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MESSAGE FROM THE DIRECTOR

TO ALL LAW ENFORCEMENT OFFICIALS

FLEEING FELONS, seeking remote sanctuaries to escape justice for their misdeeds, have always been a perplexing problem to law enforcement. Aside from the obvious threat to public safety and the increased burden on police agencies, these fugitives create other difficulties. For one thing, their success in avoiding capture and punishment encourages others to defy law and order.

Recognizing the growing menace of such far-ranging hoodlums, Congress in 1961 enacted a new law to extend the Fugitive Felon Act. Previously, the FBI could assist local authorities in the investigation and apprehension of fugitives who fled across State lines to avoid prosecution, custody, or confinement for certain specified violations. Under the expanded legislation, the FBI is permitted to work with local and State agencies to effect the apprehension of any fugitive who flees across State lines to avoid prosecution, custody, or confinement after conviction for a crime, or an attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees.

The significance of the strengthening of this weapon against elusive, fast-moving fugitives can best be illustrated by noting the results attained. During fiscal year 1961 and prior to the action taken by Congress, 1,418 fugitives were located by the FBI for local and State law enforcement agencies. In fiscal year 1963, this number jumped to 2,514, an alltime high.

For example, one large metropolitan police department requested the FBI to assist in the location and arrest of a medical doctor who had fled the State to avoid prosecution for abortion and who was a strong suspect in the murder of the abortion victim. Under the old provisions of the Fugitive Felon Act, the FBI would have been powerless to act, as the crime of abortion was not among the violations specifically named; however, under the new provisions,

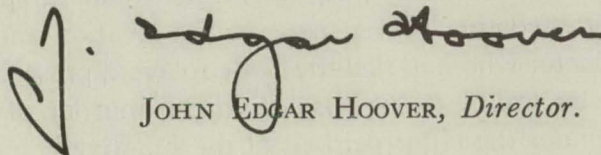
MESSAGE FROM THE DIRECTOR

investigation was initiated immediately. The FBI traced the doctor's flight to a European country, where arrangements were made with foreign authorities for his arrest and extradition. Subsequently, the doctor was convicted in State court on a charge of second-degree murder.

While there has been an appreciable increase in the number of fleeing fugitives located since the Act was expanded, it is believed the full potential of the provision is yet to be realized. In an endeavor to spotlight the maximum effectiveness of this law, a special series of FBI Law Enforcement Conferences is currently being held throughout the country.

In addition to the emphasis being given to fleeing felons, a special feature of the conferences is devoted to a detailed discussion of the Civil Rights Act of 1964 (Public Law 88-352). Many police executives have expressed interest in the provisions of the Act and their relationship to law enforcement on all levels. Consequently, our representatives are providing full information pertaining to the FBI's investigative responsibilities under the new legislation. Our inquiries and investigations under this Act are conducted with the same high degree of propriety which has characterized FBI activities in the past, and the results are furnished promptly to the Department of Justice for opinion as to prosecutive action.

These conferences are designed to enhance the effectiveness of law enforcement through understanding and cooperation in matters of mutual interest and to provide better public protection for every community. By working together and meeting our obligations forthrightly, we can discharge our duties in a manner which will reflect credit on our profession and our Nation.


JOHN EDGAR HOOVER, *Director.*

AUGUST 1, 1964

A Major Case Squad for Metropolitan Areas

CLARENCE M. KELLEY

Chief of Police, Kansas City, Mo.

Crime is no respecter of city, county, or State lines. In metropolitan areas involving several legal jurisdictions, many criminals deliberately commit violations in jurisdictions other than where they reside hoping thereby to enhance their chances of not being detected. Chief Kelley explains how his department and neighboring agencies are cooperating to fight the problem.

MR. J. EDGAR HOOVER, Director of the FBI, has so wisely said, "Cooperation is the backbone of effective law enforcement." This has been verified to an extreme degree recently in the Kansas City metropolitan area by virtue of the success achieved in the formation of a metropolitan major case squad.

Kansas City is the hub of a five-county area which includes 1,156,000 inhabitants. Within this area there are many State, county, municipal, and Federal law enforcement organizations. Some of the municipal agencies are exceedingly small; the largest is the Kansas City, Mo., department, which ordinarily has 900 officers. The total manpower available among all forces is approximately 1,600. Within this same area, there are three counties in Missouri and two in Kansas. Cooperation among agencies within this area has been excellent. Whenever any agency needed help, it has been very quickly given, despite a rather limited capacity to assist.

As can be expected, crime is no respecter of city, county, or State lines, and frequently violators travel the span of these five counties to commit their

crimes. This travel has resulted in a number of unsolved cases, many of which were in the murder category and also include rape, robbery, and burglary of some magnitude. A thief could enjoy fairly secure sanctuary by traveling only a few miles to commit his crime and then returning to his home where he preserved this sanctuary by comparatively lawful behavior.

Need for Organization

It became evident therefore that some plan had to be formulated which could be used to strike at the transient criminal without the impediment of county and State line restrictions on jurisdiction. As a result, the Metro Squad, as it now has been called, was formed.

As has been noted, assistance to the smaller departments has frequently been volunteered; however, such assistance has not been organized nor has there been any particular pattern set to indicate just what can be done through the voluntary contributions of time by those willing to devote such time. To establish a more set policy and a

procedure which all departments could reply upon, police officials in this five-county area decided to form the Metro Squad.

First Success

This squad was called upon for the first time February 14, 1964, when the body of a man, the victim of a holdup and shooting, was discovered in Kansas City, Kans. The victim was 82 years of age, a clerk in a liquor store. The circumstances of his death were obscured to the point where little was developed in the initial stages of the investigation. Within a matter of a little less than 2 hours, the squad had reported, ready for assignment. Twelve hours later the case was broken and there remained only the tying up of loose ends. Not only was the killing solved, for which two men were found guilty by a jury and sentenced to life imprisonment on April 17, 1964, but an additional homicide was unraveled, and 47 burglaries in various metropolitan-area jurisdictions were identified as having been committed by members of the same group who had killed the elderly gentleman. This climaxed a great deal of effort which had been put forth to make the unit a workable and productive organization.

Proving its worth as a productive organization, on April 29, 1964, the Metro Squad was activated when two elderly ladies were savagely murdered. The investigation of these murders continued through 2 months and was concluded with the arrest of a suspect on June 7. Investigation of this matter took 9,964 investigative hours and involved 76 men of the total Metro Squad complement of 93 officers.

And again, on June 13, the Metro Squad was brought into action when the body of another woman was found in a lake near Kansas City, Mo., and death was determined to have been caused by a severe beating. Investigation by the squad resulted in the arrest within 24 hours of a suspect who has been charged with this violation.

Thus, the Metro Squad has solved all matters it has investigated, and its investigative efforts have contributed to the solution of a substantial number of other murders and similarly serious crimes.

Origin of Idea

The idea for such a squad first came about through the manifest expressions of close cooperation among chiefs and sheriffs who were members of a local organization known as the Kansas City Met-



Chief Kelley.

ropolitan Chiefs and Sheriffs Association. This association met monthly and was a revival of a similar group which, through inactivity, was disbanded several years ago. Its revival, however, became mandatory; and in the meetings, held usually in the Police Headquarters Building of the Kansas City, Mo., Police Department, it became evident that this was a group of administrators who could work together on an excellent basis without dissension or jealousy.

The Kansas City, Mo., Police Department earlier had formed what was known as a Major Case Squad in order to combat the rise in the number of unsolved murders during 1963. Viewing the work of the Major Case Squad, we decided that possibly this idea could be extended throughout the entire area by the creation of a similar but much larger squad for all five counties. When the proposal was brought to the attention of the association, it met with enthusiastic response, and efforts were immediately launched to form the squad.

The need for an areawide squad having been indicated, members of the association were requested to review their ranks and recommend any officers they thought would work well in such an enter-

prise. They were requested to choose candidates more for their enthusiastic approach toward law enforcement than for their experience. We felt that enthusiasm for the task at hand would be one of the prime requisites before such a venture would become successful, and, to imbue the squad with such enthusiasm, it was believed advisable to start off, if at all possible, with interested and dedicated men.

Initially, officials forming the squad estimated approximately 40 men would be all that could be expected from the various departments in the metropolitan area. However, when the recommendations were received, 90 officers from 29 law enforcement agencies indicated interest in attending the Metro Squad training school. This enthusiasm for such a unit virtually guaranteed its success.

Study Needs Met

Simultaneously with the request for designation of candidates, a discussion was held concerning the possibility of a school for the squad. This necessity was universally endorsed by all members of the association, and, as a result of suggestions and conferences, a curriculum was drawn up. Immediately, a further need appeared. This need was for a manual of rules and regulations to outline procedures within which the unit would function. Since the members were coming from a number of

departments and had worked under diversified rules and regulations, a manual had to be devised which would be most specific and would outline in some detail a course of nonrestrictive action facilitating the venture into a successful unit.

Legal Aspects Resolved

An additional problem arose necessitating the legal opinion of the prosecuting attorneys of the counties in this area. The legality of search, seizure, and arrest by officers working in cities, counties, or a State other than their own was studied in a meeting attended by all of the prosecuting attorneys. Their conclusion was that visiting officers could either be commissioned by the sheriff of the county wherein the investigation was to be conducted, or the same results could be achieved by pairing officers from the host county with visiting officers. The problem of legal authority for an officer of one county or State working in another having been resolved, there remained only the training of the men and implementation of the procedures to weld them into a smooth and cohesive unit.

Courses Offered

On January 27, 1964, the school for the Metro Squad convened with 91 officers registering and 91 remaining in constant attendance for each daily 8-



(Left to right) Special Agents Elmer R. Fletcher, FBI, Kansas City, Mo., and Dwight J. Dalbey, FBI, Training Division, Washington, D.C.; Chief Kelley; and James L. McGovern, Assistant Special Agent in Charge, FBI, Kansas City, Mo. The three FBI representatives were instructors at the Metro Squad School.

hour session until the conclusion of the 1-week course at 3 p.m., February 1, 1964. Outstanding authorities were used to teach the subjects of:

- Note Taking and Report Writing
- Interrogation
- Admissions, Confessions, and Signed Statements
- Homicide Investigation
- Major Armed Robbery Investigation
- Polygraph
- Search and Seizure
- Probable Cause for Arrest
- Jurisdictional Authority re Search, Seizure, and Arrests
- Scientific Aids to Criminal Investigation
- Crime Scene Search
- Collection, Identification, and Preservation of Evidence
- Arrest Problems
- Pathology
- Testimony in Court
- Administration of a Major Case Investigation

The FBI, in view of its experience in the handling of major investigations, was relied upon heavily to furnish much of the instruction. A particularly noteworthy contribution was made by Mr. Dwight J. Dalbey, an instructor on the law of search, seizure, and arrest, who came to Kansas City from the FBI training staff, Washington, D.C., for the purpose of discussing his specialty. Through his efforts a much greater definitive understanding of applicable laws was achieved.

Inasmuch as the members were to come from two States with diversified local rules, a more generalized outline of the law was needed. All instructors were excellent, as attested to by the complete absorption of the matters at hand displayed by the students. The school was certainly one of the most effective of the various factors contributing to the success of the group.

A Practical Problem

The school ended with a hypothetical murder, which reportedly had occurred on city property adjacent to the Municipal Farm in a secluded area of Kansas City, Mo. The only information given the members of the squad was that a woman had been found under circumstances leading to the belief that she had been murdered, that the Metro Squad had been activated, and that they were to be dispatched to the scene to conduct necessary investigation.

The practical problem was designed so the squad would be crossing State boundaries and into four counties and several municipalities in order to

reach a solution. As could be expected, mistakes were committed, but in general the investigation went very smoothly, and within a few hours a solution had been achieved. We felt this to be the most beneficial part of the training, particularly since shortly thereafter we participated in an actual investigation. Everyone in the class participated in this hypothetical case, and one of the best lessons they learned was the absolute necessity for teamwork, working as a whole through proper administrative procedures and investigative projections.

Board of Directors

The regulations for the Metro Squad established final and central control through a Board of Directors of four men. Chief Vivian Thomas of the Gladstone, Mo., Police Department, Col. Harry Nesbitt of the Jackson County, Mo., Sheriff's Patrol, Chief Ted Peacock of the Kansas City, Kans., Police Department, and Sheriff Ralph Burger of the Johnson County, Kans., Sheriff's Office were elected as directors. To assist them, the chiefs of detectives of the Kansas City, Mo., and Kansas City, Kans., Police Departments were established as a supervisory panel.

