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ADDRESS

BY

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While I like to think that I am still a young man, I find myself before this first annual convention of the National Association of County and Prosecuting Attorneys, in the role of an elder statesman-- or even a founding father. Your brochure, and the letters of your President, Mr. J. Frank Coakley, District Attorney of Alameda County, California, have persuaded me that I was the instrumentality, the immediate cause, for your Association coming into being, when, two years ago, I asked for representation of county and district attorneys and prosecutors at the Attorney General's Conference on Organized Crime held in Washington, D. C. on February 15, 1950. A number of you came, but as individuals. The need for more general representation, through an official organ, became so evident, that you now have your Association, representing and giving national voice to a group of public officials whose cooperation is needed as much as, if not more than, that of any other single group, in the fight against organized crime.

The responsibility for dealing with crime in America is primarily a local function. How often have you heard that said. I have said it so often myself, that I would put the proposition to you in the words of another authority, the Kefauver Committee, who in their latest report, the third interim report, state the following:

"Any program for controlling organized crime must take into account the fundamental nature of our governmental system. The enforcement of the criminal law is primarily a State and local responsibility. While channels of interstate communication and interstate commerce may be used by organized criminal gangs and syndicates, their activities are in large measure violations of

local criminal statutes. When criminal gangs and syndicates engage in bookmaking operations, operate gambling casinos or slot machines, engage in policy operations, peddle narcotics, operate houses of prostitution, use intimidation or violence to secure monopoly in any area of commercial activity, commit assaults and murder to eliminate competition, they are guilty of violating State laws and it is upon State and local prosecuting agencies, police and courts, that the major responsibility for the detection, apprehension, prosecution, and punishment of offenders rests.

"The crisis of law enforcement which has been uncovered by the committee is basically a State and a local crisis. The Federal Government does not have responsibility for the widespread gambling and vice conditions it has found in such places as the Miami area; the parishes outside of New Orleans; the Covington-Newport areas of Kentucky; Bergen County, N. J. ; several counties in California, Illinois, and Saratoga, N. Y. The responsibility is basically one that must be shared by local and State agencies of law enforcement, as well as by the citizens of the various communities who tolerated such conditions. Nor can a remedy for these conditions be found merely by shrugging off local and State responsibility and declaring that only the Federal Government can do the job of cleaning up wide-open conditions. As J. Edgar Hoover pointed out in his statement to this committee, 'The Federal Government can never be a satisfactory substitute for local self-government in the enforcement field.'"

There you have it, in the words of a committee of the Senate of the United States, which has made one of the most thorough-going investigations of crime ever done in this country, and in the words

of one of the great law enforcement officers of modern times,
Mr. J. Edgar Hoover, Director of our Federal Bureau of Investigation.

Of course, the federal government has its part, and a vital part, in assisting to combat organized crime. It can co-ordinate the various methods for obtaining cooperative enforcement, among the states and between the states and the federal government. It can supplement state authority and state policy by the exercise of its authority over the channels of interstate commerce and transportation and communication; and by its power over the mails and income tax. By virtue of its central position, the federal government can, in a word, exercise leadership.

Two years ago, the alarming rise in problems of criminal law enforcement facing many communities had caused them, through their representatives in organizations of state and city officials, to write or come to me for guidance. Recognizing the capacity for leadership of the federal government, I assembled the conference of local, state, and federal law enforcement officers in Washington, D. C. on February 15, 1950, which became known as the Attorney General's Conference on organized Crime. The meeting was called with the encouragement and approval of the President of the United States, and was participated in by him. Likewise, Senator Kefauver, whose Special Committee of the Senate had not yet come into being, was a participant.

We were faced with a new phase of an old problem. Mobsters, with the aid of muscle and corruption, had made big business out of the illegal businesses of bookmaking, slot machines, numbers games, and other forms of commercialized gambling. Tied in, were prostitution, narcotics, and the more violent forms of underworld activities. The operations were costing the American public billions of dollars and

were making a mockery of local self-government.

The rackets were producing nothing and corrupting everything they touched--legitimate businesses, young people, sports, politics.

