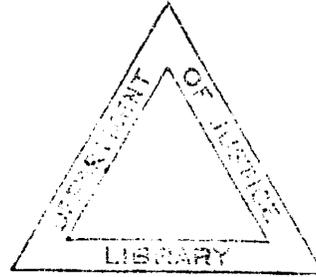


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ADDRESS

BY

HONORABLE JAMES P. McGRANERY

ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery

before

The Federal Grand Jurors' Association for the
Eastern District of New York

Brooklyn, N. Y.

Monday, November 24, 1952

It is an honor to address the Federal Grand Jurors' Association for the Eastern District of New York as you commemorate your Silver Anniversary.

Your membership has the double distinction of, first, sharing actively in the judicial processes of our Republic during the period when, in fulfillment of your oath as Grand Jurors, you performed the most vital duties of citizenship; and then, of continuing your dedicated service to the community by participation in this Association.

The fundamental rights of an American citizen and the continued reverence for the law of the land were entrusted to you in the American tradition. Your twin responsibility was to make certain that the criminal should be indicted with due process of law -- and that, on the other hand, the innocent -- no matter how strongly assailed by accusations -- should be protected secure in the rights guaranteed inviolate by the Constitution and the common law.

The institution of the grand jury, predating the Constitution by many centuries, came to this country from England where it had been firmly established as early as the fourteenth century.

Even in the twelfth century, under the great Assize of Clarendon, the grand or accusing jury was made up of twelve knights, or good and lawful men drawn from the immediate community in which a crime was alleged to have been committed.

When America was first settled, our forefathers brought with them to the new world, the common law with its grand jury and petit jury system.

The Federal Grand Jury has been preserved for perpetuity in the Fifth Amendment to the Constitution, which, as you are well aware, forms an integral part of our Bill of Rights.

The Federal Grand Jury, clothed with plenary inquisitorial powers, is an essential element in the federal administration of justice.

The Federal Judiciary, the Grand Jury and the Department of Justice are charged by the nation with a sacred duty to effect equal justice under law, without fear, favor or prejudice.

Now, to you, as voluntary guardians of the welfare of your community, I am indebted for this opportunity to discuss some of the steps taken by me as the Attorney General of the United States in administering the affairs of the Department of Justice and in enforcing the laws of these United States under the Constitution.

On the day -- that I took my oath of office I made a statement -- part of which I am happy to repeat this evening: --

"Equal justice under law requires that violators -- wherever they may be found -- shall be apprehended, prosecuted and convicted, with due protection of their Civil Rights as guaranteed by the Constitution. This will be done: without the terror-harvest of the witch-hunt, and without the tumult and chaos that follow in the wake of scare head-lines and in the wake of reckless charges and baseless accusations.

"This Department will faithfully perform its lawful duties with dispatch and dignity. It will be my purpose to make certain that the high moral tone of the Department of Justice will reflect the basic philosophy of the founding fathers.

"We will ever strive to act in accordance with eternal principles of truth and justice, without fear, favor or prejudice.

"Praying for God's help, I pledge unfaltering devotion, integrity and fidelity in the conscientious performance of my duties as Attorney General of the United States."

On the same day that this statement was made, I summoned all the United States Attorneys to Washington for a conference. At this meeting which took place two weeks later, I included among other comments, the following remarks:-

"Faithful observance of the duties of public service demands a high level of self-sacrifice blended with the day-by-day devotion of the citizen and the patriot. The governmental office-holder must be motivated by the spiritual satisfaction of civilian service of country rather than by interest in material rewards. Certainly one of the most challenging positions, one of the most important posts of influence is that of the United States Attorney -- who, as prosecutor, has a unique responsibility in the enforcement of the federal laws in his district.

Respect for law on the part of our citizens grows in direct ratio to alert, fair, certain and vigorous prosecution by the representatives of the United States Department of Justice.

Whenever a complaint of federal law violation is received, there are immediately available a number of investigative agencies already organized and professionally trained for the purpose of securing the relevant facts without bias and without prejudice. Among these, we naturally think first of the strong right arm of the Department of Justice, namely, the Federal Bureau of Investigation, under the inspired direction of one of our nation's greatest public servants, J. Edgar Hoover.

If, however, the complaint has to do with violation of immigration or

naturalization laws, we seek aid from the inspectors of the Immigration and Naturalization Service of this Department. If the matter is a postal violation, then the specialized services of the Post Office Inspectors are available. If the complaint is of counterfeiting or forgery, the Secret Service stands ready to make appropriate investigation. When there is a complaint of a narcotics violation, the specially trained agents of the Bureau of Narcotics will investigate. Where a tax fraud or violation is complained of, the intelligence agents of the Bureau of Internal Revenue, in the Treasury Department, are available to investigate.

