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"THE NATIONAL GOVERNMENT'S LAW OFFICE"

By

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The Department of Justice has been described as the largest law office in the world. It is that and much more. Its staff comprises 8,795 persons. The Attorney General is the Federal Government's chief law officer. The United States is his client. The Department of Justice is his staff.

Astonishment is frequently expressed when it is explained that among the myriad functions of the Attorney General he must render legal opinions to the President and the heads of the Executive Departments of the Government; that under his direction 19 penal institutions are operated, ranging from jails and camps to the famous Alcatraz; that under his supervision are United States Attorneys and their assistants, scattered from Shanghai, China, to the Canal Zone, from Alaska to Corpus Christi; that he must approve daily an average of 75 abstracts of title for lands acquired by the Government for national parks, slum clearance projects and post office sites; that all litigation in the courts, civil or criminal, to which the Government is a party is under his direction and control. These are but some of the major duties.

The variety of detail which is involved is amazing. For example, at one of our prison farms last year I followed with almost maternal anxiety an experiment in egg production with hens whose coops were artificially lighted. With equal curiosity I find myself at work on parole surveys, the facts in a pardon application, the opening of an FBI office in Puerto Rico.

Most persons probably conceive of the Department of Justice as being concerned with but two principal activities - first, the apprehension and

prosecution of violent criminals and, second, the presentation of crucial cases in the Supreme Court. While these are vitally important phases of the work the picture is much broader.

Today the nerve center of this organization is the Washington headquarters, with its 2,184 employees, housed in the new Justice Building which was occupied for the first time in October 1934. Great changes have come since September 24, 1789 when the post of Attorney General was created, his compensation fixed at \$1,500.00 per year with no clerical help provided.

Compare the spacious Justice Building of today with its well lighted courts, its muraled walls, its library of 80,000 volumes, with what William Wirt found when he succeeded to the post of Attorney General in 1817 -- a small office, no records, a meager supply of stationery. Attorney General Wirt urged upon the President the necessity for equipment. What he asked consisted of ten book presses, a press for public papers and letter books, a map and chart stand, a writing desk and seat for his clerk, six chairs, two wash stands, a stone pitcher and tumblers and one water table. He said in a letter:

"As they will be attached to the Attorney General's office as long as they shall last, they ought, I think, to be strongly made, and neat enough not to be discreditable to the nation."

Humble beginnings indeed. The picture today is far different even from that of June 22, 1870, when the Congress passed a statute establishing a Department of Justice. Indeed, things have improved considerably since 1933 when the Department of Justice was housed in portions of eight

widely scattered buildings in the city of Washington.

In the new edifice are the offices of the Attorney General, the Solicitor General, the Assistant to the Attorney General, the Assistant Solicitor General, and five Assistant Attorneys General who head divisions devoted to claims, taxes, antitrust matters, criminal cases and lands. Here also are the headquarters of the Bureau of War Risk Litigation, Bureau of Investigation and the Bureau of Prisons.

From this point the activities of the field forces in the 93 Federal Districts are directed. These include the 458 District Attorneys and assistants, and the 1032 Marshals and deputies. The 46 field offices of the Federal Bureau of Investigation are located at strategic spots throughout the country, as are 265 field attorneys, the staff of the Customs Division, the 173 Probation and Parole Officers and 2,000 employees of the Federal Prison Service. All these comprise the field staff.

Permit me to review briefly the work of the principal officers of the Department. Next in command to the Attorney General is the Solicitor General who has charge of all Government interests in the Supreme Court, and also authorizes or rejects the taking of appeals to the intermediate courts. The heavy responsibility of this officer becomes apparent when it is understood that almost 40% of all litigation in the Supreme Court concerns the United States. Many of the important cases in the Supreme Court are the climax of nation-wide litigation. For example, 2,000 separate suits were controlled by the decision of the Supreme Court invalidating the Agricultural Adjustment Act.

The third ranking officer in the Department is the Assistant to the

Attorney General who has charge of all matters of administration, personnel and legislation affecting the Department. This includes the laborious work of investigating all candidates for judicial office and all officers and employees of the Department including District Attorneys and Marshals.

Next we have five Divisions charged with work in particular fields, each under the supervision of an Assistant Attorney General. First, the Antitrust Division. This Division receives and investigates each year hundreds of complaints of monopoly and restraint of trade out of which grow civil and criminal proceedings. Here, also, the orders and processes of the various Federal administrative tribunals - Interstate Commerce Commission, Federal Trade Commission, Federal Communications Commission and others - are defended or enforced. Labor cases and agricultural regulations are also for the most part referred to this Division.

