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Federal Law Enforcement in Indiana

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WAYS IN WHICH IT IS POSSIBLE FOR THE FEDERAL BUREAU OF INVESTIGATION TO ASSIST STATE LAW ENFORCEMENT OFFICERS

By H. H. REINECKE*

When Mr. Fox, the President of your State Bar Association, which is beginning its annual meeting today, invited the Federal Bureau of Investigation, U. S. Department of Justice, to partake in a sectional meeting composed primarily of prosecuting attorneys and law enforcement officials, this Bureau at once observed a fine opportunity to present to a group of men, whose cooperation is vital in the detection and prosecution of crime, its detailed work and functions and to lay before you gentlemen a picture of the methods whereby our cooperation might be of material assistance to you. Mr. Fox, in outlining his plans to me, stated he desired a discussion of what the Federal Bureau of Investigation might be able to do to assist this group in the work of law enforcement. He asked that I not dwell on what we might desire of you in the way of cooperation, but it is somewhat difficult to discuss it only from the one angle, although I shall endeavor to comply with Mr. Fox's desires insofar as possible. Naturally, all cooperative endeavors work both ways and it will be necessary to allude at frequent intervals to the cooperation that might be expected from prosecuting attorneys and other State and local law enforcement officials in order to bring out instances wherein the Federal Bureau of Investigation can reciprocate.

It is my sincere hope that this brief meeting will result in more energetic and efficient detection and prosecution of crime and will leave with you gentlemen the realization

* Address by H. H. Reinecke, Special Agent in charge of Federal Law Enforcement in Indiana, before the Indiana State Bar Association, September 6, 1935.

that the Federal Bureau of Investigation, under the direction of Mr. J. Edgar Hoover, its Director, is after all, a cooperative organization, created not only to detect violations of Federal laws and to apprehend fugitives who have violated such laws, but to also assist State and local law enforcement officers and prosecutors wherever possible.

The work and functions of this Bureau, insofar as they relate to matters wherein assistance may be rendered to you gentlemen, naturally divide themselves into three groups: (1) Investigative, (2) Identification, and, (3) Technical Laboratory. I shall discuss investigative and identification matters and leave for Mr. E. P. Coffey, who is in charge of the Federal Bureau of Investigation's Technical Laboratory at Washington, D. C., the pleasure of taking up with you the Technical Laboratory later this morning. In certain matters Mr. Coffey will perhaps extend my discussion of identification matters for the reason that the single fingerprint and modus operandi files maintained by this Bureau at Washington, D. C., are directly under his supervision and he is more familiar with the benefits you can derive from the use of those records than I.

This Bureau is charged with the duty of investigating violations of Federal laws and matters in which the United States is or may be a party in interest, except those matters specifically assigned by Congressional Enactment, or otherwise, to other Federal agencies. For this reason, it does not have investigative jurisdiction over counterfeiting, narcotics, customs and smuggling, postal or immigration laws. With reference to those Statutes, separate investigating organizations in the various executive departments of the Government have been created and they are charged with the duty of investigating violations of those laws.

I feel that in order for you gentlemen to receive to the fullest extent the use of the investigative services of this Bureau, you should know of some of the laws under its primary jurisdiction which receive its most frequent attention. They are as follows:

Admiralty Law Violations; Anti-trust Laws; Bankruptcy Frauds; Bondsmen and Sureties; Bribery; Claims Against the Government; Condemnation Proceedings; Conspiracies; Contempt of Court; Copyright Violations; Crimes on the High Seas; Crimes in Alaska; Crimes in Connection with Federal Penal and Correctional Institutions; Crimes on Indian Reservations; Crimes on Government Reservations; Destruction of Government Property; Espionage; Extortion Cases Involving Interstate Commerce or Communications; Federal Antiracketeering Statute; Federal Kidnaping Act; Federal Reserve Bank; Federal Disbarment Proceedings; Frauds Against the Government; Illegal Wearing of Service Uniform; Impersonation of Federal Officials; Interstate Transportation of Explosives Violations; Interstate Flight to Avoid Prosecution, or Testifying in Certain Cases; Intimidation of Witnesses; Killing or Assaulting Federal Officers; Larceny from Interstate Shipments; Location of Escaped Federal Prisoners; National Bank Act; National Motor Vehicle Theft Act; National Stolen Property Act; Obstruction of Justice; Patent Violations; Parole and Probation Violations; Perjury; Robbery of National Banks and Member Banks of the Federal Reserve System; Theft or Embezzlement of Government Property; Treason; Veterans Bureau Violations; and White Slave Traffic Act.

