

Fall 12-15-2019

## Narratives of Incarcerated Women

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**Narratives of Incarcerated Women: Agency and Form**

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Honors Thesis

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20 December 2019

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### **Abstract**

Our criminal-justice system mandates the silencing and disappearing of 2.3 million people, a consequence of its historical context as an inherently violent institution, carrying on traditions of slavery, oppression, and extortion. While any voice that makes it out of a prison cell is resisting the effort to silence, smother, and make compliant the voices of those labeled criminal, the form of publication of that voice allows more or less agency to the author depending on its conventions and structures. There is a spectrum from more controlled or mediated forms of publications to more author-directed ones and they vary over the amount of authorial license they allow. From the controlled end, there are collected anthologies of narratives, which range from collections created in classroom settings to transcribed collections in which inmates dictate their experiences to an amanuensis. The other end of the spectrum holds works published by and for incarcerated women, such as ‘zines, online forums or chat-boards, and various other publications. Because these forms are created by women in prison, without the oversight of the law, an academic program, or need for profit in the “outside” world, they allow much more freedom for the author. In order to foster agency for the voices, needs, and demands of a population already silenced to the point of being disappeared, one must determine the characteristics which lend themselves to that agency against the details which take power away. When these details go uninvestigated, publications can perpetuate existing systems of oppression.

## PREFACE

### Intent: Personal

For I will take these sharp things and coat the inside of my ribs in mother-of-pearl.

Like the families of 2.3 million people, mine had contact with the criminal-justice system. My brother was incarcerated for a large portion of my childhood. I have spent the last six years trying to reconstruct my narrative of myself under the shade thrown over the eight prior. My mother told me at eight years old: “do not tell anyone about your brother; if you do, they will take you away.” So, I fragmented myself; I had one brother, not two. I did not exist on the weekends, as every Sunday morning we traveled, most often to the very edges of the state, to visit my brother. I was a perfect child so no one could guess at the tension in my home. However, one’s life becomes piecemeal for the public when they brush up against the criminal justice system. Due to the stereotypes and public opinion surrounding those convicted of crimes and those incarcerated,<sup>1</sup> acquaintances and strangers feel justified in speaking about an issue to which they may actually have very little connection. The plot lines of television shows and the rhetoric of politicians put crime and punishment on the tips of our tongues, but the real, lived experience of contact with the criminal justice is much more complicated than *Orange is the New Black*<sup>2</sup> or Ronald Reagan<sup>3</sup> could ever show someone. For me, others attempted to influence how I saw my own brother, not allowing me the space to say how I felt about having an incarcerated family member. Combined with the isolating shame and misunderstanding of these

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<sup>1</sup> Two categories that do not always overlap. As of March 2019, 462,000 people are imprisoned in local jails without a conviction (Sawyer & Wagner, 2019).

<sup>2</sup> *Orange is the New Black* is a Netflix original comedy-drama series that ran from July 11, 2013 to July 26, 2019. It detailed the prison sentence of Piper Chapman at the Danbury, Connecticut federal prison for criminal conspiracy and money laundering.

<sup>3</sup> President Ronald Reagan was elected on a wave of “tough on crime” rhetoric, which has increased punitiveness in sentencing law and public opinion for the last 40 years.

imposed assumptions, I still stutter over questions as innocent as “how’s your family doing?” picking my words up from the shade of others’ narratives cast on me.

Others’ stories were thrown over me not only through my mother’s mandate of silence, but through other factors, which happen to also increase the risk of contact with the criminal-justice system. I was a poor child, living in one of the richest counties in the US, which reflected back to me unrealistic stories. My brother’s incarceration pruned the story of my life, as well as the choices I could make to change it. Home was a house with both too many and too few people in it, home was saying “idea” with a “r,” home was callouses, home was the touch of the sun over the horizon, home was money troubles. Home was not two children, field trips, help with homework, and extracurriculars. I could not see myself in the narratives my peers told me, or my teachers expected of me, but I had to mold myself into the norm to “not tell anyone about my brother.” I could not truthfully tell others about my experiences and life; I had to filter myself through what they could hear. They could not hear the unlocking of automatic doors, how the click echoed through an empty frame against bulletproof security glass. They could hear that “my mom was just a bit over-protective; she doesn’t want me sleeping over your house” or “I lost the field trip paper, its fine, that trip sounds like a drag anyway.” I fragmented into separate people between each social context in order to reflect a narrative that matched the expected conventions. I became a master of code-switching, fitting into certain verbal cues and customs in order to pass through the space undetected. My personal understanding of myself in relation to society was splintered by the narratives cast over me, so I created techniques to hide the shame of crime-by-association and to hide the crime-by-poverty. Here, I am learning to understand the finished product—the modifications by others and myself, the shades of nacre, while also reading beyond editors, peers, and family to the center—the sharp thing under the layers of pearl.



## INTRODUCTION

### **Intent: Political Science Perspectives**

Contact with the criminal-justice system fragments the narratives one tells of themselves; it removes the autonomy to truthfully tell the story of oneself. A person gets *edited* by the changes in social connections and the contact with institutions. One of the largest effects is the change in one's relationship to the government after contact with the criminal justice system. Citizens may start to view themselves in a *custodial* relationship with the government rather than a *client* relationship (Weaver & Lerman, 2010). A custodial relationship places the citizen as something to be managed and controlled by bureaucracies, whereas a client relationship positions the government as a body serving the needs and wants of the citizen. Additionally, as contact with the criminal justice system grows, one's civic engagement decreases; an arrest reduces the likelihood of voting by 7%, while serving a sentence more than one year reduced the likelihood by nearly a third (Weaver & Lerman, 2010). Even a mere stop by the police changes the way a citizen thinks about themselves, especially given the militarization of police, which can factor in decreasing public trust in the government by 8-15 percentage points (Weaver, 2018, pp. 9649-9651). Given the estimated rates of police abuse, overenforcement, and lack of accountability in certain communities, it is logical that those communities would lose trust in their government. For instance, studies within the sex worker community show that of street-based sex workers in Chicago who were raped, 24% identified a police officer as the rapist. These high percentages are repeated in a study in New York City, with 30% of outdoor sex workers reporting they had been physically abused by a police officer (Mogul, Ritchie, & Whitlock, 2011). As a result of this decrease in trust, a citizen may edit their behavior through

“system avoidance,” or evading any bureaucratic or governmental system, such as doctors, banks, and schools (Natapoff, 2018).

Even one’s social relationships change after contact with the criminal justice system. A misdemeanor arrest or conviction can change how society views a person, from employers to landlords to colleagues, friends, and family. Our society punishes people before, during, and after contact with the criminal justice system, even if no conviction was passed. One’s arrest and conviction record can be accessed by prospective employers and landlords, which then decreases their chances of moving on with their life; they become stuck in the story society tells of someone who was arrested or “went to jail.” Employers often list job postings with “No misdemeanors and/or Felonies of any type ever in background” (Natapoff, 2018, p. 28). A conviction can also result in the loss of public benefits, such as public housing, food assistance, or Social Security benefits. Immigrants can be deported for minor convictions and undocumented immigrants can be deported just for a traffic violation arrest. The effects of the criminal justice system compound on themselves, “criminalizing and recriminalizing the same people over and over” (Natapoff, 2018, p. 35).

While racial discrimination did not play a significant role in my family’s situation, it is a looming factor in the relationship between the government, criminal justice, and citizens. The issues created in a citizen’s relationship to themselves and the government are exacerbated by racist systems and insufficient protections. My family was poor, but white; my mother did not have the same pervasive fear a police officer would kill my brother rather than arrest him. When multiple marginalized identities converge, risks of death, injury, and harsher punishment at the hands of the criminal justice system increase. At both the misdemeanor and felony levels, “we officially link race, class, and crime, infusing the experience of being poor with the threat of

being criminalized and infusing the experiences of being black and Latino with distinctive fears and disadvantages” (Natahoff, 2018, p. 151).

The criminal justice system is most often spoken about through a black male lens, primarily due to the disproportionately high numbers of black men incarcerated in the US. However, for women, LGBTQ folk, Latinx, and/or other marginalized groups there are specific and unique issues that arise (Alexander, 2012), especially at the intersections of multiple identities. For women, socialization often includes the projection of others’ stories onto and the editing of the self. Gender itself is a performance constructed for and out of societal demands (Butler, 1990). In the US, women often find themselves policed or criminalized due to their gender, often through punishment intended to ensure compliance to a set of gender norms (Law, 2012). State punishment of women can be more diverse than men. Historically, some women have been institutionalized based on rulings they were insane rather than criminal, but the difference between the penitentiary and the asylum did not change the way the state intended to control and punish women, especially for perceived gender role “violations.”

Another paradox develops when one looks at the literature of incarceration, crime, and punishment and gender. Most theory on crime and punishment is written about male offenders often from the perspective of a male author. One can see many examples of male authors focusing solely on male prisoners: Ta-Nehisi Coates (2015), Mark D. Ramirez (2015), Theodore Caplow and Jonathan Simon (1999), Peter K. Enns (2014), Michael Flamm (2005), Jon Hurwitz, Mark Peffley, and Jeff Mondak (2017); the list continues. Even female authors focus on male offenders; one can see Michelle Alexander (2012) acknowledgment of the absence: “relatively little is said here about the unique experience of women, Latinos, and immigrants” (p. 16). The absence of women occurs outside theory in more artistic activist spaces as well: Keith Calhoun

and Chandra McCormick's (2019) exhibit includes one single female figure even though their setting is Angola (Louisiana State Penitentiary), which houses all Louisiana's female death row inmates. The CT based Community Partners in Action (CPA) Prison Arts Program's 2019 exhibit included many fewer works by female artists than male artists. Stephen Turlentes (1996) continues this trend in *Of Length and Measures: Prison and the American Landscape* which includes one prison that houses female prisoners: "Albion, NY State Women's Prison." Out of twenty-three prisons photographed, only one incarcerates female prisoners. A look at collected prison literature reveals the same absence: Joy James (2005) isolates most of their women authors to the chapter "Gendered Captivity." The other three chapters include three female authors; "Revolt" (James, 2005) does not have a single female author in the chapter.

The absence cannot be explained away with statistics. While there *are* more men in prison than women in the US, the number of incarcerated women is still over 200,000 (NPR, 2018), not including the over one million women on probation (Sawyer, 2018). The US population of women in prison varies from state to state; however, "every single U.S. state outranks most independent countries on women's incarceration" (Sawyer, 2018). Further, women are becoming more vulnerable to incarceration; "women's state prison populations grew 834% over nearly 40 years — more than double the pace of the growth among men" (Sawyer, 2018). When race is considered, black women are even more vulnerable. The rate of increase of black women incarcerated since 1986 is 800%, compared to 400% for all women (Boyd, 2005). Distressingly, reform efforts do not seem to be affecting women's prison populations or their rate of growth; "The total number of men incarcerated in state prisons fell more than 5% between 2009 and 2015, while the number of women in state prisons fell only a fraction of a percent (0.29%)" (Sawyer, 2018). The numbers do not excuse the lack of analysis and voice given to

female prisoners. They are swept up into the criminal justice system for different reasons, receive different treatment, hold different experiences, are conceptualized differently than men,<sup>4</sup> and deserve the attention and rigor of study that men regularly receive, otherwise the mass incarceration problem will simply adjust itself rather than be eradicated.

To delve into the topic of incarceration, and therefore policing, one must create a multidisciplinary approach to understand the historical, political, and personal impact. In the US, the historical context of oppression of black people in order to profit from their labor and bodies continues in mass incarceration, among other political institutions. The first police forces were slave patrols: “The northeast colonies relied on the informal ‘night-watch’ system of volunteer policing and on private security to protect commercial property. In the southern colonies, policing’s origins were rooted in the slave economy” (Fountain, 2018). Profit was ensured from the controlled population first by slave owners then by the state, through Black Codes (Law, 2012), laws targeted specifically at black people usually for order maintenance crimes such as public indecency, loitering, or vagrancy (Natapoff, 2018, p. 177). After many of the Black Codes were fought and struck from the law books, vagrancy laws only being declared unconstitutional in 1972, discriminatory policing and judicial policies took over. From legislatures passing mandatory sentencing laws, to police using discriminatory training and judgement in arrests, to

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<sup>4</sup> A terrifying and topical example is the recent attempt to criminalize abortion and reproductive freedom in states like Alabama, Ohio, and Missouri. Criminalizing abortions uses the law to govern, rather than using the rule of law through factual evidence to determine criminal blameworthiness (Natapoff, 2018, p. 196). A modern, democratic criminal justice system is purported to work on *nulla poena sine lege*, no punishment without law (Natapoff, 2018, p. 189), however, one often sees arbitrary or personal normative concerns overriding or determining the law. This leads to a cloudy definition of criminal blameworthiness; one may break the law, but the law may not be majoritarian. In Alabama, 65% of the population believes abortion should be available in some cases, specifically after rape, incest, or for the life of the pregnant person (Withers, 2018). Current anti-abortion laws create counter-majoritarian, normative demands with the threat of punishment behind them, which is less the actions of a democratic criminal justice system and more the actions of a non-democratic regime unconcerned with *justice*. Our present system works to edit people into the standards the powerful legislate, through anti-abortion laws, broken window policies, the War on Drugs, and so many other “order maintenance” laws. And when citizens do not fall in line, their stories are written over into criminals, stigmatized and disadvantaged for the rest of their lives.

prosecutors failing to independently investigate arrests before bringing them to trial, to judges deciding based on personal opinion rather than the law, these actions criminalize and funnel black communities into the criminal justice system, whether intentional or not. Once in the criminal justice system, their bodies begin making a profit for the state or a private party, whether through criminal fines and fees, their incarceration in a private prison, or their labor. Both a historical and current understanding of the political forces that define race, policing, and control is necessary to study any part of our current criminal justice system.

