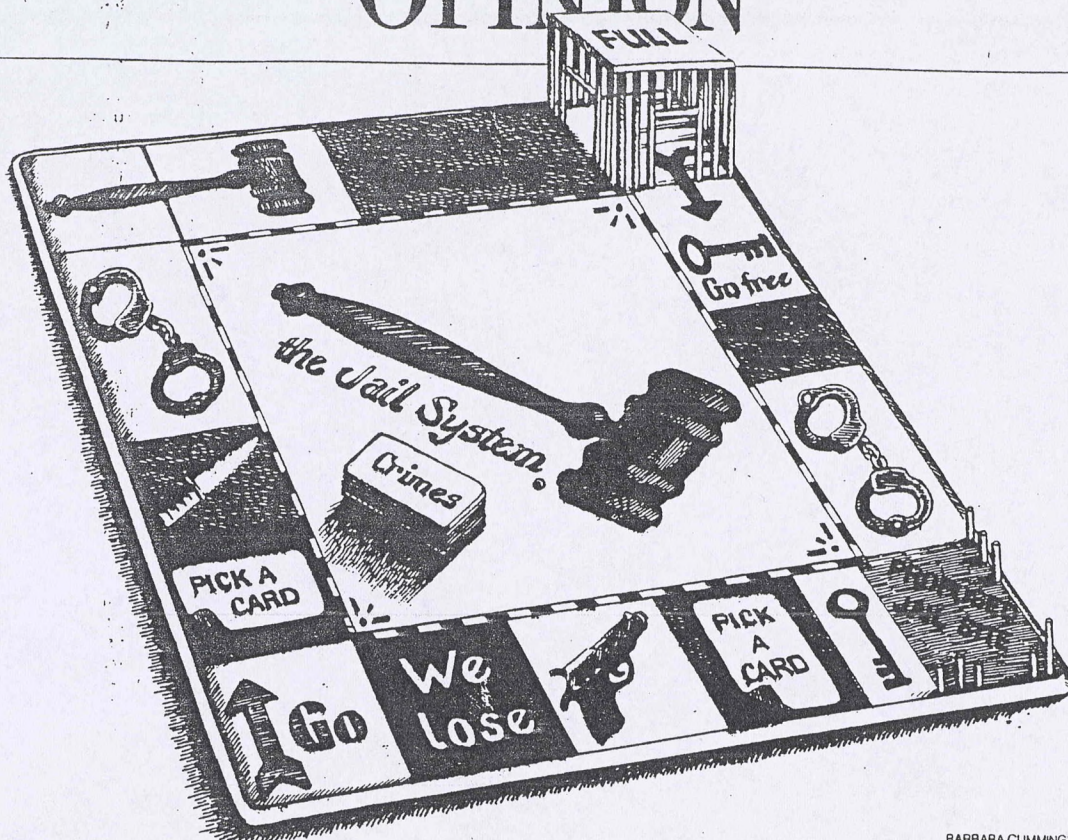


OPINION



BARBARA CUMMINGS

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Still pursuing the punishment fallacy

By KENNETH E. HARTMAN

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Twelve years into the state's get-tough-on-crime policies, we have reached a curious point.

After constructing the world's second largest prison system, after locking up a higher percentage of our citizens than any nation on earth, after increasing the lengths of prison sentences to a degree unprecedented, we are still pursuing the punishment fallacy.

The punishment fallacy is the seemingly reasonable belief that increasing punishments will lead to decreasing crime rates. However, it is dead wrong. In this case, dead is an all-too-appropriate description.

I have now served more than 15 years for killing a man in a senseless attack. I was 19 years old then, and I deserved to be separated from society. I also know now, from this long, firsthand experience, there are those whose behaviors are so inimical to the better interests of society that they have earned separation.

The problem, and the root of the punishment fallacy, is that separation alone runs counter to society's best interests. It is the carrot-less approach to modifying human behavior, and it is being proved inadequate to the task. The simple test is, do you feel safer? Does anyone feel safer? If the answers are no, then it is time to re-examine the criminal justice system.

On the tier where I live, here at the prison, a young gang member came to me a while back and asked for help in writing a plea to the prison administration. His words were simple and uneducated, but

they had an eloquent power: "Please give me some education, or a trade, because I don't want to come back to prison."

In a rational system, this young man would have been afforded the opportunity to learn or develop a skill, but in the get-tough world of California prisons, he was not. What gave his words even greater urgency was the fact he will soon be paroled back to society, just as over 95 percent of us will, eventually.

Political posturing and hysterical media reports have led the people to believe prisons are veritable resorts, replete with saunas and tennis courts.

While that may be true somewhere, it is not true here. Not only is there no sauna,

contribute to the welfare of society, and forbidden to take actions that are redemptive.

Of the 125,000 of us, how many are allowed to do good works that could benefit the public?

Why haven't all prisoners been given the opportunity to be registered for possible bone marrow transplants? Why are there no community service projects in all the prisons of this state? Why aren't prisoners, on a voluntary basis, building houses for the homeless, recording books for the blind, teaching poor kids to read or helping care for the impoverished elderly? Why, in these times of growing social need, are the talents and desires of a huge number of people to make amends not being used?

I killed a man for no good reason, drunk and high on drugs, and I carry a heavy load of remorse, guilt and pain. I cannot bring back Thomas Allen Fellowes, but perhaps I can bring some degree of meaning to his life if I am allowed to contribute back. Before this can happen, we all need to discard the punishment fallacy.

Prison is not, nor should it be, a desirable place to be. However, it should be, and currently is not, a place where those who have earned separation from the free world are afforded the means to become whole.

Society will never benefit by producing thousands of mindless, frustrated, young ex-cons. Firm justice, tempered by a willingness to allow for redemption: That is the only way we will finally gain the upper hand on crime and lawlessness and the rot that has seeped into our culture.

How far do you think that young gang member will get; unable to read, unable to reason? We are letting our hatred of crime overwhelm our love for ourselves. The fallacy needs to be discarded.

Prisoners can contribute their skills to society.

there is no counseling available to 99 percent of the prisoners, there is no drug treatment available to anyone, and the education program is pitiful. This is just plain stupid if the goal is to protect society.

What are the solutions? There are no simple steps to remedy a problem rooted in a multitude of fundamental issues. America is a violent country, more violent than any other industrialized nation on earth, and it is imperative that all of us own up to our measure of responsibility. Police, politicians, judges, teachers, ministers, parents and children. Everyone. Especially prisoners.

Currently, though, prisoners are forbidden to take responsibility, forbidden to

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