That is a partial list of the Federal laws over which this Bureau has investigative jurisdiction. They pertain, of course, to Federal Statutes and not to State law violations. In other words, where I refer to Bribery, Perjury, Obstruction of Justice, etc., our jurisdiction is limited to the Federal Statutes covering those matters, namely, Bribery of a Federal Officer, Perjury in Federal Court, and Obstruction of Federal Justice.

This Bureau, of course, has investigative jurisdiction over certain administrative and personnel matters within the Department of Justice, as well as the criminal investigative work above referred to.

Quite frequently you, as prosecuting attorneys, have referred to your offices by your County Sheriff, or his deputies, or by your Chief of Police, or the men employed under him, facts pertaining to possible local law violations which also may fall within the Federal Statutes I have enumerated. If, for some reason, local prosecution cannot be satisfactorily or promptly handled, or for some other reason it is your desire to refer the situation to the Federal Bureau of Investi-

gation, I shall be very happy to receive a communication from you at the Field Office headquarters of this Bureau for the State of Indiana, which is located at 506 Fletcher Trust Building, Indianapolis, Indiana. Our office is open every day of the year, twenty-four hours a day, so that emergency communications such as telephone calls, telegrams, teletype messages and special delivery letters, may be received promptly and given the expeditious attention they may need.

I should perhaps mention here that the Indianapolis Office of the Federal Bureau of Investigation now has jurisdiction over the entire State of Indiana, whereas prior to June 20, 1935, the Northern Judicial District was under the jurisdiction of the Chicago Office of this Bureau. I feel that perhaps some of the prosecuting attorneys in the Northern part of the State are not as yet aware of this change, although a circular letter to that effect was dispatched to all law enforcement officials, including prosecuting attorneys, in northern Indiana shortly after the re-allocation of the territory mentioned.

To stamp out predatory crime, insofar as possible, and to curb and deter the criminal element to the greatest degree, it is necessary not only to thoroughly and vigorously prosecute the principal offenders as they come to your attention, but also, with the same thoroughness and the same vigor, to prosecute those whom we too often feel have only a petty connection with the principals. I am sure that if this policy, which has for many years been pursued by the Federal Bureau of Investigation in its work, is also pursued in local detection and prosecution of criminals, that the benefits to society generally will be tremendously increased as a result of your work.

Too often, because of the large volume of work being handled by police and sheriffs, a county prosecutor is prone to be satisfied with a plea of guilty from the principal offender, despite the fact that the circumstances indicate that there were others involved directly or indirectly, against whom sufficient evidence might be developed if the prosecutor would indicate to his investigative units, namely, the sheriff and

the police, that he would gladly and enthusiastically prosecute any others against whom evidence was produced.

It is common knowledge that in every city of large proportions, there are pawnbrokers, and other purchasers of used and second-hand merchandise, who will knowingly and intentionally purchase stolen property from persons who have stolen it. These individuals have been lulled into a feeling of security, perhaps because of the failure of local prosecutors in insisting that their investigative agencies dig deeper in an effort to produce evidence which will show that the purchaser had guilty knowledge of the stolen character of the property which he acquired. In this instance too often, as I stated before, we might be prone to accept the statement of the purchaser of used merchandise or articles that he did not know of the stolen character of the property now in his possession. Too often, upon the arrest and conviction of the thief of this property, we are prone to be satisfied that the crime has been cleared and a sufficient number of persons involved properly disposed of. We might feel that our duty to society, which arises by virtue of our official capacity, has been fulfilled by one arrest and one conviction for every offense committed. This, gentlemen, will not suffice in our modern warfare against crime. The investigative agencies should not cease their endeavors until they have run out every possible clue which might bring to justice all who are directly, or indirectly, connected with a given offense, and I feel that perhaps too often the prosecutor does not offer sufficient encouragement to his Sheriff and his police in this connection. After all, it is my experience that your police and sheriffs would be happy to produce all that you as prosecutors desire in the way of evidence, should you indicate to them that you were thoroughly interested in taking over the prosecution of the case after the completion of the investigation.

