

Winter 1960

The National District Attorneys' Association

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Recommended Citation

The National District Attorneys' Association, 51 J. Crim. L. Criminology & Police Sci. 457 (1960-1961)

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Articles, Reports, and Notes OF THE NATIONAL DISTRICT ATTORNEYS' ASSOCIATION

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Editor: Duane R. Nedrud, Assistant Professor of Law, University of Kansas City, Kansas City, Missouri

PATRICK BRENNAN ELECTED PRESIDENT OF THE NATIONAL DISTRICT ATTORNEYS' ASSOCIATION; FRANK E. MOSS PRESENTED FURTHERANCE OF JUSTICE AWARD; MID- WINTER MEETING AT TUCSON, ARIZONA, MARCH 1-3, 1961

Under the direction of our excellent host, Garrett H. Byrne, the National District Attorneys' Association held its Eleventh Annual Summer Conference in Boston, Massachusetts, August 10-13.

Continuing the program started at the Mid-Winter meeting on "Murder by Motor," the following persons and subjects were presented:

Prosecution Problems in Traffic Deaths. Moderator, Victor H. Blanc, District Attorney, Philadelphia, Pa. Panel members, Edward M. Sullivan, 1st Asst. District Attorney, Boston, Mass., J. Kenneth McCabe, Chief Asst. District Attorney, Kings County, Brooklyn, N.Y., Irwin J. Block, Asst. State Attorney, Miami, Fla., Jerbert M. Jacobson, 1st Asst. Prosecuting Attorney, Dayton, Ohio, and Robert L. Donigan, Council, Northwestern University Traffic Institute, Evanston, Ill.

Research on Fatal Highway Collisions. By Dr. Alfred Moseley, Co-Director, Research Project on Fatal Highway Collisions, Department of Legal Medicine, Harvard Medical School, Cambridge, Mass.

Traffic Safety, the Driver and Electronics. By James L. Malfetti, Associate Professor of Education, Columbia University, New York, N.Y.

Is there Citizen Support for Prosecution of Death Cases? By James P. Economos, Director of the Traffic Court Program, American Bar Association, Chicago, Illinois.

Crashing Cars for Safety. By Edward R. Dye, Safety Design Research Engineer, New Products Research, Orchard Park, New York.

The Public Prosecutor and His Relationship to Traffic Accidents and Rising Auto Insurance Costs. By Thomas J. Casey, Canadian and Eastern United States Claim Manager, Allstate Insurance Companies.

Traffic Safety—U.S.A. By William G. Johnson, General Manager, National Safety Council, Chicago, Ill.

The Honorable Kenneth B. Keating, United States Senator from New York, delivered the main address at the banquet on August 13. His speech is printed herein.

Attorney General Edward J. McCormack, Jr., of Massachusetts was host at a noon luncheon.

Governor Foster Furcolo of Massachusetts was host at a reception and buffet supper for members and their wives at the Sidney Hills Country Club.

Sheriff Howard Fitzpatrick of Boston was host at a dinner party for the executive officers and their wives.

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Patrick Brennan, Prosecuting Attorney of South Bend, Indiana, was elected president of the National District Attorneys' Association, succeeding Edward S. Silver. The following officers were also elected. *Executive Vice President:* James H. DeWeese, Prosecuting Attorney, Troy, Ohio.

Treasurer: Victor H. Blanc, District Attorney, Philadelphia, Pa. *Secretary:* Harlan D. Warren, State's Attorney, LaSalle, Ill. *Vice Presidents:* Garrett H. Byrne, District Attorney, Boston, Mass.; Richard E. Gerstein, State Attorney, Miami, Fla.; Vincent P. Keuper, County Prosecutor, Freehold, N. J.; Albin P. Lassiter, District Attorney, Monroe, La.; William B. McKesson, District Attorney, Los Angeles, Calif.; Keith Mossman, County Attorney, Vinton, Iowa; Frank H. Newell, III, State's Attorney, Towson, Md.; George M. Scott, County Attorney, Minneapolis, Minn. *Historian:* Emory L. Carlton, Commonwealth's Attorney, Tappahannock, Va. *Associate Director:* Melvin G. Rueger, 1st Assistant Prosecuting Attorney, Cincinnati, Ohio.

