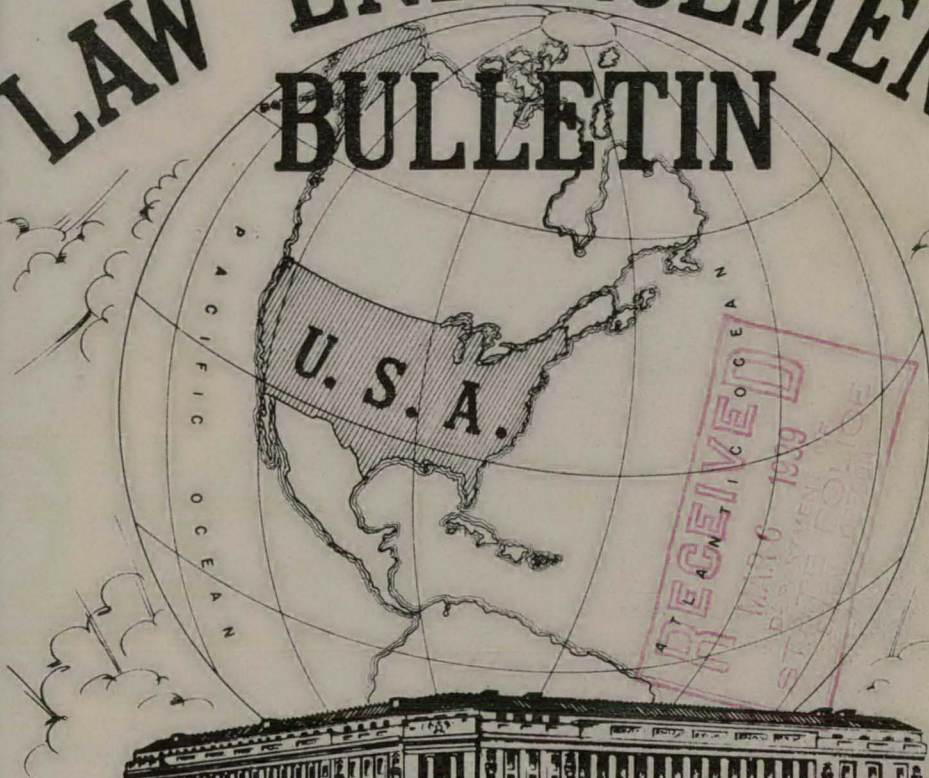


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LAW ENFORCEMENT BULLETIN



UNITED STATES DEPARTMENT OF JUSTICE BUILDING

**FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE**

JOHN EDGAR HOOVER, DIRECTOR
WASHINGTON, D. C.

VOL. 8 NO. 3

MARCH 1, 1939

The Federal Bureau of Investigation, United States Department of Justice, is charged with the duty of investigating violations of the laws of the United States and collecting evidence in cases in which the United States is or may be a party in interest.

The following list indicates some of the major violations over which the Bureau has investigative jurisdiction:-

- National Motor Vehicle Theft Act
- Interstate transportation of stolen property valued at \$5,000 or more
- National Bankruptcy Act
- Interstate flight to avoid prosecution or testifying in certain cases
- White Slave Traffic Act
- Impersonation of Government Officials
- Larceny of Goods in Interstate Commerce
- Killing or Assaulting Federal Officer
- Cases involving transportation in interstate or foreign commerce of any persons who have been kidnaped
- Extortion cases where mail is used to transmit threats of violence to persons or property; also cases where interstate commerce is an element and the means of communication is by telegram, telephone or other carrier
- Theft, Embezzlement or Illegal Possession of Government Property
- Antitrust Laws
- Robbery of National Banks, insured banks of the Federal Deposit Insurance Corporation, Member Banks of the Federal Reserve System and Federal Loan and Savings Institutions
- National Bank and Federal Reserve Act Violations, such as embezzlement, abstraction or misapplication of funds
- Crimes on any kind of Government reservation, including Indian Reservations or in any Government building or other Government property
- Neutrality violations, including the shipment of arms to friendly nations
- Frauds against the Government
- Crimes in connection with the Federal Penal and Correctional Institutions
- Perjury, embezzlement, or bribery in connection with Federal Statutes or officials
- Crimes on the high seas
- Federal Anti-Racketeering Statute
- The location of persons who are fugitives from justice by reason of violations of the Federal Laws over which the Bureau has jurisdiction, of escaped Federal prisoners, and parole and probation violators.

The Bureau does not have investigative jurisdiction over the violations of Counterfeiting, Narcotic, Customs, Immigration, or Postal Laws, except where the mail is used to extort something of value under threat of violence.

Law enforcement officials possessing information concerning violations over which the Bureau has investigative jurisdiction are requested to promptly forward the same to the Special Agent in Charge of the nearest field division of the Federal Bureau of Investigation, United States Department of Justice. The address of each field division of this Bureau appears on the inside back cover of this bulletin. Government Rate Collect telegrams or telephone calls will be accepted if information indicates that immediate action is necessary.

FBI

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BULLETIN

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UNITED STATES DEPARTMENT OF JUSTICE

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The FBI Law Enforcement Bulletin is issued monthly to law enforcement agencies throughout the United States. Much of the data appearing herein is of a confidential nature and its circulation should be restricted to law enforcement officers; therefore, material contained in this Bulletin may not be reprinted without prior authorization by the Federal Bureau of Investigation.

The FBI LAW ENFORCEMENT BULLETIN is published by the Federal Bureau of Investigation, United States Department of Justice each month. Its material is compiled for the assistance of all Law Enforcement Officials and is a current catalogue of continuous reference for the Law Enforcement Officers of the Nation.

**John Edgar Hoover, Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**

Law enforcement cannot afford to stand still or remain satisfied with the progress that it has made in the past. We should, of course, be proud of the splendid record which has been made during the last decade, but we must be ever on the alert to keep abreast of all modern developments and continually strive to elevate our standards to a higher plane.

To establish definite and intelligent standards in modern police training, a conference was held in Washington last month, sponsored by the Office of Education, United States Department of the Interior, in cooperation with the Federal Bureau of Investigation. There were selected some of the most outstanding men in this field from all parts of the Nation to assemble in Washington for this conference.

These prominent law enforcement officials, many of whom have attended the FBI National Police Academy, discussed the various problems which are presently being encountered in the training of police personnel, and made suggestions as to how these obstacles might be overcome. These men who gathered around the conference table to relate their individual experiences in law enforcement work as applied to police training represented a total of 225 years of practical police experience, nearly half of which had been devoted to the training of police officers. Certainly, every progressive law enforcement official will welcome the opportunity to review the report which is now being prepared reflecting the accomplishments of this conference.

The adequate training of carefully selected personnel is recognized by all modern law enforcement officials as being of paramount importance in efficient police administration today, and the significance of every development in this phase of our activities is deserving of our most careful consideration.

J. Edgar Hoover

Director

SPECIAL ANNOUNCEMENT

LABORATORY EXAMINATION OF BOGUS CHECKS

The Bureau receives for examination in its Technical Laboratory a considerable number of bogus checks submitted by police departments and other law enforcement agencies investigating the activities of professional check flashers. For the information of such contributors of evidence the treatment afforded checks of this kind in the Bureau's Technical Laboratory is described as follows:

If the check has the appearance of being the work of professional check flashers in that it is prepared on specially printed forms or has other embellishments designed to give it the appearance of authenticity, the check is searched through a special file which the Bureau's Technical Laboratory maintains and which contains many samples of the work of such professional check flashers. In addition, all names appearing on the check, i.e., payee, signer, endorsers, are searched through the card index files of the Bureau. Where fingerprint records are located, the signatures on such cards are compared with the writings appearing on the bogus check.

The original check is then chemically treated for the development of latent fingerprints and if any such fingerprints are developed thereon, they are either compared with the names of the specific suspects submitted at the time by the law enforcement agency, or in the absence of such specifically named suspects, photographs of the latent fingerprints thus developed are retained for possible future reference when suspects are located.

MARIHUANA RESEARCH

by

Honorable H. J. Anslinger

Commissioner, Bureau of Narcotics, United States Treasury Department

Foreword

The Marihuana Tax Act became effective October 1, 1937. Since then, we have with the cooperation of city, county and state officials destroyed twenty-six thousand tons of marihuana or approximately sixteen thousand acres distributed over nearly every state in the Union. In several years we shall have destroyed the major growth. In accomplishing this enormous task a great potential danger to the health and welfare of the youth of the land has been removed.

All of the forty-eight States of the Union and the Territory of Hawaii have control legislation of some nature on Marihuana. Many state and city officers throughout the country have been quick to realize the dangers of the drug, and have taken hold of marihuana enforcement problems in a most commendable manner. Numerous police departments have been educating their forces in the recognition of the Marihuana plant. There have also been initiated local campaigns to eradicate the plant from vacant lots in various localities where it has been found growing.

I wish to state here that the abuse of Marihuana isn't as prevalent as some sensational accounts would indicate. It is, nevertheless, considered one of the most vital enforcement problems which now confronts the United States Treasury Department, and other interested agencies, and the public. Moreover, it is a potential danger, because it is so readily accessible to the younger element of the population. With regard to the reported crimes and atrocities accredited to its use, some of these have been authenticated and some have been disproved. Certainly all such instances where there is any reason whatsoever to believe that the use of Marihuana may be involved, should be subjected to minute scrutiny, in an effort to learn the facts.

The Marihuana Tax Act

The enforcement of the revenue or taxing features of the Marihuana Tax Act of 1937, together with enforcement of State laws regulating traffic in Cannabis Sativa,* will have the effect of restricting the use of the drug to industrial, medical and scientific purposes; and through publicizing dealings in Cannabis Sativa it will prevent distribution for the purpose of maintaining or increasing narcotic addiction.

The Federal law, which became effective October 1, 1937, defines "marihuana" to mean all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. The definition does not include the mature stalks of such plant, fiber produced from such stalks,

(Editor's Note: The dried flowing spikes of the pistillate plants of a hemp, commonly known as hashish or marihuana.)

oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination (the oils extracted from the seed are also used for paint and varnish).

The Act was modeled upon the Harrison Narcotic Act of December 17, 1914, which was designed to accomplish similar general objectives in respect to opium and coca leaves. The essential differences are two: (1) that registrants under the Harrison Law are required to be lawfully entitled under the State law to import, manufacture, purchase, dispense or distribute narcotic drugs covered by that law; whereas there is no requirement in the Marihuana Tax Act for prior State legal qualification of applicants for registration under that Act; (2) in the Harrison Law a commodity tax is imposed upon the narcotic drugs covered at the rate of one cent per ounce or fraction thereof, to be paid by the importer, manufacturer or producer. In the Marihuana Tax Act there is no commodity tax on marihuana, but there is a transfer tax at the rate of \$1.00 per ounce if transfer is made to a registrant, or at the rate of \$100 an ounce if made to a non-registrant. (The Harrison Act does not impose a transfer tax.) Importers, manufacturers, persons preparing marihuana, producers, doctors, dentists, veterinary surgeons, and other practitioners, persons who use marihuana for research or analysis, and dealers, must register and pay an occupational tax.

Psychical and Psychopathic Effects of Cannabis

The literature on this subject tends to confirm the analysis of the psychic effects of hashish made as long ago as 1845 by Dr. Moreau, of Tours, in his book: "Du hachich et de l'alienation mentale," which is still the standard work on the question.

According to Dr. Moreau, the psychic action of hashish consists of eight phenomena:

- (1) A feeling of happiness, the characteristic state of euphoria;
- (2) Intellectual excitement, dissociation of ideas, and exaggeration of sensations;
- (3) Errors in time and space;
- (4) Intensified auditory sensibility;
- (5) Fixation of ideas; these usually have a suggestive origin due to the influence of the outside world;
- (6) Over-excitation of sensations; emotional disturbances during which the addict loses the power to control his emotions and may commit acts of violence. While this dangerous phenomenon is present, the evil instincts come to the surface;
- (7) Irresistible impulses, always of a suggestive origin, which may lead to suicide;
- (8) Numerous illusions and hallucinations; whatever the addict imagines becomes clearly visible to him.

Further, Dr. Moreau divides intoxication into four periods:

- (1) Period of nervous excitation;
- (2) Period of hallucination and mental instability;
- (3) Period of ecstasy and profound repose;
- (4) Period of sleep which terminates the intoxication caused by hashish.

Dr. Brotteaux, in his work on "Le Hachich, harbe de foile et de reve," Paris 1934, followed up and in the main confirmed Dr. Moreau's analysis. He carried out experiments on himself and on his friends, and thus made a more thorough analysis based on facts. Dealing with the subject mainly from the psychological standpoint, he endeavored to furnish a simple and logical explanation of all the characteristics of hashish delirium.

Brotteaux's penetrating analysis and other data furnished by the literature on this subject, clearly show that paralysis of the higher centers, especially of the will, caused by hashish, and also over-excitation of the imagination and sensibility and the release of subconscious leanings, cause, at all events when the drug is used to an excessive extent, serious mental disorder or even lunacy.

Dhunsiboy in 1930 showed that the prolonged use of Indian hemp usually leads to insanity. In 1933, Guche (Le hachich et son danger en Algeria (Revue med. trop. et d'hyg. trop., Vol XXV)) drew attention to the dangers of Cannabis addiction, from the point of view of mental hygiene among the Arab population, and observed that chronic intoxication led in the end to hallucinatory insanity. Meunier devoted an entire chapter to the study of hashish insanity, and Dr. Henri Bouquet, in his thesis, "The Insane of Tunis," (1900) mentions the important part played by intoxication due to Indian hemp as an aetiological factor "in the greater part of mental disorders," observed among Moslems of the Regency. According to Matignon (Thesis, Bordeaux, 1901) certain doctors in Tunisia asserted that nine-tenths of the lunatics in that country had become insane through the abuse of hashish; Dr. Perronet, however, regards this as an exaggeration (Archives of the Pasteur Institute, Paris, December 1925).

The British Indian Hemp Drugs Commission, in 1893 and 1894, carried out an inquiry into the relationship of Indian hemp and lunacy. The Commission concluded that, although no brain lesions were directly caused by the abuse of the hemp drugs, their use in excess did cause insanity. The mental symptoms of hemp intoxication were observed to be similar to those of insanity. Several years ago the Medical Superintendent of the Indian Mental Hospital at Ranchi confirmed this earlier investigation by concluding that hemp drugs were a cerebral poison, more injurious than opium in the causation of insanity.