I am coming now to the assistance and cooperation which the Federal Bureau of Investigation may offer in such situations. Should you, at any time, have brought to your attention by your local law enforcement agencies the fact that any pawnbroker or other individual is in possession of stolen

Government property, I shall be very happy to assign an Agent of this Bureau to investigate, not only to determine the identity of the thief and cause his apprehension and prosecution, but shall endeavor to determine what guilty connection the fence, or possessor of the property, might have had either with the actual theft, or in knowingly being possessed of the stolen goods.

It is also a known fact to most law enforcement officials, I believe, that every city of substantial size, and perhaps smaller communities as well, have their so-called dealers in used and second-hand automobiles with shady reputations, who will deal in stolen cars for the illegal profit involved, knowing perhaps, as in the case of the pawnbroker above mentioned, that all they need to do is deny any guilty knowledge, and that the worst that will come to them is the loss of the stolen property upon its identification by the rightful owner. His chances of being detected and prosecuted for his criminal offenses must be raised, and that can only be done by careful and deliberate investigation and through the cooperation of the prosecuting official in being sufficiently energetic to be willing to go into court in more cases and carefully trying a well-prepared case.

The profits of a fence are naturally too great for him to be deterred in his illegal activities by the occasional loss of some of the stolen property which he is handling. It must be demonstrated to him that our law enforcement agencies and prosecutors will not be satisfied by merely sending to our penal institutions the thief and principal offender; that they will not be satisfied until all individuals who have lent aid and assistance to the criminal through harboring and concealing him, through supplying him with arms and ammunition and by handling his stolen goods, are dealt with in the same manner as the thief and the murderer himself.

In connection with stolen automobiles, should you at any time find cars which have been stolen and transported in interstate commerce, the Indianapolis Office of the Federal Bureau of Investigation shall be pleased to receive the facts,

for there is then involved a possible violation of the National Motor Vehicle Theft Act.

Very frequently you gentlemen, as prosecutors, perhaps have called to your attention individuals who have been found in the possession of cigarettes, whiskey and other merchandise which might possibly have been stolen from interstate shipments moving by truck or railroad. Here again, if the evidence indicates that the possessor of this merchandise should have had knowledge of the stolen character of the goods, he should be as vigorously and as thoroughly prosecuted as the individuals who actually perpetrated the thefts from the trucks or railroad cars. Situations of this kind involve a violation of the Federal law, making it a crime to steal from interstate shipments, and I shall be glad to have referred to the Indianapolis Office of this Bureau the circumstances involved, and an investigation of the situation will be made, with a view of prosecuting all offenders in the Federal Court.

The message I am endeavoring to convey to you gentlemen is that it is not sufficient, if our work is to be properly done, that we merely prick the head of the sore without removing all of the pus; that we cannot destroy an obnoxious plant by merely picking the bud or the flower, but that we must dig deeply and uproot it entirely. I feel certain that if local prosecutors will follow this procedure and indicate to their local law enforcement agencies that the staff of the prosecutor's office is whole-heartedly in favor of such prosecution, that you in turn will receive the unlimited support and effort of your police and your sheriffs. In those instances where Federal law violations are involved, which come within the investigative jurisdiction of this Bureau, we shall be glad to receive the facts and lend whatever cooperation may be possible.

My experience has taught me that in crime, as well as with trees, mighty oaks oft-times from little acorns grow. The petty offender, if not deterred; the fence, if not prosecuted; the perjurer and briber, if not taught the sting of

the law; the harborer, aider and abettor, if not made to realize that society will not tolerate his assistance to crime, will all develop ultimately into more dangerous menaces to law enforcement. They will soon be taking a more direct part in criminal offenses, lured by the false thought of greater profits. Sooner or later these hangers on the fringe of lawlessness will become the thieves, the murderers, and the kidnapers. You must lend your efforts to stop them at the outset. To this end the Federal Bureau of Investigation pledges its whole-hearted cooperation at all times.

