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## Presidential Address

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## PRESIDENTIAL ADDRESS<sup>1</sup>

BY EDWIN R. KEEDY

Statements to the effect that violations of the criminal law are increasing, and that the machinery of enforcement has broken down, frequently occur in the daily newspapers and other periodicals. Speakers at meetings of bar associations and at conventions of sociologists express similar views. A favorite theme is the number of murders committed in some city in this country as compared with those committed in the whole of England. The statement made by Mr. Taft, when President, that "the administration of the criminal law in this country is a disgrace to civilization" is often repeated. Conflicting statements are made regarding the extent to which the Volstead Act and other prohibitory statutes are enforced, and apparently convincing figures are cited in support of each view.

To meet the general situation depicted above, reformers are hard at work suggesting various panaceas and palliatives. At the same time the legislatures are adding to the difficulties of enforcement by enacting many new and hitherto unheard of laws. When courts determine that an act is a crime by the common law, they are compelled to follow some general principles. The legislatures are not so restricted. Apart from constitutional restrictions, they are bound by no precedents and governed by no principles.

Most legislative enactments relative to criminal matters, as well as the statements made concerning the results of administering the criminal law and the measures advocated for improving the administration, are subject to the same general criticism, viz., that they are not based on correct and adequate information regarding the situations to which they relate. Statutes creating new crimes or providing for changes of procedure are seldom based upon an analysis of the conditions to which they apply or upon an adequate consideration of the purpose to be attained. Furthermore, the problem of enforcing such laws is seldom considered by the legislators, who in some instances are acting under the pressure of active and even militant lobbyists. In this way laws are enacted which are not supported by public opinion, and consequently cannot be enforced. Respect for law in England is due largely to the fact that Parliament seldom enacts laws which are

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not demanded by general public sentiment. If the English people were subjected to the amount of prohibitory and sumptuary legislation that prevails in this country, it may well be doubted if they would have any more respect for it than it received here.

Published statements as to the amount of crime and relative number of convictions can be established in but few instances, as correct statistics are seldom available, and proper records, from which correct figures may be obtained, are not kept. Most so-called statistics are at best calculations, and are sometimes pure guesses. In expressing opinions regarding the methods and results of administration, and in making suggestions for changes few persons have made an investigation of the subject or have based their opinions on adequate investigations made by others.

In dealing with any phase of the problem of administering the criminal law the crying need is for accurate information. In order to determine how the administrative machinery is working surveys by competent investigations must be made. Likewise accurate and relevant statistics gathered from carefully kept records must be obtained in order to evaluate the results of administration.

To meet in some degree these needs the activities of the Institute have been directed during the past year. When the last meeting of the Institute was held a year ago the Committee on Criminal Records and Statistics had already commenced work on an elaborate program covering the records and statistics of the police, the trial courts, and penal institutions, the statistics to be published by penal institutions having been selected as the first topic. The committee has completed and published a report on this subject, which is to be discussed at this meeting.

About fifteen months ago surveys of the administration of criminal justice in three Connecticut cities, Hartford, Bridgeport and New Haven, were started. These surveys have now been completed, and the reports will soon be ready for publication. During the past year a survey of the work of the criminal courts in five counties of Georgia, made for the Institute by the State Department of Welfare, was completed, and valuable comparative statistics were obtained. It is expected that the report of this survey will be published in the next issue of the JOURNAL. In April of last year the county commissioners of Fulton County, Georgia, the county in which Atlanta is situated, appropriated money for a survey, which the Institute was invited to conduct. One of the reasons for this proposed survey was the fee system, under which certain officials engaged in administering the criminal law, notably the prosecuting attorney, received fees, instead

of salaries, for their services. The Chairman of the Committee on Surveys and your President had completed most of the arrangements for this survey when a special session of the Georgia Legislature was called which abolished the fee system. As a result of this action the local committee was of the opinion that it was not justified in expending the funds appropriated, and the survey was accordingly abandoned. Recently the Institute has accepted an invitation to conduct a survey in another southern city, and preliminary plans are now being made. The Institute has also been asked to cooperate in a state-wide survey in Missouri.

It will thus be seen that during the past year the Institute has been engaged in important work, with valuable results, and that a program of continued activity has been prepared.