

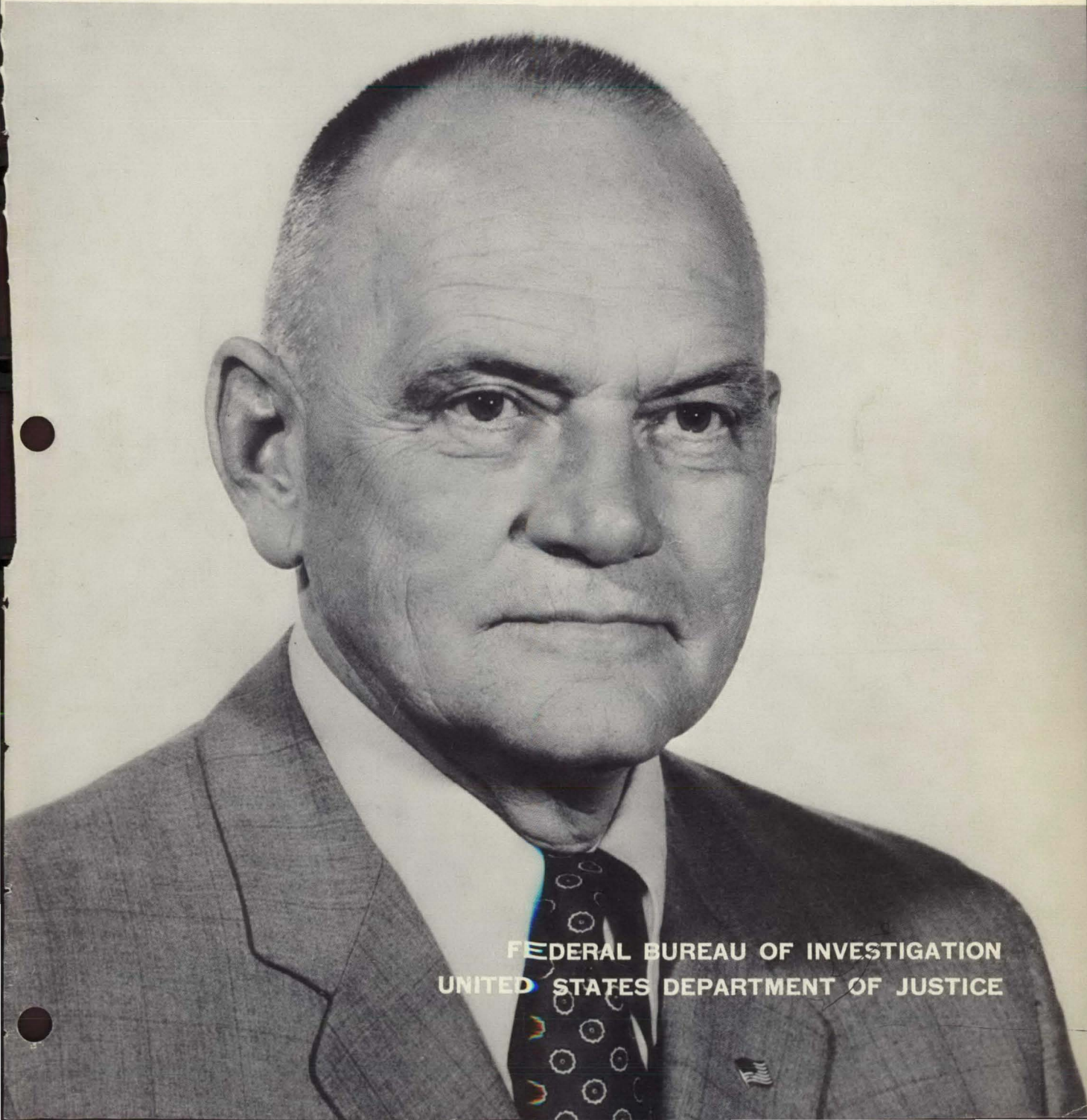
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JULY 1972



# FBI

## LAW ENFORCEMENT BULLETIN

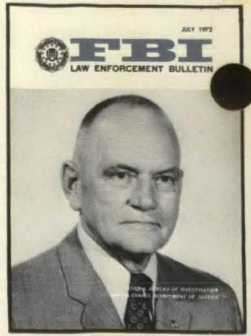


FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE



JULY 1972

VOL. 41 NO. 7



THE COVER—Hon. L. Patrick Gray, III, Acting Director of the FBI. See page 16.

# FBI

LAW ENFORCEMENT BULLETIN

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# MESSAGE FROM THE ACTING DIRECTOR . . .

... To All Law Enforcement Officials

THE RECENT OPENING of the new FBI Academy gives me an opportunity to express some of my views to Bulletin readers for the first time. A comprehensive law enforcement training center, the Academy grew from recognition of the fact that the profession has entered a new era. With this awareness, I heartily agree.

While I am mindful of the significant accomplishments of FBI and other law enforcement training programs over the years, the times are ripe for a searching examination into new methods and techniques that will better prepare the officer to fulfill his responsibilities today and in the future. His is a distinctive role which requires quick, perceptive judgments in the thick of human conflict and in the glare of public scrutiny.

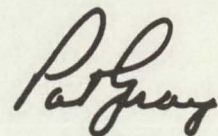
As a lawyer and former naval officer, with executive experience in the field of education and in the Administration of Justice System, I have learned the value of thorough training. Without it, no profession—most of all one with such exacting and perilous responsibilities as law enforcement—can hope to command through its performance the stature that distinguishes it from an occupation. It is training that encourages potential to become ability, knowledge to become understanding, duty to become expertise, and ambition to become accomplishment in law enforcement personnel. Neither the profession nor

the public which looks to it for protection can afford anything less than these highest levels of attainment.

Although considerable gains have been made in recent years toward restoring respect for the law and those obligated to enforce it, there is no room for complacency. Murders of law enforcement officers at the hands of desperate criminals are all too frequent, inadequate investigations are too often the cause of unpunished offenders, some serious crimes are committed with disturbingly small risk of apprehension to those responsible, constitutional rights are always threatened by well-meaning but misdirected law enforcement zeal, and sizable segments of the public continue to be distrustful of law enforcement.

Training, of course, is not the complete answer to these conflicts with law enforcement performance. It would be hard to form a persuasive argument, however, that the quality of training does not have a direct—perhaps even a dominant—bearing on these problems.

The new FBI Academy is designed and staffed to provide an enriching educational experience for the law enforcement officer. I eagerly embrace my responsibility to insure that the Academy is responsive to both the expectations and the challenges a changing society has thrust on law enforcement performance.



L. PATRICK GRAY, III  
Acting Director

JULY 1, 1972



# The New FBI Academy:

## A University for Law Enforcement

*"The compelling variety of circumstances which confront the law enforcement officer today in the performance of his duty demands from him a fullness of knowledge and expertise characteristic of the most exacting professions."*

**T**hirty-seven years ago this month, the FBI made a decisive commitment in the professionalization of law enforcement. Acting on the recommendation of the Attorney General's National Crime Conference which met months earlier in Washington, D.C., the FBI established a permanent scientific educational center in the Nation's Capital to provide national leadership for law enforcement training in crime detection and criminal law administration.

### Challenging Era

Known as the Police Training School of the Federal Bureau of Investigation, which later became the re-

nowned FBI National Academy, this educational program for law enforcement officers was born in a time of great need. Fired by the exploits of reckless outlaws—many of whom, unfortunately, were revered as folk heroes by some segments of the public—daring lawlessness had become commonplace throughout the country. Partly because of inadequate laws, increased criminal mobility, jurisdictional barriers in the law enforcement network, and deep-rooted corruption within the administration of justice process, the time-honored American rule of law was all too frequently thwarted. Legitimate law enforcement authority under those conditions was challenged with impunity.

At the heart of this crime problem, however, was a prevalent ineptness which hobbled many law enforcement command and duty personnel in their ability to cope with the flagrant criminality ranging the country [in 1930's]. Inadequate training, equipment, and leadership, in many instances, prevented an effective nationwide law enforcement effort to stem pervasive lawlessness. The FBI's National Academy and its other police training programs sought to fill this void.

The overwhelming public anxiety over the conditions of that era and hopes for the future were mirrored in the headline carried in the July 5, 1935, issue of the Washington Evening Star: "Crime College Opens July 29, Hoover<sup>1</sup> to Direct Courses for Picked Men in Ranks of Law."

### Accomplishments

In time the desperadoes of the 1930's were quelled, and the FBI National Academy training mission has left an indelible stamp of quality U.S. law enforcement procedures and techniques. Considered by many to be the summit of law enforcement training, the FBI National Academy has, over the intervening years, compiled an impressive record in developing professional executives, administrators, and instructors among the Nation's peace officers. It has also spurred similar law enforcement development in far-flung nations throughout the world.

With the graduation of the 89th Session of the FBI National Academy on June 7, 1972, the total number of graduates rose to 6,134, of whom 221 are from friendly foreign countries. Of the nearly 3,300 Academy-trained officers still active in law enforcement, about 28 percent now hold top executive positions in their respective agencies. Equally important, this

<sup>1</sup> The late FBI Director, J. Edgar Hoover.



training, supplemented by the regular programs conducted by the Academy's alumni, the FBI National Academy Associates, has helped bring to realization law enforcement's greatest single asset: professional pride. This pride is based on expert knowledge and cooperation growing from mutual respect among the myriad levels that historically constitute the complex law enforcement structure of the United States. The effort to strengthen local, State, and other Federal law enforcement agencies through improved training and administration has fortunately stayed many well-meaning but misguided proposals over the years to establish the equivalent of a national police force in the United States.

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*"The effort to strengthen local, State, and other Federal law enforcement agencies through improved training and administration has fortunately stayed many well-meaning but misguided proposals over the years to establish the equivalent of a national police force in the United States."*

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### **New Chapter**

Last month the FBI began a new and exciting chapter in its training programs for law enforcement officers. Nestled in a 79-acre tract of rolling, wooded Virginia countryside within the Quantico Marine Corps Base stands a new, modern FBI Academy. Within this campus complex exclusively devoted to law enforcement

training, the 90th Session of the FBI National Academy convened on June 26, 1972. In this restful setting, convenient to Washington, D.C., but scenically removed from the clash of events that daily form their response in the fulfillment of their law enforcement duties, the 200-member National Academy class began the most intensive and complete training program that instructional experience and modern technology permit.

Architecturally reflective of its varied role, the new FBI Academy is equipped to accommodate a number of law enforcement training programs—from basic police skills to the most sophisticated applications of advanced technology and innovative concepts in criminology. In addition to permitting 2,000 select officers—a tenfold increase over the previous number—to annually attend the 12-week FBI National Academy sessions, the curriculum and facilities enable another 1,000 officers to yearly receive specialized courses of shorter duration. The Academy also provides for the initial training of FBI Agent personnel as well as the specialized inservice training they periodically receive throughout their careers. Complementing its training role, the Academy will be the setting for top-level conferences and seminars related to law enforcement problems.

With the new Academy, construction of which began in June 1969, the FBI has renewed its pledge to enhance the professional competence of law enforcement by giving national leadership to intensified training programs.



Pictured on May 8, 1969, at the formal dedication of the "J. Edgar Hoover Road," leading to the FBI Academy entrance, are (left to right) the late Mr. Hoover; Gen. Leonard F. Chapman, Jr., (Retired), then Commandant, U.S. Marine Corps; and Lt. Gen. Louis J. Fields, former Commanding General, Marine Corps Development and Education Command, Quantico.





Former Assistant Director Joseph J. Casper (right), Training Division, places document box under the FBI Academy cornerstone while (left to right) Supervisor of Business and Finance James Brian Hyland looks on and Special Agent in Charge of the Academy William M. Mooney assists.

Like its predecessor for nearly four decades, the new FBI Academy is a dramatic commitment to the law enforcement profession. It rose in response to conditions which have drastically altered the demands that bear on the performance of law enforcement's vital role in the Nation's progress. Accelerated social change, criminality, technology, learning processes, and new perspectives in the laws that govern law enforcement duties—

*“ . . . the new FBI Academy . . . rose in response to conditions which have drastically altered the demands that bear on the performance of law enforcement's vital role in the Nation's progress.”*

all noticeably emerged in the 1960's. They have combined to challenge long-held concepts in the entire administration of justice process. It was evident that expanded training in an articulate range of courses for law enforcement officers was imperative in order for them to keep abreast of rapid developments of this space-age era.

### Courses

The curriculum at the FBI Academy has evolved from five disciplines considered necessary to the modern-day training of law enforcement personnel. These disciplines have been organized at the Academy into instructional departments under a Special Agent in Charge—Dean of Academic Affairs:

- The Department of Management Science offers a course in Management for Law Enforcement to enhance all areas of police administration. Principles of successful management concepts and theories are identified, defined, and applied to law enforcement. Proven management practices utilized in industry and business are examined and evaluated as to how they may assist the overall performance of a law enforcement agency. Practical problems and exercises are used to re-create law enforcement management situations that may be improved by adopting new insights and techniques.
- The Department of Law conducts a course in The Criminal Law which explores the major institutions and processes in the criminal justice system that influence, define, guide, and restrict law enforcement's responsibilities. There is a comprehensive study of the Constitution and the Bill of Rights to develop a complete awareness of



the historical framework in which the Rule of Law was developed in a democracy. This is followed by a detailed examination of the laws governing investigative techniques, including arrest, search and seizure, confessions, evidence and theories of proof, electronic surveillance, eyewitness identification, entrapment, civil liability, and the system of juvenile justice. The materials of this course emphasize decisions of the courts affecting law enforcement performance, and these are supplemented with additional background texts prepared by a teaching staff eminently qualified in all aspects of the law.

- The Department of Behavioral Science examines, through a course entitled Socio-Psychological Aspects of Community Behavior, a variety of disciplined

approaches to the understanding of individual and intergroup relationships, characteristic of different communities, which often determine the nature of law enforcement's response in fulfillment of its duties. Basic tenets of sociology, psychology, criminology, and political science are imaginatively applied to allay many problems of police-community relations and those posed by crime.

- The Department of Forensic Science, in its course Forensic Science in Law Enforcement, endeavors to provide an enriching education in the forensic science field which will enable law enforcement officers to understand and utilize advanced scientific principles in the examination and preservation of evidence and be able to enhance their participation in subsequent judicial

proceedings. The course provides students with the requisite background to permit maximum application of forensic science in the solution of crime.

- The Department of Education and Communication Arts reviews, in the course, Education and Training in Law Enforcement, the essential principles and techniques of teaching and training. The role and function of the law enforcement educator beyond the role of instructor are examined analytically as are the services available to management from the training unit in the development of human resources, internal and external to the organization.