Colonel Chopra, of the Calcutta School of Tropical Medicine, reports that there is no doubt that prolonged and excessive use of cannabis, particularly in persons with nervous diathesis, leads to intellectual and moral deterioration. When under the effect of these drugs, the addicts do not know what they are doing. "Ganja" and "Charas" are much more potent in

this respect than "Bhang," and their excessive consumption, especially of "Charas" gives rise to insanity and may lead to crime.* Investigations into this subject are being conducted in Ranchi Mental Hospital and other such institutions in India, but the conclusion reached is still only provisional. It is to the effect that there is a relationship between drug addiction, particularly the hemp drugs, and insanity and crime. The effects are naturally less marked in normal, healthy, well-fed individuals, and their action is more harmful in nervous persons.

Recently there has been a proposal to authorize the sale of Ganja to the Indian population in Burma, similar to the authorized sale of this form of Indian hemp in India. Some objection has been met, and an argument against authorizing its sale has been advanced that, according to the Inspector-General of Civil Hospitals in Burma, the percentage of mental cases at the Mental Hospital at Tadagale attributable to Ganja and its derivatives varied, between 1928 and 1937, from 0.87 per cent to 4.35 per cent, and that in 1936, out of a total of 296 admissions, there were ten such cases, the corresponding figures for 1937 being 356 and 10, respectively.

In 1936 in one of our Mid-Western States an investigation was initiated with the questioning by a doctor of a 15-year-old boy who had shown signs of being insane. At times he appeared sane but at other times he was decidedly mentally unbalanced. When asked about his condition, he made statements that he had been smoking Marihuana cigarettes, which had been sold to him by two men whom he named. The latter readily admitted making the Marihuana sales to the youth, and led the officers to the place where the Marihuana was concealed; approximately 16 pounds were seized, and the men were arrested.

The defendants, who were brothers, stated that they had grown the drug at their home from seed which had been purchased; that they had sold the cigarettes to numerous boys in their town at a price of six for twenty-five cents.

They also stated that in May, 1936, the boys began to demand so many of the cigarettes and to exhibit such a strong craving for them that they became alarmed and refused to sell any more Marihuana for some time.

The Chief of Police stated that there were possibly fifteen or twenty boys in the group who had purchased cigarettes from these men. Both defendants pleaded guilty, the imposition of sentence was suspended in each case by the Judge and they were placed on parole.

Cannabis and Crime

If we can accept the testimony of Sinkarenko, the author of a study on "Criminality due to Hashish in Asiatic Russia," hashish has taken a very strong hold in the Northern Caucasus, and indeed through Asiatic

*The Bureau of Narcotics and police officers receive numerous complaints which place the blame for various derelictions on the use of Marihuana by defendants.

Russia; it is smoked mixed with tobacco, or taken as a beverage in taverns under the name of "merry pudding." The result, according to this writer, is that the proportion of addicts among criminals is increasing steadily; a prison inquiry showed that sixty per cent of the inmates were addicts, and Sinkarenko maintains that further increases in the ravages caused by hashish are to be expected.

Dr. Stringaris also mentions that, according to information in his possession, there has appeared in Russia in the last twenty-five years, owing to the expansion of trade, a narcotic substance which takes the form of a powder known as "anassa" or "nassa," which is manufactured in Asiatic Russia and appears under chemical analysis to be related to hashish. This substance is imported into the Caucasus and various towns in the Volga basin. Its use is widespread in Astrakhan, a town situated on the Asiatic frontier, where it is found in two forms -- a pale yellow powder, which is the less harmful of the two, and which reaches Batum from beyond the Caspian Sea; and a blackish variety, which is stronger, and which originating in Afghanistan, travels from Askabad to Krasnovodsk along the Transcaspian Railway, and thence to Astrakhan. The close connection between crime and hashish-addiction emerges again here; for, according to Stringaris, the popularity of anassa in the Astrakhan district is explained by the fact that that region is inhabited by large numbers of criminals and adventurers, who are drawn to the port of Astrakhan, the principal market for the drug. Anassa finds a ready sale among young vagrants and the poorest classes, owing to its cheapness.

As a result of current investigations, progress has been made on the chemical side, while fresh information has been gathered in other spheres; at the same time, certain points still require clarification, especially in connection with the physiological, psychological, and psychopathic effects of cannabis and with the relationships between cannabis-addiction and insanity, and between cannabis-addiction and crime.

The increase in cannabis-addiction throughout the world has intensified studies on the subject by experts forming a Sub-Committee of the Opium Advisory Committee of the League of Nations. During the Spring of 1938 this Sub-Committee held a number of sessions and examined all of the current investigations which have been undertaken throughout the world. It submitted the following report to the plenary session of the Opium Advisory Committee:

"In its discussion of the matter before it, the Sub-Committee divided consideration of the subject as follows:

- (1) Commercial uses of cannabis;
- (2) Medical uses of cannabis;
- (3) Effects of the abuse of cannabis;
- (4) Methods of detecting the presence of cannabis;
- (5) Legal definition of the term cannabis.

The discussions developed that fact that the Committee still lacks complete information concerning the commercial uses of cannabis. The Sub-Committee

would welcome further information concerning the physiological, psychological and psychopathic effects of abusive use of cannabis and the relation between cannabis and crime.

"Dr. Bouquet, of Tunis, pointed out that the percentages of resin content in the hemp plant raised in different countries should be ascertained with a view to deciding whether it is necessary to prohibit or merely to control the cultivation of cannabis for industrial purposes.

"The value of the Beam test for detecting the presence of cannabis appears to have been confirmed by a further series of experiments the results of which are before the Committee, including those attained by the employment of several different modifications of that test.

"Dr. de Myttenaere, of Belgium, said that his experience enabled him to state that the Beam alkaline reaction and its modifications indicated the chief element in the various components of cannabis resin which was the cause of hashish addiction -- i.e., the alcoholic group.

"Dr. Bouquet informed the Sub-Committee that a test based upon new principles had recently been devised which will form the subject of a thesis which is to be presented by M. Duquenois and M. Hassan Negm Mustapha at the University of Strasburg, and which will be circulated to the Opium Advisory Committee shortly.

"The question of modifying the incomplete definition of Indian hemp in the Geneva Convention of 1925 was discussed, but no definite conclusion was arrived at. It appeared upon examination that such modification would affect not only Article 1 of the Convention, but also Articles 4 and 11, and would necessarily involve complicated adjustments in the Convention itself. It was therefore decided to postpone further consideration of this matter until the next session of the Sub-Committee, when it is hoped that more time will be available for the Sub-Committee's work.

"The Sub-Committee's duty is understood to include:

- (1) Collection and making available to Governments carefully prepared documentation concerning cannabis and problems connected therewith;
- (2) Study of the dangers and effects of addiction and the causes to which its persistence and extension may be attributed;
- (3) Suggestion of means to cope with the peril.

"The Sub-Committee points out that, as a result of the investigations made up to the present time, progress has been made in respect to the chemical identification of cannabis, and information has been collected on other phases of the problem, while, at the same time, certain points still require clarification, especially in connection with the physiological, psychological, and psychopathic effects of cannabis and with the relationships between cannabis-addiction and insanity, and between cannabis-addiction and crime."

STUDIES IN IDENTIFICATION No. 1 *

by Sydney Smith, M. D.

Department of Forensic Medicine, University of Edinburgh

The Identification of an Individual from his Footwear

On November 28th, 1937, a person was arrested in Falkirk on premises into which he had broken. He was in his stocking soles, and a pair of boots which he claimed as his own were found on the flat roof by means of which he had entered the building. In the same district two other cases of burglary had occurred, one on September 14th and the other on November 1st, 1937. In each case the general *modus operandi* was the same with regard to the time of breaking in, the method of approach, the method of entry and general conduct of the individual on the premises. In one of these cases a pair of boots had been left adjacent to the scene of the crime, and in the other a pair of shoes. The accused denied any knowledge of the two previous cases.

Detective Sergeant Williamson who had charge of the case was convinced that all three crimes were committed by the same person, and the three pairs of footwear were sent to the laboratory for examination, to ascertain whether they could be proved to have been worn by the same person.

The boots actually identified by the accused as his own were originally coloured two shades of brown which had been blackened over, and agreed in all details with regard to colour, brand, reference number, etc. with the boots found at the scene of the burglary on November 1st. On examination of the boots it was found that there were distinct differences between the right and left sides. (Figs. 1, below, and 2, next page)

Fig. 1



Toecap of Right Brown Shoe



Toecap of Right Brown Boot



Toecap of Right Black Boot

All showing a fullness of the upper at the base of the great toe and a crack or wrinkle across the toecap

*This article, together with the illustrations, appeared in the Fourth Quarterly issue, October-December 1938, of "The Police Journal," and is reprinted with the permission of The Police Journal, London, England.

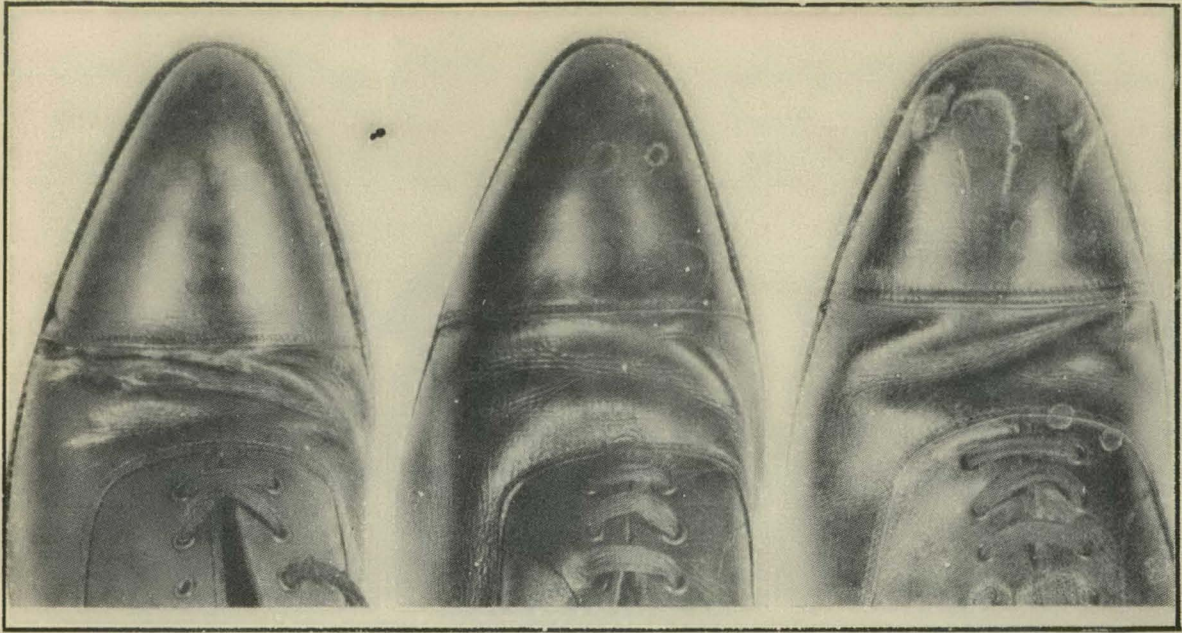


Fig. 2

Toecap of Left Brown Shoe

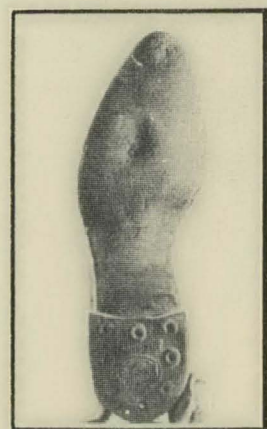
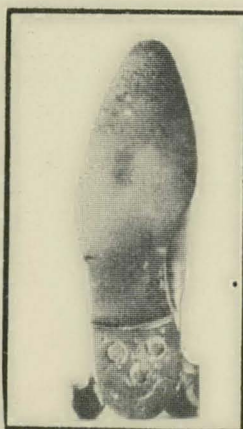
Toecap of Left Brown Boot

Toecap of Left Black Boot

All showing considerable wrinkling over the region of the base of the great toe and no trace of a wrinkle across the toecap

The right upper showed a considerable amount of bulging on the inside over the region of the base of the great toe. The left showed no such fullness but was rather wrinkled at this part, and the marks of the laces were more deeply impressed on the right than on the left, all of which suggested that the right foot was bigger than the left. There was a transverse crease on the right toecap about half an inch in front of the seam, which did not appear on the left, and the tip of the right sole was a quarter of an inch higher from the ground than the tip of the left.

The right sole was more worn than the left and was very thin in the centre (Figs. 3, below, and 4, next page) showing that most of the



• Fig. 3

Right Brown Shoe

Right Brown Boot

Right Black Boot

Note the evidence of wear in the middle of the soles and the back of the heels in each and compare with Fig. 4



Fig. 4

Left Brown Shoe

Left Brown Boot

Left Black Boot

Note the evidence of wear of the tips of the toes and the inside corner of the front of the heels

weight of the body was borne by the right leg. The greatest wearing of the left sole was at the toe and the immediately adjacent inner margin. The direction of the fine scratches of wear on the under surface of the right sole was in the long axis of the boot. The scratches at the tip of the left sole were similarly disposed but those in the centre of the left sole described a series of curved concentric lines, indicating that the left foot had been rotated while bearing weight. (Fig. 6) The scratches on the worn tip of the left sole were short and were wider in front than behind. Two nails projecting above the surface in the worn area were rounded in front and overhanging behind. (Fig. 5)



Fig. 5

Toe of Left Black Boot with striæ showing direction of wear



Fig. 6

Sole of left boot showing circular marks

The right heel was much more worn than the left (Figs. 3 and 4) the greatest wear being at the back and on the outer side. The left heel was comparatively free from signs of wearing except on the inner side and front and on the inner corner of the heel which was rounded off and broken.

