Prisons, Race, and Masculinity in Twentieth-Century U.S. Literature and Film

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Preface

1. The National Prison Association formed in 1870 in response to an examination of existing imprisonment practices that demonstrated their inhumane conditions. Members met to discuss and propose prison reform in a manner similar to many such movements of the late nineteenth century. That same period also saw the move to the professionalization and consolidation of a variety of fields and disciplines, which in part was accomplished by the formation of institutional organizations such as the NPA, the American Historical Association in 1884, and the Modern Language Association in 1886. The organization meets twice each year, though until 1989 they published only the summer conference proceedings. Since then, the papers from both summer and winter meetings have appeared in the annual volumes.


6. The Shawshank Redemption (Frank Darabont, dir., Castle Rock Entertainment/Columbia Pictures, 1994).


8. “Live from Death Row” (Campaign to End the Death Penalty, University of Texas at Austin, 23 September 1999).


25. Such arguments are present but peripheral in the works of Derrick Bell: *Faces at the Bottom of the Well: The Permanence of Racism* (New York: Basic Books,
Notes to Chapter 1


**Chapter 1**


view to be especially specific, but it does draw close relationships between slavery and imprisonment in U.S. history, pointing out how race and class have been implicated in social control and punishment since pre-Revolutionary America. Thomas L. Dumm’s *Democracy and Punishment: Disciplinary Origins of the United States* (Madison: U Wisconsin P, 1987) offers another Foucauldian history, arguing that producing and incarcerating criminality occurs in an opposition that helps define the idea of freedom as conducted in liberal democratic discourse. Adam Jay Hirsch’s *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven: Yale UP, 1992) anticipates many of Christianson’s points regarding the relationship of slavery and imprisonment. Paul W. Keve’s *Prisons and the American Conscience: A History of U.S. Federal Corrections* (Carbondale: Southern Illinois UP, 1991) serves as an administrative history, an official view from the inside and from the top, as he served as the commissioner of corrections in Minnesota. Marc Mauer in *Race to Incarcerate* demonstrates that black men are in prison out of proportion not only with their overall population but also with the number of crimes committed. Morris and Rothman’s *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York: Oxford UP, 1998) is an edited collection that includes essays offering a broad overview of U.S. and international imprisonment practices. David M. Oshinsky’s “Worse Than Slavery”: *Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press Paperbacks, 1997) is the most rigorously documented account organized around the Mississippi prison, and it demonstrates how imprisonment in the Jim Crow South perpetuated practices of slavery. William L. Selke’s *Prisons in Crisis* (Bloomington and Indianapolis: Indiana UP, 1993) conducts a sociological study in determining that the U.S. prison system fails to accomplish its intent because its purposes (punishment, incapacitation, and rehabilitation) are misguided or unreasonable and often contradictory; imprisonment practices often exacerbate rather than alleviate the problems the system seeks to solve, John M. Sloop’s *The Cultural Prison: Discourse, Prisoners, and Punishment* (Tuscaloosa: U Alabama P, 1996) surveys popular news periodicals from 1950 to 1993 to demonstrate how the representation of prisoners has several distinct types at different periods, particularly with regard to raced and gendered criminality. Michael Tonry has held a longtime commitment to the study of imprisonment as a vital component of criminology, and his edited collection *The Handbook of Crime and Punishment* (New York: Oxford UP, 1998) is an invaluable survey of correctional policies and practices.

That understanding of historicism traces back to Jameson’s *The Political Unconscious* (Ithaca, NY: Cornell UP, 1981) and its synthesis of largely French theory, rewriting Lacan, Deleuze and Guattari, Althusser, and Foucault in sorting the tensions between history and the subject, between causality and narrativity, and among real, imaginary, and symbolic. It is worth noting that Lacan’s own work contesting and revising Freudian psychoanalysis already lays the basis less for a subject without history than for a subject composed in history (see chapter 1, n36)—and even the Freudian superego, however undertheorized, leaves room for such cultural and historical contingencies.


7. Deleuze and Guattari, Anti-Oedipus: Capitalism and Schizophrenia, trans. Robert Hurley, Mark Seem, and Helen R. Lane (Minneapolis: U Minnesota P, 1983). 2. This description of language, space, and subjectivity is extended by de Certeau in the chapter “A Walk in the City” of The Practice of Everyday Life: “The act of walking is to the urban system what the speech act is to language or to the statements uttered” (97).


10. Faulkner, Go Down, Moses, 33–34, 68.


20. A civil suit was brought against the Louisiana State Prison at Angola in 1975 regarding how conditions there violated prisoners’ constitutional rights and led to numerous reforms (Rideau and Wikberg, eds., Life Sentences: Rage and Survival behind Bars [New York: Times Books, 1992], 41). A similar case in Arkansas was the basis for the film Brubaker (1980).

21. Derrick Bell describes the 1960s as a “second Reconstruction” in Silent Covenants, 195. He also claims, “Litigation and legislation intended to ensure fair trials, fair sentences, and human prison facilities has achieved little to none of the above” (Ethical Ambition: Living a Life of Meaning and Worth [New York: Bloomsbury, 2002], 166). Bell is at the forefront of a tradition of legal and historical critique that emerged in the 1970s in the wake of the failures of civil rights gains. Bell and others guard against overstating gains in racial equality, at times arguing that perceived advancements conceal greater injustices in criminal justice, education, and law. In the 1970s, Bell and Alan Freeman largely initiated the critique later known as critical race theory; other scholars working within this field include Richard Delgado and Jean Stefancic. See The Derrick Bell Reader, Delgado and Stefancic, eds. (New York: New York UP, 2005); Delgado and Stefancic, Critical Race Theory: An Introduction (New York: New York UP, 2001); Delgado and Stefancic, eds., Critical Race Theory: The Cutting Edge (Philadelphia: Temple UP, 1995); Crenshaw, Neil Gotanda, Garry Peller, and Kendall Thomas, eds., Critical Race Theory: The Key Writings That Formed the Movement (New York: New Press/Norton, 1995).


23. King III, 7.


25. Faulkner, Light in August, 288.


34. Louis Althusser, *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review, 1972), 169–74. Althusserian interpellation is largely addressed as a single authority hailing a single subject. The model of the judicial body in the APA declaration matches the sense of interpellation not as a singular call but as the interruption or summons offered in legislative assembly to one of its members. As we shall see in chapter 8, this plural and participatory sense of interpellation opens more possibilities than that those left available by Althusser.