The curriculum, moreover, will not be static but is designed to creatively adapt to meet changing demands upon law enforcement training require-

A view of one of the Academy dormitory buildings with the Learning Resource Center in the background.





ments as they develop.

Completing the Academic Affairs Section of the Academy is the Learning Resource Center consisting, in part, of a library of 25,000 volumes of highly specialized and selective law enforcement and related literature. Programed to fulfill most student, faculty, and staff research needs, the library features an automated records system and the capability of microfilm and microfiche (smaller film image than microfilm) reproduction of certain study material. Among the innovative technology adapted for the Learning Resource Center are audio and visual recordings of lectures given in the courses available at the Academy. At electronically equipped study carrels in the Center, students and faculty alike can visually and auditorily monitor class lectures for review, critique, and makeup purposes.

### **Accreditation**

Broadening a practice established years ago by many institutions of learning at the college and university levels, which grant credit to individual courses offered by the FBI National Academy program, the FBI and the University of Virginia have agreed to an affiliation. This program will result in the granting of approximately 15 credit hours for work in five educational subjects for each police officer who satisfactorily completes the academic courses of the National Academy program. Spurred on by their educational achievements at the Academy, many officers will be encouraged to pursue academic degrees when they return home.

In accordance with its preeminent standards for law enforcement training and education, the FBI instructional staff assigned to the Academy possesses the academic credentials required by regional accreditation associations, and it operates within the guidelines, rules, and regulations gen-

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*“ . . . the FBI and the University of Virginia have agreed to an affiliation . . . [which] . . . will result in the granting of approximately 15 credit hours for work in five educational subjects for each police officer who satisfactorily completes the academic courses of the National Academy program.”*

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erally accepted by institutions of higher learning. The merging of the excellence and special competencies of the FBI and the University of Virginia will truly benefit the attendees of the FBI National Academy program and insure superior instructional attainment throughout all of the Academy's training courses.

### **Varied and Flexible Programs**

An integral part of the student's experience at the new Academy will be a course in Law Enforcement Arts. This course is primarily centered on firearms, defensive tactics, and physical education training, as well as related duties necessary to complete the performance ability of the law enforcement officer. The course also concentrates on developing, by simulated conditions using specially designed and equipped areas, the practical application of his day-to-day vocational and professional skills.

The Academy, in addition to the National Academy programs, is also responsible for specialized law enforcement training and FBI new Agent and inservice training. Operating control of the Academy, its plant management, and maintenance functions are the responsibility of a dean of business and finance. Guidance, however, will be given by an Advisory Committee, national in scope and comprised of prominent leaders from law enforcement, institutions of higher learning, and industry, which will act in a consulting capacity to the Academy in all police training programs. A staff for Institutional Research Devel-

opment and Information Services will perform continuous analyses, surveys, and studies of current and projected police training trends, as well as other internal institutional studies. Both the Advisory Committee and this staff report to the Acting Director through the Assistant Director of the FBI Training Division, as instructed. They will help insure that Academy procedures, programs, and curriculums are responsive to changing needs.

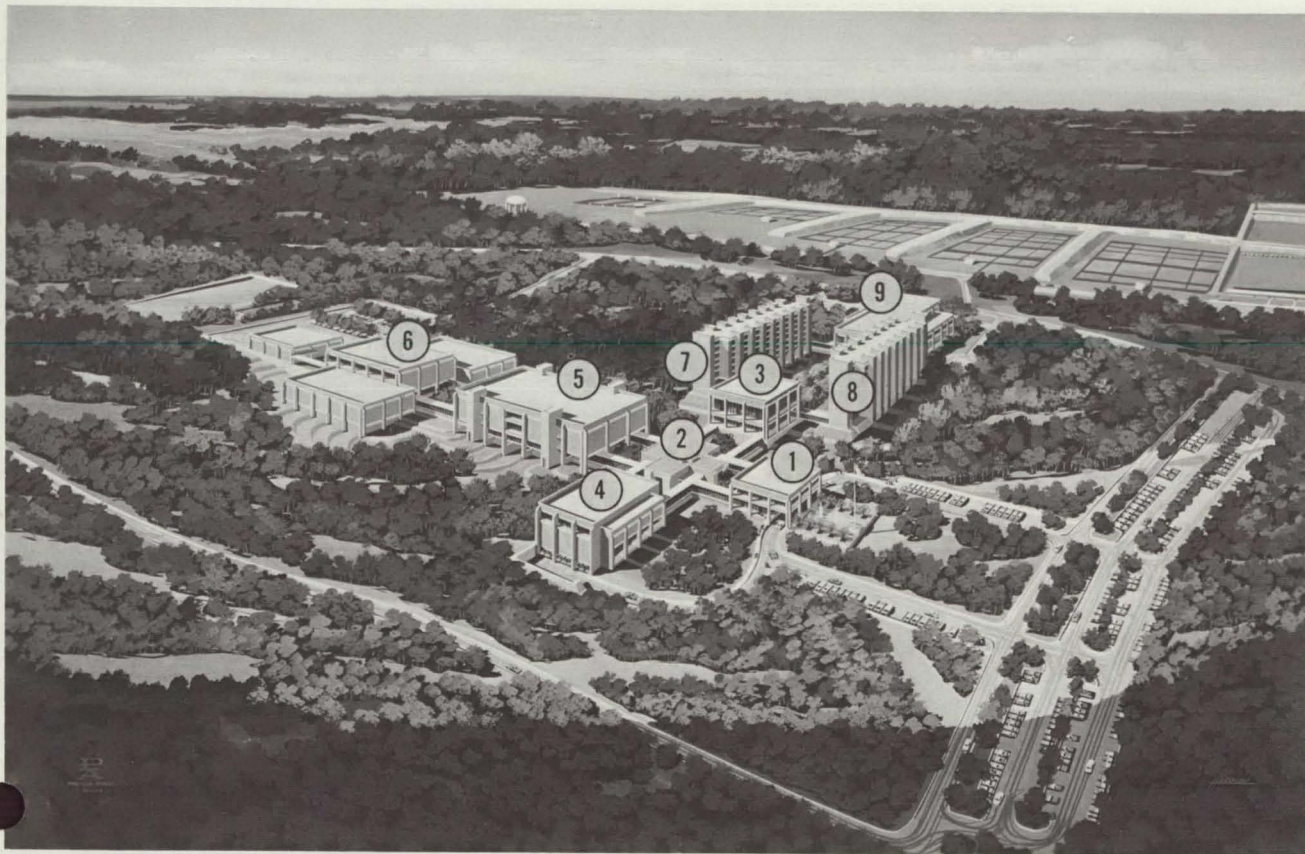
### **Facilities**

The Academy presently consists of an eight-building complex designed to create an autonomous community for learning. The entrance to the Academy (see layout) is approached from a paved parking area through a two-story administration building (No. 1), which with the Learning Resource Center (No. 3), the 1,000-seat auditorium to be used for graduation ceremonies as well as lectures (No. 4), and the classroom building (No. 5) beyond, is situated around a site for a planned student service building (No. 2). Concourses interconnecting the entire Academy lead from the classroom building to the physical training center (No. 6), and, branching from the Learning Resource Center, link two seven-story dormitories (Nos. 7 and 8) as well as the dining facility (No. 9).

Twenty-three classrooms, including 16 accommodating 50 students each in fixed seating arranged along five tiers in amphitheater style, three special-purpose classrooms for practical training in the forensic sciences, four



## FBI ACADEMY LAYOUT



other classrooms of variable seating arrangement for specialized study, as well as eight conference rooms for seminar-size groups, share a three-story building. Classrooms have rear projection screens, and speaker systems that can be controlled from the instructor's lectern, which will permit incorporation of the most advanced audiovisual teaching technology as it develops. Among the instructional support technology already planned for the Academy's classrooms is electronic student response equipment which will permit the instructor, using programmed learning devices, to simultaneously evaluate individual student and total class response to a particular problem.

In addition to the three forensic science classrooms, there are four

identification laboratories, as well as 13 individual photographic darkrooms for special training in investigative photography. There are also two special darkrooms for training in fingerprint identification photography. These laboratories and classrooms for the forensic sciences have the most advanced technological equipment available to develop and facilitate the scientific competency of the students in these areas.

Other special facilities have been designed for the Academy, such as a mock-city classroom and a crime scene room where special law enforcement situations are re-created to simulate, as closely as possible, actual problems confronting the officer in investigating cases, conducting raids, making arrests, and searching for evidence.

The physical training center has a large gymnasium for physical fitness,

*(Continued on page 26)*

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*"Among the instructional support technology already planned for the Academy's classrooms is electronic student response equipment which will permit the instructor, using programmed learning devices, to simultaneously evaluate individual student and total class response to a particular problem."*

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The neighborhood police unit operates from this storefront office.

## *A Return to Neighborhood Police*

By

**EDWARD C. McARDLE**

Chief of Police,  
Albany, N.Y.

and

**WILLIAM N. BETJEMANN**

Coordinator,  
Office of Crime Control,  
Albany, N.Y.

Police departments nationwide are experimenting with innovative policies and procedures in an effort to stem rising crime rates, provide improved service, and increase public cooperation. The Albany Police Department began experimenting on July 1, 1971, with the inception of its neighborhood police unit (NPU). Serving 10,000 residents in a 70-square-block region of Albany's South End, the NPU is specifically designed

to cut crime, provide expanded police and social services, and build a rapport with the populace based on mutual trust and cooperation.

Albany's South End, once a flourishing comfortable neighborhood, had been transformed over past decades into a decaying community of crime-ridden squalor. Afflicted by urban blight, the South End suffers from social and physical problems, including poverty, substandard housing,



unemployment, overcrowding, the disruption necessarily occasioned by urban renewal, and a high rate of street crimes.

### **Crime Increase**

Two high-rise apartment complexes, containing a total of 800 living units, were constructed in the South End during the early sixties. Designed to healthfully accommodate low income families and senior citizens, the buildings, instead, soon became modern, compacted slums. Senior citizens fell victim to the malicious, criminal acts of roving bands of youths. Private guards employed by the housing authority to protect the complexes proved to be ineffective and incapable of stemming the increasing crime rate which was worsened by racial friction.

The perpetrators of the assaults, muggings, robberies, burglaries, and incidents of drug abuse occurring in the apartments and halls of the housing complexes emanated both from the complexes themselves and from the surrounding neighborhood. Early attempts by the private guard force within the housing projects to apprehend offenders were largely futile since the perpetrators simply escaped to the surrounding blocks.

Police-community rapport was at a low ebb throughout the period. Centralization of the department in the midfifties had removed the informality and visibility of the neighborhood police precinct. Many crimes occurring within the area went unreported because many victims feared reprisals if they were seen cooperating with the police.

Uniformed officers assigned to the area on both foot and motor patrol received little cooperation from the residents. When answering calls, they were greeted with hostility and verbal abuse. Crowds frequently formed to harass police when they made an arrest.

The criminal and other social problems afflicting the South End demanded novel approaches promising far-ranging solutions. City administrators, police officials, representatives of the New York State Office of Crime Control Planning, and concerned citizens met to review and discuss a myriad of possible alternatives to the existing law enforcement program. After several lively discussions with community representatives, all agreed on the neighborhood police concept.

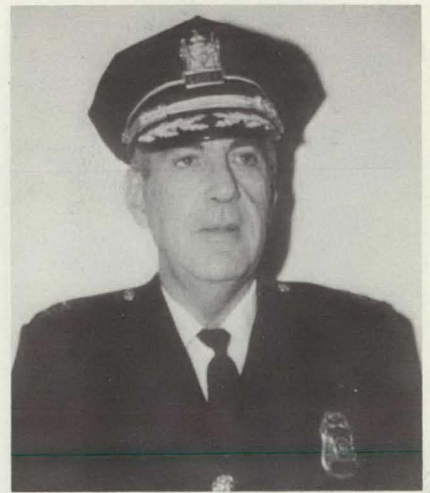
A proposal and application for funding under the Omnibus Crime Control and Safe Streets Act of 1968 were immediately prepared and submitted to the New York State Office of Planning Services, Division for Criminal Justice, which approved a grant of \$337,587 on April 16, 1971. The approved proposal called for the creation of a specially trained 36-man neighborhood police unit. Operating out of an informal, neighborhood storefront headquarters, the officers mounted a comprehensive crime control and prevention campaign with emphasis on promoting good community relations and involvement.

A lieutenant, four sergeants, and 31 patrolmen were screened for service in the unit. Each man was a volunteer, and ages ranged from 21 to 42 years and police experience from 3 months to 19 years.

### **Advanced Training Program**

The New York State Institute of Governmental Executives of the State University of New York at Albany was retained to design and conduct a 160-hour advanced training program. The program was specifically designed to prepare the officers for their expanded role in the neighborhood. Many of the training sessions involved the participation of area residents, including the youth.

Four 2-day sessions during the training were devoted to the review and discussion of the most prominent



Chief McArdle.

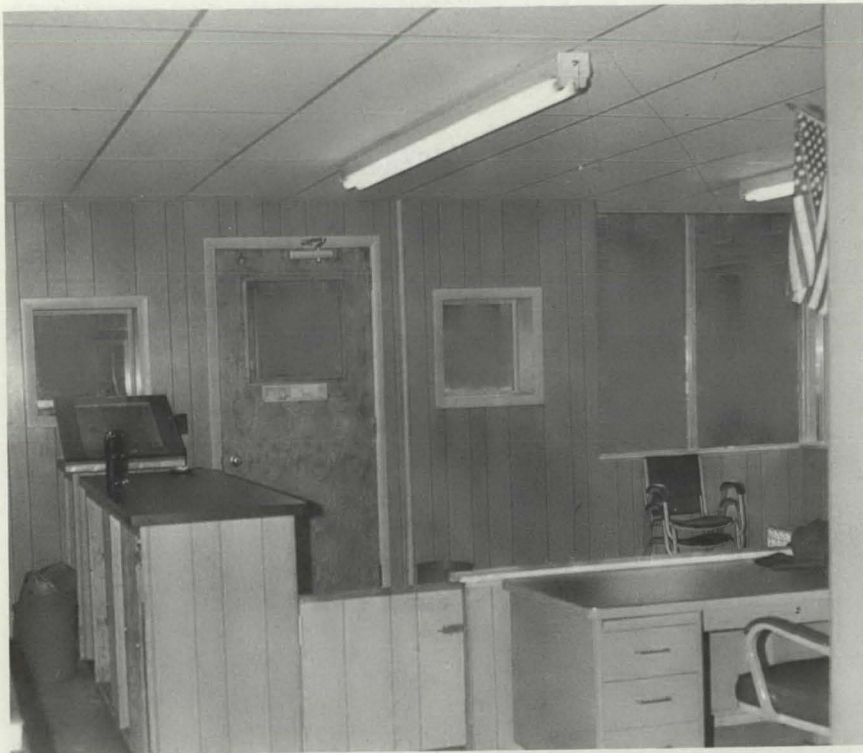


Mr. Betjemann.

areas of community concern, namely: drug abuse, poverty, juvenile delinquency, and race relations. University professors reviewed the topics with the unit members and served as moderators during panel discussions involving community residents.

