

prison

reporter observes 25 years of change

by anne carothers

Hundreds of prisoners and employees have passed through the doors of the Nebraska's penal institutions in the last 25 years. Unless they can help it, few stay around.

Marj Marlette, a Lincoln Journal reporter covering the state's prisons, has stayed. For 25 years, Marlette has reported changes in the system.

And although Nebraska prisons still have problems, Marlette said she believes the prisons improvement record is a good one.

"When I first went to York (Nebraska Center for Women), it was a prison out of medieval days," Marlette said.

She spoke of a tragic incident indicative of conditions in the Women's Reformatory several years ago, when a prisoner slowly died of cancer in the prison without the disease being diagnosed or the death reported.

Marlette said the women's prison has improved greatly since then. The prisoners now wear their own clothing rather than prison garb, the reformatory has a substantial education program, and the women can bring their children to stay with them for limited periods of time.

Marlette said that during the last 20 years, she has observed several areas which have improved—prisoner's rights, work education programs, and medical care.

Twenty years ago, Nebraska's prison officials neither knew nor cared much about prisoners' rights, Marlette said. Today Nebraska prisoners have won victories in the areas such as the right of due process



Photo by Tim Ford
Marj Marlette, Lincoln reporter has covered the penal system for 25 years.

in disciplinary procedures.

Nebraska prisoners also have been assured of their right to religious freedom, a freedom especially important to Native American and Black Muslim prisoners.

Marlette also praised improved medical care at the men's prison. Prison officials recognize that the prison has a limited medical staff, so they often send prisoners to specialists in Lincoln and Omaha, Marlette said.

However, mental health care at the prison still is critically lacking, Marlette

said. Nearly 80 percent of the prisoners need some kind of mental health care, but the men's prison does not now have a staff psychiatrist, she said.

"Psychiatrists are scarce in the first place and working in a prison is not the ideal situation," Marlette said.

The Men's Reformatory psychiatrist quit this year, and Marlette said the prison now uses "consultants" from the community.

Work programs which allow prisoners to enter society gradually before they are freed, and education programs are two solutions to the problem of idle prisoners which Marlette said she considers one of

the greatest problems in prison.

The work program also helps another one of the men's prison's biggest problems, which is overcrowding, Marlette said.

"(Men's) facilities are just obsolete all over," she said.

The some 200 men living outside the prison on work release program reduces overcrowding a little, Marlette said, but the problem will not be solved until the new reformatories are completed.

The Nebraska Legislature has approved construction of a new men's reformatory in Lincoln for 320 prisoners. The present reformatory now houses about 300 men, Marlette said.

There are also plans for a men's reformatory in Omaha to hold 256 prisoners, she said.

"The Legislature here is more interested (in prison issues) than any other legislature in the country," Marlette said.

But despite lawmakers apparent interest in prisons, the system still has many problems, Marlette added.

Problems that need attention are increasing staff salaries, finding ways to keep prison staff, especially doctors and psychiatrists, and keeping prisoners busy.

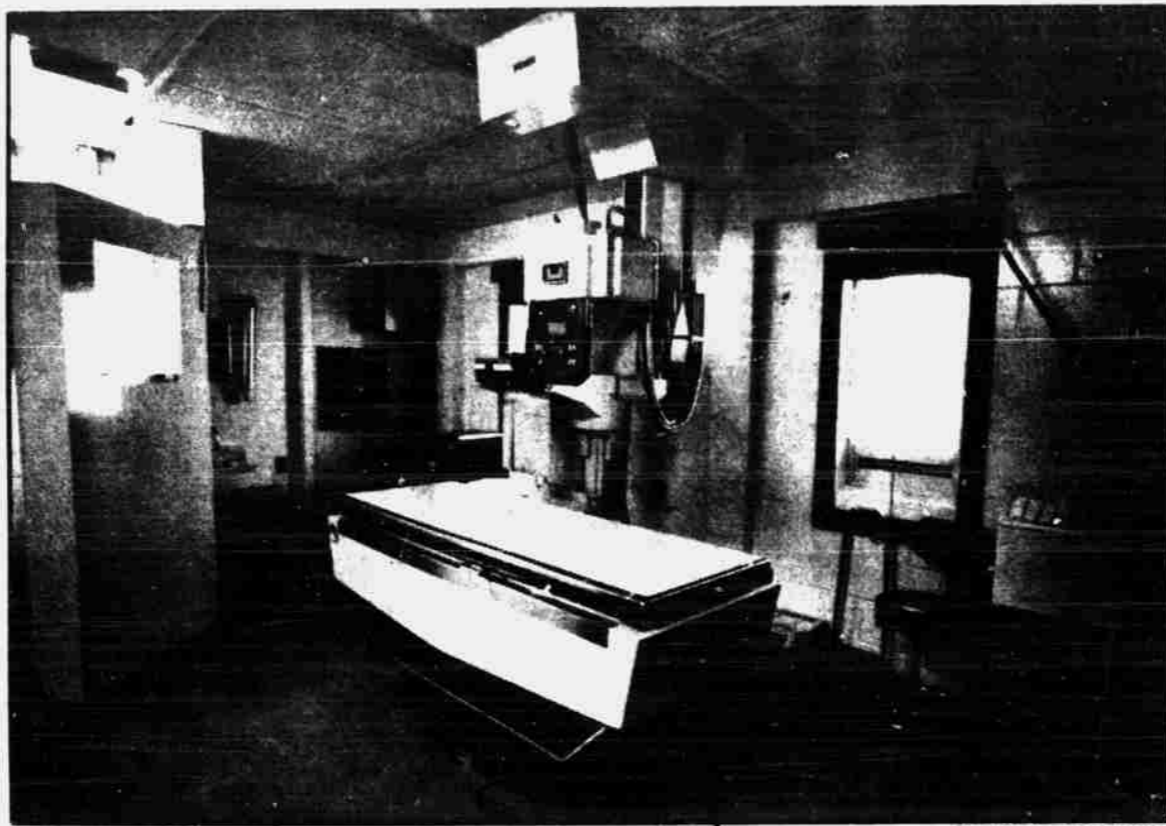


Photo by Ted Kirk

Larger appropriations by the Nebraska Legislature have permitted prison officials to improve medical facilities, including the purchase of new x-ray equipment.

