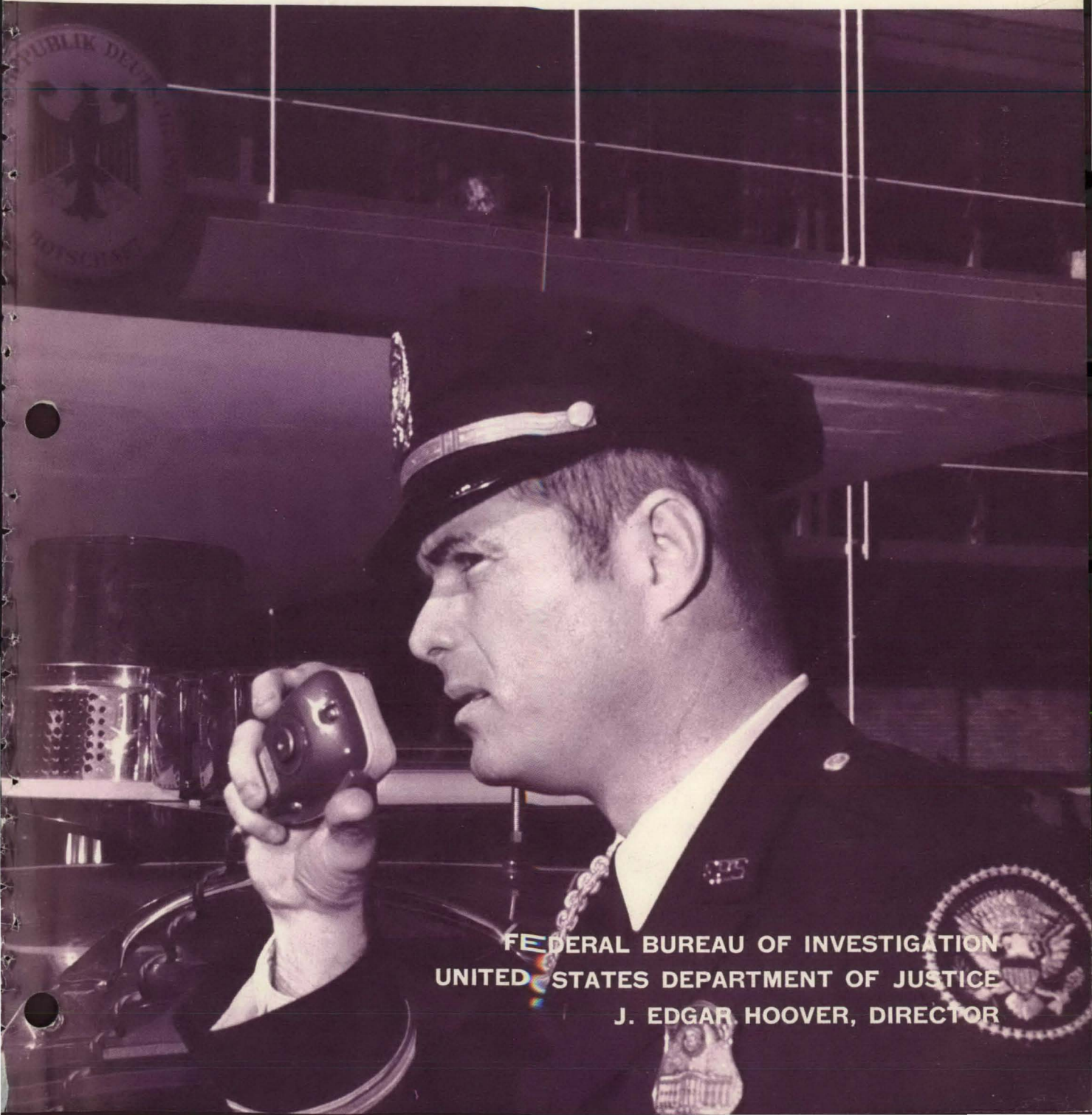


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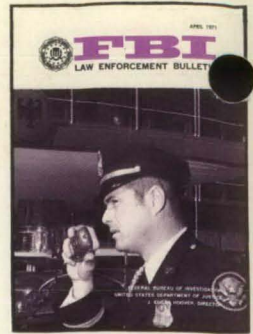
LAW ENFORCEMENT BULLETIN



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

APRIL 1971

VOL. 40 NO. 4



THE COVER—An officer of the Executive Protective Service radios a report to the command post. See article beginning on page 16.

FBI

LAW ENFORCEMENT BULLETIN

CONTENTS

<i>Message From Director J. Edgar Hoover . . .</i>	<i>1</i>
<i>A Legal Training Program Over Closed-Circuit TV, by Hon. Evelle J. Younger, Attorney General, State of California, Sacramento, Calif. . .</i>	<i>2</i>
<i>Firearms Ranges for Training Prison Security Personnel, by Lewis W. Dishongh, Director of Training, Texas Department of Corrections, Huntsville, Tex.</i>	<i>5</i>
<i>Probable Cause, Warrants, and Judicial Innovation (Part I)</i>	<i>9</i>
<i>Some Points on Bombs and Bomb Threats, by David McCollum, Jr., Chief of Police, Hot Springs, Va.</i>	<i>13</i>
<i>The Executive Protective Service, by Hon. James J. Rowley, Director, U.S. Secret Service, Washington, D.C.</i>	<i>16</i>
<i>Policing an International Festival, by Charles D. Grant, Deputy Chief of Police, Norfolk, Va. . .</i>	<i>20</i>
<i>A Program for Greater Trust, by Charles Koehler, Supervising Probation Officer, Adult Division, San Diego County Probation Department, San Diego, Calif.</i>	<i>24</i>
<i>Rhode Island's Mobile Crime Laboratory . . .</i>	<i>28</i>
<i>Investigators' Aids</i>	<i>1</i>
<i>Wanted by the FBI</i>	<i>32</i>

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MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

As the State trooper gently lifted the child's broken and lifeless body from the tangled wreckage of the automobile, he saw an empty liquor bottle, still miraculously intact, beneath the crumpled legs of the dying driver. To the experienced officer, the smell of the man's gasping breath left no doubt that a drinking driver was once again involved in a fatal traffic accident.

Unfortunately, the above hypothetical scene is an all too familiar sight to law enforcement officers who patrol the streets and highways of our Nation. According to authorities responsible for traffic safety, drinking drivers cause accidents that kill 25,000 people in our country each year, are involved in 800,000 nonfatal crashes, and inflict property damages estimated in billions of dollars annually. There can be no plausible excuse for such senseless carnage.

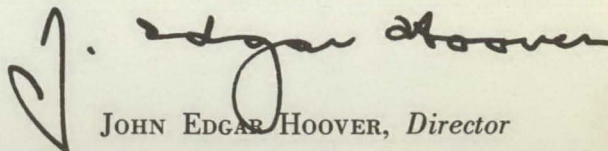
Could it be that traffic fatalities—like rising crime rates—are becoming so commonplace that the American public is growing insensitive to these tragedies and the conditions which cause them? Are we unaffected by the sight of twisted steel, shattered glass, and bloody, lifeless crash victims? Is the drinking driver, careening along in a speeding vehicle, an accepted part of our daily lives? Regrettably, this is an instance where the right answer, a reluctant "yes," is the wrong answer.

Apparently, there is no persuasion, short of certain stern punishment, that will keep the drinking driver from behind the steering wheel, and bringing him to justice is no easy matter. Law enforcement officials and prosecutors agree that charges of driving while under the influence of alcohol are the toughest traffic cases to prosecute. Some jurors apparently consider the violation to be an indiscretion, not a crime—indeed, a dereliction in which they themselves may occasionally indulge. In short, the public is unwilling to impose self-restraint and legal restrictions to control this problem.

The question then is how long can the public conscience accept the mounting toll of human lives claimed in accidents caused by drunken drivers. Certainly, more than 25,000 lives annually is a tragic loss to chalk off to indifference. To virtually ignore drunken drivers is to condone them, and the depth of guilt becomes a common shame.

I believe the problem of the drinking driver should be handled firmly. He should know that detection, prosecution, and punishment will be swift and certain. Whenever the circumstances warrant, lengthy revocation of licenses, maximum fines, and substantial jail sentences should be imposed upon offenders.

The rights and safety of the motoring public should not be imperiled by selfish, irresponsible drivers who, while under the influence of alcohol, convert the automobile into a lethal weapon.



JOHN EDGAR HOOVER, *Director*

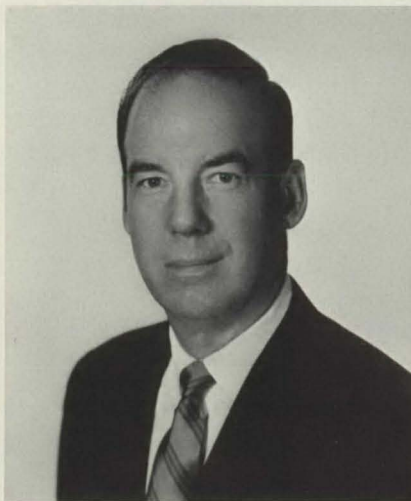
APRIL 1, 1971

"Many cases, of course, are won or lost during the initial stages of an arrest. No matter how sophisticated or skilled a prosecutor may be, he can do little with facts of an arrest or search if there has been a breach in procedure required by law or court rulings."

A Legal Training Program Over Closed-Circuit TV

Several years ago it became apparent that law enforcement officers were having trouble keeping current on the meaning and significance of the numerous court decisions affecting law enforcement. In Los Angeles County, where there are 44 police departments in addition to the sheriff's department, each agency depended basically upon the resources of its own staff to review and digest court opinions, pass the pertinent information to the officers, and implement changes to place the requirements into practice.

Many cases, of course, are won or lost during the initial stages of an arrest. No matter how sophisticated or skilled a prosecutor may be, he can



By
HON. EVELLE J. YOUNGER*
Attorney General,
State of California,
Sacramento, Calif.

*This training program was instituted while Mr. Younger was serving as district attorney of Los Angeles County. As Attorney General, he now is continuing the program on a statewide basis.

do little with facts of an arrest or search if there has been a breach in procedure required by law or court rulings. To better prepare the officer on the street, the Los Angeles County District Attorney's Office created a research and training section. Its principal responsibility was to lecture and present legal material to police officers. But we quickly discovered that the logistics and geography of Los Angeles County make lecturing to 45 law enforcement agencies unfeasible. As a result, we began publication of a legal information bulletin to analyze recent court decisions, summarize them, and make the data available to police officers in a readable form.

Effective Presentation

Response to the bulletin was enthusiastic, and it is now published on a monthly basis. However, there are shortcomings in the dissemination of written material. Too often these publications are lodged in desk drawers or filed away so that the man on the

officers of legal decisions in a manner comparable to discussions between attorney and client. We filed our request with the Federal Communications Commission and secured permission to transmit the series over closed circuit.

How would such a series be financed? The Los Angeles County Peace Officers Association and several private foundations provided sufficient funds to develop a pilot program. The pilot program was implemented with the assistance of the educational television station. At a meeting, the pilot program on search and seizure was reviewed by representatives of all law enforcement agencies in Los Angeles County. We asked for their support in continuing this program of dramatized legal lectures over television. Using the facilities of the TV station, we planned to transmit a monthly series of lectures to local police departments.

Although not every man in a department could watch the program, there are certain ways to accommodate each.

in advance of the program. Thus, before each broadcast the training officer would have the legal materials to use in preparing himself to interpret the program for the other officers.

Two private corporations generously furnished us 125 television sets for the purpose of implementing our series. These sets were free to all participating departments; however, they did pay a subscription fee and for installation and modification of the sets. The total financial commitment of each department was really quite small. In fact, during the second year, it was actually reduced, since installation and modification costs are non-recurring.

A Growing Audience

Support for the project was enthusiastic, and the series is now transmitted on a monthly basis to all departments in Los Angeles County.

The response to this series was so extensive that law enforcement officials from adjacent counties within the transmission range of the cooperating TV station were invited to view this program. We repeated our explanation and offered to provide the service to them under the same conditions if they were interested. Again the series was well received and is now transmitted into all counties in Southern California within the transmission range of the station.

As a result of interest expressed by law enforcement agencies in San Francisco, Sacramento, and elsewhere in Northern California, the series is now transmitted on a monthly basis out of Sacramento's educational television station to officers and agencies in seven counties near that city.

We began to receive a number of subscription requests from other agencies in the State which were not within the transmission range of either the television station in Sacra-

"A different method of presentation was needed. We contacted officials of the local educational television station concerning the use of their facilities to transmit a monthly series of televised lectures on the law to police officers."

street, who desperately needs the information, cannot get it.

