups than any other profession. I am continually amazed at the number of 'enlightened' groups and 'freedom-loving' individuals who are so anxious to promote justice by attacking law and order."

Mr. Hoover went on to say:

"Experience shows that swift and impartial justice is one of the most effective deterrents to crime. Yet, swift justice, with all the technical loopholes and unwarranted delays in the law, is almost passe in several jurisdictions, and the rights of peaceful citizens are taking a terrific beating from the 'impartial justice' meted out in some courts."

No right-thinking person would quarrel with the argument that all people, regardless of their station in life, should receive equal treatment under the law. Neither poverty nor wealth should have any bearing on the degree of justice received in courts. However, in a society which professes to live by the rule of law, every person, not just the accused, has a right to full protection of the law. Citizens who cannot follow their daily pursuits because of fear of criminal attacks against their person or property are not receiving their full measure of protection.

Common Sense and Realism

In light of the harassing and perplexing problems heaped upon law enforcement, it is surprising that more laws do not go unenforced. We can understand why veteran officers desire to retire, why young officers look for other employment, and why outstanding applicants turn elsewhere for career opportunities.

We need to inject more common sense and realism in the fight against crime. Neither society nor law enforcement is responsible for each and every misdeed of the lawbreaker. Let us hold each individual responsible for his own conduct. When he violates the

law—especially when he does so willfully and knowingly—and is found guilty, let him know that punishment will be prompt, certain, and substantial.

In discussing crime problems with law enforcement officials and community leaders, I am told in almost every instance that the shortage of enforcement officers is critical. Some of the reasons given for this situation include inadequate pay, long hours and hazardous working conditions, public apathy, false charges of "police brutality," and unrealistic court decisions which place an impossible burden on investigating officers. Because of these conditions, many communities are losing outstanding officers to other fields. Consequently, department after department is facing a spiraling crime rate with an undermanned force whose morale, for the most part, is very low.

Dwindling Manpower

The January 1968 issue of "The Reader's Digest," in a special article on dwindling police manpower, reported that a survey of 36 major police departments "from Boston to Honolulu discloses that not one is up to authorized strength." In addition, the nationwide shortage is estimated to be 50,000 men. The Digest lays much of the blame on low salaries. Noting that the Office of Economic Opportunity places the poverty level for family income at \$3,200 annually, the article cites a number of towns which have a beginning wage for officers at less than this figure, one as low as \$2,400 per year.

"Salaries in larger cities, while higher, are nonetheless disgraceful," the Digest explains. "In Seattle, cable splicers earn \$375 a month more than policemen; Chicago electricians receive \$1.85 an hour more than

(Continued on page 23)

NATIONWIDE CRIMESCOPE

Las Vegas LEB 4/20/67, re FBI LEB

RULES FOR A CRIMINAL

Police officers were making what appeared to be a routine check of a car parked in the rear of a nightclub in a western city. The time was approximately 9:20 p.m. As one of the officers approached the driver's side of the car, the lone occupant slid across the seat and out the right front door. The second officer at the right rear of the vehicle saw a gun in the man's hand and shouted a warning to his fellow officer. The subject began firing, and his shots struck one of the officers three times—in one finger, through his revolver holster, and on his police badge. Had it not been for the badge deflecting the bullet, the shot could have been fatal.

During the gun battle, the subject was hit four times. He later died of his wounds.

It was learned that the subject, a 46-year-old man reportedly of higher than average intelligence, had been employed as a mechanical engineer in a west coast city.

Among the possessions recovered from this person—who had a criminal record—were criminal implements, including jump wires and a pistol modified to hold a flashlight.

A notebook found among the other articles contained some 16 typewritten pages of information on rules for a successful criminal. These included points on "how to steal a car"; "how not to attract police attention"; "how to take evasive action if stopped by police, including shooting the officer if necessary"; "how to commit robbery, with diagrams of intended targets," and similar topics.



Pistol, flashlight attachment, holster, and jump wire hidden in a belt taken from suspect.

Savannah criminal 7/3/67 Bufile #63-4296-49

SMOOTHING THE WAY

A con man generally has a convincing and logical answer for any question directed his way. By anticipating such questions in advance, he can be confident of success in his criminal pursuits.

One example involves the activities of subjects who learned that the slug in the check protector at certain stores selling money orders did not extend over to the figure or amount. After buying authenticated money orders in small amounts, they would raise the amount by adding other figures.

In one instance a merchant became somewhat suspicious of the purchase

of a book of 20 money orders for 50 cents each and inquired what they were for. The purchaser replied that his wife was always sending money for things such as magazines, gadgets, and introductory offers and had some unpleasant experiences when the enclosed coins were stolen. Since their personal checks were too expensive and required too much bookkeeping to be used for such small amounts, money orders provided a solution.

The merchant was satisfied with this seemingly logical explanation and made up the money orders. He later learned from the company, much to his chagrin, that the money orders had been raised from 50 cents to amounts from \$80.50 to \$98.50.

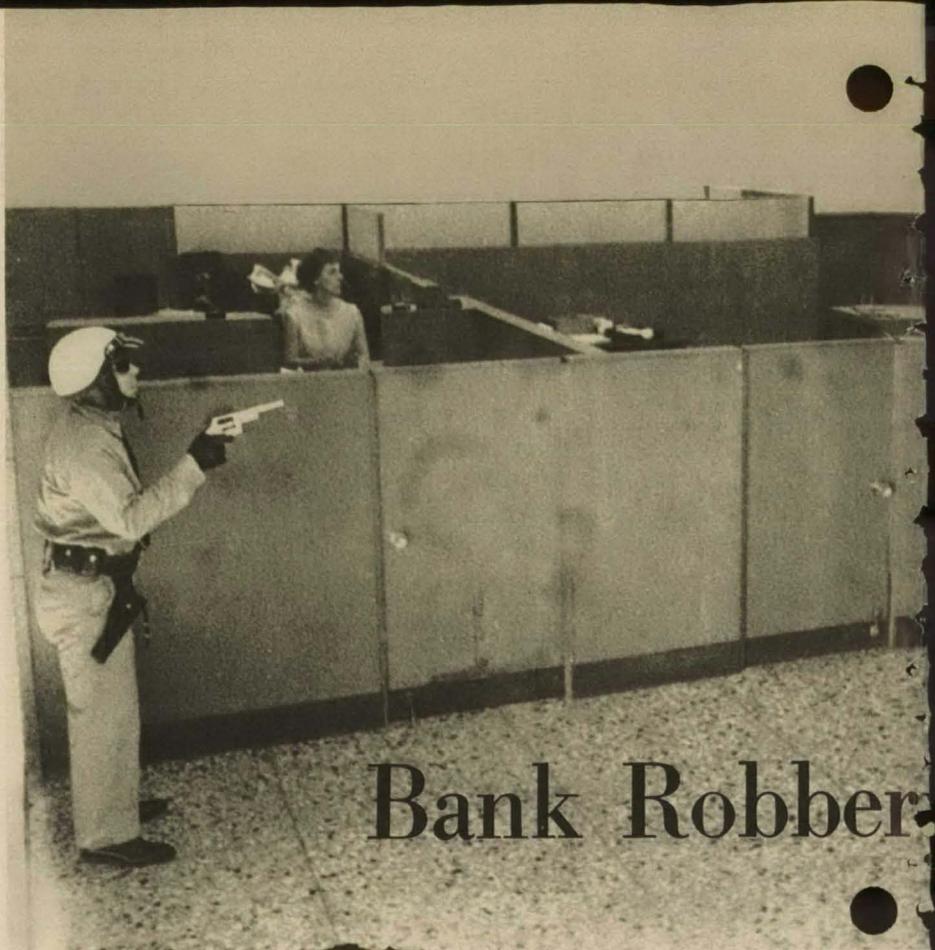
A threat to the safety of citizens and a growing challenge to law enforcement.