Additionally, the training program was designed to familiarize unit officers with the resources available through the numerous governmental and private social service agencies serving the residents of the target area. Representatives of the alcohol detoxification clinic, family court, probation department, neighborhood youth corps, urban league, health de-





The informal atmosphere of the NPU office promotes a favorable attitude toward police among community residents.

partment, legal aid society, department of social services, and county youth bureau explained the nature and scope of services provided by their respective agencies. Officers from the New York State Police Academy and Agents from the Federal Bureau of Investigation lectured on innovative police methods and police-community relations.

At the close of the 1-month training session, officers assigned to the unit visited area merchants and residents to introduce themselves, explain the concepts of the unit, and discuss mutual concerns for area problems. This method proved to be a most successful means of identifying the unit to the neighborhood residents and enlisting their assistance and support in its objectives. Open meetings were held at various locations throughout the neighborhood during the evening hours. These informal sessions were well attended and completed the unit's 2-week introductory program.

### *The Storefront Headquarters*

The storefront headquarters, located at the geographical center of the neighborhood area, was instantly popular with both young people and adults. A continually perking coffee urn and pastries donated by local bakeries drew many people into the headquarters. Its informal atmosphere reduced the unfavorable stereotype of the police station held by many residents. As a result of this approach, persons entering the storefront are no longer suspiciously viewed by other area residents as traitors cooperating with the police.

With the donation of 62 "camper-ships" (scholarship trips to summer camp) by the Albany County Youth Bureau, NPU officers visited area schools to award them on the basis of an art contest. All children between the ages of 7 and 14 years were invited to compete by drawing a picture of the storefront headquarters. The art con-

test drew the attention of many children to the location and purpose of the storefront.

New attire for NPU officers (gold or green blazer, brown slacks, and pale yellow shirt) enhanced the informality of the unit and helped in improving the image of the police in the residents' minds. A distinctive crest showing two figures shaking hands and inscribed with Neighborhood Police Unit, Albany Police Department, is affixed to the breast pocket of each blazer. Badges and rank insignia are no longer displayed. A concealable short-barreled revolver was substituted for the standard service revolver, and the ever-present night stick is available for use only in emergencies.

With the agreement of all unit members, the department decided that the NPU would operate with permanent tours of duty and that each man could express his choice of shift. The hours of the tours were rescheduled to increase the manpower available during times of peak crime as determined in a comprehensive analysis of crime in the area.

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**"The versatility of the NPU officers and their high degree of mobility have shifted considerably more power to the side of the police and law-abiding citizens."**

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Tours of duty and the approximate number of men assigned to each are scheduled as follows: 2 a.m. to 10 a.m.—8 men assigned; 10 a.m. to 6 p.m.—12 men assigned; and 6 p.m. to 2 a.m.—16 men assigned. The shifts and number of men assigned to each are flexible and may be altered if the crime pattern changes or if a special event demands more police service and manpower.



Unique patrol methods were implemented in the housing complexes. Here, blazer-clad officers checked stairwells and hallways, all vacant apartments, and storage areas. Done on a totally random basis, these intensive patrols have greatly reduced the number of malicious, criminal acts taking place within the high-rise apartment buildings. Spot checks of vacant apartments have often led to the recovery of stolen property and the apprehension of illegal drug users.

### **Mutual Understanding**

Scooter-mounted officers patrolling the sidewalks and grounds of the high-rise apartment complexes augment the patrolmen within the buildings. The versatility of the NPU officers and their high degree of mobility have shifted considerably more power to the side of the police and law-abiding citizens. The extensive use of walkie-talkies permits the officers on foot patrol and those on scooters to coordinate their patrols and maintain constant communication with the store-



Chief McArdle (center) confers with two NPU members. The officer on the left wears the summer uniform of the unit, and the one on the right wears the blazer-and-slacks uniform worn during the rest of the year.

front as well as with the unit's two marked patrol cars.

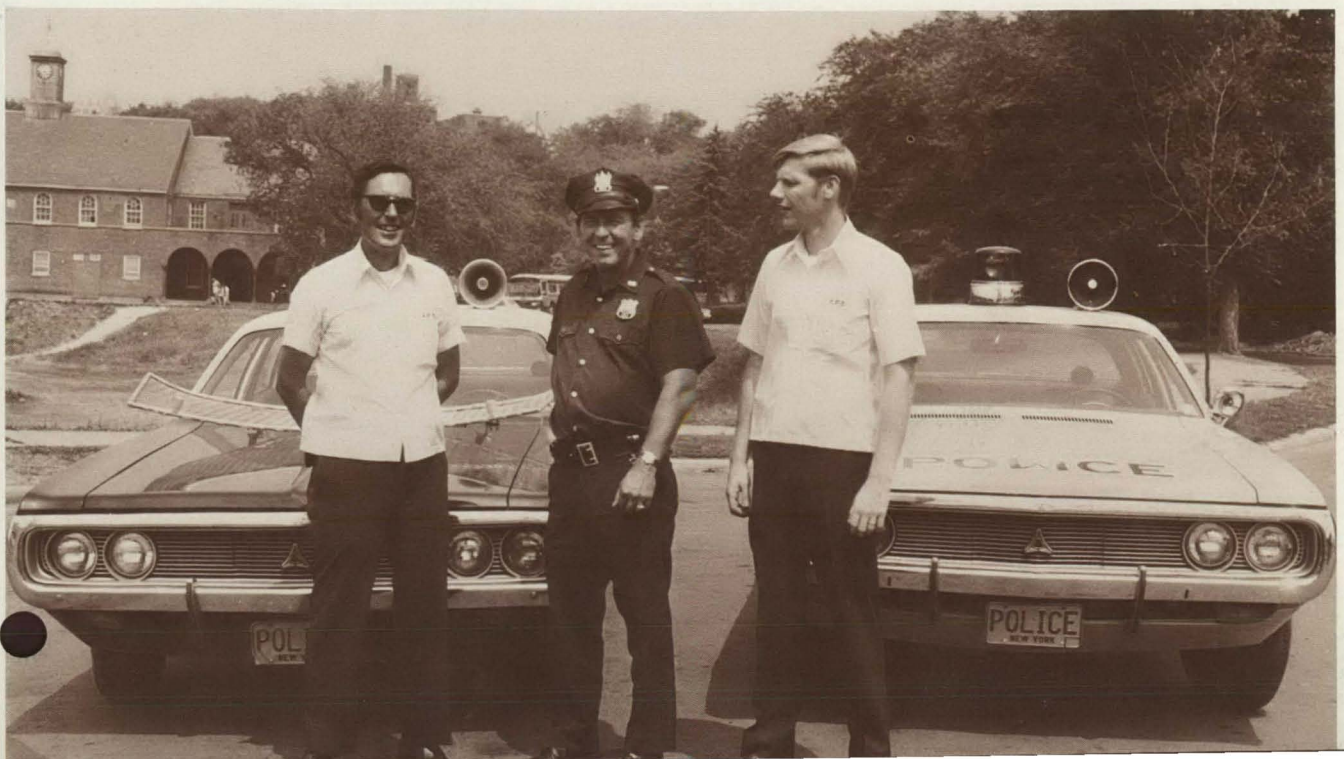
A highly visible chrome-yellow car, distinctively marked "neighborhood unit," was substituted for the standard black and white patrol unit. The change in color helped in projecting the new image.

The informal structure employed by the unit has permitted many officers

and area residents to get to know each other on a first-name basis. NPU members regularly attend community meetings, luncheons, and social events in an effort to sustain rapport with residents. Through their attendance at these functions, the officers have developed and maintained a productive relationship with the community.

*(Continued on page 28)*

Posing to show a comparison of their summer uniforms, NPU officers (left and right) and a member of the regular force (center) stand in front of their patrol cars. The squad car on the left is the regular black-and-white cruiser used by the department. The NPU cruiser on the right is a brilliant yellow.







# Prompt Execution of Search Warrants

*"The search warrant is a drastic police instrument. It brooks no defiance. Precisely because it is by nature intrusive, it is extremely susceptible of abuse."*

Preference for warrants to search areas protected by the fourth amendment has been emphasized repeatedly by the Supreme Court.<sup>1</sup> In addition, certain warrantless search practices have been foreclosed by court decision,<sup>2</sup> obliging law enforcement officers to rely more heavily upon the warrant procedure. As the use of search warrants increases, officers responsible for their execution should understand the necessity for discharging this duty correctly. Promptness in execution, a requirement seldom considered, is essential to a proper warrant search.

By  
**DONALD J. McLAUGHLIN**  
Special Agent,  
Federal Bureau of Investigation,  
Washington, D.C.

In *Cave v. Superior Court, County of San Mateo*,<sup>3</sup> a 1969 California decision, a search warrant good in form and "unassailable in substance" was issued for the search of specific premises located in South San Francisco, Calif. Objects of the search were television sets, radios, a gun, and other items stolen in five local burglaries. Probable cause for issuance of the warrant derived from witnesses' observations of large numbers of television sets and other objects being carried into the premises described in the warrant. The search was not conducted until 7 days after issuance of the warrant. It yielded incriminating evidence, though none of the items seized was among those described in the warrant. Defendants, charged with receiving stolen property, sought to bar prosecution on grounds that the 7-day delay in execution of the warrant was in violation of California search warrant statutes.

At the time the search was made, one section of the California Penal Code commanded that a search warrant be executed immediately.<sup>4</sup> Another section required that the warrant be executed within 10 days.<sup>5</sup> Defendants contended that the 7-day lapse of time between issuance and



execution of the warrant violated the "immediate" command. The State argued that execution of the warrant anytime within the 10-day period established by statute was proper. The executing officer testified that the delay was prompted by his desire to look for and expectation of finding "further evidence," that is, evidence in addition to that described in the warrant. The California Appellate Court held the search unlawful for failure to execute the warrant promptly.<sup>6</sup>

### **Basis for Promptness Requirement**

The search warrant is a drastic police instrument.<sup>7</sup> It brooks no defiance. Precisely because it is by nature intrusive, it is extremely susceptible of abuse.<sup>8</sup> In describing what effect the search warrant can have upon the public, one writer noted: "... there is not a description of process known to the law, the execution of which is more distressing to the citizen. Perhaps there is none which evokes such intense feeling in consequence of its humiliating and degrading effects."<sup>9</sup> American history makes plain the profound effects in society which can be triggered by unrestricted use of search warrants.<sup>10</sup>

Prompt execution of search warrants has been variously held to be a constitutional requirement, statutory command, court rule, or judicial mandate.<sup>11</sup> Where regarded a constitutional question, courts have deemed delay in execution to be violative of the reasonableness clause of the fourth amendment, or comparable provisions of State constitutions.<sup>12</sup> The Supreme Court of South Carolina concluded in 1968 that unreasonable delay in the execution of a search warrant violates a constitutional guarantee of the fourth amendment.<sup>13</sup> In a recent Pennsylvania case, it was stated that "Timeliness" is an essential feature of the Fourth Amend-

ments mandate of 'reasonableness'... appellant's constitutional rights were violated when there was an unexplained fifteen-day delay in the execution of the warrant."<sup>14</sup> Decisions bottomed on constitutional grounds generally have appeared in States where there is no statute or rule of court limiting the time in which the warrant must be executed.<sup>15</sup>

In jurisdictions where time for execution is established by statute or court rule,<sup>16</sup> courts have found it unnecessary to develop and apply constitutional standards, but instead consider the problem one of statutory interpretation. Regardless of the basis for application, the requirement of promptness ultimately finds its origin in the fourth amendment. Statutes and rules regulating search warrant procedures are "declaratory of the most carefully guarded previous judicial determinations of the meaning and scope of the Fourth Amendment to the Constitution of the United States, and of similar provisions in State Constitutions."<sup>17</sup>

In interpreting and applying the promptness requirement, the concern of the courts relates to the probable cause requisite for the issuance and execution of search warrants. Probable cause to search exists when facts and circumstances within an officer's knowledge, and of which he has reasonable trustworthy information, are sufficient in themselves to warrant a man of reasonable caution to believe that property to be seized will be found in a particular place or on a particular person.<sup>18</sup> Warrants are issued because there is reason to believe evidence is now located at a specific

place. With the passage of time, facts of probable cause, originally sufficient at the time of issuance, may be dissipated by intervening factors and events. Thus, at the time of execution there may no longer be reason to believe the evidence is where it was originally alleged to be. The serious danger in allowing a lapse of time to intervene between issuance and execution of the warrant is that the warrant can become general in effect, though still particular in form. *Cave* provides a vivid example. The searching officer waited 7 days to execute the warrant, and during that period the items described therein were presumably removed from the premises. When the search was finally made, nothing listed in the warrant was seized; but other property was found, apparently introduced into the house between issuance and execution of the warrant. Testimony of the searching officer indicated that the reason for delay was to allow placement of additional incriminating evidence in the premises. The court concluded that such a procedure is improper, and to hold otherwise would permit an officer to make a search for evidence not described in the warrant.<sup>19</sup>

### **Application of Rule**

In an 1897 case of first impression, the Supreme Court of Maine held that an unexplained and apparently needless delay of 3 days in the execution of a search warrant was unreasonable and rendered the search unlawful.<sup>20</sup> The court stated that: "It is an integral principle in our system of law... that officers assuming to execute

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*"The serious danger in allowing a lapse of time to intervene between issuance and execution of the warrant is that the warrant can become general in effect, though still particular in form."*

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... a process upon the property or person of a citizen shall execute it promptly, fully, and precisely. *The time of execution is as essential as any other element.*"<sup>21</sup> (Emphasis added.) Although the decision required no more than reasonable promptness in the execution of a warrant, it has been read by some as compelling almost immediate execution<sup>22</sup> and giving the searching officer virtually no discretion in carrying out the command of the warrant.<sup>23</sup>

The Federal Rules of Criminal Procedure provide that search warrants may be executed by Federal officers within 10 days,<sup>24</sup> but also command that they be executed "forthwith."<sup>25</sup> Similar language is contained in many State statutes.<sup>26</sup> This seeming inconsistency is approached in different ways. Some courts focus on the word "forthwith" and demand almost immediate compliance with the order contained in the warrant.<sup>27</sup> Others adopt a broad view, considering the statutory period as explanatory of the term "forthwith," and regarding any search made within the period as complying with the "forthwith" requirement.<sup>28</sup> The majority view, however, resolves the apparent ambiguity by requiring execution of the warrant within a reasonable time after issuance, with the statutory period considered the "outer limits."<sup>29</sup> Under this view, where a warrant is executed within the specified period but delayed unnecessarily and such delay results in some legal prejudice to the rights of the defendant, execution will be held defective and the search unlawful.<sup>30</sup> Though many decisions mention the term "prejudice," few have defined it.

