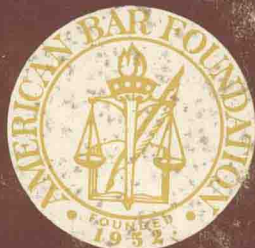


The Administration of Criminal Justice Series

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prosecution:
The Decision to
Charge a Suspect
with a Crime

Frank W. Miller

PROSECUTION

*The Decision to Charge a Suspect
with a Crime*

BY
FRANK W. MILLER

The Report of the American Bar Foundation's
Survey of the Administration of Criminal Justice
in the United States

* *

FRANK J. REMINGTON

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DEDICATION

Dedicated to Walter P. Armstrong, Jr., who in 1952 as Chairman of the American Bar Association Commission on Organized Crime in Interstate Commerce, was largely responsible for the initiation of the present study of criminal justice administration. In addition, his service on the Project Advisory Committee for this study, first as Secretary and now as Chairman, makes clear his lifelong devotion to the improvement of the criminal law process through research.

The interdisciplinary fact-finding approach represents a significant departure from traditional legal research. In the past, judging from most of the legal writing in the field, lawyers have been more preoccupied with principles and precedent and with the facts of individual, isolated cases than with empirical analysis. However, it is abundantly clear that improvements cannot be based on legal concepts and case-by-case analysis alone. Account must also be taken of the viewpoints and needs of the police, correctional agencies and other nonlawyer functionaries and of the flow of cases through the system as a whole.

WALTER P. ARMSTRONG, JR.
Administration of Criminal
Justice: The American Bar
Foundation Project, 54 *American
Bar Association Journal* 261 (1968)

P R E F A C E

No one writes a book without encouragement. Nor does one do so without concrete help. Sometimes the encouragement and help take the form of simple expressions of confidence, and I have had those. Geoffrey Hazard and his predecessor administrators at the American Bar Foundation, and Dean Hiram H. Lesar of the Washington University School of Law, have all made clear their confidence and support in both tangible and intangible ways, and I am grateful to them.

No one who has had the pleasure of working with Professor Frank J. Remington, the general editor of this series, can fail to be affected by his incisive mind and great patience, by his imagination and his uncanny ability to get to the guts of a problem. I know that his influence on me has been great, and I am grateful to him.

But there is a special group of four former students to whom my obligations are exceptionally numerous. Each of them served as my research assistant early in his legal career, but each of them became much more as time passed. Each contributed far more than research memoranda on which this book is in part based. They reacted to my ideas, helpfully and critically. They, themselves, supplied ideas which are present in this book in a form little different from that in which they were presented to me. Had publication occurred sooner and in a slightly different form, it would not have been inappropriate to have called them collaborators or junior authors. They are now too mature, too far up the professional ladder for that any longer to be suitable. But my debt to Robert O. Dawson, James A. McCord, Kay Ellen Thurman, and Lawrence P. Tiffany will never be fully discharged. I like it that way and I hope they do too.

Publication of this volume by the American Bar Foundation signifies that the work is regarded as valuable and responsible. The analyses, conclusions, and opinions expressed are the author's and not those of the Foundation, its officers and directors, or others associated with its work.

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