

I have attached to my prepared statement two tables which compare, by categories of felony, average sentences in the District of Columbia with average sentences in other Federal circuits and in the States.

These figures were supplied to me at my request by the Federal Bureau of Prisons.

They were also included in the record of the House hearings held this spring.

Senator DOMINICK. Mr. Chairman, may I ask a question?

The CHAIRMAN. Certainly.

Senator DOMINICK. Mr. Acheson, during the process of our investigation of this in my own State one of the complaints that we constantly received from the inmates of the prison was that two people would be imprisoned for the same type of crime, let's say armed robbery.

One of them will have been there for the second offense or the third offense and will have been before a judge who has looked this over very carefully and has given him a sentence, we will say, of 3 to 10 years.

You will have another person, same age, same background, same type of crime, who has come before another judge on a first offense, and he will be given a sentence from 10 to 15 years.

And the question asked by the penologist was why and how do you expect us to rehabilitate these people when the man with the first offense has a far more severe sentence simply because he has come up before a different judge.

Now, it seems to me that there is a good deal of merit in this type of questioning and this type of criticism.

What suggestion do you have on that?

Mr. ACHESON. Well, this is a problem, Senator, in every court where there are multiple judges, and it is a problem, of course, here where we have a district court that has a great many judges.

An attempt to solve this problem was begun with the passage of Public Law 85-752 in 1958, which provided for sentencing institutes set up by the circuit council of each Federal circuit, the District judges and the members of the courts of appeals, which would pull in the U.S. attorneys and any Federal correctional officials in the circuit.

The purpose was to work out standards which would be acceptable to all members of that court, working toward the uniformity of sentences for similar crimes.

I have seen from time to time some articles written by Federal judges who have explained how this has worked in their circuits, and it seems to be working pretty well.

I do not think we are yet at the point where there is a perfect harmony of standards between individual judges.

Senator DOMINICK. But is it not the purport of your testimony to say that we should not have uniformity, that we should leave completely to the discretion of the judges?

Mr. ACHESON. Well, we should, I think, Senator.

If you have mandatory minimum sentences I do not think there would be any greater uniformity for a similar type of crime than there is now.