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ADDRESS

BY

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One of your group, an old friend, asked this week what we in the Department of Justice have done in cleaning up the mess in Washington. Cleaning up the mess in Washington so far as the Department of Justice is concerned is divided into two phases. The first is recruitment of a competent and loyal staff of high professional standards. The second is development of a positive program in the field of antitrust policies; a sensible enforcement of law -- criminal, civil, tax and immigration; a forward-looking administration of the prison and parole system; liquidation of the assets of the Alien Property Office; development and maintenance of high standards of professional conduct, in presentation of the Government's legal affairs to the United States Supreme Court and the other courts in the Federal judicial system; vigorous support of the splendid organization developed in the FBI by J. Edgar Hoover, which is doing so much to protect the internal security of our country, and to provide an incorruptible investigative agency for our law enforcement officials; and finally, the recommendation of lawyers of integrity and ability for appointment to the Federal Bench. A mere statement of the far-flung responsibilities of the Department will emphasize the importance of the first phase of our task.

Today I would like to talk about this first phase, - recruitment of a competent and loyal staff of high professional standards. On January 21, we were faced with the fact that the Department of Justice had lost public confidence, and morale of the competent career attorneys in the Department was at a low ebb. The reasons are only too well known to you.

We have nearly reached our first goal when each major division is to be staffed with a first-rate attorney, completely disassociated in practice and philosophy from the prior administration, and zealous to join in the adventurous, though arduous task of administering the affairs of the world's largest law office.

In lieu of a dramatic, wholesale firing of lawyers who do not meet the standards of the new administration, we have gone about the business of improving the professional quality of the Department on a painstaking case-by-case basis. To date 145 attorneys out of 1,600 in the Department have resigned, most of them on request.

We have considered the case of each person on an individual basis, and have asked for resignations only after careful consideration of the evidence against them and their own defense. By and large, these attorneys have seen fit to resign rather than face charges and have their record besmirched. Thus they can go into private practice without a blot on their record.

A few have indicated they intend to fight, but we believe their grounds for protest are worthless and that we will accomplish our purpose.

In one of our divisions, we had an attorney who was about to represent the Government in a case against a well-known criminal. In checking his record, we found that he had at least 82 traffic convictions, some for speeding, reckless driving and going through red lights. There was no doubt but that he had an utter disregard for the law. He was one of those sponsored by an Administrative Assistant in the White House during

the prior administration. When faced with the facts, plus the additional fact that in his application for employment he had untruthfully indicated no substantial criminal record against him, the attorney resigned.

In another division, we found a man being carried on the rolls as a Legal Advisor. He was not a lawyer, for although he was a law school graduate, he was never able to pass a bar examination. On the rolls he was described as being "learned in the law." He has resigned and will be leaving us soon.

In the same division, when we took over, we found a report on another lawyer which described him as ineffective, uncooperative and not competent to handle important work. A further check of his file showed he was allowed to resign from another Government department while under charges that he had stolen money under Government control. This man has resisted a request for his resignation - why I don't know.

In a third division, we had an attorney who, although a competent lawyer, had on several occasions set fire to the apartment in which this lawyer lived. The only question unsettled by the landlady was whether the fires were the result of design or inadvertance.

Another lawyer in the Department got his appointment although his law professor said he would hesitate to recommend the man unless he had overcome a certain lack of initiative displayed during his law school work. There was little doubt that he had not overcome this lack of initiative after entering the Department.

Another lawyer had an unsavory background dating back to the age of seventeen when he was involved in immorality. The record shows that while in college he was satisfied with just getting by and that he was careless in his personal finances. There is evidence that he got his first Government job in another agency through the assistance of the Pendergast machine. While with that agency, two complaints were filed against him, one being that he was afraid to bring cases to trial. But when he was transferred to the Department of Justice, he was sponsored by the officials of his party's National Committee. There was no doubt that this was because of, as one report puts it, his "spendid assistance" to that party.

