



# FBI

## LAW ENFORCEMENT BULLETIN

To reaffirm the traditional role of the law enforcement officer as a protector and friend of the citizens he serves, to encourage respect for law and order, and to encourage upgrading the quality and training of law enforcement officers at the local level.



6c

LAW AND ORDER ★

UNITED STATES POSTAGE

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

MAY 1968

VOL. 37, NO. 5



THE COVER—*The Law and Order* commemorative postage stamp. See page 22.

# FBI

LAW ENFORCEMENT BULLETIN

## CONTENTS

<i>Message From Director J. Edgar Hoover . . . . .</i>	<i>1</i>
<i>The Police and the Community: A Lawyer's View, by Hon. Earl F. Morris, President, American Bar Association, Chicago, Ill. . . . .</i>	<i>3</i>
<i>FBI Training Programs . . . . .</i>	<i>6</i>
<i>Focus: Center Power, by Luther P. Gerlach, Ph. D., Associate Professor of Anthropology, University of Minnesota, Minneapolis, Minn. . . . .</i>	<i>12</i>
<i>Police Training Center, by William D. Rayfield, Chief of Police, Jackson, Miss. . . . .</i>	<i>14</i>
<i>Search of Premises by Consent (Part IV) . . . . .</i>	<i>17</i>
<i>Investigators' Aids . . . . .</i>	<i>24</i>
<i>Nationwide Crimescope . . . . .</i>	<i>27</i>
<i>Wanted by the FBI . . . . .</i>	<i>28</i>

Published by the  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
Washington, D.C. 20535



# MESSAGE FROM THE DIRECTOR

WHEN RIOTS OCCUR and there is a breakdown of law and order, emotions and prejudices often overwhelm judgment and sound reasoning. We have seen this occur in the recent past in many of our major cities. In such instances, most people agree the restoration of law and order is, and should be, the paramount issue. Disagreement sometimes arises over how this can best be achieved and by whom.

In any circumstance where passions are aroused and prompt decisions are necessary, it helps materially if the lines of responsibility are clearly drawn and understood. This is particularly true in riots, racial turmoil, and disturbances where arson, murder, looting, and wanton destruction occur.

Apparently, the role of the FBI in civil disorders is not fully known to all citizens, and therefore it is frequently misunderstood. Some highly vocal groups insist that the FBI is obligated to step in and usurp the power of local law enforcement and "police" the areas where, in their opinion, a breakdown of law and order has occurred. The FBI has no lawful authority or jurisdiction to take this action and certainly does not seek such national police power. In those instances when we refuse to exceed our authority, some extremists in these groups have accused

the FBI of racism. Many times it is determined that these bigots are the same agitators and exploiters who provoked the disorder in the first place. On the other hand, some individuals insist that the FBI in performing its duties exceeds its authority and encroaches on the authority belonging to State and local enforcement agencies. In both instances, emotions and expediency override rationality.

The FBI's responsibilities are clearly defined and limited by Federal statutes and Presidential directives. This Bureau has no jurisdiction to protect persons or property or to police and control riotous conditions. These are obligations of local and State police agencies. Basically, the FBI's role in civil disorders is the development and dissemination of intelligence information, at the same time being alert to any specific violations of Federal laws over which it has investigative jurisdiction. In the field of civil rights, this Bureau functions solely as a fact-gathering and fact-reporting agency. The information and evidence gathered are furnished to the Attorney General for prosecutive consideration. For years the FBI has offered to local law enforcement agencies every possible cooperative service in the fields of civil disorders and civil rights. During the 1950's, for example, the FBI conducted almost 600 civil rights police schools, and since



## MESSAGE FROM THE DIRECTOR

---

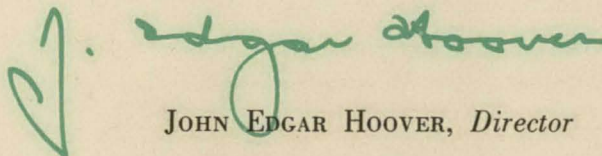
the early 1960's, this Bureau has instructed almost 80,000 law enforcement officers in the various functional aspects of mob and riot control.

If the FBI has been consistent in any one commitment over the years, it is in its awareness of the exacting limitations within which it must operate. We have meticulously avoided infringement on responsibilities belonging to local and State authorities. By the same token, we have always met our obligations regardless of criticisms and attacks from special interest groups, whoever they are.

Diversionary tactics by lawbreakers are as old as crime itself. Those bent on civil disobedience, riotous rebellion, and racial strife make good

use of the technique. Time after time, with wild, unfounded charges, they have, in the minds of some people, successfully made law enforcement and established authority the scapegoats while diverting the critical public eye from their unlawful conduct. We can expect these groups and individuals to continue these disruptive practices. During the coming months, if riots occur, unwarranted criticisms will again be directed against the FBI and other enforcement agencies by those who are eager to mislead the public and to negate effective police cooperation by misrepresenting the facts. The public should remember that persons who defy the law frequently find it expedient to disparage agencies charged with enforcing it.

MAY 1, 1968

J. Edgar Hoover

JOHN EDGAR HOOVER, *Director*



# The Police and the Community:

## A Lawyer's View

*"Police and lawyers . . . must be more honest and more ethical than society in general."*



HON. EARL F. MORRIS\*  
President,  
American Bar Association,  
Chicago, Ill.

If it is abundantly clear that crime in all forms is the most pressing domestic problem facing our Nation today—and I doubt that any knowledgeable person would argue that point—it follows that the police are a central factor in the constant struggle to prevent and control crime. Crime has been with society since the beginning of time, since Cain slew Abel, since the first caveman stole his neighbor's stone axe; and society has always questioned itself about its roots and its causes, its meaning and its consequences.

Today, as America approaches the 21st century, we are confronted with a virtually unprecedented spread of crime. Our Nation, which has grown from a small band of colonists to the strongest country in the history of the world, which has thrived through crises both domestic and foreign, is baffled by a rise in lawlessness that seems to pervade every level of our national life.

\*I wish to acknowledge the assistance of Alan E. [Name obscured], Assistant to the Director of Executive Services of the American Bar Association, in the preparation of this article.

In discussing the underlying causes of crime, the FBI has said:

Crime is a social problem. Some of the conditions that will affect the amount and type of crime that occurs are density of population . . . composition of the population with respect to age, sex, and race . . . economic status and mores . . . effective strength of the police force . . . policies of prosecuting officials and courts . . . and the attitude of the public toward law enforcement problems.<sup>1</sup>

Our criminal justice process can be generally divided into four segments—law enforcement agencies, lawyers, courts, and correctional institutions—all of which operate separately and yet together within the system. A very important aspect of the part played by the police in this system is the fact that law enforcement works closer to the scene of serious crimes and has more intimate contact with the public than any of the other segments.

The job of the police has become more complex and difficult than before. The officer is at the center of activity, making necessarily fast judgments. His reactions must be rapid, his reflexes sharp; he must be physically sound.

Although a statement of the fundamental job of the police—to enforce the law and maintain order—may sound exciting because it connotes tracking down and apprehending criminals, the police officer must also concern himself with society's petty problems. Thus, the diversity of the tasks performed in the job adds to its difficulties. While crime prevention and control are vital police functions, much of the officer's work includes investigation of violations of minor ordinances and statutes, intervention in domestic disputes, traffic patrol, and the like.

On any given day, the police officer may be faced with a large number of situations involving a wide range of problems. An observer, who accompanied two police officers during a tour of duty, reported the broad gamut of activity in which they engaged. The calls included breaking up a knife fight between two young men and the resultant argument among their relatives; investigating a noisy party, the wrecking of an apartment by a husband on a drunken rampage, and an attack on a middle-aged woman by her



husband of 27 years; dispersing an unruly crowd of juveniles at a hotdog stand; stopping a car that had run a red light; and several other assorted encounters of varying degrees of seriousness.<sup>2</sup>

It has been said that police deal with people when they are most threatening and when they are most vulnerable, when they are angry and when they are frightened, when they are desperate and when they are violent, when they are drunk and when they are ashamed. Through all of this, through the performance of duty, whether stalking a rapist or retrieving a treed cat, the police officer must exercise the ultimate in tact, restraint, and patience.

### ***Individual Responsibility***

The term "police-community relations" has been used so frequently in recent years that it is almost a cliché to police officers. Yet the establishment of a good working relationship between the police and the public is an essential part of law enforcement. Every policeman must recognize that he is a public servant who has sworn to protect the entire community and every segment of it. The community relations effort is not the responsibility merely of a special unit of the police department, but it is the obligation of every policeman and affects every phase of police work. The necessity for a strong rapport between the police and the citizenry must be understood by every police officer.

In addition to the purely altruistic recognition of a responsibility based on public service, the police have a reason for relating more effectively to the public which is founded simply on self-interest. The attitude of the public toward the police is influenced in large part by the actions of the police in their day-to-day dealings with people; and the spirit of cooperation which the community feels to-

ward the police is in direct relationship to that community's attitude, whether friendly or hostile.

Of course, police-community relations are a two-way street. The police cannot be expected to bear the full responsibility of maintaining that necessary rapport, and I would like to discuss this point in greater detail later in this article. While police may sometimes be abusive of the public, police officers are at times on the receiving end of vicious attacks, both physical and verbal. While the police may incur a certain amount of hostility, this resentment inheres in the nature of police work. While police on occasion may be excessive in their treatment of some types of people, the conditions under which they encounter these people are not laboratory pure and antiseptic.

Another phrase that has become almost trite is "police brutality," which, as generally applied, means unnecessary physical force used on citizens by police officers. The Law Enforcement Code of Ethics, which has been adopted by virtually all police departments and major police associations, says:

I will . . . develop self-restraint; and be constantly mindful of others. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions . . . I will enforce the law courteously . . . never employing unnecessary force or violence . . .<sup>3</sup>

And yet, despite this code and other similar prohibitions, and despite our frequent disregard of charges of brutality because we have heard them so many times, there appears to be some basis to the complaint that abuse, both physical and verbal, is at times inflicted on the public by the police.

Some charges are made that the use of derogatory racial names by police is a fairly common occurrence. Many enforcement agencies have issued directives that prohibited police officers from showing any bias or prejudice against any race, religion, or groups

of individuals and from "taking down" to groups or individuals or engaging in the use of derogatory terms.<sup>4</sup> Yet some few policemen apparently use cruel and degrading language, as evidenced by a clergyman's comment that, "There are numerous complaints about the arrogant manner in which some policemen approach citizens."<sup>5</sup>

The President's Commission on Law Enforcement and Administration of Justice, in its report issued in 1967, said it believed:

. . . that physical abuse is not as serious a problem as it was in the past . . . Although the relatively small number of reported complaints cannot be considered an accurate measure of the total problem, most persons . . . believe that verbal abuse and harassment, not excessive use of force, is the major police-community relations problem today.<sup>6</sup>

We must recognize, of course, that the response of the police is often a reaction to violence perpetrated upon them by citizens. We have seen in recent years a marked increase in attacks on policemen. For example, in New York City during 1965, the number of assaults on policemen rose 25 percent over the previous year; and in Atlanta in 1967 it was estimated that one in every ten city police officers would be injured while making an arrest. Further, during a disturbance on Chicago's West Side, police suffered eight gunshot wounds, 12 bites, 24 injuries from thrown objects, and a number of assorted wounds and injuries.<sup>7</sup>

### ***Closer Rapport Needed***

It is obvious that a closer rapport is needed and must be developed between the police and the public. Many police officials feel that law enforcement agencies should conduct a "public relations campaign," directed at the citizenry, to improve the "public image" of the police. Some suggest the publication of an "interesting readable" annual report that is "well



pared and possesses visual appeal." Others have recommended remedies from changing the color of uniforms to brighter hues to issuance of more publicity handouts about police activities. Without undertaking to appraise the effectiveness of these proposals, I suggest that a far more efficacious basis for better police-community relations is to be found in the way in which the police officer performs his day-to-day activities.

### **Public Image**

For many years the legal profession, through the organized Bar as represented by such groups as the American Bar Association, has concerned itself with its "public image." But lawyers are learning, as are policemen, that all of the money and time and effort that may go into creating this "image" can be completely negated by one lawyer who is convicted of embezzling a client's funds or one lawyer who is convicted of bribing a public official (substitute "one police officer who makes an unprovoked attack on a citizen or one police officer who takes a bribe"). We are learning that in public relations (which means, of course, "relations with the public"), as in every other field of endeavor, there is a difference between shadow and substance. The police, like the legal profession, must be as honest and as ethical as they would like the public to believe they are.