The rules set up required that when an agency desired the use of the squad, the request would be communicated to the directors in the State wherein the crime occurred. In the murder case mentioned hereinbefore, the request, for example, came from Chief Peacock. Being a director, his decision was final in implementation of the squad procedures. The decision of any director was to be construed as final, although he could consult with the others were he so inclined. In making his decision he is to be governed by the general restrictions that the crime must be of major proportions, and there is not to be a lapse of over 8 hours after discovery of the crime. It was hoped notification would begin immediately, but a latitude of 8 hours was granted. The squad would not be called upon if the crime possessed dual jurisdiction with a Federal Government investigative agency. We unanimously agreed our efforts should be directed toward crimes involving local jurisdiction only. If there should be need for help in a crime of dual jurisdiction, certainly it would be available upon request of the Federal Government.

In establishing procedures for the Metro Squad, efforts were made to encompass all possibilities of

(Continued on page 29)

Delaware-Maryland State Police Use Fugitive Search Plan

LT. COL. GEORGE F. SCHMALHOFER
Operations Officer, Delaware State Police

A cooperative, two-State plan for blocking flight of fleeing felons is outlined for study and consideration. A coded message activates a coordinated roadblock pattern at selected points on the boundary separating the two States.

"TO ALL CARS AND TROOPS! To all cars and troops! Be on the lookout for a 1962 black Plymouth four-door sedan, occupied by two white males. Last seen headed north on Route 13 from Dover. Wanted for the armed robbery of the ABC Liquor Store about 5 minutes ago. Use caution as both men are armed. Car 342 take up a position at the south limits of Smyrna."

When we transmit this type of message in the clear, there is always a possibility that it may be monitored by the escaping felons. This was certainly made clear in the "FBI Law Enforcement Bulletin" item of February 1964 entitled "Criminals Monitor Police Calls While Committing Robberies." Keeping this in mind and realizing other pitfalls that existed in the former roadblock techniques, the Delaware State Police and the Maryland State Police devised a cooperative "Fugitive Search Plan" designed to reduce an escaping felon's chances of evading the blocks.

Planning Stage

In order to work out the various problems that would be encountered in a joint venture of this type, representatives of the State police from the two States met and discussed the operational and

technical points that would have to be considered before such a plan could be placed in operation. The existing excellent relations between both departments made it readily possible to work together and formulate a plan that would be of mutual benefit to both States. Fortunately, our radio communications system was already cross monitored with all Maryland State Police troops along our State boundaries.

During the planning stage it was necessary to work at two levels. The discussion and decision as to when and where the plan would go into effect, and the authority to put the plan into operation, were decided at headquarters level. The actual location of the various roadblocks within the respective geographical boundaries of the troops of both States was decided at the troop level. This gave the respective troop commanders a real interest in the formulation and operation of the plan.

Many hours were entailed in the planning and discussion which took into consideration the natural and man-made barriers which had to be dealt with in order to make the plan sound. We also contacted various chiefs of police of the municipalities which the plan would encompass and asked for any suggestions they might have in

regard to the manner of operation and execution. One big advantage of this type of plan is the utilization of all available police officers within the areas.

Territory Covered

Approximately one-tenth of the total length of Delaware's borders, excluding the natural barriers of the Delaware River, Delaware Bay, and the Atlantic Ocean, was already covered under the "Delaware Valley Fugitive Search Plan." The new plan encompasses the remaining nine-tenths of the Delaware boundary and provides excellent coverage for the States concerned. In Maryland, this marked the first step in what is hoped to be a plan which can be extended to cover and include all of its border States; i.e., Delaware, Pennsylvania, West Virginia, and Virginia, as well as Washington, D.C.

Necessary Elements

This plan will not be activated unless the initiating authority has definitely established the following:

1. That a major crime has been committed.
2. That vehicular transportation of some kind was used in fleeing from the scene of the crime.
3. That definite descriptive information of sufficient quantity is available to properly alert the positions as to "who" and "what" are being sought.

The third requirement was made because (1) we did not feel it was a good practice to put our men in jeopardy by not knowing what they were looking for; and (2) it would be like looking for the proverbial "needle in a haystack."

Activating the Plan

The plan can be activated in two phases. The first is the "Full Phase," which would require the manning of every designated blockade post throughout the Delaware-Maryland area. This would definitely require a little more time in getting sufficient personnel to man all the posts.

Secondly, we have the "Partial Phase," which would be placed in use more frequently. This would entail the manning of the blockade posts in the general direction taken by the fleeing felons and not posts which it would be unreasonable to



Colonel Schmalhofer.



Col. Eugene B. Ellis, Superintendent, Delaware State Police.

assume the felons might use. Normally, the duty commander, who places the plan into operation, determines by time and distance which posts would be manned.

The duty commander of the troop or city in the area of the crime is responsible for the activation of the plan. Once the plan is put into effect the commander has certain responsibilities which are spelled out so that the possibility of error or forgetfulness is eliminated. Some of these responsibilities are:

1. To provide that additional information will be dispatched as received.
2. To establish regular times to notify all participants that the plan is still in effect.
3. To notify all the agencies involved should the felon be apprehended or the search called off.

Booklet Prepared

The next step, after we had completed our planning stage, was to decide the best way the plan could be transferred to paper so that it could be easily understood by all participants. In this respect, a booklet with binders was prepared so that corrections could be made simply by replacing the original sheet. This proved very satisfactory, as corrections and additions to the plan have already been made.

When the entire plan was finally formulated, it was submitted to the superintendents of both departments for approval.

We began this booklet with an introduction which was signed, upon completion of the plan, by Col. John P. Ferguson, the then superintendent of the Delaware State Police, and Col. Carey Jarman, superintendent of the Maryland State Police. It contains the following message:

"The Delaware and Maryland State Police, realizing the need for a coordinated Fugitive Search Plan, have combined their efforts in effecting the Search Plan contained herein.

"We are attempting to utilize all of the law enforcement agencies within the States concerned so as to make the Search Plan operable at peak efficiency. It is felt that such a plan will greatly aid in the apprehension of fleeing felons.

"In order for this plan to operate, each co-operating agency must strive to fulfill its assigned duties. This plan, like the proverbial chain, can be only as effective as its weakest link.

"Changes and additions are anticipated to this



Col. Carey Jarman, Superintendent, Maryland State Police.

plan and will be forwarded as they are made."

The booklets are all stamped "Confidential" and numbered so that we know at all times to whom they were distributed. In addition, laminated cards were prepared for all vehicles, setting forth the blockade points by code numbers. For example, all blockade points for the troop located at Dover were prefaced by the letter "D," plus the number of the blockade point. The duty commander could transmit the following message: "Car 342 take up blockade position D-3-6." The officer would look at the card and assume a position at the south limits of Smyrna, as indicated in the first paragraph of this article. This eliminates the possibility of the escaping felons knowing where blockades are being placed, even though the broadcasts are monitored.

Practical Tests

Once the plan was completed, the next step was to determine how it would function. This was accomplished by putting it to practical tests, which were conducted in the following manner:

State police officers contacted the chief of one of the local municipal police departments. He was advised that a test was going to take place

and was asked to report a fictitious bank robbery in his town. In order to make the test work, the chief was furnished all descriptive information. The senior State police officers contacted the State police troop nearest the local town by public service and advised the duty commander of the troop that a test was about to take place. The duty commander was advised to begin all messages regarding this test with the word "prac-

tice." This insured that all participating officers would know it was a test and not an actual bank robbery.

The chief of police in the town selected for the test was then handed the telephone and instructed to report the bank robbery. The chief furnished to the duty commander the description of the subjects and the escape vehicle. Upon receiving the complaint, the duty commander in the State police troop initiated the "Fugitive Search Plan" and assigned roadblocks.

The two State police officers who were conducting the test left the scene in a private vehicle with no police radio and attempted to penetrate the area being secured.

Errors Corrected

Upon completion of the practice test, a critique was held with all participants so that any deficiencies or errors could be corrected. One deficiency noted was that the patrol cars in some instances did not take up a position from which they could observe all highways. In one instance, the escape car pulled up to an intersection and, by looking through the glass panes at a service station, observed a marked police car. The escape car backed up and took a different route and was finally picked up at another block. This oversight was brought to the attention of all concerned. The proper position to be assumed was shown and accepted. It was good experience and helps to keep personnel alert and on the job.

The primary purpose for starting this plan between Maryland and Delaware was essentially to make it difficult for criminals to escape apprehension by crossing State lines after a crime has been committed. Another aspect is the close cooperation that is realized when such a joint venture is undertaken. Both States were able to solve a common problem and by doing this realized a tremendous advantage.



Detail map of the Delaware-Maryland boundary.

A LOOT-LADEN LEG

Following a bank robbery in an eastern city, police found a portion of the stolen money hidden in the hollow section of a man's artificial leg. The man was a brother of the suspect.

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FBI National Academy Graduates 73d Class

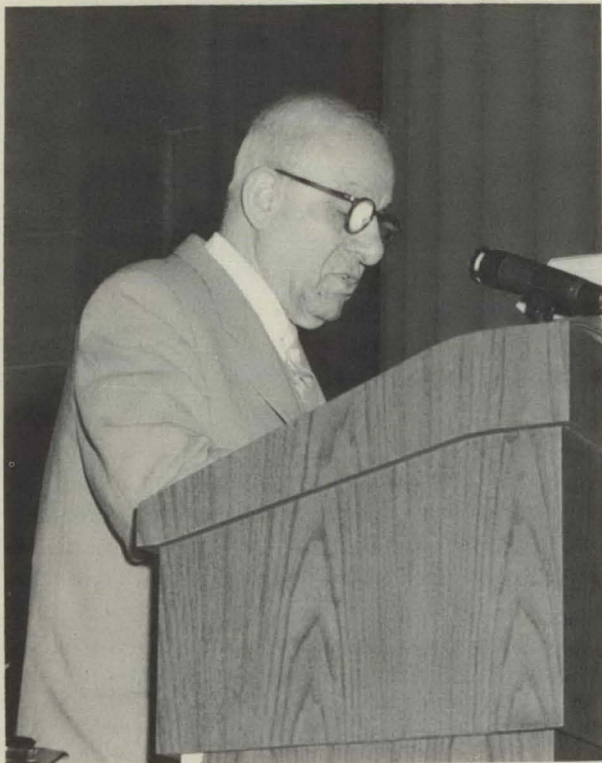
GRADUATION EXERCISES for members of the 73d Session of the FBI National Academy were held June 3, 1964, at the Departmental Auditorium, Washington, D.C. The 92 officers comprising the class increased the total number of graduates to 4,546. The members of this class represent 42 States, the District of Columbia, the White House Police, and the U.S. Army and Marine Corps.

Also included were two foreign officers from the Philippines and Venezuela. Diplomas were presented by Assistant Attorney General Louis F. Oberdorfer. A list of the graduates may be found at the end of this article.

Dr. Edward L. R. Elson of the National Presbyterian Church, Washington, D.C., delivered the invocation and benediction for the exercises. The



Shown at the graduation exercises, from left to right, are: Hon. David Lawrence, Hon. Carl Hayden, Director J. Edgar Hoover, Asst. Atty. Gen. Louis F. Oberdorfer, Dr. Edward L. R. Elson, and Insp. Robert D. Quick.



Hon. David Lawrence.

U.S. Marine Band, conducted by Capt. Dale Harpham, provided a musical program.

In ceremonies prior to graduation, Insp. Robert D. Quick of the New York State Police was awarded the John Edgar Hoover Medal for excellence in the Study of Law Enforcement, a distinction awarded to the member of the graduating class achieving the highest scholastic standing. The American Legion National Academy Firearms Proficiency Award was presented to Sheriff William N. Baker, Lemhi County Sheriff's Office, Salmon, Idaho.

FBI National Academy plaques bearing the Academy seal were presented to the class officers, who were: Insp. Robert D. Quick, New York State Police, class president; Capt. Van Haywood McSwain, High Point, N.C., Police Department, vice president; and Sgt. Edward J. Manning, Concord, N.H., Police Department, secretary-treasurer.

Distinguished guests introduced by Mr. Hoover were: His Excellency the Ambassador of Venezuela, Dr. Enrique Tejera-Paris; Venezuelan Military Attaché, General Humberto Viva-Gonzalez; and Chargé d'Affaires of the Embassy of the Philippines, Dr. Jose F. Imperial.

Mr. Quick, president of the class, spoke on be-

half of his fellow officers. He expressed their appreciation for the opportunity they had been given to further their pursuit of professional law enforcement.

Hon. Carl Hayden, President pro tempore of the U.S. Senate, and Hon. David Lawrence, editor of the U.S. News & World Report, addressed the graduates. Mr. Hoover presented the two speakers and Dr. Elson with special award plaques in gratitude for their interest and service in law enforcement.

The address of Mr. Lawrence follows:

I have in the last 30 years made less than a dozen public speeches, and only on occasions when something personal was involved, such as the acceptance of an award or an honorary degree or, as in this case, where I am asked to participate in a function set up by my Government.

