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## Police Science Legal Abstracts and Notes

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## POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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**Private Detective Amenable to Prosecution Under Civil Rights Law**—In *U. S. v. Williams*, 71 Sup. Ct. 576 (1951), a private detective holding a special police officer's badge was held to be within the purview of Section 20 of the Civil Rights Act, 18 U. S. C. (1950 ed.) §242. The defendant Williams was hired to uncover thievery in a particular organization and in discharge of his duties he unmercifully tortured several individuals over a three day period until all confessed. During the interrogation the defendant prominently displayed his special police badge and was assisted by a local policeman dispatched by the local authorities.

Mr. Justice Douglas, writing for the majority, held that the abuses occurred under color of state authority and were willful violations of the constitutional rights of the individuals concerned. The presence of the local police officer was cited as a clear indication that the whole affair was under the aegis of the state. Justices Frankfurter, Black, Jackson, and Minton dissented from the opinion. In a companion case *U. S. v. Williams*, 71 S. Ct. 581 (1951) it was held that the defendant had not violated the Civil Rights Act, 18 U. S. C. (1950 ed.) §241, the conspiracy section of the Act.

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**Results of Harger Test Held Admissible**—The defendant in *McKay v. State*, 235 S. W. 2d 173 (Tex. 1951), was arrested for driving while intoxicated and was given a Harger breath test, a method of ascertaining the amount of alcohol in an individual's blood. The results of the examination, indicating the defendant's intoxication, was introduced as part of the state's case, despite testimony that the apparatus' accuracy is disputed. This action was affirmed on appeal, the Appellate Court holding that disagreement over the test goes to the weight and not the admissibility of the evidence. The court did however, reserve the question of the admissibility of the breath test's results when that is the only evidence of intoxication offered by the state.

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**Detective Agency Not Liable for Willful Acts of Its Employees**—The defendant detective agency contracted to furnish the plaintiff corporation, guards to protect its property and plant. Although the men were under the direct control of the defendant, they were guided by a set of general rules issued by the corporation. While on duty one of the guards, because of a grievance, willfully set fire to the plaintiff's plant. The plaintiff unsuccessfully attempted in *Apex Smelting Company v. Burns*, 175 F. 2d 978 (7th Cir. 1949), to obtain damages from the detective agency for the losses suffered. The court held that the negligence of the defendant in its hiring was neither alleged nor proved, the action of the employee did not constitute a breach of contract by the agency and that vicarious liability would not be imposed because the conduct of the guard was outside the scope of his employment.

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