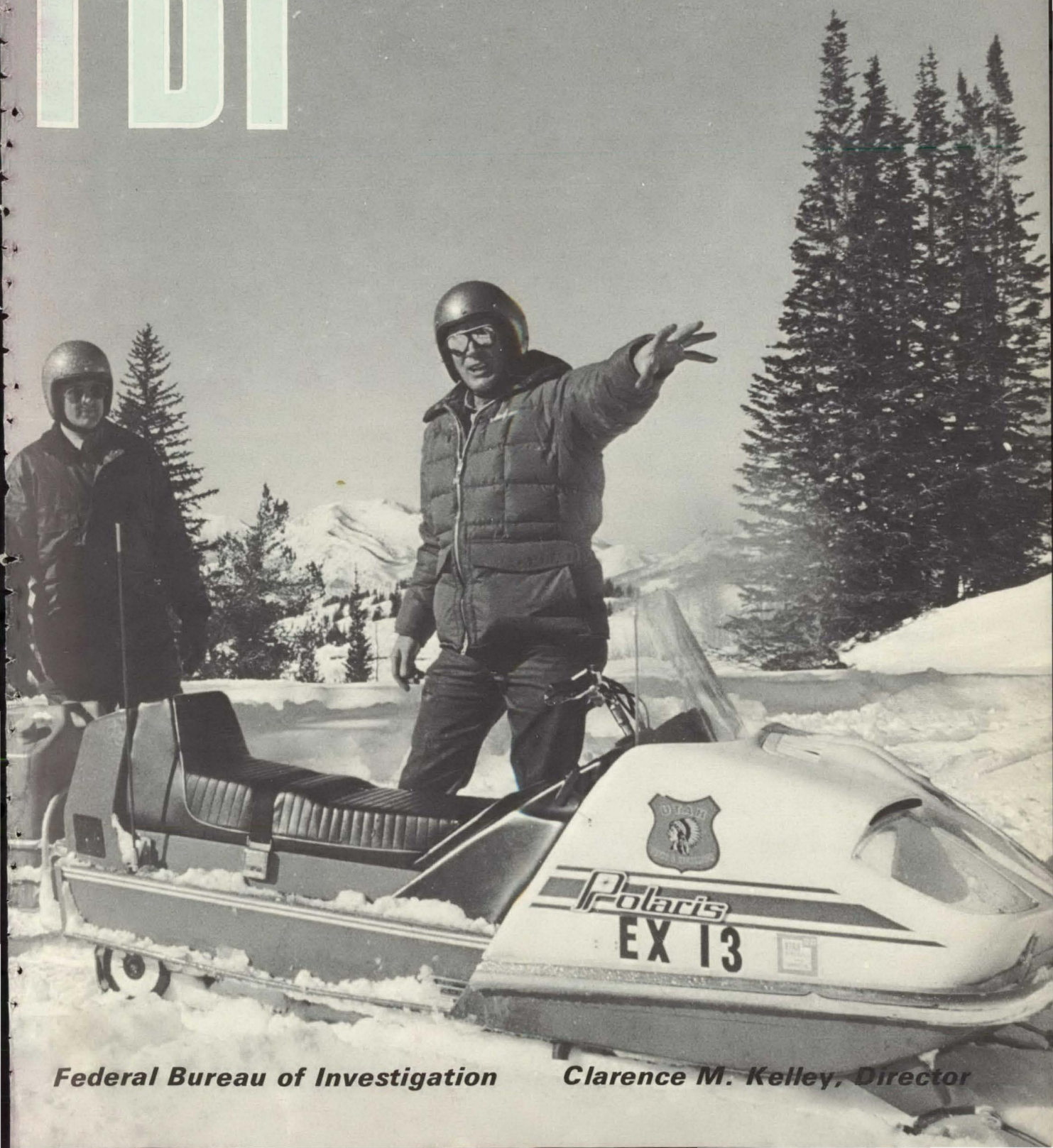


# FBI

## *Law Enforcement Bulletin*

MARCH 1974



*Federal Bureau of Investigation*

*Clarence M. Kelley, Director*



# FBI

## Law Enforcement Bulletin

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An officer of the snowmobile enforcement unit (on right) of the Utah State Parks and Recreation Division explains trail and regulations to snowmobile enthusiast. (Photo courtesy of Gerald W. Silver, Deseret News, Salt Lake City, Utah.) See related article beginning page 3.





## Message from the Director . . .



THE AMERICAN PUBLIC has recognized the role of the FBI in criminal investigations. Our performance concerning bank robberies, kidnappings, extortions, property thefts, and many other violations of Federal statutes has been widely publicized. Public support of this portion of the FBI's overall mission has been universally strong. This invaluable expression of confidence has not, however, always been evident in our equally important investigations relating to the internal security of our Nation. There exists some lack of understanding of what the FBI is doing and why.

I genuinely believe there should be greater understanding of our role in internal security matters. Mankind has always placed a high priority on its security. Nations, too, have an equally strong concern for their security. The concept has deep, historic roots in our Republic. It has toughened the Nation's will to withstand many serious challenges throughout its lifetime.

Two centuries ago, the American colonies, in an act of mutual security, joined together for the common goal of independence. Once freedom was gained through agonizing struggle, the duty of each citizen to defend and preserve America was all the more clear. Maintaining the Nation's independence and protecting its internal security are still honored traditions among our citizens.

While the FBI has many duties concerning the internal security of our country, it is not alone in this responsibility. The entire criminal justice system is involved. Observance of the law and the preservation of public order are the foundations for this country's domestic security. Without adequate and equitable enforcement of the

law, whatever the source or circumstance of its violation, a democratic society cannot enjoy the stability it requires.

Among the investigative responsibilities of the FBI are those directly affecting the internal security of the United States. Part of our role is to enforce specific Federal laws involving espionage, sabotage, insurrection, sedition, the advocacy of overthrowing the Government, and other related matters which endanger national objectives. The authority to conduct these investigations firmly rests on duly enacted statutes.

Another investigative obligation of the FBI is intelligence gathering related to internal security matters. This, too, is based on specific statutes and directives. Unlike certain crimes against persons and property, the consequences of a violation concerned with the Nation's welfare are too grave to wait for the offense to occur before taking action. Obviously, the country cannot afford the theft of a vital national asset, the sabotage of an essential resource, the assassination of a President, or a full-blown insurrection before moving to determine who is responsible. While some of these most heinous crimes may occur with even the greatest vigilance, no nation is truly secure so long as the threat of them persists.

The major concern aroused by investigations regarding the internal security of the Nation is the protection of the rights of the individual. This is as it should be. It is a paramount consideration which under my direction of the FBI will always be given the highest priority in our investigations. The FBI is steadfastly committed to the principle that law enforcement must remain



## MESSAGE

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the servant of the people, never the oppressor. The cure for an illness of society should not be worse than the disease itself.

In fulfilling its internal security responsibilities, the FBI is strictly accountable for its actions—and we should be. The FBI answers to the President, the Attorney General, the Congress, the courts, the press, and the citizens of America. We serve many masters. We are determined to serve them well—with fairness, with justice, and with results.

It is an inescapable fact that this Nation houses persons who are militantly opposed to representative government, persons who seek to dis-

rupt the orderly processes of the law, persons who would willingly use violence to achieve their goals, and still others who would foment anarchy. Indeed, there are those who would even subvert the country for profit or by misguided zeal. We are determined that they shall not succeed.

The FBI will continue to strive to protect the internal security of the Republic with not only the vigor this challenge commands but also the dignity our democratic heritage demands. As with the experience of our founding colonists, however, it is everyone's responsibility to insure that America remains strong—and secure. America needs the support of an informed public, and so does the FBI.

MARCH 1, 1974

  
CLARENCE M. KELLEY  
*Director*



Every technological advance since the invention of the wheel has had undesirable side effects. The snowmobile, which is basically a means of rapid and reliable transportation over snow-covered terrain, has not varied from this fact.

In the beginning, which was barely a decade ago, man brought forth the snowmobile as a means of making life a little easier for the farmer, the trapper, and others who had a need to get into the hinterland in the dead of winter. It provided transportation which was both reliable and inexpensive.

Among the first to recognize its potential value were rural law enforcement agencies. The Vermont State Police first used snowmobiles to reach radio equipment on mountaintops formerly accessible only on snowshoes. Although these first machines were small, underpowered, and undependable, they were welcomed with open arms. A new tool to be used in the search for efficiency had been devel-

oped. Men now could quickly go to the transmitter, make repairs, tow in heavy loads of fuel and parts, and most important, reduce the down time of the radio equipment.

The search and rescue unit, an elite and highly trained team of State police personnel, was next to recognize the value of this new machine. Large, heavy duty equipment, complete with toboggans, stretchers, and all equipment necessary for wilderness recovery operations became mobile. Snowmobiles provided a means of covering large areas of land in relatively short periods of time. Rescue teams, comprised of troopers, volunteer snowmobile enthusiasts, and air observers, when practical, proved to be extremely effective.

*"Local [snowmobile] clubs have united in a statewide organization with common interests—a love of the outdoors and a respect for the rights and property of others."*



By

**COL. EDWARD W. CORCORAN**

**Commissioner  
Department of Public Safety  
Montpelier, Vt.**

**In Vermont—**

## SNOWMOBILING WITHIN THE LAW



## Volunteers and Legislation

The importance of the organized volunteer snowmobiler in emergency situations cannot be overemphasized. Their rescue efforts in the past 2 years included downed aircraft, a train wreck, searches for lost hikers, and assistance to isolated homes following blizzards of disastrous proportions. The nucleus of the organized volunteers is the snowmobile clubs which are organized within communities and normally include entire families.

We have estimated that over 50,000 people use snowmobiles for winter activity in Vermont. Local clubs have united in a statewide organization with common interests—a love of the outdoors and a respect for the rights and property of others.

The impetus to form snowmobile clubs grew from the many nuisance-type complaints from citizens throughout the State who became understandably annoyed with the loud, screeching sound of snowmobiles operating late at night and into the early morning hours. These complaints, coupled with complaints of vandalism, caused the legislature to enact restrictive controls on the use of snowmobiles with the obvious threat of additional restrictions if the abuses were not eliminated.

Listed below are some of the restrictions enacted by the legislature in Title 31, Sections 801–812, of the Vermont Statutes Annotated:

A snowmobile may not be operated unless registered and numbered by the State of Vermont except when operated: on the property of the owner of the snowmobile; off the highway, in a ski area while being used for purpose of packing snow or in rescue operations; for official use by a Federal, State, or municipal agency and only if the snowmobile is identified with the name or seal of the agency in a manner approved by the commissioner; or solely on privately owned land when the operator is specifically invited to do



Officers check snowmobile registrations.

so by the owner of that property and has on his person the written consent of the owner.

The registration of a snowmobile does not constitute a license to cross or operate a snowmobile on public or private lands.

A snowmobile may not be operated across a public highway unless: the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; the operator brings the snowmobile to a complete stop before entering the travelled portion of the highway, the operator yields the right of way to motor vehicles and pedestrians using the highway; and the operator is 12 years of age or older and that an operator under 16 years of age must be under the direct supervision of a person 18 years of age or older.

A snowmobile may not be operated on any privately owned land or body of private water unless: the operator is the owner, or member of the immediate family of the owner; the operator has on his person the written consent of the owner or lessee of the land to operate a snowmobile in the specific area in which the operator is operating or proof that he is a member of a club or association to which such consent has been given orally or in writing; or the owner of the land has designated the area for use by snowmobiles by posting the area in a manner approved by the secretary to give reasonable notice that snowmobiling is permitted.

A snowmobile may not be operated on any public land, body of public water, or natural area established under the provisions of Section 1309 of Title 10 unless the secretary has



designated such area for use by snowmobiles in a manner chosen by the secretary to give reasonable notice that snowmobiling is permitted.

A person under 12 years of age may not operate a snowmobile unless: he is on land owned by his parents, family, or guardian; he has written permission of the landowner or lessee; he is under the direct supervision of a person at least 18 years of age; or he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner.

A snowmobile may not be operated in any manner intended or reasonably to be expected to harass, drive, or pursue wildlife or while the operator is under the influence of drugs or intoxicating beverages as defined by motor vehicle laws.

