



Reader's Guide

Crimes are forbidden acts considered harmful or dangerous. They fall outside society's rules of proper behavior. Some acts—such as murder, robbery, and rape—violate the behavioral codes of almost every society. Other acts may be considered crimes in one culture but not in another. In criminal law both society and the individual victim, when there is one, are considered harmed by crimes. Each crime threatens some aspect of society; for example, white-collar crime—business-related crimes such as fraud or embezzlement—threatens the economy, and the illegal dumping of waste threatens the quality of the environment. For this reason, a victim's approval is not necessary for the government to prosecute a crime and punish the offender.

Over the past four centuries, crime and punishment in America have steadily changed as society has changed. Some types of behavior considered criminal in colonial times, such as idleness and heresy, have ceased to be treated as crimes, while other behaviors, such as computer hacking and toxic-waste dumping, have since been added to the list of prohibited acts. Technological advances have improved the abilities

of criminals to commit crimes and avoid detection, but such advances have also aided law enforcement officials in their work. The rise of the automobile in the early twentieth century resulted in an increase in interstate crime and faster get-aways for the criminals, but with their new patrol cars police were able to respond more readily to calls for help. At the end of the twentieth century, advances in telecommunications introduced new methods of breaking the law but also gave law enforcement officials many new ways to catch criminals and expanded crime-fighting to an international stage.

In a democratic society, the rules of behavior that maintain social order come from citizens, not from a church or from a royal head of state such as a king. These rules are set through judicial decisions, legal history, and cultural tradition. Rules are also established by legislatures, or law-making bodies, acting through democratic principles by passing laws of government based on the beliefs, opinions, and desires of the citizens. The rules and consequent punishments for violations are organized in sets and written down. Those who break the codes of criminal law in the United States are subject to the U.S. criminal justice system—arrest by law enforcement authorities, court trial, and punishment.

As English colonists established settlements in the New World beginning in the early seventeenth century, they brought English common law with them. This law included the well-known process of accusation, arrest, decision to prosecute or to dismiss, trial, judgment, and punishment. However, in colonial America rigid social order had to be maintained for survival of the first settlements and the colonists had to modify the English legal system to accommodate their unique situation in the New World. For example, there were often too few people residing in a given area for jury trials to be practical. In addition, many areas lacked a person with the proper law training to serve as a judge. Often an officer of the colony or a respected member of the community made legal decisions. Another difference between English courts and the developing American legal system involved the death penalty—the punishment of death to those convicted of serious crimes. American criminal courts applied the death penalty to fewer crimes than English courts. Colonists were also more respectful of individual civil liberties, believing the accused had a legal right to fairness.

With independence from England following the American Revolution (1775–83), a new American criminal justice system came into being. The common-law crime system gradually gave way to statutory criminal law. In contrast to common law, in statutory law acts are deemed criminal when the legislative body responds to a changing society's needs and passes a law prohibiting some activity or behavior. During the nineteenth century other basic changes in criminal justice arrived, such as professional policing and penitentiaries, or prisons.

Although fairness in the criminal justice system is a trait traditionally valued by American citizens, it has not always been evident. Throughout much of American history political power was held by one segment of society—white Protestant males. As a result black Americans, immigrant minorities, women, and other segments of society felt the full weight of law for much of American history. For example in the early twentieth century women could be arrested for voting and blacks could be convicted and executed simply because they were accused of a crime, regardless of the evidence available. The march for equality before the law and fairness in criminal justice procedures as guaranteed by the U.S. Constitution made steady progress through the late twentieth century.

The criminal justice system today is composed of many parts and numerous players. Legislatures, usually under pressure from society, make laws defining crime. Police and detectives apprehend offenders. Courts, prosecutors, defense lawyers, and judges determine the offenders' guilt. Prison wardens and guards, probation officers, and parole board members carry out the sentences. Criminal justice can be found in many varied settings, ranging from street community policing on bicycles to high-tech forensic laboratories; from isolation cells in a maximum-security prison to the historic chamber of the U.S. Supreme Court.

