
Franklin D. Roosevelt — “The Great Communicator”

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EXCREPS FROM SPEECH OF GOV. ROOSEVELT BEFORE ATLANTA BAR ASSOCIATION
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* During the past few years there has been a growing conviction in all parts of the country that the Administration of Justice is not keeping pace with the changing conditions of civilization. It makes little difference whether this opinion is held in New York, or Georgia, or Oregon. It is a nation wide fact which cannot be escaped - a condition more and more widely recognized with each passing year.

* Mr. Elihu Root, as Chairman of a Committee of ~~Leading~~ ^{for} Lawyers of the United States, stated not long ago:

"The opinion that the law is unnecessarily uncertain and complex, that many of its rules do not work well in practice, and that its administration often results ~~in injustice~~ not in justice, but in injustice, ~~is~~ ^{is} general among all classes and among persons of widely divergent, political and social branches.

It is unnecessary to emphasize the danger from this general dissatisfaction. It breeds disrespect ~~for~~ ^{for} law, and disrespects ~~for~~ ^{for} law is the corner stone of revolution".

More and more members of the Bench and Bar are subscribing to the somewhat new opinion that there is nothing sacred about the law which requires that it shall not be changed. Just because the English Common Law, which is the basis of our American Common Law, may have been ideally constituted for a civilization 50 years, or a 100 years, or 400 years ago, it does not necessarily follow that the American people of 1929 must be slaves to precedent.

Probably no 50 year period in the world's history has shown as great economic and social changes as the past 50 years. These changes

are brought about in part by the inventions of science, which have shifted great masses of the rural population to the cities, and have made time and distance a wholly different factor in human relationship.

Life today means new occupations, new thoughts, new contacts. This is true not only of the business or occupational side of life, ~~this~~ ^{but} is true of the private or family life. The best example is the wholly changed position of women in their relationship to the family and the community.

In spite of the changes and complexities affecting the lives of every man, woman, and child throughout the Nation, it is a surprising fact that the administration and procedure of justice shows during this same period fewer changes than ~~in~~ ⁱⁿ other fields of endeavor.

What then can be done if the premise is true that justice has failed to keep pace? Obviously it is easy ^{and glad} to say that the difficulty lies in law breaking, and that the remedy is to obey the laws. That is very delightful for the home consumption of people who are too lazy to think. Our preachers, our judges, our public officials can ~~preach~~ ^{preach} from bench, pulpit, and public platform about the growing disregard for law, the crime wave, the ~~heedlessness~~ ^{heedlessness} of the younger generation. It is very easy to talk of the return to the simple faith of our fathers. I wonder, and I think that the great majority of Americans wonder with me where mere preaching will lead us.

^{immediates}
There are two methods of approach to the ~~present~~ ^{present} problem.

First, an approach which may give a certain modicum of relief - I refer to the tightening up of the existing administration of justice. This effort falls under two heads - that dealing with the policing of a nation, and that dealing with the punishing of law breakers.

I wish that simple statistics could be placed in the hands of every citizen. That would show first of all that in a comparison with the older citizens of Europe, a very large percentage of American law breakers go free thru complete failure, either to apprehend them or to bring them to justice.

Take as an experiment the Statute Law of the State of Georgia or the State of New York or any other state. Run your finger down the thousand of pages which define what is a crime or a misdemeanor. You and I know full well that you and I as individuals are literally law breakers in one or more particulars every day that we breathe. At least 25% of all our Statutes are unenforced; probably 20% or 15% are unenforceable. Another 25% are enforced spasmodically; some are ~~unenforced~~ enforced in one county, but not in another county fifty miles away. Some are enforced against one class of the population, but not against another class.

On a per capita basis crimes of violence are anywhere from ten times to twenty times more frequent in the United States than they are in England.

The figures prove that, in this country, offenders against society stand at least an equal chance of never being caught.

Figures prove that the failure of justice is just as serious in rural districts as in the great cities of the nation; That it is just as serious in the South as in the North or West.