In the statute which restricted the use of snowmobiles, funds were provided to the Department of Public Safety for enforcement. Funds for the project were limited, and it was obvious that the enforcement effort would have to be carefully planned and supervised. As an added and more serious problem, it had become apparent that snowmobiles were being used throughout the State in the commission of crimes of burglary and housebreaking.

Since 1950, Vermont has become popular for second or seasonal homes. Residents from neighboring States have purchased land, built homes, and equipped them for gracious country living. Many of these homes are isolated through the long winter months, and scores of them fell victim to a small criminal element which could reach them on snowmobile and drag away as much as a 1,000 pounds of stolen goods in a single effort.

### **Enforcement Program**

Under the supervision of veteran State police Capt. Harold E. Dean, the department took stock of its assets and made detailed plans for an effective enforcement program. Obviously,

men were needed, and the overworked State police had no such resource available. This problem had been anticipated, and the legislature authorized the Department of Public Safety to utilize local law enforcement officers on a part-time basis.

Dean's first efforts included the purchasing of equipment, including snowmobiles, trailers, portable radios, and uniforms. His force of nearly 190 part-time employees received special training in snowmobile laws, first aid, maintenance and emergency repair of snowmobiles, and administrative procedures required by the Vermont State Police. The latter was required since the entire program would be administered by the 11 State police troop and subtroop offices scattered throughout the State.

The supervision and control of these special units were exercised jointly by the local sheriff and the State police station commander. Each patrol consisted of two snowmobiles, and one member of the patrol was equipped with a portable radio on the local State police channel.

Civilian support is necessary in any effective police effort, and the nucleus for that support existed in the statewide snowmobile organization. The State organization, Vermont Association of Snow Travelers (VAST), enthusiastically supported the program.

Both VAST and selected State police officers traversed the State in a concentrated effort to obtain support for the new program. Particular emphasis was placed on local clubs to police themselves and to exert pressure on nonmembers to reduce nuisance complaints and to report any and all criminal activity. The results of these actions were most gratifying.

Most clubs designated key individuals to act in the capacity of local "sergeants at arms," with the specific responsibility of bringing errant snowmobilers and irritated nonsnowmobilers to a common understanding. More important, the clubs took a positive interest in combating acts of vandalism. If a fence was cut, the club repaired it. If an area was particularly vulnerable to snowmobiles, the club posted it.



A young snowmobiler's question regarding the law in connection with his vehicle is answered.



*"Added emphasis was placed on safety in the school setting, since snowmobiles, improperly operated, are dangerous."*

In a parallel effort, the State police safety education squad carried the program to the schools. This phase of citizen participation was equally well received. Added emphasis was placed on safety in the school setting, since snowmobiles, improperly operated, are dangerous. Speeds to 60 miles per hour are not unusual, and snow-covered obstacles at these speeds present hazards that could prove fatal. What appears to be a flat, level, snow-covered field may contain cellar holes, uncovered springs, farm implements, stone walls, and a host of similar obstacles.

Added assistance in safety was provided by VAST. Their safety jingles were featured on both radio and television, reminding snowmobilers of the many dangers to avoid. The total safety program appeared to be successful. Reported accidents and injuries were materially lower than in previous years.

It may be difficult to visualize snowmobile police patrols in today's world. While their activities can be favorably compared with police patrol functions in any community, they can also be compared with the Texas Rangers/cattle rustler era. Assigned patrol areas, modern communications, and administrative procedures are no different with the snowmobile patrol than with any other police activity.

The major differences are explained by the capability of the snowmobile itself which makes flexibility and maneuverability extremely important. The snowmobile enthusiast ranges as much as 50 miles from home on an average afternoon or evening of sport. He may be one of a group during part of that time or alone with his

thoughts and machine for extended intervals. He may find himself stranded with a broken machine miles from his destination, and under such circumstances, he needs help, which is part of the patrols' responsibility to provide.

The patrols must be able to provide constant protective and preventive measures throughout a vast area of responsibility. Intelligence information is gleaned from historical records, complaints, a knowledge of the terrain, and accurate weather forecasts and information. The patrol must act independently; supervision is extremely difficult.

While police supervisors talked in terms of nuisance complaints and safety, they did not forget the large number of vacation homes that had been ransacked in previous winters. Preventive patrols ranged up and down the State. Questions were asked of snowmobilers found in the vicinity of summer homes. Identification, readily obtained from registrations, was noted. From advance information, it appears that the program reduced losses about 8 percent over the previous year.

### **Ride-In**

Organized snowmobile activities require a major effort on the part of the snowmobile patrols. Just as a parade requires police supervision and control, activities such as a snowmobile ride-in or a ride for the March of Dimes require police planning, police supervision, and a major expenditure of manpower and equipment.

In February 1973, a festive crowd of approximately 4,000 snowmobiles and 12,000 people gathered in northeastern Vermont for the annual St.

*"Organized snowmobile activities require a major effort on the part of the snowmobile patrols."*

Johnsbury Ride-In. The average machine travelled 60 miles cross-country to reach its destination, and some travelled over 125 miles.

Twenty-two patrols covered the Ride-In. To arrive at their duty station most of them started their duty day before sunrise. Temperatures at that time hovered at close to 10 below zero. At noon, the temperature climbed to six above. Patrols averaged 14 duty hours before their work was completed, and every minute was spent outdoors. In the course of the Ride-In, reported patrol activities included two incidents of driving while intoxicated, 40 incidents of careless and negligent operation, 3 accidents involving 5 injuries (there were no fatalities), and 200 mechanical breakdowns.

While the Ride-In attracted the attention of the press and the efforts of those few patrols were duly recorded on television, the work of the snowmobile enforcement effort continued.





*"... patrols visited over 500 isolated country homes to determine whether any criminal activity had occurred in these areas since their last patrol coverage."*

For example, in Rutland County on that same day patrols visited over 500 isolated country homes to determine whether any criminal activity had occurred in these areas since their last patrol coverage.

In Windham County, patrols assisted over 300 snowmobilers from out of State whose enthusiasm was matched only by their insistence on snowmobiling down the main streets of several Vermont hamlets, disregarding both vehicular and pedestrian traffic.

In Essex County, the real snowbelt, patrols kept a constant check on camps and summer homes throughout the county. Past years had kept the members of our department busy investigating break-ins throughout the winter months, and the use of these patrols reduced this problem to a small hand-

ful of complaints. An indication of its worth was the fact that almost all of the break-ins occurred after the snow was gone.

### Summary

It is improbable that law enforcement in Vermont would have been able to develop an effective program without the support of two volatile groups with widely divergent objectives—the environmentalists and the snowmobilers.

The environmentalists complained bitterly of nocturnal noise, damage to the environment, and a disregard for the rights of property owners. They insisted these abuses be eliminated.

The snowmobiler and enthusiast, perhaps recognizing the handwriting on the wall, accepted and demanded

controls of an unusual nature in the hope that the sport could be continued.

These two opposing forces provided funds which otherwise would have been most difficult to obtain. The property owner and especially those who had selected Vermont as a vacation homeland were the ultimate benefactors of this unique confrontation.

FBI

## EVIDENCE EXAMINATIONS

The FBI Laboratory conducted 531,471 examinations of evidence in fiscal year 1973. This was a 7.4 percent increase over the previous fiscal year and a record for the Laboratory.

## CONVICTIONS

The 14,465 convictions resulting from FBI investigations during fiscal year 1973 were the highest in history.

## CRIMINAL INTELLIGENCE

During fiscal year 1973, 341,107 items of criminal intelligence developed by the FBI were disseminated to local, State, and other Federal agencies.

## FINGERPRINT EXAMINATIONS

Examinations conducted by FBI latent fingerprint experts soared to an alltime high of 486,146 in 36,123 cases during fiscal year 1973. An average daily volume of 24,234 fingerprint cards was received during that period.

Snowmobiles make isolated summer homes accessible for periodic checks.





# Search of Persons for Weapons at Airports

By

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Special Agent  
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Washington, D.C.

*The  
Legal*



*Digest*

The sensational nature of an airplane hijacking, with its attendant potential consequences of death to large numbers of innocent passengers, might have logically prompted the courts to adopt special rules for the searches of persons in the airport setting. However, an examination of the cases considering the legal correctness of airport searches shows the courts generally adhering to the standard of reasonableness as defined by the Supreme Court of the United States in 1968 in the landmark case of *Terry v. Ohio*.<sup>1</sup>

## **Background: Problems and Responses**

The first recorded hijacking of an American commercial aircraft occurred in 1961. Between the years 1961 and 1967, there was an average of one aircraft hijacking each year. However, in 1968 there was a sharp rise to 18 hijackings of airplanes owned by U.S. carriers.<sup>2</sup> The reaction to this alarmingly sharp increase in the number of hijackings brought about the appointment of a Federal Aviation Administration task force with the primary objective of developing an antihijacking screening system to identify the potential hijacker prior to boarding an aircraft.

The practical problems that faced the task force included the fact that the "group" to be studied consisted of millions of passengers using air transportation, which meant that a screening system had to be developed which would permit maximum access to the

aircraft with minimal inconveniences and embarrassment to passengers. In addition, it was necessary to provide a system which guaranteed almost no delay in the operations of the airlines.

The Federal Aviation Act of 1958 included the possible death penalty for air piracy and yet it was obvious to the task force that harsh penalties were not in themselves sufficient to deter the hijacker. What resulted from the studies conducted by the task force was the development of an antihijacking system which included the elements of: a "profile" of potential hijackers, based on exhaustive study of past hijackers; use of a magnetometer, an electronic weapons detector; interview by airline personnel; interview by law enforcement personnel; and finally, a pat down or frisk of the external clothing of the subject in order to discover any weapons. This antihijacking system was a progressive one and required that the several precedent screening devices be utilized before performing the frisk of a passenger for weapons.<sup>3</sup>

The antihijacking system was dependent on the voluntary cooperation of the airline carriers until February 1, 1972, when the Federal Aviation Administration issued a rule requiring them to adopt and put into use within 72 hours a system for screening all airline passengers by one or more of the screening devices mentioned above.<sup>4</sup> On August 1, 1972, the Federal Aviation Administration directed that no airline "shall permit any person who has been identified as a 'selectee' under its security program . . .

*" . . . an examination of the cases considering the legal correctness of airport searches shows the courts generally adhering to the standard of reasonableness as defined by the Supreme Court of the United States in 1968 in the landmark case of Terry v. Ohio."*



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

to board its aircraft" unless his carry-on baggage had been searched and he had cleared through a metal detector or had submitted to a "consent search" prior to boarding.<sup>5</sup> On December 5, 1972, the Federal Aviation Administration issued a regulation, effective January 5, 1973, which ordered the carrier to inspect all carry-on baggage and to screen *all* passengers through a metal-detection device or, in the absence of a detector, to require a "consent to search" prior to boarding.<sup>6</sup> Airline personnel were to carry out the screening and searching, but airport operators were required by emergency order to station armed law enforcement officers at passenger checkpoints during boarding periods.<sup>7</sup>

### Case Illustrations

Although the law enforcement officer at the airport boarding point participates in both searches of luggage and searches of the person, the following discussion is limited to the standards developed for his actions in searches of the person. It should be particularly noted that the *Terry* rationale and its attendant standards are clearly applicable to the airport setting.

In 1971, the Third Circuit Court of Appeals in the case *United States v. Lindsey*<sup>8</sup> ruled that the seizure by a marshal of the antihijacking task force of narcotics from the person of

the defendant was lawful. In that case, the defendant had rushed into the boarding lounge, handed the ticket agent a ticket in the name of "James Marshall" and told him to save a seat for him, using the name "Williams." The ticket agent made a gesture to the marshal indicating that the defendant should be watched. The marshal observed that the defendant appeared nervous, was looking about, and was perspiring. When the defendant moved toward the boarding gate, the marshal approached him and asked for identification. The defendant produced a Selective Service card bearing the name "Melvin Giles" and appeared even more nervous. He then produced a Social Security card in his true name. During the questioning for identification, the marshal noted two large bulges in the defendant's coat pocket. Fearing they might be weapons, the marshal asked the defendant to accompany him to an area outside the boarding lounge. There he "patted down" the defendant. Upon feeling the very solid "bulges," the marshal removed two aluminum-wrapped packages which were found to contain heroin.

