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PROSECUTION OF WAR CRIMES

An Address

by

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Three years ago, when a great power plunged headlong into a career of mass murder and international theft, the people of America looked on, shocked and bewildered. We watched the seizure of whole nations, the abrupt enslavement of peoples, the blasting of civilians--Warsaw, Rotterdam, Coventry, incredible nightmares, one after another. It was almost impossible to believe that these were the authorized acts of a government. We sought to interpret what we saw in world terms, to get at the meaning of it as it related to ourselves.

Here was crime on a national scale. These acts, with us, were condemned by punishment to prison or to death. In our scheme of life it was the function of government to prevent such crimes. Yet here was a government actually committing them.

Still, as to the meaning of what was then going on in Europe, we were not of one mind. The crime of a nation and the crime of an individual could not be written into the same docket. No nation which attains the status of a world power is ever without some sympathizers beyond its own borders, some apologists, some who will point out that there are two sides to every war, or some who will argue that no matter how bad things are abroad, it is none of our business, we must keep out of it. In America, during that early stage of the war, there was no unanimity of feeling, no universal acceptance of an obligation to act in trying to prevent what would ultimately spread into our lives.

Even after war was declared, in some places the question was still being asked, "But what are we fighting for?" There were those who insisted upon slogans. Slogans, accordingly, were brought forth. None of them took hold. And looking back on those days now, it is not very difficult to explain

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why. The American people needed no slogan. When a man is attacked by a highwayman, it is not essential to his morale that he be handed an advertisement extolling the efficacy of a gun.

The fact was that the acts of the Nazis, though they were acts of a government in power, were not merely political crimes, or expression of a turbulent or revolutionary advance in human affairs, or the impersonal accidents of history. No, the simple fact was that these acts were crime in the plain everyday sense of that word--murder, theft, torture--crime as we have seen it perpetrated individually by gangsters, thieves, and the mentally unsound.

Upon the people of America this realization has steadily grown. Steadily, too, the gaps in viewpoint have closed. With each new phase of Axis warfare we have recognized ever more clearly the doings of criminals. With that recognition, the will to stop them has taken hold. Today it is strengthened into the kind of resolve that wins wars.

Those among us who still condone the course of our enemies are now mere scattered handfuls, discredited, shunned by the way people whom they had once deluded into their own way of thinking. "Isolationism", though the word is still in our headline vocabulary, and though it still colors a minority viewpoint on the sort of peace we ought to construct, is a war label that has outlived its content. On the brief trips that I have been able to make to various parts of the country since the start of the war, I have constantly sensed this change everywhere, this steady growth of the will to win and win decisively, quickly, and the gradual disappearance of any minority blocks in our path to that end. Certainly my visit here in Cincinnati, and my observation of this whole area, have been no exception.

But what of that wretched little scattering of persons in our country who still, for one reason or another--sympathy with the enemy's cause, private profit, evasion of personal responsibilities and duties of citizenship--commit acts endangering the national safety or interfering with the prosecution of the war? What are we doing about them?

The internal security of the nation, and the administration of laws enacted to ensure unbroken prosecution of the war, are responsibilities of the Department of Justice. Certain acts are, by these laws, declared criminal. Among them are treason, espionage, sabotage, sedition, dodging the selective service, and fraud in the entering and fulfillment of contracts for war materials.

I shall not attempt to tell you all the things we are doing in the Department of Justice to prevent such crimes. I have time only for a brief review and a few highlights.

As you know, the uncovering of espionage and sabotage is the job of the Federal Bureau of Investigation of the Department of Justice. I think the effectiveness of the work this branch of the Department has done is pretty well realized by the American public. People have placed a well-merited confidence in its agents. If this were not so, we would have more manifestations of wartime hysteria, more alien-baiting, more of the usual symptoms of public fear, than we have had of late. It is a good sign. Since the start of war, the German international network has learned that American counter-espionage is a dangerous barrier to attempt to hurdle. They have also learned, over there, that when we catch spies and saboteurs, we dispose of them in a legal but very businesslike fashion.