The photograph (right) was taken during the commission of a bank robbery on the west coast. A 35-millimeter surveillance camera installed in the bank recorded how two bandits disguised as police officers scooped up bank loot before making their getaway. Local authorities, immediately called to the scene, chased the robbers in close pursuit. The bandits shot at the officers three times, but halted their vehicle and surrendered when police returned the fire. Fortunately, no one was injured.

This is only one of numerous examples of bank robberies occurring daily across the country. Federal Bank Robbery and Incidental Crimes Statute statistics for the calendar year 1967 reveal an all-time high of 2,551 violations, far overshadowing any figures previously reported. The increase in bank robbery statistics was significantly higher than figures for other robberies across the Nation, including robberies of business establishments and chain stores.

Banks seem to be the prime target for today's get-rich-quick amateurs as well as for the more professional criminals. No one can describe the typical bank robber, for he does not exist. The variety of violators encountered is astounding.

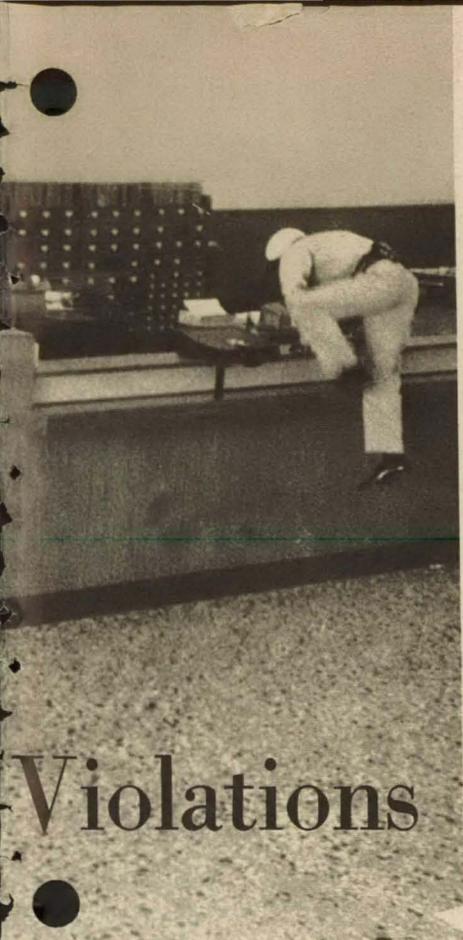
Frightened tellers have been startled by the words, "This is a stick-up," from gray-haired elderly men,



Bank Robber

This photograph was one of a number taken by a concealed camera during the robbery of a federally insured banking institution on the west coast. The photograph was instrumental in the identification and apprehension of the persons responsible.

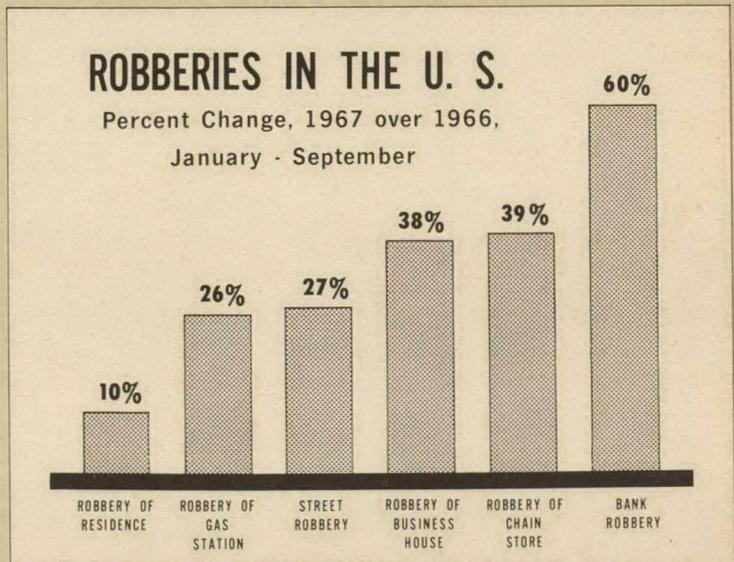
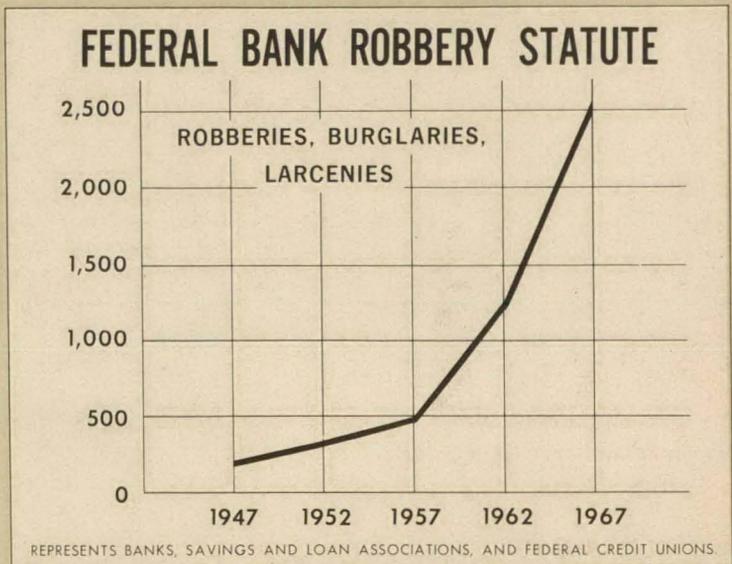




Violations

high school teenagers, blind beggars, and one-legged bandits. In a north-west city recently, bank employees described their assailant as "a little old lady in tennis shoes." Although it is obvious that banking officials cannot completely fortify their institutions against the "typical" offender, there are still numerous precautionary measures which may be helpful.

Very often, certain banks are singled out as attractive targets of criminal assaults merely because they are not equipped with adequate protective devices. There are available to banking institutions numerous security measures which serve to deter bank robberies and to assist law enforcement agencies in conducting their investigations. One device which is nominal in cost is a sound system consisting of an open microphone strategically placed in a bank and leading



to a speaker in a police department or residence of a bank official. Surveillance cameras and alarm systems are also available, together with other devices, including "bait money," uniformed guards, and bulletproof glass at tellers' windows, which have proven effective in safeguarding banking facilities. Also, well-lighted areas around banks, such as parking lots, serve as a deterrent to criminal assaults.

In addition to the installation of adequate protective devices, service and maintenance of this equipment are of paramount importance. In one recent robbery, a teller pressed his alarm button only to discover it would not function. Subsequently it was learned that this alarm system had not been checked for eighteen months.

While the monetary losses in robbery violations continue to mount year after year, of more serious concern is public safety. In an increasing number of cases, bank employees, customers, and law enforcement officers have suffered serious injury and death as a result of bank robberies. As mentioned previously, many offenders are nonprofessionals out for the "fast



One of several photographs taken by a surveillance camera during a bank robbery in Missouri which resulted in the identification of the subject involved. Once the bandit had been apprehended on the following day, he was also identified as responsible for two other robberies.

buck." These individuals tend to be highly nervous during the commission of robberies and may react violently at the slightest provocation.

Bank officials must answer the call for assistance by exerting the leadership necessary to safeguard banks more effectively. Bank robbery preventive measures should have high

priority in interoffice conferences and in discussions with officials of other banking institutions and law enforcement agencies. Out of these cooperative endeavors come many workable solutions. It is only through maximum effort to deter assaults upon banks that the increasing frequency of such robberies will be reduced.