A different method of presentation was needed. We contacted officials of the local educational television station concerning the use of their facilities to transmit a monthly series of televised lectures on the law to police officers. The TV station agreed to cooperate. A closed-circuit television system was established to implement the program. Such a system was necessary because the district attorney would be advising police of-

First, those departments with video tape recorders could tape a copy of the program. These recordings could be replayed at roll calls, at inservice training, or at any other convenient time. Departments without video tape recorders could, if they wished, purchase 16 mm. films of the program.

If a department assigned training personnel to monitor these programs, they would be able to take notes and pass the information on to the other officers. To facilitate this, we agreed to provide departments with a script

mento or the one in Los Angeles. We have offered to provide 16 mm. films of the series to each department. We have also offered to provide video tapes suitable for playback on individual video tape recorders. Numerous departments in California now subscribe to films or tapes.

When we received requests from some of the smaller counties in California, we realized that it was not feasible for each of these departments to budget a subscription fee plus the installation cost to receive these pro-

gram is arrested in San Francisco. Under present circumstances, officers in San Diego must travel to San Francisco, transport the suspect back to San Diego, then conduct a lineup to determine whether or not the suspect can be identified. Why not conduct the lineup in San Francisco and televise it to the victim and the detectives who would still be in San Diego? All that would be necessary is for the San Diego Police Department to turn on the television set, view the lineup conducted in San Francisco, and

For example: A helicopter flying over a riot scene could transmit to all police stations equipped with television sets an instant video picture of the entire area without any of the attendant information loss that comes with news reports by television or radio.

At a Statewide Level

Another valuable service of a closed-circuit system is statewide transmission of wanted suspects' pictures.

All these uses require more than just a local television station. What we plan is a statewide television network which will link every police department and every sheriff's department in the State of California to a central or satellite transmitting facility. Using this network, all police officers in the State will have instant video pictures not only of training materials, but also of intelligence information, lineups, and photographs. A closed-circuit system is necessary for these uses since they involve matters which are unsuitable for the public. A lineup, for example, could not be transmitted to the public. The defendant could argue that public viewing of a lineup jeopardizes his right to a fair trial. Nor would transmission of a riot scene be suitable for public reception.

A Step Toward the Future

The series we are now presenting is only a small step toward the future. We plan to construct a statewide television network which will provide more than just legal training. This system will be used in all phases of police training; e.g., criminalistics, ballistics, and pathology. In addition, the network will video tape training programs from other parts of the country and bring them to California. Thus, officers in this State will benefit from the expertise of others.

"We plan to construct a statewide television network which will provide more than just legal training. This system will be used in all phases of police training; e.g., criminalistics, ballistics, and pathology."

grams. Thus, where the circumstances warranted, we entered into a county-unit contract. Under these circumstances, the county pays one price which is dependent upon the number of viewers in that county. One film or tape is then sent to all agencies in that county and each shares the viewing of the film. At the present time, we are involved with either live transmission, films, or tapes in 21 counties. Since the programs began, we have covered various aspects of search and seizure, lineups, field identification, hit and run, criminal prosecution of the intoxicated driver, civil disturbances, automobile theft, and bomb investigations.

Better Communications

Dramatizing lectures on the law was only the beginning of a much larger project. Closed-circuit television can be used in other ways, too.

First, suppose a robbery is committed in San Diego and the defend-

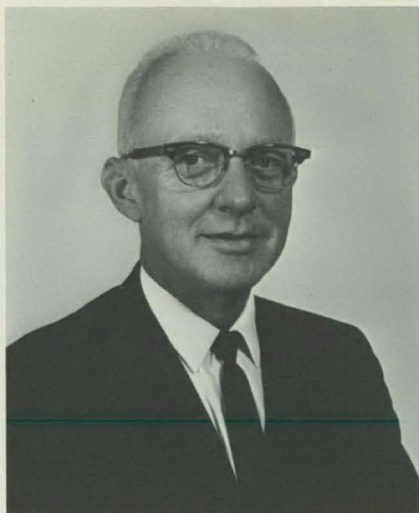
ant is arrested in San Francisco. Under present circumstances, officers in San Diego must travel to San Francisco, transport the suspect back to San Diego, then conduct a lineup to determine whether or not the suspect can be identified. Why not conduct the lineup in San Francisco and televise it to the victim and the detectives who would still be in San Diego? All that would be necessary is for the San Diego Police Department to turn on the television set, view the lineup conducted in San Francisco, and

determine whether the victim can make an identification. If the suspect were identified, he would be brought back to San Diego for further proceedings. If not, he would be released, or at least released to the San Francisco Police Department, and a great savings of time and money would accrue to everyone involved.

Second, one of our major problems at the time we began this project was the riots wrecking our community. Because a riot does not recognize geographical limitations and rioters move across city and county boundaries at random, their actions may involve several police departments whose jurisdictions touch each other. During the Watts riot it was extremely difficult for the Los Angeles Police Department and the Sheriff's Department to communicate with each other while the rioters moved across their respective boundaries. Although some of the communications problems have been solved, television could improve present communications dramatically.

The Texas Department of Corrections, like the State itself, is big—big in area, big in population, and big in concept. Its land holdings total more than 100,000 acres scattered on a north-south line from near Palestine, Tex., some 227 miles south to Brazoria, Tex. The system comprises 14 separate units, including the Goree Unit for women, each designed and operated to handle a particular classification of inmate.

With headquarters in Huntsville, Tex., this sprawling prison system is under the direction of Dr. George J. Beto. He is what might be called a



By

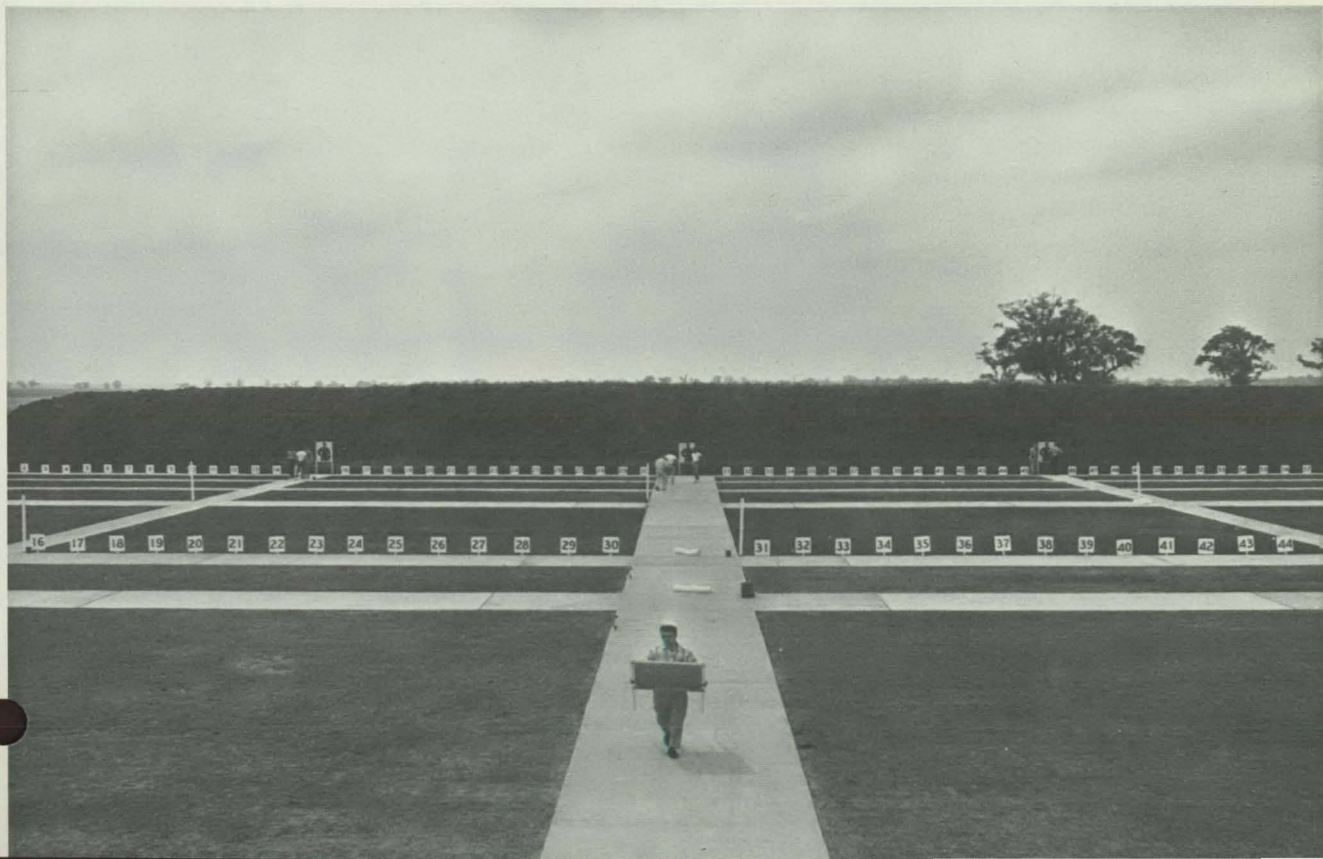
LEWIS W. DISHONGH*

**Director of Training,
Texas Department of Corrections,
Huntsville, Tex.**

*A Special Agent of the FBI for over 21 years, Mr. Dishongh retired in 1962 and accepted his present position.

FIREARMS RANGES FOR TRAINING PRISON SECURITY PERSONNEL

A view of the range from the control tower shows three of the five Practical Pistol Course lanes.





Security officers practice firing from the 7-yard line.

realistic visionary. His vision is a correctional institution that "corrects," that re-orient the thinking of those committed to our custody to the end that they may leave the institution prepared to take a useful and productive place in society. With this vision his realism keeps him ever mindful of the primary obligation of the Department—custody. We must insure that sentences imposed by the courts and juries are served out and that the convicted felons are kept securely according to the terms of the commitments under which they are received in our institution.

At the 13 units housing adult male felons, we have an average inmate population of some 13,000. The vast majority of these are engaged in productive work in the widely varied programs carried on by the Department.

We believe firmly in the therapeutic value of work and are strongly opposed to "make work programs." As a result of this philosophy, the Texas Department of Corrections is a productive institution.

Statistics

During the 1969 fiscal year the agricultural program accounted for \$1,812,055.60 in cash receipts. Products of approximately twice that value were either consumed as human food or furnished to industry as raw material. The industrial program grossed \$5,892,557.92. New construction projects totaled \$7,767,729.96. These programs furnish productive jobs for the inmate population. All are carried on with the use of inmate labor, skilled and unskilled.

These work programs involving large, concentrated groups of inmates, most of them outside the security of buildings and fences, pose unique problems to those charged with the responsibility of custody.

The training department, functioning as a part of the business department, carries on an intensive preservice training program to help prepare new employees for this responsibility. We endeavor to instill into these new officers the concept that their primary responsibility is the secure holding of the inmates, but that this holding, this restraint, can and must be done in such a way that the efforts of those employees whose primary function is in the "correctional" field are not frustrated. To keep the older and experienced employees at peak efficiency, we operate a continuing inservice program at each unit.

Training Program

Since firearms are essential tools in the overall security program and since no tool is effective in the hands of one untrained in its use, we recognized that firearms training for those whose regular duties or special assignments require that they be armed was a must. There are some 1,800 to 1,900 employees in these categories, and the majority of them had never received any formal firearms training.

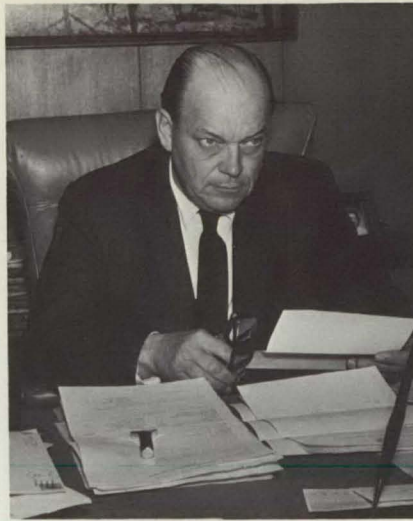
The first step was an intensive training program for firearms instructors for each unit. These selected men were trained in the use of each weapon used in the Department—the .38 caliber service revolver, the .30 caliber carbine, the 30/30 rifle, and the 12 gauge, 20-inch barrel, pump shotgun. Most of our weapons are carried, used, and stored under somewhat adverse conditions. High humidity, dust, and at some of our units high salt content in the moisture create maintenance problems. Our instructors were

trained in field maintenance of all the weapons, effective teaching methods, range operation, and firearms safety.

Firearms training was then instituted at each unit under the supervision of these instructors. Each employee was given training in the weapons that he might use during the course of his assigned duties. Make-shift ranges, such as riverbanks, gravel pits, and open pastures, were used.