The defendant was convicted of violating Federal narcotics laws and appealed, contending the evidence was inadmissible as the fruit of an illegal search and seizure. The Government relied on the now familiar rationale of *Terry v. Ohio* to support the search. It should be noted that there was no designation as a "selectee" under the profile criteria and there was no activation of a magnetometer in this case. The court stated:

"In the context of a possible airplane hijacking . . . and in view of the limited time in which Marshal Brophy had to act, the level of suspicion required for a *Terry* investigative stop and protective search should be lowered."

The court noted that the justifiable bases for the search were largely independent of the profile. It found that the use of four different names, the defendant's extremely anxious behavior, and the "very solid" bulges in the coat pockets provided a sufficient basis, in the context of an airline boarding, to stop the defendant and conduct a limited pat down. Under all the circumstances, the commands of the fourth amendment as interpreted by *Terry* were satisfied here.<sup>9</sup>

**"United States v. Epperson upheld the validity of a search based only on the fact that the passenger had activated a magnetometer."**

*United States v. Epperson*<sup>10</sup> upheld the validity of a search based only on the fact that the passenger had activated a magnetometer.<sup>11</sup> The defendant was convicted of attempting to board an aircraft while carrying a concealed dangerous weapon. While passing through the boarding gate, Epperson activated the magnetometer. A marshal asked Epperson if he were carrying a large amount of metal. Epperson produced several metal objects but the magnetometer continued to give a positive reading. The marshal then patted down a jacket Epperson was carrying and found a pistol. In upholding the conviction, the Fourth Circuit Court of Appeals found that:

"The rationale of *Terry* is not limited to the protection of the investigating officer but extends to 'others . . . in danger.'"<sup>12</sup>

The court reasoned that when the marshal's initial concern over the magnetometer reaction was not satisfactorily explained by Epperson, his reasonable fear for the safety of airline passengers increased, and he was entitled to conduct a carefully limited



search of Epperson's clothing in an attempt to discover weapons which might be used for air piracy. The court's decision was grounded on three bases:

(1) The use of the magnetometer was justified at its inception,

(2) The subsequent physical search was justified by the information developed by the magnetometer and the unsatisfactory response to the marshal's inquiries, and

(3) The search was limited in scope to the circumstances which justified the interference in the first place.

Two other cases, *United States v. Lopez*<sup>13</sup> and *United States v. Bell*,<sup>14</sup> arose within 2 weeks of each other in November 1970. The defendants in those cases were both designated as "selectees" and subsequently activated a magnetometer when they passed through it. In *Lopez*, an airline employee pointed out to marshals two passengers as "selectees," who had activated a magnetometer, and who had failed to produce identification when requested to do so. The marshals asked the two passengers to walk through the magnetometer again, first with, and then without, a small bag that one was carrying. Each of them did so, activating the device on both trips. The marshals asked them for identification but none was produced. At this time, one passenger admitted his true name, indicating that the name on his ticket was fictitious. The two passengers were then asked to accompany the marshals to a private area adjacent to the boarding ramp where their outer clothing was patted down for weapons. One of the marshals felt a hard object about 4 inches wide, 6 inches long, and three-quarters of an inch deep under *Lopez*'s clothing. It proved to be a tinfoil-covered plastic envelope tightly packed with heroin. *Lopez*

moved to suppress the evidence. Before moving to consideration of the personal search, the court addressed itself to the constitutionality of the antihijacking system. It found that the use of the "profile," consisting of a number of characteristics<sup>15</sup> established by statistical, sociological, and psychological studies, is a highly effective procedure for isolating potential hijackers. The statistics presented indicated that only one-tenth of 1 percent of all passengers were actually frisked. Of the group who were frisked, approximately 6 percent were found to have weapons. Noting that the approved profile criteria are objective, independent of race, color, or creed, and that the airport personnel could easily apply them without exercising subjective judgment, the court found that the profile could properly be used and did not deny equal protection or due process.<sup>16</sup>

In discussing the validity of the frisk in *Lopez*, the court considered the Government's argument that continuing the boarding process after reading posted and clearly observable signs which state that passengers and baggage are subject to search amounts to implied consent. The court rejected implied consent on the grounds that a consent to search involves a relinquishment of a fundamental constitutional right and should not be lightly inferred.<sup>17</sup> It noted that voluntary consent must be proven by clear and positive evidence and cannot be the product of duress or coercion, actual or implicit.

The court also stated that the Government cannot condition the exercise of the defendant's constitutional right to travel on the voluntary relinquishment of his fourth amendment rights. It found that implied consent under such circumstances would be inherently coercive.

The *Lopez* court then considered whether the defendant's lack of resistance or protest amounted to con-

sent. It found from testimony of the marshals that the defendant was not free to go at any time after they interviewed him. Hence, the defendant could not have revoked his "consent" by deciding not to board the aircraft.<sup>18</sup> The only exception to the warrant rule under which the search could be justified was the frisk for weapons authorized by *Terry*.

The court outlined its task in the following language:

"A reviewing court must: (1) determine the objective evidence then available to the law enforcement officer and (2) decide what level of probability existed that the individual was armed and about to engage in dangerous conduct; it must then rule whether that level of probability justified the 'frisk' in light of (3) the manner in which the frisk was conducted as bearing on the resentment it might justifiably arouse in the person frisked (assuming he is not about to engage in criminal conduct) and the community and (4) the risk to the officer and the community of not disarming the individual at once."<sup>19</sup>

Considering the 6 percent probability that a "selectee" would be found to have a weapon on his person and the objective nature of the profile criteria which are used to designate a "selectee," it was concluded that a narrowly circumscribed protective weapons "pat down" or "frisk" is constitutionally permissible under these circumstances. The court noted that the *Terry* rationale extends to protecting others from danger. It found that the size, location, and tightly packed, hard-covered condition of the object warranted the marshal in believing it could be a pistol or explosive material and in removing it from the defendant's clothing. The visual observation of the



***"Contraband encountered as a result of . . . a properly circumscribed frisk, predicated on information from an objective antihijacking system, was held admissible in evidence."***

package covered with tinfoil would have increased the suspicion and apprehension of a reasonable officer, the court said. Contraband encountered as a result of such a properly circumscribed frisk, predicated on information from an objective antihijacking system, was held admissible in evidence.

*United States v. Bell* has been mentioned above as another case resulting from application of the profile and magnetometer. When the defendant, who had been designated a "selectee," was asked for identification by a marshal after activating the magnetometer a second time, Bell responded that he had just been released on bail from jail after being arrested for attempted murder and narcotics charges. The marshal advised Bell that he apparently had some metal on his person and asked Bell if he minded being "patted down." Bell replied, "Certainly not." The marshal felt hard objects in his raincoat pockets. Bell claimed they were candy and agreed to take one out. It was a brown paper bag which he opened on request. The marshal observed glassine envelopes which he believed to contain narcotics. Bell was arrested at this point, and a search revealed a similar bag in the other pocket also containing narcotics.

The court found that the marshal's frisk of Bell fully comported with the *Terry* test, given not only the objective results of the profile and of the magnetometer, but also an admission of prior criminal behavior. Since the marshal's search was solely for weapons, was conducted in a reasonable

manner, and was in the interest of furthering the governmental interest in preventing air piracy, the limited intrusion upon Bell's privacy was, in balance, held to be insignificant.

### **Recent Trends**

Although airport searches of the person have been justified almost exclusively on the rationale of the *Terry* case, there has been some indication that courts are looking for another basis for such searches. In *United States v. Davis*<sup>20</sup> and *United States v. Doran*,<sup>21</sup> both of which concerned searches of carry-on luggage, the Ninth Circuit has recognized a consent theory based on the existence of prominent signs and public-address warnings that baggage was subject to search and that all passengers were going to be searched by a weapons detection device before boarding. In *Davis*, the case was remanded specifically for the purpose of obtaining testimony as to the circumstances of procedures being employed at the airport from which consent-in-fact might be inferred. In *Doran*, the trial record set forth the procedures and consent-in-fact was found from the appellant's attempt to board after exposure to the signs and public-address warnings. Had these searches been searches of the person rather than of carry-on luggage, would the result have been based on different grounds? Apparently not, since the *Davis* court stated:

"We have held that as a matter of constitutional law a prospective passenger has a choice: he may submit to a search of his person and immediate possessions as a condition to boarding; or he may turn around and leave. If he chooses to proceed, that choice, whether viewed as a relinquishment of an option to leave or an election to submit to the search, is essentially a 'con-

sent,' granting the government a license to do what it would otherwise be barred from doing by the Fourth Amendment."<sup>22</sup>

In *United States v. Skipworth*,<sup>23</sup> the Fifth Circuit upheld a search of the person of Skipworth who had presented himself for boarding at the boarding gate. He met the profile characteristics, stated he had no identification, and gave conflicting versions of his name to a marshal who questioned him, and the marshal noted a bulge in Skipworth's pocket which he thought might be a gun. The court held that those who actually present themselves for boarding, like those seeking entrance into the country, are subject to a search based on mere or unsupported suspicion. Thus, the court specifically declined to rest its decision on the profile and the usual *Terry* style analysis and designated the critical preboarding area as a zone wherein special lowered standards apply. In addition, the court took specific note that because of widespread publicity given to the Government's efforts to cope with aircraft piracy it was general knowledge that citizens boarding planes were subject to special scrutiny and to weapon searches. The court then noted that Skipworth had not been approached by the marshal until he "came to the specific part of the airport where he knew or should have known all citizens were subject to being searched."<sup>24</sup> Although not specifically enunciated, this statement that Skipworth knew or should have

***"Although airport searches of the person have been justified almost exclusively on the rationale of the Terry case, there has been some indication that courts are looking for another basis for such searches."***



known he was subject to search in the preboarding area may be interpreted as saying that Skipworth had by his actions consented to the search procedure.

### Conclusion

The law enforcement officer at the airport may have the preliminary alert furnished by the designation of a passenger as a "selectee" or the passenger may activate the magnetometer without having been so designated. These indicia serve to focus the officer's attention on a particular individual and constitute the first of the specific and articulable facts which the officer must have to satisfy *Terry*. Any divergence from the approved, objective profile in designating a "selectee" will invalidate its use, as occurred in *Lopez*.

In the absence of a "selectee" designation and/or a positive magnetometer reading, the law enforcement officer should be prepared to withstand the full scrutiny of the *Terry* test to validate a "pat down" or "frisk." Ordinarily this means that he must identify himself as a law enforcement officer assigned to antihijacking duties and make reasonable inquiries for identification and explanation of whatever conduct has drawn his attention. The questioning may provide reasons to increase his suspicion if there are indications of false identity, prior criminal behavior, or extreme nervousness or information inconsistent with known facts. Depending on what quantum of facts has been elic-

***"The cases decided to date have validated the constitutionality of the anti-hijacking system and its properly used components."***

ited and whether the passenger is then attempting to board or is in a general airport area, the officer may execute a "pat down" search immediately or decide to specifically warn the passenger that he must either submit to a personal search before boarding or elect not to fly and leave the area. If a "pat down" is undertaken, the scope of the search must be carefully restricted to the circumstances which justified the interference in the first place.

If the passenger is attempting to board when subjected to a search, there is a split of authority as to whether he may still withdraw without search if he objects and elects not to board. The better view as expressed in *Skipworth* would not allow this option at the actual boarding points.

The cases decided to date have validated the constitutionality of the anti-hijacking system and its properly used components. Hence, the attack on personal searches at the airport will continue to focus on the conduct and professional judgment of the individual officer in his efforts to assure the safety of the Nation's carriers and passengers. The number of successful prosecutions which have been upheld on appeal are a tribute to those efforts and the professional dedication of the law enforcement officers who man our airports.

### FOOTNOTES

<sup>1</sup> 392 U.S. 1 (1968). In *Terry*, the Supreme Court upheld a conviction for carrying concealed weapons. An experienced plainclothes detective, acting without a warrant, approached three men whose actions had given him reason to believe they were "casing" a store. Although he lacked probable cause to arrest them, he stopped them and asked their names. When they failed to give an intelligible response, the detective, who feared they were armed, spun one of them around and patted him

down. This search turned up the weapon which the detective then removed from petitioner's pocket and was later admitted in evidence against him at trial. The Court summarized its holding at 30:

"... where a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous, where in the course of investigating this behavior he identifies himself as a policeman and makes reasonable inquiries, and where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others' safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him."

The Court stated at 20-21 that the search must be "justified at its inception" and "reasonably related in scope to the circumstances which justified the interference in the first place." At each of those stages the governmental interest in searching has to be balanced by the court against the invasion of privacy which the search entails.