N.Y. Crimdel 8-26-66 Bufile #63-4296-34

SCHEDULED FALLOUT

A 22-year-old man apparently suffered 10 accidental falls from taxicabs over a 4-day period, for he entered insurance claims for \$1,375. He received \$825 in settlements.

After several insurance investigations, however, his scheme of filing claims for the accidents revealed a certain pattern. In each mishap he would stumble from the cab and blame the fall on a jump rope or some other obstacle on the floor. He also used several identifications for the various assumed names listed on the claims.

WFO Crimdel 11-3-66 Bufile #63-4296-53

QUICK THINKING

While burglarizing an apartment during early morning hours, a burglar heard the shrilling sound of sirens. He rushed to the window and saw numerous police cars surrounding the building. Soon he heard voices in the hall outside the apartment.

He quickly slipped a pair of his victim's pajamas over his street clothes, stuck his head out the door, and asked the policemen why they were in the building.

Later, when the coast was clear, he escaped with his loot in a "borrowed" suitcase.

London Crimdel 2/17/67 Bufile #63-4296-241

A MATTER OF FEET

In England a gang of hijackers stole a truckload of shoes worth \$28,000—nearly 12,000 shoes and all for the left foot!

According to the shoe manufacturer, he sends shipments of left-footed and right-footed shoes from the factory to the packing plant in separate loads precisely to foil hijackers.

The thieves, realizing that they got off on the wrong foot with this particular theft, abandoned the truck which was later recovered by police with the load of shoes intact.

This is the third of a series of articles discussing the Federal law on search of premises by consent.

"I do not profess to know all the reasons, but developments in recent years seem to have led some of us to idealize the defendant in a criminal case and cloak him with attributes which are not his. The grandeur of the common-law protections and those of our Bill of Rights seem to have rubbed off on the accused in some fuzzy process which is emotional rather than intellectual. It is not necessary to make a hero out of every defendant in order to afford him status and dignity as an individual human being entitled to certain rights. The noble aspects of our conception of criminal justice can be maintained without having every defense counsel envisage himself as a white knight in shining armor out to slay fascist-minded prosecutors and their witnesses."—American Criminal Law Quarterly, Fall 1966, "Standards of Conduct for Prosecution and Defense Personnel: A Judge's Viewpoint," by Judge Warren E. Burger, U.S. Court of Appeals, District of Columbia Circuit.

Search of Premises by Consent

F. Parent and Child

There is considerable authority for the view that a parent may give consent to search, effective against his child, for a bedroom or other part of the parent's premises occupied by the dependent child. That such a search is reasonable in the law is illustrated by the case of a 21-year-old son who shared a bedroom with two brothers in the home of their parents. After the son was arrested for rape, an officer went to the home, told the mother of the charge, and said he wanted to obtain the coat worn by the son at the time of the alleged crime. The mother led the officer to the son's bedroom closet and allowed him to take the specified clothing. The search was upheld. *Maxwell v. Stephens*, 229 F.

Supp. 205 (1964), *aff'd.*, 348 F. 2d 325, *cert. denied*, 382 U.S. 944, *reh. denied*, 382 U.S. 1000. See, also, *U.S. ex rel. McKenna v. Myers*, 232 F. Supp. 65 (1964), *aff'd.*, 342 F. 2d 998, *cert. denied*, 382 U.S. 857; *U.S. ex rel. Puntari v. Maroney*, 220 F. Supp. 801 (1963); *U.S. v. Rees*, 193 F. Supp. 849 (1961), and *Rees v. Peyton*, 341 F. 2d 859 (1965).

What may be a good statement of the general rule appears in a State case where the court said, in part:

"We can agree that the father's 'house' may also be that of the child, but if a man's house is still his castle in which his rights are superior to the state, those rights should also be superior to the rights of children who live in his house. We cannot agree that a child, whether he be dependent or emancipated (defendant was 22 years of age at the time of his arrest), has the same constitu-

tional rights of privacy in the family home which he might have in a rented hotel room." *State v. Kinderman* (Minn.), 136 N.W. 2d 577, 580 (1965) (search on consent of the father was upheld).

As in *Kinderman*, *supra*, the Federal cases have thus far failed to draw a distinction on the age of the child. A child who has been emancipated, whether by reaching the age of 21 or otherwise (as by marriage), and who pays a regular rental for his room in the usual commercial manner, should be considered a tenant in possession of the room. See discussion on "Owner" and "Tenant."

Cases which appear to be decided contrary to the general rule generally fall into either of two categories: no consent was actually obtained from the parent due to coercion or ignor-

ance of constitutional rights, e.g., *U.S. v. Roberts*, 179 F. Supp. 478 (1959), or the parent expressing consent was not the person in possession of the premises, *Reeves v. Warden*, 346 F. 2d 915 (1965), and therefore lacked the legal capacity to authorize a search.

In regard to the capacity of children to authorize a valid consent search of the parents' premises, an application of the general rule expressed above would preclude the existence of any such capacity except as to areas in which the child has been granted an exclusive right to privacy. Where the premises are not solely those of the parent but are in the possession of the parent and child jointly under an agreement to divide the right to possession, the rules concerning joint tenants and common occupants would apply.

Where other relatives are involved, the controlling question remains: Does the consenting party have the right to immediate possession of the premises to be searched? The answer will, of course, depend upon the arrangement between the pertinent parties. Relatives, like nonrelatives, may have the status of owner, landlord, tenant, joint tenant, common occupant, guest or visitor, etc., and the fact of their familial relationship is immaterial to the validity of a waiver of constitutional rights.

G. Agent

The person having the right to possession may appoint another to act in the premises as his agent for a special purpose or for all purposes. The agent thereby may exercise a right to limited possession or full possession of the premises, according to the terms of his agency. His capacity to consent depends upon the extent to which he has been given the right to possession and authority to act for his principal, and, where such capacity exists, the agent's consent permits a search

which is binding upon his principal as well as himself. *Raine v. U.S.*, 299 F. 407 (1924), *cert. denied*, 266 U.S. 611 (arrestee left farm under general control of one from whom valid consent was obtained). See, also, *Reszutek v. U.S.*, 147 F. 2d 142 (1945) (superintendent's voluntary consent to search cellar of apartment building valid against owner).

The question as to whether the person being asked to give consent has the agency status and, if so, the extent of his authority "may often be a matter of grave dispute." *Reszutek v. U.S.*, *supra*, at p. 143. If such a person is only an employee, he lacks the general authority necessary to consent to a search valid against the employer. *U.S. v. Ruffner*, 51 F. 2d 579 (1931) (consent obtained from a person found operating a still in a farm building held invalid against the owner because there was no proof that the consenting party was an agent rather than a mere employee on the premises). But an employee who is also authorized to act in an agency capacity may be entitled to give consent. For example, where the president of a corporation consented to a search of corporate property for goods imported in violation of the customs laws, the search was upheld as lawful and his consent was binding upon the corporation. *In re 14 East Seventeenth Street*, 65 F. 2d 289 (1933).

Officers seeking to obtain a valid consent to search business premises should always make the request of the highest ranking employee or business representative. See *U.S. v. Maryland Baking Company*, 81 F. Supp. 560 (1948), where a baking plant manager, in charge of all of the plant operations, also acted in the capacity of representative of members of a partnership which owned the plant but took no part in the management of the business. The manager had never granted the foreman or superintend-

ent authority to admit anyone to plant. Under these circumstances a consent to search the plant premises furnished by the foreman was held invalid as to the partnership and as to the manager personally. The court indicated that as long as the manager was present on the premises, she was the person from whom consent should have been obtained.

