

America's Other Death Penalty Problem



What does it say about a country that can condemn 50,000 men and women to the slow, grinding death in prison of life without the possibility of parole? In 49 of these United States, the sentence of death by imprisonment is a well-used option. In several states-California, Florida, Louisiana, Michigan, and Pennsylvania-there are thousands of individuals suffering under this sentence, in the worst prisons, with the greatest restrictions, and the fewest privileges.

The United States is a country that argues about whether a three-drug cocktail or the two-drug version is the acceptable way to execute people. Consequently, the plight of lifers without the hope of parole isn't paid much attention. It doesn't help that death penalty abolitionists think it a great success when they convince a state to trade the grotesquerie of lethal injection for the boring drift into oblivion of life without the possibility of parole. It's telling, however, that one of the abolitionists' main selling points is that life in prison devoid of an end point is actually a much more severe punishment. For those singularly focused on the roughly 3,000 people on various death rows around the country, the 50,000 of us being killed slowly seems not to matter as much.

It's hard to put a finger on how life without the possibility of parole grew from a rare aberration to the fastest growing form of life sentence in this country. Maybe its roots lie in the punitive streak that's part of the fiber of the United States. Or perhaps it's because of death penalty abolitionists' insistence that it's the "reasonable" alternative to a death sentence. Yet, I wonder that since both options result in death, what's the difference? Regardless, death by imprisonment has steadily grown into the operative form of capital punishment in the United States.

For those of us serving life without the possibility of parole, the most frustrating aspect of our situation is being trapped between the punishers' desire to bury us and the abolitionists' willingness to trade our lives for their cause, however noble. Because of this conundrum, our plight has never managed to attract much attention from scholars, lawyers, civil rights advocates, or the media. We are the modern-day disappeared inside America's vast system of punishment.

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My experience of challenging the orthodoxy of opposition to the death penalty has taught me several lessons. First among these is the desperate need for intellectual and academic support-support from the brain trusts of the criminology world. The dominant conclusion in the United States is that life without the possibility of parole is the appropriate replacement to death by injection. This position is held and advanced almost entirely without critique. Until there's strong scholarly research demonstrating the broader truth that my personal body of experiential knowledge has already taught me, it will remain difficult to dismantle these other "truths".

Deeper still, the accepted position holds that only the worst of the worst, the irredeemables, are sentenced to life without the possibility of parole. The reality is quite different and much more complex. Being sentenced to the "other death penalty" is much less a consequence of the severity of the crime than one's ability to procure adequate representation, his or her socioeconomic status, and the color of his or her skin. This has been well-established in regards to the lethal injection form of the death penalty, and I'd say it's no different for the lethal term of imprisonment form.

It's difficult to be optimistic that this situation will change anytime soon. Before long, there will be 100,000 men and women sentenced to die in prison across this great democratic nation of ours. Life without the possibility of parole-a sentence that's mostly unheard of in the rest of the world yet sadly is now being considered in countries like Canada-will continue to spread. What can put a stop to this form of sentencing? Is it okay to punish and torture prisoners for their entire lives? At what point will it become obvious that the terrible bargain was a disastrous mistake?

For more information and/or insight please feel free to contact:

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