

The CHAIRMAN. Well now, this is a comparison made in 1960. Why was the year 1960 used?

What would be the case in 1959 or 1955 or 1958, or is this representative?

Mr. ACHESON. Well, I think this was simply the last full calendar year in which the Federal Bureau of Prisons had these tabulations prepared and ready for use.

The CHAIRMAN. Now, if I understand the minimum sentence proposed for burglary in the House bill, the minimum sentence proposed is not less than 5 nor more than 15 years.

Well, now, their 5 years is not a great deal of difference from your actual experience here in sentencing in the District of Columbia?

Mr. ACHESON. That is right.

The CHAIRMAN. If you are in prison that additional 19 months would look pretty long, but would it not have some effect if I knew that if I were convicted of burglary here in the District of Columbia that I would have to serve at least 5 years in the penitentiary?

You just do not feel that this helps?

Mr. ACHESON. I am speculating now because, as Mr. Clemmer says, and I feel the same way, we have very little data.

The fact that the District of Columbia is first in the severity of sentences for burglary tends to suggest to me that a more severe mandatory minimum sentence than this average of time served is not necessary or desirable.

Now, if it is necessary then the only conclusion you can form is that the other States are extremely lenient and rather out of line in the sentences that they impose.

I do not think that that is as likely as it is likely that we do not need a 5-year minimum.

The CHAIRMAN. Do you feel convinced that the placing of mandatory minimum sentences under any of these crimes is of no assistance to you as a prosecuting attorney here in the District of Columbia in attempting to stamp out crime?

Mr. ACHESON. Well, it would work the other way, Mr. Chairman.

The CHAIRMAN. Now, why does it work the other way?

Mr. ACHESON. It would make it quite difficult, certainly, in any case where no one was hurt in the course of a burglary.

It would make it very difficult to get a conviction from a jury.

The CHAIRMAN. You do not think a man would put a man away for 5 years because of that?

Mr. ACHESON. I do not think a jury would feel that the average burglary is worth 5 years.

The CHAIRMAN. Thank you.

I think you are probably down to section 504.

Mr. ACHESON. In relation to section 504, Mr. Chairman, I will just stand on Mr. Katzenbach's letter of September 13.

In relation to section 508, what I am going to say speaks only for the Law Enforcement Council. The Department of Justice has deferred to the Commissioners' views.

The section would magnify the punishment for false reports to the police so as to convert that crime from a minor offense under police regulations triable in the Court of General Sessions without a jury, to a misdemeanor crime that would require a jury trial under the District of Columbia Code, section 11-715(a).