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WILLIAM H. WEBSTER, DIRECTOR

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CONTENTS

THE COVER

This month's cover features a statue dedicated to those police officers who gave their lives in the Haymarket Riot of 1886. See related article on page 16. (Photograph courtesy of Chicago Police Department.)

"THIS BADGE WILL BE AS BRIGHT AS IT IS TODAY"

Judge William H. Webster was sworn in as Director of the Federal Bureau of Investigation on February 23, 1978, in ceremonies at the J. Edgar Hoover FBI Building. With President Jimmy Carter looking on, and Mrs. Webster holding the Bible used for the oath of office, Warren E. Burger, Chief Justice of the United States, administered the oath to "support and defend the Constitution of the United States."

Also present on the platform were Vice President Walter F. Mondale, Senator James O. Eastland, Chairman of the Senate Judiciary Committee, Representative Peter W. Rodino, Jr., Chairman of the House Judiciary Committee, former Director Clarence M. Kelley, and then Acting Director James B. Adams. The new Director's family was present in the audience, along with dignitaries, friends, and members of the Websters' new FBI family.

Attorney General Griffin B. Bell opened the ceremonies, tracing the history of the FBI and noting that "this is indeed an historic occasion. We have met to change the leadership of the FBI, one of our great Federal institutions, the finest investigative agency in the world." Attorney General Bell then introduced the Chief Justice to administer the oath of office.

REMARKS OF THE PRESIDENT OF THE UNITED STATES

"As President, and as one who has learned a great deal about our Nation the last 2 years, 3 years especially, I'm deeply aware of the importance of the choice of Directorship for the Federal Bureau of Investigation.

"I can't think of any position in our Nation's Government service that can have a more direct influence on the attitude of American people toward their own Government and in strengthening the legitimate ties among people who are interested in local, State, and Federal Governments than the Directorship of the FBI.

"This is an agency which sets a standard for integrity and for competence, for dedication, for professionalism, for the preservation of the security of our lives and property, and for the protection of the basic rights of American people.

"When the FBI does a good job, it makes us all legitimately proud and gives us a feeling of community of purpose and of security. Director Kelley has done a superb job in coming to this important position at a time when strong leadership, good management, and absolute integrity were badly needed. And he has not disappointed us in any of those respects. And Director Kelley, as President, I would like to express my deep, personal thanks to you for your tremendous contribution.

"Tremendous progress has already been made, but we still have a need and an opportunity to make more changes and more progress. Investigative techniques using modern technology and a closer working relationship among all law enforcement agencies and private citizens can certainly be improved. A constant reassessment of priorities, of assignment of your superb personnel in the FBI, can certainly still be modified and improved.

"A reaffirmation of the commitment of the powers and authority of the FBI can be emphasized to protect human rights, the civil rights, the privacy of American citizens within the letter and the spirit of our Constitution and our laws.

"It's obvious, too, that the FBI can, through its leadership role and through its broad range of knowledge and responsibility, even improve its relationship with other Federal agencies, and particularly, those that are responsible for law enforcement.

"I think it's obvious that the new Director takes on one of the most difficult assignments in Government. He is superbly qualified. As a distinguished attorney, as a United States attorney, as a district judge, and as a circuit judge, he has learned the responsibilities of enforcement of the law, the interpretation of the law, in both a theoretical and a practical way.

"Because of the enhanced stature of the Directorship, Griffin Bell and I had an almost unlimited capability of choosing the very top person in our country, and we have been successful in doing this. I'm very proud that Judge Webster has been willing to assume this responsibility.

"This has been done on the basis of nonpartisanship, or bipartisanship. I think it's fair to say that Judge Webster is a human being. He's a Republican, which proves his fallibility. So he

REMARKS OF DIRECTOR WILLIAM H. WEBSTER

"My pledge to all of you and my goal is that ten years from now this badge will be just as bright and shiny as it is today.

"I'd like to express on behalf of every man and woman in the FBI our appreciation that the leaders of the three great branches of our Government would come here today, to the home of the FBI, to evidence their support and their hopes for this institution which is so important in the lives of all Americans, and we're very grateful to have all of you here.

"Director Kelley, as I take the baton from you, sir, and prepare to run the race that is set before me, I thank you for the lead that you have given us and I echo the words of the President in thanking you for your great and distinguished service to our country.

"And now we're ready to start anew. We've learned from the past; we're ready to deal with the problems of the present and to prepare for the tasks of the future.

Attorney General Griffin B. Bell presents FBI badge number 3 to Judge Webster.

"Let there be no doubt about it, the FBI exists to uphold the law.

"And my pledge to you, and all Americans, is that with due regard for the rights of all our citizens and with the highest standards of professional law enforcement as our goal, we will do the work that the American people expect of us, in the way that the Constitution demands of us, so help us God."

THE PRESIDENT

should feel completely at home with the rest of us. We serve in an often fallible way here in Washington . . . .

"The last thing I would like to say is this: On behalf of myself, the Vice President, the members of the Cabinet, all those who serve with us, and, I think, in particular, me, I pledge to Judge Webster my absolute and total confidence, my deepest political and personal commitment to cooperate with him as full partners in preserving the standards which have, through the ages, made our Nation so great.

"It's a partnership that I feel is of superb importance to our country. And I'm very proud to have a man like Judge Webster who has undertaken to even enhance the tremendous public record and the tremendous reputation of one of the finest organizations in Government, and certainly, the finest law enforcement agency in the world."

Wife Abuse and the Police Response

By
ROGER LANGLEY
AND
RICHARD C. LEVY*

Twenty-eight million Americans are victims of a selected form of violent crime, yet most police officers, judges, politicians, and social agencies seem indifferent to their plight.

Perhaps even more startling is the lack of interest in even collecting accurate data concerning this crime and its victims, though the machinery is in place to do a comprehensive job on a national basis.

These ignored victims of our society are battered women.

At a recent meeting of the American Association for the Advancement of Science, startling papers on family violence, based on a scientifically selected random sample of 1,200 persons, were presented. This is the first study of its kind and was conducted for the National Institute of Mental Health by the three leading experts in the field, sociologists Richard Gelles, Murray Straus, and Suzanne Steinmetz.

"Physical violence occurs between family members more often than it

*Authors of *Wife Beating: The Silent Crisis*, E. P. Dutton, New York, 1977.

"[W]ifebeating exists at every level of our society and . . . is the most underreported crime in America."

occurs between any other individuals or in any other setting except for wars and riots," concluded these researchers.

The study shows that more than one-sixth of all American couples each year experience "a violent episode" ranging from an occasional slap to a severe beating. Over a lifetime of the marriage, one-fourth of the couples experience a violent episode.

Dr. Gelles of the University of Rhode Island notes that even though the families who participated in the survey were selected to represent as closely as possible the total U.S. population, the shocking statistics underestimate the problem. He commented, "The major bias is likely to be underreporting. Thus our statistics are probably underestimating the true level of family violence in the U.S."

There are several reasons why Drs. Steinmetz, Gelles, and Straus doubt their own findings. One is the reluctance of both victims and assaulters to admit they engage in violent acts with their spouses; people are ashamed.

Another factor in underreporting is that researchers suspect that if there are rare couples who engage in only one violent act over the course of a marriage, this couple, when surveyed, would be likely to say they had never engaged in violent activities. All the available research data indicates that wifebeaters start early and engage in the practice often. Battered women often endure years of incredible torture and abuse before they tell anyone, and when such a woman overcomes her guilt and reluctance, her one reported case often represents hundreds of actual beatings.

After several years of doing research for our book, *Wife Beating: The Silent Crisis*, the first comprehensive book on this subject, we became convinced that wifebeating exists at every level of our society and it is the most underreported crime in America.

Over and over the analogy of the tip of the iceberg is repeated by all of the experts in the field. The most common estimate is that 50 percent of all American couples engage in some form of physical abuse.

Battered women are the missing persons of official statistics. Wifebeating is so ingrained in our society that it is often invisible. It is so pervasive that it literally does not occur to people to report it to law enforcement agencies or collect statistics on it.

A recent university study staged mock violent fights between men and women in public places. People were willing to become involved when two men or two women fought, but were noticeably reluctant when the fight involved a man and a woman. When the combatants established that they were man and wife, no one was willing to interfere, no matter how violent the action appeared to become.

The classic case of public indifference is the murder of Kitty Genovese on a public street in New York City while 34 witnesses stood by and did nothing. Followup interviews revealed that many of the people did not call police because they thought the victim and the assaulter were married.

There is an understood acceptance of wifebeating in this country that is so ingrained that it need not be articulated. In our research, when we confronted people with the above examples of the public's reluctance to become involved in wifebeating cases, the response was most often "of course" rather than surprise or shock.

Drs. Steinmetz and Gelles both estimated that up to 60 percent of the American married couples engage in spouse abuse. Both have done studies with small samples which have indicated these high figures. Dr. Steinmetz, using both interviews and questionnaires and checking the results against each other, probed the violent behavior of 57 families living in New Castle, Del. Her study showed 60 percent of the families reported that the husband and wife engaged in some form of violent physical behavior and that 10 percent admitted they regularly engaged in extreme physical abuse of their spouses.

Dr. Gelles studied 80 families, and the results of his study showed that 55 percent engaged in one or more violent acts of spouse abuse. Twenty-one percent beat their spouses regularly, with the frequency ranging from daily to six times per year.

Stewart Oneglia, a judge in Prince George's County, Md., and an attorney who specializes in domestic relations, estimates, "Fifty percent of all marriages involve some form of physical abuse of women. I don't classify a scuffling match, where a man holds a woman's arms or pushes her away as physical abuse."

Another expert, Gladys Kessler, an attorney for the Women's Legal Defense Fund in Washington, D.C., said, "Fifty percent of all husbands beat their wives."

A report prepared by the National League of Cities and the U.S. Conference of Mayors, noted, "The inci-

dence of wife assault is so pervasive in this society that half of all wives will experience some form of spouse inflicted violence during their marriage, regardless of race or socio-economic status."

Seven studies using small samples indicate that between 55 and 65 percent of the married population engages in spouse abuse. If one accepts these findings as representative, then there are between 26 and 30 million abused women in the United States today. Obviously, severity and frequency are important factors, but nevertheless, any activity occupying up to 30 million Americans is worthy of serious study.

Furthermore, assault is a crime in every State of the Union, but wifebeating assaults almost never go to court. In fact, even when the crime has been admitted to under oath by the assailant, it is rare that he is prosecuted. Thousands of divorces are granted every year on the grounds that the husband physically assaulted the wife. Yet our research failed to discover a single case where criminal action was subsequently taken, even though the evidence of the crime existed in court records.

The job that needs to be done is to collect adequate statistics on the problem. This will require action by the International Association of Chiefs of Police (IACP), local police agencies, and the Federal Bureau of Investigation. The IACP can create a new category—Spouse Abuse: Female/Spouse Abuse: Male—to be collected with other Uniform Crime Reporting statistics. If local agencies cooperate by recording the data, the FBI can be given the funds to compile the information; we would then have some national statistics on this crime. Of course, this would only give that part of the picture represented by reported cases.

Wifebeating can be a civil matter, a criminal matter, or both. It's been a tradition in this country to regard it almost exclusively as a civil matter and to avoid arrests.

In New York, there was a law on the books until the 1977 session of the legislature which required wifebeating cases to be channeled out of the criminal system and into the civil process.

The Detroit Police Department's General Orders state, "Family trouble is basically a civil matter . . . ."

The outline used by instructors at the Wayne County Sheriff's Academy, Wayne County, Mich., explains a typical arrest-avoidance policy:

Avoid arrest if possible.

a. Appeal to their vanity.
b. Explain the procedure of obtaining a warrant.
    1. Complainant must sign complaint.
    2. Must appear in court.
    3. Consider the loss of time.
    4. Cost of court.
c. State that your only interest is to prevent a breach of the peace.
d. Explain that attitudes usually change by court time.
e. Recommend a postponement.
    1. Court not in session.
    2. No judge available.
f. Don't be too harsh or critical.

The procedures used in Michigan are representative of the official police tactics used in all States. The recommended procedure is to make an arrest only as a last resort. Policemen are often officially advised, "Never create a police problem where only a family problem exists."

