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LOCAL LAW ENFORCEMENT IN RELATION TO NATIONAL CRIME

Address of

J. EDGAR HOOVER, *Director, Federal Bureau of Investigation,
U. S. Department of Justice, before the Sheriffs and Peace
Officers Association of Oklahoma, at Tulsa,
Oklahoma, January 13, 1936*

IT IS especially pleasing to me to address you gentlemen, the Sheriffs and Peace Officers of Oklahoma. I have long been eager for an opportunity to discuss with you a common basis the various problems which arise in the enforcement of law and apprehension and detection of criminals. While the crime problem is primarily local, yet it bears elements which make it a potential national menace. We must regard all crime no matter how petty as a thing of major importance; we must look upon any infraction of the law as a possible local firebrand which may have its reactions throughout the country. Crime no longer is a menace of purely municipal, county or state limitations. Like the prairie fires which once swept this region, starting from a tiny blaze and raging with the first sweep of the wind into instruments of major disaster, crime of today may begin with a petty infraction, and within seemingly insignificant space of time, encompass every form of outlawry.

I have in mind a number of cases which no doubt are familiar to all of you. There is the instance of Wilbur Underhill, who began as a petty bootlegger, who went from this to thievery and burglary, and progressed onward along the path of crime to multiple murder, all within the space of a few years. I remember "Pretty Boy" Floyd, who also started as a petty larceny law evader, and who ended that career after a reign of terror as one of the most feared desperadoes of America. The history of practically every criminal of major importance who has come to the attention of you gentlemen of law enforcement has a background of minor juvenile and even adult infractions. Therefore, each one of these men and, I must add, some women, forms a living comparison to the simile which I drew of the prairie fire. A spark, a tiny blaze, and then wholesale destruction.

The part which the local officer plays in national en-

forcement is a tremendous one. It is his job to attempt to stamp out these sparks and failing in that, to extinguish the blaze before it gets beyond control. That there are instances when these attempts fail does not, to my mind, mean that there has been inefficiency, that there has been a lack of interest, or a fading of enthusiasm for the upholding of the law. It brings into the picture certain malignant elements which we all must recognize and which we all must band together in a concerted effort to eradicate. I refer particularly to the stultifying influence of politics.

Time after time, as all you gentlemen know, courageous officers have arrested young men and young women, charging them with some minor or major offense. A case has been carefully worked up, there is sufficient evidence for a conviction, and certainly sufficient reasons why this culprit should be made to realize that, after all, the law should be a majestic thing, and that crime should not be countenanced in the community. However, almost immediately, this honest officer finds himself embroiled in the efforts of numerous individuals whose main desire is not to see that justice is done, not to protect the community against infractions of the law, not to assist officers sworn to uphold their duty, but, through the efforts of some none too honorable attorneys, through the power of the vote, through the influence of local and state politicians, to nullify every effort which has been put forth by the law enforcement officials. We find that this attempt to veto the law proceeds throughout all efforts which are made to adequately teach the lesson that crime should not pay. Its malignant influence creeps into the courts, it creeps through the bars of the penitentiaries, it makes its insidious way into the meetings of pardon and parole boards, and it practically places a medal of honor upon the man who can defeat the law and get away with it. I believe that one of our greatest duties is to give the widest publicity to the efforts of politicians who seek to degrade law enforcement. I believe that there are enough honest citizens in our communities who, if they knew the truth about this tremendous pressure of gangrenous politics upon the most important phase of our lives—the protection and happiness of our homes—that a revolt would come about giving the law enforcement officer the freedom he needs

in pursuit, detection, apprehension, and punishment, and the peace of mind which should be his, but which never can exist so long as he is harried by politicians who constantly threaten him should he have the temerity to arrest or attempt to prosecute a person under their protection. In such instances of local crime violations we have that spark and tiny flame about which I have spoken and which later leads to the sweeping destruction of the prairie fire.

I have mentioned local cases because they are excellent examples of what I desire to show. "Pretty Boy" Floyd, for instance, in the first analysis, was a local criminal; in the final analysis, he was a potential menace to all of America, and thus the problems which I discuss with you are of vital interest to everyone throughout the United States, for what applies in Oklahoma applies equally from the Atlantic to the Pacific, and from the Gulf of Mexico to Canada. The problem everywhere is the same—small-time criminals of today become the dangerous public enemies of tomorrow. The scope, the magnitude of crime as it exists reaches staggering figures. Last year in the United States there was an estimated total of 1,445,581 serious crimes. May I repeat that—in one year alone almost one and a half million major crimes were committed against the citizens of this country. In other words, there was crime of desperate proportions—auto theft, burglary, aggravated assault, robbery, rape, manslaughter, and murder—committed against one of every 84 persons in this country, and few indeed were the criminals who did not begin in some petty way.

