

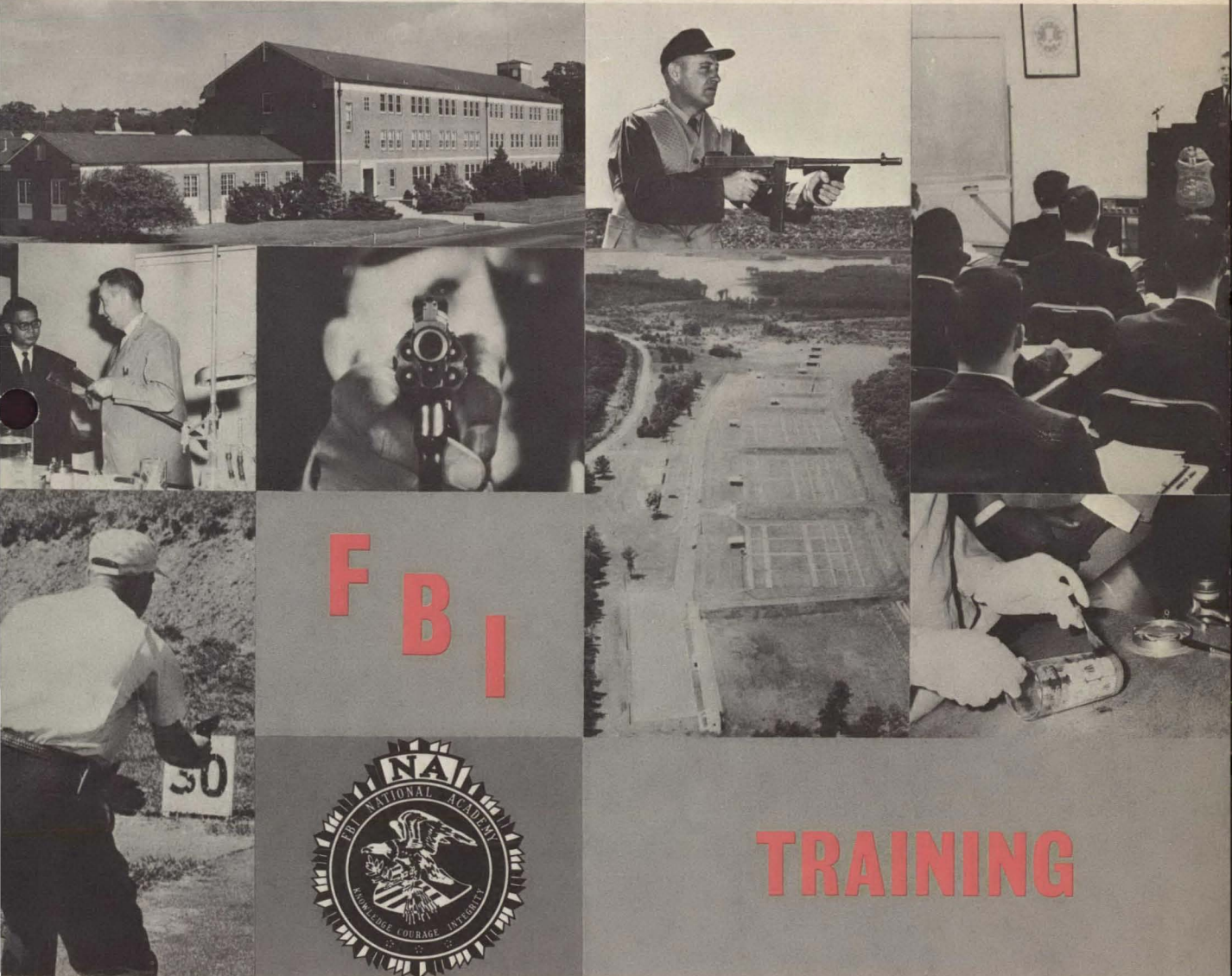
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SEPTEMBER 1966



# FBI

## LAW ENFORCEMENT BULLETIN



FBI

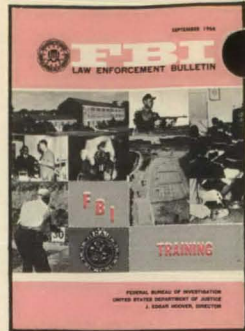
TRAINING

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



SEPTEMBER 1966

VOL. 35 NO. 9



THE COVER—The FBI is expanding its training facilities. See page 2.

# FBI

LAW ENFORCEMENT BULLETIN

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

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# MESSAGE FROM THE DIRECTOR

THERE HAS BEEN much "wailing and gnashing of teeth" in some law enforcement circles lately in response to developments in the criminal law, particularly confessions, interrogations, search and seizure, and various rights of the accused.

Historically, American courts have assumed the responsibility of assuring that governmental power is not misused to injure the rights of individual citizens. Our courts are now committed to exercising supervisory control over law enforcement through the exclusionary theory whereby evidence obtained in violation of certain rules cannot be used in a criminal trial.

Various courts have been roundly criticized for recent decisions which some reviewers say reflect an unjustified and unprecedented concern for the lawbreaker; for illogical, shortsighted judicial policies which in effect legislate new laws to the detriment of society. They have been charged with handcuffing law enforcement by requiring impossible procedures which, it is said, will insure the release of the guilty while destroying the morale of the officer.

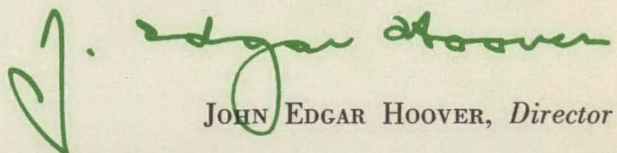
In reply, some critics of police declare that unless we have tight, restrictive control of law enforcement, police lawlessness will result. The extremes of both views tend to cloud the fact that

the police and the courts should have a common objective: to develop and maintain a system of administering criminal justice which is fair, impartial, and effective. All will agree that this is an exceedingly difficult and complex task.

There is little to be gained from just shouting protests and criticisms, but there is much to be gained from throwing our full resources and energies into training a professional law enforcement corps to be effective within the framework of current rules of law and evidence.

We, as citizens, expect the business and technical segments of our society to keep abreast of the latest developments in their respective areas and to conduct research to foster progress. Our profession, dedicated to the preservation of America's basic freedoms, certainly cannot exempt itself from a similar demand from other citizens. A continuing, comprehensive research and training program, with a conscientious application of the knowledge gained therefrom, is the key to properly discharging our responsibilities to the people and the Nation.

Increased professional police training is no longer a desirable goal, no longer a matter of choice for United States law enforcement. It is an absolute necessity.



JOHN EDGAR HOOVER, *Director*

SEPTEMBER 1, 1966



# New Training Center Planned for FBI Academy

A GIANT STEP forward in progressive law enforcement training is represented in the planned construction of the new FBI Academy at Quantico, Va. According to present schedules, the \$13 million training center will be completed and ready for use in 1969.

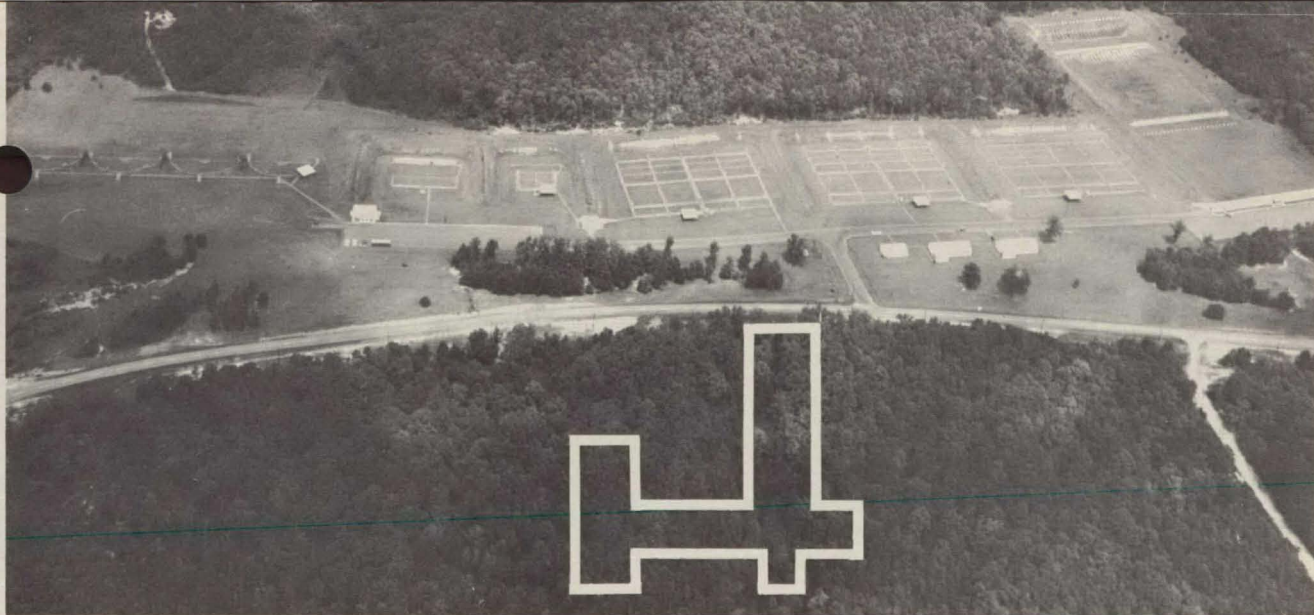
The Department of the Navy has made available to the FBI approximately 80 acres in the Guadalcanal Training Area on the U.S. Marine Base at Quantico. This site, just south of the FBI's present firearms ranges, will provide a campus-type setting for the new Academy.

The designers envision the new facility as a complex of several buildings functionally arranged and connected by enclosed walkways, with ample room for expansion. These structures will have well over 330,000 square feet.

Present plans call for two 7-story dormitories containing 350 bedrooms housing 2 men each, with connecting bathrooms between bedrooms. This arrangement allows concentrated study and efficient use of time after classroom hours.

The classrooms will employ the latest and most advanced audiovisual teaching and training aids. Some of the classrooms are designed for special subjects with special lighting and equipment for moot court, crime scenes, photography, and laboratory training. One room will provide teaching aids of takedown models of towns and cities. The crime scene training room has bleacher-type seating on one wall, and the location and





The new facilities will be located across the road from the present FBI firearms ranges as indicated above.

design will allow an automobile or other large props to be brought into the classroom. Most of the classrooms are amphitheaters with tiered seating and rear screen projection equipment. All the classrooms, as well as the entire new facility, were planned with a primary purpose: to provide the instructor the most effective teaching forum possible.

### ***Physical Fitness***

For the trainees' physical fitness, a separate building contains a large gymnasium and training pool, and the surrounding "campus" will have athletic fields for various outdoor sports.

In addition to a 1,000-seat auditorium, other buildings will provide the necessary support services, such as kitchen, dining, and laundry. Office space is provided for the teaching and counseling staff as well as for Academy administration.

