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AN ADDRESS

by

HONORABLE HOMER CUMMINGS

C. C.

ATTORNEY GENERAL of the UNITED STATES

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Ladies and Gentlemen:

This is the second opportunity I have had to address you through the courtesy of the National Radio Forum and the Washington Star. On the first occasion (which occurred last April) I sought to describe the functions of the Department of Justice and certain purposes I had in mind. I repeat now as I said then that "The Department of Justice belongs to the people of America; it is their servant, ministering to their needs, and I bespeak for it the support and the good opinion of all law abiding citizens."

Surely I could not have expected more loyal and generous support than I have received. Ten busy months have passed rapidly by and during that period the various state and municipal authorities, the newspapers of the country, and the people as a whole, have given the Department of Justice such frank and wholehearted cooperation that our work, though difficult and exacting, has been stimulated and, indeed made inspiring.

The intensive campaign against kidnapers, racketeers, and other predatory criminals, which was commenced last March, has made distinct and gratifying progress. In the 20 kidnappings reported, the Division of Investigation, under the very capable leadership of J. Edgar Hoover and in cooperation with State authorities, has achieved a solution in every instance. I do not know what the future may hold, but thus far we have not recorded a single failure. 43 persons have been convicted and 20 are in custody awaiting trial. The sentences imposed include 1 death sentence, 10 life sentences, and aggregate terms of imprisonment amounting to 405 years.

The Department has not been content to rely solely upon the Kidnaping Statute, but has used every available weapon in combating this despicable

type of crime. In the case of Charles F. Urschel of Oklahoma City, the total of 15 convictions (6 of which were for life) included convictions of persons who had given refuge and counsel to the actual kidnapers. Indicative of the far flung character of these offenses, it should be noted that the Urschel kidnaping occurred in the State of Oklahoma, the victim was held captive in a remote rural section of Texas, the ransom money was paid in Missouri, a portion of the ransom money was exchanged in Minnesota, another portion was hidden in Texas, one of the guilty parties was located in Colorado, and the others in Tennessee, Minnesota, Texas, and Illinois. These seven States have an area of about 683,000 square miles, which exceeds in extent ~~to~~ the combined area of Austria, Denmark, France, Germany, Italy, Holland, Switzerland, England, Scotland and Wales. This particular case, which carried our Agents into sixteen States (Texas, Arkansas, Oklahoma, Colorado, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, Pennsylvania, and New York), could not have been handled successfully without the effective and loyal cooperation of the local authorities. In this instance, as in many others, Special Agents of the Division of Investigation offered to and received from the State authorities wholesome, friendly and reciprocal help. Through this policy, which is one of cardinal importance, and one upon which we have insisted from the beginning, we were able to coordinate the activities of the law enforcement officials in such a way that in a short time, and with the greatest economy of effort, the guilty parties were brought to justice.

The Division of Investigation has also been called upon to function in the enforcement of the so-called Extortion Act, which has for its primary purpose the punishment of persons sending anonymous or unsigned communications through the mails threatening kidnaping, injury, or death for the purpose of extortion. In 33 such cases, the perpetrators have been convicted or are in custody awaiting trial. 29 convictions have been secured and 16 persons are in custody. Sentences of imprisonment aggregating 225 years have been imposed.

The dramatic and sensational features usually incident to criminal cases naturally attract a great deal of public attention. It is only fair, therefore, to stress the fact that such matters constitute but a small fraction of the work of the Department of Justice.

In numbers of opinions rendered, new legislation and Executive Orders reviewed, and in many other phases of civil activity, including gold hoarding, N.R.A. matters, tax cases, land condemnations, customs matters, and the vast realm of government litigation, this Department has been called upon in the last ten months to undertake a hitherto unparalleled volume of work.

Last year, amongst other functions, it was our duty to enforce the Volstead Act. Today a very different problem is presented. The Federal Government is no longer called upon to enforce a law which, in many sections of the country at least, did not have the support of public opinion; but it still remains the duty of the Government to protect the Dry States from the illegal importation of liquor. The Webb-Kenyon Act, the Reed Amendment, and the terms of the 21st Amendment impose obligations which cannot and should not be avoided. This duty we accept and intend to discharge, so far as the available appropriations will permit. On December 5th, when the Prohibition Amendment was repealed, eleven States had constitutional prohibition and

seventeen more had drastic laws preventing the sale of intoxicants. These 28 States are clearly entitled to the support of the Federal Government in enforcing any laws on this subject which they may see fit to enact.

Another important matter arising since the repeal of the Eighteenth Amendment has to do with the protection of the revenue derived from taxes imposed upon intoxicating beverages. This is primarily a function of the Treasury Department, but one in which the Department of Justice, at the present time, is cooperating. This activity is one of the highest consequence.

Our people are in the midst of a heroic effort to pull our country out of the depression. The Federal Government is pushing forward with its program, eliminating costly and unfair trade practices, upholding fair wages and hours, banning child labor, aiding the small home owner to hold his family together under his own roof, helping the farmer to get a fairer price for the fruits of his toil, employing the jobless in public work, and in relieving distress. Fine men and women are giving their services unselfishly to this great cause.

Revenue is needed to balance the Budget and advance the program of recovery. A substantial part of the amount needed, can and should be collected in the form of taxes on intoxicants. If the American people, instead of buying from bootleggers or others who seek to defraud the Government will purchase from qualified and law abiding dealers they will be performing a plain but imperative duty. Any citizen who, at this hour, seeks to cheat his Government is not only unpatriotic but he is cheating himself and his neighbors. Disregard of law in this matter is a gross breach of faith with his fellow citizens.

Unfortunately, we are still in an era of lawlessness and violence. Its manifestations are evident to the most casual observer. Of late there has been a tendency on the part of some of our people to countenance the actions of mobs that have taken into their own hands the punishment and, indeed, the murder of persons suspected or accused of crime.

It is unthinkable that anyone in possession of his faculties, who grasps the significance of our heritage of liberty could condone mob violence; and inconceivable that anyone familiar with the long struggle for the establishment of equality before the law, and the right of trial by a jury, could speak without loathing of the inexcusable crime of lynching. To break down our law is to betray the Government and to make the tasks of our law enforcing agencies far more difficult.

Roundabout us in our civic and community life is the bond of fraternity - the law; in our social relationships, the bond of fellowship - the law; in our economic and industrial activities, the established standards of time, of value, of weight, of measure - the law; in our personal conduct, the levels of honesty, integrity, morality - the law; and in our conflicts with evil and violence, there are the protecting processes of justice - again, the law.

All this is lost and swallowed up in the bloodlust and passion of mob violence. Is it not time that we made ourselves once more a Nation of law abiding citizens? The moment is opportune. Our Federal Courts, long clogged with a type of criminal cases suitable only for police courts, have been freed from a distressing heritage. They can now turn their attention to the reform of their cumbersome and antiquated procedure, so that Justice may be far swifter and far surer.

The Courts and the Bar, with the aid of the people, should be able to purge the legal profession of scavenger lawyers who degrade their calling and so frequently bridge the gap between respectability and crime. The evil consequences of these interwoven alliances are manifest upon every hand. Far too long an entrenched and instructed underworld has been permitted to lay tribute upon decent citizens and honest industry. The time has come for a renaissance of law and orderly government. In this vital matter you will have, to the last ounce of my energy, the services and the help of the Department of Justice.