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"A TWELVE POINT PROGRAM"

ADDRESS DELIVERED

BY

HON. HOMER CUMMINGS
ATTORNEY GENERAL OF THE UNITED STATES
C. C.

BEFORE THE

CONTINENTAL CONGRESS OF THE DAUGHTERS
OF THE AMERICAN REVOLUTION

WASHINGTON, D. C.

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HONORABLE HOMER CUMMINGS

ATTORNEY GENERAL OF

THE UNITED STATES

MADAM PRESIDENT GENERAL, LADIES AND GENTLEMEN:

Permit me, at the outset, to express my deep appreciation of the honor you have done me in inviting me to address the Continental Congress of the Daughters of the American Revolution. It is not only a delightful privilege in itself, but it affords me an opportunity to renew, in very pleasant fashion, a semi-official tie of long standing between the Department of Justice and the D.A.R. The history of your society records that, shortly after its organization in 1890, the National Board of Management selected, as its first legal adviser, a distinguished lawyer of St. Louis, the Honorable George H. Shields, who was, at that time, an Assistant Attorney General during the administration of President Harrison.

Since its inception your society has devoted itself with enthusiasm to patriotic causes. You have, as enjoined by your constitution, truly perpetuated the memory and the spirit of the men and women who achieved American independence. You have erected monuments to commemorate those whose heroic deeds have lighted the fires of patriotism within the hearts of the American people. You have caused to be introduced into the public schools patriotic exercises to celebrate the anniversaries that are closely connected with our national history. You have sponsored the writing of essays upon

historical subjects. You have carried on educational work among applicants for naturalization, to the end that they might be instructed regarding the great figures and the important events of American history. You have sponsored legislation to protect the dignity of the flag from disrespect at the hands of the thoughtless and the irreverent.

In these ways, and by many other means, you have consistently stimulated disinterested service and fostered reverence for the glorious traditions of our nation. By so doing you have made a vital contribution to the public welfare; for, as an ancient Greek statesman once said, "Through admiration of what is heroic, men rise to higher levels."

Therefore, knowing full well your devotion to our common country and your deep concern for its welfare, I speak to you tonight of certain matters of wide and immediate importance.

The suppression of crime has become a national problem of the first magnitude. Hundreds of millions of dollars are expended each year in efforts to arrest, to prosecute, and to restrain the criminal classes. Moreover, large sums are spent annually by private individuals and corporations in the maintenance of guards and industrial police forces and for insurance against loss by criminal acts. The yearly toll exacted of society by predatory criminals, in the form of property destroyed, values converted, money stolen and tribute enforced, constitutes a ghastly drain upon the economic reserves of the nation. Undoubtedly crime costs our country several billion dollars each year; and it is conservative to say that there are more people in the underworld carrying deadly weapons, than there are in the Army and the Navy of the United States.

Clearly the institutions and agencies upon which we have relied for

the enforcement of the law have not adequately performed their proper functions.

In many localities there exists an unholy alliance between venal politicians and organized bands of racketeers.

Then, too, certain unworthy members of the bar maintain a close contact with the criminal classes and prostitute an honorable profession by resorting to improper practices in order to save their clients from the legitimate consequences of their crimes.

These recreant members of the legal profession take skilful advantage of the cumbersome and archaic procedural rules governing criminal cases which still persist in many of our jurisdictions. Trials are delayed, witnesses die or disappear and appeals upon frivolous grounds are all too frequent.

As Mr. Justice Holmes once very shrewdly observed: "At the present time in this country, there is more danger that criminals will escape justice than that they will be subjected to tyranny."

In many parts of the country law enforcement officers are not selected primarily because of their training and general qualifications, but are given positions on a basis of political preferment. Where this is true, each change of political administration is accompanied by a reorganization of the local constabulary. It is impossible to build up an efficient and courageous force of officers so long as they are constantly subject to the whims of political fortune.

Another difficulty grows out of the unfortunate situations which result from a lack of cooperation so often characteristic of the activities of

the various law enforcement agencies of the country.

Another serious phase of the problem has to do with the relative uncertainty which exists with respect to the dividing line between the jurisdictions of the Federal and State Governments. Here lies an area of relative safety-- a twilight zone -- in which the predatory criminal takes hopeful refuge.

At the time of the adoption of the Constitution of the United States there was little need that the Federal Government should concern itself with the problem of crime. Due to the isolation of the different settlements, the operations of criminals were, of necessity, local in their nature. You will recall that when John Adams first went from Boston to Philadelphia, his wife, the famous and delightful Abigail Adams (who by the way has been called the "patron saint of the D. A. R."), made note of the fact that it took five weeks to receive a return letter from that "far country".