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The third Furtherance of Justice Award was presented by President Edward S. Silver to the Hon. Frank E. Moss at the banquet on August 13. The two former recipients were Hon. J. Edgar Hoover, Director of the F.B.I., and Hon. Frank Hogan, District Attorney, New York City. "Ted", as Senator Moss is affectionately known by the

members of the NDAA, was presented with a plaque embossed with the following:

NATIONAL DISTRICT
ATTORNEYS' ASSOCIATION.

Furtherance of Justice Award

— to —

HON. FRANK E. MOSS

U. S. Senator from the State of Utah

Twice President of the National District
Attorneys' Association

For his outstanding service as a prosecutor, exemplifying by his courage and humanity the highest ideals of justice; and resourcefulness, initiative and continued interest in all Federal legislation contributing to more effective law enforcement throughout our country.

Presented at 11th Annual Meeting, at Boston, Massachusetts, on August 13th, 1960.

EDWARD S. SILVER

President.

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The Annual Mid-Winter meeting of the NDAA will be held in Tucson, Arizona, March 1, 2 and 3. Harry Ackerman, District Attorney, will be host.

ORGANIZED CRIME—WHAT CAN CONGRESS DO ABOUT IT?

HON. KENNETH B. KEATING

United States Senator, State of New York

This address was delivered before the Summer Conference of the National District Attorneys' Association at the Sheraton Plaza Hotel, Boston, Mass., August 13, 1960.—EDITOR.

Tonight I should like to talk to you about a malignant cancer this nation suffers from—the cancer of organized crime. I shall discuss it in terms of its national implications and in relation to the role of our government in meeting its nefarious challenge.

Following the investigations and disclosures of the Senate Crime Committee in 1951—when a nation learned to its shock and anger that vice and corruption had become major industries in the United States—there was the fervent hope that drastic action would be taken to break the back of organized nation-wide crime.

As a matter of record, certain steps have been taken in this direction, notably the creation of the Organized Crime and Racketeering Section in the Department of Justice. But today, nine years after the Crime Committee's report, the proportions of

the entire problem remain mountainous and frustrating.

We are still forced to prosecute alleged murderers and thieves for such comparatively innocuous offenses as tax evasion and contempt of court. There is evidence that organized crime syndicates continue to flourish in this country and, indeed, that they are constantly spreading their influence into previously legitimate undertakings. The hired killers, the narcotics peddlers, the labor racketeers, the blackmailers, the illegal gamblers are still in business. They intimidate honest citizens, corrupt entire police forces, make the public streets unsafe at night, exploit many businessmen and workers. They are a blight upon the land, a running sore of evil, and it will take courage and determination to wipe out the conditions in which they thrive.

There have been enough studies and exposés. The time for counter attack is long overdue. Crime is at war with *America*. It is high time we declare war on *crime*.

Unless you are aware of the magnitude of the situation, you will be shocked by the statistics. Crime in the United States today is at the highest point in its history. Almost 3,000,000 major crimes are now committed each year. What does that mean? It means that everyone in this land can expect to be the victim of a major crime at least once in his life, if he lives to be 60 years of age. The crime rate has increased almost four times faster than the population of the country since 1950. There were more convictions for extortion, fraud, bank-robbery and gambling offenses last year than ever before in the life of the Republic.

J. Edgar Hoover pointed out in a recent speech that the total cost of crime for the entire nation "has reached the alarming figure of 22 billion dollars a year—or nearly one third of the cost of running the entire Federal Government for a year." This is not a very impressive image of the leader of the civilized world. This is America with a scar on its face—a scar of shame.

One of the major obstacles to effective law enforcement at present is the absence of any statutory authority (with few exceptions) for the Federal government to deal directly with organized interstate criminal activities. The contention that crime is strictly a local problem has been used to defeat efforts to fill this gap in the Federal legal arsenal. Most crimes, of course, are strictly matters for local law enforcers. But a local enforcement agency, no matter how effective, just cannot deal with crimes that spill over into other jurisdictions. Interstate criminal operations are purposely organized to escape the authority of any one local law-enforcement agency. Criminality doesn't end at state borders, why should law enforcement? We're not chasing speeders here. We're chasing the enemies of society.