The administration recognized the need for centrally supervised firearms training as well as the need for adequate training facilities and authorized the construction of two all-purpose firearms ranges, one to serve the needs of the six units located near and south of Houston and one to serve the needs of the seven units located in and north of Huntsville. I was assigned the task of designing these ranges.

We hope our officers will never be faced with a "combat shooting" situa-



Dr. George J. Beto, Director, Texas Department of Corrections.

tion; however, proficiency in this type of shooting assures that an officer can handle his weapon effectively in any situation he may encounter.

I know of no finer training in firearms handling than the courses afforded by the FBI to its Special

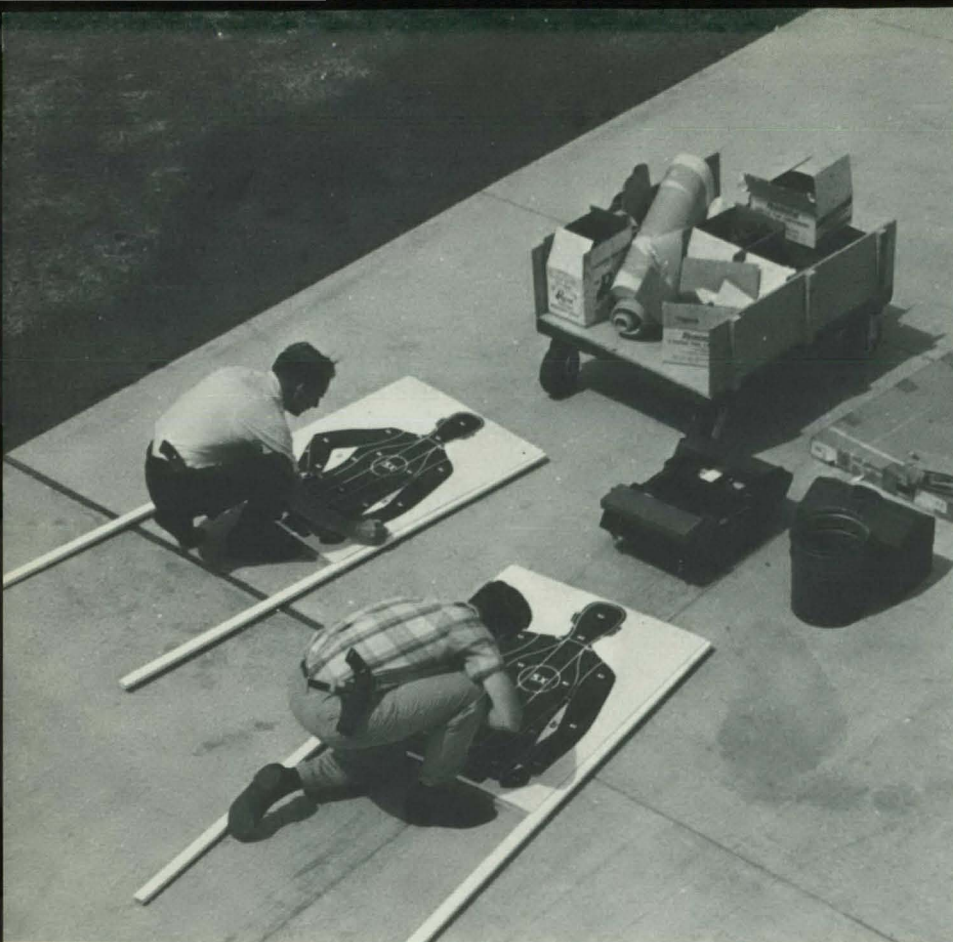
Agents and, through its instructors, to police officers throughout the United States. Through the years that I was privileged to serve with the FBI as a firearms instructor, working with Bureau Agents, National Academy classes, and police officers in the field, I saw the Bureau's teaching methods and firearms courses make excellent marksmen and instill in these men confidence in their ability to handle the weapons that they were required to use. We decided therefore to make this type of training available to our personnel and designed our ranges with this in mind.

Target Practice

From the rough sketches that were submitted, our construction department worked out the construction and engineering details for the ranges. These include a "running man" target that can be moved back and forth across half the width of the range.

Connected to the 60-place main range by a concrete walkway is a skeet range, used for advanced shotgun training.





Scoring targets behind the 100-yard line, officers check their skill in the use of their weapons.

A regular bobber target is used in this installation. It is mounted on a carriage running in parallel tracks laid just behind the target line. The carriage is moved on an endless chain driven by an electric motor so wired that it will run in either direction. A re-enforced concrete trench was constructed just behind the target line running half the width of the range. The two tracks are 1-inch angle iron welded to flanges bolted to the top edges of the trench, open angle down. The four wheels of the carriage are grooved to fit the track. It is prevented from jumping the track by a 4-inch angle iron welded onto the track flanges in a position to project over the wheels on either side of the carriage.

All of the metal work on this installation was fabricated in our own mechanical department. The drive sprockets and idler sprockets were

manufactured by inmates assigned to the heavy metal section of the shop. Housing for the motor and draw works was fabricated in the sheet metal department.

An instructor controls the target through remote switches, stopping and reversing it at any point. Limit switches at each end of the tracks prevent it from overrunning the end of the tracks in either direction.

The basic range design provides five lanes for the Practical Pistol Course and was extended to include a 100-yard firing line for rifle shooting. Firing lines are provided at 7, 15, 25, 50, 60, and 100 yards. Provision was made for practice shooting from the barricade position at the 50-yard line.

The entire range, which can accommodate 60 shooters at one time, is controlled by an instructor from a movable control tower equipped with

a 100-watt public address system. Because this tower can be moved various points on the center lane the range, close visual supervision of shooters on any of the firing lines is possible. The controls for the running man target are also located in this tower. A 20-foot dirt mound behind the targets is one of the safety features of the range. All firing lines and cross-walks are of re-enforced concrete as is a waiting area behind the 100-yard line. The range is built in conformance with FBI Practical Pistol Course suggested specifications.

Skeet Range

A concrete walkway connects this range with a skeet range that can be used at the same time the rifle or pistol range is in use. Automatic skeet traps and concrete walks and firing stations make this an excellent range for shotgun training. Because it drains well, any part of the range can be used soon after a heavy and prolonged rain.

A unique feature of these ranges is that they were constructed with the use of inmate labor, including skilled work in handling, under supervision, some of the engineering details. Total cost for each range was approximately \$30,000. Had these facilities been constructed by "free world" contractors using free world labor, the cost would have been approximately \$75,000 for each range.

Using a Rifle

Our rifle training calls for a course of 20 rounds fired at a silhouette target from the 100-yard line. Ten rounds are fired from the offhand position, and 10 are fired from the kneeling position. Both the 30/30 rifle and the .30 caliber carbine are used. We do not use the prone position. In instances where this position

(Continued on page 26)



"Justice is itself the great standing policy of civil society; and any departure from it, under any circumstance, lies under the suspicion of being no policy at all."

—Edmund Burke

Probable Cause, Warrants, and Judicial Innovation

PART I

Much of what is fundamental in American law was derived from the British who were concerned about arrests, searches, and seizures long before the colonists' protests concerning such matters generated the War for Independence. In the early part of the 18th century, a practice grew up whereby warrant procedures became empty formalities. The law enforcement officer was merely handed a document ordering an arrest or commanding a search without specifying who was to be apprehended or what object was to be sought. Obviously, whatever merit there was in having a judge determine whether a warrant

should be issued was lost by delegating this responsibility totally.

The basic principles of English law were reasserted as a result of a series of significant decisions in 1765. One was an arrest case in which the warrant charged that libel had been published and commanded the officers to search for the author, printer, and publisher and to seize them when they had been identified. Within 3 days, at least 49 persons had been arrested, many of whom were innocent.¹ Dryden Leach, identified as a printer, was

arrested and held in confinement but eventually released when his captors decided that he was innocent. He sued the officers who had executed the arrest and was awarded damages. The Court of the King's Bench affirmed the judgment on appeal and declared the general warrant illegal. Lord Mansfield expressed the view of the court in the following language:

"It is not fit, that the receiving or judging of the information should be left to the discretion of the officer. The magistrate ought to judge; and give certain directions to the officer." The other three judges agreed that the warrant was illegal and bad, and in-

¹ Cooley, *Constitutional Limitations*, 7th ed., 1903, 426, quoting from May's *Constitutional History of England*, c. 11.

licated that "no degree of antiquity can give sanction to a usage bad in itself." *Leach v. Three of the King's Messengers*, 19 How. St. Tr. 1002, at 1027 (1765).

Another case in this series concerned a search of premises. The warrant specifically ordered the arrest of John Entick and commanded the gen-

searched in the day-time. . . ." [Emphasis added.]

The magistrate was required to find that there was "reason to suspect" the stolen property was located at the place alleged. According to the authorities of the time, an oath providing facts which supported the suspicion could be sufficient cause to justify a

"The definition of probable cause as 'reasonable grounds to suspect,' which was commonly understood as being a sufficient guaranty of the rights of liberty-conscious Englishmen, should be compared with the contemporary test imposed in American courts, 'reasonable grounds to believe.'"

eral seizure of his books and papers. Entick was seized and many of his personal papers were taken according to the discretion of the officers. He filed a civil action against them, charging trespass for the seizure of his papers, and was awarded damages. On appeal, the Court of the King's Bench unanimously held that the general search warrant was to be condemned. *Entick v. Carrington*, 19 How. St. Tr. 1029 (1765).

"Reason to Suspect"

In addition to imposing the responsibility on the magistrate for determination of the identity of the person to be arrested, the premises to be searched, and the particular property to be seized, the English law prescribed the standards to be used in making those decisions. By statute (22 G. 3. c. 58) it was declared, "One justice of the peace on complaint made before him on oath, that there is reason to suspect that stolen goods are knowingly concealed in any dwelling-house, out-house, garden, yard, croft, or other place or places, may by warrant under his hand and seal cause every such dwelling-house, &c. to be

searched under a judicial warrant. 2 Hale, *Pleas of the Crown*, 113, 150; 2 East, *Pleas of the Crown*, 747. Similarly, arrest warrants were authorized where the magistrate found that there was probable cause to suspect a named person had committed an offense. 1 Hale, *Pleas of the Crown*, 579-580, 583. The standard required for an arrest without a warrant was expressed in the same terms: "Whereas constables and other peace-officers are *ex officio* not merely permitted but enjoined by law to arrest the parties, as well on probable suspicion of felony, as in case of felony actually committed. . . ." 1 East, *Pleas of the Crown*, 300-301. See also 4 Coke, *Institutes*, 1797, 177; 1 Hale, *Pleas of the Crown*, 588; 2 Hale, *Pleas of the Crown*, 85.

The definition of probable cause as "reasonable grounds to suspect," which was commonly understood as being a sufficient guaranty of the rights of liberty-conscious Englishmen, should be compared with the contemporary test imposed in American courts, "reasonable grounds to believe." The gulf between the two is not subject to finite measurement, but it has become well recognized in our

law. For example, efforts to draft legislation authorizing temporary detention and limited search of persons for weapons have endeavored to create a standard for action that requires something less than probable cause. What has emerged is illustrated by section II of the Uniform Arrest Act, which provides, in part, "A peace officer may stop any person abroad who he has reasonable ground to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going." [Emphasis added.]

Stop and Frisk

The New York "Stop and Frisk Law," section 180-a of the Code of Criminal Procedure, enacted in 1964, provides:

1. A police officer may stop any person abroad in a public place whom he reasonably suspects is committing, has committed or is about to commit a felony or any of the crimes specified in section five hundred fifty-two of this chapter, and may demand of him his name, address, and an explanation of his actions.
2. When a police officer has stopped a person for questioning pursuant to this section and reasonably suspects that he is in danger of life or limb, he may search such person for a dangerous weapon. If the police officer finds such a weapon or any other thing the possession of which may constitute a crime, he may take and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person. [Emphasis added.]

Further proof of the general belief in the distinction between the standards is found in current literature discussing these problems. One commentator expressed it clearly this way

"Probable cause is the officer's reasonable belief—the probability under the circumstances. The basis for detention under the stop and frisk statutes is reasonable suspicion—the possibility under the circumstances. By definition suspicion is just one step removed from belief." [Emphasis by the author.]²

How is it then that the standard required for the issuance of our warrants to arrest and search so far surpasses the standard recognized by the English common law and statutes from which our system is drawn? The answer appears to be more easily explained in terms of history than in terms of *stare decisis*.