Classroom work and firearms training can be closely interwoven in view of the new Academy's modern indoor firearms range and the training center's location just across the roadway from the present FBI firearms ranges.

The new FBI Academy is a direct result of President Johnson's request Congress in March 1965 to provide

means for more Federal help for training and technical assistance to local and State law enforcement personnel. The President's proposal, along with other constructive programs to improve police standards, was encouraging to police executives and civic leaders faced with rising enforcement and training expenses.

The President was advised that the present training facilities of the FBI Academy were being taxed beyond capacity and that it would be necessary to expand the facilities at Quantico, Va., in order to provide training for additional law enforcement officers.

In May 1965 the Attorney General announced that the President had authorized a request for an increased appropriation with which to modernize and expand the facilities of the FBI Academy at Quantico.

Expansion in training proposed by the FBI and approved by the President and Congress will increase six-fold the number of qualified law enforcement officers, or a total of 1,200, who can attend the Academy each year. Expanded facilities will also enable the FBI to provide specialized training courses of 2 or 3 weeks' duration to as many as 1,000 additional police officers each year. Train-

ing constitutes an essential resource for our common welfare. In addition to advancing knowledge through research, the new FBI Academy will spread that knowledge swiftly for the general benefit of all law enforcement.

While law enforcement is, and certainly should remain, an individual community responsibility, training should be a mutual effort. On this premise the FBI for years has offered its full resources in training thousands of fellow police officers from agencies on all levels.

### ***Prompted by Crime***

Crime problems in 1935 prompted the establishment of the FBI National Academy to train a professional corps of career officers as executives, administrators, and instructors for the advancement of police agencies on all levels. On July 29, 1935, 23 law enforcement officers from various parts of the United States reported to Washington, D.C., to form the first session of the FBI National Academy—the nucleus of the total 4,936 graduates.

As training responsibilities increased through the years, improvising and overcrowding became necessary for the present FBI Academy to handle its regular Special Agents'





Mr. Joseph J. Casper, Assistant Director in charge of the Training Division, and Inspector Thomas J. Jenkins, left, look over drawings of the new training facilities.

training programs and also conduct two sessions of the National Academy for a total of approximately 200 police officers each year. However, there are approximately 378,000 police officers in the United States, and the impact made by graduating 200 men each year is necessarily limited.

### ***First Link***

On June 18, 1934, the first link was formed in a chain of events which were to lead to the establishment of the FBI Academy. It was on that date that the so-called Federal Crime Bills were enacted, which included authorization for FBI Agents to carry firearms and make arrests. Utilizing military ranges, weapons, and instructors in the vicinity of Washington, D.C., the FBI immediately instituted a training program in the use of firearms. There were numerous objectionable features and disadvan-

tages to such an arrangement, however, and the only solution appeared to be the establishment of its own facilities by the FBI. The Marine Corps extended a gracious invitation to locate the Academy at the Marine Corps Schools in Quantico, Va. This invitation was quickly accepted, and thereafter special congressional authority and an appropriation were obtained.

In the fall of 1939 construction of the Academy was commenced. The original portion of the Academy, which provided dormitory space for 64 men, 2 classrooms, dining and kitchen facilities, a gymnasium, and a small gun-cleaning room and vault, was completed in the spring of 1940 and placed into use almost immediately.

In June 1940 the doors of the present FBI Academy swung open to accept the first class of Agents—since then it has gained recognition as the

finest law enforcement training center in the world. At that time there were less than 1,000 Agents in the FBI, but today Academy alumni number in the thousands and include each current FBI Agent as well as police officers from numerous departments around the Nation and world. Although some Agents received their initial training prior to the establishment of the FBI Academy, each has spent some time in its "plant" through inservice training, special schools, and the like. This training is designed to inject new knowledge into the mainstream of the chosen professional career of Agent trainees. The FBI National Academy performs a similar function for thousands of police officers.

### ***World War II***

The December 7, 1941, attack on Pearl Harbor caused the training program to be greatly accelerated.



Quickly, beds were added to the dormitory space to increase its capacity 128 men. Barracks space was borrowed from the Marines. A second floor and basement were constructed at the north end of the Academy building, thus creating more dormitory space as well as three more classrooms. Due to the increase of personnel in residence, it was necessary to convert one of the classrooms to relieve inadequate dining facilities.

### **Another Addition**

In 1950 another addition to the south end of the first floor and basement was constructed. This doubled the dining and kitchen area and provided space for an enlarged gun vault and shop.

The training program was again accelerated in 1951 as a result of the Korean conflict. A third floor to the Academy was completed in 1953 and boosted sleeping accommodations to 224.

A well-rounded law enforcement training program must of course include firearms. The first FBI fire-

arms range was opened in December 1940 and had only 12 firing points. This was eventually increased to five ranges and in 1951 was augmented by an auxiliary range on Chopawamsic Creek.

The need for additional space by both the Marines and the FBI necessitated a move, and in 1954 the present ranges were completed on a tract of land on the Marine reservation which is west of U.S. Highway 1 and about 10 miles from the site of the present Academy. These new ranges consist of a rifle range, pistol and machinegun ranges, electronic target ranges, and skeet fields. These ranges are among the most beautiful in the country and are designed for maximum safety and efficiency.

We are in an era of change, challenge, and conflict. The effects of today's societal revolution are far reaching and cast the law enforcement officer in a predominant and often conspicuous role. Emphasis is focused more and more on the rights of the individual and the obligation of others to respect those rights. This current environment with its acceler-

ated tempo of scientific and technological change places unprecedented demands on law enforcement personnel.

If the increasing trend of lawlessness throughout the country is to be curbed, additional facilities must be provided whereby more law enforcement officers experience professionalized training which will ably equip them to discharge their responsibilities within their local communities. Adequate training for the individual law enforcement officers and intelligent cooperation among local, State, and Federal agencies are prime requisites in the battle against crime.

### **The Need**

Police officers handicapped by the lack of proper training and leadership are unprepared to cope with the momentous criminal crisis which confronts most communities today. Commonsense dictates the urgent need for long-range full-scale training programs and modern facilities to make every enforcement officer a professional foe of lawlessness.

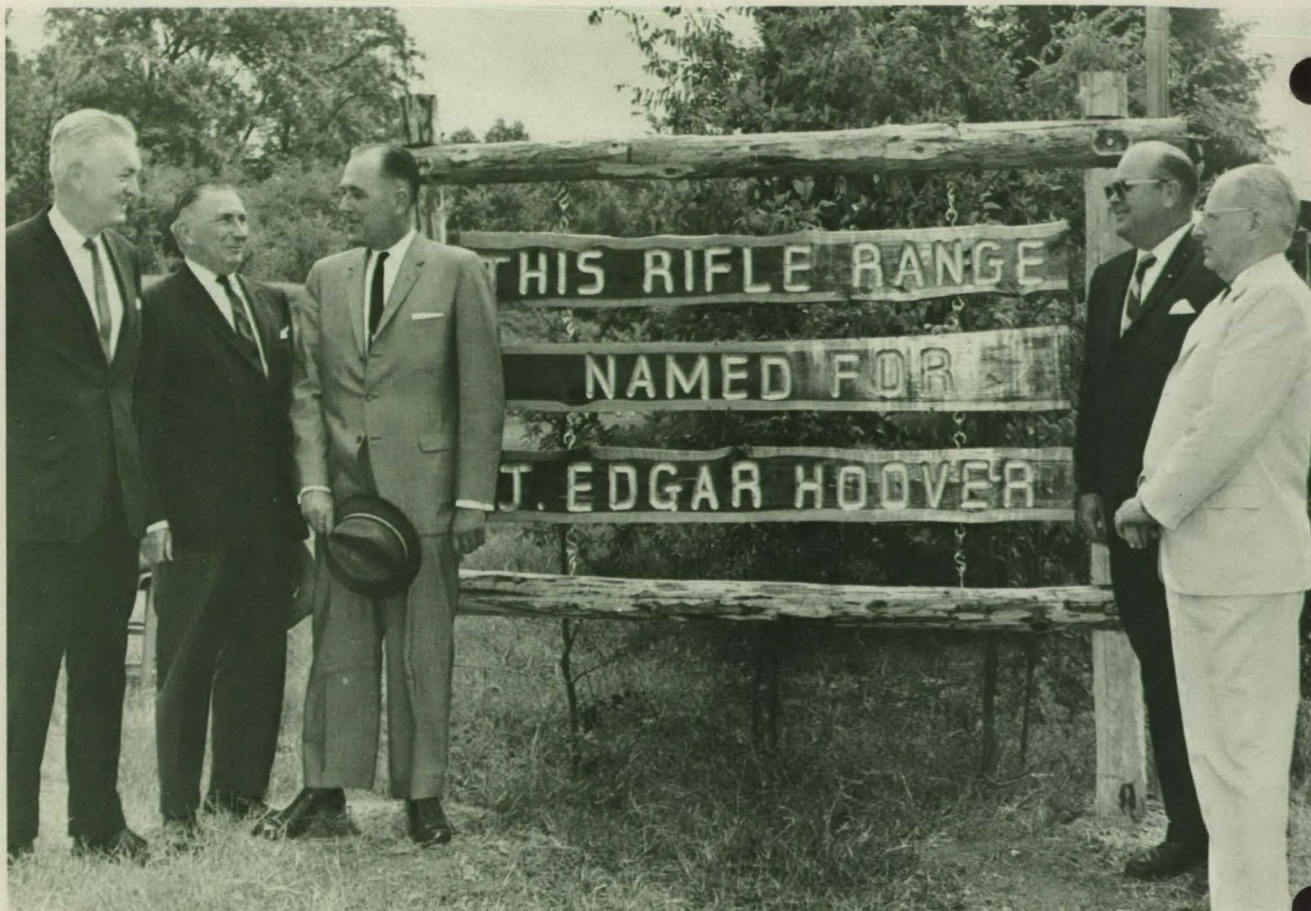
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*"Law enforcement has advanced rapidly during the past three decades. The factors contributing to this progress are numerous, but none is so well defined as training. The police officer is called upon to undertake an endless variety of difficult, complicated, and often dangerous tasks. If he is to succeed in this, he must have certain qualities of character, the basic skills of his profession, and an intense determination to be a good officer. In addition, however, he must have the training which is so essential in fitting him for the job he faces.*

*"It is toward this end that the FBI offers to local, county, and State law enforcement agencies our full resources for the training of personnel. Together, we can guarantee the continued progress of law enforcement."*

**—J. Edgar Hoover**





A silver-lettered hewed-cedar sign marks the entrance to the rifle range recently named in honor of the Director of the FBI. Present at the dedication of the range, from left to right, are: Special Agent William M. Hobbs, Jr.; Mr. James G. Stahlman, president and publisher of the Nashville Banner; Special Agent in Charge of FBI Memphis Division William B. Welte; Mr. Richard M. Hawkins, president of the Scout council; and Mr. E. B. Stahlman, Jr., vice president and copublisher of the Banner.