The specter of a national police force has been one objection frequently raised to expanding the Federal government's role in law enforcement. In my view, there is no danger of such a development. At the present time, there are some 347,000 citizens engaged in some kind of law-enforcement work. This includes uniformed policemen, law-enforcement agents, and clerical, administrative, and custodial personnel concerned with police protection activities. Of these 347,000 law enforcement employees, 326,000 are employed by State

and local governments. On the other hand, only 21,000 are employed by all the Federal law-enforcement agencies combined, including the FBI, Immigration and Naturalization Service, Bureau of Narcotics, and Secret Service. To give one direct comparison, the FBI employs only 6,000 special agents compared to the 24,817 policemen employed by the City of New York alone.

An interstate crime bill certainly would require expansion of the FBI, but not in a manner which would give cause for reasonable concern to any person. The FBI still would be limited to investigative activities. Direction of its activities would remain under the Attorney General and decisions as to whether to prosecute would remain with the local U.S. Attorneys and the other Department of Justice officials. The FBI, under the outstanding leadership of J. Edgar Hoover, has never sought expansion of its jurisdiction or an increase in its powers. The tradition developed during Mr. Hoover's long and brilliant career has established guidelines for the functioning of the agency which would in no way be altered by increasing its personnel.

In its simplest terms, an interstate crime bill would make it a federal offense to use the facilities of interstate commerce to break certain specified state laws. The laws specified relate to the types of crimes to which these interstate syndicates are particularly prone, such as narcotics trafficking, fraud, murder, and gambling.

The bill is far reaching, but I do not believe it can be called drastic—although even some drastic measures to deal with the present menace would be justified. In many ways, my proposal is simply an extension of a trend started more than 60 years ago when Congress enacted the Lottery Act to cope with nationally-organized lottery activities. Later, there were similar acts dealing with such previously local offenses as train robbery, cattle stealing, white slavery, and kidnappings. In every one of these fields the same thing happened: local criminals outgrew local law enforcement controls. The intervention of the Federal government in these cases has been very effective. The train robber, the white slaver and the kidnapper have now virtually vanished from the scene. It is time we moved with equal vigor against the new colossus of organized crime that confronts us today.

The practical operation of such a bill is easy to illustrate. Let us suppose, for example, that we wanted to move in on a big gambling syndicate operating out of New York with outposts in Chicago,

Tampa and San Francisco. All you would have to prove is one overt act by a member of the conspiracy involving interstate commerce, such as a telephone call, or an interstate shipment, or the use of the mails. You could then close in. In one case, with a single conspiracy indictment, you could bag the rich overlords at the heart of the operation in New York and the lieutenants who were running things in Chicago, Tampa and San Francisco, and as many of the other small fry as you found wriggling in the bottom of the net. And that is not all. If the chiefs of police or sheriffs in certain towns and counties were mixed up in the mess, they would become defendants also.

This procedure in no way interferes with State's rights, since under the terms of the law, state policies would control the definition of offenses. Nor would it throw an undue burden on our Federal law-enforcement officers. A man can always do a better job with less trouble if he has the right tools. This is the right tool for breaking up these syndicates.

There is another aspect of crime control I have never been able to understand and that is the special protection we appear to be willing to give to crime plotted by telephone. This great scientific invention is fast becoming the privileged tool of the criminal. Recent court decisions have virtually succeeded in transferring the telephone into a private channel for organized crime.

I believe that we urgently need a Federal eavesdropping statute applicable to wire tapping and all other forms of electronic interception of conversations. Such a statute would permit Federal law-enforcement agents to utilize these devices for obtaining evidence of crime, but only under the safeguards of a court order. At the same time, as a protection against abuse, severe penalties should be provided for any electronic snooping not authorized by court order, and these penalties should be invoked against policemen, as well as ununiformed sleuths who ignore the limitations of the law. There is no criminal worse than a man who breaks the law he is sworn to uphold.

Congress should also make it clear that the States may adopt the same type of eavesdropping regulation.

In the recent decision by the United States Court of Appeals in New York in the *Pugach* case, a majority of the Court refused to enjoin the introduction of wire tap evidence in two State court prosecutions. At the same time, every judge on the Court agreed that Federal law makes it a

criminal offense to present such evidence in a State court. One judge went so far as to invite the United States Attorney to institute criminal proceedings against the New York District Attorneys if they attempted to introduce any wire tap evidence.

This decision emphasizes the incredible legal situation which now prevails. New York has the most well-balanced, carefully-safeguarded, up-to-date laws on the subject of wire tapping and other forms of eavesdropping of any State in the Nation. Nevertheless, a New York District Attorney, who acts in full compliance with the requirements of the New York law, now must face the risk of Federal prosecution. I cannot conceive of anything more illogical and indefensible.

