



Affiliated with the Kwan Um School of Zen

1110 NW 16th Avenue
Gainesville, FL 32601
Phone: (352) 336-1517
E-mail: gatelessgate@hotmail.com
Web Site: <http://www.gatelessgate.org>

A Mausoleum for the Secular State

**By K.C. Walpole,
Senior Dharma Teacher**

On a misty morning, the new courthouse in downtown Gainesville takes on the air of a mausoleum: a lifeless monument attesting to the failures of the secular state, a bureaucracy whose survival and growth has been placed above the welfare of the people it was intended to serve. The cornerstones of this mausoleum are the state's manifest failures in education, child welfare, housing, and criminal justice. All are issues that affect our society to its very core.

The failure of our educational system is demonstrated by its own statistics: only 52 to 64 percent of its students graduate on schedule. This coming March, 12,700 students will take the FCAT for the fifth time in an attempt to meet minimal standards of graduation.

The more successful students that go on to Florida's colleges and universities face another challenge. About 40% of each freshman class is required to take remedial math or English programs. An this is the cream of our crop.

The state is the ultimate safety net for abandoned or at-risk children. Yet in any given month, the state has not been able to locate 300 to 400 of the children in its care. Worse yet, there are periods in which children have vanished from state supervision for more than a year without the responsible agency being aware of their disappearance. Apart from this there are the children who are molested, abused or killed while in the care of the government.

Homelessness is a persistent problem touching all levels of government. Some studies show that across the country some 600,000 men, women and children are without their own beds. Every night, 600 to 800 go to bed homeless in Alachua County alone.

Failures in the arenas of education, child welfare and homelessness pale in comparison to the state's Byzantine criminal justice system. Our laws are supposed to help shape the greater good of society. Yet they are often capricious in their enactment and arbitrary in their enforcement. Thus they are useless in producing positive societal change. Worse, the effect of arbitrary law enforcement undermines respect for the law and results in wasted lives for many of our citizens.

One illustration of these failures of the system is shown by the fact that on the last day of this past year 1,962,220 men, women, and children were incarcerated in prisons and jails across the country. An additional 4.7 million men, women and children were on probation or parole the same day.

These numbers are a result of an expanding "lock 'em up" mentality as well as a reflection of the growth of prisons as an industry. Our current incarceration rate in the U.S. is 666 prison inmates per 100,000 population. Ten years ago, it was 292 inmates per 100,000.

To add some perspective: England's rate is 100 per 100,000; Germany, 85; Canada, 115; Russia, 690. The world average is 149 inmates per 100,000 population. The numbers suggest a shift in penal philosophy away from the western European model of "forgiveness" through reform and redemption to a Russian model of "political correctness" through isolation and execution.

As grim as the numbers of American inmates may be, even grimmer is the willingness of the bureaucracy to impose the ultimate sanction of death. Recently, more than 36 men in 13 states were taken off of death row because their innocence had been established. My point is not that the system is working because it took them off of death row, but that it is not working because those men should not have been there in the first place.

A recent study shows that between 1973 and 1995, higher courts reversed three out of four Florida death sentences on appeal. There are 41 men who have been on Florida's death row for more than 20 years. The number of inmates on death row for 15 or more years grows to over 100. It makes one wonder how many times our prosecutors got it wrong.

The waiting room while the state is trying to get it right is a 9 x 6 x 9.5 foot cage with a steel bunk on death row. Frank Smith spent the last ten years of his life in such a cage and died there of cancer. He was exonerated a year later. Is this an aberration or the tip of an iceberg?

By the same token, there are those capital crimes pursued half-heartedly. Case in point is what the state called the murder of Frank Valdez. He was an inmate in Florida State Prison that was beaten to death in one man cell. The man was locked down in a cell and only certain correction officers had access to that cell. The correction officers were found not guilty. The warden became head of the department of corrections and the States Attorney became a state senator.

Mediocre education, incompetent welfare systems, homelessness, and a questionable criminal justice are not the problems, but rather symptoms of a far greater problem: we have surrendered the responsibility for our conduct and well being as well and that of our children to the state and the state is failing us.

Consider the contrast between the old courthouse built in 1978, facing a square where people actually gather, a place that offers public entertainment and glimpses of the life of the city, and the new one - a solid block that offers no such hospitality or opportunities for public assembly.

While the new courthouse may not actually be a mausoleum for the state, it can certainly be seen as a monument to the loss of our humanity