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ADDRESS

BY

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Recently I have been through the experience of hearing an outstanding scientist, who had no training and experience in American law or our judicial system, make public statements condemning the handling of the Rosenberg case. He took it upon himself publicly to judge whether there had been a fair trial: whether certain witnesses should be believed; whether our carefully worked-out judicial processes had been adhered to. He hadn't attended the trial, or seen the witnesses and given mature study to the points of law. Frankly, I was pleased to see the public reaction to his statements - almost unanimously, it was agreed that he wasn't qualified to speak authoritatively in a field where he had no training or experience, regardless of his technical ability in his own line of endeavor - that his judgment in legal matters was not to be matched against the decisions of our most experienced Federal judges.

As a lawyer appearing to speak tonight to this distinguished group of educators, I shall try to avoid making the mistake that the scientist did - I am not here to tell the National Education Association how to solve the many and varied problems of public education. You are the experts in that field.

But I do have an official reason for appearing here - to express my admiration for the effective work of the N.E.A. in the field of citizenship education. As most of you know, the N.E.A. is joining with the Department of Justice in sponsoring the National Conference on Citizenship, to be held in Washington, D. C. in September during the week in which Constitution Day occurs. We in the Department take real

satisfaction in our association with you in this public service project, and trust that many of you will attend the forthcoming sessions of the Citizenship Conference.

The opening day of the Conference will mark the observance of "Citizenship Day," authorized by Congress last year to commemorate the signing and formation of the Constitution on September 17, 1787, and in recognition of all who, by coming of age or by naturalization, have attained the full status of citizenship. Your N.E.A. played a very active and important part in having this legislation adopted. It was the first official recognition of the signing of this immortal document.

Among the objectives of the Conference are:

To keep alive the ideals and principles expressed by the founding fathers in the Constitution;

To examine the functions and duties of American citizenship in today's world;

To assist in the development of more dynamic procedure for making citizenship more effective; and

To indicate the ways and means by which various organizations may contribute concretely to the development of a more active, alert, enlightened, conscientious citizenry for our country.

"What Price Freedom?" is the challenging theme for the 1953 meeting. Today's world situation is an impelling reminder that our country vitally needs an alert and conscientious citizenry.

You will be pleased to know that the coming Conference tends to be the largest one yet held. About 1200 delegates, representing over 800

organizations and agencies, are expected to participate. Not only great in number -- but great in spirit -- they gather in a spirit of unity -- with only one aim -- the betterment of our country.

Among the distinguished speakers will be Ambassador Henry Cabot Lodge, Jr., the United States representative to the United Nations, and the Honorable John J. Parker, an outstanding American jurist and United States Circuit Judge of North Carolina.

I am very happy to cooperate with your President, Mrs. Sara Caldwell, in achieving the aims of the 1953 Conference, and I am looking forward to also cooperating with your new President.

This Citizenship Conference is hardly my first contact with the activities of the N.E.A. because my father was for years an active member in Nebraska. Near the close of a career in public education covering more than 50 active years, he was presented an honorary life membership in N.E.A. In fact there were so many teachers in my family that I risked becoming known as the black sheep by straying into the field of law. So, I take a personal pleasure, aside from my official duties, in participating in your meetings.

I have followed with great interest the press reports of the proceedings here at your 91st Annual Convention, and commend two reported actions taken by your commissions. The first restates your belief that the American people, in order to maintain and advance our way of life, must be free to think and write as they please and to read books of their own choosing (subject, of course, to the laws of decency). The second, denounced those few educators who hide behind the legal protection of the Fifth Amendment when called before duly constituted Congressional

investigating committees. I was glad, but not surprised, to learn that none of the teachers who constitute this small minority are members of the National Education Association.

It is remarkable how often our activities in the Department of Justice touch the field of education -- particularly through the work of the Immigration and Naturalization Service, the Federal Bureau of Investigation, and the Federal Bureau of Prisons. Each of these Services works in cooperation with private educational institutions to promote certain phases of adult or vocational education or to combat juvenile delinquency. A few of our current problems may be of interest to you.

When we assumed public office a few months ago, we found in the Immigration Bureau buckets of red tape that seriously interfered with the education in this country of children from foreign lands, who wanted to attend schools of their own choice here.

One of the best ways of bringing about world understanding of our nation is to have youngsters and scholars of other nations attend our schools. Many want this advantage. But because of our old regulations, we found in many, many cases they could not go to the school which they had chosen -- just because of red tape and bureaucracy.

The regulations previously provided that they could be admitted as non-immigrant students only to attend schools which had been approved by the Attorney General after consultation with the Office of Education. And that regulation further provided that a school desiring approval as a place of study for non-immigrant students had to file a petition with the Attorney General and pay a fee of twenty-five dollars. Naturally, there were complaints and delays. Why should they be required to submit a

petition and pay a fee when these schools already had been recognized and accredited by the Office of Education or an appropriate urban, county or state educational agency.

