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A D D R E S S

OF

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Ladies and Gentlemen:

When Edmund Randolph of Virginia was appointed Attorney General by President Washington, pursuant to an Act of the First Congress adopted on September 24, 1789, a department of law, subsequently designated as the Department of Justice had its origin. From a very modest beginning it has developed to its present rather overwhelming proportions.

The Attorney General of the United States, it has frequently been remarked, is at the head of the largest law office in the world. About nine thousand employees and officials fall within its direct supervision. It is a complicated mechanism dealing with questions affecting hundreds of millions of dollars and the most sacred of human rights. Its functions have never been more important or more vital than they are today.

On a later occasion I shall discuss the wider purposes and the special activities of the Department. Tonight, let me draw your attention to the field occupied by it and the general duties it has to perform.

In times of great prosperity, when things appear to run themselves, our people are inclined to take our government for granted. When trouble develops we appreciate more acutely the extent to which our welfare is dependent upon the proper functioning and economical administration of the various departments of our government. Such periods result in a sharp

awakening of public interest. We are passing through such a period at the present time. Clearly there should be a thorough overhauling of every department of our government. This is a process which cannot be accomplished by a wave of the hand. It is going to require persistent, intelligent, and unrelenting efforts over a very considerable period of time.

When this administration came into power on the fourth of March, public affairs were in a deplorable and, let me add, well nigh desperate condition. The incoming administration and all the departments thereof were, therefore, under necessity of dealing not only with an immediate crisis calling for the utmost swiftness and precision in action, both administrative and legislative, but they were required also to meet the imperative problem of departmental economy so that the national budget might be balanced. In other words, each and every department had to undertake a cleansing process and had to bring itself into efficient coordination with the national government as a whole. Moreover, each department was required to extend its activities and, at the same time, cut its expenditures by substantially twenty-five percent. Difficult as this program may seem, and as impossible as it appeared to many people before it was undertaken, it has now advanced to a stage which enables us to say that the results aimed at will be achieved. It is a source of gratification to realize that the people of this country, without respect to partisanship, are thoroughly in accord with this program of regeneration.

There seems to be an impression in many quarters that the chief duty of the Department of Justice is to detect, and punish violators of the Federal criminal laws. This, of course, is one of its essential functions, but there are others of great importance. For instance, the Department defends all

civil claims against the government. This involves the consideration of an endless number of cases dealing with suits based on contracts; claims made for the refund of taxes asserted to have been overpaid; and various other matters of a similar nature. In addition to this the Department represents the United States in innumerable civil suits to recover moneys claimed to be due to the government; it proceeds in matters of land condemnations, and in other types of litigation too multifarious to mention.

Moreover, the Attorney General acts as adviser to the President and to the heads of the various executive departments in matters involving questions of law and is frequently called upon for both written and oral opinions. In addition to this the services of the Department are invoked in connection with the drafting of new legislation, especially with reference to matters involving new and difficult problems. In a word, the Attorney General, together with the available machinery of the Department of Justice, is at the disposal of the Government of the United States in performing the functions of attorney and counsellor at law. The client is the United States of America and this client is advised from time to time and, when necessary, represented in the courts of the land.

For purposes of convenience, the work of the Department of Justice is allocated to sundry sub-divisions. There are many of these and twelve of them are of outstanding significance. One of these great sub-divisions is under the direction of an official known as the Solicitor General, a post of very great importance and one which has consistently been held by lawyers of the first rank. There is a department presided over by an official known as the Assistant to the Attorney General, who has charge of anti-trust matters.

There are seven Assistant Attorneys General, amongst whom there are allocated matters dealing with the United States Customs laws, suits in the Court of Claims, matters dealing with Admiralty questions, finance, taxation, prohibition, commerce, public lands, administrative functions, civil litigation, and criminal prosecutions. In addition to all of the foregoing there are three remaining departments of very great consequence. One of these deals with the matters affecting the enforcement of prohibition and the official in charge is known as the Director of Prohibition. Another large department is known as the Bureau of Investigation and is in charge of the Director of the Bureau of Investigation. Last, but far from being least, is the official known as the Director of the Bureau of Prisons. To his care all Federal prisoners are committed. He has charge of the management of the Federal prisons and he must deal intimately with one of the most difficult and perplexing of administrative and social problems.

During the year ending June 30, 1932, there were commenced in the United States District Courts alone 126,363 cases to which the government was a party as compared with 22,541 in the fiscal year of 1914. While the prohibition law has undoubtedly brought about the greatest proportion of this increase, other factors have contributed in no small degree. New penal statutes, the enforcement of which devolves upon the Department of Justice, are constantly being enacted. The Revenue laws are frequently changed, thereby resulting in the raising of new questions for judicial determination. The questions which can arise in the Customs Department seem to be without end. Literally the suits there are legion. The engineering and construction projects of the government have multiplied enormously in recent years. Thus, there has been an inevitable enlargement of the functions of the Department of Justice. It has grown as the Nation has grown. The new legislation enacted by the present Congress will undoubtedly, in due course, bring new responsibilities

and duties to the Department of Justice. Moreover, and I say this advisedly, financial crimes which have been committed in high places, growing out of banking irregularities and income tax evasions, will require unexampled activity upon the part of the Department of Justice. Conditions too long concealed, some of which lie at the very heart of our present difficulties, must be brought to light and corrected. We have reached a stage where we want to know the worst and must know it before the remedy can be applied. Already extensive investigations are under way along the lines indicated and their developments will be made known in due course.