In regard to searches of company business records, consent should be obtained from the person authorized to have sole control of the office and of the records, *U.S. v. Antonelli Fireworks Company*, 155 F. 2d 631 (1946), *cert. denied*, 329 U.S. 742, *reh. denied*, 329 U.S. 826 (consent of the office manager sufficient); or, from one who can act as an agent for the company, *U.S. v. H. J. K. Theatre Corporation*, 236 F. 2d 502 (1956), *cert. denied sub nom. Ansell et al. v. U.S.*, 352 U.S. 969 (corporate officer); *U.S. v. Culver*, 224 F. Supp. 419 (1963) (president); *Peel v. U.S.*, 316 F. 2d 907 (1963), *cert. denied sub nom. Crane v. U.S.*, 375 U.S. 896 (secretary-treasurer).

Some evidence of an agent's apparent authority and right to possession of the premises may be found in the extent of his proprietary interest in his principal's business. *Application of Fried*, 68 F. Supp. 961 (1946), *aff'd.*, 161 F. 2d 453, *cert. denied*, 331 U.S. 858 (consent obtained from the general manager entitled to 50 percent of the profits).

H. Employee-Employer

A mere employee, having no agency relationship or other special authority, has no right to possession of the premises and therefore cannot authorize a search by consent. For examples of such invalid consent searches see: *U.S. v. Lagow*, 66 F. Supp. 738 (1946), *aff'd.*, 159 F. 2d 245, *cert. denied*, 331 U.S. 858, *reh. denied*, 332 U.S. 785 (clerk consented to removal of company business records); *U.S.*

Block, 202 F. Supp. 705 (1962) (handyman consented to search of basement of store); *U.S. v. Guerrina*, 112 F. Supp. 126 (1953) (secretary could not consent to search of employer's files); *Cunningham v. Heinze*, 352 F. 2d 1 (1965), *cert. denied*, 383 U.S. 968 (housekeeper consented to search of home); *Lord v. Kelley*, 223 F. Supp. 684 (1963), *app. dismissed*, 334 F. 2d 942, *cert. denied*, 379 U.S. 961, and *Hinchcliff v. Clarke*, 230 F. Supp. 91 (1963) (accountants having possession of taxpayer's business records for limited purposes did not have apparent authority to consent to search or seizure good against the owners).

"Criminals possess ingenuity and resourcefulness to an amazing degree, and are not inept in their planning and implementation of criminal endeavor. Surely, we cannot hedge in police officers with unrealistic and impractical restrictions that would make them inept and hamper their ingenuity to apprehend resourceful criminals."—Chief Judge James T. Foley, U.S. District Court, Northern District of New York, in *U.S. v. Kuntz*, 265 F. Supp. 543 (1967).

The employer's authority in the employment premises is much broader of course, but it is not unlimited. He may consent to a search of those parts of the premises which he occupies exclusively and of those parts to which he allows employees nonexclusive access. *State of Louisiana ex rel. Davis v. Algood*, 256 F. Supp. 301 (1966). But, where there are areas set aside for an employee's exclusive use, such as a particular section of an office desk, a locker or other receptacle of personal property, the employer may not consent. *Crawford v. Davis*, 249 F. Supp. 943 (1966), *cert. denied*, 383 U.S. 921 (soldier's locked desk); *U.S. v. Blok*, 188 F. 2d 1019 (1951) (civilian employee's desk). See also *Villano v. U.S.*, 310 F. 2d 680 (1962) (office desk).

I. Custodian

When the container or the other thing to be searched is now in the lawful custody of someone other than the owner, many courts hold that a valid search may be conducted on the consent of the custodian.

1. Custody by Agreement

An agreement, expressed or implied, to create a bailment or merely to make a loan controls the extent of the custodian's rights over the property. The owner may grant full control, in which case the custodian apparently has the capacity to consent to a search.

U.S. v. Eldridge, 302 F. 2d 463 (1962) (friend consented to search of trunk of borrowed car); *Sartain v. U.S.*, 303 F. 2d 859 (1962), *cert. denied*, 371 U.S. 894 (consent by one given locked briefcase and key). See, also, *In re 14 East Seventeenth Street*, 65 F. 2d 289 (1933); *Von Eichelberger v. U.S.*, 252 F. 2d 184 (1958); *U.S. v. Walker*, 190 F. 2d 481 (1951), *cert. denied*, 342 U.S. 868, *reh. denied*, 342 U.S. 899, and *Gillars v. U.S.*, 182 F. 2d 962 (1950). But when control is limited, for example, to mere custody for storage purposes with rights of access specifically denied, the custodian may not consent. *Holzhey v. U.S.*, 223 F. 2d 823 (1955) (locked cabinet in storage on premises of another); *Corngold v. U.S.*, 367 F. 2d 1 (1966) (package entrusted to airlines only for

shipment). The *Corngold* case overruled *Marshall v. U.S.*, 352 F. 2d 1013 (1965), *cert. denied*, 382 U.S. 1010 (1966), in which search by consent had been upheld where the custodian was given an unlocked briefcase and instructed not to deliver it to anyone else.

2. Custody by Operation of Law

Where the law transfers custody from the owner to another, consent to search may be obtained from the one holding the property legally. *U.S. v. Cowan*, 37 F.R.D. 215 (1963) (baggage left in hotel room retained under a statutory lien for unpaid room rent subject to search by consent of management). *Springer v. U.S.*, 340 F. 2d 950 (1965), and *Elbel v. U.S.*, 364 F. 2d 127 (1966) (search of books and records of bankrupt companies consented to by trustee). *U.S. v. Culver*, 224 F. Supp. 419 (1963) (consent by receiver).

3. Custody Without Agreement

Property hidden by a trespasser is subject to search by consent of the one in possession of the premises. *Cutting v. U.S.*, 169 F. 2d 951 (1948) (property stolen by A found in building on B's premises during search by consent of B). The trespasser is not entitled to the protection of the fourth amendment in premises he has invaded. *Jones v. U.S.*, 362 U.S. 257, 267 (1960). See, also, *Fisher v. U.S.*, 324 F. 2d 775 (1963), *cert. denied*, 377 U.S. 999, *reh. denied*, 379 U.S. 873; *U.S. v. Rees*, 193 F. Supp. 849 (1961).

4. Custody of Abandoned Property

Consent may be obtained from one who has recovered abandoned property. *Abel v. U.S.*, 362 U.S. 217 (1960) (property abandoned in hotel room by former tenant). *Feguer v. U.S.*, 302 F. 2d 214 (1962), *cert.*

denied, 371 U.S. 872 (1962) (abandoned in rented room); *U.S. ex rel. Puntari v. Maroney*, 220 F. Supp. 801 (1963) (abandoned in room in private home).

J. Host and Guest or Visitor

A guest or visitor, lawfully present, has a constitutional right to object to an unreasonable search of the premises when the fruits of the search are to be used against him. *Jones v. U.S.*, 362 U.S. 257 (1960); *U.S. ex rel. Eastman v. Fay*, 225 F. Supp. 677 (1963), *rev. on other grounds*, 333 F. 2d 28 (1964), *cert. denied*, 381 U.S. 954. But this does not answer the question commonly posed in such cases whether a voluntary consent to search, given by the host in possession of the premises, is effective against the guest or visitor.