Returning to "Pretty Boy" Floyd, we find him at first confining his efforts to the small town in which he lived, then his activities spread to the country, then he sallied forth into various parts of the state. He moved into Missouri, into Kentucky. We find him going onward into Ohio, back down to Arkansas, further to New York State, ranging over thousands of miles, even as a predatory animal ranges over a game trail. All of us know only too well that there is a beaten track of criminality moving from the Gulf of Mexico to the Canadian border, with side shoots which often reach to the coastlines of the Atlantic and the Pacific. Crime, when it becomes a truly predatory affair, knows no boundaries. However, the

harassed officer who must pursue that criminal finds himself blocked by statutes and laws at city, county or state lines. Therefore, in the apprehension of these depredatory characters, it becomes necessary to overcome almost insurmountable obstacles. If the pursuit by an officer must stop at a county line, then indeed law is outwitted unless the officer of the next county takes up the chase, and the officers of other states assist, plus the action of such organizations as the Federal Bureau of Investigation, of which I am proud to be the head. The old adage of the chain being no stronger than its weakest link is here exemplified. Let cooperation falter, and the chase indeed becomes a difficult one.

I am proud indeed to say that the cooperation of local, county and state law enforcement officials of Oklahoma with the representatives of the Federal Bureau of Investigation has been of the highest order. We in the Bureau feel our task often is much easier with gentlemen such as yourselves than it is in several large metropolitan areas where the heavy hand of politics is constantly at work, where petty jealousies are allowed to interfere with absolute efficiency, and where publicity-seeking officials sometimes find a greater reward in seeing their names in the paper than they do in knowing that an arch criminal has been brought to justice. We remember with affection and deep regard the magnificent record of Chief Olin Reed of McAlester, Oklahoma, who gave his life in the cause of cooperation.

There was no order or command which sent Olin Reed to assist the Federal officers who made the arrest of Frank Nash at Hot Springs, Arkansas. There was no greed for notoriety. There was no impelling urge of political expediency. Chief Reed knew Frank Nash by sight. He felt that he could render a service to the people of the United States by pointing out to the Federal officers this man whose field of crime, incidentally, had encompassed most of America. So, as a fellow officer he went along, and as a fellow officer he fell beside Federal Agents and local police under the vicious assault of gangster impelled machine gun bullets at the Union Station Plaza in Kansas City, and as a fellow officer, we revere him and respect his memory.

The Federal Bureau of Investigation believes that the

secret of crime eradication lies in solidarity and the combined linking of all law enforcement agencies. Much already has been done along this line, and with every forging of a new link in this chain of cooperation, we find an added impetus in the war against the criminal.

Until several months ago, the chasing down of a bank robber was wholly a local affair. This often meant that the task fell upon a community which could ill afford the tremendous expense necessary in these days to continue a pursuit which might last for years and extend through numerous states. Then, Congress passed a law which allowed the Federal Bureau of Investigation to cooperate with local law enforcement officials in the running down of predatory criminals who commit offenses against National and Federal Reserve System banks. In a comparatively short time, the number of robberies has taken a drop of more than fifty per cent. In other words, cohesion has been developed, a working arrangement by which both local and Federal enforcement agencies may pool their interests upon a common pursuit, and I am indeed proud of what has been accomplished.

In this connection, may I direct your attention to the phenomenal growth of the Identification Division of the Bureau which owes its existence to the wholehearted cooperation of such persons as yourselves. This Identification Division is not some mysterious affair which takes fingerprints out of thin air. They come from the crossroads of America, from the villages, from the towns, cities and metropolitan centers, to be concentrated in Washington, and there to form a vast cross index of over five million five hundred thousand evidences of law infraction—waiting always to bring to justice the man who tries to outwit the forces of law enforcement. This is a partnership, a contract by which a law enforcement official agrees to furnish honestly and efficiently the fingerprints of persons who are arrested in his district. In return for this, payment is made by the Federal Bureau of Investigation in the careful, honest and efficient filing of these fingerprints and the watchfulness necessary to immediately identify similar fingerprints should they come in from any part of America. Thus, the man who is a fugitive from Tulsa is identified in St. Paul. An escape from Leavenworth is found in New

York, and so on, not only throughout America, but throughout the world, for identifications have been made on arrested persons from as far away as Cairo, Egypt, and British South Africa.

