

It is a most difficult problem to deal with. I come in that capacity but I am here particularly to comment on some of the penalty provisions of the statute.

I have a statement, Senator, but since time is of the essence here I think I will merely file the statement and, with your permission, talk a little about these penalty provisions.

The CHAIRMAN. Your statement will be received, Mr. Bennett, and incorporated in full in the record.

(The statement of Mr. Bennett follows:)

STATEMENT OF JAMES V. BENNETT, DIRECTOR, U.S. BUREAU OF PRISONS

I appreciate the opportunity of appearing before this committee on H.R. 7525. I have been a resident of this area for the past 45 years and both in my official capacity and as a private citizen have always been much interested in our crime problem and what can be done about it. There are aspects of the pending bill that I heartily approve. On the other hand there are proposals which I believe to be poorly grounded.

I am happy to see that your committee is giving it such careful consideration. There is no need for hurry or hasty action. The crime situation in the District is, I believe, not as serious as some would have you believe. The police here are doing an excellent job and Washington is not a city with an inordinate amount of crime. There is virtually no organized crime here, no gang killings, no racketeering of consequence, no corruption of public officials, and virtually no commercialized vice. The crime we have here largely stems from the cultural changes that are occurring, from the fact that Washington is a haven for the handicapped forced out of other areas. Also Washington lacks employment opportunities for certain types of workers who drift into crime. But despite these problems there are eight of our larger cities with a higher crime rate than Washington.

To be sure, we have our share of murders, armed robberies, assaults, and similar serious crimes, but considering the upheaval occurring in our culture, the tensions arising from current racial conditions, and the ever-widening number of statutory crimes, I believe we should pause to put the situation here in proper perspective.

I say this in the hope you will not proceed too rapidly and hastily with this legislation and will break down the various sections and titles into separate bills, study them deliberately, and consider each on its merits.

If this is done I think you will wish to consider modifying the penalty provisions for burglary and robbery. These are the sections that provide a mandatory minimum of 5 years for second-degree burglary and a mandatory 20-year minimum for first-degree burglary. These Draconian penalties almost without parallel elsewhere in the United States are self-defeating. I am convinced they will not have the intended effect of deterring this type of offense.

Moreover, I find it difficult to understand why these severe mandatory minimum terms have been proposed. The sentences imposed in the District of Columbia are already severe, and on the average, much higher than in any other Federal jurisdiction. Even in comparison to the States the District ranks, according to fiscal year 1960 figures, third among the most severe sentencing jurisdictions. Offenders convicted of burglary in the District of Columbia, as a matter of fact, now serve longer sentences than in any other State or Federal jurisdiction in the country. If crime can be stopped or deterred by heavy penalties then the District should have no burglaries or robberies.

I do not mean to infer that there are not some instances where very heavy penalties are justified. And the law as it does now should make it possible for a judge to impose heavy penalties. But the law should also leave to the judge the discretion to make distinctions between one offense or one offender and another. He should be free to impose lighter terms where the infraction is minor or where there are circumstances in mitigation. The mandatory aspect of the penalties proposed by H.R. 7525 will, if the bill is enacted, inevitably bring about injustices just as have all other mandatory sentencing laws passed by the Congress or the State legislatures. They have not only brought about injustices but have also created serious problems for prosecutors, judges, and law enforcement officials.