There is on display here today in this room a portion of the typical Field Office equipment, with which every Field Office of the Federal Bureau of Investigation is equipped. It will demonstrate to you gentlemen, if further demonstration is necessary, of the thoroughness and completeness with which this Bureau endeavors to continue its warfare on crime. Wherever there is joint jurisdiction involving violations of State and Federal Statutes, this Bureau stands ready to cooperate to the fullest extent. In the location of fugitives, whose apprehension this Bureau is endeavoring to effect, we shall always be pleased to receive from you individuals, information—no matter how vague—in order that we may cooperate with your local law enforcement agencies through the use of our equipment, and our trained personnel, in satisfactorily effecting his arrest.

I regret to say, that in many instances, local communities have failed to properly equip their police and sheriffs to meet the threat of modern-day crime. Failure to do so is endangering the lives of the men who are sworn to protect the citizens of the community, and any activity on the part of the local prosecutors in assisting their local law enforcement agencies in perfecting their equipment will, in turn, benefit the prosecutor through improved methods of collecting evidence and more successful prosecutions.

The Identification work of the Federal Bureau of Investigation is perhaps its greatest cooperative endeavor. At the Administrative offices of this Bureau at Washington, D. C., is maintained the largest current collection of criminal

fingerprints in the world. There are now over five million such sets on file. There are daily received more than three thousand sets of fingerprints from law enforcement officials throughout the United States, and a comparison of these with those on file already indicates that approximately 50% have previous records. This clearing house of criminal information is for the benefit of you gentlemen. Every arrest made by your local law enforcement official should be fingerprinted and a copy of those prints forwarded to the Identification Division of this Bureau. -Within thirty-six hours after it is received at Washington a reply goes forward indicating such previous record as is on file. This will be of unlimited value to your local law enforcement officials in questioning the arrested suspect and will also be invaluable to the prosecutor during the trial of the case in Court. It can be used in rebutting the defendant's claim of previous good character, and if there is a previous record it can be submitted to the Court at time of sentence in order that equitable justice may be forthcoming.

Naturally, the Identification Division of this Bureau can render cooperation in identification matters only in proportion to the service it receives from local law enforcement officials and penal institutions. If an arrested person's fingerprints are not taken and forwarded to Washington, naturally that arrest and the record received therefrom will not be on file for the benefit of a subsequent inquiry from another law enforcement agency, or prosecuting attorney.

This Identification Division serves as a stop-gap to the criminal, who in the past has moved from State to State, committed various offenses and in each instance pleaded for leniency on the basis that it was his first offense. It prevented the arrest on suspicion of the fugitive from justice, and his going on his way without his identification having been established. It supplies, for the benefit of the prosecuting attorneys, and the courts, the past criminal records of offenders who are on trial or about to be sentenced, upon conviction or plea of guilty. It permits, in this manner, an equitable sentence based upon the offender's previous criminal history.

But all of these benefits that I have related are of no avail unless you gentlemen, as local law enforcement officials, will see to it that all persons arrested are fingerprinted and those fingerprint impressions forwarded to the Identification Division of this Bureau at Washington, D. C. I regret to admit that even at this late date, with fingerprint identification having assumed the vast importance that it has, its certainty established beyond a question of a doubt, and its acceptance in every court of the land, that there are still instances of law enforcement officials in local communities and counties who fail to take the fingerprint impressions of those offenders arrested by them. Surely the time has come when this method of identification should be used universally in law enforcement work. All peace officers are, therefore, invited to make the fullest possible use of this cooperative project.

If you have ever felt the thrill of receiving a telegram from our Identification Division, advising that the person you have in custody, whose fingerprint impressions you had previously forwarded to the Bureau is a fugitive from justice and wanted in some far-away State on a more serious offense, with probably a reward outstanding for his capture; if you have ever experienced the satisfaction of securing a long criminal history on an arrested person, who, despite your disbeliefs, has persistently maintained he is a first offender, then you will never again fail to have the individuals arrested by your local law enforcement agencies fingerprinted and a copy thereof forwarded to the Federal Bureau of Investigation at Washington, D. C.

If the fingerprints of any person whose arrest you might desire are available, a notation to this effect may be placed in the files of our Identification Division. Through this procedure, after classifying and searching incoming cards, about 400 persons, wanted for various types of offenses ranging from misdemeanor to murder, or as escaped prisoners or parole violators, are identified each month.

This service is amplified, and its value enhanced, by the Bureau's action in publishing and distributing to contributors

of fingerprints, monthly bulletins listing fugitives wanted throughout the country for major crimes.