Pursuant to an order of the President in 1933 all tax litigation in the Federal Government was consolidated in the Tax Division of the Department of Justice. Cases handled during the fiscal year 1936 involved over 286 million dollars. In a single case recently decided, the Government secured a judgment for twenty million dollars. But even such large sums do not begin to reflect the importance of the tax litigation for the decision in one small test case where the amount sued for is inconsequential frequently results in a savings of many millions of dollars. You have heard a good deal lately of ingenious schemes devised to evade the Federal tax laws. If the tax is due and the case comes to the courts, one of our tasks is to see that such schemes do not receive judicial blessing.

In the Claims Division of the Department are handled the countless

money suits, both against and in behalf of the United States. There is a theory of law well known to all lawyers that the sovereign cannot be sued in its governmental capacity without its consent. Ours, however, is a liberal government and in a long series of statutes it has submitted itself to private suits in many types of cases. These arise out of contracts for building battleships, erection of public buildings, dredging and improvement of rivers and harbors, the building and maintenance of dams, locks, drydocks, sea walls, army supplies and the carrying of the mails, as well as suits for the alleged use and infringement of patented devices. The list is a long one.

The Lands Division handles all litigation in connection with public lands, which includes the national forests, national monuments, reservations and lands acquired for river and harbor and other governmental uses; irrigation and reclamation matters; Federal power litigation; insular and territorial affairs; Works Progress Administration and Public Works Administration matters. This work involves condemnation proceedings, the securing of rights of way, the sale and purchase of land and the giving of opinions on the validity of title before public funds may be expended. Indian affairs and property constitute a fascinating part of this Division's work. In these Indian cases and in the land grant litigation there is unfolded the whole panorama of the West and the thrilling story of the expansion of the American people.

You may judge the volume of work of the Customs Division from the 174,239 cases which were pending when the last annual report was compiled.

A vast and heavy routine, you may conclude. Hardly that. Behind the routine of law work, hidden away in the file of virtually every case

there is drama and adventure. Law is a story of struggles, both petty and great. But always there is human interest aplenty.

This is particularly true of that phase of the Department's work dealing with crime. During the past few years this phase has received special emphasis. In 1933 there was a large group of persons tutored in methods born of the liquor traffic and hungry for new fields of lucrative crime. During prohibition crime paid and paid well. It was one of our tasks to see that in the newer fields of kidnaping, extortion, bank robbery and racketeering crime did not pay.

Laws were enacted to reach criminals who played hide and seek with law authorities in the twilight zone - the neutral corridor - between State and Federal jurisdiction. The Bureau of Investigation was strengthened. The number of Agents was increased. They were equipped with firearms and greater powers of arrest. Training facilities were broadened. The fingerprint file passed the 6,000,000 mark.

The first task, then, was apprehension - the next prosecution. This latter work is performed by the Criminal Division of the Department and the United States Attorneys. Last year these Attorneys, stationed in every state, territory and insular possession, secured convictions in over 94 per cent of the cases brought in the Federal courts. But the conviction record is not particularly important. There is inscribed on one of the walls of the Department of Justice building the following statement:

"The United States wins its point when ever
justice is done its citizens in the courts."

That has been our guide.

But there is more to crime control than what transpires in the court

room. Convicted persons divide into misdemeanants and felons, intelligent and dull, men and women, sick and healthy, dangerous and harmless, young and old, first offenders and repeaters -- all different. Each must be classified, segregated, fed, housed, trained and after a period of months or years returned to freedom. Here is a heavy responsibility. It falls upon the Bureau of Prisons.

There are other phases of the Department's activities which should be mentioned. The work of the Assistant Solicitor General calls for a particularly high degree of care and skill. In this office are drafted official opinions, Executive orders and proclamations; and during the fiscal year 1936 action was taken by this official on 2532 offers in compromise.

The Taxes and Penalties Division has been patiently at work collecting liquor taxes which were not paid during the dry era. Thousands of ex-bootleggers have been assessed, and I might add with good financial results. Time prevents even a brief description of the work of the other officials and functions of the Department, such as that of the Alien Property Custodian, the Pardon Attorney, the Board of Parole and others.

This great maze of duties is naturally confusing to many. And some Attorneys General, even in the days when life in the Justice Department was much less complex, found the work irksome. Attorney General Evarts in 1869 said:

"I shall return to my business of farming and lawing
and leave to the newspaper correspondents the conduct
of affairs."

Still with all the buzzing of busy personnel and the ponderous

turning of legal wheels, it is a Department with a fine esprit de corps and with a unity which is remarkable. In its offices have served many of the country's greatest patriots.

The roll of honor is a long one. But that should not be surprising. These men have served in a great cause. Over one of the entrances to the Justice building there is a legend which bears these words:

"Justice is the great interest of man on earth.

Wherever her temple stands there is a foundation for social security, general happiness and the improvement and progress of our race."