I believe very firmly that police and lawyers must measure up to a common standard: We must be more honest and more ethical than society in general. A national political leader recently wrote, "The overwhelming majority (of police officers) are at least as law-abiding as the rest of us." This, I submit, is not enough. It is not enough for policemen to be "as law-abiding" as other people, as it is not enough for lawyers to be "as ethical" as others. We must surpass the

rest of society in these qualities, because in our hands are entrusted the lives and the property of those whom we serve.

An effective system of discipline is an essential aspect of police activity in order that police officers who commit wrongs can be reprimanded or expelled from the department. A judge once said, "You should not only do justice, you should also appear to do justice." This adage applies to disciplinary procedures. I am certain that police grievance committees have learned, as have analogous committees of the Bar, that the majority of complaints which they receive are groundless. But in a case where an officer has committed a wrong, he should certainly be disciplined, and if a police department acts on a complaint by a citizen and, finding it has merit, disciplines the officer in question, not only the complainant but the public at large should know about it.

The question of punishment of our brothers has plagued lawyers, as I am certain it has bothered policemen, for generations. One of the weaknesses of the legal profession's system of disciplinary procedures is the natural reluctance to "blow the whistle on old Charlie," the unwillingness to "tell tales" on a colleague whom we might have known and worked with for many years. But in order for our systems of discipline to be effectual, both police officers and lawyers must recognize that punishment of malefactors within our midst is necessary and must be imposed without fear or favor.

### **Understanding**

I said earlier in this article that police-community relations are a two-way street. The community must develop an understanding of the police function and of the problems that confront the police. This rapport must come in the form of a free channel of

communication in which each side recognizes the other's faults and sympathizes with the other's problems. The people, and through them their local governments, must recognize that police departments require the finest up-to-date equipment; that they must be adequately manned; that police officers should receive more extensive education, not merely in basic police techniques but in legal issues, social questions, and psychology; and that police salaries must be increased to attract and keep high-quality men in police work.

The initiative for developing this understanding rests in large part with the police. This is because police departments are well organized, structured units and, more important, because they are public servants. Speaking of urban riots, Warren Christopher, Deputy U.S. Attorney General, made a point which is applicable to the entire range of our discussion when he said that both the police and the community "bear a deep and challenging responsibility" for good relations. But in the end, he continued:

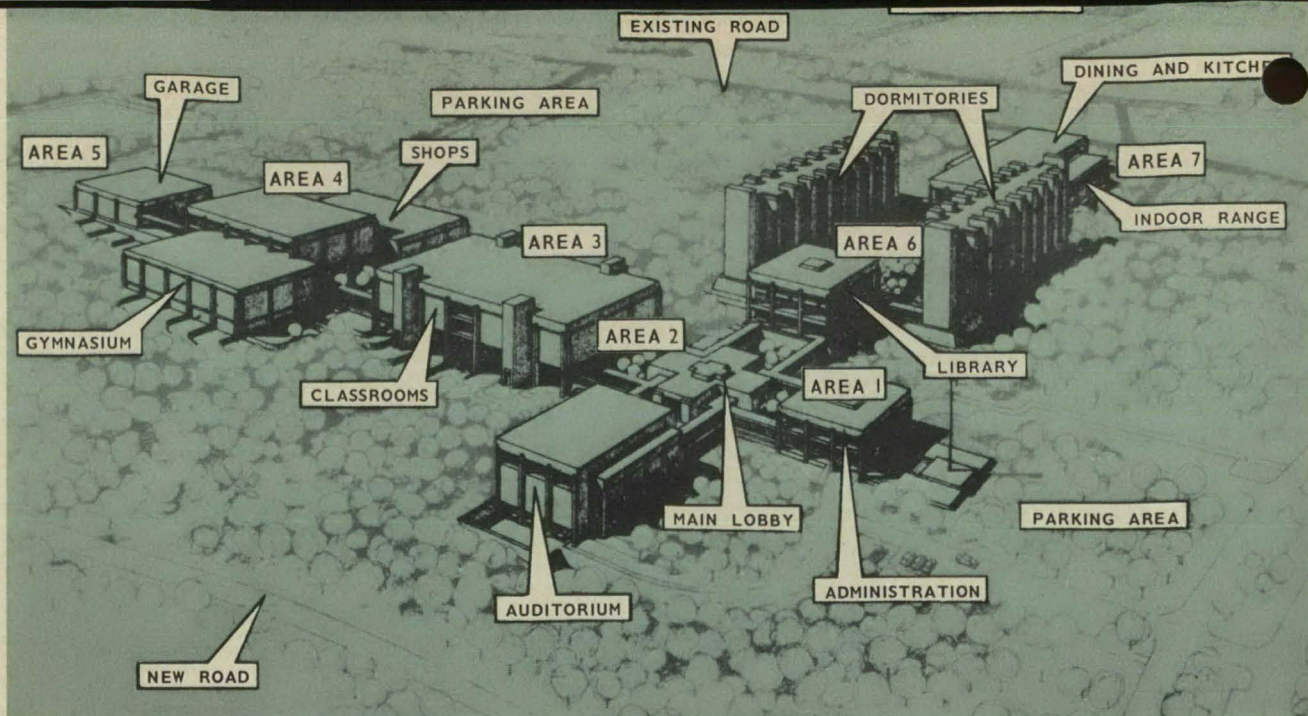
... society will depend heavily on already overworked, woefully underpaid policemen. Whether a routine arrest may become the spark for a conflagration will so often depend on the quality of the man with the badge.<sup>8</sup>

The police must divest themselves of what one of their number has described as their "self-pity syndrome."<sup>9</sup> While some may feel that court decisions, public apathy, moral regression, civil disobedience, disrespect for law and order, and other similar factors are impeding police efficiency, the police cannot, for the sake of public welfare and safety, afford to accept a completely defensive role. Rather, they must assume the offensive and, together with leaders of their communities, seek productive approaches to crime prevention and the enforcement of the law.

At the risk of seeming presumptuous

*(Continued on page 23)*





The new facilities, shown in the artist's conception, will enable the FBI to train 1,200 students a year at the FBI National Academy as well as 1,000 additional police officers at specialized courses.

In the FBI, training is considered a line function. Special Agents in charge of field offices and other officials are held responsible for the training and development of employees under their supervision. The FBI Training Division in Washington, D.C., is responsible for the overall administration and coordination of FBI training. This division directs and staffs formal classroom training programs at FBI Headquarters and furnishes instructors in certain specialized subjects on a nationwide basis.

FBI training activities are divided into two major categories. First is the training of representatives of municipal, county, and State law enforcement agencies through the FBI National Academy and field police training and conference programs. Second is the "in-house" training of the more than 15,000 FBI employees for the dual purposes of instructing new employees as to their responsibilities and enhancing the capabilities and skills of experienced personnel.

In discussing professionalization, authors list various elements or qualifications. While they may differ over such items as codes of ethics, internship, and professional societies, all generally agree on one element. They include in the requirements of a profession "a common body of knowledge" or "systematic body of theory," accompanied by an organized program of formal instruction to prepare the apprentice for admission into the profession and to provide leadership in advancing the standards and maintaining the vitality of the profession.

Shortly after formalizing its own Special Agents' training, the FBI turned its attention to assisting local law enforcement with training programs. This came about in an era of widespread crime and corruption, when a great deal of pressure was being exerted for the formation of a national police agency. FBI Director J. Edgar Hoover, knowing such a move to be incompatible with our constitutional form of government, cham-

pioned, instead, more and better training for local police and stronger cooperation among all levels of law enforcement.

### ***FBI National Academy***

Mr. Hoover's idea began to crystallize when 23 municipal, county, and State law enforcement officers from all parts of the United States met in a Justice Building classroom on July 29, 1935, to begin the first session of what was to become the FBI National Academy. This institution has become known as the "West Point of Law Enforcement."

The first session of the National Academy was, as sessions are today, 12 weeks in length. The training, for the most part, was identical with the instruction given Special Agents at that time.

The original curriculum was designed primarily to include subjects of special interest to local law enforcement officers. The following are some



# FBI TRAINING PROGRAMS

of the topics covered in the first National Academy course conducted over 32 years ago: police records and reports, arson investigations, cooperation with public health and sanitation agencies, highway patrols, licensing and inspections, patrol work in cities, police cooperation and procedure, psychology, safety education, show-ups, traffic, traffic accident investigation, investigations of local and State law violations, foreign police organizations, police organization and administration, and functions of the police executive.

As in current sessions, the beginning course devoted an entire week to firearms training. This training was given on the FBI indoor range in the Justice Building and on the U.S. Marine Corps outdoor range at Quantico, Va. It was markedly inferior to the extensive firearms training received by National Academy students today at the FBI's modern firearms facilities at Quantico.

From the outset the FBI's policy has been to tailor its police training courses to the needs and desires of the agency requesting the training. The curriculum for the first session of the National Academy was prepared by the FBI in cooperation with a committee of police chiefs. The FBI Na-

tional Academy's curriculum continually changes to comply with the needs of local and State law enforcement.

Currently, great emphasis is being placed on such subjects as police management, psychology and sociology as they relate to law enforcement, legal matters, police training methods, and case supervision. The National Academy student is also schooled in the application of science in the modern crime laboratory.

Physical fitness is a vital part of the training, and police officers participate in an intensive physical training program throughout the 12-week course. The physical education staff also teaches methods of self-defense and disarming techniques, which enable the student to train fellow officers on his return to his department.

Current facilities do not permit making this 12-week course at Washington, D.C., available to all law enforcement officers. To provide the widest subsequent dissemination of information received at the National Academy, the FBI strives to prepare all graduates to be law enforcement instructors or administrators. With these qualifications the graduate returns to his agency ready and able to pass on to his fellow officers his newly

acquired knowledge. It is imperative to the continued success of the profession that each law enforcement agency select and send to the Academy men with the greatest potential for development.

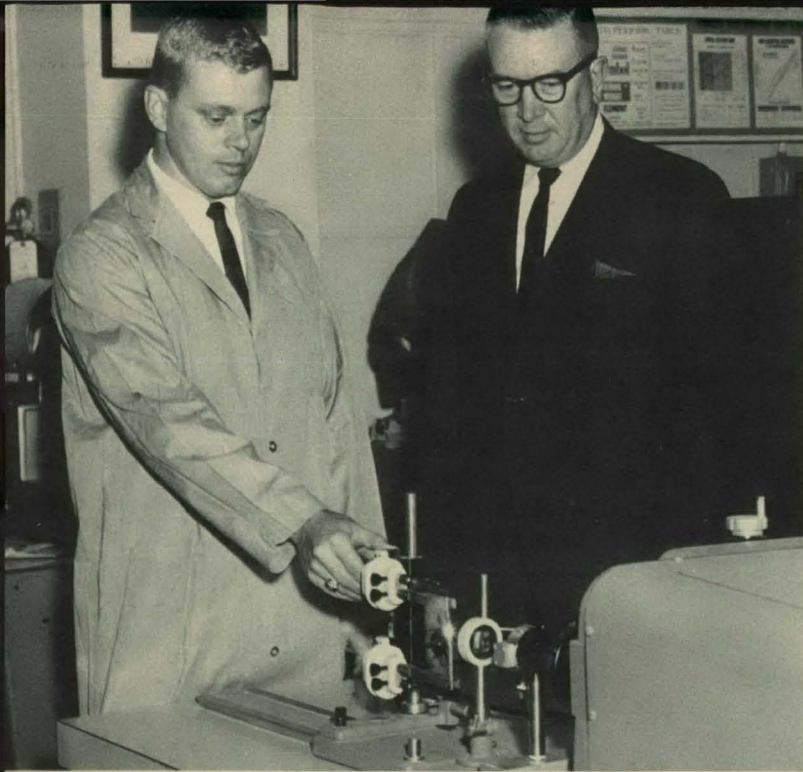
The applicant should be a career law enforcement officer. He must have at least 5 continuous years of law enforcement experience and be nominated by the head of his department or by a higher official. He must be at least 25 years of age and not have reached his 51st birthday. The candidate must also be in excellent physical condition and possess, at the minimum, a high school diploma or an equivalency certificate. Furthermore, the character, reputation, integrity, and standing in the community of each student accepted to attend the National Academy must be above reproach. All candidates are considered and invited without regard to race, creed, color, or national origin.