The differences between right and left shoes, it will be observed, were very well marked indeed, and indicated that there was a difference in the length and breadth of the two feet, and also indicated the manner in which the right and left feet were used in walking. The same characteristic differences between right and left, and the same features due to wear, were found on the brown boots found at the scene of one of the crimes, and on the brown shoes found at the other. In each case every one of these special features was imprinted on the footwear, and these were sufficiently characteristic to enable an opinion to be given that they had all been worn by the same individual.

The inside lining of the footwear, which showed sweat marks, was tested for the blood group but no definite reaction was obtained.

Having arrived at the conclusion that all three pairs had been worn by one person we thought it advisable to endeavour to ascertain what information could be obtained with regard to the characteristics of that particular individual. In furtherance of this we decided to make an examination of the actual foot impressions of the wearer inside the boots, for such examination must give more information about the person than could be obtained from examining the external effects due to the gait. Gelatin-glycerine casts were therefore prepared of the insides of the three pairs of footwear. The casts in all three cases were practically identical and brought out certain characteristics of the foot of the individual which are of the greatest interest.

Two pairs of these casts are shown in Fig. 7 (below) from which it will be observed that the right foot is about an inch longer, and about half an inch broader than the left, it shows distinct impressions of five toes, the ball of the foot makes complete contact with the sole, and the outer side of the instep and the heel all produce definite evidence of pressure.

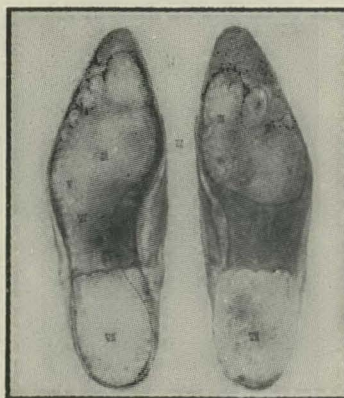


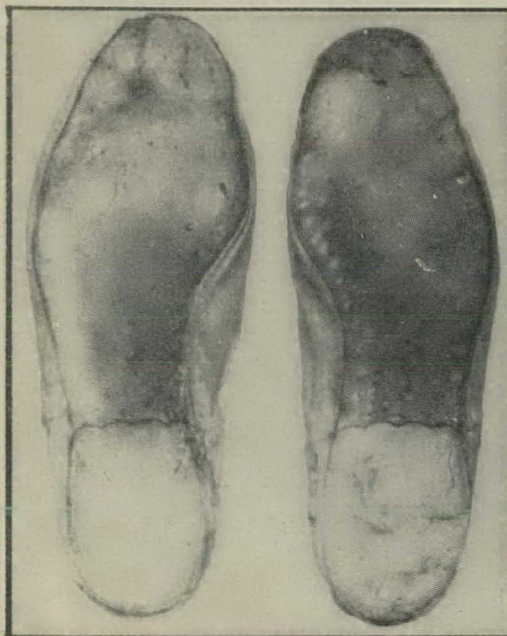
Fig. 7
Right Left
Casts from the insides of the Brown Boots

Note the differences in length (I) and breadth, the position of the great toe, the apparent absence of a toe on the left (II), the difference in distribution of pressure marks (III,V,VI,VII). Note that on the left side the only pressure of any importance is on the great toe.

On the left the most marked impression is made by the great toe, showing that most of the weight has been borne on the great toe. Three other toe impressions only can be seen, indicating that either one toe had been lost or that one toe overrides two of the others. There is practically no impression due to the ball of the foot, instep or heel, all these characters indicating that the left foot of the individual was deformed, that it was shrunken and smaller than the right; and the great toe being the main source of support indicated that the left leg was in all probability shorter than the right.

These characteristic features were found in the casts of all three pairs. From the examination of the footwear and the impression of the feet in them, it was therefore possible to deduce:

- (1) that all three pairs of footwear had been worn by the same individual;
- (2) that such individual had suffered from a deformity of the left leg and foot, namely a short leg and a withered foot, the result of paralysis of the leg which had occurred during infancy;
- (3) that there was loss of one toe or a deformity of one toe of the left foot which prevented it from touching the ground;
- (4) that he walked with a limp, characterised by a twist of the left foot so as to bring the heel in and the toe out. There was a drooping of the left foot due to weakness of the left leg which caused the tip of the great toe to be dragged or scraped on the ground when he moved forward. Most of the weight of the body was borne by the right foot;
- (5) that he had a curvature of the spine due to the pelvis being dipped to the affected side;
- (6) that he was probably short in stature.



Right Fig. 8 Left
Casts from the insides of the Black Boots

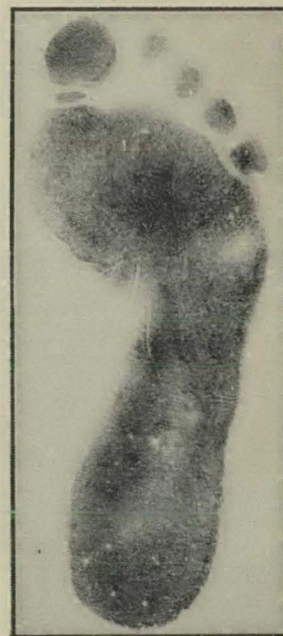


Fig. 9
Print of Right Foot

The prisoner was convicted on all three charges. He afterwards frankly confessed, and on being approached he agreed to be examined in prison on April 25th, and this examination was made by authority of the Department of Prisons.

Correlation of deduced, with actual, description of prisoner.

The prisoner was visited and his actual physical state and gait were compared with the foregoing inferential description. Prints were obtained of his feet, which are shown in Figs. 9 and 10, for comparison with the casts taken from the boots. Cinematographic studies were made of his gait, certain selected stills of which are shown in Fig. 13.



Fig. 10
Print of Left Foot

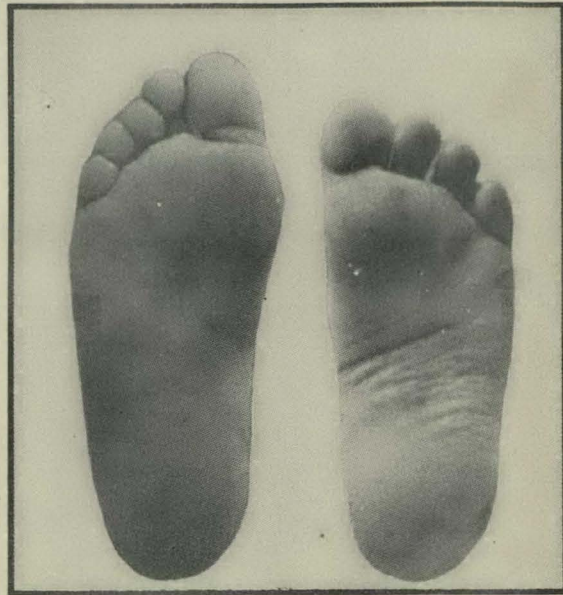


Fig. 12
Right Foot Left Foot

Photograph of feet of accused. Note apparent absence of a toe on the left foot due to the fourth toe overriding the third and fifth toes

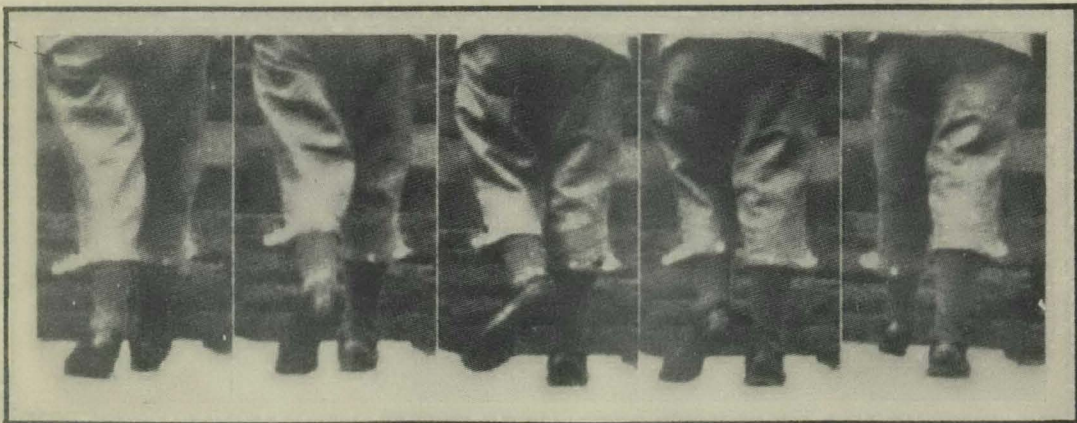


Fig. 13
Frames selected from the cinematograph film to show the characteristic features of the gait described in the text

The prisoner was 29 years of age and was of less than average stature (5 feet, 3.5 ins.). His left leg was $2\frac{1}{2}$ inches shorter than the right, and its circumference at mid-thigh was 4.75 inches, and at the calf 2.75 inches less than that of the right leg. (Fig. 11)



Fig. 11

Photograph of the accused showing wasting of the left leg and curvature of the spine

His feet measured:

	Max. Length	Max. Width
Right	10 ins.	4.0 ins.
Left	9.2	3.6

As nearly as could be ascertained he had been lame since an attack of infantile paralysis in childhood. He had a pronounced lateral curvature of the spine to compensate for the shortness of the leg, and in addition to the atrophy of the leg and thigh muscles there was marked atrophy of the muscles of the left buttock.

Both the transverse and the longitudinal arch of his right foot had fallen. (Fig. 9) On the left he had a cavus deformity with lateral deflection of his second and third toes resulting from a dorsally flexed, over-riding fourth toe. It was this condition of the fourth toe that suggested that one toe was absent. (Fig. 12)

There was no significant difference between the prisoner's actual gait and the gait that had been inferred from an examination of his footwear. A feature of his gait not anticipated was an exaggerated flexion of the left knee while the left leg was being brought forward. The forward movement of the left leg was accomplished principally by a rotation of the left side of the pelvis. To enable the dropped left toe to clear the ground the leg was flexed quickly on the thigh during this phase of walking. This flexion led to a peculiar backward and upward flip of the left heel. The flip of the heel was however the completion of a motion that was initiated by the rotation of the left foot while still bearing weight upon it. This rotation of the heel inward was recognized by the peculiar marks of wear on the left sole and heel. (Fig. 4)

In the inferred description of gait it was not possible to distinguish between the effects of "kick" and "drag" in accounting for the wear at the tip of the left sole. In the actual observation of gait it appeared that most of this wear was due to the left toe striking the ground first.

A sample of his blood showed him to be in group O which would account for the failure to obtain any reaction with the sweat in the boot linings.

Conclusions

This case has been reported for several reasons. It was possible to conclude with considerable certainty that three pairs of footwear found at different times and in different places had been worn by the same individual.

It was possible to show that the wearer of the articles possessed certain definite physical characters as well as certain peculiar features of gait by which he could be identified.

It was further possible to deduce with a considerable degree of certainty that not only were all three pairs of footwear worn by the same person but that they were all worn by a particular individual, namely the person who had been apprehended.

It draws attention to the importance of taking casts of the inside of footwear in order to get definite information about the size and physical characters of the feet as well as inferences with regard to the gait.

In this particular instance a good description of the wanted man could have been given from an examination of any one pair of the footwear found at the scene of the crime.

In cases of mutilation or dismemberment, in which identification is of primary importance, I suggest that casts from the interior of footwear belonging to a person who is missing, may, on comparison with the feet of the victim, give conclusive evidence for or against identification.

In presenting this case, I have to acknowledge the close cooperation throughout of Professor Moritz of Harvard University, and the keen and enthusiastic help of Detective Sergeant Williamson of the Falkirk Police and Detective Sergeant Cormack and Detective Constable Stobie of the Edinburgh City Police, who are responsible for the whole of the photographs and cinematographic details.

CRIMINAL REPEATERS

A tabulation prepared by the Federal Bureau of Investigation for the calendar year 1938 reveals that 44 per cent of the persons whose arrest records were examined were found to have prior criminal records. These criminal histories are incomplete because they are limited to the information in the files of the Identification Division of the Federal Bureau of Investigation, but they show that 150,021 of the persons arrested and fingerprinted during the calendar year 1938 have been previously convicted of 372,939 criminal violations. Of those, 169,319 were convictions of major crimes and 203,620 were convictions of less serious violations. These figures place emphasis upon the well-known fact that efforts of police organizations must be constantly directed toward reapprehending individuals who at some former time had unsuccessfully come into conflict with the law of the land.

Generally speaking, the proportion of prior convictions was greater among those arrested for offenses against property than among individuals charged with offenses against the person. More than one out of four of the persons arrested and fingerprinted during 1938 had prior to that time been convicted of some type of violation, but only 16 per cent of those charged with murder or manslaughter and 23 per cent of those charged with assault had records showing previous convictions. This is probably partially explainable on the theory that many murders and less serious attacks on the person are not premeditated and are committed in the heat of passion, whereas offenses against property are more or less carefully planned and are frequently the product of the professional criminal.

Of the 150,021 persons with previous convictions in their records, more than 50 per cent have been convicted of serious offenses against the person or against property. There were 1,396 convicted murderers, 5,936 robbers, 7,381 convicted of assault, 16,129 burglars, 34,960 thieves (including persons convicted of similar violations), 188 arsonists, 4,576 forgers and counterfeiters, 1,110 rapists, 2,426 violators of the narcotic drug laws, 1,700 potential killers who had been convicted of unlawful carrying of deadly weapons, and 3,396 convicted of driving while intoxicated. This makes a total of 79,198 individuals whose records showed previous convictions for major violations who were again arrested during the calendar year 1938, the majority of them being charged with violations equally vicious in character.

During 1938 there were 50 persons arrested for criminal homicides who had previously been convicted of murder or manslaughter in some degree. The tendency of criminals to repeat the same type of crime is further indicated by the fact that 664 persons charged with robbery during the calendar year 1938 had been previously convicted of the same type of offense, and 2,925 persons arrested during 1938 for burglary had been previously convicted of burglary. The Identification Division of the FBI examined during the calendar year 1938 a total of 554,376 fingerprint cards representing persons arrested for violations of state laws. These records were received by the FBI from law enforcement agencies throughout the United States.

WANTED BY THE FBI



Detailed data concerning this fugitive will be found on pages 19 and 20.