In addition to the historical context necessary, learning about incarceration requires thinking about the ways we control certain populations. Many conversations about mass incarceration focus on the impact on black men, but incarceration is a tool used to control many marginalized groups. Queer and/or gender non-conforming people, historically and presently, are often criminalized by the state. Other racial minorities, like Latinx and Native Americans, experience different justifications for their criminalization than black people. Poor people of all races find incarceration used more and more to control them, as social welfare programs are replaced by more criminal justice funding (Natapoff, 2018, p. 12). Political dissidents often find themselves silenced through the criminal justice system. There are more men in prisons than women, but the forms of criminalization and punishment used against women reveal different intents behind their incarceration and punishments. An intersectional analysis is necessary and unavoidable when discussing incarceration in the US because incarceration is used to maintain a social hierarchy that protects the powerful, most often rich, white men through violence, financial oppression, and fear. In describing the wave of criminalization of queer people during the McCarthy Era, Mogul, Ritchie, and Whitlock (2011) argue the state wielded the weapons of persecution “to multiple ends and against a diversity of targets, often in simultaneous and

mutually reinforcing ways” (p. 38). The US power hierarchy is maintained through the criminal justice system’s threat, and individuals are edited, controlled, and changed by it.

### **Intent: Literature**

Through a political science lens, one can describe contact with the criminal justice system as changing the way a citizen relates to their government, often from a clientele relationship to a custodial one. Looking at personal, individual pieces of literature also shows the change contact with the criminal justice creates within a person. While all efforts to make the voices of some of the most isolated and silenced populations in our society are important and necessary, the method of distributing inmates’ narratives can overlay a screen of preconceptions or outside frameworks onto their words. The editing or censoring of one’s personal narrative can arise both from intentional actions of individuals and bureaucracies, as well as from more incidental sources, such as laws, prison rules, time constraints, and literacy levels.

The more autonomy one has, the more their true voice shines through the shade cast over their words. One can feel the lack of individualization begin to fade like a spectrum. Transcribed collections of narratives, in which inmates often spoke their story to a party who wrote it down, are sometimes filtered through the memory of that outsider due to prison rules that prevent electronic recording devices or even pen and paper (Levi & Waldman, 2011). Federal law can also constrain the type of story published in large, mainstream formats by opening inmates to civil suits by victims (18 U.S.C.S. § 3681 (Lexis 2000)); additional “Son of Sam” laws hold constitutional in 45 states, as of 2012 (Freedom Forum Institute, 2012). “Son of Sam” laws limit the publishing or sale of the story of a crime. For example, if an inmate publishes a memoir including details on the bank robbery which she was convicted for, she can be sued by the court defined victims of the crime for the profits of that publication under federal law. Depending on

the state, the author may have to forfeit the profits over a certain amount to the victims or the state, along with other restrictions and penalties. New York's "Son of Sam" law was found unconstitutional (*Simon & Schuster, Inc. v. New York State Crime Victims Bd.*, 112 S. Ct. 501 (1991)), however the replacement statute still defines published narratives about a crime that generate revenue as "profits from a crime" (N.Y. Exec. Law § 632-a (Lexis 2001)), which criminalizes even more those seeking to tell of their lives, even after they have finished their prison sentence. Further, like many of the following categories, these women's narratives are edited so they build into the editor's thesis or purpose in the publication. These elements of editing layer upon one another: from choosing certain narratives to include, to certain questions to ask, certain answers to print, and overall, filtering through the biases and voices of the transcribers and editors.

Edited anthologies produced through writing workshops struggle to speak truth to power, when prison administrations have complete authority to end the program or prevent the publication of works at any time, and again, "Son of Sam" laws hang over these publications (Law, 2012). Additionally, works produced in programs like this can be self-censored, sometimes in an attempt to fit a certain model inmates think they must achieve (Lamb, 2003). On the other hand, teachers may, whether intentionally or not, push for certain narratives in the hopes of therapeutic benefits of speaking one's own story. While conscious of this fact or not, "readers will see I [instructors and editors] have culled poems that illustrate several points I wish to make" (Solinger, Johnson, Raimon, Reynolds, Tapia, 2010). While this is, of course, inherent to edited volumes and theses of many kinds, it becomes problematic when tied to the work of people already silenced on many fronts, more so when the only publication of the incarcerated women's work is tied to the outside, edited analysis of it. Their work never gets the chance to

stand on its own as a piece of literature; it becomes evidence, an example for a larger dominating purpose. Likewise, curated anthologies and galleries are inherently modified by the framework the curator wishes to present (*How Art Changed the Prison-The Work of the CPA Prison Arts Program*, 2019).

In individually published books, authors begin to have more agency in the narrative they want to craft. They are not beholden to an overarching theme an editor wishes to develop by using their narrative as a tool. Their work is able to stand on its own as literature, not dependent on constructs of a more qualified authority. When published in a format that carries their name with authorial authority, incarcerated women take back the agency of their resistance to a dehumanizing system (Law, 2012), their dangerous writing in a controlled environment (Solinger, Johnson, Raimon, Reynolds, Tapia, 2010). The author usually must still answer to an editor and publisher, however, who may have concerns like the marketability, profit, or the legality of the publication.

Breaking from the formal distribution methods is common for work published by inmates, especially female inmates. Inmates may work together, without an administration sanctioned program, to produce creative works and publish them, defying prison rules and occasionally state laws. These “zines” (Law, 2019) are often edited by other inmates, whose preconceptions and frameworks of thinking are much closer to those of the authors than those of an outside editor or curator. Additionally, these works do not have to abide by efforts to make a profit or make the prison look good. Creating their own space outside demands of mainstream publishing, the law, and the criminalizing eye of the public, women who are incarcerated have more freedom in the narratives they choose to write. Their work does not have to be a resistance articulated to explain their dehumanization to outsiders, as is often the case in mainstream

publications. They can write letters to “fish” (Law, 2019) new entries into prison, to other women like them, to loved ones, to enemies, to God, to anyone who may be listening. They can ask for help in a community that is less likely to scorn them. They can offer help in a space where they are the authority, rather than a controlled population. Additionally, informal publications allow felons to circumvent the federal law prohibiting felons from communicating with other convicted felons (18 U.S.C. §§ 3603(2)-(3)), allowing them to create a community and kinship, which is perhaps one of the most rebellious and radical acts in a system meant to isolate a human completely. Even more informal and rare are the online communities composed of discourse threads and blogs. Due to the lack of internet access for prisoners, these accounts are rarer; however, any information escaping a prison is a difficult feat, no matter its publication method. Again, the public forum style of online communities provides a buffer to the ban on felons communicating with one another.

Agency cannot be only understood in obvious acts, in demands or in physical displays; the shades of it must also be seen in subtle acts. Most importantly, the characteristics which lend themselves to agency must be determined against the details which take power away. When it comes to the voices of a population already silenced to the point of being disappeared, fostering agency, whether as an individual, or more radically, as a community, should be the goal. Only once the layers of editors, profits, laws, and criminalizing structures are removed can the sharp thing under the nacre be revealed. Then a movement with the voices, the needs, the demands, of women who are ignored in so many different arenas can come through, undiluted by the superimposed stories of others.

## **PART ONE**

### **Historical Background: Constitutional Inequality**

The United States incarcerates the largest population of people in the world. According to the Prison Policy Initiative, there were 2.3 million people in US prisons as of March 19th, 2019. As Hillary Rodham Clinton and others have said, and multiple scholars have confirmed, “The United States has less than 5 percent of the world’s population, yet we have almost 25 percent of the world’s total prison population” (Sawyer, 2019). The US criminal justice system has amassed 7 million people within its net—between probation, incarceration, parole, and other supervisory orders. Policies such as Nixon’s “war on drugs,” California’s three-strike policy, and more punitive sentencing measures increased the US prison population exponentially since the 1970s. Embedded in these numbers are stark demographic disparities; black people are 13% of the US population, but are 40% of the prison population, whereas whites are 64% of the general public but only 39% of the prison population. Further, gender creates unique vulnerabilities that intersect with other identity categories: 82% of women incarcerated in New York’s Bedford Hills have a childhood history of severe physical and/or sexual abuse, 37% of women in state prisons across the nation have been raped prior to their incarceration, and 93% of women convicted of killing someone they were romantically or sexually involved with had been abused by an intimate (in *Interrupted Life*, 2010, Women in Prison Project: Fact Sheets). These numbers are the cancerous outgrowths of centuries of slavery, racism, sexism, and socioeconomic exploitation, and the criminal justice system continues to make them grow by disenfranchising, making citizens “un-citizens,” certain already vulnerable populations by removing their rights, their agency, their freedom. What follows is a discussion on the inherent lie of “universal human rights” set by the US Constitution, which provides both a historical background to the topic of

incarceration in the US, as well as a primer to the ways the US uses incarceration through legislation and criminalization through public opinion to remove the agency and power of its citizens.

The Founding Fathers are mythologized into visionaries who wrote into existence the fundamental human rights for American citizens, but the Constitution does not guarantee human rights universally, nor did it intend to. Thurgood Marshall, the first African-American judge on the US Supreme Court, wrote in “Reflections on the Bicentennial of the United States Constitution,”

to the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of Constitutional government, and its respect for the individual freedoms and human rights, that we hold as fundamental today. When contemporary Americans cite “The Constitution,” they invoke a concept that is vastly different from what the framers barely began to construct two centuries ago. (Marshall, 1987)

The systemic inequality, specifically shown through restrictions on voting and labor rights of non-free individuals, meaning enslaved or incarcerated people, written into the American constitution is inherent, therefore the human rights claimed by the revolutionaries are not universal.

### **Constitutional Slavery**

Despite the opening of the Declaration of Independence, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness,” the US Constitution has never universally banned slavery. In fact, the Constitution was written by those with economic interests in maintaining

slavery. Slavery is explicit in the main body of the Constitution. At the time of drafting the Constitution, slaves were not considered citizens. The compromise regarding slaves' representation in the newly formed government stated those counted were "free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons" (*U.S. Const.*, art. 1, §2). As three-fifths of a person, and not a citizen, the rest of the Bill of Rights was inapplicable to slaves. Thus, slaves were not part of the "we" that composed "the people" and were not intended to be protected by the effort to "secure the Blessings of Liberty to ourselves and our Posterity" (*US Const., Pmbl*), as the Preamble defines the purpose of the Constitution. The other mention of slaves in the Constitution is Article Four, Section Two. This section rules that "no Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due" (*US Const.*, art. 4, §4). This article not only explicitly defines slaves as property that must be returned to their owner, it also elevates the law of slaveholding states above states without slavery. This preference shows the founders were not interested in universal rights, but instead the rights of those in power. Additionally, the resounding effects—economic, political, and social—of slavery have not been addressed by the federal government, enforcing the view that the Constitution was not intended to create universal human rights.

The Thirteenth Amendment, ratified on December 6, 1865, declared "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" (*US Const.*, amend. XIII). This amendment is heralded by some as the end of slavery in the US;

Ariela Gross explores this view: “one conservative version of history is the teleological ‘slavery to freedom’ story, in which the story of slavery is presented as almost a prelude to abolition and to the inevitable unfolding of freedom” (Gross, 2008, p. 287). This view is not only flawed due to the lack of effort on the part of the federal government to create and protect freedom for former slaves, the descendants thereof, and many other minorities, but also because in the “inevitable unfolding of freedom” the federal government reserved the right to slavery through prison labor. Private citizens cannot use slave labor, but the federal government can in punishment for “crime whereof the party shall have been duly convicted” (*US Const.*, amend. XIV). This allows for a system in which slavery lives on, with the government as the master to decide where that labor is contracted to.

Michelle Alexander (2012) argues mass incarceration in the US is another strategy to preserve the US racial caste system. She creates a progression from slavery to Jim Crow to mass incarceration. These systems of oppression become strategies to perpetuate a subclass of people who are politically, economically, and socially subservient to the dominant, white, male, ruling class. In order to decrease the chance of the lower classes revolting, they needed to be separated; by separating poor whites and poor blacks along color lines, the ruling class is less likely to be overthrown by massive rebellion. Slave owners specifically imported slaves who were unfamiliar with the English language, so they would be less likely to create alliances with other groups (Alexander, 2012, p. 24). Moreover, plantation owners used a “racial bribe” to further stratify the US class-race system, thus dividing the lower class into slaves and poor whites, a division that became poor blacks versus poor whites after emancipation. In order to maintain the control plantation owners had over the black lower-class following emancipation, the criminal justice system stepped in as the method of supervision and discipline. Vagrancy and public conduct

laws specifically targeted at and enforced on the black population kept them politically, economically, and socially subservient. Placing one in prison removes one's right to vote, work for one's own profit, and conduct one's own life. Further, the federal government used convicts as literal slaves, profiting off their labor. The legislative system also mimicked slavery's purpose through segregation laws. Not only did segregation inhibit contact, thereby limiting a common class consciousness, it was a racial bribe for whites of all classes (Alexander, 2012, p. 34). The "separate but equal" model, that was never equal, always slanted towards white accommodations.