<sup>2</sup> Hijackings from May 1961 to March 1972 are contained in S. Rep. 93-13, 93d Cong., 1st sess., at 45-50 (1973). A summary of this compilation regarding the United States is set forth in McGinley and Downs, "Airport Searches and Seizures—A Reasonable Approach," 41 Fordham L. Rev. 293 at 294-297 (1972).

<sup>3</sup> See *United States v. Lopez*, 328 F. Supp. 1077 at 1082-1084 (E.D.N.Y. 1971).

<sup>4</sup> Federal Aviation Administration Press Release No. 72-26 (Feb. 6, 1972).

<sup>5</sup> Department of Transportation Press Release No. 72-72 (Aug. 1, 1972).

<sup>6</sup> Department of Transportation Press Release No. 103-72 (Dec. 5, 1972).

<sup>7</sup> 37 Fed. Reg. 25934-35 (Dec. 6, 1972).

<sup>8</sup> 45 F. 2d 701 (3d Cir. 1971), cert. denied, 405 U.S. 995.

<sup>9</sup> Accord *United States v. Moreno*, 475 F. 2d 44 (5th Cir. 1973). But see *People v. Erdman*, 69 Misc. 2d 103, 329 N.Y.S. 2d 654 (1972), where a pat down of a bulge in a passenger's coat pocket which turned out to be narcotics was held unreasonable and the evidence suppressed because there were no other facts or grounds which would justify reasonable suspicion. There was no reliance on the profile or magnetometer and no unusual nervousness or other behavior which might alarm a prudent man.

<sup>10</sup> 454 F. 2d 769 (4th Cir. 1972), cert. denied, 406 U.S. 947.

<sup>11</sup> The use of the magnetometer itself was found to be a "search" within the meaning of the fourth amendment and not to fall within any of the recognized exceptions to the warrant requirement except that suggested by the *Terry* case which was found controlling. The court stated: "The danger is so well known, the governmental interest so overwhelming, and the invasion of privacy so minimal, that the warrant requirement is excused by exigent national circumstances." *Ibid.* at 771. Accord *United States v. Slocum*, 464 F. 2d 1180 (3d Cir. 1972). But see *United States v. Lopez*, *supra* footnote 3 at 1100, where it was suggested that without a prior indication of danger, such as the passenger meeting the profile criteria, a magnetometer search might be found an objectionable intrusion. Since then the Government has mandated such searches for all passengers. (See *supra* footnote 6.)

<sup>12</sup> *Supra* footnote 10 at 772.

<sup>13</sup> 328 F. Supp. 1077 (E.D.N.Y. 1971).

***"In the absence of a 'selectee' designation and/or a positive magnetometer reading, the law enforcement officer should be prepared to withstand the full scrutiny of the Terry test to validate a 'pat down' or 'frisk.'"***



<sup>14</sup> 464 F. 2d 667 (2d Cir. 1972), cert. denied, 409 U.S. 991.

<sup>15</sup> Testimony regarding the characteristics was taken *in camera* with the defendant excluded but with his counsel present. The court considered at length whether this procedure denied the defendant a public trial or his right to confront witnesses against him. It found that the danger in revealing the profile is so great as to warrant the public's exclusion for a limited period. It also found an analogy between this case and the well-recognized Government privilege to refuse to disclose the identity of the informer. [See *McCray v. Illinois*, 386 U.S. 300 (1967); *Roviano v. United States*, 353 U.S. 53 (1957).] Those cases draw a distinction between informer evidence respecting material facts in issue and that concerning a preliminary question of the admissibility of evidence. The court in *Lopez* found that: "In effect the system itself, communicating through the airline, acts as an informer providing information leading to interview and search." *Supra* footnote 13 at 1092.

The case for nondisclosure is strengthened by the fact that the informant is an objective system, not an individual who might be known to the defendant, whose credibility he might impugn by being present. Lastly, the court found a lower need for disclosure since the level of probability required to justify a frisk is lower than "probable cause."

The *in camera* procedure for testimony regarding the profile criteria was upheld also in *United States v. Bell*, *supra* footnote 14, where no other testimony bearing on guilt or innocence was offered at a suppression hearing in the defendant's absence. But see *United States v. Clark*, 475 F. 2d 240 (2d Cir. 1973), where exclusion from the entire suppression hearing, including testimony of two witnesses as to factual circumstances leading to his arrest, was held to have denied the defendant effective assistance of counsel since the defendant was unable to point out any alleged inaccuracies in the testimony or furnish factual information for use in cross-examination.

<sup>16</sup> Nonetheless, the use of the profile in *Lopez* was held improper because an airline official, without authority, undertook to "update" the profile by eliminating one of the fundamental psychological characteristics and introducing an ethnic element for which there was no experimental basis, thus raising serious equal protection problems. In addition, the airline official added a second criterion calling for an act of individual judgment on the part of airline employees. This destroyed the essential neutrality and objectivity of the approved profile, making its use constitutionally impermissible.

<sup>17</sup> But see *Schneckloth v. Bustamonte*, — U.S. —, 93 S. Ct. 2041, 36 L.Ed. 2d 854 (1973), where the Supreme Court held that a consent to a search otherwise barred by the fourth amendment does not have to meet the standard of "an intentional relinquishment or abandonment of a known right," as stated in *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938).

<sup>18</sup> *United States v. Meulener*, 351 F. Supp. 1284 (C.D. Cal. 1972), supports the proposition that if an individual being subjected to search procedures chooses to leave rather than board the aircraft he should be allowed to do so. For an opposing view, see *United States v. Skipworth*, 482 F. 2d 1272 (5th Cir. 1973), where both the majority and dissenting judges reject such a procedure as a one-way street and one which would, by diminishing the risk, encourage attempts at hijacking. See particularly dissenting opinion of Judge Aldrich at 1281.

<sup>19</sup> *Supra* footnote 13 at 1097.

<sup>20</sup> 482 F. 2d 893 (9th Cir. 1973).

<sup>21</sup> 482 F. 2d 929 (9th Cir. 1973).

<sup>22</sup> *Supra* footnote 20 at 913.

<sup>23</sup> 482 F. 2d 1272 (5th Cir. 1973).

<sup>24</sup> *Ibid.* at 1274.

# DECEPTIVELY DEADLY CANE

The St. Louis, Mo., County Police Department recently discovered a most dangerous cane for sale at an airport gift shop. The cane, which is manufactured in the Philippines, measures 26 inches in length and conceals a lethal sword of more than a foot in length which is attached to the handle.

Although the sale of this weapon is not unlawful, in the State of Missouri, carrying it is expressly prohibited by State law. Law enforcement officers must be alert for this cane not only as contraband but, more importantly, for their own protection and the protection of other persons.

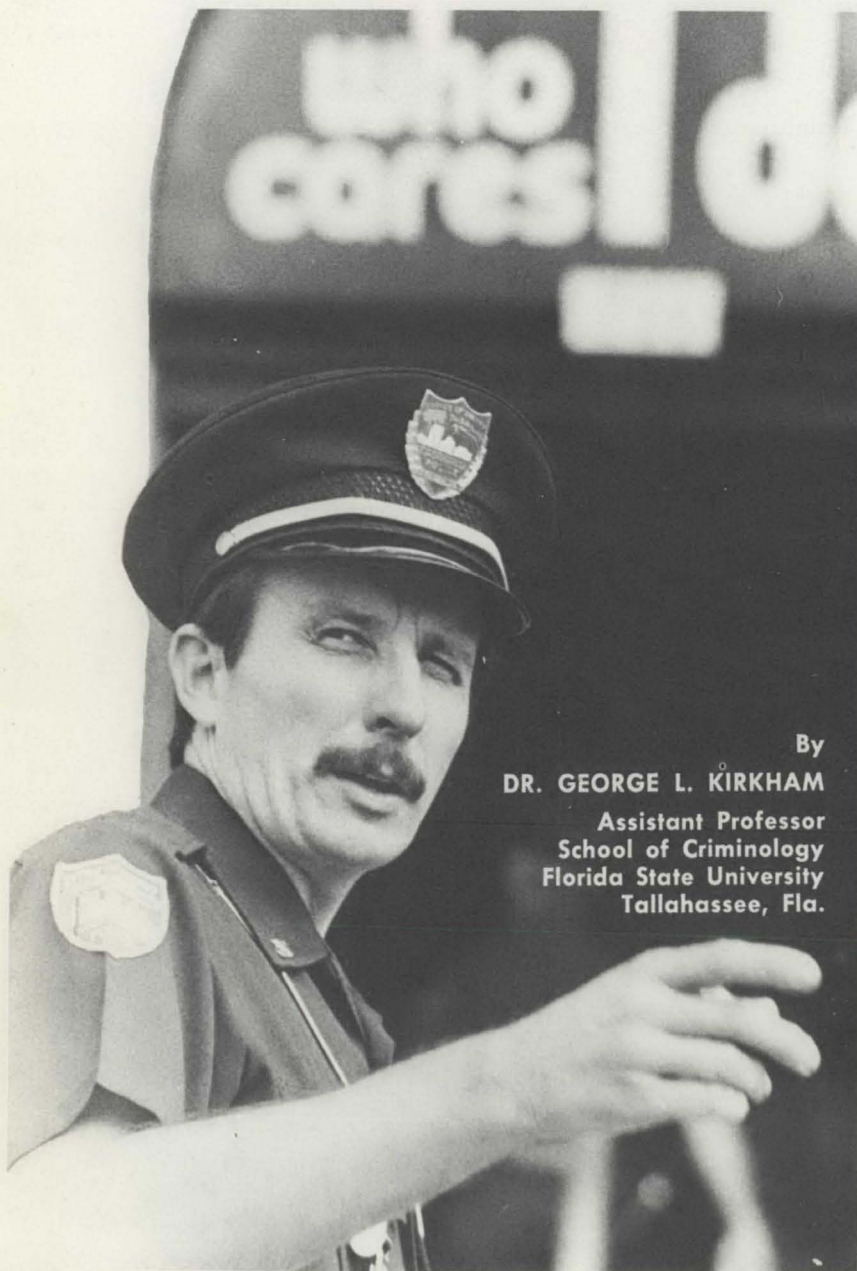


Cane readily converts into deadly sword.





# A PROFESSOR'S "Street Lessons"



By  
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*"... I came home and took off the badge and blue uniform with a sense of satisfaction and contribution to society that I have never known in any other job. Somehow that feeling seems to make everything—the disrespect, the danger, the boredom—worthwhile."*



what a police officer has to endure in modern society until I had been one myself. Under the weight of this frustration, and my personal conviction that knowledge has an applied as well as a theoretical dimension, I decided to take up this challenge: I would become a policeman myself as a means of establishing once and for all the accuracy of what I and other criminologists had been saying about the police for so long.

### *From Professor to Cop*

Suffice it to say that my announced intention to become a uniformed patrolman was at first met with fairly widespread disbelief on the part of family, friends, and colleagues alike. At 31, with a family and an estab-

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*"... I would become a policeman myself as a means of establishing once and for all the accuracy of what I and other criminologists had been saying about the police for so long."*

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lished career as a criminologist, I was surely an unlikely candidate for the position of police recruit. The very idea, it was suggested to me, was outrageous and absurd. I was told that no police administrator in his right mind would allow a representative of the academic world to enter his organization. It had never been done and could not be done.

Fortunately, many of my students, who either had been policemen or were at the time, sounded a far more optimistic and enthusiastic note. Police administrators and officers alike, they said, would welcome the opportunity to expose members of the academic community to the problems of their occupation. If one of us were really willing to see and feel the police-



Pictured is Dr. Kirkham in the studious seclusion of his university office.

man's world from behind a badge and blue uniform, instead of from the safe and comfortable vantage point of a classroom or university office, police officers themselves would do everything in their power to make the opportunity available. Despite these assurances from my policemen-students, I remained skeptical over my chances of being allowed to do such an unorthodox thing.

This skepticism was, however, soon to be overcome. One of my better criminology students at the time was a young police officer on educational leave from the Jacksonville, Fla., Sheriff's Office. Upon learning of my desire to become a police officer in order to better understand the problems of policemen, he urged me to contact Sheriff Dale Carson and Undersheriff D. K. Brown of his department with my proposal. I had earlier heard other police officers describe the consolidated 800-man force of Jacksonville-Duval County as one of the most progressive departments in the country. I learned that Sheriff Carson and Undersheriff Brown, two former FBI Agents, had won considerable respect in the law enforcement profession as enlightened and innovative administrators.

