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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/12/03/fates-worse-than-death/>

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close

Search

close

close

by [Jean Casella and James Ridgeway](#) | December 3, 2014

The following article was published earlier this week by the [Marshall Project](#), the new nonprofit news organization focused exclusively on criminal justice. It can be [read in full on the Marshall Projects site](#).

In 1987, when he was 23 years old and in court on a drug charge, William Blake shot two sheriffs deputies in a failed escape attempt, killing one. At his trial, the judge presiding over his case expressed regret that New York did not have capital punishment, so he could not sentence Blake to death.

Instead, for the past 27 years, Blake has lived in extreme isolation in a 7 x 9 cell. He is fed through a slot in the solid steel door, and on some days hes allowed out for an hour to exercise alone in a small, barren pen. Because his sentence is 77 years to life, he is virtually certain to die in prison. Because he is classified as both a cop killer and an escape risk, he may well spend the rest of his life in solitary confinement.

Recently Blake, now 50, described his years in the Special Housing Units, or SHUs, of New Yorks state prisons. If I try to imagine what kind of death, even a slow one, would be worse than twenty-five years in the box and I have tried to imagine it I can come up with nothing, he wrote. Dying couldnt take but a short time if you or the State were to kill me; in SHU I have died a thousand internal deaths.

Opponents of the death penalty have had many occasions to celebrate in the new millennium. Four states have [abolished the practice](#) in the past five years, while others have legally or effectively [set moratoriums](#) on executions. Support for capital punishment in the United States is at its [lowest point in four decades](#), and seems likely to fall further as the number of exonerations and gruesomely botched executions continues to grow.

But at what cost have these concessions been won? The NAACP Legal Defense and Educational Funds latest [Death Row U.S.A.](#) report found 3,049 individuals awaiting execution in the United States. According to the [Sentencing Project](#), at last count nearly 50,000 people were serving sentences of life without the possibility of parole a number that has more than tripled since the early 1990s. Over 159,000 were serving life sentences many of them, like William Blake, with minimums so long that they might as well be doing life without parole, too.

In many states, the [expansion](#) and the very existence of life without parole sentences can be directly linked to the struggle to end capital punishment. Death penalty opponents often accept and even zealously promote life without parole as a preferable option, in the process becoming champions of a punishment that is nearly unknown in the rest of the developing world.

In California, for example, where the latest attempt to end capital punishment by referendum was [narrowly defeated](#) in 2012, voters were urged not simply to abolish the death penalty, but to replace it with life without parole. In support of this cause, the [ACLU of Northern California](#) made a virtue of the similarity between the two punishments: The reality is that people sentenced to life without parole have been condemned to die in prison and that's what happens: They die of natural causes, just like the majority of people sentenced to death. Referring repeatedly to life without parole as death in prison, the ACLU resorts to language far more draconian than one might expect from any liberal organization: life without parole sentences have the advantage of being certain and swift, because [u]nlike death penalty cases [they] receive no special consideration on appeal. Such sentences are also severe, since spending a lifetime in Californias overcrowded, dangerous prisons growing sick and old, and dying there, is a horrible experience. This is especially true given the unconstitutional failure to provide adequate health care to Californias prisoners.

Kenneth E. Hartman, who is serving life without parole in California, agrees with such an assessment and for that reason, strongly opposed the referendum to replace capital punishment with life without parole. Hartman runs, from prison, a campaign called the [Other Death Penalty Project](#), on the premise that a sentence of life without parole amounts to a long, slow, dissipating death sentence without any of the legal or administrative safeguards rightly awarded to those condemned to the traditional forms of execution.

Though I will never be strapped down onto a gurney with life-stopping drugs pumped into my veins, Hartmann has written, be assured I have already begun the slow drip of my execution [which] wont come to full effect for 50, maybe 60 years. Like William Blake in New York, he states: I have often wondered if that 15 or 20 minutes of terror found to be cruel and unusual wouldnt be a better option.