The generally recognized rule declares that the host's waiver of the constitutional protection afforded his premises is effective against a guest or visitor. For example, a woman who was the tenant in possession of an apartment, consisting of two bedrooms, living room, kitchen, bath, and porch, gave the officers consent to search the apartment. In the bathroom the officers found evidence against the defendant, who, for several days past, had been, and still was, a guest of the tenant in that apartment. The search was held reasonable. *Burge v. U.S.*, 342 F. 2d 408 (1965), *cert. denied*, 382 U.S. 829. See, also, *Calhoun v. U.S.*, 172 F. 2d 457 (1949), *cert. denied*, 337 U.S. 938; *Woodard v. U.S.*, 254 F. 2d 312 (1958), *cert. denied*, 357 U.S. 930; *Fredrickson v. U.S.*, 266 F. 2d 463 (1959); *Milyonico v. U.S.*, 53 F. 2d 937 (1931), *cert. denied*, 286 U.S. 551; *Teasley v. U.S.*, 292 F. 2d 460 (1961) (as to entry only).

The statement of the general rule assumes a guest or visitor whose presence is casual only—a stay of a few

days or a week or so at most. The question becomes more difficult in those cases in which the "guest" or "visitor" stays for a longer and indefinite term, as when an aging or impoverished relative or friend is allowed to live on the premises more or less permanently but without paying rent. It has been held that a guest of this type has the same possessory right in the room and furnishings given over to his use that a tenant has in a rented room. *Reeves v. Warden*, 346

held in *Holzhey v. U.S.*, *supra*. Such a rule is consistent with the decision cited under "Partner" and "Husband and Wife," in which it was held that the consent of one spouse or partner to a search of the premises jointly possessed does not extend to the property and things which the other spouse or partner has an exclusive right to possess. But in *Woodard v. U.S.*, 254 F. 2d 312 (1958), *cert. denied*, 357 U.S. 930, the officers searched the room occupied by two guests and in a coat they

"It is true also of journeys in the law that the place you reach depends on the direction you are taking. And so, where one comes out on a case depends on where one goes in."—Mr. Justice Frankfurter, Associate Justice, Supreme Court of the United States, dissenting in *U.S. v. Rabinowitz*, 339 U.S. 56, 69 (1950).

F. 2d 915 (1965). See, also, *Holzhey v. U.S.*, 223 F. 2d 823 (1955). Other decisions, however, disagree, appearing to hold that one who lives there by permission only acquires no right of possession in the premises, with the result that the possessor's consent to search is as effective against the permanent guest or visitor as against the temporary one. See *Maxwell v. Stephens*, 229 F. Supp. 205 (1964), *aff'd.*, 348 F. 2d 325, *cert. denied*, 382 U.S. 944, *reh. denied*, 382 U.S. 1000; *U.S. ex rel. McKenna v. Myers*, 232 F. Supp. 65 (1964), *aff'd.*, 342 F. 2d 998, *cert. denied*, 382 U.S. 857; *State v. Kinderman*, 136 N.W. 2d 577 (1965) (Minn.).

In the case of either a casual or permanent guest or visitor, it would seem that the consent of the party possessing the premises would be effective against the guest only as to the premises themselves, including the room occupied by the guest, but it would not authorize the officers to search the personal property of the guest without his consent. It was so

found a gun, of which the host previously had advised them, and in a box of clothing which the host had given to the guests, they found certain papers. The court upheld the search, mentioning the host-guest relationship and stating that exceptional circumstances (dangerous instrumentalities) justified the search.

When the guest or visitor abandons the premises and leaves personal property therein, he loses all rights as to both and they may be searched on the consent of the host in possession. *Abel v. U.S.*, 362 U.S. 217 (1960) (hotel room); *U.S. ex rel. Puntari v. Maroney*, 220 F. Supp. 801 (1963) (private home). See, also, *Rees v. Peyton*, 341 F. 2d 859 (1965) (private home); *Feguer v. U.S.*, 302 F. 2d 214 (1962), *cert. denied*, 371 U.S. 872, (1962) (rented room).

Citation of authority hardly seems necessary to prove that the consent of the guest to search the house or apartment in which he is temporarily located is not effective against the host. A guest acquires no possessory right

he premises generally which would supersede the right of his host. But a court holding that a permanent guest acquires the possessory right to his room, as in *Reeves v. Warden, supra*, could logically hold that the guest's consent to a search of that room would be effective against the host.

In some of the guest cases cited, the guest is the adult child of the host. See discussion under "Parent and Child."

V. Consent: Waiver of Constitutional Rights

A. Advice of Fourth Amendment Rights

An expression of consent is no authority for a lawful search without a warrant unless it is a waiver of constitutional rights. Therefore, the consent must be aware of the protections of the fourth amendment and his consent must be given with the intention of waiving those rights. *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938); *Wren v. U.S.*, 352 F. 2d 617 (1965), *cert. denied*, 384 U.S. 944. As expressed by one court, "The Fourth Amendment requires no less knowing a waiver than do the Fifth and Sixth. The requirement of knowledge in each serves the same purpose, i.e., to prevent the possibility that the ignorant may surrender their rights more readily than the shrewd." *U.S. v. Blalock*, 255 F. Supp. 268, 269 (1966).

To insure that these standards are met, some courts would require that the individual be clearly advised of that which he is being requested to waive. *U.S. v. Blalock, supra*; *U.S. v. Nikrasch*, 367 F. 2d 740 (1966). Others, including the highest courts of two States, *State v. Forney*, 181 Nebr. 757, 150 N.W. 2d 915 (1967); *State v. McCarty*, 199 Kans. 116, 427 P. 2d 616 (1967); have indicated that waiving of fourth amendment rights will not be considered an essential

prerequisite for a valid consent until the Supreme Court of the United States expressly declares such a rule. The United States Court of Military Appeals has adopted the position that such advice is unnecessary to justify a search by voluntary consent. *U.S. v. Insani*, 10 USCMA 519 (1959). This court, however, would require a prior warning where, in addition to consent, the subject is requested to point out his locker or identify particular items of property as his. *U.S. v. Guggenheim*, — USCMA — (1967). Since the act of identification could be considered an incriminating statement, an advice of rights in those instances appears more appropriate, but this issue is beyond the fourth amendment problem involved in routine consent cases.

Though there is clear disagreement as to the present legal necessity for an advice of rights, the law unquestionably requires the prosecution to bear the burden of proof that any consent claimed was given with knowledge. *U.S. v. Blalock, supra*.

Thus, until the Supreme Court settles this issue, the safer legal course to insure the receipt of a competent and intentional waiver is to give such advice. The statement should be limited to a brief declaration of the fourth amendment protection against unreasonable search and seizure. It should do no more than to indicate the individual has a constitutional right not to have a search made of his premises without a search warrant and that he has a right to refuse to consent to such a search.

B. Express Waiver

As indicated by *Miranda v. Arizona*, 384 U.S. 436 (1966), the waiver of a constitutional right is not to be lightly inferred. The prosecution must prove an express waiver of fifth and sixth amendment rights before it may introduce evidence obtained under circumstances that otherwise would be

violative of these amendments. No decision of the Court has extended this requirement to fourth amendment cases; however, the government does have to show that the consent expressed the person's intention of waiving those constitutional rights, *Johnson v. Zerbst*, 304 U.S. 458 (1938); *U.S. v. Fowler*, 17 F.R.D. 499 (1955); *Cipres v. U.S.*, 343 F. 2d 95 (1965); and that it was voluntarily given. *Amos v. U.S.*, 255 U.S. 313 (1921). It must be positive and cannot be implied from the mere failure to protest entry and search. *Canida v. U.S.*, 250 F. 2d 822 (1958). See also *Commonwealth of Pennsylvania ex rel. Whiting v. Cavell*, 244 F. Supp. 560 (1956), *aff'd.*, 358 F. 2d 132, *cert. denied*, 384 U.S. 1004; *Johnson v. U.S.*, 333 U.S. 10 (1948); *Williams v. U.S.*, 263 F. 2d 487 (1959).

