



# Congress and Crime: The Impact of Federalization of State Criminal Laws

*Joseph F. Zimmerman*

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Congress in the latter part of the nineteenth century decided to enact a series of statutes facilitating state enforcement of their respective criminal laws. Subsequently, Congress enacted statutes federalizing what had been solely state crimes, thereby establishing federal court and state court concurrent jurisdiction over these crimes.

Federalization of state crimes has been criticized by numerous scholars, U.S. Supreme Court justices, and national organizations. Such federalization has congested the calendars of the U.S. District Court and the U.S. Court of Appeals leading to delays in civil cases because of the *Speedy Trial Act* that vacates a criminal indictment if a trial is not commenced within a specific number of days, resulted in over-crowded U.S. penitentiaries, and raises the issue of double jeopardy that is prohibited by the Fifth Amendment to the U.S. Constitution and the constitution of each state.

This book examines the impact of federalization of state crime and draws conclusions regarding its desirability. It also offers recommendations directed to Congress and the President, one recommendation direct to state legislatures for remedial actions to reduce the undesirable effects of federalized state crimes, and one recommendation that Congress and all states enter into a federal-interstate criminal suppression compact.

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