If crime were not such a serious problem, the present situation would be ludicrous. I cannot believe that anyone in Congress intended, when the Federal Communications Act was passed, to make criminals out of DAs who obtain State court orders permitting wire tapping. We must act promptly to restore some sense and sanity in our handling of this subject.

The stark and ominous reality we must face is that crime is at war with America. It is about time America declared war against crime.

Congress must not delay any longer coming to grips with this challenge to our security. Immediate action is needed on the measures I have outlined. Comprehensive study is needed also to devise other solutions to this appalling nation-wide scourge and shame. A National Crime Commission should be appointed to probe deeply into all the ramifications of this problem. This should be a citizen's commission divorced from Congress, politics, or any existing law-enforcement agencies. Such a commission is imperative to adjust our operations against crime to the needs of today and the future. Many people shrink from such tasks—they display a certain disdain toward the whole subject of crime. But no one with the public welfare truly at heart can afford to shirk the duty to attack this evil.

In bringing these remarks to a close, it is well to be reminded that even in our fight against crime, no compromise can be condoned in according to every defendant his full constitutional rights. I would not stand for any departure from the requirements of due process no matter how heinous and outrageous the offense involved or how serious the problem to be dealt with.

At the same time, I do not equate a proper

concern for the rights of an accused with a mawkish, sentimental dedication to safeguarding his every interest or convenience at the expense of the community. Law-abiding citizens have rights too.

I have tried to describe tonight some of the ways the Federal government can protect those rights more effectively, but consistently with our traditions and principles.

THE PROFESSIONAL PROSECUTOR

HON. FRANK E. MOSS

United States Senator, State of Utah

Today the principles of freedom and fair play are being challenged and opposed around the world by totalitarian ideology that denies the existence of God and subjects the individual to arbitrary naked power of the state.

The greatest threat to the Rule of Law in any of the nations of our free world is the danger that the people will become dissatisfied with the functioning of their system of justice and do irreparable injury to it, without realizing that by so doing they are destroying the very foundation of the Rule of Law in their society.

It is our professional responsibility to keep the pulse of life beating strongly in the law. We cannot do this by treating our fundamental freedoms as abstract theoretical concepts of a legal system. The people of the free world must learn to believe those freedoms to be what we believe them to be, the practical dynamic concepts for living, unalienable in every human being.

In earlier days the status of law in other nations was not a vital concern to us. But we are living in an era where it is no longer possible to ignore the attitudes of other peoples. This state of society is the result of two factors. Under the impact of science and technology our world is shrinking. And old empires are dissolving into new nations, filled with aspirations not unlike our own.

The tremendous success of scientists and technicians has left a gap between our scientific discoveries and their beneficial and peaceful utilization within the framework of the institutions devised to insure freedom and rights of the individual. The bridging of this gap may well prove to be the legal framework of free societies in the making.

If we reflect on the issues at stake in the cold war, if we analyze its deepest meaning, we come to the inevitable conclusion that among the most essential values at stake are legal ones: the relation between citizen and state, and the liberties of individuals.

Obviously, our system is under attack and tremendous pressure from without. Our national survival will depend upon our internal social strength. We cannot be strong in a democracy unless we can effectively enforce the criminal laws and at the same time safeguard the sacred right of the individual.

You are the agents of your state who from day to day must work and live with the criminal law, its ramifications and complexities. The strength of our nation and the reputation it enjoys in the world is in your hands. Only if the criminal law is fairly and properly administered can this nation survive in its present democratic form.

Keeping in mind the necessity of effectively enforcing the criminal law and at the same time safeguarding the rights of individuals it is somewhat disconcerting to look at the results.

The latest available figures dealing with criminal activity in the U.S. are published in the 1958 Uniform Crime Reports. The figures are astonishing. For the 1958 Calendar year (the latest published report) the following criminal offenses were reported:

Murder & non-negligent manslaughter

3,870 for an increase of 3.2% over 1957

Forcible rape

7,622 for an increase of 13% over 1957

Robbery

56,207 for an increase of 13.7% over 1957

Aggravated assault

72,460 for an increase of 3.5% over 1957

Burglary

427,457 for an increase of 11.8% over 1957

Larceny (\$50 and over)

272,805 for an increase of 10.3% over 1957

Auto theft

196,784 for an increase of 1.9% over 1957

It should be of interest to us that during the calendar year 1957 forty-five police officers were killed in the performance of their duties.

