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"AS A NEWCOMER SEES THE DEPARTMENT OF JUSTICE"

ADDRESS

BY

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There is a story told about Attorney General Frank Murphy which indicates a common public attitude toward the Department of Justice.

During Murphy's tenure as Attorney General, he issued a directive barring from the Justice Building any person who failed to show an authorized pass. One Saturday, Mr. Murphy himself attempted to get into the Department of Justice Building and was summarily stopped by a new and over-zealous guard. Mr. Murphy complimented the guard on his attention to security regulations and said, "I've forgotten my identification card but you must recognize me, I'm Frank Murphy." The guard retorted, "Nobody gets in here without a pass. I wouldn't let you in even if you was J. Edgar Hoover himself."

Now I am not J. Edgar Hoover himself either, but a few months back I did achieve small fame.

At that time, I made front pages of the New York papers by appearing before the Senate Interior and Insular Affairs Committee. The importance of my remarks before that Committee was somewhat obscured by my sartorial idiosyncrasies. Press photographers and reporters that day were inordinately attracted to a pair of shoes I wore. The left shoe was a nifty little scotchgrain with a perforated welt all around. The right shoe was a well-burnished saddle leather without perforations. For some reason this pair of shoes was deemed singular. Actually I couldn't see what was so unique, because I had another pair just like it at home.

And so, lest you good people of New York think I spend all my time modeling queer footwear in the Senate Chamber, I would like to render a somewhat free-style account of my brief stewardship as the 62nd Attorney General of the United States -- and to spell out for you some of my first impressions of the Department of Justice.

In my remarks tonight, I will attempt first to outline the nature and scope of the Department of Justice; I will cite some of the problems that bedevil us; discuss what strides we feel we have made and what hope of further progress we hold for the future. The conclusions -- whether you as taxpayers are getting full value for your money -- I will leave to you. But when I have spun my yarn, I hope you will feel that I have spoken with candor and without guile. So even if you feel that we are short-changing the taxpayers, you will chalk it up to a difference of opinion and at least not ascribe to us the dubious ethics of that movie cashier who when asked what he did when a customer forgets his change, replied, "I knock on the window with a dollar bill."

It is the intent of my department -- as well as that of the whole administration -- to put before the public at large and before various key groups like this one -- informal reports from time to time, discussing our problems with you and reporting whatever progress we can claim. Because our progress is your progress. At least for the next four years!

Especially important is it that the Department of Justice bare its face. For this once august and respected arm of government has, in recent years, fallen from grace. Public confidence in the Department of Justice has been shaken by scandalous reports of incredible dereliction, shocking malfeasance, and just plain incompetence.

Our first task then, is to restore confidence in the Department of Justice -- confidence in the ability of 30,000 employees to do an honest, resultful job of carrying out the duties assigned.

What are those duties?

The charter of the Justice Department is simply stated.

The Attorney General and his staff act as "the People's Attorney." Our sole client is the United States Government. We are charged with rendering legal opinion and assistance to the President and to his Cabinet and to the various agencies and departments of the Government. And even though these other branches of the Federal Government employ more than 6,000 attorneys, these lawyers never appear in court. The Department of Justice represents the Federal Government in all cases brought by and against the United States.

However simple such a description may be -- the Department of Justice is in fact an intricate maze of subdivisions and bureaus.

Here is an organization of 30,000 employees, dispersed in 11 buildings in Washington and in 500 additional offices throughout the United States and its territories. To carry out the tasks assigned to us we handle over 30 million pieces of mail a year;

our 4,781 motor vehicles travel more than 53 million miles; we take in 275 million dollars in revenue and spend 175 million dollars.

Coming from private practice to an organization like this was a somewhat unsettling experience. I felt much like the man who fell out of a fourth story window onto the sidewalk. Quickly a crowd gathered and a policeman pushing his way through to the injured man asked, "What's going on here?" The fellow replied, "I dunno, I just got here myself."

Well, that was almost my reaction. For the size and diversity of the Justice Department has no ~~requite~~ counterpart in private practice. In my own firm, when we had reached a total of 40 lawyers, some of the principals were concerned that we were getting too big -- losing the personal touch with the clients, you know. Here in the Department we're hard put to keep any kind of touch with our 1,600 lawyers, personal or otherwise --- to say nothing of the other 50 classifications of employees who make up the 30,000 persons on the staff of the Department.

What do they all do -- these lawyers and investigators, librarians, clerks and prison guards?

I'll be able to answer that question more definitively after I've earned my first hash mark in the job. But here are a few examples of the thousands of decisions and actions the Department of Justice may be called to make and take in a single day: to apprehend a pair of spies in Vienna and bring them back to the United States for questioning...to replace a prosecutor stricken with appendicitis midway in a trial against Communist leaders in Honolulu ... to

adjudicate claims brought about by a Navy plane ramming a commercial airliner in mid-air...to institute condemnation proceedings against property in Colorado, needed for a new military airfield ... to request a Grand Jury presentment in Florida where KKK terrorisms and bombings endanger civil liberties ... to seek an injunction against a striking labor union in a tiny parts manufacturing plant in Dunkirk, New York, whose product was vital to the atomic energy program ... to initiate deportation proceedings against undesirables like Joseph Accardi ... to testify before a Senate or House Committee on some pending bill, such as, perhaps, justifying our Departmental budget of \$175,000,000 ... to write an opinion for the President on a proposed Executive Order ... to select a new Board of Directors for a \$100,000,000 corporation whose stock is owned by the United States and administered in the Office of Alien Property ... to recommend to the President a new Federal judge or action on a clemency petition.