## SCOUT RIFLE RANGES NAMED FOR DIRECTOR HOOVER AND FBI

In recent ceremonies at the Boxwell Reservation near Nashville, Tenn., two rifle ranges were dedicated and presented to the Boy Scouts of America's Middle Tennessee Council in honor of the FBI and its Director, J. Edgar Hoover.

Mr. James G. Stahlman, president and publisher of the Nashville Banner, told the assembly at the ceremonies

that the ranges were built with \$5,000 which the newspaper had offered in 1962 as a reward for the solution of a case involving attempts at jury tampering which reflected upon the integrity of the Banner. Three men were subsequently arrested by the FBI.

Since members of the FBI cannot accept reward money, Mr. Stahlman

said a decision was made to use the money to build two firing ranges for the Scout council with the understanding they would be named for Mr. Hoover and the agency he directs.

The two ranges—one at Camp Stahlman, named for the publisher's brother who served as president of the council for 3 consecutive years and who is executive vice president and co-



publisher of the Banner, and the other at Camp Parnell—have been in full operation since June 12, the opening date of the summer camp season.

Built to National Rifle Association specifications, the ranges are 50 feet in length. There is a smooth concrete firing platform at the 50-foot firing line upon which mattresses have been placed. Each range has 10 firing points and the Scouts use .22 caliber bolt-action rifles. Record firing sessions are held daily except Sunday.

At one end of each firing range is a compact storage room. A roof covers the entire platform area. Adjacent to each firing platform, specially constructed skeet ranges have been built. There, .22 caliber bird-shot ammunition is used to shoot at small clay disks.

Qualified U.S. Army firearms instructors are teaching the Scouts to shoot at the ranges, and all training is conducted under rigid safety rules. Scouts can earn Marksmanship Merit Badges and National Rifle Association awards and awards.

Mr. Hoover was represented at the dedication ceremonies by Mr. William B. Welte, Special Agent in Charge of the FBI's Memphis Division, and Special Agent William M. Hobbs, Jr., Senior Resident Agent at Nashville.



Regular Army instructors supervise firing by the Scouts as they take their turns at the newly dedicated firing range.

*Source: Director's instructions on incoming from James Y. Stahlman* 7/5/65

## CAR DEALERS BONDED

The Department of Motor Vehicles of the State of Maryland has advised that it is requiring all automobile dealers in the State to have their salesmen bonded for \$1,000. They will also be required to have their own repair garage or have a contract with a repair garage approved by the department. All owners of used car lots are also required to be bonded for \$5,000.

These new requirements are the results of efforts by responsible dealers

and police organizations and are designed to weed out fly-by-night dealers, keep undesirables from selling autos, protect the general public, and aid law enforcement in the investigation and control of commercialized auto theft. *Baltimore Criminal dated 11/10/65. Bu file # 63-4296-3.*

## POLICE TIMESAVER

A test procedure in handling shoplifting cases in a downtown area over a 6-month period resulted in the sav-

ing of approximately 852 man-hours for the local police. The experiment was conducted by the prosecuting attorney's office.

Under normal procedures, when a store detective arrests a shoplifter, the case is turned over to the local police who must assign an officer to prepare the case for trial and make numerous court appearances as a result.

Under the test procedure, the store detective who made the arrest followed the case himself, with the resultant saving of many hours of police time.

*WOB criminal, 3/24/66, Bufile # 63-4296-53.*



# INVESTIGATORS' AIDS

## Ticket File

Police in East Point, Ga., as in many other small departments, are flooded with telephone calls each day from persons who have lost their traffic tickets or from those who have traffic tickets or summonses and call to find out when they are to appear in court. Whatever the reason, a proficient department wants to provide quick, courteous service.

Since the desk sergeant usually handles telephone calls and the inquiries of people who walk in off the street, he must have ready access to records or a filing system of some



Revolving ticket file.

*Atlanta Let., 4/8/66, re FBI LEB.*

kind at his fingertips to answer the numerous questions regarding traffic tickets.

Police in East Point have solved their quick reference problem by constructing a simple circular or revolving ticket file which enables the officer on duty to check all inquiries on outstanding traffic tickets or summonses in a matter of seconds.

The department finds that their ready answers have proved to be conducive to friendly relations between them and the public with which they come in contact in this way.

## BICYCLE PATROL

Besieged by an alarming increase in the number of street crimes—especially in the crowded downtown area—police in a west coast city reverted to the use of bicycles to beat the criminals—and it works.

Every evening two-officer teams of the juvenile division, dressed in plain clothes, check out on nondescript bicycles and ride varied routes crisscrossing the downtown districts.

Since the late fall of 1964, when the bicycle patrol was established, two-wheeler teams have apprehended more than 35 felons and have made numerous misdemeanor arrests. The crimes ranged from homicide, armed robbery, burglary, auto theft, narcotics, and possession of alcohol by teenagers, to purse snatching.

One officer has been quoted as say-

ing that "the bike is quieter, not as conspicuous as patrol cars or unmarked undercover cars, and is capable of being ridden between buildings and on passageways where mobile units would not have access."

The bike patrol may not be a new idea, but it is effective.

*Los Angeles Crimdel, 3/29/66,  
Bufile #63-4296-26, ser. 1034.*

## OLD TECHNIQUE

New York State Police at Liverpool, N.Y., were investigating thefts of television sets from a factory. They discovered that the thieves were hiding the TV sets in trash barrels. The barrels were then picked up by the trash collector who would subsequently turn the sets over to the gang outside the plant.

*Albany Crimdel, 3/11/66,  
Bufile # 63-4296-1.*

## PURSUIT TRAINING

In an effort to reduce the number of accidents involving police cars, the chief of police in a midwestern city has stated that his officers will be given special pursuit training.

In 1965, 506 police cars were involved in 617 accidents as compared with 523 vehicles and 588 accidents in 1964.

The training will be held at a local raceways track and will be given in police cars earmarked for trade-in. The cars will be equipped with safety harness and padded interiors. This safety equipment is the same as that used by drivers in stock race cars and daredevil shows.

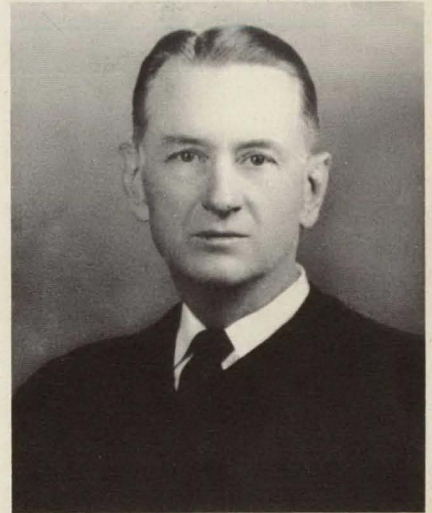
A member of the local board of police commissioners—formerly a professional automobile racer—will assist in this training.

*St. Louis Crimdel, 1/29/66,  
Bufile #63-4296-42.*



# The Effects of Planned, Mass Disobedience of Our Laws

HON. CHARLES E. WHITTAKER  
Associate Justice of the U.S.  
Supreme Court, Retired,  
Kansas City, Mo.



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*Law enforcement officials and responsible citizens throughout the country have been encouraged by the profound and sage comments on lawlessness by Mr. Justice Whittaker, now retired. At the request of Director J. Edgar Hoover, Justice Whittaker submitted this article for publication in the FBI Law Enforcement Bulletin. We think Justice Whittaker's timely remarks will be of great interest to our readers.*

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CAN ANY THOUGHTFUL person reasonably believe that a disorderly society can survive? In all recorded history, none ever has. On the contrary history shows that every society which became lawless soon succumbed, and that the first evidences of each society's decay appeared in the toleration of disobedience of its laws and the judgments of its courts.

These are ancient and universal lessons. Yet, in recent times, all of us have daily seen and heard an ever-increasing number of accounts that show, with unmistakable clarity, the rapid spread of a planned course of lawlessness in our land that threatens seriously to get out of hand, and, hence, to destroy law and order.



While, of course, all of our crime is not due to any one cause, it can hardly be denied that a large part of our current rash and rapid spread of lawlessness has derived from planned and organized mass disrespect for, and defiance of, the law and the courts, induced by the irresponsible and inflammatory preachments of some self-appointed leaders of minority groups "to obey the good laws, but to violate the bad ones"—which, of course, simply advocates violation of the laws they do not like, or, in other words, the taking of the law into their own hands.

And this is precisely what their followers have done and are doing—all under the banner of "peaceable civil disobedience," which their leaders have claimed to be protected by the peaceable-assembly-and-petition provisions of the first amendment to the U.S. Constitution.

### **"Peaceable" Conduct**

In truth, that conduct is neither "peaceable" nor "civil" in nature, nor is it protected by the first amendment, as we shall see.

In furtherance of that philosophy, some of those leaders have incited their followers to assemble at a focal point, from far and wide—often, unfortunately, with the encouragement and physical support, and also frequently at the expense, of well-meaning but misguided church organizations—into large and loosely assembled groups, which, at least, resemble mobs, to wage what they call "demonstrations" to force the concession of what they demand as their "rights" in defiance of legal processes, the courts, and all constituted authority.

Because of general familiarity with the pattern, only a word as to the nature of those "demonstrations" is needed. In the beginning, they consisted of episodic group invasions and

temporary appropriations of private stores, first by sitting down and later by lying down therein, and eventually by blocking the entrances thereto with their bodies—conduct which has always been known as criminal trespass.

Seeing that those trespasses were applauded by many, even in high places, and were generally not punished, but, rather, were compelled to be appeased and rewarded, those leaders and their incited groups quickly enlarged the scope of their activities by massing and marching on the sidewalks, streets, and highways—frequently blocking and appropriating them to a degree that precluded their intended public uses. And that conduct, too, being nearly always appeased, the pattern has rapidly spread, as one might expect, pretty generally throughout the land, even into most of our university campuses, and, what should be even more alarming—if such is possible—the pattern has now been adopted, and is being followed, by mobs who attempt to thwart the efforts of our Government to conscript the military forces deemed necessary by responsible officials for national purposes—as witness the repeated and brazen burnings of draft cards in such frenzied mobs—and to prevent success of the military's effort to transport troops and their necessary equipment and supplies to critical points, by blocking the movement of such trains with their bodies and otherwise.

There is now hardly any facet of our society that has not been assaulted—and none is immune from assault—by this pattern of lawlessness.

### **Definition of Crime**

"Crime," says Webster, means: "Any act or omission forbidden by law and punishable upon conviction." It can hardly be denied that many of those trespasses violated, at least, the criminal trespass laws of the jurisdic-

tions involved, that those laws imposed penalties for their violation, and, hence, that those trespasses constituted "crimes."

In the first place, that conduct cannot honestly be termed "peaceable," for its avowed purpose was and is to force direct action outside the law, and, hence, was lawless, and, of course, inherently disturbing to the peace of others. One can hardly deny the truth of the statement written by Mr. Justice Black, joined by two other Justices in June 1964, that "Force leads to violence, violence to mob conflicts, and these to rule by the strongest groups with control of the most deadly weapons."