We are no longer a nation whose problems are local and isolated. The growing density of our population and the development of high speed methods of transportation have resulted not only in a large increase in our crime rate, but, also, have given to many offenses an interstate character. As a celebrated American jurist has said, "The maintenance of an organized society has come to involve much more than repression of local offenders against local laws. Where one hundred years ago the chief concern was the common defense against foreign aggression and savages, today it is rather a common defense against organized, anti-social activities extending beyond state lines, operating without regard to political boundaries and threatening any locality where there is possibility of plunder or profit." Crime today, is

organized on a nation-wide basis, and law-breakers extend their activities over many States. In a well-remembered kidnaping case, which occurred during the past year, the operations of the criminals took place in seven States; and it was necessary for the agents of the Department of Justice to go into nine additional States in their successful efforts to solve the crime and bring its perpetrators to justice. The seven States referred to have an area of about 683,000 square miles, which exceeds in extent the combined areas of Austria, Denmark, France, Germany, Italy, Holland, Switzerland, England, Scotland and Wales. This illustration indicates the extent of the difficulties involved and accentuates the need of nation-wide approach to the problem. The Federal Government has no desire to extend its jurisdiction beyond cases in which, due to the nature of the crime itself, it is impossible for the States adequately to protect themselves.

In response to this manifest necessity, and entirely within Constitutional limitations, the Department of Justice is urging the Congress to pass certain important bills now pending before that body, as follows:

(1) A law dealing with racketeering which will make it a felony to do any act restraining interstate or foreign commerce, if such act is accompanied by extortion, violence, coercion, or intimidation.

(2) A law making it a Federal offense for any person knowingly to transport stolen property in interstate or foreign commerce.

(3) Two laws strengthening and extending the so-called Lindbergh kidnaping statute.

(4) A law making it unlawful for any person to flee from one State to another for the purpose of avoiding prosecution or the giving of testimony in felony cases.

(5) A law making it a criminal offense for anyone to rob, burglarize, or steal, from banks operating under the laws of the United States or as members of the Federal Reserve System.

(6) A law making it a criminal offense for any person to kill or assault a Federal officer or employee while he is engaged in the performance of official duties, and a law to provide punishment for any person who assists in a riot or escape at any Federal penal institution.

(7) A law to make the husband or wife of a defendant a competent witness in all criminal prosecutions.

(8) A law to limit the operation of statutes of limitations by providing that such statutes shall not prevent the prompt reindictment and prosecution of a person after a prior indictment has been held to be defective, and a law to prevent dilatory practices by habeas corpus or otherwise.

(9) A law to provide that testimony on behalf of the defendant to establish an alibi shall not be admitted in evidence unless notice of the intention of the defendant to claim such alibi shall have been served upon the prosecuting attorney at or before the time when the defendant is arraigned.

(10) A law to repeal the statutory provision which has been held to prohibit comment upon the failure of the accused to testify in a criminal case.

(11) A law to regulate the importation, manufacture or sale, or other disposition, of machine guns and concealable firearms.

(12) A law authorizing agreements between two or more States for mutual co-operation in the prevention of crime.

This is the twelve point program of the Department of Justice. I not only invite your attention to it - but I solicit for it your earnest support.

I believe that thus it will be possible for us to observe the letter and the spirit of the Constitution and, at the same time, work out a better and more effective system of crime control.

It is seemly that we should venerate the heroes of the Revolutionary period; and that we should honor the patriots whose courage and daring have added lustre to our flag. At the same time we should remember that we are now engaged in a war that threatens the safety of our country - a war with the organized forces of crime. It is an undertaking of serious import and constitutes a test of our citizenship and of our capacity for successful self-government. In this fight your organization can render valiant service.

You can, if you will, direct your efforts toward the building up of a stout-hearted public morale which will cause citizens, as a matter of course, promptly to furnish to the officers of the law the information that may come to them regarding known fugitives from justice; to give testimony freely in criminal cases; and to render jury service gladly when opportunity is afforded to perform this high function of American citizenship. You can help in putting an end to the naudlin glorification of the gangster which has, at times, disgraced our public thinking and has led to episodes like that which recently occurred at Crown Point.

You can aid in speeding the activities of police and prosecutors; in enabling courts to establish proper rules and practices; and in securing desirable laws from state legislatures and from the Congress.

No more worthy enterprise could possibly engage your attention. A serious danger faces this country. Organized bands of criminals prey upon legitimate business, exact tribute from the timid or the fearful and con-

stitute an ever-present threat, not only to property, but to the safety of our homes and the sanctity of life. This open challenge to orderly government must be met with a courage worthy of our intrepid ancestors.

To this sacred cause I urge you to devote your thoughts and dedicate the energies of your great organization.