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A great deal of progress has been made in the game law enforcement program in the Southeast. The selection of well qualified personnel, adequate instruction and competent supervision is evident as compared to just a few years ago. This combination enhances the value of enforcement and places it in its rightful position as one of the most important tools of management and conservation of wildlife.

ADDRESS OF DISTRICT ATTORNEY BOYCE HOLLEMAN, SECOND JUDICIAL DISTRICT OF MISSISSIPPI

Mr. Chairman, distinguished guests and members of the Fourteenth Annual Conference of this Southeastern Association of Game and Fish Commissioners :

I am deeply honored to have the opportunity to participate with you in this conference which is gathered here in the interest of one of the most important parts of the American way of life. It was my privilege as a boy to be reared by a father who loved wild life and who wanted his boy to have a keen appreciation for the place in a man's life reserved for hunting and fishing. Sometimes I am sure my wife feels that perhaps I learned this lesson a little too well! My father was one of the first game wardens in the State of Mississippi and became a game warden in Stone County in 1932, when the State Game and Fish Commission was organized. Those were the days when a game warden had to be well armed. Those were the days when we were beginning for the first time to teach our people of the value of the conservation of wild life. Many times I have gone at night with my dad to the showing of a little movie in some rural community dedicated to awakening the people of that area to the need for conservation of wild life. Hunter Kimball was then the Director of the Mississippi State Game and Fish Commission and Talmadge Saucier, just a few miles North of here at the rural community of Saucier, was one of those game wardens who came out of the county system to become, along with my dad and many others, the first State game wardens.

Not only from that personal observation of law enforcement as a boy, but from the thrill of following the bird dogs and catching a bream has it been my pleasure to consider it an honor to make a contribution in any way to the furtherance of the conservation of our wild life. So I come today not only honored by your invitation to be here but with a personal feeling that I have come to pay a debt owed for the contribution that you and your predecessors have made to the American way of life. As a father of four boys, all of whom I hope will love to hunt and fish, I would hate to think of the day when there were no more quail, no more bream, no more bass, no more wild turkeys and no more deer. There must always be a balance between the onrush of industrialization with its subsequent pollution and the need to preserve for posterity the pleasures which we have enjoyed, hunting and fishing.

I have been assigned this subject today which, according to the program, has been entitled Procedures, Filing and Handling of Game and Fish Law Violation Cases in Mississippi State Courts. As District Attorney for the last eight years of this district in which you hold your conference I have had occasion to observe something about this subject and to actively participate with my game wardens in this district in the prosecution of these cases. First of all, may I make this point? The process of justice is a cooperative process that requires team work from the man in the field with the badge to the District Attorney who finally handles the case in the court and places it before the court or jury; and when I say District Attorney, of course, I also include the County Prosecuting Attorney. You cannot have a successful administration of justice unless there is a full and complete spirit of cooperation between the hand

that gathers the evidence and the voice that speaks for the State in the court room.

The technical aspects of law violation prosecution are necessarily complicated and often require years to understand in their substance and application. There are pages of opinions written by Judges of the Supreme Courts across our land dealing with some simple technical aspect of an affidavit drawn in the prosecution of a simple misdemeanor. It is necessary, it seems to me, that any officer have certain basic fundamental understanding of the course of justice in order that he might appreciate the need for technicalities.

It is fundamental to the concept of American justice that every man is innocent until proven guilty beyond every reasonable doubt in the case of direct evidence, and beyond every reasonable doubt and to the exclusion of every other reasonable hypothesis than guilt in the case of circumstantial evidence. Thus, the law throws a shield around the innocent and guilty alike and makes no distinction between the two, nor does it distinguish between crimes of any nature, whether a man be charged with hunting without a license or with the most brutal front-page murder. Out of this concept of American justice, and it is the safeguard of all our liberties, has come the development of the many technicalities which sometimes seem to us to delay justice. We must always remember however that no matter how small the criminal charge may be it is still an over-all part of the test of American justice which is only as strong and as just as its weakest link.

I have stressed these generalities because I want you first of all to have a keen appreciation of our system of justice. It is the greatest and the fairest in the history of mankind.

