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Department of Justice

"ADMINISTRATION OF JUSTICE FOR
THE AMERICAN PEOPLE"

Address by

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It is a great privilege to participate in this distinguished series of discussions sponsored by the Philadelphia Evening Bulletin. This forum is a public service of the highest order and I congratulate you, the Philadelphia Evening Bulletin, and all who have worked so industriously and imaginatively to make them the success they are.

In 1861 Abraham Lincoln, speaking from Independence Hall, said:

"I have often pondered over the dangers which were incurred by the men who assembled here and framed and adopted the Declaration of Independence. I have pondered over the toils that were endured by the officers and soldiers of the army who achieved that independence. I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation from the motherland, but that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but hope to all the world, for all future time."

Those words, so eloquently spoken by Abraham Lincoln, are even more timely today than when they were uttered 97 years ago

because it is that sentiment of liberty and justice which gives hope to all the world.

Today our Nation is involved in a struggle with international Communism for the minds and hearts of people all over the world. Our democratic way of life has a moral foundation. Our laws seek to do what is morally right, and they apply equally to everyone regardless of his station in life. The Russian system, as the Hungarian revolt tragically demonstrated, has no moral basis. This gives us a tremendous advantage over Russia which will, in the long run, outweigh any temporary scientific advantage they may have.

Because our system of justice is so vital to our way of life it is important that people fully understand and appreciate it.

Let me give you a few examples of moral concepts in our legal system. The law of contracts is based on the proposition that once a man has made a bargain he must keep his word.

The law of libel and slander gives recognition to the moral principle that a man may not speak or write falsely about another to injure or destroy his reputation.

The law of fraud, duress and extortion recognizes the right of a person not to be cheated by deception or by the threat of force.

Reflect for a moment on our system of criminal justice--the right of an accused to a public trial by jury, to know the charges against him and to confront witnesses. These rights illustrate how important every individual is in our system--no government official,

however high his position, may act arbitrarily, secretly or contrary to law to the detriment of any person.

How does our legal system work in practice? Consider these recent newspaper accounts about the Department of Justice. A master spy is trapped and prosecuted in New York...a housewife, injured by a Government vehicle, recovers in a suit against the Government in Missouri...a mink rancher, buzzed by low-flying Government airplanes, claims damages in Pennsylvania...a well-known hoodlum is sentenced for income tax evasion in Chicago...an Indian tribe receives just compensation for its land in Utah...a grand jury investigates possible conspiracy to fix milk prices in Virginia.

The Department of Justice has been called the world's largest law office. It is much more than that. It is in reality a special kind of servant to the people--a ministry of justice whose efforts protect the liberty, property and sometimes the lives of our people.

Under our Constitution, the people are governed by two main bodies of law--one local, the other federal.

The local variety may be enacted by a state, city or county. Robberies, assaults, murder, gambling, speeding and other similar misconduct usually violate local laws. As to these offenses, the state or local police officer catches the criminal; the local district attorney prosecutes him and the local judge tries him.

The federal body of law consists of laws enacted by Congress in accordance with the Constitution of the United States, Examples of

such federal laws are those which guard our national security against espionage; protection of the mails; safeguarding our shores from smugglers; offenses which have an interstate aspect such as kidnapping and stolen automobiles.

These federal offenses are tried in Federal Courts. The Government's case is tried by the United States Attorneys. The criminal is usually apprehended and evidence is obtained by agents of the Federal Bureau of Investigation, whose Director is J. Edgar Hoover. When the prisoner is sentenced he is sent to a prison run by the Federal Bureau of Prisons, headed by its Director, James V. Bennett. These Federal prosecutors, agents of the FBI and employees of Federal prisons all are members of the Department of Justice.

Under our form of government, local enforcement agencies may not intrude on federal matters; and federal enforcement agencies must not intrude into local matters. They can and do cooperate very well, but each has a rather clearly marked jurisdiction. This is difficult for people to understand, especially when some unsolved vicious crime such as the Till case occurs. The immediate reaction is that the Federal government should step in and take over. Of course, the Constitution forbids it--and the Federal government, no more than any of the states, or any official or anyone else, is above the Constitution.

Now what are some of the federal legal matters handled by the Justice Department lawyers?