36. There are latent historicist aspects to Lacanian psychoanalytic theory. A passage from among Lacan’s earliest work provides a sense of the subject in history offered in a manner that, coincidentally, speaks directly to imprisonment.
In a brief and highly elusive image of the trope of the prison as a model of subjectivity offered in “The Mirror Stage as Formative of the Function of the I,” likely the most fundamentally important essay with regard to the application of psychoanalytic approaches to cultural study, Lacan suggests that “the historical effort of a society to refuse to recognize that it has any function other than the utilitarian” produces a false liberty of imagined autonomy. Such individualism denotes “a freedom that is never more authentic than when it is within the walls of a prison” (Écrits: A Selection, trans. Alan Sheridan [New York: Norton, 1977], 6). Lacan rejects that naïve existentialist model to acknowledge the constructive force of history, which is only the first suggestion of the degree to which he regards psychoanalysis and history as paired disciplines, “both sciences of the particular” (51). He continues, “What we teach the subject to realize as his unconscious is his history—that is to say, we help him to perfect the present historization of the facts that have already determined a certain number of the historical ‘turning-points’ in his existence” (52). The equation of unconscious and history, the “historicization of the facts,” and the focus on formative “turning-points” recognized after the fact make this analysis of the subject something of a blueprint for historicist approaches developed and refined more than a quarter-century later.


38. Joan Copjec argues in Read My Desire: Lacan against the Historicists (Cambridge, MA: MIT UP, 1994) that historicism in the vein of Foucault makes marginal or lacks entirely the power of desire that psychoanalytic approaches make central. Lane’s work is divided between arguing for the relevance of psychoanalytic criticism in the study of works across historical periods and polemizing against historicism.


(University of Texas at Austin, 1 May 2003, and the University of Maryland, 7 November 2003).

43. Žižek offers an interpretation of Lacan’s pun, Unbewusste—une bévue, that casts such an oversight as at once symptomatic and constitutive of an unconscious participation in the real: “The unconscious is not a kind of transcendent, unattainable thing of which we are unable to take cognizance, it is rather [. . .] an overlooking: we overlook the way our act is already part of the state of things we are looking at, the way our error is part of the Truth itself” (The Sublime Object, 59). Yarborough’s analysis of black men in these historical films overlooks the pattern of racial control (slavery, jim crow, incarceration) that is not above or transparent in that history, but so visible as to not be seen.

44. Bruce Crowther, Captured on Film: The Prison Film (London: BT Batsford, 1989).


48. Ibid., 15.


51. Morris and Rothman, The Oxford History of the Prison, viii. Such criticism
is legion—see especially Melossi and Pavarini, who catalog much of the early debate in that regard in *The Prison and the Factory*.


58. Ioan Davies, *Writers in Prison* (Toronto: Between the Lines, 1990), 40, 189. Chevigny guards against that *misprision* when she acknowledges, “Though from a certain vantage point we all sit on death row, some of us know this better than others” (*Doing Time*, 301).

59. Such is the title of the first chapter of Franklin, *Prison Literature in America*.


Chapter 2

1. Faulkner, *Go Down, Moses*, 68.

2. Oshinsky, 232.

3. Faulkner described his fictional county in those terms in a 1955 interview (James B. Meriwether, ed., *Lion in the Garden: Interviews with William Faulkner, 1926–1962* [New York: Random House, 1968], 255). The description exactly parallels the description seven years earlier, in *Intruder in the Dust* and Lucas’s ownership of “the house and the ten acres of land it sat in—an oblong of earth set forever in the middle of the two-thousand-acre plantation like a postage stamp in the center of an envelope” (289). The likeness between Faulkner’s right to ownership and that of Lucas is suggestive in its cross-racial identification. There are many ways to describe the proprietorship of some small thing that is at once the sum of and the field for all one’s labor, after all, and Faulkner chooses the same for himself and Lucas, a black man and one of the writer’s most powerfully rendered characters.

4. The first edition of *Absalom, Absalom!* (New York: Vintage, 1986) opens with Faulkner’s hand-drawn map of his fictional county, a map that identifies the topography and the population: “Whites, 6298; Negroes, 9313.” Robert W. Kirk identifies twelve hundred characters in nineteen novels, as well as ninety-four shorter works, and one hundred seventy-five of these characters appear in multiple texts (*Faulkner’s People: A Complete Guide and Index to Characters in...*)

5. In 1963 Cleanth Brooks could write of Faulkner’s “masterpieces” and “greatest works” as bracketed in this period (William Faulkner: The Yoknapatawpha Country [New Haven and London: Yale UP, 1963], viii, ix). The books stay the same even while the descriptions and criteria change, as the New Criticism that Brooks played a part in inventing through reading Faulkner gave way to emphases on history and subjectivity. Twenty years after Brooks, Eric Sundquist argues, “Faulkner’s best work reflects a turbulent search for fictional forms” to address historical racial conflict (Faulkner: The House Divided [Baltimore: Johns Hopkins UP, 1983], ix–x). A decade later, Philip M. Weinstein contends that Faulkner’s best work is fulfilled in conflicts of subjectivity, and “Faulkner’s supreme novels are those in which the project of subjective coherence is under maximal stress” (Faulkner’s Subject: A Cosmos No One Owns [Cambridge: Cambridge UP, 1992], 2). This chapter takes up both matters of history and subjectivity, though with regard to aesthetic value, I am less certain than these critics that later work, particularly Requiem for a Nun (Faulkner: Novels 1942–1954 [New York: Library of America, 1994]), does not figure among Faulkner’s finest.


8. Between 1930 and 1942, 1,002 of those executed were white: 959 for murder, 20 for rape, and 23 for other offenses. One thousand thirty-four of the executed were black: 852 for murder, 165 for rape, and 34 for other offenses (U.S. Department of Justice, Sourcebook of Criminal Justice Statistics 2003 [State University of New York at Albany, online: http://www.albany.edu/sourcebook/pdf/t686.pdf]).


15. Ibid., 211.
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18. *Sanctuary*, 225, 229, 231, 236.
22. Faulkner, *Sanctuary* (New York: The Modern Library, 1932), vi. That introduction, one of the few Faulkner wrote, was included with the Modern Library edition of *Sanctuary* in 1932, though he thereafter recommended against its use. The 1993 Vintage edition describes that introduction as “misleading, but often quoted” to preface its reprinting (321). Some criticism takes issue with Faulkner’s seemingly low opinion of the work and place the novel among the writer’s finest; see André Bleikasten’s *The Ink of Melancholy* (Bloomington and Indianapolis: Indiana UP, 1990) and Philip Cohen’s “‘A Cheap Idea . . . Deliberately Conceived to Make Money’: The Biographical Context of William Faulkner’s Introduction to *Sanctuary,”* *Faulkner Journal* 3.2 (1988). Faulkner’s introduction suggests that he anticipated popular beliefs and “current trends,” which echoes eight years later in Wright’s description of his process of writing *Native Son*. Wright offers that he used “terms known and acceptable to a common body of readers, terms which would, in the course of the story, manipulate the deepest held notions and convictions of their lives. That came easy” (xxvii).
23. Erksine, 2.
24. Ibid., 8, 9.
29. Ibid., 122.
30. Ibid., 156.
32. Ibid., 323.
33. Ibid., 337.
34. Ibid., 119, 219.
35. Ibid., 448.
36. Ibid., 448.
37. Taylor, 86.
41. Oshinsky, 100.
45. Ibid., 339.
47. Guest, 135.
49. Guest, 135.
51. Ibid., 355.
56. Foucault, 272.
58. Some theorists identify individuation as a primary purpose of imprisonment. In an argument parallel to that of Foucault’s *Discipline and Punish*, Melossi and Pavarini describe the prison as a factory for the manufacture of a particular person, the transformation of the criminal “real subject” into a prisoner, an “ideal subject” disciplined to the designs of the state (144–45). Such a manufacture is viewed negatively here, though it is less a by-product of a
critique of punishment practices than of an analysis of the political economy of capitalism.