As with other police training provided by the FBI, there is no charge



Public speaking is a subject studied at the National Academy, and officers are given the opportunity to practice their skills by addressing their fellow classmates.





A Laboratory examiner demonstrates the spectrograph for a National Academy member.

for attendance at the National Academy. Classroom supplies are furnished, and such necessary items as typewriters, briefcases, and revolvers are loaned to the student. At the present time, the officer and/or his department must be prepared to pay his personal expenses of room and board and his transportation to and from Washington, D.C.

The faculty of the National Academy is composed of FBI personnel who engage in continual analysis and study to insure the highest possible academic and professional standards. The faculty also includes visiting lecturers who are recognized experts in their fields. In addition to police executives, the visiting faculty includes representatives of other Federal law enforcement agencies, members of the judiciary, college and university professors, members of the military, and experts in the fields of sociology, psychology, and psychiatry.

As mentioned previously, one of the primary reasons for establishing

the National Academy was to blunt the drive for a national police force. This has been accomplished through training the local police officer to become more self-sufficient in serving the needs of his community and through encouraging cooperation among all levels of law enforcement. Frequent reports of increasing efficiency and cooperation on the part of Academy graduates indicate that these goals are being achieved.

### *Academy Associates*

On October 9, 1935, 10 days prior to their graduation, the 23 members of the first National Academy class organized an alumni association. One of the first official acts was to elect Director Hoover an honorary member. Today State or regional chapters of the FBI National Academy Associates exist throughout the United States. Officers who successfully complete the 12-week National Academy course automatically are admitted to

membership in the alumni association. This organization not only serves to keep its members informed of the functions and accomplishments of the Academy and its graduates but also provides annual retraining sessions in various sections of the country. During these sessions outstanding authorities in various fields present instruction on current matters vital to the law enforcement profession.

### *Yesterday and Today*

In addressing the opening of the second session of the National Academy on January 6, 1936, Director Hoover stated, in part, "Last July we initiated a project which I am hoping will be one project that will be permanent in law enforcement for many years to come. We established then the first police training school that has ever been established in this country upon a national basis. We had some misgivings about it because it was in a pioneer field and we had no precedents to follow . . . . Through a magnificent spirit of cooperation on the part of the officers, it developed into one of the most successful projects that had been initiated, and after 3 months of intensive training and cooperation between the officers attending the school and the faculty directing it, we concluded what I think was really a beneficial and successful contribution to law enforcement."

November 1, 1967, saw the graduation of the 80th session of the FBI National Academy. This class of 99 law enforcement officers brought the total number of graduates to date to 5,235. Twenty-seven percent of the National Academy graduates who are actively engaged in law enforcement are the executive heads of their particular agencies.

Numbered among the graduates are 146 officers representing 37 different foreign countries. Since 1962, to im-



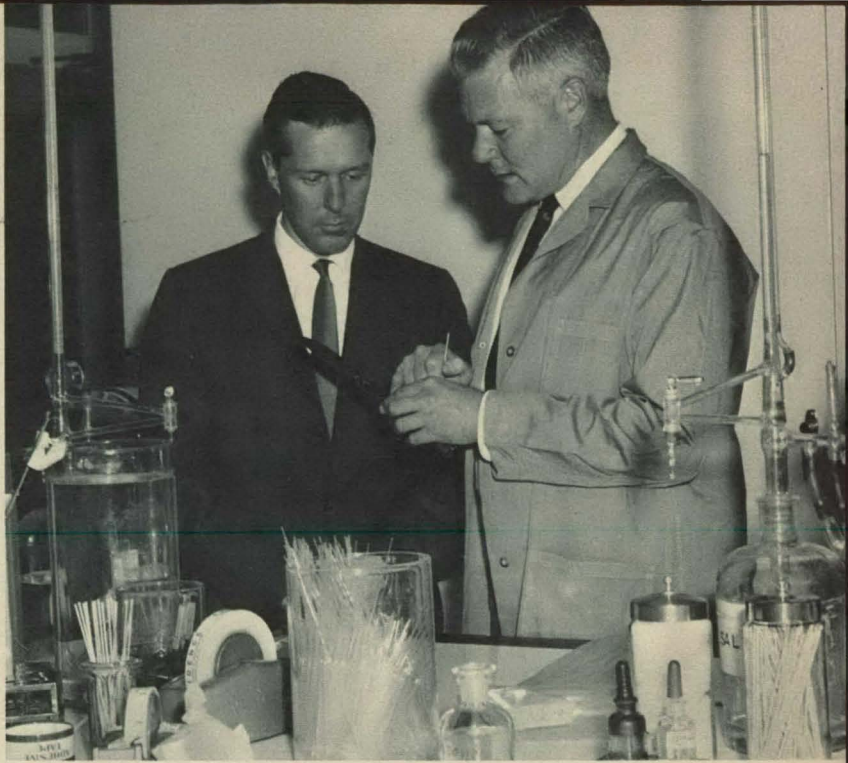
ement the President's overall program of assisting newly emerging and developing countries, a limited number of foreign officers have been included in each session.

Upon his return home, one of the recently graduated foreign students wrote a long letter of appreciation to Director Hoover. He stated in part: "A particular word of praise is appropriate for the training staff at Washington, D.C., and at Quantico. (They) did all that could humanly be expected to justify the training program and present an entirely new concept in law enforcement training." He continued: "I am convinced that the FBI occupies a premier position in law enforcement throughout the world and I feel proud to have been even remotely associated with your organization as a student . . . of the FBI National Academy. This was an outstanding feature of my fellowship program and a unique highlight of my law enforcement career."

### ***National Academy—Tomorrow***

President Johnson, in March 1965, appealed to Congress to provide means for the Federal Government to assist local and State law enforcement in the training and technical fields. As a direct result of the President's request, Congress appropriated approximately \$15 million for expansion of the FBI training facilities at Quantico. The U.S. Marine Corps made available approximately 80 acres of land, in addition to that now occupied by the FBI's firearms ranges at Quantico.

When the new training center is completed, the number of law enforcement officers attending the FBI National Academy each year will increase from 200 to at least 1,200. These new facilities also will permit shorter specialized courses of training for as many as 1,000 other police officers each year. Now pending in the



A National Academy student observes an examination by a serologist in the FBI Laboratory.

U.S. Congress is a bill (S. 917) which, if passed, will provide funds to enable the FBI to train 2,000 students a year at the FBI National Academy and pay for the travel and subsistence expenses of these men as well as the 1,000 officers attending specialized courses. Plans for this ultramodern training complex are near completion; full occupancy is contemplated sometime in 1970.

### ***Field Training Program***

For over 30 years the FBI, as a cooperative function, has extended, upon request, training assistance to municipal, county, and State law enforcement agencies. There is no charge for these services, which include aid in devising curricula, organizing and implementing training programs, providing instructors, and furnishing audiovisual aids. In addition, the FBI participates in many police training courses at colleges and universities and has accepted member-

ship on numerous law enforcement advisory councils formulated for the purpose of assisting institutions of higher learning in the establishment of police science programs. Requests for FBI assistance continue to increase as law enforcement becomes more deeply aware of the necessity of well-trained, knowledgeable personnel.

Highly trained and experienced FBI instructors provided training assistance for 177,730 municipal, county, and State law enforcement officers in a record 6,045 schools held throughout the Nation during the 1967 fiscal year. More than 1,200 Special Agents are trained as instructors in the basics of policing and investigative work as well as in specialized fields, such as firearms and defensive tactics, fingerprints, scientific aids, National Crime Information Center, maintenance and use of records, law enforcement photography, prevention and control of mobs and riots, sex crimes investigations, search and seizure, due process in criminal interro-



gation, probable cause for arrest, and police management.

Several categories of law enforcement training schools given by the FBI are: Basic or recruit, inservice (for more experienced personnel who have completed basic training), supervisory and/or command, and specialized. The basic or recruit school invariably is of longer duration than other types and may involve several hundred hours of instruction. Inservice, supervisory-command, and specialized schools vary in length from several hours to as long as several weeks.

The FBI assistance is geared to the training needs and desires of the requesting law enforcement agency. Characteristics of the program obviously appreciated by local law enforcement are the presentation of requested training programs in the immediate locale of the attending officers and the adjustment of training hours,

when necessary, to the work schedules of participating police personnel.

Included in basic school curricula are such topics as: law enforcement as a profession, civil rights, Constitution of the United States and the law enforcement officer, State court structure, evidence, search and seizure, criminal interrogation, testifying in court, patrol techniques, interviewing, note taking, report writing, crime scene search, collection and preservation of evidence, public relations, ethics, courtesy, first aid, firearms, defensive tactics, techniques and mechanics of arrest, and other subjects based on local needs.

The inservice training program for more experienced personnel who have satisfactorily completed basic training is designed primarily to bring the officer up to date on recent developments affecting his profession. It includes discussions of changes in various laws he must enforce and in

police procedures under which he must operate. Such programs usually include refresher courses in basic procedures and techniques and a deeper study and discussion of departmental policies, procedures, and policing functions.

The specialized training program evolves to fill specific and sometimes urgent needs. Specialized training is given in such fields as mob and riot control, fingerprint identification, felony investigation, major case investigations, law enforcement photography, sex crimes investigations, firearms and defensive tactics, legal developments affecting law enforcement, and police management.

### ***Firearms and Physical Training***

The so-called Federal crime bills of the 1930's, among other things, granted FBI Agents authority to carry firearms. In December 1940 the first FBI outdoor range was opened. It was a combined pistol and rifle range with 12 firing points. Today the FBI range at Quantico, Va., requires the services of two gunsmiths and includes a gun training room located in the FBI Academy; four skeet fields; a surprise course (Hogan's Alley); an electric range with a dueling course, running man targets, and multiple blading targets; three practical pistol course ranges; and a 200-yard rifle range with 24 firing points, a moving target, and covered firing shed.

During the training period, a new FBI Agent receives about 80 hours' instruction in firearms and 47 hours in defensive tactics and physical fitness. After the Agent is assigned to a field office, he receives training at regularly scheduled sessions on firearms and defensive tactics. The firearms training emphasizes both proficiency and the safety features of handling firearms.

The FBI affords assistance in firearms and defensive tactics training



The proper way to fire a shotgun is one part of the firearms training afforded members of the National Academy.



local police agencies throughout the country. Each FBI field office has a number of specially trained firearms and defensive tactics experts who train FBI personnel on a continuing basis. These instructors are also available to any police department requesting assistance in planning and conducting firearms and defensive tactics programs.

The staff at the FBI Academy in Quantico conducts research in the field of firearms to keep abreast of new developments in equipment and techniques. Liaison is maintained with the major suppliers of firearms and related equipment and also with the military. Weapons are tested for their application to law enforcement. The information from this research is made available to FBI Agents and local police through training sessions.

### **Mob and Riot Control**

During some 2,100 practical training sessions since October 1964, the FBI has instructed almost 80,000 law enforcement officers in the various functional aspects of mob and riot control. In addition, a lecture on "Administrative Responsibility for Mob and Riot Control" is being offered to police administrators in connection with command level police management schools.

During calendar year 1967, more than 32,000 copies of the second edition of the FBI training booklet, "Prevention and Control of Mobs and Riots," were distributed to law enforcement officials. In September 1967, 5,000 copies of a booklet entitled "Technique and Use of the Police Baton" were made available to law enforcement personnel throughout the country. In October 1967 Director Hoover extended invitations to representatives of the major police departments throughout the United States to attend a mob and riot control demonstration at Fort Belvoir, Va., under the direction of the Pro-

vost Marshal General of the U.S. Army. Students of the FBI National Academy class then in session also attended this demonstration. Over 600 law enforcement officials representing approximately 300 different departments were in attendance.

### **Law Enforcement Conferences**

Conferences for the benefit of local law enforcement are held annually throughout the country as an additional facet of the FBI's extensive training services. The FBI schedules these conferences to bring together large segments of the police profession for a mutual exchange of ideas. The specialized law enforcement conferences are designed to deal with new developments and current problems emanating from the broad changes in the structure of our society.