hagel, lacey play tug-of-war with accused

by mary jo howe

Tom Hagel and Gary Lacey are bitter men. In their line of work it is hard not to be. Their clients are some of the toughest criminals in Nebraska and they are bitter towards the society that has created them.

Hagel, 29, is the deputy public defender from Lancaster County. Lacey, is the deputy county prosecutor and the two meet often on the courtroom floor—one trying to keep persons out of the penitentiary and the other trying to put them in.

Hagel carries a caseload primarily of felonies and mental commitments. He has been involved in the defense of six murder cases.

This spring, Hagel was the chief defense counsel in the murder trial of Robert E. Williams. Williams has been sentenced to die in the electric chair for the August 1977 slaying of two Lincoln women, Catherine Brooks and Patricia McGarry.

Hagel's most recent murder case involved David E. Barnett, who pleaded guilty to second-degree murder in the July shooting death of his wife, Anita.

Most of Lacey's cases arise from actions at the Penal Complex, violations of paroles and work release and appeals.

Lacey prosecutes most of the drug violations in the penitentiary and Lancaster county. He recently helped add five years to the life sentence of a 46-year-old inmate for the peddling marijuana cigarettes. He is also prosecuting two UNL students for peddling LSD and cocaine.

According to Hagel, the penitentiary does two things well—punishing and keeping people out of circulation.

"There is a definite group of individuals in society that just have to be taken out of circulation," Hagel said. "But to keep them

there is a double edged sword.

"You take a bad ass, leave him in the pen three to four years . . . he is bored to death, associating with the worst, bitter at society, and then his time is up . . . They (the penitentiary officials) are releasing a monster . . ."

Hagel concedes that the work release, vocational and educational programs at the penitentiary are good as far as they go, but the psychiatric counseling and medical programs are a "joke."

"It all comes down to money," he said. "Rehabilitation programs cost money and without it few changes can be made."

In addition, guards are "just slightly above the inmates," Hagel said. The only requirement for guards is that they be high school graduates.

"These people are given immediate power with little training, education or motivation."

If he were in charge, Hagel said he would institute immediate heavy screening to determine what type of counseling each prisoner needs, and establish small communities within the prison separating hardened criminals from the younger ones.

"Many of the prisoners need to be put in half-way houses where they have a real chance to be rehabilitated into society," Hagel said.

"But until conditions out there reach the boiling point, nothing will change. The history of prison reform shows that nobody does anything until a crisis hits."

"The public has an absolute right to know what is going on out there—they are footing the bill," Hagel said. "They should be asking more questions and having more input. Legislators are afraid that their constituents don't want to plug more money into the pen so they won't appropriate more."

Hagel says he has to be careful not to

let himself get involved personally with his clients and their problems.

Last week he visited a client at the penitentiary. The young man had only been in the penitentiary 30 days, Hagel said. Small and frail, the first-time offender had been unable to protect himself from the abuse of the other inmates and had been made somebody's "woman." He was wearing eye shadow and women's panties.

"But what can I do?" Hagel said. "I tell my clients who are sent there to keep to themselves, don't rat on anybody, get in with their friends if they know anyone and keep their mouths shut."

"Some of the guys just can't handle what goes on. If they can't prove they are a tough guy, by stabbing someone or beating someone up within the first week, they will be sexually abused. Many snap and are sent to the regional center."

Besides sexual assaults, weapons and drugs are a big problem, Hagel said. "Stabbings are common but almost impossible to prosecute. You can't find any witnesses. If someone rats, the inmate code of ethics almost guarantees the tattler will be assaulted, too."

Lacey prosecutes from 10 to 20 drug cases a year from the penitentiary and agrees it is almost impossible to get witnesses.

"The inmates are so bored they'll do anything to get some drugs, Lacey said.

Most of the drugs are brought in by inmates' wives, girlfriends, relatives. It is rumored that some guards provide it too,

but Lacey has only prosecuted one such case.

"We've found drugs hidden in the diapers of a one-year-old child, women's panties and bras, shoes, and personal parts of the body. One woman even put pills inside a salt shaker when she brought a picnic lunch into the prison."

Inside the prison, the inmates will pay high prices for a shot or a sniff or a puff. Five dollars is the going price for one marijuana cigarette, Lacey said. Most of the women caught smuggling in drugs have no criminal records and get probation.

Lacey said in his opinion the Lancaster County judges are fair about who is sent to the penitentiary.

"Violent crimes are dealt with harshly and the criminals are punished severely in this county," he said. "Criminals of non-violent crimes are often given probation."

For example, a drug pusher is dealt with differently than a drug addict, he said. The judges will even go out of their way to suppress evidence in court if they believe the constitutional rights were violated.

Lacey said he sometimes finds himself becoming callous towards the people he works with everyday.

"Almost every person who comes through my office is part of the same group—male or female between 19 and 27, no college education, and come from the wrong side of the tracks."

"But the judges know what the conditions at the penitentiary are like and will try almost anything before committing someone who has committed a non-violent crime.