60. Faulkner, *Go Down, Moses*, 353.
62. Watson, 93.
64. Faulkner, *Go Down, Moses*, 360. More than either a Freudian or Lacanian subject, Gavin Stevens at the end resembles Deleuze and Guattari’s model in *Anti-Oedipus* of socially constituted selfhood, wherein a “schizophrenic out for a walk is a better model than a neurotic lying on the analyst’s couch” (2). A related account is offered by de Certeau in “A Walk in the City,” 97–110.
65. Faulkner sometimes spells the grandmother’s name as “Mollie,” other times as “Molly.”
67. Ibid., 364.
69. Ibid., 47.
70. Faulkner, *Go Down, Moses*, 360.
71. Ibid., 364.
72. Ibid., 365.
73. Ibid., 364.
75. Weinstein, 63–64.
79. Ibid., 316, 317.
81. Ibid., 50.

Chapter 3

2. In the first seventy years of the association’s history, two presidents
represented the South; between WWII and 1979, there were eight. In *Dixie Rising: How the South Is Shaping American Values, Politics, and Culture* (New York: Time Books/Random House, 1996), Peter Applebome describes the expansion of Southern policies and practice, particularly how divides over civil rights split the Democratic party, sending many conservative Democrats to the right and making Southern states largely Republican. Of course, Malcolm X in his April 3, 1964 speech, “The Ballot or the Bullet,” reprinted in *Malcolm X Speaks: Selected Speeches and Statements*, George Breitman, ed. (New York: Pathfinder, 1989), predicted that very split for those exact reasons, even foretelling the expansion of violent riots that summer (23–44).

3. The 1964 Civil Rights Act proved a turning point in the federal government’s “hands-off” policy for the oversight of state prisons. The Arkansas ruling in *Holt v. Sarver* (1970) was the broadest of several states’ similar findings. Earlier rulings focused particularly on the First Amendment rights of black prisoners. U.S. prisons tried to bar the religious practices of Black Muslims in the early 1960s, but the federal courts upheld the latter’s religious freedom in *Pierce v. LaVallee* (1962, 1963) and *Sewell v. Pegelow* (1962).


7. The most dismissive read Cleaver’s description, “Rape was an insurrectionary act,” as a rationalization and seem to stop there, never getting as far as his admission that he was wrong, sick, and evil—see 3, 34–35. George Jackson in *Soledad Brother* similarly situates his own crime of robbery as revolution: “When the peasant revolts, the student demonstrates, the slum dweller riots, the robber robs, he is reacting” (179). Unlike Cleaver, he does not admit the larger wrongdoing of his act. However, that lack of apology is likely a consequence of the disparity between his crime of stealing $70 and the sentence he received, one year to life.

8. According to Franklin’s “The Literature of the American Prison,” prison practices in the United States so disproportionately have contained black men that the African-American literature written on the margins of dominant culture paradoxically has proven the dominant discourse within prison literature (51–52). Deleuze and Guattari’s definition of a minor literature offered in *Kafka: Toward a Minor Literature* (Minneapolis: U Minnesota P, 1986) illuminates the rhetorical position of prison writers such as Cleaver—and in a more mediated fashion, the prisoners who represent themselves in *The Farm* and “Live from Death Row” in chapters 7 and 8. Deleuze and Guattari identify three characteristics of minor
literature: the articulations of the oppressed in the language of the oppressor, which they relate specifically to “blacks in America today”; the political nature of writing and its implication in social conflicts and asymmetrical power relations; and the collective value and political expression of writing, as “literature is the people's concern” (16–17). These are precisely the terms M. Karenga uses to define African–American cultural expression in “Black Art: Mute Matter Given Force and Function,” in The Norton Anthology of African American Literature, Henry Louis Gates Jr. and N. Y. McKay, eds. (New York: Norton, 1997), 1973–77. In The Political Unconscious, Jameson similarly privileges resistant discourse, which he also explicitly associates with “black language,” one of the “still vital sources of language production,” prior to its assimilation by dominant language use (87).

9. Himes, “The Meanest Cop in the World” and “On Dreams and Reality,” The Collected Stories of Chester Himes (New York: Thunder's Mouth Press, 1991), 209–13, 214–26. In contrast, Malcolm X notes in his autobiography, “I can't remember any of my prison numbers. That seems surprising, even after the dozen years since I have been out of prison. Because your number in prison became part of you. You never heard your name, only your number. On all of your clothing, every item, was your number, stenciled. It grew stenciled on your brain” (152).


13. Ibid., 15, 19.


list of troublemakers: “resistors, draft dodgers, professional agitators, communists, hippies and revolutionaries [. . . and] former prisoners, militants, far-out liberals, subversives, and even a few clergymen, educators and social workers,” whose “delight in fomenting unrest” he parallels with “drunken Mexicans” rioting in prison (62–63). Presidential addresses remain significantly less reactionary and racist through this twelve-year period.

17. Sloop, 16, 63, 91.
24. The Goldman Panel supervised the prisons directly after the riot. The McKay Commission held public hearings in April 1972 in a broader examination of the state’s practices and concluded by criticizing the violent response and Rockefeller’s failure to visit the prison in person. The “Rights of People” session at the 1972 ACA conference focuses largely on the rights of corrections officers and administrators (American Correctional Association, 1972, 136–51). The shift between the 1968 meeting in San Francisco and four years later in Pittsburgh is significant, and the violence of Attica likely set the tone for the 1972 opening address. The Governor of Pennsylvania, Milton J. Shapp, rather than begin with the customary congratulatory remarks saluting the ACA, begins with a vignette of a furloughed youth raping and murdering a young girl (“Governor’s Address,” Proceedings of the One Hundred and Second Annual Congress
of Correction of the American Correctional Association, 1972 [College Park, MD, 1972], 1).