I might cite an example of how this works. On October 3, 1932, the Identification Division of the Federal Bureau of Investigation placed on the fingerprint card of one James Russell in its files, at the request of the Police Department at Berkeley, California, a notation that the Berkeley authorities should be advised of any subsequent identification of this individual wanted by the Berkeley authorities for burglary.

On August 30, 1934 a fingerprint card was received in the Bureau from the Police Department at St. Louis, Missouri, which indicated that one CALVIN GEORGE FISHER, alias Jack McCauley, alias Martin Dunlap, was arrested by that Department on August 27, 1934, and charged with auto theft. When the fingerprints of Fisher were searched through the fingerprint files of the Identification Division, it was ascertained that Fisher was identical with JAMES RUSSELL, who was wanted by the Berkeley Police. The Berkeley Police were notified immediately of this identification.

Russell's record, as maintained in the fingerprint files reflected, in addition to the offenses as committed at Berkeley and at St. Louis, numerous arrests at Santa Ana, San Diego, Sacramento, South Pasadena, California; El Paso, Texas; Chicago, Illinois and Miami, Florida; for various offenses, including auto theft, violation of the National Motor Vehicle Theft Act, burglary and larceny.

This identification is but one example of the many such identifications effected each day in the fingerprint files of the Federal Bureau of Investigation.

Gentlemen, I cannot emphasize too strongly the vast importance of criminal identification through the means of a central clearing house for this purpose. I have personally at different times been at Washington, and spent considerable time in the Identification Division to see and observe the interesting and important identifications made there from the fingerprints of arrested persons submitted by local law

enforcement officials and prosecutors. This observation and personal knowledge has convinced me that in our warfare on crime this manner of identification, this system of clearing fingerprints through one central clearing house, is perhaps the first line of defense as well as attack.

On July 31, 1935 there were 5,154,254 fingerprint records, and 6,292,383 index cards in the Bureau's archives. Approximately 3,200 fingerprint records are received daily from 8,633 contributing law enforcement agencies throughout the world.

In addition to the Identification Division that I have just mentioned, there is also maintained a separate collection of fingerprints of known kidnapers, bank robbers, extortionists, and other notorious criminals, which are filed individually or singly. This collection is an auxiliary to the main file and is used primarily for the purpose of identifying latent fingerprints left at the scenes of crimes by kidnapers, bank robbers and extortionists. Unless latent fingerprints of such offenders are those of individuals whose separate impressions are filed in the single fingerprint collection, it is difficult for the Bureau to identify latent prints. However, if the names or aliases of any suspects are furnished the Bureau, together with the descriptive information, then the actual prints may be compared with the latent impressions and thus it may be possible to establish an identification.

In connection with this Bureau's identification work, it now affords an opportunity for honest citizens to record in its Civil Identification files, their fingerprint impressions. Already many good citizens have evinced interest in the efforts of forward-looking citizens to establish as large a civilian, non-criminal file as possible. It is a task of education in which I feel we should join for the good of society.

The number of persons who disappear each year, for instance, is amazing. In Los Angeles County alone last year one hundred amnesia victims could not be identified, and were committed to various institutions as nameless, helpless, friendless persons. If their fingerprints had been on file in Washington, identification would have been almost immediate.

Among the interesting cases that have developed in connection with the civil identification activities of the Federal Bureau of Investigation, the following identification of an amnesia victim was recently effected:

On June 10, 1935 a set of fingerprints was received in the fingerprint unit of the Bureau from the sheriff's office at Stockton, California.

A notation appearing on the fingerprint card was that the prints were those of a white man, who, being an amnesia victim, gave himself up at the sheriff's office, stating that he did not know who he was, what his name was, or where he came from—or any facts that would be of assistance in aiding the sheriff's office to determine his identity.

A search of the fingerprints through the files of the Identification Division disclosed that this person was one Thomas E. Hennessy, Hennessy having been arrested by the sheriff's office, Los Angeles, California, on April 8, 1935 on a charge of burglary and attempted robbery.

This identification was made because Hennessy had been arrested on a criminal charge, because he thereby had a record of identity on file in the Identification Division of this Bureau.