Though it is not mandatory, the most convincing evidence of waiver is a signed and witnessed writing bearing a declaration that the advice of rights was given, that it was understood, and that the consent to search was intended as a waiver of fourth amendment protections. Such proof is not absolute, however, and it must be supplemented by testimony of the officers as to the circumstances under which the document was executed.

(To be continued in May)

CAUSE FOR SUSPICION

Officers of the highway safety patrol in a Southern State have been instructed to closely observe all late-model cars bearing out-of-State license plates and occupied by juveniles. If the cars do not contain personal effects or clothing, as tourists' cars usually do, a check is made with headquarters to determine if the car is stolen.

Several stolen automobiles have been located by officers using this technique.

Jackson cumdel 6/13-67
Bufile #63-4296-54

Some Crooks Sign Their Names on the Evidence

THE person who passes worthless checks and stolen money orders and traveler's checks generally is a congenial individual. He is extremely mobile, often travels in a stolen automobile, and is usually far removed from the scene before the crime is reported to police. One aspect often overlooked is that the negotiable instruments used by him may constitute part of loot obtained from burglaries or robberies. Members of the business community are the most common victims.

Value of Records

The files of the Identification Division of the FBI contain fingerprint records for over 80 million persons, more than 16 million of whom were fingerprinted in connection with criminal arrests. Nearly all the fingerprint records in the criminal section bear at least one signature, and many have more, often with different names or aliases. This represents a vast storehouse of known signatures readily available for comparison with questioned signatures or endorsements on negotiable instruments, such as worth-

less personal checks and traveler's checks, money orders, and company checks stolen in blank, all of which require signatures and/or endorsements to make them negotiable.

Signature Availability

The practice of fingerprinting the subject in a criminal investigation for purposes of identification has become so firmly established that few present-day law enforcement officers can remember the time when this was not done. In addition to the orderly arrangement of the inked impressions, most fingerprint cards also provide space for a photograph, a physical description, and a signature. Of these elements of identification, the signature lends itself to wider variation than any of the others. Unwittingly, the subject who deliberately changes the style of his signature or assumes a variety of different aliases from time to time greatly increases the amount and scope of his writing and thus establishes a basis for a subsequent handwriting identification.

During the fiscal year ending June 30, 1967, the FBI Laboratory re-

ceived 32,013 money orders, traveler's checks, and similar items, most of which were stolen in burglaries and then negotiated, sometimes by two or more persons. In addition, the FBI Laboratory received 31,994 worthless company and personal checks. The signature and/or endorsements on 7,104 worthless checks were identified with signatures on criminal fingerprint cards. In addition, the signatures and/or endorsements on many of the stolen items were also identified with fingerprint card signatures.

Fraudulent Check File

The FBI Laboratory takes full advantage of the enormous storehouse of signatures on criminal fingerprint cards in its operation of the National Fraudulent Check File. Immediately after an identification is made, the law enforcement agency submitting the fraudulent instrument is advised of the identity of the subject and is furnished a transcript of his identification record. In many instances, a physical description and a photograph are also available. In addition, the fraudulent instrument is searched through the Na-

your only recourse is to your endorser.

your only recourse is to your endorser.

Endorsements on money orders obtained in blank in the burglary of a pharmacy in Miami, Fla., on September 16, 1966, then negotiated a few days later in the same city.

Signatures on fingerprint cards for William Favros. Favros pleaded nolo contendere in Miami, Fla., on March 13, 1967.

Endorsements on worthless checks drawn on a Washington, D.C., bank and negotiated in different Knoxville, Tenn., banks.

tional Fraudulent Check File and a photograph thereof is added for future reference.

Where an identification with signatures on criminal fingerprint cards is not made at the time of the initial comparison, it is sometimes possible to match signatures after additional fraudulent instruments passed by the same subject are received. Once an identification is made, all interested law enforcement agencies are advised.

Court Action

Once the identity of a subject has been established by comparison with signatures on criminal fingerprint cards, the investigator must plan for possible court action. He should consider the desirability of obtaining adequate known signatures from other sources to replace the ones on fingerprint cards for use as known handwriting standards by the expert. If other suitable known writing is not available, and use is to be made of the signatures on fingerprint cards on which the original identification was based, the prosecution must determine whether the persons who witnessed such signatures are available to testify. It should be borne in mind that in some jurisdictions the signatures on fingerprint cards relating to prior arrests are not admissible as handwriting standards because the fingerprint cards are considered prejudicial. In such instances, with permission of the court, a compromise may sometimes be reached by masking everything on the fingerprint card except the signature with no direct reference being made to its origin.

Clearinghouse Action

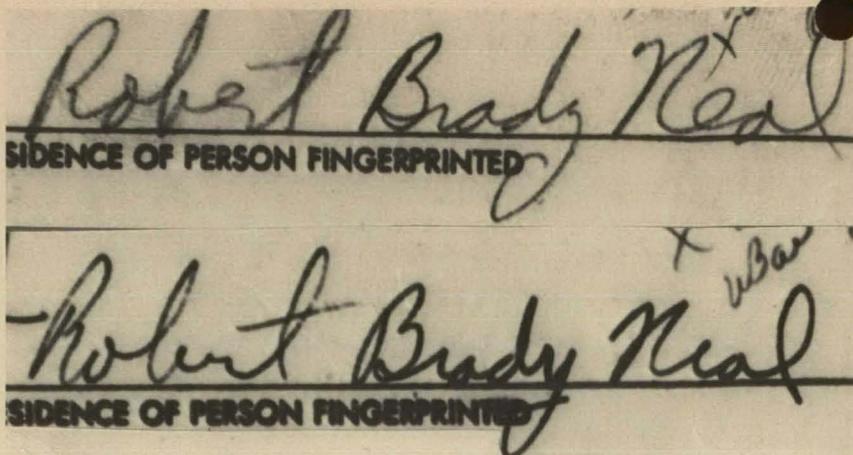
Even though an individual caught attempting to cash a worthless negotiable instrument offers to plead guilty to local charges, and at the same time

denies similar transgressions elsewhere, it is highly desirable to send the questioned documents to the FBI Laboratory for a check to determine whether he is also wanted in other jurisdictions. All too often such an individual is caught, serves his time, and is released while other law enforcement agencies are still seeking his apprehension, unaware of the fact that he has been incarcerated. The National Fraudulent Check File serves as a "clearinghouse" for all law enforcement agencies to coordinate efforts to expose fraudulent check passers.

Form Letters

In order to simplify the submission of fraudulent checks and other fraudulent negotiable instruments to the FBI Laboratory, the submitting agency may use form letters. The precise composition of such forms is not particularly important as long as they answer the purpose. Many departments with limited clerical personnel have found them helpful. At the right is a sample form letter which includes all the information necessary for a search through the National Fraudulent Check File.

Some cases in which the signatures or endorsements on worthless negotiable instruments were identified with signatures on criminal fingerprint cards are illustrated in this article.



