

offer a compensatory provision such as providing that the witness will be clothed with immunity against prosecution with respect to any crime as a result of statements made during such detention. Moreover, no procedure is shown to exist for compensating a witness who has been detained, which could result in a loss of income in many cases. Current procedures for detaining material witnesses in criminal cases are quite adequate, particularly with reference to the Federal court. Indeed it is submitted that the procedures with respect to the District of Columbia Court of General Sessions it is quite adequate. However, if the police feel that they need additional authority they should attempt to seek specific legislation for that purpose.

The esteem in which policemen in general are held, by the people who are most likely to be affected by the proposed law, is not very high. The proposed law cannot and will not, in fact is not designed to, raise such esteem. It can and will lower it.

Accordingly it is strongly urged that this committee reject H.R. 7525, particularly titles I and III.

Thank you very much.

Mr. BENTON. Yes. Of, course, I would like to make a few comments here and there with reference to the proposed legislation.

In the first place, in reference to the proposed rule, that is title I, which deals with *Mallory*, I get the impression that the basis for the proposed rule is the prevalence of crime in the District of Columbia. Apparently, some people have been disturbed by the great incidence of crime.

Now, I also get the impression that they are more concerned about the nature of the crime. For instance, they seem to be disturbed about the crimes of violence, particularly, for instance, rape, murder, and what-have-you.

The CHAIRMAN. Aggravated assault—

Mr. BENTON. Yes, aggravated assault.

Now, apparently, they feel that something can be done about it and, of course, they have proposed this law which they think is going to act as a deterrent to the commission of these particular offenses.

Now, I frankly think that that is fallacious reasoning. I do not think that is the proper approach to use. I do not think that that is going to solve the problem.

I think you have to get to the basic roots; that is, as to the cause of the crime before we can really decide on how it can be solved.

And a striking example of this is the case of the narcotics offender, which reminds me this morning I was just reading in the press about 11 persons who were arrested for narcotics offenses.

I think the Senator knows and, perhaps, the staff already know that under the Harrison Narcotics Act that the mandatory punishment imposed—I think the initial punishment is 5 years without any chance of parole, and the second time it is 10 years, and every time it increases and becomes more severe without any chance of parole.

Now, some of these narcotics offenders know that and some do not but apparently whether they do or do not know it, that has not made any difference insofar as the commission of the offenses. They still commit the offense.

The CHAIRMAN. Well, your testimony in that respect is directed to title V, which deals with the mandatory minimum sentences.

Is that correct? What you are saying, is that the severity of the penalty is not a deterrent to crime.

Mr. BENTON. That is the point I am making, but I am also using that to buttress this proposition, that changing the *Mallory* rule itself