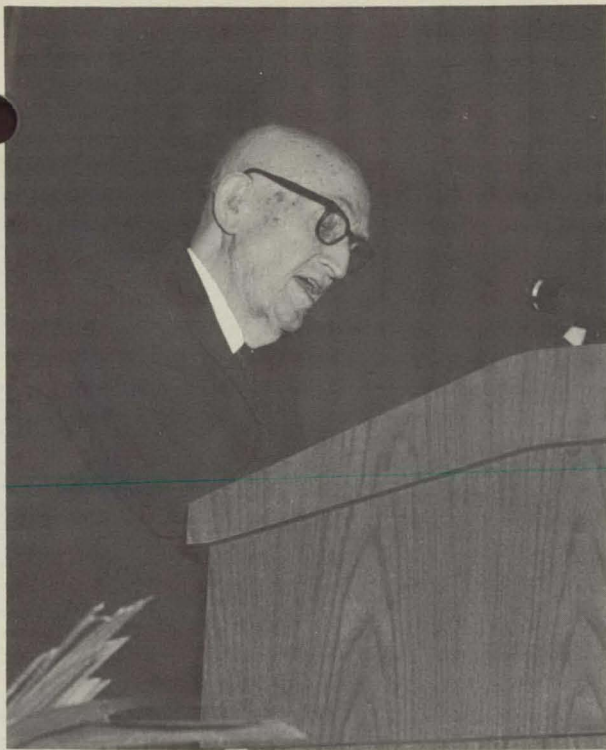
When I was invited to make this address, I started to think back about my early contacts with law enforcement.

I have in my time covered some interesting murder trials—as, for instance, the trial in 1911 of the McNamara brothers, leaders of a big labor union, who had been charged with the dynamiting of the Los Angeles Times Building. This had caused the loss of 21 lives.

I remember another brutal crime—in southern Virginia—in 1912, when during a court trial, a gang of outlaws in the audience shot and killed the judge on the bench, the prosecuting attorney, and five members of the jury, as they were endeavoring to pass judgment on a member of the gang. The county authorities hired a private detective agency, and I rode with a posse several days and nights afterwards in the search for the criminals. When the head of the gang was caught, he was put in jail overnight and taken the next morning by railroad train to go back to a courtroom many miles away. I had lost much sleep and had been on the move constantly, so I looked haggard. We had no safety razors then, and I was unshaven. On the train, I sat with detectives just behind the murderer and another detective. Most people kept staring at me instead of the murderer, who had had his shave. It was an uncomfortable experience.

During the last 54 years, however, I have been in Washington covering the problems of the National Government. I remember how tiny and relatively unnoticed the Department of Justice was when I first came here in 1910. It occupied a three-story building on K Street, which had been a private mansion. There was room enough in it for the entire Department and its different divisions and bureaus.

I remember the early days of the FBI, and the approving response of the public to its creation, because the States alone could not deal with the traffic in crime across States lines. Harlan Stone, who was destined to become Chief Justice of the United States, was appointed Attorney General and, in 1924, picked J. Edgar Hoover to head up the FBI. The combination of these two fine men inspired confidence after an era of scandal in the preceding Administration. These two men gave the FF



Hon. Carl Hayden.

its opportunity to develop in a nonpolitical way, which has been an important factor in its success in the years since. I have watched Mr. Hoover maintain that fine tradition effectively through the years.

We are today in the midst of a war against crime. In some respects, it is analogous to a military war.

The press always has an important function to perform when a nation is at war. We of the press impose self-restraint in order to assist in winning the victory. The same obligation, I feel, holds true for us when the police are in pursuit of those who have imperiled human life in our society.

This also involves cooperation by the police authorities themselves with the press. I remember that, as an Associated Press reporter, I once spent all night pacing the corridors of a Federal building in Indianapolis. It happened to be Christmas Eve and the next day was my birthday. We of the press were waiting for an important witness to be brought from Los Angeles to testify before the grand jury on the case I have just mentioned. After having spent many, many hours in that lonesome building during the night, we discovered that the Federal authorities had smuggled the witness in through a cellar door during the night and left the reporters to continue the vigil for no useful purpose. They might at least have let us know about it!

The press, of course, can be of great help, if there is a cooperative police department in a city.

While we are discussing cooperation, I might also mention the need for cooperation between members of the bar and the authorities who are responsible for law enforcement. For many years, I have been puzzled by the

attitude of some lawyers toward the defense of criminals. There is too much of a feeling nowadays that if he can get a smart lawyer, a criminal can escape punishment. There are, of course, many technicalities in the law, but, somehow or another, we have permitted the impression to develop that a technicality invoked at the right time will permit a criminal to escape punishment.

I shall never forget a conversation I had with Clarence Darrow, a nationally known member of the bar, who was defending the union leaders accused of dynamiting the Los Angeles Times Building. This was the autumn of 1911, and I was sent from Washington to help cover the case for the Associated Press. I spent many hours with Clarence Darrow. I liked him personally. One day, I asked him off the record how far he thought a lawyer should go in defending a criminal. There were rumors at the time that jury fixing had been attempted. All this came out later, and Darrow himself was indicted and disbarred from practice in Los Angeles. But his answer to my question was significant. I asked: "What is your attitude toward the man you are defending? Assuming that you know he is guilty, how can you face the court and make believe that he isn't?"

Darrow answered: "My client deserves every help he can get from me. In effect, I am his alter ego. I myself would do anything that he would do to save his life and to mitigate his punishment."

Many people surely will question the merit of this philosophy. But some lawyers, unfortunately, still share it. The criminal with a big slush fund feels he can employ the most successful lawyers to fix the jury or take advantage of a technicality to save himself from punishment.

We have witnessed the growth of gangs in our time. We read today of many crimes of youth. I would like to tell you of a firsthand experience more than 40 years ago which illustrates dramatically the problem of juvenile delinquency—for it is not a new problem.

We had offices on the fourth floor in a big building. On the back of the entrance door we had a large box in which mail was deposited each night through a slot in the door. When our office staff arrived one morning, we discovered that the box had been broken and that some of the mail had evidently been taken away. Some of it was strewn on the floor, opened. We could not know, of course, what letters were missing. It took us several days to find out, and only when some of the recipients of our monthly bills began to respond to letters we wrote asking for payment. Some of the newspapers replied that they had already paid us. We telephoned some of them to find out the name endorsed on the back of the check which, we felt sure, they had by this time gotten back from the bank. The first newspaper we called gave us a name which we promptly recognized as that of one of our office boys. His first name was Charles.

We turned the matter over to the police here, who asked the boy to come to headquarters. The next day they told us that, after being questioned, Charles had confessed and had related in detail how he had climbed up the outside of the door at night, gone through the transom and into the office so that he could get the checks out of the mailbox.

Charles was in his early teens. His father was a re-

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New Concepts in the Criminal Law

DWIGHT J. DALBEY

Special Agent, Federal Bureau of Investigation

In recent years, new concepts in the criminal law have placed additional responsibilities and demands on law enforcement. Special Agent Dalbey, an instructor on the FBI's Training Staff, discussed these issues and their ramifications in a speech before the California Peace Officers Association on April 27, 1964. It is believed Mr. Dalbey's remarks will be of interest to law enforcement officers throughout the country.

THE WORLD OF TODAY is radically different from that of a quarter of a century ago when I, like many of you, first entered law enforcement. Nearly every human problem and activity has been radically transformed from a relatively simple and uncomplicated operation to one that is complex and amazingly sophisticated. Rockets reach for the moon, human ailments are cured by drugs which did not exist a few years ago, we travel by the millions through the air, and we experience the social, political, and economic problems of mankind living in what amounts to a totally new and different age. But are we fully aware of the fact that those same 25 years have transformed the training and knowledge required of the law enforcement officer as radically as that required of the scientist, the doctor, and the political economist? Do we fully realize the extent to which law enforcement officers also work in a world different from that of a quarter century ago?

Law enforcement does not stand still while the

world around it becomes more complex and sophisticated. We are not exempt from the immutable law of change. New concepts in the criminal law, announced and enforced by the courts during the past 25 years for the first time in our national history, have made many of our most basic procedures of a quarter of a century ago outdated, unworkable, and actually illegal. We speak of professionalization as a desirable goal for law enforcement, but it is more than that. The professional approach to law enforcement is no longer a matter of choice. The new concepts in the criminal law are so demanding as to require that law enforcement become a profession, and particularly so in the area of the officer's knowledge of the criminal law. An officer whose knowledge of the critical areas of the law is limited to that of 1939 is as poorly equipped to do his job today as the doctor, scientist, or mechanic whose knowledge has not been brought up to date since that year. They are relics of a bygone age.

To illustrate the sharp contrast in the knowledge

of criminal law required of an officer in 1939 and that required in 1964, assume that a felony—the same felony—was committed in your jurisdiction, and that you sent one officer to investigate in 1939 and another to investigate the second offense in 1964. The officer whom you sent to investigate the case in 1939 needed to be as dedicated, diligent, observant, and as sharp in his mental processes as the officer you send today. But how much *law* did he need to know to make a legal arrest? The law of arrest in the State of California, as in all the others, was the law of the State alone. Your officer had no practical need to concern himself with the Federal law of arrest. Today, that is completely changed. The new concept in the law of arrest, announced by the Supreme Court of the United States in *Mapp v. Ohio*,¹ and reiterated in *Ker v. California*,² is that the probable cause requirements of the fourth amendment to the Constitution of the United States are a necessary part of the due process clause of the 14th amendment, and thus enforceable against the States. *U.S. v. Grosso*.³

In 1939 probable cause for arrest was a State question only, and when the Supreme Court of your State had said its last word, the case was closed. That is no longer true. Probable cause for arrest is now a question of Federal constitutional law, and a convicted felon dissatisfied with the judgment of your highest court can try the question all over again by writ of habeas corpus in the Federal courts, even to the Supreme Court of the United States. The proof of this proposition is already in the law books, in the printed opinions of the Federal courts reviewing State convictions challenged on the ground that the arrest was made without that probable cause which is required by the Federal Constitution.⁴ In short, if the police officer of today is to make his arrests stand up in the trial and appellate courts, he must make them in a manner consistent with the Federal constitutional requirements of probable cause. Before he can follow those requirements, he first must know them, and this requires training in the criminal law. There is no alternative, even



Special Agent Dalbey.

should the officer wisely be instructed to obtain a warrant whenever possible. Circumstances force police officers to make many arrests without warrant, and in all such cases it is their judgment of probable cause, and theirs alone, which must stand the test of the courts, up to and including the Supreme Court of the United States.

Search and Seizure

Now we move to the next action which usually occurs in the criminal investigation process—the search and seizure usually made incidental to the arrest. A quarter of a century ago, police officers in most of the States sometimes needed to know how to obtain a State search warrant but virtually nothing else. The majority of the States then followed the common law rule, still used in England,⁵ which holds that evidence useful to prove or disprove an issue in the case is admissible for that purpose, and the courts will not ask the officer by what method it came into his possession. The officer of 1939 could search wherever and whenever he wished, at his sole discretion, without ever

¹ 367 U.S. 643 (1961).

² 374 U.S. 23 (1963).

³ 225 F. Supp. 161 (1964).

⁴ *People of California v. Hurst*, 325 F. 2d 891 (1963). *Shaffer v. Anderson*, 224 F. Supp. 184 (1963). *Boller v. Warden*, 219 F. Supp. 25 (1963). *U.S. ex rel. Rine v. Boles*, 206 F. Supp. 380 (1962).

⁵ *Kuruma v. the Queen*, A.C. 197 (1955).

cracking open the covers of a law book, and all that he usually was required to show was that the thing he found had some substantial bearing on the case. That is no longer true.

The rule was first changed for you by your own Supreme Court when it held in the *Cahan*⁶ case in 1955 that evidence obtained through unreasonable search and seizure, as judged by California law, would no longer be admissible in the courts of this State. From that day forward your officer was required to know and follow the legal elements of a reasonable search and seizure as seen by California courts. The rule was changed again by the Supreme Court of the United States in the *Mapp* decision in 1961. What is and what is not a reasonable search and a reasonable seizure is no longer a State question only; it is now a question of Federal constitutional law, and the convicted felon is free to take that question in your case as high as the Supreme Court of the United States before he is through.

The police officer of 1964, totally unlike his predecessor of 1939, must have a practical understanding of the elements of a reasonable search and seizure as stated and interpreted by the Federal courts. There is no alternative; the Federal courts control on all search and seizure questions of constitutional dimension. The practical proof of this point is in the State criminal convictions being reversed, since *Mapp v. Ohio*, on the ground that the search and seizure did not comply with Federal constitutional requirements.⁷

Interrogation

Now we move to the subject of criminal interrogation—that phase of the investigation which usually follows the arrest and the search and seizure. The officer of a quarter of a century ago needed to know some law in this area, but not much. Your instructions to him would have been strong, but short and simple. Knowing that the Supreme Court of the United States reversed a State conviction in 1936 because the confessions were obtained by torture, you would have told your officer that the man under arrest was not to be beaten. You would have told him, also, that he

was to make no threats and no promises, because you would have known that for at least two centuries the common law, carried over to this country from England, had refused to admit into evidence any confession so obtained. But that is all.

