

17 February 2007

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Re: NOW interview

Dear Ms. Eleson:

As a preamble, let me say that I laud your efforts to help make things better for children. The world needs more people like you to step up to the plate and bring more light to a dark situation.

This will likely be the most unexpected response you've received to your NOW interview aired on 1.19.07. I am a prisoner serving a life sentence since 1975. I am also an enthusiastic student of the disciplines surrounding the topics you discussed, and have claimed plural college degrees since being incarcerated. I have also been studying the evolution of the so-called "correctional" system over the decades and have developed an exhaustive perspective of what it does and doesn't accomplish, and the reasons therefor. And, subsequently, I have a LOT to say about it all.

I perused the NOW broadcast with great interest and found your presentation informative and honest. I suspect not having been incarcerated yourself would cause some aspects of the incarceration experience to be obscure. Similarly, I suspect not being well-versed in State and federal law would cause some naivety and prevent you from understanding the bigger picture of Congressional intent with regard to overall incarceration practices in this country. My intent is to hopefully enlighten you to some of the intended and unintended situations caused by the intersection of these separate aspects.

When I first entered the correctional system things were considerably different in that prisoners were dealt with more compassionately and fairly with regard to sentencing, programming, education and genuine rehabilitation, the mean average length of time served to parole or release, as well as the overall conditions of confinement. For a number of years things progressively got better for prisoners because of a fount of litigation we pursued. Through the late 1980's and 90's things took a hard turn for the worse due to Legislative changes in law and policy ostensibly created to foster the "tough on crime" posture. And these changes were brought to bear in response to ~~directive~~ Congress. The true Congressional intent is irrelevant at this point but I will touch on it later for this line of inquiry because it is solely the reason things are as they are.

You have likely heard about some of the laws to which I refer; the Truth In Sentencing statutes, for instance, which take their language in large part from 42 USC §13701, et seq., the federal appropriations statute providing billions of dollars to the States to create laws along those lines despite the proven negative efficacy and inefficiency. A fair reading of that statute

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will explain a great deal about why things are as they are with regard to the "corrections" industry. There are also provisions supplying monetary grant incentives for increasing arrest rates, increasing conviction rates, creating new statutes for crimes where there were no crimes before, creating administrative rules which keep prisoners incarcerated for longer periods of time, and things like that. All this, despite the corrections system more than proving itself not to work. Which begs the question, why continue to provide billions in tax fisc to expand a process proven not to correct anything or reduce crime or make the streets safer? The Congressional intent astounds me.

While my main interest has naturally been focused on the adult population in the prison industrial complex, I have also witnessed the same phenomenon increasingly focused more toward youthful offenders. And this is the unique prospect I want to touch on with this writing.

You mentioned that there needs to be a change in the ways children are treated in the justice system. To be sure, there are definite changes in the making as I type this, some of which have been in the works for some time. Unfortunately, those changes do not bode well for youthful offenders, and the purported changes are not beneficial beyond the smoke and mirror lip service for politicians. Even with an increase in advocacy the problems manifest and -- by design -- continue to worsen. And that escalation is designed to target everyone who refuses to stay in the lines or be obsequious or obedient. To illustrate the point, children are being targeted through changes in the laws, say, governing truancy. They can now be referred to the District Attorney for prosecution and thrust into the criminal justice system and, thus, tagged.

And this escalation continues because youth are no longer valued as they should be. They are thus undervalued if merely attending school, especially when they are using the resources of the facilities and refusing to be subservient on top of it; they are simply not stimulating the economy in positive fashion. The child costs the government and doesn't produce the desired result of being a compliant worker and consumer. Accordingly, and conversely, place this same child in a cage and he suddenly generates about \$60K in annual revenue.

The data coming from the Bureau of Justice Statistics are deplorable and reflect a trend of youth being incarcerated at alarming rates. The fastest growing population in that segment is that of young females. The latest issue of the Prisoner's Action Coalition Newsletter <paction@tds.net> ran an entire page article on a PBS documentary on some of the operations at the Taycheedah women's correctional facility, in Fond du Lac. One hard fact depicted the current age range being 14 - 74 years. It is a glaring absurdity to imagine there is no other solution for a 74 year old woman than a prison cage. Same for the pregnant 14 year old child. There has to be changes implemented that are more socially sensible.