Signatures on fingerprint cards for Robert Brady Neal. When arrested in Washington, D.C., on September 4, 1963, Neal refused to furnish handwriting samples. He was tried and convicted in Knoxville, Tenn., on January 7, 1964.

| | | | |
|---|-------------------|------------|--|
| To: Mr. J. Edgar Hoover, Director Federal Bureau of Investigation Washington, D.C. 20535 Attention: FBI Laboratory FBI File No. _____ | | Date _____ | |
| Description of Subject | Race Sex Age | | |
| | Eyes Hair | | |
| | Height Weight | | |
| | FBI # or Arrest # | | |
| | Scars and Marks | | |
| From: Your Police Department Your City, Your State ZIP code Your Case No. _____ | | | |
| Re: Suspect: Offense: | | | |

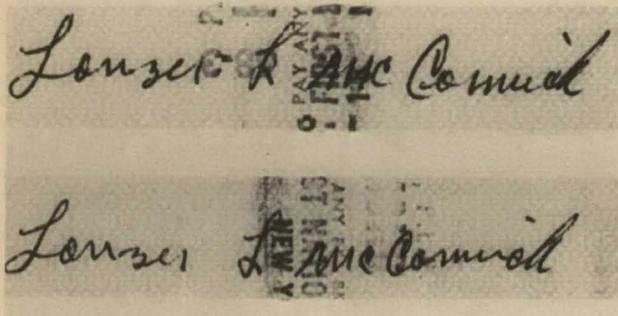
Dear Sir:

The check(s) described below are enclosed for search through the National Fraudulent Check File.

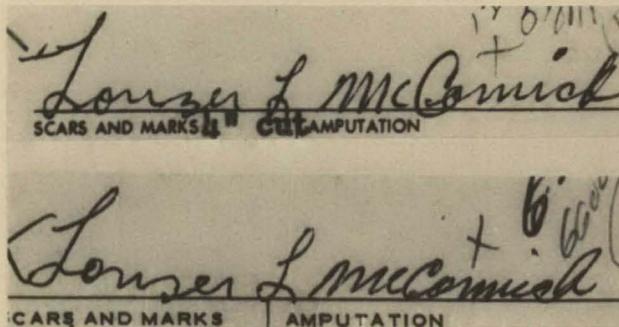
Sincerely yours,
JOHN J. BROWN
Chief of Police

| Check No. | Amount | Date | Payable to | Signed | Bank |
|-----------------------|--------|------|------------|--------|------|
| Enclosure(s) _____ | | | | | |
| Registered Mail _____ | | | | | |

CHECK FORM LETTER



Endorsements on company checks stolen in blank from a Washington, D.C., restaurant in 1964 and later negotiated in Mobile, Ala., and other places throughout the South.



Signatures on fingerprint cards for Lonzer L. McCormick. McCormick pleaded guilty at Mobile, Ala., on October 24, 1966.

LET'S HAVE FAITH

(Continued from page 10)

officer on the beat; carpenters in New York command 50 percent more per hour than patrolmen."

This is a brief picture of some of the critical needs of law enforcement which cannot be ignored. If our citizens are to be reasonably safe in their homes and on the streets, then they must be willing to pay an adequate wage to qualified officers to enforce the law, and they must be willing to fully support police in this responsibility.

When we think of the assets of our Nation, we naturally think of the wonderful young people who distinguish themselves in numerous fields of endeavor. Their ability and determination to excel in the highly competitive challenges of life are encouraging. We can be deeply proud of the overwhelming majority of our young men and women who show by their courage and hard work that they are eager to perpetuate the ideals of our great Republic and to serve mankind wherever their skills are needed.

Significant Service

Particularly significant, I feel, is the role of the thousands and thousands of young men and women who serve in our armed forces. Certainly, no greater contribution could be made to one's country than to answer its call to military duty in times of need. This is a distinct honor when viewed in its true sense—the protection of democracy as we know it and the defense of the right of all men to live in dignity and freedom.

In these troubled times, military duty is a part of the price of freedom, and a very necessary part. But it is a duty which a small segment of dissidents shirk. They choose to denounce government for maintaining military strength to prevent communist

enslavement of the world. And of course, those who protest by words and acts are exercising a freedom which, along with others they enjoy, would be destroyed if they had their way. This, they cannot seem to understand.

Such distorted reasoning, championed by the so-called "New Left" and similar groups, continues to crop up with amazing regularity. So much so in fact that the true motives of those who espouse such illogical and irrational arguments are suspect. We must question their motives because we find that time after time their objectives and causes are the same as those of the Communist Party, USA, or the numerous subversive front groups. Thus, it could reasonably be concluded that they either feel an allegiance to the evil forces which seek to destroy our Nation or they are so naive as to be duped and exploited by such forces.

Fortunately, these fomenters of dissent are small in number. Unfortunately, while their devious conduct should be exposed, they receive a far greater share of publicity and news media attention than their dishonorable actions merit. This, of course, is one facet of our free society which they do not find objectionable. And it also gives an over-blown picture of their true strength and influence.

It disturbs me, however, to see an increasing number of our young people align themselves with unlawful, militant elements. And it saddens me to see young men pose before news cameras while touching a torch to their selective service cards, violating the law and serving a deceitful cause which they surely do not understand. Such rebellious action appeals to some restless, misguided young men and women. Our enemies know this, and they miss no opportunity to capitalize on it.

We often hear the cry that today's adults cannot "identify" with young

people, do not understand them, and, therefore, will not listen to their complaints or wishes. Such a charge needs clarification.

Actually, the American people have not turned a deaf ear to the true voice of today's young America. Let the record show that the groups of rebellious youth who defy law and order, agitate and participate in riots, and resist all authority for the mere sake of opposition do NOT speak for American youth. Rather, they speak a language of nihilism, chaos, and despair. They do not offer one single constructive idea relating to peace, prosperity, and justice for all. The American people know that the fires of destruction and violence are not the answer to any of our problems.

Serve, Not Be Served

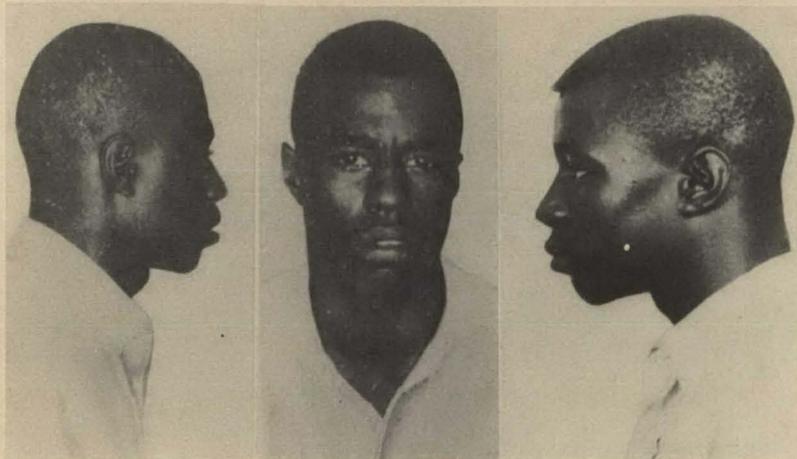
Let the "New Left" and its followers, and all other malcontents who claim to speak for young Americans, know that we do indeed hear them, but so far they have said nothing. Let them know that patriotic Americans, including all but a minimal portion of our young people, are moving forward in unison to build a better and safer America and a better and safer world. If they want to be a part of this great adventure, then let them shoulder some of the responsibility, serve instead of expecting to be served, and show faith, not distrust, in the ideals and principles which have served our Nation so well in times of distress in the past. Otherwise, we have no choice but to "tune them out."

Requires Work

One of the great truths that Americans, young and old, need to acknowledge today is that a working freedom requires work. We cannot enjoy freedom without sacrifice. We cannot have

(Continued on page 24)

WANTED BY THE FBI



ERNEST JOHNSON, JR., also known as: Earnest Johnson, Eddie Philpot, Edward Eugene Philpot, Elwood Eugene Philpot, "June," "Red."