Bearing then these fundamental principles in mind, let us turn specifically to certain fundamentals. Criminal charges are originated in Mississippi by one of two ways. First, by an affidavit filed before an officer authorized to accept a charge. This can either be a Justice of the Peace in the district having jurisdiction of a misdemeanor, a County Judge in the county where a misdemeanor or felony has been committed, or certain other officers in judicial capacities who are not frequently used in the case. Secondly, prosecution may be begun by the indictment of a grand jury which is the exception rather than the rule in the case of misdemeanor. This affidavit becomes the basis of the entire lawsuit between the State of Mississippi and the person charged with crime. It, therefore, must be able to withstand the technical assault which will be made against it, as pointed out a few minutes ago.

It is fundamental that this affidavit be filed in the place where the crime was committed, if there be a judge in that district qualified to receive the charge. If the misdemeanor or game law violation occurred in a district that does not have a Justice of the Peace and there is no county court in that county, then the charge may be filed before a Justice of the Peace of another district in that county. However the affidavit must show that this charge is being made before this Judge because there is no Justice of the Peace in the district where the violation occurred. This is fundamental and an affidavit failing to show this, fails to give the Justice of the Peace jurisdiction of the crime and cannot be corrected on an appeal to the Circuit Court. Thus, we cross the first big technical hurdle contained in the word Jurisdiction. There must be jurisdiction before there can be prosecution.

It is fundamental that the affidavit must charge a crime and it must charge the crime sufficiently to advise the person being charged with the offense and the nature of the charge against him. An affidavit which fails to state a criminal charge, fails again to give jurisdiction to the court below and cannot be amended or corrected on appeal to the Circuit Court. It is, therefore, vitally important to place into the affidavit the essential information relating to the charge which is intended to be placed against the defendant. This, of course, requires that the officer making the charge have some knowledge of the law that it is his duty to enforce. I must pause here to make this observation. Nearly every game warden that I have seen carries this little green book, put out by the Game and Fish Commission, containing a digest of the Mississippi Game and Fish Laws, but many of them fail to realize that these little green books are not kept in the court rooms and that the fundamental law of the land is found in the code to which his book refers by section number. I have seen a look of surprise cross the face of the game warden when you ask him about

the code and, while it is simple to the utmost degree, often times my experience has been that the failure of an officer to properly perform his duty is simply due to the fact that someone failed to make a simple explanation of that duty to him. Every game warden should have explained to him that the condensation of the law he carries simply is a reprint of the Mississippi Code and that this code should be shown to him so that he may properly understand the relationship between the law he carries and its origin by legislative enactment and placement into the code.

Every game warden and law enforcement officer should likewise realize that the County Attorney and District Attorney are available to them to assist them in correctly drawing and filing an affidavit. A few minutes' consultation in person or by telephone with the County Attorney or District Attorney will often times save a great deal of embarrassment to a game warden in the subsequent trial of a case. I have always encouraged the people connected with the Game and Fish Commission in my district to call on me at any time about their problems. Game and fish cases have a way of obtaining more notoriety when contested by some dissident game law violator than do some murder cases. It is vitally important, therefore, that we have this type of team work and relationship which I referred to earlier.

The reason that the law demands so religiously that the affidavit correctly state the nature of the offense charged and its venue, lies also in another fundamental principle of American justice and that is the protection against Double Jeopardy. This is the principle that protects a man from being twice tried for the same offense and it is necessary in affording this protection that the law require that every charge be sufficiently described so as to distinguish it on a subsequent attempt to try him for the same offense.

When the affidavit is filed, a warrant is issued. Of course this warrant should be served even though the arrest was made by the officer, as he has a right to do, when the misdemeanor is being committed in his presence. An officer has no right to make an arrest without a warrant for a misdemeanor except when it is committed in his presence; otherwise he must always have the warrant. It is important that an arrest always be properly made in order that evidence discovered will be admissible against the defendant in a subsequent trial.

It is imperative for the officer to realize that his duty does not end with the filing of the affidavit, and that to arrest every game law violator in the United States tomorrow would do absolutely no good if none of them were tried and brought to justice. The case begins with the discovery of the crime and does not end until the defendant is adjudged guilty or innocent with a final adjudication. I find sometimes that too many officers, and I am speaking of all officers, feel that the case has ended so far as they are concerned when the newspaper stated that John Doe has been arrested and charged. The officer's duty remains the same throughout the case and that is to provide the information and the evidence that caused him to believe that a crime was being committed in the first place when he started the process of justice.