### **Civil Disobedience**

In the second place, that conduct cannot honestly be termed "civil disobedience," for the simple reason that willful violation of the criminal laws is not "civil disobedience," but is "criminal disobedience."

And lastly, that criminal conduct is not protected by the peaceable-assembly-and-petition provisions of the first amendment. That amendment reads: "Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Surely, nothing in that language grants a license to any man, or group of men, to violate our criminal laws. Rather, as Mr. Justice Roberts wrote upon the subject in 1939, "The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions must be regulated in the interest of all; it is not absolute, but is relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order. . . ." [Emphasis added.]

And, as to such demonstrations



being an exercise of the first amendment's right to petition for a redress of grievances, would not every thinking person agree with the statement recently made by the president of Yale University in a speech at Detroit, that the current rash of "demonstrations" makes "a ludicrous mockery of the democratic debating process"?

The pattern of forcing demands by mass or mob actions, outside the law and the courts, has proved—as certainly we should have expected—to be tailor-made for infiltration, use, and takeover by rabble rousers and Communists who are avowedly bent on the breakdown of law, order, and morality of our society, and, hence, on its destruction.

Even though those results may not have been contemplated, and surely weren't wished, by those Americans who so advocated and participated—either conspiratorially, financially, or physically—in such disobedience of our laws, nevertheless, they did advocate that philosophy, and they did put its processes into action, and, however well—even if ignorantly—motivated, cannot now escape responsibility for its results.

### Mass Lawlessness

A sampling of what this pattern of organized mass lawlessness has brought to some of our universities may be seen through a few brief quotations.

The California State Superintendent of Public Instruction, in commenting about conditions on the campus at Berkeley, recently said: "Demonstrations there provided a vehicle for infiltration by rabble rousers, red-hots, and Communists and resulted in assaults, kidnappings, and imprisonment of police officers, the commandeering of public-address systems, and their use in spewing over the campus the most filthy four-letter

(Continued on next page)

September 1966

# NATIONWIDE CRIMESCOPE

## GUMMING THE WORKS

When a fugitive was interviewed by FBI Agents following his arrest for the interstate transportation of a stolen payroll check, he explained how he and an accomplice had used chewing gum as an aid in checkpassing.

Aware of the protective photographic devices used by business establishments which cash checks, one of them would distract the clerk's attention while the other placed a wad of chewing gum over the lens of the camera. Then they would pass the stolen checks without fear of being identified by the resulting photographs.

In this instance, the fugitive attempted to place the guilt of passing the stolen check on his accomplice, but the Agents learned that the lens of the camera had not been completely covered by the gum. The partial photograph was identified by the saleslady as the fugitive's and not that of his partner. *Cincinnati Criminal, 12/7/65, Bufile# 65-4296-10 + 87-84852.*

## EFFECTIVE DISGUISE

A number of stolen U.S. Government checks, actually payroll checks of U.S. Post Office workers, were successfully passed in an eastern city. Two men dressed in mail-carrier uniforms cashed the checks.

Investigation disclosed that the two men had obtained the outfits from the wife of a former U.S. postal employee who had been fired from his job.

Tavern owners cashed the checks because the passers were dressed in mail carrier uniforms.

*Baltimore Criminal, 4/20/66, Bufile# 63-4296-3.*

## HOAX ATTEMPTED

A 53-year-old man in a Midwest city was arrested when he tried to obtain refunds on American Express traveler's checks at a local bank.

Detectives relate that the man had obtained \$1,500 in traveler's checks during a trip across country. He tried to double the amount of these checks by reporting them stolen, getting a refund, and then cashing the original, supposedly lost, checks.

The company issuing the checks, becoming aware of the hoax being played upon it, sent out posters to all branches warning them about the individual claiming he had lost his checks.

Police were called when a teller checked the man's name with the warning announcement. *Cincinnati Criminal, 6/18/65, Bufile# 63-4296-10*

## COURTLY THIEF

A 24-year-old alleged narcotics pusher was seized by detectives as he attempted to leave the Bronx County Courthouse with stolen evidence.

Acting on information developed in an earlier theft of 56 ounces of heroin from a locker in Manhattan Supreme Court, Narcotics Squad detectives had been watching the suspect. He was observed attending the trial of a narcotics addict at the Bronx County Courthouse.

During a luncheon recess, he walked over to the clerk's desk and removed 4 ounces of heroin which had been used as evidence in the trial. He was arrested and charged with possession of heroin, stealing court documents, grand larceny, and felonious assault.

*N.Y. Criminal, 11/21/66, Bufile# 63-4296-34*



## BROUGHT INTO FOCUS

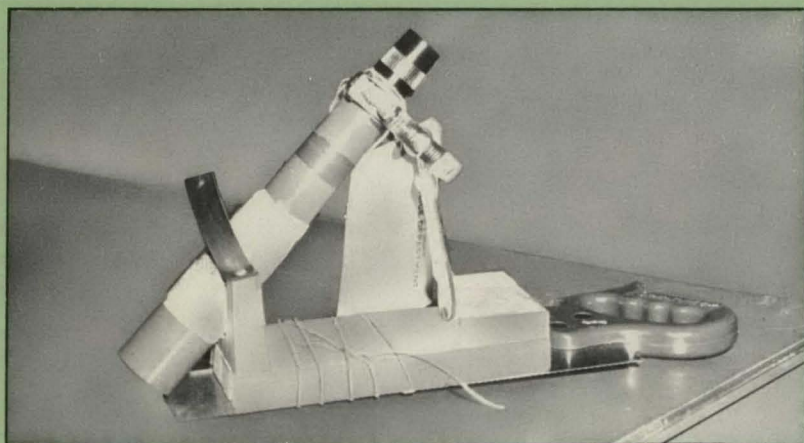
The manager of a grocery store passing by his place of business late one night observed suspicious movement inside the store and called police. When police arrived, they found one burglar on the main floor of the store.

His accomplice was hidden beneath insulating material surrounding an air-conditioning duct between a false ceiling and the roof of the store. With him in the attic police found a complete set of burglary tools, a pistol, a walkie-talkie, and an unusual

telescopic device mounted on a short saw.

Though neither suspect would talk, police surmised that the telescope mounted on the saw was designed to magnify the dials on business safes of the stores they planned to victimize.

In this instance, it was apparent that the burglars were going to drill a hole through the false ceiling over the safe and from this position possibly obtain the combination of the safe when opened by employees.



Telescopic device mounted on a saw.

## NOT WORTH A NICKEL

After refusing to give three young thugs a nickel, a man in a southwestern city proceeded to cross the street. The persistent teenagers, however, followed and one struck him with a blunt object. The blow was fatal.

After being found guilty of involuntary manslaughter, the 19-year-old youth who killed the man was brought before a superior court judge for sentencing. The judge allowed the young man to choose between a 2- to 3-year jail sentence or a 6-year probationary period. Of course, he chose the latter.

Phoenix Criminal  
2/18/66, Bufile # 63-4296-38

## QUICK-DRAW HOLSTER

During a recent search of a suspect's home in a Southern State, several firearms and holsters were located. Among these items was an eyeglass case which had been cut off at the top and bottom and stitched to resemble and serve as a quick-draw holster.

The clip of the case served to hold the holster to the belt inside the coat or wherever the user cared to attach it.

Examination of the case determined that it could hold a small caliber weapon which could readily be drawn from the homemade holster.

Jackson Criminal, 4/19/66,  
Bufile # 63-4296-54

(Continued from page 11)

words, and the general breakdown of law and order."

An Associated Press dispatch of Wednesday, May 19, in speaking of lawless demonstrations in progress at the University of Wisconsin, said that one of the "leaders" there openly espoused, from a public rostrum on the campus, that "The students should ban together to bring down the Government by any means." It also said that the "demonstrations" there had now been infiltrated and were being led by "eight to a dozen" ring-leaders who are operating under "pretty good cover," and at least some of them are known members of the DuBois Clubs of America, which J. Edgar Hoover has described as a "new Communist-oriented youth organization."

## Widespread Defiance

These "demonstrations" have even invaded Howard University—the largest Negro university in our country. In a recent interview, its president, Dr. James M. Nabrit, says that he is meeting on his campus "open defiance of law and order," which he characterized as a part of a campaign "to bring the university into general disrepute." He warned that even though those "demonstrators" parade under the banner of civil rights, "they do not believe in civil rights for anyone. They are children of lawlessness and disciples of destruction. They are people who cloak themselves in the roles of civil righters but plot and plan in secret to disrupt our fight for justice and full citizenship. They must," he said, "be unmasked for the frauds that they are, and must be fought in every arena."

A relatively recent issue of the Kansas City Star contained several articles about the general breakdown of law and order on our college campuses. One of them fairly puts the finger



the cause. It did so by quoting one of the "demonstrating" "students." He was asked why some students had abandoned historical "panty raids" and similar college pranks for open and riotous rebellion. "Why," he said, "you could get kicked out of school for conducting a panty raid and things of that kind, but no one is ever kicked out or punished for demonstrating for something like civil rights." It is thus plain that the students, knowing, just as everyone else knows, that riotous conduct in the name of "civil rights" is not being punished, but is being tolerated, have been thus encouraged to continue and spread their riotous actions.

These lawless activities, nauseating as they are, can hardly be surprising, for they are plainly some of the results that we should have known would inevitably come from tolerating open and direct preachments to defy and violate the law.

Another recent article quoted some comments of J. Edgar Hoover about the effects of spreading crime upon the personal safety of our citizens. He said: "There is too much concern (in this country) . . . for the 'rights' of an individual who commits a crime. I think he is entitled to his (legal rights), but I think the citizens of this country ought to be able to walk all the streets of our cities without being mugged, raped, or robbed. But," he said, "we can't do that today." And he added: "All through the country, almost without exception, this condition prevails."

The April 10, 1965, issue of the magazine "America" contained an article on the imperative need for certain and severe punishment of crime, which made many pertinent observations, including this one: "(Government) has no right to turn the cheek of its citizens. Instead, it is gravely obligated—by the very purpose of its existence—to see to their protection." So this, I say amen.

There are, of course, first duties of citizenship, but there are also first duties of government. It is undoubtedly true, as recited in the theme of the recent presidentially proclaimed Law Day, 1965, that "A Citizen's First Duty Is To Uphold the Law," *but it is also a first duty of Government to enforce the law.*

Because some of our citizens will not voluntarily perform their "first duty" to uphold the law, our governments, State and Federal, are, as said in the article quoted from "America," "gravely obligated—by the very purpose of (their) existence—to see to (the protection of the people)" by, at least, making them *obey* the law.

All of us have often been told, and many of us have preached, that crime does not pay, but the recent rash and spread of law defiance, and the successes—even though tenuous and temporary—of that philosophy in obtaining goals, seem to compel a reappraisal of that concept for, from what we currently see happening, one can reasonably believe that certain types of crime are being permitted to pay.

### **Anarchy**

Probably because of a rather widespread recognition that, at times and in certain sectors, some Negroes have suffered unconstitutional discriminations, and because many of us have been sympathetic to the ends they seek—and have not, therefore, thought very much about the destructive means they have embarked upon to attain those ends—there has been a rather general public apathy toward their preachments to violate, and their practices in violating, our laws.

