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## Part IV: Freight-Car Robberies

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years have resulted in such sweeping losses throughout the entire country. It is necessary to mention in this connection only such prosecutions as that which recently resulted in a fourteen-year penitentiary sentence for G. Bryan Pitts, millionaire chairman of the board of directors of the F. H. Smith Company of Washington, D. C., the Joint Stock Land Bank cases in Kansas City, and the Bankers Trust Company, in which one Manley of Atlanta, Georgia, was convicted. The Insull Utilities failures at Chicago are now under investigation by the Special Agents of the United States Bureau of Investigation.

In many instances evidence of this kind is the cause of beneficial changes in blue sky laws and similar legislation current in individual states, designed to prevent crimes of this sort.

Regardless of existing or prospective legislation in the field of bankruptcy, organizations investigating frauds of this type must necessarily depend upon a full measure of cooperation from the public and from individuals and organizations whose business is adversely affected in individual cases. This cooperation is best manifested through prompt complaints or advices as to suspicious circumstances which might indicate fraud, and through all compliance with requests for information on the part of investigative agencies which desire, from time to time, data as to amounts of indebtedness, character of merchandise sold, financial statements received, and similar information.

#### IV. FREIGHT-CAR ROBBERIES

T. T. KELIHER<sup>1</sup>

To give the reader a mental picture of the magnitude of the railroads in the United States, the following brief outline will suffice: Total main line railroad mileage in the United States, 260,000 miles, with a total rail mileage of 420,000 miles. The United States has railroad mileage equal to the combined railroad mileage of all of Europe and Canada. The railroads own and operate 60,000 locomotives and 2,500,000 cars of all kinds. In normal times, load and transport 1,000,000 car loads of merchandise per week, or 52,000,000 car loads per year, requiring the movement of 3,333 fifty-car freight trains per day, valued at from 75 to 80 billion dollars. Employ 2,000,000 men and women; payroll approximately three billion dollars per year. Pay taxes to the amount of \$400,000,000 per year. Approximate value, 26 billion dollars.

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Now, *robberies* from merchandise and commodities in transit in 1914 cost the railroads in the United States \$1,940,000. In 1920, the last year of government control, war period, robberies of merchandise in transit cost the railroads, or the United States, approximately \$13,000,000. But in 1929, the robberies of merchandise in transit cost the railroads of the United States only \$757,000, a decrease of over \$12,000,000 under 1920, the last year of government control.

How was this remarkable reduction in robbery accomplished during a period that the entire country was suffering from an unprecedented crime wave, involving the loss of property account theft and fraud, estimated by competent and conversant authorities to be as high as 16 billion dollars per year in the United States and Canada?

In the first place, the railroad special agents and railroad police departments are organized upon an entirely different basis than are the police organizations of towns, municipal, county and state police law enforcement officers, who are generally political pawns without continuity of service. The railroad special agents and police are on an absolute and unqualified civil service basis, and owing to the fiduciary position they hold, are selected for their moral character, education, integrity, experience, ability, tact, poise and standing in their respective communities. Selections are not confined to any particular local territory or political division, but are made from the country at large, an advantage for efficiency over selections confined to political precincts and districts.

Those selected perform their several duties with impartial efficiency, demonstrated courage, stick-to-it-iveness, diplomacy and tact in their contact with the public, and are assured of their position and promotion. They are free from political pull and intimidation which is an incentive to competent and capable men to give their best effort at all times and under all circumstances.

The railroad special agent fears no political boss. No one knows better than I do the handicap police and law enforcement officers labor under account the blighting influence of politics. Many good intentioned, honest and highly efficient chief of police or law enforcement officer, after strict and honest enforcement of the laws, without fear or favor, has had the disheartening experience of being called into the mayor's office, or the office of the controlling political boss, to have said to him: "Chief, it's all right to do your duty and enforce the law, but for the love of Mike, learn to use discretion." "Use discretion" translated into local colloquialism means "lay off the friends of the administration," and the chief has no choice but to

“use discretion” or resign his position, no matter how exceptionally well qualified he may be.

