

# Mental Illness . . .

# Commitment Laws Need Revision

**EDITOR'S NOTE:** The following story on commitment proceedings for mental illness was written by Diana Stover. Miss Stover did the story for the University School of Journalism depth reporting class.

A bitter husband whose wife was suing for a divorce lashed out at his mate by having mental illness proceedings brought against her.

"My wife is crazy," he told the clerk of the district court and signed a mental health affidavit. A mental health warrant was sworn out for her arrest. She was picked up by the deputy county sheriff and held at the state hospital until her case was dismissed at an insanity hearing three days later.

A week later the wife declared that her husband was insane; a warrant was sworn out; and the husband was jailed in revenge. The board found him not mentally ill.

### Commitment Law

Cases similar to the one above can and do happen in Nebraska. In fact, several cases in Lancaster County have resulted from husbands maliciously filing against their wives and vice versa.

Under the present Nebraska mental health commitment law, it is possible for sane persons to be jailed and even committed by estranged mates, estate-minded relatives and vindictive friends or neighbors.

"It takes only one person who thinks that 'Boy, that guy is nuts,' to put the machinery in motion," said Harlan Kendle, Lancaster County Deputy Sheriff. "Somebody signs a complaint and we go out and bring him in. It seems to me that a lot of these people we pick up are perfectly normal."

If a person is not at home, he is picked up wherever he is, Kendle said. Several students from the University of Nebraska have been picked up—one was taken from a class. Others have been taken from their jobs.

Women are usually taken to the state hospital or to the city jail. Men are usually thrown into one of three bullpens at the county jail with drunks, sex deviates, and other accused criminals.

### Law Not Abused

One of the three members of the Lancaster County Mental Health Board, Wilford F. Sanders, who has been clerk of the district court for the past eleven years, looks at the situation differently.

"In 99 out of 100 cases," he said, "reliable affidavits are signed. There is not much abuse in Lancaster County. The board is not going to commit somebody who we feel is not mentally ill. There has been no railroading of people to state hospitals. If a family or neighborhood squabble comes up, we can detect that easily."

In 1965, the board, composed of C. L. Clark, attorney; Janet F. Palmer, psychiatrist; and Sanders, heard 180 cases. Eighty-seven per cent of the cases were commitments to state hospitals and 13 per cent were released.

### State Hospital View

On the receiving end of the present controversy over commitment procedure is Dr. Edwin Coats, superintendent of the Lincoln State Hospital.

"Persons who are sent to the hospital who do not belong here are in a very small minority," Dr. Coats said. "There might be an occasional person committed who is not as sick as someone says he is. We examine a person within 24 hours after he is admitted. In the next few weeks his case is evaluated by our psychologists and psychiatrists."

Lawyers and state legislators are becoming increasingly concerned about the violation of an allegedly mentally ill person's constitutional rights. They have cited cases where individual rights have been violated.

A Nebraska businessman tells this story:

For several months prior to being accused of mental illness, Mr. X and his wife had been having marital difficulties. One incident, Mr. X said, involved a gun. Later, Mr. X and his wife went to a psychiatrist for professional marriage counseling.

Upset by the doctor's manner, Mr. X left, but his wife stayed to talk. When his wife did not come back to the car after a short time, Mr. X called her. In their telephone conversation, the name of another man came up. Mrs. X asked Mr. X if he were going to shoot him.

"I was still put out, so I answered, 'Yes,'" he recalled. A while later, Mrs. X came out of the office and started towards the car. Two plainclothesmen came over and took Mr. X to the police station.

### No Phone Calls

"No one would tell me at the station why I was there. No one would let me use the phone to call a lawyer," he recalled.

"I was very indignant about being picked up," he said. "I cried; a prisoner laughed; so I knocked him about halfway across the room. I spent the night in jail."

"The next morning my wife came down with a minister. I was still real mad. They put us in a room so we could talk. I spied a phone and called my parents and told them to get a lawyer—but at that time I couldn't tell them what I was being held for. My wife and the minister went from the station to the courthouse and signed the papers."

"Later that day I was driven to the state hospital and was taken to the maximum security ward—a small room about 10 feet by 10 feet with a tile floor and no bed. I spent two days there before the board meeting. . . . They did let my lawyer see me. He brought a psychologist with him who did some tests—but I was so nervous that he had to testify that the results were inconclusive."

### Lawyer Not Informed

"At the hearing my lawyer didn't know the actual circumstances leading up to the testimony against me, so he wasn't of much help. That night he got in touch with my wife. She said that she would retract the papers—but it was too late because it had to be done within 24 to 48 hours."

"My lawyer knew that no written record is made of mental health proceedings, so we hired a court reporter to take down what was said. I was kept in another office when testimony was given against me. The hearing was continued and I spent three more days at the state hospital," Mr. X said that all in all, he was held for over a week.

"As opposed to mental cases, persons picked up in a criminal case cannot be held longer than 'a reasonable length of time' before they must be brought before a magistrate. Although this period of time varies, it is generally considered 24 hours or one working day."