29. Ibid., 181–82.


34. One lengthy presentation in 1974, by far the longest of that year’s conference, by West Virginia Warden Donald E. Bordenkircher, titled “Prisons and the Revolutionary,” manages to at one moment decry McCarthyism and then lay the blame for grassroots and inmate-led prison reform movements at the feet of the Communist Party (Proceedings of the One Hundred and Fourth Annual Congress of Correction of the American Correctional Association, 1974 [College Park, MD, 1974], 109–17, 132. The next year, Robert H. Fosen dismisses the term “political prisoner” in an aside as a wholly pejorative bogeyman, designating a black man who is “loud and demanding, half articulate, aware of his rights and blind to the rights of others” (“Accreditation: A New Challenge to the Old Dilemma,” Proceedings of the One Hundred and Fifth Annual Congress of Correction of the American Correctional Association, 1975 [College Park, MD, 1975], 31).

35. The legislation of that model takes place in Senate Bills 1437 and 2699, among others introduced there and in the House between 1976 and 1984, which provided for standardized rather than indeterminate sentencing and deemphasized parole. These efforts culminated in the Sentencing Reform Act of 1984. Those “just desserts” reforms were the consequence of, on the one hand, liberals
who were critical of what they perceived as harsher sentences for minority criminals and, on the other hand, conservatives adopting a “tough on crime” posture—see Roy D. King, “Prisons,” Michael Tonry, ed., 592–93.

36. Cleaver, Soul on Ice, 98–100.

37. In Écrits: A Selection, Alan Sheridan translates Lacan’s manque as “lack”—with the exception of “the expression, created by Lacan, manque-à-être, for which Lacan himself proposed the English neologism ‘want-to-be’” (xi). Bruce Fink similarly clarifies “want in being or want to be” as distinct from “lack of being” (The Lacanian Subject: Between Language and Jouissance [Princeton: Princeton UP, 1995], 103). Without the dashes, the phrase emphasizes lack more than the impossible desire to fill the lack; with the dashes, then, manque-à-être emphasizes the desire rather than the absence in Lacanian subject formation.

38. Deleuze and Guattari, Anti-Oedipus, 14, 21.

39. Ibid., 23.

40. Ibid., 381.

41. Cleaver, Soul on Ice, 35.

42. Ibid., 36.

43. As determined in Coffin v. Reichard (1944), “A prisoner retains all the rights of an ordinary citizen except those expressly, or by necessary implication, taken from him by law.” However, that affirmation of rights must be read in conjunction with Price v. Johnston (1948): “Lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the considerations underlying our penal system.” Prisoners’ rights as citizens are both retained and withdrawn.

44. Deleuze and Guattari, Anti-Oedipus, 136–37, 389n64. Wideman similarly describes his goal in Brothers and Keepers as the “attempt to break out, to knock down the walls” (18).

45. Cleaver, Soul on Ice, 36.


47. Deleuze and Guattari, Anti-Oedipus, 270.

48. Cleaver, Soul on Ice, 21, 29.

49. Ibid., 30.

50. Ibid., 30–31.


52. Cleaver, Soul on Ice, 49, 51.

53. Rout, 10.

54. Cleaver, “Flashlight,” 120.

55. Ibid., 124.

56. Ibid., 302.

57. Playboy (December 1969), 288.

58. Ibid., 288.

59. Cleaver, Soul on Ice, 183–220.

60. Ibid., 191.
61. Ibid., 219. The analysis has a clear debt to Fanon. Cleaver refers to Fanon’s *The Wretched of the Earth* as the “Black Bible,” and the relationship between black men and white men in Cleaver’s model here demonstrates how “historical and economic realities come into the picture” when Fanon adds race to Lacanian identification in *Black Skin, White Masks* (161). According to Fanon, the anxiety of white masculinity produces its own fulfillment: “Projecting his own desires onto the Negro, the white man behaves ‘as if’ the Negro really had them” (165).

62. Cleaver’s paean to black women in the final chapter reads as something of an apology both to racist misogyny in general and to Cleaver’s own involvement with Beverly Axelrod, his white lawyer. His painfully derisive descriptions of homosexuality are numerous and have received comment elsewhere, as in Amy Abugo Ongiri’s “We Are Family: Miscegenation, Black Nationalism, Black Masculinity, and Black Gay Cultural Imagination,” in *Race-ing Representation: Voice, History, and Sexuality*, Kostas Myrsiades and Linda Myrsiades, eds. (Lanham, MD: Rowman & Littlefield, 1998), and Shelton Waldrep’s “‘Being Bridges’: Cleaver/Baldwin/Lorde and African-American Sexism and Sexuality,” *Critical Essays: Gay and Lesbian Writers of Color*, Emmanuel S. Nelson, ed. (New York: Haworth, 1993). What has not received much attention is how the predatory homosexuality endemic among men in prison might shape Cleaver’s perceptions.


64. Cleaver, *Soul on Ice*, 217.

65. Ibid., 217.


68. Ibid., 337.

69. Park, 112.

70. Fox, 180; Struckhoff, 188.

71. Cleaver, *Soul on Ice*, 185, 229. The bodily convulsions brought on by the tension of history also have a parallel in *The Executioner’s Song*. Larry Schiller debates whether or not to agree to sell his firsthand exclusive account of the execution for $125,000, and his deliberations focus on “true history” versus “journalistic crap,” a tension that he internalizes. He finally rejects the monetary reward, quite literally rejecting such “crap” in a wild episode of diarrhea before he turns down the deal (857–59).


74. Ibid., 283, 136, 283, 27.


76. Ibid., 3.


79. Cleaver's analysis of racial struggle in the 1960s leads him to an extended quote from Frederick Douglass's Fourth of July speech juxtaposed with a gloss of *Uncle Tom's Cabin*. That turn to Stowe anticipates her critical reevaluation in the 1970s and 1980s, although his reading of the popular response to *Uncle Tom's Cabin* remains flat-out inaccurate: the "most alienated view of America was preached by the Abolitionists, and by Harriet Beecher Stowe in her *Uncle Tom's Cabin*. But such a view of America was too distasteful to receive wide attention" (76). Upon its publication, Stowe's novel received very wide attention in terms of both sales and popular comment.


81. Ibid., 117.

82. Ibid., 137.


Chapter 4


3. Mailer’s *The Armies of the Night* offers similar challenges of genre. Its own categorization is “History/Writing,” and its jacket praise includes that of the New York Times Book Review: “Only a born novelist could have written a piece of history so intelligent, mischievous, penetrating, and alive.” *Time* offers that the book is “worthy to be judged as literature.”

4. In 1972, *Furman v. Georgia* reversed the death sentences of two men convicted in Georgia, one for murder and one for rape, and of another man in Texas convicted of rape. Such sentences for black men convicted of rape echo the similar circumstances of the United States during the 1930s addressed in chapter 2. The 5–4 decision was contested bitterly, resulting in nine separate opinions.