Because of their ancestral ties, the American colonists were inclined to adopt the social, economic, political, and legal principles prevalent in England. John Marshall, later Chief Justice, described the relationship between the two communities in 1763 as follows: "At no period of time was the attachment of the colonists to the mother country more strong, or more general, than the present."³ However, Marshall added a note explaining a point of contention between the two which was later to fuel the movement for separation:

After the expulsion of the French from Canada, a considerable degree of ill humour was manifested in Massachusetts with respect to the manner in which the laws of trade were executed. A question was agitated in the court in which the Colony took a very deep interest. A custom-house officer applied for what was termed a "writ of assistance," which was an authority to search any house whatever for dutiable articles suspected to

be concealed in it. The right to grant special warrants was never contested, but this grant of a general warrant was deemed contrary to the principles of liberty, and was thought an engine of oppression equally useless and vexatious, which would enable every petty officer of the customs to gratify his resentments by harassing the most respectable men in the province. The ill temper excited on this occasion was shewn by a reduction of the salaries of the judges, but no diminution of attachment to the mother country appears to have been produced by it.⁴

Thus, the colonists were as intolerant of the general warrant as their

relatives across the sea. It found no authority in the law but sprang from the desire for expediency by the King's representatives who were charged with collecting taxes.

A writ of assistance issued in Massachusetts in 1755⁵ (see box below) is typical of the form of general warrant employed.

The justification for the issuance of such broad authority to the enforcement officers was said to be that if they had been obliged, every time they knew, or received information of prohibited or uncustomed goods being concealed, to apply to the court for a warrant describing the circumstances of the search authority, such concealed goods could have been conveyed away

⁴ *Ibid.*

⁵ Quincy, *Massachusetts Reports*, 1761-1772, p. 404.

Writ of Assistance

Province of the George the Second by the Grace of God of Great Britain,
Massachusetts Bay. France and Ireland
King, Defender of the Faith &c—

To all and singular Justices of the Peace, Sheriffs and Constables, and to all other our officers and Subjects within said Prov. & to each of you Greeting—

Whereas the Commissioners of our Customs have by their Deputation dated the 8th day of Jan'y 1752, assign'd Charles Paxton Esqr Surveyor of all Rates, Duties, and Impositions arising and growing due within the Port of Boston in said Province as by said Deputation at large appears, WE THEREFORE command you and each of you that you permit ye said C. P. and his Deputies and Servants from Time to time at his or their Will as well in the day as in the Night to enter and go on board any Ship, Boat or other Vessel riding lying or being within or coming to the said Port or any Places or Creeks appertaining to said Port, such Ship, Boat or Vessel then & there found to View & Search & strictly to examine in the same, touching the Customs and Subsidies to us due, And also in the day Time together with a Constable, or other public officer inhabiting near unto the Place to enter and go into any Vaults, Cellars, Warehouses, Shops or other Places to search and see whether any Goods, Wares or Merchandise in ye same Ships, Boats or Vessels, Vaults, Cellars, Warehouses, Shops or other Places are or shall be there hid or concealed, having been imported, ship't or laden in order to be exported from or out of the said Port or any Creeks or Places appertain'g to the same Port; and to open any Trunks, Chests, Boxes, fardells or Packs made up or in Bulk, whatever in wh in any Goods, Wares, or Merchandise are suspected to be packed or concealed and further to do all Thing which of Rt and according to Law and the Statutes in such Cases provided, is in this Part to be done: And We strictly command you and every of you that you, from Time to time be aiding and assisting to the said C. P. his Deputies and Servants and every of them in Execution of the Premises in all Things as becometh: Fail not at your Peril: WITNESS Stephen Sewall Esqr &c—

² Stern, "Stop and Frisk: An Historical Answer to a Modern Problem," 58 *J. Crim. L. C. & P. S.* 532, at 536 (1967).

³ Marshall's *American Colonies*, 377 quoted in Quincy, *Massachusetts Reports*, 1761-1772 at page 435.

before the writ issued and the law would have been frustrated.⁶

The logic was clear, but the colonists resisted the pressure to surrender their right to judicial protection of the security of their houses. In Virginia, the Supreme Court of Justice refused to grant general writs of assistance but granted special writs containing particular directions.⁷

Royal insistence that the enforcement of the revenue laws be strictly administered increased. In November 1760, a customs officer petitioned the superior court of Essex County, Mass., to grant a general writ authorizing him to search ships, shops, cellars, and houses for any contraband merchandise. An objection was raised as to the legality of the writ, and the question was set for argument at Boston in 1761. James Otis, Jr., a Boston lawyer, was selected by the merchants to speak against issuance of the writ, and the arguments continued for several days. John Adams, destined to become the second President of the United States, was present and recorded the following observations:

The views of the English government towards the colonies, and the views of the colonies towards the English government from the first of our history to that time, appeared to me to have been directly in opposition to each other, and were now, by the imprudence of administration, brought to a collision. England, proud of its power, and holding us in contempt, would never give up its pretensions. The Americans devoutly attached to their liberties, would never submit, at least without an entire devastation of the country and a general destruction of their lives.⁸

Otis' argument challenged the legality of the general warrant in the

face of the English Constitution. He declared that under the law, the security of a man's house may be infringed under the authority of special writs which may be granted on oath and probable suspicion filed before a magistrate but that the writs of assistance permitted search without any of these limitations.⁹

"Independence Born"

John Adams, later commenting on the argument, said, "Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born."¹⁰

The court held that it could find no legal justification for the writ but postponed decision until inquiry could be made in England. At the next term of court, no communication from England was read and nothing further said about the writ, but it was generally believed that the court had secretly granted the writs.¹¹

Bill of Rights

Other dissatisfactions which became manifest were detailed in the Declaration of Independence and the war was on. With victory came the necessity to institute a new government and, after the failure of the Articles of Confederation, the Constitution was finally accepted. The Bill of Rights, which was added in 1791, included the following statement:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particu-

larly describing the place to be searched, and the persons or things to be seized.¹²

In light of the history which immediately preceded the Revolution, the evils which the adoption of the Fourth Amendment was designed to combat seem certain. The general warrant, believed to be destructive of individual liberty, was expressly prohibited. Warrants meeting the particularity requirements had further to be based on oath or affirmation supporting a finding of probable cause. The probable cause standard was not defined in the amendment, perhaps because its use, as has been indicated here, was so common in the English law as to be generally understood to mean "probable cause to suspect."

Apparently the English usage carried over even after the adoption of the Fourth Amendment, for Congress, in 1799, utilized the suspicion standard when it enacted a statute designed to regulate the collection of duties on imports and tonnage. Under section 68 of the statute, customs officers were empowered to search in the daytime under warrant any particular dwelling-house, store, building, or other place if they had cause to suspect goods subject to duty were concealed therein and they made proper application on oath to any justice of the peace.¹³ Surely such a statute, enacted only 8 years after the adoption of the Fourth Amendment and containing limitations expressly following the pattern set in the amendment, was equally consistent with the meaning intended for the term "probable cause" in regard to the issuance of warrants.

The issue soon came to the attention of the courts. In *Locke v. United States*, 7 Cranch 339, 3 L. ed. 364 (1813), a forfeiture case, it was ar-

⁶ Quincy, *Massachusetts Reports*, 1761-1772, p. 453.

⁷ Quincy, *Massachusetts Reports*, 1761-1772, p. 510.

⁸ 2 John Adams, *Life and Works*, 124.

⁹ 2 John Adams, *Life and Works*, Appendix A, 524-525.

¹⁰ 10 John Adams, *Life and Works*, 248.

¹¹ *Ibid.*

¹² Amendment IV, United States Constitution.

¹³ 1 Stat. 677-678.

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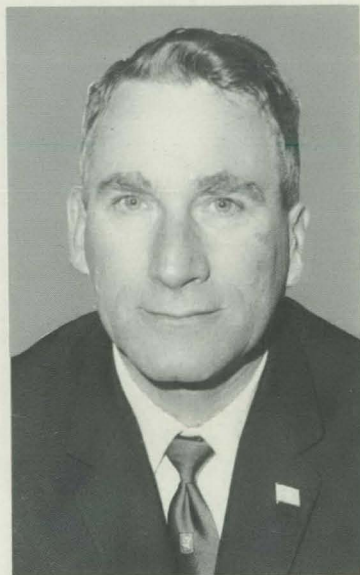
Some Points on Bombs and Bomb Threats

The FBI should be immediately advised of every bomb threat as well as every actual or attempted explosive bombing or fire bombing. Cooperative services of the FBI are available to local authorities in these cases and many such matters involve Federal violations within the investigative jurisdiction of the FBI.

By

DAVID McCOLLUM, Jr.,

Chief of Police,
Hot Springs, Va.



Bombs and bomb threats are the cause of much anxiety in our society today. As a weapon of intimidation, destruction, and death, the bomb has become the object of terror for innocent citizens and a problem of the first magnitude for law enforcement.

For our purposes here, we can place persons who commit bombing violations into three general categories: (1) those who do so for personal gain or revenge, (2) those who are mentally or emotionally disturbed, and (3) those who hold revolutionary views.

Persons who bomb for personal gain or revenge may be involved in labor or business disputes or may be attempting to collect insurance on

property destroyed. Bombing attacks by persons with mental problems could be made against any person or institution and for any "reason." The revolutionary bomber is usually an individual commonly regarded as a fanatic or extremist who desires to bring about change by force rather than by majority rule. Racial bombings or bombing attacks against religious institutions might come under any of the three categories, depending on the perpetrators.

The bombing problem occurs in one of three phases: (1) the bombing threat, (2) the unexploded bomb, and (3) the exploded bomb.

When a bomb threat is received, there are a number of steps which must be taken. First, all threats should be treated as bona fide, as the consequences and risks are too great to regard any calls as hoaxes.

Obtaining Information

A person receiving a bomb threat should attempt to solicit as much information as possible from the caller, particularly on the following points: (1) the building or site to be bombed, (2) the exact location of the bomb, (3) the type of bomb, (4) the type of explosives used, (5) the time the bomb is expected to explode, (6) a description of the device, and (7) the reason for the bombing. Many times, of course, the recipients will not be able to get any information beyond the threat itself. If there is a continuing series of telephone threats, the telephone company should be consulted regarding the possibility of installing equipment capable of tracing the calls without monitoring the conversation.

Occasionally, mentally ill or deranged persons make a habit of placing hoax calls to certain establishments or government agencies stating that bombs have been planted. It may be possible, after a period of

time, to identify these callers and to recognize their voices. A pattern may occur involving the time, date, day of week, repetitious language, idiosyncrasies, and background sounds or noises. Many of these calls are made as scare tactics, and the individual involved may prove to be harmless. However, such calls cannot be completely discounted.

"A bomb explosion, depending upon its force and location, creates an infinite number of problems for police as well as for the agency, institution, or establishment victimized."

Searches for bombs should be planned and coordinated. They should be orderly, complete, and thorough. The number of searchers should be limited but should include individuals who are familiar with the building or area to be searched. These might be custodians, janitors, maintenance personnel, watchmen, etc., who could quickly spot any unusual conditions or foreign objects not normally found in the space.

A building search should cover corridors, stairs and landings, cabinets and closets, restrooms and locker rooms, waste and trash receptacles, plumbing fixtures, electrical panels and boxes, elevators and elevator wells, telephone booths, hallway ashtrays and sand jars, vending machines, all offices and storage rooms, air-conditioning ducts, reception areas accessible to the public, and any other equipment, fixtures, or furnishings located in the area.

Investigators looking for bombs should not smoke during the search, and they should systematically check off all areas to insure that no rooms

or spaces are overlooked. In many instances, traffic and/or crowd control will be necessary, and all unnecessary traffic should be diverted.

Searchers should always assume that any suspected explosive device, package, or bomb is dangerous. They should not touch or disturb the object since it may contain an antidisturbance device. All occupants of the area should be evacuated and no one should be allowed to move any object near a suspicious package which might possibly trigger an explosion. The services of explosives experts should be sought immediately, and a sufficient number of guards should be placed around the danger area to prevent unauthorized entries. As a rule, all fuel lines to the danger area should be cut off and any flammable material removed. Arrangements should be made for fire and rescue squads to stand by and for quick medical aid if needed. When possible, the danger area should be baffled with protective materials such as mattresses, sandbags, or any similar items which would serve as shields. While all situations will differ because of the location and area of the suspected bomb, usually baffling material should be used to contain the explosion laterally.

Requesting Assistance

The evacuated area should extend a sufficient distance to insure safety to all persons. If it is necessary for authorized persons to enter the area, they should have some type of protective shield.

Usually, upon completion of a search where no explosive devices are found, reoccupancy of the building is a decision to be made by the agency or officials in charge of the property searched.

In all instances, the explosive should be approached only by explosive experts. It behooves each law enforcement agency and each member

of that agency to know how to contact the nearest available source for such assistance. In some major cities, police departments have their own bomb squads with adequately trained personnel; however, most departments must rely on outside assistance, such as explosives disposal units of the U.S. Army. Requests for this assistance should originate with the local police department or fire department and should certify that the assistance is needed in the interest of public safety.