Interstate Flight—Murder

ERNEST JOHNSON, JR., is currently being sought by the FBI for unlawful interstate flight to avoid prosecution for a murder in which the victim was viciously beaten with a pistol. A Federal warrant for his arrest was issued on February 26, 1965, at Jacksonville, Fla.

The Crime

On January 22, 1965, Johnson was released from jail at Jacksonville, Fla. On this same day he allegedly pistol-whipped a man for dating his girl friend. The victim died the next day. Also, Johnson reportedly beat his girl friend for dating the victim and shot at another individual with whom he had a disagreement.

Criminal Record

Johnson has been convicted of vagrancy, assault and battery, and petty larceny.

Description

| | | |
|----------------------------|-------|--|
| Age | ----- | 24, born June 21, 1943, Jacksonville, Fla. |
| Height | ----- | 5 feet 8½ inches. |
| Weight | ----- | 150 to 160 pounds. |
| Build | ----- | Medium. |
| Hair | ----- | Black. |
| Eyes | ----- | Brown. |
| Complexion | ----- | Dark. |
| Race | ----- | Negro. |
| Nationality | ----- | American. |
| Scars and marks | --- | Cut scar over left eye, scar inner left thigh, scars on right leg. |
| Remarks | ----- | Reportedly a heavy drinker of alcoholic beverages. |
| Occupations | ----- | Butcher, housekeeper, laborer. |
| FBI No. | ----- | 835,450 D. |
| Fingerprint classification | ---- | 4 1 U 3 1 tU-a |

Caution

Johnson is being sought for a murder in which the victim was viciously beaten with a pistol. He should be considered dangerous.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

GOVERNMENT THEFTS

An FBI poster, in full color, on "Theft of Government Property" is available in limited quantities to agencies and organizations concerned with the security and protection of Government property. Copies may be obtained free of charge upon written request of the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

LET'S HAVE FAITH

(Continued from page 23)

rights without responsibilities. And we shall reap no rewards without effort.

When we dissent, let us not resist with force. When we assemble, let us not illegally trespass. And when we negotiate, let us not resort to mob violence. One is the way to liberty under the rule of law; the other is the road of license to anarchy. I have strong faith that the people of our great Nation will always choose the right way.

"Let us have faith," said Lincoln, "that right makes might; and in that faith, let us, to the end, dare to do our duty as we understand it."

Such faith is indeed the force of life.

FOR CHANGE OF ADDRESS

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name) (Title)

(Address)

(City) (State) (Zip Code)

Jacksonville Crimdel 11/21/67 Bufile #63-4296-63

Bern Crimdel 3-1-67
Bufile #63-4296-268

WELL DONE, MEN

A little old lady, 69 and crippled, drew police attention as she hobbled on crutches down a street pushing a wheelchair loaded with four dogs and a child's wagon loaded with other belongings.

She told officers she had given up her apartment and was attempting to travel to a faraway State, where she planned to live with relatives. Producing railroad tickets, she explained that four times she had been barred from boarding a train because her dogs were not crated. She said she had kept 12 dogs in her backyard at home but gave away eight while preparing for her trip. She was not about to part with the remaining four.

Her lease on the apartment had expired and the gas and lights had been turned off. Unable to travel with her dogs and unwilling to travel without them, she had started on foot for the home of a friend of her late husband. On arrival at that individual's address, she learned that he had passed away several years before. Now, with her four dogs, a wheelchair, baggage, and claim checks for other articles that she had previously forwarded by railway express, she did not know what to do next.

Police took over from there. They chauffeured her in a cruiser to police headquarters, transferred her belongings to a paddy wagon, and drove her to the office of the State welfare department. Receiving no help there, she was returned to police headquarters with her dogs and baggage.

After a short conference with railroad officials and with financial assistance from the Travelers' Aid Bureau, police officers constructed crates for the four dogs. They left the little old lady contentedly sitting before a TV set in the railroad station patiently waiting for the 9:10 p.m. train that would take her to her new home.

There were several police officers who went home that night with a happy, satisfied feeling of having accomplished something other than their routine duties.

Rec'd release, Judge to Freund, Municipal Court, S.A., Judicial District, 12-64

PLAIN STEALING

While commonly known as shoplifting, the offense, more accurately, is petty larceny or grand larceny. In other words it is plain stealing and thievery.

PURSE SNATCHING SWISS STYLE

Women and girls walking alone on the streets of Geneva, Switzerland, have been the targets of purse snatchers passing by in automobiles. To allay the intended victim's initial suspicion or uneasiness, the occupant of the seat next to the driver inquires the direction to a certain street. When the woman approaches the car to explain, a youth in the back seat suddenly opens the door, snatches her purse, and jumps back into the car, which drives off at high speed.

*Oklahoma City Crimdel 11-17-67
Bufile #63-4296-85*

TOLL TAX FOR SMALL FRY

Three teenagers, two 15 and one 16 years of age, took over a small footbridge in a midwest city and forced smaller children to pay a toll to cross. One young victim told police he was forced to pay 55 cents; another was pushed from the bridge and later forced to pay 25 cents to cross. The three teenagers were arrested by juvenile officers.

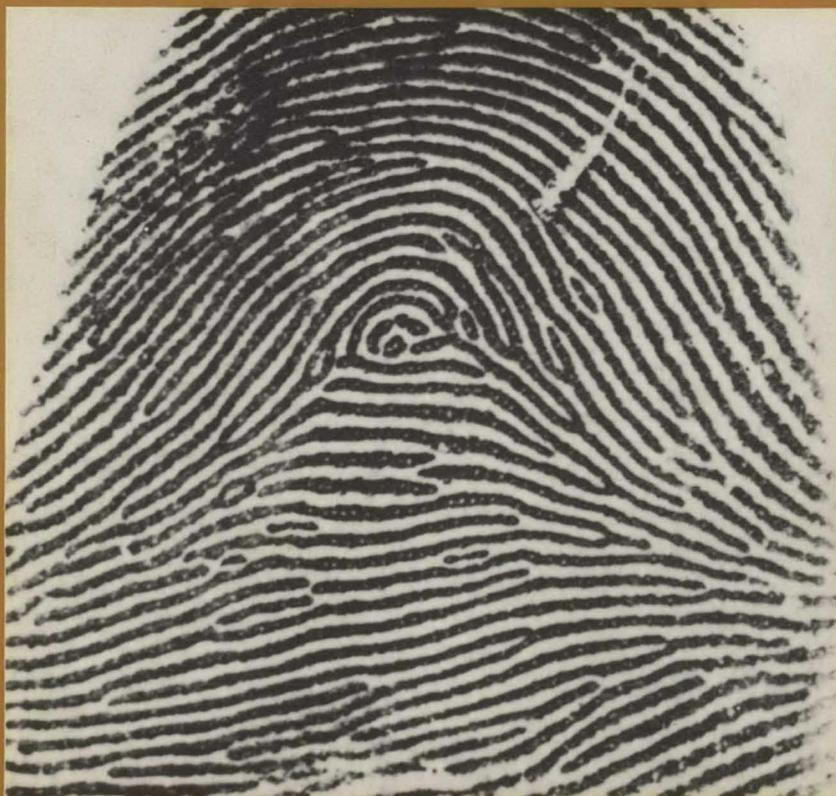
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

QUESTIONABLE PATTERN



The classification of this impression is questionable because of the doubtful nature of the possible recurve in front of the delta formation. In the Identification Division of the FBI, this ridge is not considered to form a sufficient recurve; thus, the pattern is given the preferred classification of a tented arch and is referenced to a loop with one ridge count.