You would not have bothered, in a legal sense, to determine whether the man under arrest was interrogated by day or by night, by six officers or one, or whether he had food when he was hungry or rest when he was tired, or a lawyer, friend, or relative to advise him. The Federal law, at least, did not require that you do so. All this has been changed, too. Today, your officer must make a legal judgment involving all these circumstances and many others, if he hopes to obtain a confession which will stand up in the courts, including the Supreme Court of the United States.

Beginning with the 1936 decision in *Brown v. Mississippi*,⁸ in which the Supreme Court first reversed a State conviction based on confessions obtained by torture, the court has handed down a long line of decisions amplifying the rules of due process in criminal interrogation, and holding that the conviction must be reversed in any case, State or Federal, in which the methods used to obtain the confession violate the Federal standards of due process. In *Brown v. Mississippi* due process in criminal interrogation was violated by torture but today the test is much broader. The new test is whether the confession was obtained by methods which are "inherently coercive"⁹ or, if you please, indirectly coercive.

Since the adoption of this test by the Supreme Court during the past quarter century, State officers who neither tortured, threatened, nor promised, and who were not alleged to have done any of these things to the prisoner, have seen their convictions reversed on the ground that the methods by which they obtained the confessions were inherently coercive. For example, convictions have been reversed where (1) five officers interrogated a 15-year old boy alone from arrest at midnight until 5 a.m. when they obtained his confession;¹⁰ (2) where many officers working in relays interrogated an arrested man for 36 straight hours until he allegedly gave an oral confession,¹¹ and (3) where the confession was given after long

⁶ *People v. Cahan*, 44 Cal. 2d 434, 282 P. 2d 905.

⁷ *Hall v. Warden*, 313 F. 2d 483 (1963). *U.S. ex rel. Staples v. Pate*, 222 F. Supp. 998 (1963). *Green v. Yeager*, 223 F. Supp. 544 (1963). *Fahy v. Conn.*, 375 U.S. 85 (1963).

⁸ 297 U.S. 278.

⁹ *Ashcraft v. Tenn.*, 322 U.S. 173 (1944).

¹⁰ *Haley v. Ohio*, 332 U.S. 596 (1948).

¹¹ *Ashcraft v. Tenn.*, *supra*.

interrogation and only when the officers brought in the man's wife to plead with him to confess.¹²

"Totality of Circumstances"

In determining whether the Federal requirements of due process, enforced upon the States through the 14th amendment, have been met by the State officer, the courts look to the "totality of circumstances"¹³ in the case, which means, simply, every fact that they can see in the record presented to them. They look at the age of the defendant, his education, his level of intelligence, criminal experience, the speed or delay in giving him a hearing before a magistrate, the number of interrogators, the manner of interrogation, the hour of interrogation, the length of the interrogation, and other factors too numerous to detail here.

Assessing all these factors individually and in context, the court arrives at a judgment on the question whether the confession so obtained was genuinely voluntary or involuntary because given under circumstances inherently coercive—that is, circumstances which, in their total effect, so overpowered the free will of the prisoner that he cannot be said to have confessed of his own desire. If the confession was not voluntary, the conviction must be reversed regardless of the quantity and quality of other evidence of guilt in the case.¹⁴

The rule is obvious. If the courts inquire into all these factors surrounding the method by which the confession was obtained, and use them in judgment, the interrogating officer who hopes to obtain an admissible confession must also know these factors, weigh them during the course of the interrogation, and decide for himself how far he may permissibly go and where he must stop before he overpowers the will of this defendant, considering his age, his mentality, his physical condition, and all the other factors involved. He must know the Federal law on due process in criminal interrogation and he must follow it.

The proof of this point is in the long list of State convictions reversed in Federal court during recent years on a determination that the methods of interrogation failed to comply with the requirements of due process.¹⁵ Originally, these reversals were

had in murder cases only, but now they are being handed down on convictions of narcotics violations, robbery, and other lesser crimes.

We may not have yet seen the culmination of this trend in the area of due process in criminal interrogation and related areas. One Federal circuit court of appeals held late last year that a confession obtained from an arrested person already under indictment was not admissible in evidence, having been taken without presence or consent of counsel for the defendant and thus in violation of his constitutional right to counsel.¹⁶ All officers in the States covered by that Federal circuit are now on notice to not interrogate a defendant who has been indicted unless they first can obtain the presence or consent of a lawyer for that defendant.

State Courts

Developments in some State courts are equally interesting. The Supreme Court of Florida, upholding the admissibility of a confession obtained from the defendant after he had spent 22 days in jail without a hearing on the charges, nevertheless warned the officers of that State that if such practices continued the inevitable result would be that some version of the *McNabb Rule* would be forced upon them, either from within the State or from without.¹⁷ The *McNabb Rule* is a Federal rule coined by the Supreme Court in the exercise of its supervisory powers over Federal officers, declaring that any confession to a Federal crime obtained by Federal officers after unnecessary delay in giving the arrested person a hearing on the charges is automatically excluded from use in court. Florida officers have thus been notified that henceforth they will be expected to know and follow the Florida rule requiring arraignment without unnecessary delay.

The courts of the State of New York have gone even further. The court of appeals, the high court in that State, has held that all police confessions obtained without presence or consent of counsel for the defendant are excluded from evidence when obtained after indictment,¹⁸ or after arraignment but before indictment,¹⁹ or after charge has been placed before a magistrate after

¹² *Culombe v. Conn.*, 367 U.S. 568 (1961).

¹³ *Fikes v. Ala.*, 351 U.S. 191 (1957).

¹⁴ *Stroble v. Calif.*, 343 U.S. 181 (1952).

¹⁵ See, for example, decisions footnoted (8) through (14), supra.

¹⁶ *Lee v. U.S.*, 322 F. 2d 770 (1963).

¹⁷ *Milton v. Cochran*, 147 So. 2d 137 (1962).

¹⁸ *People v. Waterman*, 9 NY 2d 561 (1961).

¹⁹ *People v. Meyer*, 11 NY 2d 162 (1962).

arrest,²⁰ or after arrest alone in any case in which either the defendant or an attorney requested permission to confer and permission was refused by the police.²¹

A few years ago the rule was that a defendant's constitutional right to counsel took effect when he was brought into court and required to plead, but the New York decisions have brought that right forward almost to the point of arrest. Some Federal court decisions are in at least partial agreement. The effect of this trend is to reduce still more the area of permissible interrogation and to require of the interrogator more skill and a wider knowledge of the law than ever before.

Reporting the Case

Continuing the case, we have finished now with the arrest, the search and seizure, and the interrogation of the person under arrest, all of this done within the requirements of the new concepts of the Federal law as applied to the States. All of the additional investigation has been completed, and now your officer must report the case to the prosecuting attorney for trial.

Twenty-five years ago this was a simple task. The officer called a stenographer or sat down to his typewriter and listed and described the evidence for the prosecution, this witness to this fact, that witness to that fact, and a list of items of physical evidence to prove this fact and that. At least so long as his report was truthful, due process of law as defined by the Federal courts was of not the slightest concern to him. There has been a change here, too.

In *Brady v. Maryland*,²² decided by the Supreme Court of the United States last year, Brady and a companion were convicted in separate State trials of murder, Brady being convicted first. Brady admitted at the trial that he had participated in the crime but claimed that his companion did the actual killing. His counsel asked the prosecution for statements by the companion and was shown some, but not the one in which the companion admitted the actual killing. Brady did not learn of the existence of this statement until he had been tried, sentenced to death, and the conviction affirmed in State court. The Supreme Court of the United States held that to

deny Brady his companion's confession was a violation of due process, even though the confession related to punishment only and not to guilt.

Taking the next step in the development of this rule, earlier this year a Federal circuit court of appeals decided another case in which a convicted defendant in State court contended that he had been denied due process. Two witnesses to a store robbery saw the defendant in police custody and positively stated to the police that the defendant was not the robber. These witnesses were not called by the prosecution and did not appear at trial. Two other witnesses positively identified the defendant. After conviction, the defendant moved for a new trial, submitting the affidavit of his assigned counsel that counsel did not learn of the existence of the two uncalled witnesses until after trial had ended. Failing to find relief in the State courts, the defendant brought writ of habeas corpus in Federal district court, where it was held that the prosecution had a *duty to disclose the existence* of the two witnesses favorable to the defense and that failure to do so violated due process of law. The circuit court of appeals affirmed that decision.²³

The significance of these two cases appears to be that if the investigating officer learns of evidence favorable to the accused, he now has a duty to report it to the prosecutor, who in turn must report it to counsel for the defense. Failure to do so may result in a decision that the State has violated due process of law.

Other Changes

The recent changes in the criminal law are by no means limited to the enforcement of Federal concepts of constitutional law upon the States. Other changes are being made, some of them by the State courts themselves, as in the decisions mentioned earlier from the New York Court of Appeals.

Searches of automobiles provide an additional example. Once automobiles came into common use, it became the practice of law enforcement officers to search the car driven by a person arrested in the vehicle. No matter whether the driver was arrested for robbing a bank or running through a stop sign, his car was searched. Many a man has worked out his time in the penitentiary because the search made after he ran through the

²⁰ *People v. Rodriguez*, 11 NY 2d 279 (1962).

²¹ *People v. Donovan*, October 1963.

²² 373 U.S. 83.

²³ U.S. ex rel. *Meers v. Wilkins*, 326 F. 2d 135 (1964).

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NATIONAL ACADEMY

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spectable person, an employee of the District of Columbia Government, and he was brokenhearted over what had happened. It was decided to parole the boy in the custody of his father for the time being.

We thought no more of the episode until about 2 weeks later, when one of the local banks telephoned us that someone had appeared at the teller's window and tried to cash some of our checks. The teller seemed to detect suspicious behavior on the part of the young man, who suddenly fled. But in his haste he left behind the identification card which he had used. I went to the bank myself to examine it and found a card printed with all the appearance of an authorized credential signed by me. It had been carefully printed with the name of our company in large black type. The individual whose picture—it looked like a passport picture—was on the card, however, wasn't Charles, though his full name was signed to it.

We telephoned and found that Charles was at home. His father said he had not been out of the house at all that day. We asked Charles to come to the office and take a look at the card and the picture. When he saw the photograph, he said, "Oh, that's Roy." Roy was another office boy who had worked for us for a short time some weeks earlier.

Upon looking further into the case, the police found that Roy was a juvenile delinquent who had been in trouble with the police two or three times before. He was a good student and had excellent grades in high school. His mother was a Civil Service employee. There was no



On June 1, 1964, Mr. Hoover presented The American Legion National Academy Firearms Proficiency Award to Sheriff William N. Baker, Lemhi County Sheriff's Office, Salmon, Idaho.

evidence of any tendency to violence or disorderly conduct. Unfortunately, he had a mania for money, and when asked what he did with the checks which he stole and forged, he said he used the money to ride around in a taxicab all day long.

Here was a plain case of a disordered mind. He was returned to a training school and not long afterward released. Three years later, however, we read that the same boy had been killed in the midst of a gang war in New York City.

Many questions were impressed on my mind as a result of that affair. Why did Charles, the first boy, confess to something which he had not done? Was he under the duress of the other boy? Did he actually know about the robbery of our mailbox? It was not considered important, presumably, to investigate his part in the case further because the real culprit had been discovered.

Again and again, we find psychological disturbances, psychiatric difficulties, as the underlying causes of criminal action. I wonder when we will begin to realize that crime and insanity are closely related, and that there are many people who are not actually insane in the accepted sense of the word but who have disturbed minds and a passion for wrongdoing. They need treatment, and society must find ways to protect itself against their possible crimes.

It seems incredible that today an aura of controversy should surround the whole subject of "law enforcement." Everybody, of course, wants to see the law enforced properly and effectively. But lately there has developed a tendency to put the rights of the individual above the rights of the people as a whole, particularly in the area of law enforcement. The Constitution guarantees to all citizens the right of trial by jury and other rights under "due process of law." But there is nothing in the Constitution nor in the historic principles of common law which says that the community cannot take steps to prevent crime or to restrict the opportunity of an individual to perpetrate a crime.

Yet the sad truth is that the methods used to detect persons suspected of or accused of crime are being interfered with arbitrarily when these methods do not suit the whims of different judges on the bench. The latter have expressed varying concepts of what constitutes, for instance, the proper length of time during which a suspected person may be interrogated by the police before being formally arraigned. We have thus brushed aside something far more important than what is called "the rights of the individual." The key word really is "protection"—the right of society to take measures to protect itself. In this war within our gates—the war against crime—the casualties are mounting each year, and police officers themselves are often among the unfortunate victims.

