

he has to give him the same sentence that he gives the bigtime racketeers.

Mr. Vito Genovese, who was one of the bigtime racketeers in the drug business, received a sentence of 15 years; whereas I have another case of a prisoner that I just recently interviewed last week out in Leavenworth who had stolen some synthetic Demerol tablets from a drugstore and sold them.

There were a number of counts involved, and he received a sentence of 40 years under the mandatory provisions of the sentencing.

I am hopeful that some of these things are going to be modified. Other committees of this Congress have this matter under consideration, and I hope that these matters are going to be modified.

One of the interesting things, Senator, I suppose you realize, is that section 501 here, which provides for penalties for assault with intent to kill, rob, rape, or poison—they have described it—they have prescribed a new penalty there which is a minimum term of 2 years; whereas, burglary first has a minimum term of 20 years.

This is totally inconsistent, it seems to me, to consider assault with intent to rob or rape—demanding a penalty less for that than when it is burglary.

Take what you can do under this burglary statute. The wording of the statute is so broad that almost any offense can be brought under it.

For instance, in burglary second degree, a youth who goes into a dime store, for instance, and steals a pencil or anything else, technically can be brought in under that statute and given a minimum sentence of 5 years.

A drunken derelict passing by a garage—this is an actual case—passing by a garage spies an old pile of newspapers and takes them to sell them for a few pennies to get some smokes.

He can be sent to prison and in this particular case would have had to be sent to prison for a minimum of 5 years.

And this is another actual case.

A man walking down here by the wharves sees a coil of rope on the deck of a boat, and he more or less compulsively steals it and he goes to jail. The judge has no discretion.

He goes to jail for a minimum of 5 years. Stealing a tire or a piece of junk from a junkyard also takes a similar penalty.

We can sit here and cite examples of this kind all day long. I just bring that up to show that these penalties are in no way consistent with the offense.

I do not believe that they will work.

The CHAIRMAN. May I ask you a question, Mr. Bennett?

You have been Director of the Federal Prison System for how many years?

Mr. BENNETT. Twenty-seven years.

The CHAIRMAN. Twenty-seven years? Approximately how many men are directly under your jurisdiction within the Federal prison system?

Mr. BENNETT. At the present time about 24,000.

The CHAIRMAN. My interest in these particular sections would be whether or not, in your considered judgment, a mandatory minimum sentence is or is not a deterrent of crime.