For example, it is the practice in Lancaster County, according to William D. Blue, deputy county attorney, to bring persons arrested for a crime before the judge the next morning. But if a person is arrested on Friday, he will be held until the courthouse opens on Monday. The county's mental health board meets only on Tuesday and Friday mornings.)

### Second Hearing

"At the second hearing," Mr. X said, "I agreed to go to a state hospital as a voluntary patient for testing. This time, when the tests were given I was relaxed and comfortable. I was released in less than a week."

"The next week, I again appeared before the board. They refused to give me a clean slate because the staff psychiatrist had recommend-

ed that my wife and I meet with him on a regular basis for marriage counseling. It wasn't until two months later when I appeared before the board that they dropped the proceedings."

This happened some five years ago. Looking back at it still bitter, Mr. X said, "I was very fortunate in getting to that phone at the station when I did. Otherwise I might still be in some institution today. I know some people have gone to their hearing without counsel. It scares me to think that I wasn't even examined by a doctor or psychiatrist before the hearing."

**Procedures Vary**  
While all Nebraska counties operate under the same law, the exact procedures may vary from county to county.

These problems are not unique to Nebraska. Many states still have mental health laws which have not changed much since they were enacted in the late nineteenth century when hospitals were custodial institutions rather than active treatment centers. The laws borrowed the language and the meth-

ods of detention from the criminal laws.

Now there is a growing clamor for change in mental health laws. It is taking place in a nationwide atmosphere of revision of criminal and civil rights laws to ensure an individual protection of his constitutional rights.

Thirteen states and the District of Columbia have passed commitment laws based on a "draft act," a model law, prepared by the National Institute of Mental Health of the Public Health Service in 1952.

**Bill Lacked Support**  
In Nebraska a law based on the "draft act" was adapted to state statutes to retain the county mental health boards and was introduced in the 1965 Unicameral.

The bill failed to make it out of committee because it lacked the support of professional groups including the Nebraska Bar and Medical Associations, the county boards of mental health and the psychiatrists at the state hospitals, according to Hal Bauer, Lincoln attorney who introduced the bill.

"In the last several years

our criminal laws have developed to the point where you can hardly arrest a man without taking away his constitutional rights," Bauer said. "But this is not so for an allegedly mentally ill person."

**Constitutional Rights**  
Bauer said that a person accused of being mentally ill does not have the following rights which are guaranteed every accused criminal:

—No right to be bonded. An individual can be taken to jail for three or four days until the board meets.

—No right to obtain counsel. After an individual is taken into custody, he can make a phone call only at the discretion of the arresting officer or jailer.

—No notice of hearing or knowledge of the charges made against him. If a person has obtained counsel, his lawyer is at a disadvantage because he doesn't know what his client is charged with.

—No opportunity to confront his accuser or to cross-examine him. Most of the time the accused is not present when testimony is given against him.

—No right of the rules of

evidence. Testimony can be hearsay, conclusions or speculations.

### Reconsider Bill

Under the bill, LB532, which Bauer would like to see the 1967 Unicameral reconsider and adopt, there are provisions which distinguish between admissions for dangerous patients and others.

There is a provision—not in the present law—that would make it a criminal act punishable by not more than a thousand dollar fine or six months in jail for a malicious filing. After an individual signs a mental health affidavit, two doctors must see the accused before a mental health warrant is sworn out.

The bill provides for an emergency procedure to take into custody individuals considered dangerous to themselves and others. In such a case, a police or health officer or any other person would make a written application to the hospital. If a doctor—after examining the accused—feels that he is mentally ill, he would be taken to the hospital.

But if a health or police officer believes that the individual is likely to injure himself or others before an examination can be made, he may take him into custody, apply to a hospital for admission and take him there.

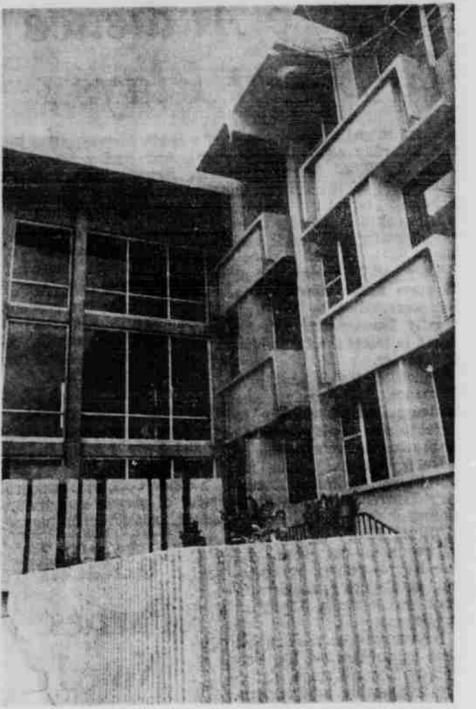
Under the proposed law, a patient will be allowed to exercise all civil rights while hospitalized unless he has been judged incompetent by a court.

### Voluntary Admissions

The bill puts increased emphasis on voluntary admissions. At present, about 90 per cent of admissions to Nebraska state mental hospitals are commitments. The bill bases hospital care on the consent of the patient to encourage the mentally ill to receive care at an early stage when he will more readily respond to treatment. The theory is that if individuals realize that they can leave whenever they want, they will come in as voluntary patients.