Every now and then, it is argued that circumstances have changed, and hence laws must be differently interpreted. It is insisted, in effect, again and again from the bench that "the end justifies the means," and that to put one innocent person in jail does more harm to society than to give law enforcement agencies the right to interrogate effectively persons implicated in serious crimes. But fundamental principles can be cited to contradict such a theory. Thus, for example, we draft our

young men into military service in time of peace as well as war, because we believe that the protection of our society is paramount. No other consideration supersedes this duty to society. Innocent persons are often hurt or their private lives interfered with by war or preparations for war, but we insist that the protection and safety of the entire community is our primary obligation.

Today, we are in the midst of a crime wave of unprecedented proportions. Methods of protection have improved. But they can hardly cope as yet with the ingenuity used by criminals to avoid detection. We are debating, for instance, at the moment, whether telephone lines should be tapped and conversations recorded. Theoretically, this is an intrusion upon privacy. But if evidence is needed to convict persons suspected with good reason of having committed a crime involving human life, would not most people say that in this type of case certainly such a method of obtaining evidence would be justified?

How long can society endure the conditions of terror which are imposed upon it—when people fear to venture out on the streets at night, even in the Nation's own Capital? Population, of course, has increased each year in America, and so also has the number of criminals grown correspondingly—if not at an even greater rate. But the impact of crime cannot be measured alone by the mere number of instances of lawbreaking. Our society cannot afford to ignore the threat that the crime wave has on the lives of innocent citizens at home, in the streets, and even inside our schools.

We rely on the law enforcement agencies of the Federal, State, and local governments to take care of the whole job of crime detection. Even in a street fight, when the police are outnumbered, the bystanders nowadays often hurry by with shameful indifference. The general tendency is to pass the buck to the police. If they fail to detect crime, or even to prevent it, we blame the police. When President Kennedy was assassinated, we heard over the air and read in the press widespread criticism of both the Secret Service and the FBI, as if they alone could have detected in advance that a crazed man would commit such a crime.

Must we not look further, in the prevention of crime, to the other failures in our society today—the neglect, for instance, of psychiatric treatment of the young and the failure of society to instill the basic tenets of good behavior? If, for instance, we condone dishonesty and pooh-pooh the place of religion in our society, we help to build up the apathy and indifference which deprive us of a strong weapon against wrong behavior—the power of example.

We may say all this is the duty of the parents. We may say it is not the duty of our schools and educational systems. But it is by no means, on the other hand, the obligation of a few individuals or institutions in our community. It is the obligation of the American people as a whole. Basically, the fault lies today in the attitude of indifference and apathy toward crime itself. In the confusion and controversy, the main culprit has too often been treated with a polite tolerance based on overemphasis on "the rights of the individual," as contrasted with the obligation of society to all its members.

The paramount duty of government is to protect the

people of this country against attack from without and from within. Individuals who impair the safety of the home and the neighborhood are just as much enemies of our society as any foreign foe. This means that drastic measures have to be taken, and that law enforcement agencies must be authorized to use more, instead of fewer, devices to detect criminals and to collect the evidence necessary for conviction.

But what shall we say of the attitude of the general public itself about law and order—in particular, some of our civic or group leaders? We read in the newspapers almost daily of riots and street demonstrations. Some of the leaders of such movements profess no intention to incite to violence. In fact, some of them publicly call themselves "nonviolent." But other spokesmen say frankly they risk arrest purposely as a form of protest, and that anyone has a right at any time to violate a law which he thinks is "morally" unjust, or which he believes interferes with his expression of a protest. Even churchmen of prominence have become leaders in such demonstrations.

This puts a burden on the police who, when they attempt to stop the violence of such mobs, are accused of brutality and inhumanity—as if it is the function of the police to weigh the merits of the cause itself which the demonstrators proclaim and not to interfere with the demonstrators, even as the police see tension mounting in the community and street disturbances drawing large crowds while passions rise. Many persons have been injured and some deaths have occurred in these demonstrations. What has become of the American method of orderly gatherings and mass meetings in halls, where everybody can speak out his protest on a subject of any kind? Certainly our many facilities for communicating ideas have not been suddenly impaired or rendered obsolete.

To cure these recent outbursts of lawbreaking, we must depend on an enlightened public opinion. The more thoughtful and law-abiding men of the clergy must begin to influence their misguided brother preachers. The newspapers in every part of the country must speak out even more forthrightly than they have been doing.

For the tendency to take the law into one's own hands is not new. The mobs used to cry out, "He's guilty, why wait for the courts—lynch him!" It took many years of an appeal to reason before this kind of lawlessness was eradicated and passion of this sort was subdued. Public opinion must be mobilized again to teach respect for the orderly processes of the law.

To a group like this, which has dedicated itself to the task of law enforcement, it seems superfluous to say that the highest duty that can be performed today is to protect our society. Police officers are human and they make mistakes. But they are not mistaken in their objectives—to secure an adherence to law and to protect innocent persons from criminal attack or injury or from the damage that comes when the laws specified in the written codes of our governmental system are violated.

Looking back over the years, I could say to you, of course, as many other persons have said in retrospect before, that times have changed—that the rules of another day no longer can be applied but must be changed. I don't accept that version. I believe that, while faces



Director Hoover presents the John Edgar Hoover Medal for Excellence in the Study of Law Enforcement to Insp. Robert D. Quick, June 2, 1964. The class officers for the 73d Session received plaques bearing the seal of the FBI National Academy at the same time. Shown at the time of the presentations in Mr. Hoover's office are, from left to right: FBI Assistant Director Joseph J. Casper; Insp. Quick, class president; Mr. Hoover; Capt. Van Haywood McSwain, vice president; and Sgt. Edward J. Manning, secretary-treasurer.

change and the scene changes, the fundamental principles that govern human society have not changed. We still revere and respect the Ten Commandments as the basic law for human conduct. Within our own country, we have been striving to carry out the principles which our forefathers laid down for us. Unfortunately, there is today a tendency to brush aside basic principles and to adopt the "sophisticated" attitude, which is that no other generation ever was confronted by the same problems and that opportunistic expediency—the belief that "the end justifies the means"—is better than adherence to the method of amending the Constitution prescribed in that document itself.

It would be easy to say that the people of yesteryear did not understand the evolution of legal doctrines as we do today. I recall how ardently my own generation, in its day, embraced what we called "progressive doctrine," and brushed aside as "old fashioned" those who didn't agree with us. We, too, were carried away by a belief that what was past was mere history. Circumstances, we always said, were different. But it takes just a few decades of life to make men realize the fallacy of that alluring doctrine of expediency which is so often imprinted on our minds. It takes the lessons of experience—the hard, simple rules of life itself—to make us discover that right is right, and wrong is wrong, no matter how young or how old we are.

You who graduate here today are dedicated to a great cause—the protection of human society. You are soldiers in every sense of the word, and the challenge to duty before you is just as great today as that which confronted the soldiers who preceded you in the different wars of our Nation's history.

Following is the address given by Mr. Hayden:

Let me begin by extending my heartiest congratulations to you graduates of the 73d Session of the FBI Academy. This must be a very proud day for you and the members of your families. Not only have you officers successfully completed graduation requirements of the "West Point" of law enforcement, but you have become members of The National Academy Associates—a very exclusive alumni group.

Since the National Academy was founded in 1935, over 4,500 law enforcement officers from the United States and many foreign countries have been graduated and, now, your own class is a typical one. You represent 42 States, the District of Columbia, Venezuela, and the Philippines. I learned with interest that there are two natives of Arizona here in this graduating class. One comes from the largest Indian reservation in the United States, the Navajo country, a reservation larger than the State of West Virginia. He goes back to Fort Defiance better equipped to carry on his work, and I am glad to know that Alfred Walter Yazzie, a good Navajo name, is to be a graduate in this class.

It seems like it was only a few years ago, it could be longer, that I was a peace officer in Arizona. Maybe a young man, Bill Hill, who represents the police department of Tempe, Ariz., where I was born, has run across some of my tracks. We depended a lot on tracking in those days, long before the FBI. You could tell where a man was going, how fast he was going, and what he was carrying. You couldn't tell whether he was Democrat or Republican, but I think we might be able to do it.

Let me point out that my many years as sheriff of

Maricopa County would probably be a disappointment to today's "Gunsmoke" fans. I never shot at anyone and nobody ever shot at me. About the nearest I ever came to shooting was the day when I identified a horse-thief who was supposed to be badly wanted in Utah, Colorado, and Wyoming.

I found him standing at a bar. I stuck my pistol in his back and took his gun away from him. To give me time to notify the law officers who had said they wanted him, I had the justice of the peace put him in jail for 10 days, but none of them were interested in coming to get him, so I turned him loose after the 10 days, and I told him as long as he didn't steal any horses in Arizona it was all right with me.

The days are gone when a local sheriff only needed a fast horse and the ability to follow tracks to capture a fleeing criminal. Today, we have the Fugitive Felon Act which permits the FBI to help local law enforcement in locating and returning people who commit crimes and flee across State lines.

However, the best change in the Nation's law enforcement is the FBI itself, and the way in which Mr. Hoover has built it into an agency whose esteem and respect are exceeded by none.

Alexander Hamilton once called the administration of criminal and civil justice the great cement of society. He said law enforcement is the guardian of life and property, and it contributes more than anything else to the people's affection and esteem and reverence toward their government.

I am certain Mr. Hoover shares this philosophy, for he has modeled the FBI along these lines. He began his distinguished career with the conviction that law enforcement is a true profession. He realized that a profession has never been created by resolution nor has it become so overnight. A true profession consists of ideals which its employees maintain, a dignity of character which they bring to the performance of their duties, and a set of self-imposed ethical standards.

Throughout his long and distinguished career, Mr. Hoover has scorned quick and easy success. He has operated the FBI from the beginning on the theory that what we do well now, we must do better tomorrow. And, in doing this, he has set an example which is a heartening indication that a man of steady purpose can earn a place of true distinction in today's world.

Not the least of his many accomplishments has been the work he has done over the years to establish a spirit of mutual cooperation among law enforcement agencies. He has dedicated his efforts to the belief that the most effective way to fight crime is through a combination of all law enforcement agencies. The result of his dedication has been constantly expanded service which the FBI made available to all agencies. Typical working examples of this cooperation are the FBI Laboratory, the Identification Division, the police schools, the publications, and specialized law enforcement conferences.

And you men have just had the privilege of taking advantage of one of the finest cooperative services offered by the FBI—attendance at its National Academy. Mr. Hoover established the Academy more than a quarter of a century ago for the purpose of sharing with fellow officers the best techniques and the most modern strategy

in police work. Because he felt that trained personnel is synonymous with progressive law enforcement, Mr. Hoover made it the Academy's objective to send highly trained instructors to both domestic and foreign police departments.

You graduates now bear a heavy responsibility. You were selected for the Academy because you had already shown yourselves to be first-class leaders. You are equally at home when teaching a class or on the firing line. You are now better equipped to serve as instructors, and you now have the very important responsibility of sharing the Academy training with your fellow officers.

This is a responsibility that I know you will not take lightly. In spite of the cooperation between local law enforcement officials and the Federal Government, and in spite of the modern methods of scientific detection and identification, crime in the United States continues to rise. The unhappy truth is that in the past 5 years crime has increased four times faster than our population.

If we are ever to reverse this dangerous trend, it is vitally necessary that you and the members of your departments do everything humanly possible to keep the people convinced that law enforcement is, as Hamilton said, the great cement of society.

Every police officer is performing a high and noble job when he upholds law and order in our society. Whether he walks a beat or serves as administrator, he is not just performing a dirty job which someone has to do from necessity. You are members of an honorable profession and, as professionals, you should strive constantly to improve yourselves and your departments. Don't just hope that the current crime picture will improve of its own accord. You know better than that. It is not in the cards at all.

I know that each of you is deeply interested in the efficiency of your own department. I hope you realize that whatever you would have your department become, you must set the example by your own actions. Let me urge that you leave here today filled with a determination that what you have learned in the FBI National Academy will become the starting place for your own ideas. For it is only through each of you men, individually, that law enforcement in your country can develop and progress.

If you do this, I assure you that your example will bring about the affection, esteem, and reverence toward government that Hamilton claimed.

A long time ago it was said that there are four things that never come back: the spoken word, the sped arrow, the past life, and the neglected opportunity. The success your department enjoys in the future will, in many cases, be directly attributed to the efforts you put forth when you return. Don't neglect the opportunity you now have to make available valuable contributions to your profession. It may never come back.

Godspeed to each of you, as lawmen and proud graduates of the 73d Session of the FBI Academy. I thank you.