The 1967 conferences, held during September, October, and November, were highlighted by discussions on probable cause for arrest as well as legal complications involved in the search of vehicles. In addition, the FBI National Crime Information Center, which was placed in operation in January 1967, was discussed in detail. This center is a computerized national index of data on crime and criminals which, by high-speed, random-access search techniques, provides, within seconds, information to a police officer on his beat. Since it began operation, the center has proved to be tremendously successful. It is designed to provide information concerning stolen automobiles, wanted felons, identifiable stolen property, and other items of interest to law enforcement.

These conferences, which have been sponsored by the FBI for over 14 years, have been effective in raising the standards of law enforcement at all levels. Last year a total of 275 such conferences were held, with 21,695 individuals representing 6,780 law en-



The lifting of latent fingerprints is a valuable technique of police investigative work. Here, an officer attending the National Academy closely observes a latent fingerprint examiner of the FBI Identification Division.

forcement agencies in attendance. These conferences not only allow a free exchange of ideas but also afford an opportunity to openly discuss various problems and to work out means of closer cooperation.

### **Legal Training**

The Legal Research Unit of the Training Division was established to insure that the FBI's investigative operations continue to conform to legal standards. This unit answers questions on the law raised by FBI personnel. In order for Special Agents of the FBI to operate within the framework of the law and the Constitution, it is absolutely essential that they be furnished the latest court decisions and their impact on FBI operations. For the same reason new statutes and proposed legislation are analyzed. Emphasis is placed principally on the criminal law, but research is conducted on any other legal areas in which law enforcement has an interest.

Legal instruction is furnished by

*(Continued on page 24)*



# FOCUS: Center Power



**LUTHER P. GERLACH, Ph. D.**  
Associate Professor of  
Anthropology,  
University of Minnesota,  
Minneapolis, Minn.



"Which side are you on, mister? Which side are you on?"

This is the question chanted by black power militants and their supporters as they proclaim the United States of America is divided into two hostile camps—those who are for them and those who are against them.

In response, there are many white people and some Negroes who stand militantly against the expanding forces of black power and who seek to win as many as possible over to their own way of thinking and acting.

As a law enforcement officer, where do you stand in this polarizing struggle—this campaign to turn people into deadly foes who should indeed all be brother Americans? Which side are you on?

What? You have not yet made up your mind? It is not as simple as merely taking sides, you say? Well,

welcome to the crowd. Most Americans are of this mind. Like them, you know that Negroes have been treated shamefully, that they have been denied the justice, honor, and equality that should be their birthrights as Americans. You know that there is a truth in the black power statement that blacks, like all Americans, must strive, struggle, and sacrifice to secure their rightful place.

If you are white, you wonder how you would act if you were black and perhaps you think that you, too, would be terribly angry about the past and be determined to improve the present and make the future bright for your children.

On the other hand, you know that violence begets violence and that all Americans will suffer if extremists do lead us to the threatened urban riot and civil war.



You must be against extremism and for the maintenance of the law and order without which America cannot stand. You know that all too slowly, perhaps, but most surely, America is moving toward true liberty and justice for black as well as white, and that your duty as a law enforcement officer is to maintain the conditions under which this can come to pass. So, you cannot—as yet—take sides.

Probably you are like the fine police officers in some cities who have done so well in keeping the peace during demonstrations. You might well be the “soul brother” of a policeman slowly driving his motorcycle down the center of the road to keep separate a column of militant black power advocates and the angry whites who lined the streets to oppose them. We ask him where he stands in this matter, and he says, “I take no sides; you see where I am, going right down the middle, and that is where I am staying.” He can be black or white, and you are like him and his fellow officers who echo his sentiments. They keep the peace. They permit blacks and whites to demonstrate against each other at a point just barely below that of explosion. They keep their cool in spite of the infuriating and sometimes vicious taunts and challenges which the demonstrators hurl at them.

### ***Police in the Middle***

The main target of each group of demonstrators is the opposing group, but the police are in the middle and catch it from both sides. Like a lightning arrestor, they attract and ground the crackling energies from the militants, thus protecting the city and its people. Some of the demonstrators want the police to lash out in fury against them and to come under the glare of worldwide publicity just waiting for another example of “police brutality.” Some of the whites want the police to join them in a

crack-down against the demonstrators. Many in both groups practice a very dangerous brinkmanship, agitating to the very edge of violence in order to keep up the tension and excitement so necessary to maintain militancy. Yet, others simply give way to uncontrolled hate and are spoiling for a fight.

Because the police remain the buffer force, because they do stand in the middle rather than take sides, they maintain the precarious balance between controlled and uncontrolled violence.

Of course, not all demonstrations are as well structured as that in this example. Some escalate with great rapidity into a chaos of shooting and burning with looting. Here again, the policeman is in the middle. Now it is not so much that two sides pull on him to choose between them, but rather that all sides tell him that he is wrong. Paradoxically, this can push him to join one of the extremist groups.

The black power militants cry police brutality if the policeman uses any type of force, and a segment of the white community echoes this claim. At the same time, no matter what degree of force is used, white backlash militants and many other nonmilitants, who are simply worried and confused, exclaim that the police are not tough enough. Many people take both positions in rapid succession. One moment they criticize the police for being too soft and in the next moment they criticize for not exercising restraint; one moment they argue that the police should act more promptly to restore law and order, and another moment they claim that the police must move slowly and with great deliberation before increasing the use of force.

So how do you react to this kind of pressure? Do you throw up your hands in disgust because no one understands you? Do you yourself feel it is almost as if you are a member of an oppressed and misunderstood minor-

ity, the police force? You might then wish to quit the force. Perhaps instead of simply quitting, you might feel like striking out in anger at the groups or individuals whom you think are causing the trouble in the first place. From this you might be strongly tempted to place yourself uncompromisingly on the side of one group of militants.

### ***Faith in America***

No! Even as you are put under these pressures, you still stand firm. A black power slogan is, “Keep the Faith, Baby.” You, too, can say that you are “keeping the faith.” Yours is not a faith in a movement or a revolution or in a militant wing, but rather faith in America and faith in the rightness of your duty to take—and hold—the middle ground.

Your duty to hold this middle ground is as great, as important, and as equally misunderstood, as the duty of American troops to take and hold a hill in the middle of enemy territory in Vietnam. In fact, if anything, it is even more challenging and vital. Being right, the cause you serve will triumph in the end if only you do “keep the faith.”

You must know what to expect if you do stand committed to the middle ground, which we shall call the “Vital Center” of America.

This knowledge will give you power. Know that the militants will seek to *pull* or *push* you out of position, and they will not expect you to stand firm. By doing the unexpected, you will not only turn the tables on them, but you will also add a new page to history.

History tells us that in times of relative peace and tranquillity, most people are eager to say that they take a middle position. Most wish to identify with the center of the road just as most Americans wish to identify with the middle class. During such “nor-

*(Continued on page 25)*



**T**he city of Jackson, Miss., has a population of some 150,000 people, an efficient police department of 264 members, and a group of farsighted leaders.

For many years officers of the department were given training in subjects relating to their work; however, the program was more or less adjusted to work schedules, with officers attending when possible. Taking cognizance of court decisions outmoding some investigative techniques, civil disturbances occurring throughout the Nation, and other problems confronting law enforcement, my assistants and I were convinced that a thorough and complete training program was an absolute necessity for the members of the department. Consequently, plans were formulated for one of the best training centers in the Nation. Mayor Allen C. Thompson immediately agreed, and in 1966 the Jackson Training Center was officially opened. It was built at a cost of approximately \$800,000 and was financed by a bond issue.

### **Modern Design**

This beautiful building is located near the city limits on a 23-acre plot of ground and is easily accessible to all officers. It is a large one-story structure of modern design and fits in well with the surrounding residential area. There is ample parking

space, and softball and baseball fields occupy areas near the building. A large space has been set aside for future construction of courses designed to teach accident investigation techniques and driver education. The entire building is used for training purposes, academic and physical.

### **Large Classroom**

One large room, approximately 120 feet by 40 feet in size, with one entire side constructed of glass and facing an outside patio-garden, is used for academic training. This room has a stage, a rostrum, blackboards and flannel boards, and other equipment needed for lecture purposes. With its speaker system, some 400 men can be given classroom training at the same time. If small classes are desired, this large room can readily be divided into three rooms by means of soundproof room dividers. Speaker rostrums are then automatically available in the front of each room. By pushing a button in the rear projection room, movie screens unroll from the ceiling into each room and movie cameras can be adjusted to each screen. Each room is equipped with modern, comfortable chairs and desks, which can easily be removed and "stacked" to clear the room for dinners and departmental parties.

At the rear of the large training room, there is a stainless steel kitchen.

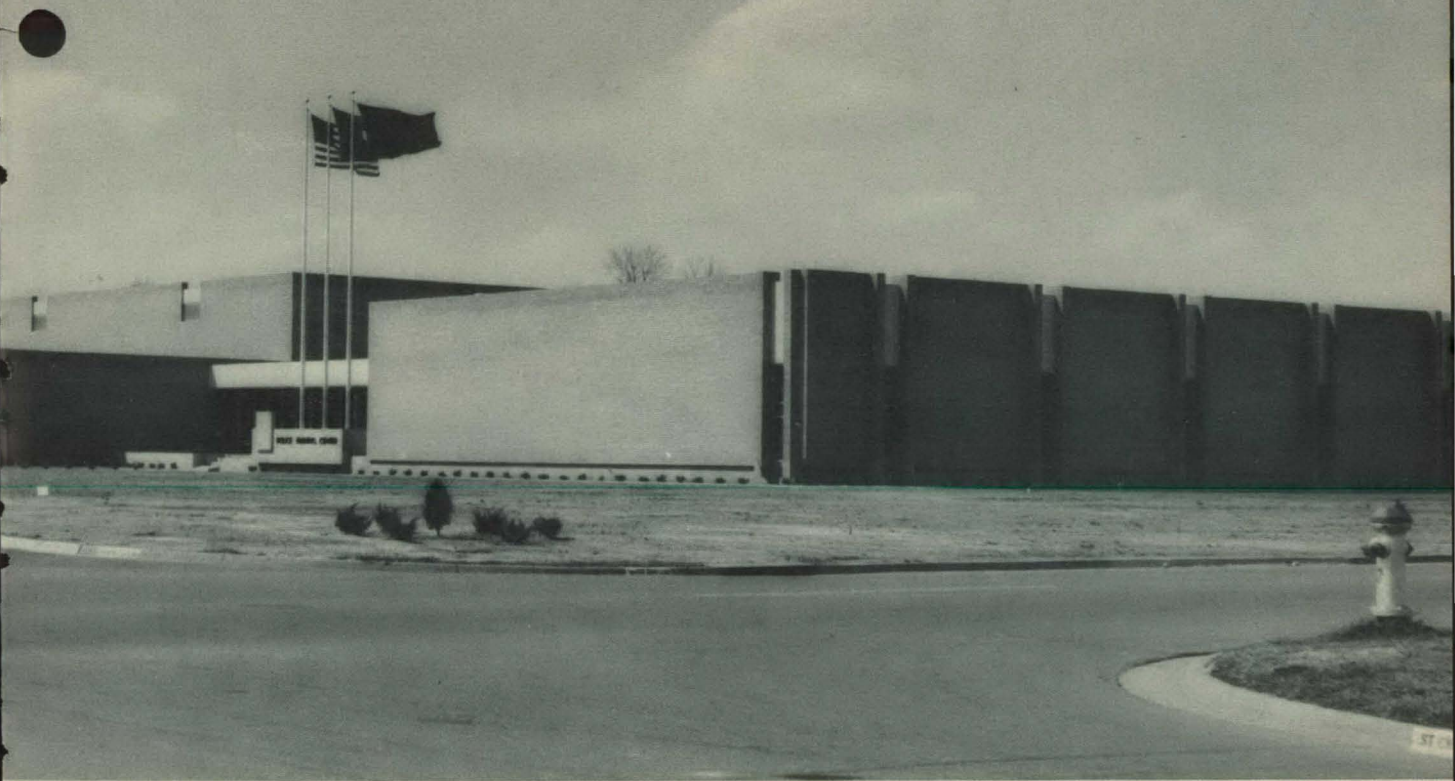


## **Police Train**

**WILLIAM D. RAYFIELD**  
Chief of Police,  
Jackson, Miss.







Front view of new Jackson, Miss., Police Training Academy.

## g Center

The kitchen is equipped with cookstoves, dishwashers, deep freeze cabinets, refrigerators, storage area, and a cafeteria line. Several hundred persons can be served at one time.