### **Permissible Delay**

Under what circumstances then can an officer properly delay in the execution of a search warrant? In *United States v. Dunnings*,<sup>31</sup> a warrant was

issued to Federal officers to search a Manhattan apartment for narcotics. The warrant was not executed until 9 days later, at which time heroin was seized and the defendant arrested. The court held that probable cause existed at the time the warrant was issued, based upon an affidavit which, among other facts, alleged that defendant was using the apartment to "package heroin." One searching officer testified that he doubted his ability to execute the warrant as directed except when he knew the defendant was present. On the day of issuance, the officers, unable to verify defendant's presence in the apartment, instituted a surveillance of the premises. After 9 days, defendant returned and the search was made.

Judge Friendly, writing for the Court of Appeals for the Second Circuit, held that the officers were justified in delaying 9 days to execute the warrant where the defendant was only using the apartment for intermittent illegal activity (packaging heroin), and where they wished to wait until defendant was at the apartment so they could be sure the alleged contraband was there. He further noted that probable cause existed when the warrant issued and when executed, and that a "period of doubt" in the interim did not "undercut the policy requiring an independent judicial determination of the existence of probable cause."<sup>32</sup> Even if the sole reason for the delay of 9 days in executing the warrant was to effectuate the defendant's arrest, that reason would not invalidate the search. The court stated that had the warrant been executed when the defendant was not in the apartment, he might very likely have fled.<sup>33</sup>

In a 1967 Federal case, FBI Agents waited until defendant left the apartment to be searched before executing a search warrant for gambling paraphernalia. The delay lasted for 2 hours, 10 minutes. Defendant

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***"Where a warrant issues for the search of both a person and premises, officers may delay the search until the person is present on the premises."***

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contended that such delay violated the "forthwith" requirement of the Federal Rule. While pointing out that a warrant does not permit execution at the leisure of police, or at their discretion anytime within 10 days believed to be most advantageous, the court stated that "officers must be allowed a certain latitude of action when they are on the delicate and sometimes dangerous mission of executing warrants." It was held that a warrant is executed "forthwith" when served within a reasonable time after issuance, such time being determined by the circumstances of each case. In finding the delay reasonable, the court explained that had the officers executed the warrant while the defendant was still in the apartment the evidence might well have been destroyed.<sup>34</sup>

In a very recent decision, a delay of 6 days by Federal officers in executing a warrant was held justified. Weather conditions made an immediate search impossible. During the period of inclement weather, officers in the searching party were dispersed on other assignments; and it required several days to reassemble them. The court found such delay reasonable, and indicated further that delay is permissible where caused by concern for the safety of the searching officers.<sup>35</sup>

Where a warrant issues for the search of both a person and premises, officers may delay the search until the person is present on the premises. The Illinois Supreme Court recently held that delay for 1 day to await defendant's arrival at the premises to be



searched constituted justifiable delay.<sup>36</sup> It is also apparent that where the warrant describes a person to be searched, the time necessary to locate that person is reasonable delay.<sup>37</sup>

An early South Carolina decision drew a distinction between executing a search warrant against a "sporadic or untrained criminal" and a "professional," noting that in the case of a "trained and disciplined criminal, the enemy of society, it may take weeks of patient observation to ascertain the moment when a search would be of any avail."<sup>38</sup> So, while the search must occur with reasonable promptness, the character of the person affected by the search may be relevant to this determination.

It is well established that conditions beyond the control of the searching officers will justify delay in the execution of a warrant. Weather conditions, distance factors, traffic problems, condition of roads, and facilities for travel have been cited as supporting a finding of reasonable delay.<sup>39</sup>

Though most courts acknowledge that failure to execute search warrants promptly will invalidate the search, few have defined what constitutes impermissible delay. *Cave* states that where the delay is "for the purpose of apprehending additional evidence, including evidence of crimes not yet committed when the warrant was issued, within the described premises, the search so conducted is illegal." In such a case, withholding execution until property not described within the warrant is available, renders the warrant a blanket authorization resembling the abhorred writs of assistance used in colonial times.<sup>40</sup>

In *State v. Melanakis*, officers waited 9 days to execute a warrant. Justification for delay was to accumulate gradually and unobtrusively a number of warrants to be executed simultaneously in raids to seize illegally possessed liquor. The West Virginia Supreme Court declared that

"the question of searches and seizures is not subject to the convenience of peace officers," and that delay to accumulate warrants was improper.<sup>41</sup>

Though an early Wisconsin decision suggests that delay in execution would be reasonable where the searching officer was performing other and conflicting duties,<sup>42</sup> a District of Columbia court takes the contrary position. In *Curtis v. United States*, the searching officer attempted to justify an 8-day delay on grounds that he executed warrants "as he gets them . . . in sequence with other police duties he had to perform." The court remarked that this "sparse testimony hardly amounts to the requisite showing of reasonableness in point of time."<sup>43</sup>

### Summary

Officers have only limited discretion in deciding when to execute a search warrant. The warrant must be executed with reasonable promptness after issuance. Even where a statutory period is allowed, officers may be required to execute the warrant prior to expiration of that period. Delay is permissible under certain conditions, but must be justified. Some reasons for delay held acceptable by courts are to effect the arrest of defendant, prevent destruction of evidence, preclude the flight of a subject or accomplices, gather sufficient manpower for the search, protect the safety of searching officers, and await the arrival of a person at premises to be searched, where both are named in the warrant. In addition, weather, traffic, road, and travel conditions will permit reasonable delay.

### FOOTNOTES

<sup>1</sup> *Terry v. Ohio*, 392 U.S. 1, 20 (1968); *Katz v. United States*, 389 U.S. 347, 356-357 (1967); *United States v. Ventresca*, 380 U.S. 102, 106-107 (1965); *Jones v. United States*, 362 U.S. 257, 270 (1960); *United States v. Lefkowitz*, 285 U.S. 452, 464 (1932).

<sup>2</sup> E.g., *Chimel v. California*, 395 U.S. 752 (1969) (narrowing permissible scope of search incident to arrest); *Preston v. United States*, 376 U.S. 364 (1964) (restricting search of car incident to arrest).

<sup>3</sup> 267 Cal. App. 2d 517, 73 Cal. Rptr. 167 (1969).

<sup>4</sup> Cal. Pen. Code, Sec. 1529 (amended by Stats. 1969, ch. 362, Sec. 1). See footnote 5 *infra*.

<sup>5</sup> Cal. Pen. Code, Sec. 1534 (amended by Stats. 1969, ch. 362, Sec. 2). In 1969, perhaps recognizing the difficulty in reconciling the "immediate" requirement of Sec. 1529 with the 10-day period permitted in Sec. 1534, the California Legislature deleted the word "immediate" in Sec. 1529, and amended Sec. 1534 to read, in part: "A search warrant executed within the 10-day period shall be deemed to have been timely executed and no further showing of timeliness need be made."

<sup>6</sup> *Cave v. Superior Court*, *supra* footnote 3 at 169.

<sup>7</sup> *Sgro v. United States*, 287 U.S. 206 (1932); *State v. Ferrigno*, 5 Conn. Cir. 468, 256 A. 2d 795 (1969); *People v. Weideman*, 324 Ill. 66, 154 N.E. 432 (1927); *State v. Melanakis*, 129 W. Va. 317, 40 S.E. 2d 314 (1946); 1 Cooley, Constitutional Limitations 618 (8th ed. 1927).

<sup>8</sup> *State v. Cesero*, 146 Conn. 375, 151 A. 2d 338 (1959).

<sup>9</sup> *United States v. Borkowski*, 268 F. 408 (S.D. Ohio 1920), citing Archbold, Criminal Practice and Procedure 131 (8th ed.).

<sup>10</sup> See generally, Lasson, History and Development of the Fourth Amendment, ch. II (1937); Rutland, The Birth of the Bill of Rights, ch. 1 (1955).

<sup>11</sup> 1 Varon, Searches, Seizures, and Immunities 390 (1961).

<sup>12</sup> *State v. Morley*, 5 N.J. Misc. 987, 139 A. 392 (1927); 79 C.J.S. Searches and Seizures, Sec. 83; 1 Varon, *op. cit. supra* footnote 12, at 393. U.S. Const. amend. IV provides in part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ."

<sup>13</sup> *State v. Baker*, 251 S.C. 108, 160 S.E. 2d 556 (1968).

<sup>14</sup> *Commonwealth v. McCants*, 281 A. 2d 771 (Pa. Super. Ct. 1971) (dissent).

<sup>15</sup> E.g., *State v. Ferrigno*, *supra* footnote 7, Conn. Stat. Ann., Sec. 54-33a requires only that the executing officer "search within a reasonable time." Conn. Stat. Ann., Sec. 54-33c specifies that the warrant "be executed and returned with reasonable promptness." See also S.C. Code, Secs. 43-201 and 4-414, both silent as to time limit in execution of warrants.

<sup>16</sup> E.g., Code of Ala. Tit. 15, Secs. 104 (forthwith), 111 (within 10 days); Fla. Stat. Ann. Secs. 933.07 (forthwith), 933.05 (within 10 days); Idaho Code, Secs. 19-4406 (forthwith), 4412 (within 10 days); Ill. Ann. Stat. Tit. 38, Sec. 108-6 (within 96 hours); Md. Ann. Code art. 27, Sec. 551 (within 15 calendar days); Ohio Rev. Code Ann. Sec. 2933.24 (3 days).

<sup>17</sup> *Mitchell v. United States*, 258 F. 2d 435, 440, n. 12 (C.A.D.C. 1958) (concurring opinion), citing *Giles v. United States*, 284 F. 208 (1st Cir. 1922). See also *United States v. Ventresca*, *supra* footnote 1, at 105, n. 1.

<sup>18</sup> *Berger v. New York*, 388 U.S. 41, 55 (1967); *Carroll v. United States*, 267 U.S. 132, 162 (1925); *United States v. Taylor*, 428 F. 2d 515 (8th Cir. 1970), *cert. denied*, 401 U.S. 983 (1971); *United States v. Rich*, 407 F. 2d 934 (5th Cir. 1969); *cert. denied*, 395 U.S. 922 (1969); *United States v. Scolnick*, 392 F. 2d 320 (3rd Cir. 1968), *cert. denied*, 392 U.S. 931 (1968).

<sup>19</sup> *Cave v. Superior Court*, *supra* footnote 3 at 520-521, 73 Cal. Rptr. at 170.

<sup>20</sup> *State v. Guthrie*, 90 Me. 448, 38 A. 368 (1897).

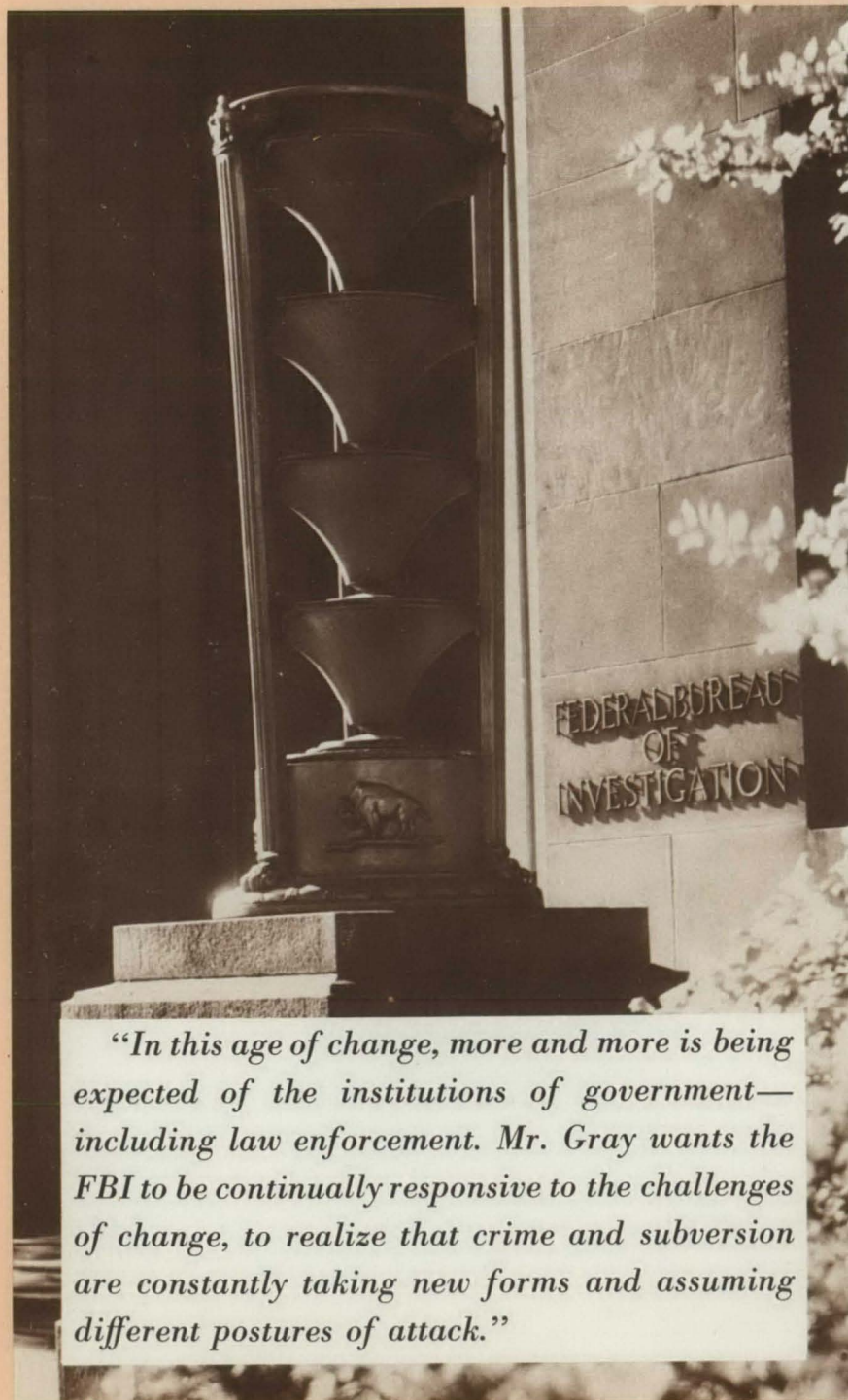
<sup>21</sup> *Id.* at 450, 38 A. at 369.

<sup>22</sup> *Mitchell v. United States*, *supra* footnote 17.