The members of the graduating class of the 73d Session of the FBI Academy are:

William N. Baker, Lemhi County Sheriff's Office, Salmon, Idaho.

John D. Barnett, Sr., Rome, Ga., Police Department.

Raymond E. Beary, Maitland, Fla., Police Department.
Robert A. Bermingham, Federal Bureau of Investigation.
John H. Berryman, New York, N.Y., Police Department.
Joseph John Blase, West Hartford, Conn., Police Department.
Herman B. Bopp, Suffolk County Police Department, Hauppauge, N.Y.
William Brierley, Newark, Del., Police Department.
Robert A. Brisentine, Jr., U.S. Army.
Roger Thomas Brown, Eau Claire County, Wis., Sheriff's Office.
Robert W. Carter, Federal Bureau of Investigation.
Herbert Jackson Cash, Ocala, Fla., Police Department.
John A. Chamblee, Jackson, Miss., Police Department.
Manuel Camacho Chavez, Harlingen, Tex., Police Department.
Raymond A. Cook, Michigan State Police.
William J. Costello, Concord, Mass., Police Department.
Eugene L. Crist, Jr., Little Rock, Ark., Police Department.
Daniel J. D'Aquila, Downers Grove, Ill., Police Department.
Glenn E. Davis, Vermont State Police.
Garth C. Dawson, Wayne, Nebr., Police Department.
Charles W. Ellis, U.S. Marine Corps.
Richard Farris, Albuquerque, N. Mex., Police Department.
Nolen W. Freeman, Lexington, Ky., Police Department.
J. W. Golden, Richardson, Tex., Police Department.
Robert Keith Gray, Indiana State Police.
Hubert Gumm, Cincinnati, Ohio, Police Department.
J. Bruce Guthrie, Sacramento, Calif., Police Department.
William P. Hancock, Jr., Maine State Police.
David A. Hansen, Daly City, Calif., Police Department.
Donald M. Hare, Brockport, N.Y., Police Department.
Maurice A. Harr, Galveston, Tex., Police Department.
Robert C. Hasselstrom, Crystal, Minn., Police Department.
James R. Hayes, St. Joseph, Mo., Police Department.
Dale L. Henniger, Benton County Sheriff's Department, Prosser, Wash.
Thomas I. Herlihy, Metropolitan Police Department, Washington, D.C.
Bill G. Hill, Tempe, Ariz., Police Department.
Wendell Hoyt, St. George, Utah, Police Department.
Dan Lowrey Jones, Shelby County Sheriff's Department, Memphis, Tenn.
Jerome H. Kavaney, Appleton, Wis., Police Department.
Walter F. Kay, Bureau of Police, Richmond, Va.
F. Dean Kimmel, Woodbury, N.J., Police Department.
Glenard E. Lanier, White House Police, Washington, D.C.
Lawrence D. Leggett, Hialeah, Fla., Police Department.
Clem V. Lincicum, Tulare, Calif., Police Department.
John W. Litzenberg, Radnor Township Police Department, Wayne, Pa.
Earl J. McClendon, Greenville, Miss., Police Department.
William W. McCutcheon, Bureau of Police, St. Paul, Minn.
Benny D. McDavid, Austin, Tex., Police Department.
Van Haywood McSwain, High Point, N.C., Police Department.
Edward J. Manning, Concord, N.H., Police Department.
Raymond Mass, Shrewsbury, N.J., Police Department.
Melvin K. Meyer, Homewood, Ill., Police Department.

Daryl S. Miller, Jackson, Mich., Police Department.
Emil K. Moen, Bend, Oreg., Police Department.
Alex E. Montenegro M., National Guard of Venezuela, Caracas, Venezuela.
Richard O. Morrison, Claremont, Calif., Police Department.
Jesse Moss, Jr., Galesburg, Ill., Police Department.
Kenneth J. Neely, West Virginia State Police.
Darrel L. Nelson, Sparks, Nev., Police Department.
James R. Newman, Kansas City, Mo., Police Department.
Richard G. Nicks, Ephrata, Wash., Police Department.
John W. Ogorzaly, Buffalo, N.Y., Police Department.
Anthony A. Orticelle, Nassau County Police Department, Mineola, N.Y.
Hugh W. Page, Kentucky State Police.
William J. Pawley, Philadelphia, Pa., Police Department.
Mel J. Personett, Alaska State Police.
Everett E. Price, Georgia Bureau of Investigation.
N. W. Quick, Laurinburg, N.C., Police Department.
Robert D. Quick, New York State Police.
James F. Ravenscraft, Rushville, Ind., Police Department.
Donald F. Reinhart, Greenville, Pa., Police Department.
Donald Mayher Riddle, Mobile, Ala., Police Department.
Louis J. Risacher, Fair Lawn, N.J., Police Department.
Arthur A. Robichaud, Glen Ridge, N.J., Police Department.
Norman O. Schneider, Jr., Kirkwood, Mo., Police Department.
William Shortle, Mayfield, Ohio, Police Department.
Robert W. Smith, Huntsville, Ala., Police Department.
James R. Stover, Tulsa, Okla., Police Department.
Manuel Munar Supnet, National Bureau of Investigation, Department of Justice, Manila, Philippines.
Donald W. Swartz, Columbus, Ohio, Police Department.
Arthur M. Thomas, Compton, Calif., Police Department.
John B. Thompson, Jr., Louisiana State Police.
Stanley M. Topper, University City, Mo., Police Department.
Leo P. Trambukis, Providence, R.I., Police Department.
Donald H. Vendel, Boulder, Colo., Police Department.
Arthur A. Waight, Jr., Borger, Tex., Police Department.
James D. Waldrop, Tennessee Highway Patrol.
Donald E. Walters, El Cajon, Calif., Police Department.
Wilson Weaver, Georgia State Patrol.
Lewis G. Webb, Knoxville, Tenn., Police Department.
Richard P. Wise, Zanesville, Ohio, Police Department.
Alfred Walter Yazzie, Navajo Police Department, Fort Defiance, Ariz.
N. E. Zachary, Memphis, Tenn., Police Department.
Carl E. Zywockinski, Middletown, Conn., Police Department.

SWALLOWED EVIDENCE

A man held on suspicion of passing a forged check disposed of the evidence against him by grabbing the check from the police officer and eating it.

CHARLOTTE CRIMDEL, DATED 3/26/63
BOFI, #63-4296-8 23

NATIONWIDE CRIMESCOPE

Cattle Smugglers Tag Animals Illegally

NORMALLY, CATTLE brought into the United States from other countries are tested for TB and vaccinated. Those passing the test are identified by a tag fastened to one of their ears. This is a lock-type metal tag that supposedly cannot be removed without destroying it, or showing that it has been tampered with.

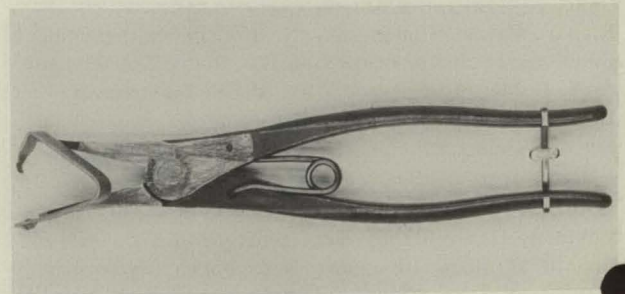
Recently, investigation by the U.S. Department of Agriculture determined that smugglers of Canadian cattle into this country are using a tool similar to a retaining ring spreader, used in automotive repair, in certifying that the smuggled cattle have been tested for TB and are vaccinated.

With this tool, smugglers remove the tag without damaging it and then put it on an animal that has not been inspected or, worse yet, on an animal that has been inspected and found to have active TB. This increases the value of the animal from about \$50 to \$350.

The tool has jaws which, when slightly open,

fit alongside the animal's ear and underneath each side of the tag. When pressure is applied to the handle of the tool, the jaws open farther, unlocking the tag. It can then be removed without injury to the ear of the animal or damage to the tag. The tag is then put to its improper use.

According to Department of Agriculture authorities, it is very difficult to detect improper use of the tags by physical observation.



Tool used to remove inspection tags from cattle.

ALBANY CRIMDEL, DATED 2/27/64, BuFi, # 63-4296-1-

PROTECT RESTRICTED AREA FROM PRYING EYES

A bookmaker in the pursuit of his illegal business in a west coast city took no chances of being followed by police. As a security measure against police surveillance with unmarked cars, he made a pretext visit to the local department. He noted that all police cars were stored in an inner court of the department in an area out of public view but easily accessible to persons on business with the department.

Most interesting to the bookmaker were the signs posted as to which cars should be parked in a particular space. One such designated space was posted for unmarked police cars. The bookmaker noted this and listed for his own use the license numbers of all the cars parked in this area. Fortunately, his scheme was detected.

24 SAN DIEGO CRIMDEL
DATED, 4/6/64
BuFi - # 63-4296-46

SILENT PLEA FOR SYMPATHY IS PART OF MO

A 55-year-old man was recently arrested by authorities in an eastern State on fraudulent check charges. He relied on the sympathy of his victims for his success. In each instance, he wore a brace on his right leg and a built-up shoe and used a cane. Driving an old-model car, he usually approached service station operators, telling them he was selling women's purses for a living and that he had sold one or two to women in a nearby town and wanted to cash the checks as he was low in funds. He exhibited a personal check drawn on a local bank and asked his prospective victim to either cash the check or apply a portion of it on a purchase of gas. The checks were of small denomination, from \$26 to \$40. Invariably, his victims were sympathetic to his approach.

PITTSBURGH CRIMDEL
FBI Law Enforcement Bulletin
DATED 6-4
7/8/63
BuFi # 63-4296-39

Checkpassers Adopt Props to Deceive Victims

PERSONS INVOLVED in a checkpassing scheme in a western State used a most disarming manner in approaching their intended victims. In one case handled by FBI Agents concerning the passing of a large number of checks stolen from a steel company, the persons negotiating the checks were described as "steelworkers."

It was learned through investigation that before entering a business establishment to cash these checks, the subjects would don work clothing and steel helmets of the type worn by construction workers in order to more effectively carry out the deception.

In another case in which a number of checks were stolen from a private nursing home, the thieves purchased immaculate nurse's uniforms which were worn by the women involved in the scheme to pass the stolen checks.

DENVER CRIMDEL, DATED 1/10/64
BoFi, # 63-4296-13

A LETTER DROP FOR POLICE INFORMATION

Frequently, people with valuable information for the police are reluctant to come forward and tell what they know because of fear of reprisal, or they "don't want to become involved."

In order to allay their fears, police in some areas make available a specific post office box for this source of information. Publicity is given to this effect so that anyone wishing to remain anonymous may send information or tips on any type of police matter to the police without "getting involved."

NEW HAVEN CRIMDEL, DATED 1/22/64
BoFi, # 63-4296-32

DOWN THE DRAIN

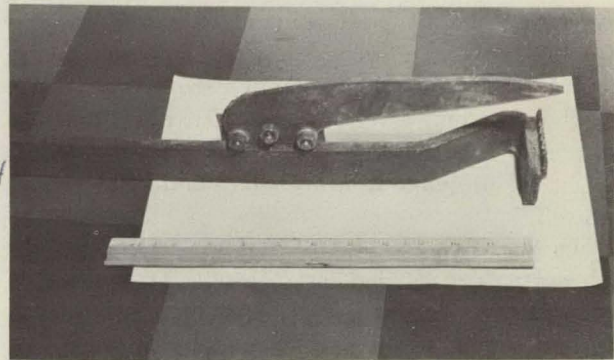
Coin-changing machines at laundromats in a western State are being robbed of their contents by a method making its first appearance in that part of the country. A small rivet located at the top of the coin return is knocked out, and a piano wire inserted to trip the mechanism; all the coins can then be drained by working the handle on the side.

SALT LAKE CITY CRIMDEL,
August 1964
DATED 1/17/64
BoFi, # 63-4296-44

"Can Opener" Burglary Tool Found by Police

BURGLARS RESORT to many methods to gain entry into buildings. A tool similar to an oversized can opener was found on the roof of a building in a suburban shopping center. It had been used to cut an opening in the roof through which the thieves entered the building.

The main bar of the apparatus is made of 2-by-1½-inch steel and is 26 inches in length. The "cutting" bar, bolted to the main pry bar, is extremely sharp, and the end of the pry bar contains teeth which catch on the roof to keep the cutter from slipping when in use.



Tool shaped like can opener used in burglaries.

ALBANY CRIMDEL, DATED 2/29/64
BoFi, # 63-4296-1-537

WOMEN POSE AS HOME BUYERS TO PERPETRATE RACKET

Three women posing as prospective home buyers were actually carrying on a racket of petty larceny. Operating as a team, they would enter a home for sale, and, while the older of the three engaged the homeowner in extended conversation, the two younger women would wander through the house stealing anything they could conceal on their person or in their purses: money, jewelry, bankbooks, credit cards, and personal items.

