

The Sextant



Navigating Your World

XI.I.MMXXII

WHO IS TO BLAME FOR WHAT IS FREQUENTLY REFERRED TO AS OUR “FAILED CORRECTIONS SYSTEM?”

I frequently read statistics that report the number of people in U.S. prisons.

According to a U.S. Department of Justice prison statistics report, the population of prisoners in federal and state prisons and local jails is a little over 2.3 million. Even more frequently, I read how the United States has the largest prison population, and the greatest number of persons incarcerated per capita than any other civilized nation. In fact, the U.S. prison population exceeds the combined prison populations of several other civilized nations.

Blame for the U.S. prison population seems to include the failed war on drugs, elected judges running on a “tough on crime” platform that forces them to give out harsher sentences, mandatory sentencing guidelines, recidivism resulting from the corrections systems’ failure to prepare people for release, allegations of racism because of the disproportionate racial composition of incarcerated persons, and other similar influences.



The statistics are probably fairly accurate, but the cause is arguably still somewhat elusive.

Compiling statistics is valuable for determining trends and whether the solutions implemented to resolve a problem are achieving the desired objectives. However, recording or citing statistics does nothing to identify the core cause of the problem, or for discovering solutions that directly resolve the problem.

The United States prison population continues to increase disproportionately in relation to the population of the nation. We might therefore conclude that the core problem remains a mystery, and despite the efforts and capital being spent on our corrections system, the numbers suggest that we are funding symptoms as opposed to resolving core problems.

Many people might conclude that the corrections system is to blame, particularly for the high rate of recidivism. I argue that we are blaming the messenger, since it is the Justice Department and the corrections system that are reporting the statistics. More importantly, we tend to place blame on whoever had last possession in the chain of custody.

Some career professionals working within the DOJ and corrections system suggest that the blame lies with our *failed* education system. If our education system is such a failure, how do we explain the tens-of-thousands of young people each year who graduate from public schools and are accepted in colleges and universities, many which have substantially high entrance standards? Albeit there is always room for improvement, calling our public education system a failure is a red hearing with regard to this discussion.

It is impossible to solve a problem by treating symptoms. Yet, when a problem arises, it is the symptoms – not the problem – that jumps out and slaps us in the face.



I would propose that the core problem that continues to exacerbate our expanding prison population is not a failed correction or education system, or mandatory sentencing guidelines, the war on drugs, or racism.

The core problem is constitutional and the misinterpretation or adjudication of the Constitution and its Amendments (the Bill of Rights) by our judiciary and legislature, in many respects yielding to political pressure from voters.

As a card-carrying member of the ACLU, I subscribe to many of the fundamentals of the liberal left. However, I have also concluded that the very people who shout the loudest about our expanding prison population may have contributed to its cause.

A few years ago, during a trip to New York City, I visited the observation deck of the Empire State Building. I found it interesting that there are fences surrounding the observation area with the top two feet of the fence leaning inward. My suspicions were confirmed by the individual working at the facility – the barrier is to prevent people from jumping off of the building – anti-suicide fencing.

During a trip out west, I had noticed similar fencing at observation areas in the Grand Canyon and various other scenic areas around the county.

Evidently, our government has determined that making suicide unlawful is not enough – it has erected physical mechanisms to help prevent violations of that law.

Over the past couple of decades, there has been public debate regarding a person's right to end their life, most notably with regard to doctor-assisted suicide for which Dr. Jack Kevorkian had unselfishly sacrificed himself and his personal liberty as the ambassador for the crusade.



Do you have the constitutional right to jump off a cliff and end your life? Again, the question is clearly a debate that continues – with both sides providing zealous and coherent arguments.

What is clear, and there is likely consensus, is that you do not have the constitutional right to jump off the Empire State Building into a crowded street below. Irrespective of your arguable right to end your life, you clearly do not have the right to endanger other people in the exercise of your rights – hence the reason for the laws banning suicide, or at least for the fences.

Our laws and regulations, and the mechanisms invoked or erected to enforce various laws theoretically may infringe upon an individual's rights but are conterminously weighed against the potential violation of the rights of others.

