

“The salvation of the state is the watchfulness of the citizens” - a quote on the edifice of the Nebraska State Capitol building

After entering the monumental halls of our awe inspiring state capitol on December 19th, I was heartbroken and disillusioned to witness what I would term a monumental failure of our justice system.

I attended a meeting of the Nebraska Pardons Board in the Governor's Hearing Room. A hearing was held for Juneal Pratt, a 56 year old African American man who has lived in prison for the last 36 years of his life. The hearing was to determine if Pratt could come before a panel of the highest authorities of the state to request a commutation or shortening of his sentence.

In 1975, at the age of 19, Pratt, a young man with a record of petty crimes and one purse snatching but no record of violent crime, was “identified” by two rape victims in a poorly conducted police lineup procedure that would fall far short of today's standards. On the basis of that lineup, Pratt was convicted of the rapes. For 36 years, he has maintained that he is innocent of the crime. Over the years, the Parole Board has consistently denied him parole, despite these facts: the police lineup process was badly run and the victims hesitant in their choice; studies have shown that cross-racial identifications are highly inaccurate; the rape kit was “lost”; DNA samples from the victims' clothing exclude Pratt as a possible contributor; fingerprints from the scene of the crime do not match Pratt's; and Pratt has been a model prisoner over the last 25 years of incarceration, working hard to educate himself and develop his work skills for eventual release.

At the Pardons Board meeting, I watched as Governor Heineman, Attorney General Bruning, Secretary of State Gale and Parole Board Chairwoman Casmer, unanimously granted a hearing to an already paroled Caucasian woman who had been convicted of 2nd degree murder, a case in which a man was beaten to death and burned. The woman had been

paroled after serving 17 years and after two years was now requesting the lifting of parole. Immediately after this positive ruling, the board denied Pratt a hearing. It was clear that the governor, secretary of state and attorney general had only the most cursory understanding of the details of Pratt's case and they deferred to Esther Casmer, Parole Board Chairperson, who obviously dislikes Pratt. Between her animosity toward him and the Pardons Board's desire to appear "tough on crime," Pratt didn't have a chance.

Since I have been following the case, I have seen what appears to be an epic power struggle between a highly intelligent and stubborn man and authorities on the parole board and at the state capitol who seem bent on dominating and disempowering him. He "wants to do things his way" is the parole board's mantra. Casmer resents Pratt's self determination, tendency to speak with directness and unwillingness to admit guilt.

New and highly sophisticated DNA testing is now available which could solve the question of innocence once and for all, but permission to conduct it currently lies in the hands of the Court of Appeals and an exoneration would not look flattering to the Nebraska justice system.

Jill Anderson
watchful citizen