The size and composition of Jacksonville, as well as its nearness to my

As policemen have come under increasing criticism by various individuals and groups in our society in recent years, I cannot help but wonder how many times they have clenched their teeth and wished they could expose their critics to only a few of the harsh realities which their job involves.

Persons such as myself, members of the academic community, have traditionally been quick to find fault with the police. From isolated incidents reported in the various news media, we have fashioned for ourselves a stereotyped image of the police officer which conveniently conforms to our notions of what he is. We see the brutal cop, the racist cop, the grafting cop, the discourteous cop. What we do not see, however, is the image of thousands of dedicated men and women struggling against almost impossible odds to preserve our society and everything in it which we cherish.

For some years, first as a student and later as a professor of criminology, I found myself troubled by the fact that most of us who write books and articles on the police have never been policemen ourselves. I began to be bothered increasingly by many of my students who were former policemen. Time and again, they would respond to my frequently critical lectures on the police with the argument that I could not possibly understand



university and home, made it appear to be an ideal location for what I wished to do. Numbering just over one-half million residents, Jacksonville impressed me as being the kind of large and rapidly growing American city which inevitably experiences the major social problems of our time: crime and delinquency, racial unrest, poverty, and mental illness. A seaport and industrial center, Jacksonville offered a diversity of urban, suburban, and even rural populations in its vast land area. I took particular note of the fact that it contained a fairly typical inner-city slum section and black ghetto, both of which were in the process of being transformed through a massive program of urban redevelopment. This latter feature was especially important to me insofar as I wanted to personally experience the stresses and strains of today's city policeman. It was, after all, he who had traditionally been the subject of such intense interest and criticism on the part of social scientists such as myself.

Much to my surprise, both Sheriff Carson and Undersheriff Brown were not only supportive but enthusiastic as well over my proposal to become a city patrolman. I made it clear to them at the outset that I did not wish to function as an observer or reserve officer, but rather wanted to become a fully sworn and full-time member of their department for a period of between 4 and 6 months. I further stated that I hoped to spend most of this period working as a uniformed patrolman in those inner city beats most characterized by violence, poverty, social unrest, and high crime rates. They agreed to this, with the understanding that I would first have to meet the same requirements as any other police candidate. I would, for example, have to submit to a thorough character investigation, a physical examination, and would have to meet the same training standards applied to all other Florida police officers. Since I was to

be unpaid, I would be exempted from departmental civil service requirements.

### ***Restyling an Image***

Both Carson and Brown set about overcoming various administrative and insurance problems which had to be dealt with in advance of my becoming a police officer. Suppose, for example, I should be injured or killed in the line of duty, or should injure or kill someone else. What of the department and city's liability? These and other issues were gradually resolved with considerable effort on their part. The only stipulation set forth by both administrators was one with which I strongly agreed: for the sake of morale and confidence in the

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***"... I would first have to meet the same requirements as any other police candidate . . . a thorough character investigation, a physical examination . . . the same training standards. . . ."***

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department, every officer must know in advance exactly who I was and what I was doing. Other than being in the unusual position of a "patrolman-professor," I would be indistinguishable from other officers in every respect, from the standard issue .38 Smith and Wesson revolver I would carry to the badge and uniform I would wear.

The biggest and final obstacle which I faced was the necessity that I comply fully with a 1967 Florida Police Standards law, which requires that every police officer and deputy sheriff in the State complete a minimum of 280 hours of law enforcement training prior to being sworn in and assigned to regular duty. Since I had a

full-time university job nearly 200 miles from Jacksonville, this meant that I would be unable to attend the regular sheriff's academy. I would have to attend a certified academy in my own area, something which I arranged to do with Sheriff Carson's sponsorship.

For 4 months, 4 hours each evening and 5 nights a week, I attended the Tallahassee area police academy, along with 35 younger classmates. As a balding intellectual, I at first stood out as an oddity in the class of young men destined to become local law enforcement officers. With the passage of time, however, they came to accept me and I them. We joked, drank coffee, and struggled through various examinations and lessons together. At first known only as "the professor," the men later nicknamed me "Doc" over my good-natured protests.

As the days stretched into weeks and the weeks into months, I took lengthy notes on the interviewing of witnesses at crime scenes, investigated imaginary traffic accidents, and lifted fingerprints. Some nights I went home after hours of physical defense training with my uniformly younger and stronger peers with tired muscles, bruises, and the feeling that I should have my head examined for undertaking such a rugged project.

As someone who had never fired a handgun, I quickly grew accustomed to the noise of 35 revolvers firing at the cardboard silhouettes which our minds transformed into real assailants at the sound of the range whistle. I learned how to properly make car stops, approach a front door or darkened building, question suspects, and a thousand other things that every modern police officer must know. After what seemed an eternity, graduation from the academy finally came, and with it what was to become the most difficult but rewarding educational experience of my life: I became a policeman.



## ***The School of Hard Knocks***

I will never forget standing in front of the Jacksonville police station on that first day. I felt incredibly awkward and conspicuous in the new blue uniform and creaking leather. Whatever confidence in my ability to "do the job" I had gained during the academy seemed to evaporate as I stood there watching other blue figures hurrying in the evening rain toward assembly. After some minutes, I summoned the courage to walk into the station and into my new career as a core city patrolman.

That first day seems long ago now. As I write this, I have completed over 100 tours of duty as a patrolman. Although still a rookie officer, so much has happened in the short space of 6 months that I will never again be either the same man or the same scientist who stood in front of the station on that first day. While it is hard to even begin to describe within a brief article the many changes which have occurred within me during this time, I would like to share with fellow policemen and colleagues in the academic community a few of what I regard as the more important of what I will call my "street lessons."

I had always personally been of the opinion that police officers greatly exaggerate the amount of verbal disrespect and physical abuse to which they are subjected in the line of duty. During my first few hours as a street officer, I lived blissfully in a magic bubble which was soon to burst. As a college professor, I had grown accustomed to being treated with uniform respect and deference by those I encountered. I somehow naively assumed that this same quality of respect would carry over into my new role as a policeman. I was, after all, a representative of the law, identifiable to all by the badge and uniform I wore as someone dedicated to the protection of society. Surely that fact would entitle

me to a measure of respect and cooperation—or so I thought. I quickly found that my badge and uniform, rather than serving to shield me from such things as disrespect and violence, only acted as a magnet which drew me toward many individuals who hated what I represented.

I had discounted on my first evening the warning of a veteran sergeant who, after hearing that I was about to begin work as a patrolman, shook his head and cautioned, "You'd better watch yourself out there, Professor! It gets pretty rough sometimes!" I was soon to find out what he meant.

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*"After what seemed an eternity, graduation from the academy finally came, and with it what was to become the most difficult but rewarding educational experience of my life: I became a policeman."*

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Several hours into my first evening on the streets, my partner and I were dispatched to a bar in the downtown area to handle a disturbance complaint. Inside, we encountered a large and boisterous drunk who was arguing with the bartender and loudly refusing to leave. As someone with considerable experience as a correctional counselor and mental health worker, I hastened to take charge of the situation. "Excuse me, Sir," I smiled pleasantly at the drunk, "but I wonder if I could ask you to step outside and talk with me for just a minute?" The man stared at me

through bloodshot eyes in disbelief for a second, raising one hand to scratch the stubble of several days growth of beard. Then suddenly, without warning, it happened. He swung at me, luckily missing my face and striking me on the right shoulder. I couldn't believe it. What on earth had I done to provoke such a reaction? Before I could recover from my startled condition, he swung again—this time tearing my whistle chain from a shoulder epaulet. After a brief struggle, we had the still shouting, cursing man locked in the back of our cruiser. I stood there, breathing heavily with my hair in my eyes as I surveyed the damage to my new uniform and looked in bewilderment at my partner, who only smiled and clapped me affectionately on the back.

## ***Theory v. Practice***

"Something is very wrong," I remember thinking to myself in the front seat as we headed for the jail. I had used the same kind of gentle, rapport-building approach with countless offenders in prison and probation settings. It had always worked so well there. What was so different about being a policeman? In the days and weeks which followed, I was to learn the answer to this question the hard way. As a university professor, I had always sought to convey to students the idea that it is a mistake to exercise authority, to make decisions for other people, or rely upon orders and commands to accomplish something. As a police officer myself, I was forced time and again to do just that. For the first time in my life, I encountered individuals who interpreted kindness as weakness, as an invitation to disrespect or violence. I encountered men, women, and children who, in fear, desperation, or excitement, looked to the person behind my blue uniform and shield for guidance, con-





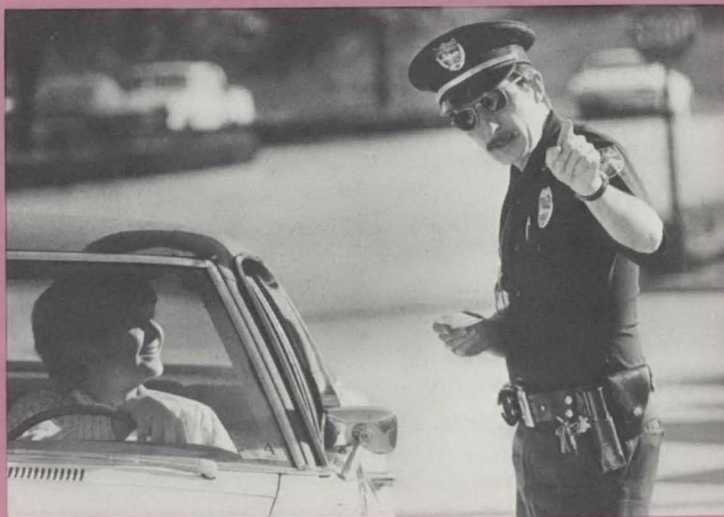
An animated group of inner-city youths clusters around the squad car of Officer Kirkham and his partner.



A report on a disturbance call is discussed with partner.

# All In A Day's Work . . .

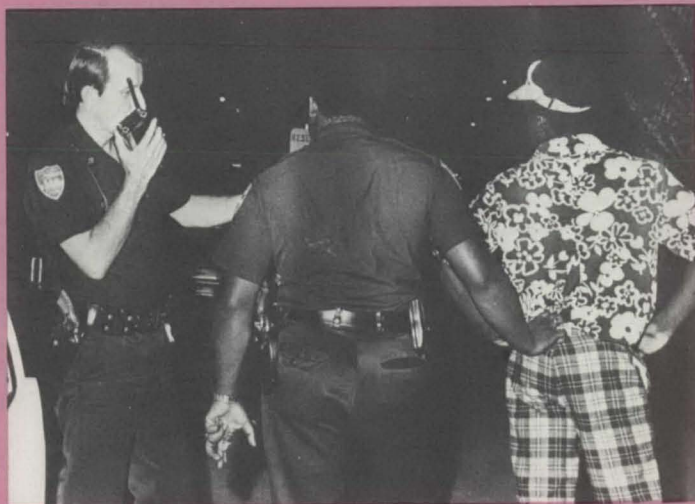
A Jacksonville motorist receives helpful directions from Officer Kirkham.



Officer Kirkham and his partner cautiously approach a building where an armed suspect is believed to be hiding.



He radios police headquarters while partner restrains suspect.





trol, and direction. As someone who had always condemned the exercise of authority, the acceptance of myself as an unavoidable symbol of authority came as a bitter lesson.

I found that there was a world of difference between encountering individuals, as I had, in mental health or correctional settings and facing them as the patrolman must: when they are violent, hysterical, desperate. When I put the uniform of a police officer on, I lost the luxury of sitting in an air-conditioned office with my pipe and books, calmly discussing with a rapist or armed robber the past problems which had led him into trouble with the law. Such offenders had seemed so innocent, so harmless in the sterile setting of prison. The often terrible crimes which they had committed were long since past, reduced like their victims to so many printed words on a page.

Now, as a police officer, I began to encounter the offender for the first time as a very real menace to my personal safety and the security of our society. The felon was no longer a harmless figure sitting in blue denims across my prison desk, a "victim" of society to be treated with compassion and leniency. He became an armed robber fleeing from the scene of a crime, a crazed maniac threatening his family with a gun, someone who might become my killer crouched behind the wheel of a car on a dark street.

