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Eds: Court Rules on Prison Overcrowding, Combines previous, a0499-a0502-a0508 Governor Atiyeh
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WASHINGTON (AP) - It is not automatically unconstitutional to house two prison inmates in a cell designed for one, the Supreme Court ruled today.

By an 8-1 vote, the court said the practice of ''double-celling'' does not always represent the cruel and unusual punishment outlawed by the Constitution's 8th Amendment.

The decision reversed a federal appeals court ruling that would have forced Ohio's only maximum security prison, in Lucasville, to end all ''double-celling.''

In an opinion for five of the court's nine members, Justice Lewis F. Powell Jr. issued what amounts to a stern warning for all federal judges: do not be too ready to overturn the decisions of state legislatures and prison officials on prison administration.

''The Constitution does not mandate comfortable prisons, and prisons of the Lucasville type, which house persons convicted of serious crimes, cannot be free of discomfort,'' Powell wrote. ''Thus, these considerations properly are weighed by the legislature and prison administration rather than a court.''

He added: ''Conditions that cannot be said to be cruel and unusual under contemporary standards are not unconstitutional. To the extent that such conditions are restrictive and even harsh, they are part of the penalty that criminal offenders pay for their offenses against society.''

Powell's opinion was joined by Chief Justice Warren E. Burger and Justices Potter Stewart, Byron R. White and William H. Rehnquist.

Justices William J. Brennan, Harry A. Blackmun and John Paul Stevens joined in the result, but wrote in a separate opinion that ''today's decision in no way should be construed as a retreat from careful judicial scrutiny of prison conditions.''

Nonetheless, Powell's opinion, which was supported by a majority of the court, appeared to suggest just that.

Justice Thurgood Marshall dissented. He called conditions at the Lucasville prison ''overcrowded, unhealthful and dangerous.''

Powell said that the practice of double celling in overcrowded prisons might at some point reach unconstitutional proportions, but he said: ''There is no evidence that double celling under these circumstances either inflicts unnecessary or wanton pain or is grossly disproportionate to the severity of crimes warranting imprisonment.''

He added: ''Courts certainly have a responsibility to scrutinize claims of cruel and unusual confinement. ... In discharging this oversight responsibility, however, courts cannot assume that state legislatures and prison officials are insensitive to the requirements of the Constitution or to the perplexing sociological problems of how best to achieve the goals of the penal function in the criminal justice system.''

Lastest figures show that federal judges have ordered major prison reforms in 29 cases nationwide. Many of those involve overcrowded conditions that have led to double celling.

In the Ohio case, U.S. District Judge Timothy Hogan in 1977 ruled that double celling at the Southern Ohio Correctional Facility in Lucasville cut down on counseling opportunities for inmates and hurt their educational and job-training opportunities.

His ruling was upheld by the 6th U.S. Circuit Court of Appeals on June 6, 1980.

In 1978, Hogan ordered Ohio officials to reduce the Lucasville prison's population to its ''design capacity'' of 1,700. The prison then housed about 2,500 inmates.

The double celling was challenged in 1975 by two inmates - Kelly Chapman and Richard Jaworski, on behalf of all prisoners at the Lucasville facility.

The American Medical Association and the American Public Health Association supported the inmates' arguments in the Supreme Court, telling the justices that the minimum recommended amount of cell space per inmate is 60 square feet.

The Lucasville cells housing two inmates are about 63 square feet in size.

In a 1979 decision, the Supreme Court ruled that the practice of double celling was proper for short-term detainees awaiting trial.

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