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POLICE ETHICS: SOURCE MATERIALS

by Frederick A. Elliston

THE POLICE IN THE WESTERN TRADITION

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THE POLICE IN THE WESTERN TRADITION

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PART A

THE HISTORY OF PHILOSOPHY

THE POLICE IN THE WESTERN TRADITION

General Introduction

The purpose of this monograph is to provide a comprehensive synopsis of materials by philosophers that deal with the police and law enforcement. We have attempted to list all the pertinent writings - books, articles and portions of texts - that could be incorporated into philosophy courses. These could range from standard departmental offerings in the history of philosophy, social and political philosophy and the philosophy of law to more specialized courses in ethics including both the history of ethics and current applied or professional ethics.

I. Methodology

The works of major and many minor philosophers, philosophical journals and recent conference papers were examined in order to identify pertinent materials. Four techniques were used. First, we conducted a computer search of the Philosopher's Index which contains all articles published in major philosophy journals in English since 1940. The results of this were very disappointing: only two articles directly relevant were identified. Many of the other materials chosen by the computer used descriptors such as "police" only in a metaphorical sense.

Second, we examined books and other materials in university and college libraries in the tri-city area of upper New York state, especially at Union College and the State University of New York at Albany. Since Plato's guardians in his Republic are familiar to every student of philosophy, we decided to begin there only to realize shortly that working forward was not the most effective approach: philosophers cite their contemporaries and predecessors but never their successors. Accordingly, we reversed directions, and started to work back from contemporary philosophers. This approach yielded some, but very few, references to earlier texts. Law is a frequent topic of discussion, but law enforcement is not.

Third, we used the interlibrary loan system to secure access to materials at major universities elsewhere in New York state and the New England area. We examined at first hand various philosophical works. Indices and tables of contents were scanned for certain key words.

Finally, we consulted standard reference works on the history of philosophy. Father Copleston's monumental series was a very sound base for identifying both major and minor figures. We had hoped that a branching system would develop in which one philosopher would lead us to others. The principle that philosophers would refer to the work of their predecessors, but not vice versa, turned out to be sound, sensible, and useless: there is little discussion of police ethics in the western tradition and it occurs largely in isolated contexts.

II. The Paucity of Materials

We examined more than 774 books representing the work of 145 philosophers. The most striking result of this research is the lack of material on the police by philosophers. Many major philosophers say nothing about police, and many of those with a few terse remarks appear not to have thought that there were any significant issues to address.

This pattern can be explained when one understands that most discussions of the police occur in the context of social and political philosophy. The questions raised in this field historically are of the "large," and more theoretical kind. One such question is the legitimacy of the state: what justification, if any, is there for the state's use of power to enforce its will? As enforcers of the law, the police were seen as mere instruments of the state. From the philosopher's point of view, the interesting question was the justification of any kind of enforcement. Until that question was answered, questions about the morality of specific police practices seemed superfluous: if the use of force by the state cannot be justified at all, then no police practice is justified.

One notices a drastic change, however, when one comes to contemporary philosophers. The bulk of their work accepts the police as an institution, and focuses on the morality of police actions, policies and procedures. This emphasis might be thought of as a more piecemeal approach, but it has the advantage of viewing the police as a profession which has, or should have, its own code, principles and standards, rather than as an extension of the state.

There is, of course, some work on the justification for the police, and what their function should be. Today, however, six areas seem to be receiving the most attention from philosophers: the ethics of deception, undercover work, violations of privacy, the use of discretion, deadly force, and affirmative action.

The major conclusions to be drawn are that the field of police ethics has been neglected by philosophers, and that there is work to be done in many areas. The discussions of the issues mentioned above are incomplete, and more attention to them is required. Furthermore, entire topics in police ethics have been ignored by philosophers, although they have been raised in the case of other professions. Consider the problem of efficiently and fairly distributing scarce resources: given that the police can provide only limited protection, how should their time and energies be spent? Lying is discussed by some philosophers, but the particular case of perjury by a police officer is not. There has been some discussion of deadly force, and there is a tremendous amount of material on capital punishment, but only one article has appeared on the relationship between the two. Similarly, there has been some discussion of privacy, but what is the relationship between the confidentiality of police sources and witnesses and the accused's rights to know his accuser? There are issues raised by recent developments in genetics and biology. What right or duty, if any, do the police have to take part in social experiments, and what rights does the community have to regulate them? Also, recent findings in genetics may lend support to the argument that crime is the result of heredity rather than environment. If this is the case, should the police watch families more carefully where there is a history of crime and deviance?

Some of these questions have begun to surface as problems in professional ethics for philosophers. It is hoped that the summary of the work and data that follows will provide an impetus for future philosophical research.

III. Using this Monograph

This monograph is not meant to be a text, and would probably not be useful as one for either teachers or students. Rather, it should be treated as guide to teachers. It directs them to materials that could be woven into the classroom in many different ways.

Generally this compilation will prove most useful to those who are teaching the history of philosophy. It will help to sharpen their awareness of themes and passages that otherwise might be glossed over as only of peripheral importance. For this reason it has been divided into historical epochs, and grouped according to the traditional divisions in the history of philosophy.

But those who are teaching social and political philosophy will also find these materials helpful in enriching their courses. Certainly the police are a very powerful and pervasive institution in our society. Those who would study the major institutions of our society, their nature, role and limits, must deal with the police if they are to be comprehensive. All societies have needed to develop mechanism of social control, and so some analogue of the police is inevitable.

Those who teach courses in the philosophy of law will also find the first portion of this monograph useful. It directs their attention from the law on the books to the law in action. If the law is taken not so much a text but a practice, then it must be appraised not in terms of the meaning of words but in terms of social consequences and principles of procedural justice.

This monograph is most appropriately viewed as a reference work, similar to an annotated bibliography, but offering more and somewhat different details. For each philosopher's writings, the pertinent passages have been identified, often in readily available editions, and a brief synopsis provided. In some instances the materials were terse but suggestive. We have then attempted to build a bridge with contemporary problems in police work, and draw out the implications. Occasionally this effort has taken us beyond the text into speculation on principles, positions and their applications.

There is an obvious paucity of material in the historical sections. The discussions of the police, with a few notable exceptions such as Plato and Fichte, are rather superficial and often tangential to the main topic. We have suggested several ways to account for this scarcity in the various historical introductions. The material we have identified is not particularly difficult, but it is not very rewarding either.

The contemporary material is just the reverse. Most of it deals with specific issues in police ethics, or the function and role of the police in contemporary society. This makes for more difficult reading, but issues are more clearly defined, and analyzed in much greater depth. Some of the issues are just being discussed for the first time.

The material in the contemporary section is by far the more valuable for upper level undergraduate and graduate courses in philosophy. The material in the historical

section would be useful as a way to focus attention on themes that otherwise might be neglected.

This compilation will also be useful to instructors who need ideas for readings in courses on philosophical problems, philosophical classics, and contemporary moral issues. Again it should be emphasized that the abstracts are no substitute for the books and articles themselves. In the abstracts we have assumed a rudimentary understanding of philosophical theories and terms.

The historical material is appropriate for almost any level of undergraduate work. One could, for example, identify material to use in a lecture on the police in Kant or Hegel if one is teaching a course in German Idealism. Or one could gather enough material to include a discussion of police ethics in an introductory ethics course. Similarly, the material might be used in courses in criminal justice, philosophy of law, and social and political philosophy, depending on the range of issues discussed in such courses. These courses might be taught at either a four-year university or a community college.

The material in the contemporary section requires a more sophisticated level of philosophical understanding to be fully understood and appreciated. Thus it will be more appropriate to upper level undergraduate courses or graduate seminars. One unfortunate consequence is that discussions of such issues as discretion and deadly force are less accessible to recruits in police academies. These issues still need to be discussed on a level that is comprehensible to new recruits, and perhaps to first and second year undergraduates as well.

It should also be mentioned that our focus was on the police and <u>not</u> on a variety of related topics such as punishment, rights or the nature of law. These are very important, closely tied to a discussion of the police and a necessary part of a comprehensive treatment of the place of the police in contemporary society. A brief summary of some useful readings are contained in the section on the Philosophy of Law in The Police, The Law And The Courts.

I. ANCIENT, MEDIEVAL AND RENAISSANCE

The time frame of this section covers almost 2,000 years, from the fourth century B.C. in Athens to the end of the Renaissance in the fifteenth century A.D. Given such a time span, it is not surprising that there is no single perspective from which these philosophers were working. Plato and Aristotle were ancient Greeks, Aquinas a thirteenth century Christian scholastic, and Montaigne a humanist who contributed to the Renaissance in France.

Clearly there are huge gaps. None of the early church fathers deal with the police and, with the exception of Aquinas, they are ignored by the Medieval schoolmen. But these gaps are readily explained. First, the police as a distinct institution are a relatively recent development: police functions were carried out by a variety of other administrative agencies. Second, the emphasis on the spiritual made philosophers think their field should be restricted to less worldly and less political concerns. Mundane affairs were for the rulers. Finally, any discussion of the administration could be taken as a criticism and such criticism could prove personally lethal, as the example of Socrates shows.

Because of the diversity of approaches and social contexts, no patterns emerge and no debates occur. There are no extended discussions of the police. Instead one finds parenthetical remarks, made on a number of different occasions, regarding functions and activities the police now perform. The more important concern was typically the development of a comprehensive social and political theory, as in Plato's Republic or Aristotle's Politics.

The police functions addressed tend to be post-adjudicative. That is, there was no concept of a governmental agency that brought persons to trial. Rather, the need was to make sure that the judgments of the court were carried out. These judicial proceedings were not initiated by agents of the state, but by the victim of a crime. Other functions that resemble the modern police included the administration of jails, the protection of the rulers and spying for them on dangerous persons or groups.

PLATO

A. His Life and Times

[Circa 428-348 B.C.] A world-renowned philosopher and founder of the Academy in Athens, Plato traveled extensively to Egypt, Sicily, and Megara, where he was invited to give political advice. After his mentor Socrates was executed in 399 B.C. for corrupting the youth, Plato took political refuge abroad. There is some doubt about the authenticity of his Letters, but the Republic and other political dialogues present a consistent picture of carefully articulated aristocratic political views and thoughts on education, society and the state. Plato's family members were prominent anti-democratic leaders in Athens, where Plato served in the military in the war against Sparta.

The Platonic dialogues and letters contain numerous references to public officials, commissioners, magistrates, curators of the law, and the professional military men needed by kings and others to take charge of the state's external and internal security. In the Republic, an ideal state is sketched in which a well-bred class of guardians are portrayed as both gentle and high-spirited, given only their "keep" as pay, sharing both wives and children, owning no property, and educated in philosophy for the task of governing. Plato's analogues of the police in his more realistic later work, the Laws, clearly were permitted to use deadly force (as a last resort) against criminals, although many passages suggest that a more perfectly educated and virtuous guardian who had learned virtue by example in a more perfect city-state would not need to resort to force. In the Eleventh Letter (to Laodamas) Plato gives his most candid view: until a philosopher-king assumes power, true guardians cannot be produced. Police analogues are most clearly the "helpers" or auxiliary guardians, who are distinguished among the guardians - all of whom regard each other as friends - from the rulers. They have the happiest of lives, and since they are schooled in the discipline of philosophy there would be no dissension among their ranks, for they would concertedly love their city-state, believing that its benefit coincides with their own.

B. His Works and Publications

The Collected Dialogues of Plato: Including the Letters. Edited by Edith Hamilton and Huntington Cairns.

New York: Pantheon Books, Random House, Bollingen Series 71, 1961 [1966 reprint].

This volume brings together in one place all of Plato's dialogues. All references are to it, and the standard "Stephanus" page references are given after Hamilton-Cairns edition page numbers because they can be used in most newer editions as paragraph and line markers.

1. Republic [pp. 575-874] The following passages are explicitly relevant to crime and the guardians, Plato's rough analogue of the police, armed forces, and government officials at all levels combined:

2.373d	5.466
2.375-376	6.484
2.383-392	6.498e-501
2.394e-399	6.503-506
3.401b-404	6.755
3.410-416e	7.519-521
4.419-425	7.525b
4.440	7.540-543
5.451-458c	8.545c-547c
	8.590-591

In answering the question of whether the just or the unjust person is happier, Socrates sketches, with questions and help from others, a utopian city-state governed by a virtuous philosopher-king, without whose personal model it will be difficult to properly educate the guardians, the class from which statesmen are produced. Socrates details under cross-examination the roles, characteristics and education of guardians, those men and women who, like gold and silver, are superior, both innately and by what is made of them. Guardians are to blend high-spiritedness and gentleness, and be paid only their "keep," living communally and sharing wives, children and property with other guardians. They are trained in music, in physical fitness, horsemanship and the arts of war, as well as in mathematics and philosophy. The chosen ruler guardians, most carefully trained and tested, serve their state for fifteen years once they have reached the age of 35, turning again later in life to philosophy. The state is held up by Socrates as a model for the individual (or the individual soul), in whom it is desirable to place a guardian and ruler in control of less noble faculties to foster the best and most harmonious whole.

2. Laws [pp. 1225-1516] [Virtually all books of the Laws contain passages relevant to the police, law enforcement, and crime.]

Whereas in the Republic laws are only the second best government, since the virtuous ruler guardian is a far better guide to justice and happiness, in the Laws the second best approach is pursued by an elderly Athenian, whom Plato (now himself elderly) places in conversation with two other senior citizens. The ideals of the Republic still guide this set of laws for a model aristocratic city, and the guardians and their roles in education, law enforcement, war, and internal security are thus inspired with a preference for leadership and protection by persons who are endowed with careful education and an ability to recognize good and to practice and teach virtue. Book 9 of the Laws deals with very specific violent criminal acts and cases where deadly force is excusable.

3. Laches [pp. 126-127] 181e-182

In discussing courage, the arts of riding and of war (the use of arms, fighting in armor and the proper arrangement of an army) are named as noble and leading to the knowledge of the complete art of the general, as well as further noble values, such as being more daring and resolute in the field. The definition of courage is found by Socrates to be lacking, and he then raises the question whether any knowledge can be learned. Relevant to guardians and police, these discussions about the definition of courage relate to both internal and external security matters and the uses of armed force. Plato makes no clear and principled distinction between internal and external forces and their training.

4. Protagoras [pp.308-352] 311b-320c

This dialogue discusses the question of acquisition of the art of serving one's country or community. Plato suggests that the true art of governing cannot be taught except with respect to certain technical skills, or by a person who is a practitioner of virtue or true statesmanship. Virtue is a form of knowledge belonging to a statesman, not a sophist.

5. Euthydemus [pp. 385-420] 288d-292e

Generalship and the other arts, according to the consensus reached here, hand over their products to the kingly art, which knows how to use them.

6. Meno [pp. 353-384] 93-94

Here Plato's characters discuss virtue and its relation to education, the role of experience and skill in physical pursuits without virtue.

7. Critias [pp. 1212-1224] 110d, 112d

This dialogue contains the story of Attica in ancient times and of the war with Atlantis, where ancient rulers of Hellas [Greece] were portrayed like the guardians Plato had discussed in other works, notably the Republic: both sexes are treated as equals, trained in the fighting arts and given no property.

8. Timaeus [pp. 1151-1211] 18a

Guardians are mentioned here, and their education is briefly sketched. They are said to possess a temperament "both passionate and philosophical" in a high degree, and "gentle to their friends and fierce to their enemies." Males and females are treated equally. Guardian rulers are discussed, as well as the relation of myth and ideals to reality and experience.

9. Statesman [pp.1019-1085] 293-201, 308e, 311

Plato affirms here again the superiority inherent in the ideal of the true statesman governing by his knowledge, without laws. But Plato acknowledges that the rule of laws formed by experience in the art of statesmanship is, realistically, second best to the true statesman's flexible rule. This dialogue contains some worthwhile thoughts about the election of magistrates (on the model of electing physicians) and about selective law enforcement, the weaving of unity and happiness in a state, and the nurture of future magistrates, the best of whom must combine bravery and gentleness.

10. Letters [pp. 1560-1606] 7.326, 8.356-357, 11.359

In Letter Eight, Plato gives the joint advice of Dion and himself to Sicily's ruler, placing even the kings (who

were in this case not philosophers) under the rule of law, appointing 35 independent guardians of the law, ruling over war and peace and penalties involving death or exile. Letter Eleven gives political advice, on request, to Laodamas, acknowledging the necessity for a well-organized government, of "some authority concerned with daily life to see that both slave and free live soberly and manfully," but cautioning that for such an authority to be established there must exist persons who are worthy of such rank. No suitable persons exist, either to educate such authorities, or to receive the education. Until a well-born and well-bred king or person exercising great authority appears through war or crises of achievement, Plato advises the foreign leader to pray to the gods, hope for the best, and continue to study these matters.

In Letter Seven, Plato's view is that mankind will not see better days until philosophers gain political authority or those in control are led to become real philosophers.

ARISTOTLE

A. His Life and Times

Aristotle [384-322 B.C.] is regarded by many as the greatest Western philosopher. He was born in Stagira, in Ionia. His father was the court physician to the King of Macedonia. At 16 he was sent to Athens and entered Plato's Academy. He spent the next 20 years in Athens, much of it devoted to studying and discussing Plato's dialogues. When Plato died, Aristotle left the Academy and Athens.

In 345 he moved to Mytilene, where he conducted much of his zoological research. In 342 he was asked by Philip of Macedon to tutor his son, who later became Alexander the Great. He taught Alexander for three years, and then returned to his hometown of Stagira for five years.

In 335 he founded a new school in Athens, the Lyceum, which is said to have contained the first library in history. After 12 years, Alexander the Great died, and Aristotle found himself a member of an unpopular political party. He was charged with impiety and quickly moved to Euboea. Before leaving he is said to have remarked, with Socrates in mind, that he wanted to prevent the Athenians from committing a second sin against philosophy. He died a year later, in 322 B.C.

B. His Works and Publications

1. Politics. Trans. Ernest Barker. Oxford: The Clarendon Press, 1946.

Aristotle notes that every government must have a branch which insures that sentences passed on offenders are carried out. This service is indispensable, since going to court to settle disputes and punish criminals would be pointless if there were no way to enforce the court's rulings. He suggests that this branch be independent of the court that passes judgment, and that supervision of the prisons should not permanently be left up to one board.

He also makes pertinent remarks about kings. He discusses whether or not they should be above the law, and distinguishes kings from tyrants in that while kings are guarded by their subjects, tyrants usually have foreign bodyguards. He also thinks that although a king needs guards to enforce his rule, that is dangerous since it establishes a relatively independent army which may act against the citizenry.

In his discussion of crime, he identifies three causes: (i) the lack of necessities, (ii) the pleasure of getting rid of an unsatisfied desire, and (iii) the pleasure of satisfying an artificial and self-generated desire. The solution varies with the cause. The first can be solved by providing everyone with work and some property. The second can only be solved by developing persons with temperate dispositions. The third can be solved through the study of philosophy, which allows one to satisfy a desire without having to commit a crime. He thinks that the second and third categories are the causes of the greatest crimes.

He also discusses the five measures which can be taken to prevent revolution. The first is not to tolerate petty lawlessness, since this tolerance produces an attitude of general disrespect for the law. The second is never to deceive the masses, since this strategy rarely works and often backfires. The third is to encourage interclass relations, which will insure that the ruling class does not become isolated. The fourth is to limit government officials' terms in office. The fifth is to prohibit those officials from using their office for personal gain. Aristotle thinks that the best way to insure political stability is to inculcate a habit of performing virtuous actions among the citizens.

He also discusses tyrants, and the methods they employ to maintain their power. The first is the use of secret police to gather information. The second is to keep a close watch on anyone who has suffered at the hands of the government, since such persons are usually prepared to sacrifice themselves in order to avenge the outrage they have suffered.

2. On the Athenian Constitution. Trans. F.G. Kenyon. London: G. Bell and Sons, 1907.

Aristotle's concern in this book is with discussing normative issues, but desribing the political life, institutions and history of Athens. He notes that two years of military service is required of everyone prior to receiving citizenship. Their duties include garrisoning forts and patroling the countryside.

Aristotle describes a board called "The Eleven," who were appointed to watch over those in the state jail. He also notes that strict regulations against embezzlement and accepting bribes help to prevent such offenses.

AQUINAS

A. His Life and Times

Thomas Aquinas [1224-1274] was perhaps the greatest philosopher and theologian of the Middle Ages. His most significant achievement was the synthesis of Aristotelian philosophy with Christian theology.

Aquinas was born in 1224 in Roccasessa, in Italy. At the age of five, he was sent to a nearby Benedictine monastery to begin his studies. In 1239, he went to Naples and attended the University. In 1244, he entered the Dominican order in Paris, and continued to study philosophy and theology. In 1248, he went to Cologne where he met Albertus Magnus, who took Aquinas on as a student. In 1252, he returned to Paris for advanced study in theology. In 1257, he was granted his license to teach, and he taught in Paris until 1259.

For the next ten years Aquinas lectured at various monasteries in and around Rome, including the Papal Court. In 1268 he again returned to Paris, again as an instructor in

theology. While at Paris, he had to defend himself in a controversy with conservative critics, and in a second controversy with radical Aristotelians. In 1272, he went to Italy and taught at the University of Naples. In 1274 he was on his way to a church council when he became ill. The illness turned out to be fatal, and he died that same year.

B. Works and Publications

1. Aquinas Ethicus. Joseph Rickaby, ed. New York: Benziger Brothers, 1896.

In this book of selections from the Summa Theologica, Aquinas discusses many questions, mostly of an ethical nature. Some of these are relevant.

Aquinas asks: "Is is lawful to slay a man in self-defense?" (p. 47). He begins his answer with the now famous "doctrine of double effect": an action can have more than one effect and not all of them are intended by the agent. In this specific case, the two effects which may follow from an act of self-defense are the preservation of the agent's life and the death of the aggressor. Since the intention of the agent is to protect his own life, and he would not kill the person if he had some other way to defend himself, the action itself is not ultimately wrong.

Aquinas notes certain restrictions on this general principle. First, if greater violence is used than what was necessary for self-defense, the action is wrong, since there must have been some intention besides the "pure" motive of self-defense. Second, even if no greater violence is used than was necessary, the agent may be motivated by lust or private vengeance. In such a situation, the action again is wrong. Finally, Aquinas notes that what justifies self-defense is not any sort of personal right to life, but that acts of self-defense further the common good. Thus all cases of self-defense must ultimately be justified by showing that the action tends to increase the common good.

2. Summa Theologica [1570]. New York: McGraw-Hill, 1969.

[Vol. 37] Aquinas asks who must make restitution when theft or robbery occurs. He argues that not only is the person who performs the act liable to make restitution, but anyone who causes the act to succeed. The police have a duty to prevent theft and robbery, and they often receive a

salary for performing this task. When they fail in this duty, they are, in a sense, passive causes of the crime. Thus the police are responsible for making restitution. Aquinas notes, however, that the police "do not incur much danger thereby, for they are backed by the might of the State in acting as guardians of justice." But this statement is somewhat ambiguous. It might mean that although the police are liable for restitution, such liability may be transferred to the State as a whole. Or it might mean that the criminal has little chance for success against the resources of the State. If Aquinas intends the latter, it seems clear that he is whistling in the dark.

[Vol. 41] Aquinas asks whether or not subjects must obey superiors in all matters. His answer readily applies to the police. Must an officer obey every order issued by his superior? Aquinas cites a variety of Biblical passages to show that obedience to a superior is not necessarily the correct action in every situation.

There are two general situations in which there is no obligation to obey a superior's orders. In the first situation one is given a contradictory order by a superior higher up than the one who gave the original order. In such a situation, it is the higher authority who is to be obeyed. Second, there are fixed limits to the authority of a superior. These limits are determined by the nature of the relationship. When an order is issued which exceeds the authority of the superior, there is no obligation to obey it.

MONTAIGNE

A. His Life and Times

Michel Eyquem de Montaigne [1533-1592] was a skeptic and student of human nature who served two successive terms as the Mayor of Bordeaux, France. He was a country gentleman who at other times served as Councillor of the Parliament of Bordeaux and Gentleman of the Chamber of King Henry III and of King Henry IV of Navarre. Montaigne dealt with law enforcement by magistrates and the military.

In the France of his time, law enforcement was a pressing issue. Montaigne studied law with practical problems in mind. He was also familiar with practices in other cultures and questioned the use of violence by police as a means of settling disputes.

B. His Works and Publications

The Essays of Montaigne [1570]. Trans. John Florio. Introduction by J.I.M. Stewart. New York: The Modern Library, 1933, pp. 17-22, 39, 298, 380-385, 547-553, 832-851, 908, 925, 933.

Montaigne's only published work is this collection of short essays. Such selections as "On the Art of Conferring" deal with corrections, punishable disputes and handling people thought to be "fools" (pp. 832-851). "How one ought to Governe His Will" (p. 908) mentions the fact that Montaigne served as Mayor of Bordeaux and gives his opinion that one ought not to blame "magistrates who sleep," which is a figure of speech condoning limited amounts of selective law enforcement and the quiet settling of disputes or conflicts. For Montaigne, all public actions are subject to diverse interpretations. Magistrates are to be judged by the fact that they seem to be good husbands and "careful of their household affaires" (p. 298). Montaigne thought that drugs and poisons were "homicides of the worst kind." He discusses drunkenness and vices, and in "On Cruelty" (pp. 380-385) talks about cruel punishments of prisoners, for instance, executions by strangling and quartering in the case of a highway thief. "On Judging Others' Death" deals with death from the point of view of persons or public officials observing it, and with the ethical issues surrounding saving suicides (pp. 547-553).

Several essays deal with military strategies relevant to the domestic militia or police. Three such essays are "On the Punishment of Cowardice," which discusses the history and morality of punishing by death any soldiers who run away from a battle in fear; "Whether the Captaine of a Place Besieged Ought to Sallie Forth to Parlie" (to negotiate); and "That the Houre of Parlies is Dangerous," which deals with sieges and negotiation strategies and dangers. The Glossary to this volume lists the phrase "policed and formalest," which means governed.

2. Repertoireded Idees de Montaigne. Travaux D'Humanisme et Renaissance, Volume 75. Comp. E. Marcu. Geneva: Libraire Droz, 1963, p. 1176, entry III, 11, 287.

This compilation of Montaigne's views, organized by topic, gives Montaigne's views, his interpretation on the use of violence by police, and his interpretation of Plato's views on that subject. Montaigne shows a strong preference for restraint by public officials in the use of police in civilian strife.

II. BRITISH EMPIRICISTS

The tradition known as British Empiricism spans the seventeenth and eighteenth centuries. Its major figures, from various parts of Britain, were concerned with epistemology, what can be known and how it is known, rather than with metaphysical speculation. They felt that the only reliable way to gain access to the truth was through sensory experience. They rejected or denigrated revelation and intuition. They also had a great interest in the natural sciences, since they were based on sensory observations. Finally, they tended to be interested in political matters: Hume served with the British embassy in Paris; Locke was an influential figure in the Glorious Revolution; and Bacon served as Lord High Chancellor.

Most of these philosophers, while recognizing the need for a central government, proposed that the powers of existing governments be curtailed. The issue of what makes a government legitimate, of when one group of men has the right to rule another, is one of their central and pervasive concerns. Since the police had not yet become a distinct governmental agency, little mention is made specifically of them. One can, however, derive views of the police from the more general principles which the Empiricists set forth. Though reformist in their orientation, the British Empiricists were less radical than French Enlightenment thinkers, favoring a piecemeal revision of specific policies over holistic revolutionary change.

BACON

A. His Life and Times

Sir Francis Bacon, Baron Verulam and Viscount of St. Albans [1561-1626], was an English statesman, scientist, and attorney who served as Lord High Chancellor of England, Attorney General. He was generally regarded as one of the greatest minds of his century. Diderot said of him that at a time when it was impossible to write a history of what men knew, Bacon drew up the map of what they had to learn. When his father died, the 18-year-old Bacon took up law as a career and at the age of 23 had a seat in the House of Commons. Queen Elizabeth responded negatively to Bacon's criticism of her tax policies, but King James I treated him more kindly, giving him numerous important high offices. Bacon obliged the king by allowing the torture of a prisoner to obtain a confession and by supporting a centralized state

with a powerful ruler. In this he was more modern than his rival political philosopher Sir Edward Coke, who believed in more medieval notions of the division of power.

Bacon wrote on many individual traits and in his works we find what amount to transcripts of court proceedings. He could do little more in his times in terms of reform of criminal and civil justice than to emphasize uniformity in the laws, which were both ecclesiastical and civil or secular. He disagreed with Aristotle and the medievals about many matters beyond the limited scope of politics. He wrote on the duties of judges and contributed much general descriptive material on law enforcement in his time.

B. His Works and Publications

The Works of Francis Bacon. Faksimile-Neudruck der Ausgabe von Spedding, Ellis and Heath, London 1857-1874 in Vierzehn Banden. Volumes 7 (Literary and Professional Works), 2 and 12. Stuttgart-Bad Canstatt: Friedrich Frommann Verlag Gunther Holzboog, 1962.

In "Motives for Somerset to Confess," chapter 8 of his Letters and Life of Francis Bacon, Bacon gives an accurate and clear picture of the relation between the government and the judges in cases of public prosecution. Originally all punishment of crimes rested with the king alone, and at first judges were only "deputies" and juries merely witnesses. These institutions later came to be limits on the power of the king to enforce the law and to punish crimes in his jurisdiction [pp. 281-311].

In the Use of the Law, Bacon talks about sheriffs and the various rights of public officials to punish offenders [pp. 466-473, 778-781]. An appendix [p. 779ff.], gives a description of the office of sheriffs, whose function is both ministerial, to execute law, and judicial, to pass sentence on offenders. He offers some final observations touching on constables, gaolers and bailiffs in which he notes that out of every hundred people in a shire, two "sufficient gentlemen or yeomen" are appointed constables.

Bacon's political writings are also collected in The Elements of the Common Lawes of England. Two parts [1630] with John Cowell's The Institution of the Lawes of England, Digested into the Method of the Civil or Imperial Institutions [1651]. New York: Garland Publishing Co., 1978 reprint.

Reading on the Statute of Uses. Edited by David Berkowitz and Samuel E. Thorne. Volume 78. Classics of English Legal History in the Modern Era Series. New York: Garland Publishing Co., 1979.

FILMER

A. His Life and Times

Robert Filmer [c. 1588-1653] was an English political writer of great prominence in the seventeenth century. He was a defender of traditional patriarchal attitudes toward authority. He saw absolute obedience to the state as the proper allegiance owed to a father. He wrote not for publication but for the English nobility, especially the gentry of Kent. He claimed "neutrality" during the English civil war between Parliament and the King in 1642 and was imprisoned. Filmer is chiefly known for the fact that John Locke's Two Treatises of Government were written primarily as a rebuttal of his views. His Patriarchy or the Natural Power of the Kings [London, 1680], which he refused to publish during his lifetime except to circulate among the gentry, derives the authority of the state from fundamentalist or literal Biblical interpretations of the descent of all society from the family of Adam and Noah. He cited them as fathers, and asserted that males are superior to females. He also said that in a society with universal voting privileges the rights of some would inevitably be usurped due to voter absenteeism. Filmer's views were used by Tories in the American Revolution and were also used to defend the South in American pre-Civil War rhetoric of the 1850s.

B. His Works and Publications

Observations Concerning the Original and Various Forms of Government...with Directions for Obedience to Government in Dangerous and Doubtful Times. London: Keble, 1696, pp. 21, 35, and elsewhere. [Modern reprints of this volume are available, in print, in 1981.]

This work includes a critique of Aristotle's Politics, Hobbes's Leviathan, Grotius's De Jure Belli, and Hunton's Treatise of Monarchy, as well as Milton's Salmatius. Discussions are included in this old volume on the election of knights or burgesses, and also on crimes. Filmer clearly delineates the roles of law enforcement officials. It also contains "An advertisement to the

Jury-Men of England, touching Witches, Together with a Difference between an English and Hebrew Witch" [ch. 5].

Filmer offers a few brief discussions of the criminal justice system. He cites a precedent regarding criminal cases in which the king himself is a party and the lords are appointed judges. The counterparts to the police were constables and "the men" of various degrees of power. Most notable among these were the knights who serve as models for our law enforcement officials today.

LOCKE

A. His Life and Times

John Locke [1632-1704], an English political and moral writer, was one of the most influential seventeenth century empiricists, with later leanings toward intuitionism and rationalism. Born into an attorney's family, he was raised as a liberal Puritan, fought for Parliament in a rebellion against Charles I, and taught moral philosophy. Locke worked with Robert Boyle and Thomas Sydenham, the great physician. He was revered as a companion and physician to Lord Ashley, Earl of Shaftesbury, whom he helped in writing the Constitution of the colony of Carolina. Locke was in the midst of London political circles. For reasons of poor health, he traveled for four years in France and returned to England torn by parliamentary opposition to the Stuarts. He fled to Holland, plotted for William of Orange and escorted the future Queen Mary to England in 1689. His Two Treatises of Government were first published in 1690 in London.

Locke departed from Hobbes's view of mankind by seeing people as social by nature and cooperative. He regarded the laws of a state as necessary to protect the property and well-being of the innocent and to restrain offenders. Locke declared that church and state were separate and distinct, and made magistrates for the first time civil or secular officers. In this he was correctly describing the dominant trend, which began in his time, away from religious law enforcement and toward a secular concept of civil authority. His famous doctrine of the separation of powers distinguished the legislature from the executive and law enforcement agencies.

In the State of Nature, which Locke posited as coming before political union, each man sometimes needs to be his own police force, arming to protect himself, and must

enforce the Law of Nature for himself. Even after political union is established, such actions as killing thieves in self-defense are justified, according to Locke. He was individualistic and liberal in his times, and primarily sought to restrain government and its officials so that people might enjoy their property. In this context he discusses the rights of magistrates and the proper procedures and principles of resisting injustice from superiors. He held, somewhat more moderately than Hobbes, that the Law of Nature is in vain unless we have a body with the power to execute it.

Law enforcement by civil society serves to prevent and punish violence to property or persons, and replaces the "Law of Nature" and the "State of War" which arise when individuals arm themselves against thieves and violent criminals. Government is instituted for the preservation of every man's rights and property. The "Magistrate's Sword" is a "Terror to Evil Doers" and enforces laws in a society for every person's good, as far as they can.

B. His Publications and Works

1. An Essay Concerning Human Understanding. [1690] Edited with an Introduction, Critical Apparatus, and Glossary by Peter Nidditch. Oxford: Clarendon Press, 1975, Books 2 and 3.

Locke asserts that vice and punishment are always relative to rules, law and the general agreement in a society about actions deserving praise or blame. He mentions specific crimes but does not discuss them in any depth, using them merely to illustrate the origins of our concepts of action and personal responsibility. He does discuss punishment of the publicly intoxicated and its appropriateness (chapter 27, section 22). He equates good and evil with pleasure and pain, respectively, (chapter 28, sections 5-16) and talks very generally about law enforcement and moral relations.

2. Essays on the Law of Nature. [1660-1664] Edited by W. von Leyden. Oxford: Clarendon Press, 1954 [first published translation of the original Latin work] [1958 reprint], pp. 114-115, 181, 185, 189.

This work shows Locke's naturalistic and somewhat hedonistic view of morality. The passages relevant to crime and law enforcement deal with an individual's civil obligations to render others what is due to them.

3. Locke's Travels in France 1675-1679: as Related by his Journals, Correspondence and Other Papers. Edited by John Lough. Cambridge: Cambridge University Press, 1953.

Locke's journals contain references to prominent crimes committed in places of which he had news in France, noting the names of the prominent criminals, their offenses, their informants, along with the customs of many lands and places he heard of while abroad. For example, he remarks "Pomey and Chauson were burnt at Paris...for keeping a bawdy house of Catamites. Mr. Toinard." [the crime was sodomy.] Locke does not comment on these, but often describes them in detail.

4. Locke's Two Treatises of Government [1690] A Critical Edition with an Introduction and Apparatus Criticus by Peter Laslett. Second Edition. Cambridge: Cambridge University Press, 1967.

Although this is Locke's most famous political work, there is no specific mention of law enforcement or policing as distinct from the general governmental function of protecting property and people. Paragraph 92 of the First Treatise and Paragraphs 7-21, 30, 137-153, 182, 207-208, 218, 227-237, and 243 of the Second Treatise deal very generally with law enforcement, crime, and especially the property preserving function of government. For Locke, government is an agreement or compact among individuals in a society for their mutual security. Locke's compact theory is often misconstrued, because of Benjamin Franklin's use of it during the American Revolution, as a contract between the whole community and the sovereign. A closer reading, of special relevance for the police functions, shows that Locke intended his essentially community-oriented model of government to serve as an agreement among individuals to respect each others' rights to property and safety. Lockean government may be replaced when it fails to perform the function of enabling individuals to insure their self-preservation, and begins to wield force arbitrarily.

Locke held that the execution of the law, including law enforcement, was separate and distinct from lawmaking or legislation. Nevertheless these two powers are of equal status, and, for practical purposes, ought to be exercised by people who would act concertedly, not separately, for the community. Separate exercise of executive power would "be apt to cause disorder" and might ruin the community. And in police force matters, separate exercise of the two might lead to the subordination of law enforcement to arbitrary use by the lawmakers. They might change a law conveniently

or just use force selectively to have their way. Locke distinguishes liberty from license (i.e., self-destructive behavior), and says that persons are allowed to destroy their property, but not themselves. The state's protective power over human lives under its sovereignty also extends in a negative sense to the soldiers, and by extension to their modern analogues, the police. Locke believed they must obey even an unjust supreme commander, each risking his life for his country when so ordered, but never risking his own money or other property.

Government power over criminals is exercised for "reparation and restraint" (deterrence), and these are the only purposes for lawful punishment. However, in the pre-government community or state of nature, when "force without right" is used, a state of war arises in which a person may be justified in killing a murderer and even a thief. Injury is unjust by definition. Even where the community has appointed persons to administer justice, violence and injury used by them is still violence and injury. The only purpose for their use should be to protect the innocent. Otherwise, these tools become acts of war against others.

BERKELEY

A. His Life and Times

George Berkeley [1685-1753] was an Irish bishop and prominent idealist empiricist. He is best known for his epistemological works and his saying that "to be is to be perceived." His political writings and letters to his clergy were influential in his own time, but are scarcely known today. He spent most of his life in the British Isles, but lived in Newport, Rhode Island, for a short time while making ill-fated plans to found a college in the Bermudas - plans which involved virtually kidnapping some native children and bringing them up as missionaries to their own people.

In his most detailed moral essay, Passive Obedience, Berkeley takes a Socratic stance, insisting that people ought either to obey or agree to suffer the consequences, as in passive nonviolent civil disobedience. Passive Obedience was a thoughtful response to the pressing social issue of rebellion, which the government had tried unsuccessfully to resolve in the "Judgement and decree of the University of Oxford passed in Convocation in 1683 against certain pernicious books..." This decree made rebelling against state

authority unlawful under any circumstances, and ordered teachers to teach this doctrine.

Berkeley gave specific advice to "magistrates and men in authority," a general phrase for law enforcement officials and public leaders in power. He thought that even insolent and unjust magistrates ought to be obeyed because of the general rule that there would be no public peace and order unless the supreme civil authority were absolute in its power.

B. His Works and Publications

1. A Disclosure Addressed to Magistrates and Men in Authority Occasioned by the enormous Licence, and Irreligion of the Times [1738] in The Works of George Berkeley Bishop of Cloyne. Edited by A.A. Luce and T.E. Jessop. Volume 6. London: Nelson, 1953 [1964 reprint], pp. 201-222.

In this address, blasphemy against God is considered a crime against the state and obedience to civil power and authority is rooted in the "religious fear of God."

Berkeley says that the reputation and character of those in authority needs improving more than the execution of the laws, in order to maintain "religion." Even the magistrates who are insolent and oppressive ought to be obeyed. Berkeley claims that it does not follow from the fact that no civil power has an unlimited right to dispose of the life of any man, that the supreme civil power may be resisted. In this work on government, he takes a Hobbesian view of the "state of nature": without absolute obedience to civil authority as a rule, there is "no politeness, no order, no peace among men..." The "fear of God" is a restraint against "all degrees of crimes..."

2. Passive Obedience or The Christian Doctrine of Not Resisting the Supreme Power, Proved and Vindicated upon the Principle of the Law of Nature...[1712] in The Works of George Berkeley Bishop of Cloyne. Edited by A.A. Luce and T. E. Jessop. Volume six. London: Nelson, 1953 [1964 reprint], pp. 15-46 and in Berkeley: Essays, Principles, Dialogues with Selections from Other Writings. Edited by Mary Whiton Calkins. New York: Charles Scribner's Sons, 1929, pp. 427-470.

Berkeley defends Socrates's position in the Crito that one should obey law and the supreme civil power, or suffer the punishment patiently. He asserts it is easier to decide whether or not an act is in conformity with a rule

than to decide whether or not it will contribute to the well-being of mankind.

In asserting the importance of a citizen's universal and unconditional obedience to a civil (and in this case also ecclesiastical) sovereign, Berkeley is not saying that citizens would not sometimes disagree with their government. Rather, he is taking the time-honored Socratic position that if a person wishes to make a public demonstration of his or her disagreement with a law, like a common criminal, he must be willing to accept the consequences by patiently enduring the punishment which the supreme civil power metes out. The right to non-violent civil disobedience, so often used in recent times in the United States to bring to public attention the injustice of laws oppressing black people, parallels Berkeley's position: an individual should passively accept arrest in an act of civil disobedience which protests publicly a law or institution held to be unjust.

Berkeley rejects Locke's notion of a social contract between the individual and the government since he took it to imply a limited loyalty to the supreme civil authority vested in the state. Berkeley's point is that a government must apply its laws universally and obedience to a legitimate government is absolute in the sense that no government can function if the citizens do not, as a rule, recognize and obey its authority, whether represented by a king or an elected body.

Although Berkeley held that it is easier to comply with a rule than to consider whether or not the rule is moral, he did not necessarily hold that one ought never to consider issues of morality in law. In fact, John Stuart Mill has said of Berkeley that he was in intention a moral philosopher trying to turn people away from "vice, impertinence, and trifling speculation"... to the study of wisdom, temperance and justice, which is the genuine business of the philosopher.

HUME

A. His Life and Times

David Hume [1711-1776] was a Scottish philosopher known for his skepticism about knowledge, for his empiricism, and for his use of rigorous inferential methods in the science of human nature. He held various positions in the British government. Several of his chief moral works,

many of which were first published anonymously, were written in Rheims and La Fleche, France, where he lived until about 1740. His Treatise of Human Nature was so controversial that it prevented his election to the chair of ethics at Edinburgh University. He served in the military and in secret diplomatic corps. Hume corresponded with George Berkeley as a youth, and was regarded as a genius by Montesquieu. In trouble with the Church of Scotland and humiliated and rebuffed academically, he returned to France to serve as secretary to the English embassy in Paris, cultivating many friendships, which included for a time Jean Jacques Rousseau and Adam Smith. Hume returned healthy and wealthy to England (which he had left for reasons of poor health). He argued against immortality on his deathbed, and lived his philosophy. He is said to have had the motto: "Be a philosopher...but...still a man..." His influence intensified in Kant's time and afterwards. His History of England was the first national history.

For Hume, justice was based on feeling, not reason. His writings imply that he thought police power should be restrained to protect civil liberties, and he seems to have had considerable faith in the uniformity and natural harmony of mankind: he held that civil society, even without government power, would not be total chaos. In his writing on the Magna Carta in the first of his two volumes on English history, he specifically notes how the private property and civil liberties of prisoners and suspects are to be treated according to English common law. Hume's other writings in the moral and political sphere deal only with abstract purposes of government: to protect private property, leaving people undisturbed to enjoy their possessions, to enable them to transfer their legal rights and to help them keep their promises.

B. His Works and Publications

1. Inquiries Concerning Human Understanding and the Principles of Morals [1748-1751]. Reprinted from the 1777 Edition with an Introduction and Analytical Index by L.A. Selby-Bigge. Edited by P.H. Nidditch. Oxford: Clarendon Press, 1975, pp. 182-192.

Section 3, part 1, "On Justice" in the Inquiry Concerning the Principles of Morals deals with property rights and examines two alternative hypotheses: that tenderness and generosity so prevail as a sentiment in all persons that there is no need to use justice; that a condition without order exists where each man discards justice as not useful and arms himself. The necessity of the police in an

intermediate and more realistic condition is not mentioned explicitly, but is implied in powers given the civil society and law. Hume's point is that the "rules of equity or justice" depend on the individual conditions to which they are applied, and that such rules are useful to defend property. People who commit crimes which make them obnoxious to the public are to be punished in both physical and financial ways, and the ordinary rules of justice are "suspended for a moment" while the offender is in custody.

These passages were also published more recently in: Essays Moral, Political and Literary. Volume 2. Edited by T.H. Green and T.H. Grose. New York, Bombay and Calcutta: Longmans, Green, and Co., 1912.

David Hume: The Philosophical Works. Volume 4. Edited by T. H. Green and T.H. Grose. Aalen: Scientia Verlag, 1964.

2.The History of England from the Invasion of Julius Caesar to the Revolution in 1688 in Two Volumes [1752]. Philadelphia: McCarty and Davis, 1832, pp. 218-220.

The Magna Carta was written in 1215 when a certain amount of specialization was entering the life of institutions, and, by increasing their autonomy, helping to throw off the despotic power of the Pope. It contains guidelines for the proper treatment of merchants and all free men, especially in matters of public justice, the security of the body and the property of any freeman who is suspected of crime. Hume views the Magna Carta as having included those clauses, because without them the barons who were formulating the law could not have expected the people they called the "inferior ranks of men" (commoners), who were the most numerous, to support them in establishing and preserving civil law and order. Nonetheless, in spite of this policy shift noted by Hume in certain Magna Carta clauses, the great charter did not establish any new courts, magistrates or senates, nor did it abolish the old ones. In the passages of which Hume takes special note in the Magna Carta, the "officers of the crown" and "sheriffs" are prohibited from depriving suspects of personal property such as "carts, ploughs, and implements of husbandry" and from harming or putting suspects on trial without the legal judgment of peers or the law of the land.

Elsewhere in these volumes, Hume discusses the Habeas Corpus Bill of 1679, and says that there is some difficulty in reconciling "the regular police of a state, especially that of great cities," with the sort of "extreme liberty" offered English citizens by this bill which prevents

arbitrary imprisonment. Hume also discusses civil militia, the precariousness of the police state or martial law, and his objections to the King's keeping a standing army in time of peace [see the sections on Charles II and Charles V].

SMITH

A. His Life and Times

Adam Smith [1723-1790] was first recognized as a moral philosopher and only later as an economist and political theorist. Born in Scotland, he entered the University of Glasgow in 1737. He studied ethics under Frances Hutcheson, though his favorite subjects were mathematics and science. In 1740 he went to Oxford on a scholarship and received a Bachelor's Degree in 1746. In 1748 he met Hume in Edinburgh, and in 1751 became a professor at the University of Glasgow.

He was at Glasgow for ten years, where the high point of his career was the publication of his Theory of Moral Sentiments in 1759. The book was well received generally, especially by the stepfather of the Duke of Buccleuch, who offered Smith a lifetime pension in exchange for tutoring his son. This pension allowed Smith to work on The Wealth of Nations, which was published in 1776. The book, his most famous, was extremely successful. In 1778 he became a customs official for Scotland, and died twelve years later in 1790.

B. His Works and Publications

Lectures on Justice, Police, Revenue and Arms. New York: Augustus M. Kelley Bookseller, 1964, pp. 154-156.

Contrary to what one would expect from the title, Smith does not provide an extensive discussion of the police, but limits himself to a few observations on the relation between the police and a city's security.

Smith notes that the extent of a city's security is not proportional either to the size of the police force, or to how well-regulated it is. He cites the examples of Paris and London: the former has a much larger police force and far more regulations, but suffers many more murders.

Smith is quick to point out, however, that one should not draw the opposite conclusion either: fewer police will

not make a city more secure. He cites an historical counter-example to show that this conclusion is false.

He maintains that the size of the police force is at best a minor factor in creating a secure city. Smith believes that crime results when servants are turned out of a household and left to fend for themselves. They are unable to support themselves lawfully, and so turn to unlawful means of livelihood. In keeping with his principle of laissez-faire, Smith argues that the best way to provide security is to make such people independent, rather than keeping them dependent on the good graces of some wealthy person. This independence is to be achieved by providing them with jobs, which in turn will be created by expanding commerce and industry.

III. THE FRENCH ENLIGHTENMENT

During the seventeenth century, progressive ideas were discussed by a small group of relatively advanced thinkers. In the eighteenth century a number of writers popularized these ideas, and they became available to the well-educated public. This popularization has been called the Enlightenment. Its central ideas were reason, nature, and progress. Its political and social ideals were democratic and liberal.

Voltaire, Rousseau and Montesquieu were major contributors to the Enlightenment in France. Their primary concern was reforming the political system, and specifically the theoretical justification for the transfer of power from the monarch to the citizens. Obviously such a transfer will have implications for those agencies that execute and enforce the monarch's commands, and how they perform their duties. Voltaire, for example, recommends that torture be abolished and Montesquieu distinguishes the civil law from "trifling" police regulations. Their work is characterized by a spirit of reform and progress.

MONTESQUIEU

A. His Life and Times

Charles-Louis de Secondat, Baron de la Brede et de Montesquieu [1689-1755], was born in France in the same year that the revolution in England established the rule of Parliament as predominating over that of sometimes despotic monarchs. Montesquieu became a political philosopher and writer of great fame and influence, mainly with his Persian Letters and Spirit of the Laws. His views were in keeping with his position in French society as a rising member of the aristocracy, which he hoped would become powerful enough to limit the tyrannical tendencies of both the monarch and the common people. He left his wealthy wife, chateau and vineyards to travel and collect material for his books, and became wealthy but not generous.

Like other political writers, Montesquieu had studied Plato and the ancients, and used their authority to defend his views. Plato's Laws provided models for his insistence that strict rules are as proper for public officials as for merchants, and that children who do not pay their parents' debts should be barred from public office. Montesquieu classified crimes by their degree of seriousness to society, preferred nonviolence and derived the punishment

from the nature of the crime. He generally agreed with Plato (in the Laws) that democracy and monarchy are the two "mother" forms of government and that for liberty, friendship and wisdom to exist governments must have some elements of both. He took a basically sociological or descriptive view of crime and societal standards and saw the causes of suffering in societal problems. He thought that Christian principles should be instilled in the people and that they contributed more to political order than monarchist honor and republican "civic virtue." But he resisted the Jesuits who hounded him even on his deathbed. He thought that organized religion (Catholicism in the France of his time) and government together could make an effective team. His early view, which he omitted from later editions of the The Spirit of the Laws, was that in moderate governments people are more attached to morals than religion, but that in countries ruled by unjust despots or tyrants, people are more attached to religion. Montesquieu thought that freedom was the right to do whatever the laws permit, that good laws protected the common interest, and that in free societies, people ought to be able to follow their own inclinations as long as they did not disobey the laws. He condemned the use of undercover agents or spies.

B. His Works and Publications

The Spirit of the Laws: A Compendium of the First English Edition with an English translation of "An Essay on Causes Affecting Minds and Characters" [1737-1743]. Edited by David W. Carruthers. Berkeley, CA: University of California Press, 1978.

In Book 26 Montesquieu distinguishes the civil law as such from "police regulations of a recurring and trifling nature." The last case presented in the Laws supports his view that laws and law enforcement have a sociological significance. He argues that the duties to the state which are incurred by sailors during a voyage are not subject to the general civil legal provisions because they were not taken on to support the civil society in general, but only within a special context outside the mainstream of society. Montesquieu felt that class conflict was an essential part of working political systems, and that political rulers should respect the sociological and psychological differentiations within society. He held that persons from various classes should be employed as public officials. He proposed that the criminal law require the testimony of at least two witnesses before a person could be condemned to death. He rejected the use of spies, especially in a monarchy, basing

this on the distinction between the public and the private. When a person obeys the laws, he held, he is fulfilling his duty to the prince. He ought at least to be allowed to have his own house as a refuge or asylum, and the rest of his conduct ought to be exempt from inquiry as long as there is no public evidence of disobedience. The prince should be satisfied, says Montesquieu, if his rule and laws are generally respected and accepted and not be afraid to "imagine how natural it is for his people to love him."

Montesquieu was one of the very few eighteenth-century political theorists who did not have a social contract theory. His work was influential on the founding fathers who wrote and formed the United States Constitution. For further treatment of Montesquieu's political thought, see: Louis Althusser's Politics and History: Montesquieu, Rousseau, Hegel and Marx, translated by Ben Brewster. London: NLB, 1972; and Henry J. Merry, Montesquieu's System of Natural Government, West Lafayette, Purdue University Studies, 1970.

ROUSSEAU

A. His Life and Times

Jean Jacques Rousseau [1712-1778] was one of the most well-known French eighteenth-century writers. He loved the natural or uncivilized aspect of human nature, and advocated the experience of solitude. Rousseau quarreled with his friends, including Hume and Diderot, for reasons related to his paranoid fears and his preference for solitude. He abandoned his five children at birth to the foundlings' home, but justified this by the fact that he thought a humble life of physical labor superior to his own, and by his suspicion that their mother, whom he did not marry until late in their lives, was unfaithful and would spoil them. Nonetheless, he wrote famous books on the education of males and females (segregated), and on morals, society and the state. His books were publicly burned, pastors attacked him from the pulpit and, unlike Voltaire who took a whole town under his wing, his house was stoned in the Swiss community where he had taken refuge. He fled France and always had difficulty in finding safe refuge.

In his political advice to the Poles Rousseau recommended that rulers and peers of citizens alike should supervise the behavior of the citizens of a republic, in a sort of large family police. In his Discourse on Political

Economy he refers to the state as "a loving and nourishing mother," to citizens, when children, as "mutually cherishing brothers," and when adult, as the "fathers" and "defenders" of their country. Citizenry and professionalism may well have conflicting roles, and males dominate Rousseau's ideal civil community of brothers.

. Rousseau takes a view, in which the great German philosopher Kant was his disciple, that nothing in the world or culture can be conceivably called good without qualification except a good will. Thus morality and justice are more important than customs or habits. It was a fundamental problem for Rousseau to reconcile state authority with individual liberties and autonomy. He proposed that an extra-governmental tribunal be set up to guard the laws, and that a people's dictatorship (martial law) serve in times of crisis to protect the sovereign authority, especially from violent usurpers.

B. His Works and Publications

1. The Social Contract and Discourses. Translated with an Introduction by G. D. H. Cole. London: J. M. Dent and Sons, 1913.

Rousseau denied that might makes right, and held a principle of equality which nonetheless saw male and female morality as essentially different and encouraged moral education of women only to make them constrained and submissive. He greatly admired Spartan women, while suggesting severe restraints on similar equality for the women in the society he envisioned. He also admired the Roman government because in Rome the tribuneship supported the constitution in making the proud patricians, who always hated the people as a class, "bow before a simple officer of the people," who had no class authority or territory under their jurisdiction [Chapter four of Social Contract, Section 15].

More readily available recent editions of this work include:

The Social Contract and Discourses. Translated with an Introduction by G. D. H. Cole. New York: Dutton Books, 1950. Revised and augmented by J. B. Brumfitt and John C. Hall. New York: Dutton, 1978.

The Social Contract and Discourse on the Origin of Inequality. Edited by Lester G. Crocker. New York: Washington Square Press [Simon and Schuster], 1971.

2. The Reveries of the Solitary Walker. Translated with Preface, Notes, and an Interpretive Essay by Charles E. Butterworth. New York: New York University Press, 1979.

The last is the edited contents of two posthumously published journals which Rousseau had entitled but not edited. They provide a personal portrait of Rousseau, with anecdotes about his persecution as an unsociable wretch. One incident is an accident in which Rousseau as a pedestrian was injured and knocked unconscious by a Great Dane running in front of a carriage at the edge of a poorly lit road. Rousseau reports that after the accident, which was reported mistakenly in newspapers as fatal to him, "M. Lenoir, lieutenant general of the police, with whom I never had any dealings, sent his secretary to inquire about my tidings and to tender me pressing offers of service which, given the circumstances, appeared to me to be of no great use for my relief." [p. 17] A note by the editor, Butterworth, calls attention to the fact that Lenoir [1732-1807] was appointed lieutenant general of the police in Paris in 1774 and resigned in 1785, and that he was responsible for many improvements in Paris, especially the continuous lighting of the streets.

Appendix B gives one of many accounts of how local officials expelled Rousseau, e.g., a letter from the Bailiff of Nidau ordered him by authority of the senators of Bern to leave St. Peter's island, where he was living.

VOLTAIRE

A. His Life and Times

Francois-Marie Arouet de Voltaire [1694-1778], self-named "Voltaire," was an illegitimate child, probably the son of a French officer named Rochebrune. He studied law, was a court poet, and wrote and lived in France until his exile to London in 1726. Before that he was beaten by the men of a prominent nobleman who had ridiculed his adopted name. Voltaire fought back and was thrown into the infamous Bastille for two weeks. His Philosophical Letters (sometimes translated as the "Letters Concerning the English Nation"), published in 1734, were written as a result of his exposure to more socially humane conditions in England. Their content was so shocking to his French contemporaries and those in power that he fled Paris to live at Cirey with his long-time friend and mistress, Madame de Chatelet, herself an intellectual of note with whom he studied and produced much. Voltaire suffered from the interference of the

police censors, and even sought royal favor in 1745 to escape them. Alternating between favor and disfavor from the monarch, Voltaire often feared the police, the agents of a repressive state, and the clergy whom he had antagonized with his writings. As a philosopher opposed to war, he hoped to have some influence on the government, but felt as out of place at Versailles "as an atheist in church." In 1766 he maintained that when the State violates the rights of its citizens, no man has a homeland. Voltaire's humanistic precept, "Remember your dignity as a man," replaced any appeal to magistrates or soldiers to maintain military honors or be "worthy of the cloth."

After his mistress's death in 1749, Voltaire lived in Berlin from 1750 to 1754 as a guest of Frederick II of Prussia. After 1754 he resided mostly in Berne, Switzerland, but returned to Paris to die in 1778. He corresponded with people as great as the Empress of Russia (Catherine), as lowly as persecuted Huguenot families of his time, and with police officials and the superintendent of the Bastille, where he was imprisoned twice during his lifetime, once for two weeks and once for eleven months. He was the best playwright of his age and his famous Candide is still acclaimed. His plays and many witty stories in popular form present his ideas opposing tyranny, bigotry, religious prejudice, intolerance and cruelty. His philosophy was not without humor. On his release from the Bastille, he returned to favor with a calculatedly witty request asking the Regent to continue to provide his board if he wished, but not his lodging.

Voltaire was an empiricist who held that reason and human experience work together. Among others he defended the Huguenot, Jean Calas, an innocent Protestant who belonged to a sect much persecuted by Catholics in power. Calas was broken on the wheel and killed for allegedly having hanged his own son. The magistrate involved in the extreme cruelty of Calas's torture later committed suicide, perhaps as a result of Voltaire's public resurrection of the case as an instance of the abuse of power, the violence of religious prejudice and unfair persecution of the innocent. Voltaire also protested to magistrates against the cruelty of the high taxation of French farmers. He admired the English system of government, contrasting it with the harsh situation in the police state of France by positive examples from English law such as the Magna Carta. In the English administration of law enforcement, the king's power was limited, the people shared in the government without causing chaos and law enforcement practices protected the accused. Voltaire held that states with tyrannical law enforcement agencies

themselves committed crimes in persecuting and imprisoning people like the Huguenots. He wrote about the Quakers and is known to have said that "we have sufficient religion to hate and persecute; we have not enough to love and succor."

Voltaire distinguished crime from sin, as did Montesquieu, Montaigne, Grotius, Beccaria, Bentham and others. He argued against the despair of Pascal, saying that when he looked at Paris or London he saw a city "peopled, opulent, and policed" where the people were as happy as human nature permitted.

B. His Works and Publications

1. Philosophical Dictionary [1764] in The Complete Works of Voltaire (in 100+ volumes). Edited by Theodore Besterman and others. Toronto and Geneva: University of Toronto Press and Institut et Musee Voltaire, 1969.

In his satirical "Dictionary" published by Voltaire and banned in Berne, Switzerland, there are entries for several crimes, including suicide, murder and nudity. They describe the customs and histories of incidents, providing anecdotes and Voltaire's views. In the entry on nudity, Voltaire asks why one would want to throw a nude person in jail. He points out that nude statues are viewed as works of art and that sometimes people worship God in the nude. His views of crime are usually tolerant of the accused and the offender, but he is a devastating critic of the use of torture, cruelty, prisons and religious oppression. The entry on interrogation practices and torture is quite serious in tone, emphasizing that the Romans and Athenians never used torture to learn people's secrets. As an example of the cruelty of his time, Voltaire cites a young knight and "officer," Chevalier de la Barre, who was condemned to torture because he and some children sang old songs together and failed to remove their hats when a procession of monks passed by. Voltaire points out that torture was invented by thieves, and argues that it is unacceptable because it punishes the accused before one is certain of his crime and is longer and more painful than death.

In old French editions of Voltaire's Dictionary, one may find the entry "Police des Spectacles," which deals very ironically with the use of police censors by the State. It points to the high level of respect and autonomy which the literary, especially the dramatic, art ought to command, and cites Thomas Aquinas as approving of the art of comedy as useful. Clearly Voltaire does not approve of such practices

as torture and censorship, which exist as customs only by being well "established." A valuable French edition of this work containing complete entries in the Dictionary (unlike the more accessible paperback collections which often omit the works most of interest to law enforcement officials) is found in his Dictionnaire philosophique [1734]. See his Oeuvres Completes de Voltaire (Works of Voltaire, preceded by a life of Voltaire by Condorcet). Volumes 17-20. Paris: Garnier Freres, Librairies-Editeurs, 1878.

2. Lettres Philosophiques [1734] (Philosophical Letters) in Oeuvres Completes de Voltaire. Volume 22. Paris: Garnier Freres, Libraires-Editeurs, 1978.

The first of these letters concern the English nation, discussing William Penn and the Quakers. Voltaire goes on to consider the religion of England and Presbyterians, finally coming to an essay on government. In it he praises the English common law and the privilege of presumed innocence of suspects, granted by the barons who wrote the Magna Carta to all free men in England. Voltaire is especially impressed with the prohibition against seizing the horses and carts of free men by force when they are taken into custody by officers of the king. These letters serve more as a polemic against the police state in which he lived than as an attempt to portray life and law enforcement in eighteenth-century England.

3. Philosophical Letters in The Complete Works of Voltaire. Edited by Theodore Besterman and others. Toronto and Geneva: University of Toronto Press and Institut et Musee Voltaire, 1969.

The Letters are in French and the commentary in English, as in many of these volumes. The passages relevant to police, crime and law enforcement may be omitted from recent accessible translations; but see, Letters on England (Philosophical Letters). Translated with an Introduction by Leonard Tancock. Harmondsworth, England and New York: Penguin Classics, 1978.

4. Voltaire: Philosophical Dictionary. Translated with an Introduction and Glossary by Peter Gay. Preface by Andre Maurois. New York: Harcourt, Brace and World, Inc., a Harvest Book, Basic Books, 1962. See also Philosophical Dictionary. Translated by Theodore Besterman. Harmondsworth, England and Baltimore, MD: Penguin Books, 1971.

Voltaire discusses different views on law and society, among them those of Hobbes, Grotius, and Montesquieu. One of Voltaire's speakers says that a rich man is less subject to the temptation to embezzle and misappropriate money, and thus that a poor official needs to have a soul as firm as steel not to be influenced at times by considerations of interest. It may be an ironic observation, since rich officials are often caught taking big risks with considerable financial interests and public monies. Voltaire's view is that what is essential in morality is common to all men. Voltaire sees the police as guardians of the truth, inviting them and the Academy of Sciences to be present at the performance of so-called miracles. He also observes that the "most superstitious times have always been the times of the most terrible crimes." Although the "Police des Spectacles" does not seem to be included here, the entries on torture, poisonings, freedom of thought, evil, morality, persecution, tyranny, laws, (civil and ecclesiastical) and "right and wrong" are included.

Footnotes

1. "Policee" is a French term for "governed" or in our modern bureaucratic sense, policed by the state or civil agency.

2. See the following secondary sources for especially helpful exposes of Voltaire's relations with police, and his views on crime and censorship by police: Gay, Peter. Voltaire's Politics. Princeton: Princeton University Press, 1959, pp. 48, 239, 273-307; LeClerc, Paul O. Voltaire and Crebillon pere: History of an Enmity in Studies on Voltaire and the 18th Century. Volume 115. Edited by Theodore Besterman. Banbury and Oxfordshire: The Voltaire Foundation, 1973; and Leouzon, le Duc Louis Antoine. Voltaire et la Police (Voltaire and the Police: file collected at St. Petersburg among original French manuscripts taken from the Bastille in 1789). (in French) Paris: A. Bray, 1867; and Rowe, Constance. Voltaire and the State. New York: Octagon Books, 1955 [1968 reprint], pp. 42, 93-94.