WANTED BY THE FBI -- RAYMOND AMBROSE BURR

Raymond Ambrose Burr, whose photograph appears on the opposite page, is wanted by the Federal Bureau of Investigation for violations of the National Bankruptcy Act. On June 24, 1935, nine indictments containing a total of twenty-four counts were returned by the Federal Grand Jury at San Francisco, California, charging Raymond Ambrose Burr with violation of Section 52-A, Title 11, U.S.C., which covers embezzlement by a trustee in Bankruptcy. Burr had been elected or appointed trustee in approximately one hundred estates but when called upon to make an accounting in various estates that he was handling, Burr admitted a shortage of several thousand dollars but indicated he could and would raise the necessary amount to cover his defalcations. This he failed to do and immediately disappeared. The various indictments returned charged Burr with fraudulently appropriating and embezzling various sums from bankrupt estates while he was serving as trustee in bankruptcy.

Prior to his disappearance, Burr made a will in favor of a tax attorney located in San Francisco, California, with whom he shared his office. Burr likewise made this same attorney his beneficiary in two life insurance policies. A description of Burr is as follows:

True name	Raymond Ambrose Burr, with aliases: Raymond A. Burr, R. A. Burr, Mr. Ray, "Bill"
Age	55 years (born December 19, 1883, at Chicago, Illinois)
Height	5 feet 11 inches
Weight	220 pounds
Eyes	Blue
Hair	Brown and bushy
Build	Heavy
Complexion	Medium
Marital Status	Widowed
Scars and Marks	Pinhole, either in chin or cheek
Nationality	American
Race	White
Relatives	Richard Burr, brother 9925 South Hoyne Street, Chicago, Illinois Mrs. Walter Carmody, sister Watervliet, Michigan Mrs. Fred St. Clair, sister- in-law, 1438 Grove Street, San Francisco, California
Dress and Habits	Neat dresser, smooth talker, believed to have studied Immigration Laws, speaks Spanish
Memberships	American Legion, Elks, Knights of Columbus, Catholic

Raymond A. Burr was born in Chicago, Illinois, on December 19, 1883, but for many years prior to his disappearance he had resided in San Francisco, California. He was rather prominent in local politics, twice being defeated in his efforts to become a member of Congress from the Fourth San Francisco District. Burr was formerly employed as a secretary to a United States Senator from California, and also acted in the same capacity to a former Congressman from the State of California. He is said to be able and competent, to have a pleasing personality, and to be of an aggressive and persuasive type. Although classed as competent and efficient, it is noted from an examination of Burr's records that he was willfully and criminally negligent in handling bankruptcy estates entrusted to him.

Burr is alleged to have been active in American Legion affairs and is known to have been instrumental in promoting a walkathon in San Francisco just prior to his disappearance. Since the time of his disappearance, it is noted that Burr has been in Watervliet, Michigan, Lake Charles, Louisiana, and during the first week in April, 1937, he is known to have been in Chicago, Illinois. It has also been determined that Burr was in Los Angeles, California, in October, 1938, but no definite information has been obtained as to his location since that time.

Inasmuch as Burr is reputed to be an expert typist and stenographer as well as having made a study of Immigration Law, it is entirely possible that he is so engaged at the present time. It is likewise noted that he acted in the capacity of a promoter on various occasions and may possibly be engaged in an endeavor of this nature at the present time. Considering the possibility that Burr may now be residing in some city in the United States engaged in a legitimate business, it is urgently requested that local departments throughout the United States be on the alert for any information concerning this individual.

In the event information is obtained, it is requested that the nearest office of the Federal Bureau of Investigation be contacted immediately or that the information be furnished direct to the Director, Federal Bureau of Investigation, United States Department of Justice, Washington, D. C.

UNKNOWN DECEASED VICTIM IDENTIFIED BY FINGERPRINTS

On January 3, 1939, a fingerprint card was received in the Identification Division from the Sheriff's Office at Adel, Iowa for an unknown deceased person believed to be William Dorn. A search of the files of the Identification Division disclosed three sets of finger impressions which had been transmitted for this individual during his lifetime by law enforcement agencies. These fingerprint cards reflected his arrests under the name of Barney Carrera or Barney Carter by the Police Department at San Jose, California, the Sheriff's Office at the same place, and the Police Department at Marysville, California. A telegram was at once transmitted to the Sheriff at Adel, Iowa, furnishing the above information as well as the residence and birthplace indicated by him on the occasion of his arrest by the Sheriff's Office at San Jose, California in April of 1936.

VALIDITY OF MUNICIPAL ORDINANCES CONTROLLING THE DISTRIBUTION OF HANDBILLS*

One Alma Lovell, an ordained minister and one of Jehovah's Witnesses, while engaged in distributing pamphlets setting forth the gospel, as instructed by the Bible, was apprehended by a police officer of the City of Griffin, Georgia, in pursuance of his duty as laid down in an ordinance enacted by the municipality. The ordinance is as follows:

"Section 1. That the practice of distributing, either by hand or otherwise, circulars, handbooks, advertising, or literature of any kind, whether said articles are being delivered free, or whether same are being sold, within the limits of the City of Griffin, without first obtaining written permission from the City Manager of the City of Griffin, such practice shall be deemed a nuisance, and punishable as an offense against the City of Griffin.

"Section 2. The Chief of Police of the City of Griffin and the police force of the City of Griffin are hereby required and directed to suppress the same and abate any nuisance as is described in the first section of this ordinance."

Lovell appealed from a conviction in the Recorder's Court and sought to prevent the imposition of a sentence of imprisonment for fifty days in default of the payment of a fine of fifty dollars. When the case reached the Supreme Court, (1) that body declared the ordinance to be a violation of the right of free speech guaranteed by the Federal Constitution. (2) The validity of the ordinance regulating the distribution of "circulars, handbills, advertising, or literature of any kind" was denied. The court said that "Freedom of speech and freedom of the press, which are protected by the First amendment from infringement by Congress, are among the fundamental personal rights and liberties which are protected by the Fourteenth amendment from invasion by state action." (3)

Once it is established that the municipality as a branch of the state has power to enact legislation, (4) the question of the validity of municipal regulation of the distribution of handbills arises. The power of the municipality to regulate the lives of its inhabitants is known as the police power. This power has never been defined by the courts, but by a process of exclusion and inclusion, the judiciary has enumerated what is, and what is not, an exercise of the police power in many instances. Even

1 - 58 Sup. Ct. 666, 82 L. ed (adv. op.) 660 (1938)

2 - U. S. CONST. Art. 1; Art. 14, Para. 1

3 - Lovell v. Griffin, supra note 1

4 - Loneke v. Chi., R. I. & P. R. Co., 92 Ark. 546, 123 S. W. 395 (1909)

*This article was written by Mr. Harry Kay and appeared in the November 1938 issue of the George Washington Law Review and is reprinted here with the permission of the Editor.

though it may not be known beforehand whether a particular attempt by the municipality to exercise the police power, will be valid, it is well settled that the state may delegate this power to the subordinate branch. (5)

In exercising the power, the legislation must be for the public health, safety, or morals, (6) and the mere statement contained in the ordinance, that it is for the public health, safety, or morals, will not avail, unless in fact there is a reasonable relation between the prescribed regulation and the purpose for which it is enacted. (7) So long as the relation exists, the court will not consider the motives with which the City Council enacted the regulation. (8)

When, by virtue of the police power, the municipality attempts to regulate the distribution of handbills, circulars, and other advertising matter, the purpose of the regulation must be one which is permitted; that is, must be one which is for the benefit of the public health, safety, or morals. (9) If the regulation tends toward these purposes the court will declare it valid; the advisability thereof will not be questioned by the court.

Generally, the purpose to be achieved in regulating handbills is to prevent the accumulation of trash in the public parks, and on the public streets, which will interfere with the disposal of sewage. The accumulation of handbills promiscuously scattered about also presents a fire hazard and entails additional expense to the city in securing its removal. Sanitation is thus the main purpose in mind when such legislation is promulgated, though aesthetic values are not overlooked as a makeweight. Where the city enacts ordinances prohibiting the distribution of pamphlets, magazines, or other material, in congested areas, it is easy to see that such an ordinance would prevent accidents and facilitate the free flow of traffic.

5 - *Brodhine v. Revere*, 182 Mass. 598, 600, 66 N.E. 607 (1903); *Commonwealth v. Fox* 218 Mass. 498, 106 N.E. 137 (1914); *In re Opinion of Justices*, 286 Mass. 611, 617, 619, 191 N.E. 33 (1934)

6 - *People v. Kuc*, 272 N. Y. 72, 4 N.E. (2d) 939 (1936); *Walcher v. First Presbyterian Church*, 76 Okla. 9, 184 Pac. 106 (1919); *People v. Stiegler*, 160 Misc. 463, 290 N.Y.S. 732 (1936); *Barton v. Bessemer*, 234 Ala. 20, 173 So. 626 (1937); *Letz Mfg. Co. v. Pub. Ser. Com.*, 210 Ind. 467, 4 N.E. (2d) 194 (1936)

7 - *Chicago v. Kautz*, 318 Ill. 196, 144 N.E. 805 (1924)

8 - *Sunny Slope Water Co. v. Pasadena*, 1 Calif. (2d) 87, 33 P. (2d) 672 (1934); *McCray v. U.S.*, 195 U.S. 27, 56, 24 Sup. Ct. 769, 776, 49 L. ed. 78 (1904). In the latter case Mr. Justice White said, "The decisions of this court from the beginning lend no support whatever to the assumption that the judiciary may restrain the exercise of a lawful power on the assumption that a wrongful purpose or motive has caused the power to be exerted." *Soon Hing v. Crowley* 113 U.S. 703, 710, 711, 5 Sup. Ct. 730, 734, 28 L. ed. 1145 (1885)

9 - *Cliffside Park Realty Co. v. Cliffside Park*, 96 N. J. L. 278, 114 Atl. 797 (1921)

Regulation of obscene, blasphemous and seditious matter is also within the public health, safety, and morals requirement, and such an ordinance has often been held valid. (10)

In *Coughlin v. Sullivan*, (11) the court, in the following language, recognized the necessity for legislation. "It is a matter of common knowledge," said the court, "of which the court will take judicial notice, that certain circulars, pamphlets, etc., especially such as advertise commercial or business enterprises, when indiscriminately distributed to pedestrians, having no desire or use for them are cast away so as to litter the streets. The natural and ordinary result of the distribution of such circulars being to litter the streets, an ordinance prohibiting their distribution is adapted to, and reasonably necessary to prevent such evil." The court admits the general principle that the legislation must be for the public health, safety or morals. Again, an ordinance of the City of Newark which prohibited the unlicensed distribution or circulation of "posters, circulars, handbills, samples, printed or engraved notices or other advertisements of any kind," was upheld by the court in *Almassi v. City of Newark*. (12) The court saw the necessity for prohibiting the littering of the streets with waste paper; the streets would be occupied "for a purpose other than that for which they were primarily intended and dedicated, to wit, travel and locomotion." Not only the fact that the streets would be diverted from their primary purpose, but the fact that substantial savings in expense to the city would be effected by this prohibition, was also considered by the court in reaching its decision. "It is obvious the city must exercise some control of the subject, and an ordinance requiring a license is a reasonable police regulation."

In *Commonwealth v. Kimball*, (13) an ordinance providing that "No person shall distribute posters, bills nor sheets of paper of any description, containing advertising matter of any kind, whether printed or written, in any public street, highway, or public place; nor shall cause the same to be done by another "was deemed" a valid exercise of the power to maintain the 'internal police' of a city, to prohibit such distribution entirely," (14) for the reason that "the distribution of handbills or similar papers in streets tend to annoy travelers and abutters, to obstruct the streets, and to litter them with paper."

In 1934 the Circuit Court of Appeals for the Ninth Circuit declared valid an ordinance of the City of South San Francisco, (15) which ordinance prohibited and made it "unlawful for any . . . corporation to

10 - *Dearborn Publ. Co. v. Fitzgerald*, 271 Fed. 479 (N.D. Ohio 1921)

11 - 100 N.J.L. 42, 126 Atl. 177 (1924)

12 - 8 N.J.M. 420, 150 Atl. 217 (1930)

13 - 13 N.E. (2d) 18 Mass. (1938)

14 - *Ibid.* at p. 21

15 - *San Francisco Shopping News Co. v. South San Francisco*, 69 F. (2d) 879 (C.C.A. 9th, 1934)

distribute or cause to be distributed . . . any printed . . . advertising matter by placing or causing the same to be placed in any automobile, or in any yards, or on any porch, or in any mail box . . . , not in possession or under the control of the person so distributing the same." By the second section of the ordinance provision was made for exemption of any newspaper or "publication printing news of a general nature and keeping advertising space therein open to the public and the publishing of general advertising matter therein." When the San Francisco Shopping News Co. was affected by this regulation an attempt was made to secure a declaration by the court that the ordinance was unconstitutional in that such regulation was "unreasonable and destructive of vested rights." (16) The court, however, refused so to hold, and declared that such regulation was valid in that it prevented the streets from becoming littered with paper constituting a fire hazard and, as such, a threat to the public health and safety. The fact that newspapers printing matters of general public interest were exempted from the ordinance did not affect the validity, because such papers would immediately be taken up by their readers, and thus be prevented from becoming a nuisance. The further objection was that the ordinance would force the company out of business. To this, the court replied that though it did not admit the effect of the ordinance would be as contended by appellant, that nevertheless, assuming that to be the case, the ordinance would not be invalid because there was a sound basis for it. It could not be said of the regulation that it had not just relation to the object which it purports to carry out, nor that it had no reasonable tendency to preserve the public safety, health, and comfort. (17) The court then quoted from *Murphy v. California*. (18) "The 14th Amendment protects the citizen in his right to engage in any lawful business, but it does not prevent legislation intended to regulate useful occupations which, because of their nature or location, may prove injurious or offensive to the public." Such being the case here, the court upheld the police regulation.