### **Lesson in Fear**

Like crime itself, fear quickly ceased to be an impersonal and abstract thing. It became something which I regularly experienced. It was a tightness in my stomach as I approached a warehouse where something had tripped a silent alarm. I could taste it as a dryness in my mouth as we raced with blue lights and siren toward the site of a "Signal

Zero" (armed and dangerous) call. For the first time in my life, I came to know—as every policeman knows—the true meaning of fear. Through shift after shift it stalked me, making my palms cold and sweaty, and pushing the adrenalin through my veins.

I recall particularly a dramatic lesson in the meaning of fear which took place shortly after I joined the force. My partner and I were on routine patrol one Saturday evening in a deteriorated area of cheap bars and pool halls when we observed a young male double-parked in the middle of the street. I pulled alongside and asked him in a civil manner to either park or drive on, whereupon he began loudly cursing us and shouting that we couldn't make him go anywhere. An angry crowd began to gather as we got out of our patrol car and ap-

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*"... lawful authority . . . is the only thing which stands between civilization and the jungle of lawlessness."*

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proached the man, who was by this time shouting that we were harassing him and calling to bystanders for assistance. As a criminology professor, some months earlier I would have urged that the police officer who was now myself simply leave the car double-parked and move on rather than risk an incident. As a policeman, however, I had come to realize that an officer can never back down from his responsibility to enforce the law. Whatever the risk to himself, every police officer understands that his ability to back up the lawful authority which he represents is the only thing which stands between civilization and the jungle of lawlessness.

The man continued to curse us and adamantly refused to move his car. As we placed him under arrest and attempted to move him to our cruiser,

an unidentified male and female rushed from the crowd which was steadily enlarging and sought to free him. In the ensuing struggle, a hysterical female unsnapped and tried to grab my service revolver, and the now angry mob began to converge on us. Suddenly, I was no longer an "ivory-tower" scholar watching typical police "overreaction" to a street incident—but I was part of it and fighting to remain alive and uninjured. I remember the sickening sensation of cold terror which filled my insides as I struggled to reach our car radio. I simultaneously put out a distress call and pressed the hidden electric release button on our shotgun rack as my partner sought to maintain his grip on the prisoner and hold the crowd at bay with his revolver.

How harshly I would have judged the officer who now grabbed the shotgun only a few months before. I rounded the rear of our cruiser with the weapon and shouted at the mob to move back. The memory flashed through my mind that I had always argued that policemen should not be allowed to carry shotguns because of their "offensive" character and the potential damage to community relations as a result of their display. How readily as a criminology professor I would have condemned the officer who was now myself, trembling with fear and anxiety and menacing an "unarmed" assembly with an "offensive" weapon. But circumstances had dramatically changed my perspective, for now it was *my* life and safety that were in danger, *my* wife and child who might be mourning. Not "a policeman" or Patrolman Smith—but *me*, George Kirkham! I felt accordingly bitter when I saw the individual who had provoked this near riot back on the streets the next night, laughing as though our charge of "resisting arrest with violence" was a big joke. Like my partner, I found myself feeling angry and frustrated shortly after-



ward when this same individual was allowed to plead guilty to a reduced charge of "breach of peace."

### ***Loud Defendants and Silent Victims***

As someone who had always been greatly concerned about the rights of offenders, I now began to consider for the first time the rights of police officers. As a police officer, I felt that my efforts to protect society and maintain my personal safety were menaced by many of the very court decisions and lenient parole board actions I had always been eager to defend. An educated man, I could not answer the questions of my fellow officers as to why those who kill and maim policemen, men who are involved in no less honorable an activity than holding our society together, should so often be subjected to minor penalties. I grew weary of carefully following difficult legal restrictions, while thugs and hoodlums consistently twisted the law to their own advantage. I remember standing in the street one evening and reading a heroin "pusher" his rights, only to have him convulse with laughter halfway through and finish reciting them, word for word, from memory. He had been given his "rights" under the law, but what about the rights of those who were the victims of people like himself? For the first time, questions such as these began to bother me.

As a corrections worker and someone raised in a comfortable middle class home, I had always been insulated from the kind of human misery and tragedy which become part of the policeman's everyday life. Now, the often terrible sights, sounds, and smells of my job began to haunt me hours after I had taken the blue uniform and badge off. Some nights I would lie in bed unable to sleep, trying desperately to forget the things I had seen during a particular tour of

duty: the rat-infested shacks that served as homes to those far less fortunate than I, a teenage boy dying in my arms after being struck by a car, small children clad in rags with stomachs bloated from hunger playing in a urine-spattered hall, the victim of a robbery senselessly beaten and murdered.

In my new role as a police officer, I found that the victims of crime ceased to be impersonal statistics. As a corrections worker and criminology professor, I had never given much thought to those who are victimized by criminals in our society. Now the sight of so many lives ruthlessly damaged and destroyed by the perpetrators of crime left me preoccupied with the question of society's responsibility

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***"As a corrections worker and criminology professor, I had never given much thought to those who are victimized by criminals in our society."***

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to protect the men, women, and children who are victimized daily.

For all the tragic victims of crime I have seen during the past 6 months, one case stands out above all. There was an elderly man who lived with his dog in my apartment building downtown. He was a retired bus driver and his wife was long deceased. As time went by, I became friends with the old man and his dog. I could usually count on finding both of them standing at the corner on my way to work. I would engage in casual conversation with the old man, and sometimes he and his dog would walk several blocks toward the station with me. They were both as predictable as a clock: each evening around 7, the old man would walk to the same small restaurant several blocks away, where

he would eat his evening meal while the dog waited dutifully outside.

One evening my partner and I received a call to a street shooting near my apartment building. My heart sank as we pulled up and I saw the old man's mutt in a crowd of people gathered on the sidewalk. The old man was lying on his back, in a large pool of blood, half trying to brace himself on an elbow. He clutched a bullet wound in his chest and gasped to me that three young men had stopped him and demanded his money. After taking his wallet and seeing how little he had, they shot him and left him on the street. As a police officer, I was enraged time and again at the cruelty and senselessness of acts such as this, at the arrogance of brazen thugs who prey with impunity on innocent citizens.

### ***A Different Perspective***

The same kinds of daily stresses which affected my fellow officers soon began to take their toll on me. I became sick and tired of being reviled and attacked by criminals who could usually find a most sympathetic audience in judges and jurors eager to understand their side of things and provide them with "another chance." I grew tired of living under the ax of news media and community pressure groups, eager to seize upon the slightest mistake made by myself or a fellow police officer.

As a criminology professor, I had always enjoyed the luxury of having great amounts of time in which to make difficult decisions. As a police officer, however, I found myself forced to make the most critical choices in a time frame of seconds, rather than days: to shoot or not to shoot, to arrest or not to arrest, to give chase or let go—always with the nagging certainty that others, those with great amounts of time in which to analyze and think, stood ready to judge and



condemn me for whatever action I might take or fail to take. I found myself not only forced to live a life consisting of seconds and adrenalin, but also forced to deal with human problems which were infinitely more difficult than anything I had ever confronted in a correctional or mental health setting. Family fights, mental illness, potentially explosive crowd situations, dangerous individuals—I found myself progressively awed by the complexity of tasks faced by men whose work I once thought was fairly simple and straightforward.

Indeed, I would like to take the average clinical psychologist or psychiatrist and invite him to function for just a day in the world of the policeman, to confront people whose problems are both serious and in need of immediate solution. I would invite him to walk, as I have, into a smoke-filled pool room where five or six angry men are swinging cues at one another. I would like the prison counselor and parole officer to see their client Jones—not calm and composed in an office setting, but as the street cop sees him—beating his small child with a heavy belt buckle, or kicking his pregnant wife. I wish that they, and every judge and juror in our country, could see the ravages of crime as the cop on the beat must: innocent people cut, shot, beaten, raped, robbed, and murdered. It would, I feel certain, give them a different perspective on crime and criminals, just as it has me.

### *Humaneness in Uniform*

For all the human misery and suffering which police officers must witness in their work, I found myself amazed at the incredible humanity and compassion which seems to characterize most of them. My own stereotypes of the brutal, sadistic cop were time and again shattered by the sight of humanitarian kindness on the part

of the thin blue line: a young patrolman giving mouth to mouth resuscitation to a filthy derelict; a grizzled old veteran embarrassed when I discovered the bags of jelly beans which he carried in the trunk of his car for impoverished ghetto kids—to whom he was the closest thing to an Easter Bunny they would ever know; an officer giving money out of his own pocket to a hungry and stranded family he would probably never see again; and another patrolman taking the trouble to drop by on his own time in order to give worried parents information about their problem son or daughter.

As a police officer, I found myself repeatedly surprised at the ability of my fellow patrolmen to withstand the often enormous daily pressures of their work. Long hours, frustration, danger, and anxiety—all seemed to be taken in stride as just part of the reality of being a cop. I went eventually through the humbling discovery that I, like the men in blue with whom I worked, was simply a human being with definite limits to the amount of stress I could endure in a given period of time.

I recall in particular one evening when this point was dramatized to me. It had been a long, hard shift—one which ended with a high-speed chase of a stolen car in which we narrowly escaped serious injury when another vehicle pulled in front of our patrol car. As we checked off duty, I was vaguely aware of feeling tired and tense. My partner and I were headed for a restaurant and a bite of breakfast when we both heard the unmistakable sound of breaking glass coming from a church and spotted two long-haired teenage boys running from the area. We confronted them and I asked one for identification, displaying my own police identification. He sneered at me, cursed, and turned to walk away. The next thing I knew I had grabbed the youth by

his shirt and spun him around, shouting, "I'm talking to you, punk!" I felt my partner's arm on my shoulder and heard his reassuring voice behind me, "Take it easy, Doc!" I released my grip on the adolescent and stood silently for several seconds, unable to accept the inescapable reality that I had "lost my cool." My mind flashed back to a lecture during which I had told my students, "Any man who is not able to maintain absolute control of his emotions at all times has no business being a police officer." I was at the time of this incident director of a human relations project designed to teach policemen "emotional control" skills. Now here I was, an "emotional control" expert, being told to calm down by a patrolman!

### *A Complex Challenge*

As someone who had always regarded policemen as a "paranoid" lot, I discovered in the daily round of violence which became part of my life that chronic suspiciousness is something that a good cop cultivates in the interest of going home to his family each evening. Like so many other officers, my daily exposure to street crime soon had me carrying an off-duty weapon virtually everywhere I went. I began to become watchful of who and what was around me, as things began to acquire a new meaning: an open door, someone loitering on a dark corner, a rear license plate covered with dirt. My personality began to change slowly according to my family, friends, and colleagues as my career as a policeman progressed. Once quick to drop critical barbs about policemen to intellectual friends, I now became extremely sensitive about such remarks—and several times became engaged in heated arguments over them.

As a police officer myself, I found that society demands too much of its policemen: not only are they expected



to enforce the law, but to be curbside psychiatrists, marriage counselors, social workers, and even ministers, and doctors. I found that a good street officer combines in his daily work splinters of each of these complex professions and many more. Certainly it is unreasonable for us to ask so much of the men in blue; yet we must, for there is simply no one else to whom we can turn for help in the kind of crises and problems policemen deal with. No one else wants to counsel a family with problems at 3 a.m. on Sunday; no one else wants to enter a darkened building after a burglary; no one else wants to confront a robber or madman with a gun. No one else wants to stare poverty, mental illness, and human tragedy in the face day after day, to pick up the pieces of shattered lives.

As a policeman myself, I have often asked myself the questions: "Why does a man become a cop?" "What makes him stay with it?" Surely it's not the disrespect, the legal restrictions which make the job increasingly rough, the long hours and low pay, or the risk of being killed or injured trying to protect people who often don't seem to care.

The only answer to this question I have been able to arrive at is one based on my own limited experience as a policeman. Night after night, I came home and took off the badge and blue uniform with a sense of satisfaction and contribution to society that I have never known in any other job. Somehow that feeling seemed to make everything—the disrespect, the danger, the boredom—worthwhile.

