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ADDRESS

BY

HONORABLE HERBERT BROWNELL, JR.

ATTORNEY GENERAL OF THE UNITED STATES

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of

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It is a rare opportunity for me to appear here today before the Fifth Annual Convention of the National Association of County and Prosecuting Attorneys, and to be able to talk directly to such a large gathering of attorneys and prosecutors from local, county and state jurisdictions. The problems with which we contend in the United States Department of Justice and those you face in your local communities, counties and states are in many respects similar. It is because of this mutual interest in such problems that I have looked forward to this meeting.

Each of you who is a member of this Association represents your particular county in handling criminal and civil law matters. Under our American system of administering law and justice, the county is the fundamental political entity wherein the discharge of the responsibility of the enforcement of the bulk of the laws has the greatest impact on the average citizen. The county in American society is the true grass roots level of our social structure and you officers here today occupy positions having the closest contact with the citizen and his everyday problems. Each of you represents a separate and distinct community and yet you have banded together because you have found a common ground.

Although you may have differing laws and procedures based on very different local customs and precedents, you find the ultimate aim is the same. The prosecutor in a parish in Louisiana may be proceeding under a law which comes basically from the Code Napoleon, or a district attorney in California may be proceeding under a law which has felt the influence of ancient Spanish law, but each is basically attempting to accomplish one goal and that is the effective administration of law and order in his community.

The aim of the federal prosecutor is to accomplish this same end. You are, I believe, generally familiar with the form of organization of the

activities of the Department of Justice, through which all violations of federal non-military law are prosecuted before our federal courts.

To carry out these responsibilities in the handling of litigation, the Department is organized into separate Divisions. Each Division is headed by an Assistant Attorney General. The Criminal Division supervises the great bulk of the violations of federal laws which result in criminal prosecutions. However, the Antitrust Division, the Internal Security Division, and the Tax Division also have within their jurisdiction the supervision of certain types of criminal prosecutions. The remaining Divisions in the Department, namely, the Lands Division, the Civil Division, the Office of Legal Counsel, Office of Alien Property and Administrative Division are primarily concerned with matters which are not directly connected with the administration of criminal laws. The Office of the Solicitor General is a separate Division in the Department and handles appellate matters which include criminal cases which are on appeal.

Also under the supervision of the Attorney General are the 94 United States Attorneys in the various judicial districts throughout the country and territories of the United States. The actual prosecution of criminal cases is, of course, handled for the most part by the United States Attorneys and their staffs.

The Attorney General also has under his supervision the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Board of Immigration Appeals, the Bureau of Prisons, the Board of Parole, and the United States Marshals. The total number of employees throughout the Justice Department is about 30,000.

One of the basic principles upon which this Nation was founded was to retain in local communities as much of the control of the functions of

government as was possible. The Department of Justice in recent months, in recognition of this principle, made every effort to place the responsibility of the administration of federal criminal justice in the various judicial districts. United States Attorneys were indoctrinated on the theory that they would be making decisions and handling matters in their own individual districts without referral to Washington wherever such a procedure was feasible.

Of great assistance in the transfer of this responsibility from Washington to the field was the fact that for the first time in the history of this country, the Attorney General has provided that those occupying the positions of United States Attorneys spend fulltime on these jobs. Previously, United States Attorneys were allowed to engage in private law practice and, unfortunately, the administration of the business of the federal government had become of secondary importance to some United States Attorneys. This condition no longer exists and each United States Attorney and his assistants are required to spend fulltime in their roles as government officials. Furthermore, salary increases have been obtained which in most communities now allow me to pay compensation at rates roughly competitive to those of the local prosecutor's office. A direct result of these policies has been the steady decrease of the backlog in the government's civil and criminal cases in the Federal Courts. Law enforcement in every community in the country thus has benefited.

Carrying out further this principle of returning the responsibility for the administration of criminal justice to the local communities, the Department of Justice recognized the fact that a healthy American government can only function if it maintains a clear line of demarcation between those functions which are strictly federal in nature and those functions which should be handled by state and local communities. This is particularly important in

the administration of criminal justice.

The responsibility for preserving the peace and for administering criminal justice lies basically with the individual states and local law enforcement agencies, and the federal government should not encroach upon this fundamental responsibility. Robberies, burglaries, assaults, theft of all types, murder, gambling, prostitution, and many other common criminal acts are basically within the province of the states and local law enforcement agencies, and not of the Federal government. These matters should be investigated and prosecuted locally. The federal government for the most part has no jurisdiction, and should not be urged to take jurisdiction of these types of crimes even though at a particular moment it might appear that local law enforcement may have broken down in a particular community.

It is difficult for the average citizen to realize the necessity for maintaining this line of demarcation when it seems that local law enforcement has broken down and that the quick solution is to turn to the federal government to use its power and strength to meet the situation. This resort to the federal power is somewhat analogous to the unfortunate choice confronting an unstable person who has resorted to the use of narcotics. The injection of a narcotic gives a temporary relief and stimulus, but it has a way of feeding upon itself to the point where the individual must resort more often to more narcotics until finally the person is a hopeless addict.

