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FBI

LAW ENFORCEMENT BULLETIN

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

MARCH 1967

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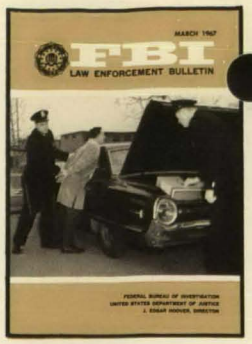

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MESSAGE FROM THE DIRECTOR

COULD IT BE THAT 1967 will be remembered as the year the American people demanded respect for law and order and a halt to rising crime in our country?

While this hope may not fully materialize, there are some promising symptoms of growing public concern. In many areas, citizens are genuinely alarmed, and rightly so, by increasing criminal violence. Indications are that more and more people want effective enforcement of the law and realistic punishment of those who break it. Federal, State, and local governments are initiating new and broader programs to aid law enforcement and to provide better training and equipment for the enforcement officer. Civic and patriotic groups are rallying to support police and are calling for citizens to obey the law and to help prosecute those who refuse to obey it. These are encouraging signs.

Actually, the American public is seeking, and sorely needs, a proven formula to deter crime. The people are growing tired of substitutes. Swift detection and apprehension, prompt prosecution, and proper and certain punishment are tested crime deterrents. As we have seen, however, this combination of deterrents can be ineffective because of breakdowns in one or all of its phases. That is why we cannot expect high-quality police service alone to bring full relief from the crime problem. If the hardened criminal is arrested but not punished, he is not long deterred from his criminal pursuits.

One State supreme court justice recently stated that it is completely unrealistic to say that punishment is not a deterrent to crime. "It is simply contrary to human nature," the justice explained, "not to be deterred from a course of action by the threat of punishment." This is the kind of reasoning and straight talk that makes sense to both the public and law enforcement. It is a refreshing contrast to the weak theories which rationalize criminal behavior and make villains of all policemen.

Coddling of criminals and soft justice increase crime; denials to the contrary have no valid support. Yet, these truths are still lost in the maze of sympathy and leniency heaped upon the criminal. Lame excuses and apologies offered for the lawbreaker are exceeded only by the amount of violence he commits. Meantime, law-abiding people who have a right to expect protection from criminals have this right abused and ignored.

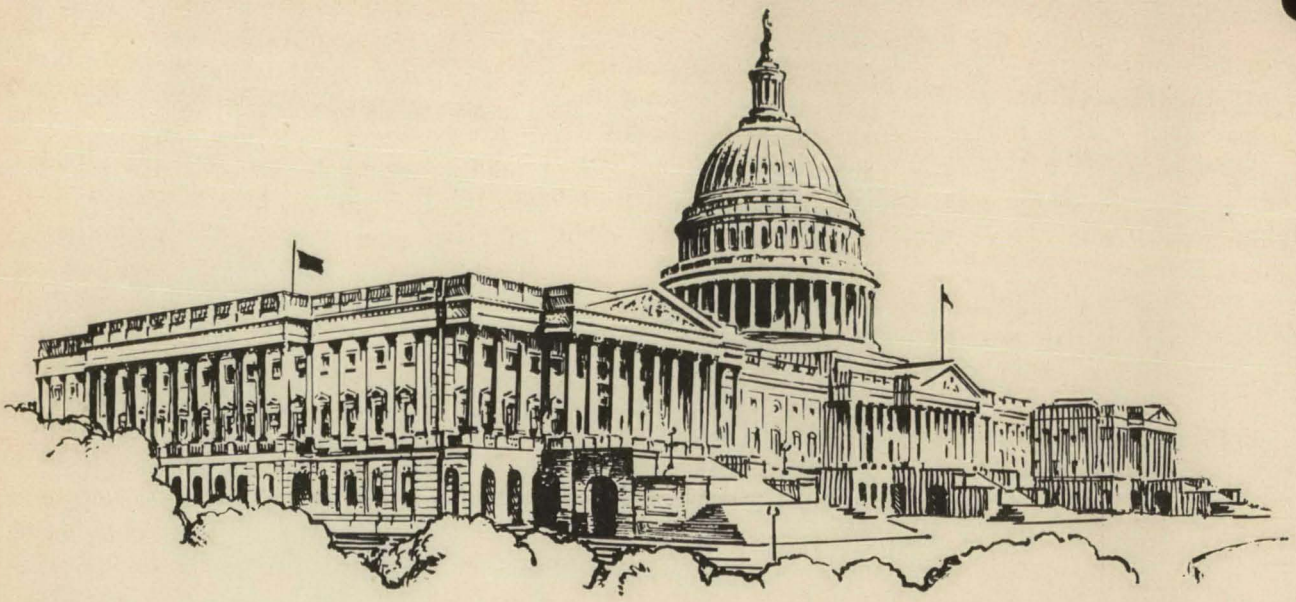
Certainly, the American public must soon take positive action to curtail crime and violence. Good intentions are worthless. Funds for better law enforcement will help, but will not do the complete job. Community and civic authorities, educators, religious leaders, and prominent men and women from all walks of life must speak out, demand justice for law-abiding citizens, and unite the people in a forceful campaign against crime. There is nothing wrong with the clergy's warning against excessive compassion for the criminal at the expense of innocent victims. There is nothing wrong with educators' denouncing rabble rousers and agitators who disrupt the orderly processes of the academic community and defy authority. And there is nothing wrong with community and city officials' crusading to rid their streets of thugs, rapists, and robbers.

Law enforcement, of course, is gratified with the great strides that have been made in the profession in recent years. It is also appreciative of new efforts to make its fight against crime more effective. Law enforcement will take full advantage of all aid and assistance and meet its obligations with a determination to give the public adequate protection. Let the public remember, however, that detecting and apprehending criminals are not the whole answer. The criminal must know that his destiny also includes prompt prosecution and substantial punishment.

J. Edgar Hoover

MARCH 1, 1967

JOHN EDGAR HOOVER, *Director.*



Search of Motor Vehicles

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

—The Fourth Amendment to the Constitution of the United States.

The accompanying article is the first of a series discussing the Federal law on "Search of Motor Vehicles." This material was prepared and written by Special Agent John B. Hotis, with the assistance of Special Agent John A. Mintz and Insp. Dwight J. Dalbey, FBI Training Division.

I. General

The introduction of the automobile into the American scene in the early part of this century irrevocably altered the face and character of our society. The significance of its contribution toward our economic and social progress in the intervening years is beyond question, but as with every major technological innovation, the vehicle carries with it the inherent potential for misuse. As early as 1923, the eminent legal scholar Roscoe Pound observed that "the coming of the automobile has begun to make new chapters both in the civil and in the criminal law, and is making over other chapters. Indeed, the general use of motor vehicles is affecting the conditions that make for crime, the difficulties of preventing and detecting crime, and the administration of punitive justice." Pound, *Criminal Justice in America* 18 (1929).

Dean Pound's vision was prophetic. Criminal offenders quickly grasped the myriad possibilities which the automobile offered as a tool for success in crime. Rapid transportation to and from the crime scene made criminal acts easier to commit, thwarted detection, and often placed the violator beyond the jurisdictional reach of local police. The effect of such illicit travel proved to be so injurious to the national welfare that Federal legislation was soon passed empowering the Government to act in certain cases involving interstate commerce.

With the advent of the Prohibition Era, the adaptability of the motor vehicle as a tool for crime became obvious to everyone. Its effectiveness to transport contraband and to frustrate the enforcement efforts of local and Federal officers who sought search warrants did not go unnoticed by the courts. In response to this dilemma, the Supreme Court of the United States judicially adopted one of the few exceptions to the warrant requirement of the fourth amendment by allowing a search to be made of a mobile vehicle on probable cause alone. *Carroll* v. *U.S.*, 267 U.S. 132 (1925). Yet the bootlegger's use of the vehicle as a means of violating the laws set the pattern for many of the criminal problems which we face today. A recent poll of major law enforcement agencies in the United States and Canada, for example, indicates that automobiles are involved in some manner in over 75 percent of all criminal offenses. Thus, the motor vehicle has come into its own as a principal instrumentality of crime.

Aside from their employment as implements of crime generally, automobiles are favored objects of theft as well. In 1965 over 486,000 automobiles were stolen, with a total financial value to the public in excess of half a billion dollars. Twelve percent of these vehicles were never recovered, constituting a loss of $60 million to car owners and insurance companies. It is not possible to measure the overall effect in terms of personal injury or death, but it is known that auto theft activity, regardless of theft purpose, frequently results in injury or death to perpetrators, innocent bystanders, and police officers, to say nothing of other losses involving inconvenience and personal hardship to innocent citizens. "FBI Uniform Crime Reports, 1965."

Since automobiles play a prominent and varied role in the national crime picture, the search and seizure problems they have engendered have been discussed separately from those concerning the search of persons or premises. In most instances the general decisional law developed in the latter areas is also applicable to motor vehicles. It is well settled that an automobile is a personal "effect" within the meaning of the fourth amendment and as such is clearly protected against unreasonable searches and seizures. But because an automobile can be moved quickly to an unknown location or beyond the jurisdictional reach of the officer, the general warrant requirement has been modified. Thus, the Federal courts have long allowed a search to be made on probable cause where circumstances make it impracticable to obtain a warrant. Yet this accommodation alone does not meet all the problems created by use of automobiles in criminal activities, for, unlike fixed premises, a mobile vehicle can be at one and the same time an implement of crime, a fruit of the offense, and a form of derivative contraband. See *One 1958 Plymouth Sedan* v. *Plymouth*, 380 U.S. 693, 699 (1965). While a fixed structure is most frequently the subject of a search for evidence of crime, an automobile may, in addition, be the specific object to be seized. Despite these and other obvious differences, most questions involving the search or seizure of automobiles have been dealt with in precisely the same manner and under the same limitations as searches of premises, with the result that frequently the law restricts an officer more than conditions of public safety should require.

No attempt is made in this document to set out an exhaustive listing of the decisional law on any particular issue, or to discuss every unresolved problem to the limit of its dimensions. Rather, the purpose here is to highlight the major methods of search and seizure available to enforcement officers and, in some instances where the law is confused, to offer what are considered to be the most acceptable of the available alternatives.

II. Search Under the Authority of a Warrant

It is the intent of the fourth amendment that the right of privacy one

enjoys in his person, house, papers, and effects shall yield only when a judicial officer issues a warrant for a search based upon probable cause. In actual fact, warrants support but a small percentage of all searches conducted in administration of the criminal law. See Collings, *Toward Workable Rules of Search and Seizure: An Amicus Curiae Brief*, 50 Calif. L. Rev. 421, 456 (1962). The gulf between the constitutional ideal and the current practice is partially explained by the circumstance that other more attractive alternatives are available to an officer. Searching incident to arrest or with the consent of suspect, an officer need not specify in advance, for example, either the area to be searched or the objects to be seized. Nor is he required to support the search through any prior showing of probable cause. But the most obvious reason for the nonuse of a warrant where vehicles are concerned is apparent—any delay in the search may result in removal of the automobile to an unknown location. Because of the ease with which these alternative procedures can be employed, some officers have unwisely assumed that a warrant is a mere formality to be dispensed with simply for expediency. Quite the contrary is true. It is important to understand that a warrantless search is tolerated by the courts in deference to police needs and solely as an exception to the basic constitutional requirement. *U.S.* v. *Ventresca*, 380 U.S. 102 (1965). For this reason the practice is certain to be examined carefully relative to any evidence of abuse.