### **Incarceration + Slavery**

This is the context that birthed mass incarceration. According to Alexander (2012), mass incarceration is another effort to keep control of the lower classes through division and a source of economic exploitation. Legislative efforts to change the racial caste system become "rewarding lawbreakers" (Alexander, 2012, 40). Civil disobedience became criminal. Federal courts pushing out civil rights decisions are "accused of 'lenience' toward lawlessness" (Alexander, 2012, 41). Segregation was phased out and law and order rhetoric took over as the new method of control. In the midst of growing political polarization over topics such as welfare in the late 1960s and onward, rhetoric on crime served again to maintain the political and economic control of the ruling class. A convenient "rise in lawlessness" was exploited to demonize communities of color, limit the amount of government support, and separate poor whites, who often lived in rural, majority white communities, from poor blacks, who often lived in concentrated urban areas. Crime became an urban problem, acting as another strategy to reinforce to social hierarchy. Law and order rhetoric, leading to increased presence of the

criminal justice system in citizens' everyday lives, acts as the racial divider, class maintainer, and compliance insurer that Jim Crow and slavery operated as before emancipation.

In both adult and juvenile criminal courts, the court can mandate labor as a punishment. The labor has varied from “chain gangs” that worked on roads, to “community service,” to agricultural and manufacturing work, to even fighting wildfires (Hess, 2018). Compensations “for the most common types of prison work—internal chores such as cleaning and cooking—range from \$0 to \$2 an hour, according to a 2017 analysis of limited data on prison wages by the Prison Policy Initiative.” For felons, “the Bureau of Prisons requires all able-bodied inmates to work, as do many state corrections agencies” (Delaney) for those with misdemeanor convictions. While some may see prison labor as another part of a convict’s punishment, or an economic advantage that cannot be ignored, the “use of prison labor effects a historical regression back to a time when workers could not freely choose the terms and conditions under which they labored. Thus, the prison labor system further degrades the political rights of inmates, undermining their very status as citizens” (Young, 2000, p. 40). Illustrating this effect on convicts’ citizenship, after the passing of the thirteenth amendment, Southern states used the punishment clause as a way to perpetuate slavery through convict leasing, often contracting out prisoners’ labor to the very plantations they were enslaved on. Further, the state used unjust and discriminatory policing and prosecutorial methods to trap African-Americans in the prison system, so the government could continue to profit and prop up an economy centered on slave labor (Natapoff, 2018). These precedents are not defunct, they are embedded into our criminal justice system and have evolved in order to survive (Alexander, 2012). In the 2010 case, *Serra v. Lappin*, the Ninth Circuit court decided that “prisoners have no enforceable right to be paid for their work under the Constitution or international law” (*Serra v. Lappin*, 2010). Considering our

racialized criminal-justice system, the refusal to protect the labor of convicts continues the legacy of slavery ingrained in the Constitution.

### **Incarceration + Voting (Citizenship)**

Since the writing of the Constitution, the U.S. has slowly increased the types of people who can vote. This process was necessary, as the Constitution did not mandate the right to vote universally. Who is enfranchised can be seen as a marker of who is a true citizen in the eyes of the state. The original assurance in the Fourteenth Amendment was to protect “male inhabitants of such State, being twenty-one years of age, and citizens of the United States” (*US Const.*, amend. XIV). The Fifteenth Amendment added “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude” (*US Const.*, amend. XV). The language of the Fifteenth Amendment is much more direct than the Fourteenth. The Fourteenth Amendment “penalizes states that withhold the ballot but does not require them to grant it” (Epps, 2013). The Fifteenth amendment, ratified on February 3rd, 1870, was to explicitly grant give the right to vote, yet it was also not universal. The amount of time between the ratification of the Constitution and the Fourteenth Amendment—eighty-one years—clearly shows universality was not the intent in the original drafting the legislation for voting rights. Further, none of the four Constitutional amendments concerning voting universally give the right to vote. The Nineteenth Amendment, ratified in 1920, and the Twenty-First Amendment, ratified in 1933, both expand the right to vote further, but neither protect the right for all U.S citizens who are legal adults, nor do either imply the right to vote is a universal human right.

Felons are a current and clear example of voting rights restrictions. In fact, the Fourteenth Amendment explicitly allows for the denial of this right “for participation in rebellion, or other

crime” (*US Const.*, amend. XIV). State governments use this to disenfranchise convicted felons. In states like Kentucky or Iowa, a person convicted of a felony must apply to their governors or the president in order to regain the right to vote. Prior to the 2018 Amendment 4 ballot initiative, in Florida “convicted felons must wait at least five years after serving their full sentences before they can apply” (Fortin, 2018) to be re-enfranchised and their full sentence includes parole and/or probation. However, less than 6 months after the Amendment 4 ballot initiative passed and reinstated a felon’s right to vote automatically, the Florida legislature passed a measure requiring all court fines, fees, and restitution be paid before re-enfranchisement (Lockhart, 2019). Given the poverty that hangs over people who have been convicted of criminal offenses, this is not a simple bar to pass. In states such as Arizona and Nevada, a second felony conviction means the right to vote can only be restored by a judge or pardon. In Delaware, the list of crimes that require a formal pardon from the governor is long; those convicted of felony “murder, manslaughter, bribery or public corruption, and sex offenses are barred from voting unless they receive a formal pardon from the governor” (nonprofitvote.org). Similarly, in Mississippi, certain felons never lose the right to vote, even while incarcerated. However, the list of felons who lose their right permanently is long, unless they are re-enfranchised by a bill passed by the state legislature or the governor. Twenty-one items ranging from murder to manslaughter to receiving stolen property or timber larceny can disenfranchise a convict. There are only two states, Vermont and Maine, where a felon does not lose the right to vote while incarcerated. All forty-eight other states have legislation restricting the voting rights of their citizens. The ability for states to restrict voting, directly legitimized by the Fourteenth Amendment, by definition means the right to vote is not universal.

The specification of charges that could remove one's right to vote in states like Mississippi shows the larger issue behind the non-universality of voting rights. Since the right to vote is not a blanket assurance to all U.S. citizens, individual people and actions can be targets of disenfranchisement. Calling for public safety, "at least 18 states have introduced or voted on legislation to curb mass protests" (Ingraham, 2017). Some states are even less opaque about whose interests they are protecting. After massive protests, led by Native American activists, against the construction of the Keystone XL pipeline, which threatens the area through increased risk of massive oil spills and the integrity of historical U.S.-Native American treaty boundaries (Byrd, 2019), South Dakota passed legislation criminalizing "riot boosting" (Tilsen, 2019). "Riot boosting" is an amorphous and encompassing term, left to be determined by the state, which, if a citizen is found guilty of the charge, allows the state to sue the individual. "Riot boosting" is not just direct involvement and physical presence at a protest, it also applies to anyone who "does not personally participate in any riot but directs, advises, encourages, or solicits other persons participating in the riot to acts of force or violence" (Tilsen, 2019), which can be used against anyone who attends or encourages someone to attend a protest that unintentionally turns violent. Using the same rhetoric of "violent" and "riotous" protesters, senators such as Bill Cassidy (R-La.) and Ted Cruz (R-Tex.) have introduced a resolution on the federal level citing "antifa," a loosely associated coalition of activists and groups working against fascism, as a domestic terrorist organization (Iati, 2019). By raising the criminality whether through legislation or public opinion of certain actions, such as blocking highways in protests, wearing a mask in a protest, or even attending or planning a protest (Ingraham, 2017), legislatures can minimize public protest of their actions. If protest is not limited, legislators can ensure those who protest cannot vote them out of office. The ability of our government to disenfranchise citizens, to "un-citizen"

(Oliveira, 2019) someone, infringes on a variety of freedoms, most importantly free speech and the right to peaceful assembly. The ability of legislators to manipulate the law using disenfranchisement as a threat shows the right to vote was only intended for citizens who agreed with those in power, not as a universal human right.

If a constitution created to further human rights is meant to “be the best that we can design for enabling politically equal citizens to govern themselves under laws and government policies that have been adopted and are maintained with their rational consent” (Dahl, 2003) then the American Constitution has failed at furthering human rights. The Constitution structures American government, and white supremacy and systemic inequality are inherent to the document. This is clearest in voting rights, particularly of convicts, and the legacy of slavery that continues in prison labor used by the government. The US was not founded on universal rights, but instead protected the rights of those who can fit the status quo of the powerful. Those who cannot match the status quo, in particular non-free citizens, whether enslaved or incarcerated, are not guaranteed the same protections, meaning any human rights provided by the Constitution are limited.

### **Incarceration + Public Opinion**

Historically and currently, the state uses the criminal justice system to control marginalized groups for profit and to maintain a stable social hierarchy by incarcerating, disenfranchising, and hyper-surveilling their homes and communities through policing, probation, and parole. These government policies both affect and are affected by public opinion. Public opinion can influence which politicians are elected, who then create and execute the law. Public opinion can also push ideologies on crime to be more conservative. On the other hand, an apathetic public does not act as a check on politicians aiming to use “criminals” as scapegoats.

This section will explore how public opinion shapes incarceration rates, and how race and class shape attitudes toward these policies.

Michael Flamm (2005) gives further context to the public opinion surrounding crime and incarceration from WWII onward. As early as the 1950s, some academics began disputing the validity of the crime statistics police departments and the FBI were generating; however, perceptions of high crime rates had already lodged themselves into the minds of the public (Flamm, 2005, p. 15). The media acted as an instigator of white fears of violent and gang crime as communities of color grew throughout the 1950s. Flamm connects the perception of youth crime heavily to media portrayals, such as the changing voice of *Time's* reporting on youth crime, and movies such as *Rebel Without a Cause* and *West Side Story*. In the same time frame, President Kennedy created the President's Commission on Juvenile Delinquency and Youth Crime in 1961 (Flamm, 2005, p. 23). Tactics to "fight" crime involved issuing federal grants for programs like the Gray Areas Project and Mobilization for Youth (Flamm, 2005, p. 24). The programs focused on providing services such as welfare assistance and family counseling. These programs, intended to provide resources and work on missing institutions within urban life, clashed with conservative desires and views that often matched up to white, middle- to upper-class suburbanites. This foreshadowed attitude changes toward more punitive measures in the actions of politicians and the dominant voice in public opinion—a voice that is white, usually male, and middle- to upper-class. From the Delinquency Commission rose the "war on poverty." The connections between crime and poverty are strong; poverty is associated with higher violent crime rates. However, the rhetoric cuts both ways; acknowledging that poor communities are most at risk of crime can funnel resources to them. However, it also reinforces racist stereotypes of people of color as criminal, violent, and poor. Delinquency and crime become a heuristic for

poverty, which was a code for racial discrimination or race (Flamm, 2005, p. 27)—a linguistic connection that has not been broken in the US public consciousness. Despite the Kennedy administration's very real attempts to curb poverty, and thereby crime, the connection was exploited by conservatives such as Barry Goldwater to demonize poor, urban communities--a shorthand for communities of color. By demonizing these communities, they could justify economic and political control of them through incarceration and policing.

### **Identity Politics and Public Opinion**

Caplow and Simon (1999) explore some of the widely accepted reasons for the incarceration spike, besides the connected stereotypes of crime, poverty, and race Flamm (2005) explores. Politicians found pushing crime bills with more punitive measures to be rewarding, which is compounded election year to election year. Further, these policies become popular, they argue, because welfare policy has lost credence (Caplow & Simon, 1994). Gilens (1996) expands on the race-coding that worked to associate welfare and crime with black Americans. Race coding creates heuristics from race to poverty and then further to negative attributes in white Americans' minds. White Americans' racial resentment tends to spill over to issues that are not strictly racialized, like welfare and incarceration. Technically, people of all races go to prison and receive welfare. However, there is an outsized belief by white Americans, founded on historical systemic racial inequality, about the criminality and laziness of black Americans, which plays into their distaste of welfare and favor for "tough on crime" policies (Gilens, 1999). There may be "race neutral" language used by elites, but "the white public's thinking about welfare is inordinately shaped by highly salient negative perceptions of blacks" (Gilens, 1999, p. 593). With the negative opinion of the white public towards black Americans, and thereby social

assistance, politicians' response to social issues is curtailed and crime control becomes a salient and reasonable response to perceptions of criminality and laziness.

Within this context of mass incarceration as a tool of political bargaining and control, Peter Enns further (2014) argues the effect of public opinion on incarceration rates, which shifts the increasingly harsh punishments from the state's attempt to perpetuate the power of the ruling class to the state's response to constituents. Enns (2014) places public punitiveness in a direct causal relationship with incarceration rates. The analysis used four groupings of survey questions to measure public punitiveness: criminals' rights and punishments, the death penalty, support for spending on crime fighting and the criminal justice system, and confidence and trust in the criminal justice system (Enns, 2014, p. 860-1). Enns (2014) assures he is coding according to previous research and therefore equating spending on the criminal justice system with "tough on crime" attitudes. However, there is a complication in this relationship. Historically, criminal-justice spending has been taken away in more punitive eras, replaced with *enforcement* funding. Enforcement funding pays for more police, guards, prisons, and surveillance. Spending in the criminal justice system would include programs such as college courses, GED courses, art lessons, animal therapy, and recreation activities, as well as increased security. As Bonnie Forshaw describes in her short autobiography, "Faith, Power, and Pants," "in the 'old days,' staff understood that and did what they could to provide a family like atmosphere. There were prizes for the best-decorated housing units and a special Christmas meal with table decorations and small gifts" (in Lamb, 2003, p. 194). First incarcerated in 1986, Forshaw (2003) saw the shift at York Correctional Institution: "the focus has shifted from rehabilitation to punishment" (in Lamb, 2003, p. 194). Rehabilitation is not associated with "tough on crime" attitudes, which has caused cuts in some prison funding. In light of this nuance between spending on inmates'

rehabilitation and spending on the militarization of guards and salaries of more criminal justice enforcers, Enns' coding of questions pertaining to spending more on the criminal justice system as being "tough on crime" indicators is problematic.