Every person associated with the enforcement of the game and fish laws must always remember that every time a game law violator is brought into the court, anywhere in the land, the entire principle of the right of the State to conserve our wild life goes on trial. There are always those who would like to see the game and fish laws repealed. I suppose that this system of laws has as many enemies as any other particular group of laws under which we live. This, of course, is a hangover from the days when the law violators roamed our land and almost depleted and destroyed our wild life. Thus, it is important for the officer to remember that, as a witness in the court room, he speaks not only for the particular case then on trial but he represents the game and fish laws of our State, their enforcement and in the final analysis the right of our State to conserve wild life and enforce laws against this destruction. A good officer must show this quality in the court room as a witness. He should be prepared by knowing his facts, by speaking honestly and truthfully without exaggeration, without prejudice and, finally, with the definite impression that he is an officer doing something for the benefit of the land in which the jury lives.

It is important too that every officer realize that he is not the court and that whatever the decision of the court may be, whether it be that of judge or jury, should be accepted by the officer in a spirit that his duty has been done

with its presentation and the decision must necessarily rest on other responsible parts of our system of justice. Nothing is any worse than to see an officer criticize a court for a decision, for to do so is to destroy the faith of our people in their system of justice.

Aside from these procedures which I have endeavored to discuss in these brief minutes, I would call your attention to section 5866.04 of the Mississippi Code of 1942, which deals with the seizure and confiscation of property used in illegal hunting as contraband. This section gives another powerful weapon to the officer in the enforcement of the law dealing with telephone fishing and head-lighting of deer. In this section, our law declares that any equipment, appliance or conveyance used directly or indirectly in these illegal activities is declared to be contraband property and shall be confiscated and forfeited to the State of Mississippi and shall be seized by any employee of the State Game and Fish Commission or other officer and, further, deprives the person of any property rights in such property. This, of course, means that you can take a man's boat, motor, automobile or any other personal property which is used directly or indirectly in the conduct of these illegal activities. This procedure, of course, is complicated and should only be invoked with the advice and consent of the prosecuting attorneys in that particular section. It is, however, a very formidable weapon in the enforcement of these particular game and fish laws and it has a deterrent effect upon others. A man who loses his automobile or truck because he had a deer being transported after having been illegally killed, is the best example to act as a deterrent to others that can possibly be used in the enforcement of the game and fish law. Sometimes we overlook the full force and impact of the use of this law.

Finally, may I say that in these words I have attempted only to cover generally fundamental problems in the administration of the game and fish law. I hope that out of this you may feel that we in the courts recognize your particular phase of the law as just as important a function of the over-all picture of a society of law as we do any other part. You will always find that the courts are ready, willing and able to help you in your great cause. May we join together in a devotion to the conservation of the wild life in America, for in a land where no turkeys gobble and no quail whistle and no bass jump—in that land we would not want to live.

Thank you gentlemen very much.

ADDRESS OF PERCY V. RICHARDSON, SPECIAL AGENT, FBI

I would like to discuss briefly, the various phases of evidence, the collection, identification and preservation, and its admissibility into a court of law.

If the investigator of Crime is to achieve success he must possess a sound knowledge of the rules of evidence; the ability to recognize it, and proper training to gain its possession for legal entry into court. To determine when the Law of Evidence enters enforcement let us visualize several enforcement steps. The first step is to determine what person is responsible for the crime. This constitutes investigation. The second step is to bring the accused person before the court. This is done by certain legal processes, frequently involving the execution of warrants for arrest or search. The third step involves determination of the position the defendant will take concerning the criminal charge against him. This is partially ascertained at arraignment by his plea to the charge. The fourth step involves the government's attempt to demonstrate its charge against the subject when he pleads not guilty. This is the trial. In the fifth step the guilt or innocence is determined by the verdict of the jury. The sixth step is the execution of the court's judgment in the case.

Obviously, the Law of Evidence mainly enters the enforcement of criminal law in two of its most important stages—investigation and trial. The success of the first governs the outcome of the second of these two stages. The investigative responsibilities of the officer will frequently require many hours in gathering facts. He will interview witnesses, possibly conduct surveillances, collect physical objects for laboratory examination, and consult documentary sources of information.