(Continued on page 28)



# Acting Director of the FBI— L. Patrick Gray, III



*"In this age of change, more and more is being expected of the institutions of government—including law enforcement. Mr. Gray wants the FBI to be continually responsive to the challenges of change, to realize that crime and subversion are constantly taking new forms and assuming different postures of attack."*

On May 3, 1972, Acting Attorney General Richard G. Kleindienst, with the approval of The President, appointed L. Patrick Gray, III, then Assistant Attorney General in charge of the Civil Division, and Deputy Attorney General-Designate, U.S. Department of Justice, as Acting Director, Federal Bureau of Investigation. Mr. Gray immediately assumed his duties.

Mr. Gray was born on July 18, 1916, in St. Louis, Mo. He received his early education in St. Louis and Houston, Tex., and entered Rice Institute at Houston in 1932. In 1936, he was appointed to the U.S. Naval Academy at Annapolis, Md., and was graduated with a bachelor of science degree in 1940. Thereafter, he was commissioned a line officer in the U.S. Navy.

The new Acting Director of the FBI served in the Navy throughout World War II, participating in five submarine combat patrols in the Pacific theater. In the Korean war, he participated in three submarine combat patrols as Commanding Officer, U.S.S. *TIRU* (SS416).

During his 20 years in the U.S. Navy, Mr. Gray also handled a variety of legal assignments, and just before his voluntary retirement in June 1960, with the rank of captain, he was serving as Military Assistant to the Chairman of the Joint Chiefs of Staff with collateral duties as a Special Assistant for Legal and Legislative Affairs to the Secretary of Defense.

He has been awarded the following medals: Navy Commendation Medal with Combat "V"; American Defense



Service Medal with a bronze letter "A"; American Campaign Medal; European-African-Middle Eastern Campaign Medal; Asiatic-Pacific Campaign Medal; World War II Victory; National Defense Service Medal; Korean Service Medal; United Nations Service Medal; Submarine Combat Pin (three stars).

In 1946, Mr. Gray entered The George Washington University Law School in Washington, D.C., as a Navy postgraduate student. He was graduated with honors in 1949 and awarded a juris doctor degree. He was admitted to the District of Columbia Bar in 1949 and to the Connecticut State Bar in 1958. He has also been admitted to practice law before the U.S. Court of Military Appeals, the Supreme Court of the United States, the U.S. Court of Claims, and the U.S. Court of Appeals for the District of Columbia Circuit. He is also a member of The American Bar Association. While at The George Washington University Law School, he was a member of the Board of Editors of The George Washington University Law Review and was elected to membership in the Order of the Coif.

In January 1961, Mr. Gray joined the law firm of Suisman, Shapiro & Wool of New London, Conn., for the general practice of law. During this time, he also participated in the organization and formation of Pequot Capital Corporation, a small business investment company. He served this company for 2 years as executive vice president and general counsel and then as president and chief executive officer until September 1967. Following the merger of this company with another, he continued as vice president and general counsel of the surviving corporation, Capital for Technology Corp., with offices in New York, Pittsburgh, and New London. He also served as a member of the Advisory Board of Directors of the Hartford National Bank & Trust Co. of South-

eastern Connecticut.

On January 1, 1967, Mr. Gray became a partner of the firm of Suisman, Shapiro, Wool, Brennan & Gray. He continued in the active general practice of law until January 1969, when he was appointed by President Nixon as Executive Assistant to the Hon. Robert H. Finch, Secretary of the Department of Health, Education, and Welfare. Upon his departure from this position on January 30, 1970, the Secretary presented to Mr. Gray the Department's Distinguished Service Award with the following citation: "For his outstanding leadership, performance, and dedication as Executive Assistant to the Secretary. His efforts exemplified the words, 'No mission too difficult.'"

Thereafter, in 1970, Mr. Gray served as Special Consultant to the President's Cabinet Committee on Education. On December 18, 1970, the President nominated him as Assistant Attorney General for the Civil Division of the Justice Department. In February 1972, he was nominated by the President to be Deputy Attorney General of the United States. The Senate Judiciary Committee recommended his confirmation unanimously by a vote of 13-0. However, Mr. Gray's nomination was withdrawn on May 3, 1972, when he was designated Acting Director of the FBI.

Mr. Gray has been active in all phases of civic and community affairs. He was chairman of the Community Chest in his home area and a member of the Service Relations Committee of the Chamber of Commerce of South-eastern Connecticut. He is a member of the Rotary Club of New London, Conn.; The Army-Navy Club of Washington, D.C.; and the Retired Officers Association of Washington, D.C.

Mr. Gray is married to the former Beatrice Castle Kirk of Honolulu, Hawaii. Mr. and Mrs. Gray have four sons: Alan, Edward, Patrick, and Stephen.

Mr. Gray, from his career as a naval officer, private attorney, and government official, brings wide experience in the administration of justice to his new position as Acting Director of the FBI.

As a military lawyer, Mr. Gray was responsible for a wide range of legal responsibilities, including participation as counsel in general courts-martial and courts of inquiry and the preparation of legal memoranda regarding the law and facts of various individual cases.

Mr. Gray's tenure as Assistant Attorney General in charge of the Civil Division, Department of Justice, gave him a national perspective in the handling of civil litigation involving the U.S. Government. Many of these cases were investigated by the FBI.

The new Acting Director is a firm believer in law enforcement as a profession. He feels that the highest professional standards are necessary if law enforcement is to fulfill its sacred obligations to the people. This means not only adequate salaries, but careful selection of personnel, and dedication to serving the welfare of the entire community. Most important is training—that the law enforcement officer gains instruction in the latest crime detection methods and learns to apply them to his everyday work.

Vitally essential, in Mr. Gray's eyes, is the necessity for cooperation among all agencies of law enforcement—local, State, and Federal. Law enforcement can only be effective in fighting the criminal if it works as a cooperative unit. He wants the FBI, under his direction, to continue to be of the greatest possible assistance to its brother law enforcement officers across the Nation.

Law enforcement alone, however, cannot do the job. It needs the constant help, encouragement, and good will of the citizens of the community—citizens who are willing to take the time and make the effort to aid its law



enforcement agencies to carry out their manifold responsibilities.

In this age of change, more and more is being expected of the institutions of government—including law enforcement. Mr. Gray wants the FBI to be continually responsive to the challenges of change, to realize that crime and subversion are constantly taking new forms and assuming different postures of attack.

The law enforcement officer today cannot be a creature of the status quo, sleeping like Rip Van Winkle or attempting to close his eyes to the practical realities of the contemporary world. He must constantly be alert to change and be willing to adapt in a constructive way to it.

Basic to effective law enforcement, in Mr. Gray's belief, is the majesty of the law. In an age all too frequently characterized by a spirit of permissiveness, there must be respect for the law. "Where law ends, tyranny begins," said William Pitt, Earl of

Chatham. The law gives meaning to freedom. It makes possible the democratic rights which we as a Nation so deeply cherish. Unless there is an increased respect for the law by all citizens, our system of government is indeed endangered.

Mr. Gray looks to the future with confidence and hope. He pledges that the FBI will continue to be an agency of the government which is the servant of the people.

An FBI responsive to change, sensitive to the rights of the individual citizen, working for the best interests of the community—this is an FBI which can never become a national police.

In this spirit, Mr. Gray takes office as Acting Director of the FBI.

He pledges to do his best to make the FBI an ever more effective agency of law enforcement. He seeks the support of law enforcement agencies throughout America to work together in the common goal of promoting the general welfare. FBI

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*In order that Bulletin readers may gain added insight into the style and philosophy that Mr. Gray brings to the FBI, his first formal public address, since assuming his new responsibilities as Acting Director, is reprinted here.*

Before the Thomas More Society  
Washington, D.C.  
May 17, 1972

When President Harry Truman was notified, on the death of Franklin D. Roosevelt, that he was now President of the United States, he said, "I felt like the moon, the stars, and all the planets had fallen on me."

While I don't actually feel that way, I now understand more than ever how Mr. Truman could have said it.

I assure you that when the Acting Attorney General, Richard Kleindienst, first told me that I was to be

appointed as head of the Federal Bureau of Investigation, I was stunned. My name had not been among the prominently mentioned as the possible successor to J. Edgar Hoover, and the thought had, frankly, not even occurred to me. After all, the President had only recently honored me by sending my name to the U.S. Senate as his nominee for Deputy Attorney General.

I say this because there has been some speculation that my appointment is somehow part of a scheme for the President to gain political control of the FBI.

I am not a political advisor or counselor to President Nixon. I have never run for political office. I am not a political crony of President Nixon's. Upon retiring from the Navy in 1960 I served for approximately 7 months on Mr. Nixon's staff when he was Vice President. Since 1969 I have served in positions in the Department of Health, Education, and Welfare and the U.S. Department of Justice—positions that were not political in nature, but required professional administrative, managerial, and legal skills. As the President himself has put it, our relationship has not been political or social, but professional.

In fact, when I met with the President he gave me only one instruction—that the FBI and its Director continue to be absolutely nonpolitical. I am honored and humbled that the President should place me in this position of great trust and responsibility, and would emphasize to me that I must exercise the highest degree of professional competence in the interest of the American people. I believe it is important at this time for me to express what I truly feel—that I will meet this most solemn and challenging responsibility.

It is important to state this because I follow a man in this office of legendary stature. John Edgar Hoover founded and built the finest investigative agency in the world. For nearly



*"As long as I am head of the FBI, it will not take the first small step which might lead to the formation of a national police force."*

half a century his name and that of the FBI have been almost synonymous. Its efficiency, its integrity, and its esprit de corps have earned it the longstanding respect and appreciation of the American people.

There is another side to Mr. Hoover's legacy that is little known outside the FBI.

His critics try to give the impression that his power was a threat to American freedom. J. Edgar Hoover scrupulously observed the restrictions of Federal law and insisted upon the same by every FBI Agent. He favored the separation of various Federal investigative responsibilities among a number of individual agencies in order to diffuse the power that could accompany such responsibilities. He steadfastly opposed any proposal to concentrate all investigative duties in any one agency. He strongly resisted any effort to establish a national police force.

Far from fearing J. Edgar Hoover as a threat to freedom, the American people had every reason to be profoundly satisfied that this position was occupied by a man of his self-restraint and his understanding of democratic principles.

I wish to say that I am deeply committed to this same policy. As long as I am head of the FBI, it will not take the first small step which might lead to the formation of a national police force. As long as I head the FBI, it will not come under political influence nor will it ever try to exert political influence.

Let me move now from the subject of policy, in which I do not anticipate what I would call substantive changes, to the area of style, in which I have

already begun to make changes.

By "style" I refer to the means by which an administrator implements policy. In doing so I must be myself, and I will not try to be someone else. Further, in making certain changes in the style of operation, I impute no impropriety or fault to my distinguished predecessor, although this may be so interpreted in some quarters. On the contrary, there is a Pat Gray style because that is the only way I know how to operate, or at least operate comfortably. And this new job of mine has enough monumental responsibilities and demands without making things difficult for myself by trying to operate in a mode that is foreign to me.

As I have met with the top officials of the Department of Justice, including the FBI, I have had two immediate concerns: first, maintaining the integrity and effectiveness of the FBI during this transitional period; and second, meeting the challenge that this moment presents to the new Acting Director by making certain changes that seem appropriate.

As for the first concern, I am satisfied and wish to assure you that the transition has been made without any loss whatsoever in the FBI's integrity and effectiveness. Its operations against Federal crimes and against attempts to subvert our form of government have continued without the least interruption.

As for the second concern, I would like to mention a few decisions or inquiries made regarding possible changes. These would fall into two categories—changes already decided upon, and areas still being explored.

The most important changes already determined are in the hiring of Agents.

It has been said that there are not enough Blacks, Asian-Americans, Spanish-speaking Americans, or American Indians among FBI Agents. I would point out that the Bureau's

overall record in this connection is good, and that while it has made special efforts to recruit Agents from these groups, it has proven difficult to attract people qualified to meet the standards for FBI Agents. Reduction of standards has been suggested in the past, but this we will not do, and I do not believe that members of these groups would want us to do so. Yet I feel strongly that they are a most significant and integral part of our society, and they have a role to play in agencies such as the FBI. We must and will redouble our efforts to reach out and attract applicants from these groups. I say this not only because it is right and fair and socially desirable, but because it will truly enhance still further the effectiveness of the FBI.

Second, the FBI is the last major Federal investigative agency that does not hire women Agents. Within the Department of Justice this step has been taken recently by both the Immigration and Naturalization Service and the Bureau of Narcotics and Dangerous Drugs. In the past such a step has been resisted on the argument that women should not be placed in occupations involving physical danger. I am told, however, that many women consider such protective impulses to be a clear case of male chauvinism, and are perfectly willing to take their chances with the men. While it may prove a difficult mental adjustment for some of us, this step must and will be taken. And again, I believe it will enhance the total capabilities of the Bureau.

One of the first inquiries I made of top FBI officials was about the possible existence of files that might be called secret files or political dossiers. Both of these phrases have a sinister connotation. I have been informed, as a result of my preliminary inquiries, that there are no secret files or political dossiers. Without having any in-depth knowledge of the Bureau's files as of

*(Continued on page 28)*



*"Cooperation is one of the finest tools to combat crime and improve law enforcement performance in all areas of its responsibilities. The Hawaii Volcanoes National Park Rangers have confirmed this premise through their experience of the past 4 years."*

## Effective Law Enforcement Cooperation in Hawaii Volcanoes National Park



Halemaumau Crater belches forth a steam and dust cloud which on one occasion covered Kilauea Military Camp with red dust.



By

**LELAND J. SHACKELTON\***

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FBI Law Enforcement Bulletin



**I**t was November 5, 1967, about 2:30 in the morning darkness of Hawaii Volcanoes National Park on the Island of Hawaii, the largest and southernmost of the eight islands comprising our 50th State. Suddenly, in the U.S. Geological Survey Hawaiian Volcano Observatory, overlooking Kilauea Crater, the seismograph needles leaped into action erratically scribing a swarm of local quakes. Within minutes the needles settled into the familiar rhythmic patterns of harmonic tremoring that often herald volcanic eruptions. By daybreak the bright lava fountains issuing forth in the Halemaumau firepit of Kilauea Crater confirmed the start of what since has become an almost continuous eruptive series that has attracted hundreds of thousands of tourists and local people.

### ***Jurisdiction***

While conserving natural and historic features, the rangers of Hawaii Volcanoes National Park administer 220,000 acres, comprising the world's most active volcanic national park, for public visitor enjoyment. Included among the rangers' varied duties are orientation of visitors, search and rescue missions, structure and forest fire control, safety hazard checks, inspection of sanitation facilities, wild-

life management, exotic plant control, and management of back country areas. They also provide the law enforcement and visitor protection services for the park area. The rangers operate under exclusive Federal jurisdiction and are the firstline police force within the national park. The balance of the "Big Island" law enforcement is provided by the County of Hawaii. In this regard, the park rangers are unique in the State of Hawaii, for they are the only independent, onsite police force other than the county police departments of the various islands.