One witness whose home was victimized obtained the license number of the car used by the women and reported it to police. They were apprehended, placed in a lineup, and identified by the victimized homeowners. All were charged with petty larceny.

TAMPA CRIMDEL, DATED 11/19/63
25
BoFi, # 63-4296-64,

NEW CONCEPTS

(Continued from page 18)

stop sign uncovered moonshine whisky, narcotics, or some other contraband, often totally unrelated to the minor traffic offense for which he was stopped. Searches of this kind are now being thrown out of court.

The rule allowing search of a vehicle incidental to arrest for a minor traffic offense has now been changed by California,²⁴ Illinois,²⁵ Michigan,²⁶ and other States. The officer now must limit his search to one for weapons within the control of the driver, and he can make that search only when he makes a full custody arrest, not when his action is limited to the issuance of a summons. He can search the vehicle for the instrumentalities, fruits, and contraband of crime only when the offense is one logically involving such things, which is not true of running through a stop sign.

The Supreme Court of the United States apparently subscribes to this same view, as indicated by language in a decision handed down last March.²⁷

Another rule long followed by law enforcement officers was discarded last March. It is a standard rule that a search of a vehicle, made incidental to arrest therein, must be made at the time and place of the arrest. As a matter of practice, however, officers often have arrested the driver, taken him to the station, had the car towed in, and then searched the car shortly afterward at the police station or the garage. Such searches have been considered reasonably contemporaneous with the arrest and thus within the rule. These searches no longer will be permitted.

The Supreme Court ruled unanimously on March 23, 1964, that a search so made is unreasonable.²⁸ From now on the search must be made at the time of arrest and at the place of arrest. If the car is first towed in, it can then be searched only upon some other authority, such as a search warrant. Whether this rule applies to a stolen vehicle, to which the thief has no possessory rights and to which he has never been considered as having a right to complain of unreasonable searches, is a point on which the court did not speak.

²⁴ *People v. Blodgett*, 293 P 2d 57 (1956).

²⁵ *People v. Mayo*, 166 NE 2d 440 (1960).

²⁶ *People v. Gonzales*, 97 NW 2d 16 (1959).

²⁷ *Preston v. U.S.*, decided Mar. 23, 1964.

²⁸ *Preston v. U.S.*, supra.

Thus ends our typical State criminal case. New concepts in the criminal law, enforced upon the States for the first time during the last quarter century, are now critical to a conviction at all stages of police work from arrest, through search and seizure, criminal interrogation, and investigation to the official reporting of the crime to the prosecutor. The Federal law, which meant so little to the State officer of 25 years ago, exerts a strong influence on the action of that officer today. If he is to enforce the law effectively, the State officer of today and tomorrow must know and follow the Federal law in several important areas.

If you have not yet seen these new concepts in the criminal law at work in the trial of your own cases, do not make the mistake of assuming that you will be exempt from their influence. There is a timelag between the announcement of a new rule by high court decision or statute and the widespread application of that rule in all criminal trials. Fourteen years elapsed from the announcement of the McNabb Rule²⁹ by the Supreme Court in 1943 and the clarification and full enforcement of that rule by the Federal courts following the *Mallory* decision³⁰ in 1957.

Similar Delays

There will be similar delays—but not so long, I think—between the announcement of these new concepts in probable cause for arrest, reasonable search and seizure, and due process in criminal interrogation, and the application of those concepts in all State courts. But the movement toward the universal application of them already is well underway. As a Federal judge in New York City said last December, in setting aside a State conviction based on a confession obtained by methods considered inherently coercive:

"The list of Federal intrusion and reversal of New York State criminal convictions is growing larger daily. New York should view as a matter of concern the fact, whether it disagrees with the rulings of the Federal appellate courts or not, that increasing setbacks in upholding New York convictions are being met too frequently in the Federal habeas corpus review . . . in certain Federal districts the judges are beleaguered to a point close to dismay by the on-

²⁹ 318 U.S. 332 (1943).

³⁰ 354 U.S. 449 (1957).

rush of Federal habeas corpus petitions from State prisoners stimulated by the new concepts."³¹

Two Courses of Action

The new concepts in the criminal law and the trend toward their universal application in all courts allow law enforcement a choice between two courses of action. The first of these is to inaugurate a program of teaching the criminal law on arrest, search and seizure, and other necessary phases to all officers in the department. This is the professional approach. It is the approach which Director J. Edgar Hoover of the FBI has long urged and practiced. It is the approach which we expect of the doctor and the mechanic, of the butcher, the baker, and the candlestick maker, of every other person who serves our own needs, both personal and official.

You know that the medical knowledge of 1964 is infinitely more complicated than that of 1940, but you expect your doctor to be familiar with it. You know that your automobile is more complicated than the Model A Ford, but you expect your mechanic to know how to fix it. Is it not only fair that the courts and the public should expect the same of us? Has law enforcement any right to be exempted from that process of constant procedural refinement aimed at the development of a better product and a better service?

The view of the police department in at least one major city in the United States, located in an eastern State, is revealed in its decision to take the professional course of action. Early this year that city, concerned with what another judge described in a Federal case as "the complex and intricate questions which arise in law enforcement . . . the problems that law enforcement officers have in bringing [criminals] to the bar of justice [and] the lack of legal training and education of the law enforcement officers,"³² inaugurated a comprehensive training program in the criminal law. Twice a week, for 4 hours each session, the top officers of the department will take a course in all principal phases of the criminal law. The plan is to extend the course, rank after rank, to all officers on the force. It is a reasonable prediction that once this course has been given

³¹ Judge Foley, in *U.S. v. LaVallee*, 224 F. Supp. 661 (1963).

³² Chief Judge Gourley, *U.S. v. Grosso*, supra.

to the majority of officers in that department, a larger percentage of their arrests will be based on probable cause, more of their searches and seizures will be declared reasonable, and fewer of the confessions which they take will violate the rules of due process in criminal interrogation. Their action is consistent with the advice of the chief judge of a United States circuit court of appeals when he said late last year in an article published in the *American Bar Association Journal* that:

"Police officers must be better instructed about their duties and powers to investigate and about the individual rights which they must respect. They must know when they may question, when they may detain, when they may arrest, when they must arraign, under what circumstances statements and confessions may be obtained, how searches may be made legally; and, generally, what means of obtaining evidence are proper."³³

"Do Nothing" Course

The second choice open to law enforcement is to do nothing. To take this course will require less effort and stronger nerves. The officer and his department must accustom themselves to seeing more and more cases lost in the trial courts, and more convictions reversed in the appellate courts, State as well as Federal, for all of the courts will increasingly enforce these new concepts in the criminal law. Faced with a growing volume of reversals, the top administrators of the department must more than ever concern themselves with what one Federal judge recently described as "the demoralization and discouragement of law enforcement officers in the performance of their duties."³⁴

An officer so unfamiliar with the law that he cannot understand its requirements will lose heart; he will quit trying. Moreover, the officer untrained in the law, and thus presumably more likely to make an illegal arrest or search and seizure which violates the constitutional rights of the person arrested, must steel himself to a greater hazard of civil suit for damages, for it is now the law that a State officer who violates the constitutional or civil rights of the person against

³³ J. Edward Lumbard, Chief Judge, U.S. Circuit Court of Appeals, Second Circuit, New York; article in *American Bar Association Journal*, September 1963.

³⁴ Judge Foley, *U.S. v. LaVallee*, supra.

whom his action is directed can be sued personally for damages in the Federal courts, regardless of any right which the victim may have to sue in the State courts.³⁵

The officer of 1939 who found that he had arrested the wrong man (or even the right man but without probable cause) knew that he might be sued for false arrest in the State court. The officer of 1964 must know that he can be sued for false arrest in the State court or for violation of constitutional rights in the Federal courts. The officer's knowledge of the law of arrest is now far more critical than in 1939.

Pros and Cons

There may be some who will say in justification of the "do nothing" course of action that the courts have made a mistake in announcing and enforcing these new concepts in the criminal law. This criticism already has been made, both from within law enforcement and from without. Four years ago a Federal district judge said that "if the Supreme Court continues to expand the concept of due process of law as applied to State criminal proceedings, the consequences may be serious."³⁶ Others have defended these new concepts.

An instructor of police in a large midwestern city said that recent court decisions have *improved* police investigations. He said the officers now spend more time and effort in the investigation of the crime *before* arrest and make less use of mass roundups and slow elimination of suspects through lineups. Final judgment on these views must be left to the future, and I would not presume to the omniscience required to make it now. I do submit, however, that, as of this moment, the verdict of 2,000 years of the history of western civilization is that the courts are right. The exclusionary rule, and each of the other new concepts with which we are now so concerned, is nothing more than the continuation of a history of refinement in the processes of criminal justice which began at least 2,000 years ago.

It is recorded in the Book of Acts (ch. 22) that when officers of the Roman Empire prepared to question the Apostle Paul concerning a riot with which he was believed connected, and brought out the cat-o'-nine-tails as an instrument for

speeding up the interrogation, Paul revealed to the officers that he was a citizen of Rome and, more than that, one of those classes of citizens which the Roman law prohibited the officers from whipping during the course of criminal interrogation. By successive stages and over successive centuries, our political ancestors gradually broadened the rights of the accused and laid increasing restrictions on the conduct of law enforcement officers. The accused was given a right to a speedy and public trial, rather than be forced to rot out his body and his years in a dungeon. He was given a right against double jeopardy rather than be required to stand trial again and again for the same offense until his mind, body, and purse were exhausted. He was given a right to have counsel to speak in his defense, a right to reasonable bail, and a right to be free from cruel and unusual punishments, and many other rights which we now take for granted.

The Result

We have abolished the rack and the screw to make men talk, and the wheel on which men's limbs were broken in punishment. Each of these developments, and many more, was in its day a refinement in the processes of justice, just as the exclusionary rule and each of the other new concepts in the criminal law of today are further refinements. Each of them in its time was thought to be, no doubt, a radical departure and an onerous restriction on law enforcement. But what is the result to this hour of this constant refinement in the processes of criminal justice? The result is that each of us, you and I, your wife and my wife, your children and my children, and every other person in this Nation, eats, sleeps, works, plays, and has his being with a greater measure of human dignity than ever was enjoyed by the race of man in all the ages which have preceded us.

Are we now, in the full enjoyment of these rights and privileges, to take the position that every refinement in the processes of criminal justice over the past 2,000 years was right—that it was right to abolish the whip, the rack, and the screw, the rotting in the dungeon without trial, and all the other evils of the criminal law of centuries past, but that from this present moment forward each new refinement of the process is a mistake? Can we legally, logically, or morally take this position? I doubt it.

³⁵ *Monroe v. Pape*, 365 U.S. 167 (1961).

³⁶ Judge Charles Edward Wyzanski, Jr., U.S. District Court, Boston, Mass.; opinion in *Geagan v. Gavin*, 181 F. Supp. 466 (1960).

The future will have an answer, but I cannot read the future. The verdict of 2,000 years of history, which I can read today with my own eyes, calls for obedience to the mandates of the courts, acceptance of new refinements in the processes of justice, and more police training in the criminal law, so that we may understand the rules laid down by the courts, comply with them to the best of our ability, and give them a fair trial.

METRO SQUAD

(Continued from page 6)

administrative control. First consideration was to choose an officer in charge, and it was decided this would be the chief or sheriff having jurisdiction of the area where the crime occurred. If he were disinclined to act in this capacity, Lt. Elza Hatfield, who is in charge of the Major Case Squad of the Kansas City, Mo., Police Department, would be automatically designated. The position would be an overall supervisory post with general administrative duties covering the operations of the unit. Assisting the officer in charge would be staff officers appointed by the directors. The responsibilities of each were clearly defined in the manual, and care was taken to make them inclusive without being cumbersome. The staff officers are as follows: Personnel officer, investigative supervisor, equipment officer, report officer, evidence officer, and press officer. However, the officer in charge of the

investigation may appoint such supervisory personnel as he deems necessary for the proper handling of an investigation.

The personnel officer has a complete record of each member on the squad regarding his experience and training, with any specialized capabilities listed. The personnel officer will be responsible to call out the desired officers for a given case upon request of the officer in charge.

It has been established that the agency with primary jurisdiction requesting the Metro Squad for an investigation is to make available all of its members registered with the Metro Squad. Kansas City, Mo., will provide 25 percent of the personnel initially required to work with the squad in other jurisdictions. As an example, if 40 officers are required, the Kansas City, Mo., Police Department will assign 10 of its 22 officers registered with the Metro Squad to the investigation. All 22 men will be assigned to a Metro Squad investigation on any Kansas City, Mo., case. The other agencies will contribute proportionately.