IV. THE GERMAN IDEALISTS

This tradition begins with Kant in the latter half of the eighteenth century, and ends with the death of Hegel's followers in England towards the end of the nineteenth century. Its rise to prominence in England was matched by its decline in Germany as a more scientific positivistic philosophy replaced it.

It is within this tradition that one finds the most extensive discussions of the police, particularly in Fichte. This fact is difficult to explain. Certainly Kant had little interest in politics. Such concerns may have been foisted upon Hegel and Fichte as a result of the political instability in Germany and international wars that characterized the Napoleonic era. Also, the police were emerging as a distinct institution, and that may have caught the attention of these philosophers.

In Kant and Hegel, the discussion of the police is generally subsidiary to more theoretical problems found in social and political philosophy. Kant, for example, was concerned with finding a justification for the state's use of coercion. Hegel was interested in synthesizing the wills of particular individuals with some notion of an objective, rational will. Such discussions led them to remarks about the police.

Fichte's discussion, on the other hand, centers specifically on the police, as well as being the most extensive in the history of philosophy. He begins by analyzing the notions of right and duty but, unlike other philosophers, Fichte attempts to trace the implications of these notions for the police. This leads him to a consideration of the function of and limits on the police. For example, they may check on the identity and whereabouts of citizens because this procedure, he thinks, is necessary for reducing crime. Surprisingly, Fichte advocates crime reduction as a higher priority than protecting individual rights, which results from his more general theory of rights and duties.

KANT

A. His Life and Times

Immanuel Kant [1724-1804] is a a central figure in the history of philosophy. He was born in Konigsberg in 1724. HIs family belonged to a pietist sect which emphasized religious emotions and feelings and downplayed reasoned theology. Kant's philosophy is partly an affirmation and partly a rejection of his early upbringing.

He entered the university in his home town in 1740. At that point, his interests were mainly in science, particularly in Newtonian physics.

In 1746 Kant completed his university education, and for the next eight years he served as a tutor to various families in Konigsberg. He continued his studies at the same time, and in 1755 was granted the title of privatdozent, or private lecturer.

For 15 years Kant lectured on a variety of topics, including physics, mathematics and philosophy. He published a number of treatises, most of which were devoted to science or natural philosophy, that brought him a reputation throughout Germany. He was appointed professor of logic and metaphysics at Konigsberg in 1770.

For the next ten years Kant was silent. During this germinal period he was formulating a philosophical system which he hoped would meet the challenge of skepticism presented in Hume's writings. The Critique of Pure Reason, published in 1781, was its fruit.

The 17 years to follow saw a flurry of publications, including his two other critiques, plus major works in ethics and religion. The sheer volume would be impressive, considering that Kant was past the age of 60 when he wrote them. But they were tremendously influential in philosophy, though none had the impact of his first critique.

Kant was a sociable person, though he never traveled. He sympathized with the American and French revolutions, though he favored a limited constitutional monarchy. He had a tremendous respect, almost reverence, for the concept of duty. The only major controversy around his work centered on his Religion Within the Bounds of Reason Alone. He was asked not to publish further on this topic, since

orthodox theologians considered his views questionable. Kant complied. By the time he died in 1804, he was widely regarded as the greatest philosopher in Germany.

B. His Works and Publications

1. Kant's Political Writings. Ed. Hans Reiss. New York : Cambridge University Press, 1970.

Kant's view of the police is typical of the early nineteenth century. The police existed to serve public security, convenience and propriety - functions which Kant construed broadly. Public security, for example, encompasses not only protection from would-be criminals, but from natural disasters such as epidemics as well. Public convenience included the maintenance of roads and highways.

In a tangential remark, Kant notes that the police should be informed of any meetings that could affect the public welfare. They may not, however, search anyone's residence, unless there is an emergency and they have received authorization from a supervisor.

2. Kant's Philosophy of Law. [1797] Trans. W. Hastie. Edinburgh, 1887.

Kant discusses, in very general terms, the justification for the use of coercion by the state. This is an especially troublesome problem for Kant, since he has argued that freedom alone is good in itself. The use of force by governments, to make someone do what he or she does not freely choose to do, would seem to detract from our autonomy as rational agents and consequently seems to be an evil.

For Kant, law lies within the domain of morality since it is grounded in a rational will. Rational freedom (the only kind) is understood to be the conformity of the individual will to duty for the sake of duty. He argues that coercion is justified in one type of situation: when it increases autonomy. Free acts are those that are rationally willed, and I can rationally will that anyone be punished (including myself) who murders someone. If I subsequently commit a murder, the coercion exerted by the state on me is justified as an exercise of my own rationality. In a sense, I exercise my freedom by allowing the state to use coercion, but the coercion is only justified when I can rationally will that actions be prohibited which interfere with freedom. It should be emphasized that, for Kant, no other considerations can justify the use of coercion. For example, coercion may not be used simply because some political party

or social institution is being threatened. Furthermore, utilitarian appeals to happiness or contentment cannot justify State coercion. Freedom alone should be its basis.

FICHTE

A. His Life and Times

Johann Gottlieb Fichte [1762-1814] was a German idealist who, somewhat uncharacteristically for an idealist, made a conscious attempt to explicate and clarify his ideas in such a way as to make them comprehensible to the educated public. Part of the reason for this attempt may have been his intense concern with practical morality. He had a strong desire for people to understand the connection that he saw between ethics and metaphysics.

Fichte was born to a poor family, but was given the opportunity to attend the University of Jena by a wealthy patron. He entered as a theology student, but spent much of his time reading political theorists such as Montaigne and Rousseau.

In 1791 he read Kant, and was so impressed that he traveled to Konigsberg to meet him. That same year he published a paper sympathetic to Kant's view. Kant himself praised the paper highly, and, as a result of its critical success, Fichte was appointed professor at Jena in 1794.

His tenure at Jena was marred by an inability to deal with politics, both within and outside the university. He was morally rigorous and demanded the same rigor of his students and colleagues, which did not sit well with some. He was also an outspoken critic of monarchy and a defender of the French Revolution. The last straw was his publication of a paper in 1799 in which he suggested that God be identified with the moral order. He was charged with atheism and dismissed from the university.

The final years of his life found him developing the implications of his philosophical system. He had brief appointments at various German universities, and was active in the defense of Germany against the Napoleonic invasion. He died of typhus in 1814.

B. His Works and Publications

The Science of Rights. [1796] New York: Harper & Row, 1970.

Fichte's discussion of the police is grounded in his theory of rights and duties. The state has the duty to insure that the rights of its citizens are not violated. It has the right to require that citizens fulfill their duties to the state and obey its laws. The police are responsible for the protection of citizens' rights and the fulfillment of their duties.

Fichte enumerates specific responsibilities of the police. Since citizens have the right to travel throughout the country, based on their prior right to carry on trade and to work wherever they desire, the police must provide protection from highwaymen. It is interesting to note that Fichte thinks the police are supposed to prevent not only people from interfering in the exercise of citizens' rights, but natural conditions as well. This seems to have been a typical eighteenth century conception of the police, shared by Adam Smith and James Mill, for example. Thus the police are responsible for the maintenance of roads and "must also afford protection against robbery...fire, and against the overflowing of rivers..." (376).

Fichte does not believe, however, that the rights of citizens are absolute and inviolable. The state's duty to protect its citizens takes precedence over citizens' rights. Hence the state may enact laws to facilitate the police in accomplishing their goal of protecting rights. Fichte calls such laws "police laws," as opposed to civil laws. These laws do not prevent actions which in themselves violate rights, as civil laws do, but prevent actions which facilitate such violations.

Fichte cites gun control as an example. In itself, there is nothing wrong with carrying a firearm: that action does not violate anyone's rights. But carrying firearms does facilitate the violation of rights: it makes armed robbery possible. Hence the state has a right to prohibit the carrying of firearms.

The most important category of police laws centers on the ready identification of persons. "No one must remain unknown to the police." (378). He thinks this provision is the most effective way to prevent crimes before they occur. Check forging and counterfeiting could be sharply curtailed with such a system. The only restriction Fichte would impose is that the police not demand identification out of

frivolity or curiosity, but that they have a real need to identify the person.

The lack of a system of identification produces disorder, which Fichte claims is the source of "all evils in our present state." In an orderly system, the police would know both where each citizen is during the day and what he does.

Although such a state may have totalitarian tendencies, Fichte rejects the need for a secret police. He argues that since secrecy is petty and immoral, a secret police would encourage pettiness and immorality. Furthermore, Fichte sees no need for such secrecy. Only a government that unjustly oppresses its people needs to gain information without telling suspects it is doing so.

Following Beccaria's Of Crimes and Punishment published 30 years earlier in 1764, Fichte asserts that the effectiveness of legislation is partly determined by the degree to which each citizen knows that if he commits a crime, he will be apprehended. The lower the degree of certainty of apprehension, the lower the effectiveness of the legislation. Furthermore, when this certainty is absent, punishments inflicted on those who happen to get caught are unjust: the state allowed a violator to have the unreasonable expectation that he too would go unapprehended. Fichte thinks that this shortcoming is the source of the sarcasm and disrespect ordinary citizens have towards the law. Men are not punished for committing a crime, but for being inept enough to be caught. The inefficiency of the police is a valid criticism of the law. He acknowledges that certain apprehension, however, is an ideal which can only be approached, never achieved.

HEGEL

A. His Life and Times

George Wilhelm Friedrich Hegel [1770-1831] is perhaps the most influential philosopher of the German Idealist tradition. He was born in 1770 in Stuttgart, where his father worked as a civil servant. In 1788 he entered the Protestant seminary at the University of Tübingen. He graduated in 1793, after an undistinguished career.

From 1793 to 1800 he worked as a family tutor in Berne and then in Frankfurt. He published nothing during these years, though he was busy working on the development of his

philosophical system. In 1800 he accepted a position at the University of Jena, where Schelling was teaching. Hegel taught there until 1806, when Napoleon defeated the Prussians at Jena. The university closed down and Hegel found himself unemployed.

During his tenure at Jena, Hegel collaborated with Schelling on some articles and completed The Phenomenology of Mind, one of his major works. After a year's work as an editor of a daily paper in Bavaria, Hegel returned to academic life. He was appointed headmaster of a school in Nuremburg in 1808. His stay there was uneventful, with the exception of the publication of some of his work in logic.

In 1816 he became professor of philosophy at Heidelberg. Two years later he received an appointment from the University of Berlin, where he remained until his death. He died in 1831, during a cholera epidemic. Hegel was the archetypal academic philosopher: most of his life was spent in an academic environment, and his technical and abstract writings were intended for a limited audience - those with a philosophical background.

B. His Works and Publications

The Philosophy of Right. [1821] Trans. T. M. Knox. Oxford: Clarendon Press, 1942.

Hegel's view of the police emerges after an abstract, almost abstruse, metaphysical discussion. Consequently, it is open to a number of interpretations.

In his analysis of the state Hegel treats every individual as having certain wants or desires, which by their very nature are particular, contingent and hence not fully rational. What makes desires rational is the objective, universal will. The police exist because people act on irrational impulses, contrary to the objective, universal will. They constitute the roots of crime.

Since crime can, on principle, erupt at any juncture, there can be no limits to the authority of the police in their efforts to control crime. However, Hegel does provide for exceptions. He says that "...the subjective willing which is permissible in actions lawful per se and in the private use of property, also comes into external relation with other single persons, as well as with public institutions...." (sec. 232). Thus, if I want to perform an action that has no effect on other people, but only on my own property, then the police have no right to interfere. For example, they have no right to prevent me from smashing my car

with a sledge hammer, provided I do it in the privacy of my garage. Similarly, victimless crimes would fall outside police authority since my body counts as my property.

Having a police force is inescapable. In sec. 233 he says, "the point is that the actions of individuals may always be wrongful, and this is the ultimate reason for police control and penal justice." As long as there are individual human beings, there will be particular, subjective wants and desires, some of which are bound to be irrational. And as long as there are these irrational desires, people will act to attain them. Thus the police will always be needed to control such actions.

Nevertheless, Hegel does not give the police unlimited powers to enforce the law. Though in principle no distinction can be drawn between kinds of actions the police can and cannot prevent, in practice their powers are limited. These limits are determined by "...custom, the spirit of the rest of the constitution, contemporary conditions, the crisis of the hour, and so forth." (Sec. 234). Thus, there is no reason in the nature of things that would justify the prohibition of searches without warrants, the use of torture or the "third degree," but these are in fact prohibited in American today by the Constitution and social mores.

V. NINETEENTH CENTURY PHILOSOPHY

Most of the philosophers discussed here are descendants of the British empiricists. Many of them were utilitarians who held that the morality of an individual action or government policy depended on the pains and pleasures it caused. Some were early positivists, representing a radical form of empiricism. They rejected metaphysical speculation as meaningless and worthless, embracing the natural sciences instead as the model of knowledge. Their politics were reformist, based largely on social consequences.

Besides this empiricist movement, there was a strong idealist tradition in England during the latter half of this century. The only representative of this tradition who dealt with the police was T. H. Green. This may be considered unusual since the German idealist tradition, which gave impetus to the movement in England, is quite adequately represented in this book (see the discussions of Kant, Fichte and Hegel). One explanation is that when idealism was transplanted to England into a relatively stable political climate, its abstract problems and concepts encouraged philosophers to become specialized, professional academicians. It gave philosophers a subject matter of their own, the Absolute, with no need to deal with social and political problems. Green, however, was clearly an exception.

Historically, the police were still in their infancy during this period. Thus, one recurrent topic of discussion centered on their jurisdiction. To what branch of government should they be subject? A second topic was their function. James Mill, for example, thought that the police should insure public safety and security.

A change occurs during this period, which is also present in the German idealists. In the eighteenth century, for example, Adam Smith thought of the police as the general protectors of public safety, which included protection from injuries due to natural as well as human causes. By the end of the 19th century, however, the police were firmly established in their function of protecting citizens from injuries caused by crime, and enforcing the law of the land.

BENTHAM

A. His Life and Times

Jeremy Bentham [1748-1831] was a major philosophical figure, in spite of his shyness and reluctance to publish.

Many of his papers would have gone unpublished had his friends not pestered him to do so.

He was born in London, and studied Latin at the age of four. In 1760, at the age of 12, he entered Queen's College, Oxford. He graduated in 1763, attended law school, and passed the bar in 1767, but never practiced law. His interests lay more in the theoretical aspects of law.

At first, Bentham's interest was strictly legal, and he avoided any discussions of political problems. However, he soon came to see that his legal and penal reforms would never be enacted without some type of political reform as well.

At the time, Bentham's proposals were considered by many to be radical. He offered no notion of natural rights as the theoretical support for his proposals because he did not believe any such rights existed. Of the various articles in the French Declaration of the Rights of Man, he said that they were false, unintelligible, or both. Nor was he motivated by humane feelings. Rather, he thought his proposals were most rational, and neither tradition nor any doctrine of natural rights should take precedence over reason.

In 1824 Bentham established The Westminister Review, a counterpart to the Whig Edinburg and the Tory Quarterly. Bentham was also one of the founders of University College, London, which was one of the first universities not to have religious texts for its faculty members.

B. His Works and Publications

Works, Vol. I-II. J. Bowring, ed. New York: Russell and Russell, 1962. Vol. I, pp. 102, 556-561, vol. II, p. 222.

The function of the police, Bentham says, is preventive. They can prevent crime in two ways. In general, crime can be prevented by discouraging would-be criminals, for example, by a noticeable police presence. But once the police have discovered that a crime is being planned, they can take specific actions to prevent it. General deterrence is the province of the police. Specific apprehension belongs to the branch of government Bentham calls justice. How might this preventative function be accomplished? Bentham suggests measures such as tight controls on the sale of poisons, and the outlawing of "purely offensive arms." He

hesitates, however, to restrict the sale of handguns. First, he argues that these may be used defensively. Second, he contends that the gun itself is rarely fired, since the threat alone usually suffices. (It should be recalled that Bentham has in mind highwaymen in late eighteenth to early nineteenth-century England).

Bentham suggests that "the greater number of offenses would not be committed, if the delinquents did not hope to remain unknown." (vol. I, p. 557). Hence, by improving the means of recognizing and identifying criminals, crime would be drastically reduced. Bentham therefore proposes a central information system which would include pertinent information for locating individuals. He also suggests providing everyone with new names which will not be repeated, not unlike our social security system. The only two restrictions Bentham places on this system are that it need not be "minute and vexatious" and that care be taken not to offend the conceptions of privacy held by various societies.

Bentham suggests finally that persons with information concerning crimes be offered a reward, to ensure that the guilty parties are punished. He considers various objections to such policy, but concludes in utilitarian fashion that the advantages to be gained outweigh any likely disadvantages.

VON HUMBOLDT

A. His Life and Times

It is probably more accurate to think of Wilhelm von Humboldt [1767-1835] as a humanist, rather than a philosopher, because of his broad range of interests. He wrote on both the theory and practice of politics, as well as aesthetics, spurred on by his friendships with Schiller and Goethe.

Von Humboldt was born in Prussia and educated by a private tutor, and attended various Prussian universities where he was steeped in the ideas of the Enlightenment. He accepted some of these ideas and incorporated them into his own philosophy. In his book The Bounds of the State, for

example, the notions of freedom and the individual are a central concern. He did, however, reject the complete trust that the Enlightenment had put in reason.

From 1802 to 1819 von Humboldt was an active participant in public life. The bulk of this period saw him in a variety of diplomatic positions. From 1802 to 1809 he served as the Prussian ambassador to the Vatican. He served in a similar capacity in Vienna from 1810 to 1813, and again from 1817 to 1818. He was also a participant in the negotiations that preceded and followed Napoleon's downfall [1814-1815].

In 1808 von Humboldt served in the Ministry of Religious and Educational Affairs. His major accomplishment in that position was the founding of the University of Berlin.

In 1819 he supported the effort to establish a constitutional monarchy in Prussia, which failed, and he retired from public life. The remainder of his life was spent studying a variety of fields, including history and linguistics.

B. His Works and Publications

Von Humboldt, Wilhelm. The Limits of State Action. London: Cambridge University Press, 1969, pp. 107-121.

The basic problem confronting von Humboldt is similar to one discussed by Kant: delimiting those actions the state may legitimately perform in the areas of crime and punishment without infringing on the rights of its citizens. Although he makes no direct reference to the police, many of his remarks can easily be shown to be relevant.

He argues, for example, that although judges must use every legitimate means available to discover the truth, they must not use every possible method. Consequently, deceit is as illegitimate for discovering the truth as torture: both actions are unworthy of the state. Thus covert and deceptive police operations would appear to have this same character of unworthiness. Von Humboldt also includes an extended discussion of actions the state may take to prevent crimes which have not yet been committed.

He thinks there are two very general causes of crime: the first is excessive desires, and the second is obstacles to normal desires and legitimate ways to satisfy them. An example of the first would be a person who robs Fort Knox; the second is a person who steals in order to feed himself and his family. Von Humboldt discusses four methods for eliminating the causes of crime. The key issue is always whether the use of such methods is an illegitimate infringement on the rights of citizens.

The first is to reform the conditions which give rise to crime. It is not clear whether von Humboldt has in mind economic or political reform, or both. In either case, if there are no statutes restricting freedom of speech, then certain actions will no longer be criminal. Or he may mean that if everyone is given the economic means to satisfy their ordinary desires, economically motivated crime would be eliminated. He favors this method because it does not directly restrict any actions, and enhances the chance for more freedom.

Von Humboldt identifies two other remedies and rejects both. One could alter the inclinations which lead to crimes, or strengthen the moral feelings which check a person's desires to perform illegal acts. In contemporary terms, this first would mean some form of conditioning or behavior modification as found in A Clockwork Orange. Alex's attitudes are altered by negative reinforcement so that he cannot help but become nauseous while contemplating some violent act. Von Humboldt is concerned that the state is thereby given the power to direct a influence choices. Such power provides tremendous opportunities for abuse. But even without such abuses, Von Humboldt argues this method is wrong: the state has no right to inculcate any particular brand of morality into its citizens. In fact von Humboldt thinks this point is applicable to actual, and not just potential criminals. Thus although inmates should be provided with every means of correcting their ideas about right and wrong, "such instruction is not to be thrust even on the criminal" (p. 117).

Von Humboldt also rejects the final method for dealing with the causes of crime, which is to reduce the opportunity for committing them. The problem with this method is that, once again, it involves tactics which infringe on the freedom of citizens. Von Humboldt cites surveillance, and the prohibition on actions which are harmless in themselves but which may tempt one to some criminal activity, as two instances of this method.

What is von Humboldt's solution? He says, "I would never propose anything but good and well-matured laws; punishments adapted, in their absolute extent, to local circumstances and in their relative degree, to the immorality of the crime; as minute a search as possible into all actual transgressions of law; and lastly, the certainty of the punishment determined by the judge, without any possibility of lightening its severity" (p. 119).

Finally, von Humboldt discusses the way the state should deal with a person who is under strong suspicion, but the evidence is insufficient for a verdict of guilty. He thinks surveillance of such persons is justified. But such surveillance performed by the state is questionable. Thus he suggests that such surveillance be left to private citizens rather than the police. von Humboldt is not suggesting that private persons should be allowed to use phone taps and other electronic eaves-dropping devices on others. The model von Humboldt probably has in mind is that of a present-day community watch. People are alerted that particular persons probably engaged in criminal activity in the past, and so keep an eye open for any unusual activity by them.

JAMES MILL

A. His Life and Times

James Mill [1773-1836] was a Scottish philosopher remembered mainly for his promulgation of Bentham's utilitarianism and for his influence on younger political and social philosophers, including his son John Stuart Mill. James Mill entered Edinburgh University in 1790, where he studied with Douglas Stewart, an advocate of the common-sense school of philosophy that followed upon Hume's skepticism.

In 1794 he began studying theology, and in 1798 was granted a license to preach. This venture turned out unsuccessful, and so in 1802 he moved to London where he hoped to work as a journalist. He wrote for a number of journals, some with a decidedly conservative bent, in marked contrast to his later views.

In 1808 Mill met Jeremy Bentham. Their meeting was the beginning of a lifelong association in which Mill became the

public spokesman for the doctrines originally proposed by the reclusive and reticent Bentham. Mill was the politician, Bentham the theoretician. Mill wrote numerous articles which approached social problems from Bentham's utilitarian perspective, and urged that legislation be enacted to correct them. He also wrote entries for the fourth edition of the Encyclopaedia Britannica on issues in social and political theory. In them he succeeded in enunciating principles then considered radical but in a form that would appeal to readers without shocking them.

B. His Works and Publications

1. "Bexon's 'Code de la Legislation Penale.'" Edinburgh Review, Vol XIV [Oct. 1809], 91-96.

This review of a book written in France on the French penal code discusses the function of the police. Mill thinks the treatment of this subject by the author is inadequate, and so proceeds to his own analysis.

He separates the judicial branch from the police, though they are often conflated, particularly during post-judicial processes. The function of the police is primarily preventive, whereas that of the judiciary is curative. Both functions contribute to the same end: the security of the population. As Mill says, good laws for the punishment of burglars, if enforced, provide a measure of security. But a "well regulated watch" (Mill's analogue of a cop on the beat) may prevent the burglary from occurring in the first place, and thereby provide even more security. Interestingly, Mill assigns the task of arresting persons to the judicial branch. If there is a crime in progress, however, it is the duty of every citizen, irrespective of their social role or station, to stop it. Unfortunately, Mill does not discuss the limits on police behavior in their duties to prevent crimes.

2. "Jurisprudence." Encyclopaedia Britannica, 4th ed. In Essays on Government, Jurisprudence, Liberty of the Press, and Law of Nations. New York: Augustus M. Kelley, 1967.

Mill treats rights as the foundation of any science of jurisprudence. He rejects the notion of natural rights, and insists that rights are granted by the ruling power.

The problem is to determine the most effective means for protecting rights. Generally, they are protected by giving power to certain members of the community. The question

may then be raised: What powers are necessary, and in what manner are they to be used?

Mill thinks there are two distinct ways to prevent the violation of rights: intervention and deterrence. Using the first, one waits until a violation is about to be committed, and then steps in to avert it. Using the second, one creates motives in the potential violator which will override his desire to commit an offense. The first method is impractical because of the tremendous number of hours that would have to be devoted to surveillance. The better way is to create the necessary internal motivation through the threat of punishment.

We can, therefore, judge punishments on the basis of whether or not they are effective in discouraging crime. Mill thinks punishment is most effective when it is both certain and follows quickly upon the violation of the right.

JOHN STUART MILL

A. His Life and Times

John Stuart Mill [1806-1873] was the most prominent English philosopher in the 19th century, and the most famous utilitarian. He was an economist, administrator, women's rights advocate, and philosopher. He is generally held to have been a liberal, but by modern terminology he is a moderate laissez-faire conservative who is not fond of government intervention. Mill was the son of James Mill, a Scottish economist, historian, philosopher and disciple of Jeremy Bentham. James Mill educated his son, John Stuart, in the classics, with a rigorous discipline and great care to help him learn to think and understand for himself. John Stuart Mill studied Greek beginning at age three, and read both Herodotus and Plato in the original before he was eight. He suffered a serious depression in his early adulthood that caused him to reexamine the views he had learned from others and, after many months, begin to formulate a more adequate philosophical position for himself. His most famous works, Utilitarianism and On Liberty, have been much criticized in recent times along with his methods in inductive logic, but his works still merit serious attention.

Remarks on the police can be found scattered throughout his works and letters, most notably in a letter which his autobiography tells us was written by his daughter, but which aptly expresses his view.

B. His Works and Publications

1. "Letter to James Beal" in John Stuart Mill: Collected Works, volume 16, The Later Letters, edited by J. M. Robson. Toronto and Buffalo: University of Toronto Press, 1977, pp. 1523-1526.

In this letter of December 14, 1868, Mill's views on the police are outlined. The first point made is that the receivers of stolen goods are the foundation for the existence of a class of professional thieves, and they ought to be punished more severely. He suggests doing away with the criminal procedures rule forbidding questioning of a prisoner, as long as the counsel and not the judge does the questioning. He opposes the current practice of permanent police surveillance of ex-offenders who have already "worked out their sentences," i.e., done their time. He believes that more efficiency in police forces and greater uniformity in the treatment of offenders would deter crime more than any amount of surveillance. The first condition for police efficiency is that they never accept money or gifts from any private individual. Even accepting food or drink or shelter while on duty is itself an action Mill felt warranted expulsion from the force. Private security work, taken on in addition to regular policing duties, were clearly objectionable on the grounds that the police officer involved would regard the duties for which he received no extra pay as of minor importance. If the system of perquisites (tips, bribes or extra pay connected with the regular profession) has the obvious effect of encouraging neglect of regular duties, it also has a worse, insidious effect: the best men get the worst pay, since they mind their own business and do not go out of their way to court gratuities. Since tips are generally considered part of the expected earnings in such professions, the regular pay in those professions is thus lowered by employers or society.

Mill's view on the police is based largely on practical considerations, and moral issues regarding use of deadly force and undercover agents are not dealt with in depth. His view is primarily that of Mill the administrator and politician, and not a well-worked-out, developed or articulated philosophical position. It is not inconsistent with his general utilitarian posture, which holds that whatever alternative would benefit the greatest number while causing the least suffering is preferable. But it is not required by it either.

This letter is one of many later letters by Mill which were written by his daughter, who volunteered to help answer

his burdensomely large volume of correspondence, and who Mill thought wrote better letters than he did. The letter is said in the Autobiography to deal with the Habitual Criminals Act of 1869 as well as general police functions.

2. Collected Essays on Politics and Society [1824-1845] in John Stuart Mill: Complete Works, edited by J. M. Robson. Toronto and Buffalo: University of Toronto Press, 1977, pp. 297, 386, 541-542.

Mill notes that gambling houses are not permitted, although he shows that prohibition of gambling is not "effectual," since however much "tyrannical power" police are given, gambling houses and the like may exist "under other pretenses" in secrecy. The essay points to the moral anomaly of punishing the accessory to the crime and letting the principal go free, as often occurs in prostitution and gambling.

According to Mill, repressing crime and thus promoting "Order" to render people and their property secure leads to "Progress" as well as "Order." The individual should be released by public security officials from "the cares and anxieties of a state of imperfect protection", in order to improve "his own state and that of others." Social improvement results from not seeing "present or prospective enemies in his fellow creatures" [p. 386]. To Mill, the administration of justice, the police and the jails is a matter of general science, independent of local peculiarities, and should be uniformly regulated throughout the country.

Mill's views on the police are not articulated in his most general and well-known political works. But his general views on government agencies and powers apply to them.

3. Principles of Political Economy and Some of Their Applications to Social Philosophy [1848] Volumes 2 and 3 in John Stuart Mill: Collected Works. Edited by J.B. Brumfit. Toronto and Buffalo: University of Toronto Press, 1977, Book 5, Chapter 11, pp. 936-971.

An essay called "Of the Grounds and Limits of the Laissez-faire or Non-interference Principle" is the source of Mill's useful distinction between authoritative and non authoritative intervention by government. It can be readily applied to police. Insofar as the police enforce the law of the land, they are authoritative interveners. When policing is established by government next to an independent

profession (e.g., private security) which serves the same function as the government agency (e.g., private security), it might not, on Mill's analysis, be authoritative intervention.

Chapter 1 deals with the necessity and origin of moral feelings, which he maintains are acquired, not innate. He states that no one wants laws to interfere with the whole detail of private life, and observes that, nonetheless, daily conduct shows a person to be either just or unjust. Consequently there is still a breach of law even when the law is not explicitly present in the situation. People would be glad, Mill held, to enforce just behavior to the smallest detail, if they were not justifiably wary of entrusting the "magistrate" with such unlimited power over individuals. Mill concludes by chronicling the history of the concept of justice in other cultures and writers.

COMTE

A. His Life and Times

Auguste Comte [1798-1857] was a French philosopher who contributed significantly to the development of the social sciences. His family was conservative, which at that time in that country meant Catholic and Royalist. He grew up during the social upheavals of the French Revolution and the Napoleonic era. In 1814 he went to Paris for his education and quickly demonstrated his natural ability with mathematics. He became a mathematics teacher and was remembered by his students for his precision and thoroughness.

This career, however, was short-lived. In 1817 he became secretary to Henri Saint-Simon who, among other interests, was concerned with developing a plan to reform society along purely scientific and rational lines. Comte had similar interests, and their relationship lasted for six years, during which Saint-Simon was Compte's patron and sponsor.

A rift developed between them over credit for certain ideas. They were published under Saint-Simon's name, but Comte claimed they were his.

In 1826, he suffered the first of a series of mental breakdowns. His wife nursed him back to health, though the "cure" took many years. During this period he published his most important work, Cours de Philosophie Positive. In

subsequent works he described a society based on scientific principles and a humanistic religion. He died in 1857.

B. His Works and Publications

Of Positive Polity. New York: Burt Franklin, 1968. Vol. IV., pp. 303, 361, 415.

On this book, Comte offers his vision of the future of society if it follows a steady course guided by scientific principles. Such a society will have a constabulary which will be one of "the two great sources of public expenditure." The army is to be disbanded, and officers may join the constabulary. Comte's ideal, though somewhat utopian, has practical elements: he recognizes that some group is necessary to maintain order. In fact, Comte thinks the police are so important that there should be a yearly festival to honor them!

SPENCER

A. His Life and Times

Herbert Spencer [1820-1903] was one of many philosophers whose work received a tremendous impetus from evolutionary theory. His father was a teacher, but believed that children should be allowed to study whatever interested them. Spencer's interests were in science; consequently the study of the humanities, including philosophy, was neglected.

From the time he was 17 until he was 21 he held a number of jobs, including a position teaching civil engineering. He then returned home and spent the next seven years in various studies. He was also involved in local politics and the suffrage movement.

In 1848 he became a sub-editor of The Economist, a London weekly that advocated laissez-faire capitalism. During this period he also began working on his first book, Social Statistics, published in 1850. The book suggested a form of evolutionary theory, though it was closer to Lamarck than to Darwin. In 1859 Darwin published Origin of the Species. In 1860 Spencer received the first of three inheritances, which enabled him to work on his new project, stimulated by Darwin, to apply the principles of evolution to other disciplines. The project lasted 33 years and resulted in works in biology, psychology, sociology, ethics and metaphysics.

B. His Works and Publications

Principles of Sociology. New York: D. Appleton and Co., 1897, pp. 510-511.

Spencer argues that originally the police and military were one institution, with the same general functions and duties. Over time, through specialization, two distinct branches evolved. Still, Spencer thinks, certain similarities remain. They both use force to subdue aggressors, though the aggressors are of different types--external for the military and internal for the police. Furthermore, in many countries the police are armed like soldiers, subject to a military discipline and backed up by the military.

GREEN

A. His Life and Times

T.H. Green [1836-1882] was influential in the rise to prominence of idealism in England during the latter part of the nineteenth century. Green's father was an Anglican clergyman who educated him until he was 14, when he was sent to Rugby. He was not a model student: his papers and exercises were habitually late, he seemed uninterested in learning and exhibited what one teacher called "a certain grave rebelliousness."

This last trait became more pronounced during his undergraduate education at Oxford, where he felt akin to the less privileged social groups. He was active in politics and reform movements, in contrast to the political dabblings of most students. He was labeled an ultra-radical, partly because of papers he read before various clubs. For example, in one such paper on "national honor" he said, "Let the flag of England be dragged through the dirt rather than six pence be added to the taxes which weigh on the poor."

After graduating in 1860, he was elected a fellow at Balliol College, Oxford. In 1866 he became a tutor, and in 1878 a full professor. Two major facets of Green's life during his tenure at Oxford should be mentioned. First, he was continually involved in local politics and social work. Not content simply to expound political and social theories in his classroom, he was a member of the Oxford town council and figured prominently in the temperance movement. Second, he sought to establish philosophy as an autonomous

discipline. Before Green, philosophy was studied only as a part of the classical liberal arts program at Oxford. Green argued that since philosophy dealt with problems unique to it and had its own terminology, it should be treated independently of other fields. This in turn contributed to the secularization of Oxford.

B. His Works and Publications

Lectures on the Principles of Political Obligation. New York: Longmans, Green & Co., 1917, pp. 121-229.

In this book, Green discusses two topics that are somewhat theoretical but could serve as the basis for a discussion of issues in police ethics. The first is the origin and nature of rights; the second is the nature and justification of punishment.

Green believed that rights are neither natural nor innate. Instead, they are derived from social relations. The ultimate goal of any political institution is to harmonize various personal ends or aims in such a way that they are maximally realized. The political institution grants rights to individuals in order to achieve this common good.

The point of legislation is to protect and further these rights. Green realizes, however, that not all legislation does so. Then the law may be disobeyed "in the interest of the state" (p.147). Thus one can draw a distinction between real or true rights, and purported ones which the state, intentionally or inadvertently, introduces and enforces. Furthermore, rights may change as social conditions and technology change. Green cites the abolition of the practice of sending young children to work in factories as an example: under earlier social conditions parents had the right to send their children to work instead of school, but as the result of changes brought about by the Industrial Revolution, it was no longer in the common interest of society to continue this practice. That is, with these new social conditions, this practice would tend not to maximize the realization of personal aims. The point to notice is that on this account persons do not have the right to do whatever they want just because they will attain some personal goal. Rather, individual rights are dependent on whatever, at that time, is the optimal way of achieving individual ends.

Any action is punishable which prevents or interferes with a free action contributing to the common good. Since a

person has the right to perform free actions, Green might have said that any violation of another's rights is a punishable action. This in turn gives a criterion for determining the justice of punishment: punishment is unjust if the act punished is not a violation of another's rights; or if the purported right was not in fact the right violated, but some other right (as when a person is punished for perjury but not for the embezzlement he committed). This does not imply, however, that an intentional violation of a false right should go unpunished, since social well-being suffers with the violation of any established, purported right, whether or not it is genuine. As Green says, "The justice of the punishment depends on the general system of rights, not merely on the propriety with reference to social well-being with maintaining this or that particular right which the crime punished violates..." (p.190).

The purpose of punishment, Green argues, is prospective rather than retrospective. No punishment can undo what has already been done. Rather, we punish in order to make the future occurrence of the crime less likely. This is not, however, the only determinant of the severity of the punishment. If it were, the employment of cruel and unusual punishment to instill fear in would-be criminals would be justified. We must also consider the importance of the right: the less important the right violated, the less severe should be the punishment.

Green suggests an approach to police ethics in terms of citizens' rights. Do citizens have any rights at all, if so what are they, and when can they justifiably be violated? In the United States, for example, citizens have the right to privacy. Does this include the right not to be wiretapped, or the right not to be indiscriminately stopped and searched while driving a car? On this approach, what a policeman should or should not do depends on the rights citizens have and the seriousness of their violation.

SIDGWICK

A. His Life and Times

Henry Sidgwick [1838-1900] is remembered primarily for his work in ethics, although he devoted some time to education, literature, psychic research, political theory and religious studies. His father was a clergyman and master of a grammar school. Sidgwick went to Rugby in 1852 and entered Cambridge in 1855.

Immediately upon graduating in 1859, after a distinguished undergraduate career, Sidgwick was appointed a Fellow of Trinity College. At first he taught classics, but in 1867 began teaching philosophy. Two years later he resigned his fellowship because he could not reconcile his religious doubts with a statement of faith all university Fellows were required to sign. Trinity College did not want to lose him, however, and so appointed him to a position which did not require his subscribing to any particular religious position. When religious requirements were dropped, he was immediately reappointed as a Fellow. Other than a few guest lectures at other colleges, Sidgwick taught only at Trinity.

His interests extended far beyond the field of philosophy. He was a major force in the founding of Newnham College, the first home of higher education for women at Cambridge. He also founded the Society for Psychical Research and was its first president, while maintaining a healthy skepticism about many of the alleged psychic phenomena.

B. His Works and Publications

The Elements of Politics. New York: Macmillan & Co., 1891, pp. 520-521.

Sidgwick discusses the question of whether the police should be managed by local authorities or by some branch of the central government. Leaving their management to the local government has an important psychological advantage in the control of crime: citizens would have a constant reminder that they have a duty to prevent crime, and that such a task cannot be left entirely to paid governmental officials.

Such an arrangement may cause problems, however. Sidgwick points out that a locally administered police force might be selective in their enforcement of the law: laws which are unpopular in that district may not be enforced. Since the central government enacts these laws, it should be their function to enforce them.

Sidgwick's solution is to pay the police from national funds, but leave their administration with local authorities. These local authorities, however, act as representatives of the central government, which may resume direct control of the police if the laws are not being enforced as they prescribe.

VI. TWENTIETH CENTURY BRITISH AND AMERICAN PHILOSOPHY

The time covered in this category begins in England around the turn of the century with the passing of idealism and the rise to prominence of G.E. Moore's "common sense" philosophy. In the United States, the period begins somewhat earlier: if one had to choose a date, 1877 would be appropriate. In that year, C.S. Pierce published two articles often considered to be the first statements of pragmatism, a doctrine through which American thought gained stature and was able to become independent of its European ties.

No patterns emerge in the materials to follow, and indeed the bulk of the material does not deal directly with ethical issues which confront the police. The topics are more general, but have implications for police ethics. Generally they focus on the justification of punishment, the nature of crime, and its relation to morality, deviance and disease.

Overall, the silence of philosophers is striking. Police and police scientists have far more to say about ethics than ethicists have to say about the police. It would be a mistake, however, to attempt to offer a simple explanation for this imbalance. Rather, a number of factors have contributed to it.

One is ideological. The predominant orientation of philosophers during this century was positivistic. The focal point was science, and the problems scientists face. The methodology was scientific, both in the sense of being rigorous and in the emphasis on verification construed in limited sensory terms. During this period policing was more of an art than a science, with very little in the way of field experiments, accumulated observations or even testable hypotheses. Moreover, positivism tended to discourage substantive work in ethics. According to its major tenet, for a sentence to have any descriptive meaning, it must be publicly testable. Ethical statements are treated as neither true nor false because they cannot be verified. Because they lack truth value, moral discourse is assimilated to the expressive and exhortative form of language--exclamations and commands. Most of the work done in twentieth-century ethics has centered on the linguistic problem of the meaning of moral terms, a study known as meta-ethics. Until very recently philosophers tended to dismiss normative ethics, since they believed moral discourse was vacuous--neither

true nor false--and hence not the proper object of scientific research. Because the study of ethics had been eclipsed by the philosophy of science, police ethics received scant attention during this period.

A second factor is social. Philosophers talk and write about those things which interest them, and what interests a person depends on personal experiences and social context. Most philosophers have little interest in law enforcement because they seldom encounter the police. Generally, their experiences are limited to being ticketed for speeding, hardly the kind of event that motivates writing an essay or book. Moreover, most philosophers come from the middle or upper classes, where police use of deadly force, or undercover operations, seldom occurs. Most philosophers' students likewise come from a similar social background, and hence provide little or no impetus.

A third factor is political. For example, until recently in England, an ethnically homogeneous society, the police simply did not carry guns. The police were not perceived as professionals, but civil servants, albeit very powerful ones. The ethical problems they were thought to pose would be trivial or self-evident: one might as well worry about the moral implications of middle-level bureaucrats taking pens home from the office. Only in recent years have people come to appreciate that the police wield tremendous power, and do not always use it wisely. With this realization one begins to see ethical issues that are both more complex and more specifically relevant to policing. Until these issues have been delineated, no work to resolve them can get under way.

DEWEY

A. His Life and Times

John Dewey [1859-1952] is perhaps the archetypical American optimist and liberal. He was born in Vermont, graduated from the University of Vermont, and taught high school science and algebra until 1882, when he entered the newly organized Johns Hopkins University as a graduate student. While there he studied logic with C.S. Pierce, though his main interest was the idealism of Hegel. After completing his dissertation on Kant, Dewey joined the faculty at the University of Michigan. During his tenure there he became increasingly disenchanted with speculative philosophy. It was by reading James's Principles of Psychology that Dewey

was able to formulate a naturalistic basis for the foundation of philosophy. He rejected the idea that the mind somehow discovers predetermined Platonic truths. Rather, he believed, it evolves and creates solutions to the problems it poses. Philosophy is thereby conceived as "a method of locating and interpreting the more serious conflicts that occur in life and a method for dealing with them: a method of moral and political diagnosis and prognosis." (The Influence of Darwin on Philosophy, p. 13)

The bulk of Dewey's writings falls into two groups. The first, which is more important for the professional philosopher, argues that this conception of philosophy should be adopted. Among these writings, the best known are The Quest for Certainty [1929], Experience and Nature [1925], and Reconstruction in Philosophy [1920]. The second group shows Dewey writing what he thinks philosophers should be writing. Books in this category include Ethics [1908], Human Nature and Conduct [1939], and Problems of Men [1946]. The last three are collections of essays, many of which were originally published in popular journals and magazines.

In 1894 Dewey was appointed chair of the department of philosophy, psychology and education at the University of Chicago. During his years in Chicago, he gained a first-hand knowledge of the problems faced by immigrants and urban workers, and was able to mix freely with union organizers and political radicals. He was also an active participant in Jane Addams's Hull House.

In 1904 Dewey left the University of Chicago because of problems with the administration over the laboratory school he had founded to test various psychological and pedagogical hypotheses. He was given a position at Columbia University, where he remained until his retirement in 1930. Dewey was particularly prolific during this period, when many of his nontechnical articles were published in popular liberal journals. He was, for example, a regular contributor to the New Republic.

Although Dewey retired in 1930, he remained active in both political and academic circles. In the December 26, 1930, issue of the New York Times, Dewey has a letter which he wrote as chairman of the League for Independent Political Action urging Sen. George W. Norris to withdraw from the Republican Party and help create a third party. In 1937 he traveled to Mexico to investigate the charges brought against Leon Trotsky at the Moscow trials. And in

1941 he collaborated in the editing of a book which protested a judicial decision prohibiting Bertrand Russell from teaching at New York University on the grounds that Russell's book Marriage and Morals was a corrupting influence on the young.

B. His Works and Publications

1. Human Nature and Conduct. New York: Henry Holt and Company, 1922, pp. 306-313.

Dewey discusses the question whether man is free in a state of nature. His answer is that it depends. If freedom means the ability to achieve one's goals or purposes, then clearly one's goals or purposes may be frustrated in a state of nature. To that extent one is not free. The important point is that Dewey rejects any notion of natural rights. He thinks that in order to secure some freedoms, we must surrender others. Thus, we form societies with others which will enable us to achieve goals that we could not achieve singly. But when we do associate with others in this way, we must agree not to frustrate their freedom. Thus, if I have the purpose of feeding myself, I must surrender my freedom forcibly to take that food from others. Dewey says "people must enter into an organization with others so that the activities of others may be permanently counted on to assure regularity of action and far reaching scope of plan."

2. "My Philosophy of Law," The Great Legal Philosophers: Selected Readings in Jurisprudence. Edited by Charles Morris. Philadelphia: University of Pennsylvania Press, 1959, pp. 506-510.

Dewey begins with the thesis that law is a social phenomenon. It is neither divine nor "natural" in the sense of being ordained by the laws of nature. Legal arrangements are made with the purpose of maintaining or modifying human activities as ongoing concerns. Law originates and develops from customs and habits. The crystallization of these laws creates the structural conditions, or rules of the game, by which human affairs are conducted.

3. "Liberalism and Civil Liberties," Problems of Men. New York. Philosophical Library, 1946, pp. 118-121.

Dewey argues that the notion of civil liberties is ambiguous. It refers either to natural rights, which a person purportedly possesses in a state of nature, or to political liberties. The latter are justified because of their contri-

bution to the welfare of the community. This ambiguity produces, "the present confused and precarious condition of civil liberties, even in nominally democratic countries like our own."

Dewey notes that as a matter of course political liberties take precedence over natural rights. The courts interpret what civil liberties mean, and they interpret them as political liberties rather than natural rights. As an example of this he says,

> Holmes and Brandeis are notable not only for their sturdy defense of civil liberties, but even more for the fact that they based their defense on the indispensible value of free inquiry and free discussion to the normal development of public welfare, not upon anything inherent in the individual as such.

He also mentions, in passing, that judges are subject to two sorts of pressure. Some are external, and others are internal (including their educational background and political affiliations). He gives no further analysis of this, however.

4. "Logical Method and Law," Philosophical Review, Nov. 1924, Vol. XXXIII, pp. 560-572.

Dewey applies his notion of experimental logic to the judicial process. His point is that logic is not a priori. We do not know beforehand that either classical Aristotelian or propositional logic will always, or even regularly, yield the truth in any given field of investigation.

Now a mechanical model of the judicial process does treat the classical syllogism as appropriate for resolving judicial cases. On this model the major premise states some fixed law and the requisite punishment. The minor premise states that some particular person violated the law. The conclusion is that the offender should be punished in such and such a way.

The problem is that this is the logic of analysis, "rigid demonstration," and not that of discovery. In law the major premise can only be a rough and ready statement of how cases that are more or less similar ought to be handled. But legal cases are almost all unique. The problem then becomes to decide whether the unique elements are relevant, whether they ought to make a difference. And this cannot be determined by the premise itself.

Dewey argues that the problem in trials is to discover what premises are relevant. The defense lawyer begins with the conclusion that his client is innocent, and then looks for premises in the form of laws, legal precedents, and so on which will substantiate his claim.

5. "Nature and Reason in Law." Characters and Events, Vol. II. New York: Henry Holt and Co., 1929, pp. 790-797.

Dewey discusses the notions of prudence and liability: a man is liable only if he has not been prudent. If he had done his best to prevent whatever it is reasonable to suppose might occur, then he is not at fault. But Dewey points out that there are two ways to be rational or prudent. Being prudent may mean using a correct or objective standard of rationality, regardless of whether the person knows of, or how to employ, this standard. The second is acting on the beliefs you already have, namely those that are "customary among men with like pursuits." Dewey notes that in a large percentage of court cases, employers are allowed to be prudent in a weaker sense, while demanding that employees be prudent in the stronger sense. In other words, employers could defend lack of safety precautions with the statement, "but that's how its always been done in this business." On the other hand, employees are expected to know better: they should have been aware of all possible hazards they might encounter when they agreed to take a job.

MEAD

A. His Life and Times

George Herbert Mead [1863-1931] was born in Massachusetts, the son of a clergyman. His family moved to Oberlin, Ohio. Mead enrolled in Oberlin College in 1879 and graduated in 1883. From 1887 to 1888 he did graduate work in philosophy and psychology at Harvard and then went to Berlin for three years, where he studied psychology and physiology.

In 1891 Mead returned to the United States and joined the faculty at the University of Michigan. His interests centered on physiological psychology. During this time he met John Dewey, and in 1892 he left Michigan and went to the University of Chicago with Dewey, where eventually he became chairman of the philosophy department.

Mead never published a book or article in popular places, but only in professional journals, though he did publish in many fields. Like many of the Pragmatists, Mead was much taken by the importance of evolution for the study of human behavior. All questions, including intellectual or philosophical ones, were simply problems to be solved by the human organism. The social reformer in particular was to be seen as a scientist facing a problem which needed to be solved.

B. His Works and Publications

1. Movements of Thought in the Nineteenth Century. Chicago: The University of Chicago Press, 1967, pp. 364, 368-372.

In these passages Mead uses the evolution of the courts as an illustration of the problem-solving method which is used by science, and which ought to be used more extensively. The original situation in which man finds himself is one of blood vengeance. Wrongs committed against an individual are rectified by another family member. One killing leads to another and to a problem: when the feuding clans unite for defense against an external enemy, they find their ranks decimated from the feuds. The solution is the institution of the courts where punishment is levied in lieu of blood.

The basic principle of punishment is that suffering must be inflicted on the person who has violated the rights of others. But in time we decide that what we really want is not vengeance but the prevention of future crime. This new consideration makes us alter our conception of the courts and punishment. Mead offers a discussion of juvenile crime to support this. Imprisonment of the juvenile offender does nothing but make him a hardened criminal. So, instead, we try to eliminate this trend through a social process. As we encounter new problems, we adjust our social institutions to deal with them. In this way the social institutions evolve.

2. "The Psychology of Punitive Justice." Selected Writings, Edited by Andrew J. Reck. New York: Bobbs-Merrill, 1964, pp. 221-239.

Mead's thesis is that there are two phases in which the ordinary citizen's attitudes towards the law are expressed, corresponding to two theories of punishment: retribution and rehabilitation. Mead thinks that our attachment to the

first phase makes it difficult for people and societies to move to a rehabilitative one.

Mead believes that our original attitude toward the law is not unlike the attitude we have toward a police officer who has rescued us from a "murderous assault." The law is a weapon which we use in defending ourselves against a criminal. This attitude is reinforced in court, where we attempt to prove that the law is on our side. This in turn produces a feeling of group solidarity. We are at one with all other citizens who respect the law. There is a group solidarity which excludes the criminal. There is an attitude of us vs. them. Crime is thus controlled by the legal process, which is often employed with hostility.

The problem, Mead argues, is that this attitude leads us to defend laws for their own sake, simply because they are laws. We forget that laws have a purpose - to protect the common good.

> From the standpoint of protection, one thing behind the wall has the same impact as anything else that lies behind the same defense (the wall is a metaphor for our protective attitudes toward the law). The respect for law as law is thus found to be a respect for a social organization of defense against the enemy of the group.

Property becomes sacred not because of its social uses but because there is a law protecting it, and so it is to be defended.

Hostility toward the lawbreaker provides no principles for the eradication of crime, which after all <u>should</u> be our goal. In fact, we derive a certain amount of pleasure from this continual conflict between us and the criminal.

The solution, Mead thinks, is to apply the scientific method. We need to understand the sociological and psychological conditions which cause crime. Once we understand them, we can begin to control their effects. This will in turn alter the form of the courts: new data, such as the criminal's social environment, will have to be taken into account though they were excluded earlier.

The only problem Mead sees with this evolution is a slackening of our emotional attitudes towards the law and crime. We are no longer defending ourselves with the law against a hostile outsider; we are simply trying to understand the causes of a certain sort of behavior. Mead

believes that emotional solidarity can be maintained by showing people that they have an interest in solving this social problem. This can be accomplished through contemporary political rhetoric such as the wars on poverty, or a war on crime.

For Mead crime is a problem to be solved, and not a war to be won. Tensions inevitably develop, however, between the policeman, who is suspicious towards criminals because his life is on the line, and the social scientist, who views crime as just another problem to be solved. Mead would say that while the policeman's attitude is understandable, it must not be allowed to dominate the criminal justice system. The police should not take pleasure in apprehending a criminal; instead they should look forward to a time when all crime can be eradicated.

SANTAYANA

A. His Life and Times

George Santayana [1863-1952], though born in Spain, is generally regarded as an American philosopher. He came to the United States at the age of eight and spent his early years in Boston. He attended Harvard University and upon graduation received a fellowship to study in Germany for two years. Upon his return he entered the doctoral program at Harvard and received his degree in 1888, after completing his dissertation on Rudolf Lotze, one of the earliest psychologists.

The following year he joined the philosophy faculty at Harvard. While on sabbatical at Cambridge in 1896, he met and discussed philosophy with G.E. Moore, Bertrand Russell, and McTaggart among others. In 1912, at the age of 50, he retired from Harvard. There is a legend that in the middle of his lecture he stopped abruptly, stared out the window, turned to his students and said, "I have a date with spring," and walked out of the classroom never to return.

This story, though apocryphal, is an indication of Santayana's temperament. He always felt somewhat detached from his Harvard surroundings. As a Spanish Catholic living in a Protestant society he was severed from his cultural roots. Part of his reaction was a rejection of individualistic, liberal social theories that seemed to be intellectual corollaries of Protestantism. He rejected democratic theories and opted for aristocratic, hierarchical ones. This is most evident in Dominations and Powers [1949],

and to a lesser extent in Physical Order and Moral Liberty [1969]. The former is a rambling discussion of moral, social, and political theory. The latter is a collection of essays published posthumously.

Immediately after leaving Harvard, Santayana moved to Europe. He spent some time in London and France and finally settled permanently in Rome in 1925. While in Europe he wrote Skepticism and Animal Faith [1923], and Realms of Being [1927-1940]. Both of those works discuss issues in metaphysics and epistemology.

B. His Works and Publications

1. Dominations and Powers. New York: Scribners, 1951, pp. 78-83, 204-205, 212-214, 227-233, 327-331, 442.

Santayana discusses a wide variety of social and political topics in this book. He believes that laws develop from customs which have their origin in social institutions. Political institutions simply codify and enforce these laws. The primary goal of government is enforcement rather than legislation. In fact, the ability to enforce laws and judgments is an essential feature of government. Moreover, there is little difference between the enforcement of laws and war. By analogy, the police are a kind of internal army.

> Government is a modification of war, a means of using compulsion without shedding so much blood . . . . All government is therefore potential war; and if this threat and the ability to use force disappears, the government ceases . . . . Every government is essentially an army carrying on a perpetual campaign in its own territory (p. 77).

He mentions in passing that the punishment of some crimes is left up to the individual. The implication is that the illegal and the criminal are not co-extensive; the latter is the more inclusive category.

Crime, according to Santayana, has two elements. The first is objective--"trampling on the interests of others." The second is more subjective--that for which we feel some regret, or a pang of conscience. Thus, the expression of Absolute Will (for example, predatory animal behavior), although it may be hurtful, is not criminal, In one sense, what is criminal is what we take to be criminal. Thus, the

sentimental bandit (highwayman, burglar, or revolutionary), while attempting to justify his actions by showing that he is acting in the interests of others, shows that his act is criminal because he has to justify his acts to ease his conscience. In a healthy society, in which an attempt is made to satisfy everyone's desires to the maximum, the criminal is everyone's enemy: his action necessarily causes fewer interests to be satisfied. In such a society, the police ought to be given the full support of the population, and are always right except for "involuntary error."

It should be noted that most of the relevant passages are not characteristically philosophical. Santayana offers few sustained arguments for his views, expounding social and political positions from his personal perspective.

2. Physical Order and Moral Liberty. Nashville: Vanderbilt University Press, 1969, pp. 208, 212-213, 224, 296.

In this collection of previously unpublished essays Santayana discusses crime peripherally. He adopts a naturalistic perspective when it comes to ethics: What is good is what satisfies everyone's interests. The best government is that which harmonizes the interests of citizens so as to allow maximal satisfaction. Conversely, crime is a disregard for the interests of others, and ought not to be tolerated. Anyone whose interests conflict with the interests of the community should be "degraded, ostracized, and if possible, left to 'die out.'" Crime, however, is relative to a community. The criminal in a gang is not a criminal with respect to that gang, since he is acting in the interests of other members of that gang. It is only in terms of the larger community that we can term his actions criminal.

RUSSELL

A. His Life and Times

Bertrand Russell [1872-1970] is perhaps the most widely recognized name in twentieth-century philosophy. He was born in Wales in 1872. His parents died when he was young, and he was raised by his grandparents. His grandfather, Lord John Russell, was an active politician and social reformer who introduced the Reform Bill of 1832.

In 1890, Russell entered Cambridge University. His main interest during his first three years was mathematics. In his final year, he acquired an interest in philosophy, stimulated by a course he took from McTaggart, one of the leading idealists of the day. Russell also espoused idealism, largely due to the influence of McTaggart.

From 1895 to 1916, Russell lectured at Trinity College in Cambridge. In 1898, he renounced idealism, partially as the result of conversations with G.E. Moore. Russell's major project during this period was Principia Mathematica, which he wrote with Alfred North Whitehead, and which was published between 1910 and 1913.

Russell was a pacifist during World War I and, as a result of taking such an unpopular stand, he was dismissed from Trinity College. Two years later he was jailed for writing an article in a pacifist weekly paper which was allegedly libelous: among other things, it suggested that the American forces soon to be in France and England would "no doubt be capable of intimidating strikers, an occupation to which the American army is accustomed when at home."

Russell held no academic position for the next twenty years. He continued to write and lecture, however, and much of his writing on social and political philosophy was done during this period. He was also an active member of the Labour Party and ran for Parliament twice, in 1922 and 1923, though he was defeated both times.

Around 1936, Russell's interests shifted back to problems of a more philosophical nature. In 1928, he was invited to teach at the University of Chicago, and in 1939 at the University of California in Los Angeles. In 1940 he was asked to teach at City College of New York. He was barred from teaching, however, by a judge in Brooklyn who agreed with the prosecution that Russell would be an immoral influence on the students. The charges stemmed mainly from his book Marriage and Morals. Although his views on the subject were unorthodox at the time, the book contains little that would be found offensive today.

In 1944, Russell returned to England, having been reelected as a fellow at Trinity College. In 1950, he received the Nobel Prize for Literature. Later, Russell became active in the nuclear disarmament movement. His involvement caused him to run afoul of the authorities once again, and he was jailed for a week at the age of 89.

B. His Works and Publications

1. Bertrand Russell Speaks his Mind. Cleveland, OH: World Publishing Comp., 1960.

This book contains a series of interviews with Russell. In one of these, he discusses the power of the police, which he thinks needs to be curbed. Russell suggests that the creation of a second police force would counter this threat. The purpose of this second police force would be to prove the innocence of the accused. The taxpayer now finances the attempts to prove that the accused is guilty, but the accused must pay all his own expenses in proving that he is innocent.

Russell cites the strategy of the Communist Party in order to demonstrate the power of the police. He claims that one of the first institutions in which Communists attempt to obtain influence is the police, since they would then have a say in decisions such as who is incarcerated. As Russell says, they can "cook the evidence."

2. Portraits from Memory. "Symptoms of Orwell's 1984." London: George Allen and Unwin Ltd., 1958.

In this paper, Russell argues that there has been a considerable loss of freedom in the West since 1914, and that unless this trend is checked it could produce a world similar to that described by Orwell in 1984. Russell attributes this decline in part to the increased power of the police. He says, "the police everywhere are very much more powerful than at any earlier time; and the police, while they serve a purpose in suppressing ordinary crime, are apt to be just as active in suppressing extraordinary merit" (p. 223).

Russell's solution to this problem is the one which he advanced earlier: a special police force should be created whose function it is to prove people innocent. This would prevent people from being convicted on trumped-up charges. However, if the political system is one that prohibits basic liberties such as freedom of speech, it is unlikely that an alternative police force would prevent the further deterioration of liberties, since this alternative force would be subject to political pressures from the controlling bureaucracy.

3. Power, a New Social Analysis. New York: W.W. Norton and Co., 1938.

In this book, Russell discusses the various types of power, which are explained in terms of psychological attitudes. That is, traditional power is effective because people respect the institutions exercising it. This respect may be rooted in tradition, religious beliefs, or a political theory. Revolutionary power depends upon the acceptance of a new creed by a large group, as happened during the Reformation. Finally, there is naked power, which is effective because of the fear it instills in the population.

Russell believes that raw power is needed, and he implies that the police are the means to exercise it. He says, "there must even be naked power, so long as there are rebels against governments, or even ordinary criminals" (p. 106). Russell quickly adds that the exercise of naked power can easily regress to earlier manifestations.

COLLINGWOOD

A. His Life and Times

R.G. Collingwood [1889-1943] was an English philosopher whose major contributions were in the philosophy of history and the philosophy of art. He attended school at Rugby which he disliked because of his classmates' emphasis on sports and their anti-intellectualism.

In 1908 Collingwood entered Oxford and studied the humanities. He was an excellent student, and was offered a position there upon his graduation in 1912. He remained at Oxford for the next 30 years, except for a brief leave of absence during World War I. At that time he worked for the British Intelligence Office, a job for which he was well suited given his facility with foreign languages. He retired from Oxford in 1941 and as a result of bad health died 18 months later in 1943.

Collingwood was a competent archeologist as well as a philosopher and had several publications in that field, but he always considered himself to be a philosopher. His major works include Essay on Philosophical Method [1933], The Principles of Art [1938], Essay on Metaphysics [1940], and The Idea of History [1946].

B. His Works and Publications

1. The New Leviathan [1942]. New York: Thomas Y. Crowell Company, 1971, pp. 203-211, 216-221, 326-338.

Collingwood thinks that those who are incapable of ruling must be ruled - by force if necessary. In a political context, however, force should not be physical, but "mental." By mental force Collingwood means an action by one person which "excites some irresistible emotion" in another, and makes him do what he did not intend. This type of force often takes the form of propaganda, and consequently, it is not surprising to discover that Collingwood condones the use of fraud as long as it is for the benefit of the ruled.

Collingwood believes that being civilized involves a progressive reduction in force and in the number of people who are incapable of self-rule. Self-rule requires self-government by laws. As one of the most important features, Collingwood emphasizes equality before the law.

The purpose of legal action is not to quarrel with people but to resolve quarrels. The alternative is blood feuds and vendettas. Collingwood does not think, however, that a class of professional law enforcers is a prerequisite for law. He mentions the role of law in Icelandic sagas in which most men obeyed the laws, and condemned those who violated them. When a situation was bad enough to warrant it, enforcement was carried out by good men getting together and "smashing a man notoriously given to breaking [the law]."

2. Religion and Philosophy. London: MacMillan and Company, 1916, pp. 169-180.

Two ethical duties we have appear to be contradictory. On the one hand we have a duty to punish the guilty, and on the other a duty to forgive. What, then, Collingwood asks, should our attitude be towards criminals?

In discussing the justification for punishment, he rejects the notion of vengeance. Although punishment may be a duty, it cannot be for the sake of revenge, since the act of punishment itself would then become immoral.

He also rejects the notion of punishment as a deterrent. It may be that deterrence will justify punishment on pragmatic grounds, and serve to protect us against dangers. Its usefulness cannot, however, be the moral justification for punishment. Collingwood argues that if we were only concerned about expediency, our acts of punishment would be very harsh. But a society has moral responsibilities to its

criminals as well as to other citizens. An example of this is the prohibition on "cruel and unusual punishment" in the United States. Any society, therefore, that punishes criminals simply for the sake of its own security "only demonstrates its own corruption."

Collingwood suggests that punishment and forgiveness must go together. The particularly moral aspect of punishment is a social process consisting of someone with a good will expressing his condemnation of the criminal. Its aim is the self-conviction of the criminal--that is, to encourage the criminal to feel remorse for his action. Thus, inflicting pain is an incidental feature of punishment. Collingwood says, however, "if a criminal is extremely coarsened and brutalized, we have to express our feelings in a crude way by cutting him off from the privileges of a society to whose moral aims he shows himself hostile" (p. 176).

It should be emphasized that Collingwood thinks that punishment, but not deterrence, is a moral duty. This might suggest that the role of the police be restricted to apprehension during or after a crime, and not include deterrence prior to a crime. Preventive patrol would be excluded on this view.

Many people feel strongly that it was wrong to round up people of Japanese descent and inter them during World War II to prevent any of them from spying, however effective this measure might be. Yet we readily allow the police to stop a person who, let us say, is discovered sneaking into the White House with a handgun. Admittedly, the man with the gun has already broken a law, and hence when the police move in they are not deterring but apprehending him for a crime in progress. But how far do we want to extend the scope of the law by making planning a crime also a crime?