'Twas not ever thus. The first Attorney General, appointed by George Washington in 1789 was Edmund Randolph. His chores were relatively simple. He had his office in his hat; he was encumbered by no administrative detail since he was granted no clerical assistance; he spent his time leisurely advising the President and his Secretaries of War, Treasury and State, keeping no record of what was said. And as recently as 1898 the job was relatively sinecure. Blissfully happy was Attorney General John Hay who had no phone in his office.

He took his calls at the one telephone in the building -- which was located in the hallway, some 20 yards from his office. Were this the case today, I would travel two miles a day serving that implacable demon created by Alexander Graham Bell. At that, I might stay in better physical shape.

Since those halcyon days, the Department has burgeoned to a sprawling bureaucracy, nurtured by the complexities of modern government in a complex world.

To manage its many-sided duties, the Department is divided into four major areas of responsibility. There are in the legal area 9 divisions, each presided over by an Assistant Attorney General. In addition, there are 3 bureaus. I won't presume to submerge you with textbook descriptions of the structure of the Department since you are familiar, I am sure, with our table of organization.

However, by touching briefly on some of the problems confronting a few of our major divisions, I think I can cast some light on a question that must be on the tongue of each of you, "How are you doing -- cleaning up the mess?"

Let's consider our Civil Division. The Civil Division is responsible for all civil litigation involving the United States, its agencies and offices, including the President and the Cabinet. This includes suits and claims for and against the Government, in a wide variety of cases. These run the gamut; for instance, 27,000 claims brought against the Government by Japanese-Americans, who by virtue of their internment after the outbreak of World War II were forced to leave

their homes and properties which promptly were ransacked by looters and vandals. Another item in this Division is an aggregate of \$250,000,000 in potential judgments as a result of the Texas City disaster a few years back.

All in all, the Civil Division has more than 64,000 suits on its hands totaling claims for more than \$3 billion. Roughly $1\frac{1}{2}$ billion of this total is involved in cases more than four years old.

Now the Tax Division concerns itself with both civil and criminal tax matters. Over 6,000 cases are pending here involving more than \$240 million.

The Office of Alien Property, another division, holds property confiscated during the last two great wars. This property is valued at more than \$310 million. And while we would dearly love to sell it to the highest bidder, we are required by law to act as operating custodians until all litigation involving the property has been resolved. This division is faced with 7,900 claims for return of vested property and in addition there are outstanding some 43,000 claims by American citizens and other qualified persons who seek to collect payments of debts owed them by enemies of the United States.

The Lands Division is involved in many dramatic suits involving irrigation, water power and water rights in the Western States. It, among other things, is both protector of the interests of Indians and defender of the Government against Indian claims. It is enmeshed in a welter of litigation involving considerable wampum.

Since the establishment of the Indian Claims Commission in 1946, 418 claims have been filed — a total amount of $2\frac{1}{2}$ billion dollars and,

if interest is allowed -- a whopping 10 billion dollars. Almost every acre of land west of the Mississippi is involved directly or indirectly in this litigation.

I don't think I need to keep wailing at the wall of administrative and legal detail to get my point across. The Department of Justice has its work cut out for it -- and you as citizens and taxpayers have a considerable stake in our ability to do the job.

You cannot be more concerned than I.

My first thought upon assuming the office of Attorney General was of the enormity of the task to be accomplished. Clearly I felt, the job would require a full measure of everyone's time and effort. Therefore as first order of business I issued a memorandum stipulating that every employee was expected to put in a full day -- beginning at nine and ending at five thirty.

The very next day one secretary showed up a half hour late -- 9:30. Her boss, reproving her, said, "You should have been here at 9:00." The secretary replied, "Why, what happened then?"

Enough similar instances gave me a pretty early clue to what problem would require immediate attention. There was an attorney who had set fire to an apartment six times in a single year -- and still remained on the payroll of the Justice Department. There was a man who checked out a file in 1934 -- and when he died two months ago the file was still in his desk.

These incidents, of course, don't characterize either the caliber or the attitude of all employees of our Department. But there are certain signs that indicate we have inherited more than our fair share of odd characters, log rollers and misfits -- any and all of whom can impair efficiency and morale of their competent co-workers.

For truly, the morale of the Justice Department was at its nadir only a few months back.

Violations of trust and incompetency on the part of high-placed Justice officials had sundered whatever esprit de corps may have existed. And as the Italians say, "Un pesce se madio della testa." -- A fish rots from the head.

Replacing the policy-making division heads is, of course, as much a question of ideology as competence. But without making any invidious comparisons with the previous staff of the Justice Department, I can say that we now have in the top echelons a nucleus of hand-picked, qualified men; brilliant lawyers and able administrators of the highest integrity.

