

MORE PRAISE FOR TOO CRUEL, NOT UNUSUAL ENOUGH

Life without the possibility of parole is barbaric beyond the definition of the word. As someone who has served a prison sentence, this degree of punishment is unimaginable. Read this collection and gain a glimpse into how the human spirit finds hope in an otherwise hopeless world. Read “Too Cruel, Not Unusual Enough” and then fight for change.

—Wayne Kramer, Artist, Activist, and Co-Founder of Jail Guitar
Doors USA

America has long been searching for a humane method of execution. We have gone from hangings, firing squads, electric chairs and gas chambers to the current method of choice, lethal injection. A term of life without parole, in which the person is sentenced to die in prison, is surely America’s other death penalty. The voices in this illuminating book of those condemned to death by incarceration show us in no uncertain terms that these men and women suffer a fate that is both cruel and barbaric. There are times when life is harder to bear than death. Life without parole may be one of those times.

—Robert Johnson, Ph.D., Professor of Justice, Law, and Society,
American University



TOO CRUEL, NOT UNUSUAL ENOUGH

An anthology published by The Other Death Penalty Project

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with John Purugganan and Robert C. Chan, Associate Editors



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Too Cruel, Not Unusual Enough

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The Other Death Penalty Project

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THE CONTEST

The Other Death Penalty Project

THE CONTEST

In 2010, The Other Death Penalty Project began work on this anthology. We wanted to include all 41,000+ life without parole prisoners throughout the country in its creation, and so launched a writing contest, complete with cash prizes and a nationally-known judge, to encourage people to get involved.

We placed advertisements in *Prison Legal News* and similar publications read by prisoners, inviting submissions of original poetry and prose. We received nearly 300 submissions, all of which were reviewed by The Other Death Penalty Project leadership. Of these, approximately 50 were selected to move on to the next level of judging, to be read by award-winning author and prison reform activist Luis J. Rodriguez.

The winners were selected in August 2011, and the awards published in *Prison Legal News*. Their work is included in this anthology. They are:

1st Place: Dortell Williams,
Making Sense of Life Without the Possibility of Parole

2nd Place: Robin Ledbetter,
Laying Roots

3rd Place: Joseph Badagliacca,
Too Cruel, Not Unusual Enough

The Other Death Penalty Project wishes to thank all the imprisoned writers and poets who participated in our writing contest. We encourage you to keep writing and sending your work out to the free world. With every letter to the editor or op-ed piece that is mailed to a newspaper, or essay or poem submitted to a magazine, society is educated a little bit more that life without parole is truly the death penalty.



PREFACE

Luis J. Rodriguez



Life Without the Possibility of Parole (LWOP) is life without the possibility of life. It's capital punishment on the installment plan. It's without the possibility of redemption, initiation, or restoration.

For forty years, I've spoken out against the death penalty as unjust in a world where those without means - and often with the wrong face, in the wrong time, the wrong place, or with the wrong lawyers - can get put to death while murderers and other criminals with big bucks or different circumstances get to walk out, many not even arrested or, if they do, end up with no convictions.

The naivety of the general culture can't fathom this fact: There are thousands of murderers walking the streets. It's simply not true that the law always gets its "man." The vast majority of these will never murder again. The point is you can't use the ultimate punishment when this depends on factors other than truly blind justice, undeniable evidence, and doing the same thing for everyone - none of which can be guaranteed.

And without a guarantee, anything "ultimate" should never be done.

Besides, the large number of people who have been found innocent since the 1990s proves the fallacy of the whole enterprise. A few states, including my old state of Illinois, have abolished the death

penalty in the wake of innocence projects, law university legal clinics, and private lawyers proving there are far too many people on death row that shouldn't be there.

Which to me says nobody should be there.

Now we have Life Without the Possibility of Parole as the alternative. Yet this is also the wrong reaction to the wrongs people commit. It's another ultimate punishment (we're good at words like that, like "shock & awe," that hide more than they reveal). Only recently did I get won over to the understanding that LWOP is another ineffective, meaningless and cruel policy - it should not be used as a substitute for the death penalty. Both are different ways of making sure that a prisoner will only get out of prison feet first.

It goes against one of the main laws of nature, of God if you will, that as long as there is life, a seed, the right environment, a nurturing reality, anything can renew, regenerate, and become better than it was before.

We understand this when it comes to animals, plants, and even in industry. But with human beings, we act as if the laws of nature no longer apply.