Perhaps the most controversial situation for Collingwood would be arresting a person as a result of a wiretap. No actual crime has been committed, hence according to Collingwood's theory no arrests should be made. It is clear, nevertheless, that a crime was being planned. The theoretical question which needs to be resolved here is whether or not planning a crime should always be treated as a crime too. For Collingwood, only when a crime is in progress or completed should the police have any active role. But there appears to be nothing in his theory that would require that police not perform a passively deterrent role. Even if undercover agents and Abscam operatives are precluded, the cop on the beat remains.

ARENDT

A. Her Life and Times

Hannah Arendt [1906-1975] was a philosopher and social scientist. She was born to a middle class Jewish family in Hanover, Germany. Her father died in 1913, when she was seven.

In 1924 she entered Marburg University, where she took courses in philosophy from Martin Heidegger and theology from Rudolf Bultmann. She also spent a semester at Freiburg, where she studied with Edmund Husserl. She completed her university work at Heidelberg in 1929. At this time she had little interest in politics. Her first love was philosophy, particularly existentialism, as is evident from the title of her dissertation, "St. Augustine's Concept of Love." Her advisor was Karl Jaspers, a leading existentialist.

Her interest in politics began in the 1930s, stimulated by Hitler's rise to power. She began to associate with a number of Zionists, though she advocated the creation of a binational Jewish-Palestinian state, as opposed to the purely Jewish state envisioned by the Zionists.

Arendt was eventually arrested by the Nazis for collecting material on German anti-Semitism, and harboring German Communists fleeing Germany. With the help of several influential friends she was released after a week, and immediately emigrated to Paris.

In 1940, as the Germans occupied Paris, Arendt found herself in an internment camp. She managed to secure liberation papers and left the camp. She remained in France for the next six months, until she managed to obtain a visa to the United States.

During and after the war she published a number of articles in journals such as The Partisan Review and Nation. She also began to collect materials for a book which she hoped would explain the developments in modern Europe. This book was published in 1951 as The Origins of Totalitarianism. It was through this book that she gained international recognition.

For the next two and a half decades, Arendt held a variety of lectureships. She traveled extensively and had several books and essays published. Among these were On Revolution [1959], in which she argues that Americans had forgotten their revolutionary roots, and Eichmann in Jerusalem. In this account of the war crimes trial of Adolf Eichmann she argued that Eichmann was neither a psychopath nor a demon, but a thoughtless, banal man who simply behaved as he was told. Her characterization proved extremely provocative and controversial. Arendt died in 1975.

B. Her Works and Publications

The Origins of Totalitarianism. London: Secker & Warburg, 1951.

In this book Arendt is concerned with the formation and development of totalitarian states. Consequently, her discussion of the police centers on the process whereby a police force is transformed into a tool to be used by the government - particularly the secret police.

Arendt believes the historical origins of the modern secret police are to be found in Europe after World War I. The war created hundreds of thousands of refugees, people living in countries who were not citizens of that country. The governments did not know how to treat them. Since they were not citizens, they were not subject to civil laws, thus jurisdiction over refugees was transferred to the police.

This transfer of authority meant that for the first time the function of the police was not restricted to enforcing the laws: they could also mete out punishments. The police thereby gained a degree of autonomy from the national government, which increased the danger of a nation turning into a police state.

Arendt notes that this independence allows the police to establish contacts with departments in other countries. The police may thereby develop their own foreign policy, different from that of the national government. For example, there was a routine exchange of information between the police forces of Germany and France in the 1930s, even though on a national level these countries were not on good terms.

The powers of the secret police become enhanced by the attitudes of totalitarian leaders. Specifically, totalitarian leaders treat the populations of conquered nations not

as foreigners, but as rebels potentially capable of treason. Consequently it is the secret police, and not the army, who rule occupied territories. Furthermore, since the army may be ineffective during the internal strife because they find it difficult to treat their own countrymen as enemies who must be subdued, the secret police are given the responsibility of maintaining order in the homeland as well.

The secret police need not be particularly concerned with the detection of crime. The notion of crime is redefined and broadened: it is no longer the performance of a legally prohibited action; just being a member of a group of people who are "suspicious" can make one a criminal.

Furthermore, the methods of dealing with "undesirables," as opposed to criminals, undergoes a transformation. Criminals are punished; undesirables disappear, leaving no trace of their existence. As Arendt says, all detention centers ruled by the secret police are "holes of oblivion."

The ideal of the secret police is always to have complete and total information about the populace, including relations, friendships, and acquaintances. This information allows the police to keep dissent at a minimum, since covert plotting is restricted in such a situation, along with the possibility for rehabilitation.

PART B

CONTEMPORARY PHILOSOPHERS

ETHICS, CONTEMPORARY PHILOSOPHERS AND THE POLICE

INTRODUCTION

The materials in this section represent the work of philosophers who are still living. Most of the items were written during the past 15 years. Indeed a careful examination shows that the bulk of the work has been done in just the past three years. Here, for the first time, many issues in police ethics are explicitly addressed by philosophers working in the areas of professional ethics, applied philosophy, social and political philosophy or the philosophy of law.

I. The Rise of Police Ethics

Why should the contemporary period enjoy the distinction of being the most prolific? No one has written an explanation of philosophical fashions, and so no model is available to help answer this question. A multifactor approach promises to be the most comprehensive, though any attempt to weigh them is speculative. Nevertheless four factors are especially significant: philosophical, political, academic and technological.

In the history of contemporary ethics, the first half of the twentieth century was quite distinctive: questions or right and wrong were replaced with questions about the meaning of "right" and "wrong." Contemporary ethics is characterized by a strong emphasis on language-the meaning of moral terms-to the virtual neglect of substantive normative issues. Emotivism and moral skepticism predominated, according to which there are no moral facts, and hence no correct answer to moral dilemmas. Consequently, there is no need-indeed no way-to find solutions to the ethical quandaries confronting the citizen, the government official, the lover, the family member or the professional. But in the latter half of the twentieth century, meta-ethical considerations gave way to analyzing and resolving particular problems. In the 60s and 70s, applied philosophy and professional ethics brought a return to everyday moral concerns. Now there are a number of centers, a large number of courses and texts and several new journals in these fields.

A second factor is political. The tremendous impact police have on society has slowly come to be recognized, especially within recent years. As an institution, the police are a comparatively modern invention: their history begins

in the early nineteenth century. In the twentieth century they have sought to raise their status from that of low-level civil servants to highly skilled professionals. This effort has brought them increasing public attention that may account for a measure of philosophical attention too. Media coverage of problematic and controversial police incidents and practices has amplified their visibility in society at large and provided grist for the philosopher's mill.

A third factor is the emergence of policing as a science. As a result of the labors of sociologists, psychologists, anthropologist and historians policing has been transformed from an art into a science. Earlier literature portrays the policeman as a detective, with unique skills that enable him to solve crimes and catch criminals. Their success was a function of personal ingenuity and resourcefulness. The shift to policing as a science is marked by an emphasis on principles, procedures and applied generalizations. Though police work is still characterized by the tension between craft and science, the generalizations and generalities of the latter establish a kinship with an ancient tradition, the philosophy of science, with its marked tendency towards abstractions.

A fourth factor is technology, which has made police work morally more complicated. Today the police confront moral dilemmas that arose less frequently or not at all in earlier times. In part these moral hazards can be traced to the pluralism of contemporary society where competing value systems exist side by side, perhaps to urbanization and broad social and demographic trends, but most of all to technological developments. These have placed new and more powerful weapons in the hands of the police, and raised novel and complicated questions about their proper use. Three illustrations may buttress this point: guns, computers and electronics.

When the police were unarmed, or armed with guns that misfired or missed their mark, they were less powerful. But with improvements that enabled police accurately, quickly and lethally to strike a man down at a distance, their power to do harm increased. With this increase come questions about the morally responsible way to use that power. This questions becomes more urgent as the number of people shot and killed each year increases, now to the point of approximately 600 and far beyond the number executed under capital punishment laws.

Electronic surveillance has increased the capacity of the police to gather information. When the officer relied only on his eyes and ears, his physical presence was more easily detected and individual citizens could take measures to safeguard their privacy. But wiretapping, eavesdropping and bugging have open up new opportunities to intrude into the intimate and personal lives of citizens. These technological innovations bring their own peculiar moral puzzles, for citizens, government officials and the police.

Once the information is gathered, what do the police do with it? Time used to provide an answer to this question: eventually they forgot about the criminal and his acts, misplaced or disposed of files that would otherwise eventually decay, disappear of be buried. But computers provided the ability to store large amounts of information for extended periods of time and access it from different places and in different ways. They give the issues of privacy and confidentiality new urgency. Today criminals can no longer escape their past by moving west to unexplored frontiers: their history follows them. Police files must be deliberately expunged and therefore a much more conscious decision must be made. When should old files be destroyed, and who has the authority to decide? How much information if any should be retained, and by whom? Should information be shared with other governmental or private agencies, and if so under what restrictions? These are questions the police face today that they would not have had to deal with one hundred or even 50 years ago-at least not in the same form and on the same scale.

The shape of police work has changed, our knowledge about it and the public's awareness. It is therefore not surprising to find philosophers turning their attention to the moral puzzles it raises. In the summaries to follow, one finds a clearer and more limited focus. Whereas social and political philosophers in earlier years speculated on the function of the police in the governmental machinery and their place in society at large, contemporary philosophers are concerned more with the details of police work.

II. The Scope of Police Ethics

The topics of these articles are more narrowly delineated, hence the discussions are more restricted than those found in earlier historical periods. Through the work of social scientists, many of the specific problems have been identified and are now being debated-in Congress, in the

courts, in professional journals and in the classrooms of philosophers.

What are the topics that have engaged the attention of philosophers? Is the list exhaustive? If not, why have these topics been broached and not others? Are there serious omissions in the literature? If so, how might these gaps be filled?

Recent writings cover a wide range of issues. These include the nature and limits of discretionary action, police use of deadly force, and the conflict between individual privacy and the state's needs for security, public accountability, surveillance and undercover work.

But if one draws an analogy with bio-ethics, one finds that police ethics is still in its infancy-perhaps where the philosophy of medicine was 20 years ago. Just as the basic concepts of medicine-person, patient, death, illness and disease-were found to be in need of philosophical clarification, so too fundamental concepts underlying police work need careful analysis: crime, law, criminal and justice. Philosophers have begun to undertake this work: Antony Flew's Crime or Disease is a monumental first effort.

Some issues in bio-ethics, especially those with a powerful dramatic appeal because they are associated with death, have generated an extensive literature-abortion, euthanasia. The parallel issue in police ethics is deadly force, and it has attracted far less attention. Questions of truthtelling in medicine, confidentiality, the physician's ancient Hippocratic oath, doctor-patient relations and the distribution of scarce medical resources all have their analogues in police work. The issue of deception, particularly in the case of undercover work, has been addressed in a series of informative papers by Gary Marx, but not by any philosophers. Ferdinand Schoeman has examined police violations of privacy, but he is the only philosopher to do so. No philosopher has analyzed the police officer's code of conduct, the question of who the "client" is (the victim, the offender, the court, the public generally). And no one has yet tried to apply the principles of distributive justice to policy on allocation of police power.

Yet one book has been published, and three are scheduled for publication in 1983 that will make courses on police ethics easier to teach. The Police in Society, edited by Emilio Viano and Jeffrey Reiman (Lexington, MA: D.C. Heath

and Co.: 1974) contains some early reflections by philosophers. Moral Issues in Police Work, edited by F. A. Elliston and M. Feldberg (Totowa, NJ: Rowman and Allenheld, 1984) and Police Ethics: Hard Choices in Law Enforcement, edited by William Heffernan and Timothy Stroup (New York: John Jay University Press, 1984) provide papers from two recent national conferences by philosophers and police scientists. And Abscam Ethics (Washington, D.C.: Police Foundation, 1982) contains no materials by philosophers, but does address an important and timely issue.

Some of the important issues have begun to surface, yet undoubtedly some have yet to receive the philosophical attention they deserve. The field is clearly growing, and can be expected to become part of more and more departmental offerings as texts to teach courses become available.

III. The Prognosis

The final prognosis then is that a solid beginning has been made, much good work has been done, and much more remains to be done. It is our hope that the materials to follow will provide a basis for class discussions, new courses and the development of a community of scholars with a shared commitment to understanding and evaluating the value conflicts in police work.

I. WORKS PREVIOUSLY PUBLISHED

Adler, Mortimer. Crime, Law, and Social Science. Montclair, NJ: Patterson Smith, 1971.

The chapters in this book fall roughly into two categories, the theoretical and the practical. The most relevant of the theoretical chapters is entitled "The Criminal Law." Adler discusses issues such as the end of the criminal law, the sort of behavior that should be made criminal, and the way to treat criminals. His positions are based on his primary belief that the basis of law is "to preserve and increase the welfare of the state" (p. 340). Thus he rejects any retributivist basis for punishment, according to which the purpose of the criminal law is to insure that those who commit a crime are made to pay for that crime.

Given Adler's theoretical principles, it would be possible to work out some practical implications for policing. Adler himself offers a number of suggestions in a chapter entitled "Increasing the Efficiency of Criminal Justice by Common Sense."

His first proposal is that the structure of institutions connected with the criminal justice system be reorganized for greater efficiency. He suggests that each police department have a small number of bureau chiefs, each with jurisdiction over some particular activity. These bureau chiefs would be directly responsible to the head of the police department.

Second, police services should be streamlined. A state police force should be formed to guarantee adequate policing in rural areas. Police departments should also establish crime prevention units. Furthermore, the police should be relieved of certain peripheral functions, such as licensing taxicabs, regulating traffic and conducting a public ambulance service. All these activities detract from the efficiency with which the police perform their primary function, the prevention and detection of crime.

Third, recordkeeping systems should be improved. This might be achieved by creating a bureau of statistics. Such a bureau would have the dual function of aiding the police in detecting crime and facilitating administrative control of the police departments.

Fourth, police officers should be promoted solely on the basis of merit. Their wages and benefits should be commensurate with the rest of the working public.

Fifth, police departments should have the best communications systems possible. The latest technology should be used to create a modern effective police force.

Finally, modifications should be made in the criminal justice process itself. Adler suggests, for example, that persons be taken to a judge immediately upon their arrest, thereby making any "third-degree" questioning impossible. He also suggests that summons be used instead of an actual physical arrest whenever it is reasonably certain that custody is unnecessary to secure the appearance of the accused in court.

Audi, Robert. "Violence, Legal Sanctions, & Law Enforcement." In Reason and Violence. Ed. Sherman N. Stanage. Totowa, NJ: Littlefield, Adams, 1974, pp. 29-50.

Audi addresses himself to two questions: what role should legal sanctions have in controlling violence in a democracy, and what role should violence play in law enforcement. He analyzes the concept of violence, and notes that although in most instances the victim's moral rights are violated, violence does not always do so, hence its use is not unjustified in every case. He argues that it would be futile to make violence illegal, since there are times when violence is morally acceptable, and so should not be illegal. Audi also thinks that the violence used in law enforcement needs to be curbed. His main recommendation is for "the cultivation of a humane disposition on the part of both citizens and law enforcement officers."

Betz, Joseph. "Moral Considerations Concerning the Police Response to Hostage Takers." In Ethics, Public Policy and Criminal Justice, eds. Frederick A. Elliston and Norman Bowie [Boston: O.G. and H. Publishers, 1982] pp. 110-132.

Five options are outlined for the police in dealing with kidnappers and terrorists: attack immediately, wait out the hostage takers, negotiate without giving in, negotiate and give in, negotiate and lie about capitulating. Seeking a middle ground between attacking and capitulating, Betz argues for small concessions short of total capitulation. He defends always negotiating on the grounds that it promotes trust for future conflict management. He uses William James's view to advocate negotiation toward harmonizing interests: the guiding principle for ethics is the maximum net satisfaction of demands making for the "best whole." Ingenuity, lying, false promises, and trust are discussed. Force is a last

resort to be used after negotiations in good faith and nonviolent resolutions have broken down.

Betz, Joseph. "Police Violence." Forthcoming in Moral Issues in Police Work, eds. F. Elliston and M. Feldberg [Totowa, NJ: Rowman & Allenheld, 1984].

Betz characterizes police violence as the police use of forces to defeat legitimate human ends and rights instead of to promote them. There are several situations in which he believes the police regularly tend to become violent. The fact that most police think of themselves in terms of the 'military model' encourages this violence. The tendency towards violence would be discouraged, Betz asserts, if a 'social service model' became part of the police officers self-definition. He concedes there would still be talk and the appearance of police violence, but hopes that the worst of it as a substantial evil would tend to disappear. He discusses this shift in models in terms of the writings of Klockars and Bittner.

Cohen, Howard. "A Dilemma for Discretion." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup, [New York: John Jay University Press, 1984.]

Cohen interprets the dilemma posed by discretion as in reality a conflict based on two distinct notions of justice. The first is fair and equitable treatment for everyone. Discretion here is inimical to justice, since discretion entails treating people differently. Although two people may break the same law, discretion allows the police to deal with them in different ways. This use of discretion is based on the second notion of justice, namely, giving each individual what he deserves. Hence, although two people may both be carrying unregistered guns in violation of the law, if the first is an aging farmer who is ignorant of the law while the second is a known criminal, justice requires that they be treated differently.

Cohen attempts to resolve this dilemma by showing that the use of discretion is legitimate for achieving the goals of the police: law enforcement, keeping the peace, and providing certain types of social services. Law enforcement is a means to these other goals as well as an end in itself. The question, then, is whe-

ther in specific cases enforcement or non-enforcement is the best means to these other ends.

Cohen suggests three conditions which must be met if a policeman decides on some purpose other than law enforcement. First, the means he proposes to use must be a plausible way of achieving the ends of public peace or providing social services. Second, there must not be any other method which would be less offensive but equally likely to achieve the same end. And finally, the method must not produce other, more serious consequences.

Cohen concludes that discretion is a legitimate and perhaps even a necessary means to achieve justice. It must be governed, however, by two principles. First, the police must be accountable to someone whenever they use discretion. Second, the police must be given guidelines on the use of discretion in their training.

Cohen, Howard S. "Authority: The Limits of Discretion." Paper presented at conference on Moral Issues in Police Work. Boston University: Nov. 19-21, 1981. Forthcoming in Moral Issues in Police Work, eds. F. Elliston and M. Feldberg, [Totowa, NJ: Rowman & Allenheld, 1984].

Cohen explores police discretion in peacekeeping and social service work beyond law enforcement. Although such discretion is necessary if the criminal justice system is to function smoothly, it is not explicitly authorized.

Can discretion be justified as a middle ground between explicit authorization on the one hand, and lawlessness on the other? He finds this middle ground by analyzing the concept of authority and decides that police need to use discretion when they are acting as stand-in authorities. A 'stand-in' authority has this authority by default, since the usual authority is unavailable. In the course of developing this source of police authority in informal contexts, Cohen rejects the possibilities of severely restricting discretion, on the one hand, and locating police authority in the officers' skills and abilities or in the communities' expectation, on the other.

DeGeorge, Richard T. "The Concept of Authority." Power and Authority in Law Enforcement, ed. Terry R. Armstrong and Kenneth M. Cinnaman. Springfield, Il: Charles C Thomas, 1976, pp. 39-55.

DeGeorge analyzes the concept of authority, distinguishing between a person being an authority and having or exercising authority. He further distinguishes between de facto authority and de jure authority: the former is simply counted as an authority; the latter is an authority by right. He discusses the scope and range of authority.

This article is a paradigm of philosophical analysis in that DeGeorge's basic purpose is to distinguish the various concepts and implications linked with the one word "authority" which we use in ordinary discourse in several different ways.

Dillon, Martin C. "What Are Police For?" In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman [Lexington, MA: Lexington Books, 1975] pp. 11-18.

Dillon argues that since an unresolvable conflict exists between the individual and the collective, the police may serve the positive function of protecting the individual from the violent whims of the mob. The need for police does not mean that society is not healthy. Rather, the existence of the police is evidence that society has recognized the possibility of repression by the majority, and has taken steps to reduce it. Dillon thinks this reduction of repression can be accomplished by allowing the police to use very broad discretion. But he calls for careful selection and extensive training of police personnel to mitigate the dangers associated with this increase in discretion.

Doyle, James F. "Police Discretion, Legality, and Morality." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup, [New York: John Jay University Press, 1984.]

Doyle asks whether the use of discretionary power by the police can be reconciled with the claims of legality and critical public morality, or whether they require conflicting courses of action. He defines discretion as having "effective power to make choices and to act on them, whether or not one is formally empowered to do so." Legality is the requirement that the law "be general, consistent, clear, public, prospective, predictable, stable and accessible...." Critical public morality is understood as "a justifiable standard for official conduct that is distinct from legality and conventional morality."

In the first section, Doyle analyzes the notion of discretion. He makes a number of distinctions, among them the ways in which discretionary power may be authorized, whether the power to utilize discretion is simply formal or effective, and whether the discretion exercised is weak or strong.

In the next two sections, the focal point of the paper, Doyle discusses five theories of discretion, and how each theory might reconcile discretion with legality. The first theory posits that discretion begins where the law ends, that is, where there are gaps in the law. The second theory treats discretion as essentially antithetical to the law unless it is expressly delegated by a higher authority. These two theories reconcile discretion and legality by emphasizing legality and limiting discretion by multiplying the bureaucratic web, or setting up citizen review panels to insure it is not used improperly. Such legal means are likely to be purely formal, and discretion will still be employed without effective supervision. The third theory treats discretion in a more positive light. It allows the police officer to provide relief from laws which are excessively mechanical and inflexible. As Doyle notes, however, legality is poorly served by such a theory, since it encourages overzealous and moralizing politicians to pass laws which are stringent and then encourages the police who enforce them to look the other way. The fourth theory views discretion as a supplement to the law. It provides for the practical application of legal regulations to particular uses. The fifth theory views discretion as a form of law, since it incorporates the "special competence of police officers" into legal regulations. These last two theories offer the best prospects for harmonizing discretion and legality. They treat the police as a profession that should be accorded discretionary power and responsibility based on their individual and organizational competence as professionals. Doyle notes, however, that the current environment in police departments is not conducive to the reconciliation of discretion and legality: the police are only potentially professionals, and consequently theories four and five are not yet applicable.

In the final section, Doyle draws two fundamental distinctions between the police and other professions: first, the police never cease to be agents of the state, so they are never completely autonomous; second, the police have no control over the outcome of the processes they originate, i.e. trials. Those attempting to justify the police use of discretionary power on the basis of their professional status thus encounter a dead end.

A more productive strategy would justify discretion by appealing to the public morality. Such justification cannot be given,

however, until the goals of the police in particular, and society at large, are clearly and unambiguously articulated. Once it is clear what these goals are, it will be possible to evaluate particular uses of discretion by the police. Doyle does set limits on the means used to preserve the goals of police activity, so his theory is not strictly a utilitarian one. For example, the police should not engage in activities such as "highly intrusive intelligence gathering, persistent harassment, capricious enforcement, or degradation of members of the public" (p. 27). Nowhere, however, does Doyle say why these practices are to be avoided.

Elliston, Frederick A. "Deadly Force: An Ethical Analysis." Conference on Urban Crime. Philadelphia, PA: May 2-3, 1980. Published in NEW PERSPECTIVES ON URBAN CRIME, ed. Steven Lagoy. Cincinnati, OH: Anderson/Pilgrimage, 1981, pp. 91-110.

This paper argues that the police use of deadly force is warranted only to defend human life in imminent danger, either the life of an officer or someone else threatened by a presumed offender. The paper is divided into 5 parts. The first offers a definition of deadly force as the intentional use of a gun or other lethal weapon against another person so as to endanger their life. The second part provides some statistics on current laws and regulations. The third analyzes state-sanctioned killings from a utilitarian perspective which takes as its basis principle the greatest happiness of the greatest number. Elliston contends that there is little evidence for a deterrent effect that would support use of deadly force outside situations where human life is in immediate danger. In part four he uses Rawls's contractarian approach to criticize current practices as unjust and concludes with a statement of his own position, a defense of life policy.

Elliston, Frederick A. "Teaching Police Ethics." Conference on Science and Ethics. Vassar College, Poughkeepsie, NY, June 9-13, 1980. Published in Newsletter on Teaching Philosophy, 3:1 [Autumn, 1981], 3-6.

This paper describes an outreach course, team-taught with Dr. Lawrence Sherman, at the State University of New York in Albany in the Spring of 1980. It is divided into 5 sections: The Participants and Issues; Pedagogical Techniques; Policing as a Science; Purposes and Responsibilities; and Prospects and Prognoses.

Because it was an outreach course, the students ranged from a New York City lieutenants to a local newspaper journalist. The teaching combination of a philosopher and criminologist worked well, perhaps better than the materials - Frankena's ETHICS, Goldstein's POLICING A FREE SOCIETY and a prescriptive package from POLICE MAGAZINE. A poll of the students in the first class generated the following list of issues (not in order of priority): corruption, civil liberties, deadly force, police community relations, poor image of the police, economic impact on crime, mail fraud, women and minorities, education and training standards, hiring and promotion standards, electronic surveillance, and discretion.

For the first half of the course, a lecture-discussion format was used. The class was divided into four groups, each of which was asked to become an expert in one of four major ethical theories: Mill's utilitarianism; Kant's universal prescriptivism; Sartre's existential ethics; and Rawls' contractarianism. They were then asked to explain how the theory applied to standard dilemmas in police work such as the use of deadly force or blowing the whistle on your partner. For the second half of the course, the class was divided into teams who debated such topics as affirmative action; the right to strike; accepting gratuities; and deceptive undercover work.

The third section reflects on the role of the police in the criminal justice system, the underlying principles and moral implications. It also raises questions about the role of the researcher, and moral conflicts that can arise in the course of research on the police.

Understanding these conflicts helps to understand the role of the philosopher in teaching police ethics. The course can have several objectives: to identify moral issues more clearly; to analyze moral terms and arguments; and to develop tools for solving moral quandaries. The fourth section ends on the question: Is it legitimate (or even possible) to teach moral truths, about policing or indeed any other profession?

The fifth and final section reflects on the place of a course on police ethics within the curriculum of departments of philosophy, police science and criminal justice. Why has the law preoccupied philosophers to the comparative neglect of law enforcement? Six factors are identified: the insularization of philosophy which is conducted by philosophers for philosophers, the focus on language to the neglect (until recently) of normative issues, the academic context which reinforces academic concerns; the tools of philosophy which tends to favor the law on the books over the law in action; the administrative structure which discourages interdis-

ciplinary work; and the lack of a role ethic that would provide a theoretical base for police ethics.

Elliston, Frederick A. "Women, Minorities and the Police." In Ethics, Public Policy and Criminal Justice, eds. Frederick A. Elliston and Norman Bowie, [Boston: O.G. and H. Publishers, 1982] pp. 156-176.

The basic argument cited against affirmative action programs is that hiring in the public sector should be based on the merit of the applicant. Elliston points out that there may be a connection between merit and race/sex. The police are supposed to fight racism and prejudice by example, and so minorities could serve as role models. Secondly, women are less reluctant to report certain crimes, like rape and assault, to other women.

Elliston then discusses other arguments in favor of affirmative action. He notes that since the deck was stacked against minorities, fair hiring practices must include some kind of affirmative action. Second, the public sector has a responsibility to give jobs to minority members, who though not presently as capable as someone else, would become qualified over time. Third, affirmative action serves as compensatory justice to victims of past discrimination.

Elliston, Frederick A. "Deadly Force and Capital Punishment: A Comparative Appraisal." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup, [New York: John Jay University Press, 1984.]

The problem of determining when a police officer should use deadly force is exacerbated by the lack of philosophical studies in this area. Elliston suggests that since there is a conceptual similarity between deadly force and capital punishment, the arguments used in discussing the latter are applicable to the former. Those arguments turn on six factors; the retributivist theory of justice; social defense; fallibility and irrevocability; the sanctity of human life; the due process provision, and the moral acceptability of such actions to the community. Elliston's conclusion, based on these considerations, is that deadly force should be used only in limited situations for defense of innocent human life.

Elliston, Frederick A. "Police, Privacy and the Double-Standard." Forthcoming in Moral Issues in Police Work, eds. F. Elliston and M. Feldberg, [Totowa, NJ: Rowman & Allenheld, 1984].

Elliston questions whether police officers, like other public officials, should indeed be accountable for purely personal or private conduct. He calls this more encompassing or higher standard a double-standard because it entails two different standards for people depending on their group membership. He argues, by analogy, that just as it was wrong to judge the same conduct acceptable for boys but unacceptable for girls, so too it is wrong to judge the same conduct acceptable for people generally but wrong for someone who happens to be a police officer. Rather he asserts that the police, like the rest of us, have a right to privacy. They should not be accountable for purely personal conduct unless it demonstrably interferes with their ability to do their job.

Flew, Antony. Crime or Disease? London, and New York: Macmillan and Harper & Row, 1973.

This book discusses a thesis very popular among psychologists, social scientists, and many others considering themselves to be both humane and scientifically enlightened. It is that all manner of delinquency is symptomatic of mental disease, and hence that we ought to treat the disease rather than punish the crime. This thesis should be recognized, and rejected, as manifestly false and altogether unbelievable. For what is at any time and in any place delinquent or criminal is determined by the legal system then and there prevailing.

But mental disease can serve as an acceptable excuse for some falling short, and provide a warrant for medical treatment, only in so far as it is, like any serious physical disease, painful and/or incapacitating. And what is so unbelievable is that all delinquencies everywhere should happen to be thus occasioned by a kind of pain and/or incapacitation falling as an affliction upon the helpless and innocent victim delinquent.

Garver, Newton. "The Ambiguity of the Police Role." Social Praxis 2 (3-4): 310-323.

Garver discusses two approaches to the function of the police. The first takes an empirical or realistic view and sees the police as essentially agents who preserve the status quo. The second takes an idealistic view: both acknowledge that historically police have preserved the status quo. However, if their true function is to preserve and promote justice and equality, as the idealist believes, then reform of the police is required. The realist, however, believes that the police cannot be reformed. Garver argues that we should opt for the realistic position: it is clearly more pessimistic, but it is also likely to lead to a lesser evil than the more optimistic approach.

Hanewicz, Wayne. "Discretion and Order." Forthcoming in Moral Issues in Police Work, eds. F. Elliston and M. Feldberg [Totowa, NJ: Rowman & Allenheld, 1984].

Hanewicz examines the sources and limits of police discretion in the notion of closure. By this he means the desire people have to bring a satisfactory conclusion to an unsatisfactory situation. Hanewicz offers, as a standard for good police work, the ability of an officer to maximize the outcomes in a dispute for those involved. His experience with the police makes him realize that not everyone will be satisfied completely in the situations in which the police intervene. Rather, the challenge to officers is to negotiate compromises so that the disputants can achieve as much of what the seek as is possible --legally, practically and morally.

James, Gene G., and Grant B. Stitt. "Entrapment and the Entrapment Defense: Dilemmas for a Democratic Society." Paper Presented at the Annual Meeting of the Academy of Criminal Justice Sciences, Louisville, KY, 1982. Forthcoming in Moral Issues in Police Work eds. F. A. Elliston and M. Feldberg [Totowa, NJ: Rowman & Allenheld, 1984].

The authors define entrapment and distinguishe it from related law enforcement practices. The subjective test of entrapment formulated by the Supreme Court and the objective test proposed by critics are discussed and evaluated. They contend that entrapment is a morally unjustifiable practice which is inconsistent with the rights of citizens in a democratic society. Guidelines are proposed for governing police conduct in potential entrapment situations and suggestions are made regarding ways in which these guidelines might be implemented.

Johnson, Deborah. "Morality and Police Harm." in Ethics, Public Policy and Criminal Justice, eds. Frederick A. Elliston and Norman Bowie [Boston: O.G. & H Publishers, 1982] pp. 79-92.

Johnson examines the right of police to harm suspects in order to protect society. She accepts Charles Fried's categorical norm which requires us not to harm others intentionally, and tries to defend the police officer's role as chosen in Fried's free discretionary space. She argues that this defense begs the question of the justification of this discretionary space. A second defense relies on the doctrine of double effect: police harms are to be justified in terms of their intention which is not to harm but to protect society. Deontological claims for the professional rights of police depend on the justification of institutional arrangements. Even then, specific cases of police harm may not be justified.

Kelsen, Hans. General Theory of Law and State. New York: Russell and Russell, 1961, pp. 278-279.

In a brief passage Kelsen notes that the administrative branch of government may occasionally act to limit the freedom of individuals. What legitimates this use of coercion is not, as with the judicial branch, some voluntary human action such as robbery or assault, but the threat to the public of not using coercion. Such situations include forcibly quarantining persons with communicable diseases, and removing people from buildings that are about to collapse. Kelsen thinks that one function of the police is to carry out these coercive acts.

Levy, Beryl H. "Legal Philosophy and the Police Function." In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman [Lexington, MA: Lexington Books, 1975] pp. 19-23.

Levy argues that in recent years there has been a shift away from a positivist theory of law back to a natural law theory. This has been paralleled by an increased concern for the protection of the rights of individuals, as can be seen from a variety of Supreme Court decisions. The implication is that positivist conceptions of law, which rely on the notion of coercion, tend to erode respect for the rights of individuals.

Margolis, Joseph. "Crime." In Negativities. Columbus, OH: Charles E. Merrill Publishing Co., 1975, pp. 65-77.

In this chapter from a collection of previously published papers, Margolis discusses the theoretical basis of crime. He compares two positions. The first, called the positivist view, is that a crime is what any given society deems a punishable act: it is a violation of some law that is already on the books, and these laws cannot be defended by appealing to some higher standard. Thus, there can be no "righteous" criminals, no Robin Hoods or freedom fighters. They are all simply lawbreakers, criminals.

According to the second view, "natural law," there is a divinely revealed moral law to which criminal law ought to conform. Margolis believes that a valuable insight may be gained from the second view, namely, that there is a connection between morality and law. The person who harbored Jews during World War II may have been acting as a criminal in the eyes of Nazi Germany. We tend to think of him as a hero, however, for obeying a higher duty to act morally.

This second view cannot stand as it is, however. Aside from the reference to a divinely revealed moral scheme, there is the problem of whether or not what is immoral is coextensive with what is illegal or criminal. Margolis believes it is not. It is inappropriate to attempt to legislate against actions which have an effect only on the individual who performs the action.

Margolis resolves the problem by identifying a criminal action with violation of "the putative prudential interests of others." Prudential interests are human concerns "to preserve themselves, their interests, their comfort, their associates, and their enterprises." Thus, Margolis tries to steer a middle course between the positivist and natural law perspectives. An objective standard exists for measuring law, namely, the violation of the prudential interests of others. Within various societies, however, considerable discretion exists in delineating specific prudential interests.

If Margolis' argument against the positivist tradition succeeds, the police must consider two aspects of their actions: whether or not they are legal, and whether or not they are moral. Thus, a policeman may have a divided duty, both to enforce the law and to act morally. What should be the police officer's response to a law that is immoral? Margolis never answers this question. It appears, however, that there are two general responses. One response is to ignore the violation, as is often done with prostitution or the use of marijuana. A more extreme response

would be to repudiate the enforcement of the law altogether. This second alternative ought to be reserved for rare situations, such as Hitler's Germany or Stalin's Russia.

Reiman, Jeffrey. "Police Autonomy vs. Police Authority: A Philosophical Perspective." The Police Community, ed. Jack Goldsmith and Sharon Goldsmith. Pacific Palisades: Palisades Publishers, 1974, pp. 225-233.

Reiman begins by noting that the police, like other professional groups, resist evaluation and control by outsiders and insist that their work can be understood and appreciated only by those who have first-hand knowledge of police work. Nevertheless, he argues that the authority of the police is not compatible with professional autonomy the way the authority of doctors and lawyers is.

He offers a philosophical argument, based on a conception of the police role and Anglo-American political theory. Specifically he invokes the social contract doctrine to establish the basis for individual liberty, the obligation to obey the state and its agents, and the limits of that obligation. According to this doctrine, no one can be under an obligation to recognize the right of other individuals to exercise power which may control his freedom according to their private judgments and interests. Consequently, whenever police power is not public power, their right to exercise that power is undermined and the obligation of citizens to obey is eliminated. Accordingly, the police cannot be an autonomous group, they must always be accountable to the government and hence to citizens for the exercise of their power.

This analysis, Reiman claims, does not destroy police authority. Whether or not police are authorities in the sense of experts, they do retain the right to have their power respected on one condition: they must exercise it in ways that it would be rational for all people to consent to. This stipulation means that police authority can be viewed as rooted in consent if it is limited by public laws and subjected to public scrutiny.

Reiman, Jeffrey H. "Philosophical Reflections on the Police Use of Deadly Force." Paper Presented at Boston University on Moral Issues in Police Work. Boston University: Boston, MA, October 24-26, 1982. Revised version "The Social Contract and Police Use of Deadly Force" forthcoming in Moral Issues

in Police Work, eds. F. Elliston and M. Feldberg [Totowa, NJ: Rowman & Allenheld, 1984].

Reiman attempts to identify the grounds for limiting the use of deadly force, taking the social contract theory as his point of departure. According to it, the private use of force is renounced and turned over to a public agency, with the goal of increasing safety and, more importantly, freedom. Thus any use of deadly force which constricts and endangers freedom is illegitimate.

According to this principle, police use of deadly force is legitimate mainly in self-defense or in protecting the lives of private citizens. However, since its use in cases of property crime does not enhance freedom, it is illegitimate then.

Reiman concludes by arguing that a review procedure is necessary in every use of deadly force. He also thinks that the actual application of this policy in America has been discriminatory, since most victims of deadly force come from lower, disadvantaged socioeconomic classes.

Scribner, Phillip H. "On the Duty to Obey an Unjust Law." In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman [Lexington, MA: Lexington Books, 1975] pp. 33-47.

Scribner discusses the question whether people in a disadvantaged community have a moral duty to obey the law and to respect police officers. He attacks this problem by discussing a similar one, the duty of a person to comply with a tax law that is unjust. He identifies the answers that would be given by various ethical theories; utilitarianism, contractualism, and intuitionism, and offers a principle to resolve the issue. This principle, culled from the limitation principle, has the effect of limiting the duty of obedience to those laws necessary to maintain the society, assuming that the society is just. Thus the question posed at the outset must be made more specific. It is not whether or not the law generally is to be obeyed, but which laws should be obeyed.

Schoeman, Ferdinand. "Privacy and Police Undercover Work." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Reprinted in Moral Issues in Police Work, eds. F. Elliston and M. Feldberg (Totowa, NJ: Rowman & Allenheld, 1984).

Schoeman's premise is that although some kind of deception is probably necessary for adequate law enforcement, restrictions need to be imposed to insure that deception does not violate the 4th Amendment or the individual's right to privacy. There is a significant difference between regular evidence gathering and undercover work. The former is restricted by procedural limitations, such as the need for a search warrant, whereas the latter is not. In fact, undercover work is often undertaken precisely because there are no such limits.

Two arguments against such limits exist. The first is that the criminal who is subject to deception acts voluntarily in allowing the undercover agent into his home or office. Since the person has been deceived, however, his action is not truly voluntary. Second, it is argued, deception is necessary for effective policing. This may be the case, but Schoeman notes that effectiveness cannot be the only criterion by which to judge the acceptability of some action. Restrictions are placed on ordinary evidence gathering, so why not restrict deceptive actions in the same way?

He proposes four guidelines which would serve to limit undercover activities. First, the time of an undercover investigation is to be restricted to 24 hours. Any further investigation would require a warrant based on probable cause. Second, within this 24-hour period, the undercover agent would be prohibited from entering any private area, unless the invitation is "for the specific purpose of engaging in illegal behavior." Third, undercover operators would be prevented from trading on intimate personal relationships. This would include both using deception to gain information from a person who has such a relationship with the target, and also preclude the undercover agent from forming such a relationship with the target. Fourth, any information gathered by violating these guidelines would be inadmissible in court.

The theoretical basis of these restrictions, according to Schoeman, is to be found in the notion of "human significance". This notion seems to be roughly equivalent to Kant's maxim, "never treat people as means, but only as ends". The value of the person is emphasized, and since an important aspect of a person is both his privacy and his intimate relationships, the government must go out of its way to insure that these are not violated.

Stead, John Phillip. "The Humanism of Command." In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman. [Lexington, MA: Lexington Books, 1975] pp. 3-10.

Stead suggests that anyone in a position of command should be familiar with the humanities, particularly literature. Such familiarity has the effect of widening one's perspective and eliminating parochial attitudes. Other benefits result, such as an improvement in communication skills and an increase in imaginative and creative powers.

Stroup, Timothy. "Affirmative Action and the Police." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Published in Applied Philosophy 1:2 [Fall 1982], 1-19. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup, [New York: John Jay University Press, 1984.]

Stroup hopes to show that awarding benefits to an individual on the basis of race or sex to rectify past injustices due to racial or sexual prejudice is morally justified and pragmatically valuable. According to Stroup, the right course of action is to perpetuate discrimination no longer than necessary, but to ensure that no greater evils are created by the disruption that the remedy of affirmative action is likely to cause. He argues against the current policy of hiring people in proportion to the racial mix of our society, since such a process is too slow. Instead he argues for disproportionate hiring, which would favor those discriminated against in the past. Such a solution, while somewhat disruptive, would best serve justice.

Stroup also discusses the notion of hiring on the basis of qualifications alone, which would seem to be in opposition to affirmative action. Stroup notes first that this ideal hardly matches the reality of hiring practices in our society. Second, many of the tests whereby we rate the qualifications of an applicant are highly subjective, if not contradictory and biased. Third, past discrimination results in unfair competition. Finally, Stroup argues that race is a factor in the qualification of a police officer. Since one of the duties of a police officer is to maintain good community relations, a racially mixed police force is more likely to be qualified to achieve this in a black community than a totally white force. This, along with the optimism produced in the black community by the possibility of getting good jobs, is the basis of Stroup's pragmatic justification.

Stroup concludes by noting that although efficiency is a goal of any society, and hence hiring should usually be done on the basis of qualifications, it is sometimes necessary to sacrifice efficiency for justice. Since any attempt to correct past discrimination is bound to cause harm to some other segment of society, the

problem of affirmative action is not a question of which course of action is the greater good, but which is the lesser evil.

Viano, Emilio C. and Jeffrey H. Reiman, ed. The Police in Society, [Lexington, MA: Lexington Books, 1975].

This anthology contains the proceedings from THE FIRST NATIONAL SYMPOSIUM ON THE HUMANITIES AND THE POLICE, held at American University in May of 1974. It contains 23 papers, divided into four parts: Philosophical Perspectives; Historical Perspectives; Literary Perspectives; and Social Science Perspectives.

The contributions by philosophers include "The Humanism of Command" by Philip J. Stead; What Are Police For?" by Martin C. Dillon; "Legal Philosophy and the Police Function" by Beryl H. Levy; "The Policeman: His Nature and Duties" by Paul Wise; "On the Duty to Obey an Unjust Law" by Phillip H. Scribner; "Are the Police Necessary?" by Roger Wertheimer; and "Should the Police Officer Know What's Happening?" by Robert Price and Barbara R. Price.

This is the first collection of papers by humanists, including philosophers, to deal directly with the police. Scribner's contribution deals with a common problem in political philosophy that was widely debated by philosophers in the mid 70s because of political protests and civil disobedience. The others illustrate a common philosophical concern: to identify the proper role of the police in a democratic society. This orientation contrasts with later writings which, perhaps as a result of the growth of professional ethics, become more focused on specific police practices.

Weiss, Paul. "The Policeman: His Nature and Duties." In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman, [Lexington, MA: Lexington Books, 1975] pp. 25-31.

Weiss treats the police officer as both a representative of a societal institution and as an individual person. There are four dimensions to such representation. The police officer represents the society as a whole, the common aspects of all men, the law, and the progressive impulses of the society. There are four corresponding dimensions to the police officer as an individual: his relation to others, his own rights and duties, the possessor of reason, and the possessor of creative powers. These dimensions require balancing and integration. Weiss argues that the police officer who is able to integrate these dimensions as an individual

will be much more successful when he attempts to balance them as a police officer.

Wertheimer, Roger. "Are the Police Necessary?" In The Police in Society, eds. Emilio C. Viano and Jeffrey Reiman, [Lexington, MA: Lexington Books, 1975] pp. 49-60.

Wertheimer questions the necessity for a state agency of street patrol protecting persons and property. He argues that the rationale for a police force, as distinct from other law enforcement agencies, applies to a narrow class of crimes, and even there police function more to protect people from the fear of harm than from harm itself. He then argues that police pose a threat not only because of potential political corruption, but more because they naturally become an omnibus social agency for solving day-to-day problems of urban life and thereby they tend to undermine effective communitarian sentiments developed from mutual assistance between citizens.

_____. "Regulating Police Use of Deadly Force." In Ethics, Public Policy and Criminal Justice, eds. Frederick A. Elliston and Norman Bowie [Boston: O.G.& H. Publishers, 1982] pp. 93-109.

Wertheimer explains the departmental rules for use of force and deadly force he wrote for the Multnomah County (Ore.) sheriff's office. He focuses particularly on the defense of departmental regulations on police use of deadly force in a jurisdiction [Oregon, 1970] that had abolished capital punishment while continuing to license police officers to kill fleeing felons. He argues (contra F. Elliston) that police use of force is not a kind of punishment because, unlike punishment, though harm is knowingly and willingly inflicted, it is not itself aimed at but is merely a consequence of an intent to control the offender. Thus, the rationale for capital punishment or its abolition does not directly apply. However, he argues that the existing punitive sanctions can indirectly bear on the rules for police behavior.

Wren, Thomas B. "Whistleblowing and Loyalty to One's Friends." Paper Presented at Conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City, April 22-25, 1982. Forthcoming in Police

Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup, [New York: John Jay University Press, 1984.]

Wren attempts to resolve an ethical dilemma sometimes encountered by the individual police officer: whether or not to report another officer's misconduct to his supervisor. Wren deals with the kind of misconduct which will not cause enormous harm but which would, if reported, ruin the officer's career as a policeman. The conflict is between loyalty to one's partner and loyalty to one's oath to uphold the law.

Wren distinguishes two moral perspectives, the internal and the external. External judgments are ones that are not made by the agent and do not take into account as particularly moral the goals and desires which motivate the agent to act. The two most common theories of externalism are utilitarian and deontological ones. Both of these would tend to say that the police officer's duty is clear: He should report his partner. Wren argues, however, that this answer is too simple, and fails to appreciate the real anguish that such a dilemma causes police officers. The external viewpoint fails to understand that for police officers, loyalty among officers is a highly important moral value. Furthermore, the police themselves seem to reject any form of externalism, and hence externalism will be ineffective as a motivation for moral acts. Wren suggests that both internalism and externalism may occur. It is difficult to see, however, how both viewpoints can be true when they seem to involve contradictory premises. Wren never explains this. He argues that police should be trained to incorporate a commitment to the law into their personalities. This would then give them an internal motivation to report their partner. Wren assumes throughout that the moral thing to do is to report one's partner.

II. UNPUBLISHED PAPERS

Andre, Judith. "Acting in Ignorance." Paper Presented at Conference on Ethics and the Police. Old Dominion University, Norfolk, VA, April 3, 1982.

Andre appraises society's obligation to fund research into the efficacy of police action. From a moderate deontological position the results of our actions are morally relevant, but not solely decisive. We therefore have an obligation to investigate, at least when such investigation is costless. But since it is never

costless, further distinctions must be made. Our obligation to investigate is greater when the results to be evaluated are negative -pain or destruction-and the unintended results are no less weighty than intended ones. The obligation is greatest when police actions might bring direct suffering to unwilling victims, and is next greatest when police action could prevent others from causing such involuntary suffering. The probable success of the experiment also matters, though admittedly such success is more difficult to achieve in the social sciences than in the physical sciences.

A Rawlsian principle of justice would give priority to research into the prevention of crime. Justice also puts limits on the nature of research to be conducted. Since the public is to a large extent an unwilling subject of such experimentation, it is allowable only when the procedure is no more risky than present procedures, and it must be discontinued as soon as risk appears evident. The experimentation must also be open to public scrutiny - at least after the fact.

Applebaum, David. "Looking Down the Wrong Side of the Gun: The Problem of the Police Use of Lethal Force." Paper Presented at the 1982 Annual Meeting of the Academy of Criminal Justice Sciences, Louisville, KY, 1982.

The author examines police use of deadly force from the standpoint of professional ethics in general. He draws heavily on the work of Charles Fried and Deborah Johnson in attempting to develop a deontological justification of deadly force, and attempts to examine the police right to use deadly force in light of social contract theory as elaborated by John Rawls. He discusses the use of the doctrine of double effect to defend police actions. According to this doctrine, the agent does not intend all the effects of his action, even if he believes that they will occur. Thus, the officer who shoots a fleeing felon in order to apprehend him does not intentionally kill him even when he knows this may happen.

Becker, Carl B. "Social Control of Crime in Japan." Paper presented at the Academy of Criminal Justice Sciences Annual Meeting, Louisville, KY, March 23-27, 1982.

Investigates the reasons for the extremely low crime rate in industrialized Japan, considering three differences between Japanese and Western crime control techniques and principles of social justice. First, differences in law enforcement practices are

most often mentioned in professional journals, including longer professional training, high esprit de corps among Japanese police officers, a more efficient court system, and strict bans on handguns. None of these taken alone, however, has been shown to have a direct effect on the crime rate. Second, public cooperation with the police is marked, at the level of both the individual and the community. Japanese citizens frequently volunteer for police-supporting or parole-board activities. Moreover, the Japanese are quick to influence their mass media and laws when this seems desirable. Third, Japanese values of interdependence (social harmony), of responsibility for the fate of others, and of honor and shame in the family or social group are deep-rooted. Examples are provided in each category. Even the exceptional cases where crime is rising (Tokyo juveniles) demonstrate the influence of these values as checks on criminal behavior.

These social values were imported from China by the once crime-ridden Japanese centuries ago -- so it is not unthinkable that other cultures may benefit by adopting or inculcating social sanctions of Asian ethical values, as well as by emulating the strong points of the Japanese criminal justice system.

Dworkin, Gerald B. "The Serpent Did Beguile Me and I Did Eat." Paper presented at the Conference on Police Undercover Work at Harvard Law School and at the Eastern Meeting of the American Philosophical Association in December 1982.

Dworkin discusses deception in Abscam and other undercover operations and asks under what circumstances, if any, such measures are legitimate. He terms deception to produce the performance of a criminal act where it can be observed by law enforcement officials "pro-active enforcement". The government's role has traditionally been reaction to complaints, that is, reactive law enforcement. With the onset of "invisible offenses" this traditional reactive notion has given way to new modes of investigation in which detection of crime and its investigation proceed simultaneously. He cites as examples decoys, sting operations, "manna from heaven", honey pot and solicitation operations.

The legal doctrine of entrapment has been the focus of these issues. Entrapment, narrowly defined, applies only when a government procures the commission of a criminal act by someone who would not otherwise commit it.

Two main views prevail about the justification of the entrapment defense. The first finds the defender innocent of entrapment as one would be found innocent of mistake of fact. This view fo-

cuses on the conduct of the defendant. The second view emphasizes the legitimacy of the methods used by the police. The defendant is excused, not because he is innocent, but because the government has acted illegitimately.

Parallel to these defenses is the development of two different standards. The "subjective" test focuses on the offender's state of mind -- was he predisposed to commit this crime absent the governmental conduct? The "objective" (or hypothetical) standard focuses on police conduct, not the defendant's. This test asks whether the methods used would have led a hypothetical law-abiding citizen to commit the crime -- disregarding predisposition. Normative issues are usually confined to arguing the relative merits of subjective versus objective tests. While the larger issue of the legitimacy of government induced crime is ignored.

The moral issues concern government encouragement of citizens to commit crimes. Dworkin distinguishes between presenting one with an opportunity to commit a crime and causing one to commit it. The central concern with pro-active enforcement techniques is that they create crime in order to prosecute offenders. The determinant of when a crime has been created is what role the govern played in causing the offender to intend to commit the crime. The issue of predisposition is irrelevant.

Dworkin argues that only when there is probable cause to believe that one is already engaged or intending to engage in a crime is it legitimate for government to create such an intent. For example, if they offer bribes to public officials, then the police should have probable cause to suppose that the officials are corrupt -- not corruptible. In the case of Abscam, Dworkin contends that Williams' crime was created by the state, that it was encouraged by agents of the state, that there was no probable cause, and that it was therefore improper to prosecute.

Graber, Glenn C. "The Ethics of Catching Criminals." Conference on Ethics and the Police. Old Dominion University, Norfolk, VA, April 3rd, 1982.

An analysis of some key ethical issues which should govern the process of criminal investigation. (1) The structure of rules and procedures which make up the system of criminal justice (especially when we include the presumption of "innocent until proven guilty") dictates that the legal and ethical principles that govern our actions towards other persons in general ought to be taken quite seriously in criminal investigations and overridden only in the face of explicit and weighty justification. (2) The ethical foundations of the general prohibition on deception are explored

and made a guide to determine when it is permissible (and when it is not) to employ deception in criminal investigations. In particular, the practice of using unmarked patrol cars in traffic patrols is questioned, whereas the use of plain-clothes police "decoys" in areas in which muggings and other forms of physical assault are prevalent is defended. (3) The value of privacy is explored through analogies with the medical principle of confidentiality, and implications are drawn for police searches and seizures. (4) Finally, the moral criticism of entrapment is explored through an analysis of the relation of temptation to the moral basis of punishment. The conclusion is that, although deception may be justified in order to detect crime, it becomes questionable on moral grounds if the temptation to crime is increased in any way.

Jordan, Shannon. "Philosophy of Law Enforcement and the Teaching of Police Ethics." Paper presented at the 44th Annual Conference of the American Society for Public Administration. New York City: April 18, 1983.

Describes a seminar offered at the Eastern Shore Police Academy in the spring of 1982. The seminar is divided into three segments moving from the broad context of the philosophy of law through the philosophy of law enforcement to ethical questions and problems arising specifically for police officers.

Jordan contends that ethical questions facing police officers cannot be addressed adequately without understanding the purposes of law enforcement, which in turn cannot be understood outside the philosophical framework of the social and political institutions of the society in which it functions. Accordingly, she begins her course with a discussion of the nature and purpose of law in general, and then considers how law must be understood as one aspect of a political system. How law serves its function depends on the purpose law is understood to serve and the political system in which it operates.

She then considers the role and purpose of law enforcement in society, examining the source of its authority and reciprocal means of accountability. She considers philosophical ethics as a discipline that facilitates the formation and execution of ethical judgments. She examines two types of dilemmas: entrapment and the exercise of discretion. She concludes by attempting to make sense out of the necessary and inevitable moral tensions arising in law enforcement.

Kelly, Eugene. "Philosophy Within the Police Department Program of the New York Institute of Technology." Paper delivered at the First Conference on Teaching Philosophy, Union College, Schenectady, NY, 1976.

Kelly describes the College Accelerated Program for Police Officers (CAPP) offered by the New York Institute of Technology. This bachelor's degree program includes the teaching of philosophy and other humanities disciplines to police officers in the precinct in which they work. Two philosophy courses have been offered: the first, an introduction to the history of philosophy; the second, a standard philosophy of science course. He discusses the structure of the curriculum, the problems and obstacles involved in teaching philosophy in this format, and the strategy adopted to surmount them.

THE POLICE, THE LAW AND THE COURTS

The author gratefully acknowledges the assistance of Terrence O'Neill, Paula Lockhart and Jane VanSchaick in preparing the following section.

INTRODUCTION

I.

One of the major constraints on police conduct is the courts. Over the years a series of decisions has been handed down at both the state and federal levels preventing the police from engaging in some actions and mandating their compliance with others.

These court decisions are ample grist for the philosopher's mill. The philosophy of law is a long established tradition, with an extensive literature that is now well documented, discussed and debated. Within this tradition however, police work itself has been neglected by philosophers, though there is of course a substantial body of legal literature in law journals.

By and large, philosophers have tended to focus their attention on the law "on the books" rather than "the law in action." Whether this orientation is due to the tools of their trade (linguistic and conceptual analysis), the social context for practicing philosophy (university and college settings) sociological factors in the makeup of the profession (largely middle class) is difficult to determine, partly for lack of empirical data. But the situation is changing.

Under the rubric of applied philosophy and professional ethics, philosophers are directing more of their attention to concrete social practices. Over the past decade they have begun to address topics largely ignored during the earlier part of the 20th century: human sexuality, war, energy, marriage, the family, safety, euthanasia and drug use. Crime is one of the recent additions to this list.

It is therefore hoped that the compendium of cases that have been identified will direct philosophers to the many subtle and complex moral and social issues surrounding police conduct.

Conversely the body of case law and journal articles by legal scholars can be enriched by a more sophisticated philosophic understanding of the nature of law and its role in contemporary society. For this reason a section has been included at the end that selectively lists important works in the philosophy of law. Though by no means comprehensive, this listing does direct nonphilosophers to major works in the western tradition.

II.

Our search of the relevant court cases in police ethics began in the winter of 1981. In all, approximately 193 cases were identified and abstracted. The primary source used to identify these was a standard text Modern Criminal Procedures: Cases, Comments & Questions by Yale Kamisar, Wayne R. LaFave and Jerold H. Israel (4th edition 1974, supplement 1976, 5th edition 1980, St. Paul, MN: West Publishing). We wrote abstracts on 145 cases mentioned in the book by referring to the headnotes of legal reporters like New York Supplement, New York Supplement, 2nd Series, The Federal Reporter, The Federal Supplement and The Supreme Court Reporter (all published by West Publishing). Of the 145 half were on search and seizure, one-third were on interrogations and surveillance, and the rest fell in various categories.

We identified cases from other sources to fill topical gaps:

1. LEXIS. The Albany Law School had a LEXIS computerized data base. By entering key descriptors from the table of contents we located additional relevant materials.

2. The Police Misconduct Manual edited by M. Avery and D. Rudovsky, National Lawyers Guild, 1978. This manual lead to case law on civil rights and torts. It is designed to assist attorneys in representing victims of police misconduct and contains sample pleadings, notes for trial examination and cross examination.

3. Criminal Justice Abstracts. This publication is issued quarterly by the National Council on Crime and Delinquency, Hackensack, New Jersey.

4. Police Science Abstracts. Criminologica Foundation, LEIDENA, Holland, Kugler Publishers. Published bi-monthly. The articles and books abstracted in these two publications cover an international scope. They were searched for the years 1978 to 1982.

5. Recent case law is often discussed in legal journals. Several articles have been particularly rich in references to cases through discussions and footnotes. They are

   Note. "Police Liability for Negligent Failure to Prevent Crime." Harvard Law Review 94 (1981), 821-840.

Note. "Police Shootings, Administrative Law as a Method of Control Over Police." Pepperdine Law Review 8 (1981), 419-450.

Littlejohn, E. J. "Law and Police Misconduct, Part One." University of Detroit Urban Law Review 58 (1981), 173-219.

Samuel, A. "Complaints Against the Police." New Law Journal 131 (1981), 28-29.

III.

The approximately 200 abstracts break down in each category as follows.

Search and Seizure	79
Interrogations	35
Surveillance	19
The Courts	9
Informants	8
Undercover Operations	6
Administration - Personnel	6
Police Use of Force	6
Entrapment	5
Stop and Frisk	4
Officers' Private Lives	4
Shootings/Killings by Police	4
Distribution of Police Resources	3
Administration - Complaints	1
Professionalization/Education and Training	1
Community Relations	1
Affirmative Action	1
Corruption/Misconduct	1

Clearly the overwhelming majority of court cases fall into the first category of search and seizure. What this distribution reflects is a legal concern for monitoring the initial encounter between citizens and the police. Since interrogation is the second step, it is not surprising that it is the second most frequent category. The third category is surveillance: no doubt it has grown as a legal concern over the past few years, partly as the result of the development of increasingly sophisticated technology for gathering information on people. The use of informants and undercover agents, especially where

entrapment is an issue, has increased in frequency lately, and received national attention with ABSCAM. Combined, these three categories would provide the fourth category. Police use of force, including deadly force, ranks as the fifth most frequent topic in court cases. All the other topics are by comparison less visible in the eyes of the courts.

A philosophical analysis of these topics can raise questions about how power should be wielded by agents of the state and the appropriate moral institutional and social checks on it. Discussions of privacy in social and political philosophy, for example, could be applied to police conduct. Deception has a rich philosophical history, which is now being extended into the context of professional ethics (doctors telling their patients the truth about their illnesses). It could likewise be raised in the context of police practices. And capital punishment has its analogue in police use of deadly force where considerations of justice, deterrence and efficiency can likewise be raised.

It is our belief that the legal issues can be clarified by philosophical analysis, and that philosophy can be enlivened and enriched by concrete police cases. It is our hope that this compendium of cases will contribute to the cross fertilization of these two fields, law and philosophy.

THE POLICE, THE LAW AND THE COURTS

Table of Contents

I. STANDARDS AND CODES

Romano v. Kirwan 391 F. Supp. 643 (WDNY 1975), vacated sub nom Kirwan v. Romano, 425 U. S. 929 (1976).

State trooper sought to challenge constitutionality of regulation setting standards for personal grooming. Regulation was held to be unconstitutional and void in that it failed to promote legitimate state interests of promoting safety of officers in carrying out their duties, fostering and maintaining discipline among policemen, on presenting a favorable image in order to obtain public cooperation. A permanent injunction was issued.

Schott v. Fornoff, 515 F. 2d 344 (4th Cir. 1975).

Policeman discharged from county police department for failure to conform to grooming regulations sought to enjoin his discharge. It was held that the regulation requiring a one-quarter inch clearance between hair on the side of the head and the ear did not bear reasonable relationship to the constitutionally permissible objective of efficient police department and was arbitrary and capricious.

Stradley v. Anderson, 478 F. 2d 188 (8th Cir. 1973).

A police officer brought a civil rights suit challenging a general order promulgated by the chief of police relating to standards of appearance and hair style for police officers. It was held that the order did not deny individual officers due process in view of the public safety commission's legitimate interest in maintaining an efficient and disciplined police force and the public confidence as weighed against the officers' individual likes and dislikes.

II. PROFESSIONALIZATION, EDUCATION AND TRAINING

Ice et al. v. Arlington County Police Dept., No. 74-645-A (E.D. Va., Aug. 10, 1976), off'd No. 76-2194 (4th Cir. May 16, 1977).

The County Police Department instituted a policy of requiring new applicants to have completed 60 college credits. The department had an educational salary incentive plan that paid higher salaries to college-educated officers. One hundred and eleven white officers and one black officer filed suit, alleging discrimination against Negroes and no "business necessity" for the policy. The District Court judge found the county had gone to great lengths to help officers and applicants to take advantage of the program and that college-educated officers made better policemen. The plaintiffs dropped the case.

Beverly v. Morris, 470 F. 2d 1356 (5th Cir. 1972).

After sustaining personal injuries when he was blackjacked by an auxiliary police officer, appellee brought an action in tort against the chief of police alleging negligent supervision. It was found by the trial court that the chief had failed to properly train the officer and supervise his patrol duties. The judgment was affirmed.

III. ADMINISTERING THE POLICE

A. PERSONNEL

Eckloff v. District of Columbia, 135 U.S. 240 (1890).

The plaintiff in error had been removed from his position as a lieutenant on the District of Columbia police force by the commissioners without written charges, notice or hearing. He contested the validity of his removal and sought back salary. The Court held that the commissioners had plenary powers in the management of the affairs of the District, which included power to remove without limitations. The act of summary dismissal could not be challenged.

Garner v. Board of Public Works of Los Angeles, 341 U.S. 716 (1951).

Civil service employees were discharged from their positions for failing to take an oath that they had never been associated with an organization which sought to overthrow the U.S. government. The oath was required by a local ordinance. It was held that the Constitution does not forbid a municipality to require such an oath of its employees. The ordinance was neither a bill of attainment nor an ex post facto law. Nor did it violate the Fourteenth Amendment, since the Court presumed that the oath would not adversely affect persons who, during their affiliation with a proscribed organization, were innocent of its purpose or left it on discovery of such a purpose.

Kelley v. Johnson, 425 U.S. 238 (1976).

A police officer challenged a county regulation limiting the length of officers' hair, arguing that it was an infringement on a liberty protected by the Fourteenth Amendment. The Court held that county regulations governing uniforms and equipment of police officers are entitled to a presumption of legislative validity as an exercise of the police power. The petitioner would have to show that there is no rational connection between the requirement and the promotion of the safety of persons and property.

Roller v. Stoecklein, 75 Abs. 453, 143 N.E. 2d 181 (1957).

A police officer refused to comply with a department directive prohibiting police officers from parking their private cars in public parking spaces reserved by custom for local merchants. He was removed on grounds of insubordination. The directive was held not to be within the lawful authority of the chief of police. By issuing such an order the chief of police unlawfully assumed legislative and judicial authority and, in proceeding against an officer, violated the due process claims of the Fourteenth Amendment. The Court noted that accepting employment with a police department does not result in any waiver of constitutional privileges.

