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"THE LAW AND THE PROPHETS"

Radio Address

of

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That widely publicized but rather elusive individual known as "the man from Mars", securing his information solely from the headlines of the newspapers, might easily be led to believe that comparatively little of real significance is taking place in Washington, except the activities most conspicuously connected with the emergency features of the NEW DEAL. These measures are, of course, matters of great and immediate importance; but they are by no means all of the government. Behind the cloud of controversy relating to them lie the regular and long established departments of the government functioning surely and steadily; and, carrying out the pledges of the administration in the matter of economy, efficiency and impartiality.

Indeed, there is surprisingly little criticism as to the manner

in which these regular departments are being managed. It is to be regretted, however, that, in certain partisan quarters, the emergency measures have been treated as political issues. They are not political measures and should not be regarded as such. They were born of the necessities of our people and are devoted to the immediate and pressing needs of our common country. In the making of the codes under the N. R. A., no thought was taken, or could be taken, as to whether a mill, a factory, or a store was controlled by a Democrat or a Republican. In the matter of Agricultural relief, the cotton planters of the South and the wheat growers of the Northwest were treated on a basis of equality without the slightest reference to political factors. Nobody has considered the political faith of the farmer who has been helped with his mortgage, or the home owner striving to save his home. A great industry requiring the assistance of the Reconstruction Finance Corporation does not fill out a political questionnaire in order to qualify for relief. So far as direct help is concerned (the actual feeding of people unable to buy their own food), of course, no monstrous idea that there should be a preliminary survey to ascertain how a man or woman had voted before extending to him the slim benefits of mere sustenance, ever crossed the mind of anyone in authority. Even in the personnel of these new agencies, there are substantially as many members of one party as of the other. Politics has no more place in the emergency program than it has in the preparation of the weather report.

In brief, the NEW DEAL is economic rather than political. Its very terminology is that of finance, accounting, budgeting, crop production, labor distribution, costs of living, costs of production, margins of profit,

price levels, and the like. The measures thus operating seek to adjust the economic factors of our life so as to produce efficiency in that sense of the word which means the abolition of idleness and poverty in a land of plenty. These facts should be kept steadily in mind when we seek to appraise the attacks made by the politically minded upon the program of the Administration.

Another form of ill-advised criticism is illustrated by editorial and oratorical comments challenging the constitutionality of certain of the President's policies. It should not be forgotten that the President is himself an experienced and accomplished lawyer. It is a fair presumption that he would advance no measure that he did not believe to be well within his constitutional powers. The Attorney General is his official legal adviser. It would be futile for that official to give advice except in accordance with the law.

The Attorney General does not conceive it to be his duty to make new law or to search for strained constructions to support existing law. It is his duty to construe and uphold the law and the constitution as applied and interpreted by the decisions of our Courts. It is true, of course, that new laws have been enacted and additional power and responsibility have been confided to the President, but these new laws and new powers grow out of the needs of our people and rest upon established and traditional sanctions.

Those who affect to believe that the Constitution is in serious peril forget or ignore the fact that the courts of the land, in orderly fashion, will decide all such questions as they arise. In cases which they have thus far been passed upon, no constitutional defects have been found in any es-

sential measure connected with the so-called New Deal. Let me say, by way of comfort to the timid, who may be disturbed or bewildered by the outcries which arise from interested sources - Be of good cheer, the Supreme Court of the United States is not likely to place the seal of its approval upon unconstitutional measures; and the integrity of the Constitution is entirely safe in the hands of the Federal Judiciary.

A great deal of time has been devoted, during the last fifteen months, to the problems created by roving groups of criminals who, in the course of their depredations, pass rapidly from state to state, thereby making the possibility of dealing with them through the local forces of law and order difficult, if not impossible. The new crime laws recently enacted at the suggestion of the Department of Justice, and the additional funds placed at our disposal, will be of enormous service in this national emergency. The field of our activity in this and related matters has been constantly growing.

It may interest you to know that the Division of Investigation of the Department of Justice, during the fiscal year ending June 30, 1934, handled 26,892 cases and that this was an increase of more than 11,000 cases over the record of the previous year. So essential is this work, and so inherently dramatic are the incidents connected therewith, that I sometimes think it has attracted a disproportionate amount of public interest.

The activities of the Department of Justice cover a vast range of important subjects. For convenience, and for the purposes of efficient administration, the work is divided amongst eleven divisions of outstanding importance. Only one of these divisions deals with the question of crime.

The others render services which touch matters of administration, legislation, taxes, condemnations, lands, customs, claims, codes, anti-trust violations, opinions, Executive orders, compromises, the care of prisoners, Executive clemency, pardons, appeals and general litigation.

The simile may not be a good one, but, nevertheless, I sometimes compare the Department of Justice to the engines of an ocean liner. Hidden from sight in the very bowels of the ship, at times almost forgotten by passengers and crew, this great mechanism throbs on doing its indispensable work with unrelenting persistency. The figure of speech may be a bit overdrawn, but, nevertheless, the Department of Justice is performing very steadily and very conscientiously a great and essential service.

Let me carry the comparison a bit further by asserting that the Ship of State itself is rocking along pretty smoothly in spite of the tempestuous seas stirred up by the breeze-creating political orations of the time. It is not unnatural, I suppose, in the zeal and fervor of a political campaign, that the spokesman of each party should speak in the language of exaggeration. I venture to assert, however, that after the new Congress has been elected, and the political turmoil has subsided, a great many people will feel ashamed of the temper and virulence of their campaign declarations. We shall, of course, hear during the next three months impassioned proclamations that we are headed toward a dictatorship, with the assumption on the part of those opposed to the administration that the President purposes usurping extra-constitutional power. That will sound very ridiculous to all of us, when the present phase of our economic situation has passed into history - as fantastic as it sounds now to those of us who know the President

and have discussed with him the objects and aims of his emergency program. Before he left upon his well-earned vacation, he stated to the nation in simple, unemotional detail, the purposes to which he is devoted. But little can be added to that recital.

America is fortunate in her leader, whose wisdom and courage and bouyancy of spirit have brought hope and confidence to our people. Happily our country is recovering. We have not climbed the full way out of the depths of the depression, but we are well on the upgrade and there has been no backslipping.

To those reactionaries to whom every new step appears a ghastly peril, each departure from the course to which they have been accustomed seems a fatal step. They felt that way when Jefferson departed from the concept of a merely Atlantic seaboard nation and purchased the Mississippi Valley. They felt that way when our empire was extended to the Pacific Ocean. They were confident that confiscation lay ahead when we adopted the income tax as a means of raising revenue, and some of them were positive that it was the end of financial individualism when we erected the Federal Reserve banking system. Time has a way of dealing with such critics and life passes them by.

In this great hour those who despair, or hang back, or lose their courage, or fail to lend aid, or seek to thwart the purposes of their government, are depriving themselves of the high privilege of rejoicing when the triumph comes and are forgetting the history of America.