

prisoner is eligible for parole at the expiration of the minimum, which is 10 years. Under the statute the minimum is normally one-third of the maximum. Therefore, 10 to 30 would not be an uncommon sentence.

Senator DOMINICK. If you had such a sentence of 10 to 30 years is it possible for the prisoner to be eligible for parole before the expiration of the 10 years?

Mr. ACHESON. No.

Senator DOMINICK. Does the reviewing parole board ever have occasion to question the validity of this indeterminate action—have they asked questions about the inmates who seemed to be getting along fine in a prison but nevertheless are not eligible for parole?

Mr. CLEMMER. There is a provision in law by which an inmate may petition me for reduction of the minimum sentence. I cannot quote you the statute, but it can be easily supplied. My department then is called upon to appraise the person in terms of his training and treatment and attitude and conduct, and we make a report to the parole board. I might say that we make them by the dozens, because many men, naturally, are seeking release.

The parole authorities then weigh the situation, the personnel involved and the time and have the right to appeal to the trial judge for a reduction of the minimum. I happen to know of dozens of cases that have gone from my desk to the parole authorities but the parole folks have only gone to the trial judge a few times. I cannot tell you how many. It may be 8 or 10 or 12 or 5. In other words, such appeals are not very successful.

Senator DOMINICK. Thank you, Mr. Chairman.

The CHAIRMAN. I have one further question. Your testimony, if I understand it correctly, is that there are approximately 1,500 institutionalized at the present time from the District of Columbia for felonies. Is that approximately correct?

Mr. CLEMMER. Let us say 1,700.

The CHAIRMAN. Of those 1,700 how many are repeaters?

Mr. CLEMMER. We have a record on that, which is not recent, because we do not have enough budget to hire statistical clerks, but a few years ago 21 percent of those were technically first offenders which means they had not been in a major felony institution before, but it does not mean that they have not been in trouble with the law, such as probation or workhouse or juvenile institutions. The huge majority of our people have been in trouble before, upward of 80 percent.

The CHAIRMAN. What does that mean, that they have been in trouble with a prior felony?

Mr. CLEMMER. A prior felony, yes.

The CHAIRMAN. Prior felonies?

Mr. CLEMMER. Yes.

The CHAIRMAN. Eighty percent of the people that you have institutionalized have prior felony convictions?

Mr. CLEMMER. Yes. I could supply a table on that.

The CHAIRMAN. I think that it might be helpful.

Mr. CLEMMER. I can do that.

The CHAIRMAN. I think that you should supply that for the record. Pardon my interruption.