I'm slowly getting to my main point – bear with me. There is one more component to briefly discuss before summarizing the conclusions.

All mammals share the reptilian instincts to acquire the fundamental things they need for survival, which include food, shelter, security, and reproduction of the species. Most mammals are born with the tools they require to hunt for food, build their shelters, and provide for their security. They practice using their tools and instincts during adolescence while still under the umbrella of a teaching parent. If, for example, we look at lions, tigers and bears, their fundamental tools are claws and teeth, along with a certain level of intellect.

If we examine the human mammal, we are also endowed with instincts that are similar to our mammal cousins, and the same fundamental needs for food, shelter, security, and reproduction.



Many mammals, including humans, are instinctively social, and form communities and societal structures within which there are rules and hierarchies. We humans have evolved a societal structure that we commonly refer to as civilized society. All societal groups work to serve their respective needs, utilizing the tools that they have available.

The needs of lions, tigers and bears are satisfied with the tools they have – teeth and claws. It would be an aberration for any of them to develop extraordinary needs or desires that would require tools beyond that which they have, or the skills that they acquire with experience.

However, we humans seem to continuously develop additional needs that extend far beyond our fundamental survival requirements.

We live in a society that promotes instant gratification. We live in a capitalistic culture, which intentionally and self-servingly creates needs that previously did not exist. Our needs have evolved to include the need for a new Smart Phone, a new BMW, a new Rolex, a new motorcycle, and on and on.

Corresponding to the teeth and claws that form the primitive tools of our mammal cousins are guns and knives, which by analogy are equally primitive when compared to other tools available to achieve substantially the same objectives.

Among our many gifts as humans is our almost limitless ability to learn. We have the unique ability to add tools to our tool chest through the process of education and experience. Education is what separates us from our Neanderthal ancestors and from all of our mammal cousins.

Education provides us with the many tools necessary to navigate our societal structure and achieve the fulfillment of



the innumerable extraordinary needs and wants we have developed as a capitalistic culture.

Without the additional tools that education provides us, we still have the desires for the iPhone, the BMW, and a plethora of other products. However, without the tools we acquire through education, we are left with a struggle to fulfill these needs by utilizing the only tools we have – teeth and claws – guns and knives, or other nefarious mechanisms.

Education is available from a variety of sources. We can refer to the public and private education system in the United States as a formal education. However, an individual can also acquire an education on the streets and in prison. In either scenario, the fundamental purpose of education is to increase an individual's collection of tools – the tools that they utilize for acquiring their needs and fulfilling their desires.

Many people would agree that it is reasonable to conclude that a formal education is more beneficial to the welfare of the individual and to society as a whole. Our society and world economy have become extraordinarily competitive environments. Navigating our civilized society using socially acceptable methods requires a bare minimum of a high school education. Further, some people argue that because our culture has become so technically advanced, it might be time to consider increasing a minimum high school education from 12 to 14 years.

All states have compulsory attendance laws. However, the truancy departments charged with enforcement of these laws are frequently understaffed and over worked. Students cannot drop out of school until they turn 16 in most states and 18 in a few. A few states have imposed penalties that include driver's license revocation for minors who drop out,



and they also can impose sanctions on the families of those students such as reduced welfare benefits. Despite these penalties, they have had a negligible effect on dropout rates. The laws have been ineffective. Some civil liberty advocates suggest that forcing an individual to complete high school is an infringement on their civil rights.

Where individuals do not have the mental capacity to make informed decisions and sound judgments for themselves, a guardian must make these decisions for them.

Person's incapable of exercising sound judgment would obviously include individuals who suffer a mental handicap. Where a guardian is unavailable or is incapable of rendering assistance, the government steps in. As a society, we do not allow people to jump off a cliff, and the very desire to do so, in most instances, suggests a mental incapacity.

The cliché, "if I only knew then what I know now," clarifies why we should not allow anyone the option of dropping out of high school.