The police library adjoins the classrooms and is open at all times. The latest books, manuscripts, and periodicals on law enforcement are to be found there, as well as reference material of all kinds, including the latest decisions of the courts.

Administrative offices occupy the front of the building, with offices for the director of training, the assistant director, and their secretary,

### *Physical Training*

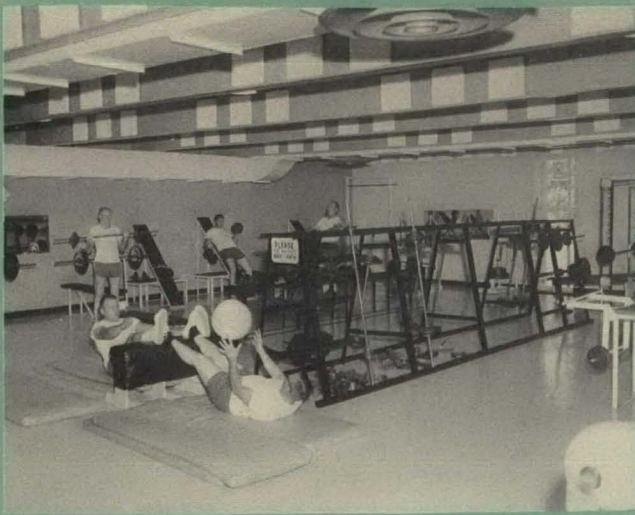
One wing of this building houses one of the most up-to-date physical training facilities in this area. Probably the most popular room in the wing is the so-called "muscle factory." It contains almost every type of

exercising equipment manufactured, including the usual weights, lifts, bicycles, rowing exercisers, barrel roller, bench press machines, situp boards, incline and decline curl boards, and isometric machines.

In addition, there are several machines designed by the lieutenant in charge of physical training. These include bench press machines, lat machines, toe raiser, Roman chair setups, medicine ball setups, back squat, squat machines, leg machines, and various curl machines. By using this equipment, officers can get into good physical condition and stay that way. Records of their weights are maintained. Many "easily come-by" pounds are lost in this room by sweat and determination. Lt. Robert Benton, a graduate of the University of Mississippi with a degree in physical education, is in charge of this part of the training. Benton is a former professional football player.







The physical exercise room is a popular feature of the Academy.



This stainless steel kitchen is located at the rear of the large training room.

Included in the facility is a full-sized gymnasium, with folding bleachers which seat three hundred persons. This gym is in almost constant use each shift.

A basketball league composed of six teams is in operation, and over a hundred officers greatly enjoy the games played on week nights. Volleyball, softball, and baseball teams have also been formed and provide many hours of fun and enjoyment for players and their families.

Of course, the usual locker and shower rooms are provided. After

exercising, the officer finds it most soothing to relax in the sauna room (steam room), in one of several steam cabinets, or in the whirlpool bath. Rubdown tables with necessary personnel help to soothe the aches and pains of sore muscles.

### *Defensive Tactics*

Another pertinent part of the training program is the defensive tactics room. This room is 50 by 35 feet in size and has mirrors on one wall and a padded floor area. Lt. Charlie

Morris, a Black Belt holder, is in charge of this part of the training.

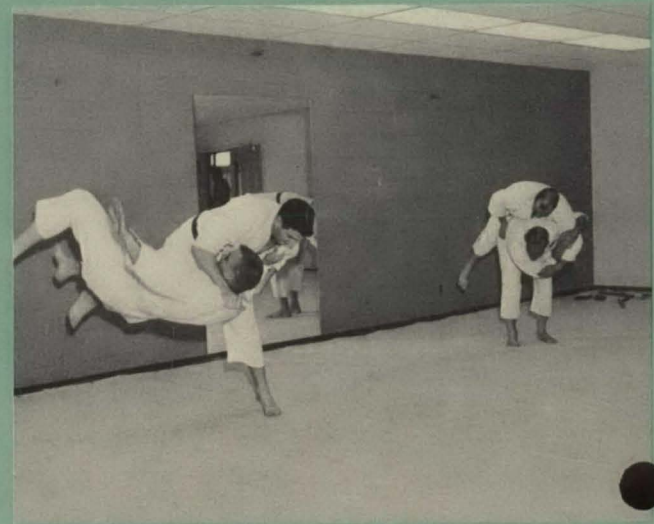
In order to provide an incentive for using the training facility, I have arranged for all officers to receive a minimum of 5 hours' training each week, with overtime paid for such training. The facility is, of course, open to the officer for use at any time on his own time, and many officers are seen there daily.

Deputy Chief A. H. Williams, an FBI National Academy graduate, is director of the training center. He is

*(Continued on page 27)*

Sleeping quarters are available for special or emergency circumstances.

Another pertinent part of the training program is the defensive tactics room.





# Search of Premises by Consent

*This is the fourth and concluding article in a series discussing the Federal law on search of premises by consent.*

## VI. Voluntary Consent

### A. In General

The most difficult question for the courts to decide in consent search cases is whether the consent was truly voluntary. Their views differ considerably. Some tend to doubt that any consent given is genuinely voluntary unless accompanied by some specific and unequivocal act of the accused indicating that he did intend to consent, such as a contemporaneous confession or admission of guilt. What is perhaps the strongest statement of this position is found in *Higgins v. U.S.*, 209 F. 2d 819 (1954), where the court expressed the opinion that "... no sane man who denies his guilt would actually be willing that policemen search his room for contraband which is certain to be discovered." (Emphasis added.)

A possible flaw in the *Higgins* reasoning, apparent in at least those cases in which the object sought "... could easily have been concealed ...," *Harris v. U.S.*, 331 U.S. 145, 152 (1947), is its failure to recognize the fact, known to all experienced officers, that the criminal often is both quite clever and quite confident that he can outwit the police. The proof is in his selection of places in which to hide small items of loot, evidence and contraband, such as the following: a trash can, *Williams v. U.S.*, 273 F. 2d 781 (1959), *cert. denied*, 362 U.S. 951; a washing machine, *Warden v. Hayden*, 387 U.S. 294 (1967), and *Barrientes v. U.S.*, 235 F. 2d 116





(1956), *cert. denied*, 352 U.S. 879; between the back and the springs of an upholstered chair, *U.S. v. Dornblut*, 261 F. 2d 949 (1958) *cert. denied*, 360 U.S. 912; in a towel rack on the back porch, *Hamer v. U.S.*, 259 F. 2d 274 (1958), *cert. denied*, 359 U.S. 916, *reh. denied*, 359 U.S. 962; in a carpet sweeper, *U.S. v. Davis*, 281 F. 2d 93 (1960), *reversed on other grounds*, 364 U.S. 505; under the carpeting of a stairway, *Williams v. U.S.*, 260 F. 2d 125 (1958), *cert. denied*, 359 U.S. 918; in a hollow pencil or block of wood, *Abel v. U.S.*, 362 U.S. 217 (1960); and in a bird's nest in an awning just outside the apartment window, *Jones v. U.S.*, 362 U.S. 257 (1960). In light of facts such as these, it seems beyond question that many a suspect who consented to a search of his premises has watched the officers walk out without finding the objects which he had hidden.

The *Higgins* dictum suffers, also, from the fact that some who consent, and who appear to be quite sane enough to stand trial, actually assist the officers in the search. See *U.S. v. MacLeod*, 207 F. 2d 853 (1953); *U.S. v. Kubik*, 266 F. Supp. 501 (1967). At any rate, the dictum has been both specifically and impliedly rejected by other courts. See *U.S. v. Martin*, 176 F. Supp. 262 (1959). Some decisions have suggested reasons supporting a voluntary consent by one who denies—or at least does not admit—his guilt. He may give consent as a device to shift the culpability elsewhere, *U.S. v. DeVivo*, 190 F. Supp. 483 (1961), or in the belief that anything found would be of no significance, *Gorman v. U.S.*, 380 F. 2d 158 (1967). Consent may be a deliberate stratagem calculated to dispel the suspicions of the officers, taken in the belief that the goods are too well hidden to be found, *U.S. v. Martin, supra*; *U.S. v. Dornblut, supra*; *U.S. v. Adelman*, 107 F. 2d 497 (1939); *Grice v. U.S.*,

146 F. 2d 849 (1945); *Cantrell v. U.S.*, 15 F. 2d 953 (1926), *cert. denied*, 273 U.S. 768. Or, consent may be a stratagem deliberately used for some other purpose. See *U.S. v. Burgos*, 269 F. 2d 763 (1959), *cert. denied*, 362 U.S. 942.

## B. No Duress

The burden of proof required of the prosecution includes the necessity for clear and convincing evidence that consent was voluntarily given in circumstances free of duress. *U.S. v. Fowler*, 17 F.R.D. 499 (1955). The officer, though acting in good faith, must be careful to avoid not only the use but also the appearance of coercion. *Amos v. U.S.*, 255 U.S. 313 (1921). It is imperative that he consider carefully each of the factors that may be influential in determining the legal effectiveness of the consent obtained.

Some of these factors are:

### 1. Appropriate Time

At the outset, officers must, if possible, select an appropriate hour to request consent. Timing is important to avoid even the semblance of duress. In the usual residential situation the most acceptable time is during the daylight hours, *U.S. v. Horton*, 328 F. 2d 132, 135 (1964), *cert. denied sub nom.*, *Edgar v. U.S.*, 377 U.S. 970. The courts have criticized, as coercive, requests for consent made in the home after dark. *U.S. v. Rutheiser*, 203 F. Supp. 891 (1962) (8:30 p.m.—9:15 p.m.); *U.S. v. Roberts*, 170 F. Supp. 478 (1959) (close to midnight); *Catalanotte v. U.S.*, 308 F. 2d 264 (1953) (after midnight); *U.S. v. Brennan*, 251 F. Supp. 99 (1966) (5 a.m.). However, where the urgency of the case demands it, consent may be requested at any time. In regard to business premises, used at night, a request for consent may

be appropriate during the actual business hours observed.

### 2. Number of Officers

The size of the group requesting consent should be the minimum consistent with the safety of the officers. Evidence that they appeared in such numbers as to constitute overwhelming force tends to destroy the voluntariness of consent. For example, in a narcotics case, a group of eleven officers approached a private home. Five entered the premises and requested consent to search while the remainder surrounded the house. The court held there was no voluntary consent to search given, basing the decision in part on the coercive effect of the presence of such a group in and about the defendant's home. *Catalanotte v. U.S.*, 308 F. 2d 264 (1953).

### 3. Display of Weapons or Other Symbols of Authority

Officers seeking permission to search should avoid unnecessary display of weapons, and should make their requests clearly independent of the power and authority represented by the badge and uniform. This does not prevent officers in full uniform from requesting consent. *U.S. v. Thompson*, 356 F. 2d 216 (1965), *cert. denied*, 384 U.S. 964; *U.S. v. Thomas*, 250 F. Supp. 771, 787, n. 25 (1966). It merely emphasizes the importance of obtaining a waiver of constitutional rights through a request rather than through mere submission to the symbols of authority. *Amos v. U.S.*, 255 U.S. 313 (1921); *Johnson v. U.S.*, 333 U.S. 10 (1948); *Gatlin v. U.S.*, 326 F. 2d 666 (1963); *U.S. v. Brennan*, 251 F. Supp. 99 (1966); *Lankford v. Schmidt*, 240 F. Supp. 550 (1965); *U.S. v. Marquette*, 271 F. 120 (1920); *Judd v. U.S.*, 190 F. 2d 64 (1951).



## Approach to the Premises

Where the sole reason for approaching the premises is to solicit a voluntary consent to search, officers should avoid unnecessary appearance of force. The siren, the flashing red light, numbers of officers or cars, all valid symbols of authority, are inappropriate where the end to be gained must come voluntarily.

### 5. Announcement of Presence, Identity, Purpose

To preserve the balance between the privacy of the premises and the authority to inquire, the officer should make known his presence at the doorway, identify himself, declare his purpose, and request permission to enter. Without a favorable response, the officer has no authority to proceed into the premises, but where permission is granted he may enter.

Permission to enter is not permission to search. Whether obtained at the door prior to entry or obtained during interview following entry, consent to search must be independently requested and specifically given.

### 6. Language of the Request for Consent

The exact words chosen by the officer and their expression are important in obtaining truly voluntary consent. The language must convey a request, not a command. It serves the officer's purpose best when it is complete but simple and direct, avoiding intimidation by volume, inflection or ambiguous meaning. *U.S. v. Brennan*, 251 F. Supp. 99 (1966).

