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## Prop 34: Truth, Indeed, But Not The Whole Truth

By *Kenneth E. Hartman*

Rebuttal to Death Penalty Focus' piece on life without parole as a reasonable alternative to the traditional execution.

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In response to Ana Zamora's short rebuttal to my piece "Why I'd Vote for the S.A.F.E. California Act," I offer the following:

Proposition 34 will condemn thousands of prisoners to life in prison without the possibility of parole. Because the initiative hardens and deepens the legal supports for the other death penalty, because it norms a sentence that should be unheard of, and because it sinks the thousands already serving the sentence into a pool of quicksand even deeper than before, the whole truth is thousands of prisoners will be dying in prison.

Proposition 34 elevates the status of second degree murder sentences of life without the possibility of parole from a statutory to a constitutional level because of the use of the initiative process. Therefore, these crimes will be irreversible in practice. The whole truth is neither the 1977 statutes that created life without the possibility of parole, nor the Briggs Initiative of 1978 included any second degree murder level crimes as eligible for the other death penalty.

Proposition 34 uses the same kind of math that politicians employ when trying to justify spending huge amounts of money some time in the future. By weighing only the front-loaded costs, and ignoring the long-term costs of thousands of old, sick, and dying prisoners, the math adds up in their favor. The whole truth is a more honest and all encompassing assessment would yield a different result.

Proposition 34 does, indeed, create a law enforcement slush fund that claims to be time limited to three years. Assuming that the vast criminal justice empire of California is going to simply concede to the termination of this funding is naïve, at best. The whole truth is the first job of every bureaucracy is to grow, and nobody grows better than our law enforcement agencies.

Finally, while I appreciate Ana Zamora's measured tone and civility, and while I'm sure we probably agree on about 99% of the issues as regards criminal justice, on this issue she's simply wrong. This November, California voters will NOT have a chance to choose between the death penalty and an "alternate" sentence. They will merely be choosing between methods of execution. That is the whole truth.

### 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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