It should be apparent that the municipality, in its exercise of the police power, is in a position to regulate lawful business and occupations so long as that regulation is reasonably related to the welfare of the public, so long as the public health, safety, morals, order, and interest are served. The limitations on the exercise of this power, particularly as applied to the regulation of the distribution of handbills, prohibit the exercise of this power, despite the fact that it is used for the public interest, if the regulation violates the constitutional rights of the citizen. (19) There must be a balance of the scales -- the public welfare must not be served exclusively at the cost of constitutional rights. There must be some point at which regulation will not conflict with the right to engage in lawful business, the right to exercise one's religious beliefs, the right to free speech and free press, and any other "fundamental rights."

16 - Ibid. at p. 882

17 - Supra note 6

18 - *Murphy v. Cal.*, 225 U. S. 628, 628, 629, 32 Sup. Ct. 697, 698, 56 L. ed 1229 (1911)

19 - *Exparte Pierce*, 127 Tex. Cr. 35, 75 S.W. (2d) 264 (1934)

Though, by virtue of the police power, a lawful business may be regulated, (20) and regulation includes the power to prohibit entirely, nevertheless, if the ordinance is one which unreasonably or arbitrarily seeks to drive a lawful occupation out of existence, such ordinance will be held to interfere with and violate the due process clause of the Fourteenth Amendment. An undue burden on the exercise of one's religion; a prohibition on the distribution of handbills, circulars, newspapers and other means of exercising the right to free speech and free press, which does not tend to preserve the public health or safety, or which is considered inferior to the protection of the rights, will be declared void. In *City of Chicago v. Kautz*, (21) it was held that while a city has, under a general charter, power to enact ordinances of a regulatory nature, and also sufficient auxiliary power with which to carry into effect the ordinances, yet if the regulation is not reasonable, (22) if it unnecessarily contravenes the constitution 1 rights of its citizens, it is to be declared void. If under the guise of public health, safety, or welfare, a regulatory ordinance arbitrarily interferes with the lives of the citizens, the court will not tolerate the particular enactment. The exercise of the power must not only be reasonable and non-discriminatory, but its purpose should be to further the public health, morals, safety, order, or general welfare.

The First Amendment has been held to preclude Congress, and the Fourteenth (23) to preclude the states, from adopting any form of restraint upon printed publications or their circulation, and from enacting any legislation which might prevent such free and general discussion of public matters necessary to the proper instruction of the public for the exercise of their rights as citizens. Where the legislation does not interfere with this public interest, but where it serves, on the contrary to benefit the public, such action will not be held void as an unauthorized exercise of the police power. (24) In *De Jonge v. Oregon* this doctrine was reiterated. Freedom of speech and of the press were held to be "fundamental rights," safeguarded by the Fourteenth Amendment. "The constitutional liberty of speech and of the press grants the right to freely utter and publish whatever a citizen may desire and to be protected in so doing, provided always that such publications are not blasphemous, obscene, seditious, or scandalous in their character, so that they become an offense against the public." (25)

The legislature, it is apparent, does have the power to impose a restraint on the exercise of free speech, or rather, it should be said, that it is no unconstitutional regulation of free speech to prevent those acts which are destructive of the public good. Thus a statute which

20 - Supra note 15; *Anderson v. State*, 69 Neb. 686, 96 N. W. 149 (1903); *People v. St. John*, 108 Cal. App. (Supp.) 799 (1930)

21 - Supra note 7

22 - Supra note 19

23 - For scope and boundaries of the 14th Amendment see *Barbier v. Connelly*, 113 U. S. 27, 5 Sup. Ct. 357, 28 L. ed. 923 (1884)

24 - *Grosjean v. Am. Press Co.*, 297 U. S. 233, 56 Sup. Ct. 444, 80 L. ed. 666 (1936)

25 - *Ex parte Harrison*, 212 Mo. 88, 110 S. W. 709 (1908)

penalized the publishing of writings for the purpose of inciting insurrection was held by the court not to be violative of the constitutional guaranty of freedom of the press and freedom of speech. (26)

Besides these constitutional limitations imposed on the regulation of the distribution of circulatory matter, still another limitation is imposed: the drafting of the legislation must not take such a form as to delegate an unrestrained discretion to the city officials to regulate the subject matter so as to favor one citizen against another. It was contended by the defendant in *City of Buffalo v. Till*, (27) that "the giving to the mayor of an unlimited discretion to control free speech and free assembly in Buffalo is fatal to the validity of the ordinance," which required a permit or license from the mayor before a street gathering or parade could be held. With this principle the court agreed, but it stated that the ordinance did not, in fact, delegate an unrestrained discretion to the mayor. Where the ordinance involves no conditions or terms by which the city official is to be guided, it will not be allowed to stand. "Any ordinance which invests arbitrary power in a public official which may be used in the interest of some to the exclusion of others is unreasonable and void." (28)

In comparing the case of *Lovell v. City of Griffin* (29) with that of *San Francisco Shopping News Co. v. City of South San Francisco*, (30), there is apparent conflict in these decisions. The former holds that an ordinance prohibiting any distribution of any circulars without a permit from the city manager, is invalid as a violation of the Fourteenth Amendment; the latter holds that a similar ordinance prohibiting the distribution of handbills is a reasonable exercise of the police power of the municipality, notwithstanding the Fourteenth Amendment. The San Francisco case, however, prohibited a particular manner of distribution and did not purport to prohibit the issuance of handbill literature at all events. The practical result may be prohibition but the legal possibility even though impractical is left open. The *Lovell* case may also be justified on the basis of an unlimited discretion delegated to the city manager, (31) although this view is not explicit in the opinion. The court does indicate that the ordinance is too broad and all-inclusive in its scope.

Recent cases handed down in state courts since *Lovell v. Griffin* have differed in their results, (32) some following *Lovell v. Griffin*, others refusing to abide by it or making distinctions. Disregarding this

26 - *Carr v. State*, 176 Ga. 178, 167 S.E. 103 (1933); *Dalton v. State*, 176 Ga. 645, 169 S.E. 198 (1933).

27 - 192 App. Div. 99, 182 N.Y.S. 418 (1920)

28 - *People ex rel. Schimpff v. Norvell*, 368 Ill. 325, 13 N.E. (2d) 960 (1938)

29 - *Supra* note 1

30 - *Supra* note 15

31 - *Supra* note 26

32 - See cases contained in *MUNICIPAL LAW JOURNAL*, April 1938, 32; Aug. 31, 32.

case, it would seem that the distribution of handbills may be regulated and prohibited entirely if necessary, so long as the purpose is the public health, morals, safety, order, or welfare. Though the ordinance conflicts with the First and Fourteenth Amendments, it will nevertheless stand, if the interest to be served by the regulation is considered paramount to the rights of the citizen. In other words, if the interests of the individual as a group, require that the right of the individual be subjected to the police power, the court will allow the police regulation to stand. (33) The regulation must not, however, delegate to municipal officers too great an unguided discretion. The solution lies in the careful preparation and drafting of the proposed legislation.

33 - Supra note 28, in which case the court said, "The privilege of a citizen to use his property according to his own will is not only a liberty but a property right subject only to such restraints as the common welfare may require, and, while new burdens may be placed on the property when the public welfare demands it, this power is limited to enactments having direct reference to the public health, comfort, safety, morals, and welfare."

WOMEN IN CRIME

Only 6.8 per cent of the 554,376 arrest records examined by the Federal Bureau of Investigation during the calendar year 1938 represented women. This is a decrease as compared with 1937, when 6.9 percent of the records represented women. For all types of crimes except commercialized vice, the number of men arrested was larger than the number of women. However, a comparison of the figures representing an average group of 1,000 men arrested with those for an average group of 1,000 women arrested indicates that there were more women than men charged with murder, assault, and the use of narcotic drugs. In such average groups of 1,000 men and 1,000 women arrested, it would be found that there were 11 men and 16 women arrested for murder, and that there were 55 men and 65 women charged with assault. The same type of comparison indicates a somewhat larger ratio of arrests of women for larceny, but for other types of crimes against property, such as robbery, burglary and auto theft, men predominate. The comparison further reveals that 13 of each 1,000 women arrested and fingerprinted were charged with driving while intoxicated, whereas 40 of each 1,000 men were charged with that type of violation.

The preceding figures are based upon fingerprint records received during the calendar year 1938, by the Identification Division of the Federal Bureau of Investigation.

A QUESTIONABLE PATTERN

The pattern for consideration this month is deceiving but not particularly difficult if examined closely. Though at first glance the pattern appears to be a whorl, it will be found that it does not conform to any of the definitions of the four whorl types. There is not the complete circuit required for a plain whorl, nor the two loops of the double loop. There is no recurve, or obstruction at right angles to the line of flow, as required for a central pocket loop, nor is it a combination of two different types of pattern, as required for an accidental whorl.



In the Bureau's Technical Section, this pattern would be classified as a tented arch because of the angles and upthrusts present. A reference search would be conducted as an accidental whorl.

THE MILWAUKEE POLICE TRAINING SCHOOL

Part I

A police training school was established in the Milwaukee Police Department in June, 1922, to fulfill a two-fold function: (1) The intensive training of new men, and (2) An in-service training program for all members of the department. In 1930 the Safety Building was completed and provision was made for adequate training facilities, as follows: (1) A regular lecture room seating 150 students, equipped for the projection of moving pictures and stereopticon slides. (2) A small classroom seating 75, equipped with study tables. (3) A large auditorium with a seating capacity of 525, which is used when lectures are given by special expert lecturers. (4) A director's office. (5) An indoor target range consisting of five stalls with automatic moving targets. (The outdoor range of the Milwaukee Gun Club is used for training in the use of rifle, shotgun, machine gun and tear gas.) (6) A police gymnasium with an adjoining locker room and showers.

Chief of Police Joseph Kluchesky personally supervises the program of the police training school. Captain Hubert E. Dax is director of the training school and is responsible for all of its activities, including the gathering of material for instruction purposes, its organization and presentation to the classes. Captain Dax, who has been director of the school since 1935, attended Marquette University and was admitted to the bar in 1928. He attended the Fifth Session of the FBI National Police Academy held in 1937.



Chief of Police Joseph Kluchesky and Captain Hubert E. Dax, Director of the Milwaukee, Wisconsin Police Training School.

A police sergeant assists the director and instructs the classes or newly appointed patrolmen. A reporter-stenographer keeps all records, makes statistical analyses of the results of the examinations, compiles reports, types material and lesson plans, and performs general office duties. Lectures are also given by other members of the department from time to time on the various phases of police work in which they specialize.

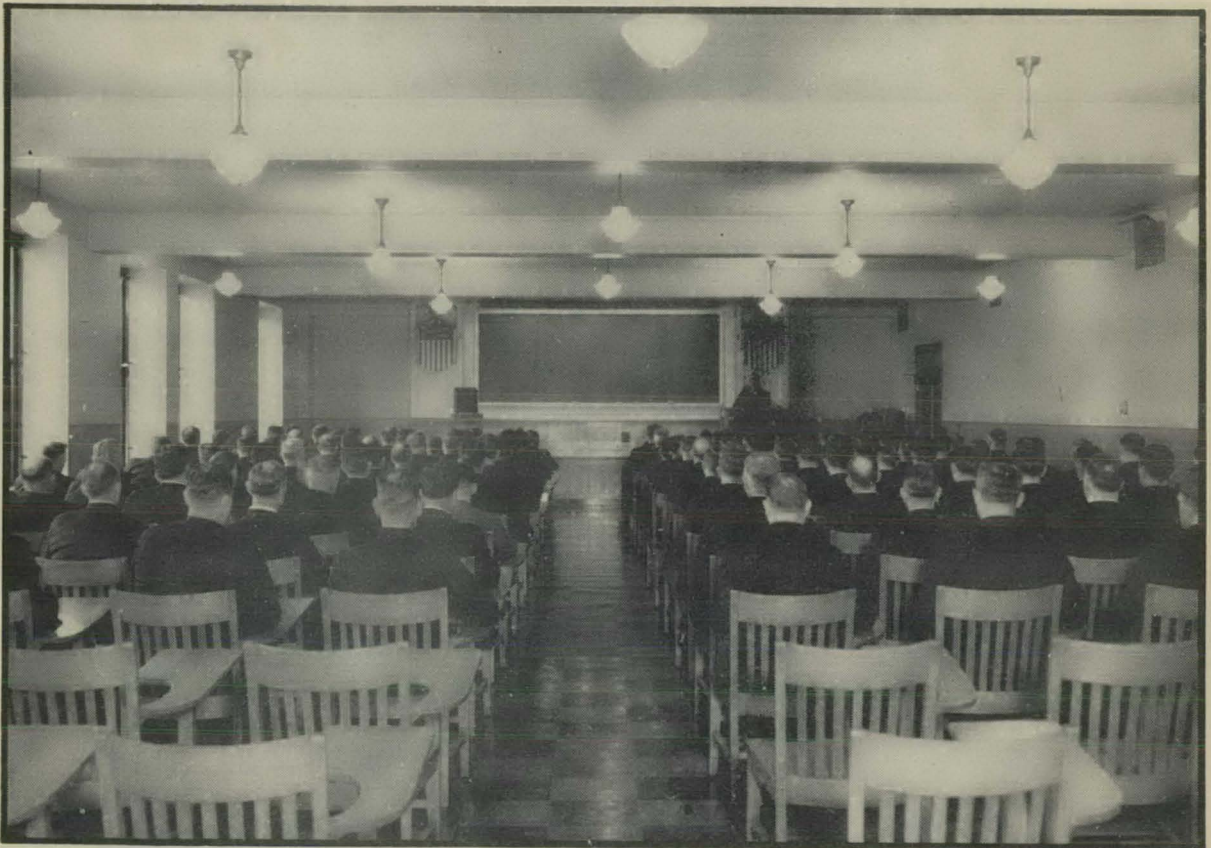


Newly appointed patrolmen receiving instruction in the Police Training School

Newly appointed patrolmen are given intensive training covering all phases of police work for a period of sixty days. During this time they attend school four hours every morning, and then spend five hours patrolling a beat with experienced patrolmen or are assigned to squad cars to gain practical knowledge of the policeman's duties. At the beginning of each morning session there is a discussion on the new patrolmen's experiences on the beat or squad car, and any questions that may arise are answered. Part of the training course is devoted to the study of rules and regulations of the department pertaining to the various situations with which an officer may have to deal. It covers his personal conduct, discipline, rules for making arrests, presenting evidence, reports required, procedure for handling complaints, and other matters of importance to the police department. One morning each week is spent in court, and this is followed by a discussion on court conduct, procedure, and the manner of presenting evidence. They are given copies of the local ordinances and the State and Federal laws of which the department takes cognizance. The circumstances which constitute a violation are explained, as well as the procedure for making arrests for all such violations. After each subject is

presented to the class and thoroughly discussed, written examinations are given. Each man is given an intelligence test and required to fill out a vocational interest questionnaire. The results of all these examinations and tests are entered on the employee's personnel record. After the patrolman has completed his sixty-day training period he is assigned to one of the regular classes in the school.