Moreover, a new and strong partner of law enforcement is growing up in Washington, the Crime Laboratory, where experts in chemistry, ballistics, and other forms of scientific detection and pursuit are at the service of localities. I hope the time will come when the services of the charlatans or so-called professional experts who appear as witnesses solely for the money involved, may become a thing of the past. The Crime Laboratory of the Federal Bureau of Investigation has no opinions other than those which are the results of the application of cold, mathematical science. It reports innocence as well as guilt, and there is no power—monetary, political or otherwise—which can cause it to deviate from that process.

Continuing its desire to place every possible aid in the hands of efficient law enforcement officers, there has been built up in our Bureau a single fingerprint file of the known public enemies of this country, thus making identification swiftly possible in the event of major crimes committed by persistent offenders.

I feel that justice should be rendered where justice is due, particularly in the field of law enforcement, and in speaking as modestly as possible of the work of the Federal Bureau of Investigation, I conceive it proper to say that the results of our work have in great measure been made possible by the splendidly enthusiastic and far-sighted interest, support and encouragement of the Attorney General of the United States, the Honorable Homer S. Cummings, whose greetings I bring you today. At the inception of his incumbency as Attorney General he made it clear that the work of the Federal Bureau of Investigation must be carried on without regard to any outside, complicating interests, political or otherwise. His keen mind instinctively grasped the necessity for more comprehensive legislative measures and he has labored ceaselessly, both in the legislative and administrative fields, for the success of the Bureau's crusade to combat criminals and suppress the major manifestations of crime which constituted such a grave menace to the entire country when he first became Attorney General.

With cooperation between local officials and the Federal Bureau of Investigation in the crime situation, there enters the need of a third ingredient, the cooperation of the law-abiding citizen. All of us have seen cases fail, not because officers have been negligent in their duties, not because courts have not been courageous, but because the very person who should be the most eager volunteer in the war against crime has proved either cowardly or apathetic. I have in mind one case in which there were many witnesses to a murder. Try as he would, the County Prosecutor in that case could not persuade a single one of those witnesses to go into court and testify against the slayer. It is a matter of record that crimes or threats of crime have been concealed by the victims who preferred to suffer in silence rather than solicit the aid of law enforcement bodies. I submit that we who are entrusted with law enforcement cannot be mind-readers. We must be informed of the crime, otherwise we cannot pursue the actual or potential criminal. In this regard, I wish to emphasize that when such information comes to the Federal Bureau of Investigation, it is speedily and thoroughly investigated. Since kidnaping became a Federal offense, 62 actual cases of kidnaping or threats to kidnap have come to the attention of this Bureau. Not one of these remains unsolved, and a case in particular, that of Charles F. Urschel of Oklahoma City, gives me an opportunity to illustrate exactly what I mean by quick and proper notification plus thorough cooperation as a major factor in the solution of a crime.

Within a few minutes of the time that Mr. Urschel was seized at his home, recourse had been taken to the emergency kidnaping number of National 7117 at Washington, and the news of the crime flashed to the Federal Bureau of Investigation. Immediately Special Agents of the Bureau were rushed by airplane or speedy automobile from various parts of the country to concentrate their efforts, working in collaboration with local officers, and starting from the place of the offense in Oklahoma City. I cannot praise too highly the aid which was given by local law enforcement bodies. The trial which began at Oklahoma City moved into Texas where invaluable aid was given by astute members of a Texas Metropolitan Police Force. From Texas, it spread to an expanse of the

United States greater than that of continental Europe, and led to the wiping out, not only of a kidnap band, but of all the roots of crime which had supported this band. Persons who had harbored the criminals were taken before the bar of justice. Others who had assisted them in hiding or passing the money were convicted. An attorney was brought to trial and sentenced for what the court and jury adjudged to be his part in the conspiracy. Through the closely knit efforts of the Federal Bureau of Investigation and the police and other law enforcement bodies of a number of states, twenty persons were sentenced to prison, including six life sentences.

In this respect, may I add that the conviction record of the Federal Bureau of Investigation remains at its high average. Only six persons out of 100 go free, once they enter a courtroom charged by the Federal Bureau of Investigation with a Federal offense. Ninety-four per cent of them are convicted.