Typically, the battered wife is put on the defensive when she seeks help from the police, who are predominantly male. Instead of assistance, she is confronted with questions such as:

"Who will support you if he's locked up?"

"Do you realize he could lose his job?"

"Do you want to spend days in court?"

"Why don't you kiss and make up?"

"Why did you make him slug you?"

"Why do you want to make trouble? Think of what he'll do to you next time."

For years, Hartford, Conn., has instructed its police officers accordingly:

"Arrest is usually the least desirable of all available alternatives. As a consequence of arrest the police and the courts have more work to do, the offender may lose income or even his job, the offender may be angered or become even more upset and cause injury to innocent third parties such as children . . . . On balance it is probably a waste of time and effort to arrest in most domestic cases."

If police are trained not to make arrests in wifebeating cases, then it's not surprising that they do as they were trained. Most police do not consider handling such cases a part of their work. "Police have long looked on the problem as an unwanted part of their job," says Dr. Morton Bard. "If police work is crook-catching, this certainly isn't it."

Perhaps this is a fundamental error in the way we are trying to deal with this problem. Perhaps it would make more sense if the police officers concentrated on the criminal aspects of wifebeating and left the sociology and psychology to other agencies.

Currently, American society is saying to its law enforcement officers, "Go in there and shoot it out or administer therapy, whichever is required." Is this a reasonable order?

Many law enforcement experts frankly admit that the police don't know what they're doing when it comes to investigating wife-abuse cases.

Tim Crowe, a senior consultant at Westinghouse Justice Institute who conducts crisis seminars for law enforcement officers, says, "Policemen answer these calls, but they don't know quite what to do. So they de-emphasize them. Yet it is one of the most important things they do."

James Bannon, a Detroit police commander, also feels police are not qualified to do the job. "Traditionally, trained policemen are the worst possible choice to attempt to intervene in domestic violence. The real reason that police avoid domestic-violence situations to the greatest possible extent is because we do not know how to cope with them."

Dr. Morton Bard, a professor at New York University and a former police officer, adds:

> "A family crisis which has deteriorated to the point of threatening violence is in critically delicate balance and requires a high level of skill on the part of the intervening authority who is expected to mollify the situation. Regretfully, the police officer, if he is unprepared for this function and left to draw upon his own often biased notions of family dynamics and upon his skill as a law enforcer, may actually behave in ways to induce tragic outcome. . . .
>
> "There is evidence then that police officers in today's society are realistically involved in many interpersonal service functions for which traditional police training leaves them unprepared. It is further suggested that intervention in family disturbances is one such function in which unskilled police performance may in fact endanger the policeman and may fail to prevent eventual commission of capital crimes or assault."

Perhaps the time has come to rethink and reorganize training methods dealing with spouse-abuse cases.

"The concept that the police should avoid making the arrest or actively try and discourage the victim from filing a complaint must be negated."

It would be wise to make sure that police procedures include some knowledge of the law so that police officers do not mislead victims or attackers.

It would be most helpful, for example, if the police officers would carry printed cards which listed key telephone numbers and addresses, such as battered wife shelters, crisis hot lines, social agencies, magistrates, emergency medical services, and the like, as well as where and when to go and file a formal complaint. Such are useful to give the victim her options.

The concept that the police should avoid making the arrest or actively try and discourage the victim from filing a complaint must be negated. Recently, the IACP even changed its posture on arrest avoidance. In its Training Key No. 245 ("Wife Beatings") it recommends:

> "To minimize pressure on the prosecutor, courts, and social service agencies will only delay the time when adequate remedies and programs are provided. Ignoring the problem is an improper action of the police. Even if each family processed through the legal and social service systems receives no help from them, initiating the process remains the proper action for the police until a better system exists."

If a great deal of paperwork is required to file an assault complaint, it might be productive for police agencies to examine critically their forms and existing procedures with an eye towards simplification. Is it possible to design a form that could utilize more boxes to check and diagrams to mark with less detailed passages? Could the statements be tape recorded and not transcribed unless there is a followthrough on the charge? There can be many creative solutions to the "paper problem" which police professionals could conceive and implement if enough attention is given to the problem.

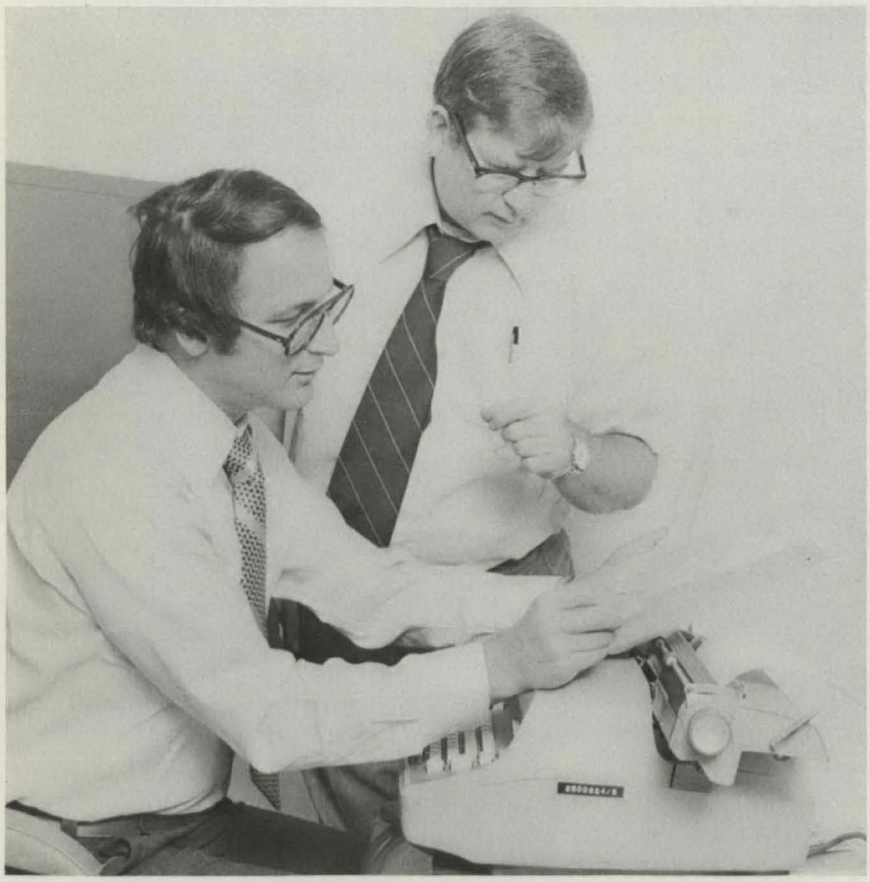
Special channels can be created to deal with battered wife cases speedily if the police, district attorneys, and judges cooperate. If the spate of complaints—which many people predict—develops, then courts and the municipal jurisdictions will have to come up with the answers to handle them.

"[T]he patrolman's chief concern should not be over the amount of paperwork his actions will create nor should it be that an arrest will add to the already overcrowded court situation. His or her first duty is to protect the citizens and enforce the laws . . . ."

Most importantly, the patrolman's chief concern should not be over the amount of paperwork his actions will create nor should it be that an arrest will add to the already overcrowded court situation. His or her first duty is to protect the citizens and enforce the laws; the administrative problems belong to his superiors. It's not unheard of that a supervisor might pass down the word that he doesn't want to see so many arrests and when this happens he usually gets his wish. It's hardly fair to point the finger at the street officer if there has been an actual or implied order to "cool it." Obviously the police at every level have to work together on the problem.

When the police take it upon themselves to decide "it's a waste of time" to process an assault case "because 90 percent of them drop the charges," they leave themselves open to charges of selective enforcement. In the eyes of the law, each victim of any crime is entitled to his full rights and protection. No one would dream of refusing to process an armed robbery complaint on the grounds that someone else who had filed the complaint earlier had dropped the charge. No case has a brother, and the citizen has the right to expect that his case will be treated on its own merits and not on a precedent set by other cases. If it results in a flood of paperwork and the tying up of immense amounts of police time, then so be it. Society will have to decide if it wants to change the laws, hire more law enforcement officers, redistribute the way police officers are utilized, surrender some of the protection it now provides, or examine other methods to balance police resources, time, and money.

Authors Richard Levy (seated) and Roger Langley.



Police officers who continue to refuse to file complaints for an increasingly militant public could well find themselves in court.

Many feminists argue that the reason women drop wifebeating charges is because of the redtape and indifference they encounter when trying to do so. In other words, it may be hard or time-consuming to seek justice.

The failure to prosecute may be more of an indictment of the system than the woman. Ms. Susan Jackson, a San Francisco attorney argues:

> "It is simply unfair, in light of the systematic discouragement that victims receive from the police and the time-consuming and almost insuperable hurdles to prosecution erected by the district attorney's office, to blame the women for failure to follow through against their attackers and to use this failure as a primary excuse for nonenforcement of the law. . . .
>
> "In many cases the reason a victimized woman drops charges or refuses to testify is not that she needs to be violently abused but the opposite need, to avoid a violent retaliation.
>
> "Recently, in San Francisco, a twenty-two-year-old woman whose husband had been arrested the previous week for a vicious attack in which he had knocked out several of her front teeth and cracked her skull with the butt of a gun, called the Women's Litigation Unit to complain that her husband, out on bail, was threatening to kill her unless she refused to drop the charges against him. When she appealed to the district attorney's office to arrest her husband, she was told that nothing could be done. She was forced to go

into hiding until the trial. A threat, when coupled with a just reason to believe the one who threatens will follow through, is a crime . . . .

"It should be assumed that a woman whose husband is beating her wants, first of all, an immediate end to the beatings; she wants some assurance that the beatings will not recur, and if they do, she wants an effective remedy.

" 'Officials should not assume that the woman is not serious, that she will later change her mind. This is a flagrant denial of her rights'."

"Officials should not assume that the woman is not serious, that she will later change her mind. This is a flagrant denial of her rights."

On the other hand, police should realize that there are many complex reasons women may not wish to press charges, reasons which she is not helped to overcome by the frustration in the system. Researcher Elizabeth Truninger lists seven reasons why some women stay with battering mates: (1) Poor self-image; (2) belief their husbands will reform; (3) economic hardships; (4) the need of their children for the father's economic support; (5) doubt they can get along; (6) belief that divorces stigmatize; and (7) the fact that it is difficult for women with children to find work. The fewer resources a battered wife has—education, job skills, access to money, a car, friends—the fewer alternatives she has to staying with the man. Or put it this way, the more entrapped she is by marriage, the more reluctant she is to end it.

"[W]ifebeating is a paramount police problem which could involve as many as 28 million victims."

In summary, wifebeating is a paramount police problem which could involve as many as 28 million victims. One of the first things that needs to be done is to begin a cooperative effort to add spouse abuse to the Uniform Crime Reporting system. Although wifebeating can be a criminal matter, a civil matter, or both, traditionally it is handled as a civil one. Most police officers are trained to avoid making arrests in such cases. The emphasis has been on "cooling down" the situation and talking the woman out of pressing charges, often with erroneous or inaccurate information. Since police work is essentially designed to deal with crime, it might make more sense for law enforcement to concentrate on the criminal aspects and leave the psychology and sociology to other agencies. The principle objection that "most women drop the charges later" and "it causes a lot of paperwork" should not be serious considerations when determining the rights of a citizen to equal protection under the law. If enforcement leads to a paper chase and clogged court dockets, these problems will have to be faced and solved. They should not be the concern of the street officer, but rather of his superiors and other government agencies.

Changing deeply held attitudes and tenets—on both sides—will not be easy, nor will it happen quickly. But because the job is difficult and long, it does not mean that it should not be done. Helping make the world a less violent place is worthy of our best efforts.

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Search by Consent

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PART VI

Effect of Prior Constitutional Violation

Suppose a suspect is arrested without probable cause. During a period of illegal detention following the arrest, he consents to the search of his apartment, which yields evidence of crime. Is the evidence admissible?