One area of vital concern to every American is federal taxation. For our nation to remain strong, federal taxes must be paid. This is a burden but most Americans willingly shoulder that burden. Some do not.

Tax evaders cheat not only the Government, but they cheat every honest American taxpayer. In the long run, it is the honest taxpayer who pays for the amount the Government has been defrauded.

A tax evader wears no badge of recognition. He cuts across the boundaries of respectability and criminality. He may be a respected business man too selfish for his own good. He may be a union racketeer grown rich through bribery and looting the union treasury. He may be a thug or mobster. He may be a corrupt official. Once caught and convicted they usually have to pay their back taxes with heavy penalties and often are put behind bars.

The thing to remember is that when an action is brought in the name of the United States we are representing you. A tax fraud case in one sense is an action brought in behalf of all honest taxpayers versus a person accused of cheating on his taxes.

Sometimes the Government finds that it owes the citizen money on taxes. Last year a taxpayer from Texas was notified that he owed a tax deficiency of \$5,000. He paid it and then brought a suit seeking to have it refunded. Because there was no judicial decision which settled the legal issue involved, both the taxpayer's attorney and the United States Attorney agreed that a \$1,500 settlement

would be fair to both parties.

After the agreement was made final, a California court decided the very issue in another case--and the decision was against the Government. Even though the Government had a legal right to return only \$1,500 it refunded the full \$5,000.

Let us now look at another link in the chain of law enforcement which is vital to every American. This is the work of the Internal Security Division.

In this work the FBI and lawyers of that Division track down and bring to justice those dedicated to steal our secrets and to overthrow the Government by force. During the last five years the efforts of the Government have been most successful in its fight against the Communist Party in the United States. The membership in the Communist Party has decreased from about 25,000 to about 10,000. Just about two weeks ago the Daily Worker closed its doors for the last time. Its editor resigned from the Communist Party.

Notwithstanding these things, the threat of espionage and subversion, because of an increased tempo of international Communism, is greater than ever. Therefore, the threat from the hard core in the Communist Party in the United States is still great. Our Government must be--and I assure you we are and will continue to be--constantly alert to this increased danger.

To illustrate this hidden danger let me remind you of the

recent conviction of Colonel Rudolf Abel of the Soviet secret police. This man, trapped in New York, used every trick of the subversive trade. His trial revealed the use of a short wave radio and microfilm and microdot messages carried in devices such as hollowed-out bolts, nails, coins and cufflinks.

Some people become impatient because we provide a fair trial for those who would betray our Country. Let us not forget it is only because procedures are the same for everyone that we are less likely to do an injustice to those who may be innocent. Nothing could be more disastrous in our fight against Communism than for us to adopt Communistic methods.

Not all of the work done by the Justice Department is spectacular. Not all of it results in sending violators of the law to jail.

Equally important to the citizen is the Department's work in representing them when the Government sues or is sued for money or property. Thousands of these cases involving hundreds of millions of dollars arise every year.

Now how do these cases arise?

The Government contracts to buy billions of dollars worth of civilian and military supplies. It is engaged in huge building programs -- roads, dams, harbors, public buildings. Some of these contractors negligently or deliberately "shortchange" the Government. Their goods may be defective. They may try to pad their bills.

It is the job of the Justice Department to get this money back.

To this extent, it acts as a "watchdog" of Treasury funds--funds that belong to all the people.

The Government not only sues. Often it is sued and the citizen brings an action to obtain money or other relief. He may be a pedestrian struck by a Government vehicle. He might be a buyer of surplus Government property seeking to rescind the sale. He might be a business man who had a Government contract terminated. During the last year 3,750 claims totaling \$204,000,000 were filed against the United States. You will be surprised to learn that our opponents' recoveries were limited merely to \$13,500,000.

This would be no cause for rejoicing if the Government took unfair stands against claims with merit. The contrary is true. Repeated emphasis has been placed on a just result rather than a Government victory.

Homemakers in the nation might be surprised if they were told that the Department of Justice is an unseen helper in the household.

We may not be as welcome as a new automatic dishwasher, but we may have helped the housewife afford one.

Through enforcement of the federal antitrust laws, the Department of Justice has something to do with how far the family budget will go.