In an obvious effort to encourage strict reliance upon the use of warrants, the courts have indicated they will not review a magistrate's determination of probable cause as closely as they would a judgment made by an officer. *Aguilar* v. *Texas*, 378 U.S. 108, 111 (1964). The Supreme Court recently emphasized that "substantial deference is to be paid by the reviewing courts to the decision of the issuing magistrate and unless his judgment was arbitrarily exercised, the finding that probable cause existed will not be disturbed." *U.S.* v. *Ventresca*, 380 U.S. 102 (1965). An affidavit filed in support of a warrant, as noted by the Court, is generally drafted by nonlawyers in the haste of a criminal investigation, and consequently it should be read in a commonsense and nontechnical manner. "A grudging and negative attitude by reviewing courts toward warrants," it was cautioned, "will tend to discourage police officers from submitting their evidence to a judicial officer before acting." *Id.* at 109. This presumption of validity which runs in favor of the warrant allows an officer to operate with greater confidence, since it provides at least minimal assurance prior to a search that the issue of probable cause will be resolved in his favor. As a practical matter, therefore, a warrant should be secured whenever circumstances and opportunity reasonably permit.

Aside from any immediate benefits which may be gained from the use of a warrant, every enforcement officer should discharge his duties with an appreciation of the vital role these limitations have played in maintaining our constitutional heritage. Contrary to what critics may assume, the requirement that police decisions to search be submitted to a "disinterested magistrate" was not adopted arbitrarily by the courts to serve as an impediment to enforcement efforts. See *Harris* v. *U.S.*, 331 U.S. 145, 157 (1947) (dissenting opinion). Rather, it had its origins in our colonial experience with the infamous writs of assistance which empowered revenue officers to conduct random and general searches for smuggled goods at their discretion. See Fraenkel, *Concerning Searches and Seizures*, 34 Harv. L. Rev. 361 (1920).

The first serious challenge to the legality of this practice arose in Massachusetts in 1761. James Otis, the advocate-general to Massachusetts Bay, resigned his office to attack the writ and denounced it as "the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English lawbook. It is a power," he declared, "that places the liberty of every man in the hands of every petty officer." Although his eloquent plea failed to sway the court, it helped to provide a catalyst for the revolutionary movement. Among those spectators in the courtroom who heard Otis' stirring argument was a young attorney, John Adams. "Then and there," he wrote in later years, "was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the Child Independence was born." See *Boyd* v. *U.S.*, 116 U.S. 616, 625 (1886); Lasson, *History and Development of the Fourth Amendment to the United States Constitution*, 58–59 (1937).

The first formal prohibition against unrestricted searches was declared in the Virginia Bill of Rights of 1776, which stated that "general warrants whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted." See Lasson, *op. cit. supra*, note 3, at 79. A similar provision respecting privacy was later embodied in every State constitution and declaration of rights. That philosophy ultimately was reflected in the fourth amendment.

The underlying premise of the warrant procedure was perhaps best summarized by Mr. Justice Jackson who observed, "[T]he point of the Fourth

"The presence of a search warrant serves a high function. Absent some grave emergency, the Fourth Amendment has interposed a magistrate between the citizen and the police . . . . We cannot be true to that constitutional requirement and excuse the absence of a search warrant without a showing by those who seek exemption from the constitutional mandate that the exigencies of the situation make that course imperative." McDonald v. U.S., 335 U.S. 451, 455–456 (1948).

Amendment . . . is not that it denies law enforcement the support of usual inferences which reasonable men draw from evidence. This protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime." *Johnson* v. *U.S.*, 333 U.S. 10, 13–14 (1948).

The ancient maxim of English common law that "every man's home is his castle" cannot, of course, be applied literally to the automobile, particularly where the vehicle has been used as the principal means to commit a criminal violation. *Arwine* v. *Bannan*, 346 F. 2d 458, 470 (1965); see discussion below. But there can be no doubt that the rights secured by the fourth amendment extend beyond persons and premises to encompass all of one's personal effects, including his automobile. *Henry* v. *U.S.*, 361 U.S. 98 (1959); *Brinegar* v. *U.S.*, 338 U.S. 160 (1949); *Gambino* v. *U.S.*, 275 U.S. 310 (1927); *Carroll* v. *U.S.*, 267 U.S. 132 (1925); *U.S.* v. *Callahan*, 256 F. Supp. 739 (1966). Consistent with the general rules of search and seizure, therefore, the courts demand, with few exceptions, that law enforcement officers submit their decision to search to the detached judgment of a judicial officer.

A. Requirements To Be Met in Obtaining the Search Warrant

Although prohibitions against unreasonable searches and seizures have long been in force in every State, until recently many jurisdictions followed the common law rule that pertinent evidence is admissible even if illegally secured. See Appendix to Opinion of the Court, *Elkins* v. *U.S.*, 364 U.S. 206, 224–32 (1960). But with the extension of the exclusionary rule to the States in *Mapp* v. *Ohio*, 367 U.S. 643 (1961), most local practices relating to search and seizure were brought into alignment with Federal requirements. One of the more troublesome questions left unresolved by that decision concerned the extent to which Federal rules displaced State law. The Supreme Court subsequently made it clear, however, that the standards for obtaining a search warrant are "the same under the Fourth and Fourteenth Amendments." *Ker* v. *California*, 374 U.S. 23 (1963). And while the States retain some prerogative in the development of their own rules to meet local problems, the same fundamental criteria must be satisfied by all jurisdictions, Federal and State alike.

Probable Cause

The first and most important requirement of constitutionality is that the warrant be based upon probable cause. Although the latter term defies precise definition, it generally is held to exist where the facts and circumstances within the officer's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that a crime has been committed. But establishing the fact of a crime is not enough. Probable cause for a search warrant also requires facts sufficient to support a belief that instrumentalities or fruits of the crime, or contraband, are located in the place to be searched. *Jones* v. *U.S.*, 362 U.S. 257, 271 (1960).

It is generally agreed that the quantum of evidence necessary to meet this standard must be more than mere suspicion or conjecture, yet it need not be of an amount sufficient to prove guilt beyond a reasonable doubt, which is the requirement for conviction. *Marderosian* v. *U.S.*, 337 F. 2d 759 (1964); *Ward* v. *U.S.*, 281 F. 2d 917 (1960). For the Court has long stated that "there is a large difference between the two things to be proved [guilt and probable cause] as well as between the tribunals which determine them, and, therefore, a like difference in the quanta and modes of proof required to establish them." *Brinegar* v. *U.S.*, 338 U.S. 160 (1949).

Consider as an example the case of *Porter* v. *U.S.*, 335 F. 2d 602 (1964). Police officers arrested the defendant, Porter, on a charge of driving without a license and impounded his automobile. The following day he was identified in a police lineup as a robber in a bank holdup committed approximately 1 month earlier. An FBI Agent then filed affidavits before a U.S. Commissioner, stating he had reason to believe that a gun and other materials considered to be instrumentalities of the crime were located in the defendant's automobile. The facts submitted in support of the affidavits were as follows:

1. Above-described items were allegedly used and worn by bank robber.
2. Victim teller . . . identified Porter as person who perpetrated the robbery.
3. Above-described items were not in possession of Porter when arrested.
4. Above-described vehicle is allegedly property of Porter and registered in name of William Edwards.

5. Porter advised a Special Agent of the FBI that the above-described car is his property.

At the same time the Agent applied for a warrant to search a second automobile which the defendant had stated was his property and which was registered in the name of a woman said by the defendant to be his wife. While neither vehicle contained any of the objects named in the warrants, a 12-gage sawed-off shotgun was found in the trunk of the impounded automobile. As a result of this discovery, the defendant was indicted and found guilty of two violations of Federal law relating to the possession of unregistered firearms.

"The makers of our Constitution . . . conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." **Mr. Justice Brandeis of the Supreme Court of the United States dissenting in *Olmstead v. U.S.*, 277 U.S. 438, 478 (1928).**

On appeal of his conviction, Porter claimed, among other things, that the warrant failed to show probable cause for believing the articles listed would be found in the designated automobile. The appellate court rejected this argument, stating:

> We have no inclination to study the affidavit of a police officer, applying for a warrant, as if it were a pleading prepared by counsel in a lawsuit. The policeman makes his statement in his own professional language, and the magistrate determines whether the substance of it shows probable cause for the search. The standard applied by the magistrate is not that of certainty that the object sought will be found as a result of the search.

The defendant also contended that the application by the Agent for his second warrant indicated the search of each automobile was exploratory and therefore invalid. But the court noted that the mere fact that a suspect possesses two automobiles or two residences would not preclude a search of both locations; the evidence sought could have been concealed in either place, and "particularly in the case of two automobiles . . . it might be imprudent for the police to risk the possibility that the one which contained the evidence would be driven beyond reach while the other was being searched." *Id.* at 605. In short, probable cause turns upon probabilities, not certainties and not necessarily eventual truth. *Brinegar* v. *U.S.*, 338 U.S. 160 (1949); *Bell* v. *U.S.*, 254 F. 2d 826 (1958). It is based on the practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. *U.S.* v. *LaVallee*, 251 F. Supp. 292 (1966); see, *e.g.*, *U.S.* v. *Spears*, 287 F. 2d 7 (1961).

By the same reasoning, Federal law does not require that the finding of probable cause rest upon evidence which is legally competent in a criminal trial. *Brinegar* v. *U.S.*, *supra* at 174; *Draper* v. *U.S.*, 358 U.S. 307 (1959). Direct personal knowledge of the affiant, of course, is always acceptable and indeed is indispensable to the validity of the warrant in some State jurisdictions. However, the Federal courts allow probable cause to be based upon hearsay, provided the information is verified by personal observation of the officer or independent investigation conducted either prior or subsequent to receipt of the report.

Where identity of the informant remains undisclosed, the magistrate must be informed of some of the underlying circumstances supporting the informant's conclusion and the basis for the officer's belief that "the informant was 'credible' or his information 'reliable.'" *Aguilar* v. *Texas*, 378 U.S. 108, 114 (1964). The trustworthiness or credibility of the source can generally be established by a statement in the affidavit that the informant has proved to be reliable in prior dealings, preferably in cases of a similar nature. *U.S.* v. *Ramirez*, 279 F. 2d 712 (1960). The real point in issue, however, is less that the informant be shown to be reliable than that there be a substantial basis for crediting the information given. Thus it might be reasonable to rely on the report of an anonymous informant where the facts stated are of such a specific and particularized nature that it would be highly unlikely the information was false. A greater degree of corroboration is necessary where the source is anonymous or of unknown reliability.

But regardless of the nature of the source or the type of information relied upon to establish probable cause, it is essential that the facts be set out in sufficient detail to enable an issuing magistrate to make an independent determination of whether there are sufficient grounds to support a warrant. Probable cause cannot be made out by conclusory allegations which state only the affiant's belief without detailing any of the underlying circumstances upon which that belief is based. *U.S.* v. *Ventresca*, 380 U.S. 102 (1965). Thus, a mere affirmance by the officer that he "has grounds to believe and does believe" that contraband or other items subject to seizure are located in a specific vehicle is not adequate under current standards of law. See, *e.g.*, *Nathanson* v. *U.S.*, 290 U.S. 41 (1933);

(Continued on page 19)

National Commander John E. Davis makes a frank and impressive appeal to the American public to respect law and order and to support law enforcement. He has rallied the 2½ million Legionnaires and the more than 1 million members of the Legion Auxiliary to a positive program against crime and violence.