It is apparent that organized crime is growing. Starting with the days of prohibition, we saw the advent in America of organized crime on a large scale. There were different mobs operating in well-defined territories in the handling of liquor, and these mobs often warred with each other. But their organization was loose and their methods were crude compared with the type of organized crime which I perceive to exist at the present time.

Since the 1930's crime has become better organized and criminal gangs now operate with the best legal and accounting advice. They have adopted corporate methods in the handling of vast enterprises.

There is no lack of money in these criminal enterprises. It is estimated that narcotics peddlers take between 180 and 300 million dollars a year from a gullible public. In the field of labor racketeering the take could amount to 100 million very easily. It is estimated that between 14 and 16 billion dollars are involved in gambling enterprises of one sort or another in this country. Of this amount, over \$2 billion goes into the pockets of the gamblers and the syndicates. I shall not try to estimate the millions of dollars which are involved in the distilling and sale of illegal alcohol, or in the other areas of criminal activity.

Needless to say, most of this money is not reported on income tax returns—it is "hot money." As such, it goes into the channels of illicit trade such as narcotics, vice and other enterprises. Some of it goes into bank accounts in Switzerland identified only by a number and kept in great secrecy by bank officials, to be siphoned off abroad where it can be invested without fear of discovery.

It is no wonder then that these organized criminals have set up, as a control, an invisible government whose edicts are carried out by unknown enforcers and nameless assassins who are not prohibited from employing the most modern devices to perpetrate their crimes and to conceal them. It is not surprising that they attempt to buy protection from those who enforce the law.

I do not wish to belabor the point and I do not wish to appear as an alarmist, but it is important to recognize the threat posed by the modern criminal—he is a modern man, with modern tools at his disposal and the know-how to use them. He is represented by modern attorneys. He deals in and with the modern corporate institutions. He circles the globe in modern airplanes, and he has readily available to him modern means of com-

munication that can put him, within minutes, in touch with almost any place in the world.

We cannot cope with a jet age criminal with a horse and buggy prosecutor. We need a modern DA, with modern tools and the legal right to use them. He must have the right to intercept messages, with proper safeguards for personal liberty; he must have power to compel attendance from foreign jurisdictions; he is entitled to expert counsel and testimony. America never has believed a fight to be fair and even when one participant had one hand tied behind his back. The never-ending war against crime calls for every modern weapon we have.

The prosecutor needs to become a specialist and as such should have some specialized training. There was a time when the only training a prosecutor received was on the "battlefield." As a specialized profession, however, the situation is changing, and for the better. The prosecutor now has several in-service training schools which are doing a great deal towards professionalizing the office. Most of you have attended these. I submit that it is in the public interest that attendance by prosecutors should be at public expense since the public reaps the benefits in better service.

The professional prosecutor needs a professional library, and the public needs to be educated as to the wisdom of paying for one. In many states the Bar Association can be persuaded to cooperate in the development of a good library for the prosecutor.

I am proud of the small part I have played in the National District Attorneys' Association. Through this association of prosecutors there is a continual exchange of information and ideas. And through this exchange, members not only become more competent in their duties but also they discover that many situations arise where they can be helpful to each other and thereby discharge their duties better. This cooperation of DA's is of inestimable value to our people.

Of course, the prosecutor can do a great deal to improve the effectiveness of his office by helping to train the personnel of the other offices with which he works. Classes and lectures for the police officers and sheriff's force can pay untold dividends in cooperation and in giving direction to the efficient performance of their duties.

Fortunately the prosecutor has now learned the value of new and modern tools in meeting the challenge—and fortunately new and better tools

are becoming available—the wire tap—the FBI lab—the medical examiner and other scientific laboratories. Also the regular exchange of information about criminals and their activities has been greatly facilitated.

The *best tool* which we have, however, is the well-trained, competent and imaginative *professional prosecutor*.

In the complex society of a democracy the modern DA must be a man of dedication, strength, and honor beyond reproach. This is by far the most important quality.

Perhaps one of the greatest problems facing today's prosecutor is that of his salary. This is especially true in the smaller jurisdictions. The DA is generally a well-trained, competent and professional attorney. His responsibilities are large and complex, and the demands on his time are excessive. Of course this is the age-old problem of salaries for public officers, but here it is magnified since the public at large fails to realize the responsibilities involved and the value of professional legal competence. To hold *any* public office generally involves personal sacrifice, but in the case of the attorneys, the sacrifice is usually larger.