### 7. Status or Condition of the One From Whom Consent Is Obtained

Law enforcement officers should remember that the courts will be particularly alert to detect any evidence of duress in the case of women, the

very young, the very old, the foreign born, and all others for whom special consideration has been shown in the past. *Amos v. U.S.*, 255 U.S. 313 (1921); *Johnson v. U.S.*, 333 U.S. 10 (1948); *Waldron v. U.S.*, 219 F.2d 37 (1955); *Kovach v. U.S.*, 53 F.2d 639 (1931); *U.S. v. Ong Goon Sing*, 149 F. Supp. 267 (1957); *U.S. v. Wai Lau*, 215 F. Supp. 684 (1963), *aff'd.*, 329 F.2d 310, *cert. denied*, 379 U.S. 856; *Cunningham v. Heinze*, 352 F.2d 1 (1965), *cert. denied*, 383 U.S. 968.

But, officers should not hesitate to make a bona fide request for consent to search in such special cases. See *Roberts v. U.S.*, 332 F.2d 892 (1964), *cert. denied*, 380 U.S. 980, where a police lieutenant and the chief, investigating a homicide case, were dressed in plain clothes and used an unmarked car when they visited the defendant's home and obtained his wife's voluntary consent to search. In upholding the validity of the consent search, the court commended the officers for the reasonable manner in which they negotiated with the wife.

### 8. Custody

Where the person giving consent is in custody, the burden of proving voluntariness becomes more formidable but not impossible. It is here that the widest divergence of opinion appears among various courts. [Compare *U.S. v. Pate*, 222 F. Supp. 998 (1963), *aff'd.*, 332 F.2d 531, with *Tatum v. U.S.*, 321 F.2d 219 (1963).] However, there appears to be general agreement that arrest and custody are merely factors to be considered, among others, in determining the voluntariness of consent. Of greater importance are the particular circumstances under which the arrestee expressed his waiver. *U.S. v. Mitchell*, 322 U.S. 65 (1944); *Tatum v. U.S.*, *supra*; *U.S. v. Bracer*, 342 F.2d 522 (1965), *cert. denied*, 382 U.S. 954;

*Armwood v. Peppersack*, 244 F. Supp. 469 (1965), *aff'd.*, 359 F.2d 854; *U.S. v. Page*, 302 F.2d 81 (1962); *Weed v. U.S.*, 340 F.2d 827 (1965); *U.S. v. Hall*, 348 F.2d 837 (1965), *cert. denied*, 382 U.S. 947. Even the fact that the arrest was illegal is not necessarily fatal where the case presents a clear indication the express consent given was truly voluntary. *Burke v. U.S.*, 328 F.2d 399 (1964), *cert. denied*, 379 U.S. 849, *reh. denied*, 380 U.S. 927.

### C. No Fraud

Consent to search obtained by fraud is void and evidence acquired as a result of such "consent" is subject to the exclusionary rule as the product of an unreasonable search and seizure. Valid consent cannot be obtained by advising falsely that a search warrant is available "anyway," *Bolger v. U.S.*, 189 F. Supp. 237 (1960), *aff'd.*, 293 F.2d 368, *reversed on other grounds*, 371 U.S. 392; by falsely implying that a threat of arrest will be lifted as soon as consent is given, *U.S. v. Como*, 340 F.2d 891 (1965); by declaring that the officer's purpose is to interview when his real purpose is to search, *Pekar v. U.S.*, 315 F.2d 319 (1965); or by "conning," *U.S. v. Wallace*, 160 F. Supp. 859 (1958). See, also, *U.S. v. Ong Goon Sing*, 149 F. Supp. 267 (1957).

However, as long as there is no fraud or misrepresentation by the officer and his identity and purpose are known to the person having the capacity to consent, there is no duty to explain fully all the possible legal consequences of consent and cooperation. *Burnham v. U.S.*, 297 F.2d 523 (1961); *Badger Meter Manufacturing Co. v. Brennan*, 216 F. Supp. 426 (1962), *cert. denied*, 373 U.S. 902. Similarly, some courts have held it is unnecessary for the officer to declare all the items he hopes to locate in the premises as long as he intends,



---

## WRITTEN CONSENT

One of the more persuasive ways to prove voluntary consent is to offer in evidence an express statement of consent obtained in writing. If the writing also records an acknowledgment of constitutional rights and the signature is properly witnessed by officers available to testify as to the circumstances, the defendant will find it extremely difficult to overcome the reasonable conclusion that such evidence suggests. The effectiveness of this kind of documentary evidence in an FBI case was illustrated by the decision in *U.S. v. Wallace*, 272 F. Supp. 841 (1967), where the defendant's motion to suppress money recovered during a consent search was denied upon introduction of a written statement of consent. The opinion contains the full text of the FBI consent to search form that was approved in this case. 272 F. Supp. 841, 845.

---

in good faith, to search for the property he *does* specify in his request for consent. For example, a consent search was valid where the officers were given permission to search for item "A" but unknown to the person giving consent, they intended to search for items "A" and "B." *U.S. v. Dornblut*, 261 F. 2d 949 (1958), *cert. denied*, 360 U.S. 912. Presumably, the authority given to search for item "A" would limit the officers to looking in those places where "A" could reasonably be located and should they discover "B" in the course of that search they would not have to close their eyes to it. If it is the known fruit or instrumentality of a crime or per se contraband and therefore subject to seizure, it may be taken. If not, specific consent will be required to remove it. There would be no authority for an independent search for item "B" either in places where "A" could not be located or after "A" had been found.

Pretexts or other misrepresentations may be used for the limited purpose of "getting the door open," but the officer must present a bona fide re-

quest, including full disclosure of identity and purpose, and obtain voluntary consent before commencing a search. *U.S. v. Martin*, 176 F. Supp. 262 (1959); *U.S. v. General Pharmaceutical Company*, 205 F. Supp. 692 (1962); *U.S. v. Horton*, 328 F. 2d 132 (1964), *cert. denied sub nom., Edgar v. U.S.*, 377 U.S. 970. Where no search is intended and the objective is merely to gain entry to talk with the occupant, the use of such investigative techniques has been judicially approved. *U.S. v. Locklear*, 237 F. Supp. 895 (1965) (officers posed as potential purchasers of stolen property); *Lewis v. U.S.*, 385 U.S. 206 (1966), *reh. denied*, 386 U.S. 939 (1967) (informant posed as narcotics purchaser).

## VII. Specific Consent

### A. Consent to Entry

Officers should carefully observe the distinction between an invitation to enter and a consent to search the premises. Consent to entry alone will

not justify a search, *Cunningham v. Heinze*, 352 F. 2d 1, 5 (1965), *cert. denied*, 383 U.S. 968; *Commonwealth of Massachusetts v. Painten*, 368 F. 2d 142 (1966); *Williams v. U.S.*, 263 F. 2d 487 (1959), but it can be a very useful investigative tool, permitting a better atmosphere for the interview and at least exposing the interior of the premises to the casual scrutiny of the officer, *U.S. v. Horton*, 328 F. 2d 132 (1964), *cert. denied sub nom., Edgar v. U.S.*, 377 U.S. 970. Less formality is required to obtain permission to enter. "A policeman who identifies himself and his purpose from the other side of a closed door has every reason to assume that the act of unlocking and opening the door, without more, is a consent to talk, and that the walking back into the room is an implied invitation to conduct the talking inside." *Robbins v. MacKenzie*, 364 F. 2d 45, 48 (1966). Such permission generally may be granted by any occupant lawfully on the premises. e.g., judicial approval has been given where the invitation to enter was extended by the defendant in his own premises, *U.S. v. Cachoian*, 364 F. 2d 291 (1966); by his mother-in-law, *U.S. v. Francolino*, 367 F. 2d 1013 (1966); by his child, 8 years of age, *Davis v. U.S.*, 327 F. 2d 301 (1964); and by a joint tenant, *Teasley v. U.S.*, 292 F. 2d 460 (1961). But where consent to entry is colored by duress, it is unlawful, *Pekar v. U.S.*, 315 F. 2d 319 (1963).

When lawful entry has been made into the premises, the officer may observe whatever is in open view or what becomes apparent to him during the course of the interview because consent to enter constitutes implied consent to observe that which is in plain view. *Chapman v. U.S.*, 346 F. 2d 383 (1965), *cert. denied*, 382 U.S. 909. His observations do not constitute a search and any facts thus uncovered will be useful in building probable cause. *U.S. v. Horton*, *supra*. Similarly,



y, the known fruits, instrumentalities, and contraband of a crime discovered in this manner may be seized and, because there was no search, a search warrant is unnecessary to authorize the seizure. *Davis v. U.S.*, 327 F. 2d 301 (1964); *Ellison v. U.S.*, 206 F. 2d 476 (1953); *Robbins v. MacKenzie*, *supra*.

## **B. Unequivocal Expression of Consent**

Voluntary consent to search must be clearly expressed. Plain language will suffice in most instances, but it is not enough for officers to "reasonably and in good faith" believe effective consent has been given. The crucial question is whether the proper party *in fact* voluntarily consented to the search. *Cunningham v. Heinze*, 352 F. 2d 1 (1956), *cert. denied*, 383 U.S. 968; *Cipres v. U.S.*, 343 F. 2d 95 (1965). Therefore, it is essential for the language of consent to be as free of ambiguity as possible.

Such statements as "come on in," *U.S. v. Evans*, 194 F. Supp. 90 (1961), and "you are welcome to go search the whole place," *Channel v. U.S.*, 285 F. 2d 217 (1960), shorn of their context, do not convey a clear intention to permit a search without a search warrant. In the first instance, the invitation may well be limited to mere entry for purposes other than search and, in the second, there is no indication the speaker meant to permit an unwarranted search.

The language used ordinarily must be considered in light of the facts of the situation for, as stated by the U.S. Court of Appeals for the Ninth Circuit in *Cipres v. U.S.*, *supra*, at page 97:

... a waiver cannot be conclusively presumed from a verbal expression of assent. The court must determine from all the circumstances whether the verbal assent reflected an understanding, uncoerced, and unequivocal election to grant the officers license which the person knows may be freely and effectively withheld.

Some facts to which the officer might testify in support of a search by consent are:

The defendant himself first suggested the search, *U.S. v. Simpson*, 353 F. 2d 530 (1965), *cert. denied*, 383 U.S. 971; the defendant signed a written consent-to-search form after being advised of his fourth amendment rights, *Ruud v. U.S.*, 347 F. 2d 321 (1965), *cert. denied*, 382 U.S. 1014, and *U.S. v. Plata*, 361 F. 2d 958 (1966); no printed form was available but voluntary consent was recorded in writing, *U.S. v. Hecht*, 259 F. Supp. 581 (1966); the arrestee declined to sign a written waiver but he explained, "You don't need that, you got my permission." *Burge v. U.S.*, 342 F. 2d 408, 411 (1965); the defendant cooperated by furnishing the key to unlock his house, *King v. Pinto*, 265 F. Supp. 522 (1966); his apartment, *U.S. v. Rivera*, 321 F. 2d 704 (1963); his car, *Robinson v. U.S.*, 325 F. 2d 880 (1964); or his personal effects, *U.S. v. Smith*, 308 F. 2d 657 (1962), *cert. denied*, 372 U.S. 906; the defendant specified the amount of money or described goods that would be found and pinpointed their location, *U.S. v. Torres*, 354 F. 2d 633 (1966); *Rice v. Warden*, 237 F. Supp. 463 (1964); the defendant set the conditions under which the search would be conducted by saying, "... I will only take two of you." *U.S. v. Smith*, 308 F. 2d 657, 660 (1962), *cert. denied*, 372 U.S. 906; the defendant himself located the property and made it available to the officers, *Grillo v. U.S.*, 336 F. 2d 211 (1964), *cert. denied sub nom.*, *Gorin v. U.S.*, 379 U.S. 971; *U.S. v. Hall*, 348 F. 2d 837 (1965), *cert. denied*, 382 U.S. 947.

## **C. Limitations**

Voluntary consent to search, being an expression of an individual's decision to waive his constitutional

rights, is not necessarily a total surrender to the will of the officer. Such limitations as the person giving consent chooses to apply must be recognized. For example, there may be specific restrictions as to who may conduct the search. *Weed v. U.S.*, 340 F. 2d 827, 829 (1965), and how many men may assist; when the search may begin and how long it may continue; the area of search, *U.S. v. Royster*, 204 F. Supp. 760 (1961), and the stated objective of the search, *U.S. v. Guerrina*, 112 F. Supp. 126 (1953).