The United States has spent some 60 billion dollars a year since the 1980s creating the largest prison systems in the world. Despite this the U.S. has some of the highest number of murders and continues as the largest drug and crime market. The vast expense in tax dollars and broken lives simply has not worked.

The U.S. also stands out among the world's countries, the majority of which do not have LWOP as a sentence. Most of the developed countries don't even have the death penalty. We are behind the times, behind the moral Eight Ball, so to speak. Yet we are also called the "land of the free," one of the most Christian in the world, the supposed bastion of whatever decency still exists on this earth.

Somebody else put that on us, the least we can do is try to live up to it.

It's time our morality, our Christianity if you will, or whatever other spiritualities people practice, and our governmental policies line up - you can't have a belief system that demands one thing of its members and a contrary way of governance. This has created in us a kind of social/cultural schizophrenia that has torn up the relational fabric of this country.

I've been going to prisons and juvenile lockups in the United States for more than thirty years to do talks, poetry readings, as well as writing and other healing workshops. I've gone to maximum-security cellblocks, among lifers, gang members, murderers, and others, and have met some of the most decent, trust-worthy, and capable human beings anywhere. Because of my work, I've been asked to do the same with juvenile and adult offenders in Italy, England, Mexico, El Salvador, Guatemala, Venezuela, Nicaragua, and Argentina, visiting some of the most stark and dangerous institutions of punishment imaginable.

And still I see the seeds of transcendence and possibility wherever I go, even in environments meant to destroy such possibilities.

My own adolescent life involved gangs and heavy drugs, stints in local jails, in juvenile hall, and in two adult facilities, before I changed to a life of writing, community activism, and social justice - only to see my oldest son, Ramiro, end up in the same madness. Ramiro eventually did a total of fifteen years in prison from the age of 17 to 35. Now I've been clean & sober and crime free for almost twenty years. So is my son, who was paroled finally in the summer of 2010. So I've experienced this world of punishment and razor wire as a teacher/writer/healer, and in my personal life.

Still I needed the help of people like Kenneth E. Hartman, a writer/activist presently serving close to 35 years behind bars, and many of the men and women in this anthology, to change my thinking about LWOP. I won't say more - the voices in this book say it all.

- Luis J. Rodriguez, San Fernando, CA, December 24, 2011



MAKING THE CASE FOR SUICIDE

Michael L. Owens



(Reason #15 anywhere is better than here)

There are of course, the convict favorites: the late night bed sheet torn to strips, braided & looped through the bars after last count, or the old razor blade to the wrists and thighs trick - but those are considered the cowardly outs. I don't know why, quitting is quitting.

The fifth tier is four flights up.

Jumpers are said to have taken "the broken elevator."

You can always tell which are the most committed, they're the ones who don't scream on the way down.

You're on the fourth tier at a friend's cell arguing the sweetest shot in basketball and then you see this blur of blue, denim and chambray. Instinctively, you turn from the smacking thump that follows.

Those remembered longest are the kamikazies.

They wait for a guard, with a certain reputation, to look and then run into a crowd with a shank.

They don't stop swinging until the gun tower makes them.

Those soonest forgotten are the overdoses.

They're often ruled unintentional, sometimes they're not.
If it's high quality junk all it takes is a \$50 pinch the size of a match head.

Heroin is most popular because they say it's peaceful; one pinprick and you just float away from all the bullshit.

(Reason #8 there's no hope of ever earning redemption)

By the time I was desperate enough to actually consider it as a viable option,
I was already halfway to making my decision.
If I will not be allowed to make amends for my destruction
I should not be expected to sit among the ruins.

(Reason #11 you realize you're becoming someone you hate)

Prison is a cruel trick played on those most deserving of it.

His first two years inside he was so busy trying to learn how to survive he didn't even notice he'd already begun the slow surrender.

After five years he was able to see the sickness in others, the pettiness of it all, the way prisoners die one piece at a time.
He swears he'll never give in to the illness.

Ten years in he begins to experience the strangest fever, and staring out from his reflection, a lonely bitter man holding grudges for a thousand wrongs, real and imagined.

At eleven years eight months and some odd days, he finally understands why every mirror in prison is either scratched or broken.