As for attempting to make those changes in the way children are treated by the Department of Justice, I laud the proposition but have serious questions about

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the possibility given the penalphobic mentality increasingly instilled in the public's mind. The notion of being "tough on crime" remains too appealing to the public when, in fact, it has nothing to do with the prospect of crime. It truly is not even designed to deal with the symptoms of crime much less actually making the streets safer. I have witnessed incredible atrocities over the decades, including the intentional evolution of it all, and it makes my heart ache to see legislation continually passed targeting children for the same draconian treatment.

But, alas, I believe in the resilience of the human condition. Missing the usual windows of developmental opportunity is not always as despairing as the above scenario suggests. Truly, and albeit I entered the prison system as an adult with a BA in Music, I would be in terrible trouble if missing the proverbial window were the end of it. Certainly, early childhood educational development is important during the formative years to shoot for the open windows, so to speak, but it is without doubt that the human brain's physiological development can occur with a vengeance later in life as well, depending on an amalgam of things like exercise, diet and environment.

It saddens my heart to witness first-hand how the Department of Justice and the Department of Corrections deal with a compulsive truth-teller who holds it in their face and presses a little. I have authored numerous letters to Legislators, administrative officials, State Representatives, Sociology professors, and all have stuck their heads in the sand to duck the issues. The only action I experience for my effort is more resentment and blatant retaliation. Seriously, I would have been paroled more than a decade ago if I was not of the ilk to stand up when I see bad things happening. But, moreover, I have to be able to look myself in the mirror with the knowledge that I have done all that I can to set things right.

I wish I had all the answers on how to force the issue. I do have quite a few admittedly radical ideas that could easily be employed but they continue to fall on deaf ears. It is one HUGE bureaucratic beast we are attempting to change, and one tendentious to the current administration and Congressional intent.

I also believe that crime, per se, could be pragmatically eliminated if that were the intent; especially with the many billions of dollars being funneled into the process. But Congressional intent is the only real consideration when promulgating and implementing new laws and policies. Sadly, that intent is to incarcerate just as many people as humanly possible -- mainly, those who venture outside the lines in some way. Forget to click your seatbelt and you will be tagged into the system as someone who is not compliant. And it's not about attempting to correct anything but, rather, to tag those people for future reference on potential radicals. Congress is looking far ahead into the future.

The children need to be taught differently if they are to avoid "correctional" entombment. The truth of their potential plight needs to be put in their

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face, as well as teaching them to leap across disciplines and see the bigger picture. Kids are not stupid -- they can see through the political rhetoric with minimal guidance and be brought to realize their true potential while remaining free of the insanity these places generate. I feel if children were brought to understand how and why they are being tagged for this sort of future they would be more circumspect about their actions. Again, it has nothing to do with crime.

With regard to the system itself, it is designed to fail any purported "correctional" objective. I say this knowing the fundamental truism that "systems do not fail." Any system only functions as well as what is put into it. No better, no worse. The system does not fail but truly does not affect equitable justice. The so-called "correctional" system does not correct anything but, as in my case, it can cause a thinking and feeling human being to better himself by becoming vastly more educated and, thus, stronger and a more empathic, compassionate entity. But, again, the system is not designed for "correcting" anything, and left to its own design will produce only deplorable and pathetic individuals capable of little in the way of productive activity.

In closing, I want to apologize if this writing seems crass or makes me appear bitter; if anything, I experience more annoyance than anything. I cannot logically be bitter about something I understand so completely. After 32 years of studying this system from every coign-of-vantage I certainly do understand it. My annoyance is derived from the insanity of it all; seeing the system doing the same thing over and over and pretending to expect some different result therefrom. It is infuriating when attempting to bring about meaningful change.

If there is anything you would like to know about any of the above -- the laws, policies, federal statutes or Congressional intent -- I am open to any discourse on the matter. Until then, my prayers are with you and any and all children you are able to lead away from these cages. God bless.

Sincerely,

Ronald Schilling