The answer to this question requires the application of the derivative evidence rule, or as it is more commonly known, the "fruit of the poisonous tree" doctrine. The most detailed explanation of the principle is found in *Wong Sun* v. *United States*, 371 U.S. 471 (1963), wherein the Supreme Court held that testimonial as well as physical evidence seized as a result of the exploitation of a "primary illegality," such as an unlawful arrest or unreasonable search, is subject to exclusion. The Court recognized two exceptions to the rule: (1) Where the connection between the unlawful conduct and the seizure of evidence is "so attenuated as to dissipate the taint" of the prior illegality (i.e., where the cause-effect relationship is disrupted by intervening circumstances); and (2) where the evidence seized is the product of an "independent source" rather than the prior illegality. The rule requires an exploitation of the constitutional violation, and since exploitation is a question of fact, its application will vary depending on the circumstances of the case. Nonetheless, some general observations can be made.

Many courts agree that the State's burden of proving voluntary consent can be met even though the person consenting is being detained illegally. In other words, there is no *per se* rule of exclusion. In *Phelper* v. *Decker*, 401 F. 2d 232 (5th Cir. 1968), the defendant argued that he was subjected to an unlawful arrest and his subsequent consent to search was the product of the illegal seizure and thus

"The terms and conditions of a consent to search are controlled by the consenting party."

invalid. The court acknowledged that if an arrest is unlawful and if it is exploited to get the consent, the rule of *Wong Sun* bars the use of any evidence seized pursuant to the consent. On the other hand, even conceding the unlawful arrest, a voluntary consent dissipates the taint of the arrest and makes the fruits of the search admissible. The defendant lost his argument when the court applied the latter principle.

The rule stated in *Phelper* has been approved in other jurisdictions, *Manning* v. *Jarnigan*, 501 F. 2d 408 (6th Cir. 1974) (dissent); *Santos* v. *Bayley*, 400 F. Supp. 784 (M.D. Pa. 1975); *State* v. *Cox*, 330 So. 2d 284 (La. 1976) (on rehearing), although voluntary consent given after an illegal arrest requires a heavier burden of proof than where the suspect is lawfully in custody. *United States* v. *Horton*, 488 F. 2d 374, 380 n.5 (5th Cir. 1973), cert. denied 416 U.S. 993 (1974); *United States* v. *Jones*, 475 F. 2d 723 (5th Cir. 1973), cert. denied 414 U.S. 841 (1973).

It is of interest that the court in *Phelper* distinguished between an arrest which is defective for "failure to comply with technical requirements" (e.g., a statute or rule of procedure) and one which amounts to a "gross violation of legal processes" (e.g., a constitutional infirmity). Presumably in the latter case, the court would be more apt to invalidate a consent obtained after the arrest. Cf. *Moffett* v. *Wainwright*, 512 F. 2d 496, 504 (5th Cir. 1975).

Where the consent is prompted by an illegal search or the fruits thereof, the approach taken in the unlawful arrest cases is used. For example, in *Hoover* v. *Beto*, 467 F. 2d 516 (5th Cir. 1972), cert. denied sub nom. *Hoover* v. *Estelle*, 409 U.S. 1086 (1972), the court held that consent to search in the face of an allegedly invalid search warrant was voluntary:

> "Our own view of the testimony is that when [defendant] told [the officer] that his warrant was not necessary and to come on into his home and search wherever he wanted, this constituted clear and convincing evidence of voluntary consent to the search, irrespective of the validity of the warrant. [Defendant] voluntarily consented to and invited the search. That consent was neither coerced nor compelled by the search warrant." *Id.* at 521.

Similarly, in *United States* v. *Hearn*, 496 F. 2d 236 (6th Cir. 1974), cert. denied 419 U.S. 1048 (1974), it was noted that while the use of unlawfully obtained information in procuring consent is a relevant fact in determining voluntariness, a prior illegal search does not necessarily render evidence obtained by a subsequent consensual search inadmissible. See also *United States* v. *Willis*, 473 F. 2d 450, 452 (6th Cir. 1973), cert. denied 412 U.S. 908 (1973).

Where a court is persuaded that the consent was the result of an exploited fourth amendment violation, the ensuing search will be deemed unlawful. Decisions reaching this conclusion are *People* v. *Superior Court of Shasta County*, 455 P. 2d 146 (Cal. 1969) (consent not an intervening independent act which severed connection between prior illegal search and subsequent entry to vehicle); *State* v. *Barwick*, 483 P. 2d 670 (Idaho 1971) (sham arrest for vagrancy and subsequent permission to search so intertwined that the consent did not expunge taint of illegal arrest); *Whitman* v. *State*, 336 A. 2d 515 (Md. Ct. Spec. App. 1975) (though illegal arrest, without more, does not vitiate voluntary consent, it is a circumstance of "enormous psychological effect and compelling significance"; consent invalid); *State* v. *Price*, 260 A. 2d 877 (N.J. Super. Ct. 1970) (implied coercion of illegal arrest relevant factor in deciding voluntariness of consent; consent invalid).

Limitations of Search

Scope of Search

The terms and conditions of a consent to search are controlled by the consenting party. He may authorize a broad general search of his premises, which confers wide latitude on the inspecting officer. Or he may impose restrictions, which substantially narrow the searching officer's power in conducting the search. If the search thereafter extends beyond the limits imposed, it becomes unreasonable and unlawful. Any evidence found is subject to exclusion.

A leading case is *United States* v. *Dichiarinte*, 445 F. 2d 126 (7th Cir. 1971). The defendant was arrested about a mile from his home on a warrant charging him with a Federal narcotics violation. When asked if he had narcotics at his home, the defendant responded, "I have never seen narcotics. You guys come over to the house and look, you are welcome to." Thereupon, the arresting officers took the defendant to his home, where they embarked on a warrantless search for

narcotics. During the search, they came upon and read personal papers of the defendant "to determine whether they gave any hint that defendant was engaged in criminal activity." He was later prosecuted successfully for income tax evasion.

On appeal, a Federal court held that a consent search is reasonable only if kept within the bounds of the actual consent, that the consenting party may limit the extent or scope of the search in the same way that specifications of a warrant limit a search pursuant to that warrant. In this case, the officers, at most, had permission to search for narcotics. When they used this authority to conduct a "general exploratory search," their actions became unreasonable under the fourth amendment.

Dichiarinte stands for the proposition that limits may be imposed based on the object of the search. There are other restrictions circumscribing the actions of searching officers. They are clearly and carefully explained in a 1974 decision of the Maine Supreme Court. In *State* v. *Koucoules*, 343 A. 2d 860 (Me. 1974), the court dealt with the allegation that officers searching for a murder weapon and ammunition clip went beyond the scope of the consent granted by the defendant. The court concluded otherwise. But more importantly, the decision enunciated principles generally applied by both Federal and State courts:

1. A consent search is reasonable and legal to the extent the individual has consented. He determines the bounds and breadth of consent. It may be broad or limited.
2. Limitations may be implied from the language used or conduct displayed by the individual, and such a judgment must be made by the officer using reasonable caution, in light of the particular situation and circumstances.
3. The consenting party may condition his consent on his being present during the search.
4. A time limit may be imposed on the authority to search. But the mere lapse of time between consent and search does not require a reaffirmation of the consent as a condition precedent to a lawful search.
5. Permission may be given to search for a particular object, and the ensuing search remains valid so long as its scope is consistent with an effort to locate that object.
6. A limitation may be placed on the officer as to the area or space within the premises to be searched. *Id.* at 866–72.

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

The views expressed in *United States* v. *Dichiarinte, supra,* and *State* v. *Koucoules, supra,* are supported in the following decisions: *United States* v. *Griffin*, 530 F. 2d 739, 744 (7th Cir. 1976) (person may limit consent); *United States* v. *Pugh*, 417 F. Supp. 1019 (W.D. Mich. 1976) (consent to inspection and audit of pharmacy records not a consent to seizure of prescriptions); *People* v. *Billington*, 552 P. 2d 500 (Colo. 1976) (en banc) (defendant may limit scope of consent, police thereafter must limit scope of search); *Herron* v. *State*, 456 S.W. 2d 873 (Tenn. Crim. App. 1970), modified 408 U.S. 937 (1972) (consenter may condition the search on his being present); *State* v. *Connolly*, 350 A. 2d 364 (Vt. 1975) (elementary and undisputed that scope of permission to search may be limited).

"The scope of the consent may be restricted by the purpose of the search."

The scope of the consent may be restricted by the purpose of the search. For example, where officers are permitted to enter premises to look for a fugitive, they may not convert this authority into a privilege to rummage through bank bags, trash containers, or other spaces which obviously could not hide a man. *Lugar* v. *Commonwealth*, 202 S.E. 2d 894 (Va. 1974). But where the defendant's written consent authorized officers to search premises for heroin, the seizure of amphetamines and methadone found in closed containers was deemed reasonable. They were not found in "impermissible areas." The search was within the scope of the consent. *State* v. *Alderete*, 544 P. 2d 1184 (N.M. App. 1976).

When a person consents to a search of "premises," does he mean to permit the officer to inspect a detached garage, a storage building, or a trash container located in the yard? The question arose in *Commonwealth* v. *Eckert*, 368 A. 2d 794 (Pa. Super. Ct. 1976). The defendant, an armed robbery suspect, gave police a written consent to search his mobile home. When police arrived at the home, they also found a storage shed located 5 to 10 feet from the rear of the trailer on property occupied by the defendant. The consent search form authorized a search of "premises." The shed was searched and evidence found. The court held that "premises" included

the storage shed and indicated the same reasoning would apply to garages, trash barrels, and other outbuildings. The term includes "all property necessarily a part of the premises or so inseparable as to constitute a portion thereof." *Id.* at 797.

Revocation or Modification

Consent to search given voluntarily may be presumed to continue, unless revoked, until all areas to be searched have been examined. Revocation may occur at any time during the course of the search. That part of the search which takes place prior to the recision of consent is a lawful search, and any evidence found during this period will be admissible. On the other hand, evidence seized after consent has been withdrawn will be subject to exclusion. The revocation of consent is simply a denial of a further right to search. It cannot invalidate the authority previously given, but it can terminate that authority.

In *United States* v. *Bily*, 406 F. Supp. 726 (E.D. Pa. 1975), FBI Agents sought authority to search the premises of the defendant, a film collector. They were investigating possible violations of Federal copyright laws. The defendant signed a consent search form, and the Agents embarked on a careful effort to find copies of motion picture films. They seized copies of two films, at which point the defendant said, "That's enough. I want you to stop." Thereafter, a third film was found and seized. The defendant moved to suppress all three films.

The court held that the defendant's statement was "a revocation of consent that took immediate effect." The seizure of the third film was invalid. However, the two found prior to the termination of consent were the products of a lawful search and therefore admissible. See also *United States* v. *Young*, 471 F. 2d 109 (7th Cir. 1972), cert. denied 412 U.S. 929 (1973) (attempted recision alleged by defendant does not render original consent invalid); *Lucero* v. *Donovan*, 354 F. 2d 16 (9th Cir. 1965).

The principle that consent, once granted, may be revoked, has found support in airport terminal search cases. In *United States* v. *Homburg*, 546 F. 2d 1350 (9th Cir. 1976), a Federal appellate court reasoned that a prospective airline passenger impliedly consents to a warrantless screening search as a condition to boarding an aircraft. However, consent to additional searches after a preliminary screening may be revoked if the passenger agrees not to board the plane and instead decides to leave the boarding area. See also *United States* v. *Miner*, 484 F. 2d 1075 (9th Cir. 1973).

Not all decisions have recognized the right of a consenting party to rescind the authority he has conferred on searching officers. It has been held that when voluntary consent to search is given, it may not be countermanded during the search. *People* v. *Kennard*, 488 P. 2d 563, 564 (Colo. 1971) (automobile trunk); *State* v. *Lett*, 178 N.E. 2d 96, 101 (Ohio App. 1961) (premises). Neither case, however, cited any authority for the view that consent to search is irrevocable.

The approach taken by the Federal courts, that consent may be revoked, is reinforced by language of the Supreme Court in *Miranda* v. *Arizona*, 384 U.S. 436 (1966). While addressing the problem of fifth and sixth amendment protection during custodial interrogation of a suspect, the Court pointed out:

> "The mere fact that he [defendant] may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned." *Id.* at 445.

There would seem to be no logical reason why the foregoing language should not apply equally in a consent search situation.

Implied Consent

A specific, unambiguous, affirmative relinquishment of rights is, of course, the objective of an officer seeking consent. And once it is obtained, either orally or in writing, the officer is in a strong position to later prove the consent. However, it is generally agreed that express consent is not always necessary. There are circumstances from which the consent of a party may be inferred. The following sections describe some of these circumstances and how the courts have handled the problem of implied consent.