Another on the rolls had twice been found unqualified for a job as Special Agent in the Federal Bureau of Investigation. One Department lawyer described him as not to be trusted, while from another Government source came word that he was considered to be of shady reputation and should be watched. The FBI investigated him once when he attempted to inventory the property of a deceased foreign agent. They wanted to investigate him again in 1950 in connection with possible activities in a subversive Fascist organization, but the then Deputy Attorney General ruled the inquiry to be unnecessary on grounds that the attorney was no longer engaged in internal security work of the Department. When we came in, that is just where he was working - in the Internal Security Section.

There are more like these who have already been weeded out or who will be as our program progresses. Each time one of these is weeded out, the morale of the competent career lawyers in the Department rises another notch.

Where resistance to requests for resignations is met, we will file the necessary charges to obtain the dismissal. This takes a little longer, but the separation can be obtained. We are ready to substantiate any charges brought against any individual.

This is the unglamorous part - but absolutely indispensable part - of restoring confidence of the Bench, the Bar and the public in the Department of Justice.

Another vital prerequisite to good government in the Eisenhower tradition is insuring that those who seek the privilege of becoming or remaining employees of the Federal Government are not security risks.

To try to meet this problem, the prior administration established in 1947 an Employee Loyalty Program. This discredited program was completely unsuccessful. It endeavored to set up a non-workable standard for employment, because it sought to probe the employee's mind to establish subjectively a narrow test of the employee's loyalty.

This administration in the next few days will substitute a broad employee security program which is designed to weed out security risks. The Executive Order establishing the program just about to be announced by the President, and supplementing moves, are based on the proposition that all persons privileged to be employed in the Federal Government

shall be reliable, trustworthy, of good conduct and character - and of complete and unswerving loyalty to the United States.

One of the major reasons for the failure of the loyalty program which the new program replaces, was the pussyfoot attitude adopted by certain departmental heads. The new program will make the head of each department or agency responsible for establishing and maintaining within his department or agency an effective program to protect the national security. In order to make certain that effective programs are maintained, there will be established an interdepartmental group whose job will be to seek out deficiencies which are inconsistent with the interests of or which would weaken the national security.

On the other hand, this same group will be required to make certain that there are no tendencies to deny to individual employees fair, impartial and equitable treatment, or rights under the Constitution and laws or under the Executive Order itself.

In order to assure fair, impartial and equitable treatment, the President is calling upon the Civil Service Commission to establish, with the assistance of the departments and agencies, a procedure whereby disinterested persons will serve as members of security hearing boards when and where needed. Such hearing boards will be of three or more persons, none of whom will be associates of the individual in the department or agency employing the person whose case is to be heard.

It will be required that all departments and agencies make available for service as members of such boards persons in their employ who possess the highest degree of integrity, ability and good judgment.

Those deemed security risks are not only those who are communists or communist sympathizers and who would engage in activities harmful to the interests of the Nation. They are also those whose behavior, activities or associations tend to show that the individual is not reliable or trustworthy. Also in the category are those who deliberately engage in misrepresentations, falsifications or omissions of material facts in any statements they might make. They are also those who are dishonest, immoral or who engage in notoriously disgraceful conduct or use intoxicants to excess. And then there are those with financial irresponsibility who, like the others, are certainly bad security risks.

This is not intended to weed out the inefficient employees. That is a matter which must be considered under other procedures which have been traditional in Government for a long time. There have been fears we would use the security program to rid ourselves of those whom we think are not carrying their share of the load. That is untrue. And let me emphasize that it is unnecessary to apply the security test for there are other fair and impartial ways of meeting this problem of suitability.

One safeguard against abuses is the advantage obtained through the plan for impartial hearing panels to advise the department or agency heads. By eliminating the employer-employee relationship between the members of the hearing board and the head of the department or agency, the employee is spared the prejudicial position of having his prosecutor and his judges within the same agency and responsible to the same person.

An employee cannot be assured a fair hearing when the hearing board, as in the loyalty program we are tossing out, is responsible to the head of the employing department or agency.

In summary, the first phase of our task is drawing to a close; the recruitment of a staff which is free from individuals who are a security risk and which is made up of men and women of high professional competence. Thus equipped we are preparing to go forward with the challenging task of administering the legal affairs of a constitutional government with the middle of the road philosophy of our great President to guide us.