

is not going to affect—is not going to serve as a deterrent to the commission of crimes.

In other words—

The CHAIRMAN. Why does one follow from the other? That is the only point I am trying to make.

I think the testimony of Mr. Bennett, the Director of the Federal prison system was to the point that mandatory minimum sentences, as built into the Federal law, certainly do not deter the men who are convicted of Federal crimes and violate the U.S. criminal code.

I thought that he made some very emphatic points in this connection, and that came from a man of 27 years of experience and whose department retains jurisdiction over something like 25,000 prisoners in the Federal prison system.

I think that point was made very well by him. I understood you to emphasize it, but I do not quite understand how you use it to buttress your argument that title I is not a deterrent to crime.

Mr. BENTON. You do not see the relevancy?

The CHAIRMAN. I do not see the particular relevancy. I would like to have you tie it up.

Even admitting that one is true, that a mandatory minimum sentence does not actually deter crime, how does it follow that title I would not serve as a deterrent to crime?

The CHAIRMAN. It seems to me like they are two different propositions.

Mr. BENTON. Well, that particular phase of it is, perhaps, a little different but what I was going to say or, I mean, to elaborate on this further—

The CHAIRMAN. Yes, and I did not mean to cut you off.

Mr. BENTON. But what I was going to say is this, that under the Harrison regulation, that is that particular act, there was an easing of the rules of evidence.

In other words, they were not as stringent. In other words, usually when a person was arrested under that particular act, that is for a violation of that particular act, there were usually three counts against him, a sales count, possession count, and also importation.

That is, it was presumed that he had imported this particular product and that is, in a sense, what *Mallory* would do.

It would tend to ease the rules of evidence in a sense, to make it easier to obtain a conviction.

So my point is this—

The CHAIRMAN. You do not mean "*Mallory*." You mean title I.

Mr. BENTON. I beg your pardon. Title I; yes.

The CHAIRMAN. Your point is that title I would make it easier to admit confessions into evidence than is now present under the *Mallory* rule?

Mr. BENTON. Yes, and my point is that it has not worked so far as the Narcotics Act is concerned, and I do not think it would work in this case.

The CHAIRMAN. Yes; now I have your point. I was putting too much emphasis on the mandatory nature of the minimum sentence.

Mr. BENTON. I might say for the record that I, of course, do object to the mandatory sentence phase of it.

The CHAIRMAN. I understand your position.