7. Mailer, *Armies*, 51, 190. Mailer clarifies his response as “a miserable recognition, and on many a count, for if he felt even a hint this way, then what immeasurable tides of rage must be loose in America itself?” (51). He reiterates the point later even as he defends its basis: “Of course that was why he was getting tired of hearing of Negro rights and Black Power—every Black riot was washing him loose with the rest, pushing him to that point where he would have to throw his vote in with revolution—what a tedious perspective of prisons and law courts and worse; or stand by and watch as the best Americans white and Black would be picked off, expended, busted, burned and finally lost” (187). Mailer wants to cover his bases, to defend even a borderline-racist refusal to identify himself with blackness in terms of hesitant sympathy for revolution: “And all the Left-wing Blacks would be his polemical associates—the Lord protect him!” (214). Cleaver proved more unified in his cross-racial political allegiances, as his presidential campaign with the Peace and Freedom Party demonstrated an alliance between its mostly white membership and the Black Panthers.


13. Ibid., 1024–25.


15. Dee, 84. Gregg Easterbrook makes the same point in the exact same terms in “It’s Unreal: How Phony Realism in Film and Literature Is Corrupting and Confusing the American Mind,” *Washington Monthly* (October 1996). Easterbrook castigates another “true story” account of multiple murder in terms he might apply to Mailer as well, suggesting that *In Cold Blood* muddies “the lines of realism and the invented not so much in the pursuit of an otherwise unobtainable truth (as Truman Capote initially claimed about *In Cold Blood*) but in pursuit of an improved story that would call attention to the writer (as Capote later admitted was his real goal)” (42).

16. Mailer’s use of news excerpts works slightly differently from that of John Dos Passos in *U.S.A.* (New York: Random House, 1937). The accounts in that novel provide a texture of the historical real, commenting on coincident events as a gesture between history and fiction and a testament to the “truth” of the latter. *The Executioner’s Song*, with its emphasis on the narrativization of history, attests
not only to the narrative equivalency between the novel’s events and the news excerpts, but also to mutual causality. By including more-complete excerpts and the process of narrativization, Mailer’s gambit is that of realer-than-thou, which, in a different context, Phil Barrish suggests is a transhistorical phenomenon in U.S. letters, in *American Literary Realism, Critical Theory, and Intellectual Prestige, 1880–1995* (New York: Cambridge UP, 2001).

17. Wright, xxviii.
19. Ibid., 1051–52.
20. Ibid., 1051.
21. Ibid., 1053.
22. Merrill, 129.
24. Mark Edmundson views the bond between writer and written as that of “Romantic Self-Creations: Mailer and Gilmore in *The Executioner’s Song,*” *Contemporary Literature* 31.4 (1990)—an account Merrill also suggests. David Guest goes the furthest in reading author and object alike as in the romantic outlaw’s double-bind of resistance. If Gilmore disavows his own self-determination and agency, he might receive a life sentence; if he declares himself the sum of his actions, he pits himself against the state in a contest that at once asserts his importance (*he is so dangerous* that the state must kill him) and condemns him (*he is so dangerous that the state must kill him*). Guest in his critique conflates character and author: “The more Gilmore and Mailer advertise their outlaw status, the more they participate in the work of the police” (168). However, it hardly seems necessary to read author and subject in the same double-bind, particularly as it is Gilmore who actually is killed by the authorities.

26. Ibid., 348.
28. Ibid., 834.
29. Ibid., 851, 496.
30. Ibid., 1049, 1050, 1051–56.
31. Ibid., 106, 235, 305. Later, Gilmore again describes his soul as more “evil” than most, that he is “further from God” and “would like to come closer” (833). The description resonates with the words of a prisoner from the documentary *The Farm* examined in chapter 7; inmate John Brown admits that he would like to live like Christ, but he does not know “if I got that far yet.”
32. Ibid., 600.
33. Ibid., 714.
34. Ibid., 719, 857, 859.
35. Jennifer Roscher also suggests: “Perhaps the novel is more of an autobiography with Lawrence Schiller [. . .], standing in for Mailer, representing the (im)possibility of narrating a life,” in “The Ambivalence of *The Executioner’s Song*: Postmodern Captivity from Death Row,” D. Quentin Miller, ed., *Prose and Cons*, 221.


41. When the policeman Nielsen questions Gary as to why he shot the two men, Gary can never offer any satisfying answer as to why them, why there: “I don’t know. I don’t have a reason”; “I don’t know”; “It was there” (ibid., 288).

42. Ibid., 715, 799.

44. Ibid., 603.

45. Ibid., 627.

46. Ibid., 651.

47. Ibid., 711–12.


50. Ibid., 831.

51. Ibid., 703.


54. Ibid., 773.

55. Ibid., 639.

56. Ibid., 784.


58. Ibid., 872.

59. Ibid., 873.


62. Ibid., 983.

63. According to the online magazine *Crime*, Gilmore’s case set a precedent
for voluntary executions, which accounted for approximately one-eighth of executions in the late 1990s (Robert Anthony Phillips, “Volunteering for Death: The Fast Track to the Death House,” *Crime* magazine [online: http://crimemagazine.com/deathrowvolunteers.htm]). Then—death row prisoner Mumia Abu-Jamal addresses this topic but challenges the prevalence of the phenomena in the essay “The Demand for Death” in *Live from Death Row* (Reading, MA: Addison-Wesley, 1995), 103–5. Wilbert Rideau offers a rich analysis of the social poverty of life imprisonment in “Conversations with the Dead,” an essay that closes with an exchange between two prisoners serving life sentences at Angola: “‘You know,’ Billy said, ‘I’m convinced that Gary Gilmore was trying to tell us something.’” Rideau responds with a simple, “Yep” (*Life Sentences*, 71). The 1978 *Angolite* article in which Rideau’s account first appeared won the American Bar Association’s Silver Gavel Award, given to the “communications media that have been exemplary in helping to foster the American public’s understanding of the law and the legal system” (American Bar Association, “Awards and Contests” [online: http://www.abanet.org/publiced/gavel/home.html]). This was the first time a prisoner had ever received the award.

68. Ibid., 108–9; King, 591. Martinson sought to redress those misconceptions, and his research is among the most frequently cited in ACA presentations of the late 1970s. Nevertheless, the damage had been done; a 2000 *Newsweek* cover article points to Martinson’s research as providing the “intellectual rationale” for shifting from a treatment model to more frequent and longer prison sentences (Ellis Cose, “The Prison Paradox,” *Newsweek* [13 November 2000]: 48).

Chapter 5

1. According to Daniel Frampton, founding editor of the online journal *Film-Philosophy*, “The quote is actually transcribed from Ian Christie’s British television program called *The Last Machine*” (http://www.driftline.org/cgi-bin/

2. Schiller, The Executioner’s Song (Film Communications, 1982); Mikal Gilmore, Shot in the Heart (New York: Doubleday, 1994); Agnieszka Holland, dir., Shot in the Heart (HBO, 2001). In addition, 2005 and 2006 saw the release of the prime-time series Prison Break (Fox) and InJustice (ABC).