Slocum v. Fire & Police Commissioner, 8 Ill. App. 3d 465, 290 N.E. 2d 28 (1972).

A police officer was suspended for 30 days for failure and refusal to wear an American flag on his uniform. Slocum argued that wearing the flag was symbolic speech and amounted to an enforced oath of loyalty to the flag. It was held that the requirement of a flag served an important governmental interest in helping to develop a sense of loyalty and esprit de corps among police officers. It did not unconstitutionally prevent individual officers from communicating their own ideas on politics and other matters.

Stephens v. Department of State Police, 271 Or. 390, 532 P. 2d 788 (1975).

An Oregon state trooper sought permission from the superintendent to attend a 9-week Army Reserve Officer training program. The superintendent refused the request. The trooper then absented himself from duty and attended the training program. During his absence he was removed. The trooper challenged his removal arguing that state law created a statutory entitlement to military leave and that the superintendent could not lawfully deny him such leave. The Court found in favor of such an entitlement and held that the trooper's action could not be deemed insubordination.

B. COMPLAINTS

Dill v. Rader, 533 P. 2d 650 (Okl. 1975).

A policeman supported unsuccessful efforts of citizens to get enough signatures on a petition to empanel a grand jury to inquire into the conduct of city business and the operation of the police department. To discourage the officer, city officials allegedly conspired to blacken his name and reputation which would provide an excuse for discharging him. It was found that he had indeed been slandered and had started a course of action against the defendant,

officials and the city since the officials were representing the city in its corporate capacity.

Glasson v. City of Louisville, 518 F. 2d 899 (6th Cir. 1975).

Appellant alleged that her First Amendment rights were violated by police officers who seized and destroyed a protest sign she was holding along a motorcade route to be traveled by President Nixon. She brought a civil rights action against the officers and the city. It was held that since the sign presented no threat to the president and the only threat to public order was from a hostile crowd that disapproved of the sign, but who were small in number in relation to the number of police present, police officers had violated appellant's right to free expression and the officers and the city were liable under the Civil Rights Act prohibiting conspiracies to deny equal protection.

Olschock v. Village of Skokie, 541 F. 2d 1254 (7th Cir. 1976).

Impasse in collective bargaining negotiations led village police officers to engage in a "uniform protest" by reporting for duty in civilian clothes. Disciplinary proceedings followed. Thirty-two discharged officers brought an action alleging violation of First, Fifth and Fourteenth Amendment rights and seeking relief under the Civil Rights Act. All of the discharged officers had appeared at their hearing with counsel. Since other officers had not retained counsel and had not been discharged, it was held that the Board of Commissioners had acted arbitrarily on the basis of a suspect classification invidiously discriminating against officers who exercised their right to retain counsel.

Rizzo v. Goode, 423 U.S. 362 (1976).

Two class actions were brought against the mayor of Philadelphia, the police commissioner, and others alleging a pervasive pattern of unconstitutional police mistreatment of minority citizens in particular and Philadelphia residents in general. The lower court found the evidence did not establish the existence of any policy by the mayor or police commissioner to violate constitutional rights, but did find evidence of department discouragement of complaints. The District Court ordered the preparation of a "comprehensive program for dealing adequately with civilian complaints." The Court of Appeals affirmed but the Supreme Court reversed, noting that the District Court's judgment constituted an unwarranted federal judicial intrusion into the discretionary authority of petitioners to perform their official functions as prescribed by state and local laws.

C. POLICY FORMATION

Anderson v. Nasser, 456 F. 2d 835 (5th Cir. 1972).

The plaintiffs were engaged in a civil rights march without a parade permit when they were arrested and detained, first in an auditorium and then at the state penitentiary where they were confined in inadequate facilities. The decisions were made by the chief of police. In the plaintiffs' suit alleging a violation of their due process rights, the chief of police was held liable. However, city police officers and others who played no part in his decision were not jointly and severally liable under the Civil Rights Act.

Flynn v. Giarrusso, 321 F. Supp. 1295 (E.D. La. 1971).

A police lieutenant published an article in a union newsletter critical of practices of the New Orleans Police Department. He was subsequently suspended from duty for violations of department regulations prohibiting public criticism of the department, its policies or officials. The regulation was held to be overbroad and vague. The Court held that a balance must be struck between the officer's First Amendment right to comment upon matters of public concern and the interest of the state in promoting the efficiency of its services.

Morgan v. District of Columbia Police and Firemen's Retirement and Relief Board, 370 A. 2d. 1322 (D.C. 1977).

Policeman injured twice on the job was unable to return to full duty although certified not disabled by the Board. Resubmission of the officer's case to the Board resulted in the finding that he was psychoneurotic and thus permanently disabled and that the condition antedated police duty. The Board's findings were ultimately sustained, the court holding that the officer's unusual emotional vulnerability outweighed the significance which might be attached to the catalytic effect of the relatively minor on-duty accidents which brought on his neurosis.

Stiner v. Police and Fireman's Retirement and Relief Board, 368 A. 2d 524 (D.C. 1977).

A police officer, struck by a vehicle while on duty, sustained multiple injuries and never returned to duty. Medical testimony before the board indicated that the officer's personality was such that he was more vulnerable than an average person to serious psychological problems following traumatic job experiences. The Board found him disabled and ascribed the disability to a pre-existing condition. The reviewing court singled out the traumatic experience as the proximate cause of the disability and overturned the Board's order separating the officer from the force without pension.

Basista v. Weir, 340 F. 2d 74 (3rd Cir. 1965).

The plaintiff sought damages for violation of his civil rights by police officers and officials alleging that they had assaulted him, subjected him to humiliation, arrested him without a warrant and denied him bail, medical assistance and counsel. The evidence was held insufficient to sustain plaintiff's allegations. The Court noted that even if a policeman's acts are motivated by personal animosity, as was alleged in this case, neither the officer nor his actions would fall outside the scope of the Civil Rights Act if he acted under cover of his policeman's badge.

Byrd v. Gain, N558 F. 2d 553 (9th Cir. 1977) Cert. denied, 434 U.S. 1087 (1978).

San Francisco police, unable to apprehend a mass murderer described as a black male, instituted a practice of randomly accosting black males and patting them down. Two police officers made public statements critical of the practice. They were reprimanded. They then sued in federal court under the Civil Rights Act, seeking to remove the reprimands from their file on the grounds that the sanctions violated their First Amendment rights. The Court of Appeals held that though such First Amendment rights are deserving of protection against unreasonable and arbitrary restrictions in the name of institutional policy, an employee does not have an unqualified right to abuse his employer in public.

Carter v. Noble, 526 F. 2d 677 (5th Cir. 1976).

Appellant was held in county jail overnight because he did not have enough cash to pay two traffic violation fines he had incurred that day. As appellant was about to be released, the deputy sheriff ordered that his hair be cut. The lower court found that in the course of cutting appellant's hair, severe bodily injuries were inflicted upon him by the deputy. It was held that the deputy's defense of carrying out prison policy regarding sanitation was frivolous because the appellant was to be released momentarily. Damages were awarded and the deputy was assessed attorney fees on the basis of the bad faith exhibited by his actions.

Czar v. Conley, 456 F. 2d 1382 (6th Cir. 1972).

An Akron, Ohio, family described as "white middle class" alleged that they had been systematically harassed by members of the city police force, one of whom was their neighbor, and that the acts of

harassment were part of a conspiracy involving the whole force and numerous other public officials to deny them their constitutional rights. The family sought damages under the Civil Rights Act. The complainant alleged harassment and intimidation by one defendant, acting under color of law, and an unfair denial of protection and redress because of the defendant's position on the police force. The Court held the complaint adequately alleged a requisite mental state to assert a cause of action for conspiracy to deprive the plaintiffs of their civil rights and neglect to prevent such deprivation.

Dwen v. Barry, 336 F. Supp. 487 (E.D.N.Y. 1971).

A patrolman sought an injunction against the enforcement of a regulation setting grooming standards for officers, arguing that it abridged his right to free expression. Court held that regulations involving dress and grooming are better left to officials who are aware of local customs and taboos. There was no clear showing of a violation of a constitutional right.

Gardner v. Broderick, 392 U.S. 273 (1968).

A police officer called before a grand jury investigating police corruption was told that he would be examined about the performance of his official duties and was advised of his privilege against self-incrimination. He was asked to sign a waiver of immunity after he had been told that he would be fired if he did not sign. He refused, and after an administrative hearing, was fired solely for his refusal. On appeal, the Court held that his dismissal solely for his refusal to waive his immunity violated the Fifth Amendment privilege against self-incrimination. However, had he refused to answer questions directly relating to his official duties without being required to waive immunity with respect to the use of his testimony against himself, the constitutional privilege would not have barred his dismissal.

Kamisar, Yale; Wayne La Fave; and Jerold H. Israel. Modern Criminal Procedure: Cases, Comments, and Questions. 4th ed. St. Paul, Minn.: West Publishing, 1974.

This widely used text follows a chronological approach, using significant criminal procedure decisions from the 1973-1974 term of the U.S. Supreme Court. The book begins with an overview of the criminal justice system and a general consideration of due process. It examines the system from arrest and search to post-conviction review.

Kamisar, Yale; Wayne La Fave; and Jerold H. Israel. Modern Criminal Procedure: Cases, Comments, and Questions. Supplement to the Fourth Edition. St. Paul, Minn.: West Publishing, 1978.

This supplement to the fourth edition contains significant U.S. Supreme Court decisions from the early spring of 1974 up to and including October 1, 1977. A few potentially significant lower court decisions are included.

Kauffman v. Moss, 420 F. 2d 1270 (3rd Cir. 1970).

The appellant was convicted of conspiracy to commit burglary and larceny in state court. He alleged that his conviction was the result of a conspiracy, involving the prosecuting attorney and police officers and officials, to secure conviction through perjured testimony. He sought damages for violation of his civil rights under 42 U.S.C. Sec. 1983. The Court held that his claim should not have been dismissed on a theory of collateral estoppel since a guilty verdict does not establish the veracity of all witnesses. Also, while the district attorney enjoys prosecutorial immunity from civil suits, police officers are not immune from liability under the Civil Rights Act.

Pierson v. Ray, 386 U.S. 547 (1967).

The petitioners were a group of black and white clergymen who had been arrested for using a segregated bus station waiting room. They were charged under a state statute that was later held unconstitutional. An appeal on petitioners was accorded trial de novo while the cases against the others were dropped. The petitioners then sought damages under 42 U.S.C. Sec. 1983, which imposes liability on any person who, under color of law, deprives another of his civil rights, and at common law for false arrest. It was held that the defense of good faith and probable cause was available to the police for violations of both common law false arrest and of Sec. 1983. In effect, the police are not responsible for predicting the unconstitutionality of state laws, but, the defenses of good faith and probable cause must be satisfied on the evidence.

McAuliffe v. Mayor of New Bedford, 29 N.E. 517 (Mass. 1892)

A policeman was dismissed for violating regulations prohibiting officers from joining political committees or soliciting money for political purposes. The dismissal was affirmed. Justice Holmes, articulating the state's authority to restrain freedom of speech as a condition of public employment, pointed out that though petitioner had a constitutional right to talk politics, he had no such right to be a policeman.

Schnell v. City of Chicago, 407 F. 2d 1084 (7th Cir. 1969).

Photographers sought an injunction against the Chicago police force from interfering with their right to gather news and photograph news events. The photographers had been covering the 1968 Demo-

cratic National Convention in Chicago. The Court held that the appellants stated a claim under 42 U.S.C. Sec. 1983 and that injunctive relief was a proper remedy under the statute.

Whirl v. Kern, 407 F. 2d 781 (5th Cir. 1968).

The appellant had been arrested on suspicion of felony theft. The charges were subsequently dropped, but the news of this never came to the sheriff. Consequently, the appellant was detained for nine months. He sought damages for violation of his civil rights, alleging a false imprisonment. The Court held that the ignorance of the sheriff of the dismissal of charges is no defense in the civil rights action. The Civil Rights Act should be read against the background of tort liability that makes a man liable for the natural consequences of his action even if there is no improper motive.

V. COMMUNITY RELATIONS

Nesmith v. Alford, 318 F. 2d 110 (5th Cir. 1963).

The plaintiffs were arrested and subsequently tried for disorderly conduct. They had been eating with Negroes in a public restaurant. The plaintiffs brought an action for false imprisonment, malicious prosecution and violation of civil rights against the arresting officers and other police officials. The Court held that plaintiffs were entitled to a judgment of false imprisonment as a matter of law and that they had stated a claim alleging malicious prosecution and civil rights violations although issues of malice and damages required retrial.

VI. AFFIRMATIVE ACTION

A. WOMEN

Detroit Police Officers' Association v. Young, 608 F. 2d 671 (1979).

The petitioner sought to enjoin the mayor and other city officials from further implementation of an affirmative action program for the police force, arguing that it violated the Fourteenth Amendment's guarantee of equal protection and the Civil Rights Act of 1964. The Court of Appeals set aside the District Court's findings that there had been no showing of prior racial discrimination in the department, noting that there was uncontroverted evidence of discrimination in violation of Title VII. Hence, the city's program of affirmative action did not itself violate Title VII. The rejection of the lower Court's findings was based largely on that Court's narrow construction of rules of evidence which was inappro-

priate for the type of evidence necessary to show a pattern of racial discrimination over a number of years.

B. MINORITIES

Edmonds v. Dillin, 485 F. Supp. 722 (N.D. Ohio, 1980).

Plaintiff brought a civil rights action against cities, their police departments and several officers for alleged violations of the Fourth and Fourteenth Amendment rights of racial minorities and poor people. The cities were found to be the real parties in interest. However, the Court held that plaintiffs did not have a direct cause of action under the Fourteenth Amendment: their remedy was in a cause of action against the municipality under 42 U.S.C. Section 1983.

Hampton v. Hanrahan., 600 F. 2d 600 (7th Cir. 1979).

Appellants were members of the Black Panther Party. Their apartment was raided by Chicago police officers who were executing a warrant to search the premises. When the police burst in, a gun battle errupted. Two occupants were killed. Appellants brought a civil rights action aginst the officers and other city and federal officials for conspiracy to deprive them of their civil rights. The Court of Appeals reversed a directed verdict for defendants, finding that appellants had established a prima vacie case against the officials involved.

Rizzo v. Goode, 423 U.S. 362 (1976).

Civil rights suits were brought against the mayor and police commissioner of Philadelphia alleging that they permitted or encouraged police officers to engage in a pervasive pattern of abuse of the rights of minority citizens and Philadelphia residents in general. The lower courts found that there were violations by police officers, but that administrative policy, while not encouraging such activity, tended to discourage citizen complaints and to minimize the consequences of police misconduct. The District Court directed petitioners to draft a comprehensive program for dealing with civilian complaints. The Supreme Court characterized this as an unwarranted federal intrusion into local affairs.

Sims v. Adams, 537 F. 2d 829 (5th Cir. 1976).

Appellant, a black, alleged that he had been falsely arrested and subjected to physical abuse by Atlanta police officers. He filed a civil rights action naming the officers, the chief of police and the mayor as defendants. It was held that he had stated a cause of action against the chief of police and the mayor for failure to con-

trol a policeman's known propensity for improper use of force. The complaint also stated a cause of action against two police committees based on alleged breach of duty to discipline policemen whose recent culpable conduct had been brought to their attention.

VII. POLICE SHOOTINGS

Brazius v. Cherry, 293 F. 2d 401 (5th Cir. 1961).

The plaintiff witnessed a man beaten to death by Georgia police officers. He sought damages as the survivor of a person who had been deprived of his civil rights by officers acting under color of state laws. It was held that the action against the Georgia police officers for the alleged wrongful death of the deceased grounded on violations of the Civil Rights Act gave rise, by virtue of a Georgia survival statute, to a federally enforceable claim for damages by survivors.

Chestnut v. City of Quincy, 513 F. 2d 91 (5th Cir. 1975).

While a policeman was attempting to arrest an individual, he shot and injured that individual and a bystander. The two injured parties brought a civil rights action against the chief of police, alleging that his negligent supervision had resulted in a violation of their rights. It was held that where the chief of police knew of no use of excessive force by the officer during his tenure as chief, the first knowledge of the shooting came after the fact and the chief had nothing to do with or leading up to the shooting, he could not be held liable even though he had heard rumors before becoming chief of police that the officer had shot and injured another person while on duty.

Jenkins v. Averett, 424 F. 2d 1228 (4th Cir. 1970).

A black youth was shot by a white police officer. The officer alleged that his pistol discharged accidentally. In a suit alleging violation of appellant's civil rights, the youth sought damages from the officer. The officer's gross or culpable negligence in shooting a person for whom no warrant had been issued and who was not suspected of having committed a crime was constitutionally cognizable and remediable under the Civil Rights Act.

McDaniel v. Carroll, 457 F. 2d 968 (6th Cir. 1972).

The sheriff's deputy, while attempting to serve an arrest warrant, shot the appellee. The shooting was found to have been unjustified. A civil rights suit was brought against those concerned to recover compensatory and punitive damages for personal injuries. The judgment was in favor of the appellee. The Court held that a

claim was clearly made out against the deputy, who was acting within the scope of his official duties. Also, under Tennessee law, a sheriff and his deputy are liable both in compensatory and punitive damages for acts committed by a deputy. On this last point the Court noted that state common law may be used on the issue of damages if it better serves policies expressed in federal statutes.

Screws v. United States, 325 U.S. 91 (1945).

A Georgia county sheriff and other police officers arrested a black male for theft of a tire. The arrestee was handcuffed and subsequently beaten to death by the officer. The indictment against the sheriff alleged that he had, under color of law, sought to deprive another of his constitutional rights. To wit: The deceased had been deprived of his life without due process of law. The statute under which the sheriff was charged was held to be constitutional in as far as it penalized acts which willfully deprive a person of his due process rights. Willfullness is an ascertainable standard of guilt and attendant circumstances such as malice, the nature of the act, provocation and the like may be considered by the finder of fact in determining intent to deprive a person of constitutionally protected rights. The arrest and assault of the prisoner were actions under color of law.

POLICE USE OF FORCE

District of Columbia v. Carter, 409 U.S. 418 (1973).

The respondent alleged that he had been arrested without probable cause and subjected to a vicious beating by a D.C. police officer. He brought suit against the officer for a violation of civil rights under color of law (42 U.S.C. Sec. 1983). His complaint also alleged that the precinct captain, the chief of police, and the District of Columbia each had negligently failed to train, instruct, supervise and control the offending officer with regard to the circumstances in which an arrest may be made and the extent to which force may be used to effect an arrest. It was held that the District of Columbia is not a state or territory within the meaning of 42 U.S.C. Sec. 1983, hence, the claim against District authorities would not stand. However, the claim against the officer may be deprivation of constitutional rights.

In re Valarie E., 50 Cal. App. 3d 213, 123 Cal. Rptr. 242, 86 ALR 3d 1163. (1975).

The petitioner alleged that when apprehended by two police officers she was treated with excessive force, which justified her resistance. In her trial for assaulting the officers, she sought discovery of notations of complaints against those officers in department

personnel files concerning their propensity to violence, use of excessive force and allegations of racial or ethnic prejudice. It was held that a defendant may have discovery of such material if it is specifically described and defendant may not readily obtain it with her own efforts. Names of prior complainants were held not to be required. Precise description of the type of acts of which defendant lacks records of complaints was held to be sufficiently specific in this case.

Johnson v. Glick, 481 F. 2d 1028 (2nd Cir. 1973).

A prison inmate alleged that he had been attacked and beaten by a guard who then denied him medical treatment for two hours. The Court held that the appellant had stated a claim under the Civil Rights Act. Constitutional protection against police brutality, both before and after sentencing, is not limited to any specific command of the Bill of Rights. Undue force by law enforcement officers deprives a suspect of liberty without due process of law. The claim did not include the warden of the facility because the Court held that respondeat superior does not suffice to impose liability. A showing of personal responsibility is required.

MacDonald v. Musick, 425 F. 2d 373 (9th Cir. 1970).

The appellant had been arrested for driving while intoxicated. He asserted that there had been no probable cause to stop him, that he had been falsely arrested and that he had had a right to resist the improper arrest. As a result of resisting, he alleged that he had been beaten by police officers. The district attorney subsequently moved to drop the charges provided the appellant stipulate to probable cause. The district attorney wished to get probable cause in the record so that appellant would not bring a civil rights suit against the police officers involved. The appellant refused. The Court held it improper for the prosecutor to use a criminal prosecution to forestall a civil proceeding against policemen. The appellant had also stated a claim under the Civil Rights Act with respect to the unlawful arrest and beating.

Mattis v. Schnarr, 547 F. 2d 1007 (8th Cir. 1976).

Two teenagers were discovered by police in the commission of a burglary. They were unarmed and fled. The officers shouted that they were under arrest. When they failed to stop, shots were fired and appellants' son was killed. Appellant brought a civil rights action upon behalf of his deceased son. The Court of Appeals held the state statute governing the case of deadly force unconstitutional as regards using it against fleeing felons who are not reasonably thought likely to use deadly force against the pursuing officers or others. Here, it was held that the defenses of good faith and probable cause were available to the officers, even though the statute they relied on was unconstitutional.

Sauls v. Hatto, 304 F. Supp. 124 (E.D. La. 1969).

Police officer shot a 17-year old boy who was attempting to flee from the scene of a crashed automobile the boy had stolen. The officer did not act in self-defense or to prevent a life threatening crime, but only acted to prevent an escape. It was held that, under Louisiana law, the mother of the boy was entitled to recover damages from the officer for wrongful death. However, a fellow officer, who did not participate in the killing, was not liable.

State ex rel. De Cencini v. Superior Court of Pima County, 20 Ariz. App. 33, 509 P. 2d 1070 (1973).

The defendant was charged with obstructing justice by allegedly hitting a police officer. The defendant alleged that the officer was the aggressor and sought access to records of the Internal Affairs Division of the City Police Department for information in the officer's files which might contain, as would be determined in camera, complaints of over-aggressiveness against the officer which had resulted in departmental findings adverse to him. While limiting discovery to such findings, the Court held that the very purpose of the Internal Affairs Division was to "police the police" and that its findings could not be kept secret where a verdict of guilt or innocence of the accused turned on whether the jury believed that the defendant or the officer was the aggressor.

State v. Fleischman, 10 Or. App. 22, 495 P. 2d 277 (1972).

The defendant allegedly attacked a police officer who attempted to apprehend him. The defendant argued self-defense, stating that he had been in fear of his safety. Another officer testified in the trial to the effect that defendant had, on another occasion, attacked him when he had attempted to arrest the defendant. Defendant argued that the second officer had been the aggressor in that prior incident and sought to have access to the second officer's personnel file on information and belief that the officer had been involved in other violent encounters while making arrests, and that he had been the aggressor on these occasions. On appeal of the defendant's conviction, the trial court's conclusion, based on in camera inspection of the records in question, that no information therein was relevant to the defendant's defense, was rejected by the appellate court. The record was found to contain evidence which, if believed by the jury, would have been seriously considered by it in determining guilt or innocence.

Wiley v. Memphis Police Department, 548 F. 2d 1247 (6th Cir. 1977).

Appellant's deceased son, a minor, was killed by police officers while fleeing the scene of an attempted burglary. Appellant

brought a civil rights suit based on alleged violations of her son's Fourth, Fifth, Sixth, Eighth, Thirteenth and Fourteenth Amendment rights. She specifically challenged the constitutionality of the city's deadly force policy and the state statute that authorized it. The statute had been previously adjudged constitutional and the Court of Appeals held that the police officers were entitled to rely on the constitutionality of the policy and the statute.

Williams v. Liberty, 461 F. 2d 325 (7th Cir. 1972).

The appellant was arrested by police in a Chicago tavern, taken to the police station and there allegedly beaten, unlawfully detained and denied an opportunity to contact counsel. It was held, inter alia, that a conviction in a criminal charge is not conclusive as to matters that may be raised in a civil rights suit where those matters were not specifically determined in the prior suit. Though there was a general verdict in the criminal trial of guilty of resisting arrest and allegations were made therein of excessive force and brutality, those issues were not adequately decided by the evidence introduced at the trial. The appellant was thus not collaterally stopped from relitigating those issues in a civil rights suit for damages.

VIII. CORRUPTION AND MISCONDUCT

Brukiewa v. Police Commissioner of Baltimore, 263 A. 2d 210 (MD 1970).

A police officer who had made public statements critical of his department was suspended. The alleged public criticism related to reporting and patrol procedures and department morale. He was charged with conduct unbecoming an officer. It was held that where his statements were not directed toward a superior with whom the officer would come into frequent contact and were not shown to have affected discipline or efficiency of the department, he did not go beyond the bounds of permissible free speech.

Byrd v. Brishke, 466 F. 226 (7th Cir. 1972).

The appellant was found injured by Chicago police. He alleged that they denied him medical attention, beat him severely, falsely charged him with a criminal offense and wrongfully detained him in a police facility. The appellant brought a civil rights action for damages against various officers and their supervisors. A directed verdict was given against the appellant. On appeal it was held that the directed verdict was improperly issued. The trial judge erred in viewing the evidence in the light most favorable to the defendant and in weighing the credibility of witnesses. The case should have gone to the jury. The Court also held that the ev-

They appealed the admission of those answers over their objection. It was held that the threat of removal to induce petitioners to forego the privilege against self-incrimination secured by the Fifth Amendment rendered their statements involuntary and therefore inadmissible in state criminal proceedings.

Gasparinetti v. Kerr, 568 F. 2d 311 (3rd Cir. 1977).

Plaintiff police officer was president of the Policeman's Benevolent Association. He made statements to the local press criticizing the action of a superior officer in transferring several police officers alleging that the officer was succumbing to political pressure and threats and was attempting to circumvent collective bargaining. In an administrative inquiry, plaintiff argued that his actions were in his capacity as union leader and not subject to investigation. He was subsequently charged with violations of department regulations forbidding public disparagement and insubordination. Plaintiff sought to enjoin the proceedings. On appeal of a denial of the injunction, the Court held regulations concerning derogatory reference, censoring official transaction and public disparagement constitutionally overbroad but noted that the government has significant interests in regulating some speech of police officers to promote efficiency.

In re Gioglio, 248 A. 2d 570 (N.J. 1968).

Policeman gave an interview critical of the operation of the department to a newspaper reporter in violation of a regulation. It was held that he could not be punished. The privileges of public employment and the right of free speech were held not to be incompatible as long as the exercise of free speech does not impair the administration of the public service.

Hileman v. Knoble, 391 F. 2d 596 (3rd Cir. 1968)

Appellant had brought an action under the Civil Rights Act against two police officers, one who, he alleged, had illegally arrested him and another who confined him in jail with no warrant for commitment. The Civil Rights Act has no applicable federal statute of limitations, therefore state law must apply to determine the viability of the claim. The issue here was whether a one year limit for false arrest or a two year limit for false imprisonment would be applicable as against the second officer. The Court interpreted the false arrest statute to include false imprisonment where the defendant acts for the purpose of thwarting the administration of the law without actual legal justification. Hence the shorter statute of limitations is applicable.

Hoyt v. Baltimore Police Commissioner, 367 A. 2d 924 (MD 1977).

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Hoyt v. Baltimore Police Commissioner, 367 A. 2d 924 (MD 1977).

A police officer was dismissed for engaging in an unlawful strike, although he did not take part in the union's strike activities. The dismissal was upheld based on showings that he had failed to report the calling of a strike of which he had knowledge and that, after observing the picket line while off-duty, he departed on a previously authorized leave for the duration of the strike without first checking to see if his leave had been cancelled.

Kanniste v. City of San Francisco, 541 F. 2d 841 (9th Cir. 1976)

Police lieutenant was suspended for violation of a department regulation prohibiting disrespectful and belittling remarks about a superior officer while addressing subordinates. He also published his opinion in a local newspaper. The newspaper publication was held to be a constitutionally protected exercise of free speech. The Court, in its opinion, recognized that government employees have a right to comment on matters of public concern and that they may be very well able to inform the public of deficiencies in government. The sanctions were upheld, however, the Court regarding the substance of the officer's speech before subordinates as not in the public interest since it was limited to insulting the personality of a superior officer.

Magri v. Giarrusso, 379 F. Supp. 353 (E.D. La 1974).

A police sergeant, who was also president of policemen's union, was dismissed as a result of his persistent public criticism of the superintendent in violation of department regulations. The sergeant's public criticism came in a continuous stream for almost five years. He filed suit seeking reinstatement because of alleged infringements of rights protected by the constitution. It was held that the department regulation prohibiting public criticism which tended to impair the operation of the department was not vague or overbroad. The police officer did not have a protected right to make public statements pertaining to the superintendent that were insubordinate, defamatory or vitriolic and that threatened significant working relationships vital to the administration of the police department.

Mastracchio v. Ricci, 498 F. 2d 1257 (1st Cir. 1974).

Appellant brought a civil rights suit against the Providence Police Department alleging a violation of his right to a fair trial. He alleged that a police officer had perjured himself at appellant's trial for murder. It was held that appellant's conviction collaterally stopped him from bringing suit under the Civil Rights Act.

Miller v. Stennett, 257 F. 2d 910 (10th Cir. 1958).

Appellant, an itinerant tailor and salesman engaged in interstate commerce, was arrested for violation of a local ordinance requiring a license. Appellant had twice before been arrested and had the charges dismissed because the ordinance did not apply to merchants in interstate commerce. The arrest was made by a police officer who knew of appellants claim of immunity at the instigation of a local department merchant. In an appeal of the local court's decision against appellant in his suit for wrongful arrest, the Court of Appeals held that the appellant's arrest and detention were not made in good faith reliance on the ordinance, but were for the purpose of harassment to serve selfish ends. Consequently, appellant's action against the arresting officer would lie.

Muller v. Conlisk, 429 F. 2d 901 (7th Cir. 1970).

Detective sought declaratory and injunctive relief relating to a reprimand given to him for violation of a department rule prohibiting police from engaging in any activity, conversation, deliberation or discussion derogatory to the department or any other member or policy of the department. He had reported to disciplinary authorities the conversion of goods by other police officers. No action was taken. When questioned by reporters he told them that it was useless to complain to the Internal Inspection Division. It was held that the regulation that he violated was vague and overbroad and violated First and Fourteenth Amendment rights.

Phillips v. Adult Probation Dept., 491 F. 2d 951 (9th Cir. 1974).

A deputy probation officer maintained a poster in his office which celebrated the exploits of certain black nationalist fugitives from justice. Refusal to remove the poster led to his suspension. He brought a civil rights suit alleging abridgement of his First Amendment rights. In this case, the Court of Appeals held the government interest in promoting the efficiency of public service outweighed appellant's right to free expression. The Court noted that the restriction on appellant's expression was limited to work hours and work place and that he had been given warning and opportunity to remove the poster.

Polite v. Diehl, 507 F. 2d 119 (3rd Cir. 1974).

Appellant was arrested for drunken driving. He alleged that he was not advised of the charges, was beaten by police, was subjected to unlawful seizure of his car and was coerced into pleading guilty of the charge. Twenty-three months later he brought a civil rights suit based on the alleged misconduct of police. Appellee sought summary judgment alleging that the statutory limitation on a cause of action for false arrest barred appellant's entire claim. Appellant argued that the longer period allowed for tort claims should apply. It was held that the causes of action stated in appellant's claim would not be barred by a state statute of limitations specif-

ically applicable to false arrest. Though the claim for false arrest was barred. Appellant had properly stated claims based on the balance of the alleged police misconduct.

Street v. Susdyka, 492 F. 2d 368 (4th Cir. 1974).

Two police cadets in an automobile almost collided with appellant cabdriver. When one of them approached him, he sped off, almost striking the cadet. They reported the incident to a police officer who arrested appellant. He was booked on a misdemeanor charge. Maryland follows the common law rule that a police officer may not arrest for a misdemeanor without a warrant. The misdemeanor must also have been committed in the officer's presence. Appellant's arrest was therefore unlawful. Appellant sought to hold the officer and cadets liable in a civil rights suit for false arrest. It was held that an arrest unlawful under state law, but carried out in good faith and on probable cause, does not fall within the protection of the Civil Rights Act.

Wounded Knee Legal Defense/Offense Committee v. F.B.I., 507 F. 2d 1281 (8th Cir. 1974).

Appellant organization set up offices in order to facilitate the defense of criminal defendants who had been involved in the Wounded Knee occupation by American Indians. Federal law enforcement officers were also present in the area. Appellants alleged that those officers had violated the constitutional rights of appellants and their clients by engaging in a continuous campaign of assaults, verbal abuse and harassment. Appellants sought an injunction under the Civil Rights Act. It was held that appellants had standing to seek the injunction based upon their representation of clients whose right to effective counsel would be denied if counsel were subjected to intimidation by law enforcement officers.

IX. INFORMATION GATHERING

A. UNDERCOVER OPERATIONS

Harris v. New York, 401 U.S. (1971).

The petitioner was charged with selling heroin to an undercover police officer. He appealed his conviction, alleging that a statement to police was made by him under circumstances which rendered it inadmissible to establish prosecution's case under Miranda and should not be used to impeach his credibility. The previous statement partially contradicted his direct testimony at trial. The Court affirmed the conviction, noting that the shield provided by Miranda cannot be perverted into a license to use perjury by

way of defense, free from the risk of confrontation with prior inconsistent utterances.

Kelly v. U.S., 194 F. 2d 150 (D.C. App. 1951).

The appellant had been arrested by a police decoy in a Washington park on a charge of soliciting a deviant sexual act. Only the arresting officer heard the alleged invitation, which the appellant denied. The Court held the evidence was insufficient to sustain a conviction, and that the testimony of a single witness, the arresting officer, should be received and considered with great caution. It requires corroboration since the statute making such solicitation an offense must be designed to prevent the offense, not to ruin reputations or to encourage blackmail.

Lewis v. United States, 385 U.S. 206 (1966).

The petitioner appealed his narcotics conviction which was based on testimony of an undercover federal narcotics officer. The agent, by misrepresenting his identity and expressing a willingness to purchase narcotics, was invited into petitioner's home where an unlawful narcotics transaction took place. At the trial, the agent testified as to what occurred in the petitioner's home and the narcotics were introduced. The Court affirmed the conviction, noting that the pretense resulted in no breach of privacy.

Manson v. Brathwaite, U.S. (1977).

The respondent was convicted of the sale of narcotics. After purchasing heroin, an undercover state police officer gave the police a general description of the seller. On the basis of the description, an officer obtained a single photograph of the respondent and showed it to the undercover agent. The officer identified it as a photograph of the seller and also made an in-court identification at the trial. On federal habeas corpus, the U.S. Court of Appeals for the Second Circuit held that because the showing of the single photograph was unnecessarily suggestive evidence it should have been excluded, regardless of reliability. Supreme Court, relying on Biggers, reversed the Court of Appeals decision, noting that (1) the undercover agent had ample opportunity to view the respondent at the time of the sale; (2) the undercover agent was specially trained as an observer and was not a passing observer; (3) description given to police of the respondent was accurate; (4) undercover agent was certain of his identification; and (5) the time between the crime and the confrontation was only a few days.

Smith v. Illinois, 390 U.S. 129 (1968).

The petitioner appealed his conviction for the illegal sale of heroin. At the trial he was denied the right to ask the principal

prosecution witness either his correct name or where he lived, although the witness admitted that the name he gave was fictitious. The Court held the petitioner was deprived of his right to confront the witnesses against him, guaranteed by the Sixth and Fourteenth Amendments.

Weatherford v. Bursey, 429 U.S. 545 (1977).

Bursey and Weatherford (a state undercover agent) vandalized a selective service office. Weatherford reported the incident to the police, but in order to maintain his undercover status, he was arrested and charged along with Bursey. At the request of Bursey's attorney, Weatherford attended two pretrial meetings with Bursey and his attorney. At the trial, the prosecution called Weatherford as a witness but his testimony related only to events prior to the meetings with Bursey and his lawyer and did not refer to anything said at these meetings. Bursey was convicted and subsequently brought action against Weatherford, alleging that the latter's participation in the pretrial meetings had deprived him of the effective assistance of counsel as well as his right to a fair trial. The Court held that Bursey's constitutional rights were not violated and that the right to counsel establishes no per se rule forbidding an undercover agent to meet with a defendant's counsel.

B. SURVEILLANCE

Alderman v. United States, 394 U.S. 165 (1969).

Two petitioners were convicted for conspiring to transmit murderous threats in interstate commerce and two for conspiring to pass national defense information to the Soviet Union. The petitioners demanded a retrial, arguing that if evidence is inadmissible against one defendant or conspirator because of tainted electronic surveillance, it is also inadmissible against his co-defendant or co-conspirator. The Court rejected the petitioners' arguments, noting that evidence against one defendant need not be excluded to protect the rights of another. It also ruled that all records of illegal electronic surveillance to which any defendant has standing to object should be turned over to him without prior judicial screening.

Anderson v. Sills, 265 A. 2d 678 (1970).

The New Jersey Supreme Court reversed a lower court decision in which individual civil rights activists and the Jersey City NAACP were awarded an injunction against local law enforcement officials. They had been using an intelligence collection system which the plaintiffs alleged violated their First Amendment right to freedom of expression and association. The Court held that the injunction was improperly granted on the basis of mere speculation that the police would engage in unwarranted activities, stating "A Court

should not interfere in the absence of proof of bad faith or arbitrariness."

Berger v. New York, 388 U.S. 41 (1967).

The petitioner was indicted for, and convicted of, conspiracy to bribe the Chairman of the New York State Liquor Authority. His conviction was based on evidence obtained from a recording device installed in the office of an attorney who served as a "conduit" between the petitioner and the New York Liquor Authority. The Court reversed, noting that the New York eavesdrop statute permitted a trespassory invasion of the home, by general warrant, contrary to the command of the Fourth Amendment. The case brings wiretapping and other electronic eavesdropping fully within the purview of the Fourth Amendment.

Dalia v. United States, 441 U.S. 238 (1979).

Finding reasonable cause to believe the petitioner was conspiring to steal goods being shipped in interstate commerce, a Federal District Court authorized the interception of all oral communications concerning the petitioner's office. However, FBI agents secretly entered the office to install the device although the Court order did not explicitly authorize entry. The Court upheld the electronic surveillance.

Doyle v. Ohio, 426 U.S. 610 (1976).

After being arrested and charged with selling marijuana to an informant, the defendants were given Miranda warnings and chose to remain silent. At their separate trials, the defendants testified that they had been framed by narcotic agents. For impeachment purposes, and in an effort to undercut their explanation, the prosecution was allowed to ask each defendant why he had not told the frame-up story to the arresting officer. The U.S. Supreme Court held such use of a defendant's post-arrest silence, after receiving Miranda warnings, permissible noting that "it would be fundamentally unfair and a deprivation of due process to allow the arrested person's silence to be used to impeach an explanation subsequently offered at trial."

Gelbard v. United States, 408 U.S. 41 (1972).

Grand jury witnesses were held on contempt charges brought on the basis of their refusal to obey Court orders to testify. The Court held that grand jury witnesses may refuse to testify where their testimony is sought on the basis of illegal electronic surveillance. Furthermore, such testimony would constitute "evidence derived" from violations of Title III of the Crime Control Act and "no part of the contents of such communication and no evidence de-

rived therefrom" may be used "in any trial, hearing, or other proceeding in or before any grand jury."

Katz v. United States, 389 U.S. 347 (1967).

The petitioner was convicted of transmitting wagering information by telephone in violation of a federal statute. Over the petitioner's objection, the government was permitted to introduce evidence consisting of the petitioner's end of telephone conversations, overheard by FBI agents via an electronic listening and recording device placed on the outside of the public telephone booth from which he had placed his calls. The Court reversed judgment, noting that what a person seeks to preserve as private, even in an area accessible to the public, is constitutionally protected under the Fourth Amendment.

Laird v. Tatum, 408 U.S. 1 (1972).

Respondents instituted a class action, alleging that the army's intelligence system for surveillance of civilian activities went beyond their mission requirements, thereby imposing a chilling effect on their exercise of First Amendment rights. The Court held that allegations of a subjective "chill" are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harm.

Lopez v. United States, 373 U.S. 427 (1963).

The petitioner made an unsolicited bribe offer to an IRS agent who met him in the latter's office and recorded his subsequent bribe offers by means of a concealed wire recorder. Relying on On Lee v. United States, the Court rejected the argument that considering the agent's falsification of his mission, he gained access to Lopez's office by misrepresentation and consequently illegally "seized" Lopez's words.

Massiah v. United States, 377 U.S. 201 (1964).

The Court ruled that the petitioner was denied the basic protection of right to the assistance of counsel when evidence of his own incriminating words were used against him at his trial. The petitioner made statements to a co-defendant who was cooperating with the government and who engaged the petitioner in conversation in the presence of a hidden radio transmitter after he had been indicted and in the absence of counsel.

On Lee v. United States, 343 U.S. 747 (1952).

The petitioner appealed his conviction for narcotic offenses. He had been convicted based on incriminating statements made to an acquaintance who was wired for sound. The Court sustained the conviction, rejecting the claim that the acquaintance had committed a trespass by fraud.

Scott v. United States, 436 U.S. 128 (1978).

The petitioner argued the government failed to make good faith efforts to comply with the minimization requirement during its court-ordered wiretap of his phone, and as a result was in violation of Section 2518(S). The Court rejected the petitioner's argument, noting that an evaluation of compliance with the minimization requirement, like the evaluation of all alleged violations of the Fourth Amendment, should "be based on the reasonableness of the actual interception and not on whether the agents subjectively intended to minimize their interceptions."

Smith v. Maryland, 442 U.S. 735 (1979).

The police, with the assistance of the phone company, installed a mechanical device on the defendant's phone line which recorded all numbers dialed from his phone and the times the numbers were dialed, but did not overhear oral communications. The Court held that no "search" had occurred and thus no warrant was required, "concluding that petitioner in all probability entertained no actual expectation of privacy in the phone numbers he dialed."

United States v. Cafero, 473 F. 2d 489 (3rd Cir. 1973).

The appellants were convicted of federal crimes involving use of interstate facilities in aid of an illegal numbers lottery operation. Evidence was obtained from a court-ordered government telephone tap on one appellant's phone, pursuant to Title III. The appellants argued that Title III was unconstitutional, relying on the opinion of United States v. Whitaker, 343 F. Supp. 358 (E.D. Pa. 1972). Court affirmed the judgments of conviction.

U.S. v. Chavez, 416 U.S. 562 (1974).

This case is a companion to United States v. Giordano. The Attorney General authorized the application for a court order, but the application and the court order incorrectly identified the Assistant Attorney. Thus the Justice Department violated the "identification requirement" of Title III, Section 2518 (1) (a) and the wiretap order violated Section 2518 (4) (d). The Court held that Title III did not require suppression under those circumstances.

United States v. Donovan, 429 U.S. 413 (1977).

A Federal District Court authorized FBI agents to intercept the gambling-related phone conversations of three named individuals other than the respondents. The FBI learned, in the course of the wiretap, that the respondents were discussing illegal gambling activities with the named individuals, but did not identify the respondents when it applied (and obtained) an extension of the intercept order. When the government subsequently submitted to the District Court a proposed order giving notice of the interceptions, the government inadvertently excluded two names from their list of persons intercepted and those persons were never served with inventory notice. The Court held that "the statutorily imposed preconditions to judicial authorization were satisfied" and that the circumstances did not render the conversations "unlawfully intercepted" within the meanings of Title III, Section 2518 (10)(a).

United States v. Ford, 553 F.2d 146 (D.C. Cir. 1977).

This case concerns electronic surveillance which also involves unconsented physical entry into private premises. Suspecting that a drug distribution ring was operating out of a shoe store, District of Columbia narcotics officers obtained a court order authorizing them to enter and re-enter the store for the purpose of installing, maintaining and removing an undesignated number of "bugging" devices. The Court held that the resulting evidence had to be suppressed because the order violated the Fourth Amendment by authorizing entry on the basis of an affidavit which failed to allege circumstances warranting such physical trespasses. Essential to this holding is the premise that entries to plant "bugs" are themselves invasions of privacy distinct from the actual eavesdrop, and therefore require separate consideration in the warrant procedure.

United States v. Giordano, 416 U.S. 505 (1974).

The Court held that Title III, Section 2518 (10)(a)(i) did not permit the Attorney General's executive assistant to authorize a wiretap application and that the contents of any intercepted communication and "evidence derived therefrom" is inadmissible. The Supreme Court rejected the government's contention that the communications had been "unlawfully intercepted" because approval by the wrong official is merely a statutory violation and Section 2518 (10)(a)(i) should be construed to reach constitutional violations only. Compare the companion case of United States v. Chavez.

United States v. Holmes, 521 F. 2d 859 (5th Cir. 1975), affirmed per curiam on rehearing 537 F. 2d 227 (5th Cir. 1976).

While the defendant's van was parked in a public parking lot, government agents attached a battery-operated "beeper" under a rear wheel of the van. The van was tracked via radio signals and a large amount of marijuana seized from it and the nearby vicinity.

The Supreme Court affirmed the District Court's holding that the use of the beeper to monitor the movements of the van was a "search" within the meaning of the Fourth Amendment and illegal because no effort was made to obtain a warrant.

United States v. Kahn, 415 U.S. 143 (1974).

Mr. and Mrs. Kahn were indicted for gambling offenses based on intercepted wire communications. Mrs. Kahn moved to suppress all conversations between her and her husband and between her and a third party on the ground they were outside the scope of the wiretap order. The Court order had approved an application to intercept communications of Mr. Kahn "and others as yet unknown." Mrs. Kahn's motion was granted by the Seventh Circuit. The Supreme Court reversed, observing "that identification is required only of those 'known' to be 'committing the offense.'"

United States v. United States District Court, 407 U.S. 297 (1972).

The United States petitioned for writ of mandamus to compel a district judge to vacate an order directing the United States to make full disclosure of electronically monitored telephone conversations. This case involves the question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. The Court held that the Omnibus Crime Control and Safe Streets Act does not constitute a grant of power to the President with respect to national security surveillances. The writ was denied.

United States v. White, 401 U.S. 745 (1971).

The defendant was convicted of narcotics violations based on testimony of "eavesdropping" agents. A government informer, carrying a concealed radio transmitter, engaged defendant in conversations which were electronically overheard by the federal narcotics agents. At no time did the agents obtain a warrant or court order. The U.S. Court of Appeals for the Seventh Circuit read Katz as overruling On Lee and interpreted the Fourth Amendment as prohibiting testimony about the electronically overheard statements. The judgment of the Court of Appeals was reversed, the Court stating that one contemplating illegal activities must realize the risk that his companions may be reporting to the police.

Zweibon v. Mitchell, 516 F. 2d 594 (D.C. Cir. 1975).

Plaintiffs-appellants, members of the Jewish Defense League, sought damages from John Mitchell, then U.S. Attorney General, and several FBI agents for "national security" wiretap surveillance of their conversations without obtaining prior judicial authorization. The

defense, based on the "foreign affairs" - "domestic security" disclaimer, was that the surveillance "was authorized by the President and was deemed essential to protect the nation and its citizens against hostile acts of foreign power." The Court concluded that the surveillance violated both the Fourth Amendment and the procedural requirements of Title III, holding that a warrant must be obtained before a wiretap is installed on a domestic organization that is neither the agent of nor acting in collaboration with a foreign power.

C. INFORMANTS

Hampton v. United States, 425 U.S. 484 (1976).

The petitioner was convicted of the sale of narcotics. Relying on Russell, the Court sustained the petitioner's conviction, noting that the ingredient supplied by the government agent in Russell was a legal drug whereas the drug which the government informant allegedly supplied in this case was both illegal and constituted the corpus delicti. However, "in each case the government agents were acting in concert with the defendant, and in each case either the jury or the defendant conceded that he was pre-disposed to commit the crime."

Henry v. United States, 590 F. 2d 544 (4th Cir. 1978).

The defendant was convicted of armed bank robbery and moved to vacate the sentence. The Court of Appeals held that his right to counsel was violated when the government produced incriminating statements made by the defendant to his cellmate, a paid government informant, while the defendant was in custody and in absence of counsel. The Court released Henry from the charge against him unless the government elects to try him anew.

Hoffa v. United States, 385 U.S. 293 (1966).

Hoffa appealed his conviction for endeavoring to bribe members of a jury, during the so-called "Test Fleet" trial, which ended in a hung jury. His conviction was based on the testimony of Partin, who had made frequent visits to the Hoffa hotel suite. Hoffa argued "that Partin's failure to disclose his role as a government informer vitiated the consent" that he had given Partin to enter his suite, and "that by listening to the petitioner's statements Partin conducted an illegal 'search' for verbal evidence." The Court upheld the conviction, noting that the Fourth Amendment does not protect a "wrong doer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it."

McCray v. Illinois, 386 U.S. 300 (1967).

The petitioner appealed his conviction for possession of narcotics. At the motion to suppress hearing, the arresting officers were asked to provide the name of the informant who had supplied the information which led to the petitioner's arrest. Objections to these questions were sustained. The Court "held that the police officers need not be required to disclose an informant's identity if the trial judge is convinced, by evidence submitted in open court and subject to cross examination, that the officers did rely in good faith upon credible information supplied by a reliable informant." The conviction was affirmed.

Osborn v. United States, 385 U.S. 323 (1966).

An attorney for Teamster President James Hoffa hired a person to make background investigations of prospective jurors for Hoffa's federal criminal trial, unaware that that person was working for and reporting back to federal agents. At a subsequent meeting petitioner and the investigator considered bribing a juror; two federal district judges then authorized a tape recorder to be concealed on the investigator for use in a later meeting with him. The petitioner was convicted of attempting to bribe a member of a federal jury panel. The Court affirmed the conviction, holding that the case was controlled by the "broad foundation" of Lopez v. United States.

Roviaro v. United States, 353 U.S. 53 (1957).

The petitioner appealed his conviction of illegal sale of heroin to "John Doe" and illegal transportation of heroin. Before trial, he moved for a bill of particulars, requesting the name of "John Doe." The government objected on the ground that "Doe" was an informer and the motion was denied. Supreme Court held that, considering "Doe's" role as a primary witness, the government erred in permitting the government to withhold disclosure at trial.

United States v. Anderson, 523 F. 2d 1192 (5th Cir. 1925).

A medical doctor was convicted on one conspiracy count and 16 substantive counts charging possession with intent to distribute amphetamines. The District Court permitted a prosecution witness, a paid informant, to testify regarding the doctor's actions and statements during a government-sponsored encounter between the doctor and the informant after the doctor had been indicted, and in absence of counsel. The Court held this evidence was a reversible error under Massiah v. U.S., 377 U.S. 201 (1964).

D. INTERROGATIONS

Beckwith v. United States, 425 U.S. 341 (1976).

Agents of the Intelligence Division of the IRS met with the petitioner in a private home, but did not arrest him at that time. The petitioner appealed his conviction, arguing that the "interview", which produced incriminating statements, should have been preceded by full Miranda warnings because the taxpayer is clearly the 'focus' of a criminal investigation when a case is assigned to the Intelligence Division and such a confrontation "places the taxpayer under 'psychological restraints' which are the functional, and therefore, the legal equivalent of custody." The Court rejected this argument, noting that "an interview with government agents in a situation such as this simply does not present the elements which the Miranda Court found so inherently coercive as to require its holding."

Brewer v. Williams, 430 U.S. 387 (1977).

Williams was convicted of the murder of a 10-year-old girl. The Iowa Supreme Court affirmed the conviction, but a Federal District Court ruled that Williams was entitled to a new trial. Williams surrendered to the authorities some 160 miles from the scene of the crime, after which he was given his Miranda rights. Williams's attorney advised him via the telephone not to discuss the case with the two detectives who would be driving him back. On the way back the two detectives, knowing that Williams was a former mental patient and deeply religious, began discussing "Christian burials." Before long Williams said that he would show the officers where the body of the little girl was located. Williams's counsel made a pretrial motion to suppress all evidence relating to or resulting from any statements made by Williams during the automobile ride. The motion was denied. The Supreme Court upheld the District Court's ruling that as a matter of law the evidence had been wrongly admitted at the trial because Williams was deprived of his constitutional right to the assistance of counsel.

Brown v. Illinois, 422 U.S. 590 (1975).

The petitioner, following his illegal arrest, was taken to a police station where, after being given the Miranda warnings, he made incriminating statements concerning a murder. He was subsequently convicted. The State Supreme Court held the statements admissible on the ground that the Miranda warnings broke the counsel chain so that any subsequent statement was admissible so long as, in the traditional sense, it was voluntary and not coerced. The U.S. Supreme Court reversed, noting that Miranda warnings alone cannot always make the act sufficiently a product of free will under the Fourth Amendment to break the causal connection between the illegality and the confession.

Cicenia v. La Gay, 357 U.S. 504 (1958).

This case is a companion case to Crooker. The petitioner was convicted of murder after unsuccessfully asking to see his lawyer while he was being questioned by the police. His lawyer, who arrived at the police station while the petitioner was being interrogated, repeatedly and unsuccessfully asked to see his client. Nevertheless, the Court affirmed the conviction, disposing of the petitioner's contention that he had a constitutional right to confer with counsel.

Clay v. Riddle, 541 F. 2d 456 (4th Cir. 1976).

The Court held that Miranda warnings need not be given a suspect in a drunk driving case even though the suspect was subsequently charged with a felony and handcuffed at the time of questioning. Miranda does not extend to a commonplace event such as a traffic offense.

Crooker v. California, 357 U.S. 433 (1958).

The petitioner confessed and was convicted of murder. On appeal he contended that by persisting in interrogating him after denying his specific request to contact his lawyer, the police violated his due process right to legal representation and advice. He further asserted that use of any confession obtained from him under these circumstances should be barred, even though "freely" and "voluntarily" made under traditional standards. The Court held that due process demanded no such rule.

Dunaway v. New York, 442 U.S. 200 (1979).

Police, lacking grounds to arrest the petitioner but suspecting he was implicated in an attempted robbery and homicide, had him "picked up" for questioning. The petitioner was given his Miranda warnings, and after one hour of questioning gave incriminating statements, which were admitted into evidence at his trial. The U.S. Supreme Court reversed, noting that his Fourth and Fourteenth Amendments were violated when, without probable cause, the police seized the petitioner and transported him to the police station.

Escobedo v. Illinois, 378 U.S. 478 (1964).

The petitioner was convicted of fatally shooting his brother-in-law in Chicago. The issue of concern to the Court was whether the refusal by the police to honor the accused's request to consult with his lawyer constituted a denial of "the Assistance of Counsel" in violation of the Sixth Amendment. The Court held that when an investigation process becomes accusatory, as it was here, then the adversary system begins to operate and the accused must be permitted to consult with his attorney. "Assistance of Counsel" guaranteed

by the Sixth Amendment was held to be obligatory on the states under the terms of the Fourteenth Amendment in Gideon.

Harrison v. United States, 392 U.S. 219 (1968).

Three confessions allegedly made by petitioner were introduced at his trial. He testified to his own version of the events, thereby making damaging admissions. His conviction was reversed on the ground that the confessions had been obtained in violation of the McNabb-Mallory Rule. At his new trial the prosecution introduced the petitioner's former testimony, which later resulted in a conviction. The Court held that the petitioner's former testimony had to be excluded as the "fruit" of the illegally obtained confession.

Killough v. United States, 114 U.S. App. D.C. 305 (1962).

The defendant confessed to murdering his wife before he was taken before a magistrate. The first confession was ruled inadmissible because it was made under circumstances which violated the McNabb-Mallory Rule. After being taken before a magistrate and informed of his rights, the police officer who had played a major role in obtaining the pre-commitment confession succeeded in getting an oral confession from the defendant. The officer had asked Killough whether he remembered anything omitted in the first statement. The Court ruled "the oral confession obtained in this case at the jail so soon after the illegally procured and inadmissible confessions must be held inadmissible as the fruit of the latter."

Kirby v. Illinois, 406 U.S. 682 (1972).

The petitioner and a companion were stopped by police for interrogation. In producing identification, they displayed papers marked with the name of a third person. The name was that of a recent robbery victim known to some of the officers. The petitioner was arrested and taken to the police station. He was not advised of his right to counsel. He was charged with the earlier robbery six weeks later, and subsequently indicted for that offense. No attorney was present throughout the pre-indictment period. At trial a motion was introduced to suppress the information concerning the documents and the testimony of their owner. The motion was denied and the petitioner was convicted. On appeal the Supreme Court held that the per se exclusionary rule does not apply in pre-indictment confrontations. The mere showing of the accused after arrest but before initiation of an adversary proceeding was not part of a criminal prosecution and the accused is not entitled to counsel at that stage.

Mallory v. United States, 354 U.S. 449 (1957).

This case reaffirmed the McNabb Rule. Mallory was held some seven hours for questioning which resulted in a confession. The Court condemned this extended delay in taking the petitioner before a magistrate, stating that "it is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on 'probable cause.'"

McMann v. Richardson, 397 U.S. 759 (1970).

In this case the Court dealt with the question: if a coerced confession "induces" a guilty plea, is the plea the "fruit" of the government's prior illegality, and thus vulnerable to collateral attack? The Court held that a defendant who alleges that he pleaded guilty because of a prior coerced confession is not entitled to a hearing on his petition for habeas corpus.

McNabb v. United States, 318 U.S. 332 (1943).

Incriminating statements were obtained from McNabb during an illegal detention. He was held in violation of federal statutory requirements that he be promptly taken before a magistrate to ascertain whether good cause existed to hold him for trial. Confessions made during illegal precommitment detention were not found to be inadmissible in a state prosecution, but the Court held that such confessions had to be excluded from federal prosecutions.

Michigan v. Mosley, 423 U.S. 96 (1975).

The petitioner was arrested in connection with certain robberies. The arresting officer gave Mosley complete Miranda warnings after bringing him to the police station. Mosley was then locked up. Two hours later, a second officer began questioning the petitioner about an unrelated holdup murder, after giving him Miranda warnings. At this time Mosley made an incriminating statement. The Court held that the admissibility of statements obtained after a person in custody had decided to remain silent depends, under Miranda, on whether his "right to cut off questioning" was honored. Since Mosley's right to cut off questioning was fully respected, his statement was admissible.

Michigan v. Tucker, 417 U.S. 433 (1974).

This case deals with the admissibility of the testimony of a witness whose identity had been learned by questioning the petitioner without giving him the full Miranda warnings. Questioning occurred before Miranda was decided, but the petitioner's trial took place afterward. Thus Miranda was applicable to his case. The defendant's own statements to the police were excluded but the

witness's testimony was not. The Court held the witness's testimony admissible.

Milton v. Wainwright, 407 U.S. 371 (1972).

The Court held that a post-indictment confession which the petitioner made to a police officer posing as his cellmate should have been excluded. However, habeas corpus relief was denied because the record revealed, according to the Court, "that any error in its admission was harmless beyond a reasonable doubt." Additionally, the jury was presented with overwhelming evidence of the petitioner's guilt, including three full confessions that were made by him prior to his indictment.

Miranda v. Arizona, 384 U.S. 436 (1966).

The petitioner was arrested at his home and taken to a Phoenix police station where he was questioned by two police officers. The officers admitted at trial that Miranda was not advised that he had a right to have an attorney present. Two hours after interrogation began, Miranda signed a confession which included a statement that he made the confession voluntarily, without threats or promises of immunity and "with full knowledge of my legal rights, understanding any statement I make may be used against me." The Supreme Court of Arizona affirmed the conviction, stressing that petitioner did not specifically request counsel. The Court reversed, holding the statement inadmissible because Miranda was not apprised of his right to consult with an attorney and to have one present during interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any manner.

Morales v. New York, 396 U.S. 102 (1969).

An evidentiary hearing was had on whether "there was probable cause for arrest... Morales' confrontation with police was voluntarily undertaken by him... the confessions were not the product of illegal detention." The Court chose not to address the question of the legality of custodial questioning on less than probable cause for a full-fledged arrest.

Marland v. Heyse, 315 F. 2d 312 (10th Cir. 1963).

The appellant brought an action for damages under the Civil Rights Act, alleging that on three occasions he had been detained by members of the Colorado Springs police department without warrant and without any charges ever being filed. The Court held that his claim that the actions of the police were so arbitrary, unreasonable and without probable cause as to subject him to a deprivation of constitutional rights should have been left to the jury.

Oregon v. Hass, 420 U.S. 714 (1975).

The suspect was advised of his rights and asked for a lawyer but the police refused to honor his request and continued to question him. The Supreme Court held the resulting statements admissible for impeachment purposes, noting that "it does not follow from Miranda that evidence inadmissible against Hass in the prosecution's case in chief is barred for all purposes, always provided that the trustworthiness of the evidence satisfies legal standards."

Oregon v. Mathiason, 429 U.S. 492 (1977).

The defendant received a note at his apartment requesting that he call a particular police officer. He called the officer the next day and the two agreed to meet later that afternoon. When they met later, the defendant was told that he was not under arrest but that the officer wanted to talk to him about a burglary and that his truthfulness might be considered by the prosecutor or judge. Soon after the defendant was told of the officer's belief that he was involved in the burglary and that his fingerprints had been found at the scene (which was not true), he confessed. The officer then advised Mathiason of his Miranda rights and took a taped confession. The Court held that defendant was not being subjected to "custodial interrogation" at the time he confessed, noting that "Miranda warnings are required only where there has been such a restriction on a person's freedom as to render him 'in custody.'"

People v. Hobson, 348 N.E. 2d 894 (1976).

After assigned counsel had represented the defendant at a just-completed lineup in connection with a criminal offense, a detective, without informing the lawyer that he was going to talk to his client, met with the defendant. At that time he read the defendant his Miranda rights and obtained a "waiver." The Court held the subsequent incriminating statements inadmissible as "once a lawyer has entered a criminal proceeding representing a defendant in connection with criminal charges under investigation, the defendant in custody may not waive his right to counsel in the absence of the lawyer."

People v. Morales, 238 N.E. 2d 307 (1968).

The petitioner appealed his conviction of murder, arguing that he had been unreasonably apprehended within the meaning of the Fourth Amendment. He was taken to the police station for questioning, but was not informed that he was under arrest. After being given the Miranda warnings, Morales confessed to the murder. The Court affirmed the conviction, holding "that a suspect may be detained upon reasonable suspicion for a reasonable and brief period of time for

questioning under carefully controlled conditions protecting his Fifth and Sixth Amendment rights."

People v. Willis, 325 N.E. 2d 715 (Ill. App. 1975).

Where the defendant maintained that his oral and written murder confessions were coerced by police beatings and threats, the state's failure either to produce a police sergeant who was a participant in the investigation or to explain his absence required reversal of the conviction. The "Plain Error" Doctrine enabled the court to recognize the error, notwithstanding failure of the defendant to make a specific objection in the trial court.

Rhode Island v. Innis, 100 S. Ct. 1682 (1980).

While the defendant was in police custody, an officer mentioned the danger posed to children if they happened upon a shotgun - the murder weapon. The defendant then informed the police of the location of the gun. The defendant appealed his conviction, arguing that the remark had amounted to an interrogation since its purpose was to elicit incriminating information from the accused. The defendant's counsel was not present at the time. The Supreme Court held that, for Miranda purposes, the term "interrogation" refers only to words or actions by the police that they should know are reasonably likely to elicit an incriminating statement. The Court found that the remark in question was neither an explicit interrogation nor its functional equivalent.

Smith and Bowden v. United States, 324 F. 2d 879 (D.C. Cir. 1963).

The Court refused to exclude the testimony of a witness, indicating that his initial reluctance and subsequent struggle with his conscience had "purged the taint" of the police exploitation of the illegal confession. The witness's identity had been revealed by a confession in violation of Federal Rules of Criminal Procedure 5(a). After being located, the witness had refused to testify at a coroner's hearing or before the grand jury, but finally decided to testify at the trial.

Spano v. New York, 360 U.S. 315 (1959).

This case involved the questioning of a suspect who was already under indictment for murder when he surrendered to the authorities. The Court held that once a person was formally charged by indictment or information his constitutional right to counsel had begun - at least his right to the assistance of counsel whom he had personally retained.

State v. Innis, 391 A.2d 1158 (R.I. 1978).

The defendant was convicted of murder, kidnapping, and robbery. On appeal the Court held that remarks made by police officer to defendant after he had asserted his right to counsel constituted an interrogation. Therefore the statements made by defendant and a shotgun he produced should have been suppressed. The case was remanded for a new trial.

State v. Miranda, 450 P. 2d 364 (1969).

The defendant made an inadmissible confession after which he was brought before the prosecutrix and repeated the confession. At that time, the prosecutrix, who had previously been unable to identify him, made a positive identification. Miranda was subsequently brought before a magistrate and informed of his rights. The following day he was visited by the woman with whom he had been living, who testified that on this occasion he confessed the rape-kidnappings to her. On retrial mandated by Miranda, the Court ruled admissible both the identification testimony of the victim and the confession to the woman.

Tate v. United States, 283 F. 2d 377 (D.C. Cir. 1960).

