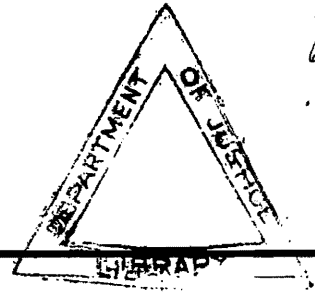




# Department of Justice



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ADDRESS BY ATTORNEY GENERAL ROBERT F. KENNEDY  
CONFERENCE OF THE NATIONAL ASSOCIATION OF DISTRICT ATTORNEYS

PHILADELPHIA, PENNSYLVANIA, AUGUST 18, 1962

I am delighted to be with you at last. I was disappointed that I could not, finally, join you in Portland last year. As you will recall, measures of great importance to all of us came up for vote in Congress at the same time as your meeting and I felt my first responsibility was to do all I could to further their passage. With bipartisan support, the votes were successful and Congress gave us five new laws with which to fight crime, particularly organized crime and racketeering. As a result, this year may be an even more appropriate time for me to report to you, and I thank you for your courtesy in inviting me again.

Last year, I could have told you what our plans were, what laws we sought, and what results we expected. But, after all, lawyers -- and especially prosecutors -- prize evidence over aspiration. Now that a year has passed, I can give you a clearer idea of how we have begun to execute our plans and of the actual effect of the laws we recommended. I think this evidence is solid. Both we in the federal government and you at the local level have made significant progress in the past year against the forces of organized crime that have been eating away at the pocketbooks and the moral strength of our communities and our country.

We set out in January, 1961 to establish an organization which could function with the patience, intensity and muscle necessary to fight the increasingly national problem of organized crime. We did so by totally revising and revitalizing the Organized Crime and Racketeering Section of the Justice Department's Criminal Division. It has been expanded in size; from approximately 17 lawyers, it has grown to more than three times that number. It has been expanded in responsibility; each attorney is now assigned to a geographical area and is responsible for all grand juries and trials dealing with organized crime in that area. And there is a new spirit of cooperation with the nearly 30 other federal law enforcement agencies. Criminal intelligence offers a good example of this cooperation. Previously, the FBI, the Internal Revenue Service, the Bureau of Narcotics and all the other enforcement agencies maintained their own separate files on hundreds of leading underworld figures. Now, thanks to wholehearted cooperation from these agencies, all this material is now consolidated in special files in the Organized Crime Section, and we have, as a result, been able to prosecute cases not previously possible.

To give this organization the weapons we believed necessary, we went to Congress with eight anti-crime and racketeering bills. Some were new;

others had been unsuccessfully sought since as long ago as 1909. By last September, five of the measures were law. Three of the new statutes concern the rackets' prime source of revenue -- illegal gambling. And since illegal gambling is the keystone of organized crime, these three statutes have been the keystone of our offensive. I can report to you that they have had considerable effect.

The first of the statutes, section 1084 of the Federal Criminal Code, bans interstate transmission of wagering information by professional gamblers. Not long after its passage, the operator of the nation's major sports betting information wire service closed up shop saying, he was "too old" to go to jail. Most other race wire services also have shut down and we are moving against the rest. We also have brought a series of actions against other uses of telephones and telegraph in violation of the law.

The second statute, section 1953 of the Criminal Code, prohibits interstate transportation of wagering paraphernalia. We have used it in the successful prosecution of a variety of cases. In one type of case, we secured convictions a month ago of the operators of two leading Midwest "scratch" sheets for shipping their publications -- containing detailed race information -- in interstate commerce.

The third statute, section 1952 of the Code, makes it a Federal crime to travel interstate in the promotion of gambling, narcotics, bootleg liquor, bribery, or extortion. This law has the broadest scope and the greatest potential and it has permitted us to develop a wide variety of cases. A raid in Reading, Pennsylvania, for example, resulted in the arrest and indictment of the leaders of a multi-state gambling operation to which players were brought in by the carload from New Jersey by a paid fleet of so-called "luggers".

The FBI has initiated more than 4,000 separate investigations under these new laws since their passage eleven months ago. Of these, 809 have been completed and are being studied for potential prosecution. We have, so far, obtained indictments against 95 individuals. Eleven of these already have been convicted.

In addition to direct Federal action, we have been able, as the result of these new statutes, to provide increased assistance to our local authorities. For example, in the course of a recent New York investigation, we discovered a large numbers bank in Harlem. The operation had no interstate ramifications so our information was turned over to the New York Police. They raided the bank and broke up the operation. Similar cases are being developed in several other sections of the country.

Cooperation of this sort has not been limited to organized crime. Indeed, the other new laws in our anti-crime program are designed explicitly to assist local authorities. These statutes expand the Fugitive Felon Act and the Federal Firearms Act. Previously, these acts applied only to persons who had been convicted of certain specified crimes. Now, the laws have been broadened to ban interstate flight from prosecution or interstate shipment of receipt of guns by anyone convicted of any felony.

The Fugitive Felon Act, with which you have particular familiarity, was passed in May, 1934 at a time big-league hoodlums were discovering that the speed of law enforcement had not caught up with the speed of interstate transportation. The Act was immediately put to good use by the FBI and I think the continuing benefit to local authorities and to the nation is indisputable. The FBI's Ten Most Wanted List has included unusually dangerous and desperate criminals, such as triple murderers or perpetrators of multiple armed robberies. Of the 157 Most Wanted who have been captured in the 12-year history of the list, the FBI has been able to take 118 into custody under the Fugitive Felon Act.