5. The number of people in state prisons by year and type of crime are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Violent</th>
<th>Property</th>
<th>Drug</th>
<th>Public Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>173,300</td>
<td>89,300</td>
<td>19,000</td>
<td>12,400</td>
</tr>
<tr>
<td>1999</td>
<td>570,000</td>
<td>245,000</td>
<td>251,200</td>
<td>120,600</td>
</tr>
</tbody>
</table>


12. Quoted in Schlosser, 52.
13. Then-U.S. Attorney, former U.S. Associate Attorney General, and later New York Mayor Rudolph W. Giuliani’s opening remarks at the height of the Reagan era prove a rare exception, as he points to the increasing prison population as the cause for decreasing crime. He describes criminality as a matter of the “soul” and of individuals rather than social groups (“Keynote Address,” Proceedings of the One Hundred and Fifteenth Annual Congress of Correction of the American Correctional Association, 1985, 1–4). The only general addresses that maintain such a conservative tone during this time are those of federal government officials appointed by the Reagan and Bush administrations.


21. Ibid., 96, 97.


25. Ibid., 92. He returns to this point in his keynote address the subsequent year, when he offers an anecdote of two women, one released from jail and the other leaving gang life. Each responds to mentorship and joins a larger community, a “we.” Wilkinson claims that we “recognize ourselves in these stories,” though the identification is with the mentoring organization, not the women themselves (Wilkinson, “Tools,” 11). This differs from the more radical suggestion to identify with prisoners, which he makes in his speech the previous year, itself an echo of the call for prison administration and staff to identify with prisoners offered in 1929 and 1972 conference presentations (Farrar, 349; E. Eugene Miller, 171–74).


27. Rafter, 137.


29. Such corporate integration and the formation of media conglomerates can lend itself to conspiracy theory regarding the culture industry in the vein of Horkheimer and Adorno. Certainly, the mergers have a clear economic downside in terms of inflated CEO salaries coupled with the layoffs that occur in corporate mergers. The degree to which vertical and horizontal monopolies limit artistic freedom is a far more complex matter. For example, Liz Garbus offers accolades of the Time Warner cable company HBO in interview: “HBO is a very special place. They really support the filmmaker’s vision. They give you the support you need, and if your film wants a longer schedule because it’s gonna be a better film with a longer schedule, they’ll give that to you. They’ll give you another year. And their notes are always so helpful and great. It was like heaven making a film with them” (qtd. in Liz Stubbs, *Documentary Filmmakers Speak* [New York: Allworth Press, 2002], 122). On the other hand, it would be difficult to argue that Rupert Murdoch’s Fox News has not tilted television news to conservative punditry.

30. Loren Hemsley, personal e-mail to author (16 December 2000).


Lentini proposes that the film features a retrograde American history of racism, although some other reviewers offer acclaim. Lentini cites a Beat magazine review as describing the Amnesty International plans (52). An online forum of predominantly young adult film viewers mentions that the film both has been and should be screened in high schools as an educational tool. The discussion among seven members began when one post raised the question of whether or not the film is based on a true story (For the Ravers, “American History X [Messages]” [online: http://www.fortheravers.com/forum/viewtopic.php?TopicID=1712]). Sean O’Sullivan points out that American History X is “widely used as a basis for discussion across a variety of courses in American universities and in other educational settings (“Representations of Prison in Nineties Hollywood Cinema: From Con Air to The Shawshank Redemption,” Howard Journal of Criminal Justice 40.4 [2001]: 322).

O’Sullivan offers a related argument regarding American History X, although his account of the film is both brief and highly derivative of one of his sources, an online review of the film posted to www.prisonflicks.com.


de Certeau, 102.

Brooks has fulfilled this role before, as he played Uncle Tom in the television adaptation of Harriet Beecher Stowe’s novel in 1987.

The MPAA claims that representations of sex and violence merit similar treatment in their ratings decisions, but casual viewing suggests otherwise, as does a 2002 study by Ron Leone of two hundred ten sequences from thirteen films (“Contemplating Ratings: An Examination of What the MPAA Considers ‘Too Far for R’ and Why,” Journal of Communication 52.4 [2002]).


The Internet Movie Database top two hundred fifty is compiled from ratings based on a minimum of 1,250 votes by regularly contributing users. The ranking is based on a “Bayesian estimate” that includes factors of the movie’s mean rating, the number of votes, the minimum number of votes, and the mean vote among all films on the Internet Movie Database’s “Top 250 Films as Voted By Our Users” (online: http://www.imdb.com/top_250_films).


Chapter 6

Notes to Chapter 6


10. The journal *History and Theory* for much of the 1990s grappled with how to “tell” history responsibly after the challenges to narration, history, and authoring posed by critical theory in a postmodern vein of the 1970s and 1980s. In a special issue devoted specifically to film, Marita Sturken argues in “Reenactment, Fantasy, and the Paranoia of History: Oliver Stone’s Docudramas,” *History and Theory* 36.4 (1997), that Oliver Stone’s docudramas do not tell the difference between imagination and reality. In an interview, documentary filmmaker Jill Godmilow sides with Paula Rabinowitiz, that the “real” of documentary often follows the conventions of fictional narrative film (“How Real Is the Reality in Documentary Film? Jill Godmilow, in Conversation with Ann-Louise Shapiro,” *History and Theory* 36.4 [1997]: 80–81). Even Liz Stubbs, when championing documentary, describes their truth-value in terms quite similar to Rabinowitz’s, xi.


12. In the critique of the Courtroom Television Newtwork, “TV or Not TV—That Is the Question,” *Journal of Criminal Law & Criminology* 86.3 (Spring 1996), Christo Lassiter argues that news cameras in the courtroom undermine the judicial process, overly politicizing it.


15. All of Jewison’s comments on the film are from director’s commentary available on the DVD release of *The Hurricane*. Such special features are a valuable tool for film criticism, although they are far from serving as any authoritative last word. That is, accounting for them presents no return to auteur theory, and it would be a mistake to read them as a record of directorial intent; such voiceovers are, after all, recorded after the film is complete and included for the most part to boost DVD sales.

16. Steel, 8; Ebert, “*The Hurricane* [Review].”

17. “In the Eye of *The Hurricane*, 60.


19. In sorting those various actualities, I draw from Hirsch’s biography of Carter, especially chapters 13 and 14, “Final Judgment” and “The Eagle Rises,” as well as Jewison’s directorial comment on the DVD release of the film.


21. Carter’s argument is more in line with Deleuze and Guattari’s claim in *Anti-Oedipus* that lack is not an a priori condition but is instead “created, planned, and organized in and through social production.” It is never primary,” 29. In effect, Carter’s self-sustaining strategy relies on an antioedipal formulation of desire to maintain his oedipal autonomy, which short-circuits itself. His reintroduction to history occurs with his reintegration to social participation outside the prison through freeing the blocks to the circulation of desire, which Deleuze and Guattari characterize as the first order of schizoanalysis.

