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Why I'd Vote for the SAFE California Act

By Kenneth E. Hartman

Kenneth E. Hartman, who has served over 32 continuous years in the California prison system on a life without parole sentence, says that replacing one form of the death penalty (lethal injection) with another (life without parole, the other death penalty) is not abolishing the death penalty at all.

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If I could vote, I'd vote yes on the S.A.F.E. California Act, which would end the ghastly practice of lethal injection executions.

But I'd hate myself in the morning.

There really isn't a good argument in support of the death penalty. It doesn't deter crime. It isn't a good example of why killing is wrong. And it costs a ludicrous, unjustifiable amount of money. Add in the fact that it's fundamentally a barbaric practice that should be relegated to the proverbial dustbin of history, and there's no other vote possible.

And I'd still hate myself in the morning.

The people who crafted this initiative should hate themselves, too. Instead of doing away with lethal injections and that's that, they wrote a monstrous law that will condemn thousands of Californians to perpetual imprisonment serving life without the possibility of parole. As if that wasn't enough, they had to salt it up with mean-spirited provisions guaranteed only to aid the ever more expensive prison system.

The construction of the initiative reveals a bit about the authors' motives. Pandering is a generous word in this case. First, they try to kowtow to the angry victims' rights groups by demanding that those newly minted life without parole prisoners be forced to work. The truth of the matter is we desperately want to work. There aren't enough jobs to give everyone an assignment. Second, they create six more special circumstances (to add to the existing 27) that transform second degree murders into life without parole sentences if the victim was a peace officer: not hard to figure out to what interest group that pander went. Third, the initiative creates a sort of perpetually mandated slush fund for local law enforcement to dip into at will: again, not hard to see where that pander was aimed.

The ACLU of Northern California openly advertises that life without parole is a horrible and painful sentence, that life inside this state's horrific prisons is a nightmare, that medical care is cruelly deficient, and men and women sentenced to death by imprisonment will be forced to endure endless suffering until they die a lonely death in a barren cell, somewhere. And they state all of this with a mocking glee to solicit support for the initiative. It's hard to reconcile their thuggish rhetoric with progressive thinking or with the promotion of anyone's civil liberties.

It's also clear that the authors of the initiative have little interest in promoting prisoners' rights, in

working to advance civil rights inside the prisons, or in doing anything to rectify the rampant and gross abuses of power that characterize the criminal justice system in this state. One wonders how they sleep at night crowded into bed with their reactionary other halves.

The obvious reading of the sub-text of the initiative is the authors have become so myopically focused on the practice of lethal injections they're willing to throw the other 140,000 prisoners of this state under the bus. It's a pity because if they had sat down with the many other groups working to bring about real reform to the entire system a strategy could have been worked out.

That's too bad. California is ripe for deep, foundational, and transformative change, particularly inside the prisons. The confluence of factors that make this possible is a genuine once-in-a-lifetime event. In a few more years, the great edifice of punishment will rear up out of the mire of debt obligations and budgetary impasses. And then it's back to business as usual.

I've served more than 32 years for killing a man in a drunken, drugged up fistfight when I was 19 years old. When I was sentenced to life without the possibility of parole the statutes in place at the time set my first parole board hearing at 12 years and every three years thereafter. No one then thought I was sentenced to death by imprisonment. In the decades since, those dozen years to a board hearing turned into another death penalty. There are almost 4,000 men and women sentenced to the long, slow death inside.

Life without the possibility of parole is not a reasonable alternative to the death penalty; it's just a different way of doing an execution.

I'd still vote for the initiative because I believe that the death penalty is wrong and doing away with one form of it is better than nothing.

But I'd hate myself for that vote the next morning.

Submitters Bio:

Kenneth E. Hartman has served 30 continuous years in the California Department of Corrections and Rehabilitation on a life without the possibility of parole (LWOP) sentence. He is the author of "Mother California: A Story of Redemption Behind Bars," a memoir of life in prison, published by Atlas & Co. (New York, 2009), and is an award winning writer and prison reform activist. Ken was instrumental in the founding of the Honor Program at the California State Prison-Los Angeles County, and is currently leading a grassroots organizing campaign, conducted by LWOP prisoners, with the goal of abolishing the other death penalty.

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