



# **Penal Code of the United States: Report of the Commission to Revise and Codify the Criminal and Penal Laws of the United States (Classic Reprint)**

*Alex; C. Botkin*

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Excerpt from Penal Code of the United States: Report of the Commission to Revise and Codify the Criminal and Penal Laws of the United States

Sir: The commission to revise and codify the criminal and penal laws of the United States respectfully report as follows:

The act of Congress constituting this commission provided that "The President, with the advice and consent of the Senate, shall appoint three commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States. They shall proceed with their work as rapidly as may be consistent with thoroughness and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion. Their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change."

It may be assumed that the purpose of Congress was to provide a more comprehensive system of laws for the punishment of offenses against the United States than is found in existing statutes. The original crimes act was passed at the second session of the First Congress and received the signature of President Washington on the 30th of April, 1790. It consisted of 33 sections, and not all of these related to the definition and punishment of crimes. Mr. Justice Story recognized the inadequacy of this statute and drafted a bill which became the act of March 3, 1825. These are the only acts of Congress which partake of the character of criminal or penal codes. The rest of the legislation respecting crimes consists of acts passed from time to time as experience disclosed the insufficiency of existing laws to enable the courts to deal with particular offenses, or as the growing operations of the Government created a necessity for additional penal enactments.

Title LXX of the Revised Statutes of 1874, entitled "Crimes," consists of 228 sections. Referring to the Criminal Code of Alabama, for example, it is found to contain 1,332 sections of which 762 relate to procedure, while 570 are devoted to the definition and punishment of crimes.

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