

THE LAND OF THE FREE

What is the point of incarceration, the ultimate aim of separating an individual from society and locking them away where they can be monitored & controlled? Is it for the safety and security of the good people in this world? Or is it for the betterment of the individual, that they might find the time for self-reflection and rehabilitation necessary to correct the behaviors that stand against the good of society? Is it for the safety of others or the good of the human being?

At the heart of this discussion lies one pertinent question; is a person defined by the choices they make, or is there room for redemption in humanity? I think we can all agree that it is the latter, that no human being is beyond redemption if given the opportunity to undo the years of misguided thinking that led them to these destructive choices in the first place.

Study after study have shown that people outgrow, or mature out of, rebellious and criminal behavior. Lending credence to the thought that no one is born inherently evil. That thoughts and actions which stand against the tenets of society are learned behaviors and not ingrained within the essence of the Man/Woman. A learned behavior can be unlearned and corrected if given the opportunity. To say a human being is beyond redemption stands against nature, science, and moral integrity.

This is why from day one when a person is sent to prison a case plan is developed. They are tested, evaluated, and screened that they might be taught the tools and behaviors necessary for a successful reentry into society. We have learned over time that locking people away and leaving them to their own devices stands in direct contrast to the compassions of humanity. One need only to look toward England or France for evidence of the change in thinking and approach to dealing with the criminal mind. Two nations that once ran & operated the largest system of penal colonies known to man, where their "criminals" were removed from society and deposited on some far away island to fend for themselves. Now have become two of the most progressive nations in the world when it comes to understanding the mindset of the individual that would lead them to such harmful choices in the first place.

Yet here in the United States, "the land of the free" we still live in a world of mandatory minimums, life sentences for drug offenders, and a prison system that runs for profit rather than redemption. The land of opportunity where people from all over the world flock to for a better life, because it's the most liberal and progressive nation in all the world, still locks away more of its people than any other nation in the world. Where is the "Liberty and Justice for ALL"? Where is the humanity and compassion we so pride ourselves upon?

Where I ask, in a land that still holds onto an archaic and draconian practice such as Life Without the Possibility of Parole (LWOP), is the justice? We are the only nation in the world that still holds onto the "Felony Murder" law developed in England in the 1700's. A law that places the malice, aforethought and intent of murder onto someone who did not commit the actual killing based on their misguided choice to participate in an underlying crime. Where is the justice in holding a person responsible for the actions of someone else? Am I my brother's keeper?

The state of California, one of the most liberal in the Union is one that still holds to this outdated law. Currently in California over 5000 Human Beings are serving an LWOP sentence, punished eternally for a moment of indecision without any hope of redemption, close to 3000 of them sentenced under the Felony Murder Rule, doing time because someone else took a life.

Since California's adoption of the Felony Murder Theory in 1991, those serving a term of LWOP have been exempt and therefore excluded from any of the forms of rehabilitative services offered to other offenders around them. No case plan for the reentry into society nor means of repairing the emotional deficit that led them to become the broken people that would commit such crimes in the first place. This is a policy that has only just recently changed, and led many a human being to feel irredeemable. Yet still to this date LWOP inmates are excluded from the avenues of placing their positive accolades into their permanent files. Which means only the negative aspects of their life get recognized and recorded by the Department of "Corrections and Rehabilitation". Further solidifying the lack of redemption in these individuals' lives, many of whom never took a life in the first place. And many of those who did, did so when they lacked the maturity or mental culpability to truly grasp the enormity of their actions at the time.

This is a travesty of justice we as a society must correct! The school of thought that says any Human Being is beyond redemption and must be locked away to slowly die of age and regret is outdated and detrimental to society as a whole. We are essentially throwing these Men and Women away as if they were human garbage without any hope of atonement for their wrongs. Human nature as it is requires hope for its sanity and wellbeing, to deprive a person of this hope is to deprive them of their humanity. How do we sleep at night knowing this is the form of justice we dispense upon our brethren?

It is paramount that we not only end the Felony Murder Rule, but the sentence of LWOP entirely. To hold a person accountable for actions not their own, and hence out of their control, is reprehensible. And to lock that person away in a cage for the rest of their natural life is a dystopian nightmare. We must create an atmosphere for change, where a person is given the incentive to become a better human being. A place to heal and understand their place in a compassionate society. But to do so we must become a compassionate society that doesn't throw away its broken members because of the mistakes in judgment they make. Instead teaching them the error of their ways and helping them find the way back to the person their creator intended them to be.

This is the task at hand, a task that begins with each and every one of us. We as society must find a way to rise above the vengeance of harsh and excessive sentencing. A way to transcend the defunct Regan Era "Tough on Crime" mindset, that has only succeeded in overcrowding our prisons and throwing away the lives of countless young men and women. Returning humanity and compassion back to our justice system, that we may come back to the very root of the word Justice. Doing what is Just in the eyes of our creator, treating all of our fellow Human Beings honorably and fair in our dealings and actions. Being consistent with what is morally right, that we may set an example for the generations to come. So that no other Human Being be considered without hope, like and irredeemable waste of a life in the eyes of this "Civilized Society".