Silence—Failure to Object

Imagine an officer knocking on the door of a residence. He identifies himself to the person responding and requests permission to enter and search. The resident says nothing. May the officer conclude from his silence that he has consented to an entry and search?

In *United States* v. *Lindsay*, 506 F. 2d 166 (D.C. Cir. 1974), police sought entry to a motel room in the course of an armed robbery investigation. The officers knocked on the door. The occupant opened the door and then stood mute while they entered the room, where evidence of the robbery was found. One of the issues presented was whether the entry of the officers could be justified on the theory of consent. It was held that silence in the face of a group of police at the door

can give rise to no inference of an invitation to enter.

"The weight of authority seems to support the view that silence alone is not consent."

The weight of authority seems to support the view that silence alone is not consent. An exception may be seen in *Lee* v. *State*, 477 P. 2d 157 (Nev. 1970), in which the Nevada Supreme Court held that silence, when there is a duty to speak or act, can amount to an intelligent waiver of a constitutional right.

It has been said that consent "may be implied from the circumstances surrounding the consenting party's interaction with the authorities, including silence." 65 Geo. L. J. 235 (1976). Yet all the cases supporting such a statement show that the silence of the "consenting party" was accompanied by some other indication of waiver. For example, in *United States* v. *Williams*, 538 F. 2d 549 (4th Cir. 1976), voluntary consent was found where Federal agents knocked on defendant's motel room, identified themselves to the occupant, and went into the room when he "motioned" the agents to enter. While there is no indication the defendant made any statement, his gesture was sufficient to establish consent. See also *United States* v. *Canada*, 527 F. 2d 1374 (9th Cir. 1975), cert. denied 50 L. Ed. 2d 147 (1976) (placement of suitcase on conveyor at airport checkpoint manifests acquiescence in screening process); *United States* v. *Turbyfill*, 525 F. 2d 57 (8th Cir. 1975) (consent may be implied; opening of door and stepping back constituted implied invitation to enter).

Conduct and Gestures

The preceding cases make clear that a consent need not be spoken. It may be in the form of gestures or conduct, so long as freely and voluntarily given. *United States* v. *Griffin*, 530 F. 2d 739 (7th Cir. 1976). In *Griffin*, officers entered an apartment when the party answering the door stepped back and left the door partially open. See also *United States* v. *Williams*, *supra*; *United States* v. *Canada*, *supra*; *United States* v. *Turbyfill*, *supra*; *State* v. *Hyleck*, 175 N.W. 2d 163 (Minn. 1970), cert. denied 399 U.S. 932 (1970) (turning over house keys to friend without reservation or condition for use of police constituted invitation to enter and consent to search house).

The gesture of the consenting party may impose a limitation on the invitation to search. In *Oliver* v. *Bowens*, 386 F. 2d 688 (9th Cir. 1967), officers accosted a known narcotics user on the street and asked if he was still using or carrying narcotics. He answered "no," at which point one officer asked if he minded being checked "to see if he had any marks on him." The defendant made no verbal reply, but extended his arms out sideways. The officer did not scrutinize the arms, but rather conducted a search of his pockets, finding and seizing marihuana. The court found the search unlawful. There was no intended consent to have the officer switch from an inspection of arms to a general search of the defendant's pockets.

Ambiguous or Equivocal Responses

In addition to his many other roles, an officer oftentimes must be a semantician. When seeking consent to search, he must be able to decide what is meant when the resident says, "I have nothing to hide" or "you won't find anything in here." While there are no hard and fast rules, it is apparent that the words of consent need not convey explicitly a relinquishment of rights. The consenting party need not state, "I hereby consent to your search of my house, knowing I have a right to withhold such consent." The most prudent approach an officer can take is to attach the common and reasonable interpretation of language to the consenter's words, and if in doubt, clarify the response by further inquiry. Ask him what he means, as did the Federal agent in *United States* v. *Wiener*, 534 F. 2d 15 (2d Cir. 1976), cert. denied 50 L. Ed. 2d 80 (1976) (Agent: "Do you have any narcotics in the apartment?" Defendant: "If you find any, you can have them." Agent: "Does this mean you are giving us your consent to search the apartment?").

In *United States* v. *Watson*, 423 U.S. 411 (1976), the Supreme Court approved a consent to search where the consenting party used the words "go ahead." Similarly, in *Schneckloth* v. *Bustamonte*, 412 U.S. 218 (1973), a consent was sustained where the consenting party responded to an officer's request to search by saying, "Sure, go ahead." In *Coolidge* v. *New Hampshire*, 403 U.S. 443 (1971), officers, interviewing the defendant's wife in connection with her husband's involvement in a murder, were offered his guns which were stored in the family home. The wife said, "If you would like them, you may take them . . . we have nothing to hide." Among other claims, the defendant argued that the wife could not and did not "waive" his constitutional rights. The Court disregarded this argument, however, holding there was no search or seizure, but rather a "spontaneous, good-faith effort by his wife to clear him of suspicion." 403 U.S. at 489–90. *Coolidge*, therefore, is not a case involving consent. Yet the language of the wife illustrates in what other circumstances might be a clear relinquishment of fourth amendment protection. See also *State* v. *Sherrick*, 402

P. 2d 1 (Ariz. 1965), cert. denied 384 U.S. 1022 (1966) (statement that defendant "had no objection" when asked for permission to search apartment amounted to clear evidence of consent in unequivocal terms).

Permission to Enter

Officers should carefully observe the distinction between an invitation to enter and a consent to search the premises. Consent to entry alone may not justify a search. A recent Maryland case illustrates the point. State officers, investigating a report that a substantial quantity of marihuana was stored in a rented cabin, obtained permission of the defendant (tenant) to enter. Once inside, they asked for permission to conduct a warrantless search. The defendant refused. One officer then examined a "totally innocent" pipe located on a table and decided it contained marihuana. The defendant was arrested for possession, and soon thereafter consented to a search of the cabin, which yielded 584 pounds of marihuana. He subsequently was convicted of possession with intent to distribute.

On appeal, the Maryland court held that the consent to search was involuntary, having been given only after an unlawful examination of the pipe and a resultant illegal arrest. Hence the seizure based on the consent was invalid. The court's analysis of the problem began with the initial entry into the cabin:

> ". . . [P]ermission to enter cannot be equated with a voluntary consent to search the premises. To the contrary, in this case, it is manifest from the record that after the Appellant invited the officers to enter the premises he insisted that they obtain a warrant before searching the premises for suspected marijuana. *An invitation across the threshold of a fixed premises without warrant will not justify a general exploratory search of that premises.*" *Gardner* v. *State*, 363 A. 2d 616, 621 (Md. Ct. Spec. App. 1976) [emphasis added].

The Maryland view has been expressed in other jurisdictions. See, e.g., *United States* v. *Griffin*, 530 F. 2d 739 (7th Cir. 1976) (consent may be limited); *Banks* v. *Pepersack*, 244 F. Supp. 675 (D. Md. 1965) (permission to enter not consent to search); *Duncan* v. *State*, 176 So. 2d 840 (Ala. 1965) (invitation to enter motel room did not constitute consent to search); *State* v. *Peterson*, 155 N.W. 2d 412 (Iowa 1968) (granted request for admission not the same as leave to search private premises); *State* v. *Selmer*, 553 P. 2d 1069 (Ore. App. 1976) (walking through house exceeded bounds of initial permission to enter).

The foregoing decisions should not discourage an officer from seeking an invitation to premises, particularly when the purpose is to conduct an interview. The atmosphere is apt to be better on the inside. Moreover, lawful access to the interior of premises exposes the inside to the casual scrutiny of the officer. And once a proper entry has been made and the officer has established his lawful presence, he may observe whatever is in open view. Such observations do not constitute a search, and any facts thus uncovered may be used to establish probable cause to search or arrest. *Manni* v. *United States*, 391 F. 2d 922 (1st Cir. 1968), cert. denied 393 U.S. 873 (1968). Likewise, physical evidence in plain view is subject to seizure, and because there is no search, a warrant is not necessary to authorize the seizure. *United States* v. *Griffin*, *supra*, at 744; *Robbins* v. *MacKenzie*, 364 F. 2d 45 (1st Cir. 1966), cert. denied 385 U.S. 913 (1966).

(Continued Next Month)

Washington DC

LAW DAY—U.S.A.

May 1, 1978, marks the 21st annual nationwide observance of Law Day—U.S.A. sponsored by the American Bar Association. This year's theme, "The Law: Your Access to Justice," emphasizes the achievement of equal justice for all under law. "Today in our country the least fortunate among us enjoys more equal social justice, more protection of life, liberty, and property, and a greater opportunity for personal freedom than has ever been provided the common man by any other system in recorded history."

By Presidential proclamation and joint resolution of Congress, May 1 of each year has been set aside as a "special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law."

The major purpose of this observance is "to emphasize the values of living under a system of laws and independent courts that protect individual freedom and make possible a free society."

When the Swedish chemist, industrialist, and philanthropist, Alfred Nobel, invented dynamite in 1866, he had hoped his powerful explosive would serve as a deterrent to war and destruction. Sadly he learned otherwise. For in the years that followed, dynamite became the obsession of a handful of radicals in America who saw in its violent capabilities a weapon against the existing social order, an instrument of terror and revolution.

During May of 1886, these social revolutionaries called together a mass meeting near Haymarket Square in Chicago, Ill., to protest police action against striking workmen in connection with an earlier incident. As police attempted to disperse the gathering, a bomb hurled from the crowd landed and exploded in police ranks. Gunshots rang out from both sides. Although the ensuing pandemonium lasted for only a few minutes, it ultimately left 7 policemen dead, over 60 wounded, and at least 200 casualties among the crowd.

The first nihilist bomb in America had exploded with grisly effectiveness and one of the darkest episodes in police history was written.

Haymarket Riot: *May 4, 1886*

After a rapid and intense post-Civil War industrialization, Chicago, through the 1870's and 1880's, became a troubled city seething with discontent.

In 1872, a mob, agitated by rumors that the unemployed were being deprived of relief money, demonstrated at the offices of the Relief and Aid Society. It was not a serious incident and the crowd was easily dispersed by police, but the so-called "Bread Riot" was an omen of growing resentment and the seriousness of unemployment.

The panic of 1873 forced wages dangerously low, and a continuing deterioration of the economy further depressed wages and created widespread labor surpluses and worker indignation.

The unprecedented flood of foreign labor which immigrated to America in pursuit of a better life became a complicating factor during this historical period. All too often these new arrivals from Europe found in America the poverty they had hoped to leave behind. They were handicapped by a lack of leadership, an inability to communicate with competing alien groups and native labor, and they were often resented by Chicagoans (some of whom were only themselves a few years removed from Europe) for cheapening the price of labor. Nevertheless, by 1884, prac-

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tically half of Chicago's inhabitants were of foreign origin—predominantly German and Bohemian—and the assimilation of so large a foreign population constrained by unemployment and poverty became virtually impossible. The melting pot began to boil.

When rioting and violence erupted, police/protester collisions of increasing severity and frequency resulted in casualties on both sides. The anarchists, a handful of extremists drawn from the ranks of the German Socialists embittered and frustrated with the economic conditions they found in America, were quick to exploit these encounters. They maintained a steady barrage of antipolice propaganda through the principal journals of radicalism—the German-language newspaper, *Arbeiter Zeitung* and *The Alarm*, its English-language counterpart. Many went underground and organized armed paramilitary groups which drilled in secret and experi-

An old woodcut depicts the Haymarket Riot.

mented with homemade bombs.

Amid the turbulence there occurred a phenomenal growth in labor organization membership and strength. The boycott, strike, and collective bargaining were used extensively and effectively. Organized labor was obtaining significant concessions toward better working conditions, wages, and the 8-hour day. The anarchists' interest in the workmen's unrest, however, was the opportunities it might afford toward social upheaval and the realization of their millennium. Their concern was less with the 8-hour movement, the ballot, and peaceful techniques of trade unionism than with the obliteration of ordered government. They developed the naive expectation that the new, cheap, lightweight explosive—dynamite—would effect the dissolution of established authority.