But whatever may have been the provocations—and, doubtless, there have been some—no man, or any group or race of men, can be permitted, in a government of laws, to take the law, or what they think ought

to be the law, into their own hands, for that is anarchy, which always results in chaos.

The fact that the provocations may have been themselves constitutionally unlawful cannot justify unlawful means for their resolution. Both types of conduct are wrong—constitutionally wrong, the one as much as the other. And, obviously, two wrongs cannot make a right.

### **Through Courts**

All discriminations that violate the Constitution and laws of the United States are readily redressable in our courts which have always been open to all citizens. And no one has any room to doubt that, if he will resort to those courts, and have the patience to await their processes—as we all must do in an ordered society—all his constitutional and legal rights will be vouchsafed to him, whatever his creed or color.

But there has been impatience with the judicial processes, manifested by the recent hue and cry for "Action now—not the delays of the law." Obviously, that cliché, too, calls for direct action in disobedience of the laws, the judgments of the courts, and of all constituted authority.

It is true that legal processes, being refined and deliberative processes, are slow. But like the mills of the gods, though they grind slowly, they grind exceedingly fine, and their judgments are most likely to be just.

### **Only Way**

In all events, that is the civilized and American way—and there is no other orderly way—peaceably and fairly to decide the issues that arise among us, and to have an ordered liberty.

The great pity here is that these minority groups are, by their unilateral mass actions outside of and in defiance of the law, actually eroding

*(Continued on page 25)*



# Help When You Need It

*The El Paso County Sheriff's Reserve, Inc.*



**E**FFECTIVE LAW ENFORCEMENT requires that police agencies be prepared to handle any enforcement crises or situations which occur in their jurisdictional area. For small departments with a limited staff of permanent personnel, this is not always possible.

Frequently, there are emergencies or disasters during which greater manpower and special equipment are needed. At such times it is incumbent on law enforcement authorities to have a means of summoning this added strength with a minimum of

delay. For many agencies the answer is a highly trained, efficient reserve unit.

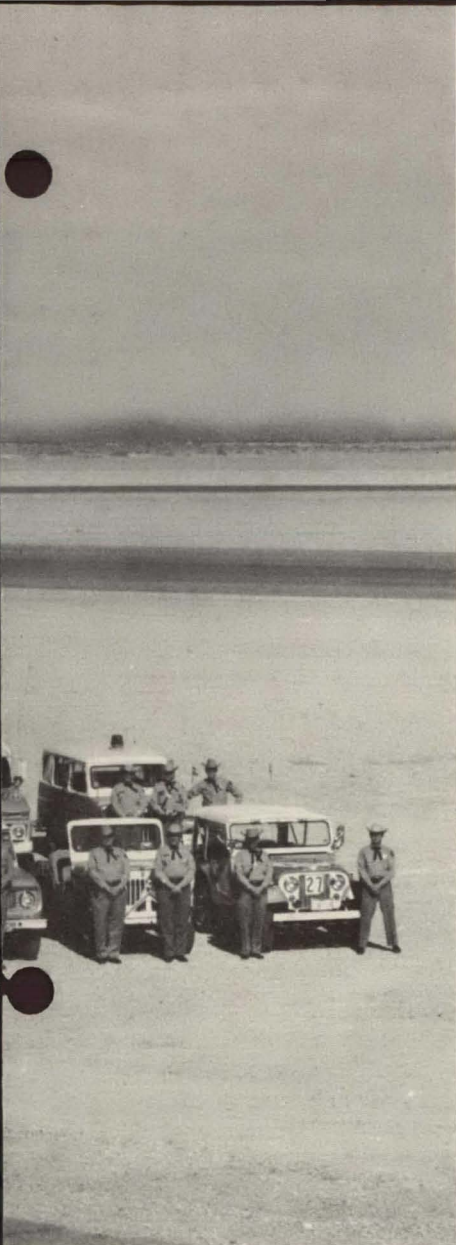
In the fall of 1959 two veteran members of the El Paso County Sheriff's Office decided to form an auxiliary group to augment their regular force of deputies. Under the guiding hands of Sheriff R. E. "Bob" Bailey and Chief Deputy Mike Sullivan, the El Paso County Sheriff's Reserve was established.

Sheriff Bailey reasoned that if he organized and trained such a group under the Posse Comitatus Act, his

department would be able to meet any situation with confidence and dispatch and the regular duties of his office would not be neglected.

Sheriff Bailey and Chief Deputy Sullivan sought out responsible, civic-minded citizens of the community and held meetings and discussions on the subject of a ready reserve force. At every meeting and discussion, the participants emphasized that such an undertaking carried great responsibility and could only be successful if properly organized, supervised, and trained. Chief Deputy Sullivan





Capt. Don Anguiano, and I were designated as liaison between the department and the reserve organization. Sheriff Bailey and the three of us spent the next few months holding additional meetings, drafting equipment and uniform lists, and writing the constitution and bylaws for chartering the nonprofit organization.

In the spring of 1960 the El Paso County Sheriff's Reserve was functional with 5 four-wheel-drive jeeps and 15 men. This same organization today has 45 four-wheel-drive vehicles, 3 motorcycles, 5 airplanes, and

**FRANK W. MANNING**  
Chief Deputy,  
El Paso County Sheriff's Department,  
El Paso, Tex.



90 capable and highly trained men.

In early 1960, when the reserve received its first mission, the members found they were without adequate communication between the units. If they were to function effectively and achieve the mobility desired, modern communication was a must.

### ***Funds Raised***

An executive meeting was held, and the men attending decided that the reserve would sponsor a social event to raise funds to purchase the badly needed two-way radio equipment for the vehicles. Because of the favorable relations existing between certain entertainers in the "country" and "western" music field and the sheriff's office, the executive group voted to sponsor a western dance. The dance was an overwhelming success, and it has become an annual event with continually rising proceeds. Since the first dance in 1960, approximately \$12,000 has passed across the organization's checkbook. From these funds the reserve has purchased two-way radios for each of the 45 vehicles, a \$2,000 base station, and a \$750 ground-to-air radio unit and has kept the equipment in operation over the years. Besides these purchases, the organization currently maintains a balance of \$4,000.

Early in the operation of the organization, there was an apparent need for a mobile command post, or a vehicle that could be made available to direct the operations while in the field and transport some of the heavier equipment that could not be carried by the smaller vehicles. This problem was resolved by the renovation of an unused bookmobile donated by El Paso County. This vehicle was dubbed "Unit No. One," and Deputy D. B. Boone of the regular department was assigned as both driver and operator of the vehicle. Unit No. One is capable of traveling into the remotest areas, where it is used as a center for directing the field missions and training exercises. It is equipped with 2 two-way radios—one on the sheriff's department frequency and the other on the frequency assigned to the reserve. In addition to the radio equipment, the unit has bunks, blankets, heavy litters, a portable generator, a coffeemaker, cooking equipment, extensive first aid supplies, searchlights, and many more items required for a sustained field operation.

### ***Selecting Personnel***

The selection of personnel for the reserve is patterned after the selection procedure used by the sheriff in hiring regular deputies for the department.



A prospective reserve member submits an application and is interviewed by either the sheriff or the chief deputy. Then the applicant's fingerprints are taken, a local records check is made, and a copy of the fingerprints is sent to the Federal Bureau of Investigation in Washington, D.C., for a national records check. The application and the recommendations of the interviewing officer and the screening committee are then presented to the general membership by the membership committee. If accepted, the new member is notified by mail and is furnished a list of equipment which he must possess in order to engage in reserve activities.

A new member is not required to purchase a vehicle to participate in reserve activities. If he desires to bring a vehicle into the organization, it must conform to the accepted automotive standards of the executive committee, and the member must furnish and equip the vehicle at his own expense. The automotive standards specify that the volunteered vehicle must be a four-wheel-drive type and be equipped with the following: 50 feet of rope, first aid equipment, tow chain, blankets, sleeping bag, two 5-gallon cans—one for water and the other for extra gas—waterproof matches, flares, flashlight with extra batteries, hand ax, shovel, and food to sustain a 48-hour field operation. A member is also required to purchase summer and winter uniforms and his sidearm.

### ***Training Received***

Although not as extensive as that of the regular deputy, the reserve's training is quite explicit. Each member is certified by the Red Cross in first aid and receives refresher training on a yearly schedule. Most of the training is conducted by members of the sheriff's department who are graduates of certified training schools.



**Sheriff Mike Sullivan.**

Training is given in every subject taught the regular deputies. This training includes: traffic and mob control, first aid, criminal investigation procedures, tracking, radio procedure, and many other law enforcement subjects.

The present sheriff of El Paso County is the former Chief Deputy Mike Sullivan. Sheriff Sullivan took office in 1965. He had long realized that members of the reserve would be excellent recruits for the regular department. At the present time there are about 14 regular deputies who advanced by this means. They are serving in the traffic, identification, and criminal divisions. These men, having received most of their formal training as law enforcement officers while in the reserve, cut in half the training time required to place a new deputy in the field.

### ***Duties Performed***

The reserve base station, along with the regular department's base station, is located in the office of the department's dispatcher. It is manned on a 24-hour basis, 7 days a week. It is not uncommon to receive six to eight calls from the reserve members each day because many of

them drive their vehicles to and from work. They report accidents, request ambulances and wreckers, administer first aid, and remain at the scene until an El Paso city policeman or a sheriff's unit arrives. Reserve members also report locations of major traffic congestion to city and county traffic officers.

Probably the 2 biggest days for the reserve in connection with traffic are the Fourth of July and Labor Day. A maximum turnout of men and equipment is required on these 2 days. El Paso County is composed of some 1,184 square miles and is on a major route for motorists between the east and west coasts. The department with assistance from the reserve lets the driving public know that El Paso County authorities are on the scene and ready to render aid to the motorists on holiday weekends.

### ***Role in the Community***

The El Paso City Police Department has also recognized the important part that the reserve plays in the community. The El Paso chief of police has appointed two of his officers as official liaison representatives between the police department and the sheriff's department and sheriff's reserve.

The provost marshal of Fort Bliss and his staff maintain a close relationship with the department and the reserve. As a result, the military police and the reserve have participated in several missions together.

### ***Missions Accomplished***

Since being formed in 1960, the reserve has been called on in many instances. On the Fourth of July 1962, a young girl drowned in the Rio Grande River about 9 miles north of the city of El Paso. The sheriff's reserve was immediately summoned to search the river. The search con-



tinued for more than 40 hours before the body was located. Because of the width of the river and swiftness of the current, jeeps were placed on either side of the river and a heavy rope was stretched between them. While hanging onto the rope, members of the reserve waded into the water and, standing shoulder to shoulder, searched the river for 9 miles. They were assisted on this mission by U.S. Army Military Police from nearby Fort Bliss.