The defendant's prior statement, which was obtained in violation of the McNabb-Mallory Rule, was permitted to be used to impeach his courtroom testimony. The defendant previously had stated that he had come to the scene of the theft with an accomplice, which he later denied in court. The Court gave Welder a generous reading, holding the impeachment exception as including (a) illegally obtained evidence directly related to the offense and (b) pre-trial statements as well as physical objects. The conviction was affirmed.

United States v. Bayer, 331 U.S. 532 (1947).

A soldier, under arrest and confined to the station hospital, made a confession assumed to be inadmissible under the McNabb-Mallory Rule. Six months later, while only under "administrative restrictions," he made a more detailed confession. This "supplementary" confession was made after he reread the first one and had been given a warning that this statement might be used against him. The Court of Appeals held that the second confession was "the fruit of the earlier one" and equally inadmissible. The Court also held that the admission of the second confession was not an error, noting that "this court has never gone so far as to hold that making a confession under circumstances which preclude its use perpetually disables the confessor from making a usable one after those conditions have been removed."

United States v. Crews, 445 U.S. 463 (1980).

The respondent, who matched a suspect's description in several armed robberies, was taken into custody by police, ostensibly as a suspected truant from school. While at police headquarters he was briefly questioned, photographed and released. Once the police had photographs of the respondent, they showed them to a victim. She identified the respondent's photograph as that of her assailant. The respondent was again taken into custody and ,at a court-ordered line-up, was identified by the victim. The trial court held that the respondent's initial detention at police headquarters constituted an arrest without probable cause and thus ruled that the products of that arrest could not be introduced at trial. The Supreme Court held that the identification of the accused by the victim was not suppressible as fruit of accused's unlawful arrest.

United States v. Frazier, 476 F. 2d 891 (1973).

On remand from the Court of Appeals (419 F. 2d 1161), the U.S. District Court for the District of Columbia concluded that the government had sustained its burden of establishing a knowing waiver by defendant of his right to counsel after his arrest. Frazier appealed. The Court of Appeals held that the District Court had not erred.

United States v. Springer, 460 F. 2d 1344 (7th Cir. 1972).

The petitioner appealed his conviction of armed robbery of a federally insured savings and loan bank, alleging violations of his constitutional rights in pretrial interrogation. Springer, upon learning from his sister that a warrant for his arrest had been issued, approached two city detectives telling them that he "wanted to go downtown and get it straight." During the interview he gave an oral confession. He argued on appeal that his confession cannot be considered voluntary because it was induced by promises. FBI agents denied making any promises. The Court affirmed conviction, holding that the defendant's oral confession was not involuntary by reason of the fact that FBI agents told him if he were to cooperate, though no promises could be made, the U.S. attorney and judge would know of the fact that he cooperated.

United States v. Wade, 388 U.S. 218 (1967).

After indictment for robbery, the petitioner was placed in a lineup by police and identified by prosecution witnesses. The petitioner's counsel was not notified and was not present. The petitioner argued that the procedure violated his Fifth Amendment right to avoid self-incrimination, and, since his attorney was not notified, he was denied his Sixth Amendment right to a fair trial. The Supreme Court held that to appear in a lineup is merely to be exhibited and does not constitute a Fifth Amendment violation. However, a post-indictment lineup is a critical stage in a criminal prosecu-

tion since its results may influence the ultimate result of the trial. The Sixth Amendment requires that the accused be accorded his right to counsel at such stages.

Westover v. United States, 384 U.S. 436 (1966).

The petitioner was arrested by local police as a suspect in two robberies. A report was also received from the FBI that he was wanted on a felony charge in California. Westover was questioned separately by both the local police and the FBI with nothing in the record to indicate that he was given any warning as to his rights by the local police. The petitioner signed separate confessions to each of the two robberies which were prepared by one of the agents during the interrogation. He was subsequently convicted of the California robberies in federal court. The Court reversed the conviction, holding that Westover did not knowingly and intelligently waive his right to remain silent and his right to consult with counsel prior to the time he made the statement.

Wong Sun v. United States, 371 U.S. 471 (1963).

The petitioners were convicted of narcotics violations. Federal narcotic agents broke open the door to Toy's laundry, at which time he informed the agents that Yee had been selling narcotics. The police went to Yee who surrendered heroin to them and disclosed that it had been brought to him by Toy and Wong Sun. The two were charged and released on their own recognizance. After a few days, Wong Sun made an unsigned confession. The Court of Appeals found that the officers' uninvited entry into Toy's laundry was unlawful and the arrest that followed was likewise unlawful. The Court held that both Toy's declarations and the narcotics taken from Yee should be excluded as the "fruits" of an official illegality. However, finding that Wong Sun's arrest was without probable cause or reasonable grounds, the Court still held the unsigned confession admissible. Additionally, the narcotics should not be excluded as their seizure invaded no right of privacy of person or premises.

E. ENTRAPMENT

Greene v. United States, 454 F. 2d 703 (9th Cir. 1971).

Appellants were convicted on charges of bootlegging. The evidence indicated that agents of the federal government had reestablished contacts with appellants after their arrest on former bootlegging charges, urged them to resume bootlegging, supplied the where with all to distill liquor, and had been appellants' only customers for two and one half years. The convictions were reversed because the court held, the government had so enmeshed itself in criminal activity as to be barred from prosecuting appellants.

People v. Barraza, 591 P. 2d 947 (1979).

The Court held that "the proper test of entrapment in California" is: "was the conduct of the law enforcement agent likely to induce a normally law-abiding person to commit the offense?"

Sherman v. United States, 356 U.S. 369 (1958).

The petitioner was convicted under an indictment charging three sales of narcotics. The Court considered whether his conviction should be set aside on the ground that, as a matter of law, the defense of entrapment was established. At the trial the factual issue was whether the informer had convinced an otherwise unwilling person to commit a criminal act or whether the petitioner was already predisposed to commit the act. The Court concluded from the evidence that entrapment was established as a matter of law and the judgment of the Court of Appeals was reversed. The case was remanded to the District Court with instructions to dismiss the indictment.

Sorrells v. United States, 287 U.S. 435 (1932).

This case is a long-standing precedent which firmly recognized the defense of entrapment in the federal courts. The Court held that entrapment occurs only when the criminal conduct was "the product of the creative activity" of law enforcement officials. To make a determination whether entrapment had been established, the accused could examine the conduct of the government agent. On the other hand, the accused would be subjected to an "appropriate and searching inquiry into his own conduct and predisposition."

United States v. Archer, 486 F. 2d 670 (2nd Cir. 1973).

Appellants appealed convictions of using interstate telephone facilities to commit bribery and conspiracy to commit the same offense. Agents of the federal and local governments set up an elaborate undercover operation to provide opportunities for various officials of the New York City criminal justice system to engage in corrupt practices. Several individuals did so. The Court of Appeals, reluctant to sanction governmental activities of this sort that result in injury to the rights of citizens, reversed the convictions and dismissed the indictment.

United States v. Russell, 411 U.S. 423 (1973).

The respondent was convicted of three counts of having unlawfully manufactured and processed methamphetamine ("speed") and of having unlawfully sold and delivered that drug in violation of federal law. On appeal the respondent asked the Court to reconsider the

theory of the entrapment defense as it is set forth in Sorrells and Sherman. He argued that the level of the undercover agent's involvement in the manufacture of the methamphetamine was so high that a criminal prosecution for the drug's manufacture violates the fundamental principles of due process. The Court ruled that the defense of entrapment was not established and that the respondent was an active participant in an illegal drug manufacturing enterprise which began before the government agent appeared on the scene. He was, in the words of Sherman, not an "unwary innocent" but an "unwary criminal."

X. PRIVACY

A. STOP AND FRISK

Adams v. Williams, 407 U.S. 143 (1972).

The respondent was convicted in a Connecticut state court of illegal possession of a handgun found during a "stop and frisk," as well as possession of heroin found during a full search incidental to his weapons arrest. The arresting officer had been informed by a person he knew that the respondent was armed and carrying narcotics. In his petition for federal habeas corpus relief, the respondent argued that reasonable cause for a stop and frisk can only be based on the officer's personal observations rather than information supplied by another. The Court concluded that the policeman's actions conformed to the standards laid down in Terry v. Ohio.

Carroll v. United States, 267 U.S. 132 (1925).

This case holds that travelers may be stopped in crossing an international boundary because national self-protection reasonably requires one entering the country to identify himself as entitled to come in, and his belongings as effects which may be lawfully brought in.

Mahone v. Waddle, 564 F. 2d 1018 (3rd Cir. 1977).

Appellants, two blacks, alleged that they had been stopped on the highway by two policemen without probable cause, abused and beaten, falsely charged and convicted on perjured testimony by two officers of minor traffic violations. Appellants brought a civil rights suit naming the officers and the city of Pittsburgh as defendants. It was held that they had stated a claim under the 1870 Civil Rights Act and that the city was not immune from liability under that statute.

Peters v. New York, 392 U.S. 41 (1968).

This is a companion case to Sibron v. New York. The appellant was convicted of attempted burglary. An off-duty police officer observed two men in the hallway of his apartment building tiptoeing toward the stairway. Believing that he had happened upon the two men in the course of an attempted burglary, the officer opened his door, entered the hallway and slammed the door loudly behind him which precipitated the men's flight down the stairs. Upon apprehending Peters, the officer patted him down for weapons and discovered a hard object in his pocket. He seized it and discovered it was a potential burglary instrument. The Court upheld conviction, noting that the officer seized Peters to cut short his flight and searched him primarily for weapons, which is reasonable under the Constitution.

Sibron v. New York, 392 U.S. 40 (1968).

This case is a companion to Peters v. New York. The appellant was convicted of the unlawful possession of heroin. He had moved unsuccessfully before trial to suppress the heroin seized from his person by the arresting officer. The officer had observed him conversing with known narcotic addicts but stated that he neither heard the conversations nor saw anything pass between Sibron and the addicts. The officer approached the appellant in a restaurant and told him to come outside, whereupon, after an exchange of words, the officer and Sibron simultaneously reached into Sibron's pocket. The officer discovered several glassine envelopes which contained heroin. The Court held that the officer possessed neither probable cause to arrest the appellant nor "reasonable grounds for a Torry-type 'stop' short of an arrest."

Terry v. Ohio, 392 U.S. 1 (1968).

This case dealt with a permissible "frisk" incident to an investigative stop based on less than probable cause to arrest. A plainclothes detective became suspicious of two men standing on a street corner and, thinking that the suspects were "casing" a stickup and might be armed, confronted the men. The officer frisked the men and uncovered two pistols. Terry was charged with carrying a concealed weapon. He moved to suppress the weapon as evidence, arguing that it was unreasonable for the officer to have taken that step until such time as the situation evolved to a point where there was probable cause to make an arrest. The Court held that the revolver seized from Terry was properly admitted in evidence, as the officer had reasonable grounds to believe that Terry was armed and dangerous. Such a search is a reasonable search under the Fourth Amendment.

B. SEARCH AND SEIZURE

Aguilar v. Texas, 378 U.S. 108 (1964).

A search warrant was issued upon an affidavit by police officers who had "received reliable information from a credible person" that narcotics were being illegally stored on the petitioner's premises. The Court held the affidavit inadequate for two reasons: (1) the application failed to set forth the evidence necessary to prove the validity of the informant's conclusions; and (2) the officers did not attempt to support their claim that the informant was "credible" or his information "reliable."

Albrecht v. United States, 273 U.S. 1 (1927).

Albrecht and others were arrested for violations of the National Prohibition Act. The offenses charged were prosecuted by information, but the affidavits in which a warrant was issued had not been properly verified. The warrant and the arrest were thus in violation of the Fourth Amendment, which declares that "no warrants shall be issued but upon probable cause, supported by oath or affirmation." The Court held, however, that where the information was valid, as in this case, though the arrest warrant was based on insufficiently verified affidavits, its irregularity may be waived without prejudice to the defendant's Fourth Amendment rights provided the Court has satisfied itself there is probable cause for prosecution.

Almeida-Sanchez v. United States, 413 U.S. 266 (1973).

A warrantless search of the petitioner's car was conducted by the Border Patrol when the car was about 25 miles from the Mexican border. The government argued that "the agents are acting within the Constitution when they stop and search automobiles without a warrant, without probable cause to believe the cars contain aliens, and even without probable cause to believe the cars have made a border crossing." The Court disagreed, noting that the search could not be justified under Chambers v. Maroney, for that decision required probable cause. Nor could it be justified under Carroll, since such searches must take place "at the border," which was not the case here.

Arkansas v. Sanders, 442 U.S. 753 (1979).

The defendant was arrested while riding in a taxi. The police then searched his unlocked suitcase after removing it from the trunk of the car. The Court held that "the warrant requirement of the Fourteenth Amendment applies to personal luggage taken from an automobile to the same degree it applies to such luggage in other locations." The officers should have delayed their search until judicial approval was granted.

Accarino v. U.S., 179 F. 2d 456 (D.C. 1949).

The appellant was indicted and convicted for violating gambling laws. He was arrested by two police officers who, without warrant, broke down the door of his apartment and seized gambling paraphernalia. It was held that the outer door of the dwelling cannot be broken unless the necessity of the moment requires it in order to make an arrest for a felony without a warrant, and there is no reasonable opportunity to get a warrant, or no other method of arrest. If such a break-in is necessary, the officers must first identify themselves and the cause of their demand for entry.

Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

The petitioner was arrested and convicted of narcotics violations. He alleged that the Fourth Amendment had been violated by federal agents who unconstitutionally forced their way into his apartment, manacled him in front of his wife and children, and threatened to arrest the entire family. The Court held that although Congress had not provided a tort remedy under such circumstances, a complaint alleging that the Fourth Amendment had been violated by federal agents acting under the color of their authority gives rise to a federal cause of action for damages.

Boyd v. United States, 116 U.S. 616 (1885).

The defendant was charged in connection with an alleged attempt to defraud the IRS of duties owed on imported goods. The statute under which he was charged authorized a federal court, in revenue cases, on a motion of the government attorney, to require the defendant to produce in court his private books, invoices and papers; otherwise the allegations of the attorney would be taken as confessed. It was held that the seizure or compulsory production of a man's private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself. The statute permitted a violation of both the Fifth Amendment's protection against self-incrimination and permitted an unreasonable search and seizure in violation of the Fourth Amendment.

Breithaupt v. Abram, 352 U.S. 432 (1957).

The petitioner appealed a lower court conviction for manslaughter based on a blood sample showing intoxication, which was taken from him while he was unconscious. According to the majority opinion, "the interests of society in the scientific determination of intoxication, one of the great causes of the mortal hazards of the road," outweighed "so slight an intrusion" of a person's body. The conviction was affirmed.

Brown v. United States, 411 U.S. 223 (1973).

The petitioners were convicted of transporting and conspiring to transport stolen goods in violation of federal laws. They were denied standing to challenge the lawfulness of the seizure of merchandise stolen by them but stored on the premises of a co-conspirator. At the time of their seizure, the petitioners were in another state. The Court held "that there is no standing to contest a search and seizure where, as here, the defendants: (1) were not on the premises at the time of the contested search and seizure; (2) had no proprietary or possessory interest in the premises; and (3) were not charged with an offense that includes, as an essential element,...possession of the seized evidence at the time of the contested search and seizure." The conviction was affirmed.

Bumper v. North Carolina, 391 U.S. 543 (1968).

The defendant's grandmother allowed the police to search her house after one of them announced, "I have a search warrant to search your house." At the hearing on the motion to suppress the rifle found there, the prosecutor did not rely upon a warrant to justify the search but instead sought to justify it on the basis of consent. No warrant was ever returned and nothing was known about the conditions under which it was issued. The Court held that a search cannot be justified on the basis of consent "when that 'consent' has been given only after the official conducting the search has asserted that he possesses a warrant." The Court further noted that the illegally seized evidence was so "plainly damaging" that its use at trial could not constitute harmless error.

Butler v. U.S., 275 F. 2d 889 (D.C. App. 1960).

The appellant was indicted and convicted of failure to pay tax on marijuana. Police had broken down his door, intending to arrest him, after they had announced themselves and their purpose. The appellant allegedly shut the door when he saw who they were. It was held that the trial court's finding in favor of the police version of the facts supported the conviction, since the officers had properly announced themselves and had been denied entrance.

Cady v. Dombrowski, 413 U.S. 1074 (1973).

The police had the defendant's car towed to a service station after investigating an accident in which the car was disabled. The defendant, who identified himself as a Chicago policeman, was arrested for drunken driving, after which he was hospitalized and lapsed into a coma. Believing Chicago police were required to carry their service revolvers at all times, the police searched his car for the gun, uncovering bloodied items later connected with an unreported murder. The Court, relying upon Harris and Cooper held that the search was not unreasonable within the meaning of the Fourth and Fourteenth Amendments.

Cardwell v. Lewis, 417 U.S. 583 (1974).

At issue was the legality of a warrantless seizure of a car and later examination of its exterior at a police impoundment area. The car had been removed from a public parking lot, where the defendant had left it prior to his appearance at the police station where he was arrested. The Court rejected his contention that because probable cause to search the car had existed for some time prior to his arrest, the officers should have first obtained a search warrant.

Carroll v. United States, 267 U.S. 132 (1925).

This case concerned the admissibility as evidence of contraband liquor seized in a warrantless search of a car on the highway. It established that "when a man is legally arrested for an offense, whatever is found upon his person or in his control which it is unlawful for him to have and which may be used to prove the offense may be seized and held as evidence in the prosecution."

Chambers v. Maroney, 399 U.S. 42 (1970).

The petitioner's claim that evidence found during a search of his car and subsequently used against him was the fruit of an unlawful arrest was dismissed by the Court. The Court held that police had probable cause both to arrest the petitioner and to search the car for guns and stolen money. This case establishes that whenever the police may make a legal contemporaneous search under Carroll, they may also seize the car, take it to the police station and search it there.

Chimel v. California, 395 U.S. 752 (1969).

The petitioner appealed his conviction of burglary. He was arrested in his home where officers conducted a search. The officers asked Chimel's wife to open drawers and move the contents from side to side so that they could view items that might have come from the burglary. After completing the search, they seized numerous items which were later introduced into evidence against Chimel. The petitioner argued that items had been unconstitutionally seized. The Court, relying on the Fourth Amendment, reversed the conviction, holding that the search went far beyond the petitioner's person and the area from within which he might have obtained either a weapon or something that could have been used as evidence against him. This case established the "immediate control" test.

Coolidge v. New Hampshire, 403 U.S. 443 (1971).

The petitioner appealed his murder conviction, arguing that the evidence used to convict him resulted from an illegal search of his car. After arresting him at his home, the police impounded his two cars and towed them to the police station. The state unsuccessfuliy attempted to justify the vehicle searches as pursuant to a search warrant and a search incidental to an arrest. The Court discredited the state's appeal to the Carroll-Chambers doctrine and held the seizure of the cars to be unconstitutional along with the subsequent searches. The judgment was reversed and the case remanded to the New Hampshire Supreme Court.

Cooper v. California, 386 U.S. 58 (1967).

The petitioner appealed his conviction for possession of narcotics. The police took heroin from the glove compartment of his impounded car a week after he had been arrested for a narcotics violation. The Court affirmed the conviction, noting that officers were required by state law to seize the petitioner's car because of the crime for which they arrested him. Under the law they were also required to keep it until forfeiture proceedings were concluded (which took more than four months) and had a right to search the car for their own protection.

Couch v. United States, 409 U.S. 322 (1973).

The petitioner challenged an IRS summons directing her accountant to produce business records that she had been giving him for preparation of her tax returns from 1955 to 1968. The Court held that she could not reasonably claim either Fourth or Fifth Amendment rights absent legitimate expectation of privacy or confidentiality.

Cupp v. Murphy, 412 U.S. 291 (1973).

The petitioner, upon learning of the strangulation-murder of his wife, voluntarily went to the police station for questioning. The police noticed a dark spot on his finger and suspected that it might be dried blood. They asked him if they could take a sample of scrapings from his fingernails. He refused but the police took the fingernail scrapings over his protest and without a warrant. The scrapings contained traces of skin, blood cells, and fabric from the victim's nightgown. This evidence was introduced at his trial, at which he was convicted of second degree murder. On certiorari, the U.S. Supreme Court held that the search did not violate the Fourth and Fourteenth Amendments, considering the existence of probable cause, and the readily destructible nature of the evidence.

Davis v. Mississippi, 394 U.S. 721 (1969).

The petitioner and 24 other Negro youths were detained for questioning and fingerprinting in connection with a rape for which the only leads were a general description given by the victim and a set of fingerprints around a window. The petitioner's prints were found to match those at the scene of the crime, and this evidence was admitted at his trial. The Court held that the prints should have been excluded as the fruits of an illegal seizure in violation of the Fourth Amendment. However, the Court intimated that a detention for such a purpose might sometimes be permissible on evidence insufficient for arrest.

Delaware v. Prouse, 440 U.S. 648 (1979).

The Court held "that except in those situations in which there is at least articulable and reasonable suspicion that a motorist is unlicensed or that the automobile is not registered, stopping an automobile and detaining the driver in order to check his driver's license are unreasonable under the Fourth Amendment."

Dunaway v. New York, 442 U.S. 200 (1979).

The defendant was convicted of homicide. The U.S. Supreme Court held that: (1) Dunaway was "seized," under the meaning of the Fourth Amendment, when he was arrested and taken to the police station for questioning; (2) seizure without probable cause violated the Fourth Amendment; and (3) Dunaway's confession was inadmissible as no intervening events broke the connection between petitioner's illegal detention and his confession.

Dyke v. Taylor Implement Mfg. Co., 391 U.S. 216 (1968).

The petitioners were arrested for reckless driving and, while they were in custody inside the courthouse, their car which was parked outside on the street was searched. The Court held the search unreasonable and distinguished this case from Cooper as "there is no indication that the police had purported to impound or to hold the car, that they were authorized by any state law to do so, or that their search of the car was intended to implement the purposes of such custody."

Fahy v. Connecticut, 375 U.S. 85 (1963).

The defendant was found guilty of having willfully damaged a public building by painting swastikas on a synagogue. At his trial a can of black paint and a paint brush were admitted into evidence over his objection. Connecticut Supreme Court held that this evidence was obtained by means of an unconstitutional search and seizure, but affirmed because it deemed their admission a "harmless error." The Court did not deal with the "harmless error" since it found the admission of the evidence "prejudicial" under the circumstances.

Rather, the critical question was not "whether there was sufficient evidence on which the petitioner could have objected without the evidence complained of," but "whether there is a reasonable possibility that the evidence complained of might have contributed to the conviction." The Court held that the evidence may have induced his confession.

Frazier v. Cupp, 394 U.S. 731 (1969).

Police found evidence against the petitioner while in the course of a lawful search of a duffel bag jointly shared by the petitioner and his cousin. The police, while arresting the cousin, asked him if they could search the bag. After receiving his consent, the police came upon his clothing and seized it. The petitioner argued that the cousin only had actual permission to use one compartment of the bag and that he had no authority to consent to a search of the other compartments. The court dismissed the petitioner's contention.

Henderson v. United States, 300 F. 2d 805 (1967).

This case concerned a border search of appellant, by which she was compelled to submit to a procedure whereby a medical doctor removed two packets of heroin from her vagina. The court held that the search was unreasonable as it was based solely upon her resemblance to a woman found to have narcotics in her purse in a border inspection three weeks earlier. The court further stated that crossing the border is sufficient cause for a search, but if the person is to be required to strip, a real suspicion, directed specifically to that person, is required.

Hill v. Rowland, 474 F. 2d 1374 (4th Cir. 1973).

The appellant was detained and searched during the course of a police raid on a lottery parlor. She alleged that she was in the vicinity for lawful purposes and had been pushed into the lottery premises by an unknown police officer. She was then deprived of the possession of a pistol and ultimately brought in custody before a magistrate. In a suit alleging violation of her civil rights by a warrantless arrest without probable cause and false imprisonment under North Carolina common law, a jury held for appellee. On appeal, it was held that the test for liability in a civil rights suit for warrantless arrest was not the objective test of "probable cause", but the partly subjective test of reasonable good faith belief of the officers in the legality of the arrest.

Jones v. United States, 362 U.S. 257 (1970).

The petitioner was convicted for possession of narcotics. He unsuccessfully sought to suppress the narcotics because he alleged nei-

ther ownership of the seized article nor an interest in the apartment where the search occurred greater than that of an "invitee or guest." The Supreme Court reversed, sustaining petitioner's "standing" to suppress the evidence, as he had a sufficient interest in the premises to establish him as a "person aggrieved" by the search. This case relaxed the requirement that one with a "possessory interest" in the searched premises had "standing" to object to the admission of evidence.

Ker v. California, 374 U.S. 23 (1963).

In this case the U.S. Supreme Court decided what the police may do before an arrest to prevent the destruction of evidence. Police had entered the petitioner's premises without first demanding admittance and explaining their purpose, and had arrested the defendant for possession of marijuana. California courts concluded that the police were excused from the state statutory demand notice requirements because of the need to prevent the destruction of contraband. The Supreme Court held that in the particular circumstances of this case the officers' method of entry was not unreasonable under the Fourth Amendment.

Lankford v. Gelston, 364 F. 2d 197 (4th Cir. 1966).

Several Negro families sought an injunction in the district court against the Baltimore Police Department. The Baltimore police, seeking two brothers who had killed one policeman and seriously wounded another, had searched over 300 houses without a warrant at all hours of the day and night on the basis of anonymous tips. The Court enjoined the police department "from conducting a search of any private house to effect the arrest of any person not known to reside therein, whether with or without an arrest warrant, where the belief that the person is on the premises is based only on an anonymous tip and hence without probable cause."

Linkletter v. Walker, 381 U.S. 618 (1965).

The petitioner had been convicted of burglary by a Louisiana court. A basis for his conviction was evidence that had been illegally seized by police. After his conviction had been confirmed by the state's high court, the Supreme Court rendered its decision in Mapp v. Ohio which held that the exclusionary rule is included within the rights guaranteed by the Fourth and Fourteenth Amendments. The Court held that the decision is not retroactive since its purpose is to enforce the Fourth Amendment by deterring future unlawful police action.

MacDonald v. United States, 335 U.S. 451 (1948).

Police suspected petitioner of operating a lottery and kept him under surveillance. Hearing the sound of an adding machine, they forced their way, without a warrant, into his rooming house, looked over his transom and observed him operating a lottery. The police demanded and obtained entrance, arrested those present and seized all money, papers and machines in plain view. These articles were later admitted in evidence over the petitioner's objection. The Court found no compelling reasons to justify the absence of a search warrant. Though the police had been watching the petitioner for months, they had not been able to obtain a warrant for a search. The Fourth Amendment requires that the police seek the objective judgment of a magistrate as to the sufficiency of cause for a search before an individual's privacy may be invaded by the government. Only in the most urgent emergency situations may a warrant be dispensed with.

Mancusi v. De Forte, 392 U.S. 364 (1968).

The respondent was found to have "standing" to object to an alleged unreasonable search and seizure of union records from his office. He shared an office with other union officials and the Court held that he could reasonably have expected that only those persons with whom he shared an office and their personal or business guests would enter the office. "This expectation was inevitably defeated by the entrance of state officials, their conduct of a general search, and their removal of records which were in respondent's custody."

Mapp v. Ohio, 367 U.S. 643 (1961).

The petitioner appealed her conviction for possession of pornographic materials, which was based upon the introduction of evidence unlawfully seized during an illegal search of her home. The Court reconsidered Wolf and gave defendants in state prosecutions protection against unreasonable searches and seizures.

Martin v. Duffie, 463 F. 2d 464 (10th Cir. 1972).

The appellant's home was in the vicinity of a business which had been burglarized. On three occasions on the night of the burglary, police officers investigating the crime came to appellant's home and requested and received permission to search it. Nothing was found, but in the third search the officers arrested appellant and took him to the police station where he was allegedly beaten and sustained a brain injury. The appellant brought an action against the officers under the Civil Rights Act. It was dismissed on the ground that the appellant had not met his burden of proof that the officers had no cause to arrest him. On appeal, the Court held that in a civil rights action, a plaintiff is not obligated to search out the subjective viewpoints of the arresting officers in

satisfying his burden of proof as to lack of probable cause. He need only present a prima facie case of illegal arrest.

Miller v. United States, 357 U.S. 301 (1958).

Police officers knocked on the petitioner's door and, upon his inquiry, "Who's there?" they replied in a low voice, "Police." The officers had no warrant. The petitioner opened the door, then tried to close it. The officers broke down the door, entered, arrested him and seized marked bills later admitted in evidence over his objection at his trial on a narcotics charge. It was held that the arrest was unlawful since the officers could not break into his house unless they had been denied entry after notice of their authority and purpose. The decision was based on the requirements of local law, but the Court noted that this is a common law rule concerning searches and seizures and that it has been codified in the laws of the federal government and most states.

Monroe v. Pape, 365 U.S. 167 (1961).

The petitioner alleged that police officers broke into his home in the early morning, routed his family from bed, made them stand naked in the living room, and ransacked every room in the house, after which he was taken to the station and interrogated incommunicado about a murder. The District Court dismissed his action for damages under 42 U.S.C. Section 1983 against the City of Chicago and 13 Chicago police officers. The Court rejected the respondent's argument that the suit was barred because no "statute, ordinance, regulation, custom or usage " of Illinois made a state remedy unavailable holding that "the fact that Illinois by its constitution and laws outlaws unreasonable searches and seizures is no barrier to the present suit in the federal court."

Oliver v. Bowens, 386 F. 2d 688 (9th Cir. 1967).

This case involves a habeas corpus proceeding in which the appellee challenged the legality of searches of his person and apartment which resulted in his arrest for narcotics possession. He argued that the searches were without warrant and without his consent. He had told officers that he had nothing to hide although he did not give express consent to a search or attempt to limit its scope. Consent was not proved and the search was held invalid.

Olmstead v. United States, 277 U.S. 438 (1928).

The petitioner appealed his conviction of conspiracy to violate the National Prohibition Act, which was based on evidence obtained by federal prohibitions agents in violation of a state statute which made it a misdemeanor to "intercept" telegraphic or telephone messages. The Court held that messages passing over telephone wires

are not within the protection against unreasonable search and seizure. Moreover, a state statute cannot affect the rules of evidence applicable in courts of the United States. Compare this case with Silverman v. United States.

One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693 (1965).

The driver and owner of the automobile was arrested and charge with a criminal offense against the Pennsylvania liquor laws. In the forfeiture proceeding the driver was subject to the loss of his automobile, which at that time involved an estimated value of $1,000, a higher amount than the maximum fine in the criminal proceeding. The Court held that the exclusionary rule enunciated in Weeks and Mapp applied to forfeiture proceedings, noting that "it would be anomalous to hold that in the criminal proceeding the illegally seized evidence is excludable, while in the forfeiture proceeding, requiring the determination that the criminal law has been violated, the same evidence would be admissible."

People v. Beavers, 227 N.W. 2d 511 (1975).

The defendant was convicted of the sale of heroin. The Court held that the participant monitoring of defendant's conversation with informant constituted an unreasonable search and seizure in absence of search warrant. The defendant had made incriminating statements in his home to informant, equipped with a radio transmitter, which were overheard by police. The overheard conversations were held inadmissible.

People v. Johnson, 450 P. 2d 865 (1969).

The petitioner appealed his conviction on four counts of burglary, arguing that his confession was inadmissible on the ground that it was induced by his codefendant's confession, which was inadmissible because the search of the codefendant's residence and his arrest were unlawful. The Court held that the petitioner's confession was induced by the authorities' exploitation of codefendant's confession, and that the Miranda warnings given were not sufficient to show that the primary taint had been purged. The judgment was reversed.

People v. Martin, 290 P. 2d 855 (1955).

By information the defendant was charged with two counts of horserace bookmaking and two counts of keeping and occupying premises for the purpose of bookmaking. The trial court granted the defendant motion to set aside information on the ground that all the evidence against him had been obtained by illegal searches and seizures in violation of his constitutional rights. The people appealed. Supreme Court of California held that when officers, upon

identification, were admitted to the defendant's office, where they found paraphernalia used for bookmaking, they were reasonably justified in concluding that he was occupying premises for illegal purposes, therefore the defendant's arrest and the seizure of the paraphernalia before his arrest were lawful.

Rakas v. Illinois, 439 U.S. 128 (1979).

After receiving a robbery report, police stopped the suspected getaway car, which the owner was driving and in which petitioners were passengers. Upon searching the car, the police found a box of rifle shells in the glove compartment and a sawed-off rifle under the passenger's seat. The petitioners were arrested and subsequently convicted. Supreme Court held that the petitioners, who asserted neither a property nor a possessory interest in the automobile searched nor an interest in the property seized, were not entitled to challenge the search of those areas in automobile.

Reid v. Georgia, 100 Supreme Court 2552 (1980).

Appellant arrived at an airport on a flight from Fort Lauderdale, a city known to be the entry port for illegal traffic in cocaine. He had little luggage and he and his companion appeared to be trying to conceal the fact that they were traveling together. An agent asked them for identification and then asked them to accompany him to an office. Appellant ran. A search of his discarded bag produced cocaine. The Supreme Court held that the agent could not, as a matter of law, have reasonably suspected the appellant of criminal behavior on the basis of these circumstances. The case was remanded.

Rochin v. California, 342 U.S. 165 (1952).

The petitioner appealed the lower court conviction of possession of morphine. The chief evidence against him was two capsules pumped from his stomach against his will. The Court concluded that the arresting officers' conduct violated Fourteenth Amendment due process of law, stating "this is conduct that shocks the conscience."

Sackler v. Sackler, 203 N.E. 2d 481 (1964).

The Court permitted a husband seeking a New York divorce to establish adultery by evidence secured through an illegal entry into his wife's separately maintained apartment. The Court held that Mapp was not controlling or applicable "since its impact is on governmental seizures only and not on evidence illegally gathered by private persons."

Schmerber v. California, 384 U.S. 757 (1966).

The Court affirmed lower court conviction for operating a vehicle while under the influence of intoxicating liquor. The conviction was based on a blood sample taken from the petitioner, over his objection. The Court ruled: (1) that the extraction of blood from the petitioner "did not offend that sense of justice of which we spoke in Rochin," thus reaffirming Breithaupt; (2) that the privilege against self-incrimination did not apply; (3) that the protection against unreasonable search and seizure was satisfied.

Schneckloth v. Bustamonte, 412 U.S. 218 (1973).

The respondent was arrested and convicted of robbery after a search of the car in which he was a passenger yielded three checks that had previously been stolen from a car wash. The driver of the car had voluntarily consented to the search. In this case, the Court sought to answer the question: what must the state prove to demonstrate that a consent was "voluntarily" given. It held that when a subject of a search is not in custody and the state attempts to justify a search on the basis of his consent, the Fourth and Fourteenth Amendments require that it demonstrate that the consent was in fact voluntarily given, and not the result of duress or coercion, express or implied. While the subject's knowledge of a right to refuse is a factor to be taken into account, the prosecution is not required to demonstrate such knowledge as a prerequisite to establishing a voluntary consent.

Silverman v. United States, 365 U.S. 505 (1961).

The Court held that listening to incriminating conversations within a house by inserting an electronic device into a wall and making contact with a heating duct serving the house occupied by the petitioners amounted to an illegal search and seizure. The Court reasoned that "the officers overheard the petitioner's conversations only by usurping part of the petitioners' house," which was an invasion of privacy.

Simmons v. United States, 390 U.S. 377 (1968).

Prior to his trial for bank robbery, the petitioner moved to suppress a suitcase (containing a gun holster, a sack similar to the one used in the robbery, and money wrappers) on the ground that it was seized illegally. In order to meet standing requirements, he stated that the suitcase was similar to one he owned and that the clothing found inside belonged to him. He was not in the house owned by a codefendant's relative at the time his suitcase was seized from her basement. The District Court denied the motion to suppress, but the petitioner's testimony at the "suppression" hearing was admitted against him at trial. The Court held that testimony, an integral part of a Fourth Amendment exclusion claim, given by a defendant in order to establish his "standing" to object to il-

legally seized evidence may not be used against him at his trial on the question of guilt or innocence.

Smith and Anderson v. United States, 344 F. 2d 545 (D.C. Cir. 1965).

In the course of an illegal search of the appellant's automobile trunk, the police discovered a transmission. Later they learned that this transmission was stolen and had been removed from the trunk. Upon questioning appellant the police learned that he had delivered it to Dean. Dean told the police that he had sold it to Hardy and Donaldson. "Appellant's conviction on one count rested exclusively on police testimony regarding the illegal search and Hardy's and Donaldson's testimony regarding Hardy's purchase of the transmission." The Court concluded that the testimony of Hardy and Donaldson was "'come at by exploitation of illegality' and must therefore be excluded."

South Dakota v. Opperman, 428 U.S. 364 (1976).

The respondent's car was towed to police headquarters after being illegally parked in a restricted zone. Upon impoundment of the vehicle, the officer inventoried the contents of the car according to standard police procedures. The officer found marijuana in respondent's glove compartment, and the respondent was subsequently arrested and convicted of possession of marijuana. On appeal, the Supreme Court of South Dakota reversed the conviction, holding that the evidence had been obtained in violation of the Fourth Amendment prohibition against unreasonable searches and seizures. The Court reversed the decision of the lower court, ruling that in following standard police procedures, prevailing throughout the country and approved by the overwhelming majority of courts, the conduct of the police was not unreasonable under the Fourth Amendment.

Spinelli v. United States, 394 U.S. 410 (1969).

The petitioner appealed his conviction for intent to conduct gambling activities, challenging the constitutionality of the warrant which authorized the FBI search that uncovered the evidence necessary for his conviction. Relying on Aguilar, the Court held that the informant's tip which led to Spinelli's arrest was not sufficient to provide the basis for probable cause.

Stanford Daily v. Zurcher, 353 F. Supp. 124 (1972).

The police, acting pursuant to a search warrant, raided the offices of a newspaper in search of photographs of demonstrators who had injured several policemen. Court considered the question: "whether third parties - those not suspected of a crime - are entitled to the same, if not greater, protection under the Fourth Amendment than those suspected of a crime." It held that third parties are

entitled to greater protection, particularly when First Amendment interests are involved.

Stapleton v. Superior Court, 447 P. 2d 967 (1968).

Agents of a credit card company sought the aid of police in arresting the petitioner, who was wanted for credit card fraud. The petitioner was arrested in his home, and a search of the premises was then undertaken. One of the credit card agents, in the presence of the police, searched the defendant's car, where he found tear-gas canisters. The petitioner sought to exclude them from evidence. The Court held that the "official participation in the planning and implementation of the overall operation is sufficient without more to taint with state action the subsequent acts of such credit card agents."

State v. Elkins, 245 Or. 279, 422 P. 2d 250 (1966).

The defendant was arrested for public intoxication, and a search of his person uncovered "an unlabeled bottle containing three kinds of capsules and pills." The officer seized them, and a later examination established that some of them were methadone. At the hearing on the motion to suppress the officer conceded that he seized the pills merely because he was suspicious and not because he recognized them as contraband. The Court held that the seizure was unlawful on the ground that "before the officer had the right to seize the implements of a crime committed in his presence, other than that for which the arrest was made, he must have reasonable grounds to believe that the article he had discovered is contraband."

State v. Gassner, 488 P. 2d 822 (1971).

The defendant argued that the narcotics obtained in the execution of a search warrant should be suppressed because the police entered his house by use of a pass key without first giving notice of their authority and purpose. The Court agreed, noting that it is permissible to make an unannounced search only when it is likely that evidence would otherwise be destroyed.

Stone v. Powell, 428 U.S. 465 (1976).

The respondents were convicted of criminal offenses in state courts and their convictions were affirmed on appeal. The prosecution relied upon evidence obtained by searches and seizures alleged by the respondents to have been unlawful. Each respondent subsequently sought relief by filing a petition for a writ of federal habeas corpus alleging violations of their Fourth Amendment rights. The Court concluded that where the state has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a

state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search and seizure was introduced at his trial.

Stoner v. California, 376 U.S. 483 (1964).

This case concerns third party consent. The petitioner's hotel room was searched without his consent and with neither search nor arrest warrants. A hotel clerk had given the consent. The Court held that the search violated the petitioner's constitutional rights.

Texas v. White, 423 U.S. 67 (1974).

The Court held that the police properly searched the petitioner's car at the police station without a warrant. The petitioner had been arrested in his car for attempting to pass fraudulent checks.

United States v. Biswell, 422 U.S. 531 (1975).

The defendant was convicted in U.S. District Court of possession of marijuana with intent to distribute. On appeal, the Supreme Court held that the Supreme Court decision in Ameida-Sanchez, which held that a warrantless automobile search, conducted 25 air miles from the Mexican border by border patrol agents acting without probable cause contravened the Fourth Amendment, would not be applied retroactively to the defendant's case. His case was pending on appeal on the date the decision was announced.

United States v. Calandra, 414 U.S. 338 (1974).

The Court held that a grand jury witness may not refuse to answer questions on the ground that they are based on evidence obtained from him in an earlier unlawful search. It further noted that the exclusionary rule" is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved."

United States v. Ceccolini, 435 U.S. 268 (1978).

A police officer, while taking a break in respondent's flower shop and speaking with an employee of the shop, noticed an envelope with money protruding from it. Upon examination, he found it contained not only money but policy slips. The officer replaced the envelope and asked the employee if she knew to whom it belonged. She told the officer that it belonged to the respondent. The officer then informed local detectives and the FBI. About six months after that incident, respondent testified before a federal grand jury that he

had never taken policy bets at his store, but the employee testified to the contrary. The respondent was indicted for perjury. U.S. Court of Appeals affirmed a suppression ruling of the employee's testimony, concluding that it was a "fruit of the poisoned tree," and set aside the verdict on certiorari. The Supreme Court reversed, noting that the employee's testimony was admissible since the degree of attenuation between the illegal search and the witness's testimony was sufficient to dissipate the connection.

United States v. Chadwick, 433 U.S. 1 (1977).

The respondents were indicted for possession of marijuana with intent to distribute. Before trial, they moved to suppress the marijuana obtained from a foot locker in the trunk of their car. The respondents had just placed the foot locker in the car when they were arrested. An hour and a half after arrest, the agents opened the foot locker without obtaining the respondent's consent or securing a search warrant. In the District Court, the government sought to justify its failure to secure a search warrant under the "automobile exception" of Chambers v. Maroney and as search incident to the arrests. Both the District and the Supreme Court affirmed the suppression of the seized marijuana.

United States v. Edwards, 415 U.S. 800 (1974).

Paint chips were obtained from the defendant's clothing, taken from him without a warrant while he was in jail about ten hours after his arrest for attempted breaking and entering. The clothing was seized because investigation subsequent to the arrest showed that paint had been chipped from a window when entry was attempted with a pry bar. The Court held "that once the defendant is lawfully arrested and is in custody, the effects in his possession at the place of detention that were subject to search at the time and place of his arrest may lawfully be searched and seized without a warrant even though a substantial period of time has elapsed between the arrest and subsequent administrative processing on the one hand and the taking of the property for use as evidence on the other."

United States v. Harris, 403 U.S. 573 (1971).

The Supreme Court reinstated the judgment of conviction for possession of liquor on which taxes had not been paid, based on seized jugs of whiskey. The warrant had been issued solely on the basis of a federal tax investigator's affidavit. The Court of Appeals for the Sixth Circuit reversed the conviction, holding that the information in the affidavit was insufficient to enable the magistrate to assess the informant's reliability and trustworthiness. The Supreme Court found that the affidavit contained an ample factual basis for believing the informant.

United States v. Janis, 428 U.S. 433 (1976).

Police seized wagering records and $4,940 in cash pursuant to a search warrant, and then notified the IRS. The IRS then made an assessment against Janis for wagering taxes and levied upon the seized cash in partial satisfaction. Janis's motion to suppress was granted in the state criminal proceedings. He then sued for refund of the money and to quash the assessment because it was based upon illegally seized evidence. Both the Federal District Court and the Court of Appeals ruled for Janis. The Supreme Court reversed, failing to extend the exclusionary rule.

United States v. Matlock, 415 U.S. 164 (1974).

Matlock was arrested for bank robbery in the front yard of a house in which he lived with a woman and others. The officers were then admitted to the house by the woman and, with her consent, searched the house, including a bedroom she said was jointly occupied by Matlock and herself. The District Court suppressed the evidence holding (1) that in a third party consent situation the government must show that it reasonably appeared to the police that the person had authority to consent and that the person had actual authority, and (2) that the woman's statement to the officers that she and Matlock occupied the bedroom was hearsay and thus inadmissible to prove her actual authority to consent. The Supreme Court reversed, holding that the government had only to satisfy the District Court that the searching officers reasonably believed that the woman had sufficient authority over the premises to consent to the search.

United States v. Martinez-Fuerte, 428 U.S. 543 (1976).

This case concerned whether a vehicle may be stopped at a fixed checkpoint away from the international border, for the purpose of briefly questioning its occupants, without reason to believe the vehicle contains illegal aliens. The defendant sought the exclusion of certain evidence on the ground that the operation of the checkpoint was incompatible with the Fourth Amendment. The Court held it was constitutional for the border patrol, after routinely stopping vehicles at a permanent checkpoint, to refer motorists selectively to a secondary inspection area for questions about citizenship and immigration status. It further asserted that the operation of a fixed checkpoint need not be authorized in advance by a judicial warrant.

United States v. McCain, 556 F. 2d 253 (5th Cir. 1977).

The defendant, who had flown into Miami from South America, was suspected of drug smuggling. After a "strip search" of defendant proved unproductive, a customs inspector talked to her while her

luggage was being reexamined. He pointed out to her that she could seriously harm herself, even kill herself, by carrying contraband in her body. The defendant then confessed to having narcotics in her body and was allowed to remove them. Only then was she "placed under arrest" and advised of her Miranda rights. The Court rejected the argument that the defendant's statement was "voluntary" and "not in response to any investigation or interrogation," thus dispensing with the need for Miranda warnings.

United States v. Mendenhall, 100 S. Ct. 1870 (1980).

Appellee was accosted by Drug Enforcement Administration officers at the Detroit Airport because "her conduct was characteristic of persons carrying narcotics." She was asked to identify herself and show her ticket. The ticket bore an alias. The officers identified themselves and asked permission to search her handbag. She was advised that she could refuse. A search of her person produced heroin. The Supreme Court majority of five was split three to two, the plurality holding that the incident did not constitute an unlawful seizure. Since appellee had not refused the search and had been lawfully stopped, the heroin could not be suppressed at the trial. The dissenting opinion argued that acquiescence to authority of DEA officers cannot be construed as informed consent and would not permit a standard such as the "drug courier profile" as a basis for stopping persons.

United States v. Peltier, 422 U.S. 531 (1975).

The defendant was convicted of a federal narcotics offense after unsuccessfully moving to suppress evidence that had been taken from his car by Border Patrol agents some 70 air miles from the Mexican border. While the defendant's appeal to U.S. Court of Appeals for the Ninth Circuit was pending, the Supreme Court announced its decision in Almeida-Sanchez v. United States, holding that a warrantless vehicle search, conducted 25 air miles from Mexican border by agents without probable cause, was unconstitutional under the Fourth Amendment. The Court of Appeals reversed the conviction. On certiorari, the Supreme Court reinstated the conviction, holding that the Fourth Amendment exclusionary rule did not require that the Almeida-Sanchez decision be applied retroactively to searches conducted prior to the date of the decision.

United States v. Robinson, 414 U.S. 218 (1973).

The respondent was convicted in U.S. District Court of the District of Columbia of the possession and facilitation of concealment of heroin. The Court of Appeals en blanc reversed the conviction, holding that the heroin introduced in evidence had been obtained as a result of a search which violated the Fourth Amendment. The Court held that a custodial arrest of a suspect based on probable cause is a reasonable intrusion under the Fourth Amendment; that in-

trusion being lawful, a search incident to the arrest requires no additional justification. Judgment of the Court of Appeals reversed the decision.

United States v. Stone, 471 F.2d 170 (1972).

The petitioner's wife consented to allow a search of the premises. The arresting officers had, only moments before, taken the petitioner into official custody at the scene of the search but did not ask Stone for his consent. The Court held that the wife's consent was valid.

United States v. Watson, 423 U.S. 411 (1976).

The respondent was arrested by a federal postal inspector for possession of stolen credit cards. The Court of Appeals held the arrest unconstitutional because the inspector had failed to secure an arrest warrant although he had time to do so. The Supreme Court reversed the lower court's decision, holding that the Fourth Amendment permits a duly authorized law enforcement officer to make a warrantless arrest even though he had adequate opportunity to procure a warrant after developing probable cause for arrest.

Vale v. Louisiana, 399 U.S. 30 (1970).

This case concerns the constitutional validity of a search made of the appellant's house subsequent to his arrest on the front steps of his dwelling. Because the arresting officers were able to procure warrants for his arrest and it was not impractical for them to obtain a search warrant as well, the Court declined "to hold that an arrest on the street can provide its own 'exigent circumstances' so as to justify a warrantless search of the arrestee's house."

Warden v. Hayden, 387 U.S. 294 (1967).

The respondent appealed his conviction of armed robbery. Several items of his clothing were seized during a search of his home, and were admitted into evidence without objection. The Court considered the validity of the proposition that there is under the Fourth Amendment a distinction between "mere evidence" and instrumentalities, fruits of crime, or contraband. The conviction was reversed, the Court noting that the distinction is irrational, since, depending on the circumstances, the same "papers and effects" may be "mere evidence" in one case and "instrumentality" in another.

Weeks v. United States, 232 U.S. 383 (1914).

The Court held that in a federal prosecution the Fourth Amendment barred the use of evidence secured through an illegal search and

seizure. This federal exclusionary rule is not derived from the explicit requirements of the Fourth Amendment but rather is a judicially created rule of evidence.

Wolf v. Colorado, 338 U.S. 25 (1949).

The petitioners had objected to the admission of evidence introduced against them in a state trial court that was the fruit of an illegal search and seizure. The Court here held that although the Fourth Amendment forbids such searches and the Fourteenth Amendment would forbid the admission of evidence so obtained in federal court, that particular means of enforcing the Fourth Amendment does not control in state courts. States may feel that incidences of such conduct by the police may be controlled by other means than by overriding relevant rules of evidence. The Court cited the pressure of public opinion on the offending authorities as an example.

Wolf v. Colorado, 338 U.S. 25 (1949).

The Court addressed the question: Does a conviction by a state court for a state offense deny the "due process of law" required by the Fourteenth Amendment, because evidence admitted at the trial was obtained under circumstances which would have rendered it inadmissible in a federal prosecution due to an infraction of the Fourth Amendment as applied in Weeks v. United States? It held that in a state court for a state crime the Fourteenth Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure.

Ybarra v. Illinois, 444 U.S. 85, 100 S.Ct. 338 (1979).

On the basis of information from an informant, a warrant authorizing a search of a tavern and bartender were issued for the purpose of checking for heroin. The warrant was executed, whereupon the police searched 9 to 13 customers. On one customer, Ybarra, the police retrieved from a cigarette package tinfoil packets of heroin. The Court held the evidence inadmissible as there was not probable cause to search the petitioner.

C. SHARING INFORMATION

Hanneman v. Beier, 528 F. 2d 750 (7th Cir. 1976)

The Milwaukee Policeman's Association represented officers in negotiating a collective bargaining agreement which was subject to approval by the Mayor and other elected officials. Some officers of the association distributed literature endorsing certain candidates for political office. An investigation into the associations polit-

ical activities followed, which was leaked to the press. Plaintiffs were subsequently charged with violations of department regulations prohibiting disclosure of confidential official business, in that they leaked the investigation story. They were found guilty of the violation and of violation of a rule prohibiting political activity. A class action was brought against the chief of police and the official, alleging that First and Fourteenth Amendment rights to free speech had been violated. The rules were held to have so violated plaintiffs' rights.

Philadelphia Yearly Meeting of the Religious Society of Friends v. Tate, 519 F. 2d 1335 (3rd Cir. 1975).

Appellants sought an injunction and damages for alleged injuries arising out of the activities of the Philadelphia Police Force's Political Disobedience Unit. The Unit had allegedly placed appellants and numerous organizations and individuals under continuing surveillance, maintained records of these organizations' and individuals' activities, political opinions and personal lives and had shared this information with other law enforcement agencies and with media audiences without obtaining consent or permission. The sharing of information with other law enforcement agencies and the surveillance in general were held not to show violations of constitutional rights. However, the sharing of such information with other parties and a television audience were held to violate First and Fourteenth Amendment rights and stated a claim under the Civil Rights Act.

D. OFFICERS' PRIVATE LIVES

Cooper v. United States, 353 A. 2d 696 (D.C. App. 1975).

Two off-duty police officers attempted to apprehend the defendant for a traffic offense. A gun battle ensued and one officer was killed when struck by the defendant's car. The defendant claimed self-defense. He sought a subpoena duces tecum to examine police personnel files for indications of prior violent acts by the officers, to be used as evidence that they had been the aggressors. Disclosure was denied because the defendant proffered no reason to believe that such evidence would be in the files and because his counsel had refused the Court's offer of in camera inspection of the police files.

People v. Woolman, 40 Cal. App. 3d 652, 115 Cal. Rptr. 324 (1974).

While participating in an anti-war demonstration, the defendant was attacked by two police officers, both in plain clothes. One of the officers was injured. The defendant argued self-defense and sought access to police department personnel files to look for evidence to support a claim that the officer had a propensity for violence. At

the trial the judge made an in camera inspection of the officer's department personnel file and concluded that it contained no information relevant to the defendant's defense that was not already known to the defense. Access to the files was denied.

XI. DISTRIBUTION OF POLICE RESOURCES

Downie v. Powers, 193 F. 2d 760 (10th Cir. 1951).

A group of Jehovah's Witnesses had leased an auditorium for a convention. On arrival at the auditorium they were assaulted by a mob. The Jehovah's Witnesses sought to hold the Chief of Police and other municipal officials liable for willful failure and refusal to perform duties enjoined upon them by state law to keep the peace and by such failure affirmatively deprive appellants of First and Fourteenth Amendment rights in violation of the Civil Rights Act (8 U.S.C. Sec. 43). It was held that, under state law, the Chief of Police had a statutory duty to preserve the peace at a religious meeting if a breach was reasonably expected. However, in an action brought under the Civil Rights Act, no liability may be imposed on the Commissioner and Chief of Police unless the jury finds that they have not exercised reasonable diligence in performing their statutory duties.

Hogue v. Congress of Industrial Organizations, 307 U.S. 496 (1939).

The CIO sought an injunction against officials of a municipality to restrain alleged violation of constitutional rights of free speech and assembly. The Chief of Police and other officials caused CIO members to be arrested, removed them from the city, and forcibly prevented them from distributing leaflets and holding public meetings. The officials were alleged to be acting under color of state law and local ordinance in furtherance of a conspiracy to deprive the CIO members of their rights. The Court held that the ordinances and their enforcement violated the constitutional rights of individual citizens and that an injunction decree is the proper means of preventing such violations by police and other municipal authorities.

Moss v. Horniz, 314 F. 2d 89 (2nd Cir. 1963).

The plaintiff sought injunction against the enforcement of the Connecticut Sunday Closing Law under the Civil Rights Act on the ground that the statute was being enforced by state authorities in a selective and discriminatory manner which would deny him equal protection and due process. It was held that the Federal District Court was correct in reaching the merits of plaintiff's claim because the defense "discriminatory enforcement" was not available to him. The claim was decided against him. The Court noted that unequal administration of a state statute may be enjoined as offen-

sive to equal protection only if an intentional or purposeful discrimination is shown.

Smith v. Ross, 482 F. 2d 33 (6th Cir. 1973).

Members of an interracial musical group rented a hall for a rehearsal. They alleged that the hall's owner was approached by a deputy sheriff who convinced him to evict his tenants by telling him that blacks were not welcome in town and that he would not protect the landlord's property if citizens attempted to destroy it. The group was duly evicted. He also told the group that they should leave town and that they could count on no police protection. It was held that the District Court's findings that the deputy had acted in good faith to prevent a disturbance and that his advice to appellants did not influence their decision to leave town were not clearly erroneous. In light of the findings, the District Court's judgment for defendants in the civil rights action was upheld.

XII. THE PHILOSOPHY OF LAW

Bishin, W. R., and C. D. Stone. Law, Language and Ethics. Mineola, NY: Foundation Press, 1972.

Compendious collection of materials on many aspects of law and ethics, including the interaction with and limitations placed on these disciplines by language. Contains a sizable bibliography.

Burns, Jeremy H., Gen. Ed. The Collected Works of Jeremy Bentham. London: Athline Press, 1970.

Jeremy Bentham (1748-1832) was a leader of the British Utilitarian reformers who later became known as the Philosophical Radicals. His works on law, philosophy, social policy, religion and penology along with his collected correspondence are published in this edition of 38 volumes. Works cover such topics as principles of legislation, penology and criminal law, civil law, civil law, constitutional law and law reform.

Davis, Philip E., ed. Moral Duty and Legal Responsibility. A Philosophical - Legal Casebook. Reprint of 1966 edition. New York: Meredith Publishing Co., 1981.

Contains articles on the ethical bases of assigning rights and duties, allowing justifications and defenses, allowing causes of action, adopting legal norms and setting the limits of advocacy.

Dworkin, Ronald M., ed. The Philosophy of Law. New York: Oxford University Press, 1977.

Feinberg, Joel and Hyman Gross, ed. Philosophy of Law. Belmont, CA: Wadsworth Publishing Co., 1975.

A basic text for philosophy of law courses divided into five sections: law, liberty, justice, responsibility and punishment. The readings include court cases, historical and contemporary writings by philosophers and legal scholars. A brief introduction is provided at the beginning of each section, and a useful set of further readings at the end.

Golding, Martin P. Philosophy of Law. Englewood Cliffs, NJ: Prentice Hall, 1975.

Discusses the nature of law and its authority, its relation to morality, its limits, theories of punishment, and dispute settlement. Includes a topical bibliography.

Goldinger, Milton, ed. Punishment and Human Rights. Cambridge, MA: Schenkman Publishing Co., 1974.

Contains eight essays by philosophers on the relationship between punishment and morality, the rehabilitative theory of punishment, punishment and disease, the mentally abnormal offender, moral responsibility, excusing conditions, the "moral" criminal, and a world without punishment.

Hacker, Peter and Joseph Raz, ed. Law, Society and Morality. New York: Oxford University Press, 1976.

A collection of essays in honor of H.L.A. Hart on various issues in the philosophy of law.

Hacker, P.M.S. "Definition in Jurisprudence." Philadelphia Quarterly 19 (Oct. 1969), 343-347.

Attempts to refute the claim that fundamental legal concepts require unique methods of definition. Bentham claimed they cannot be defined by genus and differentia, but only by paraphrasis. In his inaugural lecture Hart revived Bentham's theory regarding the definition of claim-rights and suggested a method of truth-conditional definition of a sentential formula containing "claim-right." Six arguments show that the Benthamite-Hartian claim rests upon inadequate grounds. Hart's definition is examined. The second limb of his definition is either mistaken or redundant. The first limb is transformable without loss into the traditional mode of definition.

Harding, Arthur L., ed. Origins of the Natural Law Tradition. Dallas: Southern Methodist University Press, 1954.

Collection of four essays that describe four major theories of natural law. Theories chosen are those developed in the works of Cicero, Aquinas, Richard Hooker and Herbert Spencer. All four conceive of natural law as a manifestation of universal order.

Hart, H.L.A. "Positivism and the Separation of Law and Morals." Harvard Law Review 71 (1958), 593-629.

Defends the Positivist school of jurisprudence from criticism against its insistence upon distinguishing the law that is from the law that ought to be and considers the merits of the distinction.

Hart, H.L.A. The Concept of Law. New York: Oxford University Press, 1961.

A modern classic that helped reinvigorate the philosophy of law tradition.

Kelsen, Hans. The General Theory of Law and State. Cambridge, MA, 1945.

A classic work by a legal positivist expounding a pure theory of law that disregards the specific rules and doctrines surrounding a particular legal system. Instead, Kelsen investigates the concepts of law, legal subject, legal organ, legal person and legal responsibility as well as the typical structure of legal systems and the relationship between the norms of a system and the creation of law. Kelsen's approach claims to be "pure" in two respects. First it is free of ideological considerations or value judgments, merely analyzing legal norms independently of conceptions of justice. Second Kelsen is not offering an empirical, descriptive account: rather any sociological, political or historical investigation presupposes his prior analysis of the nature of law.

Leff, Arthur Allen. "Unspeakable Ethics, Unnatural Law." Duke Law Journal (1979), 1229-1249.

Offers to prove that there can be no normative system based on anything but human will. The author discusses the consequences of this reasoning as evident in legal scholarship, and how it shapes attitudes toward constitutional interpretation.

Morawetz, Thomas. The Philosophy of Law. New York: Macmillan Publishers, 1980.

An introduction that deals with the philosophical approach to law; the nature and basis of judicial decisions; the relationship between legislation and morality; different concepts of responsibility and their relationship to punishment. Throughout the author contrasts the utilitarian appeal to social benefits as a basis for government policies and a theory of rights that emphasizes respect for persons and individual autonomy.

Morris, Clarence, ed. The Great Legal Philosophers. Philadelphia: University of Pennsylvania Press, 1959.

A comprehensive selection of writings on jurisprudence by 22 philosophers with brief introductions to each. Excerpts are taken from works by Aristotle, Cicero, Aquinas, Grotius, Hobbes, Locke, Montesqieu, Hume, Rousseau, Kant, Bentham, Savigny, Hegel, Austin, Mill, Ihering, Holmes, Ehrlich, Dabin, Dewey, Cardozo and Pound. Also contains a lengthy topical index.

Murphy, Jeffrie G. Retribution, Justice and Therapy. Boston: D. Reidel Publishing Co., 1979.

A collection of previously published essays by a contemporary philosopher that argues for the following theses: that a commitment to justice and a respect for rights (not social utility) must be the foundation of any morally acceptable legal order; that a social contractarian model is the best way to illuminate this foundation; that a retributive theory of punishment is the only theory that rests on such a foundation and hence is the only morally acceptable one; that the 20th century faddish movement toward a "scientific" or therapeutic response to crime runs grave risks of undermining the foundations of justice and rights on which the legal order ought to rest; and finally that the legitimate worry about the tendency of the behavioral sciences to undermine the values of justice and rights must not cause us to miss the important insight and opportunities that these sciences have to offer in understanding and dealing with crime or antisocial behavior.

Richards, David A. J. The Moral Criticism of Law. Encino, CA: Dickenson Publishing, 1977.

This book is an introduction to the philosophy of law. The author uses moral philosophy as a basis for a philosophical examination of the moral values in constitutional law. He discusses natural law and legal positivism, outlining the current debate on both. The topics pursued include obscenity and sexual conduct; justice and the constitutionality of school financing; sex-based discrimination; responsibility in criminal law; and a comparison between moral and constitutional theories of just punishment.

Sawer, Geoffrey. Law in Society. Oxford: Clarendon Press, 1965.

Summarizes some problems concerning the social history and relations of law with illustrations from different social and legal systems. The author discusses law in primitive societies and considers social and legal evolution, legal institutions such as courts, bench and bar, and methods of social control.

Sayre, Paul. Philosophy of Law. Iowa City: State University of Iowa, 1954.

Discusses the nature and interrelation of values and norms in the making and application of law. The author notes the limitations of both and describes the process of balancing their influence in making legal decisions to achieve justice.

Stumpf, Samuel Enoch. Morality and the Law. Nashville, TN: Vanderbilt University Press, 1966.

Challenges the modern concept of law as morally neutral by exploring the relationship of law and morality in five different ways, each representing a major theory of law. Those theories are that the law is what the courts do in fact; that law is the will of the economically dominant class; that law is the command of the sovereign; international law; and natural law. The author adheres to Thomas Hobbes's theory of natural law and agrees with Hobbes that the legal order rests upon moral order.

Summers, Robert S. ed. Essays in Legal Philosophy. Berkeley: University of California Press, 1968.

This collection of essays includes topics on concept of legal liberty, intention and purpose in law, methods of dispute resolution, morality and the criminal law, legislation and legislative intent, and the decision-making of the Supreme Court.

Summers, Robert S. ed. More Essays in Legal Philosophy: General Assessments of Legal Philosophies. Berkeley: University of California Press, 1971.

This collection of essays describes various schools of legal philosophy. Scholars considered are Bentham, Pound, Kelsen, Fuller and Hart.

Wasserstrom, Richard A., ed. Morality and the Law. Belmont, CA: Wadsworth Publishing Co., 1971.

