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In The Nation: The University of Crime

By TOM WICKER

WASHINGTON, May 27 — James V. Bennett, who served as director of the Federal prisons system for 27 years, has given Congress a hard-headed, practical, down-to-earth appraisal of the Nixon Administration's proposals for preventive detention. They are likely to make a bad situation worse, Mr. Bennett told a Senate subcommittee.

Giving short shrift to those who think the way to fight crime is to riddle the Bill of Rights with loopholes, he expressed strong constitutional doubts about a procedure by which certain defendants considered dangerous could be jailed for up to sixty days without trial.

Adding to the Burden

But even if the courts uphold preventive detention, he said, the net result would be to put more prisoners into a prisons system that is already overcrowded, understaffed, underfinanced, and a breeding-ground for professional criminals. It is obvious that further overburdening of these inadequate prisons will only work against any useful corrective effect these institutions might have on any of their inmates.

Further, Mr. Bennett pointed out from his long experience, "most of these institutions are

madhouses" already. "Prisoners are milling about largely unsupervised. They have strictly limited opportunities for conferences with counsel, codefendants, family or friends and no access to telephones, law books or other facilities needed to prepare a defense."

More Crime Than Prevention

Thus, the rights of preventively detained defendants could be substantially damaged—yet, some of these persons could be innocent of the charge on which they were detained, and they would not necessarily all be hardened criminals. Mr. Bennett said the preventive detention proposals appeared broad enough to apply even to "the boy who breaks into a home and steals a \$10 radio." But if the legislation resulted in putting juveniles into existing prisons, he said, "I assure you the bill will create far more crime than it will prevent."

Mr. Bennett said also that he believed a person preventively detained would become a target and a "pushover" for a prosecutor who offered him a short sentence for a lesser offense, if the defendant would plead guilty and make a contested trial unnecessary. That kind of "plea bargaining," of which there is already too much, does not so much elimi-

nate crime or punish criminals as ease the load on the courts and the prisons, while pouring more and more persons into what Mr. Bennett called the "soul-destroying" experience of an American prison.

This devastating testimony went well past the narrow question of preventive detention, important as it is, to one of the root problems in the fight against crime, which is the ineffectiveness—indeed, the counter-effectiveness—of the shameful penal and corrections system the nation has for too long tolerated.

Precisely at the point where the first offender has been apprehended, tried and placed in the custody of society, that crucial point at which—if it is ever to be possible—he ought to be treated, trained, redirected and sent back to a useful place in society, he is instead cast into squalid and terrifying confinement among hardened criminals, homosexual brutes and the dregs of society, trained (if at all) in the most menial or useless kind of work, in many cases treated little better than an animal, and effectively separated from any glimpse of decency or beauty or hope in life. If the city slum is the high school of crime, prison is its university; which is why all the various pro-

posals to shortcut the Constitution and make it easier to imprison people will not deter but will in fact increase crime in America.

That is also why it was far more important than the preventive detention proposals that the House Judiciary Committee, which has just authorized \$650 million for the Law Enforcement Assistance Agency, stipulated that 25 per cent of its appropriations be earmarked for corrections and parole programs and for prison renovation.

Ameliorating Move

And since overburdened courts are as large a problem as inadequate prisons, it may also help in coping with major crime that the Justice Department has decided to leave prosecution of minor cases of interstate auto theft to local and state agencies. Owing to the zeal of J. Edgar Hoover and the F.B.I. in pyramiding their case statistics, they are eager to take Federal jurisdiction in such cases, so that most of these thefts have been prosecuted in the overburdened Federal courts.

The result has been to impose on them one-eighth of their entire case load, and to account for one-fifth of all the inmates of Federal prisons.