Probably the reserve's most disheartening mission took place in 1961. Two small boys wandered away from their home in northeast El Paso. Late that afternoon the reserve was called, and a planned search of the immediate area ensued. On the second day the search was expanded to cover the area of the Franklin Mountains, located just to the west of the missing boys' home. This search continued for 7 days. A helicopter was summoned, and the two missing boys were finally located on a small ledge at the 6,000-foot level of the mountain. Both were dead. They had been climbing in the mountain area and had fallen approximately 150 feet. The location of the boys was a joint effort by the sheriff's reserve, the city police, and the military.



SCUBA divers at scene of drowning.

Members of the reserve have various individual skills—tracking, aviation, scuba diving—and are proficient with their sidearms. The author, a graduate of the FBI National Academy, has served as firearms instructor for the reserve for a number of years.

One of the most complex missions ever undertaken by the reserve occurred in 1961 when an Air Force KB-50 tanker crashed a few miles east of Biggs Air Force Base in El Paso.

The wreckage and bodies were scattered over a half-mile area. Members of the sheriff's department and the reserve were at the scene over 5 hours controlling traffic and helping locate parts of the wreckage and bodies.

The only financial assistance the reserve receives is from a major oil company, which furnishes gasoline for the vehicles when used on actual or practice missions.

Although the organization was



Deputy Sheriff Daniel Boone, operator of Unit No. One.





Field problem in desert east of El Paso, stressing importance of the preservation of evidence at the scene of a homicide.

formed basically as a search and rescue unit, the reserve assists in most of the larger fund drives in the local area, such as the March of Dimes and the United Fund. Members accept the responsibility of picking up large sums of money and transporting them in their vehicles to the banks for counting and deposit. The reserve unit is also in great demand in the Southwest to participate in parades.

In June 1963, when the late President John F. Kennedy visited in El Paso, members of the sheriff's reserve were cleared by the Secret Service to augment Federal, State, and local law enforcement officers in the control of

traffic and people who turned out to see President Kennedy upon his arrival at the El Paso International Airport and on the official route some 7 miles into the city. In 1964, when President Lyndon B. Johnson came to El Paso to meet the President of Mexico, the reserve performed a similar function.

The reserve unit is made up of lawyers, doctors, schoolteachers, contractors, automobile mechanics, painters, store clerks, and many others.

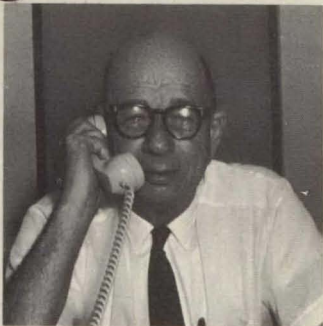
The organization has received many letters of thanks and commendation for services performed.

Sheriff Mike Sullivan sums up his feelings about the reserve in the following manner: "I am very proud of the many compliments paid the El Paso County Sheriff's Reserve. They not only look sharp, but they are also well-trained, capable men who stand ready at any time to assist this department and the people of El Paso County in any emergency that may arise. Besides the realization that they are performing a valuable service to their community and their fellow men, they receive no remuneration other than the satisfaction of a job well done."

Reserve bringing injured victim off mountain in Army "mule." Victim suffered broken leg in a fall.







**LELAN A. FOSTER**  
Chief of Police,  
Las Cruces, N. Mex.

## BETTER SERVICE THROUGH MODERN FACILITIES

POLICE DEPARTMENTS which need and seek new facilities should never relent in their efforts until their goals are achieved. The rewarding result of improved operations, greater efficiency, better service, and more effective enforcement is a pleasure all hard-working and dedicated law enforcement officers should experience.

In the recent past, members of the Las Cruces, N. Mex., Police Department have had the privilege of moving into a new public service building. The impact on this town of some 40,000 has been remarkable.

Systematic planning for this \$250,000 structure has paid off in large dividends. Operations of the department have surpassed all expectations. We now have a better public image and better employee morale.

The building, centrally located in the metropolitan area, houses both the police and fire departments. Some facilities are available and used by both departments, depending on need.



Policewoman operates new communications control center in Las Cruces department.





Front view of public service building housing both the police and fire departments.

Some of the innovations increasing efficiency in the department are briefly discussed below.

### ***Prisoners and Property***

"When do I get to see the judge? I don't want to waste too much time here because I'm in a hurry to get to California," said the prisoner as he was being booked. In the new facilities the prisoner does not have long to wait.

Booking, final search, receipt for property and valuables, and temporary detention, pending appearance before the city judge, are all handled in one smooth operation. At the front booking desk, property is placed in cubicles under security, and the prisoner is led through a door to an adjoining room where he is mugged, fingerprinted, and placed in a temporary holding cell. He is then taken before the city magistrate at the first available opportunity. The whole operation is handled in rooms leading from the hallway where the booking desk is located, thus minimizing time and transportation.

### ***Training Facilities***

A central training room, equipped with diversified facilities, is used for lectures, training of various kinds, movies, and for lineups. A sliding movie screen, a pinboard for training aids, and a movable blackboard are placed at the front of the room.

Overhead lights permit the viewing of lineups in the same room without the witnesses being seen by the suspects.

Communications and records are centrally located off a main hallway and soundproofed to insure peak performance of each operation. Communications personnel handle incoming calls and man the switchboard and intercom system connected to each individual office. The selective intercommunications system makes it possible to communicate privately with each office without interfering with the work being performed in other offices. Burglar alarm systems from certain business establishments are maintained here as well as the mobile radio and Teletype.

### ***Records Section***

Personnel in the records section, in addition to keeping records and doing file searches for departmental officers and other agencies, run the photo laboratory and Xerox copying equipment, take photographs of prisoners, supervise fingerprinting, and maintain custody of all evidence in space provided for each operation.

### ***Temporary Detention***

Two cells are maintained for detention purposes. In the one for adults, as many as a dozen prisoners may be held for short periods while awaiting their appearance before the magistrate. The time-consuming

operation of booking in the local county jail and the subsequent removal and transportation before the judge as formerly practiced are avoided. (The county jail is maintained by the sheriff and is some distance from the police department—a common practice in towns of this size.)

The juvenile cell or detention facility also avoids the necessity of incarcerating runaways in the county jail, pending arrival of parents or guardian, in addition to providing security during initial handling in early stages of investigations.

### ***Overall Planning***

All workspace and offices lead from central hallways, permitting entry into each office without disturbing interviews or work being done in a neighboring office. All offices in the entire building are attractively furnished and decorated in eye-appealing motif.

### ***Parking Space***

Spacious parking is available on three sides of the building for personnel and for citizens doing business with both the fire and police departments.

The court facilities include a dignified, soundproof courtroom and offices for the magistrate and court clerk removed from the operations of the police and fire departments. Since the court is set apart from the hustle and bustle of other operations, its dignity and decorum are preserved.

The fire department's facilities provide space for firefighting equipment, a dormitory for firemen, cooking and eating facilities, office space, and communications equipment. A substantial savings was effected by housing the two departments in one building.



# Rights of the Accused

*Following are pertinent excerpts from the five-to-four majority opinion of the Supreme Court of the United States issued June 13, 1966, in the consolidated cases of Miranda v. Arizona, Vignera v. New York, Westover v. United States, and California v. Stewart. In this decision the Court describes the manner in which an accused must be warned of his right to silence and right to counsel.*

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

"The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself. . . .

"Our holding will be spelled out with some specificity in the pages which follow but briefly stated it is this: the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By

custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. As for the procedural safeguards to be employed, unless other fully effective means are devised to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it, the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. Likewise, if the individual is alone

and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he 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. . . .

"It is impossible for us to foresee the potential alternatives for protecting the privilege which might be devised by Congress or the States in the exercise of their creative rule-making capacities. Therefore we cannot say that the Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process as it is presently conducted. Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the States to continue their laudable search for in-



creasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws. However, unless we are shown other procedures which are at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it, the following safeguards must be observed.

"At the outset, if a person in custody is to be subjected to interrogation, he must first be informed in clear and unequivocal terms that he has the right to remain silent. For those unaware of the privilege, the warning is needed simply to make them aware of it—the threshold requirement for an intelligent decision as to its exercise. More important, such a warning is an absolute prerequisite in overcoming the inherent pressures of the interrogation atmosphere. It is not just the subnormal or woefully ignorant who succumb to an interrogator's imprecations, whether implied or expressly stated, that the interrogation will continue until a confession is obtained or that silence in the face of accusation is itself damning and will bode ill when presented to a jury. Further, the warning will show the individual that his interrogators are prepared to recognize his privilege should he choose to exercise it.

"The Fifth Amendment privilege is so fundamental to our system of constitutional rule and the expedient of giving an adequate warning as to the availability of the privilege so simple, we will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given. Assessments of the knowledge the defendant possessed, based on information as to his age, education, intelligence, or prior contact with authorities, can never be more than speculation; a warning is a clearcut fact. More important, whatever the background of the person interrogated, a warning at the



time of the interrogation is indispensable to overcome its pressures and to insure that the individual knows he is free to exercise the privilege at that point in time.

"The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it. It is only through an awareness of these consequences that there can be any assurance of real understanding and intelligent exercise of the privilege. Moreover, this warning may serve to make the individual more acutely aware that he is faced with a phase of the adversary system—that he is not in the presence of persons acting solely in his interest.

"The circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege by his interrogators. Therefore, the right to have counsel present at the interrogation is indispensable to the protection of the Fifth Amendment privilege under the system we delineate today. Our aim is to assure that the individual's right to choose between silence and speech remains unfettered throughout the interrogation process. A once-stated warning, delivered by those who will conduct the interrogation, cannot itself suffice to that end among those who most re-

quire knowledge of their rights. A mere warning given by the interrogators is not alone sufficient to accomplish that end. Prosecutors themselves claim that the admonishment of the right to remain silent without more 'will benefit only the recidivist and the professional.' Brief for the National District Attorneys Association as *amicus curiae*, p. 14. Even preliminary advice given to the accused by his own attorney can be swiftly overcome by the secret interrogation process. Cf. *Escobedo v. Illinois*, 378 U.S. 478, 485, n. 5. Thus, the need for counsel to protect the Fifth Amendment privilege comprehends not merely a right to consult with counsel prior to questioning, but also to have counsel present during any questioning if the defendant so desires.

"The presence of counsel at the interrogation may serve several significant subsidiary functions as well. If the accused decides to talk to his interrogators, the assistance of counsel can mitigate the dangers of untrustworthiness. With a lawyer present the likelihood that the police will practice coercion is reduced, and if coercion is nevertheless exercised the lawyer can testify to it in court. The presence of a lawyer can also help to guarantee that the accused gives a fully accurate statement to the police and that the statement is rightly reported by the prosecution at trial. See *Crooker v. California*, 357 U.S. 433, 443-448 (1958) (DOUGLAS, J. dissenting).

"An individual need not make a pre-interrogation request for a lawyer. While such request affirmatively secures his right to have one, his failure to ask for a lawyer does not constitute a waiver. No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given. The accused who does not know his rights and therefore does not make a request



may be the person who most needs counsel. . . .