### ***An Invaluable Education***

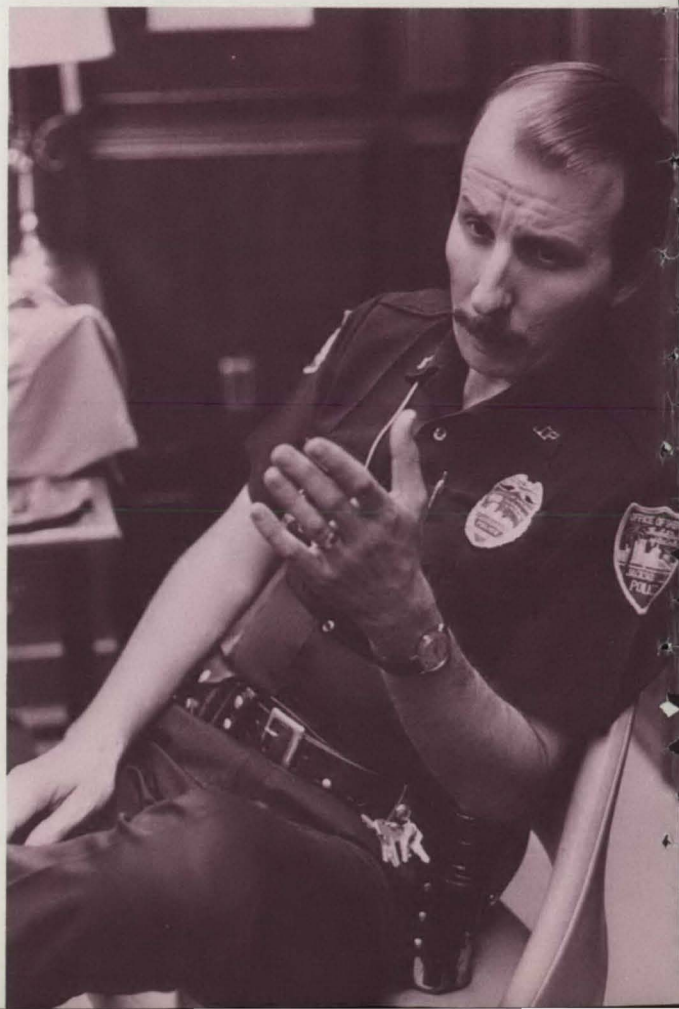
For too long now, we in America's colleges and universities have conveyed to young men and women the subtle message that there is somehow something wrong with "being a cop."

It's time for that to stop. This point was forcibly brought home to me one evening not long ago. I had just completed a day shift and had to rush back to the university with no chance to change out of uniform for a late afternoon class. As I rushed into my office to pick up my lecture notes, my secretary's jaw dropped at the sight of the uniform. "Why, Dr. Kirkham, you're not going to go to class looking like *that*, are you?" I felt momentarily embarrassed, and then struck by the realization that I would not feel the need to apologize if I appeared before my students with long hair or a beard. Free love advocates and hate-monger revolutionaries do not apologize for their group memberships, so why should someone whose appearance symbolizes a commitment to serve and protect society? "Why not," I replied with a slight smile, "I'm proud to be a cop!" I picked up my notes and went on to class.

Let me conclude this article by saying that I would hope that other educators might take the trouble to observe firsthand some of the policeman's problems before being so quick to condemn and pass judgment on the thin blue line. We are all familiar with the old expression which urges us to refrain from judging the worth of another man's actions until we have walked at least a mile in his shoes. To be sure, I have not walked that mile as a rookie patrolman with barely 6 months' experience. But I have at least tried the shoes on and taken a few difficult steps in them. Those few steps have given me a profoundly new understanding and appreciation of our police, and have left me with the humbling realization that possession of a Ph. D. does not give a man a corner on knowledge, or place him in the lofty position where he cannot take lessons from those less educated than himself.

(FBI)

Dr. Kirkham discusses lecture he is about to give his criminology students at Florida State University in Tallahassee while attired in his uniform.





# TRAINING FOR THE FUTURE

## The Second National Symposium on Police-Community Relations

It's hot and humid in the urban core . . . . A police radio car arrives with screeching tires and wailing siren. . . . Youth loiter on the street corner sullen and snickering. . . . "No," they say, "We didn't see anyone come out of the store." . . . As the police drive away, they hear the jeering. . . . The night grinds on, its heat serving as an abrasive to tempers. . . . Fights break out in some tenements between husbands and wives, children and relatives, and landlords and tenants. . . . The police return.

"I want him arrested!" . . . "You'll have to go downtown and swear out a warrant." . . . The tour drags on. . . . The patrol crew is weary. . . . They observe an ugly street corner disturbance. . . . "All right, break it up!" . . . One of the street fighters, intoxicated, continues to brawl. . . . A mob gathers and grows larger. . . . The two patrolmen shove one brawler against the radio car, cuff him, pat him down, and put him into the vehicle. . . . They drive off. . . . The undispersed crowd shouts words of abuse.

Community relations efforts were born in the turbulent sixties as police concentrated on rebuilding their image, gaining community support, and cooling the brushfires of violence.

Unprecedented urban growth continues, bringing with it population overcrowding and the human stresses associated with it. Clamor from special-interest groups—youth, minorities, women—seeking to be recognized leads to public conflict which makes more difficult police efforts at maintaining order.

Author Alvin Toffler describes in his popular book, "Future Shock," the impact accelerated changes have had and are continuing to have on modern life. Essentially, he argues that there has been too much change too fast for the best laid social programs to withstand. No less a product of this social change, of course, is the uncertainty encountered in many police-community relations programs.

Law enforcement's attempts produced programs in public relations which are often viewed as "appeasement" of militant extremists by some police personnel.

From police reaction in the sixties to police preparedness in the seventies was the theme of the Second National Symposium on Police-Community Relations held, November 4-7, 1973, at the FBI Academy at Quantico, Va. It was a working conference mandated, as a result of the First National Symposium held in September 1972, to

address itself to the exchange of ideas in the solution of pressing urban police problems.

"A National Strategy to Reduce Crime" published by the National Advisory Commission on Criminal Justice Standards and Goals proposed, as a goal for the American people, a 50-percent reduction in high-fear crime by 1983 concentrated in five areas—forcible rape, homicide, aggravated assault, robbery, and burglary.

Throughout the symposium, attendees addressed their discussions in the workshops to the implementation of this national strategy.

Associate Dean Charles W. Mentkowski of the Marquette University Law School and chairman for the Center of Criminal Justice Agency Organization and Minority Employment Opportunities addressed a seminar on minority recruitment and selection.

Dean Mentkowski told his seminar, "You as police officers are blamed for all the sins of man. All the problems of society are laid at your feet." Because "this country is a melting pot and we have not allowed some people to melt into that pot," the recruiting of minorities for police work has recently become a recognized need in

*"Community relations efforts were born in the turbulent sixties as police concentrated on rebuilding their image, gaining community support, and cooling the brushfires of violence."*



*"From police reaction in the sixties to police preparedness in the seventies was the theme of the Second National Symposium on Police-Community Relations. . . ."*

order to accomplish the peace-keeping mission.

Dean Mentkowski related that the Equal Employment Opportunities Act of March 1972 provided, for the first time, that divisions of government were also subject to the provision of the act prohibiting employers from discriminatory employment practices based on race, religion, sex, or national origin.

The proceedings of the symposium will report the work of Dean Mentkowski's seminar groups in developing affirmative recruiting policies for law enforcement. In an overview of problems in this area, the seminar articulated an insufficient administrative commitment to minority hiring, a lack of evaluation of recruiting and selection criteria, and an absence of organization and implementation in the recruiting process.

Seminar members felt that affirmative minority employment policies would result in a more acceptable department to the community, a more positive attitude change within the department, and a more effective department overall.

Inspector Harry D. Caldwell of the Houston, Tex., Police Department, who earned his master of arts at the University of Houston and is currently a candidate for a doctor of philosophy at Sam Houston University in Houston, identified prerequisite considerations in police-community relations training.

Inspector Caldwell charged his seminar attendees with developing a model curriculum for police-community relations training. The seminar also discussed what materials should be presented, how they should

be presented, and who should present them.

According to Inspector Caldwell, "We must put police-community relations in the front seat of the patrol car. Police-community relations is a state of mind. Because you have a vice squad doesn't mean the rest of the troops don't have responsibilities to investigate vice. So it is with police-community relations."

Preliminary examination of the seminar proceedings to be published reflect the development of suggested curriculum priorities in police-community relations training, a method of determining these priorities, and an evaluative procedure for determining training effectiveness.

Dr. Paul M. Whisenand, associate professor of criminology and chairman of the Department of Criminology, California State University, Long Beach, addressed selected attendees on the "Future Direction and Administration of Community Relations Programs." He is a consultant to the Law Enforcement Assistance Administration (LEAA) and has written 6 textbooks and over 20 articles pertaining to criminal justice.

Dr. Whisenand said to the attendees, "I admit to heresy. The majority of police doctrine today asserts that police-community relations should be first accepted and then practiced. . . . I am of the opinion that police-community relations, as we know it today, should be phased out!"

He continued by making the following observation, prediction, and recommendation: Observation—"Police-community relations is currently an unworkable concept and therefore of little value to the police"; Predic-

tion—"Police-community relations will be perpetuated well into the 1970's along with other obsolete ideas"; Recommendation—"That we return to the drawing board and design an operational concept for the 1970's which is capable of fulfilling the original intent of police-community relations—to improve the delivery system of our local law enforcement agencies."

Attendees attempted to do just that. Rolling up their sleeves and going to work during 6 hours of seminar session, three work groups batted out a series of proposals regarding the future direction of police-community relations soon to be published in the proceedings of the Second National Symposium.

Preliminary reports of the seminar groups suggested a revamping of the organizational structure of police-community relations in a department that would return police-community relations as a function of patrol with a small administrative section for overall coordination.

In addition, the seminars established target priorities for police-community relations and provided for more effective evaluation of its programs from external sources.

Addressing the symposium in general sessions were:

Dr. Egon Bittner, Brandeis University, Waltham, Mass., author of "The Function of Police in a Modern Society," who discussed the conflicting roles thrust upon law enforcement officers and some thoughts about the officers' future role.

Prof. Jerome H. Skolnick, director of the Center for Law and



Society at the University of California, Berkeley, who reviewed historical aspects of the police and protest movements as these aspects relate to and influence police in contemporary society.

Prof. Herman Goldstein, University of Wisconsin Law School, Madison, who lectured on the problem of the wide latitude of police discretionary enforcement—its frustrations and value.

The symposium also enjoyed a debate, by a prestigious array of law enforcement officers representing major metro areas, on the employment of city anticrime squads and their successes and effects on department community-relations efforts.

Clarence M. Kelley, Director of the Federal Bureau of Investigation, during his closing remarks to the symposium, said, "If a police-community relations program offers prospects for solving the problems of crime prevention and easing the terrible tensions that foster violence, then such programs are worth whatever manpower, money, and effort they require. . . . The police and the community must be allied in this cause."


Director Kelley also announced that the FBI will conduct three 80-hour community-relations schools at the Academy in 1974. The schools will focus on better equipping the police officer to handle problems arising from community tension and the means of easing such tensions. All of the schools will be accredited through the University of Virginia.

Daniel Webster in the first Bunker Hill Oration, speaking to a group of patriots almost 200 years ago, said, "We live in a most extraordinary age. Events so various and so important that might crowd and distinguish centuries are, in our times, compressed within the compass of a single life."

These words ring as true today as they did when spoken at the time of the American Revolution.

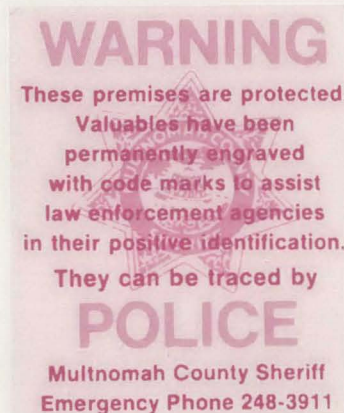
The law enforcement profession is intimately involved in this age. It must not fear change and demand a return to a system which excludes any part of the society from full participation in its democratic process.

The FBI and local and State law enforcement agencies, as partners, must continue to grow professionally,

to forge well-reasoned innovations in all police operations, and to pursue vigorously the goals as presented in "A Strategy to Reduce Crime." To these ends, the Second National Symposium, and future symposiums, on Police-Community Relations is dedicated. 

## WARNING DECALS DETER BURGLARS

Warning decals prominently displayed on residential buildings are apparently giving burglars second thoughts about breaking into such marked premises in Multnomah County, Oreg. The red-lettered decal, shown below, was developed by the sheriff's crime prevention section.