Problems for Everyone

A bomb explosion, depending upon its force and location, creates an infinite number of problems for police as well as for the agency, institution, or establishment victimized. Usually there are some inconvenience and/or danger to the public as well.

The preservation of life is paramount and takes precedence over any other actions contemplated. Also, in cases where powerful explosives have been used and damage is extensive, the safety of rescue personnel must receive prime consideration. A headlong rush into a devastated area or building should not be made. Caution should be exercised and careful examination made to prevent further injury or death to rescuers and victims alike.

Firefighting and rescue operations should be conducted by those departments responsible for such operations, and consideration should be given to bringing professional medical assistance to the scene if warranted. In most disaster areas, the immediate problem facing law enforcement is crowd and traffic control. The area surrounding the scene should be kept clear and readily accessible to authorized units and personnel who need to enter and exit the area without delay.

Where working space at the scene is limited, it may be necessary to keep excess rescue and firefighting equip-

ment away from the site until such equipment is needed. Ignition keys should be left in all motor vehicles, private, public, and emergency, admitted to the scene because it may be necessary to move these vehicles. Police officers assigned to control crowds and traffic at the scene should remain on duty until relieved or until the emergency is resolved.

Many times, crowd control poses a greater problem than traffic control because pedestrians can enter areas where motor vehicles cannot. Many individuals, out of curiosity, crowd as close as possible to a disaster scene. Large crowds may be almost overwhelming unless a sufficient number of officers are on hand to contain them. This is particularly true if the building or structure affected by the bombing is a school, hospital, church, or some other public building. Many of those attempting to enter the area are concerned about close relatives and perhaps children who occupy the building. Generally speaking, however, every effort must be made to

close relatives of victims and the owners of property and operators of businesses in the disaster area will be much more difficult. They are intently concerned and feel they have a perfect right to remain on the scene, or go even closer. Reasoning with these people may impress upon them the need for their cooperation to assure orderly and safe rescue operations and efforts to save the lives and property about which they are concerned.

Crowd Control

In ordering a crowd or group of individuals to move away from a bombing scene, police officers should make certain that there is an obvious exit route, and, if not, should direct the people to a safe exit. It is not sufficient to block off roadways, doors, and similar passages with rope or barricades unless an officer remains at the site to prevent persons from bypassing the obstruction.

Crowd control at a disaster site prevents hindrance to rescue and

"Many times, crowd control poses a greater problem than traffic control because pedestrians can enter areas where motor vehicles cannot. Many individuals, out of curiosity, crowd as close as possible to a disaster scene. Large crowds may be almost overwhelming unless a sufficient number of officers are on hand to contain them."

keep unauthorized persons out of the immediate disaster area for the safety and well-being of all.

Normally, the curious spectators and passers-by will comply with commands by officers on the scene after some hesitation. Those individuals who work in the area, or who volunteer assistance (and in some instances the perpetrator of the crime), will react in a similar manner, with perhaps a bit more hesitation. Control of

emergency operations and precludes the possibility of danger to unauthorized individuals who might enter the area. However, crowd control is equally important in the preservation of crime scene evidence necessary to the investigation. Too much stress cannot be placed on the preservation of the bombing scene. Any disturbance of the site should be kept to a minimum to facilitate the collection,

(Continued on page 30)

"In recent years, assaults against the Washington diplomatic community have increased more than seven times."

By

HON. JAMES J. ROWLEY

Director,
U.S. Secret Service,
Washington, D.C.



In a black uniform with gold braid, an officer stands post outside the Russian Embassy. A light blue sedan with the White House insignia and a special license tag cruises past. The officer inside the car waves to the officer standing post. These men are members of the security force which provides protection for the White House and foreign diplomatic missions—the Executive Protective Service (EPS).

The EPS, formerly the White House Police, is a uniformed security unit supervised by the U.S. Secret Service. Since 1922 the White House Police have provided security to the White House, the President and his immediate family, and buildings in which presidential offices are located.

Many people still remember the assassination attempt on the life of President Harry S. Truman in 1951. White House policemen and Secret Service agents were guarding the Blair House (the President's official residence while the White House was being repaired). When two assassins tried to shoot their way into the Blair House, rapid action by White House policemen and Secret Service agents thwarted the attempt, killing one assassin and wounding the other. In this

"Since the legislation was signed by the President, over 500 men have trained for the diplomatic missions division."

The Executive Protective Service

"Until the activation of the Executive Protective Service, protection of foreign missions in Washington, D.C., was the responsibility of the District of Columbia Metropolitan Police Department."





EPS officers check a patrol schedule in the area of the Japanese Embassy.

gun battle one White House policeman was killed and two others were wounded.

This type of effective security has become increasingly more important as the crime rate in our major cities continues to climb. In recent years, assaults against the Washington diplomatic community have increased more than seven times. As a result, President Richard M. Nixon, early in 1969, requested security be provided for the foreign diplomatic missions located in Metropolitan Washington, D.C.

On March 19, 1970, President Nixon signed legislation enacted by Congress to expand the White House Police in size, change its name

to the Executive Protective Service, and enlarge the scope of its responsibilities to encompass the security of the foreign diplomatic missions located in the metropolitan area of the District of Columbia.

Recruitment

This expansion necessitated a rapid recruiting program to provide the men necessary to establish security at the diplomatic missions. Under the supervision of the U.S. Secret Service, men from all parts of the country have been, and will continue to be, recruited for this unique Service. These young men have varied backgrounds.

Many are Vietnam veterans, some are former police officers, some are just graduated from school. But they share a mutual goal—to protect the President while he is at home and to provide security for diplomatic missions in our country.

Training

These are important responsibilities, and the Secret Service realizes that the new officers of the Executive Protective Service must be adequately trained. Consequently, the Secret Service Training Division has been greatly expanded to provide this training.

During an intensive 12-week session the recruits participate in classroom study which includes police-community relations, psychology, and criminal law and receive training in firearms, first aid, and physical education. Because of their assignments at the diplomatic missions, the officers also receive intensive training in diplomatic immunity treaties and protocol.

Women Officers Hired

Perhaps one of the more interesting elements of the expansion program has been the recent recruitment of women. This marks the first time that women officers have been employed by the Executive Protective Service for duty at the White House. Among other duties, the women officers will supervise the questioning and, when necessary, the custody of juveniles and women who come to the attention of the Executive Protective Service and the Secret Service.

Until the activation of the Executive Protective Service, protection of foreign missions in Washington, D.C., was the responsibility of the District of Columbia Metropolitan Police Department. However, the presence of the Executive Protective Service will enable the metropolitan police to utilize their forces in areas other than diplomatic protection and the Executive Protective Service officers will patrol areas around chanceries and embassies, including four suburban locations. Nevertheless, the Metropolitan Police Department will continue to assist the Executive Protective Service officers with traffic and crowd control at the foreign missions within the District of Columbia as they have at the White House in the past.

United Nations 25th Anniversary

In addition to the protective responsibilities at the White House and for-

eign diplomatic missions in the metropolitan area of the District of Columbia, the officers of the Executive Protective Service may perform other duties as directed by the President.

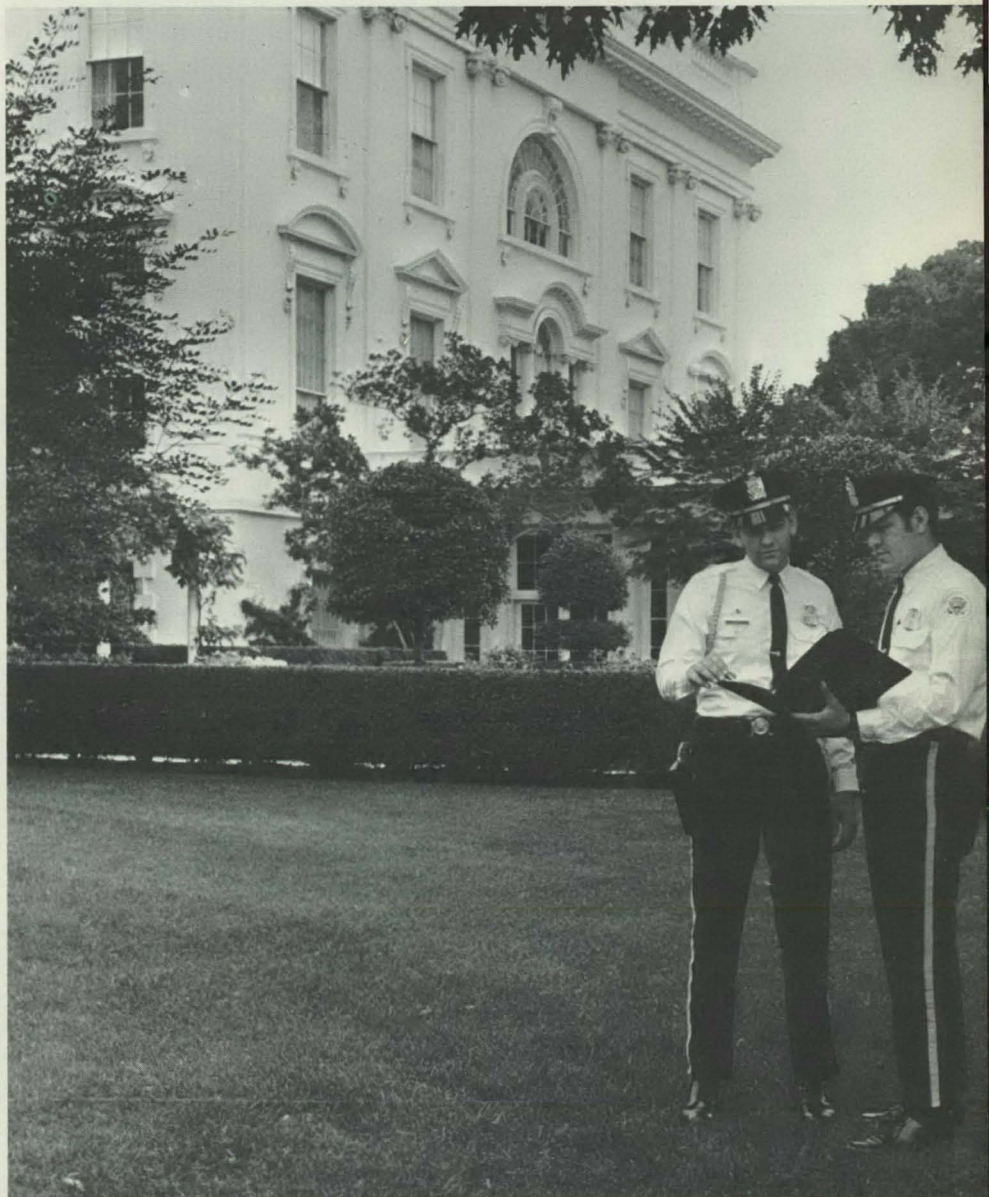
Recently, in connection with the 25th Anniversary of the United Nations, 92 Executive Protective Service officers were detailed by the President to New York City to assist with the security of foreign missions there.

Utilizing their training in protection, these officers also helped provide a secure environment for the Secret Service operations and command center.

Since the legislation was signed by the President, over 500 men have trained for the diplomatic missions division. Their duty—preventive security—will be carried out through a concentrated network of vehicular patrols, foot patrols, and fixed posts.

(FBI)

An EP5 officer assigned to the White House Division gives special instructions to a fellow officer.



By
CHARLES D. GRANT
 Deputy Chief of Police,
 Norfolk, Va.



The International Azalea Festival has been held in Norfolk, Va., since 1954, during the blooming season for the title flower, the azalea. This normally occurs in April or early May and is a major consideration in the selection of the 5-day period of the festival. This is Norfolk's special welcome to springtime and is a tribute to the North Atlantic Treaty Organization (NATO), the Atlantic Command Headquarters of which is in this city.

To enhance the international aspect, festival officials take every opportunity to include personal and symbolic representation from each of the 15 NATO nations. Presiding over the festival is Her Royal Majesty, Queen Azalea, whose royal domain includes: Belgium, Canada, Den-

mark, France, Germany, Greece, Iceland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey, United Kingdom, and the United States.

In the center of the Gardens-by-the-Sea is beautiful Mirror Lake, site of the coronation of the queen. Until 1937 the gardens were nothing but a thick woodland in the city; however, when the Federal Works Progress Administration was providing employment for men in the area, unemployed women farm workers were put to work in the 100-acre tract of woodlands. These women workers helped transform this land into the present Gardens-by-the-Sea.