Complicating matters is the fact that life without parole rarely takes its place as simply a one-for-one alternative to the death penalty. In

New York State, for example, life without parole did not exist before the states brief reinstitution of capital punishment from 1995 to 2004. During this period, there were never more than half a dozen men on New Yorks death row, and no executions took place. Yet today, [nearly 250 people](#) are doing life without parole in New York, and more than 1 in 6 of the states prisoners is serving a life sentence.

Connecticut, in abolishing its death penalty in 2012, [legislated a punishment](#) even more harsh than simple life without parole. Thereafter, a new law decreed, those convicted of murder with special circumstances would be condemned to live out their life without parole sentences in solitary confinement. The measure was reportedly backed as a way to win enough support for the repeal bill.

Though the requirement that life/LWOP sentences be served in solitary confinement is codified into law only in Connecticut, it exists in practice throughout the nation. An unknown number of lifers have, like William Blake, been placed in permanent or indefinite solitary confinement by prison officials, without benefit of any kind of due process. So have most of the individuals on the nations death rows, including the supposedly fortunate ones who live in states that have instituted moratoriums, and are therefore unlikely to ever face execution.

[Read the rest here.](#)

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I always said that life without parole was a fate worse than death. Many experiencing it feel the same way.

I get the message. Dont kill cops or this is what can happen to you. A lesson for everyone.

There is an uneven distribution of both sentences.

<http://www.deathpenaltyinfo.org/documents/TwoPercentReport.pdf>

The vast majorities of counties in the U.S. have no one on death row and have not had a case resulting in an execution in over 45 years. The people on death row today, and the inmates who have been executed since 1976, come mostly from a small minority of counties where seeking death sentences has been a high priority.

California has the largest death row in the country with more than 660 prisoners.

The price tag for Californias new death row is \$336 million.

In 2009, only six counties accounted for 96.6% of death sentences. Even more startling, just three counties Los Angeles, Orange and Riverside accounted for 83% of death sentences in 2009.

Only 41% of Californias population lives in these counties. Together, these three counties sentenced more people to die in 2009 than the entire state did each year from 2002 to 2008. It is the increase in death sentencing in just these three counties that accounts for the high number of death sentences statewide in California in 2009.

Excerpts from ACLUs pro LWOP article,

The Truth About Life Without Parole: Condemned to Die in Prison.

The death penalty costs more, delivers less, and puts innocent lives at risk.

Three prisoners who had been SENTENCED TO DIE for crimes they did not commit have been freed.

It costs California tax payers an additional \$90,000 per prisoner per year, above what it would cost to house them with the general prison population, which adds up to \$59 million a year.

No one sentenced to life without parole has ever been released on parole, in California or in any other state.

How about non-violent offenders sentenced to LWOP?

Under current law, 19 states and the federal government permit life-without-parole sentences for nonviolent offenses under habitual offender laws. Of the states that sentence nonviolent offenders to LWOP, Louisiana, Florida, Alabama, Mississippi, South Carolina, and Oklahoma have the highest numbers of prisoners serving LWOP for nonviolent crimes, largely because of these states harsh habitual offender laws that mandate LWOP sentences for repeat offenders.

And what can be said of the Juvenile with LWOP sentence?

The Sentencing Project reports, in a paper called,

Juvenile Life Without Parole:

An Overview

Two-thirds of JLWOP sentences occur in just five states: Pennsylvania (472), Michigan (356), Florida (355), California (293), and Louisiana (228). (Following the passage of Californias SB 9 in 2013, most of this states prisoners are getting new sentences.) Seventy-three children sentenced to life without parole were 13 or 14 years old at the time of their offense.

Fifteen states and the District of Columbia do not have any prisoners serving life without parole, either due to laws prohibiting the sentence or because there are not any juveniles serving the sentence at this time. For the remaining 35 states, all but five incarcerate fewer than 100 prisoners.

A lifetime sentence for a juvenile will cost taxpayers approximately \$2 million.

Not to mention the prisoners sentenced to more years than they have left on earth.

Clearly budgetary concerns are driving the discussion not fairness or morality.

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