HON. JOHN E. DAVIS
National Commander, The American Legion, Indianapolis, Ind.

Let's Win the Race Against Crime

Since becoming National Commander of The American Legion last fall, I have traveled through most of the States of our great Nation. I have visited many of the bustling cities and peaceful hamlets. Everywhere I go, I am impressed with the greatness of our country.

In my travels, I have talked to thousands of people—Governors, mayors, teachers, truckdrivers, housewives, policemen, and other hard-working, law-abiding citizens from every walk of life. For the most part, they are proud, happy people. While their interests vary and their personal triumphs and adversities differ, they are in agreement on one point—they love America. This is indeed encouraging, for we know the future of our Nation rests on the shoulders of her patriotic, law-abiding citizens.

Unfortunately, however, there is a serious factor on the debit side of the American scene which my travels also made vividly clear. It can be summed up in one word—CRIME.

The amount of violence and lawlessness occurring throughout our land today is frightening. Many authorities who deal with the problem feel it is a definite threat to our future existence. I share their concern. I am not certain, however, that enough Americans are duly concerned or alarmed over increasing crime and violence.

In many of our big cities, violent crimes such as murder, robbery, and rape are so commonplace that they are no longer newsworthy. They appear as brief items on the inside pages of our newspapers. The public seems to be callous and indifferent to crime. People do not want to get involved. Many who willingly and conscientiously obey the law do not support it. Much of the problem is not open, defiant disrespect, but a sullen failure to do the things neces-

sary to make the law effective. Citizens who shirk their civic responsibility and their moral obligations are unwittingly undermining the ideals and principles which make America strong.

Public officials who have studied the causes of rising crime feel that much of our country's criminal problem stems from the questionable rulings and unjustified leniency meted out by the courts. Their point appears to be well taken. Some jurists and courts show no concern for the main issues of guilt and innocence but seem bent on searching for misconduct or neglect by the investigating officers. Questionable decisions by the high courts of this country have set a judicial pattern which permits guilty criminals to walk free from the courtrooms in every State.

For Example

Recently in a midwestern city, a youth on probation was brought to court on charges of killing another young man. Since the police had not warned the killer of his rights before he confessed the crime, the presiding judge had no choice but to free him. In doing so, however, the judge made a blistering attack on the questionable doctrine which made such action mandatory.

He stated, "There is no question in my mind that this is anything but a willful, deliberate act of murder without any justification. Someday members of the Supreme Court will engage themselves in the practical problems of life in a modern urban society, and deal with realities rather than theories that place individual rights far above the community."

In another case, a tremendous amount of investigative work by the police went down the drain when two burglary suspects who voluntarily confessed 274 crimes were freed because of recent high court rulings.

The common pleas court judge of Cuyahoga County, Ohio, freed the two ex-convicts because one was not advised of his right to counsel when he confessed and implicated the other man.

When courts are compelled to release the guilty under conditions such as these, what greater encouragement could be given to lawbreakers?

Against Truth

Lord Hartley Shawcross, a noted British lawyer, has denounced the sentimental attitude we cling to in dealing with criminals. He stated, "We put illusory fears about the impairment of liberty before the promotion of justice. We symbolize justice as blindfolded and holding scales. The scales are weighted against the truth; how are our liberties protected by making criminals and suspects a privileged class? The activities of the criminals are a far more serious invasion of our privacy and our liberties than those of the police."

In my travels and visits to various regions of the country, I am appalled at the extent to which a small minority of our youth will go to gain recognition and to register their objection to established law and order. Many of our young men and women seem to be caught up in a whirlwind of the bizarre, the eccentric, and the erratic.

Ignoble Acts

To gain attention today a youth needs only to grow a beard, ignore all the principles of cleanliness and responsibility, and inject himself into public gatherings. Right away, he finds his picture on television or in the newspapers. If this does not satisfy his gluttonous ego, he simply lies down in the street, disrupts traffic, screams and shouts at public hearings, defies authority, and assaults law enforcement officers. Immediately, he is a "hero."

These rebellious young people are the darlings of the "New Left" and the socialist "do-gooders" who apply the doctrine of civil disobedience to force their will—the will of a minority—on the American public. Fortunately, only a very small percentage of our young men and women have been hoodwinked by these merchants of deceit.

The Honorable Charles E. Whittaker, Associate Justice of the U.S. Supreme Court, Retired, had this to say about the theory of civil disobedience: "While, of course, all of our crime is not due to any one cause, it can hardly be denied that a large part of our current rash and rapid spread of lawlessness has derived from planned and organized mass disrespect for, and defiance of, the law and the courts, induced by the irresponsible and inflammatory preachments of some self-appointed leaders of minority groups 'to obey the good laws, but to violate the bad ones'—which, of course, simply advocates violation of the laws they do not like, or, in other words, the taking of the law into their own hands."

The Spoils of Anarchy

We know all too well what the conditions are in countries where the laws of the land apply to only some, not all, of the people and where certain forces take the law into their own hands. Certainly, such anarchic actions are not in keeping with the principles which made the United States the leader of the free world.

The astonishing debacles of organized mass lawlessness erupting on college and university campuses throughout the country are good examples of how the civil disobedience theory is bankrupting our sacred heritage.

A responsible State official, commenting on conditions existing on one

major campus, stated, "Demonstrations there provided a vehicle for infiltration by rabble rousers, redhots, and communists and resulted in assaults, kidnapings, and imprisonment of police officers, the commandeering of public-address systems, and their use in spewing over the campus the most filthy four-letter words, and the general breakdown of law and order."

Certainly, depraved rabble-rousing is not conducive to progressive educational processes and the goals of higher learning. That a sizable segment of college students, inflamed by outside agitators, including known communists, would stoop to such practices is alarming, but far more appalling is the fact that the violators have been supported physically by groups of faculty members.

Director Hoover

FBI Director Hoover, a man who can spot a communist maneuver or strategem at the spawning stage, has repeatedly warned the American public of the scheme by the Communist Party, USA (CPUSA), to move onto American campuses, disrupt our educational systems, and capture the minds of our youth. He publicly nailed the W. E. B. DuBois Clubs of America as a new national Marxist youth group when it was organized by the CPUSA in June 1964.

Speaking of the unrest, lawlessness, and complexities facing Americans, Mr. Hoover warned in February 1966 that the communist conspiracy was dead set on captivating the thinking of our rebellious-minded youth. "This is being accomplished," he pointed out, "by a two-pronged offensive—a much-publicized college speaking program and the campus-oriented communist W. E. B. DuBois Clubs of America." Again in October, last year, Director Hoover spoke out following the Communist Party

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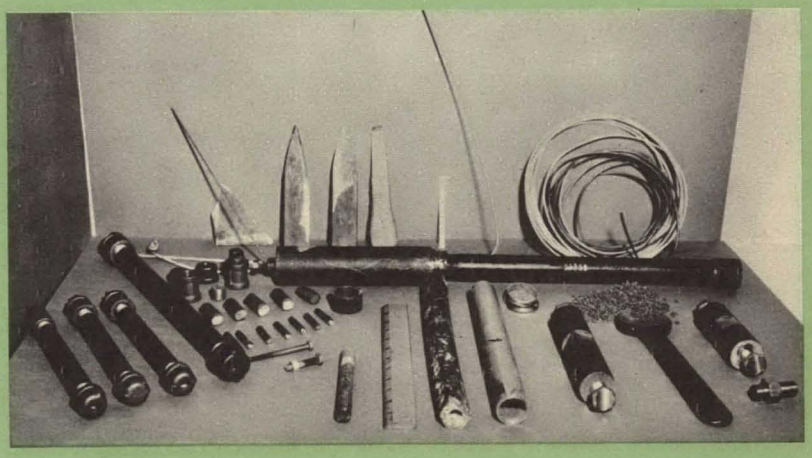
NATIONWIDE CRIMESCOPE

PRISON ARSENAL

In a routine search of the premises of a midwestern penitentiary, officials found quite an accumulation of weapons—and weapons in the making—concealed in various places by the inmates.

In the collection were bar spreaders with wrench, a piece of glass, two pieces of steel sharpened into knife blades, and two chisels. A roll of wire and other pieces of wire were believed to be intended for making an electric welding device. An improvised gun with a threaded pipe for its barrel and a loose-fitting bolt for its firing pin was also found. Paper match heads were believed intended for use as the explosive for the gun.

Penitentiary officials also found four crude but dangerous bombs. Either match heads with rocks or pieces of steel within the bomb or a loose bolt in or at the end of the bomb acts as its firing pin or detonating device. When dropped on a hard surface, these bombs explode.



Weapons found on routine search of penitentiary.

Kansas City Crimdel 8-15-66 Bufile 63-4296-23-790

A GRINDING TASK

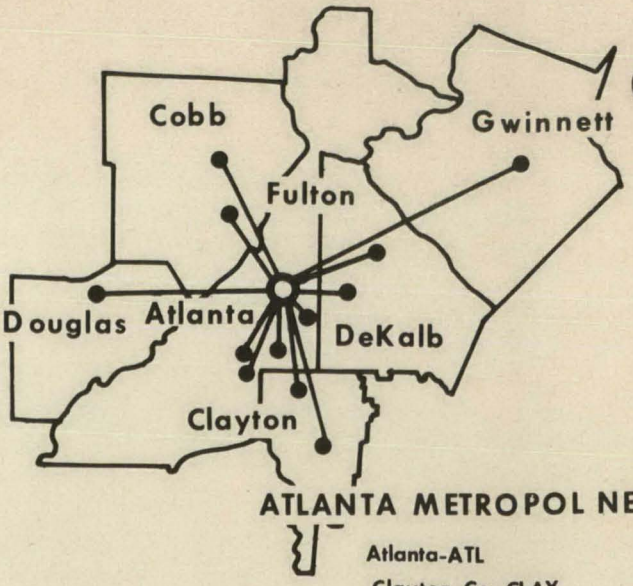
A prisoner in a small county jail used a smuggled emery wheel to escape confinement. The wheel was of the type used in small electric drills. The prisoner fastened the wheel to a table-model electric fan and sawed out a sufficient number of cell bars to escape.

Louisville Crimdel 9-27-66
Bufile 63-4296-27.

PRIVILEGE ABUSED

Penitentiary officials in an eastern State had to discontinue the practice of letting inmates use typewriters to prepare various legal papers. The inmates were removing the springs from the typewriters and using them in attempts to saw through their cell bars.

Baltimore Crimdel 9-21-66
(63-4296-3)



ATLANTA METROPOL NET

Atlanta-ATL
Clayton Co.-CLAY
Cobb Co.-COBB
College Park-C PK
Decatur-DEC
DeKalb Co.-DEKB
Douglas Co.-DOUG
East Point-E PT
Forest Park-F PK
Ga. State Patrol-GA SP
Gwinnett Co.-GWTT
Hapeville-HAPE
Marietta-MTTA
Smyrna-SMYR
Broadcast-ALL STA

A Concerted Effort—

Atlanta Metropol

Picture an area of 1,925 square miles, with a population of 1,225,000 including more than 550,000 workers, with 6 county governments, 45 municipal governments, and with 48 police and sheriff departments with overlapping jurisdictions.