The railroad special agents have no such handicap. They enforce the law against all law breakers who violate the property rights of the railroads or their patrons. This includes trespassers, the box car thief who steals from the public commerce in transit, the hold-up and murderers, those who molest or steal from passengers, patrons or others having legitimate business on the company's right-of-way or property of the railroads. And in addition thereto, they assist and protect all other employes in every way possible. They also rescue runaway boys and girls whenever found, and return them to their parents. The public has no idea of the number of runaway boys and girls special agents rescue and return free of charge to their parents each year. In addition, they cooperate with local police and law enforcement officers everywhere in locating and apprehending escaping criminals.

There are, or were in normal times, about 15,000 railroad special agents and assistants employed by the railroads to protect their property, the public's commerce and patrons. This, in fact, represents the railroads contribution to governmental welfare of the several communities.

These special agents and assistants are organized and known as the Protective Section of the American Railway Association. Each year a convention of the chief special agents or chiefs of railroad police of each railroad in the United States and Canada is held at some one of the large railroad centers, such as New York, Montreal, Detroit, Chicago, Cincinnati, St. Louis, Denver or San Francisco, for the purpose of discussing problems relative to methods and correct procedure, cooperation, the consideration of ways and means to combat crime in all its aspects; the conservation of the railroad revenues by reduction of freight claims for lost, damaged or stolen freight, the interchange of information and the forming of personal acquaintances and contact with each other. The latter is invaluable in effecting whole-hearted and efficient cooperation between the departments on the various railroads. The best legal talent available is always secured to address these conventions.

Then there are the regional organizations for the special agents and police captains who are in charge of the activities on each operating division of each railroad. The United States and Canada are divided into twelve territorial or regional districts. Each regional district is so organized that all the special agents and their subor-

dinates operating therein can reach the most accessible and designated point in the district by not more than one night ride. They meet twice a year, for instance in New York, Richmond, Atlanta, Kansas City, Dallas, Tex., Minneapolis, St. Paul, Winnipeg, Denver, San Francisco and Portland.

These regional district meetings are under the supervision of the American Railway Association and the chief special agents of the railroads operating in each regional district, and are established and conducted for the education of special agents and their subordinates, and to enable them to discuss their local problems with one another.

Good lawyers, such as state and national district attorneys, county and state attorneys and often professors and deans of law schools are invited to attend, to address and instruct those present on court procedure in criminal cases, the rule and law of evidence, etc., and to see what he looks at when checking up evidence. A special agent, to be effective, must know the law of evidence and be able to determine what is and what is not good legal and admissible evidence.

It is the most difficult thing to get men to be good observers and to see what they look at. Many men look at an object or location and fail to see half the details. The man who sees what he looks at and makes note of it, is valuable. Such a man was Officer Brussard with Napoleon's Army when located near the village of Rosetta, Egypt, 1799. His ability to see details of the things he looked at enabled him to give, or cause to be given to the world the solution of the mystery of the ancient Egyptian hieroglyphics. Many men would have kicked the rosetta stone to one side and passed on, unaware of its importance, but Brussard, with an eye for details, saw at once that there were three different inscriptions on the stone—ancient Egyptian hieroglyphics, demotic or common hieroglyphics and Greek, and realized at once that therein lay the key to the mysteries of the Egyptian hieroglyphics. It pays to see what one looks at.

The results of these regional meetings are that the special agents and their subordinates of the several railroads operating in the region, while becoming educated in their duties, also become personally acquainted with each other throughout the United States and Canada. Two delegates from each territorial district are allowed to attend the annual convention of the chiefs, for the purpose of observation and learning how the chiefs' conventions are conducted and the manner in which their business is transacted in order to qualify them for future promotion to the position of chiefship.