A useful collection of articles, largely by philosophers, that focus on Lord Patrick Devlin's influential lecture "The Enforcement of Morals." A short selection from John Stuart Mill's On Liberty states the liberal thesis rejected by Devlin. H. L. A. Hart criticizes Devlin for confusing immorality and treason. Ronald Dworkin evaluates Devlin's argument that the majority has a right to use the law to defend its moral convictions. A. R. Louch assesses the Hart-Devlin debate, and its precursor the Mill-Stephen debate, by asking whether or not society is prepared to regard some actions as sufficiently sinful to count as crimes. Louis B. Schwartz analyses the notion of "offenses against morals" and the approach of the Model Penal Code. Gerald Dworkin expands the discussion to include various paternalistic legislation dealing with suicide offenses, wearing safety belts and helmets, minimum wage provisions, and appraises Mill's arguments against all forms of legal paternalism. The anthology concludes by citing judges, opinions in four cases: publishing the names and addresses of prostitutes; wearing a jacket in public with the inscription "Fuck the Draft"; a father putting to death with chloroform his physically deformed and mentally handicapped son; loaning money to poor people at excessive rates (loan sharking).

Wooton, Barbara. Crime and Penal Policy. Boston, MA: George Allen and Unwin, 1978.

Contains the personal reflections of a London magistrate during her more than 50 years on the bench, divided into two parts. In the first, after a brief description of her own career, Wooton discusses reaching a verdict, the function of sentencing, limitations on the sentencing function, the personnel of the courts, custodial and non-custodial sentences. In the second part she deals with some special problems for the courts: murder, young offenders, drugs and drunks, motorists and mentally abnormal offenders. Noting a marked increase in the number of crimes over the past 50 years, she derides the effort to identify the causes of crime, but recommends studying its origins especially in noxious social habits. She defends incarceration in terms of public protection and criticizes parole for endangering it.

INDEX OF NAMES

DIRECTORY OF ASSOCIATIONS, INDIVIDUALS AND RESOURCES IN POLICE ETHICS

The author gratefully acknowledges the assistance of Jane VanSchaick in preparing the following section.

ACKNOWLEDGMENT

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DIRECTORY OF ASSOCIATIONS, INDIVIDUALS AND RESOURCES IN POLICE ETHICS

Table of Contents

INTRODUCTION

In the late 70s many professionals, academics and social commentators were seriously concerned about the various moral dilemmas that police work poses. Yet teachers who would address these dilemmas from an informed ethical perspective were seriously hampered. There was no text to use in a course, no easy reference work that would identify articles in journals or chapters in books for students to read, groups or professional associations to contact for speakers, or faculty to consult for advice on a course, workshop or conference.

The discrepancy between the seriousness of the issues and the paucity of classroom materials was striking. Consequently, a proposal was submitted to the National Endowment for the Humanities to conduct a comprehensive survey of educational resources. An award was subsequently made to the Police Foundation and the following Directory is one of the outcomes.

I.

The entries are divided into three main sections: associations, individuals and other resources. The first section lists informal groups and professional societies in the area where criminal justice, police science and philosophy overlap. They are arranged in alphabetical order. The second section lists teachers, scholars and researchers divided into two subsections: the criminologists and police scientists in the first; and the philosophers in the second. The third section lists pertinent directories, journals, bibliographies, books and articles and data bases. An index at the end provides easy access to entries by name and State, and a key to abbreviations.

It is impossible to include every person or group with an interest in moral issues in police work. First, it would be very difficult to identify and locate everyone. And second, such a listing would be too long to be useful. Accordingly, it was decided to be more selective. The operative question was: Could their work or their members contribute something worthwhile to teaching the complex and subtle moral issues in police work - whether at a police training academy, community college or university?

If the organization was involved in research that would produce reports or articles useful to a teacher or student, or could provide speakers, well-informed about controversial topics, then it was included.

In the case of individuals the question focused on teaching, publications and future plans. Those who had taught a philosophy course or taken part in a workshop that dealt in whole or in part with moral questions in police work were included. Any philosopher who had published an article and planned to continue work in the area was included, but not those who had published only one article some time ago and had no future interest.

Selecting faculty in police science and criminal justice proved more difficult because it is possible to teach a course on a moral issue from a largely administrative or empirical perspective. Corruption can be broached in terms of practical questions. Such courses provide a useful guide to supervisory personnel by outlining alternative strategies for controlling misconduct but never attempt a moral justification of them. Similarly, deadly force can be treated in factual terms - detailing the number of incidents, demographic features of the victims, and statistically significant correlates - but never address the question: When should an officer shoot to kill, and why? The mere mention of a moral issue does not guarantee that the discussion is a moral one - that is, one that tries to sort out what is right from what is wrong and explain why.

Conversely, important moral issues can be discussed but not in the language of morals. Undercover work can be treated with considerable sensitivity to the moral puzzles that state-sanctioned deception raises. A broadly humanistic approach may be employed that never uses terms like "ethics," "morality," "good," "bad," "right" and "wrong." Indeed some of the very best works to date such as those by Fyfe, Sherman, Marx and Muir do not speak directly in the language of morals.

Ideally we sought individuals, organizations and publications that combined a descriptive and a normative perspective, informed by the facts and sensitive to the value judgments involved.

II.

Each of the individuals and organizations listed in the directory was contacted, either by mail or telephone. Copies of their own publications, announcements and brochures were requested. As well, we used directories to obtain additional information and to identify other organizations.

Approximately 30 organizations were finally selected. For each we provided the name and address of a chief executive officer and a contact person (indicated by an asterisk). Further information is typically divided into three paragraphs. The first provides a brief description of the organization's history and areas or kinds of activities. A second paragraph is more focused on police ethics, noting especially pertinent publications, conferences or library resources. A third and final paragraph contains information on its make-up, the qualifications and conditions for joining, the number of members and any fees or dues.

The section on individuals is divided into two categories: police scientists and criminologists; and philosophers. Generally this twofold schema worked well and accommodated all those who were identified. The almost 50 persons included divided almost equally into these two groups. Each entry is divided into three paragraphs. The first provides an address, telephone number and institutional affiliation. It also includes qualifications, typically a doctorate, with

the discipline and sometimes the dissertation title noted. In a second paragraph those activities especially pertinent to police ethics are noted - including publications, community work, research projects and conference and commission participation. Other professional activities were included such as editorial work, professional association membership and prizes or awards.

The section on resources is subdivided into four parts. The first contains a listing of other directories, nine altogether, arranged alphabetically by title. In addition to the date and place of publication, a brief abstract is provided that describes the kind of information the directory includes, its format and number of entries.

The second part lists major journals in criminology and police science, a total of 32. There is no journal in philosophy that deals with moral issues in police work. Criminal Justice Ethics, a new interdisciplinary journal, comes closest and is included with an abstract. The major philosophy journals for theoretical and thematic discussions are Ethics, Philosophy and Public Affairs and Business and Professional Ethics. But to date none of them has published an article directly on police work.

The third part identifies 24 police bibliographies, arranged alphabetically by author, with a brief abstract describing each. Only those bibliographies that touch on moral issues in police work are listed. This listing is not exhaustive, but does represent the most important issues.

The fourth part lists 28 books and articles mainly by social scientists. Since there is an enormous literature, it has been necessary to be very selective, and to list comparatively few. Generally books have been preferred to articles, and materials clearly focused on one issue have been preferred over more general discussions.

The fifth and final part lists nine data bases that can be consulted to identify future publications. Those that are computerized are noted along with the periods covered, and the number of journals in the data base. The recent growth of computerized data bases has generated a wealth of reference materials, right at our fingertips. The data base maintained by the National Criminal Justice Reference Service deserves special mention because it is extraordinarily comprehensive and the staff is very knowledgeable and helpful.

The index at the end is divided into four parts. The first lists the names of all the individuals and the second lists all the organizations. The third provides a cross reference by states and the last a key to standard abbreviations.

III.

Despite our best efforts, this directory undoubtedly contains errors and omissions. Information on some entries may be incomplete because of recent changes and materials that are pertinent may have

inadvertently been left out because we received no response to our inquiry. We ask that others write us so that we may update and complete this directory.

The field is undergoing a rapid change. Three conferences have taken place over the past three years that deal with police ethics. Until then only one book had been published that contains essays by philosophers on the police, The Police in Society, edited by Emilio Viano and Jeffrey Reiman (Lexington, MA: D.C. Heath and Co., 1975). But in the spring of 1984, two are scheduled for publication: Hard Choices in Law Enforcement, edited by William Heffernan and Timothy Stroup (New York: John Jay University Press); and Moral Issues in Police Work, edited by Frederick Elliston and Michael Feldberg (Totowa, NJ: Littlefield Adams).

Clearly the field is growing, and it is our hope that this directory will aid and abet the work of trainers, teachers and scholars across the country.

PART ONE

ASSOCIATIONS IN POLICE ETHICS

I. ASSOCIATIONS

ACADEMY OF CRIMINAL JUSTICE SCIENCES (ACJS)

* Patricia DeLancey
Executive Secretary
University of Nebraska at Omaha
1313 Farnam on the Mall
Omaha, NE 68182 -- 0115
(402) 554-3580

Larry Hoover
President
Sam Houston State Univ.
Huntsville, TX 77341

The Academy of Criminal Justice Sciences, incorporated in 1972, is an international organization emphasizing professional advancement in criminal justice through collaboration with educators and researchers. It provides a forum for the exchange of viewpoints; serves as a clearinghouse of information related to education and research; and fosters the highest ethical standards in criminal justice educational programs. It holds annual and regional meetings, sponsors professional development projects, and publishes the Journal of Criminal Justice (bimonthly, free to members) and ACJS Today. The 1983 Annual Meeting examined topics such as criminal justice professionalism, psychological costs of police work, police-community relations, history of the police role and developments in higher education.

Membership includes individuals from disciplines such as psychology, anthropology, education, sociology, political science, public administration, law and the humanities as well as educational institutions.

AMERICAN ACADEMY FOR PROFESSIONAL LAW ENFORCEMENT (AAPLE)

444 West 56th St.
Suite 2312
New York City, NY 10019
(212) 489-3982

James T. Curran
Executive Director

The American Academy for Professional Law Enforcement, established in 1974, is a non-profit corporation with a national office in New York City and chapters in cities across the country. It is dedicated to furthering the professionalization of law enforcement and achieving the highest standards of ethical practices by focusing on improving policies and procedures. It conducts research, holds national symposia and seminars, and promulgates policy statements. Among its committees are Education and Training, Ethical Practice, Research and

Planning, and Standards. It publishes Police Studies quarterly), Corruption and Its Management (a newsletter), Rape, the Violent Crime, annual proceedings, and Ethical Standards in Law Enforcement, adopted in 1978.

Regular members include police officers, administrators, and lecturers with at least a baccalaureate degree. Special members are police officers holding an Associates of Arts Degree who are presently enrolled in a baccalaureate program and criminal justice students. Membership dues are $10 annually.

AMERICAN BAR ASSOCIATION
The Section of Criminal Justice

1800 M Street, NW
Second Floor
Washington, DC 20036
(202) 331-2260

Laurie O. Robinson
Director

* Diane Church
Admin. Assistant

The Section of Criminal Justice, established in 1919, coordinates criminal justice issues within the American Bar Association; develops technical assistance materials, and continuing education programs; staffs the Section's Crime Task Force; and identifies emerging issues.

The Section has developed key ABA policies in areas such as domestic violence, an FBI Charter, gun control, and the employment of women in criminal justice agencies. It has prepared statements for the Attorney General's Violent Crime Task Force on gun control and the exclusionary rule. An educational program on police issues was presented at the ABA Annual Meeting held in August 1983.

The Section publishes the American Criminal Law Review and the Criminal Justice Newsletter. Both are published quarterly, free to Section members. The American Criminal Law Review is $25 ($31 for foreign subscriptions) annually for non-members.

Its 10,000 members include private and public defense lawyers, prosecutors, judges, legislators, law professors and law students, law enforcement and corrections personnel and non-lawyer criminal justice professionals from allied fields. Membership dues are $25 annually for lawyers and $60 annually for criminal justice associates (non-lawyers).

AMERICAN JUSTICE INSTITUTE
(AJI)

725 University Ave.
Sacramento, CA 95825-6793
(916) 924-3700

Robert C. Cushman
President

* Deborah Scowcroft
Administrative Asst.

The American Justice Institute, established in 1959, is a non-profit corporation dedicated to finding practical ways to solve crime and justice problems and organized on a project basis with a staff of 20. Since its founding more than 300 projects have been completed on topics such as corrections, police, courts, education, social sciences and general government. AJI promotes objectivity as the basis for improving public policy decisions and advances knowledge about deviant social behavior, ways to improve social institutions, reduce societal conflicts and educate professional personnel.

AJI provides technical assistance by administrators and researchers to solve police, courts and corrections problems. It trains practitioners; disseminates program models, manuals and prescriptive packages to improve police, courts and corrections services; and designs evaluates and manages field tests. It maintains a library of 3,000 volumes on criminal justice, police, courts and corrections, and publishes monographs, books and reports including Police Effectiveness and Productivity Measurement: A Package of Concepts, Tools and Guidelines for Building and Using a Measurement System and Police Performance and Productivity Measurement System.

AMERICAN SOCIETY OF CRIMINOLOGY (ASC)

1314 Kinnear Road
Columbus, OH 43202
(614) 422-9207

Roland Chilton
Executive Secretary

The American Society of Criminology, established in 1941, is a national organization which embraces scholarly, scientific, and professional knowledge concerning the etiology, prevention, control and treatment of crime and delinquency. This includes the measurement and detection of crime, legislation, the practice of criminal law, as well as law enforcement, judicial and correctional systems. The Society's objective is to bring together a multidisciplinary forum fostering criminological study, research, and education.

The officers for 1983 are Travis Hirschi, President; Marguerite Q. Warren, Vice President; and Roland Chilton, Executive Secretary. Its members include practitioners, academics and students. Membership dues are: Active $25; Husband-Wife $30; Student $12.50; Student Husband-Wife $17.50; Institution $100. These cover subscription costs for the Society's two publications: Criminology: An Interdisciplinary Journal which is published quarterly; and The Criminologist - a newsletter published 6 times a year.

AMERICAN PHILOSOPHICAL ASSOCIATION (APA)

University of Delaware
Newark, DE 19716
(302) 451-1112

John O'Connor
Executive Secretary

* Kathleen Pederson
Secretary

The APA, founded in 1900, promotes exchanges among philosophers, encourages creative and scholarly activity and facilitates the professional work of teachers. It has standing committees on Lectures, Publications and Research, International Cooperation, Career Opportunities, the Status and Future of the Profession and the Teaching of Philosophy. Three annual meetings are held: on the East Coast in late December, on the West Coast in late March and in the Midwest in late April.

It publishes the Proceedings and Addresses of the APA five times annually which includes a Membership List; Jobs for Philosophers six times annually; and newsletters on Teaching Philosophy, Philosophy and Law and Philosophy and Medicine three times annually. The subscription fee for each newsletter is $3 annually. The February 1982 issue of the APA Newsletter on Philosophy and Law describes the Institute for Criminal Justice Ethics and the Criminal Justice Ethics Journal and includes an annotated bibliography of law journal articles for philosophers, compiled by Dr. Ferdinand Schoeman.

AMERICANS FOR EFFECTIVE LAW ENFORCEMENT (AELE)

501 Grandview Drive
Suite 209
South San Francisco, CA 94080
(415) 877-0731

Wayne Schmidt,
Executive Director

* Howard Berringer,
Assistant Exec. Dir.

Americans for Effective Law Enforcement, Inc. was founded in 1966 as a non-profit corporation with the following three purposes: 1) to explore the needs for effective enforcement of the criminal law; 2) to inform the public of these needs; and 3) to assist the police, the prosecution and the courts in promoting more effective and fairer administration of the criminal law. AELE submits friend of the court (amicus curiae) briefs to the U.S. Supreme Court and other courts in support of various police practices. AELE conducts periodic regional workshops on what the police can and cannot lawfully do as law enforcement officials. AELE issues "position papers" regarding criminal justice issues. AELE staff have participated in TV and radio programs and lectured to educational groups.

The AELE's Citizens' Anti-Crime Center was established in 1981 to increase communication between citizen-based anti-crime groups and to

focus public attention on their efforts. The Center will issue two publications: a national directory and a quarterly newsletter The Angry Citizen.

In 1982 AELE began publishing a series of bulletins (Alert) for use in police roll-call training sessions. They are distributed nationally without charge. Among the subjects AELE plans to include are stop-and-frisk, use of force, false arrest and interrogations. Other AELE publications include Liability Reporter and Jail & Prisoner Law Bulletin, published monthly, $60 per annum (each); and the Legal Defense Manual, a collection of litigation, published quarterly, $48 for current series or order only individual briefs. Examples of Manual topics include Deadly Force and Civil Rights. AELE also publishes The Police Plaintiff, $18 per annum (quarterly) and Impact, an informational newsletter.

About 1,000 members contribute to AELE annually, each averaging $25 a year. They maintain a mailing list of more than 7,000 names.

BATTELLE LAW AND JUSTICE CENTER (BLJC)

4000 NE 41st Street
Seattle, WA 98105
(206) 525-3130

* Marilyn Walsh
Director

The Battelle Law and Justice Center, established in 1971, is one of seven study centers which compose the Battelle Human Affairs Research Centers. Staff members are criminologists, social psychologists, lawyers and public administrators.

One major area of research at BLJC is trafficking in stolen goods and it has also produced reports on effective law enforcement strategies for combatting arson-for-profit. Its research on white collar crime has resulted in a series of investigation manuals, training programs for law enforcement and private sector personnel, and contributions to the literature on white collar crime. Other research programs include Organized Crime; Control of Fraud, Waste and Abuse in the Public and Private Sectors; Electronic Data and Communications Systems; and Law and the Individual.

CENTER FOR THE STUDY OF ETHICS IN THE PROFESSIONS (CSEP)

Illinois Institute of Technology
Chicago, IL 60616
(312) 567-3017

Mark S. Frankel
Director

* Frederick Elliston
Senior Research Associate

The Center for the Study of Ethics in the Professions (CSEP) was founded in 1976 to develop and promote education, research and service programs related to professional ethics and responsibility. Education programs have included the design of five applied ethics courses at IIT; workshops, seminars and conferences for scholars, teachers and practitioners; and the development of curricular materials for applied ethics education. Research at the Center covers a wide range of issues touching on the fields of engineering, architecture, criminal justice, business, science and technology.

To support these activities and to serve others involved in the applied ethics field, the CSEP manages a diverse publications program and maintains a substantial resource collection of printed materials related to the professions. Publications include an Occasional Papers Series, a quarterly publication Perspectives on the Professions and specialized reports and bibliographies. A publications list citing the work of CSEP faculty and staff is available on request; most publications can be obtained without charge.

As a major repository of information on the professions, the resource collection includes monographs, government reports, hearings and regulations, court decisions, professional journals and newsletters, dissertations, unpublished papers and conference proceedings. Also part of the collection is an extensive inventory of statements relating to standards of professional responsibility and freedom as adopted by professional and trade associations, business organizations, government bodies and others. A Compilation of statements currently in the collection is available from the Center. A referral bank of more than 200 organizations and programs concerned with professional ethics issues is also included.

Topical coverage in the Center's library is extensive, including materials on legal ethics, police ethics and criminal justice issues generally. Topics covered by the Occasional Papers Series include deadly force, affirmative action programs and privacy. The Center also has copies of many articles on moral issues in police work - including deception, undercover work, police shootings, corruption, distribution of police services, police violence and codes of professional conduct.

The library is open to all, bibliographic searches may be requested, and visitors are welcome as are inquiries by phone or mail. Persons can be added to the CSEP mailing list by contacting the Center's Director.

CENTER FOR THE STUDY OF VALUES
(CSV)

University of Delaware
Newark, DE 19711
(302) 738-2546

* Norman Bowie
Director

The Center for the Study of Values, established 1977, is a non-profit organization of scholars at the University of Delaware devoted to the application of ethics to the critical decision-making activities in business and government. Under the directorship of Dr. Bowie, it conducts philosophical research in applied ethics with special attention given to formulating issues, explicating value assumptions and applying ethical theories to the resolution of policy debates. Each year it sponsors conferences on topics like Ethics and Economics, Ethical Issues in Education, Ethical Issues in Government, and Ethical Issues in Agribusiness. It provides a forum for academics to interact with business people and government officials in order to clarify issues, develop policy recommendations and disseminate results.

The Conference on Ethics, Public Policy and Criminal Justice, held in 1980, involved philosophers, social scientists, a biologist, a police official, a circuit court judge, a state supreme court justice and several administrators. The proceedings were published in 1982, edited by Frederick Elliston and Norman Bowie. The topics pertinent to police ethics included the morality of police harms deadly force, responses to hostage takers, economic crime control, and affirmative action programs.

CHICAGO LAW ENFORCEMENT STUDY GROUP (CLESG)

109 N. Dearborn St.
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Chicago, IL 60602
(312) 346-1179

* Anne O'Brien Stevens
Executive Director

The Chicago Law Enforcement Study Group, established in 1970 by a coalition of community-based service and advocacy agencies, is a non-profit organization engaged in research concerning police, courts and corrections. It has produced over 20 studies on topics ranging from police use of deadly force to citizen efforts to address criminal justice problems. A continuing interest has been the organization, structure and jurisdiction of the juvenile court. Detailed evaluative reports containing empirically based recommendations can be purchased for a nominal fee. CLESG maintains a library of books, journals, bibliographies, reports, handbooks, directories and standards.

CLESG has recently completed research on the police response to battered spouse complaints and it plans to undertake a study of the relationship of the exclusionary rule to violent crime. It has produced reports on misconduct, selection and hiring, discipline, women in policing and professional standards. Split-Second Decisions: Shootings of and by the Chicago Police, by William Geller and Kevin Karales, is the product of a three-and-one-half year project. This 300-page report, published in 1981, examines the characteristics of shooting incidents and offers recommendations for policy and training reforms to reduce them.

ETHICS RESOURCE CENTER
(ERC)

1730 Rhode Island Ave., NW
Washington, DC 20036
(202) 223-3411

* Gary Edwards
Executive Director

The ERC, established in 1977, is a project of American Viewpoint, Inc., a non-profit educational corporation founded in 1922 to pioneer educational programs in citizenship for immigrants entering America. During the 70s its broadly based general programs gave way to a concentrated effort to strengthen the ethical foundations of political and economic freedom.

The ERC conducts research in applied ethics. Its publications include How to Make America More Honest (1974); Codes of Ethics in Graduate Business Schools (1979); Implementation and Enforcement of Codes of Ethics in Corporations and Associations (1980); and the Ethical Basis of Economic Freedom (1st ed. 1976, 2nd ed. 1980) which includes essays on corporate practices, regulatory law, labor ethics, government conflict of interest, accounting ethics, and an essay on everyday ethics (in the 2nd. ed.). The last essay "Common Sense and Everyday Ethics" (also available separately for $1) has been widely distributed among the military, public officials, educators, business executives, doctors and the general public. It discusses what ethics is, why one should be ethical, how one decides what is ethical, lying, teaching ethics and ethical priorities.

HASTINGS CENTER
Institute of Society, Ethics and the Life Sciences
(HC)

360 Broadway
Hastings-on-Hudson, NY 10706
(914) 478-0500

Daniel Callahan
Director

* Joel Fleishman
Secretary

The Hastings Center was founded in 1969 to raise public and professional awareness of ethical issues in medicine, the natural sciences and the social and behavioral sciences. Research programs have been established in death and dying, occupational health, genetic counseling and engineering, behavioral studies, health policies, the foundations of ethics, professional and applied ethics. The education program conducts workshops for teachers and other professionals, sponsors internships, and offers reading packets for teaching and public information. The publication program publishes The Hastings Center Report (bimonthly, included in membership), IRB: A Review of Human

Subjects Research, and books including Ethics Teaching in Higher Education (edited by Daniel Callahan and Sissela Bok) and a series of monographs on teaching ethics in fields such as undergraduate curriculum, medicine, law, business, engineering, and criminal justice.

In 1981 it held workshops on Applied and Professional Ethics, Institutional Review Boards and Human Subjects Research, and Ethics and Public Policy. In February 1981 it sponsored a Meeting on Police Ethics at which the following topics were discussed: the major issues, the current state of teaching, strategies for improving instruction, educational issues, prospective research recommendations and proposals, and contacts between practitioners and scholars.

Membership consists of 1900 individuals. Associate Membership is open to all professionals and laypersons seriously interested in the ethical, legal, and social implications of advances in life sciences. Annual dues ($26 individuals, $22 full-time students, and $35 institutions) entitle Associate Members to the Hastings Center Report; 10% discount on back issues; notice of publication; announcement of internships, fellowships, and workshops; and consultation and materials for setting up courses and discussion groups.

INSTITUTE FOR CRIMINAL JUSTICE ETHICS
(ICJE)

John Jay College of Criminal Justice
444 West 56th St.
New York City, NY 10019

* William C. Heffernan
Executive Director

The Institute for Criminal Justice Ethics is a non-profit, university-based organization, established in 1981 to foster greater concern for ethical issues among practitioners and scholars. It serves as a national clearinghouse of information and a stimulus to research and publications. It encourages sensitivity to the demands of ethical behavior among law enforcement personnel by focusing on moral issues in education and offering a forum for dialogue among scholars. Through its journal and conference proceedings, it promotes this dialogue and helps generate the literature for an emerging field. The Institute holds that criminal justice teaching has emphasized the empirical standpoint of the social sciences and now needs to develop a moral point of view.

The first annual conference was held in the Spring of 1982 entitled Police Ethics: Hard Choices in Law Enforcement. A volume of selected papers was published by John Jay University Press. It plans to conduct two programs. The Fellows Program will allow qualified executives in the criminal justice field to participate in a proseminar on ethical issues. The Police Academy Training Program is being developed to focus on the realities of police practice, emphasizing detailed problems, and providing students with a variety of ethical perspectives.

* The John Jay library offers members computerized bibliographic searches, subject to a fee and full use of the library. The Institute publishes Criminal Justice Ethics (free to members) semi-annually which contains reports of members' activities, information about grants and conferences, descriptions of courses in ethics, papers, abstracts, bibliographies, book reviews and notices of job openings. A prize is given annually for the best book or article in criminal justice ethics. The Institute also sponsors an essay competition for students. Membership dues are $15 for individuals, $25 for institutions, and $10 for students and senior citizens.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)

13 Firstfield Road
Gaithersburg, MD 20878
(301) 948-0922

Norman Darwick
Executive Director

* R. Dean Smith
Chief of Staff

The IACP, established in 1893, is a non-profit professional membership organization of over 13,000 police executives from 70 nations. The IACP works to improve law enforcement practices through an exchange of information and experiences among police executives. It maintains a closed library of approximately 5,000 volumes on criminology and law enforcement.

Among its services are an accreditation program; assessment centers; technology assessment; conferences, seminars and workshops; state, regional and local planning assistance; police promotional examinations; and supervisory/management training courses.

Among its publications are the Criminal Justice Education Directory; Critical Issues in Police Labor Relations; IACP Membership Directory; Issues in Human Relations; Journal of Police Science and Administration; Juvenile Justice Administration; The Police Chief (a journal); Police Discipline Series; Police History Series; Police Role and Juvenile Delinquency; and Training Key. Training Key No. 295 on "Police Ethics" discusses appropriate conduct on the job focusing on commitments and conflicts. Training Key No. 297 on "Police Conduct" discusses appropriate behavior among different agencies and explores the attitudes of police administrators, the community and officers. Questions regarding membership are referred to their Membership Department.

INTERNATIONAL ASSOCIATION FOR PHILOSOPHY OF LAW AND SOCIAL PHILOSOPHY - AMERICAN SECTION (AMINTAPHIL)

Rex Martin
Executive Director
Department of Philosophy
University of Kansas
Lawrence, KS 66045
(913) 864-3976

Edmund L. Pincoffs
President (Sept. 1983)
Department of Philosophy
University of Texas
Austin, TX 78712
(512) 471-4857

AMINTAPHIL, established in 1963, is the American Section of the International Association for Philosophy of Law and Social Philosophy. It is an interdisciplinary organization which promotes scholarly work in the philosophy of law and social philosophy. Its primary activity is holding scholarly meetings at least every two years, each on a specific topic such as accountability, consent and harm. The January 1983 meeting was on economic justice. All who attend meetings make written contributions and the proceedings are usually published.

Three or four newsletters are published annually. The International Association publishes the Archives for Philosophy of Law and Social Philosophy (members are entitled to a 30% discount) and holds meetings every two years with participants from many countries. The 1983 meeting dealt with Theories of Criminal Justice, and the proceeding will be edited by Ken Kipnis (University of Hawaii).

AMINTAPHIL has about 200 members primarily from the fields of philosophy, law and political science. A person interested in promoting philosophy of law or social philosophy who has been or is engaged in a relevant discipline is eligible for membership. Membership requires approval by two members of the Executive Board and payment of $5 for annual dues.

NATIONAL ASSOCIATION OF POLICE COMMUNITY RELATIONS (NAPCR)

c/o Sgt. J.J. Harris
Kansas City Police Department
1125 Locust St.
Kansas City, KA 64106
(816) 234-5000

The National Association of Police Community Relations, established in 1969, is a non-profit organization which promotes professionalism in law enforcement officers through the development of a positive orientation, attitudes and skills regarding police-community cooperation. It offers consulting services and technical assistance and conducts needs assessment, training and research. It maintains a library, publishes a semi-annual and annual report, and holds an annual meeting.

Its membership of 200 consists of law enforcement officers, academics and criminal justice personnel.

NATIONAL ASSOCIATION OF STATE DIRECTORS OF LAW ENFORCEMENT TRAINING (NASDLET)

197 Bay Street Rd.
Boston, MA 02115
(617) 353-2771

Stephen J. Mandra
Executive Secretary

* Martha Nestor
Staff Assistant

*Linda Tully
Staff Assistant

NASDLET, established in 1970, is a non-profit organization which aims to achieve professionalism in law enforcement. It gathers, analyzes and disseminates information relating to training, education and selection standards in law enforcement. NASDLET develops and conducts training programs for officers, conducts research and publishes a newsletter. It holds two conferences a year. Once a year the national office surveys its membership to determine standards in use by the state commissions. It also surveys every law enforcement academy in the United States. Half of NASDLET member states have moved from traditional training methods to an emphasis on student performance.

Their Institute for the Humanities in Law Enforcement Training, organized in 1982 under the direction of Dr. Feldberg, offers a series of programs in which participants relate history, philosophy, literature, anthropology and psychology to their police training experiences. It provides an opportunity for police academy instructors, directors of training and curriculum specialists to incorporate the humanities into their training programs. Three sessions offered in 1983 were The Police Role-Violence and two on Working Ethics for Police Officers. Dr. Howard Cohen and Dr. Michael Feldberg have been teaching these two sessions since 1979 (previously the Law Enforcement Trainers Institute at Boston University). They discuss the use of deadly force, discretion, corruption, loyalty, the police role, the distinction between authority and power, and formal versus discretionary law enforcement. Although the workshop is taught at a college level, participants without college experience may attend.

There are 197 NASDLET members around the country. To be eligible for membership one must be an executive officer of a state training program who is responsible to a policy-making body and whose function is to develop minimum law enforcement standards. Full-time professional staff members and trainers working under the supervision of the director may become associate members, but do not hold voting rights. Membership fees are computed on a sliding scale from $100 to $1,000. Interested people should write the the Executive Office.

NATIONAL BLACK POLICE ASSOCIATION (NBPA)

National Information Office
P.O. Box 138
Jamaica, NY 11412

Tony Fisher
Chairperson
(301) 384-2360

* Paul J. Maurice
National Information Officer
(516) 286-3361

The NBPA, chartered in 1972 in Illinois, is a non-profit corporation established to improve relationships between police departments; evaluate criminal justice policies and programs on the black community; improve communication through a national network; recruit minority police officers, male and female; and eliminate police corruption, brutality, and racial discrimination.

The NBPA believes police brutality must be halted by black police officers; police should reside in the municipality in which they work; handgun manufacturing should be prohibited and their sale, possession and use should be limited; black officers should become involved in community issues; police strikes should be opposed; there should be a trade embargo against nations that are primary sources of narcotics; women should be recruited as law officers; and crime fighting resources should be allocated toward the prevention of crime rather than the cure.

It maintains a speakers bureau and publishes the NBPA Newsletter quarterly, covering national and regional news. The NBPA consists of 85 member associations in 23 states and has 23,000 individual members. Dues are $100 a year per organization.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD)

2125 Center Avenue
Fort Lee, NJ 07024
(201) 886-2600

* Diana R. Gordon
President

The NCCD, established in 1907, is a private non-profit organization that holds the community must play an active role in preventing and responding to lawbreaking. It advocates programs and policies that reduce the social and economic costs of crime and strives to make juvenile and criminal justice systems more equitable, effective, and responsive to victims and offenders. Three groups are the focus of its efforts: victims of crime, criminal justice professionals, and taxpayers. NCCD conducts research and sponsors workshops, training sessions and presentations.

The NCCD library holds approximately 40,000 items available for public and professional use including books, magazines, reports, studies and other reference materials. It includes an extensive collection of organized crime materials including reports of congressional hearings and crime commissions, journal articles, dissertations, and clippings from five regional newspapers.

NCCD's Public Education department produces statistics, information, informed comments, referrals, press releases, and opinion pieces for the media. It held two press conferences to respond to government proposals and task forces. It publishes three newsletters.

Among NCCD's publications are the Criminal Justice Newsletter (biweekly) which reports on legislation, programs, research and funding; Crime and Delinquency (quarterly) which contains major articles on criminal justice programs and research on such topics as police, courts and corrections; the Journal of Research (semi-annual) which analyzes a wide variety of criminal justice problems; Criminal Justice Abstracts (quarterly) which reviews key topics and summarizes 100's of books, articles, reports and studies; and The Annotated Guide to the Literature on Organized Crime (1967-1981).

The Information Center abstracts books, journals, reports and studies and stores them in its data bank. Its microfiche collection includes special topic packets, literature reviews and bibliographies on key issues.

NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (NCJRS)

National Institute of Justice
Box 6000
Rockville, MD 20850
(301) 251-5500

Harvey Byrd
Program Director

* Marc Caplan
Police Division

NCJRS is an international clearinghouse of information about criminal justice, serving practitioners, researchers, students and the general public. It has been collecting publications since 1972 and now has over 60,000 documents.

Most items are accessible on interlibrary loan. NCJRS lends documents only to other libraries. Individuals should contact local, academic, or agency libraries to borrow documents. The borrowing period is six weeks.

Publications include: SNI (Selective Notification of Information), a bimonthly abstract bulletin (no charge); Selected Bibliographies; and Document Retrieval Index, 1972 to 1978 ($65), 1979 and

1980 supplements ($15 each). Numerous microfiche packages and brochures are also available. NCJRS holds a wealth of material on policing -- including selected annotated bibliographies, reports, films and directories.

Services include: data base searches -- custom $48, topical $17.50 and standard packages $5; copying -- $.10 per page; audiovisual program -- listing of films and videotapes $15; and conference support.

NATIONAL INSTITUTE OF JUSTICE (NIJ)

U.S. Department of Justice
Washington, DC 20531
(202) 724-2953

James K. Stewart
Director

* William Saulsbury
Police Division

The National Institute of Justice is a research and development center within the U.S. Department of Justice. NIJ builds upon the foundation laid by the former National Institute of Law Enforcement and Criminal Justice, founded in 1968, the first major federal research program of its kind. NIJ supports basic and applied research and development; evaluations of the effectiveness of crime prevention and control policies; tests of approaches to stem criminal activity and strengthen the justice system; training for criminal justice practitioners in research and evaluation findings; fellowships and seminars; and the dissemination of information.

The Office of Development, Testing and Dissemination distributes research results. It handles reports, produces a variety of publications and informational materials for researchers and practitioners, and sponsors an annual review of justice research. The Office supports the National Criminal Justice Reference Service (NCJRS), an international clearinghouse with a computerized data base containing more than 60,000 items and serving 40,000 users. The Police Research Catalog: 1969-1981 includes titles and brief summaries of NIJ police related research. Projects are indexed by subject, title and grantee. Selected Police Bibliographies are included in the Appendix. This publication, and numerous others on various topics in policing, are available through NCJRS.

NIJ's Police Research Program is designed to enhance state and local law enforcement capabilities by expanding knowledge about police practices. For information about solicitations, refer to NIJ's Program Plan.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES (NOBLE)

8041 Corporate Drive
Suite 360
Landover, MD 20785
(301) 459-8344

Major Sylvester Winston
President

William Matthews
Executive Director

Established in 1976, the National Organization of Black Law Enforcement Executives (NOBLE) is an incorporated, non-profit organization of black police executives formed to exchange ideas and opinions about the crime problems of urban centers, and to discuss their individual leadership roles in the resolution of these problems. NOBLE offers law enforcement agencies technical assistance to develop and analyze organizational goals and objectives, to develop and implement affirmative action and career development programs, and to conduct training workshops, including preparation of workshop materials.

As part of its research efforts to examine the extent to which basic law enforcement goals are actually achieved, the NOBLE membership and staff has produced a variety of manuscripts and monographs. Among NOBLE's publications, the following are available: The Future of Justice Research: A NOBLE Agenda for Evolutionary Change; Proceeding: Urban Violence and Crisis Prevention Workshop; Violent Crime--Who Are the Victims; Stop--Or I'll Shoot! The Use of Deadly Force by Law Enforcement Officers; and A Survey of Personnel Practices in Law Enforcement Agencies.

NATIONAL SHERIFFS' ASSOCIATION (NSA)

1250 Connecticut Avenue
Suite 320
Washington, DC 20036
(202) 872-0422

Richard Elrod
President

L. Cary Bittick
Executive Director

The National Sheriff's Association (NSA) is a non-profit professional service organization dedicated to enhance the professional capabilities of criminal justice agencies and personnel in the United States and to promote effective law enforcement and correctional services at the county and local level.

Since 1940, NSA has provided a broad range of professional services to its members who represent the 3,105 county and city sheriffs nationwide as well as more than 50,000 employees of federal, state, county, and municipal criminal justice agencies.

Among its principal endeavors, NSA has dedicated its efforts to encourage protection of the jurisdiction of the sheriff as a constitutional officer and to support sheriffs and their employees throughout the United States in their efforts to discharge their law enforcement, corrections, and judicial responsibilities in a fair, effective, and professional manner.

One of the most important services of the National Sheriffs' Association is providing timely information to its members on topics of current or continuing concern in law enforcement, corrections, court service, community crime prevention, and proposed legislation. Manuals and research reports on these areas are available for a nominal charge. In addition, NSA publications include The National Sheriff, a bimonthly magazine listing current court decisions that identifies and monitors proposed federal programs, legislation, and policies of interest to sheriffs; and The Directory of Sheriffs of the United States which lists the names and addresses of sheriffs by state and the addresses of major federal and state law enforcement and correctional officials in each state.

POLICE EXECUTIVE RESEARCH FORUM (PERF)

2300 M Street, N.W.
Washington, D.C. 20037
(202) 466-7820

Gary P. Hayes
Executive Director

PERF, established in 1976, is a national membership organization of college-educated police leaders from larger law enforcement agencies (200 or more full-time employees serving a population of 100,000 or more). Its primary goal is to meet the challenges of transforming policing into a profession equal to societal needs for law enforcement.

Members have taken positions on police issues. For example: PERF endorsed the creation of a single agency of criminal justice statistics within the Justice Department. It supported the adoption of a four-year college education requirement for police chiefs and, in 1981, members developed a model policy for handling citizen complaints.

Among PERF'S publications are Calling the Police - Citizen Reporting of Serious Crimes; Differential Police Response Strategies; Responding to Spouse Abuse and Wife Beating: A Guide for Police; Report on the Conference on Civil Disorder; Spouse Abuse: A Curriculum Guide for Police Trainers; Police Agency Handling of

Citizen Complaints: A Model Policy Statement; and Firearms Law Enforcement Task Force.

PERF's Police Information and Research Service provides the following for a modest fee: prepares request responses; reviews research efforts; and provides computer access to national information sources. PERF also offers Police Management Consulting. Its projects include: Crime Classification System; Research Handbook for Police Managers; Accreditation Program of Law Enforcement Agencies; and Improving the Police Capability to Handle Spouse Abuse Calls: A Technical Assistance and Capacity Building Program.

The 1982 membership includes 72 police chiefs, 31 former chiefs, and a growing body of subscribers. Annual membership fees are $50 for general members and $25 for subscribing members.

THE POLICE FOUNDATION
(PF)

1001 22nd Street, N.W.
Washington, D.C. 20037
(202) 833-1460

Patrick V. Murphy
President

* Lawrence Sherman
Vice President for Research

The Police Foundation, established by the Ford Foundation in 1970, is a private, non-profit foundation dedicated to fostering improvement and innovation in American policing. It conducts a broad range of research projects and holds forums for the debate and dissemination of ideas.

The Police Foundation has sponsored over 200 projects which examined traditional crime control practices, tested new ways of delivering police services, studied ways to improve the quality of police personnel, created a network of professionals interested in improving policing, and assisted in recruiting and promoting women and minorities. These projects resulted in the establishment of the Police Executive Research Forum, assistance in launching the National Organization of Black Law Enforcement Executives, and the establishment of the Police Management Association.

In 1976 the Police Foundation assembled the National Advisory Commission on Higher Education for Police Officers directed by Lawrence W. Sherman. Over a period of two years the Commission solicited opinions from 200 law enforcement and higher education organizations on ways to improve police education. A series of public forums was held, and in late 1978 the Commission issued a 300 page report The Quality of Police Education. It concluded that education for police was generally low in quality, and recommended changes in the curriculum, training techniques and standards. In 1979 the Police Foundation

co-sponsored (with the Law Enforcement Assistance Administration) a National Symposium on Higher Education for Police Officers organized around seven chapters of the book. Over 500 participants attended the three-day conference.

The Police Foundation has published more than 40 books and reports on topics such as preventive patrol, interpersonal conflict, performance appraisal, police chief selection, corruption, police response time, deadly force, women on patrol, personnel administration, and police education. Police, a bimonthly magazine funded by the the Police Foundation, was begun in 1978 by Criminal Justice Publications to air various sides of issues and trends in policing.

POLICE MANAGEMENT ASSOCIATION (PMA)

Police Management Assoication
1001 22nd Street, N.W.
Washington, D.C. 20037
(202) 833-1460

Armando Fontoura
President

* E. Roberta Lesh

The PMA was founded in 1980 as an independent, non-profit membership organization for police managers. It was launched with the assistance of the Police Foundation and the Police Executive Research Forum, whose member chiefs nominated middle managers from their departments to serve as founding members. Its purpose is to lay the groundwork for an independent, professional association of police managers who want to exchange information, foster research, and take a stand on critical issues. They believe credible, scholarly debate, coupled with improvements in policing, will increase respect and status for police managers.

PMA publishes quarterly the PMA News Briefs free of charge to members. It solicits and disseminates information useful to those concerned with the problems and issues confronting police managers. Members have contributed 30 articles to professional and scholarly publications and have written 12 book chapters.

PMA's 105 members have an average tenure of over 21 years in police service, 15% have taught at the university level, and all have a college background. Applicants must have management responsibilities in a full time police agency. Civilian managers and academicians can also qualify based on their position and academic contributions. Effective January 1, 1983 all applicants must hold a baccalaureate degree. Annual dues are $10. Lt. Col. Thadeus L. Hartman is the Membership Committee Chairman (Fairfax County Police, 10600 Page Ave., Fairfax, VA 22030).

PUBLIC ADMINISTRATION SERVICE (PAS)

Theodore Sitkoff, President
1497 Chain Bridge Rd.
McClean, VA 22101
(703) 734-8970

Public Administrative Service, established in 1933, is a non-profit corporation which provides research and consulting assistance to government agencies and allied institutions. PAS has conducted over 2,200 projects. Project reports are available on loan. The Merriam Center Library holds 35,000 books, reports and documents as well as 120,000 indexed pamphlets and 1,000 periodical subscriptions.

A major program is assisting public agencies and officials in evaluating law enforcement needs and services and developing effective and efficient law enforcement agencies. These projects fall within four categories: (1) studies of organization, management, and operation of police agencies -- for example, personnel policies and practices and the preparation of manuals of rules and regulations; (2) studies of fundamental issues such as problems and potentials in cooperation and consolidation of police services; (3) development of regional plans for criminal justice including master plans for training; and (4) assistance in interagency coordination and cooperation. PAS has provided short-term, on-site, technical assistance to police agencies in over 300 jurisdictions including grant application preparation to improve patrol productivity and develop organized crime control programs.

THE SOCIETY FOR THE STUDY OF PROFESSIONAL ETHICS (SSPE)

Michael Hodges, President
Philosophy Department
Vanderbilt University
Nashville, TN 37235
(615) 322-2637

John Fielder, Secretary-Treasurer
Philosophy Department
Villanova University
Villanova, PA 19085
(215) 645-4713

Sharon Schwarze, Vice President
Philosophy Department
Cabrini College
Radnor, PA 19087
(215) 687-2100

The Society for the Study of Professional Ethics, a non-profit organization established in 1978 by philosophers, lawyers, engineers and other professionals, provides an inter-disciplinary, interprofessional forum for discussion of ethical issues and related conceptual problems associated with professional practice. The Society meets in conjunction with the APA and other professional societies. Session topics have included professional ethics, engineering societies' role in promoting ethical conduct among members, engineering as social experimentation, mixed loyalties, professional-client relationship, plea-bargaining and paternalism.

Membership is open to practicing professionals, educators in the professions, and members of academic disciplines. Dues are $7.50 annually.

SOUTHWESTERN LAW ENFORCEMENT INSTITUTE (SLEI)

Southwestern Legal Foundation
P.O. Box 707
Richardson, TX 75080
(214) 690-2395/4

Donald T. Shanahan
Director

The Southwestern Law Enforcement Institute, established by the Southwestern Legal Foundation in 1957, offers continuing education for police officials. Its educational programs run from two day institutes and three day and one week workshops to four week and twelve week schools. Although SLEI is nominally regional, it offers training programs to law enforcement agencies throughout the nation.

Recent programs covered topics such as Internal Affairs/Deadly Force, including discussion of moral and ethical ramifications; Police Executive Media Relations, including discussion of terrorism and hostages as well as stress from the press; Police Supervision, emphasizing supervision, human relations and law; Police Management, including management skills, police personnel management, executive development, social psychology and administrative law; Terrorism, including discussion of police response to executive protection and options and alternatives in hostage negotiations; Contemporary Issues in Police Administration, including discussion of accreditation, managing behavior, police-community relations and deadly force; and Law Enforcement Instructor Training/Management, including the role of instructors, conceptual models and learning objectives.

Membership is available to cities and counties for law enforcement personnel. Members may send representatives to SLEI conferences at no tuition charge and to other programs at a reduced rate. Fees are based on population, ranging from 10,000 at $100 initial membership fee and $25 annual dues to 250,000 at $1,000 initial membership and $50 annual dues.

PART TWO

INDIVIDUALS IN POLICE ETHICS

II. INDIVIDUALS

A. POLICE SCIENCE AND CRIMINAL JUSTICE

MORTON BARD is Professor of Psychology at the Graduate School of the City University of New York [33 West 42nd St., NYC, NY 10036 (212) 790-4330] where he has taught since 1971. He received his Ph.D. in psychology from New York University in 1953.

He has directed nine research projects since 1967, including the function of the police in crisis intervention and conflict management; the role of the police in managing interpersonal disputes; police family crisis intervention and conflict management; and a training program for police on family dispute intervention. He has written extensively on psychological reactions to cancer and other serious illnesses and on the psychological impact of personal crime for victims. His publications in policing cover such topics as training in family crisis intervention, police teams as a community mental health resource and collaboration between law enforcement and the social sciences. He has produced three films for Harper and Row Media, including Death Notification, which won three awards, and two films on Hostage Negotiation.

He is a reviewer for Criminology, the Journal of Applied Social Psychology and The American Journal of Community Psychology.

EGON BITTNER is Harry Coplan Professor of Sociology at Brandeis University [Waltham, MA 02254, (617) 647-2964] where he has taught since 1968. He was born in Czechoslovakia, did his undergraduate work in Germany and California and received his Ph.D. from the University of California, Los Angeles, in 1961. He has written on such topics as radicalism, punishment, medical care, psychiatric influence and mental abnormality.

His publications on policing include "The Interest and Involvement of Law Enforcement Agencies with Mental Illness," "Police Discretion in Emergency Apprehension of Mentally Ill Persons," "The Police in Skid Row: A Study in Peace Keeping," "The Impact of Police Community Relations on Police Systems," "Police Research and Police Work," "Policing Juveniles: The Social Bases of Common Practice," Policing Handling of Juvenile Problems," "Changing Conceptions of the Police Role," "Emerging Police Issues," "Supervision and Accountability in Policing," "Police: Urban," "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police" and "Capacity to Use Force as the Core of the Police Role" (the last two were reprinted in The Functions of the Police in Modern Society).

He served on the National Commission on the Accreditation for Law Enforcement Agencies, is a senior fellow of the Police Foundation and

a co-principal investigator in the Police Foundation project on police effectiveness in problematic situations. He was the president (1981-1982) of the Society for the Study of Social Problems.

DUNCAN CHAPPELL is Chairman and Professor of Criminology at Simon Fraser University [Burnaby, B.C., Canada V5A 1S6, (604) 291-4305] where he has taught since 1980. He earned his B.A. in Political Science, his LL.B. from the University of Tasmania, and his Ph.D. in Criminology from the Cambridge University. He served as the commissioner of the Australian Law Reform Commission; project director for a study of criminal investigation procedures and practices for the Federal Ministry of the Solicitor General (Canada); member of the Sanctions Project Advisory Committee of the Columbia Ministry of the Attorney General; and director of the Law and Justice Study Center at Battelle Memorial Institute in Seattle. He has written books and articles on rape, victim compensation, sentencing, drugs, prostitution and receiving stolen property. He has taught in Australia, England and the United States.

He co-authored (with P.R. Wilson) The Police and the Public in Australia and New Zealand and was author or co-author of "Regional Crime Squads," "Current Developments in the Criminal Investigation Process: A Canadian Survey," "Police Public Relations," "Australian Attitudes Toward the Police: A Pilot Study," "Police in Australia," "The Law and Order Issue and Police Public Relations," "Cross-Cultural Differences in Police Attitudes: An Exploration in Comparative Research" and "The Effects of Police Withdrawal from Traffic Control: A Comparative Study." He helped develop guidelines for police enforcement of laws relating to prostitution, conducted research improving relations between aborigines and police (Australia) and studied relations between the police and the public in Australia and New Zealand. He coordinated the development of guidelines for law enforcement agencies to combat organized property theft. He has taught courses on police, crime and the community; historical perspectives on the police; the police role; police handling of serious crimes; police power; police deviance; handling complaints about police and the future of policing.

He is a member of the ASC, NCCD, Police Management Association, the Society for the Study of Social Problems, Australian Association for Cultural Freedom, Australian and New Zealand Society of Criminology and Australian Academy of Forensic Science. He is editorial consultant in criminology for the Journal of Criminal Law and Criminology and contributing author on crime and law enforcement for the Encyclopedia Britannica Year Book.

MICHAEL FELDBERG, formerly Associate Director of the Center for Applied Social Science at Boston University and now a private consultant in criminal justice [12 Whittier Street, Boston, MA 02140 (617) 661-4020], received his Ph.D. in history from the University of Rochester in 1970. He was an instructor in ethics for police at the

Institute for the Humanities in Law Enforcement Training, a consultant for the Neighborhood Responsive Policing Program in Boston and a consultant for the National Association of State Directors of Law Enforcement Training. His courses in policing are titled "Police and Society" and "Working Ethics for Police" (team taught with Howard Cohen).

He was formerly the director of the Law Enforcement Trainers' Institute at Metropolitan College (1978 to 1981), the Director of the Institute for the Humanities and Criminal Justice at the Metropolitan College (1979 to 1981), and assistant professor in the Department of History/Law and Justice Program at the University of Massachusetts at Boston (1971 to 1977).

Among his publications are: The Turbulent Era: Riot and Disorder in Jacksonian America (Oxford University Press, 1980) The Philadelphia Riots of 1844: A Study of Ethnic Conflict (Greenwood Press, 1975); and "Police Officers as Social Workers: The Nineteenth-Century Experience," a paper delivered at the annual convention of the Organization of American Historians, 1978. In 1977 he wrote and produced, with the University of Massachusetts Center for Media Development staff, a documentary film titled The Man in the Middle, which explores the ethical dilemmas involved when police officers attempt to enforce laws (in this case, busing) that conflict with their personal moral codes. He coedited with Frederick Elliston, Moral Issues in Police Work (Totowa, NJ: Littlefield Adams, 1984).

JAMES J. FYFE is Associate Professor of Criminal Justice at the School of Justice [American University, Massachusetts and Nebraska Avenues, N.W., Washington, DC 20016 (202) 686-2405], and a senior fellow at the Police Foundation. He received his Ph.D. from the State University of New York at Albany in 1978 with a dissertation on deadly force. He was a member of the New York City Police Department for 16 years and left in 1979 with the rank of lieutenant.

He has published several important articles on police shootings, as well as race and police-citizen violence, administrative interventions, discretion, the foundations of police authority and judicial controls of police operations, and edited Police Use of Deadly Force, published by the Police Foundation. He has taught police administration, personnel, civil disorder, organized crime and police-community relations.

WILLIAM A. GELLER, Research Attorney at the American Bar Foundation [1155 E. 60th St., Chicago, IL 60637 (312) 667-4700] since 1981, has been the project director for a variety of research efforts on policing including "The Requisites of a Better Police Service: An American Bar Foundation Symposium" and "Police-Involved Shootings in Chicago Police Districts." Previously he served as director and research director of the Chicago Law Enforcement Study Group.

He has appeared on numerous television and radio programs on criminal justice issues. His publications in policing cover topics such as deadly force (shootings of and by the police), the exclusionary rule, police recruitment and police chief selection.

He is founder and co-chairman of Citizens for Safety Vests (a $1.5 million fund drive for the Chicago Police Department); a member of the National Advisory Board for Deadly Force Research Projects; a consultant for the Unsolicited Research Program of the National Institute of Justice; a consultant to various police departments on "deadly force" and "officer survival" issues; and a member of the Urban Affairs Committee and Police-Lawyer Relations Committee of the Chicago Bar Association.

HERMAN GOLDSTEIN is Evjue-Bascom Professor in Law at the University of Wisconsin-Madison [Madison, WI 53706, (608) 262-1227] where he has taught since 1964. He received his M.G.A. from the University of Pennsylvania in 1955.

From 1960 to 1964 he was executive assistant to O.W. Wilson, the police superintendent for Chicago and one of the leading figures in the professionalization movement. From 1966 to 1967 he served as a consultant to the President's Commission on Law Enforcement and Administration of Justice. He has been a consultant to the National Advisory Commission on Civil Disorder; the U.S. Civil Rights Commission, in its study of police misconduct; the Police Role Study conducted by the Police Foundation; and the Knapp Commission to Investigate Alleged Corruption in the New York City Police Department. He is currently on four advisory committees that are examining cross-training police and social workers, crime-focused policing, the legal and political requisites of a better police service and the future of American policing. The American Society for Public Administration gave him its award for the Outstanding National Contribution to the Advancement and Professional Development of Criminal Justice Administration. He is a reviewer of research proposals to the National Institute of Justice and a referee to the Journal of Criminal Justice, Law and Policy Quarterly and Crime and Justice Annual.

He is the author of three books and numerous articles and chapters on corruption, administration, policy formation, the police role and discretion. He co-authored (with Sheldon Krantz) the ABA Standards Relating to the Urban Police Function. His book Policing a Free Society considers the police function, serious crime, developing alternatives to the criminal justice system, discretion, directing police agencies through the political process, corruption, developing leadership, upgrading personnel and higher education for officers.

He teaches courses on critical issues in policing, on developing new responses to community problems for which the police are responsible and on effecting change in the criminal justice system. His most recent research has focused on developing the capacity of police agencies to examine more critically and address more systematically the behavioral problems the community expects them to handle.

WILLIAM C. HEFFERNAN is Associate Professor of Law at John Jay College of Criminal Justice [444 West 56th St., New York City, NY 10019, (212) 489-3957] where he has taught since 1979. Previously he was a social studies and English teacher in the New York City schools, a teaching fellow in social sciences, a resident tutor in social studies and history and assistant district attorney. He received his B.A. in political science from Columbia University, his M.A. and Ph.D. in the history of ideas from Harvard University and his J.D. from the University of Chicago in 1978. He has published articles on the ethical issues of confronting professionals, problems in legal justification, and the history of American jurisprudence.

He organized the first Hastings Center Conference on Ethical Issues in Policing and, along with Dr. Stroup, founded the Institute for Criminal Justice Ethics. He edits the journal Criminal Justice Ethics and co-edited Police Ethics: Hard Choices in Law Enforcement. In 1980 he conducted a national survey of ethics courses in criminal justice. The results were summarized in "Criminal Justice Ethics: An Emerging Field" [Police Studies 4 (Fall, 1981), 24-28]. He wrote "Two Approaches to Police Ethics" and "The Police and Their Rules of Office: An Ethical Analysis."

ANDREW KARMEN is Associate Professor at John Jay College of Criminal Justice [444 West 59th Street, New York City, NY 10019 (212) 489-5183] where he has taught since 1978. He earned his B.S. and M.S. in geology and received his Ph.D. from Columbia University in sociology in 1977.

He has taught courses in introductory sociology, sociology of law, social theory, social problems, criminology, juvenile delinquency, social deviance and control and ethnic relations. He has written on tax crimes, narcotics, auto theft, vigilantism and undercover police agents who provoked crime. He presented "The Controversy Over the Use of Deadly Force by the Police: Competing Interests and Clashing Ideologies" at the conference on Moral Issues in Police Work at Boston University.

GEORGE L. KELLING is Research Fellow and Executive Director of the Program in Criminal Justice Policy and Management at John F. Kennedy School of Government, Harvard University [Cambridge, MA 02138 (617) 495-5189]. He held prior positions as child care counselor, probation officer, assistant superintendent of detention, assistant professor, and research consultant for the Police Foundation. His undergraduate major was philosophy and he received his Ph.D. in social welfare from the University of Wisconsin-Madison in 1973.

His numerous publications on policing cover topics such as the police role, training, program evaluations, reform, policy research and preventive patrol. He has co-authored several reports, including The Kansas City Preventive Patrol Experiment and The Dallas Experience published by the Police Foundation.

CARL B. KLOCKARS is Associate Professor of Criminal Justice at the University of Delaware [342 Smith Hall, Newark, DE 19711, (302) 738-1236] where he has taught since 1977. He received his M.A. in criminology and his Ph.D. in sociology from the University of Pennsylvania in 1973. He is the author of numerous articles on research with prison subjects, corrections, white collar crime, ethics in research and criminological theory.

His first book, The Professional Fence is a life history of a dealer in stolen property. He is co-editor of Deviance and Decency, a collection of original essays on the ethics of research with deviant subjects, and Thinking About Police, a collection of contemporary readings on the police which is particularly sensitive to their moral and ethical problems. He is the author of "The Dirty Harry Problem" in The Annals of the American Academy of Political and Social Science, vol. 452, Nov. 1980; "Johathan Wild and the Modern Sting" in History and Crime: Implications for Criminal Justice Policy, edited by James A. Inciardi and Charles Faupel; and "A Theory of Contemporary Criminological Ethics" in Ethics, Public Policy, and Criminal Justice, edited by F. Elliston and N. Bowie.

He is currently completing a book on detective-level policing tentatively titled Criminal Work. He is also preparing a paper on the morality of police lying for Moral Issues in Police Work, a reader edited by Frederick Elliston and Michael Feldberg.

He is a former member of the Board of Editors of The Prison Journal and a referee for Criminology, Social Problems, Urban Life and the Journal of Criminal Law and Criminology. He is currently chairman of the ethics committee of the American Society of Criminology and a member of numerous professional, scholarly and academic organizations.

PETER K. MANNING is Professor of Sociology and Psychiatry at Michigan State University [201 Berkeley Hall, East Lansing, MI 48824, (517) 353-1653] where he has taught since 1966. He received his Ph.D. in sociology from Duke University in 1966. From 1982 to 1983 he was a visiting fellow at Balliol College, Oxford University. He has conducted research in Peru, Mexico and England as well as the United States. His interests encompass social organization (occupations and professions, medical sociology and complex social systems), social deviance and control and criminology. He has taught medical sociology, occupations, comparative sociology and criminology. He is currently writing Signifying Calls [an analysis of communication in an organizational context based on field work in Detroit and the West Midlands Constabulary (Birmingham, England)].

He has conducted several research projects on policing, including "A Comparative Analysis of Drug Law Enforcement," "The Police and Illi-

cit Substance Control," "The Impact of Federal Funding on Criminology and Policing Research in Social Sciences," "Stress-Related Illness in Two Settings: A Comparative Demand and Decision-Making Effects" and, more recently, "Crime-Focused Policing" (including a final report submitted to NIJ). He published Police Work: The Social Organization of Policing and The Narc's Game: Organizational and Informational Limits on Drug Law Enforcement (nominated for the Leslie Wilkins Award in 1982). He has written many articles and chapters covering topics such as deviance, corruption, violence, administration, policy, narcotics, police lying and dramatic aspects of policing. Recently he wrote "Modern Police Administration: The Rise of Crime Focused Policing, and Critical Incident Analysis," "Police Careers," "Organizational Control and Semiotics" and "Observations on the Corrective Control Model as a Paradigm for the Assessment of the Impact of Law Enforcement Upon Opiate Use" (with Lawrence Redlinger).

He is consultant for the Police Foundation and the Police Executive Research Forum, consulting editor for American Journal of Sociology, associate editor for Deviant Behavior: An Interdisciplinary Journal, and editor for Urban Life. He is a member of ASC, the American Sociological Association, the International Sociological Association and the Society for the Study of Social Problems.

GARY T. MARX is Professor of Sociology at Massachusetts Institute of Technology [Department of Urban Studies and Planning, 77 Massachusetts Ave., Cambridge, MA 02139 (617) 253-2089] where he has taught since 1973. He received his Ph.D. in 1966 from the University of California at Berkeley.

He has been a research associate at the Harvard-MIT Joint Center for Urban Studies and the Criminal Justice Center at Harvard Law School. His publications have appeared in over 50 books and been translated into Japanese, French and Spanish. They cover such topics as racism, social control, collective behavior, social movements and riots. He is currently writing Ironies of Social Control and Collective Behavior and the Collective Behavior Process. He has taught at Harvard University, the University of California at Berkeley, the University of California at San Diego and Santa Barbara, Wellesley College, Boston College, Boston University and the School of Criminal Justice at SUNY at Albany and lectured at many European universities. He has taught courses on racism, social problems, urban sociology, public policy, collective behavior, political sociology, deviance and social control and criminology.

In 1970 he received a Guggenheim fellowship to study policing in England and France. More recently, he received a grant from the Twentieth Century Fund to study the social, ethical and policy issues raised by undercover police work which will produce a book tentatively titled A Necessary Evil: The Problems and Possibilities of Undercover Police Work. His publications on policing also cover civil disorder, community police patrols, alternative measures of police performance and police roles. He presented "Types of Undercover Operations and Ac-

tivities" at the Hastings Center Conference in 1981; "Who Really Gets Stung: Further Reflections on the New Police Undercover Work" at the Boston Conference on Moral Issues in Police work in 1981; and "Police Undercover Work: Ethical Deception or Deceptive Ethics" at the John Jay Conference, Hard Choices in Law Enforcement.

He has been a consultant to the National Advisory Commission on Civil Disorders, the Police Foundation, LEAA, the Boston and Cambridge Police Departments and the Massachusetts Committee on Public Safety.

WILLIAM KER MUIR, JR. is Professor and Chairman of the Department of Political Science at the University of California, Berkeley [210 Barrows Hall, Berkeley, CA 94720, (415) 642-6323] where he has taught since 1968. He received his J.D. from the University of Michigan Law School in 1958 and his Ph.D. from Yale University in 1965. He has taught government, constitutional law, the American legal system, legal theory, public policy, judicial behavior and political research methodology. He has written on the legislature as a school for politics, prayer in public schools and the impact of Supreme Court decisions on moral attitudes.

His book Police: Streetcorner Politicians won an award and was nominated for the Pulitzer Prize. He wrote "Power Attracts Violence," "The Development of Policemen," "The Coercive Politics of Police," "Personal Characteristics that Contribute to Good Police Work" and "The Ethics of Police and Electoral Activity" (forthcoming in Police Ethics: Hard Choices in Law Enforcement). He is a member of the Berkeley Police Review Commission.

PAUL E. MURPHY is Associate Professor at John Jay College of Criminal Justice (444 West 56th St., New York City, NY 10019 (212) 489-3955] where he has taught since 1961. He holds a Masters of Public Administration (major in police administration) and received his Ph.D. in theology from Fordham University in 1978.

Prior to his full-time academic career, he served 23 years on the New York City Police Department as sergeant, detective and lieutenant. He received eight citations for exemplary performance, including the Police Combat Cross, the department's second highest medal of valor. He was an exchange professor at the Police Staff College in England where he taught American policing to senior police officers, lectured at many training academies, and conducted seminars at several universities, including Oxford. He led seminars on leadership, misconduct and ethical dilemmas for the Center for Criminal Justice Training (Indiana University) and at various satellite centers in Indiana and Arizona.