In February 1886, workers at the McCormick reaper factory walked out in support of an 8-hour day and increased wages. Despite the fact that most demands had been met, the strike dragged on for months, punctuated by violence and street skirmishes. By May, no less than 58,000 workers were on strike in the City of Chicago. On May 3d, a policeman was fired upon, and when reinforcements arrived, several demonstrators were killed.

The anarchists at the *Arbeiter Zeitung* hastily printed and distributed handbills demanding revenge and calling together a great mass meeting at Haymarket ". . . to denounce the latest atrocious acts of the police . . . ."

Haymarket Square was one of five marketplaces in Chicago where the cities' poor were able to purchase directly produce from farmers at low prices. It was easily accessible to working-class neighborhoods and could accommodate 20,000 people. For these reasons, it was selected as a rallying site. The meeting was set for 7:30 p.m., May 4, 1886, and what happened there is described in an account which appeared in the Chicago *Herald* the following day:

"Three thousand men and boys stood around three barrels and boxes erected as a platform on the square at 8 o'clock last evening. August Spies, the editor of the *Arbeiter Zeitung*, the Anarchist organ in this city, stood upon one of the barrels. He made a brief speech to the crowd, and then introduced A. R. Parsons, one of the prominent leaders of the Socialists of Chicago. The latter told his hearers that instead of getting ten hours' pay for eight hours' work statistics proved that workingmen to-day were

Attention Workingmen!

GREAT

MASS-MEETING

TO-NIGHT, at 7.30 o'clock,

AT THE

HAYMARKET, Randolph St., Bet. Desplaines and Halsted.

Good Speakers will be present to denounce the latest atrocious act of the police, the shooting of our fellow-workmen yesterday afternoon.

Workingmen Arm Yourselves and Appear in Full Force!

THE EXECUTIVE COMMITTEE.

Achtung, Arbeiter!

Große

Maſſen-Verſammlung

Heute Abend, ½8 Uhr, auf dem Heumarkt, Randolph-Straße, zwiſchen Desplaines- u. Halſted-Str.

☞Gute Redner werden den neueſten Schurkenſtreich der Polizei, indem ſie geſtern Nachmittag unſere Brüder erſchoß, geißeln.

☞Arbeiter, bewaffnet Euch und erſcheint maſſenhaft!

Das Executiv-Comite.

Chicago Historical Society

Handbills printed in the offices of the *Arbeiter Zeitung* summoned the populace to Haymarket Square. Twenty thousand were distributed.

only getting two hours' pay for ten hours' work, and if they worked eight hours at the same wages they would only be getting three hours' pay for eight hours' work. He warned his audience that the time would come when the brutal oppression of the capitalists would drive every one save themselves into the ranks of socialism. . . .

"Samuel Fielden, a grim-visaged Anarchist, wearing a black slouch hat, then leaped upon a barrel. He said that the newspapers of the city charged the Socialists with cowardice, saying that they would sneak away from real danger. They were there to-night to repel the lie and prove that they were willing to risk their lives in the cause. It were a glorious death to die like a hero rather than be starved to death on 60 cents a day. . . .

"While the Anarchist was talking a dark cloud rolled out of the northern horizon. It swept to the zenith and had the appearance of a cyclone. A fierce, cold blast of wind roared down the street. Signs creaked violently, and bits of paper flew in the air. The great crowd of Socialists, fearing that a tornado was approaching, began to seek shelter. The Anarchist leaders urged the men to adjourn to Zepf's Hall, which is only about half a block away. The ominous cloud had now passed over the stand, and north of Lake street the stars shone out again. The vast audience was now encouraged to remain by Fielden, who said he would detain them but a few moments, as it was getting late and threatening rain. . . .

". . . South of Randolph on Desplaines street a body of men was dimly seen approaching a measured tread. It appeared like a phalanx of Masons returning from a private assembly or drill. The stillness of their approach was ominous and appalling. The 3,000 Anarchists crept closer to the barrels, and Fielden swept the street under a roof formed by the fingers of his right hand. The silent marchers came nearer, until the gas lamps on Randolph street threw their flickering light upon them. Then a hundred stars and a thousand brass buttons flashed in horizontal and perpendicular lines at the street intersections. The silent marchers were 400 police officers arranged in platoons, and choking the street from gutter to gutter. As they crossed the car tracks on Randolph street the officers clutched their clubs with a firmer grasp and then hurried forward, thus compelling the 3,000 Anarchists still massed in the street to fall back before the measured advance." [1]

It should be noted that the police actually numbered 176 men from the nearby Des Plaines Street police station led by Captains Bonfield and Ward. They marched into a crowd which, because of imminently threatening weather, had diminished from 1,200 or 1,300 to only one-fourth that size. The police contingent halted in front of an improvised speaker's platform—a truck wagon which had been pulled away from the Haymarket proper to the front of Crane Brothers factory close by.

Captain Ward stepped forward and announced, "In the name of the people of the State of Illinois, I command this meeting immediately and peaceably to disperse." He then repeated the order, pointing to bystanders and adding, "And I call upon you and you to assist." As those on the wagon descended, Fielden protested, "We are peaceable." [2]

At that precise moment, a bomb, with fuse sputtering, arced above the heads of the crowd. The *Herald* account continues:

"It burned like the fuse of a rocket and hissed as it sped through the air. The mysterious stranger sputtered over the heads of the Anarchists and fell amid the officers. There was an explosion that rattled the windows in a thousand buildings, a burst of flame lit up the street, and then a scene of frightful and indescribable consternation ensued. The mysterious meteor was the fuse of a bomb hurled from the Crane Building by an Anarchist.

"The work it done when it fired the explosives stored in the shell was murderous—ghastly. Over a score of officers were stretched upon the ground. Blood gushed from a hundred wounds, and the air was filled with the agonizing cries of the dying and injured. Those who escaped the deadly missiles which flew from the boom wavered for a moment. They dashed over the mangled bodies of their comrades with drawn revolvers, the glittering barrels of which were belching fire every instant. Bullets sped into the howling Anarchists in murderous storms, strewing the street with dead and dying. No quarter was given or asked. The Anarchists dodged behind boxes and barrels, from which they poured a withering, merciless fire from revolvers and guns. Officers and Socialists fell in hand-to-hand combat, and others were brought to earth by the assassin. Bystanders who had been attracted by the roar of the battle shared

no better. They were shot down where they stood, or overtaken by the leaden storm while fleeing. The street was littered with the victims. Exploding cartridges flashed like a swarm of firebugs in a thicket. They came from windows, from dark alleys, and from behind every conceivable barricade.

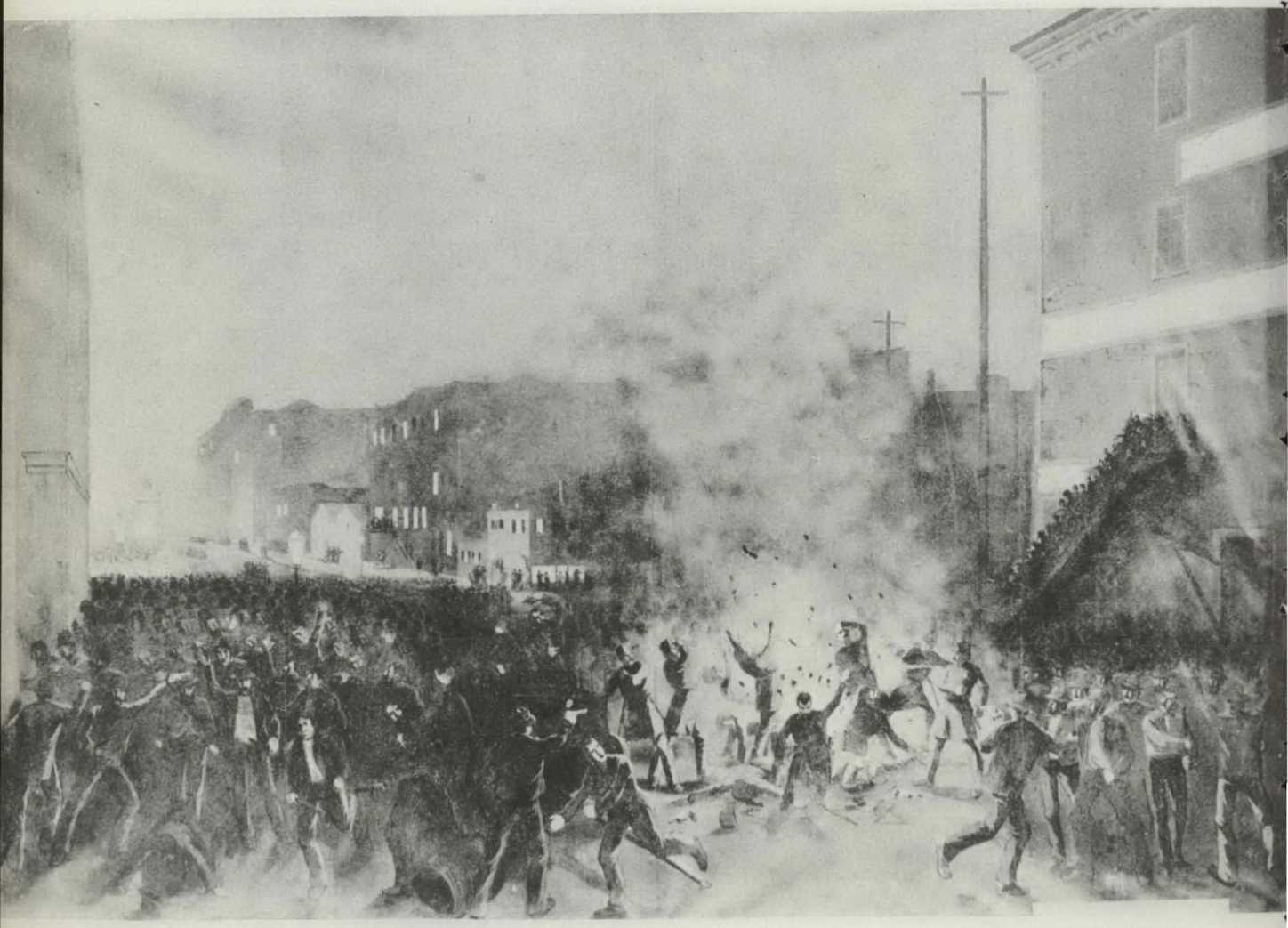
"The officers were crazed with fury. They pressed forward into the teeth of a hurricane of bullets and stones, driving their antagonists toward Lake street. The latter fled into the stores on either side of the thoroughfare. . . .

"While the battle was at its height patrol wagons filled with officers with drawn revolvers rattled down the streets from all the outlying precincts. They leaped out of the vehicles and hurried to the assistance of their comrades, who had by this time succeeded in dispersing the mob as far north as Fulton Street. The officers, nearly a thousand strong, now formed in platoons and cleared all the streets within an area of three blocks. Then they returned to their comrades, who were strewn about the sidewalks and in the roadway. As fast as they were picked up they were borne to the Desplaines Street Station in patrol wagons. Many were at the point of death; all were horribly mangled. Seven bullets had pierced one officer, the legs of another had been nearly torn off by the exploding shell, and another was bleeding from a shocking gash in the neck. All were covered with blood and dirt . . . .

"So hot was the battle and so sudden the crowd's flight that no arrests were made. On their retreat to the station the police stopped to pick up the wounded members of the mob. All the patrol wagons in the city were hurried to the spot and the wounded citizens and officers were taken to the station. The

An artist's conception of the Haymarket explosion.

Chicago Historical Society



citizens were taken down stairs to the cell-room and cared for by physicians as soon as they could be procured." [3]

For days following the riot, the police conducted a widespread search, which finally resulted in the arrests of eight radicals, among whom were August Spies, Adolph Fischer, and Michael Schwab, respectively the editor, compositor, and assistant editor of the *Arbeiter Zeitung*, and Albert Parsons, editor of *The Alarm* and the only native-born American among the eight.

The explosion had shocked and outraged the citizenry, and public sentiment in the United States and abroad was polarized against the anarchists. Organized labor itself, suffering from the sway of public opinion and temporarily relinquishing hard-won concessions, was quick to disclaim and denounce them. The press was unanimously vituperative.