22. The cast and crew first tried shooting the second episode with two Washingtons in the cell, like the first, but the director felt that it did not work. Instead, Jewison himself stood off-camera in the cell and read the other Carter’s lines, and Washington responded to them. The other Hurricane’s dialogue was looped later in postproduction. Whether historical accident or an unconscious endorsement of consciousness made manifest in the social rather than singular, Jewison so participating in Washington’s performance of Carter’s mind seems far more Deleuzo-Guattarian than Lacanian.

23. Carter, 310.


25. From 1962 to 1999, three actors have won Academy Awards in Jewison’s films: Rod Steiger for *In the Heat of the Night* (1967), and Cher and Olympia Dukakis for *Moonstruck* (1987). However, for Washington’s portrayal in this “most original and powerful” of scenes, Jewison then ascribes its excellence to the camera and the editing.

26. In another connection, Spike Lee, who directed *Malcolm X*, directed Norton in *25th Hour* (40 Acres & a Mule/Touchstone, 2002), chronicling his character’s last twenty-four hours before going to prison—a tight parallel of Norton’s character in *American History X* and its chronicle of his character’s first twenty-four hours after prison.

27. Presumably, these are the sorts of depictions the American Correctional
Association seeks to challenge. The organization’s mission statement as of 2002 includes eight goals, the sixth of which is to “enhance positive public perception of the corrections field” (ACA, “Vision Statement” [online: http://www.aca.org/images/doc_vision statement2.pdf]).

28. Understanding the film in these terms challenges O’Sullivan’s claim of a subversive subtext inhabiting the rehabilitation narrative of *The Shawshank Redemption* (326–27).

29. The closing shot of the New York Supreme Court motto is a recapitation of the opening shot of Sidney Lumet’s *12 Angry Men* (Orion-Nova/UA, 1957), where Henry Fonda leads the jury from an 11–1 straw vote to convict to a 12–0 verdict of innocence. Where Lumet’s film opens with the quote and reproduces in nearly real time the jury’s deliberations, Jewison closes with it and has the film drastically telescope almost two decades of imprisonment.

30. Not all stories of prisoners are consolidated so completely. The material of Gary Gilmore’s story is divided among three of the largest media conglomerates. Mailer’s novel is published by Random House, and Doubleday, a division of Random House, offers Mikal Gilmore’s account. However, the German media giant Bertelsmann is the parent company of Random House. HBO, a division of Time Warner, produced and distributed the television movie adaptation of *Shot in the Heart*, while the television movie version of *The Executioner’s Song* is an NBC Universal (General Electric) property. With Viacom, Disney, Sony, and News Corp. (Fox), the seven companies control the vast majority of media communications in the United States and internationally: their collective holdings include film, television, music, and book publishing—both the intellectual properties and the means of distribution, from theaters, to video rentals, to the video stores, to cable networks, to the cable itself. However, as Liz Garbus points out of HBO’s production of *The Farm*, such ownership does not necessarily limit artistic freedom.

Chapter 7

1. Rideau, then serving a life sentence for murder at the Louisiana State Prison, rose to national prominence as the editor of the highly acclaimed prison magazine *The Angolite*. His journalism there merited him several awards, including the American Bar Association’s Silver Gavel Award, and he coauthors with fellow Angolite editor Wikberg *Life Sentences*. That prominence possibly extended his time in prison. His fame may have delayed his release, as several boards recommended his pardon, but no governor signed it. According to former Louisiana Governor Edwin Edwards, “In my judgment, I think he has effectively forever barred any possibility for clemency because of his self-generated press. That’s unfortunate, because that should not be a consideration” (*The Angolite* [July/August 1990]: 34). A new trial led to his 2005 release as it reduced his earlier conviction to manslaughter, the maximum penalty for which he had already served in his forty-four years at Angola.

3. It received the Grand Jury Prize at the Sundance Film Festival and two Emmy Awards, and it was named Best Documentary by The National Society of Film Critics, The New York Film Critics Circle, and The Los Angeles Film Critics Association.


7. Ibid., 84.


10. Stubbs, 110, 111.

11. Ibid., 120.

12. Lewis (online).


14. Lewis (online).


16. The Angolite (July/Aug. 1990), 34.

17. Lovell’s review in the industry trade Variety claims that the scene “will have viewers shaking their fists at the screen” (online). The Film Journal describes the scene as “startling” (Maria Garcia, “The Farm [Review],” The Film Journal Review [online: http://www.filmjournal.com/PublSystem/objects/MovieCommon/_detail.cfm/StructID/10212050]). Lewis addresses it at length in her introductory comment preceding an interview with Garbus (online).


22. Ibid., 25.

23. Garcia (online).

25. Ibid., 249–53.
26. Ibid., 253.
27. Oliver Stone’s films, particularly *Natural Born Killers* (1994), are a lightning rod for such criticism, as are war films such as *Saving Private Ryan* (1998).
28. Lewis (online).
29. Brockway was the president of the National Prison Association in 1898 and frequently cited in its annual conferences through the twentieth century as one of its most important early leaders.
31. Garbus says of her and Stack’s directorial intentions in the film that it was an effort “to get a view from the inside—which of course we never can, because we’re not locked up” (qtd. in Anthony Kaufman, “An Interview with Jonathon Stack and Liz Garbus of the *The Farm*,” Indiewire.com [online: http://www.indiewire.com/people/int_Farm_The_980126.html]). Rideau was then a life prisoner at Angola, and the extent to which the direction is his therefore locates the film as prisoner discourse. However, he was far less a part of the editing, and this was a film Garbus acknowledges as “made in the editing room” (Stubbs, 120). That split in its production leaves ambiguous the film’s position in and out of prison writing.
32. de Certeau, 148.
33. This litany of theorized interpretations runs a double risk, on the one hand that of specious appropriation, and on the other a pretense of mastery over a broad array of challenging discourses. Their incorporation here is focused in the confluence of imagined and actual prisons and the deployment of an inmate identity. I leave the reader to judge the use here less on the breadth of reach than the merit in application.

Chapter 8

3. The October 9, 1999, performance benefited the Diversity Institute, a division of the School of Social Work at the University of Texas at Austin. It
was offered more conventionally in September 1999 and then again in January 2004.


6. Harlow, Barred, 181–82; emphasis added.

7. Ibid., 184.

8. Ken Webster, e-mail to author (30 September 2003).


10. Himes, The Collected Stories, 195. In Adams v. Texas, young white prisoner Randall Adams describes a similar situation where his jury differs from him in terms of age and class: “Most of them were well past middle age and lived in the more affluent Dallas suburbs. In theory, they were my peers” (70).

11. The New Abolitionist, a newsletter sponsored by the same organization that sponsors “Live from Death Row,” was among the first to chronicle failures of public defenders in the 1990s, including a court-appointed lawyer repeatedly falling asleep while defending a man facing a murder charge (Alex Roth, “The Politics of Execution: Interview with Stephen Bright, Part 2,” The New Abolitionist 2.5 [1998, online: http://www.nodeathpenalty.org/newab009/brightPt2.html]).