This is metropolitan Atlanta.

This, in brief, adds up to a good-sized urban complex with everyday problems for its 2,100 law enforcement officers.

It is obvious that 2,100 law enforcement officers can be an extremely effective force when working together in a cooperative effort as a cohesive unit. How to unify this large number of disassociated departments was the subject of much concern to greater Atlanta's leaders a year or so ago. It was the solution to this problem that created Atlanta Metropol in 1965.

In June of that year, the Atlanta Region Metropolitan Planning Commission (ARMPC) called together 40 police chiefs, sheriffs, the Special Agent in Charge of the Atlanta FBI office, and others concerned with law enforcement. Response was enthusiastic, and an eight-man steering committee was named to lead the group. This committee soon realized that better communications, more training, and some workable mechanisms for cooperation were the major needs; thus, the fulfilling of these needs became the main objectives of the or-

T. OWEN SMITH
Chief of Police,
College Park, Ga.

ganization. So intense was the interest in launching programs to obtain these objectives that it was 2 months before the committee named the organization "Metropol" and 11 months before it adopted any official bylaws.

Atlanta Metropol is a new and unique organization striving to upgrade law enforcement. Of the member departments, only 14 have more than 15 officers and 34 have 15 or less. This voluntary group meets monthly, pays no dues, and works toward the solution of common law enforcement problems. It operates as a committee under the Metropolitan Atlanta Council of Local Governments (MACLOG) with staff assistance and funds being furnished by the council.

Communications

At the outset, the organization realized that the lack of communications between the various departments was a great deficiency. Twelve of the larger departments had their own base radio stations with an assigned frequency, but they had no uniform set of radio signals. Messages transmitted between jurisdictions could be confusing; therefore, Metropol developed and published a standard set of radio signals. After establishing uniform radio signals, the committee began to plan a closed-circuit Teletype network.

How could the costs of such a system be shared?

Dividing the cost equally would penalize the small cities so vital to the success of the Teletype network. At that point the staff of the Council of Governments began seeking a solution. They developed an agreeable formula, signed the necessary contracts, and placed the new system into full operation on October 1, 1965.

Twelve stations cover the metropolitan area, with each paying a prorated share based on population. One unique feature of this system is that the city of Atlanta, acting as an agent for other jurisdictions and being reimbursed by them, contracts with Southern Bell Telephone and Telegraph Co. for the service. To further increase its effectiveness, the council plans to expand the network in the near future to include other cities within a 50-mile radius.

Training

The need for police training was obvious in this area. Because of the small size of many departments, an effective training program was difficult. Metropol saw this problem as an opportunity and, with invaluable assistance from the Atlanta office of the FBI, set out to see what could be done. Since most of the departments were too small to have their own school, a committee organized several basic training schools, combining forces and making more effective use of the instructor's time. In organizing these schools, it was necessary to hold split sessions enabling officers to attend just prior to or immediately after their shift change. Conducted at varying intervals during the past year, five schools have given instruction to more than one-third of the area's officers, most of whom had received no previous formal training of this type.

Another apparent need was specialized training, and work began immediately in organizing a sex crimes school. Probably the most widely publicized of all Metropol schools thus far, it attracted 350 officers from 102 departments in 6 States and lasted for 5 full days. Ably assisted by Agents from the training section of the Atlanta FBI office, Special Agent Walter V. McLaughlin of the Philadelphia office of the FBI was the featured lecturer.

The activities of Metropol have led to the development of a modern sex crime file maintained by the Atlanta Police Department.

As the recruit training schools progressed, command level officers began to feel their men were becoming better trained than themselves. Consequently a school in police administration was organized for these officers. Lasting for a full week, this training attracted 100 men from 26 departments throughout the State of Georgia. The staff proved exceptional and included Dr. Michael Mescon, Georgia State College; Dr. M. W. H. Collins, University of Georgia; Assistant Director Joseph J. Casper and Special Agent Jerome J. Daunt, FBI, Washington; Nat Johnson, Vice President, Southern Bell Telephone and Telegraph Co.; and Lewis Slaton, Solicitor General, Superior Court, Fulton County.

Most recent in Metropol's series of special schools was a 3-week traffic school held in Atlanta and taught by instructors from Northwestern University's Traffic Institute. Forty-three officers from this area received instructions during this period, and an equal number will have the same opportunity in the spring of 1967. MACLOG bore the $100-per-man expense.

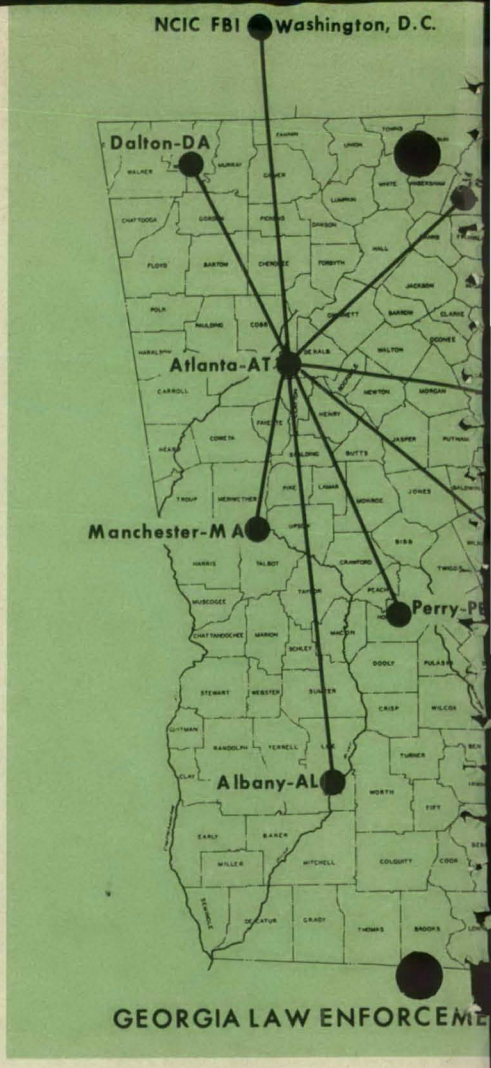
In all its training efforts thus far, Atlanta Metropol has made generous use of FBI instructors, leading educators, graduates of the FBI National Academy, experienced local law enforcement officials, and business and professional men. State court prosecutors and judges were most helpful. All schools have been held in the Metropolitan Atlanta area, but officers from throughout the State have been invited to attend.

Cooperation

These improvements in education and communications helped to bring about cooperation and coordination among all law enforcement agencies in the area. By attending classes to-

A part of Metropol Teletype network in operation.

Representatives of Metropol attend a traffic supervision class.



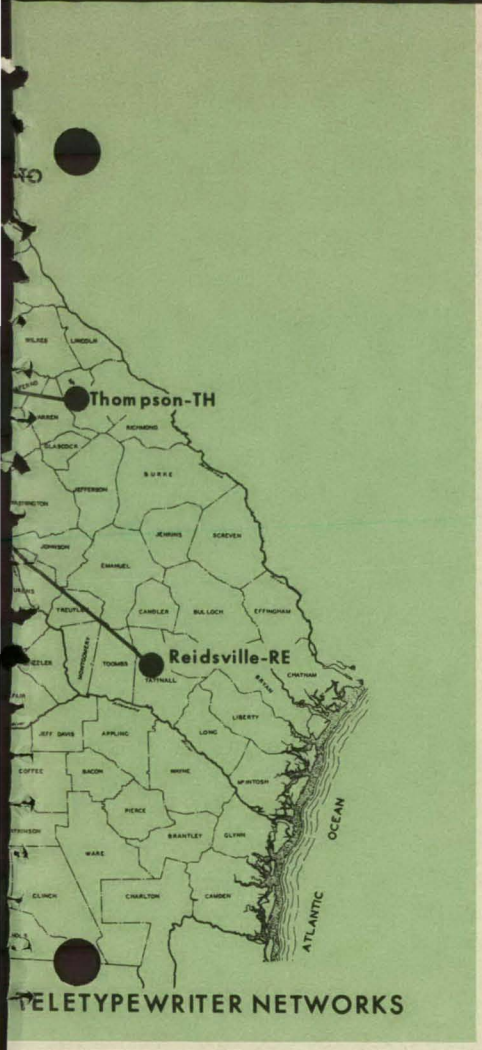
gether, policemen in adjoining cities soon found themselves greeting each other on a first-name basis rather than their formal greeting of the past. Friendly rivalries sprang up in their firearms training, with trophies being awarded for high score at each of the recruit training schools.

For their day-to-day work, a criminal intelligence squad was formed. It meets weekly to discuss known criminals in the area, leads on old and new cases, and any other information which one department feels another might use. These sessions are well attended and are particularly helpful to the smaller departments. Questions which puzzle them may be routine matters to a larger department. The larger units benefit by the additional manpower available to help in manhunts and similar investigations, and all share in the excellent records of the Identification Division of the Atlanta Police Department.

The Teletype network has led to cooperative efforts in the apprehension of criminals. While being installed, it proved its usefulness in that information sent out in a test run led to the recovery of a stolen automobile. In the first week of operation, authorities in an adjoining town captured suspected burglars and recovered the stolen goods after receiving the information over the Teletype. In still another case, the Teletype network proved its worth, and several departments proved their cooperative spirit, when news of three escaped Florida convicts came over the civil defense radio. An alert policeman in Smyrna, upon hearing the information, transmitted it over the network. Word was passed by all Metropol radios, and a College Park patrol car spotted the convicts. A massive manhunt, highlighted by a gun battle by personnel from six Metropol departments, led to their capture.

NCIC

Improvement of communications was not the sole reason Metropol was anxious to get its Teletype system. A second reason was the belief that it could be an important step towards getting a central computer records system for use by all police depart-



TELETYPEWRITER NETWORKS

Chief Smith addresses conference of Metropol officials.

FBI Special Agents Walter V. McLaughlin of Philadelphia, Pa., left, and Dallas Mobley of Atlanta, Ga., lecture at a Metropol training session.

ments in the area. This proved to be a fortunate move as the Georgia State Patrol in Atlanta has recently been designated as an initial participant in the FBI's National Crime Information Center. (See map above.) With the combined use of the Teletype system and the National Crime Information Center, the State of Georgia and, in particular, Atlanta Metropol will have one of the better communication systems in the country.

A Good Beginning

In the past few years, citizens all over the country have been criticizing their policemen. Civil rights disturbances, rising crime rates, juvenile delinquency, and other issues are making citizens apprehensive, and the police receive much of the blame for the trouble. In this charged atmosphere, some instances of unethical actions of some local officers were discovered. The public demanded action. A number of corrective measures were taken, one of which was the meeting that gave birth to Metropol.

In its infancy, Metropol received staff support and financial assistance from the ARMPC and to some extent still relies on their facilities. However, Metropol is now the law enforcement committee under the Metropolitan Atlanta Council of Local Governments and receives all needed support from that agency. Metropol has made a good beginning and has laid the foundations for the continued upgrading of law enforcement on an area-wide scale. Solid support is coming from local governments and civic leaders determined to strengthen and develop Metropol.