As the rangers prepared for the onrush of volcano watchers in 1967, they did not fully realize the many other changes that would affect existing law enforcement efforts in the park. Several major airlines initiated direct flights to Hilo, on the Island of Hawaii, from mainland west coast air terminals. As a result, tourism to the park increased by impressive proportions almost overnight. The traditional daytime pattern of tourist-filled buses visiting Hawaii Volcanoes was quickly augmented by the amazingly rapid growth of additional tourists arriving in rented auto and camper units. The resulting round-the-clock traffic con-

gestion meant that the rangers could no longer put the park to bed at dusk and forget it. Moreover, Hawaii Volcanoes Park had, as a result of accelerated tourism, experienced a marked increase in the number and variety of crimes committed and in the number of persons arrested.

Well over 4 years have passed and the lava of Kilauea Volcano continues to flow intermittently. No longer confined to the original summit vent in Halemaumau, the flow has broken out at various points along the southeast rift zone. It runs a distance of 7 miles to the ocean, claims over 11 miles of highway, and bisects the park.

### ***Tourism and Crime***

Both natural and manmade changes have contributed to the rising incidence of crime in Hawaii Volcanoes Park. Thefts from cars while park visitors are away from their unattended vehicles to view volcanic displays have become a popular offense. These crimes, as well as burglaries and robberies, have been inspired by the common knowledge that travelers often carry large sums of money, are generally unfamiliar with the area, and usually stay in the vicinity no

Tourists attracted by the natural phenomenon of an erupting volcano present a variety of enforcement problems for the rangers in the park.



\*Mr. Shackelton was formerly supervisory park ranger at Hawaii Volcanoes National Park.



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*"Moreover, Hawaii Volcanoes Park had, as a result of accelerated tourism, experienced a marked increase in the number and variety of crimes committed and in the number of persons arrested."*

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longer than overnight. Check frauds have increased as high-spending mainland "paper hangers" take advantage of long mailing and clearing-house times, which normally allow about 8 days before a bogus check is returned for lack of funds or no account at all. Forgeries may go undetected until the suspect is far away from the islands. While not new, hotel skips and use of stolen credit cards have become more common problems. One guest who owed a hotel more than \$200 and had his rental car repossessed went so far as to fake a suicide to gain removal from his room and transportation back to Hilo by the park ambulance. His theatrics, justifiably, earned him both the stomach pump and a fraud conviction.

Crime suspects are elusive in this environment dominated by tourists and itinerants, as are victims, complainants, and witnesses. Many offenders who are apprehended never appear in court because of the prohibitive expense of returning complainants and witnesses to Hawaii from the mainland.

In addition to the tourist and local transients, special mention must be made of the mainland "hippie" who has become attracted to island living. His numbers have been involved in increasing narcotic drug incidents and linked with the growing thefts of Government property in the park.

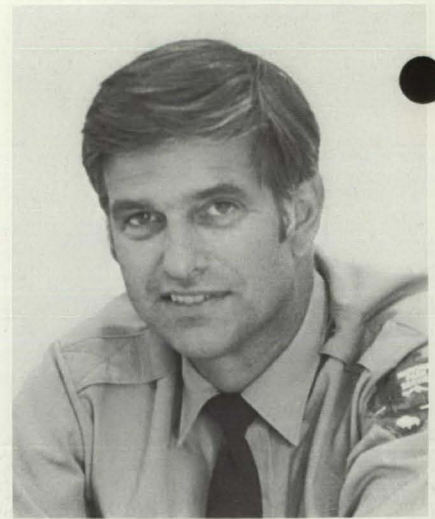
Operating with just six rangers, Chief Park Ranger Arthur F. Hewitt is able to schedule an average of only two men daily for law enforcement duty after visitor security and orientation assignments have been made. With most offenses inside the park

committed by persons who reside outside its Federal jurisdiction, investigations, apprehensions, and prosecutions are accordingly more difficult. Success in any of these areas of enforcement, therefore, is most often dependent on fast response to the commission of a crime. Lacking swiftness of response because of their limited numbers, the rangers often require some form of outside assistance. This assistance has materialized from a surprisingly large number of cooperating law enforcement agencies.

#### ***Assistance Sought***

It was apparent by early 1968 that the rangers needed help from beyond the national park to stem the growing crime problems in the area. The Federal Bureau of Investigation, with jurisdictional responsibility for many crimes committed on Federal reservations, was contacted. The Special Agents of the Honolulu FBI Office, on the Island of Oahu, gave immediate assistance and counseling on suggested procedures. Park rangers were encouraged to develop cooperative assistance from local, State, and other interested Federal agencies. Procedures, in addition, were instituted so that the FBI office is advised of all felonies and other aggravated offenses occurring in the park.

The FBI is also helping by holding annual law enforcement conferences



Supt. G. Bryan Harry.

for local, State, and Federal law enforcement officers, including park rangers. These conferences stimulate the exchange of ideas and serve to coordinate agency efforts toward the common goal of better law enforcement.

In spring 1968 the author was assigned as the law enforcement specialist for Hawaii Volcanoes to strengthen local cooperation. At that time it was evident that the Hawaii County Police Department, headquartered in Hilo, was in the best position to assist the rangers. This department had already demonstrated a willingness to help since many of the persons suspected of offenses in the park resided in the county's jurisdiction.

#### ***Cooperation Developed***

The Hawaii County Police Department has extended a wide variety of services and aid to the rangers in such areas as pursuit and detention of fleeing suspects, criminal investigations,

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*"It was apparent by early 1968 that the rangers needed help from beyond the national park to stem the growing crime problems in the area."*

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arrest records, drug identification, police communications, and training. The county police have supplied officers to aid the rangers in developing specialized law enforcement skills, and they have made available their firearms range facilities. Officers have repeatedly assisted the rangers when emergencies required more manpower. The rangers have accordingly come to work closely on daily patrols with the district commanders and men of the county's Puna and Kau Police Districts that flank the park.

Cooperation is a two-way street, and even a small ranger unit has something to offer in return. In the last year the rangers have assisted Hawaii County authorities in investigations involving the apprehension of fleeing felons, roadblocks for escaped prisoners, and traffic accidents and by dispatching equipment for emergencies outside the park. Because of the park's remote location, 30 miles southwest of Hilo, rangers are often the nearest officers to rural emergencies. Park rangers, in such instances, assist adjacent law enforcement agencies under the provisions of Public Law 230 of the 83d Congress [Title 16, U.S. Code, Section 1b(1)], which empowers the National Park Service to provide



Visitor security and orientation are just two of the many assignments of park rangers at overlooks such as this where tourists enjoy a scenic view.

emergency cooperative assistance.

The rangers exchange information through the Hawaii County "Daily Police Bulletin." The "Bulletin" prints, for the benefit of area law enforcement agencies, notifications of all persons arrested or charged in the national park. The Hilo Police Station has also linked the ranger station to its Wide Area Telephone Service (WATS) Line communications network and to the FBI National Crime Information Center (NCIC), through a satellite relay with the mainland. Information on park arrests is also extended to the police departments of Oahu, Maui, and Kauai when the offender is a resident of one of those

islands. Added to this broadened base of cooperation with surrounding law enforcement agencies is the availability of the Hawaii County jail for detention of Federal prisoners. Criminal offenders in the park are now handled more efficiently. The park rangers are no longer isolated but have become an important adjunct to the Hawaii Islands law enforcement team.

Obtaining criminal histories that accurately profile a suspect's record of arrests has been a persistent problem for the rangers. Unfortunately, some arrests are often missing even from FBI identification records on a given individual because some local departments fail to submit a fingerprint card to the FBI Identification Division for each arrest. The rangers' most valuable local cooperator in providing complete criminal histories on suspects from the islands is the Criminal Statistics and Identification (C.S.&I.) Division of the State of Hawaii.

Several cases within the park have involved violations of the 1968 Federal Gun Control Act. Hawaii Vol-

The vast area of Hawaii Volcanoes National Park covers 220,000 acres of scenic natural beauty.




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*"Cooperation is a two-way street, and even a small ranger unit has something to offer in return."*

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canoes National Park received immediate response and assistance from special investigators of the Alcohol, Tobacco and Firearms Division of the U.S. Treasury Department in handling these violations. In addition, U.S. Treasury Agents provided ranger personnel special training in firearms identification and schooling in the elements of the Federal firearms statutes.

When narcotics violations were first detected in the park in 1969, the Bureau of Narcotics and Dangerous Drugs sent Special Agents from Honolulu. They helped set up surveillance procedures and arranged for

undercover assistance to help rangers expose narcotics violators. Narcotics identification and related enforcement improved as a result of this cooperation. Coordinated training programs for park rangers in this category of offenses also helped substantially.

### *Unusual Situations*

Hawaii Volcanoes' capricious natural attractions draw visitors from every nation. Accordingly, matters affecting the security of foreign dignitaries who might visit the park were discussed with Agents of the U.S. Secret Service in order that coordi-

nated programs could be quickly implemented on such occasions.

One situation common to many national parks is that of persons violating laws that regulate the protection of wildlife, forest plants, and natural objects. Most frequently, rarely patrolled backroads are the haunts of these offenders. In several cases in Hawaii Volcanoes, suspicious backroad travel has been detected through a battery of seismometers placed strategically throughout the park to monitor the movement of subterranean molten rock. The scientists of the U.S. Geological Survey Hawaiian Volcano Observatory have been most

A river of lava is one of the spectacles that attracts tourist aircraft flights over the park.





valuable cooperators by providing the rangers with the place, date, and exact time of each passing of suspected vehicles. Distinguishing movements made by natural forces from those made by vehicles, the sensitive instruments record each on permanent charts.

With the spectacle of volcanic fountains and flowing lava to attract them, tourist aircraft have increasingly violated altitude flight regulations over the park. Countless violations of this type have been proved through coordinating the reports of onsite ranger patrols with the logs of Federal Aviation Administration towers in Hilo and Kona.

### ***Varied Cooperators***

Hawaii Volcanoes lies about 10 miles south of Kulani Prison Honor Camp. While escapes from the prison are rare, the national park has been used as a temporary refuge by some of the few who have succeeded. In 1970 efforts to apprehend three escapees from Kulani required 24-hour roadblocks and extensive searches of the park. Most of the extra manpower and equipment needed by the park rangers was provided by still another cooperator, the State of Hawaii Corrections Division of the Social Service Department.

Another department that has responded to ranger requests with a great deal of help is the Family Court and Adult Probation Office of the Third Circuit Court of the State of Hawaii. This assistance has consisted of background information relating to juvenile suspects and parole violators within the national park.

Situated within the headquarters district of the park is the Kilauea Job Corps Camp which has an average of 40 boys from Hawaii and the Pacific Trust Territories. This camp enjoys a good reputation, and many of the boys assist in the Hawaii Volcanoes conservation program. The camp super-



The rangers must handle pedestrian and traffic congestion as crowds of tourists rush to see the volcanic eruptions.

visors sponsor a crime prevention program presented by the rangers for each arriving group of boys, and the results have been most rewarding.

Visitor protection is a ranger's primary responsibility no matter what the problem. When a tour bus accident left four dead and 38 injured 3 years ago, two park ambulances were dispatched with the most seriously injured for the 45-mile run to Hilo Hospital. Following an established emergency plan, the ranger dispatcher placed one call to the Hawaii County Civil Defense Office in Hilo and obtained immediate assistance with the assignment of over 15 evacuation vehicles to the accident scene. The county civil defense office is the coordinator for the Civil Air Patrol. Through these two cooperators, the Hawaii Volcanoes rangers have logged dozens of flights for aerial observations in law enforcement, search and rescue, fire control, and volcanic eruption emergencies.

Of all the special law enforcement situations at Hawaii Volcanoes, the most unique involves the Kilauea Military Camp. This is a rest and recuperation facility available to members of all the Armed Services. The camp is the only such military operation of

its kind existing within a national park. Operating on authority of a special permit issued by the National Park Service, the military buildings and grounds comprise 50 acres within the Kilauea District. The commanding officer works closely with the rangers on matters of a criminal nature affecting camp operations. Through the commanding officer the rangers receive continuous assistance. In investigations of mutual military and civilian concern, the criminal investigative units of the various military forces work closely with the park rangers.

To better cope with violations of Federal parolees and probationers, the rangers established with the Chief U.S. Probation Officer from the U.S. District Court in Honolulu a working relationship for coordinating information and reports.

### ***Better Tools***

After 4 years, the hot lava continues to flow, and the park staff, no larger than before, has become a much more effective law enforcement unit, thanks to the broad cooperation among many Federal, State, and local agencies. The rangers have developed



a keen reciprocal attitude and extend themselves to make a truly mutual effort by helping other agencies in every way possible.

The transient nature of suspects and victims still makes the park's law enforcement task difficult, and many completed cases are still awaiting trial in Hawaii. Hopefully, the new national awareness of crime will bring about even more workable solutions to combat lawlessness. There are too many people in tourist areas like the park making "crime pay" by taking advantage of the tremendous mobility of our modern society.

Cooperation is one of the finest tools to combat crime and improve law enforcement performance in all areas of its responsibilities. The Hawaii Volcanoes National Park Rangers have confirmed this premise through their experience of the past 4 years. FBI

## ACADEMY

(Continued from page 7)

defensive tactics instruction, and off-duty-hour recreational activities. A special exercise room with a wide assortment of the finest equipment for body-building and muscular development programs, and an indoor training pool for survival swimming training, as well as instruction in water safety and rescue, are available to students. Plans are being formulated to eventually provide instruction in scuba diving techniques for law enforcement underwater search and recovery operations.

Together, the twin seven-story dormitories accommodate a maximum of 720 students in two-room suites. Each suite houses four students, two to a room, and has a bath between each room.