The department has an extensive program of in-service training. Each officer is required to go to school once each week at a regularly assigned class period, regardless of his length of service. Sixteen such classes are held each week with fifty to seventy men in each. All patrolmen, sergeants, detectives and police lieutenants are required to attend. There is one morning class and the balance are held in the afternoon, at 1:30, 3:00 and 4:30.



Lecture Room of the Police Training School

Whenever feasible, the subject matter is arranged so as to stimulate self-expression and promote maximum discussion on the part of the class. The more technical subjects, of course, are presented by lecture method and the students given ample opportunity to ask questions.

Each week a lesson plan is prepared by the director of the training school which specifically covers the material to be presented to the classes. It is then taken up with the Chief of Police, carefully analyzed and changes made accordingly. A tentative program of subjects is arranged from four to six weeks in advance. After receiving the final approval of the Chief, the material is discussed at a meeting of the Inspectors and commanding officers of the department so they are familiar with the material that is being presented to the men in the training school during that week.

Some subjects require the services of expert lecturers from outside of the department who are specialists in their field, and on such occasions school is only held on one day in that particular week, half of the department attending in the afternoon at 1:30 and the other half at 7:30 p.m. Frequently the week following the lecture the subject matter is correlated by the police training school director to conform with the regular department procedure and the members of the department are given an opportunity to ask any questions relative to the subject matter of the talk.

In order to make the instructions more intelligible, as well as to stimulate interest, other devices are introduced, whenever possible, to assist in the instruction. Stereopticon slides are made in the photographic laboratory to illustrate the various points being discussed. Moving pictures have been used by the department showing various phases of police work. Actual demonstrations are also made for the purpose of showing the proper use of department equipment.

When subjects such as city ordinances, state statutes and department procedures are taken up, the members are given an advance assignment each week so that they are familiar with the material to be discussed in class and able to answer questions put to them by the training school instructor.

At the completion of each subject or group of subjects a written examination is given. In most instances questions in the examinations are arranged either as "true or false," "sentence completion," or "multiple choice."

The examinations accomplish a three-fold purpose: (1) The officers, realizing that they will be examined on the material covered, are more attentive and take a greater interest in the material presented to the classes; (2) they act as an incentive for better work in the class because at the end of the school year each man is given a copy of the grades attained in the various examinations. These grades are also entered on the personnel records of the individual officers and provide additional criteria for judging that officer's ability; and (3) they serve as a check on the teaching methods and the adequacy of the treatment of the subject matter.

Following are listed the subjects included in the police training school program:

Accident Investigation
 Arrest and Search of Persons
 Ballistics
 Bombs and Explosives
 City Ordinances
 Confessions
 Crime Prevention
 Criminal Identification
 Criminal Investigation
 Criminal Law and Procedure
 Criminal Pathology
 Evidence
 Federal Crime Laws
 Fingerprints
 Firearms and Target Practice
 First Aid to Injured
 Handwriting Identification
 Immigration and Naturalization Laws
 Interviews
 Juvenile Activities and Delinquency
 Marihuana and Its Relation to Crime

Mental Hygiene
 Military Courtesy and Deportment
 Observation
 Personal Descriptions
 Personal Hygiene
 Poisons, Carbon Monoxide Gas, and
 Drowning
 Public Relations and Courtesy
 Report Writing
 Riots and Unlawful Assemblies
 Rules and Regulations
 Scientific Crime Laboratory
 (As an Aid in Criminal Investigation)
 Search and Seizure
 Sociology
 Testimony
 Tests for Alcohol in Body Fluids
 The Citizen's Part in Crime Prevention
 Traffic Control
 Wisconsin Traffic Code



Indoor range where officers receive regular target practice

Frequently more than one lesson is required on a given subject; in the case of Criminal Law, City Ordinances, Rules and Regulations, etc., from six to eight weeks are required to complete the class instruction on each subject. When changes are made in city ordinances and state statutes, as well as when new procedures are adopted by the department, such new laws or new procedures are explained to the classes. Some of the subjects listed have been reviewed from time to time when conditions warrant.

SAMPLE LESSON PLAN

Interviews

The subject of "interviews" is one of the most important for a law enforcement officer. In the performance of duty, an officer comes into contact with dozens of persons, conversing with many of them on police business; this, technically, is an interview. A good interview not only gains respect and good will for the officer and the department but usually results in obtaining all possible information from the person being interviewed.

New Material to be Developed

Procedure

Interview, defined:

What is the definition of the word "interview"?

Answer: It is the personal conversation or conference with one individual or a group of individuals; it is a conversation with a purpose.

Interview, purpose of:

For what purpose do police officers use interviews?

Answer: For the purpose of obtaining information.

Lesson, purpose of:

It is our intent in this lesson to analyze this often-neglected subject of interviews and consider the various techniques which have been tried and found successful here and elsewhere.

Interviewing, an art:

There is no one formula for a successful interview because each case is different. Interviewing is an art which can be developed -- the techniques can be improved by careful study and practice.

Classes of Persons Interviewed:

A police officer in his daily work has the occasion to interview four general classes of persons; the approach and the method employed will vary for each: (1) Witnesses and other persons who have information which may have some bearing on the case being investigated; (2) Complainants and persons making other types of reports to the department; (3) Suspected Law Violators and Suspicious Persons; (4) Persons under arrest.

(To be continued)

YOUTH IN CRIME

The prominent part played by youth in crime is indicated by the fact that 18.8 per cent (104,425) of the 554,376 fingerprint arrest records examined by the Federal Bureau of Investigation during the calendar year 1938 represented persons less than 21 years old. This is an increase over 1937, when 18.0 per cent (93,853) of the 520,153 arrest records were of youths under 21.

During 1938 there were 783 persons less than 21 years old charged with murder or manslaughter, 4,183 with robbery, 3,578 with assault, 15,573 with burglary, 21,853 with larceny and related crimes, and 6,774 with the specific offense of auto theft. Those persons number more than one-half of the 104,425 individuals less than 21 years old arrested and fingerprinted during 1938. It should be noted that the preceding figures representing arrests of youthful persons are extremely conservative because in many jurisdictions juveniles are not fingerprinted, or copies of any fingerprints taken are not forwarded to the FBI.

From 1932 until the middle of 1935 age 19 predominated in the frequency of arrests. However, since 1935 ages 21, 22, and 23 have been most frequently represented, and in 1938 arrests for age 18 also exceeded the number arrested for age 19. During 1938 there were more arrests for age 21 than for any other single age group. Arrests for outstanding age groups were as follows: Age 21, 24,295; 22, 24,267; 23, 23,968; 18, 23,900; 19, 23,877.

The predominance of youthful persons among those charged with offenses against property is indicated by the fact that during 1938 there were 158,421 persons of all ages arrested for crimes against property (robbery, burglary, larceny, auto theft, embezzlement and fraud, forgery and counterfeiting, receiving stolen property and arson), and that 49,833 (31.5 per cent) of them were less than 21 years old. During 1937, 31.0 per cent of the total crimes against property were committed by persons under 21 years of age.

Further indication of the large part played by youthful persons in the commission of crimes against property is seen in the following figures. Considering all types of crimes, 35.9 per cent of all persons arrested were less than 25 years of age. However, persons less than 25 years old numbered 54.5 per cent of those charged with robbery, 62.3 per cent of those charged with burglary, 49.6 per cent of those charged with larceny, and 73.2 per cent of those charged with auto theft. One-half of all persons arrested for crimes against property during 1938 were less than 25 years old.

In addition to the 104,425 persons less than 21 years old arrested during 1938, there were 94,909 (17.1 per cent) between the ages of 21 and 24, making a total of 199,334 (35.9 per cent) less than 25 years old. The large number of youths arrested for serious crimes and the great extent of recidivism (exceeding 50 per cent) indicate the need for community-wide crime prevention programs throughout the length and breadth of the land.

DUAL PERSONALITY AND CRIME

by

Dr. Carleton Simon *

Most folks want to be something different from what they are. A man engaged in business wishes he was in a profession. The attorney regrets that he is not a physician. The brunette envies the blond, therefore, often bleaches her hair. Few people live contentedly. Too many nurture secret yearnings to obtain something which does not legitimately belong to them. The merging of covetousness into criminality is an easy transition.

A great deal has been written about brutal crimes committed by men of low mentality. Far too little attention has been directed to the criminal of high intelligence. This type is vastly more interesting. We are definitely reaching the opinion that if we wish to reduce criminality, and this includes the apprehension of the criminal, we must direct more attention to the personality of the offender.

In everyone, unaccountable impulses assert themselves. The curbing of these curious vagaries depends largely upon the presence of an ethical sense of right and wrong. In some instances, the individual cannot release himself from impelling urges, lacking the freedom of his moral action and being powerless to control these impulses, which lead to anti-social behavior.

Why women of means should resort to shoplifting is inexplicable. Every large store is confronted with this problem, especially so when the stolen article has no particular value or is worthless to the thief. Because of this circumstance, which is so contrary to the aims of the professional shoplifter, and also at variance with the economic background of the guilty person, such acts have been designated as a form of emotional insanity or kleptomania.

These women show no other abnormality, and recognize their inability to resist these urges, so contrary to their usual standard of ethics. They are a constant source of worry to their families.

Robert Louis Stevenson, in his novel, "Dr. Jekyll and Mr. Hyde," dramatically and forcibly accentuated that admixture of good and evil, the constant battle of righteousness over inordinate desire, which everyone experiences in a lesser degree in their daily life.

There are men who are hiding their identity under a fictitious name. Some of them have sought this means as an escape from environments that were irksome, others so that their past criminal careers might not be exposed and again others who are wanted for crimes they have committed.

* Dr. Carleton Simon, Criminologist of New York, New York, who has done a great deal of research work in the field of scientific criminology, courteously prepared this article especially for the FBI Law Enforcement Bulletin.

It is a sad commentary to note how many persons are living a double life which does not involve hiding their identity, some of them occupying positions of social and business eminence. These men, who are constantly living in fear of exposure, cannot resist the compelling force of their malignant personalities, stealing without compunction from widows and orphans, the helpless, and the needy. They cannot be classified as the usual criminal type or as insane. Victims of their own weaker personalities, they have yielded to temptation. Their awakened conscience often supplies the fortitude to face condemnation by public confession. It is only through such confessional release that they may find mental peace. Their anti-social behavior is often inexplicable even to themselves, except upon the basis of a dual personality that has thrust itself into active existence at an unguarded moment.

One of the most striking of these cases which has come before the public in many years is that of Richard Whitney who, on April 11, 1938, was sentenced to Sing Sing, for from five to ten years. He had the benefits of a fine lineage, splendid education and an extraordinary mental capacity. For five years, he was president of the New York Stock Exchange and prominent in various noteworthy philanthropies. In spite of these circumstances, which cloaked him as a man of moral, social, and educational integrity, he led a life of duplicity, resorting to larcenies, fraud, falsification of books and financial statements, over a period of six years, causing a loss of several millions of dollars to the community.

An examination of his intellectual capacity disclosed that he had an unusual memory and was a man of very superior intelligence, passing the "Army alpha" tests with a score of 174.

It may be pertinent to quote a paragraph of a probationary report made to the Court:

"It is also apparent that certain personality defects were contributory elements in their motivation. Among such was a seeming duplicity in his make-up, best evidenced by the fact that while publicly condemning dishonest brokers, he was betraying a double trust as a reputable broker and a trustee of estates. Inadvertently or otherwise, the same duplicity reappears in many of his subsequent acts."

Because of these constantly occurring cases, involving prominent citizens, men engaged in law enforcement must be extremely careful in their contacts and in the selection of their friends, so that these do not prejudice or hamper any future official action.

To the criminologist, there is probably no more fascinating subject than human behavior, in which memory, reasoning, emotions, and the entire gamut of mental activities play their part.

In any attempt to allocate the component parts that constitute intellect, and therefore, in turn, human conduct, a tremendous array of

theories and terminologies confronts one. Each of these has its advocate, who, through physical or psychological application, tries to assign explanations for various normal and abnormal mental states. In this vast jumble of rational effort, we also find many irrational conjectures defining and ascribing the causes which are responsible for dreams, fancies, conscious and subconscious mentation, complexes, urges, impulses, and other like expressions of the mind.

The endeavor to plot out that most intangible, illusive function of the brain, - the mind, - has never been satisfactory or convincing, especially when an attempt is made to reduce the motivating cause of behavior to latent sex yearnings.

So that we may more readily and more clearly present the thought which we wish to advance and to understand why human behavior is sometimes diametrically opposite to the usual conduct we should expect in an individual, a short review of a few bodily structures is necessary. Nature has supplied men and most animals with duplicate organs, such as limbs, ears, eyes, nostrils, kidneys and lung lobes. What is more important, and to which can be ascribed the incongruities of abnormal behavior, is the fact that our thinking brain is also divided into two lobes, each one having the capacity to develop intellect.

We know through experience that one of our duplicated structures possesses a greater capacity than the other; as, one eye has generally better vision, or one hand is stronger than the other. It is quite unusual to find a man ambidextrous or able to use both hands equally well. In general, duplicated organs adjust themselves with each other and work harmoniously, similarly as do a team of well matched horses. Nevertheless, one is always predominant and takes the initiative.

Scientists have never been able to determine the exact relationship and specific significance of the size of the brain, its weight, and the depth of the crevices, upon the mentality. They are all in accord, however, that the structure of the brain is an index of, and has an intimate correlation to the mind.

We can conceive that one of the lobes of the brain acts more vitally or actively than the other and is in control of our conscious mind, while the other lobe participates in the general intellect but remains dormant or relegated to the background. In consequence, we must assume that duality of personality or behavior is the result of the double brain lobes, the activity of one being so strong that it shunts the mentality of the other aside or replaces it.