He has taught undergraduate and graduate courses at John Jay on community relations, comparative police administration, police problems, criminal justice ethics and discretionary justice. He developed a course on police ethics which discusses discretion, deadly force, misconduct, politics, discrimination and civil disobedience and a course in legal and correctional ethics.

He co-authored (with R. Kwan and R. McCormick) a project report, Police Corruption: A Review of the Literature; presented "Applied Ethics for Criminal Justice: A Course Outline" at the 1981 Hastings Center conference; and co-authored (with Theodore Moran) "The Continuing Cycle of Systemic Police Corruption: A Prognosis for New York City" (in The Social Basis of Criminal Justice: Ethical Issues for the 1980's, edited by Robert Gustafson and Frank Schmalleger.

He is one of the directors of the Institute for Criminal Justice Ethics and a member of ACJS, IACP, AAPLE, the Criminal Justice Educators Association, the Institute for Society, Ethics and Life Sciences (Hastings Center), the International Police Association and the Northeastern Association of Criminal Justice Educators.

RICHARD A. MYREN is Professor at the School of Justice at The American University [Washington, DC 20016, (202) 686-2536] where he has taught since 1976 and was dean from 1976 to 1982. He earned his B.S. in chemistry (1948) and received his LL.B. from Harvard Law School in 1952.

Previously he was Dean of criminal justice at the State University of New York at Albany, visiting professor at Cambridge University, and research scholar in Argentina (where he wrote a monograph on the Argentine criminal justice system). In 1982 he was given an award by ACJS for "outstanding contributions to criminal justice education" and appointed to serve on the National Advisory Committee on the Establishment of a National Center for State and Local Law Enforcement Training. Recently he wrote The Criminal Justice System in China. In policing, he has written reports and articles on education, the police role, administration and police work with children.

He is a consultant to the Public Administration Service and a member of the Law and Society Association, NCCD and PERF. He was past president of ACJS and vice president of ASC. He is associate editor of the Journal of Criminal Justice, on the editorial review board of Criminal Justice Review and on the editorial advisory board of the Journal of the American Academy of Professional Law Enforcement.

BARBARA RAFFEL PRICE was appointed Dean of Graduate Studies and Executive Officer of the Ph.D. Program in Criminal Justice at John Jay College [444 W. 56th St., New York City, NY 10019, (212) 489-5183] in the fall of 1982. She taught criminal justice courses at John Jay from 1978 to 1982 and at Pennsylvania State University from 1969 to 1978. She received her Ph.D. in sociology from Pennsylvania State University in 1974 with a thesis on "The Rhetoric of Professionalism: a Comparative Study of Police in Three Historical Periods."

She is the author of numerous publications on incarceration, corrections and policing. Her publications on women and policing in-

clude: "Sexism in the Criminal Justice System"; "Women and Police Work"; The Criminal Justice System and Women: An Anthology on Women Offenders, Victims, and Workers, coedited with Natalie J. Sokoloff; "Women and Policing: Sexual Integration in American Law Enforcement," a paper presented at the Annual Institute for Criminal Justice Ethics Conference at John Jay College in 1982; "Women and Crime"; "Sex Conscious Hiring and Professionalism in Police-Community Relations"; "A Century of Women in Policing"; "A Study of Leadership Strength of Female Police Executives"; "Female Police Executives"; and "Police Corruption: An Analysis." Papers on training, education and professionalism include "Integrated Professionalism: A Model for Controlling Police Practices"; "Training and Education for Police: A False Dilemma"; "An Evaluation of Police Supervisor Training Using A Multivariate Assessment of Attitude Change"; "Police Executive Development: An Educational Program at the Pennsylvania State University."

She has taught courses on introductory sociology, the sociology of crime, corrections and the police. Her course, "Police and the Community," examines the ways law, customs and ethics affect the development of a professional police force. From 1972 to 1974 she developed a four-week executive training curriculum for police officers and taught classes on community structure, social change and professionalism. From 1974 to 1976 she designed a curriculum and taught a six-week classroom and field training program for police supervisors.

She is the vice president of the ASC for 1982 and the chair of the publications committee. She is a member of the editorial board of Criminal Justice Ethics and of NCCD and AAPLE.

MAURICE PUNCH is Professor of Sociology at the Netherlands School of Business [Nijenrode, Straatweg 25, 3621 BG Breukelen, The Netherlands, telephone 03462-1044] where he has taught since 1977. He did his undergraduate work at the universities of Exeter and London, received his M.A. in 1966 from Cambridge and his Ph.D. from Essex in 1972. He was visiting professor at the State University of New York at Albany, School of Criminal Justice, for the fall of 1981.

He taught police officers at Essex, England, and wrote articles and lectured on police matters. In the Netherlands he has conducted an observational study of patrol work in the red-light district of Amsterdam and also conducted a "follow up" which focused specifically on the dilemmas in police investigations of corruption. He has also been involved in a study of the culture of decision-making in a police district.

He has published widely on the police in English, Dutch and American journals on such topics as police-community relations, research and the police, riots, corruption, drugs and police deviance. He is the author of Progressive Retreat (Cambridge University Press, 1977) and Policing the Inner City (Macmillan, 1979). In 1980 he organized an international conference at Nijenrode and published a selection of the papers in a volume entitled Control in the Police Organization (M.I.T. Press, 1983).

LOUIS A. RADELET, Professor of Criminal Justice at Michigan State University [East Lansing, MI 48824, (517) 353-3374], did his undergraduate and graduate work in sociology and political science at Notre Dame and was a member of the Notre Dame faculty in sociology until 1951. He then became national program director for the National Conference of Christians and Jews, moving to Michigan State University (MSU) in 1963. He is well known among police science teachers and scholars for his work on police-community relations.

He co-edited (with A. F. Brandstatter) Police and Community Relations: A Sourcebook, published in 1968 by Glencoe Press. He is the author of numerous articles, monographs and reports as well as Police and the Community, a comprehensive college text in two volumes, published in 1973 by Glencoe Press (2nd ed. 1977, 3rd ed. 1980).

He offers a course, "Ethics and Values in Criminal Justice," half of which is devoted to police issues. Topics covered include Abscam, wiretapping, the exclusionary rule, entrapment, search and seizure, stop and frisk, affirmative action, whistleblowing, accepting gratuities, media access to police evidence and handling of child abuse, wifebeating and rape victims.

He was a founder and director of the National Institute on Police and Community Relations at MSU (1955 to 1969) and of the National Center on Police Community Relations (1965 to 1973). Other activities include membership in the Michigan Commission on Crime, Delinquency and Criminal Administration (1966 to 1968); consultant to the President's Commission on Law Enforcement and Administration of Justice (1965 to 1967); consultant to the National Advisory Commission on Civil Disorders (1967 to 1968); and chairman of the MSU Committee on Public Safety (1972 to 1973). He is currently a member of ACJS, IACP and the Midwestern and Michigan Association of Criminal Justice Educators, and is a Fellow of the Society For Values in Higher Education.

CLAUDINE SCHWEBER is Assistant Professor of Criminal Justice and Director of the Criminal Justice Honors Program at the State University College at Buffalo [1300 Elmwood Ave., Buffalo, NY 14222, (716) 878-4517] where she has taught since 1978. She received her M.S. in history and her Ph.D. in administration (specializing in criminal justice, education, formal organizations and correctional education) from the State University of New York at Buffalo in 1977. Her publications cover topics such as co-ed prisons, prison education, female criminals, and women and the law. She has taught corrections, collective bargaining in criminal justice, history and women in crime.

Her course, "Moral and Ethical Dilemmas in Criminal Justice," discusses the dual nature of the criminal justice field as investigator and enforcer of laws and considers moral codes and personal values and the consequences of compliance or deviance from community standards. She uses novels, films, biographies, court cases and family histories

to examine the issues. She also teaches an honors seminar, "Ethics and Criminal Justice," in which she and guest lecturers examine moral dilemmas from both philosophical and anthropological perspectives.

LAWRENCE W. SHERMAN has been Director of Research at the Police Foundation [1909 K St., NW, Washington, DC 20006, (202) 833-1460], since 1979. He previously taught at the Graduate School of Criminal Justice (SUNY at Albany) and is Associate Professor of Criminology at the University of Maryland. He received his B.A. in political science, his M.A. in social science, and M.A. and Ph.D. (1976) in sociology from Yale University.

He has been involved in many research projects on topics such as team policing, corruption, police shootings, arrest, training and mandatory sentencing for gun law violations. He directed a Police Foundation project on higher education for police officers which produced The Quality of Police Education and a survey of post-secondary programs that yielded Ethics in Criminal Justice Education (Hastings-on-Hudson, NY: The Hastings Center, 1982). He was project director of homicides by police officers and is currently directing projects on spouse assaults, mandatory sentencing for gun law violations, police shootings and leadership development. He has published 10 books and 18 articles on such topics as education, corruption, deadly force, violence, the police role, social reform of the police, police administration, riots, discretion, interrogation and arrests.

His articles include "Learning Police Ethics," "From Who Dunit to Who Does It," "Measuring Homicide by Police Officers," "Execution Without Trial," "Police Scandal and Reform," "College Curricula for the Police: Who's in Charge?" and "Higher Education and Police Use of Force." His books include Scandal and Reform, Police Corruption and Police and Violence.

He is contributing editor of Criminal Law Bulletin and serves on the editorial and research advisory committees of the Institute For Criminal Justice Ethics and Journal of Criminal Law and Criminology.

JEROME H. SKOLNICK is Professor of Law and Chairman of the Center for the Study of Law and Society at the University of California [Berkeley, CA 94720 (415) 642-4038]) where he has taught since 1970. He earned his B.A. in economics and philosophy from the City College of New York, and his Ph.D. in sociology from Yale University in 1957. He has published numerous books and articles on deviance, violence, the family, low income groups, drinking behavior, the sociology of law, and collective behavior. He has recently completed the third edition of Criminal Justice (with John Kaplan) and is working on America's Problems (with Elliott Currie), "Gambling" and "Vice Squads."

He has written articles on police behavior, professionalism, neighborhood policing and changing conceptions of the police. He coedited (with Thomas Gray) Police in America and wrote Justice Without

Trial: Law Enforcement in Democratic Society, which won the C. Wright Mills Award as the best book of 1966. He presented "Deception and Detecting" at the Boston Conference on Moral Issues in Police Work, subsequently published in Criminal Justice Ethics and Moral Issues in Police Work, edited by F. Elliston and M. Feldberg. He is writing "The Limits of Drug Law Enforcement" and "Police and the Media." His course, "Police, Law and Society," discusses the authority, growth, functioning and development of the police as a legal and social institution. It discusses origins, organization, discretion, prostitution, detective work, corruption, force, women and minorities, professionalism, and unionism and accountability.

He is a member of the American Society of Criminologists and the American Sociological Association and a consultant to the National Commission on Civil Disorder, the National Commission on Causes and Prevention of Violence and two presidential commissions -- Law Enforcement and Administration of Justice, and Marijuana and Drug Abuse.

B. GRANT STITT is Assistant Professor at Memphis State University [Department of Justice, Memphis, TN 38152 (901) 454-2737] where he has taught since 1978. His undergraduate degree is in psychology and he received his Ph.D. in sociology from the University of Arizona in 1979.

He specializes in the prevention and deterrence of crime, criminology, juvenile delinquency and research methodology. He is interested in social psychology and group dynamics of criminals. He was a research associate for a project on "Measures of Delinquency and Community Tolerance" and a consultant to the Tucson Police Department "Adam-1 Neighborhood Policing Project." He has taught introduction to sociology, criminology, juvenile delinquency, a graduate seminar in deviant behavior, introduction to criminal justice, crime and criminal typologies, concepts and issues in criminal justice, prevention and deterrence of crime, and a seminar on the criminal justice system and the therapeutic state. He has written on such topics as deviance, delinquent behavior, the small groups laboratory and corrective groups.

He team taught with Professor Gene James a course on crime, society and ethics that dealt with a broad array of moral issues in criminal justice and co-authored (with Gene James) "Police Deception and the Entrapment Defense." He is co-editing (with Gene James) Ethical Dilemmas in Criminal Justice and is the chair of "Ethical Dilemmas in Criminal Justice," a panel at the 1983 ACJS meeting, in which he is also presenting a paper. One of his special interests is victimless crime. He is a member of ASC, ACJS, NCCD and the Institute for Criminal Justice Ethics.

SAMUEL EMLEN WALKER is Associate Professor of History at the University of Nebraska at Omaha [Department of Criminal Justice, 60th and Dodge Sts., Omaha, NE 68182 (402) 554-2610] where he has taught since 1974. He received his Ph.D. from Ohio State University in 1973. He

is the author of three books and several articles on criminal justice and is associate editor of Social Development Issues.

He has written two books on policing: A Critical History of Police Reform: The Emergence of Professionalism and The Police in America: An Introduction. His articles cover the history of the urban police, the police role, police professionalism and the policewomen's movement from 1905 to 1975. He was co-organizer of a conference on "Police and the Use of Force"; presented "The Varieties of Police History: Recent Work and Future Needs" (ACJS, 1983); presented "Police-Community Relations, Social Science, and the Responsibility of Scholars" at the Boston Conference on Moral Issues in Police Work; and co-edited (with Hubert Locke) a special issue of Social Development Issues titled "Law Enforcement and Institutional Racism in American Society." He organized and taught a seminar called "Social Science Perspectives on the Police and the Black Community."

IRVIN WALLER is Professor of Criminology at the University of Ottawa [Ottawa, Ontario, Canada K1N 6N5, (613) 231-2422/4070] where he has taught since 1980. He received his Ph.D. in criminology and his M.A. in mathematics and economics from Cambridge University. He was formerly at the Centre of Criminology, University of Toronto, where he published his first book, Men Released from Prison, which examines prison experience and the employment, crime and social careers of parolees and those released unconditionally. He has become a leading authority on the international comparison of prison use. He was the first Director General of Research and Statistics for the Solicitor General of Canada, the Ministry responsible for the Royal Canadian Mounted Police, the Canadian Corrections Service and the Parole Board. In this position he initiated a research program for policy which includes major initiatives on crime prevention, victim assistance, sentencing disparity, policing and alternatives to prison use. He has lectured and consulted in both Europe and the United States on prison use, crime prevention and victimization.

In 1978 he published Burglary: The Victim and the Public which uses police data, discussions with offenders and detailed interviews to explore attitudes on crime, victimization and effective crime prevention. He is the author of "Public Policy on Crime and Criminal Justice: Who Does and Should Determine It" in Ethics, Public Policy and Criminal Justice and "Preventing Crime and Assisting Victims: A Social Policy or a Criminal Justice Problem."

JAMES Q. WILSON is Henry Lee Shattuck Professor of Government at Harvard University [Cambridge, MA 02138 (617) 495-2150] where he has taught since 1961. He received his Ph.D. in political science from the University of Chicago in 1959. His articles have appeared in the New York Times, the Atlantic, Time and Harper's as well as in scholarly journals. His publications cover such topics as black

politics, government, organizational theory, narcotics investigations, crime, punishment and sentencing.

In the late 60s he served on the Science Advisory Committee of the President's Commission on Law Enforcement and Administration of Justice and chaired the White House Task Force on Crime and the Vice-President's Task Force on Order and Justice. He is Vice-Chair of the Board of Directors for the Police Foundation, and a member of the Committee on Research on Law Enforcement and the Administration of Justice of the National Research Council and the Attorney General's Task Force on Violent Crime. He received the Bruce Smith Award of the American Academy of Criminal Justice Sciences "for outstanding contributions to criminal justice."

Among his publications on policing are Varieties of Police Behavior, "Police, Morale, Reform, and Citizen Respect: The Chicago Case," "Corruption is Not Always Scandalous," "What Makes a Better Policeman," "Is the Court Handcuffing the Police?" "The Police in the Ghetto," "The Future Policeman," and more recently "The Changing FBI -- the Road to Abscam," "Police Use of Deadly Force," "What Can the Police Do About Violence?" and "Broken Windows: The Police and Neighborhood Safety."

B. PHILOSOPHY

JUDITH ANDRE, Assistant Professor at Old Dominion University [Norfolk, VA 23508 (804) 440-3868] received her Ph.D. in 1979 from Michigan State University with a dissertation on Sidgwick and Ethical Intuitionism.

Her article "Acting in Ignorance" discusses society's obligation to fund research into the efficacy of police action. It was presented at the Conference on Ethics and the Police at Old Dominion University in April of 1982.

DAVID APPELBAUM is Associate Professor at the State University of New York [New Paltz, NY 12561, (914) 257-2696/5] where he has taught since 1971. He earned his M.A. from Oxford University in psychology, philosophy and physiology and received his Ph.D. in philosophy from Harvard University in 1973. His articles cover eastern philosophy, bioethics and professional ethics. He is currently writing Making the Body Heard, Reparations (an investigation of the concept of "Sacrifice and Kinaethesia in the Bhagavad Gita") and Marcel's Metaphysical Method.

He presented "The Morality of the Policeman's Gun" at the Inter-American Congress of Philosophy Meeting in 1981, "Looking Down the Wrong Side of the Gun: the Problem of the Police Use of Lethal Force" at the 1982 ACJS meeting, and "The 'Work' of Police Work" at the 1983 ACJS meeting.

CARL B. BECKER, Assistant Professor at Southern Illinois University [Carbondale, IL 62901, (618) 536-6641], received his Ph.D. from the University of Hawaii in 1981. He teaches courses in medical and legal ethics and Asian philosophy, and has published in these areas. He is a member of ACJS and speaks Japanese fluently.

He teaches two courses in police ethics titled "Moral Decisions" and "Ethics," which include discussions of violence, the nature of punishment and law enforcement. He presented a paper "Social Control of Crime in Japan," an investigation of the reasons behind the low crime rate in industrialized Japan, at the ACJS conference in Louisville in March 1982. He is working on an anthology on crime in Japan with Charles Fenwick.

JOSEPH BETZ, Associate Professor at Villanova University [Villanova, PA 19085, (215) 645-4708], received his Ph.D. in 1973 from the University of Chicago. He specializes in American philosophy, social philosophy and ethics. He has published articles on civil disobedience and criminal justice.

His article, "The Moral Considerations of Hostage Taking," appears in Ethics, Public Policy and Criminal Justice. He is preparing an article on police violence for Moral Issues in Police Work. He has taught a course on criminal justice law and morality titled "Philosophy of Criminal Justice."

SISSELA BOK is a lecturer in the core curriculum at Harvard University, teaching a course on personal choice and moral responsibility. She received her Ph.D. in philosophy from Harvard University in 1970, and her undergraduate major and Master's degree were in psychology. She taught medical ethics at the Harvard - MIT Division of Health, Sciences, and Technology between 1975 and 1979. She has taught courses in ethics and decision-making in medicine and selected ethical issues in public careers.

She has written numerous articles on secrecy and openness in science, whistleblowing, lying, teaching applied ethics, bio-ethics, abortion and euthanasia. She has published two books, The Dilemmas of Euthanasia (with John Behnke) and Ethics Teaching in Higher Education (with Daniel Callahan). Her book, Lying: Moral Choice in Public and Private Life, received two awards and was translated into seven languages. Her latest book is titled Secrets: On the Ethics of Concealment and Revelation.

She co-directed (with Daniel Callahan) a project on applied and professional ethics. Prior to that she co-directed (with Daniel Callahan) a project on the teaching of ethics in higher education. She is a member of the editorial board of Ethics, the board of advisors of the Center for Philosophy and Public Policy, and the board of directors of the Hastings Center.

HOWARD COHEN, Associate Professor and Chairperson of Philosophy at the University of Massachusetts - Boston [Boston, MA 02125, (617) 929-7370], has taught there since 1976. He received his Ph.D. from Harvard University in 1971.

His research interests and publications are on children's rights, social philosophy, philosophy of history and the philosophical foundations of the history of philosophy. He has written two papers on police discretion, "A Dilemma for Discretion" and "Authority: The Limits of Discretion." He published "Working Ethics for Police Officers" in the Winter/Spring issue of Criminal Justice Ethics.

He has taught "Working Ethics for Police" since 1979 to police academy instructors, directors of training, and curriculum specialists from state and local police agencies across the country. This program was first offered in the Law Enforcement Trainers Institute and then at the Institute for Humanities in Law Enforcement Training sponsored by the National Association of State Directors of Law Enforcement Training. The course is divided into three major parts: an introduction to theories and concepts in ethics; a study of Muir's Police: Streetcorner Politicians; and a discussion of moral issues, focusing

on problem areas like use of force and corruption. A detailed description of this course is provided in "Teaching Police Ethics," published in Teaching Philosophy 6:3 (July 1983).

RICHARD T. DE GEORGE is Distinguished Professor of Philosophy and Director of the Center for Humanistic Studies at the University of Kansas [Lawrence, KS 66045, (913) 864-3976] where he has taught since 1959. He is the author or editor of 14 books including Business Ethics (Macmillan, 1982) and (with J. Pichler) Ethics, Free Enterprise and Public Policy (Oxford, 1978). His articles on business ethics have appeared in a variety of anthologies and in such journals as the Journal of Business Ethics and the Business and Professional Ethics Journal. He has written several articles on law and morality, including "The Concept of Authority."

He has been president of the Metaphysical Society of America and of the American Section of the International Association for Philosophy of Law and Social Philosophy, and is a member of the Steering Committee of the International Federation of Philosophical Societies and of the American Philosophical Association's National Board of Officers.

EDWIN DELATTRE, President of St. John's College [Santa Fe, NM 87501, (505) 982-3691 and Annapolis, MD 21404 (301) 263-2371] since 1980, was formerly the director of the National Humanities Faculty in Concord, Massachusetts and associate professor of philosophy at the University of Toledo. He received his Ph.D. from the University of Texas at Austin in 1970.

He has taught philosophy, logic, ethics, socio-political philosophy, American philosophy, and many humanities seminars. His course syllabus on ethics and law enforcement at the University of Toledo stimulated discussion of moral issues through case analyses that dealt with discretion, corruption, policy information, police responsibilities, duty to disclose facts, handling family disputes and confidentiality. He has led seminars in the Senior Executive Program at the FBI Academy and has lectured in other Academy programs since September, 1981.

He has written on moral education and the humanities in education. He delivered a commencement speech, "The Long Arm of the Law," to the Anne Arundel County Police Academy in June, 1982. His talk, "The Police: From Slaying Dragons to Rescuing Cats," delivered at the Police Management Training Program in Toledo (later published in the FBI Bulletin), discussed the responsible exercise of authority and power by the police.

JAMES F. DOYLE, Professor of Philosophy at the University of Missouri [8001 Natural Bridge Road, St. Louis, MO 63121, (314) 553-5631], received his Ph.D. from Yale University in 1964. He has taught

courses in crime and punishment, ethics, philosophy of law, legal studies, Marxism, philosophy and current issues. He has written articles on criminal responsibility, punishment, accountability and discretion. His papers and presentations include "A Marxist Critique of Punishment," presented at Berkeley in 1980, and "Police Discretion, Legality, and Morality," presented at John Jay College in 1982 and forthcoming in Police Ethics: Hard Choices in Law Enforcement.

GERALD B. DWORKIN is Professor of Philosophy at the University of Illinois [Chicago, IL 60680, (312) 869-7948] where he has taught since 1973. He received both his M.A. in mathematics (1961) and his Ph.D. in philosophy (1966) from the University of California at Berkeley. He has taught at Harvard and the Massachusetts Institute of Technology and conducted two research projects in bio-ethics and has written in social and political philosophy. He is a member of the Society for Ethical and Legal Philosophy and associate editor of Ethics.

He presented "The Serpent Did Beguile Me and I Did Eat" at the Conference on Police Undercover Work at Harvard Law School and later at the Eastern Meeting of the American Philosophical Association in December 1982. In it he discusses Abscam and other undercover operations as examples of "pro-active enforcement." He asks under what circumstances, if any, the use of such deception is legitimate.

FREDERICK A. ELLISTON is Senior Research Associate at the Center for the Study of Ethics in the Professions [Illinois Institute of Technology, Chicago, IL 60616 (312) 567-3017]. He earned his B.A. from Trinity College and received his Ph.D. in philosophy from the University of Toronto in 1974. He specialized in phenomenology and existentialism and has published books on Husserl, Sartre and Heidegger. His books in applied philosophy cover whistleblowing, feminism, crime and human sexuality. He was the guest editor of a special issue of Teaching Philosophy on doing philosophy outside academia.

From 1978 to 1980 he held a fellowship at the State University of New York at Albany to study philosophical issues in criminal justice, and taught a course on police ethics (with Lawrence Sherman) and on philosophical issues in research design (with Leslie Wilkins). He co-directed two conferences and coedited the proceedings for publication: Ethics, Public Policy and Criminal Justice (Cambridge, MA: Oelgeschlager, Gunn and Hain, 1982) with N. Bowie; and Moral Issues in Police Work (Totowa, NJ: Littlefield Adams, 1984) with M. Feldberg. From 1981 to 1983, under a grant from the National Endowment for the Humanities, he conducted a survey of courses and curricular materials on police ethics that produced this monograph from the Police Foundation. His published papers include "Police, Privacy and the Double Standard" in Moral Issues in Police Work; "Women, Minorities and the Police" in Ethics, Public Policy and Criminal Justice; "Deadly Force and Capital Punishment: An Ethical Comparison" published in

Police Ethics: Hard Choices in Law Enforcement, edited by W. Heffernan and T. Stroup; "Teaching Police Ethics" in the Newsletter on Teaching Philosophy; and "Deadly Force: An Ethical Analysis" in Perspectives on Urban Crime, edited by S. Lagoy.

He is a member of ASC, ACJS, APA, ALSA, the Institute of Society, Ethics and the Life Sciences (Hastings Center). He is associate editor for Criminal Justice Ethics and Applied Philosophy.

ANTONY FLEW was born in London in 1923, and is the Head of the Department of Philosophy at the University of Reading [Whiteknights, Reading RG6 2AA, England, (0734) 875123 x316] where he has taught since 1973. He has taught at universities in England, the United States, Canada and Africa.

His diverse interests cover philosophical theology, logic, education, metaphysics, social and political philosophy, western philosophy, the philosophy of science and ethics. He has written on business ethics, euthanasia, indoctrination, torture, punishment and student riots. His book Crime or Disease? rejects the popular thesis that criminal behavior is symptomatic of a mental disorder and should be treated rather than punished.

He has given radio and television talks, many of which were published in The Listener. He is consulting editor for the Journal of Critical Analysis, Hume Studies, the Journal of Libertarian Studies and Free Inquiry. He is a member of the Council of the Royal Institute of Philosophy, the Council of the Freedom Association, and the Education Group of the Centre for Policy Studies.

NEWTON GARVER is Professor of Philosophy at the State University of New York at Buffalo [607 Baldy Hall, Amherst, NY 14260 (716) 636-2403] where he has taught since 1961. He received his Ph.D. from Cornell University in 1965 with a thesis on grammar and criteria.

He has written articles on the philosophy of language, general philosophy (particularly Kant and Wittgenstein) and social and political philosophy (including violence). His article, "The Ambiguity of the Police Role," discusses two approaches to the function of the police: the empirical or realistic view and the idealistic view.

GLENN C. GRABER is a Professor of Philosophy at the University of Tennessee [College of Liberal Arts, 801 McClung Tower, Knoxville, TN 37996, (615) 974-4417] where he is also a clinical associate in medical ethics at the Center for the Health Sciences. He received his Ph.D. in philosophy from the University of Michigan in 1972.

His main research interests are in the philosophy of religion and ethics - theoretical and applied, normative and metaethics, philosophical and theological, and medical ethics. He has written a manuscript on The Divine Command Theory of Ethics: A Philosophical Defense.

His paper, "The Ethics of Catching Criminals," was presented at a conference on police ethics at Old Dominion University in 1982.

ROBERT K. GUSTAFSON is Chair and Professor of Philosophy and Religion at Pembroke State University [Pembroke, NC 28372, (919) 521-4214] where he has taught since 1969. He earned his B.A. in applied arts and a master's degree in theology in ethics. He received his Ph.D. in American intellectual thought in 1964 from the Union Theological Seminary. His publications and interests cover American religious thought, the philosophy of religion and social ethics. He is currently writing on James Woodrow, the American indian tradition, and ethics and the professions.

He edited (with Frank Schmalleger) The Social Basis of Criminal Justice: Ethical Issues For the 80's. It includes chapters on law enforcement ethics, corruption and dilemmas in undercover work.

WAYNE BRUCE HANEWICZ is Associate Professor at Wayne State University [Criminal Justice Department, 6001 Cass, Room 214, Detroit, MI 48202, (313) 577-2735] where he has taught since 1982. He earned his B.S. and M.S. in criminal justice from Michigan State University and his Ph.D. with majors in philosophy and political science and a minor in psychology from the University of Michigan in 1983. Formerly he taught at Michigan State University, Florida International University and Montana State University. His academic interests include policy development, the philosophical and moral aspects of criminal justice and psychology.

He was director of the Integrated Policy Development Group in Washtenaw County and Alaska where he is developed a human service policy process with special emphasis on the linkage of such agencies with the police. Over a period of three years he developed policies for the mentally ill, domestic violence victims, survivors of sudden death victims, crime prevention, and information and referral services. In other projects he directed the development, implementation and evaluation of police training programs and a management development program; conducted a national analysis of police complaint review systems; and directed the 1972 Democratic National Convention Police Services Project (which produced a report).

At the university level he has taught police-community relations, police organization, police management, social justice concepts and advanced law enforcement management. He has taught courses in police training programs on ethics, the history and philosophy of law enforcement, police development, psychological aspects of police work and human relations.

He has written articles on domestic violence, the police role, police personality and police stress. He wrote "Improving Linkages Between Community Mental Health and Police" and presented "Ethical Problems in Police-Mental Health Interface" at the 1980 Colloquium on Social Philosophy. His article on police authority, "Discretion and

Order," was published in Moral Issues in Police Work, edited F. Elliston and M. Feldberg.

He is a member of ACJS, the Hastings Center, the Society of Health and Human Values and the Society for the Study of Professional Ethics.

GENE G. JAMES, Professor of Philosophy at Memphis State University [Memphis, TN 38152, (901) 454-2536] since 1976, received his Ph.D. from the University of North Carolina at Chapel Hill in 1969. He presented a paper (with B. Grant Stitt), "Police Deception and the Entrapment Defense," at the annual meeting of the Academy of Criminal Justice Sciences in March, 1982 . He team teaches (with B. Grant Stitt) a course on crime, society and ethics which raises questions such as what is and is not legitimate for the police to do in detecting and apprehending law breakers. In addition to a book on logic, his publications cover civil disobedience, legal rights and whistleblowing. His research interests include value theory, social and political philosophy and applied philosophy - particularly environmental, business and criminal justice issues.

DEBORAH JOHNSON, Assistant Professor at Rensselaer Polytechnic Institute [Troy, NY 12181 (518) 270-6525] since 1978, received her Ph.D. in 1976 from the University of Kansas.

She has taught courses on introduction to philosophy, logic, social and political philosophy, philosophy of law, ethics, ethics and public policy, medical ethics and computer ethics.

She has written on a broad array of topics including computer, business and engineering ethics; whistleblowing; toxic substances; moral accountability in corporations; discrimination; legal liability and rights; prisoners and consent to experimentation; and policing. She wrote "Police-Community Relations in the U.S.: A Review of Recent Literature and Projects" and "Morality and Police Harm" in Ethics, Public Policy and Criminal Justice, edited by F. Elliston and M. Feldberg. Her book Ethics for Computer Professionals is soon to be published by Prentice-Hall.

She is a member of the APA and AMINTAPHIL and is a co-editor of a new journal, Business and Professional Ethics.

SHANNON M. JORDAN, Assistant Professor of Philosophy at George Mason University [4400 University Drive, Fairfax, VA 22030, (703) 323-2252 ext. 2319], graduated from the College of William and Mary in 1972 and received her Ph.D. from the University of Georgia in 1981 with a dissertation on decision-making for incompetent persons. In addition to courses in the history of philosophy, she teaches biomedical ethics, philosophy of law and social and political philosophy.

She is one of the few philosophers who has taught in a police academy. She conducted a seminar on policing in a democratic society at

the Eastern Shore Academy seminar on ethics in April 1982. Her course is divided into three segments: philosophy of law; philosophy of law enforcement; and ethical issues police face.

EUGENE KELLY is Assistant Professor of Philosophy at the New York Institute of Technology [6350 Jericho Turnpike, Commack, NY 11725, (516) 499-8800] where he has taught since 1977. He received his Ph.D. from New York University in 1971. He has taught introduction to psychology, history, ethics, logic and social philosophy. His research interests focus on continental philosophy and ethics. He has written on Max Scheler, value theory, teaching philosophy and critical theory.

His paper, "Philosophy Within the Police Department Program of the New York Institute of Technology," describes the College Accelerated Program for Police Officers. He provides an introduction to philosophy and the philosophy of science in this program. He is a member of the APA and chairman of the Long Island Philosophical Society.

JEFFREY H. REIMAN is Professor in both the School of Justice and the Department of Philosophy and Religion at American University [Washington, DC 20016 (202) 686-2405] where he has taught since 1970. He received his Ph.D. in philosophy from Pennsylvania State University in 1968. He is the author of The Rich Get Richer and the Poor Get Prison, In Defense of Political Philosophy, "Privacy, Intimacy, and Personhood," "Prostitution, Addiction and the Ideology of Liberalism" and "Is it Possible to Avoid the Legislation of Morality?" He has also written on victimization, the elderly, research subjects, Marxism and capitalism. He is writing Justice and the Structure of Moral Reasoning. He has taught the concept of justice, justice and morality, moral issues in criminal justice, and the concept of law.

In the mid-70's he held the first international conference on the Humanities and the Police Function and edited the proceedings (with Emilio Viano) in The Police in Society (Lexington, MA: D.C. Heath, 1975). It was the first collection of essays on the police to include philosophers. He wrote "Police Autonomy vs. Police Authority: A Philosophical Perspective," was a participant at The Hastings Center Conference on Police Ethics and presented at the Boston Conference "Philosophical Reflections on the Police Use of Deadly Force," published in Moral Issues in Police Work, edited by F. Elliston and M. Feldberg. He is a member of the APA and the ASC.

ALAN S. ROSENBAUM is Associate Professor of Philosophy at Cleveland State University [Cleveland, OH 44115 (216) 687-3901] where he has taught since 1975. He received his Ph.D. from the State University of New York at Buffalo in 1974 with a dissertation on Ralph Barton Perry's philosophy of democracy.

His interests include legal, social and political philosophy, phenomenology and human rights. He has taught philosophy and literature, morals and rights, logic, philosophy of democracy, American philosophy, 19th century philosophy, existentialism, Husserl and Schutz and Mill. Among his publications are Coercion and Human Autonomy: Philosophical Foundations and The Philosophy of Human Rights: International Perspectives.

He is developing a curriculum for ethics in law enforcement. His radio interview on "Human Rights and Law Enforcement" at the Cleveland State University Forum was broadcast in July 1982.

FERDINAND SCHOEMAN received his B.A. from the University of Rochester in 1966 and his Ph.D. from Brandeis University in 1971. He is an associate professor at the University of South Carolina [Columbia, SC 29208, (803) 777-4166] where he has taught since 1975. He is the departmental coordinator for "Crime and Justice," an interdisciplinary lecture series. He presented "Privacy and Police Undercover Work" at two conferences on police ethics: it is published in Police Ethics: Hard Choices in Law Enforcement, edited by W. Hefferman and T. Stroup, and Moral Issues In Police Work ed. F. Elliston and M. Feldberg. He prepares the annotated bibliography of pertinent law journal articles for the Philosophy of Law Newsletter published quarterly by the American Philosophical Association. He is the review editor for the new journal Law and Philosophy.

ROBERT J. SCHWARTZ is Professor of Philosophy at the University of Massachusetts [Law and Justice Program, Boston, MA 02125, (617) 287-1900 x2787/2691] where he has taught since 1972. He received his Ph.D. from Harvard University in 1963. His major areas of interest are theory of knowledge, the philosophy of mind, philosophy of education and moral and legal philosophy. In 1973 and 1978 he received grants from the National Endowment for the Humanities to develop programs in criminal justice.

TIMOTHY STROUP is Associate Professor of Philosophy at John Jay College of Criminal Justice [444 West 56th St., New York City, NY 10019, (212) 489-3598] where he has taught since 1978. He received his D. Phil. from Oxford University in 1978, as well as his M.A. and B.A. He has written several articles and conference papers and a book chapter on Edward Westermarck.

He developed a course on police ethics which applies traditional ethical theories to such topics as discretion, police and the community, deadly force, misconduct, authority and responsibility, affirmative action, civil disobedience, undercover operations and privacy. He wrote "The Ethics of Law Enforcement" in A Casebook of Grant Proposals in the Humanities and presented "Affirmative Action and the Police" at the Conference on Police Ethics at John Jay College of

Criminal Justice in 1982; the latter was published in Applied Philosophy (Fall 1982). In 1981 he was a discussant at the conferences on police ethics at the Hastings Center and at Boston University.

He and William Heffernan founded the Institute for Criminal Justice Ethics, coedited Criminal Justice Ethics and published the proceedings of their conference Police Ethics: Hard Choices in Law Enforcement (New York: John Jay University Press, 1984). He is a member of the APA, AMINTAPHIL, and the Society for the Study of Professional Ethics.

STEVEN S. TIGNER, Professor of Philosophy at the University of Toledo [2801 W. Bancroft St., Toledo, OH 43606, (419) 537-2619], has taught there since 1965. He received his Ph.D. from the University of Michigan in 1968. Prior to his university career, he taught physics and chemistry at Newark Sr. High School.

His publications and research include Greek philosophy, moral education, the history of stage magic and art history. He has taught courses on the history of philosophy, Plato, Aristotle, business ethics and human values. His course, "Introduction to Ethics and Law Enforcement," draws heavily on student experience and contemporary events to flesh out a contextual framework for addressing basic issues in ethics. Assigned readings include a basic criminology text (Sykes) as well.

PAUL WEISS is Heffer Professor of Philosophy at the Catholic University of America [Washington, DC 20017 (202) 635-5000] where he has taught since 1969. Before that he was Sterling Professor of Philosophy at Yale. He received his Ph.D. from Harvard University in 1928. His current work is a study of human privacy and the foundations of society and the state. He has taught courses in ethics and on man and is currently teaching constitutional law.

He is the author of 25 books on metaphysics, art, sport, social and political philosophy, ethics, education and religion. His paper "The Policemen: His Nature and Duties" discusses the dual role of an officer as both a representative of a societal institution and as an individual person.

ROGER WERTHEIMER graduated with an A.B. from Brandeis University in 1963 majoring in philosophy and American civilization and received his Ph.D. from Harvard University in 1969. Currently he is associate professor of philosophy at Carnegie-Mellon University [5115 Margaret Morrison Street, Pittsburgh, PA 15213, (412) 578-3753] where he has taught since the fall of 1977.

His major area of research is ethics. He is currently writing Understanding Retribution. He was a commentator on "Police as Ambiguous Agents," written by Newton Garver, at the Western Division of the

American Philosophical Association in St. Louis, 1970 . He published two papers on police power: "Are the Police Necessary?" in The Police in Society, edited by E. Viano and J. Reiman, and "Regulating Police Use of Deadly Force" in Ethics, Public Policy and Criminal Justice, edited by F. Elliston and N. Bowie.

THOMAS E. WREN is Associate Professor of Philosophy at Loyola University [820 N. Michigan, Chicago, IL 60601 (312) 670-3106], where he has taught since 1966. He received his Ph.D. from Northwestern University in 1969, and earned three masters degrees in philosophy, education and English. He is a series editor for Studies in Ethics and Society (Precedent Publishing, Chicago) and a reviewer for the Journal of Moral Education.

His research interests include ethics, moral psychology and philosophical issues in criminal justice. Among numerous books and articles, he wrote "Whistle Blowing and Loyalty to One's Friends" and "Professional Responsibility: Whistle Blowing and the Police." forthcoming in Police Ethics: Hard Choices in Law Enforcement (New York: John Jay University Press, 1984).

PART THREE

RESOURCES IN POLICE ETHICS

III. RESOURCES

A. DIRECTORIES

Academy of Criminal Justice Sciences Directory - 1981-1982. Prepared by Dorothy Bracey, Secretary/Treasurer of the Academy of Criminal Justice Sciences, John Jay College of Criminal Justice, 444 West 56th Street, New York City, NY 10019. 11 pages.

Lists institutional members by name, city and state; individual members by name, title, institution, street, city, state and phone number; and executive board members, trustees, and regional association presidents by name, title, institution, street, city, and state.

Akey, Denise S., ed. Encylopedia of Associations. 17th edition. Detroit, MI: Gale Research, 1982. 869 pages.

The section on legal, governmental, public administration and military organizations includes many law enforcement associations. Each entry includes an address, phone number, name and title of an officer, date established, number of members, purpose, publications, and date of meetings. This encyclopedia is available in two volumes at most libraries.

American Society of Criminology Membership Directory. 1314 Kinnear Rd., Columbus, OH 43212, 1981-1982. 58 pages.

Contains two sections: the first is an alphabetical listing of members and the second is a geographical listing. It includes descriptions of ASC publications.

Bahm, Archie J. ed. Directory of American Philosophers 1982-1983. 11th ed. Bowling Green, OH: Philosophy Documentation Center, Bowling Green State University, 1982. 398 pages.

Contains sections on universities, assistantships, centers and institutes, societies, journals and publishers for both the U.S. and Canada. It includes the following indexes: names and addresses of philosophers, universities, centers and institutes, societies, journals and publishers. It concludes with a section on statistics.

Bowie, Norman. Directory of Research Persons in Applied Ethics. Center for the Study of Values, University of Delaware, Newark, DE 19711. 55 pages.

An alphabetical listing of philosophers working on issues in business, government, education, engineering, journalism, public policy and other fields. Each entry lists courses taught, recent publications and works in progress. An index groups these by field and state.

Kobetz, Richard W. Criminal Justice Education Directory: 1978-1980. Gaithersburg, MD: IACP, 1981.

Contains information about criminal justice programs for more than 800 schools. The contents include a brief history; charted statistical data on the number and types of degree programs available; student enrollment data including police, corrections and judicial personnel; program information; and information of the Law Enforcement Education Program, the Academy of Criminal Justice Sciences and the American Association of Doctoral Programs in Criminal Justice and Criminology.

Law Enforcement Standards Laboratory Center for Consumer Project Technology, National Bureau of Standards. Directory of Law Enforcement and Criminal Justice Associations and Research Centers. Washington, DC: U.S. Government Printing Office, 1978. 46 pages.

Lists national, non-profit professional and volunteer social action associations and research centers which are active in the fields of law enforcement and criminal justice. Each entry includes title of organization; mailing address; officer; telephone; year founded; number of members and staff; purposes and activities; affiliations; publications; and meetings. It is indexed by subject.

National Institute of Justice. Directory of Criminal Justice Information Sources. 4th ed. Compiled by Christine Lundy. Washington, DC: Government Printing Office, 1981. 142 pages.

This directory is issued by NCJRS. The agencies included feature such information resources as computerized literature search services, interlibrary loan programs, services and technical assistance. It is indexed by geographic location and subject. NCJRS plans to publish biennial revisions.

Thomas, Robert C. and James A. Ruffner, eds. Research Centers Directory. 7th ed. Detroit: Gale Research, 1982.

Over 5,000 entries are arranged in 16 categories including conservation, education, engineering and technology, government and public affairs, law, life sciences, social sciences, humanities and religion, multi-disciplinary programs and research coordinating offices. It contains an alphabetical index of research centers, as well as an institutional and subject index. It is supplemented by New Research Centers. Criminal justice listings are concentrated in the law section.

B. JOURNALS

Alert: A Periodic Training Guide. 501 Grandview Dr., Suite 209, South San Francisco, CA 94080.

American Criminal Law Review. American Bar Association, Section of Criminal Justice, 1800 M St., N.W., Washington, DC 20036.

American Journal of Criminal Law. University of Texas at Austin, Law School Foundation, 2500 Red River, Austin, TX 78705.

The British Journal of Criminology. G. Trasler, ed. Carswell Legal Publications, 2330 Midland Avenue, Agincourt, Ontario, Canada MIS IP7.

Canadian Journal of Criminology. Canadian Association for the Prevention of Crime, 55 Parkdale, Ottawa, Ontario K1Y 1E5 Canada.

Crime and Social Justice. Crime and Social Justice Association. Box 40601, San Francisco, CA 94140.

Criminal Justice. American Bar Association, Section of Criminal Justice, 1800 M Street, N.W., Washington, DC 20036.

Criminal Justice Abstracts. National Council on Crime and Delinquency. 2125 Center Ave., Fort Lee, NJ 07024.

Criminal Justice and Behavior. Sage Publications Inc., 275 South Beverly Drive, Beverly Hills, CA 90212.

Criminal Justice Ethics. The Institute for Criminal Justice Ethics. 444 West 56th St., New York City, NY 10019.

This semi-annual journal, first published in 1982, focuses greater attention on ethical issues in criminal justice by philosophers, criminal justice professionals, lawyers, judges and the general public. It includes topics on the police, the courts, corrections and issues in legal philosophy. Articles, reviews and bibliographical essays can be submitted for publication. All manuscripts should be sent to the managing editor. The journal is sent without charge to members of the Institute for Criminal Justice Ethics.

Criminal Justice Newsletter. National Council on Crime and Delinquency. 2125 Center Ave., Fort Lee, NJ 07024.

Criminal Law Bulletin. Warren, Gorham and Lamont, Inc., 210 South St., Boston, MA 02111.

Criminology: An Interdisciplinary Journal. The official publication of the ASC. Sage Publications, 275 S. Beverly Dr., Beverly Hills, CA 90212.

This interdisciplinary journal is devoted to crime and deviant behavior as found in law, criminal justice and the social and behavioral sciences. Major emphases are on research and theoretical and historical issues, as well as reviews and discussions of current issues. Essays on law enforcement and book reviews are included. Manuscripts submitted should not exceed 20 double-spaced typed pages. They should be sent in triplicate to Charles W. Thomas, Editor, Criminology, Criminal Justice Program, University of Florida, Gainesville, FL 32611. They must be accompanied by a $10 nonrefundable processing fee payable to ASC, a 100-word abstract and a brief biographical paragraph. It is published four times annually - in May, August, November and February. Annual subscription is $46 for institutions or $22 for individuals.

Enforcement Journal. National Police Officers Association of America, 609 W. Main St., Louisville, KY 40202.

Impact. Americans For Effective Law Enforcement, 501 Grandview Dr., Suite 209, South San Francisco, CA 94080.

Journal of Criminal Justice. Western State University, College of Law, 333 Front Street, San Diego, CA 92101. Distributed by Pergamon Press, Maxwell House, Fairview Park, Elmsford, NY 10523.

Journal of Criminal Law and Criminology. Northwestern University School of Law, 357 E. Chicago Ave., Chicago, IL 60611.

Established in 1910, this multidisciplinary journal is published quarterly. It includes sections on Supreme Court review, criminal law, criminology, and book reviews.

Journal of Police Science and Administration. International Association of Chiefs of Police, 11 Firstfield Rd., Gaithersburg, MD 26760.

The Justice Reporter. Candice Piaget, Editor. Clark Boardman Company, 435 Hudson Street, New York City, NY 10014.

Law Enforcement Journal. 6767 Riverview Dr., Martinez, CA 94511

Law Enforcement News. John Jay College of Criminal Justice, Office of Publications, 444 West 56th Street, New York City, NY 10019.

First published in 1975, this semi-monthly newspaper is intended as a resource for criminal justice practitioners, researchers, educators and students. It includes feature articles, analyses of Supreme Court decisions, interviews, listings of employment opportunities, training seminars and conferences and evaluative reviews of new literature. Subscription is $14 annually. Back issues are available at $1.50 per copy.

Law and Philosophy: An International Journal of Jurisprudence and Legal Philosophy. D. Reidel Publishing Company, P.O. Box 17, 3300 AA Dordrecht, Holland or 90 Old Derby St., Hingham, MA 02043.

Published three times annually and established in 1982, this journal features articles, an extended review section on recent works in jurisprudence and legal philosophy and a book note section containing an annotated bibliography. Among the topics covered are theories of law, justice, morality and the law, punishment and responsibility, adjudication, obligation and disobedience, professional ethics, epistemological issues in evidence and procedure, the relations of law and legal institutions to other social institutions, economic issues and the exploration of problems in particular areas of the law. The editors encourage papers which exhibit philosophical reflection on the law informed by a knowledge of the law, and legal analysis informed by philosophical understanding. Duplicate, double-spaced manuscripts should be sent to Alan Mabe, Editor, Law and Philosophy, 203 Dodd Hall, The Florida State University, Tallahassee, FL 32306. Subscriptions are $22 annually for individuals and $61.50 for institutions.

Law, Society, and Policy. J. Feinberg, T. Hirschi, B. Sales and D. Wexler, Series Editors. Plenum Publishing Corp., 233 Spring St., New York City, NY 10013.

Liability Reporter. 501 Grandview Dr., Suite 209, South San Francisco, CA 94080.

Police Chief. International Association of Chiefs of Police, 13 Firstfield Rd. Gaithersburg, MD 20878.

Police Journal. Justice of the Peace Ltd., East Row, Little London, Chichester, Sussex, England.

Police Science and Administration. IACP, 13 First Field Rd., Gaithersburg, MD 20878.

Police Studies: The International Review of Police Development. John Jay College of Criminal Justice, Office of Publications, 444 West 56th St., New York City, NY 10019.

Police Times. American Police Academy, 1100 N.E. 125th St., North Miami, FL 33161.

Search and Seizure Bulletin. 131 Beverly St., Boston, MA 02114: Quinlan Publishing.

The Police Plaintiff. 501 Grandview Dr., Suite 209, South San Francisco, CA 94080.

The Southern Journal of Criminal Justice. The Official Journal of the Southern Association of Criminal Justice Educators. Gene Stephens, ed. University of South Carolina, Columbia, SC 29208.

Established in 1976, this journal is published twice a year. It includes articles and book reviews. Typed, double-spaced manuscripts should be submitted in triplicate. Only unpublished papers will be accepted. Annual subscriptions are $15.

C. SELECTED POLICE BIBLIOGRAPHIES

Berube, Francine and Gilles R. Lafreniere. Police Ethics: A Bibliography. Ottawa, Canada: Royal Canadian Mounted Police Headquarters Library, 1979. 13 pages

This alphabetically arranged bibliography does not include abstracts. Most of the materials cited are United States publications.

Duchaine, Nina. The Literature of Police Corruption, Volume II: A Selected, Annotated Bibliography. New York: John Jay Press, 1979. 198 pages.

Complements the first volume (see Simpson). This book describes over 650 international publications. Abstracts are arranged by topic, and topics are organized into seven categories: definitions, typologies, and stages; extent and impact; historical accounts; social settings; theoretical approaches; control strategies; miscellaneous. An author/title/name index is included.

Felkenes, George T. Law Enforcement: A Selected Bibliography. 2nd ed. Metuchen, NJ: Scarecrow Press, 1977.

Macfarlane, Dianne and Gary Ginliani. Crime Prevention: A Selected Bibliography. Centre of Criminology, University of Toronto, 130 St. George St., Toronto, Ontario M5S 1A5, 1975. 78 pages.

Annotated bibliography includes sections on environmental design and modification, medical and psychological intervention, community involvement, police involvement and law reform.

Matthews, Catherine J. Police Stress: A Selected Bibliography Concerning Police Stress and the Psychological Evaluation and Counseling of Police. Centre of Criminology, University of Toronto, 130 St. George St., Toronto, Ontario M5S 1A5, 1979. 43 pages.

Selected sections cover introductory readings, police stress-identification and coping, causes and manifestations, families and stress, selection and recruitment and the use of psychological testing and audio-visual materials. References are mainly to American publications.

National Institute of Justice. Affirmative Action - Equal Employment Opportunity in the Criminal Justice System - A Selected Bibliography. Washington, DC: Government Printing Office, 1980. 56 pages.

Includes full abstracts. Covers the nature of affirmative action, equal employment in criminal justice agencies and law enforcement in criminal justice agencies and law enforcement agencies, affirmative action progress in the courts and recruitment in corrections.

National Institute of Justice. Bibliographies in Criminal Justice - A Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1980. 50 pages.

Identifies reference sources for criminal justice scholars and practitioners.

National Institute of Justice. Citizen Crime Prevention Tactics - A Literature Review and Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1980-81. 121 pages.

Reviews the literature on individual and collective crime prevention initiatives and on the concept and history of crime prevention. The annotated bibliography contains 113 entries.

National Institute of Justice. Crime Analysis - A Selected Bibliography. Washington, DC: Government Printing Office, 1980. 26 pages.

Clarifies the role of crime analysis and presents operational and administrative police with references describing its application at several levels: resource deployment, investigation and apprehension.

National Institute of Justice. Criminal Justice and the Elderly - A Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1979. 101 pages.

Annotated and arranged alphabetically. Covers the vulnerability of older people, the impact of crime on the elderly, patterns and rates, consumer fraud schemes, victim assistance, community programs and the changing image of senior citizens.

National Institute of Justice. International Policing - A Selected Bibliography. Washington, DC: U.S. Department of Justice-Government Printing Office, 1978. 104 pages.

National Institute of Justice. Police Crisis Intervention - A Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1978. 49 pages.

National Institute of Justice. Police Discretion - A Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1978. 93 pages.

National Institute of Justice. Police Management - A Selected Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1978. 106 pages.

National Institute of Justice. Police Manpower Management - A Selected Bibliography. Washington, DC: Government Printing Office, 1980. 57 pages.

Presents information about innovative methods for managing police manpower. It is designed to help police instructors, supervisors and students of police administration.

National Institute of Justice. Police Stress - A Selected Bibliography. Washington, DC: Government Printing Office, 1979. 96 pages.

Annotated and divided into four main sections: overview, causal factors, management approaches and training films.

National Institute of Justice. Police Training - A Selected Bibliography. Washington, DC: Government Printing Office, 1980. 45 pages.

Highlights the literature on police training for police managers who are interested in expanding and improving their training programs.

National Institute of Justice. Rural Crime and Criminal Justice: An Annotated Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1980.

Lists publications for criminal justice researchers on crime and administration as well as on problems with the justice system in rural areas.

National Institute of Justice. Weapons, Crime, and Violence in America - An Annotated Bibliography. Washington, DC: U.S. Department of Justice/Government Printing Office, 1980-81. 204 pages.

Contains over 200 citations dating mainly from the late 1960s to 1980.

Pethick, Jane. Battered Wives: A Selected Bibliography. Centre of Criminology, University of Toronto, 130 St. George St., Toronto Ontario M5S 1A5, 1975. 78 pages.

Annotated bibliography includes references to violence in the family, social and legal aspects, studies and research, police intervention and some solutions. The literature is mainly from American, Australian, British and Canadian scholarly publications.

The Royal Canadian Mounted Police Headquarters Library Reference Staff. Police Misconduct - Canada: A Bibliography. 2 volumes. Ottawa, Canada: R.C.M.P.H.Q. Library, Jan. 1979, 121 pages; and June, 1979, 45 pages.

Both bibliographies are arranged alphabetically. The first volume lists articles indexed in Canadian Newspaper Indices from January 1977 to October 1978 and lists the House of Commons Debates from January 1977 through June 1978. It has a two page index. The second volume does not include an index. Neither volume includes abstracts.

Shearing, Clifford D.; F. Jennifer Lynch and Catherine J. Matthews. Policing in Canada: A Bibliography. Centre of Criminology at the University of Toronto. Ottawa, Ontario: Ministry of Supply and Services, 1979. 362 pages.

This annotated bibliography, written in French and English, is divided in nine chapters: (1) Administration (2) PoliceCommunity Relations (3) Education, Selection and Training (4) History (5) Private Policing (6) Role, Functions, Duties and Powers (7) Arrest (8) Discretion, and (9) Police and Youth. It is indexed by author, title and subject.

Sherman, Marion and Lewis J. Sherman. "Bibliography on Policewomen, 1945-1972." Law and Order, (March 1973): 80-83.

Lists about 100 citations without abstracts. Most are from journals and magazines.

Simpson, Antony E. The Literature of Police Corruption. Volume I: A Guide to Bibliography and Theory. New York: John Jay Press, 1977. 226 pages.

Addressed to researchers in criminal justice, sociology and psychology. This book reviews the historical and contemporary literature and evaluates theoretical attempts to explain corruption. The contents include: The theory of political corruption; definitions and typologies; extent, costs, and impact; historical approaches; social and organizational settings; theoretical approaches; and establishing recommendations for control. The appendix discusses those aspects of police corruption which are inadequately reported in the literature.

D. BOOKS AND ARTICLES

Abramowitz, A., M. Gates and G. Sandler. Women in Policing -- A Manual. Washington, DC: Police Foundation, 1974. 97 pages.

Provides case studies of the experiences of several police forces employing female officers, outlines a six month recruitment campaign and offers suggestions on monitoring recruitment. The authors discuss selection standards, equal and differential training, approaches to physical training, the relevance of field training, the advantages of having women in positions of authority, attitudes of other officers and the public and evaluations of performance. The book includes a legal analysis of women in policing and a bibliography.

Caplan, Gerald. ed. Abscam Ethics. Cambridge, MA: Ballinger, 1983.

Divided into seven chapters: (1) ABSCAM: A Fair and Effective method for Fighting Corruption, Irvin B. Nathan; (2) Invisible Offenses: A Challenge to Minimally Intrusive Law Enforcement, Mark H. Moore; (3) Under Cover: The Hidden Costs of Infiltration, Sanford Levinson; (4) Who Really Gets Stung? Some Issues Raised by the New Police Undercover Work, Gary T. Marx; (5) Licensing Criminals: Police and Informants, Peter Reuter; (6) From Whodunit to Who Does It: Fairness and Target Selection in Deceptive Investigations, Lawrence W.

Sherman; (7) Undercover Investigations: An Administrative Perspective, Wayne A. Kerstetter.

Elliston, Frederick and Norman Bowie. eds. Ethics, Public Policy, and Criminal Justice. Cambridge, MA: Oelgeschlager, Gunn & Hain, 1982. 492 pages.

Covers a wide range of moral issues facing practitioners and scholars in criminal justice, divided into five sections: (1) the concept of crime; (2) police and law enforcement; (3) the courts and sentencing; (4) prisons and prisoners; and (5) policy formation. Papers in the second section cover morality and police harm; regulating police use of deadly force; moral considerations concerning the police response to hostage takers; ideology and the ethics of economic crime control; and women, minorities, and the police. The contributors include scholars in both philosophy and criminology. A selective topical bibliography is included.

Elliston, Frederick and Michael Feldberg. eds. Moral Issues in Police Work. Totowa, NJ: Littlefield Adams, 1984.

Deals with various moral decisions for police officers divided into four sections: (1) the police role; (2) privacy and corruption; (3) deception; and (4) use of force. Chapters discuss the power of the police to enforce or not enforce the law; their authority to intrude into the private lives of citizens; the scope of detective work; entrapment, and undercover work; corruption and what officers can do about it; the justifications for police homicide; and use of deadly force and liedetectors . The contributors include Egon Bittner, Joseph Betz, Howard Cohen, Wayne Hanewicz, Gene James, Carl Klockars, Jeffery Reiman, Ferdinand Schoeman, Lawrence Sherman, Isidore Silver and Grant Stitt.

It is designed for students in police training academies, police science programs, undergraduate and graduate programs in criminology and criminal justice, as well as those enrolled in traditional courses on ethics, social and political philosophy, applied philosophy and professional ethics.

Fyfe, James J. "Choosing to Kill: Ethics in Police Deadly Force." Paper presented at Conference on Ethics and the Police. Old Dominion University, Norfolk, VA, 1982.

Compares the use of capital punishment to deadly force and contends that although a great deal of attention is given to capital punishment by social scientists and society, police use of deadly force is relatively ignored. This is evidenced by the lack of reliable national statistics on the number of instances of police shootings. Examines the utility of fleeing felon laws which exist in 32 states and allow police to shoot persons suspected of property crimes, thus as-

signing a higher value to private property than the life of the suspected felon. In addition, fleeing felon laws deny the due process presumption of innocence and invest one agent of the criminal justice system with the power to circumvent the entire legal system.

Fyfe, James J., ed. Readings on Police Use of Deadly Force. Washington, DC: Police Foundation, 1982. 316 pages.

Addresses some of the more frequent and volatile questions about deadly force. In the first chapter, Lawrence Sherman and Robert Langworthy test the adequacy of existing data on police use of deadly force and conclude that there is considerable room for improvement. In an excerpt from their seminal study of deadly force, Catherine Milton and her colleagues then analyze police shooting incidents in several cities.

In the second section, separate chapters by J. Paul Boutwell and Lawrence Sherman discuss the power of the police to shoot suspected fleeing felons. Questions about the relationship of race to deadly force are treated in four chapters (by John Goldkamp, Marshall Meyer, James Fyfe, and Paul Takagi) in the third section. The information available clearly indicates that minorities -- especially blacks -- are shot by police in numbers that greatly exceed their representation in the general population.

Issues concerning internal police department policies on deadly force and firearms are discussed and analyzed in the last section. J. Paul Boutwell starts with a discussion of the civil liability of police evolving from use of deadly force. Next Samuel Chapman addresses the need for internal departmental shooting policies. The book closes with three of the editor's own pieces. One describes the effects of a restrictive deadly force policy in the New York City Police Department; a second analyzes questions and data related to use of firearms by off-duty officers; and the third examines policy related questions and offers specific recommendations on effective management of police deadly force.

Gustafson, Robert and Frank Schmalleger, eds. The Social Basis of Criminal Justice: Ethical Issues for the 80's. Washington, DC: University Press of America, 1981.

A collection of nine essays that examine criminal justice institutions from an ethical perspective. The first chapter demonstrates how organizational concerns coupled with efficiency influence ethical behavior by criminal justice practitioners: the conscientious professional may be regarded as a "trouble-maker" by his peers. The second chapter discusses the multiple roles of the police officer and the ethical problems surrounding them. The authors of the third chapter analyze the Code of the International Association of Chiefs of Police and relate it to daily law enforcement problems. The fourth chapter

examines deviance and corruption in New York City and suggests that large scale corruption will resurface before the end of the century. The fifth chapter describes ethical issues facing prosecutors and discusses professional organizations as they relate to the criminal trial. The sixth chapter shows that agreement on ethical standards is difficult in corrections because practitioners have diverse roles and divergent self-conceptions. The seventh chapter on the ethics of incarceration discusses the treatment versus punishment dilemma. The eighth chapter explores the dilemmas confronting parole decision-makers, analyzing conformist and criminal values. The final chapter deals with criminal justice research issues. The book concludes with Robert Gustafson's philosophical look at criminal justice ethics and an overview of the previous articles.

Hansen, D. A. Police Ethics. Springfield, IL: Charles C. Thomas, 1973. 97 pages.

Uses examples of situations commonly encountered by officers to illustrate facets of police ethics and their effects on law enforcement activities. The author discusses the acceptance of gratuities and the solicitation of money for charitable purposes by the police. He suggests maintaining a professional approach to all police matters. A copy of the Code of Ethics adopted by the International Association of Chiefs of Police is included.

Heffernan, William C. and Timothy Stroup, ed. Police Ethics: Hard Choices in Law Enforcement. New York: John Jay Press, 1984.

Proceedings from a conference held from April 22-25, 1982. One section on duty and temptation asks about the obligation of the police to obey the law (Heffernan) and the nature and limits of police loyalty to their friends (Wren). The topic of judgment calls is discussed in two contributions: James Doyle's "Police Use of Discretion" and Howard Cohen's "Dilemmas in the Exercise of Authority." William Ker Muir's keynote address, "The Police in a Democratic Society," challenges the traditional prohibition on police involvement in local or national politics. Gary Marx and Lawrence Sherman raise questions about the form and legitimacy of undercover operations. Frederick Elliston and Ferdinand Schoeman assess the proper use of deadly force and surveillance. The proceedings conclude with a discussion of the role of women in policing. Timothy Stroup identifies and appraises a range of affirmative action programs and Barbara Raffel Price discusses the need for more women in police agencies.

Heffernan, William C. "The Police and Their Rules of Office: An Ethical Analysis." Paper presented at conference on Police Ethics: Hard Choices in Law Enforcement. John Jay College of Criminal Justice, New York City: April 22-25, 1982.

As a part of their oath of office, police officers promise to uphold the law, but the law is violated, for example, by not enforcing a statute or conducting illegal searches that result in no physical harm. The ultimate aim of the criminal justice system, officers argue, is to insure a just society. In cases of serious offenses, police think the rules governing their conduct promote this aim but in the case of low-level offenses occasional violations will be more effective in producing a just society.

Clearly, these violations can be justified (if at all) only when the motivation is not self-aggrandizement but promotion of a just society. Heffernan identifies four classifications: (1) meting out justice via violations of the constitution (for instance, an illegal search of a well-financed drug dealer immune to the formal procedures); (2) meting out justice via selective enforcement of the law ; (3) promotion of social order via violations of the constitution, (as when a person is frisked whom the officer believes is carrying a weapon); and (4) promotion of social order via selective enforcement of the law due to limited resources.

