

ADDRESS OF THE HONORABLE ROBERT H. JACKSON,
SOLICITOR GENERAL OF THE UNITED STATES, AT THE OPENING EXERCISES
OF THE FBI NATIONAL POLICE ACADEMY ASSOCIATES RETRAINING
COURSE AND ANNUAL REUNION, SEPTEMBER 25, 1939

I am glad to share with the Director of the Federal Bureau of Investigation the privilege of welcoming you here -- glad because it seems to me a significant thing that so many men gather here from so many parts of the country, denoting a continued interest in the problems of law enforcement.

I think you agree that there is nothing more important than to diffuse throughout the United States a knowledge of the efforts that are being made to curb crime because any effort in a government like ours rests fundamentally upon public support, and public support rests upon public understanding. And in a very large sense, you are diplomats, serving to keep between your localities and the Federal Government that touch of sympathy and understanding without which this work cannot go forward.

The Federal Government's interest in the quality of local law enforcement is not a selfish interest. It is not an effort to extend its authority into localities. It is a simple recognition of the fact that there is no such thing as a local crime problem. Every local problem is in fact a national problem because local nests of crime hatch Federal offenses as well as local offenses. You know that no small part of the task in your own locality is the wash-over into your jurisdictions of neglected crime conditions from other jurisdictions. So this united movement has been a recognition of the fact that under our modern systems of transportation and communication, crime has ceased to be a local and individual adventure and has become the enterprise of gangs with truly national organization.

Law enforcement, as the Director has said, has tended in the last few years, fortunately, to become a profession -- a profession, if I may say it without offending you, something like law. I tread lightly here because I have no doubt that many of you have come to feel that it is the function of your profession to catch criminals and of mine to let them go.

But our two professions have travelled along somewhat together in several respects. When any function of society tends to become a profession, there immediately springs into being a demand for higher educational standards and higher qualifications, and your profession is a witness to that demand for higher qualifications. It was not so many years ago that membership at the bar was not dependent upon educational qualifications at all, but simply dependent upon finding somebody who would stand up in court and move your admission. It was not so many years ago that membership in the law enforcement agencies depended upon someone who was willing to give you a job. Those days are past and I, for one, am glad they are past.

Twenty-three years ago I was a member of the Civil Service Commission in my community, and it was a nominal function of the Civil Service

Commission to examine candidates for policemen. I want to tell you that the questions that we were obliged to ask, unless we were going to flunk everybody, were so elementary that it was shameful, and even at that it was difficult to get intelligent answers. I recall one question which illustrates both the quality of the question and the quality of the answer. We asked this question: "A lady meets you at the municipal light plant and asks to be directed to the public library. What do you tell her?" One of the answers was: "I would tell her to go the shortest way."

Those days are past, even in the political circles, and that is the last place that light ever penetrates -- it is recognized that the law enforcement agencies must be upon a more independent and a higher plane.

Then there is the matter of ethical standards, and I must be careful here. Unfortunately my profession is in the position of offering its talents for sale to the highest bidder. You are spared that menace to your integrity. You have an undivided loyalty to the community, and in an undivided loyalty there is the safest guard to ethics. Of course, there is no offense that can be committed against society which cannot get one of my profession to be its defender, and all too often they not only defend after the crime, but they participate in the planning of the offense.

But I venture to believe that as your profession raises its standards of prosecution, lawyers' standards of defense will have to be raised in response to public sentiment. We must not forget that the ethics of my profession, which made it all right for a lawyer to defend any kind of a scamp in any kind of an adventure, has its fundamental justification in the fact that there were many prosecutions that were stupid; prosecutions that were blundering, getting the wrong people; prosecutions that were animated by political or personal or other unworthy purposes. And as the public confidence rises in the integrity and in the accuracy of the prosecuting and investigatory and enforcement staffs, so public sentiment will demand that the defense staff raise its standards of defense. So I see in the improvement of the standards of law enforcement, a distinct demand for a better ethics in my own profession. You must not forget that whatever condemnation there may be of lawyers who participate in the professional and constant and habitual defense of criminals, that sentiment which sustains it and makes it quasi-respectable is strengthened when law enforcement officers are found doing "dirty work" which takes "dirty" opposition.

Your profession is a more comprehensive one than mine. You men are close to the source of crime, and you can do a great deal in your communities to clean up these situations which breed crime, to quarantine crime, to vaccinate its probable victims; to do in your communities a social service in forwarding those movements and taking those steps which make crime impossible, just as we are taking steps to make spread of disease impossible.

Then, too, you are concerned with crime detection, and I think in no place can the FBI which offers its services to you be more helpful

than in its scientific approach to the problem of detection. To find the tell-tales which lead unerringly and scientifically and impersonally to the wrong-doer is the most important, perhaps, of the functions performed in law enforcement. In that, no such steps have ever been taken in America as have been taken by the Federal Bureau of Investigation under the directorship of Mr. Hoover.

Then, of course, you have the problem of apprehension, and that requires alertness, character and courage.

But then too, you have -- and it is here that your profession and mine somewhat overlap -- you have the problem of getting a conviction; and I want to take just a moment to talk to you about that.

The art of obtaining a conviction, after you have evidence that satisfies yourself, is one of the most difficult and subtle of arts. You all know of cases in your communities where men have escaped punishment because that art was blunderingly pursued. It requires the closest of cooperation between the prosecuting lawyer and the other law enforcement agencies. As I may say, without offense to prosecuting officers, I think that one of the most difficult tasks sometimes is to get your evidence into the head of the prosecuting attorney. It is absolutely essential that there be the closest of sympathy and cooperation and understanding because the defense is never at a better advantage than when it can drive a wedge between two elements of the prosecution.

Many a case that is iron-clad on the facts is lost because of the witnesses that present them. You and I know that in our contacts with men, there is an intangible quality that makes us believe some and disbelieve others if they told us the same story. You know that you instantly doubt the fish stories of some men, and you quite readily accept the reports of another. There is something that gets into a court room, quite apart from the case itself, and that is the character of the prosecution: the reliability, the accuracy, the lack of bias, the fairness in statement -- those things which stand out so much in the demeanor of a witness, and which tell the jury whether after all this is a safe case for conviction. You have all seen partisanship or careless inaccuracies result in strong arguments for a defense and result in some man walking out of the court house free who ought to walk out in custody. Those are the things with which juries are concerned. They are concerned with the character, the sincerity, the disinterestedness of the law enforcement agencies of the country.

You have a great profession. You have a profession which never was more needed than now, because if there is one thing that I hope this country may be spared during its trying neutrality, it is the work of the amateur detective who wants to turn in all the people that he doesn't like for offenses which he imagines might occur. The law enforcement problems of the nation are never safe except in the hands of a professional group, a trained group who know evidence when they see it, and who know how to discount bias and rumor and malice in men. And at this time, when you assemble for your reunion, it is an encouraging thing that you are again

dedicating yourselves to a scientific, impartial and non-political prosecution of this great task of freeing this country from crime and influences that strike at the basis of our nation and of our social existence.

I certainly wish you well, and in any way that the legal branch of the Department of Justice can cooperate with the enforcement branch, I tender our assistance.