There is, therefore, a definite obligation on Society, and by society I mean not only lawyers and judges, but business men and women and farmers and industrialists, to work for the immediate improvement of the police part of justice. We need better methods for

the apprehending of criminals in every part of the nation.

The second step relates to the courts themselves, and here again no common sense citizen, be he lawyer or not, can ~~hold~~ hold ^{aside} that existing conditions are adequate. Quite ~~aside~~ ^{aside} from the undoubted miscarriage of justice, in many cases which can be laid directly to legal technicalities, there is ^{it's} further difficulty that the ~~methods~~ ^{methods} of punishment are often wholly out of line. Some states have tried of late years to strengthen the law by recognizing the greater gravity of second and third and fourth offenses against ~~the~~ criminal law. The famous Baumes Laws in New York are an example. Frankly, they are still an experiment, but the majority ~~of~~ opinion in my own state believes that they are acting as a definite deterrent against professional and habitual criminals.

One outstanding trouble is the failure of the several states to give consistent and mutual study to what is taking place in their states. We need, of course, greater uniformity in state laws, and under our system of government, individual states are constantly making experiments in criminal jurisprudence, which should be at all times ~~checked~~ ^{watched}, and when advisable, copied by the other states. In the same connection it is worth while to call attention to the ridiculous situation under which ~~stand~~ today the 48 states are passing over 10,000 statutes every year. Every once in a while a state recodifies its laws-repealing, consolidating, and simplifying. These efforts, however, are on the whole hit ~~or~~ or miss, and it is high time that every state should constitute a permanent body for ~~the~~ year - in ~~year~~ ^{out, continuous} combining its statute law. Under such a system we might

hope for a magnificent result by which some progressive state would ^{during a} ~~the~~ single legislative session, repeal more old laws than it added ~~to the~~ new laws ~~in~~ its statute books. If every state had a permanent commission or body of this nature, we should work not only towards the reduction ^{on the number of} ~~of~~ laws in the individual states, but we would tend towards a greater uniformity of laws in the several commonwealths.

Finally, there is the procedural aspect ^{of} the whole subject, the ~~study~~ study of the basic needs of our system. ^{of jurisprudence.} I do not refer to mere procedure, to the way ~~of~~ ^{our} courts and police systems are set up. I refer to the greater basic questions of administration, of what constitutes or should constitute ^{the} ~~the~~ sin against society, of the relative importance of ^{each particular} ~~each~~ sin or crime to other ~~sins~~ ^{or crime} sins or crimes.

In this need, which goes to the very root of our social relations, it is not enough to pin our confidence upon those ~~from~~ who, like you and myself, are members of the bar. The problem involves society as a whole, not merely one of the many ^{professions.} ~~professions.~~ Such an ^{investigation} ~~absolute~~ should be made by ~~men~~ men and women, constituting a cross section of the community - business men and women, ^{social workers} ~~community~~ farmers, teachers, and factory workers. After all what the problem involves is not just the improving of legal and police and court machinery. I have recently been under the unpleasant necessity in the State of New York of vetoing a bill to create a commission with broad powers to carry out an investigation such as I have outlined. The ground of my ^{dis} ~~last~~ approval was the fact that the proposed commission was to be ^{composed} ~~created~~ wholly of members of the legal profession. I have a deep ^{respect} ~~secret~~ for the ^{profession} ~~provision~~

of the law. But the questions involved do not affect mere lawyers; they affect the body politic, the men, women, and children in every walk of life, in farm and city. It is for that reason that I believe the time has come when ^{the} ~~a~~ Democracy of the United States will demand action - action taken by the ~~Democracy~~ as a whole and not by a small section of it.

It is for the individual states to initiate this great move. There is a great tendency, and unfortunate and dangerous tendency, to pass difficult and complex state problems to the Federal Government in Washington. It is easy for us in our state capitals to avoid responsibility and to hope that the President and the Congress will solve our problems for us. It is time to bring this tendency to an end, it is time to reassert the initiative of local and state government.