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Address of

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Attorney General of the United States

before the

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I am happy to welcome you to Washington for this, the Third Annual Conference of United States Attorneys. It is highly appropriate that the theme for this meeting should be National Defense. Since we last met there have been many changes in the world and in this country our defense effort has been intensified until it is now in full swing.

I know that all of you have found this increasing emphasis on national defense reflected in your work. For you it has meant new burdens, new responsibilities and additional labors. It is important, however, that you appreciate the full significance of the role of the United States Attorneys, both individually and as a group in the National Defense picture.

Defense is not only a matter of battleships and tanks, of guns and men at camps. It is raw materials, machines and men at work in factories. It is public morale. It is a law-abiding population and a nation free from internal disorder.

The world today is beset not by war alone but by revolution,-- a revolution that is aimed at our freedom of government, our system of enterprise and our way of life. The ramparts we watch are not only those on the outer borders which are largely the concern of the military services. There are also the inner ramparts of our society -- the Constitution, its guarantees, our freedoms and the supremacy of law. These are yours to guard and their protection is your defense program.

One of the first efforts in the revolutionary process is to break down public faith in the effectiveness of our government and in the adequacy of our legal methods. That is a threat which offers a special challenge to those of us who are charged with enforcement of

the nation's laws. It is a threat which the Federal law enforcement forces are prepared to meet.

All of you have heard the canard spread by the propagandists that the democratic process is inefficient. The falsity of that proposition is daily being demonstrated in action. You have also heard the stock phrase that a free democracy is easy prey for revolutionary methods and that our freedoms provide open avenues of entry for the Fifth Columnist. I am sure that each of you in his own community has heard someone at some time voice the sentiment that if we are to face the threat of modern subversive techniques we must give up some of our liberties or that we must resort to extra-legal methods for our protection.

I deny that we face any such dilemma. I deny that where freedom is concerned we are limited to a choice between doing something unconstitutional and doing nothing. I am convinced that within the letter and spirit of our Constitution there is ample authority for every measure which an emergency requires. We will not protect the Constitution by departing from it, but we will invoke its strength in our own defense. It is your task and mine, as law enforcement officers of the nation, to proceed without rancor, or panic, or partiality, to mobilize and utilize the constitutional resources to protect our country from penetration by foreign forces for any unfriendly purpose.

In times like these the role of Federal prosecutor is not an easy one. He has a narrow path to walk. He must maintain our constitutional freedoms unimpaired; at the same time the public looks to him to prevent their abuse.

Public utterances frequently raise this problem in its most difficult form. There are some persons who would suppress any speech which they regard as subversive. They look to the prosecutor and they cry "Why do you allow it? Why not stop it?" If the prosecutor takes action he may be violating the Constitution. If he fails to act he may be condemned for being unequal to his task. Such instances demand clear thinking about the nature of freedom.

When we think of freedom of speech we commonly think of it as a guarantee for the protection of minorities. It is natural that this should be so, for the freedom to speak is a basic weapon with which a free man, however lowly, can defend himself. Frequently it happens that a vociferous minority in a community will make itself heard far beyond its proportionate strength in numbers. On such occasions I have nothing but scorn for the indolent lethargic type of citizen who runs to the prosecutor, pleading with him to protect the community against the attack of this minority and asking for suppression. There is nothing American about that type of behavior. On such occasions we are not limited to a choice between suppressing the minority and perishing under its attack. Freedom of speech is a guarantee to the majority as well as to the minority, and a majority which does not have the vitality to make use of this freedom to reply to its critics does not deserve to survive.

National Defense is the number one problem of law enforcement today. Sabotage, espionage, draft evaders, conscientious objectors, foreign agents and the deprivation of civil rights are some of the types of cases which have been coming before you. In terms of volume they perhaps occupy only a small part of your time but in importance they

must be regarded as second to none. Vigorous prosecution of these cases is important not only in the interests of physical defense but because swift prosecution is the surest antidote for the type of lawlessness which is sometimes urged.

An official in one community recently suggested that "Some times the things it is best to do are not quite within the law but they are effective." That is a policy which we must reject without qualification. We must be able to give the country our solemn assurance that while the Department of Justice and the United States Attorneys will leave nothing undone in the prosecution of violations of law, the country can be certain that there will be no extra-legal activity and no witch hunting from this source.

We are passing through a period of great national tension and considerable danger. It may be that the crisis will deepen. Pressures may be placed upon you to go beyond the limits of your legal duties. There may come times when it will be difficult to know which course is right. Let no one dissuade you from the conviction that the Constitution and the laws of this country are the only yardsticks for your action. Government by law is one of the most deeply rooted traditions of our society. It has served us well through war and peace for over 150 years. We will defend America best in this period by adhering faithfully to that tradition.