Four thousand azalea plants in 14 varieties, at a cost of \$5,000, and 100 camellia plants were obtained from

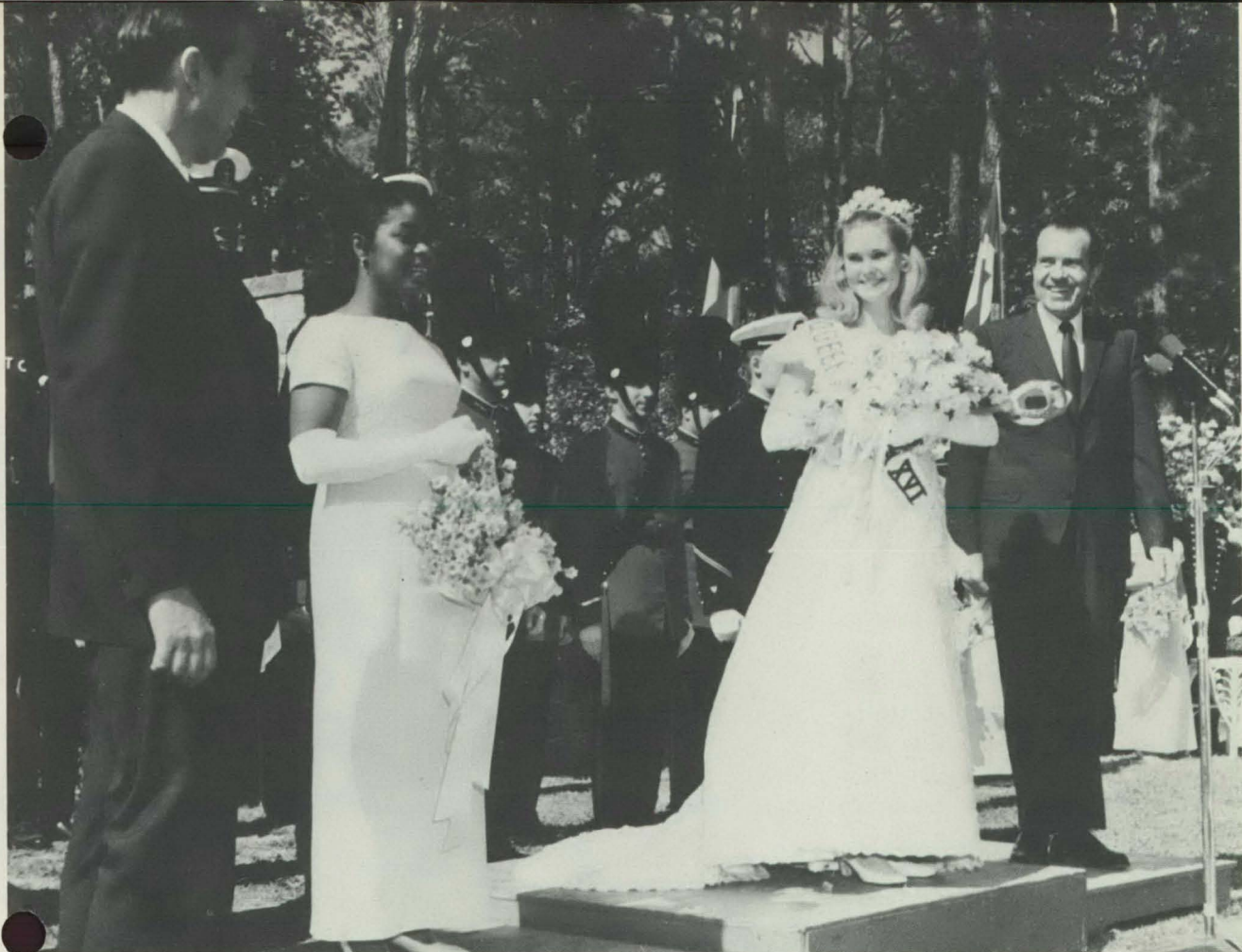
Policing an International Festival

"A great deal of planning and police security is needed during the festival. On two occasions the daughter of the President of the United States has reigned as queen."

cludes all of Norfolk. She is also honorary sovereign of the 15 nations which comprise the NATO alliance. Selection of the festival queen, therefore, is based not only on her charm and beauty, but also on her prominence as the daughter of a top-level government figure from one of the NATO nations. The princesses of the queen's court are selected from each of the other 14 nations on the same basis as the queen. These NATO na-

the Government. By the adroit use of propagation, the azalea plants now number 225,000, and the camellia collection, 20,000, in more than 500 varieties, for the largest public collection in the country. There are 12 miles of footpaths from which the various floral wonders can be observed.

There are an oriental pagoda, boats that carry visitors through the gardens by water, and a Treasure Island. During the crowning ceremonies, these



The Norfolk Police Honor Guard participated in the crowning of Queen Tricia Nixon by her father, the President, at the 16th International Azalea Festival in April 1969.

footpaths, flowering plants, and azalea and camellia bushes present a security problem. Officers must be placed throughout the gardens and on the island to prevent anyone from hiding in these shielded areas. The pagoda overlooks the entire Gardens-by-the-Sea, and officers assigned to this vantage point can scrutinize the area surrounding the coronation stage.

A great deal of planning and police security is needed during the festival. On two occasions the daughter of the President of the United States has reigned as queen. The U.S. Secret Service is responsible for the safety of the members of the First Family, and they work very closely with members of this department and other law enforcement agencies.

Assistance was rendered this de-

partment by police personnel from the adjoining cities of Chesapeake, Virginia Beach, and Portsmouth and by Federal law enforcement agencies such as the Federal Bureau of Investigation, Alcohol, Tobacco and Firearms Division, the U.S. Shore Patrol, and the Customs Service, along with members of the Virginia State Police, Chesapeake Bay Bridge Tunnel Police, and the Elizabeth River Tunnel Police.

Additional Security

In 1969 Miss Tricia Nixon was Queen Azalea the Sixteenth, and in keeping with tradition, her father, the President of the United States, Hon. Richard M. Nixon, crowned her Queen Azalea. His appearance re-

quired an increase in police security, and we received assistance from all local law enforcement agencies in providing this protection as well as the normal police services to the citizens of Norfolk.

From the time the queen arrives, continuous police surveillance is provided. The queen travels on a tight schedule, visiting such places as the MacArthur Memorial, Supreme Allied Command Atlantic (SACLANT) Headquarters, the Myers House, Civic Ballet, Kings Daughters Children's Hospital, and many other places of interest. Her days usually start at 7:15 a.m. and continue well into the night.

When the queen is the daughter of a U.S. President, each place she makes an appearance must be thoroughly searched prior to her arrival by teams

of U.S. Secret Service agents and local police, who must always be one step ahead to insure her safety.

The queen and her court attend a fashion show and luncheon sponsored by the Junior Women's Club. Notable speakers at this event have been a former Vice President of the United States, members of the President's Cabinet, U.S. Congressmen and Senators, and members of the State legislature, along with various city officials.

Constant Observation

The entire top floor of one of our local hotels was reserved for Queen Tricia, her court, and the security forces, and officers maintained a 24-hour vigil to prevent unauthorized persons from gaining access to the restricted area. Also, on this floor, was the command post set up by the U.S. Secret Service and the local police, where direct communications were maintained between the agents and the police radio dispatchers at headquarters.

The identification of the security force members was of prime concern in preventing unauthorized persons from entering restricted areas. To assist in this problem, law enforcement officers and members of the White House staff, as well as members of the press and their photographers, were provided with special identification. Each law enforcement officer must familiarize himself with the identification devices to prevent error.

The Intelligence Section of our department developed information that a group would demonstrate on the day of the crowning of Miss Nixon by her father at the Gardens-by-the-Sea. Every precaution was taken in the event that arrests had to be made. There are no nearby buildings that could have been used as a holding area; consequently, a holding area that could accommodate approxi-

Chief Claude J. Staylor.



mately 150 people was roped off away from the general public. K-9 officers and their dogs were assigned to this holding area, and extra patrol wagons were parked nearby to be

"The queen travels on a tight schedule, visiting such places as the MacArthur Memorial, Supreme Allied Command Atlantic (SACLANT) Headquarters, the Myers House, Civic Ballet, Kings Daughters Children's Hospital, and many other places of interest."

used if it became necessary to remove prisoners immediately. A small group of demonstrators appeared at the crowning ceremonies; however, this event took place without incident.

One of the highlights of the week is the Azalea Festival Parade, where

the queen rides atop her float. Of course, when the queen is the daughter of the President of the United States, the float is thoroughly searched and kept under constant observation. Along the 5-mile parade route through our city, motorcycle officers and plainclothesmen, along with U.S. Secret Service agents, surround the float as the queen moves along the parade route before the general public. Our firearms training officer, adequately armed, rides at the rear of the float on his motorcycle. In case of an emergency, a sedan which follows the float could be utilized to remove the queen immediately. Several days prior to the parade, teams of U.S. Secret Service men and members of the Norfolk Police Department investigate each building along the parade route and request of the tenants that no one be allowed on the tops of the buildings during the parade.

Helicopters are of great benefit

scrutinizing the parade route. The officer in the helicopter can detect any suspicious persons lurking on the tops of the buildings and, if necessary, can contact the officer in charge by walkie-talkie or the radio dispatcher and request that units be sent to investigate immediately.

A Silver Mace

At the crowning of the queen, the Mace of the City of Norfolk is presented by the mayor. The Norfolk Police Honor Guard, in their ceremonial uniforms, not only march in the parade with our official mace, but also participate in the coronation ceremonies of the queen. Insofar as we have been able to determine, Norfolk is the only city in the United States which has had a silver mace in its possession since the stirring days of the colonies.

On May 13, 1857, when the 250th anniversary of the landing at Jamestown was observed, the mace was taken to Jamestown Island. On this occasion, Virginia Governor Wise and former President John Tyler were speakers.

The mace is sheltered in honor and security in a special vault at the Virginia National Bank Building. After all these eventful years, it remains in perfect safety, while at the same time its dignity and beauty may be enjoyed by the many visitors.

Prior to the President's arrival at Norfolk's Regional Airport, which adjoins the Gardens-by-the-Sea, the airport was closed for approximately 30 minutes. When the President disembarked from his plane, he was transported by motorcade through the narrow lanes of the gardens. This put the President in close proximity to the crowds, and law enforcement officers

were stationed at close intervals along the route in order to prevent persons from using trees and shrubs as a camouflage from which to possibly cause harm to the President or visiting dignitaries.

There were 558 policemen assigned to provide protection and security for Miss Nixon and her father, and 2,051 man-hours were spent on this detail.

Coming Attraction

As soon as one Azalea Festival is concluded, work begins on the festival for the coming year. In addition to daughters of Presidents of the United States, previous queens have been daughters of the prime ministers of various European nations belonging to NATO. Law enforcement members throughout the area and NATO officials cooperate to make this annual event a success.

(FBI)

U.S. Secret Service agents and local police officers provide security for Queen Azalea XVI, Miss Tricia Nixon, as she rides atop the United States float in the festival grand parade.



"Coordination of community services offers rewards in the areas of efficiency, economy, public trust, and protection."

"The improvement of the understanding is for two ends; first, our own increase of knowledge; secondly, to enable us to deliver that knowledge to others."

—John Locke

A Program for Greater Trust

By

CHARLES KOEHLER

Supervising Probation Officer,
Adult Division,
San Diego County Probation
Department,
San Diego, Calif.

Misunderstandings are often caused by the lack of information. The San Diego County Probation Department has cooperated in many ways with local law enforcement agencies to develop better mutual understanding.

One program receiving wide acclaim is the law enforcement-probation orientation series. This series is an outgrowth of a 3-day law enforcement workshop conducted by our department for individual enforcement agencies in early 1969. It was initially developed to fill a probation training need. Specifically, we felt all new probation employees need a realistic approach to the problems faced by law enforcement officers. Too often probation personnel see an individual only when he is clean, sober, and polite.

Several meetings were held with law

enforcement representatives to work out details. One of our goals was to arrange for new probation trainees to spend some time with patrol divisions as well as with juvenile divisions.

There are 11 police jurisdictions in San Diego County. In September 1969, the police-probation coordinator personally contacted each chief of police or his designated administrative officer. They were presented a proposal whereby each agency would send one or two of their middle management or selected patrolmen on a rotating basis to a monthly probation orientation and information program. Also, they were asked to provide one evening per month for a police orientation and patrol car tour for selected members of the probation department.

The response to the first part of the

proposal ranged from extreme elation to near total rejection. All enforcement agencies, however, without exception, were quick to praise the second portion of the proposal.

I think that it is appropriate to note skepticism existed on both sides. Some police officers felt that probation officers were condescending, that they were always asking for assistance but never offering help, and that they were too prone to release undeserving criminals back on the streets. Probation officers felt the police made no attempt to understand the objectives of probation work and that they distrusted and were frustrated by probation methods.

Better Understanding

During these sessions, many misunderstandings were aired and some imagined problems were simply found not to exist. Significantly, all parties agreed that relations and cooperation could be improved. The consensus was that problems of the past need not continue to exist in the future. With this total honesty as a base and with a sincere desire to open all channels of communication, the police chiefs and the probation officials agreed to try the proposal.