Had the amnesia victim been an average, law-abiding citizen who is not a criminal, and who is not picked up on suspicion, the fingerprint search would have had no value in determining his identity. This is an incident where one suspected of a crime had a decided advantage over the average citizen who has no fingerprint record on file for identification purposes.

As I stated in the beginning, Mr. Coffey will discuss with you this Bureau's Technical Laboratory. I would, however, like to say one brief word with regard to it. You, as prosecuting attorneys, or law enforcement officials, are the men who furnish the evidence upon which to work. You are the men for whom this Laboratory was conceived, and built, and the greater use you make of it the greater will be its ability to detect and apprehend. With the growth of scientific detection, the burden of laboratory work upon law enforcement agencies and prosecutors daily grows greater.

Likewise there also increases the danger that commercial crime laboratories will more and more enter the picture of detection and apprehension, bringing about a repetition of the difficulties often experienced by expert testimony where evidence is given for hire. The Federal Bureau of Investigation's crime laboratory does away with this danger. It is yours. Make the fullest use of it. There are no fees, no honorariums. The reward comes in sending a criminal to prison, or an innocent man to freedom. The scientists and experts of the Technical Laboratory are interested only in learning the truth.

This calls to my mind a recent situation in a case being investigated by the Indianapolis office of this Bureau. Certain bank robberies had been perpetrated in the northeastern and southeastern sections of the United States. By means of photographs a certain individual had been identified by numerous witnesses to these bank robberies as being one of the offenders. Thereupon the search for this individual started, with the result that in a few months his apprehension was effected in a southern state. Upon being interviewed by Special Agents of this Bureau he related he had been engaged in legitimate employment in a certain factory in Indiana on the specific dates of the bank robberies, which occurred more than 500 miles from the location of that factory. In an effort to learn the truth, the Indianapolis office was notified of this alibi and an agent was dispatched to the factory in question, where it was found that a man bearing the name of the arrested person had actually worked on the days mentioned. However, the name was a more or less common one, and might also have been a deliberate effort on the part of a criminal to establish an alibi for a future date. As a result, certain time records were found bearing the signature of this alleged offender on the dates that bank robberies occurred. These time records were borrowed from the factory in question and forwarded to the Technical Laboratory where they were compared by experts with known handwriting of the suspected bank robber. The report that was promptly forthcoming was that the known handwriting of the suspect, who

was then in custody, was identical with the handwriting on the time records of the factory in Indiana. In this instance the truth, as developed by the Laboratory experts, did not benefit the investigation of the bank robberies mentioned, but it did take away from an innocent person the finger of suspicion. It did, in addition, of course, assist in the solution of the crime by eliminating a suspect upon whom heretofore considerable effort had been concentrated.

However, I will leave further discussion of the work and functions of the Laboratory to Mr. Coffey.

In closing, and I am sure of vital interest to you gentlemen, so that you will know with what type of individuals you are dealing when contacted by Special Agents of this Bureau, I would like to relate very briefly the manner of the selection and training of our personnel.

Appointments to the position of Special Agent in this Bureau are made from those qualified applicants between the ages of 25 and 35, who are graduates of recognized law schools, expert accountants, or trained investigators; who have had at least two years actual business experience. Upon appointment they are taken to the administrative offices of this Bureau at Washington, D. C. and given an intensive twelve weeks' training. This training covers lectures by experienced investigators, discussions of the laws over which this Bureau has investigative jurisdiction, training in identification and laboratory matters, instruction in interrogation and crime scene investigations, training in the use of all types of firearms, and offensive and defensive equipment.

Prior to appointment, of course, all applicants are given written and oral examinations, and are interviewed by a Special Agent trained in the selection of personnel. Following this, a searching investigation is made of the character, integrity and ability of the applicant, and then before final appointment, the applicant is required to submit a report of his physical condition as found by a recognized physician.

Enthusiasm and relentless pursuit should be the watchwords of all law enforcement officials. Enthusiasm, coupled with ability, is the life blood of success. If the individual

possesses it he should succeed in his purpose. An organization abounding in it should progress and ultimately reach the heights of its endeavors.

Let us not hamper ourselves by petty jealousies, by purely personal feelings. Let each, whole-heartedly and sincerely, commend the other when, by reason of work well done, he has gained a point or reduced a segment of the enemy's lines. By all means, let us convince the criminal we present a united front. That, in itself, will act as a deterrent to him.