Metropol has served two primary functions in upgrading law enforcement. In addition to the first which has been discussed in previous paragraphs, there is a second quite important one. This is the awakening of public officials and private citizens to the policeman's problems. Civic clubs have devoted programs to Atlanta Metropol and have contributed to such things as the establishment of a film library. Today in Metropolitan Atlanta, policemen are better understood, better appreciated, and in many departments, better paid. In all areas, however, the public recognizes the policeman's extremely vital role in our dynamic and fluid society.

A MEANS TO IMPROVE OUR FEDERAL CRIMINAL LAWS

HON. RICHARD H. POFF
House of Representatives, Washington, D.C.

Congressman Poff, author of the legislation creating the National Commission on Reform of Federal Criminal Laws, was appointed to the Commission by the Speaker of the House. He is the second-ranking Republican member of the House Judiciary Committee. He is a native of Radford, Va., and a graduate of the University of Virginia Law School. He was elected Representative of Virginia's Sixth District to the 83rd Congress in 1952 and has been reelected to all subsequent Congresses.

The preservation of law and order is a first and fundamental function of government. Every citizen expects, and is entitled to expect, that his government will protect his person and property. To fulfill this obligation, the government enacts criminal laws—laws which are written not merely to punish but also to deter persons from antisocial behavior. However, as long as crime continues to increase faster than the population (a trend that the FBI Uniform Crime Reports have chronicled in recent years with depressing regularity), the conclusion is inescapable that our criminal laws are somehow failing in this fundamental purpose.

On March 9, 1966, in a message to Congress on crime and law enforcement, the President recommended the creation of a commission to revise and modernize the Federal criminal laws. The urgency of such an overhaul is easily seen when one considers that our criminal code is based upon 18th century concepts of criminal justice and has been kept current by patchwork, stopgap amendments, and revisions designed to meet the contemporary exigencies of a rapidly developing and changing society.

Throughout our history Federal criminal laws have required periodic revisions to bring them into closer accord with the times. The first Federal criminal laws enacted by the first Congress in the Crimes Act of 1790 defined such offenses as treason, misprision of felony, forgery and bribery, and prescribed punishments for each. Parenthetically, it might be noted that

many of these offenses and their punishments have survived the years almost verbatim.

Since 1790 Congress has authorized the revision of the criminal laws on three occasions. The first revision began shortly after the Civil War in 1866 when the criminal laws were scattered through 14 volumes of the Statutes at Large. At the request of President Andrew Johnson, the Congress empowered a commission to examine the criminal laws, to eliminate obsolete provisions, which had accumulated in the years since the Crimes Act of 1790 had become law, and to collect these laws for republication in a body. This effort resulted in the consolidation of all the criminal provisions, in a revised form, into title LXX of the Revised Statutes, entitled Crimes of the Revised Statutes.

Subsequent Revisions

In 1879 the Congress again authorized a commission to revise and codify the criminal and penal laws of the United States. This resulted in the Criminal Code of 1909.

Following the 1909 updating, another 39 years elapsed before Congress again authorized a study to improve and modernize the criminal code. The 1948 revision and recodification program was the last time our criminal laws have been reviewed as a body.

The 1948 revision was a very comprehensive effort and was ultimately enacted as title 18 of the United States Code. The work of the 1948 revisers, undertaken by the Law Revision Committees of the House and Senate, has been well summarized by the U.S. District Court Judge Alexander Holtzoff, who served as a special consultant to the revision program:

> In general, with a few exceptions, the code does not attempt to change existing laws. Every provision has been brought down to date. The law has been rearranged and greatly simplified and modernized in phraseology. In addition, many provisions were combined and much overlapping was eliminated. Criminal provisions previously contained in many other statutes were transferred into the criminal code insofar as possible. The result is that the new code is easier to read, and simpler to understand. Moreover, it is far more complete than its predecessor, since it embodies many sections previously scattered throughout many other statutes.

Even this massive effort, however, did not undertake any fundamental revision of our criminal laws. In 176 years there has *never* been a general all-inclusive study of the substance of American Federal criminal laws, or the postulates upon which they rest. Rather, the several revisions and recodifications have been concerned merely with the form (phraseology and publication) of the laws. Furthermore, since the last revision of title 18 (in 1948), there have been some 150 amendments to that title, in addition to innumerable other criminal statutes published elsewhere in the United States Code.

As if matters were not sufficiently complicated, each year the Federal courts, when considering some 30,000 criminal cases, are called upon to interpret and reinterpret the Federal criminal laws. In many instances the courts have, in effect, rewritten sections of the criminal laws.

The general public, to say nothing of police officials, is vividly aware of marked changes in the interpretation of laws, the rights of the individual, and the proper conduct of law enforcement agencies, which have occurred in recent years. The *Escobedo*, *Durham*, and *Miranda* cases, and the recent *Ginsberg* decision (with a new definition of "obscenity") are merely the peaks of icebergs in this regard.

Many important and vital decisions in critical areas of Federal criminal law have been made by the courts, and the courts alone. These areas include the right to trial by jury, and composition of juries, rules governing the admissibility of evidence, such as evidence obtained by wiretapping and eavesdropping, the privilege against self-incrimination, protection against unreasonable searches and seizures, examination and cross-examination of witnesses, arguments of counsel during trial, and instructions to juries.

The criminal code is silent on many of these difficult but vital issues. The need and wisdom of reducing some of these court pronouncements to a statutory form is self-evident.

One last area of Federal (and, by extension, State) criminal law that demands attention is the unfair and even dangerous inequities of the penalty structure. Although the 1948 revision of the criminal code did focus its attention on the penalty structure, it did so only for the purpose of making adjustments and diminishing inequities. Sadly, there has been no fundamental study of the penalty structure since the first Crime Act of 1790.

Existing Penalty Structure

This may explain why robbery of a bank of a million dollars at gunpoint can be punished by a fine, by probation, or by any term of imprisonment from 1 day to 25 years; yet robbery of a U.S. post office of a 5-cent stamp at gunpoint presents a judge with a single choice of probation or 25 years. Even more absurd, the punishment for maiming is punishable as a felony, carrying a fine of not more than $1,000, or imprisonment for not more than 7 years, or both. If, however, an individual only perpetrates an assault with the intent to commit a felony, the prescribed punishment is a fine of not more than $3,000, or imprisonment for not more than 10 years, or both. It is rather startling to observe that the penalty structure makes maiming a lesser offense than an assault with the intent to maim.

This type of inequity caused Judge Robert L. Taylor of the U.S. District

Court, Knoxville, Tenn., to comment in a letter to the author:

" . . . some Federal statutes require mandatory sentences. It seems to me that these statutes that require mandatory sentences should be reexamined. It has been my experience in the criminal field that a violator of the criminal law should be dealt with in accordance with the facts pertaining to his case and that the trial judge should not be required by statute to give like sentences to all violators. Rarely are the circumstances the same in cases where defendants have pleaded guilty or have been convicted by a jury for violations. If the facts and circumstances pertaining to the cases are not the same, it would seem that the sentences should not be the same."

Judge James T. Foley of the U.S. District Court of the Northern District of New York, Albany, N.Y., also expressed similar feelings:

"There are inadequacies, unnecessary complexity in language, and resulting unfairness in parts of the criminal code that have become apparent to me during my experience as a district judge. Offhand, as an example, it has always bothered me that so many violators, and I have sentenced hundreds, under the Federal system are branded as felons in crimes that the States treat as minor or petty."

These factors, coupled with the appalling increase of lawlessness in our country, amply demonstrate the need of a thorough, methodical, definitive review of our criminal laws—a review not merely of the form of the laws, but also of their substance. This review must not merely be academic. It must lead to constructive revisions and new innovative legislation.

In response, therefore, to the President's message of March 9, 1966, Congress passed Public Law 89–801 which the President signed on November 8, 1966. This law creates a National Commission on Reform of the Federal Criminal Laws. A fundamental purpose of the Commission is to recommend legislation. The Reform Commission will have the advantage of the studies of the President's Crime Commission, the American Law Institute's recently completed work on criminal justice, which culminated its Model Penal Code, the American Bar Association's studies on criminal law and the minimal standards of criminal justice, plus continuing research being undertaken by many university law schools. Another valuable source of information will be the revision of criminal codes at the State level, recently completed in Illinois, Michigan, New York, and other States.

The National Commission on Reform of Federal Criminal Laws, which is to complete its work within 3 years, will consist of 12 members: 3 members of the Senate appointed by the President of the Senate, 3 members of the House of Representatives appointed by the Speaker, 3 members appointed by the President (1 of whom he shall designate as Chairman), and 1 U.S. Circuit Judge and 2 U.S. District Judges appointed by the Chief Justice. Not more than two members appointed by the President of the Senate, the Speaker, or the President may be members of the same political party.

Advisory Committee

The Commission will be assisted by a 15-member Advisory Committee on Reform of the Federal Criminal Laws. The advisory committee will be composed of experienced defense attorneys, Federal prosecutors, criminal law professors, Federal law enforcement officers, and others who can advise the Commission. This advisory committee was created with the awareness that many able, public-spirited individuals who are daily dealing with the problems and shortcomings of Federal criminal laws wish to and should participate in this vital, historic undertaking. Other assistance will be available to the Commission through its staff, through temporary employment of experts and consultants, and through the assistance of the numerous departments, agencies, and instrumentalities of the Federal Government which are involved with the Federal criminal laws.

The Commission, which has a distinct congressional orientation, is generally charged with the duties of:

(1) Making a comprehensive review and study of the Federal criminal laws (statutory and case law) for the purpose of formulating specific legislative proposals that will improve the Federal system of criminal justice;
(2) Making recommendations for necessary revisions and recodifications of the Federal criminal laws;
(3) Making recommendations for improving the penalty structure; and
(4) Submitting an interim report not later than November 1968 and a final report not later than November 1969 to the Congress and the President.

Scheduled Program

It is expected that the Commission will devote its first year to the collection of data regarding the Federal criminal laws. After reviewing this information, it will focus its second year on those areas where revision, improvement, and modernization have been found necessary. Then, in a final year, the Commission will develop specific legislative proposals and recommendations.

History has demonstrated that no society will respect laws designed to maintain order unless those laws are definite, consistent, and equitable. Moreover, this respect requires the further assurance that the law will be fairly and equally enforced for all, and by all, and that infractions will be justly and expeditiously punished.

Americans, regardless of party affiliation, can all agree with President Johnson's statement:

"We are a nation dedicated to the precepts of justice, the rule of law and the dignity of man. Our criminal code should be worthy of those ideals."

Hopefully, the National Commission on Reform of Federal Criminal Laws will move us closer to that goal.

The Alien and Law Enforcement in the Light of Treaty Obligations

ALLYN C. DONALDSON
Director,
Office of Special Consular Services,
Department of State,
Washington, D.C.

THE increasing ease of international travel continues to bring to our country greater numbers of foreign visitors from various parts of the world. They travel extensively in the United States, where we welcome their presence and encourage their visits as a matter of national policy. As hosts to these people, we pride ourselves in extending to them the friendliness, fair treatment, and respect for individual rights for which Americans are generally known.