Though we have learned a great deal of the physical structure of the brain and trace upon its surface and in its folds numerous centers, such as sight, speech and writing, or stations for the transmission of nerve energy, science still flounders on an uncharted sea when it tries to locate the springs of thought, the well of memory, the inspiration of genius, the home of love, and the abode of faith.

It is believed that the ego or knowledge of self is on the surface or cortex of the brain. Lombroso called attention to the inconformity of the various features of one side of the face in contrast to those of the other, in certain types of criminals which he examined. We assume those variations to be the result of excessive differences in the two lobes of the brain.

Possibly no other hypothesis thus far advanced could otherwise account for the duality of the human mind, not solely in the matter of reasoning and judgment, but also in moral and immoral conduct, of social and anti-social tendencies, and, in fact, our general behavior. The character of conduct depends, therefore, upon the channels of activity, which, through experience and association, are most familiar. It is thus evident that those impressions which have been more deeply grooved through memory association tracks in the dominant lobe of the brain, become the decisive element guiding our actions. It elucidates why the various qualities that make for habit and character, when established early in life, control our mode of reasoning and consequent behavior.

Some of the various problems that have engaged attention and which have eluded solution, may find explanation through such dual structure and divided brain function. Among these anomalies is the perplexing problem of bisexual yearning, and the pronounced effeminacy of some males, as well as the mental masculine aspect and capacity of some females.

Whoever has come in contact with criminals wonders why the mental gifts of some of them should have been so wantonly misdirected. Many of these men would have attained distinction in honest pursuits, yet they have chosen criminal careers in preference.

There are many skilled engravers who have devoted their talents to counterfeiting. They have spent most of their lives in prison, when they could have enjoyed freedom and lucrative incomes from honest endeavors. Numerous confidence men could be mentioned, whose remarkable knowledge of human nature and worldly affairs would have secured for them a life of competence and ease, had they devoted their mental gifts to selling honest products instead of promoting swindling schemes.

Though hardened criminals may become embittered against society, through contacts with law enforcement and their code of life, different from that of honest citizens, certain instincts, which we are prone to associate with men of high ideals, are never entirely effaced and occasionally assert themselves.

As an indication of the duality of their mental viewpoint, it appears almost incongruous to note the presence of patriotism in most of them. Men whose lives have been spent in fighting the edicts of the law of their native land, whose anti-social tendencies led them to disregard the rights of others, whose entire lives have demonstrated a want of moral courage, have proven themselves heroes when once aligned in the defense of their native country.

Among many instances that come to mind, none is more colorful than that of "Monk" Eastman, a notorious gangster and gunman, who rendered valiant service during the World War. The celebrated Foreign Legion has always included in its ranks men whose criminal records did not affect their enlistment and who recklessly and courageously faced death on the field of battle.

The late Michael J. Crowley, Superintendent of the Boston Police Department, often cited the instance of a burglar who, upon unlawfully entering a home late at night, found the house filled with illuminating gas and the occupants unconscious. Without thought of his possible arrest, he called the police official on patrol and assisted him in resuscitating the victims.

Back of all confirmed criminals is a misapplied or abnormal egoism. They find an intense satisfaction in defeating law enforcement and in boasting of their adroit accomplishments. Criminals do not believe that honesty is an actuality or that it exists. They believe that every man has his price and that honesty is solely a hollow gesture. They dwell upon the sharp practices of some business concerns, and point out that though these men act within the law, they are still dishonest. It is unfortunate that some of our own personal experiences rather substantiate their viewpoint.

The various subtleties of the criminal's method of reasoning, of his constant endeavor to take advantage of the unsophisticated, in saying one thing and meaning another, is not far removed from those characteristics often found in the double-dealing attitude of leaders in our financial, business and political world.

Contrary to the general preachment so often advanced, the criminal is of the opinion that crime does pay. He has a deep-rooted conviction that a really clever man is never caught. In this relation, some of our large corporations and also wealthy men employ legal talent to discover loopholes and evasions of taxable incomes, and also to formulate business practices which are fundamentally unethical and dishonest.

Dishonesty is more prevalent than is generally suspected. Criminal impulses assert themselves in unguarded moments. I know of no better illustration of this than an occurrence that took place a few years ago, when the cashier of a moving picture house was held up by two thugs who after the robbery endeavored to make their escape, one of them carrying the tin box containing the stolen day's receipts under his arms. In response to alarm cries of the cashier, an ever increasing crowd pursued the thieves. These, finding that the tin box hampered their escape, threw it upon the sidewalk. There was a shower of silver and bills scattered all over the street. Immediately the crowd stopped pursuit, each one endeavoring to gather and pocket all the money he could lay his hands on. Undoubtedly, everyone of these individuals would have resented being called dishonest or being accused of criminalistic trends or impulses.

Possibly no statistics available can more adequately reveal the criminality of so many so-called "honest men" than the financial losses furnished by the Surety Companies.

The statistical report of sixty of the largest Surety Companies in the United States, whose business it is to bond persons holding positions of trust and responsibility, are of a startling nature. These companies insure the honesty of fiduciaries, administrators, executives, public officials and private individuals, the amount of such guarantee depending upon the premium that is paid.

For the period 1930 to 1937 inclusive, these companies sustained the staggering losses of approximately \$164,000,000.

These figures do not include the additional losses due to the dishonesty of persons inadequately bonded, the actual losses being much higher than the amount for which they were bonded. The aggregate of these losses, where insurances were not large enough to cover the loss, were many more millions. These losses (as that of Whitney's above mentioned, which was about \$1,500,000 and not adequately bonded) are not included in the figures given above; nor do these statistics include the losses sustained by insurance companies against theft, as covered by burglary policies.

The losses of bonding companies are all the more deplorable as only men are bonded whose known record for honesty was believed untarnished.

Undoubtedly, everyone of these companies would welcome universal fingerprinting, as this would be a deterrent to applicants wishing to be bonded, who have a criminal record, and likewise, would expose persons who in seeking bonds frequently assume another name. It would also stop falsifying employment records, both being practices not infrequently encountered. It would assist in apprehending such a guilty person of whom no identification, otherwise, may be on record. Finally, universal fingerprinting would, by deterring crime, considerably decrease the premium rate and mean a vast saving to bonding companies and to business concerns.

One of the unfortunate reactions to the defections of men high in public esteem, is that it becomes an incentive for others, in the lower strata of society to follow, and thereby, encourages criminality. Truth is the emblem of the honest man, as lies, pretense and deceit are the signatures of the dishonest one.

NOTES ON RECENT BOOKS AND ARTICLES OF INTEREST TO LAW ENFORCEMENT OFFICERS *

"PALM PRINTS - THEIR CLASSIFICATION AND IDENTIFICATION," by Detective Sergeant Vaughan Sharp, South African Police, Cape Town, South Africa. Much talk and speculation have arisen during the past few years among law enforcement officers concerning the possibilities of palm prints as a practical method of identification. However, there are only a very few authoritative books on this subject. This book by Sergeant Sharp is quite comprehensive in dealing with the classification of palm prints and contains numerous illustrations of various types of prints with detailed explanatory data concerning palm print classification. The author relates that identification by means of palm prints is now established as an invaluable aid in police work and in many cases indispensable. He states that the diversity of patterns found in palm prints renders possible a practical and very useful method of classification. In comparing the number of points found in fingerprints with the number found in palm prints, the author states, "The average finger-print has about 150 to 200 points, whereas the average palm has about ten square inches of detail, and the rough approximation of the number of points available for comparison is between 2,500 and 3,500, some palms of course having many more points than others." Aside from the value afforded the law enforcement profession by palm prints left by criminals at the scene of a crime, the author relates that the maternity identification problem is becoming acute in thickly populated communities and suggests that the palm prints of each child should be placed on the same form containing the mother's fingerprints in order to avoid any possibility of the baby becoming "swapped." He further suggests that the infant's prints be taken again "sometime after birth" and then compared with those filed at birth.

The author relates in detail the "Correct Method of Taking Palm Prints" and the "Taking of Palm Prints for Purposes of Classification." Several South African Supreme Court decisions relative to palm prints as evidence are cited toward the last of the book. Published by Mercantile-Atlas Printing Co. (Pty) Ltd., 81-87 Sir Lowry Road, Cape Town, South Africa.

"NO MORE HIGHLIGHT WORRIES," an article by Bill Leitzel, official photographer, Detroit Police Department, which appeared in the December 1938 issue of the Michigan Police Journal, Detroit, Michigan. Mr. Leitzel explains and illustrates in this article how to photograph a highly polished, or brightly plated object (such as a police badge) with a minimum amount of highlight trouble. An interesting article for the police photographer.

*In view of numerous requests received by the Federal Bureau of Investigation from time to time, it was deemed advisable to periodically publish in this Bulletin a list of recent books, articles, reports or any other publication that might be of interest to law enforcement officers and agencies.

"THE SPECIAL AGENT - His Duties and Functions," an article by Joel S. Hindman, Assistant Chief Special Agent, Northern Pacific Railway, Seattle, Washington, appearing in the December 1938 issue of the Pacific Coast International magazine published at Portland, Oregon. Mr. Hindman points out that the Special Agent must be untiring in his efforts to serve; that he must understand that he is to enforce the law; that he should seek methods to prevent the innocent from entering a life of crime by putting a stop to law violations. Character, moral courage, judgment and courtesy are the qualifications essential to the present day Special Agent. The author relates that "Courtesy is the keynote of the successful Special Agent. * * * Judgment is influenced by good character of the Special Agent, if he is of good character, his best judgment will guide him in the right path."

"STOLEN AUTOMOBILE INVESTIGATIONS." An article appearing in the December 1938 issue of the South Dakota Peace Officer written by William J. Davis, Special Agent, Automobile Protective and Informative Bureau. The author relates various methods used by thieves in stealing cars and states: "In the final analysis it would seem that any automobile can be stolen if the thief has sufficient opportunity and incentive to do so." He also outlines various problems confronting auto thieves such as entry into the car, altering numbers, disposing of the car, forging certificates and bills of sale. Mr. Davis also points out various unique methods used by auto thieves to give stolen cars a semblance of legitimate ownership.

"CARBON MONOXIDE, CHLORIDES IN DROWNING, ALCOHOLISM," an article by Frank Stratton, Chemist, Boston, Massachusetts Police Department, appearing in the January 1939 issue of The American Journal of Medical Jurisprudence, Boston, Massachusetts. The author points out how the chemist may aid the medical examiner and the police. He states that the medical examiner in cases of carbon monoxide poisoning, finds chemical analysis of the blood an essential confirmation of his own opinion; that in criminal cases an autopsy is necessary, but in routine cases such as suicide or accident, blood is merely withdrawn from the heart by means of a syringe and long needle; that in fatal cases, there is 45 per cent saturation or more. Mr. Stratton states that in cases of drowning, the chemist again comes to the aid of the medical examiner by ascertaining the difference in the chloride content of the blood in the right and left chambers of the heart; that this is the Gettler* method and in a strict sense is a test for inhalation of water. He also explains that the chloride content of the blood is lower in the left heart than that in the right when a drowning occurs in fresh water, while it is higher in the left than the right if the drowning occurs in salt water. In discussing alcoholism the author relates that alcoholism is one of our most pressing problems and that it is generally accepted that the brain is the best index of alcoholic condition, and is preferred for analysis, but the blood and urine can also be used as indexes.

*An article entitled, "Determination of Alcoholic Intoxication During Life by Spinal Fluid Analysis," prepared by Dr. A. O. Gettler and A. W. Freireich appeared in the May 1936 issue of the FBI Law Enforcement Bulletin.

PERSONALS

ALABAMA

Captain T. Weller Smith has recently been named Chief of the Alabama Highway Patrol, succeeding Mr. Walter K. McAdory.

ARKANSAS

Mr. R. M. Giles is the new Chief of Police of Texarkana, Arkansas.

Mr. Claude Stuart has been named Chief of Police of Hope, Arkansas to succeed Mr. Clarence E. Baker, who has taken over the office of Sheriff of Hempstead County.

Mr. M. V. Crow has been appointed Sheriff of Saline County, Arkansas, to fill the vacancy caused by the resignation of Mr. Virgil A. Rucker.

GEORGIA

Mr. H. M. Adair, a graduate of the FBI National Police Academy, has been promoted from Captain to Chief of Detectives of the Columbus, Georgia Police Department. Mr. Adair's promotion became effective January 1, 1939.

Mr. J. E. Baker is now Chief of Police at Summerville, Georgia, having assumed office on January 9, 1939.

INDIANA

Mr. Clinton D. Jackson has been appointed Chief of Police of Kokomo, Indiana.

Mr. Robert Hera is the new Chief of Police at Connersville, Indiana.

IOWA

Mr. R. W. Nebergall, formerly Editor of the "Iowa Sheriff," has been named Chief of the Iowa State Bureau of Investigation, succeeding Mr. W. W. Akers, who retired from office December 31, 1938.

Mr. Joseph A. Strub has been appointed Chief of Police of the Dubuque, Iowa Police Department, succeeding Mr. John W. Giellis who has resigned after holding the position of Chief of Police for twenty-five years. Mr. Strub has been a member of the Dubuque Police Department since 1928.

Mr. C. A. Knee, formerly Sheriff of Dallas County, Iowa, has been appointed Chief of the Iowa Safety Patrol. He has been succeeded as Sheriff of Dallas County by Mr. Evan A. Berger, who has been a Deputy Sheriff for the past few years.

KENTUCKY

Mrs. Susie Scott has been appointed Sheriff of Pike County,

Kentucky, to fill the unexpired term of her husband, the late Mr. Earl Scott, who was recently killed in an automobile accident.

Mr. Joseph S. Lykins has resigned as Chief of Police at Maysville, Kentucky. Mr. Harry Stewart is at present Acting Chief of Police.

MISSISSIPPI

Mr. Joseph Serio took office as Chief of Police at Natchez, Mississippi on January 1, 1939, succeeding Mr. Joseph N. Stone.

Mr. Herman Tillman has been elected Chief of Police of Hazelhurst, Mississippi, succeeding Mr. Phil Massa. Chief Tillman took over the duties of his new office on January 1, 1939.