Another building in the complex houses a dining facility, a snackbar,



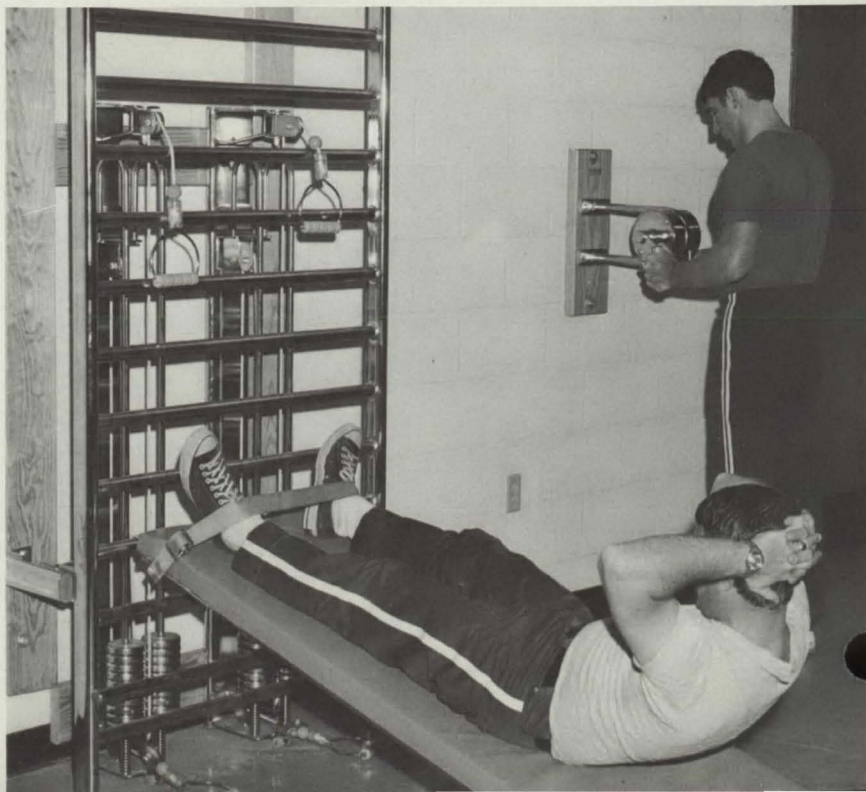
Agents enjoy convenience and utility of FBI Academy dormitory furnishings.

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*"Architecturally reflective of its varied role, the new FBI Academy is equipped to accommodate a number of law enforcement training programs—from basic police skills to the most sophisticated applications of advanced technology and innovative concepts in criminology."*

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Shown are two of many items of equipment used for body-building and muscular development at the Academy's physical training center.

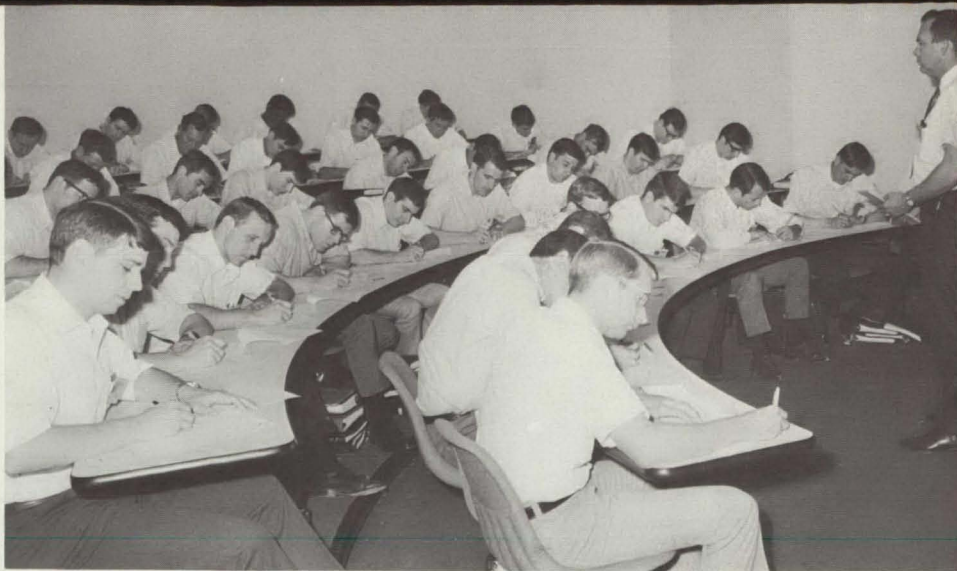




a store for personal articles and equipment, bank, barbershop, and the indoor firearms range.

Immediately beyond the dining facility are the famed FBI outdoor firearms ranges where officers receive expert training in a wide variety of defensive weapons under conditions and in situations similar to those they might face in the performance of their responsibilities.

Ultimately, there will be constructed a building to house student services, such as mailboxes, a message center, meditation room, and reception area for guests. Concourses between buildings in the complex will be covered and parking areas will be constructed.



New FBI Agents begin training by intently taking notes in one of many amphitheater-style classrooms at the Academy.



A view of multiple activities permitted by the Academy's spacious gymnasium.

All students enrolled in the police training programs at the Academy will be provided, at no cost to them, all meals, lodging, laundry, and dry-cleaning, as well as necessary equipment and supplies connected with their training.

Selection and nomination of applicants to attend police training programs of the Academy are made by the heads of their agencies. Any law enforcement official interested in the Academy's programs should address his inquiry to the appropriate FBI field office covering his territory.

The compelling variety of circumstances which confront the law enforcement officer today in the performance of his duty demands from him a fullness of knowledge and expertise characteristic of the most exacting professions. The FBI has moved determinedly with its new Academy to provide a comprehensive law enforcement education so necessary for him to effectively cope with changing patterns of criminality as well as revised standards that measure the quality of his performance. Only a complete and advanced institutional facility could accomplish this goal. This the FBI has earnestly striven to provide in its new Academy—a true university for law enforcement.

FBI

Hungry appetites are satisfied at the serving counter of the Academy's dining facility.





## NEIGHBORHOOD

(Continued from page 11)

In furthering their efforts to provide and coordinate necessary services in the neighborhood, the officers of the NPU have organized an effective referral system. With the unit acting as complainant in behalf of the residents, whose identities are concealed, referral slips are submitted to a variety of city, county, and State agencies for action.

During the month of July 1971, 20 persons entered the storefront requesting assistance in finding employment. With the aid of the State employment service and local public and private agencies, 19 were placed in jobs.

The referral system, with the support of the city administration, has realized an impressive record of success. It has been instrumental in helping the NPU gain public rapport, coordinate the efforts of other agencies, and project a new image of the police department. Unit officers receive the satisfaction of directly helping others, and they report the referral system does not impede the discharge of law enforcement duties.

Maintaining community interest and informing residents of the activities of the unit and other related community events have been accomplished through the publishing of a bimonthly newsletter. Distributed free of charge to the residents of the area, the newsletter serves to reinforce the positive services of the unit.

Neighborhood police are a progressive step forward in urban policing, yet in some ways they are a return to proven methods of the past. The neighborhood police office is a reversal of centralization. An individual officer who knows the people and their problems and who, in return, is known by them is better able to police the community. The neighborhood police

unit is a concept which promises much success in many urban communities besieged by crime and other social problems. FBI

## THE LEGAL DIGEST

(Continued from page 15)

<sup>23</sup> *People v. Fetsko*, 332 Ill. 110, 163 N.E. 359 (1928); *People v. Weideman*, supra footnote 7.

<sup>24</sup> Fed. R. Crim. P. 41 (d) provides that the warrant "... may be executed and returned only within 10 days after its date." The 10-day period begins to run on the day after issuance. Fed. R. Crim. P. 45.

<sup>25</sup> Fed. R. Crim. P. 41 (c) states that the search warrant "... shall command the officer to search forthwith the person or place named for the property specified." It is interesting to note that the Supreme Court recently adopted and sent to Congress a proposed amendment to Rule 41 which deletes the word "forthwith" and instead provides that the warrant shall be executed "... within a specified period of time not to exceed 10 days. . . ." Proposed Amendments to the Rules of Criminal Procedure for the U.S. District Courts, House Document No. 92-285, 92d Congress, 2d Session, p. 14 (1972). The proposed amendment seeks to resolve the ambiguity between the "10-day" and "forthwith" provisions and confers discretion upon the issuing magistrate to specify the time in which the warrant must be executed. *Id.* at 44.

<sup>26</sup> Statutes cited supra footnote 16.

<sup>27</sup> *Mitchell v. United States*, supra footnote 17.

<sup>28</sup> *United States v. Doe*, 19 F.R.D. 1 (E.D. Tenn. 1956); *United States v. Klapholz*, 17 F.R.D. 18 (S.D.N.Y. 1955), aff'd 230 F. 2d 494 (2d Cir. 1956); *Smithart v. State*, 86 Nev. 925, 478 P. 2d 576 (1970); *State v. Nozanich*, 207 Ind. 264, 192 N.E. 431 (1934).

<sup>29</sup> *United States v. Harper*, 450 F. 2d 1032 (5th Cir. 1971); *House v. United States*, 411 F. 2d 725 (C.A.D.C. 1969), cert. denied, 399 U.S. 915 (1970); *Spinelli v. United States*, 382 F. 2d 871 (8th Cir. 1967), rev'd on other grounds, 393 U.S. 410 (1969); *United States v. McClard*, 333 F. Supp. 158 (E.D. Ark. 1971); *Johnson v. United States*, 255 A. 2d 494 (D.C. App. 1969).

<sup>30</sup> *United States v. Bradley*, 428 F. 2d 1013 (5th Cir. 1970); *United States v. Kuch*, 301 F. Supp. 965 (D.C. 1969); *Curtis v. United States*, 263 A. 2d 653 (D.C. App. 1970); *State v. Featherstone*, 246 So. 2d 597 (Fla. App. 1971).

<sup>31</sup> 425 F. 2d 836 (2d Cir. 1969), cert. denied, 397 U.S. 1002 (1970).

<sup>32</sup> *Id.* at 840. Compare *State v. Ferrigno*, supra footnote 7. In *Ferrigno*, officers waited 14 days to execute a warrant against premises used for gambling purposes. One officer testified that "almost daily" visits to the premises from time of issuance to time of execution detected no illegal activity. When finally the gambling resumed, the search was made. The search and seizure were held unreasonable, and evidence seized was suppressed.

<sup>33</sup> *Id.* at 840-841. Accord, *United States v. Harper*, supra footnote 29; *United States v. Neptstead*, 424 F. 2d 269 (9th Cir. 1970), cert. denied, 400 U.S. 848 (1970); *United States v. McClard*, supra footnote 29.

<sup>34</sup> *Spinelli v. United States*, supra footnote 29.

<sup>35</sup> *United States v. McClard*, supra footnote 29.

<sup>36</sup> *People v. Stansberry*, 47 Ill. 2d 541, 268 N.E. 2d 431 (1971), cert. denied, 404 U.S. 873 (1971).

<sup>37</sup> *Cave v. Superior Court*, supra footnote 3 at 520, 73 Cal. Rptr. at 170.

<sup>38</sup> *Farmer v. Sellers*, 89 S.C. 492, 72 S.E. 224 (1911); see also *Elrod v. Moss*, 278 F. 123, 128 (4th Cir. 1921); *State v. Pachessa*, 102 W. Va. 607, 135 S.E. 908 (1926). In *Farmer*, a jury determination that a 48-day delay met the test of reasonable promptness was not disturbed by the court. Though it is unlikely that a similar result would be reached today, see *State v. Baker*, supra footnote 13, the nature of the person affected by the search presumably is still a relevant consideration in the manner of executing the warrant.

<sup>39</sup> *United States v. Bradley*, supra footnote 30; *Spinelli v. United States*, supra footnote 29; *United States v. McClard*, supra footnote 29; *State v. Ferrigno*, supra footnote 7; *People v. Fetsko*, supra footnote 23; *People v. Weideman*, supra footnote 7; *State v. Guthrie*, supra footnote 20; *Mitchell v. United States*, supra footnote 17.

<sup>40</sup> *Cave v. Superior Court*, supra footnote 3 at 521, 73 Cal. Rptr. at 169.

<sup>41</sup> *State v. Melanakis*, supra footnote 7.

<sup>42</sup> *Hiller v. State*, 190 Wis. 369, 208 N.W. 260 (1926).

<sup>43</sup> *Curtis v. United States*, supra footnote 30.

## ADDRESS BY MR. GRAY

(Continued from page 19)

this moment, I will simply state that the matter of files and communications is one of the serious avenues of inquiry I am pursuing with the top officials of the FBI as I continue to acquire the knowledge necessary to discharge my responsibilities.

Another area in which I am still looking for answers is the frequent criticism that the head of an investigative bureau of this importance has too much potential power. It has been suggested that his actions should be subject to review by a blue-ribbon commission over and above the Bureau. I am concerned that such a device might seriously impair the effectiveness of the FBI. However, I do have an open mind with regard to the establishment of a Director's Advisory Committee or a Director's Consulting Group, composed of recognized authorities in certain relevant fields. Certainly the Federal Bureau of Investigation already has more than ample expertise among the dedicated men and women who serve in this elite investigatory agency. But I believe that, working together with a group such as I have described, my top associates in the Bureau and I may be



*"I believe that it is possible for popular government to protect itself from overthrow without denying basic freedoms, and I consider that one of the principal responsibilities of the FBI and its Director is to prove that this can be done."*

assisted in the discharge of our responsibilities as we look to the future role of the Federal Bureau of Investigation in our society.

Let me add that I do not, at this present time and on the basis of information now available to me, believe that any full-scale investigation of the FBI is indicated. I have the feeling that many of the criticisms leveled are unfounded, simply because the critics did not have the factual information regarding the operations and the performance of the men and women of the Federal Bureau of Investigation.

These, then, are some of the questions of style that may give a new look, but not new substance, to the FBI.

Finally, at this historic changing of the guard—the first in nearly half a century—it is important for me to give some assurances of faith.

I believe in the United States of America, not only as a nation and a people, but as an ideal that has helped to reshape the world.

I believe in the democratic form of government, and in the sovereignty of the people.

I believe in a government of law, enacted by the people through their representatives, and not in a government of men. I believe that where this kind of law ends, tyranny begins, and I believe that the people have the right and the duty to oppose such tyranny.

I believe that individual constitutional rights are basic to our society and our form of government, and I include not only the rights of the accused to the full protection of the law,

but also the rights of all citizens to have that same protection.

I believe that it is possible for popular government to protect itself from overthrow without denying basic freedoms, and I consider that one of the principal responsibilities of the FBI and its Director is to prove that this can be done.

I believe in the FBI as a vital American institution. When it is criticized I will look into the charges to determine whether they have any validity. If so, I will make the changes necessary to maintain the FBI's posture as the finest investigatory agency in the world. If they are not valid, I will defend the FBI with all of the personal energies and capabilities at my command.

*Press release (FBI)  
May 15, 1972*

## BOMBING INCIDENTS

One hundred and fifty actual and attempted bombing incidents occurred throughout the country during the month of April 1972. Seventy-one of these bombing incidents involved explosive types of bombs and 79 were situations involving the use of incendiary devices. The persons involved used a total of 212 devices in connection with the 150 bombing situations. Seventy-five of the devices were explosive in nature and 137 incendiary.

The leading targets during the month of April were commercial operations and office buildings with 45 attacks. Forty attacks were against residences, 19 against schools, and 15

against vehicles. The remaining attacks involved other miscellaneous targets. During the month of April, 16 persons were injured and one death was reported in connection with the bombing incidents.