Additionally, Enns (2014) moves from a distrust of the police or the criminal justice system within urban areas, which have higher rates of crime for a variety of reasons, to greater support of "being tough on crime" (Enns, 2014, p. 861). This is a logical leap given the history of police brutality and institutional violence faced by the people populating those "high-crime neighborhoods" (Enns, 2014, p. 861). Weaver discusses the rising militarization of local police departments as a factor in decreasing public trust in the government by "8-15 percentage points" (2018, p. 9650). Activists responding to increasing police violence towards their community, highlighted by the murders of Michael Brown, Sandra Bland, and Eric Garner, among many others, brought to the forefront issues of racism, sexism, and class embedded in the modern criminal justice system. In 2013, three black activists, Alicia Garza, Patrisse Cullors, and Opal Tometi, created #BlackLivesMatter, which is working to "organize and build local power to intervene in violence inflicted on Black communities by the state and vigilantes" (Black Lives Matter, "Herstory," 2019). These activists are responding to urban and rural problems not of crime, but the state's use of crime as an excuse to maintain control over certain populations through violence. Urban communities, which are often predominantly non-white, are concerned with crime because they cannot trust the criminal justice system to serve and protect them, which is historically justified through the state's use of police, legislation, and incarceration to control minority populations. A brush with a police officer can result in the death or unfair confinement of a person of color (or other marginalized group, like trans, deaf, and/or neurodivergent people); therefore, "tough on crime" policies like an increased police presence, a more militarized police

force, and longer minimum sentences may not be logical desires of those populations. Further, Weaver (2018) discusses the impact of militarized police forces, the result of more and more punitive policies. Some citizens may even “become wary of enlisting police for help if they anticipate an armored car may show up to their request, which may work at cross-purpose with public safety goals” (Weaver, 2018, p. 9649). There is a disconnect between more punitive or intrusive policing and the communities on which that policing is enforced.

### **African American Perspectives**

Unlike Enns (2014), Mark Ramirez (2015) specifically explores the public attitudes of black Americans. Ramirez describes the paradox in which black Americans find themselves. Black Americans are more likely to live in urban areas with higher crime rates than suburban areas, which generates a desire for crime reduction and law enforcement. However, black Americans are also the most likely to be treated discriminatorily by law enforcement and the criminal justice system, which some have coined as “joint frustration syndrome” (Ramirez, 2015, p. 419-20). Ramirez hypothesizes this paradox will show itself through internalized conflict and lack of intra-issue constraint (Ramirez, 2015, p. 420). This would manifest as variability or inconsistencies of opinion across punitive policies, like a support for longer sentences but no support for the death penalty (Ramirez, 2015, p. 420). If this intra-issue constraint is absent regarding punitive policies, Ramirez hypothesizes it should be consistent for preventative policies, the other side of the crime reduction coin. In operationalizing support for policies, Ramirez reframes the typical one-axis framework for assessing support or disapproval shown by Enns (2014). Since one may support some increased spending on criminal justice, but not much, or may support longer sentences but disapprove of three-strike policies, data needs to reflect variation within the public’s opinion. This revolution around a “latent point” allows for natural

variation without confusing that variation with intra-issue inconsistencies. In his findings, Ramirez sees some black Americans hold the paradox of the criminal justice system in their opinions through intra-issue inconsistency (Ramirez, 2015, p. 435). He also found that lack of knowledge of the criminal justice system created more variability and more knowledge would most likely create stronger opposition to punitive policies and stronger support for preventive policies (Ramirez, 2015, p. 435). Ramirez further asserts this variability may be inhibiting activism to change the criminal justice system; undefined and uncertain ideas are less likely to push political engagement and make one more susceptible to persuasion (Ramirez, 2015, p. 436). Further, uncertain attitudes and a lack of political engagement by blacks on the criminal justice system may allow other voices to decide policy agendas. The complexity of black opinions combined with politicians' need for a single public will can mask black opinions altogether, which leaves those most in need of effective crime reduction out of the conversation.

### **Gendered Perspectives**

Another complexity develops when one looks at the public opinion of incarceration, crime, punishment, and gender. There are two ways to phrase the topic. The first is public opinion about female offenders. Overall, as mentioned before, there is a lack of thorough study of female inmates; however, some theories have been tested. One theory is that female offenders are treated with more leniency, perhaps due to ideologies of chivalry and sexism. However, the public's opinion of the vulnerability or need to protect women only extends so far; "leniency is only selectively granted" (Koons-Witt, 2002, p. 299). Those most likely to receive leniency are the ones that conform to traditional/patriarchal gender roles and have committed offenses typical of their gender group, such as minor property crimes (Koons-Witt, 2002). This can be seen in a mother convicted of petty theft; her childcare expectations become reasons for leniency. There

are mixed conclusions as to whether this is limited to white women (Koons-Witt, 2002). Black women are often seen as inherently breaking gender norms (Mogul, Ritchie, & Whitlock, 2011), which can negate any leniency afforded by gender roles. However, this leniency, while it may be present in public opinion, is negated by the Sentencing Reform Act of 1984 (SRA) and similar laws within each state, which implemented sentencing structures to reduce race, class, and other unwarranted disparities but ignored gender specific considerations. Most importantly, many studies find a weak connection between gender and length of sentence (Koons-Witt, 2002, and Steffensmeier, Kramer, & Streifel, 1993).

While sentencing may show minor influence by gender, popular constructions of female offenders tell a different story. Western culture tends to criminalize certain identities on gendered lines, such as queer women or sex workers. Obviously, sex workers (who are not all women but the profession is heavily gendered) are criminalized through the many laws that make prostitution illegal in the US; we are a full criminalization country, in which all actors in the commercial transaction of sex, the worker, client, and any third party, are criminalized (Mac & Smith, 2018). However, the dominating ideology of Western culture *abhors* sex workers: “the prostitute is seen as a disease-spreader, associated with putrefaction and death” (Mac & Smith, 2018). Even within feminist discourse, which should be the place to uplift women, sex workers are dehumanized and dismissed. Further, their social construction as dangerous or duplicitous connects to the criminalization of queer and trans women and individuals. In the public’s mind, homosexuality, queerness, and gender nonconformity have been tied to “concepts of *danger, degeneracy, disorder, deception, disease, contagion, sexual predation, depravity, subversion, encroachment, treachery, and violence*” (Mogul, Ritchie, & Whitlock, 2011, p. 23, emphasis in original). When individuals, especially women, step out of line of gender presentations they are

subject to gender policing, which may come in the form of literal police. Furthermore, Western culture has created and repeated archetypes of “queer killers,” one of which is the “homicidal lesbian” (Mogul, Ritchie, & Whitlock, 2011, p. 27). This figure is cast as either a “man-hater” or a “manlike” abuser of other women (Mogul, Ritchie, & Whitlock, 2011). These perceptions are reinforced by both case decisions and the media; the stereotypes repeat and repeat and embed themselves as truth in the public consciousness.

The second way to discuss gender, incarceration, and public opinion concerns women’s opinions about incarceration and crime. One theory is that women’s increased fear of crime, especially violent crime, increases their support for more punitive crime prevention efforts. Hurwitz and Smithey (1998) found, however, women were less likely to support measures that included violence, preferring rehabilitative measures and early action to prevent crime. Women tend to “see poverty reduction (rather than ‘cracking down on criminals’) as the better solution to crime” and are more likely to see improved social programs as better at preventing violence than a greater use of force (Hurwitz & Smithey, 1998). While some studies show that women are more punitive than men (Haghighi & Lopez, 1998), these results seem to be tempered by the context of the women’s opinions. Women who develop opinions on crime from the TV, newspapers, and TV crime shows tend to be more punitive, which could support the causal theory between fear of crime and punitiveness. Additionally, these results are affected by race; white women tend to be more punitive than white men, whereas nonwhite men and women seem to have more similar levels of punitiveness (Haghighi & Lopez, 1998). Despite this, more women tend to believe offenders can be rehabilitated (Haghighi & Lopez, 1998 and Hurwitz & Smithey, 1998). Overall, women’s views are influenced by a variety of intersecting

circumstances, such as race and feelings of fear, which can increase with motherhood and residency.

### **Economic factors**

Economic factors inherent to the criminal justice system and more punitive policies, which are often obscured from the public, also work to remove public opinion from prison policy development. Some parts of the criminal justice system fund themselves through criminal fines and fees, which complicates the motivations for more punitive crime policies. Natapoff (2018) describes the ways the criminal justice system is set up to extract fees rather than to correct behavior. From courthouses that “depend on the fines and fees generated by misdemeanor cases for funding” (Natapoff, 2018, p. 85) to public defenders paid out of defendants’ fees (Natapoff, 2018, p. 132) to jails that use a “pay-or-stay” systems that simultaneously “charge defendants for their jail stay so they that they accrue new debt even as they work old debt off” (Natapoff, 2018, p. 130), the criminal justice system is invested in continuing to prosecute crimes. Beyond the criminal fees, governments and the private sector profit from increased criminalization through sales. The US military and associated private sector businesses “are pushing crime fighting equipment” to “offset military cutbacks” (Davis, 2003, p. 87). Governments also allow private companies, such as Victoria’s Secret, Starbucks, and Microsoft, to contract the labor of inmates (Garcia, 2018). There are streams of revenue to be found through harsher criminal justice policies, which elites have been using for many years, echoing back to convict leasing and slavery.

Further, creating more punitive policies can work as a system of taxation: “in times of recession, state fiscal crisis, or national economic upheaval, those pressures to find local revenue sources intensify” (Natapoff, 2018, p. 132). For example, in Ferguson, Missouri, “City officials

routinely urge [Police] Chief [Thomas] Jackson to generate more revenue through enforcement” (Natapoff, 2018, p. 134). The influence of private prisons and probation services further compounds the desire for more punitive measures. The private sector can capitalize on the revenue created by criminalizing more activity by creating deals with municipal and state governments. For example, in Rutherford County, Texas, the municipality “got its criminal fines collected for free, while PCC [Providence Community Corrections] took its supervision fees directly from probationers” (Natapoff, 2018, p. 135). Even contracting out prison space to the federal or other state governments is a “lucrative business” (Gottschalk, 2015, p. 26) from which politicians can create revenue. State and federal prison systems have started to use private prisons, which contract out prison services to private companies. Those contracts often come with certain occupancy requirements for the government to meet: “The bed guarantees, or ‘lockup quotas,’ ranged from 70% minimum occupancy in at least one California facility to 100% occupancy at three Arizona prisons. The most common bed guarantee was 90%” (Watson, 2015). These sources of revenue lock elites into further criminalization policy; more than meeting the public’s expectations, elites must meet the demands of the private sector and the overall budget. The economic benefits generated by longer probation, parole, and incarceration sentences, as well as larger fines, incentivize city councils and other politicians to be more “harsh on crime,” rather than the policies being a response to public calls for more punitive action.

### **Individual Public Opinion**

On an individual level, harsher criminal justice policies can become counter-majoritarian. Weaver and Lerman (2010) discuss the “interpretive effects” of citizens. Citizens may take their experiences with actors of the government in their daily lives and extrapolate that experience to

their whole opinion on the goals, legitimacy, and responsiveness of the government (Weaver & Lerman, 2010). When the actors of the government are in “a prison, court, or police station, rather than a welfare office, state capital, or city hall” (Weaver & Lerman, 2010, p. 818), the consequences can vary from post-traumatic stress disorder to lower grades in youth to strategic avoidance of government institutions (Weaver, 2018). Further, contact with the criminal justice system moves the citizen’s perception of the government-citizen relationship from a clientele model, where the government is responsive and representational, to a custodial model, where the government is tasked with controlling and managing a certain population (Weaver & Lerman, 2010). This results in those in contact with the criminal justice system to be significantly less likely to vote, even if the contact is not a conviction; an arrest reduces the likelihood of voting by 7%; serving a sentence of more than one year reduced the likelihood by nearly a third (Weaver & Lerman, 2010). While this does not prove public opinion is against more punitive measures, it does conflict with Enns’ (2014) assumptions about communities with higher crime and support of more policing. It also shows a significant portion of the population is less likely to be pushing for more punitive policies, because their likelihood of voting is suppressed.

America’s spike in the number of incarcerated people, from under 200 people in prison or jail per 100,000 residents in 1973 to over 700 in 2010 (Gottschalk, 2015, p. 16), cannot be explained only by changes in public opinion or only in institutional factors like economic conditions. There is an interplay between racist public opinion and self-perpetuating systems, both built upon a foundation of systemic inequality, that lead politicians to create more and more punitive policies. The communities most affected by these policies, usually poor and/or of color, are often left out of the conversations, whether through difficulties in clearly communicating desires to elites or suppressed political activity. Given these difficulties in communities opposing

more punitive controls, the criminal justice system has grown into a self-perpetuating institution, funding itself by generating more criminality. The funding then becomes an attractant to politicians seeking revenue in times of economic downturn. Like slavery, incarceration becomes a profitable, and thereby salient, issue, with influences that are hard to separate.