In October 1969, the new series began. One police officer from each jurisdiction is assigned to a 16-hour probation program, 8 hours on the first and second Wednesday of each month. All segments of the probation spectrum are reviewed. There are a minimum of academic-type discussion and a maximum of observation.

The format for the first Wednesday provides a description of what happens to a child referred to the juvenile probation division. Each law enforcement officer is assigned to sit in on a number of juvenile traffic hearings. The Juvenile Probation Center is toured and its various operations described. At noon the group is split and

each officer is provided lunch in a unit at the juvenile hall. Later, they tour juvenile hall and have a "rap" session with one of the senior counselors about the program and the reasons for continued detention or release from custody. In the afternoon officers are assigned on a 1-to-1 basis with a juvenile probation officer for 4 hours to sit in on interviews and observe the work being conducted by probation personnel. Probation officers from all units of the juvenile division participate; thus the police officers have a variety of observations to discuss as a group.

On the second Wednesday, the officers meet with the chief probation officer who reviews his commitment to better communication and discusses a number of subjects of mutual interest occurring in the county and affecting our respective responsibilities. The officers are then divided into groups of from two to four and taken to various departments of the juvenile court to observe actual hearings of all types of cases. Later they are taken to Hillcrest Receiving Home for a visit and a discussion with a staff member. They also eat lunch at the receiving home. Each officer is assigned to a table, where he has the opportunity to talk informally to the youngsters in detention.

Adult Division

After lunch, the officers are transported to the adult division, where they are given a brief orientation and tour. Then they are assigned on a 1-to-1 basis with an investigating or supervising adult probation officer to observe that officer conduct his duties during the remainder of the day. Finally, the police group is reassembled, and a written critique with suggestions for modification of the program is requested.

On the reciprocal portion of the program, once a month new inductees

and other probation staff members are placed with the law enforcement agencies, no more than two per agency, for a 5-hour evening tour of duty with officers in police cruisers.

Probation officers are given specific written instructions and are asked to prepare a critique on the tour. The following day, the probation coordinator sends a written request for a followup report from the police agency regarding its observations. The program has been working well for many months.

Observations by Participants

Here are some observations by police officers who participated in the program:

"I feel the law enforcement-probation orientation program is valuable and should be continued and expanded if possible. I have a much better understanding of the objectives of probation."

"I feel that this program helps officers from the two fields to get to know one another and enables them to understand mutual problems."

On the other side, probation officers reported:

"I was impressed by the humanistic side of the officers that I met, particularly their relationship with juveniles. They seem to be aware of the importance of having the respect of the younger generation."

"This type of training experience is invaluable in closing the 'misunderstanding gap' between our agency and police departments."

We believe our program with police agencies in San Diego has considerable merit. Coordination of community services offers rewards in the areas of efficiency, economy, public trust, and protection. We know from firsthand experience that it pays to cooperate.

(FBI)

FIREARMS RANGES

(Continued from page 8)

might be used for accuracy in long-range shooting, the terrain would be such that the officer could not see his target anyway.

Revolver training includes 10 rounds fired double action from a combat position at 25 yards and 10 rounds fired single action from a kneeling position at the 50-yard line. Advanced training with the revolver includes hip shooting at the 7-yard line and the Practical Pistol Course.

Our shotgun course includes 10 rounds fired from the hip at 15 yards and 10 rounds fired from the shoulder at 25 yards. Multiple targets are used; the target to be fired at is called by the instructor. To afford training in gun handling, we require the shooter to put the safety on and return to a ready gun position between each called target or series of targets. Advanced shotgun training is afforded on the skeet range.

We approach skeet shooting not with the view of producing skeet shooters but rather with the view of producing gun handlers. We try to avoid conditioning the shooter to

break the target at a certain point in its flight. Rather we teach him to so handle his own body and his weapon that he breaks his target "when the picture is right," regardless of where his target may be.

This same method is used in all our firearms training. We strive to make the weapon, whatever it may be, a part of the shooter, something that he can handle as effectively as he can handle himself regardless of what position he may find himself in and regardless of where his target may appear.

Interest in the firearms training program is stimulated by interdepartmental competition. Each unit has a rifle team, a pistol team, and a skeet team. We fire our regular rifle course, using the .30 caliber carbine, the Practical Pistol Course, and the skeet course in our competition firing. We have provided distinctive shooting jackets for team members. These jackets were manufactured by female inmates assigned to the garment factory at the Goree Unit. This factory is only one of many industrial operations.

The teams compete for area trophies established for the southern

units and the northern units. Winning teams in each category from the two areas then compete for the Direct Trophy. A trophy is also awarded to the high-scoring individual in each weapon category.

As was mentioned earlier in this article, the Texas Department of Corrections is a productive institution. While our State legislature gives us outstanding support in the way of appropriations, our people enjoy the challenge of seeing just how much we can produce for the dollars spent. We reload training ammunition for our .30 caliber carbine, 30/30 rifle, and shotgun. A time-consuming step in this procedure is the accurate trimming of the brass cases for the .30 caliber carbine and the 30/30 ammunition. An inmate assigned to the mechanical department built, without plans, a motorized trimmer that trims these cases with precise accuracy.

The Department has made these training facilities available to State and Federal agencies for their use. Thus we are able to pay in some measure the debt of gratitude we owe the agencies for their splendid cooperation given so freely when emergencies give rise to our need for help. ®

During a training session, officers prepare for shotgun firing from the 15-yard line.



THE LEGAL DIGEST

(Continued from page 12)

gued by the claimant that the term "probable cause" meant prima facie evidence which in the absence of exculpatory proof, would justify condemnation. Chief Justice Marshall's opinion was clear on the point.

It may be added, that the term "probable cause," according to its usual acceptance, means less than evidence which would justify condemnation; and, in all cases of seizure, has a fixed and well-known meaning. It imports a seizure made under circumstances which warrant *suspicion*. In this, its legal sense, the court must understand the term to have been used by Congress.¹⁴ [Emphasis added.]

¹⁴ 7 Cranch 339, 348.

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law, or are not permitted at all.

Marshall cited no authorities, apparently relying upon the "usual acceptance" of the term and its "fixed and well-known meaning" in the law at the time.

The Supreme Court continued to follow this view of probable cause for more than half a century. *The*

Thompson, 70 U.S. 155, decided in 1866, held that a seizure could be made on a showing of "reasonable ground of suspicion."¹⁵ By 1872, the Court, looking back over its history, was prepared to state, "Differences of opinion existed for a time as to the legal meaning of the term probable cause, but it is settled that it imports circumstances which warrant suspicion. . . ." *Averill v. Smith*, 84 U.S. 82, 92 (1873). Then, in 1878, the shift in standards began. As a later dissenting opinion¹⁶ was to recognize concerning a related problem, the Court began to substitute its own formula for the standards of the Fourth Amendment.

¹⁵ 70 U.S. 155, 162.

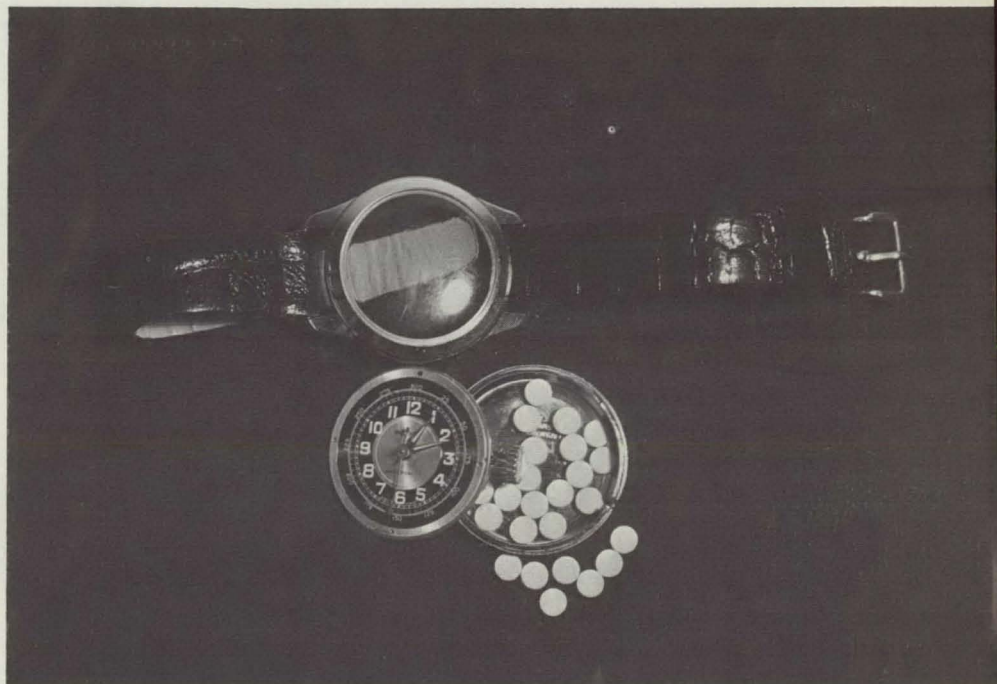
¹⁶ *Aguilar v. Texas*, 378 U.S. 108, 122 (1964) (dissenting opinion).

(Continued Next Month)

"Watch" for Hidden Drugs

One of the difficulties confronting police agencies in controlling the ever-increasing drug problem is the ease with which the contraband can be concealed. Users and dealers continually devise ingenious hiding places for their drugs, one of which is illustrated in the accompanying photograph.

A Bellevue, Wash., police officer, while booking a young shoplifter, began the routine procedure of confiscating and listing personal property. The alert officer became curious after noticing that the boy's wristwatch was inoperative. Careful examination revealed that the working mechanism had been removed and only the dial left. In place of the mechanism were 24 small tablets. Laboratory analysis revealed these contained lysergic acid diethylamide, commonly known as LSD.

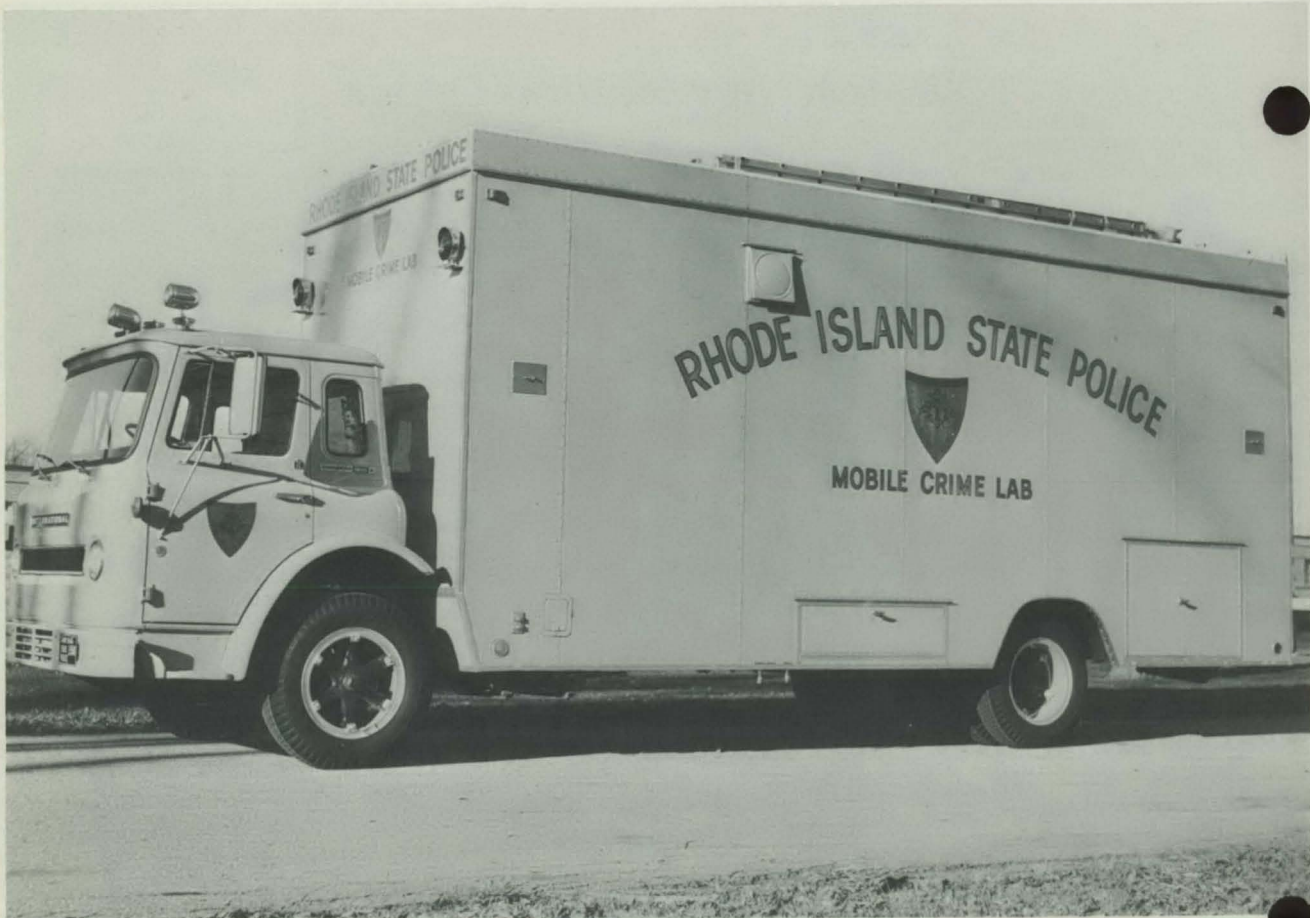


Instead of a working mechanism, this wristwatch, confiscated by a police officer, contained LSD tablets.