At least that is my belief. And after all I am the man who is placing his fate in the hands of these assistants who can spin, weave and cut the thread of my public life. On their ability to serve the public honestly and well, depends my own reputation. I believe in these men. I ask you to. They need your confidence and respect. And they deserve it.

Prior to January 20th, these officials were unknown to each other. Today they enjoy a comraderie that comes only from mutual esteem and trust, from a common desire to rebuild the reputation of the Department of Justice to its former eminence. Daily staff luncheons -- with an interchange of problems and discoveries, and ideas -- have already welded this group into a brisk, businesslike team of executive lawyers, whose broadening perspective makes them increasingly capable of doing an outstanding job themselves and of inspiring others to emulate their zeal and efficiency.

And if the phrase "influence flows from the top down" means anything, this apparently is the way to get at the root cause of our personnel problem. Given dynamic and intelligent leadership, the lower strata of government careerists in our Department can't help but be infected with a new zest for work, a new pride in their accomplishments, a new diligence in their approach to problems.

Perhaps when we have been able to instil in our 30,000 employees an aversion for mediocrity and a desire for concerted excellence, we will be able to operate with almost complete delegation of authority, all down the line.

A vital part of this program of bettering the morale, of course, is replacing the diffidants, the dawdlers, the deadheads. For in these are the seeds of dissension. Although we are engaged in a painstaking review of all personnel records, there obviously will be no wholesale firings. The business of government must go on -- even if we must reluctantly endure inefficiency pro tem. By next year we hope to have effected a substantial turnover in our total

personnel. We will accomplish this by assessing, from the top -- and working down -- the qualifications of our staff; daily deciding who goes, who stays. By finding answers to questions like, "Who did this brilliant job, who botched and bumbled this one: How did this lawyer ever pass the bar? Why hasn't that one been given more recognition and responsibility?"

First to pass in review are the U. S. Attorneys, of whom we have 94 stationed in 94 districts throughout the country and in Guam, Hawaii, etc.

The U. S. Attorneys head up miniature Departments of Justice and in a figurative sense are regional Attorneys General. Obviously these posts must be staffed by men whose sympathies -- if not loyalties -- lie with the political philosophy of the Eisenhower administration.

For, realistically, these are the men who can implement or impede the program and policies laid down by the Attorney General. Obviously, political hacks of either party should not be tolerated in these all-important posts. We need men of wisdom and good counsel, men learned in the law and its application.

The post of U. S. Attorney carries with it grave responsibilities. His is the opportunity to interpret and apply the social concepts involved in law enforcement. At his discretion is the choice of wielding the law as a menacing club or as a protective shield. And as much injustice can be perpetrated by the Attorney who is guilty of "brutality in thinking" in his interpretation of the law as can be attributed to the police officer who uses brutality in

the enforcement of the law.

To fill these attorneyships with men -- who as you know must be appointed by the President with the advice and consent of the Senate -- is not an overnight operation. Thus far, 15 new U. S. Attorneys have been nominated. We are now weighing the merits of qualifications of each incumbent. And concurrently we are exploring the availability of other possible nominees in each district -- a check-up of over several hundred candidates.

Meanwhile, we have instituted a few new procedures, which may be of some interest to you.

Every U. S. Attorney upon appointment must give up private practice. Here again we point no finger at the previous administration. But it seems that the conduct of a U. S. Attorney must be above suspicion and reproach. Caesar's wife must render to Caesar the things that are Caesar's -- exclusively and full time. Besides there is enough Government business to take care of, without "schlepping the windows" of one's own private store.

Another innovation is our indoctrination course for U. S. Attorneys. Each man is being brought to Washington for interviews with the President, with key members of the Congress and the Department of Justice. Each will be given a complete grounding in the objectives and policies of the administration -- what he is expected to contribute to the overall progress of the Department; what help, in turn, he can expect from the seat of government.

Hitherto, in many cases, attorneys in the field were neither consulted nor sufficiently instructed on matters properly within their province and jurisdiction. Tightly held authority on the part of the Washington headquarters, and loosely defined objectives very often resulted in hamstringing the efforts of the field attorneys to perform their functions and adequately represent the Government in regional affairs.

This lack of knowledge and inconstant delegation of authority, thoroughly undermined the morale and efficiency of our regional offices in the past.

Other innovations have been to put an end to secrecy in the granting of pardons and to the names of sponsors for pardons --- to abolish the so-called "health" policy in tax cases, thereby returning to the courts the decision as to whether a taxpayer is well enough to stand trial --- to revise the procedure under which Government employees are tested for security purposes to grant them a fairer hearing --- to give more active cooperation to the FBI in its efforts to guard our internal security.

But all these activities will fail of their central purpose if we do not succeed in instilling in the Bench, the Bar and the public generally a respect for the professional ethics and competence of the Department of Justice. Toward this goal we are working night and day. And in reaching it, we ask for your individual and collective support. The leadership of the Association of the Bar of the City of New York in maintaining the integrity of

our legal institutions has been notable. We ask you now to lend your powerful voice to help rebuild public confidence in the world's largest law office -- the United States Department of Justice.