

July 7, 1939.

My dear Mr. President:

On January 1, 1939, upon appointing me to the office of Attorney General of the United States, you directed me to endeavor in every possible way to continue the efforts of my predecessor, Homer S. Cummings, to strengthen the Department of Justice. You directed me to improve the federal judicial system and provide vigorous and honest law enforcement; to eliminate congestion in the court dockets; to guard against privilege and favoritism; to modernize and improve personnel practices wherever possible within the Department; and to effect such additional administrative measures as might be necessary and advisable for the betterment of the services rendered by the Department of Justice.

In presenting this report on the activities of the Department during the first six months of my tenure, I am keenly aware that the major part of the work in the attainment of these objectives lies ahead. I trust, nevertheless, that the summary which follows will serve to indicate that within this limited time and with such means as have been at our disposal, we have sought to move forward on each front.

FEDERAL JUDICIARY ✓

The Department shares wholeheartedly the high regard for the judicial system which is so justifiably entertained by the public at large. Accordingly, we have been at pains to conduct our efforts toward the

improvement of the judiciary with discrimination and a concern for the avoidance of any action which might reflect unwarranted discredit upon the system as a whole. In one instance, an appellate judge has been found guilty of malfeasance in office, prosecuted, and convicted. I am happy to express the settled conviction that such unfortunate instances are in no degree representative of a judicial system headed by a tribunal as outstanding in ability and exemplary in character as the Supreme Court.

In the matter of appointments to the federal bench, we have sought to examine the qualifications of candidates with all possible care, to the end that we might recommend to you persons of the highest integrity, technical qualifications, and judicial temperament. Of the nominations made by you for high positions in the federal judicial system on the basis of the Department's recommendations, all have been confirmed by the Senate virtually without opposition. Included among these appointees are highly regarded legal educators and scholars as well as practicing lawyers distinguished alike for their learning and probity.

FEDERAL DISTRICT ATTORNEYS OFFICES

With a view to relieving the congested conditions of the federal court dockets, all United States Attorneys were directed to submit a thorough, explanatory report on all cases more than two years old and other cases to which notoriety attached for one reason or another, and which had not been brought to trial.

For the first time in the history of the Department, the United States Attorneys were requested to meet in Washington for the purpose of

discussing common problems and methods of improving the work of their respective offices. As a result of this conference and the study of the Attorneys' reports, a material improvement has already been achieved in the condition of the dockets. It is felt that the meeting was generally of considerable aid in improving the disposition of government litigation by the Attorneys. A similar conference is planned for the United States Marshals in September.

In the war on crime and official corruption, particularly in large centers, the office of the United States Attorney plays a part of strategic importance. Especially in view of this fact, a studied effort has been made to select for key positions the most thoroughly qualified individuals available. It is believed that careful selection of personnel, coupled with more active support and encouragement of their efforts, has strengthened and improved the quality and vigor of the Attorneys' work.

In the belief that the federal Department of Justice should aid the people of local communities, wherever proper and reasonable, in the improvement of the quality of their government, we have assisted in obtaining the conviction of the leader of one large political machine whose activities in the past have operated to the great detriment of the cause of good government in that community. Similar efforts are being carried on in other parts of the country.

RECORD OF CONVICTIONS

During the six months period, the number of criminal cases disposed of in the federal nisi prius courts was 19,229 against 18,103 for the same period last year, an increase of more than 1,100. This figure

includes those cases that were disposed of by nolle prosequi or voluntary dismissal. Of the remaining cases, convictions were obtained by trial or plea of guilty in 16,563 cases. This constitutes 97.1% of all cases disposed of by final judgment following trial or plea of guilty. While the percentage of convictions has always been high, it is doubtful if this figure has ever been surpassed. It reflects high credit on the work of the United States Attorneys and their assistants.

RECORD BEFORE THE SUPREME COURT ✓

The period has been marked by significant and far-reaching decisions of the Supreme Court on questions of constitutional law of vast public importance. The reciprocal immunity of federal and state officials and employees from income taxes on their salaries has been finally abrogated. A broad construction has been placed on the Commerce Clause in upholding the validity and application of federal regulation to new spheres of economic activity. In all these cases, representatives of the Department of Justice played an important and effective role. The record of victory of the Department before the Supreme Court at this term has probably never been surpassed. The success of the Department in this respect has been due in large part to the very able and effective manner in which its cases have been prepared and presented by the Solicitor General, Robert H. Jackson.

