

Mr. BENNETT. I do not think so, Senator. I do not think making a penalty mandatory has any influence whatever upon the individual who might be contemplating or might be involved in the commission of a crime.

The CHAIRMAN. I am sure that must have been the objective of the authors of the bill and the proponents of the bill, to build in a mandatory minimum sentence, believing that if there was a mandatory minimum sentence that this might serve as a deterrent to crime.

In your opinion, you do not think it would be?

Mr. BENNETT. I do not think it would be. In fact, it probably or might possibly act in just the opposite direction because, as I cited with regard to these mail robbery cases, people would escape or would circumvent these charges.

The CHAIRMAN. Well, that is a new approach to this particular problem.

It was said by the Director of the Federal Penal Institution in the District of Columbia and you might like to comment on it.

If I recall his testimony correctly, it was to the effect that the man who has a mandatory minimum sentence is invariably a very recalcitrant and a very difficult prisoner to deal with because he knows he is going to be in for a minimum of 5 or 10 years as an absolute minimum.

Now, would you have any type of a comment on that?

Mr. BENNETT. Oh, yes, indeed.

The CHAIRMAN. Because you have many men under your system who are also in under a minimum prison sentence.

What kind of prisoners are they?

Mr. BENNETT. Well, they are very difficult persons. You hold out no hope for them.

You can assign no goal for them to achieve, and they feel that they have nothing to lose, and the consequence is, of course, that it complicates our problems tremendously.

It increases the tax burden.

The CHAIRMAN. Well, do they attempt to break out of the penitentiaries?

Mr. BENNETT. Yes. He is a desperate person.

The CHAIRMAN. A desperate person?

Mr. BENNETT. When he is on the lam and, with these charges against him, why, he is an extremely dangerous person.

We have been trying, Senator, for 500 years to solve the problem of crime by imposing severe penalties.

We did it. There is a very famous case of the lazy apprentice. As you know, they executed him so that other apprentices would not be lazy.

We transported people. We branded them. We drew and quartered them in times past, and it did not solve the crime problem.

It is extremely difficult to scare people into complying with the laws especially if they are hungry and especially if they are in search of something by which they can alleviate their immediately emotional problems.

So I say to you, Senator, and hope that when you reconsider this bill at least you will eliminate the mandatory provisions. I have no particular objection to the maximum specified here, but I want to leave these matters to our judges.