It just was not logical to require recognized and accredited schools to file petitions and pay a fee which many did not have appropriations for, or legal means to pay.

In order to eliminate this, we have now amended the regulations to provide blanket approval for attendance by non-immigrant students at any recognized or accredited school. We require only that the schools attended by these foreign students give us a report in writing of the attendance and termination of attendance of such students. And there is no fee. That is just one example how an alert government can help in the field of education.

Now, if I were to tell you that one million youngsters will show the first symptoms of cholera this year, the nation would be aghast and people everywhere would jump up to see what they could do to prevent it.

Fortunately, we face no such plague. But, there is every sign that more than one million children this year will be in trouble serious enough to require the police to pick them up.

Why don't people everywhere jump up and see what they can do to prevent it? They would jump to if there was danger of plague. Why not when it is juvenile delinquency? It is the same old story -- "let John do it."

Where shall the countermeasures come from? They must come from sources closest to the individual child -- parents, teachers, the church.

The real breakdown naturally occurs in the home. Lack of parental interest in the welfare of the child and, even more so, broken homes, are the basic roots of the trouble.

This, then, places a still greater burden on the schools and the churches, and, unfortunately, upon our FBI and Bureau of Prisons, instead of being supplements to the rearing of the child, the schools and churches all too often have to adopt the initial role in the full training of the child.

Mr. J. Edgar Hoover, Director of our Federal Bureau of Investigation, in discussing juvenile delinquency in the spring issue of the Syracuse Law Review, said:

" . . . the solution to the problem of juvenile delinquency lies in intelligent, coordinated adult action — action which demands full cooperation of adult society, social agencies and law enforcement. Undoubtedly the most important influence upon the growing youngster is that wielded by the adults whom he observes day after day."

Mr. Hoover also said, and I quote:

"The community educational system, which is charged with the care and guidance of the child during a major part of his wakeful hours, must be staffed with competent teachers who are capable of recognizing and assisting 'problem children,' capable of inspiring their charges to strive for betterment of both mind and soul. The teacher should be quick to recognize the abilities and interests of the child. Not only should he help his pupils to master their class work, but he should encourage them to pursue their special interests and to develop their abilities for the benefit of society."

I have said that more than one million youngsters will be in trouble serious enough to require the police to pick them up.

That is one measure only of a social disease which exists in our communities about which we are all too complacent. We know that the cost of crime adds to billions of dollars yearly. One authority says it runs as high as fifteen billions. We know, too, that more than half the adult criminals in the country have a past history of juvenile delinquency.

You school people are concerned and want to do something about this social sickness. It is because of this concern and this desire to do something that I place these facts before you. The facts come from the FBI and the Bureau of Prisons in our own Department of Justice, and from the Children's Bureau in our new Federal Department of Health, Education and Welfare.

Lets look for a moment at the one million or more boys and girls who will be picked up by the police this year. What are they doing?

They are doing all manner of things, not all serious. Not all bespeak serious anti-social or neurotic quirks. Some are just pranks. Some are minor violations of law.

The more serious cases go to court. This year some 350-thousand boys and girls will appear in our juvenile courts. The cases of about half will be dismissed or held open without further action. The other half will be placed on probation, or committed to training schools for delinquent children where they will stay upwards to a year. The probationers will run about 95-thousand. The number committed about 40-thousand.

The juvenile court records show that the majority of boys referred to them are charged with stealing or malicious mischief. Most of the girls are brought in for being ungovernable, for running away, or for having committed a sex offense.

Police fingerprint arrests give a still more stark picture. If this year's record is like that of 1952, young persons under 18 years of age will commit: 53 per cent of the automobile thefts; 48 per cent of all burglaries; 15 per cent of rapes; 4 per cent of homicide cases, and 5 per cent of assault cases.

Juvenile delinquency is not just a "big city" problem. Reports to the FBI from police departments show the increases averaged more in smaller cities than in great metropolitan areas.

Some might say that the child population has been growing and must be taken into account.

Well, we have taken that into account. It is true that the number of children of juvenile court age, generally 10 to 17, increased between 1948 and 1951. But that gain was only 5 per cent, while the number of juvenile court cases jumped 17 per cent, or more than three times the population growth.

The prospect for future years is even more serious. By 1960, we shall have 42 per cent more boys and girls in the 10-to-17 age group than we had in 1951. A sobering question then, is whether the number of delinquent children also will increase 42 per cent by 1960? Or will the pace be even greater, as it has been in the last few years? Suppose we had to increase our police forces, or our court facilities, detention centers, probation services 42 per cent. The prospect is frightening, dollar-wise. It is vastly more frightening health-wise.

I think we all agree that the major work must be done in the community. But the federal government can help and will help.