The entire organization is built upon cooperation and mutual assistance. They work in friendly, human cooperation, satisfaction and camaraderieship and thereby get results. Honesty, truth and service is their motto. A special agent may fail in judgment or make an honest mistake occasionally, but no special agent will be tolerated twenty-four hours who makes a false report, is dishonest in any sense of the word, guilty of lying or guilty of cowardice. This rule holds good in all special agent departments in the Protective Section of the American Railway Association. The special agents are taught to be gentlemen at all times, respect the rights of others and never, under any circumstances, do anything that a gentleman would not do. Special agents are expected to be, and are, generally speaking, the outstanding good citizens in the communities in which they live.

By adhering to the above, the members of the railroad special agent departments have won the respect and the confidence of the courts, prosecuting attorneys and good citizens generally. Because of this, they have been able to achieve results that are remarkable.

Over 200,000 arrests are made, or caused to be made, for all kinds of crimes from trespass and petit larceny to burglary, grand larceny and murder, by the railroad special agents yearly throughout the United States and Canada. The records show a remarkable accomplishment of obtaining from 97% to 98% convictions of all of those arrested. This has been accomplished by never making, or causing an arrest to be made, until the legal evidence to sustain the arrest and secure conviction is obtained. This, followed by personal attention to every detail in connection with the prosecution before the trial, implies a lot of hard work—such as obtaining statements from witnesses seeing to it that all witnesses are properly subpoenaed and that they appear in court on the day case is set for trial, the securing of photographs of the scene of the crime when possible, measurements and description of the locality etc., consultation with the prosecuting attorney frequently and furnishing him with written statements, setting forth just what the facts and the circumstances are of the crime committed, history, as far as obtainable of defendant or defendants, list of witnesses and brief summary of what each witness will testify to. But it has secured 97% to 98% convictions of all those arrested, and the reduction of robbery losses from \$13,000,000 per year in 1920 to \$757,000 in 1929, or, in other words, a loss of only \$1.00 account robbery for every \$92,475 worth of merchandise, or 1c for every \$924 worth of merchandise transported by the railroads of the United States and Canada in 1929.

To put it another way—about 1½ cents per car load for each of the 52,000,000 cars of merchandise and goods loaded and transported from one point to another in the United States and Canada in the year 1929.

Another important feature in the procedure is that the special agents never compromise with criminals and there is no fixing by politicians. The cases are fought out, open and above board, in court, let the chips fall where they may.

There is no let up in the pursuit of a criminal who has robbed a merchandise car, or stolen the money and goods of a railroad or one of its passengers or patrons. The case may last one, two, three, five or ten years, but in the end the special agents invariably get their man and bring him to justice. It took an eastern railroad entering Chicago about three years to secure the conviction of a millionaire fence owner, who had been receiving stolen goods from car thieves for a long time. He was finally convicted in the U. S. Court and was sentenced to two years in the Federal penitentiary, notwithstanding his great wealth and tremendous pressure brought to bear in his behalf.

Another railroad kept after a widely known influential and daring, all-around hold up and crook for five years before they succeeded in placing him behind the penitentiary doors, for the crime of holding up one of their cashiers.

A western railroad followed one of three bandits who had held up and robbed one of their passenger and mail trains, and murdered the engineer and fireman for nearly four years and finally located and captured the fugitive bandit in the Philippine Islands, brought him back to the United States and later ran down his two companions in crime and caused all three of them to be sent to the penitentiary for life, the state law where they were tried not permitting death sentence. The pursuit and capture of these three bandits cost that railroad an expense of over \$100,000. Five million reward and description circulars, printed in a dozen different languages, were issued and distributed, but it was worth it, not only to them but to all other railroads operating in the western territory.

Recently, a yegg arrested for robbing a small bank in a town in Iowa, was asked if he had ever robbed any merchandise cars on railroads. His reply was amusing and interesting, and is on record. He said "no." When asked why, his reply was "The railroad special agents wear better crowns than the average city dicks. They never let up on following you, and you can't settle out of court with any of them."