## **PART TWO**

### **Literature**

Our criminal justice system is an inherently violent one, carrying on traditions of slavery, oppression, and extortion. Within this system, which includes social, political, and legal spheres, voices of resistance crack apart the dominant structure. I clarify: any voice that makes it out of a prison cell is resisting. Our prison system mandates the silencing and disappearing of 2.3 million people; they are abducted away from their communities into parts unknown, separated by a few miles from suburbs and farmhouses and by vast distances to the public mind and their families.<sup>5</sup> We talk crime often; the aftermath is rarely at our dinners, our nightly news, our breakroom chats. Furthermore, if prison is brought up, it is in the stereotypes of public opinion discussed in the previous part. The historical and contemporary contexts of punishment and policing influence and shape the types of literature that are created by women in prison. When a government “un-citizens” a person by taking away their right to vote, economic success, work for their own wages, or live without constant suspicion, the literature that person writes is going to reflect these issues. Further, the way their literature is responded to by editors, publishers, and the public will be filtered through the historical and contemporary political landscape. The authentic, unfiltered voices of those who have experienced prison are rarely heard. They are specifically stifled, edited, and made compliant.

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<sup>5</sup> See: Davis (2003), Schlosser (1998), and Misra (2017) for more on prison boomtowns and the policy behind where prisons are built; Ruth Gilmore quoted in Davis (2003): “And the State assure the small, depressed towns now shadowed by prisons that the new, recession-proof, non-polluting industry would jump-start local redevelopment” (p. 14). These towns are often majority white, rural or suburban areas, whose residents then profit on prison employment opportunities in the decline of agricultural and manufacturing jobs. Residents then either depend on the prison industrial complex or are blissfully unaware of the acres of land converted to a prison in the backwoods. Often these rural areas are hundreds of miles away from the inmate’s home; a problem made worse for women due to sparsity of prisons that hold women and their common positions as the primary, and sometimes solitary, parent to children. For example, “Chowchilla is five hours one way by car from Los Angeles, three hours from the San Francisco Bay Area, and nine hours from San Diego” (Jabro and Kester-Smith, in Solinger et. al., 2010).

The form of a publication allows more or less agency to the author depending on its conventions and structures. Within prison literature this is both clear and of immediate importance. In representing women in prison, we tend to treat them and their experiences as “silly, sometimes naïve and even childish,” “deriv[ing] humor from the women’s deprivation of what is portrayed as stereotypically feminine needs...downplaying the horrendous living conditions in most American correctional facilities” (Meuller, 2018, pp. 487-9). Those convicted of crimes are already a silenced population, more so through intersecting identities, so when the publications they have access to take their agency, it replicates the uneven power dynamics in our wider society. There is a spectrum from more controlled or mediated forms of publications to more author-directed ones and they vary over the amount of authorial license they allow. From the controlled end there are collected anthologies of narratives, which range from collections created in classroom settings to transcribed collections in which inmates dictate their experiences to an amanuensis. Transcribed editions may be spurred from an academic source and/or an activist one. Surrounding these types of publications are issues of “payment, concerns the women’s stories were being distorted and a difficult publishing market” (Altimari, 2019), which came to a head in a lawsuit against author and prison writing program director Wally Lamb. Then there are single-authored, mainstream-published books, which follow the typical procedures and demands of editing and publishing. Finally, there are works published by and for incarcerated women. These are often more informal than the other media forms. This category includes ‘zines, online forums or chat-boards, and various other publications. Because these forms are created by and for women in prison, without the oversight of the law, an academic program, or need for profit in the “outside” world, they allow much more freedom for the author.

### Collected Volumes

In collected volumes, the lack of agency can be seen as a veil that falls over all the narratives in extremely similar ways. The variety and distinction of the narratives fall away. It is important to keep in mind the stereotypes of public opinion that echo in the back of these authors' minds just as they do ours as one investigates the overarching similarities. Firstly, classroom collections walk a careful line between "Son of Sam" laws<sup>6</sup> and inmates' personal narratives. Additionally, editors, teachers, and curators take certain amounts of agency away from incarcerated writers. Anne Stanford describes her experience teaching in a women's prison, admitting she "privilege[s] certain kinds of writing—appreciating pieces in which the women feel they can critique the system and articulate a broader social and political context for their experience than the individualistic one bandied about in most social institutions" (in *Interrupted Life*, 2010, 168). The classroom setting also takes upon itself a faux-therapeutic tilt, whether through the individualistic perspective disparaged by Stanford (2010) or a more social one. While it is unclear where the imperative for inmates to explain their current situation through their childhood arises, it is repeated in extremely similar ways specifically in collected anthologies.

This can be seen in the focus on childhood explanations; almost all of the narratives structure themselves as a progression from early childhood to prison. Nancy Whitely, Tabatha Rowley, Nancy Birkla, Brenda Medina and more (in Lamb, 2003) discuss their early childhood in the beginning paragraphs of their narratives, with very similar phrasing. Birkla's "Three Steps Past the Monkeys" begins "I was four years old" (in Lamb, 2003, p. 114), Medina's "Hell, and How I got Here" begins "The year I was six" (in Lamb, 2003, p. 144). Whitely begins her

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<sup>6</sup> See earlier discussion on "Son of Sam" laws, such as N.Y. Exec. Law § 632-a (Lexis 2001).

narrative at age six as well (in Lamb, 2003, p. 20). Both Diane Bartholomew and Rowley discuss early socialization by their parents, seeing themselves through their parents' eyes. Rowley's mother tells her she "had pretty hair for a black girl" (in Lamb, 2003, p. 98) and Bartholomew's mother worries she is "too bony" (in Lamb, 2003, p. 268). These similarities are all only in the first paragraph of each narrative. The similarities follow across many different collections as well. *Inside This Place, Not of It* (2011) and *Inner Lives* (2003) have extremely similar proportions of early childhood opening lines. Of the eight narratives of currently incarcerated women published in *Inner Lives* (2003), every single one has the author's age, birthdate or birthplace in the first three sentences. Almost every single one describes the author's early childhood. From the eight formerly-incarcerated narratives published, seven include birthplace and/or early childhood narratives. *Inside This Place, Not of It* (2011) similarly ages the authors, however it is not by the author's decision, it is stated by the editors along with their name and incarceration status (presently or formerly). Moreover, of thirteen narratives, twelve begin with birthplace, age, or an early childhood narrative. The only one that does not explicitly begin with an early childhood narrative, Teri Hancock, wraps around to it by the second paragraph. The prevalence of the age, birthdate, and birthplace is so common in these narratives as to be a formula that is just switched around to get the same result, a narrative, over and over.

The extremely similar beginning for thirty-four out of forty-one narratives is striking. The similarities begin to break down in other forms of publication, as well as with narratives written by political prisoners. Ida P. McCray alludes to her involvement with political groups such as the Black Panthers and attending "inside meetings," however she "never joined any of the groups," which she sees as saving her harsher punishment: "if I had, I never would have gotten out of prison" (in *Inner Lives*, 2003). Despite a lack of explicit political action or "crime," her narrative

stands out as the only one of the sixteen narratives published in *Inner Lives* (2003) to not mention her current age or birthplace and she seems to have been the most politically active at the time of her imprisonment. In *The New Abolitionists: (Neo)Slave Narratives and Contemporary Writings* (2005),<sup>7</sup> all three female authors in the “Gendered Captivity” section are political prisoners. *Prison Writing in Twentieth-Century America* (1998) includes poems by Kathy Boudin, a political prisoner, neither of which explain her early childhood for the reader. Perhaps the difference between the narratives of political prisoners and non-political prisoners in these collections is purpose, with non-political prisoners just telling their individual story and political prisoners attempting to sway readers ideologically. Contrasting the narratives of political and non-political prisoners shows a formula—the early childhood explanation—is present in the narratives of these women unless they specifically work against it.

The structural elements of form also demand certain concessions of agency, which may be heightened by editors’ choices. Edited volumes almost always have a foreword or an introduction that sets the purpose and tone of the collection; each collected edition included here has a foreword either by an editor and/or an academic specialist in prison studies. For example, Michelle Alexander, author of the seminal *The New Jim Crow* (2012), wrote the foreword for *Inside This Place Not of It* (2011). *Inner Lives* (2003) shows a tilt on this pattern, with a foreword by Joyce A. Logan, a formerly incarcerated woman; however, the use of a more “authoritative” voice returns through the afterword, which is written by American University Washington College of Law Professor Angela J. Davis. The effect of these forewords, introductions, and afterwords is a mediated understanding of the contained narratives. While this is a common feature of edited volumes, the inclusion of these introductions still serves to remove

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<sup>7</sup> A total of 5 female authors, 2 of which are co-authors on one of the essays, out of 18 essays total, are included in *The New Abolitionists: (Neo)Slave Narratives and Contemporary Writings* (2005).

agency from the incarcerated authors included and the choices of editors within the forewords furthers this removal of agency. Rather than allow the narratives of incarcerated women to rest on their own authority and authenticity, Levi and Waldman (2011) point out specifically in their introduction the difficulty in “verifying” a woman’s story (21). The mention of the need to authenticate through “court records, human rights reports, medical records, and multiple external sources” (21) predicates every subsequent narrative on the suspicion there is something untrue about it. Levi and Waldman (2011) explain that the oppressive criminal justice system often excludes female prisoners from legal access after abuse, phrasing that the only account “left on the record” is the “prison authorities’ refusal to investigate” (22). Referring to “the record” in this way positions women’s accounts of their lives as less valid and factual than administrative files.

Editors also decide what information to disclose at the beginning of each narrative. As mentioned previously, the age and incarceration status prelude every narrative in *Inside This Place* (2011), as well as a brief biography of the author. *Couldn’t Keep It to Myself* (2003) opens each narrative with the author’s birth year, conviction, sentence, year entered prison, and incarceration status. *Prison Writing in 20th Century America* begins with the birth and death (if applicable) date of each author, as well as a brief biography, which usually includes the same basic information as Lamb (2003). The status and biography that the editors decide to disclose cast a certain light over the work before the reader even gets to read it. This light may be a closing of the space between the author and the work or could be a certain analytical light. For example, Sarah Chase in *Inside This Place* (2011) is raced unlike in any of the other narratives. The editor describes a photograph Sarah attached of herself: “it showed a petite young woman with large eyes and very long blonde hair” (73). Adding the pieces of information given by the

editors creates a good assumption of Chase’s race: she is currently incarcerated, which most likely means her hair is naturally blonde, as in most states “things like hair dye aren't allowed ‘for safety reasons’” (Lebsack, 2018). Having blonde hair is much more likely for a white person. The editors disclose personal information about the author that would be otherwise untied to the art object, closing the space between writer and artwork, whether the writer desires that or not. The biographies also do some of the work of analysis for the reader. For example, in *Inner Lives* (2003), the editor writes in her biography: “She is dealing with issues of race, sexuality, and medical care in the prison system” (64). The themes of her narrative are already communicated to the reader before Cynthia can begin her narrative.

These introductory biographies work much like curator’s notes in visual art exhibits—they provide a certain amount of analysis for the viewer. In *How Art Changed the Prison-The Work of the CPA Prison Arts Program* (2019), Greene decides what pieces of information are vital to the viewer, specifically involving his role in the creation of the art. For Veronica May Clark’s two entries, *Brooklyn Banks* (2015) and *Vogue Magazine Weave Piece* (2018, shown right), Greene disclosed most of the status information mentioned above, as well as the fact that Clark is a trans woman. This fact leads the viewer to read further into the fragmented *Vogue Magazine Weave Piece* (2018). An analysis is already half begun for the viewer. Greene (2019) details for the viewer his assumptions of Clark’s psychological purpose in creating: “his [sic] complex drawings were better as a way of disconnecting, rather than connection” (2019) and Clark’s personal identity. One could easily make the jump from these pieces of information to an argument that Clark





dissects and fragments standards of female beauty in order to critique the incredibly narrow gender binaries in which Western culture operates. Parts of Clark's identity become inherently tied to her work, whether she intended for that or not. A certain perspective is thrown over Clark's work, taking agency from her presentation of the artwork.



Greene similarly places his connection and knowledge of the artist into the art piece for Kimberly Lebel's *The Fabric Birth of Death's Destruction* (2008, shown left) and Jillian Vasquez's *A Lonely and Dark Place* (2006, shown right).<sup>8</sup> In the curator's note for *A Lonely and Dark Place* (2006), Greene discloses that Vasquez died within a year of her release and writes:

I know I've written elsewhere that I don't drive from prison to prison crying my eyes out, but I cry thinking about Jillian. I listen to her recording. I look at one of her earliest all-black drawings, with a tiny uncovered space with the word "Alonely" written there. I think of ways the program could have bridged the worlds for her at such a crucial time and I feel totally inadequate. (2019)

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<sup>8</sup> Perhaps placing some part of oneself into the presentation and viewing of a piece of art or text is inevitable, as visualized by my reflection in *A Lonely Dark Place* (2006). However, the amount of analysis done by curators and editors remains problematic, especially in light of the systemic power imbalances between a program director such as Jeffery Greene, audiences in an educated, upper middle-class (the average income of a resident is \$75,716 a year (Sperling's Best Places, 2019)) environment such as Ridgefield, Connecticut, where the CPA Prison Arts Program exhibited at the Aldrich, and an incarcerated woman.

Vasquez has no say in how closely related Greene’s personal story becomes due to this presentation. Additionally, the disclosure of her death and anger while creating art lead the viewer to a certain analysis, much like Clark’s.