EXTENSION OF MERIT SYSTEM TO PERSONNEL

In accordance with your instruction relative to personnel administration, the Department has engaged a highly qualified personnel

director who, with the assistance of competent technicians, is now conducting a survey of the departmental personnel with a view to the establishment of modern personnel practices. The Department has recommended to the Congress that the staffs of all United States Marshals, including deputies, be placed on a civil service basis. Pending action on this measure, there has been issued a set of personnel standards to which all Marshals are required to conform.

No activity of the Department is of greater significance or more promising from the viewpoint of potential benefits to the public than the study now being made under the direction of the Solicitor General of the administration of receiverships and the liquidation of bankrupt estates. It is one of the objectives of this survey - and one with which the members of the judiciary are almost unanimously in accord - to determine the feasibility of placing receiverships and the disposition of bankrupt estates in the hands of salaried federal officials, selected on a merit basis. We are convinced that in this way many of the undesirable features now attaching to this work in the jurisdiction of the federal courts can be eliminated.

IMPROVEMENT OF REHABILITATION PROCEDURES

Acting upon your expressed desire that the federal government should concern itself equally with the rehabilitation of criminals as with their apprehension and conviction, the Department in April sponsored the first nationwide parole conference

held in this country. Attended by many authorities in the field of penology and by representatives of a large number of lay organizations and groups, this meeting has been favorably appraised for the encouragement which it gave to the extension of modern parole practices and methods in the various states as well as the federal government.

The building program of the Bureau of Prisons is making rapid progress. Several new institutions are in course of construction, in addition to extensions of several existing prisons. This work has been necessitated by the growth of the federal prison population.

IMPROVEMENT OF ADMINISTRATIVE PROCEDURES

The problems of administrative law arising from the procedure of administrative agencies, which were first presented to you by my predecessor, have been approached by the appointment of a committee to make a thorough inquiry into the subject. This committee has been actively engaged in this task for several months.

The correction of various other defects in the administration of justice has been sought through the preparation and recommendation to the Congress of several legislative proposals, among which are the following:

1. A proposal to create an administrative organization for the federal judicial system.
2. A proposal to empower the Supreme Court to regulate criminal procedure - similar to legislation enacted in respect to civil procedure.
3. A proposal to create the office of public defender for the federal courts.
4. A proposal to place Deputy Marshals within the competitive classified civil service.

5. A proposal to abolish the fee system under which referees in bankruptcy are now compensated and to place them on a salary basis.

6. A proposal to enable the federal government to reach the gambling ships which operate off the coast of California.

ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

The activities of the Federal Bureau of Investigation, under the able direction of Mr. J. Edgar Hoover, have been expanded to meet the growing needs of the federal government as well as requests for cooperation and assistance by state and local authorities. This admirable organization is rendering valuable service in dealing with the growing menace of foreign espionage.

THE NEW CIVIL LIBERTIES UNIT

Two new units have been organized within the Department. One is a Commercial Frauds Unit. Through this Unit the Department hopes to arouse greater interest in the prevention of business frauds and to achieve better coordination and efficiency in the enforcement of the laws governing mail frauds, the sale of securities, and similar statutes.

The second new unit is a Civil Liberties Unit. Through this unit for the first time in our history the full weight of the Department will be thrown behind the effort to preserve in this country the blessings of liberty, the spirit of tolerance, and the fundamental principles of democracy. To this end the Civil Liberties Unit has been charged with the enforcement of the federal civil liberties statutes, the conduct of an inquiry into the need for additional legislation on the subject, and,

in general, the invigoration of the federal government's endeavors to protect fundamental rights in this period of social transition.

It is my personal opinion that the creation of this unit at your order, with all the emphasis it places upon the protection of the civil liberties of the individual citizen and of minority groups, is one of the most significant happenings in American legal history.

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This work, meager as it is in the light of what must yet be undertaken, has been done in the belief that the democratic system, to survive, must demonstrate not only its ability to provide for the people the opportunity to earn a decent life, but also its competence to render the services of government with a high degree of efficiency and unquestionable integrity. In a word, this work has been done in the hope that it might, in a measure, supplement and strengthen the broad efforts of the Administration to achieve a more gracious, more just, and more complete democracy.

Respectfully,

FRANK MURPHY,

Attorney General.

The President,

The White House.