NEW JERSEY

Chief of Police Scott D. Coombs has announced his retirement from the Bergenfield Police Department, effective March 1, 1939. Chief Coombs has been Chief of the Bergenfield Police Department since its organization seventeen years ago. He is retiring because of ill health resulting from injuries received in a motorcycle accident.

NEW MEXICO

Mr. Tom Summers has been named Chief of the New Mexico State Police, to succeed Mr. E. J. House, Jr.

NORTH DAKOTA

Mr. Archie B. O'Connor, former Sheriff of Pembina County, North Dakota, has been named Chief of the North Dakota State Highway Patrol with offices at Bismarck, North Dakota.

TEXAS

Mr. Henry Wisrodt is the newly elected Chief of Police at Galveston, Texas, succeeding Mr. Tony Messino, resigned.

Mr. Floyd Blair has taken over the office of Chief of Police of Honey Grove, Texas, succeeding Mr. John T. Dobbs.

Mr. C. D. Currington is the new Sheriff of Navarro County, Corsicana, Texas, succeeding Mr. Rufus Pevyhouse.

Mr. Will Hayes has taken office as Sheriff of Gregg County, Longview, Texas, succeeding Mr. A. A. King.

VIRGINIA

Mr. William P. Dodson was recently elected Chief of Police at Virginia Beach, Virginia to succeed Mr. H. L. McClannan who resigned during November, 1938.

WASHINGTON

Mr. Ray Ryan assumed the duties of Sheriff of Snohomish County, Everett, Washington on January 9, 1939, succeeding Mr. Walter E. Faulkner.

Mr. Frank Shelton was recently appointed as Chief of Police at Sedro Woolley, Washington, succeeding Mr. L. U. Arbuckle.

WEST VIRGINIA

Mr. C. J. Thompson has been appointed Chief of Police at Matoaka, Mercer County, West Virginia, to succeed Mr. R. H. Lambe.

**UNKNOWN AMNESIA VICTIM IDENTIFIED BY FINGERPRINTS
IN FEDERAL BUREAU OF INVESTIGATION FILES**

On December 20, 1938, the fingerprints of an unknown person apparently an amnesia victim, were recorded by the Police Department at Greenville, Ohio and transmitted to the FBI for a search through its files. Information appearing on this set of fingerprints indicated that the identity of this person was believed to be Bert Singer. His age was given as approximately seventy. When this fingerprint card was searched through the files of the Identification Division, it was found that his finger impressions had been previously transmitted to the FBI on seven prior occasions by law enforcement agencies in connection with his arrests for violations of the law.

Notations unsupported by fingerprints reflected criminal activity dating back to the year 1901 at which time he had been committed to the State Prison at Michigan City, Indiana, under sentence for robbery. It was found that this person had used the names of Bert Risk, Eddie Russell, Frank Smith, A. B. Singer, Bert Singer, Bert Russell, Frank Singer and Cal Rust as well as the nickname "Pork and Beans."

The above information together with the place of birth and residences indicated by this individual was at once telegraphically communicated to the Police Department at Greenville, Ohio.

CONFERENCE ON POLICE TRAINING

During the week of February 6 to 11, 1939, there was held in Washington, D. C., a conference on Police Training sponsored by the Office of Education, Department of the Interior, in cooperation with the Federal Bureau of Investigation. The objective of this conference was to develop higher standards of Police Training, and also to supply constructive suggestions as to the best means of providing training for the Police Service under different types of working conditions and through various possible types of organizations.

The following police officials were present at this conference:

Andrew J. Kavanaugh, Superintendent of Public Safety, Wilmington, Delaware
 Edward J. Kelly, formerly Superintendent, Rhode Island State Police
 George D. Callan, Captain, Police Department, Newark, New Jersey.
 Sherman Cannon, Captain, Police Department, Jacksonville, Florida
 Hubert E. Dax, Captain, Police Department, Milwaukee, Wisconsin
 James C. Downs, Captain, Police Department, Baltimore, Maryland
 Patrick Lenahan, Lieutenant of Detectives, Police Department, Cleveland, Ohio
 Ross R. McDonald, Captain, Police Department, Los Angeles, California

In addition to these leaders in the field of Police Training, the conference was also attended by officials of the Federal Bureau of Investigation, Dr. Lyman S. Moore and Dr. Layton S. Hawkins of the Office of Education, and Dr. J. C. Wright, Assistant Commissioner for Vocational Education, who was Chairman of the Conference. Mr. Frank Cushman, Consultant in Vocational Education, Office of Education, was the Conference Leader.

The conference was officially opened by Dr. J. C. Wright, Assistant Commissioner for Vocational Education. Other officials, including J. Edgar Hoover, Director of the Federal Bureau of Investigation, Oscar L. Chapman, Assistant Secretary of the Interior, and J. W. Studebaker, Commissioner of Education, were unable to be present at the opening exercises.

At the outset, the conference discussed the different methods of approach to the problem of police training. It was agreed that the "Swivel Chair" method of approach, whereby the officials sit down and try to put into a training program everything that might apply to the persons being trained is most undesirable and results in what are commonly known as "Shotgun Courses" that apply to many things but not to any specific need. The Specific Improvement Approach following the analytical method was discussed, and it was agreed that this is the only intelligent approach to the problem of Police Training. It was pointed out that the only justification for expenditures for training of police is to secure improvement



Seated, Left to right: Hubert E. Dax, Patrick Lenahan, George D. Callan, Andrew J. Kavanaugh, Dr. J. C. Wright, H. H. Clegg, Dr. Layton S. Hawkins, N. H. McCabe, Edward J. Kelly, Dr. Lyman S. Moore. Standing, Left to right: James C. Downs, Frank Cushman, Ross R. McDonald, Sherman Cannon.

in the performance of their work, and that before preparing a training program, it is first necessary to analyze the problem at hand and determine what phases of the work need to be improved. There were discussed some thirty-one different situations that need correction or improvement in the majority of police organizations, -- type situations which must be met intelligently by all progressive law enforcement officials.

During the conference the following topics were discussed:

1. The relative merits of the principal types of organization for Police Training.
 - a. Zone, or regional schools.
 - b. Extension courses.
 - c. Institutes or short courses.
 - d. Local programs.
2. What criteria or standards may be set up for police training programs and instructors?
3. From what sources may an adequate supply of Police Instructors be developed?
4. What minimum standards may be recommended covering the qualifications of Police Instructors?
5. The principal phases of Police Training and their relative importance.
6. Is there a legitimate place for pre-employment training for the Police Service or should training be given only to employed Police Officers?
7. To what extent is standardization of Police Training desirable?
8. The relative merits of "cold-storage" training vs. training which can be immediately applied on the job.
9. What are suitable fields of endeavor for colleges and universities in connection with Police Training?
10. To what extent is cooperation with public Vocational Education agencies desirable in connection with the development of Police Training?
11. What is the place, if any, of privately operated Police Training Schools, conducted as business enterprises?
12. The place of Correspondence Courses in Police Training Programs.
13. Should training in Police Techniques be made available to others than those engaged in Law Enforcement Work?
14. What is the procedure in securing the benefits of Federal aid under the George-Deen Act, for Police Training activities?

15. For what purposes are Vocational Educational funds available in the states?
16. How can sufficient equipment be secured?
17. Training in the field of crime prevention.
18. Teaching methods and their limitations.
19. The value of slides or pictures showing the correct and incorrect manner of performing various police duties.
20. What may be said of the value of sound and strip films for training purposes.
21. What types of tests are best suited for certain purposes (multiple choice, true-false, etc.)
22. Typical mistakes in setting up training programs.
23. What basis may be used to determine the functioning value of a training program?

In future issues of this Bulletin there will be included further details of the accomplishments of the Conference on Police Training, which, it is believed, will prove of interest to all law enforcement officials.

That the figure "13" may bring luck to some and misfortune to others was ably demonstrated recently when, during the week of Friday, January 13, 1939, Detective Thomas P. Boustead of Rockford, Illinois, a graduate of the Third Session of the FBI National Police Academy, and a fellow detective, were able to obtain enough evidence to arrest and convict 13 burglars operating in the vicinity of Rockford. The success of the detectives, however, was not really based on luck, but their experience and the training which they have obtained through contact with the most modern methods of scientific crime detection.

Communications may be addressed to the Field Office covering the territory in which you are located by forwarding your letter or telegram to the Special Agent in Charge at the address listed below. Telephone and teletype numbers are also listed if you have occasion to telephone or teletype the Field Office.

CITY	AGENT IN CHARGE	TELEPHONE NUMBER	BUILDING ADDRESS (Letters or Telegrams)
Aberdeen, S. D.	Hanni, Werner	4652	310 Federal
Atlanta, Georgia	Clegg, J.E.	Walnut 3698	501 Healey
Birmingham, Ala.	Soucy, E.A.	4-1877	320 Federal
Boston, Mass.	Peterson, V.W.	Liberty 8470	10 Post Office Square, Room 1016
Buffalo, N. Y.	Warnes, J.W.	Cleveland 2030	400 U. S. Court House
Butte, Montana	Banister, W.G.	2-4734	302 Federal
Charlotte, N. C.	Scheidt, E.	3-4127	914 Johnston
Chicago, Illinois	Ladd, D.M.	Randolph 6226	1900 Bankers'
	Gebben, E.J. (Assistant)		
Cincinnati, Ohio	Harris, H.D.	Cherry 7127	1130 Enquirer
Cleveland, Ohio	Rosen, A.	Prospect 2456	1448 Standard
Dallas, Texas	Conroy, E.E.	2-9086	1206 Tower Petroleum
Denver, Colorado	Listerman, W.L.	Main 6241	518 Railway Exchange
Des Moines, Iowa	Coulter, R.C.	3-8998	739 Insurance Exchange
Detroit, Michigan	Bugas, J.S.	Cadillac 2835	911 Federal
El Paso, Texas	Untreiner, R.J.	Main 501	202 U. S. Court House
Huntington, W.Va.	McLaughlin, W.V.	8928	700 West Virginia
Indianapolis, Ind.	Reinecke, H.H.	Riley 5416	323 Federal
Kansas City, Mo.	Guinane, E.P.	Victor 3113	1612 Federal Reserve Bank
Knoxville, Tenn.	Davis, E.R.	3-7928	407 Hamilton National Bank
Little Rock, Ark.	Andersen, H.E.	6734	500 Rector
Los Angeles, Calif.	Hood, R.B.	Mutual 3277	810 South Spring, Room 603
Louisville, Ky.	Reynolds, J.D.	Jackson 5139	633 Federal
Memphis, Tenn.	Vincent, J.W.	8-1850	2401 Sterick
Miami, Florida	McKee, S.K.	3-5558	1300 Biscayne
Milwaukee, Wisconsin	Rutzen, A.C.	Daly 3431	1021 Bankers'
Newark, N. J.	Kitchin, A.P.	Market 2-5511	936 Raymond-Commerce
New Orleans, La.	Sackett, B.E.	Raymond 9354	1308 Masonic Temple
New York, N. Y.	Brantley, D.	Rector 2-3520	607 U.S. Court House, Foley Square
	Dalton, J.L. (Assistant)		
Oklahoma City, Okla.	Fletcher, H.B.	2-8186	224 Federal
Omaha, Nebraska	Stein, C.W.	Atlantic 8644	629 First National Bank
Peoria, Illinois	Fitzsimons, B.F.	4-5800	300 Commercial Merchants National Bank and Trust Company
Philadelphia, Pa.	Leckie, A.B.	Locust 0880	1300 Liberty Trust
Pittsburgh, Pa.	Sears, J.F.	Grant 0800	620 New Federal
Portland, Oregon	Swenson, J.D.	Atwater 6171	411 U. S. Court House
Richmond, Virginia	Devereaux, W.S.	3-0169	601 Richmond Trust
Salt Lake City, Utah	Newman, J.C.	Wasatch 1797	301 Continental Bank
San Antonio, Texas	Jones, G.T.	Fannin 8052	478 Federal
San Francisco, Calif.	Pieper, N.J.L.	Exbrook 2679	One Eleven Sutter, Room 1729
Seattle, Washington	Suran, R.C.	Main 0460	800 Joseph Vance
St. Louis, Mo.	Norris, G.B.	Garfield 0360 (*)	423 U. S. Court House & Custom House
St. Paul, Minnesota	Hendon, R.C.	Garfield 7509	404 New York
Washington, D. C.	Hottel, G.	National 5303	2266 U. S. Department of Justice

(*) Telephone number to be used after 5:00 P.M., on Saturday afternoons and Holidays is Garfield 2129.

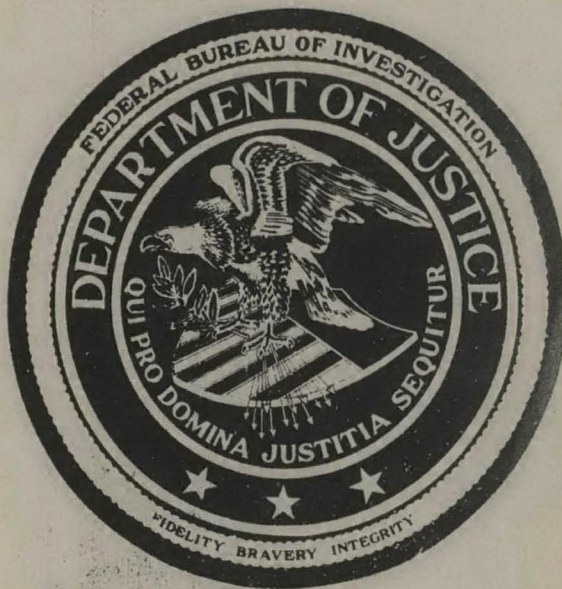
The teletypewriter number for each Field Office, including the Bureau at Washington, is 0711, except the New York City Office which is 1-0711.

Communications concerning fingerprint identification or crime statistics matters should be addressed to: Director

Federal Bureau of Investigation
United States Department of Justice
Pennsylvania Avenue at 9th Street, N. W.
Washington, D. C.

The office of the Director is open twenty-four hours each day.

TELEPHONE NUMBER: NATIONAL 5303
EMERGENCY (KIDNAPING): NATIONAL 7117



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