For an action to be considered a crime, not only does a loss or injury have to occur, but there must typically be a proven willful "intent" to commit the act. A harmful action that is an accident and did not occur from irresponsible behavior is not usually considered a crime. Crimes defined in the codes of law are either felonies or misdemeanors. Felonies are major crimes resulting in prison sentences of longer than one year. For certain felonies, namely murder cases, and in

certain states, the punishment might be the death penalty, also known as capital punishment. Other felonies include robbery and rape. Misdemeanors are minor crimes punishable by fines or short periods of time, up to one year, in a local jail. Misdemeanors are sometimes called “petty” crimes, including such acts of petty theft as stealing a lawnmower from a shed or a compact disc player from a car.

Academics search for reasons why social deviance grew during the twentieth century. Criminologists and other professionals attempted to find the causes of crime in the hope of finding a cure for crime. Even though crime can be highly predictable—despite a seeming randomness at times—progress has been slow in isolating the causes.

Even less clear than the root cause of crime is the effect of the justice system on criminal activity. Crime seems to increase even as efforts to combat crime are intensified. Crime impacts millions of people, and the prevention, control, prosecution, rehabilitation, and punishment of criminals result in extraordinary expenses—not to mention the losses resulting from the crimes themselves. By the end of the twentieth century, operation of the criminal justice system at federal, state, and local levels cost \$130 billion a year in addition to the \$20 billion a year in losses to crime. On the other hand, industries related to crime and punishment create thousands of jobs, and the various forms of crime-related entertainment bring in many millions of dollars.

Features

Crime and Punishment in America: Biographies presents the life stories of twenty-six individuals who have played key roles in the history of crime and punishment. People from all walks of life are included. Some held prominent national roles in developing or influencing the U.S. criminal justice system; others were defendants in key court trials that contributed significantly to the field. Profiled are well-known figures such as former Federal Bureau of Investigation (FBI) director J. Edgar Hoover, authors Charles Dickens and Truman Capote, Supreme Court justice Felix Frankfurter, domestic terrorists Ted Kaczynski and Timothy McVeigh, U.S. senator Estes Kefauver, defense attorney Clarence Darrow, and social reformer Jane Addams. A number of lesser-known individuals are in-

cluded as well, such as early female lawyers Belva Ann Lockwood and Arabella Mansfield, criminal defendants Daniel McNaughtan and Ernest Miranda, New York City police chief George Washington Walling, and political radical Emma Goldman. Each chapter contains sidebars highlighting people and events of special interest as well as a list of additional sources students can go to for more information. More than fifty black-and-white photographs illustrate the text. The volume begins with a timeline of important events in the history of space exploration and a “Words to Know” section that introduces students to difficult or unfamiliar terms. The volume concludes with a general bibliography and a subject index so students can easily find the people, places, and events discussed throughout *Crime and Punishment in America: Biographies*.

Crime and Punishment in America Reference Library

Crime and Punishment in America: Biographies is only one component of the three-part Crime and Punishment in America Reference Library. The set includes two other titles:

Crime and Punishment in America: Almanac (two volumes) presents a comprehensive overview of the development of the American justice system. The two-volume set covers in twenty-five chapters various topics including violent crime, crimes against property, cyber crime, terrorism, environmental crime, organized crime, public order crime, school violence, and white-collar crime, from the first European settlements of the seventeenth century to the early twenty-first century. The *Almanac* also describes elements of the criminal justice system including courts, policing, forensic science, corrections, military justice, American Indian criminal justice systems, and juvenile justice. Additional chapters address the influences of moral and religious values as well as the media on crime and punishment.

Crime and Punishment in America: Primary Sources (one volume) tells the story of the criminal justice system in the words of the people who shaped the field and the laws that contributed to its development. Eighteen excerpted documents touch on a wide range of topics related to crime and punishment. Included are excerpts from colonial and federal laws, such as the Harrison Narcotic Drug Act of 1914; the Magna Carta; trial transcripts; newspaper accounts; govern-

ment documents; various publications, including “The Al Qaeda Training Manual” and Charles Dickens’s *American Notes*; and notable speeches.

A cumulative index of all three titles in the Crime and Punishment in America Reference Library is also available.

Comments and Suggestions

We welcome your comments on *Crime and Punishment in America* and suggestions for other topics to consider. Please write to: Editor, *Crime and Punishment in America: Biographies*, U•X•L, 27500 Drake Road, Farmington Hills, Michigan 48331-3535; call toll-free: 1-800-877-4253; fax to 248-699-8097; or send e-mail via <http://www.gale.com>.