Sheriff's detectives recently apprehended a suspect who subsequently confessed to 75 burglaries. He had observed warning decals on several occasions and stated that he "wouldn't touch a place" advertising such theft protection. Usually he never feared being stopped by police officers while en route from a crime scene because they

could rarely prove the goods in his possession were stolen. However, if the items were marked with identifying numbers, he could be linked easily to the crime.

The use of driver's license numbers preceded by the letters ODL (Oregon driver's license) rather than social security numbers for identification of personal property is stressed. Driver's license numbers can be traced quickly through the motor vehicles division. This procedure permits police officers to establish readily ownership of property in question and sometimes get back to a crime scene before the victim is aware of a burglary in his residence.

Since the warning decal/property identification program has proven to be successful as a crime deterrent, the sheriff's office plans to conduct a survey of other police agencies concerning the feasibility of developing a uniform decal for distribution throughout Oregon, Washington, and Idaho.

Similar burglary and theft deterrent programs coming to the Bulletin's attention indicate widespread interest in them throughout the country.



# NATIONAL ACADEMY OFFICERS GRADUATE

**I**n ceremonies held at Quantico, Va., 250 members of the 95th Session of the FBI National Academy graduated on December 6, 1973.

The graduates represented all 50 States, the U.S. Virgin Islands, Puerto Rico, and the District of Columbia, as well as 11 foreign countries. With the graduation of this session, a total of 7,675 officers have now received diplomas from the Academy since its beginning in 1935.

The ceremonies were called to order by Assistant to the Director—Deputy Associate Director of the FBI Thomas J. Jenkins. Mr. Jenkins introduced Comdr. Gene D. Landry, Chaplain Corps, U.S. Navy, who delivered the invocation.

Speaking on behalf of his fellow members of the 95th Session, the class spokesman, Capt. William J.

Franklin, Anaheim, Calif., Police Department, emphasized that the theme of the parting moments as classmates should be the professionalization of the police service. He stated, "We are all here because we want to be better practitioners, better policemen, better managers, and more professional in our outlook and actions. It is important that the police service insist that our standards not be lowered but, in fact, we should demand and make certain that the standards of law enforcement be increased. We must consider strict screening of all applicants, perhaps longer periods of probation for the recruit, better tools for the firstline supervisor, and an education standard for every member of our profession who manages men and women. We must be ever alert to new opportunities to improve our service. The problems

keeping us from professional status are all solvable if we do nothing more than insist that all law enforcement officers follow and abide by the motto of this Academy—Knowledge, Courage, Integrity."

Captain Franklin thanked the administrators and other fellow officers whose support made it possible for him and his colleagues to attend the National Academy. He expressed to Director Kelley "our deep appreciation for the efforts of every person in the FBI who worked so hard and long to make the past 12 weeks ones we will always remember."

Following Captain Franklin's remarks, Mr. Jenkins introduced the Honorable Clarence M. Kelley, Director of the Federal Bureau of Investigation, who offered his personal congratulations and greetings to the class.

Mr. Kelley, who noted the academic record and high educational level of the class, commented, "Some of you already command large and progressive law enforcement agencies and all of you, I am sure, in that category are looking forward to greater administrative responsibilities and challenges. Your authority, as well as your sphere of influence in our profession, will be growing and we feel confident that your work and your training here will enhance that growth. You join . . . an impressive majority of . . . [graduates] occupying important command posts. One out of five graduates, for example, still remains active in the National Academy and as the head of their departments. These include 725 chiefs, 137 sheriffs, 8 heads of State police, and 65 chief executives of other agencies."

Members of the platform party are shown following the graduation. From left to right are: Comdr. Gene D. Landry, Chaplain Corps, U.S. Navy; Assistant to the Director—Deputy Associate Director of the FBI Thomas J. Jenkins; Sheriff I. Byrd Parnell, Sumter County, Sumter, S.C., president of the National Sheriffs' Association, who was the principal speaker; Mr. Francis B. Looney, deputy commissioner of criminal justice, New York, N.Y., Police Department, president of the International Association of Chiefs of Police; FBI Director Clarence M. Kelley; Capt. William J. Franklin, Anaheim, Calif., Police Department, class spokesman; Inspector James V. Cotter of the FBI Training Division; and Inspector Edward L. Campbell, Jr., of the FBI Training Division.





The FBI Director also stated, "advancement in your profession is only the beginning of the dividends coming from the enlightened expertise that you get from this training. The ultimate benefit also will be given to the people of the community you serve. In a sense, you and your National Academy predecessors are emissaries—emissaries of police professionalism equipped as you are to spread the gospel of good law enforcement and all that those words imply. . . . There are now National Academy Associates in every State in our Nation and in 50 foreign countries. Each year their numbers and their influence grow. This is truly an association to make law enforcement objectives more meaningful. We are concerned with the sick hatred that spawns attacks upon officers, and we must take measures at times to defend ourselves. I hope that as you return you will be better equipped to deal with such serious threats to law enforcement personnel. Of course, no matter how great the danger, the professional lawman must always use his authority judiciously. We are charged first and foremost with enforcing the law and we cannot abdicate that authority."

Mr. Kelley concluded his remarks with warmest and heartiest congratulations to the class.

Following his remarks, Mr. Kelley introduced the guest speaker, Sheriff I. Byrd Parnell, Sumter County, Sumter, S.C., and president of the National Sheriffs' Association.

Mr. Parnell began his remarks by commenting on the tremendous change in police officer training since his graduation from the National Academy almost 20 years ago. By contrast with those days, there is evidence everywhere, he said, of strong efforts for adequate training.

He stated, "In addition to the training programs already underway, many new ones are at this very moment being developed and intro-

duced. The officer of today can be certain that he is one of a newly emerging breed of professionals. He is a highly trained product of basic and specialized law enforcement courses. His is a profession which often requires unofficial part-time duty in such fields as law, medicine, psychology, and social work, as well as full-time duty in the primary business of fighting crime.

"It was not until 1959 that the first State law enforcement training commissions were formally established, and then only in New York and California. The real spurt has come since 1965. In fact, of the 42 State training commissions in existence, 85 percent of them have been created since 1965.

"Across the Nation there has been a growing recognition of the need for uniform quality training programs. This Academy and its graduates have been at the forefront in developing and implementing programs and policy in most of the States and municipalities. . . . What caused the sudden concern for training? Why has this great need only recently been recognized, and programs been implemented to meet it?"

Mr. Parnell continued, "The answers are basically economic and political. As we all know, the economic problems were lessened somewhat with the passage of the Law Enforcement Assistance Administration Act of 1965 and the Omnibus Crime Control and Safe Streets Act of 1968. Both of these acts injected tremendous amounts of money into the planning and implementation of law enforcement training on a State level, in addition to calling the attention of State legislators to the critical nature of law enforcement training.

"Political forces at work in the sixties also fostered the trend toward law enforcement training. The sixties was a decade of change—change generated by civil unrest, mass disturb-


ances, breaches of the peace, and public disorder in our cities.

"With this combination of factors, public pressure for adequate police training mounted; it became an idea whose time has come. While we welcome this trend toward better prepared lawmen, we also must survey the damage to law enforcement that has been done by lack of training. The most serious effect has been the weakness of the police voice in the criminal justice system. Without training and professional awareness, the police officer has been incapable of speaking out on those areas of law which vitally affect the law enforcement function. Policemen have not been able to articulate adequately or in sufficient numbers to the public, to the legislatures, and to the courts just how a given law or decision adversely affects police effectiveness.

"It is the duty of each officer—a duty to the policeman himself and to the public he serves—to begin now to speak out clearly and intelligently, and to speak out loudly—now. . . . Indications are many that a climate for fair but firm law enforcement, as opposed to repression, is relentlessly building among decent Americans. The time is now; citizens are receptive to police needs and concerns."

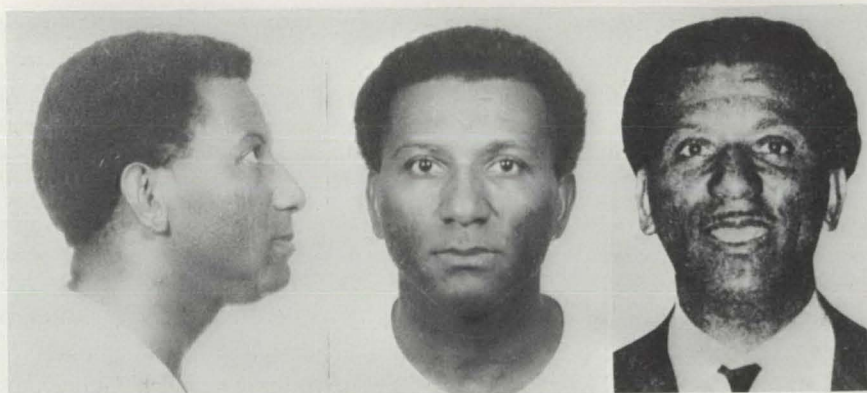
Following Mr. Parnell's remarks, Mr. Kelley introduced Mr. Francis B. Looney, deputy commissioner of criminal justice of the New York, N.Y., Police Department and president of the International Association of Chiefs of Police, who, along with Mr. Kelley, presented diplomas to the members of the graduating class.

Mr. Jenkins then paid tribute to the U.S. Marine Corps Band which has contributed greatly to National Academy graduations over the years.

The graduation program was concluded with Chaplain Landry delivering the benediction and with the playing of the National Anthem. 



# WANTED BY THE FBI



HERMAN BENJAMIN FERGUSON

## Interstate Flight—Conspiracy to Commit Murder

Herman Benjamin Ferguson is being sought by the FBI for unlawful interstate flight to avoid confinement after conviction for conspiracy to commit murder. He was arrested by New York City police on June 21, 1967, along with 13 other persons, on charges of advocating criminal anarchy and conspiracy. He was also charged with conspiracy to commit arson, possession of weapons and dangerous instruments and appliances, and conspiracy to commit murder in the first degree.

## The Crime

On June 15, 1968, Ferguson was found guilty by a Queens County Supreme Court Jury, Queens, N.Y., of conspiracy to commit murder in the first degree and was subsequently sentenced to an indeterminate term of 3½ to 7 years. He was released on October 21, 1968, on a writ of habeas corpus and posted \$10,000 bail.

After the New York Supreme Court rejected his appeal, Ferguson failed to surrender to the New York Queens

County District Attorney on July 9, 1970, and bail was revoked.

A Federal warrant for his arrest was issued on September 9, 1970, at New York City.

## Description

Age----- 53, born December 31, 1920, Fayetteville, N.C.  
Height----- 5 feet 11 inches to 6 feet.  
Weight----- 160 to 170 pounds.  
Build----- Medium.  
Hair----- Black, graying.  
Eyes----- Brown.  
Complexion----- Medium.  
Race----- Negro.  
Nationality----- American.



Left index fingerprint.

Scars and marks--- Scar center forehead, scar back of left wrist.  
Occupations----- Assistant school principal, teacher.  
FBI No----- 957,582 F.  
Fingerprint classification----- 16 M 9 U OIO 15  
M 3 W OIO

## Caution

Ferguson, who has been employed as an assistant school principal and a teacher, may be accompanied by Arthur Harris, also an FBI fugitive. Ferguson reportedly has possessed firearms, and both he and Harris should be considered dangerous.

## Notify the FBI

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



## FOR CHANGE OF ADDRESS ONLY

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## FUGITIVE ALERT PROGRAM

The Federal Bureau of Investigation, along with other law enforcement agencies throughout the country, has become increasingly concerned with unprovoked attacks on police officers. As a means of highlighting this type of criminal activity, the FBI has inaugurated a Fugitive Alert Program concerning FBI fugitives charged in crimes relating to killing or attempting to kill law enforcement officers, or because their backgrounds indicate a potential for committing an attack on a law enforcement officer.

Circulars are prepared regarding wanted felons fitting these criteria. They contain the fugitive's photograph, right and left thumbprints, descriptive data, offense for which he is sought, and a statement outlining his potential as a police attacker or actual charge of attacking a police officer.

These circulars are numbered in sequence as printed and are identified in NCIC by the words "Fug Alert" and the number of the particular circular in the "Miscellaneous" field of the individual's NCIC entry.

The Fugitive Alert circulars are distributed to interested law enforcement agencies and may be obtained at FBI field offices.



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

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## INTERESTING PATTERN

The interesting aspect of the pattern at left is the relative position of the loops. It is classified as a double loop-type whorl with an outer tracing.