To provide a counter example to Greene (2019), one can look at the exhibition of Stephen Tourlentes’ *Of Length and Measures: Prison and the American Landscape* (2019). His work is presented with minimal curator’s notes; they are more citation than note, describing only artist, title, medium, and collection. The curator’s introduction does begin to provide analysis of the collected photographs, commenting, “Shot at night and from a distance, his images suggest a sense of openness and sublimity that are hallmarks of the American landscape genre”

(Tourlentes, 2019). There is much room for interpretation left by the four-sentence curator’s introduction, as one can see in *Albion, NY State Woman's Prison* (2008, shown left). Further, Tourlentes’ (2019) artwork is in no way inherently tied to him personally. There is no personal connection between the curator and the artist—absolutely no closing of the space between artist and artwork.



Like Tourlentes (2019), *Interrupted Life: Experiences of Incarcerated Women in the United States* (2010) stands in opposition to the other edited collections mentioned here. *Interrupted Life* (2010) admits in its introduction “the editors of this volume have been compiling writings that seek to illuminate the environment and experiences of incarcerated women in the United States. This book is necessary but will inevitably fail this mission—

substantially” (Tapia, 2010, 1). There is always a gap between the “authentic” and the edited volume, and *Interrupted Life* (2010) recognizes this rather than trying to cover it up. *Inside This Place* (2011) ignores the gap by claiming that “telling their stories” has led to some totality of “empowerment, control, and a restoration of dignity” (Levi and Waldmen, 2011, 21) for the incarcerated authors. Lamb (2003) ignores the existence of this gap completely, defining incarcerated women and their experiences himself: “addicts are elusive... a few con artists and drama queens have been handed their walking papers” (5). *Interrupted Life* (2010) does not include introductory biographies, but still balances the desire for critical analysis without doing the analysis for the reader. The lack of biography before works allow details about the author to unfold at their pace. In “ASFA, TPR, My Life, My Children, My Motherhood,” Carole E. (2010) decides to disclose in the first sentence she was convicted of “the sale of ten dollars worth of crack to an undercover detective” (83). This provides a more much nuanced view than Lamb’s (2003) disclosure for Nancy Birkla: “Conviction: Drug trafficking” (113). For Birkla (2003), her conviction is presented as a bare fact, as if the criminal justice was not marked by complexity. Given the egregious systemic and individual actions discussed in the previous section, nothing is ever as simple as “Conviction: Drug trafficking” (113) and it cuts down the agency of Birkla (2003) to present her narrative as if it is. *Interrupted Life* (2010) allows Carole E. to communicate her conviction in her own time, rather than allowing it to throw a reductive shade over her whole narrative.

In *Interrupted Life* (2010) the works are divided into sections: “Defining the Problem,” “Being a Mother from Inside,” “Intimacy, Sexuality, and Gender Identity Inside,” “Creating and Maintaining Intellectual, Spiritual, and Creative Life Inside,” and so on. These sections provide order and structure for the reader, without throwing a certain perspective over the works

included. Each section has a brief introduction; however, unlike the forewords in other collections, these introductions read like summaries to notify to the reader what the section will cover. For example, in the introduction to “Being a Mother from Inside,” the editors write “Kimberly Burke describes in searing detail a child-eye’s view of parental authority while at a visiting center. Carole E. and others write about losing the opportunity to even have memories of their children’s lives” (Solinger et. al., 2010, 65). This is just summary of the upcoming section, not an analysis of the content or writers, as shown by Lamb (2003).

In the most obvious example of taking agency away from incarcerated women, *Inside This Place* (2011) and *Six by Ten* (2018) are both written through an amanuensis, someone who transcribes a story from diction for the author. This complicates the relationship between the author and the text, as the amanuensis acts as a filter between the incarcerated woman and the actual, literal text of the narrative. The filter can be seen through more persistent similarities. Beginning the narrative with a childhood explanation is very common in these editions, as it is with other collections. There is very little use of slang or colloquialisms. When there are words specific to the prison context, they are explained by an editor’s note. For example, Levi and Waldman (2011) place a note when Sarah Chase is describing “count,” which they define as “a regular prison security procedure where inmates return to their assigned cells to be counted by prison staff” (81). Further, they explain Sheri Dwight’s use of “602,” “the process to file grievances in the California Department of Corrections” (Levi and Waldman, 2011, 51). An editor’s note cannot capture the full background of “602” as a verb, however. Dwight “began to 602 for answers” (51), using the title of a standardized form<sup>9</sup> created by the California Department of Corrections and Rehabilitation (CDCR), as her action. The evolution of “602” to

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<sup>9</sup> An example of a 602 form can be found here: Retrieved 15 December 2019 from <https://tinyurl.com/tmk86v2>

a verb from a noun could be explained by the Prison Litigation Reform Act (PLRA), passed in 1996. The most relevant aspect of the law is the demand that prisoners “exhaust” all administrative grievance processes before filing a lawsuit against the prison: “Exhausting your remedies for the PLRA requires filing a grievance and pursuing all available administrative appeals. In addition, every claim you raise in your lawsuit must be exhausted” (ACLU, 2002).

After the passage of the PLRA, prisoners must struggle through the prison administrative system with all complaints, no matter the severity or parties involved. Given the issues with prison administrations,<sup>10</sup> often inmates find themselves writing grievance after grievance, trying to exhaust the administration into changing or opening the chance for a lawsuit. The repetitive nature of writing grievances can cause a linguistic shorthand—instead of describing the long and recurring process of a complaint, with all its frustration and bureaucracy, an inmate can say she “began to 602” (Levi and Waldman, 2011, 51), conveying all that in just the grievance form title. But the editor’s note does not touch on the frustration that could be pushing the turn of phrase, nor does Dwight have the authorial authority to explain it herself, as this is a transcribed collection. Even the editor’s attempt to provide more information on the term “602” through the glossary does not show the experience: “602—The formal process to file internal grievances and complaints against prison personnel, policies, or practices within the California Department of Corrections” (Levi and Waldman, 2011, 221). Perhaps if Dwight had the chance to craft the narrative to reflect her voice, she would have chosen to show the frustration at needing to file grievance upon grievance form until she could have her day in court, perhaps she would not have

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<sup>10</sup> An inmate can be forced to hand a grievance form about a certain corrections officer to that very corrections officer. This is an obvious conflict of interest. Additionally, grievance forms are often lost, ignored, or improperly handled, sometimes excluding prisoners from the chance to sue the administration for misconduct and negligence.

elaborated on those emotions. Either way, the choice was taken from her because the final word on the page is the impression of her voice by the amanuensis.

Further similarities can be found between the narratives in both transcribed collections. In both *Inside this Place* (2011) and *Six by Ten* (2018), the editors use quotes from the subsequent passage as section dividers in a very journalistic style. For example, in *Six By Ten* (2018), after a biographic disclosure by the editors of Maryam Henderson-Uhloho, her narrative begins with the quote, “I WAS SO SCARED, I WET THE BED [sic]” (18), taken out of context, in full capital letters and centered as a header. This style often works to keep a reader’s attention through an article of length, especially with online articles.<sup>11</sup> At other times, articles insert related links through this method, hyperlinking the text.<sup>12</sup> The connection to news articles is not innocuous—it places these women’s narratives on display like a human interest story on the nightly news, rather than giving them the dignity of their own pacing and development. Continuing with Henderson-Uloho, the suspense of the pacing of her narrative is cut by the section titles which reveal the most intense part of the upcoming section, like “I ENDED UP IN THE HOSPITAL [sic]” (Pendergrass and Hoke, 2018, 22). Immediately before and after the section title, Henderson-Uloho is getting her life together, describing the difficult process of clawing out a life after leaving an abusive relationship. However, the reader knows this process will be difficult and at one point at least paused by a hospital stay. The pacing to reveal her hospital stay is dashed by the section header. Likewise, the headers remove the incarcerated women from the literary genre and places them as objects from which an audience needs to learn. The stories are

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<sup>11</sup> See Coates (2015) at <https://tinyurl.com/ybj6u8n2> (retrieved 15 December 2019) for an example

<sup>12</sup> An example can be found through this Washington Post article: <https://tinyurl.com/rwfsfu3> (retrieved 15 December 2019).

framed to rest on their shock value to an assumed audience rather than the literary value of these women's narratives.

Some editing or filtering of incarcerated women's stories is not without cause, as it is extremely difficult for interviews to be conducted in prisons. Normal visiting rules for Connecticut state prisons dictate a visitor can "bring only your ID, small bills for vending machines, and a single car key" (prisonpro.com, 2019) and further, "no personal items are permitted in the visiting room (including, but not limited to: pocketbooks; coats; paper; food; chewing gum; electronic wireless communication device; etc.)" (CT DOC, *Family and Friends Handbook*, 2013). This precludes any recording device, even as basic as pen and paper, unless special permission is given by the prison administration.

Furthermore, telephone calls are monitored, are often prohibitively expensive, and are subject to more restrictive rules. An inmate must submit at most 10 phone numbers for approval by the administration. The phone call must be initiated by the inmate; the call can last a maximum of 15 minutes (CT DOC, 2013). Telephone calls are "deemed a privilege and may be restricted for disciplinary purposes" (CT DOC, 2013). The prices for telephone calls are set by the state contracted company, which is the only option for telephone service between inmates and the outside world. The average cost of a state to state call in the US is between 2.5 and 10 cents per minute (costhelper.com). As of May 2019, inmates and families pay "\$3.85 for a 15 minute phone call with an inmate in Connecticut, the second-highest rate in the nation" for state and federal prisons (Jagannathan and Settembre, 2019). In local jails these prices rise even more, with a 15 minute phone call costing \$14.10 in Bremer County, Iowa as of May 2019 (Rood, 2019). On top of these costs are the associated fees that drive up prices even further. In addition

to the horrifying predation by the state and communication companies<sup>13</sup> of a population much more likely to live below the poverty line than the general public (Looney and Turner, 2018),<sup>14</sup> call rates create a prohibitive barrier to phone interviews.

Even interviews by letter become difficult when considering commissary<sup>15</sup> prices as compared to prison wages, which range from “a daily rate of \$.75 to \$1.75 for work assigned by the Department of Correction” in Connecticut (Dwyer, 2018). From a Connecticut commissary, a stamped envelope costs \$.56, a writing pad of an unknown number of pages costs \$.86, and an ink pen costs \$.49, bringing the cost to \$2.00,<sup>16</sup> over the highest possible pay per day for an inmate. A prisoner would have to work at least two days just to afford a simple writing tools, without the help of outside financial aid.<sup>17</sup> Additionally, letter writing can be difficult as literacy rates in prison are much lower than among the average population, with a rates of between 56 to 75 percent of people in prison at or below basic prose literacy (Michon, 2016 and Troyatlms, 2016).<sup>18</sup>

This documentation all establishes that hearing voices from inside prisoners is extremely difficult. State and federal laws along with prison rules and regulations work to make a barrier between prisoners and the general public that is almost impossible to cross. However, there are

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<sup>13</sup> The state of Connecticut brought in \$7.7 million in revenue on prisoner phone calls in the 2018 fiscal year alone (Associated Press, 2019).

<sup>14</sup> According to Brittany Kane, director of the CT Children with Incarcerated Parents Initiative, “When a parent is incarcerated, specifically a father, a family’s income drops by an average of 22 percent” (Megan, 2019).

<sup>15</sup> Commissary is the list of items available for purchase by a prisoner. In CT this is done through a standardized Scantron form, an example of which can be found at <https://portal.ct.gov/-/media/DOC/Pdf/CommissaryOrderFormpdf.pdf?la=en> (retrieved 15 December 2019), however prices between commissary lists conflict, as the official list of commissary items used for these prices, found at [portal.ct.gov/-/media/DOC/Pdf/CommissaryItemspdf.pdf?la=en](https://portal.ct.gov/-/media/DOC/Pdf/CommissaryItemspdf.pdf?la=en), are slightly different.

<sup>16</sup> The writing pad and ink pen are both subject to an additional 6.35% sales tax on top of these prices.

<sup>17</sup> Even adding money to an inmate’s account is subject to additional fees, such as a Moneygram or Western Union fee, which varies from none to \$11.95 (Wagner and Jones, 2019).

<sup>18</sup> Furthermore, 85% of juveniles who interact with the juvenile court system are at a functional/low literacy rate (TROYATLMS, 2016).

still avenues of resistance, and the removal of agency from these authors is still problematic in light of other publications that allow more freedom to these authors.

### **Single-Author, Mainstream published Works**

Memoirs and collections of short stories published by formerly incarcerated women are subject to a different set of requirements and standards than volumes of narratives collected and published by activist groups, academics, or prison teachers. Often, they are published after the women leave prison, as is the case with Assata Shakur's autobiography (1987) and Patricia McConnell's *Sing Soft, Sing Loud* (1989/1995), a collection of short, interconnected fiction based on her life (McConnell, 1989/1995). *Sing Soft, Sing Loud* (1989/1995) is self-published by McConnell's small publishing house in Flagstaff, AZ (Franklin, 1998), but originally was published by Atheneum in 1989. *Assata: An Autobiography* (1987) is published by Lawrence Hill Books, an imprint of Chicago Review Press. Lawrence Hill is specifically geared towards "publishing quality nonfiction on progressive politics, civil and human rights, feminism, and topics of interest to African Americans and other underrepresented groups" (Chicago Review Press, Lawrence Hill Books). Both of these publishers carry different expectations than the collected volumes and even from each other.