From the officer's point of view, his request for consent should be broad enough to insure a thorough search while at the same time it must be specific enough to clearly indicate who is going to conduct what kind of a search, where, and for what purpose. If the officer wants to search only the room currently being occupied by his subject, the consent obtained should specify that room. But if he wants to search additional premises they must be identified also. A clear understanding as to what is being requested and what rights are being waived in response to that request will avoid much difficulty in determining the legality of a search by consent.

For some illustrative cases see:

*Karwicki v. U.S.*, 55 F. 2d 225 (1932) (consent to search business premises did not include consent to search residence located in rear portion of building); *Strong v. U.S.*, 46 F. 2d 257 (1931) (consent to search a barn did not extend to a root cellar nearby); *U.S. v. Smith*, 308 F. 2d 657 (1962), *cert. denied*, 372 U.S. 906 (consent pertained only to a specific suitcase stored on protected premises); *U.S. v. Hopps*, 215 F. Supp. 734 (1962), *aff'd.*, 331 F. 2d 332, *cert. denied*, 379 U.S. 820 (consent to search file drawers for company business papers did not authorize seizure of personal papers misfiled in the drawers, or the search and seizure of other papers not belonging to the com-



pany but found on top of desks and file cabinets other than those marked with the company name).

#### D. Revocation or Modification

Consent to search given voluntarily may be presumed to continue, unless revoked, until all areas to be searched have been examined. This is true even where the searching officers cannot complete the search and must return the following day to accomplish the task. However, once completed, a second search should not be begun without further authority, such as new consent, search warrant, or arrest on the premises. See *Care v. U.S.*, 231 F. 2d 22 (1956), *cert. denied*, 351 U.S. 932.

A voluntary consent to search having been given without obligation or consideration may be revoked if the intention to revoke is expressed at any time prior to the completion of the search. *Lucero v. Donovan*, 354 F. 2d 16 (1965). See, also, *U.S. v. Bracer*, 342 F. 2d 522 (1965), *cert. denied*, 382 U.S. 954. That part of the search which occurs prior to the

revocation of consent is an authorized search at the time it is executed and, therefore, it is lawful. Evidence obtained thereby may be admissible and should be retained. But that portion of the search which occurs following the revocation of consent is executed without authority and is therefore unlawful by definition. Logically, the revocation of consent would appear to be merely a denial of a further right to search. It cannot invalidate the authority previously given but it can terminate that authority.

The authority to search also may be expanded by consent. For example, where one in lawful possession gives consent for officers to search additional separate premises not named in the search warrant, such consent authorizes an expansion of the area of lawful search. *Huhman v. U.S.*, 42 F. 2d 733 (1930); *Cantrell v. U.S.*, 15 F. 2d 953 (1926), *cert. denied*, 273 U.S. 768. Similarly, a voluntary consent to search particular premises may be expanded by an expression of consent to search a greater area and officers are entitled to search according to the maximum extent intended.

(This concludes the series on "Search of Premises by Consent.")

#### REPRINTS

Reprints of the complete series of articles on "Search of Premises by Consent" will be available in limited quantities free of charge in the near future. Requests for copies should be directed to the Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535.

*Omaha Criminal, 11/4/67*  
*Bufile #63-4296-36*  
**FOR MOTORISTS ONLY**

Under a new re-examination law in the State of Nebraska, motorists are required to take a test on the rules of the road and have their vision checked in each year that their age is divisible by four. At the discretion of the examiner, a driving test may also be required. The law gives the driver 60 days before his birthday to renew his license.

Prior to the effective date of the new law, only persons applying for their first license and persons moving into the State were required to take the tests.

## THE COVER—LAW AND ORDER STAMP

A 6-cent Law and Order commemorative postage stamp will be issued on May 17th by the Post Office Department to coincide with the observance of Police Week. The Postmaster General stated that the purpose of the stamp is to reaffirm the traditional role of the law enforcement officer as a protector and friend of the citizens he serves. The stamp is also intended to encourage respect for law and order and to encourage upgrading the quality and training of law enforcement officers at the local level.

The stamp was designed by Ward Brackett of Westport, Conn. The uniformed officer and his young friend walking hand in hand will be printed in blue, the vertical words, "Law and Order," in red, and the words, "United States Postage," and the denomination "6¢" in black.

The stamp was modeled by Robert J. Jones and engraved by Joseph S. Creamer, Jr. (vignette), and Kenneth A. Wiram (lettering) of the Bureau of Engraving and Printing.



## A LAWYER'S VIEW

(Continued from page 5)

tuous, I would like to suggest a seven-point program for the police and the community to follow in an effort to attack the difficulties that afflict both. I do not propose these steps as a panacea, or as the medicine to cure all ailments. I recommend them merely as a guide that might be followed for the establishment of a continuing, mutually beneficial relationship between the police and the community which they serve.

1. The time has long since passed for individuals and groups to stop talking about police-community relations and start doing something constructive about them. One key to the success of the endeavor is found in the public statements of police officials and, more important, in the private actions of police officers; edicts about good police conduct are helpful, but they must be enforced. Another key to success is the recognition by the community that being a policeman is one of the toughest jobs in our society.

2. The police should stop laying a substantial amount of the blame for the increase in crime upon certain decisions of the U.S. Supreme Court when what little demonstrative evidence we have about the effect of these opinions tends to show that they have had little, if any, deleterious influence on police effectiveness.

3. The police should not attempt to enforce the law by breaking the law. Many court reversals have resulted from overzealousness on the part of police, from police succumbing to the temptation to solve cases quickly and easily. Mr. Justice Brandeis wrote: "Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself."

4. Society should spend more money to increase police manpower, to educate and train policemen better, to compensate them more justly, and to provide police departments with modern equipment. Police departments should work with local colleges and universities to develop courses for police officers in order to instill in them a greater understanding of the people whom they serve. As the problems confronting the police become more complex, the police officer's knowledge must become broader and more expansive. The funds for programs in these fields must come from public and private sources. As an example, Pittsburgh Plate Glass Industries has awarded scholarships totaling \$12,000 to policemen in the Pittsburgh area to help them earn degrees in police science and will augment the grant with an additional \$36,000 over the next 3 years. The Safe Streets and Crime Control Act, which is before the Congress as this is written, would provide assistance to State and local governments in strengthening police departments.

5. New methods should be investigated to increase police efficiency and effectiveness. Los Angeles has hired civilians to direct traffic in an attempt to relieve police officers for law enforcement work; and the Buffalo, N.Y., Police Department is placing volunteer civil defense auxiliary policemen into high-crime districts to alleviate a shortage of regular police officers. Many cities have instituted campaigns to promote greater citizen participation in the reporting of crime; the use of police emergency telephone numbers is increasing.

6. Police departments in metropolitan areas should consider consolidation for greater efficiency. The police of Atlanta, Ga., and surrounding communities have formed Metropol, using the same facilities and the same radio signals, and have found that it works very successfully.

7. Police departments should improve their grievance procedures and should increase public information about these procedures and the results they produce.

To most of the citizens of our country, the police are the law; they are the only contact these people ever have with the law. It is incumbent upon the police everywhere to demonstrate that the law and its representatives are deserving of respect and admiration because it is the law that preserves the order without which our society could not survive.

<sup>1</sup> Federal Bureau of Investigation, "Crime in the United States: Uniform Crime Reports—1965," July 28, 1966, p. vii.

<sup>2</sup> "Task Force Report: The Police," Task Force on the Police, The President's Commission on Law Enforcement and Administration of Justice, 1967, pp. 15-16.

<sup>3</sup> Ibid., p. 179.

<sup>4</sup> "Police and Public," Citizens' Committee to Study Police-Community Relations in the City of Chicago, May 22, 1967, p. 79.

<sup>5</sup> Ibid., p. 105.

<sup>6</sup> "Task Force Report: The Police," p. 181.

<sup>7</sup> "Police and Public," p. 107.

<sup>8</sup> Speech at Rice Institute, Houston, Tex., Nov. 2, 1967.

<sup>9</sup> Speech at FBI National Academy, Washington, D.C., Nov. 1, 1967. Thomas Reddin, Chief of Police, Los Angeles, Calif.

## STILL ANOTHER WAY TO STEAL

A man and a woman approached an automobile salesman ostensibly for the purpose of purchasing a car. While the woman distracted the salesman's attention, the man removed one of the ignition keys from the set in a car they were viewing. He also copied the Vehicle Identification Number (VIN). Then the couple left. Subsequently, the two registered the car in another State with the appropriate VIN, year, make, model, etc. After obtaining the license plates for this car, they returned to the automobile company at a carefully selected time, put the plates on the car, used the stolen ignition key to start the engine, and drove away.



(Continued from page 11)

# INVESTIGATORS' AIDS

*Cincinnati criminal 9/29/67  
Bufile #63-4296-10*

## TATTOOED EVIDENCE

A man believed to be the subject of a bank robbery was apprehended in the getaway car approximately 100 miles from the scene of the crime. Loot from the robbery was found stuffed under the front seat of the car. The man contended that he stole only the car and that he was not aware that it had been used in a bank robbery or that loot from the robbery was under the front seat.

Film from a concealed camera in the bank, when developed, showed only the profile of the robber standing at the teller's window. However, the photograph clearly revealed a prominent tattoo on the robber's right forearm. A comparison of this tattoo with an identical one on the right forearm of the man arrested in the getaway car proved beyond any doubt that he was the robber.

*Kansas City criminal 3/15/67  
Bufile #63-4296-23*

## READ THE NEWSPAPERS!

Undercover officers of a law enforcement agency verified that bets were being taken at a local tavern in a mid-western city. A search warrant was obtained and the tavern raided, but no written evidence of betting was found.

It was later learned that the gamblers involved in this activity had been writing down all the betting information on the edges of daily newspapers. The newspapers were then simply folded in such a manner that the notations were not visible and stored in a back room of the tavern. The papers, although in plain sight, were overlooked at the time of the raid, and thus the officers failed to uncover the expected wagering paraphernalia.

## SALTING THE LOOT

Among the items left behind at the scene of an attempted bank burglary were 12 two-pound boxes of rock salt.

Officers theorized that the burglars, in the absence of water or other coolant, had planned to drill a hole in the bank's safe, pour in the rock salt, and use it to absorb the heat and flame of an acetylene torch.

An experiment conducted at a welding shop determined that the flame from an acetylene torch would not ignite or consume the salt as it had a high resistance to heat. Only after a considerable period of time does the salt finally melt into a semi-liquid state.

*Savannah criminal 10/3/67  
Bufile #63-4296-49*

*San Antonio criminal 5/19/67  
Bufile #63-4296-45*

## ROPING AND LOOTING

In a southern city burglars using a skindiver's spear gun shot the spear, with a rope attached, into the roof of a building. The spear lodged in the roof sufficiently for one man to climb up the rope. The other burglars used the rope to scale the wall and to haul up the burglary tools. The rope was then pulled up out of sight. When the thieves were ready to depart, they dropped the rope back over the side and lowered themselves, their equipment, and loot to the ground.

this unit to the FBI National Academy, Special Agents' inservice classes, new Agents' classes, and in special lectures to local law enforcement groups. During this training the following subjects are most commonly taught: Search of the person, search of vehicles, search of premises, evidence, probable cause and warrants, and arrest and interrogation. While FBI Agents must possess a law degree or a 4-year accounting degree with 3 years' practical experience, each new FBI Agent must undergo intensive instruction in criminal law and Federal procedures as part of new Agents' training.

## Legal Research

There exists in the FBI today, in addition to the Legal Research Unit, a corps of over 150 Special Agents who have received advanced training in legal matters. These men are assigned to the FBI field offices. They are responsible for keeping abreast of recent legal decisions and bringing pertinent information to the attention of other Agents in their offices. They also instruct local law enforcement agencies on the law when requested to do so.

## Published Series

Personnel assigned to the Legal Research Unit have published many articles concerning legal matters. For example, series of articles on "Search of Motor Vehicles" and "Search of the Person" have been printed in the FBI Law Enforcement Bulletin and made into pamphlets which are available to law enforcement agencies upon request.

(To be continued in June)



## CENTER POWER

(Continued from page 13)

mal" times, this middle ground is thus the most favored and respected position, and people who take extreme positions are simply written off as "nuts," fools, or troublemakers.