(Reason #4 the old answers lose meaning)

For the comrade I didn't take seriously, who made this argument to me and then went to his cell and hanged himself We like to take pride in the cliché of having obtained victory over our sentences and our captors by "transforming" our cells into a university, a monastery, or even a healthclub; but that's just how we make ourselves feel better. Prison isn't a university, it's a breeding ground for blind conformity to some of humankind's lowest philosophies. Prison isn't a monastery, it's a nursery for religious bigotry, hypocrisy, and spiritual con games. We can't even claim to turn prison into some kind of healthclub. Cheap, low nutrient foods and sedentary living is killing us. And those who believe differently are only fooling themselves. The sad reality of prison is that most of us exist toward no positive end. We pass our pathetic days hypnotized by daytime television. We prey upon our fellow captives of the state. We drain the resources of free world family, just so we can buy 200% mark-up pastries and slowly overdose on trans-fat and cholesterol. All the while the system is more than happy to go right on using our swollen numbers to fleece the taxpaying public. So, comrade, it's probably safe to say that we are well beyond the university, monastery, healthclub phase of prison culture.

If we were truly committed to our path of resistance, we would summon the courage to at least deny the system our passive participation. If we were truly spiritualized people, we would deny babylon the opportunity to use our warm bodies for its money schemes. We would flee from this slave flesh homeward to our God.

(Reason #7 you're tired of having no choices)

wake work eat shower
when and where they tell you to
this can't be my life

life plus seventy
that's what I was sentenced to
I'm just about done

done with watching my
family die, one by one
I am the youngest
(Reason #32 your friends cut ties with you)

Maybe the notion of life w/o is too much
to handle.
Abstract ideas like forever are hard concepts
to comprehend.
How do you measure something that doesn't end,
that just grinds on & on?
How do you explain it to your loved ones?

This is how: you walk up to them, say
I'm dead now
and shoot yourself right then & there.
That has to be close
to what it feels like for family & friends.
Some sentences
can only be explained like that.

My best friend came to visit me
in the county jail, after my sentencing
but before my transfer to san quentin.

He tapped at the window, commenting on
how lax the guards were outside
and how easy it would be for someone
to smuggle in a glass cutter, some cash
and a pistol.
He told me about a history he'd read
and how much he admired the africans who
en route to the americas aboard the slave ships
opted to jump and face the sharks,
preferring death over a life of bondage.

He hasn't come to see me since
and I'm tired of living on coffee and regret.



NOT ALONE

Patrick Angel Acuña



In the twilight of near night the horizon appears to be as uneventful as any tundra. Shadows stretch blackness across the landscape in the surreal orangish illumination of halogen lamps. My attention is fixed on a spot 50 yards beyond my window. There, upon the cooling ground, is what looks to be an outcrop of rock or a clod of dirt.

It is a pigeon with a broken right wing.

For hours I've sat and observed this pigeon desperately flutter and flop, in vain, to take flight. With each failure I can sense fear and exhaustion swiftly building.

Sadly, attempts are becoming less frequent, less spirited, and less hopeful.

Other pigeons gather and circle above their wounded companion. Some have landed and curiously eye the fallen. Concerned, they draw close. Bowing heads they seek to better understand what fate has in store for their feathered-friend. Shortly thereafter, they jump into the sky, circle once, and become dots quickly swallowed by the night.

Forsaken and unmoving, I wonder what set of circumstances brought this particular pigeon to such an unceremonious demise. But was it without ceremony? Could it be that when those others were standing near they were offering a prayer? Or, when circling overhead, a song? Will a mate, sitting on a nest, become confused

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and wonder of what has become of its partner; will it mourn? Will this soul be missed? Am I not holding vigil for this winged relation? And, why am I doing this?

This prison is built upon a drained lake - a lake the Tule Indian Nation once fished and depended on for subsistence. In a twist of irony, this pigeon landed on the bottom of a lake, fluttered and has been lost. This lakebed, denied water and stripped of vegetation, has become a vast desolation, spotted with fenced-in islands of industrial confinement. This is no place for any of Nature's creation to expire. My spirit grows heavy as I take in the sight before me.

While I consider myself to be sensitive to the plight of all sentient Beings, in truth, what about this lone pigeon has stirred my depths and overwhelmed me with anguish?

I do not want to end like this;
I do not want to die in here;
I do not want to die alone.

I will continue to sit with this unfortunate creature until the last breath; until it flies away and becomes a dot in the spirit-world. I am here to witness, to offer a song, and to whisper a silent prayer. Although condemned to die in prison, just as sure as any death sentence, at least it won't die alone.