Turning briefly from the preventive side of the problem, we will soon be implementing the Youth Correction Act which provides for better rehabilitation work designed to salvage the lives of youngsters who violate federal laws. This program, outgrowth of splendid planning by the American Law Institute and the Judicial Conference of the United States, will go into effect this fall.

During the weeks just passed, we have been devoting time to the problem of bringing the new system into operation. To do so, we first had to find capable persons for the new Parole Board, particularly the three who would make up the initial Youth Correction Division of the Board.

I am pleased to be able to report that the new Parole Board will shortly be announced and the new program will then be put into operation.

The new act rejects the basically punitive approach characteristic of the administration of justice for hundreds of years. It results from the established fact that the traditional methods of handling young men

and women have fallen short of their objective and do not offer full protection to society.

It applies to those under the age of 22 who have violated Federal laws. It gives the Federal judges a completely new tool. They may continue to give probation to the more hopeful offenders and they still may impose sentences provided for adults under law.

A youth sentenced under any of the new provisions would be placed in a classification center. There a group of trained specialists will study him and then send on their reports to the Director of the Federal Bureau of Prisons. On the basis of these, the Director will recommend to the newly created Youth Correction Division of the Board of Parole a program of treatment for its consideration. Then the Board, in cooperation with the Director of the Bureau of Prisons, will determine an institutional program for the offender.

During the time the offender is under treatment, there will be periodic reports and recommendations of the Bureau of Prisons to the Youth Division. Upon these, the Board will determine whether further institutional treatment is necessary and under what conditions the offender may be released. Conditional release of all youth offenders, or unconditional discharge, rests exclusively with the Division.

Progressive correctional methods have been stymied by the practice of giving definite prison terms to the youthful offender, with the result that the number of repeaters has steadily mounted.

Contemplated in the program are a wide variety of steps designed to aid the youth. There will be schools, hospitals, forestry and other camps in time. And, there will be special training programs

under public or private auspices for the young and sometimes accidental offenders.

Another important departure from the time-worn methods is the provision that every youth be returned to his home or some place selected for him when conditionally released at least two years before the end of his commitment period. Through this, there will be continuing help in applying the training and education he has received.

The responsibility for this necessary guidance after the youth has left the institution will not rest with professionally-trained workers alone. The act provided for enlisting volunteer sponsors who can share in reclaiming young lives. These sponsors would be sought among the intelligent, stable and well-adjusted private citizens willing to aid in the program.

The drafters of the legislation adopted this provision because they recognized that the community must accept some responsibility. And there is no doubt in our minds that many private citizens can make a real contribution to the lives of youngsters who previously had no one to whom they could turn for capable counsel and help.

The act also provides for an Advisory Corrections Council comprised of United States judges and administrative officers. The judiciary members have already been designated by the distinguished Chief Justice of the United States who was among the first to recognize the value of the new act.

This committee will have two responsibilities - first, to study the prevention of crime, and second, to study the treatment and correction of all offenders. It will make recommendations to Congress for the

improvement of criminal justice and bring about closer relations between the courts, the prisons and the law enforcement agencies.

Meantime, the Senate, under the sponsorship of Senator Hendrickson of New Jersey, is going forward with a bi-partisan study of the problem of juvenile delinquency. If it does nothing more than to alert the nation to the need for action, it will have accomplished much.

Again on the preventive side, the Children's Bureau, which the Department of Justice stands ready to assist, already has done much groundwork in recent months. It has brought together in a series of meetings a wide range of experts from the agencies, professions and citizens' groups dealing directly with delinquency. They are the police, the courts, training schools, educators, physicians, social workers and citizen organizations such as the American Legion, PTA, and church women. I understand your own great NEA already has participated in these sessions. Their purpose has been to draw up lines of action for improving the treatment of youngsters already marked as juvenile delinquents.

Our police are the first-aid force in dealing with the problem. Now the ordinary policeman does not have, nor is he now expected to have, any special training in handling youngsters who have tangled with the law. At the present time, only one out of six communities has a sufficient number of juvenile police officers; furthermore, the majority of cities fail to require any qualifications for appointment to juvenile work other than those for the police force in general.

Clearly, then, one of the things we must do is to make sure that police departments have a special juvenile division with well-trained

staff to work with children.

For many juvenile delinquents, their first-aid station is the detention center where they are held until the court is ready to consider their problems. This year possibly up to 100,000 youngsters will be held in jails, awaiting court action, because a jail is the only place they can be held. In these jails, impressionable youngsters are often thrown together with hardened criminals. Of the more than three-thousand jails which our Bureau of Prisons has inspected, fewer than one-fourth of them could be approved for use even for adults.

Second, then, we should make sure that no child has to be put in jail. Instead, we should have decent and suitable detention facilities, with constructive programs where children can be looked after by a trained and experienced staff interested and skilled in getting at the child's particular problem, or even in foster family homes. For instance, it is possible under our new Federal Youth Corrections Act for the Parole Board to place convicted children in homes of volunteers after the initial phase of rehabilitation.