Special Treaties

It may happen that some of our guests are detained as law violators while visiting or residing in the United States. In the cases of most countries, the right of an alien to communicate, when arrested, with the consular or diplomatic authorities of his country is insured by special treaty provisions. Frequently, however, this right of the alien is overlooked because the arresting authority is either unaware that the person is an alien or that as such his case is subject to a special procedure. Such omissions cannot but reflect unfavorably on our country's compliance with its international commitments and also make it difficult for our representatives overseas to obtain the special treatment provided under our reciprocal treaty agreements concerning citizens arrested in foreign areas.

To be more specific, there rests with local and regional authorities a duty—always implied as a commonsense norm of international practice but more often made explicit by a treaty—to alert the consul about situations in which the person or the interests of any of his fellow nationals are liable to suffer from want of adequate representation. This is particularly true in arrest cases.

When one considers the number of aliens who annually come to our shores either as visitors or permanent residents, the importance of this problem will readily be seen. In January of 1966, a total of 3,088,133 resident aliens renewed their registrations in this country. Between July of 1965 and July 1966, over 323,000 aliens were admitted for permanent residence, 109 million alien border crossings were made at our land border ports of entry, 2,053,000 alien crewmen entries were recorded at sea and airports, and 2,797,000 aliens were admitted for varying periods of time as visitors for tourism, business, and educational purposes. In addition, we are currently hosts to approximately 28,000 diplomats and foreign government officials, including family members and servants. Even greater numbers of our own citizens travel and reside abroad, and many of them become involved in law violations in foreign areas.

Treaty Provisions

The actions of law enforcement officers, in respect to aliens in the United States, are covered by a number of treaties about which a large

segment of the police authorities have a minimum of information. Judging from inquiries being received by the Department of State in Washington from representatives of foreign governments, one must conclude that there is a need for broader understanding, and this can be attained by making information available to police departments throughout the United States. It is hoped that this résumé will supply police departments with sufficient information and guidance so that they will refer to specific treaties for detailed information in order to comply with our present law concerning aliens who have special treaty protection.

In a number of treaties, the Government of the United States has made a commitment that, upon the arrest of a foreign national, the arresting police authority will inform the arrested alien that he has a right to communicate with the consular officer of his country or with a representative acting in a similar capacity and that he may request legal advice, funds, or other assistance from his government. Some treaties go further and provide that the police of the arresting nation shall communicate with the arrested alien's government representative and make known the name of the person arrested, the charge against him, and the rules of the arresting authority covering consular access to the prisoner. Another type of treaty provides no obligation on the part of the police of the arresting power, and there are a number of countries with which no type of treaty exists. In these cases, however, it is desirable to see that the information concerning the arrest is made known to the representative of the government of the arrested alien.

The importance of carrying out the notification procedure cannot be overstressed because failure to do so may result in foreign governments' refusal to permit consular access to U.S. citizens who have been arrested and are in need of assistance.

Types of Treaties

For purposes of convenient reference, there are listed below two types of treaties and the countries to which they pertain:

Police required to notify foreign consul under terms of treaty

China	Malta
Costa Rica	Nigeria
Cyprus	Philippines
Gambia	Sierra Leone
Ghana	Singapore
Ireland*	Tanzania
Jamaica	Trinidad and Tobago
Kenya	Uganda
Kuwait	United Kingdom
Malawi	Zambia
Malaysia	

*Unless national requests that such information not be transmitted to the Consulate.

Notification of arrest only upon demand of the arrested alien

Algeria	Japan
Belgium	Korea
Denmark	Luxembourg
Ethiopia	Muscat
France	Netherlands
Germany	Nicaragua
Iran	Pakistan
Israel	Vietnam

In order to carry out the obligation under the treaty or to comply with the well-established principle of courtesy in international affairs, police authorities should have readily available a source of reference to officials who can be informed of the circumstances surrounding an alien's arrest. The Superintendent of Documents, Government Printing Office, Washington, D.C., publishes a booklet entitled "Foreign Consular Offices in the United States." This booklet gives the names and the locations of the consuls of each foreign government who can be notified in the case of arrest of one of their citizens. If the consul for the district in which the arrest was made cannot be located, the notification may then be made to the respective embassy or legation in Washington, D.C. This procedure will have the same effect of complying with the treaty obligations.**

In addition to the alien entitled to treaty protection or to certain courtesies under international relations, there are representatives of foreign governments who enjoy special immunities from arrest. For ready reference foreign officials who are granted immunities may be divided into groups as follows:

1. Persons whose names appear on the Diplomatic List (Blue Book).
2. Employees of diplomatic missions whose names are printed in the so-called "White List."
3. Members of permanent delegations to the United Nations.
4. Members of permanent delegations to the Organization of American States.
5. Certain members of North Atlantic Treaty Organization.
6. Members of international organizations.
7. Foreign consular officers.

When the arresting officer is not sure if the arrested person is entitled to immunity, he should contact by telephone (202, 383–2716) the Office of the Chief of Protocol, Department of State, Washington, D.C., for confirmation.

Regulations of a Police Department

To comply with the treaty obligation, the police department of the District of Columbia now implements the

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**In cities where there is extensive foreign consular representation, the street addresses are usually published under the heading "Consulates" in the yellow pages of the telephone directory. The list of cities having foreign consulates is too long for inclusion here, but in each of the following places at least eight foreign nations are represented:

Washington	Portland, Oreg.
New York	Cleveland
Chicago	Detroit
San Francisco	Baltimore
Los Angeles	St. Louis
New Orleans	Atlanta
Boston	Charlotte Amalie, V.I.
Philadelphia	Denver
Seattle	Dallas
Houston	Anchorage
San Juan, P.R.	Pittsburgh
Honolulu	Phoenix

following regulations in a very effective manner:

"The Commissioners of the District of Columbia have designated the Chief of Police as the appropriate authority to notify the consul in arrest cases.

"A station clerk, upon booking an arrest and noting that the person in custody is foreign born, shall ascertain whether he is an alien or a naturalized citizen of the United States. This information shall be entered on the arrest book in the space set aside for the place of birth. In the case of an arrested alien, the station clerk shall notify the arresting officer and the officer in command of the precinct, each of whom shall be required to submit a report setting forth the facts in the case to the Chief of Police through the proper channels.

"Upon receipt of these reports at headquarters, they shall be forwarded to the consular section of the embassy or the legation concerned.

"In addition to the above, any arrests occurring between the hours of 8 a.m. and 5 p.m. shall be immediately reported by the commanding officer of the precinct, bureau, or division to the consular section of the embassy or the legation concerned. Arrests occurring after 5 p.m. shall be reported after 8 a.m. the following day. In the event person arrested requests the consul to notified immediately, then the officer in charge of the precinct shall cause this notification to be made as requested.

"Commanding officers shall include in their reports of arrests of nationals of other countries the time, date, and person notified in the consular office in each case.

"The above reports and notifications will not be necessary in cases of arrests for minor traffic violations."

It is believed that the following notification, which is handed to arrested aliens by the Metropolitan Police Department in Washington, D.C., may be of interest to other police departments throughout the United States:

"TO WHOM IT MAY CONCERN:

"The Metropolitan Police Department is aware of certain consular conventions and treaty provisions between the Government of the United States and certain foreign countries, which provide for the notification of consular officers whenever any national of a sending state is confined in prison awaiting trial or otherwise detained.

"In compliance with the above, you are hereby informed that the policy of this department in these matters is as follows:

"A. Arrests occurring between the hours of 8 a.m. and 5 p.m. are immediately reported to the consular section of the embassy or legation concerned.

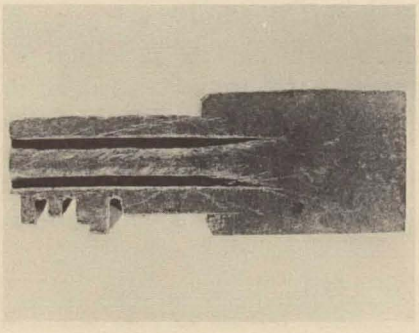
"B. Arrests occurring after 5 p.m. are reported after 8 a.m. the following day.

"C. In the event you wish the consular section notified immediately during hours other than 8 a.m. to 5 p.m., please advise any available police officer, and such notification will be made as requested.

"In addition, the original notification is confirmed by forwarding a written report to the consular sections of the respective embassies and legations in Washington, D.C."

KEY TO ESCAPE

On August 12, 1966, an 18-year-old escapee from jail in a southern State was arrested in a neighboring State. Upon an incidental search, police found a homemade key in his possession. After interviewing the escapee, police concluded that he had used the key in his escape. While in jail, he had a very brief opportunity to obtain a key from the jailer and had managed to make an imprint of both sides on a discarded piece of styrofoam. Using these imprints as a mold, he fashioned the homemade key from a piece of discarded material similar to Bakelite or Masonite. At his first opportunity he simply unlocked the door and walked out.



Handmade key used for escape.

Savannah Criminal 8-26-66
(63-4296-49-667)

SEARCH OF VEHICLES

(*Continued from page 6*)

Byars v. *U.S.*, 273 U.S. 28, 29 (1927). A recital of the facts and circumstances supporting a conclusion of probable cause is necessary, the Court has said, to insure that the magistrate performs his "neutral and detached" function and does not serve merely as "a rubber stamp for the police." *Aguilar* v. *Texas*, *supra* at 111.

In one recent decision, the Court held the following affidavit to be insufficient:

> Affiants have received reliable information from a credible person and do believe that heroin, marijuana, barbiturates and other narcotics and narcotics paraphernalia are being kept at the above described premises for the purpose of sale and use contrary to the provisions of the law.

Probable cause was not satisfied in this instance because the affidavit merely contained suspicion and belief without any supporting facts. Indeed, the "mere conclusion" in this case was not the officer's but rather that of an unidentified informant. Furthermore, there was no affirmative allegation that the affiant's source spoke with personal knowledge of the matters contained therein. *Ibid.* Accordingly, when the source of information is a reliable and confidential informant, the officer should set out the approximate time the informant got his information, how he got it, and the basis for the affiant's belief that the informant is reliable, such as the fact that he had been used for a specified length of time, the approximate number and the types of cases in which he had previously given information, and a statement as to the accuracy of the information given by him in past cases. See, *e.g.*, *Jones* v. *U.S.*, 362 U.S. 257 (1960); *U.S.* v. *Freeman*, 358 F. 2d 459 (1966). It is not necessary, of course, that the officer state all the facts known about the case, but only enough information for the commissioner or magistrate to deter-

mine from a reading of the affidavit, by itself, that there is sufficient probable cause to justify the issuance of a warrant. *U.S.* v. *Bell*, 17 F.R.D. 13 (D.D.C. 1955), affirmed 240 F. 2d 37 (D.C. Cir. 1956).

