

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/05/19/voices-from-solitary-kenneth-e-hartman-on-the-other-death-penalty/>

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by [James Ridgeway and Jean Casella](#) | May 19, 2010

Kenneth E. Hartman has served 30 years of a life sentence without the possibility of parole in the California state prison system, for killing a man in a drunken, drugged-up fistfight when he was 19 years old. Hartman spent several stints in solitary confinement before he found a kind of personal redemption through writing; since then his work on prison life and prison reform (some of which can be sampled [here](#)) has appeared in dozens of publications, including the *New York Times*, *Los Angeles Times*, *the International Herald Tribune*, and *National Catholic Reporter*. His memoir [Mother California: A Story of Redemption Behind Bars](#), which Publishers Weekly called a magnificent inquiry into the human condition, was published in 2009.

Hartman's powerful essay on life without parole, [The Other Death Penalty](#), was not written from solitary but it is highly relevant to the issue of solitary confinement, since increasing numbers of inmates serving LWOP will live out their lives in isolation in supermax prisons. This utterly hopeless condition would be deemed torture under several international human rights conventions yet as Hartman points out, prisoners serving LWOP, including those in solitary, receive little of the attention that is given to prisoners who face the death penalty; in fact, this quieter, less troublesome death penalty is actively promoted by some well-meaning activists.

More than 27 years ago I killed Thomas Allen Fellowes in a drunken, drugged-up fistfight. I was sentenced to death. Not the more controversial death penalty, the one with high-powered lawyers and celebrities willing to stand in the fog outside of San Quentin in all night vigils of protest. No, I was sentenced to the quieter, less troublesome death penalty, the one too many of those well-meaning activists bandy about as the sensible alternative to state-sanctioned execution: life without the possibility of parole.

Though I will never be strapped down onto a gurney with life-stopping drugs pumped into my veins, be assured I have already begun the slow drip of my execution. An execution in the form of a long, deliberate stoning that goes on for as long as I draw breath. Since I entered the system a couple of months after my 19th birthday, the stoning won't come to full effect for 50, maybe 60 years. I have often wondered if that 15 or 20 minutes of terror found to be cruel and unusual wouldn't be a better option.

There is more to it than the mere physical act of imprisonment, much more. The more than 3,000 life without parole prisoners in this state also enter a rough justice kind of limbo existence. We are condemned to serve out our lives in the worst (maximum security) prisons, which otherwise are specifically designed to be punitive. This means, in practice, rehabilitative and restorative type programs, the kind of programs that can bring healing and meaning to a prisoner's life, are generally not available to us. The thinking goes that since we will never get out of prison there is no point in expending scarce resources on dead men walking.

Similarly, the prison reform community, with a few shining exceptions, can't seem to run far enough away from us. On the one hand, there are the dedicated anti-death penalty advocates (who all too often advocate for this excruciating and grinding death penalty), and on the other hand, those who are mostly concerned with re-entry programs; needless to say, we do not fit either category. We never go to the parole board so we never get out. In fact, contrary to myth and legend, no one under an active life without parole sentence has *ever* been released.

What this means is a dissipation, a gradual disappearance into the ever-expanding concrete and razor-wire empire of California's prison system. Family and friends run out of patience, out of hope, and out of our lives. It is understandable, though no less painful to experience. Imagine a close relative diagnosed with a terminal illness forced to stay at the hospital. Now imagine he hangs on for years and years. He grows old and removed, and maybe a little bitter. Plus, this hospital is surrounded by lethal, electrified fences, the windows barred so tightly the light has to sneak in lest it be smothered by the shadows.

At some point even the most kind-hearted, the most dedicated, will desire to be pardoned, paroled from being forced to touch this darkness.

I am a lot older, to be sure, and I am so far removed from the reality of the free world. Truthfully, though I accept full responsibility for my plight, and feel a crushing sense of remorse and guilt, I can barely remember the details of that terrible night, all those years ago. Years that have moved on, stained by tears dried up in the hot wasteland of a life misspent. My own family abandoned me early on, perhaps sensing the torment that lay ahead. Both my parents have passed, and with them my hope for reconciliation. From my vantage point, far outside the realm of possibility and change, I have watched the world change so radically as to be unrecognizable. I have also watched,

and suffered, as the prison system tightened the screws down on life without parole prisoners, gradually and inexorably squeezing us into a corner of not simply denying possibility of release, but annihilating possibility itself.