The people in this country long ago had painstakingly evolved a public policy against the gambling business, when state-by-state during the nineteenth century they outlawed lotteries, and the Congress supplemented that policy at the end of the century by banning lottery tickets from the mails and their transportation in interstate commerce. The only substantial deviation from this policy in recent times has been the legalization, in about half of the states, of betting at the track on horse or dog races. With this exception, plus the allowance of local option in a very few states permitting the licensing of certain kinds of gambling, there exists throughout the United States a grass-roots public policy that condemns organized gambling and makes its activities criminal.

The Attorney General's Conference on Organized Crime agreed on several things.

First, one of our greatest dangers, causing an increase in crime, is the continued flourishing of organized gambling. As the most lucrative of the illegitimate enterprises, it is the center around which revolve many of the activities of the underworld.

Second, in the division of governmental powers dealing with these criminal activities, the primary responsibilities are those of state and local governments and of state and local police. Nevertheless, adherence to this principle should not detract from the common purpose in combating crime, that all branches of government--federal, state, and local--shall assist whichever branch is charged with primary responsibility. But, when the federal government comes to the aid of the

states it should not do so through the creation of a national police force.

Third, whatever methods or techniques are propounded in this fight against crime, there must be public support. Public officials cannot successfully fight organized gambling unless the psychology of our people is affected with an abhorrence of the kind of crime that it promotes.

In the matter of public support, our cause was fortunate. The Conference touched off a series of local and national inquiries topped by the investigation of the Kefauver Committee, more accurately the United States Senate Special Committee to Investigate Organized Crime in Interstate Commerce, which is continuing until September 1, 1951, now under the chairmanship of Senator O'Connor of Maryland. The revelation and exposure of crime in this country has stirred the public to its depths.

You will remember that the Conference of February 15, 1950, made several express recommendations for action and provided continuing machinery to develop those recommendations. Among the recommendations were several calling for federal legislation, and, as a result of the efforts of the continuing committees of the Attorney General's Conference, we obtained from Congress enactment of the only piece of major national legislation of recent times aimed at organized gambling. I refer to the anti-gambling device law, designed to prohibit the interstate shipment of slot machines and similar gambling devices except into states where their use is legal. It is Public Law 906 of the 81st Congress and became law on January 2, 1951. I would like to discuss it and some aspects of its enforcement with you, because I believe it is a live illustration of one of the important techniques

at the command of the federal and local governments in developing cooperative law enforcement.

In presenting to the Congress the anti-gambling device bill recommended by the Attorney General's Conference on Organized Crime, the case was adequately made at the hearings on the bill that its purpose was to support the basic, almost unanimous, policy of the states which outlaws the use of slot machines and similar gambling devices. It was further emphasized that the proposal was not intended to re-introduce into the United States a new "prohibition" era. Accordingly, the federal government was not assuming the task of policing and prosecuting gamblers where the primary responsibility already rested with the states and local governments.

As enacted, the measure made it unlawful knowingly to transport in interstate commerce any gambling device. The definition of gambling device, as modified by the House Committee on Interstate and Foreign Commerce, was somewhat narrower than the definition approved by the Attorney General's Conference. Nevertheless, it quite clearly covers the gambling device popularly known as the slot machine. The law excepted from its prohibition the transportation of gambling devices into any state which indicated by a law that it did not want the federal protection against interstate shipments. And, I might note at this point, that so far only the State of Nevada has adopted a law providing for exception to the federal Act; whereas a number of states, such as Texas, Massachusetts, and Ohio, have tightened their laws to make unlawful the possession and use of gambling devices corresponding to those defined in the federal Act.

The Act further requires that manufacturers of and dealers in gambling devices register with the Attorney General of the United States

and file with him monthly inventories and records of sales and deliveries. Every manufacturer and dealer is required to mark each gambling device so that it is individually identifiable; likewise there are labeling requirements for gambling devices or any packages containing them when shipped or transported. Insofar as the District of Columbia, the possessions of the United States, and other exclusively federal jurisdictions are concerned, the Act prohibits the manufacture, sale and possession of gambling devices, as well as transportation. The Act is enforceable by criminal penalties and seizure and forfeiture provisions.

