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THE GOVERNMENT'S PROGRAM TO FIGHT LAWLESSNESS

An Address

by

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American Bar Association Program

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Ladies and Gentlemen:

The American Bar Association, acting in collaboration with the National Advisory Council on Radio in Education, has invited me to address you tonight on "The Government's Program to Fight Lawlessness". The topic thus selected pleases me because it is such an excellent description of what the Federal Government is attempting to do in the field of the prevention and punishment of crime. The movement that has been projected under Federal auspices is often given the somewhat misleading designation of "a war", or "a crusade", or "a drive". These terms are apt to suggest some sort of high-pressure effort calculated to stir temporary enthusiasm. Such a conception, as applied to the Federal Government's determination to deal with the menace of lawlessness, is altogether erroneous. The problem of crime is one with which, I feel sure, my successors in office will be struggling for many years to come, for crime is as old as history and human nature is not given to sudden and, at the same time, permanent reformation.

It is not the occasional crime of violence committed under strong provocation or as a result of uncontrollable impulse that concerns us here, nor is it what I might term the minor, private deprecations and offenses of persons of low intelligence and unstable moral balance, sometimes acting under the pressure of acute economic distress. Prevention of that sort of crime is, of course, of the utmost importance and is a vital part of our wider program, although such offenses represent a certain inevitable and even, as it were, characteristic aspect of the social life of all countries and of all civilizations. What is immediately at issue, and what I desire

to stress tonight, is the kind of organized crime that, in a large degree, is peculiar to the United States. I refer to the activities of outlaw individuals and desperate bands, who, armed with deadly weapons of offense, avail themselves of all the resources of modern transportation, and communication to commit gross outrages against the social and economic well-being of our country. Coupled with this well-defined group, whose activities are far too familiar to require description, are individual or gang kidnapers and extortionists who have committed and are still committing the most odious offenses against private citizens and their families.

No emphasis is needed from me to stress the obvious fact that the problem of crime is one of the most serious with which this nation is confronted. The economic consequences of the reign of the gangster and the racketeer, when measured in dollars, run into the billions, but the social consequences, in terms of human suffering and moral degradation, cannot be estimated at all.

Such is the situation that has brought the Department of Justice of the United States upon the scene. In asking Congress for broader powers, the Department of Justice acted in the belief that crimes which possess interstate features required the assistance of an interstate enforcement unit, and our conviction, in that respect, was based, in large part, upon the alarming increase in such offenses. The Federal Government has never for a moment doubted that upon State and local enforcement agencies rest the principal responsibilities for efficient law enforcement. This would be true in the nature of the problem itself, quite apart from the Constitutional balance upon which our Government is founded. The desire of the Federal Government is in

no sense to usurp the functions of State and local police units but, rather, to supplement and assist their efforts. The great bulk of all crime is local in character, and with respect to it the Federal Government has no jurisdiction, and should have none. There exists, however, a twilight zone, a sort of gap between Federal and State authority, and it is in this twilight area and through this gap that criminals of the most dangerous character are escaping. The recent broadening of Federal power will, I am confident, tend to correct this condition.

With what has been done in the matter of the apprehension and punishment of kidnapers since the enactment of the Federal kidnaping statute on the 22d day of June, 1932, I am sure you are all familiar. Time does not permit me to discuss our experiences with the more recent statutes broadening the Federal prerogative in the field of crime. These matters may well be reserved for discussion upon some other occasion. It is interesting to note, however, the first sentence under the statute making the robbery of National banks a Federal offense. This statute was approved on the eighteenth of May last. Just twenty-five days later, one Charles Redding was arrested in Utah for committing a series of bank robberies in California. On the sixth of August, a little more than three weeks after his arrest, he received total Federal sentences of 40 years.

One of the most heartening developments of recent months is the marked increase in the number of applications for appointment as Special Agents in the Division of Investigation of the Department of Justice by young men of high character and fine legal education.

If the movement against crime has begun to appeal to the imagination of the younger generation, if the recognition is becoming general that the detection and apprehension of criminals is not just a job, but a vocation, a career, a profession, then, indeed, there is real cause for encouragement.

Since 1924, when the Division of Investigation of the Department of Justice was reorganized under the direction of my very able and distinguished predecessor, Hon. Harlan F. Stone, now an Associate Justice of the Supreme Court of the United States, the Federal Government has sought to bring to this service, men of education, who possess abilities of a high order. As a result more than 83 percent of the Division's investigative personnel, which now numbers 513, have had legal training or were expert accountants before entering the Division, and 362 have college degrees. These men realize that they occupy positions of the highest public trust. They know what evidence is, how to secure it, and how to present it in court. In other words, legal and other expert training, and not mere brute force, are regarded as of first importance. Intelligence and courage, both moral and physical, as well as character, are the basic qualifications sought for Federal enforcement officers. And this principle has proved its worth. No one with any knowledge of the crime problem as it confronts America today would think for a moment that the Division of Investigation should be exposed to political influence or that the tenure of its staff should be dependent upon the mutations of politics. What is sought is a constant raising of standards, the securing of better men, more adequate

remuneration and complete insulation against the blight of partisanship.

That is part of our program. It should be a part of the program of all the law-enforcement agencies throughout the United States, whose work should neither be trifled with by politicians, nor frustrated through incompetence, nor exposed to the machinations of lawyers who have contact with the criminal classes.

You may have noticed in the press that I have called a national Conference on Crime to meet at Washington on the 10th day of December, to which will be invited Governors of States and representatives of all organizations, official and otherwise, whose activities, at one point or another, bear on this problem.

In the language of the official call, "The purpose of the Conference is to evolve a practical program of objectives that will commend itself to the support of the American people. What is sought is neither a Federal program alone, nor a State program alone, but methods of effective cooperation in the sphere of crime prevention and criminal law enforcement among the Federal, State, and local governments, as well as the active assistance of all agencies, official and otherwise, which can participate in a sustained national movement to deal with the criminal menace."

No one, of course, expects that the problem of crime can be solved within the space of a single conference, nor, indeed, can it be solved in a series of conferences, nor, for that matter, in our generation. Nevertheless, the conference that is to assemble here in December will meet for serious, practical business. It is one of the pathetic and frequently

observed characteristics of conferences that zealous people are brought together for a high purpose, thereby developing a fine enthusiasm, which immediately oozes when the conference adjourns, leaving but a small residue of actual accomplishment. The forthcoming Conference will, I am confident, approach the problem of crime without prejudice, without sentimentalism, without sensationalism, and will examine it from the most realistic viewpoint possible, with full appreciation of its fundamental social and economic implications. Approached in that spirit, I believe that this Conference will produce results - concrete, practical results - that can be translated into effective action. Our aim will be to discover means to sustain the movement against crime after the Conference has adjourned. What we are seeking is the concentration and cooperation of forces that will be able to make themselves felt, not for a few brief hours, but for 365 days in the year.