18. Davies, 120.

19. Cleaver, Soul on Ice, 34, 35.

20. Descriptions of forced sex are a regular means of conducting a sort of
theater of cruelty to confront an audience with pain. Rideau’s chronicle of rape in men’s prisons in “The Sexual Jungle,” originally printed in The Angolite and reprinted in Life Sentences, includes the most graphic horror of the collection. American History X draws on the social cachet of representing such violence in Derek’s prison rape scene.


23. Mailer, The Executioner’s Song, 997.


27. Elam, 12, 14, 128.


31. Such an account is in accord with Habermas’s theorization of public spheres as enabling rather than precluding social action, in The Structural Transformation of the Public Sphere, trans. Thomas Burger and Frederick Lawrence (Cambridge, MA: MIT UP, 1993). He points out that such spheres are constructed: “Today occasions for identification have to be created—the public sphere has to be ‘made,’ it is not ‘there’ any more” (201). One might contest “any more,” the possibility that at some earlier point in history such homogenous publics could be engaged in medias res. In a related context—and in yet another example of the metaphorical prison overwriting actuality—potential public spheres are framed in terms of the prison visiting room: written with power, simultaneously bringing together and keeping apart the inside and out. In “On Negt and Kluge,” Jameson describes the boundaries that distinguish each within that space: visitors from outside, prisoners from inside are constrained within a system of rules regulating contact (“On Negt and Kluge,” The Phantom Public Sphere, ed. Bruce Robbins [Minneapolis: U Minnesota P, 1993], 72). “Live from Death Row” in its actuality evacuates the rhetorical force of such a metaphorical prison.

32. Foucault, Discipline, 30.


35. Mailer, The Executioner’s Song, 675, 677; 916; 974, 979, 980, 981. The Farm
features prison officials rehearsing John Brown’s lethal injection, joking among themselves as they do so.

37. Clemons and Jones, 30.

**Conclusion**

1. However, it is not impossible for such recognition to take place. Cleaver’s rhetorical flourishes and ingenuous loops and dips in prose, as well as his invitations to cross-racial identification, invite nonprisoners to recognize themselves in *Soul on Ice*. The Farm’s sympathetic portrayal of inmates encourages viewers not only to look to them, but, in the cases of Tannenhill and Witherspoon, look up to them.

2. Brooker, 70.

3. Oshinsky, 100.


5. The violent police suppression of civil rights activists in particular and black neighborhoods in general in the early 1960s merits Rubin Carter’s widely publicized comments—taken out of context—regarding killing policemen offered in Carter’s autobiography, *The Sixteenth Round*, 226; the scene also appears in the film *The Hurricane*. The violence he imagines for rhetorical effect became actual shoot-outs between some of the Black Panthers and the Oakland police from 1967 to 1973, the responsibility for which remains bitterly contested, but which contributed to the fear of black militancy exhibited in the American Correctional Association transcripts in the early 1970s. The social tensions producing such violence as a recurrent phenomenon see their reiteration in the similarly contested shooting that led to Abu-Jamal’s imprisonment.


7. While the Department of Justice acknowledges these declines as cited in chapter 5, they nevertheless attribute increasing prison and jail populations to violent crime: “Over half of the increase in State prison population since 1995 is due to an increase in the prisoners convicted of violent offenses” (“Over Half of the Increase in State Prison Population Since 1995 is Due to an Increase in the Prisoners Convicted of Violent Offenses,” Bureau of Justice Statistics [online: http://www.ojp.usdoj.gov/bjs/glance/corrtyp.htm]). However, elsewhere, that increase is described in more specific terms that clarify the alleged increase. According to the U.S. Department of Justice, “At the end of 2000, 49% of State prisoners were serving time for violent offenses, up from 47% in 1995” (“Prisons in 2002,” Bureau of Justice Statistics [online: http://www.ojp.usdoj.gov/bjs/abstract/p02.htm]). Furthermore, other Department of Justice figures demonstrate that the rate of offenses has declined steadily, reaching its lowest level ever in 2002 (“Violent Crime” [online]). In addition, by shifting the focus strictly to state prisoners rather than a combination of federal prisoners, these particular figures ignore the fact that more than 40 percent of people
accused of a federal crime are charged with a drug offense, according to federal officials (John P. Walters, Executive Office of the President, Office of National Drug Control Policy, “Cocaine” [online: http://www.whitehousedrugpolicy.gov/publications/pdf/ncj198582.pdf, 3]). Other federal accounts place this proportion at 60 percent, according to the U.S. Sentencing Commission, Special Report to the Congress Cocaine and Federal Sentencing Policy (U.S, 1995, online: http://www.usc.gov/crack/exec.htm., chapter 3). Some anecdotal evidence suggests that the harsher federal penalties for drug offenses encourage zealous or politically aspiring prosecutors to shift trials to the federal courts.


9. Walters, 3.
10. U.S. Sentencing Commission, chapters 7 and 8, appendices B and C.
15. Bell, Silent Covenants, 45–46.
17. Wilkins, 111.
18. Lehman, 77.
21. Property crime has declined steadily since the expansion of imprisonment. No correlation has been demonstrated authoritatively between rates of imprisonment and the commission of crimes of theft or violence. Ruth Wilson Gilmore traces the expansion of California’s prison system, identifying the economic factors and cultural costs of the twenty-two prisons the state built at roughly $300 million apiece in the 1980s and 1990s (1998, 171–72). Abu-Jamal and Morris in the 1990s both point out that the U.S. imprisons its citizens at a rate far higher than comparable nations. There is not only the matter of rates of
incarceration and length of sentences, but also the issue of the variable definitions of crime itself. In 1973, the ACA president posed the questions, “Are there some kinds of behavior defined as illegal which the community is now willing to tolerate? On the other hand, are there some kinds of behavior which were formerly tolerable but are no longer?” (Wheeler, “Presidential Address,” Proceedings of the One Hundred and Third Annual Congress of Correction of the American Correctional Association, 1973 [College Park, MD, 1973], 3–4). While the term socially constructed has become passé, the president’s view suggests the degree to which prison leadership itself realizes crime to be a set of acts historically fluctuating in their definition. Looking backward through the over three decades since her questions, what has become no longer tolerable is wholesale and long-term imprisonment demarcating lines of race and class.

22. In addition to Western and Petit’s observations regarding imprisoned black men and unemployment trends, Gould, Weinberg, and Mustard conclude that rather than incarceration rates matching crime rates, unemployment provides the clearest correlation to imprisonment patterns.


27. Harris, 295–96.

28. Vanessa St. Gerard, “Mfume Urges a Partnership between ACA and the
Notes to Conclusion


29. I had the opportunity to teach such courses in the English Department at The University of Texas at Austin in 2001 and 2002 and in criminal justice at the University of South Carolina Upstate in 2006.