Another encouraging trend I have noticed, paralleling the general conviction that we are fighting criminality rather than misguided ideology,

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is a slow but steady change in the public reaction to our sedition cases. The people now realize that there are certain minimum requirements of war--censorship of vital military information, prosecution of those who would try to injure the morale of our armed forces, and a dispassionate but alert administration of the sedition laws in general. The American public knows that these things do not mean an end to free speech. I have sensed the spread of this realization, in a growing confidence in the kind of administrative policies we have fixed upon for the duration. There is a minority, of course, which continues to view us with alarm; but almost any defense of sedition is likely to take the form of an attack upon the policies of those charged with administration of the law.

The policy of the Selective Service and of the Department of Justice has been first to get people into the Army. Many violations are from misunderstandings or negligence. Often a talking to will straighten things out. If a man is given the choice to go to jail or go into the Army, he is a darn sight more apt to decide that he's destined to be a soldier. But of course there are slackers, and we go after slackers. The prosecution of violations of the draft law is the duty of our Criminal Division. Where the offense is serious and deliberate, a prison sentence is sought. Incidentally, I should like to take this opportunity to remind all listeners who are registered for selective service that beginning today a new regulation goes into effect, under which you are required to carry your classification card, as well as your registration card, on your person at all times.

Finally, among the crimes at which the Department of Justice aims its wartime crackdown, is the category known as war frauds--cheating the government on its purchases of the tools of war, the services and materials and finished products we must have for our armed forces.

When this country undertook the greatest war purchase program in the history of any nation, we knew there would be cheats and frauds--a few, slipping in here and there among the great body of legitimate, fair transactions. We have had them before--in fact, in every war we've fought. So has every other country. We had them in the last war, and when the government finally went after them--four years after the fighting ceased--it was too late to catch most of them.

We decided this wouldn't happen again. In February, 1942, I established a War Frauds Unit, as a special branch of the Department of Justice, composed of carefully trained personnel who would be capable of prosecuting such cases as we went along, instead of waiting until after the war. I wanted an organization that could move quickly and vigorously, and my instructions were to follow through on these cases no matter where they might lead, whether to corporations, unions, little business or big business, government inspectors--any group or individual attempting to turn a dishonest profit on war business.

The work of detection was done largely by the Federal Bureau of Investigation, in liaison with the Army and Navy Intelligence offices. By May of 1942 we had sufficient information to begin a series of grand jury hearings in a number of cities. At the present time, complaints received by the War Frauds Unit from all sources, including the public, number more than a thousand. Many of them are found, upon analysis by our lawyers, to lack sufficient grounds for prosecution, being based on hearsay, misunderstanding, or insufficient evidence. Of the cases investigated, more than forty have been developed into formal actions. More than a hundred individuals and a score of companies have been indicted. These cases in which the government has already taken action involve a total of about \$180,000,000 in war contracts. The

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charges are of all sorts--conspiracy to withhold machine tools from allocation to war contractors, for example; or collusion in bidding; or padding the costs of food supplied to an Army hospital.

The most important ones--that is, those involving the largest contracts and those in which the most reprehensible actions are charged--have not yet come up for trial. One firm with contracts for millions of dollars of material for the Army and Navy is accused, together with certain of its employees, of deceiving government inspectors by the use of a trick testing device. This device is alleged to have been rigged with a hidden gadget which would make inferior material appear to meet the tests required by the armed forces.

In another case a manufacturer of explosives, holding some \$20,000,000 in contracts, is accused of bribing government inspectors. The government has moved in and taken over that plant, and the company officials and Federal inspectors involved are now facing trial. A third indictment accuses an inspection supervisor and his assistant in another plant with conspiracy to cause defective ammunition to be certified as of high quality. That company holds \$55,000,000 in contracts.

We are going after these frauds, and going after them hard. If we are alarmed by the knowledge that we have among us persons who call themselves Americans, yet are willing to send our fighting men inferior and dangerous tools for the sake of greater profit to themselves, let us remember that in our war program, on which it is estimated we shall soon be spending one hundred billions of dollars a year, these fraudulent dealings are a very small proportion indeed. If we are shocked by the revelation that we have any such among us, well, war itself is sometimes shocking. In this war we

are pitted against criminals capable of offending every decent instinct, every sensibility of civilized mankind. We are fighting a war against crime, and we shall fight it wherever we meet it. Benjamin Franklin has said:

Justice is as strictly due between neighbor nations as between neighbor citizens. A highwayman is as much a robber when he plunders in a gang as when single; and a nation that makes an unjust war is only a great gang.