*Sing Soft, Sing Loud* (1989/1995) was originally published by Atheneum in 1989, which was founded by Alfred A. Knopf, Jr., formerly of Alfred A. Knopf publishing. While Atheneum was not large, it was run by the son of one of the largest publishing houses in the U.S. and eventually bought by Simon & Schuster, a company which currently publishes about 2,000 books a year. It is interesting that the slightly revised Logoria edition came in 1995, a year after Atheneum was bought by Simon & Schuster. While investigating the publishing decisions of these presses is beyond the scope of this paper, it does seem to match with the performative

demand of incarcerated women's literature—after the initial flash of McConnel's collection, there was not enough "interest," actual or theorized by publishers, to justify keeping the book in print under the Simon & Schuster publishing house, hence a change to self-publishing through Logoria. While self-publishing, McConnel would have less stringent requirements from the publishing house to follow, such as subject matter, language use, or length. This would result in more authority for her, especially compared to the amount of decisions taken away from authors in transcribed collections.

McConnel (1989/1995) uses her authorial discretion in the form of her narrative. *Sing Soft, Sing Loud* is a collection of interconnected fiction. The short stories are organized between two narrators, Iva and Toni. Both characters are fictional, however, experiences and plots are taken from McConnel's own life, as McConnel's biography at the end describes: "her experience in the El Paso County Jail eventually became Millie's story in 'The Virgin Ear'" (p. 255).

Distancing oneself by fictionalizing their experiences is not an option afforded to many women writing about their experiences with the criminal justice system. The public, consumers of the literature, expect an "authentic" peek into a world they feel completely separate from. The review placed on the front cover of the Logoria edition of *Sing Soft, Sing Loud* (1995) perfectly describes this demand:

A gritty, realistic look at life behind bars... McConnel's insight into what prompts women to commit crimes, and to continue to commit them even after they've suffered through prison after prison, is unequalled. None of McConnel's prisoners are stereotypes... They are real people, and they will change the way you think about felons. (Kimball, in McConnel, 1995)

The review proclaims this piece of fiction as a realistic “peek” into incarcerated women’s lives, explaining the women to an audience that is assumed to be removed from contact with felons. This is problematic for a myriad of reasons, from the generalization of all women in prison to the fictionalized narrative of one person, to the audience demand for “gritty” or sensationalized narratives from incarcerated women. However, the fictional form distances McConnel (1989/1995) to a point from these demands, a luxury not afforded to women selected specifically for the first-person narratives in collected editions like *Six by Ten* (2018). Moreover, there is less framing of McConnel’s (1989/1995) narrative than in collected editions. There are no introductory materials before the work, and after the collection, there is an afterword by McConnel (1989/1995), a list of resources and organizations for the reader’s reference, acknowledgements, and a brief biography of the author. Placing this reference material after the stories is the second important show of authorial authority. The work is not framed for the reader before actually reading; they are allowed the space to create their own opinions on the legitimacy of the literature itself.

*Assata* (1987) was originally published in the United Kingdom by Zed Books, then published in the U.S. by Lawrence Hill Books. Given that Assata Shakur is listed as one of the FBI’s “Most Wanted Terrorists,”<sup>19</sup> the original publication outside the US was most likely necessary. *Assata* (1987) is the most main-stream publication included in this study, which means it was subject to rounds of editors and publishing employees. Content, style, and grammar would be filtered through many different eyes during the first publication, as with any formally published piece of creative writing. However, the publication in the US, like McConnel’s (1989/1995) second publishing, would be subject to less scrutiny, especially given Shakur’s

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<sup>19</sup> See the recent FBI wanted poster here: [https://www.fbi.gov/wanted/wanted\\_terrorists/joanne-deborah-chesimard/download.pdf](https://www.fbi.gov/wanted/wanted_terrorists/joanne-deborah-chesimard/download.pdf) (retrieved 15 December 2019)

notoriety.<sup>20</sup> Two forewords are included, one by Angela Y. Davis and the other by Lennox H. Hinds, both of whom personally knew Shakur. There is also a timeline of her trials provided. This is the extent of obvious framing by others than Shakur.

While the framing by academics and “authorities” shown by collected editions is limited in both *Assata* (1987) and *Sing Soft, Sing Loud* (1989/1995), the authors choose to create their own framing. Interspersed between prose chapters, Shakur places poetry. Sometimes this poetry is mentioned within the context of the plot, such as with her poem beginning with “Rhinoceros woman” about her friend Eva. Shakur begins her autobiography with the poem “Affirmation” and ends with the poem “The Tradition.” After “The Tradition,” Shakur (1987) writes a post-script from asylum in Havana, Cuba. “Affirmation” mirrors the structure of Shakur’s autobiography. She begins “locked by the lawless. / Handcuffed by the haters. / Gagged by the greedy” (*Assata*, 1987, p. I), paralleling her trials, incarceration, and surveillance by the US government through the FBI’s COINTELPRO. In her post-script from Havana, she is the “lost ship...guided home / to port” (*Assata*, 1987, p. I). “The Tradition” echoes the final paragraph of Shakur’s (1987) autobiography. She “remind[s] myself that Black people in amerika [sic] are oppressed” (p. 262) and then calls for others to “carr[y] a Black tradition” (p. 263-265). Unlike the framing for Birkla (in Lamb, 2003), which discloses her conviction as fact and frames her entire narrative with it, Shakur (1987) chooses to frame her narrative with outward calls to action and affirmations of happy endings.

Further, there are other authorial choices none of the collected editions make in *Assata* (1987), such as the use of dialect and diction changes. Shakur uses capitalization to denote the importance of certain adjectives and nouns. Capitalization shows importance and specificity in

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<sup>20</sup> Again, the FBI has made her face known since her escape in 1979 through wanted posters and her inclusion on terrorist watch lists.

literature—a certain place, person, or organization, rather than something general. Locations, which are also governments, such as “amerika” (p. 262) or “new jersey” (p.62) are never capitalized in Shakur’s narration. For example, she mixes capitalized locations with non-capitalized ones while describing the unequal treatment of white and black women by the courts, “To be released on recognizance in the state of new jersey, one of the requirements is jersey [sic] residence. The woman lived in Vermont” (p. 55). Refusing to capitalize proper nouns causes them to flow less distinctly within the rest of the text. One could pass their eyes over the passage and only pick up on the difference of “Vermont,” but miss the proper noun of “the state of new jersey” (p. 55).

This is a clear de-emphasis, especially compared to the capitalization used by other speakers. When the judge visits Shakur to read the accusations against Shakur in the hospital, an official recites ““The Honorable Joseph F. Bradshaw, State of New Jersey, County of Middlesex. All rise”” (p. 13). Almost every word in this sentence is capitalized, marking the judge’s position, name, and location as important. The decision to forego grammar customs shows that Shakur, unlike the agent of the state announcing the judge, does not acknowledge the importance and legitimacy of the New Jersey state government. This shows resistance to a system that requires acknowledgement of its legitimacy in order to continue operating. Refusing to call a noun by its proper name also distances it from its meaning—the object becomes something else. “amerika” (p. 262) is not America or the United States of America, it is something of less importance. “new jersey” (p. 55) is not immediately recognizable as the land, the location of, New Jersey or as the government of New Jersey. New Jersey, as a state government of the US, is expected to be synonymous with certain defining factors, such as constitutional laws and rights. For example, a state is expected to uphold a citizen’s right to free speech and to provide services

from taxpayer dollars. “new jersey” (p. 262) is not exactly the proper noun of New Jersey and therefore it may not hold the same inherent functions and responsibilities, such as protecting a citizen. This is the space between an institution claiming a proper name for legitimacy and actually embodying that meaning that Shakur lived. Her right to a lawyer, a constitutionally protected right, was ignored by an employee representing the state. When she asks, “I would like to have lawyer present. Don’t i [sic] have a right to a lawyer?” the judge replies, “That will not be necessary” and enters a plea for her without her consent (p. 15). In this interaction, the state is not acting within its meaning, therefore a different name can be used to describe it: not the importance and legitimacy of New Jersey, but a more general and less important “new jersey.” Shakur points out the space between the construction of a government as something embodying importance and legitimacy and the actual thing, which is not as worthy of significance as it seems. Resistance at the level of grammar is not open to women whose narratives are formatted by transcribers and amanuenses.

### **Published By/For Incarcerated Women**

Despite incredible barriers to even the most informal publishing,<sup>21</sup> incarcerated women find ways to create and share<sup>22</sup> their literature. Some use their limited access to the internet to publish online through online newsletters like *The Fire Inside*, which is published by the California Coalition for Women Prisoners (CCWP) and is created by and for women in prison (CCWP, 2017). Others create physical ‘zines, such as *Tenacious*, the publishing of which is facilitated by Victoria Law. Those without access to these avenues sometimes publish in online

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<sup>21</sup> According to a 2009 report published by the American Correctional Association, only 4 states allow prisoners some limited access to the internet: Connecticut, Hawaii, Kansas, and Louisiana. According to M. Kutner (2015), federal prisons have begun allowing inmates to send and receive emails from approved individuals, all subject to surveillance. As discussed earlier, speaking on the phone or in person to the outside world is costly and subject to stringent administration rules.

<sup>22</sup> As mentioned previously, 18 U.S.C. §§ 3603(2)-(3) criminalizes felons communicating with other convicted felons.

chat boards, creating threads of writing. All of these publishing avenues place as much agency as possible into the hands of those writing.

Language use is an important marker of agency in the narratives of incarcerated women. The authors' agency is seen through their use of colloquialisms. Volume 59 of *The Fire Inside* is focused on healthcare for women inside prisons and uses the words that will be familiar for the audience the authors want to reach. Tiffany Holmes in "Comfort Care" explains, "When a prisoner is told they have only so much time left in their life, the CDCr doctor will put a chrono in their medical file" (*The Fire Inside*, 59, 2019, 10). A "Chrono" is a "informational notes by prison staff that document classification decisions, minor disciplinary offenses, medical orders, and just about everything else that might be recorded on a prisoner" (Prison Talk Forum<sup>23</sup>, user PTO-110524). "Chrono" is a common word for incarcerated people, and therefore does not require a footnote explaining it. Jessica Martinez in the "Healthcare Testimonial from CCWF" ends by saying she "602'ed about not getting timely treatment not just for me, but because such disregard for people affects everyone seeking help" (CCWF, 2019). Using "602," the number of a CDCR grievance form, as a verb is seen in other narratives like Sheri Dwight's from Levi and Waldman (2011). The difference that creates agency for the author here is that the verb usage is not explained by an editorial authority. "602'ing" is allowed to act as if it were just another word, rather than being singled out as something that is uncommon, unusual, or unclear. And for women in California prisons, 602 *is* just another word, part of their common vocabulary. When editors separate out parts of incarcerated women's common vocabulary it signals to the reader that the speaker is *othered*; there is a "them" who speaks with foreign words and an "us" who need a translation. This othering process replicates the social stereotypes of "criminals," those in

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<sup>23</sup> <http://www.prisontalk.com/forums/archive/index.php/t-354129.html>, retrieved 15 December 2019.

prison, as different and separate, isolating them even more than they already are. Further, the editor inserting their footnote places them as the final authority on the meaning and connotation of a word, rather than the author.

Specific language decisions continue in *The Fire Inside*. Including issue 55 (Spring 2017), at least one editorial article is written in both English and Spanish. Choosing to publish in Spanish is harder in the US, as it is not the predominant language, which may cut into the possible profit of the publishing house. None of the collected editions include a narrative in Spanish, even though the US has 41 million native Spanish speakers, and 11.6 million bilingual speakers (Burgen, 2015). Choosing to publish prison narratives in Spanish is even harder due to the administrative hostility towards monolingual Spanish speakers. In Connecticut, only certain forms are available in Spanish and English. For example, the Connecticut State Department of Corrections (DOC) website only lists commissary items in English. The GED Transcript Request Form is only in English, as is the Affirmative Action Complaint Form. The *Family and Friends Handbook* published by the DOC is only in English. The collections of incarcerated women's narratives excluding narratives written in Spanish replicate the exclusionary system of prison administrations.

Women often resist oppressive structures through methods other than the direct and confrontational (Law, 2012), and sharing information is a prime example. Including both English and Spanish opinion and legal sections conveys advice to as many incarcerated women as possible. According to The Sentencing Project (2003), 1 in 3 people in US prisons is Hispanic; while not all of those prisoners may speak Spanish, bilingual services are enough of an issue that the United States Commission on Civil Rights (1993) found Latinx defendants were more likely to remain in prison because they could not find bail bondsmen who spoke Spanish or had a

Spanish-speaking employee. The US, at the federal and state level, pushing for more criminalization of undocumented immigrants, also increases the amount of Latinx people in federal detention. These prisoners are even less likely to speak or read English fluently. By including sections in Spanish, the editors are choosing to broaden the audience to a group of women facing the specific challenge of translation in a hostile, monolingual environment, thereby resisting the white supremacist ideology of the US prison system.