In addition to a statement of probable cause, the fourth amendment requires that the place or premises to be searched and the property to be seized be particularly described in the warrant. *Trupiano* v. *U.S.*, 334 U.S. 699 (1948); *Go-Bart Importing Company* v. *U.S.*, 282 U.S. 344 (1931). The description of the premises—the vehicle in this case—need not be set out in a technical or formalistic legal style. *U.S.* v. *Ventresca*, 380 U.S. 102 (1965); *Rugendorf* v. *U.S.*, 376 U.S. 528 (1964). The law requires simply that the premises be designated with such certainty that the officer charged with executing the warrant can with reasonable effort ascertain and identify the place intended. *Steele* v. *U.S.*, 267 U.S. 498 (1925); *U.S.* v. *Joseph*, 174 F. Supp. 539 (1959). Where circumstances permit, however, the affidavit should contain such data as the make, model, color, body type, and license number of the automobile and the place where it is expected the vehicle will be located. While the identity of the operator or occupant is not essential to the validity of the warrant, the better practice is to include such information whenever available. *State* v. *Edwards* (Okla. Crim.), 311 P. 2d 266 (1957); *Hines* v. *State* (Okla. Crim.), 275 P. 2d 355 (1954); see, also, *Annotation* 47 A.L.R. 2d 1444. In addition, any other identifying characteristics, such as a dented fender or decals on the window, should be mentioned when they would distinguish the car from others in the area.

Similar rules regarding particularity of description apply to property which is to be seized under a warrant. The underlying principle behind this requirement is that the person "whose property is in peril has a right to know precisely what is wanted and on what basis demand is made." *U.S.* v. *Gannon*, 201 F. Supp. 68 (1961). Here again, the property must be stated with such specificity that the selection of items to be seized is not left to the discretion of the searching officer. See, e.g., *Alioto* v. *U.S.*, 216 F. Supp. 48 (1963).

Where articles of contraband are to be seized, the same descriptive particularity is not necessary as, for example, in the case of stolen goods. *U.S.* v. *Nuckols*, 99 F. 2d 353 (1938). In such case a generic description in terms of the character of the property, *i.e.*, narcotics, liquor, gambling paraphernalia, is sufficient. Thus, warrants which commanded the seizure of "cases of whiskey" or "gaming tables, gambling devices, race horse slips, and gambling paraphernalia" have been held adequate to meet the constitutional requirements. *Steele* v. *U.S.*, 267 U.S. 498, 504 (1924); *U.S.* v. *Nuckols, supra; U.S.* v. *Russo*, 250 F. Supp. 55 (1966); *U.S.* v. *Joseph*, 174 F. Supp. 539 (1959); *U.S.* v. *Quantity of Extracts, Bottles, Etc.*, 54 F. 2d 643 (1931).

On the other hand, where fruits or instrumentalities of the crime are sought, it is generally required that they be carefully identified and described. Indeed, the Court recently held that particularity of "the most scrupulous exactitude" was required of officers to seize books, papers, and other records in enforcing the provisions of a State antisubversive law. *Stanford* v. *Texas*, 379 U.S. 476, 485 (1965). See also, *Marcus* v. *Search Warrant*, 367 U.S. 717 (1961); *A Quantity of Books* v. *Kansas*, 378 U.S. 205 (1964). The purpose of the descriptive requirement is to offer some assurance to the court that the officer has a specific object in mind before embarking on the search and, in addition, to limit the degree of invasion by confining the scope of the search to those areas where the article might reasonably be located. Thus, if the officer is searching for a large cumbersome item, *e.g.*, a television set, he would not be empowered to look into the glove compartment or any other area of the vehicle where an object of this size could not readily be concealed.

". . . [W]hen a search is based upon a magistrate's, rather than a police officer's, determination of probable cause, the reviewing courts will accept evidence of a less 'judicially competent or persuasive character than would have justified an officer in acting on his own without a warrant' . . . ." Aguilar v. Texas, 378 U.S. 108, 111 (1964).

This is not to say, however, that property of an entirely different character than that described in the warrant must be ignored. In this regard, it is important to distinguish between the right to *search* for certain goods and the right to *seize* such items should they be discovered by chance during the course of a proper search. It is well established that given a lawful search some things may be seized in connection therewith which are not described in the warrant. *Palmer* v. *U.S.*, 92 U.S. App. D.C. 103, 104, 203 F. 2d 66, 67 (1953). While the scope of the search is limited to those objects specified in the warrant, the prevailing opinion in the Federal law allows the immediate seizure of all articles uncovered which reasonably appear at the time to constitute the fruits, instrumentalities, or contraband of a crime without consideration as to

whether they are connected with the offense charged.

U.S. v. *Eisner*, 297 F. 2d 595, *cert. denied* 369 U.S. 859 (1962), an FBI Agent applied to the U.S. Commissioner for a warrant, stating in the affidavit he had obtained information from a reliable informant that the defendant's automobile contained furs stolen from the Davidson Indiana Fur Co., of Indianapolis, Ind. Following execution of the warrant, it was discovered the furs recovered from the trunk of the car were not taken from the company named in the affidavit but rather had been stolen from a company in South Dakota. The appellate court agreed with the finding below that probable cause to search the automobile existed regardless of what the search developed and the failure to find the items specified did not affect the validity of the warrant. Moreover, seizure of the furs was sustained even though they were the subject matter of a different crime. See also, *Johnson* v. *U.S.*, 293 F. 2d 539 (D.C. 1961), *cert. denied* 375 U.S. 888; *Bryant* v. *U.S.*, 252 F. 2d 746 (1958); *Sanders* v. *U.S.*, 238 F. 2d 145 (1936).

The argument for retention of the property by the Government in *Eisner* was especially persuasive since at the time of their discovery the Agent apparently believed the furs had been taken from the company specified in the affidavit. Once possession had lawfully been acquired and it was learned that the property came from a company different from the one believed to be the source, the Agent was under no obligation to return them to the defendant. The holding would not have differed, however, if it had been apparent at the time of their discovery that these articles were the fruits of a separate crime. As the decision indicated, the Federal courts generally have held that where the search is valid and made in good faith, the officers need not ignore material related to an offense other than that which is the basis for the search. See *Harris* v. *U.S.*, 331 U.S. 145 (1947); *Zap* v. *U.S.*, 328 U.S. 624 (1946); *Johnson* v. *U.S.*, 293 F. 2d 539 (1951); *Bryant* v. *U.S.*, 252 F. 2d 746 (1958); *Palmer* v. *U.S.*, 203 F. 2d 66 (1953). Having come into the officer's possession through a lawful search, "it would be entirely without reason to say he must return the item because it was not one of the things it was his business to look for." *Abel* v. *U.S.*, 362 U.S. 217, 238 (1960).

Moreover, the observation of such items, particularly in the case of contraband, provides sufficient justification for an immediate arrest on the theory that the officer has discovered a crime being committed in his presence. Thus, where the search of a vehicle for illegal aliens at a checking station disclosed a large quantity of nontaxpaid whisky, the officer was entitled to arrest the driver, seize the whisky, and testify as to the violation of law he observed. *Kelly* v. *U.S.*, 197 F. 2d 162 (1952). Furthermore, he may properly search the entire automobile for additional evidence of contraband incident to the arrest and in this manner increase the scope of his search authority beyond the bounds set by the warrant.

Finally, it is important to recognize that there are both statutory and constitutional limitations regarding the classes of property which may lawfully be sought by a warrant. Not every item of physical evidence can be seized, regardless of its value in establishing the crime or proving the guilt of the offender. A warrant may be obtained under Federal law for property (1) stolen or embezzled in violation of the laws of the United States, or (2) designed, intended to be used, or which has been used as the means of committing a Federal offense, or (3) possessed, controlled, or designed or intended for use or which is or has been used as a means of violating any penal statute or treaty in aid of any foreign government. Fed. R. Crim. P., Rule 41(b). The historical basis for this limitation is that the Government may search for and seize only that property which it has a paramount right to possess or to which the holder has no legal claim. *Davis* v. *U.S.*, 328 U.S. 582, 589–91 (1946). To illustrate, one can have no private right in contraband, for the possession of such articles is, in and of itself, a criminal offense; property used in the commission of a criminal violation is deemed forfeited to the State; and, of course, the fruits of the crime belong not to the thief but to the rightful owner. Consequently, each of these items is seizable under the law. *Boyd* v. *U.S.*, 116 U.S. 616, 623–24 (1886); *U.S.* v. *Kirschenblatt*, 16 F. 2d 202, 203 (1926); see also, *People* v. *Chiagles*, 237 N.Y. 193, 142 N.E. 583 (1923).

It is well established, however, that property cannot be taken where the sole interest of the State is in its value as evidence against the suspect in a contemplated criminal prosecution. *Boyd* v. *U.S.*, 116 U.S. 616 (1886); *Gouled* v. *U.S.*, 255 U.S. 298 (1921). Accordingly, the Supreme Court has held that the seizure of private papers and books which are "merely evidentiary" is prohibited through an interplay of the fourth and fifth amendments to the Constitution. *Ibid.* But see *State* v. *Bisaccia*, 45 N.J. 504, 213 A. 2d 185 (1965), where the New Jersey Supreme Court questions the "right to possession" rationale and contends "[t]he truth is that government searches and seizes to obtain evidence of guilt."

Some State laws are more explicit in their listing of the types of property for which a search warrant may be issued, and unless the article sought is expressly mentioned in the statute, it cannot be seized in this manner. But only a comprehensive enu-

meration or the inclusion of a sweeping clause permitting the seizure of "evidence of the crime" will assure the obtaining of all relevant items connected with the crime. For example, a Missouri statute authorizes warrants for the seizure of narcotic drugs, forged and counterfeited instruments and molds for production thereof, dairy product receptacles used in violation of trademark laws, lost or salvaged property, illegally possessed game and wildlife, and apparatus and materials used in the unlawful manufacture of liquor. See Hunvald, *A Dialogue on the Application of Federal Standards to Missouri Criminal Law*, 30 Mo. L. Rev. 350, 360 (1965). Since no provision is made for weapons or instruments used to commit a crime, such items can be seized only when discovered during the course of a search conducted incident to arrest. *Ibid.*

Other States permit the taking of "property constituting evidence of crime or tending to show that a particular person committed a crime." N.Y. Code Crim. Proc., sec. 792(4); Calif. Pen. Code, sec. 1524 (4) (1957); Wis. Stat., secs. 963.01–963.02; Oreg. Rev. Stat., sec. 141.010 (2) (Supp. 1963); Nebr. Rev. Stat., sec. 29–813 (Supp. 1963). Obviously, such provisions do not square with the Federal law on the subject, but the Supreme Court has not indicated to date whether the prohibition against mere evidence is binding upon all jurisdictions. Perhaps this is an area of the law alluded to in *Ker* v. *California*, *supra*, in which the States will be allowed some latitude to adopt measures suited to their particular needs. See *People* v. *Thayer*, 45 Calif. Rptr. 780, 408 P. 2d 108 (1965), where the Supreme Court of California, per Chief Justice Traynor, held the "mere evidence" rule is not a constitutional standard and has no application in that State. *State* v. *Bisaccia*, *supra* (limiting the rule to private papers and books); *Boles* v. *Commonwealth*, 304 Ky. 216, 200 S.W. 2d 467 (1947); *State* v. *Raymond*, 142 N.W. 2d 444 (Iowa, 1966). But cf., *Hayden* v. *Warden, Maryland Penitentiary*, 363 F. 2d 647 (1966).

(To be continued in April)

CAUGHT ON CAMERA

Bank robbers in foreign countries are no different than anywhere else. However, one recently arrested chose a most inopportune time, at least for him, to case the bank he was charged with robbing.