"Accordingly we hold that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation under the system for protecting the privilege we delineate today. As with the warnings of the right to remain silent and that anything stated can be used in evidence against him, this warning is an absolute prerequisite to interrogation. No amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead. Only through such a warning is there ascertainable assurance that the accused was aware of this right.

"If an individual indicates that he wishes the assistance of counsel before any interrogation occurs, the authorities cannot rationally ignore or deny his request on the basis that the individual does not have or cannot afford a retained attorney. The financial ability of the individual has no relationship to the scope of the rights involved here. The privilege against self-incrimination secured by the Constitution applies to all individuals. The need for counsel in order to protect the privilege exists for the indigent as well as the affluent. In fact, were we to limit these constitutional rights to those who can retain an attorney, our decisions today would be of little significance. The cases before us as well as the vast majority of confession cases with which we have dealt in the past involve those unable to retain counsel. While authorities are not required to relieve the accused of his poverty, they have the obligation not to take advantage of indigence in the administration of justice. Denial of counsel to the indigent at the time of interrogation while allowing an attorney to those who can afford one would be no more supportable by reason or logic than



the similar situation at trial and on appeal struck down in *Gideon v. Wainwright*, 372 U.S. 335 (1963), and *Douglas v. California*, 372 U.S. 353 (1963).

"In order fully to apprise a person interrogated of the extent of his rights under this system then it is necessary to warn him not only that he has the right to consult with an attorney, but also that if he is indigent a lawyer will be appointed to represent him. Without this additional warning, the admonition of the right to consult with counsel would often be understood as meaning only that he can consult with a lawyer if he has one or has the funds to obtain one. The warning of a right to counsel would be hollow if not couched in terms that would convey to the indigent—the person most often subjected to interrogation—the knowledge that he too has a right to have counsel present. As with the warnings of the right to remain silent and of the general right to counsel, only by effective and express explanation to the indigent of this right can there be assurance that he was truly in a position to exercise it.

"Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease. At this point he has shown that he intends to exercise his Fifth Amend-

ment privilege; any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise. Without the right to cut off questioning, the setting of in-custody interrogation operates on the individual to overcome free choice in producing a statement after the privilege has been once invoked. If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent.

"This does not mean, as some have suggested, that each police station must have a 'station house lawyer' present at all time to advise prisoners. It does mean, however, that if police propose to interrogate a person they must make known to him that he is entitled to a lawyer and that if he cannot afford one, a lawyer will be provided for him prior to any interrogation. If authorities conclude that they will not provide counsel during a reasonable period of time in which investigation in the field is carried out, they may do so without violating the person's Fifth Amendment privilege so long as they do not question him during that time.

"If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. *Escobedo v. Illinois*, 378 U.S. 478, 490, n. 14. This Court has always set high standards of proof for the waiver of constitutional rights, *Johnson v. Zerbst*, 304 U.S. 458 (1938), and we



re-assert these standards as applied to in-custody interrogation. Since the State is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation, the burden is rightly on its shoulders.

"An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver. But a valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained. A statement we made in *Carnley v. Cochran*, 369 U.S. 506, 516 (1962), is applicable here: 'Presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not a waiver.' See also *Glasser v. United States*, 315 U.S. 60 (1942). Moreover, where in-custody interrogation is involved, there is no room for the contention that the privilege is waived if the individual answers some questions or gives some information on his own prior to invoking his right to remain silent when interrogated.

"Whatever the testimony of the authorities as to waiver of rights by an accused, the fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights. In these circumstances the fact that the individual eventually made a statement is consistent with the conclusion that the compelling influence of the interrogation finally forced him to do so. It is inconsistent with any notion of a voluntary relinquishment of the

privilege. Moreover, any evidence that the accused was threatened, tricked, or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege. The requirement of warnings and waiver of rights is a fundamental with respect to the Fifth Amendment privilege and not simply a preliminary ritual to existing methods of interrogation.

"The warnings required and the waiver necessary in accordance with our opinion today are, in the absence of a fully effective equivalent, prerequisites to the admissibility of any statement made by a defendant. No distinction can be drawn between statements which are direct confessions and statements which amount to 'admissions' of part or all of an offense. The privilege against self-incrimination protects the individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination. Similarly, for precisely the same reason, no distinction may be drawn between inculpatory statements and statements alleged to be merely 'exculpatory.' If a statement made were in fact truly exculpatory, it would, of course, never be used by the prosecution. In fact, statements merely intended to be exculpatory by the defendant are often used to impeach his testimony at trial or to demonstrate untruths in the statement given under interrogation and thus to prove guilt by implication. These statements are incriminating in any meaningful sense of the word and may not be used without the full warnings and effective waiver required for any other statement. In *Escobedo* itself, the defendant fully intended his accusation of another as the slayer to be exculpatory as to himself.

"The principles announced today deal with the protection which must be given to the privilege against self-incrimination when the individual is

first subjected to police interrogation while in custody at the station or otherwise deprived of his freedom of action in any way. It is at this point that our adversary system of criminal proceedings commences, distinguishing itself at the outset from the inquisitorial system recognized in some countries. Under the system of warnings we delineate today or under any other system which may be devised and found effective, the safeguards to be erected about the privilege must come into play at this point.

"Our decision is not intended to hamper the traditional function of police officers in investigating crime. See *Escobedo v. Illinois*, 378 U.S. 478, 492. When an individual is in custody on probable cause, the police may, of course, seek out evidence in the field to be used at trial against him. Such investigation may include inquiry of persons not under restraint. General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding. It is an act of responsible citizenship for individuals to give whatever information they may have to aid in law enforcement. In such situations the compelling atmosphere inherent in the process of in-custody interrogation is not necessarily present.

"In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible. Confessions remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence. The fundamental import of the privilege while an individual is in custody is not whether he is allowed to talk to the police without the benefit of warnings and counsel, but whether he can be interrogated. There is no requirement that police stop a person who enters a police sta-



tion and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make. Volunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

"To summarize, we hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be em-

ployed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required. He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him

prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him. . . ."

## JUSTICE WHITTAKER

(Continued from page 13)

and destroying the legal processes which alone can ever assure to them, or permanently maintain for them, due process and equal protection of the laws, and that can, thus, protect them from discriminations and abuses by majorities.

Last May, Mr. Lewis F. Powell, then president of the American Bar Association, in a speech dedicating the new Missouri Bar Center at Jefferson City, said: "Many centuries of human misery show, that once a society departs from the rule of law, and every man becomes the judge of which laws he will obey, only the strongest remain free."

### Respect for Law

I think we must all agree with that statement, and with his conclusion that "America needs a genuine revival of respect for law and orderly processes, a reawakening of individual responsibility, a new impatience with those who violate and circumvent our laws, and a determined insistence that laws be enforced, courts respected and due process followed."

We must take the laws into our hearts rather than into our hands, and seek redress in the courts rather than in the streets if we are to survive as a civilized nation.

### Remedy

The remedy is as plain as the threat. It is simply to insist that our governments, State and Federal, reassume and discharge their "first duty" of protecting the people against lawless invasions upon their persons and property by the impartial and vigorous enforcement of our criminal laws and by the swift, certain, and substantial punishment thereunder of all persons whose conduct violates those laws—and to do so immediately, and hopefully before planned and organized crime has spread beyond the capacities of our peacekeeping machinery to control and suppress.

These are not platitudes, but are fundamentals and vital, as every thinking man should see, to the survival of our civilized and cultured society. In no other way can we orderly resolve the issues that confront and divide us, or live together in peace and harmony as a civilized nation of brothers under the fatherhood of God.

## COOPERATION BOOKLET

The most effective weapon against crime is cooperation—a combining of the efforts of all law enforcement agencies with the support and understanding of the American public.

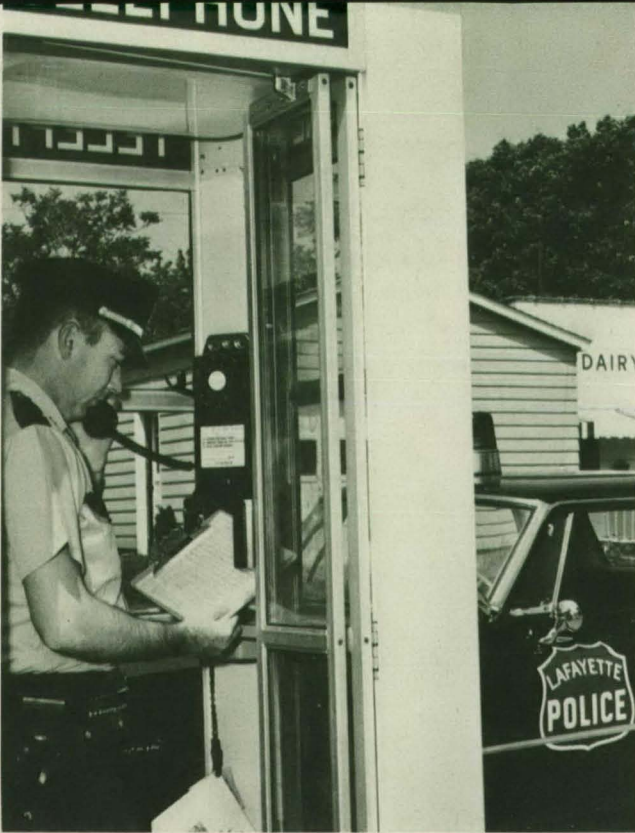
A popular FBI booklet entitled "Cooperation—the Backbone of Law Enforcement" covers the nature and extent of cooperation among law enforcement groups. It also explains in general the jurisdiction of the FBI and some of the services the FBI renders.

Copies of the booklet are available to law enforcement officers and others interested in this subject and may be obtained by writing to Director J. Edgar Hoover, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535.

## PROPER CONTACT

There can be no doubt that boys' club members are influenced by their contacts with police officers. In Washington, D.C., there are some 150 police officers on the force who were once members of the Metropolitan Police Boys' Club. SAC, WFO, to Director memo, 3/9/66, Attention: Crime Record Division, re L&B.





Officer calls headquarters to give report.

## Modernization Saves Time and Money

The Lafayette, Ind., Police Department is joining many other enforcement agencies in moves to keep the working policeman on patrol rather than bogged down with the mounting volume of paperwork necessary for a good records system.

The key to the improvement is the installation of a "voicewriting" recording system in the communications section of the police department. Before its installation each officer, upon the completion of a call, went to headquarters and typed the appropriate information on the report started by the dispatcher. This included making accident reports and arrest or ambulance cards for the records file. On each complaint the officer received, an average of 20 minutes was spent typing the report at headquarters and 30 minutes on each accident report.

