

The CHAIRMAN. Based on that, do you have any particular observation as to the value of the maximum minimum sentence or a mandatory minimum sentence?

Mr. CLEMMER. Mr. Chairman, it is a complex question, of course. I would say that there is a body of opinion—I am not sure that I share it—but there is a body of opinion among criminologists, so to speak, that the ideal sentence is 3 months to life for almost every crime. And some people even advocate that for everything. The point being that the trial court, the trial judge determines the guilt or innocence, and then modern penalology has disclosed that conditions are getting better as the years go along, that they can take women and men and train them and improve them to some degree. No one thinks that everyone can be helped. A lot of them cannot be helped. Some can.

The reason that 3 months is given is that it takes that long, at least, to study a person's personality and with a small minimum there can be a demonstration to the paroling authority of improvement. People can be released to the free community with less risk than if they serve a long time in prison. I think that we must all agree—and I have said it a hundred times—that prisons are bad—all of them are bad—even including those that I run and everyone else does, because of the evil influences that exist between inmates, and in spite of chaplains and training programs and progressive administration the entire action among people of this type tends to be debased.

The CHAIRMAN. Do you have any questions, Senator Dominick?

Senator DOMINICK. May I ask a question?

The CHAIRMAN. Yes.

Senator DOMINICK. I am sorry to interrupt you. Did I understand correctly that you said that in a murder case of one sort or another, in a manslaughter case, that a person with a minimum sentence of 20 years cannot have that reduced even for good behavior?

The CHAIRMAN. I think that he said in first degree murder. I did not think he said in manslaughter.

Mr. CLEMMER. First degree is 20 years. It is somewhat less for manslaughter, I think 15, is it not, Mr. Acheson?

Mr. ACHESON. In second degree murder.

Mr. CLEMMER. First degree murder is 20 years. And that is what I referred to.

Senator DOMINICK. And second-degree murder is what?

Mr. ACHESON. The sentence under the statute that may be given for second-degree murder is 15 years to life, but there is no time floor on the eligibility of the prisoner for parole.

Senator DOMINICK. He could be paroled in a year?

Mr. ACHESON. They frequently serve less than 15 years.

Senator DOMINICK. Is there time off for good behavior on any of these?

Mr. CLEMMER. Yes, except the 20-year minimum on the first-degree murder.

Senator DOMINICK. This is the only one with an absolutely fixed floor?

Mr. CLEMMER. Yes, that is correct.

Mr. ACHESON. To elaborate the earlier answer, Senator, in the case of second-degree murder, if the judge as he may, sentences under the indeterminate sentence statute, a sentence of 10 to 30 years, then the