If the local community applies to the federal government for assistance and the federal government steps in to do a job which is essentially that of the local community, there is a real danger that this tendency will grow and that the community will eventually become hopelessly addicted to this easy way out of its own problems.

In the past few years, great progress has been made in the strengthening of local law enforcement agencies. On the part of the federal government, the Federal Bureau of Investigation works constantly to assist in every way possible in the training and the supplying of technical advice to local and state police departments and to sheriff's offices. Today our local law enforcement agencies are better equipped, better trained, and function a great deal more efficiently than ever before. It is my belief that sound administration of criminal justice must grow from the bottom up. It is our local community with its local law enforcement which is the real foundation upon which we must build for improvement in this field.

I have stressed this matter of the responsibility of local communities to handle their own problems in the administration of criminal justice because it is a basic principle that none of us should forget. However, this is merely a preliminary to the proposition I also wish to stress, that the federal government has a tremendous responsibility to the state and local communities to set a good example in the conduct of its own business.

The federal government enforces many laws which are its direct responsibility and which in and of themselves do not directly concern local law enforcement. Guarding our shores against smugglers, guarding our national security against espionage, protecting the mails, and preserving peace on government reservations are illustrations of this type of government enforcement activity.

Perhaps the best example of the heavy obligation which is on the federal government exclusively, is in the field of enforcement of our revenue laws. The national government must have funds with which to operate, and Congress has directed where these funds shall be obtained. Unfortunately, there are always those among us who refuse to abide by these laws and attempt to evade payment

of their taxes. Not only have we experienced the problem of the tax evader, but we have also encountered the tax fixer and corruptor of our public officials. The relentless attack on these law violators has been one of the major aims of the Department of Justice, and we have been eminently successful in our achievements.

There is a natural by-product of this effort of direct interest to you. Many of the individuals who have felt the effects of the Treasury Department's program to ferret out tax evaders have been notorious racketeers and criminals. Although the primary interest of the federal government has been to bring to justice these tax evaders, the result oftentimes is the conviction of criminals who otherwise have escaped the punishment they so justly deserve. When the federal government removes from circulation one of these bigtime criminals, local law enforcement is benefited thereby.

Aside from these exclusively federal matters there is another area of law enforcement wherein the federal government is able to be of even greater and more direct assistance to the local prosecutor.

I do not have to repeat what we all know that crime has become an interstate problem. An automobile can be stolen in one city and within a matter of minutes can be in another state completely outside the jurisdiction of the city where the theft originally occurred. With our present day means of transportation a person committing a crime can be a fugitive many states away within a matter of hours. Our criminal syndicates can effectively operate with headquarters in one state and carry on their illegal activity in a number of other states throughout the country. Without the cooperation of the federal government and without the giving of actual assistance in these matters, the states and local law enforcement agencies would find it very difficult to

bring to justice the individuals responsible for the crimes committed in their local communities.

The federal government has jurisdiction to investigate and prosecute in many instances where the contraband is moved in interstate commerce or where the facilities of interstate commerce are used. There is no better example of the federal government moving into an area of outrageous criminal activity through this medium than was the situation involving kidnapping. Because of the terrible threat to our society from this most ruthless of crimes, the public generally as well as local law enforcement agencies welcomed the assistance of the federal government to eradicate this evil. You can imagine what would have resulted if we in both federal and local government had not organized against this threat to our homes and our children.

The modern day auto thief poses another problem. It is in the very nature of the crime that moving from one state to another is accomplished with relative ease. Furthermore, it is the rule rather than the exception that stealing a car is merely the first step in providing the means of transportation for accomplishing a different and more serious offense. It is also not unusual that the amateur criminal starts his career toward becoming a professional with test runs in this type of criminal activity. Many lucrative auto theft rings have come to light which have operated throughout many different states. Consequently, the federal government has found it necessary to enter this field and transporting a stolen car over state lines is a federal crime. The Federal Bureau of Investigation has worked unceasingly on this situation and a tremendous amount of assistance is afforded local law enforcement to combat this criminal activity.

You are all aware of the real menace of the illicit narcotic traffic. The federal government through its taxing power has been able to assist in this matter. The Bureau of Narcotics in the Treasury Department is constantly on the job bringing to justice narcotic violators. In the case of this particular crime the federal and local jurisdiction is for all practical purposes almost concurrent. Whether the violator has in his possession one marihuana cigarette or one pound of heroin, he may be subject to prosecution by both the local and federal agencies. This situation obviously calls for close cooperation and if the proper coordination exists between local and federal law enforcement agencies a well worked out attack can be formulated in which each agency supplements the other. For some years past and at this very moment strenuous efforts have been and are being made by organizations, both official and unofficial, to find some solution to our narcotics problem. During this last session of Congress the Senate Judiciary Subcommittee on Improvements in the Federal Criminal Code under the able leadership of Senator Price Daniel has undertaken a thorough review of the narcotics problem. The President in recognizing the seriousness of this situation has set up an Interdepartmental Committee on Narcotics, which also intends to make a complete study of the program of the federal government to combat this particular menace.