In an atmosphere electric with emotion, the eight were tried and convicted for conspiring in the murder of policeman Mathias J. Degan, an immediate victim of the blast. Seven were condemned to death and one was sentenced to 15 years' imprisonment. Two appeals to higher courts were unsuccessful, but through gubernatorial intervention, the sentences of two of the condemned men were commuted to life imprisonment.

Photo courtesy Chicago Police Department

An illustration of Haymarket Square and vicinity, circa 1886. In the background stands the police station where 176 policemen began the fateful march on May 4th.

Still, the anarchists remained recalcitrant. They persisted in their fanaticism and their doctrine of dynamite.

"Dynamite," claimed the convicted Parsons, "is the equilibrium. It is the annihilator. It is the disseminator of authority; it is the dawn of peace; it is the end of war. It is man's best and last friend; it emancipates the world from the domineering of the few over the many . . . ." [4]

And Louis Lingg, a manufacturer of homemade bombs sentenced to death, defiantly stated, "I die gladly upon the gallows in the sure hope that hundreds and thousands of people to whom I have spoken will now recognize and make use of dynamite." [5] Later, Lingg himself cheated the gallows by exploding a dynamite cartridge between his teeth 1 day before his scheduled execution.

On November 11, 1887, four of the convicted anarchists were hanged, and 6 years later, a new governor, at the sacrifice of his political career, pardoned the remaining three.

Who actually hurled the bomb that exploded with such devastating force amid police ranks and reverberated around the world? Ironically, the question remains unanswered to this day. It is generally believed, however, that the assassin was the brother-in-law of Michael Schwab, a young German radical named Rudolph Schnaubelt, who subsequently fled to Europe. Schnaubelt lived anonymously and died there quietly in his sleep.

Not surprisingly, even the statue commemorating the policemen killed at Haymarket has acquired an interesting, albeit bizarre, history of its own. Subsequent to its dedication at the riot site in 1889, the city and State crest were stolen from the base, and in the 1920's, it was damaged by a derailed streetcar. In 1968, the statue, a sculpture of a policeman with arm upraised, was defaced during a demonstration against the war in Vietnam.

The Weathermen faction of the Students for a Democratic Society (SDS) claimed to have planted the bomb which damaged the statue in 1969. It was again blown up in October of 1970. On each occasion, the statue was variously repaired, restored, or relocated. Today it stands at the Chicago Police Training Center in Chicago and pays inscribed tribute to the 7 police fatalities of the Haymarket Riot:

John J. Barrett
Mathias J. Degan
Timothy Flavin
Nels Hansen
George M. Miller
Thomas Redden
Michael Sheehan

Although it occurred more than 9 decades past, the significance of Haymarket has remained plain and constant to law enforcement officers and to all with an abiding confidence in a better world through peaceful and orderly transition: On May 4, 1886, 7 policemen, swept up in the uncompromising rush of historical events, gave their lives in the discharge of their duties.

FOOTNOTES

[1] Bernard R. Kogan, *The Chicago Haymarket Riot: Anarchy on Trial* (Boston: D. C. Heath and Company, 1959), pp. 11–12.

[2] Henry David, *The History of the Haymarket Affair*, 2d ed. (New York: Farrar and Rinehart, 1958), p. 204.

[3] Kogan, *op. cit.*, pp. 12–13.

[4] Emmett Dedmon, *Fabulous Chicago* (New York: Random House, 1953), p. 161.

[5] Ibid.

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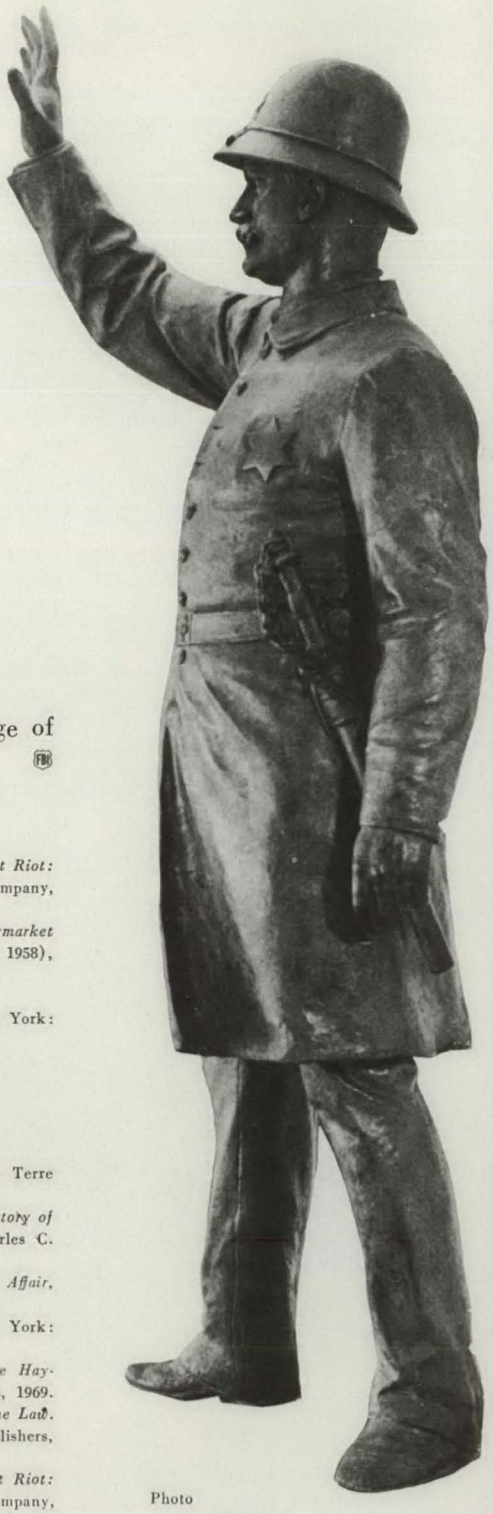


Photo
courtesy Chicago
Police Department

Memorial to the policemen felled at Haymarket.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS DEDICATES NEW NATIONAL FIREARMS REFERENCE LIBRARY

ATF - Washington DC

On February 2, 1978, the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF) dedicated its new and expanded gun vault, the National Firearms Reference Library. This facility has been in the process of planning and construction for more than a year and stores more than 4,000 firearms.

The library, started in 1968 for the study, comparison, and demonstration of firearms, is now permanently located in new humidity-controlled quarters in the basement of the Post Office building at 1200 Pennsylvania Ave. N.W., Washington, D.C.

The library is not open to the public, but is used by ATF and other Federal, State, and local law enforcement agencies, as well as members of the INTERPOL system, as a source of information and evidence.

This unique collection of firearms includes new weapons produced in the United States or imported from abroad. Manufacturers and importers must provide ATF with samples of weapons for classification purposes. These are sometimes donated to the library; others are purchased. However, the majority of the weapons have been seized by ATF special agents for illegal possession.

Samples of legal and illegal firearms of all types have many uses in law enforcement. Parts can be borrowed or manufactured to complete weapons for study or demonstration. Guns illegally altered can be compared to the original for size, configuration, or serial number location.

The library is a source of weapons for instruction of agents, for demonstration at trials, for historical reference, and for comparison to samples submitted by manufacturers and importers.

ATF firearms technician places antique Colt revolvers on display racks.

Display racks in the 1,300-square foot concrete vault can hold 2,300 long guns and up to 6,000 handguns. Included in the library are a miniature Thompson submachinegun, Civil War-era cap and ball revolvers, and a submachinegun made in prison. Antitank rockets, mortars, and cannons cover one wall in the collection. A glass case houses such items as pens, cigarette lighters, and pocket knives which have been made into guns. The ingenuity of the criminal mind can be seen in these and other deadly implements, such as canes and tire irons which have been converted into shotguns.

One-third of the weapons in the library are handguns and another third are rifles and shotguns. The rest are National Firearms Act or "gangster-type" weapons, silencers, and explosive devices. Some of the weapons are prototypes; others are homemade, historical, or standard issue.

Values of the weapons range from a few cents for illegally converted plumbing fixtures to gold inlaid, engraved hunting guns worth thousands of dollars. A floor alarm system, activated by the weight of a person's body entering the room, insures the security of the weapons. A heavy bank-like door is the only entry into the windowless basement library.

The library is maintained by the ATF Firearms Technology Branch, which is responsible for all technical firearms matters under the 1968 Gun Control Act. Firearms technicians of this branch provide expert testimony in Federal court, classify all types of firearms, and approve firearms for importation.

ATF technician displays Japanese machinegun.

ATF - Washington DC

NOTICE: FIREARMS INFORMATION

The Department of the Treasury has announced that copies of "Your 1977 Guide To Firearms Regulation" are available upon request. This publication contains the most complete information available on Federal, State, and local firearms laws and regulations. Copies may be ordered at no charge from the ATF (Bureau of Alcohol, Tobacco and Firearms) Distribution Center, 3800 South Four Mile Run Drive, Arlington, Va. 22206. The publication is available as long as supplies last.

Run—to Protect Citizens and Yourself

By
STEPHEN D. GLADIS
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Conclusion

(Part I—appeared in April issue)

Running Safely

If fitness is vital to the police officer, and running is one of the best means to that end, there are four major areas which you should know about before you set one foot on the ground: Motivation, equipment, stretching and warmup exercises, and basic running techniques. Perhaps the most important of these is motivation. The journey of 1,000 miles must begin with the first step and for many it's the most difficult. Generally, "habituation process" is the most effective motivator. Man is a creature of habit and most of us are ruled by the clock. This phenomenon can be used to an advantage in running. Running at the same time of day will become part of your normal routine, and therefore you will tend to do it daily out of habit.

There are other motivators too. Many people run with another person or with a group. You tend to run if you know someone else is waiting for you. Still others keep charts of their daily fitness as a contract with themselves. A glance at a calendar chart left empty for 2 or 3 days straight will motivate you to get out and run. In addition, the President's Council sponsors a Presidential Sports Award program, which provides patches, pins, and certificates for logging specific mile distances on an individual basis. Information on this is available from: Presidential Sports Award, P.O. Box 129, Radio City Station, New York, N.Y. 10019.

Whether you use the calendar, the habit phenomenon, or the group ap-

"If fitness is vital to the police officer, and running is one of the best means to that end, there are four major areas which you should know about before you set one foot on the ground: Motivation, equipment, stretching and warmup exercises, and basic running techniques."

proach, what does matter is that you motivate yourself to run. Running is a positive addiction. After a few months of daily running, you reach the point where you become dependent upon it. Your body begins to crave the exercise. Runners who get sidetracked with injury or illness actually go through withdrawal symptoms. This phenomenon has been reported by Dr. William Glasser in his book *Positive Addiction:* ". . . running creates the optimal condition for PA (positive addiction) because it is our most ancient and still most effective survival mechanism." Glasser has suggested that running is also a good cure for negative addictions, such as smoking, alcoholism, and drug abuse.[15]

"Running is a positive addiction. After a few months of daily running, you reach the point where you become dependent upon it."

Now that you are motivated to run, the next step is the right equipment. Above all else, running shoes are basic and essential. You can take or leave all of the beautiful warmup suits and emblazoned T-shirts, but a good pair of shoes are a must, not a luxury. The old adage, "you get what you pay for," is true regarding running shoes, and with more than 100 brands now being manufactured, there is a large variety to choose from.

There are some basics to follow when shopping for a good running shoe. First, make sure that there is adequate heel padding to absorb the tremendous shock of footstrike on hard surfaces. At least ¼ to ½ inch in the heel region is needed. Next, look at the shank of the shoe, the portion under the arch. Make sure that it is solid and rigid, so it can absorb the impact of the footstrike. Commercially made arch supports which are put into shoes are of little use. Normally, if you are in need of supports, they should be individually made for you by a competent podiatrist; however, a commercially manufactured heel counter is a must in a good shoe. The counter is a plastic or stiff fiber cup which holds the runner's heel snuggly in place and minimizes movement and knee injuries that can result from such movement. Nylon upper shoes are preferable to leather as leather tends to dry out, get hard, and lacks the flexibility of nylon.

"[R]unning is also a good cure for negative addictions, such as smoking, alcoholism, and drug abuse."

