

# Judge Tells Hill Unit of Crisis in Prisons

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By Morton Mintz

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A judge who has sampled penitentiary life testified yesterday that a prison is "probably the most lawless place in our society."

Judge Richard Kelly of Bush City, Fla., told of the "descent" convicts have "to a society that sends its children and insane to live with felons."

"If we, the good guys, can't maintain law and order in that kind of set-up," he asked the House Select Committee on Crime, how can prisoners be expected to believe we can respect law and order in our so-

ciety? Former guard at Florida's Ralston Penitentiary, where an attack force fired on striking inmates and injured 84 of them in February, indirectly supported the

idea. Guards are "socialized ... to hate the convict," said Edward F. Roberts, who left Ralston in September after 38 months on the guard force.

But in contrast, a black inmate said inmates are not out on guard duty. They come to do so only after being treated as less than human beings, said Arthur Adams Jr., who is serv-

ing a life sentence for murder but is now on a "study release program" attending the University of Florida full time.

Judge Kelly, got his first inside view of prisons in July, 1970, when he spent two days and a night in the medium-security unit of the Nevada State Penitentiary at Carson City. He mingled with prisoners as one of them, ate their mess and slept in a large room with 10 felons.

In Florida last December, he spent a day each at the main unit at Ralston and the Sumter Correctional Institution at Bushnell and visited other units.

A can of "punishment ration" smelled and tasted like "the five-cent dog food" of a bygone era, Kelly testified.

The address is "overwhelming ... the raw ends of all human futility are exposed," he said. In Ralston's east unit, where 1,150 of the most troubled prisoners are housed, "the presence of death row permeated the whole place."

"The really bad situation was ... the inmates were being taught to survive in a situation that would be tough for the strong."

"I saw a boy, small in stature, standing in a cage dressed in white coveralls. The front of his clothes and hands were covered with blood and he stood crying like a baby. He had just mu-

tilated his sex organ. I tried to talk to him. He didn't know I was in the same world ...

"It is rare to talk to any prisoner who doesn't admit to a mental or emotional problem," Kelly said. Yet, "the facilities for treating the mentally ill are, for practical purposes, non-existent."

He told Committee Chairman Claude Pepper (D-Fla.), "I'm more reluctant to send the young and the weak to prison than I was before."

At Ralston—overcrowded and underfinanced—like penal facilities in most states—Kelly said he saw three men occupying 4-by-8-foot "segregated confinement" cells intended for one inmate.

With committee members praising his candor, Kelly said it would be "dishonest for me to act like I want to rehabilitate everyone"—only a relative few are capable of

it, and they "should be isolated and treated," he said.

But "we shouldn't lie to them and ourselves" about rehabilitation, he said. Some crimes "should be punished" and the inmates told that they are being "warehoused and punished because they were bad."

"If our prisons were austere, hard, clean, fair and free of corruption, we could house the inmates decently and do it within the present budget," Kelly said of the Florida situation.

"The prisoners would respect us and we could respect each other. This would constitute honest punishment without excuse. In this atmosphere much rehabilitation could take place."

Kelly, a Republican, is an elected judge. "Philosophically, I'm a state's righter, but as a practical matter, much of what is good in government has emanated from Washington," he testified.