Once the facts have been properly ascertained, if they constitute sufficient evidence of the violation of a federal law, the United States Attorney must proceed to prosecute promptly and vigorously. If, however, the facts indicate innocence of such violation, the United States Attorney should not hesitate to state this conclusion. In the event that there is doubt, the doubt should be resolved by presenting the evidence to the Grand Jury.

Each United States Attorney should check his dockets at regular intervals, at least every six months; and in all cases which have been pending court action for an unreasonable period (for example, six months), he should take prompt action for their speedy disposition.

Prosecution must be instituted promptly and unfailingly against those who commit perjury and with equally unfailing certainty against those who commit subornation of perjury. Failure to prosecute such offenders has weakened the fabric of criminal trials - a fabric that should be woven only of the thread of truth and justice. Our court processes are based upon the presumption that testimony will be received only under oath and the truth of the facts testified to will be safeguarded by respect and reverence for that oath.

It is well to remember that all who are in the field of law-enforcement owe an often-overlooked debt to the public who undertake the obligations of jurors, who act as witnesses and who volunteer information as to violations of the law. Just as we rely upon public cooperation, -- so we have an obligation to keep faith with those who provide confidential information. In accordance with the instructions of the Department of Justice, every United States Attorney must protect in complete confidence the reports of the FBI and of other investigative agencies, safeguard the relationship of the citizen who has fulfilled his duty to the Republic by cooperating to volunteer vital and confidential data. Injury or death can result to the informant whose identity is carelessly revealed."

During the months that have intervened since this conference, the Department of Justice in Washington has been almost completely re-organized. The newly appointed Deputy Attorney General, Mr. Ross Malone, gave up his private practice in New Mexico for this post of important public service. As Assistant Attorney General in matters relating to alien property, Doctor Rowland Kirks, came to us from the office of Dean of the Law School of National University, and resigned an influential office as a member of the Board of Education of the District of Columbia to which he had just been elected. Mr. Charles Lyon, of New York, who had been attorney for the King Investigating Committee in the Congress, resigned to become Assistant Attorney General in charge of the Tax Division. The important post of Assistant Attorney General in charge of the Criminal Division was filled by Mr. Charles Murray, an active prosecutor in the United States Attorney's Office of the District of Columbia to which he had been appointed by President Coolidge.

Each new appointee - and there were many others -- came to the Department at a personal sacrifice to perform a recognized duty with his specialized abilities and experience.

Since it had been my privilege to serve as the Assistant to the Attorney General for some three years prior to my appointment as a Federal Judge, the structure of the Department was familiar and it was possible to achieve much in the comparatively few months allotted.

One of the greatest personal joys was the renewed opportunity to work with the Director of the FBI -- J. Edgar Hoover -- my longtime friend and one of our greatest Americans.

I was anxious to insure more rapid, expert and effective prosecution of the subversive cases investigated by the FBI; and hence I revitalized and expanded a separate unit in the Criminal Division to prosecute Communist and other subversive activities, and I assigned to it lawyers whose knowledge and prosecutive experience in subversive matters eminently qualified them, -- and, at the same time, guaranteed the alert protection of Civil Rights.

The active cooperation of the Federal Bureau of Investigation and the Bureau of Immigration and Naturalization joined with a re-activated Criminal Division made possible the effective drive now under way against the lawless and the criminal who have operated within our borders to undermine our law either as aliens or after having acquired citizenship by fraud.

In the cases of aliens, we have instituted deportation proceedings, in the cases involving acquisition of citizenship by fraud, we have initiated denaturalization proceedings to be followed by proceedings for deportation.

I have referred to matters in which I feel that you - as former grand jurors - have a particular interest, although numerous other categories of cases have been expedited during these months in an equally forthright and conscientious manner.

Your Association will be interested, I hope, in learning that in September, the contract was awarded to Griffenhagen & Associates, Planning Engineers, to make a thorough survey of the Department of Justice and to make recommendations for streamlining the entire Department in the interests of efficiency and economy. The engineering report is scheduled to be in my hands by December fifteenth.

This evening I have attempted to present some of the highlights of my stewardship, combining motivation and action. When my service as the Attorney General of the United States terminates upon the twentieth day of January, 1953, I shall deliver to my successor, Mr. Brownell a well organized law office, operating in accordance with the principles that I enunciated upon May twenty-seventh, the day that I took my oath of office.

From the afternoon of April third, when the President of the United States conferred upon me the honor of appointment as the Attorney General of the United States, I was aware -- as were all the people of our country -- that President Truman's Administration would terminate this coming January. Hence, the original work schedule has been timed and executed with precision and diligence to conclude on January twentieth. Today, the law-abiding citizens of our Republic may look to the Department of Justice with confidence in its integrity and with gratitude to the many public servants whose devotion and personal sacrifices have made possible effective and certain prosecution of the violators of Federal laws.

With God's help, we have proceeded courageously and vigilantly in the spirit of the Constitution to safeguard the welfare of all the people.