In times of increasing stress and agitation, when a revolutionary movement is growing or a major problem is attracting national attention, the pertinent middle ground loses its appeal. Those who would take a middle position relative to the problem or the revolutionary movement are increasingly regarded as those who are either too ignorant or too cowardly to take a positive stand on one side or another. Those who claim that they can see both sides in the matter are made to feel that it is only their ignorance, their "gutless" lack of commitment, which prevents them from moving to one of the two militant poles.

In times of crisis and decision down through the centuries, the question, "Which side are you on?" has, indeed, been asked in many different ways and in many different tongues, and the aim has always been to divide, polarize, and destroy.

The black or white power militants, for example, will say that they admire and respect only those that are really with them or really against them, and that they will spit in scorn upon those masses of wishy-washy Americans who cannot make up their minds. Thus, the militants bring into their ranks a hard core of increasingly committed individuals and cast off a host of well-meaning but uncommitted moderates who seek to temper militancy with compromise.

What, indeed, happens to the uncommitted, unsure moderate who is searching for answers through "honest" discussion with both extremes?

The answer is that he is frequently

disillusioned, and then swept aside or sucked up into an extremist wing where his usefulness is lost.

When brought into an argument with a committed revolutionary or counterrevolutionary who has mastered the ideology of the movement, the man who himself lacks commitment or ideology is helpless. Thus, the revolutionaries and their extremist opponents throughout time have had their way. They have pulled or pushed the middle-of-the-roads into the struggle or they have simply neutralized them.

Why should this always happen? Must it happen? In the case of America in the 1960's, it simply cannot be allowed to occur. No one but the anarchists or the enemies of the country will gain if the country is polarized and then involved in a great and violent revolution and repression. Someone must stand firm in the center to mediate and control the dispute, to permit the blacks to gain their pride and power and equality by clashes and demonstrations which are more symbolic than physical, and by due process of law under the Constitution and constitutional amendment.

### **Deadly Polarization**

It is you who can prevent this deadly polarization. You can do it by becoming committed to the vital center. You will not be in the center by default—that is, you will not be there because you have no option or because you know no better or are too unsure and cowardly to take a stand at the poles. Rather, you will be there by design; you will be there by your own choice and because you have considered the alternatives and know that nothing else offers solution.

This position in the vital center is the place of honor, of challenge, of most significant conflict and danger. Instead of being dismayed because both sides consider you wrong no mat-

ter what you do, be proud in the knowledge that only brave and committed men can willingly stand such abuse.

True, you do not get paid much for what you do, and you are laughed at by many for being so foolish as to remain in the police force. All this simply makes the challenge that much greater, for it is you, who in spite of everything, are in the front lines of defense for everyone.

### **Accept the Challenge**

Take up the challenge and respond to the extremists by telling them to join you in the real place of danger and honor—the vital center. No longer will they mow you down with their harangues for it is you who have the truth.

Spread the word to those uncommitted millions who are indeed in the middle by default because they have not been willing to face the issue and choose. Tell them to stand firm by design. Tell them to choose the vital center.

There are those who proclaim black power, and there are those who proclaim white power. Let us join to proclaim center power—power to hold the middle ground and stand firm against the forces of deadly division, the power to help the minority to achieve true justice and true equality, and also to prevent the extremists from turning to civil disobedience and their inevitable civil destruction.

So, which side are you on?

For you, there can be only one side—the center side. Take the middle ground, hold it, and expand it to save the country. Let your commitment to this vital center be so real as to excite all people to seek solution to their problems, not at the expense of one another, but through a total life for all. Who is the hero in this national revitalization? It is you—the law enforcement officer!



## Brother's Keeper Award



Frank A. Chenette, right, receives "Brother's Keeper Award" from Harry H. Stone, Federation trustee.

An organization of Cleveland, Ohio citizens has established a "Brother's Keeper Award" to recognize those citizens making an extraordinary contribution to the welfare of a fellow citizen.

The Jewish Community Federation of Cleveland created the award after a special fund was established by Harry H. Stone, a prominent Cleveland businessman. The award is to be given periodically to those persons who involve themselves at the risk of their health, welfare, safety, or life to protect or help another person or to further the administration of justice when they have no legal obligation to do so.

The first "Brother's Keeper Award"—a check for \$1,000—was recently presented to Frank A. Chenette, a freshman student at John Carroll University, University Heights, Ohio. Chenette's good deed occurred as he was driving home and stopped his car to aid a man being attacked by five hoodlums. He was stabbed by the attackers before they fled and was hospitalized for 8 days.

## Scientific Aid

### FBI Expert Links Bullet to Suspect's Weapon

An Arizona businessman, his wife, and their dog left their home in Phoenix on September 12, 1966, for a motor vacation in neighboring Colorado. When nothing was heard from the couple after several weeks, friends and relatives became alarmed and notified police.

On October 23, 1966, the couple's bloodstained camper was found on a parking lot in Del Norte, Colo. A .45 caliber bullet was recovered from an inside wall of the vehicle. A week later

the bodies of the man and his wife and dog were found in an outhouse on campgrounds in another part of the State. Both the man and his wife had been shot through the chest. The dog had been beaten to death.

Investigation in the case resulted in the implication of a parole violator who was arrested by the FBI and local police on December 10, 1966, in Michigan for unlawful flight to avoid prosecution.

The suspect, a 26-year-old recluse,

had been living in a cave. A zip gun and cartridges concealed in the heels of his shoes and a .45 Colt automatic located in a footlocker were recovered at the time of his arrest.

At the trial of the suspect, an FBI Laboratory firearms expert testified that the bullet recovered from the camper had been fired from the .45 Colt automatic. A jury found the caveman guilty of murder in the first degree, and he was sentenced to life imprisonment.



## TRAINING CENTER

(Continued from page 16)

ably assisted by a staff of four police officers and two maintenance men. Instruction is also provided by Special Agents of the Federal Bureau of Investigation and other persons in law enforcement. Several weeklong schools on practical problems of burglary investigations were recently conducted by FBI instructors.

In addition to the academy, the Jackson Police Department—which has one of the best pistol teams in the South—has a separate facility for firearms training. A practical pistol range and an “off hand” target range are included, as well as an adequately equipped clubhouse.

The results of the training center and program are seen daily. Not only are officers in much better physical condition, but their investigations, reports, and testimony in court in the recent past have greatly improved.

Although the Jackson Police Department is now at full strength, the training center was constructed to take care of double its present complement of officers.

## DRIVE-IN BANKING BY TV

A bank in a northern city has installed closed-circuit television drive-in units which enable a customer to do his banking without coming in direct contact with a teller.

The customer drives up to a 5-foot-high stainless steel column containing the television set with a 14-inch screen on which he can observe the teller. After conversing with her, the customer places his bank book, deposit slip, etc. in a canister which goes through a 150-foot tube underground to the teller who is seated in an interior booth entirely out of reach and sight of the customer and the general public.

May 1968

trois crimedel 9/26/67  
Bufile #63-4296-15

# NATIONWIDE CRIMESCOPE

Harfolk crimedel 10/16/67 Bufile #63-4296-56  
Serial #612

## WEAPONS IN A RADIO

Investigation of an incident involving a serviceman and his transistor radio in an east coast city revealed that he had removed the inner parts of the radio to secrete a .45 caliber

automatic pistol.

Police subsequently determined that a .38 caliber Smith and Wesson revolver with a 4-inch barrel would also fit inside the radio.



Weapon secreted inside transistor radio.

## NO JACKS NEEDED

A series of tire thefts from trucks and trailers parked overnight plagued one city for some time until police discovered the method by which the thieves were obtaining the tires.

The thieves selected vehicles with dual wheels, let the air out of the outside tires, then removed the lugs without using a jack and took the tires.

Cincinnati crimedel 12/7/67  
Bufile #63-4296-10

## THEFT FROM CARGO

A truckdriver in an eastern city was caught stealing part of his own load. Investigation showed he had learned he could remove the bolt from the door handle on certain trailers and then open the door without breaking the seal. After taking out a portion of the load, he would replace the bolt and profess surprise when the shortage was discovered.

Harfolk crimedel 12/19/67  
Bufile #63-4296-31



# WANTED BY THE FBI



**WILLIE G. SMITH, also known as: William George Smith, Willie Junior Smith.**

## Interstate Flight—Robbery

The FBI is currently seeking Willie G. Smith for unlawful interstate flight to avoid prosecution for robbery. A Federal warrant for his arrest was issued on June 4, 1965, at Baltimore, Md.

## The Crime

On January 27, 1964, Smith was indicted by a grand jury in Baltimore, Md., on two charges of robbery with a deadly weapon. He allegedly robbed a nightclub of \$1,175 and a liquor store of \$390. While free on bond, he failed to appear for arraignment, and in November 1964 his bail was forfeited.

## Caution

Since Smith reportedly has used a pistol in the robberies for which he is sought, he should be considered armed and dangerous.

## Description

Age-----	27, born Aug. 25, 1940, Florence County, S.C.
Height-----	5 feet 9 inches.
Weight-----	135 pounds.
Build-----	Slender.
Hair-----	Black.
Eyes-----	Brown.
Complexion-----	Dark.
Race-----	Negro.
Nationality-----	American.
Occupation-----	Laborer.
Remarks-----	Allegedly a user of narcotics; may have one upper front tooth missing.
FBI No.-----	262,580 F.
Fingerprint classification:	
14 M 1 R IIO 16	Ref: R
S 1 R IOI	T

## Notify the FBI

Any person having information which might assist in locating this fugitive is requested to immediately notify the Director of the Federal Bureau of Investigation, U.S. Depart-

ment 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.

## SEARCHING FOR EVIDENCE

A Montana statute enacted in 1967 allows a peace officer who has made a lawful arrest to "... reasonably search the person arrested and the area within such person's immediate presence for the purpose of protecting the officer from attack, or preventing the arrested person from escaping, or discovering and seizing the fruits of the crime, or discovering and seizing any persons, instruments, articles or things which may have been used in the commission of, or which may constitute evidence of, the offense." A separate statute includes evidence as one of the things for which an officer may search with a search warrant. A search of premises for *evidence* of a crime (as distinguished from instrumentalities, fruits, and contraband) was first approved by the Supreme Court of the United States in *Warden v. Hayden*, 387 U.S. 294 (1967).

## SLIP-UP

The subject of a stolen car incident obeyed an officer's command and got out of the car with his hands held high over his head. He clutched a sweater in one hand while being searched and continued to hold it while being handcuffed, transported to the station, and interviewed. It was during the interview that the gun he had in his hand under the sweater slipped out of his grasp and fell to the floor.



## FOR CHANGE OF ADDRESS

Complete this form and return to:

DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

_____		_____
(Name)		(Title)
_____		
(Address)		
_____	_____	_____
(City)	(State)	(Zip Code)

### RCMP OFFICIAL VISITS FBI



Deputy Commissioner William H. Kelly of the Royal Canadian Mounted Police recently visited FBI Headquarters and was welcomed by Director J. Edgar Hoover.

*Savannah ciimdel 10/11/67  
Bufile #63-4296-49*

### KEEN OBSERVATION

While on routine patrol, a State highway patrolman saw a car bearing only one out-of-State license plate from a State which issues two plates for each vehicle. The officer stopped the car and, while questioning the driver, observed a large quantity of money on the front seat, some of it still in bank wrappers. When the driver was unable to show proof of ownership of the car or a driver's license, and because of the money in plain view on the seat, the officer took him into custody and notified the FBI.

Investigation revealed that, while the car was not stolen, the driver was the subject of two bank robbery cases and was an FBI fugitive.

### A DROP IN CRIME

Burglars gained access to the basement garage of a local supermarket by breaking a window. After opening the garage doors, they drove a truck in and parked it directly under a safe located on the first floor. Then they cut the floor around the safe, dropped it directly into the open bed of the truck, and immediately carted it away.

*Springfield ciimdel 10/5/67  
Bufile #63-4296-52*



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

**OFFICIAL BUSINESS**

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID  
FEDERAL BUREAU OF INVESTIGATION

## INTERESTING PATTERN



The interesting pattern presented above serves to illustrate the minimum requirements for a whorl, namely, two deltas with a recurve in front of each. In the FBI Identification Division, this impression is classified as a central-pocket-loop-type whorl with a reference to a plain whorl. The tracing is meeting.