Third, a juvenile court judge should have the assistance of a trained staff for gathering information about children and for supervising their treatment program in the community. More than half of the counties in the United States fail to offer probation service to the judge and to the delinquents. A study of juvenile probation officers in 1950 revealed that only one out of 10 had completed his social work training. As a trustee of the New York School of Social Work I am particularly aware of this deficiency. Here is another area in which we must raise standards and practices.

Fourth, we have woefully neglected our training schools for delinquent children who need treatment away from homes and communities. To too many, we have given neither the facilities nor the staff to permit them to give individual attention to each boy and girl. Individual attention is needed to provide them with constructive educational, spiritual and psychological programs.

In many instances we have overburdened these schools with mentally retarded or emotionally disturbed children simply because there is no appropriate alternative place to care for them. Naturally, these conditions impede the work which could be done with the delinquents.

Finally, we have left our various state and local agencies to struggle with their problems, each in its own separate way without benefit of any opportunity for teamwork between them. Some mechanism for close collaboration is urgently needed if a good treatment job is to be done for the children who pass through their hands.

Again, it is a matter of money. Obviously, if we are going to have more and better trained juvenile police officers, more and better detention facilities, more and better trained probation services, more expertly staffed training schools, this is going to cost money.

But a little extra money now spent to pay for good services may save us many times this amount in future reduction of our tremendous crime bill -- as well as in young lives turned from twisted and anti-social behavior to responsible citizenship.

I read recently of a school principal who complained that his students had taken to bad ways because they assumed that government in our system is bound to be corrupt. The students, he argued,

tolerate crookedness in the "respectable, public-spirited" townsman who gave them tickets to the fair. In a sense that approach is true so far as it relates to a portion of our population -- those who return the crooked politician to office because they have benefited by the so-called favors passed out.

We can do much to offset this hero-worship by pointing out how these crooked officials waste the tax dollar and bring countless other expenses upon the pocketbook of our good citizens. There are countless factual stories which one can tell of the good things done by good and honest officials. If the child must indulge in hero-worship, let us find a good hero for him on the local, state or national scene. For instance, the most trusted arm of our government is the FBI. Why? Simply because of the honesty and devotion to duty of Mr. Hoover and those who work with him. Any wonder then that he, rather than a free ticket passer, is the hero worshipped by a major portion of our child population, as well as a major portion of our adult populace.

Earlier this week, President Eisenhower, and I had the opportunity to meet two great heroes and one very outstanding citizen. Their ages were 13 to 18. They were the winners of the Young American Medals for Bravery and for Service.

Take Joe Knighton of Montgomery, Alabama, upon whom the President bestowed a Medal for Bravery. He not only pulled a man from the water, he also refused to say quit, even though a physician had declared the man dead. Joe worked for 90 minutes in applying artificial respiration. His persistence, as well as his courage and disregard for his own safety in the water, saved the man.

The other hero was Howard Fitzgerald, now living in Dallas, Oregon. A tragic fire destroyed the Fitzgerald home last year. Howard saved two younger brothers and then made a heroic effort to save his father and two other brothers. He was badly burned and overcome by smoke, but until he dropped, he tried to get aid to them.

In the field of Service, the medal winner was Rollin Shoemaker of Denver, Colorado. This lad made a real mark in life last year. He instituted a soil conservation program. This, together with his other outstanding contributions to agricultural life in Colorado, won him the highest honors not only of his government but of the National 4-H Club.

If you know of outstanding acts of heroism and service occurring in this calendar year, bring the cases to the attention of your governors so they might consider them for nomination for the 1953 awards.

Joe, Howard and Rollin are outstanding Americans.

These are the real heroes. We can make them the real, living heroes in the eyes of our youngsters who too often are prone to idolize the gangster and the crooked politician because adults are either willing to tolerate the condition or afraid to speak out against them.

And as teachers, you stand well-equipped to speak out for the juvenile police officers, the better juvenile court systems, the better detention facilities, the better training schools we need to handle the delinquents. Marshal the forces of the parents and friends of your pupils.

As for the Department of Justice it stands ready to do all in its power to strengthen the hand of Mrs. Hobby's Department of Health,

Education and Welfare in the splendid effort it is making to mobilize citizen action in behalf of better programs in communities and states.

Perhaps our rallying cry is to be found in the words of Abraham Lincoln who said:

Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling-books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars.

Indeed, law and education must go forward hand in hand if we are to accomplish our goal of an informed citizenry living under a government of laws, with equal opportunity for all to enjoy our Constitutional freedoms. Believe me when I say that the present Administration in Washington is working toward that goal, and commends the splendid and effective work of the NEA in doing its part.