I have said before, and I say again, that those who have considered it legitimate to gamble with other people's money must abdicate their leadership and those who have thought that the center of government is located in the financial district must learn that its proper seat is at Washington. This is not a program of partisanship, it is a program of patriotism which I am confident the people of America, without respect to previous party affiliation, will welcome with glad hearts.

I would not be frank if I did not say that I am amazed at the extent of the dead wood in the Department of Justice. An amount in excess of \$200,000 has already been saved by the elimination of a large number of totally unnecessary employees both in Washington and in the field. This process of elimination I expect to continue. Substantial savings can also be made in the offices of practically every United States District Attorney. These savings will have to do with the number and compensation of Assistant United States Attorneys and employees in the offices of United States Marshals, as well as in the limitation of fees paid to jurors and witnesses. Those who remain in the service will have to work a little harder and at a lower remuneration, but, if they are made of the

right stuff, they will realize that they are taking part, in a constructive and honorable way, in a great regenerative national program and I shall expect their hearty cooperation and support.

The appropriations for the Department of Justice for the fiscal year ending June 30, 1933, total \$45,966,000. From present indications there is every reason to believe that when June 30, next is reached, there will remain about a million dollars of these appropriations unexpended. The Congress has appropriated \$41,550,000 for the fiscal year ending June 30, 1934. There would be no difficulty, I am sure, in living within the amount appropriated, but under the drastic plans of economy inaugurated by the administration and steadfastly carried forward by the very efficient Director of the Budget, Mr. Douglas, the Department of Justice has been requested to reduce this amount by about eight and one-half million dollars. This goal it will be our purpose to reach. It will require careful management, strict economy, limited expenditures, reduced personnel, and savings in other directions. We have set our hands to this plow and we shall not turn back.

One of the most difficult questions we shall have to deal with is the matter of the enforcement of the Prohibition Law. The Congress has reduced the appropriation for this branch of our activities from about ten and a quarter million dollars to about eight and one-half million dollars. This revised appropriation must further be reduced in order to bring about the additional savings which the economy program requires. The enactment of the 3.2 beer legislation, it is to be hoped, will reduce the number of minor offenders resulting not only in a direct saving, but in the indirect saving which is reflected in the costs of our courts and in the expense of maintaining

prisoners. It must not be forgotten, however, that the Eighteenth Amendment has not been repealed and so long as it remains the law of the land it will be the duty of the Department of Justice to use its utmost efforts to see that it is respected and enforced. Minor offenders may well be left to the judgment and discretion of local courts so that the work of the Bureau of Prohibition may be concentrated upon the activities of commercial violators, racketeers, and groups of offenders who make it their business, by conspiracy and violence, to defraud the government, terrorize legitimate business, and bring the law into disrespect.

It is highly important that the legitimate, legalized beer industry should be kept free from the control of racketeers. It is to be anticipated, and indeed it has already become apparent, that the bootlegging interests will seek to levy a toll on the manufacture and distribution of legal beer as they have done for years with regard to illegal liquor and even more innocent enterprises. No matter how honest the beer industry itself may be there remains the danger that it will be preyed upon by outside influences. This in itself constitutes a very substantial problem. Those who are endeavoring honestly to live within the law will find a friend in the Department of Justice; others will proceed at their peril..

There is another aspect of the work of the Department of Justice to which I ought to draw your attention. It cannot be called a self-supporting branch of the government, nevertheless, the activities of the Department result in the covering into the Treasury of a large amount of money through the settlement of judgments, the imposition of fines, the collection of additional revenues, and various forms of taxes.

In addition to this the Department saves the government substantial sums of money in defending, with success, suits brought against it. For instance, during the fiscal year now drawing to a close cases were brought against the United States involving more than four hundred and seventy million dollars. In these cases judgments were rendered against the government for only five and one-half million dollars, or a matter of a little more than one per cent of the amount claimed.

Heretofore, I remarked upon the question of the elimination of unnecessary employees. One of the most vexatious problems I have to deal with grows out of the enthusiastic manner in which many people endorse themselves for attachment to the public service. It must not be forgotten that the work of a lawyer employed by the Department is specialized to a very considerable degree requiring intimate knowledge of the branches of the law peculiar to governmental administration. It is manifest, therefore, that there can be no indiscriminate removal from the service of those who are efficiently and faithfully discharging their duties. Such changes as are to be made will be designed for the betterment of the service and for that purpose alone.

One of the most important functions the Attorney General is called upon to perform has to do with the recommendation to the President of candidates for appointment as Federal Judges, District Attorneys and United States Marshals. These officials are concerned in a most intimate fashion with the rights, liberty and the welfare of our people in all parts of the country. In particular the members of the Judiciary (whose appointments run during good behavior and therefore in most instances for life) must be selected with the utmost care. So far as I am concerned, there will be no undue haste in making

such appointments. Each person under consideration will be studiously investigated as to his character, capacity, knowledge of the law, and all other attributes which should be possessed by an upright, honest, and impartial Judge. This particular responsibility lies heavily upon me. From personal knowledge I know, and in every fibre of my being feel, that the discharge of this duty is a solemn responsibility. Many mistakes may be repaired but an error in the selection of such an official leaves a permanent and almost eradicable mark upon the structure of our government. I am not saying these things to magnify the tasks of the Department of Justice, but merely to state, in direct and simple language, what purpose it is we are supposed to serve and how we are endeavoring to meet the duties imposed upon us.

In brief, I aim at a sane, wholesome administration. 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.