In ‘zines like *Tenacious* information-sharing is an explicit purpose of several writers, which they accomplish through epistolary formats. In *Tenacious* volume 39 (2017), of eighteen pieces of writing, three are letters addressed to another party and two more heavily rely on the use of second- person language. In volume 41 (2018), of twenty-four total pieces of writing, four are letters and four either explicitly give advice to others or rely on the use of second person language. Epistolary formats and such prevalent use of second-person language are not found in any other form mentioned in this study. In “A Word to the Fish,” Anna Vanderford uses the colloquialism “fish,” a term for new arrivals (which she explains at her own pace) and addresses this piece of writing to people from 18-25 years old who are starting a long sentence. She provides a list of advice for them, including to “Stay busy, your time will pass more quickly and you’re less apt to become depressed” and “develop hobbies” to make “your time pass quickly and enjoyably” (Vanderford in *Tenacious*, 41, 2018, p. 7). Some authors use the letter format to write to those they cannot reach; Lisa D. Black (in *Tenacious*, 39, 2017) writes a letter to her mother, who passed while Black was in prison. Authors also reach out to non-specific others, like in Vanderford’s “Gargle, Rinse, Repeat” (in *Tenacious*, 41, 2018). Throughout, she uses second person language, describing what “you” did: “you are an adult, you’ve broken the law, you are in prison, but there’s nothing else short of killing you than anyone can do to you, now

add, *YOU ARE NOT GOING TO TELL ME WHAT TO DO*" (p. 17). This forcibly puts the reader as the actor of the story, speaking directly to the reader. Authors also pose many questions to their reader, which implies the participation of the reader; they are expected to answer. Lisa Rawlins asks,

Oklahoma, Mabel Bassett Correctional Center #1 in the nation for warehousing female humane beings. Hmmm? A strange commodity. Who are the real offenders the ones processed by the courts or the ones throwing contraband packages over the razor wire fences wearing uniform blue...after work? To protect and serve who? Who's [sic] oaths, what's honor? Am I safe from retaliation? Do you know about Panther nation? (in *Tenacious*, 41, 2018, p. 4).

If not answers, Rawlins is at least demanding the reader think about these questions, to sit and think about our criminal justice system as those in prison are forced to. Either literally or figuratively, the authors in these 'zines are reaching out to those "outside," including family or the general public, and those "inside" in a way they are not in more formal publications.

Being so isolated from the rest of society, it makes sense when given the freedom to write in any style that incarcerated women are reaching out through letters and direct appeals to the reader to create connections with others. This is an endeavor that should be encouraged rather than subsumed into a focus on personal narratives. In nations with lower recidivism, researchers point to community-building activities, "Common areas included table tennis, pool tables, steel darts and aquariums" (Aleem, 2015), as strategies to rehabilitate and decrease the chance of an inmate returning to prison. Further, some Swedish prisons reinforce social responsibility in inmates by modeling real world conditions: "Prisoners at open prisons stay in housing that often resembles college dorms, have access to accessories such as televisions and sound systems and

are able to commute to a job and visit families while electronically monitored. Prisoners and staff eat together in the community spaces built throughout the prison” (Aleem, 2015). Incarcerated women are resisting the unnatural and unhelpful isolation of US prisons by reaching out to their society, reminding themselves and those “outside” that we are all responsible for one another.

Their isolation may also be the cause for the focus on the passage of time in much of incarcerated women’s writing. Many authors give specific dates and time frames within their writing, such as Sheena King in volume 41 of *Tenacious*, who lists, “I have been incarcerated for 25 years and 10 months. My daughter is 29. My son is 26” (p. 9). Mary Fish gives a timeline of her medical experiences in “I Broke My Arm:” “on the 14<sup>th</sup> of March, I had a consult with the doctor...On Friday, March 17, I had a surgery...On Tuesday, March 28, the stitches came out” (*Tenacious*, 39, 2017, p. 27-9). Fish is very specific with the dates, as they act as anchors to a timeline many prisoners feel they are outside. With the discretion of parole boards and changing minimum time served laws,<sup>24</sup> often inmates do not know how long they will be isolated from their home, family, and friends. Further, added to the prevalence of extremely long minimum sentences,<sup>25</sup> many prisoners only know that they will be in prison for a very long time, that friends, family, and they themselves may die before being free. The blur of years stretching out

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<sup>24</sup> Connecticut’s “Truth in Sentencing” law requires someone convicted of a violent crime to serve 85% of their sentence before becoming eligible for parole (<https://portal.ct.gov/BOPP/Parole-Division/Parole-Links/Parole-Eligibility-Info>, retrieved 15 December 2019). New York demands 6/7ths of the sentence served for those convicted of violent crimes. Federal parole law is complicated and based on both the type of conviction and whether the person was sentenced to the minimum or maximum sentence prescribed for that conviction.

<sup>25</sup> Most sentencing guidelines are decided upon by the US Sentencing Commission and judges can decide against the sentencing recommendations if they provide reasoning. However, the Comprehensive Crime Control Act of 1984, the Anti-Drug Abuse Act of 1986, and the Violent Crime Control and Law Enforcement Act of 1994 all impose specific, mandated sentencing schedules. The Anti-Drug Abuse Act of 1986 is infamous for outlining that the “distribution of just 5 grams of crack carries a minimum 5-year federal prison sentence, while for powder cocaine, distribution of 500 grams—100 times the amount of crack cocaine—carries the same sentence” (Vagins & McCurdy, 2006).

before them may make them eager to emphasize each milestone and to remember the exact time they lost.

Each author described here deserves the respect for their work to stand on its own authority. The urge to qualify, footnote, and edit the perspectives of incarcerated women's writing arises from the same racist and misogynistic ideas circulating in the political sphere, and we must *resist* perpetuating oppressive and controlling systems and ideas. If incarcerated women are allowed to write freely and with agency, they are already showing us how to resist our oppressive society. Throughout all the writings mentioned here, women who are incarcerated are reaching out to create a connection and community with their voice, which directly upsets a system that wants to fragment groups to pit them against one another. Reaching out to one another on the "inside" resists the historical trends that pit poor white people against black people. Reaching out to anyone on the outside resists the punitive rhetoric that criminals are not part of the "us," and punishment is the best policy. Reaching out exposes and resists abuses committed against incarcerated women by telling those outside prison with the power to enact change of the horrors, and notifying those inside prison of their rights. Reaching out rebukes a neoliberal system that values profit above all else. Reaching out reminds us an individual never acts in isolation, they are always a mixture of themselves and the society that raised them. In order to start to mitigate the *centuries* of abuses, a community needs to resist the abusive systems *together*, which requires the respect of each individual voice. The work for editors, publishers, academics, and the public is to ensure space for their voices. We cultivate this space by noticing what elements perpetuate control—editor intrusion, closing the distance between the text and the author, specialist validation, pre-framing narratives so the writing cannot possibly stand on its own authority in the eyes of the reader—and we weed those elements. We nourish respect and

agency by removing the need for profit, encouraging diverse forms, and remembering the authors' right to choose the amount of personal disclosure, the pacing, and the syntax of the work. Editors, publishers, and the public cannot speak for or over oppressed populations, especially not in the name of social change, because that is just trading one oppressor for another: a prison guard for an editor, a police officer for a reader.

## CONCLUSION

The US prison system is not intended to rehabilitate those that have caused pain for others; it is intended to punish and use the oppression of certain populations for a profit. Laws, administrative policies, and non-incarcerated people's perceptions isolate and disappear people who have been convicted of a crime. When crossing the physical and social barriers we created to isolate incarcerated people, we need to be conscious we are not replicating patterns of silencing that occur at large. Editors presuming their authority over the language of an author replicate a society and the literal prison system that treats female inmates as childish and unable to make their own decisions. When given the opportunity to write as they please, incarcerated women resist their oppressive environments through sharing advice with fellow inmates, using a vernacular their audience of peers will recognize, and writing in multiple languages to reach as wide an audience as possible. Incarcerated authors write with as much diversity of style and form as non-incarcerated authors and it is our responsibility to ensure they are free to write the content and forms they choose.

The political institutions of our society are inherently intertwined with the stories that come from those living with those institutions. Creative endeavors like writing and visual art evolve in a constant dialogue with political institutions. Then, art is interpreted through the demands of political institutions. Seeing the connections between the art and the politics allows one to understand how the art developed, as well as how the politics are perpetuated. The two genres feed from one another in a cycle. If one changes political institutions, the art will change. In the case of prison literature, festering histories and current realities of oppression feed into public opinion, which then creates the structural demands of authors.

When a society uses prisons to ensure a profit from a controlled labor force, those expectations carry over to the literature of the population. The state expects a profit from inmates, just as publishers demand that a narrative garner a profit. The imperative for authors like McConnell (1989/1995) to provide shocking or entertaining experiences as an othered writer comes from the same source as the policy of prisoner leasing.<sup>26</sup> Wally Lamb (2003) was accused of impropriety concerning payment and editing of a new collection of incarcerated women's writing. His response shows the expectation that prisoners are slave workers not entitled to their own wages. When inmates brought to him concerns about contracts protecting their writing and ensuring a \$1,400 advance, he told the participants to “dial down the hysteria and muster up a little gratitude and humility” (Altimari, 2019). Not only is this problematic economically, it is also a misogynistic belittlement of women's concerns as “hysteria.” He frames his participation as such: “When I committed to editing and publishing a third volume of work by past and present members of the York workshop, *I handed* you the opportunity to speak to a wider audience and—ideally—to be agents of change at a rare time when the country is increasingly receptive to prison reform” (Altimari, 2019, emphasis mine). His phrasing places him as *bequeathing* a set purpose for the incarcerated women's work; he decided they were working for an abstract social purpose rather than for a wage, then punished them for daring to demand a wage for their labor. Lamb's controlling influence is present in *Couldn't Keep it to Myself* (2003) as well. Wally Lamb's perspective is the legacy of the Thirteenth Amendment.

Beyond profit, the connection between political institutions and public opinion force certain conventions within prison literature. Specifically, for incarcerated women, the “tough on

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<sup>26</sup> See Rice, S. (7 June 2019) How Anti-Immigration Policies Are Leading Prisons to Lease Convicts as Field Laborers. *Pacific Standard Magazine*. Retrieved 15 December 2019 from <https://psmag.com/social-justice/anti-immigrant-policies-are-returning-prisoners-to-the-fields>.

crime” rhetoric of politicians that has leaked into the public opinion of voters results in more women in prison. It also results in the urge to rebuke the stereotypes of a violent, unreasonable, animalistic criminal (which justify “tough on crime” policies) that filter outsiders’ perspectives. This rebuke is often the childhood explanation seen in Lamb (2003), *Inside This Place, Not of It* (2011), and *Inner Lives* (2003). Incarcerated women want to explain that there are structural aspects of the government, economy, and society that are *failing* them—because of racism, transphobia, and other fascist ideologies in policing and education, to the healthcare crisis pushing people towards drug addiction then criminalizing them for it, to the criminal justice system that is designed to limit the rights of citizens. While they may not have words for an intersectional critique of our racist capitalist society, they want to explain that their incarceration status is not a personal or solitary action or choice. Rather, it is the result of a life-long system that ended with prison.

When we start to shift the focus of our political institutions away from capitalist structures, we find there is something beyond profit and punishment. When one is not catering to the public opinion of the masses who have been in a feedback loop of “tough on crime” rhetoric with politicians, the content of incarcerated women’s writing diversifies. Editors are not walking the line between the crude appeal of a crime story and the real desires of the authors when the bodies of those voices are not seen as a dangerous, othered novelty. Furthermore, incarcerated women would not be seen as an exotic other if the political structure in the US did not work to isolate and disappear anyone convicted of a crime. If the government responded with social programs that healed harm in the community, those convicted of crimes would not be treated as the secret in the closet—an object of curiosity, fear, and misunderstanding. When people who are incarcerated are not treated as a profit source, the diversity of their writing is allowed to come

through. The publisher of *Tenacious* makes no money from the publication of that ‘zine and it is sent *free of charge* to incarcerated women. Furthermore, ‘zines like *The Fire Inside* are *freely* available to anyone with an internet connection. Even more radically, these ‘zines and online forums restore the power of democracy that is taken away from almost every person convicted of and serving time for a felony in the US. Anyone incarcerated can send in a piece of writing and that action will have an effect. It will be heard by their peers, which is part of the reasoning behind voting—citizens want to act in a way that creates a civic response. This civic desire follows with the epistolary format. Women who are isolated by the aforementioned political circumstances want to create community and civic engagement. Creating agentic forms helps refocus the purpose of prison literature from profit to democratic harm reduction. A focus on democratic harm reduction will then help reduce the negative consequences of incarceration—reduced trust in governmental agencies, reduced likelihood of voting, institutional avoidance, and PTSD.

When the literature of incarcerated women is not treated as something inherently suspect, which it often is due to the convergence of identities such as race, gender, class, and sexuality, the authority of incarcerated women’s voices is respected. Incarcerated people are treated as untrustworthy for the rest of their lives; as soon as their conviction status is known a myriad of consequences follow. If editors trusted the authority and trustworthiness of incarcerated women’s voices, not only are the chances of institutional avoidance lowered, the opportunity to expose the abuses of the prison system is raised. Women often find they cannot remedy abusive situations by writing in complaint forms; then, once out of prison, the stigma and lingering control of parole and supervision hinders them. The likelihood of the historical and political abuses detailed in previous sections happening again is lowered if those living the abuse

are able to make the abuse known. It is harder for a trans inmate to be abused by a corrections officer if a 'zine like *The Fire Inside* or *Tenacious* is circulating in the prison because the inmates know they are not alone and know their rights.

Art and political policies and institutions are locked forever in a feedback loop. I am a product of that feedback loop. I see poverty and the criminal justice system in hardwood floors because I know my father's occupation is wrapped up in my brother's incarceration. I know my mother's healthcare abuses are partially due to lack of information, which could have been remedied by a resource like Prison Talk Forum. Political situations influence the art people make, the way we interpret that art, and then the art influences more political growth. It is our responsibility to ensure we are fostering the most democratic and author-directed art and politics, separately as well as in light of each other, because the two fields create one another, have done so historically, and will continue doing so in the future.

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