Rhode Island's Mobile Crime Laboratory

With the increasing crime problem facing our Nation today and the limitations placed upon police investigation of crimes, more departments throughout the country are employing more scientific technology in law enforcement. Many agencies are using a mobile crime laboratory at crime scene searches to preserve and begin processing potential evidence. Under the leadership of Col. Walter E. Stone, superintendent, the Rhode Island State Police have equipped a mobile unit for use as a combination crime laboratory and a command post to assist local police in field operations.

The vehicle selected to house the mobile crime laboratory is a cab-over model with a body 22 feet long and 8 feet wide.



Using a Federal grant, Rhode Island police administrators purchased a cab-over model vehicle with a 167-inch wheelbase, power steering, 304 cubic inch displacement V-8 engine, heavy-duty brakes with a vacuum booster, and heavy-duty 5-speed transmission. The body of the van is 22 feet long and 8 feet wide, with an inside floor-to-ceiling height of 7 feet 2 inches. Additionally, the van is equipped with heat and air conditioning, a 100 ampere alternator, and a 7,500 watt, 220 volt generator to handle the radio equipment and lighting. Outlets for four 750 watt exterior floodlights have been installed. The interior has built-in cabinets for storing field test equipment, a photo-darkroom, a lavatory, a refrigerator for storing evidence, and a sink with an 80-gallon water tank for use in a lengthy field investigation.

For mobile field command post operations, the van is equipped with two radio dispatch positions capable of transmitting on eight frequencies. Included is an emergency State network frequency that connects all police departments. A radio telephone provides communication to areas outside radio contact.

The van contains all types of field test equipment, including a complete photographic unit and kits for latent prints, evidence collection, shoe and tire print casting, and others, for use by technicians at crime scenes.

Technicians assigned to the mobile unit are members of the State Police Bureau of Criminal Identification. Their primary function is to find and properly preserve evidence for submission to a laboratory for analysis. In some instances, the unit contains equipment to process evidence and to begin analytic procedures while the evidence is fresh.

The Rhode Island State Police have found this versatile mobile laboratory most valuable in providing fruitful crime scene searches and investigations.



A compact arrangement includes a photo-darkroom, lavatory, sink, and refrigerator.

The van contains built-in cabinets for storing field test equipment.



BOMBS

(Continued from page 15)

identification, and preservation of evidence and to preclude valuable evidence being destroyed or rendered useless.

Police officials in charge of operations at the site should immediately initiate efforts to interview witnesses and identify all individuals who could possibly furnish information about the incident.

The crime scene search of a bomb area is one of the most vital phases of the investigation. It should be conducted as soon as possible after the bombed area has been inspected, eval-

The search should be systematic and methodical. It should not be done hurriedly, and the investigators should examine all areas of the site carefully and minutely. Since it is important to identify the type of explosive used, investigators should look for dynamite wrappings, partial sticks of dynamite, items close to the explosion which might contain residue, impregnated wood or fiber samples, pieces of pipe, pieces of wooden or cardboard boxes, parts of luggage or briefcases, and burlap or paper sack parts. As to the ignition device, officers should be alert for pieces of wire, pieces of burned or unburned fuses, parts of a clock or timing mechanism, and parts of batteries.

"A search team should endeavor to establish the nature of the explosive, how it was ignited, its exact location, and any other information which would be pertinent to the solution of the case and which would lead to the identification and apprehension of persons responsible."

uated, and declared safe to enter. The scene should be searched by teams of qualified and experienced personnel, including police investigators, explosives experts, and any other officials needed to handle the search properly. Above all, a complete and accurate record and chart of the search should be made and preserved. All items collected should be properly identified as to location and should contain the initials of the investigating officer who located them. A search team should endeavor to establish the nature of the explosive, how it was ignited, its exact location, and any other information which would be pertinent to the solution of the case and which would lead to the identification and apprehension of persons responsible.

It may be possible to determine the method of entry into the building, and any evidence located in this respect might be fruitful. Consideration should also be given to the possibility of fingerprints on the items recovered.

Photographs or drawings of the bombed building or scene prior to the explosion may be of great value to investigators. Maintenance personnel or others having intimate knowledge of the building or area can be of assistance in the evaluation of material or items located at the scene. All evidentiary items recovered from a bomb site should be properly identified, protected, and preserved for examination and evaluation by the FBI Laboratory or other laboratory having a capability in this field. Evidence submitted to the FBI Laboratory should

be sent in accordance with instructions covering the packing and shipment of such material.

While investigation of bombings may require a great deal of scientific and technical know-how, many times the interview, a basic investigative technique, will produce highly valuable information. Thus, the significance of the interview in bombing matters should not be underrated. Interviews will take manpower and they should be planned, coordinated, and exhaustive to develop information on any suspicious activities near the site prior to the bombing. The interview of witnesses should also develop information as to the sound of the explosion, its force and direction, the color of the smoke, the odor produced, and the color of the flame if a fire results.

Investigators should attempt to locate individuals who may have observed the explosion scene from adjoining buildings or nearby stores and residences. Children who may have been nearby should not be overlooked as they frequently can furnish information concerning persons connected with such crimes. If it is determined or if there is a possibility that the explosion was activated by a timer, persons in the area several hours before the explosion should be identified, located, and interviewed.

Catching the Criminal

Investigative attempts will also have to be made to determine where and how the explosive was obtained. Was it bought or stolen? Frequently, the makeup and construction material of explosives can be traced to a supplier who may be able to identify suspects as purchasers. When suspects are developed, photographs of these individuals, if available, can be shown to witnesses who may be able to identify the suspects as being

at the scene prior to the explosion or connected with the incident in some other manner. It is important to determine a suspect's alibi concerning his activities and whereabouts prior to, at the time of, and immediately after the bombing occurred. Many times, alibis can be disproved if suspects are not given too much time to establish them. In some instances, informants will be able to assist investigators, and this valuable investigative technique should be kept in mind.

"Occasionally, luck and good fortune may be on the side of law enforcement, but only hard work, imagination, and competence will bring the perpetrators to justice."

Bombings, of course, are usually committed by individuals with strong motivations. If suspects can be identified as having a motive to commit a specific bombing, investigators should work toward developing information or evidence either connecting them to the crime or eliminating them.

Suspects should be considered as to their ability, means, and opportunity to effect a violation of this nature. Officers should look for evidence of deception, fabrication, destruction, and suppression of information, or details and items which would lead to the identity of the bombers. Also, many times suspects will attempt to intimidate or influence potential witnesses.

In any event, investigations of bombings are difficult. Occasionally, luck and good fortune may be on the side of law enforcement, but only hard work, imagination, and competence will bring the perpetrators to justice.

April 1971

INVESTIGATORS' AIDS

FBI POLICE TRAINING ASSISTANCE

During 1970, the FBI assisted in a total of 9,436 police training schools and furnished 83,887 hours of classroom and field instruction to the 305,748 individuals attending. This represented a 17 percent increase in schools over calendar year 1969.

The scope of FBI instruction ranged from that provided in recruit schools to courses in police management and administration for executive and command personnel, as well as refresher courses for experienced line personnel. In addition, a total of 277 conferences on matters of acute interest to the law enforcement field were presented to 33,730 people from 8,305 different agencies.

Casper to Mohr memo 1/4/71

PUBLIC SUPPORT

Members of the Newark, N.Y., Police Department recently received an unusual tribute. The Newark Chamber of Commerce purchased a full-page public service-type advertisement in the local newspaper to exhibit photographs of police officers and employees along with an impressive list of the department's accomplishments. Also included in the ad were letters from the mayor and the president of the Chamber of Commerce praising Police Chief Donald A. Brown, a graduate of the FBI National Academy, and his officers for "their many hours of tireless service to the Village of Newark."

*Newark Chamber of Commerce
let. dated Jan. 22, 1971*

CAUGHT COMING AND GOING

While on patrol in the early morning hours, a Virginia policeman approached the broken glass door of a clothing store and saw a person standing inside. The burglary suspect saw the officer, broke the glass in a side door, and fled through the opening.

A short distance from the crime scene, the officer spotted and apprehended the suspect. Because he had lost sight of the suspect for a few seconds, the officer submitted the man's clothing and glass samples from both broken doors to the FBI Laboratory.

Subsequently, a Laboratory expert testified in local court that the glass specimens from each door had different properties, and that glass fragments found on the suspect's clothing matched glass specimens from the two doors. The suspect was convicted and received a 1-year sentence.

I.I.L. # 818

NCIC CHECK LEADS TO MURDER SUSPECT

When a suspicious person was recently arrested by the Mississauga, Ontario, Canada, police, he and a .22 caliber semiautomatic pistol found in his possession were given an FBI NCIC check through Royal Canadian Mounted Police facilities.

Although the NCIC reply was negative on the gun, the check showed that a warrant charging the suspect with murder had been issued 4 days earlier by the Pennsylvania State Police.

*NCIC Newsletter 70-8
dated Aug. 1970*

WANTED BY THE FBI



JAMES ROBERT CROWLEY, also known as: **James Robert Crawley, James Robert Crowder, Jason Robert Crowley, Jay Robert Crowley, Philip DeVaux, and others.**

Bank Burglary; Escaped Federal Prisoner

James Robert Crowley is being sought by the FBI for bank burglary and as an escaped Federal prisoner.

On October 15, 1968, while awaiting trial on a bank burglary charge in the Pulaski County Jail at Little Rock, Ark., Crowley escaped with three other Federal prisoners. To make the escape, they cut inner cell bars with hacksaw blades, obtained an acetylene torch from associates on the outside and burned through the window bars, and fled in an automobile.

Prior to the escape, Crowley had been indicted by a Little Rock Federal Grand Jury on charges that on

or about March 20, 1967, he and two accomplices had entered the Cotton Plant Branch of the Planters Bank and Trust Co. in Forrest City, Ark., with intent to commit larceny. Federal warrants for Crowley's arrest were issued on October 16, 1968, at Little Rock, charging him with bank burglary and with escaping from custody while a Federal prisoner in violation of the Escape and Rescue Statute.

Description

Age ----- 32, born Sept. 5, 1938, Little Rock, Ark.
Height ----- 5 feet 10 inches.

Weight ----- 160 to 170 pounds.
Build ----- Medium.
Hair ----- Brown.
Eyes ----- Blue.
Complexion ----- Medium.
Race ----- White.
Nationality ----- American.
Scars and marks ----- Cut scar under left eye; tattoo: panther head on left forearm.
Occupation ----- Salesman.
FBI No. ----- 712, 218 C.
Fingerprint classification ----- 11 O 25 W IOM 15
M 19 W 000

Caution

At the time of the escape, Crowley allegedly indicated that he would kill anyone who interfered with his getaway. He should be considered armed and 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.

KNOW YOUR FBI

The operations and organizational responsibilities of divisions at FBI Headquarters are explained and illustrated in the booklet, "Know Your FBI," which can be obtained free of charge in limited quantities by interested individuals and organizations.

Requests for copies of this item should be submitted to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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

(Name)

(Title)

(Address)

(City)

(State)

(Zip Code)

National Sheriffs' Officials Visit FBI

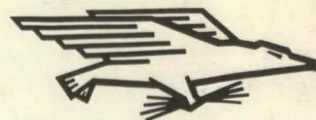


During their recent visit to FBI Headquarters, Mr. Michael N. Canlis (left), Sheriff of San Joaquin County, Stockton, Calif., and President of the National Sheriffs' Association, and Mr. Ferris E. Lucas (right), Executive Director, National Sheriffs' Association, met with Director J. Edgar Hoover.

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN



In the Identification Division of the FBI, this interesting and questionable pattern is given the preferential classification of an accidental-type whorl and is referenced to a double loop-type whorl. The tracing is inner.