In the course of the robbery, the bandit fired several shots from his revolver, wounded one of the clerks, and escaped without a trace.

By coincidence a public relations firm had taken numerous pictures of the bank shortly before the robbery. Upon examining these pictures, police found that in each one a young man appeared—walking back and forth in front of the main entrance. All employees agreed that this was the individual who had robbed the bank.

Bern Crimdel 4-6-66
(63-4296-268)

RACE AGAINST CRIME

(Continued from page 9)

convention in New York. He warned that the DuBois Clubs were gaining power on college campuses and that the Party considered its college speaking program a resounding success.

"Working hand in hand with the DuBois Clubs on the campuses," Director Hoover stated, "are organizations such as Students for a Democratic Society, a militant youth group which receives support from the Communist Party and which in turn supports communist objectives and tactics."

It is impossible to separate these campus riots of which I speak from the general movement of civil disobedience—the defiance of law and order and the practice of obeying only those laws which they choose to obey. The means and the ends of each are the same.

We cannot stand idly by and let this type of social deterioration strangle our freedoms and our system of government. The government is OUR Government, and the defense of it, its perpetuation, and survival are OUR responsibility. We need to wake up, speak out, and reject lawlessness wherever it occurs—on the streets or on the campuses.

The lifeblood of our system of government based on the rule by law is the effective enforcement of the law. Every day we see abuse heaped upon law enforcement officers from all directions. Thus far, Americans have done precious little to defend law enforcement from forces which seek to relegate it to an ineffective and powerless role. We cannot afford to procrastinate much longer.

Crime Causes

Valid explanations for the growth of crime come from many sources, and crime causations are both numerous and complex. However, I was impressed with the observations of some of the Nation's top police officials who contributed to an article in the FBI Law Enforcement Bulletin in December 1966.

It was the consensus of these seasoned police veterans that public apathy must be overcome before the crime rate can be reduced. While not minimizing the seriousness of lawlessness itself, these police officials concluded that the crucial issue facing law enforcement was the lack of public cooperation and support in fighting crime. I think they have a point.

It is readily apparent that respect for law and order and support of law enforcement are paramount prerequisites for any successful campaign against crime. Far too many citizens

today flout the law and its enforcement. The criminals, in the light of favorable legal conditions, seek every means to circumvent the law, and a vast percentage of the people are indifferent to the critical need for effective law enforcement. Basically honest and law abiding, they turn their backs hoping someone else will do the job for them. This, of course, is foolhardy reasoning.

I do not suggest, of course, that all-out public concern and wholehearted assistance to police are the whole answer. We have got to have much more. The criminal must know, as FBI Director Hoover has said many times, "that his arrest will be swift, his prosecution prompt and his sentence substantial." But today's criminal or potential lawbreaker bases much of his activity on the odds against his being caught and made to pay for his crime. You have to like his odds. He is relying on public apathy, delayed and lethargic prosecution, and a sympathetic court. For him, all systems are "Go."

What is the answer to this baffling and crippling problem?

Well, certainly, I do not profess to have a crystal ball which emits secret and superhuman solutions to rising crime. Greater minds than mine have studied these perplexing issues for many years and the problems are still with us. However, I am fully convinced that the naive apologies and sociological theories being advanced by inexperienced, dewy-eyed, paper-shuffling "experts" are creating more crime than they are preventing. Rather, I align myself with the seasoned and experienced enforcement authorities and some jurists who know firsthand how the criminal thinks and operates. They know from experience that crime will flourish as long as criminals can beat the rap and avoid proper punishment.

Someone has said the beginning of a long journey is the first step. I am convinced this first step must be taken by an aroused public. Examples of criminal violence erupting throughout our country today leave us with no alternative, unless we plan to roll over and give up. President Johnson, commenting on this problem in March 1965 stated, "Law enforcement cannot succeed without the sustained—and informed—interest of all citizens. It is not enough to reflect our concern over the rise in crime by seeking out single answers or simple answers. They do not exist. The people will get observance of the law and enforcement of the law if they want it, insist on it, and participate in it."

I believe a majority of law-abiding Americans are quickly reaching the point where they will tolerate no more. I feel they are anxious to see this criminal trend reversed and are willing to help reverse it. And I am proud to state that The American Legion stands ready and anxious to help reverse it. It is reassuring to me to know that there are numerous other civic groups and veterans' organizations which are also working toward this end.

Action Needed

Our fight for freedom and the dignity of man on foreign soils is of no avail if through public apathy and lethargy we surrender to the criminal warlords and their army of followers on the home front. It is inconceivable that patriotic Americans can stand by and watch the principles of our government under law brazenly flouted by arrogant individuals and pressure groups who have no respect for our country or their fellow man.

The Legion has just launched a nationwide program on respect for law and order to help gain support and recognition for law officers and agencies. This program is in keeping with the overall aim and purpose of the Legion as stipulated in the Preamble to the Constitution of the American Legion, "to uphold and defend the Constitution of the United States of America and to maintain law and order."

We Legionnaires feel that it is vitally important that the enforcement officers of this country know that they do not stand alone in carrying out the vital responsibilities our society has assigned to them.

We want to assist law enforcement in its enormous task, and we are ready to work with citizens in every community throughout the land to support effective law enforcement and give deserving recognition to enforcement officers.

Goal of Revitalization

Our theme for this nationwide program is "For COMMUNITY Peace, SUPPORT Your Police, "and our emphasis will be on the local communities. By exerting our influence to the fullest extent, we feel it will be possible to give new meaning to the terms community service and responsibility. Our goal is to revitalize the moral strength of our people and to strengthen the virtues of family, church, and community life.

We ask that all public-spirited citizens join in a movement to promote respect for law and order and to support their local, State, and Federal enforcement officers. We urge that a genuine revival of respect for law and order be the goal of all Americans in the months and years ahead.

More than 60 years ago Theodore Roosevelt stated, "No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it."

Let us dust off this old maxim and bring it into full play in the fight against rising crime. Let us support it, apply it, and make certain that criminals and potential lawbreakers know we intend to live by it.

We cannot afford to do less.

WANTED BY THE FBI

ROGER LEE WILLIAMS, also known as: Lee Williams, William Lee, Sampson Moody.

Bank Larceny

THE FBI IS currently seeking Roger Lee Williams for bank larceny. A Federal warrant for his arrest was issued on July 18, 1966, at Los Angeles, Calif.

The Crime

On the evening of July 14, 1966, Williams, an assistant cashier at a bank in California, allegedly used a key to enter the bank and then seized $197,000 in currency, $158,900 in traveler's checks, 600 blank cashier's checks, and 600 blank personal money orders. Williams, who had previously worked on the installation of bank alarms, is also reported to have stolen an electric checkwriter before fleeing from the bank.

The Fugitive

Williams disappeared with his two young daughters, aged 4 and 5. On October 31, 1966, he returned to the Los Angeles area and hired a babysitter to take his two daughters for a "trick or treat" tour. Following the Halloween treat, he had the sitter return the girls to their mother. Williams is said to have expressed a desire to live in remote and mountainous areas. On July 17, 1966, Williams bought a 1966 white two-door hardtop Oldsmobile, VIN 354576M 413450, in Seattle, Wash., and registered it in Alberta, Canada, on July 29, 1966, receiving Alberta license plate TV 7533. On Halloween night, 1966, when he returned his daughters to their mother, he was driving this car, was wearing contact lenses, and had a full beard dyed black or dark brown. It is also possible that Williams has used the names James E. Smith and R. W. Sanders or Santers.

Description

Age	28, born Aug. 21, 1938, Los Angeles, Calif.
Height	5 feet 9 inches to 5 feet 10 inches.
Weight	165 to 180 pounds.
Build	Medium.
Hair	Light brown.
Eyes	Blue.
Complexion	Ruddy.
Race	White.
Nationality	American.
Occupation	Bank employee (cashier).
Remarks	May wear contact lenses or prescription sunglasses; suicidal tendencies.
FBI No.	711, 411 F.
Fingerprint Classification	21 M 26 W MOO L 6 U OOI

Caution

Williams allegedly possesses several pistols including a .38-caliber snub-nosed revolver and a .22-caliber target pistol. He may have suicidal tendencies and should be considered armed and dangerous.

Notify the FBI

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

ARREST ABBREVIATIONS BOOKLET

The Federal Bureau of Investigation has available a booklet entitled "Standardized Arrest Abbreviations." This booklet serves as a reference and operational guide on criminal offenses to encourage uniformity among fingerprint contributors.

Interested persons having a need of the publication may obtain a limited number of copies free of charge by writing to the Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535.

U.S. GOVERNMENT PRINTING OFFICE: 1967 O—244-182

FOR CHANGE OF ADDRESS

Complete this form and return to:

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WASHINGTON, D.C. 20535

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COURT SAYS POLICE NEED NOT "GAG" CONFESSOR

The Colorado Supreme Court, in a recent decision, ruled that a talkative defendant accused of murder, and who freely confessed his crime, is not shielded from conviction merely because he chose to confess to the police.

The decision affirmed the murder conviction of a defendant who was sentenced 12 to 25 years in prison for a murder in 1962.

In reviewing the case, the court found that the testimony in Denver District Court during the trial showed that the defendant was arrested in a tavern shortly after the murder and that he freely and voluntarily told police officers and bystanders that he had committed the crime.

Defense attorneys tried to win a reversal on appeal on grounds that the appellant was partially intoxicated at the time he gave the details of the murder. They cited U.S. Supreme Court rulings in the Escobedo and Miranda cases in which the court had thrown out confessions upon which convictions had been based. They acknowledged that the defendant was not actually subjected to a police interrogation at the time of his arrest in the tavern and that he merely babbled on about his part in the killing.

In rendering its ruling, the Colorado Supreme Court stated, "As yet, to our knowledge, no court has held that a police officer must take affirmative steps, by gag or otherwise, to prevent a talkative suspect in custody from making an incriminating statement against himself. This court will not be the first to announce such a rule."

Denver Crimdel 8-12-66
(63-4296-13)

QUOTABLE QUOTE

"First, no Federal law confers an absolute right on private citizens . . . to obstruct a public street, to contribute to the delinquency of a minor, to drive an automobile without a license, or to bite a policeman. Second, no Federal law confers immunity from State prosecution on such charges." Mr. Justice Stewart, speaking for the majority of the Supreme Court of the United States in *City of Greenwood* v. *Peacock*, June 21, 1966.

DRAG RACING PENALTY

The Mobile, Ala., City Commission recently adopted a city ordinance to stop drag racing and noisy activities by young people in the Mobile area. Penalties range from fines up to $100 or hard labor up to 6 months.

Mobile Crimdel 8-10-66
(63-4296-61)

A CHEWING JAG

The new drug LSD found its way to an inmate of a county jail by rather unusual means. The inmate had a contact on the outside who wrote to him on paper which had been immersed in a solution containing the drug. Since it has no color or odor, the drug was not detected when the letter passed through official hands. After reading his letter, the inmate would chew the paper and envelope.

San Diego Crimdel 7-1-66
(63-4296-46)

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN

A close inspection of the formation in the center of this pattern reveals a small left slope loop. The ridge immediately above this loop does not extend far enough past the left delta to be considered a recurve in front of this delta. Therefore, this pattern is classified as a loop with one ridge count and is referenced to a whorl with a meeting tracing.