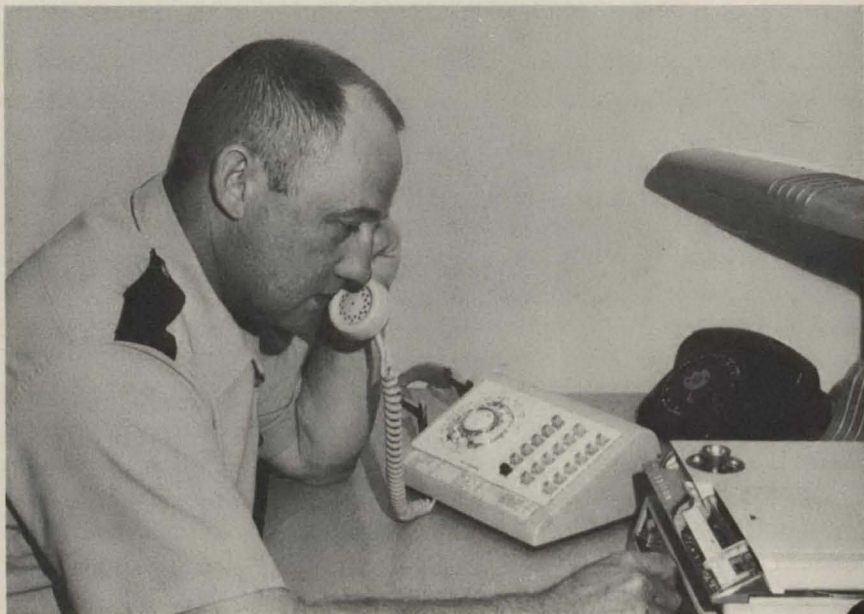
Last year this department received 1,207 accident reports. With an average of 30 minutes spent on each, this came to 603½ hours. It also

received 8,000 complaints on which reports were typed. With an average of 20 minutes per report, this came to 2,666⅔ hours, a total of 3,270 hours for typing reports. At

the present rate of pay of \$2.52 per hour, this represents a sum of \$8,240 and 3,270 hours lost from general patrol in the districts.

Under the new system each patrol-

Telephone operator receives call and records report.





man fills out on the scene of each complaint or accident a short incident sheet which contains the critical information. He then calls police headquarters on an unlisted telephone number and is connected directly to a recorder. He reads the necessary information in a prearranged order so a stenographer can later listen to the recording and type the information on the proper report form. An average of 5 minutes spent on the telephone for each report represents 767 hours, a saving of 2,503 hours of time previously lost by officers from patrol in their districts. It also represents a cash value savings of \$6,307.56, which more than offsets the cost of the equipment of \$900 plus a small installation charge made by the local telephone company.

Among the features of the system are: (1) a monitoring device which allows the headquarters clerk to listen in and ask for clarification or additional information if necessary; (2) an automatic feature which allows the recorder to function whether or not the clerk is on hand to monitor the call; and (3) an automatic cut-off which functions 20 seconds after



Clerk types report from recording.

the call is disconnected.

The department is already working to further refine the system by placing this data on Teletype for citywide distribution and eventually on punchcards, as the volume of police activity

in this city of 45,000 increases. Through modernization and automation the Lafayette Police Department expects to keep abreast of complex problems in maintaining the public safety.

*Let., 1/7/66, from W. Dean Henderson, Chief of Police, Lafayette, Ind.*

## CHILD MOLESTER POSTERS

Schools will be opening again in a few days, and for the ensuing months the happy laughter of rollicking children will be heard on the playgrounds of schools all over the Nation. Once again law enforcement agencies must be alert to the danger of the child molester, as playgrounds and areas around schools will become focal points for this type of offender. To alert the children to the dangers of accepting gifts or rides from strangers, the FBI distributes a poster which has been extremely helpful in the past and

can be obtained in quantity without cost by writing to Director J. Edgar Hoover, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535.

## A GRINDING TASK

FBI Agents recently found a grindstone during the legal search of an apartment occupied by a group of burglars. The grindstone was used by the crooks to judiciously obliterate any marks or other identifying details on their burglary tools—both before and after burglaries.

*Oklahoma City airtel  
crimdel, 3/11/66, Bufile #  
63-4296-35.*

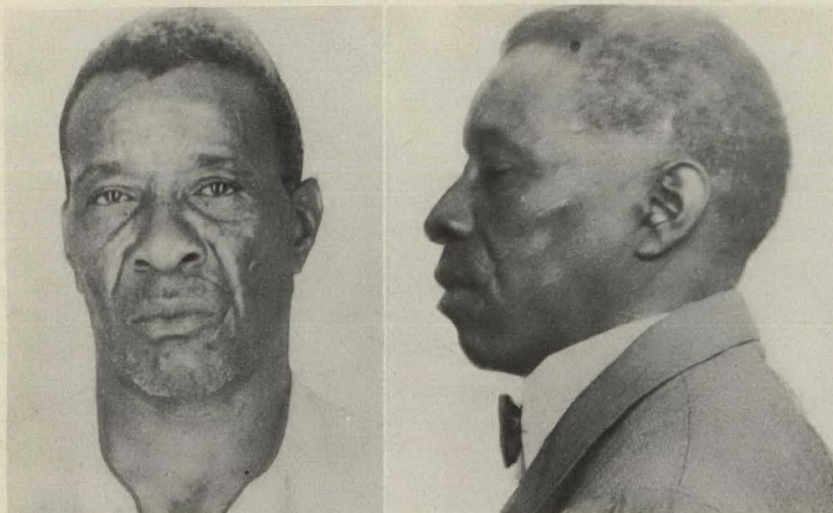
## RADAR RULED EFFECTIVE

The State Supreme Court of Connecticut has ruled on the effectiveness of radar in apprehending speeders. The lower courts in Connecticut were ordered to eliminate time-consuming testimony geared to prove that radar can actually determine the speed of a moving vehicle. However, the decision does not eliminate the requirement that the prosecution must show the instrument was functioning correctly at the time the speed was recorded. The ruling also nullifies the theory that a policeman must be an expert to operate a radar unit.

*New Haven crimdel,  
2/15/66, Bufile #  
63-4296-32.*



# WANTED BY THE FBI



**JOHNNY MURRAY**, also known as: Johnny Bird, Johnny Byrd, Johnny Evans, Edgar Merchison, Edgar Murchinson, Edgar Murchison, Johnie Murrey.

## Interstate Flight—Murder

JOHNNY MURRAY is currently being sought by the FBI for unlawful interstate flight to avoid prosecution for murder. A Federal warrant for his arrest was issued on June 14, 1963, at Swainsboro, Ga.

## The Crime

Murray is wanted in connection with the murder of his common-law wife, whose badly decomposed body was discovered on May 29, 1963, on a farm near Twin City, Ga. Evidence indicated that the victim had been beaten to death. Murray reportedly fled from Georgia soon after the murder.

## The Fugitive

Johnny Murray has been convicted of assault with intent to murder, assault and battery, and indecent liberties with a female minor.

## Description

Age-----	53, born Dec. 23, 1912, Greensboro, N.C. (not supported by birth records).
Height-----	5 feet, 7 inches.
Weight-----	145 to 155 pounds.
Build-----	Medium.
Hair-----	Black, graying.
Eyes-----	Brown.
Complexion-----	Medium.
Race-----	Negro.
Nationality-----	American.
Occupation-----	Laborer.
Scars and marks---	Scar on left side of face, scar under left side of jaw, scar on upper left arm, scar on left forearm, scar on back of left wrist, scar on right forearm, scar on tip of right ring finger.
FBI No-----	563,510 B.
Fingerprint classification.	2 O 1 U III 12 S 17 R III Ref: AMP

## Caution

In view of the nature of the crime for which Murray is being sought, he should be considered dangerous.

## Notify the FBI

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

## DANGEROUS VANDALISM

Vandalism has taken a dangerous, new twist in one southwestern city according to reports made by a city detective investigating such acts.

The first instance to come to his attention occurred on the parking lot of an asphalt paving company. The contents of a tank-type truck—a chemical used in paving—were drained from the truck onto the parking lot, creating a serious danger of fire and a \$4,000 loss to the company.

About a week later vandals struck again, breaking the drain device on a gasoline tank truck parked in a storage area. Some 1,650 gallons of gasoline were spilled on the ground—again creating a serious fire hazard. Only the prompt action of police who smelled the spilled gasoline and firemen who flushed the area with water averted the danger of an explosion.

Examination of the truck indicated that the valve releasing the gasoline had been deliberately broken rather than an attempt made to steal some of the gasoline—although \$100 worth of tools were stolen from the cab of the truck. *San Antonio Crime*  
1/13/66, Bufile # 63-4296-4

**FBI Law Enforcement Bulletin**



## FOR CHANGE OF ADDRESS

Complete this form and return to:

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

\_\_\_\_\_  
(Name) (Title)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City) (State) (Zip Code)

## Citizens Against Crime

The police department of a large midwestern city is soliciting the assistance of the public in its fight against crime by distributing some five hundred thousand wallet-sized cards. The front of the card is labeled "Citizens Against Crime," bears the telephone number of the local police department, and these instructions:

"Call (police number) if you see a crime committed, if you see a suspicious person, vehicle, or object. You do not have to give your name. Stop crime, help your police."

On the back of the card the following instruction is given:

"Help your police help you. Call (police number). The (police department) needs your help. We encourage citizens to report all suspicious persons, objects, and occurrences. We don't mind if the suspicion is unfounded. Our job is to investigate."

There are also instructions on the back of the card for persons to report license numbers of cars involved in accidents and whether any persons appear injured.

Initial distribution of the cards was made to persons having most frequent contact with the general public, such as bus and taxi drivers, mailmen, city employees, teachers, and utility company drivers.

As part of the program, which was developed by the police department's community relations staff in cooperation with district representatives and the city council on police-community relations, a "Citizen of the Month" is selected each month. The selection is made by the board of police commissioners.

*St. Louis crimdel, 9/10/65, Bufile # 63-4296-172.*

## A MYSTERIOUS LOCK

Police at Las Cruces, N. Mex., recently investigated a burglary in which it was found that the burglar had drilled a hole in the latch of the door. In normal operation the latch could be opened from the outside with a key. The thief had, by drilling a hole in the latch, been able to insert a small pin into the hole, thereby preventing the door from opening while

he was burglarizing the premises.

The custodian of the building had in fact tried to open the door while the burglar was in the room and had been unable to do so. He then remembered that on various occasions he had noted the hole in the latch, which now led him to believe perhaps the thief had been in the room before. However, until he surprised the burglar inside, he had thought nothing about it.

*Albuquerque crimdel,  
3/21/66 Bufile # 63-4296-62.*

## THOU SHALT NOT STEAL

An accountant who worked for a firm which handled the account of a local church in a Southwestern State was arrested in a neighboring State by the FBI on the grounds of unlawful interstate flight to avoid prosecution. He had been charged by the authorities with forgeries of more than \$17,000 against the account of the church.

*Phoenix crimdel,  
4/18/66, Bufile # 63-4296-38.*



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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID  
FEDERAL BUREAU OF INVESTIGATION

## INTERESTING PATTERN



The unusual and interesting pattern shown above consists of a combination of a whorl and a loop and contains three delta formations. Thus, it is classified as an accidental whorl with an inner tracing. The interesting aspects of this pattern are the unusually wide separation of the loop and the whorl, and the fact that the loop is formed below rather than above or to the side of the whorl as in most patterns of this type.