During the first 4 months of 1972, a total of 607 bombing incidents were reported throughout the Nation, Puerto Rico, and the Virgin Islands. Of the 607 incidents, 310 involved the use of explosive bombs while 297 were incendiary attacks. During the January-April period a total of 780 devices were used in connection with the 607 bombing situations. Three hundred and thirty-eight of the devices used were explosive in nature and 442 were incendiary. During this period a total of 56 persons were injured and 10 deaths were reported in connection with these bombing attacks.

Geographically, the Western States reported 228 bomb incidents during the first 4 months of 1972, the Southern States 161, the North Central States 140, the Northeastern States 60, Puerto Rico 17, and the Virgin Islands one.

The leading targets during the January-April period were residences with 171 attacks. Commercial operations and office buildings were victims of 161 bombing attacks. Vehicles were targets of 76 reported incidents. Sixty-five attacks were directed at school facilities, and the remaining incidents involved other miscellaneous targets.

## AIRCRAFT HIJACKINGS

During the period January 1, 1968, through May 8, 1972, there have been 133 incidents of hijacking involving U.S. aircraft, 77 of these concerned aircraft hijacked to Cuba, with an additional 19 hijacked to other destinations. In the remaining 37 instances, the hijackings were aborted.

*Per call to Mr. Stanton  
2-14-72*



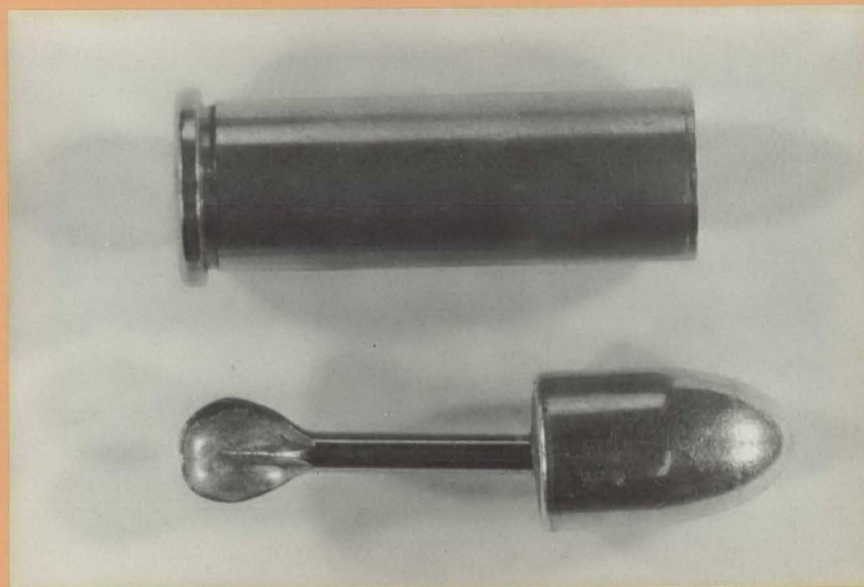
# NATIONWIDE CRIMESCOPE

## CARTRIDGE WITH A SECRET

Another imaginative and unusual way of hiding drugs came to the attention of officers of a police department in a western State recently. While booking a murder suspect, they recovered what seemed to be an ordinary .38 cartridge. However, the officers soon discovered that the shell was hollow and could be used to secrete heroin and the ball slug had been fitted with a small spoon used in administering the drug.



Cartridge as recovered from murder suspect.



Cartridge with slug removed to reveal spoon used in administering heroin.

Deputy Chief John T. Moran to Letter, March 1, 1972  
Las Vegas



## PROFESSIONAL CRITIQUE

A bank in a southwest State was robbed by two bandits who, with a confederate waiting outside in a getaway car, made good their escape with a considerable amount of cash. The two robbers inside the bank were armed and forced employees to lie prone on the floor during the robbery.

Following this robbery, the victim bank ran, in a local newspaper, a somewhat unusual advertisement which is quoted in part as follows:

"To the two professional gentlemen who borrowed \$24,000 from our bank last Thursday.

"You forgot to sign the note.

"The FBI explained that you were professionals. Well, we have helped hundreds of professionals with their problems. We talk professional language. So why did you think it was necessary to flatten all our officers and employees on the floor and hold them there with carbines? All any professional man needs to do is drop by . . . [the president's office]. He's one of the friendliest guys you'll ever meet. He's a real pro himself . . . professional banker, that is. He could have worked something out for you. . . . We must caution you that we most decidedly discourage any more anonymous withdrawals. . . . Just because we make things happen, we certainly can't let this happen again."

*The Concise Encyclopedia of Crime & Criminals*

## TOGETHERNESS

A police officer in a northern city stopped an out-of-State automobile when he noticed that the brake lights of the vehicle were not working. Neither the female driver nor her male companion could show evidence of

ownership for the car. Accordingly, the officer radioed for an NCIC check on all three. Within seconds a message whizzed back that there was no wanted notice for the girl, but the vehicle had been used in an armed robbery in which a male, meeting in all respects the description of the girl's companion, was wanted as the suspect. As the arrested suspect was being led away, he protested to the officer that the girl should not be overlooked since she had driven the getaway car in the robbery!

## HISTORICAL ANECDOTE

Fingerprints are an infallible means of human identification. But, for many years preceding their use, anthropometry was the primary method of identification used in law enforcement.

Anthropometry, or Bertillonage as it came to be popularly known, is the scientific measurement of the human body for identification purposes. This system devised by Alphonse Bertillon, a junior clerk in the Paris, France, Prefecture of Police, was introduced there in 1882. Later this means of identification was adopted by law enforcement agencies throughout the world, prior to the advent of fingerprinting in the late 19th century. It relied essentially upon the accurate recording of a number of measurements of the human body which, when taken in conjunction, helped distinguish one individual from another.

Although Bertillonage became obsolete, its founder is remembered as a great contributor to modern law enforcement. Bertillon brought scientific order and accuracy to law enforcement procedures. He also organized a standardized system of police photography, developed the portrait parle, and was one of the first to study the scientific basis for handwriting identification. His name holds an honored place in the annals of the law enforcement profession.

## BIGGER GAME

The Armed Forces Police detachment in Washington, D.C., was recently requested to check the status of a person believed to be a member of the military and suspected to be in the act of deserting. When military records surprisingly contained no information concerning the suspect as a deserter, an inquiry was made of the National Crime Information Center (NCIC). Almost immediately representatives of the Armed Forces Police detachment were informed via the NCIC computer that the individual in question was far bigger game than first suspected. He was wanted on a charge of murder in a nearby city. Local police, at the request of the military, moved swiftly to apprehend the alleged killer.

## POLICE KILLINGS

During the first 5 months of 1972, 42 local, county, and State law enforcement officers have been murdered due to criminal action.

Geographically, 24 officers were slain in the Southern States, 9 in the Northeastern States, and 9 in the Western and the North Central States.

Seven officers died as the result of ambush-type attacks; 13 were killed in connection with robbery matters; three were slain investigating suspicious persons or circumstances; four were murdered investigating burglary calls; two were killed in connection with a civil disorder; two were slain by mentally deranged persons; four were murdered while attempting an arrest for a crime other than robbery or burglary; four were slain handling a disturbance matter; and three officers were killed as a result of traffic stops.

Forty-one of the 42 officers murdered during the first 5 months of 1972 were killed through use of firearms. Handguns were used in 30 of the killings.

*NCIC Newsletter 3-72*

*Booked to Jagers memo, dated 5-1-72  
Quint to Jagers memo, 4-3-72*



# WANTED BY THE FBI



**RONALD KAUFMAN**, also known as: Christopher Charles Mohr, Christopher Curtis Mohr, James Edward Jensen, Charles E. Owens.

**Malicious Attempt To Damage and Destroy Buildings by Explosives; National Firearms Act; Federal Reserve Act**

Ronald Kaufman is being sought by the FBI for violations of the National Firearms Act and the Federal Reserve Act and malicious attempt to damage and destroy buildings by explosives. A Federal warrant for his arrest was issued on January 13, 1972, at San Francisco, Calif.

Kaufman allegedly placed bombs in safe-deposit boxes in three banks each in the cities of Chicago, Ill., New York, N.Y., and San Francisco, Calif. The boxes were rented under the assumed name of Christopher Charles Mohr. Anonymous letters describing the planting of bombs in the safe-deposit boxes were sent to various newspapers. The bombs were individually set to detonate by battery-operated clock timers.

## Description

Age ----- 34, born Feb. 5, 1938,  
Milwaukee, Wis.  
Height ----- 5 feet 10 inches to

5 feet 11 inches.  
Weight ----- 160 to 165 pounds.  
Build ----- Medium.  
Hair ----- Brown.  
Eyes ----- Brown.  
Complexion ----- Medium.  
Race ----- White.  
Nationality ----- American.  
Occupations ----- Office worker, student, Army private.  
Remarks ----- May wear glasses.  
FBI No. ----- 242, 076 J7.  
Fingerprint classification  
17 M 29 W IOI 16 Ref: 29  
I 25 U 000 17

## Caution

Kaufman may be armed and should be considered very dangerous.

## Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Acting Director of the Fed-

eral Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

## ORGANIZED CRIME—FBI'S JURISDICTION

The FBI had limited jurisdiction with respect to organized crime and its two major sources of illicit revenue, gambling and hoodlum loan-sharking, prior to 1961. In September of that year, the President signed into law three statutes covering the interstate transmission of wagering information, interstate transportation of wagering paraphernalia, and interstate travel in aid of racketeering. These were followed by: in June 1964, a bill prohibiting sports bribery; in May 1968, another banning extortionate credit transactions; and, in October 1970, a statute aimed at large-scale intrastate gambling operations, hoodlum infiltration of legitimate business, and the bribery of local officials in gambling matters. As a result of this added jurisdiction, thousands of investigations of organized crime figures have been added to those already being conducted by the FBI under previously existing statutes aimed at combating such activities as labor racketeering, extortion, and prostitution.

FBI investigations have been responsible for the conviction and imprisonment of a large number of the country's leading racketeers. Much of the criminal intelligence data gathered by FBI investigations has been especially helpful to other law enforcement agencies. Based upon information originally developed by the FBI, these other agencies on a yearly average arrest more than 4,000 hoodlum, gambling, and vice figures.

**FBI Law Enforcement Bulletin**

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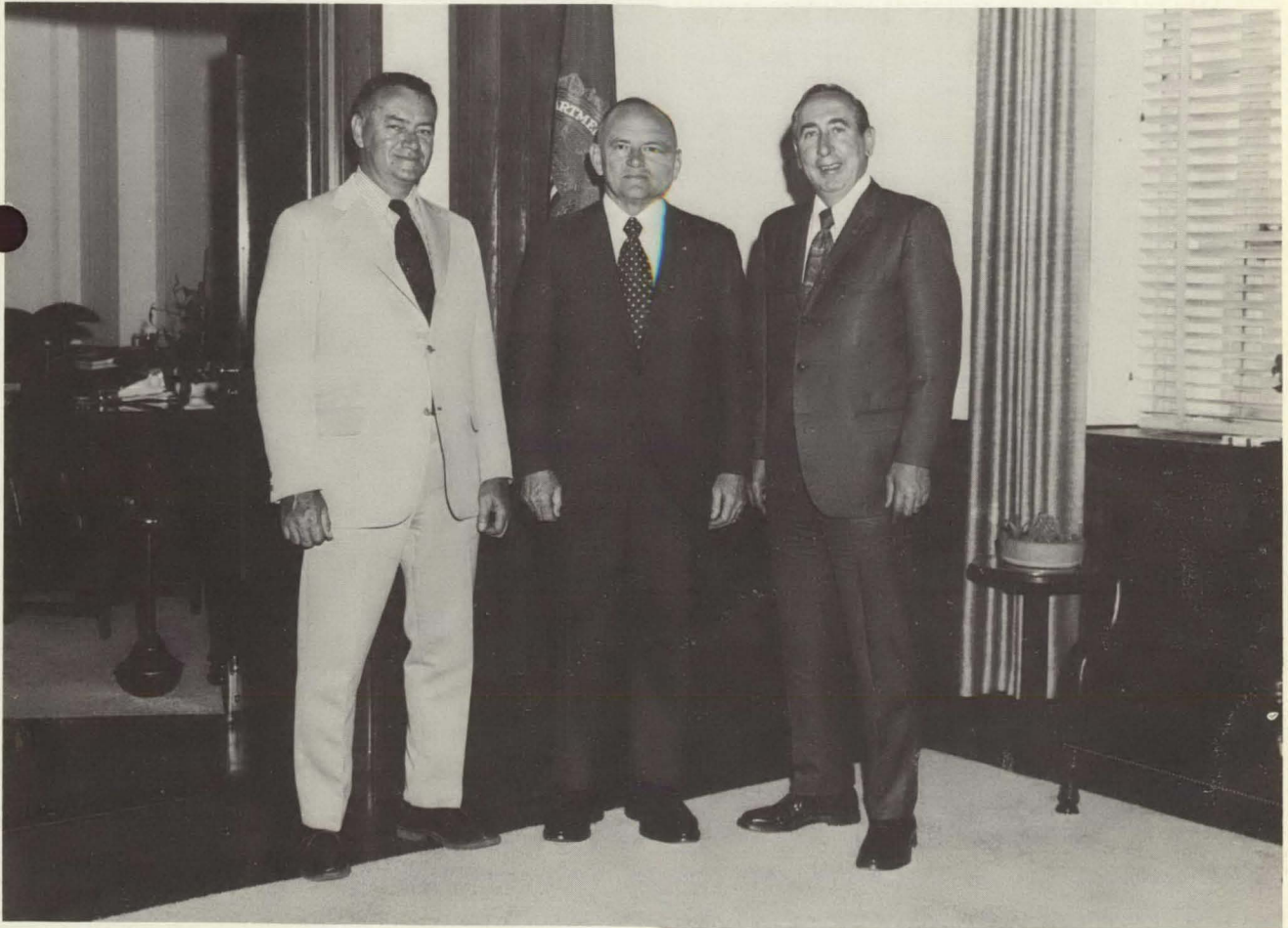
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## Visitors From IACP



During a recent visit to FBI Headquarters, First Vice President of the International Association of Chiefs of Police (IACP) Don R. Dering (left), Chief of Police, Winnetka, Ill., and immediate past President of the IACP John R. Shryock (right), Chief of Police, Kettering, Ohio, met with Acting FBI Director L. Patrick Gray, III. Chief Dering represented IACP President George A. Murphy, Chief of Police, Oneida, N.Y., who was not present because of illness.

*Casper to Make memo 5-26-72*



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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

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## INTERESTING PATTERN



This impression is classified as a loop with 15 ridge counts. The pattern is interesting because of the height of the looping ridges in relation to the delta and the unusual appearance this creates.