Anatoly Shcharansky, himself a former prisoner, once observed that as hard as it is for man to come to terms with meaninglessness and infinity, it is impossible to adjust to infinite meaninglessness. I can think of no better definition for the intent of the life without parole sentence. It is an exile from meaning and purpose, from hope. And as the years roll by, inevitably, bitterness begins to overtake even the strongest of men, fueled by this banishing from all that is most human. I fight the bitterness with all my might, all my faith and love, but without hope even these mighty forces seem inadequate to the task.

I agree that state-sanctioned execution is morally repugnant. I do not agree that a life devoid of any possibility of restoration is a reasonable or humane alternative. It simply is not. A death penalty by any other name is as cruel, as violent, and as wrong. While some life prisoners may not be able to earn their way back into the graces of society, none should be wholly denied the chance. At the very core of our culture the concept of restoration resides like a harbor light to the lost; extinguishing this light for any darkens everyone's journey, diminishes all of us, and blesses the basest of human instincts. Both forms of the death penalty need to be discarded in a truly just society.

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.

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by [Voices from Solitary](#)

September 30, 2022

by [Voices from Solitary](#)

September 19, 2022

by [Voices from Solitary](#)

September 6, 2022

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<http://www.theatlantic.com/magazine/archive/1994/08/reefer-madness/3476/>

Young's role in the illegal transaction had been that of a middleman; he never distributed the drugs; he simply introduced two people hoping to sell a large amount of marijuana to three people wishing to buy it. The offense occurred a year and a half prior to his arrest. No confiscated marijuana, money, or physical evidence of any kind linked Young to the crime. He was convicted solely on the testimony of co-conspirators who were now cooperating with the government. On February 8, 1992, Mark Young was sentenced by Judge Sarah Evans Barker to life imprisonment without possibility of parole.

Thank you to all for your thoughtful and compassionate responses to my piece. I'm appreciative!

Ken Hartman

If I had read this a few years ago, I would have had little sympathy. I was always a tough on crime proponent, as was my husband who is a law enforcement officer. But that was before we met our own Ken. Through a series of interesting coincidences, we began writing to an inmate at SCI Greene when his artwork came into my art store. The result can only be called a precious friendship.

This young man we now write to and visit, was sentenced to LWOP for a crime committed when he was 15. Today, at 27, he is one of the most peaceful, optimistic and considerate young people we know. He has more courage and faith in God than most on the outside. He never complains, is NEVER bitter and accepts everything as God's will. He is truly an example to us both.

We didn't know him when he was a confused, angry young man at 15. We were not around to help when he was abandoned by his irresponsible and uncaring parents. But the sad reality is, today, at 27 we both feel he would be an asset to the community, if he were allowed the opportunity of parole. That will never happen unless we combine mercy with justice. If Saul of Tarsus, who assisted in murdering Christians, became the Apostle Paul, why can't we as a society recognize that redemption is possible?

He speaks the sad but true; I just do one of those full-body spine-shiver things just thinking of or dreaming of getting a sentence of LWOP in a supermax that's just ghaaa. I've never been on trial, not going to be ever if I have a choice, but yet every damn full moon I have a damn trial dream and it ends the same way every time: LWOP that must by court order be done in solitary; I don't know if that's even legal; I know it is if feds use SAMs, but otherwise can a judge really give that sentence even just wondering all I can say is I hope like hell that the fact that I have

this dram every dam mouth same time is not a sine of whats to be other wise if that was the case i say shoot me now lol

Beautifully written and devastating. I personally know more than one of the victims of this horrifying fate, and I totally understand that it is worse than death, in fact it is hard to confront such a fate in my own mind without giving up on humanity. That we as human beings tolerate or (by our ignore-ance) support this level of cruelty toward our fellow humans is a sign that human life on this planet is doomed.

If there is a God, I think the only sin He cannot forgive is refusal of forgiveness to our fellows.
As you sow, so will you reap.

At this time after reading numerous stories of Solitary confinement, I have decided that there is no point telling the story of what they did the point is the 8th amendment and the endless stories of the cruelty and effect on PEOPLE, Solitary confinement is cruel and inhumane and the peoples rights are being violated. We do not want chickens and cows to be housed inhumanely, why are there people, Tommy Silverstein for example still being tortured in the United States? And where are the celebrity activists to help. This is our people, our rights, our country, now if we could just get our government to listen to the people and abide by the constitution thatd be great.
I like the quote of the week posted.

Wow! I read a few of his other essays listed and this man is right on. If our leaders opened their minds to what he is saying about prison reform we all would live in a safer world. Well written!
Thanks for bringing him to our attention.

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