

## CAMPAIGN TO END THE DEATH PENALTY

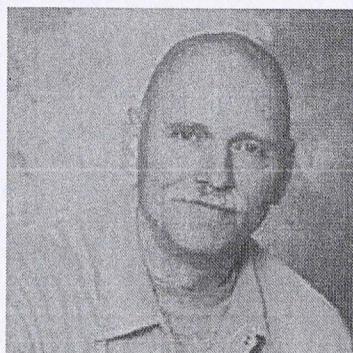

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## What We Learned From S.A.F.E. California

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By: Kenneth Hartman

*In November 2012, California voters defeated a ballot measure that would have abolished the death penalty. Leading up to its defeat, Proposition 34 (known as the Savings Accountability and Full Enforcement for California Act) was a topic of discussion and debate among criminal justice reform activists. The measure had the potential to take over 700 people off death row in one of the largest death penalty states—yet the "tough on crime" proposals at the heart of the SAFE California Act led a number of activists to turn against it. In this article submitted by Kenneth Hartman, he discusses the reasons he feels the effort failed, as well as the lessons we should learn. Currently, Kenneth is serving a life without parole sentence in California.*



### What we learned from S.A.F.E. California

By Kenneth Hartman

It's a truism that we learn more from defeats than from successes—that the lessons of loss are better for us in the long run than bad wins.

Proposition 34, the so-called SAFE California Act, failed at the ballot box in a year when other progressive measures won resounding victories. Thus, all forms of the death penalty, whether the horrifying grotesquerie of a lethal injection or the slower, more banal evil of a life without the possibility of parole sentence, continue here on the Left Coast. The machinery of death was not derailed.

Proposition 34 failed, primarily, because it succeeded best at dividing progressives and demoralizing those most likely to work for its passage.

In my role as the executive director of The Other Death Penalty Project, I wrote of our very reluctant support of the initiative, along with our members' numerous reservations about the counterproductive pandering to the "hang 'em high" crowd. After the euphoria of just getting the initiative on the ballot wore off, a rising chorus of voices began asking tough questions about the mean-spirited language, the codification of excessive revenge-sentencing schemes, and the underlying tone that left all of us uncomfortable.

The central lesson that ought to be clear is that the public isn't going to be tricked by a bunch of lefties masquerading as undercover enforcers or be seduced by celebrities assuring them, with a wink and a nod, that the goal of reform is to increase punishment. That dog won't hunt.

The spectacular success of the LGBT community's push for marriage equality is instructive. After years of defeats at the ballot box making economic and legalistic appeals to the deaf ears of the voters, the movement changed tactics. The argument evolved into a moral and emotional conversation. Gay and lesbian couples were accurately depicted as compassionate, loving people who simply desire to be able to love each other like everyone else.

It became an argument about basic fairness. In the space of a short decade, marriage equality moved from the radical fringe to the center of popular culture.

Convicted murderers are a whole lot less sympathetic than innocent, law-abiding same-sex couples, and I don't mean to equate the specifics of our struggle with theirs. Nevertheless, from a purely tactical perspective, we should pay attention.

There are already enough well-funded groups shilling for the prison-industrial complex, constantly pounding home the apparently unquenchable need to punish, stigmatize and ostracize prisoners. We who are trying to bring about positive change shouldn't be playing to that quarter.

Too many of the leaders of the abolitionist movement are convinced they have an obligation to genuflect and heap a few more stones onto our backs before they can state their case. The hard right—the minority of victims' rights groups that are wedded to perpetual punishment—and the functionaries of the system are never going to be won over.

And the beloved economic argument, while certainly opening a hole we could rush into, is inherently ephemeral. The economy will recover; the government will, once again, have enough money to afford prisons and death rows. This argument cannot be the foundation for reform.

It's time for all of us to buckle down to do the hard work of making the moral arguments. Killing people, by whatever means, is just wrong. Yes, men and women who kill others warrant serious sanctions and must be held to account. No, these same men and women should not be permanently banned from the rest of the world. Two wrongs don't make a right.

There must be pathways back into the fold that prisoners can earn their way through. Telling the public that we are all so evil and irredeemable that only a lifetime of punitive incarceration will suffice, but that it's also wrong to inject lethal chemicals into our veins, is a confused, illogical and, ultimately, unwinnable position.

As a man who did, in fact, kill another man in a drunken, drugged-up fistfight when I was a teenager, I'm not an innocent. But I'm still capable of being a contributing member of society—of doing good in the world. My life is worth something, still. There's no doubt the plight of innocents trapped in this vast system of injustice is tragic. Most of us, however, are not innocent. Our predicament, in that same system, is also tragic.

In the next month, The Other Death Penalty Project will release *Too Cruel, Not Unusual Enough*, an anthology of essays, stories and poems by men and women serving life without the possibility of parole, as well as some free people with intimate knowledge of the reality of being sentenced to die by imprisonment—sentenced to the other death penalty. It is our intention to distribute the book to all the leaders of the abolitionist movement who would trade our lives to the executioners. We will also send copies to political, economic and cultural/social leaders throughout the country. We are determined to spark this overdue debate.

The anthology is the centerpiece of an IndieGoGo ([www.indiegogo.com](http://www.indiegogo.com) (<http://www.indiegogo.com>)) fundraising campaign that will begin very soon in support of The Other Death Penalty Project. I ask everyone interested in this issue to take an active step and support our campaign.

This country imprisons more of its people than any other, currently or historically. That's a fact that should be a goad in the side of everyone. Our system of injustice, poisoned by racism, greed and a pathological need for brutal punishment, serves as a mockery to our stated ideals. The industrialization of incarceration is a monstrous aberration that must be challenged and defeated.

Americans are often selfish and self-serving, a people prone to gross excess and the pursuit of puerile desires. But when directly confronted with clear injustice and obvious unfairness, we can rise above ourselves and do the right thing.

Let's all work together and offer a consistent, morally cohesive vision of a better, fairer, more effective justice system that seeks restoration and rehabilitation for victims and offenders.

And let's get started now.

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Kenneth R. Hartman is the founder and executive director of The Other Death Penalty Project, a grassroots group of prisoners serving life without the possibility of parole whose goal is the end of all forms of the death penalty, including "death by incarceration." Ken is also the award-winning author of *Mother California: A Story of Redemption Behind Bars*.

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