Since shock absorption is more of a key factor in preventing injury, look for a heavy shoe. A 10 to 12 oz. shoe will minimize impact shock and the injuries associated with it.[16]

Additional hints for purchasing running shoes are: Always try on the shoes with the same sock you will be wearing when you run. Put *both* shoes on and run around the shoe store for a "road test." Shoes feel differently when in motion. Don't be talked into a pair of shoes that don't feel right to begin with. Be satisfied when you leave that these are *the shoes* for you. Don't be sparing when it comes to getting a good shoe. It's a small investment relative to the hours of fitness and pleasure you'll derive. Poorly made shoes cause many injuries.

Running requires little other equipment to get started. An old pair of shorts and a T-shirt will do the job. If the budget allows, nylon shorts ($3 to $4) and a nylon tank top ($4) are advisable. Nylon is durable, requires merely a rinse out and a quick drying time, is chafe proof, and needs no ironing. Socks are optional and after the feet get toughened are not really necessary. A sweatband is nice during the summer to keep the salt sting out of your eyes.

Knee pains, shin splints, and Achilles' tendonitis can plague the runner, particularly the new runner. The rea-

son is simple—new runners know little or nothing about stretching exercises. Warmup or stretching exercises are probably the most neglected routine of many runners until they get injured. Muscles are stiff and need to be extended prior to and after vigorous exercises. If not, they tend to pull and sometimes tear. Injuries of this nature take a long time to heal and are the reason that many quit running soon after they get started.

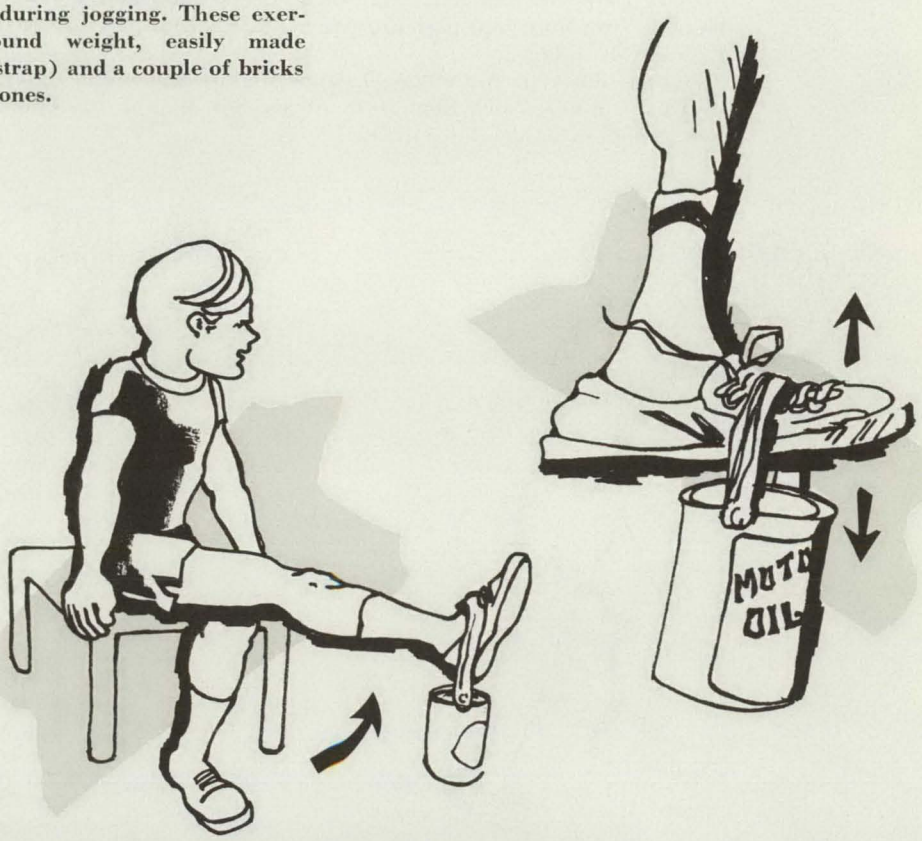
Many injuries can be prevented. The following basic stretching exercises suggested by the National Jogger's Association should be done regularly before and after each run to prevent injury: Hamstring stretcher, toe raises, wall stretch, the plow, quad and dorsi flex, and abdominal curls.

Quad and Dorsi Flex

The prime movers during a jog are the leg muscles at the rear of the leg. In order to maintain good balance, the muscles at the front of the leg must also be stretched and strengthened, particularly to help stabilize the knee, which may be traumatized during jogging. These exercises require a 3-to-5-pound weight, easily made from some rags (to act as a strap) and a couple of bricks or a can filled with sand or stones.

Quad Flex—Sit on a high table or bed with your leg outstretched, weight over your foot. Straighten your leg into a tight contraction, flexing your quadriceps and the muscles on each side of the knee. Hold for 6 to 10 seconds and then relax, allowing your leg to bend no more than 15° at the knee, as this puts too much stress on the knee and can lead to injury. The knee may be bent to 90° to put the weight on and off. Repeat 10 times with each leg.

Dorsi Flex—This flex will strengthen the relatively underdeveloped shin muscles at the front of the lower leg, reducing shin pain and helping to develop a full range of motion in the foot. This will also help stretch out the foot. Sit on the same bed or table and allow your leg to hang. Flex your foot at the ankle, pulling your toes up toward your shin. Hold for 6 to 10 seconds, pulling your toes as close to your shin as possible without strain. Relax, stretching your foot as fully down as you're able. Repeat 10 times with each foot. A variation is to not hold the flex, but to assume the flex, return immediately to the relaxed position, stretching down, then flexing up again. Repeat with each foot 20 to 30 times. (Not pictured.)

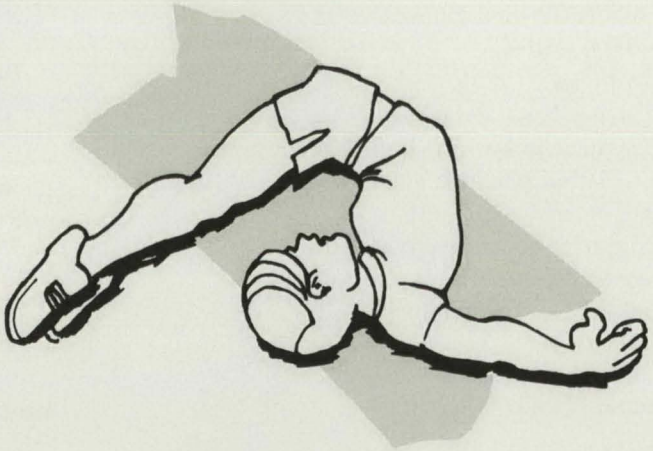


The Plow

With practice many people describe this position as their favorite, as it can be very relaxing. It contributes not only to strength and flexibility, but also to balance and good upper-body carriage. This is especially good for loosening the lower back muscles tightened in our day-to-day activities and while jogging. *People with any history of back trouble should be especially cautious and gentle while trying to enter this posture. Do not strain.*

Using a thick rug or mat to protect you from the floor, lie flat on your back with your arms at your sides. Allow your body to relax. Breathe. If you so choose, close your eyes and relax for a minute. This may help tune you in to how tired or fresh you really are.

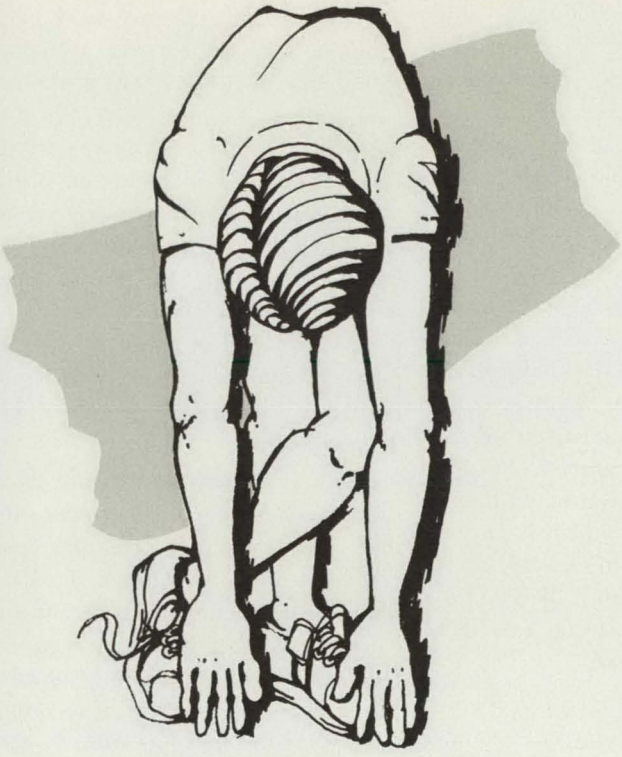
With your palms against the floor, tense your abdominals and curl your knees up to your chest. Roll backwards until your weight is behind your head. Hold for 20 to 30 seconds, knees bent if necessary. Breathe.



Wall Stretch

Place your rear foot flat, *heel down*, toes straight ahead. Lean into the wall, stretching your posterior lower leg. Hold for 30 to 60 seconds. Repeat with other leg.

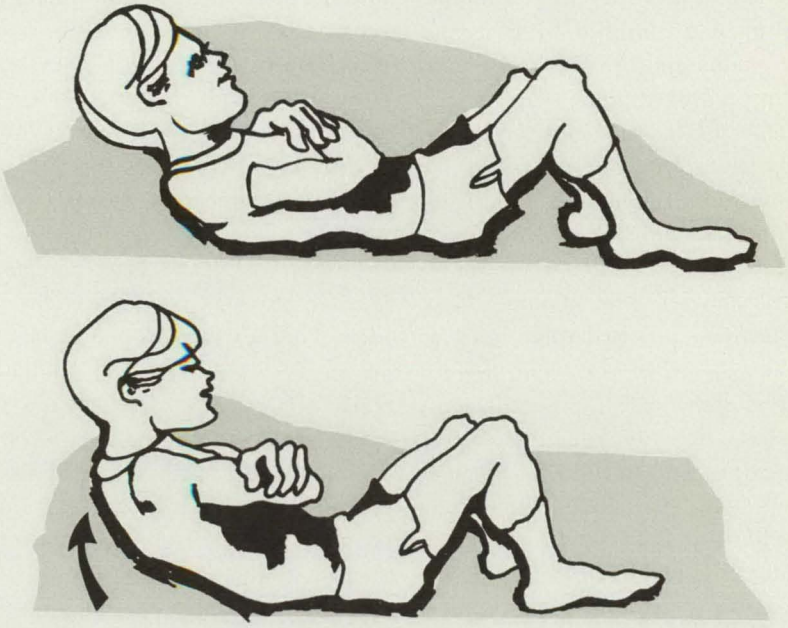
Repeat, this time bending each knee slightly and exaggerating the stretch even more fully. Hold 30 to 60 seconds. Repeat with other leg. Repeat both variations 2 to 5 times.



Hamstring Stretcher

This exercise stretches the posterior thigh muscles without stressing the lower back as can happen with more traditional toe touches.

Stand and cross one leg in front of the other. The toes of the front leg, but not the entire foot, should touch the floor parallel to the rear foot. Slowly bend forward from the waist and hips, keeping your rear leg straight, heel to floor. Relax your neck and arms and bend forward as far as comfortable. Hang, breathe regularly and deeply for 20 to 40 seconds. Stretch the other leg in the same manner. Repeat twice for each leg.



Abdominal Curl

The basic abdominal curl should be mastered before variations are tried. It particularly works the upper abdomi-

Illustrations courtesy of *The Jogger*, May 1976

nals and takes the place of more traditional situps, which tend to strain the lower back. This exercise limits your motion to that part of the situp which uses your abdominals. Try not to jerk or bounce while doing it, as quality is just as important to good development as quantity. At first it may seem awkward.

Lie on your back with your head raised, knees bent, feet flat on the floor, arms folded across your chest. Curl yourself up only far enough so that your shoulder blades break contact with the floor. (Note, your lower back should always remain fully supported by the floor in order to reduce any chances of strain.) Do not hold. Lower yourself back and relax. When you are curling up concentrate on your upper abdominals and allow them to do the work. Hold your head in a stable position and don't jerk. When you are uncurling it is not necessary to lower your head fully to the mat. Repeat 5 to 30 times. When you can complete 30 curls, try holding the flexed position for 6 to 10 seconds.

