

Senator DOMINICK. Well, at least all of them would be in there for a set period of time, to begin with.

Mr. ACHESON. Well, perhaps, but if, for example, you had a 10-year minimum for robbery—

Senator DOMINICK. Suppose you had a 2-year minimum?

Mr. ACHESON. Well, let's take a 2-year minimum.

That statute would require that the pickpocket robbery case, for example, which is a common type of crime, should receive the same minimum sentence as the violent case.

If both of them came before an easy judge the pickpocket could get 2 years because the judge had to give him 2 years, whereas the judge might otherwise have given him 6 months or something of that nature.

A 2-year minimum really would not do much to arrive at a uniformity standard for a third offender of robbery who had committed a crime of violence.

My point is that all a minimum does is tend to require that unequal cases be treated equally, which is, I think, as clear a case of inequality as treating equal things unequally.

Senator DOMINICK. Would you agree, however, that this is one of the problems that you have in the process of attempting any kind of rehabilitation?

Mr. ACHESON. Oh, I certainly would. I certainly would.

I do think that the Federal judges are on their way to working this out.

I think one of the problems that should not be overlooked is the very great effect that a standard of sentencing has on the moving of criminal traffic through a Federal court or a State court, for that matter.

A court in which all of the judges are thought to be severe and in which a plea of guilty does not get a great deal of consideration from the sentencing judge is likely to be a court in which the docket is very heavily backed up and every case tends to go to trial.

That kind of situation certainly, in a way, adds to the severity of the deterrent for criminals but it almost paralyzes the criminal justice machinery in the process and some fair compromise has to be worked out between a sentencing standard, which can move pleas of guilty at a desired rate, and a sentencing standard which, on the other hand, will really hold out a deterrent to criminals.

Senator DOMINICK. Thank you.

The CHAIRMAN. May I ask you a question at that point, Mr. Acheson?

Mr. ACHESON. Yes, Mr. Chairman.

The CHAIRMAN. Your table 2, attached to your prepared testimony, indicates, if I read it correctly, that in the District of Columbia for burglary the average time served in months is 41.1 months.

Is that correct?

Mr. ACHESON. That is correct.

The CHAIRMAN. And that 1 over to the right, on the rank order of the District of Columbia, means that the person or a person convicted of burglary in the District of Columbia serves more time than a person convicted of burglary in any State of the Union.

Is that what that number 1 means?

Mr. ACHESON. That is correct, Mr. Chairman.