As I have indicated, the Act, throughout, is in support of local, grass-roots policy. At the time of the adoption of the federal law, most of the states had laws prohibiting the use or possession of slot machines. Recognizing and supporting that state policy, the Congress has made available its control over the channels of interstate commerce to help cut off the flow of these machines. Nevertheless, if the majority of the people of any state, as represented by the legislature, wants these machines in the state or in any subdivision of the state, and wants to obtain them through the channels of interstate commerce to the extent they may be available outside the state, it may have them by enacting the necessary law. This is complete federal acquiescence in policy fixed by the states, and a recognition of the responsibility of each state for ordering its internal affairs. In further regard for this principle there is no federal ban on the manufacture or intrastate sale of gambling devices other than the prohibitions affecting the District of Columbia and the other exclusive federal jurisdictions, where the Congress has directed cooperative support of the almost unanimous state and local policy against slot machines.

The anti-gambling device law has been in effect only a short while.

As a matter of fact, last February 28 was the first of the deadlines for the filing of reports. Nevertheless, we have reason to believe that the law has begun to take effect and is doing the job of putting a crimp in a business which has, nationwide, fostered and stimulated gambling, racketeering, and other evils. Under the current Department of Justice order, manufacturers of and dealers in gambling devices having places of business in Illinois, where manufacture has been concentrated in the past, must register and file reports with the Attorney General at the office of the United States Attorney in Chicago. All other manufacturers and dealers must register and file reports with the Attorney General in Washington, D. C. One hundred twenty-six manufacturers and dealers have registered and are filing monthly inventories and records of sales and deliveries. The Washington, D. C. records, which cover the country other than Illinois, indicate that since January 2, 1951, when the law went into effect, 2717 gambling machines and 31,963 parts were sold. The inventories reflect that there are over 11,000 machines and 308,000 parts on the shelves of manufacturers and dealers awaiting disposition. This summary of sales and inventories does not include the Illinois data which have yet to be compiled.

However, these partial figures on inventories are significant as an indication of a substantial voluntary compliance with the ban on interstate shipment. Other evidences of the effect of the law are reports to us by some dealers and manufacturers that they are going out of business or, in one or two cases, moving to Nevada. Direct violations of the transportation feature of the law are being vigorously dealt with. The FBI has had occasion to seize 208 machines alleged to have been transported contrary to the law and has arrested

15 persons in connection with these transactions. Approximately 40 additional cases are now under active investigation.

But of greater immediate significance are the interesting possibilities of cooperative law enforcement presented by the even incomplete records of manufacturers and dealers on file with the federal government.

The reports on sales or inventories do not reflect any violation of the federal law, but do suggest that there may have been violations of state laws which variously prohibit the use, possession, manufacture of, and dealings in, slot machines and other gambling devices. The registrations, the records of sales, and the records on inventories, offer leads to violations of state laws and local ordinances worth looking into by state, county, and municipal authorities. Recently I came to the conclusion that all these records filed with my Department should be available for public inspection, and I so directed. It seems to me that the information can be of value to every officer of a state or community concerned with the enforcement of anti-gambling laws, particularly those which deal with slot machines. I would welcome your use of this information and, in turn, would ask that you, on behalf of your community, give the Department of Justice reports from time to time on known manufactureres and dealers in order that we may check up on their registrations and follow up in other ways.

As we gain experience with the administration of the anti-gambling device law, the methods for tightening the control of the interstate shipment of gambling devices, and obtaining federal-state cooperation in enforcing the federal and state laws on the subject will become more apparent. Already we are aware of the need for certain slight amendments to the federal statute to assist us in obtaining certain

basic information relative to enforcement. Moreover, the Kefauver Committee has indicated in its recommendations that it may be essential to broaden the scope of the law to prevent evasions, and to include other devices such as roulette wheels and punch boards which are the source of substantial revenue for gangsters and racketeers. This was substantially the position taken by the Attorney General's Conference on Organized Crime in presenting its draft of bill to the Congress ~~last year~~, and I think we will be obliged to go back to the Congress to seek restoration of the originally proposed definitions of gambling devices, which the Congress in its understandable search for greater certainty has perhaps reduced too much.

In this connection, I would like you to know that I intend to reconvene the Attorney General's Conference on Organized Crime at a time soon after the Special Senate Committee winds up its work and makes its final report. The many fine recommendations and the important study made by that Committee, already at hand in the three interim reports, plus the summary and additional recommendations forthcoming in the final report, present a challenge that will tax the energies and capacities of everyone connected with law enforcement in America.