Strong stomach muscles provide the frontal support your back needs for pain-free posture and a smooth jogging style. The lack of this frontal support is often the cause of considerable back pain.

If you do everything as you should and you still get injured, by all means see a podiatrist. Anyone who has been injured by running will tell you that most of the time the injury is foot-structure related. Each one of us has minor imbalances and flaws in our foot structure. In the everyday sedentary American life where automobiles and desk jobs abound, these imperfections never develop into a problem. But when you begin to add the stress of exercise to these congenital defects, injuries begin to occur. These injuries do not always confine themselves to the foot, but affect knees, hips, and shins as a result of foot imbalance and imperfection. Thus you need to see someone who knows about the biomechanical structure of feet—the podiatrist.

Now that your motivation is in high gear, your running shoes are ready, and your stretching is complete, you are ready to begin. The concept of a "lifestyle" approach to running is most important. If you look upon running as just another fad, you are cheating yourself. In order for running to benefit you to the fullest, it has to be a habit much like eating and brushing your teeth. The greatest success with "habitualizing" running comes with choosing a particular hour of the day which is set aside for running. Morning running is highly recommended whenever possible. In the summer it is the coolest part of the day, the pollutant levels are the lowest, and it is an excellent way to get a stimulating headstart on the day—you will also require only one shower, an excellent way to conserve water.

A physical exam from your doctor is a most important step in starting. Ask him to pay special attention to your heart and lungs, and tell him you want to embark on a moderate jogging program. Take it easy the first few weeks. Many people make the serious mistake of trying to do too much too soon. They try to run before their muscles are prepared and they try to run faster and farther than they should. If you have spent years getting out of shape, devote a few weeks to walking before you actually begin running.

People who have been completely inactive physically should begin with brisk daily walks. Do one block only on the first day and add about one block every other day for the first week. Then devote another week or two to brisk walking, progressing gradually to as much as 8 city blocks or about 2 to 2½ miles. (Pay no attention to the time required to cover this distance; it is the continuous effort that matters.) After the initial walking period, you can begin mixing in some jogging—a slow run, just faster than a walk.

Increase the distance and pace gradually. Be patient. As a rule of thumb, an overweight person who has been completely inactive should progress to a 1-mile nonstop jog within 6 months or less, including the initial walking period. An average person should work up to a steady 1-mile jog in 2 to 4 months. And the "regular exerciser" can work up to a mile jog in 2 weeks. In all cases, do not increase by more than one block or one lap (on a ¼-mile track) per day. (See Time Standard.)

The best place to start to talk about running technique is, of course, the foot. The basic footstrike of a long distance runner should be the heel. Many people erroneously run on the balls of the feet and several weeks later have Achilles' tendon problems. The stress is too great on the tendon if the ball of the foot hits first, so concentrate on heel first, or a flatfooted step. Your stride should be natural. Don't try to stretch it out. Let your legs go the way they want to. Run from the hips down—you don't need a lot of sway or bobbing up or down to help. Pick an object in the distance and concentrate on it while you run. If it moves quite a bit then you are bobbing too much. Your arms should be at least a 90° angle or even greater. Don't hold them too high—it's just a waste of energy that should be saved for the legs. Don't clench your fists tightly, just a loose fist will do. Good erect posture is essential and allows good airflow down the windpipe. Don't lean over or swing your arms across your chest as both are counterproductive. In running, the desired movement is forward, not upward or sideward.

One basic principle of long slow-distance running is the simple yet effective aerobic "talk test." It insures that you're not running too fast for

TIME STANDARDS						
Ages	**¼ Mile**	**½ Mile**	**1 Mile**	**2 Miles**	**3 Miles**	**5 Miles**
14-39	under 2:00	under 4:15	under 8:30	under 18:00	under 28:00	under 48:00
40-49	under 3:00	under 5:15	under 9:30	under 19:00	under 29:00	under 49:00
50-59	under 3:30	under 5:45	under 10:00	under 19:30	under 29:30	under 49:30
over 60	under 4:00	under 6:15	under 10:30	under 20:00	under 30:00	under 50:00

Note: *Beginning runners should not attempt to measure their performances against these average times until they have achieved a level of conditioning that should include six months of running. The time standards are suggested by "Runner's World."*

your level of conditioning. The concept is that you should run at a pace which will allow you to talk and run at the same time. If you're too breathless to converse—*slow down.*

Running on hard surfaces will not bother you if you have bought good shoes. Don't be afraid of concrete or tar. Alternate running on different sides of the street as all streets are pitched at a 3° to 5° angle to allow water runoff. This angle doesn't mean much until you begin to run and add pounds of pressure to your legs. Even a slight angle has an effect and can cause knee problems, so alternate. Stay away from rocky areas. One stone bruise on the heel will put you out of action for a month or more.

Generally, the extreme seasons, winter and summer, provide the greatest hazard to the runner. Here are some practical hints to reduce the discomfort and possible risks associated with winter and summer outdoor exercise.

Winter

1. Wear layers of clothing rather than one bulky piece.
2. Nylon stops wind effectively.
3. Wool insulates well even when wet from sweat. Cotton does *not.*
4. Mittens are more effective than gloves in cold weather.
5. A thin coat of petroleum jelly or altitude cream keeps your face from getting chapped.
6. Run out against the wind and back with the wind to avoid freezing sweat.
7. Always wear a wool hat in winter—over 40 percent of heat loss is through the head.
8. On the coldest days (−0°) wear a wool scarf over your mouth to warm the air.

Summer

1. Wear lightweight shirt and shorts to permit evaporation and leave shirt untucked for ventilation.
2. Force ingestion of fluids.
3. Avoid running during the heat of the day (stick to early morning or evening).
4. *Never* wear a rubber suit to "lose weight"—that kind of weight loss can kill you.
5. Runners should keep track of their early morning weight to prevent chronic dehydration. (Sharp body weight differences of two to three pounds in any one day may indicate a problem.)

With the how and the when to run taken care of, the next to be considered is the where. The simple answer is anywhere. Whether a high school track or sidewalk, the joy of running is that it is an anywhere, anytime sport.

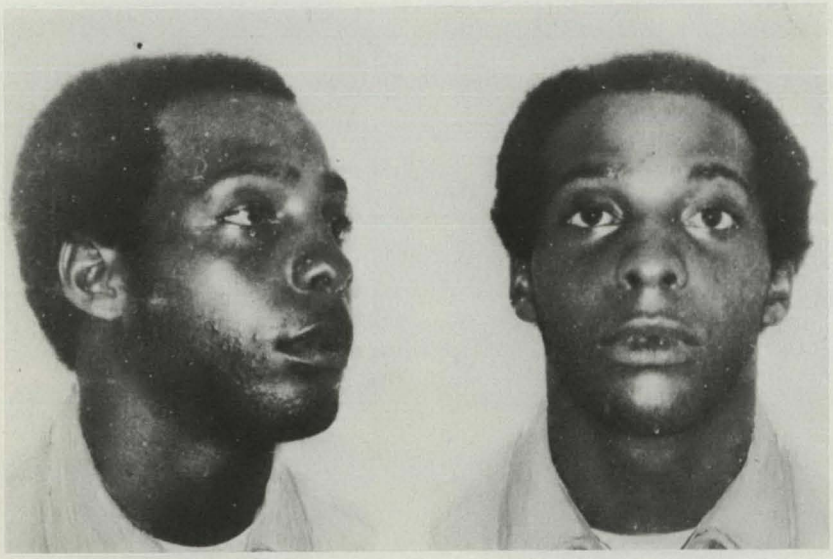
Whatever turf you trod, whatever make of shoe you wear, whatever time of day you choose, you will be part of the fastest growing of all sports—running. That first step will be the hardest. If you're running alone, don't be self-conscious about it. Look straight ahead and feel good about the fact that you're running toward a fitness that may save your life, or the lives of those you have sworn to protect when the action "goes down." FBI

FOOTNOTES

[15] Dr. William Glasser, *Positive Addiction*, Harper & Row, New York, 1976.

[16] Bob Anderson, (Ed.) *Runner's World Magazine*, (shoe issue), October 1977, pp. 33–89.

WANTED BY THE FBI



Photographs taken 1972.

WILLIAM ROBERT GRAY, also known as Nathaniel John Gray, Robert Gray, Robert William Gray, William Gray, William R. Gray, Willie Gray, Bobby James Perry, Robert Alfonzo Perry, Robert Alonzo Perry, Larry Sellers, "Boot," "Brown Eyes," "Doc" Gray, "Gray Fox"

Unlawful Interstate Flight to Avoid Confinement—Armed Robbery

The Crime

Gray, who was convicted of armed robbery, escaped on August 12, 1974, along with eight other inmates from the Chatham County Correctional Institute, Savannah, Ga.

A Federal warrant was issued for Gray's arrest in Savannah, Ga., on August 22, 1974.

Description

Age	29, born March 26, 1949, Chatham County, Ga.
Height	5 feet 8 to 11 inches.
Weight	150 pounds.
Hair	Black.
Build	Slender.
Eyes	Brown.
Complexion	Dark.
Race	Negro.
Nationality	American.
Occupations	Grove worker, laborer, wrapper for moving company.
Scars and Marks	Cut scars left side of face and neck, scars on both elbows, left forearm, and right arm.
Social Security Nos. used	253-76-5271, 253-76-7253.
FBI No.	781,104 F.

Fingerprint Classification:

$$\frac{16\ S\ 25\ W\ IOO\ 13}{L\ 2\ R\ OOI} \quad \text{Ref: } \frac{25}{4}$$

NCIC Classification:

16CI11PO13176511PI15

Caution

In the past Gray has been convicted of larceny, burglary, armed robbery, assault and battery, attempted arson and theft of Government property. He should be considered armed, dangerous, and an escape risk.

Notify the FBI

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

Right index fingerprint.

U. S. GOVERNMENT PRINTING OFFICE : 1978 O - 257-971

FBI LAW ENFORCEMENT BULLETIN

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WASHINGTON, D.C. 20535

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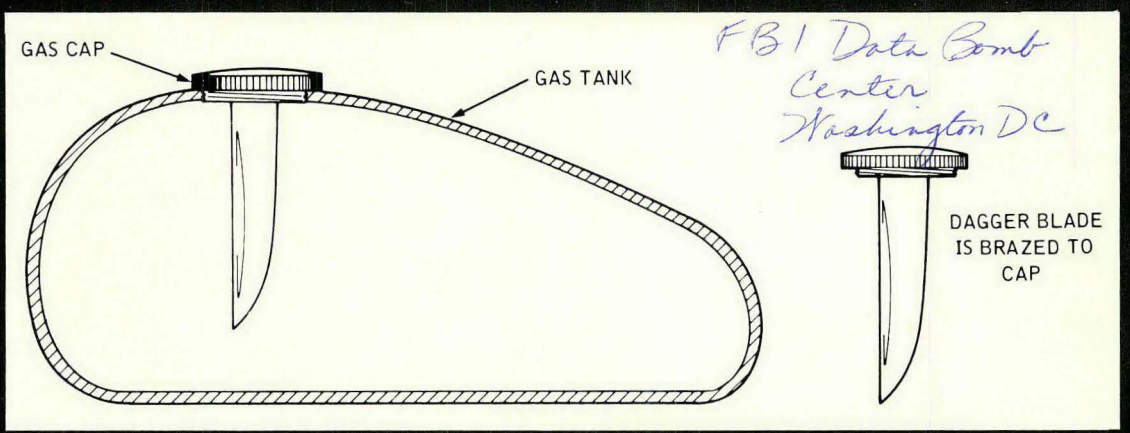
DISGUISED DAGGER



FBI Data Bomb Center Washington DC

Pictured above is a cross section drawing of a motorcycle gas tank. As is apparent, its purpose is not only to hold fuel, but also to conceal a dagger. The blade, which can be as long as the tank is deep, has been brazed, or welded, to the gas tank cap. Though such a weapon can, under normal circumstances, remain completely hidden, it is easily accessible by removing the gas cap.

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

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QUESTIONABLE PATTERN

At first glance, the above pattern appears to be a loop pattern. However, a closer examination reveals the presence of a second loop formation in the left, central area of the pattern. Therefore, this pattern is classified as a double loop whorl with an inner tracing.