

Newgaters' trips to Salem stopped

By NAN HENDERSON
Of the Emerald

"Educational releases" in the Oregon Corrections System living in the Newgate Center, 1834 Potter Street, and attending the University can stay out every night until 11 p.m., receive 12-hour social passes "fairly easily" and are considered very minimal security risks. University graduate students working at the Center report.

But recent instructions handed down to all "house managers" from Amos Reed, head of the Oregon Corrections Division, prohibit the Newgate manager from granting the Newgate students 12 hour passes to travel to Salem to testify on prison reform legislation.

Two weeks ago, before Reed's instructions, Newgaters did go to Salem to testify on a bill which permits prisoners to write uncensored letters — a right they do not now have at the Oregon State Penitentiary.

Bob "Lucky" Payola, director of the recently formed Prisoners Coalition and a Newgate "educational releasee" waiting 50 days for his parole, said, "That was the first time I had ever been in a capitol building in my life and it was certainly educational."

He added that the legislative committee "was very receptive to our testimony" on the prison reform legislation.

Payola, who has been working with a group of Oregon lawyers including University law professors Herb Titus and Fred Merrill, says that the group has been preparing prison reform legislation "and planning and outlining our testimony" for four months.

The legislation also includes measures to release prisoners currently serving terms for actions no longer considered crimes under Oregon's new criminal code, loosen existing visitation rules, prohibit using inmates for medical experiments against their will and provide adequate medical care within correctional institutions.

Though Reed's new policy concerning prisoner testimony includes provisions allowing legislative committee chairmen to request particular inmates to appear before their committees, Payola and other Newgaters feel the policy is unfair.

The Prisoners Coalition organizer, who teaches a 200-student SEARCH class on American prisons, says that one of the options for credit in his class is to work on prison reform legislation. But he feels that the new policy will eliminate Newgate students from the group working in Salem.

Reed said in a Wednesday interview that he issued the new instructions because of a build-up of requests within the corrections

system from inmates wanting to testify. He said he felt "the whole thing was getting too loose," and therefore issued the instructions which state "unless there is some very good reason for testifying I would prefer that they (the prison managers) not issue the passes."

A Portland lawyer working with the prison reform legislation group discovered the new policy March 26 when he went to the Oregon State Penitentiary to pick up a prisoner to testify on the uncensored communications bill.

Before that time "they had been letting people out on a fairly regular basis to testify," the lawyer reported. He said that on March 26, however, he "was informed that it was now a corrections policy that inmates weren't going to be allowed to testify." The lawyer indicated that there is some fear within the corrections system that an inmate misbehaving in any way in the Capitol could cause "all of the corrections bills to go out the window."

Reed indicated, however, that there were other reasons for the new policy, including:

- lack of funds to pay employees for escorting prisoners to the Capitol.
- disruption of the prisoner's programs and his "other responsibilities."
- the opportunity which all prisoners have to "file testimony in writing" which "would serve their purpose. There is not a whole lot to be gained by having a succession of a number of inmates saying the same thing."

The Portland attorney affirmed Payola's report "having prisoners testify on these bills was an integral part of the whole plan (of pushing for prison reform legislation)." He added, however, that "prisoners in many other states" do not have the right to testify in "any legislative hearings."

Sen. Keith Burdige (D-Salem) reported that Reed's original policy was modified after Burdige announced in several public meetings that he intended to use his power as chair of a legislative committee to subpoena prisoners to testify if necessary, which precipitated a private meeting between Reed, Senate President Jason Boe (D-Reedsport) and other legislators.

"I think we reached an agreement," Burdige said of the meeting. That agreement, he said, was that committee chairmen could get prisoners to testify by issuing requests for specific inmates in advance.

In the Wednesday interview, Reed made no reference to the negotiations which took place in Boe's office, but said he also issued the new "instructions" because "I wanted to develop a system." Reed affirmed Burdige's report that the system which developed "boils down to if a chairman of the committees downtown wants someone to testify they should let this be known to me and on this basis we will do the very best we can."

Reed explained that he developed the policy concerning inmate testimony "with forethought" rather than "waiting until a problem blew up in my face."

The Corrections Director said that inmates requesting to go "down into the legislature is a new issue" as few have requested to go in previous years. Because of this, Reed said, no policy concerning inmate testimony has ever been developed.

He added, however, that general guidelines concerning absence from an institution are "spelled out by law." Reed said that law "requires the Corrections Division to maintain 'adequate custody' of inmates at all times."

He explained that he initially developed the policy concerning prisoner testimony to deal with the situation that was "developing with the institution out here."

But he observed that Newgate "is part of this whole system" and said therefore his policy also covers the "inmates" there.

Reed categorized Newgate as falling under the Oregon "work-release programs" though graduate students working at the Center and students within the Center report less security exists at Newgate than at any other work-release center in the state.

"Under the law a person in Newgate continues as an inmate, legally he or she is an inmate and we are required to maintain adequate custody," Reed said.

He continued, "It isn't that they can't leave this base, but it can't just be by whim or somebody's generalized request." Reed said that each pass given to "inmates" at Newgate is given "according to its own individual merits. And no way am I going to give a blanket approval for any or all Newgaters to come up and roam around the legislature."

Payola reported that March 29, after he learned of Reed's instructions to Newgate House Manager Curtis Benefiel, "I wrote out three requests for

passes . . . for Friday, Saturday and Sunday.

"The Saturday and Sunday passes were social for me to go to Portland and visit my folks. The third pass for Friday was to go to the state capitol for the purposes of attending committee hearings," Payola said. He said the Saturday and Sunday passes were granted, but "Benefiel told me, now Lucky you know I have got my orders and I can't grant you this (the Friday pass)."

Payola said that he did not attend the Friday hearing "because if I tried anyway I would have been considered an escapee."

Benefiel, when questioned, said that he could not comment on the issue.

Payola indicated that he will
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