

Our judges are conscientious people. They are understanding people. They know the situation here in the District or anyplace else they are, and I think that man ought to be left to them.

Why have a judge on the bench if you restrict him so that he has no alternative?

And I think that it will be in line with the—the changes in these penalties or eliminating these penalties will be in line with the attitude of the Congress. I agree that perhaps we ought to break the burglary definition down into two sections, of first degree burglary and second degree burglary, and then we might—any penalty within reason—any maximum penalty within reason would be agreeable.

But to put in a mandatory penalty is a step backward.

The CHAIRMAN. I certainly understand your position, Mr. Bennett. The Senator from New Hampshire?

Senator McINTYRE. No questions.

Thank you, Mr. Bennett, for your excellent statement.

The CHAIRMAN. I want to join in that word of thanks and again express my apology for running as late as I did. It was unavoidable.

I do appreciate your coming here to give us the benefit of a tremendous number of dedicated years of service in a very difficult field.

You have an outstanding record in the field in which you serve.

Mr. BENNETT. Thank you very much, Senator.

If there are any other parts of this bill later on, as you begin studying them more, if you want me to comment on or file a brief on them, I will be very happy to do so.

The CHAIRMAN. I primarily wanted your views on the effect of a mandatory minimum sentence, because it appeared to me, in calling you as a witness, that we would have somebody who has had vast experience in this field.

Does this average out to about 25,000 Federal prisoners a year?

Is that a fairly steady figure?

Mr. BENNETT. It has been increasing, Senator.

The CHAIRMAN. It has been increasing? When you went in as Director of Prisons how many Federal prisoners did you have?

Mr. BENNETT. We had about 13,000 or 14,000.

The CHAIRMAN. You had about 13,000 or 14,000, and you have been Director for what did you say?

Mr. BENNETT. Twenty-seven years.

The CHAIRMAN. Twenty-seven years, and it has increased to approximately 25,000?

Mr. BENNETT. That is right; yes, sir.

The CHAIRMAN. Well, as the Director you have firsthand knowledge of how the prisoners under you react.

Mr. BENNETT. Let me just add one other figure, Senator, that you might like to keep in mind.

The District of Columbia has more people in jail per 100,000 of population than any other State or section or political entity in the country.

It has 287—in 1961 it had 287 men in prison per 100,000 of population, contrasted, for instance, with New Hampshire, which has only 31.

The CHAIRMAN. Well, they are so law abiding.

Mr. BENNETT. So, they do not have to put people in prison in New Hampshire, Senator, in order to have an orderly State.