It is my belief that there is no other area of law enforcement which more sorely needs close cooperation between federal and local law enforcement and which if accomplished may contribute so much to solving this evil. I cannot emphasize this too strongly and I sincerely hope that we can work at this objective with renewed vigor.

Because of the ease in which persons wanted for certain crimes in the various states could flee from one state to another the federal government was

given jurisdiction under what is known as the Fugitive Felon Act to arrest such fugitives. Many of you here have had occasion to take advantage of this procedure and have had returned for prosecution important law violators who might otherwise have escaped.

Last year convictions were obtained in a case in Louisiana in which the eight defendants participated in a large-scale vice ring. This ring operated in eight separate states ranging all the way from Texas to Florida. Airplanes as well as expensive automobiles were used in the transportation of women from one place to another within these states. Convictions were obtained in the Federal District Court for violation of the White Slave Traffic Act.

There are a number of situations in which the use of the mails constitutes a federal crime where the effect of the offense has been to victimize citizens in your own communities. The Postal Inspectors from the Post Office Department have investigative jurisdiction in such matters, and once again the federal government is able in this fashion to be of direct assistance to the local prosecutor.

I have mentioned only a few of those situations where the federal government through its law enforcement activities lends necessary assistance to the local prosecutor. Each of our United States Attorneys is available at all times to assist in matters calling for cooperation between federal and local agencies. These United States Attorneys come from your own communities and are fully aware of local problems. We in the Department of Justice have stressed with them the need for coordination of law enforcement activities; and you are assured that you should not hesitate to call upon the United States Attorney in your district whenever you face a problem of this nature.

It should be emphasized again that even though many federal laws place federal agents in the local community investigating criminals who may be subject to prosecution for the same acts under state law, it is not intended that this result in a substitution of federal responsibility for state and local duty.

I have noticed the slogan of your Organization which is "Organized Law Enforcement versus Organized Crime." It only makes common sense that when going into a fight against crime syndicates which are highly organized and efficient, the forces of law and order must also be organized and coordinated. It is our belief that this form of crime can be eliminated from our society.

Substantial progress has been made as is evidenced by your own organization in this field of combatting organized crime. Many other groups such as Citizens Crime organizations, Congressional Committees, and the American Bar Association have been actively concerned with this problem. In a report of the American Bar Association, Commission on Organized Crime, the following very appropriate statements were made:

"The control of 'organized crime' is basically a problem of the day to day enforcement of the criminal law. The leaders of organized crime cannot grow great and powerful when their operations are submitted to constant surveillance, investigation, prosecution and harassment by law enforcement authorities. But successful criminal law enforcement, which can produce adequate pressure against organized crime, presupposes a complex of conditions which is frequently lacking in many communities. It presupposes a police force which is well trained, alert to its responsibilities, using adequate investigative procedures, and which has available to it carefully collected intelligence on the personnel and the modus operandi of the leaders of organized crime. It presupposes a

criminal procedure that is not loaded at every turn with technicalities that hamper adequate criminal investigation and successful criminal prosecution. It presupposes a criminal process that is sufficiently expeditious and flexible in disposing of criminal cases, so that punishment may follow with reasonable celerity after apprehension. It presupposes a prosecutor's office that is not content to wait till completed cases are handed to it, but which takes an active interest in unearthing the criminal conspiracies and rackets of its jurisdiction. It presupposes a court organization that can handle both the underlings of organized crime and their powerful bosses, with reasonable flexibility and efficiency. It presupposes sentencing procedures which will provide the community with adequate protection against the activities of organized crime. Finally, it presupposes a high degree of coordination of effort and co-operation between law enforcement agencies, each of which is charged with part of the criminal process, to the end that organized crime may be suppressed."

Of course, the Department of Justice has for many years been aware of the seriousness of the threat of organized crime. With the advent of the new Administration in 1953, we immediately set about searching for ways to turn the full forces of the federal law to meet this challenge. One of the results has been the establishment within the Department of a Section whose function is criminal intelligence, study and planning. It deals with the great mass of information concerning crime and criminals which passes every day through the legal divisions of the Department of Justice as a matter of routine. The total amount of current information about crime and criminals in the United States that passes through the Department of Justice in a year's time is obviously very great, but up to the time of the organization of this

new Section no effort had been made to correlate, study and use this information.

This Section represents a new approach to insure that we bring together all available information and coordinate all federal enforcement facilities concerned with organized crime and racketeering. That this approach can be highly effective, has been recently demonstrated in the successful prosecution of individuals and organizations engaged in extortion on a highly organized scale throughout the country in the field of labor management.

To accomplish the many objectives which have been mentioned throughout my remarks, wise and strong leadership is needed. The attorney responsible for directing the legal work of bringing criminal cases to conclusion is the logical person to assume such leadership. The attorney is trained in the law, he knows what he needs in the way of evidence and because he is not directly involved in the work of the investigative agency, he is in a position to evaluate and survey the entire field of enforcement within his own orbit. Therefore the work of you prosecutors in leading the way to better coordination is the greatest factor in our achieving the maximum results. That is why your Organization is so very important. We in the Department of Justice deeply appreciate the fine co-operation we have had from your members during these past 2 1/2 years. Working together we should be able to accomplish a great deal more in the future.