Because of this simple fact, new problems are created. The prosecutor usually needs and looks for additional sources of income. He practices law on the side, either solo or in partnership, and then the delicate problem of conflict of interest raises its head to haunt the prosecutor and constantly subject him to criticism, either warranted or unwarranted, of the press and the profession. Sometimes this results in a loss of confidence by the public. I needn't tell you what this leads to.

In the same general area, the prosecutor is always subject to the pressures and influence of groups who want favors and the temptation is strong to dispense such favors in the hope of winning votes. It is interesting to note that such favor seekers consist of not only the criminal element, but also the chamber of commerce, labor groups, racial groups, churches, in fact almost everyone—this seems to be the American way of life. The prosecutor who succumbs to these requests by special groups, however, is surely undermining his own effectiveness and eventually he will pay the price.

It is necessary because of these problems for the prosecutor to have the finest sense of discretion—to be absolutely honest and of unquestioned integrity. This seems to me to be the only answer,

and it is a standard which the great majority of prosecutors meets.

I have spent considerable time talking about the problems of prosecutors—these are the problems you live with daily—the problems each prosecutor must resolve for himself. But, the trust and the challenge of the prosecutor are greater than any one of these problems—in fact, greater than all of them put together. The Supreme Court of New Jersey has said:

“In his county, as we have seen, the prosecutor is the foremost representative of the executive branch of the government in the enforcement of the criminal law.” (State v. Winne, 96 A.2d 63)

And in Kansas, the Supreme Court held:

“He is the officer upon whom the state relies for the prosecution of all criminal offenses within his jurisdiction. If he fails or refuses to act, the law is voiceless and powerless. It is paralyzed.” (Johnston v. Foster, 32 Kan. 14, 2 Pac. 534)

You must keep in mind that you are the chief law enforcement officers of America. By way of contrast, the courts are too remote and too formal—the public cannot speak with, deal with, or negotiate with the courts. On the other hand, the police department often is regarded by the public as being hostile, antagonistic, severe and unapproachable. Thus, it is the prosecutor who must deal with the public on a day-to-day basis—on whom the public relies—who must shoulder the responsibility and the honor of maintaining law and order.

The public must feel that the DA is alert, incorruptible, but understanding. He must be a man of courage—but he must also be a man with a heart and with wisdom.

It would be well for you to stop and realize that in this context, the office which you hold is to a degree more important than any other office in government. Justice is the cornerstone of our Constitution and the drafters of our statutes have entrusted this cornerstone in your keeping.

The Supreme Court of the United States identified this trust in the case of *Berger v. United States*, when it said:

“The [prosecuting] attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win

a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

Speaking of fair play, I am reminded of an amusing story about a very famous international incident. During World War II, at a meeting between President Roosevelt and the Russian Dictator, Stalin made a proposal which the President said he could not undertake to carry out because he thought the Republicans in the Senate would never agree to it. Stalin was genuinely astounded. “You mean,” he asked, “that you have been in power all these years, and you still have Republicans?”

I would like to conclude by reminding you that this great and noble experiment in democracy has provided mankind with his best opportunity for justice. The quality of that justice is in your hands. It will not be perfect—but it is an ideal for which you can work.

Carl Schurz once said:

“Ideals are like the stars—we never reach them, but like the mariners of the sea, we chart our course by them.”

It is my firm conviction that our democracy is here to stay and that the individual’s opportunity for justice will survive.

If the public chooses its local prosecutors carefully, pays them well, and provides them with adequate tools and training, then our quality of justice will continue to improve.

In my experience, the District Attorneys of America have been people who are devoted to the public welfare and are concerned with the effective execution of the office which they hold. Some of our finest DAs have turned down the opportunity to sit on the bench or to hold other public office because they were devoted to the position of prosecutor. Many others, who have chosen to move on to other fields, have nevertheless given their best efforts while holding the office of prosecutor. In any field of public endeavor where many are involved, there will always be a few misfits and downright rascals. Fortunate it is that we have had so few in America. The office of the modern prosecutor is one of great power and a fine tradition. He who takes the oath and embarks upon this service should be prepared to devote his heart and mind and his personal life to the service of his people.