The Antitrust Division is constantly on the alert for any illegal agreements or practices which tend to eliminate healthy, free competition. When found, the Government acts at once to end them.

"Antitrust" may seem a word far removed from the kitchen, the garage and the dining room. But recent suits initiated by the Department charging price fixing on such items as bread, milk, household appliances, hardware, housewares, cigarettes and gasoline underscore how the administration of justice may well affect consumer prices.

Another aspect of our work at the Department of Justice is of great significance to our client, the American people. Each of us, in the name of the United States, owns part of our huge national forests, parks, military installations, and the many Governmental buildings. Lawyers in the Lands Division of the Justice Department protect the interest every American has in this property.

Frequently, the United States has to condemn parcels of other land in order to build new highways, airports, irrigation projects and the like. The owner of that land must be paid a fair price. It is equally important that the Government not be virtually "held up" by claims which have no relation to the true value of the property. We in the Department of Justice always try to remember that it is the people's money which is being paid and which must be wisely used.

Most recently, Congress added a new Division to the Department of Justice which will deal exclusively with civil rights. One of the important responsibilities of that division under the new law will be to enforce the federal laws with respect to the voting rights of all of our citizens.

As head of this newly created Division the President nominated a native Philadelphian, W. Wilson White. I know that he will perform outstanding public service in this new assignment.

Does our service to the American citizen end once the federal criminal is successfully prosecuted? The answer is no. The Department of Justice does much more.

The grave responsibility of seeing that the convicted federal criminal pays his debt to society and that every opportunity is given him to rehabilitate himself falls on the Bureau of Prisons of the Department of Justice.

The criminal is an individual. He must be treated as such. Among the convicted you will find the hardened criminal, the first offender, the sick, the young and old, the bright and backward. More than ninety-five percent of these persons return to freedom.

Society should have these persons returned to it as productive persons--not just released ex-convicts. In performing this essential work of rehabilitation, the Bureau of Prisons has been faced with a growing problem of great concern to every American. That is the spiraling number of youthful convicts. A full third of our entire prisoner population at the end of last year was age 25 and under.

This problem is not one which the Bureau of Prisons can solve. The real solution lies in each American's home, in his schools, and in his community and state governments. This is a national problem springing from local sources. We must all work on every level to end

this continuing tragedy.

During this talk I have many times used the word, "citizen," in referring to the services rendered by the Department of Justice to each American. At those times I used the word, "citizen," in the broad sense, referring to all who live in this nation. However, the Department renders service to many in our country who are not citizens in the legal sense. These are our alien residents and visitors.

The Immigration and Naturalization Service of the Justice Department administers the federal laws relating to these aliens. This includes the vital work involved in the naturalization of new citizens. In its operations, the Service is continually working to simplify and humanize all procedures involving aliens. For example, we closed Ellis Island which for years was a black mark against the United States over the world.

Other efforts of the Service are for the direct benefit of the public at large. For example, the Immigration and Naturalization Service stands guard at our borders to keep out aliens who have no permission to be here. Moreover, the Service assists in the administration of justice by deporting those aliens who have abused their welcome through criminal activity.

These then are some of the activities of the Department of Justice. In conclusion, I want to cite some basic objectives which we in the Department of Justice have in mind for the future.

1. The administration of justice must be conducted with utmost integrity and complete dedication to the common good.

2. The court's delays must be eliminated. Justice cannot be effective unless it is reasonably prompt. Unwarranted delays weaken public confidence in our judicial institutions and often result in great injustice.

3. We must give increased attention to the mounting costs of litigation. The poor as well as the rich must have unhampered access to our courts.

4. The need for Public Defenders, paid for out of Government funds, to represent persons accused of federal crimes who cannot afford to hire counsel, is now greater than ever.

5. We must keep the public properly and accurately informed of our policies, objectives and accomplishments.

When you read in the papers that the United States is bringing a legal action against someone keep in mind that you have a very real interest in that action. We hope to conduct the affairs of the Department of Justice in the years ahead in a way which meets with your approval-- because you are our clients.

Outside my office there is an inscription that all of us try never to forget. It is: "The United States wins its point whenever justice is done its citizens in the Courts." And those citizens include not only the immediate parties before the Court, but all of you, who have an interest in every case and in whose name justice is administered.