Speaking of convictions and penitentiaries, I hope that we never shall lose sight of the fact that a law enforcement officer's greatest problem often arises at the very time when it should end, namely, when he sees a prisoner taken out of a courtroom for a term in prison. Unhappily for us, prisons all too often form a springboard toward major criminality, only a more or less pleasant meeting place where new crimes can be concocted for commission when, as and if a sentimental or otherwise expedient board or person with powers of clemency grants freedom for a new assault upon the peace and dignity of our citizens. This amounts to a national scandal. Escapes are often so easily arranged as to be almost humorous, did not the tragical element predominate. Prisons are being emptied by unreasonable exercise of the power to send warped and dangerous mentalities forth to freedom and to prey upon communities. Through this exercise of clemency the law-abiding person becomes all but powerless to escape the predatory actions of vicious human vultures, who are aided and abetted in their careers of destruction by persons swayed by political, sentimental, or monetary reasons.

I sincerely hope that we of law enforcement may remain diligently militant in our efforts to eradicate this most unsightly blot upon American civilization. It seems inconceiv-

able that blood-crazed men should be allowed to receive knives, guns, ammunition and even arsenals by which to murder their way to freedom from so-called escape-proof jails, and then carry on a new career of plunder and slaughter. It seems beyond the range of human conception that boards of clemency should meet in secret sessions, and undo, with the stroke of a pen, the work of fearless law enforcement officers, the judgment of honest and efficient courts, the desires of the American populace itself, and throw open prison doors to hordes of sneering, desperate convicts whose sole purpose is again to flaunt the law. I do not speak of a few isolated cases, as the easy-freedom advocates would have us believe. I speak from the authenticity of a diligent search through the more than five million five hundred thousand fingerprints in the Identification Division which show thousands upon thousands of cases in which hardened convicts and old offenders are repeatedly turned loose to pursue their criminal and degenerate desires. Should they again be apprehended, convicted and sentenced, the angels of mercy who so love freedom for convicts and who so forget the innocent and suffering public, will gently minister to their every desire and soon again throw the locks that will usher them forth to freedom.

I do not desire to be misunderstood upon this matter of parole. I certainly favor parole for the proper persons. However, I shall resist in every possible manner the continuation of parole for convicts who have shown no desire whatever to proceed upon a path that will lead them into the ranks of good citizens. Certainly, if he deserves it, a man should receive one parole. When he fails to make good on that parole, he should automatically cancel any right to further clemency, and it is the violation of this straight problem of common sense that arouses the indignation of every honest law enforcement official in America.

May we work in close cooperation toward the common goal when there shall be a new day in our efforts toward the eradication of crime, when the task of enforcing laws shall be a career hedged about and protected by every possible bulwark that citizens can erect. May we look upon the day when it is no longer possible for a politician to whisper to a court or jury and bring about freedom for a guilty man. May we see the

day when technicalities have been wiped out of criminal court procedure, when witnesses may no longer feel the intimidation of gangsters or of gangster attorneys. I hope we may look forward to the day when the law enforcement official is paid a salary commensurate with his efforts and at the fading of the trail, may he be granted the honor, respect and remuneration due him as a reward for long and valiant service in the interests of honesty, and the peace and happiness and safety of America.

I thank you.

U. S. SUPREME COURT HAS FIRST CASE ON
UNAUTHORIZED PRACTICE OF LAW
ON ITS DOCKET

An appeal from a decision of the Supreme Court of Kansas on a case to suppress unauthorized practice of the law, has been docketed in the Supreme Court of the United States.

The question may turn not on the alleged practice of law on part of a credit men's association, however, but as to whether a state court could properly interfere with the association's activity in relation to cases in bankruptcy.

The Kansas Court found the Wichita Association of Credit Men was guilty of unlawful practice of law in four particulars:

1. In collecting claims by preparing and filing suits and intervening petitions, although the actual conduct of litigation was placed in attorney's hands if collection could not be effected.

2. In collecting the fees for attorneys' service in such cases, retaining part of the fees before settling with the lawyers.

3. In soliciting claims and powers of attorney in bankruptcy cases, electing the association manager as trustee, and collecting claims turned over to it by the manager-trustee.

4. Conducting liquidations for business firms without bankruptcy, handling and adjusting their claims, furnishing contract forms and giving advice in connection with the liquidations.

The appeal to the U. S. Supreme Court is questioned on the ground that the Supreme Court of Kansas had no jurisdiction over the activities of the credit men's association pertaining to proceedings in bankruptcy. It is the contention of the association that it could not legally be deprived of compensation as provided in its contracts with various members for attempting to make collections prior to litigation.

* * * *

PAGE O. ROY COHEN!

Easter Lily is a defendant in a recent J. P. case. It's a "he" and he is a "gen'mun ob color."