Investigative Supervisor

The investigative supervisor will serve as chief assistant to the officer in charge of the case by taking direct charge of the crime scene and all followup investigation. The bulk of the personnel will be assigned to the investigative supervisor, who will assign assistants to be in charge of various facets of investigation, depending upon the nature of the case.

The equipment officer will be responsible for the condition and availability of all property and equipment which may be used. He will work closely with the agency with primary jurisdiction for necessary equipment and supplies, but he shall have prepared beforehand and maintain a list of equipment needed for various investigative activities and where it may be located.

The report officer will be responsible for receiving, editing, indexing, filing, summarizing, and reviewing all case reports and for supervising assigned clerical employees. A special reporting form has been printed for the use of this squad in order to maintain uniformity. Upon termination of the squad's participation in an investigation, the report officer will be responsible for the completion of all reporting and, if necessary, a prosecutive summary report.

The evidence officer will be responsible for examining the crime scene, for protecting the chain



(Left to right) Howard L. Docker, Special Agent of Kansas Bureau of Investigation, and Harold Thomas Kanatzer, Identification Officer of Kansas City, Kans., Police Department, review evidence found at the scene of the crime in a practical problem.

of evidence, and for the proper handling and preservation of evidence from the crime scene through the various administrative procedures to the laboratory and its return until final use in trial.

The press officer will handle all phases of news coverage, as directed by the officer in charge, and serve as liaison officer with the press. All inquiries from the press will be directed by members of the Metro Squad to the press officer.

FBI Cooperation

In addition to FBI participation in providing instructors for the Metro Squad School, the Kansas City, Mo., FBI Office extends its cooperation, consisting of a liaison officer, who is available upon activation of the Metro Squad, to assist if called upon in securing services of the FBI Laboratory and Identification Division, as well as providing any useful information from FBI files. This liaison officer of course does not participate in the investigation of the local crime, since this is out of the sphere of his authority.

The Requesting Agency

It should be emphasized that the requesting agency will be in full charge of any investigation arising in its jurisdiction. The requesting agency will be

responsible for providing adequate headquarters for the squad during the period they are investigating the case. In preparation for this, the various localities within the metropolitan area have been requested to establish, on a standby basis, a suitable location for the Metro Squad. As an example, one locality has made arrangements with its city administration to utilize a portion of the city hall, which is ordinarily unavailable to the police department. Telephones have been installed in this space so they will be immediately available when the squad is called into action. The squad, wherever possible, should be able to function separately from the local agency's operation but be so situated that the communications of the department may be utilized. Other similar arrangements have been made in most localities.

The "Mother City" Role

As a part of the area squad, our department feels it owes a debt of assistance to the nearby cities. Many of the criminals committing crimes in outlying areas are from Kansas City. We have facilities not available to the smaller departments; and, as the so-called "mother city" of this cluster of municipalities, we must take cognizance of our position as the largest. Many of the workers in



Metro Squad assembled in front of Kansas City, Mo., Police Academy during training school.

Kansas City live in the neighboring hamlets, and even though their allegiance may be divided, we feel we owe them a particular duty of assistance. In our municipal area there are a number of small departments which, while they have competent officers and are willing to do their utmost in any emergency, because of limited manpower, are unable to afford the immediate saturation type of investigation needed today to successfully investigate a major crime. We therefore heartily subscribe to any system which tends to completely utilize experience, techniques, and implements in the retardation of the ever-increasing rate of crime.

Worth of Unit

In assessing the worth of this investigative unit, it can be safely stated that the predominant factor appears to be the enthusiasm of everyone concerned. Members worked tirelessly during the entire investigation of the murder, apparently with no thought of asking for relief. A complete subjugation to the administration of the squad was faithfully followed, and, with only relatively few exceptions, all the procedures outlined in the manual were adhered to religiously. A considerable part of the enthusiasm was due to the esprit de corps generated by the pride the men had in their designation as participants in this new cooperative investigative venture. Each felt a personal responsibility to do his part toward making this a successful enterprise. All members went the extra mile in following assignments and then volunteered for extra assignments. A remarkable transition occurred, bringing these men from widely scattered departments into a cohesive, productive whole.

Additional training will be given the men from time to time. This is not only to train them, but also for the purpose of keeping up their enthusiasm for squad participation. At this time training has been scheduled in Interrogation, and Mr. Fred Inbau, professor of law, Northwestern University, will lecture on this subject in Kansas City. Fire-arms training will be conducted by the Kansas City Office of the FBI, and coupled with this will be a steak fry, in order to further stimulate a friendly atmosphere among the men.

A part of the function of the directors and staff officers is the planning for the future operation of the Metro Squad. Currently being studied is the feasibility of a mobile command post with telephone and radio communications and other

necessary equipment. Also under study is the possibility of having radio cars and mobile radio equipment on one frequency. However, since the area departments now operate on separate frequencies, this would be a costly project. Communications officers are working on a feasible plan to improve the communication arrangements for the squad.

In the truest sense of the word, this is cooperation as a reality. The idea has been universally well accepted by the citizens, and comments by the news media have been most commendatory. It has been said that not only is this a method for the successful solution of some of our more puzzling crimes, but also acts as a strong deterrent to the commission of crime. Perhaps the squad will not always be successful. We do feel, however, that the Kansas City metropolitan area is now equipped to investigate, in a new and modern way, crimes committed by today's criminal, whose activities transcend practically all physical barriers and who, up to this time, may have chosen to commit his crime in secluded areas in order to escape investigatory attention. We feel his sanctuary has been destroyed.

DECOY LOVERS TRAP GANG OF HOODLUMS

Two detectives of the Puerto Rican police acted as decoys in the capture of a gang of youths suspected of a number of armed robberies and rapes committed in a lovers' lane rendezvous on the island.

The two detectives—a husband-and-wife team—acted as lovers in a lonely spot and waited in their car. Crouched in the back seat of the car were two other detectives.

About 9 p.m. figures suddenly emerged from the darkness and surrounded the car. One man placed a knife at the chest of the husband while a second placed a knife at the throat of the wife. Both detectives struggled with their assailants and were immediately joined by the two men in the back of the car. As the original attacker was overcome, the others fled. A second was not fast enough and was also captured. Information given by these two resulted in the arrest of five other gang members. All have been identified and charged with rape and robbery in connection with previous offenses.

WANTED BY THE FBI

ALFRED SMITH FRANCIS, also known as "Bo."

Bond Default—Bail Jumper

ALFRED SMITH FRANCIS, a 41-year-old fugitive, is currently the object of a nationwide FBI man-hunt. On August 16, 1957, after failing to appear for sentencing, Francis was indicted by a Federal grand jury as a bail jumper.

The Crime

Francis had been indicted by a Federal grand jury at Denver, Colo., on August 31, 1955, for the unlawful possession of marihuana. The fugitive was convicted and released on bond, but failed to surrender to the U.S. Marshal for sentencing.

The Criminal

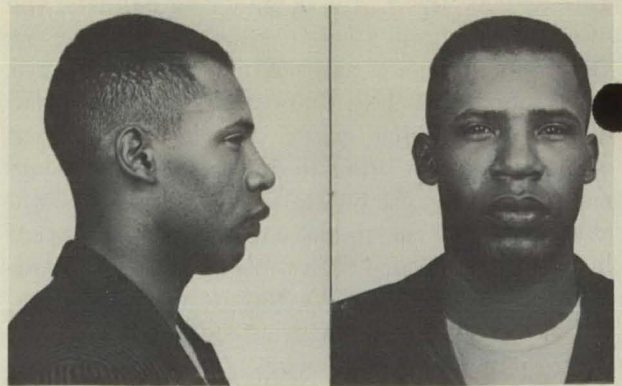
Previously convicted for violation of the Marihuana Tax Act, Francis is reported to be a narcotics addict. His employment has included hod carrier, laborer, waiter, butler, munitions handler, mechanic, and porter. Identifying marks include a 1½-inch horizontal scar at the right corner of his mouth and a pitted scar on his face. Francis is allegedly a recluse.

Caution

Francis has been arrested for carrying a concealed weapon and should be considered armed and dangerous.

Description

Age----- 41, born December 5, 1922, Paris, Tex.
 Height----- 5 feet 9 inches to 5 feet 11½ inches.
 Weight----- 160 to 175 pounds.
 Build----- Medium.
 Hair----- Black.
 Eyes----- Dark brown.
 Complexion----- Medium.
 Race----- Negro.
 Nationality----- American.



Alfred Smith Francis.

Occupations----- Hod carrier, laborer, waiter, butler, munitions handler, mechanic, porter.
 Scars and marks----- 1½-inch horizontal scar at right side of mouth, pitted scar on face.
 Remarks----- Reportedly a narcotics addict.
 FBI No----- 60, 191 A
 Fingerprint classification ----- 18 0 31 W MOO
 I 24 W OII 17

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to immediately notify 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 telephone directories.

"YOUTH AND THE LAW"

The Canadian Corrections Association hopes to ward off crime among young offenders by teaching 13- and 14-year-olds what the law is, how it works, and why it is important to respect it.

The association expects to do this by introducing in the schools, at the 9th-grade level, a 100-page textbook entitled "Youth and the Law." It is planned not only for adolescents' classroom perusal, but also for instruction and seminars on the administration of justice. This could mean the participation of juvenile court judges, magistrates, policemen, and others, and perhaps include student trips to courts and police stations.

LEGAT, OTTAWA, CRIMDEL
 FBI Law Enforcement Bulletin

DATED 12/17/63.
 BUFI #03-4290-743

FOR CHANGE OF ADDRESS

Complete this form and return to:

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Hood Under Hood

MANY METHODS OF ESCAPE from penal institutions have been attempted, but one attempt made recently in a southern prison challenges all others in daring and ingenuity.

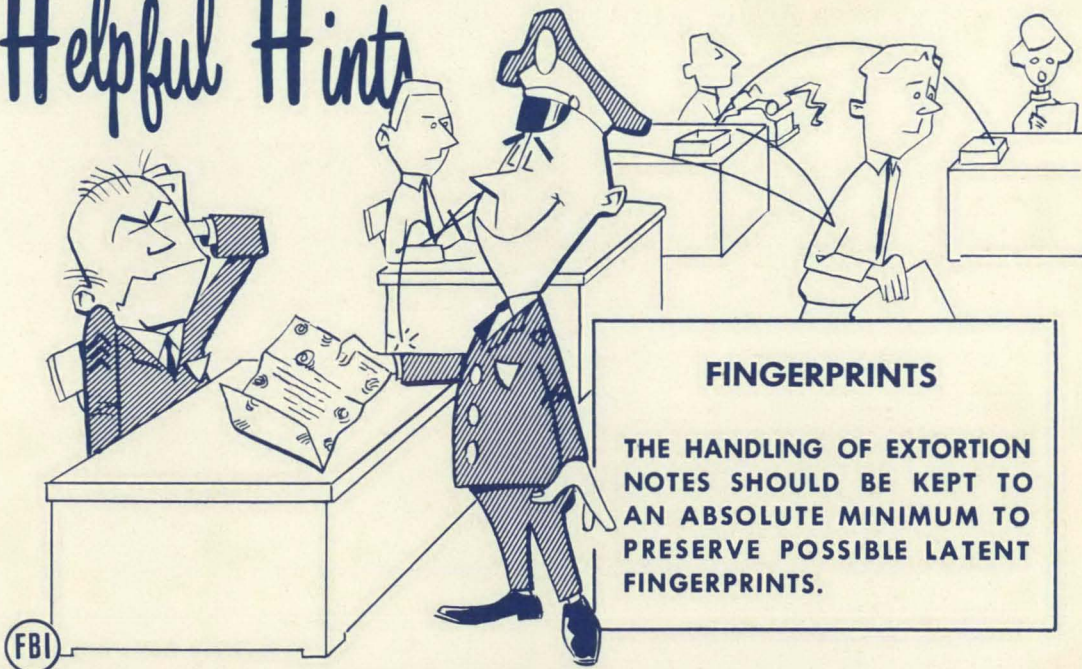
One of the inmates stretched himself across the engine of an automobile he knew was to leave the prison yard and closed the hood from the inside.

His scheme was discovered when alert guards checked under the hood prior to permitting the automobile to leave the prison gates.

The warden of the prison commented that he had known of prisoners trying to hide inside a car or in the trunk, but this was the first time he had heard of one hiding under the hood.

AVANNAH CRIMDEL DATED 12/12/63.
BUFI #63-4296-49-566.

Helpful Hints



UNITED STATES DEPARTMENT OF JUSTICE
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RETURN AFTER 5 DAYS

QUESTIONABLE PATTERN



Initial examination of this pattern reveals it has some of the requirements of a loop. However, it is noted that the inner looping ridge changes direction very abruptly and does not pass in front of the left delta formation. It, therefore, lacks the necessary sufficient recurve. This pattern is classified as a tented arch and referenced to a loop.