The bill died in committee, but there are those who are working to raise it from the dead. The Lancaster County Mental Health Association held a panel discussion commitment Feb. 1 which was attended by lawyers, psychiatrists and the public. An interim legislative study committee on the commitment and care of the mentally ill was organized on Feb. 18.

"What was not done at the last session is being done at the present time," Bauer said. "The help and cooperation of all groups interested in the problem is being sought prior to the legislative session."



Behlen Laboratory's new addition.

# Architecture Lacks Continuity Of Form

By Julie Morris  
Senior Staff Writer

One wit, describing the campus architectural styles, commented that the Woods Art Building resembled "an inverted art farm."

The Administration building, he said, was like a "cancerous growth on the side of the Teacher's College."

The speaker's opinions were largely upheld by two University School of Architecture faculty members.

Architecture on the campus, one of the professors said, is essentially "awful." He cited lack of continuity of form or style in any buildings.

The buildings are "one of this kind, one of something else," he said, pointing out that the Woods building is of concrete slabs, the art gallery of marble, the new music building of sandstone brick and Architectural Hall of red brick. All of these buildings are within a one block area.

Another problem with the campus architecture is that there has not been, up to this time, any real planning of buildings. "Exact places aren't planned" for buildings, he noted. The situation is so bad as to make it seem as though buildings were "scattered" on the campus. The "most desperate need" in the physical expansion of the campus is to plan the entire project.

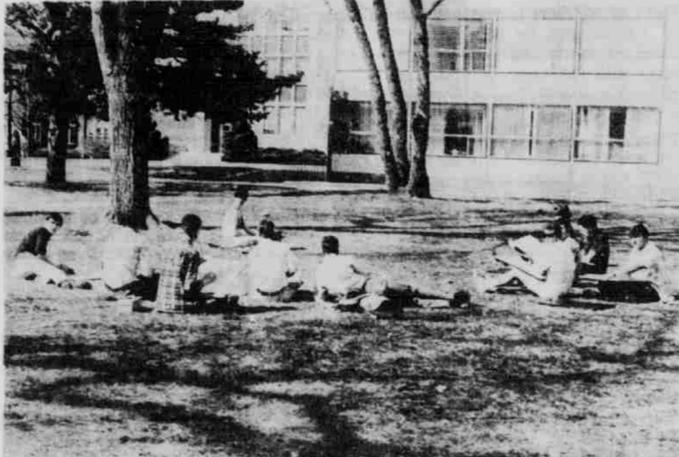
The architecture instructors, however, both praised the Regents recent authorization of a plan to hire a firm of

campus planners and designers to work out comprehensive plans for campus development.

Campus buildings, the faculty members said, are more of a conglomeration of things than anything else. The buildings fall into something of a "collegiate style," the type of buildings found on college campuses. The buildings aren't necessarily "functional," one of the teachers said, they are simply there.

"You couldn't pin a style" on any of the campus buildings, one of the men said. Behlen Laboratory's new addition and Sheldon might be termed contemporary or modern, Abel, Pound and

Cont. on Page 5, Col. 1



ART STUDENTS . . . took advantage of the warm weather and the grassy mall in front of the Woods Art Building Thursday to do some "sunny" drawing.

# Studying Sacrificed For Sunning As Spring Fever Attacks Campus

Students are free to relax and sit on any lawn of the University campus and Thursday afternoon it appeared they were taking full advantage of this freedom.

According to the offices of the University grounds, physical plant, chancellor and dean of student affairs, the University has no policy, rules or regulations regarding students' lounging on University lawns.

Ideal locations for lounging would include the grassy mall between Woods Art Building and Sheldon Art Gallery—the front lawn of Social Sciences and Love Library—the yard around administration — the columns — dorm courtyards and plazas — and almost all of East Campus.

The high temperature Thursday afternoon was 72 degrees as reported by the U.S. Weather Bureau and symptoms of warm weather were seen all over campus. Art classes moved outside; drawing boards and posing subjects were scattered on the Building. In front of the library students studied or slept.

Male students began wearing shorts to classes and both girls and boys were wearing sandals.

Flowers have not yet started to bloom, but the "green-

ness" is here, as one student put it.

The early signs of spring "spring fever" and time for studying is sacrificed for sunning.

One coed said she liked looking out the classroom windows and watching the squirrels in the trees.

Afternoons see students heading for the golf courses, Pioneer's Park or bicycle riding.

# Medical College To Host Expert On Hypertension

A professor at the University of Virginia School of Medicine is guest lecturer for a physicians' continuing education course at the University's College of Medicine in Omaha.

Dr. Carlos R. Ayres, assistant professor of medicine at the Virginia school, is lecturing for a course on the newer concepts of hypertension.

He will consider "the use of plasma renin in the diagnosis of hypertension" and the "use of unilateral renal excretory function in the diagnosis of hypertension."

Dr. Albert Carr, instructor in internal medicine at the University, is course coordinator.

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