In this regard your new, young National Association of County and Prosecuting Attorneys, working together with our other associates, will be counted upon to play an important role.

We have yet to complete the task, so well begun, in obtaining federal legislation and developing state and local cooperation for the elimination of the so-called wire service, which is, as the Kefauver Committee and the McFarland Subcommittee have pointed out, the lifeblood of nationwide, illegal bookmaking activities. Additional ideas in accomplishing the objective have been suggested since the Attorney

General's Conference presented its bill to the Senate last year. For example, the Kefauver Committee is urging, among other things, the general licensing of all dissemination of horse racing or dog racing information or betting information on any other sporting event by means of interstate or foreign communication by wire or radio, but not including newspaper publications or public broadcasting by a licensed radio station. Under this plan, the Federal Communications Commission would be authorized to grant licenses for the dissemination of this racing or betting information if the applicant satisfies the Commission that the information will not be disseminated primarily for use in gambling activities which violate the laws of the states in which the information will be disseminated; and a license granted may be revoked by the Commission, if the holder fails to live up to this engagement. This is an appealing suggestion, in the attempt to balance the requirements of law enforcement against the legitimate demands of freedom of information. The Conference should give careful consideration to it and all the proposals, and then throw its weight behind those which, in its judgment, are best suited to accomplish the law enforcement objective, with due regard for the civil liberties of our people and in the light of the several responsibilities of the local, state, and federal governments.

Another matter, which will claim special attention among the score of items the Conference must ultimately deal with, is the traffic in narcotics, particularly among our young people. The Congress already has a number of proposals before it, with others coming in; and the states and local communities must be prepared for meeting new and heavier demands upon their enforcement machinery in the narcotics field. The problem is complicated by the discovery of new synthetic drugs which

can be and are being manufactured in this country, thereby necessitating control of a potential domestic supply in addition to the control of imports.

In the field of narcotics law enforcement, as in many others, the usefulness of various cooperative techniques will be evident. The direct cooperation of the Secretary of the Treasury in the drafting of state narcotics legislation and in the exchange of narcotic drug information, authorized by Congress many years ago, will become increasingly helpful.

The uniform state law, the reciprocal state law, and the interstate compact may prove to be desirable tools in several fields. The method of "suggested state legislation," by which a Drafting Committee of State Officials proposes state legislation to give effect to national policies, has an important role. This is a technique which has been successfully used for the past ten years, brought into being at the suggestion of representatives of the states, and fostered in cooperation with the federal Department of Justice.

In my testimony before the Kefauver Committee in March of this year, I suggested that the Committee might want to recommend that the Governors of the several states convene annually a group within each state, which would constitute a board of inquiry into law enforcement problems. Among such groups there might be an interchange of information with each other and the federal government. In that connection, I made known then and would like to repeat for your benefit that I was keeping grand juries available in each United States Attorney's district for the receiving of complaints on violations of federal laws, although the federal function where commercial gambling is concerned is a considerably narrow one.

I was pleased to note that the Senate Committee adopted my suggestion and has made a half-dozen additional suggestions for action by state and local governments, which will be of particular interest to the members of this Association.

To pull all of these ideas and methods together, and to convert them into an action program, is the job ahead. It is a tremendous task, one that will require persistent, untiring effort.

You district attorneys and prosecutors who stand on the firing line in the day-to-day brush with crime and the prosecution of offenders, many of whom serve only to cloak more sinister and powerful forces beyond your immediate reach, must often feel a sense of loneliness and futility as you stand like solitary figures attempting to stem a continuing tide of evil. I trust you will take heart and gain renewed faith in and from your fellowmen, who are mostly good people of good will and wholesome outlook, but who have in the main been unaware of or indifferent to some of the evil influences that have grown upon us. They have been awakened and alerted. They wait only for direction and guidance.

In your new unity with your fellow prosecutors and county attorneys you will draw strength and comfort that you are not alone. And in cooperation with other like associations and the thousands of American law enforcement officers who are being drawn together, eager to do a job on the common enemy, we will yet conquer the forces of evil.