From the standpoint of survival within our societal structure, allowing an individual to drop out of high school is not much different than allowing them to jump off a cliff, and it functionally deprives the individual of the tools they will need throughout their life to satisfy their basic needs or to provide any of the other comforts available within or culture.

An individual of sixteen years does not have the experience, capacity, or judgment to make a decision that will have catastrophic consequences. At that age, a person simply does not know what he or she does not know. A young person's civil liberties are not being infringed because society decides that they will not wallow through life suffering the consequences of illiteracy.



For the sake of debate, I will concede that perhaps it is a violation of an individual's rights to force him or her to complete a high school education.

Nevertheless, such individuals will still have the basic needs for survival, and they will still develop the desires for many of the comforts available within our culture. They will still want the BMW, iPhone, etc., and they will utilize the only tools they have to acquire these material items – teeth & claws / guns & knives. Under this scenario, the individual is not jumping off of the cliff at the Grand Canyon to an empty valley. Rather, they are jumping off of the Empire State Building into a rush-hour crowd of people, many of whom are going to suffer the consequences of an individual's judgment whom they had never even met.

The plethora of individuals whose rights are infringed because a person elects to drop out of high school is substantial. Everyone else pays for the social programs to support these individuals. In an increasing number of instances, we all pay for their incarceration in a prison system that places severe economic strains on many state budgets, not to mention the incalculable cost to victims.

Depending upon where an individual attends high school, the dropout rate ranges from 21% – 50% according to statistics released by the state Departments of Education.

Although sentencing laws, record numbers of drug offenders and high crime rates have contributed to the expanding prison population in the United States, these factors merely contribute to the United States having the largest prison population in the World. These factors are only symptoms of an underlying systemic problem that, if it continues unresolved, will eventually cause a pivotal shift in our entire culture.



Drugs are sold and consumed predominantly by individuals who have no other tools to employ to acquire their needs and fulfill their desires. Consumers of drugs lack the tools to acquire the money necessary to maintain their habit, which accounts for a great deal of increasing crime rates.

Irrespective of drug-related crimes, with dropout rates hitting 50% in some areas, simple arithmetic projects that within a generation or two, our nation will have jumped off of a cliff.

Neither our corrections nor our education systems are to blame for our nation's robust prison population. The corrections system is doing the best it can with what it has to work with – roughly 2.3 million people, of whom a substantial majority are functionally illiterate when measured against the literacy standards necessary to operate within the guidelines of our civilized society.

Our public education system is producing graduates who score high on the college entrance exams – even for acceptance at the most difficult colleges and universities. Therefore, if a student applies him or herself, the educational opportunity is clearly available.

A high school education must be as mandatory as any of our most important and enforced laws. Completion of a high school education must be demonstrated through a series of tests, not only because of an individual's endurance to make it to the 12th grade.

The United States is becoming an increasingly illiterate culture when compared to just a couple of generations ago. And, with high school dropout rates hitting 50%, it is only going to get worse.

Arguably, responsibility lies with parents. However, when illiteracy is second, third and fourth generation, it is



unreasonable to entrust the parents with the responsibility of ensuring their child's education.

If not the parents, then who is going to accept responsibility and ensure that the current and subsequent generations of the nation's children receive adequate education and tools to navigate a lifestyle in civilized society? Orphanages – more social services? The cost of an uneducated individual to society is far greater than any of the alternative options to ensure that all children become educated.

The solutions to the prison population, which will only continue to grow, can only come to fruition through public debate, followed by conclusions and difficult decisions in our legislature and judiciary.

With the 2024 election rapidly approaching, voting, and making mandatory high school graduation an election platform is now becoming critically essential.

We all need to let our elected officials know that legislation, which makes mandatory high school graduation a mandate, as have many other civilized nations is far more important than the “wedge” issues that are used to attract campaign donations.

Increasingly high prison populations are a symptom. The core problem is illiteracy, and the solution is mandatory education.

As for the current generation of people who need that high school education to advance their life, it is critical that they internalize the very basic concept that “you must always start from where you left off” if you want to move forward and enjoy life's rich rewards.