

There is a difference of opinion as to whether or not title I, that we are now considering, as passed by the House of Representatives, would stand this constitutional test.

As a lawyer I recognize lawyers themselves have differences of opinion about this. It is your judgment that title I would stand a constitutional test?

Mr. McLAUGHLIN. In view of the fact that it is merely a rule of criminal procedure, yes; that is our opinion.

We are not saying that people may be held for indefinite periods of time. I mean that is a matter for substantive law. We still have, among other things, the right to go in with a habeas corpus.

I mean we are dealing here merely with the rules for admission of evidence. And if a suspect is held too long, this will all be brought out in the trial.

This merely says that the statements that he makes or the evidence related to the delay may not be kept solely because of the delay, itself, out of testimony in the trial. And we feel that much more good than harm will come from it, and that it is not unconstitutional as merely a rule of admission of evidence.

The CHAIRMAN. We appreciate your views. Just one further question:

You may not desire to comment on it, because it is beyond the purview of your statement.

Title V of the bill before us provides mandatory minimum sentences. And I am wondering if you have any expression as to whether this would be a deterrent to the criminal or not.

Now, you may not have had opportunity to examine the subject, and if not, certainly say so.

Mr. McLAUGHLIN. Mr. Chairman, I have thought of it. But I will probably testify later in some of your other hearings. And I would rather respond at that time.

The CHAIRMAN. I want to give you the opportunity to study it. We seem to have had, I would think, a fair amount of agreement on the subject of the mandatory minimum sentences. In general, I think it is fair to sum up the testimony that has been given to date. The testimony coming from the present U.S. attorney, and the former U.S. attorney, Oliver Gasch, the parole, and probation people, and lawyers as well, seem to indicate that they doubt mandatory minimum sentence served any useful purpose in deterring crime. There was some testimony to the opposite. But I think the preponderance of the testimony has been to the effect that mandatory minimum sentences would not deter the criminal.

Mr. McLAUGHLIN. I will go into this, Mr. Chairman, in my next appearance.

The CHAIRMAN. We very much appreciate your appearance.

Our next witnesses are Mr. DeLong Harris and Mr. James Heller of the National Capital Area Civil Liberties Union.

Are you speaking from a prepared statement?

Mr. HARRIS. I have a prepared statement, Senator.

However, I will not speak from the prepared statement.