Nevertheless, you may recall that there has been some recent criticism of the Act and its expansion. It has been asserted that the Fugitive Felon Act is an example of Federal encroachment on state administration of criminal justice. I suggest to you that such criticism is uninformed. As you doubtless know, the FBI undertakes to locate a fugitive only at the express request of local authorities and only when local process is outstanding. There have been more than 10,000 apprehensions by the FBI under the statutes and of these, less than 50 have resulted in federal prosecution. Out of 1,878 Fugitive Felon cases last year, one was prosecuted federally. The FBI last year apprehended 770 fugitives under the new provision of the Act and none of these was prosecuted federally. Even in those few cases which have been prosecuted federally, we proceeded only after consultation with the local authorities involved. In all the other cases, fugitives were returned to local custody through usual extradition procedures.

These, then, are the five bills enacted last year. Important as they have been, however, they by no means encompass our anti-racketeering effort. The Organized Crime Section, using old laws and new, has been instrumental in a host of other indictments and convictions brought in the past 18 months. They include the conviction of a state supreme court judge in New York for attempting to fix a federal case, and the breaking up of two of the biggest narcotics rings in the country -- one just last week. We have convicted such well-known underworld figures as Frank (Buster) Wortman in St. Louis, Mickey Cohen and Frank Carbo in Los Angeles, Frank (Screw) Andrews in the Newport, Kentucky area, Michael Coppola in Miami, Kid Cann in Minneapolis, and Felix Ferina in Kansas City.

Beyond this federal effort, I am pleased to observe an increased interest in local action against the rackets in many parts of the country. A sports bribery scandal of wide proportions was uncovered in North Carolina. A New York racketeer who set up phony unions as a lever for extortion from businessmen has been sentenced to 15 years in prison. A drive on organized gambling in Chicago has resulted in a number of large-scale raids.

In these and all cases, we stand ready to provide every possible assistance. Last spring, for example, Frank Kelley, the Michigan Attorney General, outlined to us his plans for a significant gambling raid and prosecution. We were able to provide him with useful information gathered by the

Organized Crime Section's intelligence unit. On several occasions arrangements have been made to have Federal agents testify before local grand juries concerning organized crime. We intend to continue our help to you in your efforts against organized crime problems in your areas.

We also ask your help and your support for the remaining bills in our legislative program. The measures already enacted have had an immediate effect in curtailing gambling profits. We have been able to make a dent. One of our pending measures will enable us to go further. This is a bill to amend the present law forbidding transportation of gambling machines in interstate commerce.

Eleven years of enforcement experience have revealed serious flaws and loopholes in the present law. It has been effective against the oranges, cherries, plums -- and occasional jackpots -- of the one-armed bandits. But its effect on more sophisticated gambling machines has resulted in not so much as a single "Tilt." No sooner were the definitions of this act written into law than manufacturers put their ingenuity to work and came up with gambling machines which did not fit the definitions. I am talking particularly about the so-called pinball machines on which players can manipulate the odds and win payoffs indirectly. Our proposed legislation would broaden the definition of the present act to include any device designed and manufactured primarily for use in gambling. This bill has passed both Houses and is now in conference. We believe it would revitalize law enforcement in this area.

The second of our pending measures would be of great assistance in taking effective action against another important area of racketeering -- in the labor management field. Our experience with investigations under the Taft-Hartley and Hobbs acts discloses an area of particular difficulty. If an employer, for example, testifies about making payments to a union representative, he would risk incriminating himself. And if a union representative testifies to having received bribes in exchange for favors, he also runs the risk of prosecution. Consequently, it is sometimes extremely difficult to obtain evidence from either of the parties involved. Our bill would permit us to grant immunity to the less culpable person and compel his testimony against the person responsible for the payoff.

Our third pending proposal would provide a greatly needed protection in investigations of all kinds. At present, witnesses in a court or Congressional proceeding are protected by law from threats or violence. No such protection, however, extends to persons being questioned by the FBI or other agencies of the Government. In one case, a prospective defendant threatened to kill a man and his wife if they gave any information to the FBI. Yet the resulting indictment against him was dismissed on the grounds that such intimidation was not covered by existing law. We earnestly believe that such intimidation should be covered, as recommended in our bill, which, like the labor immunity bill, has passed the Senate and is now in committee in the House. Yet there are those who have -- for whatever reason -- organized opposition to these measures.

Finally, I would call your renewed attention to our request for new wiretapping legislation. This is an extremely controversial subject and the debate has continued for decades. While there is merit in the arguments on both sides, the result under existing legislation has been chaos. Law enforcement has not kept pace with scientific advances and individual privacy has not been protected. We have offered a comprehensive new wiretapping bill which would flatly forbid wiretapping, except when authorized for investigation of specific crimes. The bill also would set up stringent safeguards to prevent any possible abuses. We believe this bill meets the needs of modern law enforcement; we believe it will better protect individual rights. In short, we believe it is the best possible balance of these two aims of society.

There is an old French truism that every society gets the kind of criminal it deserves. I think this applies to America. Our society has increased in complexity and sophistication. Fundamentals like travel and communication have become easier for everyone -- including racketeers. But the laws by which they are restrained have not kept pace. Our society should get the kind of laws it deserves and we strongly believe that the four bills I have just outlined are essential to the fight against the power of the rackets. I urge you to study them and I sincerely hope you will give them your endorsement and your support. The time has come, as Walter Lippmann wrote twenty years ago, to stop defying the Devil with a wooden sword.

At the same time, we seek your assistance in carrying out the program already begun. We are interested in receiving any information that comes to you about illegal operations with interstate connections. We are interested, likewise, in assisting your prosecutive efforts in every possible way. Organized crime may never be conquered, but with mutual effort as a foundation, we may hope to check its power. Let us join in a renewed effort to do so, by enforcing existing laws and by pressing for needed new ones. Let us pledge -- to our communities and nation -- our dedication, our energy, and our best efforts.