Some officers argue they are not bound by their oaths, since its violation is tacitly approved of by their supervisors. However, Heffernan argues that the terms of the oath can be amended only in two ways: (a) a declaration that the rules of conduct have been modified; or (b) failure to act by legislators and judges who have been given notice of violations. In general neither of these conditions has been fulfilled. In some situations a promise can be broken. First, Heffernan cites the example of a person working in the police force of a tyrant, who in reality is a double agent in the service of the rebellious opposition. And a promise may be broken to avert imminent harm, provided the promisee (the state) would give approval if time permitted. Third, the promise may be broken if the promisor (i.e. the police) has reason to believe that violating one part would in fact better fulfill the implied purpose of the promise, and that the promisee's consent cannot easily obtained.

Heffernan rejects the first and second cases as not applicable to the American police. The justifications typically offered by policemen often resemble the third, but, Heffernan argues, the state does not intend the police to be dispensers of justice. This is not even an implicit goal when police take their oath of office. Hence violations of types 1 and 2 cannot be justified. The police do, however, undertake to promote the social order as part of their oath of office. Heffernan argues that a promise cannot legitimately be broken simply for the sake of achieving one goal rather than another when both goals are equally implicit as the purpose of the promise.

That leaves type (4) violations -- promotion of the social order via selective enforcement. Heffernan believes that violations of this type can be provisionally justified by appealing to the goal of social order. For the remainder of the paper he identifies ways of clarifying the fourth category, with an eye towards codifying such practices so they would no longer be violations of the police officer's oath.

Heffernan, William C. "Two Approaches to Police Ethics." Criminal Justice Review, 7:1 (Spring 1982): 28-35.

Two kinds of problems are encountered in police ethics, with different approaches needed for each. The first centers on integrity -- the taking of bribes, giving perjured testimony, using illegal force that inflicts serious harm on suspects. These are instances of obvious misconduct; and for that reason, the approach they need is not ethical analysis (in most cases, that would be superfluous) but instead one that focuses on creating in police officers the disposition to do what is right. By contrast, the second set involves hard choices in law enforcement, with ethical analysis needed to supplement uncertain judgments of right and wrong. Furthermore, analysis can also help criminal justice students acquire the skills needed to make informed judgments of their own about the hard choices they will later encounter as police officers. Both the first and second approaches can be expected to play important roles in the education of police officers as law enforcement completes its development toward professional maturity.

Karmen, Andrew. "The Controversy Over the Use of Deadly Force by the Police: Competing Interests and Clashing Ideologies." Paper presented at Conference on Moral Issues in Police Work. Boston University: November 19, 1981.

Karmen begins by explicating the opinions and perspectives held by interest groups with a stake in the issue of deadly force. Police officers and administrators believe deadly force is necessary, and see attempts to limit it as civilian meddling and an indication of the erosion of respect for police authority. Minority police officers and civil rights groups believe the issue is one of racism and police terrorism. Civil liberties groups see the use of deadly force as an act of political repression.

Karmen believes that the police often do use deadly force in unjustified circumstances. However, he sees this as simply the police response to public rhetoric. That is, public officials and the media are constantly talking about increased crime and the seeming impotence of the police. The best example of this is the call for a "war on crime." When such inflammatory and militaristic rhetoric is employed, Karmen asks what other response should we expect from police than an increased use of deadly force. The solution to the problem, then, is to tone down the rhetoric about waging war against criminals, to demilitarize policing, to deescalate the weaponry race and to discourage police vigilantism.

Klockars, Carl B. "The Dirty Harry Problem." The Annals of the American Academy of Political Science and Social Science, 452 (Nov. 1980): 33-47. Reprinted in Moral Issues in Police Work, ed. F. Elliston and M. Feldberg, (Totowa, NJ: Littlefield Adams, 1984).

Police work constantly places officers in situations in which good ends can be achieved by dirty means. When the ends to be achieved are urgent and unquestionably good and only a dirty means will work to achieve them, the police officer faces a genuine moral dilemma - a situation from which one cannot emerge innocent no matter what one does. Either one employs a dirty means that works or an insufficiently dirty means that does not work, or one walks away. In such Dirty Harry problems, the danger lies not in becoming guilty of wrong - that is inevitable - but in thinking that one has found a way to escape a dilemma which is inescapable. Dire consequences result from this misunderstanding. Police officers lose their sense of moral proportion, fail to care, turn cynical or allow their passionate caring to lead them to employ dirty means too crudely or too readily. The only safeguard that dirty means will not be used too readily or too crudely is to punish those who use them and the agency which endorses their use.

Kooken, D.L. Ethics in Police Service. Springfield, IL: Charles C. Thomas, 1957. 58 pages.

Urges officers to display exemplary conduct in the face of rising crime and public criticism. To gain public recognition as a profession the police must establish standards of official conduct. The author proposes a code of ethics which states: (1) police officers shall be courteous; (2) they shall accept responsibility; (3) they shall regard their office as a public trust; (4) they shall administer the law in a just, impartial manner; (5) they shall protect public property; (6) they shall not accept gratuities or favors; (7) they shall cooperate with other public officials; (8) they shall study and work toward self-improvement; and (9) they shall be loyal to their government and profession.

He expounds on this outline and concludes that only through the exercise of ethical conduct can officers appreciate that "no greater power nor higher honor can be given any man than the duty of upholding and defending the American Heritage of Freedom, 'The Bill of Rights.'"

Marx, Gary T. "Police Undercover Work: Ethical Deception or Deceptive Ethics." Paper delivered at Conference on Police Ethics: Hard Choices in Law Enforcement. New York City: John Jay College of Criminal Justice, April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, eds. W. Hefferman and T. Stroup (New York: John Jay University Press, 1984).

Identifies and appraises the various arguments for and against the use of deception by the police. Marx tries to resolve the moral dilemma by appealing to five factors. First, since most of the justifications are contingent and depend on certain conditions being fulfilled, they do not entail any logical contradiction. Second, they often state different versions of one principle which both sides accept. Third, the apparent contradictions can often be resolved once we have obtained certain facts which let us know whether the hypothetical conditions are applicable. Fourth, when there is disagreement on more general principles, they can often be ranked on the basis of their importance as ethical principles. Finally, a balance can be sought such that no single principle is either completely realized to the neglect of the rest, or completely violated.

Marx concludes by noting that since lying is not morally neutral, it is up to those who use deception to justify its use. He poses seven questions to be asked concerning any planned use of deception, which provide guidelines for determining whether deception is acceptable in particular circumstances.

Marx, Gary T. "Who Really Gets Stung? Some Issues Raised by the New Police Undercover Work." Paper delivered at Conference on Moral Issues in Policing, Boston, MA, 1981, published in Crime and Delinquency, (April, 1982): 165-193. Reprinted in Moral Issues in Police Work, ed. F. Elliston and M. Feldberg, (Totowa, NJ: Littlefield Adams, 1984).

Notes that undercover work is becoming more frequent and complex, partly because the Miranda rule placed restrictions on the usual methods of evidence gathering. Marx points out a number of problems with it. First, when trickery, coercion and excessive temptation are used, it is difficult to conclude that the suspect acted voluntarily and with full knowledge. Second, undercover tactics provide an opportunity for political and personal misuse. Third, they offer great risks and temptations to the police officers involved. Fourth, they reward informers, who often have committed crimes themselves. Fifth, they generate crimes which will harm third parties. Sixth, the effectiveness of such operations is difficult to measure and the success rate is often inflated. Finally, such methods must be used very cautiously because of their repressive and totalitarian potential.

Milton, C.H., J.W. Halleck, J. Lardner and G.L. Abrecht. Police Use of Deadly Force. Washington, DC: Police Foundation, 1977. 203 pages.

Reports on a study undertaken by the Police Foundation focused on the use of firearms by the police. It presents the results of site visits and data analysis in Birmingham, Detroit, Indianapolis, Kansas

City, Oakland, Portland and Washington. Some of the major findings were that: 1) police departments vary widely in their policy and review procedures on deadly force; 2) it is difficult, after the fact, to categorize certain shootings as justified or unjustified; 3) departments call most shootings justified; 4) while the number of minorities shot is greater than their proportion in the general population, it is not inconsistent with the number of blacks and minorities arrested for serious felonies; and 5) a sizable percentage of the shooting incidents involved out-of-uniform officers.

Muir, William Ker, Jr. Police - Streetcorner Politicians. Chicago, IL: University of Chicago Press, 1977. 317 pages.

Describes young policemen in an American city during the 1970s, explaining how they adjust to their coercive role and cope with society's irrationality and violence. Based on five years of observation, the author presents portraits and interviews which reveal the interplay between patrolmen's most fundamental attitudes and the violence they must often face in their work. A model of a coercive relationship, called an extortionate transaction, is presented that identifies four paradoxes called dispossession, detachment, face and irrationality. A policeman becomes a good policeman to the extent that he develops two virtues. Intellectually, he has to grasp the nature of human suffering. Morally, he has to resolve the contradiction of achieving just ends with coercive means. Whether or not he develops these two virtues depends on the choices he makes among the means of defending himself against the paradoxes of coercive power. These paradoxes represent recurring threats, violence and irrationality, and the responses he has to make to deal with these paradoxes challenge his basic assumptions about human nature and his conventional notions of right and wrong. The author finds that one of the most important factors allowing an officer to obtain these two virtues is language. In talking out the intellectual and moral issues that face them, police officers are able to adjust to the paradoxes. The training academy and the patrolmen's squad are crucial in this regard as is the role of the police administration in ensuring that effective training is developed and that good sergeants lead patrol squads. Isolation of the police officer is found to be the most important factor leading to moral and intellectual disorientation and breakdown. Implications of these findings for improvement of American organizations are examined in the final chapters.

National Advisory Commission on Higher Education for Police Officers. Proceedings of the National Symposium on Higher Education for Police Officers. Feb. 4-7, 1979. Washington, DC: Police Foundation, 1979. 115 pages.

Includes seven panels: (1) the purpose of higher education for the police; (2) curriculum; (3) who should teach; (4) how well colleges have spent LEEP money; (5) kinds of student experiences federal policy should support; (6) how police departments can use educated officers; and (7) a conclusion on changing police education. Addresses of seminar leaders and participants are listed.

Price, Barbara Raffel. "Women in Policing: Sexual Integration in American Law Enforcement." Paper presented at Conference on Police Ethics, New York City: April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup. New York: John Jay University Press, 1984.

Notes that women are underrepresented on the police forces of major cities. Women officers are needed because they provide an alternative perspective and are more sensitive to certain situations, such as rape and battery. There are four reasons why the integration of women into policing has been slow. First, both the police and public view policing as a male occupation. Second, the opportunity structure favors male police officers. Third, American police departments are shrinking rather than expanding. Finally, there is a general ideology of male superiority and dominance that works against women in all economic sectors.

Sherman, Lawrence. "From Whodunit to Who Does It." Paper presented at Conference on Police Ethics, New York City: April 22-25, 1982. Forthcoming in Police Ethics: Hard Choices in Law Enforcement, ed. W. Heffernan and T. Stroup. New York: John Jay University Press, 1984.

The use of deception to uncover crime is often criticized because it violates one's right to privacy. However, privacy is a social good distributed unequally on the basis of wealth and power. Consequently, the crimes committed by the rich and powerful are largely "private" crimes: the "victim" is usually not an individual, but a corporation or some segment of society. Often no one has access to information used to accuse the rich criminal and thereby put the criminal justice system in motion.

The result is unequal enforcement of the law. The crimes that are investigated are usually committed by the lower class. The use of deception, where agents involved in the deception become the accusers, may be justified in that it results in greater equity in punishment.

Sherman contends no moral problem is posed by the use of deception. What is problematic, however, is the selection of targets. Unless a fair procedure is used, deceptive investigations will be viewed as "witchhunts" or "fishing expeditions."

The problem is to formulate criteria for guiding or initiating deceptive investigations. The current practice of waiting for "hot

tips" and other clues is ineffective and unfair: the rich are better able to cover their trails and leave little or no evidence, partly because of their social position and partly because of the nature of their crimes. The fairest procedure to remedy this inequity is a random sample.

One problem with a random sample is that it ignores probable cause, a notion central to our legal system. Sherman argues that simply being a member of a certain group is sufficient as probable cause. For example, simply being a member of a group of motorists driving within a 20-mile perimeter of a prison where a murderer has escaped provides probable cause and a sound legal and moral reason for the police to stop all motorists within this area at road blocks. Customs inspections at border crossings are a similar case. Thus, the fact that one is a member of Congress may provide probable cause for suspecting that person of accepting a bribe, since representatives have been known to accept bribes in the past.

Two decision-making procedures are required: one to determine which crimes and groups to investigate, and another to determine which individuals within those groups to investigate. Although Sherman suggests criteria (such as number of lives lost or degree of threat to the democratic system) for picking out crimes to investigate, his main concern is that such criteria be explicit, that they be subject to public discussion, that they allow for community input and that the target group be publicly notified.

Individuals within the target group should be selected on a random basis. Admittedly it is sometimes difficult to know without an investigation who is and who is not a member of a certain group. Sherman cites the example of drug dealers or people fencing stolen goods. But he believes that only a scientific - that is, randomized - selection of targets for deceptive police investigations is both fair and equitable.

Sherman, Lawrence W. "Learning Police Ethics." Criminal Justice Ethics. 1:1 (Winter/Spring 1982), 10-19.

Examines the process of learning a new job as the context for learning police ethics. Author describes the content of the moral values in police department "cultures" that are conveyed to new police officers as well as the rising conflict with police agencies over what those values should be. Finally he describes the moral careers of police officers, identifying the major moral choices made by officers.

Sherman, Lawrence W., ed. "The Police and Violence." The Annals of the American Academy of Political and Social Sciences 452 (November 1980).

Contains 13 articles by leading criminologists and police scientist, divided into three sections, plus an introduction by Lawrence

Sherman. The first section addresses the question: How can the police act more effectively and justly against violence? The second asks: How can we better understand and reduce the violence committed against police? And the third asks: What accounts for the wide variations in police use of violence and what can we learn from that variation to reduce police violence to the lowest possible level?

The first section, "Police Against Violence," contains three articles. James Q. Wilson's "What Can the Police Do About Violence" challenges the assumption that the police can do little to stop violence. Wilson recommends that the police focus on the relationship between the victim and offender instead of the category of crime, experiment with different ways of dealing with communal violence and try harder to detect and confiscate illegal handguns. Mark H. Moore's "The Police and Weapon's Offenses" observes that weapons arrests typically occur as a byproduct of other enforcement activities and vary in number according to the emphasis on proactive police work. Carl Klockars' classic "The Dirty Harry Problem" argues that the police constantly confront the moral dilemma of being able to achieve good ends only by dirty means. The police cannot emerge innocent from it: they employ a dirty means that works, employ one that does not work or walk away. They risk losing their sense of moral proportion and may become uncaring, insensitive, cynical or brutal. He recommends punishing officers who succumb to the danger of using dirty means too quickly or too rashly.

The second section begins with an excerpt from William Ker Muir's book Police: Streetcorner Politicians entitled "Power Attracts Violence." It illustrates the paradox of face: the nastier your reputation, the less nasty you have to be. Police who would control potentially violent situations must use their verbal skills to redefine the situation so that citizens can acquiesce without losing face. Otherwise the officer is in danger of becoming the victim of violence. Hans Toch's "Mobilizing Police Expertise" locates the solution to reducing violence against the police at the administrative level. He warns against crisis-induced panic, underestimating the problem and planning by police leadership without the support of the rank and file. Rather he advocates addressing problems by cross-sections of a police department including unions and problem officers. Mona Margarita examines New York City police files to explode the myth that police are killed during domestic disturbances; rather she finds they are more likely to be killed by armed robbers using the lethal tools of their trade. James Fyfe concludes this section by examining the effectiveness of the requirement that the police always be armed. Carrying guns while off duty, he suggests, may increase the level of community violence, and he therefore urges more empirical research.

The third section on violence by the police contains six articles. Robert J. Friedrich reanalyzes Albert Reiss's data to determine whether variations in police level of violence are due to individual, situational or organizational factors. He suggests that only the behavior of the offender and the visibility of the encounter to peers and the public emerge as significant. Marshall W. Meyer examines data

from Los Angeles (gathered after the Eulia Love incident) to discover that police shootings involving black suspects differed in number, circumstances and sometimes outcome from shootings involving whites and Hispanics. In their article, "The Violent Police-Citizen Encounter," Arnold Binder and Peter Scharf adopt a transactional perspective: violence is an outcome of successive decisions and behaviors of both citizens and police. Albert J. Reiss argues that police use of deadly force can be controlled by limiting opportunities for its legitimate exercise and carefully reviewing all decisions to use it. Peter K. Manning questions the centrality of deadly force to the police role. He regards the legal controls as weak, case law as inconsistent and departmental regulations as variable. Violence springs not from the facts but from the meaning assigned by the public, the department and the individual officer. John Van Maanen emphasizes the personal dimensions to police shootings, their felt consequences within the police organization. It is the background understanding of proper police conduct before, during and after a shooting that helps determine what really happened and controls and structures police conduct.

Sherman, Lawrence W. Scandal and Reform: Controlling Police Corruption. Berkeley, CA: University of California Press, 1978.

Four police departments in New York City, Oakland (California), Newburgh (New York) and one anonymously identified as "Central City" were studied to determine the role of scandal in controlling police corruption. The author sets forth a theoretical framework for studying the social control of deviant organizations, analyzes corrupt police departments and then measures the effects of social control on corruption.

He draws five conclusions. First, scandal is both a sanction and an agent of change. Second, reform in corrupt police departments is possible, particularly after a scandal occurs. Third, scandal is a result of conflicts among organizational goals and causes realignment of them to support an honest police department. Fourth, success or failure of reforms depends on strategies. Fifth, these strategies can succeed only if reliable information about corruption is gathered, a difficult task -- both practically and morally.

Sherman, Lawrence W. and Robert H. Langworthy. "Measuring Homicide by Police Officers." in Readings on Police Use of Deadly Force. ed. James J. Fyfe. Washington, DC: Police Foundation, 1982.

Authors examine the measurement of official killings and the paucity of available data. They discuss the adequacy of current methods of measuring homicide by police officers in terms of three questions. Can the number of police caused killings occurring every year be measured? How well can the relative incidence of police killings from one department to the next be measured? And can differences across po-

lice departments explain the differences in homicide rates? Authors contend that available measures, contrary to popular belief, contain too much error either to measure the actual rate of incidences of police killings or to make reliable comparisons between cities.

Skolnick, Jerome. "Deception by Police." Criminal Justice Ethics 2 (Summer/Fall 1982): 40-54. Revised version forthcoming in Moral Issues in Police Work, ed. F. Elliston and M. Feldberg, (Totowa, NJ: Littlefield Adams, 1984).

Skolnick notes that there are three stages in detection, consisting of investigation, interrogation and testimony, and that the use of deception is thought to be acceptable to a large degree during investigation, but as the detection process proceeds, acceptability decreases. However, deception which is seen as acceptable during phase one tends to loosen the restraints on deception during the other phases. Deception is justified by utilitarianism, but so is the restraint of deception. Thus it is difficult to determine rules for police use of discretion.

Walker, Samuel. "Police-Community Relations, Social Science, and the Responsibilities of Scholars." Paper presented at Conference on Moral Issues in Police Work, Boston University, November 20, 1981.

Walker notes that the problem of police-community relations is essentially a racial one. He rejects the view, however, that the contemporary American police force is dominant, repressive and violent. Based on studies in three areas of police field work (field interrogations, arrests and deadly force), he concludes that there is no basis for the charge of blatant racism. Instead, the picture that emerges based on the evidence is complex and ambiguous.

Social scientists can respond to this evidence in three ways. They can deny it; they can accept it but deny that it points up a problem; or they can accept it and pursue the problem. If one takes the latter view, one must do further research. This research can be approached either by studying the police, or by studying the communities within which there are straight relations with the police.

E. DATA BASES

Abstracts on Crime and Juvenile Delinquency. (120 journals) 1968 to present.

Criminal Justice Abstracts. 1970 to present.

Criminal Justice Periodicals Index. University Microfilms International. (120 journals) Computerized, 1975 to present.

Available through DIALOG Information Services. Contains citations to articles on the administration of justice and law enforcement. Topics include crime, juvenile delinquency, penology, criminal law, crime against people and property, environmental and industrial crime, political and social crime and drug abuse.

Criminology and Penology Abstracts. 1961 to present. Kugler Publications, P.O. Box 516, 1180 AM Amstelveen, The Netherlands. Editorial Office - Criminologica Foundation, Garenmarkt 1/B 2311 PG Leiden, The Netherlands. $188 for six issues annually.

An international abstracting service covering the etiology of crime and juvenile delinquency, the control and treatment of offenders and criminal procedure and the administration of justice. Each issue contains a subject and author index. The November/December issue contains annual cumulated indexes.

Legal Resource Index. (660 journals) Computerized, 1980 to present. Available through DIALOG Information Services.

Contains citations to the legal and law-related literature. Covers articles, news case notes, reviews, commentaries and other materials in both legal and general publications.

Melnicoe, S., W. Saulsbury, N. Arnesen and M. Caplan. Police Research Catalog: Police-Related Research Supported by the National Institute of Justice 1969-1981. Washington, DC: Government Printing Office, Feb. 1982. 183 pages.

This compilation of NIJ-supported police-related research includes descriptions of projects, books, monographs, journal articles and educational texts, as well as conference and workshop presentations. It includes a subject index, project title index and grantee index, as well as an appendix of bibliographies.

National Criminal Justice Reference Service. 1972 to present.

Available through DIALOG Information Services. Contains references to both print and non-print information on law enforcement, criminal justice and juvenile justice. Ranges from preliminary research to detailed descriptions of programs.

Philosopher's Index. Bowling Green State University, Philosophy Documentation Center. Computerized, 1940 to present.

Available through Dialog Information Services. Contains abstracts on various philosophical topics including ethics.

Police Science Abstracts. Kugler Publications, P.O. Box 516, 1180 AM Amstelveen, The Netherlands. Editorial Office - Criminologica Foundation, Garenmarkt 1/B 2311 PG Leiden, The Netherlands. Subscription rate, $131.00 for six issues annually.

Published six times a year, this international abstracting service includes more than 1500 abstracts annually covering police science, the forensic sciences and forensic medicine. It includes sections on police power, police personnel, police operations, and police work in relation to special kinds of persons. Each issue contains a subject and author index. The November/December issue contains a cumulative index. Beginning in 1981, the titles, abstracts and indexes are stored in a computerized data base.

PART FOUR

INDEXES OF INDIVIDUALS, ORGANIZATIONS, AND STATES

KEY TO ABBREVIATIONS

INDIVIDUALS

ORGANIZATIONS

INDEX BY STATES

KEY TO ABBREVIATIONS

AAPLE	American Academy for Professional Law Enforcement
ABA	American Bar Association
ACJS	Academy of Criminal Justice Sciences
AELE	Americans for Effective Law Enforcement
AJI	American Justice Institute
ALSA	American Legal Studies Association
AMINTAPHIL	International Association for Philosophy of Law and Social Philosophy - American Section
APA	American Philosophical Association
APHF	American Police Hall of Fame and Museum
ASC	American Society of Criminology
BLJC	Battelle Law and Justice Center
CLESG	Chicago Law Enforcement Study Group
CSEP	Center for the Study of Ethics in the Professions
CSV	Center for the Study of Values
ERC	Ethics Resource Center
HC	Hastings Center
IACP	International Association of Chiefs of Police
ICJE	Institute for Criminal Justice Ethics
IIT	Illinois Institute of Technology
LEAA	Law Enforcement Assistance Administration
MIT	Massachusetts Institute of Technology
MSU	Michigan State University
NACOP	National Association of Chiefs of Police

NAPCR	National Association of Police Community Relations
NASDLET	National Association of State Directors of Law Enforcement Training
NBPA	National Black Police Association
NCCD	National Council on Crime and Delinquency
NCJR	National Criminal Justice Reference Service
NIJ	National Institute of Justice
NOBLE	National Organization of Black Law Enforcement Executives
NSA	National Sheriffs' Association
PAS	Public Administration Service
PERF	Police Executive Research Forum
PF	Police Foundation
PMA	Police Management Association
SLEI	Southwestern Law Enforcement Institute
SSPE	Society for the Study of Professional Ethics

COMMERCIAL AND DOCUMENTARY FILMS ON MORAL ISSUES IN POLICE WORK

The author gratefully acknowledges the assistance of Paula K. Lockhart and Jane VanSchaick in preparing the following section.

COMMERCIAL AND DOCUMENTARY FILMS ON MORAL ISSUES IN POLICE WORK

Table of Contents

INTRODUCTION

Films and television documentaries provide a dramatic and informative way to present moral issues that arise in police work. The audio-visual materials that are listed here can serve different functions in different educational contexts.

In police academies they can be used to train new recruits, to retrain supervisors and to provide in-service training for other personnel. They can help those who still lack on-the-job experiences to sharpen their decision-making abilities in a context where mistakes are far less consequential. They can prepare them for the many hard choices they will face and allow them to explore their options in a more leisurely, less tense and more forgiving environment.

In courses on the police in liberal arts settings, they can serve to make students more aware of the complexities of police work, and the various dimensions to the moral problems that arise. Though these students are not police officers, and may have no plans to become officers, the vicarious experiences that films provide can enrich their understanding, sharpen their insight, and focus their criticisms. Instructors will find them a springboard to class discussions of topics like deadly force, affirmative action, corruption and privacy.

It is difficult, if not impossible, to identify all the materials that could be included here. Though police science is generally a well-organized, highly computerized field with comprehensive and detailed bibliographic services, these features are not characteristic of the film industry. Because computer data bases on films and other audio-visual materials are quite limited, particularly for commercial films, hand searches of several catalogs and indices had to be used extensively. These catalogs refer the researcher to volumes which provide abstracts for the citations. We used several descriptors to identify the relevant material: police, law enforcement, arrest, community relations - police, campus police, deadly force, and police ethics.

Because the data bases are limited, and new materials appear weekly on television programs such as "60 Minutes" and "First Camera", the listing provided is necessarily incomplete. For additional information, consult the resource list at the end of this section.

Of the 135 films which are listed here with abstracts, most are training and educational films. A few are popular films, and an even smaller number are television documentaries.

The material has been arranged with a topical focus. This organization allows teachers or instructors who plan a class on a particular topic to consult the listing and select an appropriate film. They are divided into fourteen areas, two of which are further subdivided into three groups, thereby providing a total of eighteen categories.

The most popular category is the police role. Of the 135 films listed, 25 fall into this group. This breakdown is not surprising since one of the most general questions that concerns new recruits and citizens alike is: Who or what are the police? These films cover a wide variety of situations ranging from political demonstrations to life in the South Bronx. They describe how the police do or should act in dangerous confrontations with street gangs and hostage takers, or in more routine work controlling traffic or helping a drunk in the park.

The second most common category is police-community relations. Thirteen films fall into this group on relations between the police and minorities, the poor, the handicapped, the retarded and the hippies.

Eight films on police shootings and officers' private lives are listed. The two topical areas are interconnected, since shooting, whether one kills the other person or not, will have severe psychological and emotional repercussions. Seven films on juveniles are listed, and the remaining categories contain five films or fewer.

The reference section lists works found useful in identifying relevant films and composing abstracts. An address and telephone number is provided for the more common producers or distributors in order to facilitate ordering or renting a copy. The Index provides a guide to names and geographical areas.

KEY TO ABBREVIATIONS

ACLU	American Civil Liberties Union
ASPA	American Society of Public Administration
BBC	British Broadcasting Corporation, Incorporated
BFA	BFA Educational Media
CHUH	Churchill Films
IACP	International Association of Chiefs of Police
INUAVC	Indiana University Audio-Visual Center
LCA	Learning Corporation of American
MACM	Macmillan Films
MTI	Motorola Teleprograms Incorporated
NAVC	National Audio-Visual Center
NET	National Education Television
NFBC	National Film Board of Canada
RCMP	Royal Canadian Mounted Police

I. STANDARDS AND CODES

Police: The Human Dimension-Ethics (Part A). School of Criminology, Florida State University. Harper & Row: 1975, 23 minutes.

Designed for police training, focusing on ethical problems police officers may face. Shows the police acting out situations which encourage discussion.

Police: The Human Dimension-Ethics (Part B). School of Criminology, Florida State University. Harper & Row: 1975, 20 minutes.

Helps police officers understand and appreciate the importance of ethical behavior. Offers four vignettes of police behavior and encourages officers to examine and discuss their portrayal of police ethics.

Professional Police Ethics. Volume III. IACP, Sight/Sound Training Series: 1968, 10 minutes.

This film is one of a series of 36 short color filmstrips, each of which is approximately 10 minutes long.

II. PROFESSIONALIZATION, EDUCATION AND TRAINING

Conflict Resolution: Mediating Disputes. Peter Schnitzler, director. Harper & Row: 1976, 22 minutes.

A training film for law enforcement officers. Presents two dispute situations which focus on mediation as a method of finding a solution. Describes the benefits of this approach for both disputants and police officers.

The First Year. T. R. Wagstaff, director. NFBC: 1970, 37 minutes.

Traces training and careers of Royal Canadian Mounted Police (RCMP) recruits.

Police Cadet. Unit 7 Film Productions in Association with Film Producers Guild for Metropolitan Police. Guild Sound & Vision: 1972, 20 minutes.

A study of Police Cadet life from the time of arrival at the Metropolitan Police Cadet School in Hendon. Shows early academic, physical, and police training and subsequent attachment to Police Divisions in the Metropolitan District.

Police Command. Anvil Film of Recording Group for Central Office of Information and Home Office. Central Film Library: 1976, 17 minutes.

The Police College at Bramshill provides higher training for the present and future leaders in the police service. The film shows some of the intellectual and professional challenges involved in career development courses which aim to broaden the outlook, increase the social insight, professional skill and knowledge of the police.

Problem Identification: Determining the Underlying Issues of a Conflict. Peter Schnitzler, director. Harper & Row: 1976, 22 minutes.

A training film for law enforcement officers. Teaches police how to identify the underlying causes of disputes by calm, orderly information gathering. Having determined the real issues, police can help the disputants begin to work out a rational solution.

III. THE POLICE ROLE

Cities - Crime in the Streets. NET, INUAVC: 1966, 60 minutes.

Discusses the two major aspects of the crime problem in the United States: police protection of citizens from crime and rehabilitation of juvenile offenders through training schools and reformatories. Aspects of these problems are examined by police experts, criminologists, and others. Methods of operation used by the Chicago Police Department are evaluated; training schools are visited; and their methods are contrasted with community programs designed to keep the juvenile from ever becoming a criminal.

Civil Disobedience. Raymond Momboisse, director. Raymond Momboisse Productions: 1966, 29 minutes.

Presents a collection of news footage showing demonstrations and other evidence of civil disobedience in the United States, without identifying the event or its locale, as a means of demonstrating to the police officer the problems to be confronted in simi-

lar situations. Comments on the propriety of various methods used by police, emphasizing the handling of mass arrests.

Hostage Negotiation For Police. MTI: 1977, 50 minutes.

Dramatizes three incidents in which a patrol officer, a detective, and a negotiation team seek the release of hostages. Discusses the role of the patrol officer as a respondent, negotiator and press liaison.

Inside Story: Hostage Cops. Patrick Turley, director. BBC: 1981, 50 minutes.

Describes techniques developed by the New York City Police to deal with the problem of hostages. Shows 70 hostage officers at work in New York during March, 1980.

Law and Order. Frederick Wiseman, director. Public Broadcasting Laboratory of the National Educational Television and Radio Center: 1970, 81 minutes.

Documentary examines activities of the Kansas City, Missouri, Police Department.

Myths of Criminal Justice. ASPA Section on Criminal Justice Administration. ASPA: 1980, 45 minutes.

Series that includes three videotapes on the police: "Myths of Police Administration," by Patrick Murphy of the Police Foundation, recorded in December, 1973; "Myths of Law Enforcement," by William Webster of the FBI, recorded in December, 1979; and "Myths of Policing," by Quinn Tamm, formerly of the International Association of Chiefs of Police, recorded in April, 1980.

Play It Cool. Vision Associates. CCM Films: 1970, 15 minutes.

Demonstrates how police behavior can increase or diminish the potential for hostility in everyday occurrences. Sequences illustrate typical problems such as street corner gangs, a speeding cars, a barroom brawl and a campus demonstration.

Police Experience - Feeling Good. NAVC: 1970, 9 minutes.

Two patrolmen find an apparent drunk in a park. His I.D. bracelet says "diabetic" and his symptoms are those of a coronary. The discussion which follows explores good feelings in police work and combats indifference and cynicism. Police officers sometimes use profane language in expressing their feelings and discussions about the use of profanities have proven helpful. The film is intended for use in training recruits, supervisors and in-service personnel.

The Police Film. Avanti, CCM Films: 1972, 35 minutes.

An appraisal of police work in Los Angles, Atlanta and New York. Illustrates how blacks, Chicanos, hippies and the American Civil Liberties Union contribute to the role and responsibilities of the police organization and the image of the cop on the beat.

The Policeman. INUAVC, EBF, EBEC, 3rd ed.: 1966, 14 minutes.

Uses the operations of the Washington, D.C., Metropolitan Police Department to explain the organization and workings of the police. Shows the many different jobs of the police including stopping fights, checking bicycle registration, protecting businesses, patrolling parks and the waterfront, controlling traffic by a helicopter patrol and laboratory work. Describes the training of police officers and police dogs for detection and defense.

Policeman, Day and Night. CAHIL: 1963, 12 minutes.

Shows typical activities of a police officer on a night watch in a patrol car. Pictures some of the training which a police cadet must undergo, emphasizing the role of the police in preventing law violations and in helping in emergency situations.

Police Power. NET, INUAVC: 1964, 60 minutes.

Considers the proper powers of police in a modern democratic society. A panel of college professors and a police superintendent discuss such topics as conflicts between civil liberties and police methods, problems police face, and whether recent Supreme Court decisions have seriously hampered police authority.

Police Power. NET, INUAVC: 1964, 59 minutes.

Probes deeply into the question of the proper powers of the police in a modern democratic society. Presents a panel of experts on criminology and law enforcement procedures: O.W. Wilson, Su-

perintendent of the Chicago Police Department; Yale Kamisar of the University of Minnesota Law School; Fred Inbau of Northwestern Law School; A.C. Germann, Chairman of Police Science at Long Beach State College.

The Police Tapes. Susan and Alan Raymond, producers. British Film Institute: 1976, 49 minutes.

Documentary taped in the 44th precinct in the South Bronx, New York, following police officers on their daily rounds. Portrays the violence, tension, criminality and amorality that are symptoms of the poverty and hardship of living in the ghetto. Chief Anthony Bouza describes some of the social problems which America must face and resolve. Designed to provoke discussions on the role of law enforcement in an urban society and a wide range of social issues. Accompanied by an essay by Chief Bouza and a Discussion Guide.

Police: The Human Dimension-Authority (Part A). School of Criminology, Florida State University. Harper & Row: 1975, 23 minutes.

Designed for police training, focusing on the exercise of authority. Shows police officers acting out situations which encourage discussion.

Police: The Human Dimension-Authority (Part B). School of Criminology, Florida State University. Harper & Row: 1975, 20 minutes.

Helps police officers understand and appreciate the importance of correct ethical behavior in using their authority to enforce the law. Offers five vignettes of police behavior and encourages officers to examine and discuss their implications.

Police: The Human Dimension-Stress. School of Criminology, Florida State University. Harper & Row: 1975, 23 minutes.

Designed for police training, focusing on problems causing stress in law enforcement situations. Shows police officers acting out situations which encourage discussion.

Scene: The Police. Roy Thompson, producer. BBC: 1980, 20 minutes.

Examines the way the police do their job, emphasizing how they see it, especially in encounters with teenagers.

The Shattered Badge. LCA: 30 minutes.

A look at police stress and how it affects the police, their families and the community. Discusses Boston's innovative anti-stress program which points the way toward a solution. Edited from the ABC News television presentation.

They Call Me Mister Tibbs. Gordon Douglas, director. With Sidney Poitier and Martin Landau. Mirisch Productions: 1970, 108 minutes.

Story of Detective Lieutenant Tibbs of the San Francisco homicide squad, who receives an anonymous phone call accusing his close friend and community activist, the Reverend Sharpe, of murdering a prostitute. Tibbs questions several suspects before Sharpe confesses his guilt and begs Tibbs to defer arrest until after a referendum on a community control issue. However, torn between his loyalty to his friend and his responsibilities as an officer, Tibbs arrests him.

Two Cops. Braverman Productions: 28 minutes.

This documentary allows the viewer to experience the realities of police work through two patrol officers sharing their world on the street, at home and alone. Designed to provide a realistic and personal insight into all aspects of the job: the danger, the excitement, the boredom, the frustrations, the sources of satisfaction, the societal aspects and the family problems.

What's a Cop? Woroner Films: 27 minutes.

Examines police officers' roles, attitudes of the public, and why they choose to remain in the profession.

Whistling Smith. NFBC, INUAVC, WOM, BAT: 1975, 27 minutes.

Portrays in a documentary style the daily duties of a police sergeant, Bernie "Whistling" Smith, who patrols Vancouver's eastside. Shows Whistling Smith as he confronts prostitutes, junkies and derelicts and tries to convince them with unorthodox and at times questionable methods to avoid wrongdoing. Presents Sgt. Smith talking candidly about his feelings and frustrations about his job. Includes use of street vernacular.

Who Wants to be a Hero! Learning Corporation of America: 28 minutes.

A teenager witnesses a mugging but when he agrees to testify against the assailant, he and his family become the targets of threats and vandalism. Investigates the role of the local police in this situation.

World In Action: The Police Tapes. Granada Television. Concord Films Council: 1977, 26 minutes.

A group of Birmingham policemen are shown excerpts from a TV program depicting police at work in the Bronx, New York. They discuss the likelihood of similar problems occurring for the police in the United Kingdom.

IV. ADMINISTERING THE POLICE

It's Your Move, Sergeant I. Woroner Films, MTI: 1973, 24 minutes.

Program designed by Frank L. Augustine, Chairman of the Police Science Department at Miami Dade Jr. College. Six simulated "street" case studies are presented, each with a common supervisory problem. At the moment of decision, the scene freezes and the narrator challenges the viewer to make the decision. A discussion leader uses the situation just shown to probe into the "who-what-where-when-why and-how" of the problem and alternative solutions. No on-screen solution is ever presented. Topics covered include ethics integrity, theft, sleeping on duty, violation of direct orders, harassment by a subordinate and chain of command pressures.

It's Your Move, Sergeant II. Woroner Films, MTI: 1973, 20 minutes.

Develops decision-making skills in operational and interpersonal areas through eight simulated "street" case studies that present common supervisory problems. At the moment of decision, the scene freezes and it is up to the viewer to analyze the situation and make a decision. A discussion leader can help identify alternative solutions to each situation. Topics include crime by officers, rules, ethics, morale, morals, racism, departmental image and public relations and chain of command pressures.

Super Cop. NBC, FI, INUAVC: 1970, 26 minutes.

Examines the philosophy and innovations of former Philadelphia Police Chief Frank Rizzo. Presents Rizzo as an outspoken partisan in favor of law and order who controlled his 7,000 police force like a general. Shows the methods he used including police dogs, mobile arsenal trucks, sensitivity training and picture files of demonstrators.

V. COMMUNITY RELATIONS

Booked for Safekeeping. NAVC: 1960, 33 minutes.

Dramatization of good practices by the police in handling the mentally ill, mentally retarded and those with suicidal tendencies. Points out that fair treatment has a direct effect on the patients' chances for recovery and stresses the need for 24-hour access by police to hospital facilities.

Conflict Resolution: Utilizing Community Resources. Peter Schnitzler, director. Harper & Row: 1976, 22 minutes.

A training film for law enforcement officers that shows officers how to deal effectively with citizens problems that are outside the law or are beyond the officer's ability.

In the Heat of the Night. Norman Levison, director. With Sidney Poitier and Rod Steiger. Mirisch Corp.: 1967, 109 minutes.

A black detective from Philadelphia investigates a murder in a small southern town. Working in cooperation with bigoted local police, the detective uncovers a number of the town's hidden scandals.

Justice and the Poor. NET, INUAVC: 1967, 60 minutes.

Reports on the inequities in the present justice system. Reasserts that the poor receive callous treatment from the police, are penalized by the bail system, and seldom can obtain the services of a qualified lawyer. The film documents attempts to remedy these situations including bail reforms in New York and the use of UNIVAC in Houston to provide good lawyers for indigents.

Police and the Community. Dibie-Dash Productions: 1969, 24 minutes.

Investigates several key areas of conflict between the police and minority communities as a basis for discussion and encouragement of minority participation in law enforcement.

Police Community Relations. Getting Along With All People Series. Holton: 19 minutes.

Impresses upon rookie patrol officers that they represent the image of all law enforcement, should adhere to a strict and prescribed routine in performing their duties, should be aware that as human beings they are not devoid of prejudices and should approach every matter and person with the objectivity of a professional.

The Police Department. Fox: 1967, 13 minutes.

Follows a young husband and father who is a police patrolman on his shift in a city police department. Shows the ways police help others and documents the cooperation between the police and other community helpers.

The Police Film. MACM: 1971, 33 minutes.

Viewers hear from police chiefs in Los Angeles, Atlanta and New York; members of the Black Panthers, Chicanos and hippies; and a spokesman for the American Civil Liberties Union (ACLU). Provides a close look at an ordinary cop on the beat.

Police: The Human Dimension-Community (Part A). School of Criminology, Florida State University. Harper & Row: 1975, 20 minutes.

Helps police officers understand and appreciate the importance of proper behavior in public. Offers five vignettes of police behavior and encourages officers to examine and discuss problems concerning a police departments' community image.

Police: The Human Dimension-Community (Part B). School of Criminology, Florida State University. Harper & Row: 1975, 20 minutes.

Helps police officers understand and appreciate their professional responsibility and the strains of their community relations.

Police: The Human Dimension-Minorities. School of Criminology, Florida State University. Harper & Row: 1975, 23 minutes.

Designed for police training, focusing on problems involving minority groups in law enforcement situations. Shows policeman acting out situations which encourage discussion.

The Policeman and his Job. BFA: 1968, 13 minutes.

The importance of the police to the community is illustrated by the work of a police officer in the communications divisions. The telephone calls he answers show the wide range of police services. Between calls he describes his training and duties.

Warning Shot. Buzz Kulik, director. With David Janssen and Ed Begley. Bob Banner Associates: 1966, 100 minutes.

While on the lookout for a psychopathic killer, a detective spots a man running across the grounds of a housing development and orders him to stop. Instead, the man draws a gun and the detective shoots him in self-defense. The dead suspect turns out to be a highly respected doctor. Because no trace of the doctor's gun can be found, the detective's story is discredited by the press and he is accused of being a trigger-happy cop who murdered an innocent man. Suspended from field duty, he has only a short time to clear himself before being prosecuted on manslaughter charges. The detective eventually discovers that the doctor had been involved in a drug smuggling operation.

VI. JUVENILES

Delinquency: Prevention and Treatment. Jason Films: 28 minutes.

Explores three delinquency treatment and prevention programs: police diversion, peer-pressure therapy and community-based corrections. Dr. Martinson poses some thought-provoking viewpoints and questions.

Incident in an Alley. Edward L. Cahn, director. With Chris Warfield and Erin O'Donnell. Harvard Film Corp.: 1962, 83 minutes.

A police officer shoots and kills a 14-year old boy while investigating a robbery. He is suspended, tried for manslaughter and acquitted. Fellow officers consider him trigger-happy, but he is

eventually exonerated when it is revealed that the dead boy was a member of a gang of robbers.

The Juvenile and the Law. Michigan State University's Institute for Community Development and Continuing Education Service: 1978, 1 hour and 45 minutes.

Discusses the practical problems confronting a police officer in dealing with juveniles. The U.S. Supreme Court decisions on the rights of juveniles are analyzed, and the special problems surrounding the search, detention and interrogation of juveniles are considered.

Not All Cops - Not All Kids. Design: 1969, 27 minutes.

Police officers in New York City and young black and Puerto Rican neighborhood leaders spend a weekend together at a PAL camp. Includes good discussions of attitudes and feelings between police and kids.

Police Experience - Humiliation and Anger. NAVC: 1970, 10 minutes.

A patrolman is called to a noisy party of college militants. He is insulted by a woman resident and humiliated by his sergeant and allows a routine call to grow into a police-youth confrontation. The film stimulates discussion about dealing with feelings of humiliation and anger. Intended for use in training recruits, supervisors and in-service personnel.

The Reluctant Delinquent. Ira Eisenburg, director. MTI: 24 minutes.

Examines the high correlation between learning disabilities and juvenile delinquency. Presents a positive case history of what can be done to help young people with undiagnosed learning disabilities and to divert them out of the criminal justice system. Designed to heighten awareness and increase the understanding of law enforcement officers, counselors, judges, teachers, education students and parents. Describes positive measures that officers can take to divert young people out of the criminal justice system when diagnostic and learning programs are available. Produced in cooperation with the San Francisco Medical Society.

Riot On Sunset Strip. Arthur Dreifuss, director. With Aldo Ray and Mimsy Farmer. Four Leaf Productions: 1967, 85 minutes.

As Hollywood's Sunset Strip becomes the favorite hangout for the younger generation, a detective is torn between his obligation to property owners and the right of the young people to lawful assembly. His daughter gets involved with several teenagers who break into an unoccupied house for a party. Ultimately the noise from the party arouses the neighbors who call the police, including the detective. When his daughter requires hospitalization for drug abuse, he violates his own code of nonviolence by physically assaulting those responsible.

VII. DOMESTIC RELATIONS

Child Abuse. Department of Justice, State of California. Robinson-Billings Productions: 1977, 29 minutes.

Dramatizes situations involving battered children, father/daughter incest and child neglect to help police officers function with greater understanding and sensitivity.

Domestic Disturbance Calls. Woroner Films. MTI: 24 minutes.

Takes officer through important steps of "who-what-where-when-and-how" while responding to a complaint. Emphasizes the importance of getting accurate facts, improving officer safety, displaying compassionate authority and remaining alert. Reenacts most types of domestic disturbances. Places viewer in situations requiring resolution, restoration of peace and use of preventive action to reduce violence.

Domestic Disturbances: Officer Safety and Calming Techniques. University of Minnesota's Media Resource Center. MTI: 25 minutes.

Dramatizes "typical" quarrel situation and outlines procedure for police intervention and resolution. Shows tactics that can be successfully used in this often dangerous and unpredictable situation. Emphasizes a careful approach, surveying for weapons or potential weapons, physical and visual separation of disputants and distraction and calming techniques. Clearly explains procedures to follow while maintaining officer safety.

The New Police - Family Crisis Intervention. Harry Moses Productions. MTI: 14 minutes.

Documentary showing the specially trained family crisis intervention unit of the Oakland, California, police department. Shows

officers responding to disturbance calls in two different ways: (1) the thorough problem-solving approach, where officers take up to two hours to deal with an alcoholic's problems and to provide counsel; and (2) the quick referral response which minimizes the officers' time off the street. Dr. Morton Bard served as a technical consultant.

Police Experience - Fear and Anxiety. NAVC: 1970, 10 minutes.

Two officers answer neighbor's complaint about family dispute in which a man with a gun is beating a woman. An arrest is made, but a hostile crowd of black youths surrounds the police car and attempts to turn it over. The discussion which follows is intended to teach policemen how to deal with dangerous situations. Useful in training recruits, supervisors and in-service staff.

VIII. AFFIRMATIVE ACTION

The Black Cop. NET, INUAVC: 1968, 15 minutes.

Explores the relationship of the black policeman to the black community. Interviews representatives of both sides in New York City and Los Angeles. Indicates that some blacks see black officers as representatives of a white system badly in need of change, while others accuse the black cop of seeking only the instant authority that comes with a badge.

Lady Policeman. Mai Zetterling, director. Granada International: 1979, 52 minutes.

Investigates the role of policewomen. Representatives from all branches of the police department including horsewoman, dog handler and airport security women talk about their jobs and their reasons for joining the force.

IX. POLICE SHOOTINGS

Deadly Force. Richard Cohen, producer. Hound Dog Films: 1980, 58 minutes.

Chronicles the shooting death of an unarmed man by a Los Angeles police officer. Includes footage of the coroner's inquest, state-

ments from witnesses, attorneys and police officials and a disturbing interview with a former member of the Los Angeles Police Department that illustrates police attitudes toward the use of force.

Dirty Harry. Don Siegel, director. With Clint Eastwood and Harry Guardino. Warner Brothers: 1971, 103 minutes.

Eastwood plays a tough San Francisco plainclothesman pushed beyond professionalism into a kind of iron-jawed self-parody. He stalks a skillful sniper and a maniacal murderer of innocent girls, police, kids and Negroes who intends to hold the city ransom for the lives of its inhabitants. Against civil rights and civic administration Eastwood has few resources. Eventually, the Mayor's office, Miranda and Escobedo, and the first ten amendments to the Constitution defeat him. But despite the odds, he gets his man.

Magnum Force. Ted Post, director. With Clint Eastwood and Hal Holbrook. Warner Brothers: 1973, 124 minutes.

A sequel to Dirty Harry in which Eastwood, a plainclothes cop, discovers an execution squad within the police department. One by one he shoots (in self-defense) all five officers in the squad and learns that the police lieutenant, who warns against brutality, turns out to be the most demonic killer of all.

Officer Survival III. Los Angeles County Sheriff's Photographic Reserve Unit. The Unit: 1977, 10 minutes.

A reenactment of a shooting incident that resulted in the death of four California Highway Patrol Officers. Shows the correct procedures to be followed in similar situations.

Shoot/Don't Shoot I. Woroner Films. MTI Teleprograms: 24 minutes.

Film, narrated by Peter Falk, designed to involve viewers in police decisions by instructing them to pick up a blank pistol and shoot or do not shoot at the screen in a dozen recreated street patrol segments.

Shoot/Don't Shoot II. Woroner Films. MTI Teleprograms: 25 minutes.

Aims to impress upon the viewer the finality of death and the extreme consequences of being wrong in a shooting situation. Covers essential rules for the use of lethal force and a defini-

tion of local laws and requirements concerning the officer's response to a fleeing felon. Confrontations depicted include use of firearms and other lethal weapons.

Shooting Decisions. MTI Teleprograms: 25 minutes.

Presents authentic reenactments of 21 shooting situations in which the decision had to be made to shoot or not to shoot. Designed to train officers to develop legally acceptable decision-making skills, to make shooting decisions about suspect behavior and environmental factors, and to apply cover, concealment, use of explicit verbal challenges, and reloading techniques in a variety of armed confrontations. Includes situations with low light levels or multiple adversaries. Use of "eye" of the camera technique allows officer to actively participate in program. Accompanied by an Instructor's Manual.

Stop! Police! CBS News. "60 Minutes." MTI Teleprograms: 14 minutes.

When can or should a police officer use deadly force? In this CBS "60 Minutes" production, Harry Reasoner uses an MTI training film to demonstrate the difficulties an officer faces when making this decision in life-threatening situations. This documentary helps people gain an improved insight into problems surrounding deadly force, an appreciation for the high level of skill and training that go into an officer's decision to use deadly force, and an understanding of the incredible pressures on each officer to make the "right" decision every time. Special Agent Ron Adams of the Riverside, California, Police Department served as an advisor.

X. POLICE USE OF FORCE

American Revolution 2. The Film Group. Cannon Releasing Corp.: 1969, 80 minutes.

Investigates confrontations between police and demonstrators at the 1968 Democratic Party convention in Chicago with filmed footage of the participants.

Trial: The Second Day. NET, INUAVC: 1970, 90 minutes.

Presents the second day in the trial of black defendant Lauren R. Watson, charged with interfering with a police officer and resisting arrest when apprehended for an alleged traffic violation.

Establishes the prosecution's case against Watson by examining and cross-examining the arresting officer and a fellow patrolman, the only witnesses for the prosecution. Defense attorney Leonard Davies points out conflict in the officers' testimony and argues that Watson did not resist arrest since he twice stopped his car and talked with police prior to his arrest. Includes a summation of the day's proceedings by Harvard Law Professor James Vorenberg, and discusses the amount of force police have a right to use during apprehension.

Use and Abuse of Force. Woroner Films. MTI Teleprograms: 20 minutes.

Explores the phenomenon of violence in American history and the changing attitudes toward police use of force. Emphasizes that current attitudes require an officer to use only the minimum amount of force necessary to accomplish a goal. Any use in excess of this constitutes an abuse of force which may result in his loss of job, criminal and civil suits, and deterioration of community relations. Major attitudes and emotions are discussed which may trigger abuse such as prejudice, anger, nervousness or fear, and a "tough cop" image.

XI. CORRUPTION AND MISCONDUCT

The Squeeze, Part 1. Granada Television Film Library: 1973, 26 minutes.

Reports allegations of police corruption in Hong Kong that have led to the government setting up an Anti-Corruption Commission.

The Squeeze, Part 2. Granada Television Film Library: 1973, 26 minutes.

A sequel to The Squeeze in which Hong Kong officials, before a studio audience, discuss the measures to be taken to combat police corruption.

Tarnished Badge. Woroner Films. MTI Teleprograms: 24 minutes.

Describes the downfall of an experienced sergeant who succumbs to corruption. Designed to provoke discussion on the subject of police ethics. The viewer comes to identify with the consequences of Sergeant Kevin Carter's involvement in a series of corrupt activities - his loss of self-esteem, financial security, tensions with his family, fellow officers, and department. It is designed

to be used in conjunction with a specially prepared guide from Integron Laboratories to foster a positive, professional concept of "integrity through self-perception."

XII. INFORMATION GATHERING

A. UNDERCOVER OPERATIONS

Prince of the City. Brian DePalma, director. With Treat Williams, Lindsay Crouse, Jerry Orbach and Bob Balaban. Orion Pictures: 1981, 130 minutes.

Based on Robert Daley's true story about a New York City undercover narcotics detective who was involved in a government investigation of police corruption.

Serpico. Sidney Lumet, director. With Al Pacino and John Randolph. Paramount: 1973, 130 minutes.

Describes two New York City police officers in the early 70s who put their careers and their lives on the line. After getting the runaround for months from their superiors, who preferred not to listen, they called on David Burnham, a reporter for the New York Times, to tell him their story of graft and corruption within the New York Police Department. Their disclosures prompted Mayor Lindsay to appoint the Knapp Commission to investigate their charges, leading to the biggest shake-up in the police department's history.

The Seven-Ups. Phil D'Antoni, director. With Roy Scheider and Tony Lo Bianco. 20th Century Fox: 1973, 103 minutes.

Four New York City detectives are assigned to trap criminals whose crimes are punishable by jail terms of seven years or more. Off duty these four detectives are all-American boys. On duty they beat up suspects with short lengths of hose; break and enter without warrants; torture a dying gangster in his hospital bed; and shoot first, usually to kill.

The Wild Rebels. William Grefe, director. With Steve Alaimo and Willie Pastrano. Comet Pictures: 1967, 90 minutes.

Members of a motorcycle gang who commit crimes for "kicks" attempt to recruit an ex-stock car racer to drive the getaway car for an impending bank robbery. When he refuses, a lieutenant per-

suades him to join the gang as an undercover agent for the police. All goes according to plan, and the racer drives the car when the gang robs a gun store to obtain the weapons they need. Although he sees the gang members kill the store owner, he continues with the gang in order to ascertain details of the planned bank robbery. Later the gang robs the bank, and even though the police are alerted, the gang escapes, killing three policemen. The gang members are eventually killed by the police.

B. SURVEILLANCE

Surveillance: Who's Watching? NET, INUAVC: 1972, 60 minutes.

Documents a detailed and on-the-scene investigation of political surveillance and harassment of individuals with a major focus on the activities of the Chicago Police Department's "Red Squad." Interviews government officials, former FBI agents and people who have been affected by surveillance. Examines the collection and dissemination of information about private citizens by the FBI, city police departments and other agencies.

C. INTERROGATIONS

Interrogation and Counsel. CHUH, INUAVC. Bill of Rights Series: 1967, 21 minutes.

Introduces portions of the fifth and sixth Amendments and presents situations which dramatize an accused person's privilege against self-incrimination and right to legal counsel. Questions the authority of the police as well as the rights of individuals, whether they be guilty or innocent. Intended to provoke discussion of controversial yet critical issues.

Police Interrogation and Confession. Michigan State University's Institute for Community Development. Continuing Education Service: 1978, 2 hours.

Explores when, how and under what circumstances an accused person may be interrogated and a confession taken. There is detailed discussion of the Miranda case, as well as an explanation of the practical problems involved in identification procedures. Based on constitutional law, this presentation is generally applicable throughout the United States. (videotape available in 1", 3/4", and 1/2" sizes.)

Policeman (third edition). EBEC, INUAVC: 1960, 16 minutes.

Shows the various aspects of a policeman's work. Describes the steps investigating an accident - questioning people who saw it, calling for the investigation unit, and questioning a suspect. Illustrates the everyday duties of the patrolman on his beat, the scientific detective work in the crime lab, and the day-and-night activities of the communications center at the police station.

XIII. PRIVACY

A. STOP AND FRISK

Arrest and Seize, U.S.A. Philip Abbott, director. Walt Disney Educational Media Co.: 1975, 16 minutes.

The police stop a boy and a girl driving away from the vicinity of a crime, discover marijuana in their car and find that the car is stolen. Demonstrates that peace officers in certain situations can detain and search people without a search warrant solely on the basis of probable cause. Available on long-term lease only.

Authority to Arrest: Stop and Frisk. Michigan State University's Institute for Community Development. Continuing Education Service: 1978, 30 minutes.

Examines in detail the background and rationale for stop and frisk, deals with the legal principles involved and considers the problems inherent in stop and frisk doctrines and practices. Although the specific case study used in the videotape is a case ruled on by the Michigan Appellate Court, the ruling and the facts presented are solidly based on U.S. Supreme Court decisions. (videotape available in 1", 3/4", and 1/2".)

Reasonable Grounds and Probable Cause. Michigan State University. Institute for Community Development's Continuing Education Service: 1978, 20 minutes.

Discusses the scale of values in the criminal justice system which describes the relationship between the police and the suspect, a relationship which ranges from suspicion of a crime to certainty of evidence for conviction beyond a reasonable doubt. (videotape available in 1", 3/4", and 1/2".)

Stop and Frisk. Michigan State University's Institute for Community Development. Continuing Education Service: 1978, 45 minutes.

Lecturer James R. Thompson presents a historical perspective on the evolution of the doctrine of stop and frisk, as well as an indepth discussion of Terry vs. Ohio, the case which established constitutional police action on less than traditional probable cause for arrest. There are some very specific guidelines for police to follow in using the technique of stop and frisk. (videotape available in 1", 3/4", and 1/2".)

B. SEARCH AND SEIZURE

Arrest and Search of the Adult Offender. University of Michigan. Roscoe Pound - American Trial Lawyers Foundation: 1968, 8 minutes.

Deals with various aspects of a criminal lawsuit involving a liquor store robbery case. Shows police stopping the adult robbery suspect in his automobile and searching the suspect and his vehicle.

Arrest, Search and Seizure. Michigan State University's Institute for Community Development. Continuing Education Service: 1978, 2 hrs.

The presentation includes an indepth analysis of significant criminal law decisions in the arrest, search, and seizure areas, derived from U.S. Supreme Court decisions. There is discussion on the need for warrants, the extent of search permissible, the search of vehicles, search by consent, and the use of informants. (videotape available in 1", 3/4", and 1/2".)

New Limits on Arrest and Search. California Attorney General's Office. AIMS Instructional Media Services: 1976, 29 minutes.

Dramatizes four cases in which restrictions on law enforcement are applied in order to safeguard an individual's constitutional right of privacy.

Probable Cause: Search and Seizure. Woroner Films and Keyes/Hardin Productions. MTI Teleprograms: 25 minutes.

Explains how officers determine probable cause - how they reach the decision that they have sufficient facts or circumstantial proof to search, seize or arrest with or without a warrant.

Illustrates the fine points of the probable cause law through situations which include a reported shoplifting, observation of a felony-in-progress, and suspect sighting following a BOLO. Shows how to obtain eyewitness information, use a police informant, and obtain a warrant. Comprehensive guide provides practical research for police officers on essential points.

Search and Privacy. CHUH, Bill of Rights Series. INUAVC: 1967, 22 minutes.

Provides three enacted sequences to highlight the dual role of police in apprehending criminals and yet protecting an individual's rights from unreasonable search and invasion of privacy. Focuses on a suspected narcotics peddler and efforts by police to make an arrest. Questions the reasonableness of search methods and the use of electronic surveillance.

C. OFFICERS' PRIVATE LIVES

Beyond The Law. Norman Mailer, director. With Rip Torn and George Plimpton. Supreme Mix: 1968, 110 minutes.

Chronicles the private lives of several New York City police officers in addition to showing incidents of police brutality. One lieutenant is viewed brutishly interrogating suspects: an accused child molester, a suspected homosexual, a married couple who run a "whipping club," a mugger and a man who admittedly murdered his ex-wife.

The Choirboys. Robert Aldrich, director. With Charles Durning, Louis Gossett, Jr., and Perry King. Universal Pictures: 1977, 119 minutes.

Screen adaptation of Joseph Wambaugh's best-selling novel about the private panics of a group of Los Angeles cops. The officers are able to survive only with the help of booze and pills and their off-duty sessions which they call choir practice. Their impromptu, late-night blow-outs are epic benders which have the effect of decompressing the men's psyches. They sing, fight, get sick, play cruel practical jokes and eventually go home to their families.

Part 2 Walking Tall. Earl Bellamy, director. With Bo Svenson and Luke Askew. Cinerama/American International: 1975, 109 minutes.

A sequel to the dramatized true story of Buford Pusser. As the sheriff, recovered from wounds from the original blood-letting that killed his wife, Bo Svenson is a more sentimental, if not wholly restrained lawman.

The New Centurions. Richard Fleischer, director. With George C. Scott and Stacy Keach. Columbia Pictures: 1972, 103 minutes.

Describes the lives of fictional patrol-car cops on the Los Angeles police force, a young patrolman and his philosophic partner who is about to retire.

The Police Marriage - Family Issues. Robert Karpas, director. Bay State Film Productions: 1976, 20 minutes.

Examines the special problems police officers and their children encounter because of the work. Discusses absence because of odd hours, potential emotional barriers, problems of authoritarianism and unrealistic expectations placed on children of police officers. For preservice and inservice police personnel.

The Police Marriage - Husband/Wife Personal Issues. Robert Karpas, director. Bay State Film Productions: 1976, 20 minutes.

Focuses on the kinds of marital problems posed by the police officer's work. Considers the spouses' need to adapt to this work and its usual pressures while forming their own identity. For preservice and inservice police personnel.

The Police Marriage - Social Issues. Robert Karpas, director. Harper & Row: 1976, 20 minutes.

Considers the social and psychological problems the police officers, their spouses, and their children may have in relating to friends, relatives and the public. Examines sources of conflict in informal settings and the off-duty demands and expectations arising from the officer's role. For preservice and inservice personnel.

Walking Tall. Phil Karlson, director. With Joe Don Baker. Cinerama: 1972, 108 minutes.

Dramatizes the true story of the late Tennessee sheriff Buford Pusser. He is a club-swinging, gun-toting lawman determined to rid McNairy County of moonshiners headed by a rich but shadowy boss.

XIV. CAMPUS SECURITY AND THE POLICE

Law in the Schools. California Attorney General's Office. AIMS Instructional Media Services: 1974, 30 minutes.

A comprehensive examination of law enforcement on campus that outlines the role of the police and urges greater controls to curb violence and abate crime in the schools.

Police on Campus I. Peter Barton, director. MTI Teleprograms: 18 minutes.

Five vignettes explore racial conflict, dormitory theft, communication problems with foreign students, an arrest during a class session and a rape response.

REFERENCES

The American Film Institute Catalog, Feature Films 1961-1970. New York: R.R. Bowker Company, 1976. (Commercial Films Only).

The New York Times Film Reviews. New York: The New York Times and Arno Press, 1971, 1972, 1973, 1974, 1975, 1976. (Commercial Films Only).

The British National Film Catalog. London, England: The British Film Institute, 1970-1981. (Training Films Only).

The Library of Congress Catalog (National Union Catalog)-Films Totowa, N.J.: Rowman and Littlefield, 1968-1972, 1973-1977, 1978. (Training Films Only).

The New York Times Index. New York: The New York Times Publishers: 1977 and 1980. (Commercial Films Only).

Educational Film Locator of the Consortium of University Film Centers. New York: R.R. Bowker Co., 1978, 1979, and 1980. (Training Films Only).

Media Review Digest. Published by The Pierian Press, Ann Arbor, MI. (Contains reviews of films).

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